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Lyndhurst, Ohio
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The Planning Commission of The City of Lyndhurst met in Special Session on Thursday, May 16, 2019 at 7:30 p.m., in the Conference Room of the Lyndhurst Municipal Center, 5301 Mayfield Road. Mayor Patrick Ward, presiding.

Members Present: Commissioners: D J Sirk, B Golsky,
P A Ward, C LoPresti

Others Present: P T Murphy, Director of Law
J Maichle, Building Commissioner
C J White, Secretary

It was moved by Mr. Sirk, seconded by Councilman LoPresti that the reading of the minutes of the Regular Meeting held January 24, 2019, copies of which were mailed to all members, be dispensed with and said minutes stand approved as circulated.

The question was put to a voice vote and passed unanimously.

Motion carried.

1075 Clearview Road

Review request of Richard T. Coyne, for a Conditional Use Permit to allow a group home under Section 1160.03 and Section 1156 of the Planning and Zoning Code.

Mayor Ward stated that although the required Conditional Use Permit application has not yet been received by the Planning Commission, the attorney for the property owner is present with some documents which can be reviewed.

Mr. Sirk stated there is a group home on his street, Croyden Road, and that there are no issues with the residents there as far as he knows. He then asked if there have been complaints regarding the other eleven (11) group homes in the city. He then stated that in the beginning, the group home on Croyden had five (5) special needs residents, and there were issues with those residents arguing very loudly among themselves. Mr. Sirk stated he feels more comfortable with a limit of three (3) residents.

Mayor Ward stated that federal law limits the city's ability to govern those activities however, the city does has some requirements to assure that we are informed of the group home facility, how many residents in each, and limitations of those residents for safety reasons. In regards to complaints about the residents of the group homes in the city, there have been behavioral issues but none that would cause harm to others. He also stated that due to the fact that the management companies know they are under the scrutiny of the city, the properties and homes are very well maintained.

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Mr. Richard Coyne, Attorney for Edward and Jessie Hodgdon, owners of 1075 Clearview Road, presented a letter to the Commission regarding the property, and the purpose for the request. He gave a brief history of the company, L'Arche that will run the group home, and the procedure to obtain residency in one of their group homes. He also explained that L'Arche Cleveland will be the direct care provider for three (3) special needs adults, and there will be a caregiver at the home at all times. He explained that the caregivers work eight (8) hour shifts, and the caregiver during the night shift must remain awake. Mr. Coyne presented photos of the interior of the house and explained that the County has inspected this house as it relates to a group home for special needs adults, and found that the only modification that needs to be made is the threshold in the shower, which will be lowered by the end of June. He also explained that the three (3) residents of the home are mobile, and can get out of the home on their own accord should an emergency arise.

Mr. Coyne explained that one of the residents in this group home would be his sister-in-law. He explained that she has lived in this home for many years; but for the past couple of years, she has been at Altercare, and is now moving back home with some health challenges. Her parents can no longer care for her and are relocating to an assisted living facility.

In answer to Mr. Sirk's question whether or not there would be a wheelchair ramp on the exterior of the house, Mr. Coyne stated that if the need should arise in the future, the County would assess the situation. He explained that two other L'Arche Homes in Cleveland Heights have accessible wheelchair ramps inside the garage. Mr. Sirk stated he would make that a condition; that no exterior wheelchair ramps will be installed.

In answer to Mr. Golsky's question, Mr. Coyne stated that the target move in date for all three (3) residents is June 1, 2019.

At this time, Mayor Ward opened the meeting to residents that were in attendance.

Kathleen Tysse, 1069 Clearview, asked who will own the home, and who would be responsible for the maintenance of the property. She also asked about the schedule and ratio of the caregivers.

Mr. Coyne stated that the Hodgsons will own the home, which is held in trust. He then stated that due to the age of the owners, one option that could be applied in the future is called a Special Needs Trust, which is put in place by the State of Ohio. In regards to the maintenance, L'Arche Cleveland has a company that takes care of maintenance which is called Encounter L'Arche.

In answer to Mrs. Tysse's question regarding schedules of the caregivers, Mayor Ward stated that historically a facility will try to maintain continuity with caregivers. Mr. Coyne concurred. Mr. Coyne further stated that the ratio will be one caregiver to three (3) residents.

