

PLANNING COMMISSION
November 12, 2015
MEETING MINUTES

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

Mr. Ungar began with saying good evening and welcome to the November 2015 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 called the roll.

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

Mr. Wong stated 6 present.

Mr. Ungar stated the next item of business is approval of the October 14th minutes, 2015.

He asked for a motion for approval.

Mr. Mattox made a motion to approve.

Mr. Ungar asked for a second, Mr. Howe seconded.

All those in favor say aye.

Aye.

Mr. Ungar asked if anyone was opposed or were there any abstentions.

Ms. Cohen stated she would abstain since she was absent from the meeting.

Mr. Ungar stated the minutes are approved as written. 5-0-1

Mr. Ungar began with saying to the folks that are standing outside, we are going to leave the doors open, hopefully you will be able to hear and largely see what is going on. He stated there is no more room in here but the hope is that when we get through the first couple of agenda items that will clear some room inside so that there will be some seats. Mr. Ungar stated that if at any point in time someone is speaking or asking questions and you want to hear and you can't hear, please note it and we will try to accommodate you.

Project 15-34: M & S Apple, 2893 Euclid Heights, 'A' single-family, request recommendation on designation as City Landmark.

Mr. Ungar stated that his understanding on this project, Ms. Hamley O'Donnell is speaking on behalf of the applicant who is not here this evening.

Mr. Ungar asked that all those who plan to testify about this matter and that includes anyone that may think they would like to speak, 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. Hamley O'Donnell began with saying that she would do through this pretty quickly since she seems to be the only person here on this project. She stated that the Landmark Commission which she also staffs has voted to designate this house. She showed a 100-year-old photo of the Marcus M. Brown house. This house was built in the late 1800s and he was the developer of the area which many called Coventry Village but was also just recently listed on the National Register as the Mayfield Heights Historic District. She showed a current picture of the property, the inside photo shows the original fire protection glass balls that were to break in case of a fire. Ms. Hamley O'Donnell stated that these do not come along to you all that often. Per Code Section 1143.08, the Planning Commission is required to offer its advice to the Landmark Commission about whether this designation should or should not be made. She stated that staff recommends that the Landmark Commission has determined that M.M. Brown House and Carriage House are eligible for Landmark status due to the architectural and historical significance and it is an important structure in the neighborhood and within the Cleveland Heights community. Ms. Hamley

O'Donnell stated that on behalf of the Landmark Commission, staff they ask that the Planning Commission find this designation will have no adverse effect on surrounding properties and recommend that this property be given the designation of a City of Cleveland Heights Landmark.

Mr. Ungar asked for a motion to recommend the designation as a City Landmark, the property located at 2893 Euclid Heights Boulevard.

Mr. Horowitz stated so moved.

Mr. Howe seconded the motion.

All those in favor say aye.

Anyone opposed. There were none.

Any abstentions, there were none.

Mr. Ungar stated it carries unanimously and congratulated the applicant.

Project 15-35: Veterans Transitional Housing Service, potential tenant former rectory at **Imani Bible Fellowship, 2463 N. Taylor**, 'A' single-family, requests Conditional Use Permit for 25-resident lodging house.

Mr. Ungar asked that those who plan to testify in favor of, against, and potentially only comment on or 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 planned to testify were sworn in.

Ms. Hamley O'Donnell began with stating that this is the former St. Louis Congregation and the Imani Temple Ministries has owned this for some time now. You will probably recognize that we have had multiple cases come in for use in the school and then you will see the circled area use to be the rectory. She stated this has been vacant since at least, even before the church had closed. There is a 5-space parking lot and up above is the church and school building with a large 140-space parking lot. To the north you will see single-family houses, to the south is Council Gardens which is the senior independent living apartment building and to the right are more single family homes. She pointed out the building that was designed to hold multiple priests so the first floor is quite large and the second floor has several suites, large suites with their own bathrooms and above the garage is another area with a couple of bedrooms and a sitting room. She stated the basement has a large recreation room, a meeting room with a laundry room. The distance from the one building to another is 150 feet, one is 300 feet and 600 feet to the houses in the north. As with anything, the Planning Commission will review this based on the Standards for Conditional Uses which you have listed in front of you.

