

**CITY OF CLEVELAND HEIGHTS  
REGULAR PLANNING COMMISSION  
February 9, 2022  
MINUTES OF THE REGULAR MEETING**

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

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

## CALL TO ORDER

Ms. Cohen called the meeting to order at 7:00 p.m. She welcomed the audience to the February 9, 2022 Regular Webex meeting of the Cleveland Heights Planning Commission.

## APPROVAL OF MINUTES

Ms. Cohen asked had the Commission read the minutes from the December 2021 Regular Planning Commission meeting and asked if there were any corrections needed. There were no additional corrections needed and the minutes stand approved. Ms. Cohen went on to say that Project 22-02 was withdrawn from tonight's meeting.

Alix Noureddine swore in staff

Ms. Knittel Power Point presentation was as follows:

**Proj. No. 2022-01 K. & E. Larkin, 14664 Superior Rd., 'A' Single-Family, Requests  
Reduction of Required Enclosed Private Parking Spaces per Code Section 1111, 1115, 1121,  
& 1161**

## CONTEXT

The houses to the east and west along Superior Rd. and to the south of the applicant are all single-family homes zoned 'A' Single-Family. Cain Park is to the north, across Superior Road. The Future Land Use Map from the Master Plan shows this area as being used for the same use, single-family housing.

On November 1, 2021, City Council adopted zoning text amendments that would permit applicants to request a reduction in required enclosed private parking spaces from the Planning Commission based upon one (1) of five (5) exceptions (see below).

## PROJECT DESCRIPTION

The applicant is proposing an addition to the rear of their house. The existing two-car garage and pavement would be removed to provide green space for the family.

## **REQUEST FOR REDUCTION OF REQUIRED ENCLOSED PRIVATE PARKING SPACE**

The applicant is requesting a reduction in the required enclosed private parking spaces under 1161.051(a)(iv).

### **STANDARDS**

#### *1161.05 MODIFICATION OF NUMBER OF REQUIRED PARKING SPACES.*

Whenever the parking requirements based on functions and uses, and application of the standards specified in Schedule 1161.03 can be shown by the applicant to result in an excessive number of parking spaces and that a lesser number of spaces is appropriate and consistent with these regulations, the Planning Commission may approve a reduction in required spaces

#### *1161.051 EXCEPTIONS TO REQUIRED ENCLOSED PRIVATE PARKING SPACES*

Any application that will not be providing the requisite enclosed parking spaces as indicated in Schedule 1161.03 shall require review and approval by the Planning Commission based upon the regulations and criteria of this section.

- (a) **Exceptions.** The required off-street parking spaces for single-family dwellings, two-family dwellings, and townhouses shall be enclosed in a detached or attached private parking garage, as indicated in Schedule 1161.03, unless one (1) or more of the following exceptions can be substantiated:
  - (i) The parcel is a legal, non-conforming lot that does not have the requisite minimum lot area or lot width to accommodate a Code-conforming private parking garage.
  - (ii) Special conditions exist specific to the lot that are not applicable generally to other lots in the same Zoning District that render a Code-conforming private parking garage impractical.
  - (iii) If the previously existing private parking garage on the lot was a single-car garage for single-family dwelling.
  - (iv) If an existing private parking garage structure and associated remnant parking pavement are proposed to be removed and replaced with grass or landscaping, thereby increasing green or open space.
  - (v) If a substantial expansion or addition to the principal structure is proposed.
- (b) **Landscape Plan Required.** Any application that will not be providing the requisite enclosed private parking spaces shall include a Landscape Plan that addresses stormwater management and minimizes adverse impact on neighboring properties, subject to Chapter 1166 of the Zoning Code.
- (c) All other provisions of City ordinances relating to zoning, demolition construction, use and maintenance of residential buildings shall apply, including, but not limited to, impervious surface coverage, yard setbacks, parking pad dimensions, driveway dimensions, parking requirements, and utilization of driveways for parking.

### **STAFF RECOMMENDATION**

Staff found that this request met the following exception criteria:

- 1161.051(a)(iv) in that removing the two-car garage and associated pavement will provide green space for the family.
- 1161.051(a)(v) in that a substantial addition to the principal structure is proposed.

Due to the impacts of the COVID-19 pandemic, a greater period of time is needed on a temporary basis to complete construction projects. Staff recommends that Planning Commission approvals reflect a longer period of completion.

Staff recommends that the Planning Commission approve the reduction in required enclosed private parking to permit a one-car garage to be built as shown on the submitted site plan with the following conditions:

1. ABR approval of the addition and patio;
2. Removal of the current detached garage and all pavement not needed for the parking pad;
3. Receipt of required building permits;
4. Final landscape plan to be approved by the Planning Director; and
5. All required construction and installation of the use shall be completed within 24 months of Planning Commission approval.

Ms. Cohen asked if there were any questions for staff, there were no. Ms. Cohen then invited the applicant to speak.

Alix Noureddine swore in the applicant.

Ms. Hallie Bowie went on to express that the homeowners have not been using their existing garage for parking in the time that they have owned the property. Ms. Bowie went on to say that the homeowner's primary use for the garage has been for additional storage. That this change to the property would allow additional green space, which is detailed on the site plan that was submitted.

Ms. Cohen asked if there were any questions from the Commission at this time. There were none, Ms. Cohen added that it is nice to see from her perspective that this is being used to allow for a first-floor bedroom because I know that that's been a desire for many people in Cleveland Heights, just another positive benefit from the change in the zoning code.

Adam Howe motioned to approve **Proj. No. 2022-01 K. & E. Larkin, 14664 Superior Rd., 'A' Single-Family, Requests Reduction of Required Enclosed Private Parking Spaces per Code Section 1111, 1115, 1121, & 1161** with the following conditions and revise conditions along with the staff recommendations.

Michael Gaynier seconded the motion.

The motion was approved 5-0.

Alix Noureddine affirmed in Planning Director Eric Zamft.

Mr. Zamft gave a brief overview of Project No. 20-17 Flaherty & Collins Cedar-Lee-Meadowbrook Redevelopment. He stated that at this meeting Planning Commission would review and consider approval of the conditional use permit for public green space/park at the corner of Meadowbrook Blvd. and to establish building setback from Meadowbrook Blvd; approval of conditional use permit for live-work units and to establish Tullamore Rd Building setback and approval of larger-scale development site plan. Mr. Zamft further explain that the meeting would not be about project financing, the Memorandum of Understanding (MOU), the Development Agreement with Flaherty & Collins, or Expanding the Project Site to include additional properties or the Park Ballot Initiative. Mr. Zamft gave a brief PowerPoint on the history of the current Cedar-Lee-Meadowbrook location.

Ms. Cohen thanked Alix Noureddine for his work with the City and with the Planning Commission as he is moving on to his next place of employment.

