



**OPEN PORTION**

**Montebello Subdivision  
Lot Split & Consolidation  
S/L #29  
S/L #30**

Chairman Syracuse states, this is a workshop meeting of the Mayfield Village Planning & Zoning Commission, Thurs Sept 16, 2021. We have two proposals before us tonight. The first is a lot split and consolidation for Montebello Subdivision, Skoda Construction, Polaris Engineering for Sublot #29 and Sublot #30. Tom, do you want to get us started on this?

Mr. Cappello said, we reviewed the lot split and it's in conformance. Essentially what ends up happening here, the original plat of the subdivision, this pretty much brings it back to what it was before. There was a split for sublots #26, #27 & #28, they did some sharing of property lines and made them a little bigger and I believe at that point they changed these. This just goes back to the original plat. This now conforms to what it was originally done in the beginning. The lot as it was, was fine if he had the certain house that was going to go on here, he has a different one that's going on S/L #29, that's why he asked to put it back to the original configuration.

- **Dr. McGrath arrived @ 6:03 p.m.**

Chris Skoda said, we actually sold those two parcels to the same family, we just haven't transferred S/L #30 yet, and S/L #29 needed a little more room. When we did the original split, we took room from S/L #29 and gave it to S/L #30, we're just going back to what we had basically.

Chairman Syracuse asked, does anyone have any questions? There were none.

Chairman Syracuse said, we'll be taking a vote on this at our next regular meeting on Mon, Oct 4<sup>th</sup> at 6:00 pm. Chris, you might want to be here in case anyone has any questions.

Chris Skoda replied sure, and thanked the Commission.

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**Beta Core Commercial District  
Zoning Overlay**

Chairman Syracuse said, our next item on our agenda is Beta Core Commercial District Zoning Overlay presented by the Economic Development Department, May 2022 Ballot. Mr. Marquart, you have the floor.

**Presentation by;  
John Marquart, Economic Development Manager**

Mr. Marquart said, thank you Mr. Chairman. All of this information should have been in your packets, it's probably a little more lengthy than you guys are used to seeing. What we are

proposing is an Overlay Zoning District over much of Beta and a little bit of Wilson Mills. The reason we're coming before you tonight is this; the availability of commercially zoned property in the Village is rapidly dwindling, it's nearly zero. My charge as Economic Development Manager is to strengthen, preserve and grow the tax base and in order to do that, there's really no geography left for me to do that.

So, to achieve that, we think we need to sort of strengthen Beta, maybe modernize it, intensify the use on Beta a little bit and this will allow us to compete in the market place for users and it'll also help us avoid losing some of our larger employers which we currently have. There's kind of an old saying, the best companies are the ones you already have. What I do daily is work with to save those folks and keep them. We're about to lose one and I don't want to lose a few others that are thankfully growing. We think this is the way to help achieve that.

Before we get into the weeds a little bit, I did want to mention this is roughly a year long exercise to get us to this point, working in conjunction with Mayor Bodnar and the Building Commissioner, I think I bored John so much he retired. Also the Law Director has chimed in many many times on what we're proposing, so it's not me just dropping something on your lap, it's been a group exercise with all the appropriate parties in the Administration to get us here.

### **Video presentation**

Mr. Marquart said, if you're not familiar with it, an Overlay Zoning District is essentially, if you could picture it as a sheet of paper dropping down on the existing zoning map, that's what we're dealing with. It doesn't change the underlying zoning, it's sort of in addition to the underlying zoning. It will not create any nonconforming uses or nonconforming conditions because that underlying zoning will still apply. Any property owner is not forced to do anything. If you're a conforming use currently, you're going to be a conforming use in the future. This is just sort of setting the table for growth in the future.

The conversation that we've had many many times with the Mayor especially, is you don't zone for what you have now, you zone for the future. When we get into the discussion a little bit further, if we've got a small office building on  $\frac{3}{4}$  of an acre, he may not gain any benefit from this as is. He can continue to operate as is, enjoy his property, get the benefit from his property. But years down the road, if that user leaves, it could be even decades down the road, someone could assemble more than one parcel, consolidate more than one parcel to develop something more substantial. That's what we're setting the table for tonight.

