

**THE CITY OF MAYFIELD HEIGHTS
PLANNING COMMISSION
MINUTES**

May 4, 2020

Mayor DiCicco, Chairman called the meeting to order at 7:00 p.m.

ROLL CALL: PRESENT: Councilman Michael Ballistrea, Mayor Anthony DiCicco, Mr. Jack Gallucci, Mrs. Darcy Horvat, Mr. Lyle Satterlee
ABSENT: None

Also present was Tom Jamieson, Director of Building, Anne Weiland, Secretary and Paul Murphy, Director of Law.

The Pledge of Allegiance was said.

Mr. Gallucci, seconded by Mrs. Horvat moved to suspend reading the minutes of the February 3, 2020 meeting and approve as written. All in favor, motion carried.

CORRESPONDENCE: None

OLD BUSINESS:

Report of Director of Building: No report.

Report of Council Representative: No report.

TABLED ITEMS: None

NEW BUSINESS:

**PC-20-05 Mayland Properties
O'Reilly's
5940 Mayfield Road
Requests approval of a lot split of parcel 861-28-003 to create two parcels identified as Parcel "E" and Parcel "F".**

Present was Larry Ottino representing the property owner. Mr. Ottino explained that they would like to split the lot to create a 2.5-acre parcel in the back.

Mr. Ballistrea asked what the long-term strategy is for this action. Mr. Ottino stated that the parcel will eventually be consolidated with the Mayland Shopping Center property to the west.

As there was no further discussion, Mr. Ballistrea, seconded by Mr. Satterlee moved to approve the lot split.

**Roll call on motion: AYES: Horvat, Ballistrea, Gallucci, Satterlee, DiCicco
NAYES: None
MOTION GRANTED**

- **Review of Ordinance No. 2020-4; enacting Chapter 1172 of the Codified Ordinances entitled "U-4-AA; Automotive Districts".**

Present was Jordan Berns, Berns, Ockner & Greenberger, LLC representing Nick Mayer Ford Lincoln (6180-6200 Mayfield Road), George Smerigan, Land Planner and Greg Bumbu, Nick Mayer Ford Lincoln.

Mr. Berns explained that they are requesting that the Planning Commission recommend to Council the enactment of this new automotive district in the zoning code which will allow auto dealerships to be a permitted use. They are also asking for a recommendation to Council that the zone map be amended to reflect that the Nick Mayer property falls within this new classification. It is very important to Nick Mayer to be a permitted use. Auto dealerships are not currently a permitted use in the zoning code. That presents a practical difficulty for them. It is not possible to get financing for a property that is operating in a non-conforming manner. Nick Mayer currently has over 100 employees and brings in over 70 million dollars in sales annually.

Mayor DiCicco mentioned that this ordinance has been through three readings on Council and is currently tabled. The idea is to have an auto dealership district where there are currently two located. It makes sense to make them conforming.

Mr. Smerigan noted that the permitted auto dealership use was removed from the code in 2004. It appears that it was done to limited them throughout the City. The associated uses, such as retail, automotive service and car washes are currently permitted. Being that it is currently a non-

conforming use, there are no standards or regulations. Standards and regulations will allow the City some control. Currently, anything done to the property would need a variance. Nick Mayer leases the property. He would like to purchase it but is unable to get financing for a non-conforming use. This is a critical move for this valuable business in the City. The request is to adopt the ordinance and put Nick Mayer in the District.

Mr. Ballistrea asked if the Nick Mayer property complies with all the regulations in the ordinance as written. He also thought the U-4-AA proposed district identification was confusing and suggested changing it to U-5. Mr. Murphy stated that it could be changed.

Mrs. Horvat asked if the Ganley Dealership (6060 Mayfield Road) meets all the proposed regulations. Mr. Murphy explained that, if it does not meet all of them, it will continue to be a legal prior non-conforming use. This ordinance is a proposal. Any parameters can be changed. Mayor DiCicco thought that it is important to assess the Ganley property.

Mrs. Horvat asked if the regulations conform to the Mayfield Road Corridor Design Manual. She suggested modifying the language to make it clear that they must conform for any new construction on the property. Mr. Ballistrea agreed. Mayor DiCicco noted that the Manual takes precedent. Mr. Smerigan pointed out that the language, as written, makes them conforming today. Mayor DiCicco deferred to Mr. Murphy to propose the best language.

Mr. Ballistrea suggested making the motion contingent upon Mr. Murphy amending the language to be sure it will conform to the Design Manual in the future and getting feedback from the other dealership to determine if they also meet the specifications in the ordinance.

As there was no further discussion, Mayor DiCicco, seconded by Mrs. Horvat moved to recommend to Council the adoption of this ordinance as a U-5 District, contingent upon recommended amendments from the Director of Law as to the inclusion of the Design Manual and determining how the other auto dealership conforms to the code.

Roll call on motion: **AYES:** **Ballistrea, Gallucci, Satterlee, Horvat, DiCicco**
 NAYES: None

MOTION GRANTED

Mr. Berns asked if the vote would include a recommendation to also change the zoning map. Mayor DiCicco said that that would be a part of the action taken.

As there was no further discussion or business, Mayor DiCicco adjourned the meeting at 7:36 p.m.

APPROVED:



Mayor Anthony DiCicco
 Chairman

Respectfully submitted,



Anne Weiland
 Secretary