



SHAKER HEIGHTS

Board of Zoning Appeals & City Planning Commission Agenda City Hall Council Chambers Tuesday, February 4, 2020 7:00 PM

1. Roll Call.
2. Approval of Minutes from the January 7, 2020 meeting.

Documents:

[BZACPC MINUTES 2020 0107 DRAFT.PDF](#)

#2047. FERNWAY SCHOOL - 17420 FERNWAY ROAD:

Public Hearing on the request of Chris Dewey, Van Auken Akins Architects, on behalf of the Shaker Heights School District, Fernway School, 17420 Fernway Road, to the Board of Zoning Appeals and City Planning Commission for site plan review, subdivision of land and variances in order to expand the parking lot and consolidate the playground as part of the renovation of the school. Two building additions and subdivision of land were approved as part of renovation of the fire damaged school building last year. The site work includes expansion of the parking lot on the Dorchester Road side of the building and consolidation and relocation of the outdoor play area to the southern rear yard. The applicant proposes to consolidate two parcels of land. The proposed parking lot adds 18 spaces in the Dorchester Road side yard, set back 12 feet from the property line screened with shrubs. A variance is required as code requires a 50-foot setback from the street and a 25-foot landscape area for a parking lot. The dumpsters are proposed to be enclosed with a masonry wall and remain located in the Ardmore Road side yard. Code allow dumpsters only in the rear yard. The City Planning Commission reviews site plan and lot consolidation requests in the Institutional zoning district.

Documents:

[17420 FERNWAY.PDF](#)

To request an accommodation for a person with disability, call the City's ADA Coordinator at 216-491-1440, or Ohio Relay Service at 711 for TTY users.



**Board of Zoning Appeals & City Planning Commission Minutes
Tuesday, January 7, 2020
7 P.M.
Council Chambers**

Members Present: David E. Weiss, Mayor, Chair
Rob Zimmerman, Council Member
Joseph J. Boyle III, Member
Kevin Dreyfuss-Wells, Member
Joanna Ganning, Member

Others Present: Joyce G. Braverman, Director of Planning
William M. Gruber, Director of Law
Daniel Feinstein, Senior Planner

The meeting was called to order by Mayor David E. Weiss at 7:00 P.M.

* * * *

Mayor Weiss indicated this is Mr. Zimmerman’s last meeting as a City Planning Commission member. He has been a very distinguished member of the Planning Commission since 2012 as a representative of City Council. He expressed the Board’s gratitude for Mr. Zimmerman’s insight and wisdom provided the City Planning Commission and as a bridge to City Council. Thank you for your service.

* * * *

Approval of the December 3, 2019 Meeting Minutes.

It was moved by Dr. Ganning and seconded by Mr. Boyle to approve the minutes with corrections.

Roll Call: Ayes: Weiss, Zimmerman, Boyle, Dreyfuss-Wells, Ganning
Nays: None

Motion Carried

* * * *

#2025. Tapas Lounge/Bar – 16704 Chagrin Boulevard:

Continuation of a Public Hearing was held on the request of Kenneth Gibson, Tapas Lounge/Bar, 16704 Chagrin Boulevard, to the Board of Zoning Appeals and City Planning Commission for a Conditional Use Permit for a lounge/bar and for a variance to the parking requirements. The

CITY OF SHAKER HEIGHTS

3400 Lee Road Shaker Heights, Ohio 44120 P 216.491.1400 F 216.491.1465 Ohio Relay Service 711
shakeronline.com www.shaker.life

applicant proposes to establish a lounge/bar in this former retail space. This case was continued at the July 2019 meeting for more information and in order for the applicant to apply for the Conditional Use Permit. The lounge/ bar is proposed as a similar use to the brew pub/wine bar conditional use category in the CM Commercial Mixed Use zoning district. The lounge/bar is the primary use with a kitchen and sit-down dining also provided. The applicant proposes hours of operation Monday through Thursday from 11 a.m. to 12 midnight and Friday and Saturday from 11 a.m. to 1 a.m., with peak hours projected from 9 p.m. to 1 a.m. on Friday and Saturday. A parking variance is required since the use requires 23 parking spaces by code, but has no on-site parking. A shared public parking lot serves the businesses behind the south side of Chagrin commercial area, and there is on-street parking on Chagrin Boulevard

Mr. Feinstein showed slides of the site. He stated this is a continuation of a request for a Conditional Use Permit and a parking variance. The applicant proposes to establish a lounge/bar in a former retail space. The case was continued from the July 2019 meeting for more information and in order for the applicant to apply for a Conditional Use Permit. A lounge/bar is proposed as a use similar to a brew pub/wine bar which are listed conditional uses in the CM Commercial Mixed Use zoning district. A parking variance is also requested as there is no on-site parking. This use requires 23 parking spaces. A shared public parking lot serves all the businesses behind the south side of Chagrin and Chagrin Boulevard has on-street parking. Some of the additional information requested from the prior meeting has been submitted. Two major items are missing: 1) there is no explanation of how the use is similar to a wine bar or brew pub; and 2) there is no description of how the use meets the standards for Conditional Use Permits. These issues were outlined in multiple letters to the applicant. Staff does not support this request.

Ms. Braverman outlined a history of zoning and land use in the city relative to bars. Since the 1970's there have been no bars allowed as a primary use in the city. As of 2013, an exception was added to the zoning ordinance to allow only brew pub or wine bar uses. Those exceptions were added to the CM Commercial Mixed Use zoning district. There are specific definitions of those uses reflected in the zoning code so that it is a very specific use. There has been one use, to this time, that has been approved as a use similar to a wine bar. This approval was located in the Van Aken District development. A restaurant with an upstairs bar space was planned in the B-1 building for first and second floor uses, but the restaurant was developed as a separate first floor only tenant. The second floor space was specifically designed for a use similar to a wine bar. There is no precedent for any use similar to a brew pub or wine bar in the Chagrin/Lee neighborhood.

Mr. Gruber indicated there are standards in the codified ordinances, both when applying for a use that is similar to another use in the zoning ordinance, and then standards for a Conditional Use Permit. One of those standards is to follow the purpose of the land use ordinance. The use that is being applied for must be determined as similar to a use that is listed in the zoning ordinance. As was mentioned, the City has approved only one such similar use. That use is in space designed and built as a bar. It is located in the same building as the restaurant on the first floor. There are no single or two family homes nearby in the Van Aken District. The City approved that application in a very narrow, distinct manner, in a very specific neighborhood, so it would not have a negative impact on the surrounding area.

Mr. Dreyfuss-Wells asked about the difference between a restaurant and a bar.

Ms. Braverman explained the primary use of a bar has been determined by the Zoning Administrator. There are many restaurants that may have a bar as a part of the offerings, as an accessory use. In these cases the primary use is a restaurant with a bar as a small part of the business.

Mayor Weiss said the action before the Board is not whether the primary use is a restaurant or bar. It is whether the proposed use is similar to a wine bar or brew pub, as well as a parking variance. This application was continued from a meeting last year, where the applicant was asked to provide additional information. The parking variance is only relevant if the use is approved.

Ken Gibson, 3517 Antisdale Avenue, said he has been interested at this property since October 2017. He inquired at that time about the zoning for the property. He then submitted plans for building improvements the following year. He never knew he needed zoning approval, or that there was any zoning problem. The city approved his building permits and allowed him to work on the property. He has changed the plans since the last meeting. He has removed some seating along the wall and added high top tables. He moved additional seating within the space as shown on the floor plan, which also shows the dimensions of the bar area as built.

Mr. Zimmerman asked how the work was allowed to commence in the space without zoning review.

Mr. Feinstein explained that initially some demolition work began without a permit. The Building Department stopped that work. Plans were then submitted to address the violation, but they did not get any zoning review, and a permit was issued by the Building Department.

Ms. Braverman explained a human mistake was made that the zoning review was not completed at the time the Building permit was issued for the interior of the space.

Mayor Weiss asked about the use and when it was proposed.

Mr. Gruber said a letter was sent by the zoning administrator on April 24, 2019 explaining the regulations. There were additional letters sent in June that also explained the definition and determination of the proposed primary use being a bar/lounge and the ability to appeal that determination. There was a letter sent that explained the code requirements for 'similar use' in the conditional use standards. No information has been submitted by the applicant to explain that condition.

Dr. Ganning asked the characteristics that differentiate between a restaurant and a bar.

Mr. Feinstein said he made the determination that this is a bar/lounge based on which use is primary to the space. Based on the information submitted regarding the amount of projected sales, the floor layout, the number and type of seating relegated for each type of use, the food menu, the hours of operation, and the expected peak times of use, it was determined a bar/lounge is the primary use.

Mr. Zimmerman said the applicant has applied for the Conditional Use Permit. Has the applicant addressed the issues that were raised at the June 2019 meeting?

Mr. Gruber said the applicant has applied for a Conditional Use Permit but they have not addressed any conditional use standards.

Ms. Braverman agreed the application was received, but the content submitted does not address the issues of conditional use standards.

Mr. Boyle said there has been no explanation of the use nor how it is similar to a wine bar/brew pub.