You're all familiar with this, north is to the right on this picture, Beta Dr. is our Core Commercial District. With the exception of Progressive, this is where the lion's share of our employees come in and out every day, it's where the lion's share of our tax dollars are generated, so this is where we're focused.

The other good thing about supplementing the zoning here is there's very very little impact to residents because Beta is 100% commercial. We're not proposing to throw something in the

middle of Thornapple where folks would have difficulties with it. We're looking to intensify what's already a pretty intensive district.

### **Zoning Map**

The Overlay language that you see in your packets, there's Beta currently, this is a zoning map of the same geography. Outlined in dark black is the Overlay District that we're proposing, it's essentially all of Beta. It's basically everybody on Beta except for this residence and any portion of these parcels that are currently zoned single family. If we've got a parcel that's split zoned for example, we know many of these are, the portion that's zoned single family will remain single family. We're only looking to modify what's already commercial. You'll also see down eastward along Wilson Mills, we're also capturing some of those properties like the Veterinary Clinic, the Dentist, Austin's Steak House, National Testing Labs is as far as we come eastward.

What we would like to propose dropping in for this geography is a lot of new zoning language. Again, it doesn't replace the existing zoning and this is a conversation we had with the Law Director as well, should we attempt to replace it all? The thinking was we're dealing with 4 existing zoning districts, so it was probably easier not to attempt that and instead, just drop the Overlay on top.

The language that we're proposing would permit taller buildings on this geography. What's currently permitted is 35'. There are a few parcels on Wilson Mills that are limited to one-story. We're proposing a maximum of 4 stories for this entire district. It's important to note too, that a precedent for this height already exists along Beta, that's the Hilton Garden Inn, the Holiday Inn is slightly shorter, also the top where Mt. Vernon is, is roughly 45' as well. We're not proposing Manhattan here by any stretch but we would like to propose some more intensive and more dense use.

You'll also notice in the language we're not attempting to supersede existing stormwater management requirements or existing parking requirements. You can't just build a 4-story building that takes up your entire parcel, you've still got to meet the other relevant portions of the code.

### **Eating Places & Drive-thru**

The other thing we would propose is to permit eating places along Beta Dr. that currently does not happen, it's currently not permitted unless it's part of a hotel. We would like to go beyond that and permit free standing dining establishments.

The other thing we would like to permit again strictly on Beta is a drive-thru provision for dining establishments. This is basically in response to some coffee and pastry operators I've dealt with trying to attract them to the Village. It's a nonstarter for them if they can't have the ability to serve drive-thru customers. The other thing I'd like to mention again, precedent exists here in the Village, while we don't permit drive-throughs typically, we have one it's a bank, it's not a food service operator. If you could see across the street the bank has actually two drive-throughs, one is an ATM, one is a drive up window.

The other thing I'd like to mention with respect to drive-thru. We've included some language that would actually pull those drive-throughs away from, should someone approach us with a drive-thru proposal, we'd pull them away from the main streets, that being Wilson Mills and SOM. What you see shaded in blue in these two pictures is the turf that drive-throughs would be permitted in under this Overlay. Again, the rationale for this is to pull them away from any potential residents. We've got a few residents along SOM, we've got residents across the street from Wilson Mills. We've taken some great pains to sort of pull the nuisance of what's currently considered a nuisance in our zoning code away from those residents.

You'll see some language that indicates a drive-thru cannot be permitted within 400 feet of the Wilson Mills centerline and 250 feet from the SOM centerline. They cannot operate after 10:00 PM and their speakers cannot be over 75 decibels which is another important factor. Most folks that are opposed to drive-throughs is the headlights and the speaker box that are the nuisances, we're trying to avoid that as best we can.

