

**PLANNING AND ZONING COMMISSION  
MEETING MINUTES  
Mayfield Village  
Aug 7, 2023**

The Planning & Zoning Commission met in regular session on Mon, Aug 7, 2023 at 6:00 p.m. at the Mayfield Village Civic Center, Main Conference Rm. Chairman Pro Tem McGrath presided.

**Roll Call**

**Present:** Dr. Sue McGrath Chairman Pro Tem  
Mr. Allen Meyers Council Rep  
Mr. Jim Kless  
Mr. Randy Weltman  
Mayor Bodnar

**Also Present:** Ms. Diane Calta Law Director  
Mr. John Marquart Economic Development Manager  
Mr. Daniel Russell Building Commissioner  
Ms. Deborah Garbo Commission Secretary

**Absent:** Mr. Paul Fikaris Chairman  
Mr. Henry DeBaggis  
Mr. Tom Cappello Village Engineer  
Ms. Jennifer Jurcisek Council Alternate

**CONSIDERATION OF MEETING MINUTES:** **Feb 6, 2023 & March 6, 2023**  
Mr. Kless, seconded by Mr. Meyers made a motion to approve the minutes of Feb 6, 2023 and March 6, 2023.

**ROLL CALL**

Ayes: All **Motion Carried**  
Nays: None **Minutes Approved as Written**

**PROPOSAL**

- 1) Parking Expansion**  
Add (5) Parking Spaces  
(Approved as Landbanked spaces in 2002)  
DO Summers Dry Cleaners  
Wheely Clean Car Wash  
6447 Wilson Mills Rd.  
North Coast Architects, Inc

**OPEN PORTION**

Chairman Pro Tem McGrath called the meeting to order. This is a regular voting meeting of the Mayfield Village Planning and Zoning Commission, Mon August 7, 2023. We have one proposal before us tonight. DO Summers Dry Cleaners & Wheely Clean Car Wash, requesting an additional 5 parking spaces in front of the building. They were approved as landbanked spaces in 2002. We had quite a bit of discussion about this at our workshop meeting. We did receive an updated site plan which everyone should have gotten. We talked about concerns regarding the setback, that with these parking spaces, that would be the only place that has parking that close to the street along that stretch on Wilson Mills.

Ms. Calta stated Dan, unless you have anything, I can jump in. Since we last met, the applicant has brought forward an updated site plan that more accurately reflects what is existing out there. The last time that you were all here was 2002, it's been quite a while. So thank you for updating the site plan. A couple things to mention. Back in 2002 where the vacuum stations are, there were 2 parking spaces there and one vacuum. Also, next to that area I think you had that storage existing building marked as a garbage area, but that's actually an existing building for storage. Then on the west side of the building there are a couple parking spaces there, but you don't note them. I don't know if there was a reason why you left those off the site plan.

Marc Cohen, President North Coast Architects replied, note that under #12, those parking spaces and the shed are going to be removed. There was concern raised about a vehicle potentially parking there, there's a door on the side of the building. So in order to alleviate that issue, those parking spaces, actually it was one space that was removed.

Ms. Calta stated, also in the meantime, you had an annual fire inspection done in July, our Assistant Fire Chief did that. What you're referring to is from his inspection. There's a door on the west side of the building that's used for egress, for exit, and there was a delivery vehicle parked in front of that door, blocking the door. He wanted to make sure that cars and vehicles aren't there, so that that egress is maintained. So I don't know if you need to mark that as no parking.

Ms. Calta said, the other thing that we did is I exchanged some information, we were able to put together a history of the property dating back to 1991 with all of the approvals from the Building Dept, Planning minutes, site plans, Engineering approvals, all those sort of things, so we did forward that to you. If you took a look in there, the landbank parking is noted on the approval from 2002 which I believe is when the Car Wash went in. But there's no indication that there was any sort of setback variance at that time. The landbank parking then and now does not comply with the setback. So the recommendation from me tonight to the Commission would be any approval that they would consider would be to make it contingent upon the Board of Zoning approval for the setback, which you're also going to be going for your sign. Your sign will need setback variance as well, so you can do that all at the same time.

Marc Cohen stated, it's our understanding or belief, the fact that not just in 2002, but that there was also a drawing from back in 1995 that had the landbank parking showing at that time, it was

7 spaces, they were a little different configuration. But both site plans were approved by Planning Commission with the landbanked spaces showing in those locations with no changes. There was no stipulation that they were not in compliant at that time that we would need a variance if we ever added them in. Because if that was indeed the case and the variance was turned down, we wouldn't have had parking at the requirement that the Village had. Therefore, it was our understanding that we had a site plan with landbanked parking that's been approved, twice actually by the Village. That's our understanding. We're not sure even why we would need to get a variance at this time.

Ms. Calta replied, that's my opinion. We talked about this at the last meeting and I asked if you had any indication of an approval for the setback and there's nothing in the minutes -

Brett Goldberg, owner DO Summers replied, it doesn't say you need it either.

