



Ms. Rothenberg stated that she would like him to ask if there are any more proposed revisions to the minutes from our January 13<sup>th</sup> meeting.

Mr. Ungar stated there were none so he stated they are approved without objection. Mr. Ungar thanked them.

**Proj. 16-6: Motorcars Honda, 2953 Mayfield**, C3 Gen. Commercial, requests cond. use permit for showroom addition, per Code ch. 1111, 1115, 1131, 1151, 1153, 1161, 1165, & 1166.

Mr. Ungar asked that all those who plan to testify, in favor of or even perhaps to ask questions about this matter. Please stand and be sworn in by Our Assistant Law Director. Mr. Wong, Ms. Hamley O'Donnell and others in the audience who plan to testify were sworn in. Ms. Rothenberg stated that Mr. Howe will be recusing himself and he will sit in the audience until this project is over.

Ms. Hamley O'Donnell said seeing that the only people in the room right now are the applicants; she would go through this pretty quickly. This is the site on the aerial photograph. The circle in blue shows roughly the area we are talking about. That shows the area that they are proposing to use as a 17,000 square foot addition as a vehicle delivery area. The vehicle display area will be replaced with an enclosed vehicle delivery area. She pointed out where people will learn how to operate their new car and where they will get their instructions from a sales person. She stated this on the bottom shows the location where it's proposed and it makes this building symmetrical. So it's a small addition here. She showed existing photos of the site.

Ms. Hamley O'Donnell stated she had a couple quick photographs to show them. That's the area where it will be now, that's the delivery area now. Next she stated that in front of them are the Standards for Conditional Uses A thru K. She stated that in your Staff Report dated February 4, 2016 which she asked to be entered into the public record, we go into the detail of how staff has found the proposal to be in keeping with the General Standards for Conditional Uses. It is also meets the standards for our sales and auto repair in our Conditional Use Standards, as well as well as our Sustainability Guidelines which encourages preservation of buildings. We like to see buildings occupied and expanded in our community.

Staff recommends the Planning Commission approve a revision to Motorcars Honda's Conditional Use Permit for an addition to the showroom as shown in the drawings dated 1/11/2016, with the following conditions:

1. *Approval of the Architectural Board of Review;*
2. *This use shall not be injurious to the use and enjoyment of other properties in the immediate vicinity or create a nuisance for adjacent properties;*
3. *The applicants shall work with staff to resolve any complaints from neighbors;*
4. *Landscape plan dated 12-17-12 by Cornachione & Wallace Architects (approved as part of Project No. 13-2) shall be included as part of this approval; and*
5. *All required construction and installation of the use shall be completed within 9 months of Planning Commission approval.*

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

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

Ms. Cohen asked the question "I was just curious why nine months and not the normal eighteen months we usually do.

Ms. Hamley O'Donnell stated she thought the applicants stated that they were in a hurry, though eighteen months would be fine, too. She stated all of the applicants have received the staff reports so we will hear more on that topic from the applicant.

Mr. Ungar asked if there were any more questions of staff before we turn it over to the applicant.

Mr. Ungar asked the applicant to come up to the lectern and state his name and address.

The gentleman stated his name is Chuck Gile from Motorcars Honda at 2953 Mayfield Road and he confirmed that he was sworn in.

Mr. Ungar thanked him.

Mr. Gile stated that in the early 1990s he had to make a tough decision which he stated he really didn't want to do. We had a water leaking problem on the east side of the building where the parking deck came to the building. He stated they tried many things to fix it and we couldn't do it and we were advised to put a roof over that area. He stated they did put about a 1700 square foot addition on that side so we could stop the water leak from going down below. The plus side of it was I was able to put 2 delivery bays downstairs. He stated he then decided the delivery bays downstairs he wanted to turn it in to a play area for kids. If you come to the store sometime, which I would be glad to show you, it turned out gorgeous. It looks the front of a Honda dealership with the wave on it and a new front on it. So, this left me still with a need for the two delivery bays. He realized the only area he could put it in is if he extended the building out further on the west side by about 1,700 square feet. He stated his office is across street and it's been there for twelve years or so and every time he looks out his window across the street there is this ugly building that is lopsided and it drives him nuts. So, he stated we now are able to correct the problem we did back in the early nineties, make it symmetrical against what was a beautiful building. Mr. Gile stated he is excited about the project and feels it will look pretty nice. He asked if anyone had any questions. Thank you.

