

**PLANNING COMMISSION**  
**August 12, 2015**  
**MEETING MINUTES**

MEMBERS PRESENT:           Craig Cobb                   Vice Chair  
                                  Jessica Cohen  
                                  Adam Howe  
                                  Len Horowitz  
                                  Anthony Mattox Jr.

MEMBERS ABSENT:           Michael Ungar  
                                  Jeff Rink

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

Mr. Cobb began with welcoming everyone to the August Planning Commission Meeting. He asked if Mr. Wong would begin with the roll call.

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

Mr. Cobb asked if everyone has had a chance to look at the minutes from the last meeting. He asked if there were any changes or corrections. There were none. He stated then they are approved.

Mr. Cobb stated that for those of you that are here for the first time, here is the process that we are going to follow. Mr. Cobb stated there is going to be a presentation that is going to be given by a member of the staff, then we will hear from the applicant and then if there is anyone else here that would like to speak to us and address the matter, you will be given an opportunity to speak. He said that everyone that is going to speak tonight, we are going to ask that you take an oath or affirmation before you do speak. He stated that everything is recorded and that is why that is needed to be done. We would like you to go up to the podium and if you would give us your name and your address and also just for the record state that you did take the oath or affirmation earlier, so with that we are going to start with the first project which is 15-24.

**Project 15-24: W. Chapman, Jr., 1543 and 1551 Rydalmount** (ppn 684-37-027, 684-37-028 and 684-37-029), 'A' single-family, requests lot joining (house at 1543 to be demo'd) per Code chapters 1111, 1115 and 1121.

Ms. Hamley O'Donnell began with saying this is the Chapman property. She stated that what she is going to do is just walk through the staff report since our technology is not cooperating this evening, but she is not too worried at this point since as far as she can tell, the only people here are the applicants, so they know what they have applied for and you all have the application materials in front of you. She stated the first project is for a resubdivision for the Chapmans, who own three adjacent parcels on Rydalmount Road which are permanent parcel numbers that all start with 684-37 and are 027, 028, and 029. She said that in your staff report, you will see the drawing that shows what the applicant propose, which is to join the three parcels that he owns, tear down the house at 1543 Rydalmount and get rid of the driveway and leave the garage which would act as a shed. This would be Code conforming and would be a house with two outbuildings which is permitted. She stated that staff recommends that the Planning Commission approve the lot resubdivision to join the parcels shown in this drawing which includes the demolition of the house and the demolition of the driveway as shown on the drawing. She stated that she believes that Mr. Chapman is here if you have any questions of him or me.

Mr. Cobb asked if anyone had any questions of staff. There were none.

Mr. Cobb asked if Mr. Chapman if he would like to address us.

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

Mr. Chapman replied "I do."

Mr. Chapman stated he just wants to combine the three parcels so that he has a lot that is bigger than most on Rydalmount.

Mr. Cobb asked if he could interrupt him since this is being recorded, could you state your name and give us your name and address and also, just for the record, please state that you did take the oath or affirmation earlier, and with that I think we can start with the rest.

Mr. Chapman stated his name and address and affirmed he had been sworn in. He stated he got the chance to buy the property north of him, so he did and he would like to demolish the building and keep the garage which is in relatively good shape and turn it into a shed.

Mr. Cobb asked if anyone had any questions for the applicant.

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

Mr. Horowitz made the motion for approval of Project 15-24.

Mr. Cobb asked for a second.

Mr. Mattox seconded the motion.

All in favor say aye.

Anyone opposed, there were none,

Any abstentions, there were none so it passes.

Mr. Cobb thanked him.

**Proj. 15-25: TEP Mgmt Inc, dba The Emily Program, 2155 Overlook, 'MF3' Multi-Fam,** requests Conditional Use Permit for 12-bed skilled nursing extended care facility/residential treatment facility for adolescents w/ eating disorders per Code section 1111, 1115, 1123, 1151, 1153, 1161, 1165 and 1166.