Alix Noureddine swore in Alex Pesta and Brandon Bogan

Mr. Bogan went on to thank the Planning Commission, the Planning and Development staff and the City of Cleveland Heights as a whole for this opportunity to present before the Commission.

Mr. Pesta gave a detailed overview of the Cedar-Lee-Meadowbrook project with a Power Point Presentation. He thanked all those who have had a hand in helping bring this project to life. Mr. Pesta addressed a few questions from the previous meeting, specifically: building height and presence; neighborhood context and relationship (size, scale & setback); lighting, landscaping, trash/service areas, and signage considerations; and sustainability measures (notably which standard the initiative will be following). He said that what will be seen tonight is updated building elevations, streetscape plans and accompanying materials; model views that better illustrate the initiative's relationship to its context; plans and diagrams that show streetscaping, landscaping, lighting and other information; and renderings that communicate Cedar-Lee's enhanced experience through architecture and open spaces. Mr. Pesta reviewed the sustainability components of the project that include: meeting criteria from the National Green Building Standard; expanding tree canopy with the addition of 70+ new trees, light-colored roofs that are solar-ready; International Dark-Sky Association approved Dark Sky Friendly LED light fixtures; electric vehicle charging station; multiple bike parking locations throughout the site and indoor bike rooms for residents; in-site stormwater management; and native landscaping with pollinator and habitat supportive plant selections. He said these were all foundational to the work they have done since the last time they met with the Planning Commission. Mr. Pesta reviewed the project beginning with the Cedar-Lee Site stating this was 4 stories tall with 139 units and 1,200 s.f. of commercial space and 74,230 s.f. (42%) open space. He continued with the Meadowbrook Site stating this would be 3 and 4 stories tall and sometimes 2 stories, there would be 62 units and 7,000 s.f. of commercial space and there would be 24,737 s.f. (53%) open space. He went on to speak on the current traffic study has been very involved in ensuring that traffic flow will remain limited providing more access to parking for surrounding businesses and daily traffic. Mr. Pesta went to the detail the how they focused on the safety and security of all who will explore the new Cedar-Lee-Meadowbrook area, new lighting will be put in place to make all feel safe. Mr. Pesta continued with his PowerPoint presentation that included, an overview of materials that will be used, height, landscaping, the new pool, and traffic study. Mr. Pesta went on to show visuals of how the new structures and discussed how they will fit in with the current structures that are within the neighborhood.

Ms. Cohen thanked Mr. Pesta for his presentation.

Mr. Horowitz raised a question regarding page ten of the Planning Commission Packet regarding underground utilities to the North parking deck which appear to overlap and don't show the proposed Cedar-Lee building. I only see orange, yellow and blue lines which I assume are underground utilities.

Mr. Pesta stated those are the existing utility lines that are currently there. So that Cedar-Brook right away is where the existing underground utilities are located at this time. He

went on to say that part of this work is to relocate portions of those utilities and then tie into those utilities with the development.

Mr. Horowitz thanked him for the clarification, and referred to page 14 of the Planning Commission packet regarding the site access and the traffic lights, asking for clarification on what "Full Movement Access" means?

Mr. Pesta replied that Full Movement means full vehicular movement can occur. He stated that currently, Tullamore doesn't have a signal and that they are trying to make the delineation and the distinction between full movement, meaning in particular vehicles versus the pedestrian that would be where the eliminated drive is.

Alix Noureddine swore in Nancy Lyon- Stadler.

Nancy Lyon-Stadler stated that full movement means that alternative movements are permitted. So, there are no turn restrictions.

Mr. Horowitz stated asked if signals are proposed.

Ms. Lyon-Stadler responded that they are not proposed at - this time.

Mr. Horowitz asked Mr. Pesta about the back of Tullamore where there are existing bollards that are unsightly. He wondered if the Fire Department requires that there be a gate or something removable so they can get a truck through there, stating that he would like to see some attention given to this area. Mr. Horowitz also wanted to know if there are plans for electric charging stations.

Mr. Bogan responded that they are looking at electric vehicle charging stations on every property. He said that they are seeing more and more residents with electric vehicles and the demand there for these charging stations. He said they plan to provide at least one or more charging stations throughout the new development.

Ms. Wobig asked how was that they decided on having just one charging station.

Mr. Bogan replied that he thinks it's just that they would provide at least one, that they're committed to doing that. He said that he suspect there will probably be more than one, currently, at their properties, they're putting in at least two. He said they are looking into ways to expand and provide additional charging space for all.

Ms. Cohen added that she was thinking the same regarding Mr. Horowitz's previous questions and thanked him for bringing light to them.

Mr. Horowitz asked for clarification regarding how the parking garage will section off residential parking from public parking. He asked if Flaherty and Collins will be maintaining and taking over the operations of the garage as a whole. Also, he asked if video surveillance would be put in place throughout the parking lot to add visible security ensuring the safety of the people along the shared street and walkway to the mini-park.

Mr. Bogan said they had not finished the design plan for residential versus public parking as of yet, and that this is still a current work in progress. He said they are diligently working to ensure all are satisfied. He said that there will be video surveillance throughout the garage.

He said that it is very important to them from a safety aspect. He said that they are still working on fees for parking. He said that in response to the walkway and mini-park. They have established a line to create the extent of their project and so they have stopped at the edge of the road.

Mr. Zamft said that there is a desire to cooperate and upgrade especially the stairs, ramp, and so forth within the mini-park design and that at this point we looking to bring all parts together.

Ms. Wobig asked for clarification on who would be responsible for the maintenance of the garage.

Mr. Bogan stated that they will have the responsibility for the garage as a whole. He said that maintaining the garage will fall on their shoulders.

Ms. Cohen interjected with a question regarding police presence within the area, asking if this will be included in the safety guidelines.

Mr. Bogan said that they have not really contemplated having a police presence, but that their communities definitely make friends with the police in the neighborhood and they were open to that.

Ms. Cohen stated that as a woman she's never felt comfortable in a parking garage at night.

Ms. Wobig asked if bike parking for the community as a whole will be provided.

Mr. Bogan stated that they will definitely have bike parking, including near the retail areas and by the park area.

Mr. Pesta added that they will take a look at the plan regarding bike parking and see what improvements can be made for all.

Ms. Cohen asked if there will be more decorative bike ranks, maybe similar to the City Club in Downtown Cleveland rather than the standard design.

Mr. Pesta stated that they haven't at this time looked into a specific design for the bike racks, however, input is welcome because they are looking to make every aspect of this project community-friendly.

Ms. Cohen stated this was something that came up at the last public meeting Mike Unger chaired about the possibility of collaborating with the Land Studio or Future Heights or public artists to help create an art-friendly design. She also asked what designs they were thinking of to put a place for children to interact.

