

**MINUTES
REGULAR MEETING
CLEVELAND MUNICIPAL PLANNING COMMISSION
TUESDAY, JUNE 21, 2022, 6:00PM
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.

Commissioners present included Ben Berry, Clarke Taylor, Tiffani Sherlin, Bill Estes, Clarke Taylor, and Jamie Creekmore.

Members absent included Alma Dotson and Blake Allison.

Staff present included Robert Varnell, Planning Director, Erica Bevis, Darla Jenkins, Administrative Coordinator, Joel Prince, Planner/Codes Enforcement Supervisor, Jonathan Jobe, Directory of Engineering Services, and Joe Fivas, City Manager.

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

Others present included Mike Lee or Robert M Lee Construction, Bryan Richardson of Richardson Group/KW and Tim Dunaway of Raven Construction.

The minutes of the May 17, 2022, regular meeting were presented for approval.

Maryl Elliott made a motion to approve the May 17, 2022, minutes and Tiffani Sherlin seconded the motion. A vote of 7-0 passed the motion. Yes- 7 No-0 Absent-2

There was no Consent Agenda.

There was no Old Business.

In New Business,

- a. Request by Bassam Issa for approval of the proposed site plan details and architectural renderings as required by PUD13 and located on Callen Lane (also described as Tax Map 0341 Group F Parcel 7.01).

Robert Varnell stated he had brought the site plan was approved back in December at the same time the Pop Eyes location was approved. In the rendering, he believed there would be approximately two more components added to the rear and side. These are all brick structures besides the windows. He believed the building would face to the side. When you come into the parking lot, you will be looking at the front door.

Ben Berry stated so Pop Eye's is on the right-hand side. On the left-hand side, there is a drive thru.

Robert Varnell stated it was proposed at the time but now it's just going to be parking. The developer had a different vision but had ended up consolidated it into one structure.

Ben Berry asked if the building was the same size?

Robert Varnell stated he believed it was the same size. The structure meets and exceeds the intent. As far as the site plan goes, it has been through staff review process in this format and is going through the final parts of that stage.

Ben Berry stated so that corner is subject to three (3) public roads. Paul Huff Parkway is the major road with Callen Lane in the back, and the connector. All three public roads. Which building faces Paull Huff Parkway?

Unknown states he believed it was facing the main road.

Robert Varnell stated it would face Paul Huff, that would be to Callen Lane, one side would face Pop Eye's, one would face the side street there. We have discussed adding some components here.

Ben Berry stated the only side you can't see is the side towards Pop Eyes. On Pop Eyes we looked at dressing up the back because it's a public road and you can see the back. You could possibly see the HVAC units. Kind of treat it like it has three (3) frontages.

Bill Estes stated with your competitors, auto parts stores like this, one of the complaints I've received is oil in the back. When you bring your oil or you have environmental discharge that needs to be serviced...will it be there? Will the cars circle...how will that be covered up, mitigated, kept clean?

Tim Dunaway with Raven Construction stated he represents Bassam Issa. Bassam Issa is the developer and is running the site work. We are coming in the as the contractor building the building from the footings up. There is no drive thru lane. It's just sidewalk basically on three (3) sides. Advance Auto does have an oil reclamation program which is usually internal. It's inside the storage area and it's self-contained. He was sure it was an EPA approved unit because they do

this nationwide. He would have to get the details and bring those back to Robert (Varnell).

Bill Estes stated the one on Keith Street.... sometimes it's out back and sometimes it spills. It's the one on the right. He thought it was the Advance Auto.

Robert Varnell stated they are both right there.

Tim Dunaway stated the way the site plan was laid out and he hadn't been directly involved in the site layout. The loading area as shown on the rear elevation is in the back. We do a lot of development for them in other areas. We typically build a prototype with a big concrete apron around the front section of the parking lot for that exact reason. People come in and they are messing with cars and have an oil spill right there. I know they have some internal programs with the management for cleaning up oil spills that's a nationwide policy. The oil return, he is not familiar with.

