

**CITY OF CLEVELAND HEIGHTS
PLANNING COMMISSION
NOVEMBER 27, 2018
MINUTES OF THE SPECIAL MEETING**

MEMBERS PRESENT:	Craig Cobb	Chair
	Michael Gaynier	
	Adam Howe	
	Anthony Mattox, Jr.	
	Jessica Cohen	Vice Chair
	Leonard Horowitz	
	Jeff Rink	

STAFF PRESENT:	Richard Wong	Director of Planning
	Jim Juliano	Director of Law
	Kara Hamley O'Donnell	City Planner II
	Christy Lee	Recording Secretary

CALL TO ORDER

Mr. Cobb called the meeting to order at 7:04 p.m., welcoming everyone to the special meeting of the Cleveland Heights Planning Commission regarding the proposed Planned Development Overlay (PDO) District proposal for the intersection of Euclid Heights Boulevard, Cedar Road and Edwards Road, commonly referred to as "Top of the Hill." At the Commission's special meeting on October 17, 2018, we voted to recommend that the City Council adopt a PDO district and the proposed draft of Development Standards for it. City Council agreed with the recommendation and, by way of ordinance, referred the matter back to the Commission for its consideration before returning this matter to City Council for a public hearing and possible final action.

In addition to the proposed establishment of a PDO District, the Commission tonight will be considering and may vote on a conditionally approved development plan. The Commission will also consider and may vote on the proposed lot resubdivision and vacation of Edwards Road, in other words, making all of the lots, including Edwards Road, one parcel of land for the proposed development. Thus there are three matters that will be addressed by the Commission tonight and each voted on separately. In each instance, there will be a presentation by the City Planning Department and an opportunity for Commission members to ask questions, an opportunity for public comment and that will be followed by a Commission vote.

Mr. Cobb explained to the public that if they plan to speak this evening, they will need to take the oath or affirmation, providing your name and address and speak at the podium into the microphone, due to the fact the meeting is being recorded. He then asked that everyone be brief with comments, and if all are in agreement to a comment, please say so at that time. He then asked that the public be mindful that there are three separate topics at hand and there will be three separate opportunities for public comment. Mr. Cobb asked the public to limit all comment to five minutes. Mr. Cobb went on to ask that public be respectful to all persons who choose to make a comment. He then reassured the public that, no matter the decision this evening, that there will be another meeting on December

3, 2018, at 7:00pm with the City Council and there they can discuss any further issues or concerns. He went on to introduce staff, Jim Juliano, City Law Director, Richard Wong, Planning Director, and Kara Hamley O'Donnell, the City Planner.

Jim Juliano asked do you swear or affirm to tell the truth the whole truth and nothing but the truth. Ms. Hamley O'Donnell, Mr. Wong and all others who stood were sworn in.

Mr. Cobb mentioned that there were still minutes that needed to be approved from the last meeting, but due to time restriction, he stated that they will be approved at the end of the meeting.

Ms. Hamley O'Donnell briefly went over the history of the approval processes and meetings for the Top of the Hill project by Flaherty & Collins Properties. She went on over the staff review for the last 8 months and stated that this will reflect the high standards which the City has placed on this project to ensure that it fits the community. Ms. Hamley O'Donnell went on to show slides illustrating the project's progression. There has been continuous communication with Flaherty & Collins about the development process. She added that there have been twenty-six neighborhood or community meetings for public to express their opinions as well concerns to the development team. The City has shared over 130 pages of public comments with the Planning Commission. She asked that the two staff reports dated November 21, 2018, the appendix and public comments be entered into the public record.

Mr. Cobb agreed that they be entered into the record.

Ms. Hamley O'Donnell stated that there has been an extensive review and approval process for the Top of the Hill project. She stated that tonight they will review the (1) PDO District, (2) lot resubdivision and (3) the conditionally permitted development plan. She added that, in the near future, the Architectural Board of Review will review the building's exterior architecture though there has not been an application submitted at this time. She let the public know that when they have been received, the public will be notified through the Cleveland Heights Web site of the date of the Architectural Board of Review for Top of the Hill. She stated that on October 10, 2018 and October 17, 2018, the Planning Commission reviewed drafts of Development Standards. She stated that, back in October, the Planning Commission saw Flaherty & Collins preliminary Development Plan and had requested that Council consider adoption of the PDO District and Development Standards of the Top of the Hill. Council introduced legislation on October 22, 2018, then transmitted the PDO back to the Planning Commission for its consideration/recommendation. Mrs. Hamley O'Donnell mentioned that there is a scheduled public hearing to hear Planning Commission's recommendation this Monday, December 3, 2018, at 7:00 p.m. She showed slides of the project, stating that it was in the S-2 Mixed-Use District and explained the definition and use of the district to the public. She explained a Planned Development Overlay district and what that entails, and the process of recommendation by the Planning Commission and approved by Council. The Planning Commission has a copy of the Development Standards with the new verbiage. She then went on to highlight some of the changes that were made to the Development Standards and the language. She stated that under the Architectural Design standards they added information and new language as well.

Mr. Cobb asked if there were any Planning Commission questions for staff. There were none so he asked if there were any questions from the public.

Mr. Juliano interjected asking to bring attention to Exhibit A, particularly Section 2(D), relating to parking. He stated that the language in this section hasn't been completely resolved at this time. He added that there are several parties that have expressed an interest in the parking spaces, particularly the permit spaces. He stated he was referring to the spaces in Lot 9, and how those spaces and permits were going translate into the new garage. The language now in the document needs clarification. He added that the intent of staff is to do just that. He mentioned that he has been in talks with other apartment owners and the developer to come to resolution for this matter. Mr. Juliano stated that they haven't yet come to one; however, he wanted the public to know that they're fully aware of the issue at hand. He added that if the Planning Commission chooses to recommend that City Council approve the Development Standards as written, that that recommendation and motion would include that this language be clarified.

Mr. Cobb asked Mr. Juliano if there was a set timeframe established for a resolution.

Mr. Juliano he stated the he doesn't have as of now.

Ms. Cohen asked if they find that this issue is essential to the approval of the project and if there's no resolution has been met in regards to parking, what is the next step.

Mr. Juliano stated the he hasn't experienced this in any previous cases, however the choice in this matter are to not recommend, which then the City Council would look at what has been done or there can be a recommendation based on what information has already been presented.

Ms. Cohen stated that there's no option of having it come back to the Planning Commission.

Mr. Juliano stated that he wouldn't recommend that being the option. It's not a possibility, if you were to recommend that the PDO District be approved and the Standards be approved with clarification of the parking, it will then go to City Council where they will take jurisdiction of the documents and where they will make final the determination.

Mr. Rink asked will the Commission be able to hear from the apartment owners and developers.

Mr. Juliano replied yes.

Mr. Cobb asked were there any further question for or from staff and there were none. Mr. Cobb went on to explain to the audience that now this will be the time for public comment.

Amy Guthrie, 2280 Bellfield, asked what type of unit will be available and wanted to know if these units will be considered rental or individual sale property. She also wanted to know was there a price metric available and wondered if will this cause current renters to be priced out of the neighborhood.

Mr. Cobb stated to the audience that, at this time, staff will take note of each question that is brought before the Commission and then those that can be answered and those that can't, staff is committed to have those questions answered within the coming weeks and will be posted also on the Cleveland Height web site.

Mrs. Hamley O'Donnell stated they will do their best to answer the questions tonight and added that what she had presented in the packet labeled Exhibit A is the overlying zoning

that is being proposed. She added that the developer was present and will also be able to answer questions.

Mr. Cobb explained to the public that the developer was present and will take note of the questions presented and will answer accordingly.

Irene Snow, 2185 South Overlook, stated that she was aware that there are some parking issues that need to be resolved and wanted to clarify that there will not be a vote on the design this evening due it not being completed.

Mrs. Hamley O'Donnell mentioned again that the developer, parking and traffic consultants will all be presenting later this evening. Mrs. Hamley O'Donnell added that the Planning Commission will look at the overall design and layout of the project, however the Architectural Board of Review will have the final approval of the design and no application has been received as of yet.

Irene Snow asked if it was true that the project will be voted on before the design is completed.

Mrs. Hamley O' Donnell stated that is correct. That is how it works with the Planning Commission.

Irene Snow stated that she wanted to look at the Planning Commission packet item 7C second paragraph states "the scale dovetails nicely with the existing historic district and safeguards them by not mimicking their historic architecture..... The Secretary of the Interior's Standards for Rehabilitation of Historic Properties are the gold standard for preservation". She stated that she wasn't clear on this statement considering that they were building a new building and not restoring a building, asking what the Secretary of the Interior has to do with this building. She wanted to know why is the City concerned with these particular standards of the building when it's new. She adds again that they're not restoring a building.

Mr. Cobb stated the he would defer to staff, that some of the questions that are being presented this evening will be addressed when the developer speaks. He reminded the public that, at this time, they are focused on the PDO portion of the project and will address additional concerns later.

Irene Snow said that she believes that the design should be completely done before there is a vote made to approve.

