



Board of Zoning Appeals & City Planning Commission Minutes
Monday, March 30, 2020
6 P.M.
Conference Call

Members Present: David E. Weiss, Mayor
Sean P. Malone, Council
Joseph J. Boyle III, 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 Weiss at 6:00 PM. He explained this unprecedented meeting format with participants and the public all attending the meeting as a conference call due to the current COVID 19 public health emergency, as declared by the CDC and the State of Ohio, including the “Director’s Stay at Home Order” as issued on March 22, 202 by the Director of the Ohio Department of Health.

He said there are special procedures to follow during this meeting conducted by live conference call. He described the meeting procedures to be followed. The public was given an opportunity to comment prior to the meeting as well as during the meeting via email and or contact with city staff. Those comments will be read into the record by staff during the public hearing portion of the meeting.

Mayor Weiss said that Mr. Dreyfuss-Wells has recused himself from the meeting and is not on the conference call.

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#2053. Harbor Chase of Shaker Heights – 16900 Van Aken Boulevard:

A Public Hearing was held on the request of Greg Meeter, Confluent Development, 16900 Van Aken Boulevard, to the Board of Zoning Appeals and City Planning Commission for a Conditional Use Permit for an assisted living facility, site plan review, variances, subdivision of land, and dedication and vacation of right-of-way. The applicant proposes a 108 unit, three story assisted living facility with 80 units of assisted living and 28 units of memory care operated by Harbor Chase of Shaker Heights. A total of 82 parking spaces are proposed which exceeds the maximum amount allowed by code of 62 parking spaces. The applicant proposes a front yard setback of 11.5 feet from Winslow Court and a 41.5 foot setback from Winslow Road, a maximum 10 foot setback is required.

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A variance to the side yard setback where 82 feet is proposed and 18 feet is required. A variance is required to the perimeter parking lot landscaping along the east property line, as code requires a 20 foot landscape area with a 6 foot brick wall. A 13 foot wide landscape area is proposed with evergreen shrubs. Two primary signs are proposed on Van Aken Boulevard when only one primary sign is allowed per street frontage. Zoning district design standards require 60% open glass facing the north, west and south when only 20 to 26% is proposed. Subdivision of land is proposed in order to realign the intersection of Winslow Road and Winslow Court. A portion of Winslow Road is vacated and combined with parcel 735-17-020 along with a portion of parcel 735-17-018. A portion of 735-17-018 is then dedicated as new Winslow Road right-of-way. The Conditional Use Permit, dedication and vacation of right-of-way require Council action.

Mr. Feinstein showed slides of the site. He stated this is a request to construct and operate an assisted living facility. They request a conditional use permit to have an assisted living facility in the CM Commercial Mixed Use zoning district and site plan review for a new building. The 108 unit assisted living facility will be operated by HarborChase and have a total of 82 parking spaces. Code allows a maximum of 62 parking spaces. Building setbacks are 11.5-foot front yard on Winslow Court and a 41.5 foot setback on Winslow Road. A maximum 10-foot setback is allowed. A side yard building setback of 82 feet to the east is proposed when an 18 foot maximum is allowed. The perimeter parking lot landscaping is proposed at 12 feet wide with 4-foot tall evergreen bushes and shade trees. Code requires a 20-foot wide landscape area with a brick wall adjacent to a residential use. Two primary signs are proposed facing Van Aken Boulevard, one monument sign and one wall sign. Only one primary sign is allowed per street frontage. Design standards in the CM Commercial Mixed Use zoning district require 60% open windows facing a street on the first floor. The applicant proposes 20 % open windows facing Winslow Road, 26% facing Winslow Court and 26% facing Van Aken Boulevard. Subdivision of land is proposed to realign the eastern side of the Winslow Court and Winslow Road intersection. Parcel 735-17-020 is being combined with a portion of parcel 735-17-018, which will be dedicated as new Winslow Road right-of-way. The conditional use permit, vacation and dedication of right-of-way require Council action. The Architectural Board of Review and City Planning Commission held a joint work session and the Architectural Board of Review held two subsequent reviews of the plans and building design. The Architectural Board of Review approves of the direction of the building design with various specific design and detail comments. Staff supports the request the conditions as included in the staff report including a tree species with denser foliage and 4 foot tall evergreen bushes on the eastern property line, final Architectural Board of Review approval of the building, and signage design and a final plat being submitted and recorded with the County.

