



SHAKER HEIGHTS

**Council Minutes
January 12, 2026
City Hall Council Chambers**

The Council of the City of Shaker Heights met in a special meeting at 7:01 p.m., Mayor David E. Weiss presiding.

Council Members Present: Mr. Alvarez
Ms. Bixenstine
Mr. Chengelis
Mrs. Kaus
Mr. Malone
Mrs. Moore
Ms. Carmella Williams

Council Members Absent: None

* * * *

Video of this meeting may be found [here](#) through January 12, 2029.

* * * *

Mayor's Remarks

Mayor David Weiss stated that at the end of last year the government was shut down and there was a real risk of changes in federal benefit policies and significant risk of the loss of SNAP funds, either delayed or completely lost for November. Thanks to the support of Council and our community, we raised money with Chief Administrative Officer Matt Carroll leading the cause with a number of others. We initially raised \$10,000 from the community which the City matched and the support was so overwhelming that we raised and matched another \$10,000, for a total of just over \$41,000. The funds were put to good use, and some immediately dispatched to meet holiday needs through the Shaker Heights Hunger Center as one of the distribution centers of the Hunger Network of Greater Cleveland. Additional funds will be used to expand their ongoing supply of food to the community as well as funding some of their other operational needs that will help long-term support for access to food. There are remaining funds and we are exploring collaborations with the Shaker Library who is welcoming food donations for their youth programs and we continue to provide emergency food and meals to Shaker residents. We have also had requests from food distribution centers outside of Shaker, but accessible by our residents. It was amazing to see this happen as quickly as it did, but this is not the first time we have worked to make sure there is food accessibility. The City has participated in the Harvest for Hunger program for the last four years, donating 2,000 pounds of food, along with monetary donations of over \$3,250. We have a history and track record of coming together when the community needs it most and provide support and food for those in need. He thanked Council for their support. The community is very appreciative.

* * * *

The Mayor asked the Clerk of Council to read into the record public comments received on any of the agenda items.

Clerk of Council Mr. Carroll stated that no public comments were received on any agenda items by email or by phone.

The Mayor invited members of the audience and those participating via Zoom the opportunity to “raise their hand” to provide public comment.

No comments were offered.

* * * *

Ordinance No. 26-01, by Mrs. Moore, amending or renumbering multiple sections of Chapters 1211, 1213, 1216, 1220, 1221, 1222, 1223, 1224, 1225, 1230, 1231, 1232, 1233, 1234, 1240, 1241, 1250, 1251, 1252, 1253, 1260, 1262, and 1263; adding new Chapters 1235 (Sections .01 - .11) and 1236 (Sections .01 - .11); adding new Sections 1253.06, 1262.10, 1263.24, and 1263.26; and deleting Sections 1253.07, 1262.18, and 1263.01, of Part Twelve, Zoning Code, of the Codified Ordinances of the City of Shaker Heights to amend the zoning map and text to rezone the commercial areas along Lee Road and Larchmere Boulevard and update the Zoning Code.

Planning Director Joyce Braverman stated that the zoning amendments are to implement the Lee Road Action Plan. The vision of that plan is for a vibrant, walkable mixed-use commercial district. The Lee Road Action Plan calls for infrastructure improvements such as road, bikeway, and streetscape improvements as well as new developments, like the southern gateway, the neighborhood center and infill development.

There was extensive public engagement reaching over 700 people, with 16 formal meetings, public meetings and business focus groups, as well as 20 informal events like bike tours, walking tours, youth feedback sessions and senior feedback sessions. The Strategic Investment Plan listed first actions including updating the Zoning Code, the off road bike path, the road diet with one lane in each direction and a center turn lane, a taller row of trees next to the road, a smaller row of trees under the utility lines, and the development of the southern gateway with a 4 to 5 story mixed-use building with apartments above with retail or office below. A rendering shows the building at the street level with parking in the back. The Zoning Code regulations should result in a building like this to promote a dense mixed-use development.

The process for the Zoning Code amendment requires the City Planning Commission hold a public hearing and make a recommendation to Council, that Council hold a public hearing, have three readings and confirm the recommendation of the City Planning Commission. If over 100 notices are to be mailed then we only need to advertise the public hearing in the local news, but we also notify every merchant and business owner along Lee Road as well as neighborhood organizations to make them aware. A business meeting focus group was held a few weeks ago so that business owners and property owners could ask questions directly to staff. It was also advertised in the Moreland neighborhood newsletter and Facebook pages for Moreland and Lomond neighborhoods.

