

they would now move from Executive Conference into the Council Chambers for the regular meeting of the Planning Commission.

The regular meeting was called to order at 7:00 PM by Mr. Ungar.

Mr. Ungar began the meeting asking for a roll call.

Mr. Cobb	Present
Ms. Cohen	Present
Mr. Horowitz	Here
Mr. Howe	Here
Mr. Maddox	Here
Mr. Ungar	Here

Mr. Wong stated there were 6 present.

Mr. Ungar began with looking for a motion to approve or amend the minutes from the January 14, 2015 meeting. Mr. Horowitz moved that

Mr. Ungar asked about a package that was on his desk area, and if it had anything to do with any project this evening.

Mr. Ungar spoke with Ms. Rothenberg regarding the envelope that he was given by Mr. Lampkin.

Mr. Ungar stated that he has the privilege of chairing the Cleveland Heights Planning Commission. He welcomed everyone to the February meeting.

Mr. Ungar stated we have some new members of the Planning Commission with us this evening. They are all present. He stated Mr. Maddox, Mr. Howe and Ms. Cohen were present and he welcomed them with wishing them long happy healthy careers on the Cleveland Heights Planning Commission. Mr. Ungar commended the City Council on making these excellent appointments and he asked Councilman Stein to express our thanks and gratitude for doing so.

Mr. Ungar asked that our minutes reflect our sincere thanks and gratitude for years of terrific service to the Planning Commission by Diana Woodbridge and by Sandy Johnson. He respectively asked that our city leaders and our city council issue the appropriate proclamations, certificates and whatever you get when you retire from this Commission. He asked that the minutes reflect our thanks for the wonderful service that our colleagues gave to us and the citizens of Cleveland Heights.

Mr. Ungar stated, due to the quorum requirements, we are going to skip the approval of the minutes from the January 14, 2015 meeting. Instead we will move right into Project 15-5 this evening.

Mr. Ungar stated before he wanted to start that he wanted the record to reflect that we have been presented with and will receive into the record some submissions that he had before him that came from Mr. Lampkin which includes some photos, some e-mail communications, some hand written correspondence and some other background information including an article from the *Heights Observer*. Mr. Ungar continued saying what he privately said to Mr. Lampkin, before he went on the record, that he will distribute this and circulate the information among the Planning Commission members this evening. He stated he will try to look at it himself while the other presentations are happening. Mr. Ungar said he will then give it to our staff for the submission.

Project 15-5: Aurora Health Alternatives, Ltd., dba Higgins Healthcare Institute, prospective tenant at Imani Bible Fellowship, **2463. N. Taylor**, 'A' single-fam, requests cond. use permit for special training school for nursing/health care per Code ch. 1111, 1115, 1121, 1151, 1153 & 1161.

Mr. Ungar began with the project that is requesting a special training school for nursing and health care at 2463 North Taylor Road.

He asked that all speakers who intend to speak about this, including those that are in favor or against it or has any questions, please stand and be sworn in by our Assistant Law Director, Ms. Rothenberg, and likewise, please indicate when you take the microphone if you could for the record, state that you have been sworn in.

Planning staff and those that were interested in speaking were sworn in by Ms. Rothenberg.

Ms. Hamley O'Donnell began speaking about the staff report that was presented which lays out the general information about this. She said you will remember that over the last few years we have had various groups that come through for day care and most recently you had approval for a girl's middle school at this site and that is still the intent of that applicant to move forward with that. She reminded them that this was on the 1st floor of this building. She stated what the applicant is proposing is to use the 2nd floor of this space for a special school for training of nursing and healthcare and home healthcare aids. She showed the aerial photograph which showed there was plenty of parking on this site due to its previous use as a K-8 school. One slide was of the front of the building. She explained that the Standards for Conditional Uses by which you review this are on the overhead screen. She mentioned that they also were by the podium where people signed in.

Ms. Hamley O'Donnell stated that you did receive a copy of an e-mail sent by a neighbor in your packet expressing some concerns with noise and the hours of operation. She said the applicant is aware of that and is ready to address those issues.

She expressed that conditions C & D are that there are no exterior changes are planned and ample parking does exist. The rest of the standards of E through I does not necessarily apply to this application. She reminded all that the Planning Commission has the ability to approve Conditional Uses to re-use non-residential buildings for any use and education is one of those uses.

Ms. Hamley O'Donnell recommended approval of the conditional use permit with the following conditions:

1. *Applicant shall return to the Planning Commission for approval of any alteration or expansion of their operations;*
2. *That the use will not be injurious to the use and enjoyment of other property in the immediate vicinity or create a nuisance for adjacent residential properties;*
3. *The applicant shall work with staff to resolve any complaints from neighbors and residents;*
4. *Applicant shall adhere to all Building Code requirements; and*
5. *Any proposed signage shall be approved by the Architectural Board of Review.*

The applicant came to the lectern and stated her name was Kaye Salters-Gorman and that she had been sworn in. She stated her address is 2463 North Taylor Road, Cleveland Hts. OH 44118.

Mr. Ungar asked if she had anything she wished to add to the staff report.

Ms. Kaye Salters stated she was glad to be here this evening and for welcoming her. She wanted to say that she has been a nurse since 2005 but she started her education in 1998 at the Montefiore Home. It was at Montefiore that she got her foundation and she was enamored by wanting to become a nurse. She said there were a lot of things she liked that we wanted to mimic and some things that she did not like from her co-workers that we wanted to improve. She stated that was the driving force for her to operate a school of this kind so that we can insure that professionalism is maintained in the nursing field. She stated they will do everything they can do in their boot camp style operation to ensure there is no noise or not being a nuisance.

Mr. Ungar asked her to specifically address the concern that Ms. Hamley O'Donnell referenced about the congregating of people.

Ms. Hamley O'Donnell stated that the neighbors were concerned that after you let a class out at 9:30 PM that the people do not hang around in the parking lot with loud conversation that would impact the neighbors.

Ms. Salters responded saying they plan on having security on the site and there will be no loud music, fraternizing in the parking lot after the class is out. She stated if we need to, we can scale the hours back to 9 PM if necessary.

A gentleman came to the lectern and stated he was Steve Holowick and a staff planner for the Buckeye Shaker Square Development Corporation in the city of Cleveland. He stated he has been sworn in. He said he is actually a resident of Cleveland Heights and that he lives at 2104 Stillman Road. He wanted to say that he and Kaye have been working together securing funding in the Larchmere neighborhood and this is a satellite spinoff. He stated he is thoroughly familiar with this project and with the design and concept, it's very unique and it's very strict. He came this evening to support this not only as a planner but as a resident of the community.

Mr. Mattox asked how many students you see starting this program.

She responded about 25, although we have not enrolled as yet since we are waiting to see where it all stands.

Mr. Ungar asked if anyone would like to make a motion with respect to Project 15-5.

Mr. Cobb moved that Project 15-5 be approved subject to the conditions of the planning department and their recommendations.

Mr. Mattox Jr. seconded the motion.

All those in favor say aye.

Aye.

Anyone opposed – no.

Any abstentions, none.

It carried unanimously and Mr. Ungar wished her the best of luck with her project.

Project 15-7: T. Janout, tenant, 3377 Euclid Hts. Blvd., requests Planning Commission find ducks similar to chickens and issue cond. use permit for duck coop/run per Code ch. 1111, 1115, 1121, 1151 & 1153.

Mr. Ungar began with stating that a tenant on 3377 Euclid Hts. is requesting to find ducks similar to chickens and issue a Conditional Use Permit.

Ms. Hamley O'Donnell stated she did not see the applicant in the audience.

Mr. Ungar decided that they would move this project to the end of agenda. He stated he remembered that noise was an issue in the past and he was curious if the ducks were quiet.

Ms. Hamley O'Donnell mentioned she had some video of the ducks in question, but we would have to wait for that project to discuss it further.

It was decided that we would take no action on this project until later on the agenda.