Bill Estes stated that's why I am asking. It looks like there are cars going out the back and there is no way.... this drawing is just kind of confusing.

Tim Dunaway stated you can just ignore the drive around. The new drawing is in a separate review. I have the latest set before I came down here. It just shows a sidewalk back there and just a regular driveway coming across the back of Pop Eyes and across the back of us. Actually, there's angle parking around the sides and the front, probably having to do with getting the parking requirements. Plus, there's a lot of landscaping in the plan. He stated he would have to find out what they do for oil reclamation. If it's a self-contained unit, he can get specks on it and get it submitted to Robert (Varnell) to show you.

Regarding the parapet wall in the back, he did not know about the elevations. You might be able to see the RTUs from there. We can get the screens that covers it up from the back. Typically, it's a prefinished metal panel system. If it's an issue, we will definitely work that into our construction project. He would rather do that than adding a fourth parapet wall that creates an internal gutter on that back side. All the roof's water is coming to that short end where the double doors are. You can see it at the gutter line and the downspouts. Putting a parapet wall there would create internal water problems for the building. We would like to leave at least one open. And it's facing the most convenient. Structure for the way it set up. He would gladly screen the HVAC unit.

The loading area, those double doors. He will get the civil engineer to address that. He did not have it really address on the site plan. That's just an oversight. They don't have a lot of deliveries, but they do have to have a way to have pallets roll in through the double doors. Currently the site plan just has a curbed area and a sidewalk. There has to have a place to roll them in. He will mention it to him.

On the brick detailing, the architect is working with him on this. Advance has a product called quick brick. It's a masonry bearing product that's just like brick. It courses out and colors just like brick. He has added some actual physical pilasters to the front. There's four (4) of them on the corners and some closer to the windows. And he got an accent on top of the masonry pilasters which breaks up the facade a little bit. But the coloring...it doesn't cost him any more to add a lot more of the accent band, He was going to basically fatten it up at the bottom. Tim Dunaway stated he wanted to about a three (3) foot band tied to the windowsill just to give it a little bit of proportion. He will have that revised and it will run all the way around all four (4) elevations. It will look a bit more appealing when he gets the accent masonry added to the drawing. It's an easy thing to do and before he submits it for permit

Ben Berry stated the only grey area was the view from Callen Lane. You will see the back of this. It's usually just HVAC systems that are back there. He would defer to Robert (Varnell) to just look at that and see what he thinks. Adding the wainscot, the extra banding at the bottom would look pretty good. It's a good-looking brick building.

Bill Estes asked quick brick is brick.

Tim Dunaway stated yes, it's a brand name.

Robert Varnell stated for the comments you've brought up; he was happy to work with them about where things go. We are in that process now.

Bill Estes asked so what are we approving what.

Robert Varnell stated the question in front of you today is about the architectural renderings. We are just going to fatten up the wains on the bottom of the structure continuing on all four (4) sides. Covering up the north side one way or the other.

Ben Berry made a motion to approve this item subject to adding the bands around all four (40 sides on the bottom end, and screening the HVAC units to your judgement, Robert (Varnell). Jamie Creekmore seconded the motion. A vote of 7-0 passed the motion. Yes-7 No-0 Absent-2

b. Request by Steve Vollman for approval of a Preliminary Plat for property located at Westside Drive (also described as Tax Map 049B Group A Parcel 011.00) and located within the R-1 Zoning District.

Robert Varnell stated this is 1.7 acres and there's four (4) to five (5) existing structures on the site. They would like to split up the parcels individually. And construct two (2) new homes on two (2) of the parcels. It meets the staff's comments, and we recommend approval.

Clarke Taylor made a motion to approve the request and Maryl Elliott seconded the motion.

Bill Estes asked what are the staff comments?

Robert Varnell stated they are being cleaned up. Originally the parcel in the middle with two (2) structures, the property line was so close to the existing structure that it was in the setback. The flag stem was much wider. So, Robert (Varnell) had them to shift that to get it out of the setback. It was addressed, He didn't change the report because it had been done beforehand.

