



**Board of Zoning Appeals & City Planning Commission Minutes
Tuesday, March 7, 2023
7 P.M.
City Hall Council Chambers**

Members Present: David E. Weiss, Mayor
Sean P. Malone, Council
John J. Boyle III, Member
Joanna Ganning, Member
Jason Russell, 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 Weiss at 7:00 p.m.

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Approval of the February 7, 2023 Meeting Minutes

It was moved by Dr. Ganning and seconded by Mr. Russell to approve the minutes.

Roll Call: Ayes: Weiss, Malone, Boyle, Ganning, Russell
Nays: None

Motion Carried

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CITY PLANNING COMMISSION

#2199. MAJOR RESIDENCE –21710 FAIRMOUNT BOULEVARD:

A Public Hearing was held on the request of Clarence and Suzette Major, 21710 Fairmount Boulevard, to the City Planning Commission for subdivision of land in order to divide their property on which the Major home is located into two parcels. The house parcel (734-06-004) is proposed to be divided, creating a vacant parcel to the east. The new parcel is proposed to be 75.69 feet wide and 11,432 square feet in size. The applicant proposes to construct a new home on the new lot. Both lots meet code requirements in the SF-2 Single Family Residential zoning district. Subdivision of land requires City Planning Commission approval.

CITY OF SHAKER HEIGHTS

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variances, and conditional use permits to construct a mixed use building. The request was continued at the January 2023 meeting. The revised proposal includes an entry/exit onto Farnsleigh Road and does not include access to Helen Road. The proposed 5-story building is located at the corner of Warrensville Center and Farnsleigh Roads with frontage on Helen Road. Site plan review is required for this mixed-use building, which includes 141 apartment residential units, first floor retail and second floor office space. A total of 237 parking spaces are proposed, with 182 spaces in an interior parking garage. A variance is required to the parking space width to provide some 8 foot 8 inch wide spaces when code requires a minimum 9 foot width, and two 16-foot long spaces when code requires an 18-foot deep space. A conditional use permit is required for dwelling units on the first floor which front Farnsleigh and Helen Roads. A variance is required to the percentage of residential use as the building is 92% residential and code limits a mixed-use building to 90% of one use. The Warrensville Center Road frontage is proposed to be 45.6% retail and the Farnsleigh side is 22.1% retail, where the code requires that a minimum of 50% of the first floor be retail. The first floor is 26% open windows facing Farnsleigh Road and 24% facing Helen Road, when code requires 60% open first floor windows facing the street. A variance is required to the required minimum size of a one-bedroom unit, which is 700 square feet to allow a 600 square foot unit. Code permits a maximum 50-foot building height, and the height of the building facing Warrensville Center Road is 75 feet. Code requires a total lot area of 111,690 square feet for the 141 units, while the site is only 100,292 square feet in size. The front yard setback on Warrensville Center Road is proposed to be 2 feet and on Farnsleigh Road is proposed to be 2 feet 8 inches adjacent to the residential unit porches. Code requires a minimum 5-foot front setback. The front yard setback on Helen Road is between 24 feet 6 inches and 65 feet when a maximum 10-foot setback is allowed. Code requires two loading berths and one is provided. The main entrance canopy encroaches 3 feet into the Warrensville Center Road right-of-way. Code does not allow an encroachment over the property line. A single, short loading area is proposed in the southern parking lot, where code requires two loading spaces. The southern parking area has 11% overall landscaping with two interior landscape islands, while 20% of a parking lot is required to be landscaping with three interior islands. The southern parking lot does not have a landscape barrier to the adjacent church parking lot. Code requires a 5-foot wide perimeter landscaping strip. A local sign district is proposed which provides flexibility to the types of signage for this property. A local sign district requires a conditional use permit. Subdivision of land is required to combine two parcels. A revised traffic study has been submitted. A conditional use permit requires Council confirmation

A Public Hearing was held.

Mr. Feinstein showed pictures of the site. He stated this is a continuation of a request for site plan review, subdivision of land, variances, and conditional use permits for the mixed use Arcadia development. This project review was continued at the January 3, 2023 meeting. Changes have been made to the site access and Warrensville Center Road streetscape. He detailed the changes as: an added Farnsleigh Road access driveway to replace the removed Helen Road access; a right-in, right-out driveway access to Warrensville Center Road from the southern parking lot; a revised traffic study reviewed by the city; the building site to substantially meet the intent of the zoning district and approved plans.; and a detailed landscape plan to integrate with the streetscape which screens the street view of the surface parking. He outlined the subdivision of land and the conditional use permits for first floor dwelling units and a Local Sign District. He outlined the variances requested to the front setback, building height, mix of uses, less than required first floor building use, minimum size of unit, lot area, entrance canopy encroachment, open first floor windows, parking variances for one loading berth, not two, parking space size variance, and parking lot landscape buffer.

