

**City of Cleveland Heights
Planning Commission**

STAFF REPORT FOR THE FEBRUARY 9, 2022 REGULAR MEETING

TO: Members of the Planning Commission

FROM: Karen Knittel, Assistant Planning Director
Eric Zamft, Planning Director

DATE: February 4, 2022
Updated February 9, 2022

SUBJECT: Proj. No. 21-17 Flaherty & Collins, C-2X Multiple-Use, Cedar-Lee-Meadowbrook redevelopment, bounded by Cedar Rd., Lee Rd., and Meadowbrook Blvd., and is bisected by Tullamore Rd. (PPN 687-06-009, 687-06-010, 687-06-013, 687-06-088, 687-06-089, 687-06-090, 687-06-091, 687-06-092, 687-06-093, 687-06-094, 687-06-095, 687-06-096, 687-06-159 and 687-08-001) per Zoning Code chapters 1111, 1115, 1131, 1151, 1153 1161, 1165, 1166.

- a. Requests approval of conditional use permit for public green space/park at the corner of Meadowbrook Blvd. and to establish building setback from Meadowbrook Blvd.;
- b. Requests approval of conditional use permit for live-work units and to establish Tullamore Rd. building setback;
- c. Requests approval of larger-scale development site plan.

CONTEXT

The Cedar-Lee-Meadowbrook Project Site currently is bounded by Cedar Rd. to the north, Meadowbrook Blvd. to the south, the Lee Rd. commercial properties to the west, and residential properties to the east (the "Project Site"). For purposes of this Staff Report, the portion of the site north of Tullamore Rd. is referred to as the "Cedar-Lee site", with the building on this site is referred to as the "Cedar-Lee Building" on the site plans. The portion of the project south of Tullamore Rd. is referred to as the "Meadowbrook site" and the building on this site is referred to as the "Meadowbrook Building" on the site plans.

The property is zoned 'C2-X' Multiple-Use. The adjacent commercial properties along Lee and Cedar Roads are zoned 'C2-X' Multiple-Use. Across Cedar Rd. to the north is the Cleveland Heights-University Heights High School, zoned 'S2' Mixed-Use. To the east and north of Tullamore Rd., the residential property is zoned 'A' Single-Family and the property to South of Tullamore with Tullamore addresses are zoned 'A' Single-Family. The apartment buildings to the east with Meadowbrook Blvd. addresses are zoned 'MF2' Multiple-Family. South, across Meadowbrook Blvd., the commercial property is zoned 'C-2X' Multiple-Use.

The purpose of the 'C2-X' Multiple-Use District is to provide standards for the continued operation of mixed-use neighborhoods and to provide for dense, mixed uses along thoroughfares, and to concentrate mixed-use buildings to promote and encourage activity. Parking and driveways are generally located so as not to disrupt the pedestrian activity. The adopted 2017 City of Cleveland Heights Master Plan Future Land Use Map shows this area as Mixed-Use Commercial & Retail that is described as being a walkable building with upper-floor residential or office.

The overall Project Site is approximately 4.80 acres and currently consists of surface and covered parking areas, vacant commercial buildings, and vacant land. The site is currently owned by the City of Cleveland Heights. Mixed-use commercial/residential redevelopment of this site has been a long-pursued goal of the City, dating back to the initial environmental cleanup of the site in 2006. After the 2020 Request for Proposal/Qualifications (RFP/RFQ) process, the City entered into a development agreement with Flaherty & Collins Properties (the "Applicant"). Flaherty & Collins Properties is working with local architectural and site planning consultants, City Architecture.

PROCESS

- Four (4) public open houses and workshops were held to gather public comment and inform the project design prior to the start of the formal approval process.
- Parking and Traffic Studies of the district and the development site were commissioned by the City and is in the process of being completed.
- The Applicant provided an informational presentation on the Project and there was a discussion at the December 1, 2021 Transportation & Environmental Sustainability Committee meeting.
- The Project had a preliminary review by the Planning Commission on December 8, 2021; final plan approval of the development site plan and conditional use permits must be granted by the Planning Commission.
- The Project had a preliminary review by the Architectural Board of Appeals on December 21, 2021.
- The Project requested and received variances from the Board of Zoning Appeals on January 19, 2022, as follows:
 - A. Cedar-Lee site, 1320 Cedar Rd. & 2223 Lee Rd. received the following variances:
 1. Variance Cal No. 3539A (1) to Sect. 1131.14(f) to permit the front yard on Cedar Rd. to be a maximum of 15' 11" as shown on the Dimensioned Site Plan submitted with the BZA application.
 2. Variance Cal. No. 3539A (2) to Sect. 1131.14(g)(4) to permit no upper floor setback along the Cedar Rd. face of the Cedar-Lee building.
 3. Variance Cal No. 3539 A (3) to Sect. 1166.05(b) to permit the landscaped yard along Cedar Rd., to be less than 10' as shown on the Cedar Rd. Landscaping Buffer drawing submitted with the BZA application.
 - B. Meadowbrook site, 2223 Lee Rd. received the following variances:
 1. Variance Cal. No. 3539 B (1) to Sect. 1131.14(f) to permit the front yard on Lee Rd. to be a maximum of 16'5" as shown on the Dimensioned Site Plan submitted with the BZA application.
 2. Variance Cal. No. 3539 B (2) to Sect. 1131.14(f) to permit the rear yard abutting 3216 Tullamore Rd. to be a minimum of 7' as shown on the Dimensioned Site Plan submitted with the BZA application.
 3. Variance Cal. No. 3539 B (3) to Sect. 1131.14(g)(4) to permit no upper floor setback along Tullamore Rd.
 4. Variance Cal No 3539 B (4) to Sect 1131.075(a) to permit 52.3% of windows along the Tullamore Rd. lineal frontage.
 5. Variance Cal. No. 3539B (5) to Sect. 1166.05(b) is to permit less than 10' landscaped yd. along Tullamore Rd. & Lee Rd. permitting no landscape yard along Lee Rd. and on along the Tullamore Rd. corner, as shown on the Lee Rd. Landscaping Buffer Setback drawing submitted with the BZA application.

- The Project will be reviewed by the Architectural Board of Review at their March 1, 2022 meeting. Final approval must be given by the Architectural Board of Appeals.
- Any changes that are required by either the Planning Commission or the Architectural Board of Review as part of their review and decision-making on the proposed project will need to be reviewed for zoning compliance. Should any of these changes or conditions not conform to zoning regulations, the Applicant would be required to request additional variances.

MATERIALS SUBMITTED

- Application and narrative for Larger Scale Development Plan Review
- Conditional Use Permit Application for Public Greenspace/Park
- Conditional Use Permit Application for Live-Work Units
- Neff Survey of development site, dated 11/16/2021
 - Boundary & Easements
 - Site Conditions & Utilities
 - Site Utilities & Topography
- Cedar-Lee-Meadowbrook Site Plans and Illustrations, dated 2/9/2022
 - Comments on Preliminary Review of Planning Commission (12/8/2021) – page 3
 - Overall project area aerial – page 4
 - Cedar-Lee-Meadowbrook Vision – pages 5-8
 - Open Space Plan – page 9
 - Site Survey – page 10
 - Parking garage – page 11
 - Parking Study area boundaries – page 12
 - Cedar-Lee-Meadowbrook Development Site Plan – page 13
 - Trip Distribution-Site Access – page 14
 - Variance Diagram – page 15
 - Tree Preservation Plan – page 16
 - Conceptual Landscape Plan – page 17
 - Site Shadow Study – page 18
 - Cedar-Lee: Shared Street – page 19
 - Cedar-Lee Road Streetscape – page 20
 - Cedar-Lee: Cedar Road Streetscape – page 21
 - Cedar-Lee building floorplans – page 22
 - Cedar-Lee elevation concepts – page 23
 - Cedar-Lee elevation concepts – page 24
 - Cedar-Lee from Cedar Road and Cleveland Heights High School – page 25
 - Cedar-Lee District Height Comparison Study – page 26
 - Cedar Lee from Cedar Road – page 27
 - Looking along Shared Street towards Cedar Road – page 28
 - Shared Street plaza and crossing – page 29
 - View from Cedarbrook – page 30
 - Cedar Lee resident courtyard – page 31
 - Cedar Lee from mini-park and Boss Dog patio – page 32
 - Meadowbrook site plan – page 33
 - Meadowbrook: Lee Road Streetscape – page 34
 - Meadowbrook: floor plans – page 35
 - Meadowbrook building concepts – page 36
 - Meadowbrook building concepts page 37

- View looking down Tullamore Road – page 38
- Lee Road and Tullamore Road intersection – page 39
- View looking down Tullamore – page 40
- View from the Shared Street – page 41
- View of Meadowbrook activity green space – page 42
- View of Meadowbrook activity green space from Best Gyros – page 43
- Cedar Lee Meadowbrook Concept – page 44
- Cedar Lee Meadowbrook Parking Plan Recommendation DESMAN Memo, dated 2/1/2022
- Cedar Lee Meadowbrook Traffic Study WSP Planning Commission Summary Report, dated 2/9/2022
- Dimensioned Site Plan originally submitted to the Board of Zoning Appeals

PROJECT DESCRIPTION

The Applicant proposes to construct two (2) new mixed-use buildings containing 206 residential units, along with maintaining the existing 377-space parking garage. The mixed-use buildings will have non-residential spaces on the first floor, including retail, live-work units, and amenity space, with residential units above (the "Proposed Project"). Live-work units are conditional permitted uses in the commercial districts.