Reason being, there's a pretty decent outcry from the employers along Beta for places to eat. I just spoke with a user a couple of weeks ago that said his employees need to take an hour for lunch because there's nothing nearby. They've got to either drive to Mayfield Rd., wait in line or drive up to Willoughby Hills and wait in line. I hear that pretty routinely and that's something we'd like to correct if we can. Again, I don't think this is going to open the flood gates to McDonalds and Burger King tomorrow. But it would provide the opportunity for a breakfast user, a lunch user to operate with their criteria.

Lastly with respect to drive-thru, I'd like to mention, this was a pretty lengthy conversation I had with the Law Director because he actually represents some other fast food users nearby. We put some language in there that would require a certain amount of vehicle stacking, a certain ability for vehicles to pull out of line if they want to bail. In other words, if they don't want to wait in line, they have the opportunity to get out without backing up. We put some language in there that would sort of clean up the functionality of a drive-thru, prevent them from backing up into the street. That was an important provision that we wanted to add as well.

#### **Area and Setback Requirements**

Mr. Marquart said, I'll try not to bore you too bad with these. The biggest differences you'll see between this Overlay and the underlying zoning are really the area requirements for a given user and the setback requirements for a given user.

If you drive up and down Beta, you'll see it here. What's notable about most of Beta is huge front lawns. What I've heard from several users and a few developers is "I've got 5 acres but per the code I can only use 3 because of the setback requirements that we have to deal with". What we're looking to do is take advantage of this precedent to sort of set the table for the rest of the street. This is looking north from Raleigh Dr., this is Wilson Mills, the Howard Hanna building and the Law Office and Salon building are 35' from the right-of-way. So we've taken that building line as our guide and wrapped that all the way down the street.

Again, we have precedent at the south end of the street. There're a few other users for either Special Use or pre-existing conditions that are grandfathered in. There are a few other users that sort of encroach into our existing setbacks anyway, Holiday Inn is one of them, you can see their parking sort of protrudes past that 35'. What you see in shading is essentially land that could take advantage of this Overlay to expand their operations. I don't have the calculation on this, but as you can see it's a pretty significant acreage that would be opened up for productive use.

Mr. Marquart said, if you'd like Mr. Chairman, I can run through each of the area requirements and setback requirements that we're proposing, but they're also in your text if you'd like. Essentially what we're doing is relaxing the yard requirements and relaxing the area requirements. A good example is our current code, not that I'm trying to attract new hotels at this time, but our current code requires 4 ½ acres for a hotel. In studying the market, modern hotels of the size that we have here 105 /110 rooms can really get by on as little as 2 acres. I'm not proposing to go that small but for example we're suggesting that be relaxed down to 2 ½ acres.

Restaurants again are only permitted in a few of these parcels. Same thing if you study modern restaurant development. We require 2 acres, I'm proposing ¾ of an acre for that use. There are several of these Use Classifications that we're suggesting be relaxed and less restrictive. If you'd like, I can run down all the uses that we're amending and if not, I'd be happy to field any questions as well.

Chairman Syracuse said, that would be great if you could run through those.

Mr. Marquart explains current & proposed schedule.

## **1175.04 (a) Schedule of Lot Area Regulations**

### **Service Station**

Currently require 1 acre

Suggesting ¾ acre

Currently require either 180' or 200' of frontage

Suggesting 125' frontage

### **Auto Garage: storage, repair**

Currently require 1 ½ acres

Suggesting 1 acre

Currently require 200' of frontage

Suggesting 125' frontage

### **Motel/Hotel: with eating, assembly, recreation**

Currently require 4 ½ acres

Suggesting 2-½ acres

Currently require 300' of frontage

Suggesting 200' frontage

### **Restaurant, if separate**

Currently require 2 acres

Suggesting ¾ acres

Currently require 200' of frontage

Suggesting 100' frontage

**Offices, stand alone**

Currently require between 3 & 5 acres      Currently require between 200' & 300' of frontage  
Suggesting 1- ½ acres                              Suggested 125' frontage

**Laboratories**

Currently require 5 acres                              Currently require 300' of frontage  
Suggesting 1-½ acres                              Suggesting 175' frontage

**Production Plant**

Currently require 5 acres                              Currently require 300' of frontage  
Suggesting 4 acres                              Suggesting 275' frontage

**Distribution Establishment**

Currently require 5 acres                              Currently require 300' of frontage  
Suggesting 4 ½ acres                              Suggesting this remain as is at 300' frontage due to the  
nature of truck movement.

