

RESOLUTION NO. 28-2021 (PD)

By Council Member Ungar

A Resolution approving Board of Control Resolution 2021-01; and declaring an emergency.

WHEREAS, MetroHealth Medical Center, 10 Severance Circle, in an S-1 Mixed Use Zoning District, hereinafter referred to as the “Applicant,” has made formal application requesting approval of Amendment to the Detailed Development Plan, a variance for the reduction of parking, and a conditional use permit to construct a 79,000 s.f., 100-bed behavioral health hospital & construct an additional 12-bed behavior health patient unit in the existing hospital, reconfiguration of the west parking lot and requesting a reduction in the required parking, as illustrated on the drawings by Hasenstab Architects, dated February 10, 2021 and subsequent supplements, herein referred to as the “Project”, and pursuant to Chapters 1113, 1115, 1141, 1143, 1151, 1153, 1161, & 1166 of the Cleveland Heights Codified Ordinances and the Revised Preliminary Land Use Plan for the Severance Town Center District; and

WHEREAS, the Project would require a redesign of the East parking lot, resulting in an overall reduction in parking spaces on the Medical Center campus; and

WHEREAS, a parking needs assessment was provided by Walker Consultants, which concluded that in both the current and future conditions, the actual demand for parking is much lower than is required; and

WHEREAS, the Board of Control held a Public Hearing to consider this application on March 2, 2021 and March 18, 2021, at 5:00 p.m. pursuant to the requirements outlined in Section 1113.03 and 1143.10(c) of the Zoning Code; and

WHEREAS, the matter was referred by the Board of Control to the Planning Commission for review and recommendation on March 2, 2021; and

WHEREAS, the Planning Commission held a Public Hearing on March 10, 2021 and March 17, 2021 at 7:30 p.m. and approved the Project and voted to forward a positive recommendation of approval to the Board of Control; and

WHEREAS, on March 18, 2021 the Board of Control found that the Objectives of the Planned Development Regulations per Section 1141.01 of the Zoning Code have been addressed by the Project; and

WHEREAS, on March 18, 2021 the Board of Control found that the twelve (12) purposes in the Revised Preliminary Land Use Plan for the Severance Town Center District have been addressed by the Project; and

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WHEREAS, on March 18, 2021 the Board of Control found that the Project is within the purpose of and is compliant with the standards of the S-1 Mixed Use Zoning District, per Chapter 1143 of the Zoning Code; and

WHEREAS, on March 18, 2021 the Board of Control found that the Project will comply with the General Standards for All Conditional Uses per Section 1151.02 of the Zoning Code; and

WHEREAS, on March 18, 2021 the Board of Control found that the Project will comply with the Supplemental Standards for the “Hospital” conditional use per Chapter 1153 of the Zoning Code; and

WHEREAS, on March 18, 2021 the Board of Control found, per Section 1161.05 of the Zoning Code that there is sufficient parking present to allow for a reduction in parking to 402 spaces; and

WHEREAS, on March 18, 2021 the Board of Control found that, in its opinion, the Applicant clearly demonstrated there were special conditions and circumstances resulting in practical difficulty in complying with the parking requirements of the Zoning Code, specifically, the overall size of the lot, the amount of existing impervious surfaces, the required 150-foot buffer, and the intent to preserve buffered and landscaped spaces to the extent practicable; and

WHEREAS, on March 18, 2021 the Board of Control found that, in its opinion, the variance to reduce the required parking is in harmony with the general purpose and intent of the Zoning Code and that the public health, safety, and general welfare will be safeguarded and substantial justice done through the granting of the variance; and

WHEREAS, on March 18, 2021 the Board of Control approved the Amendment to the Detailed Development Plan; and

WHEREAS, on March 18, 2021 the Board of Control approved the variance for a reduction in parking to 402 spaces; and

WHEREAS, on March 18, 2021 the Board of Control approved the Conditional Use Permit to operate a new 100-bed, 79,000 s.f. behavioral health hospital on the existing East parking lot, an 8,107-s.f. build-out on the second floor of the existing building to accommodate a 12-bed behavioral health patient unit, a new generator and fuel tank, loading dock, landscaping and screening, patio and patient courtyard area, infrastructure, as well as parking, subject to the following conditions and standards of quality; and

WHEREAS, per Section 1143.10(f) of the Zoning Code, approval by the Board of Control of a detailed development plan shall not become effective unless and until it has been approved by Council; and

WHEREAS, per Section 1143.10(f), if Council takes no action in approving or disapproving the plan within thirty (30) days from receipt of certification of approval by the Board of Control, the action of the Board of Control in approving the proposal shall become in full force

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and effect;

WHEREAS, Clerk of Council certified receipt of certification of approval by the Board of Control on March 19, 2021; and

WHEREAS, this Council wishes to act to approve the referenced action of the Board of Control at the earliest time possible in order to permit the MetroHealth project to proceed without waiting through the 30-day Council review period.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Cleveland Heights, Ohio, that:

SECTION 1. This Council does hereby affirm the review, analysis, recommendations, and approvals by the Board of Control and Planning Commission with regards to the application by MetroHealth Medical Center to construct a 79,000 s.f., 100-bed behavioral health hospital & construct an additional 12-bed behavior health patient unit in the existing hospital, reconfiguration of the west parking lot and requesting a reduction in the required parking at 10 Severance Circle.

