

**LAKWOOD PLANNING COMMISSION MEETING
LAKWOOD CITY HALL
AUDITORIUM
JULY 5, 2006
7:30 P.M.**

Meeting called to order at 7:30 p.m.

ROLL CALL

MEMBERS PRESENT

Thomas Einhouse
William Grulich, Vice Chairman
Steven M. Ott
Brian Powers, Chairman
John Viglianco

OTHERS PRESENT

Thomas J. Jordan, Secretary
Charles Barrett, Building Commissioner
Thomas Corrigan, Law Director
Barbara J. Kelly, Planning Assistant

Motion by Mr. Ott, seconded by Mr. Grulich, to excuse Messrs. Albrecht and Graham. All members voting yea, motion passed.

MINUTES OF THE JUNE 6, 2006 MEETING

Motion by Mr. Grulich, seconded by Mr. Viglianco, to **APPROVE** the minutes of June 6, 2006 meeting as submitted. All members voting yea, motion passed.

Mrs. Kelly read the opening remarks. (See Exhibit A)

**Docket 7-9-06 17138-40 Madison Avenue
Manhattan Blue**

Carolyn Leedy and Katheryn Katcher, applicants, request a Conditional Use pursuant to Subsection 1129.02(b), Principal and Conditional Permitted Uses and Section 1161.02, General Standards for Conditional Use. The applicant proposes to operate a bar/tavern in a former retail establishment in a C1, Commercial, retail, Business District.

Ms. Leedy and Ms. Katcher, applicants, were present to explain the Conditional Use request. Mr. Powers asked if the property owner, George Souris, was present and Ms. Katcher said no, he was not, but had submitted a letter of authorization to the secretary.

Ms. Leedy said she is the prior owner of Martini's, which was an upscale establishment geared for an older group of patrons. She said Manhattan Blue would be designed in a similar manner.

Ms. Leedy said there would be seating for twenty-four with eight parking spaces, seven parking spaces plus one handicapped.

Mr. Barrett said the proposal was submitted to the Police Department who had no opposition to the proposed plan. He said he had not heard from Public Works with respect to the proposed curb cuts. Mr. Barrett said it was his opinion that the applicants have only six parking spaces. Lastly, Mr. Barrett questioned the proposed private room.

In response, Ms. Leedy said the private room would be used on off days. Mr. Powers said for clarification at any given time would there be more than twenty-four people and Ms. Leedy said no. Again, Mr. Powers said the total number of patrons would not exceed twenty-four, not twenty-four plus twelve and Ms. Leedy said that is correct, the private room would only be used when the bar/tavern was closed.

Steven Peters, 1663 Larchmont Avenue, said he objects to a bar/tavern at this location. He said the building in question has been a long established retail center. He said he does not agree with the statement that there would be eight parking spaces stating that he felt it was closer to six available parking spaces. With that in mind, Mr. Peters asked where the overflow of parking would go, down Larchmont Avenue? He said on Friday, Saturday and Sunday nights there is an excessive amount of noise from the existing bars along Detroit and did not want this in his neighborhood. Lastly, Mr. Peters said in his immediate area there are between seven and nine cars all of which cannot park in driveways so they must park in the street. He said having a bar/tavern would only exacerbate the problem.

Deborah Lavelle, 17120 Madison Avenue, said she objects to the proposed bar/tavern because she purchased her home in a location that is quiet with no noise from neighboring bars. She said she does not want the noise and trash that comes with living close to a bar/tavern.

Stuart Motsinger, 1656 Larchmont Avenue, said he objects as Larchmont already has an unusual amount of traffic as it serves as a tributary to Interstate 90. He said a bar would only exacerbate the area. He said parking is already a problem and questioned whether any market research had been done on the feasibility of a high-end bar/tavern in this area. He said this is a very residential area and felt a bar/tavern would have a negative impact on the neighborhood.

Mark Bassett, 1664 Larchmont Avenue, objects to the proposed bar/tavern. He reiterated the comments made by previous residents and added that he did not feel this was a healthy thing for the neighborhood.

Orphia Bassett, 1664 Larchmont Avenue, objects to the proposed bar/tavern. She reiterated the comments made by previous residents and added that she would not have purchased her current home had there been a bar/tavern on the corner. She said a drunk is a drunk and it doesn't matter whether said individual is a white collar or blue-collar worker. She said the street is narrow, very busy and that parking is already a problem.

