

THE PLANNING AND ZONING COMMISSION MEETING WAS HELD AT BEACHWOOD CITY HALL ON THURSDAY, JANUARY 26, 2012.

ROLL CALL PRESENT: C. Cohen, Mayor Gorden, J. Greenberg, R. Hecht
 B. Mann, M. Wachter, B. Zabell

 ABSENT: None

ALSO PRESENT: M.A. Cannon, W. Griswold, T. Kreczko,
 G. Smerigan

A motion was made by M. Wachter and seconded by B. Mann to approve the minutes of the October 27, 2011, regular meeting.

ROLL CALL: AYES: C. Cohen, Mayor Gorden, J. Greenberg,
R. Hecht, B. Mann, M. Wachter
NAYS: None
MOTION APPROVED – MINUTES APPROVED

COUNCIL REPORT

Mr. Mark Wachter, Council Representative, stated that the Planning and Zoning Commission approved and recommended to Council, P&Z 2011-27, Ordinance 2011-23 requesting a zoning change for the Goldberg Companies property located at Richmond Road and Chagrin Boulevard from a U-7A Zoning Classification to a U-9 Zoning Classification, which was withdrawn from the Council agenda; and P&Z 2011-29, enacting a new Chapter 1146, relating to Fences, Landscaping, and Driveways of the Codified Ordinances of the City of Beachwood, Ohio, and repealing existing Chapter 1319.

Chairperson Hecht welcomed two Council members, Brian Linick and Martin Horowitz.

P&Z 2011-30 HERSCHMAN ARCHITECTS, INC. REPRESENTING MENORAH
PARK, STONE GARDENS, LOCATED AT 27090 CEDAR ROAD, IS R
EQUESTING PRELIMINARY AND FINAL SITE PLAN APPROVAL TO
INSTALL TWENTY-NINE (29) ADDITIONAL PARKING SPACES AND
RELOCATE THE GATE.

Mr. Herschman from Herschman Architects, Inc., representing Menorah Park Stone Gardens, located at 27090 Cedar Road, along with Mr. Steve Raichilson, CEO of Menorah Park, was present to request preliminary and final site plan approval to install twenty-nine (29) additional parking spaces and relocate the gate. Mr. Herschman stated that the twenty-nine parking spaces were going to be installed on the driveway side leading up to Stone Gardens. Presently there are six parking spaces. The visitor parking is behind the parking gate. There are a total number of 54 parking spaces designated for visitor parking close to the entrance of Stone Gardens.

Mr. Griswold stated that the Building Department, Police Department and Fire Department have no comments at this time. This is a project that the applicant has worked on with the City to give the site additional parking spaces.

Mr. Kreczko stated that Engineering recommends approval contingent upon final construction drawings being submitted.

Mr. Smerigan stated that this request is for site plan approval to install twenty-nine (29) additional parking spaces on the Menorah Park Campus and to relocate an existing parking gate to restrict an additional twenty-seven (27) existing spaces for use by visitors. The two proposed parking improvements are part of the recommendations contained in the parking analysis study prepared by MS Consultants for the Menorah Park/Montefiore Campus. The new parking spaces would be constructed on either side of the existing service drive at the eastern end of the Menorah Park site near the entrance to Stone Gardens. The additional parking will be reserved for visitors by the relocation of the gate located near the entrance to the Weinberg Pavilion.

Mr. Smerigan stated that these enhancements are in response to a request by the City, and will provide some relief for parking conditions on the subject site. Approval is recommended. subject to the comments of the City Engineer.

Mr. Cohen requested an explanation of the relocation and operation of the gate.

Mr. Steve Raichilson, CEO of Menorah Park, stated that there are a high number of employees and some have been using the visitor parking area. The gate will be opened after 9:30 a.m. after most of the employees have arrived at work. Then security opens the gate and the parking spaces are available for visitors. The gate is being extended and about 30 existing parking spaces will be available for visitors.

A motion was made by B. Mann and seconded by C. Cohen to approve the request of Herschman Architects, Inc., representing Menorah Park Stone Gardens, located at 27090 Cedar Road, for preliminary and final site plan to install twenty-nine (29) additional parking spaces and relocate the gate.

ROLL CALL:	AYES:	C. Cohen, Mayor Gorden, J. Greenberg, R. Hecht, M. Wachter, B. Zabell
	NAYS:	None
	MOTION APPROVED	

P&Z 2011-32(B)	PAVILION PROPERTIES LLC, OWNERS OF THE PROPERTY LOCATED AT 24055 CHAGRIN BLVD. IS REQUESTING PRELIMINARY AND FINAL SITE PLAN APPROVAL TO LOCATE A TEMPORARY SALT STORAGE BIN EAST OF GIANT EAGLE.
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A letter was received from Mr. Tom Sedlak requesting that the application for Pavilion Properties LLC be withdrawn from the Planning and Zoning Commission agenda.

