

**CITY OF CLEVELAND HEIGHTS**  
**PLANNING COMMISSION**  
**DECEMBER 13, 2017**  
**MINUTES OF THE MEETING**

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

Call to Order

Mr. Cobb called the meeting to order at 7:04pm. Everyone's here but Jessica Cohen. Are there any additions or corrections to the minutes? There were none.

If you're here to testify tonight, let's have you stand and take the oath or affirmation, everyone that's here, yeah let do it all at once and then if anyone else comes in, will add them

Ms. Bolton asked do you swear or affirm that the testimony that your about to give is the whole truth and nothing but the truth?

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

**Project No. 17-24: Spartan Hauling LLC/Ron Ambrosia, requests lot resubdivision to join 3186 & 3198 Euclid Heights Boulevard (PPN 684-24-303 & 684-24-064), MF-2 Multi-Family District, per Code chapters 1111, 1115, 1123.**



Ms. Hamley O'Donnell said she would go through the staff reports pretty quickly because right now in the room we just have the applicants. You all did receive the staff report for this case. She showed a picture of the site. The land to the left was purchased through the Land Bank and they proposed to put a parking lot on that lot to better serve the parking needs of the apartment building adjacent to it. Here's an aerial photograph and the staff recommends that Planning Commission approve the lot resubdivision to join parcel numbers 684-24-303 & 684-24-064 to create one parcel that is shown on the site plan with the condition that prior to submitting the plat to the County Recorder, it must be signed by the Director of Law and the Director of Planning. That is all I have for that case.

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

Mr. Cobb asked if there anyone that would like to make a motion on this. Mr. Horowitz moved approval of Project 17-24 with staff conditions.

Mr. Rink seconded the motion.

Mr. Cobb said, all in favor say "Aye".

There were no opposing votes and no abstentions, so the vote carries, 6-0.

**Project No. 17-27: M. Ann Harlan & Ronald Neill, 2688 Colchester Rd.,** request lot resubdivision to join PPN 686-15-032 and 686-15-040, 'A' single-family district, per Code chapters 1111, 1115, & 1121.

Ms. Hamley O'Donnell stated that this is a similar lot joining. The lot bisects the house so the applicant proposal to join the lots together which will create one code-conforming lot. That small lot is not Code-conforming and the joining would make the property code-conforming and the house will be on one parcel. Staff recommends that the Planning Commission approve the lot resubdivision to join the parcels 686-15-032 and 686-15-040 to create a Code-compliant parcel with the condition that prior to submitting to the County Recorder, it must be signed by the Director of Law and the Director of Planning.

Mr. Cobb asked if there were any questions for staff or if there was anything that Mrs. Harlan wants to add. She did not want to add anything. Mr. Cobb asked if anyone wanted to make a motion.

Mr. Rink made a motion to approve Project Number 17-27 as recommended by staff. Mr. Howe seconded.

Mr. Cobb said all in favor say 'Aye.' There were none apposed and no abstention, so the motion passed, 6-0.

**Project No. 17-26: Shalika Williams/Tracy McArthur, 2490 Lee Blvd., 'C1' Office District,** requests a conditional use permit for a medical training school per Code chapters 1111, 1115, 1131, 1151, 1153 & 1161.



Ms. Hamley O'Donnell stated this is a proposal this is similar to a proposal we had a couple months ago in this is in the May Lee/Heights Rockefeller Building. This a proposed conditional use permits for the medical training school and it is reviewed according to these General Standards for all Conditional Uses. Staff recommends that the Planning Commission approve the Conditional Use permit for Shalika Williams and Tracy McArthur for a training school with up to 15 students with two conditions:

1. The use shall not be injurious to the use and enjoyment of other properties in the immediate vicinity or create a nuisance for adjacent properties; and
2. The applicant shall work with staff to resolve any complaints from neighbors.

Mr. Cobb asked if there were any questions for staff. There were no questions for staff. Mr. Cobb asked if there was anything that the applicants would like to add to that presentation. Is there anyone who would like to make a motion?

Mr. Gaynier asked if the applicants were already in the Building. Ms. Williams and Ms. McArthur said they were not in the building yet.

Mr. Gaynier asked if they were brand new to the city.

Ms. Williams and Ms. McArthur said yes.

Mr. Gaynier made a motion to approve Project 17-26, 2490 Lee Boulevard, the conditional use permit for the medical training school per the recommendation of staff:

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; and
2. The applicants shall work with staff to resolve any complaints from neighbors.

Mr. Rink seconded the motion.

Mr. Cobb asked if there was any discussion needed. There was none. He then stated, all in favor say "Aye." There were none opposed and no abstentions. Congratulations, that passes, 6-0.