The City hired a consultant, Zone Co, as this is a complicated process and zoning consulting is their main service. Zoning is to facilitate a desired outcome and promote placemaking and development. The consultant has a multidisciplinary team with an attorney and planner, both with public sector experience.

Zoning basically defines allowable uses and where they can be, and provides rules for those uses. It groups together compatible uses, including a mixture of uses. Our code is divided into various districts, single-family and multi-family residential districts, a variety of commercial districts, an institutional district, and a park and recreation district. We permit a mix of uses in our commercial mixed-use districts. Zoning regulates the height and setbacks for property lines, lot size, as well as parking standards.

This item represents the proposed changes for Lee Road which is currently zoned C3 – Commercial, our most intense commercial district. The proposed map shows two new districts: CM2 on the east side with a little on the west side; and CM3 is on the west side. The districts are virtually the same with the only difference being lot size. This a way for us to regulate things more precisely. We are also recommending a change on Larchmere from C2 to CM1, like Van Aken and Shaker Town Center at Chagrin as it fits into the same standards.

This action is to allow the implementation of the Lee Road Action Plan, introduces two new commercial mixed-use districts and refines our current mixed-use district. CM1 is the old mixed-use district and we are adding CM2 and CM3. Key changes include: renaming the districts, and adding two new districts to replace C3 zoning. In the new CM2 and CM3 districts automotive uses and drive thru's will not be allowed. We currently allow by conditional use permit automotive uses which will no longer be allowed. If there is that type of business they can retain it, sell it, or alter it, but if it closes and it remains inactive for more than a year, they will lose their right to an automotive use. We are adding restaurants as a permitted use which have not been allowed on Lee Road since the mid-70s. Smoke shops will be regulated in all commercial districts as a conditional use permit with distance and spacing requirements. In the current CM1 district we already allow by conditional use brew pubs and wine bars, and we will be adding cocktail bars.

Planner Daniel Feinstein stated that our consultants reviewed the Zoning Code and felt a few changes needed updating. We added better definitions, combined definitions, removed outdated definitions, and clarified some things. We added parks and playgrounds to public spaces. Commercial mixed-use districts are the focus of these zoning changes . We modified the way we allow residential multi-family on the first floor. We allow 40% of the total first floor area on the primary street frontage to be residential. That requires that some of the street frontage facing the street is residential and commercial/retail type use so it is not all residential. That helps with making a walkable, livable area. That was changed in all CM districts. The old regulation was difficult to understand and administer. Smoke shops as a conditional use means that there are requirements which include 1500 foot distance between another smoke shop and that they are at least 500 feet away from a school, park or place of worship. Cocktail bars have been added as part of a conditional use. Kiosks have been added as an accessory use, allowing a temporary outdoor retail site. We are adding outdoor dining to a takeout restaurant as well as a sit down restaurant. We have a new zoning map that includes the new zoning districts on Lee Road and Larchmere. Our two new commercial mixed-use zoning districts are almost the same. Permitted uses added include a dry cleaners with a plant and a wholesale bakery to CM3, but not CM2. CM3 districts have larger lots so a larger use would be allowed.

Conditional uses are the same for both CM2 and CM3. There are minor differences from the main commercial mixed-use district. First floor dwelling units will now be a permitted use in CM2 and CM3.

A drive thru facility which is now allowed as a conditional use permit in CM1 with regulations, will not be allowed in CM2 and CM3 districts. Cocktail bars are now recommended for CM2 or CM3. A restaurant which is now proposed to be allowed on Lee Road may have an accessory bar section as long as it is mostly a restaurant. Accessory uses are the same between the two districts. On Lee Road we omitted antennas which are allowed in the regular commercial mixed-use district.

Dimensional standards determine where a building may be placed onsite, how tall it may be, or the setback. CM2 are the smaller lots on the east side of Lee Road so there is no minimum lot size for those. There is no required front yard setback in the CM2 district for small lots. The others require between 5 and 10 feet setback. Buildings must be a minimum of two stories high. Taller buildings may be more appropriate on Van Aken than on Lee Road, but five story or 60 feet high buildings are allowed on Lee Road. Signage is the same for all districts. There are also rear yard setbacks and rear yard buffering which includes landscaping and solid brick walls which have not changed. They were simply added into CM2 and CM3.

