

**CITY OF CLEVELAND HEIGHTS
REGULAR PLANNING COMMISSION
April 14, 2021
MINUTES OF THE REGULAR MEETING**

MEMBERS PRESENT:

Jessica Cohen	Chair
Michael Gaynier	Vice Chair
Leonard Horowitz	
Adam Howe	
Anthony Mattox, Jr.	
Jessica Wobig	
Jeff Rink	

STAFF PRESENT:

Eric Zamft	Planning Director
Karen Knittel	Assistant Planning Director
Alix Nouredine	Assistant Director of Law
Christy Lee	Recording Secretary

CALL TO ORDER

Ms. Cohen called the meeting to order at 7:31 p.m. She welcomed the audience to the April 14, 2021 Regular Webex meeting of the Cleveland Heights Planning Commission.

APPROVAL OF MINUTES

Ms. Cohen asked had the Commission Minutes from the March 10, 2021 and March 17, 2021 Planning Commission meetings are not ready for approval and will be approved at the next meeting that will be held on May 12, 2021.

Ms. Cohen reviewed Planning Commission procedures and began with the first agenda item.

Project No. 21-04: Ari & Ariella Cohen, 3565 Shannon Rd., 'A' Single-Family requests lot resubdivision to combine parcels 683-16-062 and 683-16-063 per Code Chapters 1111, 1115, & 1121.

Ms. Cohen asked for the staff report.

Alix Nouredine, please raise your right hand. Do you swear or affirm that the testimony that you are about to give is the truth, the whole truth, and nothing but the truth?

Karen Knittel affirmed the oath. Karen Knittel gave a PowerPoint presentation detailing the project.

CONTEXT: The parcels are located within the 'A' Single-Family residential district with single-family homes surrounding them.

HISTORY: In January 2021, the applicant acquired the vacant lot, permanent parcel number (PPN) 681-16-063. The applicant resides at 3565 Shannon Rd. the adjacent parcel to the west.

REQUEST FOR LOT RESUBDIVISION:

3565 Shannon Rd, PPN 683-16-062 is 55 feet wide and is 6,765 square feet. The vacant lot, PPN 683-16-062 is also 55 feet wide and is 6.765 square feet in area. Joining these parcels will result in a lot that is 110 feet wide and is 13,530 square feet. Zoning Code Section 1121.06 requires that in the 'A' Single-family District, the minimum lot width at the building line is 50 feet and the minimum lot area is 7,500 square feet. Joining these two nonconforming parcels will result in a parcel that conforms with Section 1121.06.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission approve the lot resubdivision to join Permanent Parcel Numbers 683-16-062 and 683-16-063 to create one Code-compliant parcel as shown on the Hofmann-Metzker survey dated March 15, 2021, s with the condition that, prior to submitting the plat to the County Recorder, it must be signed by the Director of Law and Director of Planning & Development.

Ms. Cohen asked if there were any questions for staff from commission members. There were none. Ms. Cohen then invited the applicants to speak.

Alix Nouredine please raise your right hand. Do you swear or affirm that the testimony that your about to give is the truth, the whole truth, and nothing but the truth?

Mr. and Mrs. Cohen affirm the oath. They both thanked the commission and reviewed their request.

Ms. Cohen asked if there were any questions for the applicant from staff, if not was there a motion on the floor.

Mr. Gaynier motioned for approval of **Project No. 21-04: Ari & Ariella Cohen, 3565 Shannon Rd., 'A' Single-Family** requests lot resubdivision to combine parcels 683-16-062 and 683-16-063 per Code Chapters 1111, 1115, & 1121 along with the staff recommendations.

Adam Howe seconded the motion.

The motion was approved 6-0.

Ms. Cohen asked staff to review the second case.

Project No. 21-03: Thunderbolt Auto Care 2857 Noble Rd., 'C-2' Local Retail, requests a conditional use permit for an auto repair business per Code chapters 1111, 1115, 1131, 1151, 1153,

1161, 1166, 1175.

Karen Knittel gave a PowerPoint presentation to review staff report.

CONTEXT: The blockface in which this property is located is zoned 'C-2' Local Retail. There are commercial properties to the north on Noble Road. To the south is the City's Sewer, Water and Meters lot, the police impound lot, and McCarthy's Auto Body. Across Nobel Road is Parkdale Rd. with Noble Elementary School in an 'A' Single-Family district to the north. South of Parkdale is a 'MF-2' Multiple-Family district, with AV Remodeling located at the southwest corner of Parkdale and Noble. Single-family homes in an 'A' Single-family district are to the rear of the Thunderbolt site.

HISTORY:

Calendar Number 2411 granted a conditional use permit to permit an existing automobile repair garage in January 1993.

Project Number 01-13 granted a conditional use permit for an auto service station with major repairs in June 2001.

PROJECT DESCRIPTION

The applicant purchased Hollis Automotive business and proposes to continue the automotive repair business at 2857 Noble Road. Second Medina Corporation has owned the property since 2014. The applicants have a lease for the property. There will be two full-time employees. The business will be open Monday through Friday from 9:00 AM through 6:00 PM and on some Saturdays from 10:00 AM through 1:00 PM.

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.

