

**PLANNING COMMISSION
MARCH 11, 2015 MEETING MINUTES**

MEMBERS PRESENT: Craig Cobb Vice Chair
 Jessica Cohen
 Anthony Howe
 Len Horowitz
 Anthony Mattox Jr.
 Jeff Rink

MEMBERS ABSENT: Mr. Ungar Chair

STAFF PRESENT: Richard Wong Director of Planning and Development
 Karen Knittel City Planner
 Kara Hamley O'Donnell City Planner
 Elizabeth Rothenberg Assistant Director of Law

Mr. Cobb began the meeting by welcoming everyone to the March 2015 Planning Commission Meeting. He asked Mr. Wong for the roll call, please.

Ms. Cohen Here
Mr. Horowitz Here
Mr. Howe Here
Mr. Maddox Here
Mr. Cobb Here
Mr. Rink Here

Mr. Wong stated 6 present.

Mr. Cobb stated that we have a couple of housekeeping matters to handle before we begin tonight's agenda. The first is approving the minutes from both our January and February meetings. He stated several Planning Commission members are no longer on this Board. It was his understanding from the Law Department, since the three Planning Commission members that are here tonight were also at the January meeting, we could vote and approve these cases this evening.

Ms. Rothenberg stated that technically we need four votes in the affirmative. She asked to have the three members that are present tonight (Craig Cobb, Jeff Rink and Len Horowitz) to affirm that the minutes are accurate and then we will take a motion on approval of them based on your motion this evening.

Ms. Rothenberg asked Mr. Horowitz if he thought the minutes from January were accurate.

He replied yes. Ms. Rothenberg then asked Mr. Rink and he responded "yes" also. She then asked Mr. Cobb, who responded he was in agreement that they are accurate.

Ms. Rothenberg asked for one of the three to make a motion.

Mr. Horowitz made the motion for approval of the minutes of the January 2015 meeting based on his representation that they are accurate.

Mr. Rink seconded the motion.

Mr. Cobb asked that all in favor of approving the January meeting based upon the affirmations made by the three members please indicate that by saying aye.

Aye.

Mr. Cobb then moved on to the February minutes and asked if there are any changes or corrections.

There were none so he asked for a motion to approve.

Mr. Horowitz made the motion for approval of the February minutes.

Mr. Howe seconded the motion.

Mr. Mattox stated he will be abstaining since he was not there for the meeting.

Mr. Cobb asked if we could call that for a vote please.

Mr. Cobb stated that all in favor of approving the minutes say aye.

Aye.

Ms. Hamley O'Donnell stated that is 5 affirmative votes with 1 abstention.

Mr. Cobb then stated that we are now ready to proceed with our agenda.

For those of you who have not been here before, he apologized if you have heard this before. Mr. Cobb stated that the staff is going to give a presentation and basically walk us through the project and then you will have an opportunity to speak and anyone else that is interested in this project can speak. He stated we will then take a vote on it. He stated there may be some questions asked of you or of staff. Mr. Cobb asked that anyone who wanted to speak on this project to stand and be sworn in by our Assistant Law Director.

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

Mr. Cobb reminded all that before anyone comes to the lectern, they must state their name and current address and also tell us that you were sworn in. This will then appear in the record and the minutes when they are typed up.

Mr. Cobb asked to hear from staff on Project 15-2.

Project 15-2: Sprint, 1500 Warrensville Center Rd., S2 Mixed Use, requests Conditional Use permit to find cell antennas similar to satellite dish receiving antenna and modify exist. rooftop wireless facility to remove stealth canister/antennas and install 3 penthouse-mounted antennas, RRUs and support equipment per Code Sections 1111, 1115, 1123, 1145, 1151 and 1153.