Mr. Cobb stated that role of the Planning Commission will be explained by staff.

Mrs. Hamley O'Donnell stated that she has been a staff of the Planning Commission for over twenty years along with Richard Wong who has also been a part of this process for over twenty plus years. She added that the role of the Planning Commission is to review an overall concept and the design of the structure isn't complete when it is brought forth to the Commission. The Planning Commission is looking at all projects from a distance and from a zoning standpoint, including how it fits in the neighborhood and how it affects the neighborhood. It is very rare that the Planning Commission see a project in its final design phase because the applicant is coming before the Commission to get a since of whether it's going to move forward in the process and they are not at a point where they have a full complete drawing or design, which is typical for the Planning Commission process.

The next step would be to be seen and heard by the Architectural Board of Review. Once it's approved by the Planning Commission, the developer would move to the next step with working toward complete drawings to be presented before the Architectural Board of Review. With regards to the Secretary of the Interior's Standards, Mrs. Hamley O'Donnell stated that she herself having a background in architecture and historic preservation. She said that the Secretary of Interior's Standards mainly deal with historic buildings, but they also deal with how new construction interacts with historic structures and generally the idea is not to mimic and try to make it look the old, but more of a structure which shows the time in which it was constructed.

Mr. Cobb asked was there any other comments from the public.

Don King, 2330 Euclid Heights Boulevard in the Buckingham Building, stated that he was sworn in. He stated that he wanted to ask about the parking issue, he stated that he has lived in the Buckingham for 33 years and noted the cost for parking over the years. He stated that now parking has become affordable for him, he wanted to know how this project would affect his current rate parking. He wanted to know will it increase, decrease or remain the same. He mentioned that parking in city is restricted already and with the new project he wanted to know what would be the long-term affect to current residents. Mr. King asked about section 2D Parking in the PDO and he wanted to know would residents still receive their parking permits from the City of Cleveland Heights and not the developers. He wanted to know was the City going to have to abide by the developer parking rules and the rates would be set by them and no longer by the City.

Ms. Cohen stated that she wanted to ask staff if the 225 space are assigned only to the public spaces and there will be additional parking spaces in the same parking garage for residents. Each will be one space per unit.

Ms. Hamley O'Donnell responded yes.

Ms. Cohen added that she wanted to again be clear that the 250 are just the public spaces available and there are 275 units.

Mrs. Hamley O'Donnell stated that new residents of the development will not park in those 250 public spaces but will have their own spaces in the deck.

Laura Hengehold stated she had been sworn in and that she lives at 2330 Euclid Heights Boulevard. She asked for clarification of the height of the new structure. Page 4 of the PDO states, "minimum of 50' from 2330 Euclid Heights Boulevard" and she had attended a meeting with the developer where it was said that it would be 60' of space around the Buckingham in order to make sure there was sufficient light. Especially for residents and owners of the first floor, she wanted to know if that had changed based on the language in the PDO on page 4 under the "Yard Requirements," part C & D ii & iii. Ms. Hengehold stated that she wanted to speak on behalf of the condo association and the other owners who want to keep as much light as possible to keep the quality and value of the property as it is.

Mr. Cobb stated that they will have the developer address that question when they present.

Dan Pentecost, 2249 Delaware Drive, stated that he hadn't been sworn in and Mr. Juliano swore him in. Mr. Pentecost stated that with a total of 225 parking spaces, 175 reserved for permit parking that would leave 50 spaces left for the public. He asked with there being 15,000 sq. ft. retail space, estimated 91 additional employees, he wanted to clarify how is that going to be a sufficient number of parking spaces for the additional people that will be

expected with the development of Top of the Hill. He added that he has attended the previous traffic meetings and has read all of the traffic studies.

Stacy Goldberg, 2189 Harcourt Drive, stated she had been sworn in. She is aware that if there are questions about the design, they should be directed to the developers. Ms. Goldberg asked for clarification on the Design Standards. She asked if that was what was going to be voted on, she mentioned the PDO section 12A and how she personally disagreed. She stated that she feels that it would be better to have a more historic looking building that fits into the current architecture of the community.

Anya Rudd, 2178 Harcourt Drive, affirmed that she took the oath. She stated that her family moved to Cleveland Heights for its diversity, architecture, character, and quality of life. She moved from Seattle, where new modern construction has taken over and already looks dated. Ms. Rudd went on to say that the magic of Cleveland Heights is its character; she stated that she agreed with the part of the community to not move forward with the project.

Joyce Rajki, 2328 Stillman Road, affirmed that she took the oath. Ms. Rajki said that on October 15, 2018, Cleveland Heights website entitled "Community Engagement Process" stated: the city's goal is that the development of the project site shall at a minimum 1) Improve existing parking and traffic conditions, 2) Incorporates green space, 3) Effectively incorporate community feedback into the design. As for item F, parking and traffic, at the most recent parking meeting on November 20, 2018, at the Cleveland Heights Recreation Center, a City representative stated that three parking meetings will be held at some point following the completion of the Top of the Hill Architectural Review Board process. That issue leaves people hanging and added that item G, incorporating green space, she asked if anyone had consulted the Cleveland Heights Ordinance 1165.05 Sustainability regulations for large-scale residential developments. Ordinance 20-2012 has a whole section on open space requirements including that 30% of the net area of the development site must be active or passive open space. Ms. Rajki went on to add that the November 20, 2018, site plan showed two pocket parks and she referred to the size being small, having open space between the two Euclid Heights Boulevard rental buildings but $\frac{3}{4}$ of that open space is gated. She referenced the goal that the development effectively incorporates community feedback into the design. She stated that in a city which has about 50 architects, the City had a focus group meeting on August 30, 2018, including 14 local design professionals. She stated that seven were local architects, and the other doesn't live or work in the city. She stated that the community wasn't notified that this focus group was being held. The names of the people who had input in the focus group were added to the website but she felt that it wasn't enough. On October 10, 2018, before the public meeting at the recreation center, Ms. Rajki stated that Architectural Review Board and the Planning Commission held a meeting with developer and she stated that this meeting was not publicly posted. She added that no minutes were available to the public.

Cindy Washaby, 2331 South Overlook, affirmed she took the oath. She stated that she had been coming to the Top of the Hill meetings and has expressed concerns and she feels nothing has been addressed or resolved. She added that she has looked to the City's website for answers and has found none. The issues of parking and traffic are just not being handled. She understands that there is a process, but that the process seems to not be working for the best interest of the community. She does not like the design of the building, especially the height. She stated that, in the early stages of the project, it was said that the structure wouldn't exceed 4 stories, which seems to have changed. She wanted to know why the building was going to exceed 4 stories and why the building would be a glass structure.

Jordan Burns stated he took the oath, 3773 Park East Drive Beachwood, Ohio. Mr. Burns stated that he was here at the meeting on behalf of Dan Siegel and Integrity Realty Group, the owner of a number of the apartments on Lennox and Euclid Heights. He stated that they attended the October 17, 2018, meeting and they expressed concern and ability for those who use lot 9. Would they be able to continue their use without interruption? He stated that he submitted a letter expressing their concern. He went on to mention Section 2D in the Development Standards, noting that in the letter that was submitted to the staff they have unfortunately taken some steps backward. He mentioned that they are looking to achieve two goals: 1. Make certain that those that rely on lot 9 permits have available to them parking in the parking garage; 2. Ensure that the parking space is available at reasonable prices. Mr. Burns stated that he has learned that there have been some changes, which a sunset clause has been added in regards to the parking issue. This will do away with the control of pricing, allowing permits to increase 10% per year. Existing users would compete for parking spaces. Mr. Burns said that the goal is not to delay the project, however, there is an option before the Planning Commission and that is to table the matter until all issues have been addressed and resolved.

Dan Siegel, 103 South Main, Chagrin Falls, affirmed that he took the oath and stated that he has been a business owner in Cleveland Heights for 25 years with 30 apartment complexes and is heavily invest in the city. He asked that the site plan be placed on the overhead for visual, he pointed out Lennox Rd and the Buckingham that pay 100% property taxes. He stated that there is effectively no parking for these buildings and pointed out the location for current parking for these residents. He expressed his concerns about the parking spaces and the rates that they may possibly increase with this project. He mentioned the economic gain for the developer with the new parking and the project itself. He adds how this project will affect the residents and city taxes. Mr. Siegel went on to ask that the current residents not be displaced, that they are allowed to continue to park at the same rate.

Eric Sliver affirmed that he took the oath and he agrees with the past comments of the evening. He added that he wanted to express appreciation for staff's engagement with this project. He added that he was surprised with the results from last Wednesday's meeting, and because of that he asked that this project be tabled until all matters have been resolved. Mr. Silver stated that the parking issues are critical and it's very important to residents and owners that this issue is addressed and resolved, before the project is approved. He adds that his family owns 2115, 2112, 2039, 2095, 2091 on Lennox Road, and he stated that his family has owned and maintained these properties for over 30 years. He asked the Commission to be slow to approve this project so that they can get it right.

