

**CITY OF CLEVELAND HEIGHTS  
REGULAR PLANNING COMMISSION  
March 10, 2021  
MINUTES OF THE REGULAR MEETING**

MEMBERS PRESENT:	Jessica Cohen	Chair
	Michael Gaynier	Vice Chair
	Leonard Horowitz	
	Adam Howe	
	Anthony Mattox, Jr.	
	Jessica Wobig	
	Jeff Rink	

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

**CALL TO ORDER**

Ms. Cohen called the meeting to order at 7:30 p.m. She welcomed the audience to the March 13, 2021 Special Webex meeting of the Cleveland Heights Planning Commission.

**APPROVAL OF MINUTES**

Ms. Cohen asked had the Commission read the minutes from the December 9, 2020 Planning Commission meeting and asked if there were any corrections needed. There were no additional corrections needed and the minutes stand approved.

Ms. Cohen explained to the audience that there will be a presentation by staff after which anyone from the audience, including the applicant, she also explained the procedure in which questions and comments will be addressed due to the Webex guidelines. Ms. Cohen further explained that all that will testify will still need to take the oath or affirmation. Ms. Cohen asked everyone to unmute their microphones to take the oath or affirmation. Ms. Cohen went on to state that there will be a change to the format of how the Planning Commission will present Proj No 21-01, that the Planning Commission will hear from Metro Health directly, but this comes to the Planning Commission as a referral from the Board of Control. She informed all that she is a part of that commission as well as the City Manager, Council President, The Chair of the Board of Zoning Appeals, and the Chair of the Planning and Development Committee of Council which is Michael Unger. She acknowledged that there have been a few community meetings regarding this project, with comments regards to the proposed expansion. Ms. Cohen went on to explain that this will be a preliminary view, which gives an opportunity for the applicant and staff to have a complete understanding of this project. She went to say that after the presentation for the applicant that the public will be allowed to weigh in. Ms. Cohen made staff and the public know that there will not be a vote this evening on the project, that the intentions of the Planning Commission at this time is to whole a Special Meeting with the Planning Commission on March 17, 2021, allowing for additional information and analyst of the project.

Ms. Cohen motioned that the Planning Commission schedule Special Meeting for Wednesday, March 17, 2021 at 7:30pm to further discuss Proj. 20-21.

Mr. Gaynier 2<sup>nd</sup> the motion.

Motioned carried 7-0.

Ms. Cohen stated that there was a special guest present this evening, Councilwoman Cheryl Stephens.

Council Women Stephens stated that she can explain why she was in support of this project and the expeditiously as possible is important. For those of you who don't know me let me give you a brief history about why my words should have some gravitas with the City of Cleveland Heights Planning Commission. She went on to state her undying love for the City of Cleveland Heights and has served as the Economic Development Director, Planning and Development Director as well as The Visioning Committee, member of the Planning Commission, Member of City Council, Vice Mayor and Mayor and now the City of Cleveland Heights Council Member for District Ten and Vice President of the Cuyahoga County. Council Women Stephens went to say that she's invested her time, talent, and personal investments to the City of Cleveland Heights for more than 30 years. She went on to say that Metro Health will present a project like no other that will not only help with jobs and stimulate the economy but will enrich the lives of those seeking help due to mental illness or substance and or drug abuse. Council Women Stephen went to say that it's important to the City to have this partnership with Metro Health. Council Women Stephens continued to express how this partnership will benefit the community as a whole. That this project will create over 200 new jobs, with the lowest wage being \$15.00 per hour, the payroll for the project will be \$15 million which means that it will generate over \$300,000 a year in payroll taxes for the City of Cleveland Heights. She further explained that the friends and family that will visit, along with the employees that will come to the City will create a positive economic impact by stopping at the surrounding restaurants, grocery stores, and other various businesses. That economic impact will boost the City's economy greatly. Council Women Stephens stressed that it's very important not to hold this project up, only long then it is necessary. Council Women Stephen went on to thank the Planning Commission for allowing her this time to express her thoughts and her approval of this project.