When there are Zoning Code changes there are cross references and changes that need to happen in other districts so the consultants found places where other districts needed changes that were affected by this. The substantive changes include removing amusement devices and drive thru's. Smoke shops were added in certain places, along with wine bars, group pubs, and cocktail bars. Landscaping and screen regulations updates were discussed internally. Council reviewed landscaping ordinance changes to a broad array of ordinances in the City about landscaping in the right-of-way. Those regulations have been instituted. Part of that was to get rid of the right-of-way landscaping regulations in the Zoning Code. They have now put them in the appropriate location in the right regulations so Section 1253.07 has been deleted. As part of that discussion the forester recommended instead of requiring a four-inch tree to replace a tree, a two-inch caliper tree has a better survival rate so when a large tree is removed two, two-inch trees should be planted. They have added the idea of ecological benefits to the purpose statement and design criteria sections of the landscape code. This gives the City Planning Commission or the Zoning Administrator something to use as a reason to require landscaping on the property.

Director Braverman stated that the proposed ordinance is on first reading with all the chapters and sections listed in the ordinance. This item was reviewed and approved by the City Planning Commission (CPC) with a public hearing. Council will hold three readings, including a public hearing and needs to take action within 100 days. Council may confirm the recommendation of the CPC without modifications, refer it back to the CPC for further study, deny the amendment, or continue the public hearing.

Law Director William Ondrey Gruber stated that they did not make a lot of substantive changes but a number of changes in the formatting to fit our codified ordinances. A number of the references throughout the proposed ordinance may need correction. We did not go through that process before we introduced it, but we may have those changes by its second reading on January 26, 2026, in addition to any other changes that Council sees fit to request.

Council member Ms. Carmella Williams stated that the accompanying memo summarizes the City Planning Commission discussion. She was impressed by the work and research done by staff. The changes provide clarity and consistence throughout and revisions will provide structure to bring the vision for this area to fruition.

Council member Mrs. Moore thanked staff for their hard work on revising anything that wasn't clear or needed to be clarified in the revised Zoning Code and asked about the different ways to measure tree diameter: DBH (dimensional breast height or 4.3' from the ground); and caliper.

Director Gruber referenced the map which explains the measurement type.

Mr. Feinstein stated that the DBH is a typical measurement for an existing tree, but trees that are sold in an open market are measured in calipers which is why the code references both DBH when referring to trees removed and calipers for replacement trees. However, when a smaller tree is removed of 2-6" in DBH, only one, two-inch caliper tree is required to replace it. A tree larger than 6" requires two, two-inch caliper trees.

Council member Mrs. Moore asked for more clarification on the language which states "modify replacement tree size from one, four-inch tree to two, two-inch trees." She asked how that leads to a replacement with one tree, when it says two to six inches.

Mr. Feinstein stated that we are not capable of replacing trees using inch per inch. The code has always stated that on a smaller tree from two to six inches DBH it should be replaced by one tree. We used to require that when you took out a larger tree you had to plant a larger tree of four inches to replace it. Our forester said that a larger tree may not survive so we changed it to require two, two-inch trees.

Director Gruber stated that there is an error in the presentation slide which should say a four inch tree should be replaced by one, two inch tree, not two, two-inch trees. The slide will be corrected.

Council member Mrs. Moore also asked about the invasive plants list and if the Zoning Code revisions should reflect this.

Director Gruber stated that the new landscape ordinances passed by Council limited the plantings in tree lawns, the public right-of-way, to not allow invasive species. However, there is no limitation for what people plant on their own property. The City recommends not to put in invasive species on our website with links to various resources but there is nothing which requires it for private property owners. This is consistent with the regulations passed by Council. The zoning regulations with regard to landscape only apply when there is new construction or an installation which requires a variance, conditional use permit or some other approval like a site plan with landscaping requirements. In those instances the CPC has the discretion to require additional conditions and recommend the landscape plan be revised to exclude invasive species if they are proposed. Those are the only situations where private properties are subject to the Zoning Code with regard to landscaping. We do not currently regulate the type of plants that are planted on private property, but the CPC in approving variances and other plan approvals may make those a condition.

