

**CITY OF CLEVELAND HEIGHTS  
PLANNING COMMISSION  
OCTOBER 17, 2018  
MINUTES OF THE SPECIAL MEETING**

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

STAFF PRESENT:	Kara Hamley O'Donnell	City Planner II
	Elizabeth Rothenberg	Assistant Director of Law
	Richard Wong	Planning Director
	Christy Lee	Recording Secretary
	Tanisha Briley	City Manager
	Tim Boland	Economic Development Director

CALL TO ORDER

Mr. Cobb called the meeting to order at 5:30 p.m.

**Project No. 18-26: Flaherty & Collins Properties** requests following approvals for mixed-use development at the intersection of Euclid Heights Boulevard, Cedar Road and Edwards Road (PPN 685-18-008 through 685-18-013, 685-18-016, 685-18-018, and 685-18-019) **Top of the Hill**, zoned S2 Mixed-Use: (a) Planned Development Overlay (PDO) District designation, (b) lot resubdivision, and (c) conditionally approved development plan per Zoning Code chapters 1111, 1115, 1119, 1141, 1145, 1147, 1151, and 1153.

Mr. Cobb welcomed the audience to the October 17, 2018, Special Planning Commission meeting to review the preliminary development plans and Development Standards of the PDO Plan Development Overlay District procedures and the PDO District rezoning procedures to establish the Top of the Hill PDO District. The Commission will make a decision of whether to ask City Council to adopt the PDO District. Mr. Cobb explained that there will be an introduction and presentation by the developer and, after that, there will be questions from the Commission, if needed, which will be followed with public comments. He asked that you state your name, address and verify that you have taken the oath or affirmation. Please limit your comments to three minutes and to the PDO matter before the Commission tonight. Tonight is not the time for comments on the color or the exterior design of the buildings.

Ms. Hamley O'Donnell stated that the developer will present the development plan, which will be displayed on the screen. Flaherty & Collins is represented by Brandon Bogan and

Deron Kintner, along with their traffic engineer Nancy Lyon-Stadler. Ms. Hamley O'Donnell explained the Planned Development Overlay after their presentation.

Ms. Rothenberg stated there will not be a vote for the preliminary plans that the developer will present, they are just here to show you the direction they are heading so you can consider that as you review the written Development Standards.

Mr. Bogan, Flaherty & Collins, introduced himself and thanked the City of Cleveland Heights and its residents for allowing them to have this meeting. Mr. Bogan showed slides of the proposed Top of the Hill project and explained the details of the development. He stated that they want to develop a 300-unit mixed-used luxury market-rate multiple-family development. Mr. Bogan showed slides of the ground level of the development, going into details of the proposed project. He showed the development's proximity to the current buildings, including Nighttown and the Buckingham condominiums. Mr. Bogan further explained the project will have its own centralized 550-space parking structure. There is 13,000 s.f. commercial tenant space. He showed how the residential structures wrapped around the parking deck. He explained the parking lot entrance and exit. Mr. Bogan stated that there will be additional parking with the development and they have made some changes to some of the entryways, adding green space and additional lanes for traffic. Mr. Bogan stated the changes were made based on feedback from the public. The residential area will have a deck with pool, an amenity for the development. He stated that the slides give an insight to the plans, but is not the final development plan. The goal is to develop a structure that will fit in with the current layout of the City while creating a dramatic impact.

Mr. Bogan explained the nine-story structure that will be at the entryway of the development and stated that all of the structures will form a cohesive development. There will be a walkway connecting the residential buildings for easy access to pedestrians. He showed images of how the development relates to current businesses, such as Nighttown. They show a balance between old and new, while adding a modern touch. Mr. Bogan noted that they have taken into account the Buckingham condominiums during the creative process, not taking away from its charm. He stated they are working hard to maintain a balance of old and new within the City by creating a calm and welcoming environment for all. He continued to show slides of the surrounding buildings and parking within the development, along with how the textures of the building will add to the character of the project. Mr. Bogan stated that they have spent a lot of time working with Kara Hamley O'Donnell and Richard Wong trying to understand the needs and desires of the City and its residents. Mr. Bogan said that they are excited about process.

