

August 26, 2019

**PERSONAL DELIVERY**

City of Cleveland Heights  
Department of Planning and Development  
40 Severance Circle  
Cleveland Heights, Ohio 44118

Attention: Kara Hamley O'Donnell, City Planner II

Re: Application for Transfer and/or Issuance of Conditional Use Permit (the "Permit"),  
Motor Cars Honda, 2953 Mayfield Road, Cleveland Heights, Ohio 44118 ("Property")

Ladies and Gentlemen:

**Application**

Pursuant to the Codified Ordinances ("Code") of Cleveland Heights, Ohio ("City"), we are submitting this application for transfer and/or issuance of the Permit on behalf of our client, FA OH HND, LLC ("Foundation"). We are requesting to be placed upon the City Planning Commission calendar for the September 11, 2019 meeting to have Foundation's application considered for approval.

In support of Foundation's application, enclosed please find the following items:

- Application Form (15 copies)- Attachment A
- Description of the use at the Property (15 copies)- Attachment B
- Scale Drawings (15 copies)- Attachment C
- Proof of control of Property (15 Copies)- Attachment D
- Consent to Access Property (1 Copy)-Attachment E
- Application fee in the amount of \$150.00

**Transactions**

In further support of the application, below is a brief description of the transactions occurring in connection with this application:

- Foundation will purchase the operating assets of Motor Cars, Inc. d/b/a Motorcars Honda (the current operator at the Property). After the closing, Foundation will continue to operate the Honda dealership at the Property under the Motorcars Honda name in the same manner as it is currently being operated. Foundation will retain the current employees and continue to operate as it has been done historically.
- At the same time as the business purchase described above occurs, GMG Cleveland, LLC, the current owner of the Property (“Current Owner”), will transfer and contribute 100% of the ownership of the Property to a single member limited liability company known as Mayfield HND Properties, LLC, (the “Property Owner”), without consideration and not as a sale.
- Following the transfer and contribution of the Property to the Property Owner, another affiliate of Foundation, FA OH HND Real Estate, LLC will purchase 75% of the membership interests in the Property Owner. The remaining 25% membership interest in Property Owner will remain with the Current Owner.
- The Property Owner will then enter into a lease with Foundation so that Foundation will operate the Honda dealership on the Property after closing.

### Request

In accordance with your request, we are submitting a complete application and otherwise complying with the procedures and requirements set forth in the Code for a new conditional use permit. We ask you to consider, however, that Section 1115.08 (i) of the Code expressly provides that a properly issued conditional use permit, such as Permit 16-06 enclosed herewith, may be transferred to a “person” if such transfer is approved by the Planning Commission. Inasmuch as Foundation and its affiliates will continue to operate the Honda dealership at the Property under the Motorcars Honda name in the same manner and otherwise continue to operate Motor Cars Honda as it has been done historically, we request approval of the transfer of the Permit to Foundation by the Planning Commission, without the necessity of the issuance of a new permit.

Thank you for the consideration of this request on behalf of Foundation. Please contact the undersigned at 216-795-4117 to discuss any questions or issues.

Very truly yours,

**CHILCOTE LAW FIRM LLP**, an Ohio limited liability partnership

By:   
Lee A. Chilcote, Managing Partner

cc. William R. Hanna, Esq., Law Director



**PLANNING COMMISSION  
CONDITIONAL USE PERMIT**

FOR: Motorcars Honda  
2953 Mayfield Road  
Cleveland Hts. OH 44118

**PROJECT NO. 16 - 06**

A Conditional Use Permit is hereby issued to Motorcars Honda, at 2953 Mayfield Road, in a C3 General Commercial district, for a showroom addition per code chapters 1111, 1115, 1131, 1151, 1153, 1165 and 1166 and approved by the Planning Commission on February 10, 2016.

This permit is issued under the authority of Sections 1111.06 and 1115.08 of the Zoning Code and is subject to compliance by the applicant with all pertinent provisions of the Zoning Code and with any other applicable ordinances of the City, with the conditions that:

1. *Approval of the Architectural Board of Review;*
2. *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;*
3. *The applicants shall work with staff to resolve any complaints from neighbors;*
4. *Landscape plan dated 12-17-12 by Cornachione & Wallace Architects (approved as part of Project No. 13-2) shall be included as part of this approval; and all required construction and installation of the use shall be completed within 9 months of Planning Commission approval.*

Should the holder of this permit at any time fail to comply with said provisions and limitations, and such failure continue beyond the time fixed by the Commissioner of Building in a written notice to remedy such failure, and then this permit may be deemed terminated.