Greg Meeter, Confluent Development, outlined the presentation highlights and introduced the development and design team as HarborChase as operator, Confluent Development as developer/owner, RDL Architects as designer and Mannick Smith Group for site and landscape design.

Charlie Jennings, HarborChase, described their business and where they have other facilities including one other facility in Ohio. They manage assisted living facilities with memory care communities across the country. He outlined the services provided at their facilities and showed examples of other HarborChase facilities across the country, where the architecture of the building changes to match the location. Shaker Heights has the population's density, existing elderly community, and a suitable site to support the proposed facility. The facility will be a substantial amenity to the neighborhood and provide a low impact economic engine with full and part time employment opportunities.

Suzanne Meltzer, RDL Architects, said the facility is designed for 108 units with 123 residents. She described the site design, the location of parking spaces, and how the design and layout has been revised after comment from both the City Planning Commission and the Architectural Board of Review. The Architectural Board of Review has been supportive and offered helpful critique to the building design.

Mr. Meeter described the site and landscape plan. There are some changes to the landscape plan in order to add 4-foot tall evergreen bushes on the eastern property line in addition to 11 linden trees. The development substantially meets the conditional use standards for an assisted living facility in the CM Commercial Mixed Use zoning district. The site is a low traffic generator and a quiet use. They have replaced the existing 32 trees with 37 new trees, shrubs and perennials. He outlined the parking requirements for the facility based on experience from other HarborChase locations. He explained a graph showing the needs for spaces due to the number of employees and visitors especially for their evening dining times. The facility will have less traffic than a mixed-use building. They need two primary signs facing Van Aken Boulevard instead of one primary sign facing each of the three streets they face.

Dr. Ganning said she appreciated the detailed information presented especially about the parking demand. She asked about the rear parking lot being built if the need arises after the facility is operating.

Mr. Meeter said the calculation of .75 parking spaces per unit is based on experience of parking demand from other HarborChase facilities.

Dr. Ganning said she understands and is pleased that the additional parking is tucked out of view of Van Aken at the rear of the facility and that the front access drive has been narrowed and screened with landscaping.

Mayor Weiss opened the public hearing. Staff received public comment and the Board has been copied on those comments. Mr. Feinstein will summarize the comments and then staff and the applicant will respond where appropriate.

Mr. Feinstein summarized comments received via email from the following:

David Toguchi, 17100 Van Aken Boulevard, submitted an alternative site and landscape plan for the eastern parking lot that suggests additional room for trees to grow to their fullest and an ornamental metal fence as a barrier that provides a visual break but not a complete screen.

Enid German-Beck was concerned with the memory unit clients ability to leave the building and if the facility will be paying taxes.

Ann Adamson, 17100 Van Aken Boulevard, supports Mr. Toguchi's comments and suggested site and landscape plan changes and also was interested in the taxes that will be paid by the facility.

Lynda Herman Thomas, 17100 Van Aken Boulevard, was concerned with driveway and roadway congestion and reduced pedestrian safety. She suggested reducing the size of the parking lot. She thinks the project is too big for the site.

Rob Chwast, 17100 Van Aken Boulevard, was concerned with the number of variances requested. He wants the parklike area maintained instead and does not think the architecture or site plan fit in with the neighborhood.

Mary Griffin, 17100 Van Aken Boulevard, is concerned that the building is an ugly eyesore for the community that destroys the green space in the neighborhood.

Roger Ouimet, 16800 Van Aken Boulevard, supports the project and says the developer seems to have addressed the significant issues raised by the Board.

Norma Nelson, 17100 Van Aken Boulevard, was concerned with the development density, parking and building architecture.