In response to the aforementioned comments Ms. Leedy said she is well aware of the area as she lived on Larchmont for a number of years.

She said it has taken her two years to find a building to locate her business. Ms. Leedy said she had upscale clientele at the previous establishment and would bring them back to the proposed establishment.

Mr. Ott asked why Ms. Leedy is referring to this as a bar/tavern. Ms. Leedy responded that it is a lounge but not a restaurant as only upscale appetizers would be served.

Mr. Ott asked if Ms. Leedy anticipated having live music and Ms. Leedy responded no, the interior is not large enough to accommodate a live band.

Mr. Grulich asked if both halves of the establishment would be used and Ms. Leedy said yes, one half would house the offices and coolers and the other half tables.

Ms. Katcher said she moved into Lakewood twelve years ago and understands the concerns by the abutting neighbors about noise, loud talking, etc. coming from the bars along Detroit Avenue. However, Ms. Katcher said those bars are geared to young people in there twenties. She said she is in her thirties and there is no place where she can go with her friends to relax without loud music and young people. She said that is what they are attempting to accomplish with this establishment. Catering to those over thirty.

Mr. Corrigan said currently there are garage doors on the former Helman's Corner and asked if they are part of this proposal indicating that there is a conditional use request specifically to have garage doors, which can be opened. Ms. Leedy said no the garage doors are not part of their proposal.

Mr. Corrigan asked what the hours of operation would be and Ms. Leedy said her liquor license allows her to be open until 2:30 a.m. She said right now she did not know specifically what the hours of operation would be but didn't plan on opening until after 4:00 p.m. and then would be open on Wednesday, Thursday, Friday and Saturday only.

Mr. Corrigan reminded the Commission that they could grant the conditional use for a period of time and could require Ms. Leedy to come before the Commission again at a later date prior to allowing the conditional use to automatically renew yearly. Ms. Leedy said for clarification if she invests over \$100,000 in this building and comes before this Commission within a year and the Commission renders an adverse decision they could force her to close the establishment and Mr. Powers said yes. Ms. Leedy said she understood.

The Building Department had no comment.

Motion by Mr. Ott, seconded by Mr. Grulich, to **APPROVE** a Conditional Use to operate a bar/tavern in a former retail establishment with the stipulation that the applicants appear before the Planning Commission in one (1) year, by June 5, 2007. All members voting yea, motion passed.

**Docket 7-10-06 11849 Clifton Boulevard
Hidden Village**

Hidden Village, LLC, c/o Gary Lieberman, 35 River Street, Chagrin Falls 44022, property owner, and Support-to-at-Risk-Teens, d.b.a. Youth Reentry Program, Lutheran Metropolitan Ministry, 1468 West 25th Street, Cleveland 44113, tenant, request an appeal from the letter dated May 18, 2006 from Charles E. Barrett, Building Commissioner, pursuant to Subsection 1173.05, Appeals and Subsection 1127.02(b), Permitted Principal Uses. The property owner and applicant are appealing the Building Commissioner's decision that the intended use – that of the Youth Re-entry Program of the Lutheran Metropolitan Ministry – is not a permitted principal use in the MH, Multiple-Family, high density, Residential District.

Gary Lieberman, attorney and Michael Priore, Broker, owners of Hidden Village were present along with Craig Miller, attorney with Ulmer, Berne, Reverend Mark W. Brauer, Director of S.T.A.R.T. (Support to At-Risk Teens), and Kandi Withers, Director of the Youth Re-Entry Program.

Mr. Lieberman said Hidden Village is a 97-suite complex with 85 efficiency units and 12 one-bedroom units. He said they also own the Drake Apartments right next door. Mr. Lieberman said they spent \$2 million to purchase Hidden Village and another \$2 million in renovations. He said it is a stellar place to live with state of the art security.

Mr. Lieberman said Lutheran Metropolitan Ministry (LMM) is a tenant who subleases a number of efficiency units to individuals within their programs. He said each resident has his or her own suite, which includes a front door key. Mr. Lieberman said LMM is no different than any other tenant in the building. He said they are not requesting a variance or a conditional use. Mr. Lieberman said it is his opinion that they are strictly in compliance with the city codes. He said we are here tonight in response to a letter from the Building Commissioner dated May 8, 2006 wherein he states that this is not a permitted use in a multiple-family zoning district.

