

**PLANNING COMMISSION
JANUARY 13, 2016
MEETING MINUTES**

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

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

Mr. Ungar began with saying good evening and welcome to everyone and Happy New year to all, he stated we have a full contingent on the Planning Commission. Mr. Ungar stated the first order of business as always is for the roll call, Mr. Wong please.

Mr. Cobb	Here
Ms. Cohen	Here
Mr. Horowitz	Here
Mr. Howe	Here
Mr. Mattox, Jr.	Here
Mr. Rink	Here
Mr. Ungar	Here

Mr. Wong stated 7 present.

Mr. Ungar stated the first order of business as is always the case during the first meeting of the new year is for the election of the Chair and Vice Chair of the Planning Commission. He asked if anyone wanted to make a motion with respect to the Chair of the Planning Commission.

Mr. Cobb stated assuming you are willing to do it another year, I would make a motion that you be elected Chair.

Mr. Ungar responded by thanking him.

Mr. Howe seconded the motion.

Mr. Ungar stated it has been moved and seconded.

Mr. Ungar asked if there were any other nominations.

There were none.

Mr. Ungar then stated the nominations are closed.

Mr. Wong then did a roll call for this.

Mr. Cobb	Yes
Ms. Cohen	Yes
Mr. Horowitz	Yes
Mr. Howe	Yes
Mr. Maddox Jr.	Yes
Mr. Rink	Yes
Mr. Ungar	Abstained

Mr. Ungar thanked everyone very much. He said he says this every year but he does because it is true. He said it is a privilege and an honor to Chair this Planning Commission. He stated it is an awesome group of people who have the task of dealing with some controversial issues not like some of the agenda items this evening, but all is towards a greater good of this terrific community in which we all live in. Mr. Ungar thanked them for that.

Mr. Ungar then asked for nominations for the Vice Chair. Mr. Ungar stated he wanted to nominate Mr. Cobb in that regard assuming he is willing to accept.

Mr. Cobb replied, "I am."

Mr. Ungar then asked that Mr. Wong to call the roll with respect to this nomination.

Ms. Cohen	Yes
Mr. Horowitz	Yes
Mr. Howe	Yes
Mr. Mattox, Jr.	Yes
Mr. Rink	Yes
Mr. Ungar	Yes
Mr. Cobb	Abstained

Mr. Ungar thanked Mr. Cobb for serving. Mr. Ungar stated that he will be called into service yet this evening. There is one matter that Mr. Ungar is going to recuse himself from.

Mr. Ungar asked if anyone had any amendments, revisions, etc. to the minutes from December 2015, if so speak now.

Project 15-36, amendment: E. Netzel-Hatcher, 1450 and 1474 Rydalmount (PPN 684- 36-005 and 684-36-027), 'MF-1' multi-family, requests lot joining per Code chapters 1111,1115 and 1121.

Mr. Ungar then stated this project is an amendment.

Mr. Ungar asked for all of those who plan to testify about this matter, please stand and be sworn in by our Asst. Law Director.

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

Ms. Hamley O'Donnell began by stating that you might remember this house that you saw last month and the area that is in question is this shaded area. She stated that when you approved this, the shaded area was included in the lot joining and when the surveyor heard

back from the people at the County, the County Engineer in charge of approving these found that there were some issues with the way the land had been transferred in the past. She showed what the Commission approved last month and the proposed change as requested by the County Engineer and that is acceptable to the applicant and to staff. She stated the issue is when you approved this last month, we had a condition that did not allow us to have the Mayfield Road portion within the lot line returned to right-of-way. Ms. Hamley O'Donnell stated that staff recommends that you approve the lot resubdivision to join parcels 684-36-005 and 684-36-027, a slight change to the December 2015 Planning Commission approval. This is based on the lot consolidation plan revised and dated on December 10, 2015 with the following conditions:

- 1. The newly created lot shall not include any Mayfield Road and Rydalmount Road right-of-way; 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.*

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

Ms. Rothenberg stated we are looking for a motion to amend the approval of Project 15-36 to incorporate the staff recommendations and the two conditions that accompany those recommendations.

Ms. Hamley O'Donnell stated the date of the revised consolidation drawing is December 10, 2015.

Ms. Rothenberg asked that someone make the motion to amend the prior approval of Project 15-36 to incorporate the staff recommendation, including conditions.

Ms. Cohen made the motion and Mr. Rink seconded the motion.

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

Aye.

Any opposed.

There were none.

Any abstentions.

There were none so it carries unanimously.

Project 16-2: J & M Meilstrup, dba CrossFit I/O, 2086 S. Taylor, C-2 Local Retail, request Conditional Use permit to operate CrossFit gym per Code chapters 1111, 1115, 1131, 1151, 1153, and 1161.

Mr. Ungar asked that all those who plan to testify regarding this matter, please stand and be sworn in by our Asst. Law Director, Ms. Rothenberg.

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

Ms. Hamley O'Donnell stated that this property is located adjacent to Café Tandoor. She pointed out there is a parking lot behind and there are homes on the adjacent side street

behind. She showed a slide of the back of the property and a site plan showing its location within the Cedar Taylor commercial district. She pointed out the back of the garages along Hampstead to the west. Ms. Hamley O'Donnell stated that the applicant proposes a cross-fit gym with 1,000 square feet of workout area with about 8 members working out at a time. The classes will be offered 5 times a day, Monday through Saturday. They are usually held between the hours of 8 AM and 8 PM. She stated exercise facilities are conditionally permitted in our commercial districts so we review them based on those conditions in front of you.

Condition A: A fitness center is keeping with the intent of the zoning code as long it does not disrupt adjacent property owners.

Condition B: The presence of an exercise studio should not disrupt the public safety. If the sound of the exercise class is too loud during business hours, it could be disruptive to adjacent businesses, however, the adjacent business owner is also the building owner so he does not anticipate that to be problem. Keeping the doors and windows closed will keep the sounds in the building and not impact nearby residential properties. They have stated they will have air-conditioning so they will be keeping the doors and windows closed which will keep the sound in.

Condition C: That it will not essentially change the character of the neighborhood. The addition of a fitness center with a broad mix of tenants in the commercial district will be in keeping with the neighborhood. Don and Alex Quintana, who are owners of two businesses in the commercial district, have voiced their support of this proposal.

Condition D: This use should not be injurious to other property so as long as they are respectful of their neighbors.

The other standards were not applicable to this proposal.

Ms. Hamley O'Donnell stated that as far as the sustainable guidelines, most of them are not pertinent, although we do like to see our storefronts full with vibrant businesses and bringing people to the district that will possible frequent some of the other businesses in the district.

Ms. Hamley O'Donnell stated the staff recommends that the Planning Commission approve Jodi Meilstrup and Michael Meilstrup's dba CrossFit I/O to operate a CrossFit gym at 2086 South Taylor Road with the following conditions:

1. *That the use will not be injurious to the use and enjoyment of other property in the immediate vicinity or create a nuisance for nearby businesses;*
2. *The applicant shall work with staff to resolve any complaints from neighbors; and*
3. *The installation of the use shall be completed within 18 months of Planning Commission approval.*

Mr. Ungar thanked Ms. Hamley O'Donnell and asked if there were any questions of staff.

There were none.

The applicant stated she was Jodi Meilstrup and her husband stated he is Michael Meilstrup and we live at 1183 Alpine Road, Cleveland Heights. They had both affirmed they had been sworn in. Ms. Meilstrup stated they want to open our CrossFit gym at 2086 South Taylor Road. She felt it will be a great addition to the area and to Cleveland Heights in general. She stated it helps everything about a person physically and mentally. She stated that CrossFit generates people to come together as a community and work out and they become

friends. She stated it is a very friendly, great environment. Ms. Meilstrup said she does hope they will then shop and go to other South Taylor businesses and help them out, too.

Mr. Meilstrup just wanted to say he did not know if anyone knew about CrossFit or has heard about it before. He stated it is growing and very popular and very well-respected. He stated there are about 10,000 affiliates now and is growing with 1 affiliate every 9 hours. He stated it is community based, it is personal training in small groups but they make friends while working out together. He stated they both have been trained for CrossFit and it will be a great business for that Cedar Taylor District because it is an up-and-coming area.

Ms. Meilstrup added that they have been residents for years, our six kids go to the schools. She stated Michael is a police officer here, a Sargent for Cleveland Heights police department. She added that she works at Nighttown, she is a special education substitute teacher. Mr. Meilstrup added that for the last three years they have driven to Broadview Heights with a 30 minute drive with no traffic. He stated you normally like a larger facility, like a warehouse. They decided it could be done in a small space like we have here if we just limit the class size to 8 participants. He stated they could have gone somewhere else, they could have gone to Beachwood or Lyndhurst, but they wanted to stay in Cleveland Heights--we live here, we work here. He felt that it was a perfect fit with the way Cleveland Heights backs small businesses so we would not have had it anywhere else.

Mr. Ungar asked if there were any questions of the applicant. There were none. He then asked for a motion to approve Project 16-2.

Mr. Rink made the motion and thanked them, he stated he felt this would be a wonderful project. He made the motion to approve Project 16-2 with the staff recommendations.

Mr. Ungar asked for second.

Mr. Mattox, Jr. seconded the motion.

Mr. Ungar asked that all those in favor say aye.

Aye.

Anyone opposed. No.

Any abstentions, No.

