

**CITY OF CLEVELAND HEIGHTS
REGULAR PLANNING COMMISSION
DECEMBER 11, 2024
MINUTES OF THE REGULAR MEETING**

PRESENT MEMBERS: Jessica Cohen, Chair
Jessica Wobig
Leonard Horowitz
Michael Gaynier
Judith Miles

ABSENT MEMBER: Ken Surratt

STAFF PRESENT: Jason Hines, Assistant Law Director
Karen Knittel Assistant Director of Planning & Development
Lee Crumine Assistant Law Director
Brooke Siggers, City Planner
Christy Lee, Recording Sectary

Call to Order

Mrs. Cohen called the meeting to order at 7:00 p.m. She welcomed the audience to the December 11, 2024, regular Cleveland Heights Planning Commission meeting.

Approval of Minutes

The November 13, 2024, Minutes from the Special Meeting were approved 5-0.

Assistant Law Director Crumine swore in all staff, the public, and applicants.

Ms. Siggers gave a PowerPoint Presentation on the following project:

Proj. No. 24-31 J. Janus, 3423 Lownesdale, 'A' Single-Fam, requests reduction of required private enclosed parking spaces per Code Chapters 1111, 1115, 1121, & 1161.

CONTEXT:

The subject property (parcel no. 681-09-080) is located on Lownesdale Road, and is the third house west of the Lownesdale and Selwyn Road

intersection. It is a legal, non-conforming lot that is 40 feet wide and 4,880 square feet in area, which is smaller than the minimum 50 feet wide, 7,500 square feet code-conforming standard. The property is a single-family house, zoned 'A' Single-Family. It is surrounded by single-family houses, also zoned 'A' Two-Family.

The Master Plan future land use map shows this area as continuing to be used for single-family housing.

In November 2021, City Council adopted zoning text amendments permitting applicants to request a reduction in required enclosed private parking spaces from the Planning Commission.

STANDARDS:

1161.051 EXCEPTIONS TO REQUIRED ENCLOSED PRIVATE PARKING SPACES

Any application that will not be providing the requisite enclosed parking spaces as indicated in Schedule 1161.03 shall require review and approval by the Planning Commission based upon the regulations and criteria of this section.

- (a) Exceptions. The required off-street parking spaces for single-family dwellings, two-family dwellings, and townhouses shall be enclosed in a detached or attached private parking garage, as indicated in Schedule 1161.03, unless one (1) or more of the following exceptions can be substantiated:
 - (i) The parcel is a legal, non-conforming lot that does not have the requisite minimum lot area or lot width to accommodate a Code-conforming private parking garage.
 - (ii) Special conditions exist specific to the lot that are not applicable generally to other lots in the same Zoning District that render a Code-conforming private parking garage impractical.
 - (iii) If the previously existing private parking garage on the lot was a single-car garage for single-family dwelling.
 - (iv) If an existing private parking garage structure and associated remnant parking pavement are proposed to be removed and replaced with grass or landscaping, thereby increasing green or open space.
 - (v) If a substantial expansion or addition to the principal structure is proposed.
- (b) Landscape Plan Required. Any application that will not be providing the requisite enclosed private parking spaces shall include a Landscape Plan

that addresses stormwater management and minimizes adverse impact on neighboring properties, subject to Chapter 1166 of the Zoning Code.

- (c) All other provisions of City ordinances relating to zoning, demolition construction, use and maintenance of residential buildings shall apply, including, but not limited to, impervious surface coverage, yard setbacks, parking pad dimensions, driveway dimensions, parking requirements, and utilization of driveways for parking.

PROJECT DESCRIPTION:

The Applicant is requesting that he not be required to construct a new garage. There is currently no on-site garage, and The Applicant plans to seed the parking pad area with grass.

REQUEST FOR REDUCTION OF REQUIRED ENCLOSED PRIVATE PARKING SPACE:

The Applicant is requesting a reduction in the required enclosed private parking spaces under exceptions 1161.051(a)(i) and (iv).

STAFF RECOMMENDATION:

Staff found that this request met the following exception criteria:

1161.051(a)(i): The parcel is a legal, non-conforming lot that does not have the requisite minimum lot area or lot width to accommodate a Code-conforming private parking garage.