Proj. 15-4: CH-UH City School District, Delisle Education Center, 14780 Superior Road, 'C-1' Office, requests cond. use permit to renovate gym & add driveway & parking lot to permanently house Auto Mechanic's Career Tech Lab per Code chapters 1111, 1115, 1131, 1151, 1153, 1161 and 1165.

Mr. Ungar stated that the CH-UH City School district is almost a fixture on our agenda these days. He asked that all of those that plan to testify about this please stand and be sworn in. Ms. Hamley O'Donnell, Mr. Wong and others in the audience who planned to testify were sworn in.

Ms. Hamley O'Donnell began with stating that those of you who have been on this commission for a while, this should be familiar to you. This was on our agenda last October when the school district came before you with a plan to temporarily locate the auto tech shop for the 2 years of construction while the high school was closed. It has since been decided that this would be permanently housed here. She showed a slide on the overhead of the site. What they are proposing is to permanently relocate here. They plan to renovate it into an auto lab space that accommodates lifts, equipment, tools, parts storage and an office with a waiting room. The nearby space in the building will also be utilized for classrooms and offices, locker facilities for the students and storage. This includes installing a new overhead garage door for automobile access, new windows and reinstating new windows that were closed off years ago. They plan to add pavement to accommodate auto shop parking and a driveway. She stated that the previous proposal, that came before you in October, just showed a driveway into the overhead door area.

There was not additional parking but because this is a permanent use, revisions to the plan were required for them to make this work on a permanent basis. Currently the Auto Tech department has 32 students, 14 in the morning and 18 in the afternoon with 1 teacher. The students arrive via bus and parents do drop offs. She stated they have shop vehicles that are inside the Auto Tech lab and there is space for 8 of them. Each week they service about 5 cars, usually of teachers who bring in cars for that use. The shop cars are not licensed vehicles so they cannot be driven to the other two parking lots that are part of the building. There is only one teacher that can drive the car in and out. Ms. Hamley O'Donnell stated that again you will review this on the standards for Conditional Uses in keeping with the code.

She stated because the addition of more students that spend half a day here and half at the regular high school, this should not cause any detrimental effect to the public health and welfare. She stated there is ample parking and the new use will follow all the EPA guidelines for disposal of oil and chemicals. The cars will not be able to back in and out of the street nor will students be permitted to drive the cars in and out of the site. Adding a condition like you did last year, that no backing in or out of the driveway should be a conditional approval to protect pedestrian safety. The police chief has reviewed this plan and supports the prohibition of backing into the lot and requests that the landscaping be designed to permit views into the area by police. The site lines should be maintained to allow drivers exiting the site to see pedestrians and on coming vehicles. With condition "c" it will be designed and maintained to fit the neighborhood along with the additions of windows, which is always a positive thing.

"d" states that the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish or impair property values within the neighborhood. She felt that E through F do not apply to this generally. Ms. Hamley O'Donnell said we also sometimes review on sustainability guidelines that re-using and maximizing use of the existing buildings is in keeping with the sustainability which we support. The Conditional Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish or impair property values within the neighborhood.

Staff recommends that the Planning Commission approve the CH-UH City School's proposed permanent relocation of the Auto Mechanic's Career Tech Lab into the Delisle's Education Center with the following additional conditions:

- 1. To protect public safety, drivers shall use the on-site turn around area and shall not be permitted to drive cars in reverse onto Superior Road or to back into the parking area from Superior Road;*
- 2. Final landscape, drainage and lighting plan shall be approved by Director of Planning & Development;*
- 3. Approval contingent on receipt of required Board of Zoning Appeals variances;*
- 4. Exterior building changes and fencing shall require the approval of the Architectural Board of Review;*
- 5. Parking area outside Auto Tech Lab shall only be used for shop vehicles and vehicles for service and gate shall be locked after hours; and*
6. The applicant will work with staff to resolve neighbor complaints.

Ms. Hamley O'Donnell said that she forgot to point out that on the site plan you can see because the cars will have to be backed out of the auto lab, they can back into the hatched area off to the right. This will allow them to be able to go into the Superior Road traffic to avoid the vehicles

that are coming into to do the paving and to have landscaping that will meet the Zoning requirement.

Mr. Ungar asked if the additional conditions discussed with the applicant.

Ms. Hamley O'Donnell answered that they received a copy of the Staff Report and are well aware of it.

He asked what neighbor notice was given.

Ms. Hamley O'Donnell replied a whole circle surrounding them, the people across the street and anyone that was abutting the site.

Mr. Ungar thanked her and asked to hear from the applicant.

A man came to the lectern and stated his name is Steve Shergalis and he is the Director of Business Services for the Cleveland Heights-University Heights City Schools. He stated his offices are at 2155 Miramar Boulevard, University Hts. 44113 and he stated he has been appropriately sworn in this evening. He stated on behalf of the Board of Education, he wanted to thank the Commission for allowing them to come and present their cases tonight. He also wanted to thank staff for their help in developing their presentation. He stated they have seen the conditions and accept those. He did want to comment as an informational item for you. He stated as they pursued the design of the high school, it became very apparent to them that the Career Tech education program is very much still in flux. He said there are going to be changes; there is a desire to expand the program beyond what it is. He said as they looked at how they plan to accommodate the future changes and the future potential of that program, they felt the best way to do that was to have some of the CT programs permanently located at the Delisle building. He said that Jeff Porter is here tonight and is the teacher. He said they worked carefully with their staff and administration. He stated the other advantage of now having this permanent, we save all of the costs that we would have incurred had this been a temporary location. He said the reason they are here tonight in advance of the high school project is that Auto Tech does need a place to go. He stated this will not only serve as a temporary home during their two years while the high school is under construction, but also their permanent home. He said that Gary Balog, the architect, is here this evening to answer questions.

Mr. Cobb asked how often they anticipate shop cars being parked overnight outside.

A gentleman came to the lectern to answer the question. He stated his name is Jeff Porter and that he had been sworn in. He stated that shop cars are not left outside overnight. He said it would be a very rare occasion that would happen. He said they service the customer's vehicle to give the students a real world experience so they can apply the skills they are learning later. He said that 90-95% of the time all the board owned vehicles is moved back inside. Mr. Cobb asked how many customer cars you anticipate being out at night if any. He replied "none;" he stated they do not leave customer cars outside for fear of vandalism.

Ms. Cohen asked Mr. Shergalis what is the construction time line and how will the traffic on Superior Road be impacted and for how long?

Mr. Shergalis answered that this work, if we obtain approval, would take place through the late spring and into the summer. He said they would have to construct it in such a way that we do not interfere with the traffic on Superior.

Ms. Cohen asked about inside the building, has there been any discussion about the effect on the voting space or how you will handle where the Cuyahoga County Board of elections voting sets up their voting space.

Mr. Shergalis answered that this is in the exact opposite side of the building than where the voting takes place.

Mr. Ungar stated since there were no questions, he hated to cut off the presentation but he was happy to hear from anyone else in support of this.

A gentleman named Steve Warner came to the lectern and stated he lives at 14783 Superior Road in Cleveland Heights, OH. He stated he had been sworn in. Another man with him stated his name was Cameron Godfrey and that he lives at 1689 Cumberland Road. A young lady stated her name was Monique Roberts and that she lives at 3433 Osmond Road and that she has been sworn in. They were all together. Mr. Warner asked for Ms. Hamley O'Donnell to put the site plan back up on the overhead. He pointed out his home at 14787 which he also owns. He stated his houses are in this unique area. Across the street is the Delisle Center and there is a parking lot to the right and Dugway Brook is behind them with a large ravine. He stated in talking with all his neighbors, they not only want the auto shop to be across the street, but are excited for it to be a gem of the district. He stated he got the mailers and wants us to know that we want this to happen. He mentioned that he hopes the fence goes up and is decorative. He wanted to stress the importance of the curb cut in front of the main doors. When the trucks stop to unload supplies, and when the parents stop to drop the children off, this is necessary. He felt this will help to save the schools also. He stated that we all should come and see this establishment, it is serene there. He uses the classroom because it is so peaceful there. Mr. Godfrey asked the children if they had anything to say this evening. La'Nique Roberts answered by saying she felt it will be a good program for the students to use.