Mr. Ungar stated it carried unanimously and we all wish you the best of luck with your new endeavor and hopefully our reporter will put a plug in for this terrific new business in whatever he is writing up.

Project 16-3: Forest Hill Kitchen, LLC, 3099 Mayfield, C-2 Local Retail, requests Conditional Use Permit to operate catering and meeting room, banquet hall, party center per Code chapters 1111, 1115, 1131, 1151, 1153 and 1161.

Mr. Ungar asked that all who planned to testify about this, please stand and be sworn in by Assistant Law Director.

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

Ms. Hamley O'Donnell began with asking that the staff report for Project 16-3 be entered into the public record. She stated since the applicant is the only one here, she should be able to move through this pretty quickly. This is located in the Heights Rockefeller Building, prior to that there was an approval in 1997 and 2000 to operate a 200-seat banquet hall which was operated prior to Rockefeller's taking it over as a traditional restaurant. She stated that the applicant is proposing is a 200-seat restaurant event space and catering and operation as well as a space for pop-up events and business meetings. Ms. Hamley O'Donnell said we look at this as both rental hall for private events, which we consider a party center/banquet hall/meeting room under our Code. She stated we also look at this as a catering facility which is conditionally permitted. They will need two Conditional Use Permits, one for the catering and one for the rental hall/banquet use. She stated they are reviewed on the standards for Conditional Uses which are on the board in front of you. She felt that it will fit with the zoning code which is Standard A and B we do not feel it will that it will affect the safety, health or welfare. She stated that having active businesses that support the community are for good for our commercial districts. Per Standard C, Ms. Hamley O'Donnell said it is appropriate in appearance and no changes are proposed to the outside and no new signage is proposed at this time. Any new signage would require the ABR and Landmark Commission approval. Last, per Standard D, it will not be injurious to the enjoyment of neighboring properties.

Ms. Hamley O'Donnell stated that with sustainability we like to see our business districts full.

She stated that staff has two recommendations, which will be two motions:

The first is to approve and operate a catering facility as described in the application with the following conditions:

- 1. That the use will not be injurious to the use and enjoyment of other property in the immediate vicinity or create a nuisance for nearby businesses;*
- 2. The applicant shall work with staff to resolve any complaints from neighbors; and*
- 3. The installation of the use shall be completed within 18 months of Planning Commission approval.*

The second recommendation is approval to operate a meeting room, banquet hall, party center as described in the application with the 3 conditions that were listed above.

Mr. Ungar asked for clarification, we are looking for two motions.

Ms. Hamley O'Donnell answered, "Yes."

Mr. Ungar asked if there were questions for staff. There were none.

The applicant stated his name is John Barcone, he said his address is 1641 Brewster, East Cleveland, OH. He confirmed that he had been sworn in. He stated that their idea is to bring people to the community and take advantage of this beautiful space. He stated that

they host pop-ups and people will be coming from all over Cleveland to see the space and spend some time in the building and the neighborhood. He stated that they are hoping to do weddings and meetings and general catering. It was a catering operation before it was Rockefeller's and he stated that the space is too big for a traditional restaurant. He said if, at some point we feel that we could function as a traditional restaurant, we would like to have that option but it's too large now.

Mr. Ungar asked if there were any questions for the applicant. There were none.

Mr. Ungar asked for a motion. First, with respect to approving the operation of a catering business as it is described in the application.

Mr. Howe made the motion.

Mr. Rink seconded the motion.

All those in favor say aye.

Aye.

Anyone opposed – none.

Mr. Ungar stated motion #1 carries unanimously.

Mr. Ungar asked for a second motion to approve the operation of this business as meeting room/banquet hall/party center as further described in the application and subject to the same staff recommendations and conditions.

Mr. Howe made the motion to approve this project with Mr. Cobb seconding the motion.

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

Aye.

Anyone opposed.

None, and there were no abstentions.

Mr. Ungar stated once again this is approved and the best of luck to you and your business.

Ms. Rothenberg stated she wanted to jump in before we went to the next project.

Mr. Rothenberg wanted to note for the record, we had a presentation that was given by Hebrew Academy in November 2015 and the composition of the Board at that time is going to look different than it did due to the fact we have additional information. She stated the Law Department had time to do different analysis so as a result of that additional information, well, there is really not a conflict.

Ms. Rothenberg stated that Mr. Ungar is acting with an abundance of caution due to the fact that Hebrew Academy is a client at his firm that he does not work on but he has chosen to recuse himself and step down as Chair and Craig Cobb will take over as Vice Chair.

Mr. Ungar said he wanted to elaborate for those that were here last time, know that it was mostly informational in nature so he did not recuse himself and had learned literally moments before the meeting that someone pointed out that his law firm has done work for the applicant, Hebrew Academy. Mr. Ungar had not personally been involved but he did check in to that and it did turn out to be accurate. Mr. Ungar stated he felt it was best for all and most importantly for the city that he recuse himself from further discussion of the Hebrew Academy project at Oakwood.

Mr. Ungar asked Mr. Cobb to change seats with him. Mr. Cobb took the chair's seat and Mr. Ungar went and was seated in the audience.

Ms. Rothenberg stood to swear in those who would like to speak.

Ms. Cohen then asked Ms. Rothenberg to mention her change also.

Ms. Rothenberg then stated that when she said the composition of the Board was different, she was talking about Mr. Ungar but also was talking about Ms. Cohen who, in an abundance of caution at the November meeting, even though we had concluded that there was not a conflict or an issue, she had recused herself and now we have had more time to look at this issue and it is not necessary for her to recuse herself. Ms. Rothenberg stated Ms. Cohen does not want to talk as a resident, so she will be sitting on the Board and it will be completely consistent with the Law Department's findings on the conflicts memo.

Ms. Cohen said she wanted to add that the reason why we had originally discussed me sitting down, in an abundance of caution, is because my children attend the school but we discussed that it may unknowingly or unwillingly set a precedent when we consider Cleveland Heights-University Heights school projects, we have never asked anyone on the Council or any of the Commission for CH-UH City School District parents to step down from considering those, so I will continue to remain on the Planning Commission for this case.

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

Mr. Cobb assumed the Chair seat and we continued with the meeting.

Mr. Cobb asked to hear from staff.

Ms. Hamley O'Donnell began with saying that because of the details of this project, she decided she would present her information and the applicant has some slides that they would like to present. She did ask that the Staff Report for Project 16-5, dated January 7, 2016, be entered into the public record.

Mr. Cobb stated, "So entered."

Ms. Hamley O'Donnell stated that there are two letters on your desk in reference to this meeting. She stated one is an e-mail from Eric Silverman and an e-mail from Nellie Johnson and James Wagner that she would like them entered into the public record as well.

Mr. Cobb stated, "So entered."

Ms. Hamley O'Donnell stated this site had a preliminary presentation in November of 2015 for future plans for an elementary school, grade school, and pre-school at the site of the former Oakwood Club. She stated some history of the Oakwood Property is in your staff report but what is proposed now is a request for a Conditional Use permit for a high school to be placed in the former golf clubhouse. There is a 75-student Hebrew Academy High School in Lyndhurst and they propose to relocate to this site and they anticipate growing from 75 to 100 students at the new site. She stated that what is proposed is an up to 100 student high school with grades 7-12 on the first floor of the two-story clubhouse with the second floor being gated off. There will be up to 12 teachers. Offices for Hebrew Academy Finance Office are going to be on the first floor of the existing building, which is about 8 people and they operate regular business hours, nine to five, Monday through Friday. She stated also proposed is use of the 26,000 square foot former tennis facility for a gymnasium. The existing 150-seat auditorium would be used and they would demolish several out buildings on the site and a deteriorated pool and pool deck southwest of the Clubhouse. They also would remove existing tennis courts west of the clubhouse parking lot. The existing outbuilding southwest of the Club will remain for the school and the northeast would also remain for school use. A new multi-purpose field west of the clubhouse parking lot is proposed as is a new baseball field southwest of the clubhouse. Existing parking lots will remain paved as is and restriped for parking. She stated the northern clubhouse parking lot will be used for basketball and tether ball and kickball during the school day and for parking after hours as needed.

Ms. Hamley O'Donnell added that like more educational facilities additional activities may take place on the site after hours--athletics, performances, community meetings, award ceremonies, graduations, guest speakers and continuing education classes are common in the existing school and will likely take place at their relocated Hebrew Academy. She showed some photographs on the overhead showing the approach to the site. One approach was going south on Wilmar Road, this showed the site and Severance off to the left. She pointed out to the south of the site is Walmart and the parking lot that was put on the southern portion of the former Oakwood Country Club. She pointed out up to the right you can see the location of the clubhouse and the tennis building with the white roof. She pointed out the existing parking lots and the existing tennis courts that will be altered for play fields. She pointed out on Wilmar Road with the access point and the homes on Oakwood Drive and the small access road off of Wood and to Wilmar and Warrensville Road as well.

Ms. Hamley O'Donnell next showed a slide of the existing Clubhouse and the tennis building. This shows you the distance to the neighboring property lines nearby. She stated the applicants slides are in color so they are easier to read. Ms. Hamley O'Donnell pointed out Mayfield Road on the slide and where Wilmar Road joins and the private drive into Oakwood. She pointed out the bollards and the way it is designed is to force traffic to travel westward, although it does look like they go around it. She showed various views of the property and the clubhouse. She pointed out the former clubhouse that is proposed for re-use as the high school and what the tennis court building looks like. She pointed out some of the outbuildings to maintain a site of that size. Next she showed a slide looking across Warrensville Center Road. She stated we evaluate this as a Conditional Use based on the Standards for Conditional Uses.