Mr. Bogan at this point we want to keep the space very flexible. We are open to working with the city as far as collaborating with designing an area that will work for families.

Ms. Cohen stated that she appreciates that because she would like this space to be a gathering space for all, especially with Future Heights Music Hop and this would be such an amazing way to surround the area and incorporate fun for families as well as adults. Ms.

Cohen went on to say that the reason that she brought this up is due to a conversation with staff that the closest playground is located at the Fairfax elementary school. She also mentioned scooter parking and access to them and connecting Cain Village Park business district and Cedar Tailor Business district and the possible sharing scooter rides from one district to the next.

Mr. Bogan said they have a couple of properties where they have done scooter parking in front of businesses and stations where you can go to access and charge scooters. He said that they have done a couple of different ones so they are definitely open to talking and working through some ideas to add this to the project.

Mr. Zamft stated that Ms. Knittel will now present her PowerPoint for Project No 21-17. He went on to give a brief overview of the staff report that was given to the Planning Commission regarding Project No 21-17.

Karen Knittel's PowerPoint Presentation was as follows:

**SUBJECT: Project No. 21-17 Flaherty & Collins, C-2X Multiple-Use, Cedar-Lee-Meadowbrook** redevelopment, bounded by Cedar Rd., Lee Rd., and Meadowbrook Blvd., and is bisected by Tullamore Rd. (PPN 687-06-009, 687-06-010, 687-06-013, 687-06088, 687-06-089, 687-06-090, 687-06-091, 687-06-092, 687-06-093, 687-06-094, 68706-095, 687-06-096, 687-06-159 and 687-08-001) per Zoning Code chapters 1111, 1115, 1131, 1151, 1153 1161, 1165, 1166.

- a. Requests approval of conditional use permit for public green space/park at the corner of Meadowbrook Blvd. and to establish building setback from Meadowbrook Blvd.;
- b. Requests approval of conditional use permit for live-work units and to establish Tullamore Rd. building setback;
- c. Requests approval of larger-scale development site plan.

## **CONTEXT**

The Cedar-Lee-Meadowbrook Project Site currently is bounded by Cedar Rd. to the north, Meadowbrook Blvd. to the south, the Lee Rd. commercial properties to the west, and residential properties to the east (the "Project Site"). For purposes of this Staff Report, the portion of the site north of Tullamore Rd. is referred to as the "Cedar-Lee site", with the building on this site is referred to as the "Cedar-Lee Building" on the site plans. The portion of the project south of Tullamore Rd. is referred to as the "Meadowbrook site" and the building on this site is referred to as the "Meadowbrook Building" on the site plans.

The property is zoned 'C2-X' Multiple-Use. The adjacent commercial properties along Lee and Cedar Roads are zoned 'C2-X' Multiple-Use. Across Cedar Rd. to the north is the Cleveland Heights-University Heights High School, zoned 'S2' Mixed-Use. To the east and north of Tullamore Rd., the residential property is zoned 'A' Single-Family and the property to South of Tullamore with Tullamore addresses are zoned 'A' Single-Family. The apartment buildings to the east with Meadowbrook Blvd. addresses are zoned 'MF2' Multiple-Family. South, across Meadowbrook Blvd., the commercial property is zoned 'C2X' Multiple-Use.

The purpose of the 'C2-X' Multiple-Use District is to provide standards for the continued operation of mixed-use neighborhoods and to provide for dense, mixed uses along thoroughfares, and to concentrate mixed-use buildings to promote and encourage activity. Parking and driveways are generally located so as not to disrupt the pedestrian activity. The

adopted 2017 City of Cleveland Heights Master Plan Future Land Use Map shows this area as Mixed-Use Commercial & Retail that is described as being a walkable building with upper-floor residential or office.

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The overall Project Site is approximately 4.80 acres and currently consists of surface and covered parking areas, vacant commercial buildings, and vacant land. The site is currently owned by the City of Cleveland Heights. Mixed-use commercial/residential redevelopment of this site has been a long pursued goal of the City, dating back to the initial environmental cleanup of the site in 2006. After the 2020 Request for Proposal/Qualifications (RFP/RFQ) process, the City entered into a development agreement with Flaherty & Collins Properties (the "Applicant"). Flaherty & Collins Properties is working with local architectural and site planning consultants, City Architecture.

## PROCESS

- Four (4) public open houses and workshops were held to gather public comment and inform the project design prior to the start of the formal approval process.
- Parking and Traffic Studies of the district and the development site were commissioned by the City and is in the process of being completed.
- The Applicant provided an informational presentation on the Project and there was a discussion at the December 1, 2021 Transportation & Environmental Sustainability Committee meeting.
- The Project had a preliminary review by the Planning Commission on December 8, 2021; final plan approval of the development site plan and conditional use permits must be granted by the Planning Commission.
- The Project had a preliminary review by the Architectural Board of Appeals on December 21, 2021.
- The Project requested and received variances from the Board of Zoning Appeals on January 19, 2022, as follows:
  1. A. Cedar-Lee site, 1320 Cedar Rd. & 2223 Lee Rd. received the following variances:
    1. Variance Cal No. 3539A (1) to Sect. 1131.14(f) to permit the front yard on Cedar Rd. to be a maximum of 15' 11" as shown on the Dimensioned Site Plan submitted with the BZA application.
    2. Variance Cal. No. 3539A (2) to Sect. 1131.14(g)(4) to permit no upper floor setback along the Cedar Rd. face of the Cedar-Lee building.
    3. Variance Cal No. 3539 A (3) to Sect. 1166.05(b) to permit the landscaped yard along Cedar Rd., to be less than 10' as shown on the Cedar Rd. Landscaping Buffer drawing submitted with the BZA application.
  2. B. Meadowbrook site, 2223 Lee Rd. received the following variances:
    1. Variance Cal. No. 3539 B (1) to Sect. 1131.14(f) to permit the front yard on Lee Rd. to be a maximum of 16'5" as shown on the Dimensioned Site Plan submitted with the BZA application.
    2. Variance Cal. No. 3539 B (2) to Sect. 1131.14(f) to permit the rear yard abutting 3216 Tullamore Rd. to be a minimum of 7' as shown on the Dimensioned Site Plan submitted with the BZA application.
    3. Variance Cal. No. 3539 B (3) to Sect. 1131.14(g)(4) to permit no upper floor setback along Tullamore Rd.
    4. Variance Cal No 3539 B (4) to Sect 1131.075(a) to permit 52.3% of windows along the Tullamore Rd. lineal frontage.

5. Variance Cal. No. 3539B (5) to Sect. 1166.05(b) is to permit less than 10' landscaped yd. along Tullamore Rd. & Lee Rd. permitting no landscape yard along Lee Rd. and on along the Tullamore Rd. corner, as shown on the Lee Rd. Landscaping Buffer Setback drawing submitted with the BZA application.

