



SHAKER HEIGHTS

Board of Zoning Appeals & City Planning Commission Minutes

Wednesday, June 2, 2021

7 P.M.

Via Video and Audio Conference

Members Present: David E. Weiss, Mayor
Sean P. Malone, Council
Joseph J. Boyle III, Member
Kevin Dreyfuss-Wells, Member
Joanna Ganning, Member

Others Present: Joyce G. Braverman, Director of Planning
William M. Gruber, Director of Law
Daniel Feinstein, Senior Planner

The meeting was called to order by Mayor Weiss at 7:00 p.m.

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#2101. VAN AKEN DISTRICT APARTMENTS – 20005 FARNSLEIGH ROAD:

A Continuation of a Public Hearing was held on the request of Mackenzie Makepeace, RMS Investment Group, 20005 Farnsleigh Road, to the Board of Zoning Appeals and City Planning Commission for variances, site plan review, and a Conditional Use Permit to construct an apartment building as the next phase of the Van Aken District development. The request was continued at the April 6, 2021 meeting with several comments and for additional information. Site plan review is required for this 228 unit apartment building with two towers and a 280 space parking garage located on the current Farnsleigh Road parking lot. A Conditional Use Permit is requested for dwelling units on the first floor in the CM Commercial Mixed Use zoning district. Variances are required for a single use residential building, as code requires a mix of uses and 50 percent of the first floor to be retail in the CM Commercial Mixed Use zoning district. The south facing first floor facade is 40 percent open windows while code requires 60 percent open glass on the first floor facing a street. A variance is required to the minimum width of a parking space, as code requires a 9-foot wide space and 8 foot 9 inch wide spaces are proposed in the parking garage. A variance is required to the minimum size of a one bedroom unit of 700 square feet to allow a mix of 43 units between 500 and 700 square feet. A variance is required to the minimum lot area per dwelling unit of 800 square feet to propose 485 square feet per dwelling unit on the site. A building height variance is required as the applicant proposes building heights of 199 foot 6 inches for the eastern building and 165 foot 6 inches for the western building. Code permits a maximum 70-foot building height. A variance is required to the landscape screening for the front driveway drop off area and the fencing facing the street. The mechanical enclosure on the roof is proposed to be 15 feet tall when code limits rooftop mechanical equipment to 10 feet tall. The front yard building setback is proposed to be 19 feet to the western building, 33 feet 6 inches to the eastern building and 21 feet to

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the garage when code allows a maximum 10 foot front yard setback. The single loading space is located in the western side yard when code requires two loading spaces in the rear yard. The generator is proposed in the western side yard while code allows it only inside the building or on the roof. The driveway width of the one way driveway is 24 feet when code allows a maximum of 12 foot width for a one way driveway. A dog run is proposed in the eastern side yard. A dog run is allowed in the rear yard only set back 3 feet off the property line. The Conditional Use Permit requires Council confirmation.

Mr. Feinstein showed slides of the site. He stated this is a continuation of a request for site plan review, a Conditional Use Permit, and variances in order to develop an apartment building as the next phase of the Van Aken District. The applicant proposes a 228 unit apartment building with 281 parking space garage on the site of the Farnsleigh parking lot. The City Planning Commission reviewed the proposal last at the April 6, 2021 meeting and both the Architectural Board of Review and City Planning Commission reviewed the design in preliminary work sessions. The review was continued at the April City Planning Commission meeting with several comments and additional information needed. The applicant has responded and submitted additional information, a traffic study, traffic and safety vehicle movement diagrams, screen fencing design and more detailed landscaping and a tree plan. The requested actions include: A Conditional Use Permit for dwelling units on the first floor in the CM Commercial Mixed Use zoning district; Variances for the following: a single use residential building, when code requires a mix of uses and 50 percent of the first floor to be retail in the CM Commercial Mixed Use zoning district, a variance to the minimum width of a parking space, when code requires a 9-foot wide space and 8 foot 9 inch wide spaces are proposed in the parking garage, a variance to the minimum size of a one bedroom unit of 700 square feet to allow a mix of 43 units between 500 and 700 square feet., a variance to the minimum lot area per dwelling unit of 800 square feet in order to propose 485 square feet per dwelling unit on the site, a building height variance for building heights of 199 foot 6 inches for the eastern building and 165 foot 6 inches for the western building when code permits a maximum 70-foot building height, a variance to the landscape screening for the front driveway drop off area and the fencing facing the street, a variance to the mechanical enclosure on the roof to be 15 feet tall when code limits rooftop mechanical equipment to 10 feet tall, a variance to the front yard building setback to be 19 feet to the western building, 33 feet 6 inches to the eastern building and 21 feet to the garage when code allows a maximum 10 foot front yard setback, a variance to the single loading space located in the western side yard when code requires two loading spaces in the rear yard, a variance to the generator proposed in the western side yard while code allows it only inside the building or on the roof, a variance to the driveway width of the one way driveway of 24 feet when code allows a maximum of 12 foot width for a one way driveway, a variance to a dog run proposed in the eastern side yard, when a dog run is allowed in the rear yard only set back 3 feet off the property line. Staff recommends approval with the conditions of the site plan and variance with items still needing to be submitted that will require additional review by the City Planning Commission. These are all listed in the summary memo.

