

**CITY OF CLEVELAND HEIGHTS
PLANNING COMMISSION
JULY 10, 2019
MINUTES OF THE REGULAR MEETING**

MEMBERS PRESENT:	Jessica Cohen Leonard Horowitz Adam Howe Anthony Mattox, Jr.	Chair
MEMBERS ABSENT:	Jeff Rink Michael Gaynier	Vice Chair
STAFF PRESENT:	Kara Hamley O'Donnell Alix Noureddine Christy Lee	City Planner II Assistant Director of Law Recording Secretary

CALL TO ORDER

Ms. Cohen called the meeting to order at 7:13 p.m. She welcomed the audience to the July 10, 2019, regular meeting of the Cleveland Heights Planning Commission. Kara Hamley O'Donnell called roll; all were present but Jeffrey Rink and Vice Chair Michael Gaynier, whose absences were excused. Ms. Cohen asked if the Commission read the minutes from the June 12, 2019, regular Planning Commission meeting and asked if there were any corrections needed. There were no corrections needed and the minutes stand approved.

Mr. Noureddine swore in Ms. Hamley O'Donnell and all those who stood and wished to testify.

Proj. No. 19-14: T. Haber, prospective owner of lot at 3425 Kildare, "A" single-family district, requests conditional use permit to construct parking lot in "A" single-family district per Code chapters 1111, 1115, 1121, 1151, 1153, 1161, & 1166.*[Continuance requested.]*

Ms. Cohen stated that the applicant has requested a continuance and asked if there was a motion on the floor.

Mr. Horowitz motioned that continuance be granted for up to 60 days for Proj. No. 19-14.

Mr. Howe seconded the motion which was approved 4-0.

Proj. No. 19-15: T. Bradford & M. Edwards, 3108 E. Derbyshire, "B" two-family district, requests conditional use permit for day care home in "B" two-family district per Code chapters 1111, 1115, 1121, 1151 & 1153.

Ms. Hamley O'Donnell asked that the staff report dated July 3, 2019, be entered into the public record and stated that the two-family home is located in a "B" two-family district. It is surrounded by two-family and single-family homes in the two-family district. To its west is a vacant lot. The applicants propose to operate a home day care for up to six children, ages 6 months to 12 years, in their portion of this two-family house in which they reside and a conditional use permit is required.

She shared the Standards for Conditional Use and Home day cares are conditionally permitted in the "B" Two-Family District with the approval of the Planning Commission. Providing childcare inside one's home is in keeping with the intent of the Zoning Code and should not be detriment to public health, safety, morals, comfort or general welfare. No changes to the exterior of the home are proposed and such use will not essentially change the character of the neighborhood. As long as the applicant controls the children, the use should not be injurious to neighbors' enjoyment of their property or diminish property values. The use should not impede development and no additional access roads are required. The applicant should assure that parents dropping off their children do not block traffic on the street. The use will not create excessive additional requirements for public facilities—as part of the required Child Day Care Home Permit, the Fire Department regularly reviews the safety of such child care homes as part of the approval process and obtaining and maintaining such annual permit should be a condition of approval. There is minimal potential for future hardship on the conditional use as the only permitted uses surrounding the site are residential which is compatible with the use.

Ms. Hamley O'Donnell shared the supplemental standards for a day care home noting that the property is not contiguous, within 150' of, or across the street from an existing child day-care home. She noted that providing a needed service is important to Cleveland Heights' sustainability.

Staff recommends that the Planning Commission approve the proposed child day-care home, as described in the application materials and in this staff report, with the following additional conditions:

1. The applicant shall permanently resides at this address while providing care for no more than six children and no more than three children may be under two years of age at one time. Any children under six years of age who are related to the provider and who are on the premises of the child day-care home shall be counted;
2. There is no display that will indicate from the exterior that the dwelling unit is being utilized in part for any purpose other than that of a residential dwelling and no exterior alterations may be made to the dwelling unit for the home occupation purposes which would change the appearance of the dwelling so as to indicate from the exterior that the building is used for any purpose other than that of a dwelling unit;
3. There is no merchandise manufactured or processed for sale, bought, sold, exchanged or traded in or on the premises.
4. There is no more than one person employed or engaged in the furtherance of the home occupation who is not a member of the immediate family residing on the premises;
5. There is no mechanical, electrical or chemical equipment used in furtherance of such home occupation, except such as causes no disturbances of any kind beyond the premises where the home occupation is located;

6. No home occupation shall be permitted in any portion of any dwelling unit where the conduct of such home occupation is or will be offensive to neighboring property owners or occupants of the same dwelling structure by reason of excessive noise, late hours or business activity, the intensity of the business activity or other such reasons.
7. 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;
8. The applicants shall work with staff to resolve any complaints from neighbors;
9. Applicant shall obtain and maintain the required annual Child Day Care Home Permit; and
10. All required construction and installation of the use shall be completed within 18 months of Planning Commission approval.

Ms. Cohen asked if there were any questions for staff and there were none.

Tatiana Bradford confirmed that she took the oath and thanked the staff for their recommendation and looks forward to working in the community.

Ms. Cohen asked if there was a motion.

Mr. Mattox, Jr. made a motion to approve the conditional use permit with the ten staff recommendations

Seconded by Mr. Howe, the motion was approved 5-0.


OLD BUSINESS

Ms. Hamley O'Donnell informed that Planning Commission that the Architectural Board of Review approved the general concept for Top of the Hill.

NEW BUSINESS

There was no New Business.

The meeting was adjourned at 7:28 p.m.



Jessica Cohen, Chair



Kara Hamley O'Donnell, Secretary