Clarke Taylor made a motion to approve the request and Maryl Elliott seconded the motion. A vote of 7-0 passed the motion Yes-7 No-0 Absent-2

c. Request by Eddie Botts for consideration of an ordinance to zone about 4.42 acres, more or less, for property located on Michigan Avenue Road from CG General Commercial to IL Light Industrial and includes Tax Map 043 Parcel 036.01

Robert Varnell stated this parcel is currently zoned commercial. It's 4.42 acres. Surrounding parcels include light industrial, general commercial and R3 and R2 zonings. This particular parcel is unique. There are some neighborhoods to the side and behind it as well as retail and office uses. They had originally submitted plans to do a storage facility for RVs and boats and things like that. He denied it because the zoning did not allow it.

Looking at the site now, it has three (3) powerlines, two (20 are owned by TVA (Tennessee Valley Authority). It took some considerable time to get their TVA approval. He stated that the highest and best use for this parcel would be a use such as this which is screened appropriately with landscaping on all four (40 sides. The applicant didn't have an issue with the screening a little more enhanced. As you can see, we've got a neighborhood northeast and south. Those areas would need screened. Most of this parcel is unusable because the easements are all fifty (50) feet wide beyond the poles themselves.

Jamie Creekmore asked about traffic as it is a very heavily trafficked area, not just the road itself.

Robert Varnell stated that's a good point and was something staff would definitely consider. We don't see a high traffic volume coming in and out number wise. But we do see the type so if we need to look at the ingress/egress issues there, it's something through development we would address.

Jamie Creekmore stated he wasn't against it but there would be long trailers...

Robert Varnell stated they would need to have a turning radius in all of those things. He will rely on Dave's (Sheely) expertise in our engineering transportation office to get that right.

Bill Estes asked how high of a fence and what type of tarpage?

Robert Varnell stated an eight (8) foot fence is the highest allowed. The type of fence has not been discussed beyond solid or whether it had decorative slats with landscaping on the outside to even break up that fence somewhat. If there is a more desirable fence wanted now would be the time to say so.

Clarke Taylor made a motion to approve the request. Ben Berry seconded the motion.

Bill Estes asked if they could rezone with stipulations?

Robert Varnell stated yes.

Bill Estes stated he looked at three of the four sides differently. To the northeast, a certain type of fence would make sense. On the south side of ...not as much because you have a bunch of greenery.

Robert Varnell stated this would not be disturbed down here.

Bill Estes stated right. I wouldn't want to require fencing there there.... but I would want something a little more substantial to the northeast where you have density.

Robert Varnell stated so what you are saying is to give allowance on some sides and more emphasis on others.

Bill Estes stated if we could do that as a body, it would make it more palatable to me.

Ben Berry stated the normal zoning code buffering between industrial and especially single family to the northeast is pretty involved. It's an eight (8) foot fence, a row of shrubs, two (2) rows of evergreen trees and maybe even one (1) row.... it's a forty (40) foot swath. The disadvantage is actually going to be on the south side because you can't plant all those trees in a TVA easement. So, you are going to end up with a fence which can be fine. But on the northeast side, he didn't have any reservations at all about normal code, normal buffering. Our code is pretty stout when it comes to single family and industrial uses.

Bill Estes stated what is the single family zoned?

Robert Varnell stated it's based on use, and this is R2 that was developed based on lot size. This one here is R3 and is a townhome community.

Ben Berry stated the buffer follows the use not necessarily the zoning.

Bill Estes stated he did not know that.

Ben Berry stated if you put residential in the middle of the industrial park you have to provide buffers.

Bill Estes stated so if we approve the rezoning what comes back next, Robert?

Robert Varnell stated it would go on to the legislative level of the city and then from that standpoint staff will go through a site review process with the applicant. They've already done some of the work. Our whole team will go through the whole process once it's finalized.

Bill Estes asked, and you are kosher with the northeast side as our code already sits and stands?

