

**PLANNING COMMISSION  
JULY 12, 2017  
MEETING MINUTES**

MEMBERS PRESENT:	Craig Cobb Michael Gaynier Len Horowitz Adam Howe Anthony Mattox, Jr.	Chair
MEMBERS ABSENT	Jeff Rink Jessica Cohen	Vice Chair
STAFF PRESENT:	Richard Wong Kara Hamley O'Donnell Elizabeth Rothenberg  Mary Dunbar	Director of Planning & Development City Planner Assistant Director of Law  City Council Planning & Development Committee Chair

Mr. Cobb began with saying good evening and welcome to the July 12, 2017, meeting of the Cleveland Heights Planning Commission. He stated that our first order of business this evening is to have the roll call, Mr. Wong please.

Mr. Cobb	Here
Mr. Howe	Here
Mr. Horowitz	Here
Mr. Mattox	Here
Mr. Gaynier	Here

Mr. Wong stated Five present.

Mr. Cobb asked if everyone has had a chance to review minutes from our last meeting. He asked if there were any changes or corrections, which there were not so he approved.

Mr. Cobb stated that those of you who have not been here before, our procedure is that the staff is going to do a presentation on each of the projects and when staff has completed, we then will hear from the applicant and then if there is anyone here from the public that would like to comment, they will have the opportunity to address us. Mr. Cobb added that if you are going to be testifying tonight, then you will need to take an oath or affirmation and give us your business address. He asked that we swear everyone in now that is going to testify so he won't forget as we move along.

Mr. Wong, Ms. Hamley O'Donnell and others in the audience who planned to testify were sworn in.

**Project No. 17-16: T-Mobile, 2360 Noble**, MF-2 multi-fam, requests Conditional Use permit to find cell antennas similar to satellite dish receiving antenna and install 9 roof-mounted antennas, RRUs and support equipment per Code chapters 1111, 1115, 1123, 1151 and 1153.

Ms. Hamley O'Donnell stated in front of audience: I'm going to go through these pretty quickly because only the applicants are in the room for these 3 cases. So I would like all of the staff reports to be entered into the public

record and I will quickly go through some slides of the site. Ms. Hamley O'Donnell showed slides of the building where the cellular antennas and equipment are proposed and made two staff recommendations:

*Conditional Use Permit, Approved 5-0, with the following additional conditions:*

- 1. Any future changes to antennas or equipment shall be submitted to Planning Department staff for review, with significant changes, as determined by the Director of Planning, requiring a return to the Planning Commission for additional review;*
- 2. Approval of the Architectural Board of Review is required; and*
- 3. No conduits shall be mounted on the outside of the building that would be visible from the street.*

This concluded Ms. Hamley O'Donnell's report to the audience.

Mr. Cobb thanks Ms. Hamley O'Donnell. He asks if there are any questions from staff.

Mr. Horowitz noted that in the project description, it says these antennas will not improve service in this area. Is that correct?

Ms. Hamley O'Donnell notes the correction. She corrected the sentence to read, "These proposed WILL improve the service of the area." The intention is to improve cellular area of that area of Cleveland Heights. This will be updated to reflect the correction.

Mr. Cobb asks if anyone here on behalf of the applicant that would like to add anything?

Ron Gainar, 2515 Redfox Path, Willoughby Hills Ohio 44094, stood to represent T-Mobile and reported that he is under oath. He provided his address. He stated that everything that Ms. Hamley O'Donnell said was correct. I do have propagation maps that show a need for the site if you're interested in looking at those, I can provide those for you. Basically what we have here is a busy Noble Road. We have residential all around and the sites are off loaded. This site is perfectly centrally located around the existing sites and provides a lot of coverage in this hard-to-reach residential area. We worked with Planning. We had a different proposal that we started with – it was stealth chimneys. It looked choppy. Planning directed us towards a solution that worked for us, so we believe it is going to be a great site for us. Are there any questions?

Mr. Cobb asks if anyone like to make a motion.

Mr. Horowitz made the motion to find the proposed cellular antennas similar to a satellite dish receiving antenna.

Mr. Cobb asks if there is a second to motion.

Mr. Mattox, Jr. seconded the motion.

Mr. Cobb asked if any discussion was needed.

No discussion was presented.

Mr. Cobb called for a vote.

All in favor said "aye," and none opposed or abstained, so it passed 5-0.

Mr. Cobb now called for Part B of **Project 17-16**, for installing 9 roof-mounted antennas, RRUs, and support equipment. He requested a motion on Project 17-16 Part B with has three staff recommendations.

Mr. Horowitz made a motion to approve the conditional use permit with staff recommendations;

1. Any future changes to antennas or equipment shall be submitted to Planning Department staff for review, with significant changes, as determined by the Director of Planning, requiring a return to the Planning Commission for additional review;
2. Approval of the Architectural Board of Review is required; and
3. No conduits shall be mounted on the outside of the building that would be visible from the street.