1161.051(a)(iv): If an existing private parking garage structure and associated remnant parking pavement are proposed to be removed and replaced with grass or landscaping, thereby increasing green or open space.

Staff recommends that the Planning Commission approve the reduction in required enclosed private parking to allow The Applicant to have no on-site garage and replace it with green space as shown on the submitted site plan, with the following conditions:

1. The Applicant is to submit a final landscape plan to be approved by the Zoning Administrator.
2. Project and landscaping are to be completed within eighteen (18) months.

Mr. Gaynier moved to approve **Proj. No. 24-31 J. Janus, 3423 Lownesdale, 'A' Single-Fam**, requests reduction of required private

enclosed parking spaces per Code Chapters 1111, 1115, 1121, & 1161. With the staff recommendations.

Ms. Wobig seconded that motion which carried 5-0.

Ms. Cohen informed the Public of the reason behind the review of the next agenda item and why it has come back before the Planning Commission regarding their Condition Use Permit.

Ms. Siggers Power Point Presentation:

Proj. No. 24-32 Caledonia Community Center, 960 Caledonia, 'A' Single-Fam, (a) review of conditional use permit (Proj. No. 11-31) for possible revocation and/or amendment; and (b) review of modification of parking requirements to provide only three (3) on-site parking spaces where twenty-five (25) are required per Code Chapters 1111, 1115, 1121, 1151, 1153, & 1161.

CONTEXT:

The subject property (parcel no. 681-03-045) is located on Caledonia Road, and is the first lot north of the Caledonia and Dresden Road intersection. The lot is 133.6 feet wide and 11,650 square feet in area. The property previously housed a branch of the East Cleveland library system. The property is zoned 'A' Single-Family, and is surrounded by single-family houses, also zoned 'A' Single-Family in all directions.

The Master Plan future land use map shows this area as continuing to be used for single-family housing.

HISTORY:

1954: East Cleveland Public Library went through review processes in order to construct a new building to replace a temporarily erected library building. In their application, they noted that off-street employee parking would be provided and that there was little need for patrons' parking as most visitors to this branch will consist of school children. Other patrons will most likely be within walking distance, and the School Board granted the branch permission to use the school parking lot as required.

2012: The Applicant acquired the building from the East Cleveland School Board and was granted: 1) a conditional use permit to adaptively reuse the former library as a community center with educational and recreational classes and before and after school tutoring programs

between the hours of 6:00 A.M. and 9:00 P.M., and 2) a reduction in parking requirements to permit three (3) on-site parking spaces where twenty-nine (29) are required.

2024: The Police Department responded to a call on September 28th at 11:41 P.M. stating that about seventy-five (75) people were outside of the Caledonia Community Center and that five (5) gun shots were fired outside following a gathering. A neighbor of the building also submitted a statement to the Mayor's Action Center expressing their concerns and recounting the gun shots and screaming they heard from their house.

STAFF ANALYSIS:

The Applicant applied for a conditional use permit in 2011 for this site to be used as a community center for educational and recreational classes and before and after school tutoring programs. The business plan submitted by The Applicant in 2011 lists art theater classes, before and after school tutoring, computer classes, dance classes, fitness and weight loss classes, jewelry-making classes, martial arts classes, writing classes, and young girls etiquette classes as initial business activities for her community center. No other on-site activities were described in the application or business plan. The permit was officially issued on January 11, 2012, allowing The Applicant to conduct these activities between the hours of 6 A.M. and 9 P.M. A reduction in required parking was also granted, allowing them to provide only three (3) on-site parking spaces where twenty-nine (29) were required by Code.

The property currently has two (2) signs placed throughout the site advertising the site as an event center stating that they host special occasion affairs, repasts, birthdays, anniversaries, and business meetings. A second sign promotes their educational programming and child care, stating that they specialize in children with special needs, operate an early learning center and pre- and after-school programs, provide night care, and host summer skill programs. The Applicant has verbally communicated that fundraisers, repasts, and a wedding reception have been hosted at the Caledonia Community Center.

