

**PLANNING COMMISSION
OCTOBER 14, 2015
MEETING MINUTES**

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

Mr. Ungar began the meeting by welcoming everyone to the October meeting of the Cleveland Heights Planning Commission. He thanked everyone for being here. He stated the first order of business is to call the roll.

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| Mr. Cobb | Here |
| Mr. Howe | Here |
| Mr. Horowitz | Here |
| Mr. Mattox Jr. | Here |
| Mr. Rink | Here |
| Mr. Ungar | Here |

Mr. Wong stated six present.

Mr. Ungar stated that the first order of business is the approval of the Minutes from the August 12th meeting. He asked if there was a motion to do so.

Mr. Horowitz stated so moved.

Mr. Ungar asked if there was second.

Mr. Howe seconded the motion.

Mr. Ungar stated that all those in favor, say aye.

Aye.

He asked if there were any abstentions.

Mr. Ungar stated he was abstaining since he was not here.

Mr. Rink asked if he should also since he was not here either.

Mr. Ungar stated we do have enough anyways.

Ms. Rothenberg stated you do not have to do a motion anymore, but you are fine you have four.

Ms. Rothenberg stated they made a motion, therefore it is fine.

Mr. Ungar asked if it was approved.

Ms. Rothenberg replied "yes."

Project 15-28: T & R Young, 976 Englewood, 'A' single-family, request cond. use permit for chicken coop and run per Code chapters 1111, 1115, 1121, 1151 and 1153.

Mr. Ungar said he wanted to tell the applicants for the chicken coops this evening, that this Planning Commission is very, very, familiar with chicken coop applications so as a consequence, Ms. Hamley O'Donnell advised him that she is going move through these few presentations with some dispatch and then if there are any members of the audience that have any questions about any of these matters, please indicate for us and we will make sure to recognize you. Mr. Ungar asked that all of those who plan to testify about the first matter, and that includes asking questions as well, please stand and be sworn in by our Law Director.

Ms. Rothenberg swore in those that stood in the audience who plan to testify along with Mr. Wong and Ms. Hamley O'Donnell.

Ms. Hamley O'Donnell began speaking and showed a PowerPoint photo of the property on Englewood Drive. She pointed out the house, the proposed location of the coop, right in the middle of the back yard which is right near their garden. She showed what the proposed coop looked like. She put the list of General Standards for a Conditional Use on the screen. She stated we propose that you will review these based on, as you have in the past, and staff finds that this meets the standards for Conditional Uses listed above.

Staff recommends that the Planning Commission approve the applicants request for a Conditional Use Permit for a chicken coop and run for no more than 4 hens with the following conditions: She stated she would read these conditions one time but they are the same recommendations that I will give on the next coop this evening.

1. Applicant shall adhere to all applicable building code regulations.
2. The use shall not be injurious to the use and enjoyment of other properties in the immediate vicinity or create a nuisance for adjacent properties.
3. The coop and run enclosure shall be of uniform and sturdy design and shall be constructed and maintained in good condition to protect the safety of the chickens and the esthetics of the neighborhood. The fencing material should be securing attached to posts of reasonable strength and firmly set into the ground. The chicken wire or woven wire should be stretched tightly between support posts.
4. At all times chickens should be contained within the coop and or run which shall be at least 10 feet from all property lines.
5. The applicant shall work with staff to resolve any complaints from neighbors.
6. All required construction and installation of the use shall be completed within 18 months of Planning Commission approval.

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

Mr. Ungar thanked her and asked if the applicant would like to supplement anything.

The applicant came to the lectern and stated her name is Teresa Young and this is my husband, Robert Young. Our address is 976 Englewood Road in Cleveland Heights and she stated she has been sworn in. Mrs. Young stated they have been living in Cleveland Heights since 1992. She stated she always has loved the idea of gardening and the urban homestead idea. She felt that the chicken coop would just be the next step for her. She stated she doubled her garden this year and the deer just loved it.

Mr. Young added that he is the quiet one.

Mr. Ungar asked if anyone else had questions or wanted to say anything. There were none.

Mr. Ungar asked for a motion on Teresa and Robert Young's request for a Conditional Use Permit for chickens.

A motion to approve was done by Mr. Rink with the staff conditions provided.

Mr. Cobb seconded the motion.

Mr. Ungar stated this was moved and seconded. All those in favor say aye.

Aye.

Any opposed, there were none.

Any abstentions, there were none.

Mr. Ungar congratulated them and wished them good luck with their chicken coop.

Project 15-30: M. Kelley, 3051 Essex, , 'A' single-fam, request Conditional Use Permit for chicken coop and run per Code chapters 1111, 1115, 1121, 1151 and 1153.

Mr. Ungar asked that all of those who plan to testify about this and have not already been sworn in, stand and be sworn in. The applicant and Mr. Wong and Ms. Hamley O'Donnell had already been sworn in.

Ms. Hamley O'Donnell put the slide of the outside of the house on the PowerPoint. She showed the proposed location and the rear yard. She stated with the Standards for Conditional Uses and recommended approval for a chicken coop and run for no more than 4 hens with 6 conditions:

1. Applicant shall adhere to all applicable building code regulations.
2. The use shall not be injurious to the use and enjoyment of other properties in the immediate vicinity or create a nuisance for adjacent properties.
3. The coop and run enclosure shall be of uniform and sturdy design and shall be constructed and maintained in good condition to protect the safety of the chickens and the esthetics of the neighborhood. The fencing material should be securing attached to posts of reasonable strength and firmly set into the ground. The chicken wire or woven wire should be stretched tightly between support posts.
4. At all times chickens should be contained within the coop and or run which shall be at least 10 feet from all property lines.
5. The applicant shall work with staff to resolve any complaints from neighbors.
6. All required construction and installation of the use shall be completed within 18 months of Planning Commission approval.