The Cedar-Lee site is proposed to have a mixed-use building facing Cedar Rd. The building is proposed to be four (4) stories tall. The building will have 139 units and will have 1,200 square feet of retail space. This site includes the development's outdoor swimming pool along an interior courtyard area of the 'C' shaped building.

The Meadowbrook site is proposed to have a mixed-use building that faces both Lee Rd. and Tullamore Rd. The building is proposed to three (3) and four (4) stories tall and will have 67 units and 7,000 square feet of retail space. The last portion of the building on Tullamore Rd. adjacent to the single-family residential neighborhood steps down to be two (2) stories. The Meadowbrook corner is proposed to be a public green space/park. Public parks are conditionally permitted in commercial districts. The Meadowbrook building is proposed to include a private interior courtyard for residents only.

The Project Site is proposed to maintain a north-south access drive, approximately parallel with Lee Rd., referred to as the "Shared Street". This access drive will be owned and maintained by the Applicant and is proposed to continue to provide the Lee Rd. commercial properties access to the rear of their properties that includes dumpsters and outdoor dining areas. This access drive is proposed to also provide access to drop-off and pick-up areas for the new Cedar-Lee building. Some existing and new parking spaces are proposed to be provided along the access drive for public use. A public walkway is proposed along the eastern edge of the Project Site connecting Tullamore Rd. to Cedar Rd.

For this project to move forward, three (3) approvals from the Planning Commission are required, these are described and discussed separately in this staff report.

REQUEST FOR CONDITIONAL USE PERMITS

a. Requests approval of conditional use permit for public green space/park at the corner of Meadowbrook Blvd. and to establish building setback from Meadowbrook Blvd.;

b. Requests approval of conditional use permit for live-work units and to establish Tullamore Rd. building setback;

STANDARDS FOR CONDITIONAL USES

A conditional use, and uses accessory to such conditional use, shall be permitted in a residential, commercial or special district only when specified as a permitted conditional use in such district, or when such use is determined by the Planning Commission to be a similar use, and only if such use conforms to the following standards in addition to any specific conditions, standards and regulations for such category of use set forth in Chapter 1151 of the Zoning Code. Furthermore, the Planning Commission shall find:

- a) That the conditional use will be in general accord with the purpose, intent and basic planning objectives of this Zoning Code, and with the objectives for the district in which located;*
- b) That the establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare;*
- c) That the conditional use will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, and that such use will not essentially change the character of the same area;*
- d) That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;*
- e) That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;*
- f) That adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided;*
- g) That adequate measures have been or will be taken to provide ingress and egress designed as to minimize traffic congestion in the public streets;*
- h) That the establishment of the conditional use should not be detrimental to the economic welfare of the community by creating excessive additional requirements at public cost for public facilities such as police, fire and schools;*
- i) That there is minimal potential for future hardship on the conditional use that could result from the proposed use being surrounded by uses permitted by right that are incompatible;*
- j) That the conditional use shall address the sustainability guidelines of Section 1165.06 (see below);*
- k) That the conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located as well as the specific supplemental conditions set forth in Chapter 1153.*

SUPPLEMENTAL STANDARDS FOR THIS CONDITIONAL USE (Zoning Code Section 1153.05)

1153.05(b) Public and Private Schools, Parks and Playgrounds. In any district, the Planning Commission may require a school, park or playground to fence in the outdoor play area to minimize traffic hazards and buffer neighboring properties.

REQUEST FOR APPROVAL OF LARGER SCALE DEVELOPMENT

c. Approval of the Cedar-Lee-Meadowbrook larger-scale development.

1115.09 Review of Development Plans for Conditional Uses

1115.09(a) Preparation of Development Plan. Development plans shall be prepared by a qualified professional, drawn to an appropriate scale and shall include the following information:

- (1) Plat, plot plan. Plat, property lines of the parcel or parcels proposed for development including existing utilities, easements, street right-of-way, and locations of existing principal buildings and land uses on adjacent parcel and across existing streets. Permanent parcel numbers of the development and adjacent parcels shall be included.*
- (2) Topography. Topographic maps showing existing and generally proposed grading contours at not greater than two (2) foot intervals including integration into and topography on adjacent properties, wooded areas, and trees of substantial size. The topography may be included on the plot plan.*
- (3) Principal and accessory buildings. The number, height, location and grouping of proposed dwelling units, nonresidential uses, recreational facilities and public uses along with notation of the development standards for building spacing, setback from public streets and maximum building height.*
- (4) Traffic. The proposed system of on-site vehicular circulation, details for access to streets, methods for control of traffic, and an assessment of the impact of the proposed development on the existing circulations system.*
- (5) Parking Areas. The layout, dimensions and estimate of the number of parking space, the landscaping and other design features of the parking area and types of pavement.*
- (6) Outdoor lighting. The location, type and illumination intensity of any existing or proposed outdoor lighting fixtures.*
- (7) Signs. Indication of the size, location, color, and nature of any existing or proposed signs on the property.*
- (8) Landscaping and screening plan. A preliminary description of the location and nature of existing and proposed vegetation, landscaping and screening elements.*
- (9) Outdoor storage. The location and layout of all outdoor storage including storage of waste materials and trash receptacles.*
- (10) Phasing, sequencing of project. A detailed statement of the phasing and staging of specific elements of the plan, including a proposed construction sequencing schedule.*
- (11) Utilities. Show proposed location of new utilities and authority to connect these to existing infrastructure. Storm water shall address requirements of Chapter 1335 Storm Water Management.*

SUSTAINABILITY GUIDELINES (Zoning Code Section 1165.06)

The following design characteristics and amenities are provided as a non-exclusive guide of items to be considered for all development plans. Additional design characteristics and public benefits and amenities not listed may also be considered.

- 1) Historic preservation and adaptive reuse of existing structures.*
- 2) The use of sustainable design and architecture, such as the use and/or incorporation of green roofs or white roofs, solar panels, wind turbines and other alternative energy efficient systems, and LEED (Leadership in Energy and Environmental Design) or LEED-equivalent structures.*
- 3) Incorporation of passive solar building and site design, where the design of the structure and the layout of the lots within the development collect solar energy in the form of heat in the winter and minimize heat in the summer.*
- 4) Where the development requires the demolition of existing structures, recycling and reuse of building materials from demolished structures.*
- 5) Site design that incorporates public safety initiatives, such as strategies advocated by Transportation Demand Management, Crime Prevention Through Environmental Design (CPTED) and Safe Routes to School.*
- 6) Preservation of natural features where the design of the site provides more usable and suitably located open space and natural amenities. The use of conservation easements is encouraged.*
- 7) Innovative storm water management techniques that exceed the performance standards required by the Ordinance and the City Code, and reduce the amount of impervious surface on the site.*
- 8) Additional public infrastructure improvements in addition to the minimum required by the planned development overlay, such as new or repaved streets, provision of bicycle paths, installation of gutters and sewers, new public transit stations, and traffic control devices to improve traffic flow.*
- 9) Community amenities such as public art, places to congregate such as plazas, malls, gardens, outdoor seating, and pedestrian and transit facilities.*
- 10) Additional open space and recreational amenities such as recreational open space and playgrounds, including athletic fields, dog parks, and natural water features and conservation areas above that required by the Ordinance.*
- 11) Provision of car or bicycle sharing facilities on-site.*

STAFF COMMENTARY & RECOMMENDATION

a. Requests approval of conditional use permit for public green space/park at the corner of Meadowbrook Blvd. and to establish building setback from Meadowbrook Blvd.;

The Applicant proposes a publicly accessible greenspace/park at the Meadowbrook Blvd. and Lee Rd. corner of the project site. A public utility easement runs through this area (the "AT&T easement"). The proposed public park will remain under the developer's ownership. It will be opened from dawn to dusk for the community's use. Programming for the proposed park will be facilitated by the City per the executed Development Agreement.