P&Z 2011-34	ORDINANCE 2011-146 - AMENDING BCO CHAPTER 1155, SPECIAL AND CONDITIONAL USES, BY ENACTING NEW SECTION 1155.04, FARMERS MARKETS. (Referred from City Council 11/21/11)
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Mr. Smerigan stated that this ordinance would authorize temporary Farmers Markets during the summer months to be operated in the non-residential districts in the City. The hours would be between 9:00 a.m. and 2:00 p.m. There would be no cooking. The products will be farm produce or value added products such as jams, jellies, etc. This approval would be treated as a special permitted use and would have to be approved by the Safety Director, and a permit would have to be obtained from the Building Department. Administrative approval would be granted provided that they comply with the ten requirements in sub-section (c). It was recommended to extend the number of months of operation from May through September to May through October.

Mr. Smerigan continued that the signs are usually controlled by the Building Commissioner. One temporary, free-standing sign not to exceed ten (10) square feet in area and six (6) feet in height would be permitted. The location of the sign will need Building Department and Police Department approval.

Mr. Griswold stated that the Commission should determine the length of time for these signs to be displayed.

Mr. Kreczko stated that he had no comments.

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Mr. Greenberg asked Mr. Smerigan for clarification regarding there being able to be more than one Farmers Market going on during the same week.

Mr. Smerigan stated that there may be multiple Farmers Markets within the City during the week, but each market cannot be operated more than one day a week.

Chairperson Hecht asked Mr. Smerigan whether the signs should be permitted to be up only during the hours of operation and only where the Farmers Market is located.

Mr. Smerigan stated that the Commission needs to decide when the signs go up and if the signs are up only during the operation of the market, and then removed at the close of the business day. Do we want the signage up the same day of operation or before? There is some value to having the sign up the day before the market is open, up during that day, and then removed at the close of business hours.

Mrs. Cannon, Law Director, stated that the advertisement for the Farmers Market in Shaker is on an event type sign and temporary signage the actual day of the market is in operation, which in Shaker is on Saturdays only.

Mayor Gorden asked if the verbiage on the sign needed to have approval from the Building Commissioner. Mr. Smerigan stated yes.

Mr. Griswold stated that there should be some limitation on the time frame for the sign, probably the day before, the day of the Farmers Market, and then removed.

Mr. Cohen requested amending the verbiage in section (c)(6) and asked if this the host property could be responsible for waste removal and /or recycling if the vendor of the Farmers Market did not do it properly.

A motion was made by B. Mann and seconded by M. Wachter to approve and recommend to Council Ordinance 2011-146, amending BCO Chapter 1155, Special and Conditional Uses, by enacting a new Section 1155.04 Farmers Markets with the following stipulations in Section 1155.04: 1) (c)(1) Farmers Markets shall **not be operated more than once a week at one location**; 2) shall be limited to the months of May through October; 3) (c)(6) be clarified to read: **“that the Host Property Owner be Responsible For Waste Removal and/or Recycling...;** 4) (10) the temporary sign shall be **approved by the Building Commissioner and will be installed no sooner than the day before the Farmers Market, and the day of the Farmer’s Market, and must be removed at the end of that day.** (Referred from City Council 11/21/11)

ROLL CALL:	AYES:	C. Cohen, Mayor Gorden, J. Greenberg, R. Hecht, B. Mann, M. Wachter, B. Zabell
	NAYS:	None
	MOTION APPROVED–RECOMMEND TO COUNCIL	

P&Z 2012-1	ORDINANCE 2011-169 – REPEALING EXISTING CHAPTER 1129, LIMITED STORAGE AND MANUFACTURING DISTRICT AND ENACTING NEW CHAPTER 1129, INDUSTRIAL AND OFFICE MIXED-USE DISTRICT, AND AMENDING CERTAIN EXISTING SECTIONS OF THE CODIFIED ORDINANCES OF THE CITY OF BEACHWOOD, OHIO, RELATING TO DEFINITIONS AND ZONING DISTRICTS. (Referred from City Council 12/19/11)
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Mr. Smerigan stated that the Planning and Zoning Commission held a work session on Monday, January 23, 2012, and there was a comparative analysis between the existing regulations and the proposed regulations. The purpose is to change this manufacturing and storage district to a mixed use district. A list of permitted uses is

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going from the old 1950s products manufactured list to a current approach more consistent with current zoning standards for industrial and office development. The standards here have been updated to reflect current zoning and land use planning policy, current City design standards, accommodation of the new list of permitted uses and also new parking standards are established. The mixed use development can compete more effectively for economic development and generate increased tax revenues for the City of Beachwood.

Mr. Griswold stated that the Building Department and Police Department have reviewed this ordinance and have no comment. The Fire Department had some requirements regarding accessibility of the buildings.

Mr. Kreczko had no comments.

Mr. Wachter asked a few questions that had previously been discussed with Council. First, is this type of change necessary? Are there not these types of uses within existing districts available in the City and could new businesses be fit in somewhere else in the Code?

