

**MINUTES
PLANNING COMMISSION
CITY OF LAKEWOOD
12650 DETROIT AVENUE
AUDITORIUM
SEPTEMBER 7, 2023
6:30 P.M.
RECORDED
<https://www.lakewoodoh.gov/videos-2/>**

The meeting was called to order at 6:30 p.m.

1. ROLL CALL

Members Present

Kyle Krewson, Chair
Nicholas LaPointe
Sean McDermott, Vice Chair
Kyle Reisz
William Sanderson

Staff Present

Shawn Leininger, P&D Director
Jennifer Swallow, Executive Assistant Law Director
David Baas, Assistant Director, P&D
Sophia Jones, City Planner

2. APPROVE THE MINUTES OF THE AUGUST 3, 2023 MEETING

A motion was made by Mr. McDermott, seconded by Mr. Krewson to **APPROVE** the August 3, 2023 meeting minutes. All the members voted yea; the motion passed.

3. OPENING REMARKS

The Opening Remarks were not read into record.

OLD BUSINESS

ORDINANCE AMENDMENT - NOTE: This item is DEFERRED until the October 5, 2023 meeting.

4. Docket No. 05-11-23

Amendments to Chapters 1121, 1123, and 1133 of the Zoning Ordinance to Support Additional Dwelling Units and Principal Building Lot Coverage

Administrative staff requested deferral of the proposed amendments. On March 20, 2023, City Council referred Ordinance No. 07-2023 and the associated communication to the Housing, Planning, and Development Committee and the Planning Commission for deliberation and recommendation. (Page 3)

A motion was made by Mr. Krewson, seconded by Mr. McDermott to **DEFER** the item until the October 5, 2023 meeting. All the members voted yea; the motion passed.

NEW BUSINESS

CONDITIONAL USE

**5. Docket No. 09-17-23
14701-4 Detroit Ave.
Sauced Taproom & Kitchen**

Geoffrey Mathias, Sauced Taproom & Kitchen, applicant requests the review and approval for a conditional use permit to operate seasonal outdoor dining, pursuant to section 1129.13 – supplemental regulations for outdoor/ seasonal dining facility. Property is in a C1 – Commercial, Office District. (Page 4)

Geoffrey Mathias, Sauced Taproom & Kitchen, applicant was present to explain the request. Staff presented administrative comment and recommended approval with two conditions. Public comment was closed as no one addressed the issue. The members asked if the tables and chairs were removed from the patio during the winter; the applicant stated yes and that they are reintegrated into the restaurant.

A motion was made by Mr. Krewson, seconded by LaPointe to **APPROVE the request with the following conditions:**

- **At no time shall the occupancy of the combined indoor and outdoor space exceed the capacity established by the Building Commissioner and Fire Marshall.**
- **The tables shall be located in a manner so as not to block any required ingress/egress to the building and ADA accessibility shall always be maintained.**

All the members voted yea; the motion passed.

**6. Docket No. 09-18-23
18206 Detroit Ave.
Mercury Music Lounge**

George Gountis, Mars Bar LLC, applicant requests the review and approval for a conditional use permit to operate seasonal outdoor sidewalk dining, pursuant to section 1129.13 – supplemental regulations for outdoor/ seasonal dining facility. Property is in a C2 – Commercial, Retail District. (Page 9)

George Gountis, Mars Bar LLC, applicant was present to explain the request. Staff provided administrative comment and recommend approval with two conditions. Public comment was closed as no one addressed the issue. The members asked about adding planter boxes/landscaping, obtaining Architectural Board of Review ("ABR") approval, and discussed conditions for approval.

A motion was made by Mr. McDermott, seconded by Mr. LaPointe to **APPROVE the request with the following conditions:**

- **At no time shall the occupancy of the combined indoor and outdoor space exceed the capacity established by the Building Commissioner and Fire Marshall.**
- **The tables shall be located in a manner so as not to block any required ingress/egress to the building and ADA accessibility shall always be maintained.**
- **That greenery be reviewed and established on the site in the purview of the city.**

All the members voted yea; the motion passed.

**7. Docket No. 09-19-23
15314-15400 Madison Ave.
Mars Bar & Café Luna and Mars Bar**

George Gountis, Mars Bar LLC, applicant, applicant requests the review and approval for a conditional use permit to operate ~~seasonal sidewalk outdoor dining~~ seasonal outdoor dining in the rear parking lot (north of the patio), pursuant to section 1129.13 – supplemental regulations for outdoor/ seasonal dining facility. Property is in a C2 – Commercial, Retail District. (Page 17)

George Gountis, Mars Bar LLC, applicant was present to explain the request. He wanted approval of the rear parking lot (north of patio) that had received approval for COVID-19 Temporary Outdoor Dining and said he was seeking for parking agreement for replacement of the parking spots. Staff provided administrative comment and recommend approval with four conditions. Public comment was closed as no one addressed the issue. Pertaining to the parking lot, the members asked about the frequency of use, storage of the temporary fence and tables/chairs, the neighboring business, details of the shared parking agreement, the hazard conditions created by vehicles exiting the alley, the required trash enclosure, hours of operation, suggested ABR review and approval, ingress/egress access for neighboring business, staff service of the patrons.

