

**CITY OF CLEVELAND HEIGHTS  
REGULAR PLANNING COMMISSION  
APRIL 20, 2023  
MINUTES OF THE REGULAR MEETING**

**PRESENT MEMBERS:**

Michael Gaynier	Vice Chair
Jessica Wobig	
Judith Miles	
Adam Howe	
Ken Surratt	

**STAFF PRESENT:**

Eric Zamft	Planning Director
Laurie Wagner	Assistant Director of Law
Karen Knittel	Assistant Planning Director
Christy Lee	Recording Secretary

**CALL TO ORDER**

Mr. Gaynier called the meeting to order at 7:04 p.m. Mr. Gaynier welcomed the audience to April 20, 2022, regular Cleveland Heights Planning Commission meeting.

**APPROVAL OF MINUTES**

Mr. Gaynier stated that the minutes from both December 14, 2022 and March 8, 2023, have been submitted and approved by Mr. Howe and seconded by Jessica Wobig. Motion carried 5-0.

**ELECTION OF OFFICERS:**

Jessica Cohen was nominated to remain Chair of the Planning Commission, and Adam Howe seconded the nomination. Nominations were then closed. Adam Howe moved to approve the nomination of Jessica Cohen as Chair, the motion was seconded by Jessica Wobig. The motion passed 5-0. Jessica Cohen will remain Chair of the Planning Commission.

Michael Gaynier was nominated to remain Vice Chair of the Planning Commission, and nominations were closed. Adam Howe moved to approve Michael Gaynier as Vice Chair, the motion was seconded by Jessica Wobig. The motion was approved 5-0.

Laurie Wagner swore staff and members of the public in.

Karen Knittel used a PowerPoint presentation to review the staff report:

**SUBJECT: Proj. No. 23-09 B. Abramson, 3686 Shannon Rd., “A” Single-Family, requests reduction of required private enclosed parking spaces per Code Chapters 1111, 1115, 1121, & 1161.**

## CONTEXT

This property is on the south side of Shannon one house east of the intersection of Shannon Road and Staunton Road. The property is a single-family house zoned “A” Single-Family. It is surrounded by single-family houses zoned ‘A’ single-family.

The Master Plan future land use map shows this area as continuing to be used for single-family housing.

In November 2021, City Council adopted zoning text amendments permitting applicants to request a reduction in required enclosed private parking spaces from the Planning Commission.

## PROJECT DESCRIPTION

The applicant is proposing to build a substantial addition to the house. The addition includes an attached one-car garage. The existing rear yard detached two-car garage would be demolished and this area would become green yard 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 exceptions 1161.051(a)(iv) and (v).

## 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)(v) The applicant is planning a substantial addition to the house as shown on plans submitted with their application; and
- 1161.05(iv) The rear yard area where the existing detached two-car garage is located will be a green lawn.

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. Architectural Board of Review approval of the addition;
2. Receipt of required building permits;
3. A final landscape plan is to be approved by the Zoning Administrator; and
4. All required construction and installation of the use shall be completed within 24 months of Planning Commission approval.

Mr. Gaynier asked if there were any questions for staff, he then asked if there was a representative for the applicant and if so they can come forward.

Rebecca Fertel 3429 Blanch Ave also affirmed the oath. Ms. Fertel said that the staff presentation was complete and provided further details of the project and reviewed the addition to the house. She said the lot is smaller in square area than the standard lot and by making the changes they will add green space to the property and would give the homeowner the convenience of having an attached garage.

Mr. Gaynier asked if at this time there were any questions for the applicant seeing none he then asked for a motion.

Mr. Howe motioned for approval of Proj. No. 23-09 B. Abramson, 3686 Shannon Rd., “A” Single-Family, requests reduction of required private enclosed parking spaces per Code Chapters 1111, 1115, 1121, & 1161. With the Staff Recommendations. Motioned was seconded by Judith Miles, the motion carried 5-0.

Ms. Knittel presented the staff report using a PowerPoint presentation:

**SUBJECT: Proj. No. 23-10 Kenilworth Mews LLC and Waldorf Partners Limited Partnership, 2300 Overlook Rd. & Kenilworth Townhomes Subdivision, “MF-3” Multiple-Fam., requests resubdivision for lot split and consolidation to PPN 685-02-003 & PPN 685-02-030 & PPN 685-02-002 and PPN 685-02-030 & 685-02-003 per Code Chapters 1111, 1115, 1123.**

**CONTEXT:** This area is zoned “MF-3” Multiple-Family. Kenilworth Mews is a cluster home development with access to Kenilworth Lane. Waldorf Towers, 2300 Overlook Road is north of the Kenilworth Mews development. South of Kenilworth Mews is Margaret Wagner House. East across Kenilworth Lan are single-family homes zoned “A’ Single-Family. The Master Plan future land use map shows this area as attached or multi-family.