Mr. Smerigan stated that with restructuring the U-8 District, there really aren't other areas. The City is trying to create transition zoning by using the overlay technique. To simply take one of the U-8 Districts and place it into one of the existing office categories, like U-7A, would make the buildings all non-conforming. Everything that would take place in the buildings would have to come for variances, which would complicate everything for every property owner who wasn't doing the re-development program.

Mr. Wachter asked whether there is a master plan for the City or if we can constitute these proposed changes as a master plan?

Mr. Smerigan stated that certainly the City has been working towards a policy plan for some time. The studies that were done in terms of the Revitalization Study and Whiteboard reports indicated the direction of the City in terms of this particular area and in terms of economic development in general. To modify this district and restructure this area is consistent with where we are trying to move the City in this master plan.

Mr. Zabell asked Mr. Smerigan if there would be any aggregate limits on any individuals or any particular type of business, i.e. 100% residential; 100% business.

Mr. Smerigan stated that residential use is not permitted in the U-8 District. There are limitations. The district area is being opened for re-development and retail, but the retail component must be part of a wholesale operation. The City is controlling the mix in order to keep it a mixed use district.

Mr. Zabell asked do they have to be ancillary to another business or operating alone.

Mr. Smerigan stated one of the things previously done in the commercial area was limit retail sales, and it has created issues. For instance, a wholesale business such as the Ohio Design Center, their primary market is not the general public, but the Design Center would like to have a sales component for the general public. Retail sales will be ancillary to the other uses, but is permitted in an existing situation. This ordinance will allow the door for retailing to be opened further, but again it had to be part of the mixed use operation. There is never a site that will be 100% retail.

Mr. Zabell said he was clear on the retail but had question with regard to the support businesses services. Would a stand-alone health club be permitted in this district? For the new permitted uses, is there any aggregate limitation within the zoning?

Mr. Smerigan stated that yes health fitness clubs would be a permitted use in this area. There would not be any limitation within the Park.

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Mr. Griswold stated that a fitness facility would be a conditional use and would have to apply to the Planning and Zoning Commission for approval.

A motion was made by C. Cohen and seconded by B. Mann to approve and recommend to Council Ordinance 2011-169, repealing existing Chapter 1129, Limited Storage and Manufacturing District and enacting new Chapter 1129, Industrial and Office Mixed-Use District, and amending certain existing sections of the codified ordinances of the City of Beachwood, Ohio relating to definitions and zoning districts.

ROLL CALL:

AYES: C. Cohen, Mayor Gorden, J. Greenberg
R. Hecht, B. Mann, M. Wachter, B. Zabell

NAYS: None

MOTION APPROVED – RECOMMEND TO COUNCIL

P&Z 2012-2

ORDINANCE 2011-170 – ENACTING NEW CHAPTER 1118, CREATING THE PLANNED MULTI-FAMILY RESIDENTIAL DISTRICT, AMENDING CERTAIN EXISTING SECTIONS OF THE CODIFIED ORDINANCES OF THE CITY OF BEACHWOOD, OHIO, RELATING TO ZONING DISTRICTS AND USES, AND SIGNS, AND REPEALING CERTAIN SECTIONS.

Mr. Smerigan stated that this ordinance will amend the text of the zoning code to add a district that will provide for what is called a Planned Multi-Family Residential Development. The regulations set forth standards for this to be a residential district, including permitted uses, development standards such as density, maximum building/ground coverage, maximum heights, setbacks and separations. It sets minimum dwelling unit sizes and provides parking standards based on the number of dwelling units. There is a minimum open space requirement that provides for landscape treatment, site lighting, etc. This particular ordinance merely creates the district and establishes the criteria for the district. The next ordinance deals with the map amendment to place this 8 (eight) acres of property within this district. The intent is to provide an opportunity to develop a high density use in an urban setting and create housing for young professionals in a manner which was considered in the same way for the Chagrin Highlands development. This is the way we see the future development of Commerce Park. The proposal sets forth all these standards.

Present on behalf of the applicant were Mr. Paul Volpe from City Architecture, representing the NRP Group, Mark Munsell with Munsell Realtors, along with David Heller, Senior Principal of NRP and one of the founders, along with Michael Moses, Vice President and Ken Outcalt, Senior Vice President of Development. Mr. Heller stated the company was very excited about coming to Beachwood.

Mr. Volpe stated that there were three office buildings, Commerce Park I, II and III and the structures are considered in class C condition. The existing garage is in a deteriorated condition. The applicant is looking at this corner from a planner's perspective and as an entrance to the City of Beachwood. There is very little green space. There must be a balance between building coverage, hard surface and green space so that you have a quality product at the end. This is a mixed used area in the City already with residential across the street, shopping, office buildings, restaurants, and a lot of development to the south. This will go well with the new zoning of this property. The site consists of 8 acres of land. There is a residential renaissance going on in the United States. The new term that takes the place of apartments is suites, flats and the most popular one is lofts. High ceilings, glass panels, open spaces and young people love this type of housing although it is higher cost but of a higher quality. The design is very aesthetically pleasing and close to interstates. This is a conceptual idea which will have an entrance on Green Road leading into a four building attached complex with an underground heated garage, and a common area in the middle with two court yards. This is an extremely exciting way to provide new residential living with different size accommodations. Everything that is proposed in the new zoning meets the conceptual plan. To make this project work economically there must be a certain density and zoning.

