

**CITY OF CLEVELAND HEIGHTS
PLANNING COMMISSION
NOVEMBER 8, 2017
MINUTES OF THE MEETING**

MEMBERS PRESENT: Craig Cobb Chair
 Jessica Cohen Vice Chair
 Leonard Horowitz
 Adam Howe

MEMBERS ABSENT Michael Gaynier
 Anthony Mattox, Jr.
 Jeff Rink

STAFF PRESENT: Richard Wong Director of Planning &
 Development
 Karen Knittel City Planner
 Kara Hamley O'Donnell City Planner
 Elizabeth Rothenberg Assistant Director of Law

Mr. Cobb called the meeting to order at 7:22 p.m. and began with saying good evening and welcome to the November 8th meeting of the Cleveland Heights Planning Commission. He stated that our first order of business this evening is to have the roll call, Mr. Wong please.

Mr. Cobb Here
Ms. Cohen Here
Mr. Howe Here
Mr. Horowitz Here

Mr. Wong stated that a quorum of four members are present.

Mr. Cobb asked if there were any objections to the October 10th minutes as submitted. As there were no objections from the Commission members, the October 10th minutes were approved as submitted.

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Project No. 17-23: Planning Commission will review and make recommendation on amendments to Part Eleven, Zoning Code, of the Codified Ordinances of the City of Cleveland Heights, Ord. 105-2017.

Ms. Knittel presented the proposed amendments to the Zoning Code. Planning Commission reviewed, discussed and asked questions about the amendments. Ms. Cohen encouraged the community center to be a place where public notice was placed. Ms. Rothenberg explained that the places where public notice is posted are listed in section 107.02(a)(1). The language of the amendment was altered to eliminate "City Hall and the public libraries listed in Section 107.02(a)(1)" and replaced with "at the places listed in Section 107.02(a)(1)." Ms. Rothenberg said she would pass the suggestion of including the Community Center for posting public notice to City Council.

The public hearing was open and Majeed Makhlof, attorney representing the May Lee Building at 2490 Lee Boulevard, commented:

- The Board of Zoning appeals approved his client's requested use variance for storage at this property but it was denied by City Council.
- He asked that the zoning be changed so the property owner can make productive use of the property as the C-1 Office zoning is not working and it is not for a lack of effort trying on behalf of his client. There are limitations and challenges of the property.
- He pointed out that the C-1 classification is only in two areas of the city and that these changes primarily impact the zoning of his client's property.
- He said that real estate brokers ask if anything can be done to change this to the C-3 zoning. Staff came back with the mixed-use transition district and we don't know whether that would work. The conditions of retail today make it unclear. The changes that changed from permitted uses to conditionally permitted uses definitely don't work for this property. This is effectively condemning the property where the City acts as a landlord. The City is reviewing and approving every tenant. A broker told him that no broker would try to market a property under those conditions.
- This issue of Conditional Uses is a major issue nationally and is limiting property rights. He understood conditionally permitting and limiting a use that has environmental or negative impact. Generally, you don't use this for uses that you interact with on a daily basis like restaurant or retail. This is an improper use of the conditional use process and we do not believe this leads to a viable use of the property. We hope the City would permit the C-3 district uses. The conditional use process for the mixed-use property is limited to only a few properties and this doesn't alleviate the problems we asked the city to help us with.
- His client would like to see storage use. The fact that every single tenant is a conditional use and this is not a way to market this property.
- In the Planning Commission presentation, the building requires a conditional use permit and all tenants except office and housing require their own conditional use permit. Currently this would require every time a tenant changes, they require a new conditional use permit.
- Mr. Makhlof stated that our position is that the property is not currently zoned in a fashion that renders it viable. We don't think that the mixed use will get us there. Every use that is viable has been made a conditional use.

The reason we are here is that office is not working here, and it's not for the owner's lack of effort to lease it. He is trying to make that property usable for office space and has had to go to other uses to make it viable as currently zoned.

- Mr. Makhoul said he hoped we are not putting this property in a position where it becomes vacant and foreclosure. We are trying to help a client make that property usable.

Ms. Rothenberg distributed alternate suggested language for Code section 1153.05(o) which changed the standards under which the uses within the building would receive their conditional use permits.

Ms. Cohen clarified that once the building's conditional use is approved, no new conditional use permit would be required if a similar use was already there. With the new language that was shared, a change from one retail use to another retail use would not require a new conditional use permit. The uses permitted in a mixed-use building are uses that were never allowed in a C-1 district or were conditionally permitted. As proposed, retail is not a permitted stand-alone use. She was comfortable with the amendment as proposed.


Mr. Horowitz made a motion for the Planning Commission recommended the amendments, transmitted to Planning Commission by Council in Ordinance No. 105-2017, be granted with the modifications marked in yellow highlighting, including the proposed change handed out during the meeting in Section 1153.05(o) and the changes requested by Ms. Cohen during the meeting in Section 1115.06(d), Section 1115.07(d), Section 1115.08(d) as reflected in the record. The motion was seconded and the Commission recommended approval of the amendments with modifications, 4-0.

It was further requested (without a vote) that Council consider adding the Community Center to the list of places required for public notification under Section 107.02.

With no further business brought forth, Mr. Cobb adjourned the November 8, 2017, meeting was adjourned at 8:06 p.m.



Craig S. Cobb, Chair



Richard Wong, Secretary