Ms. Hamley O'Donnell began saying that we have a quite lengthy staff report but she sees that the applicants are the only people here in the room this evening, so she stated the applicants have seen the Staff Report and all of you have it and have had time to review it. She decided to just do a quick summary. Ms. Hamley O'Donnell stated this is very similar to the application you saw a handful of months ago for a program that was immediately north of this for adults. What is proposed is a 12-bed skilled nursing extended-care facility, a residential care facility for adolescents with eating disorders. The building this is in is similar in that it had been used in the past, since 1951, as an institutional use for housing people and providing shelter. She stated that the application that you have before you, in the past there were medical rooms, bedrooms, yoga rooms, family therapy and that sort of thing. Ms. Hamley O'Donnell stated that it is anticipated that no more than eleven staff would be on site at each facility during the day. She said the parking lot on this site will remain unchanged and, like the previous proposal, this does fit with the zoning, it is a conditionally permitted use and we don't anticipate that this use will have any negative impact on neighbors, per the Standards for Conditional Uses. She stated you have a description in your staff report and the applicants received it also. She also e-mailed it to a concerned neighbor who had asked about it, like you saw on Page 3 in D; there were a lot of neighbor concerns. She stated she went one by one explaining what those were and what the applicant intended to do about those, and that is in front of you as well. Ms. Hamley O'Donnell stated we feel that the applicant has dealt with some problems that were unforeseen on the adjacent site already. Those were remedied and they were willing to meet with neighbors twice on this application, once to meet on site with me and a handful of neighbors and then they also hosted a neighborhood meeting that only a couple of neighbors showed up for. She stated the person who was in charge of the program gave her cell phone number to the neighbors as typically these problems do not happen between 9 and 5 and she invited them to call her if they had any issues. Ms. Hamley O'Donnell stated this also deals with our sustainability where we talk about historic preservation and adaptive reuse of existing structures

Ms. Hamley O'Donnell stated that with all the details in the report being entered into the public record, we would recommend that the Planning Commission approve the Conditional Use Permit for the TEP Management Inc., dba The Emily Program, for a twelve-bed skilled extended care facility/residential treatment facility for adolescents with eating disorders as described in the materials submitted 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. *Substantial exterior architectural changes shall be reviewed and approved by the Architectural Board of Review;*
4. *Existing landscaping shall be maintained or, if desired, a new landscape plan shall be approved by the Planning Director;*
5. *All parking shall be accommodated on-site or through the lease of off-site dedicated or shared parking;*
6. *Any expansion of the use shall require a new conditional use permit;*
7. *Deliveries and trash pick-up shall not take place before 7 a.m. or after 9 p.m.;*
8. *The Emily Program shall not use the Herrick Mews private drive for any purpose (staff, visitor, delivery, service or other) and shall maintain signage stating that passage is not permitted;*

9. *If the applicant installs a fence along the rear property line, its design shall be approved by the Planning Director with input from the neighbors at 2 Herrick Mews, whose front yard abuts the rear yard of 2155 Overlook; and*
10. *All required construction and installation of the use shall be completed within 18 months of Planning Commission approval.*

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

There were none.

Mr. Cobb asked if the applicant would like to address us.

A woman came to the lectern and stated her name is Dr. Lucene Wisnewski and her address is 2689 Berkshire Road in Cleveland Heights and she does swear and affirm that she has been sworn in. Dr. Wisnewski stated she felt it can be a little deceiving when you hear something called TEP Management and what it is and how it came to be here in Cleveland Heights. She stated for the last 8 years or so, before the last calendar year, she stated she ran a program called the Cleveland Center for Eating Disorders with Dr. Mark Warren who also is a Cleveland Heights resident. She stated that when Mark and she started CCED, we really wanted it to be in Cleveland Heights because we both have lived in Cleveland Heights for more than 15 years and wanted to bring business, jobs and also be able to walk to work. She stated unfortunately because their business was an outpatient business, it needed to be near a freeway so it couldn't be located in Cleveland Heights. She stated there is no easy access but we needed people to have in and out easy access for our outpatient center. When we knew and when we joined with the Emily Program, which was about a year ago, we knew that we wanted to start a residential treatment facility where people come and stay and they are not driving in and out, we knew we wanted to be in the Heights. She stated they were really lucky to have found the first building and she stated she thinks that they have done a great job at renovating and keeping it with its historic nature and what a stroke of luck that there was a building right next door so that we can continue to bring business into the Heights. She said she can walk to work and we can bring jobs and continue to improve our community. Dr. Wisnewski wanted to say how thrilled they are and that hopefully it is going forward. She stated she felt they have been pretty good neighbors up to this point. Dr. Wisnewski stated that the woman who runs the program, if there are any issues, she gives the neighbors her cell phone number and tells them to call her. Dr. Wisnewski stated they want to maintain that level of community involvement. She then thanked them.