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The zoning code also requires one and a half parking spaces per unit, which is generous in today's market and urban development. The commercial Commerce Park area is to the south, the golf course is to the west and the mixed uses of residential and commercial are on the north site of the proposed development.

Mr. Smerigan stated that this recommendation is for a map amendment. As part of the City's planning effort, the Commerce Park Revitalization Study indicated that several changes were necessary to make Commerce Park viable. Thinking about the linkage to Chagrin Highlands and Harvard Road, the City took the initiative to acquire property to make some of these changes possible. There have been several meetings with The Richard Jacobs Group to discuss the connector road proposed to go through their development and over to Harvard Road. Another part of the recommendation was to look at housing opportunities throughout the City. The study also considered the edges of Commerce Park, the First Lady Slovak Association on the east edge, and

the proposed new project on the west edge and recommended that the City look at the use of those properties as residential as the transition from the higher intensity within Commerce Park to the outlying edge. The standards set forth in this new section were chosen based on the need to development the property that would make sense. There are height limitations, percentage of ground coverage, and the control of open space which will influence what the City would like to see at one of the principle entrances to the City of Beachwood. This corner can be viewed from quite a distance traveling eastbound on Chagrin Blvd.

A question was asked if some of the Sections of the present Code for Multi-family Residential Districts could be used for this area. The answer was no since none of those present districts would permit effective development of this site in the manner which is needed to be seen and to make the entry statement that needs to be made. In order to change those existing regulations sufficiently to create what needs to be newly created, there would need to be changes to the rules for those properties within the City of Beachwood that already have had zoning on them. Also, those locations of multi-family are not appropriate for this type of development. Therefore, a new Zoning District was created that was appropriate for this property and location without complicating the situation elsewhere in the City. This is part of the big picture and is an essential element of what is being done to restructure and reposition the complete Commerce Park and Chagrin Boulevard overlay. There is balancing being done between density and open space, and parking with green area. The purchase of the connector road, the restructure of U-8, the change to the corner of Chagrin Boulevard and Green Road and future changes to U-7, make it that all of these projects must be in concert with one another to make it work.

Mr. Griswold stated that at the work session, Mr. Wachter had raised the question relative to impact and economic development that this type of development would have on the City of Beachwood. In turn NRP sent a report entitled "The Metro Area Impact of Commerce Park in the City of Beachwood, Income, Jobs, and Taxes Generated," that was forwarded to all members of the Planning and Zoning Commission and City Council.

Mr. Smerigan clarified the questions regarding Section 1118.04(h)(2) regarding the open space requirements. Mr. Smerigan stated that district and development meant the same. If there are two developments in the same district, both have to meet the 30% open space requirement. This is a Planned Development District so there has to be a plan for the entire district.

Mr. Wachter stated that the reference to "district" is not referring to the entire zoned area. It's referring to whatever the particular development of that component would be. Then there would be a district created within the district that would have to meet the 30% open space requirement.

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A motion was made by B. Mann and seconded by C. Cohen to approve and recommend to Council Ordinance 2011-170, enacting new Chapter 1118, creating the Planned Multi-Family Residential District, amending certain existing sections of the codified ordinances of the City of Beachwood, Ohio, relating to zoning districts, and uses, and signs, and repealing certain sections.

ROLL CALL:	AYES:	C. Cohen, Mayor Gorden, J. Greenberg R. Hecht, B. Mann, M. Wachter, B. Zabell
	NAYS:	None
	MOTION APPROVED – RECOMMEND TO COUNCIL	

P&Z 2012-3

ORDINANCE 2011-171 CHANGING THE ZONING OF PROPERTY LOCATED ON THE SOUTHEAST CORNER OF CHAGRIN BOULEVARD AND GREEN ROAD FROM U-7A ZONING CLASSIFICATION TO U-3C ZONING CLASSIFICATION.

Mr. Smerigan stated that this is part of the overall plan for the revitalization of the entire Commerce Park area. This is the direction the City believes it should be going in. This additional component will provide additional housing opportunities for those employed in the Commerce Park and Chagrin Highlands areas. It is also important in terms of the retail facilities that are located throughout the City. The City has lost population in the last two censuses and would like to find an opportunity to improve this.

Mr. Griswold had no comments.

Mr. Kreczko had no comments.

Mr. Wachter asked about the assurance that the high end nature of these units will continue for some period of time.