**HISTORY:** In 2004, Project Number 04-02 granted the subdivision to split land from Waldorf Towers for 17 Kenilworth Mews cluster homes and one common area parcel.

**PROJECT DESCRIPTION:** Kenilworth Mews LLC and Waldorf Partners Limited Partnership are requesting a lot resubdivision to:

- a) split off a portion of parcel 685092-003 (currently part of the Kenilworth Townhomes Subdivision Common Area and owned by Kenilworth-Mews LLC) and consolidate it with parcels 685-02-030 and 685-02-002 (owned by Waldorf Partners Limited Partnership); and
- b) split off a portion of parcel 685-02-030 (currently owned by Kenilworth-Mews LLC), which consolidated parcel will then be quit claimed to Kenilworth Mews Townhomes Homeowners' Association Inc.

#### **REQUEST FOR LOT RESUBDIVISION**

The drawing submitted with the Planning Commission application describes the lot split and consolidation to split the northerly portion of Common Area "A" shown as Transfer Parcel "A" and split the southerly portion of Sublot 1, shown as Transfer Parcel "B".

Transfer Parcel "A", the remainder of Sublot 1, and all of Sublot No. "2A" are consolidated into new Parcel 1.

Transfer Parcel "B" and the remainder of Common Area "A" are consolidated into new Parcel 2.

#### **STAFF RECOMMENDATION**

Staff recommends that the Planning Commission approve the lot resubdivision as shown on the drawing submitted with the Planning Commission application, with the condition that the resubdivision plat(s) be signed by the Director of Law and Director of Planning and Development prior to submission to the County Recorder.

Mr. Gaynier asked if there were any questions for staff, the applicant didn't have any additional comments to add. Mr. Gaynier asked if there was a motion.

Mr. Howe motioned for approval of **Proj. No. 23-10 Kenilworth Mews LLC and Waldorf Partners Limited Partnership, 2300 Overlook Rd. & Kenilworth Townhomes Subdivision**, "MF-3" Multiple-Fam., requests resubdivision for lot split and consolidation to PPN 685-02-003 & PPN 685-02-030 & PPN 685-02-002 and PPN 685-02-030 & 685-02-003 with the staff recommendation. The motion was seconded by Judith Miles, the motion carried 5-0.

Ms. Knittel reviewed the staff report using a PowerPoint presentation:

**SUBJECT: Proj. No. 23-11 E. Rutherford dba Top Dog Training, 2184 S. Taylor Rd., "C-2"** Local Retail, requests conditional use permit for dog training business per Code Chapters 1111, 1115, 1131, 1153, 1161, 1163 & 1166.

**CONTEXT:** The site is located on the west side of South Taylor Road on the northwest corner of the South Taylor Road and Kildare Road intersection. Commercial properties in the "C-2" zoning district are north and south of the property on South Taylor Road. East across South Taylor Road is the University Corners commercial properties in University Heights. West to the rear of the property is a vacant lot and then residential houses zoned "A" single-family. The Master Plan future land use map shows this area as a mixed-use commercial.

## **PROJECT DESCRIPTION:**

### **REQUEST CONDITIONAL USE PERMIT**

#### **STANDARDS FOR CONDITIONAL USES**

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

*(a) that the conditional use will be in general accord with the purpose, intent and basic planning objectives of this Zoning Code, and with the objectives for the district in which located;*

The C-2 Local Retail District is established to provide standards for the continued operation of small neighborhood commercial establishments. Animal Clinics. Veterinary Offices and Animal Grooming are conditionally permitted uses in the C-2 Local Retail District. The business will employ one full-time and up to three part-time employees. The hours of operation will be between 10:00 a.m. and 9 p.m. Sunday through Friday. All training will be conducted inside. Group training classes have a maximum capacity of six dogs. The maximum number of persons on site would be 20 people.

*(b) that the establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare;*

The use should not be a detriment or endanger the public health, safety, morals, or general welfare. The training classes are held in the building. Dogs will never be left unsupervised.

