

**CITY OF CLEVELAND HEIGHTS
REGULAR PLANNING COMMISSION
March 8, 2023
MINUTES OF THE REGULAR MEETING**

PRESENT MEMBERS: Leonard Horowitz
Jessica Wobig
Judith Miles
Adam Howe

ABSENT MEMBERS: Ken Surratt
Jessica Cohen
Michael Gaynier

STAFF PRESENT: Eric Zamft Planning & Economic Development Director
Lee Crumrine Assistant Director of Law
Karen Knittel Assistant Planning Director
Christy Lee Recording Secretary

CALL TO ORDER

Mr. Horowitz called the meeting to order at 7:01 p.m. He welcomed the audience to the March 8, 2023, regular meeting of the Cleveland Heights Planning Commission.

Mr. Howe nominated Mr. Horowitz as chair pro temp for this evening's meeting due to the absence of Chairwoman Cohen, the motion was seconded by Ms. Wobig. The motion was approved.

Mr. Horowitz stated the election of officers would be placed on hold due to the absences of three of the current Planning Commission Members.

APPROVAL OF MINUTES

Mr. Horowitz stated that the minutes from November 9, 2022, and January 11, 2023, were approved the minutes for December 14, 2022, were placed on hold for all Planning Commission Members that were present at the meeting to vote for approval

Lee Crumrine swore in staff and applicants.

Brian Briggs (Dayton, Ohio) 2950 Mayfield Road, Cleveland Heights, Ohio.

Chris Granhoim 2950 Mayfield Road, Cleveland Heights, Ohio. Stated that he was the General Manager of the facility.

Mr. Briggs and Mr. Granhoim went to explain to the Planning Commission that they recently purchased Motorcars Toyota they specified that they will not make any changes to the current

facility, and the business will continue to run as usual. The only thing that has transpired is the ownership.

Karen Knittel's presentation was as followed:

Proj. No. 23-04 Martin Motors of Cleveland, Inc. dba Toyota of Cleveland Heights, 2950 Mayfield Road & 14253-14261 Superior Road, S2 Mixed-Use zoning district, requests conditional use permit to operate existing Motorcars Toyota dealership and employee parking lot (new & used car sales, major/minor auto repair, car wash, office) per Code sections 1111, 1115, 1131, 1145, 1151, 1153, 1161, 1163, & 1166.

CONTEXT: The lot is located on the south side of Mayfield Road near Superior Road. South of the properties are single-family homes in the "A" single-family district along Hampshire Road. North, east and west are commercial properties.

HISTORY: Auto uses date back at least as far as the 1950s on this site. Calendar numbers 16, 224, 311, 435 and 1607 granted various approvals and variances for the operation of CJ Harmon, Cleveland Heights Motors, Mayfield Motors, and Dowd Mercedes. Recent cases:

Cal. No. 2650, 1997: Administrative approval for sign at Mayfield and Superior roads limited to 36 s.f. per sign face and height limited to 16'

Cal. No. 2742, 1998: Variance to permit 20' circulation aisles; variance for freestanding sign; less than 10' required buffer along residential area and no brick wall

Proj. No. 99-31, 1999: Conditional Use permit for existing auto dealership

Cal. No. 2826, 2000: Variances granted: (1) to permit 6' all board-on-board fence along lot Lines abutting residential properties instead of 6' tall brick wall; (2) to permit commercial Identification sign on west side of building wall that does not face a principal street; and (3) for circulation drive aisles as narrow as 20' wide instead of 22' wide circulation aisles

Cal. No. 2990, 2003: Variance to sign regulations for 5' x 8' freestanding sign

Proj. No. 11-10, 2011: Conditional Use permit for 107' x 79' service addition (office, reception and 6 service bays) & internally lit curving freestanding wall with sign at entry

Proj. No. 11-27, 2011: Conditional Use permit for internally lit curving freestanding wall with sign

Proj. No. 20-04, 2020: Conditional Use permit to continue operations of Toyota dealership & employee parking lot.

PROJECT DESCRIPTION: Martin Motors of Cleveland, Inc. doing business as Toyota of Cleveland Heights will continue operating the Toyota dealership (new & used car sales, major/minor auto repair, car wash, office). The applicant has acquired the business and property of the current Motorcars Toyota dealership. They intend to continue the existing operation with sales of new and used vehicles, services and parts operation, recondition of used cars for sale, light paint work, washing & detailing vehicles for lot display and automotive photography. They intend to keep the current hours of operation:

Monday – Thursday 7:00 AM – 8:00 PM

Friday 7:00 AM – 7:00 PM

Saturday 8:00 AM – 7:00 PM

Sunday 10:00 AM – 3:00 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;*

An S-2 mixed-use district provides an opportunity for modern and imaginative architectural design and mixed-use development in special areas which offer unique development opportunities. This has been an auto-oriented site for decades and, while not currently a permitted use in the district, exists as the continuation of a nonconforming use and the continued use of this business is consistent with the district's objective.