Ms. Cohen went on to thank Council Women Stephens and then turned the floor over to Mr. Zamft.

Mr. Nouredine asked do you swear or affirm that the testimony that you're about to give to the Planning Commission is the whole truth and nothing but the truth? Ms. Knittel, Mr. Zamft, and others planning to testify and took the oath.

Mr. Zamft welcomed all to the Planning Commission Meeting, he reiterated how the meeting will be handled this evening as well as how the applicant will present their proposed project.

Mr. Nouredine asked do you swear or affirm that the testimony that you're about to give to the Planning Commission is the whole truth and nothing but the truth? Joseph Frolik, Julia Bruner, Joe Hackney did raise his right hand and nod to acknowledge that he affirmed the oath, Daniel Herstine, Adam May and Michael Wohlwend.

Mr. Frolik started by thanking the Planning Commission, The City of Cleveland Heights and Council Women Stephens, Mr. Frolik introduced himself as Metro Health's Senior Vice President for Communications and Community Government Relations, as well as a 39-year resident of the City of Cleveland Heights. Mr. Frolik went on to say that he feels this project will refuel the community in multiple ways. He stated the project will assist with the revitalization of Severance along with the expansion of health care that this project within Metro Health will provide to the Community. Mr. Frolik emphasized that care for all people is a major goal for Metro Health, and providing exceptional help to those in need. Mr. Frolik said the need for this project is great, there are so many who need this critical help, that the people that are in need come from all walks of life and deserve to have the care, help, and compassion they so deeply need and desire. Mr. Frolik then turned the presentation over to Dr. Julia Bruner.

Dr. Bruner thanked the Planning Commission and the City of Cleveland Heights for reviewing this proposal. As well as Council Women Stephens for her support. Dr. Bruner went on to show a PowerPoint presentation detailing the proposes of the expansion of adding 110-bed for Behavioral Health in the existing Cleveland Heights Hospital. Dr. Bruner went into detail about the need for additional beds and help for the Mental Health crisis that the world and community are experiencing. She went on to detail how this service would greatly help the community, by providing this service. Dr. Bruner showed a correlation to the Covid crisis and the rise of the mental health crisis and how they go hand in hand, she further stated that this is the reason why Cleveland Heights would be a great place for the center. Creating not only help and care for those in need but also creating a well-diverse job market that would in return generate income into the city.

Mr. Frolik interjected by giving a few additional details regarding the project. He went to state that this facility would be owned and operated by the Metro Health Network with a capital investment of \$42 million \$5 million of which would come from the county by way of the opioid settlement fund, he then thanked council Women Stephen for being the co-sponsor for that legislation. He went on to say that this project will require no incentives needed from the City of Cleveland Heights and this expansion will not involve a reduction in service at the existing Cleveland Heights hospital. This will remain the home of the Regional Dispatch Center, 24/7 security provided by the MetroHealth Police Department, and as with all MertoHealth initiatives this will be mission-driven: We will treat everyone who needs care, regardless of their ability to pay. Mr. Frolik went on to speak about the cost of construction, detailing the new income tax revenue for the City of Cleveland Heights, the wages for works that will work for the hospital at the new minimum wage, and their complete commitment to supporting the city's goal to revitalize Severance. Mr. Firlik went into detail about the projected timeline for the start and end of the project.

Dr. Bruner went into detail on why it's so important not to wait and hold this project up. She elaborated on how important this is not only to Metro Health but to the community as well as the general public as a whole. With the growing need for this particular care facility waiting, will be more of a detriment to the community and those that need critical care. Dr. Bruner gave a visual of the timeline and further explain why it's important to keep this model.

Joe Hackney thanked everyone for this opportunity to present and speak with the Planning commission and the public. He introduced him as the senior development with anchor health properties. He gave background on Anchor Health and their partnership with Metro

the Board of control public hearing #2 and consideration of approval of the project on March 18, 2021 at 5:00 pm and that City Council Special Meeting for consideration of approval of Board of Control action will be held on March 22, 2021.

