

PLANNING COMMISSION
April 14, 2015 MEETING MINUTES

MEMBERS PRESENT: Craig Cobb Vice Chair
 Adam Howe
 Len Horowitz
 Anthony Mattox Jr.
 Jeff Rink (late arrival as noted)

MEMBERS ABSENT: Mike Ungar Chair
 Jessica Cohen

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

Mr. Cobb welcomed everyone to the April Planning Commission meeting. Mr. Cobb asked Mr. Wong for a roll call.

Mr. Wong proceeded to do the roll call.

Mr. Horowitz	Here
Mr. Howe	Here
Mr. Mattox, Jr.	Here
Mr. Cobb	Here

Mr. Wong stated there were 4 present. [Mr. Rink arrived later.]

Mr. Cobb asked if everyone has had an opportunity to look at the minutes from our last meeting. He asked if there were any corrections or changes that anyone would like to make. There was none.

Mr. Cobb then asked for a motion to approve the minutes.

Mr. Horowitz stated so moved.

Mr. Mattox Jr. seconded the motion.

Mr. Cobb stated then everyone is in favor and the March minutes are approved.

Mr. Cobb stated that for those of you that have not been at our meetings before, here is what is going to happen. First our staff is going to give a presentation on each project on the agenda. Then when staff is finished, the applicant will have an opportunity to speak to the Commission and answer any questions that they have. If anyone that is here from

the public that would like to speak on the project, they will be given an opportunity to do that. If anyone is going to speak tonight, they will have to take the oath or affirmation that will be administered by the Assistant Law Director. When you come up to the lectern to speak, we are going to ask you to please state your name and your current address and let us know that you did take the oath or affirmation which is for our record keeping purposes. The proceedings this evening are recorded so it will be our proof that you did take the oath or affirmation.

Mr. Rink joined the Planning Commission meeting at 7:10 PM.

Project 15-11: W.P. Cimino, 1493 and 1497 Middleton (ppn 683-09-028 & 683-09-027), 'A' single-family, requests lot joining per Code chapters, 1111, 1115 and 1121.

Mr. Cobb stated our first agenda item is Project 15-11.

Ms. Rothenberg stated that anyone that is going to testify about Project 15-11, please stand. This includes whether you are going to speak for or against. Mr. Wong, Ms. Hamley O'Donnell and others in the audience who planned to testify were sworn in.

Ms. Hamley O'Donnell began with stating that this is for a lot resubdivision for a property at 1493 and 1497 Middleton Road. The permanent parcel numbers are 683-09-028 and 683-09-027. She showed an overhead slide of the house on the south side which is the one with the grey roof. This was demolished last year after being purchased by Mr. Cimino who owns the brown roofed structure. His proposal is to build a garage as she stated in the history of the case. There were several applications by Mr. Cimino for a variance to provide no garage on the property for as long as he lived at this property. These were denied and there were several court hearings and appeals. Then last year Mr. Cimino purchased this adjacent property. She stated in December of 2014, the City and Mr. Cimino entered into a settlement agreement. This required Mr. Cimino to build a garage and join these two adjacent parcels. Ms. Hamley O'Donnell stated the proposed plan above shows the two parcels and where he plans to build a garage. All that is before us this evening is the lot joining. They need to be joined because you have to have a principal use and an accessory use for them to be on the same lot. You can't have an accessory use on a lot without a principal use. Ms. Hamley O'Donnell showed some pictures of these parcels which are current. She showed one of the house and the vacant parcel in the fore front. Ms. Hamley O'Donnell stated we recommend you approve the joining of those two parcels.

Mr. Cobb asked if there were any questions for staff. He asked if the applicant wanted to address us. Mr. Cobb reminded him to state his name, address and let us know that he did take the oath or affirmation.

A gentleman came to the lectern. He stated his name is Frank Cimino and that he is Bill Cimino's brother. He stated he was involved in the cases that were referenced earlier by Ms. Hamley O'Donnell. He said prior to approaching the lectern, he was sworn in by the Assistant Law Director.