Mr. Zimmerman said the Board is not obligated to make that decision. They are to review what is submitted by an applicant.

Ms. Braverman said there has been no written explanation of how the use is similar to a listed conditional use, nor submission of how that use meets the Conditional Use Permit standards.

Mayor Weiss said they would first need a comparison of how this use is similar to a wine bar/brew pub, then they could consider how the use could be considered similar, using the standards outlined in the zoning ordinance for a Conditional Use Permit. That is how this process should work.

Ms. Braverman said normally a letter is submitted in writing to address those standards. No such letter was submitted in this instance.

Mayor Weiss said he would like an explanation of the layout of the space and floor plan. He does not understand the information submitted. There seems to be two different schemes shown in the packet.

Mr. Gibson explained where 6 new tables are proposed, and how the bar size was increased in the work that was completed compared to the submitted floor plan. It is not the same size as in the original plans done by the architect. The bar is larger. He explained he has spent approximately \$120,000 on this project, renovating the space.

Mayor Weiss asked if the architect's drawings are accurate to the space that is built.

Mr. Gibson said no, the bar has been extended. The architect has not been retained to officially revise the plans. He showed plans and notes he created that were submitted, and pictures to the Board to show them the intended layout and floor plan of the space.

Mayor Weiss said he understands what is being shown in the pictures, and on the sketches drawn by the applicant. It is not the same as on the plans that were originally submitted, nor on a hard line drawing submitted to the Board.

Mr. Gibson said he expects liquor sales in this business to be 50 percent of sales. This would be an even split with food sales. He operated a business in Cleveland Heights for 15 years running a restaurant.

Mayor Weiss asked the applicant to clarify which menu is proposed. The hand written version?

Mr. Gibson said yes, it is a "keep it simple" kind of menu.

Mayor Weiss opened the Public Hearing.

Ms. Endrei, 16811 Kenyon Road, said she is passionate about her neighborhood, but also passionate about her home. Touch of Italy is already a nuisance and hardship for the residents on the south side

of Chagrin shopping center. She has lived in her house, which backs up to parking lot and commercial buildings, since 1996. She has had to call the police many times. Sometimes she loses sleep worrying about what goes on in this parking lot. There is loud arguing. She has heard gunshots. She grew up in Shaker Heights and wants to live in this area close to a business district. The proposed use seems similar to Touch of Italy. That business is already a concern for her own and her children's safety. If this commercial area has another bar, it would be difficult for the residents adjacent to the parking lot. She understands the Van Aken District is a very separate commercial district without houses backing directly up to it. This district has people sleeping directly behind the parking lot. She has had glass bottles, and other objects thrown over the fence into her yard. A restaurant may be fine, but something that has late night hours and acts like a bar, is not what she wants. She hopes the city would not approve such a use in that commercial district.

Mayor Weiss asked if being a nuisance is part of meeting the land use ordinances for the city.

Ms. Braverman said yes, there are standards for Conditional Use Permits and number 3 is that no nuisances will be created because of the use proposed. This use would be close to single and two family homes. There have been issues with odor and trash in that parking lot.

Mayor Weiss asked if the Van Aken District is further from single family homes than this proposed use.

Ms. Braverman said yes, the Van Aken District is only close to apartment buildings, which are across the street not adjacent to the property.

Ellery Smith, 4359 Northfield Road, said he is a minority partner in this business. He is sorry for the issues the resident has raised about Touch of Italy, but they should not be held accountable for that business or the issues associated with it. They will be only dealing with an older population. They will control the crowd. The crowd will not be a problem for the neighborhood. They have done a lot of work on this space already, and should be allowed to continue and open their business.

Mr. Gruber indicated that Mr. Gibson brought up the fact that he operated a business, restaurant/bar, in Cleveland Heights. In fact, in November 2013 Cleveland Heights declared a public nuisance against that business to shut it down. That public nuisance was appealed to the Cleveland Heights Appeals Board which modified the order and allowed the business to remain open pending the owner making changes to the operation and no further nuisance complaints. A few months after that order was issued, there were other nuisances reported at the property and Cleveland Heights revoked the occupancy permit. There was litigation afterward and a settlement of that case in 2017 where the applicant did agree to never have a liquor license and run a business in Cleveland Heights again.

Mr. Gibson said he sold that business 2 years before that issue came up to a different group of owners. He did not own it, but then he took it back over to try to keep it from going out of business. In fact, a fight happened between two 50 year old men right after the order from the appeals board. The City of Cleveland Heights then shut it down.

Mr. Gruber said the documents he has indicate the owner of record is Mr. Gibson and it is his signature on the settlement from litigation.

#2045. Shaker Redo LLC – 3700-3704 Lee Road:

A Public Hearing was held on the request of Nick Fedor, Shaker Heights Development Corporation, representing Shaker Redo LLC, 3700-3704 Lee Road, to the Board of Zoning Appeals and City Planning Commission for a Conditional Use Permit for a Local Sign District and a sign variance. The applicant proposes to utilize a blade sign, wall signs and window signs in order to provide signage for this commercial building at the corner of Lee and Nicholas Roads. A Local Sign District is required in order to utilize blade or projecting signs. There is one blade sign proposed on the Lee Road side of the building in order to identify businesses in this redesigned building. The blade sign is proposed to extend above the flat roof of the building. Code does not allow a sign to extend above the cornice line of a building. Council confirmation of a Conditional Use Permit is required.

Mr. Feinstein showed slides of the site. He stated this is a request for a Conditional Use Permit for a Local Sign District to the sign requirements. The applicant proposes a Local Sign District for this corner property with three (3) tenant spaces. A local sign district allows a projecting sign and other specialized signs. The applicant proposes to renovate the building façade, which has been approved by the Architectural Board of Review. A projecting sign is proposed extending above the roofline. The signage plan for the building includes a projecting sign, painted wall signs, individual letter wall signs, secondary window signs and portable sidewalk signs. The Local Sign District differs from current code by allowing a projecting sign, two secondary window signs at a slightly larger size and portable sidewalk signs. Staff supports the request in part with the conditions listed in the Staff Report.

Nick Fedor, Executive Director SHDC, 3558 Lee Road, said this is a request for a Conditional Use Permit. He is also present with architect, Elicia Gibbon, designer of the sign package. The context for this application is that the SHDC acquired this property in April 2019. There are two tenants, Process Canine, at the corner, Barbara's Magic Hair Salon, and the third tenant space is vacant. All of the tenants have been involved and support the redesign of the sign package for the building, as well as the façade redesign. They hope with the new building design and sign package to provide momentum of other updates to buildings along Lee Road.

Elicia Gibbon, 3012 Chadbourne Road, showed a 1960 image of the building. She said there are clay tiles underneath the applied fake stone currently on the façade. The plan is to completely renovate the façade of this building. The redesign includes splitting the building into two, with the middle section with vertical rain screen elements. It includes a projecting sign that pops out of that element. The Architectural Board of Review has approved the redesign of the building and supports the proposed signage. There are many other buildings along Lee Road which have signs perpendicular to Lee Road. Most of those buildings have signs that are ground mounted monument signs. There is no space for that type of sign at this building. They propose several types of signage. They are accepting of the conditions as proposed by staff that would limit the size in square feet and how far such a sign could project from the wall. They also accept the idea that there are no signs in the right-of-way on the ground.

Mayor Weiss asked for an explanation of the center, trellis, element of the building.

Ms. Gibbon explained how it is constructed, how the texture is preferred, and its color.

#2046. Shaker Lakes Nature Center – 2600 South Park Boulevard:

A Public Hearing was held on the request of Jodi McCue, Environmental Design Group, on behalf of the Nature Center at Shaker Lakes, 2600 South Park Boulevard, to the City Planning Commission for improvements to public land in order to replace the Stearn's Trail. The Nature Center is reconstructing the trail with essentially the same layout. This includes sections of wood boardwalk, bridges, benches, platforms and a tree house. A new trail entry feature is proposed in the Nature Center parking lot as well as new entries at both South Park and West Park Boulevards. The two West Park entries will be connected with a 3 foot wide mulch path that extends to the Shaker Boulevard sidewalk. Council approval of improvements to public land is required

Mr. Feinstein showed slides of the site. He stated this is a request for improvements to public land in order to renovate the Stearn's Trail at the Nature Center. The trail is being constructed in essentially the same layout with new boardwalks, bridges, platforms and benches. Other features include redesigned entries and connecting paths at the South Park and West Park Boulevard trail entries. The two West Park Boulevard entries are proposed to be connected with a 3 foot mulch path. There are two possible locations for a future treehouse. There is a new entry in the Nature Center parking lot and moving the trash and recycling center away from that renovated trailhead. The Architectural Board of Review approved the trail features and a new shed near the dumpster, with some conditions on the shed color scheme. Staff supports this request with the condition that the West Park Boulevard mulch path remains on Nature Center property, not in the right-of-way.