William Dickey, 17100 Van Aken Boulevard, was concerned with the landscape and parking variance requests, the size of the building and light and outdoor space for the residents of the facility.

Lon C. Herman, 16800 Van Aken Boulevard, asked about the conditions and criteria to consider the conditional use permit and variance requests.

Leevearn Grimes, 16800 Van Aken Boulevard, supports the project. He is concerned with the construction time line and how construction parking will affect Winslow Court.

Mayor Weiss indicated both staff and the applicant would address the questions and concerns raised during the public comment. He asked why a 20 foot landscape buffer is required toward the eastern property line.

Ms. Braverman said the code requires that landscaping between a commercial parking lot and a residential use. The proposed use is more a residential type use than a commercial use, while the residential building next door is a multifloor apartment building not a single or two family building.

Mr. Boyle asked about the former use of this site and plans for redevelopment over the years. The site was not always open space.

Ms. Braverman said there was a 2004 Development and Use Agreement for the Avalon Station development to include this land. Another development of townhomes was proposed a few years ago that did not go forward after design review. The property was originally garden apartments prior to 2004 and the property was never proposed to be open space.

Mr. Malone asked about the tree preservation plan.

Ms. Braverman said the tree replacement plan meets code and replaces the number of trees removed from the property.

Mr. Meeter indicated they could work with staff to incorporate a metal fence on the eastern property line.

Ms. Braverman said there was a question about a first floor door on the memory care unit and how those residents have access, light, and air safely.

Ms. Meltzer said the doors on the memory care unit are locked, except for emergency egress. The residents are secure and have access to an interior courtyard. The visitor center of the facility handles all access to the memory care section.

Ms. Braverman indicated the facility will pay taxes of an estimated \$2.9 million dollars of income tax and estimated \$760,000 in property tax. She said the applicant has submitted a detailed analysis of the parking for the site that was referenced in their presentation and is included in their submission materials. She indicated that construction parking could be restricted from the west side of Winslow Court but the contractors will need to use the east side of Winslow Court for access to the property. The conditional use standards are the standards being used to evaluate the assisted living use.

Mayor Weiss indicated that seems to cover the questions raised in the public comment and closed the public hearing.

Dr. Ganning indicated the comments by the public about parking are consistent with her issues expressed during the work session review process. She is now satisfied with the changes to the parking and site plan.

Mr. Boyle indicated he is satisfied with the current site plan due to changes and problems solved that were identified during the work session process. Straightening Winslow Road is a good idea and so is the landscape and fence idea from the landscape architect neighbor.

Mr. Malone asked about the new intersection alignment and deliveries.

Ms. Braverman said the intersection of Winslow Court and Winslow Road will become a regular T-intersection and has been designed with the largest delivery trucks in mind.

Mr. Malone asked about staff opinion on the proposed east property line landscape and fencing.

Ms. Braverman said staff does support losing parking spaces to allow more room for trees along the eastern property line. An ornamental fence would be an enhanced barrier on the eastern property line.

Mr. Malone said that overall the plan is well done. He supports enhanced landscaping and a metal fence as described on the eastern property line. A full brick wall as required by code does not seem as if it was intended for this type of situation, essentially between two residential uses.

Mayor Weiss described the diligent process with the city to work on the development and use agreement plus the work session with the City Planning Commission and subsequent design review with the Architectural Board of Review. They have received plenty of feedback from the public. He is appreciative of the public's willingness to comment on the project given the extraordinary circumstances. Ten (10) visitor parking spaces are now at the front entry instead of along the access drive while the rest of the parking is located on the side and rear of the building. This is an improvement over the original proposal and follows the comments from the work session review. He supports the discussed changes to the landscaping along the eastern property line. The fence allows visibility for security while providing a barrier. The Winslow Road realignment is an improvement as well as use of an unused city parcel. The traffic pattern is an improvement for the community.

There being no further business, the meeting was adjourned at 7:15 p.m. The next meeting will be May 5, 2020.



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



Daniel Feinstein, Secretary
Board of Zoning Appeals
City Planning Commission