Jamie Oberschlake, Metropolitan Holdings, introduced the project and introduced the architect working with them on development of the plans.

Kevin Dreyfuss-Wells, RDL Architects, explained there are two significant changes to the site since the last review. The access has been changed to add the Farnsleigh Road driveway and the Helen Road access from the surface lot has been removed. The building has been pushed 10 feet to the east to make room for the multi-use path. There is space that is more public and they have added some parking for the same number of units. He described the building elevations facing each street and described the Farnsleigh Road entrance. The corner of Helen and Farnsleigh is an open space, which maintains the street trees on Helen Road. Townhome type units face Helen Road to complement the existing houses. Materials include a lot of masonry and others to create scale and pattern for the building. He addressed the variances including for first floor glazing, describing the corner storefront and common area. They have addressed truck access and turning space in the southern parking lot.

Ryan Young, POD Design, said the landscape plan has changed with the 10 additional feet on Warrensville Center Road. This has added space for both the path and tenant space next to the building. They include pavement color and texture to signify the different buffer zones and entrances as a visual cue to signify the public streetscape zone. He showed a view of the Warrensville streetscape drop-off area. Existing utilities may make it difficult to enlarge. He described the Farnsleigh and Helen Road landscaping. Helen is more like a front yard. He showed the transformer locations with landscaping to buffer in front and a wall in the rear.

Mike Workosky, traffic engineer with Wells and Associates, said they revised the traffic study. The numbers have remained the same, but the access points have changed. The Farnsleigh Road entry and the lack of access to Helen Road changed the impact to Helen Road. This change revised where site generated trips travel on the surrounding streets. He described the a.m. and p.m. peak traffic and how the site is accessed. There is a low level of traffic that will go south on Helen Road due to difficult access to Chagrin Boulevard. All levels of service at the intersections are acceptable at signalized intersections. The Helen Road eastbound movement is a low level of use due to heavy Chagrin Boulevard traffic. There is no need for off-site improvements with plenty of capacity on the existing streets. They studied the traffic queue at signals at Warrensville and Farnsleigh. The multi-modal site access and neighborhood with pedestrian and bike connections to the Van Aken District and surrounding area will allow non-auto choices other than cars. This Transit Oriented Development project takes advantage of those non-auto connections.

Dr. Ganning asked about parking in the garage and outside.

Mr. Oberschlake said parking in the garage is for residents and office tenants only. The outdoor parking is open to all users.

Mr. Russell asked how the garage will operate.

Mr. Oberschlake said posted signage and key fob entry will control access to the garage.

Mayor Weiss asked for an explanation of the southern lot retaining wall and buffer.

Mr. Dreyfuss-Wells explained the retaining walls' location and variable height as the grade changes.

Ms. Braverman asked about the screening of the electrical transformer location.

Mr. Oberschlake showed transformers in that location. They decided, with staff input, to change the screening from gates to landscaping to soften the look from the street.

Mr. Dreyfuss-Wells said First Entergy does not have an exact size yet, so they have allowed for maximum transformer size. The visual impact goes away over time with the landscaping.

Dr. Ganning asked about the canopy extending over the sidewalk.

Mr. Dreyfuss-Wells explained the canopy and showed it is located at the building entry.

Ms. Braverman said North Star restaurant across the street also has a canopy over the entry that extends over the public sidewalk. The need a license agreement with the city in order to encroach over the right-of-way.

Mr. Malone said he likes the building shift to the east. He asked if the corner park-like area at Farnsleigh and Helen Roads will be public or private.

Mr. Young said it is the entrance from residential to commercial development. They will keep the tree and the landscaping will be professionally maintained by the building ownership, while allowing a seating area, which is publicly oriented at the corner.

Mr. Malone asked about on-street parking on Warrensville Center Road.

Ms. Braverman explained it could help with convenience to the retail tenants, but for the balance of the day, it will be used for loading. The applicant has tried to increase the size of the area.

Mr. Dreyfuss-Wells explained they may be able to enlarge it slightly but it is 80 feet long now. This allows four (4) spaces but is limited by utility pole placement.

Mr. Russell said the applicant has responded to many neighbor and city questions. They have listened and revised their project. This project design is commercial in design and still relates well to all sides. This is a tough site surrounded bordered on all sides by different development.

Dr. Ganning asked how the community input affected the project.