Mr. Cobb thanked him.

Mr. Cimino began with saying that basically this has been somewhat involved over time. He said that last year the main issue that occurred was Bill Cimino bought the property next door to his house. He stated this then precipitated a resolution of the current lawsuit that was involved. This involved Mr. Wong, Mr. Juliano, and me along with Bill entering into negotiations to bring about a resolution of the lawsuit. Mr. Cimino stated there were some other cases that were pending in Cleveland Heights Municipal court and they were resolved. As a result of all of that, an agreement was entered into the first week or so of December 2014. Mr. Cimino said the basic understanding was that the house would be demolished and the house being gone would open up that lot. The garage would be then proposed to be built on the footprint of the house that was demolished. The property then would be developed in that fashion. He did want to indicate to you that the house was actually demolished once Bill bought it, prior to the time that we actually entered into the signed agreement. We have agreed to it but the document itself had not been executed by the parties. Mr. Cimino stated Bill Cimino has a sincere interest in trying to move this plan forward. He did want to indicate to you that he has a surveyor that he is calling tomorrow if this is approved this evening to have the lots surveyed to be joined. He stated that Bill is willing and more than anxious to move this forward and put this issue between both the City and ourselves behind us. Mr. Cimino did want to indicate to them that the lawsuit and settlement was then recorded in the Common Pleas Court. He stated they were in the Appellate Court, then we went down to the Common Pleas Court and the settlement was entered into the record on the docket of the court. This was done with Judge Timothy McCormick who has the authority to enforce the terms of the settlement. Mr. Cimino stated the garage would be built and that is to be done no later than November of next year. He stated again he wanted to indicate to all that his plans are on getting this accomplished this year.

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

Mr. Cobb asked for a motion on this project.

Ms. Rothenberg interjected that Jeff Rink came in late and missed the beginning of the meeting and she asked that he abstain and that the record indicates that Mr. Rink is now present.

Mr. Cobb asked if anyone wanted to make a motion on this Project 15-11.

Mr. Howe made the motion for approval of the Lot Subdivision.

Mr. Cobb asked for a second.

Mr. Mattox, Jr. seconded the motion.

All in favor say aye.

Aye.

There were none opposed.

There was one abstention, so that carries 4-0-1.

Mr. Cobb thanked Mr. Cimino.

Project 15-12: CH-UH City School District, Heights High School, 13263 Cedar Rd., S2 Mixed Use, requests Conditional Use Permit for 2 modular bldgs. (locker rooms, coach offices, restrooms and changing area) at NW corner of site, fall 2015 - summer 2017 per Code chapters 1111, 1115, 1123, 1131, 1145, 1151, 1153 and 1161.

Mr. Cobb asked if we could swear the school board representatives in together.

Ms. Hamley O'Donnell stated there are two different architects.

Ms. Rothenberg stated that was fine.

Mr. Cobb stated they would be sworn in for Project 15-12 and Project 15-1.

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

Mr. Cobb asked to hear from staff on Project 15-12.

Ms. Hamley O'Donnell stated that most everyone is familiar with the overall site. The area being discussed was shown on a slide from an aerial view. She pointed out temporary modular locker rooms they'll be using over the next couple of sports seasons because the school building will be completely closed. This is similar to the temporary bus units that you reviewed a couple months ago at Park Synagogue. Ms. Hamley O'Donnell showed a slide going south on Lee Road. She reminded everyone that we approve these cases based on the Standards for Conditional Uses and the impact it will have on the neighborhood. Those standards go from A-G which staff has laid out in the staff report and the fact that these are temporary in nature. The location will be set back from the road and there will be no impact on the neighborhood in the short term or the long term. She stated it does meet the standards for all Conditional Uses. She stated this is a reusable building and it meets with our Sustainability Guidelines. Ms. Hamley O'Donnell stated that staff recommends that the Planning Commission approve the Conditional Use Permit for the two modular buildings as shown in the plans by Studio Techne with the following three conditions:

1. *Applicant shall return to the Planning Commission for approval of any significant alteration or expansion of their operations;*
2. *The applicant shall work with staff to resolve any complaints from neighbors and residents; and*
3. *Receipt of Architectural Board of Review approval*

Ms. Hamley O'Donnell stated that is all she has. She stated the architect as well as a representative from the school district is here to answer any questions.

