

**PLANNING COMMISSION
OCTOBER 13, 2016
MEETING MINUTES**

MEMBERS PRESENT:	Craig Cobb	Chair
	Jessica Cohen	Vice Chair
	Michael Gaynier	
	Len Horowitz	
	Adam Howe	
	Anthony Mattox, Jr.	

MEMBERS ABSENT: Jeff Rink

STAFF PRESENT:	Richard Wong	Director of Planning & Development
	Kara Hamley O'Donnell	City Planner
	Elizabeth Rothenberg	Assistant Director of Law
	Mary Dunbar	City Council Planning & Development Committee Chair

Mr. Cobb began with saying good evening and welcome to the October meeting of the Cleveland Heights Planning Commission. Mr. Cobb did ask that as you are coming in, you try and be as quiet as possible. He stated that our first order of business this evening is to have the roll call, Mr. Wong please.

Ms. Cohen	Here
Mr. Gaynier	Here
Mr. Horowitz	Here
Mr. Howe	Here
Mr. Mattox	Here
Mr. Cobb	Here

Mr. Wong stated 6 present.

Mr. Cobb began with asking if everyone has had a chance to review the minutes from the August meeting and are there any changes or corrections. There was none so they are approved. He then asked from the September meeting, the minutes were quite lengthy and

there are a few changes to be made to the original draft. He said aside from that does anyone else have any changes or corrections to be made to those minutes. There was none so they are also approved.

Mr. Cobb stated that for those of you who have not been at our prior meetings, what will happen is as each item on the agenda is called we will begin with a presentation from the city staff, then we will hear from the applicant and then if there is anyone here from the public that wants to speak on the application, we will hear from you. He stated the proceedings tonight are being recorded so it is very important, that when you do speak, you go to the podium, give us your name and also your address. He said that anyone that is going to testify tonight will have to take an oath that is going to be administered by our Asst. City Law Director. Mr. Cobb said with that he felt we were ready to begin with the first project, which is 16-23, K & R Hicks doing business Heights Room to Grow Preschool LLC.

Ms. Rothenberg stood and stated that anyone testifying on this case, please rise if you able and be sworn in.

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

Project 16-23: K & R Hicks, dba Heights Room to Grow Preschool, LLC, prospective tenant at Imani Temple, **2463 N. Taylor**, "A" single-family, for 170-child day care, school-age before - and after-school care, and full-day programs holidays/summer.

Ms. Hamley O'Donnell thanked the Chair. She began with stating that this is a site that you have seen before and she was not going to go into too much detail since the only person here is the applicant. She asked that the staff report dated October 4, 2016 to be entered into the public record. There have been many proposals come through here for approval and at this point besides the church none of those are still tenants inside this school building. She stated they have worked with Ms. Hicks in the past, she has day care in Park Synagogue, she has expanded it once or twice there. She has a very successful business plan and we have not had any complaints about her existing business. Ms. Hamley O'Donnell stated that in the standards before you are listed on Page 2 & 3. She apologized for not having them on the overhead. She stated these conditions may or may not impact neighbors and there have been day cares on this site for decades and it is a conditionally permitted use and the school and the residential district. She stated that staff recommends Approval for Kelvin and Robin Hicks doing business as Heights Room To Grow Pre-School to operate a 170 child daycare, school-age before and after cares and full day programs on holidays in summer and the former schools at Imani Temple Ministries 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. *If proposed, receipt of Planning Director approval of landscaping and/or fencing plan;*
3. *Applicant shall return to the Planning Commission for approval of any significant alteration or expansion of their operations;*
4. *Hours of child care operation shall be limited to Monday - Friday 6:30 a.m. – 6:30 p.m.;*
5. *That 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;*
6. *Applicant shall work with staff to resolve any neighbor complaints;*
7. *Applicant shall adhere to all Building Code and State child care requirements; and*

8. All required construction and installation of the use shall be completed within 18 months of Planning Commission approval.

Ms. Hamley O'Donnell stated that she and the applicant have discussed if she planned on fencing in the outdoor play area and that was up in the air, it is pretty removed from any parking area and has not been fenced, but that is something she is still considering.

Ms. Hamley O'Donnell stated that was all she has Mr. Chair.

Mr. Cobb asked if the applicant had anything they wanted to add to the presentation.

Ms. Hicks came to the lectern and stated that in 2008, her husband, she was interrupted by the Asst. Law Director to state her name and address. She did so, stating she is Robin Hicks and her address is 26769 Huckleberry Circle in Richmond Heights, Ohio.

Ms. Hicks again began speaking, that in 2008 they opened up Heights Room To Grow Preschool. She stated at the time, they had 9 children when they opened at that site. In about a year later, they had 150 children. Ms. Hicks stated they currently have a waiting list of 25 children. To date they are at 165 children with the waiting list so they are looking to open their 2nd site and hope for approval.

Mr. Cobb asked if there were any questions for the applicant. There were none.

Mr. Cobb asked if anyone wanted to make a motion.

Mr. Horowitz made the motion for approval of Project 16-23 with the staff conditions.

Mr. Mattox Jr. seconded the motion.

Mr. Cobb asked if there was any need for discussion. There was no response.
Mr. Cobb then asked for a vote.