Ms. Cohen asked Ms. Knittel to open the floor for public comment. Ms. Cohen re-explained how the public comment will be addressed.

Mr. Nouredine asked do you swear or affirm that the testimony that you're about to give to the Planning Commission is the whole truth and nothing but the truth?

Mr. Barych Taub responded "Yes" and stated that he was pro Metro Health, he went on to say that he just wants a better understanding as to what Metro Health plans to do with the project at hand. Mr. Taub said that he has spoken with several residents who reside on the Northside of the Severn site, who have many concerns with the proposed project. Mr. Taub said that there are about 27 residents who have concerns with this project. Mr. Taub stated that he received two separate letters from both Metro Health and one from The City of Cleveland Heights. Mr. Taub said that there have been several meetings and that it appears that this project is being fast-tracked for approval. He raised his concern about the timeline for this project, however, he feels that this project needs more time and patients. Mr. Taub went on to say that there are serious concerns within the community surrounding the project, however, he again feels that by rushing the project those concerns will not be address. Mr. Taub touched on the tax benefits of this project, and how he feels that it will not be a great benefit to the community, he also mentioned the patio that will be located at the new location and he raised concerns about having an open outside yard for those with mental health issue being able to have that type of access. He added that he cares about the trees however his main concern is that of the safety of the neighborhood being exposed to persons with mental health issues.

Ms. Cohen thanked Mr. Taub for his comments and asked that he submit any letter that he may have with concerns for public record.

Mr. Nouredine asked do you swear or affirm that the testimony that you're about to give to the Planning Commission is the whole truth and nothing but the truth?

Mr. Bruce Cweiber responded, "I affirm." He went on the say that he wanted to frame the issue that the neighbors are having, that issue being providing mental and addiction care is very dangerous. That isn't the same as putting a Home Depot, Dave's, or building a hospital. Mr. Cweiber went on to say that he's aware that substance abuse is correlated to violence, he understands that it's a complicated subject but a very real issue. Mr. Cweiber continued to speak on the fact that having this so close to homes is a very serious concern for the community. He added that there needs to be a physical barrier separating the project for the community to truly ensure safety and security to the whole area, possibly a soundproof barrier. Mr. Cweiber asked that it be added to the conditional use that patients from prisons/jail release will not be admitted to the facility only those that are voluntary.

Mr. Nouredine asked do you swear or affirm that the testimony that you're about to give to the Planning Commission is the whole truth and nothing but the truth?

Cindy Carroll-Pankhurst responded, " I do so affirm." Ms. Carroll-Pankhurst went on to express her concerns, she too feels that there shouldn't be a rush on this project due to the



numeracies concerns. she reminded the commission that she had submitted comments via email. Ms. Carroll-Pankh stated that she wanted to hear from Linda Sekura.

Mr. Nouredine wanted to remind the Planning Commission Members and the Public to please keep in mind that the mental health concerns that persons are raising are not valid for consideration by this body given the protective status of mental health disorder and individual with mental health under both local state and federal law, so that isn't something that the commission can consider, he recommended that individuals of the public not bring up the mental statues because the commission can not validate or considered those factors.

Mr. Taub interjected that mental health patients are a valid issue, to those who are in the community. That building a behavioral mental health hospital in the middle of a residential neighborhood. Those are serious concerns.

Ms. Cohen interjected reminding the public that they cannot speak out, they must be recognized by the chair.

Mr. Nouredine asked do you swear or affirm that the testimony that you're about to give to the Planning Commission is the whole truth and nothing but the truth?

Ms. Harriet Applegate responded, "Yes I affirm." She said that she understands Mr. Taub's concerns with regard to his children's safety. She said that a forest is an entire ecosystem, she asked for clarification on how many trees will be taken down for the project. Ms. Applegate spoke about the animals that would be affected by the removal of the trees in the area, she spoke about the soil components that will also be affected by the removal. Ms. Applegate went on to stress her concern about the removal of important natural surroundings and how this would be a detriment not only to the community but the environment.