Mr. Cobb asked if there were any questions for the developer at this time. Mr. Cobb stated that at this time the City will present.

Ms. Hamley O'Donnell stated that there has been an extensive review and approval process for the proposed development of the Top of the Hill. The Planning Commission has now seen Flaherty & Collins' preliminary plan, and now will review the Development Standards. The Planning Commission may choose to initiate the Planned Development Overlay District procedures, which is often referred to as the Plan Development District rezoning process, to establish the Top of the Hill PDO District by requesting Council consider adoption of the PDO District and Development Standards for Top of the Hill PDO District. Ms. Hamley O'Donnell

said part B and C of Flaherty & Collins request to the Planning Commission will happen at a later date, in November 2018.

Ms. Hamley O'Donnell explained the process and how it relates to the matter of the Top of the Hill. She stated the purpose of the S-2 Mixed-Use District and its relation to Top of the Hill and how the S-2 Mixed-Use District and PDO District work with each other, along with the approval process. Ms. Hamley O'Donnell stated that Development Standards will be developed based on feedback as the process continues. As part of the Development Standards, the Planning Commission may recommend modifications related to density, dwelling unit area, yard requirements, height, and parking requirements if the modifications are appropriate and consistent with the proposed uses, with the surrounding properties and neighborhood character, and further City sustainability guidelines. The Code also permits additional guidelines for specific site development to be included.

Ms. Hamley O'Donnell described the steps to create a PDO District, adding that community input is crucial:

- 1) Developer provides preliminary Development Plan of site.
- 2) Planning staff drafts written PDO District Development Standards based on staff review of preliminary Development Plan and staff analysis.
- 3) Applicant presents preliminary Development Plan of site to Planning Commission for their review. Planning staff presents Development Standards to Planning Commission.
- 4) Planning Commission requests Council consider adoption of Planned Development Overlay (PDO) District consisting of the drafted written Development Standards.
- 5) Council reviews request for consideration and either determines to proceed with PDO District or stop process.
- 6) If Council determines to proceed, Council introduces PDO District rezoning legislation consisting of written Development Standards and transmits to Planning Commission for their recommendation.
- 7) Within 30-60 days, Planning Commission reviews PDO District and makes recommendation to City Council and, simultaneously, Planning Commission reviews conditionally approved Development Plan. Any approval of Development Plan must be contingent upon Council approval of PDO District.
- 8) City Council holds public hearing on Planning Commission's recommendation concerning the PDO District.
- 9) City Council determines whether to proceed with PDO District legislation. If the Planning Commission recommends denial of the proposed PDO District, at least six Council aye votes are required for passage. The PDO District containing the written Development Standards becomes the PDO District 30 days after Council approval.

Ms. Hamley O'Donnell stated that today's review will focus on steps 3 and 4 and will move through the process of adopting the PDO District, which are 5 through 9. Steps 1 and 2 have already been completed by staff. She stated that, as more details emerge, the applicant will come before the Planning Commission on November 27, 2019, at 7:00 p.m. in Council Chambers at City Hall. Concurrently the Architectural Board of Review will review the design; however no meeting dates are available at this moment. Top of the Hill Architectural Board of Review Meeting dates will be posted on the City's web site as soon as they have been chosen.

Ms. Hamley O' Donnell explained that once Council adopts the PDO Overlay District and its Development Standards, the existing S-2 Zoning will be overwritten by the Overlay and the development plan is required to abide with these adopted standards. She gave an overview of the Architectural Board of Review and Planning Commission work session where there was a presentation of the first draft of the Development Standards for feedback. She distributed copies of the Development Standards draft and its current revisions. She said that, after comments that were made last week, it was suggested that site-wide sign design guidelines be required and approved by the Architectural Board of Review. This is customary in high-end commercial and mixed-use developments. She stated that language was included that would offer some flexibility as to who certifies that sustainable practices that are used.

Mr. Cobb asked if there were any questions for staff. Mr. Cobb stated that this was the time for public comment.

