

**PLANNING COMMISSION
NOVEMBER 9, 20016
MEETING MINUTES**

MEMBERS PRESENT:	Craig Cobb	Chair
	Jessica Cohen	Vice Chair
	Michael Gaynier	
	Adam Howe	
	Anthony Mattox, Jr.	
	Jeff Rink	
MEMBERS ABSENT:	Len Horowitz	
STAFF PRESENT:	Richard Wong	Director of Planning & Development
	Kara Hamley O'Donnell	City Planner
	Elizabeth Rothenberg	Assistant Director of Law
	Mary Dunbar	City Council Planning & Development Committee Chair

Mr. Cobb began with saying good evening and welcome to the November Planning Commission meeting of the Cleveland Heights Planning Commission. He stated that our first order of business this evening is to have the roll call, Mr. Wong please.

Ms. Cohen	Here
Mr. Gaynier	Here
Mr. Howe	Here
Mr. Mattox	Here
Ms. Cobb	Here

Mr. Wong stated five present.

[Mr. Rink came in after roll call.]

Mr. Cobb asked if everyone had an opportunity to review the minutes from the last meeting. He heard of no changes or corrections and stated that the minutes will be approved as submitted.

Mr. Cobb stated that for those who have not been to any of our meetings before, we have a number of items this evening on the agenda. He stated that what will happen is we have a presentation by staff and then we will hear from the applicant and then if there is anyone here from the public that would like to comment, they will be given an opportunity to speak. He said that anyone who is going to speak tonight will have to take an oath or affirmation and then when you do speak, we need you to go to the podium and give us your name and address and let us know that you did take the oath or affirmation because everything is being recorded. Mr. Cobb asked that we swear everyone in that is going to testify. Mr.

Cobb stated that if you are going to speak he asked that they stand and take the oath or affirmation right now.

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

Ms. Rothenberg added, for the record, that Jeff Rink just walked in.

Proj. 16-25: Akitsu Kendo Dojo LLC, 2110 S. Taylor, C-2 Local Retail, requests cond. use permit to operate studio for fitness/martial arts instruction per Code ch. 1111, 1115, 1131, 1151, 1153, & 1161.

Mr. Cobb stated the first item on the agenda this evening is Project 16-25, Akitsu Kendo Dojo. Ms. Hamley O'Donnell stated this project is located 2110 South Taylor Road. She stated the applicant is here this evening, but because the only people that are here this evening are the applicants, and she has not received any calls or e-mails about this, she will not read the report and asked that her Staff Report dated October 28th for Project 16-25 be entered into the record. She showed them some slides and the location of this studio. She stated that you might remember that just recently you approved a project a couple doors down, a Cross Fit gym in a similar situation. She pointed out the back property with residents who all were notified. The next slide shows the general layout of the gym, the other shows the location that is being proposed. Ms. Hamley O'Donnell stated that in front of you are the Standards for Conditional Uses from Section 1151.02 of our Zoning Code. She stated that staff has found this to be in keeping with those Standards as outlined in our Staff Report as well as the Sustainability Guidelines for the City. She stated that staff recommends that the Planning Commission approve a Conditional Use Permit for Akitsu Kendo Dojo to go into 2110 S. Taylor for a fitness and martial arts studio with the additional 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.*

Project 16-26: Z. Fela, 2094 Stillman, "B" two-family, requests Conditional Use permit for chicken coop and run per Code chapters 1111, 1115, 1121, 1151, and 1153.

Mr. Cobb stated we will now hear from staff. Ms. Hamley O'Donnell stated she would go through this briefly since the applicant is the only person here for this case. She asked that the Staff Report dated October 28th for Project 16-26 be entered into the public record. She stated this deals with our Conditional Use Permit for chickens. As you see in the Staff report, we did have an issue over the summer where the applicant had the coop and was unaware of the requirement to come to the Planning Commission. This has happened on occasion when the applicant orders the eggs and when they came in and hatched, you don't necessarily know whether it's a rooster or not until it starts sounding like a rooster. The neighbors then notified the City pretty quickly and he did have the rooster removed from the property and now he is coming before you. Ms. Hamley O'Donnell added

that she did have a lengthy conversation with a neighbor whose name is Rick Buggeri, 2101 Stillman Road, who is against the chicken coop. He has been unhappy with the gardening that is going on with this property and the noise the chickens and roosters made. He had many other complaints that were unrelated to this particular application. She did want to say his concern is about the noise of this use here. She stated no other neighbors have complained and the rooster issue was dealt with. Ms. Hamley O'Donnell stated she did go out to the property and she then showed the slides of the coop and the property. She stated this is a corner two-family home. The applicant owns and lives in the one half. The neighbor that was complaining was also unhappy with the fact that vegetable gardens were being grown in the front yard. Ms. Hamley O'Donnell stated this is permitted by our code. She showed a slide that showed a part of the yard facing Stillman and another that is looking to the left of that house. She said if you look straight back by the garage you will see the coop. The coop meets code requirements. She showed another view of the coop and the side entrance to that double two-family house. She showed the applicant's site plan which showed all the appropriate distances from the house and the property lines. She stated the Standards that are laid out for chicken coops. Ms. Hamley O'Donnell stated that staff recommends that the Planning Commission approve the applicant's request for a Conditional Use Permit for a chicken coop and run for no more than 4 hens with the following conditions:

- 1. Applicants shall adhere to all applicable Building Code regulations;*
- 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 coop and run enclosures shall be of uniform and sturdy design and shall be constructed and maintained in good condition to protect the safety of the chickens and the aesthetics of the neighborhood. Fencing material shall be securely fastened to posts of reasonable strength firmly set into the ground and, if used, chicken wire or other woven wire shall be stretched tightly between support posts;*
- 4. At all times, chickens shall be contained within the coop and/or run which shall be at least 10' from all property lines;*
- 5. No roosters shall be permitted on the property;*
- 6. The applicants shall work with staff to resolve any complaints from neighbors; and*
- 7. All required construction and installation of the use shall be completed within 18 months of Planning Commission approval.*

She stated the applicant is here and can address any questions. He did note before the meeting that his neighbors immediately abutting him have had no problem with the chickens.

Mr. Cobb asked if there were any questions for staff.

Mr. Mattox, Jr. asked if the complainant is more than a house away.

Ms. Hamley O'Donnell answered he is diagonally across the street and it seemed, from our conversation, that he did not even know that the chickens were currently there. He is a property owner but not a resident of that property. She thought it was another two-family home across the street.

Mr. Cobb asked if there is anything the applicant would like to tell us.

The applicant came to the lectern and stated his name is Zachary Fela, owner of 2094 Stillman Road, and stated that he has taken the oath. He wanted to say to the Commission and the administration that he appreciated the opportunity to come before you to be granted this Conditional Use permit. He said if there are any questions, he is happy to answer them. He did want to add that they are trying to move their yard, as you can see from the pictures, into a sustainable garden with perennials and annuals.

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

Mr. Cobb thanked him.

Mr. Gaynier made the motion to approve Project 16-26 at 2094 Stillman for the Conditional Use permit with the staff conditions.

Mr. Rink seconded the motion.

Mr. Cobb asked is there any discussion.

There was none.

Mr. Cobb asked for all in favor say aye.

Aye.

Any opposed, there were none.

Any abstentions, there were none.

Mr. Cobb stated it passes and congratulated him.

Project 16-27: GFO Projects LLC, owner of Bluestone, 3505 Mayfield (1355-1365 Slate Ct.), MF1 multi-family, requests lot resubdivision per Code chapters 1111, 1115, 1123 and 1147.

Ms. Hamley O'Donnell stated she would like the staff report for Project 16-27 dated October 25, 2016, entered into the public record. She said the context and the history is laid out here and as you will recognize from a few months ago, you approved what is shown in blue, the property lines for proposed cluster homes. After working with their engineer, they decided that the lines shown in pink were more appropriate as far as the lot lines for these properties. It does not change where the buildings are located, just where the lot lines are. She stated that staff recommends that the Planning Commission approve the lot re-subdivision as shown on the plat by Riverstone Survey dated October 6, 2016, with the condition that prior to submitting the plat to the County Recorder, it must be signed by the Director of Law and the Director of Planning.

Mr. Cobb asked if there were any questions for staff.

There were none.

Mr. Cobb asked if the applicant had anything they feel they need to add.

No.

Mr. Cobb asked if anyone would like to make a motion.

Mr. Rink made the motion to approve with the staff recommendation and condition as stated.

Mr. Cobb asked for a second.

Mr. Mattox Jr. seconded the motion.

Mr. Cobb asked if there was any discussion needed.

There was no discussion.

All in favor say aye.

Aye.

Any opposed. There were none.

Any abstentions. There were none.

Mr. Cobb congratulated the applicant.

Project 15-31: Hebrew Academy of Cleveland, 1516 Warrensville Center, "AA"
single-family, requests lot resubdivision per Code chapters 1111, 1115 and 1121.

Mr. Cobb asked to hear from staff.