Robert Varnell stated yes, I am because this isn't a situation where we would or could grant alleviations to some of the buffer requirements. There are mechanisms where you can do that. This applicant had specifically said that... That's not an issue.

Clarke Taylor stated that you wont build anything else with that TVA easement.

Robert Varnell stated that's correct. The highest and best use is what he saw with this request.

Brian Richardson of Richardson Group stated the actual applicant is Eddie Botts. They've done a lot of strong leg work to get it to here to this point. He had renderings if you would like to see those. He had met with Robert (Varnell) who had looked at the property with the TVA easements. The actual entrance is going to be quiet a way off the main road. It will be back at the gated area. You will have quite a bit of room to turn in and out.

Clarke Taylor stated he would like to see those renderings.

Brian Richardson stated here's a copy of the TVA approval, the layout and a legend to go with it.

Bill Estes asked, Robert, this will come back to us will it not? We are just changing the zoning.

Robert Varnell stated it will not unless there is some subdivision of land. This isn't in an area where we had not related items that required site plan approval. It's a staff level.

Ben Berry stated this actually doesn't show the buffers on the north side.

Robert Varnell stated that is probably a rendering that he had denied.

Unknown discussion.

Ben Berry stated industrial/single family is like a forty (40) foot with a bunch of stuff in it.

Unknown discussion.

Robert Varnell stated all the staff comments on this thing.....

Bill Estes stated it's not in the packet.

Robert Varnell stated because he had denied it. Then about a month later they came back and said can we talk about this. He denied it because it wasn't allowed in the zoning. So, nay of the comments would have been from Dan Hartman with the landscaping and stormwater related. But we never went back to it.

Clarke Taylor made a motion to approve the request. Ben Berry seconded the motion. A vote of 7-0 passed the motion. Yes -7 No-0 Absent-2

- d. Request by Bhole Nath 8 Inc. for consideration of a Plan of Service for about 2.08 acres, more or less, for property located at Frontage Road and includes Tax Map 033 Parcel 008.01

Robert Varnell stated this is a piece of property where the city annex part of the property. The applicant has requested the rest of the property be annexed in and zoned CG (General Commercial) for possible construction of a hotel and a multi-tenant section at the front. Any architectural site plans will come back to this body as part of the Overlay. It's in the Interstate Gateway Overlay. The architectural renderings would be enhanced.

Ben Berry asked when we rezone this to CG (General Commercial), do we need to add it to the overlay?

Robert Varnell stated the front is already in the overlay. He thought having a comment to accompany the recommendation so that they could update their maps. They will do that accordingly. That's one of the components about having half a parcel and leaving half of it out. He did not know why it was done that way.

Bill Estes stated so you want a comment that the entire parcel will be part of the overlay.

Robert Varnell stated that's correct.

Jamie Creekmore stated Robert, when you look at the buffering on the north side in particular, give it as much buffer as we can.

Robert Varnell stated absolutely, and he appreciated that comment. This is about fifty (5) feet. When the applicant first talked to him, Robert told him that portion should not be disturbed from the start. No grading, nothing. The applicant said based on the slope it would probably work best. So those are things we are going to be looking at. And, as a reminder, this site plan does come back for our approval from this body. Not only does staff have the ability to, but you as a body does as well. It bumps up to a residential neighborhood and we need to protect their sights from all the commercial stuff down here.

Bill Estes made a motion to approve.

Robert Varnell stated that's for the annexation.

Annexation:

*Bill Estes stated his motion was for **annexation**. It's in our packet backwards. Jamie Creekmore seconded the motion to approve the annexation. A vote of 7-0 passed the motion to annex. Yes-7 No-0 Absent-2*

Plan of Service:

Robert Varnell stated this is pretty straightforward. He had received a lot of comments. We can serve this already.