All in favor say aye.

Aye.

Anyone opposed, any abstentions, there were none.

Mr. Cobb congratulated her.

Project 16-24: C. Farmington, dba Tavern Co., 2299 Lee, C2X Multiple Use, requests Conditional Use permit for 60-seat outdoor dining area at rear (east) of building per Code Chapters 1111, 1115, 1131, 1151, 1153 and 1161.

Ms. Rothenberg stated again that anyone who is just speaking about this case, please stand and be sworn in.

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

Ms. Hamley O'Donnell stated this is sort of another repeat, as you are well aware, Chris has taken over with the Tavern Company, the former Colony space and there is an existing outdoor dining patio that is sort of in that garage in the outdoor area. She showed a slide of the area on the overhead and what was proposed. She pointed out what is there now. She stated basically a Conditional Use cannot be transferred from one applicant to the next without the Planning Commission's approval. She stated in her staff report dated August 4th where we outlined this, we talked about its compliance with the Standards for Conditional Uses which are listed and the existing use has been in there for quite some time without any incident and is a great addition to our commercial district and it meets our sustainability guidelines in our Standards for Conditional Uses. Ms. Hamley O'Donnell recommends that Planning Commission approval the Conditional Use Permit for up to 60 seat in the outdoor dining area with the following conditions:

1. *Hours of operation shall be limited to 11 a.m. until 2:30 a.m.;*
2. *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;*
3. *The applicant shall work with staff to resolve complaints from neighbors, which, if necessary, could result in reduced outdoor dining hours;*
4. *Landscaping and fencing at the south end of the patio shall be maintained in accordance with a Planning Director-approved site plan and Architectural Board of Review-approved fence design;*
5. *Live music shall not be permitted outdoors; television and radio broadcasts and recorded music shall not cause a nuisance to neighbors;*
6. *Applicant shall return to the Planning Commission for approval of any significant alteration or expansion of their operations;*
7. *All required construction and installation of the use shall be completed within 18 months of Planning Commission approval.*

A gentleman came to the lectern and stated his name is Chris Armington, 3004 Essex Road, Cleveland Heights, Ohio.

Mr. Cobb asked if there was anything he would like to add to the presentation.

Mr. Armington replied, "not really, just that they are excited and looking forward to continuing business out on the patio".

Mr. Gaynier made a motion to approve Project 16-24, Tavern Company, per the conditions laid out by staff for a Conditional Use Permit.

Ms. Cohen seconded the motion.

Mr. Cobb said "let's call it for a vote".

All in favor say aye.

Aye.

Any opposed, there were none.

Any abstained, none.

Mr. Cobb congratulated him and that we are glad he is there.

Project 16-20: Naturally Gifted Fitness Center, 1633-35 Lee, cont'd, C3 Gen Comm, for expansion of existing lower level fitness center/health club (4747 s.f.) with addt'l 5,960 s.f. on 2nd floor, including 3694 s.f. group exercise rm & 675 s.f. boxing rm w/ req'd 24 parking spaces located w/in 300' of bldg. at The Civic, 3130 Mayfield.

Mr. Cobb stated the next case is Project 16-20, Naturally Gifted Fitness Center. He stated there are a lot of folks that are here tonight that were not here at the last meeting. He stated at the last meeting, we took testimony concerning the situation up until mid-August. He stated we are not going to be rehashing the same testimonies that we heard before. The meeting tonight is focused on some things that will become apparent when staff makes their presentation tonight and that is related to the parking, the noise complaints from the neighbors and the use of the facility beyond the original Conditional Use Permit which was for the basement. Mr. Cobb stated we continued voting on it from our August meeting in order to allow the applicant time to address some of the concerns that the public had as well as Board members. He stated we are going to hear from the staff at this time, if you would re-hash a bit what happened at the August meeting, and then bring us up to date. Then when she is done, we will hear from the applicant and then if there is anyone here that wants to speak to us we will entertain that comment. He wanted to ask everyone to be very respectful tonight, he knows there are passions running high on both sides, let's not get into the Presidential kind of situation.

Ms. Rothenberg asked if he wanted to swear the people in now or wait.

Mr. Cobb asked her to remind him later.

Ms. Hamley O'Donnell continued, stating she is going to a bit of the history, as you know, everybody in this room is familiar with the context at hand. She stated from the last meeting, there was some question about the number of square footage that was in the downstairs as well as the upstairs and in your packet you have the floor plans and what the proposed space is and it shows us that there is 4,747 square feet on the lower level, of that 3,138 is exercise and locker area and on the first floor, the upper level there is 5,960 square feet and of that, 4,708 square feet is exercise and locker area. She stated that classes are held from 6 AM in the morning until 8 PM on many days of the week. She stated they are small classes conducted throughout the day in the basement level and people can drop in to use the fitness equipment in the facility. She stated the larger classes are conducted in the evening in the large first floor room. She stated the classes are