*(c) that the conditional use will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, and that such use will not essentially change the character of the same area;*

The existing storefront and site will not be altered. The establishment of a new business will add to the character of the area. The owner has stated that all will be held accountable for immediately cleaning up after their dogs and they will provide bags for this purpose.

*(d) that the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;*

The use will not be injurious to the use and enjoyment of other property in the immediate area.

*(e) That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;*

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

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

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



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

The use will maintain existing ingress and egress to the parking lot at the rear of the building. The use should not impact traffic congestion on the public street.

*(h) That the establishment of the conditional use should not be detrimental to the economic welfare of the community by creating excessive additional requirements at public cost for public facilities such as police, fire and schools;*

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

*(i) That there is minimal potential for future hardship on the conditional use that could result from the proposed use being surrounded by uses permitted by right that are incompatible;*

There is minimal potential for future hardship resulting from the business being surrounded by permitted uses.

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

Continued use of existing buildings and successful businesses are important for the city's sustainability.

*(k) That the conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located as well as the specific supplemental conditions set forth in Chapter 1153. (see Staff Commentary on Supplemental Standards)*

#### SUPPLEMENTAL STANDARDS FOR THIS CONDITIONAL USE:

##### Section 1153/05(n) Animal Clinics, Veterinary Offices and Animal Grooming.

An animal clinic, veterinary office, or animal grooming establishment may be conditionally permitted in a C-2, C-2X, or C-3 District provided such use is located in a building having adequate soundproofing and odor controls to ensure that any noises and odors associated with the operation of the facility are not detectible on neighboring properties.

*The applicant has limited the total number of dogs that will be trained at one time to six and has stated that dog owners will be required to clean up after their dogs immediately.*

#### STAFF RECOMMENDATION

Staff recommends that the Planning Commission approve a conditional use permit for a dog training business as described in the conditional use permit application for 2184 South Taylor Road, with the following additional conditions:

1. That the use shall not be injurious to the use and enjoyment of other property in the immediate vicinity or create a nuisance for nearby residents and businesses;
2. The applicant shall work with staff to resolve any complaints from neighbors;
3. All signage shall conform to zoning requirements and require the Architectural Board of Review's approval; and
4. All required construction and installation of the use shall be completed within 18 months of Planning Commission approval.

Mr. Gaynier asked if there were any questions for staff, and he then asked for the applicant to come forward.

Elizabeth Rutherford 2960 Coleridge Road affirmed the oath. Ms. Rutherford went on to echo Ms. Knittel Presentation on her establishment adding they will add a program for puppy view, where residents can come and have some cuddle and play time with new puppies.

Mr. Ken Surratt inquired about how much work will need to be done inside the location.

Ms. Rutherford stated not very much, it is best to have an open space. Currently, the floor is being replaced with something that will be easier to keep clean and easier to maintain instead of the current carpet that is there currently. She also mentions that they will remove all of the metal grates on the windows giving more of a more comfortable environment for all. She added that the training class is 6 weeks with 6 dogs per class, with a puppy play group towards the end. Also, possible specialty classes on the weekend for additional training.

Mr. Howe motioned for approval of **Proj. No. 23-11 E. Rutherford dba Top Dog Training, 2184 S. Taylor Rd., "C-2" Local Retail**, requests conditional use permit for dog training business per Code Chapters 1111, 1115, 1131, 1153, 1161, 1163 & 1166. With the Staff's Recommendation, the motion was seconded by Mr. Surratt motion passed 5-0.

Mr. Zamft Power Point presentation was as follows regarding Proj. No. 23-08

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

Mr. Zamft went through the changes and reforms to the Zoning Code Amendment, with the recommendation that was given on December 14, 2022, to move forward, giving some changes to the council which was presented to the Committee of the Whole on January 16, 2023, which they directed us to Law Department for formal documentation. They wanted us to look more closely at driveway width and parking standards. Mr. Zamft also mentioned that he worked with the Law Department on Ordinance No. 25-2023 and 26-2023. Where 26-2023 are amendments to the building code meaning only 25-2023 need reviewing by the Planning Commission. Mr. Zamft gave an over regarding additional charges such as parking, window transparency, rain barrels, and gardens. Public notice requirements, fees, fences, and general changes to ensure consistency. Making it clear that there is still further work to be done but this is the beginning of progress. Mr. Zamft touches on the new classification of living work home dwellings, standardizes the definition of the corner side yard, in the commercial districts standardizes what is permitted, clearing up what is the true definition of a public entrance from the primary street as opposed to from the sidewalk which may or may not be on the primary street. And finally, primary parking in driveways enhances the flexibility of driveway width, especially for single-car properties with single-car garages. Mr. Zamft gave an additional over of 25-2023, and the

