

**CITY OF CLEVELAND HEIGHTS
PLANNING COMMISSION
DECEMBER 11, 2019
MINUTES OF THE REGULAR MEETING**

Present Members	Jessica Cohen	Chair
	Michael Gaynier	Vice Chair
	Jeff Rink	
	Leonard Horowitz	
	Adam Howe	
	Anthony Mattox, Jr.	
	Jessica Wobig	

Leonard Horowitz

STAFF PRESENT:	Kara Hamley O'Donnell	City Planner II
	Alix Noureddine	Assistant Director of Law
	Christy Lee	Recording Secretary

CALL TO ORDER

Ms. Cohen called the meeting to order at 7:01 p.m. She welcomed the audience to the December 11, 2019, meeting of the Cleveland Heights Planning Commission. She asked if everyone had a chance to review the minutes from the regular meeting of the November 13, 2019, Planning Commission. There were no corrections or additions to the minutes, so the minutes stand as approved for November 13, 2019. Mrs. Cohen explained to the audience that there will be a presentation by staff after which anyone from the audience, including the applicant, will testify and they will need to take the oath or affirmation. Ms. Cohen asked everyone to stand to take the oath or affirmation.

Mr. Noureddine asked do you swear or affirm that the testimony that you're about to give to the Planning Commission is the whole truth and nothing but the truth? Kara Hamley O'Donnell and others who planned to testify stood and took the oath.

It was acknowledged that Mr. Horowitz arrived at 7:06 p.m.

Adam Howe recused himself and left the room.

Proj. No. 19-22 (continued): FA OH HND, LLC, 2888 Mayfield Road, dba Foundation Automotive Corp., C-3 General Commercial zoning district, requests conditional use permit for used auto sales in conjunction with Foundation Automotive Corp. Honda new auto sales (2953 Mayfield Road) & minor auto repair per Code chapters 1111, 1115, 1131, 1151, 1153, 1161, 1163 & 1166.

Ms. Hamley O'Donnell gave a detailed PowerPoint presentation explaining the Conditional Use Permit request and asked that the staff report dated December 3, 2019, be entered into the public record. She then recommended approval of the Conditional Use Permit and Staff Recommendations for a conditional use permit for used auto sales in conjunction with Foundation Automotive Corp. Honda new auto sales 2953 Mayfield Road and minor auto repair at 2888 Mayfield Road as shown on the drawing by H. David Howe, Architect, dated

11/26/2019, and as described in the application materials, with the following additional conditions:

1. This use shall not be injurious to the use and enjoyment of other properties in the immediate vicinity or create a nuisance for adjacent properties;
2. The applicant shall work with staff to resolve any complaints from neighbors;
3. All signage (building, window, pole, instructional, directional, etc.) shall conform to zoning requirements, considering previous variances, and require Architectural Board of Review Approval;
4. Foundation Automotive Corp.'s sale of used vehicles at this site shall only be permitted accessory to the sale of new automobiles at the franchised Foundation Automotive Corp. Honda at 2953 Mayfield Road. Foundation Automotive Corp.'s inventory of used automobiles shall not exceed fifty percent of the overall Foundation Automotive Corp. inventory at any one time;
5. Only repair of automobiles customarily associated with automobile sales shall be permitted, and all auto repair, cleaning, washing and drying operations shall be conducted inside the building;
6. No junk, inoperative or unlicensed vehicle shall be permitted to remain outside on the property for more than forty-eight (48) hours;
7. Landscaping and screening plan shall be approved by the Planning Director;
8. Lighting shall not glare into, or upon, the surrounding area or any residential premises. Any proposed new lighting shall be approved by the Planning Director in compliance with Code section 1165.07.
9. Hours of operation shall be limited to between 9 a.m. and 8 p.m.;
10. Required fence along the west property line shall be installed in accordance with Calendar No. 2742, as shown on the site plan, and, prior to installation of fencing, the applicant shall meet on-site with Planning Department staff to review tree preservation plan, landscape plan, and details of the fence design and placement. A fence permit shall be required for fencing and dumpster enclosure;
11. No automobile delivery trucks shall load or unload automobiles on Mayfield Road. All deliveries shall occur on-site;
12. Parking lot shall be striped in accordance with approved site plan and cars-for-sale shall park in an orderly manner in the areas shown on the approved plan;
13. Test-driving vehicles shall not be permitted on residential district collector side streets such as Middlehurst, Hampshire, and Preyer roads. Streets with high volumes of traffic and multiple lanes, such as Mayfield, Monticello, and Lee Road, shall be the principal routes for such test drives; and
14. All required construction and installation of the use shall be completed by May 1, 2020.

Ms. Cohen asked if the date of May 1, 2020, construction included the landscaping and installation of the fence.

Ms. Hamley O'Donnell stated that typically it would happen sooner, however, due to the current weather conditions, the date will remain set for May 1, 2020.

Mr. Gaynier asked for clarification to the staff recommendation number 11 as he has seen automobiles being unloaded on Mayfield Road.

Ms. Hamley O'Donnell explained that deliveries could impeded travel on Mayfield Road and that it would also be beneficial for the applicant to address this concern.

Ms. Cohen asked for staff and question or comments as well as public feedback.

Jason Haden, introduced himself as the Operating Partner for FA OH HND, LLC, acknowledged that he was sworn in. He looks forward to working with the City of Cleveland

Heights and also thanked the Commission. Mr. Haden clarified the loading and unloading process for the location would not be in the public right-of-way but on private property, most likely at the Honda dealership. They have no intention of loading or unloading in the public right-of-way.

Mrs. Cohen asked if there were any further questions from the public or staff. There were none and she asked if there was a motion on the floor.

Mr. Mattox, Jr. made a motion to approve the Conditional Use Permit with staff recommendations. Seconded by Mr. Rink, the motion was approved 6-0-1, with Mr. Howe abstaining.

Mr. Howe returned to the room.

OLD BUSINESS

Ms. Hamley O'Donnell informed that Planning Commission that True North Energy LLC, has brought forth a lawsuit against the City of Cleveland Heights and updated Top of the Hill progress.

NEW BUSINESS

Ms. Hamley O'Donnell reported to the Planning that there will be no Planning Commission agenda meeting on Wednesday, December 18, 2019.

ADJOURNMENT

The meeting was adjourned at 7:16 p.m.



Jessica Cohen, Chair



Kara Hamley O'Donnell, Secretary