staggered, cardio room, a weight room, boot camp room, cycle room, boxing room, large exercise room and locker rooms in this facility. She stated as you may remember, in 2013 you gave permission for the Weeden's to open their facility in the basement level and offer small classes with the exercise equipment there and at that point they said their business hours were from 8 AM till 8 PM. She continued with saying that since that space had been used for exercise in the past it was deemed that no additional parking spaces were required. Ms. Hamley O'Donnell continued saying as we talked about at our last meeting, subsequently, unbeknown to the City but with the landlords permission, the business expanded into this first floor space and into the square footage that I just described. She stated as we talked about at our last meeting, as well, over the past year the city has received numerous complaints from the residential neighbors on Whitethorn about music and commercial tenants and the private parking space that is immediately across from the site. She said since that time and we have had these conversations, the Weeden's eliminated 2 speakers, reduced the speaker volume and stopped opening the windows and even then the neighbors still complained about the sound. She stated at the meeting on August 10th, the Planning Commission did continue this case, staff had recommended denial of this expansion and the Planning Commission as you noted with the hope that the applicant would work with staff to resolve some of the problems. She stated these problems were securing the nearby offsite parking and dealing with parking and stopping the parking from across the street in the privately owned lot and then providing adequate sound control measures. At that time the case was continued for up to 3 months and we are at about 2 months now. Ms. Hamley O'Donnell stated the day after that meeting on August 10th, the next day the Planning staff and the law department and building staff met with the Weeden's to discuss ways they might address the city and neighbor's concerns. She stated they discussed securing offsite parking, creating a plan to monitor client parking in the private lot across the street, trash pickup and sound control measures were the primary issues. Ms. Hamley O'Donnell stated that with the sound control, what happened since the last meeting, was that after meeting with the Weeden's and the Building Commissioner, it was agreed that at their own risk, the Weeden's could go about sound proofing the windows that seem to be causing the problem in the first floor space. This was to see if they continued to operate classes there, whether that was something that could be hear by the neighbors. She stated they did not want to chance that they would soundproof but it would not be sufficient to deal with the sound. She stated that since that time that they did soundproof the room, she went out there 3 times in the evening, during their busiest class and listened from the neighbors back yards over on Whitethorn and she could not hear the sound. She stated that she also e-mailed one of the neighbors who she has had regular communication with and she said that it was also her feeling that the sound had been reduced. Ms. Hamley O'Donnell stated she believes her father is here this evening and could testify to that. She did have a concern that this was a temporary fix and that if the approval was granted, the sound would go back up. Ms. Hamley O'Donnell stated she has discussed that with Phillipe and he assured her that they have no intention of making the music any louder or eliminating the sound control device that they have put on the walls. She stated that she could show everyone from the outside what it looks like and then on the inside, over in the lower right is what the devices look like from the inside. She stated that was the first issue at hand. The second issue at hand was the parking, and at August's meeting, you heard the issue about parking across on Lee Road. She stated that one of the things that we said to the owners of the business is that they had to find secure parking within 300 feet of their required code and so they had given us a letter to start with and we

had asked them to secure a more formal agreement and binding agreement with the owner of New Spirit Revival Center. Ms. Hamley O'Donnell stated that in her staff report, she noted that we were waiting for that and would list that as a condition. She stated that when the Weeden's walked in today they handed a letter that met the standards so that condition has been eliminated for the approval as they have provided that document.

Mr. Cobb asked that this document be circulated while she is speaking. He apologized for the interruption.

Ms. Hamley O'Donnell continued stating we are ok with the lease which is circulating among you. The other issue the neighbor complained about is the parking across the street. She stated that when they met with the Weeden's they agreed that they would have a staff person at those busy evening classes which are the ones that they have greater than 25 people. They agreed to have someone stand outside the front door of their building and monitor the parking lot across the street so if someone parked in the lot, they would send them out to find a legal place to park. She said they do a person out there on 3 evenings since the last month, she stated she said in her car and watched to see where they were coming from. She stated the people coming into the facility were coming from the lot and in one case there was a person who parked there, walked over to the staff person at the door and turned the person around to move their car. Ms. Hamley O'Donnell stated what she saw was people coming from Whitethorn which has been a long time parking street for people who use that building. She stated she saw them coming from across Lee Road after parking, parking on Lee Blvd., she assumes parking in the Rockefeller building \$1 lot and also they could park in the Civic lot that is just adjacent to them. She stated in her observation and on the several nights she was there, she did not see them park and go to the gym. She stated she saw people park and go the Club 24 meetings, and to the Karate studio and the hair salon inside the Masonic building. She said she did see some of that activity that they have heard from. The Weeden's said that they have told their clients that they cannot park there and their membership could be revoked if they park there. She stated she did get an e-mail from the tenant across the street who has complained about the parking and she has said the problem was also during the daytime and not just in the evening for the large classes. She stated and included as a proposed condition for approval, having that monitor for any group exercise class is necessary.

Ms. Hamley O'Donnell stated another thing that a Whitethorn neighbor complained about is that people were parking too close pm Whitethorn to Lee Road making it difficult to come out of the road especially during construction that is going on at that intersection. We have asked the Police Chief to send someone out there to give tickets and to tow if they are parking in a wrong space. She said they have asked the Weeden's to tell their clients that they should obey all traffic laws and signs for parking. She stated the other issue that came up at the last meeting was garbage and Philip Weeden told us that his staff comes out once a day in the evening, after the classes to pick up any litter that they see in the vicinity of the business. She showed a photo that showed a staff person out in front of the sign. She showed the parking lot that they just submitted a lease to use. As with all cases we go through the list of Conditional Uses that are on the screen. She stated that in this case a fitness center (A) is in keeping with the zoning code, as long as they can supply sufficient parking and be a good neighbor to others in the community.