Ms. Rothenberg stated that there is BZA meeting following this meeting, and because of that, questions may be limited. However, all questions will be written down and will be addressed by the appropriate person.

Irene Snow, 2185 South Overlook, asked how rates in the luxury building compare to other surrounding cities. She also asked if it's correct that there will be two pools on the ground level and roof top.

Mr. Cobb stated that those questions were covered in last week's meeting; however they will attempt to answer.

Deron Kintner, Flaherty & Collins, stated that they are still working on the rent numbers and stated they will generally be on par with the nicest products in the region. He stated that there is one pool which will be located on a roof top.

Ms. Snow stated that she has taken a tour in University Circle and the pool at that location was upstairs next to the fitness center. She went on to give a description of the size of the pool and the fitness center at that location.

Mr. Kintner stated that size of the pool for the Top of the Hill will be around 4 feet deep, which is typical size for most apartments along with a lounge ledge. He stated this pool and fitness club will be of high quality.

Mr. Cobb asked for any other comments.

Dan Siegal, Integrity Reality Group, stated that he was the owner of an apartment that was located next to the new development. He expressed his concerns of the not being a part of the process of the development of the project and how the parking issue will affect his tenants, with a potential rate increase on parking passes. He added that he is excited about the development but he still has serious concerns with parking at fair rates and possible indirect effect on taxes to the residents and owners. He understands the need for high density apartments but doesn't want it to degrade the existing neighborhood. 1:1 unit to parking ratio is not enough. He thinks it should be 1 ½ spaces per unit. He explained his opinion of the quantity of parking demand which he feels is 770 parking spaces. What

happens during construction for the existing permit parkers? He looked at the development agreement and it says it takes into account existing rates and amenities. He was concerned that his tenants would be forced into paying an hourly rate at a meter which would be much more expensive than monthly parking passes. He is afraid the City may miss a loophole that could put his tenants at a disadvantage which could destroy the neighborhood and impact low- to moderate-income residents.

Tanisha Briley introduced herself as the City Manager for the City of Cleveland Heights and she appreciates the comments from the public, and that the City is well aware of the concerns of residents, and that they are looking enhance the City and not diminish the City in any form. She stated that there is a plan in place to help with the concerns that have been brought forth. She stated that she is working with Tim Boland, Director of Economic Development for the City of Cleveland Heights and, from the start of the project, it was evident that there was a need for parking, and what would be the best solution for all parties involved. We asked the developer to cover 225 parking spaces to the existing Lot 9 parking lot.

Ms. Briley added that there will be a period of construction for the development and that additional temporary parking spaces will be required, including 40 parking spaces for the Buckingham and 50 for Nighttown. Ms. Briley said that there was still a need for an additional 150 spaces for the existing permit holders, which ensures that the needs for all residents, workers and patrons who will be in the City will be met. We also understand there will be construction worker parking required as well. We are securing leases with private property owners to obtain leases for this temporary parking. Before the plan is finalized, it is the intent of the City to have input from apartment owners and residents, adding that contact will happen soon. She stated that construction on the project will not take place until the 3<sup>rd</sup> quarter of 2019. She understands the concern and anxiety that some may have at this time, however the City is aware and is working hard to ensure that all needs are met and addressed. She added that plans may possibly be finished by the end of 2018 and there is a district-wide parking study that is currently underway.

[There was an inaudible question from a person in the audience.]

Ms. Briley stated this garage will not be a City-owned property, so parking rates may increase slightly. However, there will be a requirement that rates are comparable to the rates that are in place in the City but they will probably be higher than they are now. There are 250 public spaces that will need to be available for the public, but at this time there isn't an answer as to what the rate will be for parking. We just don't know what those rates are today.

Mr. Kintner added that, at this time, they have not decided the rates on the property, however, they are aware that it needs to be addressed. He stated that the goal isn't to price people out of the area, but to draw them in. This will be improvement on the current parking situation that is place at the moment and he wants to work with City to come up the best solution in regards to parking rates.

Mr. Horowitz asked what access will be provided from the garage and the surrounding buildings. What would be the shortest path?

