

**CITY OF CLEVELAND HEIGHTS
REGULAR PLANNING COMMISSION
December 8, 2021
MINUTES OF THE REGULAR MEETING**

MEMBERS PRESENT: Jessica Cohen Chair
Michael Gaynier Vice Chair
Adam Howe
Jessica Wobig
Leonard Horowitz

STAFF PRESENT:	Eric Zamft	Planning Director
	Karen Knittel	Assistant Planning Director
	Alix Noureddine	Assistant Director of Law
	Christy Lee	Recording Secretary

CALL TO ORDER

Ms. Cohen called the meeting to order at 7:05 p.m. She welcomed the audience to the December 8, 2021, regular meeting of the Cleveland Heights Planning Commission.

APPROVAL OF MINUTES

Ms. Cohen asked if the Commission read the minutes from the November 2021, Regular Planning Commission meeting and if there were any corrections needed. There were no additional corrections needed and the minutes stand approved.

Ms. Cohen took a moment to acknowledge the departure of fellow Planning Commission member Anthony Mattox as he transitions into his new role with City Council. She thanked him for all his hard work and dedication to the Planning Commission.

Mr. Mattox Thanked the Planning Department as well as the Planning Commission for the opportunity to serve the City of Cleveland Heights. Mr. Mattox went on to say that he is looking forward to expanding his role within the City of Cleveland Heights and working to make even more improvements to help the City grow.

Alix Noureddine asked do you swear or affirm that the testimony that you will be giving is the true the whole truth and nothing but the truth.

Karen Knittel responded "I affirm" and Ms. Knittel staff report and PowerPoint presentation were as follows:

Proj. No. 21-16 M. Hicks dba 23 Lounge, LLC, 2560 & 2558 Noble Rd., C-2 Local Retail conditional use permit request for event/party center business per Code chapters 1111, 1115, 1131, 1151, 1153, 1161.

CONTEXT: The property is located in a commercial building with multiple storefronts along Noble Road between Monticello Boulevard and Roanoke Road. Commercial uses are

located to the north and south and across Noble Road to the east are commercial uses all are in the 'C-2' Local Retail District. Behind the property to the west is a parking lot and then there are single-family houses in an 'A' Single-Family District.

HISTORY: This site has long been used for commercial businesses, County records state that the building was constructed in 1925.

PROJECT DESCRIPTION:

The applicant is proposing to lease and combine two storefront spaces (2560 and 2558 Noble Rd.) to be operated as one space. The applicant states that 23 Lounge is an event/party center for the community and that typical uses of the site will include: children's parties, wedding receptions, off-site Bible study, and birthday parties. Party/event centers are conditionally permitted uses in this district.

Office hours would be Sunday through Monday 9 AM through 5 PM and the hours of operation when the space will be available to rent will be between 9 AM and 12 Midnight. The proposed staff on-site for events will be 4 or more depending on the event.

23 Lounge will not have more than one event at a time.

There will be a designated smoking area outside by the back door.

Cleaning services will be provided for each event.

The space may hold up to 49 people at one time.

Food will only be warmed on-site and must be catered from Monica's Carryout LLC located across Noble Road at 2569 Noble Road.

The applicant proposes to allow and to provide alcoholic beverages at events. The applicant states she is in the process of requesting a liquor license.

The applicant provided the following Safety Plan:

Security is and will be on-site for each and every event. Three trained licensed staff members (trained security guards) will be responsible for not allowing any weapons of any kind into our facility and ensuring the safety and security of our guests. Security Cameras will be in place and recording at all times. The 23 Lounge has two entry points one located in the front and rear of our building. Security guards will be in place at each door and inside the facility. Applicants that are planning events at the 23 Lounge must meet all requirements and sign a non-disclosure form indicating there will be no drugs or weapons on at this facility and can be subjected to a search upon entering the facility. We stand strong on respect and we ask everyone to do so toward one another.

REQUEST FOR CONDITIONAL USE PERMIT:

The applicant is requesting a conditional use permit for an event/party center.