This conditional use permit first came to the attention of Planning Staff in early October when Police Chief Britton reached out stating that he had been receiving complaints from Caledonia residents that the Caledonia Community Center is being used as a social club and that a wedding reception was held there. Cleveland Heights Police Department officers were dispatched to the site on September 28th at 10:41 P.M. in response to a shooting that occurred in the roadway after a dispute between the families at the center led out to

the street. Multiple shots were fired, but no one was hurt. When looking into the incident, he discovered that holding a wedding reception was in violation of their conditional use permit. **Because the current conditional use permit does not include an event center as a possible use, Planning Commission would need to determine that an event center is similar enough to the uses identified in Code Section 1153.05.** In discussions with Captain Williams, Police Chief Britton also discovered that CHPD had worked approximately twenty (20) events at the Caledonia Community Center since 2013 including baby showers, political events, and weddings – the most recent wedding having taken place in 2020 and including alcohol service. The CHPD dispatch log also confirms that this property has been utilized for child care services, showing that The Applicant called police to assist with a thirteen-year-old autistic male running from the facility twice in 2020.

Additionally, in September of 2024, Fire Inspector Jim Streb conducted a routine life safety inspection of the building. Fire Inspector Streb noted that the contents of the basement had changed significantly, initially consisting of children's toys, and now consisting of multiple table and chair settings and a bed. A commercial grade kitchen was also installed in 2022. Chief Streb stated that the facility appears as though it's being utilized as a social club or night club. During this inspection, Fire Inspector Streb explained that her daycare business was not registered with the City and was operating without a license.

The Applicant then went to the Housing Department to obtain licensure for her daycare and community center. The Housing Department unknowingly issued The Applicant a business license to operate her daycare center despite her lack of registration and permit, and a business license to operate her community center, for which she was past due by four (4) years.

In light of the conditional use permit violations, a letter was sent to The Applicant explaining that any activities being conducted at the site that are not adherent to the conditional use permit issued in 2012 are to stop immediately and that their permit would be reviewed by the Planning Commission on November 13th. The Applicant's representation then requested a continuance until the December 11th Planning Commission meeting.

The Applicant explained her request to conduct additional activities in her revised Conditional Use Permit application on November 12, 2024. The requested activities include the following:

- Before and after school tutoring

- Early childhood education
- Religious assemblies
- Political assemblies
- Book signings
- Musical exhibition
- Art exhibitions
- Dance exhibitions
- Community meetings
- Lectures
- Community Town Hall meetings
- Classes (skilled, educational, arts, music, etc.)

The Applicant also submitted a letter on November 27, 2024 explaining that the Caledonia Community Center currently hosts family gatherings, repasts, celebrations in life, judicial fundraisers, charitable events, business training sessions and classes for continuing education, dance classes, and music lessons for all ages. The letter also indicates that she has a child care area on the first floor of the building for toddlers, pre-school students, and special needs children, and that she would like to begin offering outings for seniors in connection with local nursing facilities.

The Applicant would like to operate the Caledonia Community Center between the hours of 6:00 A.M. and 9:00 P.M., and conduct cleaning, preparation, and other business activities before and after these hours. She plans to have one (1) or two (2) full-time employees.

The Applicant should be asked to speak to how her community center meets the Code standards for adapting a non-residential building in a residential district. She should address how she is able to operate while adhering to the general conditional use standards, and more specifically to the conditions of her conditional use permit.

Additional inquiries that Planning Staff has include the following:

- Please describe all services and activities The Applicant expects to offer at this building, including the frequency and typical number of attendees for each use.
- The Applicant states that cleaning, preparation, and other business activities will occur after hours. Can The Applicant please expand upon the business activities that will take place? Who will be doing the cleaning?
- Will The Applicant or another Caledonia Community Center employee or representative be on site during the events?

- How often does The Applicant expect the events to take place?
- What is the minimum and maximum number of occupants that the building can accommodate for events?
- How will event parking be managed?
- Are there any additional activities The Applicant would like to host in this building other than the ones that were listed in your application?
- Can The Applicant describe the outings for seniors programming? Will seniors come to the Caledonia Community Center or will the Caledonia Community Center transport seniors to off-site activities?