(B) This is fine as long as the sound can be contained and trash is picked up along with the parking lot being monitored we believe they can meet Condition B.

(C) The neighbors are use to activity at this multi-tenant facility but again the parking and the sound had been a problem so controls on that, we hope will make them not change the character of the vicinity.

(D) The parking and the sound should be able to be controlled.

(E) There has been a building located here for over 100 years so that will not impede development.

(F) is not really applicable.

(G) We have not really seen problems with traffic congestion on the public streets so it seems all come from different directions and trickle in.

Items H-J are not applicable.

Ms. Hamley O'Donnell stated the other issue we had was with building issues. She stated that on August 31st after the last meeting they met with the Building Official and the Weeden's on site to deal with any substantial issues that would be a problem with an Occupancy Permit. Mr. Zofko said since that time the Weeden's have received their ABR approval for their sign and submitted for a sign permit as well. She stated the other issue is the occupancy which she thought had come up. She stated they were forwarded some videos with a substantial amount of people doing exercise in the large room and the question came up about the number for occupancy is. A preliminary determination said that the occupancy for that room is 74, though the Weeden's if this is approved, will have to have a design professional submit to show what the occupancy and must be approved by our Building official. We have been told by the Weeden's that this is only large a few times a year when they offer a free class on a holiday, they were told they have to rely by that and they check people in so they should be able to monitor the number of people entering into that space. She stated that staff has appreciated the willingness to work and address the neighbors concerns in securing offsite parking and monitoring the private parking lot during its busiest classes, though we did not encourage them as we did not understand that this is an all-day thing with the neighbors. They are also dealing with the sound control measures. Additional day time monitoring should further address commercial neighbors' complaints about illegal parking in the parking lot, by Naturally Gifted People. She stated the parking across the street, by other clients is out of their control. She stated that staff recommends that the Planning Commission amend Naturally Gifted Conditional Use Permit to operate a fitness center to include 4,747 square feet on the lower level and 5,690 square feet on the upper level with the following additional conditions:

- 1. That the use, including sound, will not be injurious to the use and enjoyment of other property in the immediate vicinity or create a nuisance for nearby businesses;*
- 2. The applicant shall work with staff to resolve any complaints from neighbors;*
- 3. Building occupancy shall not exceed allowable occupancy as determined by applicant's design professional based on the 2011 Ohio Building Code (OBC) and approved by the Cleveland Heights Building Official. Maximum allowable occupancy for each exercise room shall be posted and observed at all times;*
- 4. An occupancy permit shall be obtained for the expansion by November 1, 2016;*
- 5. Applicant shall maintain parking agreement for 24 parking spaces within 300' of the building in a form approved by the Director of Law;*

6. *Applicant shall include information on allowable parking in every membership contract and will post parking rules;*
7. *Applicant shall provide staff parking monitor at the front door for all group fitness classes for 20 minutes prior and 15 minutes after class start time;*
8. *Daily, applicant shall circulate neighborhood and pick up trash;*
9. *Hours of operation shall be between the hours of 6 a.m. and 8 p.m., however, classes in the large first floor exercise space shall be limited to the hours of 8 a.m. and 8 p.m.; and*
10. *Failure to meet condition #4 by the established deadline will result in immediate voidance of this Conditional Use Permit.*

Ms. Cohen asked about the square footage breakout, what is difference between what you label.... Ms. Hamley O'Donnell stated the "parenthesis part"? She answered our parking is based on the area that is only exercised on a locker room for a fitness facility so we have to separate that out for our parking requirements, it does not really impact much. It gives you a percentage of that might be restrooms or offices and hallway space. She also wanted to see the two slides back, what are the four pictures that you had of the smaller rooms.

Ms. Hamley O'Donnell answered those are, the upper left is the boxing room on the first floor, the upper right and the lower left are in the basement level, and the one on the right is the basement as well.

Mr. Cobb asked again, what is on the first floor?

Ms. Hamley O'Donnell answered, the upper left, is the boxing. The other three are in the basement which was approved by you in 2013.

Ms. Cohen asked if the occupancy has changed in the basement.

Ms. Hamley O'Donnell answered "no, that is still the same".

Ms. Cohen replied "so that is still 25".

Ms. Hamley O'Donnell answered, yes, each class was up to 25. Again, we are asking them to have their design professional verify that, that was what their proposal was but we are asking them based on square footage to verify that for both floors:.

Mr. Cobb asked if there was air conditioning?

Ms. Hamley O'Donnell replied "yes there is air conditioning".

Mr. Cobb asked if there were any other questions.

Mr. Cobb stated that everyone who plans on testifying please stand up.