Mr. Lieberman said we rent to individuals and questioned specifically where in the Zoning Code that they are in violation. He said the only difference is that the tenants themselves do not pay rent; rather the rent is paid by LMM. Mr. Lieberman said the City of Lakewood accepts rent from HUD and other sources so how does this differ with LMM subleasing efficiency units. Again Mr. Lieberman said this is not a group home or an adult home and that they are not in violation with the Zoning Code.

Mr. Barrett referenced his letter of May 18, 2006 to Michael Priore in which he states that a meeting was held between the Building Department, Law Department, Human Services Department, the Administration, and representatives of LMM. Mr. Barrett said that discussion ensued regarding the location/function of the re-entry program with its many and varied aspects as well as the zoning of the area which is Multiple-Family Residential.

Mr. Barrett quoted from the Zoning Code pursuant to Subsection 1127.02(b) that "In the MH District no building or premises shall be used or established which is designed arranged, or intended for other than a medium density multiple-family residential building, a low density multiple-family residential building, a single- or two-family dwelling, adult family home, adult group home, or cluster house development."

In his letter, Mr. Barrett goes on to say that upon completion of the reading of this subsection of the Zoning Code it was noted to all present that the intended use – that of the Youth Re-Entry Program of the LMM was not a permitted principal use of the property.

In conclusion, Mr. Barrett states that it is disappointing to learn that the Youth Re-Entry Program has indeed been installed at the aforementioned property and leaves this department with no other choice than to inform you that you are hereby notified to remove the unpermitted use no later than June 17, 2006.

Mr. Corrigan said for the record there was a flyer that was distributed to abutting neighbors. He said the City disassociates itself with said flyer. Mr. Corrigan said the decision that the use as referenced in Mr. Barrett's letter was a joint concurrence between the Law and Building Departments. Mr. Corrigan went on to say that the decision, which was rendered by the Building and Law Departments, was not about LMM, or the property owners, but about what is permitted pursuant to the Zoning Code. Again, Mr. Corrigan reiterated that this hearing is not about any persons, program or organization but about the permitted use. He said the City would assist LMM in locating in a properly zoned area.

Mr. Powers noted for the record that in his professional and business dealings he has utilized the services of Ulmer and Berne however not Craig Miller specifically.

Mr. Miller indicated that their appeal was filed with the Board of Zoning Appeals and went on to explain why. He reiterated previous comments that the request before the Commission was not for a variance or conditional use. Mr. Miller said it was his opinion that LMM was not claiming to be an adult home that these were individuals living independently in an apartment building.

Reverend Brauer said LMM is in its thirty-seventh year providing services including Support To At Risk Teens. He said they are licensed by the state to provide independent living services. Reverend Brauer said referrals come from Cuyahoga County Children and Family Services and the Ohio Department of Youth Services.

Reverend Brauer said LMM rents only efficiency units therefore making the individuals residents of the community. He said this is the best way for them to learn during the transition by cooking, cleaning, and doing laundry on their own with the ultimate goal of becoming independent.

Reverend Brauer said the reason they selected Hidden Village is because of the large number of efficiency apartments all at the same location. He reiterated that the efficiency apartments allow only one individual to reside within and therefore causes that individual to focus on responsibility. Reverend Brauer also indicated that the property owners had renovated the units by installing new appliances, painting and other improvements. He said these renovated apartments instill a sense of pride in the young people residing in them and adds to the overall goal, which is the transition into independent living. Additionally, Reverend Brauer said Hidden Village is accessible to public transportation and shopping. Lastly, Reverend Brauer said Lakewood provides a "small town" feeling, a feeling of community along with the support and cooperation of the Human Services Department of the City makes this an ideal location.

Mr. Corrigan asked if the transition to independent living consists of more than one stage and Reverend Brauer said yes. Reverend Brauer said in this stage LMM is attempting to teach independent living thus the importance of the efficiency apartments.

Mr. Corrigan asked if there is staff to assist the teens and Reverend Brauer said yes, however they do not reside at the property. He said they come to work like a normal job. Reverend Brauer said four efficiency suites have been converted into offices.

Reverend Brauer said there are no convicted felons in this program.

Kandi Withers, Director of the Youth Re-Entry Program said herself and her staff use the offices only. She said any programming, or educational classes are offered to individuals within their own suite. Ms. Withers said they offer supportive services in support of independent living.

