

**AMENDED MINUTES  
(Audio recording is available)  
PLANNING COMMISSION  
NOVEMBER 5, 2015  
LAKEWOOD CITY HALL**

**PRE-REVIEW MEETING  
6:30 P.M.  
LOWER CONFERENCE ROOM**

Review docket items

**REGULAR MEETING  
7:00 P.M.  
AUDITORIUM**

The meeting was called to order at 7:00 p.m.

1. Roll Call

MEMBERS PRESENT

Kyle Baker  
William Gaydos  
Patrick Metzger  
Mark Papke  
Mark Stockman, Chairman

OTHERS PRESENT

Bryce Sylvester, Planning and Development  
Michelle Nocht, Planning and Development

A motion was made by ~~Mr. McMahon~~ Mr. Stockman, seconded by Mr. Gaydos to **EXCUSE** the absences of Hannah Belsito and Louis McMahon. All of the members voting yea, the motion passed.

2. Approve the Minutes of the October 1, 2015 meeting

A motion was made by Mr. Baker, seconded by Mr. Gaydos to **APPROVE** the October 1, 2015 meeting minutes as amended. Mr. Baker, Mr. Gaydos, Mr. Papke, and Mr. Stockman voting yea, and Mr. Metzger abstaining, the motion passed.

3. Opening Remarks

The reading of the Opening Remarks was waived.

**OLD BUSINESS  
CONDITIONAL USE**

4. **Docket No. 10-35-15  
13601-03 Detroit Avenue  
O'Toole's Pub and Restaurant**

Patrick O'Toole, O'Toole's Pub and Restaurant, applicant requests the review and approval of an outdoor seasonal dining facility by the conversion of the rear parking lot/driveway, pursuant to Section 1161.03(t) – supplemental regulations for specific uses. The property is located in a C3, Commercial and General Business district. This item was deferred from the October meeting. (Page 4)

Jarveshi O'Toole, O'Toole's Pub and Restaurant, was present to explain the request.

Mr. Gaydos referred to a letter that addressed concerns, one of which was employees smoking at the rear of the property. Ms. O'Toole said employees smoking would be allowed in the front of the building only and the outdoor dining area would close at 10 p.m. each night of the week and weekend.

Public comment was closed as there was no one to address the issue. Mr. Sylvester said the operation of an outdoor dining facility was dependent upon the owner. If there was a recurring issue, the conditional use could be revoked by the Planning Commission. The proposed 22 outdoor seats were within the allowable 25% of indoor seating and could be approved administratively once drawings are received.

A motion was made by Mr. Gaydos, seconded by Mr. Metzger to **APPROVE with the following stipulations:**

- **no smoking in the outdoor dining area,**
- **closing is at 10:00 p.m.,**
- **approval is given by the Architectural Board of Review, and**
- **final approval is given by the city.**

All of the members voting yea, the motion passed.

## **NEW BUSINESS**

Items 5 and 6 were called together
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### **CONDITIONAL USE**

5. **Docket No. 11-37-15**  
**14600 Detroit Avenue**  
**T-Mobile**

Mike Knabe, Crown Castle, applicant requests the review and approval to install three (3) antennas on the roof of 14600 Detroit Avenue, pursuant to section 1159.04(c)(2) – use regulations. The property is located in a C1, Commercial and Office district. (Page 9)

6. **Docket No. 11-38-15**  
**14600 Detroit Avenue**  
**Windstream**

Mike Knabe, Crown Castle, applicant requests the review and approval to install three (3) additional antennas and one microwave dish to the existing on the roof of 14600 Detroit Avenue, pursuant to section 1159.04(c)(2) – use regulations. The property is located in a C1, Commercial and Office district. (Page 17)

John Sindyla, Sindyla Consulting Group, LLC was the T-Mobile representative. Travis Schenk, Crown Castle was the Windstream representative.

When asked about the one microwave dish as stated on the application, Mr. Schenk advised the Commission there would be two microwave dishes as shown on the drawings.

Public comment was closed as there was no one to address the issue. Mr. Sylvester stated the administrative supported the application.

A motion was made by Mr. Mr. Baker, seconded by Mr. Metzger to **APPROVE Docket No. 11-37-15**. All of the members voting yea, the motion passed.

A motion was made by Mr. Mr. Papke, seconded by Mr. Metzger to **APPROVE Docket No. 11-38-15 for three additional antennas and two microwave dish antennas**. All of the members voting yea, the motion passed.

#### **LOT SPLIT/LOT CONSOLIDATION**

7. **Docket No. 11-39-15**  
**2021 Atkins Avenue**  
**Atkins Apartment Building**

Adrien Elliott, Red Door Living, applicant requests the review and approval for a lot split (PPN 313-12-004) and lot consolidation (PPN 313-12-054) in order to add 14 parking spaces to the rear of 2021 Atkins Avenue as there is no off street parking for the 26 unit apartment building, pursuant to section 1155.06(a) – procedures for lot consolidations and resubdivision. The property is located in a C1, Commercial and Office district. (Page 24)

Adrien Elliott was present to explain the request.

Public comment was taken. There was much discussion about the property to the south, and the fact the driveway was on another's private property; it was said the previous easement had expired due to lack of use. Mr. Sylvester stated the parking lot design was required to be approved by the Architectural Board of Review; the Planning Commission's responsibility was to review the application for a lot split/consolidation.

A motion was made by Mr. Metzger, seconded by Mr. Baker to **APPROVE with the following stipulation:**

- **approval is given by the Architectural Board of Review.**

All of the members voting yea, the motion passed.

#### **RECOMMENDATION TO NOMINATE**

8. **Docket No. 11-41-15**  
**13335 Detroit Avenue**  
**Nicholson House**

Lakewood Heritage Advisory Board, advisory to the Planning Commission, presents an application and recommendation to nominate the property located at 13335 Detroit Avenue, Nicholson House (PP#

315-04-004) as eligible to become an historic property (HP), pursuant to Chapter 1134. The property is located in a C3, Commercial and General Business district. (Page 43)

John Pyke, member of the Lakewood Historical Society and consultant to the Lakewood Heritage Advisory Board, was present to explain the request.

Public comment was closed as there was no one to address the issue. Mr. Sylvester read an e-mail of support into record and verified the City of Lakewood was the property owner.

A motion was made by Mr. Gaydos, seconded by Mr. Papke to **APPROVE** the recommendation as submitted. All members voting yea, the motion passed.

### **RECOMMENDATION TO DESIGNATE**

9. **Docket No. 11-40-15**  
**14501-19 Detroit Avenue**  
**Curtis Block**

Lakewood Heritage Advisory Board, advisory to the Planning Commission, presents an application and recommendation to designate the property located at 14501-19 Detroit Avenue, Curtis Block (PP# 314-07-007) as eligible to become an historic property (HP), pursuant to Chapter 1134. The property is located in a C2, Commercial and Office district. (Page 61)

Mr. Stockman clarified the procedural issue as there were two members absent from the meeting. Because the property owner remained neutral about the recommendation to designate, the remaining five members would have to be in agreement and vote unanimously for the designation; if there were a nay vote, the applicant would have to wait one year before reapplying.

Richard Sicha, Lakewood Heritage Advisory Board was the representative for the recommendation. After a caucus was conducted, the applicant requested a deferral until the meeting in December.

A motion was made by Mr. Stockman, seconded by Mr. Papke to **DEFER the application until the meeting on December 3, 2015.**

### **COMMUNICATION**

10. **Docket No. 11-42-15**  
**Outdoor Dining during LightUp Lakewood 2015 as presented by Planning and Development Staff**

The City of Lakewood requests an exception to the Outdoor Dining Regulations in order to permit establishments with outdoor dining facilities within the event footprint to be open during Light Up Lakewood on December 5, 2015:

Chapter 1161.03 (t) (14) An Outdoor/Seasonal Dining Facility shall operate only between the hours of 11:00 a.m. and 10:00 p.m. Sunday through Thursday, 11:00 a.m. Friday to 1:00 a.m. Saturday and 11:00 a.m. Saturday to 1:00 a.m. Sunday, only between the months of April through and inclusive of October. The limitations set forth herein, and any additional limitations

placed on hours of operation as may be determined by the Planning Commission, are designed to assure adequate peace, quiet and serenity in the evening and morning hours during which residents of the City are entitled to enjoy a period of rest and relaxation without intrusion from the possibilities of excessive noise and activity in adjacent areas. (Page 76)

Bryce Sylvester, Planner for the City of Lakewood explained the procedural request.

Public comment was taken.

A motion was made by Mr. Baker, seconded by Mr. Stockman to **GRANT** the exception as presented. All of the members voting yea, the motion passed.

11. **Docket No. 11-43-15**

**Update to St. Charles Green Park as presented by Bryce Sylvester, City Planner, Department of Planning and Development**

Bryce Sylvester, City Planner will present an update regarding 6 parcels of land located at 1347 St. Charles Avenue, known as St. Charles Green. This item was presented to the Planning Commission at its September 3, 2015 meeting after being referred from City Council. The Planning Commission will consider if the City should evaluate and consider St. Charles Green as part of its neighborhood and pocket parks network and be included in the Parks System Strategic Plan. (Page 77)

Bryce Sylvester, Planner for the City of Lakewood presented a land assessment of the 6 parcels.

The Planning Commission discussed the benefits of designating the area as a park versus retaining it simply as a green space. They wanted to know who was responsible ultimately for developing the idea.

Public comment was taken.

A motion was made by Baker, seconded by Mr. Gaydos to **put forth the following communication to City Council:**

The Commission is open to the idea of beginning the discussion of these 6 parcels being considered as part of the neighborhood and pocket park network in the Parks Strategic Plan. At this time we wouldn't recommend a formal park designation without more input from community members, and further analysis of the land and needs for a formal park.

All of the members voting yea, the motion passed.

**ADJOURN**

A motion was made by Mr. Stockman, seconded by Mr. Baker to **ADJOURN** the meeting at 8:25 p.m. All of the members voting yea, the motion passed.