**1175.05 (a) Schedule of Yard Regulations**

Mr. Marquart said, this one might be a little lengthy, so I apologize up front.

**Service Station/ Gas Station**

Currently require 70' setback (abutting major street) & 50' setback (abutting secondary street).  
Suggesting 40' and 25'

Currently require 30' rear yard if abutting commercial  
Suggesting 20'

Currently require 120' rear yard setback if abutting residential  
Suggesting 50' or 30' w/intensive landscape screening and an opaque wall

**Note:** You'll hear that throughout the rest of these rear yard requirements. What I'm suggesting is either a given rear setback or shrink it if an opaque 6' wall and heavy landscaping to screen the nearby residents. There are very few instances where that will even be possible given the fact that residents don't live next to Beta for the most part.

**Auto Repair**

Currently require 150' setback (abutting major street) & 60' setback (abutting secondary street).  
Suggesting 40' and 25'

Currently require 30' rear yard if abutting commercial  
Suggesting 20'

Currently require 120' rear yard setback if abutting residential  
Suggesting 50' or 30' w/ heavy screening

**Motel / Hotel**

Currently require 150' setback (abutting major street) & 60' setback (abutting secondary street).  
Suggesting 80' and 50'

Currently require 30' rear yard if abutting commercial  
Suggesting 20'

Currently require 100' rear yard setback if abutting residential  
Suggesting 80' or 50' w/ heavy screening

**Restaurant, free standing**

Currently require 150' setback (abutting major street) & 60' setback (abutting secondary street).  
Suggesting 40' and 25'

Currently require 30' rear yard if abutting commercial  
Suggesting 20'

Currently require 100' rear yard setback if abutting residential  
Suggesting 50' or 30' w/ heavy screening

**Office, free standing**

Currently require 150' setback (abutting major street) & 60' setback (abutting secondary street).  
Suggesting 40' and 30'

Currently require 30' rear yard if abutting commercial  
Suggesting 20'

Currently require 100' rear yard setback if abutting residential  
Suggesting 50' or 30' w/ heavy screening

**Laboratories**

Currently require 150' setback (abutting major street) & 60' setback (abutting secondary street).  
Suggesting 40' and 30'

Currently require 30' rear yard if abutting commercial  
Suggesting 20'

Currently require 100' rear yard setback if abutting residential  
Suggesting 50' or 30' w/ heavy screening

**Production Facility**

Currently require 250' setback (abutting major street) & 100' setback (abutting secondary street).  
Suggesting 80' and 40'



**Non-Production Portion of a Production Facility** (if the factory has an office portion).

Suggesting 40' and 30'

**Production Facility**

Currently require 30' rear yard if abutting commercial

Suggesting to keep this as is; 30'

Currently require 100' rear yard setback if abutting residential

Suggesting 70' or 40' w/ heavy screening

**Distribution Facility**

The numbers are exactly the same as Production Facility.

**Loading Areas** (Truck Dock)

Currently require between 150' & 250' front yard setback (abutting major street) & 60' - 100' setback (abutting secondary street).

Suggesting 80' and 40' (same as Production/Distribution)

Currently require a 20' side/rear yard if abutting commercial

The language in the Overlay says 30', that's a mistake. I'd like to retain that at 20'

**Parking Areas**

Currently require a 10' side/rear yard if abutting commercial.

The language in the Overlay says 15', that's a mistake. I'd like to retain that at 10' as well.

I apologize for those two typos.