It was noted that a report from the Fire Marshall upon an inspection of the building found that the doors to individual suites were open and had been kept open at certain hours, which prompted a safety concern. In response, Ms. Withers said it would not be productive to leave the doors open and reiterated that each door on each suite had its own lock and key.

Mr. Corrigan questioned how the main exit doors work and Ms. Withers said the security is typical to any other apartment building in Lakewood. She said the front doors are locked and visitors need to be buzzed into the building.

Mr. Lieberman said Hidden Village is a four building complex. He said LMM is located in two of the four buildings. He said all four buildings have identical security systems.

With respect to LMM utilizing some of the suites as offices, Mr. Lieberman said almost every apartment building has some type of office be it for leasing, maintenance, etc. He said many senior apartment complexes have even more dedicated offices to provide additional services to seniors. Mr. Lieberman said the ratio for offices for LMM is four offices for 32 units. He said in the other buildings it is one office for 96 units.

Julie Dewey 11725 Clifton Boulevard, said she did not understand why the city is objecting to LMM leasing efficiency units at Hidden Village. She said it sounds like a "witch hunt". Ms. Dewey said she is opposed to the city taking adverse action against the applicant.

Keith Dewey, 11725 Clifton Boulevard, noted that he is a committee person for the Ohio Democratic Committee and one of their goals is to keep "bad" people out of residential neighborhoods. Mr. Dewey said he does not understand why we are here. He said if it is a question of where the money is coming from then he agrees with the property owners.

Margaret Rivalsky, 1274 Idlewood Avenue, asked the ages of the individuals in question and said that a large group of young people have a tendency to take away from the neighborhood feel. She said it sounds more like a dorm.

Luanne Bole-Becker, 1524 Lewis Drive, said it was her opinion that these youths need additional support and help and does not see this as a negative for the community.

Tom Sutton, 14031 Clifton Boulevard, said he has been a resident of Lakewood since 1989 and working with LMM most of that time. He said they have a wonderful reputation and does everything they can to make certain that youth's under their care are handled properly. Mr. Sutton said he fully supports allowing this use to continue.

Mr. Ott asked Mr. Sutton, who is a former member of the Planning Commission, to explain how this meets the Zoning Code. Mr. Sutton said we are talking about a residential use where there is a lease agreement with a tenant to sublease. He said he did not see any use that is violating the Zoning Code.

Mike Wurstner, 1302 Fry Avenue, said he is very pleased with what the owners have done to Hidden Village apartments. He said from viewing the website they are talking about individuals ranging in age from sixteen to twenty-two years old who need supervision. He said there appears to be a great deal of gray area and that this smells like a group home.

Ralph Ratliff, 12940 Clifton Boulevard, said if LMM has thirty-two of the possible ninety-two suites when do they apply to become a group home? He said it sounds like a business to him and is opposed to allowing the use to continue.

Cheryl Moorman, 1266 Fry Avenue, said since these suites have been taken over by LMM, she has seen no problems. She said she could not see trying to cram all these children into one home. She said she does not want to see any problems.

Bev Dobrowolski, 1333 Beach Avenue, questioned how having sixteen year olds living alone is this helping them. She questioned how, without supervision, do they know if there isn't a problem. She said this feels like a group home and is opposed to allowing the use to continue.

Marilyn Watts, 1261 Fry Avenue, said she is the manager at Hidden Village. She said she has not had any incidents since the program began. She said this is a wonderful program and that they have had more problems with other Lakewood residents. She supports allowing the use to continue.

Jerome Burce, 2069 McKinley Avenue, thanked the City for the kind words about LMM. He said the word "program" keeps popping up and said for clarification, a landlord had units that were available for rent, which LMM did and then LMM made these units available to specific individual.

Gary Mazzeo, 2210 Lewis Drive, said he supports LMM and this request.

Reverend Paula Maeder-Connor, 1485 Marlowe Avenue, said she is the pastor of Trinity Lutheran Church and lives across the street from the emergency room at Lakewood Hospital. She said she has seen many things as a result of where she lives. She said Lakewood has a great opportunity to help individuals making a transition and encouraged to see than LMM has made this happen in our community.

Jerry Rugley, 2179 East 78th Street, said he is a staff member for the youth re-entry program. He said the majority of the teens are wards of the County not convicted felons. He said with respect to sixteen year olds being unsupervised they have surveillance cameras so staff members are aware of what the teens are doing at all times.