Joe McCabe, Metropolitan Holdings said they have addressed the neighbors and this Board's comments to the best of their ability. The neighbor and Commission feedback helped progress the design of the project.

Mr. Boyle said adding Farnsleigh Road access is important and greatly lessened the traffic impact to Helen Road. The first floor residential units intersect with the residential uses nearby. He likes the changes that have been made to the project.

Mayor Weiss opened the Public Hearing.

Peter Hoffman, 3435 Colton Road, asked about the intersection onto Chagrin changing Helen to two way.

Ms. Braverman said there is no plan to change Helen Road from a one way south street.

Mr. Workosky said that intersection is technically acceptable, but challenging. The intersection usage is self-regulating for drivers. If users do not like it then they will use Farnsleigh Road.

Mayor Weiss said the reconfigured Chagrin/Warrensville intersection with all movements being possible helps the overall access to the area.

Martha Peter, 3405 Helen Road, said thank you for the exit change to Farnsleigh Road instead of Helen. She would like Helen Road to continue being a one-way street. The intersection at Colton, Halworth, Helen, and Farnsleigh is wide open and may need to be addressed. She expressed concern with the location of the transformers.

Jennifer Schwartz, 3411 Helen Road, said good changes have been made to the plans. She is also concerned with the Helen/Farnsleigh Road intersection. She would encourage the city to study the intersection. Building construction noise is a concern. She asked that the noise ordinances be enforced.

Kari Marx, 20920 Farnsleigh Road said there is no speed limit sign on Farnsleigh Road until you reach Beachwood. There should be one in Shaker Heights.

Teresa. Ouellette, 20676 Halworth Road, said they live on the corner and are overall happy with the building. The transformer is a new location. She asked how it affects the existing trees and questioned if it will be screened from view.

Joan Arrington, 3412 Colton Road, said she is concerned with traffic. The new traffic will just add to the traffic along with the apartment towers being built at the Van Aken District. Will overall traffic be evaluated after construction?

Will Hanson, 3415 Helen Road, loves the greenery and access to Farnsleigh is good. It is difficult to make a left onto Chagrin. Some residents go north on Helen to avoid that turn. They will self-regulate. He is happy with changes to the development.

Mr. Feinstein summarized a letter of support from Christ Episcopal Church at 3445 Warrensville Center Road.

Ms. Braverman said the traffic engineer hired by the applicant also reviewed the Van Aken District Phase II apartment traffic. The city's engineer has reviewed the submitted traffic study as well. The revised traffic study has been reviewed twice with several follow up calls.

Mr. Workosky said yes, the future Van Aken District apartment traffic was included, as well as Chipotle and other general area growth.

Mr. Young said they will provide the number of transformers required by code per First Energy and screen that installation with landscaping. First Energy requires access, so they did shift the proposed bushes to allow that access.

Ms. Braverman said she will refer the Police to the question about the speed limit sign on Farnsleigh Road.

Dr. Ganning asked about the Local Sign District regulations.

Mr. Oberschlake said the regulations are just like the Van Aken District signage. They mirrored the signage plan off that. In general, it allows them to customize and give different options for better signage for the retail tenants.

Mr. Russel asked about the review process through the Architectural Board of Review.

Mr. Feinstein said the Architectural Board of Review was supportive of this latest design at their last review. They will review finalized design plans for more specific design and material details.

Mr. Malone said he is supportive of approval.

Mr. Russel said he is also supportive, with the staff conditions.

It was moved by Mr. Russell and seconded by Mr. Malone to approve the request based on the findings of fact and conclusions of law as set forth in the Action Sheet with the following conditions:

- 1. Submit a consolidation plat to combine the two parcels of land to the city and record the plat with the County.
- 2. Develop the design of the retaining walls along the south property line, as approved by staff and the Architectural Board of Review.
- 3. Consider widening the Warrensville Center Road driveway to 24 feet for large truck access.
- 4. Further study design and material of the concrete brick material of the south wall. Obtain approval from the Architectural Board of Review.

Roll Call: Ayes: Weiss, Malone, Boyle, Ganning, Russell
 Nays: None

Motion Carried

Council confirmation is required for the first floor residential and Local Sign District conditional use permits.

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LEE ROAD ACTION PLAN – LEE ROAD FROM VAN AKEN BOULEVARD TO SCOTTSDALE BOULEVARD:

Request of the City of Shaker Heights, Lee Road from Van Aken Boulevard to Scottsdale Boulevard, to the City Planning Commission for a recommendation to adopt the Lee Road Action Plan.

Mr. Feinstein showed pictures of the area. He stated this is a request for recommendation of approval to City Council for the Lee Road Action Plan. The plan includes Lee Road from Van Aken to Scottsdale Boulevard. Staff suggests recommendation of adoption to Council.