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 ON STANDARDS FOR CONDITIONAL USES

Operating an event/party center in a commercial building is in keeping with the objectives of the C-2 district, which is for "the continued operation of small neighborhood commercial establishments..." A walkable, vibrant commercial district is an amenity to the adjacent residential district and the addition of event/party center space will contribute to this part of the Nobel C-2 district. The proposed party center should not endanger the public health, safety, and welfare. Currently, the storefront window is not in compliance with zoning Code Section 1131.076 Window Transparency which states:

All windows in all commercial buildings shall provide views to allow people to see and be seen for passive security and to encourage pedestrian activity and district viability. Windows must be constructed of clear or lightly tinted glass. Reflective glass and tinting above twenty percent (20%) is prohibited. The adequacy and necessity of such visibility shall be subject to approval by the Zoning Administrator. The applicant stated that she is working with a window contractor to remove the current non-compliant window. A condition of approval should be

that the storefront is brought into compliance with Code Section 1131.076. No other changes are proposed to the exterior and any proposed signage will require the approval of the Architectural Board of Review. All interior work must meet the building and fire code regulations. This building has been vacant for a while and adding a vital business in a commercial building helps neighborhood property values. The project is code compliant in terms of parking regulations and there is ample parking in the commercial district with surface lots behind the building, to the east of the building adjacent to the CVS Drugstore, and in front of the building along Noble Road.

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 reuse of vacant space is important to Cleveland Heights' sustainability.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission approve the conditional use for the event/party center with the following additional conditions:

1. This use shall not be injurious to the use and enjoyment of other properties in the immediate vicinity or create a nuisance for adjacent properties;
2. The applicants shall work with staff to resolve any complaints from neighbors;
3. The applicant shall adhere to all regulations and permitting requirements for the sale of and on-site consumption of alcoholic beverages;
4. The outdoor smoking area will be regularly monitored to assure that the area is maintained with no litter and that it does not become a nuisance for neighboring properties;
5. The property shall be brought into compliance with zoning regulation Section 1131.076 Window Transparency;
6. Any expansion of the party/event center use and/or the hours of operation shall require a new Conditional Use Permit; and
7. All required construction and installation of the use shall be completed within 18 months of Planning Commission approval.

Anthony Mattox asked if this project had been to the Planning Commission before.

Ms. Knittel responded that a similar business in an adjacent storefront was issued a Conditional Use Permit in July 2021.

Mr. Mattox asked how close the approved Party Event Center is to this new project that has come before the Planning Commission.

Ms. Knittel there adjacent to each other.

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

Alix Noureddine asked do you swear or affirm that the testimony that you will be giving is the true the whole truth and nothing but the truth.

Monica Hicks responded "I Do" Ms. Hick went on to state that everything that Ms. Knittel presented regarding her project was correct, she added that the tint on the windows has been cleared and the windows are now completely transparent.

Mr. Horowitz asked Ms. Hicks if she would clarify the actual use of the space.

Ms. Hick stated that there is a seating area along with benches when you walk through the front. Also, there are round tables located throughout with chairs and on the other half of the building, there are benches and chairs.

Mr. Horowitz asked if you are able to pass from one side of the building to the next. He went on to ask if he was correct that per the design that a new doorway will be installed in the back as well.

Ms. Hick stated "no" there will not be a new door installed at this time. But there is a path that allows access from one side of the building to the next.

Mr. Horowitz asked if the side with the tables would be considered a 4-top table, but the floor plan is only showing two chairs per table, with there being only a 49 seat capacity how will that actually work.

Ms. Hick stated that it is just basically for seating, she mentioned that sometimes people want to stand while others prefer to sit. She added that she doesn't anticipate having over 49 guests at a time.

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

Mr. Mattox made a motion to approve **Proj. No. 21-16 M. Hicks dba 23 Lounge, LLC, 2560 & 2558 Noble Rd.**, C-2 Local Retail conditional use permit request for event/party center business per Code chapters 1111, 1115, 1131, 1151, 1153, 1161. With the following staff recommendations:

STAFF RECOMMENDATION

Staff recommends that the Planning Commission approve the conditional use for the event/party center with the following additional conditions:

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2. The applicants shall work with staff to resolve any complaints from neighbors;
3. The applicant shall adhere to all regulations and permitting requirements for the sale of and on-site consumption of alcoholic beverages;
4. The outdoor smoking area will be regularly monitored to assure that the area is maintained with no litter and that it does not become a nuisance for neighboring properties;
5. The property shall be brought into compliance with zoning regulation Section 1131.076 Window Transparency;
6. Any expansion of the party/event center use and/or the hours of operation shall require a new Conditional Use Permit; and
7. All required construction and installation of the use shall be completed within 18 months of Planning Commission approval.

Adam Howe seconded the motion, the motion was approved 6-0.