Kyle withers, 9315 Casita Drive, North Ridgeville, said it takes a village to raise a child.

Johnny Shedrick, 19 Fifteen Street, Elyria, said if people took more time to understand these people they would not be opposed.

Dave Wyatt, 1279 Beach Avenue, said he has been a resident of Lakewood for the past two years. He said if this youth re-entry program were located in Cleveland the pressure would be greater. He said he felt it was better that the youth re-entry program was located in Lakewood. Mr. Wyatt said he hasn't seen or heard any problems. He said hopefully this grey area could be worked out.

Zenon Krislaty, 11740 Clifton Boulevard, said he doesn't live in Lakewood but has conducted business here for over thirty years. He said he has to give credit to the property owners of Hidden Village for investing in the City of Lakewood. He cited three points: [1] That no one should discount their attempt to fill the vacancies, [2] It is important to keep the community safe and [3] We want a community with responsible citizens. He said this is a complex problem and we must do everything to bring these young people along. Mr. Krislaty said his offices are located across the street. He said he has not seen any problems. However, he questioned whether it was legal to sublet to a sixteen year old. Mr. Krislaty said he hoped a solution could be had for everyone.

Tom Sutton, 14013 Clifton Boulevard, said the spirit of the Zoning Code is balancing the needs of young adults becoming responsible adults. Mr. Sutton offered to volunteer his own time to help any of the abutting neighbors who had concerns and wanted help. He said this is how strongly I feel about this program.

Nickie Antonio, Council At Large, said in her household there are three adults and four children. She said she is willing to offer her assistance along with Mr. Sutton because she likes the idea that the apartment suites are filled vs. empty units and appreciates knowing about this program and who is renting the apartments.

In rebuttal, Mr. Lieberman said there appears to be very few specific objections. He said it seemed like more individuals who spoke were in favor of allowing this to continue. He reiterated his previous comments indicating that he is a landlord at Hidden Village and that he does not provide any unusual services. He said he does not conduct a group home and would not become a group home. Mr. Lieberman said he does not feel that they are in violation of the Zoning Code.

Mr. Ott asked Mr. Lieberman to explain the lease agreement with LMM. Mr. Lieberman said there are several different lease terms with LMM. He said they are staggered to make the renewal easier for everyone. Mr. Ott asked if the leases are automatically renewed and Mr. Lieberman said no. Mr. Ott asked what are the qualifications for renewal and Mr. Lieberman said same as any other tenant.

Mr. Miller elaborated on the sublease process stating that the teens in question are referred to this program and then they are placed in one of the efficiency apartments.

Mr. Ott asked what the relationship of the person living in the efficiency suite is to the management and Mr. Lieberman said the lease agreement is with LMM. He said within the lease is the right to sublease. Mr. Ott asked who would handle evictions and Mr. Lieberman said he would provide LMM three days to handle the situation on their own and after three days evict the individual himself as the landlord of Hidden Village.

Mr. Powers asked how long these individuals participate in this program and Mr. Lieberman said usually seven to twenty-four months. Mr. Powers asked what the average age is and Mr. Lieberman said eighteen year olds adding that at the present time there are no sixteen year olds and that the oldest person participating in the program was twenty years old.

Mr. Ott asked if LMM provides classrooms, conference rooms, or any type of programming for these residents and Ms. Withers said no. She said individual counseling is done by appointment and in his or her own suite. Mr. Ott said this is not like a college dorm and Ms. Withers said no these individuals live like any other tenant in an apartment complex.

Mr. Powers asked if any of these individuals go to school and Ms. Withers said yes. She said currently four individuals are enrolled at Lakewood High School and a few are going to college. She said on their registration forms they are listed as residents of Lakewood and are registered to vote.

Mr. Jordan asked the total number of staff members and Ms. Withers said twenty-one. She said there are six full-time positions during the day, which includes a financial manager, case manager, office manager, and operational staff.

Mr. Einhouse asked for details on the lease terms and Mr. Lieberman said one block has a six-month lease term, one block has a twelve-month lease term and one block has a fourteen-month lease term.