- a. *The conditional use will be in general accord with the purpose, intent, and basic planning objectives of the Zoning Code, and with the objectives for the district in which it would be located.*

This is to provide for single-family residential uses with larger lot size and schools are conditionally permitted in such a district.

b. 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. The proposed reuse of the clubhouse involves no exterior changes to the building or the parking area. For generations the neighbors were accustomed to the golf course and clubhouse, with related events held at the site. Its reuse as a grade 7-12 school with administrative offices which should not present a danger to the public health, safety, or welfare. It has a secluded location including being surrounded by a security fence.

Ms. Hamley O'Donnell stated that the only access to the parking on this lot will be from the existing driveway off of Warrensville Center Road. She stated future access to a future grade school will be a new driveway off of Warrensville Center Road in the future and will be reviewed when the plans come in. At this time this is no change to the traffic pattern. She stated they pointed out that bus drop off and pick up is minimal, only 3 -5 buses will access the site off of Warrensville Center Road. She stated the Police Chief and the Deputy Police Chief reviewed this plan and have no concerns.

c. 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 area. No exterior changes are proposed to the clubhouse building, former tennis facility or parking areas. The existing deteriorated tennis courts will be removed and replaced with a new multi-purpose field. The replacement of impervious asphalt tennis courts with pervious grass field and removal of the swimming pool should reduce the stormwater runoff. A new baseball field is also proposed. Seasonal net fencing, approximately 15' tall, is proposed along the western boundary of the ball field and multi-purpose field to restrict foul balls into neighbors' yards. A backstop is proposed for the ball field. Some existing outbuildings will be demolished in this and future phases.

d. 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 or impair property values within the neighborhood.

She stated the neighbors have been accustomed to a clubhouse being used for a golf club and other gatherings. Reuse of this building does not diminish or impair property values. The secluded location and far distance should minimize any impact on neighbors.

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;

She continued saying that this is zoned for single-family homes but was never used as such. She stated changing the existing clubhouse to a conditionally permitted school should not impede the development or improvement of surrounding properties. She stated that 22 acres at the south of the site have been reserved by the Hebrew Academy for future development. Planning Commission approvals would be required if there was virtually any new development or substantial change to the use or the need for lot re-subdivision. As with all Conditional Uses, the Zoning Code includes provisions for addressing future issues should problems arise.

f. Adequate utilities, access roads, drainage, and necessary facilities have been or are being provided.

She stated that for the high school use there are minimal changes to utilities, access roads, or drainage proposed. Changes around the new fields should require final approval from the Planning Director. There are no proposed changes to the access roads and as stated previously, access from Wilmar will be quite difficult due to the access road layout. The high school traffic is anticipated to be less than when the club was operating at full capacity.

g. Adequate measures have been or will be taken to provide ingress and egress designed as to minimize traffic congestion in the public streets.

Ms. Hamley O'Donnell stated a lot of that has to do with that hairpin turn that will remain the same. The small size of this school and the prevalence of carpooling should not lead to congestion on the public streets. It is anticipated that virtually all students will arrive by car via the Warrensville Center entrance. Students will be arriving in car pools of 20-30 cars, 4-5 buses and mostly those will driving from the suburbs east of Cleveland Heights where about half of the students live. It is expected that few students will walk or drive themselves to school.

Ms. Hamley O'Donnell stated that the existing signage throughout the site discourages travel from the area around the proposed school through to the Oakwood Drive residential area. The Hebrew Academy has stated they will inform students, staff and parents that travel along the residential Oakwood Drive is not permitted. If this does not suffice, additional signage, blocking of access between the school and the residential sections of Oakwood Drive or installation of an access gate at the residential section would alleviate the problem if desired by the affected parties.

Ms. Hamley O'Donnell stated that the small number of vehicles for this small school is not anticipated to cause traffic, congestion and again the Police Chief and Deputy Police Chief did not have any concerns.

h. The establishment of the conditional use will 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.

Ms. Hamley O'Donnell stated that the new jobs that are created by moving the high school to Cleveland Heights creates additional tax income dollars that are good for the city's welfare.

i. There is minimal potential for future hardship on the conditional use that could result from the proposed use being surrounded by uses permitted by right that are incompatible; Ms. Hamley O'Donnell said they are proposing drop-off and pick-up near the entrance since this is a regional high school; the school's leader anticipates that very few children will walk, so this isn't particularly applicable to this proposal.

She stated they are not really changing much of anything with the exception of a few trees that they will be required to put back with our Tree Preservation plan.

Signage, Landscaping, & Sustainability

Ms. Hamley O'Donnell said there is no proposed signage at this time and any future signage would have to go to the Architectural Board of Review and, perhaps, the Board of Zoning Appeals if it was not code conforming. She stated the current site is mostly surrounded by a six foot chain link fence, which is grandfathered in. There is no landscaping plan proposed

at this time, but future landscape plans would have to take in to account the code sections that require species diversity, tree preservation, screening and we think they should submit that as soon as possible, but then all landscaping should be installed within 90 days of the school opening to insure that the landscaping is installed as required. They are proposing bicycle parking that meets our requirements, they are code conforming on parking and, again, our sustainability standard is to encourage adaptive reuse of existing structures and so the applicant proposes new LED fixtures, new low-flow plumbing fixtures and low-VOC paint. She stated one of the conditions is incorporating passive solar and we would encourage them to consider that approach when they complete the landscape design. She stated where the development requires demolition to existing structures, they are recycled and reused building materials. The applicant stated he will make every effort to hire a demolition company that will sort and recycle materials. While no particular innovative stormwater techniques are proposed, the change in tennis courts to a multipurpose field and removal of the pool deck will reduce the impervious surface on the site. No additional public infrastructure is proposed.

Staff recommends approval of Hebrew Academy's re-use of the clubhouse and tennis court building as a grade 7-12 high school with related site improvements as described in this report, and shown in the drawings done by Neff & Associates dated December 15, 2015 with the following additional conditions:

1. Architectural Board of Review approval for new front yard fencing and signage;
2. Final signage, landscaping, grading, tree preservation and drainage plan shall be approved by the Planning Director by April 1, 2016. Required landscaping must be installed within 90 days of high school opening;
3. Applicant shall discourage cut-through traffic, and facilitate drivers', pedestrians' and bicyclists' movements through the site;
4. 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;
5. The applicant shall work with staff to resolve complaints from neighbors;
6. Receipt of all required Building Department permits; and
7. The installation of the use shall be completed within 18 months of Planning Commission approval.

Mr. Cobb stated that we will first hear from the applicant and then he would take the questions from the Commission. Mr. Cobb asked the person at the lectern to affirm that he had been sworn in.

The gentlemen came to the lectern and stated his name is Bruce Cweiber. He said he resides at 3495 Severn Road and he has been sworn in. He stated he is here to just give some general opening remarks. He stated he is speaking to you tonight in multiple capacities. First, he is a resident of Cleveland Heights for the last 24 years. He is also a parent of a child at Hebrew Academy. He stated he also is a real estate attorney who is familiar with the market that we live in, the Oakwood property, and the surrounding areas as well. He believes that the re-purposing of the Oakwood Clubhouse for an educational facility is a win-win. He stated it is good for Cleveland Heights, the character of the community and good for the Hebrew Academy. He said he could not overstate the importance of the Hebrew Academy to our community as the school which was founded in 1943 and a Jewish day school that has been modeled throughout the country. He stated it is really a magnet for our community which attracts and retains highly qualified residents and makes Cleveland Heights a desirable plan to reside. He stated he stands before you

tonight as exhibit A, he is originally from Baltimore and his wife from Pittsburgh. He stated that when they talked of where to reside we chose Cleveland Heights, we have six children and it is a wonderful place to raise your family. He stated that the Hebrew Academy is the anchor in the neighborhood. He believes that the stabilization that we get and the growth of the community adds to value of the properties. He stated that he was happy to have the school in his neighborhood. He wanted to mention that he knows the Academy has gone to a great deal of effort and time to retain that structure. Lastly, he wanted to point out that he knows the Academy has a use for this building for children and the school in the Fall of 2016 so in the process that we have to follow, time is of the essence and we are hoping that with an approval tonight, we will be able to move forward and work with the city and the residents to get this project to completion.

