



**Board of Zoning Appeals & City Planning Commission Minutes
Tuesday, January 6, 2026
7 P.M.
City Hall Council Chambers**

Members Present: David E. Weiss, Mayor
Carmella Williams, Council
Joanna Ganning, Member
Russell Lamb, Member
Jason Russell, Member

Others Present: Joyce G. Braverman, Director of Planning
William M. Gruber, Director of Law
Daniel Feinstein, Senior Planner

The meeting was called to order by Mayor David Weiss at 7:00 p.m.

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Mr. Gruber swore in Carmella Williams as Council representative to the Board of Zoning Appeals and City Planning Commission.

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Approval of the December 2, 2025 Meeting Minutes

It was moved by Mr. Russell and seconded by Dr. Ganning to approve the minutes.

Roll Call: Ayes: Weiss, Ganning, Lamb, Russell
Nays: None
Abstain: Williams

Motion Carried

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ZONING ORDINANCE AMENDMENTS – TEXT AND ZONING MAP:

A Public Hearing was held on the request of the City of Shaker Heights, 3400 Lee Road, to the City Planning Commission for amendments to the zoning ordinance text and zoning map. Proposed amendments include renaming the CM Commercial Mixed Use zoning district to CM-1 Commercial Mixed Use and creating new CM-2 and CM-3 Commercial Mixed Use zoning districts. Proposed zoning map amendments include the C3 Business Commercial zoning district on Lee Road south of

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Chagrin Boulevard being replaced by CM-2 and CM-3 Commercial Mixed Use zoning districts and rezoning the C2 General Commercial zoning district to CM-1 Commercial Mixed Use zoning district on Larchmere Boulevard. Text amendments are proposed to Chapters 1211 Definitions, 1216 Zoning Districts, and Chapters 1231, 1232, 1233 and 1234 Commercial zoning districts. New chapters proposed include 1235 CM-2 and 1236 CM-3 Commercial Mixed Use. Amended language is included in Chapters 1253 Landscaping, 1262 Accessory Uses, 1263 Conditional Use Standards and various other chapters. The City Planning Commission reviews amendments to the zoning ordinance and map and makes recommendations to City Council.

Mr. Feinstein stated this is a request of the City to amend the Zoning Ordinance text and map. The City proposes two mixed use commercial zoning districts, CM-2 Chapter 1235 and CM-3 Chapter 1236 on Lee Road south of Chagrin Boulevard. There is a name change for the existing CM to CM-1 and changing C-2 General Commercial to CM-1 on Larchmere Boulevard. Text changes also include the zoning map definition and the landscape section plus many other edits to Chapters 1211, 1216, 1231, 1232, 1233, 1234, 1240, 1251, 1253, 1262 and 1263. The City Planning Commission makes recommendations to City Council regarding zoning ordinance amendments. City Council will also have a Public Hearing as part of this review. Staff recommends approval of the changes to City Council.

Ms. Braverman described the Lee Road Action Plan and showed renderings of the proposed development. She described the process. The Lee Road Action Plan engagement included 700 people over three meetings. Five hundred people were present at formal meetings and 200 people at informal meetings. Public Notice of these zoning amendments was sent to all of the Lee Road business owners, and merchants, and there was a merchant/owner meeting with 15 in attendance. The Neighborhood News and the City's Facebook account had notices for neighbors. She described the map changes with two new zoning districts on Lee Road and a change to CM-1 on Larchmere Boulevard. She explained the project area and description of changes including two new CM Commercial Mixed Use zoning districts. Key changes include: all existing CM Commercial Mixed-Use districts change to CM-1; the Larchmere commercial district is amended to be zoned CM-1; two new commercial districts are added, which replace portions of the existing C-3 zoning district along Lee Road, which are CM-2 on the east side of Lee Road and CM-3 on the west side of Lee Road; certain auto-oriented uses, such as drive-throughs and car repair, currently permitted as conditional uses along Lee Road, are prohibited in the CM-2 and CM-3 districts; smoke shops are regulated as conditional uses instead of as permitted uses; restaurants are added as a permitted use; and cocktail bars are added to CM-1 as a conditional use.

Mr. Feinstein described the zoning standards in the new CM zoning districts including lot size specific setback regulations. Revisions were made since the Planning Commission Work Session including revising the map to extend CM-2 to a portion of the west side of Lee Road; exclusion of all drive-throughs in CM-2 and CM-3 districts; elimination of the 12 foot wide side yard setback in CM-2; allowing live entertainment as an accessory use; and revision of the percentage of allowed street-facing dwelling units. He reviewed the definitions that have been added to Section 1211 Definitions.

Mr. Gruber said the new CM Commercial Mixed-Use districts do not contain all brand new uses. For the most part these new CM districts have similar uses as the existing CM district.