Mr. Powers asked the relationship of this arrangement to an assisted living facility. He said if these individuals were elderly and not youths would there be the same issues and Mr. Corrigan said the Commission would be presented with a similar problem. Mr. Corrigan said the City of Lakewood has independent senior living complexes, however they are not located in residential zoning districts.

Mr. Ott said the issue is the fact that this program is being run and staffed on premises, which crosses the line from a residential use to a business use, which is the substantial character of the programs offered.

Mr. Powers added that the issue is the underlying zoning and what is permitted in this zoning district. He said that is the charge of the Planning Commission, land use.

Mr. Miller said he wanted the following documents entered into the record:

1. A memorandum dated July 5, 2006 from Craig Miller to the Planning Commission
2. Violation Notice
3. Appeal Letter
4. Owners multiple-housing license
5. Certificate of Occupancy
6. Letter from Mr. Corrigan to Mr. Miller
7. Residential apartment leases
8. License for LMM to provide independent living services
9. Copies of the City of Lakewood web site – Department of Human Services/Aging

Mr. Corrigan said there is no objection to the aforementioned documents being formally admitted into the record.

Mr. Corrigan said the Commission established the rules of zoning and did so in a manner that would not expose the Zoning Code to challenges and therefore wanted to be inflexible on permitted uses within certain zoning district.

Mr. Miller asked Mr. Corrigan what the difference is between a group home and the request being made by LMM and Mr. Corrigan said the large number contributes to the difference between a group home, which has a specific maximum number allowed and what is being requested by LMM.

Mr. Powers said the Commission, when making their decision, cannot take into account the excellent work LMM does or how great their programs are, but must decide whether or not this use meets the criteria as defined within the Zoning Code.

Mr. Ott asked Mr. Miller to differentiate between an institutional use and residential use and Mr. Miller said he did not see any difference since group homes are permitted in residential zoning districts. Mr. Miller went on to say that the primary use of this building is a residential apartment building, which leases to LMM and allows through their lease to sublease to tenants and provide these tenants some supervision. Mr. Miller said according to the Building Department this makes the use commercial:

Mr. Lieberman said the violation is to the building owner that according to the Building Department is in violation of the current Zoning Code. He said I have a residential apartment building in which I lease to tenants. Mr. Lieberman said the issue is not with LMM. He said LMM was not given a violation letter from the Building Department.

Mr. Ott said he is willing to make a motion to sustain the appeal because the Planning Commission had the advantage of three hours of testimony that Mr. Barrett did not have the advantage of. The other members of the Commission concurred.

Motion by Mr. Ott, seconded by Mr. Einhouse, to **SUSTAIN THE APPEAL** overturning the letter dated May 18, 2006 from the City of Lakewood. All members voting yea, motion passed.

**Docket 6-4-06 15408 Madison Avenue
Deferred from the June Meeting**

Rodriguez Bailey, dba Infinit Design & Printing, 8585 Dunham Drive, Olmsted Twp. 44138, applicant, requests a Conditional Use pursuant to Section 1129.02. The applicant is requesting a Conditional Use to locate a music-recording studio in a C2, Commercial, retail, Business District.

Motion by Mr. Grulich, seconded by Mr. Viglianco, to **DENY** a Conditional Use request as neither the applicant or a representative was present. All members voting yea, motion passed.

Docket 6-8-06 16910-14 Detroit Avenue and 136-78 Edwards Avenue

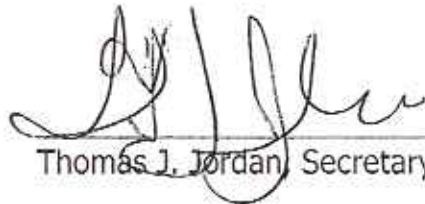
Angelo Coutris, dba, New Center Realty Company LLC, 16926 Detroit Avenue, property owner, requests a Conditional Use pursuant to subsection 1123.04(b), 1161.03(a) – Conditional Use for Accessory Parking and Section 1133.09 - Demolition or Removal of Residential Structures. The applicant is requesting conditional use approval to create accessory parking at 1376-78 Edwards Avenue, which is zoned R2, Single- and Two-Family Residential District to 16910-14 Detroit Avenue, which is zoned C3, Commercial, general, Business District.

At the request of the applicant, Angelo Coutris, this docket item has been **WITHDRAWN**.

Mr. Powers adjourned the meeting at 10:45 p.m.

Approved: _____

9/6/06



Thomas J. Jordan, Secretary