changes within the code. He mentioned that Law has suggested that we have someone come in to help with the re-coding regarding signage within the city. He touched on accessory dwelling units and the concerns that residents have with an increase of them being accepted and built and the increase of Air B&B. Mr. Zamft touches on sidewalks, places of worship, fences, window transpierce, inclusion, and on-street parking with a suggestion from the council. He informed the Commission that all this information can be found on the Cleveland Height Web Page that has the Zoning Code Amendments listed for review by the public, where they can leave a comment or email.

One comment has been left and Mr. Zamft read the comment/suggestion to the Commission for Review, the comment had a suggestion regarding Severance and the S1-District has a minimum of 5 acres in a public street frontage of 200 feet and that is telling as you will see the objective is to prevent the sub diving of lots. And this results in many of the outer parcels becoming non-conforming the inner ring lot wouldn't be included in this process.

Option 2 would be to provide a revision to section 1143.02 to create a permitted use for the S-1 district the current permitted uses refer to other districts but were created to be flexible.

Option 3 provides for a great role for the Planning Commission, regarding use. And in reading sub-section "D" the Planning Commission truly has a significant role. And these are stated in Chapter 11 of the Zoning Code in detail.

So, with that said Mr. Zamft presented a recommendation to the Planning Commission to recommend to Council to adopt the New Zoning Code Amendment without any changes. So, should you grant this we would forward this recommendation to Council for approval. And to schedule the public hearing as early as the 5<sup>th</sup> of June.

Mr. Gaynier thanked Mr. Zamft for his presentation. He then asked if there were any questions comments or discussion. Mr. Gaynier asked if there was a motion.

Mr. Howe motioned to approve **Proj. No. 23-08 Proposed Zoning Code Amendment** regarding private parking garages, driveways widths, fences, window transparency, rain barrels & gardens, non-conformities, public notice requirements, fees, and general changes to ensure consistency (Ordinance No. 25-2023) for review & recommendation per Code Chapters 1111, 1115 & 1119. Ken Surratt seconded the motion; the motion was carried 5-0.

Ms. Knittel gave a brief overview of the current Planning Activity, stating that there will be a case for the next Planning Commission Meeting that will be held on Wednesday, May 10, 2023. She also stated that there may be some future projects that may come forth for additional review.

Mr. Zamft added that there are many things that are happening at the moment within the City of Cleveland Heights including Taylor- Tudor and Park Senegal all of which will come before the Planning Commission this year. He also mentions that there is preparation for a groundbreaking to which the Planning Commission should be a part of.



## OLD BUSINESS

Mr. Zamft and Ms. Wobig both gave a brief overview of the Gridics Zoning /Mapping Tools and how this will be a new form of information that can be used in pinpoint data information using GIF. He showed a brief introduction to the system and how it will help in the near future zoning and mapping.

Mr. Gaynier stated the statics are impressive with how this program would assist the Planning Commission he then asked if was there data available showing how often these programs are used.

Mr. Zamft stated that he didn't have the data for that, Ms. Wobig interjected by saying that the program does offer reports showing data that coincide with Mr. Gaynier's question.

There was some discussion however the audio wasn't clear and therefore wasn't heard.

There was further discussion among the Planning Commission, regarding how this new data would help improve the inner workings of the Planning Commission.

Mr. Surratt asked if this data would fit within the budget for the Planning Commission.

Mr. Zamft "Yes".

Both Mr. Zamft and Ms. Wobig echoed how Gridics would improve how the Planning Commission could access information regarding properties and additional important and helpful data.

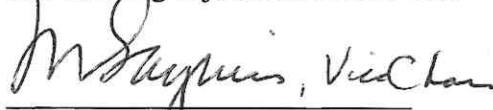
The Planning Commission voted to move forward to approve moving forward in adopting Gridics Zoning/Mapping, the motion passed 5-0.

## NEW BUSINESS

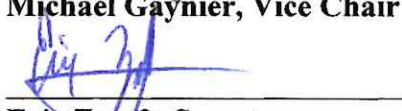
There was no new business to discuss.

## ADJOURNMENT

The meeting adjourned at 8:02 PM.



**Michael Gaynier, Vice Chair**



**Eric Zamft, Secretary**