The existing landscaping along Mayfield should be maintained. Care should be taken to protect the natural landscape buffer along the south property line which buffers Hampshire Road neighbors. The landscaping by the Superior Road staff parking lot should be maintained. Current landscaping shall be maintained, all dumpsters screened, and any proposed landscape/screening changes or removal/replacement of trees shall require the approval of the Zoning Administrator. Adherence to a weekly landscaping maintenance program during non-winter months and biweekly litter and fence inspection should be a condition of approval.

(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;*
The auto dealership will not be detrimental to public health, safety morals, comforts 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;*
A car dealership has been in this location since the 1950s and the continued use of the site as an automotive dealership will not change the character of the 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;*
This is a continuation of use that has been in this location since the 1950s. The continued use will not be injurious to the use and enjoyment of other properties in the immediate area. The residential properties on Hampshire Road are buffered by a large parking lot. The use should have no negative impact on property values.

(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;*
Continued operation of the dealership will not impede the normal and orderly development and improvement of surrounding property.

(f) *That adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided;*
Adequate utilities, access roads, drainage and necessary facilities are in place.

- (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;*
Operation of this dealership is planned to continue following the same business pattern that has been in place. There have been no issues with the operation of the dealership.
- (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 operation will support the community through employment, sales and property taxes, it will 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;*
There is minimal potential for future hardship resulting from the dealership being surrounded by permitted uses.
- (j) *That the conditional use shall address the sustainability guidelines of Section 1165.06.*
Continued use of existing buildings and successful businesses are important for city's sustainability.
- (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 commentary on supplemental conditions below)*

SUPPLEMENTAL STANDARDS FOR THIS CONDITIONAL USE, Code section 1153.05(r)
Automobile Sales, New or New and Used, and Auto Rental. Establishments offering new or new and used vehicles for sale may be conditionally permitted in a C-2 or C-3 District, and establishments offering automobiles for rental may be conditionally permitted in a C-3 District, in compliance with the following items (1) through (6):

- (1) *Sale of new automobiles means a building and land used by a franchised automobile dealer principally for the sale of new automobiles. The sale of used automobiles may be permitted as an accessory use provided the inventory of used automobiles does not exceed fifty percent (50%) of the overall inventory at any one (1) time.*
- (2) *Service garage, leasing department and other activities customarily incidental to a full service franchised automobile dealer shall be permitted as accessory to the sale of autos provided these activities are conducted in wholly enclosed buildings.*
- (3) *Only repair of automobiles customarily associated with automobile sales shall be permitted, and shall be conducted inside a suitable building.*
- (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 neighborhood 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 of the adjoining residential use to the street, and six (6) feet in height from such residential building line to the rear property line of the adjoining residential use.*

STAFF COMMENTARY ON SUPPLEMENTAL STANDARDS FOR CONDITIONAL USES

The proposed sale of used automobiles is proposed in conjunction with the sale of new Toyotas. Any approval conditions should address Standards #1 - #4. Because this is the continuation of an existing auto use and all wiring is in place, Standard #5 does not apply and a previous variance was granted to the requirements of Standard #6. That condition required a buffer area and a 7' tall fence which should be a condition of any approval.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission approve a revision to the conditional use permit for Martin Motors of Cleveland, Inc. dba Toyota Cleveland Heights to operate the existing Toyota dealership and employee parking lot on Superior Road (new & used car sales, major/minor auto repair, car wash, office) with the following additional conditions:

1. That the use shall not be injurious to the use and enjoyment of other property in the immediate vicinity or create a nuisance for nearby residents and businesses;
2. The applicant shall work with staff to resolve any complaints from neighbors;
3. The sale of used vehicles at this site shall only be permitted accessory to the sale of new automobiles at the franchised Toyota Cleveland Heights operated by Martin Motors of Cleveland, Inc. The inventory of used automobiles shall not exceed fifty percent of the overall Toyota Cleveland Heights inventory at any one time;
4. Service garage, leasing department and other activities customarily incidental to a full-service franchised automobile dealer shall be permitted as accessory to the sale of autos provided these activities are conducted in wholly enclosed buildings;
5. Only repair of automobiles customarily associated with automobile sales shall be permitted and shall be conducted only where specifically shown inside of a building on the approved plans;
6. No junk or inoperative vehicle will be permitted where it can be seen from a public right-of-way or will be permitted to remain anywhere outside on the property for more than forty-eight (48) hours;
7. Parking lots shall be striped in accordance with approved site plan and cars shall park in an orderly manner as shown on the approved plan;
8. Test-driving of vehicles shall not be on residential, 'A' single-family district collector side streets, such as Middlehurst, Hampshire and Poyer. Streets with high volumes of traffic and multiple lanes, such as Mayfield, Monticello, and Lee Road, shall be the principal routes for such test drives;
9. All reasonable efforts shall be made to preserve the wooded character of the 10'-wide landscape buffer abutting Hampshire Road lots and Martin Motors of Cleveland dba Toyota Cleveland Heights shall maintain the existing 7'-tall fence along the south property line.
10. An updated landscaping plan shall be submitted and approved by the Zoning Administrator. The landscaping plan shall comply with previously approved landscape plans [2950 Mayfield in accordance with plan approved Proj. No. 99-31 and 14253-14261 Superior in accordance with plan approved Proj. No 98-22]. All dumpsters shall be screened and Zoning Administrator's approval shall be required for removal, replacement, or installation of any landscaping, trees, screening, or fencing;
11. The applicant shall adhere to a weekly landscaping maintenance program during non-winter months and biweekly litter and fence inspection. Litter shall be removed immediately and fencing shall be repaired in a timely manner. Plowed snow shall be stored on-site and shall not be piled onto public sidewalks;
12. Architectural Board of Review approval shall be required for any exterior changes to the building, including signage. All signage shall conform to zoning requirements, considering previous variances, including the prohibition of temporary freestanding signs, pennants, banners, streamers, whirligigs, balloons and other similar devices;