Kay Carlson, Nature Center Executive Director, explained they are a private non-profit that leases 20 acres of property at the intersections of South Park/Shaker Boulevard/West Park Boulevard. They do not receive tax money income. They derive their livelihood from donations. They service up to 117 schools, 12,000 children, each year. They have 3,000 children in programs other than through schools. They have outdoor classrooms as well as their main building. In 2017 they restored the outdoor classrooms. In 2018 they completely renovated the All People's Trail. The third phase of development is to renovate the Stearn's Trail on the southern portion of the property. This includes new trail heads inside the parking lot, and updates to the trail itself. This trail features boardwalks, platforms and bridges, and was constructed in the 1980's. It is certainly showing its age.

Jodi McCue, Environmental Design Group, showed the plans and the location of the various spaces in the parking lot and where the dumpster would be located and a shed installed. They have added one section of asphalt coming off the new parking lot trail entry feature that would be handicap accessible. They will renovate the areas on the trail with new platforms and bridges as shown in the plans to create their outdoor classroom areas. There will be a treehouse proposed in the middle of the site, much further than 75 feet to the property line. They don't know exactly which tree it will be on yet, but are working on that.

Mr. Dreyfuss-Wells asked if the tree house would be accessible for the handicapped. He suggested that closer to the building would be better.

Ms. Carlson indicated they are now proposing that that be in the site that is much closer to the building. They are evaluating the trees to see how they might build on it.

Mayor Weiss indicated there seems to be a future signage proposal for the project.

CITY OF SHAKER HEIGHTS

3400 LEE ROAD

SHAKER HEIGHTS, OH 44120

Applicant's Name: CHRISTOPHER P. DEWEY AIA Application No: 2047

Property Address: 17420 FRANKLIN ROAD Parcel No:

City: SHAKER HEIGHTS State: OHIO Zip: 44120

Applicant's Address: 1422 EXLID AVE, STE 1010 Phone No: 216-241-2220

City: CLEVELAND State: OHIO Zip: 44115

Property Owner (if other than applicant): SHAKER HEIGHTS SCHOOL DISTRICT

Property Owner's Address (if different): 15600 PARULLAND DRIVE

City: SHAKER HEIGHTS State: OHIO Zip: 44120

Zoning District: I-INSTITUTIONS Present Use: ELEMENTARY SCHOOL

Proposed Use: NO CHANGE IN USE

E-Mail Address:

CHECK INFORMATION ACCOMPANYING THIS APPLICATION

- Site Plan (to scale) [checked]
Detail Drawings [checked]
Landscape Plan [checked]
Narrative Description [checked]
Proof of Control (Option Lease Ownership)
Product Information, etc.
Other Descriptions or Materials as Appropriate
Photographs

CHECK SPECIFIC ACTION REQUIRED

- BZA: 1. VARIANCE (requires public hearing)
Sign regulations
Height Regulations
Area and Yard Regulations [checked]
2. OTHER APPROVALS
Appeal
Other:
CPC: Conditional Use Permit (requires public hearing)
Planned Unit Development
Site Plan Review
Resubdivision of Land
Amendment to Zoning Map or Ordinance
Improvements to Public Land
Other:

Summarize special conditions, practical difficulty or hardships imposed on the owner of the premises if strict letter of the ordinance were to be enforced:

SEE ATTACHED LETTER

To the best of my knowledge, the foregoing statements in this application are true and correct.

SIGNATURE: [Signature] DATE: 1/17/2020



SHAKER HEIGHTS

NOTICE OF PUBLIC HEARING

Notice is hereby given that application is being made by Chris Dewey, Van Auken Akins Architects, on behalf of the Shaker Heights School District, Fernway School, 17420 Fernway Road, to the Board of Zoning Appeals and City Planning Commission for site plan review, subdivision of land and variances in order to expand the parking lot and consolidate the playground as part of the renovation of the school. Two building additions and subdivision of land were approved as part of renovation of the fire damaged school building last year. The site work includes expansion of the parking lot on the Dorchester Road side of the building and consolidation and relocation of the outdoor play area to the southern rear yard. The applicant proposes to consolidate two parcels of land. The proposed parking lot adds 18 spaces in the Dorchester Road side yard, set back 12 feet from the property line screened with shrubs. A variance is required as code requires a 50-foot setback from the street and a 25-foot landscape area for a parking lot. The dumpsters are proposed to be enclosed with a masonry wall and remain located in the Ardmore Road side yard. Code allows dumpsters only in the rear yard. The City Planning Commission reviews site plan and lot consolidation requests in the Institutional zoning district.

The Board of Zoning Appeals and City Planning Commission will hold a Public Hearing on said application on **Tuesday, February 4, 2020 at 7:00 p.m.** in the Council Chamber of City Hall, 3400 Lee Road, Shaker Heights, Ohio. Interested parties may appear at the Public Hearing and be heard with respect to this application.

Plans are available for public review in the Planning Department during City Hall hours, and online at <https://www.shakeronline.com/AgendaCenter>. Online plans and information are posted the Friday before the meeting date.

Dan Feinstein
Secretary
Board of Zoning Appeals
City Planning Commission

To request an accommodation for a person with disability, call the City's ADA Coordinator at 216/491-1440, or Ohio Relay Service at 711 for TTY users.

**The City of Shaker Heights
Board of Zoning Appeals and City Planning Commission**

STAFF REPORT

ADDRESS:

17420 Fernway Road
Fernway School
Case#: 2047

HEARING DATE:

February 4, 2020

SUMMARY:

Site plan review, subdivision of land, and variances in order to expand the parking lot and consolidate the playground as part of the renovation of the school.

STAFF POSITION:

- Staff suggests approval with the following conditions:
 - Submission of a final subdivision plat to the City and to be filed with the County.
 - Taller shrub species in the parking lot landscape bed along Dorchester Road, as approved by staff.
- Based on:
 - The City Planning Commission approved the site plan for the building additions at their January 8, 2019 meeting.
 - The site conditions do not significantly alter the overall existing use of the site as an elementary school.
 - The handicap accessibility of the building and site are improved due to the additional parking lot and accessible spaces.
 - The school district has held numerous meetings with the public including an open house to review these plans on January 30, 2020.
 - The new parking lot is no closer to the street than the existing parking lot.
 - The new playground is in the same location as the existing asphalt outdoor play area.
 - Academic and functional operation of outdoor play at the school will be significantly improved with the consolidated playground, which keeps all children together and lessens the noise disturbance of the Dorchester Road facing classrooms.
 - The existing mature tree line and fencing along the southern property line will be maintained.
 - The 25-foot landscape yard is maintained in the rear, southern yard and on the Ardmore Road side.
 - Site plan review standards have been substantially met.
 - The subdivision lot and block standards have been met.
 - The essential character of the neighborhood will not be negatively affected since there is already a parking lot on Dorchester Road and the new parking lot maintains the same setback.
 - The standard of practical difficulty is met for the location of the parking lot and the dumpsters due to the property being bordered by streets on three sides.
 - The standard of protecting against detrimental effects is met since the dumpster and 6 foot screen wall shield the dumpsters from view.

ACTION:

- Site plan review of the reconfigured parking area and consolidated playground.
- Subdivision of land to combine two (2) parcels into one (1).
- Variance to the 50-foot front yard setback to allow an 8-foot parking lot setback to Dorchester Road.
- Variance to the 25-foot landscape setback to allow an 8-foot parking lot landscape area.

**The City of Shaker Heights
Board of Zoning Appeals and City Planning Commission**

STAFF REPORT

**Continued
ADDRESS:**

**17420 Fernway Road
Fernway School
Case#: 2047**

HEARING DATE:

February 4, 2020

ACTION (continued):

- Variance to allow the dumpsters in the Ardmore Road side yard.
- Variance to the 20 percent required interior parking lot landscaping to allow 12 percent.
- Variance to the interior parking lot islands to not have any when four are required.

FACTS:

1. Two building additions and subdivision of land were approved as part of renovation of the fire damaged school building last year with the condition that the final site plan, including parking, access, playground, accessory buildings, and detailed landscape plans will be submitted for formal review at a future meeting.
2. The proposed site work includes expansion of the parking lot on the Dorchester Road side of the property and consolidation and relocation of the outdoor play area to the southern rear yard.
3. The 8-foot wide landscape bed is proposed to screen the parking lots from Dorchester Road includes mostly 15 inch tall lilac bushes with boxwood and forsythia bushes grouped at each entry. This meets code requirements for dense deciduous bushes that will grow to 3 feet tall.
4. Staff recommends a larger lilac bush be planted initially to screen the parking lot better since it is closer to the street than allowed.
5. The proposed parking lot adds 18 spaces in the Dorchester Road side yard, set back 12 feet from the property line screened with shrubs.
6. The additional parking lot requires a variance as code does not allow parking in the 50-foot setback from the street.
7. A 25-foot landscape yard is required for an institution and a parking lot has to have a 20 foot landscaping buffer across the street from residential.
8. Code requires 20% of the interior of the parking lot to be landscaping and that there are four (4) landscape islands. The applicant proposes 12% landscaping and no interior islands.
9. The dumpsters are proposed to be enclosed with a masonry wall and remain located in the Ardmore Road side yard. Code allows dumpsters only in the rear yard.
10. The applicant proposes to consolidate two parcels of land. Parcel 735-09-117 is proposed to be joined with parcel 735-09-116 to consolidate the property into one parcel.

