

PLANNING COMMISSION
December 9, 2015
MEETING MINUTES

MEMBERS PRESENT:	Craig Cobb	Vice Chair
	Adam Howe	
	Len Horowitz	
	Anthony Mattox Jr.	
	Michael Ungar	Chair
	Jeff Rink	
	Jessica Cohen	

STAFF PRESENT:	Richard Wong	Director of Planning & Development
	Kara Hamley O'Donnell	City Planner
	Elizabeth Rothenberg	Assistant Director of Law

Mr. Ungar welcomed everyone to the December 2015 Planning Commission Meeting. He stated our first order of business will be to call the roll.

Mr. Wong began:

Mr. Cobb	Here
Ms. Cohen	Here
Mr. Horowitz	Here
Mr. Howe	Here
Mr. Mattox, Jr.	Here
Mr. Rink	Here
Mr. Ungar	Here

Mr. Wong stated there were seven present.

Mr. Ungar stated we have full house this evening and welcomed everyone. He stated the first agenda item is approval of the minutes from our November meeting. He asked if anyone had any amendments, corrections, revisions or otherwise wish to say anything with respect to those minutes. There was not so there were approved.

Project 15-36: E. Netzel-Hatcher, 1450 & 1474 Rydalmount (PPN 684-36-005 & 684-36-027), 'MF-1' multi-family, requests lot joining.

Mr. Ungar asked that all those who plan to testify about this matter please stand and be sworn in by our Assistant Director.

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

Ms. Hamley O'Donnell noted that only the applicant stood to be sworn in and stated that this is two lots and showed a diagram of the property. Ms. Hamley O'Donnell stated these two lots are adjacent to each other fronting Mayfield Road and Rydalmount Road. She pointed out that there used to be a house on southern lot which is about half the size of most Rydalmount lots. She stated it is undersized and if it were a single-family zoned lot, it would be undersized and it is also undersized for multi-family zoning. The applicant has purchased the vacant parcel and would like to join these together. She pointed out that they do not have much of a rear yard and the main frontage is along Mayfield Road. Ms. Hamley O'Donnell showed a slide which faces Rydalmount. She showed the survey and explained she had this issue with another project where part of the property line went right into the middle of the road for a lot joining. One of the conditions for approval is that this line be moved up to the standard location and joined together. Ms. Hamley O'Donnell stated there already is a State easement on this portion which is in the Mayfield right away, so that is already covered.

Ms. Hamley O'Donnell stated that the Board of Zoning Appeals paved the way by granting a variance so that the existing non-conforming use of a single-family house on a multi-family lot could be extended to that adjacent parcel. She stated that then paves the way for the Planning Commission to approve joining those parcels. Ms. Hamley O'Donnell stated that they recommend that the Planning Commission approve the joining of permanent parcel numbers 684-36-005 and 684-36-027 to create a Code-compliant parcel with the following conditions:

- 1. The newly created lot shall not include any Rydalmount Road right-of-way; and*
- 2. Prior to submitting the plat to the County Recorder, it must be signed by the Director of Law and Director of Planning & Development.*

She added that the applicant is here this evening.

Mr. Ungar asked if there were any questions of staff before we hear from the applicant.

Mr. Horowitz asked about what gets filed with the County, will it have a description.

Ms. Hamley O'Donnell answered that they have already submitted a preliminary one to us and her surveyor has submitted it to the County and is waiting for their feedback.

Ms. Cohen asked about the variance that the Board of Zoning Appeals approved and she was not sure if Ms. Hamley O'Donnell could answer it. She asked why there is zoning for multi-family and most of the homes are single-family. She is curious about that aspect, is that extended and do they only have to address that because it was an additional parcel or is that something that is going on in the neighborhood.