Mr. Ken Outcalt stated that the applicant would be willing to place deed restrictions on the property to assure the development of high housing and maintain the property. There is a market force that is creating a need for high quality housing. This development will have requirements that will have to be met to maintain this type of housing. This will be a long-term, luxury class A property because of the type of development and large investment that has been put into this project.

Mr. Wachter asked about the loss of offices and the loss of real estate taxes and the variation in income, and real estate taxes between what is there now and what would be generated with the changes.

Mr. Outcalt stated that the current property taxes for Commerce Park I, II and III are currently \$230,000 per year. It is estimated that possibly that number could double. It is hard to estimate revenues since this is still a conceptual idea in the planning stages. The income tax depends on the types of jobs, creation of jobs and the state of the economy.

Mr. Wachter also stated that in fairness this is not just income generated from this project.

Mr. Outcalt stated that it would be income generated throughout the community as a result of the impact from this development.

Mr. Mark Munsell stated that there is 200,000 square feet of buildings and deteriorated parking garages on this piece of property. Approximately 85% of the tenants have been relocated within the City of Beachwood and the revenue generated from these businesses will still be coming to the City. There will also be a high number of higher income residents that would be coming into the City with this development.

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A motion was made by C. Cohen and seconded by J. Greenberg to approve and recommend to Council Ordinance 2011-171, changing the zoning of property located on the southeast corner of Chagrin Boulevard and Green Road from U-7A Zoning Classification to U-3C Zoning Classification.

ROLL CALL:	AYES:	C. Cohen, Mayor Gorden, J. Greenberg R. Hecht, B. Mann, M. Wachter, B. Zabell
	NAYS:	None
MOTION APPROVED – RECOMMEND TO COUNCIL		

Mayor Gorden stated that he would like to extend a word of appreciation to all those who have worked for several years to get some type of project or proposal that would revitalize the Commerce Park area. This would be a positive step forward for the City of Beachwood. Mr. Smerigan, City Planner, Mr. Griswold, Building Commission, Mrs. Cannon, Law Director, the Mayor and many others have all have a part in bringing these changes about. The Mayor stated that there is a map that talks about the City's zoning districts. That map serves as a Master Plan for the City of Beachwood and development and everything that has happened thus far. This is a public thank you to everyone who was involved to bring us to this point.

BERNS, OCKNER & GREENBERGER, LLC, REPRESENTING
SABLE REAL ESTATE LLC, REQUESTING A CONDITIONAL USE
PERMIT AND AN EXCEPTION TO SECTION 1129.11, TO PERMIT A
DAILY AND OVERNIGHT PET CARE FACILITY TO BE LOCATED
23370 MERCANTILE ROAD.

Mr. Sheldon Berns was present representing Sable Real Estate LLC, owned by Mr. Kenneth Sacks, and Jeff Caleg, member of NAIS Daus, Brokerage Firm, to request a conditional use permit for a daily and overnight pet care facility to be located at 23370 Mercantile Road. The warehouse has been vacant and the owner has tried diligently to find a replacement tenant since 2009. The warehouse is located behind a larger 22,200 s.f. building on the same parcel of land and has no visibility from Mercantile Road. The warehouse has no loading dock nor adequate ceiling height or entranceways for most industrial uses. It has no windows on its main floor and has solid masonry exterior walls that are 6" thick.

Mr. Berns continued that there are other pet care facilities located in light industrial, warehouse and offices areas in Orange Village on Miles Road and in Highland Heights on Alpha Park and these were not permitted uses for a pet care facility. These communities used the same process as Beachwood in permitting a use that is similar, harmonious and compatible in a warehouse/industrial area.

Mr. Ken Sacks owner of the building stated that he purchased this building and it has been vacant for three years. In 1987 a 22,000 square foot building was built on Mercantile Road. The prospective occupant did not want that building and so it was decided that a special building would be built on the rear of the property. The building had no loading dock nor adequate ceiling height or entranceways for most industrial uses. It has no windows on its main floor and has solid masonry exterior walls that are 6" thick, which makes the addition of first floor windows impractical. The second floor office space is accessible only through a narrow, steep staircase leading to an outside exit on the first floor. There were three vaults used for storage on the second floor.

Mr. Jeff Caleg is with NAIS Daus, which is a full service real estate brokerage firm. His field of expertise is industrial real estate brokerage. It is believed that the business NAIS Daus has contracted with will be a compatible use for this type of area and building. It doesn't conform to the U-8 Zoning Code.

Mr. Dan Kurzinowski, founder of Pet Lodge USA, stated that Pet Lodge started business in Northeastern Ohio in 2002. It has facilities in Avon, Boardman, Howland, and Hubbard and has built an excellent reputation. It is believed that Beachwood is a strategic location to serve as a corporate headquarters. This would bring retail business to area restaurants, hotels, stores etc.

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Mr. Griswold stated that the Building Department, Police Department and Fire Department have no comment.

Mr. Kreczko stated that there were no engineering comments.