Ms. Hamley O'Donnell pointed out that this was given a use variance to allow it to be used for what we call a lodging house. She stated the Board of Zoning Appeals allowed us to review this as a lodging house. She stated that you are reviewing this as far as how it is keeping with the code. She stated one thing they did find out is that it is not suitable for a single-family home--its design is for congregate living and so that layout is in keeping with the intent of the code per letter A. In B, staff does not believe that the essential character of the neighborhood will be altered. It has never been used as a single family home and this would maintain its use as a congregate living for veterans. She stated that in the staff report you will see that the applicant proposes to use this to house up to 25 veterans who are re-joining the Cleveland area and civilian life. She stated that when they are living here in this house they will be trained for employment and will stay a minimum of 30 days and a maximum of one year. Typically they would stay from 6 to 9 months. There will be a staff of three, a cook, a housekeeper, a maintenance person and at least one administrator. The Imani Temple Ministries would lease this space to veterans as a transitional housing service. This would only be for veterans.

Ms. Hamley O'Donnell felt that for "B" they did feel the character of the neighborhood would change or the distance of this building from the neighbors will not negatively impact them. She said for letter "C" no exterior changes for the building are proposed so this will not change the character of the area.

Ms. Hamley O'Donnell stated that for "D" its location is far from adjacent neighbors. "E" which is she did not feel it will impact any future development in the area.

For "F" there are no changes are proposed in the existing infra-structure so the this should not be impacted by the lodging use. They did state that while many will drive, the fact that it is on a bus line and it is convenient for those who do not drive a car.

For "G" there is no change to the traffic flow.

For "H" we do not expect any additional requirements.

For "I" no future hardships are foreseen.

Ms. Hamley O'Donnell stated the parking is sufficient for this use and the sustainability guidelines are met as we are adaptively reusing an existing building.

She did want to point out before she reads the staff recommendations, she did get a call from a neighbor today that had questions and was unable to make it here this evening. She wondered about the number of people and the supervision and health status of the people who will stay there. These were asked by Julie Clement, who lives at 3492 Glen Allen Drive. Mr. Ungar stated so we need to know the number of people, who will be supervise and the health status of the people.

Mr. Ungar stated he did not think there would be any issue with the number or how it is managed but Ms. Rothenberg added we do not need to know anything about the health of the residents.

Ms. Hamley O'Donnell felt the applicant should address these questions.

Ms. Hamley O'Donnell stated that staff recommends the Planning Commission approve the lodging house with up to 25 residents that is operated by the Veterans Transitional Housing services 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. Any Housing, Building or Fire Code violations shall be corrected prior to occupancy;
4. Architectural Board of Review approval shall be required for exterior changes to the building or sign;
5. Existing landscaping shall be maintained or, if desired, a new landscape plan shall be approved by the Planning Director;
6. All parking shall be accommodated on site;
7. If new exterior lighting is proposed, applicant shall submit lighting plan for Planning Director approval;
8. Any expansion of the use shall require a new conditional use permit;
9. Deliveries and trash pick-up shall not take place before 7 a.m. or after 9 p.m.;
10. Applicant shall maintain 1 parking space per bed per Code section 1161.03(a)(6); and
11. All required construction and installation of the use shall be completed within 18 months of Planning Commission approval.

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

Mr. Horowitz questioned the parking language and Ms. Hamley O'Donnell clarified that. She explained that the up to 25 was something they were not expecting to get but they wanted to ask for that. She stated that if they got to that point, they would either have to come back to their landlord to get additional parking or if they felt they did not need it they could come back to you for a reduction.

Mr. Horowitz thanked her.

Mr. Ungar asked if there were any more questions for staff.

Mr. Cobb stated that 25 people seemed like a lot for this structure and the number of bedrooms.