Ms. Hamley O'Donnell alerted Mr. Cobb that we had a few people join us since we had people swear in, so I think it would be helpful to have them sworn in.

**Project No. 17-25: Voltage Training and Fitness Center, 1635 Lee Rd., 'C3' General Commercial District,** requests a conditional use permit for a health club on an upper level (former location of Naturally Gifted Fitness) with required 25 parking spaces located within 300' of building at The Civic, 3130 Mayfield Rd., per Code chapters 1111, 1115, 1131, 1151, 1153 & 1161.

Mr. Cobb said, if you're going to testify tonight, either in favor of the applicant or as a member of the public, we need you to stand and take an oath or affirmation and then when you do speak--because were recording the meeting-- you need to go to the podium and state your name and give us your address again, and tell us that you took the oath. If



you're going to testify, or you think you might, you can stand and our Assistant Law Director or someone will swear you in.

Ms. Bolton asked do you swear or affirm that the testimony that your about to give is the whole truth and nothing but the truth?

Those standing affirmed.

Ms. Hamley O'Donnell clarified that she knew that the building owners are over here and four representatives with "Voltage Fitness", so we just have the applicant here. You're probably familiar with Philly Weeden who is the gentlemen who stood to be sworn in. You may remember that he and his brother started "Naturally Gifted" and the history was that they started, they expanded, there was a fire, and the fire wiped out what had been recently approved. They had received approval for the lower level and then they had not gotten the final occupancy permit for the upper level and the paperwork needed for that. Then the fire gutted the second floor of the building, so that approval expired because paperwork hadn't been submitted by the deadline.

Philly Weeden's brother has moved out of the area and so he's rebranding as Voltage Training and his intention is continue occupying the lower level and his intention is, when that second floor is fully renovated, to abandoned the lower level and move only to the second level, which you approved at the at the last hearing for Naturally Gifted. The layout is the same--there's one large exercise room, locker room, cardio room, and weight room. You may remember we had them do a sound proofing over the windows to prevent sound from bothering the neighbors. We have not received any complaints since the last Planning Commission hearing. In front of you are the Standards of Conditional Uses and the staff recommendation follows most of the conditions that were associated with Naturally Gifted last approval by this commission. There are 12 conditions. Most of those were the same -- they did give us the building occupancy of 100 people, which is in condition number 4, and we have reviewed these with the applicant. They had been following those conditions about having staff people, they have secured a lease of parking at The Civic and I have not had calls from either the residential neighbors or the commercial neighbors with any complaints since this was last before you. The newer conditions are 11 and 12 which mean that when he is done, moves into the upper level he'll abandon use of the lower level. Any signage change has to go the Architectural Board of Review, which is condition number 12 in your staff report; the applicant did stand if you have questions for him.

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

Ms. Hamley O'Donnell said the building owner said that the architectural planning with the Building Department for the renovation have been approved by our Building Department and meet Building Code, so that they can start the renovation of that space. Ms. O'Donnell added that they could do that with or without the approval here, but Mr. Weeden can't occupy the space until the Planning Commission approves it





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

Mr. Gaynier said I have one, what's the time frame for the move from the lower level and getting the repairs done and then putting the business upstairs?

Ms. Hamley O'Donnell said that's probably a question for the building owner or for Mr. Weeden. I know they had to get architectural drawings, so I am sure it's taken longer than they wish it would. My sense was that that now they are ready to start the construction. Maybe building owner Ms. Horvath, who needs to be sworn in if she going to testify, can answer that question.

Mr. Cobb indicated that the property owner signaled they would start construction in two weeks.

Ms. Hamley O'Donnell told Ms. Horvath that, in order for you to testify, you're going to have to take the oath so can you go stand at the microphone and then you can give your testimony.

Ms. Bolton asked Ms. Horvath to raise your right hand and swear and affirm that the testimony that your about to give is the whole truth and nothing but the truth.

Ms. Horvath said she did. Ms. Horvath, 3970 Oranewood Drive, Orange Village, Ohio, owner of the Heights Masonic Temple. We are waiting for the Building Department to review the construction drawings and we're still in negotiations with the insurance company. I am assuming that within a week we'll have to go ahead from the insurance company for the electrical work and assume that will be starting electrical work after that. We have plaster work, painting, electrical as well as reconstruction of the bathroom.

I'm assuming somewhere between 2 to 3 months tops to complete the renovations.

Mr. Gaynier asked if staff recommendation number 10, hours of operation and large exercise space, 8:00am- 8:00pm—is that because of noise.

Ms. Hamley O'Donnell said that was one of the conditions that are a carryover from the previous approval. Because, the large class will, have more people, in it than the smaller classes. People can go use the elliptical or that can of stuff in the earlier hours. It just occurred to me that one of the conditions that I did not place on the recommendations, which would be number 13, would be that all work should be completed within 18 months of Planning Commission approval. We typically have that on that last condition, so I ask that I amend my recommendation.