Next to speak was Robert Simans, who stated he was affirmed with the oath. He stated he lives at 23101 Wendover Drive in Beachwood, Ohio. He asked that the letter he wrote be entered into the record. He stated he is a Professor at Cleveland State University in the College of Urban Affairs and has been there for 25 years. He said he teaches courses in urban planning and real estate. He added has published about 65 articles and has written about four books on real estate. Mr. Simans added that he has had a consulting practice as an expert witness and generically what's called "proximity influence" for me it is more environmental damages but this part of his practice deals with the effect of some land use on some nearby other land use. He stated he is Jewish but none of his kids ever attended Hebrew Academy--his older kids attended Heights High and he still owns rental property on Coventry Road. He stated he is really here as a college professor who lives in Beachwood. Mr. Simans said he has been to the site when it was a golf course, played there once, and drove around it the other day. He asked to read something and for it to be read into the record *Peer Reviewed Research on the Effect of Religious Facilities on Residential Property Values*. He stated he was lucky enough to write an article that appeared in *International Real Estate Review* and the article is called, *Religious Value Halos: The Effect of a Jewish Orthodox Campus on Residential Property Values*. He stated this was published about 4 years ago. About ten years ago there was a controversial expansion of an orthodox religious campus in the suburb of a mid-western city [he stated it was Beachwood, Ohio. He stated they protected everybody by disguising the location.] The research takes a before and after approach to address the effect to the property on residential property values especially within walking distance. He stated they did some hedonic regression analysis, we did runs for 1997 before the campus came into being and 2006 after it was fully flushed out. He stated that property values within a quarter mile increased by 17% - 20%. That was in the city of Beachwood. If you go across the street in University Heights, we also looked at that area and there was no positive affect shown, on the other hand there was no negative either. It was hard to model because John Carroll University and the school district and other issues made it hard to get a good look at the affect over there but he could firmly state there would be no reason to suspect there would be any kind of negative values as a result of a project like this. One other factor, he felt is positive, for the project here is the school vouchers and he recognizes that it is controversial, but the school vouchers, in fact, would probably be helpful for Hebrew Academy as it would attract people to want to attend Hebrew Academy and give them a better market share and would probably increase demand for both the rental and owner-occupied homes nearby. He stated it would boost housing prices and stabilize those markets. He stated everybody likes to live by the school they send their kids to. The Hebrew Academy High School location was close to the existing Jewish neighborhood, it being close to the existing Jewish neighborhood to the west of it and the proposed use of the former Oakwood Country Club as a boy's high school with some worship space should be a positive factor on the local house prices. He

stated the facility itself seems to be far enough away that any buffering could be easily worked out. He did not think there would be any nuisance impact at all. He stated he hoped they approve the project and felt there is a lot of merit to it and he thinks it would be a positive addition to the community.

Mr. Cobb thanked him.

The next person came to the lectern. He stated his name is Ronald Kluchin, and he is the architect for the project and he has been sworn in. He said his address is 23215 Commerce Park, Beachwood, Ohio. He stated he was also the architect that was before this board several months ago for the main campus, same location but for the elementary pre-school. He wanted to let them know they are still working on that project, we are still in preliminary design, we don't intend or expect to come back to the board until sometime in March or April with our continuing preliminary site plan and floor plans. Also, he stated they do not intend to start the elementary building and construction until probably 2017 or 2018. In fact, their fundraising money motto is 2020 which is when we expect to occupy that building. He stated that is a total separate project from this project which is a much more immediate project. Before he went into his presentation, he had some studies that were given to him. Mr. Kluchin passed out some literature and continued speaking. The Hebrew Academy and he have spent many, many months studying the property and this building. He said they once looked at tearing down the entire building, we looked at tearing down the main building which is a three-story structure and keeping the tennis court. He said they looked at different angles for that building. He said they finally concluded that this is a building that we have to save. He stated they felt it was too important historically and to the City to tear down. He stated that he personally has attended many functions at that building over the years, tennis outings, weddings, bar mitzvahs with hundreds of people at the functions. They used to have parties every other weekend there.

Mr. Kuchin stated this building was started in 1905 and in 1930 they put in a major addition to the building, and since that time they have also added the tennis courts, a dining room added much later and the building has gone through many phases of reconstruction and redevelopment. Interesting enough, just to show you the history of the building, as you enter the building on the right side there is bronze stone monument that says "during the Second World War, Oakwood Club was occupied by the 729th Military Police Battalion from June 1943 to February 1944." The interior is shown in these brochures that I have, it shows it was detailed in a French provincial style that was popular at that time. It has gorgeous wood beams, columns, flooring. The paneling has been carved, nicely stained--we intend to save all of that. He stated the building itself is a three-story building with a basement and is about a little over 70,000 square feet with the tennis court itself is 26,000 square feet so it is over 100,000 square feet of a building. At one time the club had 785 members. The members back in those days were men only so you can at least double that with wives, so they must have had at least 2,000 people using that facility seven days a week. Normally they were open every day but Monday, but Monday is when they had outings and would rent out the club for events. It was a full service country club. It had golf, it had indoor and outdoor tennis, it had squash courts, there was a bowling alley in the basement and a tremendously active camp for many, many years. If there was a case for sustainability and adaptive reuse, this is it. We must save the building. He stated that he thinks the city would be very proud to be part of being able to save this building and at the same time to build a school on the property.

He stated they do have to change this from a country club building to a school and in order to do that we have to do a lot of changes inside the building. These changes do not come The building was 100 years old, therefore there are a lot of things that need to come up to the latest Code. He stated they have met several times with the fire marshal in Cleveland Heights, the Building Commissioner and other members of the staff, the police and we are meeting again this Friday morning to finalize our construction plans. He stated they want to be ready for occupancy and be able to get that permit. He stated fortunately, for them, the building has been kept in very good condition. They have a maintenance person who was with the club, twenty or thirty years and he has stayed on. He lives on the premises and he has kept the club in very good condition. He said the sprinkler-heads have not been changed since 1952, so they have to all be changed. The HVAC system, actually there are 20 different systems in that 70,000 square feet. The boilers are 50 years old and obviously need to be changed. The lighting will be changed to LED light fixtures. There is a lot of romantic lighting that will be removed since it will not work well with the children along with the chandeliers being removed. The bathrooms will be changed to make it handicapped accessible. There is some asbestos that needs to be taken care of, but the Hebrew Academy believes it will be well worth the effort to be able to save the buildings, spending the money and making this into the school that it could be. He stated there are some serious restraints on time. He stated they have to get the students in there this Fall, middle of August and open up the school to make it work. In order to do that, we have to get your approval. The Hebrew Academy will be way over the number of students and classrooms and we will not have nearly enough classrooms for this upcoming Fall. We will need to use this school for those classrooms, we need to take the students from Lyndhurst, the 75 high school students and move them into this building and we are going to move the finance department on South Taylor Road into this building which will help free up some square footage on Taylor Road which will allow us to build classrooms in those spaces.

Mr. Kluchin used drawings, starting at the South Euclid border and pointed to the 89 plus acres on Warrensville Road. He stated that when you come into the site, there are some maintenance buildings that have been there for many, many years. There is also a very old barn with a house that the maintenance person lives in. He stated they will be retaining both. The south parking lot will be used for the school and the north parking lot will be used for overflow parking as well as some outdoor recreation. When you enter the drive, the south parking lot will be used for the school and the north will be for overflow parking as well as for some outdoor recreation on the parking lot itself. He pointed out the tennis courts which are not clay, so they will be removed. He pointed to the golf buildings that they had storage for golf carts and we are retaining those. They also used them for the camp. He pointed out the pool which will be removed. He showed where they intend to use and have the elementary school. He pointed out the 60 foot set back off the property line. He pointed out the clubhouse, the tennis facility and where they have taken out the L-shape building, it is gone now. The property is fenced so that the south side of Oakwood Drive is totally fenced in and there are three gates. One takes you into where maintenance is, gate two lets the service vehicles come in and the third gate that people will use on a daily basis. You would come in and come around and down into the entrance to the building. The queuing for buses or car pool is this entire area slotted off for this. The all-purpose, combination football/soccer field is fenced in. He showed that it will be entirely fenced off. They will have their first real baseball field behind the fence.

Mr. Kluchin stated he next wanted to show their plans for the building. He showed the demolition plan and the size of the building. We have to separate the tennis building from the existing basement of the main building. We are going to take down one section, separate it, and this will give us a stairway down. The rest of the building at this time will not be used. We are only really using the bathrooms here and the entrance.

He showed the first floor plan that shows where they are demolishing this. The kitchen was large being a country club and they do not need anywhere this size of kitchen. He said there is a lot of stainless steel that will need to be removed. There will be small demolition in various areas and some ramps will be added since the building is at several different levels. They also will be converting the bathrooms to just a large boys' bathroom. He showed where the tennis court has now become a gymnasium. There may still be one tennis court left, one volleyball and basketball court. They will have an exercise area. They did leave all the exercise equipment behind so there are about 30 pieces of exercise equipment that can be used. They will be moving that over and into the gymnasium and that will be a great area for exercise. He stated the stairway that goes from the lower level up to the first floor. He explained how they changed it so you will not have to go outside to go from floor to floor. The rest of the building will not be used at this time, only the first floor. They are not going to use the 2nd floor and they are barely going to use the basement.

Mr. Kluchin showed the main entrance now and it will be for the finance department going forward. When you enter, the cars will drop off and the children will come in here. The offices for the school are right off of the entrance. He showed the auditorium which holds about 150 people and that is about what they had in this room. There is raised stage with high ceilings. He said as you go down the hallway, you come to the cafeteria. He stated that this is about the newest room that was done maybe 30 years ago which we are going to use as a cafeteria. The kitchen area is right here so it works right into the area. Adjacent to this will a study area which will hold about 100 people and the classroom wing is the entire east side of the building. It will be a full service state-of-the-art high school when it is done. He said that time is of the essence and we need to get the students in by Fall. Mr. Kluchin said we need the approval and we need to start construction next month. He stated that will give us 6 months to do all this work that needs to be done, all this electrical, plumbing, etc. to get the students in. He stated that we have a chance to do something very special and to have this happen in Cleveland Heights. This is an award-winning building, with historical qualities and we need to save it. The only way we can save it is to do it now. He stated if we wait longer, things will start deteriorating. Mr. Kluchin stated that even with the landscaping now, we need to take care of the building now and get the students in. He thanked everyone.

Mr. Cobb stated that before you sit down, does anyone have any questions for him.