Ms. Rothenberg answered that what happened with BZA, there is a provision of the Code that says when any existing use is a non-conforming use, and the parcel of land upon which such a use exists, thereafter, is augmented by the acquisition of an adjoining land, such existing use shall not be extended to the after-acquired land. She stated that, in this case, that is exactly what they are doing and it's just a quirk. Ms. Rothenberg felt that the

understanding is, from what she heard at BZA and why the Board was able to find a practical difficulty. She stated because it is Mayfield Road and it is so busy, it would likely become a multi-family zoned area and it is just that the single-family house was there before it was zoned. Ms. Rothenberg stated that it made sense from a schematic view that it would be a multi-family zone and there just happens to be a single-family house on it. The variance was required because the Code states you cannot have a non-conforming use that extends to a joining lot which is exactly what they are asking to do tonight.

Ms. Hamley O'Donnell stated it is not uncommon for certain areas to be zoned in a way that is different than some of the houses that are on it. She stated this part was zoned likely after those houses were built. We are an older community that has been built over time and it's not uncommon for that to happen.

Ms. Cohen thanked them.

Mr. Ungar asked if there were any other questions of our staff before we hear from the applicant. There were none.

He asked that this person coming to the lectern to confirm that you have been sworn in by our Assistant Law Director.

This woman stated that her name is Eustacia Netzel-Hatcher. She said her address is 1450 Rydalmount Road in Cleveland Heights and she has been sworn in.

She wanted to say that they purchased our home 2 1/2 years ago and that house was on the market then for about 2 years. She stated one of the things we struggled to get over was the size of the lot and that there was not really any useable yard. She stated that their realtor had pointed out to them that the lot to the south of it had been vacant and they had not been paying their taxes and there was a chance at some point we could probably purchase it. She said that was really the selling point for them. She stated they have a dog and two small children and really no area for them to play in. To her it made sense that these be together permanently so in the future, if they were to sell it, we would have to sell it together in order for the property to move. She stated she doubted if it would attract many future buyers if it were to remain separate.

Ms. Hamley O'Donnell stated that if she wanted to put a shed or a play structure, or any type of accessory use, she could not have an accessory use on the vacant property unless there was a principal use. In other words, if she wanted to keep them separate and wanted to put a play structure or shed up, she would not be able to.

Ms. Netzel-Hatcher stated that is a good point, too, since their garage and house was built in 1920 and the garage has just enough room for their cars. Bikes, wagons or anything else is stored in their house and it will be nice to have an outside structure to store them in.

Mr. Ungar asked if there were any questions for the applicant.

There were none.

Mr. Horowitz made the motion for approval for Project 15-36 with the two staff recommendations.

Mr. Rink seconded the motion.

All those in favor say aye.

Aye.

Any opposed. None.

Any abstentions. There were none.

Mr. Ungar stated it carries unanimously and wished them good luck.

Mr. Ungar said before anyone exits the room this evening, he also wanted to note that we are privileged this evening to join us this evening none other than our very distinguished former mayor, Mr. Ed Kelly, right in the back of the room. He stated we are thrilled to see him again. Mr. Ungar stated he sits here largely because of that man. He stated it was nice to see him.

Project 15-37: International Securities, dba Motorcars Collision Center, 3077 Mayfield Rd at Monticello (former Pontiac bldg.), 'C-1' Office, requests cond. use permit for auto body shop per Code chapters 1111, 1115, 1131, 1151, 1153 & 1161.

Mr. Ungar asked for all of those who plan to testify on this matter, please stand and be sworn in by our Assistant Law Director.

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

Ms. Rothenberg stated that we wanted to note for the record because of a business conflict, Mr. Howe is going to be stepping down and will recuse himself this evening.

Ms. Hamley O'Donnell stated that since it seems that everyone in the audience is with the applicant with the exception of a couple of people who are here to observe, she plans to go through the staff report pretty quickly.

Ms. Hamley O'Donnell stated there is a lot of history with this site and about the first page of your staff report includes the history of the site dating back to 1954 when it was first built. She showed the site and pointed out the Community Center and various commercial entities along the Mayfield Road corridor. She stated the applicant is proposing to re-purpose the majority of this building. She stated that back in February the Planning Commission issued a Conditional Use Permit for them to replace Motorcars Mobility with the sale of used cars in their rear portion of the building. The proposal at that time was to put retail and a restaurant in the front of the building. The applicant found that did not work and was having difficulty getting anyone that was interested. The applicant decided to revert back to what the building had been originally used for, almost exclusively for auto oriented use. Ms. Hamley O'Donnell stated that last month the Board of Zoning Appeals granted a variance to permit auto-oriented office and retail use on this parcel, future retail restaurant, office and auto-oriented uses that are similarly non-conforming shall be permitted but if such uses are conditionally permitted in other commercial districts in the case of auto repair or auto body like what is proposed, those uses would require a

Conditional Use permit. The one condition the Board of Zoning Appeals put on this was that the maximum retail/restaurant use in this building shall be greater than 6,733 square feet which is what the applicant is proposing.