The C2-X District conditionally permits public green spaces/parks (Sect. 1131.14(b)); Planning Commission approval is required. As part of its conditional use permit review, the

Planning Commission can establish the permitted building setback from Meadowbrook Blvd. for the proposed Meadowbrook Building (Building #2) (Sect. 1131.14(f) note b).

The additional of a public greenspace/park will enhance the Cedar-Lee business district providing additional space for the public to gather and allowing a space for programmed activities. This is in keeping with the purpose of the C2-X District to encourage density and to promote and encourage activity. Allowing the building to be setback from the Meadowbrook Blvd. enables this greenspace/park amenity to be included.

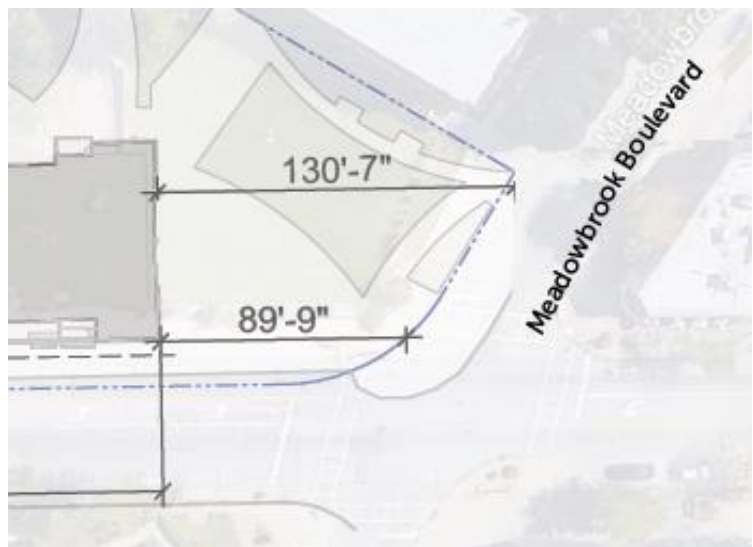
The greenspace/park will enhance the neighborhood. The design is being planned to be harmonious and appropriate in appearance with the character of the neighborhood. Public comments have been received asking that the edge of the park be considered and this will be considered as the final landscape plan is developed. The establishment of this conditional permitted park will not impede the normal and orderly development of the area, as its size, location and design have been developed to enhance both the proposed project and the Cedar Lee Business District. The proposed greenspace/park will address the Sustainable Guidelines items 6 and 10, providing an open and greenspace amenity for the public. The Applicant has affirmed that all conditional use standards will be met.

Sect. 1153.05(b) provides a supplemental conditional use standard for parks: *"in any district, the Planning Commission may require a park to fence in the outdoor play area to minimize traffic hazards and buffer neighboring properties."* The current proposal does not include an outdoor play area and therefore this supplemental conditional use standard does not apply. However, if in the future an outdoor play area is added then the project should be reviewed by the Planning Commission to consider whether or not a fence should be part of the design.

Staff Recommendation

Staff recommends approval by the Planning Commission of a Conditional Use Permit for Meadowbrook Park, with the following conditions:

1. Per Zoning Code Section 1131.14(b), the Planning Commission establishes a permitted setback for the Meadowbrook Building off of Meadowbrook Blvd. to range from 89'9" to 130'7" as shown on the Dimensioned Site Plan;
2. Should the park plan be modified to include an outdoor play area the plan will need to be reviewed by the Planning Commission and per Zoning Code Section 1153.05(b), the Planning Commission may require a park to fence in the outdoor play area to minimize traffic hazards and buffer neighboring properties;
3. Details of all proposed fences shall be part of the Final Landscape Plan;
4. A Final Landscape Plan shall be provided, as specified in Zoning



Code Section 1166.02 and 1166.03, which will need to be approved by the Planning Director;

5. A final Lighting Plan shall be provided, as specified in Zoning Code Section 1165.07 (Exterior Lighting Requirements), and should be environmentally-friendly, following Dark Sky principles, which will need to be approved by the Zoning Administrator;
6. The Applicant shall comply with Zoning Code Section 1151.02 (General Standards for all Conditional Uses);
7. The Applicant shall comply with those provisions of Zoning Code Section 1151.03 (Supplemental Standards for Conditional Uses) specific to Parks;
8. 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;
9. The Applicant shall work with staff to resolve any complaints from neighbors;
10. The Applicant shall obtain all other required local approvals and permits;
11. All required construction and installation of the use shall be completed within 36 months of Planning Commission approval.

b. Requests approval of conditional use permit for live-work units and to establish Tullamore Rd. building setback;



The Applicant proposes 26 live-work units in the Cedar-Lee building and ten (10) live-work units in the Meadowbrook building, for a total of 36 live-work units. All are on the first floor of the proposed buildings. They propose Live-Work units are conditionally permitted commercial uses in the C2-X zoning district. Planning Commission approval is required. As part of its conditional use permit review, the Planning Commission can establish the permitted building setback from Meadowbrook Blvd. for the proposed Meadowbrook Building (Sect. 1131.14(f) note b). This illustration is taken from the Dimensioned Site Plan submitted with the BZA application.

In response to comments made by the Architectural Board of Review at the preliminary review of the site plans, the development team re-positioned the last unit of the Meadowbrook building to be more in line with the Tullamore Rd. single family house setbacks. This results in the setback of the building being 11'8" from the Tullamore Rd. right-of-way. This setback results in the last live-work unit to be approximately aligned with the setback of 3216 Tullamore Rd. providing a smooth transition from the development site to the single-family residential neighborhood.

The Board of Zoning Appeals granted a variance to permit the building to be setback 7'5" from the 3216 Tullamore Rd. property line with the condition that a privacy fence and/or landscaping be installed. Staff recommends that Planning Commission include this requirement as a condition of approval of the conditional use permit and the larger-scale development plan.

Live-work units provide another option to small business owners allowing them to operate their small business out of their homes within a commercial district. In addition, during the past two (2) years we have seen more opportunities for people to work remotely from

their homes. The live-work units provide additional housing and business location options in Cleveland Heights. We anticipate that the live-work units will provide additional vitality to the Cedar-Lee Commercial District. They add to the orderly development of the area and will not impede government services. The Applicant has affirmed that all of the general conditional use standards will be met.

Staff Recommendation

Staff recommends approval by the Planning Commission of a Conditional Use Permit for the Live/Work Units on the Ground-Floor of the Buildings, with the following conditions:

1. Per Zoning Code Section 1131.14(b), the Planning Commission establishes a permitted setback for the Meadowbrook Building off of Tullamore Rd. of 11'8" feet as shown on the Dimensioned Site Plan;
2. A privacy fence and/or landscaping along the property line shared with 3216 Tullamore Rd. shall be installed. This fence detail, along with all proposed fences shall be part of the Final Landscape Plan;
3. A Final Landscape Plan shall be provided, as specified in Zoning Code Section 1166.02 and 1166.03, which will need to be approved by the Planning Director;
4. The Applicant shall comply with Zoning Code Section 1151.02 (General Standards for all Conditional Uses);
5. The Applicant shall comply with those provisions of Zoning Code Section 1151.03 (Supplemental Standards for Conditional Uses) specific to Live/Work Units;
6. 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;
7. The Applicant shall work with staff to resolve any complaints from neighbors;
8. Architectural Board of Review approval for the live/work units shall be required as part of the approval of the overall development;
9. The Applicant shall obtain all other required local approvals and permits;
10. All required construction and installation of the use shall be completed within 36 months of Planning Commission approval.

c. Requests approval of larger-scale development site plan.

The project plan review and analysis is organized by the components and categories of larger scale developments.

LAND USE AND ZONING:

The Project conforms with the Section 1131.14 C2-X zoning district goals and regulations, Section 1131.075(a) Commercial and Mixed-Use District Design Standards Development, Chapter 1161 Off-Street Parking and Loading regulations, Section 1165.05 Sustainable Regulations for Large Scale Residential Developments, Section 1165.07 Exterior Lighting, Chapter 1166 Landscape Regulations, with the exception of the building details that received variances (listed above in this Staff Report).

The Project site plan includes a public park at the corner of Meadowbrook Blvd. and Lee Rd., public pathway connects Tullamore Rd. and Cedar Rd. along the eastern edge of the site and a public pathway from Cedarbrook south is included on the site plan. The proposed open space is 41% of the 5.12 acres site.

The two (2) buildings provide additional density to the district. The live-work units and corner park greenspace have been discussed under their respective conditional use permit application review. The first-floor commercial spaces will add to the vitality of the Cedar Lee Business District.