Director Braverman stated that the CPC reviews landscape plans and they are adding wording about ecological benefits which does not currently exist. They are directing the CPC and staff to look at those issues. You can have invasive species but they do not approve invasive species. They will ask for it to be replaced.

Council member Ms. Bixenstine thanked staff for their thorough and comprehensive review of all the ordinances. She asked about the reason for having the separate CM1, CM2 and CM3 districts since they are very similar. She also asked about the five-story maximum height throughout the area.

Director Braverman stated that it has to do with lot size and development type. CM1 was the original district for Shaker Town Center, including the shopping center built in 1990 and the Van Aken district with the redevelopment. That is for larger lots and more specialty mixed uses. We did not want to change that district which has been working well. We want the same type of feel for Lee Road but it won't be exactly like CM1. The west side of Lee Road has very deep, large lots that can accommodate a different type of development than the east side, which has very small lots. One difference is the amount of first floor housing allowed. On the east side they are allowing half the building to be for housing. On the west side they are only allowing 40% because of the large buildings. The impact will be almost the same. The smaller lot is hard to develop and the developer probably needs those units.

Director Braverman stated that if a developer wanted to build a high rise above five stories with first floor retail we would use variances in instances which deviate from the standards. The CPC and the Board of Zoning Appeals would weigh the hardship and practical difficulty. The Raye is an example of a height variance. The limit in that area is seven stories. The CPC discussed whether it would be appropriate based on the density necessary in the Van Aken district. When there is a severe variance like that it will also come to Council.

Council member Mr. Alvarez asked why five stories is the baseline.

Director Braverman stated that it has a lot to do with building types. A stick or a wood building may be four stories of housing built with wood over a concrete base of retail or office. That is a very common building type. The Building Code does not allow them to be built higher. We are trying to accommodate developers and make it easier for them to redevelop here. It is about the height of the Lee/Scottsdale building, so there is one existing building on Lee Road that is that size.

Council member Mrs. Kaus thanked staff for their work on this. She is excited to see the Lee Road Action Plan move forward. She asked about the legalization of recreational marijuana and if it would behoove us to add the restrictions to the Zoning Code in the event state law changes.

Director Braverman stated that there are state law distance requirements of marijuana dispensaries to be 500 feet from schools, parks and places of worship. Because the City is dense with parks and schools there are only a few locations where a dispensary could locate per state law. Because of that we have not done any additional regulation. If state law changes we may change our codes at that time.

Director Gruber stated that when the state law changed with the referendum and they added provisions, many cities allowed marijuana sales, but some outlawed marijuana sales. We did not hear from Council or the Administration any desire to do that. If there is a desire in the future it may be considered.

Council member Mr. Alvarez asked if now is the best time to make that change while we are making changes to the Zoning Code.

Director Gruber stated that is a decision for Council.

Council member Mrs. Kaus stated that she would like for Council to consider banning the sale of recreational marijuana use in the City of Shaker Heights. She would be curious to see best practice language.

Mayor Weiss clarified that Mrs. Kaus is interested in language that would prohibit all sales of recreational marijuana.

Director Gruber stated that the language to ban sales would be fairly simple and we can look at what other cities have done.

Council member Mr. Chengelis asked that they take a step back with the addition of the two new commercial mixed-use districts to see how they compare to neighboring communities, and whether we are more complex, or if this is how we have evolved as a city.

Director Braverman stated that the County Planning Commission over the last two or three years has been doing model codes and studies on transit-oriented development zoning, pushing this county-wide. We already have it at Van Aken district and Shaker Town Center and staff have given many case studies and presentations. The county developed sample codes and has assisted some cities in changing their zoning. On priority transit corridors where busses or trains run often like Warrensville, the county is promoting having denser development to take advantage of that transportation. What we are doing on Lee Road is similar to what other cities in the county are doing now by adopting transit-oriented zoning, requiring two stories, and requiring buildings at the street. We were an early adopter doing it three decades before this was happening in the county, but now we are expanding. We would like to see Lee Road developed in a denser format. This is what the county has been asking for on a regional basis.

Council member Mr. Chengelis stated that the change of Larchmere to CM1 was the last area that was C2 and asked if that would be considered being removed from the code.

Director Braverman stated that after having discussions they concluded we should leave it in for now.

