



CLEVELAND HEIGHTS

MINUTES OF THE PUBLIC HEARING OF MONDAY, JULY 26, 2004 REGARDING PROPOSED ORDINANCE NO. 100-2004 (PD)

Council Committee of the Whole of the City of Cleveland Heights, Ohio, met on the above date at 6:20 p.m.

Edward Kelley, presiding

Council Members present: Caplan, Dietrich, Hicks, Kelley, Montlack, Wilcox

Council Members absent: Evans

Mayor Kelley excused the absence of Council Member Evans.

Staff present: Carter, Czaga, Downey, Hull, Malone, Niermann O'Neil, Ruane, K. Steigerwald, L. Wagner, R. Wagner, Wong, Zins

Topic of discussion included general information pertaining to the City Manager's weekly memo.

The meeting adjourned at 6:57 p.m. for the Public Hearing. Following the Public Hearing Council resumed into Committee of the Whole.

Council Member Hicks moved to adjourn into Executive Session at 8:13 p.m. Second by Council Member Caplan.

Edward Kelley, presiding

Council Members present: Caplan, Dietrich, Hicks, Kelley, Montlack, Wilcox

Council Members absent: Evans

Mayor Kelley excused the absence of Council Member Evans.

Staff present: Carter, Czaga, Downey, Hull, Malone, Niermann O'Neil, Ruane, K. Steigerwald, L. Wagner, R. Wagner, Wong, Zins

Topic of discussion included property acquisition.

Executive Session concluded at 8:40 p.m.

The Council of the City of Cleveland Heights, Ohio, met on the above date at 7:10 p.m.

Kenneth Montlack, presiding

Council Members present: Caplan, Dietrich, Hicks, Kelley, Montlack, Wilcox

Council Members absent: Evans

Vice Mayor Montlack excused the absence of Council Member Evans.

Staff present: Carter, Czaga, Downey, Hull, Malone, L. Wagner,
R. Wagner, Wong, Zins

Vice Mayor Montlack stated, "I will call this Public Hearing to order. This being a Public Hearing to consider comments on proposed Ordinance No. 100-2004(PD), amending Part Eleven, Zoning Code, of the Codified Ordinances of the City of Cleveland Heights to create a new Commercial District classification to be known as the C-2X Multiple Use District.

We will start with a staff report and the Planning Department Director, Richard Wong, will present the report."

Mr. Wong stated, "Thank you, Vice Mayor Montlack. I'll start with the usual background of how a zoning change works and this includes both an amendment to the Zoning Code as well as an amendment to the district map. It starts with Council introducing the ordinance and then it moves onto Planning Commission. Planning Commission then has the option of approving it or amending it and approving it or denying it. It's a recommendation only and then it goes back to City Council and in the meantime they hold a public hearing, which is occurring tonight. The Council has the option of approving it with a super majority or heeding Planning Commission's advice if they were to recommend a denial, otherwise normal majority is sufficient to pass the amendment. Incidentally, the date of the Planning Commission meeting is August 11th.

As you can see, we have some handouts of the C-2X as it is proposed. You can take that on the way out, but the purpose is articulated in it. It comes down to being transit-friendly and pedestrian-friendly. You remember that; all the rest falls into place. We're dealing with the form of the city being compact and then the activities generating a liveliness on the sidewalk. We're working with what we've already got, building off the successes in Cleveland Heights in the commercial districts, while not forgetting what we've got in the residential districts that abut the commercial districts, keeping safeguards in place, such as setbacks.¹ The other thing you'll notice in the C-2X is that we talk about a regional draw, something that brings people from outside of Cleveland Heights to the district because we are dealing with competition and we're trying to stay on top of the game, in terms of working with what we've got. We do have a very unique commercial district. Who else would have Giant Eagle right up to the street front with parking in the back, with uses on top of it? We're not forgetting what we have, but when we take a good look at our commercial districts, we ask ourselves, "Are we content with the status quo - with what we've got - or can we do even better?" What we've asked ourselves is, "Can we amend the current regulations and encourage new development that spurs - that moves - our districts to a higher level of activity and attractions?" That's a question we're proposing to you tonight.

The first step in a C-2X formula or recipe has already been undertaken by City Council at Cedar Fairmount and Coventry and that's to put the parking off the street, put good uses on the front and concentrate the parking in back, so you've got people and activities on the sidewalk, not cars. Even though we do respect the businesses and we know that they are performing an important function in our districts, the physical arrangement of these buildings does not lend itself to a C-2X or a pedestrian-

oriented, lively sidewalk atmosphere. What we're talking about is, what in planning parlance is called, 'form based regulation'. We don't want to deal with the front yard setback in a C-2X where you're trying to nurture the pedestrian environment so that the *maximum* setback in this proposal is ten (10) feet which would preclude this kind of parking lot.