It was decided that we continue to hear from the Hebrew Academy and then do questions after.

A gentleman came to the lectern and stated his name is Ivan Soclof and he stated he was sworn in. Mr. Soclof stated he lives at 23400 Ranch Road in Beachwood, OH. He began with saying his credentials are that was in the very first class of the Hebrew Academy, back

in the 1940s. His wife says he never graduated so he still works on behalf of the Hebrew Academy. He urges that this Commission approves this request this evening. Any delay opens up the risk that we will not have a choice down the road. There is always some news clip about a historical building that gets destroyed by something or another, fire, or something else. He said that Ron Kluchin mentioned the fact that although we have the sprinkler system in the building, those that are there working are at least 50 years old. He said that is not to say anything about the electrical system, and although we have a person on staff that is living there, as an example, for the last week or so he has been on vacation so there is no one on the site. The Hebrew Academy stands enormous risks beyond the fact that the building and costs, beyond the fact that the building might be destroyed by other means, if we can't get started on it on a timely basis. He stated that the cost of insurance on a vacant building demonstrates how undesirable a vacant building is. He stated that both the casualty insurance and liability insurance cost the Hebrew Academy at least twice what standard insurance would be. He stated they had a hard time finding a market that actually would insure it. He said their predecessor, due to the size of his portfolio, was able to convince someone that he was going to have it occupied, so he did not have the same risk. He stated that any delay in us not getting this approval this evening will cause the Academy to incur significant additional costs because we know that we have immediate need for three additional classrooms on Taylor Road, that we will not have space for in the Fall of this year. He stated that he might mention that fire risk, sprinklers especially in the cold weather can easily freeze because they are locked into the ceilings even if the premises are heated, if one of the systems goes down in a particular area, those sprinkler heads and piping can easily freeze over and burst. He also wanted to mention that the Academy brings immediate benefits other than those that were already mentioned, to the neighboring property owners. The biggest item happens to be the system of a security that the Academy brings with them. We will be fencing off this entire acreage around the clubhouse, we also have both roving security people and fulltime security on site at any time the building is occupied for school purposes. Additionally, of course, we think that the removal of the tennis courts and the impervious surface, and the removal of the swimming pool and the area around it will make a significant improvement for the entire area. He does urge, not only approval, but approval this evening so the Academy can minimize the risk and initiate its plan. He thanked them.

Mr. Cobb thanked him.

A gentleman came to the lectern and stated his name was Baruch Fertel and that his address is 3429 Blanche Avenue in Cleveland Heights. He stated he did not take the oath yet.

Ms. Rothenberg did swear him in before he spoke further.

Mr. Fertel stated he is a physician and not a native of Cleveland and is not even a native of Ohio. He trained in Cincinnati, Ohio and when he completed his residency, he was looking for a place to live. He stated he was recruited by a large academic medical center in the city and one of the deciding factors of whether he would come to live to Cleveland with having no family here and almost no friends here was the ability to find a warm and welcoming community. He stated he thinks he found that here in Cleveland Heights. The reason why he has chosen Cleveland Heights to live is because both of the welcoming community and the diversity that we have here in the city along with the respect for different viewpoints, for religion and different ethnicities but also the fact that the Hebrew Academy is here and is a model school which he feels comfortable sending his children to.

He stated his wife and he are both professionals, he is a physician, his wife is an architect and neither work in Cleveland Heights. He stated the fact that they live here comes at a significant financial cost to us as far as local income tax but is one they are willing to pay considering the fact that we live in proximity to the Hebrew Academy and he has the opportunity to send his children to a school such as that. The other thing he wanted to mention is that he lives on Blanche Avenue which is right around the corner from South Taylor and the Hebrew Academy Campus. He stated he works many times over the evening so he is frequently sleeping during the day, he is a nocturnal physician mostly and he can say that even though he does hear some of the children playing right out his window, it is always respectful and never too loud and he can still conduct his meetings and business that he does over the phone without any affect. He stated the campus is always clean, there is no dirt or anything scattered around and it is something that I think our community can be very proud of that we have a school such as Hebrew Academy and an institution like this among us that is such a positive impact on the community. He stated, on the side, moving the high school over here will also add more employment to the area and create more tax revenue for the city. In conclusion, he stated he lives here because of the Hebrew Academy, he moved to Cleveland because of his job but the deciding factor between this and one other city was because of the opportunity for the Hebrew Academy and he respectfully encourage the members of this Commission to please support the Academy, allow the Academy to take over the Oakwood Country Club, restore it to its architectural grander and revitalize the area so we can attract more like-minded people to the area for the growth of our city. Thank you.

Mr. Cobb thanked him.

A woman came to the lectern stating her name is Liza Wolf and she lives at 1658 Oakwood Drive. She affirms that we has been sworn in. She stated she is the mother of 4 children and all 4 of them attend the Hebrew Academy. She stated that next year her son will be going into 7th grade so if you approve this plan he will be in this building. She stated she cannot see a better use for the building than an educational facility. She felt this will improve the area to continue the Hebrew Academy's roots which they started in Cleveland Heights. She is very excited about it, he will be able to walk to school hopefully. She also added she is a real estate agent in Cleveland Heights and see it definitely an advantage and increase the property values over here as well.

Ms. Cohen asked the Chair where Ms. Wolf lives, whether she adjoined the property.

Ms. Wolf replied she lives on Oakwood Drive.

Ms. Cohen was curious which one was her home.

Ms. Wolfe answered she is the third home.

Mr. Cobb thanked her.

A man from the audience came to the lectern and stated he has not been sworn in and stated his name is Michael Harris.

Ms. Rothenberg asked if there was anyone else in the room who wanted to be sworn in.

She then swore Mr. Harris in.
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Mr. Harris stated he has been a Cleveland Heights resident for 23 years. He works at Metro Hospital and works in pain management. He is originally from New York and in New York there are a lot of competent people who are looking for a place and school like the Hebrew Academy. He stated what has already been mentioned, it is a model school. Other schools actually come here to see how it operates and is known throughout the country. He stated he came to the city for his position but looking for a school outside of the New York area that he could send his kids to and all of his 5 children attend the Hebrew Academy. As has already been said, this is a win-win architecturally, but also from a property value standpoint as already mentioned. He stated this is an opportunity that is very much needed, with creating space at one school and this will bring working families to this community. He stated that this is an opportunity, and he hopes the board will have the foresight and vision as a golden opportunity to really build this community. There are a lot of people who can afford to live in other areas but we like the eclectic nature of this community and we want to stay here. He stated he appreciates their help since 6 months is not a lot of time if we get it done tonight. Thank you.

Mr. Kluchin came back up to the lectern and stated that we are asking for approval to use the building as a school. We still have to go before the ABR and we still have to get a building permit from the Building Department. We really are only asking to use the building as a school and to save the building of course.

Mr. Horowitz said so you are asking for approval for the use of the high school but in the same application you have the baseball field and the multi-purpose field.

Mr. Kluchin replied that is correct, we would like to build it all at one time.

Mr. Horowitz asked are the buildings too close to the field? Is this a baseball or softball field?

Mr. Kluchin replied, softball. He added there will be a fence along the outfield.

Mr. Rink stated he was more expecting the whole plan to come through to us, and now understands why we are looking at this. He stated he has deep respect for the Hebrew Academy and felt this can be a great, win-win for the city and the neighborhood. He agrees with much of the testimony here. He asked about what we decide tonight, does it lock us in for the next phase. Mr. Rink feels there should be continued discussion with the neighborhood on the next phase and how that ends up looking and being situated on the site. Mr. Rink stated that some of the correspondence we have received in advance of this meeting tonight is more applicable to the next phase so we respect to what is on our agenda tonight, his specific question would be, from a staff level we are comfortable with no real changes to the traffic and the egress items in regard to a school going in here. Mr. Rink asked is this is correct and what I understand.

Mr. Wong offered that we especially appreciate is that comment about the overflow parking, that they are preserving a quantity of parking, a resource, that will come into play with the future phase so there is still abundant parking available for other uses right there.

Ms. Rothenberg asked for an oral answer to Jeff's question.

Ms. Hamley O'Donnell replied to Mr. Rink that, "Yes, we are comfortable and we did review with the Chief of Police and the Deputy Police Chief since it is a small quantity, about a 100 students with car pooling and the amount of cars expected, we do not see this as a concern.

Mr. Rink asked in staff's opinion, does this plan lock or prohibit the ability to potentially discuss alternatives for the next phase? He did not want this to sound like the next phase is not appropriate, he just wants to be sure there is the ability for the Hebrew Academy and the neighborhood to continue to talk and negotiate something that works for everyone. He stated that is his only interest. He asked does this lock us into a master plan without really having a master plan.

Ms. Hamley O'Donnell answered that perhaps if the site were deeper, or if there was more room back there--there is just not a lot of room. She said when you look at the size of the proposed future building and the amount of space, considering the existing clubhouse is there...

Mr. Kluchin helped point out the creek that goes through the property. He stated it runs just north of the clubhouse and diagonally to the southeast and cutting under the tennis courts where the existing creek is.

Ms. Hamley O'Donnell said we had talked a bit about this in November, that this makes some areas undevelopable.

Mr. Rink asked if there are discussions on going about the next phase with the neighborhood as far as you are aware.

Ms. Kluchin answered, yes, there are still ongoing conversations. He stated they have had meetings with them (Oakwood Drive owners) and we are still in discussion.