A motion was made by Mr. Krewson, seconded by Mr. McDermott to **APPROVE the request with the following conditions:**

- **At no time shall the occupancy of the combined indoor and outdoor space exceed the capacity established by the Building Commissioner and Fire Marshall.**
- **The tables shall be located in a manner so as not to block any required ingress/egress to the building and ADA accessibility shall always be maintained.**
- **Since the number of outdoor dining seats exceeds eight (8), the Applicant must provide a shared parking agreement for four (4) parking spaces (replaces the three (3) spaces that are removed and one (1) required for outdoor parking).**
- **The enclosed Dumpster located in the proposed outdoor dining area must be moved into the garage or enclosed with appropriate four-sided screening with gate.**
- **A plan is submitted to the city for review for design guidelines related to the fence and enclosure.**
- **If the proposed shared parking agreement is related to the alley along Madison Ave. two parcels to the west of the subject property, the Applicant studies ways to make it safe for ingress/egress of vehicular traffic.**

All the members voted yea; the motion passed.

**8. Docket No. 09-20-23
11916 Madison Ave.
Fortune and Fate Tattoo**

Damian James, Fortune and Fate Tattoo, applicant requests the review and approval for a conditional use permit to operate a tattoo body art business. Pursuant to section 1129.02 - principal and conditional permitted uses and section 1161.03(z) - body art establishments. Property is in a C2 – Commercial, Retail District. (Page 29)

Damian James, Fortune and Fate Tattoo, applicant was present to explain the request. Staff presented administrative comment and recommended approval as submitted. Public comment was closed as no one addressed the issue. The members asked about prior experience.

A motion was made by Mr. Krewson, seconded by Mr. McDermott to **APPROVE** the request as presented. All of the members voted yea; the motion passed.

ADJOURN

A motion was made by Mr. Krewson, seconded by Mr. Reisz to **ADJOURN** the meeting at 7:10 p.m. All the members voted yea; the motion passed.



Signature



Date



Oath

(You need not give an oath if you object. If you object to giving an oath, please notify the hearing officer or secretary before signing below.)

I, the undersigned, hereby solemnly swear that the testimony I give at this proceeding will be the truth, the whole truth and nothing but the truth:

PRINT NAME:

SIGN NAME:

- 1. Georgios Mathias
- 2. Georgios Gountas
- 3. Dante James
- 4. _____
- 5. _____
- 6. _____
- 7. _____
- 8. _____
- 9. _____
- 10. _____
- 11. _____

- [Signature]
- [Signature]
- [Signature]
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Prepared by: The City of Lakewood Law Department, 12650 Detroit Ave., Lakewood, Ohio 44107

FOR CITY USE ONLY

Lakewood Administrative Procedure: ABR/BBS Citizens Advisory Civil Svc. Dangerous Dog Income Tax Appeals Loan Approval Nuisance Abatement Appeals Parking Planning Zoning Appeals Other:

Date of Proceeding: Thursday, September 7, 2023 JS



Planning Commission

September 7, 2023



Agenda

1. Roll Call
2. Adoption of Minutes – August 3, 2023
3. Opening Remarks
4. Zoning Amendment: ORD 07-2023 – Additional Dwellings & Lot Coverage
5. Conditional Use Permit – 14701-4 Detroit Avenue: Sauced Taproom & Kitchen
6. Conditional Use Permit – 18206 Detroit Avenue: Mercury Music Lounge
7. Conditional Use Permit – 15314-15400 Madison Avenue: Luna & Mars Bar
8. Conditional Use Permit – 11916 Madison Avenue – Fortune & Fate Tattoo
9. Adjourn





Docket No. 05-11-23

Ordinance 07-2023

**ZONING CODE AMENDMENT
ADDITIONAL DWELLINGS & LOT COVERAGE**

Request

Deferral of City Council Ordinance 07-2023 for various amendments to Chapters 1121, 1123, and 1133 of the Zoning Ordinance to allow additional dwelling units and increase the principal building lot coverage in certain zoning districts.