The Cedar Lee building includes private interior courtyard with a swimming pool for residents of the development. The site also includes a dog run located to the east of the parking garage. The plans show this dog run to be surrounded by decorative fencing. Staff recommends that the Planning Commission include a condition requiring additional landscaping to help screen the dog run from the single-family neighborhood to the east. The enhanced landscaping could include shrubs and plantings along the dog run fence and/or additional landscape in the area between the dog run and the walkway to the east.

The Meadowbrook building provides additional commercial space along Lee Rd. and the building setback from Lee Rd. allows for the possibility of a restaurant use that may include outdoor dining. Should a restaurant use this space and desire outdoor dining, a conditional use permit would need to be requested.

Floor plans of the Meadowbrook building show the residential unit lobby at the corner of Meadowbrook and Tullamore. Staff recommends that the Planning Commission include a condition that the development team review the site topography and use to determine if this entry could be the retail entry and moving the residential entry to a less prominent location.

The building plans include an internal trash room where refuse is collected. Bins are rolled outside for the refuse trucks to collect. The Cedar Lee building's trash room is adjacent to the access drive connecting Tullamore Rd. to Cedar Rd. The Meadowbrook Lee building floorplans show the trash room along the Meadowbrook side of the building for the retail space along the Tullamore side of the building for the residential units.

The Cedar-Lee site has multiple parcels; staff recommends that the Planning Commission include a condition of approval that would require these parcels to be joined into one parcel.

CONNECTIVITY:

The project site plan provides opportunities for pedestrian and bicycle connections as well as motor vehicle access to the site.

The Cedar Lee site includes a walkway connecting Tullamore Rd. to Cedar Rd. along the eastern boarder of the development site. There is also a connecting walkway that begins at Cedarbrook Rd. and travel west through the development site between the Parking Garage and the Cedar Lee Building to the Cedar Lee Mini park. This approximately follows the former Cedarbrook Rd. right-of-way. The site plan shows a gate/fence between the parking garage and the Cedar Lee building that would prevent the use of this connection. The distance between the two buildings is approximately 20 feet. This fence was reviewed with safety forces who stated that it could be a safety concern as someone was attempting to follow the walk while being followed would find themselves trapped by the fence. Staff recommends that the Planning Commission include a condition that this fence be removed to allow this connectivity to be realized.

The Project Site is proposed to maintain a north-south access drive, approximately parallel with Lee Rd. This access drive is proposed to continue to provide the Lee Rd. commercial properties access to the rear of their properties that includes dumpsters and outdoor dining areas. This access drive is proposed to also provide access to drop-off and pick-up areas for the new Cedar-Lee building. Some existing and new parking spaces are proposed to be provided along the access drive for public use. Conversations with the development team about this through drive indicated that it would function as a “woonerf” – a street where pedestrians, bicyclist and motor vehicles would share the road. The Applicant should be asked to confirm this. Staff supports this concept and encourages the use of a pavement material/pattern along the entire shared street to designate this unique street.

The project does not make any changes to Tullamore Rd. It remains as is and provides access to the parking garage. The bollards at the edge of the project site will remain. Staff recommends that the Planning Commission include a condition that this condition be enhanced with landscaping, as part of the Final Landscape Plan.

The public transit stop will remain on Lee Rd. in front of the proposed Lee Meadowbrook building. Staff will continue to work with the RTA to determine if any changes to the stop should occur.

TRAFFIC:

WSP, consulting engineers, were hired by the developer to assess the traffic related impacts to the Cedar Lee District transportation network from the proposed Cedar Lee Meadowbrook development. The Planning Commission has received their Summary Report. Traffic volumes were based on pre-pandemic historical counts at the Cedar Lee intersection and the NOCA travel demand model. The result of their analysis shows that proposed development will have a minimal impact on traffic operations. The additional traffic generated by the proposed development translates to roughly two additional vehicles traveling through the Cedar Lee intersection per minute during the morning peak hours and three additional vehicles during the evening peak hours.

While the development is projected to have negligible impact on the areas traffic volumes and associated traffic operations, several potential improvements for the City street network that would improve traffic operation and safety within the Cedar Lee District were identified.

The City has also engaged the services of WSP to review the traffic conditions in the Cedar Lee business district and is expecting the final report soon, which will be shared with the Planning Commission and public prior to any implementation. Staff recommends that the Planning Commission include a condition that the City and Applicant collaborate to implement both the project-specific and district-wide recommendations.

PARKING:

The Project was reviewed for its compliance with Zoning Code Chapter 1161 Off-Street Parking and Loading regulations. The project has 206 units. The project includes the 377-space parking garage as well as 34 surface parking spaces. Parking regulations require each apartment to have one (1) parking space.

The (eight) 8 ADA parking spaces inside the garage will remain and an additional ten (10) new ADA space are proposed along the shared street.

Required bicycle parking is located on the first floor of each building. The bike storage room for a minimum of 36 bicycles in the Cedar Lee building is located in the Cedar Rd. wing of the building. The bike storage room for a minimum of 17 bicycles in the Lee Meadowbrook building is located in the Tullamore Rd. wing of the building.

The Applicant has indicated that they will incorporate one (1) location for an electric vehicle (EV) charging station. Staff recommends that the Planning Commission include a condition that the Applicant work with the City to identify locations for electric vehicle (EV) charging station, car share, bike share, scooters, and other opportunities to promote alternative modes of transportation on the Site.

This development project is located on a current surface parking lot and will use one (1) parking space per unit of the existing parking garage for the required parking. Recognizing the changes being made to the site and to understand the impact this development may have on parking in the Cedar Lee Business District the development team hired DESMAN Design Management to look at historical parking usage and to consider, project anticipated parking demand and to evaluate the impact.

The February 1, 2022 Parking Plan Review Memo has been provided to the Planning Commission. DESMAN reports that the development of this project will result in 183 public parking spaces (152 spaces inside the garage and 31 surface spaces) being available on the project site. Note that staff has counted 34 surface parking spaces that would be available to the public. The exact number of parking spaces to be available as a result of the Project should be confirmed. If that number is different than what has been submitted, staff suggests that the Planning Commission include a condition that the final Project documentation be revised to provide a final public parking number. The project will also have control of up to 225 garage spaces for residents of the proposed development. Desman has concluded this supply of public parking on the site will be more than adequate to serve the prevailing parking needs of the Cedar Lee area most of the time. Desman states that during the very busiest peak parking times, which typically occurs on Friday and Saturday evening between 6:00 PM and 9:00 PM, available open parking could sometimes be scarce.

DESMAN has recommended the following for the project development team and the City to consider:

- Upgrade the existing parking fee collection units located in the ground floor stair/elevator lobbies.
- Provide grade level ADA parking spaces along the westside of the garage.
- Optimize transient parker's access to the public spaces inside the garage during peak demand periods by restricting future parking garage permit sales to daytime Monday through Friday parkers.
- Consider physically separating the parking area(s) to be reserved exclusively for CLM project tenants from the remaining garage spaces that will serve the public.
- Improve the garage lighting and the interior and exterior parking signage at the project site.
- Repair the broken glass curtail wall panel in the stair tower and the damaged areas of the wire grades on the exterior of the ground level of the garage.

Desman is also working with the City to complete a broader area-wide parking plan for the Cedar Lee area that will include alternative to consider to mitigate the loss of public parking in the creation of the development, which will be shared with the Planning Commission and public prior to any implementation. Staff recommends that the Planning Commission include a condition that the City and Applicant collaborate to implement both the project-specific and district-wide recommendations.

TREES AND LANDSCAPING (PRELIMINARY LANDSCAPE PLAN):

The Preliminary Landscape Plan shows that the designers are looking at all possible locations to include landscaping. The preliminary plant list includes more native plants than the 30% minimum required by code. The plant selection is taking into consideration how the plants will be maintained and how they will perform during our four seasons. The Applicant intends to meet or exceed the landscape regulations (Chapter 1166).

A few areas of the site have been identified that staff believe additional landscaping (beyond what is shown on the preliminary plan) should be incorporated. These include:

- Additional landscaping to screen the dog run from the single-family neighborhood;
- Additional landscaping by the parking garage at the Tullamore Rd. bollards;
- Providing either a privacy fence and/or additional landscaping along the property line shared with 3216 Tullamore Rd.;
- The Applicant should continue to work with the City's Landscape Consultant on the final landscape plan. The Applicant should submit a Final Landscape Plan, as specified in Zoning Code Section 1166.02 and 1166.03, which will need to be approved by the Planning Director.

Tree Inventory & Preservation

A preliminary Tree Preservation Plan shows that approximately 11 trees with an existing 6" caliber or larger will be removed and that approximately 20 trees with an existing 6" caliber or larger will remain as part of the Project site. The plan shows that 84 new trees along with additional landscaping will be installed on the Project Site.

The Applicant should provide details on the tree inventory, tree impacts, and tree preservation during construction be provided and shall comply with a Final Tree Preservation Plan, in accordance with Zoning Code Section 1166.11, which will need to be approved by the Zoning Administrator.