Ms. Cohen said that she wanted all to be aware that the next case would be a preliminary review and that no action will be taken by the Planning Commission. Ms. Cohen informed all in attendance of how questions and answers would be handled during this virtual meeting. Ms. Cohen also added that the Cedar-Lee Meadow project that is being presented along with the Planning Commission has a very specific role with regard to the Cedar-Lee-Meadowbrook project. She said that the Planning Commission will be looking at how this project fits into the overall zoning code, how this project fits into what we want to see as a City in terms of compliance with the zoning code, but also the spirit of the zoning, and what we like to see for this particular space. Ms. Cohen went on to let the public know that she would not limit community comments but asked that all be respectful. She added that there were a few members of City Council in attendance, however, for this meeting, per advice by Cleveland Heights Counsel, members of City Council will not comment on this project. Ms. Cohen reminded all that the Planning Commission will not be making a vote on this project at this meeting, that this meeting is an opportunity for all to see the concept of this project and to hear from the designers themselves.

Mr. Zamft stated that he had a short presentation to add context to what Ms. Cohen just provided.

Alix Noureddine asked do you swear or affirm that the testimony that you will be giving is the true the whole truth and nothing but the truth.

Mr. Zamft responded, "I Affirm". Mr. Zamft used a PowerPoint presentation to review Proj. No. 21-17 Flaherty & Collins Cedar-Lee-Meadowbrook. He reviewed the process including public workshops and meetings and approval meetings the project requires. Mr. Zamft said the purpose and goal of this meeting is to kick off the design review process. He went on to explain the role of the Planning Commission within this process along with the other Boards that will be involved and their role in this process.

Ms. Cohen thanked Mr. Zamft for the excellent walk-through of the purpose of tonight's meeting. Ms. Cohen welcomed to the panel the designer of this project Brandon Bogan from Flaherty and Collins, and Alex Pesta, Michelle Bandy-Zalatoris, John Wagner, Philip Migas from City Architecture, and Greg Shumate from Desman Design Management, and Nancy Lyon-Stadler from WSP.

Alix Noureddine asked do you swear or affirm that the testimony that you will be giving is the true the whole truth and nothing but the truth.

All affirmed the oath.

Mr. Bogan thanked everyone for allowing them to present this evening. He expressed his excitement regarding this project and having it move forward. He then handed the conversation over to Alex Pesta of City Architecture.

Mr. Pesta reviewed a PowerPoint presentation detail the of the proposed Cedar-Lee Meadowbrook development. He went said that many of the designers are residents of the City of Cleveland Heights and that they look forward to adding to the beauty of the city.

Mr. Pesta said the project will bring to the City as a whole, additional living space and retail. He gave a look into the history of the area, and how the new project will bring back some of the history. He went on to remind all that there were some initial design ideas for the site that were presented to the public earlier in the year and that Council and the Economic Development Department have been navigating the development agreement. Mr. Pesta said he wanted to let the public know that they are aware of the concerns for parking and that parking and traffic studies have been conducted to ensure all needs are met. He added that there will be an additional open house on December 14, 2021 at the City of Cleveland Heights Community Center regarding traffic and parking. Mr. Pesta continued to review the Cedar-Lee Site and its development process and zoning through his PowerPoint presentation. Mr. Pesta said that they recognized that construction can and will be messy and they anticipate that there are going to be challenges during construction and they want to keep the lines of communication open during construction to build better relationships with the community. He referred back to his PowerPoint presentation regarding the proposed site plan for this development. He emphasized that there will be additional amenities available to the public with the construction of this new site. Mr. Pesta went to show a ground view plan of the project to give a better view of how the inside and outside space work together and the amenities that will be available.

Mr. Pesta now reviewed the site plan further for the Meadowbrook site, how this too would provide ample outdoor dining and sidewalk space. He said that he wanted Cleveland Heights to move forward allowing for more space, entertainment, walking space as well as green space. Mr. Pesta said that this is an evolving process for the city and he hopes that this explanation and overview will enhance the vision that they have to add to the beautiful City of Cleveland Heights.

Ms. Cohen thanked Mr. Pesta and added that she was part of the Planning and Development Committee of Council's focus group and that she can see that there's been a lot that has happened and been done.

Ms. Cohen said that now they will have an open discussion.

Anthony Mattox said that he would fall back with the rest of Council, but before he did he asked for clarification on how the community should present feedback regarding this particular project.

Eric Zamft responded that the City of Cleveland Heights website page for this project is updated as soon as news or meetings have been scheduled so that the public is aware. He added that there's a weekly email that is sent out on Fridays to keep all informed.

Anthony Mattox stated that he wanted to ensure that the public was kept in the loop as these changes are coming forth. Mr. Mattox asked if the green space at the rear of the building would be accessible to the public. Mr. Mattox asked if the project would allow Cedarbrook and Tullamore residents access to walk through the site.

Mr. Bogan stated that there are two components to that section. There's the section within the "u" of the building that is called the "courtyard space" which will be fenced off however the remaining area that you're speaking off will allow access for all. In reference to the Cedarbrook and Tullamore residents, he added that they are thinking of having a walk-through space to allow entry giving residents a path for walking connecting the areas.