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

Mr. Cobb stated that he had a question for them. Mr. Cobb asked how similar in shape and design are these going to be to the ones they are using where the school buses are?

Ms. Hamley O'Donnell stated that the architect or Mr. Shergalis could answer that. She was not sure about the footprint of those, but she thought the siding was similar.

Mr. Cobb asked if we had photographs.

Ms. Hamley O'Donnell replied that we do not have any.

Mr. Cobb asked if we could hear from the applicant.

Mr. Shergalis came to the lectern. He stated he was Steve Shergalis and was Director of Business Services of Cleveland Heights-University Heights School District and that he has been sworn in. He thanked them.

Mr. Shergalis began saying very quickly; his role is to simply say that when we talk about temporary, we are talking about the next two school years. Mr. Shergalis said that is the duration that these will be here during the time that the high school is under construction. He stated that once we have the new building in place, obviously we will have locker rooms and these will be removed. He stated he had Marco Ciccarelli is the architect and, between the two of us, we will be happy to take any questions that you have.

Mr. Cobb asked if they could give him some idea of the size or dimensions and how these buildings are going to look.

A gentleman came to the lectern and stated his name is Marco Ciccarelli, from Studio Techne Architects, 12210 Euclid Avenue, Cleveland, OH and he did take the oath or affirmation. Mr. Ciccarelli stated that the buildings themselves are two different sizes. The one at the top is the visitor locker room; the one down below is the home locker room as well as offices for the coaches and referees. He stated the buildings are about 20-24 feet wide and then the top building is approximately 60 feet long. The bottom building is about 60 more feet to pick up the rest of the remaining bathrooms and offices. Mr. Ciccarelli stated they are typical of most modular buildings in that they are vertically sided with a corrugated metal siding. There is a very low slope roof to them and will be of a light beige color so that they will be ignored for the most part or not seen.

Mr. Cobb asked if anyone had any questions for the applicant. Mr. Cobb asked if there was a reason why they did not have a picture, he was just curious or a better diagram to give us some idea.

Mr. Ciccarelli answered there is no photograph because they have not been made. He pointed to the elevation drawing and said you can see the plan above and that it is a very simple plain building.

Mr. Cobb asked if there were any questions.

There were none.

Mr. Cobb asked if anyone would like to make a motion on Project 15-12.

Mr. Horowitz stated he moved for approval on 15-12 with staff conditions.

Mr. Rink seconded the motion.

Mr. Cobb said all in favor.

Aye.

Any oppositions? None.

Any abstentions? None.

Mr. Cobb stated then it carries, 5-0.

Project 15-1: CH-UH City School District, Heights High School, 13263 Cedar Rd., S2 Mixed Use, requests cond. use permit for (a) site redesign and building renovation/additions & (b) modification of parking requirements for fewer parking spaces than required per Code chapters 1111, 1115, 1123, 1131, 1145, 1151, 1153, 1161 and 1166.

Ms. Hamley O'Donnell stated she was going to give a quick introduction on this project and then she was going to mostly pass it off to the school district to do most of the presentations since they are much more familiar with this project. She stated that she will come back after they are done and give a quick summary of our staff report. The big issue is there are two things that are before you, one is the overall renovation of the high school which would be one motion for approval and then a second issue is to modify parking requirements for fewer parking spaces than what is required by code. She stated those are the two items that will be before you for a vote. They will present and she will do a quick summary based on her Staff Report she will make her recommendations after they have given their presentations.