13. Lighting shall not glare into, or upon, the surrounding area or any residential premises. Any proposed new lighting shall be approved, prior to installation, by the Planning Director in compliance with Code section 1165.07;
14. All deliveries shall occur on-site and no automobile delivery trucks shall load or unload automobiles on Mayfield Road; and
15. All required construction and installation of the use shall be completed within 18 months of Planning Commission approval.

Mr. Horowitz asked if there were any questions for the staff or from the public at this time.

Robert Brown 2903 Hampshire Road, also affirmed the oath. Mr. Brown asked if the building is going to use for repairs and painting and will the fumes from the painting or repairs be contained. Mr. Brown further mentioned his support of the Project.

Ms. Knittel stated that this question should be directed toward Proj. No. 23-05 which is at the other site will also be presented this evening.

Mr. Howe made a motion to approve **Proj. No. 23-04 Martin Motors of Cleveland, Inc. dba Toyota of Cleveland Heights, 2950 Mayfield Road & 14253-14261 Superior Road**, S2 Mixed-Use zoning district, requests conditional use permit to operate existing Motorcars Toyota dealership and employee parking lot (new & used car sales, major/minor auto repair, car wash, office) per Code sections 1111, 1115, 1131, 1145, 1151, 1153, 1161, 1163, & 1166. With the staff recommendation and corrections.

Ms. Wobig seconded the motion, Approved it 4-0.

Ms. Knittel's presentation was as follows:

Proj. No. 23-05 2926 Mayfield Road, S2 Mixed-Use zoning district, requests conditional use permit to operate existing Motorcars Toyota dealership (new & used car sales, major/minor auto repair, detailing, office) per Code sections 1111, 1115, 1131, 1145, 1151, 1153, 1161, 1163, & 1166.

CONTEXT: The site is located on the south side of Mayfield Road near Middlehurst Road. South of the properties are single-family homes along Hampshire Road. East is Motorcars Toyota, west is Rainforest Carwash.

HISTORY: Auto uses date back at least as far as 1950 on this site. Calendar numbers 16, 224, 311, 435 and 1607 granted various approvals and variances for the operation of CJ Harmon, Cleveland Heights Motors, Mayfield Motors, and Dowd Mercedes.

Cal. No. 2742, 1998: Seidman Family Ltd. Partnership granted variances to permit 7' tall wood fence (instead of a wall) between 2926 Mayfield and adjacent Hampshire residences and less than a 10' buffer; variance for narrower drive aisles; variance for a freestanding sign.

Cal. No. 2826, 2000: Motorcars Toyota and Motorcars Auto Body, variances were granted to permit 7' all board-on-board fence along lot lines abutting residential properties instead of 6' tall brick wall and for circulation drive aisles as narrow as 20' wide instead of 22' wide circulation aisles

Proj. No. 11-3, 2011: Lot resubdivision to split Motorcars Auto Body Center from Motorcars Toyota

Proj. No. 11-11, 2011: Motorcars Auto Body's continued operation of an automobile service station offering major repair at this address, operated by Melissa & Franklin Lanza.

Proj. No. 18-13, 2018: International Securities, dba Motorcars Toyota, continued operation as automobile service (reconditioning/cleaning facility) with gas tank.

Proj. No. 20-5: X Dot Op Co LLC, conditional use permit for continued operation of Toyota Dealership new & used auto sales.

PROJECT DESCRIPTION

Martin Motors of Cleveland dba Toyota Cleveland Heights has acquired this business and property and intend to continue its operation as a Toyota dealership (new & used car sales, major/minor auto repair, detailing, office). The building at 2926 Mayfield will continue to be used to recondition used cars for sale, overflow services, light paint work, washing/detailing of vehicles for lot display and automotive photography. They intend to keep the current hours of operation:

Monday – Thursday	7:00 AM – 8:00 PM
Friday	7:00 AM – 7:00 PM
Saturday	8:00 AM – 7:00 PM
Sunday	10:00 AM – 3:00 PM

REQUEST 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;

An S-2 mixed-use district provides an opportunity for modern and imaginative architectural design and mixed-use development in special areas which offer unique development opportunities. This has been an auto-oriented site for decades and, while not currently a permitted use in the district, exists as the continuation of a nonconforming use and continued use of this business is consistent with the district's objective.