Mr. Ungar asked does anybody have anything they wish to add or questions they want to ask. If not, he will entertain a motion for an approval with respect to Project 16-6.

Mr. Rink made the motion to approve with staff conditions.

Seconded by Mr. Horowitz.

All those in favor say aye.

Aye.

Anyone opposed.

There were none.

Any abstentions. There were none.

Mr. Howe had recused himself, so the motion passed 5-0-1.

Mr. Ungar stated that he knows that he is joined by everybody up here in wishing you good luck with this project. He stated you have been a terrific corporate citizen in Cleveland Heights for many, many, years and we look forward to many years to come. Thank you.

Mr. Ungar stated he'd be remiss before he leaves the room if the record didn't reflect the presence of our wonderful former Mayor, Ed Kelley.

**Project 16-7: Yeshiva Derech Hatorah, formerly Mosdos Ohr Hatorah, 1700 S. Taylor, 'A' single-family,** requests Conditional Use Permit for continued operation of a preschool-12<sup>th</sup> grade school per Code chapters 1111, 1115, 1121, 1151, 1153 and 1161.

Mr. Ungar stated that for purposes of swearing in the witness so he only has to go through this once, he will be sworn in with respect to Project 16-8 simultaneously.

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

Ms. Hamley O'Donnell stated what has happened, first of all here on Project 16-7 and in both of these cases, the buildings have been purchased by the applicant's school and more or less the staff and students will remain the same. She stated it is more a change in the board and administration. This building was built in 1989, a School for Girls and then in 1994, they were approved for an expansion and in some of the conditions that were put on. There were variances with both the 1994 approval and a couple of those conditions were that the variance included a condition that the staff use all of the 8 space parking lot off of Beachwood road and that no greater than 17 classrooms would be created without additional parking. As it exists now, there are not more than 17 classrooms on the site. And they do use this parking lot here and the idea I think is, at the time, mandating that they had staff park here, was to leave this smaller parking lot up front available for parent drop off and that sort of thing.

Ms. Hamley O'Donnell added that you also may remember in 2009 the applicants purchased a house that was located west of the school and got approval to expand this playground and create a retention basin here. They also got approval to build ten more parking spaces along here which were never constructed. She stated there are various conditions that were included as part of that Conditional Use approval. Ms. Hamley O'Donnell said she would just quickly go through a couple photographs just to remind you of the area. In some of these conditions in the staff recommendations we deal with items for example; a garbage dumpster that is not screened per our code. She showed a photo of the eight space parking lot that she had pointed out earlier.

In front of you you'll see the General Standards for Conditional Uses. And again, as in the staff report dated February 3rd which I'd like entered into the record. In that report, the staff outlines the reasons why we feel that this proposed use is in keeping with the Standards for Conditional Uses and that is in your staff report that you received. We also find it to be in keeping with the standards for public and private schools as well as sustainability guidelines and keeping our schools within our city strong. I'm going to go through the conditions. We've recommended as approval and she stated that she and Ms. Rothenberg and she had a conversation earlier today about leaving condition number three in your staff report off and keeping that clean and keeping that with the variance which runs with the land. The applicant is aware of the variances that are in place on that site and that those are applicable to the applicant as well. She stated that staff recommends that the Planning Commission approve a Conditional Use Permit for the school to operate as described in the application materials with the following additional conditions:

1. This use shall not be injurious to the use enjoyment of other properties in the immediate vicinity or create a nuisance for adjacent properties.
2. The applicant shall work with staff to resolve any complaints from neighbors.
3. The existing rain garden water retention facility and all landscaping shall be maintained best practices such as deep root feeding aeration shall be used to preserve trees in the rain garden and the drain shall be maintained so the water percolates into the site, rather than flooding the storm sewer or a neighbor's

property. All keeping with the approved plans by David Toguchi Landscape architect, dated 9/28/09 and 6/28/10. The missing dead plants shall be replaced as needed to be in compliance with the approved plan.