- The Project will be reviewed by the Architectural Board of Review at their March 1, 2022 meeting. Final approval must be given by the Architectural Board of Appeals.
- Any changes that are required by either the Planning Commission or the Architectural Board of Review as part of their review and decision-making on the proposed project will need to be reviewed for zoning compliance. Should any of these changes or conditions not conform to zoning regulations, the Applicant would be required to request additional variances.

## **MATERIALS SUBMITTED**

- Application and narrative for Larger Scale Development Plan Review
- Conditional Use Permit Application for Public Greenspace/Park
- Conditional Use Permit Application for Live-Work Units
- Neff Survey of development site, dated 11/16/2021
  - Boundary & Easements
  - Site Conditions & Utilities
  - Site Utilities & Topography
- Cedar-Lee-Meadowbrook Site Plans and Illustrations, dated 2/9/2022
  - Comments on Preliminary Review of Planning Commission (12/8/2021) – page 3
    - Overall project area aerial – page 4
    - Cedar-Lee-Meadowbrook Vision – pages 5-8
    - Open Space Plan – page 9
    - Site Survey – page 10
    - Parking garage – page 11
    - Parking Study area boundaries – page 12
    - Cedar-Lee-Meadowbrook Development Site Plan – page 13
    - Trip Distribution-Site Access – page 14
    - Variance Diagram – page 15
    - Tree Preservation Plan – page 16
    - Conceptual Landscape Plan – page 17
    - Site Shadow Study – page 18
    - Cedar-Lee: Shared Street – page 19
    - Cedar-Lee Road Streetscape – page 20
    - Cedar-Lee: Cedar Road Streetscape – page 21
    - Cedar-Lee building floorplans – page 22
    - Cedar-Lee elevation concepts – page 23
    - Cedar-Lee elevation concepts – page 24
      - Cedar-Lee from Cedar Road and Cleveland Heights High School – page 25
      - Cedar-Lee District Height Comparison Study – page 26
    - Cedar Lee from Cedar Road – page 27
      - Looking along Shared Street towards Cedar Road – page 28
    - Shared Street plaza and crossing – page 29
    - View from Cedarbrook – page 30
    - Cedar Lee resident courtyard – page 31
    - Cedar Lee from mini-park and Boss Dog patio – page 32
    - Meadowbrook site plan – page 33

- Meadowbrook: Lee Road Streetscape – page 34
- Meadowbrook: floor plans – page 35
- Meadowbrook building concepts – page 36
- Meadowbrook building concepts page 37
- View looking down Tullamore Road – page 38
- Lee Road and Tullamore Road intersection – page 39
- View looking down Tullamore – page 40
- View from the Shared Street – page 41
- View of Meadowbrook activity green space – page 42
- View of Meadowbrook activity green space from Best Gyros – page 43
- Cedar Lee Meadowbrook Concept – page 44
- Cedar Lee Meadowbrook Parking Plan Recommendation DESMAN Memo, dated 2/1/2022
- Cedar Lee Meadowbrook Traffic Study WSP Planning Commission Summary Report, dated 2/9/2022
- Dimensioned Site Plan originally submitted to the Board of Zoning Appeals

## **PROJECT DESCRIPTION**

The Applicant proposes to construct two (2) new mixed-use buildings containing 206 residential units, along with maintaining the existing 377-space parking garage. The mixed-use buildings will have non-residential spaces on the first floor, including retail, live work units, and amenity space, with residential units above (the "Proposed Project"). Live work units are conditional permitted uses in the commercial districts.

The Cedar-Lee site is proposed to have a mixed-use building facing Cedar Rd. The building is proposed to be four (4) stories tall. The building will have 139 units and will have 1,200 square feet of retail space. This site includes the development's outdoor swimming pool along an interior courtyard area of the 'C' shaped building.

The Meadowbrook site is proposed to have a mixed-use building that faces both Lee Rd. and Tullamore Rd. The building is proposed to be three (3) and four (4) stories tall and will have 67 units and 7,000 square feet of retail space. The last portion of the building on Tullamore Rd. adjacent to the single-family residential neighborhood steps down to be two (2) stories. The Meadowbrook corner is proposed to be a public green space/park. Public parks are conditionally permitted in commercial districts. The Meadowbrook building is proposed to include a private interior courtyard for residents only.

The Project Site is proposed to maintain a north-south access drive, approximately parallel with Lee Rd., referred to as the "Shared Street". This access drive will be owned and maintained by the Applicant and is proposed to continue to provide the Lee Rd. commercial properties access to the rear of their properties that includes dumpsters and outdoor dining areas. This access drive is proposed to also provide access to drop-off and pick-up areas for the new Cedar-Lee building. Some existing and new parking spaces are proposed to be provided along the access drive for public use. A public walkway is proposed along the eastern edge of the Project Site connecting Tullamore Rd. to Cedar Rd.

For this project to move forward, three (3) approvals from the Planning Commission are required, these are described and discussed separately in this staff report.

## **REQUEST FOR CONDITIONAL USE PERMITS**

**a. Requests approval of conditional use permit for public green space/park at the corner of Meadowbrook Blvd. and to establish building setback from Meadowbrook Blvd.;**

**b. Requests approval of conditional use permit for live-work units and to establish Tullamore Rd. building setback;**

#### STANDARDS FOR CONDITIONAL USES

*A conditional use, and uses accessory to such conditional use, shall be permitted in a residential, commercial or special district only when specified as a permitted conditional use in such district, or when such use is determined by the Planning Commission to be a similar use, and only if such use conforms to the following standards in addition to any specific conditions, standards and regulations for such category of use set forth in Chapter 1151 of the Zoning Code. Furthermore, the Planning Commission shall find:*

- a) That the conditional use will be in general accord with the purpose, intent and basic planning objectives of this Zoning Code, and with the objectives for the district in which located;*
- b) That the establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare;*
- c) That the conditional use will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, and that such use will not essentially change the character of the same area;*
- d) That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;*
- e) That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;*
- f) That adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided;*
- g) That adequate measures have been or will be taken to provide ingress and egress designed as to minimize traffic congestion in the public streets;*
- h) That the establishment of the conditional use should not be detrimental to the economic welfare of the community by creating excessive additional requirements at public cost for public facilities such as police, fire and schools;*
- i) That there is minimal potential for future hardship on the conditional use that could result from the proposed use being surrounded by uses permitted by right that are incompatible;*
- j) That the conditional use shall address the sustainability guidelines of Section 1165.06 (see below);*
- k) That the conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located as well as the specific supplemental conditions set forth in Chapter 1153.*

#### SUPPLEMENTAL STANDARDS FOR THIS CONDITIONAL USE (Zoning Code Section 1153.05)

1153.05(b) Public and Private Schools, Parks and Playgrounds. In any district, the Planning Commission may require a school, park or playground to fence in the outdoor play area to minimize traffic hazards and buffer neighboring properties.