Because The Applicant has verbally indicated that she also provides on-site daycare services, Planning Staff has the following inquiries as well:

- Are daycare services part of your planned on-site activities?
- How many children does The Applicant expect to care for?
- What is the age range of children The Applicant expects to care for?
- What are the hours of operation for the daycare services?
- Are there any additional staff members assisting with the daycare services?

This information was requested on four (4) different occasions and was never provided to Planning Staff. It was requested on Friday, November 22, 2024 during an in-person meeting with the Planning and Law Department and The Applicant and a friend of theirs. It was requested that the information be sent by Monday, November 25, 2024. City Planner Brooke Siggers requested the information again on Monday November 25, 2024 after not having received it, and asked The Applicant to provide it by Tuesday, November 26, 2024. The Planning Department did not receive it that day, so the Law Department reminded The Applicant and her legal representation to provide the information. In response, The Applicant sent a letter briefly explaining current uses, but did not address the list of inquiries from Planning Staff. On November 27, 2024, City Planner Brooke Siggers requested again that The Applicant provide the information by Monday, December 2, 2024 following the holiday weekend. Planning Staff has not received a response to this final request. The Applicant is encouraged to provide supplementary information at the December Planning Commission meeting.

STANDARDS:

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;*

The Zoning Code states that adaptive reuses can include recreational and educational programming, continuing education, after-school programs, etc. The Applicant should provide information to the Planning Commission that demonstrates that the event center aligns with the permitted adaptive reuses. Planning Commission will need to find that the use is compatible with the larger residential 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;*

The Applicant will need to provide additional information that explains the frequency of events and typical number of participants for the various activities. The Applicant will also need to address parking and traffic management. Given the recent disturbance, The Applicant should also share the community center's policies and procedures for settling on-site conflicts and disputes.

- 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;*

The Applicant will need to discuss the impact of hosting events in this building, which is surrounded by single-family homes.

- 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;*

The Applicant should explain the frequency she expects to host events and activities, building operations and management plans that will ensure that on-site activities will blend with 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;*

The Applicant should provide a management and operations plan for the building.

- f) *That adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided;*

It is an existing building designed for public space.

- 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;*

The building is pre-existing, but potential parking and traffic should be addressed.

- 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;*

The Applicant should provide a management and operations plan for the building to demonstrate how this standard is met.

- 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;*

The Applicant should provide a management and operations plan for the building to explain potential impacts on the surrounding residential neighborhood.

- j) *That the conditional use shall address the sustainability guidelines of Section 1165.06.*

- 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.*

1153.05 SUPPLEMENTAL REGULATIONS FOR SPECIFIC USES

ac. Adaptive Reuse of Existing Non-Residential Buildings in

Residential Districts. *The following provisions are for adaptive reuse of a non-residential building such as a place of worship, library or school into a use compatible with the larger residential district. Adaptive reuse of non-residential buildings in residential districts is allowed by conditional use and subject to the following standards:*

- 1. The existing building is clearly non-residential in its original construction.*
- 2. A non-residential building in a residential district may be converted to the following uses:**
 - A. Multi-family dwelling**
 - B. Office**
 - C. Industrial design**
 - D. Limited research and development**
 - E. Recreation and education classes such as exercise, art, writing, theater, continuing education, after-school programs, etc.**
 - F. Other uses similar to (A) through (E) that are found to be compatible with the larger residential district.**
- 3. Off-street parking is required in accordance with Chapter 1161 of this Code.**
- 4. The character of the site and community amenities should be preserved, maintaining a balance between the building, green space and parking.*
- 5. These shall be no mechanical, electrical or chemical equipment utilized in furtherance of use, except as causes no disturbances of any kind beyond the premises where the use is located.*
- 6. The conduct of such use shall not be offensive to neighboring property owners or occupants by reason of excessive noise, late hours of business activity, the intensity of the business activity or other such reason.*