LIGHTING:

The Applicant has indicated that they intend to meet the requirements of Section 1165.07 (Exterior Lighting). Final submission of the Lighting Plan will be reviewed by the Zoning Administrator. New LED lighting is being proposed as part of the Project. Staff suggests that the Planning Commission include a condition that a final Lighting Plan be provided, as specified in Zoning Code Section 1165.07 (Exterior Lighting Requirements), and should be environmentally-friendly, following Dark Sky principles, which will need to be approved by the Zoning Administrator.

Redevelopment would bring new buildings, new and upgraded lighting, residents who would provide "eyes on the street", as well as discreet and well-lit pathways that lead through the Site and to and from the High School. The Applicant has indicated that security cameras will be installed in and around the buildings. All of these elements are important

for CPTED and SRTS. The Applicant has and will continue to coordinate with the Police and Fire Departments on safety on and around the Site.

SIGNAGE:

Although the Project will involve signage, the Applicant has not provided details at this time. Such signage will include commercial tenant signage, signage for the residential units, and overall building signage. A separate application, review, and approval would be necessary and is anticipated for the Project signage. Therefore, staff recommends that a condition of approval by the Planning Commission should be that any signage requires a separate review and approval for zoning compliance by the Zoning Administrator and architectural review and approval by the Architectural Board of Review.

NATURAL RESOURCES/TOPOGRAPHY/SOILS:

The Site is within the Dugway / Nine Mile / Green Creeks Subwatershed of the Cuyahoga River Watershed. The Cedar-Lee portion of the Site currently contains a mix of surface parking, parking garage, buildings, landscaping, grassed areas, and vegetation and trees. The Meadowbrook portion of the Site is currently primarily an open grassed area, with some vegetation and trees on the northwestern portion. A review of the Cuyahoga County Greenprint Viewer¹, U.S. Fish & Wildlife Service National Wetland Inventory Wetland Mapper², and Ohio EPA Stream and Wetland Mitigation Application³ does not indicate the documented presence of wetlands, watercourses, vernal pools, or significant wildlife habitat on the Site. See discussion elsewhere in this Staff Report about the Landscape Plan, including tree preservation and new tree plantings.

Based upon the USDA Natural Resources Conservation Service (NRCS), Web Soil Survey⁴, Cuyahoga County is in parts of two (2) physiographic provinces: the glaciated Allegheny Plateau (Southern New York section) of the Appalachian Plateaus Province on the south and east and the Eastern Lake and Till Plains sections of the Central Lowland Province on the west and north. The line of demarcation between the two provinces is the Portage Escarpment, which crosses the county diagonally in approximately a northeast-southwest line. Cleveland Heights and the Site are part of the Allegheny Plateau. The underlying bedrock is composed of shales, sandstones, and limestones of the Mississippian aged Waverly and Maxville formations. The predominant soil type is Urban land-Mitiwanga complex, undulating (UnB), comprised primarily of clay and soils that have been altered by urban development. Groundwater ranges from 10-12 feet below grade and generally flows to the SW. The overall Site topography slopes downward from east to west with a maximum elevation difference of approximately 12 feet on the Meadowbrook portion of the overall Site.

¹ <https://gis.cuyahogacounty.us/html5viewer/?viewer=ccpcgreenprint>, accessed February 3, 2022.

² <https://www.fws.gov/wetlands/data/Mapper.html>, accessed February 3, 2022.

³ <https://oepa.maps.arcgis.com/apps/webappviewer/index.html?id=9bbedcd67a3c4859b1b1917a1af3f711>, accessed February 3, 2022.

⁴ <https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx>, accessed February 3, 2022.

INFRASTRUCTURE AND UTILITIES:

Drainage and Stormwater

Redevelopment of the Site will alter drainage patterns. In addition, although much of the Site is currently made up of impervious surfaces, portions of the Site will be converted from pervious to impervious surface. Some portions of the Site will, conversely, be converted from impervious surfaces to pervious surfaces. To that end, stormwater management is a particular component of the Project. The Site Landscape Plan indicates that there will be two (2) areas on the Site with underground stormwater management components – one (1) beneath the roadway apron at the northern end of the Shared Street as it approaches Cedar Rd. and one (1) beneath the proposed Meadowbrook Park. The Applicant has indicated that the Project will be in compliance with all required stormwater measures. The Applicant shall follow all provisions related to Infrastructure Needs and Upgrades Directly Resulting from the Development and Offline Detention Facility at Lee Rd. and Meadowbrook Blvd. contained in the signed Development Agreement. An engineered stormwater management plan will need to be provided as part of the permitting process, included the details provided in Section 1166.11(b)(7) and consistent with Chapter 1335. A green or vegetative roof on portions of the buildings, small water features on or adjacent to the buildings, and other water features on the Site could help mitigate stormwater runoff. Staff recommends that the Planning Commission includes conditions regarding compliance with all other applicable provisions of the City's ordinances, including, but not limited to, Chapter 1334 (Erosion and Sediment Control) and Chapter 1335 (Stormwater Management) and that the Applicant shall obtain all other required local approvals and permits.

Sanitary Sewer

There is a sanitary sewer overflow (SSO) around the intersection of Tullamore and Lee Roads that is among a number that are under a Consent Decree from the USEPA. The Project on its own is not anticipated to significantly increase sewer demand and is anticipated to connect to the existing sanitary sewer system. The Site Survey indicates the locations of the existing sanitary sewer. The Applicant has initiated conversations with the City Department of Public Works and its consultants to ensure appropriate service and to coordinate construction activities. These details will be part of the permitting process. The Applicant shall follow all provisions related to Infrastructure Needs and Upgrades Directly Resulting from the Development and Offline Detention Facility at Lee Rd. and Meadowbrook Blvd. contained in the signed Development Agreement. Staff recommends that the Planning Commission include a condition that the Applicant shall coordinate with the City on any solutions to the sanitary sewer overflow (SSO) at Tullamore and Lee Roads. Staff further recommends that the Planning Commission include a condition that the construction drawings indicate the installation of any new sanitary sewer connections, the re-orientation of existing connections, or the replacement of existing sewer manholes be done in a manner that does not impact the natural environment, particularly the trees and landscaping proposed to remain and supplemented on the Site.

Solid Waste

The Applicant has indicated that there will be no exterior solid waste storage on the Site. Rather, solid waste services and areas have been incorporated into the buildings. The "trash rooms" have been indicated on the first-floor plan for each building (Sheet 22 of the Cedar Building and sheet 25 for the Lee Rd. building). Solid waste will be handled through internal rooms with compacted trash containers, which will be wheeled to the

street on the appropriate pick-up days. It will be the responsibility of the Applicant to ensure that construction waste will be disposed of or recycled consistent with the City's and County's requirements and regulations.

Electricity/Gas/Water Supply

Dominion East Ohio provides natural gas service to the area and Site; FirstEnergy / The Illuminating Company provides electric service to the area and the Site; Cleveland Water supplies water to the area and Site. There currently are solar panels on the existing parking garage that are intended, in part, to provide electricity to the garage itself. The Project does not contemplate additional solar infrastructure, but should consider adding those elements to other portions of the Site. The Project is not expected to significantly impact gas, electric, or water demand or service in the area; however, this is not confirmed at this stage of the review process. The Applicant has initiated conversations with the utility companies to ensure appropriate service and to coordinate construction activities. These details will be part of the permitting process. The Site Survey indicates the locations of the existing utilities; the application package indicates the proposed locations of utilities based upon initial conversations with the City's Department of Public Works and its engineering consultants. The Applicant shall follow all provisions related to Infrastructure Needs and Upgrades Directly Resulting from the Development contained in the signed Development Agreement. Staff recommends that the Planning Commission include a condition that on-Site utilities should be installed underground to the extent possible. Staff further recommends that the Planning Commission include a condition that the construction drawings indicate the installation of any new utilities or the re-orientation of existing utilities in a manner that does not impact the natural environment, particularly the trees and landscaping proposed to remain and supplemented on the Site. See discussion elsewhere in this Staff Report about the Lighting Plan for the Project.

AT&T Easement

There is an easement running east to west on the Meadowbrook portion of the Site to allow AT&T to have underground equipment and access to that equipment. The Project as proposed does not construct a structure over this easement.