## **REQUEST FOR APPROVAL OF LARGER SCALE DEVELOPMENT**

### **c. Approval of the Cedar-Lee-Meadowbrook larger-scale development.**

#### *1115.09 Review of Development Plans for Conditional Uses*

*1115.09(a) Preparation of Development Plan. Development plans shall be prepared by a qualified professional, drawn to an appropriate scale and shall include the following information:*

- (1) Plat, plot plan. Plat, property lines of the parcel or parcels proposed for development including existing utilities, easements, street right-of-way, and locations of existing principal buildings and land uses on adjacent parcel and across existing streets. Permanent parcel numbers of the development and adjacent parcels shall be included.
- (2) Topography. Topographic maps showing existing and generally proposed grading contours at not greater than two (2) foot intervals including integration into and topography on adjacent properties, wooded areas, and trees of substantial size. The topography may be included on the plot plan.
- (3) Principal and accessory buildings. The number, height, location and grouping of proposed dwelling units, nonresidential uses, recreational facilities and public uses along with notation of the development standards for building spacing, setback from public streets and maximum building height.
- (4) Traffic. The proposed system of on-site vehicular circulation, details for access to streets, methods for control of traffic, and an assessment of the impact of the proposed development on the existing circulations system.
- (5) Parking Areas. The layout, dimensions and estimate of the number of parking space, the landscaping and other design features of the parking area and types of pavement.
- (6) Outdoor lighting. The location, type and illumination intensity of any existing or proposed outdoor lighting fixtures.
- (7) Signs. Indication of the size, location, color, and nature of any existing or proposed signs on the property.
- (8) Landscaping and screening plan. A preliminary description of the location and nature of existing and proposed vegetation, landscaping and screening elements.
- (9) Outdoor storage. The location and layout of all outdoor storage including storage of waste materials and trash receptacles.
- (10) Phasing, sequencing of project. A detailed statement of the phasing and staging of specific elements of the plan, including a proposed construction sequencing schedule.
- (11) Utilities. Show proposed location of new utilities and authority to connect these to existing infrastructure. Storm water shall address requirements of Chapter 1335 Storm Water Management.

## **SUSTAINABILITY GUIDELINES (Zoning Code Section 1165.06)**

*The following design characteristics and amenities are provided as a non-exclusive guide of items to be considered for all development plans. Additional design characteristics and public benefits and amenities not listed may also be considered.*

- 1) *Historic preservation and adaptive reuse of existing structures.*
- 2) *The use of sustainable design and architecture, such as the use and/or incorporation of green roofs or white roofs, solar panels, wind turbines and other alternative energy efficient systems, and LEED (Leadership in Energy and Environmental Design) or LEED-equivalent structures.*
- 3) *Incorporation of passive solar building and site design, where the design of the structure and the layout of the lots within the development collect solar energy in the form of heat in the winter and minimize heat in the summer.*
- 4) *Where the development requires the demolition of existing structures, recycling and reuse of building materials from demolished structures.*
- 5) *Site design that incorporates public safety initiatives, such as strategies advocated by Transportation Demand Management, Crime Prevention Through Environmental Design (CPTED) and Safe Routes to School.*
- 6) *Preservation of natural features where the design of the site provides more usable and suitably located open space and natural amenities. The use of conservation easements is encouraged.*
- 7) *Innovative storm water management techniques that exceed the performance standards required by the Ordinance and the City Code, and reduce the amount of impervious surface on the site.*
- 8) *Additional public infrastructure improvements in addition to the minimum required by the planned development overlay, such as new or repaved streets, provision of bicycle paths, installation of gutters and sewers, new public transit stations, and traffic control devices to improve traffic flow.*
- 9) *Community amenities such as public art, places to congregate such as plazas, malls, gardens, outdoor seating, and pedestrian and transit facilities.*
- 10) *Additional open space and recreational amenities such as recreational open space and playgrounds, including athletic fields, dog parks, and natural water features and conservation areas above that required by the Ordinance.*
- 11) *Provision of car or bicycle sharing facilities on-site.*

#### **STAFF COMMENTARY & RECOMMENDATION**

**a. Requests approval of conditional use permit for public green space/park at the corner of Meadowbrook Blvd. and to establish building setback from Meadowbrook Blvd.;**

The Applicant proposes a publicly accessible greenspace/park at the Meadowbrook Blvd. and Lee Rd. corner of the project site. A public utility easement runs through this area (the "AT&T easement"). The proposed public park will remain under the developer's ownership. It will be opened from dawn to dusk for the community's use. Programming for the proposed park will be facilitated by the City per the executed Development Agreement.

The C2-X District conditionally permits public green spaces/parks (Sect. 1131.14(b)); Planning Commission approval is required. As part of its conditional use permit review, the Planning Commission can establish the permitted building setback from Meadowbrook Blvd. for the proposed Meadowbrook Building (Building #2) (Sect. 1131.14(f) note b).

The addition of a public greenspace/park will enhance the Cedar-Lee business district providing additional space for the public to gather and allowing a space for programmed activities. This is in keeping with the purpose of the C2-X District to encourage density and to promote and encourage activity. Allowing the building to be setback from the Meadowbrook Blvd. enables this greenspace/park amenity to be included.

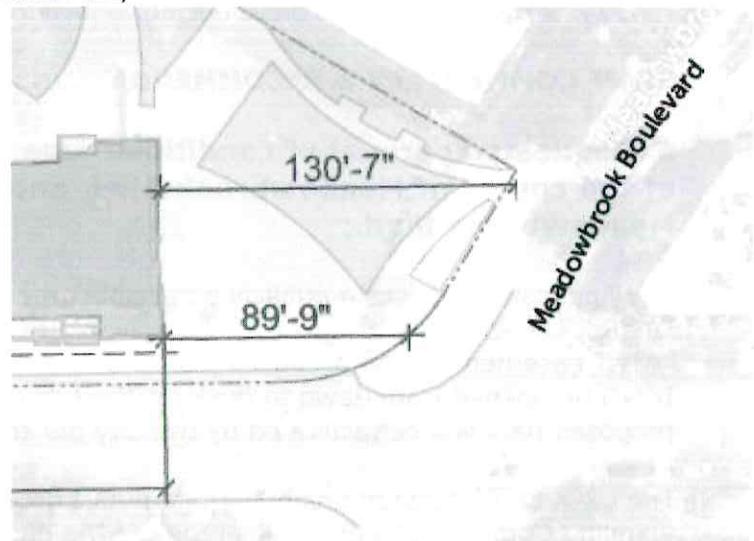
The greenspace/park will enhance the neighborhood. The design is being planned to be harmonious and appropriate in appearance with the character of the neighborhood. Public comments have been received asking that the edge of the park be considered and this will be considered as the final landscape plan is developed. The establishment of this conditional permitted park will not impede the normal and orderly development of the area, as its size, location and design have been developed to enhance both the proposed project and the Cedar Lee Business District. The proposed greenspace/park will address the Sustainable Guidelines items 6 and 10, providing an open and greenspace amenity for the public. The Applicant has affirmed that all conditional use standards will be met.