Signature

12-5-2015

Date

Bryce Sylvestre, Secretary  
on behalf of chair



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. Yakovash, Oton
- 2. John Sudyk
- 3. Travis Schenk
- 4. Adrien
- 5. Bick & Laurie Henselendy
- 6. John Pyko
- 7. RICHARD SICHA
- 8. Tom Andrews
- 9. \_\_\_\_\_
- 10. \_\_\_\_\_
- 11. \_\_\_\_\_

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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, November 5, 2015



1275 Lakeside Avenue East  
Cleveland, Ohio 44114-1129  
(216) 241-8230  
Fax (216) 861-0253  
www.CuyahogaBDD.org

Sent U.S. Mail & E-Mail

October 23, 2015



Ara A. Bagdasarian  
*President*

Mr. Bryce Sylvester  
Department of Planning & Development  
12650 Detroit Avenue  
Lakewood, OH 44107

Steven M. Licciardi  
*Vice President*

Dear Mr. Sylvester,

Tania J. Younkin  
*Secretary*

On Friday, October 16, 2015, three representatives from the Cuyahoga County Board of Developmental Disabilities (CCBDD) met with Mr. Patrick O'Toole regarding his plans to develop a seasonal outdoor dining facility at O'Toole's Pub and Restaurant. It is my understanding such a meeting was suggested at the time this plan was under consideration at the October 1, 2015 Lakewood Planning Commission Meeting, Docket No. 10-35-15.

David S. Crampton

Diane Roman Fusco

Lisa M. Hunt

At this meeting, Mr. O'Toole and his wife graciously shared their outdoor dining facility plans with the CCBDD representatives. The plans shared included the following:

Richard V. Mazzola

- An outdoor patio would be developed behind the pub/restaurant that would seat twenty-two people. Ingress and egress would be via the creation of a second door in the rear of the building.
- The patio area would include a standing smoking area that would accommodate twenty additional people. The standing area is directly behind the restaurant, close to the bar and in between the back of the building and the section of the patio with seating. Smoking would only be allowed in this area.
- The proposed closing time of the patio is 10 PM which is different from what the CCBDD understood. The CCBDD believed that it was initially suggested that the patio would close at 9 PM on the weekdays and 10 PM on the weekends.

Throughout the discussion, Mr. O'Toole and his wife demonstrated concern and sensitivity toward the abilities and needs of the individuals with developmental disabilities who reside in Elbur House. Such was demonstrated by their willingness to make the patio as least obtrusive to the residents as possible.

Despite the O'Toole's efforts to accommodate the needs of the residents, the CCBDD still has concerns with the project going forward as planned. The CCBDD concerns are as follows:

- The primary concern is the level of noise that the outdoor patio will create because it will only be approximately fourteen (14) feet from the north wall of Elbur House. The staff at Elbur House reports that the current noise level impacts

- the resident's enjoyment of using their living room and outdoor deck and their desire to open up side windows facing the north. Further they report that the restaurant's kitchen staff is oftentimes outside of the existing back kitchen door talking or yelling loudly. When this door is open the residents and staff can hear live music, trivia games, etc. A second door and patio area will increase the level of noise.
- Second hand smoke also remains a significant issue. As stated in the preceding paragraph, the close proximity of the new smoking area will impact the residents using their deck, living room and opening windows facing north.

The CCBDD representatives have considered various solutions to increase the privacy of the home and minimize the noise and smoke concerns. Among these considerations were to add fencing to the existing backyard fence and extending it forward towards the front of the house and frosting the north facing windows of the house. Unfortunately, none of these possible solutions will prevent or significantly decrease the noise and smoke emanating from the patio area.

Therefore, on behalf of the CCBDD, I respectfully request that the Lakewood Planning Commission consider the CCBDD concerns as they relate to the overall welfare/privacy/quiet enjoyment of the Elbur House residents when it makes its final decision regarding the addition of an outside patio area to O'Toole's Pub and Restaurant.

Finally, please let me know if you would like a representative(s) from the CCBDD to attend the next Planning Commission Meeting and feel free to contact me at (216) 736-4522 if you have any questions.

Sincerely,



Chuck Corea  
CCBDD In-House Attorney

CC:sal

cc: K. Petty, Superintendent  
M. Barnie  
L. Dalton  
M. Rak  
L. Pettigrew  
P. O'Toole

## Schwarz, Johanna

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**From:** Allen Schiewe <[schiewea@yahoo.com](mailto:schiewea@yahoo.com)>  
**Sent:** Saturday, October 31, 2015 11:58 AM  
**To:** Planning Dept  
**Subject:** Re: outdoor dining facility

On Saturday, October 31, 2015 11:57 AM, Allen Schiewe <[schiewea@yahoo.com](mailto:schiewea@yahoo.com)> wrote:

On Saturday, October 31, 2015 11:53 AM, Allen Schiewe <[schiewea@yahoo.com](mailto:schiewea@yahoo.com)> wrote:

I am totally against the proposed outdoor dining facility at 13601-03 Detroit ave. an 18 suite apartment building is located behind this facility, some with children in them. Also there is a home just behind the tavern which houses physically and mentally challenged adults. The noise created by this dining facility outdoors is going to be a problem, inasmuch as keeping people awake or waking them up. When the owner first opened the tavern, shortly there was complaints about the music emanating from the band. At times after 2:00am these is often loud talking and screaming coming from the inebriated customers leaving O'tooles. It will get qa lot worse if the outdoors facility is allowed.

## Schwarz, Johanna

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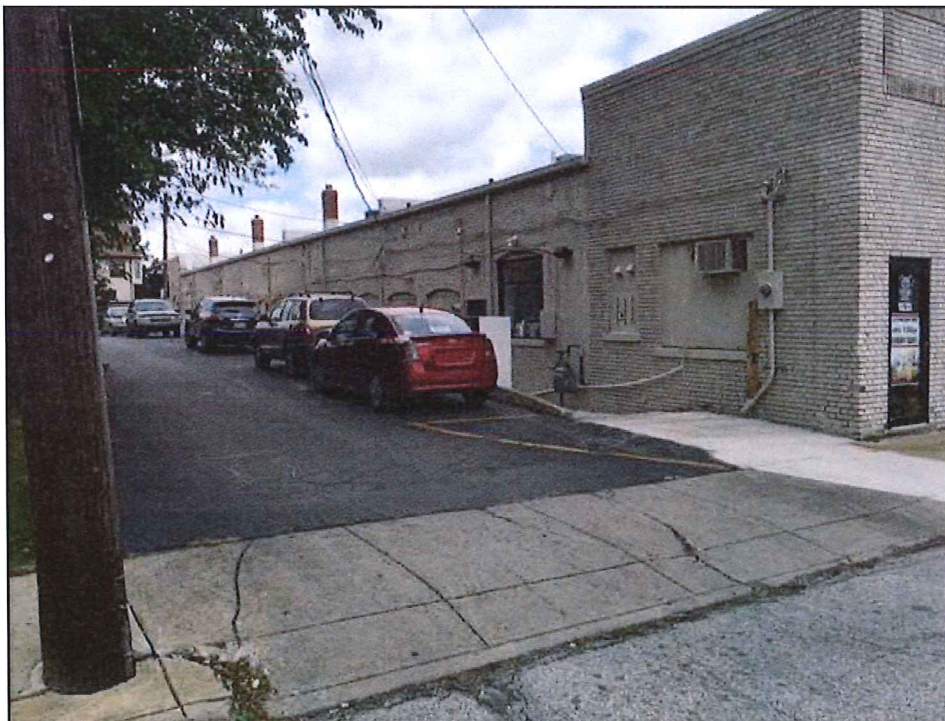
**From:** PReed1208@aol.com  
**Sent:** Monday, November 02, 2015 7:28 PM  
**To:** Planning Dept  
**Subject:** The Nicholson House

Dear Planning Committee Members,  
I'm pleased to know the commission is considering the Nicholson House for local designation. As the oldest house in Lakewood and the home for 100 years of one of Lakewood's pre-eminent families, it has great significance to the community. I strongly support the nomination.  
Sincerely,  
Paula Reed





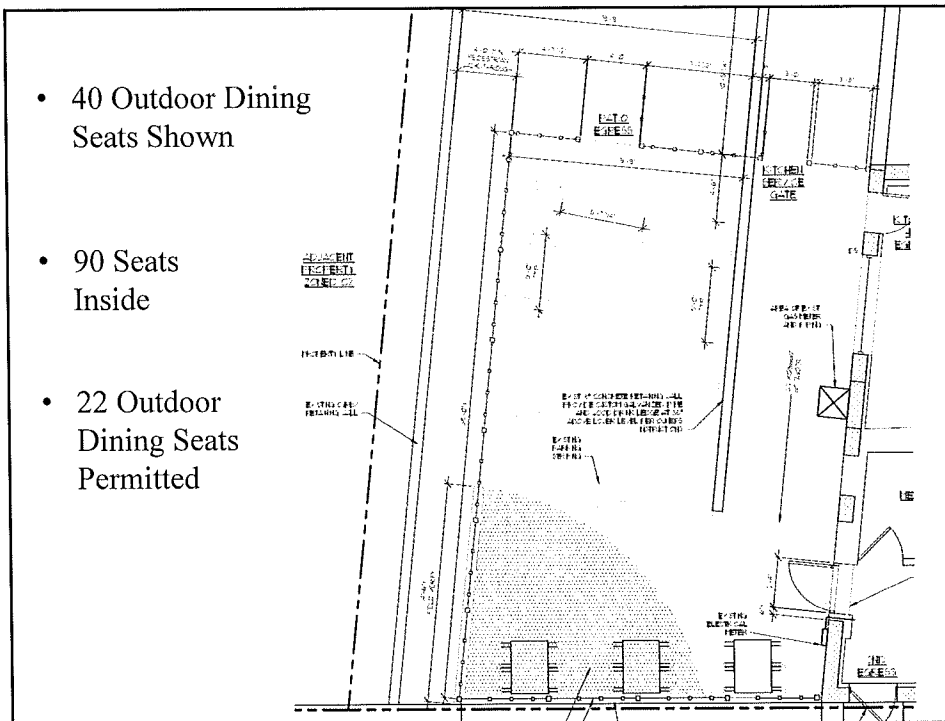
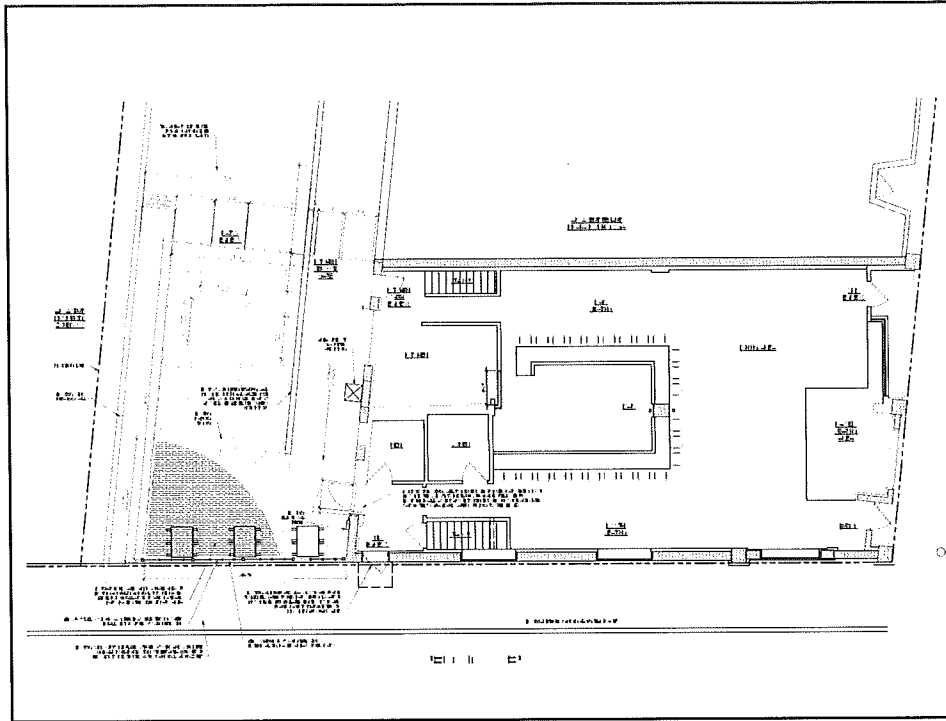
**13601-03 Detroit Avenue,  
O'Toole's Pub & Restaurant**