Ms. Hamley O'Donnell stated that we may remember at our last meeting, you continued the lot resubdivision at Oakwood Country Club, there were some questions from the neighbors and at that time the applicant decided to pull back from that. There was also a future development parcel off to the left and south of the lot. In this proposal, they have just joined all of the adjacent and Oakwood-owned parcels together which is shown to you on the slide in the blue. She stated the red represents the land that adjacent neighbors will be purchasing to add to their properties. She stated in the staff report, dated October 25th, that was the land that was the "option" land so you will see all but two of them have agreed to purchase the "option land". One owner had purchased the "option" land a few years ago. She said that every neighbor, except for two, have come to an agreement with Oakwood to add that option land. She stated that sometime in the future the other owners who might come to any agreement with them and they would come back before this Board, but at this time what you are looking at is the blue parcel which would be for Oakwood and each of those red parcels we have signed copies of the portion of the purchase agreement that shows each of the home owners that are in favor of this proposal that is in front of you.

Ms. Hamley O'Donnell stated that we recommend the approval based on the drawing with the same conditions that we recommended before, that the resubdivision be signed by the Director of Law and the Director of Planning prior to submission to the County Recorder.

Mr. Cobb asked if there were any questions for staff.

Mr. Gaynier asked why now, have they decided they are not going to purchase or is this something that is still in negotiation that we don't want to get in the middle of.

Ms. Rothenberg asked do you mean the two that have not decided.

Mr. Gaynier said, right, the two parcels that have said no.

Ms. Rothenberg answered they had to come today in order to meet the extension that had been granted to them last month.

Ms. Hamley O'Donnell stated this should not impact the negotiation, and part of Oakwood's reason for this request is that we require for the school to be on one parcel, you can't build a school on two or three parcels. They needed to come forward with this and so, if, and when, future agreements are signed, they would come back. Doing this now is also in the interest of them expediting the agreement/property sale with the people who have already signed.

Mr. Gaynier stated he did not understand what they are saying. I don't want to represent the developers and putting their feet to the fire, if you know what I mean.

Ms. Rothenberg replied that she did not see that as a possibility. She said this is joining lots not just splitting off. She asked if this is correct. Ms. Hamley O'Donnell replied "yes."

Ms. Hamley O'Donnell stated every one of those Z's represent on the map a lot that is being joined together, so there are multiple parcels that are being joined together. She stated that the shaded areas are sort of being peeled off of the Oakwood property and added on to the adjacent residential properties.

Ms. Rothenberg stated she did not see any negative in this, in response to Mr. Gaynier's comment.

Mr. Gaynier asked if they will still have to come back if they decide to split off the parcel to the south for future development or to separate that like was proposed last time.

Ms. Hamley O'Donnell replied absolutely. Any change from this one single blue parcel and the handful of red parcels would have to come back before this board; it could come all at once or it could come a little at a time based on where they are at that time. We would go through the same process.

Mr. Cobb asked if there were any other questions.

Mr. Cobb asked if there is anything that needs to be added.

Mr. Cobb asked if anyone had any questions for the applicant. There were none.

Mr. Cobb asked if there was anyone here from the public that wants to speak to us on this matter.

Ms. Hamley O'Donnell answered a woman in the audience who did not wish to speak but wanted to talk with Ms. Hamley O'Donnell after the meeting.

Mr. Cobb asked if anyone would like to make a motion.

Ms. Cohen made the motion to approve Project 15-31 with the staff recommendations as noted.

Mr. Cobb asked for a second and Mr. Mattox, Jr. seconded the motion.

Mr. Cobb asked if any discussion was needed. There was not.

After Mr. Cobb called for a vote, the motion was unanimously approved.

Mr. Cobb thanked the applicant.

OLD BUSINESS

Mr. Cobb asked about any old business and there was none.

NEW BUSINESS

Mr. Cobb asked if there was any new business. There was none.

Ms. Hamley O'Donnell did state that, as of today, we do not have any new applications for our December meeting, so there is a pretty good chance we will not have a December meeting.

Mr. Rink asked about a presentation on Lee Road, a pedestrian and bicycle designing funds that were coming in, has that happened? He stated this is probably 6 months ago.

Mr. Wong answered saying that a lot of that is being built but of course we had to meet a budget that is roughly 3.2 million dollars. You will see this mostly in the lights, underground utilities to power the new traffic signals. It is very bike friendly and pedestrian in that all those mid-block crosswalks where you are really afraid cars won't yield to you. He stated that on average cars will yield about 20% of the time, statistics show. He stated that is not good odds when you are trying to cross. These lights we are putting in are special and proven to increase the yield rates to 60-80%. So there is a much better chance that cars will stop and yield which means it is better for business on the west side which doesn't have enough parking so customers can cross. He stated this is very important to a restaurant district.

Mr. Rink asked if it is all in.

Mr. Wong answered it will be done by December 25, 2016, but the landscaping will take place next spring.

Mr. Cobb asked if there was anything else. There was not.

Mr. Cobb adjourned the meeting at 7:30 PM.

Craig S. Cobb, Chair

Richard Wong, Secretary

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