Mr. Bogañ stated that the way the garage is structured, there will be several different options for entry and exiting. He stated that for vehicular access, there will be two points of entry and exit and, in term for pedestrian entry and exiting, there will be multiple way of access. He showed slide. Visitors, residents and others will be able to enter or exit through different point by way of the garage or other locations.

Mr. Cobb asked if there were any other questions from the public.

Eric Silver stated that he wanted to echo the concerns of apartment owners that will be indirectly affect by Top of the Hill. He pointed out three buildings his family has owned in the area for 40 years. He is very excited about the project, however he is very concerned about the right that will be given to the developers. He raised concerns of the amount of public parking space versus private parking spaces. Be careful about the rights you are granting to the developer. 225 public parking spaces do not equal 225 permit parking spaces. This doesn't solve the problem of permit parking spaces. He holds 50 permits for his tenants. They will not feed a meter, they need permit spaces. If the apartments can't compete, it is critical.

Jordan Berns, attorney for Dan Siegel and Integrity Reality Group, stated he represents developers such as Flaherty & Collins, so he is very aware of the process. He said he wanted to emphasize why the parking needs must be addressed at this juncture. There only a few crucial points where all parties involved can have input before a project may proceed and, after the zoning process, things become vague and limited as to what the City can control. He offered his opinion as to a solution for the parking issue and how this can be resolved for all invested. Parking needs to be addressed at this point. If the parking study shows that a greater reliance on parking is required, it should be able to be addressed in this approval process. Our point is not to delay this process, it is just that it needs to be accounted for in this project at this time. An emphasis on permit parking cost and the number of spaces should be determined at this point. We should not have to rely on the developer's good will. He added that the parking rate should be made clear at this point, allowing the owners and residents to feel secure. Make sure you've everything you can to address it in this PDO process.

Joyce Rajki, Stillman Road, stated that she recently sold a building on Overlook Road. She is familiar with the parking situation in the area. She asked about the Districtwide Parking study that is supposedly happening and what is the description of the Cedar Fairmount District. Where does it begin and end, as well as, what is going to cover?

Mr. Cobb stated that they will get that answer for Ms. Rajki.

Tim Boland, Director of Economic Development for the City of Cleveland Heights, stated that the parking study is being done by Desmond, who performed the parking study back in 2008. He showed the location on slides as to where the studies will take place. Mr. Boland stated that this will be done before final action is taken on the project.

Mr. Gaynier asked to clarify in regards to the blocks east of the project. Is it going down to Surrey or to Norfolk?

Mr. Boland stated that he would have to verify that with the engineer, however he believed that the study would go further south of Cedar.

Ms. Cohen asked that Mr. Boland be more precise as to when the studies would actually be done. She also asked if Ms. Hamley O'Donnell would weigh in on how that intersects with this process.

Mr. Boland stated that there have been preliminary drafts of the report and he believes that it should be complete within the next several weeks.

Ms. Cohen asked where this would fall in the City approval process.

Ms. Hamley O'Donnell stated that is will come back to the Planning Commission on November 27, 2018, and at the same time that the parking and traffic studies are being undertaken. The traffic engineer is here tonight listening. We know you will need the results of this study will be required before you can take action on the Conditional Use Permit.

Ms. Rothenberg wanted to clarify if this was in relation to the site.

Ms. Hamley O'Donnell stated the District-wide Parking Study is going on which will include parking for the site, and there is also a parking study that is of the entire commercial district. She stated the report will need to be complete and presented to the Planning Commission before the Conditional Use Permit for the development can be approved.

Ms. Cohen wanted to clarify that today's meeting is to launch the process and the meeting that will happen on November 27, 2018, will allow for changes to the PDO before granting approval on the Conditional Use Permit.

Ms. Hamley O'Donnell agreed and said Council will also hold a public hearing on the PDO, which may involve changes to those Standards. We anticipate that there will be changes at the Planning Commission's and Council's direction.

Mr. Cobb asked about that memorandum for the City and the developer and what it says about the parking issue in respect to the 225 spaces.

Mr. Boland stated that the development agreement currently calls for replacing 225 spaces that are currently in use. The current number for the proposed parking structure is upward towards 580. The existing 225 surface parking spaces in lot 9 are to be replaced in the proposed parking deck.

