

Proposed: 10/22/2018

ORDINANCE NO. 121-2018 (PD), *Second Reading*

Council Member Yasinow

An Ordinance amending the Zoning Map of the City of Cleveland Heights, Ohio, as made a part of Part Eleven, *Zoning Code*, of the Cleveland Heights Codified Ordinances to establish a Planned Development Overlay District upon the following parcels of land located at the intersection of Euclid Heights Boulevard, Cedar Road, and Edwards Road: Permanent Parcel Nos. 685-18-008 through 685-18-013, 685-18-016, 685-18-018, and 685-18-019 (commonly referred to as, “Top of the Hill”).

WHEREAS, Chapter 1147 of Part Eleven, *Zoning Code*, of the Cleveland Heights Codified Ordinances allows for the establishment of a Planned Development Overlay District (“PDO District”) in the City; and

WHEREAS, the purposes of the PDO District are (1) to provide greater opportunity for development in areas of the City that have shallow commercial or high density residential frontages which abut low density residential areas; (2) to promote new commercial and residential development and, where appropriate, mixed use development while assuring that any increased density or commercial development is compatible with the surrounding areas; (3) to assure that a proposed Planned Development occurs in a unified manner in accordance with a conditionally approved Development Plan; and (4) to encourage sustainable development and practices in residential and commercial areas; and

WHEREAS, the City selected the developers Flaherty and Collins Properties to develop the following city-owned parcels of land located at the intersection of Euclid Heights Boulevard, Cedar Road, and Edwards Road: Permanent Parcel Nos. Nos. 685-18-008 through 685-18-013, 685-18-016, 685-18-018, and 685-18-019, which is commonly referred to as, “Top of the Hill;” and

WHEREAS, with the City’s permission, Flaherty and Collins Properties has applied for a PDO designation for Top of the Hill and has submitted a Development Plan; and

WHEREAS, on November 27, 2018, Planning Commission recommended to this Council the adoption of a PDO District upon Top of the Hill and accompanying Development Standards for the Top of the Hill PDO District, a copy of which is attached hereto as Exhibit A; and

WHEREAS, on November 27, 2018, Planning Commission conditionally approved the Development Plan proposed by Flaherty and Collins Properties; and

ORDINANCE NO. 121-2018(PD)

WHEREAS, this Council finds that the property and proposed PDO District meet the criteria set forth in Chapter 1147 of the Zoning Code and that the establishment of a PDO District upon Top of the Hill and development in accordance with the conditionally approved Development Plan would be in the best interest of the City and its residents.

BE IT ORDAINED by the Council of the City of Cleveland Heights, Ohio that:

SECTION 1. The Zoning Map of the City of Cleveland Heights, Ohio shall be, and is hereby, amended to establish a Planned Development Overlay District upon the following parcels of land located at the intersection of Euclid Heights Boulevard, Cedar Road, and Edwards Road: Permanent Parcel Nos. 685-18-008 through 685-18-013, 685-18-016, 685-18-018, and 685-18-019 (commonly referred to as, “Top of the Hill”).

SECTION 2. Pursuant to Chapter 1147, “Planned Development Overlay District,” Part Eleven, *Zoning Code*, of the Cleveland Heights Codified Ordinances, this Council hereby approves the Development Standards, a copy of which is attached for reference as Exhibit A and incorporated herein by reference.

SECTION 3. Notice of the passage of this Ordinance shall be given by publishing the title and abstract of its contents, prepared by the Director of Law, once in the newspaper of general circulation in the City of Cleveland Heights.