Mr. Ungar asked if anyone else wished to speak in favor of the project.

Mr. Ungar asked if there were any questions or to speak against the project.

There was none.

He asked if staff had anything more to add to this project. They did not.

Mr. Ungar asked for a motion with respect to Project 15-4.

Mr. Horowitz made the motion for approval of 15-4 with the 6 staff recommendations.

Mr. Cobb seconded the motion.

All those in favor of this project please say aye.

Aye.

Anyone opposed. None.

Any abstentions.

None.

Mr. Ungar stated it carries unanimously and wished them the best of luck. He also thanked the gentleman for his remarks that he knew were heartfelt.

Mr. Ungar thought we should continue with the school projects and then handle the duck application. He stated we have kept Mr. Shergalis here late on many occasions, so maybe tonight he can get out of here at a reasonable time.

Project 15-8: CH-UH City School District, former Millikin School, 1700 Crest, 'A' single-family, requests cond. use permit to (a) adaptively reuse 30,000 s.f of former Millikin School for office (Buildings and Grounds, IT) & ancillary storage; and (b) reduce parking requirements per Code chapters 1111, 1115, 1121, 1151, 1153, and 1161.

Mr. Ungar asked for all those you wish to testify on the project to please stand and be sworn in by our Law Director. Mr. Wong, Ms. Hamley O'Donnell and those in the audience who planned to testify were sworn in.

Ms. Hamley O'Donnell began with showing the location of the Millikin School on an overhead slide. It is tucked in a residential area on Crest and Severn Road. She showed a path that led back to the Severance stables which are not on this proposal at this time. They plan to re-use the site for the district's Buildings and Grounds offices because they need to be moved out of Wiley Middle School while that is used for a temporary high school for the next couple of years. After the high school is done, Wiley will be used to house the middle school which in that case, they can't move the Building and Grounds back there. It is a possibility the elementary school sometime after that. She pointed when the offices would be housed. She stated the building hours of operation during the school year are 7:30 to 3:30 and then during the remainder of the year, 7:00 AM to 3 PM. The hours of operation are similar to a school use and parking and traffic demands are much less than the school use. She stated that typically the trade staff will come to work, gather their supplies and load their trucks and head off to the schools where they spend the majority of their time. There will be some prep work that will take place inside Millikin and one administrator will be present at the site. She then showed a slide of the type of trucks that will be coming there. These are not giant semis or anything like that. These are smaller vans and smaller trucks. She stated it could be paved to hold substantially more parking spaces which is how it was paved when it was operated as a school. They propose to stripe it for 37 parking spaces, which is the number they need to house the cars of the employees and 18 trades' people and 1 administrator parking space and the 18 trucks. She stated the code requires that they would have 100 spaces for the 30,000 square feet, obviously they do not need that so that is why there is a request for a parking reduction which is based on code section 1161.05 which says the Planning Commission can approve the number for reduction in spaces. Ms. Hamley O'Donnell wanted to point out to them, at our request, the school district had a neighborhood meeting last week at Millikin. Only 8 people showed up and predominately did not have an issue with that. The main questions they asked was the school district going to put the playground back where there was one before. The school district said they would be doing that in the future. She said there were no concerns about noise or anything like that from the neighbors. She stated the school district said that the existing work trucks do not have beeping mechanisms. She stated that, if sometime in the future the vehicles equipped with backing up beepers are utilized on site, we would request the school district to back those cars into the parking spaces at the end of the day to avoid a 7 AM beeping

to minimize any impact on the neighbors. Regarding letter "c": *The conditional use will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, and that such use will not essentially change the character of the area.*

This is in keeping with the character of the neighborhood. People are used to there being a school here.

"d": The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish or impair property values within the neighborhood.

Ms. Hamley O'Donnell stated that the letters (e) through (g & h) there is minimal egress or ingress issues for congestion and it should not impede any development in the neighborhood. She did not see any concerns with that. She stated again from a sustainability standpoint, we are happy to see existing resources used as this is a sustainable thing for the city.

Ms. Hamley O'Donnell stated there are (2) staff recommendations:

- 1. Applicant shall return to the Planning Commission for approval of any significant alteration or expansion of their operations;*
- 2. The use will not be injurious to the use and enjoyment of other property in the immediate vicinity or create a nuisance for adjacent residential properties;*
- 3. The applicant shall work with staff to resolve any complaints from neighbors and residents;*
- 4. There shall be no mechanical, electrical or chemical equipment utilized in furtherance of use, except as causes no disturbances of any kind behind the premises where the use is located;*
- 5. Outside storage on this site shall be prohibited;*
- 6. Applicant shall comply with Building Codes and receive an Occupancy Permit prior to occupying the building; and*
- 7. At the end of each work day, work trucks equipped with backing beepers shall be backed into parking spaces to avoid early morning beeping that could negatively impact neighbors.*

Ms. Hamley O'Donnell said there is also a second recommendation, which should be a separate motion. Staff recommends that the Planning Commission approve a Conditional Use Permit to modify the parking requirements to provide 37 parking spaces based on the excessive number of parking spaces required by code and the district's description of activity in their proposed adaptive re-use of 30,000 sq. ft. of the Millikin building with the following conditions:

- 1. Applicant shall return to the Planning Commission for approval of any significant alteration or expansion of their operations;*
- 2. The use will not be injurious to the use and enjoyment of other property in the immediate vicinity or create a nuisance for adjacent residential properties;*
- 3. The applicant shall work with staff to resolve any complaints from neighbors and residents;*
- 4. Applicant shall comply with Building Codes and receive an Occupancy Permit prior to occupying the building; and*
- 5. At the end of each work day, work trucks equipped with backing beepers shall be backed into parking spaces to avoid early morning beeping that could negatively impact neighbors.*

Ms. Hamley O'Donnell stated that was all she had.

Mr. Ungar asked if there were any questions of staff.

Mr. Horowitz asked on the site plan they showed 31 employees but in the text there was only reference to 18 plus an administrator.

Mr. Shergalis came back to the lectern and stated he had been properly sworn in. He said at one point we had considered moving our IT operations into this building and that would have taken the number to 31. As it turned out, they are only asking to move our Grounds and Trades operation and the administrator, so that is the difference.

Ms. Cohen asked why this was changed.

Mr. Shergalis answered that at one point we thought we might have a need for the space that the IT operations are located in. It turned out we did not so there was no need to move them. He did want to make a brief comment, as you consider the potential impact on neighborhood, keep in mind our Grounds and Trades operations has for the last ten years or more been located right smack dab in the middle of Wiley Middle School. He said there was very little if any impact, regarding noise or anything like that.

Ms. Cohen asked the district's plans for regular external maintenance of the building now that you will occupy it.

Ms. Shergalis replied that as he mentioned for the last nine years, what was going to happen to this building was in flux. As such, we very much dialed back the amount of maintenance and care to bare minimum. We allowed it to get into a condition that was not acceptable. Now that the district is committed to the space, he assured them and is assuring us that we will step up and ramp up the exterior and interior maintenance of the building and keep it looking in a way that is acceptable and appropriate for a building in operation. He said now our Grounds and Trades are right there.

Ms. Cohen had a question about the parking lot, because this is going to be a temporary change but I understand you are going to be repaving the parking lot.

Mr. Shergalis answered we would be re-striping it.

Ms. Cohen asked if the building is going to be used for greater uses in the future, all that would be needed in the parking lot for more spaces would be to re-line it.

Mr. Shergalis answered that if we changed the use we would have to come back to Planning and we have to look at what the parking needs were for that use and yes, conceivably, that pavement would be available for additional parking. We are not taking it out.

Ms. Cohen stated that last question she has is, in terms of the driving records and the monitoring of your employees, just because this area is particularly filled with young children, especially the egress onto Staunton and Severn.

