

**PLANNING COMMISSION
MARCH 8, 2017
MEETING MINUTES**

MEMBERS PRESENT:	Craig Cobb	Chair
	Jessica Cohen	Vice Chair
	Michael Gaynier	
	Adam Howe	
	Anthony Mattox, Jr.	
	Jeff Rink	
MEMBERS ABSENT	Len Horowitz	
STAFF PRESENT:	Richard Wong	Director of Planning & Development
	Kara Hamley O'Donnell	City Planner
	Elizabeth Rothenberg	Assistant Director of Law
	Mary Dunbar	City Council Planning & Development Committee Chair

Mr. Cobb began with saying good evening and welcome to the March 8th meeting of the Cleveland Heights Planning Commission. He stated that our first order of business this evening is to have the roll call, Mr. Wong please.

Mr. Gaynier	Here
Ms. Cohen	Here
Mr. Howe	Here
Mr. Mattox	Here
Mr. Rink	Here

Mr. Wong stated we have six present.

Mr. Cobb asked if everyone has had a chance to review the minutes from the last meeting and are there any corrections or changes. There were none. The February minutes were approved.

Ms. Rothenberg stated that before she swore in the audience, she wanted to state that Adam Howe is recusing himself from Project 17-5

Mr. Cobb stated that everyone that is present this evening has been here before, just a reminder if you are going to be testifying, we need you take an oath and then when you go up to the lectern, we need you state that you did take the oath and state your name and address. He asked that everyone be sworn in that is planning on testifying this evening.

Mr. Wong, Ms. Hamley O'Donnell and others in the audience who planned to testify were sworn in by Ms. Rothenberg.

Project 17-5: Motorcars, Inc., dba Daylight Donuts, 3077 Mayfield, C-1 Office, requests conditional use permit to operate drive-thru facility per Code chapters 1111, 1115, 1131, 1151, 1153

Mr. Cobb stated that know we will here from staff.

Ms. Hamley O'Donnell began with stating that given that it is mainly the applicants here and no one else, she plans to go through this relatively quickly. She stated that you are all familiar with this site that is on the overhead.

Ms. Rothenberg asked that the minutes reflect that Adam Howe has recused himself from Project 17-5.

Ms. Hamley O'Donnell continued saying that you are familiar with the site and the history is in the staff report before you. She showed the aerial photograph and you can see from end to end this is all paved with concrete and asphalt, all the way around. She stated it has been used as auto use since the 1950s, in the same building and recently that use was discontinued and we most recently gave them approval to use it as an auto body repair shop for that portion of the site. She showed a slide that is a view from the road. She showed the parking where it goes right up practically to the public side walk. What they are proposing is in that southeast corner of the building and they want to put a Daylight Donuts shop in here. They will also have an office for Motorcars and the auto repair auto shop. She stated that when you approved this, she thought it was in 2015, one of the conditions was that with a larger outdoor dining or a drive thru had to be approved as part of a future use, they would have to come back before you for a Conditional Use. She stated the proposal is for a curb cut to go in, loop around, put the drive thru over here and exit out. She stated there is an existing curb cut that we have shown here. Early submissions showed the drive thru entering off of Mayfield but our Police Chief was very concerned about that traffic, so the applicant went back to the drawing board and came in with this revised plan which includes adding landscape similar to other Motorcars sites further west on the street, Toyota and Honda. She pointed out where they would put the landscaping all around this curb, adding a sign and a low wall similar to what they have down at Motorcars Honda down the street. She showed a close up of how the cars would circulate and stated that not many of the cars for the body shop will actually park in front; most of them will park around back. She pointed then where the cars will go through and there is enough room so if a car decided it did not want to go through they could just circulate around. The other thing they added at our suggestion were crosswalks, (she pointed them out on the slide) so if someone from the Community Center wanted to walk over they would be able to, the same if coming from Mayfield Road and wanted to walk into the shop. That being striped making it available to pedestrians and to improves the pedestrian factor that isn't really present at this auto site. She put the Standard on the overhead and added that the Staff Report is dated March 1st.

Ms. Hamley O'Donnell said the proposal does meet the Standards also for drive thru and drive in facilities and finds that this proposal does meet with those requirements. She said we also understand that because this building is an existing building and we are working within what is there, we do feel this is a good fit for their desire to have a restaurant outlet there and have it accessible for people to drive thru. She stated that staff recommends that Planning Commission approve Motorcars Inc. dba Daylight Donuts' request for a Conditional Use Permit to operate a drive thru facility at 3077 Mayfield Road with the following conditions:

1. *This use shall not be injurious to the use and enjoyment of other properties in the immediate vicinity or create a nuisance for adjacent properties;*
2. *The applicants shall work with staff to resolve any complaints from neighbors;*