CODE SECTIONS:

1. 1240.14 D – site plan review is required for all new buildings or additions over 2,500 square feet in the I Institutional district.
2. 1213.06 – site plan review standards including parking lots, buildings, site circulation, existing and proposed landscaping and relationship to land use policies.
3. 1213.08 – subdivision review is required to consolidate parcels.
4. 1251.08 – no parking is allowed in front of the building setback line, which is 50 feet from Dorchester Road.
5. 1253.08 – a parking lot across from residential use requires a 20-foot landscape buffer.

**The City of Shaker Heights
Board of Zoning Appeals and City Planning Commission**

STAFF REPORT

Continued
ADDRESS:

17420 Fernway Road
Fernway School
Case#: 2047

HEARING DATE:

February 4, 2020

CODE SECTIONS (continued):

6. 1240.08 – a minimum 25 foot landscape yard is required around an institutional use.
7. 1253.08 C – 20% of the interior of a parking lot must be landscaping. 4 landscape islands are required in this case.
8. 1253.09 – dumpsters can only be in the rear yard and screened by a solid brick wall if visible.

OTHER ISSUES:

1. The additional 18 parking spaces on the Dorchester Road side add up to a total of 39 parking spaces. Code requires 54 parking spaces for this elementary school use, based on number of students and employees.
2. Even though the number of spaces still does not meet code, a parking variance is not required since the number of spaces has increased to get closer to the required amount of spaces.
3. The four (4) new handicap accessible spaces are close to the main entrance the building. The walkways leading to the front entrance will be re-graded to accommodate handicap accessibility. A new front entry with lobby and security system will be installed.
4. The Architectural Board of Review approved the brick screen wall and utility enclose walls at their January 21, 2020 meeting.
5. The southern portion of the site containing the playground was subdivided and transferred to the city as part of a state grant application.
6. The grant was not funded so the city proposes to grant ownership back to the school district, who will recombine the lots into one.
7. The trash dumpsters were located in the Ardmore Road side yard. The applicant will keep them there, but enclose them within a brick wall.

PRECEDENT:

1. Fernway School – 17420 Fernway Road – building additions currently under construction.
2. Shaker Heights High School – 15911 Aldersyde Drive – front entry addition and parking lot with landscaping.
3. Hathaway Brown – 19600 North Park Boulevard – parking lot expansions and an accessory building, classroom and natatorium additions, over the last several years.
4. Shaker Heights High School – 15911 Aldersyde Drive – north gymnasium addition with parking, landscaping and setback variances.
5. University School – 20701 Brantley Road – New storage building.
6. Laurel School – 1 Lyman Circle – Library, classroom additions, and playground over several years.

**7:00 PM
CITY PLANNING COMMISSION**

#2009. FERNWAY SCHOOL – 17420 FERNWAY ROAD:

A Public Hearing was held on the request of Chris Dewey, Van Auken Akins Architects, on behalf of the Shaker Heights School District, Fernway School, 17420 Fernway Road, to the City Planning Commission for site plan review in order to construct additions to the school as part of the rebuilding of the school. The applicant proposes to renovate the fire damaged school building including replacing the roof, adding a two story addition, a one story addition and a second floor addition. The two-story addition is proposed in the southeast corner of the building including classroom space and an elevator. The one story rear addition is proposed to be located off the gymnasium and will add gymnasium storage space. A second floor infill addition will add a library and other resource rooms. The building additions meet setback and location requirements as required by code. The City Planning Commission reviews the site plan of new construction over 2,500 square feet in size in the Institutional zoning district.

Mr. Feinstein showed slides of the site. He stated this is a request for site plan review for additions to the Fernway School building. The proposed renovation to the fire-damaged school building includes three (3) building additions. A two story addition is proposed on the southeast corner of the building with classrooms and an elevator. A one story addition is proposed off of the gymnasium for gym equipment storage. There is a second floor infill addition for library and resource rooms. The site plan on the ground is still in its preliminary stages. The school district requests approval of the building additions first, so they can begin construction as soon as possible. The Phase 1 and Phase 2 site plans for ground work will be brought back to a future meeting. The City Planning Commission reviews additions over 2,500 square feet to institutional buildings. The Architectural Board of Review approved the design of the addition at their meeting yesterday. Staff supports this proposal.

Chris Dewey, Van Auken Akins Architects, said he lives at 18301 South Woodland Road. He is the architect working with the school district to renovate this building, which was damaged by fire. The upper roof has now been removed. In renovating the school, they will restore the slate roof and propose additions to the building. Insurance is paying for restoration of the roof, and other school district funds are being spent on additions to the building. The rest of the site plan is presented as a preliminary draft as a phase 1 and phase 2 option, which is dependent on funding. The additions include a two story addition that will house classroom and elevator space on the southeast corner of the building. It matches the detail and design of the addition on the southwest side of the building from the 1950's. There is a small $\frac{3}{4}$ story addition off the gymnasium that will house storage for the gymnasium, freeing up interior space. The third addition will be at the second floor to add to the library and resource rooms. This addition will not be visible to the street as the roof will obscure the view. He explained the difference between the phase 1 and phase 2 landscape plans. Phase 1 is a constant, existing site plan, whereas phase 2 rearranges the playground on the south side of the property and adds parking to the Dorchester side of the building. This helps access the new front door, which will be the primary front entry to the building. The sidewalks will be ramped up to provide ADA accessibility to this entrance.

Mr. Zimmerman asked if the Ohio School Building Regulations are required for this project. Is safety and/or access being addressed?

Mr. Dewey said the state regulations for schools are not required for this project as they are not using state funding. They are working to get as close to those state regulations as possible. This is not fully possible in this existing building. They will address all safety and access issues, making the building better in both of those respects.

Mayor Weiss said the new elevator will add accessibility to the building.

Mr. Dewey showed where the elevator will be located. He explained how it works with the building and connects to the handicap accessible entry at the rear of the building.

Ms. Braverman asked when the site work will be further designed for full review by the Board. There are still parking, traffic and landscaping issues to be addressed. This project is being fast-tracked for just the additions, so that the school district can start construction.

Mr. Dewey said the site plans will be brought back for those issues. The plans show are a current condition and the second plan is the preferred site plan from the Fernway School renovations group which met many times. This phase 2 site plan is not fully developed.

Mayor Weiss asked the height of the new storage area off the gymnasium.

Mr. Dewey showed photos of the building. He said this addition is $\frac{3}{4}$ height of the building. It follows the line of the other entry on the western side of the rear of the building. It follows that roofline across the rear of the building.

Mayor Weiss opened the Public Hearing. No one was present to speak regarding this application.

Ms. Braverman indicated that the school district had an open house approximately two weeks ago for Fernway residents to view the plans.

Dr. Ganning said that Fernway residents have also been solicited by survey for input and feedback on re-building the school.

Mayor Weiss noted there is an advisory board made up of community members, PTO, the school district and teachers, who have met for months regarding the project.

Mr. Dewey said the information has been well distributed to the neighborhood by the school district over many months.

Mr. Boyle indicated he is confident that the permanent additions to the building are appropriate and seem to work on the site.

January 17, 2020

City of Shaker Heights
City Planning Commission
3400 Lee Road
Shaker Heights, Ohio 44120

Reference: Shaker Heights Fernway Elementary School Renovation and Addition
Shaker Heights, Ohio

Dear City Planning Commission:

The Shaker Heights School District has authorized us to submit this letter and supporting documentation to the Shaker Heights Planning Commission to secure approval for the site improvements for Fernway Elementary School, located at 17420 Fernway Road. We are requesting final site plan approval for the project. Phase 1 site approval was granted previously for the building additions and minor site improvements.

Project Background

In July of 2017 Fernway Elementary School's roof structure caught fire during placement of a new roof. While the fire consumed the entire roof structure, the remainder of the building, which was not burned, experienced extensive water damage due to the firefighting operations to extinguish the flames.

Through this tragedy of events, the Shaker Heights Board of Education and the Administration recognized the unique opportunity to rebuild the school and improve it in such a way that it will serve as a model for future renovations of other elementary schools within the district.

Fernway is the smallest elementary school in the district and has always had challenges with the space requirements required to properly educate students. The proposed addition allows for additional space, which helps to bring the design of Fernway more in line with the State's Ohio School Design Manual (OSDM). The proposed addition will house two additional classrooms as well as an elevator and ADA compliant entry ramp. The addition adjacent to the gymnasium will be used as gymnasium storage. The addition will allow for major interior components to be reworked, which will greatly improve instructional spaces. A portion of the second floor above the existing Auditorium will be reworked to add a new floor level and roof - creating more space on the second floor while not impacting the site by adding to the building's footprint. In addition to the building improvements the Board of Education has elected to make modifications to the site to enhance the use and function of the school.