Mr. Shergalis answered that all of the drivers have a CDL and they also have what is called, a computerized tracking system so there are points on all vehicles that they are required to check

on a regular basis and then this is like a GPS so we know when the vehicle is in operation and when it is moving, where it is, and the speed that it is going at. We have the same thing on our all of the bus fleet.

Ms. Cohen thanked him.

Mr. Ungar asked if there were any more questions of the applicant. He thanked Mr. Shergalis.

Mr. Ungar asked if there was anyone else that wanted to speak.

A gentleman came to the lectern and stated his name was Calvin Lampkin and he lives on the property at Severance which also is on Crest Road. Many people do not know that the homes on Crest Road are on the property of Severance itself. He wanted to thank Ms. Cohen for her questions, they were excellent and he was surprised that there were not more people here from the neighborhood that would have some concerns on this change that is going on. He said he is well aware of the change, because he was at the meeting last Wednesday and was excited that there is something that is going to be happening there after all these years. He stated he has been on Crest Road for 30 years and his last year unfortunate. I can't dream of living any place other than on the property of Severance on Crest Road but because I am listening to the great job that Ms. Hamley O'Donnell did on making certain that the noise issues were covered and I can't imagine how anyone expect anything different. He said he lives behind the post office and you guys never had a chance to do this for the Post office. He does not know how you let this get by you, I don't know but it was supposed to come here and you guys were supposed to see and hear the noise--that is unbelievable. That is why I will not be at my house for another year. I am being displaced and no one has any concern about that. That is incredible that a taxpayer for the last 17 years has had this noise at the post office to which no one has addressed. It amazes me and he was glad that there are new people here to hear me say this. The noise from the post office, when it originally started, it was 100% too much and now it is at 160% and it continues each year to increase. Unfortunately, Richard Wong has learned to ignore me and my concerns about this and I would like to correct Ms. Hamley O'Donnell that there were some concerns about the noise at Millikin School and they were all positive concerns. We were thanking you that you had done such a great job in making certain that there were not going to be any issues. This is the type of expectations that we should have all the time and this is the type of expectation that I had in 1998 when I first addressed the noise issue at the Post Office but now I have no expectations so I was completely blown away that she had done such a wonderful job. I thanked her then and I thank her again now. I thank you all for allowing me this moment to vent.

Mr. Ungar thanked Mr. Lampkin and asked if anyone else wished to be heard in respect to this project. He stated that as he understands it from the Asst. Law Director and from staff we need to break this down to two motions, the 1st for the Adaptive Reuse, would someone like to make a motion with respect to that. Mr. Cobb made the motion that Part A of Project 15-8 be approved subject to the 7 staff recommendations, Mr. Mattox Jr. seconded the motion. All those in favor say.

Aye.

Anyone opposed none.

Any abstentions, none.

That carries unanimously.

Mr. Ungar stated the second motion we look for is a motion to reduce the parking requirements to 37 spaces per the application and the staff report.

Mr. Cobb also moved that Part B, of 15-8 be approved subject to the 5 staff recommendations.

Ms. Cohen seconded the motion.

All those in favor please say aye.

Aye.

Any opposed, any abstentions, no.

Mr. Ungar stated that carries unanimously and they Conditional Use for both of them are approved

The last project on our agenda for the school district is a request for Heights High which we saw many picture of in the last go around. This one relates to the construction of a ticket booth and the restroom building for the athletic field. He asked for all of those who plan to testify about this matter please stand and be sworn in by our Asst. Law Director.

Project 15-6: CH-UH City School District requests Conditional Use permit at **Heights High, 13263 Cedar**, S2 Mixed Use, for bldg. at NE corner of Cedar and Lee for ticket booth/restroom bldg. for football/athletic field per Code chapters 1111, 1115, 1131, 1145, 1151, 1153 and 1161.

Ms. Hamley O'Donnell stated that you have heard a little about this at the previous meeting here as the school district is going through with the renovations. At the same time they are proposing a new building at the corner of Cedar and Lee Roads to accommodate restrooms, concessions and ticketing for the high school/football Lacrosse multi-purpose field there. This is being pushed out ahead of your review of the high school because, when the high school closes down at the end of the school year, come fall they will need the use of restrooms, ticketing and concessions at the football field. They are not able to use the inside of the high school for restroom facilities at that point. That is why this is coming in ahead of you while they are trying to coordinate the design to meld with what they are doing at the high school as well. She showed some street view pictures of that intersection. We have a great intersection there, around the corner is where we have buildings that come right to the curb, it's a very urban environment and a very successful commercial district. The next corner she showed does not have very much going on, so with this proposal, they plan to construct what they call a gateway building at the northeast corner of Cedar and Lee. It's actually two separate buildings, one home and one visitor that will serve as a location for ticket booths, concession and restrooms. They are connected by a gated entrance in the middle and at the corner there is an entrance arch located to create something at the corner so it is special. Schools are conditionally permitted in this zoning district and so therefore any change to the Conditional Use requires the approval of the Planning Commission, this will also require a BZA approval. As you can see, the buildings are set back 25 feet from the street, our code, if it was a commercial building it could be 5 feet from the property line but schools have requirement to have 50 foot setback. They will go before the Board of Zoning Appeals next week. She then showed a slide of the proposed use, you can see the little arch way off to left in front of the other building. This also will require approval of the Architectural Board of Review. Once

again you need to review this based on the standards that we review them on. Staff felt that the sighting, the new entry field at the corner increases the fields' prominence in the district and also causes people to understand that is where you go for football game.

b. That the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare.

Staff recommended that they locate the concession ticket office closer to the corner and part of that is to provide security.

c. The conditional use will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, and that such use will not essentially change the character of the area.

The traditional brick design is intended to match the character of the renovated high school in creating the physical presence which is important. Real windows would be preferable, however, the majority of the building is restrooms so the addition of false windows that may have photos or other graphics behind them, or illuminated panels which would add interest to the buildings. The addition of awnings above the ticket windows would also add depth to the building. Creation of pergola or other detail that adds architectural interest would add to the buildings appeal at this busy intersection. ABR approval is required. The district is also considering a sign at this intersection, they have not yet gotten that far in the process of the design. The sign should be integrated into the proposed structure not as part of an afterthought.

d. The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish or impair property values within the neighborhood.

She stated they feel that locating this use closer to the commercial district and farther from the residential district is an improvement.

e. The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

There have been play fields on this site for almost a century so people are pretty use to it.

f. Adequate utilities, access roads, drainage, and necessary facilities have been or are being provided.

g. Adequate measures have been or will be taken to provide ingress and egress designed as to minimize traffic congestion in the public streets.

There is proper ingress and egress to minimize the traffic congestion since the building is set back from the road affords adequate space for people to gather before the game to wait in lines for tickets or after football games

h. The establishment of the conditional use will not be detrimental to the economic welfare of the community by creating excessive additional requirements at public cost for public facilities such as police, fire, and schools.

Police and the school security have always been present at the football games and the addition of this building will not create any additional requirements.

Ms. Hamley O'Donnell stated on items I – through K, she did not foresee any issues.

The sustainability guidelines we talked about having permeable paving and sustainable roofing materials. The district said that they will have high recyclable materials and plan to salvage

material from the high school, use sustainable roofing and located close to a RTA bus stop makes it highly accessible by public transportation. A bike rack is also proposed by the District. The creation of the plaza is a positive step that addresses the sustainability items. Locating the concession and ticket offices portion of the design closer to the corner would move the ticket sellers closer to the corner permitting eyes on the street for added security. What that means is that you can see that the restrooms are closer to the square and the ticket area is there.

Ms. Hamley O'Donnell was told there is a revision so she will continue with the staff recommendations which may or may not change after the applicant speaks.