3. *Approved traffic plan by Chief of Police, as needed.*
4. *Architectural Board of Review approval of any exterior changes including walls, flag poles and signs;*
5. *A variance shall be required for the installation of flag poles;*
6. *All permanent and temporary signs shall conform to zoning requirements, taking into account previous variances;*
7. *Applicant shall submit a detailed landscape plan for Planning Director approval including installation of landscape screening similar in density and type to Motorcars Honda and Toyota, additional shade trees and dumpster screening. All site landscaping shall be installed prior to opening of business;*
8. *Windows shall remain transparent and provide views to allow people to see and be seen in compliance with Code;*
9. *Hours of operation shall be limited to 6 a.m. to 11 p.m.;*
10. *Vehicles waiting for service at the drive-thru facility shall not be within the public right-of-way; and*
11. *All required construction and installation of the use shall be completed within 24 months of Planning Commission approval.*

Ms. Hamley O'Donnell stated she would be happy to answer any questions and Mr. Gile and their representative is here this evening as well.

Mr. Cobb asked if there were any questions for staff.

Mr. Cobb asked if the applicant wanted to add anything.

Mr. Gile responded no, but if there were any questions.

The applicant, Matt Gile, came to the lectern and his associate, Chris Lachman, CSL Consulting at 2218 Stillman Road, Cleveland Heights.

Mr. Gaynier asked if the business will be primarily drive thru, are all the cars going to pass through there or is there going to be walk in traffic where people will sit down and gather there.

Mr. Gile replied his answer is they are not sure yet. He stated we are going to have seating inside as well, so if people want to come in and sit down, we are hoping that that the majority would be drive thru traffic since there isn't anything else around right now.

Mr. Gaynier was concerned about the number of parking spaces when he looked at the plan, in the front, when somebody does come in that way, if there would be adequate parking.

Mr. Gile stated we do have a couple more parking spaces; we will not have a ton of room for seating inside with a couple seats outside. He said there will be additional parking in the back if someone did want to park back there.

Mr. Cobb asked if there were any other questions.

Councilperson Ms. Dunbar stated this is a little off topic, so she did not know if this should be entered or want to. She stated that the whole property, the whole block is a big property and wondered if there was any other thoughts on development of this space, like the

Medusa building and so on. She stated she knows this is not what you are here for so you don't have to answer if you don't want, she was just curious.

Mr. Gile replied that they have looked at numerous possibilities so he did not have a definite answer as of today, but he has looked at least a half a dozen other options. He stated he did not want to commit to anything right now since nothing is definite yet.

Mr. Cobb asked if anyone would like to make a motion.

Mr. Rink made a motion to approve Project 17-5 with the conditions as recommended by staff.

Mr. Gaynier seconded the motion.

Mr. Cobb asked if there was any discussion. There was none. Mr. Cobb asked for a vote, all in favor say aye. There were none opposed. It was noted the one abstention of Mr. Howe, so the vote passed 5-0-1.

NEW BUSINESS

Ms. Hamley O'Donnell reviewed proposed Ordinance No. 14-2017 amending various sections of Part Eleven, Zoning Code, of the Codified Ordinances of the City of Cleveland Heights with the Planning Commission. Proposed Ordinance No. 14-2017 was made a matter of record.

Ms. Rothenberg asked that her memo to Planning Commission dated March 1, 2017 also be made a matter of record. She explained that memo summarized and then set forth several modifications to proposed amendments that were indicated in yellow highlighting.

Ms. Hamley O'Donnell stated that her goal was to try to cover the main points of Ordinance No. 14-2017 and the proposed modifications to the proposed amendments in detail. She reminded that Council had transmitted the proposed Zoning Code amendments to Planning Commission for your review by introducing the ordinance and tonight, at the conclusion of this meeting, the Planning Commission will make a motion to either recommend, possibly with modifications, the proposed amendment or recommend denial. The City Council will hold a public hearing on the Planning Commission's recommendation on March 13th at 6:30 PM and then vote on the legislation at the March 20th City Council meeting. If the amendments are passed by Council, they will then become effective 30 days later.

Ms. Hamley O'Donnell reviewed the primary proposed changes to the Code:

- permitting a maximum 4' tall fence in a front yard subject to ABR approval, general procedure for fence approval in a corner side yard and clarification of fence regulations for vegetable/edible gardens;
- reducing minimum size of a multiple family dwelling to 500 square feet;
- requiring attached garages in multi-family districts to reflect the character of the neighborhood in which they are located;
- allowing townhouses or other buildings to allow rooftop equipment or stair accessing the roof to exceed the maximum height requirement if approved by ABR;
- establishing a "purpose" of the C2-X district and updating charts to include the C2-X district;