STAFF COMMENTARY

The C-2 Local Retail District's stated purpose is for "operation of small neighborhood commercial establishments and to concentrate new retail businesses in buildings that typically locate side by side in order to create and encourage pedestrian activity." The 2018 Zoning Code amendment removed automotive uses as conditionally permitted uses in C-2 Local Retail districts, however, this use is a prior non-conforming use and may continue as a conditionally permitted use.

This property has been used as an automotive repair facility for 28 years. If well maintained, the continued use of this property as an automotive repair facility should not negatively impact the neighborhood, or the public health, safety morals, comfort, or general welfare. Neighbors are accustomed to this repair facility and it should not impede the development of the surrounding property, should not cause traffic congestion in the public streets, or create excessive additional requirements at public costs. This parcel abuts the City's Sewer, Water, and Meters lot, and continuing south on Noble is the City's Police Impound Lot and McCarthy's Auto Body. The rear lot has room to comfortably park 7 vehicles. There are 5 parking spaces for customers along in the Sewer Departments lot by the front hedge and the fence.

SUPPLEMENTAL STANDARDS FOR THIS CONDITIONAL USE:

Code section 1153.05 (u) Supplemental Standards for Automobile Service Station-Major Repair, Automobile Service Station-Minor Repair, Car Wash.

- (1) There shall be a minimum building floor area of 1,200 square feet;
- (2) All activities including cleaning, washing and drying operations shall take place inside the building;
- (3) No merchandise except oil may be stored or displayed outdoors;
- (4) No junk, inoperative or unlicensed vehicle will be permitted to remain outside on the property for more than forty-eight (48) hours;

- (5) All outdoor wiring, including electrical and telephone wiring shall be installed underground;
- (6) Locations where such use abuts a residential district or dwelling shall also provide a buffer zone along the entire length of the common boundary between the commercial use and the residential use which shall be maintained not less than ten (10) feet in depth. This buffer zone shall be landscaped with grass, shrubbery, and trees as approved by the Planning Commission and shall contain a solid brick wall three (3) feet in height from the residential building line to the street and six (6) feet in height from such residential building line to the rear of the residential use or residential district property line.
- (7) An automotive service station or carwash may be combined with a gasoline station provided the minimum lot area shall be no less than 30,000 and the regulations for each use are maintained.

STAFF COMMENTARY

Many of the above conditions apply to a newly built automobile service station. This is a request to continue the automotive repair use at an existing building and site. There is a chain-link fence surrounding the rear of the property. The rear property line abuts a single-family residence in an 'A' Single-family district. The chain-link fence along this rear property line has slates through the fence, the paved parking lot extends to the fence line. The dumpster is located at the rear of the property. This rear area of the property has been and will continue to be used to park vehicles being repaired. There are four lifts in the building. The applicant has stated that typically clients make appointments and that most repairs are completed in one day. If this conditional use permit is approved staff recommends that the dumpster be screened as required in Code Section 1166.10(a).

SUSTAINABILITY GUIDELINES (SEC. 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. Encouraging the continuation of a successful business in an existing building is important to Cleveland Heights' financial sustainability.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission approve a conditional use permit for Thunderbolt Auto Care for an auto repair business in the existing building at 2857 Noble Road with the following additional conditions:

1. Applicant shall maintain landscape areas;
2. Applicant shall screen the dumpster per Code Section 1166.10(a);
3. All activities shall take place inside the building;
4. No junk, inoperative or unlicensed vehicle will be permitted to remain outside on the property for more than 48 hours;
5. 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;
6. The applicants shall work with staff to resolve any complaints from neighbors; and
7. All required construction and installation of the use shall be completed within 18 months of Planning Commission approval.

Mr. Horowitz asked if the conditional use permit stays with the property if there's a change in ownership.

Ms. Knittel replied that the conditional use permit was with the business. There's a new business which means that a new conditional use permit is needed because it's a corporation.

Alix Nouredine stated that Karen Knittel is correct.

Ms. Cohen asked if there were any other questions.

Alix Nouredine please raise your right hand. Do you swear or affirm that the testimony that your about to give is the truth, the whole truth, and nothing but the truth?

Ms. Rearick affirmed the oath. She stated that her only concern is the fence located around the dumpster. She stated that she has reached out to a company she wanting on a quote. She wants to make sure that the trash company will still have access to the dumpster and that they will not lose parking spaces.

Ms. Cohen asked Ms. Knittel and Mr. Zamft how would they like to handle these pending issues.

Ms. Knittel stated that the existing condition was there when they purchased and started the business, she added that they have been trying to bring the dumpster up to code.

Ms. Cohen asked if there were any additional questions for the committee or the applicant. She then asked if there was a motion on the floor.

Mr. Horowitz moved to approval of **Project No. 21-03: Thunderbolt Auto Care 2857 Noble Rd., 'C-2' Local Retail**, requests a conditional use permit for an auto repair business per Code chapters 1111, 1115, 1131, 1151, 1153, 1161, 1166, 1175 with the staff recommendation.

Mr. Mattox 2nd the motion

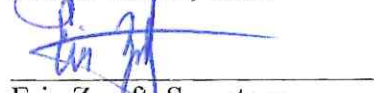
The motion was approved 6-0.

There was no new business or old business to discuss.

The meeting adjournment at 7:52 p.m.



Jessica Cohen, Chair



Eric Zamft, Secretary