Mr. Rink asked if the city is involved in those, trying to facilitate the next phase, as far as you are aware.

Ms. Rothenberg interjected that whoever is going to answer, if you would please speak into the microphone that would help out.

Mr. Kluchin came back to the microphone and stated that the answer is yes, there are still ongoing conversations, you are talking about Oakwood Drive?

Mr. Rink answered yes.

Mr. Kluchin said we have had several meetings actually and we are still in discussion.

Mr. Rink asked if the city is playing a role in that, in terms of trying to facilitate a win-win.

Ms. Rothenberg answered, not the recent ones. She stated there is a component that she has advised them and was comfortable saying this on the record, that there is a private

dispute going on, so we are trying to be careful about the level of involvement that the City has and as far as she understands, and as far as the site plan there is a lot of information, including traffic studies and other of those key figures that she did not believe the City has received yet. She assumed that the next serious conversation that the City has will be when one of those big pieces of information are ready to come into the City.

Mr. Rink said, "Good"

Mr. Cobb asked Mr. Kluchin since he was standing up by the lectern, if he would show us where the ball fields are on the large diagram.

Mr. Kluchin pointed to the soccer field and the ball field is in the next quadrant. He said that nothing ever crosses this line (pointed to it on the drawing). He stated they never intend to build in that 60 foot area or this land (pointing to another place).

Mr. Mattox, Jr. stated he is looking at the existing building that is there, however he is also seeing the future building there. He asked by showing him this are we saying that is where it is going to be and it is not changing. That is his question. He is looking at this as a whole and is also being told that this is not part of tonight's plan, so he wants clarification on that.

Ms. Hamley O'Donnell answered that we asked them to show you and give you the big picture, to put it in perspective so you could see it. They are not asking for your approval for that tonight.

Mr. Mattox, Jr. stated that his concern is if that is where, if these ongoing conversations and something shifts with that building, will it affect what we are voting on tonight, because essentially by voting on this tonight we are locking in at least that area of land for any future adjustments to that property.

Ms. Hamley O'Donnell replied that it seemed to her that you both are a little concerned about perhaps the baseball field location and whether that would stop a relocation of a building.

Mr. Mattox, Jr. added, yes, or any adjustments, how would that be handled?

Ms. Cohen asked to her fellow commissioners. Are you then suggesting that by approving this, we will be essentially forcing the Academy to keep the current club as a building, because she thinks what Ms. Hamley O'Donnell was trying to say before, there is not enough land where the fields are to put whatever building they are discussing for the next phase. It would seem to her that what you are really asking is the only alternative she sees to what you are asking, is they would actually have to demolish the building to use this land as you are concerned that they should be able to do in the next phase. To have the freedom to use this land as they want, it does not seem like they have enough space on the western portion. If they were going to utilize this part of the parcel, they would have to actually have to demolish the building. Ms. Cohen stated she was not as concerned about us being locked in because she did not see how future plans would be able to utilize the area that we are talking about around the building. She asked does that make sense, there is just not enough usable land for a plan of their size. She stated she was not comfortable with the demolition of the clubhouse.

Mr. Mattox, Jr. replied he is not suggesting that at all. So is that what we are being told tonight, that any alternative use would cause the demolition of that clubhouse?

Ms. Cohen stated she thought Ms. Hamley O'Donnell was saying the fields were not large enough in that area, west of the building.

Ms. Hamley O'Donnell replied that was not what I was saying.

Mr. Cobb stated he had a question for the Assistant Law Director, the matter before us tonight is this project, and does he understand that we should be looking at this project alone.

Ms. Rothenberg answered yes. She knows this is difficult because you know it is coming down the road, but she thinks that anything that you see could always turn into a larger project and she did not think you can look at anything as more than what is in front of you. She stated, what is being asked of you is this proposed use, which includes the clubhouse, the reuse of the tennis courts and the two fields and should this be conditionally permitted. You need to look at all the conditions, you know what they are, that is what should really be on your mind. She stated that any additional changes to the site have to come before you and so the questions that you have about the location are appropriate when that later use is proposed to you.

Mr. Cobb stated he felt that was enough and was clarification. He added we are voting on the merits of this project this evening.

Mr. Rink stated his only point is that he has no inclinations of ever bringing up demolishing this building when there is a great use and fine folks that are going that extra effort to preserve that, he thinks that is fabulous so let's keep the discussion going with the neighborhood, as far as the next phase, let's try our best to keep the communication open.

Mr. Mattox, Jr. asked who owns the drive.

Ms. Hamley O'Donnell replied that a portion of the Oakwood Drive is a public right-of-way, and then the rest of it is a private drive all the way back.

Mr. Mattox, Jr. asked who maintains it.

Ms. Hamley O'Donnell believes the portion adjacent to the Club has been maintained by Oakwood Country Club.

Ms. Cohen asked Ms. Hamley O'Donnell, when you said it was privately owned, does that mean that the Academy then owns part of the drive that is on the property.

Ms. Hamley O'Donnell replied that is her understanding, but she did not want to answer definitely, her guess was that own the area.

Mr. Cobb stated the attorney will answer this.

The attorney, Bruce Cweiber, answered that there is an Association that the private drive is maintained by. As successors, they have any agreement among themselves to maintain the road. The city does not plow back there, it is not the city's responsibility.

Mr. Cobb asked him for the record to identify himself.

He replied stating he is Bruce Cweiber.

Mr. Mattox, Jr. stated, just so he is clear, that is the entire road, not just the beginning or the middle.

Mr. Cweiber answered the entire private road, where the public road ends, off of Warrensville Center Road the public Oakwood Drive goes in by a number of feet (30-50 feet) then becomes a private road.

Mr. Mattox, Jr. verified that the large country club property and the private house residents both maintain that together.

Mr. Cweiber said that since the 1950s, they have been working together to maintain that road.

Mr. Mattox, Jr. asked if there was some gate or fence was placed, that would have to be agreed upon by all parties.

Mr. Sweiber replied that is correct.

Mr. Kluchin spoke out, that is not in their plans.

Mr. Rink asked if we were waiting to hear back from the neighborhood or what?

Ms. Hamley O'Donnell answered that she felt there were remedies, but she felt it was a conversation between the association members.

Ms. Rothenberg interrupted and stated, until it becomes a Conditional Use Permit, if one of the conditions that you recommended was it should not be a nuisance to the neighbors that would be something that would come back if it became a nuisance.

Ms. Hamley O'Donnell stated that we also have had the conversation with the applicant and they said they will tell all the families not to cut through there until new signs are installed.

Mr. Rink asked if they will start with signage.

Ms. Hamley O'Donnell said they are planning to put it in the handbook. She also stated they are talking about landscaping in that area where they tend to swing around to make it more difficult.

Ms. Rothenberg stated that the third recommendation is that the applicant shall discourage cut through traffic and facilitate drivers and pedestrians and cyclists movement thru the site, and number 4 is the use will not be injurious to the use and enjoyment of the other

properties in the immediate vicinity or to create an nuisance for adjacent residential properties. Ms. Rothenberg stated that if you were to pass this Conditional Use Permit with these conditions attached to it, if these conditions were not met, there would be enforcement mechanisms to make sure they were being met.

Mr. Mattox, Jr. asked are these suggestions we are talking about or things that are going to happen. He wants to know at this point are there signs going up or suggestions?

Mr. Kluchin answered that we will put up signs, we will direct the parents not to use those cut-throughs. He stated they have no interest in using it. They just want to use from Warrensville to their building.

Ms. Cohen asked if they would be willing to close the cut-through.

Mr. Kluchin answered we couldn't close them off, because there is an agreement, but we could put a gate up or Oakwood Drive neighbors could put a gate up.

Mr. Cobb asked if there was anyone else who wanted to speak this evening that is not with the Academy.

There were two.

A woman came to the lectern and stated her name is Diane Calta and that her address is 1620 Oakwood Drive and she affirms that she took the oath this evening.

She thanked everyone for allowing her to speak this evening; she appreciates their diligence in reviewing this application and all of your questions this evening. She stated she had some prepared remarks but if she could address some of the things that have come up, while she was listening. She understands Mr. Soclof and his urgency, but she would like to point out that the building has been pretty much wholly unoccupied since she believes 2011. Also when the association first learned about a year ago about the Hebrew Academy having an interest in the property, one of our other neighbors spoke at the November meeting, Mr. Chakins. Mr. Chakins, myself and Mr. Selker met with the Hebrew Academy. She stated that, at that point, they discussed that the country club clubhouse would be demolished and her response was that was going to go over like a lead balloon with the City, so she applauded your preservation of the clubhouse and we do welcome you to the neighborhood. She stated we do believe you will be an anchor of the community and will hopefully unite the community as one of your members spoke of this evening. She stated we want to work with you. In answer to the question as to whether our conversations are ongoing, there are always two sides, maybe three to every story. She stated she would say they are at an impasse. Mr. Rink's comments tonight, that is where we stand. She stated this is a piecemeal application. Ms. Calta stated they are extremely concerned that what might be approved here tonight will lock in decisions for the future and we just do not want to see that happen. She said to look and see that there might not enough room and it would result in the clubhouse being demolished, nobody is looking to demolish a historic structure. She stated this is our access to our neighborhood so the questions about the Oakwood Drive, what's public, what's private, if I could just clarify that for the Commission. She said that they recently learned that this stretch that Ms. Hamley O'Donnell has noted is actually public. At one point in time, it could have been in the 1930's, there was a dedication plat and Oakwood Drive went like this. (she showed with her hands on the screen) so this is the remnants of what was approved as public. She pointed out that the

rest near the Club is all owned now by the Hebrew Academy and there are agreements with regard to preserving our access off of Wilmar and off of Warrensville Road. She stated they are hopeful that we can reach a more detailed agreement in a way of easements in this area so we can address issues like maintenance, because although we have agreements on access, we don't necessarily have agreements on maintenance and repairs and things that really have not been addressed through the years and fell to common usage when the club was in operation. She stated she is here today to just simply welcome the Hebrew Academy to the neighborhood, but unfortunately we cannot lend our support to this Conditional Use Permit without seeing a comprehensive plan on what that means for our neighborhood. She stated the two major concerns for the neighborhood are the proximity of the proposed elementary school building and the service drive to our homes. She stated you can see that as depicted on the future building. Some other items that she did not think have been addressed in the application and that I would like to bring to the Commission's attention. She stated that the fence along Wilmar Court, she believes is a fence that is to be maintained by the Hebrew Academy. She stated the fence is in significant disrepair and she asks that it be considered as a condition to be replaced. Ms. Cohen asked Ms. Hamley O'Donnell to show where we are looking at on the overhead.