Mr. Nouredine asked do you swear or affirm that the testimony that you're about to give to the Planning Commission is the whole truth and nothing but the truth?  
Sekura "Yes I affirm." She thanked the Planning Commission for allowing her this time to express her concerns. She stated that she has walked that property twice, in the area where the new building will be located. She expressed that the trees surrounding Severance are not just trees but indeed a mature forest. She further detailed the ecosystem that thrives in this particular area and the importance that it brings to the environment. She went on to say this isn't just a canopy system but an ecosystem. She also raised a concern that an ecologist wasn't a part of this discussion of the trees that will be affected by the new construction.

Ms. Cohen pointed out that again there is some confusion as to where they will start the removal of trees and how much of the area will be affected by the removal.

Mr. Nouredine asked do you swear or affirm that the testimony that you're about to give to the Planning Commission is the whole truth and nothing but the truth?

Mr. Michael Morse responded, "Yes I do," Mr. Morse stated that there's a continuous forest corridor stretching from South Taylor to the school and up towards Mayfield Road. His concerns are that this is a rare urban forest, which has been eroded by development. He

pointed out the concern for the existing wetland and creek that may feel like a drainage system but indeed is a creek. In addition, the 40 feet comment is based on what was said in last week's meeting, that 40 feet past the tree line which is very concerning. He asked the Commission to please consider the environment when making the final decision.

Mr. Nouredine asked do you swear or affirm that the testimony that you're about to give to the Planning Commission is the whole truth and nothing but the truth?

Ms. Susan Efroymsen, "Yes I affirm." She stated that she has concerns about the security, and wanting to know since the mental health status of any person will not be taken into consideration, when and where should those concerns be addressed. She further stated the project looks to be a beautiful campus with an equally beautiful mission. She feels that it's important to address the security concerns that have been addressed.

Mr. Nouredine asked do you swear or affirm that the testimony that you're about to give to the Planning Commission is the whole truth and nothing but the truth?

Mr. Eli Mann responded, "Yes I affirm." Mr. Mann thanked the Planning Commission as well as Metro Health for their time. Mr. Mann said he has lived in the community for over 30 years. He raised the concern of the push of this project, he felt that many families with young children are being put in harm's way, with the development of this new area to the hospital. Mr. Mann stated that he's fully aware that some are in full support of this project, however, there are still many that are apprehensive. Mr. Mann went to express his concerns that the neighborhood would no longer be safe.

Ms. Cohen closed public comment. Ms. Cohen went on to asked about the patio security concerns and the willingness to place a physical barrier for added security, she also asked for clarification with the placement of civil versus forensic patients asking if this something what are the true intentions of the hospital in regards to that.

Mr. May showed a PowerPoint of the fence around the outdoor area that will be put in place for the concerns of security, Mr. May detailed the construction of the fence and how it will help give added security and assurance to the community. Mr. May added that the only time patients would be out of the facility, they will be with staff in a controlled environment, never left alone.

Mr. Herstine added that this area is completely safe, that the fence would be 14 feet in height, and is a no climb fence. He reiterated that at no time will any patients be left unsupervised outdoors.

Mr. Frolik stated that the hospital itself is the physical barrier, that once patients are admitted they will be placed in a secure and safe area under the supervision of staff. Mr. Frolik added that when they are out on the enclosed patio there's no physical way out, he added that they want to give those that are admitted to the facility to have the ability to enjoy the sunshine as well the outside environment of nature. Mr. Frolik emphasized that this will not be a place where patients will wonder, they will have only supervised availability, because this is important to the treatment and wellbeing of those who will be cared for in the facility. Mr. Frolik stated that when patients are released from the care facility, they are not just released at the door, there are proper procedures that are put in place to ensure that the patient, staff, and community are all safe. No patient is release

until doctors and staff have evaluated that this is what is best and treatment is complete. Transportation will be provided for those that are exiting the facility if family or friends aren't available to do so. No patient will just be released to the streets.