Site Plan Modifications

In addition to the school being a model for future renovations, the District has recognized that they are in a unique position to also allow the site be a model for the other elementary schools in the District. The Fernway site plan goals include:

- Provide an ADA compliant front entrance and ADA parking spaces
- Provide a drop-off area which is not located on a public street
- Provide additional off-street parking
- Provide a larger playground area for the children
- Relocate the playground to increase safety and reduce classroom noise issues
- Improve site lighting to enhance security

To achieve these goals a series of Zoning Code Variances is required. The Zoning Code Variances should be considered and approved based on the physical constraints of the site (Hardship).

The Zoning Code Variances being requested are as follows:

- Reduction in the required parking lot landscape screening
The zoning code requires 20% minimum of the surface area, the proposed plan provides 12%.
- Reduction in perimeter parking lot landscaping
The zoning code requires 20'-0" with 100% coverage, the proposed plan provides 5'-0" with 95% coverage.
- Reduction of off-street parking
The zoning code requires 54 parking spaces, the proposed plan provides 39 parking spaces; 18 new parking spaces with 21 existing spaces.

The modest site is undersized for the elementary school building itself including the site features such as parking and the playground. With the site being small and bounded by streets on three sides to the north, east and west the required side yard setbacks become restrictive.

The District wants to relocate the play structures to the south of the site to provide better visibility for staff from a single location. This also moves the play structures away from the east side of the building which currently causes noise issues for the adjacent classrooms. In addition, moving the playground away from Dorchester Road allows for a safer play area for children with the playground further away from the street.

With the relocation of the playground to the south of the site the only available option for additional site parking is along the east portion of the site. The area to the north of the building would impact the front yard setback and is not feasible given school activities and functions. Adding parking to the west position of the site is not feasible given the existing topography. To allow the district to add additional parking to get closer to the required off-street parking count required by the Zoning Code the only feasible option is to provide parking on the east portion of the site adjacent to the original parking lot off Dorchester Road. The additional parking area will allow ADA compliant parking spaces, drop-off for students and visitors and access to the new ADA compliant front entry to the school.

Public Design Process

We have taken a collaborative approach to the design of the proposed site plan by engaging the Shaker Heights School Board, the Fernway Elementary School Construction Committee (made up of Fernway teachers and Fernway neighborhood residents), and public design sessions open to the District and city residents. The design concepts were developed as part of a series of meetings to understand needs and establish priorities. Several follow up

meetings have taken place to further develop the design and finetune the project goals. The designs for the building addition and site plans have been presented at several Board of Education meetings over the last several months.

As part of our collaborative approach, the District held an Open House session on Wednesday, December 19, 2019, which allowed the residents to see the latest building design and site plans. Another Open House session is scheduled for Thursday, January 30, 2020 to advise the residents of the final proposed plan and address any comments from the community.

We respectfully request your support of the Fernway project and approval of the proposed site plan. Please do not hesitate to reach out to me with any questions or concerns.

Sincerely,

VAN AUKEN AKINS ARCHITECTS LLC



Christopher P. Dewey AIA, NCARB, LEED AP

Like 0

Share

Share:

Tweet

-
-
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Shaker Heights Schools

January 28, 2020

Fernway Report | January 28, 2020

Fernway neighbors and interested residents are invited to attend a Fernway Community Meeting on Thursday, January 30, 2020 from 6-7 p.m. in the Woodbury Elementary School Auditorium.

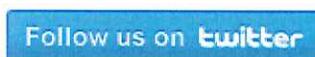
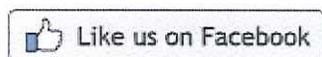
Van Auken Akins Architects, Chief Operating Officer Jeff Grosse and Principal Chris Hayward will discuss and take questions regarding the Fernway School site plan, including the playground and parking.

Attendees should allow time for parking and consider carpooling.

Visit [Fernway Update](#) online to stay up-to-date on rebuilding Fernway School.



Shaker Heights City School District | 15600 Parkland Drive | Shaker Heights | OH | 44120



Confirm that you like this.

Click the "Like" button.

Fernway Rd

Fernway Rd

Fernway Rd

Ardmore Rd

Dorchester Rd

Ardmore Rd

Dorchester Rd

Ardmore Rd

Dorchester Rd

Ardmore Rd

Dorchester Rd



17420 Fernway Road
4 min drive to work

Fernway
Elementary School



Google

Imagery ©

GENERAL NOTES - FLOOR PLANS

1. FLOOR FINISHES SHALL BE AS SHOWN ON ALL FLOOR PLANS.
2. FLOOR FINISHES SHALL BE AS SHOWN ON ALL FLOOR PLANS.
3. ALL DIMENSIONS ARE UNLESS OTHERWISE NOTED.
4. REFER TO ALL NOTES AND SPECIFICATIONS FOR MATERIALS AND METHODS.
5. SEE SPECIFICATIONS FOR LOCATION OF CONTROL JOINTS AND CONSTRUCTION DETAILS.
6. ALL WALLS SHALL BE CONSTRUCTED WITH 1/2" THICK TYPE I REINFORCED CONCRETE.
7. ALL WALLS SHALL BE CONSTRUCTED WITH 1/2" THICK TYPE I REINFORCED CONCRETE.
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9. ALL WALLS SHALL BE CONSTRUCTED WITH 1/2" THICK TYPE I REINFORCED CONCRETE.
10. ALL WALLS SHALL BE CONSTRUCTED WITH 1/2" THICK TYPE I REINFORCED CONCRETE.
11. COMPARE FIRST FLOOR PLANS WITH ALL OTHER PLANS.
12. SEE ALL DIMENSIONS FOR COORDINATION AND DETAILS OF ALL WORK.
13. SEE ALL DIMENSIONS FOR COORDINATION AND DETAILS OF ALL WORK.
14. SEE ALL DIMENSIONS FOR COORDINATION AND DETAILS OF ALL WORK.
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NOTES - FLOOR PLANS

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DETAIL - TYPICAL CLASSROOM DOOR ALCOVE (UNO)