1. *Applicant shall return to the Planning Commission for approval of any significant alteration or expansion of their operations;*
2. *The applicant shall work with staff to resolve any complaints from neighbors and residents;*
3. *Receipt of Architectural Board of Review approval of final building, signage, fencing and paving plans required;*
4. *Receipt of required variances from the Board of Zoning Appeals; and*
5. *Final landscape, paving, drainage, signage and lighting plan shall be approved by Director of Planning & Development.*

Mr. Ungar asked if there were any questions of staff based on what we have heard so far.

Ms. Cohen asked Ms. Hamley O'Donnell where the parking for the field is and did you look at the pedestrian traffic from this entrance to the parking.

She answered that the parking will be on the other side of the building, but typically--Mr. Shergalis may want to address this--the majority of the people do not park in the parking lot for the football games. What they end up doing is parking across in the deck, in this case to the right behind the Cedar Lee Theater and come in from that direction. So, from that standpoint, there are several crosswalks that exist and will be maintained as part of the school changes. Many come in from the north side of Washington and she thinks they can also come in on the south side of the field.

Mr. Ungar asked if they are going to have to come back for a Conditional Use Permit for signage or does that go to BZA.

Ms. Hamley O'Donnell answered it may need to go to BZA but definitely ABR and would not have to come back here.

Mr. Wong offered that as long as it is code conforming or in compliance with what is approved tonight. He said if they can integrate it into the building and design and we don't see it significantly changing the visual impact.

Mr. Shergalis came back to the lectern and wanted to add that it is going to be a bit different for the patrons having this new entrance, but keep in mind that everyone will see how dramatically different it will be for at least two years because of the construction on the property. He said there will an opportunity for the people to get used to that. He wanted to say that the District has debated quite a bit about these spaces and where they should be. These spaces that you are looking at have always been envisioned as part of the high school program and were originally conceived to be incorporated into the building itself. For a variety of reasons, Ms. Hamley O'Donnell has alluded to a couple of them, we have brought them out as a freestanding structure. It creates a wonderful opportunity at that intersection, both from an urban landscape perspective

but also from terms of increasing our school district presence at the site, but also the need to have restrooms and concessions during the construction. As a side note, we will be coming back to the Planning Commission for some temporary structures on the site for lockers and changing spaces for the teams. He stated he would like to have Gary Balog come up and take you through the revisions.

He stated that he was Gary Balog and he had been sworn in. He stated the current plan is in response to the comments that we received from staff. He said they thought about it and so what they did is took the ticket area from the one side of the building and flipped the restrooms and the ticketing. So the comment Ms. Hamley O'Donnell made about having the ticket areas being closer to the entrance so there is more supervision, we have done that. That is the main change in the plan. All of the other dimensions, the setbacks, that sort of thing have remained as before. We have taken into consideration the comments about making the building more transparent, having more windows, etc. He showed that some are actual windows and others are frosted. He stated they have taken the opportunity also to introduce some areas that there could be some graphics which could be changed and could reflect sports, student sport figures and more interesting graphics. He felt this will add more of a commercial flavor to it. Also they will create small little canopy areas above the ticket windows, acting as a signal that might say "tickets" or "entrance." The material is brick and looks a bit more like what is on the high school. We have seriously taken in the comments from staff and we are making changes. He thought that it was sent with the changes.

Mr. Ungar stated he was going to ask staff if they had any questions based on the presentation.

Mr. Wong asked Mr. Balog to describe how the building will be lit at night, because that is when the activity really occurs at Cedar Lee.

Mr. Balog answered saying that they probably will light the building itself. There are street lights around the intersection so that will be lit. We were thinking we would like to kind of wash the building and then on the plaza side, we would light the other area with lower luminaries since the stadium will be lit. We are looking at using LED for exterior lights since they are more efficient and they have less re-lamping on them.

Mr. Wong asked if you had a concept for the sign.

He answered, "no."

Mr. Balog stated we need to have more discussions with the school, in terms of the content of what that sign is to be. There are a lot of different opinions of what it should display. He said there also has been a survey done of the school and there are some components of the existing courtyard that have engraving on them. There has been a lot of discussion about do we reuse some of this and integrate it into a new sign or do we put the sign on the building. It would be a great corner to have the sign that would make announcements for some of the programs or activities that will be going on. A short answer is that we have had some thoughts about it, but haven't quite jelled that yet.

Mr. Wong asked if the design of the sign will be your firms and not a sign company, for example.

Gary answered, "yes."

Mr. Wong stated, "good answer."

Mr. Ungar asked Mr. Wong if we could add signage to the staff recommendations. He said you already have a light plan approval by you and your staff.

Ms. Hamley O'Donnell stated that it is not in there. She suggested that if we put signage to go to ABR. On condition #5 we need to also add, at your request, add "final signage approval by the Director of Planning and Development."

Ms. Rothenberg asked that the slide being shown now be part of the official record.

Mr. Ungar asked if there were any questions for the applicant.

Mr. Cobb asked Mr. Wong if he was comfortable with us voting on this project with this change that has presented tonight.

Mr. Wong answered that all the things that looked different than your packet are moving exactly in the direction that staff had asked them at a preliminary review.

Mr. Wong asked that Ms. Rothenberg noted a rectangular drawing, it must be a new or addition or expansion to what is proposed.

Ms. Rothenberg said it was the Athletic Building, and asked if they could talk about that and whether that is before the Planning Commission.

Mr. Balog answered that it is not. He stated that at some point in the future, and if there were dollars available to do something, they would come back before the Commission at that time, but it is not part of this application.

Mr. Wong stated that the applicant is taking what we had suggested, which is show the Planning Commission everything that you could possibly dream of in the future so that we can start planning for it now. You then can envision that it will not always be trees and an open space or a sidewalk that would be filled up.

Ms. Hamley O'Donnell stated that if she was hearing right from them, that the Athletic building is a future thing which would fall under Condition 1 which would be a future Planning Commission approval of a significant alteration or expansion.

Ms. Cohen asked how the restrooms and the entry to the field were going to be secured when there are not games, given the high commercial traffic and how close it is.

Mr. Balog answered there are a set of gates across the entrance and obviously there is a fence around the balance of the field.

Ms. Cohen stated, those will all be locked, so anyone walking through Cedar Lee will not be able to get in without security. You had mentioned that this is part of the original high school program but just different. She asked if cost changed to put out this piece.

Mr. Balog answered that it stems from looking at the entire site and the stadium and it makes more sense to incorporate these facilities away from the building rather than having them attached to the building. There is a cost implication with that but we have had to construct that square footage inside the building regardless so there is a cost per square foot.

Mr. Shergalis added that what Mr. Balog is trying to say is, because it is a freestanding structure, it is probably going to be a bit more, but there is a net savings since we are not building temporary facilities which would have been expensive. So overall, building this now, actually results in a new savings—slight, but some.

Ms. Cohen said she knows we are looking at this as how it is going to improve the physical look of the city, but she was curious about the Facility Accountability Commission. Were they consulted about the change in the plans, from the integrated into the building to the outside and if so did they have an opinion from their broader perspective of the entire project.

Mr. Balog answered they did not review this. The Board of Education members have seen this but that Commission has not and have not expressed an opinion.

Ms. Cohen asked if they were anticipating showing it to them.

He stated it will be brought to them at their next meeting.

She thanked them.

Mr. Balog stated that traveling the site in the future would be substantially changed once we start that whole renovation, so it will be a different experience once that is done.

Ms. Hamley O'Donnell said you think of the parking lot being off of Washington now, but with the new plan, it is not going to be off of Washington, there will be building there and the parking lot will be by the baseball and softball fields, so it's a totally in a new location. That will be coming before us in the next few months.

A gentleman came forward stating his name is Eric Silverman and that he is a member of the school board and lives at 2084 Fairmount Blvd. and he stated he had been sworn in. He wanted to say he was much excited about this, though he cannot speak for the entire board. He had been encouraging them all along. He thought the design is great and we are looking forward to it.