(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;
The use should not be a detriment or endanger the public health, safety, morals 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 a continuation of an existing use.

The existing site has a couple of trees that have been removed along the east side of the building these should be replaced and included in an updated landscape plan for the property. Maintaining the landscaping along the rear property line and keeping the area free from litter should be continued and a routine litter and fence inspection and maintenance should be a condition of approval.

(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;

The use will not be injurious to the use and enjoyment of other property in the immediate area. While there have been no recent complaints, the applicant should assure the Commission that fumes from the paint touch-up and sounds from the operation will not negatively impact the neighbors.

(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 use should have no impact on the normal and orderly development and improvement of surrounding properties for permitted uses.

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

Adequate utilities, access roads, drainage and necessary facilities are in place.

(g) that adequate measures have been or will be taken to provide ingress and egress designed to minimize traffic congestion in the public streets;

The use will maintain existing ingress and egress and the use should not impact traffic congestion on public street.

(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 use will not be detrimental to the economic welfare of the community. The operation will support the community with employment, sales and property taxes.

(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;
There is minimal potential for future hardship resulting from the dealership being surrounded by permitted uses

(j) That the conditional use shall address the sustainability guidelines of Section 1165.06.

This and other sites surrounding it have had the same uses for over 60 years. Continued use of existing buildings and successful businesses are important for the city's sustainability.

(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 Staff Commentary on Supplemental Standards)

SUPPLEMENTAL STANDARDS FOR THIS CONDITIONAL USE

Applicable standards from Code section 1153.05(u) are listed below and many are included in the staff recommendations.

- (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 of the use 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 automobile service station or car wash 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 ON SUPPLEMENTAL STANDARDS FOR AUTOMOBILE SALES, NEW & USED

The proposed sale of used automobiles is proposed in conjunction with the sale of new Toyotas at Martin Motors of Cleveland, Inc., dba Toyota Cleveland Heights conducting business at 2950 Mayfield Road. Any approval conditions should address Standards #2 - #4. Because this is the continuation of an existing auto use and all wiring is in place, Standard #5 does not apply and a previous variance was granted to the requirements of Standard #6. That condition required a buffer area and 7' tall fence which should be a condition of any approval.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission approve a conditional use permit for Martin Motors, dba Toyota Cleveland Heights, to operate the existing Toyota dealership (new & used car sales, major/minor auto repair, detailing, office) as described in this application and shown on the drawings at 2926 Mayfield Road, with the following additional conditions:

1. That the use shall not be injurious to the use and enjoyment of other property in the immediate vicinity or create a nuisance for nearby residents and businesses;
2. The applicant shall work with staff to resolve any complaints from neighbors;
3. Only repair of automobiles customarily associated with automobile sales shall be permitted, and all auto repair, cleaning, washing and drying operations shall be conducted inside the building. Major structural repair, rebuilding of motor vehicles, major collision service, spray painting of more than 20 sq. ft. per car, transmission rebuilding, frame repairs, major overhauling of engines, radiator removal/repair, recapping/retreading of tires shall not be permitted;
4. No junk, inoperative or unlicensed vehicle will be permitted to remain anywhere outside on the property for more than forty-eight (48) hours;
5. The south-facing overhead door shall remain closed at all times except as needed to allow vehicular access and no public address or speaker system may be used that will be audible outside the building;
6. The applicant shall maintain the existing 10' buffer zone and 7'-tall fencing along south property line including all existing trees and landscaping.
7. An updated landscaping and screening plan shall be submitted and approved by the Zoning Administrator all landscaping shall be installed by June 15, 2023. Zoning Administrator approval shall be required for removal, replacement, or installation of any landscaping, trees or fencing;
8. The applicant shall adhere to a weekly landscaping maintenance program during non-winter months and biweekly litter and fence inspection. Litter shall be removed immediately and fencing shall be repaired in a timely manner. Plowed snow shall be stored on-site and shall not be piled onto public sidewalks;
9. All signage shall conform to zoning requirements, considering previous variances, and require the Architectural Board of Review Approval;
10. Sale of used vehicles at this site shall only be permitted accessory to the sale of new automobiles at the franchised Toyota Cleveland Heights operated by Martin Motors, Inc, dba Toyota Cleveland Heights at 2950 Mayfield Road. Toyota Cleveland Heights'

inventory of used automobiles shall not exceed fifty percent of the overall Toyota Cleveland Heights' inventory at any one time;

11. Lighting shall not glare into, or upon, the surrounding area or any residential premises. Any proposed new lighting shall be approved by the Planning Director in compliance with Code section 1165.07 prior to installation;
12. All deliveries shall occur on-site and no automobile delivery trucks shall load or unload automobiles on Mayfield Road;
13. Parking lot shall be striped in accordance with approved site plan and cars shall park in an orderly manner as shown on the approved plan;
14. Test-driving vehicles shall not be permitted on residential district collector side streets such as Middlehurst, Hampshire, and Poyer roads. Streets with high volumes of traffic and multiple lanes, such as Mayfield, Monticello, and Lee Road, shall be the principal routes for such test drives; and
15. All required construction and installation of the use shall be completed within 18 months of Planning Commission approval.