Council member Mrs. Moore stated that there was a prior time when we were trying to develop Lee Road but the zoning prohibited many different types of businesses so the question was how to redevelop it before looking at zoning comprehensively. There was little interest in doing anything in this location at that time from developers. Now it must happen and the question is how best to do it. This process is exemplary and we are being touted as the community who has already done it and expanding it. It shows that we are consistently leading.

Director Gruber stated that there is also an equity component to this zoning because in the code changes in 1995, this area was relegated to be as commercial and industrial as Shaker gets with automotive businesses and gas stations, which affected the adjacent residential neighborhood. This is an attempt to connect with the residential neighborhood. It is a far reaching change in view of what the commercial district on Lee Road means to the residential neighborhood and what it can mean to benefit both.

Council member Mr. Chengelis stated that if the area becomes developed as we hope without automotive oriented businesses, the number of locations in Shaker Heights where an automotive business may be would be very small and asked if there is any concern we have precluded that use type too much.

Director Braverman stated that this zoning change is aspirational and what the community says they want. No one during the public meetings requested more gas stations or car washes. This is looking forward. There are plenty of automotive uses on Lee Road and they can remain, or they can sell them. It will be many decades before they are gone and unlikely we will ever see them all gone because they are attractive

for those businesses. Chagrin west of Lee will remain C3 zoning which allows automotive by a conditional use, so we still have a place where a new business could ask for a permit for an automotive use.

Council member Mr. Malone stated that Larchmere is a good model for that with the Shaker autobody shop across from Loganberry books. It has a variety of mixed uses. We have the auto uses but we don't have the other uses on Lee Road and that is what we are trying to encourage as much as possible.

Council member Mr. Chengelis asked about parking regulations and believes it will continue to be difficult to get transit-oriented development patterns if we are not looking at them..

Director Braverman stated that we will institute the same parking regulations we have at the Van Aken district in the new CM2 and CM3. Those regulations work well and allows no over parking. If you are allowed 100 spaces, you may not have 105. In addition we have a 60% reduction for TOD (transit oriented-development), so if you are near transit you may ask the City Planning Commission to be considered for 60%. That has been working and we are not getting over parking.

Director Gruber stated that the first floor limitations and setbacks means we will not have a parking lot followed by a building, all along there. New buildings will have to come to the street level. If they have parking it will be in the back or underneath a building.

Council member Mr. Chengelis asked about shared parking locations off site where a business could get credit.

Director Braverman stated that the code already has a shared parking standard where it is encouraged. We just did a pilot program on Lee Road working with six or seven buildings blending their parking. The City subsidized it with help from the county and it allows more parking for the whole area as they did not all need their four spaces.

Mayor Weiss stated that the pilot parking program is a success and provided an opportunity to close some of the curb cuts on the east side.

Council member Mrs. Kaus stated that the parking on Van Aken district is becoming tight with people using bank parking lots at some of the busiest times in order to find parking, including Fridays, and Saturdays, especially in the summer. The banks are being good neighbors in allowing that but they don't have to allow it. Other cities with parking issues, discourage travel to their communities. We need to keep an eye on parking and development, especially when we look at having residences and visitors to the residents in need of parking.

Council member Ms. Carmella Williams asked if the City has been approached by other businesses along Lee Road about parking.

Director Braverman stated that we have not as it was highly subsidized by the City. It was a matter of the owners agreeing and maintaining it. We may do more if we can and the Shaker Heights Development Corporation owns some properties for which we plan to close curb cuts as part of the road construction. However, we have been approached by businesses interested in coming to Lee Road under the new standards.

It was moved by Mrs. Moore to adopt the changes to the Zoning Code.

Mayor Weiss stated that this item will remain on first reading.

* * * *

Ordinance No. 26-02, by Ms. Bixenstine, authorizing renewal of the Master Services Agreement with Interstate Gas Supply, Inc. for provision of Retail Natural Gas Services for the City's Natural Gas Aggregation Program, for a period of up to two years, from April 1, 2026 through March 31, 2028, and declaring an emergency.

Law Director William Ondrey Gruber stated that a codified ordinance allows the Mayor to contract for utility service without coming to Council, electric or gas, for the City's facilities or street lights, so that we may be agile when the market provides the best price. The plan of operation for our gas and electric aggregation programs requires we come to Council for approval of contracts.