Mr. Mattox asked if there will be a set time or day for the release of patients.

Mr. Frolik stated that he doesn't have a definite answer to the question. Unfortunately, that would be a question that would be best answered by Dr. Bruner who is no longer on the call.

Mr. May went on to say, he is a resident of the City of Cleveland Heights. He lives not too far from the project, with that said he stated that he feels beyond safe with this being in his community. He further stated that people who live in the community will have the proper care they need locating at their doorstep, a facility that will provide excellent help, getting people off the streets into a place that will help them get the help that they desire and need. Mr. May again showed an ariel view of the project and how an additional barrier would affect the surrounding area of trees.

Mr. Hackney stated that adding another barrier would cause more removal of trees, he stressed that he doesn't believe that would be a good idea. Mr. Hackney said that they are taking every precaution in ensuring the safety of not only the staff, patients but that of the community. He added that the response to the question of the time of release for all patients is that they will be discharged during normal business hours.

Ms. Cohen asked what the security protocol is if a patient escapes from the grounds.

Mr. Frolik stated that there is strong security on the floor of the hospital that is backed by the Metro Health Police who are will trained on de-escalation. Again, there will be no free-roaming about the facility, all patients will be highly supervised.

Mr. Herstine added that all general hospitals have a series of codes, words, and protocols that are put in place for such events to keep with the safety of staff, doctors, patients, and the community at large. The Ohio Building Code recognizes health care, general health care as a place that needs additional safety protocols. So general health care, floors are divided to keep with all safety regulations. Giving health care facilities the ability to defend in place. In the event of an emergency, patients are placed in a defend-in-place strategy, never are they removed from the hospital.

Mr. Rink said that based on the testimony that we've heard, that base on the wooded area doesn't need to be maintained and he asked if there would be the ability to have additional security for those who live along the back of the facility. Is it possible to consider adding additional barriers along the wooded area?

Mr. May responded that he can't speak on behalf of Metro Health however, he stated that this facility will be secure, and adding a chain-link fence would be an added damper to the construction and astatic to the outer appearance of the facility. Mr. May stated that he stands strong that this is will be a fully secure facility. He felt that the adding of a fence may not be the right decision however he would take up that concern and idea with Metro Health.

Mr. Rink thanked him for the consideration and stated that he hoped they can come to a compromise.

Mr. Frolik said they will take that into consideration. He added that they are fully aware of all the concerns that are at hand and are willing to do what is needed to make sure that there's a feasible compromise.

Ms. Wobig went back to the legal issue, saying that those with mental and addiction problems are in a protected class, and noted that Metro Health has laid out a clear plan on how it plans to keep the community, patients, and staff safe.

Mr. Rink stated that he will not drop the issue of the wall, he will not comment on the mental health of people, however, he will still keep addressing the issue of the safety concerns of the community.

Ms. Cohen asked that the Metro Health team if it was possible for them to meet with staff at a later date to further discuss the possibility of a wall.

Mr. Mattox asked if the Planning Commission can do their own personal view of the site, to gather better information to make a sound decision.

Mr. Nouredine interjected that site visits are ok; however, it will need to be staggered so that all Planning Commission members are not there all at once. He also went on to clarify that safety measures applied to those with mental issues, safety measure are a perfectly fine subject for the Planning Commission to consider, however as applied to an individual's mental health or mental disorder those safety measures need to be separated.

Ms. Cohen asked for some clarification of the 40 feet of trees.

Mr. May the tree line along the edge weaves in and out alongside the lawn area, and the amount of paving area that is moving varies between the North and South and Eastside sets. The first 40 feet is typically a lawn area and the area beyond into the woods would vary based on that area. It's not a clear cut of 40 feet, it could be 2 feet in one spot and 2 feet in another area.

Ms. Cohen asked Mr. Zamft and Ms. Knittel if it was possible to ensure that the word gets out to the public about the Special Meeting regarding this project. Ms. Cohen went on to thank Metro Health and closed the discussion.