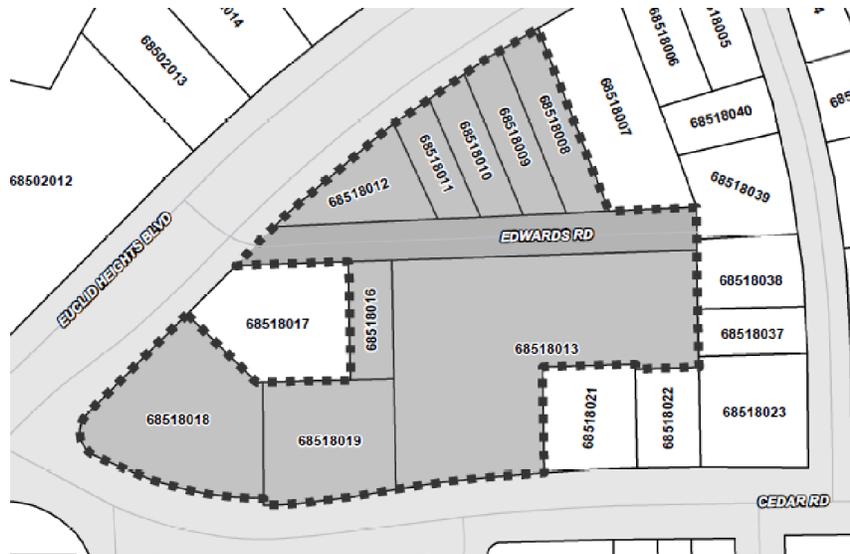
SECTION 4. This Ordinance shall take effect and be in force at the earliest time possible time permitted by law.

CAROL ANN ROE, Mayor
President of the Council

SUSANNA NIERMANN O’NEIL
Acting Clerk of Council

PASSED:

EXHIBIT A



DEVELOPMENT STANDARDS FOR TOP OF THE HILL PLANNED DEVELOPMENT OVERLAY (PDO) DISTRICT

- 1) URBAN DESIGN & PLANNING CONCEPTS
 - a. The development shall support, complement and smoothly connect to neighborhood businesses and dwellings.
 - b. Roads, open space, green space and the location, density, scale and massing of buildings shall form a unified three-dimensional composition that fits its context and is compatible with adjacent properties.
 - c. Reasonable efforts shall be made to preserve views from and provide sunlight access to adjacent buildings while creating a dense, urban development.
 - d. Strong visual and symbolic entrance to the city.
 - e. Site development shall create a comfortable and safe experience for walking, bicycling and transit.
 - f. Development shall complement the neighborhood's architecture and aesthetics.
 - g. Along Cedar Road, active uses, such as retail, restaurants and tenant public areas, shall be placed on the first floor next to the public sidewalk.
 - h. Outdoor spaces shall be designed with amenities that make them attractive and welcoming, such as landscape, art, and water features.
 - i. Landscaping, understory trees and shade trees shall be provided to buffer service uses and enhance pedestrian experience, shade pedestrians and to help shade the south side of buildings.

ORDINANCE NO. 121-2018(PD)

- j. Building scale, massing, setback and height of the building adjacent to 12383 Cedar Road (Nighttown) and apartment building at 2374 Euclid Heights Boulevard shall be compatible with these adjacent buildings. Massing and height shall increase westward toward the intersection of Euclid Heights Boulevard and Cedar Road.
 - k. Loading areas shall not disrupt pedestrian or vehicular activity nor be a nuisance to adjacent properties.
- 2) PERMITTED LAND USE
- a. Multi-family dwelling units
 - i. Multi-family dwellings shall be permitted on all floors along Euclid Heights Boulevard and north-south driveway and are permitted on floors above ground floor as part of mixed-use buildings along Cedar Road.
 - ii. Approximately 275 dwelling units shall be a competitive mix of sizes and layouts that address market demand and possibly adapt to changing trends in apartment sizes and shall be appropriate and consistent with the proposed uses, surrounding property and neighborhood character and further sustainability goals.
 - b. Commercial uses (restaurant, retail, indoor commercial entertainment/recreation, and similar)
 - i. Commercial uses shall be required on first floor of the eastern Cedar Road building; commercial uses are permitted on floors above the ground floor of the Cedar Road buildings. Commercial uses may be permitted in the mixed-use buildings along north-south driveway.
 - ii. Commercial uses may be permitted on first floor of the western Cedar Road building and shall be required in the easternmost bay of the western Cedar Road building. Commercial uses may be permitted in the mixed-use buildings along north-south driveway.
 - iii. Uses permitted and conditionally permitted in the C-2 district are permitted and conditionally permitted in the PDO.
 - c. Office/Professional/Medical and Service (including cleaners, tailor, hair salon, bank)
 - i. Permitted primarily on floors above ground floor on Cedar Road frontage.
 - d. Parking

A parking study shall be provided to document parking supply and demand. Parking shall comply with Zoning Code chapter 1161. A parking deck shall be an acceptable alternative for the enclosed parking spaces required by Schedule 1161.03.