Alan Wilkinson, 1286 Yellowstone Road, came to the podium and said he had been sworn in. He said one area he worries about is the sustainability requirements that you're referring to in the requirements, but he did not hear anything specific. He said in the original football plan from a year ago, sustainability was a discussion point. There was no firm specifics, so as a consequence there were no sustainability features built into the athletic field. He would ask that you put in some conditions about it being explicit before it is approved on what the sustainability features are.

Mr. Ungar asked if staff or the applicant want to respond to that.

Ms. Hamley O'Donnell replied that she had been told by the architect that it would include high recyclable materials from the high school and salvage material from the high school, sustainable roofing materials and indigenous plants and also in Condition #5, we required the final landscaping, paving, and drainage plan, which would include sustainable drainage and lighting, be approved by the Planning Director. The landscape is required by our code which requires a certain percentage of sustainable plants and indigenous plants and the applicant has said that

they will use those as well as permeable paving and drainage. She said Mr. Shergalis might have something to add to that.

Mr. Shergalis replied that LED lighting would be used.

Ms. Hamley O'Donnell said the final plan with all of that will require an approval from Mr. Wong.

Mr. Ungar asked if someone wanted to make a motion in regard to project 15-6.

Mr. Ungar stated the motion would include the two changes, so it will read with the understanding that the staff recommendations are updated to include the signage and conditions 3 and 5.

Mr. Cobb made the motion that Project 15-6 be approved subject to the staff recommendations and the two additional recommendations that they discussed this evening.

All those in favor say aye.

Aye.

Anyone opposed. None.

Any abstentions, none.

Mr. Ungar stated this also carries unanimously.

Mr. Ungar asked if Project 15-9 and Project 15-10 related in the interest of time.

Ms. Hamley O'Donnell said not but she could try to go relatively quickly.

Project 15-9: Motorcars, Inc., 3077 Mayfield Rd. (former Pontiac), 'C-1' office, requests Conditional Use permit to replace Motorcars Mobility with sale of used cars at rear of lot per Code chapters 1111, 1115, 1131, 1151, 1153 and 1161.

Mr. Ungar asked for anyone that wants to say anything or testify about this project please stand and be sworn in by our Asst. Law Director. Mr. Wong and Ms. Hamley O'Donnell and all those in the audience who planned to testify were sworn in.

Ms. Hamley O'Donnell asked the two gentlemen in the audience if they were both with Motorcars and they answered yes.

Ms. Hamley O'Donnell began with saying that some of you are familiar with this site. This project did come through the Planning Commission last year for Motorcars Mobility to be used here and based on that you all have in your application; you see that Motorcars is relocating some things around. At this point Motorcars, for the time being, is undergoing some extensive additions in the installation of the solar panels that came through the Commission last year. They need the cars off the site because of the construction so they need to relocate their used cars to this site here for storage which can include cleaning, photographing, minor repair and detailing. There is a long history in your staff report, because so many things have happened at this site but staff believes that going through the standards:

(a) it has been this use for many decades and it's on a very busy thoroughfare

(b) we like to see sites operated and should not have any adverse effect on the community
(c) the changes right now, especially since it is a temporary use there are no exterior changes proposed, but there is very little landscaping on the site which creates a stark appearance. Due to the uncertain development of this site, the applicant shall ensure that shade trees are installed along the site soon and if the use continues additional landscaping needs to be installed.

She stated she has had a conversation with Trevor Gile, who is one of the owners of the business, who has agreed that can happen. The rest of the standards have to do with the changes, again this has been this use for so long. Staff believes this will not have a negative impact in as far as we like to have our buildings occupied and are paying taxes. The Standards for Conditional Use allow automobile sales on the property as long as it is operated in conjunction with Motorcars Toyota and Honda who have substantially more new cars on their site. They meet with all the other standards of auto repair and auto sales, so that fits into the requirements. Using existing buildings fits with the sustainability and is great.

Staff recommends that the Planning Commission approves Motorcars use of the property of 3077 Mayfield Road as shown on the drawings submitted for used car sales incidental to the full service franchise Motorcars Honda and Motorcars Toyota 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 applicants shall work with staff to resolve any complaints from neighbors;*
3. *Any and all signage (building, window, pole, instructional, directional, etc.) shall conform to zoning requirements, taking into account previous variances, and require Architectural Board of Review Approval;*
4. *Receipt of required Building Permits;*
5. *Applicant shall submit a tree planting and dumpster screening plan for Planning Director approval and all trees/screening shall be installed by June 1, 2015; If use of the site is proposed beyond September 30, 2015, applicant shall submit full landscape plan for Planning Director approval, including installation of landscape screening similar in density and type to that at Motorcars Honda & Toyota, additional shade trees and removal of the unneeded Monticello driveway apron, and all site landscaping shall be installed by November 30, 2015;*
6. *Automobiles for sale shall be parked only inside the building or north of the building;*
7. *The inventory of used automobiles shall not exceed fifty percent (50%) of the overall inventory of new cars at Motorcars Honda/Motorcars Toyota at any time; and*
8. *All auto repairs, cleaning, washing and drying operations shall take place inside the building.*

Mr. Ungar asked if there were any questions.

Mr. Horowitz wanted clarification that all we are talking about here is temporarily changing the use of the space while they are doing the construction.

Ms. Hamley O'Donnell stated that they are moving things around a bit, so that is why there is that condition that say if they plan to use it longer, which seems very unlikely based on her conversations with Trevor Gile. She stated they are acquiring additional property so they are considering how to use this property in the long run. In the short term, until September, it's used cars and it seems unlikely that will continue, but this could, so we want it fully landscaped.

Mr. Horowitz then asked if the next project is about the mobility.

Ms. Hamley O'Donnell answered yes.

Mr. Ungar asked Ms. Hamley O'Donnell what is the reason for the limitation on the used car inventory?

Ms. Hamley O'Donnell replied that is our Zoning Code, what it doesn't want is a freestanding used car lot.

Mr. Ungar wondering why they would put a limit on how much business they do.

Ms. Hamley O'Donnell explained that what we don't want is, let's say they turned Toyota and Honda and this into a used car lot. The Code requires them to have a balance between new and used cars. Their rep can attest to this, but I cannot imagine that they can fit as many used cars on this as they do have new cars on the other sites.

Mr. Ungar said fine.

Mr. Cobb asked if she recalled at the agenda meeting, he had mentioned the fact that there had been two vehicles parked in the Monticello apron now for several weeks.

Ms. Hamley O'Donnell said she remembered and they did mention that to the Giles and she felt the representative should explain why that is.

Mr. Cobb asked if that would be prohibited in your staff recommendation.

Ms. Hamley O'Donnell stated the parking should all take place north of the building.

Mr. Cobb asked if that was city property.

She answered, no, that is their private property.

Mr. Cobb asked about the sidewalk area.

Ms. Hamley O'Donnell answered she will have to look.

She stated that what her intent was that the cars along Mayfield Road, so south of the building, that was where the employees would park but we don't address specifically those cars parked west of the building so perhaps Condition 6 could say that no cars can be parked west of the building.

Mr. Ungar brought up that we had a condition that we put on other auto repair/service businesses with respect to the manner in which the cars are to be parked or stored.

Mr. Wong stated he is trying to figure out if we require from the site plan that they the particular location of the cars where they should not be parked. They are not shown on the site plan, parked as such, so we could require that they park them only for the site plan that was submitted by the applicant.

Ms. Hamley O'Donnell stated then #6 should state automobiles should be parked according to the site plan and for sale cars are only permitted north of the building.

Ms. Rothenberg asked her to put the plan on the overhead and we can see if that will be amenable.

Ms. Hamley O'Donnell said the area we are talking about is where the outdoor dining was shown with the previous proposal with restaurants in the front. That still would have to come back before the Planning Commission.

Mr. Cobb stated his only issue is that he did not think they should be parking cars on that Monticello apron.

Mr. Ungar asked what if we said that the cars should be parked in accordance with a site plan approved by our Director of Planning.

Mr. Cobb stated he just wants the cars moved.

Mr. Ungar asked if there were any other questions. There were none.