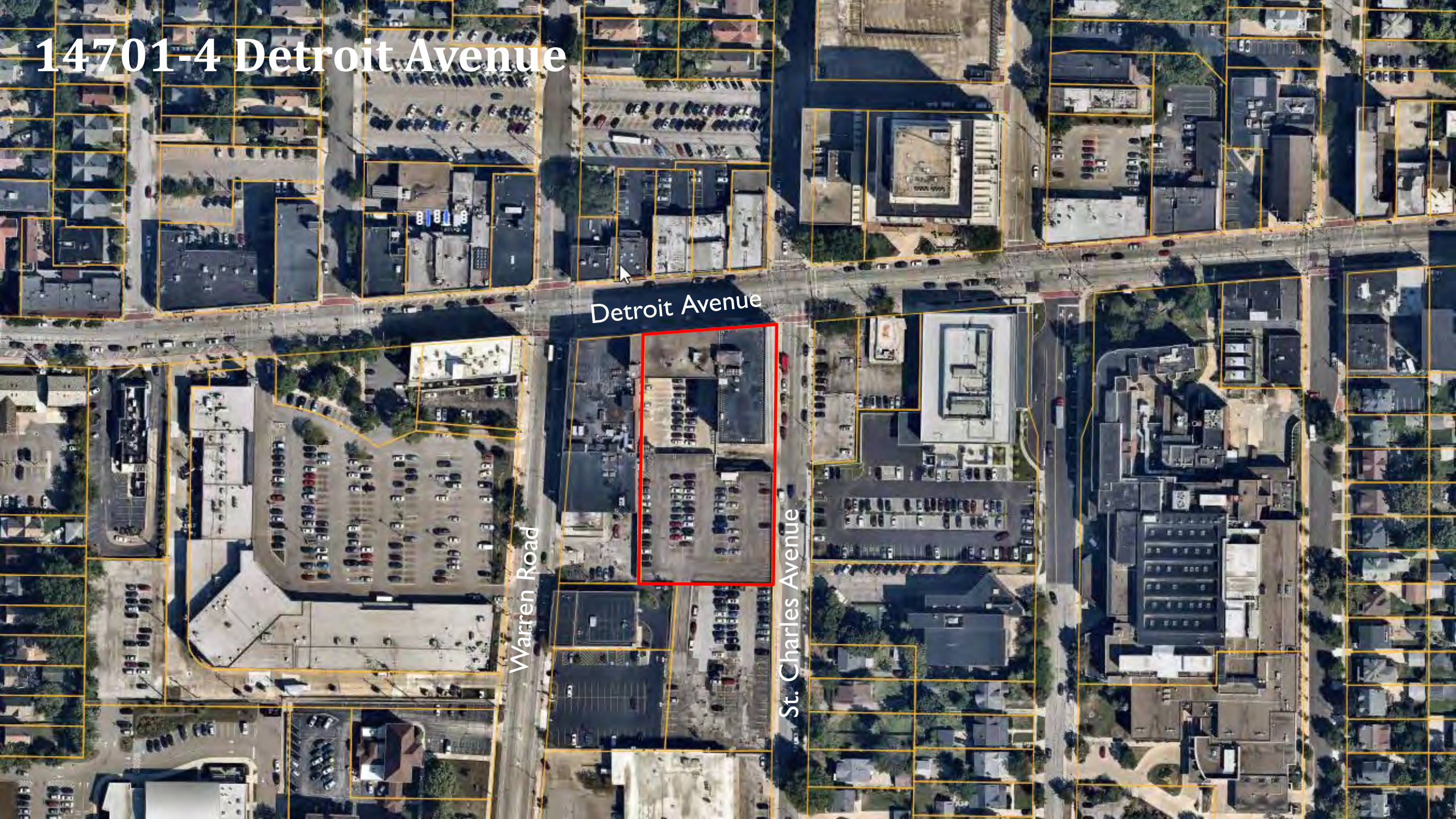
Docket No. 09-17-23
14701-4 Detroit Avenue

**CONDITIONAL USE PERMIT
SAUCED TAPROOM & KITCHEN
OUTDOOR DINING**

Request

The review and approval of a Conditional Use Permit for an outdoor dining facility, pursuant to Section 1129.13 – Supplemental Regulations for Outdoor Dining Facility. Property is in a C2, Commercial – Retail District.