Ms. Hamley O'Donnell pointed out where she thought a fence ran along. Ms. Calta asked if it is between the private drive and Wilmar court, that side of the road?

Ms. Hamley O'Donnell answered exactly, but she does not have a survey of it but that is where it appears to run between Wilmar Court which is a public right-of-way and then Oakwood Drive, which is parallel.

Ms. Calta asked that the approval they are seeking be limited to the existing structures and the existing facilities and be limited to the 100 students. She also would request that it be limited by some sort of defined description, whether it be by permanent parcel number or otherwise so that this Conditional Use is not reviewed at any time in the future to give any additional approvals for any future uses, for development or other structures on the 90 acres. She would also request that this Commission consider the fact that all real estate taxes are not current on these properties. She said unless the Commission had any further questions she had no further comments.

Mr. Cobb stated he did have a question. He said let's just assume, for our purposes this evening, that there was no intention for them to build the elementary school, what objections would you have to the project that has proposed.

Ms. Calta asked from a standpoint of approval for a Conditional Use?

Mr. Cobb said yes.

Ms. Calta replied that is a very good question, I don't think there would be much opposition for the approval of the Conditional Use permit on the property with the existing facility. Mr. Cobb stated so with what is shown up there, is that right?

Ms. Calta said yes to the existing structures, existing facility, she can't comment on the ball fields.

Mr. Cobb asked, you have no opinion on the ball fields?

Ms. Calta stated she can't comment on those, she stated she has not had the opportunity to speak with adjacent neighbors, one is out of town, and one was here this evening but he had to leave and another would be more directly affected. She stated that one of the property owners has already erected some outdoor recreation courts next to that so she did not think there would be any opposition there.

Mr. Cobb asked if anyone has any questions for her.

Ms. Cohen stated you had mentioned wanting to limit the school to 100 students and was wondering what the reasoning was behind that, because to be honest, she said she is from New York, so is not a Clevelander, and was not here when the club was functioning and was very surprised to hear of the scope and size of the membership and the events, so she is curious what your concerns are about the 100 students because it seems so small in comparison to the use of the club previously.

Ms. Calta stated she cannot comment on the club when it was that size as she has only been on Oakwood Drive about 13 years. The club has been closed for about 5 years. She stated towards the end of that time, the membership was declining significantly but she did not feel that was an apples-to-apples comparison. She is looking at what has been requested and what has been represented and she thinks she is right, 100 students is fairly small but to say that there is a significant interest in the school and there is a significant interest in having the school grow, it would sound to me that that is what the plan is. She said if it is being presented as 100 students, then that's what should be approved.

Ms. Rothenberg asked to interrupt for a point of clarification and the fact is what has been proposed by Hebrew Academy is for 100 students and all of the other uses and descriptions that are included in the staff report. Were the high school to change this significantly from that, it would have to come back before Planning Commission and it would require a revisit if it were granted this evening. She wanted them to know it would have to come before you again if it were to go much over 100 students.

Ms. Calta stated descriptions of applicant use, those are bearing on the conditions...

Ms. Rothenberg stated that every day care that you have looked at and every school use you have looked at, it always includes how many people are in that building because it is so important to your analysis of how the use is going to affect the neighborhood, so it is not just for schools, it is for any use, that is why it is set up like that. All of the descriptions that you have heard tonight are included in the staff report and would be locked in with the use.

Mr. Cobb asked if there is anything else.

Ms. Calta said only one other item about signage. She stated there is signage on the property now but we do have a significant problem with turn around traffic and cut through and always have. She stated that is not this Commission's issue, but just to say that there is an issue we do anticipate it will be exacerbated by the school and the use coming in and we hope to deal with that. She stated that one of the bollards has recently been taken out, it is not there. She stated the bollard is a steel structure with cement underneath so it has

to be taken out by something pretty significant, like a city garbage truck. She said she did not see it happen. Ms. Calta stated they have had people stuck up on the bollards, about a month ago someone was stuck on one and cut off total access to our street. She said we can have those conversations later, but it definitely will be an issue and may come back to the Commission for further approval.

Mr. Cobb asked if anyone had any more questions before she sits down.

There were none.

A gentleman came to the lectern stating his name is Eugene Selker and stated he has lived on the this street for 50 years and we have enjoyed it. He stated simply by age and survival he knows more about it than anyone else in the room. Professionally, he spent his lifetime in and out of the courts and the University teaching a course for 15 years on real estate and planning to engineers and lawyers. Mr. Selker stated he represented developers and the homeowners and groups. He stated he has absolutely no objection to the project of the school being built here. He stated he was delighted when he heard that there was going to be an institutional use of such a fine institution. He referenced four items on the screen that was being shown. He stated, one is the location of the building, two is the proposed location of the school, and three the houses over there and four, the great big swath of 90 acres of land. He asked that we concentrate on that. He stated there are topographic problems here, He stated he is familiar with them and had lived with them. He stated his basement has flooded and he knows the various problems but not withstanding that, when you just consider the areas involved and you look at that, and someone tells you that you cannot put that building anyplace but there and that's where it is going. He stated the question was asked rhetorically, from the Commission, have there been discussions with neighbors or discussions with the Hebrew Academy. He heard remarks saying that there were discussions. Mr. Selker said he was not part of them, he heard from Ms. Calta, he said he attended some of them including an early meeting which he was present and had conversations with Mr. Soclof and Ron Kluchin and has been privy to the other discussions through Ms. Calta. He stated that in all his years of experience representing both developers, proponents of developments and neighborhood groups opposing them, he has never taken the position and doesn't remember any responsible lawyer or developer or neighborhood person taking a position, "We won't even share with you the information we have, such as, other alternative plans." He stated he sat here at the public meeting in November as an audience member and he heard statements made from both the Commission and from the applicant about the wisdom of pursuing some alternative plans for the proximity of the building to the drive. He said it was said that would be done. He stated he has learned (not first hand) he did not hear this in the meeting, he has learned from reliable sources, Ms. Calta, when asked about the alternative plans that have been worked on by the Academy as to where they might locate that building, they haven't shown them. He stated that is very strange, whether they have made them or not, he did not know, but the attitude of saying, no, no, hardly bespeaks a spirit of cooperation. He said cooperation is not an end in itself, but it is an end that we all should be after. You and the Commission, even I as a neighborhood property owner and everybody in this room, even the users, Hebrew Academy, should be interested in the long term welfare of everybody in the community that is going to be affected by the location and where the building is going to go. He stated he had no intention of even speaking this evening because he fully understands and agrees with the points that have been made. He stated the issue before the Chair tonight has to do with the use of the building and he agrees with what Mr. Soclof said. He stated he would have no objection of the use from what they are talking about and

it is important to correct, fix and use the building. He said they have the right idea if they want to use it that way. Mr. Selker did not want anyone to say that there is any kind of cooperation being made here today that bespeaks a concern for the proximity of the service drive, the rubbish bins, the refuse and all of the things that go with the proximity of a building so close to prime beautiful residential dwellings and it is a jewel for Cleveland Heights and it should not be dirtied. He thanked them very much.

Mr. Kluchin came to the lectern to speak and the Vice Chair, Mr. Cobb asked that he keep his comments brief.

Mr. Kluchin asked to address a few comments. He stated that Ms. Calta and he had a meeting in his home and an offer, by the way, that she was going to take it back to the homeowners. When she stated that we have no communications, it was not until just the other day, three or four days ago, when an answer finally came back from Diane to the proposal made through her to the 6 homeowners on Oakwood Drive. He stated her response was, "Happy New Year, I apologize for not being in touch and it's been a busy time with the holidays and the end of the year." He said they are willing to sit down and negotiate and he believes that has nothing to do with the request being made this evening.

Mr. Cobb allowed a woman in the audience 30 seconds to speak.

A woman stated her name is Liza Wolf and she lives at 1658 Oakwood Drive. She just wanted to say that the Hebrew Academy has multiple campuses around this area and this is solely deciding whether the high school will be on the campus and it has nothing to do with the future campus that is being proposed over there. She stated it is a good purpose for the current Oakwood building.

Mr. Cobb asked if here are any other questions and are we prepared to move ahead.