A gentleman came to the lectern and stated his name was Gary Balog from BSHM Architects, 15 Central Square, Youngstown, OH. He stated he did take the oath or affirmation as you call it. He stated he was glad to be back here tonight. He said that maybe some of you were not here at the last meeting. He stated he was going to run through the floor plans, just so you can re-orient your selves in terms of the building. He pointed to the outline which is the original 1926 academic section and the auditorium was shown. He stated the building has four levels, and a lower level. He said they took the liberty of calling the lowest level "Washington Level" because it aligns with the street Washington. The next level up is the "Cedar Level" and then there are three levels above that since there are four levels in the existing building.

He pointed out the Washington Boulevard level. He said this is primarily occupied by most of the athletic and physical education facilities. Some career tech spaces are on this level. He showed the main gym and then the auxiliary gym, swimming pools, CTE spaces, service area with a dock and loading area. He stated there are some CTE spaces and some ancillary athletic spaces. Mr. Balog pointed out that there are several entrances to the building, he pointed to a secondary entry but it could serve as a primary entry for the public coming in to use the pool area or the other facilities. Mr. Balog pointed to another entry on another level which can service people coming to events that are not in the main gymnasium. The next level up is the Cedar level. This is the existing auditorium space and stage, and the lobby. He stated the red outlines the 1926 building. He said on the next level they are wrapping some new additions around the original building. Then there are major additions on the sections of the building. The existing building is about 480,000 square feet and he thinks they are taking the existing building down to about 150 or 160,000 square feet. Mr. Balog stated that the total of the new and old is about 365,000 to

375,000 square feet so this reducing a significant amount of space. This then as a result is reducing the footprint of the building also.

Mr. Balog pointed to another level where there is a main entry for students and the public which is on the Cedar level. The next sections is the administration where there is a media center, student dining area which also can be associated with this auditorium space and some of the other public spaces. He said the next several levels are very similar and primarily academic in nature. He said they decided that since they were historically classroom spaces, we would still use them as classroom spaces since that made sense. We also wrapped some additional classroom spaces around the upper level of the auditorium and CTE spaces were also on these floors. The next level up is the 3rd level and is primarily academic and art occupies the space that was originally the cafeteria. He stated this is unique that they had the cafeteria on the third floor of the building. He said they are creating some studio space up there for art and they will have some very nice views of the outside. The fourth floor which is above this area is really two large spaces and some ancillary spaces which were originally vocal music and band. All the levels of the building are handicapped accessible and meet the ADA requirements. He stated that is pretty much a synopsis of the building plans.

Mr. Balog then went to the site plan and he said that it is very similar to what you saw in January. Mr. Balog said they have had plenty of meetings with the Planning Department and the Police Department. He said they made several recommendations based on the comments that came from the Commission when we met in January. Mr. Balog wanted to next go over the general layout of the parking and access and egress drives and then talk about the changes that were made to support the recommendations from Planning staff. Mr. Balog started with saying there are two primary drives, one on the east side of the building and one on the west side of the building. He pointed out the historic entrance the building which is also being used as a secondary entrance to the building. He said they made a conscience decision to keep the parking off of these driveways rather than trying to spread it out. He said if you recall, right now there is a large parking lot and a lot of drives, it's sort of like a pin ball, and you have to navigate through the aisles to find an open spot. In this new scheme, most of the parking is congregated around the drives. There is one small lot he pointed out on the map. He stated we have approximately 206 parking spaces on the site. The existing site has about 208 parking spaces and we are reducing the amount of parking that is required by code. He felt that by providing the same number of spaces that we currently have is more than adequate. He said they also are providing some spaces that are back in spaces on Washington which will be used primarily by the teaching staff during the school hours which brings the total to 230 spaces. He said that getting into these areas where people are use to pulling in off of Washington because that is what they do now. He pointed out on the overhead the entrance drive, a queuing lane that comes into a pin ball maze and once they pull up to the back door everything comes to a standstill. He said they are now going to have an entrance drive here, a queuing lane and then a primary drop off. Mr. Balog stated that in January an issue was brought up that there was some concern about exiting onto Cedar Road. He said they have taken another look at how many cars would actually be exiting on to Cedar and determined that not all of those folks would be going out on to Cedar Road. In fact, some parents drop their students off on the opposite side of the street. They think that some parents will pull in off of Cedar Road and pull in and drop their students off. Another item that came from the meetings was they thought it would be a good idea to provide another outlet on to Washington which would force some drivers to exit and turn east. He felt once people start using the new traffic pattern they

will develop their own way. He said there will be security staff from the high school that will be on Washington and inside the lot directing traffic like they are now.