 - i. Parking shall be well-connected to the district as a whole and designed and located so as to be as unobtrusive as possible.

- ii. Resident, guest, commercial and public parking shall be sufficient to meet this development's needs and provide 225 parking spaces available to the public (to replace the 225 parking spaces in lot 9) as required by the City. Of these 225 total parking spaces available to the public, 175 spaces (the "City Permit Spaces") will be restricted to permits for those who comprise the Current Market For Lot 9 Permits and who obtain a permit for such City Permit Spaces from the City. The "Current Market For Lot 9 Permits" consists of those who reside or work in existing buildings in the vicinity of Lot 9, including residents of the Buckingham Condominiums and residents of the area approximately bounded by the development on the west, Lennox Rd. on the east, Euclid Heights Blvd. on the north, and Cedar Rd. on the south, and does not include those who reside or work in the development. The City shall have exclusive authority to issue the permits and collect the fees for the City Permit Spaces; which issuance of permits, fees and other terms and conditions shall be approved by Council. The City shall issue no more than one (1) permit per person, provided, however, that the City may issue multiple permits within the City's discretion to the owners of apartment buildings whose residents are included in the Current Market For Lot 9 Permits, which permits shall be used only by residents of such apartments, and which permits shall be provided to said residents at the same rate as charged by the City. Notwithstanding any provision to the contrary contained herein, in the event that the market demand for City Permit Spaces materially diminishes, the City may reduce the number of City Permit Spaces in proportion to the diminution of demand.
- e. Open space, streetscape and service areas
 - i. Public, semi-public and private outdoor gathering spaces, and pedestrian amenities shall be provided throughout the site including, but not limited to, pocket parks, outdoor dining, shade trees, public art, benches, and pedestrian-scaled lighting. Activities shall be visible from public areas for passive security. Shade trees shall shade pedestrians and provide a natural softening of the built environment along Cedar Road, Euclid Heights Boulevard, the north-south driveway and eastern parking deck driveway.
 - ii. Streetscape throughout the development shall continue the established district streetscape's landscape, materials, design and furnishings.
 - iii. Trash and recycling dumpsters shall be located for convenience and proximity to the users, be buffered from adjacent uses and screened from the street, driveways, and adjacent properties unless such buffering or screening is determined unnecessary by the Planning Director.

3) MAXIMUM DENSITY

We encourage a dense development. The maximum density permitted in an S-2 District is 58 dwelling units per acre, however greater density in this development shall be permitted between 50 and 80 dwelling units per acre because it is appropriate and consistent with the proposed uses, surrounding properties and neighborhood character and furthers sustainability goals.

4) YARD REQUIREMENTS

Yard requirements listed below are appropriate and consistent with the proposed uses, surrounding property and neighborhood character and further sustainability goals.

- a. Along Cedar Road, a minimum 5' setback should generally be followed; however the setback may be increased to up to 25' to provide room for pedestrians and pedestrian amenities such as trees, benches, outdoor dining, a pocket park and public art.
- b. Along Euclid Heights Boulevard, the predominant building setback should generally be followed. Portions of a building may be set back to form courtyards or other amenities for its residents or for the general public.
- c. Apartment building shall be a minimum of 45' from property lines of adjacent Euclid Heights and Lennox apartment buildings and 2330 Euclid Heights Boulevard (Buckingham).
- d. Mixed-use buildings and parking deck shall be:
 - i. Minimum of 30' from eastern property line adjacent to Lennox apartment buildings;
 - ii. Minimum of 30' from eastern property line adjacent to 12383 Cedar Road (Nighttown); and
 - iii. Minimum of 50' from 2330 Euclid Heights Boulevard (Buckingham). Small areas at corners may be within 45' of 2330 Euclid Heights Boulevard (Buckingham).
- e. A 10' landscaped buffer shall be required between the development's parking lots and residential uses.
- f. Driveways, including those with parallel parking or short-term spaces, shall be 8' from adjacent property lines. Such parallel parking spaces shall be located to minimize impact on adjacent properties and maximize convenience for those served.