4. The gate to the playground should be locked when the play area is unused and that was a previous condition that would carry over from the previous approval.
5. All dumpsters shall be screened per code section 1166.10.
6. All light fixtures shall be fully recessed and shielded so direct bulb glare and light does not shine onto neighboring properties.
7. Required construction and installation of the use should be completed within eighteen months of Planning Commission approval.

Rabbi Klein is here to ask answer any questions you want to know about this case or the other case

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

There were none.

Mr. Ungar asked that Rabbi Klein please come up and present.

Rabbi Klein came to the lectern and stated he lived at 3507 Shannon Road. He stated that they are trying to continue the school with the same teachers and everything else has been functioning as is since they purchased it.

Rabbi Klein stated he had been sworn in.

Thank you very much.

Mr. Ungar asked if there were any questions for Rabbi Klein's project. He asked if someone wished to make a motion with respect to Project 16-7.

Mr. Horowitz made the motion for approval with the seven conditions outlined by staff.

Mr. Ungar stated we are eliminating number three.  
Correct. OK.

Mr. Ungar asked if there was a second to that.

Ms. Cohen seconded the motion.

OK. It's been moved and seconded.

All those in favor say aye.

Aye.

Anyone opposed. There were none.

Any abstentions, there were none so it carries unanimously, 6-0.

**Project. 16-8: Yeshiva Derech Hatorah, formerly Mosdos Ohr Hatorah, 1508**

Warrensville Ctr., S2 Mixed Use, requests Conditional Use Permit for continued operation of preschool-8<sup>th</sup> grade school per Code chapters 1111, 1115, 1145, 1151, 1153 and 1161.

Ms. Hamley O'Donnell stated there is a school here and a synagogue was located on the site in 1965 and then at some point by 1980 it appears that the school was located here as well. She stated there have been various Conditional Use Permits for modular units throughout the years. But we don't have a real strong early Conditional Use Permit with conditions like we did in the other one. They are right next to Oakwood Club. She pointed out the clubhouse here and this was the tennis court that we talked about last month. Ms. Hamley O'Donnell showed the private Oakwood drive location. She stated this site sort of tucks around behind an apartment building and it ties in with their parking lot as well. The parking lots are integrated.

Mr. Ungar asked what is the current use and how is it being used now.

Ms. Hamley O'Donnell answered it is Mosdos Boys School.

Mr. Ungar asked, is it 100% school.

Ms. Hamley O'Donnell replied yes--nothing about the use is changing. She said there is a point of sale inspection when the property transferred and so one of the things was to reseed the areas that weren't covered in grass. She showed one of the mobile units that was approved in a prior approval for Mosdos. She stated, like the other use, we want to make sure that they're in keeping with our Code which requires that all trash and recycling container trash containers be screened. She showed a photo showing the back part of the lot, and one of the other housing violations with the point of sale was that the parking lot needs to be repaved.