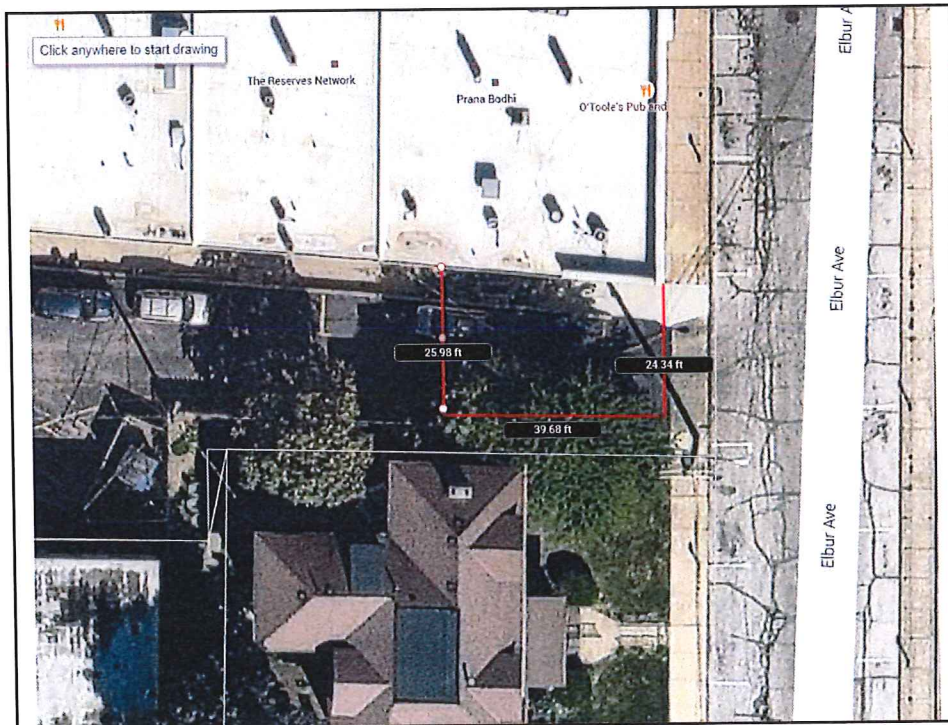
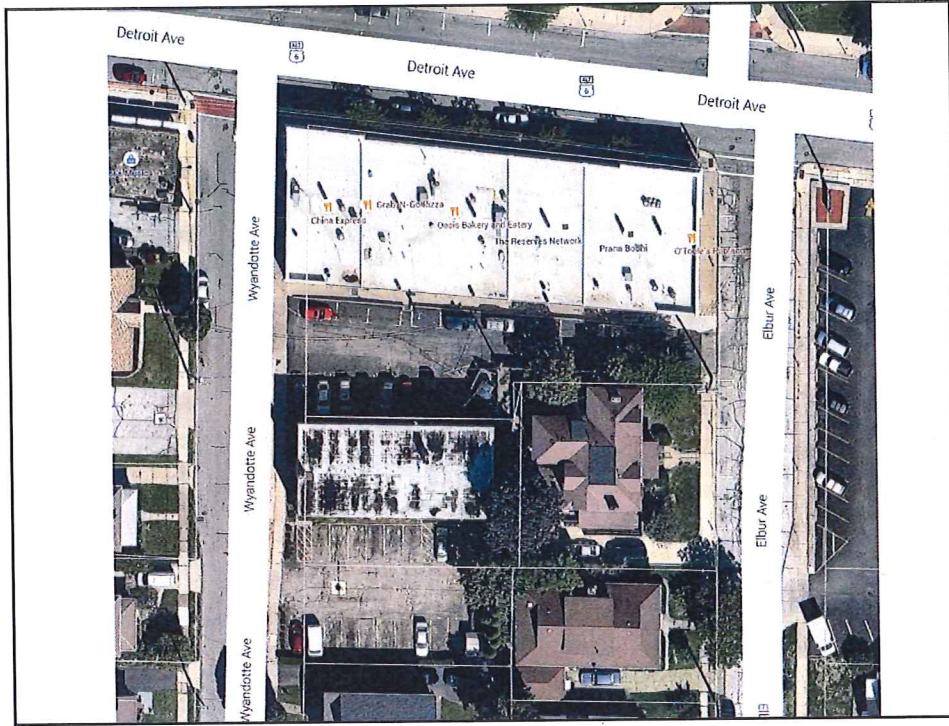




**13601-03 Detroit Avenue,  
O'Toole's Pub & Restaurant**







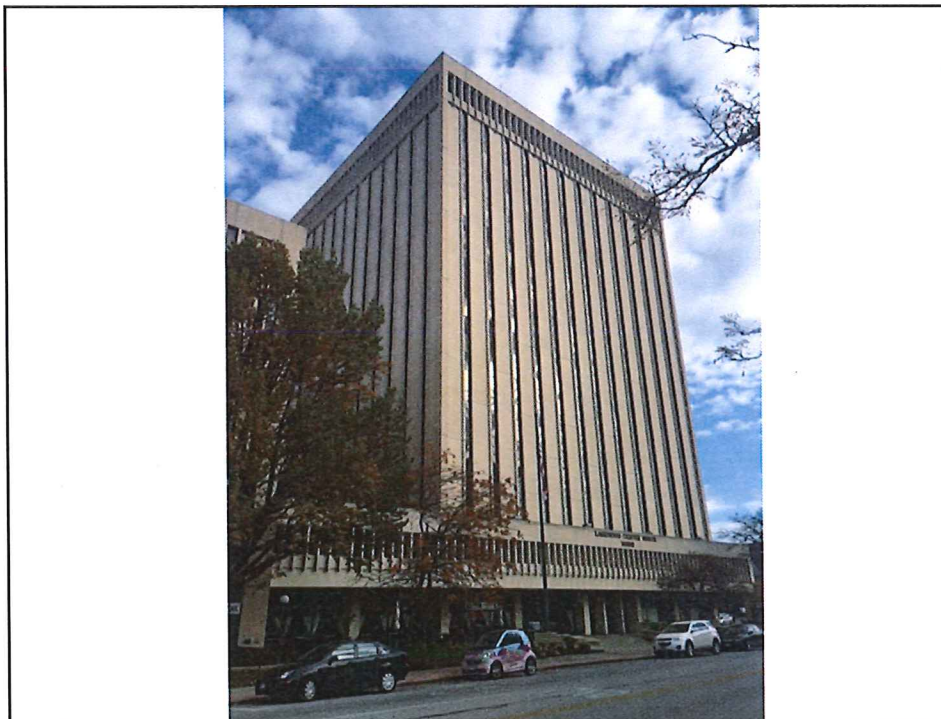


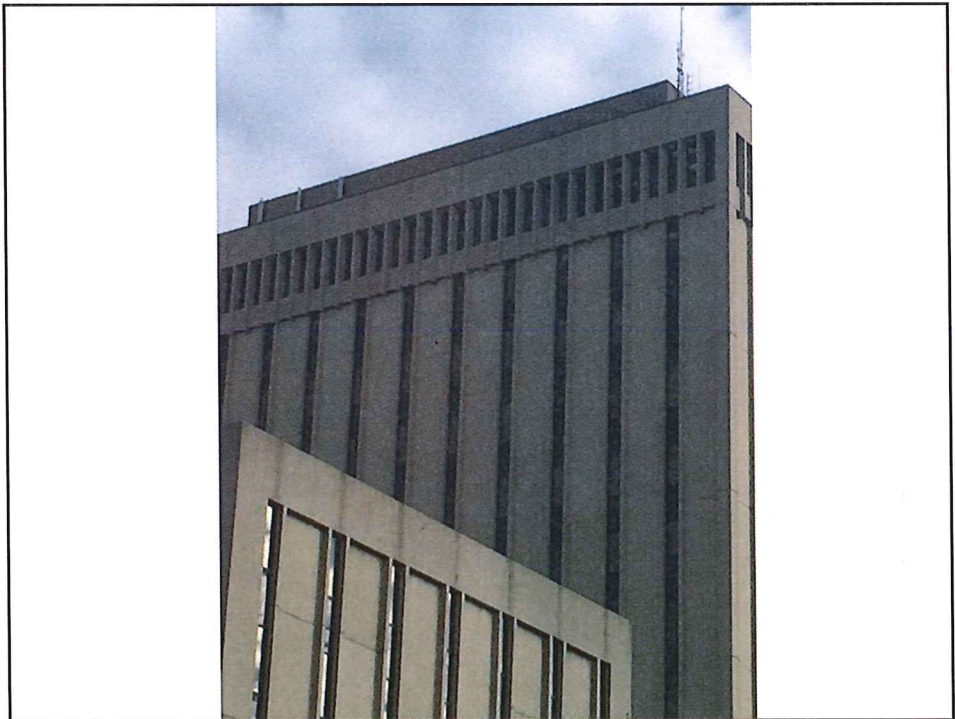
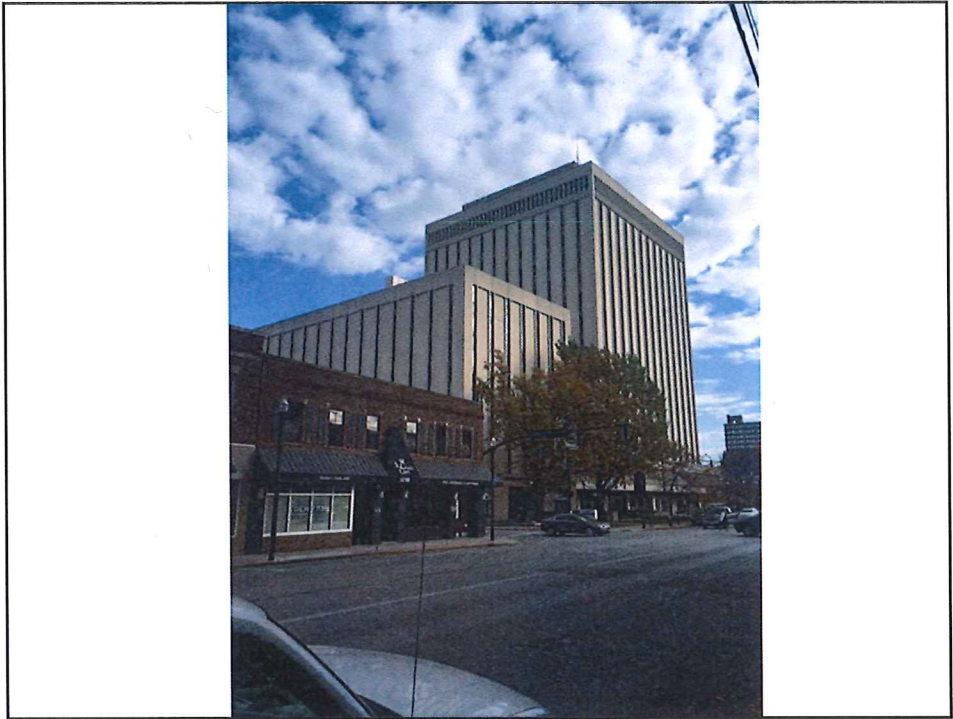
## Ariel of Mullen's Outdoor Dining