What's being developed is a different philosophy on how to nurture the next wave of investment and business in Cleveland Heights in these particular districts. This [photo] is a good example of the previous mind-set of having a little bit of parking right beside your business. In fact there's a little sign in the corner of this building that says, 'watch out for cars' and it's symbolic of the past ways of doing things and in the 70's or the 60's, we did have a lot of construction. This [photo] is an urban height - an urban form. It could be an urban form, but then surrounded by parking - it's not. What we're trying to do is bring the people to the sidewalk and not the parking - keep the cars in back where they belong. This [photo] is an example of a business which is good for our economy. It's good for our economic health, but it belongs on Mayfield, it belongs on a wide street. It does not belong in a C-2X. This is an example of Larchmere, a good commercial district with new development in it - five-story development - making possible a density and a vitality that would not be possible in a C-2 district. That's our current zoning. That level of investment would not be possible. That's what we're thinking. Here's an example in Ohio City: Five stories - residential doing quite well. You'll notice the upper floor is set back a little bit and you'll see that in the C-2X that we have certain form-based setbacks for light and air. And we think Ohio City and the flats are examples of good development, good investment. It's attractive. It's doing well. It's tailored to the market. You can see the later phases of this one. This [example] must be at least 100 feet tall, ten stories and we're not suggesting that for our districts. We're suggesting about half of that, while this one is about 96 feet tall. But it shows the possibilities of densities when you started with simply a Kaufmann site surrounded by parking and you end up with a Target and Tops and all kinds of other investment which would not have been possible had they not concentrated the parking in back.

The only purpose of this slide, this is Crocker Park, is to show that we are aware of the Legacy Villages and the Crocker Parks and the multi-million dollar developments that really are competitive and we have to stay competitive on our own terms, recognizing what our strengths are and in particular with the C-2X, these are the highlights: limiting the automotive uses, relaxing the lot area and lot widths for a standard of the old Euclidian Zoning. Being smart about pedestrian vitality and forcing people to come to the sidewalk versus forcing them to be setback away from the sidewalk, relaxing the height limitations so we're talking 65 feet in these cases, with some provisions for safeguards when you're abutting a residential district, and in particular, like the other parts of this show that we're viewing, it's only for certain districts in Cleveland Heights too, that have a good supply of parking - a public parking plan in essence and a regional draw.

For those of you that want to compare the C-2, the C-2X and the C-3, we've got cheat sheet handouts that you can take with you, but just to highlight the big differences, it's of course, in terms of uses - the auto-oriented uses would not be permitted. Now that's not to say that the existing ones would be driven out, but they couldn't expand and you couldn't have new ones come in to a district that was zoned C-2X. The other thing to note, would be like I was talking about at Taylor Commons Plaza, you couldn't have that, you couldn't have a parking lot in front of your building. There is a maximum ten (10) foot setback. In terms of the other setbacks it's much easier to look at the next slide which is a diagram that explains the nuances. In a residential district with a single-family house for example, the one on the right, the C-2 regulations, such as at Cedar-Lee, would still apply for buildings that are forty-five (45) feet tall or shorter. That's the way that they've always been, so if you look at your chart, C-2 and C-2X, the same relationships would exist at the boundaries. The building, though, would be allowed to go to sixty-five (65) feet if it were setback at least another ten (10) feet away from the

twenty (20) foot setback. So in essence the sixty-five (65) foot height would occur only at thirty (30) feet away from the property line, not twenty (20) as it would currently be allowed. Now if you're still with me, in the multi-family district, it's the same principal, the same philosophy that the identical relationship of multi-family to C-2X. You're allowed forty-five (45) feet in a Multi-Family-2 and in a C-2 district. That's like Cedar-Lee, for example, right now. You can go forty-five (45) feet now. If you want to go sixty-five (65) you've got to set it back another fifteen (15) feet. The other thing that we threw into the mix, is to require additional setbacks on the top floor of a sixty-five (65) foot tall building that would require at least eight (8) feet of setback for fifty percent of the top floor and that gives the tall building a little bit more finesse, helps mesh it with the smaller buildings in the district because we do recognize - for instance at Cedar-Lee, the tallest building is the Ameritech building which is about fifty-five (55) feet. So there are no sixty-five (65) foot tall buildings yet. I just used Cedar-Lee as an example. The other thing is, any wall that's over forty-five (45) feet long, facing a residential district that's over sixty-five (65) feet tall, must have at least 15 percent glass, real windows facing that residential district. So that incorporates Safe Cities principals of seeing and being seen. That's it for my presentation, Mr. Chair, and I'd be happy to answer questions if there are any or open it up to public testimony."

Vice Mayor Montlack replied, "Thank you for a very thought provoking presentation. Are there any questions by Council Members?"

Council Member Hicks responded, "I'd just like a copy of your cheat sheet that you talked about."

Mr. Wong replied, "I'd be happy to share that with you."

Council Member Dietrich asked, "How tall is the Zipkin building there or how tall would something be, like Heights Medical?"