HAZARDOUS MATERIALS:

The Project itself will not include the introduction of hazardous materials and does not present any opportunity to adversely affect public safety nor would it create a hazard to human health. However, the Site has a history of containing hazardous materials. Sites with hazardous materials may be subject to Federal and State regulations and guidance. In preparation of this Staff Report a number of materials were reviewed, including: the Ohio Department of Commerce, State Fire Marshall Bureau of Underground Storage Tank Removal (BUSTR) UST Facility Search⁵, correspondence from BUSTR, including 2007 No Further Action (NFA) letters, correspondence from the USEPA, City correspondence to BUSTR and the USEPA, as well as a number of required consultant reports and studies regarding the properties described below (e.g., Remedial Action Plan, Sampling and Analysis Plan, Completion Report, Request for No Further Action, Monitoring Well Installation and BUSTR Letter Report, Monitoring Well Abandonment Letter, Underground Storage Tank Closure Assessment Report, Quality Assurance Project Plan for the Cleanup of Residual Petroleum Hydrocarbon Constituents, Report of Geotechnical Subsurface Exploration). These reports and studies are available in the Planning Department

⁵ <https://fireacademy.com.ohio.gov/FIRE/BUSTRResources.aspx>, accessed February 3, 2022.

The Meadowbrook portion of the site includes the former automobile services station (referred to in the environmental documentation as the "Clancy Site"), which was 2231 Lee Rd. and the former Ohio Savings Bank (referred to in the environmental documentation as the "Ohio Savings Bank Site"), which was 2333 Lee Rd. Note that the portion of the Meadowbrook site also contains the former single-family homes that were 3202, 3210, and 3214 Tullamore Rd. No hazardous waste conditions existed on those parcels. The Clancy Site was utilized for retail petroleum sales and automobile service/repair, before becoming vacant and used for parking. The Ohio Savings Bank Site was used as a branch of the Ohio Savings Bank and parking, before the building was removed and parking was provided. Underground Storage Tanks (USTs) were removed from both the Clancy Site and Ohio Savings Bank Site. At that time, soil samples were taken and contamination (petroleum hydrocarbons) was found. This resulted in a number of studies and remediation activities, much of which was conducted under a USEPA Brownfields Cleanup Grant. The City received a letter of No Further Action (NFA) from the Ohio Bureau of Underground Storage Tank Removal (BUSTR) for the Ohio Savings Banks Site on February 6, 2007 and the Clancy Site on October 29, 2007. The USEPA issued a letter closing out the Grant in 2009. The Applicant shall follow all provisions related to construction contained in the signed Development Agreement, including those related to hazardous waste. Although there is no indication that any environmental or hazardous materials concerns remain, staff recommends that the Planning Commission includes a condition as part of the permitting process, the Applicant should confirm conditions through soil borings or samples.

AIR QUALITY:

The United States Environmental Protection Agency (USEPA), through the 1970 Clean Air Act, has established National Ambient Air Quality Standards (NAAQS) for six (6) criteria pollutants: ozone (O₃), particulate matter (PM₁₀ and PM_{2.5}), sulfur dioxide (SO₂), nitrogen dioxide (NO₂), carbon monoxide (CO), and lead (Pb). The 1977 and 1990 Clean Air Act Amendments (CAAA) reinforced attainment and maintenance of these standards. Ohio is part of USEPA Region 5 and the Cleveland Division of Air Quality (CDAQ) is the air pollution control agency serving Cleveland and Cuyahoga County, including Cleveland Heights. CDAQ is contracted with the Ohio Environmental Protection Agency (OEPA) to enforce state and local air pollution control regulations within its jurisdiction. Cuyahoga County is in non-attainment for 8-hour ozone (0.070 ppm); Cuyahoga County is in attainment for the other criteria pollutants. Based upon local air monitoring locations, the Air Quality Index on the Site, City, and the region is considered Good⁶.

Permanent Air Quality Impacts

Impacts to air quality come from two (2) general categories: 1) Point Source emissions and 2) Non-Point Source emissions.

- Point Source emissions include chemical plants, refineries, electric utility plants, and other industrial sites. The Project does not contain such uses.
- Non-Point Source emissions include both area source and mobile emissions.
 - Area source emissions include a variety of industrial and storage activities, waste management, and agriculture. Again, such activities and sources are not being part of the Project.
 - Mobile source emissions, including both on road (i.e., automobiles) and off-road (e.g., recreational vehicles, lawn and garden equipment). Since the Project

⁶ <https://gispub.epa.gov/airnow/>, accessed February 3, 2022.

would result in a change in traffic conditions, the discussion that follows will focus on mobile source emissions.

As discussed elsewhere in this Staff Report, although the Project will generate traffic, such increase is not anticipated to be significant. Emissions from truck delivery and passenger vehicles will result, but will not be significantly higher than the existing conditions in the Cedar-Lee business district. Similarly, the use of landscaping equipment to maintain the landscaping and open spaces on the Site would not significantly add to activities already occurring in the district and the City as a whole.

Short-Term Construction Air Quality Impacts

The redevelopment will result in temporary air quality impacts during construction. The use of heavy equipment operations would result in temporary, minor increases in pollutant emissions during construction. The major concern during the construction operation would be the control of fugitive dust during site clearing, excavation, demolition, and grading operations. Fugitive dust is essentially airborne soil particles caused by heavy equipment operations entraining the soil into the air. The Applicant is expected to comply with all applicable City standards and regulations with regards to construction, particularly Chapter 1334 (Erosion and Sediment Control) and Chapter 1335 (Stormwater Management). Details will be provided and reviewed as part of the permitting process.

NOISE:

The Cedar-Lee business district, being a suburban downtown, has an existing noise environment that is more typical of an urban area. In this environment, noise is generated by HVAC (heating, ventilation and air conditioning) equipment for commercial, institutional, and residential uses, as well as by transportation uses, including vehicular traffic (e.g., cars, buses, and trucks).

Permanent Noise Generation

No noise-generating uses are a part of the Project (e.g., industrial or manufacturing) and, therefore, the character of the noise environment in the Cedar-Lee business district would not be expected to change dramatically. The HVAC system is the only new significant source of noise to consider, and such system is located on the building roof. The Project shall comply with Building Code Section 1301.02(bb) with regards to HVAC equipment.

Short-Term Construction Noise Generation

Construction equipment shall be maintained in good working order and mufflers should be provided, if necessary. In conformance with Building Code Section 1301.02(s), construction activities will be limited to the hours of 7:00 AM to 7:00 PM Monday through Saturday, other than legal holidays. Compliance with these standards should limit any short-term noise impacts during construction.

CONSTRUCTION:

Beyond the short-term construction-related impacts discussed above under particular resource categories, a brief discussion of construction impacts is presented here. There are a range of construction-related impacts from development projects, including, but not limited to erosion and sedimentation, noise, construction and delivery traffic on local roadways, the use of heavy equipment, street and parking closures, and the parking of construction vehicles in public or residential areas. Although all of these impacts would be temporary in nature, the Applicant will need to address each of them through the

permitting process. As is typical, a detailed, finalized sequencing plan of construction for the Project will be provided. The Applicant has indicated that the intention is to start construction at the northernmost portion of the Cedar Rd. Building and then work south and finish with the Lee Rd. Building. It is the intent that both structures will be completed as one (1) phase. The Applicant has indicated, however, that the occupancy of the building(s) is anticipated to be in phases. Such occupancy phasing would not have any impact on construction. The Applicant is expected to comply with all applicable City standards and regulations with regards to construction, particularly Chapter 1334 (Erosion and Sediment Control) and Chapter 1335 (Stormwater Management). In conformance with Building Code Section 1301.02(s), construction activities will be limited to the hours of 7:00 AM to 7:00 PM Monday through Saturday, other than legal holidays. The Applicant shall follow all provisions related to construction contained in the signed Development Agreement, including those related to construction sequencing and hazardous waste. Staff recommends that a condition of approval by the Planning Commission should be that the Applicant should coordinate with the City on the overall construction plan and phasing, including communicating if or when parking areas, access points, and/or roadways will be closed and for how long.

SUSTAINABILITY:

Environmental sustainability is an important value for the City of Cleveland Heights. This manifests itself in a number of ways with regards to the Project:

- The City has a Transportation and Environmental Sustainability Committee. The Applicant presented preliminarily to the Committee on December 1, 2022 and received both Committee and public comment.
- The 2017 City of Cleveland Heights Master Plan contains an entire section devoted to sustainability – Environmentally Sustainable Community.
- Sustainability comments were received throughout the public engagement and review process, including those from board/commission members and the public.
- The Development Agreement contains a section specific to Green Infrastructure and Utilization of Alternative Sources of Energy and Council was specifically interested in ensuring that the Project be sustainable in their deliberations on the Development Agreement. The Development Agreement further states that the Project will need to demonstrate its sustainable design and components through undertaking best efforts to meet the criteria of a sustainability program, acceptable to the Planning Director.
- Finally, there are a number of regulations related to sustainability in its Codified Ordinances. Most specifically are those standards put forth in Zoning Code Section 1165.05 (Sustainable Regulations for Large Scale Residential Developments) and Zoning Code Section 1165.06 (Sustainability Guidelines).