Mr. Ungar asked the applicant if they had anything to add.

They answered they did not.

Mr. Horowitz made the motion for approval of Project 15-30 with the conditions as listed.

Is there a second?

Mr. Mattox seconded.

All those in favor say aye.

Aye.

There was no opposition or abstentions.

Mr. Ungar wished them also good luck with their urban farming.

Project 15-32: Cuyahoga County Land Reutilization Corp., 1203 and 1207 Alpine (PPN 682-29-070 & 682-29-071), 'A' single-family, request lot joining per Code chapters 1111, 1115 and 1121.

Mr. Ungar asked that all that wished to testify about this matter please stand and be sworn in by our Assistant Law Director.

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

Ms. Hamley O'Donnell began with the staff report stating that the lot that is on the bottom, or south edge, of this photo is the vacant lot previously had a house which was taken down. Both of the lots are owned by the Land Bank and they have a proposed buyer that would like to purchase this lot from them, renovate and add an attached garage. She stated that both lots are under-sized so by joining them you are actually bringing the lot into conformance with what our Code requests for minimum lot width and the overall lot size. She showed a photo on the screen and stated, as far as she can tell, the existing house never had a garage, so it will also come into compliance as far as it having a garage. She showed the proposed lot joining map and the preliminary proposal for an attached garage. She said they will have a sizeable rear yard. Ms. Hamley O'Donnell stated that staff recommends that the Planning Commission approve the lot joining of Parcel #682-29-070 and Parcel # 682-29-071 to create a code compliant parcel with just one condition:

1. They must within 9 months of filing the lot joining with the county, the property owner shall construct a 2 car garage to bring the property into compliance with code sections 1161.03A1 and 1351.30. Failure to do so will result in a notice of Code Violation and possible court action.

Ms. Hamley O'Donnell stated she did want to clarify that the way this works through the County Land Bank, is that there an agreement with them and the purchaser. They hold the land until the purchaser completes the renovations, which is why the Land Bank is asking for the joining vs. the buyer. She stated that she is familiar with the proposed buyer and he has done work in Cleveland Heights and his goal is to make homes that are handicapped accessible or ones with first floor living, a first floor full bathroom and an attached garage, which is something that we do not have a lot of in Cleveland Heights.

Mr. Ungar asked if there were any questions of staff. There were none.

The applicant had nothing to add.

Mr. Rink asked Ms. Rothenberg if he had to abstain since he has a family member that works for the Land Bank. She stated that he should abstain just to be safe since we have a quorum.

Mr. Howe made the recommendation for approval.

Mr. Cobb seconded the motion.

All those in favor, say aye.

Aye.

All those opposed, there were none.

There was one abstention.

Mr. Ungar congratulated the applicant and wished him good luck.

Project 15-33: H. Troutman, dba Horizon Health Services, requests Conditional Use Permit to (a) adaptively reuse Grace Lutheran Church, 13001 Cedar, 'A' single-fam, for office and (b) modify parking requirements to maintain existing 122-space parking lot per Code chapters 1111, 1115, 1121, 1151, 1153 and 1161.

Mr. Ungar began with stating that would all of those who plan to testify about this matter please stand and be sworn in by our Assistant Law Director, and that includes anyone that might wish to comment or ask a question or anything of this sort.

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

Ms. Hamley O'Donnell showed a photo of the proposed location at Grace Lutheran Church. Grace Lutheran Church was built in 1927 and the Fellowship Hall was added in 1967. This is a Cleveland Heights Landmark and a contributing building to the Euclid Heights Historic District. She stated in recent years the congregation has not had the money to maintain this building as they would like. The property was put on the market in 2014 after the congregation's 97 voting members unanimously agreed to sell. In January of 2015, a developer entered into a purchase agreement with the congregation to develop the site for condominiums but found the development financially infeasible. She stated that staff has fielded questions about turning the church and its parking lot into a very dense town home development, a gym and demolishing the church for new condos. Horizon Health Service is currently on North Moreland Boulevard in a building that is just under 12,000 square feet with a 37 space parking lot. She stated they have a purchase agreement in place with Grace Lutheran Church and plan to maintain the entire building for offices for his and his wife's home healthcare company, Horizon Health Services, which is located here in Cleveland, Ohio. The company currently has 618 employees, the vast majority who work in clients homes providing home healthcare. She stated that approximately 50 office employees will be on site, Monday through Friday from 8:30 AM to 4:30 PM. The other home health aide employees and nurses will come into the office only occasionally to meet with office personnel or to pick up a paycheck. Some paychecks are mailed but some staff pick up their twice monthly paychecks on Mondays, typically spread out throughout the day but more in the morning than in the afternoon. At their current site they have 37 parking spaces and they have said this is sufficient for their 18 current office staff and for pick-up but not for anticipated growth which is why they were looking for a new site with adequate parking.