Ms. Rothenberg added "just to add what our chair has said, they took a really long time in August and heard a lot of testimony, they understand the use, they understand the benefits

and you have heard the outline of all the problems that were raised, she thought they have a really good handle on that. She stated what they don't understand, and what they need help understanding tonight is how have things changed. She stated to be respectful of their time and what's before them, if you are here to testify about what has happened since August 10th that will be the best use of everyone's time. Ms. Rothenberg continued with saying "that being said, if anyone would like to testify before the Planning Commission tonight including the applicants, please rise". Ms. Rothenberg included the applicants in the swearing in. Mr. Wong, Ms. Hamley O'Donnell and others in the audience were sworn in.

Mr. Cobb stated that he appreciated the people who did not stand to take the oath. He stated he thinks he also speaks for some of the neighbors and other merchants that were unhappy with it, there was no one to say anything negative about them, or the great work they were doing. He stated that is undisputed. He said we can tell by the out turn of people here tonight that you love these guys and the workout you must be getting there.

Mr. Philip Weeden stood and spoke from the back, 1635 Lee Road. The other brother came to the lectern, he wanted to add that provisions were made as soon as we had the meeting August 11th at 9:00 AM, as soon as we got back in our vehicles we contacted the person that was going to do the provisions and once they were made, like Kara said, everything went black. He stated there was no noise, we made provisions for the staff members to stand outside of the door for each shift, stand in the lobby and to his knowledge there were about 4-5 run-ins with clients not understanding why they can't part there. The discipline that they will receive is that their membership will be revoked and each time that was brought up, they understood and moved their vehicle. It was never the rebuttal that we were getting from our own clients, it was that did not understand the reason why, even though the signs were posted, people still wanted the convenient parking. He said once that became no longer an issue, we moved forward to the next issue to sound proof the windows. The windows were soundproofed about 2 weeks ago and to him it was not an issue, when we heard the comments from the neighborhood, all they heard was "knees up". He stated they tried to do a community outreach where we wanted to assemble all the neighbors to come in to Naturally Gifted, give them a tour of the facility, and hear what they have to say. He stated they want to be good neighbors and stay in the community. Philip stated the noise volume stayed at a decent level and was never changed. He might have to change the volume of his voice and his brother do his as well, but other than that they did not understand the reasoning of the complaints because they have tenants above them, tenants on the side of them but the tenants from the street were complaining. He said the fire inspector came out and gave them a review and what needed to be changed, how the building codes work. He stated they checked out the first floor, again that is 90% of our business. He stated if that first floor was not there, then there would not be a Naturally Gifted. He stated when they opened up, the first floor, they had no expectations that it would be this big, so fast. They wanted to have this floor and work out. He said a week later they were pushed to go to that second floor. He said they contacted the owner, the landlord, all was great, it just happened so fast. He stated if they knew they would have to come back in here to do this, it would have been done 2 years ago with no hesitation. He stated we are here so you all understand, that provisions were made, the complaints are very little now and we want to stay in Cleveland Heights.

Mr. Gaynier stated he had a technical question about the sound proofing you did on the windows, could you describe that a little bit, he said he saw just white board.

Mr. Weeden said the person who did it is here, do you want him to speak?

Mr. Weeden said he did not know. He was told from the audience, it is paneling, insulation and drywall. He said what happened was the building inspector came out and gave us the options of what it was they could use and could not use. They were given a list and all is ok.

Ms. Rothenberg stated that was the Chief Building Official that went out there.

Mr. Cobb thanked him.

Mr. Cobb asked for anyone else on behalf of the applicant.

A gentleman came to the lectern and stated his name is Timothy Kappenhagen, at 2201 E. 70th Street, Cleveland, Ohio. He stated he has taken the oath. He stated he is here to speak on behalf of Naturally Gifted Fitness. He stated he has been there over 3 years as an employee and over the course of that time he has seen a lot of changes. As far as the membership, the dedication have towards their help. He said as far as staff, they believe in this, He stated they believe this is beneficial to people, he said he would stick around that long if he did not believe in it himself. He wanted to say on behalf of the gym, he said he put in a lot of hours as far as the updates. He stated he has come in after hours to do these updates because he wants to see it stay. He believes in this facility, the staff and all the numbers because we are all here tonight in support of that. He said we show love, help, and support of one another.

Mr. Cobb thanked him. There was a light applause/

A woman came to the lectern, Tereen Horn, 4022 Wincotts, South Euclid, Ohio. She stated she is a member and just wanted to say that she never would have brought her money to Cleveland Heights, she use to work out on the other side of Warrensville and was giving them her money. She stated because of Naturally Gifted, she now shops in Cleveland Heights, you get my business at the stores, at Starbucks it brought me to this area. She stated she never came to Cleveland Heights, your cops are a bit aggressive with the tickets. She just wanted to bring that up that she continues to shop here, you get her money all the time, if they leave, she is going to leave too.

Mr. Cobb asked before she sits, did she take the oath, she replied "she did". Mr. Cobb asked so everything you told us was the truth. She answered "yes".

