

**CITY OF CLEVELAND HEIGHTS
REGULAR PLANNING COMMISSION
June 8, 2022
MINUTES OF THE REGULAR MEETING**

MEMBERS PRESENT:	Jessica Cohen	Chair
	Michael Gaynier	Vice Chair
	Leonard Horowitz	
	Jessica Wobig	
	Judith Miles	

STAFF PRESENT:	Eric Zamft	Planning Director
	Karen Knittel	Assistant Planning Director
	Lee Crumrine	Assistant Director of Law
	Christy Lee	Recording Secretary
	Breanna Kirk	Planner I

ABSENT MEMBER: Adam Howe

CALL TO ORDER

Ms. Cohen called the meeting to order at 7:02 p.m. She welcomed the audience to the June 8, 2022, Regular Webinar meeting of the Cleveland Heights Planning Commission.

APPROVAL OF MINUTES

Ms. Cohen stated that the minutes from February 9, 2022, and April 13, 2022, have been submitted and there were no corrections or changes therefore both sets of minutes were approved.

Karen Knittel introduced the Webinar system to the Planning Commission and General Public for tonight's Planning Commission Meeting. Ms. Knittel also mentioned that starting next month City Hall will resume in-person meetings.

Lee Crumrine swore staff in.

Karen Knittel and Breanna Kirk both affirm the oath.

Breanna Kirk presented the following:

Project No. 22-10: 3417 Fairmount Boulevard, A Single-Family, requests Planning Commission recommendation-n that 3417 Fairmount Boulevard be declared a Cleveland Heights Landmark per Code ch. 143 & 1111.

CONTEXT: The property at 3417 Fairmount Boulevard is located at the northeast corner of Fairmount Boulevard and Shaker Road, one intersection away from Fairmount Boulevard and South Taylor Road, in the southeast portion of Cleveland Heights. The home sits on a

- 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.- see below.*

SUPPLEMENTAL STANDARDS FOR THIS CONDITIONAL USE (Chapter 1153)

Section 1153.03(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.*

No changes to the playgrounds are proposed.

SUSTAINABILITY GUIDELINES (Sect. 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, and 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.*

SUSTAINABILITY GUIDELINES COMMENTARY (Sect. 1165.06)

Most of the sustainability guidelines are not pertinent to this application; however, the first sustainability guideline encourages historic preservation and adaptive reuse of existing structures. The modular unit enables the continued use of an established school by providing needed classrooms.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission approve the revised conditional use permit to Replace the 12' by 55' modular classroom with a 70' by 69' modular classroom as described in the Planning Commission application with the following additional conditions:

1. Approval of the Architectural Board of Review;
2. Receipt of all other required local approvals and permits;
3. The use shall not encroach on Oakwood Drive;
4. 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;
5. The Applicant shall work with staff to resolve any complaints from neighbors; and
6. All required construction and installation of the use shall be completed within 24 months of Planning Commission approval.
- 7.

Ms. Cohen asked if there were questions for staff.

Ms. Cohen asked for clarification on number 3 of the staff recommendation additional conditions.

Ms. Knittel explain that this recommendation referred to the paper road or right-of-way behind the location.

Lee Crumrine do you swear or affirm that the testimony that you're about to give is the truth the whole truth and nothing but the truth.

The applicant and his representative affirmed the oath.

Mr. Horowitz asked about the dumpster location.

Ronald Kluchin stated that there will be a new dumpster that is enclosed that is shown on the site plan.

Mr. Gaynier stated that he wanted clarification on not encroaching on the right-of-way.

Mr. Kluchin reviewed the building location and stated there is no encroachment of the property to the right-of-way.

Ms. Wobig regarding the other two modular buildings on the site and asked if there will be any others and if they will be consolidated into this new structure.

Mr. Kluchin that the old ones will be removed to make room for the new structure.

Mr. Horowitz motioned to approve **Proj. No. 22-09: Yeshiva Derech Hatorah, 1508 Warrensville Center Rd., "S-2" Mixed-Use**, request for a Conditional Use Permit to replace a 12' by 55' modular classroom with a 70' by 69' modular classroom per Code Chapters 1111, 1115, 1145, 1151, 1153, 1161 & 1166 with the Staff Recommendation:

1. Approval of the Architectural Board of Review;
2. Receipt of all other required local approvals and permits;
3. The use shall not encroach on Oakwood Drive;

4. 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;
5. The Applicant shall work with staff to resolve any complaints from neighbors; and
6. All required construction and installation of the use shall be completed within 24 months of Planning Commission approval.

Mr. Gaynier seconded the motion; the motion carried 5-0.

Karen Knittel's presentation was as follows:

Proj. No. 22-11: C. Compton, 3232 East Fairfax Rd., 'A' Single-Family, Requests Reduction of Required Private Parking Spaces per Code Section 1111, 1115, 1121, & 1161

CONTEXT: The houses surrounding the applicant are all single-family homes zoned 'A' Single-Family. The Future Land Use Map from the Master Plan shows this area as being used for the same use, single-family housing.