**Project No. 21-02: Viva City, Inc./Viva City Recovery House, 2425 N. Taylor Rd. 'A'** Single-family zoning district, requests conditional use permit for: (a) adaptive reuse of a non-residential building in a residential district for a 16-resident boarding house, and (b) reduction of parking requirements per Code sections 1111, 1115, 1121, 1151, 1153, 1161, & 1166.

Mr. Nouredine asked do you swear or affirm that the testimony that you're about to give to the Planning Commission is the whole truth and nothing but the truth?

Ms. Knittel responded, "Yes I affirm". Ms. Knittel gave a staff presentation along with PowerPoint presentation of the proposed project of Proj. No 21-02.

CONTEXT: Just to the south is Imani Bible Fellowship church, to the north and east is



single-family housing in an 'A' Single-Family zoning district, and west across North Taylor Road is single-family housing located in an 'A' Single-Family zoning district.

#### HISTORY:

The former 8,000 s.f. the convent was built on a separate parcel but in conjunction with St. Louis Church. Imani Bible Fellowship purchased the rectory, school and church buildings, parking lot, and play areas to the south, but not this parcel. This building was built as a religious building to house the nuns and to provide a chapel, office, and meeting spaces. There are 16 small dorm-like bedrooms, meeting rooms/offices, a kitchen, and a large shared dorm-style bathroom with multiple bathtubs and toilets. It originally did not have any on-site parking.

Cal. No. 3264 (2011): Variances were granted to permit parking in the front yard, reduced setbacks, and yard coverage for the 8-space parking lot.

Proj. No.20-01 (Feb. 2020) Eye for Change Youth and Family Services receive a conditional use permit for the adaptive reuse of a non-residential building in a residential district for a 16-resident residential care facility and received a reduction in parking. This proposal was to provide 24-hour supervised housing and treatment to 16-women for up to 30 days. This project did not go forward.

#### PROJECT DESCRIPTION

Viva City proposes to operate a recovery home for up to 16 women ages 18 and over who are recovering from drug and/or alcohol addiction. Viva City anticipates one or two staff members to assist with the coordination of programs and services for residents. The residents' stay is dependent on their individual needs with the average length of stay being 6 months. House or Community Rules for residents are included in the applicant's materials.

Normally staff members will be at the property Monday through Friday from 10:00 a.m. to 4:00 p.m. and will assist residents with leasing paperwork, housing questions, and connect residents with community resources. Residents will have access to counseling services, treatment, prevention and recovery wellness planning, certified peer support, life skills, and workforce development training. Viva City staff connect residents with community partners and arrange off-site appointments at partner agencies like MetroHealth Hospital, Rosary Hall at St. Vincent Charity Medical Center, Ohio Means Jobs, and medical appointments. With an appointment, such community providers may meet with a resident at the property.

This use falls into the Zoning Code's category of a lodging house, boarding houses, convents, home for the aged, and other congregate living facilities and, therefore is a continuation of a nonconforming congregate living facility. Such uses are conditionally permitted in multi-family and commercial districts. Because the building was designed, built, and occupied as a mixed-use structure of religious use/office/meeting use and congregate living facility, Code section 1153.05(cc) permits adaptive reuse of a non-residential building in a residential district as a conditional use.

A 16-bed boarding house/congregate living facility requires 1 parking space per bed per Code section 1161.03(a)(6). A variance was granted in 2011 to permit an 8-space parking lot for the site, which then had only 8 bedrooms in use. The site plan shows that there are 7 code-conforming parking spaces on site. The applicant states that they do not anticipate their residents having vehicles as their target population will be coming directly from

treatment facilities or programs with a lack of financial or housing resources. The applicant anticipates residents to make use of public transit and rideshare services. Viva City anticipates one or two staff persons who would use the on-site parking. Therefore, the applicant believes that the current 7 parking spaces will be more than sufficient.