Ms. Calta stated, the Village's code as it stands requires landbanked parking to be in compliance with the code. It's not in compliance with the code, and the setback now is 35', which is less than what the setback would have been then. So you'll need a variance for on the one side I think your setback is 25' and then on the other side your setback 16'.

Marc Cohen stated, I understand what you're saying but what you just said was that landbanked parking had to be in compliance with the code and it was approved & stamped.

Ms. Calta replied, it was approved but not in compliance with the setback. Your approval was not to put in parking, your approval was to maintain it as green space.

Marc Cohen stated, it's landbanked parking, that's what it is.

Ms. Calta replied, correct. If you had the parking in there and you came back to us today and the setback had changed, that's a different story. But you have the approval for green space to be maintained that now you're coming in and asking for use of it which is within the discretion of the Planning Commission to grant you, based upon whether they feel that there's a need. Now you've used up two of your spaces for vacuums.

Brett Goldberg stated, I'll take the building down in the back. We'll create spots back there.

Ms. Calta stated, I'm just telling you what the code and what the requirements are.

Marc Cohen asked, what is your understanding as to why we have approved site plans with landbanked parking. You're correct, green space at that time, the landbanked parking will be turned into parking spaces if needed, that's in 1995.

Ms. Calta replied, with the approval of the Planning Commission.

Mr. Weltman stated, Diane, formality or not, it's if they did get the variance and also they're arguing pretty much law.

Ms. Calta replied, I don't know exactly what they're arguing, but what I can tell you is that our code under;

1183.06 (d) The Planning and Zoning Commission on the basis of increased parking demand, may (**may, not shall**) require the conversion of all or part of the land banked area to off-street parking spaces.

Ms. Calta stated, that doesn't say 'shall', it says 'may'. You have to prove that you have an increased parking demand.

Brett Goldberg asked, what's the date on that?

Ms. Calta replied, this is the existing code.

Brett Goldberg stated, but we're going back to 1995.

Ms. Calta replied, you're asking today. We don't go back to a code from 1991 when you're asking for landbanked parking to be converted today. You don't have parking there right now, you have green space.

Marc Cohen stated, for the sake of conversation, let's say that the variances are not approved for the landbanked parking to put in. We now have a non-compliant number of parking spaces because we don't have the ability to put those spaces in which we had originally, they were to allow us to meet the parking requirement.

Ms. Calta replied, we went through that the last time, the parking code has changed to your favor, not to your detriment. Before you came in here, you had a 12 car variance. The parking code has changed. You only require 19 spaces on your site, you're showing 18. So you no longer need a 12 car variance, you only need a 1 car variance. You're not non-conforming as far as the parking spaces are concerned because the code has changed to your favor. I think at one point it required 31 spaces.

Marc Cohen stated, but the 18 parking spaces provided includes the 5 new spaces that we're putting in.

Ms. Calta replied, even if you take those out, you're still complying because you have a 12 car variance.

Chairman Pro Tem McGrath stated, it depends if you count your vacuum stations as parking.

Marc Cohen replied correct, we have not included those.

Brett Goldberg asked, how is it that other people in this community have parking right up to the sidewalk. I go to Pizzazz twice a week, Yours Truly twice a week.

Ms. Calta replied, this is part of the Beta Overlay that was recently approved, the setback is 35'.

Mr. Weltman asked, what does it take for them to get that variance, is it a formality?

Ms. Calta replied, I can't speak for the Board but I think they're going there because their sign is going to be within the setback because of the parking. So I think because it's almost a full package that they can explain we're moving the sign because we're looking for parking. I can't say it's a formality, as a Board, as a review it has discretion.

Mr. Kless stated, it's not an onerous chore though. I'm on the Board of Zoning Appeals and AI's there. It's just moving business forward so we comply. I don't think it's that big a chore, do you AI?

Mr. Meyers replied, no.

Marc Cohen stated, I always thought different Boards have different members. Are you saying that the two of you are also members or are you just there representing Planning Commission?

Mr. Kless replied, we're members.

Marc Cohen replied, of the BZA?

Mr. Kless replied, yes.

Marc Cohen replied okay. A lot of times it's a different Board, different people, different philosophies. I just wish you could be all on board.

**NOTE:** Minutes corrected to reflect that Jim Kless is the P & Z Representative to the BZA, a voting member. Councilman Allen Meyers is not a member of the BZA.

Ms. Calta stated, it's definitely been considered so don't think this was just a knee-jerk decision on our part. It was thoroughly reviewed by me, the Engineer, the Building Commissioner. This is not a usual circumstance, at least to me. It's unusual because we don't see, I don't think I've ever seen in the Village somebody come in and ask for their landbanked parking to be parked. Historically, because the code was different, it required a lot more parking spaces. You're in the business, you know, you see a lot of overparked codes that you just don't need.

Marc Cohen stated, I can say we're thrilled that we had the opportunity to landbank. You're right, it made sense back then. Now we need them.