Mr. Horowitz asked if Tullamore Road will continue to be a dead-end street or if that would now be open to traffic. He asked if the sidewalks are intended to connect the Cedarbrook sidewalk and the Tullamore sidewalk and if there will be any covered connection between the building and the parking garage. He also asked if there would be resident-only floors in the parking garage. Mr. Horowitz asked if there would be outside lighting, and/or security cameras placed on the project.

Mr. Bogan stated that they haven't had any discussions about changing the existing route configuration as it is, stated that this should be answered by Mr. Zamft. He said that regarding the sidewalks, there will be pathways that connect them. He stated that at this time, they do not intend on building a covered connection between the parking structure and the buildings. He said that pertaining to the lighting and security question, there will be lighting surrounding the area that will not heavily impact the surrounding neighborhoods.

Mr. Zamft stated that the Tullamore Road absolutely will remain a dead-end. He said that the parking garage will have sections designated just for residents.

Mr. Horowitz asked for clarification of the building design.

Mr. Pesta stated that they looked at the context, reviewing what is adjacent and also looking at what's in the general vicinity as well. He said the High School across is pretty tall and that they feel the design of the building fits pretty well considering that it's such a large area. He said they have material changes between the 3rd and 4th floor of the building to break up the massing and scale down a little bit to make the 4 stories work and fit in that area.

Mr. Zamft interjected that if Mr. Horowitz wanted to see a perspective of this image of the materials they are willing to do so.

Mr. Horowitz stated that possibly seeing a 3-d model would be great so that they can have a true perspective of the project.

Ms. Cohen added that she would like a view from a single-family home behind the green space on Cedarbrook and Tullamore and how this may affect the residents.

Mr. Gaynier added that he was impressed with the amount of green space that has been created and that it will be a nice addition to the project adding a nice buffer zone behind the homes that will be a great connecting route.

Ms. Wobig asked that the model also include a review of the overall streetscape along Lee Road and how the buildings will relate to the surrounding buildings and the entire neighborhood.

Mr. Horowitz suggested that the parking spaces abutting the parking garage could be angled parking considering that there's no on-street parking.

Mr. Mattox asked if the parking garage would be open during construction.

Mr. Bogan stated that must ensure safety for all in such a large construction site, there is the possibility of it being open during construction however, every measure will be taken to ensure safety for all.

Mr. Mattox stated that he wanted to ensure that all work together so that every measure is taken to ensure all are safe and protected.

Ms. Cohen asked if the site plan includes the mini-park. She asked if landscaping and materials being planned at the mini-park are consistent with the rest of the plan in terms of landscaping and paving.

Mr. Zamft interjected that the mini-park project is separate from this, but that obviously it's related. He said that Future Heights have been leading the mini-park efforts. He said there's an ongoing discussion between the city and Future Heights about the design and the construction and that all parties need to be aware of each other.

Mr. Bogan agreed with Mr. Zamft and that they want to ensure that all parties involved are aware of the other decision and design concepts going forward.

Ms. Cohen added that she was just thinking of the landscape examples that were shown earlier in the presentation and that we want everything to look and feel cohesive. Ms. Cohen asked was if there was a requirement regarding keeping the parking garage or was it ever considered to possibly raise the parking garage, removing it completely.

Mr. Zamft stated that if you look at the planning history of this project, the garage was built in anticipation of, and as an attraction for development. He said that the garage was part of the RFP/RFQ and that it is part of the development agreement to keep it

Ms. Cohen expressed her happiness that they were able to acquire the properties on Cedar Road to make them part of the project and the plan. Ms. Cohen asked if more details could be given about the on-site pool and who is the target group of renters or owners for the residential portion.

Mr. Bogan stated that almost all of their development, if not all, have on-site pools. It's part of their development design, considering that they do luxury market rate and multi-family housing. He said that in terms of development, this is a key piece of development that they establish to provide a lifestyle of living. He said that these are not renters that are renting out of necessity, but because they're empty nesters or millennials. He said their target groups enjoy the availability of an on-site pool.

Ms. Cohen said that this is a great insight as to who the target market will be. Ms. Cohen said that she was very impressed with the plan for Meadowbrook.

Mr. Mattox asked if consideration was given to the many high school students who use this area as a cut-through to get to the High School and asked if there will be any public space available to allow access for walkers, especially students.

Mr. Bogan responded "yes" we anticipate that there will still be available walk space between that location for students and those who are walking through the neighborhood.

Ms. Cohen asked if there will still be the ability to walk behind the Lee Road storefront business.