#### STANDARDS FOR CONDITIONAL USES

*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 ....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:*

- 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;*
- 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;*
- 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;*
- 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;*
- 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;*
- f) That adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided;*
- 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;*
- 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;*
- 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;*
- j) That the conditional use shall address the sustainability guidelines of Section 1165.06 (see below).*
- k) 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.*

#### STAFF COMMENTARY ON STANDARDS FOR CONDITIONAL USES

One purpose of the Zoning Code that is described in section 1121.01(d) states that the code is "to encourage as a conditional use flexible residential development to promote creative and efficient use of land through unified development." Section (f) further states that a purpose of the residential zoning code is: "to encourage sustainable development and practices in residential neighborhoods." The building was developed as a religious building with meeting rooms, a chapel, and dorm-like housing; the floor plan is not suitable for a single-family dwelling, the only permitted use in the "A" single-family zoning district. The adaptive reuse of a non-residential building in a residential district is conditionally permitted

and the proposed use is residential and would work well with the design of the building, with its multiple separate meeting and gathering areas and dorm-like living quarters.

The essential character of the neighborhood will not be substantially altered. This property has never been used as a single-family house and its proposed use for a congregate living is not unlike its use as a convent. The site operated as a convent for the former Saint Louis Parish for many years with no adverse effect on the public health, safety, or general welfare and we anticipate no adverse effect on the public health, safety, or general welfare of the community. The Viva City recovery boarding house has two on-site staff persons who will work with residents to connect them with any needed community resources and have established community rules (included in the applicant's materials) that residents must follow. The applicant should assure the Commission that the residents, staff, visitors, and deliveries will not produce noise or other disruptions that may negatively impact neighboring residents. The addition of a privacy fence along the east property line may offer privacy for the Viva City residents and the adjacent single-family home.

The applicant should assure the Commission and neighbors that the use will complement the residential nature of the neighborhood and will not create additional noise and that the use won't negatively impact neighbors by virtue of excessive noise, untimely deliveries, traffic, and other activity. Outside smoking areas should be located so as not to impact the easterly neighbor.

No exterior changes to the building are proposed and this use should not change the character of the area. The reuse of the building should not impact future development or improvement or traffic in the neighborhood. The applicant anticipates that public services such as police and fire will be required minimally. The applicant should assure the Commission that the proposed use will not create excessive additional requirements for police, fire, or EMS. If this does become an issue, the Commission could review and consider revocation of the conditional use.

#### PARKING STANDARDS FOR THIS CONDITIONAL USE SEC. 1161.03(a)(6)

*A boarding house requires 1 parking space for each bed.*

The target population lacks financial and housing resources and therefore is not expected to have vehicles and so the existing 7 parking spaces are ample to accommodate the staff and visitors. Per Code section 1161.05, Modification of Requirements, "whenever the parking requirements based on functions and uses...can be shown by the applicant to result in an excessive number of parking spaces and that a lesser number of spaces is appropriate and consistent with these regulations, the Planning Commission may approve a reduction in required spaces as a conditional use..."

#### BUILDING/HOUSING CODES

We have alerted the applicant that there may be Building Code issues with the proposed use and coordination with, and approval by, the Building and Fire departments will be required prior to issuance of an occupancy permit. If a conditional use permit is approved, the applicant should schedule a meeting with the Building Department as soon as possible. We do not have the maximum occupancy on file at City Hall, so our Housing Department will have to measure the building and determine the maximum allowable occupancy.

#### SUSTAINABILITY GUIDELINES Section 1165.06

Most of the sustainability guidelines are not pertinent to this application; however, the first sustainability guideline encourages historic preservation and adaptive reuse of existing



structures. Encouraging the reuse of a vacant building is important to Cleveland Heights' sustainability. Social sustainability is addressed by providing shelter to those in need.

A neighborhood meeting is planned after the publication of this staff report; I will report on any issues at the Planning Commission meeting.