Mr. Balog showed another driveway and said that there are not a lot of school buses that deliver students here, other than some special needs students who do attend the school. There will be gates up to prevent the driving through of cars when school is in session. He said the other thing is that pool is over here, the parking that is there and the parking on the street which would be open to the public after school hours and on weekends could be used by patrons or the public going to use the pool. Mr. Balog stated that is the parking and the circulation planned. He said another recommendation that was made by staff was to use traffic tables for students going from one side of the parking lot to the other side so we have incorporated those into that. He stated they have put a barrier down which would discourage people from making left hand turns off of Cedar Road. He felt once they tried it they would probably not do that again. He said they did look into potentially relocating some of the existing cross walks or doing some adjustments to the signals and the recommendation from the Police Department was it works now and it will work fine. They were opposed to making any adjustments on those. Mr. Balog stated there still were some meetings to be held to settle on what plants and trees they plan to do. He also said at the last meeting, they did have a final design thought for the portion of the building that wraps the existing 1926 part and they have prepared some digital images of that. He stated since then, they have gone back and made some tweaks on that part of the building but they also have undergone a thorough investigation of some of the other portions of the building, primarily the larger additions to the North.

Mr. Balog stated that the sketches that you received copies of, one of the things we talked about was that maybe the interpretation of this was too literal. In other words, it was a replica of the existing building. He stated the transition between that and then the larger additions, there was a bit too much contrast, too stark. Mr. Balog stated so what they did was they came back and reinterpreted the windows and the trim around them, rather than doing that out of stone. It is now made out of brick but has a similar flavor to it but now it is not just a replication of that, it has more of a 2015 feeling to it.

He stated (and pointed to) this part of the building is predominately masonry. They looked at the main entrance and the academic bar. He showed a larger image of what you will see when you walk into the building. Mr. Balog pointed out they are using more brick rather than stone work. He said they do have a large floor mat masonry base and then most of these major pieces of the entry are also in large format. Mr. Balog said when you go along the western side of the building, this is the dining commons. Again this area has large open windows. He pointed out further in the back on the north side of the building will be the auxiliary gymnasium and then the pool. Mr. Balog stated this is where they are at right now. He is quite happy with all so far. Mr. Balog said it has been a real process. He expressed he has hopes to get beyond LEED Gold so they are quite happy with that. He wanted to say thank you to the Planning Department because there was a lot of cooperation. Mr. Balog said they took the comments that were made and turned them into concrete suggestions which were doable and we think the project is a lot better because of that.

Mr. Cobb asked if there were any questions for the applicant.

There were none.

Ms. Hamley O'Donnell showed some photos stating to her it is a lot easier to picture this building from the air. She showed the section that was going to be totally taken off. Ms. Hamley O'Donnell pointed out the many additions that have been done on the back that they have talked about this evening about over the years. She said one of the things they thought was good was to eliminate any more paving than they needed. She felt it was easy enough to train the teachers who will be coming in early on how to use the back-in angled parking and then the people will get used to seeing the teachers doing it. They felt it is the safest way for pedestrians, unloading things from their cars and bicyclists. She stated that if you have ever been around the school at that time, there are a lot of kids arriving on their bikes. Hopefully, with proposed bicycle parking being located closer to the doors, kids can really bike right up to the main entrance which she thought will encourage more cyclists to bike. Ms. Hamley O'Donnell stated again as she said before, there are two things before you this evening and they have to do with the standards for Conditional Uses and those conditions are in front of you. She reminded them that it is also laid out in the Staff Report that you have. Ms. Hamley O'Donnell reminded them that we encourage sustainable development and this is a new compact, efficient, transit friendly, fully accessible plan. She stated we believe from a staff level with the existing conditions it is a good plan that disperses vehicles that arrived previously on Washington Blvd onto both Cedar and Washington instead of concentrating all on Washington Blvd. She said this allows for less building and paving so there is less storm water runoff and this is also a positive design.