This permit is not transferable without the written consent of the Planning Commission.

GRANTED BY THE PLANNING COMMISSION

Effective Date: February 10, 2016


PLANNING COMMISSION

Michael N. Ungar, Chairperson

Richard Wong, Secretary

/kc

This permit represents Zoning approval only. A Building Permit may still be required.

CLEVELAND  
HEIGHTS   
SPECIAL PERMIT  
BOARD OF ZONING APPEALS

FOR: 2953 MAYFIELD ROAD  
CALENDAR NO. 2208

This special permit\* is hereby granted to vary the requirements of the Zoning Code in order to allow the applicant to: 1) construct two (2) parking pods coming to within 4.5 feet of the front Mayfield Road property line and within 4.5 feet of the side Superior Road property line instead of providing a 15-foot front yard and 10-foot side yard, as required by Codified Ordinance and 1135.05; 2) park cars on two building pod extensions into the front yard instead of being prohibited from parking in a required front yard, as set forth in Codified Ordinance 1171.03(a); and 3) provide 17 landscaping trees instead of providing 20 landscaping trees as required by Codified Ordinance 1171.04(b) in a "C-3" Commercial zoning district, all in accordance with the site plan submitted to the Board of Zoning Appeals on June 22, 1990 (as amended by the site plan approved by the Architectural Board of Review on April 7, 1992.)

This permit is issued under authority of Section 1107.07(b)(1) of the Zoning Code and is subject to compliance by the applicant with all pertinent provisions of the Zoning Code and with any other applicable ordinances of the City with the following additional conditions:

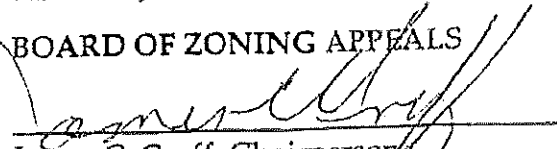
- 1) The applicant must work with the Planning Department staff to develop a landscaping plan; and
- 2) All construction is to be completed within 18 months from the effective date of this permit.

Should the holder of this permit at any time fail to comply with said provisions and limitations, and such failure continue beyond the time fixed by the Commissioner of Building in a written notice to remedy such failure, then this permit may be deemed terminated.

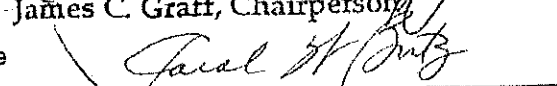
Granted by the Board of Zoning Appeals

BOARD OF ZONING APPEALS


Effective Date: March 4, 1991

  
James C. Graff, Chairperson

(Note: Construction completion date is extended to September 4, 1992, by motion approved by the Board of Zoning Appeals on April 15, 1992.)

  
Carol W. Butz, Zoning Administrator

\*This special permit represents zoning code approval only.  
Building permits are still required.

CLEVELAND  
HEIGHTS   
SPECIAL PERMIT  
BOARD OF ZONING APPEALS

FOR: 2953 MAYFIELD ROAD

CALENDAR NO: 2880

A special permit is hereby issued to permit variance of the requirements of the Zoning Code in order to permit the placement of a 5'5" x 5'5" freestanding monument sign where one is not permitted, as required by Code Section 1163.01, in a "C-3" general commercial district, and in accordance with the plan and conditions approved by the Board of Zoning Appeals on November 15, 2000.

This permit is issued under authority of Sections 1109.06 and 1115.07 of the Zoning Code and is subject to compliance by the applicant with all pertinent provisions of the Zoning Code and with any other applicable ordinances of the City with the following conditions:


- 1) That there will be no permanent building or wall signs;
- 2) The monument sign shall not be located within the sight triangle, as defined in Section 1165.03(e); and
- 3) All work shall be completed within 90 days of the effective date of this permit.


Should the holder of this permit at any time fail to comply with said provisions and limitations, and such failure continue beyond the time fixed by the Commissioner of Building in a written notice to remedy such failure, then this permit may be deemed terminated.