Ann Sherif, 2261 Delaware Drive, stated that she had been sworn in. She stated there has been talk about incentives to the developers from Indianapolis. She asked about Exhibit A page 8 the Architectural Design Standards 12 B & C relating to the height and proportions of the development. Ms. Sherif quoted part of the Architectural Design Standards 12 "C" "Each building shall be a physical record....." she stated that what was an important note was that the original language stated "respect neighborhood scale, proportions and quality." She wanted to know the reason behind these items being struck out and new ones added.

Mr. Cobb asked if that was a question that could be answered by Monday, December 3, 2018, and assured that the question would be addressed.

Steve Rajki 2328 Stillman, stated the he had been sworn in. He stated that with his years of experience as an architect and engineer, he has never seen a major project of this size such

as Top of the Hill being approved without the builder providing 3D scenic models, considering the height of the site. He stated the model would give a visual of the scale in relationship to the surrounding structures. He added that this information should be available to staff and the community to make a decision that would best fit all parties involved.

Kristin Witback was sworn in by Mr. Juliano and stated that she lived at 2105 Lennox. She asked how many acres was this project.

Ms. Hamley O'Donnell stated it was over 4 acres.

Kristin Witback asked 3.3 on page 3 of the PDO Maximum Density states that the maximum density for the area is currently at 58 dwellings per acre, but this is going to be increased from 50 to 80 dwellings with a potential increase of 22 units per acre which is 100 extra units that could go into this project. She asked what the justification for this is.

Mr. Cobb stated this is a question that will be answered by staff, he stated this is a time for public comments. He stated at this time the Commission will hear all comments, however questions will be answered at a later date.

Ms. Witback stated that she encourages that this project be tabled.

Male voice stated that he took the oath; he stated that this project can't go forward unless someone makes money on it. He went on to state that if Flaherty & Collins can't make money on the project they won't do it. He added that he hasn't seen any financials disclosed on this project in detail. Someone is aware if Flaherty & Collins is collectable, he went on to speak about their record from Dunn and Bradstreet. He adds that he had spoken with Tim Boland and asked if they had a record from Dunn and Bradstreet and he replied no. He stated that he personally would like to see that report. He went on to talk about the parking issues, and how this could be resolved if the parking was placed under ground. He suggested to Council that they find out what the D&B has to say about Flaherty & Collins.

Casey Johnson 2384 Euclid Heights Boulevard, took the oath and she stated that she wanted to know who the target audience for this project was, adding that she saw the target group was laid out and that represented her. Young professional, CWRU student, University Circle workforce, etc.... She represented all these categories: she was a young professional, a recent transplant, a renter and a millennial. She added that she is an intern at the Cleveland Clinic Hospital, and the reason behind why she chose to live in Cleveland Heights is because of the history. She went on to say that she chose this area based on its architectural style and her biggest concern is the parking.

Mr. Cobb stated that at this time they will now try and address all questions and concerns.

Mrs. Hamley O'Donnell stated that she was going to address the question of density: this is considered an S-2 district and, Section 1145.01 Purpose of the S-2 Mixed-Use District, is to provide an opportunity for modern and imaginative architectural design, site arrangements and city planning for certain special areas in Cleveland Heights which offer unique development opportunities. These regulations are intended to encourage higher density commercial and/ or residential development provided that each development which exceeds the intensity permitted by right under the standard regulations is developed according to an approved project plan or development plan. Specifically, an S-2 Planned Development is intended to achieve the following objectives:

- 1) *To offer incentives for creative high density commercial, residential and mixed-use development projects in areas that have special characteristics or special redevelopment opportunities as designated in the City's Strategic Development Plan.*
- 2) *To ensure that such high density development occurs in a unified manner in accordance with a Development Plan prepared by either the City or the property owner.*
- 3) *To encourage sustainable development and practices.*

Mrs. Hamley O'Donnell went on to say that the purpose for the S-2 District is to encourage high density developments. She adds that the Zoning Code is the road map that lets us know what is expected or desired in the site.

Someone in the audience asked when it changed.

Mrs. Hamley O'Donnell stated in the 1990s. She stated that she believed it was in 1993. The zoning code is mandatory.

Jim Julliano mentioned to Mr. Cobb that he understood that this wasn't to be an open-ended discussion.

Mr. Cobb stated that he asked that staff try and answer the questions that have been asked.

Ms. Hamley O'Donnell proceeded to answer questions, she went on to answer the question of whether the units are for rent or for sale, she clarified that all units will be for rent. She referenced the staff report, and that there are regulations that allow them to look back at the Strategic Development Plan that they intend to follow and uphold. Mrs. Hamley O'Donnell reminded the public that there is a parking consultant here that will further explain and address any issues related to parking. She stated that staff has heard and are aware of the parking concerns.

Mr. Wong pointed out that there had been a question about a 60 feet set back of any building for the Buckingham.

Ms. Hamley O'Donnell stated that there are drawing that show shadow studies and those are also available on the City's website. She stated that the staff felt that 50 feet setback would be a sufficient distance between the building with a small section corner between the Buckingham and the new building being 45 feet away. There was a question about the quality of light in the building and the solar studies do show where the shadow will fall.

Mr. Wong asked if the developer will show that information to public.

Mrs. Hamley O'Donnell stated yes.

Ms. Cohen asked about 12C of the PDO and the change of language.

Mrs. Hamley O'Donnell stated that the change was made because the language echoed the language in 12B.

Mr. Wong interjected that section D talks about the building's front façade shall face the street and use pedestrian scale. So it's a more specific requirement, measurable and it's more articulate than "respect neighborhood scale." In this case, we are saying that it must be neighborhood scaled.

Mr. Cobb let the public know that there had been two additional meetings prior to this evening's meeting that allowed the public to address questions and concerns. He added that the meeting this evening was for public comment only and Mr. Cobb wanted to assure the public that they are willing to listen to the public concerns. He added that everything that has been brought forth has been available for review on the Cleveland Heights website. Mr. Cobb went on to say that the questions that have been brought before the Commission this evening would have been better answered at the previous meetings.

Mr. Juliano was asked to give a summary of choices for the Planning Commission and stated that the Planning Commission has up to 60 days to return a recommendation on the PDO to City Council; that 60 days would expire December 21, 2018. The Commission can recommend adopting the amendment as is or with suggestive revisions or it can recommend that the amendment not be adopted. If the Planning Commission makes no recommendation to City Council, Council shall determine that the Planning Commission is recommending that the amendment not be adopted. He added that if the Commission wanted to table the project they can do so, and the deadline would be December 21, 2018, which would, place the Commission in a place to reschedule between now and December 21, 2018.

Mr. Cobb asked if there if there were 4 or 3 options.

Mr. Juliano stated that the Commission can recommend adopting the amendment as-is or with suggested revision. Mr. Juliano suggested that they followed the details that were mentioned earlier in the meeting, for a suggested revision to clarify the parking language in Section 2D. The options are: 1) recommend adopting the amendment as-is, with suggested revision, 2) recommend that the amendment not be adopted 3) make no recommendation at all and City Council will determine that no recommendation is a recommendation that it not be adopted, or 4) to table the project with the 60 day consideration which would expire on December 21, 2018.

Mr. Cobb asked that if this matter was tabled, it would mean they then have an additional hearing.

Mr. Juliano said, yes, there would be another meeting, however it wouldn't mean that it has to be a hearing, but there would need to be another meeting to decide whether or not to make a recommendation.

Mr. Cobb asked if there were any questions for staff or the Law Director.

Ms. Cohen wanted to clarify the next step in regards to the Architectural Board of Review and how that will relate to the design of the development. The Planning Commission never rules on the design element of a structure, except when it pertains to zoning.

Mr. Wong stated that there is a two-part approval. The Architectural Board of Review is comprised of architects appointed by Council to review the architectural design. The Planning Commission responsibility is to layout the guidelines for urban design and the planning concepts. Mr. Wong added that the Planning Commission can speak on neighborhood scale, open space, parking, traffic, and the uses on the site. However, the architectural design, the style, the materials should be specifically kept to the Architectural Board of Review's jurisdiction.

Ms. Cohen asked if at the Architectural Board of Review meeting the community has the ability to make public comments.

Mr. Wong stated that they would and asked that all attendee to put their email address down on the sign-in sheet so that they will be notified of the meeting date.

Mr. Cobb stated that, in respect to the PDO, is there any further discussion needed at this time.

Mr. Horowitz stated that everyone has concerns in regards to the parking, traffic flow, and the shape of the building. He asked that since there was so much before the Commission, including approving the concept of the Planned District Overlay District, he added that we are dealing with land use. Mr. Horowitz acknowledged that everyone would like to think that they are talking to the person who can give a "yes" or "no" on the project. He added that they have to follow a certain direction to come to a decision and he understood the frustration of the public and how it seems that nothing is being done to address concerns. Mr. Horowitz stated that all issues concerning taxes, that wouldn't be handled by the Commission, but what is handled by the Commission they will do their best to address those issues at hand.

Mr. Cobb asked if there were any other comments at this time.

Mr. Rink asked if the developer, traffic and parking consultants will be presenting tonight to address any questions or concerns from the public and Commission.