Mr. Smerigan stated that this revised application is a request to find this use to be a similar, harmonious and compatible use in this U-8 District. As the Commission is aware, this conditional use status is only available in those districts that specify that type of determination. In this instance the existing U-8 District does. Secondly, the granting of a use variance has to have a finding made that the criteria set forth in Chapter 1159 are met. Finally, a text amendment would be created and as indicated it would be very unusual to do a text amendment for this type of facility. The interpretation with regards to similar, harmonious and compatible use requires several findings. The Commission would have to make a determination first that this use is similar and compatible with the other uses in the district; second, the proposed use is similar to the other listed permitted uses in its impact on surrounding uses, hours of operation, and traffic generation, and it would have to be determined that it is compatible with the listed permitted uses in the district.

Mr. Smerigan continued that the only reference in the Zoning Code to animal or pet related facilities appears in Section 1111.02(j)(7) where veterinary hospitals and clinics are specifically listed as a prohibited use in any zoning district. Kennels and pet boarding facilities are not identified or listed as a permitted uses anywhere in the Zoning Code.

Should the Commission make a determination that this use is similar and compatible, it would be appropriate for the Commission to recommend a list of conditions, stipulations, and/or requirements regarding the operation of the facility in order to mitigate any potential impacts on other businesses. Such conditions could include limitations on the number of pets permitted, the types of pets permitted to be boarded, requirements for site maintenance and the disposal of animal wastes, and how and when animals are permitted outdoors and the provisions for employee and guest parking, or similar matters.

Chairperson Hecht asked if this building was custom-built for Weiss Furs?

Mr. Berns answered yes it was.

Mr. Berns stated that there are approximately six (6) employees. The traffic should be low impact. The animals each have separate quarters to stay in. One animal is taken out at a time for relief.

Chairperson Hecht asked the owner of the facility how waste of the animals was taken care.

Mr. Kurznowski stated that it is put in bag and placed in a steel container and then goes to the dumpster. The waste haulers get energy credits for this. The waste is picked up from the dumpster once a week.

Mr. Kurznowski stated that there are social groups of dogs of approximately 6 to 8 together. There is activity for about 15 minutes of exercise at specific times during the day for each group. It was stated that there could be up to ninety (90) dogs total in this pet facility.

Mr. Greenberg asked Mr. Kurznowski if there were veterinarian services for the pets.

Mr. Kurznowski stated there were no hospital facilities there. There is one week of training for employees before the facility is opened for services. There will be different kinds of animals and they are kept in separate areas; i.e. cats, birds, dogs, etc.

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Mr. Wachter stated that the request before us is to make a finding that this use, a Pet Care Facility, is a similar, harmonious and compatible use in a U-8 District. This request can be heard before the Planning and Zoning Commission. Mr. Berns also talked about a possible use variance or a text amendment which would have to originate with City Council and be referred to the Planning and Zoning Commission.

Mrs. Cannon, Law Director stated that a text amendment would have to originate to City Council, a full separate zoning change, in addition to what has been discussed this evening regarding U-8 zoning. The use variance issue could either be recommended by the Planning and Zoning Commission and referred to City Council or recommended by City Council and referred to the Planning and Zoning Commission.

Mr. Wachter stated that in looking at the Code with respect to similar, harmonious and compatible requirements, he asked Mr. Smerigan if a use variance has to be found similar and harmonious with an already permitted use in the U-8 District.

Mr. Smerigan answered yes. The uses that are permitted in the district have the purpose and intent of the district with those criteria needing to be met.

Mr. Wachter then stated that other than the use of a training facility, is there any permitted use in U-8 that could match this request.

Mr. Smerigan stated that that is what the Commission will try to determine; if the uses in the U-8 District are in any way similar, harmonious and compatible with this request. A finding would have to be made in that regard.

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Mr. Kreczko inquired as to what is done to treat the liquid waste of the animals due to some environmental issues in the area.

The applicant stated that there is a spray and treatment done to the area outside.

Mr. Zabell asked if pet boarding was not contemplated or not permitted anywhere in the City.

Mr. Smerigan stated that it is not listed anywhere in the Zoning Code as a permitted use. Animal and pet boarding are not addressed anywhere in the Zoning Code, so this use is not permitted nor prohibited according to the Code. Animal clinics and veterinarian hospitals are specifically not permitted.

A motion was made by B. Mann and seconded by M. Wachter to place on pending the request of Berns, Ockner & Greenberger, LLC, representing Sable Real Estate, LLC, for a similar, harmonious and compatible use permit to permit a daily and overnight pet care facility to be located at 23370 Mercantile Road.

ROLL CALL:	AYES:	C. Cohen, Mayor Gorden, J. Greenberg R. Hecht, B. Mann, M. Wachter, B. Zabell
	NAYS:	None
	P&Z 2012-4 –	PLACED ON PENDING

P&Z 2012-5	KA ARCHITECTS, ON BEHALF OF GOLDBERG COMPANIES INC., IS REQUESTING PRELIMINARY SITE PLAN APPROVAL FOR THE FOURTH APARTMENT BUILDING OF THE FOUR SEASONS DEVELOPMENT TO BE LOCATED ON GEORGE ZEIGER DRIVE.
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Mr. Craig Cohen recused himself from the dais due to a conflict of interest with this application.