Bill Estes made a motion to approve the Plan of Service. Jamie Creekmore seconded the motion.. A vote of 7-0 passed the motion to annex. Yes-7 No-0 Absent-2

- e. Request by Bhole Nath 8 Inc. for consideration of an ordinance to annex about 2.08 acres, more or less, for property located at Frontage Road and includes Tax Map 058 Parcel 008.01

Bill Estes stated his motion was for **annexation**. It's in our packet backwards. Jamie Creekmore seconded the motion to approve the annexation. A vote of 7-0 passed the motion to annex. Yes-7 No-0 Absent-2

- f. Request by Bhole Nath 8 Inc. for consideration of an ordinance to zone about 2.08 acres, more or less, from unincorporated County to CG General Commercial and includes Tax Map 033 Parcel 008.01

Bill Estes made a motion to zone to Commercial General and include into the Interstate Gateway Overlay. Maryl Elliott seconded the motion. A vote of 7-0 passed the motion. Yes-7 No-0 Absent-2

- g. Request by B&J Properties LP for consideration of a Plan of Service for 31.73 acres, more or less, for property located at Old Powerline Ln. and Minnis Road and includes Tax Map 058 Parcels 025.02 and 024.05.

Robert Varnell stated this is a 31.73-acre request for annexation and plan of service with a total of 54.67 acres zoning request for PUD 41. The proposal includes a residential development of no more than 124 detached single-family units. We followed the model we have started on the PUD's regarding infrastructure, the type of housing required and things like that. As far as plan of service goes, there were some comments by Cleveland Utilities which are known to the applicant to my understanding.

Ben Berry stated he would recuse himself.

Ben Berry stated he was with Berry Engineers. The only comment he had was from the PUD language. The developer had reviewed this and had an issue with one of the sentences that hasn't really been in any of the other PUD's. His comment was that every time he has a PUD there's something new that's been added that wasn't in the previous one. The sentence is "Each lot must provide a minimum of four (4) on street parking spaces." That's one of the first times that we've seen that. Realistically, you will have four (4) spaces if you have a two (2) car garage, and you have room behind the garage to tandem park four (4) vehicles. He's had several PUD's and just wanted these to be more straight lined and predictable.

Bill Estes stated he wanted every PUD different because every development is different. And needs are different. We need to improve our PUD's. So, he didn't want the same. He wants the city better, better, better.

Robert Varnell stated there are certain components of it where consistency is a good thing because we get a good model built. But each development, each site is independent of each other. Different types of developments, and different types of requests do constitute different types of components to guide. A comment like this is strictly based on a health and safety aspect from a code endorsement prospective to keep our road clear for emergency services, kids playing running out behind cars.... that's the things we are considering.

Bill Estes stated he lived in the historic district; he knew. A question, 124 units on thirty (30) acres....so are they quarter acre lots?

Robert Varnell stated it's fifty-four (54) acres.

Ben Berry stated half of this project is already in the city. This PUD already has ninety (90) lots already in the city under R1 zoning with no regulations. With this annexation, we are reaching back to this tract as well.

Annexation:

Bill Estes made a motion to accept the annexation. Clarke Taylor seconded the motion. A vote of 6-0 passed the motion. Ben Berry recused himself. Yes-6 No-0 Absent-2 Recused-1

Plan of Service:

Bill Estes made a motion to accept the plan of service as written. Jamie Creekmore seconded the motion. A vote of 6-0 passed the motion. Ben Berry recused himself. Yes-6 No-0 Absent-2 Recused-1

- h. Request by B&J Properties LP for consideration of an ordinance to annex about 31.73 acres, more or less, for property located at Old Powerline Ln. and Minnis Road and includes Tax Map 058 Parcels 025.02 and 024.05**

Bill Estes made a motion to approve the annexation. Clarke Taylor seconded the motion. A vote of 6-0 passed the motion. Ben Berry recused himself. Yes-6 No-0 Absent-2 Recused-1

- i. Request by B&J Properties LP for consideration of an ordinance to zone about 54.67 acres, more or less, from the unincorporated County and R1 to PUD 41 Planned Unit Development for property located at Old Powerline Ln. and Minnis Road and includes Tax Map 058 Parcels 025.02, 024.00, and 024.05.**

Bill Estes made a motion to approve PUD 41 as written. Maryl Elliott seconded the motion. A vote of 6-0 passed the motion. Ben Berry recused himself. Yes-6 No-0 Absent-2 Recused-1

j. Request by Maverick Development for consideration of an ordinance to zone about 80 acres, more or less, for property located at North Lee Hwy from RA, R1, and CH to PUD 40 Planned Unit of Development and includes Tax Map 034 Parcel 055.00

Robert Varnell stated this item was deferred to our July meeting by request of the applicant.