14701-4 Detroit Avenue



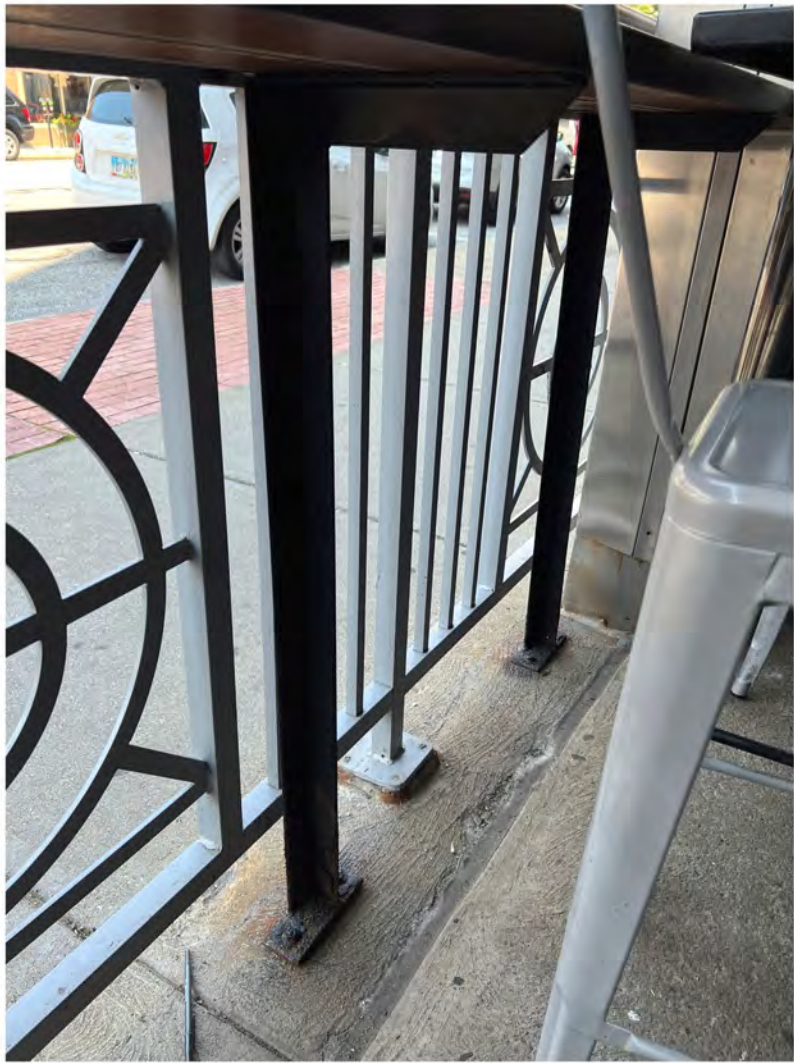
Detroit Avenue

Warren Road

St. Charles Avenue

14701-4 Detroit Avenue





Site & Amenity Images

1161.02 GENERAL STANDARDS FOR ALL CONDITIONAL USES.

In addition to any specific regulations required by this Code or the Ordinances, the Commission shall find:

- (a) That the conditional use will be consistent with the general objectives, or any specific objectives, for the zoning district in which it is located, as set forth in this Code and the Vision.
- (b) That the conditional use will be designed, constructed, operated and maintained so as not to be detrimental to or endanger the public health, safety, or general welfare.
- (c) That the conditional use will not change the essential character of the general vicinity in which it is located.
- (d) That the conditional use will not be injurious to the uses permitted by right in the immediate vicinity, nor substantially diminish or impair property values within said vicinity.
- (e) That establishment of the conditional use will not impede the normal and orderly development of uses permitted by right in the immediate vicinity.
- (f) That adequate utilities and public facilities and services, such as streets and sewer and water services, are or will be provided; and that establishment of the conditional use will not require expenditures of public funds for such public facilities or services.
- (g) That adequate measures have been taken to minimize traffic congestion on public streets.
- (h) That the conditional use will not suffer substantial hardship in the future due to the conditional use being surrounded by uses permitted by right, which are incompatible with the conditional use.



1161.03(t) SUPPLEMENTAL REGULATIONS FOR SPECIFIC USES.

In addition to the general standards established in Section 1161.02, the following specific conditions shall apply to each use or class of uses listed in this Section 1161.03. Nothing in this Section shall prohibit the Commission from prescribing supplementary conditions and safeguards in addition to these requirements, or where no specific conditions are stated:

https://codelibrary.amlegal.com/codes/lakewood/latest/lakewood_oh/0-0-0-74832

Recommendation

City Staff have determined the requirements for approval of an outdoor dining facility, pursuant to Section 1129.13 – Supplemental Regulations for Outdoor Dining Facilities, have been met and recommend approval with the following conditions:

1. At no time shall the occupancy of the combined indoor and outdoor space exceed the capacity established by the Building Commissioner and Fire Marshall.
2. The tables shall be located in a manner so as not to block any required ingress/egress to the building and ADA accessibility shall always be maintained.



Docket No. 09-18-23
18206 Detroit Avenue

**CONDITIONAL USE PERMIT
MERCURY MUSIC LOUNGE
OUTDOOR DINING**



Request

The review and approval of a Conditional Use Permit for an outdoor dining facility, pursuant to Section 1129.13 – Supplemental Regulations for Outdoor Dining Facility. Property is in a C2, Commercial – Retail District.

