

**MINUTES**  
**CLEVELAND MUNICIPAL PLANNING COMMISSION**  
**TUESDAY, JULY 16, 2019 AT 6:00 PM**  
**CLEVELAND MUNICIPAL BUILDING 190 CHURCH STREET NE**

The regular meeting of the Cleveland Municipal Planning Commission was called to order by Tricia Pennington, Chairman, at 6:00 P.M.

Members present included Alma Dotson, Larry Presswood, Tricia Pennington, Maryl Elliot, Ben Berry, Bill Estes and Clarke Taylor.

Members absent included Bill Hamilton and Jamie Creekmore.

Legal Counsel present included John Kimball, Attorney for the City of Cleveland.

Staff present included Darla Jenkins, Executive Secretary, Corey Divel, Senior Planner, Jonathan Jobe, Director of Development and Engineering Services, and Joe Fivas, City Manager.

Others present included Randy Brown of Brown Surveying, Tony Raspa of Aviation Solutions, LLC, Dennis and Sharyl Seih, Don and Sissy Stovall, Wandakie and Bill Balzono, Hans Hadchand, Marcus Phan, Carolyn Raspa, Tim Siniard of the Cleveland Daily Banner, Jimmy and Peggy Smith, Angela Neblett, Keith L Ivester, Mary Anne Gibson, John Corum, Ausbery and Doris Lombard, Donna Miller, Lydia and Wayne Norfleet, Tom Cate, Jim Billbo, Roger and Susan Schrifler, Joe Edwards, Lusia and Larry McDaris, Claude and Ann Bowden, and Ronnie and Pat Jenkins

**The minutes of the June 18, 2018 regular meeting was presented for approval.**

Maryl Elliott made a motion to approve the June minutes and Larry Presswood seconded the motion. A vote of 7-0 passed the approval of the minute of June 18, 2019. Approve-7 No-0 Absent-2

Bill Estes requested clarification be included in the July 16, 2019 minutes about why he voted no on the request for site plan approval of the Quick Check at 5693 Mouse Creek Road at the June 18, 2019 meeting. He voted no because at the time he thought it was a check cashing institution, a financial institution that cashed checks. Bill Estes stated that had he known it was not a check cashing business, he would have voted yes.

**There were no Public Hearings.**

**In the Consent Agenda,**

- a. **Preliminary Plat Approval of the Quail Ridge Development by Brown Surveying for property located at 5955 North Lee Highway. This property comprises Tax Map 27 Parcel 32. The property contains 10.16 acres. The property is zoned RA Residential Agricultural (pg1).**
- b. **Request by Cate Brothers Development for preliminary Plat of the Haven at the Grove Phase 2 This property comprises Tax Map 34, Portions of Parcels 28.0, 57.02, and 57.18 for property located on Tasso Lane. The property contains 3.64 acres. It is part of the PUD 12 (pg4).**
- c. **Request by Cate Brothers Development for Final Plat of part of The Haven at the Grove Phase 2, Lot 1 and Lot 2, for property located on Tasso Lane. This property comprises Tax Map 34 a portion of Parcel 57.18. The property of Lot 1 contains .33 acres. The property of Lot 2 contains .28 acres. It is part of PUD12 (pg6).**
- d. **Preliminary Plat approval for the Young Road Townhouse Development Phase 2 for property located at Young Road. This property comprises Tax Map 066H Group B Parcels 025.00 and 025.01. The property contains 16.2 acres more or less. The property is zoned CH Commercial Highway (pg8).**
- e. **Final Plat approval for the Young Road Townhouse Development Phase 1 for property located at Young Road. This property comprises Tax Map 055H Group B Parcels 025.00 and 025.01. The property contains 2.06 acres. The property is zoned CH Commercial Highway (pg12). **WITHDRAWN****
- f. **Request by Southern Style Home Builders for final plat approval of Fleeman Place Townhomes, lot 2 located on Fleeman Place Dr. This property consists of .35 acres and is described as Tax Map 50D Group E Parcel 2.00 and is zoned R2 Low Density Single and Multi-family Residential Zoning District (pg15).**
- g. **Final Plat Approval of the Enclave Development at Weeks Drive for property located at Weeks Drive. This property comprises Tax Map 050B Group A Parcels 1.01 & 1.00. The property contains 14.42 acres. The property is a cluster development and is zoned R-2 Low Density Single and Multi-Family Residential (pg17).**

Item e. has been withdrawn by the request of the developer.

Bill Estes requested Item a and d to be moved to New Business.