Ben Berry made a motion to defer Item J for thirty (30) days. Jamie Creekmore seconded the motion. A vote of 7-0 passed the motion. Yes-7 No-0 Absent-2

k. Request by City of Cleveland for consideration of an ordinance to amend the Cleveland Municipal Code, Title 14 Zoning Ordinance, Section 2.10.1 “A”, 2.11.1 “A” to remove residential uses from Commercial Zoning

Robert Varnell stated currently both our general commercial and highway commercial zoning designations, under allowable uses, we have a sentence that states “Family Dwellings available in R3 zoning classification,” which if you follow the R3 back, pretty much any residential development could take place within our commercial zoning. The city has zoning ordinance as well as limited commercial corridors and we do think it allows the city a little bit of the ability to review each one and consider each one. You will not find an ordinance like this within one hundred fifty (150) mile radius.

Clarke Taylor stated the problem with two (2) things is one, the commercial is not feasible. Secondly, there is projects proposed that the city is fully aware of. Fairly big projects.

Robert Varnell stated, and anything proposed and having submitted documentation would be grandfathered in on that.

Clarke Taylor stated that the public perception of R3 is multifamily. People come up in arms about apartments before anything else. Where is R3 mainly? I have some R3. Kind of have to have five (5) acres for it to really differentiate from R2. So, it’s about four (4) acres before it starts making a difference with R2.

Robert Varnell stated general commercial zoning and you develop a residential neighborhood; you are following the setback of the general commercial development which restricts your property even more. R3 has more allowances on density for the particular use you are using. He had worked in a lot of different

places, and he had never had a residential district inside a commercial district, except for mixed use.

Clarke Taylor asked if there was another zoning like a PUD?

Robert Varnell stated a mixed-use zoning. It's kind of a mixed bag of tricks. It allows almost everything, Our Downtown Central Business District does as well. Beyond that, no. At one time this ordinance also allowed residential development in industrial zoning which means there just no reason for zoning at all This body and the legislative body serve a purpose. Staff is with the opinion that we should work with them to serve that purpose with these kinds of requests.

This body removed residential uses from industrial zoning about ten (10) years ago. That was at the request of the industrial board because people were putting in residential developments and you have real industrial users that did not want to be neighbors....

Robert Varnell stated we have some parcels here and there on main thoroughfares that something might go in as new apartments and that might not be the best scenario for the city at that location. From a staff's standpoint we are not against residential We are in it all the time. We do think it has a particular place, so we have a zoning process to follow.

Ben Berry stated it's kind of weird. We have a PI (Professional Institutional) district. You have an office district that doesn't have residential. Then you have commercial that does have residential. Then industrial that doesn't.

Clarke Taylor stated he looked at this a lot in Murfreesboro, Clarkesville....

Ben Berry stated if this is approved it's going to trigger a flood of rezoning requests. People with commercial properties expecting to do residential development.

Robert Varnell stated which makes this more important.

Bill Estes stated so this is going to give the city more say going forward.

Ben Berry stated yes.

Robert Varnell stated this will provide a style and view of development from one end to the other.

Bill Estes stated he did not know of a lot of commercial ready for residential development in the city.

Robert Varnell stated he knew of quite a few. And some of them, staff would be fully supported of.

Ben Berry stated there's a lot of commercial property that will never be developed as commercial. It's not rezoned because you can do residential and it's not a big deal.

Robert Varnell stated and then they come to me and want a variance. He takes them to BZA (Board of Zoning Appeals) for setbacks.