5) HEIGHT REGULATIONS

The maximum building height shall be modified from requirements (maximum building height cannot exceed the distance from the building to any property line in the 'A' or 'AA' single-family district or twice the distance from the building to any property line in the 'MF' multi-family district) because the plan is appropriate and consistent with the proposed uses, is appropriate and consistent with the surrounding properties and neighborhood character and furthers the City's sustainability guidelines. Modification is as follows:

ORDINANCE NO. 121-2018(PD)

- a. Buildings along Euclid Heights Boulevard and Cedar Road east of north-south driveway shall be between four- to six-stories tall. Roof decks and penthouses are encouraged.
- b. Buildings west of north-south driveway shall be between five- and ten-stories tall, with a five- to six- story building closest the north-south driveway and the tallest building permitted at the corner of Cedar Road and Euclid Heights Boulevard.

6) TRANSPORTATION

A traffic impact study shall be conducted to assure that adequacy of streets and signalization to assure the safety of automobiles, pedestrians and bicyclists.

a. VEHICULAR TRAFFIC AND CIRCULATION

- i. Site shall be accessible to public streets that are adequate to carry the traffic generated by the development. The streets and driveways within the development shall be adequate to serve the uses and shall cover as little of the site as possible to maximize building and gathering areas.
- ii. Site shall be designed to calm motorist traffic within development to the greatest extent possible without excessive congestion.
- iii. Lane widths shall be no greater than 12' per lane, unless required for emergency vehicles.
- iv. Location and size of off-street loading and delivery areas shall be located so as to minimize traffic congestion and negative impact on surrounding properties.
- v. Location and signaling of streets and driveways shall maintain vehicular movement, assure safe travel, and minimize impact of the development on residential side streets.

b. PEDESTRIAN- AND BICYCLE-FRIENDLY DESIGN & CIRCULATION

- i. Sidewalks shall be provided to provide safe, continuous pedestrian linkages within the PDO and with strong connectivity to adjacent neighborhood sidewalk system. The pedestrian circulation system and its related walkways shall be located to provide for separation of pedestrian and vehicular movement, where feasible, and assure that walkways shall be as unobstructed by vehicular paths as possible for maximum pedestrian safety. Sidewalk width shall be at least 6' along north-south driveway. and shall be at least 10' (may include sidewalk both on private property and in the right-of-way) along Cedar Road and allow sufficient area for pedestrians, trees, pedestrian and bicycle amenities, and landscaping.
- ii. Publicly accessible sidewalks shall be provided along the north-south driveway which bisects the site.
- iii. Sidewalks shall be provided from apartments to north-south driveway and Euclid Heights Boulevard.

ORDINANCE NO. 121-2018(PD)

- iv. Traffic-calming techniques shall be provided to create a comfortable pedestrian environment, such as paving materials, lane widths, street trees, chicanes, or parallel parking.
- v. Loading areas and dumpsters shall be separated from customer entrances and pedestrian pathways as much as practicable.
- vi. Consideration shall be given to pedestrian/bicycle access to site from both Cedar Road and Euclid Heights Boulevard.