Mr. Pesta responded that there would be, that the property line and many of the outdoor dining is behind the back of the storefront business and there will remain accessible to these properties by way of walking. Mr. Pesta added that in no way are they looking to impede the flow of the local businesses.

Mr. Bogan interjected that they have no intentions to negatively impact the surrounding stores.

Mr. Howe asked what the plan is for the existing trees that are on the property. He asked if there are plans to save them or to remove them to make space for the garage.

Mr. Pesta said that the intent is to leave the trees intact and not to remove them.

Ms. Wobig asked what the development team envisioned as the business types for their project.

Mr. Pesta said that from a design standpoint there will be multiple tents within that 7,000 square feet of space. Mr. Pesta said that from a marketing standpoint which isn't his arena, he would imagine that's going to be multiple tenants who will fill that area.

Mr. Bogan stated that retail space itself is one focus and the goal is to make it as flexible as possible, to make it viable to as many retailers as possible. He explained that this would enable them to find the best potential tents for the space.

Mr. Horowitz asked how they will keep with the current flow of garbage removal and deliveries and not allow disruption. He asked if the deliveries will remain accessible by way of Lee Road.

Mr. Pesta pointed out that there will be trash rooms available to residents. He provided information about the trash receptacles and how they will not impede the residents or retail owners.

Mr. Bogan pointed out that it also depends on the size of the retail shop and the type of residents that may be there as to how much trash would accumulate, however, the goal is to keep the area clean and well managed. He said that deliveries will remain on Lee Road.

Ms. Cohen said that if there were no further questions, she would open the floor to public comment at this time.

Mr. Zamft said that the Planning Department had received some comments and that he will make them available to the public. He added that all concerns and comments are taken seriously and that the Planning Department, as well as the City of Cleveland Heights, are committed to making all voices heard.

Ms. Cohen instructed all on how public comment will be conducted. Ms. Cohen welcomed Ms. Laura Marks to voice her public comments.

Alix Noureddine asked do you swear or affirm that the testimony that you will be giving is the true the whole truth and nothing but the truth.

Ms. Marks responded "Yes". Ms. Marks went on to voice her concerns and comments regarding this project. Her main concern is ecosystem services and how this project will affect the water flow in the area. Ms. Marks raised concerns regarding the surrounding trees in the area, how wide the tree lawn would be, and if this would provide the required root space. She said that she wants to ensure that all were aware of the tree canopy within this area. She asked if trees needed to be removed could there be a plan to move trees to preserve them. She went on to voice her concern regarding lighting in the area and stated that she wanted to know what lighting will be put in place and what would be the long-term effects and asked that environmentally friendly lights be installed.

Ms. Cohen thanked Ms. Marks for her comments and said that the required tree study, as well as storm water draining and lighting, will be made known to the public.

Alix Noureddine asked do you swear or affirm that the testimony that you will be giving is the true the whole truth and nothing but the truth.

Susan Miller responded, "I swear". Ms. Miller went on to say that she appreciated the green space that will be available. Ms. Miller said that the integration of the two-building the veterinarian building and the beauty college on Cedar to the project are needed. She said that she wasn't fully aware of the depth of the sidewalk and didn't know if any vegetation or street trees will be added. Ms. Miller went on to suggest the possible design and materials to use for the new structures. Ms. Miller went on to speak about the parking garage and that she was concerned about the amount of energy that the garage uses and asked if there will be a way to reduce that. She added that the bus stop seems to be missing and asked if that will be put in after construction. She asked that the landscaping species considered allow for the additional growth of plants, trees, and welcome bees.

Ms. Cohen thanked Ms. Miller for her comments and concern. Ms. Cohen closed the public comment. Ms. Cohen asked who owns the solar energy assets of the parking garage.

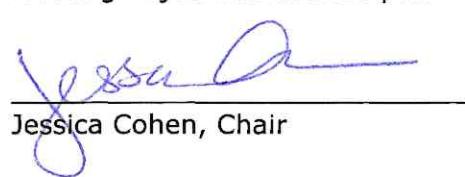
Mr. Zamft stated that this was something that was being looked into.

Ms. Cohen stated that she appreciates the work of staff in this process and presentation.

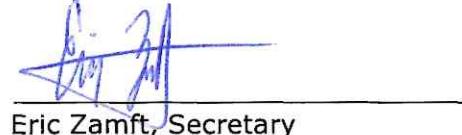
Mr. Zamft showed the agenda of the upcoming meetings and made all aware that this schedule will be available on the City of Cleveland Heights website for review.

New business
Old business

Meeting Adjourned at 9:03 pm.



Jessica Cohen, Chair



Eric Zamft, Secretary