Bill Estes made a motion to approve the Consent Agenda subject to staff comments, less Item a. and Item d. which were moved to New Business. Item e. was withdrawn by the request of the developer. Ben Berry seconded the motion to approved. A vote of 7-0 passed the motion. Tricia Pennington stated she had personal interest in Item f. Approve-7 No-0 Absent-2

Corey Divel stated on Item c. the preliminary plat is a revision of an existing preliminary plat.

**There was no Old Business.**

**In New Business,**

- a. Request by D & G Development Group for final plat approval of Paul Huffs Corners SD located Paul Huff Parkway Corners. The property consists of 6.2 acres and is described as Tax Map 34I Group B Parcel 10.00. Property is zoned PUD Planned Unit Development (pg19).**

Ben Berry made a motion to deny the request and Alma Dotson seconded the motion to deny. The buildings are not shown on the plat and the staff is unsure if they will meet setbacks. Parking and access should be addressed. Jonathan Jobe stated there may be firewall issues. Clarke Taylor recused himself. A vote of 6-0 passed the motion to deny the request. Approve-6 Recused-1 No-0 Absent-2

- b. Request by Church of God East Central Hispanic Region to rezone property on 25<sup>th</sup> Street from R2 Low-density single- and multi-family residential to PI professional Institutional. The property comprises Tax Map 41M Group B Parcel 004.01 and it contains approximately 0.41 acres, more or less (pg21).**

Maryl Elliott made a motion to deny the request to rezone and Alma Dotson seconded the motion. Voting for the denial were Alma Dotson, Maryl Elliott and Bill Estes. Voting no to the denial were Tricia Pennington, Larry Presswood, Ben Berry and Clarke Taylor. The motion to deny the rezoning failed. Yes-3 No-4 Absent-2

Ben Berry made a motion to approve the rezoning request subject to staff comments. Larry Presswood seconded the motion.

Voting to approve Item b. request per staff comments were Ben Berry, Larry Presswood, Alma Dotson, Tricia Pennington and Clarke Taylor. Voting no to approve Item b. were Maryl Elliott and Bill Estes. The motion to approve the rezoning passed. Approve-5 No-2 Absent-2

Bill Estes asked Jonathan Jobe and Corey Divel if there was a deed restriction highlighted in the packet on this property. Jonathan Jobe answered yes. Tricia Pennington stated it would be on the owner to prove the deed restriction was no longer valid or to get signatures to change the deed restriction on the property.

- c. Request by Max and Marc and Maria Morris to rezone property at 2503 and 2505 Harris Circle NW St from R2 Low-density single- and multi-family residential to PI professional Institutional. The property comprises Tax Map 41m Group B Parcels 4.02 & 4.03 and contains .71 acres, more or less (pg30).**

Ben Berry made a motion to deny the rezoning request due to the homes being internal to the subdivision. Maryl Elliott seconded the motion. Voting to deny the motion were Ben Berry, Maryl Elliott, Tricia Pennington, Alma Dotson and Larry Presswood. Voting not to deny were Bill Estes and Clarke Taylor. Approve-5 No-2 Absent-2

These houses face the house right across the street. Our zoning ordinance has buffers requirements that lessen the impact of differences in uses. But the zoning buffers only cover the sides and the rear property lines, along the streets. He was concerned about the view from the two standalone homes and the view from the homes across the street. Ben Berry stated 25<sup>th</sup> Street was commercial and not residential like Harris Circle.

Bill Estes asked why to have two standalone homes and are surrounded by PI (professional institute). He doesn't think this is good for planning for the Church of God and the properties behind the two homes. Bill Estes stated to let Harris Circle be the divider. He said it all needed to be blue (PI zoning color) because it helps people plans and business deals. Bad decisions here make bad decisions down the road.

Clarke Taylor stated most of the property is was in the flood zone and it limited could be done with them anyway.

Larry Presswood stated one house faced 25<sup>th</sup> Street and two houses did not and that was a major restriction.

Maryl Elliott stated the thought was to allow the rezoning on the corner house if they can get the deed restrictions removed. So, the rezoning may not happen.

Jonathan Jobe stated it was at their owner's risk. If the council votes for it, it will be contrary to the deed restrictions. There's quite a bit of confusion about the deed restrictions.

Jim Bilbo, attorney representing the Morris family, stating the Morris family would like to have their property rezoned to PI if the house facing 25<sup>th</sup> street was rezoned to PI. They will still maintain a residence at each home. If the 25<sup>th</sup> street house remains R2, they wish their houses to be R2.