Mr. Wong responded, "Heights Medical--"

Council Member Dietrich said, "You know, at Cedar-Fairmount."

Mr. Wong replied, "Right. I don't know that the height of that --"

Council Member Dietrich continued, "The taller one."

Mr. Wong continued, "Three stories tall. I would guess the first floor is probably fifteen (15) feet, second and third might be eleven (11) or twelve (12). It's under I guess thirty-five (35), maybe forty (40) to the ridge."

There being no other questions from Council Members, Vice Mayor Montlack continued, "At this time, we'll open the public comment in this public hearing. Anyone who wishes to comment or question, raise your hand, be identified, come to the podium and state your name and address because of course, we keep a record. Is there anyone who would wish to make comment at this time?"

Marianna Stein, stated, "Usually, I come with very positive things. However, some things have come up in the building where I live. For a couple of years now the manager has not sprayed, maybe not a couple years, but for sometime he has not sprayed my apartment because I end up with EMS. I do not have any roaches, occasionally a half dead one comes through I spray it with a hair spray and I don't have any. Ozzie had been there from the building department, Mr. Wagner's office, for regular inspection. There wasn't any kind of tracks or anything. I was told and I have a letter from management - I was told that this time I'm going to have it whether I want it or not. That was Tuesday, but they said it was going to be on the 29th."

Vice Mayor Montlack interrupted, "Ms. Stein, I don't want to --"

Ms. Stein continued, "Anyway, I ended up with EMS again. When I came into my apartment and I have a witness, there was a cloud there on Tuesday, not the 29th and I got sick. I won't go through the whole thing right now, but the next morning, even though I had my windows opened and stayed out all day, I had to go with EMS again."

Vice Mayor Montlack interjected, "I am sorry to hear about this experience you've had, because you came in somewhat after this public hearing started, this is a public hearing on Ordinance No. 100-2004(PD), relating to a proposed change in the Zoning Code as it effects certain commercial districts. It may be that after our meeting or in another venue we can address the problem that you're raising."

Ms. Stein replied, "Sorry. I understand. I did not realize that. Thank you."

Vice Mayor Montlack continued, "Is there anyone who wishes to comment or question in regard to Ordinance No. 100-2004(PD) or the report that you have just heard? That being the case, we'll close the public comment portion. Any final comments or questions from the Council."

Council Member Dietrich stated, "I'm out of order, but I'm really interested in hearing what Future Heights has to say about it. Nobody from Future Heights wants to--"

Vice Mayor Montlack jokingly added, "They are a rather bashful group. We will reopen the public comment portion."

Julie Langan, 2427 Derbyshire Road, stated, "I am here representing Future Heights so that I can take back to the Board information regarding your discussion in the public hearing tonight. We are not here to take a position on this because we learned about it just a couple days ago and couldn't convene our board to discuss it. In general, we do encourage and advocate density in commercial districts, so I think in the spirit of what's trying to be accomplished Future Heights might very well find this change appropriate. But we have not met as a group. We have not discussed it. What we choose to do instead was let people know who are a part of our email list that this was on tonight's hearing agenda so that if they were interested they could come. If they wanted details they could contact the Planning Department, but we're just gathering information at this point."

Vice Mayor Montlack continued, "Is there anyone else who wishes to comment from the public? Seeing no hands, we will once again close the public comment portion of the hearing and I assume there is nothing further, excuse me, Mayor."

Mayor Kelley added, "I just want to pipe up and say that - congratulate our staff on doing all the hard work, but let people know that may - I guess you'll be getting a transcript of this since we're really not broadcasting this on public access channel. There will be a lot of opportunity at the August 11th Planning Commission meeting which begins at 7:00 p.m. to have your comments, but this still has a long way to go as in any city project, I'm sure there'll be some type of neighborhood or neighborhood meetings to talk about the project that will actually come on board on this site or this site that is envisioned. There certainly will be scrutiny in the Planning Commission, probably a Board of Zoning Appeals if there is a variance needed and obviously our Architectural Board of Review will also look at this. This is just the beginning of what I envision to be a long process. Again, as Mr. Wong said and shows examples elsewhere, that this type of project can fit in and change things dramatically whether it be in the flats, over by Shaker Square. It has a long way to go and the public certainly will be heard and we are at the beginning and not at the end of a process and many people, not just Future Heights, will

have an opportunity to weigh in on both sides or somewhere in the middle. This project has a long way to go and again, I want to congratulate staff for taking this and beginning this process and we'll see where it ends up. Thank you."

Vice Mayor Montlack continued, "Any further comments? Hearing none again, well done on a very thought-provoking presentation. I learned a lot. With that, the Public Hearing is closed at 7:32 p.m."

Respectfully submitted,

Kenneth Montlack, Vice Mayor
Planning & Development Chair

Thomas K. Malone
Clerk of Council

/mwc

1 Power point presentation by the Planning Director presented.