Another woman came to the lectern and stated she lives 2935 Torrington Road in Shaker. She stated she represents two different people here, actually, 3, because both of her daughters are in college work out and train with Phillipe and work out at their facility. Her daughter, Abigail who is at Colgate, asked her to send this letter on behalf of her and the training program she received, just this summer and the results at Naturally Gifted. The woman read the letter from her daughter who graduated from Hathaway Brown in 2015. She stated that during her high school career she earned 7 Varsity letters in 2 different sports and qualified for regionals in indoor track. She stated that her student athlete career

continues in college as she is a member of Varsity Rowing team for Colgate University. She stated her goal is to increase her ability and to avoid injuries. She stated she took a personal training session with Philippe Weeden. The mother read the daughters letter crediting them on her improvement. The mother added this has changed her life on where she shops, where they get gas and where the girls get their hair cut and buy clothes. Her choice of stores now are on Lee Road, Starbucks on Mayfield Road, not Cedar. She thanked them.

Mr. Hassan Gilmour, 6919 Fullerton Avenue stated how great this establishment is. He agreed with all the others who believe in the good of this business. He just wanted to say how much good they do and how he hopes to continue working with them. Mr. Cobb asked if he took the oath and he replied yes.

Mr. Cobb asked if there was anyone else, we really are interested in if you can tell us issues or changes since our last August meeting.

Ms. Cohen asked the gentleman before he sat down, has he noticed the trash amount doing down.

Ms. Rothenberg interrupted, she asked him to go back to the lectern so it would be recorded.

Mr. Gilmour answered he did not notice water bottles, it was mainly just paper, really anything he saw he picked it up

A woman came to the lectern and stated her name is Lillian Horvath and that she lives at 3970 Orangewood Drive, Orange Village. She stated she owns the entire block for 33 years with her family. During those years, she did not think they have had more than one or two tenants that were as responsible, responsive to problems, and generally good tenants as the Weeden's. They are extraordinary guys. She stated she was out of town for the first meeting, the issues at hand have been going on for over 30 years. She stated they have had problems with the parking lot across the street for that long. Quite frankly, she stated if she owned it, she would build a wall so you could only come in one way and exit at another spot. It is an inviting lot as you pass by, which has caused the problem for many years. She said the Weeden's immediately posted sign and printed up notices to stop people from parking there. She said her husband and she are at the building, almost every other day. The most prevalent thing they see thrown around are beer bottles and after 30 some years of the Club 24, we can only assume that they may be coming from there. As to the parking issue, they did not usually see a lot of ladies in gym wear. As to the usage of the building, the areas that they are using were originally built for dancing and jumping and entertaining even those activities were a little bit different but not out of the scope of what it was used for a long time ago. She said they have tenants, she went to the screen to point them out) and their windows have direct access to the windows of the Naturally Gifted. The Weeden's have been there for a year and not one of our tenants has complained to her. She stated her husband and she have asked them a few times to turn down the music. In closing, she is saying from her perspective a lot of the issues that were brought up are things that have been going on for many years and caused by many different people and these are extraordinary men who have brought in an amazing group of

people, they are respectful, they are happy and they are shopping at our local establishments and bringing in money to our area so in all they are a plus and she could not think of anything negative about this group.

The audience applauded her.

Mr. Cobb asked if there were any questions.

Mr. Cobb asked if there was anyone here from the public that would like to comment or speak.

A gentleman came to the lectern and stated his name was Mike Jurizzo, 7435 Fairmount Blvd. and stated he is the owner of the property. He was here in August and back regarding the parking, he has nothing to say whether they are good people or bad, we have heard everyone really likes them. He stated he is in the gym every day with a trainer, the trouble here is the parking. He said this has been going on for years, we need to discuss the present, we can't fix the past but we need to fix the present. He stated he left that lot tonight at 6:15 PM to come here and there were 31 cars in the lot. The beauty shop is closed and the chiropractor was closed, where the people came from he did not know. He did not see anyone directing traffic. His concern is protecting his tenants who pay him rent also to draw people to support Cleveland Heights. He said he has had that building a long time and right now the parking situation has exploded, that was all he could say. He stated he is going to put a camera up, he hates to do this, and would like to be a good neighbor and actually went to Coventry grade school. He said he has the body shop at 1640 Lee Road. He stated he has already pulled in there and could not even get into his own door with the cars parked blocking the door. He said, is it coming from them, or from somebody else, either way it is being abused. He stated he does not believe they have parking close enough that people will feel comfortable enough, especially in cold weather. He praises the guys for what they are doing, we need to keep fitness in the world, but he can't have them at the expense of his tenants and me fielding these phone calls continually. He thanked them.

Mr. Cobb asked whether any of those cars that you counted tonight were from this club?

Mr. Jurrizo answered he does not know that, but he does know that the beauty shop is closed and the chiropractic place is closed, maybe the bar is overflowing, he would be happy for them, he did not go in.

Ms. Cohen asked Kara to point where Club 24 is?

Ms. Hamley O'Donnell replied, they lease space in the same building, on a upper floor and they use a different door. She pointed to where Club 24 enters and she has witnessed and watched when the meeting begins. She did want to confirm that Naturally Gifted has been closed this evening, so if there are 31 cars there, they are all here....applause.

Mr. Jurrizo stated when they wanted to stop people from going across the street, there has been verbal confrontation and he does not want that to go any further. He does believe that these young guys, as good as they are, and if the clients really want to come there,

they should be able to control where they park. He feels if they have that much concern for the community, he would hope that concern will filter to us and their clients would park elsewhere. He stated he will ticket and he will tow but he does not have the time to filter these calls anymore.

