

**CITY OF CLEVELAND HEIGHTS
REGULAR PLANNING COMMISSION
August 9, 2023
MINUTES OF THE REGULAR MEETING**

PRESENT MEMBERS:	Jessica Cohen	Chair
	Michael Gaynier	Vice Chair
	Leonard Horowitz	
	Ken Surratt	
	Judith Miles	
	Adam Howe	
	Jessica Wobig	

STAFF PRESENT:	Eric Zamft	Planning Director
	Lee Crumrine	Assistant Director of Law
	Karen Knittel	Assistant Planning Director
	Christy Lee	Recording Secretary

CALL TO ORDER

Ms. Cohen called the meeting to order at 7:00 p.m. She welcomed the audience to August 9, 2023, the regular meeting of the Cleveland Heights Planning Commission. Ms. Cohen made the audience aware that the Noble Station Project is not on tonight's agenda, and also announced that Proj. No. 23-17 D. Rappaport, 3682 Shannon Rd., has withdrawn from tonight's meeting as well.

APPROVAL OF MINUTES

Ms. Cohen stated that the July 12, 2023 Minutes were approved as distributed.

Lee Crumrine swore in the applicants and all staff.

Karen Knittel reviewed the staff report using a PowerPoint presentation:

Proj. No. 23-19 T. Kent and C. Jemison, 3128 Mayfield Road, "C-3"
General Commercial, request conditional work permit for 87-child day care center per Code Sections 1121.04 and 1153.05.

REQUEST FOR CONDITIONAL USE PERMIT

The applicant requests to increase child care facility capacity to serve up to 87 children per Section 1135.05(e). They will have 10 employees on-site during their hours of operation which is generally 6:30 a.m. through 6:00 p.m. The building will be used to house infants through school-age children. The parking lot will be designated for staff and families with the first row of parking available for parent pickup and drop-off.

CONTEXT

This property is near the intersection of Mayfield Road and Lee Road. The parcels on this block of Mayfield Road are buildings zoned 'C-3' General Commercial. This zoning district extends through the block and ends with the first building east of the Mayfield Road and Ivydale Rd intersection. The Future Land Use Map from the Master Plan shows the existing general commercial as remaining general commercial.

HISTORY

A Better Day Academy has been operating as a daycare center serving under 49 children with an administrative conditional use permit per Section 1153.05(e).

STANDARDS FOR CONDITIONAL USES

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A conditional use, and uses accessory to such conditional use, shall be permitted in a residential, commercial, or special district only when specified as a permitted conditional use in such district, or when such use is determined by the Planning Commission to be a similar use, and only if such use conforms to the following standards in addition to any specific conditions, standards, and regulations for such category of use set forth in Chapter 1151 of the Zoning Code. Furthermore, the Planning Commission shall find:

- (a) *that the conditional use will be in general accord with the purpose, intent and basic planning objectives of this Zoning Code, and with the objectives for the district in which located;*
Daycare centers are conditionally permitted in this C-3 General Commercial zoning district.

- (b) *that the establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare;*
Continuing operation of an established child- and after-care program should not impact the neighborhood and will continue a service for working parents.

- (c) *that the conditional use will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, and that such use will not essentially change the character of the same area;*
No exterior changes will be undertaken.
- (d) *that the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;*
Childcare operation in this building has not negatively impacted the neighborhood. The site can easily accommodate the use without negative impacts on the neighborhood.
- (e) *that the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;*
There has been a daycare operating at this site without any negative impacts. Having childcare available in the district provides a service to working parents.
- (f) *that adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided;*
There is adequate utilities drainage and necessary facilities are present.
- (g) *that adequate measures have been or will be taken to provide ingress and egress designed as to minimize traffic congestion in the public streets;*
Access to the parking lot is from Mayfield Road. The use will not have a significant impact on traffic
- (h) *that the establishment of the conditional use should not be detrimental to the economic welfare of the community by creating excessive additional requirements at public cost for public facilities such as police, fire and schools;*
This is an existing childcare center. Increasing the number of children being served should not require additional public costs for public facilities.
- (i) *that there is minimal potential for future hardship on the conditional use that could result from the proposed use being surrounded by uses permitted by right that are incompatible; and*

This is currently operating as a childcare center increasing the number of children being served at this site will not create a hardship on the potential for future development of surrounding properties

(j) *that the conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located as well as the specific supplemental conditions set forth in Chapter 1153.*
See Below.

1153.05 SUPPLEMENTAL REGULATIONS FOR SPECIFIC USES.

Section 1153.05(e): Day Care Center, Preschool. In a commercial district such uses may be conditionally permitted. In residential and commercial districts, a daycare center or preschool having 49 or fewer wards may be conditionally approved by the Zoning Administrator; a facility with more than 49 wards shall require Planning Commission approval.