Mr. Juliano stated that the Commission can invite the developer and their consultants to speak to answer any questions.

Ms. Cohen wanted to clarify that even if they did hear from the developer and tabled the PDO District, they wouldn't be able to have the other items brought before the Commission. She asked that if the PDO District was tabled, would that conclude the meeting.

Mr. Juliano stated that any action that is taking is contingent on the eventual recommendation of the Planning Development Overlay District. He stated that postponing the consideration altogether isn't needed; just keep in mind that it is contingent on the zoning approval which is where we stand now.

Mr. Cobb stated that it is a consensus that the developer needs to come forth, before they make a decision on the PDO District.

All Planning Commission agreed that they need to hear from the developers.

Mr. Cobb informed the public that, at this time, they were parting from the agenda that was given out, that now they are going to give the developers an opportunity to present. Thereafter, at the end, the floor would be reopened to the public and the vote will be cast on the project. Mr. Cobb expressed to the public that this wasn't a question and answer period, but there will be time set aside for public comment.

Deron Kintner, Flaherty & Collins, introduced himself and urged the Commission to make a decision on the project, because the RFP went out on the project 2.5 years ago. There have been over 26 public meetings. He understood that there are some issues that need to be resolved and city staff is working to help resolve them. He added that Flaherty & Collins is working to be as accommodating as possible to the demands of the public. He spoke about

rising interest rates and construction costs, adding that this has been challenging and tough transformational project for the City.

Brandon Bogan, Flaherty & Collins, had taken the oath and reiterated that they have been through 26 meeting before the public in regards to the project. He wanted to give everyone an overview of the project. He stated this project will offer for-rent project, multi-family development with no for-sale product. There is a mixed-use component which offers retail and residential and a parking structure in the center. Mr. Bogan stated the Buckingham is at the center of the project with Nighttown also a major part of the development. He stated that the project itself is a 9-story building and he knows that the height of the building has been a focal point for many people. Mr. Bogan went into further detail of the development, flow of traffic, parking, adding that this all falls within the S-2 Development Standards. Mr. Bogan stated that, overall, they are expecting 275 units, a mix of 1- and 2-bedroom units with some large premium penthouse units on the top. There may possibly be 3-bedroom units. The demographics are expected to be 35 % empty nester, 60% millenials, and 5% other. Mr. Bogan stated that the actual ratio for 1 and 2 bedrooms is still in the works at this time. The average size of the units will be 850-950 square feet. He showed additional slides showing placement of retail, greenspace as well as other aspects of the development. One of the benefits that Flaherty & Collins provides is amenity space for renters. He further explained the building in more detail and how what they will present to the Architectural Board of Review. He understands the community is divided: some want to keep the historic look of the city and others want a modern, updated concept for the city. He added that there have also been solar studies done, to ensure that building isn't affecting the Buckingham in a negative fashion.

Sean Murphy, Landform, Civil Engineer, stated that he had been sworn in and they have followed all guidelines of the development standards. Mr. Murphy stated that some of the utilities that are a part of the structure will have to be relocated. He explained the design scheme of the development. Mr. Murphy stated they are working with the City in regards to water and sewer development. He concluded that the landscape is in line with the PDO Standards. He stated that they are working diligently with the City so that the needs and desires of all involved are met.

Mr. Horowitz asked that the entrance from the side street for parking deck, seem to have a four foot rise over 35 to 40 feet. He stated that it seemed it doesn't fit.

Mr. Murphy stated that parking structures are typically between 8% and 15% grade and, if that is something that needs work, we will to do that.

Nancy Lyon-Stadler of WSP affirmed that she had taken the oath. She went through the traffic analysis that for the Top of the Hill project. She stated that it has been a lot of work and she would give a detailed summary of the study. In 2009, there was a TLCI study done in the Cedar Fairmount District looking at the operation along those streets. There were six traffic studies done at that time and a database was created and she summarized the study.

Mr. Rink stated that he was unclear how data that was use several years ago would be relevant to what is happing at the location now.

Ms. Lyon-Stadler stated that the purpose for the study and the data is look at the driveway access and how they function. She showed slides to give a visual to support the study. She stated that the trends and the patterns have been consistent throughout the years with less than a 2% difference. She added that, pending the outcome of the data and the analysis,

they would then go back and makes adjustments as needed. Ms. Lyon-Stadler gave more details as to the how the flow of traffic will affect the surrounding areas.

Mr. Rink asked if this data is based on the 2009 data.

Ms. Lyon-Stadler explained how the data collected from the 2009 study was relevant to the 2018 study. She showed a visual of comparison of the data. She explained that there had only been a 2% difference within a 10-year span for the data, which is how they were able to use it for comparison. Based on the 2018 count from last spring, and speaking with the City, there was no reason why they couldn't use the data from past years for the study. She said there is a memo that summarizes all of the comparisons of the differences, which are a part of the report package.

Mr. Rink asked if these data that is being presented is based on the 2009 data.

Ms. Lyon-Stadler explained the slide that was before the Commission and the public and the relation of the numbers and how they compared to the 2009 study versus the current study. Ms. Lyon-Stadler then explained the inbound/outbound traffic.

Ms. Cohen asked how they are able to define AM verses PM peak hours.

Ms. Lyon-Stadler explained the process they use to calculate the differential in the hours of the day to produce a data. Then, at the point, if they find a significant difference then they would go and collect additional data. She explained how they came around the trip generation, what the site was going to generate with traffic volumes. She stated that there were conversations with the developer in August, and what the expectations would be. Ms. Lyon-Stadler, stated this was a study of the traffic flow during retail shopping hours and off-peak hours and how it affects the residents. She stated that this is all done by the National Institute for Transportation Engineers database. She added that the calculations are based on a walkable urban setting, which provides the different ratios. She went into further detail about the traffic study and the National Institute for Transportation Engineers. She moved forward with the decision about possible place meant for traffic signal to help with the reduction of traffic, included talks about the parking access. Ms. Lyon-Stadler proceeded with the conversation of the alternatives with the traffic off of the connecting streets within the project.

Mrs. Hamley O'Donnell asked for clarification on the change to the traffic signal placement.

Nancy Lyon-Stadler stated there are no recommended changes to current traffic signal placement.

Ms. Cohen asked to clarify that there are no recommendations to change or add additional traffic lanes.

Ms. Lyon-Stadler stated that at this point, that isn't a part of the scope of this analysis. She added that, personally, she doesn't see a need to add additional lanes.

Mr. Horowitz asked about pedestrian access--would there been any way to make the access easier for those crossing Euclid Heights Boulevard.

Ms. Lyon-Stadler stated that there have been talks of placing a mid-block crossing at the traffic intersection, recommending that it be placed on the west side with rapid flashing lights as well.

Mr. Horowitz affirmed that neighbors had concerns about the site and how safe it would be to cross at that intersection. There were some suggestions as to placement of the crosswalk being at placed at Lennox Road. Mr. Horowitz, clarified that there would be rapid flash cross walk placed at the intersection to help with pedestrian crossing.

Ms. Lyon-Stadler replied yes.

Public asked a question, inaudible.

Ms. Lyon-Stadler responded that the case for a mid-block crossing on Cedar is the proximity of the adjacent signals of the cross streets. Ms. Lyon-Stadler showed an example on the site plan for clarification.

Mr. Rink asked if this particular study is based off all the residential streets south to the development.

Ms. Lyon-Stadler replied yes and added that this was a complicated study, but clarified how it all worked together.

Mr. Rink stated that his personal opinion on the traffic study, he also stated that he felt that residents and neighbors are in need of a clear, as well as precise, firm answer in regards to the traffic and parking. He noted that was based on the 2009 data collection.

Ms. Lyon-Stadler stated she and a team of traffic engineers have worked together to come to the conclusion as to what needs to be done to assure the flow of traffic, pedestrian access, and parking all work together. She added that this data was based on the industry standards of the National Institute for Transportation Engineers. She showed a slide with data for a better understanding of the traffic study. Ms. Lyon-Stadler discussed the meeting for October 2018 and its findings. She stated that they spoke about moving forward as the project advances, doing neighborhood traffic and parking, management, looking at the entire Harcourt, South Overlook, Delaware, Bellfield, and Grandview streets down to North Park to develop a better understanding of the traffic, parking and how it's affecting the area. With that study, they would collect data to study the traffic, speed and parking within the community to better understand what is needed.

Ms. Hamley O'Donnell stated that the City is committed to the study. She stated that before anything is moved forward with an approval, the City Engineer and Police Chief will have to sign off before it can be put in effect.

Mr. Rink asked what the benefit is, from a staff standpoint, to this study being done sooner for the comfort of the community. He asked should there be more to complete the study before a vote is cast.

Ms. Hamley O'Donnell replied that there have been two additional meetings with the neighborhood and there were very strong and passionate feelings that were expressed at that time. She stated that, early in the process, there had been talks of changing the position of the traffic light and neighbors adamantly asked that we not do that. She stated that many of the concerns are about what is currently happening and the plan to help reduce or eliminate the current issues. Ms. Hamley O'Donnell stated that the recommendation is to move forward, with approval of this plan and that plan would go further with traffic/parking study and data collection to resolve any potential or existing issues. She added that the plan will involve several neighborhood meetings and it wouldn't

be helpful to table the project. Ms. Hamley O'Donnell went on to reassure the public that the City's engineer will review this matter before it is approved.