Ms. Hamley O'Donnell said that, on occasion, when they have a demand for healthcare aids but not enough trained applicants, they host a free two week training class for up to 20 people during business hours. This is basically just employee training for their staff. No health care clients will come to their site, any health or medical equipment, or medical waste will be delivered or stored at this location. There will be no exterior changes with the exception of the face of the existing sign and exterior repairs which are the result of deferred maintenance. She said any interior improvements will be undertaken but the applicant does not intend to alter the architectural character of the space which they have said is what attracted them to this site. The pews will be removed to accommodate offices but no substantial changes are proposed. As she noted before, the site has 122 parking

spaces and two parking lots with no changes being proposed to those lots. She stated our code does require, based on the square footage of this building and its use as offices, that there be 130 parking spaces on the site and again, they have 122 presently. They are asking the Planning Commission for approval for the adaptive reuse of the entire church building, for Horizon Healthcare Services offices and also asking for the Planning Commission under Code Section 1161.05 to find that the parking requirement is excessive and the Planning Commission approve a lesser number of parking spaces based on their demand and use of this space.

Ms. Hamley O'Donnell stated she would now go quickly through some photographs. She stated that many of you that drive down Cedar are familiar with the exterior of this site. She stated the current conditions will not be changed. She showed the eastern parking lot and the house that is right next door. Another photo showed the eastern parking lot that the house is behind on Derbyshire. She showed a driveway that goes behind the church. Another photo was of the houses behind and the western parking lot. One of the photos showed the western parking lot with a chain link fence across the whole back of the property. Ms. Hamley O'Donnell pointed out where the neighbors have tried to gain some privacy by hedges or fencing on their own. She showed the house which is to the west of the parking lot. Last, she showed a few photos looking across the street. She stated the Planning Commission will review this based on the Standards for Conditional Uses as well as the Standards for Adaptive Reuse of a non-residential building.

Ms. Hamley O'Donnell shared the Standards and staff comments:

(a) That the conditional use will be in general accord with the purpose, intent and basic planning objectives of this Zoning Code, and with the objectives for the district in which located;

Churches are conditionally permitted in an A single family district and adaptive use of such building is also conditionally permitted as long as the applicant is sensitive to the adjacent residential uses. The use of a church building for offices should be in keeping with the objectives of the zoning code. When we passed this addition to the zoning code in 2012, we anticipated that some institutions such as churches, synagogues and schools in residential districts may not be able to continue to operate. We wanted to assure that these older buildings would be able to be adapted for a use rather than demolished.

(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; We believe this office use as proposed is not expected to negatively impact the public health, safety, welfare, or comfort. They have typical office hours, 8:30 to 4:30 and they typically only have 50 employees on site. All the activities will take place inside of this solid building. No substantial deliveries are anticipated and no medical supplies or waste are brought to the site.

(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;

No change is proposed to the site. Any exterior change, including the signage, would require the approval of the Architectural Board of Review and the Landmark Commission. The site does have significant landscaping which will be maintained. The applicant should submit a screening plan that would include additional perimeter landscape screening of the

parking lots, buffer yards, and dumpster screening. Perimeter parking landscaping, which runs the length of the parking lot where it abuts the street, must be landscaped with trees and shrubs. Screening of the adjacent eastern and western resident should be installed with input from those residents and whether they prefer fencing over landscaping. A dumpster location, if proposed, must also be screened with a solid fence or a wall and a gate. Any exterior lighting proposed shall be submitted for the Planning Director approval. As you are aware, the Code prevents unshielded light fixtures and prohibits direct glare or spill-over light on neighboring properties.

(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;

Since this was a church for decades, neighbors are accustomed to activities around the site. There is no reason to believe that this office use would negatively impact the neighborhood. The hours of operations will be typical office hours and office uses typically do not generate noise.

(e) That 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;

The intention of the applicant is to maintain this building and will allow this architectural landmark to remain. Preservation of buildings like this help assure the normal and orderly development and improvement of surroundings residential properties.

(f) That adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided;

Adequate utilities and roads are necessary. There are no changes proposed on the site.

(g) That adequate measures have been or will be taken to provide ingress and egress designed as to minimize traffic congestion in the public streets;

This has to do with egress. Any use of the building will increase traffic from its current underutilized condition. With only 50 employees, traffic not expected to be as intense as it was when this was occupied by a thriving church. We do not anticipate any backups on to Cedar from the proposed use.

(h) That the establishment of the conditional use should 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;

The church is currently exempt from property taxes and has minimal paid staff. The new for-profit use of this site will put the site on the tax rolls and its 40-50 on-site employees will generate income tax to Cleveland Heights. Its 600 off-site health care workers will pay taxes in the communities that they are doing their work. We anticipate no excessive additional requirement at public cost.

We also have the Supplemental Standards for Conditional Uses in dealing with Adaptive Reuse of Non-Residential Buildings in residential districts, which states that the building was clearly non-residential and its original construction. Office is one of the permitted uses.

(3) Off-street parking is required in accordance with Chapter 1161 of this Code.

There is no proposal to change the existing parking.

(4) *The character of the site and community amenities should be preserved, maintaining a balance between the building, green space and parking.*

The site and the character shall be maintained. The existing parking and green space will remain unchanged and a landscape, screening and lighting plan shall be a condition of this approval.

(5) *These shall be no mechanical, electrical or chemical equipment utilized in furtherance of use, except as causes no disturbances of any kind beyond the premises where the use is located.*

No equipment is planned but the applicant has been briefed on the importance on the HVAC equipment not affecting the neighboring homes. In 2002, Grace Lutheran Church was brought to the Planning Commission to rectify an air conditioning noise problem. The existing equipment was subsequently moved from a flat roof on the north part of the building to the ground between the building and Cedar Road.

(6) *The conduct of such use shall not be offensive to neighboring property owners or occupants by reason of excessive noise, late hours of business activity, the intensity of the business activity or other such reason.*

The applicant proposes regular business hours and everything will take place inside the building, unlike a church which is used for activities, mostly in the evenings and weekends. Activity for the office use will take place during the day time. Fifty employees will work in the office inside the building and park daily in the parking lot.