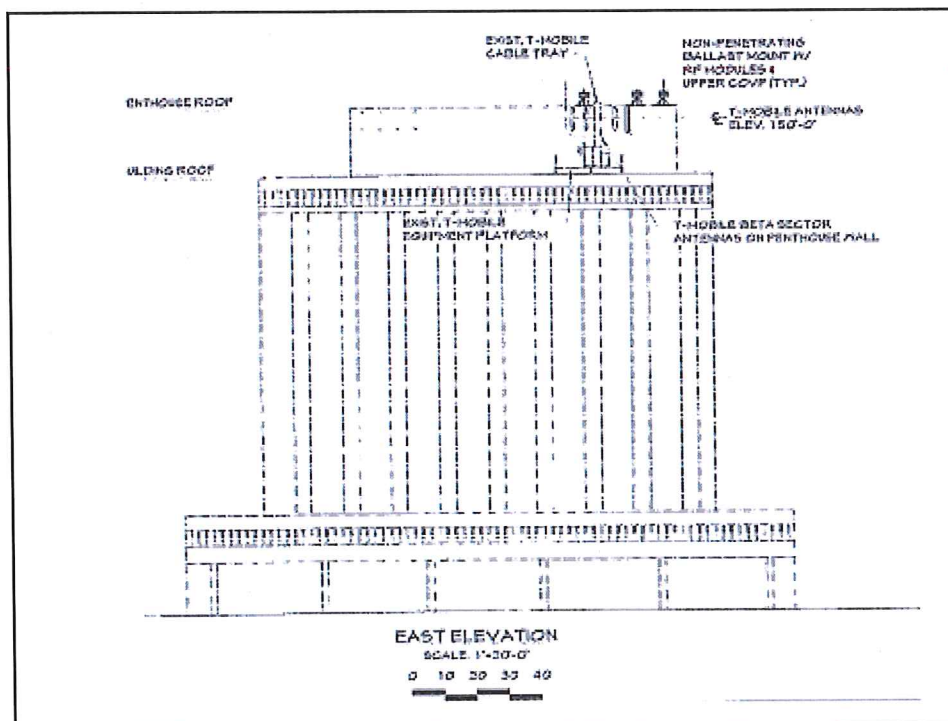
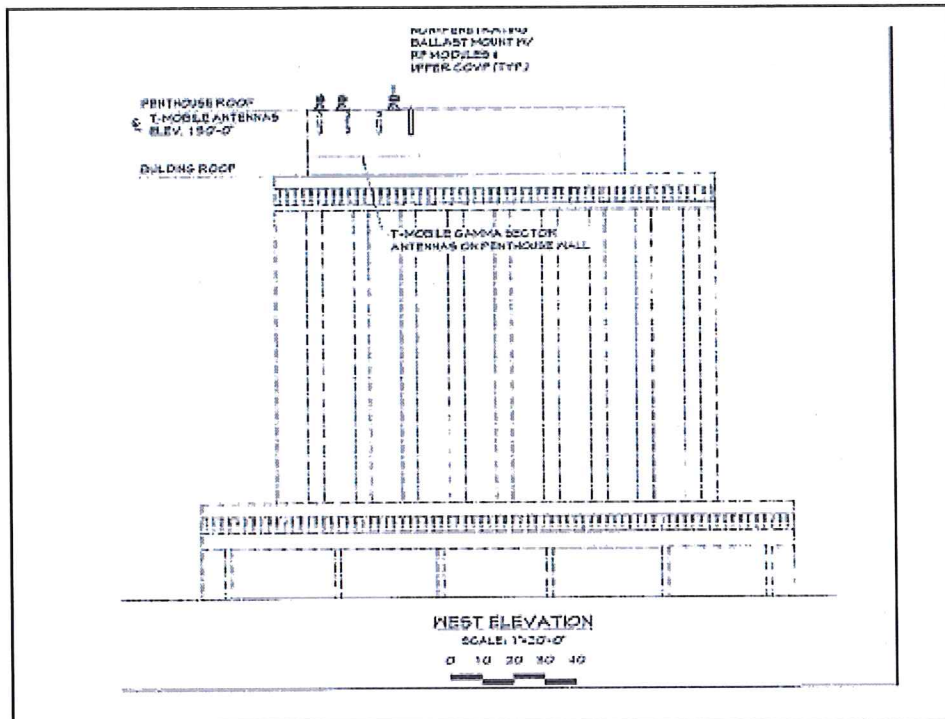
## Ariel of Midtown Booth's Outdoor Dining

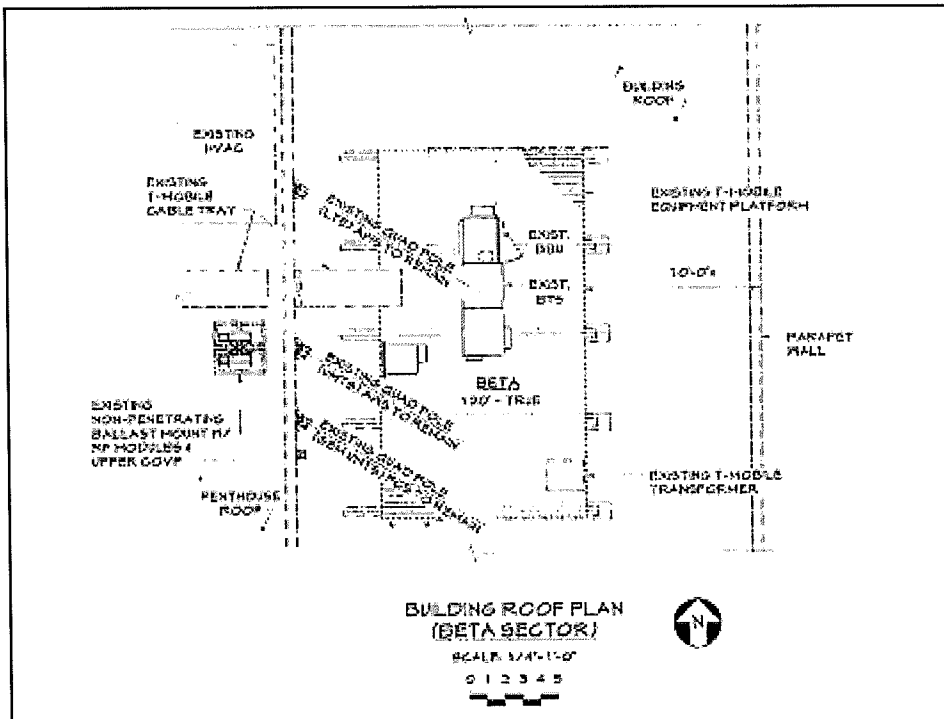
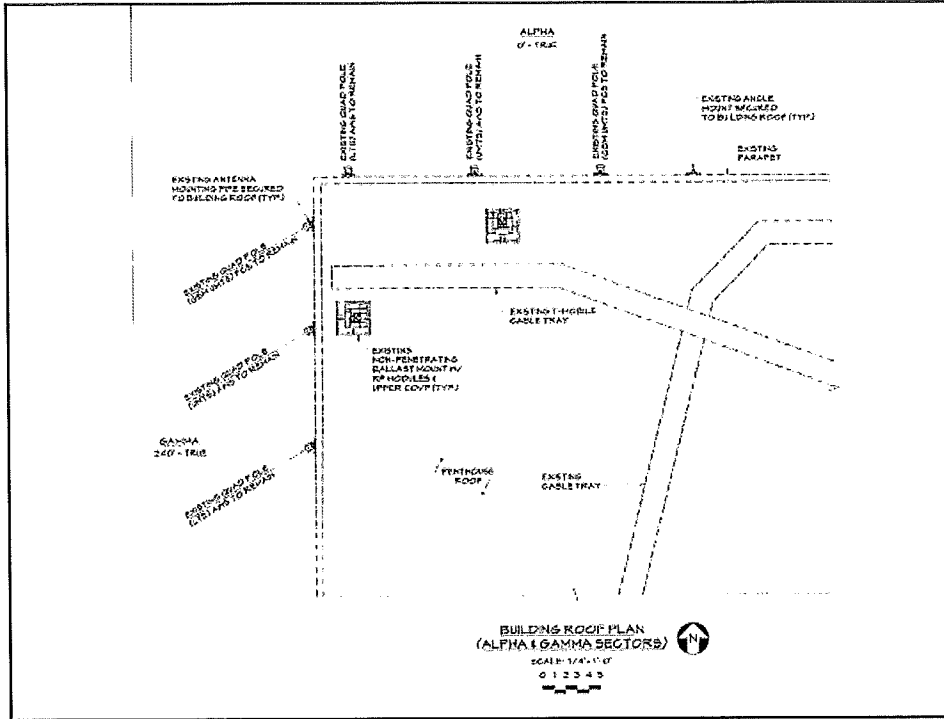