I'd like a staff report dated February 3, 2016, for this case to be entered into the public record. In front of you is a list of the Standards for Conditional Uses. And in your staff report staff we have discussed our findings that we see that this use is in keeping with the Standards for Conditional Uses. One of the issues we did point out was some of the paving issues and the landscaping issues that should be conditions of approval. They do meet with the Standards for public and private schools as well as the Sustainability Guidelines. She stated that one of the things that she did talk to the Rabbi about is we were going back and forth to understand what his parking needs were based on the Zoning Code. When the Code revisions were passed in 2012, we maintained parking minimums but then we added parking maximums. And so when a new parking lot is totally repaved, they have to come into compliance with the Code so there may be a revision to the parking lot that would require fewer parking spaces. She stated this would occur when the repaving takes place and the Rabbi and I have discussed having that conversation when they get to that point. She stated she did not have any concerns about that at this time. If they did want to have extra parking, there would be additional zoning and planning reviews that would have to take place. So staff recommends the Planning Commission approve the Conditional Use Permit for the school to operate at 1508 Warrensville Center Road with the following additional conditions:

1. *This use shall not be injurious to the use and enjoyment of other properties in the immediate vicinity or create a nuisance for adjacent properties;*
2. *The applicants shall work with staff to resolve any complaints from neighbors;*
3. *The use should not encroach on Oakwood Drive; we chose to integrate this into this plan.*
4. *During school hours, traffic cones shall be utilized to block vehicular traffic from entering the area between the school building and the modular unit;*
5. *All light fixtures shall be fully recessed and shielded so direct bulb glare and light does not shine onto neighboring properties;*
6. *Any exterior changes, including signage, shall require the approval of the Architectural Board of Review;*

7. *Landscaping, drainage and parking plan shall be approved by the Planning Director by July 1, 2016. Plan shall include parking lot layout/design, landscaping, plan for bare areas at front of building and dumpster screening per Code chapters 1161 and 1166; Approved plan shall be completed by November 10, 2016;*
8. *Applicant shall facilitate drivers', pedestrians' and bicyclists' movements through the site and discourage cut-through traffic on adjacent Oakwood Drive; and*
9. *All required construction and installation of the use shall be completed within 9 months of Planning Commission approval.*

Mr. Ungar asked Ms. Hamley O'Donnell what kind of notice we gave to the folks on Oakwood Drive.

Ms. Hamley O'Donnell answered, because of the way our development goes, we did not notify people on Oakwood Drive because of where the lots are.

Mr. Ungar stated Rabbi we are happy to hear from you again.

Rabbi Klein stated Mosdos was waiting until spring time to start exterior improvements. He stated he also wants it to look nice for the school and the city. He stated it is his high priority.

Mr. Ungar asked if there were any questions for Rabbi Klein.

There were none.

Mr. Ungar asked for a motion on Project 16-8.

Mr. Rink made the motion to approve with staff conditions

Mr. Cobb seconded the motion.

Mr. Ungar said, it's been moved and seconded, all those in favor say aye.

Any opposed? There were none and there were no abstentions. It passes unanimously.

Mr. Ungar wished them well and thanked him for being here on this snowy night. Good luck with these.

**Proj. 16-9: YogaRoots, 3459 Fairmount**, requests cond. use permit to expand into adjacent space at **3469 Fairmount**, C2 Local Retail, per Code ch. 1111, 1115, 1131, 1151, 1153 & 1161.

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

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

Mr. Ungar stated we will hear from staff first.

Ms. Hamley O'Donnell stated that you may remember last year they came for approval to expand to an adjacent building. In the meantime the owner of that building sold it and another furniture store will be opening there. That partnership did not really work out. The applicant talked to the adjacent business owners who use space for storage about leasing that space for an expanded studio. This is actually adjacent to the existing studio and there is a substantial parking lot back here. She pointed out the existing church here, and there's

a church across the street with some additional parking. Ms. Hamley O'Donnell showed slides of the area. She stated she did get one call a couple of days ago from the Vice President at the church that was adjacent saying he had concerns about the shared parking and she did address that to the applicant who might be able to tell you a little bit more about that it when he comes before you. Ms. Hamley O'Donnell stated she would like the staff report dated January, 25, 2016, entered into public record and in front of you are the Standards for all Conditional Uses. In the staff report we lay out from staff's standpoint how we feel that this is in keeping with the General Standards for Conditional Uses. This is also in keeping, we believe, with standards for dance studios, karate classes and similar uses as well as the Sustainability Guidelines. She stated we like to see the businesses in this community be successful and this expansion will continue to support an existing business. She said the applicants did point out in their application to us that though they have a large parking lot that they share with other adjacent businesses, they also have a good amount of people who live in the neighborhood who walk and or bike to the exercise classes.