Mr. Rink stated that, without an actual plan for the potential traffic issue, he felt that it may not be in the best issue to approve. He expressed that he felt that all parties involved at the moment are trying to work together, however there doesn't seem to be any real solution to the parking and traffic dilemma.

Mr. Wong asked Mr. Cobb if the scope of the transportation planning consultants, one of the other options would be to have an ongoing dialogue with professionals, he added the one thing that they don't know at this time is if the projections are accurate, you don't know until the development does happen. However, you do still want the professionals to counteract anything that wasn't foreseen. If he was a neighbor, he would like for the professionals to continuing evaluation after the development is open. If there is something that wasn't foreseen, we would still ask for them to consult with the community to achieve the very best outcome.

Ms. Cohen asked, with the second study, what is the amount of time it would take to complete the study, including the community input.

Mr. Boland introduced himself as Economic Development Director and affirmed that he had been sworn in. He stated that he didn't recall the amount of time that it would take on the scope. However, he stated that the idea of the study came out of the two previous meetings on October 23, 2018, and November 20, 2018. He stated that talks about the study had indeed come forth, based on what they had learned from the neighbors at the October 23, 2018, meeting. Mr. Boland stated that the majority of the comments that evening related to existing conditions. He stated that in his opinion the comments weren't directed towards the Top of the Hill. There was concern that if you place Top of the Hill it could make things worse with the flow of traffic, parking in and around the site. He added that he feels that the project should be approved even with the study still in the works.

Mr. Rink stated that it was legitimate that people would think existing problems now wouldn't get better at this time.

Ms. Cohen interjected that she also believed that if you place another successful business in the area, you now have an effect on the neighborhood. She's not confident with the idea just as of yet. However, she was open to changing her opinion based on the traffic issue not being resolved.

Mr. Cobb asked staff if someone was going to up to speak about the traffic from the development side.

Ms. Hamley O'Donnell added that within the Development Standards, under Transportation, which would overlay the rules of the development. #6(a), section "v" states that, "Location and signaling of streets and driveways shall maintain vehicular movement, assure safe travel, and minimize impact of the development on residential side streets." She went on to say that there is language in there that they are required enforce.

Mr. Cobb asked if they're ready to present the consultant for the parking study.

Mr. Bogan mentioned that, throughout the process, Flaherty & Collins wants to continue to have a great relationship with the community. They want to make sure that thing are done decent and in order, with concerns of parking and traffic.

Greg Shumate stated that he wasn't sworn in and Mr. Juliano swore him in.

Mr. Shumate, Desmon & Associates, stated that his company was brought in for two reasons: 1) to review the Cedar Fairmount commercial district as a whole, and 2) to analyze the demand of the parking that would be generated by Top of the Hill and its impact on the existing parking within the district currently. He showed a map of their findings within the area, included walking distances within 400 feet the urban setting. He said they first subdivide the area to create four sub-areas to show the supply and demand of parking as well as the dynamics of the area. They did a count of the open parking spaces in the area, and noted the majority was public meter parking, with some exceptions. They also performed surveys in the area looking at different timeframes that would give the best picture of parking use and demand. He showed a site plan. He further explained the difference in parking and traffic flow during peak hours and the day of the week versus the twilight hours, with the true affect that it may potentially have on the community. He went further to say that the City has several large lots for parking along with other available space for parking further away from the site. They did add Lot 6 to the study as well, to have a better understanding of the surplus within that lot, with permit usage and permit issuing, because this would be impacted if the parking wasn't adequate enough for Top of the Hill, there would be an increased demand for Lot 6 and Lot 27. Mr. Shumate said with the parking study, they were able to find that each parking lot and added many of the city's parking lots are metered. Permit and handicap spaces were included and they were able to break them down far as utilization. With this study, they are able see what was in demand and the hours of demand. He explained how the public would be affected in regards to the project. He explained how many of the parking areas were not heavily impacted, as well as where parking need couldn't be accommodated.

Mr. Rink asked that he point out on the slides again which of the lots were public.

Mr. Shumate explained the difference between the public and private lots on the site plan. He gave further explanation as to how they came to their conclusions.

Mr. Cobb asked if section 9A and 9B are the areas that are heavily utilized during peak hours on Friday, which are the permit lots.

Mr. Shumate stated, not exactly. About 7pm, lot 9B was 34 cars, 98% occupied, and lot 9A, 100 cars, 61% occupied. 100 cars out of the 225 of the two lots together, only 134 spaces were used. He stated these weren't all permit spaces and meter spaces.

Ms. Cohen asked would Mr. Shumate agree that some of the lots are being underutilized during peak times. She asked could there be possible negotiation with the owner for these private lots to be used for additional parking.

Mr. Shumate stated that lot C is used for valet parking for Nighttown and added that some patrons, after the closing of Chase Bank, use their parking lot as well. Bridgestone parking lot was used as well, but not as much. He stated that, in his view, there should be an organized approach to the parking concern to work alongside the private lot owners. He further concluded that there had been talks to expand lot 22 and widening the lot to accommodate the potential additional parking in the area.

Mr. Rink wanted to clarify that, when the question is raised about additional parking, that the public should acquire an agreement with private lot owners to use their space to accommodate the overflow of parking.

Mr. Shumate stated that the worst case conditions, relative to supply and demand, occurred on Friday and it's all localized at the east portion of the district around Dave's. It was observed that there wasn't an issue with parking during the other times of the day and week.

Mr. Horowitz stated that there isn't enough parking at the opposite side (eastern end) of the district. That is actually not the key focus, which is 'will there is enough parking at the new development?' He added that the real issue hasn't be fully addressed of shared parking. On the traffic counts, it shows a lot of empty spacing for parking, however, they're dedicated spaces for permit parking. At night after 10:00 p.m., 3:00 a.m., those spaces are full. Which are considered permit spaces? he The picture that is being painted isn't entirely accurate and he wanted clarification.

Mr. Shumate stated that the first part was a look at the district, with the existing conditions throughout the Cedar Fairmount district. The second part is to look at the Top of the Hill development and what we used was a shared use parking model which is similar to the traffic generation model which is driven by land use. It takes into account the unit counts and the makeup of the commercial space of the project. Mr. Shumate added that the developer, during this process is still thinking through, of what the true mix of commercial space will be. Considering that this isn't complete, there have been some assumptions made in regards to the potential outcome of the results. He stated that they made models of road splits for patrons who utilize Uber, bus or other forms of transportation which are all factors in this study. Mr. Shumate went on to speak of the capture number which represents workers of local retail, how their use of the parking won't affect the number of spaces available to patrons. In addition to the peak hours which are 7:00 p.m. on the weekdays/weekends, the project itself would peak with about 340 cars in the area would assume use of the parking spaces. Mr. Shumate reiterated that the reason that it doesn't change is because most the spaces are used by current residents of the area.

Mr. Horowitz asked are there still dedicated spaces for the current residents of the area. Asked that are the residents space labeled or flagged as resident only parking.

Greg Shumate stated that they don't have to be marked off, granted that the developer will ensure that patrons are aware that these spaces are only available to residents as needed. However the garage could be operated as a public parking garage, similar to those in the downtown area.

Mr. Horowitz stated that wanted a definite answer of whether or not the parking will be labeled public and private.

Mr. Kintner, Flaherty & Collins, stated yes, certainly there will be spaces that will be labeled. He added that Flaherty & Collins have commitments to the City of Cleveland Heights to ensure that the parking includes permit parking and hourly parking. By not providing that service, they would be in violation with the City. Mr. Kintner stated there will be 175 monthly permit parking spaces and 50 hourly spaces. He stated that if there were to be a gate added, with additional parking for the residential use, he is willing to pay for the service.

Mr. Horowitz asked again for clarification that there will be spaces that will be marked for both private and public parking. That permit holders will have their own individual parking area.

Mr. Kintner stated that the current agreement with the City requires 225 public spaces to accommodate 175 permit holders and 50 hourly parking spaces. There is also other parking for retail use, which will be outside the gate should there be a gate.

Mr. Mattox, Jr. asked: 1) Will there be parking that will replace the public spaces in terms of the permits? 2) Is there a cap on the pricing and will there be a guarantee that it will not exceed a certain amount, and if so, how much?

Mr. Kintner stated that has been discussed on the City side of the development plan. He added that he hasn't been privy to those conversations. Certainly there have been talks with the City in regards to those particular questions and concerns.

Mr. Mattox, Jr. stated that his concern is that what the current cost is now for residents possibly could be affected and be doubled in the future, which would overly affect current residents.

Mr. Kintner said he understood, however, he wasn't involved in those discussions so he could not truly give a definite answer.

Ms. Cohen added that the City would set the price for the permits.