Ms. Hamley O'Donnell stated we feel like they have come a long way since January with the design of the exterior building. She said they had their concerns that were addressed with them at the earlier meetings and we are very happy with the direction they are going. She said that the project will go before the Architectural Board of Review. There is one thing that was not discussed and that is a 20 foot tall seasonal net fence that needs to be put in by the baseball field because there used to be a parking lot there. Right now as it stands, the foul balls will end up in the parking lot without this fence. It will go before our Board of Zoning Appeals in the next week or so. We are scheduled to meet with the district's staff to review and talk about landscaping and the details. Ms. Hamley O'Donnell said they have a preliminary plan that Mr. Shergalis and she have talked back and forth; we are not content where it is at now. She stated she has talked with Mr. Balog about this as well. She said in the next couple of weeks, Mr. Wong, me and a few others from the staff of the school district will be meeting to get it to a point where we are comfortable with the landscaping. She stated this is quite common when we come before you that it goes to the Planning Director for approval so you know we are moving towards a final plan that we are comfortable with. She stated this may also have to go before the Board of Zoning Appeals.

Ms. Hamley O'Donnell wanted to discuss the parking situation and the plans that we looked at. There are currently 228 spaces and our code requires with this new school, 230 parking spaces. The proposed plan includes 206 on-site parking spaces and 29 back-in angled parking spaces within the Washington Boulevard right-of-way (235 spaces total). She stated this happens when we can't count those back-in parking spaces, since they are not on the school district's private property but the reality is that they will be

used for the school and that is why the district is requesting a reduction in the parking spaces. She simply is the way our Code defines it. She said from staff's standpoint we feel comfortable that the parking spaces that they have now and what they will have in the future will be sufficient. Ms. Hamley O'Donnell also mentioned there is a huge parking lot across the street with meters. Kids can buy passes for it along with the free parking lot that is west of Lee Road, the "AT&T lot" is what we call it, where a lot of the students park. The code does allow us to modify the parking requirements based on use and function. She stated that we always look at our sustainability guidelines as you hear from Mr. Balog, they are very detailed. Ms. Hamley O'Donnell stated we have two recommendations on this project. The first is that staff recommends the approval of the site redesign and building renovation that was presented to you by the school district this evening with the following conditions:

1. *Receipt of required variances from the Board of Zoning Appeals;*
2. *Architectural Board of Review approval for buildings, structures, and signage;*
3. *Final signage, lighting, landscaping and drainage plan shall be approved by the Planning Director;*
4. *CH-UH City School District shall continue to provide sufficient staff to minimize congestion on public streets and to facilitate drivers', pedestrians' and bicyclists' movements through the site;*
5. *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;*
6. *The applicant shall promptly resolve any complaints from neighbors and residents;*
7. *All improvements as described shall be completed by September 30, 2017; and*
8. *Receipt of all required Building Department permits.*

That will be one motion. The second recommendation is approval of the proposed modification of parking requirements for fewer parking spaces as shown in the plans, with the following two conditions

1. *An executed agreement between the applicant and the City concerning exclusive use of the 29 Washington Boulevard back-in angle parking spaces from 6 a.m. – 4 p.m. school days, which shall assure the retention of such parking so long as required by this Zoning Code; and*
2. *All improvements as described shall be completed by September 30, 2017.*

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

Mr. Cobb asked if there were any further questions before we go for motions.

Mr. Rink asked the applicant about the slide he showed that had the direction of how you will do the angle back in parking, is there a thought that this would be part of the signage you would put periodically beyond Washington Blvd.

Ms. Hamley O'Donnell answered yes. She said they have talked about that and it is very important. She felt it is two parts. First it is signage, and the second part is education. Any of the communities that have rolled this out, there are videos all over YouTube, some more effective than others. She is just trying to get people to understand how it is done. The staff will be trained so they can get use to it, and then signage will need to be out.