Clarke Taylor stated for commercial property, like a fifty (50) or forty (40) foot setback... if you are going to have front parking you are going to have that anyway. If it's not wide enough, deep enough.... It's not valuable if you can't use it. He had properties that are zoned commercial with a house on it. But it's a nine thousand (9,000) square foot lot. What can you do? Those situations would be looked at to rezone things...

Robert Varnell stated he thought you talk about the board that looks at those things. First it comes to you all. Then it goes to our council. It's up to our staff to look at each thing. This works because X, Y, Z and those are the things that certainly should be considered. Just as the Director of Planning, it's hard to adequately provide a level of service that he thinks we have to have.

Bill Estes stated is this punitive in any way.

Robert Varnell stated it's not intended to be.

Bill Estes stated and there are outs for those who feel that it's punitive...they can ask to be rezoned.

Robert Varnell stated yes.

Ben Berry stated it would be punitive if the rezoning is denied.

Bill Estes stated at that point, yeah. If it has to be rezoned or don't go PUD, you know some kind of negotiation.

Robert Varnell stated it would be punitive if staff refused to take the application. It is a legislative process by which this country is built. That's not punitive. That's the people making the decision.

Bill Estes stated wow, you just went super philosophical. I was leaned back in my chair. Let me sit up. Ok.

Unknown discussion.

Robert Varnell stated it is definitely a change but it's something that definitely deserves consideration.

Tricia Pennington stated what happens if you have a property and you've built a multiunit property, and it burns, or a tornado takes it out...

Robert Varnell stated you are grandfathered under certain time restrictions. Our zoning ordinance allows for that. You can rebuild what you have. You can't expand it but you can build what you had back.

Ben Berry stated he is in favor of this. I agree with you that every ordinance around us...commercial goes into commercial, residential goes into residential zoning. It's just not that complicated. The only pitfall is that our zoning has been set up this way for so long that we have a lot of commercial property that does not have any business being zoned commercial. And so you have commercial next to R1, and you come in with R3, someone is going to throw the flag, that's spot zoning. I am hoping we can get past that because there's not a lot of R3 that we can expand on. We are going to go to a commercial corridor, and somebody is going to come in first and ask for a rezoning for a piece right in the middle of it for R3. It's going to look funny on the map I want to make sure that we anticipate that.

Robert Varnell stated if you look at the map to your left, you see the commercial corridors in red, and a little bit of purple and the rest of it is yellow and orange, grey.. The commercial corridors are small and confined. Putting commercial in a residential zone doesn't make sense. And we would like to protect those for commercial development. Moving forward at the city's prospective, it's an important component of what we are trying to do, trying to build, continually improve.

Clarke Taylor stated looking at our commercial...North Ocoee kind of feeds into our downtown. Areas that need redevelopment. I know from experience looking at different ideas, it's borderline not really feasible with the cost. Construction and it get's skewed with Paul Huff property out there. That's a whole different world out there. Sixty (\$60.00) per foot rent is like Chick-fil-A. He would love to see 10:1 commercial for every apartment that he sees. He's involved in both of them. Restaurants, local businesses stuff or your typical townhome that we are all sick of looking at. No offense, Tricia....

Tricia Pennington stated no offense taken. I haven't built one in a long time.

Clarke Taylor stated he would rather have a commercial plaza instead of eight (8) apartment units. The parking ratio...It might help with our feasibility cutting back on the parking.

Robert Varnell stated there were a lot of components in this ordinance that need review and he is just getting started.

Ben Berry stated if we have a residential development in a commercial property, we'll go to the BZA and get a setback variance. It's because setbacks are fifty (50) feet in commercial and twenty-five (25) in residential.

Unknown discussion.

Clarke Taylor stated on the Carolina area, they are putting the rear of the building toward facing the main right-of-way, like in the new developments that are plaza retail. The setbacks for the retail must be twenty-five (25) feet. Sidewalk. It forces somebody to...unknown...parking. What do they call that? Rear...

Unknown discussion.

Robert Varnell stated...they acquire the structures and push the right-of-way interior which creates....

Unknown discussion.