Mr. Juliano stated that currently that it was his understanding that the City charged \$115.00 per calendar quarter throughout the City, including lot 9. That translates to about \$38.00 a month. The conversations with Flaherty & Collins' representatives are that, ultimately, they want to get to higher price. However the development agreement states that the 175 permit spaces must be provided and should be priced accordingly. He added that the negotiations that are ongoing is that how do you get back to the \$115.00 per calendar year and get a cost the developer desires to increase to a market rate. That is where the negotiations sits as of now. Mr. Juliano added that Mr. Burns, representative of the apartment owners, doesn't want the rate at any time to increase.

Mr. Kintner asked to clarify that they want the agreement that was at present which was a much larger agreement with several different options with how to handle the parking rates and how to keep it affordable for all involved.

Ms. Cohen stated that it seems as if the citizens of the City are the ones that will be paying for the cost of the parking. She added that she wanted clarification as to the ownership, that if permits are issued that these wouldn't be City permits, but that they would be permits that would be issued by developer.

Mr. Juliano stated the developer owns the garage, and the plan has been put in place that developer would lease the 175 permit spaces to the City, so that the City would issue the permits. And that would be an accommodation that the City is making to the apartment owners who would prefer that the City would administer the permits and not the developer. The City would lease the spaces from the developer and pay the developer the revenue that the City receives. The City would in return bear the burden of the administration of the permit program for the permit holders.

Ms. Cohen asked is the lease cost to the City equal to the cost of the permits that will be issued or was the request about the lease cost being higher.

Mr. Juliano asked was she asking about the revenue that the City would be paying to the developer.

Ms. Cohen stated that she was asking what would be the total amount of what the City would be paying.

Mr. Juliano stated that proposal is that the City would pay to the developer the revenue that the City receives from the permits. There isn't an exact number as of this moment.

Ms. Cohen asked if the City would be responsible to retain the same rates on the permits.

Mr. Kintner stated that he wanted the agreement that was signed several months ago that was approved by the City Council to be enforced or to be a functional equivalent to a rate that would be comfortable to the City and residents. He added that they are paying the \$25,000 per space for the garage construction, which is their commitment to the project along with several other commitments that they have agreed to.

Ms. Cohen stated that she wanted to clarify the rates and, if there would be an increase, what would be the long-term affect to the residents.

Mr. Mattox, Jr .asked was it correct that the City was collecting the rate, but the developer is setting the price.

Mr. Juliano asked Mr. Kintner was it correct that development agreement stated that 175 permits would be issued at a rate that is commensurate with Cedar-Fairmount.

Mr. Kintner responded yes.

Mr. Juliano stated that was what the development agreement states now.

Mr. Cobb asked what was the basis for establishing the rate instruments within Cedar Fairmount. Are there any other comparable garages, private or public?

Mr. Juliano stated that the agreement doesn't state that.

Mr. Boland added that the City rates are the same through the City at the moment. He stated that the last time the City assessed their parking rates was in 2013.

Mr. Horowitz stated he was uncomfortable with discussing the parking rates because they are out of their jurisdiction of approval.

Mr. Kintner stated they want to be more than accommodating to the City and residents.

Mr. Horowitz stated the he understood Mr. Kintner's stance of the topic at hand.

Mr. Cobb asked if the total parking supply was based on a total rate.

Mr. Shumate responded, yes, that is the total parking supply.

Mr. Cobb asked if the affective rate of that was 10%.

Greg Shumate responded yes.

Mr. Cobb stated that would take down the amount of peak surplus for parking.

Mr. Shumate responded that it will, however these spaces beside the residential which are committed are all transient parking. He again shared the peak parking data.

Mr. Boland explained the study area for the South Cedar Neighborhood parking and traffic study, presenting a visual, highlighting some of the concerns that had been made by the public.

Mr. Rink asked how long the project study would take.

Mr. Boland stated 4 to 5 months, depending on when they are able to complete the traffic analysis. He added that parking during the construction of the project has been addressed. He stated that the first structure to be built will be the parking garage, which will take about 9-12 months to complete. He stated that there's a goal to replace 225 spaces from Lot 9. He stated staff has been working on a plan that has 90 on-site and 195 in district parking spaces that have been identified for a total of 285 spaces. Mr. Boland stated that the City would charge current rates for the temporary spots that are closes to Lot 9 and discounted rates the further they move out. In addition they are working with Cedar Hill Baptist Church to expand Lot 22. There will be 40 new spaces for public space in Lot 22, 20 on Lennox, and 15 on Surrey Road which adds 75 new parking spaces.

Ms. Hamley O'Donnell asked could we go back to the PDO and then end with the Development Plan.

Mr. Cobb stated that they will finish with the Development Plan after they have public comment.

Ms. Hamley O'Donnell reminded the public and Planning Commission that there are three parts: 1) the PDO District with additional documents, 2) the lot resubdivision, and 3) the Development Plan.

Ms. Cohen asked for clarification as to what it means to "vote" on the plan.

Ms. Hamley O'Donnell stated that the first thing is creating the zoning which is the PDO recommendation to Council. Then the Planning Commission needs to vote on a conditionally approved Development Plan which means that the Commission is voting to conditionally approve the plan.

Mr. Cobb stated they will move on to the Development Plan.

Ms. Hamley O'Donnell spoke about the lot resubdivision and what that consisted of. She explained the history of the site, stating the western gateway to Cleveland Heights, long referred to as Top of the Hill, was home to Cleveland Heights' first neighborhood in the mid-1800s. Edwards Road dates back to that era. In the 1910s, several apartment buildings were built here, including an 8-to 9-story brick building which later became Doctors' Hospital. Those buildings were torn down in the 1960s for planned redevelopment. Various plans have been drawn up over the ensuing 50 years, with none coming to fruition. The site sits partially within the Euclid Heights National Register Historic District, is just northeast of the Ambler Heights National Register Historic District and just northwest of the Fairmount Boulevard and Euclid Golf National Register Historic Districts.

She presented the General Standards for Conditional Uses (Code section 1151.01) when reviewing conditionally permitted uses:

- (a) *That the conditional use will be in general accord with the purpose, intent and basic planning objectives of this Zoning Code, and with objectives for the district in which located;*

The purpose and intent of the S-2 District is listed in Code Section 1145.01:

- (a) *The purpose of the S-2 Mixed Use District is to provide an opportunity for modern and imaginative architectural design, site arrangement and city planning for certain special areas in Cleveland Heights which offer unique development opportunities*
- (b) *These regulations are intended to encourage higher density commercial and/or residential development provided that such development which exceeds the intensity permitted by right under the standard regulations is developed according to an approved Project [Development] Plan.*
- (c) *Specifically, an S-2 Planned Development is intended to achieve the following objectives:*
 - 1) *To offer incentives for creative high density commercial, residential and mixed-use development projects in areas that have special characteristics or special redevelopment opportunities as designated in the City's Strategic Development Plan.*
 - 2) *To ensure that such high density development occurs in a unified manner in accordance with a Development Plan prepared by either the city or the property owner.*
 - 3) *To encourage sustainable development and practices.*

The proposed development represents modern and imaginative site arrangement and architectural design, adds high density mixed-use development which will add vibrancy to the district, and is planned with sustainable practices. ABR approval of the architectural design will be required. This long underutilized parking lot offers a unique development opportunity and its location is an ideal spot for imaginative architectural design, site arrangement and city planning. Its location as the first thing people coming up Cedar Hill see calls for a unique design that shows Cleveland Heights' willingness to embrace modern design that complements its historic neighborhoods. High density between 50 to 80 dwelling units per acre is proposed as shown in the Development Plan drawings and reports submitted by the applicant.

- (b) *that the establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare;*

The proposed use should not be a detriment or danger to the public health, safety, morals, comfort or general welfare. Police and/or Fire Chief approval of Safety, Parking and Traffic plans should be a condition of approval. The traffic assessment took into account neighborhood input around signal locations, signage and allowing turns on and off of various streets and concluded a traffic signal will not be proposed. Recommendations include limiting some turns, at the very least, during rush hour. Approval of the final site access configuration by the Police Chief and City Engineer should be a condition of approval. Landscaping and paving on the north-south driveway has been proposed to buffer adjacent uses and to slow traffic along the street.

- (c) *that the conditional use will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, and that such use will not essentially change the character of the same area;*

A Design Focus Group of Cleveland Heights architects and planners met to review the preliminary design and offered some suggestions which were implemented, including adjusting the northern entrance/exit driveway for improved sight-lines and safety. The design will be developed as it goes before the ABR but the drawings indicate it is harmonious and appropriate with the vicinity, starting with a smaller scale at east and building to a taller scale as it moves to the west. The elevations and renderings show a modern design which complements district scale and character without mimicking its historic design.

It bears repeating that the Secretary of the Interior's Standards for Rehabilitation of Historic Properties states that "each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken...The new work [construction] shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment."

The design is still preliminary and details will be worked out as the project goes through Architectural Board of Review process. Detailing and materials on all buildings must be studied, as will the design of the pedestrian bridge. There has been lively discussion by residents, business owners and others about whether architecture that resembles the historic buildings would be more appropriate than more modern designs; we've had a lot of dialogue with people on both sides of this issue. Public comment on the architecture will be part of the Architectural Board of Review process.