Mr. Mattox Jr seconded the motion to approve Project 17-16 Part B.

All in favor say "aye" and none opposed or abstained, so it passed 5-0.

Mr. Cobb congratulated the applicant.

**Project No. 17-17: M. Vincent, dba Lullaby Child Care, 2841 Noble, C2 Local Retail,** requests Conditional Use permit for 35-child day care per Code chapters 1111, 1115, 1131, 1151, 1153 and 1161.

Ms. Hamley O'Donnell took the floor to address the commission and presented the slides illustrating project location. She stated that the general standards for conditional use are in front of you. I will note that based on the postcard notices, I had one neighbor that lived on the residential adjacent side street said she was in full support of child care center there. She did have concerns of existing dumpster smells from commercial buildings and Housing Inspections will need to work with them to deal with that. She expressed her support of the proposed use. Staff recommends that the Planning Commission approve the 35-child day care center with the nine conditions in front of you. These 9 conditions were shared with the applicant

Conditional Use Permit, Approved 5-0, with the following additional conditions:

1. *This use shall not be injurious to the use and enjoyment of other properties in the immediate vicinity or create a nuisance for adjacent properties;*
2. *The applicant shall work with staff to resolve any complaints from neighbors;*
3. *This use shall comply with all Building and Fire Department regulations;*
4. *Between the hours of 6:00 a.m. and 8 a.m., workers and patrons shall not congregate in the parking lot;*
5. *Any exterior changes, including signage, shall require the approval of the Architectural Board of Review;*
6. *A fencing and screening plan shall be submitted for Planning Director approval;*
7. *Signage shall be installed to designate a minimum of two parking spaces as reserved for pick-up/drop-off only;*
8. *Outdoor play area and practices that meet Ohio Department of Job and Family Services requirements shall be maintained in connection with this business; and*
9. *All required construction and installation of the use shall be completed within 18 months of Planning Commission approval.*

Mr. Cobb asked if there questions for staff.

Mr. Horowitz said he has one question, with respect to #8 of the recommendations: Can you provide more information on the “outdoor play area and practices” or should we wait and ask applicant?

Ms. Hamley O’Donnell stated that this was best to ask the applicant.

Mr. Cobb asked if there are there any other questions.

There was no more staff-directed question.

Applicant moved to address commission.

Ms. Vincent said he was under oath and the address is **2841 Noble Rd, Suite A**. I am looking toward a child care center there and I am excited about a project here in Cleveland Heights and am looking forward toward working with the city. It’s a lovely community and we are looking forward to it. Are there questions?

Mr. Horowitz asked “what is your plan for the play area that is in the parking lot?”

Ms. Vincent said they would carve out two parking spaces and make a small 450 sf. of play area, where only four children can be out and play at one time.

Mr. Horowitz asked if we can just go back to that slide that showed the parking lot. The one that had the vehicles parked in it. So where is the play area going to be that you are proposing?

Ms. Vincent said the property owner says that these trucks will be moved and we will use the area from here (illustrates two spots in photo).

Ms. Hamley O’Donnell addressed the Commission and said she wanted to point out the very large parking lot there. It seems like most of the vans park there because of convenience to the exit. But they will be displaced and there are a lot of vans there AND a lot of empty parking spots when I was out there. They have an excess of required parking for that site.

Ms. Vincent added we will also place barriers around the play area.

Mr. Horowitz asked what kind of barriers you will be using.

Ms. Vincent responded that, at the site where we currently are in Columbus, Ohio, we use parking blocks.

Mr. Horowitz asked if those are weighted somehow so if a vehicle hits them, they will keep barrier.

Ms. Vincent responded that they are concrete barriers.

Mr. Cobb asked if there are any other questions for the applicant.

Mr. Horowitz asked if the outdoor play area is going to be grass or wood chips.

Ms. Vincent responded that we intend to use soft, thick, natural turf.

Mr. Horowitz asked: “Will there be any improvement to the area? Or are you just going to deal with your little corner of it?”

Ms. Vincent responded that she is doing her parking spaces and making improvements to where she is going to be. She was not sure what they are going to do with the remaining site.

Mr. Horowitz responded: “For this part of it, the landlord isn’t upgrading anything?”

Ms. Vincent responded yes.

No more questions were presented.

Mr. Cobb called for a motion.

Mr. Mattox, Jr. made a motion to approve the Project No. 17-17, with the staff recommendations:

- 10. This use shall not be injurious to the use and enjoyment of other properties in the immediate vicinity or create a nuisance for adjacent properties;*
- 11. The applicant shall work with staff to resolve any complaints from neighbors;*
- 12. This use shall comply with all Building and Fire Department regulations;*
- 13. Between the hours of 6:00 a.m. and 8 a.m., workers and patrons shall not congregate in the parking lot;*
- 14. Any exterior changes, including signage, shall require the approval of the Architectural Board of Review;*
- 15. A fencing and screening plan shall be submitted for Planning Director approval;*
- 16. Signage shall be installed to designate a minimum of two parking spaces as reserved for pick-up/drop-off only;*
- 17. Outdoor play area and practices that meet Ohio Department of Job and Family Services requirements shall be maintained in connection with this business; and*
- 18. All required construction and installation of the use shall be completed within 18 months of Planning Commission approval.*

Mr. Gaynier seconded the motion to approve.

