

**PLANNING COMMISSION
SEPTEMBER 13, 2017
MEETING MINUTES**

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

MEMBERS ABSENT:

STAFF PRESENT: Kara Hamley O'Donnell City Planner
 Elizabeth Rothenberg Assistant Director of Law
 Mary Dunbar City Council Planning &
 Development Committee Chair
 Michelle Lorubbio Recording Secretary

Mr. Cobb called the meeting to order at 7:01 pm and began by saying good evening and welcome to the September 13, 2017 meeting of the Cleveland Heights Planning Commission. All members were present and no roll call was conducted. Mr. Cobb stated, for the record, all members are present.

Ms. Rothenberg swore in all who wished to testify.

Mr. Cobb called for Approval of Minutes from the August 9, 2017 meeting. There were no objections and the minutes are approved as submitted. Approved 7 -0.

Project 17-20: Laura & Rich Stack, dba Village Childcare Center, 2007 Lee, S-2
Mixed-Use, requests conditional use permit for 60-child day care per Code chapters 1111, 1115, 1131, 1145, 1151, 1153 and 1161.

Ms. Hamley O'Donnell presented to the board the history of the property. She described historical ownership to date. She explained that the applicant is seeking approval to operate a day care center in this freestanding building, long used as a child care center. She stated it has nine on-site parking spaces and an outdoor play area. The day-care center that will provide child care services for up to 60 children, infants to 5 years old in accordance with State regulations. Hours of operation will be from 6:00 am – 6:30 pm. She stated that the staff report will be entered into record. She stated that staff recommends that the Planning Commission approve a 60-child day care center at 2007 Lee Road, as described in the application materials, with the following conditions:

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

3. *The applicant shall submit landscape, paving, drainage, and screening plans and an installation schedule for Planning Director approval prior to occupancy;*
4. *This use shall comply with all Building and Fire Department regulations;*
5. *Between the hours of 6:00 a.m. and 8 a.m., workers and patrons shall not congregate in the parking lot;*
6. *Any exterior changes, including fencing within 25' of a public right-of-way and signage, shall require the approval of the Architectural Board of Review;*
7. *Signage shall be installed to designate a minimum of two parking spaces as reserved for pick-up/drop-off only;*
8. *Outdoor play area and practices that meet Ohio Department of Job and Family Services requirements shall be maintained in connection with this business; and*
9. *All required construction and installation of the use shall be completed within 18 months of Planning Commission approval.*

Village Childcare's Laura Stack, 2843 Washington Boulevard, 44118, stated that their intention is to have 60 kids at this location. They are looking forward to opening at this location.

ACTION: Mr. Horowitz moved to approve the request for a conditional use permit with the following conditions:

1. *This use shall not be injurious to the use and enjoyment of other properties in the immediate vicinity or create a nuisance for adjacent properties;*
2. *The applicant shall work with staff to resolve any complaints from neighbors;*
3. *The applicant shall submit landscape, paving, drainage, and screening plans and an installation schedule for Planning Director approval prior to occupancy;*
4. *This use shall comply with all Building and Fire Department regulations;*
5. *Between the hours of 6:00 a.m. and 8 a.m., workers and patrons shall not congregate in the parking lot;*
6. *Any exterior changes, including fencing within 25' of a public right-of-way and signage, shall require the approval of the Architectural Board of Review;*
7. *Signage shall be installed to designate a minimum of two parking spaces as reserved for pick-up/drop-off only;*
8. *Outdoor play area and practices that meet Ohio Department of Job and Family Services requirements shall be maintained in connection with this business; and*
9. *All required construction and installation of the use shall be completed within 18 months of Planning Commission approval.*

Seconded by Mr. Mattox Jr. was unanimously approved.

There were no objections or discussion needed and the motion passes,
Conditional Use Permit Approved 7-0 with the following conditions:

1. *This use shall not be injurious to the use and enjoyment of other properties in the immediate vicinity or create a nuisance for adjacent properties;*
2. *The applicant shall work with staff to resolve any complaints from neighbors;*
3. *The applicant shall submit landscape, paving, drainage, and screening plans and an installation schedule for Planning Director approval prior to occupancy;*
4. *This use shall comply with all Building and Fire Department regulations;*
5. *Between the hours of 6:00 a.m. and 8 a.m., workers and patrons shall not congregate in the parking lot;*
6. *Any exterior changes, including fencing within 25' of a public right-of-way and signage, shall require the approval of the Architectural Board of Review;*

7. *Signage shall be installed to designate a minimum of two parking spaces as reserved for pick-up/drop-off only;*
8. *Outdoor play area and practices that meet Ohio Department of Job and Family Services requirements shall be maintained in connection with this business; and*
9. *All required construction and installation of the use shall be completed within 18 months of Planning Commission approval.*

Project No. 17-21: WXZ Residential Group, LLC, prospective purchaser of 2350 Overlook Road (PPN 685-03-004), currently owned by College Club of Cleveland, MF-3 Multi-Family, requests lot re-subdivision to split into two parcels per Code chapters 1111, 1115 and 1123.