Sect. 1153.05(b) provides a supplemental conditional use standard for parks: "*in any district, the Planning Commission may require a park to fence in the outdoor play area to minimize traffic hazards and buffer neighboring properties.*" The current proposal does not include an outdoor play area and therefore this supplemental conditional use standard does not apply. However, if in the future an outdoor play area is added then the project should be reviewed by the Planning Commission to consider whether or not a fence should be part of the design.

## **Staff Recommendation**

Staff recommends approval by the Planning Commission of a Conditional Use Permit for Meadowbrook Park, with the following conditions:

1. Per Zoning Code Section 1131.14(b), the Planning Commission establishes a permitted setback for the Meadowbrook Building off of Meadowbrook Blvd. to range from 89'9" to 130'7" as shown on the Dimensioned Site Plan;
2. Should the park plan be modified to include an outdoor play area the plan will need to be reviewed by the Planning Commission and per Zoning Code Section 1153.05(b), the Planning Commission may require a park to fence in the outdoor play area to minimize traffic hazards and buffer neighboring properties;
3. Details of all proposed fences shall be part of the Final Landscape Plan;
4. A Final Landscape Plan shall be provided, as specified in Zoning Code Section 1166.02 and 1166.03, which will need to be approved by the Planning Director;



5. A final Lighting Plan shall be provided, as specified in Zoning Code Section 1165.07 (Exterior Lighting Requirements), and should be environmentally-friendly, following Dark Sky principles, which will need to be approved by the Zoning Administrator;
6. The Applicant shall comply with Zoning Code Section 1151.02 (General Standards for all Conditional Uses);
7. The Applicant shall comply with those provisions of Zoning Code Section 1151.03 (Supplemental Standards for Conditional Uses) specific to Parks;
8. 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;
9. The Applicant shall work with staff to resolve any complaints from neighbors;
10. The Applicant shall obtain all other required local approvals and permits;
11. All required construction and installation of the use shall be completed within 36 months of Planning Commission approval.

**b. Requests approval of conditional use permit for live-work units and to establish Tullamore Rd. building setback;**

Ms. Cohen stated if there were no other comment for staff, and if there are none we will now have public comment.

Mr. Gaynier stated that he had a comment regarding the pass-through area through Cedarbrook to take the barrier down so that people from that neighborhood could walk directly through there without the impediment of a fence.

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

Ms. Wobig raised a question about whether there are any units that are designated as actual live work units.

Ms. Knittel stated no current there are no live work units within the City of Cleveland Heights. They're described in our commercial zoning districts so we know that in our residential district, for example, we have many people who have offices or do work out of their homes, but this is a designation that's specific to the commercial district that allows a residential live work unit to be classified as a commercial unit.

Ms. Wobig asked if the parking requirements for the live work units were considered.

Ms. Knittel "yes" because the overall district has shared parking throughout the whole district. So, all of those commercial uses share the different parking areas within the district.

Ms. Wobig asked if there was a plan for public restrooms in the public park or are there public restrooms within a mile of the project.

Ms. Knittel said she does not believe that there are public restrooms for the park.

Mr. Zamft interjected that this can be something revisited as the final landscape plans are presented.

Mr. Horowitz asked if the shared street is more well designed, would this create an incentive for people to use it as a cut through street, when heading west on Cedar. He asked if traffic that would normally take a left onto Lee Road take a left onto the shared street, to use the shared street as a cut through to Tullamore and Lee so my concern now is the safety.

Ms. Knittel said that this access road would be designed for bicyclists, pedestrians as well as vehicles on the road which would mean that lower speed limits would need to be put into place along with additional safety measures.

Mr. Zamft interjected that WSP also does work for the City of Cleveland Heights we know that Nancy Lyon-Stadler looked at this and they felt that the design was not attractive as a cut through and that design and the materials would make a big difference.

Ms. Cohen asked if this going to be designed as one lane or two lanes.

Mr. Horowitz stated that they show it as being 22 feet wide.

Ms. Cohen stated they will table that topic at this time and now open up the meeting for public comment.

Alix Noureddine swore in Mr. Paul Volpe.

Paul Volpe reviewed the concerns he had regarding Project No. 21-17 Flaherty & Collins including his concern that this would be the last public meeting held by the Planning Commission regarding the project. He stated that he has done his diligence in making his voice heard about the concerns that he has for Proj. No. 21-17, parking, the garage, and structure as a whole. He went on to discuss the recommendations that he has given to Flaherty & Collins. He shared more of his thoughts, suggestions, and comments regarding the shard street and its design, the lack of public art, lighting, texture, and playground space among other concerns. Mr. Volpe expressed his concern that the development seems to only be for drawing in new residents for the apartment complex and not for the enjoyment of the city as a whole. He made suggestions regarding the design of the parking spaces that he felt would better serve the public. He went on to give his suggestion about public space and how it could better be used and how the swimming pool would be only available for the residents of the building and not the public, and that without the pool there could be more green space for the public to utilize. Mr. Volpe continued with concerns about the complete overall design of Proj. No. 21-17.

Alix Noureddine swore in Joanne Segal.

Joanne Segal stated that she is generally happy with this project and is very much in favor of it. She appreciated that most of her questions were addressed by Planning Commission. She did ask for clarification regarding the road behind the Cedar-Lee Building and the actual design and whether this would be open to the public or would be closed off and asked if it was true that cars will not be allowed access through this road. Ms. Segal gave additional design suggestions.

Ms. Cohen stated that this area is completely open to the public, and we're open to discussing the design of the walkway as well. Regarding the access of cars to the parking garage, there will be more than one entryway in and out of the garage. However, there will

be more discussion with the design team on how to make this work to ensure that safety is of high importance.

Alix Noureddine affirmed in Ms. Catherine Osborn.

Ms. Osborn stated that she had sent in comments that she hoped the council received, however, she wanted to voice her support for this project. She mentioned that she has been a resident for nearly 7 years in this area. Ms. Osborn went on to state that she has watched the development of the project from her front window and that she's pleased with the current progress. She's pleased with the introduction of new housing, business, and retail within the area. She went on to say she hopes that the Planning Commission approves this project so that it can move forward to add to the use of this unused space to make it active and vibrant. She went on to raise a concern about lighting and traffic and how this can be improved upon as development grows.