Ms. Hamley O'Donnell began with saying that this is a building that those of you who have been on the Planning Commission for a while, are probably familiar with. Since 1997 the Commission has issued eight Conditional Use Permits for cellular antennas on this site. Over the years, various companies have merged or gone out of business and currently Sprint has three antennas mounted inside a stealth installation on the building. Basically, we had one of these cases at our meeting last month. It's pretty typical for these technologies to change every few years and they are different enough from the original installation that they have to come back before the Planning Commission for review. Typically, we like these antennas to be located on a handful of tall buildings that we have in the city to avoid monopoles and things like that scattered throughout the neighborhood. Many of the carriers take advantage of church steeples or tall apartment buildings. In this case, the building is a nine-story building in an S-2 district and this is the existing installation (she showed a slide on the overhead) which is highlighted to the right. It was meant to look like some sort of chimney or vent. She stated as you can see, all of those other things are antennas of other carriers. Often carriers have nine antennas on a typical building. She said that when she was working with the applicant, the first thing they did was come in with a plan to make that chimney much larger and bulkier. We felt it did not look good. They then came back with a proposal for 6 or 9 new antennas, above the building and we went back to them and said, "No, they have to come down." She stated over the past few years they have been working with carriers to bring the antennas down in height and not project above the buildings. In this case, Ms. Hamley O'Donnell stated that the applicant is proposing to remove that stealth installation and put three antennas up. She stated they also worked with the city to install an RRU, which is a newer piece of equipment that has become integral to these installations in the past few years. She stated we did not have a true understanding of what that actually meant in the size. Ms. Hamley O'Donnell stated now they have a better sense of what we want and have them more hidden. Initially they had come with them mounted on the building. She said in the end they agreed to move them inside the penthouse so we won't see them at all. Ms. Hamley O'Donnell stated she has had a great working relationship with Mr. Couch on how to get these to be the least conspicuous as possible. She showed the existing conditions on a screen. Ms. Hamley O'Donnell pointed out that all these other carriers are mounted above the roof and as these people come in for changes, we are asking

them to pull them down so that are not projecting above the roof. Ms. Hamley O'Donnell said when these were new, they told us these absolutely had to be that tall, and we are now learning that they do not necessarily need to be that tall. She put the new proposal on the overhead. This only showed 2 of the 3 in this elevation, but there are 3. Ms. Hamley O'Donnell stated we asked for photo simulation so we can actually tell what they really look like from the ground. Keep in mind that we are in the process of trying to track down our contacts from many of these carriers who are supposed to paint them to match, but aren't. She stated that all those antennas that are white really should be the color of the bricks and be less conspicuous. She stated that Mr. Crouch works for a company that his job is to get these jobs through the approval processes and then sometimes the contractor just doesn't follow through. Ms. Hamley O'Donnell said we are working on trying to track them down on many installations to get them painted to match. She showed on the overhead the existing mono-pole that will be removed. Then showed what it would look like with the two new antennas. She stated they would be painted to match so they would just disappear.

Ms. Hamley O'Donnell stated that there will be two motions on this project. She stated we do not have a section of the code that specifically addresses cellular antennas. That is something she hopes to get implemented in the near future. Ms. Hamley O'Donnell stated you would find them similar to a satellite dish receiving antenna and there are a list of standards of 1153.05(w) that are on your staff report on Page 1 and 2 that explain this. She stated, typically, we recommend that you find them similar to a satellite dish antenna because of their function being a communication transfer. She stated according to Standards for Conditional Uses:

- (a) we find they are in keeping with the code and all of us who carry cell phones like to be able to have communication.
- (b) we like these to be managed on the existing buildings and we see no danger to the health or safety of the community.
- (c) the antennas should be well camouflaged and painted to match and mounting of them over 100 feet above ground level and being painted to match should help to camouflage them as well.

Sections (e) through (k) are not really applicable to this application. Ms. Hamley O'Donnell stated with that staff recommends two motions;

The first is that you find them similar to satellite dish receiving antennas and then second we recommend that you approve the Sprint antennas and equipment at 1500 Warrensville Road as shown on the drawing submitted with the following 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 be obtained before proceeding with the installation; and*
3. *All wires, antennas and hardware shall be painted to match the brick on which mounted;*

4. *Abandoned stealth "chimney" shall be removed as soon as new antennas are operational; and*
5. *Any antennas, RRUs, support equipment, wiring and/or antenna mounts shall be removed from the site within sixty days if no longer operational.*

Ms. Hamley O'Donnell stated that these are the standard conditions that we have been applying to these sorts of installations. She stated that was all that she had.