Ms. Knittel responded to Mr. Brown's question from earlier regarding paint fumes. That the Planning Department hasn't received any complaints regarding that matter at this time.

Mr. Horowitz interjected that this issue had been addressed at the additional meeting prior to the change of ownership.

Mr. Granholm stated that the property in question is actually a detailed facility, which will not have repair or painting operations at this location.

Mr. Brown stated that as a customer, he wanted to know what be hours of operation for the service center during the week.

Ms. Knittel stated that in the condition on specific times had been established for hours of operation during repairs for pic-u or drop-off during the week. In the application that was submitted however the hours of general operation had been established. And as any business operating within the City of Cleveland Heights, they would adhere to the Zoning Code along with the Conditional Use Permit.

Mr. Howe's motion approval of **Proj. No. 23-05 2926 Mayfield Road**, S2 Mixed-Use zoning district, requests conditional use permit to operate existing Motorcars Toyota dealership (new & used car sales, major/minor auto repair, detailing, office) per Code sections 1111, 1115, 1131, 1145, 1151, 1153, 1161, 1163, & 1166. With staff recommendation.

Ms. Miles seconded the motion; the motion was approved 4-0.

Ms. Knittel's presentation was as follows:

Proj. No. 23-06 Martin Motors of Cleveland, Inc dba Toyota Cleveland Heights, 3077 Mayfield Road, C1. Office zoning district, requests conditional use permit to operate existing Motorcars Collision Center for major service per Code sections 1111, 1115, 1131, 1151, 1153, 1161, 1163, & 1166.

CONTEXT: 3077 Mayfield Road is located at the west corner of a triangular block surrounded by Monticello Boulevard, Lee Boulevard, and Mayfield Road. The Rockefeller Pointe Building, the former Medusa Building and one-story structure last used as a day-care center share this "C-1" Office District block. West across Monticello Boulevard is the

Cleveland Heights Community Center and Forest Hill Park. South across Mayfield Road is a car wash and retail store located in the C-2 Commercial District. The Rockefeller Pointe office building is east and adjacent to this site.

HISTORY:

This building was first opened as a Pontiac dealership around 1955, operated as an auto dealership for about the next 50 years, and has operated as Motorcars Collision Center for four years. Early variances and approvals date to 1954 (Cal. No. 148, Cal. No 2099, Cal. No. 2422, Cal. No. 2516, Cal. No. 2521) and more recent approvals are detailed below.

Cal. No. 3350 (June 2014) Use variance granted to permit retail and restaurant use in a C-1 Office District (not permitted) and to re-establish auto-oriented use in C-1 Office District (not permitted).

Proj. No. 14-20 (July 2014) Conditional Use Permit granted to permit Motorcars Mobility, handicapped van/mobility sales (new/used) and mobility conversion (minor auto service station) at rear (north) of building.

Proj. No. 15-9 (Feb. 2015) Conditional Use Permit granted to replace Motorcars Mobility with sale of used cars at rear of lot.

Cal. No. 3387 (Nov. 2015) Variance granted to permit auto-oriented, office and retail use on this parcel. Future retail, restaurant, office and auto-oriented uses that are similarly nonconforming shall be permitted, but if such uses are conditionally permitted in other commercial districts, those uses should follow the conditional use approval procedures. The maximum retail use in this building shall be no greater than 6,733 s.f.

Proj. No 15-37 (Dec. 2015) International Securities, dba Motorcars Collision Center, conditional use permit for auto body shop.

Proj. No. 20-06 (Feb. 2020) X Dot Op Co LLC granted conditional use to operate the Motorcars Collision Center (auto body shop).

PROJECT DESCRIPTION

Applicant has acquired the Motorcars Collision Center business and real estate and intends to continue operation as auto body repair (automobile service station, major repair). Automobiles are repaired in the rear (north) portion of the building and office is located at the southwest corner of the building. This building has also been the

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;
Code 1131.01(a) states that the C-1 Office District is for limited application along certain major streets adjacent to higher density residential areas where the integration of offices would be appropriate but where retail and commercial services would not be. This site is not adjacent to any residential area. The proposed uses are compatible with adjacent uses along Mayfield Road and the site's historic use. The automobile repair use will be located in the rear of the building, with office

workers in the front. This use is consistent with recently approved automotive uses, the original car dealership use, and a use variance. Mayfield Road is a busy arterial carrying approximately 19,000 vehicles daily. An updated landscape plan should be submitted for Planning Director approval.