Mr. Rink asked if the baseball and softball fields proposed to stay in the same orientation.

Mr. Balog said, yes they are.

Mr. Rink asked if they will be used during construction.

Mr. Balog answered, they would not be used. They will be laid out areas for contractors.

Mr. Rink asked about the landscaping coming back to us?

Ms. Hamley O'Donnell answered, yes, to the Planning Director, which is typical; Richard is pretty strict about landscape plans.

Mr. Rink stated great job by staff also.

Mr. Balog thanked everyone.

Mr. Mattox, Jr. asked how many staff members are currently working that parking lot.

Mr. Balog answered that it varies but he thinks anywhere from 4-6 outside and sometimes more depending on the weather. If it is bad, there will be some more out there. We will continue to work with the Police Department; they really are the ones who are helping guide us through this.

Ms. Hamley O'Donnell just had Mr. Wong point out to her that we missed in our condition of final sign language #2 and Condition #3 on Staff Recommendations for a final signage and landscaping. She stated we would like to add lighting to that as well. The details of the lighting have not really been completed yet but we have some strict regulations on that. She wanted to amend her recommendation to include lighting in that Condition A-3. We are required by our code that they give us a lighting plan and there are certain regulations on how high they can be and also give us a lighting plan that shows the amount of light that is at the edge of the property. We do not want it so it is beaming into all the neighbors' yards.

Mr. Cobb asked if someone would like to make a motion for Part A of Project 15-1.

Mr. Rink made the motion to approve Part A of Project 15-1 with all the staff conditions, including the amended one for lighting.

Mr. Cobb asked for a second for that.

Mr. Mattox, Jr. seconded the motion.

All in favor say aye.

Aye.

Any opposed.

Any abstentions.

No so that carries, 5-0.

Mr. Cobb asked for a motion on Part B of Project 15-1.

Mr. Rink made the motion for approval of Part B with the staff recommendations of Project 15-1 regarding the parking modifications requirements.

Mr. Cobb asked if there was second.

Mr. Howe seconded the motion.

Mr. Cobb asked all in favor say aye.

Aye.

Any oppositions? None.

Any abstentions? None so that carries 5-0 as well.

Mr. Shergalis thanked everyone for this action. He invited everyone to come by before June 5th for one of the many spring events. After that, the demolition will begin.

Project 15-13: The Katz Club LLC, 1975 Lee, S2 Mixed Use, requests Conditional Use Permit to operate catering and meeting room/party center per Code chapters 1111, 1115, 1123, 1131, 1145, 1151, 1153 and 1161.

Ms. Hamley O'Donnell began saying this is for the Katz Club and the history on this is it first opened in 2000 and has gone through various owners. The current owner experienced arson last year in one of the diners and she showed a slide of how it looked prior to the arson. The owner's intent is to put a new cooler back here, since they were also damaged by the fire. They also want to do some landscaping and to put a fence up. She stated this has been operated as a traditional restaurant all along but there always has been a small catering business subordinate to the restaurant use. The owner now feels the catering has taken over as the predominant business and that was the more successful portion of the business vs. the restaurant. The applicant now would like to reopen the diner as a pop-up restaurant. Ms. Hamley O'Donnell showed a slide of how it looks now and the construction that is ongoing. She pointed out where the wall will be with the cooler behind.

She stated the applicant proposes to set up what he calls a pop-up restaurant and to continue operating catering out of there. He ruled out opening as a traditional restaurant with regular hours. The proposed pop-up restaurant will operate by individuals or large groups. There will be no set time the diner will be open. Ms. Hamley O'Donnell stated it may be open 5 days one week and one day the following week. She stated that our definition of restaurant is that "the entire business activity or all of the business activity consists of the restaurant use." This will not be the case with this applicant's new business plan. He believes with his experience and what has worked for him, that this is the way he can continue to operate there and be successful.