- clarifying that ATM outside a building or in a vestibule of a building must be owned and operated by a financial establishment located on the same premises;
- adding hotels as a conditionally permitted use in all commercial districts, removing "motel" from definition of "hotel or motel," and adding supplemental standards for hotels;
- removing hospitals and auto-oriented uses as uses permitted in the C-2 District and making parking lots conditionally permitted in the C-2 District;
- changing murals from a conditionally permitted use to a permitted use;
- clarifying that window transparency requirement is required for existing as well as newly constructed or renovated buildings;
- Clarifying off-street parking lot accessory use regulations to make sure that parking, driveways or drive-thru facilities are not permitted between the building and the right-of-way;
- Permitting a pergola or other freestanding structure in front of building but not within the required front yard, subject to ABR approval;
- Clarifying the language in the PDO District and giving the Planning Commission additional flexibility when considering density, dwelling unit area, yard requirements, height and parking requirements. This flexibility would be conditioned upon the development being appropriate and consistent with the proposed uses, the surrounding properties and neighborhood character and that it furthered our Sustainability Guidelines.
- Changing conditionally permitted chicken coops/runs from Planning Commission to Zoning Administrator approval with notice given to neighbors after the permit is issued.

Mr. Mattox asked about the inclusion of funeral homes in the C-2 District, as they are not pedestrian friendly. Ms. Hamley O'Donnell noted that was a worthy point they would study for future amendments and that it is a Conditional Use, so any proposed funeral home would require Planning Commission review. Mr. Mattox also noted that landscaping could have the same effect of blocking views in and out of a building if it was too high, as shown in a case where a landscaped outdoor dining area blocked the view of the front of the restaurant. Staff agreed this was something staff could look at in the future.

Ms. Cohen asked about 4' tall fencing and it whether it might block visibility. Ms. Hamley O'Donnell pointed out that there is a Code section that requires fencing setbacks near driveways and at intersections so that fencing or landscaping does not impede visibility. 4' seems to be a comfortable height and one where the BZA has often granted variances.

Mr. Brown, 2903 Hampshire Road, brought up concerns over whether ABR approval of all fences in the front yard was necessary and whether standards could be developed. Ms. Rothenberg commented that the ABR has the authority to create standards but the members are newer and wanted to have more experience reviewing cases before they promulgated standards. Mr. Brown asked about visibility through windows and noted that some windows have applied dark film. Mr. Brown asked if there were decals or other applied materials would we ask them to remove this retroactively? Ms. Hamley O'Donnell noted that temporary windows signs are addressed in the sign code. Ms. Hamley O'Donnell noted that businesses with existing tinted windows would be a prior nonconforming use. Mr. Wong said we would not go overboard to enforce this regulation on windows that already had vision-blocking film and Ms. Rothenberg noted that the ordinance allows some flexibility if approved by the Zoning Administrator. Mr. Brown encouraged a demolition review ordinance in Design Districts and of Landmarks.

Mr. Cobb and Ms. Cohen were interested in a demolition review ordinance and encouraged Mr. Brown and Ms. Nash to share their comments at the City Council public hearing on the ordinance changes.

Councilwoman Dunbar noted she had suggested it to Council six years ago when she was first on Council and there wasn't interest, but there are many new people on City Council.

Ms. C.J. Nash, 1416 Vandemar Street, noted that landscaping can block window views, as can posters and tinted windows. She noted that there is a security problem when law enforcement can't see into a business because of tinted glass or posters on the windows. She noted that attached garages are desirable and, if they couldn't be allowed by Code, it would be nice if breezeways could be permitted because of Cleveland's harsh winters. She hoped that a demolition review ordinance could be considered, but advocated for all neighborhoods, not just those considered historic.

Ms. Cohen asked how the auto regulation changes affect the existing auto businesses if they came for expansion. Ms. Rothenberg said they are grandfathered in but would need to get a variance to expand the nonconforming use if they would like to expand. Ms. Hamley O'Donnell noted that if a nonconforming business went dormant for 2 years, the grandfathering would expire. Once it was no longer grandfathered, a variance would be required to operate an auto use on the site, but we understand that environmental issues can sometimes preclude other development, so that is something the Board of Zoning Appeals could take into consideration. Ms. Hamley O'Donnell said we are happy to have our existing businesses be successful, but when they are no longer operational, we have a different vision for how the sites might be developed. Mr. Wong said it sets an even higher standard for those existing businesses when they do want to change.

Ms. Cohen made a motion to recommend the amendments contained in Ordinance No. 14-2017 transmitted by Council, as marked in red, with additional modifications suggested by staff attached to the memo dated March 1, 2017, from Ms. Rothenberg to Planning Commission as marked in yellow highlighting. Seconded by Mr. Rink, the motion to recommend the amendments with the noted modifications be adopted by Council

Mr. Cobb asked that all of the comments made by the Commission incorporated by reference and due consideration be made to comments made by the public. Mr. Cobb commended staff on the work and the Commission agreed. The comments by the public were in favor of the proposed changes.

Motion passed 6-0.

Ms. Rothenberg added that Karen Knittel, who wasn't present, was integral in moving the amendments forward.

The meeting was adjourned at 8:30 PM.

Craig S. Cobb, Chair

Richard Wong, Secretary

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