

Proposed: 10/22/2018

ORDINANCE NO. 121-2018 (PD), *First Reading*

Council Member

An Ordinance amending the Zoning Map of the City of Cleveland Heights, Ohio, as made a part of Part Eleven, *Zoning Code*, of the Cleveland Heights Codified Ordinances to establish a Planned Development Overlay District upon the following parcels of land located at the intersection of Euclid Heights Boulevard, Cedar Road, and Edwards Road: Permanent Parcel Nos. 685-18-008 through 685-18-013, 685-18-016, 685-18-018, and 685-18-019 (commonly referred to as, “Top of the Hill”).

WHEREAS, Chapter 1147 of Part Eleven, *Zoning Code*, of the Cleveland Heights Codified Ordinances allows for the establishment of a Planned Development Overlay District (“PDO District”) in the City; and

WHEREAS, the purposes of the PDO District are: (1) to provide greater opportunity for development in areas of the City that have shallow commercial or high density residential frontages which abut low density residential areas; (2) to promote new commercial and residential development and, where appropriate, mixed use development while assuring that any increased density or commercial development is compatible with the surrounding areas; (3) to assure that a proposed Planned Development occurs in a unified manner in accordance with a conditionally approved Development Plan; and (4) to encourage sustainable development and practices in residential and commercial areas; and

WHEREAS, the City selected the developers Flaherty and Collins Properties to develop the following city-owned parcels of land located at the intersection of Euclid Heights Boulevard, Cedar Road, and Edwards Road: Permanent Parcel Nos. Nos. 685-18-008 through 685-18-013, 685-18-016, 685-18-018, and 685-18-019 which is commonly referred to as, “Top of the Hill;” and

WHEREAS, with the City’s permission, Flaherty and Collins Properties has applied for a PDO District designation for Top of the Hill and has submitted a preliminary Development Plan; and

WHEREAS, on October 17, 2018, Planning Commission recommended to this Council the adoption of a PDO District upon Top of the Hill and the accompanying draft Development Standards for the Top of the Hill PDO District, a copy of which is attached hereto as Exhibit A; and

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WHEREAS, pursuant to Section 1119.03 of the Codified Ordinances, by introducing this Ordinance, the proposed PDO District and the attached proposed draft Development Standards, shall be transmitted to the Planning Commission for its consideration and recommendation before returning to Council for a public hearing and final action, if any.

BE IT ORDAINED by the Council of the City of Cleveland Heights, Ohio that:

SECTION 1. The Zoning Map of the City of Cleveland Heights, Ohio shall be, and is hereby, amended to establish a Planned Development Overlay District upon the following parcels of land located at the intersection of Euclid Heights Boulevard, Cedar Road, and Edwards Road: Permanent Parcel Nos. 685-18-008 through 685-18-013, 685-18-016, 685-18-018, and 685-18-019, (commonly referred to as, “Top of the Hill”).

SECTION 2. Pursuant to Chapter 1147, “Planned Development Overlay District,” Part Eleven, *Zoning Code*, of the Cleveland Heights Codified Ordinances, this Council hereby approves the Development Standards, a copy of which is attached for reference as Exhibit A and incorporated herein by reference.

SECTION 3. Notice of the passage of this Ordinance shall be given by publishing the title and abstract of its contents, prepared by the Director of Law, once in the newspaper of general circulation in the City of Cleveland Heights.

SECTION 4. This Ordinance shall take effect and be in force at the earliest time possible time permitted by law.

CAROL ANN ROE, Mayor
President of the Council

SUSANNA NIERMANN O’NEIL
Acting Clerk of Council

PASSED:

EXHIBIT A

DEVELOPMENT STANDARDS FOR TOP OF THE HILL PLANNED DEVELOPMENT OVERLAY (PDO) DISTRICT

1) URBAN DESIGN & PLANNING CONCEPTS

- a. The development shall support, complement and smoothly connect to neighborhood businesses and dwellings.
- b. Roads, open space, green space and the location, density, scale and massing of buildings forms a unified three-dimensional composition that fits its context and is compatible with adjacent properties.
- c. Reasonable efforts shall be made to preserve views from and provide sunlight access to adjacent buildings while creating a dense, urban solution.
- d. Strong visual and symbolic entrance to the city.
- e. Site development shall create a comfortable and safe experience for walking, bicycling and transit.
- f. Development shall complement the neighborhood's architecture and aesthetics.
- g. On Cedar Road, active uses, such as retail, restaurants and tenant public areas, shall be placed on the first floor next to the public sidewalk.
- h. Outdoor spaces shall be designed with amenities that make them attractive and welcoming, such as landscape, art, and water features.
- i. Building scale, massing, setback and height of the building adjacent to 12383 Cedar Road (Nighttown and apartment building at 2374 Euclid Heights shall be compatible with these adjacent buildings. Massing and height shall increase heading west toward the intersection of Euclid Heights Boulevard and Cedar Road.
- j. Loading shall not disrupt pedestrian or vehicular activity nor be a nuisance to adjacent properties.