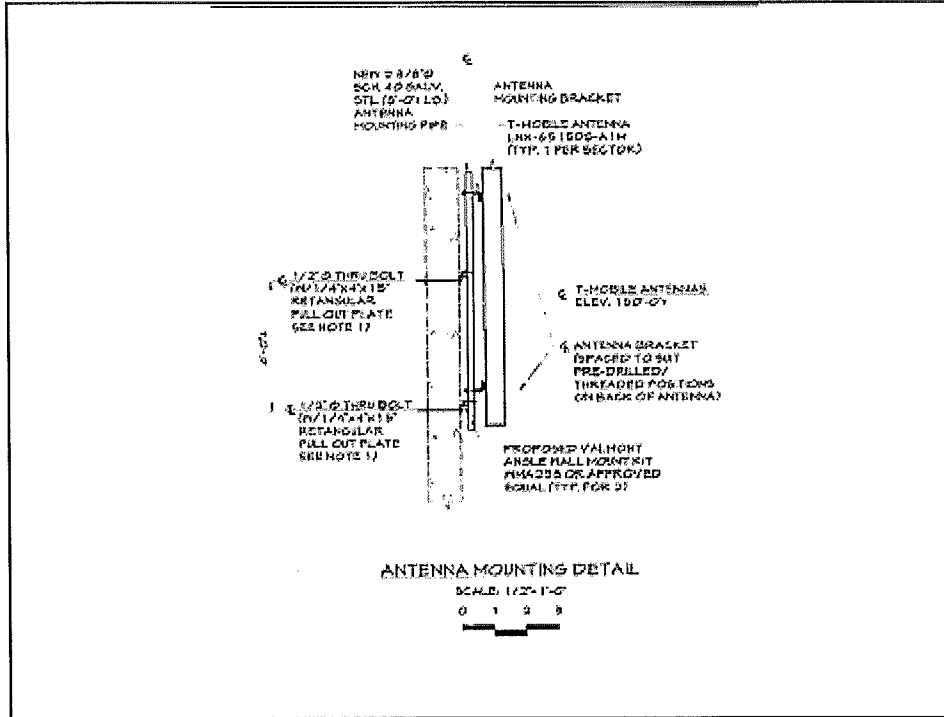




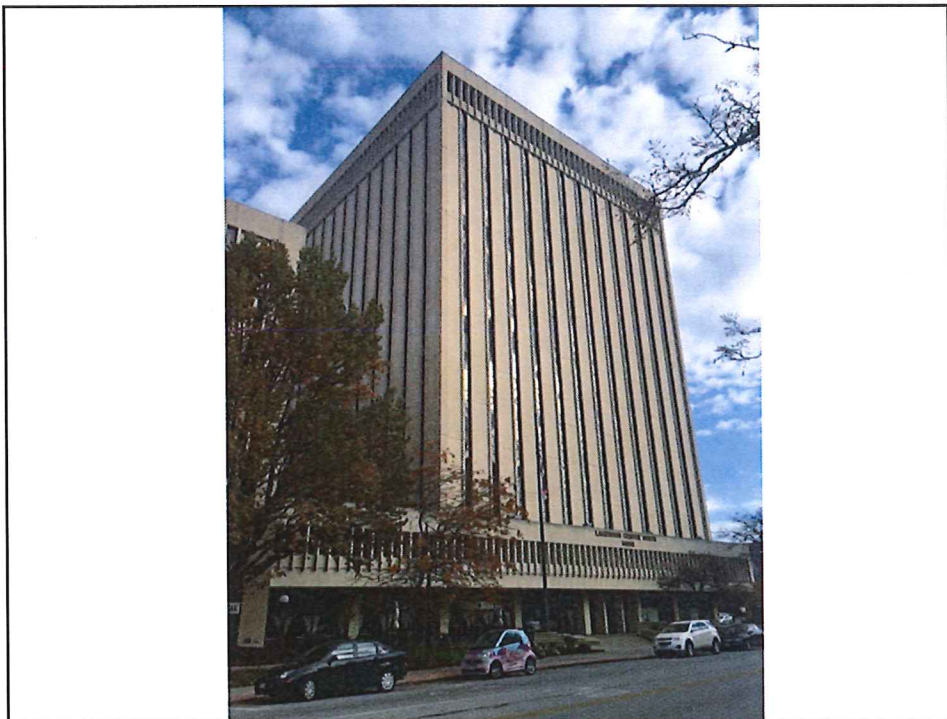


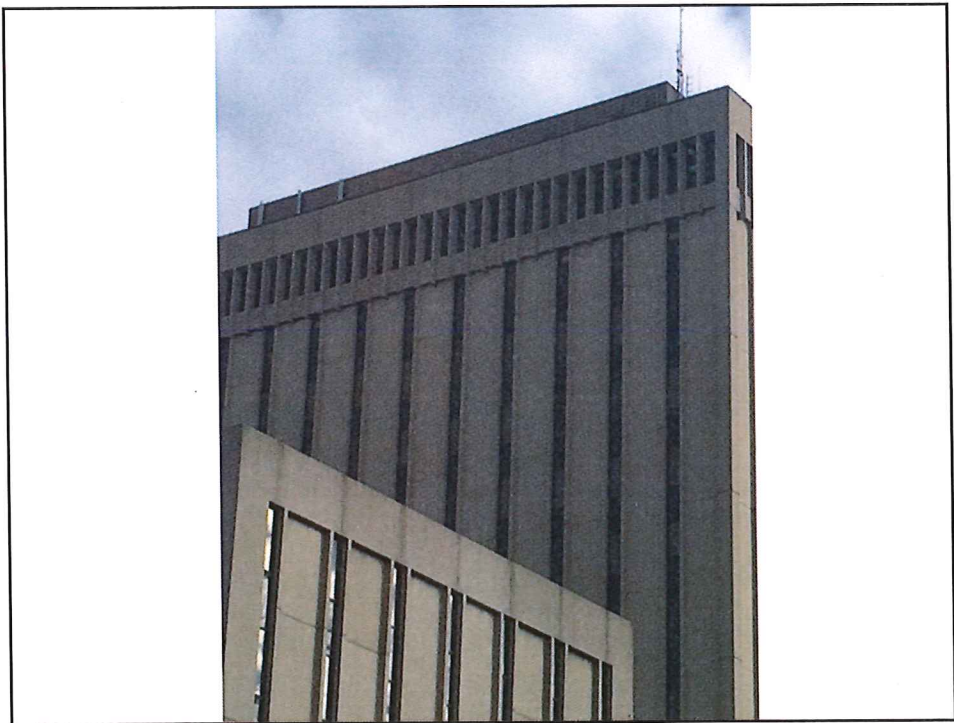






**Guided by Chapter 1159.04(c), Wireless Telecommunication  
 Facilities and Chapter 1161.02, General Standards for All  
 Conditional Uses**

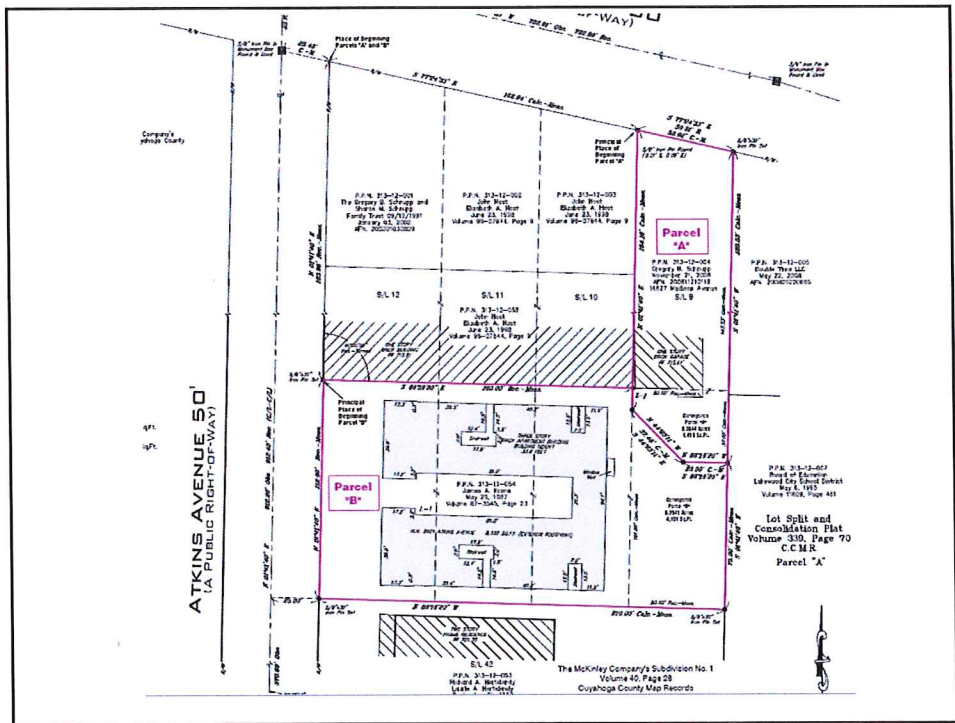
















2021 ATKINS



SOUTH DRIVE



REAR OF BUILDING



REAR LOOKING INTO VACANT LAND



REAR OF BUILDING FACING SOUTH



LOOKING INTO VACANT LAND.