The gas aggregation program began in 2006 voted by the residents to allow opt out aggregation, which means under state law we may require automatically including residents and small businesses in the program unless they affirmatively opt out. There are some who are not eligible, who already have a contract with a supplier, who must choose to end their contract and join the program. It has been a great success throughout Ohio and the City has taken advantage of that. We hear regularly that residents appreciate having a City program with a fixed rate. They may still choose their own supplier from the market at any time. The City does not make any money from the program, but tries to do the best job for the community. Enbridge replaced Dominion, who provides the distribution of gas, metering, billing, and responds to gas leaks or problems with infrastructure. They no longer supply gas.

We last entered a contract with IGS as our supplier, who has been our supplier throughout the history of our program. There are not a lot of companies who provide gas for aggregation programs. On the Public Utilities Commission of Ohio (PUCO) website you will see a long list of gas suppliers, but most of them do not have aggregation programs. IGS does and has been flexible with us, especially last year when we looked at our pricing at the end of our contract when gas was high, and they were willing to allow us to buy gas for six months until the market adjusted when we were able to buy it for less than buying it long term at the higher rate.

In December the market rate started coming down and our adviser and broker, AMP Ohio, who seeks proposals from companies found IGS was again the lowest supplier this year. Every day the rates are different and are not always apples to apples. Our program does not promise the lowest rate, but it is a fixed and competitive rate. The rate if we purchased it today was between \$4.40 and \$4.56 per mcf. There is no guarantee that we would get that rate, but the trend has been downward. This item is to enter a contract for the next two years to continue the gas aggregation program with IGS.

Council member Mrs. Moore stated that if Council monitors social media, they will find streams of comments at certain points accusing the City of not having the lowest rate available. She suggested they keep this information handy to refer to it for those moments. The program was created largely because we had in-house expertise in Mr. Gruber. We are providing a program with a fixed rate, competitively priced, with no penalty to opt-out.

Council member Mr. Malone agreed with Mrs. Moore in her compliments of Director Gruber's expertise. We have been fortunate to rely on him for many years. He asked about the decision to purchase for one

year versus two years. We are trying to prognosticate the level of confidence that the market will not further decline and asked about historical trends.

Director Gruber stated that we talk about the rates with our supplier, which have varied. Sometimes the 24-month rate has been lower rate than the 12-month rate. This current rate range is pretty good compared to historic rates. He has seen them as low as \$3.80 but not much lower. While they could drop he thinks it is unlikely. Last time Council authorized a two-year contract, we only purchased 6 months at a time due to the market.

Council member Ms. Bixenstine stated that this program also shows the flexibility the City has compared to other municipalities who have gone in with NOPEC. Because of Director Gruber's diligence we have been able to capitalize on that flexibility.

Council member Mr. Chengelis asked about the City being in the aggregation. The state used to require energy-efficiency so maybe if we add \$.10/mcf we could subsidize energy audits, ultimately saving residents money through reduced usage. He also asked if we have data over the years on how much residents have saved.

Director Gruber stated that the program is not available to large users, so most of our accounts are not eligible. We may have some small accounts in the program but he would have to check. We have not entered into a gas contract with a supplier for the City facilities although we could as the default rates were better than a long term contract with a supplier.

NOPEC is a wonderful organization and we were a member of their electric aggregation for many years. They provide a huge service by advocating to the PUCO for all aggregations, but we appreciate our flexibility. They get a portion from every gas and electric bill for advertising and for their programs with cities who are members. We do not get any funds for our program, although we could, but no Shaker mayor has shown an interest in doing so as our goal is to get the lowest rate possible.

Adding a fee is something Council may consider. The City had a program at one time where we accepted bids and chose the company with the lowest fixed price to provide energy audits that were paid for by the residents who were interested in that program.

We have not done any estimates over the years on how much residents may have saved by using the aggregation. It would be a question of who we would compare our rate and at what intervals.

Council member Mr. Malone stated that anecdotally we are seeing a savings that the City is able to offer through our aggregation compared to NOPEC on balance.

It was moved by Ms. Bixenstine, and seconded by Ms. Carmella Williams, that the rule requiring ordinances to be read on three different days be suspended and Ordinance No. 25-02 be placed upon its final enactment.