7) PARKING

- a. A parking deck up to six stories shall be permitted in the eastern-central portion of the site and a parking deck shall be permitted in the west building. Enclosed parking shall be located underground or screened from the north-south driveway. When fronting on and within 50' of the public right-of-way, it shall be screened by one of the following or by a technique deemed appropriate by Planning Commission during review of the conditionally permitted Development Plan:
 - 1. Principal building shall screen enclosed parking [Code section 1131.075(d)]
 - 2. Landscape screening or buffer
 - 3. Architectural screening
- b. To reduce headlight glare into adjacent residential windows, where not below grade or screened, open parking garages within 50' of adjacent residential property shall provide guard walls of a material that blocks such glare.
- c. Entrance and exit drives shall be placed and configured to minimize pedestrian-vehicular conflict and to avoid vehicular congestion on Cedar Road and Euclid Heights Boulevard.
- d. Limited surface parking lots, parallel parking spaces and short-term drop-off spaces shall be permitted to be scattered throughout the site but shall be screened and located so as to minimize their visibility from adjacent dwelling units, streets, and drives.
- e. Development shall provide at least 1 parking space per dwelling unit (of which not less than .5 per unit shall be enclosed), no fewer than 225 parking spaces available to the public (permit and meter), and parking to support the development's commercial uses. Of the 225 total spaces, 175 spaces will be the City Permit Spaces described in sec. 2(d) above.
- f. Bicycle parking shall be provided according to Code section 1161.035.

8) LANDSCAPING, SCREENING & LIGHTING

- a. A canopy effect shall be provided along Euclid Heights Boulevard by planting and maintaining shade trees that will have a mature height of at least 40 feet, spaced at 40 feet on center.
- b. Landscaping and lighting along Cedar Road shall provide an extension of the existing Cedar Fairmount streetscape design.

ORDINANCE NO. 121-2018(PD)

- c. Trees and landscaping shall be provided and maintained along north-south driveway and shall buffer 2330 Euclid Heights Boulevard (Buckingham).
- d. The development shall be screened/buffered from adjacent properties to minimize potential negative impacts.
- e. All delivery, trash and loading areas shall be located and oriented so as not to be visible from the street and adjacent residential properties and to minimize their impact on adjacent properties. They shall be screened with a solid masonry wall or wood/vinyl fence at least 6' in height, unless such screening is determined unnecessary by the Planning Director.
- f. Landscaping and screening shall follow City Landscape and Tree Preservation Requirements (Code chapter 1166). Use of native species is a priority in this development. Percentages exceeding minimum requirements shall be encouraged.
- g. Temporary seeding and erosion control measures shall be employed until final landscaping installation.
- h. Lighting along Cedar Road and Euclid Heights Boulevard shall be in keeping with the existing streetscape and lighting along north-south driveway shall be pedestrian-scaled and complement the neighborhood character. All lighting shall comply with Code section 1165.07.

9) ACCESSIBILITY

- a. Accessible dwelling units with accessible features are encouraged.
- b. Sidewalks, paths, buildings, amenities and outdoor places shall be accessible to those using mobility devices and shall provide accessible passage throughout the site, where grading allows.

10) OUTDOOR PLACES & AMENITIES

- a. One outdoor public gathering place shall be provided and maintained and shall include amenities such as seating, landscaping, bike racks, street furniture, pedestrian and transit facilities, and public art.
- b. Outdoor amenities shall be provided for residential building tenants including a swimming pool or other common recreational or entertainment facility and a rooftop patio on the tallest building.
- c. Interior amenities shall be provided for residential building tenants including, but not limited to, indoor bicycle repair station and bicycle parking, dog washing station, gathering and meeting rooms, and attached, enclosed parking.

11) UTILITIES

- a. Development shall employ innovative stormwater management and comply with City's Storm Water Management requirements (Code chapter 1335).
- b. Green infrastructure shall be employed where feasible.
- c. Development shall not overtax the storm and sanitary sewer systems.
- d. All utility lines shall be underground.