Mr. Cobb asked how much of that is still open to negotiation between the City and the developer.

Ms. Rothenberg wanted to make sure that the Commission understands that on page 2 of the Development Standards, there's clear language about parking.

Ms. Cohen stated that she wanted an understanding of the replacing of the 225 spaces isn't spot-for-spot replacement, because there is more demand that is being built in the area

around the retail and additional guests of apartment dwellers. She asked that it may have seemed to have been a 1-to-1 ratio at the outset, but now the City looks to be losing the room for the City to provide permit parking. She wanted an understanding of the rate structure and how the permits, as well as private parking how that intersects. When the parking study is presented, they need to speak to the disconnect between the parking need and the proposed parking.

Ms. Rothenberg stated that, because the City has the development agreement with the developers, it doesn't take any of the Commission's jurisdiction away. They can alter the current language now or in the future, regardless to what's in the development agreement. The Commission has the right to make adjustments.

Ms. Cohen stated that she wants to call attention to Standard 7A. She thinks a limit of six stories of parking may not be enough in the long run. This may be problematic.

Mr. Mattox, Jr. stated that he agreed with Ms. Cohen. He has three concerns about the quantity and affordability of the spaces. Last he is concerned about the distance of the parking from the apartment buildings. If parking is \$35/month and it jumps to \$60/month that is a huge increase.

Mr. Boland said that, in the coming weeks, they definitely will clarify that issue. The rate structure is something that will take some time by the developers and they are aware of the concern. The parking study is critical to provide some of the answers.

Ms. Cohen asked Mr. Boland how these rates will truly impact the residents and will there be a chance to offer more permit parking. Look at permit rates overall to create more parking permits.

Mr. Gaynier asked of the 225 existing public parking spaces versus the 225 permit spaces, do we know the actual amount that is used.

Mr. Boland stated that the current number is 225 spaces; 170 of those are for permits.

Mr. Horowitz stated that, last week, it was mentioned that there were five parking levels that they were going to build. The Standard allows for them to go up to six levels.

Ms. Cohen added that, if concerns are about occupancy or space, then it will need to be addressed.

Ms. Rajki stated that she doesn't live on Delaware or South Overlook, however she hopes that the City isn't going to make them have overnight parking on those streets. She stated that most of the residents aren't comfortable with overnight parking.

Eric Silverman, 2884 Fairmount Boulevard, stated that he liked the concept and site plan of the Top of the Hill Project and his concern is with the parking. He wishes more taxes were going to school and he isn't happy with the aesthetics. The sooner the parking study is completed and the more expansive it is, the better. He stated the success of surrounding businesses has caused the demand for parking to increase. The success of Barrio and the Fairmount has taxed parking in the neighborhood. He encouraged the Commission to

rapidly address the concern for the parking, but also the concern for the parking that may impact side streets.

Ms. Hamley O'Donnell stated that City staff, along with Council, has recognized that parking and traffic in the City are the biggest concerns around this site and they need to understand this fully. That is why the parking and traffic study is in place now. Next week, there will be a meeting with the traffic and parking engineers to go over data from the study with the residents of South Overlook, Delaware, Grandview and Bellfield.

Lute Quintrell, 2235 Woodmere Drive, stated that his part-time job is the assistant to the owner of Appletree Books. He asked Ms. Hamley O'Donnell to put a slide up and he wanted the Planning Commission to take a look at the rendering of the development. Does this meet the spirit of what Cleveland Heights is try to sustain? He, too, has concerns about the parking issues and how it will truly affect the community as a whole. Last week, at the joint meeting, there was a question about business owners being contacted. He stated that there has been very little contact with business owners.

Ms. Cohen asked will the Chief of Police be involved in the traffic studies.

Kara Hamley O'Donnell responded yes.

Kerri Moore, resident of Grandview Avenue with her husband for more than 20 years, stated that she has experienced an increase in volume and speed of traffic on the street and decrease of available parking on the street, which is impacting the quality of life and enjoyment of the neighborhood. She stated that she has many concerns about the parking issue and she is happy that there is a parking study underway and is happy that resident input is welcomed. We need adequate notice. We are the parking lot for the businesses in the commercial district. I do support this project.