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Mr. Eric Bell, Sr. Vice President of Goldberg Companies, Inc., stated that he was here this evening to have presented the completion of the Four Seasons Apartment Development on George Zeiger Drive. The project began back in the early 1980s and three buildings have been completed.

Mr. David Bader, from KA Architects, along with Mr. Eric Bell, Sr. Vice President of Goldberg Companies, Inc., was present to request preliminary site plan approval for the fourth apartment building of The Four Seasons Development to be located on George Zeiger Drive. Four Seasons Building I and II are to the south of Beachwood Place Mall across George Zeiger Drive, along with Building III to the east with the Village Green Apartments behind it. In 1988 the zoning was changed for Four Seasons III and IV to be built as nine-story apartments, which was an amendment to a deed restriction. In 1997 a new plan was submitted for a Four Seasons IV as a nine-story building and was approved. The project didn't work out at that time.

Mr. Bader continued that the Village Green Apartments stand down about 17 feet above the elevation of the lot for Four Seasons IV. The applicant is requesting a variance for the two end caps of the U Building. These buildings are approximately 60 feet wide and a 40 foot variance is needed for the end caps. The building is approximately 190 feet back from the property line. On the south side a 27 foot side yard variance is being requested from the property line to the side of the building. There will be an extended parking garage. There are 290 parking spaces being provided in the garage and there are 202 surface parking and a 20 land banked parking variance is being requested. There is another variance needed for the extended balconies on the building, which would be a maximum of 6 feet.

Mr. Griswold stated that the Building Department and Police Department has no comment at this time. The Fire Department had made several requests and the Building Commissioner received a letter stating that the applicant will comply with the requests of the Fire Department.

Mr. Kreczko stated that Engineering would grant preliminary approval. Finals plans submitted must contain

storm water management, land banked parking, detailed grading, utility plans, etc.

Mr. Smerigan stated that this request is for preliminary site plan approval to construct the fourth and final building of the Four Seasons apartment complex. The proposed site plan indicates a four (4) story building approximately 60 feet in height. The applicant is requesting authorization to construct an additional 133 multi-family dwelling units. The proposed building is U-shaped with an open courtyard facing eastward toward David Myers Parkway. The subject site is located in the U-3A High Rise Apartment District.

Mr. Smerigan continued that development of this parcel as proposed is restricted not only by the zoning requirements of the U-3A High Rise Apartment District but also by several deed restrictions and development conditions previously imposed by City Council as part of the rezoning of this parcel. That rezoning occurred in 1980 with the adoption of Ordinance 1979-80(A-F). That ordinance rezoned parcels for a project known as "The Park" which included approximately 144 acres of land located between George Zeiger Drive, North Woodland Road, and Richmond Road. The Box Score reflects the requirements of both the Zoning Code and the deed restriction. The area containing Building Nos. III and IV of Four Seasons is part of a twenty (20) acre parcel which was originally designated as Parcel II in Ordinance 1979-80. It has been determined from that ordinance and the deed restrictions that the land area which is described in rezoning legislation as Parcel II, and which was rezoned to Class U-3A, was deed restricted to a maximum of 450 dwelling units. That parcel was subsequently divided into Parcel II-A and II-B for development purposes. Parcel II-A, which contains Four Seasons I and II, was allocated 208 of the 450 permitted dwelling units and Parcel II-B was allocated 242 dwelling units. This project is located on Parcel II-B, which also contains Four Seasons III. City Council did vote to amend and modify the deed restrictions, so that the 133-unit apartment is in compliance with the zoning code and the deed restrictions.

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Mr. Smerigan continued that the existing building known as Four Seasons III contains 123 dwelling units. The additional 133 dwelling units proposed in Four Seasons IV will bring the total number of dwelling units of Parcel II-B to 256, which is less than the 269 dwelling units permitted by the Zoning Code, but 14 more than the 242 dwelling units permitted by the 1980 deed restriction. Therefore, although it complies with the Zoning Code, approval of this preliminary site plan would require an amendment to the deed restriction by City Council with regard to maximum permitted density, which was done. Given the current housing situation within the City of Beachwood, it appears that modification of the thirty-year-old deed restriction on the number of dwelling units may be appropriate. The height limitation in U-3A districts is 100 feet. In 1988 a variance was granted by the City for Four Seasons III and IV to permit construction of nine (9) story structures. Four Seasons III was subsequently constructed as a nine (9) story building. The plans submitted by the applicant for Four Seasons IV indicate a height of only four (4) stories or approximately sixty (60) feet. Therefore the proposed height of the building is in compliance with both the standard code provision and the previously approved variance. The dwelling units proposed consist of a combination of one, two and three bedroom units ranging in size from 1,000 square feet to 1,700 square feet. The sizes of the units are substantially in excess of the minimum floor areas required by the Zoning Code.