A gentleman came to the lectern and stated his name is Mack Rice Jr, from 3135 Whitethorn Road, Cleveland Heights. He said just as council chambers is over saturated this evening with members from the fitness center, that's the way my neighborhood has become since the Fitness Center moved in to the neighborhood. At the last meeting, he mentioned that he applauded these young men for their business venture but it is not a good fit for that area and also he cannot judge or make a barometer in regard to the noise that has changed recently because of all of the noise that the road construction in the front of the building generates and on Whitethorn Road, with the gas company putting in new gas lines, heavy equipment is being used every day. He thought of filing a complaint on them since they begin at 6 AM in the morning. The thing that causes great concern to him is that he heard someplace that the capacity was 25 or 50 but when you look on line at the last holiday, you have 300 and some people there, they have to park someplace. He said look at their growth in 2 years, what happens in the future, are they going to ever outgrow this area, personally he feels they have already outgrown it. He asked, are we going to come here every other month to discuss this issue about parking, noise, and litter in the neighborhood. He again stated he cannot speak on the noise tonight because of the construction but he does feel that it is just too much traffic on that particular area. He said for this lady to come her tonight and say she has been for 30 years and this has been a distressed area, this is not a distressed area, he said he has been in the neighborhood for 42 years and there is nothing in that neighborhood that is distressed. Every home on that street is filled and these are family people that's all I need to say.

Mr. Cobb thanked him.

A woman stood up and Mr. Cobb asked did she have something she wanted to say. He asked that we all be respectful.

A woman came to the lectern and stated she has been sworn in. She stated her name is Ms. White. She stated a couple of years ago, when they first moved in, she tried to approach Ms. Lilly and she called me a bitch so I continued what I was saying and I told her that I was surprised that a person of her stature would speak with such language. He was asking her about killing her people's aspirations by renting to them and not making it clear that they do not have parking. She stated she is a stylist and she cares about her clients and that they have parking and their safety. She said these are young kids, my kids' ages, she wants them to succeed, lose weight, my daughter needs to be over there also but in the same token, the issue ought to piggyback Mr. Jurizzo is the parking. We pay for the parking and she does not care who you put out there. They sneak, it is a game, maybe just to get on the old people's nerves. She said they get an attitude if they get a ticket when there are signs that are posted that you will be ticketed. She feels if they have out grown your facility, move it to where they have parking, this is not fair to anybody. It is not right to me, as a business tenant and it's not right for the other tenants. She said the Touch of Elegance looks like the wall is going to fall in when they do a mass workout, it is not safe.

She said, you all can be mad, I am not mad, I am just telling you that you deserve someplace to park your car when you go in and do a workout.

Mr. Cobb thanked her. He stated again, if this is dealing with the last couple of months, are you going to address that. He allowed someone else to come up to speak.

Mr. Cobb asked that he state that he did take the oath along with his name and address.

He stated his name is Madison Brooks, 1649 Lee Road. He stated he bought the barbershop about ten years ago and we never had parking. He knew that from the beginning that none of his employees have parking, none of his clients have parking it's been a constant battle with the people across the street. It is hard to control when you are working, Ms. Hamley O'Donnell interrupted him and asked him to point where his shop is located on the screen. He stated that people find a way to do what they want to do. He said when the gym came, and when he comes to work at 7:45 AM on Saturday and the AA meetings take up the whole street. Even right now with the construction, there is nowhere to park. Things did get congested but we have found a way to work together. He stated he never called the police or went on about his customers having no place to park. He said he never had a problem with trash, what kind of trash would come from a gym, cookies, chips, pop. He said from a business owner perspective, it has never been a problem for him. He stated he has no complaints.

Mr. Cobb asked if there were any questions for him. There were none. He thanked him.

Mr. Cobb asked if she was going to address the situation in the last two months.

Ms. Rothenberg swore her in.

The woman stated she is Felicia Peguies and that she works at Naturally Gifted. She stated she teaches the morning class at 6 AM. She is the only one to teach early in the am. She wanted to point out their business hours of operation is 6 - 7 AM just on Tuesday and Thursday. She stated they do not open back up until 10 AM then till 12- noon. At 1:00 the class let's out and we do not open back up until 4:30 for the later classes in the day. She said as far as the morning class, because there were some complaints about the noise in the morning time so we moved the morning class to the lower level which she teaches now downstairs so that issue has been resolved. As far as the clients, she can personally say that she has stopped members from parking across the street, which are members of this gym and others that work at the bar across the street. They feel that since they work at the bar, they can park there and then come to the gym. She stated she teaches in the am and people do not have a problem with walking there, that is what fitness is for. We are only open on Tuesday and Thursday from 607 AM and then it is shut down until the next class. The next class is only on Tuesday, Wednesday and Friday.

Mr. Cobb asked her to answer a quick question about her class.

Ms. Cohen asked how many participants does she have in her class.

Felicia answered that typically in the winter she only has 4 or 5 clients. On a good day there is 12-14 clients and we have moved downstairs and there is not even a microphone down stairs, she said half the time she is losing her voice with no microphone.

Mr. Cobb thanked her.

Mr. Cobb asked if there was anyone else.