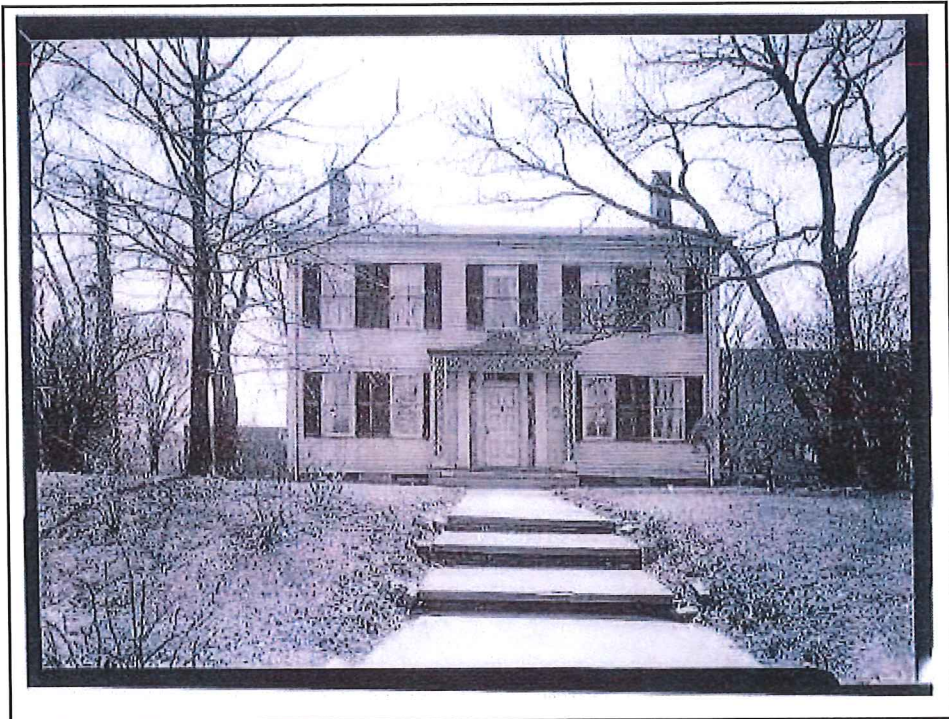


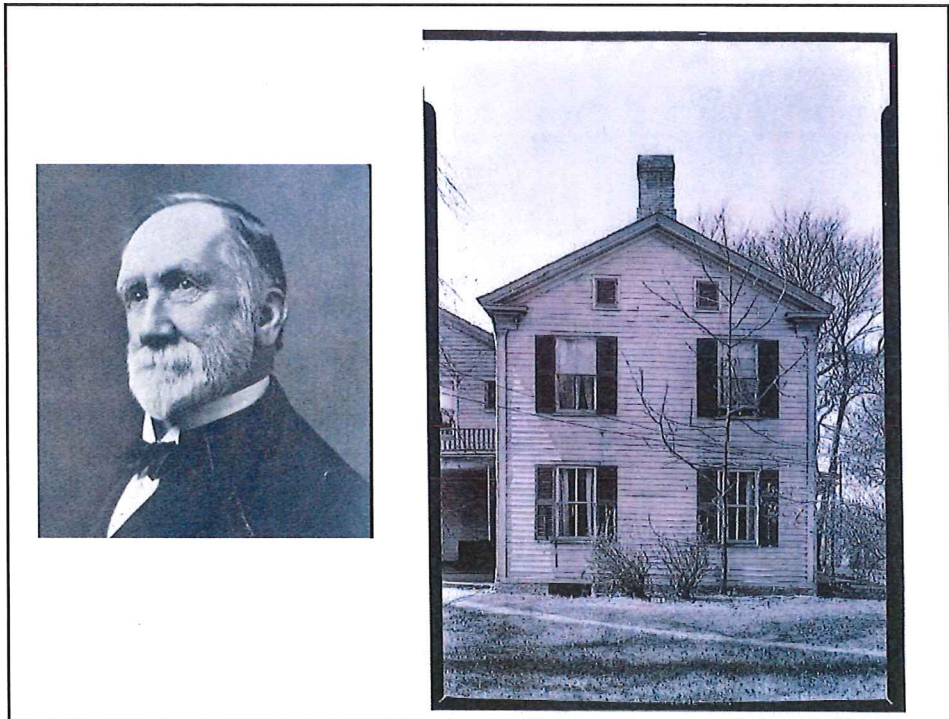
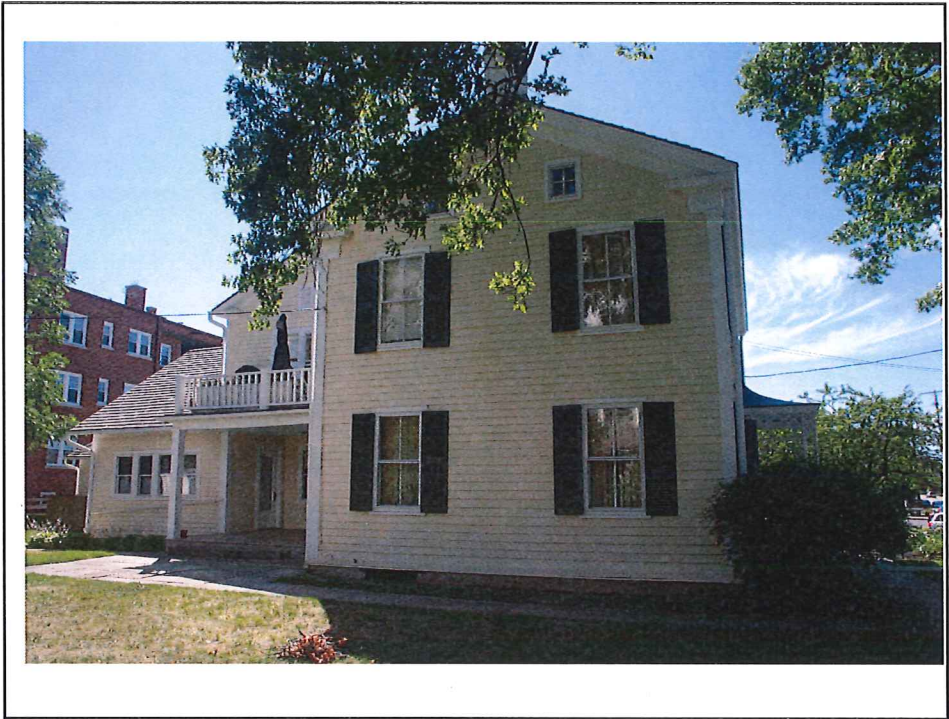
LOOKING DIRECTLY INTO VACANT LAND

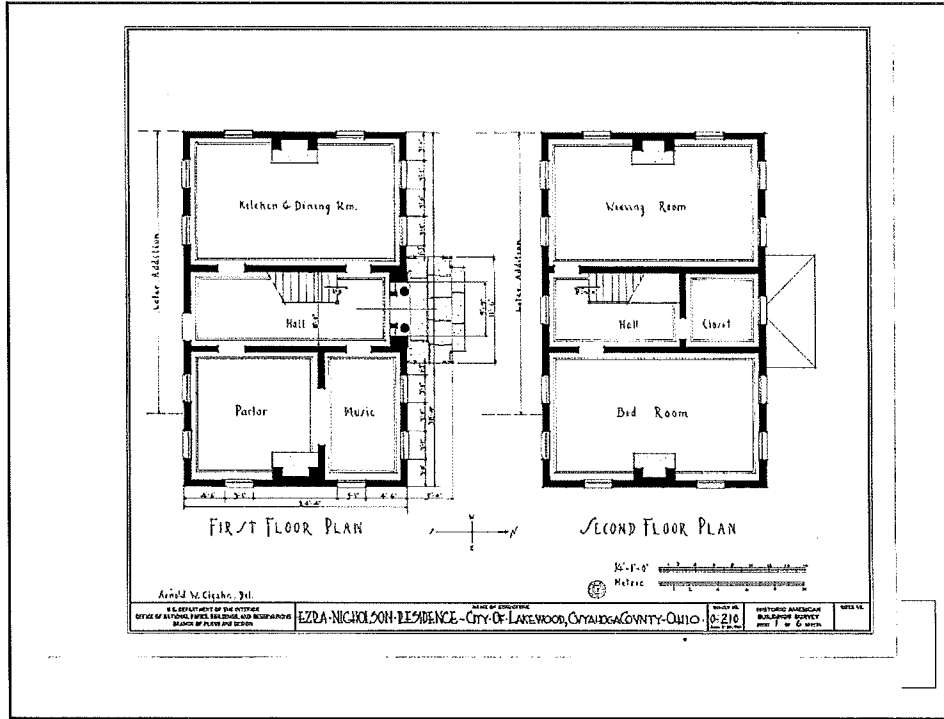


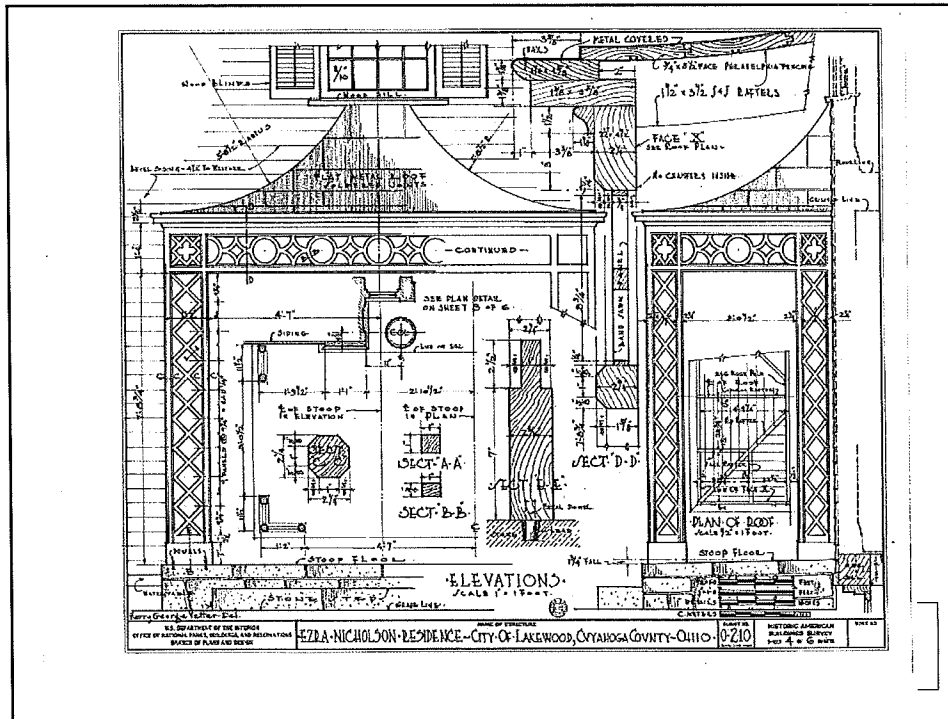
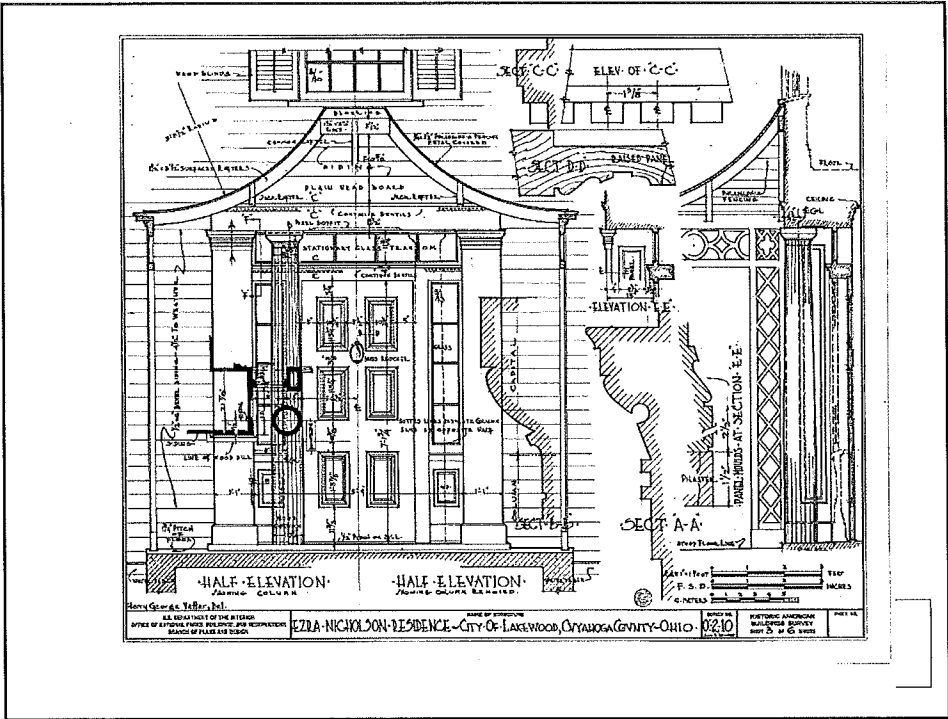
NORTH DRIVE OF BUILDING