2) PERMITTED LAND USE

- a. Multi-family dwelling units
 - i. Multi-family dwellings shall be permitted on all floors along Euclid Heights Boulevard and North-South road/driveway and are permitted on floors above ground floor as part of mixed-use buildings along Cedar Road.
 - ii. Units shall be a competitive mix of sizes and layouts that will be address market demand and possibly adaptable to changing trends in apartment sizes.
- b. Commercial uses (restaurant, retail, indoor commercial entertainment/recreation, and similar)

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- i. Commercial uses shall be required on first floor of the eastern Cedar Road building; commercial uses are permitted on floors above the ground floor of the eastern Cedar Road building. Commercial uses may turn the corner onto north-south road/driveway.
 - ii. Commercial uses may be permitted on first floor of the western Cedar Road building and shall be required in the easternmost bay of the western Cedar Road building. Commercial uses may turn the corner onto north-south road/driveway.
 - iii. Uses permitted and conditionally permitted in the C-2 district are permitted and conditionally permitted in the PDO.
 - c. Office/Professional/Medical and Service (including cleaners, tailor, hair salon, bank)
 - i. Permitted primarily on floors above ground floor on Cedar Road frontage (no more than 25% of the first floor tenant space).
 - d. Parking
 - A parking study shall be provided to document parking supply and demand.
 - i. Parking shall be well-connected to the district as a whole and designed and located so as to be as unobtrusive as possible.
 - ii. Resident, guest, commercial and public parking shall be sufficient to meet this development's needs and provide 225 parking spaces available to the public (to replace the 225 parking spaces in lot 9) as required by the City.
 - e. Open space and streetscape
 - i. Public, semi-public and private outdoor gathering spaces, and pedestrian amenities shall be provided throughout the site including, but not limited to, pocket parks, outdoor dining, shade trees, public art, benches, and pedestrian-scaled lighting. Activities shall be visible from public areas for passive security.
 - ii. Streetscape throughout the development shall continue that established throughout the district.
- 3) MAXIMUM DENSITY

We encourage a dense development. The maximum density permitted in an S-2 District is 58 dwelling units per acre, however greater density may be permitted if it is appropriate and consistent with the proposed uses, surrounding properties and neighborhood character and furthers sustainability goals. Development shall be between 50 and 80 dwelling units per acre.
- 4) YARD REQUIREMENTS
 - a. Along Cedar Road, the predominant building setback should generally be followed; however the setback may be increased to provide room for pedestrian amenities such as trees, benches, outdoor dining, a pocket park and public art.

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- b. Along Euclid Heights Boulevard, the predominant building setback shall be followed. Portions of a building may be set back to form courtyards or other amenities for its residents or for the general public.
- c. Apartment building shall be a minimum of 45' from property lines of adjacent Euclid Heights and Lennox apartment buildings and 2330 Euclid Heights Boulevard (Buckingham).
- d. Mixed-use buildings and parking deck shall be a
 - i. Minimum of 30' from eastern property line adjacent to Lennox apartment buildings;
 - ii. Minimum of 30' from eastern property line adjacent to 12383 Cedar Road (Nighttown); and
 - iii. Minimum of 50' from 2330 Euclid Heights Boulevard (Buckingham).
- e. A 10' landscaped buffer yard shall be required between the development's parking lots and residential uses.

5) HEIGHT REGULATIONS

Because the proposed plan is appropriate and consistent with the proposed uses, is appropriate and consistent with the surrounding properties and neighborhood character and furthers the City's sustainability guidelines, the maximum building height shall be modified from requirements (maximum building height cannot exceed the distance from the building to any property line in the 'A' or 'AA' single-family district or twice the distance from the building to any property line in the 'MF' multi-family district) as follows:

- a. Buildings along Euclid Heights Boulevard and Cedar Road east of north-south road/driveway shall be four- to six-stories tall. Roof decks and penthouses are encouraged.
- b. Buildings west of north-south road/driveway shall be between five- and ten-stories tall, with the tallest building permitted at the corner of Cedar Road and Euclid Heights Boulevard.

6) TRANSPORTATION

A traffic impact study shall be conducted to assure that adequacy of streets and signalization to assure the safety of automobiles, pedestrians and bicyclists.

- a. VEHICULAR TRAFFIC AND CIRCULATION
 - i. The site shall be accessible to public streets that are adequate to carry the traffic that will be generated by the proposed development. The streets and driveways within the proposed development shall be adequate to serve the uses within the development and shall cover as little of the site as possible, to maximize building and gathering areas.
 - ii. Site shall be designed to calm motorist traffic within site to the greatest extent possible without excessive congestion.

