

**CITY OF CLEVELAND HEIGHTS
PLANNING COMMISSION
MARCH 11, 2020
MINUTES OF THE REGULAR MEETING**

MEMBERS PRESENT: Jessica Cohen Chair
 Michael Gaynier Vice Chair
 Leonard Horowitz
 Adam Howe
 Anthony Mattox, Jr.

MEMBERS ABSENT: Jeff Rink
 Jessica Wobig

STAFF PRESENT: Kara Hamley O'Donnell City Planner II
 Pamela Roessner Assistant Director of Law
 Richard Wong Planning Director
 Christy Lee Recording Secretary

CALL TO ORDER

Ms. Cohen called the meeting to order at 7:00 p.m. She welcomed the audience to the March 11, 2020, meeting of the Cleveland Heights Planning Commission. Everyone is here but Jeff Rink and Jessica Wobig, whose absences are excused. She asked if everyone had a chance to review the minutes from the regular meeting of the February 12, 2020, Planning Commission. There were no corrections or additions to the minutes, so the minutes stand as approved for February 12, 2020. Ms. Cohen explained to the audience that there will be a presentation by staff after which anyone from the audience, including the applicant, will testify and they will need to take the oath or affirmation. Ms. Cohen asked everyone to stand to take the oath or affirmation.

Pamela Roessner do you swear or affirm that the testimony that you're about to give to the Planning Commission is the whole truth and nothing but the truth? Kara Hamley O'Donnell, Richard Wong, and others who planned to testify stood and took the oath.

Proj. No. 20-07: Wizbang Theatre, 2134 Lee, C2X Multi-Use, requests conditional use permit to operate indoor commercial entertainment facility & circus school per Code chapters 1111, 1115, 1131, 1151, 1153, 1161, & 1163.

Kara Hamley O'Donnell asked that the staff report dated February 26, 2020, be entered into the public record and gave a PowerPoint presentation with an overview of the site's history and proposed use. In the former theater, the applicant proposes a 95-seat indoor commercial entertainment facility for variety shows, traveling acts, comedy, music, and magic. The space will also accommodate up to 40 standing patrons. Beer, wine and soft drinks will be available for evening shows. Additionally, a circus and variety arts school will offer classes and workshops for children and adults. Indoor commercial entertainment and educational facilities such as these may be conditionally permitted in the C-2X zoning district. Typical hours of operation range from 9 a.m. until midnight.

When the applicant submitted his application, I told him that it was important for him to contact Building Commissioner Rick Loconti to review all Building and Fire Code regulations

for use of the space (first floor and basement). When Kalliope and Kultivation were approved, the basement was only permitted for storage or for a changing room for employees and no member of the general public was permitted in the basement. If this applicant wishes to use the basement, it would have to meet the requirements of the Building and Fire Codes. If the Planning Commission approves this use, the Building and Fire departments will review for conformance with their Codes. If in compliance, an Occupancy Permit will be issued.

She shared the Standards for Conditional Uses, then recommended approval of the two Conditional Use Permits, which will require two motions, for Proj. No. 20-07: Wizbang Theatre.

(A) Staff recommends that the Planning Commission approve Wiz Bang Theater's indoor commercial entertainment facility, as described in the submitted materials and this staff report, with the following additional conditions:

1. As applicable, the applicant shall be required to obtain rental hall license, liquor permits/licenses, and pay admissions tax;
2. Absolutely no use of the site is permitted without obtaining written approval of Building Commissioner and Fire Inspector and obtaining required Occupancy Permit; Use of basement shall be permitted strictly in accordance with Building Code and other applicable rules and regulations
3. 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;
4. The applicants shall work with staff to resolve any complaints from neighbors;
5. Music and entertainment shall not be audible outside the premises;
6. Prior to opening, the applicant shall obtain Police Chief and Fire Chief approval of an operations and security plan;
7. Exterior identification signs shall be approved by the Architectural Board of Review, window signage shall comply with Code section 1163.06(e)(5), and window transparency shall comply with Code section 1131.076; and
8. All required construction and installation of the use shall be completed within 18 months of Planning Commission approval.

(B) Staff recommends that the Planning Commission approve the proposed educational facility, as described in the submitted materials and this staff report, with the following additional conditions:

1. Use for circus school shall be permitted only upon receipt of an occupancy permit that explicitly permits such use. All other related licenses by the State or County shall be obtained prior to beginning circus school activities;
2. Absolutely no use of the site is permitted without obtaining written approval of Building Commissioner and Fire Inspector and obtaining required Occupancy Permit; Use of basement shall be permitted strictly in accordance with Building Code and other applicable rules and regulations;
3. 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;
4. The applicants shall work with staff to resolve any complaints from neighbors;
5. Music and entertainment shall not be audible outside the premises;
6. Prior to opening, the applicant shall obtain Police Chief and Fire Chief approval of an operations and security plan;
7. Exterior identification signs shall be approved by the Architectural Board of Review, window signage shall comply with Code section 1163.06(e)(5), and window transparency shall comply with Code section 1131.076; and

8. All required construction and installation of the use shall be completed within 18 months of Planning Commission approval.

Ms. Cohen asked if there were any community member who wanted to speak.

Jason and Danielle Tilk, 1803 Rador Road, both affirmed that they took the oath. Mr. Tilk express his excitement of not only being a Cleveland Heights resident, but now owning and operating a business with in the City. He stated that he's looking forward to introducing the Wizbang culture to the community.

Ms. Cohen asked if there were any questions for the applicant and then asked if there was a motion on the floor.

(A) Mr. Horowitz made a motion to approve the Conditional Use Permit for Wiz Bang Theater's indoor commercial entertainment facility, as described in the submitted materials and the staff report, with the eight conditions in the staff report.

Mr. Mattox, Jr. seconded the motion, which was approved 5-0.

(B) Mr. Horowitz made a motion to approve the Conditional Use Permit for the proposed educational facility, as described in the submitted materials and the staff report, with the eight conditions in the staff report.

Mr. Mattox, Jr. seconded the motion, which was approved 5-0.

Old Business

Mr. Gaynier made the Planning Commission aware of the current conditions surrounding Hebrew Academy, 1516 Warrensville Center Road, stating that site work had started. Noting that there have been concerns with how the area currently hasn't been maintained and the worsening condition of the fencing surrounding the location.

Mr. Wong stated that ABR approved the plan with a new ornamental fence that is set back from the curb, and they haven't proposed a sidewalk, but there will likely be room for a future sidewalk.

Ms. Cohen added that they have 18 months to complete the entire plan.

Mr. Wong added that the project is set to be complete September 2021 and the landscaping is projected to be complete Summer 2020.

New Business

Planning Commission said their thanks and farewells to Ms. Hamley O'Donnell as she exits her job with the Cleveland Heights Planning Department and her work with the Planning Commission to go on to a new job.

ADJOURNMENT

The meeting was adjourned at 7:21 p.m.



Jessica Cohen, Chair

Kara Hamley O'Donnell, Secretary