**OPEN DISCUSSION**

Mr. Marquart said, I think in general what we've tried to do is position the street to compete more favorably with some nearby areas that we're potentially losing tenants to. If you think about Beta Center at 730, Preformed Line Products for example, huge front yards. What we're competing with are areas like this with some of these as little as 25' front yards. We just can't generate the density needed to attract and retain tenants. In short, that's what we're trying to do. We're trying to strike a happy medium as well, in no way do we want to create Manhattan over on Beta where the buildings are on the sidewalk and there's no parking. Again, I want to reiterate stormwater and parking you can't bypass any of those regulations.

Mr. DeBaggis said, at the beginning of your presentation you said that it looks like we're going to lose one of the businesses on Beta. Can you tell us why we're going to lose one of the businesses?

Mr. Marquart said, I can. One of our employers is Prestan Products, this is for public consumption now so no risk of harming any of their potential deal. They were originally part of a multi-tenant building at 701 which is currently OMNI Systems. OMNI was another tenant in that building, they bought the building because they were growing so heavily and Prestan Products

was given two years to find a new home. I've been working with them ever since trying to do that but there are currently no 40,000 – 50,000 ft opportunities for them anywhere in the Village. So they're moving elsewhere and will be moving shortly. There are another few that I don't want to mention by name that are currently in the same boat where they're growing and their growth is such that they're bursting at the seams and won't have any way to shoehorn in any more employees in the near future. That's definitely a problem that has become very real, and it's a good problem to have, we don't have everybody shutting their doors. Especially during Covid, it's a good problem to have, that folks are growing rather than shutting the doors. We're doing our best to accommodate them where we can. Beta with the exception of one or two office properties, Beta is actually quite full. Office properties are more difficult, that market is pretty soft, it's the industrial market that's chiefly the driver of jobs here.

Mr. DeBaggis thanked Mr. Marquart.

Mr. Marquart said, again I want to reiterate we're not trying to create downtown here. We want to preserve front lawns and we want to preserve landscaping. But we also want to give folks an opportunity to grow. Whether it's this year or it's 30 years down the road and somebody says I've got a factory I want to buy 4 parcels and put them together. This would set the table for that to happen. In short, this is giving I think commercial property owners more bang for their buck with respect to their land, it's providing the opportunity to get a little more yield out of their properties.

Chairman Syracuse thanked Mr. Marquart. It looks like a good portion of it is zoned Production/Distribution and there's also a good amount of Office/Laboratory, there's some small office buildings, Motorist/Service and Local Business. With the restrictions currently in place with regard to yard and area regulations, there's not much room for growth. This is something this Commission actually discussed many years ago. When I first came onto this Commission at least 8 years ago and Sue you were a part of that, we had some long lengthy meetings with Ted Esborn. We were trying to do something like this to see what we could do about future uses. I was an advocate of this type of change, not for what's needed right now but for the future. Restaurants were something that were discussed. I always said, down the road you might not have these big production or manufacturing plants. You might have vacant buildings and what better way to develop it than to have less restrictions on what could go there.

Chairman Syracuse said, back when I first was on this Commission, the Charter actually provided that no USE Variances could be granted anywhere within the Village. That was changed, when I was on the Charter Review Commission we agreed to permit USE Variances in non-residential areas, which means an applicant can ask for a change in the zoning that runs with the land permanently as long as it's non-residential. They could ask to change the zoning to permit along with what it was already zoned for, a new zoning that was also some other kind of commercial district. Now that we have that, the only real mechanism for a tenant who wants to come onto Beta, and that was really what my thought was all along, it was mostly Beta, not the whole Village, but definitely not residential.

Chairman Syracuse said, now the only way they could do it is to come in for a 2-year Conditional Use Permit with existing building, existing yard regulations. Most of the leases don't want to sign if they're going to be longer than two years, especially if you're going to make a major change such as adding either extra stories for offices or if you're going to be putting in a restaurant or quick service. It's really not convenient for them, they look elsewhere where it's already zoned for that, not in the Village. That was my thought when we started to discuss that all those years ago. I think the entire Commission was all on the same page that that might be a good way to go. In addition to the 2-year Conditional Use Permit, they could ask for that USE Variance from the Board of Zoning Appeals as I discussed earlier and that would run with the land, but that's a difficult standard to prove, to make your case for a practical difficulty or unnecessary hardship for that to be able to pass.