18206 Detroit Avenue

Park Row Avenue

Phelps Avenue

Detroit Avenue

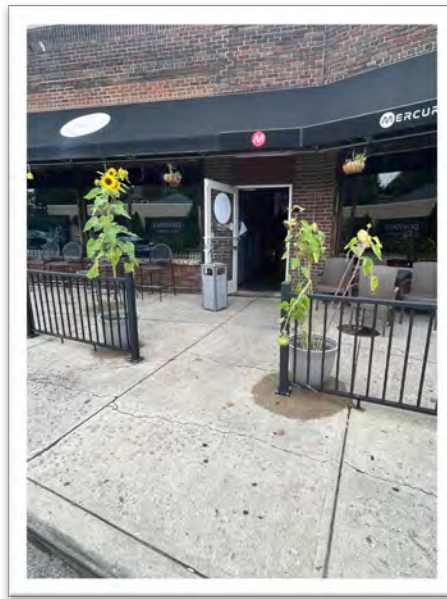
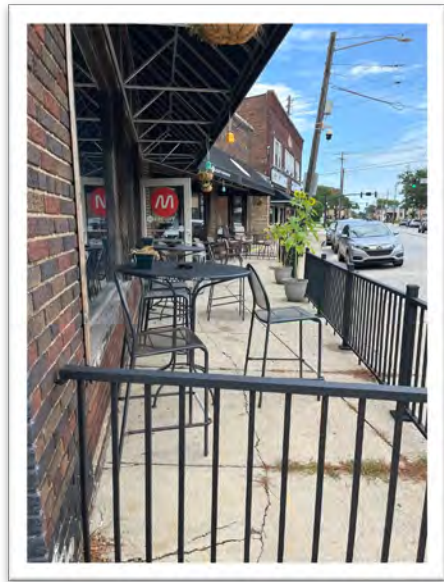
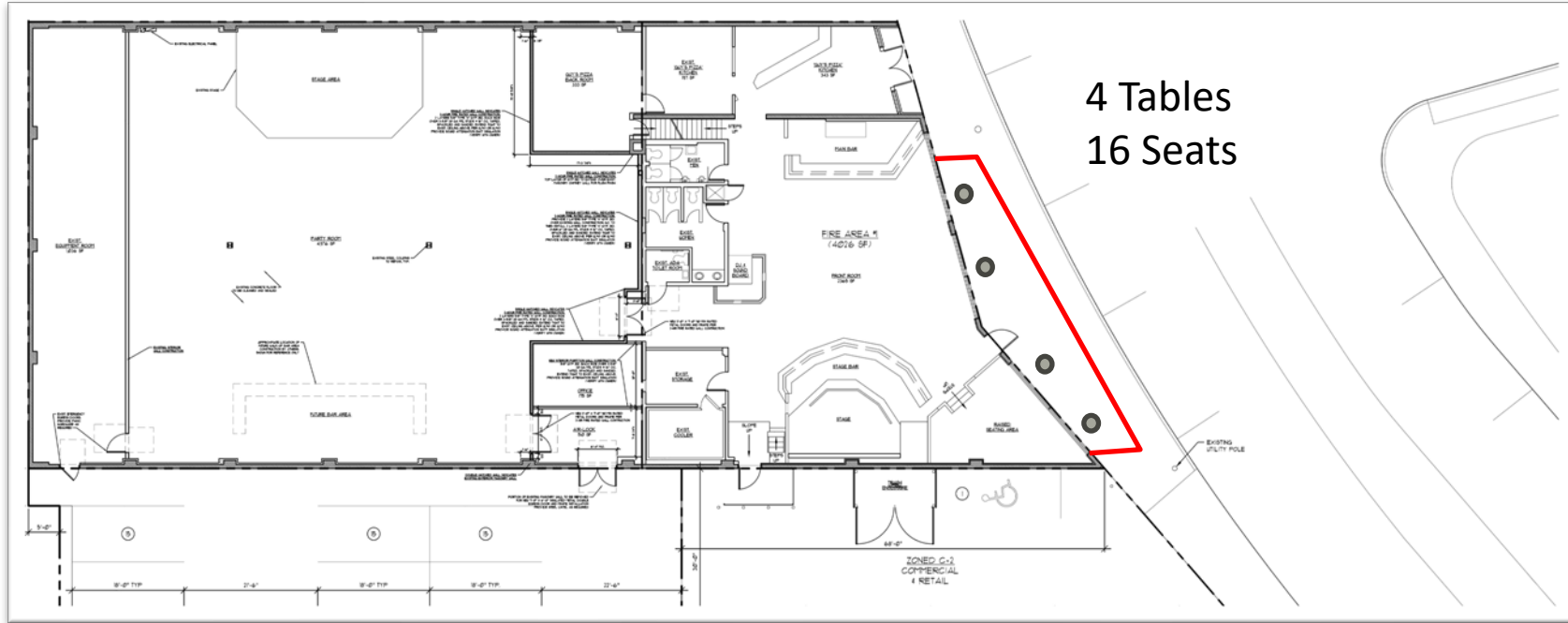