Mr. Cobb noted that will get added. Is there anything further for staff, Mr Weeden is there anything you want to add to that?

The applicant had nothing further to add.



Mr. Cobb asked if there were any question for the applicant while he's here. I take it we haven't had any complaints from the neighbors about the noise or parking situation across the street.

Ms. Hamley O'Donnell said there had been no complaints and we have notified the same neighbors that had been notified for the other hearing.

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

Mr. Maddox moved to approve Project Number 17-25 with the staff recommendations, including the 13<sup>th</sup> recommendation:

1. That the use, including sound, will not be injurious to the use and enjoyment of other property in the immediate vicinity or create a nuisance for nearby businesses and residents;
2. Soundproofing shall be maintained on exercise room's south side windows;
3. The applicant shall work with staff to resolve any complaints from neighbors;
4. Building occupancy shall not exceed allowable occupancy of 100. Maximum allowable occupancy shall be posted and observed at all times;
5. An occupancy permit and business occupancy permit shall be obtained prior to occupying the upper level;
6. Applicant shall maintain parking agreement for at least 24 parking spaces within 300' of the building in a form approved by the Director of Law;
7. Applicant shall include information on allowable parking in every membership contract and will post parking rules;
8. Applicant shall provide staff parking monitor at the front door for all group fitness classes for 20 minutes prior and 15 minutes after class start time;
9. Daily, applicant shall circulate neighborhood and pick up trash;
10. Hours of operation shall be between the hours of 6 a.m. and 8 p.m., however, group exercise classes in the large exercise space shall be limited to the hours of 8 a.m. and 8 p.m.;
11. Upon occupancy of this upper level, applicant shall discontinue all use of the lower level fitness areas without approval of expansion by the Planning Commission;
12. Proposed signage change shall require the approval of the Architectural Board of Review; and
13. All work should be completed within 18 months of Planning Commission approval.

Mr. Howe seconded the motion.

There was no further discussion and the vote was approved, 6-0.

#### NEW BUSINESS

Ms. Hamley O'Donnell reported, as of today, we did not receive any new applications for January so it seems unlikely there will be a January meeting.

We're expecting in January an application for the February meeting for a lot resubdivision and then also there will be some variance application for the College Club property that has been purchased by a developer. They're waiting and should hear very soon on whether they got State historic tax credit and they'll renovate that building into some high-end apartments and then, where the parking lot was, they'll add some high-end for-sale



townhouses . It's a nice plan and we highly encouraged a community meeting before they come before the Planning Commission and Board of Zoning Appeals.

Mr. Rink Ask who the developer is?

Ms. Hamley O'Donnell responded that WXZ is the development team and they do a lot in University Circle and other places. This their first project in Cleveland Heights.

Mr. Gaynier asked if we had looked at the lots there a couple of months ago.

Ms. Hamley O'Donnell said, yes, you approved a lot split in preparation of the tax credit application. They needed to have the historic building on one lot and the parking lot parcel on another lot. That is moving forward and I am hopeful that they can get the State historic tax credit. IF they do, this would be the first State and first Federal historic tax credit project in the city.

Mr. Maddox wanted to verify that the Commission had voted for something for the school district for the stadium part for the high school. Did they move forward with that?

Ms. Hamley O'Donnell asked if he meant the proposed building at the corner of Cedar and Lee roads.

Mr. Maddox said, yes, they were supposed to put a courtyard and other amenities.

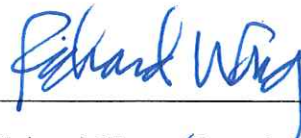
Ms. Hamley O'Donnell said she had a feeling that was cut, due to construction budget.

Another item of interest is that the Zoning Code amendments. Council was going to vote on them in December, but then they had some question. They wanted a little more clarification from our office on family definition and they were not ready for some of the changes to the C-1 District and so they asked us to pause on that Those C-1 changes are going come out of the Code that Council is going to be looking. Planning staff will be revisiting our C-1 and other commercial districts more comprehensively in the coming year. For a long time we had no zoning changes so you'll likely have at least one more this year. Our hope is that Council will adopt most of the Code changes in January and 30 days after vote those, will take effect.

When asked if any big project was soon upcoming, Ms. Hamley O'Donnell responded that our Economic Development team told us they were getting pretty close on a development agreement for the Top of the hill project. She had a feeling review of that development will take up a substantial amount of time on your agenda in the first half of next year. With no further business brought forth, Mr. Cobb adjourned the December 13, 2017, meeting at 9:28 p.m.



Craig S. Cobb, Chair



Richard Wong, Secretary