Kara Hamley O'Donnell, Principal Planner, explained the Plan has been presented at a City Council work session with the project team. She showed the project vision for rejuvenating the corridor through public investment in order to incentivize private investment. Community engagement was integral and included 687 residents, business and property owners via virtual and in-person meetings, tours and surveys. Nearly 2,400 respondents participated in online polls and a survey. During each phase of the planning staff met with stakeholder groups, business focus groups, the general public, small group and one-on-one meetings with residents, business owners, and property owners. Institutional stakeholder updates included partners from the City of Cleveland, Cuyahoga County, NOACA, ODOT, and RTA. Throughout the community shared preferences for multimodal transportation, urban design and land use improvements. The plan includes a Market Study and Economic Analysis providing data and recommendations for office, residential and retail. The plan is grounded in market demand to assure a realistic and implementable plan. Community preferences for restaurants, retail, recreation, entertainment, housing, maker-space and office align with market demand. The vision is to reduce all of Lee Road to three lanes border to border. This portion of the plan focuses on the details from Van Aken Boulevard south into the first few blocks of the city of Cleveland. Amenities include off-road bike trail, mid-block crossing, Kenyon reconfiguration, wider sidewalks, planting area, two-way bicycle track, shared parking lots to reduce curb cuts and improved vehicular and pedestrian safety; sidewalks, seating, lighting, plating, and pedestrian connections to neighborhoods and transit. Land use recommendations in the plan include focused areas for redevelopment, integrating and supporting existing businesses, infill as opportunities arise, expansion of Chelton Park, and connection to neighborhoods. Southern gateway improvements include mixed-use development, integration with existing buildings, shared parking and access, streetscape and enhanced pedestrian amenities and crossings.

Ms. Braverman explained work continues with NOACA, the County and the City of Cleveland to coordinate across city boundaries. Funds have been secured including \$1.8M from ODOT for streetscape and pedestrian improvements, \$1M from the County for engineering, and \$605K from NOACA for signalization. A NOACA TIP grant is pending for \$12.92M to cover road resurfacing/reconfiguration, and streetscape and paths. Once plan is complete, city match funding could be from hundreds of thousands up to millions of dollars. If the TIP funding is received, the local match is \$7.9M but additional grants will be applied for, as construction gets closer. Coordination with Cleveland will make this an appealing project.

Mr. Russell commented support for the plan and city investment to set the stage for private development.

Laura Englehart, Economic Development Director, outlined the implementation steps around business development. These steps can be started before the public street investment is complete.

Mayor Weiss said this type of public commitment can set the table by collaborating regionally with the City of Cleveland. This is aimed at benefitting the city and the surrounding neighborhoods.

Dr. Ganning said the community involvement in the process was wonderful and well worth it.

Mr. Malone said he read the plan. There are numerous steps to consider guiding the city's actions going toward.

Mayor Weiss asked if there were any public comments.

David Lewis, Lewis Electronics, 3536 Lee Road, said this plan is good and feasible. This area was better before Lee Road was expanded to four lanes of traffic. Bringing back a 2 lane functional street and commercial district will be much better.

Vicki Elder, 3559 Hildana Road, said she lives in the nearby neighborhood. This is a plan to benefit all and the city should continue to strive for the plans outlined in this document. What funding is available and what does it cover?

Mr. Feinstein summarized a letter of support from Nick Fedor, Executive Director of the Shaker Heights Development Corporation.

Kevin Dryfuss-Wells, 3021 Ludlow Road, said he approves of the effort and engagement. The neighborhood center proposed in the plan, with the neighborhood connection and green space can be transformative. The mix of uses is challenging and expects the city to pay special attention to how these uses interact.

Sam Hooper, 3557 Pennington Road, echoed support for the plans. It is exciting to see where the plan has lead so far and there is good support going forward.

Mayor Weiss said he is looking for a recommendation to City Council


It was moved by Dr. Ganning and seconded by Mr. Russell to recommend adoption of the plan to City Council based on the findings of fact and conclusions of law as set forth in the Action Sheet.

Roll Call: Ayes: Weiss, Malone, Boyle, Ganning, Russell
Nays: None

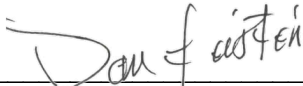
Motion Carried

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There being no further business, the meeting was adjourned at 9:30 p.m. The next meeting will be April 4, 2023.



David E. Weiss, Chair
Board of Zoning Appeals
City Planning Commission



Daniel Feinstein, Secretary
Board of Zoning Appeals
City Planning Commission