- (d) *that the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood; The project layout creates a north-south lane, creating a neighborhood feel in the existing parking lot and will include landscaping to buffer the use from the adjacent Buckingham building and adjacent apartment buildings, as required. The \$75 million investment in the neighborhood should protect both residential and commercial property values.*

Neighbors in the single-family neighborhoods south of the development have expressed concerns about current traffic speed and volume in the residential neighborhoods south of the development and concerns this development will exacerbate their concerns. The City has hosted two neighborhood meetings focused on traffic and parking and has committed to a study that will analyze such issues and recommend solutions. The traffic consultant talked about traffic flow, signal and signage options and listened to neighbors to help inform the decision making. The traffic assessment's final site access configuration takes into account neighborhood impact and the desire of residents not to include a new traffic signal. The neighborhood traffic and parking study will help to address residents' concerns over current traffic speed and non-resident parking and their effect on the neighborhood. The parking study notes that parking around Barrio will be unaffected by the new development, as people will likely not park as far as the new parking deck to patronize Barrio.

Owners of apartment buildings in the district were concerned that permit rates in the deck be comparable to those of other parking lots/decks in the City and that the

Development Standards include language to assure that. The Development Standards include suggested language we believe will be acceptable to the property owners. Provision of parking at market rate should not impair property values.

During construction, a temporary parking plan has been created which will allow parking permit parking along public streets and in underutilized parking lots.

- (e) *that the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;*

This proposed Development Plan will not impede development of adjacent sites.

- (f) *that adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided;*

Adequate utilities are being provided and stormwater must comply with Code chapter 1335 and must be designed for a 100-year storm event. A letter from Cuyahoga Soil & Water Conservation District regarding compliance with requirements is included in your packet.

The new traffic changes on the site will create a north-south access drive and a parking deck access driveway at the northeast corner of the site. These access points are adequate to serve the site and are addressed in the parking and traffic assessment.

- (g) *that adequate measures have been or will be taken to provide ingress and egress designed as to minimize traffic congestion in the public streets;*

The traffic assessment recognizes that, during rush hour, some turning movements may need to be restricted for safe passage. A condition of approval should require final site access configuration be approved by City Engineer and Police Chief.

Code Section 1165.06, Sustainability Guidelines

The proposed Development Plan's compliance is discussed in Staff Report 1 of 2.

STAFF RECOMMENDATIONS

Staff recommends approval of the conditionally approved Top of the Hill Development Plan, as shown in drawings by Eppstein Uhen architects dated 11/20/2018 and Landform, dated 11/13/2018, with the following additional conditions:

1. Approval conditioned upon City Council adoption of Top of the Hill Planned Development Overlay (PDO) District and its Development Standards;
2. Development must comply with Top of the Hill Planned Development Overlay (PDO) District and its adopted Development Standards;
3. Receipt of Planning Director approval of plans for landscaping, screening, tree preservation, tree protection, parking (bicycle and vehicle), and site lighting;
4. Receipt of Architectural Board of Review approval of buildings, structures, Sign Design Guidelines, signage/wayfinding plan, and sign designs;
5. Receipt of City Engineer approval of sanitary drainage and grading plan, and stormwater and stormwater management in compliance with Code chapter 1335;
6. Receipt of Planning Director, Police Chief and City Engineer approval of delivery, service and trash removal plan which serves the development, 2330 Euclid Heights Boulevard (Buckingham), 12383 - 12397 Cedar Road (Nighttown and two adjacent businesses); Plan shall provide sufficient truck maneuvering area and shall be located so as to maximize convenience and minimize negative impacts on adjacent properties;

7. The use will not create a nuisance for adjacent residential properties;
8. The applicant shall work with staff to resolve complaints from neighbors;
9. Traffic and parking shall comply with Cedar-Fairmount District Parking Study and Top-of-the-Hill Mixed Use Development Project Parking & Traffic Assessment recommendations and final site access configuration shall be approved by City Engineer and Police Chief;
10. Receipt of Police Chief and Fire Chief approval of a Safety Plan;
11. Any future expansion or site reconfiguration shall require the approval of the Planning Commission;
12. Receipt of all required Building Department permits; and
13. The installation of the use shall be completed by December 31, 2020.

B. Staff recommends that the Planning Commission approve the proposed lot resubdivision to subdivide the existing parcel for the proposed development as shown on Site Plan by Polaris dated 11/5/2018, with the following additional conditions:

1. City Council approval of Edwards Road vacation;
2. Law Director approval of all required easements including, but not limited to, access and utility easements; and
3. Prior to submitting the plat to the County Recorder, it shall be signed by the Director of Law and Director of Planning.

Mr. Cobb asked if there were any questions and there were none. He asked if there was any public comment.

Jordan Burns stated that he had been sworn in and that he was representing Integrity Realty. Mr. Burns mentioned that the rates for the 175 parking spaces, he stated his concern that the developer has no knowledge of the discussion of rates and the balancing of funds. He talked about their commitment to the City in regards to the parking. Mr. Burns made a suggestion to the developers in regards to the development agreement for parking that they he felt would best suit the current residents surrounding the development. He asked that the vote would be tabled, so that everyone can come to an agreement with the rates for the permits, private and public parking.

Dan Siegel stated he took the oath and said that the City gave the land \$1.00 a year with an option to buy in ten years. He went on to explain how the TIF funds are allocated, and how this helps the City. How will this development affect the City as a whole?

Daniel Pentecost, 2249 Delaware Drive ,stated he was sworn in and spoke about the number of parking spaces available to the patrons and the residents. He said how a proposed family restaurant seems to have a lack of a customer base, especially based on the small amount of cars that are recorded in the parking at peak hours. He stated that parking issues are always an issue on Friday, Saturday and Sunday morning with the City as a whole. He stated that transient parking would affect his neighborhood and surrounding streets. He raised concerns that Dave's Supermarket is to be the supposed over flow parking lot. He disagrees with the data of the traffic study.

Paul Volpe, 2593 Fairmount Boulevard, stated he does just about everything you can imagine in this district. It is a very special place, but it's not complete. Mr. Volpe stated he is an architect and urban designer with forty years doing urban redevelopment. He has gone to the community meetings, talked to neighbors, business people and everyone believes this property should be redeveloped. It's a blight, it's a horrible, awful parking lot, and it's an embarrassment to this community and to me as an urban designer.

In Chicago, you have the same kinds of housing and diversity and there are nuances but they embrace it. You would never find a big empty parking lot like this in those communities, because they don't stagnate. We're stagnant here in Cleveland Heights. We need to invest, we need to bring people into this community, we need new architecture, new thinking, we need senses of place. There is great historic architecture here but you can add to this, it's called contextual architecture. Modern architecture and old architecture can be compatible. The Secretary of the Interior Standards specifically say that you should design and build for the time. You should not replicate what's there, that would be to me short of criminal to put all kinds of do-dads and gingerbread and batten boards all over these buildings.

Mr. Volpe continued, stating that quality materials, beautiful proportion, diversity of scale and form break down the building, as the developer is doing, so that we can have something that is unique and express to our time and our neighborhood. Most brown brick apartments in the area are utilitarian apartments building. The cluster of them creates a background scene for the new buildings which will energize this community, put people on the streets, people in the shops .

Mr. Volpe said this project is not going to significantly increase traffic. What we need to do is optimize the pedestrian friendliness of this community. He still thinks there should be a traffic light at Delaware Drive. There are a few things that are unresolved that relate to urban design and planning. They'll get resolved and he has asked the developer if he is committed to listening and developing this in a way that all of us can be proud of and I am convinced that they will. Their track record shows it and if, at the end of the day, it doesn't, I'll be the first person in line opposed to the project and the architecture.

Steven Rajki, 2328 Stillman, stated that he was sworn in. Mr. Rajki wanted to have clarification on the entryway and if there will be a ramp on the garage. He then asked if there will there be underground parking.

Don King, 2330 Euclid Heights Blvd., raised his concern for the new age structure at the Top of the Hill Project. He stated that he felt that the new design wouldn't be a great fit for the current classic architectural design that is currently within the city. He expressed that with the project, he would lose view of greenspace, as well as he's concerned with the parking and the possibility of rate increase.

Irene Snow stated that she had been sworn in. She expressed her concern of the property value of homes and how they will decrease due to the seeming increase of parking that they will incur with this project. She stated that cars now would access streets for overflow parking and would diminish the charm of the neighborhood. Ms. Snow pointed out on page 2 section D of the PDO where it states "that the Conditional Use would not be injurious to the use and enjoyment of other properties in the immediate vicinity for the purpose already permitted nor substantially diminish or impair their property value in the neighborhood." She continued to state that with in the increasing number of car that will park on her street now with the new development, her property value and neighbors will decrease. She added that she wasn't a fan of the structural design of the project.