SUSTAINABILITY GUIDELINES (Sect. 1165.06)

As this is an existing building many of the Sustainability Guidelines do not apply. However, the first guideline concerning historic preservation and adaptive reuse of existing structures is addressed by allowing an existing daycare to continue to operate and expand its services in an existing structure.

STAFF RECOMMENDATION

Staff recommends approval for T. Kent and C. Jemison, d.b.a. A Better Day Academy, to operate an 87-child daycare at 3128 Mayfield Road, as described in their application materials and shown on the plans submitted, with the following conditions:

1. Two parking spaces shall be designated for child-care pick-up and drop-off only;
2. The applicant shall return to the Planning Commission for approval of any significant alteration or expansion of their operations;
3. 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;
4. The applicant shall work with staff to resolve any neighbor complaints;
5. The applicant shall adhere to all Building Codes and State childcare requirements; and
6. 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 asked if the applicant wanted to add anything at this time.

Tiarrah Kent gave her address as 3128 Mayfield Road and affirmed the oath, Ms. Kent expressed her excitement about opening and expanding the Better Day Academy. She spoke briefly about the new accommodation for students, staff as well for the community as a whole.

The motion was seconded by Michael Gaynier, motion carried 7-0.

Eric Zamft's PowerPoint Presentation was as follows:

Proj. No. 23-20 Proposed Zoning Text Amendments regarding shared spaces for review and recommendation per Code chapters 1111, 1115, &1119.

Mr. Zamft gave an overview of Proposed Zoning Text Amendments, he gave a summary of topics including outdoor dining, and the Coventry Living Room Project he went on to say that the Law Department has come together with the Planning Department to develop a plan to improve on these projects to better serve the community.

Ms. Cohen asked if the Council received anything or reviewed anything at this and that was the reason why there hasn't been a vote.

Mr. Zamft responded that there hasn't been a vote at this time it's still in the staff's hands in the final ordinance formats. Additionally, City Council just coming back from their recess.

Ms. Cohen asked about the process, saying that the Council has to pass something at their meeting and then send it along to us.

Mr. Zamft said that after the first reading, the City Council would refer it over to the Planning Commission.

Ms. Cohen added that after the Planning Commission reviews it and approves it, we send it back to the Council, and they complete the process.

Mr. Zamft replied, that City Council will hold a public hearing.

Ms. Cohen asked if there were any further questions for staff on this topic; there were none.

Mr. Zamft stated that there weren't any updates on the Planning Activity at this time, he mentioned that there was an additional topic he wanted to discuss. Mr. Zamft stated that Ms. Miles would open the discussion.

Ms. Miles provided examples of a couple of tools that estimate residential demographics.

Mr. Zamft stated that it was a great analysis that Ms. Miles spoke of regarding the impact analysis, particularly with multiple-family housing. Mr. Zamft went on to show a PowerPoint presentation to support the current topic. Including the NEPA Act, NEPA Compliance Service, and the NRPA of 2021 all of this work together with their impact on the City of Cleveland Heights. He gave examples in other states on how these programs work and how it could potentially work for the City of Cleveland Heights.

Ms. Cohen asked would also be similar to multiple that we're expected to come into Taylor and Tudor, would that be considered a new multiple-family area?

Mr. Zamft "Yes". He went on to show examples of the form to which will need to be Completed he went on to say this project isn't necessary for green space but for environmental natural stainability. He mentioned many examples to support this project.

Ms. Cohen referred back to the New York Form, which is something that they require developers to complete and submit to the city, and then it is part of the public record. This allows for it to be included in the materials that are seen by the Planning Commission. Ms. Cohen asked what would be the process if we were to take hold of this idea and implement it into our application system. She asked if this would require it to be added to our ordinances dealing with the Planning Commission.

Mr. Zamft replied that in New York State this is a state regulation. In Ohio, it is not a state law and therefore some of the questions could be changed. This could be added to the general policies and procedures of the Planning Commission.

Mr. Surratt spoke on CDBG and HOME funds as well as other funds that could be available for low-income housing.

Mr. Horowitz stated that he would like to see more information on this particular project. He went on to say that he likes this project and feels this would be a great addition to the City.

Mr. Gaynier said that he would like to see attention to the parking issue that the City of Cleveland Heights has regarding parking requirements for new structures.

Ms. Wobig asked if it was possible to provide a shared pool of resources or references from "APA" or different guides that internally can be shared and available to the Planning Commission.

Mr. Zamft agreed with Ms. Wobig stating that resource information should be made available along with more training sessions for the Planning Commission.

Ms. Cohen agreed on the additional training for Planning Commission Members, she went on to say she would like more plans that give a 360 view of the project not just for the Commission's understanding but for the Public as well. She said she also would like an introduction on the Planning Commission website that informs the public on how and why these projects are coming before the Planning Commission.

OLD BUSINESS

NEW BUSINESS

ADJOURNMENT 7:47 PM



Jessica Cohen, Chair



Eric Zamft, Secretary