Ms. Cohen thanked all of those who spoke from the public and closed the floor for public comment. She went on to state that the Planning Commission has received several letters from the public regarding this project that have been read and taken into consideration. Ms. Cohen went on to thank the Landmark Commission for its insight into this project. Ms. Cohen opened the floor to Mr. Bogan and Mr. Pesta for any questions they may have.

Mr. Bogan stated that he did send an email to Mr. Zamft and Ms. Knittel once he had seen the staff report, with some of their concerns with the conditions for the recommendation for approval. He said the first one that I heard a lot of comments about this evening, the walkway connection through the property between the garage and the Cedar-Lee building, he said he had concerns about routing the public through the project and bisecting it and that this space is only 20 feet wide. He explained that they have multiple reasons why they do not want the dog park to be public, from maintenance to liability and safety. Mr. Bogan continued with some additional areas of concern including the time frame for the project, moving existing utilities underground, and the through street being a private drive and suggested that they build it and transfer it back to the City at some point.

Ms. Cohen raised a question about the service access road, she references one of the diagrams that Mr. Pesta had presented for better clarity. She went to ask if the service was only needed for the south of the building or if there is also a need for public access to the service behind the Cedar-Lee theater.

Mr. Bogan stated that he believes that there was access down to the dock area for the Cedar-Lee Theater as well in the north end of it.

Ms. Cohan asked about the access to the garage and how people access that would be a safe way in and out.

Mr. Bogan stated that with the garage there is access from Tullamore that goes into the lower level and there is access to the upper levels of the garage off of the new road.

Mr. Gaynier stated that Mr. Bogan had a good point about the dog park not being public, he added that he is bothered by the 5<sup>th</sup> condition (numbered C5) on the large-scale development plan and would be in favor of striking it.

06-013, 687-06088, 687-06-089, 687-06-090, 687-06-091, 687-06-092, 687-06-093, 687-06-094, 68706-095, 687-06-096, 687-06-159 and 687-08-001) per Zoning Code chapters 1111, 1115, 1131, 1151, 1153 1161, 1165, 1166.

- a. Requests approval of conditional use permit for public green space/park at the corner of Meadowbrook Blvd. and to establish building setback from Meadowbrook Blvd.;

With along the 11 staff recommendations.

Mr. Gaynier seconded the motion.

There was discussion regarding condition A11 to modify the time period and that this same time period language should be used for all motions. Ms. Cohen restated the agreed-upon language for condition A11: All required construction and installation that you shall complete within 36-months of Planning Commission approval. Upon a showing of substantial completion, the Planning Director may approve any extension requested by the Applicant of an additional 12-month grace period.

Mr. Gaynier accepted this amendment of condition A11 to his motion.

The motion for approval included the following 11 conditions:

1. Per Code Section 1131.14(b), the Planning Commission establishes a permitted setback for the Meadowbrook Building off of Meadowbrook Road to range from 89'9" to 130'7" as shown on the Dimensioned Site Plan;
2. Should the park plan be modified to include an outdoor play area the plan will need to be reviewed by the Planning Commission and per Zoning Code Section 1153.05(b), the Planning Commission may require a park to fence in the outdoor play area to minimize traffic hazards and buffer neighboring properties;
3. Details of all proposed fences shall be part of the Final Landscape Plan;
4. A Final Landscape Plan shall be provided, as specified in Zoning Code Section 1166.02 and 1166.03, which will need to be approved by the Planning Director;
5. A final Lighting Plan shall be provided, as specified in Zoning Code Section 1165.07 (Exterior Lighting Requirements), and should be environmentally-friendly, following Dark Sky principles, which will need to be approved by the Zoning Administrator;
6. The Applicant shall comply with Zoning Code Section 1151.02 (General Standards for all Conditional Uses);
7. The Applicant shall comply with those provisions of Zoning Code Section 1151.03 (Supplemental Standards for Conditional Uses) specific to Parks;
8. 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;
9. The Applicant shall work with staff to resolve any complaints from neighbors;
10. The Applicant shall obtain all other required local approvals and permits;
11. All required construction and installation of the use shall be completed within 36 months of Planning Commission approval. Upon a showing of substantial completion, the Planning Director may approve any extension requested by the Applicant of an additional 12-month grace period.

Ms. Wobig stated that she appreciates the effort put into the Meadowbrook park site and the considerations that have been accepted by the developer and are moving forward

Ms. Cohen added that she is very much in favor of keeping in condition A2 in the hopes that staff will work with the applicant to provide some sort of place-making space somewhere in

the green space, however, she does not think this is something that needs to be a requirement.

The vote was called to consider the motion with the 11 conditions, including the amended language to condition 11A. The motion was approved 5-0.

Mr. Horowitz motioned to approve **Proj. No. 21-17 Flaherty & Collins**, C-2X Multiple-Use, **Cedar-LeeMeadowbrook** redevelopment, bounded by Cedar Rd., Lee Rd., and Meadowbrook Blvd., and is bisected by Tullamore Rd. (PPN 687-06-009, 687-06-010, 687-06-013, 687-06088, 687-06-089, 687-06-090, 687-06-091, 687-06-092, 687-06-093, 687-06-094, 68706-095, 687-06-096, 687-06-159 and 687-08-001) per Zoning Code chapters 1111, 1115, 1131, 1151, 1153 1161, 1165, 1166.

b. Requests approval of conditional use permit for live-work units and to establish Tullamore Rd. building setback;

Along with the 10 staff recommendations as well as the revised language for condition B10 regarding the extension of time granted administratively to be the same language as was in condition A11.

The 10 conditions included with the motion are:

1. Per 1131.14(b), the Planning Commission establishes a permitted setback for the Meadowbrook Building off of Tullamore Road of 11'8" feet as shown on the Dimensioned Site Plan;
2. A privacy fence and/or landscaping along the property line shared with 3216 Tullamore Road shall be installed. This fence detail, along with all proposed fences shall be part of the Final Landscape Plan;
3. A Final Landscape Plan shall be provided, as specified in Zoning Code Section 1166.02 and 1166.03, which will need to be approved by the Planning Director;
4. The Applicant shall comply with Zoning Code Section 1151.02 (General Standards for all Conditional Uses);
5. The Applicant shall comply with those provisions of Zoning Code Section 1151.03 (Supplemental Standards for Conditional Uses) specific to Live/Work Units;
6. 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;
7. The Applicant shall work with staff to resolve any complaints from neighbors;
8. Architectural Board of Review approval for the live/work units shall be required as part of the approval of the overall development;
9. The Applicant shall obtain all other required local approvals and permits;
10. All required construction and installation of the use shall be completed within 36 months of Planning Commission approval. Upon a showing of substantial completion, the Planning Director may approve any extension requested by the Applicant of an additional 12-month grace period.