Ms. Cohen asked Ms. Moore can she describe what aspects have impacted the neighborhood.

Ms. Moore stated that, with opening of Barrio, there has been a significant increase of parking on the street. Her street has become a parking lot and not a residential area, which limits the available parking for residents who may have guests or family over. It is busy around 4:00 p.m. to 9:00 p.m., Monday through Saturday. It makes it hard for us to have visitors to our house and people can't park on the street.

Ms. Cohen asked if the parking on the street was free.

Ms. Moore stated yes, and she does have a concern that they will now have paid parking spots which could cause an overflow on the other streets. She asked what the City's plan is for this. Ideas have circulated about resident permit parking or resident access only.

Ms. Snow stated that she lives on South Overlook and she amazed at how quiet it is. She stated that the parking increase will possibly affect her quality of life and property value. She stated that she has students from Case Western Reserve that park on her street now, and with the 3 hour limit, she expressed her concern as to how this will impact the

students. If there is a restaurant and will people park on her street. The street will become more urban. She stated that maybe there can be a tax abatement added to her street.

Ms. Cohen asked if some of the concerns about traffic can be referred to Chief Mecklenburg.

Ms. Hamley O'Donnell replied yes. She hoped that everyone present received a copy of the Development Standards for the Planned Development Overlay. If not, it will be available on the Cleveland Heights website.

Ms. Rothenberg stated that, if there is a motion today, and City Council moves forward on Monday, there won't be an opportunity for public comment. They will send it back to the Planning Commission and she added that on December 3, 2018, City Council will have a public meeting at that time.

Ms. Hamley O'Donnell stated that the Planning Commission will readdress the Top of the Hill on November 27, 2018.

Mr. Cobb asked if there was need for further discussion

Ms. Rothenberg stated that, if there were a need for language change, now would be time. There still time for this to be done at the November meeting, but the Development Standards will be before Council.

Mr. Cobb stated that the Commission has concerns about the parking issue.

Ms. Cohen stated that nothing can be done right now because the parking and traffic study has not been completed. We will have that information in November.

Mr. Cobb stated that, to be clear, we are not preventing addressing the issue if we make a motion to send this PDO to Council.

Ms. Rothenberg said that is correct.

Ms. Hamley O'Donnell stated that staff will pass along the concerns that were presented this evening.

Mr. Cobb asked if there was a need to change to the language.

Ms. Rothenberg stated it would be a motion to recommend adopting the Top of the Hill Planned Development Overlay and recommend that Council adopt the Development Standards as currently drafted.

Ms. Cohen asked that the 2<sup>nd</sup> condition be amended, having the words of "pending the Standards" at the meeting on November 27, 2018.

Ms. Rothenberg said it would be cleaner and more helpful to make the motion as proposed.

Ms. Hamley O'Donnell reminded them that when we did zoning code amendments, we continued to adapt and amend them throughout the process.

Mr. Cobb asked for a motion.

Mr. Horowitz moved that the Planning Commission recommend adopting the Top of the Hill Planned Development Overlay and recommend that Council adopt the Development Standards for the PDO.

Mr. Gaynier seconded the motion.

Mr. Cobb asked was there any further discussion needed.

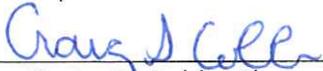
There was none and the motion was approved, 7-0.

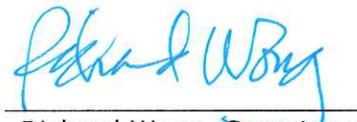
Mr. Cobb thanked the public and staff, and stated that the concerns of parking will be addressed and hopefully they will be addressed by City Council.

OLD BUSINESS  
No old business.

NEW BUSINESS  
No new business.

ADJOURNMENT  
The meeting was adjourned at 6:49 p.m.

  
\_\_\_\_\_  
Craig S. Cobb, Chair

  
\_\_\_\_\_  
Richard Wong, Secretary