(7) *The use must provide and adhere to a plan for minimizing negative impact of the operation on neighboring properties due to noise, hours of operation or other external effects of the operation.*

Staff has periodically received noise complaints from an East Derbyshire neighbor. These stem from worship services from open church windows. This use is anticipated to be less noise intrusive than past uses.

(8) *Signage shall meet the requirements of the original use as set out in Chapter 1163.* Any signage will require the approval of ABR and the Landmark Commission.

(9) *For any non-residential use, outside storage or display if prohibited. All servicing, processing and storage uses must be fully enclosed. Diminished setbacks due to alterations or additions shall meet the setback requirements of the original use as set forth in schedule 1153.03 unless a variance is obtained.*

The applicant does not propose any outside storage or display but this should be a condition of approval.

Ms. Hamley O'Donnell stated that the last item reviewed is based on our Sustainability Guidelines. Most of these guidelines are not pertinent to this application, however, the first Sustainability Guideline encourages historic preservation and adaptive reuse of existing structures. They encourage the use of an existing building and this is important to Cleveland Heights' sustainability and providing a service required by many families also contributes to our community success. The addition of property tax and income tax also contributes to the city's sustainability.

Ms. Hamley O'Donnell stated there are two staff recommendations:

Staff Recommendation A – Staff recommends the Planning Commission approve a Conditional Use Permit to adaptively reuse Grace Lutheran Church for offices for Horizon Health Services with 10 additional conditions:

1. Applicant shall return to the Planning Commission for approval of any significant exterior building 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. All Housing Code violations shall be completed within one year of property transfer;
5. Architectural Board of Review and Landmark Commission approval shall be required for exterior changes to the building or sign;
6. All parking shall be accommodated on site;
7. Deliveries and trash pick-up shall not take place before 7 a.m. or after 9 p.m.;
8. Applicant shall submit a landscaping and fencing plan that includes additional parking lot perimeter landscape screening, buffer yard (side yard) screening and dumpster screening per Code sections 1166.06, 1166.07 and 1166.10. The plan shall include a solid wood fence along the rear (north) property line and screening along the side (east and west) property lines shall be approved by the Planning Director with input from the abutting neighbors and shall be completed within 1 year of Planning Commission approval;
9. If new exterior lighting is proposed, applicant shall submit lighting plan for Planning Director approval; and
10. All required construction and installation of the use shall be completed within 18 months of Planning Commission approval.

Staff Recommendation B – Ms. Hamley O'Donnell stated that because the proposal has sufficient parking to meet Horizon Health Services' demands, staff recommends that the Planning Commission approve a Conditional Use Permit for reduction in parking spaces to maintain the existing 122 space parking lot, instead of the required 130 spaces with the same conditions as above with one additional condition:

1. Applicant shall return to the Planning Commission for approval of any significant exterior building 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. All Housing Code violations shall be completed within one year of property transfer;
5. Architectural Board of Review and Landmark Commission approval shall be required for exterior changes to the building or sign;
6. All parking shall be accommodated on site;
7. Deliveries and trash pick-up shall not take place before 7 a.m. or after 9 p.m.;
8. Applicant shall submit a landscaping and fencing plan that includes additional parking lot perimeter landscape screening, buffer yard (side yard) screening and dumpster screening per Code sections 1166.06, 1166.07 and 1166.10. The plan shall include a solid wood fence along the rear (north) property line and screening along the side (east and west) property lines shall be approved by the Planning Director with input from the abutting neighbors and shall be completed within 1 year of Planning Commission approval;
9. If new exterior lighting is proposed, applicant shall submit lighting plan for Planning Director approval; and

10. All required construction and installation of the use shall be completed within 18 months of Planning Commission approval.
11. The applicant shall maintain and revise, if necessary, procedures that avoid vehicular congestion onto Cedar Road from the periodic visits of off-premise staff and trainees.

Ms. Hamley O'Donnell stated she did ask the applicant to have a neighborhood meeting which they did do a week and a half ago or so. She stated that about 15 residents came and most of it is in the staff report that covers most of the concerns and the issues the neighbors had. The applicant is here also and some representatives also of the church are here this evening.

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

There were none, so next we will hear from the applicant.

A gentleman came to the lectern and stated his name was Holden Troutman and is one of the managing partners of Horizon Health Services. He stated his current address is 2618 North Moreland Boulevard, Cleveland, Ohio and he stated he has been sworn in.

Mr. Ungar thanked him and welcomed him.

Mr. Troutman stated Ms. Hamley O'Donnell was very thorough. He did not know how much more he could add at this point. Mr. Troutman stated what did attract them to this particular property was the traditional look and the grandeur of it. He stated he has lived in Cleveland his whole life and although he knows he looks 25 he is actually 52 years old. He stated how beautiful the property is and even more so when he got to go inside. He stated is a retired commercial general contractor and he has worked on everything from renovations to Cleveland Clinic projects and sewer work. Mr. Troutman stated he is very familiar with renovation and restoration and he gets much enjoyment out of that. He stated he likes traditional architecture. He stated they love the wide open floor plans and that is exactly what is here so he does not plan to construct any interior walls as there is no need. The way their office operates, it is almost like a library inside with the exception of the phone ringing. He stated they are looking forward to getting inside and fixing it up. He stated he plans on making sure the landscape is absolutely beautiful and they are excited about it. Since they are looking to expand, it did not dawn on him initially, but when we were talking in the meeting, we will be on the tax roll now. He stated they do have room to expand so, of course, when we get to the point where we can surpass the 50, we will be back for more, but that will also bring more revenue to the city.