DETAIL - TYPICAL CLASSROOM ALCOVE

DETAIL - CR 117 & 215 DOOR ALCOVE

PLAN DETAIL - TYPICAL ROLLER SHADE INSTALL

REVISION	DATE	DESCRIPTION
1	08/15/20	ISSUE FOR PERMIT
2	08/15/20	ISSUE FOR PERMIT
3	08/15/20	ISSUE FOR PERMIT

PROJECT INFORMATION

PROJECT NAME: FERRELL ELEMENTARY RENOVATION AND ADDITION

PROJECT NUMBER: 2019-001

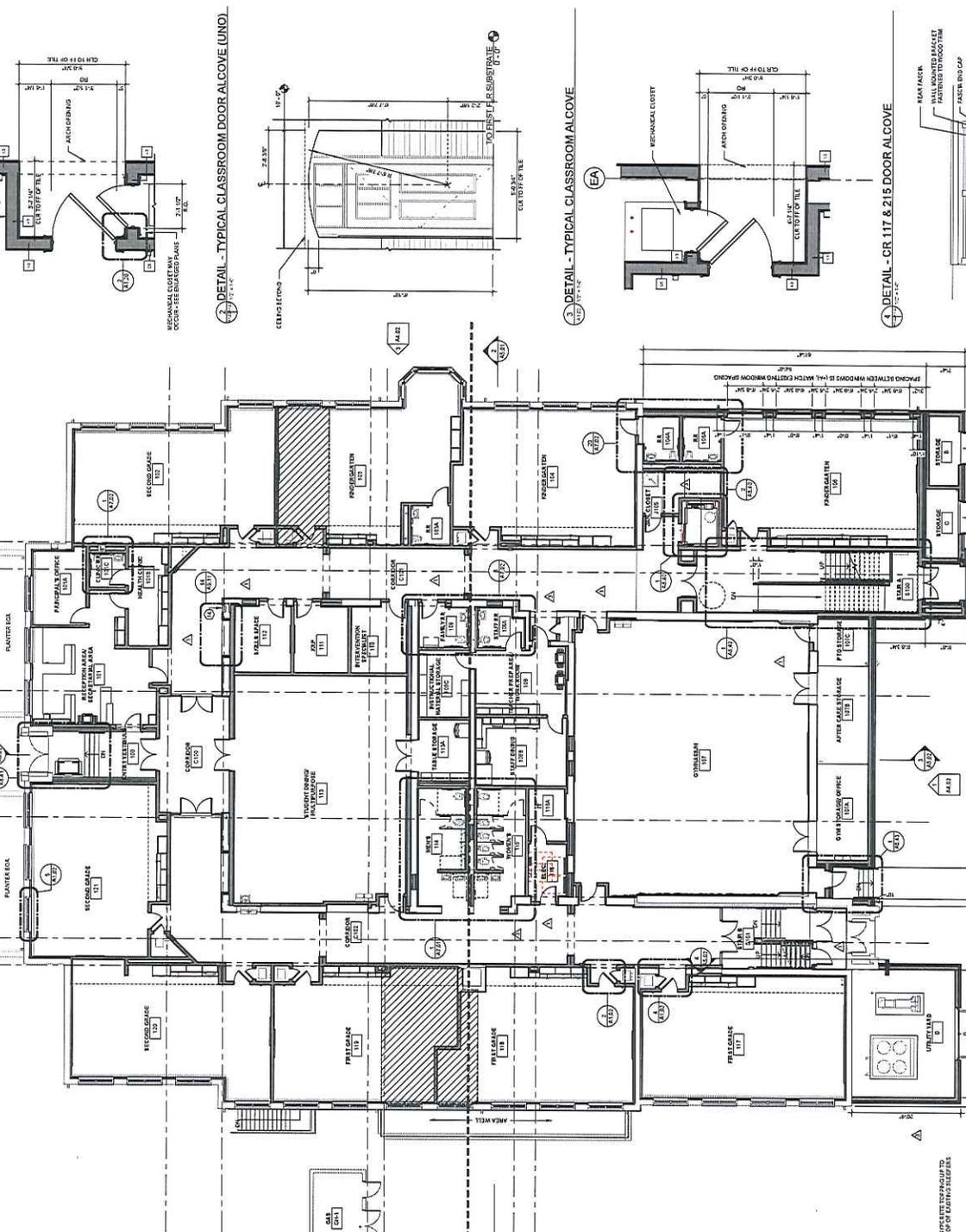
DATE: 08/15/20

SCALE: AS SHOWN

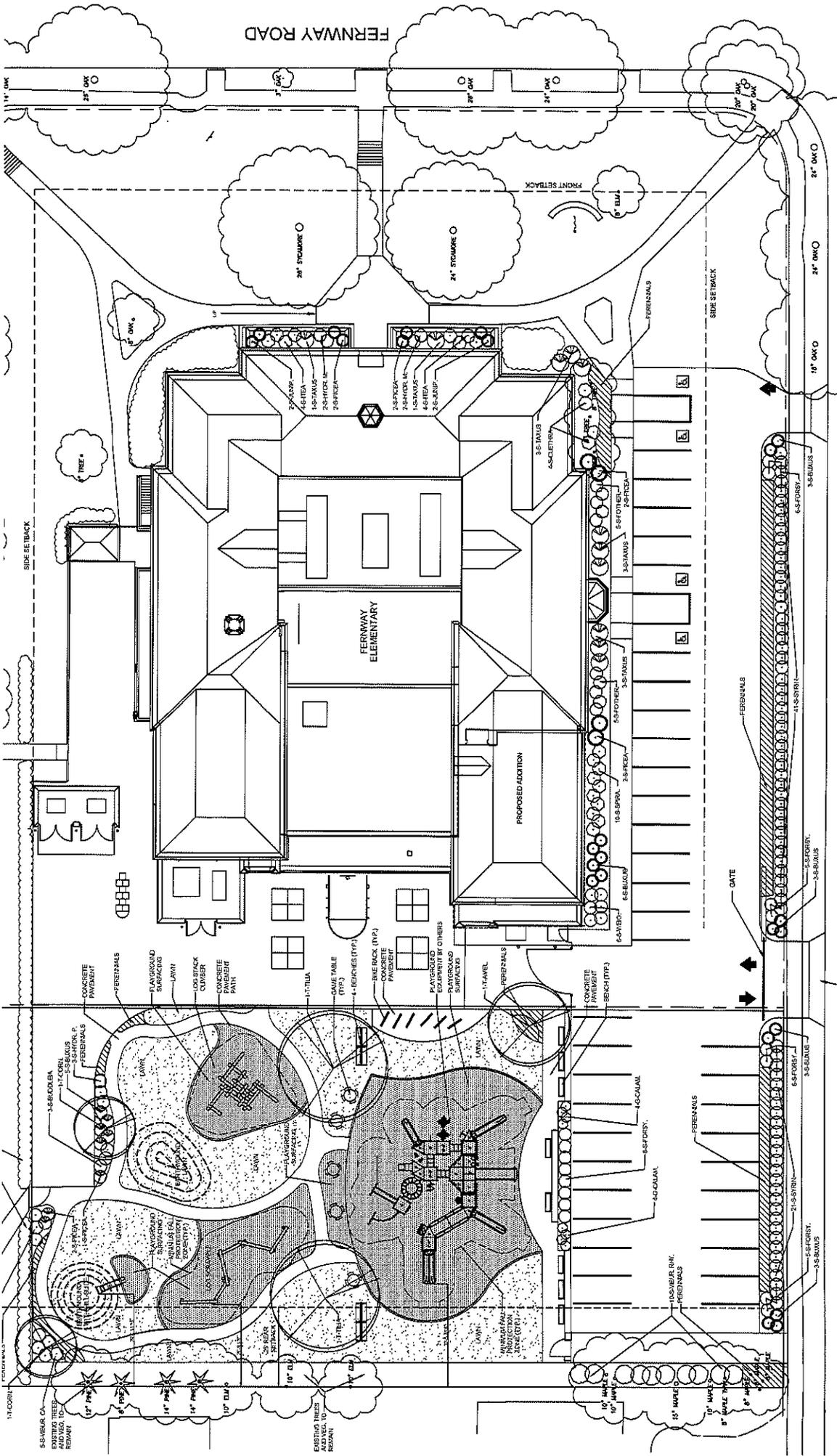
DATE: 08/15/20

PROJECT NUMBER: 2019-001

DATE: 08/15/20



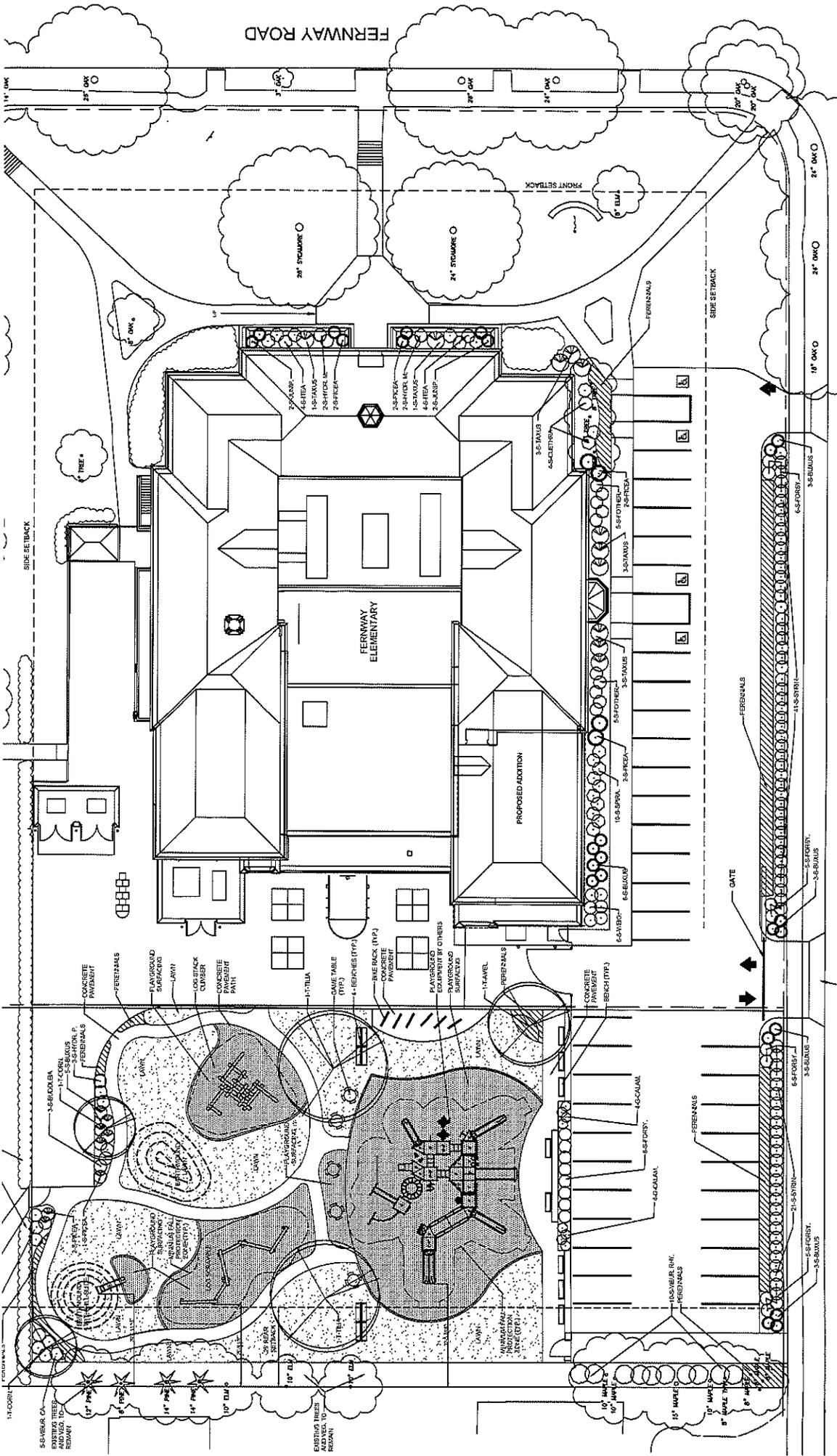
TO FIRST FLR SUBSTRATE



FERNWAY ROAD

FERNWAY ELEMENTARY

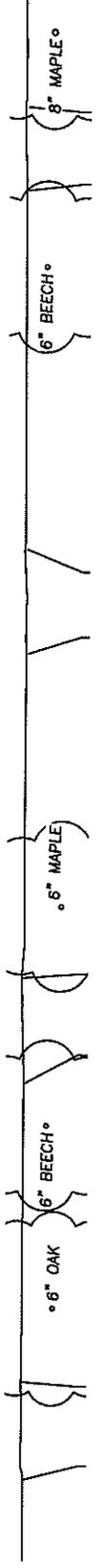
PROPOSED ADDITION



FERNWAY ROAD

FERNWAY ELEMENTARY

PROPOSED ADDITION



1 SITE LANDSCAPE PLAN - PHASE 2

1/16" = 1'-0"
0 12 4 8 16 32

PLANT LIST	COMMON NAME	SCIENTIFIC NAME	QUANTITY	PLANTED SIZE	MATURE SIZE	COMMENTS
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SHADE AND ORNAMENTAL TREES						
T-AMEL.	AMELANCHIER X GR. 'AUTUMN BRILLANCE'	SERVICEBERRY	1	12' HT. B&B. CLUMP FORM	25' HT. X 15' W.	SPECIMEN TREE
T-CORN.	CORNUS KOUSA CH. 'MILKY WAY'	MILKY WAY DOGWOOD	2	10' HT. B&B. CLUMP FORM	30' HT. X 20' W.	MATCHED SPECIMEN TREES
T-TILIA	TILIA TOMENTOSA 'STERLING'	STERLING SILVER LINDEN	2	3" B&B	60' HT. X 35' W.	MATCHED SPECIMEN TREES
SHRUBS						
S-BUDDLEIA	BUDDLEIA 'PODARAS'	TUTTI FRUITI PINK BUTTERFLY BUSH	6	15" NO. 3 CONT.	3' HT. X 3' W.	
S-BUXUS	BUXUS X 'GREEN VELVET'	GREEN VELVET BOXWOOD	23	15" NO. 3 CONT.	3' HT. X 3' W.	
S-CLETHRA	CLETHRA ALNIFOLIA 'HUMMINGBIRD'	HUMMINGBIRD SUMMERSWEET	4	18" NO. 3 CONT.	30" HT. X 4' W.	