The Project meets all of the goals of the Master Plan, including:

- *Goal A: As part of an Integrated Plan, Use Green Infrastructure in Public Projects and Promote it in Private Investments in order to Minimize the Impact on the City's Sewer System* – The Project would also meet Action 5, by expanding the tree canopy.
- *Goal B: Promote and Use Energy Efficient Technologies such as LED Lights or Alternative Energy Sources to Reduce the Carbon Footprint and be more Sustainable* – New LED lighting is being proposed as part of the Project. Staff suggests that the Planning Commission include a condition that a final Lighting Plan be provided, as specified in Zoning Code Section 1165.07 (Exterior Lighting Requirements), and

should be environmentally-friendly, following Dark Sky principles, which will need to be approved by the Zoning Administrator. Staff suggests that other energy efficiencies/alternatives be considered as the Project moves through the permitting process and after construction.

- *Goal C: Promote Walking or Biking as a More Sustainable Way to get Around* – The Project as a mixed-use project in a downtown area promotes more walking and biking. The Project contains indoor, secured bicycle parking, along with bicycle amenities (washing and fix-it stations) in both buildings. The Cedar Lee Site includes interior parking for a minimum of 36 bicycles and the Meadowbrook Site includes interior parking for a minimum of 17 bicycles. Additional exterior/visitor bicycle parking will be provided via bike racks. The Applicant has indicated that a minimum of at least one (1) electric vehicle (EV) charging station will be provided. Staff recommends that the Planning Commission include a condition that the Applicant work with the City to identify locations for additional EV charging stations, car share, bike share, scooters, and other opportunities to promote alternative modes of transportation on the Site.
- *Goal D: Link Incentive Programs to Green Development and Building Techniques, such as LEED Certification* – The Applicant has proposed to attain a base level certification from the National Association of Homebuilders National Green Building Standard (NGBS). NGBS allows four (4) certification levels – Bronze, Silver, Gold, and Emerald – based upon six (6) areas: Lot Design and Development, Resource Efficiency, Water Efficiency, Energy Efficiency, Indoor Environmental Quality, and Building Operation & Maintenance. NGBS has a scoring tool that will be utilized by the Applicant and reviewed by the Planning Director. Staff suggests that although the Development Agreement places the approval authority with the Planning Director that the Planning Commission include a condition that it be updated on the sustainability outcome at the appropriate time.
- *Goal E: Continue to Promote Sustainability through City Regulations, such as the Adopted Sustainable Zoning Code Amendment* – The Project will comply with the City’s sustainable zoning regulations (see below). Staff recommends consideration of further sustainable components to be integrated into the Project. For example, a green or vegetative roof on portions of the buildings, small water features on or adjacent to the buildings, and other water features on the Site could help mitigate stormwater runoff.

As noted earlier in this Staff Report, the Project meets most of the regulations contained in Zoning Code Section 1165.05 (Sustainable Regulations for Large Scale Residential Developments).

The Project meets many of the guidelines present in Zoning Code Section 1165.06 (Sustainability Guidelines):

- *Historic preservation and adaptive reuse of existing structures* – The Project would include the preservation and reuse of the existing parking garage.
- *The use of sustainable design and architecture, such as the use and/or incorporation of green roofs or white roofs, solar panels, wind turbines and other alternative energy efficient systems, and LEED (Leadership in Energy and Environmental Design) or LEED-equivalent structures* – As noted above, the Project is proposed to attain a base level certification from the National Association of Homebuilders National Green Building Standard (NGBS). Although the Project is not proposed to include additional solar panels, the Applicant stated that the buildings are designed

to allow for possible future solar panel installation. Staff suggests that the Applicant consider a green or vegetative roof on portions of the buildings, additional solar panels, other alternative energy systems, and other sustainable design elements.

- *Incorporation of passive solar building and site design, where the design of the structure and the layout of the lots within the development collect solar energy in the form of heat in the winter and minimize heat in the summer* – The Applicant has stated that the overall design has been situated to minimize solar heat gain to the extent possible within the constraints of the Site. Although the Project is not proposed to include additional solar panels, the Applicant stated that the buildings are designed to allow for possible future solar panel installation. Staff suggests that the Applicant consider solar in its site design.
- *Where the development requires the demolition of existing structures, recycling and reuse of building materials from demolished structures* – The Project will include demolition of existing buildings on Cedar Rd., as well as structures on the Meadowbrook site. Staff recommends that such construction waste be recycled or reused rather than disposed.
- *Site design that incorporates public safety initiatives, such as strategies advocated by Transportation Demand Management, Crime Prevention Through Environmental Design (CPTED) and Safe Routes to School* – A key aspect of the redevelopment of the Site is to increase safety, as it is currently does not have much activity and lighting. Redevelopment would bring new buildings, new and upgraded lighting, residents who would provide “eyes on the street”, as well as discreet and well-lit pathways that lead through the Site and to and from the High School. The Applicant has indicated that security cameras will be installed in and around the buildings. All of these elements are important for CPTED and SRTS. The Applicant has and will continue to coordinate with the Police and Fire Departments on safety on and around the Site.
- *Preservation of natural features where the design of the site provides more usable and suitably located open space and natural amenities. The use of conservation easements is encouraged* – Redevelopment of a surface parking lot, underutilized parking garage, and grassed open space in the heart of the Cedar-Lee business district is paramount in the City’s efforts to steer development to the right locations and away from sites with sensitive natural features.
- *Innovative storm water management techniques that exceed the performance standards required by the Ordinance and the City Code, and reduce the amount of impervious surface on the site* – While the Project has committed to meeting the stormwater standards required by the City’s codes and ordinances, it currently does not plan to exceed those requirements. Staff suggests that the Planning Commission include a condition that the Applicant coordinate with the City on any innovative stormwater management techniques that could help exceed the City’s requirements.
- *Additional public infrastructure improvements in addition to the minimum required by the planned development overlay, such as new or repaved streets, provision of bicycle paths, installation of gutters and sewers, new public transit stations, and traffic control devices to improve traffic flow* – The Project will provide additional public infrastructure, including: new bicycle facilities, a multi-use pathway on the eastern portion of the Site, connectivity pathway running east-west through the Site, a new park/activity space at the southern portion of the Site at Meadowbrook Blvd., upgraded open spaces around the parking garage, a new shared street running north-south on the western portion of the Site, upgraded utilities and/or

new connections. In addition, the Applicant will work with the City on the potential for additional public infrastructure improvements in the Cedar-Lee business district, including pedestrian and transit upgrades.

- *Community amenities such as public art, places to congregate such as plazas, malls, gardens, outdoor seating, and pedestrian and transit facilities* – The Project will include a number of community amenities, including a location for public art at the southern end of the new park/activity space, places to congregate in the new park/activity space, outdoor seating areas, gardens and other landscaped amenities. The details of these amenities will be included in the Final Landscape Plan, to be approved by the Planning Director.
- *Additional open space and recreational amenities such as recreational open space and playgrounds, including athletic fields, dog parks, and natural water features and conservation areas above that required by the Ordinance* – The Project includes additional open space and recreational amenities, including a new park/activity space and a (private) dog run. Staff recommends that the private dog run allow for public access and that small water features on or adjacent to the buildings and other water features be integrated on the Site. The details of these amenities will be included in the Final Landscape Plan, to be approved by the Planning Director.
- *Provision of car or bicycle sharing facilities on-site* – No car or bicycle sharing facilities are currently proposed on-Site. However, the Applicant has indicated that its willing to work with the City and any car/bicycle-share operators. Staff recommends that the Planning Commission include a condition that the Applicant work with the City to identify locations for additional EV charging stations, car share, bike share, scooters, and other opportunities to promote alternative modes of transportation on the Site.