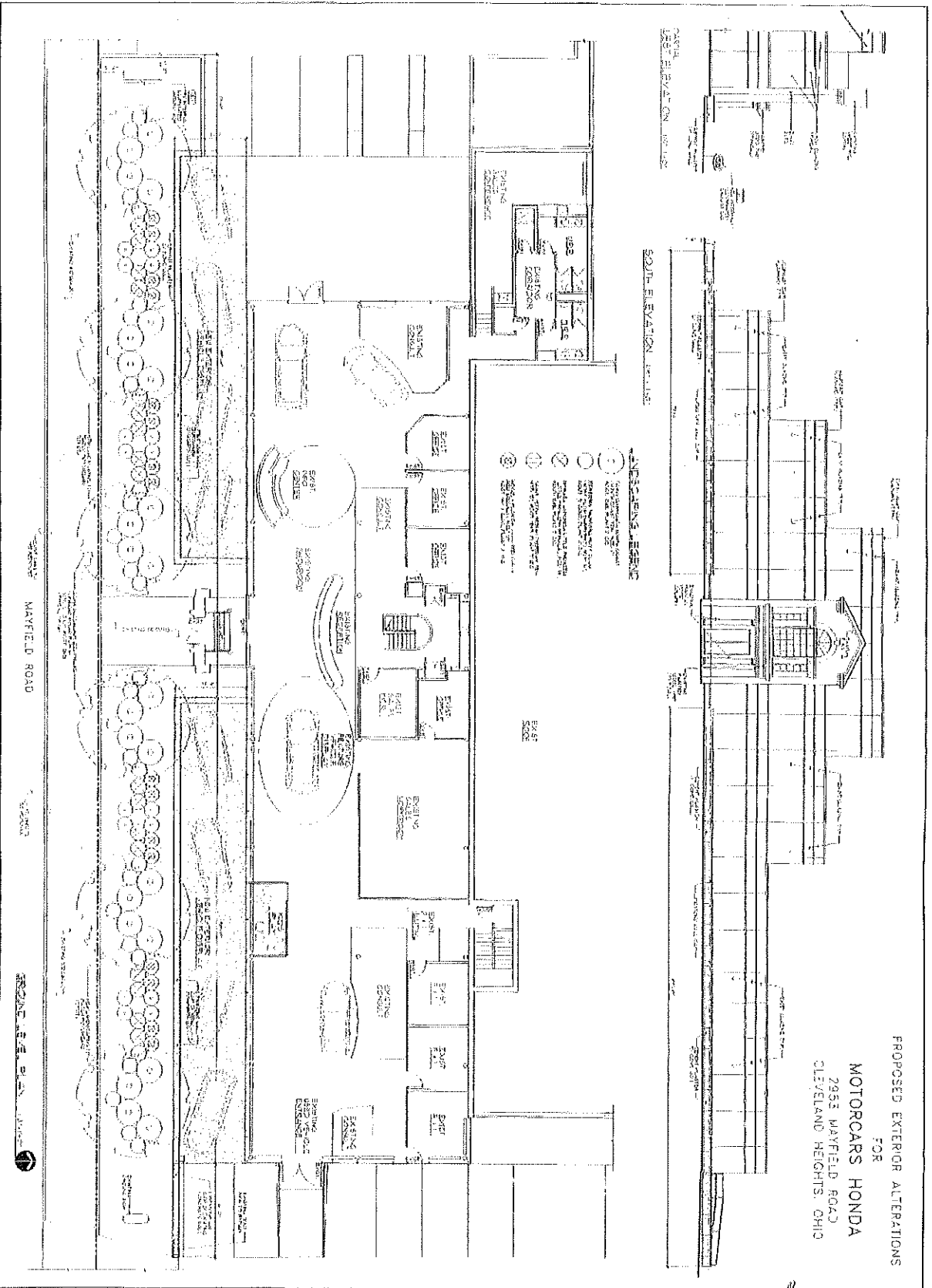
GRANTED BY THE BOARD OF ZONING APPEALS

Effective Date: November 20, 2000

BOARD OF ZONING APPEALS

  
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F. David Gill, Chairperson

  
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Jevon Hull, City Planner



PROPOSED EXTERIOR ALTERATIONS  
 FOR  
**MOTORCARS HONDA**  
 2955 MAYFIELD ROAD  
 CLEVELAND HEIGHTS, OHIO

LEGEND'S SYMBOLS

- EXISTING WINDOW
- NEW WINDOW
- EXISTING DOOR
- NEW DOOR
- EXISTING WALL
- NEW WALL
- EXISTING ROOF
- NEW ROOF

1 OF 3	PRELIMINARY - NOT FOR CONSTRUCTION  <b>MOTORCARS HONDA</b> 2955 MAYFIELD ROAD CLEVELAND HEIGHTS, OHIO	 <b>ARCHITECTS, INC.</b>	Architects & Wallace 955 West 25th Street Cleveland, Ohio 44115 Tel. 324-9514/15/16 Fax 322-7340/1 www.ArchitectsAndWallace.com	<del>PROJECT NO.</del> <b>13-2</b>
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