A gentleman came to the lectern and said his name is Kevin Hudak and he was sworn in and lives at 1526 Parkway Road, Lakewood, Ohio. First of all, he wanted to say this is his first planning meeting and is impressed by the amount of detail that you go through. He said it gives him a good feeling. He said he would definitely move the cars in the apron first thing tomorrow. This will be just a temporary place for my used cars to go through September until the solar panels are up.

A man named Ken Rainey said he lives at 10193 Orchard Drive. He was sworn in. He is the General Manager of the Mobility business and is here to answer any questions. He said the cars will be moved for sure.

Mr. Ungar asked for a motion with respect to 15-9 permitting the sale of used cars on the old Pontiac Dealership property.

Mr. Cobb made the motion for 15-9 to be approved with the 8 staff recommendations. Mr. Ungar asked for a second to that. The motion is seconded by Mr. Howe.

All those in favor, please say aye.

Aye.

Anyone opposed. None.

Any abstentions, no so that carries unanimously.

Project 15-10: Motorcars, Inc., d.b.a. Motorcars Mobility, 2888 Mayfield Rd., 'C-3' Gen. Commercial, requests Conditional Use permit for handicapped van/mobility sales (new/used) and mobility conversion (minor auto service station) per Code chapters 1111, 1115, 1131, 1151, 1153 and 1161.

Mr. Ungar asked that all that wished to speak please stand and be sworn in by our Asst. Law Director. Mr. Wong, Ms. Hamley O'Donnell and members of the audience who planned to testify were sworn in.

Ms. Hamley O'Donnell said the site is to the west of the existing Toyota dealership and she showed a slide on the overhead of what it looks like. It is west of the Rain Forest Car Wash and it shares some driveway with that use. Basically, nothing about this site will change. Their landscape is very similar and the same quality of Motorcars. They have done a pretty good job of landscaping. This use has been used as a car repair for decades and decades. Those of you who have been here last year should be familiar with the mobility center and what the mobility center is. What they do is sell new and pre-owned wheel chair accessible vans that are altered for wheelchair ramps and conversions at various remote locations. This takes place off site but then extra equipment and electronics happen on site. Their hours are typically 9-6 and 9-1 on the weekends. There is not a place like this around in this section of the city. When they came last year, they talk about their desire to have something like this especially with our proximity to the hospitals and an aging population of baby boomers. The sustainable guidelines, again, we like to keep our buildings occupied by people. There are very little changes that will be taking place, that building has been used for car sales, car repair for over many decades. It is on a busy street so with the standards of A, B, C, and D & E aside from the type of cars that will be sold there stored there, the change is very minimal and we anticipate no additional traffic congestion as stated in G. With the employees, we get taxes that help supplement any additional costs that will be incurred. Staff recommends approval of Motorcars Mobility and use of the property at 2888 Mayfield Road, as shown on the drawings submitted for handicap van and mobility sales and mobility conversion incidental to the full service franchise van dealership 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 applicants shall work with staff to resolve any complaints from neighbors;*
3. *Any and all signage (building, window, pole, instructional, directional, etc.) shall conform to zoning requirements, taking into account previous variances, and require Architectural Board of Review Approval;*
4. *Receipt of required Building Permits;*
5. *The inventory of used vans shall not exceed fifty percent (50%) of the overall inventory at any time;*
6. *Only repair of automobiles customarily associated with automobile sales shall be permitted, shall be conducted inside the building, and no junk, inoperative or unlicensed vehicle shall be permitted to remain outside on the property for more than forty-eight (48) hours; and*
7. *All auto repairs, cleaning, washing and drying operations shall take place inside the building.*

Mr. Ungar thanked her and asked if there were any questions of staff.

Mr. Ungar asked if the applicant had anything he wished to add to the staff report.

Mr. Raney stated that he is the General Manager of the Mobility Building. He stated he felt it was fairly self-explanatory and he was here to answer any questions.

Mr. Ungar asked if someone would like to make a motion with respect to Project 15-10

Mr. Horowitz moved for approval of 15-10 with the 7 staff recommendations.

Is there a second to that?

Mr. Howe seconded the motion.

All those in favor please say aye.

Aye.

Anyone opposed. None.

Any abstentions. There were none.

Mr. Ungar stated this carries unanimously and wished the applicant all the best with this project.

Project 15-7: T. Janout, tenant, 3377 Euclid Hts. Blvd., requests Planning Commission find ducks similar to chickens and issue Cond. use permit for duck coop/run per Code chapters 1111, 1115, 1121, 1151 and 1153.

Mr. Ungar stated this is Project 15-7 with the request that the Planning Commission find ducks to be similar to chickens and if we do so, we then will issue a Conditional Use Permit for a duck coop which will be similar to a chicken coop, which a number of us are familiar with.

He asked that all of those who plan to testify, about this matter, please stand and be sworn in by our Asst. Law Director. Mr. Wong, Ms. Hamley O'Donnell and all members of the audience who planned to testify were sworn in.

Ms. Hamley O'Donnell stated that the applicant was not aware that you had to come before the Planning Commission as this has happened with chickens on a good amount of occasions. They get the animals before they get the approval of us. She stated we were made aware of the ducks, actually, by a person driving by there and was concerned about the ducks, not by a neighbor. She showed a slide on the overheard where it is on a corner lot where there is really only one person who lives in the two-family house that would be impacted by the coop. The next photo showed where the coop is proposed to be; currently they are in the right bay of the garage. She showed where they would be housed up against the garage which would fall into our requirements of 10 feet from the property lines and 10 feet from the house. She showed chickens vs. ducks slide which was just what was needed at 9:15 PM for a laugh. She stated that Karen Knittel and I went to the site to meet with Mr. Janout to take a look at the ducks.. She stated what they heard when they were there, they have been to multiple chicken coops so they did not seem as startled and more afraid, than interested in us. Usually, with chickens they tend to come towards you, but the ducks seem more cautious and moved away. They said very little and we were trying to video tape the sound so Mr. Janout tried to startle them a bit to make some noise, which was no louder than we have heard with chicken coops and the like. He assured us that they were well taken care of. She stated she tried to do some research on the difference of these two. She made a call to the City of Cleveland and in their chicken ordinance they also allow ducks but we did not get a call back from them. Our representative from the County Health Department, who had very little experience with this but with the knowledge he had, he felt that there was nothing to be concerned about other than what you do with the chickens. He did not feel this was concern with carrying rabies. She asked Mr. Janout to share any experiences he has had with the ducks. Mr. Janout had told her that he felt that the ducks have healthier eggs and bigger. He prefers the taste of their eggs to chickens and that is why he

has them instead. The one difference is that ducks need access to water so it seems like using a baby pool is enough to keep them content. The health department did not have any concerns about this standing water since the ducks would be agitating it. The idea of rotating the food and not leave food out for long periods of time which will attract rats is the standard issue whether it is ducks or chickens or any other pet. Online she found one difference is that chickens tend to be more destructive to the lawns as they peck and scratch and ducks don't have feet that scratch and they don't dig around as much. The applicant is here so he can give you a bit more information and if you are convinced that ducks are similar to chickens with regard to neighborhood impact, i.e. sounds, cleanliness, odors and the Planning Commission can find duck similar to chickens and if you do find them similar to chickens, we can approve them under these conditions:

Code Section 1153.05(gg) Chicken Coops and Chicken Runs.