Mackenzie Makepeace, RMS, said they are excited to develop the second phase of the Van Aken District in Shaker Heights.

Joe Fox, SCB Architects, introduced the design of the building including landscape and traffic. They have revised plans for the last two months.

James Michaels, SCB, said he is the lead building designer. He highlighted the changes to the design including the thinner bridge between the buildings and the added balconies. There is a textured skin on the façade with window modules, wood grain material accents and a rear yard view.

Joe Pongonis, MKSK, explained the landscaping for the site with special emphasis on the edge conditions. He also explained the fencing proposed around the site and its different purposes.

Ms. Makepeace said the fencing types and locations were altered due to the input from the last meeting to buffer/screen the loading area uses in the western yard.

Mr. Pongonis described the landscape at the western property line and around the generator and generator wall. This is a high-quality fence and gate. He said they plan on using native species and are developing an extensive plant list. He described the landscaping at the front of the driveway as better than hard evergreen hedge to better enable integration into the existing multi-use path landscape design.

Mr. Fox said this is a perforated, aluminum screen, chosen after a conversation with the Architectural Board of Review. This type of more solid fence will then transition to the landscape screening further down the property line. He described the variance requests and reasons for each including the dog park, parking space width, size of units, screen wall and overall height.

Mr. Michaels detailed the shadow studies. They studied 4 different months as well as different times of day.

Ms. Makepeace said the height variance is necessary to provide needed density for the businesses in the district. The building height allows green space to create vibrancy in the district both in front and behind the building as expected in Shaker Heights.

Mike Workowsky, Wells and Associates, traffic engineers, said they did the original traffic study for the Van Aken District. They analyzed intersections for 2024 after construction is complete. Adjusted new traffic counts to reflect non COVID times. He explained the numbers of entrances and exits. He explained the right turn from Farnsleigh to westbound Van Aken. If no right turn on red then back to driveway. Recommend to continue operation, which balances motorists and pedestrians. Showed service driveway and other drive entries. He described service and delivery truck movements.

Ms. Makepeace said will coordinate move-in activity during non-rush hour time frames. They already do this for the Upstairs apartments.

Mr. Workowsky said the density of this development is where you want it, near transit. The infrastructure is in place for a balance for all users to encourage the rest of the community and the district.

Mr. Boyle said the dog run does not trouble him if 8 feet 9 inches is acceptable for a parking space width.

Mr. Fox said 9 feet wide is plenty wide for public parking. This can be reduced in private situations. The over width is 1 foot wider for 59 spaces. In Chicago the private garage parking space width goes down to 8 feet.

John Ratner, RMS, said 30 percent of the parking spaces will still be code conforming.

Mr. Dreyfuss-Wells said 8 feet 9 inches is acceptable in his experience.

Dr. Ganning said the gate material is good. What about the dumpster.

Ms. Makepeace explained trash is kept inside and rolled out on trash day.

Dr. Ganning asked about the width of the one way exit driveway.

Mr. Workowsky explained the width of both front driveways accommodate the fire truck. The extra width allows the drop off to work well.

Dr. Ganning said the pedestrian counts were done in January. Different pedestrian crossing occurs in warmer weather.

Mr. Workowsky understand and they can adjust the light timing to accommodate more pedestrians.

Joyce Braverman, Planning Director, said the city has discussed the pedestrian timing.

Richard Mastnardo, Police, said first they will look at pedestrian timing at the intersection. They can probably play with 13 seconds to 16 seconds. Then give it time to see how it flows.

Dr. Ganning said the right turn on red is problematic. Cars treat it as a rolling right turn.

Mr. Dreyfuss-Wells said if pedestrian safety and what is right balance of pedestrian safety.

Mr. Workowsky said thinks the intersection can work. Could temporarily test the effect of not allowing a right on red. That will result in a backup of vehicles.

Ms. Braverman said the curb at that intersection was bumped out when the streetscape was designed.

Mayor Weiss opened the Public Hearing.

Mr. Feinstein summarized and email submitted by Bruce Donnelly. He said he likes density. Why 18 story building to get it? The Chelsea condominiums are a good height. A U-shaped building could reduce the height. Other shaped floor plans would all have good views.

Mr. Feinstein said the Shaker Heights Country Club supports the development in bringing much-needed density to the area. He summarized concerns from the Club as there is an opportunity for a sustainable solution to storm water. The Club is concerned about the look of the complex including materials on the garage. Concern about the potential impact on golfers with the sun glare and/or shadows from the buildings. Concern with noise from pool and maintenance area. Supports limiting setback requirements in the rear. Power lines will have an additional need for setbacks. Address fencing related to security.