She stated there are two proposals before you, one is for off-site catering which the applicant stated he purchased this building because it has exceptionally large kitchen that he used for many off-site catering events. This will now operate like a mini-party center, special events, and a meeting room as defined by our Zoning Code. She stated as far as the Zoning Code, the C-2 district has to do with small businesses and we want to encourage the continued use of this site. The city feels that Mr. Katz has had good luck and we want to encourage him to continue to operate there. She stated the architecture blends with the neighborhood and we feel that it meets with the conditions and the general standards for Conditional Uses.

She stated we have two recommendations, which will be two separate motions. The first will be that we recommend approval of operating as a caterer which was described in his application with six conditions:

1. Receipt of Architectural Board of Review approval;
2. Receipt of required setback variance from the Board of Zoning Appeals;
3. Planning Director approval of landscape plan;
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 promptly resolve any complaints from neighbors and residents; and
6. Any construction needed for the proposed use to function as described shall be completed within 18 months of Planning Commission approval.

Ms. Hamley O'Donnell stated the second recommendation is the approval of a meeting/room banquet hall/party center as described in the application with the exact same six conditions.

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

There were none.

The applicant stated that his name was Todd Thompson, he works with Katz Club, and he lives at 7693 Brandywine Creek Drive in Northfield, Ohio, and he did take the affirmation.

Mr. Thompson stated that is pretty much what they want to do. He said it is more like a party center but that is not the business model. Their idea is to have an event kitchen and what that will do is allow us to have very specific events with specific price points and to control the labor. He stated a dining room that size is very difficult to make the labor work with the number of seats and then losing the other car basically cuts the property in half for usable space. He said they can charge more per seat by having an event like that you might a wine tasting with grass-fed beef which might be up to a \$100.00 a plate vs. where it used to be \$12.00 for pancakes, so it makes a lot more sense from that point of view. Mr. Thompson stated also the other part of the equation is that catering has and would have over taken the diner in sales soon anyways. He stated the catering business is growing and it can grow at a great rate whereas a restaurant can't because you have a limited number of seats and our catering has been doing quite well. He stated business will double by the time two years roll around from where we stand today. He said there is no way the diner could have brought in the revenue that the catering revenue stands to make.

Mr. Cobb asked if there were any questions for the applicant.

Mr. Cobb asked for a motion on Part A.

Mr. Horowitz made the motion for approval of catering with the staff recommendations.

Mr. Cobb asked for a second.

Mr. Howe seconded the motion.

All in favor say aye.

Aye.

Any opposition, any abstentions, there were none, so it passed 5-0.

Mr. Cobb asked for a motion on part B of Project 15-13.

Mr. Horowitz made a motion for approval of a meeting/room banquet hall/party center as described in the application with the 6 staff conditions.

Mr. Cobb asked for a second.

Mr. Anthony Mattox, Jr. seconded it.

All in favor say aye.

Aye.

Any oppositions, any abstentions.

Mr. Cobb stated that carries, 5-0.

Mr. Cobb asked if there was a Strategic Development Update.

Mr. Wong replied that the Cedar Lee Streetscape is being advertised now and we should be awarding bids around early May, then Council will approve the contractor in late May and start in June.

Mr. Mattox, Jr. asked if Mr. Wong was referencing what he had presented to them months ago.

Mr. Wong answered that construction should begin in June and we will finish hopefully by Thanksgiving.

Mr. Horowitz commented that he has been doing this too long because this is the 3rd streetscape he's been involved with.

Mr. Wong replied this is going to be the best.

Mr. Wong reminded him that Council will be seeking one Planning Commission member for the Steering Committee of the Master Plan so they are open to suggestions. He said they would be interested to know if any of you would like to be on this committee.

Mr. Wong explained what this committee will do is give direction as they proceed with their findings and the direction they are taking along with the type of research they are going to delve into. He told all there is an application on the web site if you are interested.

Mr. Cobb asked if there was any New Business to discuss. There was none.

The meeting was adjourned at 8:10 PM.

Craig S. Cobb, Vice Chair

Richard Wong, Secretary

/kc