Ray Sari, 1068 Clearview, asked about the distance requirement between group homes, as there may be one at 4967 Fairlawn. He asked whom to call for any complaints, and if there will be vehicles at the residence for transport.

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Mr. Sirk stated that the required distance between group homes is one thousand (1,000) feet.

Mr. Maichle stated that 4967 Fairlawn is not on the group home list, however he would look into it.

Mr. Coyne stated that all residents are welcome to knock on the door of the group home and get to know the caregivers and the residents and voice any concerns. He also stated that neighbors can call L'Arche Cleveland with any concerns. In answer to Mr. Sari's question regarding transportation, Mr. Coyne stated that L'Arche Cleveland does provide transportation for those residents that work and/or have appointments and special outings.

Mark Linnert, 1062 Clearview Road, asked if the city has ever conducted a study on how group homes effect the property values.

Mayor Ward stated that no studies have been done, however, when someone is looking at the aesthetics of a community, a well maintained home and a stable look is always a plus.

After a lengthy discussion, it was moved by Mr. Sirk, seconded by Councilman LoPresti that recommendation be made to Council to grant a sixty (60) day temporary Conditional Use Permit for a group care home located at 1075 Clearview Road under Sections 1160.03 and 1156 of the Planning and Zoning Code, pending the required documents be submitted, and that the number of residents be limited to three (3) persons, documentation that there are no deed restrictions, a scaled map showing no other group homes within one thousand (1,000) feet, and all contact information be provided to the Building Department.

Roll Call: Yeas: Sirk, Golsky, Ward, LoPresti
Nays: None.

Motion carried.

Review proposed legislation enacting Chapter 779 titled Tattoo and Body Piercing Businesses.

Mr. Murphy presented the Commission with a draft of the ordinance in regards to Tattoo and Body Piercing Businesses.

Many of the items governed by the Board of Health were removed, due to the fact that certain regulations are overseen by the Board of Health.

In Section 779.02 (b), it was recommended that the spacing be changed to read "No such use shall be established within one thousand five hundred (1,500) feet of another such use."

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In Section 779.02 (c), it was recommended that this use be a conditional use reviewed by the Planning Commission for a recommendation with Council's approval, and that the Board of Zoning Appeals be removed from the process.

It was recommended in Section 761.05 (a) (1) that the word "room" be removed and in its place be "area."

Mr. Golsky recommended adding "chairs" to section 761.05 (a) (3) to allow for reclining chairs.

Mr. Sirk recommended removing Section 761.05 (a) (5), until the proper amount of light can be found; it was his thought that forty (40) foot candles is too dim.

In Section 761.05 (b) (2), it was recommended that portion read "Any individual who appears impaired under the effect of alcohol and/or drugs shall not be tattooed or have their body pierced."

After discussion, it was decided to remove Section 761.05 (b) (4), and (b) (8).

In answer to Mr. Sirk's question regarding the time limitation of the conditional use permit as stated in Section 779.03, Mr. Murphy stated that conditional use permits do have time limitations such as changes in owner or lease agreements, they would have to present those changes to the Planning Commission. The Commission agreed that a fee of three hundred (300) dollars per year is applicable.

Under 779.03, Mr. Sirk recommended that that the Conditional Use Permit be effective until a change in business ownership, and with the maintenance of an annual permit fee, per calendar year. Mayor Ward concurred.

In regards to Section 761.05 Establishment Requirements, it was recommended that the wording be condensed to "Each person firm or corporation who operates a tattooing or body piercing establishment within The City of Lyndhurst shall comply with all requirements of the state and the county." "The operator shall be considered strictly liable for any violation of this chapter." "Such person and/or business shall be deemed guilty of a separate offence for each and every day during which any violation or any provision is committed."

Mr. Sirk stated one of his main concerns is the disposal of needles or other infectious waste be properly discarded in an enclosed dumpster in accordance with the Cuyahoga County Health Department regulations.

Mr. Murphy stated he will re-work the proposed legislation for review at the next regular meeting of the Planning Commission.

It was moved by Mr. Sirk, seconded by Mr. Golsky that the meeting be adjourned.

The question was put to a voice vote and passed unanimously.

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Motion carried,
Meeting adjourned at 10:00 p.m.

Chairman

Approved: _____

Attest: _____