12) ARCHITECTURAL DESIGN STANDARDS

- a. Design must fully satisfy the purpose of an S-2 district which is to “provide an opportunity for modern and imaginative architectural design, site arrangement and city planning.”
- b. Building design quality must respond to the site’s prominence and respect the district’s character.
- c. Each building shall be a physical record of its time, place, and use and shall not create a false sense of historical development nor imitate traditional design.
- d. Principal buildings’ front facades shall face the streets and be pedestrian-scaled. All mixed-use buildings and their first-floor tenant spaces shall have a public entrance from the sidewalk along the primary street frontage. Facades that abut parking areas and contain a public entrance shall make provisions for pedestrian walkways and landscape areas or other public amenity to create a welcoming entryway.
- e. Building frontages shall avoid flat, monolithic façades by including a variety of architectural features such as recessed or projecting balconies, overhangs, canopies, projecting bays, trellises, belt courses, and awnings to provide visual interest while avoiding overly busy facades, preserving the development’s relationship to other buildings, and complementing the district’s eclectic design and dignity.
- f. The building facades shall be of durable materials such as brick, stone, glass, precast concrete, synthetic stone, metal or porcelain panels, wood, or acceptable high-quality synthetic wood-look products, such as fiber-cement siding (such as HardiPlank) or high-pressure laminates. Other materials may be considered if they are of high quality, add to the aesthetic effect and enhance the uniqueness of the project.
- g. First-floor windows of commercial uses shall be designed to draw the pedestrian in and must be constructed of clear or lightly tinted glass. Reflective glass and tinting above 20% is prohibited, unless deemed appropriate by the Architectural Board of Review. Uniform window treatments, as approved by ABR, shall be installed on street- and driveway-facing frontages to complement the building’s architecture.
- h. Walls facing Cedar Road must provide windows along at least 60% of the lineal frontage at street level, unless deemed appropriate by the Architectural Board of Review. These windows shall provide views to allow people to see and be seen for passive security and to encourage pedestrian activity and district vitality.
- i. Commercial tenant space entrances shall be at grade-level.
- j. Balconies and/or rooftop decks shall be provided. Exterior patio furniture and décor in good condition shall be permitted; balconies and rooftop decks visible

from the street or driveways shall not be used for storage of bicycles, grills or other items.

- k. Parking decks shall not constitute a major proportion of your field of view. Residential, commercial or interior common space uses shall screen more than 40% of the parking deck's facade that would otherwise be seen from north-south driveway, Cedar Road and Euclid Heights Boulevard. The upper levels of a parking deck could be visible and not constitute a violation of this standard. The remaining exposed sides can be designed as an open parking deck.

13) SIGN DESIGN STANDARDS

Sign Design Guidelines shall be approved and adopted by the Architectural Board of Review and become part of this PDO District. These guidelines shall supersede the requirements of Chapter 1163 Sign Regulations, apply to all signage in the PDO, and guide the Architectural Board of Review in its aesthetic review of all signs in the PDO. The Design Guidelines shall encourage creative, distinct, high-quality sign design by providing flexibility from the constraints of the City's Sign Regulations while requiring unified signage constructed of high quality materials.

- a. The guidelines shall include standards for:
 - i. Permitted and prohibited sign types, such as district, building and tenant identification, building-mounted, blade, canopy/awning, directional, instructional, informational, parking/wayfinding, kiosk, monument, banners, window, portable, and temporary.
 - ii. Size, including width, height, area, projection and placement.
 - iii. Permitted and prohibited sign style and design, such as mounting, graphics, typestyles, illumination, colors, and materials.
- b. The Architectural Board of Review shall have discretion to vary from, and/or amend the adopted Sign Design Guidelines as it deems appropriate.

14) SUSTAINABILITY

The project shall support sustainability best practices, including economic, ecological and social sustainability.

- a. Project shall be certified in an acceptable sustainability certification program equivalent to LEED Silver Certification from the United States Green Building Council.
- b. The applicant shall consider the City's Sustainability Guidelines in Code section 1165.06 and Planning Commission shall review as part of the conditionally approved Development Plan.
- c. Provision of space for future car, bicycle and scooter sharing facilities shall be considered.

15) PHASING

A bond or escrow shall be filed with the City insuring that the streets, driveway, walks, sewers, parking deck, and landscaping will be completed as approved.