18206 Detroit Avenue



18206 Detroit Avenue





Site & Amenity Plan / Images

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In addition to any specific regulations required by this Code or the Ordinances, the Commission shall find:

- (a) That the conditional use will be consistent with the general objectives, or any specific objectives, for the zoning district in which it is located, as set forth in this Code and the Vision.
- (b) That the conditional use will be designed, constructed, operated and maintained so as not to be detrimental to or endanger the public health, safety, or general welfare.
- (c) That the conditional use will not change the essential character of the general vicinity in which it is located.
- (d) That the conditional use will not be injurious to the uses permitted by right in the immediate vicinity, nor substantially diminish or impair property values within said vicinity.
- (e) That establishment of the conditional use will not impede the normal and orderly development of uses permitted by right in the immediate vicinity.
- (f) That adequate utilities and public facilities and services, such as streets and sewer and water services, are or will be provided; and that establishment of the conditional use will not require expenditures of public funds for such public facilities or services.
- (g) That adequate measures have been taken to minimize traffic congestion on public streets.
- (h) That the conditional use will not suffer substantial hardship in the future due to the conditional use being surrounded by uses permitted by right, which are incompatible with the conditional use.



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https://codelibrary.amlegal.com/codes/lakewood/latest/lakewood_oh/0-0-0-74832

Recommendation

City Staff have determined the requirements for approval of an outdoor dining facility, pursuant to Section 1129.13 – Supplemental Regulations for Outdoor Dining Facilities, have been met and recommend approval with the following conditions:

1. At no time shall the occupancy of the combined indoor and outdoor space exceed the capacity established by the Building Commissioner and Fire Marshall.
2. The tables shall be located in a manner so as not to block any required ingress/egress to the building and ADA accessibility shall always be maintained.



Docket No. 09-19-23

15314-15400 Madison Avenue

**CONDITIONAL USE PERMIT
MARS BAR & CAFE
OUTDOOR DINING**

Request

The review and approval of a Conditional Use Permit for an outdoor dining facility, pursuant to Section 1129.13 – Supplemental Regulations for Outdoor Dining Facility. Property is in a C2, Commercial – Retail District.