#### STAFF RECOMMENDATIONS

(a) Staff recommends that the Planning Commission approve a conditional use permit for adaptive reuse of a non-residential building in the residential district for an up-to-16-resident recovery boarding house, operated by Viva City, Inc, as shown in the plans and as described in the application materials, 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 applicant shall work with staff to resolve any complaints from neighbors;
3. Occupancy shall not exceed the maximum allowable occupancy as determined by the City's Housing Inspections Department;
4. Any Housing, Building, or Fire Code violations shall be corrected prior to occupancy;
5. Existing landscaping shall be maintained or, if desired, a new landscape/screening plan shall be approved by the Planning Director;
6. If new exterior lighting is proposed, the applicant shall submit a lighting plan for Planning Director approval;
7. Deliveries and trash pick-up shall not take place before 7 a.m. or after 9 p.m.;
8. Architectural Board of Review approval shall be required for exterior changes to the building;
9. All parking shall be accommodated on-site;
10. Any expansion of the use shall require a new Conditional Use Permit; and
11. All required construction and installation of the use shall be completed within 18 months of Planning Commission approval.

(b) Staff recommends that the Planning Commission approve a conditional use permit for reduction of parking requirements for Viva City to the operation of a 16-resident recovery boarding house, as shown in the plans and as described in the application materials, because the parking requirements result in an excessive number of parking spaces and a lesser number of spaces is appropriate and consistent with these regulations because Viva City Recovery House residents lack financial and housing resources and therefore will not have vehicles.

Ms. Cohen asked if there were any questions for staff.

Ms. Wobig stated that the 12<sup>th</sup> condition wasn't added in her staff report packet, that she received prior to the meeting.

Ms. Knittel correct that was added as a walk-through was taken to further review the project and speaking with the applicant.

Ms. Wobig asked if that was something that the applicant asked to be added.

Ms. Knittel stated that look within the material you will see that was something that was asked for by the applicant.

Mr. Horowitz asked that if this will have 24 hours staff, and wanted to know what was the applicant's experience in the field of work.



Ms. Knittel stated that the applicant is a recovery house, where the individual has received the help of a treatment center and is in essence in a step-down program when they are at this particular facility.

Mr. Nouredine asked do you swear or affirm that the testimony that you're about to give to the Planning Commission is the whole truth and nothing but the truth?

Let the record reflect that both Jazymyn Stover and Lisa Von Lehmeden Zi affirmed the oath.

Ms. Von Lehmden Zi stated that she has been in the field for over 10 years as well as the President of the Visiting Home Nurse Association. She gave additional background of the facility and how this will give a safe and successful environment for women who are looking to improve their lives after treatment.

Ms. Stover stated that she too has worked in the health care field for several years, she stated that the women that will come through this facility will have successfully completed treatment and are looking to further their success through their training, life skills, personal and mental growth. That provides safety and security to further help on their road to complete success.

Ms. Cohen asked if there were any questions for the applicant, and there being none she asked for a motion.

Mr. Mattox motioned for approval of **Project No. 21-02: Viva City, Inc./Viva City Recovery House, 2425 N. Taylor Rd.** 'A' Single-family zoning district, requests conditional use permit for: (a) adaptive reuse of a non-residential building in a residential district for a 16-resident boarding house, with 1-12 recommendation

Mr. Horowitz seconded the motion and the motion passed 7-0.

Mr. Horowitz moved approved (b) reduction of parking requirements per Code sections 1111, 1115, 1121, 1151, 1153, 1161, & 1166. With the enclosed staff recommendations.

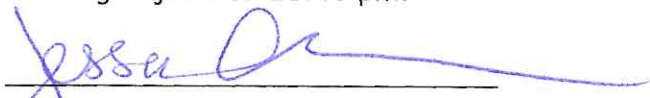

Mr. Mattox seconded the motion and the motion passed 7-0/

New Business

Planning Commission Special Meeting on March 17, 2021

Old Bussiness

Meeting Adjourned 11:40 pm.

  
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Jessica Cohen, Chair  
\_\_\_\_\_  
Eric Zamft, Secretary