Ms. Hamley O'Donnell said she wanted to point out is that about half of that expanded space will be an entry area and a restroom and the other half would be a studio. She stated about 400 square feet would actually be the actual studio, which is about the size of a two car garage. Staff recommends that the Planning Commission approve Yoga Roots' expansion into the 800 square foot space at 3469 Fairmount Boulevard with the conditions as follows:

1. *This use shall not be injurious to the use and enjoyment of other properties in the immediate vicinity or create a nuisance for adjacent properties, and the applicant shall work with staff to resolve neighbor complaints;*
2. *Applicant shall assure that classes are scheduled to take advantage of existing on-site parking and adjacent shared parking; and*
3. *Any future exterior changes or signage shall require the approval of the Architectural Board of Review.*

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

A man came to the lectern and stated he was Scott Curtis, 3459 Fairmount Boulevard, and that he was sworn in. We are an operation that has been going for about two years now at an existing facility at 3459 Fairmount with two thousand square feet and we've enjoyed a considerable amount of success, roughly we're coming up on 4,000 people taking at least one class and a lot of repeats. He stated it has been well received and we can tell you that like most businesses, particularly our students, are coming from about a 3 mile radius so we really are a community within community in Cleveland Heights and we have many of our residents at our studio. He stated it is creating a bit of a capacity issue so we were actually approached by Pinwheel and Jubilee, the owner of the two stores that likewise share parking with us to potentially take over. He stated there is only four hundred square feet they can use for a studio. He stated that, assuming that the construction numbers make sense; this will be a great benefit for our community. We will be able to host private sessions, Thai massage, teacher trainings and a small off yoga classes. He stated with the one concern of parking, we have the benefit of 49 spaces, which is very unique for the size of the establishment that we're talking about. Four of us share those spaces, Studio Taylor, Pinwheel, Jubilee and us, which is very unique for the size of establishments that we are talking about. There is ingress and egress through Unity Center and that is managed with a parking lot attendant by Studio Taylor on Saturday, which is really the high pressure time for parking in that entire commercial district. He stated it has presented a little bit of a rub between Unity Center and Studio Taylor which we do not pay for the parking and we do not do anything with it and would prefer not to have it but when approached by Unity Center, we've never to our knowledge ever had any of our students park where it was a concern for the church. We should be able to adequately park our business within our existing lot. If our expansion was a concern, I don't believe that Jubilee and Pinwheel would have approached us to give up space, as they want their patrons so they can park close to the facility so they have the same general concerns as anyone. He stated they schedule their classes with a fifteen minute interval so that people who leave will free up space. He stated they reached out to the Baptist Church to go over and beyond at the northwest corner of South Taylor

and Fairmount and they actually approached us first to see if they could use some of their parking on Sunday mornings. He stated that YogaRoots are the only ones that are open on Sundays and has any right to use those spaces. He stated they had no problem with that.

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

There were none.

Mr. Ungar thanked Mr. Curtis. He then asked if someone wish to make a motion with respect to Project 16-9, Yoga Roots.

Mr. Cobb made the motion that Project 16-9, be approved subject to staff recommendations and conditions.

Mr. Howe seconded the motion. All those in favor say aye.

There were none opposed and no abstentions.

Mr. Ungar stated he had one question it is sort of related to this project. Mr. Ungar asked Ms. Hamley O'Donnell, when they came to us the last time. they were talking about doing some sort of a deal with the then owner of Paysage. Did I hear you say that something is going on with respect to that property?

Ms. Hamley O'Donnell replied that he sold the building to an Amish furniture store and she didn't know whether they've moved in yet.