Mr. Ungar asked if he could give the Commission a quick primer on the business for the benefit of the folks that are here in the audience. If you could give them a sense of what it is that Horizon Health Services does.

Mr. Troutman stated they are exclusively a home health care business and we do exactly what the name indicates. He stated that they service clients in their homes. He stated that most everyone here can probably remember that there was a time that you would go to the hospital and stay there a week or two. Times have changed significantly over the last few decades. He stated that now they give you surgery and roll you out the door with quickness. He said they provide those services that patients need and also it turned out to be a large group of seniors who were not quite in the position to go to a nursing home, they did not want to go to assisted living, so they wanted to stay home. Now they can. He

stated they provide services for them as well. He stated there are so many other instances that they service clients with all different kinds of needs. Mr. Troutman stated the vast majority of their employees, as Ms. Hamley O'Donnell stated, work outside the office and we hardly ever see them. He stated that they mail out about 60% of their paychecks so 40% come in the office twice a month and even then they do not all come on Monday. He said that some people come later on in the week.

Mr. Ungar asked if anyone on the Planning Commission has any questions for Mr. Troutman. They did not.

Mr. Ungar thanked Mr. Troutman.

Mr. Ungar asked if anyone else wanted to speak either on behalf of the applicant, against it or ask any questions about it.

A man came to the lectern stating his name is Lawrence McKinney and he lives at 3020 E. Derbyshire. He said his property is right along the back of the parking lot of the church. He stated that he has been sworn in. Mr. McKinney just wanted to say he has lived there for 45 years and he has a back porch that he enjoys and a nice view for about 1,000 feet and he does not want any fences or any screens. He would like the lot to stay open. He feels that bringing a commercial business into a residential area will lower his house and property values. He felt they should go someplace else and put their business there. He likes that he is isolated right now except for Sunday, he sees no traffic. He feels with someone being there six days a week, it is too much. He thanked them.

Mr. Ungar asked if there were any questions for Mr. McKinney and there were not.

A woman came to the lectern and stated her name is Althea Cheatham and she resides at 3012 E. Derbyshire Road and she has been in her home since 1968 so almost for 45 years. She stated she is one of those that have raised her family on this street and has seen the coming and going with the changes and looks forward to staying there as long as she can. She also stated that she was sworn in. She stated that there are several points, the first is the loss of the church. She stated that some 40 some years ago she has had the privilege of listening to the Cleveland Orchestra when they played there. She stated she has very strong and mixed emotions tonight. Ms. Cheatham stated she attended the meeting that was held by Mr. Troutman on that Friday in October. There were about 15 people attending. She stated that her property is immediately and directly behind what would be the sanctuary of the church. She stated in the area between the church and her line is a driveway, a very narrow one. She came here this evening asking if this is a done deal. Ms. Cheatham still feels it is her right to speak and that is what brings her here this evening. She is concerned about a commercial business coming into the middle of a densely residential community is heart-wrenching to her. She stated she knows the members of Grace Lutheran want to sell the church and get on with their lives. She wondered why there were not more people at the meeting in October. She stated she even asked Mr. McKinney about not being present, he stated he never did get any letter so she is hoping that everyone was included in the mailing because she has spoken to neighbors about this. Ms. Cheatham felt that in all fairness, this is a very big transaction. She had a list of questions and wanted to ask them this evening. How does this church being a Landmark change when this building is sold in light of the changes proposed. During Mr. Troutman's presentation, he stated he was hoping to expand his program to include training for additional staff members. So that means, right now, they will have a small number of people as aids but

he is looking forward to expanding, it was mentioned in the neighborhood meeting that once this is sold and the sale is final, that the Horizon Home Health Services is free to do whatever they please with that property. This really concerns her as the church is designated as a Landmark. She stated she went on the internet and found a Horizon Service listed as a non-profit agency based in England. It appears that this is not the same entity but she is asking anyway. She stated that Mr. Troutman proposes to convert the entire building into office space for 40 employees. She asked if he gets approval to go ahead with his plan, to her, it means he is going to gut the church and convert it into office spaces for 40 employees and then, as he said at the meeting, they are looking to expand so there is a possibility that we will come back and want to build additional space on to the church.

Ms. Cheatham asked if the sale goes through, what will the new owners be required to do to provide separation between property lines for health and security purposes. Things like traffic congestion along the rear of the property and the fumes that will come with the cars going by. She said that at the meeting there was a person who was reporting on this case. She said she asked him where he lived, and he did not live in the area but he indicated that he was a person who does refurbishing. Ms. Cheatham wanted to say that it is basically disheartening to her. She still feels that not too many people knew that this meeting was going to be and who was on the mailing list and are you really going to move forward with it having as much involvement this will have in the city. She stated in the recent years she has to go out personally and speak to the leaf person and snow removal person. They blow the leaves randomly into her yard. She asked how the owners will be protected and how much consideration are you going to give to them. Ms. Cheatham thanked everyone very much.

Mr. Ungar stated he will start and try to answer all her questions. He asked for staff's response on the question about the notices to the property owners.