7. *The use must provide and adhere to a plan for minimizing negative impact of the operation on neighboring properties due to noise, hours of operation or other external effects of the operation.*
8. *Signage shall meet the requirements of the original use as set out in Chapter 1163.*
9. *For any non-residential use, outside storage or display is prohibited. All servicing, processing and storage uses must be fully enclosed.*
10. *Diminished setbacks due to alterations or additions shall meet the setback requirements of the original use as set forth in schedule 1153.03 unless a variance is obtained.*

STAFF COMMENTARY ON STANDARDS:

The Zoning Code states that adaptive reuses can include recreational and educational programming, continuing education, after-school programs, etc. The Applicant should provide information to the Planning Commission that demonstrates that the event center aligns with the permitted adaptive reuses. Planning Commission will need to find that the use is compatible with the larger residential district.

STAFF RECOMMENDATION:

Absent testimony indicating The Applicant's ability to operate within the parameters of the conditional use permit, Planning Staff recommends that Planning Commission revoke the Conditional Use Permit due to noncompliance, failure to work with Planning Staff to resolve complaints from neighbors, and failure to provide requested information to allow appropriate review and evaluation of the proposed conditional use permit activities.

Should testimony indicate The Applicant's ability to operate within the parameters of the conditional use permit, Planning Staff recommends that the Planning Commission continue this case and require The Applicant to submit additional information to the Chair and Planning Staff by Wednesday, December 18, 2024, in order to review requested on-site activities at the January Planning Commission meeting. This information should demonstrate that the desired on-site activities are adherent with the uses permitted by the Adaptive Reuse of a Non-Residential Building in a Residential District Code section, and that parking requirements for the revised conditional use permit can be appropriately modified. The information can be emailed to planningcommission@clevelandheights.gov.

Chief Britton stated that on September 28, 2024 at 10:40 P.M. that there had been an incident that took place at the Caledonia Center where the Cleveland Heights Police Department responded to a report of gun fire. There had been a wedding reception that evening at Center which resulted in an altercation. There was no report of injury, and Chief Britton explained the situation to Planning Staff as the gathering that preceded the incident did not seem to be allowable by her issued conditional use permit. Mrs. Dixon was on-site during the arrival of the CH Police Department, making them aware that a reception had take place there that evening and that she too had heard gun fire. Chief Britton stated that later on he received an email from Council President Tony Cuda, a resident who was concerned about the events of that night, and a resident indicating that the facility was being used as an after-hours night time social club. This is when he reached out to Planning for a copy of the Conditional Use Permit given to Mrs. Dixon for the Caledonia Center. Captain Williams stated that he has worked several events at the center that were determined later to be outside of the permitted guidelines of the Conditional Use Permit.

Jim Streb CH Fire Inspector stated that he goes out once a year to the surrounding businesses in the Cleveland Heights area for safety inspections at this particular address and that it has always been looked at as a Daycare/After-Care center. Mr. Streb stated that the building has toys, along with other essentials for a daycare/ after care facility. There's a lower section of the building that has toys for kids as well, which he never questioned. Three years ago, Mr. Streb noticed that there were tables set up along with a stage while conducting an inspection. Mrs. Dixon stated that this was for the student and kids to use for performances, and at the end of 2022, a permit was submitted for a commercial kitchen hood system to be installed at the location. Mr. Streb asked why such a large system, to which Mrs. Dixon replied that it was to provide meals for the children who attend the Caledonia Community Center. In 2023, the system was approved, and in 2024, Mr. Streb returned for another inspection in the lower level again where there were tables, chairs, table cloths, a bed and dresser also in the lower level in a room. Mrs. Dixon stated the reason for the bed was due to her health issues and that she needed a place to lay down during the day. Mr. Streb advised her that she can't stay over night at the location and Mrs. Dixon stated that she understood. Mrs. Dixon also stated that she at time has dignitaries at the location for gatherings, and Mr. Streb asked her if the building was zoned for these type events, reiterating that as an inspector he's not always sure what each facility has been zoned for, and therefore that was the reason why he reached out to the Planning Department to verify the Conditional Use Permit for Ms. Dixon's location.

Mr. Horowitz asked that since the permit was granted in 2012, have there been other complaints other than the most recent regarding the gun fire outside of the location.