Mr. Ungar replied said it was positive that another furniture store would be added to the district.

Mr. Wong added that the sign is up for the new store.

Ms. Hamley O'Donnell stated it's a tricky building because there's not a lot of parking so a furniture stores is the perfect use for that because not a lot of cars come all at once. Many moons ago it was a gas station that grew over the years.

Mr. Ungar asked if we facilitated that. Ms. Hamley O'Donnell answered not the gas station but the furniture store. She replied she talked to him about what could go in there and I had several conversations with the building owner. Mr. Ungar stated it seems to him to be a win for the city. We kept expanding with the Yoga studio and also got a furniture store.

Ms. Cohen stated she was just curious about the street parking on Taylor because she stated she drives by there every day and there is an issue if you are turning from Fairmount onto Taylor Road. I just want to urge you maybe to check with the Police Chief, because they need signage there. She said it turns into a one lane thoroughfare on Taylor. She knows it is not germane to the project since it seems like they have adequate parking for the retailers but whoever is choosing to park, whether it's residents or the people that are not finding their way into the lot, Ms. Cohen stated she thinks it could pose a hazard. She said they are parking right in front of the furniture store. Ms. Cohen said while we are talking about the corner, Ms. Cohen stated she did not even know Yoga Roots was back there. She suggested when they are working with the Architectural Board of Review; she would love to see a sign or something.

Ms. Hamley O'Donnell said she has been talking with them about more of a street presence. They've been really successful without it, but we've talked to them about how they could have some signage. It may require variances but some signage you could see from Fairmount and/or Taylor Road has been discussed and encouraged. She felt they were open to this, but so busy getting themselves up and running and they've had more success than they expected, so it hasn't been their top priority.

Mr. Ungar asked if that is a business district that we are talking about. He stated he should know the answer to this. Mr. Ungar agreed that he did not even know there was leasable space back there.

Ms. Hamley O'Donnell replied yes.

Mr. Ungar wished them the best.

#### OLD BUSINESS

Ms. Hamley O'Donnell wanted to remind everyone and she also did via e-mail that our Master Plan community meeting is February 23rd at 7:00 PM at the Community Center. She stated that you are all invited and encouraged to attend. Mr. Ungar is on that committee and there will be a lot of input. She stated to tell your friends and neighbors about it as well. Mr. Ungar stated the people who are leading it from the County are doing a pretty nice job and they've got a lot of access to a lot of information. Mr. Ungar stated it's an interesting initiative. We have all sorts of diverse input coming from our group which is a good thing.

Mr. Ungar asked Ms. Dunbar if there was anything else on behalf of the Council that you want us to know. Ms. Dunbar stated that this is her first visit here and it's great. She stated there is going to be a public meeting about the gas station [Circle K rezoning request at Mayfield Road and Vandemar Street] that but she did not believe it was scheduled yet. Ms. Dunbar she stated Council is going to have a public hearing to get public input and then we'll decide whether to move forward on the rezoning requested to change from a residential to commercial zoning. Ms. Dunbar said they have twelve pumps.

Mr. Horowitz stated we have a history of adjusting those formats.

Ms. Hamley O'Donnell stated that if this went through the whole process and it were rezoned; it is a Conditional Use as well, so they will be back before you again because any gas station is a Conditional Use.

Ms. Rothenberg stated that, at that point, it would be an introduction of legislation and probably go before City Council and then Planning Commission would make a recommendation whether to rezone or not. She stated that could happen or it could not.

Ms. Dunbar stated, as she understands it, the use that they are proposing is not incompatible with that space, what is incompatible is the design they want to use which would call for a curb cut on Vandemar and rezoning of these two residential properties. She stated they have a format they like to use and they can't fit it on this space without these adaptations.

Mr. Ungar asked if there was any further business, if not we are going to adjourn.

The meeting was adjourned at 8:00 PM.

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Michael Ungar, Chair

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Richard Wong, Secretary

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