Ms. Hamley O'Donnell replied that our Code requires a certain amount of notices be sent. She said that she can tell Ms. Cheatham that 55 notices were sent out. She stated we actually over notified based on the minimum that is required, properties on the same side of the street which abut the site on which the use is sought to be located, those are the houses on Cedar, right next to it, and then the properties on the same side of the street, next contiguous to the premise and abutting, which is the second house on each side of Cedar and then the properties on the same side of the street next contiguous so that is the second house on each side of Cedar, the third area is properties across the street, immediately opposite the site and the premises opposite the abutting and contiguous premises. Those two properties on either side, and everyone across from the church and those the 2 adjacent properties and either side and then all other properties abutting this site which is basically those houses that are on East Derbyshire where Ms. Cheatham lives. Ms. Hamley O'Donnell looked further at the map, we actually went further down about 8-10 houses east and west on Cedar Road and then across from there. She stated we actually went from Cottage Grove more or less to Westminster on Cedar and then all of the properties in the rear on E. Derbyshire that abut the church property. These were the same label lists that we provided to the applicant to provide notice to neighbors about the public meeting. These were all mailed 10 days in advance of this meeting tonight.

Mr. Ungar asked about the Landmark status change that Ms. Cheatham asked about.

Ms. Hamley O'Donnell stated she wanted to make it very clear that this approval is based only on this use inside this building. Once they get this building, they cannot do whatever they want. They could not tear it down and build an office building in there. The only reason they are permitted per our Code is because they are in an existing building. If they were to decide to demolish this building, they would not have permission to go and do that and they understand that. If they wanted to add to this building, which, from my conversations with the applicant, I do not believe that they have any intention of adding on to the building and if they did, they would be back before this commission with notification and we would be doing the same process for any addition. She reminded, as in the Staff Recommendations, any expansion of their operations, any desire to lease properties to someone else similar to what we have seen at Coventry School, they would have to come back before this Commission. If they wanted to triple their staff, they would be back before this Commission again. She stated they understand all of this and they were given our staff report a week or so again. The Landmark status is that this property will continue to be a Landmark. The Landmark Commission only regulates exterior change of any Landmark property, that being said, the Landmark status is more honorary. If any Landmark in the city thought about tearing down the building, they could but because of this Conditional Use they could not tear it down and build a new building there.

Mr. Ungar asked about the concern of traffic and safety with that rear access road.

Ms. Hamley O'Donnell stated that we anticipate that the parking will be less than when it was used as a church, there are fewer people there at one time. She stated that, aside from the pickup time, the two Mondays a month for the employees picking their checks up, we anticipate that people will come in park from 8:30 a.m. and possibly leave at lunch and there will not be a lot of in-and-out day-to-day.

Mr. Ungar asked about her concerns about her wellbeing with the Conditional Use Permit becoming effective. He asked that she discuss her rights.

Ms. Hamley O'Donnell answered that a Conditional Use Permit is a permit to operate with conditions that we suggested. She stated there are multiple conditions on the approval, 10 or 11 and one is that the use should not be injurious to the enjoyment of neighboring properties and that they should work with staff settle any complaints. She explained that Mr. Wong had worked with neighbors in the past, like with their air conditioning unit and noise problems. She explained that what happens is that if there becomes a problem, whether it is excessive noise, or traffic issues, the Planning Commission would work with the applicant to get them to resolve any complaints or concerns and if that did not work, we would bring the applicant back to consider revoking their Conditional Use Permit. They need that permit to operate. She stated it doesn't happen very frequently, we generally find that people will work well with us, but we have definitely called people in here when they are not cooperating and being a good neighbor.

Mr. Wong stated to Mr. Ungar, that in the 23 years he has been here, we have had a number of places of worship that have posed a challenge to neighbors because of their noise. It usually ended up being their music being too loud. He stated they have never had a noise complaint from an office use so that's why we say typically they don't usually come from offices.

Ms. Hamley O'Donnell said that she mentioned the back driveway, she did drive back there, and she can't imagine there being many instances that the driveway would be used, it is

narrow and it appears that it would be longer to drive that way and didn't see a need to travel between the two lots.

Mr. Ungar asked Mr. Troutman to come back up.

Ms. Hamley O'Donnell was asked to show the driveway on the overhead. She did. It was asked if her backyard was the corner that is shown on the slide. She answered yes. When it was a church this driveway would have been useful, in this case, there are only 50 employees there.

Mr. Ungar asked if Mr. Troutman would confirm either way about the Horizon business in England.

Mr. Troutman answered that would be nice since we would be making much more money than we are currently, but no it is not [connected to his business].

Mr. Ungar asked him about how many employees you would have on site for training from time to time and how you would manage that from a noise and nuisance perspective.

Mr. Troutman answered by saying that last year, he stated they held a total of two 72-hour classes for the entire year. This is not an extension of our business model. He explained this is another income stream for us and we only do this. First he wanted them to know that the health care industry is a highly regulated industry. We regularly get audited so we have to always make sure everything is above board according to all the regulations. So before a home health care aide can go out to service a client, they have to be certified through a 72-hour course. He stated there are businesses that offer this training and it costs several hundreds of dollars. We don't charge for this because we only hold it when we find an influx of customers or we have a large group of aids leave for whatever reason within a short period of time and we need to service our clients and we can't find them through regular recruitment. So, from time to time, we hold these courses. This is not anything large; we may have 20 people for a course for 72 hours and again last year we did it twice. Mr. Troutman stated he cannot imagine anyone even noticing that we are having a class. He stated the people come, they go an area that can accommodate 20 people, and there are many areas inside that facility that can do that. They then learn how to be a certified Home Health Aid.

A gentleman asked where they plan to put the offices. The audience member stated that there seems to be a lot more space than what you would be using for 18 to 50 people.