Ms. Calta stated, so it'll be another step for you but I think you'll be able to make the same arguments to that Board.

Chairman Pro Tem McGrath stated, and it's a step you have to take anyway for the monument sign.

Marc Cohen replied, we only moved the monument sign based on discussions at the workshop and how it made sense, everybody seemed to think it made sense. I went out and measured all the signs down Wilson Mills at 8' off of the sidewalk. We're maybe even further back than a few of the other ones that are still there. But if it came down to it, we could put it back and not have to go through that step. It was originally placed in a location that did not require a variance.

Mr. Weltman asked, if you didn't have this issue confront you right now, would you have just gone forward with the sign issue?

Marc Cohen replied, I'm assuming, it makes sense.

Chairman Pro Tem McGrath stated, at the minimum this is to make sure all i's are dotted and all t's are crossed. Maybe mistakes were made in 91 that things got approved, we don't know.

Ms. Calta replied, I can't say what happened, other than the process was different in the early 90's. You're keeping something green and that was the focus of your approval, which was to maintain green space and the minutes do reflect that.

Chairman Pro Tem McGrath stated, I'm not sure that anybody is disputing the fact that you could use more parking.

Ms. Calta asked, it's also for your employees, is that right?

Marc Cohen replied, it allows employees to park along the back and leave the front open for customers.

Ms. Calta asked, how many employees do you usually have during the day?

Brett Goldberg replied, maybe 12.

Chairman Pro Tem McGrath stated, and if I'm a customer of the Car Wash, I'm not going to keep coming back if somebody's parked in front of the vacuums. So I understand why it's difficult if you've got employees parking in front of the vacuums. It's not a good solution.

Chairman Pro Tem McGrath asked, any further questions or comments? Dan, did you want to say something?

Mr. Russell replied, I'd just like to reiterate that a Zoning Application would have to be submitted and we've talked about that already.

Marc Cohen stated yes, for the sign issue. It's only possible for Planning Commission to approve it non contingent on those items, if you felt that the variance wasn't required for the parking based on previous approvals. Would that be a correct statement?

Ms. Calta replied, that's not the way we look at this, so no, that's not something that I would ask the Planning Commission to consider.

Marc Cohen stated, it's just interesting, I'm reading this section of the code;

**1183.06 (d)** The Planning and Zoning Commission on the basis of increased parking demand, may require the conversion of all or part of the land banked area to off-street parking spaces.

The way I read that is it would be Planning Commission, if they said boy things are really bad over there at DO Summers, they don't have enough parking, they're parking in the driveway and everything. The Planning & Zoning Commission on the basis of increased parking demand, we may require the conversion of all of our landbanking. It would be you guys coming to us and saying we're requiring you to do that.

Ms. Calta replied, I don't think that's the interpretation because you're the property owner, you're the applicant. I don't think I've ever seen a Planning Commission as an applicant for a private property.

Marc Cohen stated, I don't see why not. If you had spotted a detriment and you knew there was landbanked parking available, you couldn't come to the owner and say, landbanked parking is allowed.

Ms. Calta replied, if there was a parking issue on your property related to ingress and egress, Fire comes out there and says hey, this is a mess, they come to you and say hey, can you do something about your parking. The application is still going to be from the property owner.

Marc Cohen replied, I understand that.

Chairman Pro Tem McGrath stated, I would also suggest that if this Board votes yes on the contingency of the variance being approved, I think we're suggesting that they should consider a variance. Because we could just say no, we don't think it's a good idea and it never makes it to BZA. If we say yes contingent on the variance, I think that is getting approval from this Board so to speak.

Mayor Bodnar asked, can this Board say no?

Ms. Calta replied, this Board could say no.

Mr. Weltman stated, since I'm kind of new here, if it was denied, do they get to go appeal it somewhere?

Ms. Calta replied, BZA then Council.

Mr. Weltman asked, then if Council rejects it, do they go to court?

Ms. Calta replied, yes, as a Chapter 2506 administration appeal. Section 1129.15 Appeals.

Mr. Weltman asked, has anybody ever done that?

Ms. Calta replied, sure.

Chairman Pro Tem McGrath asked, any other questions or comments?

There was none.

**DECISION**

Mr. Kless, seconded by Mr. Weltman made a motion to approve parking expansion proposal, adding 5 parking landbanked spaces for DO Summers and Wheely Clean Car Wash, 6447 Wilson Mills Rd contingent upon approval of setback variance by Board of Zoning Appeals.

**ROLL CALL**

Ayes: Dr. McGrath, Mr. Meyers, Mr. Kless, Mr. Weltman

Abstain: Mayor Bodnar

Nays: None

**Motion Carried**

**Recommendation to Council**

**ADJOURNMENT**

Mr. Meyers, seconded by Mr. Kless made a motion to adjourn the meeting.

**ROLL CALL**

Ayes: All

Nays: None

**Motion Carried**

**Meeting adjourned at 6:25 p.m.**

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Chairman

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Secretary