Ms. Braverman explained the lot sizes and development standards are tailored to the different lot sizes on Lee Road. These zoning districts will help drive the type of development the City wants and is envisioned in the Lee Road Action Plan. The front setbacks of 5 and 10 feet and no side yard setback

in addition to a requirement that new buildings be full two story buildings are regulations that allow that type of development. There is cleanup of other sections of the code including changes in the landscape and screening regulations. She described the schedule of code revisions with both City Planning Commission and Council review of the updates.

Mr. Russell asked about drive throughs, which were previously discussed. What about excluding drive throughs in the CM district as well?

Ms. Ganning asked where in code drive throughs are currently allowed.

Ms. Braverman said drive throughs are permitted in the CM-1 district as a conditional use, which require City Planning Commission review and are limited to non-restaurant uses like banks and pharmacies.

Ms. Williams said the City wants to be careful where a drive through would be allowed, so they are compatible with the surrounding neighborhood.

Mr. Feinstein said there are standards that only allow drive throughs in the rear yard with specific setbacks, and City Planning Commission review as a conditional use permit.

Mr. Russell said maybe he would not want to limit drive throughs from the city altogether. He is mobile but others are not. Accessibility of getting your prescription or bank transactions from your car are needed by residents. He wants to include the idea of neighborhood compatibility for drive throughs and allow in CM-1 so services can be accessible.

Dr. Ganning said she agrees with that addition to drive throughs. Do they need to change the definition? There are concerns with how drive throughs impact neighbors.

Ms. Braverman said a conditional use permit is required for a drive through so the City Planning Commission gets to decide if a drive through is appropriate on a case by case basis.

Mr. Lamb asked what the impact is for an existing owner/operator for non-conforming use regulations. There is a one year time limit until it is considered abandoned.

Mayor Weiss asked why wine bars and brew pubs not in CM-2 and CM-3.

Ms. Braverman explained that these were not in the CM district originally, but reconsidered and added after development and new uses were developed. The City could do the same on Lee Road in the new CM districts.

Mr. Russell said small lots in the CM-2 district could be public space. Should it be an allowable use to have a playground?

Mayor Weiss asked for clarification of the first floor residential percentage requirement.

Mr. Feinstein explained the percentage of first floor residential units allowed maintains at least 40 or 50 percent of the first floor facing the street as retail. The street facing portions of the building remain walkable, vibrant, and engaged through retail type uses.

Mayor Weiss opened the Public Hearing.

Harriet Logan, Loganberry Books, asked about the requirement for a two story building. Her building is not currently two stories.

Mr. Feinstein explained it does not affect existing single story structures, only a proposed new building.

Ms. Braverman explained the changes in the district and that it will not affect an existing building height. The existing single story buildings may be maintained.

David Lewis, Lewis Electronics, said there has been a change of narrative about Lee Road. The Mayor has assembled a group to work together and everyone is excited about the plan, which has tremendous potential. He is concerned with drive through options and understands the desire to protect the walkable experience of the street. Some drive throughs would change the pedestrian friendly neighborhood. But maybe an East Coast Custard or other good drive through might be acceptable. The Economic Development Department and the City will need at least a couple of restaurants to start momentum. He felt like a good team member during the planning process and we need to continue the teamwork. No one is getting forced out of business, but it is disconcerting to have all auto uses not allowed in the new zoning districts. His building was built for auto uses and is not easily converted. It could take longer than 12 months to find a new tenant or buyer and by then the use could be abandoned. Then they would not be able to market for an automotive use again. He asked for consideration of how the abandonment of non-conforming auto uses is considered.

Mr. Russell said he supports the zoning amendments as proposed with some additional language for drive throughs as discussed earlier.

Dr. Ganning said it is not easy to tailor a retail drive through to the location and neighborhood.

Mr. Russell said Conditional Use Section 1263 requires conditional use permit review, which gives the City Planning Commission the ability to consider the setting.

Ms. Braverman suggested the conditional use permit standards be modified to more specifically consider adjacent property and the neighborhood consistency.

Mr. Russell said he supports the application with the inclusion of modifying Section 1263.10 drive through approval with neighborhood appropriateness language added.

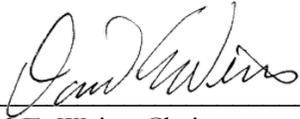
It was moved by Mr. Russell and seconded by Ms. Williams to recommend approval to Council with the following condition: Include language in the conditional use standards in Section 1263.09 Drive Through Facilities that any drive through facility needs to be appropriate for the adjacent development and surrounding neighborhood, based on the Action Sheet.

Roll Call: Ayes: Weiss, Williams, Ganning, Lamb, Russell
 Nays: None

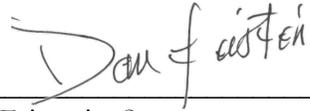
Motion Carried

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There being no further business, the meeting was adjourned at 8:30 p.m. The next meeting will be February 3, 2026.



David E. Weiss, Chair
Board of Zoning Appeals
City Planning Commission



Daniel Feinstein, Secretary
Board of Zoning Appeals
City Planning Commission