Ms. Siggers stated that the Planning Department hasn't, but Chief Britton may have more details.

Chief Britton stated that he has sent over all of the information that he has regarding any incident at this location to the Planning Department, however there haven't been any other reports that would raise concerns other than this particular incident.

There was a moment of questions from the Planning Commission, however the audio was not picked up.

Mrs. Cohen asked if the business is still open and operating at this time.

Ms. Siggers stated that she wasn't sure at this time.

Assistant Law Director Hines swore in all others who entered into the room who wished to speak.

Ken Rubenstein, 2112 Acacia Park Dr., stated that he was the attorney for Mrs. Dixon. Mr. Rubenstein, stated that the current incident which resulted in the CH Police Department coming out started a domino effect with Mrs. Dixon's establishment. He re-entered that the occurrence happened down the street from the Caledonia Center and not at the Center, and that it just so happened that the wedding party came out at the same time. Mrs. Dixon did acknowledge that the wedding ran late and that the wedding party had nothing to do with the incident. Mr. Rubenstein stated that his client doesn't have many weddings at the center, and that she also hasn't been operating the business since this incident which has affected her financially. He also stated that the basement is not set-up for a club, in fact it set up for kids. He mentioned as well the conversation that was had with the Law Department and Planning Department regarding signage that advertised this building as an event center. The signs have now been removed.

Mrs. Dixon 960 Caledonia, stated that many points have been made, some with truth and some not. She went on to say that she purchased the building in 2011 with the intent on enriching the Caledonia Community. When the building was purchased it was asked what her intent was, and she stated that it was for recreational, educational advancement, and after school

programs. However, she stated that she was told that it was an A-3 Assembly meaning that it is for recreational use and that those guidelines are what she followed. In 2011 the time frame was set to be from 6:00 P.M.- 9:00 P.M., but she didn't focus on that because most events do not last that late at the center. She insisted that she's not a club person, she was unclear why the inspector said that she has toys in the basement because she doesn't, however she does have a day care. From her understanding she has followed all of the guidelines regarding her Conditional Use. She has complied with any changes that were requested of her by the previous Fire Inspector or anyone else regarding her Conditional Use Permit. Mrs. Dixon went to say how she has tried to be a pillar of light in that community, how she has worked hard to comply, investing in the building to ensure the safety of all who come through her doors, even after the building sustained gun fire as result of violence in the area, in which she had no parts. She added fencing around the building to protect and enhance the establishment. The event that took place that resulted in the evening that cause all of this was because Mrs. Dixon was helping someone in need and felt it was her duty to extend a helping hand. She went on to say that she asked Lt. Williams to come and ensure that all things ran smoothly for the event, and she stated again the gun fire happened down the street and not at her establishment. At 10:13 the event ended. Mrs. Dixon stated that her intentions are to keep all safe when they're in her establishment, she doesn't condone violence of any kind, and that in all the fourteen (14) years she had this establishment this is the first occurrence of this magnitude. Mrs. Dixon gave noted violence that has been done to the establishment and herself as an educator and community worker, and that those incidents are the only reason as to why she's had to personally call the police.

Mrs. Cohen interjected and made Mrs. Dixon aware that the reason that she has been called back to the Planning Commission is not because of a building or fire permit, but because of the possible modified Conditional Use Permit to extend services provided by her establishment. Mrs. Cohen ask for Mrs. Dixon to explain what she would like have at the center at this point.

Mrs. Dixon stated that she would like to have cultural events, she would like to continue to work with special needs children, as well as host repasts for families after they have laid a love one to rest, birthday parties, and business meetings for different individuals and organizations. She also stated that all events will be over by 9PM, no later than 10PM.

Mrs. Cohen asked Mrs. Dixon the maximum number of people that would be in attendance at a single event and how many people attended the wedding.

Mrs. Dixon stated that since COVID, the maximum number of attendees will

be around about 25 people. Adding that she has put in place a purifying system to down on infections during gatherings. And to your question of the wedding there was about 45 people.

Mrs. Miles asked if she were to establish a calendar what percentage of times or days that there were events being held at the establishment dedicated to daycare or torturing vs. special events.