Clarke Taylor stated parking would be turned steeper...

Bill Estes stated he was not against this either. Robert, so are you going to bring changes each month as we go forward?

Robert Varnell stated yes, we have three (3) this month. This will make it five (5) or six (6). We can't do it all at once. But we are chipping away at some of the stuff he sees from a professional perspective.

Clarke Taylor stated projects in the works.... give me a bit more about that.

Robert Varnell stated he thought anything that had some level of submittals would be grandfathered in. He could think of two (2) or three (3) that would not be required to go through the rezoning process. Anything that ended up getting submitted before this thing has final approval by city council would also fall under those criteria.

Bill Estes made a motion to approve the amendments and Ben Berry seconded the motion. A vote of 6-0 passed the motion. Clarke Taylor voted no. Yes-6 No-1 Absent-2

I. Request by City of Cleveland for consideration of an ordinance to amend the Cleveland Municipal Code, Title 14 Zoning Ordinance, Section 1.6 Definitions to define and regulate support walls and pool locations

Robert Varnell stated this request was coming from the building department. We have some unsafe retaining walls, and pools placed on right-of-way and safety. To be specific, this describes them as accessory structures which follows the accessory structure set back which are five (5) feet. The building code definition doesn't define whether it's above ground or inground.

Unknown stated setbacks and pools getting too close to the right-of-way.

Ben Berry asked if the setback would be measured from the pool deck or the actual pool itself.

Robert Varnell stated it would be measured from the actual structure wherever that begins.

Ben Berry asked for the retaining wall, it would have to be five (5) feet off the property line?

Robert Varnell stated yes. which can be specifically addressed.

Ben Berry stated he would adjust that to have some different rules for commercial. Like residential you kind of get into inconsistent construction, where's my property line, you can get into some things. But with commercial, people are paying a lot per square foot, and you end up with retaining walls like a foot off the property line. If you have a retaining wall, it's usually on the property line. I would lean toward giving this more toward residential

Robert Varnell stated that intent was toward residential. There are not many accessory outsides of that in commercial. Usually you have your primary structure, your parking. Oftentimes you see your dumpster enclosure closer to five (5) feet. It's not going to look the same. He thought that's a specific notation that should be...

Ben Berry made a motion to approve the amendment with a modification of providing some exceptions to commercial industrial properties. Jamie Creekmore seconded the motion. A vote of 7-0 passed the motion. Yes-7 No-0 Absent-2

m. Request by City of Cleveland for consideration of an ordinance to amend the Cleveland Municipal Code, Title 14 Zoning Ordinance, Section 3.1.A. Table 2 in reference to RA Residential Agriculture Minimum Lot Area

Robert Varnell stated he was going to point to our zoning map again. RA is the light very faded green. Very few locations. The RA zone is exactly like R!. There is no difference. If you are going to have a RA that allows agricultural uses, animals, they should have a little more of a higher acreage, higher (unknown).of those kind of things. This is just a specific small area we are talking about. Currently, if someone should request a rezone or annex in a RA zone, it might not be a beneficial thing, if we don't know how we want to move forward. But to develop in a RA neighborhood and to do things that they can do in R1 based on livestock or farming, then it should have the appropriate square footage to accommodate that.

Bill Estes stated some history from the council with issues about pigs and goats and cows.... how much acreage do they need for a day and causing problems with neighbors with the RA? So, we didn't clean it up then. This was a big part of our discussion about the problems we were having with all three (3) of those with different issues.

Robert Varnell stated this isn't a massive change. It goes up to an acre. That's consistent with my experience and it impacts very few potential developments.

Clarke Taylor stated he did not know they could have livestock in the city or cows.

Robert Varnell stated we have an agricultural zone. Yes. It gives a little bit more flexibility. But there's not many.

Ben Berry made a motion to approve the amendment. Tiffani Sherlin seconded the motion A vote of 7-0 passed the motion. Yes-7 No-0 Absent-2

There was no Chairman's Report.

There way no Director's Report.

The meeting adjourned at 7:07 PM