S-FORSY.	FORSYTHIA X INT. 'LYNWOOD GOLD'	LYNWOOD GOLD FORSYTHIA	30	30" NO. 3 CONT.	7' HT. X 5' W.	MAINTAIN AT 4' HT., 3' HT. AT DRIVES
S-FOTHER.	FOTHERGILLA 'GARDENII' 'BLUE SHADOW'	BLUE SHADOW FOTHERGILLA	10	15" NO. 3 CONT.	3' HT. X 4' W.	
S-HYDR. M.	HYDRANGEA MACROPHYLLA 'STAR GAZER'	STAR GAZER HYDRANGEA	4	18" NO. 3 CONT.	3-4' HT. X 3-4' W.	
S-HYDR. P.	HYDRANGEA PANICULATA 'BOBO'	BOBO HYDRANGEA	3	18" NO. 3 CONT.	3-4' HT. X 3-4' W.	
S-ITEA	ITEA VIRGINICA 'LITTLE HENRY'	DWARF SWEETSPIRE	8	15" NO. 3 CONT.	2-3' HT. X 3' W.	
S-JUNIP.	JUNIPER PROCUMBENS 'GREENMOUND'	GREENMOUND JUNIPER	4	15" NO. 3 CONT.	6" HT. X 6' W.	
S-PICEA	PICEA ABIES 'NIDIFORMIS'	BIRD'S NEST SPRUCE	11	18" NO. 5 CONT.	3' HT. X 6' W.	
S-SPIRA.	SPIRAEA X BUMALDA 'GOLDFLAME'	GOLDFLAME SPIREA	10	15" NO. 3 CONT.	3' HT. X 4' W.	
S-SYRIN.	SYRINGA JULIANAE 'RED PIXIE'	DWARF LILAC	62	15" NO. 3 CONT.	4-6' HT X 4-6' W.	
S-TAXUS	TAXUS MEDIA 'EVERLOW'	EVERLOW YEW	11	15" NO. 3 CONT.	3' HT X 4-6' W.	
S-VIBUR. CA.	VIBURNUM CARLESII	KOREAN SPICE VIBURNUM	5	24" B&B	4-5' HT. X 4-5' W.	
S-VIBUR. RHY.	VIBURNUM X RHYTIDOPHY. 'ALLEGHANY'	ALLEGHANY VIBURNUM	10	24" NO. 5 CONT.	10' HT. X 10' W.	MAINTAIN AT 5' HT. - 7' WIDTH
S-WEIG.	WEIGELA FLORIDA 'MIDNIGHT WINE'	DWARF WEIGELA	6	18" NO. 3 CONT.	2' HT. X 2' W.	

ORNAMENTAL GRASS						
G-CALAM.	CALAMAGROSTIS X AC. 'KARL FOERSTER'	REED GRASS	8	CLUMP NO. 2 CONT.	3-5' HT.	

PERENNIALS

PERENNIAL AREAS TO BE PLANTED WITH - JAPANESE ANEMONE, BLACK-EYED SUSAN, LOBELIA, NEPETA, SALVIA, ASTILBE, CORAL BELLS, LILLY TURF, ETC. - PLANTED AT 2-3' O.C.