Chairman Syracuse said, the way that I see this is a benefit to Mayfield Village. I think that expanding the use and being able to use Beta for more development down the road puts us ahead of the game so that we're not taking these piece-meal one at a time. As Mr. Marquart mentioned, we're losing the ability to perhaps bring in tenants, but on top of that, you might not even know which tenants would have wanted to come here and didn't because they immediately saw it wasn't zoned for what they wanted. If they're working with an Attorney they might see that and think we can't even apply there because it's not worth our legal fees to have Architectural drawings and go through all of this if it's not going to be granted.

Chairman Syracuse said, so I'm in favor of this. I'm glad Mr. Marquart went through all of the yard dimensions and explained the changes so that we see what it was and what it could be. I have a question on the adjoining residential district, that's the only concern I have. You mentioned yard dimensions or setbacks with heavy screening, could you explain in a little more detail what you mean by that?

Mr. Marquart replied, I apologize, I don't have that text in front of me. Essentially what we're requiring is either a 6' opaque masonry wall or a 6' opaque fence combined with heavy plantings. Again, I apologize I don't have the language regarding the planting in front of me, but it is in your text. It's essentially a buffer strip plus a wall so that residents don't have to stare at truck headlights, a dumpster or anything that may be deemed offensive from that side.

Chairman Syracuse said, the reason this is in front of us today, this is proposed to go on the ballot for May of 2022. Currently under Art III, Section 11 of the Charter;

“nor shall any ordinance referring to zoning or other regulations controlling the use or development of land of changing the existing zoning or use of land, be adopted unless and until it shall have been submitted to the Planning and Zoning Commission for report and recommendation. Any matter so referred to the Planning and Zoning Commission shall be acted upon by it within ninety (90) days from the date of referral unless a different period of time is mutually agreed upon between Council and the Commission. If the Planning and Zoning Commission shall fail to act within the time allotted, it shall be deemed to have adopted such matter. Any resolution, ordinance or order disapproved by

formal action of the Planning and Zoning Commission shall require a vote of two-thirds of the members of the Council to be authorized or adopted.”

Chairman Syracuse said, what my understanding is, is that we have 90 days from today to take action on this whether or not we're recommending this go on the ballot, that then goes to Council. If it's disapproved by this Commission then it would require two-thirds of the members of the Council to authorize and adopt it to put it on the ballot. Is that correct Katie?

Ms. Weber replied, correct.

Chairman Syracuse said, so really we're just supposed to make a report and recommendation at our next regular meeting on Oct 4<sup>th</sup> to determine whether or not we want to propose this to Council to ask them to approve putting this on the ballot.

Chairman Syracuse asked, any questions or comments from anyone?

There were none.

Chairman Syracuse said, I'd like to thank Mr. Marquart for his time getting this together and going through this proposal tonight.

Ms. Weber said, this Commission will make a report and recommendation to Council who will require adopting an ordinance. It would go through three reads of the Council, a public hearing required by the Charter will be held at least thirty days after the second reading of Council and prior to the third reading. Council will recommend placing it on the ballot.

Chairman Syracuse said, those provisions are obtained in ART III, Section 12 & 13 of the Charter. So everyone is aware, it's not like if we propose this, it just goes to Council and they automatically put it on the ballot. You have to do public readings and a public hearing where people can call and object to it or state their opinions in favor or opposed to it. That's a good time for people to pay attention and see if it's whether or not something they'd like to vote for if it does make it to the ballot.

Chairman Syracuse asked, anything else?

There were no comments.

*There being no further business, the meeting adjourned at 6:40 p.m.*

*Respectfully Submitted,*

*Deborah Garbo  
Executive Assistant, Building Department*