Ms. Hamley O'Donnell showed a photo dating back to the 1950s when it was first built as a Pontiac dealership. She then showed what it looks like today. She stated the site plan is unchanged from when this was proposed to you earlier this year. The site is exactly the same as it is now. Ms. Hamley O'Donnell showed a slide of the proposed layout. She stated the original proposal had auto repair in the blue area and then the other areas off to the right was all for retail. Now they are proposing the auto body shop in the back by the blue area and then they will have an office in the center area. She pointed out a red area where you could pull a car inside to have an estimate. The yellow part at the top, is possibly for a future restaurant or retail or an office. She stated you also approved for them, back in 2014, the ability to have Motorcars Mobility which was their handicapped van and mobility sales and so they would like to keep their offices over at the site as well and maybe a couple of automobiles since this is a very handicapped accessible building. They do not need to have all these mobility cars on site but they need a place for people to come to see what is available. Basically, they will have a couple of Motorcar businesses under one roof. Ms. Hamley O'Donnell stated that they have discussed having a donut shop or some sort of small restaurant which may or may not have a drive-up window. She stated, if and when that comes, the drive-thru is a Conditional Use and it will be back before you then. If it were to have outdoor dining over 25 seats, that's also a Conditional Use, so that would also come back before you.

The Planning Commission will review this based on the Standards for Conditional Uses, 1153.05.

1153.05(a) The C-1 district is for limited application along certain major streets. The proposed uses are compatible with adjacent uses along Mayfield Road as well as the site's historic use which was entirely auto related. She stated this use is consistent with the recently approved automotive uses and the original car dealership use. She stated Mayfield Road is a busy arterial road carrying 19,000 vehicles a day.

1153.05(b) The site has operated as an auto use and there has been no adverse effect on the public health, safety or welfare. The applicant must assure the Commission that the proposed spray paint booth and ventilation meets the highest standards and the neighboring property owners and tenants will not be subjected to noxious fumes.

1153.05(c) The applicants have invested a lot of money into this building over the last few years since they purchased it. Ms. Hamley O'Donnell thinks that people have become accustomed to that being used for auto repair and sales since its inception in the 1950s. She stated they wanted to make sure that tow trucks or flatbed trucks do not park in front of the building which would negatively change the character of the site as seen from Mayfield Road. She stated they required the tow trucks and such large vehicles to restrict their business to the rear (north) of the site and this should be a condition of approval. There is little landscaping on the site which creates a stark appearance. She stated that in similar approvals that have come to you in the last year or so, a landscape plan including dumpster screening, shade trees and a detailed landscaping were conditions of approval. This should be a condition of approval.

1153.05(d) Ms. Hamley O'Donnell stated that this Code section deals with changing the property values within the neighborhood and she felt this is not an issue.

1153.05(e) Ms. Hamley O'Donnell said that staff didn't see any impact of that since there will be not changes made.

1153.05(f) & (g) Ms. Hamley O'Donnell stated we do not anticipate this causing traffic congestion and any drive thru will have to come back and go through you for further review.

1153.05(h) She stated that she did not anticipate any demand on utilities.

1153.05(i), (j) and (k) We do not anticipate any issues.