Mr. Cobb asked if there were any questions for staff. There were none.

Mr. Cobb asked Mr. Crouch if he had anything that he wanted to add.

Mr. Crouch came to the lectern and stated his name is Andrew Crouch, and his address is 3659 Green Road, Suite 214 and stated he did take the oath. He stated that Ms. Hamley O'Donnell did a great job explaining some of the background history on this site. We have had two different projects now that have been merged into one. He stated this antenna in particular is known as a tri-band antenna and operates on three different frequencies so basically it acts like three antennas in one and that is why there is so much supporting equipment coming up with this antenna. Also, this is how we were able to combine the multiple projects into one. Essentially, if there are any questions as far as the installation or what we are doing, I can field those or any concerns that you might have.

Mr. Cobb asked if anyone had any questions for Mr. Crouch. There were none.

Mr. Cobb asked Mr. Lampkin, a member of the audience, if he had any questions or comments he wanted to make in relation specifically to this project. Mr. Cobb apologized to Mr. Lampkin if he had misled him.

Mr. Cobb asked for a motion concerning staff recommendation (A) whether the cellular antenna is similar to satellite dish receiving antennas.

Mr. Rink made the motion.

Mr. Horowitz seconded the motion.

Mr. Cobb asked if we could call that motion for a vote.

All in favor say aye.

Aye. There were no objections or abstentions.

Mr. Cobb stated that passes, 6-0.

Mr. Cobb then asked for a motion on the staff recommendation (B) concerning the Conditional Use Permit that they have asked for.

Mr. Howe made the motion.

Mr. Rink seconded the motion.

Ms. Rothenberg stated to be clear, that motion includes all of the recommended conditions.

Mr. Rink responded, "Yes, correct."

Mr. Cobb asked for all in favor, say aye.

All voted in favor and there were no objections or abstentions.

Mr. Cobb stated it was passed and thanked them.

STRATEGIC DEVELOPMENT UPDATES

Mr. Cobb asked about the Strategic Development Update, then New Business and then Mr. Lampkin so we can hear what you want to talk to us about.

Next was Karen Knittel, who introduced herself as a City Planner in the office. She stated she hoped she was able to meet most of you as you came in this evening. She presented to us an overview of the Master Plan and scope of work in conjunction with the Cuyahoga County Planning Commission. She stated that City Council will be appointing a Planning Commission representative for this committee. She informed all that we were one of four cities awarded the ability to work with the Cuyahoga County Planning Commission to develop a Master Plan for Cleveland Heights. She stated we are very excited to have that opportunity especially because University Heights has also been selected as a city that is going to receive some master planning help also. Ms. Knittel stated she wanted to take this opportunity to discuss this with all of you in case there is something we need to be including that we might have overlooked.

Mr. Cobb asked if there were any other questions.

There were none.

NEW BUSINESS

Mr. Cobb stated the next item is New Business and asked if anyone on the Board has any New Business before we get to Mr. Lampkin.

Mr. Cobb stated that he would give Mr. Lampkin the opportunity to speak, but in the future you need to submit your materials and a request to be put on the agenda.

Mr. Wong stated to Mr. Chair that Mr. Lampkin submitted a request Friday to be on the agenda and I replied asking him for the specifics that the Chair had requested last month. The Chair wanted the United States Postal Service to be present if they are to be the subject

of a case and there was no reply from Mr. Lampkin. Mr. Wong stated this is a surprise that he is here this evening.

Mr. Cobb stated that you understand that the jurisdiction of this Board is limited in what we can do.

Mr. Lampkin replied yes.

Mr. Cobb replied with that being said, I am going to grant you a few minutes to speak if there is something that you want to speak to us about and that you think falls within our jurisdiction.