Staff Recommendation

Staff recommends approval by the Planning Commission of the Large-Scale Development Plan, with the following conditions:

1. The final Development Plan drawings shall be revised to remove the privacy gate/fence between the southern end of the Cedar-Lee Building and the Parking Garage to allow for east-west public access and connectivity through the Site that would honor the historic street pattern of Cedarbrook Rd.;
2. A privacy fence and/or landscaping along the property line shared with 3216 Tullamore Rd. shall be installed;
3. Details of all proposed fences shall be part of the Final Landscape Plan;
4. The dog run shall have adequate screening from the single-family residential neighbors, this shall and included in the final Landscape Plan;
5. The private dog run shall allow for public access and that small water features on or adjacent to the buildings and other water features be integrated on the Site. The details of these amenities will be included in the Final Landscape Plan, to be approved by the Planning Director;
6. A Final Landscape Plan shall be provided, as specified in Zoning Code Section 1166.02 and 1166.03, which will need to be approved by the Planning Director;
7. Details on the tree inventory, tree impacts, and tree preservation during construction shall be provided and shall comply with a Final Tree Preservation Plan, in accordance with Zoning Code Section 1166.11, which will need to be approved by the Zoning Administrator;

8. A final Lighting Plan shall be provided, as specified in Zoning Code Section 1165.07 (Exterior Lighting Requirements), and should be environmentally-friendly, following Dark Sky principles, which will need to be approved by the Zoning Administrator;
9. Architectural Board of Review approval shall be required for the overall development;
10. Approval of a Fence Permit for all fencing on the property shall be required from the Zoning Administrator;
11. Details regarding green building and infrastructure, compliance with Zoning Code Section 1165.06 (Sustainability Guidelines), including the sustainability rating system to be utilized to measure the project, shall be provided to the Planning Director for review and approval;
12. Compliance with all other applicable provisions of the City's ordinances, including, but not limited to, Chapter 1334 (Erosion and Sediment Control) and Chapter 1335 (Stormwater Management);
13. The Applicant shall obtain all other required local approvals and permits;
14. The Applicant shall work with the City on implementing the recommendations of the Cedar-Lee District-wide parking and traffic studies;
15. The Applicant shall work with the City to identify locations for electric vehicle (EV) charging stations, car share, bike share, scooters, and other opportunities to promote alternative modes of transportation on the Site;
16. The Applicant shall coordinate with the City on any solutions to the sanitary sewer overflow (SSO) at Tullamore and Lee Roads;
17. The Applicant shall confirm through soil borings or samples that there is no indication of any environmental or hazardous condition on the Meadowbrook Site;
18. The Applicant shall to the extent possible install on-site utilities underground or in a manner that does not impact the natural environment, particularly the trees;
19. A Lot Resubdivision for the parcels that make up the Cedar-Lee Site shall be approved by the Planning Commission;
20. Any signage requires a separate review and approval for zoning compliance by the Zoning Administrator and architectural review and approval by the Architectural Board of Review;
21. Per Section 1153.05(p), any Outdoor Dining will require a Conditional Use Permit, either from the Zoning Administrator (25 or fewer seats) or the Planning Commission (more than 25 seats);
22. All required construction shall be completed within 36 months of Planning Commission approval; and
23. The Applicant shall return to the Zoning Administrator for any alternation to the Development Plan; the Zoning Administrator may determine that such alteration is significant, thereby requiring Planning Commission approval.

SUMMARY OF OVERALL STAFF RECOMMENDATION

Staff recommends that the Planning Commission hears from the public. Depending on public comment and Planning Commission discussion, staff would recommend the following approvals and conditions:

a. Approval by the Planning Commission of a Conditional Use Permit for Meadowbrook Park, with the following conditions:

1. Per Zoning Code Section 1131.14(b), the Planning Commission establishes a permitted setback for the Meadowbrook Building off of Meadowbrook Blvd. to range from 89'9" to 130'7" as shown on the Dimensioned Site Plan;

2. Should the park plan be modified to include an outdoor play area the plan will need to be reviewed by the Planning Commission and per Zoning Code Section 1153.05(b), the Planning Commission may require a park to fence in the outdoor play area to minimize traffic hazards and buffer neighboring properties;
3. Details of all proposed fences shall be part of the Final Landscape Plan;
4. A Final Landscape Plan shall be provided, as specified in Zoning Code Section 1166.02 and 1166.03, which will need to be approved by the Planning Director;
5. A final Lighting Plan shall be provided, as specified in Zoning Code Section 1165.07 (Exterior Lighting Requirements), and should be environmentally-friendly, following Dark Sky principles, which will need to be approved by the Zoning Administrator;
6. The Applicant shall comply with Zoning Code Section 1151.02 (General Standards for all Conditional Uses);
7. The Applicant shall comply with those provisions of Zoning Code Section 1151.03 (Supplemental Standards for Conditional Uses) specific to Parks;
8. 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;
9. The Applicant shall work with staff to resolve any complaints from neighbors;
10. The Applicant shall obtain all other required local approvals and permits;
11. All required construction and installation of the use shall be completed within 36 months of Planning Commission approval.

b. Approval by the Planning Commission of a Conditional Use Permit for the Live/Work Units on the Ground-Floor of the Buildings, with the following conditions:

1. Per Zoning Code Section 1131.14(b), the Planning Commission establishes a permitted setback for the Meadowbrook Building off of Tullamore Rd. of 11'8" feet as shown on the Dimensioned Site Plan;
2. A privacy fence and/or landscaping along the property line shared with 3216 Tullamore Rd. shall be installed. This fence detail, along with all proposed fences shall be part of the Final Landscape Plan;
3. A Final Landscape Plan shall be provided, as specified in Zoning Code Section 1166.02 and 1166.03, which will need to be approved by the Planning Director;
4. The Applicant shall comply with Zoning Code Section 1151.02 (General Standards for all Conditional Uses);
5. The Applicant shall comply with those provisions of Zoning Code Section 1151.03 (Supplemental Standards for Conditional Uses) specific to Live/Work Units;
6. 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;
7. The Applicant shall work with staff to resolve any complaints from neighbors;
8. Architectural Board of Review approval for the live/work units shall be required as part of the approval of the overall development;
9. The Applicant shall obtain all other required local approvals and permits;
10. All required construction and installation of the use shall be completed within 36 months of Planning Commission approval.

c. Approval by the Planning Commission of the Large-Scale Development Plan, with the following conditions:

1. The final Development Plan drawings shall be revised to remove the privacy gate/fence between the southern end of the Cedar-Lee Building and the Parking Garage to allow for east-west public access and connectivity through the Site that would honor the historic street pattern of Cedarbrook Rd.;

2. A privacy fence and/or landscaping along the property line shared with 3216 Tullamore Rd. shall be installed;
3. Details of all proposed fences shall be part of the Final Landscape Plan;
4. The dog run shall have adequate screening from the single-family residential neighbors, this shall and included in the final Landscape Plan;
5. The private dog run shall allow for public access and that small water features on or adjacent to the buildings and other water features be integrated on the Site. The details of these amenities will be included in the Final Landscape Plan, to be approved by the Planning Director;
6. A Final Landscape Plan shall be provided, as specified in Zoning Code Section 1166.02 and 1166.03, which will need to be approved by the Planning Director;
7. Details on the tree inventory, tree impacts, and tree preservation during construction shall be provided and shall comply with a Final Tree Preservation Plan, in accordance with Zoning Code Section 1166.11, which will need to be approved by the Zoning Administrator;
8. A final Lighting Plan shall be provided, as specified in Zoning Code Section 1165.07 (Exterior Lighting Requirements), and should be environmentally-friendly, following Dark Sky principles, which will need to be approved by the Zoning Administrator;
9. Architectural Board of Review approval shall be required for the overall development;
10. Approval of a Fence Permit for all fencing on the property shall be required from the Zoning Administrator;
11. Details regarding green building and infrastructure, compliance with Zoning Code Section 1165.06 (Sustainability Guidelines), including the sustainability rating system to be utilized to measure the project, shall be provided to the Planning Director for review and approval;
12. Compliance with all other applicable provisions of the City's ordinances, including, but not limited to, Chapter 1334 (Erosion and Sediment Control) and Chapter 1335 (Stormwater Management);
13. The Applicant shall obtain all other required local approvals and permits;
14. The Applicant shall work with the City on implementing the recommendations of the Cedar-Lee District-wide parking and traffic studies;
15. The Applicant shall work with the City to identify locations for electric vehicle (EV) charging stations, car share, bike share, scooters, and other opportunities to promote alternative modes of transportation on the Site;
16. The Applicant shall coordinate with the City on any solutions to the sanitary sewer overflow (SSO) at Tullamore and Lee Roads;
17. The Applicant shall confirm through soil borings or samples that there is no indication of any environmental or hazardous condition on the Meadowbrook Site;
18. The Applicant shall to the extent possible install on-site utilities underground or in a manner that does not impact the natural environment, particularly the trees;
19. A Lot Resubdivision for the parcels that make up the Cedar-Lee Site shall be approved by the Planning Commission;
20. Any signage requires a separate review and approval for zoning compliance by the Zoning Administrator and architectural review and approval by the Architectural Board of Review;
21. Per Section 1153.05(p), any Outdoor Dining will require a Conditional Use Permit, either from the Zoning Administrator (25 or fewer seats) or the Planning Commission (more than 25 seats);
22. All required construction shall be completed within 36 months of Planning Commission approval; and

23. The Applicant shall return to the Zoning Administrator for any alternation to the Development Plan; the Zoning Administrator may determine that such alteration is significant, thereby requiring Planning Commission approval.