Mr. Kluchin came back to the lectern and stated he is the architect who is also working in the large building that everyone is talking about now. He stated they are still in preliminary design and he has made significant changes to the footprint of the building based on some of the comments that the Oakwood people have had. He stated that right now it is in the engineer's hands, Neff & Associates, who will be coming back in March or April. He stated that we have changes to the building that will change some of the things that they brought up including the rubbish issue and the distance to the property line and things like that. He stated that will not happen until March or April. He said this is a very difficult building to work on and it is going to take some time. Thank you.

Mr. Cobb stated that this is more for the second phase of this, there are some Commission members that do want to see cooperation and alternatives at least that are shown to the Commission as to why the location you are proposing is the most feasible, as opposed to alternative sites and things like that--keep the dialogue going.

Ms. Mattox, Jr. asked about the traffic study that was done and discussed with the police department, was it just based on 100 students or if that ever expanded in the future, would adjustments be made?

Ms. Hamley O'Donnell answered there was no traffic study. She stated what she did was show them the site plan and told them 100 students. As Ms. Rothenberg alluded to, if they came and said this for 1,000 students or 150, we would have to go back before this

Commission and talk to the Police Chief again and revisit the whole process again. Basically it was the site plan and the 4 to 5 buses as proposed.

Mr. Mattox, Jr.'s second question is that also including the events that will be on that site, or just strictly students, or is it possible there will ever be more traffic with events?

Ms. Hamley O'Donnell replied that they looked at this like any other school building. She said there are always events in the evening and varying degrees of small groups for graduations, plays etc. She thinks there is an expectation of the extra activities on the site and that was taken into consideration.

Mr. Cobb asked for a motion.

Mr. Horowitz asked about the recommendations. He asked would it made sense for us to have the item 2 and landscaping and all that also include, attention to dealing with the intersection at Wilmar.

Ms. Rothenberg suggested that actually ties more into the #3 with the fuzzy language about "shall discourage," perhaps you could say something about the use of signage.

Mr. Horowitz said no, not that. He is saying concrete, and making it so certain people cannot do certain things. Dirt and mud with no curb, people have less restrictions to how they are going to drive, if there are bollards there. Whatever is there now has been for 50 – 70 years and maybe it is time to take a fresh look at how that needs to physically configured in order to achieve this. He apologized for bringing this up at the last minute, but it seems that it would be part of this project, not the next project.

Ms. Cohen asked which street he was referring to.

Ms. Hamley O'Donnell stated it is tricky because the neighbors on Oakwood want access to Warrensville Road and they want access to Wilmar and to Wood Road.

Mr. Horowitz asked then is the reason the way it is set up now is to prevent what type of traffic movement?

Ms. Hamley O'Donnell answered, this, going south on Wilmar Road and avoid the cut though and so it makes it hard. The Fire Department can only get there from Warrensville Road now, she is assuming.

Mr. Cobb asked Ms. Calta to wait and he would give her an opportunity to speak. He said we have gone on long but he wanted everyone to feel that they have had an opportunity to say what they want this evening. He asked did Mr. Horowitz have another question about the traffic situation.

Mr. Horowitz answered, only that this seems like the best opportunity to get fixed.

Ms. Cohen stated she is not sure what the goal is that we are trying to achieve because that is actually, if I understand correctly, from the previous discussion, that is the part of the road that Hebrew Academy owns so if people are using it, she thought the concern was the residents on Wilmar in terms of limiting them.

Ms. Cohen asked if the residents on Wilmar Road were notified about this project.

Ms. Hamley O'Donnell answered that they have been and did receive one phone call in November who was concerned a bit about the traffic. She told Ms. Hamley O'Donnell that she had lived there for 80 years and it was always a significant cut through.

Ms. Rothenberg asked were they notified about today's meeting.

Yes, they were and we have heard nothing back.

Mr. Cobb stated he was going to give Ms. Calta an opportunity.

Ms. Rothenberg instructed her that she has to go up to the microphone and say who you are so the minutes can reflect.

She stated her name was Diane Calta, 1620 Oakwood Drive. She apologized and said she did not mean to speak out of turn, she just wanted to clarify that probably the best information on the access for the Fire Department is to ask them that question, not to make an assumption. She stated that she does know that the ambulance comes in from Wilmar and that the garbage truck does come in from Wilmar and that they always have gotten in there, it is not a pretty sight to see the Fire truck come in and try and get out of our street, it's a production to go backwards. She stated she had encouraged other thoughts and designs on the area and yes, it may not be our property which she thinks that is Ms. Cohen's view of it, but it is a main part of the access. She stated the access off of Wood is more like a driveway and no fire apparatus or police vehicles can get in there. She stated that nothing larger than a normal vehicle or car.

Mr. Cobb asked if the cut through has always been a problem.

Ms. Calta answered that she has been on the street for 13 years and she has always seen it as a problem, yes. She reiterated that we are talking about Wilmar Road.

Mr. Cobb asked Ms. Calta if she believed that if having the school there, this part of the project, is going to increase the cut through.

Ms. Calta answered that we believe that a large part of cut through traffic right now is related to another school along Warrensville Road.

Mr. Cobb confirmed but not Hebrew Academy.

Ms. Calta answered it is not related to the country club property and it has to do with the, excuse me but I do not know the name of the school.

Ms. Hamley O'Donnell asked if it was Mosdos.

Ms. Calta did not directly answer, she stated that they will travel from the area of Taylor Road, cut through Wood, there actually is another turn around there, they cut into Mr.

Selker's driveway, turnaround and then come through. She stated they also come off of Mayfield to get to Warrensville Road. It depends, she stated they have had times when Mayfield has been under construction, or Warrensville has been under construction during her 13 years and she would say that was a higher time with cut through traffic. She stated that we do anticipate traffic, traffic takes the path of least resistance so if you are in the area of the current school, and you want to get to the new school, you are going to have to drive out to Mayfield or Warrensville or Cedar and Warrensville and go around. So if you know that there is a cut through, through Oakwood Drive, it may happen. Like I said again, that is something in the future we will address.

Mr. Cobb asked if this is a matter that is better addressed by the Police Department, placing some no cut through signs before you get to the private property.

Ms. Rothenberg stated that she does not know the answer to that question. She did want to remind everyone that we have been very clear about the use that is before you right now and me telling you not to think about anything down the line. Ms. Rothenberg stated we do know that, down the line, the next larger use will incorporate a traffic study and, in her opinion, she would hate to make a decision now before experts have weighed in. That is my personal opinion.

Ms. Cohen made a motion on this Project 16-5 to approve, along with the conditions stated in the staff report.

Mr. Rink asked that we go back and change the verbage in condition 3 and add the word, "through signage" so we are clear on how we are going to try to do this.

Ms. Rothenberg stated why don't you say "including through signage," so then they a responsibility to also do it verbally.

Ms. Cohen stated she wanted to amend her motion to approve Project 16-5 with the conditions stated on the under the staff recommendations along with the included change in number 3, to read, "including through signage," after the word "traffic."

Mr. Cobb asked if there was a second.

Mr. Rink seconded the motion.
All in favor of the motion say aye.

Mr. Wong has one other thing, there a clarification needed for Item I, Architectural Board of Review is not required unless there is a new fence, not for existing fences. He thought we should specify it is for new fencing.

Mr. Wong did the roll call;

Mr. Cobb	Yes
Ms. Cohen	Yes
Mr. Horowitz	Yes
Mr. Howe	Yes

Mr. Mattox, Jr. Yes
Mr. Rink Yes

There were 6 ayes and one abstention of Mr. Ungar.

Mr. Cobb congratulated all. He stated you see there are some concerns for the next phase so really when you come back, you got to have your i's dotted and your t's crossed and answer the questions the concerns that some of us have.

OLD BUSINESS

It is stated that we have no old business to cover.

NEW BUSINESS

Ms. Hamley O'Donnell wanted to report regarding new business.

Some of us who have been on the Commission for a while may recall there was a business called Naturally Gifted, a health athletic club in the old Masonic building at the corner of Lee and Mayfield roads. It was twin brothers that came in and presented their project. She stated we have a complaint from a neighbor a couple of doors down about noise. Ms. Hamley O'Donnell stated she has been out to the site once when the noise was happening. We do have our police trying to keep an eye on it but what happens is it gets hot in there, they are a very successful business and they open the windows and they run their classes through a microphone and play loud music in the exercise class. As you know as one of our conditions, if there are issues, they are to work with staff to correct it. Ms. Hamley O'Donnell stated she did send a letter to them a while back. The police told the neighbor that when you have a complaint and are hearing it, call us and so she has called them. She has sent in the recordings of the noise, actually it is when the daughter visits her parents she can hear it.

Mr. Horowitz asked, "Does she live in another building?"

Ms. Hamley O'Donnell said in a single-family house on Whitethorn, a few doors down so when they open the windows on the back of the building, it projects out her way.

Mr. Horowitz felt air conditioning could help solve that problem.

Ms. Hamley O'Donnell stated it is happening, still, even in the winter. She stated she sent a letter and did not get a response from them. She stated she has not gone as far as calling them, but wanted to get the temperature of the Planning Commission so that she could say to them that there is a concern. If it got to a point that we didn't get resolution, then it may have to come back before you for a review of the permit. She wanted to be able to let them know that you were advised of this.

The meeting was adjourned at 9:45 PM.

Michael Ungar, Chair

Minutes of the Planning Commission

Richard Wong, Secretary

January 13, 2016

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