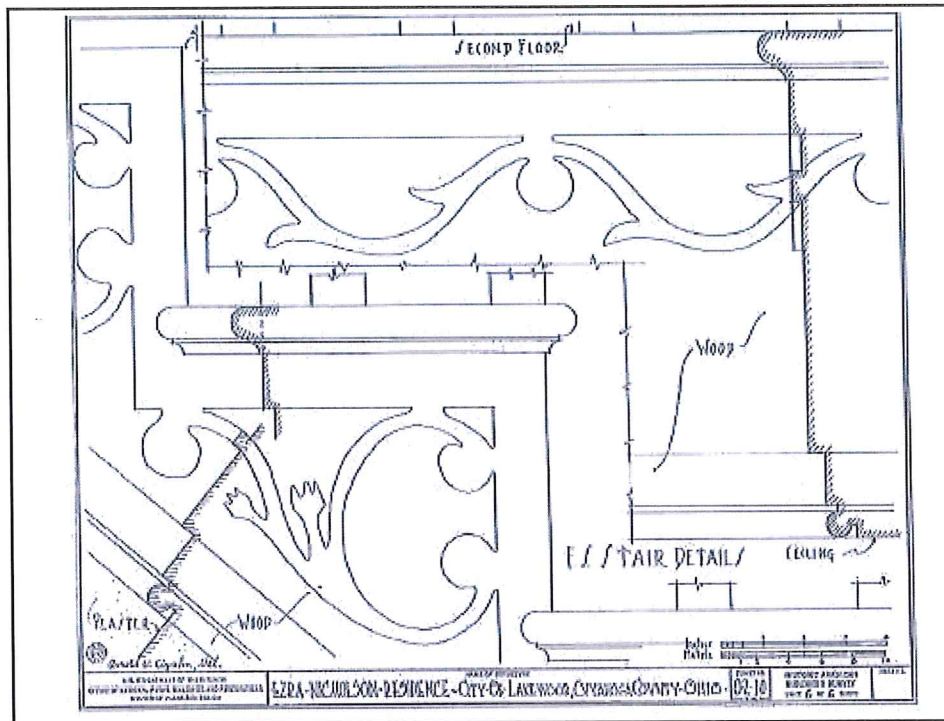












**Considerations for Nomination: (Check all that apply to the property)**

- (1) Has character, interest or value as part of the heritage of the City, region, State of Ohio or United States;
  - (2) The location is the site of a significant historic event;
  - (3) Associated with a person or persons who significantly contributed to the historic development of the City;
  - (4) Exemplifies the cultural, economic, social, archeological, or historic heritage of the City;
  - (5) Reflects the environment of a group of people in an era of history characterized by a distinctive architectural style;
  - (6) Reflects distinguishing historical characteristics of a group of people in an era of history characterized by a distinctive architectural style;
  - (7) The work of an architect or master builder whose individual work has influenced the development of the City;
- 
- (8) Embodies elements of architectural design, detail, materials or craftsmanship which represent a significant architectural style or technological innovation;
  - (9) Possesses a unique location or singular physical characteristics representing an established and familiar visual feature of a neighborhood, community or the City;
  - (10) The likelihood of yielding information important to the understanding of prehistory or history.

**Additional Considerations:**

- (1) Must have a high degree of historic integrity, without excessive loss of architectural or historic character.
- (2) Must have an internal historic cohesiveness in the sense of a shared common history of its inhabitants, historical development, a shared architectural style or design, or a body of architecture illustrating the evolution of architectural styles over a period of time.

Under Consideration:

**1134.03(b): Nomination of a Historic Property**

The Heritage Advisory Board may propose to the Commission nominations of a building as an HP. Proposals for nomination must be on one or more standard publicly available forms promulgated by the Heritage Advisory Board. A proposal for nomination shall specify which specific site improvements are included in the proposal for nomination, and any improvements not specified shall be deemed not to have been nominated.







Historic Photograph 1 of 3



Historic Photograph 3 of 3



Photograph 4 of 12



PHOTOGRAPH 5 OF 12



PHOTOGRAPH 6 OF 12

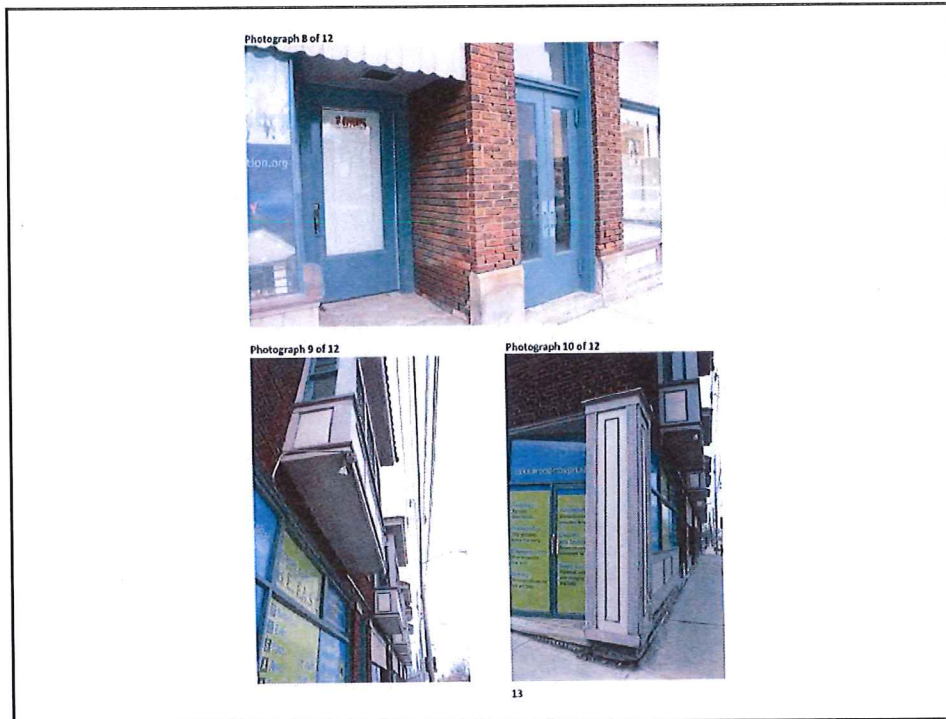




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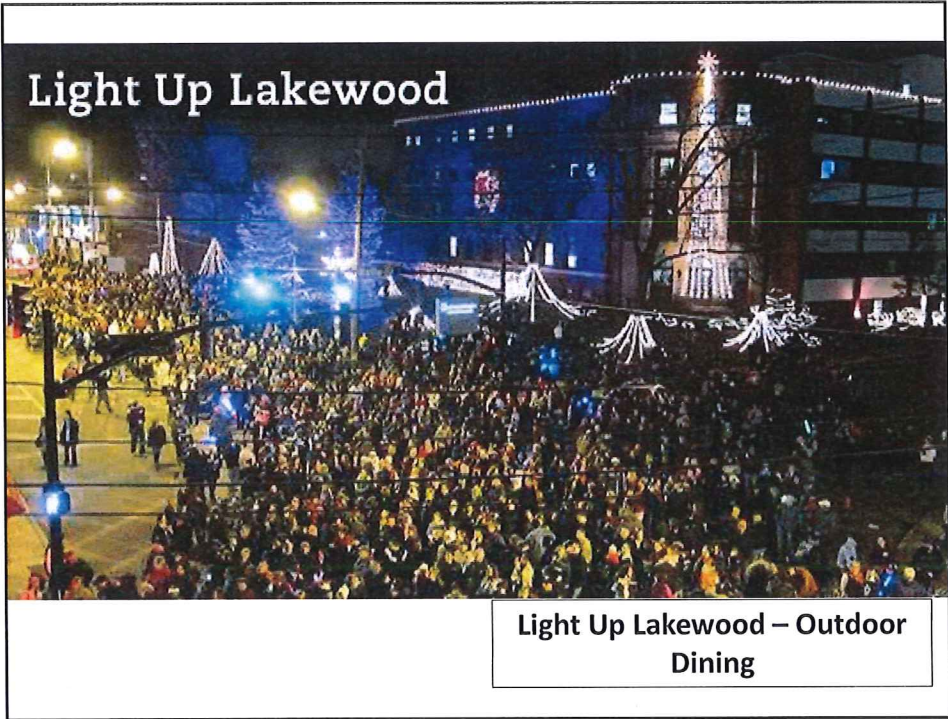
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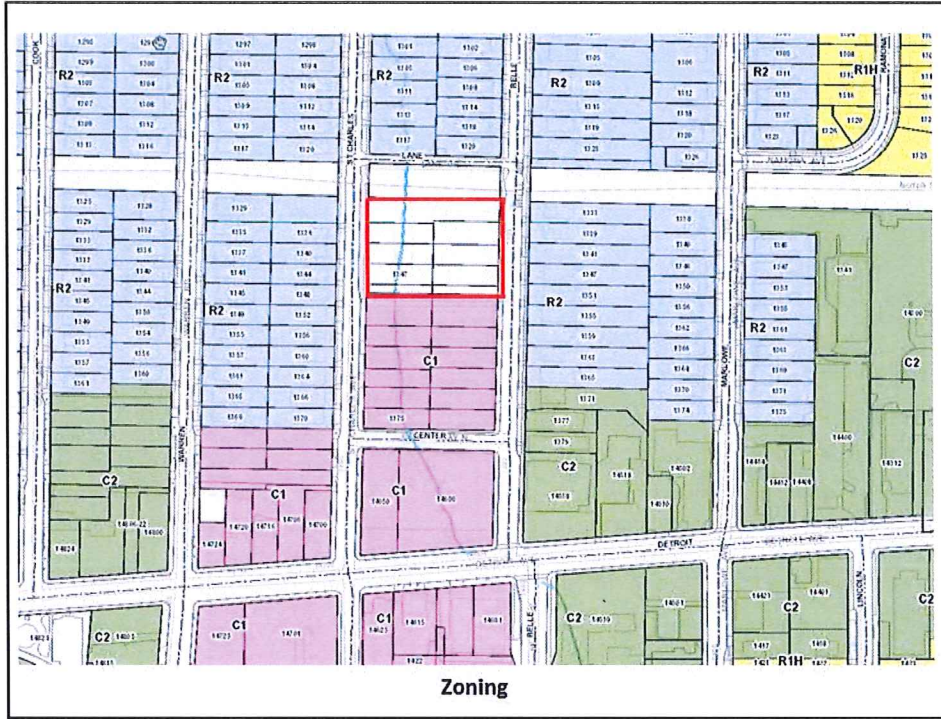