On November 1, 2021, City Council adopted zoning text amendments that would permit applicants to request a reduction in required enclosed private parking spaces from the Planning Commission based upon one (1) of five (5) exceptions (see below).

PROJECT DESCRIPTION

The applicant is requesting to replace the current single-car garage with a new single-car garage.

REQUEST FOR REDUCTION OF REQUIRED ENCLOSED PRIVATE PARKING SPACE

The applicant is requesting a reduction in the required enclosed private parking spaces under 1161.051(a)(iii).

STANDARDS

1161.05 MODIFICATION OF NUMBER OF REQUIRED PARKING SPACES.

Whenever the parking requirements based on functions and uses, and application of the standards specified in Schedule 1161.03 can be shown by the applicant to result in an excessive number of parking spaces and that a lesser number of spaces is appropriate and consistent with these regulations, the Planning Commission may approve a reduction in required spaces

1161.051 EXCEPTIONS TO REQUIRED ENCLOSED PRIVATE PARKING SPACES

Any application that will not be providing the requisite enclosed parking spaces as indicated in Schedule 1161.03 shall require review and approval by the Planning Commission based upon the regulations and criteria of this section.

- (a) Exceptions. The required off-street parking spaces for single-family dwellings, two-family dwellings, and townhouses shall be enclosed in a detached or attached private parking garage, as indicated in Schedule 1161.03, unless one (1) or more of the following exceptions can be substantiated:
 - (i) The parcel is a legal, non-conforming lot that does not have the requisite minimum lot area or lot width to accommodate a Code-conforming private parking garage.

- (ii) Special conditions exist specific to the lot that are not applicable generally to other lots in the same Zoning District that render a Code-conforming private parking garage impractical.
 - (iii) If the previously existing private parking garage on the lot was a single-car garage for single-family dwelling.
 - (iv) If an existing private parking garage structure and associated remnant parking pavement are proposed to be removed and replaced with grass or landscaping, thereby increasing green or open space.
 - (v) If a substantial expansion or addition to the principal structure is proposed.
- (b) Landscape Plan Required. Any application that will not be providing the requisite enclosed private parking spaces shall include a Landscape Plan that addresses stormwater management and minimizes adverse impact on neighboring properties, subject to Chapter 1166 of the Zoning Code.
- (c) All other provisions of City ordinances relating to zoning, demolition construction, use and maintenance of residential buildings shall apply, including, but not limited to, impervious surface coverage, yard setbacks, parking pad dimensions, driveway dimensions, parking requirements, and utilization of driveways for parking.

STAFF RECOMMENDATION

Staff found that this request met the following exception criteria:

- 1161.05(a)(iii) in that the previously existing private parking garage on the lot was a single-car garage for single-family dwelling and the applicant is proposing to replace this with a new single-car garage.

Staff recommends that the Planning Commission approve the reduction in required enclosed private parking to permit the replacement of a single-car garage with a single-car garage as shown on the submitted site plan with the following conditions:

1. ABR approval of the addition and garage;
2. Receipt of required building permits;
3. Final landscape plan to be approved by the Planning Director; and
4. All required construction and installation of the use shall be completed within 24 months of Planning Commission approval.

Ms. Cohen asked if there were questions for staff.

Mr. Horowitz stated that he is aware that the zoning code has been changed regarding garages, however with there being 47 feet from the back of the property to the front of the garage he stated that there was space to allow for a 2-car garage.

Ms. Knittel stated that prior to the code change this replacing a one-car garage with a one-car garage would have been administratively approved.

Ms. Cohen asked if there were any other questions for staff.

Lee Crumrine swore in the applicant.

The applicant affirmed the oath and stated that he wanted to expand the garage to add more useable space to the property.

Ms. Myles motioned to approve No. 22-11: C. Compton, 3232 East Fairfax Rd., 'A' Single-Family, Requests Reduction of Required Private Parking Spaces per Code Section 1111, 1115, 1121, & 1161 with staff recommendations.

Mr. Gaynier second the motion; the motion carried 5-0.

Ms. Knittel's presentation was as follows:

Proj. No. 22-12 H. Zheng, dba Taco Rooster, 1825 Coventry Rd., "S-2" Mixed-Use, requests Conditional Use Permit for an outdoor dining area seating up to 80 per Code Chapters 1111, 1131, 1145, 1151, 1153, & 1161.

CONTEXT

1825 Coventry Road is located in the Coventry Village business district on Coventry Road south of the Coventry Parking garage and north of SOBA Asian Kitchen. The east side of Coventry Road is zoned 'S-2' Mixed-Use. West across Coventry is zoned "C-3" General Commercial, there are local businesses including Mac's Backs Books and Tommy's. The parking garage extends east behind the building.

The Future Land Use map from the Master Plan shows this area as continuing to be used for mixed-use, commercial and retail.

HISTORY

Proj. No. 05-02, February 2005: a conditional use permit was granted to Panini's Restaurant for the outdoor patio area.

PROJECT DESCRIPTION

Taco Rooster opened in September 2021. They are requesting a conditional use permit to continue using the outdoor patio for seating of up to 80. The restaurant's hours of operation are Tuesday through Thursday from 11 a.m. to 11 p.m. and Friday and Saturday from 11 a.m. to 1 a.m. They intend to continue to use the existing outdoor bar. They have a liquor license.

