



Memorandum

To: Members of Council

From: Joyce G. Braverman, Director, Planning
Daniel Feinstein, Senior Planner, Planning

cc: David E. Weiss, Mayor
Jeri E. Chaikin, Chief Administrative Officer

Date: November 16, 2022

Re: Confirmation of Conditional Use Permit – 20312 Chagrin Boulevard
Midnight Owl Brewery

The City Planning Commission approved a Conditional Use Permit for a brewpub as well as parking and fence variances for the Midnight Owl Brewery at 20312 Chagrin Boulevard at their November 1, 2022 meeting. A brewpub requires a Conditional Use Permit and Council confirmation.

The Conditional Use Permit and variances were approved with conditions relating to the parking variance including an agreement for additional shared parking on city owned land, employees parking off site and staff review of parking operations after one year. The enclosed ordinance confirms the granting of the Conditional Use Permit.

The applicant proposes to renovate the western half of the former Lucy's Bakery space into a new brewery and restaurant. The applicant proposes the brewery to operate from 11:00 a.m. to 11:00 p.m. weekdays, and 11:00 a.m. to 12 midnight on Friday and Saturday. The applicant provided a floor plan detailing a full kitchen, brewing area, outdoor dining and a total of 84 seats. The brewery will not have outdoor music, use party promoters or DJ's for entertainment. Most active brewing will occur in the basement space. The applicant proposes an operation and security plan, as was required for other wine bar/brew pub requests. There will be a full kitchen and menu available. A brewpub requires a conditional use permit.

Council confirmation is required for the Conditional Use Permit for the brewpub. It is requested that this ordinance be passed on first reading in order for construction of this new tenant space to proceed on schedule to open in the spring of 2023.

Should you have any questions please contact me, or refer to the Action Sheet and meeting packet for the November 1, 2022 City Planning Commission. This is a link to the materials presented at the City Planning Commission meeting on November 1, 2022.

https://www.shakeronline.com/AgendaCenter/ViewFile/Agenda/_11012022-931?html=true

ORDINANCE NO.

BY:

Administrative acceptance of the approval of the City Planning Commission and confirmation of the granting of a Conditional Use Permit to Midnight Owl Brewery, applicant, for a brewpub, located at 20312 Chagrin Boulevard, pursuant to Section 1213.05 of the City's Zoning Code.

WHEREAS, on November 1, 2022, the City Planning Commission approved a conditional use permit for the applicant to establish a brewpub to be located at 20312 Chagrin Boulevard, which will operate as a brewery and restaurant; and

WHEREAS, also on November 1, 2022, the Board of Zoning Appeals approved fence and parking variances for this new business.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Shaker Heights, State of Ohio:

Section 1. This Council hereby confirms the decision of the City Planning Commission duly adopted at its meeting on November 1, 2022, granting a Conditional Use Permit to applicant, for a brewery and restaurant at 20312 Chagrin Boulevard, Shaker Heights, Ohio. The approval confirmed therein was based on the following conditions, which shall apply to the conditional use permit:

1. A parking agreement is completed with the City to allow parking at the City-owned parking lot on the east side of Warrensville Center Road.
2. Employees are required to park at the Warrensville Center Road City-owned parking lot.
3. A staff review of the parking situation to consider additional parking solutions one year after the business is operating.

Section 2. In addition, the following conditions shall also apply to the conditional use permit:

1. Hours of operation shall not exceed Sunday through Thursday 11:00 a.m. to 11:00 p.m., Friday and Saturday 11:00 a.m. to 12:00 midnight;
2. The business shall be subject to a continuing obligation to comply with the City's noise ordinance;
3. The business shall remain in full compliance with state liquor permit requirements;
4. The business shall comply with their own patron policies;
5. The business shall comply with their security plan; and
6. The business shall remain free from a pattern of criminal activity, including but not limited to charges under the Criminal Activity Nuisance Ordinance, Chapter 109 of the Codified Ordinances.

Section 3. This ordinance is hereby adopted pursuant to Section 1213.05 of the City's Zoning Code as an administrative measure not subject to referendum, and therefore this ordinance shall take effect immediately upon its enactment and approval by the Mayor, or otherwise as set forth in Article IV, Section 3 of the City's Charter.

Enacted

Approved this ___ day of _____, 2022.

DAVID E. WEISS, Mayor

Attest:

JERI E. CHAIKIN
Clerk of Council

coun22/1128midnightowlbrewerycond