All in favor say “aye “and there was no opposition and no abstentions, so the motion passed 5-0.

Mr. Cobb congratulated applicant.

**Project No. 17-18: D & T James, dba Community Connections Academy, 2490 Lee Blvd., C1 Office, requests Conditional Use permit for nursing assistant training school per Code chapters 1111, 1115, 1131, 1151, 1153 and 1161**

Ms. Hamley O'Donnell addressed the Commission. She stated this is the May Lee or Rockefeller Pointe building. I think it was just last month that we had a woman that wanted to do hair braiding here. This applicant proposes to use a 1575 s.f. suite to teach students interested in becoming Nursing Aides. This would be about 10-12 students per sessions, within the hours on 8:30 a.m.-4:30 p.m. The conditions for standards of conditional uses are on your staff report. Staff recommends that the Planning Commission APPROVES the conditional use permit for the applicants at 2490 Lee Rd to operate the training school/ adult education facility with 2 conditions:

*Conditional Use Permit for 1,575 s.f. training school/adult education facility, Approved 5-0, with the following additional conditions:*

- 1. This use shall not be injurious to the use and enjoyment of other properties in the immediate vicinity or create a nuisance for adjacent properties; and*  
*The applicants shall work with staff to resolve any complaints from neighbors*

There are no questions for staff.

Mr. Cobb calls for the applicant to take the floor.

Mr. James, Applicant, takes the floor and addresses the Commission. “Good evening members. I am CEO of Community Connections Academy. What we endeavor to do is to provide prep-training for people who want to

enter the nursing field. What we do is provide them with 76 hours of training so they can go take a State test. We have State-tested nursing assistants that provide help to nursing homes and hospitals and things like that. That is pretty much what we are endeavoring to do right now.”

Mr. Cobb asks if the applicant took the oath.

Mr. James responds and replied, “I’m sorry, I did take the oath. My address is 2490 Lee Blvd.

Mr. Cobb calls for questions for the applicant.

No questions asked.

Mr. Cobb called for a motion to approve.

Mr. Horowitz motioned to approve Project 17-18, with the two staff conditions:

*Conditional Use Permit for 1,575 sf training school/adult education facility, Approved 5-0, with the following additional conditions:*

- 1. This use shall not be injurious to the use and enjoyment of other properties in the immediate vicinity or create a nuisance for adjacent properties; and  
The applicants shall work with staff to resolve any complaints from neighbors*

Mr. Gaynier seconded the motion to approve Project 17-18.

All in favor say “aye,” and there was no opposition or abstentions, so the motion passed 5-0.

Mr. Cobbs congratulated the applicant.

#### **OLD BUSINESS**

Mr. Wong announced Kathy Conklin’s retirement. Commission members congratulated her and wished her best of luck in future endeavors.

#### **NEW BUSINESS**

Mr. Howe moved to go into fact -finding Executive Session to discuss with an Attorney with a public body, claims or disputes involving the public body that are the subject of pending court action to discuss with an attorney for the public body claims or disputes involving a public body that in the judgement of such attorney appear likely to be subject of a future claim.

Mr. Gaynier seconded the motion to Executive Session.

Mr. Wong called roll:

Mr. Gaynier.... .AYE.

Mr. Howe.....AYE.

Mr. Horowitz.....AYE.

Mr. Mattox, Jr .....AYE.

Mr. Cobb: .....AYE.

Mr. Wong concluded there are five ayes

Executive session started at 7:22 p.m. The Planning Commission came out of Executive Session at 7:48 p.m.

Mr. Wong called in role.

Mr. Gaynier.....AYE.

Mr. Howe.....AYE.

Mr. Horowitz.....AYE.

Mr. Mattox, Jr. ....AYE.

Mr. Cobb: .....AYE.

Mr. Cobb called for a motion to add an agenda item on August 2017 meeting of the Planning Commission.

Mr. Gaynier made a motion to add an agenda item to August 9, 2017, scheduled meeting of the Planning Commission, for a fact-finding session on the Mayfield-Lee Triangle property for an examination of appropriate zoning for those parcels.

Mr. Howe seconded the motion.

Mr. Cobb asked if discussion was needed.

None replied.

All in favor say "aye".

All said "aye" and there was no opposition or no abstentions, so the vote passed 5-0.

The meeting was adjourned at 7:50 p.m.

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Craig S. Cobb, Chair

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Richard Wong, Secretary