Mrs. Dixon stated that the establishment has been on a stand-still since this event, and that the day care previously consisted of working with special needs children from ages 2-5, but that they are all now in elementary school. She is in the process of building the daycare matriculation back up, which means that the building is primarily vacant during the day. Her current business plan is to keep it as it is working with children especially those with special needs.

Mrs. Cohen as if Mrs. Dixon is and or will be present during events at the location.

Mrs. Dixon "Yes".

Additional Questions were asked however the audio wasn't picked up.

Ms. Siggers stated that because Mrs. Dixon encountered a technical issue with the Citizenserve system, that she allowed Mrs. Dixon to send her the information and added the information into the system to assist. There were also follow-up questions regarding the establishment and the events to which were held there due to there not being enough information given. All of the questions had been sent to Ms. Dixon and Mr. Rubenstein and Planning Staff never received a response.

Mrs. Cohen asked if there was a preliminary application submitted, and asked why Staff requested additional information which wasn't provided.

Ms. Siggers "Correct, I received the application information and entered it into Citizenserve, but I asked follow-up questions because the application did not provide as much information as we would typically receive in these types of requests. I did not receive a response from the Applicant or her representation. And this was also discussed in person with Ms. Dixon."

Mrs. Cohen asked Mr. Rubenstein if he received the information regarding additional information request.

Mr. Rubenstein stated he's unsure why a response was not provided because he sent the information to the applicant for her complete. There possibly was a misunderstanding.

Ms. Siggers stated that she has a list of the times in which they reached out to the both Ms. Dixon and Mr. Rubenstein.

Mr. Rubenstein stated that when the information was received he passed it along to Ms. Dixon and there was possibly some confusion on her part.

Mrs. Cohen proceeded to detail the timeline in each of Ms. Siggers' sent requests for information regarding this case. Mrs. Cohen explained to Mrs. Dixon that her legal representation does not seem to be committed to his role in helping her, and that the Planning Commission wants to help her keep her Conditional Use Permit, but that it must accurately represent what is allowed at the establishment. Therefore, at that point staff can recommend who the parking will be handled and approved. She added that Mrs. Dixon needs to detail exactly what events will be held, the operating hours as well the amount of expected guests along for events, and the capacity and hours of operation for the daycare in order for the Planning Commission to issue the correct Conditional Use Permit. Mrs. Cohen asked that Planning Staff gather together all information Mrs., Dixon will need in order to complete her application and request for a New Conditional Use Permit by December 18, 2024, so that she will be ready for the next Planning Commission Meeting set for January 8, 2025.

Ms. Cohen now open the floor for public comment.

Ms. Dianne Hallum 1059 Oxford went on to show her support for Mrs. Dixon and her establishment. Ms. Hallum as spoke of her disagreement in the way Ms. Dixon's case is being handled at this time.

Ms. Cohen responded to these concerns and reminded Ms. Hallum that for sake of time we will have to stop public comment, but we will take all her comments into consideration and thanked her for her time. She also reminded Ms. Hallum that the Planning Commission hasn't revoked Ms. Dixon permit, but are allowing for an amendment to it. Mrs. Cohen, then closed public comment and reinstated that they are going to work with Ms. Dixon so that her establishment can continue.

The Planning Commission voted to continue **Proj. No 24.32 J. Dixon, 960 Caledonia**, the motion was established by Mr. Gaynier and seconded by Ms. Miles and carried 5-0.

Chief Britton took a moment to compliment Ms. Dixon on her work with the community and they plan to continue to work her.

Mrs. Knittel informed the Planning Commission that there isn't anything new or different that has happened regarding the Zoning Code, and updated the Commission regarding the Zoning Process of the C-2X Places of Worship Amendment, along with additional reviews to the code itself, the Zoning Administrator job description, accessory dwelling units, and the additional projects that have been going on with the Planning Department.

Old Business

New Business

ADJOURNMENT

The meeting was adjourned at 8:46 P.M.

Jessica Cohen, Planning Commission Chair

Date

Brooke Siggers, Secretary to the Planning Commission

Date