- 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;*
The site operated as a car dealership and later as a used car sales facility for many years with no adverse effect on the public health, safety 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;*
The essential character of the neighborhood will not be substantially altered. This site has housed auto uses for generations and this use should not change the neighborhood character. Having tow trucks or flatbed trucks parked in front of the building would negatively change the character of the site as seen from Mayfield Road. Requiring tow trucks, flatbed trucks, and other large vehicles to restrict their business to the rear (north) of the site should be a condition of approval.
- 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 is a continued use. We have had no complaints from the current use, however, the applicant must assure the Commission that the paint spray booths and ventilation meet the highest standards and that neighboring property owners and tenants will not be subject to noxious fumes.
- 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;*
No changes to the site layout are proposed and this use should not impede other development.
- f) *That adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided;*
Utilities, access roads, and other facilities are in place as this is a continuation of an existing use.
- 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;*
Ingress and egress patterns will continue as they have been and therefore the use is not expected to result in traffic congestion on the public streets. Tow trucks and flatbeds should not enter the front parking lot on Mayfield.
- 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 operation will not be detrimental to the economic welfare of the community. The collision center has 25 employees and the operation will support the community through employment and property taxes.

- 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;*
There is minimal potential for future hardship resulting from the dealership being surrounded by permitted uses.
- j) *That the conditional use shall address the sustainability guidelines of Section 1165.06 (see below).*
Continued use of existing buildings and successful businesses are important for the city's sustainability.
- 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 Staff Commentary on Supplemental Standards)

SUPPLEMENTAL STANDARDS FOR THIS CONDITIONAL USE Code section 1153.05 (u)
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 of the user 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; This use does not abut a residential district or dwelling. Not applicable.*
- (7) *An automobile service station or car wash 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. Not applicable.*

STAFF COMMENTARY ON SUPPLEMENTAL STANDARDS

Numbers 2, 3 and 4 should be conditions of approval. Other items do not apply to this continued use.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission approve Martin Motors of Cleveland dba Toyota Cleveland Heights request for a conditional use permit to operate the existing MotorcarsCollision Center for major service, as shown on the drawings and described in their application materials, with the following additional conditions:

- 16. 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;

17. The applicants shall work with staff to resolve any complaints from neighbors;
18. All activities, including cleaning, washing, and drying operations shall take place inside the building;
19. Chemical fumes and dust shall not be detectable from neighboring properties, and the public streets, or sidewalks;
20. No junk, inoperative, or unlicensed vehicle will be permitted to remain anywhere outside the property for more than forty-eight (48) hours;
21. No merchandise may be displayed outdoors;
22. Tow trucks, flatbed trucks, and other similar oversized vehicles shall not be permitted in the front (south) parking lot;
23. An updated landscaping and screening plan shall be approved by the Zoning Administrator. All dumpsters shall be screened and Zoning Administrator approval shall be required for removal, replacement, or installation of any landscaping, trees, screening, or fencing;
24. Windows shall remain transparent and provide views to allow people to see and be seen in compliance with Code section 1131.075(a);
25. Parking lots shall be striped in accordance with the approved site plan and cars shall park in an orderly manner as shown on the approved plan;
26. The applicant shall adhere to a weekly landscaping maintenance program during non-winter months and biweekly litter and fence inspection. Litter shall be removed immediately and fencing shall be repaired in a timely manner. Plowed snow shall be stored on-site and shall not be piled onto public sidewalks;
27. Architectural Board of Review approval shall be required for any exterior changes to the building, including signage. All signage shall conform to zoning requirements, considering previous variances, including the prohibition of temporary freestanding signs, pennants, banners, streamers, whirligigs, balloons, and other similar devices;
28. All deliveries shall occur on-site and no delivery trucks shall load or unload in the public right-of-way; and
29. All required construction and installation of the use shall be completed within 18 months of Planning Commission approval.

Mr. Horowitz asked if there were any questions for staff from the public.

Mr. Brown asked what are the plans for the Medusa Building and whether are they also the current owners of the building now.

Ms. Knittel responded that the Medusa property was not a part of this purchase.

Mr. Howe motioned approval of **Proj. No. 23-06 Martin Motors of Cleveland, Inc dba Toyota Cleveland Heights, 3077 Mayfield Road**, C1 Office zoning district, requests conditional use permit to operate existing Motorcars Collision Center for major service per Code sections 1111, 1115, 1131, 1151, 1153, 1161, 1163, & 1166. With staff recommendations.

Ms. Miles seconded the motion and approved it 4-0.

Ibrahim Shehadeh affirmed the oath at 12404 Cedar Road Cleveland Heights, Ohio. Mr. Shehadeh went on to explain the project of converting part of the gas station into a convenience store offering basic grocery needs to the public. Mr. Shehadeh stated that they have complete a similar project at another gas station to which they own with out any issues.