Ms. Hamley O'Donnell continued saying that, in your report, it does talk about the Standards for Conditional Uses with auto repair and she is not going to go into those in detail but she does not anticipate that being an issue. It does talk a little about landscaping and we have incorporated that into our recommended conditions. She said with the Sustainability Guidelines, the specifics don't apply as much in this case but, again, we like to see our vacant buildings full and that is important to our sustainability. Ms. Hamley O'Donnell stated that staff recommends that the Planning Commission approve International Securities, dba as Motorcars Collision Center, to operate an auto body repair shop at 3077 Mayfield Road, as shown in the drawings, along with the continued use of a portion of the building for Motorcars Mobility with the following additional 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. All activities, including cleaning, washing and drying operations shall take place inside the building;
4. Chemical fumes and dust shall not be detectable from neighboring properties, the public streets or sidewalks;
5. No junk, inoperative or unlicensed vehicle will be permitted to remain anywhere outside on the property for more than forty-eight (48) hours;
6. No merchandise may be displayed outdoors;
7. Tow trucks, flatbed trucks and other similar oversized vehicles shall not be permitted in the front (south) parking lot;
8. The drive aprons shall always be free of vehicles and signs;
9. Architectural Board of Review approval of any exterior changes including signs;
10. All permanent and temporary signs shall conform to zoning requirements, taking into account previous variances;
11. 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 by July 1, 2016;
12. Windows shall remain transparent and provide views to allow people to see and be seen in compliance with Code section 1131.075(a);
13. Future drive-thru or outdoor dining shall require a Conditional Use Permit; and
14. All required construction and installation of the use shall be completed within 18 months of Planning Commission approval.

Ms. Hamley O'Donnell stated that was all she had.

Mr. Ungar asked if there were any questions of staff.

Mr. Horowitz asked if they were owned by the same company.

Ms. Hamley O'Donnell answered, yes, it is owned by the Giles.

Mr. Ungar asked that Ms. Hamley O'Donnell go back to the alphabetized list. He asked about there being no discussion of the landscape plan but then in your narrative and in the submission we have, or did he miss it. He wanted to be clear about his concern, right now you are saying that the landscape plan which you referenced in "c" would somehow be harmonious with the general vicinity. He offered his opinion of that general area and he feels it stinks. He stated that he would hope that the amendment would say that the landscaping plan that is acceptable to Richard and you, then I will be much more comfortable that it is actually going to improve the appearance of that space vs. being consistent with that area. I want it to look better.

Mr. Wong stated our intention is, and I think the Giles' intention, to bring that up to the standard of the rest of their properties. Mr. Wong stated all of their properties that we have seen on Mayfield Road had beautiful landscaping along the street so we are hoping that it is keeping more with the rest of their businesses.

Mr. Ungar stated he wanted it be crystal clear as to your oversight and that they have to satisfy our Planning Department.

Ms. Hamley O'Donnell stated that in condition #11, we say "detailed landscape plan for Planning Director approval" and also, when we look at the vicinity, we are talking about Motorcars and we are talking about the Community Center which has landscaping along the periphery.

Mr. Ungar stated she had made a fair point, but he was talking about going the other way. He wants that not to be the bench mark we are looking at, we are looking at a higher standard which he is confident will be posed by our Planning Director. Ms. Hamley O'Donnell stated they have had that discussion with the Giles and their designer and we have shared these conditions in advance with them.

Ms. Cohen asked about the retail space that is supposed to be in the front, is there any concern about the parking since most of the parking is in the back of the building. She thinks that what she understood is that the retail space is fine under what we are considering today but what we are considering is for the future is if they want a drive-thru.

Ms. Hamley O'Donnell stated that as far as the parking goes with requirements, they are within what is required and needed. She said if they do open a retail space, that they would

probably push their staff to the back so that the retail space had room. She stated, as far as the square footage and our code requirements, they have sufficient parking for that to be retail or office or a restaurant.

Mr. Ungar stated we will now hear from the applicant.

The applicant came to the lectern and stated his name is Matt Gile and that his address is 2950 Mayfield Road and yes, he was sworn in.

Ms. Rothenberg asked him to answer the question again about the relationship between International Securities and Motorcars.