Ms. Hamley O'Donnell answered that she felt the applicant could address that a bit more. She stated she has been through the building and each of the bedrooms is large with an additional room so the applicant talked of this being a situation where they would be sharing multiple rooms for support to each other. She felt they could address that a bit further as far as the number. She stated the building code allows up to 44 people in that square footage of space. The use variance was granted for up to 44 people based on the square footage of the space.

Mr. Cobb thanked her.

Mr. Ungar asked for the applicant or their representative to come to the lectern and state his name and that he was sworn in.

He stated his name is Grady Adams and that he is the principal of Veterans Transitional Housing and his address is 2475 N. Taylor Road. The project address of 2463 N. Taylor Road is the church building itself. He did swear and affirm that he has been sworn in. The next gentleman stated his name is Pastor Rodney S. Thomas and that he is the pastor

of the Imani Temple Ministries at 2463 No. Taylor and that he has been duly sworn in. Mr. Ungar welcomed both gentleman. He asked them to start with the few questions asked.

Mr. Adams answered by stating that first the number of residents, while the zoning was approved for 44 people, that is too many people for that building. He stated they have set it at about 20 to 25 people. He stated the reason they asked for that many people is as people leave, we won't go over our approval. He said they may have any overlap of a week or a few days we will not have a problem. Mr. Adams stated they were looking for 20 at a time for their ideal situation. He stated that as far as the supervision, they are going to have 24-hour supervision. There is going to be a house keeper, maintenance person to take care of things along with a cook to provide 4 meals daily. He also said an administrator will be on site that will account for the whereabouts of any of our people. The occupants will be signing in and out. He stated we are not looking for homeless, drug substance abuse people, what we are looking for are honorably discharged veterans that want a chance to come back to civilian life. He stated they do not need artillery specialist, gunnery people and infantry people on the streets of Cleveland Heights or the streets of Cleveland. We do need the people to go back to society and to fulfill their needs in civilian life and these are the people that successfully completed their obligation in the military and successfully were discharged, honorably, and were able to maintain themselves in a difficult environment overseas not necessarily. He paused and stated that a lot of us are older and we probably remember that back in Vietnam and other conflicts people come back after one or two years. He stated that most of these veterans have not been able to come back immediately to their families so their loved ones and their situations of when Johnny or Betty Sue were two when they left, they might be 15, 16 or an adult now. Some were living with their parents when they left and now their parents might be gone. This is to give them a chance for a stable environment to improve their life, that is what we are hoping to do. He thanked everyone for their time.

Mr. Adams did want to share that because we are on two bus lines with Mayfield and N. Taylor, it will be easier for them to have access to neighboring health care centers or when they go off site for training.

Mr. Ungar asked if there was anything else he wanted to add before he turned it over to the Planning Commission. There was not.

Mr. Maddox, Jr. had an additional question about the parking. He stated that when we took a look at this photo did we take in to account all the other activities that are happening at the site at the same time. He stated he noticed there are only five spaces by them, is there enough parking for everything that is currently happening on the site right now?

Ms. Hamley O'Donnell answered that we know they have to keep one per bed so with 20-25 she felt the pastor could speak about that since he is more intimately familiar with how the parking works there.

The pastor answered that we have over 140 parking spaces and, other than on Sunday morning, many spaces are available. He stated that during the week there is ample parking. He stated the remaining is for the school and on the side for the church.

Mr. Mattox asked about them having a housekeeper, a cook, and an administrator so does that means there will be someone in the building for 24 hours. He asked if that if that is a different administrator or what is the plan for this. Mr. Mattox stated he was curious about the process.

The pastor replied it would be hard to have someone there on a 24 hour shift, seven days a week as they would have to sleep and eat at some point. He said there will be multiple people there. He stated they were thinking about doing 12 hour shifts. So during the day there will be the cook and housekeeper there and in the evening at least the administrator. He stated with the cook, they usually come at 4 -5 am. and if we have the people leaving at 9 or 10 pm in the evening, it's pretty much going to be sleeping hours since there will only be one person there.