Ms. Makepeace said they did a lot of study to hold the urban street building façade. They studied other building arrangements but they were too massive on site so made two buildings to break up the mass and allow the views through. The unit size mix will serve the city for a diversity of residents.

Mr. Dreyfuss-Wells asked if the submitted plans to be approved with conditions.

Ms. Braverman said yes these are design development plans. Further study of the pedestrian timing issue and study width of exit driveway and how it meets the sidewalk are needed. Detailed landscape and tree plans.

Dr. Ganning said she is concerned with the pedestrian safety of the intersection and the wide exit lane.

Mr. Boyle said the height and density of the development is appropriate. The site demands it. Taller doesn't necessarily bother him.

Mr. Dreyfuss-Wells echoed Mr. Boyle in that height and density are acceptable. He supports the proposal as long as staff works with the applicant on the details.

Mr. Malone agrees with Mr. Dreyfuss-Wells. It is acceptable for additional staff work on pedestrian safety measures. Density is acceptable. Height is unusual but this lot in this location is comparable to Tower East and the corner at Chagrin Boulevard.

Mayor Weiss agreed pedestrian issues will need to be studied. The density and height are appropriate for this site and allow more open and green space. He agrees the city will continue to work on some of these issues.

Mayor Weiss aid with more activity and more ways to cross both cars and pedestrians will work it out.

Dr. Ganning said this is a good site to develop and serves the city with the right developer. She is concerned with pedestrian safety.

Mr. Boyle asked about returning to the Board, not just staff.

Ms. Braverman yes, the site plan issues listed in the staff report are significant and will need to return to the Board of review.

It was moved by Mr. Boyle and seconded by Mr. Dreyfuss-Wells to approve the request based on the findings of fact and conclusions of law as set forth in the Action Sheet.

Approval of the following:

Commercial Mixed-Use District

Variances:

1. **1234.07 A—Front setback** is required to be a maximum of 10 feet. The proposed building setback varies with a 19 feet setback on the western building, 33 feet 6 inches on the eastern building, and 21 feet to the garage.
2. **1234.08 A—The building height** is taller than the 70 foot height permitted in this portion of zoning district. The eastern tower is 199 feet 6 inches tall and the western tower is 165 feet 6 inches tall.

3. **1234.05 A** – The code requires a **mix of uses** so no one use exceeds 90% of the floor area. The development does not have mixed uses in the building, as it is 100% residential apartment units.
4. **1234.05 A** – The code requires that the **first floor of the building have 50% retail** or restaurant space. The first floor is made up of apartment units, entry, gathering space and building management office space.
5. **1234.06 C** —The code requires that the **minimum area of a one bedroom** unit is limited to 700 square feet. The smallest efficiency unit is proposed at 500 square feet.
6. **1234.06 C** - The code requires a **minimum lot area** per unit ranging from 800 to 1,000 square feet depending on the number of bedrooms, while the average gross minimum lot area per unit is proposed at 485 square feet.
7. **1262.08 C** - The **mechanical units and roof top screen** are 15 feet tall. Code allows a maximum 10 feet height above the roof for mechanical units, which must be screened from view and integrated into the building design.
8. **1262.02** – Code requires two short berth **loading spaces**. One is proposed.

Conditional Use Permit:

1. **1234.03 - Dwelling units on the first floor** require a conditional use permit and are limited to 40% of the first floor in the whole zoning district.

Council Confirmation of the Conditional Use Permit is required.

Parking

Variances:

1. **1251.10** – The **width of parking spaces** - 70% of the spaces in the garage are proposed at 8 feet 9 inches, where 9 feet is required.

Approval with conditions including the submission of the following for further review by the Board:

Site Plan Review:

1. A detailed landscape plan to be presented for the entire site, including number, species and sizes to be submitted and approved by the City Planning Commission
2. A detailed landscape plan to complement the proposed fencing for the loading and service area in the western side yard.
3. A detailed landscape screening plan needs to be designed and submitted to soften the street view of the parking garage in the southern (front) and eastern side yard.
4. The utility plan, including pole relocation, to be coordinated with the utility companies and the city and to be reviewed by the city engineer.
5. The traffic operations of the service drive to be clarified to include a stop sign and a right turn only sign.
6. Further study of the pedestrian crossing issues both at the signalized intersections and mid-block.
7. Further study of the traffic impact of the service drive on the Farnsleigh Road/ Van Aken Boulevard west bound intersection.
8. Generator and transformer detailed screening and landscape plan. Generator screen wall details to be reviewed by the Architectural Board of Review.
9. Lighting and photometric plan for parking garage, site and pedestrian lighting and details of poles and fixtures.