Mr. Cobb asked that he come to the lectern and state his name please.

Mr. Lampkin came to the lectern and stated his name is Calvin Lampkin and he had been sworn in. He said he wanted to take a minute to speak on the fact that the Chairman asked me to bring someone from the Post Office and he said he did make a request to the Post Office and it was denied. He stated he then made a request to Marsha Fudge's office and they have not completed their process yet. He said as of Friday when he sent the request to Mr. Wong, this was following a period of 2 weeks that I had stopped in to Mr. Wong's office. I spoke with Kathleen Conklin and I asked her how do I get on the Planning agenda and she was not able to get that taken care of for me at that time because Mr. Wong was busy. I then sat with Elizabeth Rothenberg and asked about how to get on the agenda and she was not able to assist me. I then went to the City Manager's Office to find out how to get on the agenda and they were not present and not able to assist me. What I wanted to mention is that what I think the Chairman intended, and I agree with him, is that someone from the Post Office would be able to confirm or make it understood that you and I may already know that the Post Office do not have to go through the Planning Commission or the Board of Zoning Appeals. There was a post office built in 1997 and in 1997 our Post Office was also built at the same time, and that post office is Shaker Heights' post office and they had the post office to go through their Board of Zoning Appeals and their Planning Commission and I was able to get the documents that I passed out to you people without any trouble at all. He said when he tried to get such documents from our Planning staff; they said there were not any. I thought that was a bit odd. He stated he knows 1997 was a long time ago but it's been a long time that he has been trying to get someone to listen and appreciate the issue. He said he hasn't been able to do that and it's a sad situation when you are not able to get people to appreciate a serious issue. If you lived within a football's throw of a bunch of noise, then there is something wrong. He said he hates to just give his opinion on something and have it sound very negative but it's his opinion that the paperwork that was done by Shaker Heights is similar to what we use, and I think that the Planning Commission and the Board of Zoning Appeals were bi-passed for the purpose of allowing the Post Office to violate the buffer zone and to set a precedent so that the buffer zone would be violated then and again and again. He stated he does believe that this has been violated north of the Post Office in the community that was built that and I just wanted to just get this out and I thank you very much for your time and your patience.

Mr. Cobb responded that he was quite welcome and we will have the materials entered into the record.

Mr. Lampkin asked if anyone had any questions.

Mr. Cobb asked what exactly is it that you would like this board to be able to do.

Mr. Lampkin replied, like you said, there is nothing you can do. He just wanted to use this board as an opportunity to make people aware of that sometimes we have this idea that has been put in our head, that things are like this when actually they are not like that. If you request from the Post Office that you want them to do the courtesy of going through the Board of Zoning Appeals, they most often do go through the Board of Zoning Appeals and the Planning Commission. I was always looking for the paperwork that suggested how did we miss this, how did this happen, without the Planning Commission and the Board of Zoning Appeals being involved. He stated we may have been able to eliminate or improve the situation where I have lived for the last 17 years and where I can't live another year. When you are 64, your life is behind you and the last 17 years were very important in my life and the fact that I was awakened, and awakened night after night certainly has some influence on my condition now. I understand that we can't go back and fix that but having the Planning Commission aware of this we can always prevent situations like this happening sometime in the future, maybe not in Cleveland Heights but you may be able to assist some one of your sister cities sometime in the future with something such as this. He stated that lives are important and no one should be allowed to invade a person's home. I know that all of you have to agree with that 100%, it's not the thing that any city stands for, at least not Cleveland Heights but we did it. Mr. Lampkin said when he asked the Law Director, "how did this happen," the answer he got staggered him and because he is not here to defend himself, I will not say what he said, it just staggered me. I thank you for your time.

Mr. Lampkin asked if there were any more questions.

Mr. Cobb replied no, he did not have any.

Mr. Cobb wished him a good evening.

Mr. Cobb asked if there was any other business. There was none.

The meeting was adjourned at 7:36 PM.

Craig S. Cobb, Vice Chair

Richard Wong, Secretary

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