SECTION 2. This Council does hereby approve the Board of Control's approval of the Amendment to the Detailed Development Plan.

SECTION 3. This Council does hereby approve the Board of Control's approval of the variance for a reduction in parking to 402 spaces.

SECTION 4. This Council does hereby approve the Board of Control's approval of the Conditional Use Permit to operate a new 100-bed, 79,000 s.f. behavioral health hospital on the existing East parking lot, an 8,107-s.f. build-out on the second floor of the existing building to accommodate a 12-bed behavioral health patient unit, a new generator and fuel tank, loading dock, landscaping and screening, patio and patient courtyard area, infrastructure, as well as parking, subject to the following conditions and standards of quality:

- (a) All new/additional signage shall require review and approval by the Board of Control prior to the issuance of any building permit and installation of any signage;
- (b) The earthen berm on the southern portion of the Site shall be extended eastward and included on the final landscape plan;
- (c) Additional bushes and shrubbery shall be planted in the southern 150-foot buffer area to discourage cut-through pedestrian movement and included on the final landscape plan;
- (d) The Applicant shall work with the Planning Department on refining the landscaping and plantings, including species, number, and location, as well as consideration of a pollinator garden. A final landscape plan shall be provided, as specified in Zoning Code Section 1166.02 and 1166.03, which will need to be approved by the Planning Director before the issuance of a building permit or certificate of occupancy. The final landscape plan should be presented to Council after approval by the Planning Director;
- (e) Details on the tree inventory, tree impacts, and tree preservation during construction shall be provided and shall comply with a final tree preservation plan, in accordance

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- with Zoning Code Section 1166.11, which will need to be approved by the Zoning Administrator prior to the issuance of a building permit;
- (f) The 150-foot-deep densely wooded setback area along the east and south border shall continue to be maintained so that the trees visually screen the Project from the residentially-zoned properties to the east and south. Trees shall be planted periodically by the Applicant if necessary to maintain and preserve the wooded setback's present character. An arborist shall be retained to guide the long-term tree maintenance strategy;
 - (g) The Zoning Administrator, on the basis of increased parking demand for the use, may require alternative approaches or the conversion of all or part of the land banked area to off-street parking spaces. Such conversion shall require approval by the Board of Control and Planning Commission;
 - (h) The Applicant should implement the recommendations related to the improvements to parking lots found in the January 29, 2021 Parking Study by Walker Consultants;
 - (i) Ambulance sirens shall continue to not be used upon entering Severance Town Center. The Applicant shall reach out to the fire and EMS departments that use the Facility to remind them of the no-siren zone;
 - (j) The Facility shall be maintained and operated so that the noise generated from the Site does not create a nuisance to the abutting residential properties of Severn Road;
 - (k) The self-test of each generator on the Site shall take place between the hours of 7:00 AM and 7:00 PM, and each shall be conducted no more than once monthly for a maximum of ½ hour per day, unless change is approved by the Planning Director;
 - (l) The Applicant shall establish a clear channel for neighbors to bring issues to our attention quickly and get a timely response from MetroHealth; and
 - (m) The City may require the Applicant to return to the Board of Control for additional approvals should the goals and objectives of the conditional use not be met; and
 - (n) While moving forward with the project, the applicant shall actively investigate parking alternatives, such as renting of existing Severance Center parking area, that could preserve the trees adjacent to the buffer zone.

SECTION 5. Notice of passage of this Resolution shall be given by publishing the title and abstract of its contents, prepared by the Director of Law, once in one newspaper of general circulation in the City of Cleveland Heights.

SECTION 6. This Resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health and safety of the inhabitants of the City of Cleveland Heights, such emergency being the need to affirmatively act to approve or disapprove the Board of Control's approval at the earliest time possible, in order to avoid a thirty-day delay to the MetroHealth project. Wherefore, provided it receives the affirmative vote of five (5) or more of the members elected or appointed to this Council, this Resolution shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

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JASON S. STEIN
President of Council

AMY HIMMELEIN
Clerk of Council

PASSED: March 24, 2021