Mr. Cobb asked that she wait a moment by the lectern in case anyone has any questions.

There were no questions.

Mr. Cobb asked if anyone would like to make a motion on Project 15-25.

Mr. Howe made the motion that we approve Project 15-25 with the 1-9 staff recommendations.

Ms. Cohen seconded the motion.

Ms. Rothenberg asked Mr. Howe if he said 1-9 or 1-10.

Mr. Howe answered 1-10.

Ms. Cohen seconded that also.

Mr. Cobb said all in favor say aye.

Aye.

Anyone opposed. None.

Any abstentions, none.

Mr. Cobb congratulated them.

**Project 15-26: T. Cunningham, dba Little Imagination Station, 2179-2183 Noble, S-2 Mixed Use,** requests Conditional Use permit for 50-child day care operating 5:30 am – 11:30 pm M-F, 6 am – 5 pm Sat., per Code chapters 1111, 1115, 1131, 1145, 1151, 1153 and 1161.

Mr. Cobb began with stating this project is for Little Imagination Station and we will now hear from staff.

Ms. Hamley O'Donnell began with stating that this is a daycare in the Noble neighborhood. She stated that Ms. Cunningham owns the building in which she is proposing to have a childcare for up to 50 infants and the hours would be 5:30 AM till 11:30 PM, Monday through Friday and 6:00 AM to 5 PM on Saturday. She anticipates that it will be like many of these places, it will be likely to be less used in the hours after 6 PM, but she wanted to offer it to the people who work more than the standard 9-5 jobs. Ms. Hamley O'Donnell said it is in a neighborhood where it is zoned for commercial. There is plenty of on-site parking and two of the spots will be assigned and reserved for pick up and drop off only. Because she has control of the building as the owner, she is able to reserve spaces specifically for her staff and her parents. She did note that likely some of the parents and her staff would be the people that would ride public transportation. She stated it was not necessary that all people who come there would be in cars, which is common in many of our daycares. Ms. Hamley O'Donnell stated they do have the required parking spaces on site and she meets all those standards. Ms. Hamley O'Donnell stated that we have sent notices to the neighbors and there are quite a few vacant parcels around where she is located, so there is some distance from the closest neighbors.

Ms. Hamley O'Donnell stated we are always happy to see empty storefronts filled with businesses and services to the community. She stated this one is a little different in one

area. As you can see in on your site plan, the city limits bisects at an angle so Cleveland Heights has been in charge of giving occupancy permits and housing inspections on this property. She stated the play area will be off site on a property that is located in East Cleveland but is immediately adjacent to her parking lot and the day care. Ms. Hamley O'Donnell stated we recommend approval of the proposal of the application on Noble Road as described in the application with the following 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 applicant shall work with staff to resolve any complaints from neighbors;*
- 3. This use shall comply with all Building and Fire Department regulations;*
- 4. Between the hours of 9 p.m. and 8 a.m., workers and patrons shall not congregate in the parking lot;*
- 5. Any exterior changes, including signage, shall require the approval of the Architectural Board of Review;*
- 6. Signage shall be installed to designate a minimum of two parking spaces as reserved for pick-up/drop-off only;*
- 7. Outdoor play area that meets Ohio Department of Job and Family Services requirements shall be maintained in connection with this business; and*
- 8. All required construction and installation of the use shall be completed within 18 months of Planning Commission approval.*

Ms. Hamley O'Donnell stated these standards are pretty standard for most of the daycares that come before you.

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

There were none.

The applicant came to the lectern and stated her name is Tekisha Cunningham and her address is 2179 Noble Road, Cleveland Heights, and she stated she has been sworn in. She wanted to say this is something that she always has wanted to do and she thinks it is important and that it is positive to the community and the neighborhood. She stated a few of the businesses that are already in expressed to her before about the need for childcare in the area. She stated she is a mother of 3 and she wanted a place where she could control it and make it somewhere she would take her own children to.

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

Ms. Cohen stated she has one question. She stated she looked up the location on her Google map and saw there was some sort of lounge or bar across the street. Ms. Cohen asked if she anticipated, is she going to have secure doors, how are you handling the security for the kids?