Mr. Troutman answered that there will be many departments that make up our business. He stated they have HR, nursing, intake, scheduling and we have different types of clients. We have bi-lingual, Russian and Spanish, and in our scheduling department, we have them divided up into two different dialects. He said it benefits them to have them separated and spread out as much as possible, which is how we operate now. He said part of why they have not expanded as far as their managerial staff is because we don't want people parking on the street, we don't want any spillover out into the community. We want to contain all of our employees on our property. He stated there is no dire need for use, we are not a tech company where there is an explosion of business, we are very steady and we know what we are doing. He stated they have doing this since 1989 and we grow according to our opportunities. We now have this opportunity to get this beautiful building and we can afford to bring it back to its original glory.

Mr. Horowitz asked so you will be using the whole building and people will be parking on both sides. He asked which entrance people will be using.

Mr. Troutman answered that his staff will be parking on the larger parking lot, right now we are still have not put a whole lot of time into this because everything really hinges on whether or not this will be allowed. He stated they have not logistically placed all of the departments throughout the building, but we have been discussing it a lot. Mr. Troutman stated there are several areas that they do not need to occupy right now. He said the main entrance will be in the beautiful sanctuary; who would not want to use this as their front door? He continued saying that they love open floor plans so there will be no walls constructed inside so that will not affect the Landmark portion of it. He plans to have more executive staffing and accounting in that portion. He asked Mr. Horowitz if that got closer to it?

Mr. Horowitz stated he was fine for right now.

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

Mr. Troutman wanted to add something about the concern of the rear area, he stated he has also driven through there, too. He stated it is tight and he cannot imagine a school bus getting back there. He said that his office is about 99% women and they choose to not go in places that are a little confined and not where they can be seen. He said he could not imagine any of them ever driving back there for anything. He also wanted to speak on one of Ms. Cheatham's concerns about potentially building an addition in the future. He said there is no need and this place is three times the size of their current office. He said there is no need and they do not want to mess up the look of the church, if we needed to do that, you have enough buildings around here, but that is a whole other hassle to do that so there is no point.

Mr. Mattox, Jr. asked about the leaves blowing and we had a conversation about barriers back there.

Ms. Hamley O'Donnell answered that what staff was suggesting as one of our conditions, there is a chain link there but is pretty deteriorated in places and what we were recommending as a condition that there be a solid fence put back there but now she understands that one of the neighbors does not want a fence there so one of the things she would amend that the condition would say a solid fence *where desired* by neighbors or something to that affect. She said if the neighbors are happy with the existing conditions, and they like the chain link and they like to be able to see through it, then who are we to change something if this is what they prefer. She stated their thought was it might be nice to give some privacy to the neighbors back there. Mr. Ungar asked Mr. Troutman if he as fine with leaving it as it is, his take is perhaps to have a dialogue with your soon to be new neighbors and seeing what they think about things and then working with our Planning Staff to ensure that what you do is good with them. Ms. Hamley O'Donnell stated that what we do in a lot of cases, is that we work with the neighbors, so we hope that every part of the fence would not be different depending on their desire. She stated we would want some sort of regularity and typically that falls into the landscape plan which is approved by the Planning Director and hopefully come to some sort of agreement so everyone was happy with the outcome. She stated as you can tell on the end, you can tell clearly the people were trying to get some sort of privacy for their backyards. She stated it looks pretty bad

along here and places where there is a deteriorated fence, so our intent was to try to clean it up.

Mr. Mattox, Jr. asked if the parking lot is locked at night or always open. Mr. Troutman answered there are no gates and he wasn't even sure if they were allowed to do that.

Ms. Hamley O'Donnell stated that any change would have to be before ABR and the Landmark Commission but at this point there is none.

Mr. Ungar asked if anyone else wished to say anything.

A woman came to the lectern and stated her name is Lyn McCullen and has been sworn in. She said she lives at 20020 Fairmount Blvd., in Shaker Heights but is a member Grace Lutheran and has been a member since she was 6 years old. She knows that the neighbors are concerned and they are saddened that Grace cannot continue but she was not sure if they appreciate the kind of heart wrenching decision has been for Grace and that we have done this with as much care and concern as possible about who might move in there. She said when she first met Mr. Troutman and was able to speak with him she was very impressed by the fact that he really likes the building and he appreciates the architecture and, just as some comfort to the neighbors, we are very much running out of time and energy and she thinks that Mr. Troutman may prove to be a much better neighbor than we have been able to be for the last 10 years or so.

Mr. Ungar thanked Ms. McCullen for being here this evening.

Mr. Ungar asked if anyone else would like to speak on this project this evening. He wanted to thank everyone for their patience and comments and he felt it has been a very productive dialogue.

Ms. Rothenberg made a recommendation before the motion is made, she stated it seems like there is some concern in response to what has been said about Condition #8 and it saying that the plans "shall" include a solid wood fence and since whatever plan it already talks about the neighbors giving input and the ultimate plan being approved by the Planning Director. She stated to give it a bit of flexibility and to have a real conversation back and forth, she felt an easy fix would be to change it to the "plan may include a solid fence" so the applicant understands that it the most expensive option, probably that is on the table, so at least it makes it clear that it could be an expensive solution.

Mr. Ungar offered how about the plan "shall address fencing along the rear." Ms. Rothenberg agreed.

Mr. Ungar continued saying with that amendment and the parking lot situation would be a separate motion. He asked if she had a preference on which should be taken first.

Ms. Rothenberg answered, the parking lot makes sense if the use is going in. She stated she would like the use first.

Mr. Ungar asked if someone would like to make a motion in respect to the use of property for Project 15-33.

Mr. Horowitz stated he moved to approve Project 15-33 with recommendation A , approval of the Conditional Use with the 10 conditions including the modification of Condition 8 to read that the plan shall address fencing along the west north property line and screening along the side which will be approved by the Planning Director.