Ms. Hamley O'Donnell presented to staff the location and history of the property. She stated that the staff report shall be entered into record. She described the scope of the project and explained the re-subdivision intention. She stated the College Club property is located in the MF-3 Multi-Family zoning district. She stated WXZ Residential Group, LLC is under contract to purchase the property and redevelop the original portion of the house (removing the later dining room addition) and carriage house for rental housing using both Federal and State historic tax credits and to redevelop the parking lot for new for-sale housing. She stated because of complexities with the Federal historic income tax credit, it is preferable to split the parcel to keep the historic buildings on one parcel and new construction on a separate parcel. She noted the City requires that each building be on its own lot and because the lot re-subdivision would be filed prior to demolition of the later dining room wing, it complicates the lot split. She said the city has told the applicant that an agreement between the City and WXZ Residential Group, LLC will have to be executed prior to your meeting next week. In this agreement WXZ would agree to rejoin the parcels if the tax credit application or project did not move forward. She stated staff recommends that the Planning Commission approve the lot re-subdivision to split permanent parcel number PPN 685-03-004 to create two Code-compliant parcels as shown on the lot split plan by Dempsey Surveying Company and the Demolition Exhibit for The College Club of Cleveland, with the conditions that:

1. *Applicant shall be bound by the executed agreement between the City of Cleveland Heights and WXZ Residential Group; and*
2. *Prior to submitting the plat to the County Recorder, it must be signed by the Director of Law and Director of Planning & Development.*

WXZ Residential Group LLC's Dave Swindell, 13 Steedleview Drive, Hudson Ohio 44236, stated that he was happy to start working with the City of Cleveland Heights and their company is looking forward to this project.

ACTION: Mr. Gaynier made a motion to approve the request of a lot re-subdivision to split into two parcels with the following conditions:

1. *Applicant shall be bound by the executed agreement between the City of Cleveland Heights and WXZ Residential Group; and*
2. *Prior to submitting the plat to the County Recorder, it must be signed by the Director of Law and Director of Planning & Development.*

Seconded by Mr. Howe, the motion was unanimously approved.

There were no objections or discussions needed. *The motion passed 7-0*

Approved, 7-0, with the following additional conditions:

1. Applicant shall be bound by the executed agreement between the City of Cleveland Heights and WXZ Residential Group; and
2. Prior to submitting the plat to the County Recorder, it must be signed by the Director of Law and Director of Planning & Development.

Old Business:

Project No. 17-19: Mayfield-Lee C-1 District. Mayfield-Lee triangle parcels: PPN 681-39-002 (3077 Mayfield Road), 681-39-004 (2490 Lee Boulevard) and 681-39-003 (3008 Monticello Boulevard), all currently zoned C-1 Office (Code chapter 1131).

Ms. Knittel stated: "What staff is recommending is that we do not rezone the Mayfield Lee Blvd and Monticello Blvd triangle. Staff is recommending that we amend C1 districts purpose and to reflect the fact the C1 districts are transitional between commercial districts and residential districts and that we should also review the permitted and conditionally permitted commercial and residential uses and include those that would be appropriate for these transitional areas. We have two C1 districts- both are triangles interestingly, in addition to the Mayfield - Lee-Monticello area. There is also the C1 district along South Traylor Rd and Superior Rd, where the Delisle Center is. So in looking at that recommendation for redefining what a C1 district is we considered both of those districts and feel that it would be appropriate as both are transitional areas between residential and commercial districts. Staff recommendation is to not rezone the district Mayfield Rd, Lee & Monticello Blvd. And that staff recommends updating the C1 districts purpose to reflect that fact that the area is a transitional area between residential and commercial areas; and to review the permitted and conditionally permitted commercial and residential uses and include those uses that would be appropriate for this transitional area."

Ms. Cohen stated: "I think the C1 zoning should remain, as it is has a number of flexible uses. I don't necessary accept the premise that the only way to creatively, innovatively and practically revive this district is to change it to a C3 so a storage facility can be put upon it. That is where I am coming from. I think that there are flexible uses and now with the establishment of the Economic Development department in the city, there can be a partnership there to help them. I also want to add resident's case - and what the Forest Hills HOA sent us for what they want to see out of that is not consistent with their requested zoning change. It is consistent with the C1 zone".

Mr. Mattox Jr. asked whether the public was informed of this recommendation prior to the public meeting.

Ms. Knittel stated that this was the official announcement and no one, outside of staff, knew this recommendation.

ACTION: Ms. Cohen made a motion to approve to: retain the C1 District; and, to update the C1 district's purpose to reflect the fact that the area is a transition area between residential and commercial areas; and, for staff to

review the permitted and conditionally permitted commercial and residential uses and include those uses that would be appropriate for this transitional area.

Mr. Horowitz seconded the motion, and the motion unanimously passes 7-0

Motion passed, 7-0, to retain the C-1 zoning for this district; update the C-1 district's purpose to reflect that fact that the area is a transition area between residential and commercial areas; and to review the permitted and conditionally permitted commercial and residential uses and include those uses that would be appropriate for this transitional area. This would follow the procedures for changes to the Zoning Code.

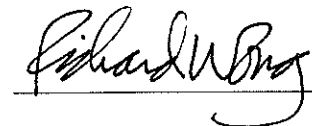
New Business:

Ms. Hamley O'Donnell stated that the October Planning Commission meeting will be held on October 10, 2017 at 7:00pm in Council Chambers. This is a change from the original meeting date, as it conflicts with the Jewish holiday of Sukkot. All members were in agreement to this change. The change has been recorded.

With no further business brought forth, Mr. Cobb adjourned the September 13, 2017 meeting at 7:20 pm.



Craig S. Cobb, Chair



Richard Wong, Secretary