Mr. Ungar asked if there was anyone else here that would like to be heard with respect to this particular project.

There was no one.

Mr. Ungar asked if there was anything else from staff.

Ms. Hamley O'Donnell replied there was not.

Mr. Ungar asked for a motion in regard to Project 15-35.

Ms. Cohen made a motion to approve Project 15-35 with the eleven conditions and the staff recommendations.

Mr. Ungar thanked her.

Mr. Ungar asked if there was a second which Mr. Mattox seconded.

Mr. Ungar said all those in favor say aye.

Aye.

Anyone opposed.

There was none.

Any abstentions, there were none.

Project 15-35 passed unanimously.

Mr. Ungar stated that he wished them well on behalf of the Planning Commission.

Project 15-31: Hebrew Academy of Cleveland, 1516 Warrensville Ctr, 'AA' single-family, requests preliminary review of proposed early childhood, elementary, jr. high school and playfields at former Oakwood Club. No formal action will be taken.

Ms. Rothenberg stated tonight is about Planning Commission getting a feel for what the potential project might be and the reaction both in support and perhaps not in support for the proposed project. Ms. Rothenberg stated there will be an opportunity for public comments after the applicant speaks. She stated she wanted to make sure that everyone in the room understands that this is not a part of the official record. If this does become a final project it will start from the day that is presented before Planning Commission. Ms. Rothenberg wanted to make sure that was clear and to that end she will not be swearing anyone in, we are not taking testimony and we have two Planning Commission members who have potential conflict or appearance of conflicts. Ms. Rothenberg stated she has already done an analysis for Jessica Cohen so there actually is not a violation of the ethics code but we decided in an abundance of caution, she is going to step down tonight and she also just learned tonight that Mike Ungar's law firm may represent Hebrew Academy so we are going to an analysis to make sure there is no conflict but we do not think it prohibits him from acting as the Chair because we are not taking any formal action today.

Mr. Ungar wanted to add that he learned minutes ago, in the hallway, that one of his a colleague at his law firm is legal counsel to the Hebrew Academy of Cleveland. He explained that he works at a law firm that has 200 lawyers and thousands and thousands of clients. Mr. Ungar stated he has occasionally has run conflict checks on agenda items and periodically he will know someone. Mr. Ungar stated he personally does no work for the Hebrew Academy of Cleveland but since tonight's meeting is one where no formal action is being taken, his plan was to continue chair the meeting as long as there is no objection from anyone. Mr. Ungar stated that when formal action will be taken, I will have more information and, if it is accurate he will have to recuse himself, and then we as a city will have to ensure that we have sufficient folks up here to sustain a quorum so that action can be taken. Mr. Ungar asked if anyone had any questions about that before we continue.

Ms. Rothenberg wanted to add that we are missing a member tonight, Jeff Rink, and it all goes back to tonight since we are not taking action, he will be able to sit and hear the future case because this is just preliminary.

Mr. Ungar stated this is a sneak preview of the proposed Hebrew Academy project at the former Oakwood Club. No formal action is going to be taken this evening so we will not be swearing in the witnesses.

Because this is a preliminary review, no minutes were taken, however, an audio tape is available. The following comments and questions are provided for reference:

- Bus circulation would come off of Warrensville to Oakwood Drive.
- Parents would drop off on Warrensville.
- Ball fields are close to parking and close to possible future high school.
- Playground and play field at south side of site is for the elementary students.
- Over 100 students in adjacent neighborhood; explore pedestrian connector for students who want to walk to school and tie the school to the community.
- Access around entire building is required for the fire department and other emergency vehicle use.
- Storm water has to abide by strict calculations and not negatively impact neighbors. Hebrew Academy will embrace green infrastructure to minimize impact of storm water. Conceptual design is that the parking drains into bioswales, series of retention basins in lower stream valley.
- Traffic impact study still needs to be done.
- Drive serves multiple purposes: fire department, deliveries, trash.
- Leftover land (about 26 acres) could be used for expansion or something else, it has not been determined.
- 20' of grade change from lower stream valley up to Warrensville Center; we have to accommodate it from an engineering standpoint.
- Drive will require some retaining walls and must consider as plan is developed.
- One-story building 15' to 18' in height; auditorium and gymnasium is up to 30'. Exterior is brick, masonry, precast stone. There is a large canopy entrance near drop-off/pick-up.
- Oakwood Drive neighbors support school locating here but building and service drive are too close; Academy has said there is no option to move it further away from these houses.
- Oakwood Drive neighbors will work with them to ensure all needs taken into account; pointed out these houses were oriented toward golf course (front yard faces course and is shallower, rear yard faces Oakwood Drive and is deeper)
- Neighbors want deeper landscape buffer; 10' buffer to the driveway is too narrow for sufficient landscaping.
- Neighbors felt the buffer should be governed by mixed-use development buffer. Neighbors felt the building could be moved 100' closer to Warrensville Center, perhaps parking could be placed in the back instead of the front of building; Why so close to homes that directly abut the property?
- Neighbors have sent a letter of intent to exercise the option to purchase adjacent buffer land.
- Neighbors want to make sure there is management of storm water, security, lighting, and protection of ingress/egress. There is a concern of additional cut-through of cars and on foot.
- People supported Hebrew Academy as a focal point of our community that will help attract young orthodox families to be near Hebrew Academy; high quality education is offered; shows that the orthodox community is staying and investing in Cleveland Heights; strengthens the neighborhood.
- People supported Hebrew Academy's adult education programs that serve all ages of the community.
- Concern that this building will last for generations and its impact on Oakwood Drive homes cannot be minimized. The architect noted that the building is set 60' off of the buffer land line. He noted that the neighbors may not buy all of the 168' buffer, but

perhaps they could buy 130' and there would be a larger area to build a buffer and mound.

- The architect noted the buffer would remain on land owned by Hebrew Academy and the new plan will help them with the problem with water and they may build a mound with drain tile at the base which would collect their water runoff.
- The architect confirmed that Hebrew Academy would never build in the buffer zone.
- The architect noted that there are double doors at the trash area and the garbage truck pulls into the building, closes doors and is trash is taken care of within the building; There is no trash outside the building.
- There are no semis—this is a kosher facility so deliveries are smaller vehicles. Semi-trucks would come every two months at most.
- Neighbors reiterated that they support the school but want to see it moved further away from their homes. We are the only houses that abut the property.
- Hebrew Academy wants to be open for 2019 school year which is a very aggressive plan. Fundraising can take time.
- There was a concern about the gate on Shannon Road--wondering if kids will be dropped at the gate on Andrews Road and how this changes the traffic flow. Might widening Andrews Road be considered?
- It was noted that this private school in a residential neighborhood was different than a place like Laurel and HB where houses are separated from the school by the street.
- Ask that some thought be given to rearrange the site to give more space to the Oakwood Drive neighbors
- 30' is lower than the tops of some of the houses, is likely not a dire consequence.
- Three dimensional drawing/rendering to convey how the building will look from the residences is important to understanding the impact.
- Needs to visualize what it would look like. Not to just push back, rearrange the floor plan to move it farther away from those houses.
- Planning Commission member thought it would be interested in seeing some of the early plans considered; why is this the best plan? Demonstrate why this is the best plan.
- There is some concern with neighbors about the buffer land purchase agreement.
- The architect pointed out that the building moves in and out; it is not all 60' away, some is more.
- Concern that the amount of buffer proposed was insufficient to mound and/or buffer neighbors' views of the use.
- There was a concern about what would be developed on the unused southern portion of this site.

Mr. Ungar encouraged ongoing dialog between the applicant, City staff and neighbors.

Mr. Ungar adjourned the meeting at 9:50 PM.

Michael Ungar, Chair

Richard Wong, Secretary