Ms. Cunningham answered that she has it set up for the front to have no entrance or exit so that is only an emergency exit. She said everything will be done from the back where the parking spaces will be along with the pick-up and drop-off will be. She stated the hours are

so they are not open late when the bar has their heavy crowd. She said the whole entire building is lit up and we are right next to the mini police station, so she does not anticipate any issues with security with the children.

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

Mr. Mattox Jr. made the motion to approve Project 15-26 with the 8 staff recommendations.

Mr. Howe seconded it.

Mr. Cobb said all in favor say aye.

Aye.

Anyone opposed.

Any abstentions.

There were none.

Mr. Cobb thanked Ms. Cunningham.

**Project 15-27: N. Morehouse & A. Cobes, 14328 Superior**, 'A' single-family, request Conditional Use Permit for chicken coop and run per Code chapters 1111, 1115, 1121, 1151 and 1153.

Mr. Cobb stated Project 15-27, Morehouse and Cobes at 14328 Superior for a chicken coop. He asked to hear from staff.

Ms. Hamley O'Donnell stated this is not unlike many of these that you have seen before, the aerial photograph shows that they have an exceptionally deep lot and the rear yard is abutted on one side by a private tennis club and, on the other side, the garage basically blocks the view of the adjacent neighbor which is pretty isolated. They did include a picture of the proposed coop and agree and have seen the staff report with the various conditions suggested and they understand the requirements of our Zoning Code with regards to chickens. She stated that we recommend that the Planning Commission approve the applicants request for a chicken coop and run for no more than four 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. *The applicants shall work with staff to resolve any complaints from neighbors; and*
6. *All required construction and installation of the use shall be completed within 18 months of Planning Commission approval.*

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

There were none.

Mr. Nathaniel Morehouse came up to the lectern and stated he lives at 14328 Superior Road and he has sworn and affirmed that he has been sworn in. He stated they like chickens. He stated they have a big yard and we can keep the chickens with over 10 feet from our neighbors.

Mr. Cobb asked if he was going to train them to play tennis.

Mr. Morehouse replied, "Hopefully, if we continue to get enough tennis balls over the fence."

Mr. Cobb asked if anyone had any questions for the applicant.

There were none.

Ms. Cohen made the motion to approve Project 15-27 with the six accompanying staff recommendations.

Mr. Cobb asked if there was a second.

Mr. Howe seconded the motion.

All in favor.

Aye

Any opposed or abstentions, no.

Mr. Cobb stated it passes and he congratulated Mr. Morehouse.

#### OLD BUSINESS

Mr. Wong stated he had promised the Planning Commission he would investigate a noise complaint to the west of the library activity center. He stated he was happy to say he was on the roof with the library director and her staff and the complaining neighbor. He stated they were able to isolate where the noise was coming from and the library director is seeing to it that they figure out whether they can afford a solution, it looks like there are buildable solutions to the problem. Mr. Wong stated he would keep them posted.

Mr. Cobb stated that he met the wife of the person who lives there and she had no idea that he was on this Commission or knew anything about it. He said she was very impressed that the head guy from the City actually came out, they were very impressed.

Mr. Wong replied he was glad she was happy and they will try to resolve it to her satisfaction.

Mr. Cobb asked if there was anything else.

#### NEW BUSINESS

Ms. Rothenberg replied we have one new business item. She stated she was asked to read into the record an affidavit that was submitted by Jeff Rink, who is not here this evening to hear this. She said that it states that Jeff is a member of the Planning Commission with the City of Cleveland Heights and is also is an employee of Key Bank and serves as a Manager Director/Regional Manager. She stated Key Bank and Key Bank Capital Markets are each subsidiaries of Key Corp. Jeff is not an officer or any employee of Key Corp. Jeff owns stock in Key Corp which represents less than .1 percent of the outstanding shares of that company. In connection with his work on the Planning Commission, Jeff is hereby presenting notice of his association with Key Bank and he plans to withdraw from all decisions and deliberations related in any manner to matters related to his employer.

Ms. Rothenberg apologizes but she was asked to read this and is also submitting it into the record. She stated HR has it in his personnel file.

Mr. Cobb stated we will submit it as part of the record.

Mr. Maddox Jr. stated there will be one coming from his bank also, as he also works for a bank.

Mr. Cobb asked if there was anything else so it appears we are done.

The meeting was adjourned at 7:30.

---

Craig Cobb, Vice Chair

---

Richard Wong, Secretary

/kc