Ms. Knittel's presentation was as follows:

Proj. No. 23-07 I. Shehadeh, Sunoco Gas Station, 12404 Cedar Road, C2 Local Retail zoning district, requests conditional use permit to replace auto repair area with a retail store and continue gasoline sales per Code sections 1111, 1115, 1131, 1151, 1153, 1161, 1163, &

CONTEXT: The Sunoco Station, 12404 Cedar Road is located at the southeast corner of Cedar Road and Bellfield Avenue. This is an existing non-conforming use in the C2 local retail district. Across Cedar Road, the businesses are zoned S2 Mixed Use. The adjacent property to the east is the Firestone auto repair business and to the west is a Chase bank, all properties on the south side of Cedar are zoned C-2 local retail. To the south behind the Sunoco Station is a parking lot and then residential housing in a B two-family district.

HISTORY:

PROJECT DESCRIPTION

Applicant has acquired the Sunoco Gasoline Station business and real estate and proposes removing the auto repair bays and business and replacing this with a retail convenience store. The existing gasoline pumps and canopy will remain. The existing garage doors will be removed and a new storefront aluminum glazing system will be installed. The business has six employees. The hours of operation are 6:00 AM through 10:00 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:

- l) 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;

Code 1131.01(b) states that the C-2 local retail district is to provide continued operation of small neighborhood businesses and to concentrate new retail in buildings and to encourage pedestrian activity. This is a continuation of a nonconforming gasoline station use. The removal of the auto-repair service and replacing it with retail would be permitted and requires a conditional use permit only because the gasoline service will continue.
- m) *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;*
The site operated as a gasoline and auto repair station since at least the 1950s. The site will remain as it is with the only change being made to the building.
- n) *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;*
The essential character of the neighborhood will not be substantially altered. This is a continuation of the gasoline station that has been on this site since at least the 1950s. The removal of auto repair from this property reduces the chances of inoperable vehicles and/or vehicles waiting for repairs being parked on-site.
- o) *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 is a continued use. We have had no complaints from the current use.

- p) *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;*
No changes to the site layout are proposed and this use should not impede other development.
- q) *That adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided;*
Utilities, access roads, and other facilities are in place as this is a continuation of an existing use.
- r) *That adequate measures have been or will be taken to provide ingress and egress designed as to minimize traffic congestion in the public streets;*
Ingress and egress patterns will continue as they have been and therefore the use is not expected to result in traffic congestion on public streets.
- s) *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 operation will not be detrimental to the economic welfare of the community. The business will contribute to the community through employment and property taxes.
- t) *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;*
There is minimal potential for future hardship resulting from the business being surrounded by permitted uses.
- u) *That the conditional use shall address the sustainability guidelines of Section 1165.06 (see below).*
Continued use of the gasoline station and renovation to the building to enable retail to address the sustainability goal by reusing an existing building.
- v) *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 Staff Commentary on Supplemental Standards)

SUPPLEMENTAL STANDARDS FOR THIS CONDITIONAL USE Code section 1153.05 (t)
Automobile Service Station - Major Repair, Automobile Service Station - Minor Repair, Car Wash:

- (1) *Such use should be located so as to be least disruptive to pedestrian traffic;*
- (2) *A gasoline station in a C-2 District shall comply with all of the standards set forth in Section 1131.09;*
- (3) *A gasoline station may be combined with a car wash or service station provided that the minimum lot area shall be no less than 30,000 square feet and that such dual uses in compliance with the regulations established for each use;*

STAFF COMMENTARY ON SUPPLEMENTAL STANDARDS

This is an existing gasoline station with the existing conditions in place. Supplemental Standard # 3 is not applicable. Conditions should include adherence to the standards stated in Section 1131.09 including:

- The only services permitted to be performed on a vehicle shall be the dispensing of fuel, oil, air, and windshield wiper fluid.
- The location, display, or storage of rental trailers, automobiles, trucks, or other rental equipment on the premises is prohibited.
- No merchandise except fuel and oil may be stored or displayed outside the building.
- Except while being services at the pump island, no vehicles shall be parked between the pump and the setback line and the front property line, nor on a corner lot shall any vehicles be parked between the pump setback line and the property line on either of the intersecting streets. A vehicle parked in violation hereof during the time such station is open for business shall be presumed to have been parked with the knowledge and consent of the operator of that station.
- No junk, inoperative, or unlicensed vehicle will be permitted to remain on gasoline station property for more than forty-eight (48) hours.
- All refuse shall be kept or stored within the building or be screened from view as required by Section 1166.10.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission approve I. Shehdeh's (Sunoco Gas Station) request for a conditional use permit to remove the auto repair business and replace it with retail and maintain the existing gasoline service, as shown on the drawings and described in their application materials, 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 only services permitted to be performed on a vehicle shall be the dispensing of fuel, oil, air, and windshield wiper fluid;
4. The location, display, or storage of rental trailers, automobiles, trucks, or other rental equipment on the premises is prohibited;
5. No merchandise except fuel and oil may be stored or displayed outside the building.
6. Except while being services at the pump island, no vehicles shall be parked between the pump and the setback line and the front property line, nor on a corner lot shall any vehicles be parked between the pump setback line and the property line on either of the intersecting streets. A vehicle parked in violation hereof during the time the station is open for business shall be presumed to have been parked with the knowledge and consent of the operator of that station;
7. No junk, inoperative, or unlicensed vehicle will be permitted to remain on gasoline station property for more than forty-eight (48) hours.
8. All refuse shall be kept or stored within the building or be screened from view as required by Section 1166.10.
9. A landscaping and screening plan shall be approved by the Zoning Administrator. The dumpster shall be screened as required by Section 1166.10(a);
10. Parking lots shall be striped in accordance with the approved site plan and cars shall park in an orderly manner as shown on the approved plan;
11. Architectural Board of Review approval shall be required for any exterior changes to the building, including signage.
12. All signage shall conform to zoning requirements, considering previous variances, including the prohibition of temporary freestanding signs, pennants, banners, streamers, whirligigs, balloons, and other similar devices;
13. All required construction and installation of the use shall be completed within 18 months of Planning Commission approval.

Mr. Horowitz asked if there were any questions for staff from the public.

Mr. Howe asked if it this true that they currently don't sell alcohol now but possibly will in the future once a liquor permit is obtained.

Mr. Shehadeh stated that it is correct, they don't sell liquor but have applied for a liquor permit.

Ms. Wobig asked regarding food would these products include the sale that would help the neighborhood since the recent closing of a grocery store.

Mr. Shehadeh "yes" basic food needs would be sold within the store such as milk, bread, eggs can goods however meat products will not be sold in this establishment.

Mr. Horowitz asked if this will remain a "Sonoco" gas station.

Mr. Shehadeh "No" the new name will be "Race Fuel".

Ms. Knittel stated that the new signage for the property will go before the Architectural Board of Review for approval at a later date, which is mention in condition 11.

Ms. Miles asked if there will a charging station.

Mr. Shehadeh "No" He said that an electric charging station may possibly be in the future.

Mr. Horowitz asked if there were any additional questions for the public at this time.

Mr. Brown came forth and asked if they are new owners of this facility and what would the gas prices be, would they be lower than they currently are or higher?

Mr. Shehadeh said "yes" we are the new owners and regarding gas prices, we are aware that current gas prices are high and we do have plans to make changes to bring the prices down.

Ms. Miles moves to approve **Proj. No. 23-07 I. Shehadeh, Sunoco Gas Station, 12404 Cedar Road**, C2 Local Retail zoning district, requests conditional use permit to replace auto repair area with a retail store and continue gasoline sales per Code sections 1111, 1115, 1131, 1151, 1153, 1161, 1163, & 1166. With the staff recommendations.

Ms. Wobig seconded the motion, Approved 4-0.

Eric Zamft Presentation as follows:

Proj. No. 23-08 Proposed Zoning Code Amendments regarding private parking garages, driveway widths, fences, window transparency, rain barrels and gardens, non-conformities, public notice requirements, fees, and general changes to ensure consistency (Ordinance No. 25-2023) for review and recommendation per Code chapters 1111, 1115, 1119.

Mr. Zamft went through a brief overview of the current Proposed Zoning Code Amendments that had been brought before the council on December 14, 2022, which included and were limited to various item from driveways to rain barrels. Mr. Zamft to time to briefly describe each item that

was discussed and where they each stand and the current works that are being put forward to make changes and improvements to the zoning code. Mr. Zamft mention that these concerns were brought be for the Community of the Whole also on January 6, 2023, and they were well received. Mr. Zamft further detail the Ordinance Changes how and when they will be adopted along with when the public will be notified of these changes. Mr. Zamft stated that at this he recommends that there not be a vote on Proj. No. 23-07 due to the fact that all members are not currently present.

Ms. Wobig stated that she appreciated that the information will be posted on the web page, with the links and information for the public to review.

OLD BUSINESS

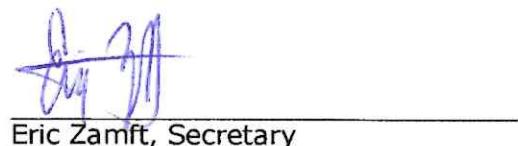
The Planning Commission Meeting will be held on a Thursday, April 20th next month. The update on Gridics Zoning/ Mapping tools By Jessica Wobig will be postponed at this time, also including that a budget has been approved to obtain new software.

NEW BUSINESS There was no new business to report.

ADJOURNMENT The meeting adjourned at 7:45 pm.



Leonard Horowitz, Chair Pro-temp



Eric Zamft, Secretary