Under Consideration:

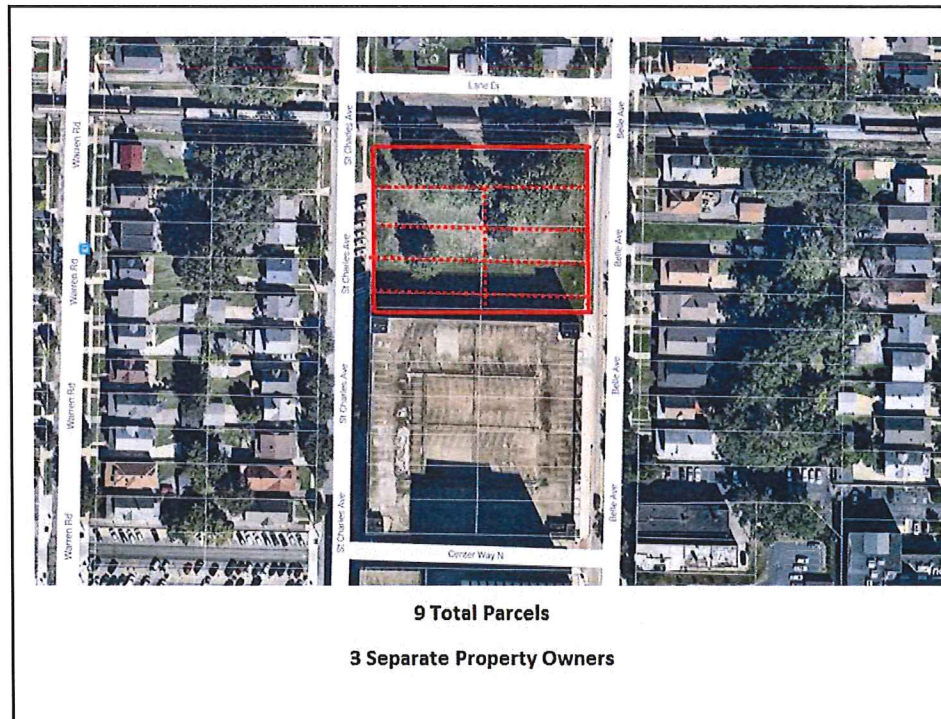
**1134.03(k) : Designation of a Historic Property**

The Commission shall determine whether said building public shall be designated as an HP. In the event the owner of a property nominated as an HP, does not consent to designation, the Commission may only designate an HP or HPD by a vote of at least five of its members, or otherwise the Commission may designate an HP or HPD by a majority vote of a quorum of its members.



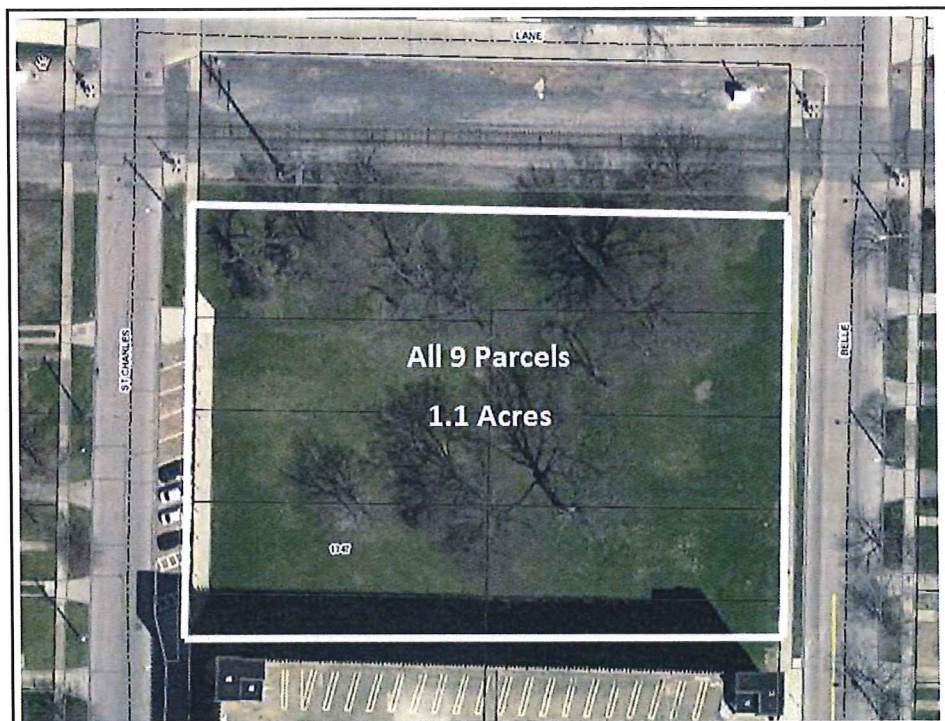
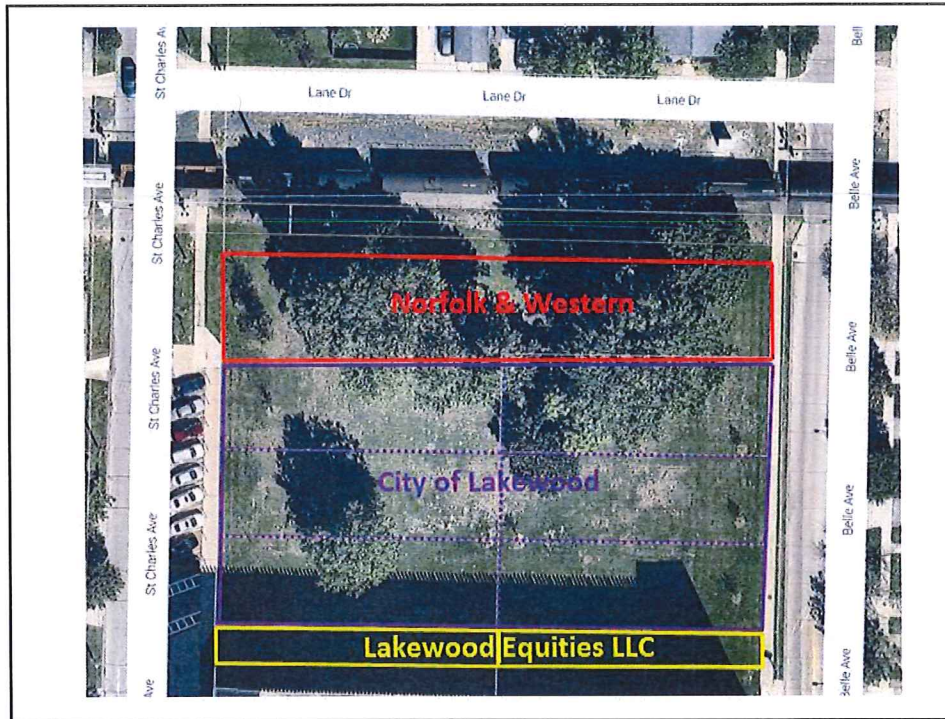


**Zoning**



**9 Total Parcels**

**3 Separate Property Owners**





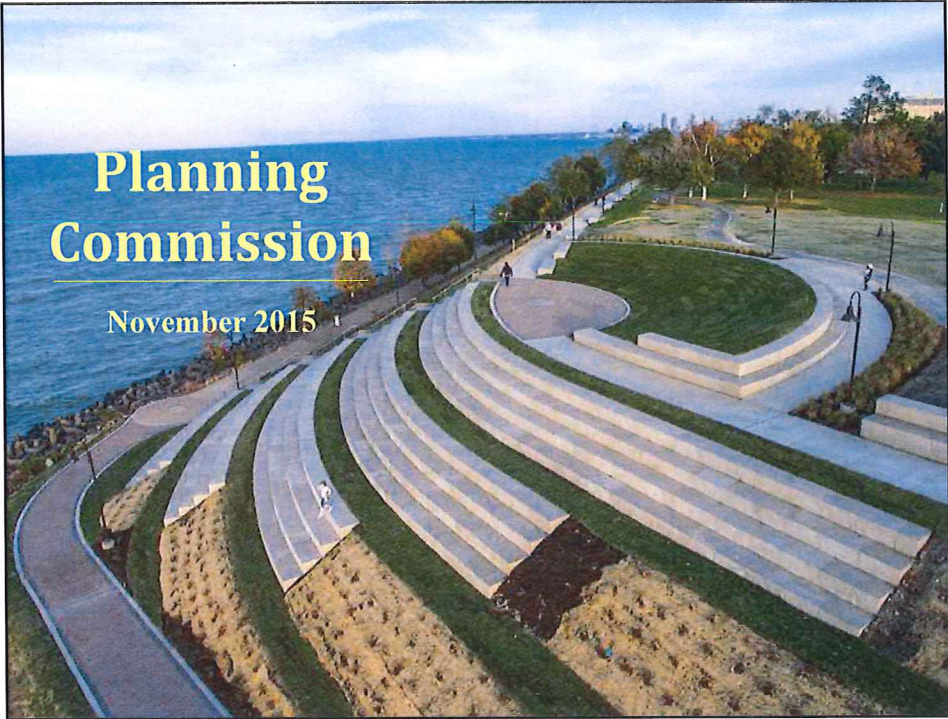
From Belle Ave



From St Charles Ave

**Action requested: Communication back to City Council**

The Commission is open to the idea of beginning the discussion of these 6 parcels being considered as part of the neighborhood and pocket park network in the Parks Strategic Plan. At this time we wouldn't recommend a formal park designation without more input from community members, and further analysis of the land and needs for a formal park.



# Planning Commission

November 2015