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- iii. Lane widths shall be no greater than 12' per lane, unless required for emergency vehicles.
- iv. Location and size of off-street loading and delivery areas shall be located so as to minimize traffic congestion and negative impact on surrounding properties.
- v. Location and signaling of streets and driveways shall maintain vehicular movement within the site and minimize impact of the development on residential side streets.

b. PEDESTRIAN- AND BICYCLE-FRIENDLY DESIGN & CIRCULATION

- i. Sidewalks shall be provided to provide safe, continuous pedestrian linkages within the PDO and with strong connectivity to adjacent neighborhood sidewalk system. The pedestrian circulation system and its related walkways shall be located to provide for separation of pedestrian and vehicular movement, where feasible, and assure that walkways shall be as unobstructed by vehicular paths as possible for maximum pedestrian safety. Sidewalk width shall be at least 5' along north-south road/driveway and shall be consistent with existing setbacks along Cedar Road. The setback may be increased to provide room for pedestrian amenities such as trees, benches, outdoor dining, a pocket park and public art.
- ii. Publicly accessible walkways shall be provided along the north-south road/driveway which bisects the site.
- iii. Steps and walkways shall be provided from apartments to north-south road/driveway and Euclid Heights Boulevard.
- iv. Traffic-calming techniques such as paving materials, lane widths, street trees, chicanes, parallel parking, shall be included.
- v. Loading areas and dumpsters shall be as far as possible from customer entrances and pedestrian pathways as practicable.
- vi. Consideration shall be given to pedestrian/bicycle access to site from both Cedar Road and Euclid Heights Boulevard.

7) PARKING

- a. A parking deck up to six stories shall be permitted in the eastern-central portion of the site and a parking garage shall be permitted in the west building. Enclosed parking shall be located underground or screened from the north-south road/driveway and when fronting on and within 50' of the public right-of-way by one of the following or by a technique deemed appropriate by Planning Commission during the Conditional Use Permit review:
 - 1. Principal building shall screen enclosed parking [Code section 1131.075(d)]
 - 2. Landscape screening or buffer
 - 3. Architectural screening

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- b. Where not underground or screened, open parking decks within 50' of adjacent residential property shall be designed with solid walls or other mechanisms to reduce headlight glare into adjacent residential windows.
 - c. Entrance and exit drives shall be placed and configured to minimize pedestrian-vehicular conflict and to avoid vehicular congestion on Cedar Road and Euclid Heights Boulevard.
 - d. Limited surface parking lots, parallel parking spaces and short-term drop-off spaces shall be permitted to be scattered throughout the site but shall be screened and located so as to minimize visual impact on adjacent dwelling units and their visibility from streets and drives.
 - e. Development shall provide at least 1 parking space per dwelling unit (of which not less than .5 per unit shall be enclosed), 225 parking spaces available to the public (permit and meter), and parking to support the development's commercial uses. Shared parking is permitted and encouraged. Planning Commission may modify requirements if they are appropriate and consistent with the proposed uses, surrounding properties and neighborhood character.
 - f. Bicycle parking shall be provided according to Code section 1161.035.
- 8) LANDSCAPING, SCREENING & LIGHTING
- a. A canopy effect shall be provided along Euclid Heights Boulevard by planting and maintaining shade trees that will have a mature height of at least 40 feet, spaced at 40 feet on center.
 - b. Landscaping and lighting along Cedar Road shall provide an extension of the existing Cedar Fairmount streetscape design.
 - c. Trees and landscaping shall be provided and maintained along north-south road/driveway and shall buffer 2330 Euclid Heights Boulevard (Buckingham).
 - d. The development shall be screened/buffered from adjacent properties to minimize potential negative impacts.
 - e. All delivery and loading areas shall be located so as to minimize their impact on adjacent properties and screened as required by Code.
 - f. Landscaping and screening shall follow City Landscape Requirements (Code section 1166). Use of native species is a priority in this development. Percentages exceeding minimum requirements shall be encouraged.
 - g. Temporary seeding and erosion control measures shall be employed until final landscaping installation.
 - h. Development shall comply with the City's tree preservation Code section 1166.11.
 - i. Lighting along Cedar Road and Euclid Heights Boulevard shall be in keeping with the existing standards and lighting along north-south road/driveway shall be pedestrian-scaled and shall comply with Code section 1165.07

9) ACCESSIBILITY

- a. Accessible dwelling units with accessible features are encouraged.
- b. All sidewalks, paths, and outdoor places shall be accessible, where grading allows.
- c. Sidewalks, buildings, amenities and outdoor places shall be accessible to those using mobility devices and shall provide accessible passage throughout the site, where grading allows.