15314-15400 Madison Avenue

Mars Avenue

Madison Avenue



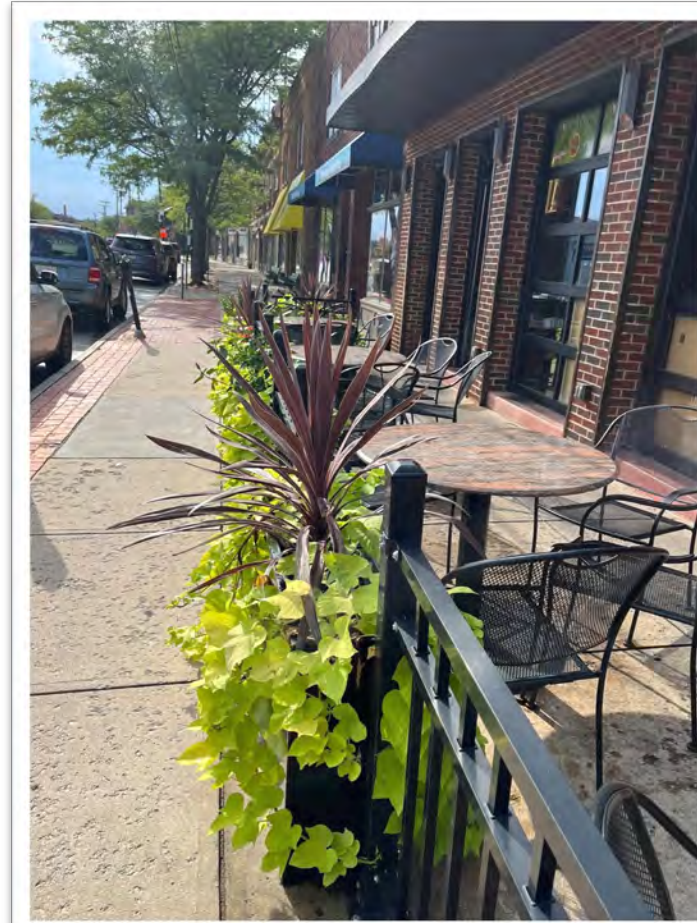
15314-15400 Madison Avenue



15314-15400 Madison Avenue



2020 TEMPORARY APPROVAL
24 Seats Proposed in Parking Lot



Site & Amenity Images

1161.02 GENERAL STANDARDS FOR ALL CONDITIONAL USES.

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- (a) That the conditional use will be consistent with the general objectives, or any specific objectives, for the zoning district in which it is located, as set forth in this Code and the Vision.
- (b) That the conditional use will be designed, constructed, operated and maintained so as not to be detrimental to or endanger the public health, safety, or general welfare.
- (c) That the conditional use will not change the essential character of the general vicinity in which it is located.
- (d) That the conditional use will not be injurious to the uses permitted by right in the immediate vicinity, nor substantially diminish or impair property values within said vicinity.
- (e) That establishment of the conditional use will not impede the normal and orderly development of uses permitted by right in the immediate vicinity.
- (f) That adequate utilities and public facilities and services, such as streets and sewer and water services, are or will be provided; and that establishment of the conditional use will not require expenditures of public funds for such public facilities or services.
- (g) That adequate measures have been taken to minimize traffic congestion on public streets.
- (h) That the conditional use will not suffer substantial hardship in the future due to the conditional use being surrounded by uses permitted by right, which are incompatible with the conditional use.

1161.03(t) SUPPLEMENTAL REGULATIONS FOR SPECIFIC USES.

In addition to the general standards established in Section 1161.02, the following specific conditions shall apply to each use or class of uses listed in this Section 1161.03. Nothing in this Section shall prohibit the Commission from prescribing supplementary conditions and safeguards in addition to these requirements, or where no specific conditions are stated:

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Recommendation

City Staff have determined the requirements for approval of an outdoor dining facility, pursuant to Section 1129.13 – Supplemental Regulations for Outdoor Dining Facilities, have been met and recommend approval with the following conditions:

1. At no time shall the occupancy of the combined indoor and outdoor space exceed the capacity established by the Building Commissioner and Fire Marshall.
2. The tables shall be located in a manner so as not to block any required ingress/egress to the building and ADA accessibility shall always be maintained.
3. Since the number of outdoor dining seats exceeds eight (8), the Applicant must provide a shared parking agreement for four (4) parking spaces (replaces the 3 spaces that are removed and 1 required for the outdoor dining).
4. The unenclosed dumpster located in the proposed outdoor dining area must be moved into the garage or enclosed with appropriate four-sided screening with gate.



Docket No. 09-20-23
11916 Madison Avenue

**CONDITIONAL USE
FORTUNE & FATE TATTOO
BODY ART ESTABLISHMENT**

Request

The review and approval of a Conditional Use Permit for a body art establishment, pursuant to Section 1129.02 – Principal & Conditional Uses and Section 1161.03(z) – Body Art Establishments. Property is in a C2, Commercial – Retail District.