REQUEST FOR REVISION OF CONDITIONAL USE PERMIT

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.*

The applicant is requesting permission to continue to use the outdoor patio area. Outdoor dining contributes to the lively atmosphere of the business district.

- 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.*

This will continue the use of an existing outdoor patio area, it will not be detrimental to the public health 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*

This is the continued use of an existing outdoor patio area and is in keeping with the character of the Coventry business district.

- 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*

This conditional use will allow the continued use of an existing outdoor dining area and will not be injurious to other properties in the immediate vicinity.

- 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*
The continued use of an existing outdoor dining area will have a positive impact on surrounding properties.

- f) *That adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided*

This is a continued use of an existing patio, public utilities should not be impacted.

- 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*

The continued use of the outdoor patio area will not change the traffic patterns of the district.

- 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*

The continued use should not be detrimental to the economic welfare of the community.

- 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. This is the continued use of an existing outdoor patio that is compatible with the surrounding commercial district.*
- 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.- see below.*

SUPPLEMENTAL STANDARDS FOR THIS CONDITIONAL USE (Chapter 1153)

Section 1153.05(p) requires outdoor dining with more than 25 seats to be reviewed and approved by the Planning Commission. In granting approval for an outdoor dining facility, the following standards apply:

1153.05(p)(1) The facility shall only be used in conjunction with, and under the same management and exclusive control of, a restaurant located on the same or contiguous property.

Taco Rooster operates in the building located adjacent to the patio.

1153.05(p)(2) The use shall not interfere with the flow of pedestrian traffic.

The patio area is not located within the public sidewalk area and does not impede pedestrian traffic. It is located between business storefronts that prior to 2005 had been used as a parking area.

1153.05(p)(3) Before a conditional use permit is granted for the use, it shall be determined that the facility will not create an undue parking shortage in the district.

This has been used as a patio for a restaurant since 2005 and has not caused an undue parking shortage in the district.

1153.05(p)(3) Temporary stanchions with chains or ropes may be approved for the outdoor dining facility, the extent, and nature of which shall be set out in the conditional use permit. Architectural Board of Review approval shall be required only for fencing that is temporarily or permanently affixed to the ground or floor of the outdoor dining area. Fencing shall be subject to regulations in Section 1131.08(c).

The existing patio will remain as is shown on the submitted site plan.

SUSTAINABILITY GUIDELINES (Sect. 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.*

SUSTAINABILITY GUIDELINES COMMENTARY (Sect. 1165.06)

The applicant proposes to continue using the existing outdoor patio area. The first sustainability guideline encourages the reuse of existing buildings and structures.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission approve the conditional use permit for the use of the outdoor dining area with seating up to 80 as described in the Planning Commission application with the following additional conditions:

1. There shall be no additional signage permitted for the outdoor dining area other than what would normally be permitted for a restaurant;
2. There shall be no advertising or other types of incidental signage on awnings, umbrellas, or other furniture in the outdoor area;
3. There shall be no live music or entertainment in the outdoor dining area and that recorded music and broadcasts be provided only in the background in a manner that would not cause a nuisance in neighboring residential areas;
4. The Applicant shall work with staff to resolve any complaints from neighbors;
5. The applicant shall submit a landscape plan for the Planning Director's approval and shall maintain all landscaped areas; and

6. All required construction and installation of the use shall be completed within 24 months of Planning Commission approval.

Ms. Cohen asked if condition 3 of the staff recommendation was consistent with other outdoor dining conditional uses.

Ms. Knittel stated "Yes".

Ms. Cohen asked if there were any other questions for staff.

Lee Crumrine swore in the applicant, Mr. Zheng.

Mr. Zheng affirmed the oath. He went on to explain the plan for the restaurant giving the customers and ability to have outdoor dining with the existing patio.

Ms. Wobig motioned to approve **No. 22-12 H. Zheng, dba Taco Rooster, 1825 Coventry Rd., "S-2" Mixed-Use**, requests Conditional Use Permit for an outdoor dining area seating up to 80 per Code Chapters 1111, 1131, 1145, 1151, 1153, & 1161. With staff recommendations,

Ms. Myles second the motion; the motion carried 5-0.

Mr. Zamft informed the Planning Commission that this will be the last virtual meeting and in-person meetings will resume next month. He added that there will be some new projects that will come to the Planning Commission starting this summer. He gave an update on Wellington Mews project as well, informing the Commission that there have not been any new plans brought further at this time.

Mr. Horowitz asked if there were any updates on project number 22-06.

Mr. Zamft stated the state seems to have State rejected this project, adding it was too close to a school. The applicant has not withdrawn; however, they're currently challenging that decision.

Ms. Myles gave her compliments to the staff for their commitment to the Planning Commission.

New Business

There was no new business.

Old Business


There was not old business.

Adjourn

The meeting adjourned at 8:30 p.m.



Jessica Cohen, Chair



Eric Zamft, Secretary