Mr. Ungar asked for a second.

Mr. Cobb seconded the motion.

All those in favor say aye.

Anyone opposed, there were none.

Any abstentions, there were none.

Mr. Ungar stated this carries unanimously.

Ms. Rothenberg stated she wanted the record to reflect that Mr. Rink had a conflict this evening and he left at 8:05 p.m. so there will be one less to reflect on the record.

Mr. Ungar stated the use is approved and now we need a motion in respect the Conditional Use of the existing 122 space parking lot.

Mr. Horowitz made the motion for approval for the staff recommendation (B) which is the reduction of required parking from 130 to 122 spaces with the additional condition regarding the vehicle congestion if it arises.

Ms. Hamley O'Donnell stated it is our recommendation that it is the previous 10 plus the 11 and we will give these two separate permits. She is referring to the 11 conditions.

Mr. Horowitz changed to be all 11 conditions in recommendation B.

Mr. Ungar thanked them for the motion is there a second for this.

Mr. Cobb seconded the motion.

All those in favor say aye.

Aye

Anyone opposing or any abstentions, there were none.

Mr. Horowitz wanted to say that whenever we have case come up before us, whether it is a church or something else, it is always difficult because we don't get to put into it the ideal tenant which is the one who is already there, and we usually have to make some sort of a compromise in terms of what is going to end up there. The worst thing that is going to happen is that the property remains empty and deteriorates or is taken over by something that is not successful and where reinvestment cannot happen and again where the property deteriorates, that seems to be what we want to avoid at all costs. We know that a commercial establishment in that space would be less ideal than it being a residential or a

church, but we all would agree that a quiet office use is the best available use of this space to ensure the stability of the neighborhood.

Mr. Ungar stated that everyone agrees that is one exquisite building.

Mr. Ungar asked Mr. Troutman if his soon-to-be new neighbors want to reach you, what is the best way they can contact you.

Mr. Troutman replied he will share his number with them.

Mr. Ungar stated he did not need to do this on the record but at the end of the meeting, say hi to them and give them your card to let them know how they can reach you. He welcomed him to Cleveland Heights and wished him the best.

Mr. Ungar thanked Ms. McCullum for her heartfelt words about the church.

Mr. Ungar stated we are done with the formal projects on the agenda.

Mr. Ungar asked for an update.

MASTER PLAN

Mr. Wong stated there is a Steering Committee with your chair that did meet one time and we are putting together now, with the County Planning Commission, current conditions. It's an 80 page document that we are working on right now and it will be fantastic, it is nicely illustrated and very detailed. He stated once we get done with that, we will share it with the Steering Committee and that at point it may make sense for Ms. Knittel to give you a briefing on where we are so you are kept up to speed without progress.

Mr. Ungar stated that for the veterans on the Planning Commission, and I mentioned this to Ms. Hamley O'Donnell when we spoke, the conversation was like dejavue all over again. He said it was very similar to our discussions, our strategic development plan discussions of two or three years ago. Ms. Hamley O'Donnell stated they did share this document with the County very early in the process.

Ms. Hamley O'Donnell stated she wanted to give all a heads up for our meeting next month, we will a preliminary review like we did of the high school in January, we will have a preliminary review of the proposed Hebrew Academy at Oakwood and they have a drawing and they have had a neighborhood meeting that she was at last night with the people who live on Oakwood Drive. Hebrew Academy will come to us with a non-voting meeting just to hear questions, comments and concerns.

Mr. Horowitz asked is this for the whole academy to move over there?

Ms. Hamley O'Donnell said no, the boys are separate, the details are not worked out yet. The boys and the pre-school would be at Oakwood and they are committed to staying on S. Taylor and that will remain a girls' school. That will be on the agenda, likely last, along with a lot joining and another case which is pretty straight forward.

Ms. Rothenberg asked if we take public comments, and Ms. Hamley O'Donnell replied that we did for the high school.

Ms. Rothenberg stated that is at the discretion of the chair if there is no voting.

Ms. Hamley O'Donnell said we did not do a report as a staff, we just said here are the issues and concerns that we have and also she has notes from the neighbors and their concerns. We just let them give the whole presentation. She said the meeting last night was just for the people on the private drive who are the most affected because of their proximity to them, but we have encouraged them to have a neighborhood meeting where they invite the several hundred people that we will notify of this meeting. She stated that she just was on the phone with them today and Ms. Conklin is finishing up the labels, so again like we did with Grace Lutheran they are notifying the same people of a neighborhood meeting and hopefully then some of their concerns can be aired out in the public meeting vs. at this Commission.

Mr. Horowitz asked if they are taking over that whole space?

Ms. Hamley O'Donnell answered that it looks like about 2/3 of the space that is in the Cleveland Heights portion that they purchased, the northern 2/3 portion.

Mr. Horowitz stated then it will basically leave enough space for expansion of the shopping center.

Ms. Hamley O'Donnell stated this is in Cleveland Heights and it is zoned "AA" so they are just focusing on trying to figure out where they want to put the school and doing fund raising and getting through their approval processes. She stated they are trying to figure out what they are going to do with the Country Club portion and how and if they can re-use that.

It was asked how much is buildable, and Ms. Hamley O'Donnell answered there is a stream that goes right through the middle of it so that is a question for the landscape architect. It makes it tricky because you have to push everything to the west end of the side because of the stream and wetlands that are on this site

Mr. Ungar adjourned the meeting at 8:30 p.m.

Michael Ungar, Chair

Richard Wong, Secretary