11916 Madison Avenue



Hopkins Avenue

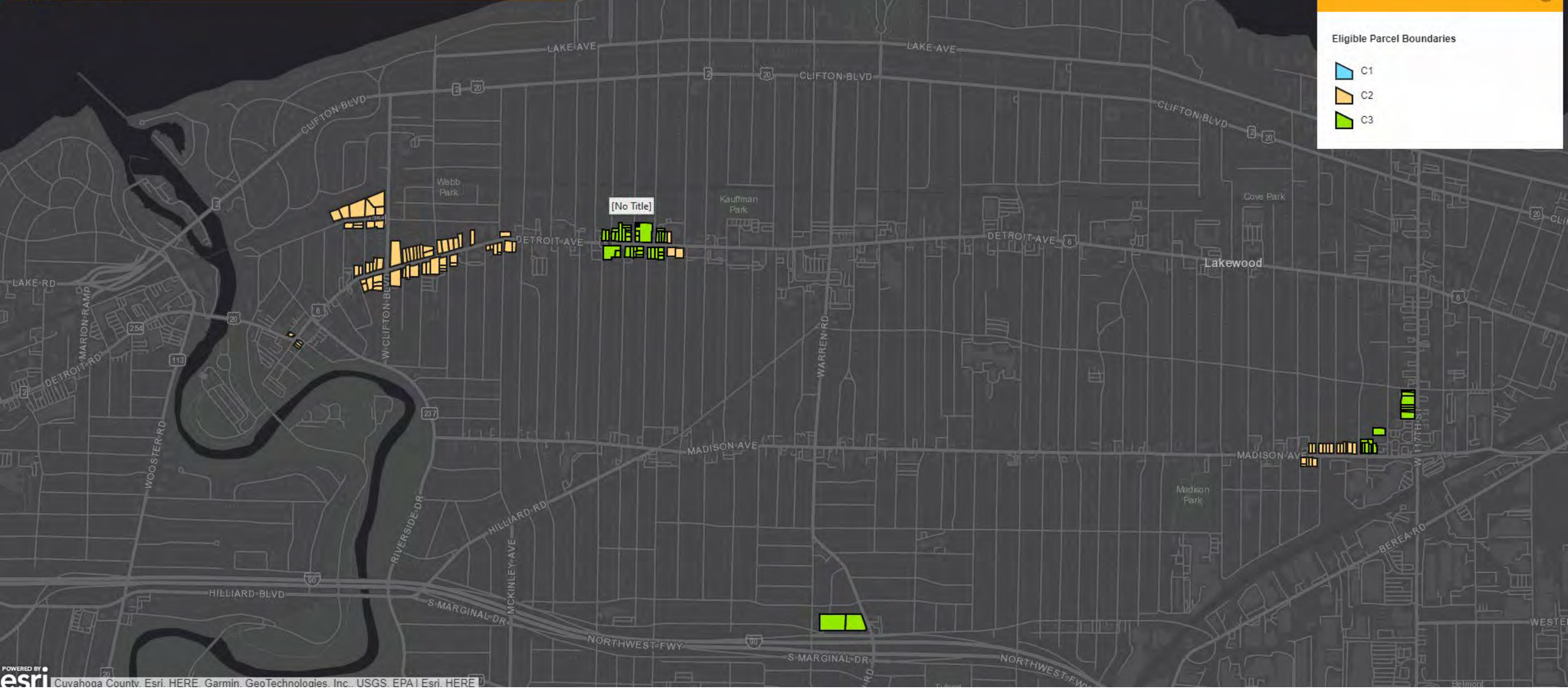
Newman Avenue

Madison Avenue

11916 Madison Avenue



- Eligible Parcel Boundaries
- C1
 - C2
 - C3



Legend

Eligible Parcel Boundaries

- C1
- C2
- C3

Search result

11916 Madison Ave, Lakewood, Ohio,
44107

Zoom to

1161.02 GENERAL STANDARDS FOR ALL CONDITIONAL USES.

In addition to any specific regulations required by this Code or the Ordinances, the Commission shall find:

- (a) That the conditional use will be consistent with the general objectives, or any specific objectives, for the zoning district in which it is located, as set forth in this Code and the Vision.
- (b) That the conditional use will be designed, constructed, operated and maintained so as not to be detrimental to or endanger the public health, safety, or general welfare.
- (c) That the conditional use will not change the essential character of the general vicinity in which it is located.
- (d) That the conditional use will not be injurious to the uses permitted by right in the immediate vicinity, nor substantially diminish or impair property values within said vicinity.
- (e) That establishment of the conditional use will not impede the normal and orderly development of uses permitted by right in the immediate vicinity.
- (f) That adequate utilities and public facilities and services, such as streets and sewer and water services, are or will be provided; and that establishment of the conditional use will not require expenditures of public funds for such public facilities or services.
- (g) That adequate measures have been taken to minimize traffic congestion on public streets.
- (h) That the conditional use will not suffer substantial hardship in the future due to the conditional use being surrounded by uses permitted by right, which are incompatible with the conditional use.

1161.03(z) SUPPLEMENTAL REGULATIONS FOR SPECIFIC USES.

Nothing in this Section shall prohibit the Commission from prescribing supplementary conditions and safeguards in addition to these requirements, or where no specific conditions are stated:

In a C1 Office, C2 Retail or C3 General Business District a body art establishment, as defined by the Ohio Administrative Code, may be a conditionally permitted use provided that:

1. The body art establishment meets all requirements regulating such establishments and services as prescribed by the Ohio Administrative Code;
2. In addition to the requirements of the Ohio Administrative Code, the body art establishment shall only use single-use marking instruments, microblading pens, containers for ink, pigment or dyes, and any other equipment that is available for single use and shall not autoclave, sterilize or reuse any equipment which is available as a single-use item;
3. The owner or manager of the establishment shall be a body artist as qualified under the Ohio Administrative Code with not less than three years' documentable experience within the last 10 years not including any apprenticeship period. Acceptable documentation of experience shall be submitted with the application for conditional use permit and shall include but not be limited to employment records, references, and proof of ownership of another body art establishment;
4. No body art establishment shall be located within 500 feet of a school, playground or park or within 2,500 feet of another body art establishment;
5. The owner of the establishment shall submit proof of general liability insurance in the amount of \$1 million along with its application for conditional use permit;
6. Time-limited or special-event body art establishments shall not be permitted;
7. No electronic signage shall be permitted at a body art establishment and only the business name may be permitted on any signage;
8. Body art establishments shall only be permitted to operate between the hours of 8:00 a.m. and 9:00 p.m.;
9. Body art establishments shall dispose of all infectious waste through a qualified contractor, no infectious waste shall be disposed of with regular waste generated by the establishment.

Recommendation

City Staff have determined the requirements for approval of a body art establishment, pursuant to Section 1129.02 – Principal & Conditional Uses and Section 1161.03(z) – Body Art Establishments, have been met and recommend approval as presented.



Planning Commission

September 7, 2023