Mr. Gaynier seconded the motion.

The motion was approved 5-0.

Mr. Horowitz motioned to approve **Proj. No. 21-17 Flaherty & Collins**, C-2X Multiple-Use, **Cedar-LeeMeadowbrook** redevelopment, bounded by Cedar Rd., Lee Rd., and Meadowbrook Blvd., and is bisected by Tullamore Rd. (PPN 687-06-009, 687-06-010, 687-06-013, 687-06088, 687-06-089, 687-06-090, 687-06-091, 687-06-092, 687-06-093, 687-

06-094, 68706-095, 687-06-096, 687-06-159 and 687-08-001) per Zoning Code chapters 1111, 1115, 1131, 1151, 1153 1161, 1165, 1166.

c. requests approval of larger-scale development site plan.

With the Staff Recommendations, removing condition C5, and revising condition C23 to have the same language regarding the extension of time as in condition A11 and condition B10 (*note once condition C-5 is removed, renumbering the conditions results in condition C23 becoming C22*)

Ms. Cohen motioned that the Planning Commission adds the word new into condition C18; the conditions would be: The Applicant shall to the extent possible install new on-site utilities underground or in a manner that does not impact the natural environment, particularly the trees. (*note that once condition C5 is removed Condition C18 is renumbered and becomes condition C17*)

Mr. Howe seconded the motion to amend the condition. The amendment was approved 5-0.

The Planning Commission discussed Conditions C1 regarding the removal of the gate/fence and the possibility that the building location could get shifted to provide a wider walkway between the Cedar-Lee Building and the parking garage.

Ms. Cohen reviewed the Commission's suggested language for condition C1 and moved to include this amended language in the conditions: The final Development Plan drawings shall be revised to remove the privacy gate/fence between the southern end of the Cedar-Lee Building and the Parking Garage to allow for east-west public access and connectivity through the Site that would honor the historic street pattern of Cedarbrook Road to be submitted and approved by the Planning Director. The final Development Plan may require the Applicant to revise the Cedar Lee building plan which may be administratively approved by the Planning Director.

Mr. Horowitz seconded the motion, the motion to amend the language in condition C1 was approved 5-0.

Jessica Wobig asked if the garage management plan is a concern that Planning Commission should include as a condition. Mr. Noureddinne stated that he did not believe the management plan was under the Planning Commission's purview. Ms. Cohen stated that she appreciated this topic being discussed and that it is a topic that the Planning Commission could follow up on with staff.

Ms. Cohen stated that she wanted to acknowledge that the applicant had brought up that he did not think that staff recommended condition C17 should be a Planning Commission condition, however, she stated that she is okay with this being a condition but wanted to allow the other Commission members to discuss it.

Mr. Howe noted that they were doing a phase 1 environmental review and that will include the soil boring so it is being done.

The motion for approval included the following conditions:

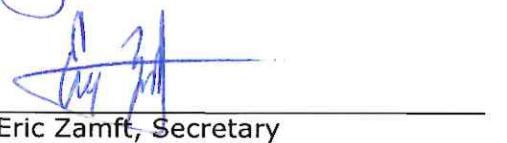
1. The final Development Plan drawings shall be revised to remove the privacy gate/fence between the southern end of the Cedar-Lee Building and the Parking Garage to allow for east-west public access and connectivity through the Site that would honor the historic street pattern of Cedarbrook Road to be submitted and approved by the Planning Director. The final Development Plan may require the Applicant to revise the Cedar Lee building plan which may be administratively approved by the Planning Director;
2. A privacy fence and/or landscaping along the property line shared with 3216 Tullamore Road shall be installed;
3. Details of all proposed fences shall be part of the Final Landscape Plan;
4. The dog run shall have adequate screening from the single-family residential neighbors, this shall and included in the final Landscape Plan;
5. A Final Landscape Plan shall be provided, as specified in Zoning Code Section 1166.02 and 1166.03, which will need to be approved by the Planning Director;
6. Details on the tree inventory, tree impacts, and tree preservation during construction shall be provided and shall comply with a Final Tree Preservation Plan, in accordance with Zoning Code Section 1166.11, which will need to be approved by the Zoning Administrator;
7. A final Lighting Plan shall be provided, as specified in Zoning Code Section 1165.07 (Exterior Lighting Requirements), and should be environmentally-friendly, following Dark Sky principles, which will need to be approved by the Zoning Administrator;
8. Architectural Board of Review approval shall be required for the overall development;
9. Approval of a Fence Permit for all fencing on the property shall be required from the Zoning Administrator;
10. Details regarding green building and infrastructure, compliance with Zoning Code Section 1165.06 (Sustainability Guidelines), including the sustainability rating system to be utilized to measure the project, shall be provided to the Planning Director for review and approval;
11. Compliance with all other applicable provisions of the City's ordinances, including, but not limited to, Chapter 1334 (Erosion and Sediment Control) and Chapter 1335 (Stormwater Management);
12. The Applicant shall obtain all other required local approvals and permits;
13. The Applicant shall work with the City on implementing the recommendations of the Cedar-Lee District-wide parking and traffic studies;
14. The Applicant shall work with the City to identify locations for electric vehicle (EV) charging stations, car share, bike share, scooters, and other opportunities to promote alternative modes of transportation on the Site;
15. The Applicant shall coordinate with the City on any solutions to the sanitary sewer overflow (SSO) at Tullamore and Lee Roads;
16. The Applicant shall confirm through soil borings or samples that there is no indication of any environmental or hazardous condition on the Meadowbrook Site;
17. The Applicant shall to the extent possible install new on-site utilities underground or in a manner that does not impact the natural environment, particularly the trees;
18. A Lot Resubdivision for the parcels that make up the Cedar-Lee Site shall be approved by the Planning Commission;
19. Any signage requires a separate review and approval for zoning compliance by the Zoning Administrator and architectural review and approval by the Architectural Board of Review;
20. Per Section 1153.05(p), any Outdoor Dining will require a Conditional Use Permit, either from the Zoning Administrator (25 or fewer seats) or the Planning Commission (more than 25 seats);

21. All required construction shall be completed within 36 months of Planning Commission approval and an additional 12-month grace period approved by the Planning Director upon a showing of substantial completion; and
22. The Applicant shall return to the Zoning Administrator for any alteration to the Development Plan; the Zoning Administrator may determine that such alteration is significant, thereby requiring Planning Commission approval.

The motion with the 22 conditions was approved 5-0.

The meeting adjourned at 11:05 p.m.

  
\_\_\_\_\_  
Jessica Cohen, Chair

  
\_\_\_\_\_  
Eric Zamft, Secretary