A woman came and stated her name, Lillian Horvath back with a short comment. She said the lady from the beauty parlor across the street, she asked to simply amend and let everyone know that before Naturally Gifted was there, she was also coming across the street like a harridan, complaining people parking this has been an ongoing problem with that side of the street. She said this should not be taken out on young people doing what they want. She said there are people from the church parking in that lot, people from Club 24 park there. She wanted to say this has been going on way before Naturally Gifted, that is what she wanted to add.

Mr. Cobb thanked her. He stated one more person and he asked them to be brief.

Mr. Cobb asked if she took the oath.

She stated her name is Robin Brown, 1635 Lee Road. She had a question, would you like to close your place of business?..

Mr. Cobb stated he was really to have a motion made.

Mr. Horowitz asked if there was any way to get a rear entry to this property. Would that not eliminate this.

Ms. Hamley O'Donnell asked if he was asking about the parking lot at the New Spirit Revival Center.

Mr. Horowitz answered "right",

Ms. Hamley O'Donnell went to the overhead and pointed to it. Mr. Weeden answered, to address your question, if you come through the rear entrance, no matter where you park you are not inclined to walk this way, because, there are bushes, cars parked, it's dark and the AA group is out there smoking cigarettes, talking , laughing and doing whatever, and our client base is female driven. He said a woman is not going to want to go through a crowd like that, the door in the back is locked into the facility downstairs, he pointed to the only entrance that will get you to both floors. It can't be policed well enough that everybody is safe enough to park and walk down this long path. He stated he would not want his mother, sister, auntie, cousin, wife, neighbor, and whoever walk down that path. Mr. Horowitz said he answered that question but he had another one. He asked Kara that he would assume from the requirement that they live by the occupancy rules that which would pretty much prevent 300 and some hundred people from being there.

Ms. Hamley O'Donnell stated that is her preliminary thought, the calculation my our building official was 74 so she has spoken to Philip earlier today about that the fact that an architect or an engineer, or design professional would have to make that call based on the code. She stated that she cannot imagine the 74 gets to 300.

Mr. Mattox made a motion that we approve Project 16-20 with the included staff recommendations.

Mr. Horowitz seconded the motion.

Mr. Cobb asked if there was any discussion.

Mr. Mattox wanted to say, he stated there is a South African bantwo word that means imboonto. He stated it simply means "I am because of who we all are". He stated it is a word to describe community and his goal and desire as we look at every project is to continue to grow. He stated Cleveland Heights is a very unique community, you see businesses and people from all over. He stated he is always excited to see growth of any business of any kind. He said what was interesting about this project and hearing the adjustments that had been made and hearing the complaints from the last meeting and the things that have been done. He said that is what community is about, when we have issues, we come together, we address them, we don't make excuses, we make adjustments, that's what he sees here tonight. He understands that this property has a lot of unique situation and issues, it sounds like it has been going on for some time. He said what he does not want to do is to put pressure on anyone business to become a street sweeper or a traffic police. Mr. Mattox thinks this is a community effort in terms of how we deal with these problems so that we can continue to work and grow together. He stated his desire is that communication will continue so we can try to find solutions for everything from the parking to the liter outside. He feels these are good problems, where you flourish and grow, it is definitely time for some adjustments to be made. He said he is also pleased to see so many people from the community here tonight. He said that is the key and was very excited about that tonight.

Ms. Cohen stated that she feels terrible that Mr. Rink could not be here tonight because he and I both spoke for the continuance of this project and she wanted to publicly thank both staff and the business owners for their diligence and the hard work that they put in to address these issues. She wanted to speak for Mr. Rink, she said that he and I, felt like these were issues that could be addressed with the guidance and leadership of the City staff and helping everyone navigate these issues together. She wanted to publicly acknowledge that and what happens when our dedicated city staff go the extra mile to help our applicants and our community members stay in the community.

Mr. Cobb stated he is very pleased the Weeden brothers have made a lot of progress here, his concern is that in the event that this is passed, he thinks it will be incumbent upon you gentleman to remain steadfast and vigilant about taking care of the parking situation and the noise because if this Conditional Use Permit is granted, it is conditional and he would hope he would give their neighbors their contact information and your phone number and that you will take any complaints from them seriously. So you don't end up back in front of us with the prospects of this being denied if we grant it tonight.

Mr. Cobb asked if there were any other comments.

Mr. Mattox Jr. stated he would like to make a motion that we approve Project 16-20 with the included staff recommendations.

Mr. Cobb asked if there was a second.

Mr. Horowitz seconded the motion.

Mr. Cobb stated let's call it for a vote, all in favor say aye.

Aye.

Any opposed. There were none.

Any abstentions, none.

Mr. Cobb said congratulations gentlemen,

There was applause.

Ms. Cohen asked if Club 24 has a Conditional Use Permit under us.

Ms. Hamley O'Donnell answered, it is a meeting place that has been there for decades so she felt it may be grandfathered in as a use there.

Mr. Horowitz asked what is it?

Ms. Hamley O'Donnell replied it is a Alcoholics Anonymous Place.

Mr. Cobb adjourned the meeting at 8:30 P.M.

Craig S. Cobb, Chair

Richard Wong, Secretary