The keeping of chickens shall be permitted as a conditional use on the property subject to the following:

1. *A maximum of four (4) chickens may be kept on the property.*
2. *No commercial activity will result from the keeping of chickens on the property.*
3. *Roosters are not permitted. However, if the gender of a chick cannot be determined at hatching, a chick of either gender may be kept on the property for no more than six (6) months.*
4. *Chicken coops and runs must meet the following standards:*
 - (A) *Chicken coops and runs are allowed in the rear yard only. Adequate safeguards are required to protect the chickens from animals and to prevent unauthorized access to the chickens by general members of the public, such as rear yard fencing and gating.*
 - (B) *Chicken coops and runs must be located a minimum of ten (10) feet away from any principal building and ten (10) feet from an adjacent lot.*
 - (C) *The facility must be kept in good repair, maintained in a clean and in a sanitary condition, and free of vermin, obnoxious smells and substances. The facility will not create a nuisance or disturb neighboring residents due to noise, odor, damage or threats to public health.*
 - (D) *The chicken coop and run must be designed to ensure the health and well-being of the animal is not endangered by the manner of keeping or confinement.*
 - (E) *The chicken coop and run must be adequately lighted and ventilated.*
5. *No storage of chicken manure is permitted within twenty (20) feet of the property line.*
6. *Chickens must be kept in coops from dusk to dawn.*
7. *Slaughtering of the chickens is prohibited.*

Chapter 1151 Standards for Conditional Uses

The applicant understands that in addition to the specific regulations governing the keeping of chicken the Standards for Conditional Uses (a) through (k) also apply. The most relevant conditions follow:

- (b) *that the establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare;*
- (c) *that the conditional use will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of*

the general vicinity, and that such use will not essentially change the character of the same area;

- (d) *that the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;*

Ms. Cohen stated that one of the differences you mentioned was the water, would that be required to be in the pen and secured away from public access, kids or anything.

Ms. Hamley O'Donnell answered correct; the pool would have to be in the run area. We will add that to condition 4 about the pond and pool.

Mr. Ungar asked Ms. Hamley O'Donnell in her research into ducks, are there breeds that may be distinguishable, like I know those were not mallards. She agreed they were not and they told her they are the loudest. These are Peking ducks and seem to be a medium duck as far as noise. There are apparently some ducks that cannot quack at all.

Mr. Ungar said to follow up on Mr. Horowitz's point, he is not concerned about the quackless ducks, or the Peking ducks but I would be concerned if there were 4 Mallards in the backyard. They are noisy and they quack a lot.

Ms. Hamley O'Donnell stated that in his case, perhaps what we say for the duck coop, we could specify that it's is all about the noise.

Mr. Ungar suggested that based on staff's findings, these ducks are similar to chickens in terms of their noise and cleanliness and then we don't have to worry about someone coming back later and saying we made this finding previously.

Ms. Hamley O'Donnell agreed that he had a good point because if this should come before you in the future, you might rule on it totally differently.

Mr. Ungar asked if there were any other questions before we bring the applicant up.

Mr. Janout stated his address is 3377 Euclid Hts. Boulevard in Cleveland Heights. I was sworn in and wanted to say that the males are called drakes instead of roosters. He stated they are extremely quiet compared to the females. They get a bit noisy when they get hungry but other than that they are quiet. He felt they are more intelligent than chickens and they live well together. You can put Peking ducks and chickens together they get along even in the same coop, they do not fly because they were bred in the 1800s specifically for eggs and for meat consumption, but that is not why I have them.

Mr. Ungar stated you know that is forbidden under our ordinance.

Mr. Janout stated that any other duck will fly away if you chase them, these will spread their wings but they can't really take off so in that sense they are pretty domesticated.

Mr. Ungar asked if there were any questions of the applicant.

He was asked how long did he have them and he answered five months

We was asked if he had complaints from any neighbors. He answered absolutely not.

Mr. Lampkin came to the lectern stating he lives at 1582 Crest Road and he has been sworn in. He just wanted to say he thinks that ducks are a great idea and he is sure there will be more families once they find out they can have ducks, they will have ducks for their children. He said a chicken vs. a duck, it looks more like a pet and it is something that will give you eggs. He stated that someday in the future he will do duck eggs. He went on to say how impressed he is with the Commission and how often the term noise comes up. In every item at every meeting of business, he could not believe that no one knows that he has the noisiest yard in the City of Cleveland Heights and it's not his doing. He also would like to let them know that nobody cares and he does not expect you to because no one has for the last 17 years. It's a sin that Mr. Wong allowed this to happen and Mr. Wong avoided presenting this to the Planning Commission, he didn't come through you guys because when I talked to the post office on how they do business. They said they do go through the Planning Commission.

Mr. Ungar asked Mr. Wong how they can conduct their business. The U.S. Post Office comes to Mr. Wong and asks him how they can conduct their business and he tells them what they can and can't do.

Mr. Lampkin stated that when he spoke to the post office on a number of occasions, they all said they go through the Planning Commission only we were not asked to do so by Mr. Wong and so we didn't do it. He stated that the way you guys drill people, I appreciate the efforts you put into the noise issues.

Mr. Ungar asked Mr. Lampkin to do him a favor. Go back to the post office and tell them they are welcome to come. You bring them in and we will be happy to hear from them, just like I let you speak this evening. We are interested in noise and we will be happy to hear from them. He said he has his own issues and questions about whether the City of Cleveland Heights can tell the U.S. Post Office how they can do business, but I am happy to hear from them, bring them in.

Mr. Lampkin replied he will make that effort and thank you for the offer.

Mr. Horowitz asked about us adding so many conditions now to each project. This way we can bring someone back if they violate one of the conditions that we have given them. He felt that we have a tighter process now than we may have had at one time.

Mr. Ungar asked if we have to break this project into two.

Mr. Ungar asked for a motion first on the Peking ducks at issue in this particular application is similar to chickens.

Ms. Cohen made the motion on Project 15-7, according to the first staff recommendation with the changes suggested by Mr. Ungar.

Is there a second to that? Mr. Horowitz seconded the motion.

All those in favor of the motion, please say aye.

Aye.

Any opposed.

No.

Any abstentions, no.

That carries unanimously and the ducks at issue have been found to be similar to chickens.

Mr. Ungar then asked for a motion to approve Mr. Janout's request that he be granted a Conditional Use Permit for a duck coop and a run for no more than four ducks subject to the Staff Conditions.

Ms. Rothenberg stated with Ms. Cohen's addition that any water be contained within the run being added to Number 4 condition.

Ms. Cohen stated that she makes the motion to accept B of Project 15-7 with the change I suggested earlier.

Mr. Horowitz seconded the motion.

All those in favor of that motion, please indicate by saying aye.

Any opposed. No.

So that carries unanimously, congratulations and to your ducks.

NEW BUSINESS

Mr. Ungar asked if there was any new business or other matters prior to adjournment.

Ms. Hamley O'Donnell stated she has two quick ones.

Ms. Hamley O'Donnell stated the City and 3 other communities received County money for master planning so that is something that will be starting in the next several months and there will likely be things the Planning Commission will be reviewing as we go through the process. She stated we are very excited about that because a lot of cities applied and we were one of the few chosen.

She also stated as a follow up to last month's meeting about the high school, we as staff along with our Police Chief and Deputy Police Chief and many representatives from the school district and about 15 people all sat down last week and reviewed the big issues which seemed to be traffic. This was a two-hour meeting. She stated they are making revisions based on that meeting, getting us additional data and the Police Chief and the Deputy Chief had really good input into that meeting. The School District is going to be making some revisions and coming back before that group again to get it to a point we are comfortable with it before we bring it back to you all.

Mr. Ungar asked if the current parents and so called users, were they participants in that.

Ms. Hamley O'Donnell answered that she was one of them.

Mr. Ungar just wanted to make sure since it was pretty clear to him that there were concerns.

Ms. Hamley O'Donnell stated that they asked them to, instead of just looking at who pulls into the parking lot, to also go around to the places that are sort of remote. The majority of the people do not pull into the parking lot; they drop their kids off at remote places. They were assuming that a lot more people drove to the high school than did, so they are adjusting their model.

Mr. Ungar asked if there is anything else on staff's agenda.

Mr. Wong answered no.

Mr. Ungar thanked all and the new members. He told them not to be spooked by this long meeting and one last thing is that Mr. Lampkin's materials are delivered to staff so they can be made a part of the record.

The meeting adjourned at 9:40 PM.

Michael Ungar, Chair

Richard Wong, Secretary

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