Alex Pesta, 14590 Superior Road, Cleveland Heights, stated he had been sworn in and he is a designer and architect and urban designer. He said he was on a team that did compete for this work and used to sit on and serve Planning Commission for about five years. He stated that this is probably one of the most important initiatives for the City of Cleveland Heights and asked the Commission to be bold and intentional with the decision that you make. Mr.

Pesta noted that the impression this blighted parking lot makes when people enter the city. He sees this as an opportunity that if we miss it, it will not come back again probably in our lifetimes. All you have to do is look at Shaker Heights, Lakewood and other communities that we continually compete with and are losing to because we are not pushing our community forward enough. The urban design is solid and the architecture needs some work. I do think there are some changes that can be made and can be improved,

Mr. Pesta said he hoped there's a parking problem which means that the businesses are doing well, that means that people want to live in this community. On-street parking is there to serve residents and visitors. He said that if you ask most people that live in Cleveland Heights one of the things that they are most proud of, if you ask them, are the community is very diverse. He asked the Commission to consider the diversity of the architecture and how new design, new layouts can create additional diversity for this district.

Mr. Cobb asked if there were any further comments and there were none. He stated that at this time they are going to focus on the consideration for the PDO District. Mr. Cobb stated that at this time the option before the Commission is to recommend the City Council that the PDO District will be granted as requested, have the option to have this modified. It can also be denied or no action can be taken tonight, unless City Council grants an extension and, if there is no action, it will stand as a denial. Mr. Cobb asked if there was a motion on the options.

Mr. Horowitz moved to recommend to Council adoption of a Planned Development Overlay (PDO) District and its written Development Standards, dated November 21, 2018, as amended, for a mixed-use development at intersection of Euclid Heights Blvd., Cedar & Edwards roads (685-18-008 through 685-18-013, 685-18-016, 685-18-018, & 685-18-019) Top of the Hill, per Zoning Code Chapters 1111, 1115, 1119, 1141, 1147, 1151, and 1153.

Mr. Gaynier seconded the motion.

Mr. Cobb asked was there any discussion needed.

Mr. Rink thanked the public for their comments and he went on to express his remaining concerns in regards to the parking, however he was in support of the project moving forward.

Ms. Cohen stated that parking concerns are still under consideration.

Mr. Juliano added that he agreed with Mr. Rink and that he didn't want to misunderstand, he added the 175 parking permit spaces is permitted and the apartment owners have a concern regarding how the space may decrease at some point. Mr. Juliano stated that he and the City are aware of the parking concerns.

Mr. Cobb made mention that there has been a Council member here at the meeting this evening, who has been listening to all the comments and concerns.

Mr. Gaynier stated that he agrees that they need to move forward with the PDO District development standards.

Ms. Cohen had her concerns with the PDO, but she added that she feels the project is a great step forward for the community.

Mr. Mattox, Jr. added he's concern that there still is no resolution to the concerns that were brought forth at this meeting. He stated he would like to see things in writing that will address all concerns with a plan of true action.

Mr. Howe gave his acceptance to the project. He added he's concerned as well about the parking.

Mr. Cobb added that he too still had concerns about the traffic and parking. However, he still wanted to move forward with the new development. He then asked for motion for approval.

Richards Wong called roll:

Cohen, "Aye."

Gaynier, "Aye."

Horowitz, "Aye."

Howe, "Aye."

Maddox, "Nay."

Rink, "Aye."

Cobb, "Yes."

6-1 motion for the recommendation to Council to approve the PDO District passed.

Mr. Cobb asked was there motion on the floor.

Mr. Rink asked that a motion be made for City Council to move forward immediately with the parking and traffic concern.

Ms. Cohen agreed with Mr. Rink and his suggestion with meeting and addressing the parking and traffic concerns with the community.

Mr. Cobb added that he feels that parking and traffic concerns should be addressed in a timely manner. He asked was there a motion.

The Planning Commission passed a motion, 7-0, to respectfully implore City Council to:

- a) Immediately have the City take the lead and responsibility to move forward with and complete a neighborhood parking and traffic study for the streets south of the development (Grandview Avenue, Bellfield Avenue, Delaware Drive, S. Overlook Road and Harcourt Drive);
- b) Organize meeting(s) and have the City lead the discussion with the residents south of the development about the traffic and parking study; and
- c) Not proceed in approving the final development without certainty and complete satisfaction that the current parking needs and interests of area residents and property owners are protected and met on a long-term basis and as long as is reasonable in the final development plan.

Mr. Cobb asked if was there was a motion on the floor in regards to the development plan.

Mr. Horowitz moved that there should be approval on the conditionally approved development plan for the mixed-use development at Top of the Hill, as shown in drawings by Eppstein Uhen architects dated 11/20/2018 and Landform, dated 11/13/2018, per Zoning Code Chapters 1111, 1115, 1119, 1141, 1147, 1151, and 1153, with the following additional conditions:

1. *Approval conditioned upon City Council adoption of Top of the Hill Planned Development Overlay (PDO) District and its Development Standards;*
2. *Development must comply with Top of the Hill Planned Development Overlay (PDO) District and its adopted Development Standards;*
3. *Receipt of Planning Director approval of plans for landscaping, screening, tree preservation, tree protection, parking (bicycle and vehicle), and site lighting;*
4. *Receipt of Architectural Board of Review approval of buildings, structures, Sign Design Guidelines, signage/wayfinding plan, and sign designs;*
5. *Receipt of City Engineer approval of sanitary drainage and grading plan, and stormwater and stormwater management in compliance with Code chapter 1335;*
6. *Receipt of Planning Director, Police Chief and City Engineer approval of delivery, service and trash removal plan which serves the development, 2330 Euclid Heights Boulevard (Buckingham), 12383 - 12397 Cedar Road (Nighttown and two adjacent businesses); Plan shall provide sufficient truck maneuvering area and shall be located so as to maximize convenience and minimize negative impacts on adjacent properties;*
7. *The use will not create a nuisance for adjacent residential properties;*
8. *The applicant shall work with staff to resolve complaints from neighbors;*
9. *Traffic and parking shall comply with Cedar-Fairmount District Parking Study and Top-of-the-Hill Mixed Use Development Project Parking & Traffic Assessment recommendations and final site access configuration shall be approved by City Engineer and Police Chief;*
10. *Receipt of Police Chief and Fire Chief approval of a Safety Plan;*
11. *Any future expansion or site reconfiguration shall require the approval of the Planning Commission;*
12. *Receipt of all required Building Department permits; and*
13. *The installation of the use shall be completed by December 31, 2020.*

Mr. Gaynier seconded the motion.

Mr. Cobb asked if there was any further discussion needed.

Ms. Cohen added that she had all confidence that the City Council will address all concerns that have been brought before the Commission this evening, to come to a full resolution.

Ms. Hamley O'Donnell added that he Architectural Board of Review will receive all comments and concerns that were brought forth this evening.

Mr. Cobb asked that the public would look at the thirteen conditions they will see that the majority of them will address most of the issues and concerns that came up this evening. Mr. Cobb stated that if the motions are to pass this evening, they expect that all concerns will be addressed and resolved.

Richard Wong took a roll for the vote:

Cohen, "Aye."
 Gaynier, "Aye."
 Horowitz, "Aye."
 Howe, "Aye."
 Maddox, Jr., "Aye."
 Rink, "Aye."
 Cobb, "Yes."

Motion passed 7-0

Ms. Hamley O'Donnell stated that developer wanted to change the last condition that states the project would be complete in 2020 but change it to 2022.

Jim Juliano asked the motion be amended, that condition number 13 be changed to the completion date be changed from December 31, 2020, to December 31, 2022.

Mr. Horowitz made a motion to amend condition 13 of the Conditionally Permitted Development Plan and Ms. Cohen seconded the motion, which passed 7-0.

Ms. Hamley O'Donnell stated that recommends that the Planning Commission approve the proposed lot resubdivision to subdivide the existing parcel for the proposed development as shown on Site Plan by Polaris dated 11/5/2018, with the following additional conditions:

1. City Council approval of Edwards Road vacation;
2. Law Director approval of all required easements including, but not limited to, access and utility easements; and
3. Prior to submitting the plat to the County Recorder, it shall be signed by the Director of Law and Director of Planning.

Mr. Cobb asked if there were any questions, there were none, and Mr. Cobb asked for a motion on the floor.

Mr. Gaynier made a motion to approve Project 18-26 Flaherty & Collins Properties' lot resubdivision to join the existing parcels for the proposed development as shown on the site plan by Polaris dated 11/5/2018, with the following additional conditions:

1. City Council approval of Edwards Road vacation;
2. Law Director approval of all required easements including, but not limited to, access and utility easements; and
3. Prior to submitting the plat to the County Recorder, it shall be signed by the Director of Law and Director of Planning.

Mr. Howe seconded the motion, which passed 7-0.

Mr. Cobb stated that concludes the agenda for the regular meeting. He then stated that now they will approve the minutes from the previous meeting, asking were there any corrections needed to the October 10, 2018 minutes. Minutes stand approved.

OLD BUSINESS

None.

NEW BUSINESS

None.

The meeting was adjourned at 11:50 p.m.


Craig S. Cobb, Chair


Richard Wong, Secretary