Mr. Gile stated that International Securities is the legal corporate name but we do business as Motorcars Honda, Motorcars Toyota or Motorcars Collision. He corrected, stating that Motorcars Honda is a different entity. He stated he appreciated everyone's time. He said the Ms. Hamley O'Donnell pretty much presented the project how it is. He said the building is going to be better utilized for us as far as a body shop and we are still going to keep our mobility center, it just does not need that much space. The equipment that is going in is going to be all state of the art so it will be all brand new. There are new paint booths with all the latest technology. He stated that Sherman, our body shop manager, has contacted OSHA to make sure that we are doing everything the proper way. He commented that he did not think too many businesses contact OSHA without them contacting them first. Mr. Gile said they are trying to make sure we do everything correctly and everything is as environmentally as possible. He said to address the landscape questions, he stated they know that it needs to look good. He stated that Mr. Wong has never allowed them to do anything that did not look good. Mr. Gile said he knows in the front there are some rocks that the plants that are close to the street never survive with the snow plow always getting them, so we will have to come up with a hardy plant that can handle the road salt and snow.

Mr. Ungar asked if there were any questions for the applicant. There were none.

A gentleman spoke out from the audience and was asked to come to the lectern. He came up and said his name is Fritz Alderman from Kildare Street and had a question on how they were going to screen the cars that are crashed and waiting for repair.

Mr. Ungar replied that is a good question and that he would call Mr. Gile to come back up and answer that question.

Mr. Gile responded that the process moves pretty quickly now. The tow truck drops the car off, the estimators come out and as soon as we can fix it we are bringing it in and we are starting to work on the vehicle, if not it is towed off to the junk yard.

Another gentleman came up to the lectern. This man stated his name is Sherman Thomas and is currently at 2926 Mayfield Road, the existing Collision Center. He stated he has been sworn in. He stated that we are currently in a very small building with one door in and one door out. He stated we are able to get every car in at night. Mr. Thomas said the only cars that are not in at night are cars that are probably not going to be repaired or ones that are waiting on authorization or maybe the person was injured and were not able to sign for us to start work on it. He stated at one point there was mention of a fence, but he thought that with some proper landscape along the Monticello side you will not be seeing smashed cars.

Mr. Ungar thanked him.

Ms. Cohen asked if there are houses north of them.

Ms. Hamley O'Donnell replied that is an office building and a small building that was a daycare for a while and now it is offices. The Medusa Building is north of that.

Ms. Cohen stated she did not know how far out you give notice about changes, since there was some mention about fumes and Motorcars being very careful about that. She was just wondering how far the notices went.

Ms. Hamley O'Donnell checked the file. Mr. Wong meanwhile answered we notify the property next to the subject property and the property next to that one as a matter of the law.

Ms. Cohen asked if there was anyone from the Rockefeller building here tonight.

Ms. Hamley O'Donnell replied that we notified the Rockefeller Building, everyone across from them and us. She pointed out on the overhead where she was speaking of.

Mr. Ungar asked if there were any other questions.

Mr. Mattox stated that he thought this was actually a better location, not because it was bigger but the homes are so close to the current location.

Ms. Hamley O'Donnell stated they are really close and, she thought she said this in the staff report, there have been windy days when we have gotten calls and there are houses literally right against the parking lot here. She stated that Mr. Gile and she have always talked about changing the filters, so from our standpoint, moving it away from single-family homes will be a better location.

Mr. Ungar asked if anyone else wanted to be heard, or has any questions about this.

Mr. Rink made a motion to approve Project 15-37 with all 14 staff recommendations.

Mr. Cobb seconded the motion.

All those in favor say aye.

Aye.

Anyone opposed, no.

There is one recusal, Mr. Howe.

Mr. Ungar stated it carries and that we look forward to seeing what they come up.

OLD BUSINESS

A discussion was had concerning the request of neighbors of the proposed site of the Hebrew Academy to have the Planning Commission visit their properties. Ms. Rothenberg asked Planning Commission if they would be interested in both visiting the site of the proposed project and neighboring properties. The Planning Commission indicated that they would be interested. Ms. Rothenberg stated that she would work out the details and a visit would take place closer to the date when the final application was to be heard by Planning Commission.

Mr. Unger asked if there was anything else we need an update on. There was nothing.

Mr. Ungar thanked all and we were adjourned at 8:00 PM

Michael Ungar, Chair

Richard Wong, Secretary

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