- d. Request by Anthony Raspa and others to rezone property at on Georgetown Road between Kimberly Drive NW and Weston Hills Drive NW from R3 Multi-family Residential to PI Professional Institutional. The request includes Tax Map 33K Group A Parcel 001.01, Tax Map 33N Group E Parcel 002.00, Tax Map 33N Group E Parcel 003.00; Tax Map 33N Group E Parcel 004.00; Tax Map 33N Group E Parcel 005.00; and Tax map 33N Group E Parcel 005.01. The property contains approximately 4.5 acres, more or less (pg39).**

Bill Estes made a motion to table this request for a month and request staff to provide a more detailed report on staff recommendations, better drawings and locations of TDOT easements and Larry Presswood seconded the motion. A vote of 7-0 passed the motion. Approve-7 No-0 Absent-2

This item was presented to the planning commission in May. It was approved and sent on to city council. This item had the first reading at City Council on June 11, 2019. It was approved and had no opposition. At the second reading, there was some opposition. The city council voted to send it back to the planning commission.

Corey Divel stated the current R3 zoning would allow multifamily housing. The existing use is five (5) single family homes on six (6) lots.

- e. Consideration of an amendment to the allowable uses within PUD 11 Planned Unit Development located on Georgetown Rd at Villa Dr (pg56).**

Bill Estes made a motion to deny and Ben Berry seconded the motion. A vote of 7-0 to pass the motion to deny. Approve-7 No-0 Absent-2

Randy Brown represented Marcus Phan. Randy Brown stated Marcus Phan would like to have residential in the front as allowed in the back. Corey Divel

stated the there would have to be an amendment in the PUD to allow the multifamily use in the front. Bill Estes stated he was not for changing the PUD.

Bill Estes stated his reason to deny is the property to the north is PI. The property in blue is very small and front's Georgetown (Road). To add townhomes and even if you enter on Villa Drive, it makes it way too congested. He stated they were trying to make it consistent all the way down. To change PUD 11, is not consistent with other pieces of property.

The PUD has PI use in the front and R3 use in the back. The PUD would have to be amended to allow the multifamily use in the front.

**From the Consent Agenda,**

- a **Preliminary Plat Approval of the Quail Ridge Development by Brown Surveying for property located at 5955 North Lee Highway. This property comprises Tax Map 27 Parcel 32. The property contains 10.16 acres. The property is zoned RA Residential Agricultural (pg1)**

Clark Taylor made a motion to approve the request subject to staff comments and Ben Berry seconded the motion. A vote of 7-0 passed the motion. Approve-7 No-0 Absent-2

- d. **Preliminary Plat approval for the Young Road Townhouse Development Phase 2 for property located at Young Road. This property comprises Tax Map 066H Group B Parcels 025.00 and 025.01. The property contains 16.2 acres more or less. The property is zoned CH Commercial Highway (pg8).**

Clark Taylor made a motion to approve the request subject as handed out tonight (July 18, 2019) separately from the packets subject to staff comments and Ben Berry seconded the motion. Bill Estes requested the planning commission to be kept informed electronically. A vote of 7-0 passed the motion Approve-7 No-0 Absent-2

Corey Divel stated there was a new preliminary plat for Item d that was handed out to each of the planning commissioners. Changes were: the second entrance was removed and now there is only one entrance. There is a question about the right of way width, and these questions will have to be addressed

**There was no Chairman's Report.**

**In the Director's Report,**

## **Discussion of Potential Amendments to the Zoning Ordinance and Subdivision Regulations.**

- 1. Change Townhome setbacks in SD regulations to match R-2 in the zoning ordinance. Residential setbacks were changed in 2017 by City council but the SD regulations for townhomes were not changed to mirror this.**
- 2. Change in elevation between townhome units**
- 3. Minimum improvements prior to bonding of final plat.**
- 4. Re-evaluate the appropriateness of “Financial Institutions with any number of drive up lanes” as a permitted use within the Professional Institutional (PI) district. As stated, this allows alternative financial stores, title pawn, etc., which is a heavy commercial use and not appropriate for PI. Option 1, remove this all together. Option 2, match the language in the Neighborhood Commercial district which uses the term “branch banks with drive in window”. Option 3, list “branch banks” as a conditional use.**

Jonathan Jobe stated there would be drafts with various options. Developed and brought back to the next meeting for the commission’s approval.

**The meeting adjourned at 8:40 P.M.**