Shrubs



Butterfly Bush



Forsythia



Juniper



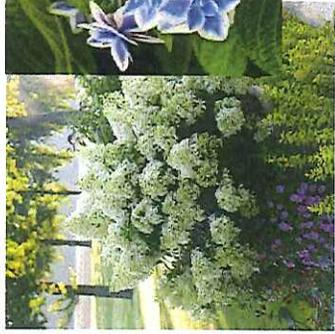
Lilac



Dwarf Weigela



Boxwood



Hydrangea



Bird's Nest Spruce



Everlow Yew



Korean Spice Viburnum



Summersweet



Spirea



Alleghany Viburnum



Dwarf Sweetspire

Ornamental Grass / Ground
Covers / Perennials



Reed Grass



Japanese Anemone



Black-Eyed Susan



Lobelia



Catmint



Salvia



Astilbe



Coral Bells



Lily Turf



Autumn Joy Sedum



Geranium

Proposed Plants – Fernway School

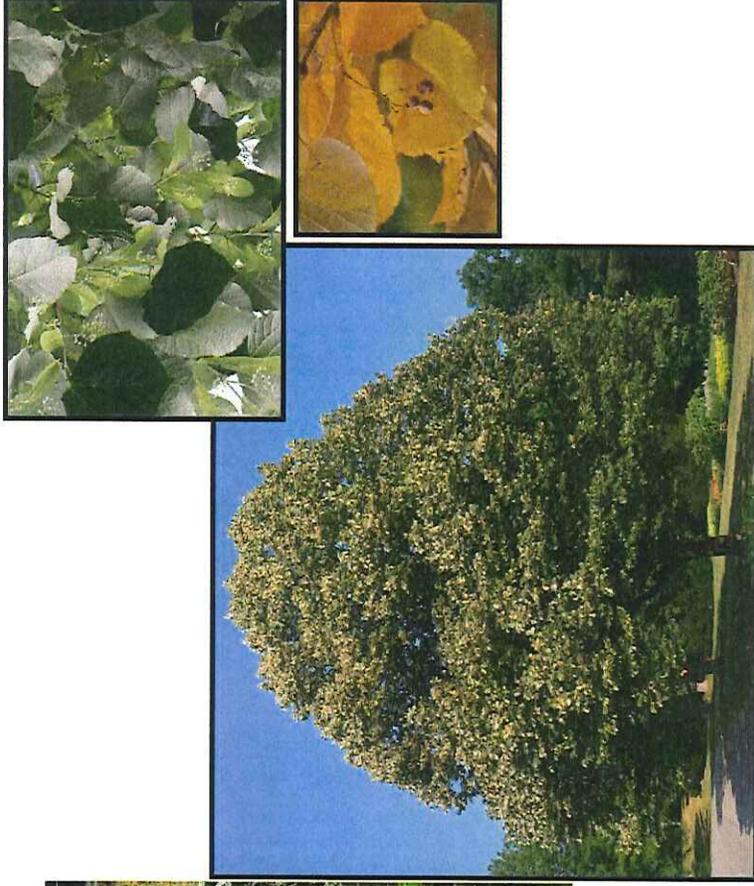
Shade and Ornamental Trees



Serviceberry

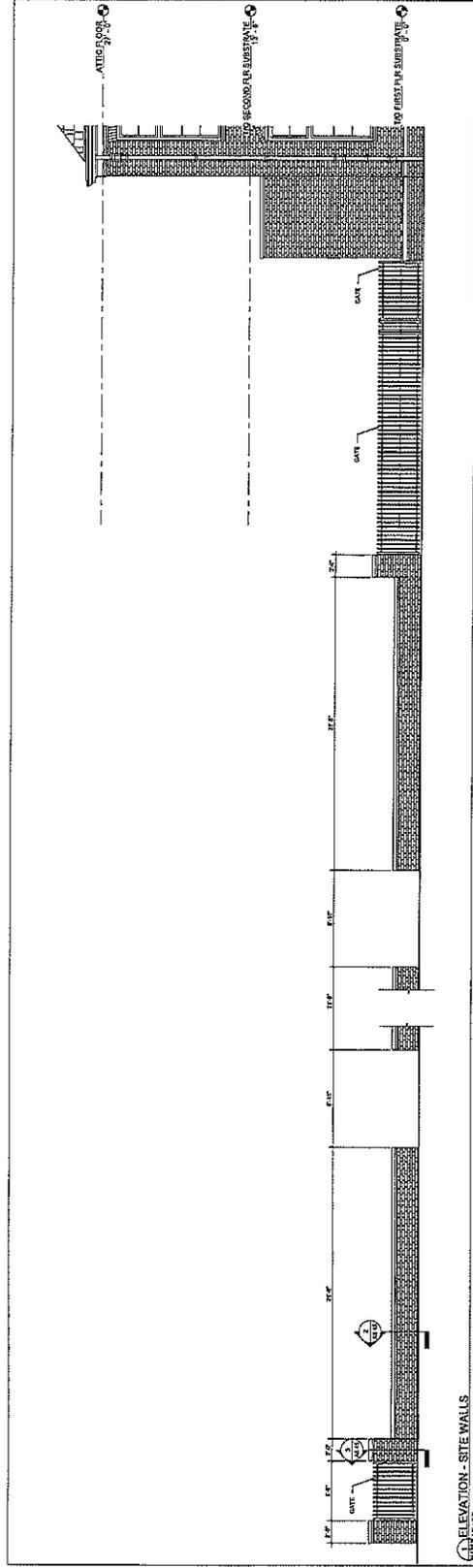


Dogwood

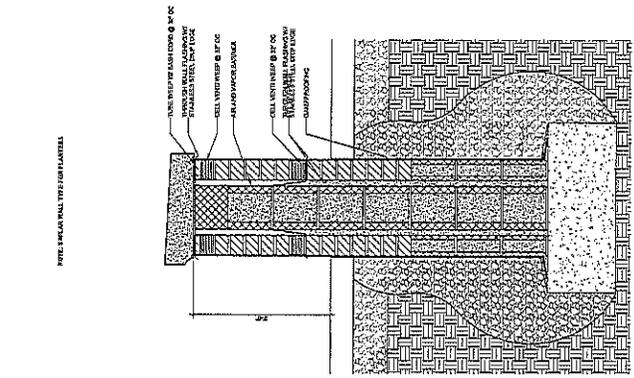


Silver Linden

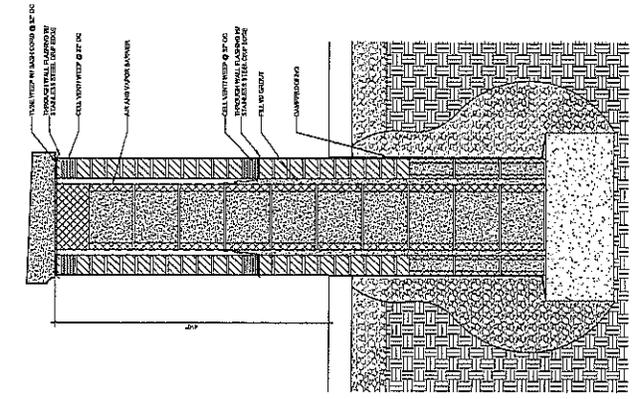
NO.	DATE	DESCRIPTION
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2	01.12.20	ISSUED FOR PERMITS
3	01.12.20	ISSUED FOR PERMITS
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10	01.12.20	ISSUED FOR PERMITS



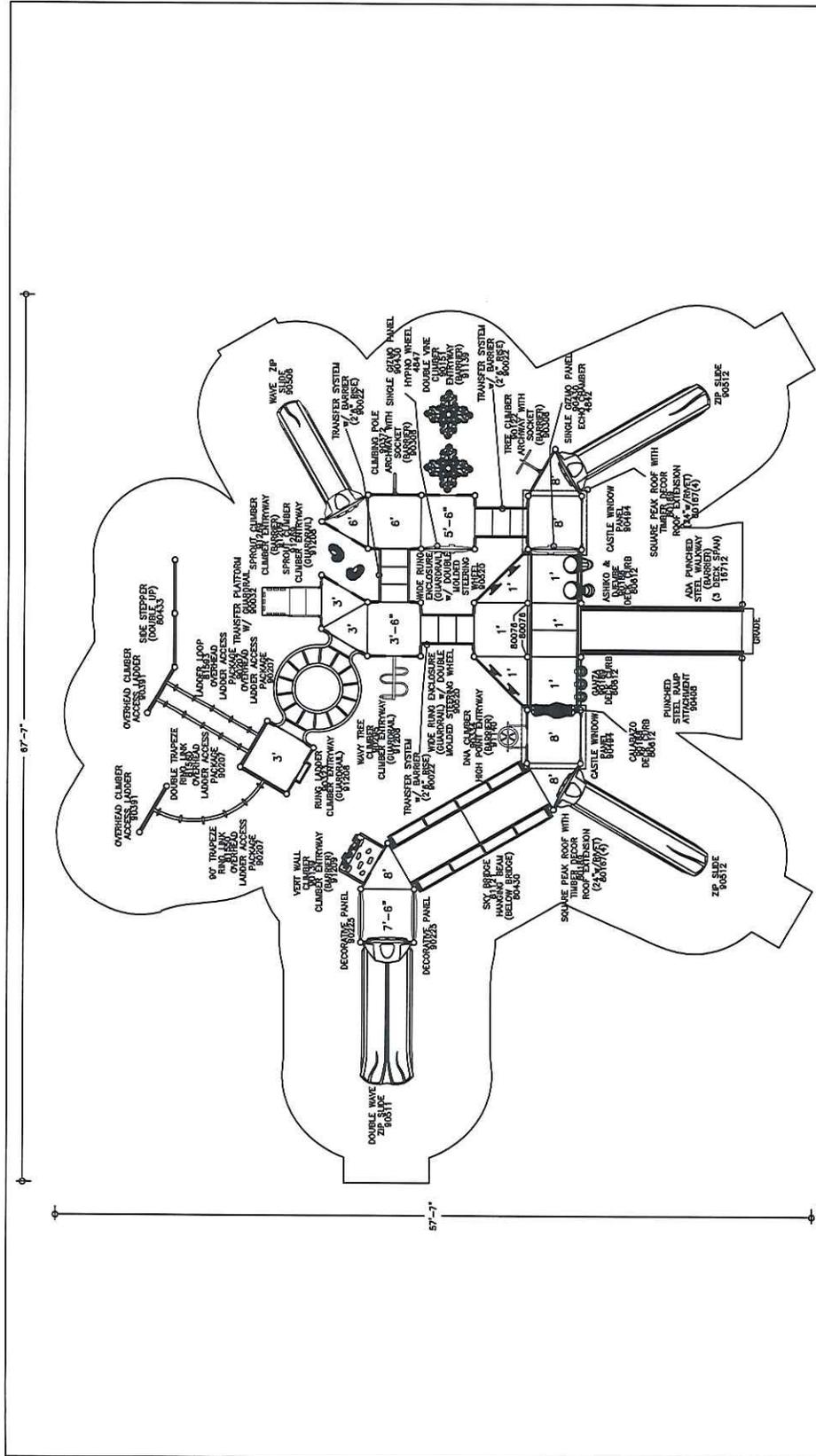
ELEVATION - SITE WALLS
1/8\"/>



DETAIL - 24\"/>



DETAIL - 48\"/>



Drawn By: JE
 Date: 8/15/19
 Drawing Name: TShakerGrant

IMPORTANT! Soft resilient surfacing should be placed in the use zones of all equipment in the vicinity of the equipment, and at depths in the critical fall heights as specified by the U.S. Consumer Product Safety Commission, ASTM F1292-18, and the applicable Standard CAN/CSA-Z264.

Minimum Area Required:
 Scale: 1" = 5'-0"
 This drawing can be scaled only when in an 18" x 24" format

This play equipment is recommended for children ages 5-12

Shaker Heights City School District
 Shaker Heights, OH
 Representative
 DWA

150 PlayCore Drive SE
 Fort Payne, AL 35967
 www.gametime.com





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Shaker Heights - Fernway Elementary



Intellectual Property of Game Time & Play Core Company. The site shown in rendering is an illustration and may not exist.



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PLAY CORE SYSTEM
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Shaker Heights - Fernway Elementary **DWA**
RECREATION
www.dwarec.com



GameTime
#PLAYCORE
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DWA
RECREATION
www.dwarec.com

Shaker Heights - Fernway Elementary

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