10) OUTDOOR PLACES & AMENITIES

- a. Two outdoor public park/public gathering places shall be provided and maintained.
- b. Outdoor public gathering places shall include amenities such as seating, landscaping, bike racks, street furniture, pedestrian and transit facilities, and public art should be created to encourage pedestrians' use of the sidewalks and outdoor places.
- c. Outdoor amenities shall be provided for residential building tenants including a swimming pool or other common recreational or entertainment facility and a rooftop patio on the tallest building.
- d. Interior amenities shall be provided for residential building tenants including, but not limited to, indoor bicycle repair station and bicycle parking, dog washing station, , gathering and meeting rooms, , and attached, enclosed parking.

11) UTILITIES

- a. Development shall employ innovative stormwater management and comply with City's Storm Water Management requirements (Code chapter 1335).
- b. Green infrastructure shall be employed where feasible.
- c. Development shall not overtax the storm and sanitary sewer systems.
- d. All utility lines shall be underground.

12) ARCHITECTURAL DESIGN STANDARDS

- a. Design must fully satisfy the purpose of an S-2 district which is to "provide an opportunity for modern and imaginative architectural design, site arrangement and city planning."
- b. Building design quality must respond to the site's prominence and respect the district's character.
- c. The building shall be a product of today and not imitate traditional design , but respect neighborhood scale, proportions, and quality.
- d. Principle buildings' front facades shall face the streets and be pedestrian-scaled. All mixed-use buildings and their first-floor tenant spaces shall have a public entrance from the sidewalk along the primary street frontage. Facades that abut parking areas and contain a public entrance shall make provisions for pedestrian walkways and landscape area. [Code section 1131.075(b)]

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- e. Building frontages shall avoid flat, monolithic façades by including a variety of architectural features such as recessed or projecting balconies, overhangs, canopies, projecting bays, trellises, belt courses, and awnings to provide visual interest while avoiding overly busy facades, preserving the development's relationship to other buildings, and complementing the eclectic design and dignity of the district.
- f. The building facades shall be of durable materials such as brick, stone, glass, precast concrete, synthetic stone, metal or porcelain panels, wood, or acceptable high-quality synthetic wood-look products, such as fiber-cement siding (such as HardiPlank) or high-pressure laminates. Other materials may be considered if they are of high quality, add to the aesthetic effect and enhance the uniqueness of the project.
- g. First-floor windows of commercial uses shall be designed to draw the pedestrian in and must be constructed of clear or lightly tinted glass. Reflective glass and tinting above 20% is prohibited, unless deemed appropriate by the Architectural Board of Review.
- h. Walls facing Cedar Road must provide windows along at least 60% of the lineal frontage at street level. These windows shall provide views to allow people to see and be seen for passive security and to encourage pedestrian activity and district vitality. [Code section 1131.075(a)]
- i. Commercial tenant space entrances shall be at grade-level.
- j. Balconies and/or rooftop decks shall be provided.
- k. Parking decks shall not constitute a major proportion of your field of view. Residential, commercial or interior common space uses shall screen more than 40% of the parking deck's facade that would otherwise be seen from north-south road/driveway, Cedar Road and Euclid Heights Boulevard. The upper levels of a parking deck could be visible and not constitute a violation of this standard. The remaining exposed sides can be designed as an open parking deck.

13) SIGN DESIGN STANDARDS

Sign Design Guidelines shall be approved and adopted by the Architectural Board of Review and become part of this PDO District. These guidelines shall supersede the requirements of Chapter 1163 Sign Regulations, apply to all signage in the PDO, and guide the Architectural Board of Review in its aesthetic review of all signs in the PDO. The Design Guidelines shall encourage creative, distinct, high-quality sign design by providing flexibility from the constraints of the City's Sign Regulations while requiring unified signage constructed of high quality materials.

- a. The guidelines shall include standards for:
 - i. Permitted and prohibited sign types, such as district, building and tenant identification, building-mounted, blade, canopy/awning, directional,

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instructional, informational, parking/wayfinding, kiosk, monument, banners, window, portable, and temporary.

- ii. Size, including width, height, area, projection and placement.
- iii. Permitted and prohibited sign style and design, such as mounting, graphics, typestyles, illumination, colors, and materials.

- b. The Architectural Board of Review shall have discretion to vary from, and/or amend the adopted Sign Design Guidelines as it deems appropriate.

14) SUSTAINABILITY

The project shall support sustainability best practices, including economic, ecological and social sustainability.

- a. Project shall be certified in an acceptable sustainability certification program equivalent to LEED Silver Certification from the United States Green Building Council.
- b. The applicant shall consider the City's Sustainability Guidelines in Code section 1165.06.
- c. Provision of space for future car, bicycle and scooter sharing facilities

15) PHASING

A bond or escrow shall be filed with the City insuring that the streets, driveway, walks, sewers, parking deck, and landscaping will be completed as approved.