Mr. Smerigan continued that parking is both surface and underground with the majority of spaces being provided below grade in the parking structure. The applicant has requested to land bank a total of 20 of the required 512 parking spaces. Given the parking demand observed at Four Seasons III, the request to land bank parking spaces appears reasonable. Both the surface parking spaces and the parking garage comply with the parking setback requirements of the U-3A District.

Mr. Smerigan stated the required building setback from side and rear property lines are 80 feet. That setback requirement is based upon the building being 80 feet in height. The applicant is proposing a building 60 feet in height and has requested a rear yard setback of 40 feet and one side yard at 53 feet. The rear yard abuts David Myers Parkway with the nearest buildings to the east being the Menorah Park facilities on the opposite side of David Myers Parkway. On the south side, where the request is for 53 feet, the proposed building abuts the Village Green Apartments. The plan indicates approximately 100 feet separation from Four Seasons IV and the nearest building in Village Green. In addition, the Zoning Code requires that the minimum separation between

two buildings within the development be equal to the height of the taller building. In this instance Four Seasons III is 92 feet in height and therefore, the required distance between buildings is 92 feet. The site plan indicates a building separation of 78 feet.

Mr. Smerigan stated that the last variance is for the balconies that extend various distances on each unit, with the maximum extension of the balcony being 6'. Also, the final meeting with the Fire Chief had some requests which were answered through a letter submitted this evening by the applicant, Goldberg Companies, Inc., that they would comply.

Mr. Smerigan stated that since variances are required, the Commission will need to make a recommendation to City Council. Should the Commission determine to grant preliminary site plan approval, the following stipulations are suggested: 1) preliminary site plan approval is conditioned on City Council adopting an amendment to the existing Declaration of Covenants and Restricts to permit the density to be 23.85 dwelling units per acre in lieu of 22.5; 2) granting a variance of 40 feet to Section 1119.11(b) to permit the rear yard building setback to be 40 feet in lieu of the required 80 feet; 3) granting a variance of 27 feet to Section 1119.11(b) to permit the southern side yard building setback to be 53 feet in lieu of the required 80 feet; and 4) granting a variance of 14 feet to Section 1119.11(b) to permit the separation between buildings to be 78 feet in lieu of the required 92 feet.

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A motion was made by B. Mann and seconded by B. Zabell to grant and recommend to Council the request of KA Architects, on behalf of Goldberg Companies, Inc. for preliminary site plan approval for the fourth apartment building of The Four Seasons Development to be located on George Zeiger Drive with the following stipulations: 1) granting a variance of 40 feet to Section 1119.11(b) to permit the rear yard building setback to be 40 feet in lieu of the required 80 feet; 2) granting a variance of 27 feet to Section 1119.11(b) to permit the southern side yard building setback to be 53 feet in lieu of the required 80 feet; 3) granting a variance of 14 feet to Section 1119.11(b) to permit the separation between building to be 78 feet in lieu of the required 92 feet; 4) granting a variance to Section 1119.11(b) to permit open balconies to extend an additional six (6) feet into the side and rear yard setbacks; 5) granting a land banked variance of 20 parking spaces; and 6) compliance with the recommendations and comments of the Fire Department.

ROLL CALL:	AYES:	Mayor Gorden, J. Greenberg, R. Hecht B. Mann, M. Wachter, B. Zabell
	NAYS:	None
	ABSTAIN:	C. Cohen
		MOTION APPROVED – RECOMMENDED TO COUNCIL February 6, 2012

Mr. Cohen rejoined the Planning Commission at the dais.

Chairperson Hecht stated there were a few items to clean up on the pending agenda.

A motion was made by B. Mann and seconded by M. Wachter to remove P&Z 2010-17(A) Applebrook Design, representing Equity Planning Corporation located at 3355 Richmond Road request for improved parking lot facilities and additional parking from the Planning and Zoning pending agenda.

ROLL CALL:	AYES:	C. Cohen, Mayor Gorden, J. Greenberg, R. Hecht, B. Mann, M. Wachter, B. Zabell
	NAYS:	None
		MOTION APPROVED – P&Z 2010-17A - REMOVED

A motion was made by B. Mann and seconded by M. Wachter to remove P&Z 2010-17(B) Applebrook Design, representing Moxie's Restaurant request for site plan approval for an addition to the restaurant and patio.

ROLL CALL:	AYES:	C. Cohen, Mayor Gorden, J. Greenberg, R. Hecht, B. Mann, M. Wachter, B. Zabell
	NAYS:	None
		MOTION APPROVED – P&Z 2010-17B - REMOVED

A motion was made by B. Mann and seconded by M. Wachter to remove P&Z 2011-18 KA Architects, representing Mr. Eric Bell of Goldberg Companies, Inc., request for conceptual plans for the proposed development of a hotel and two restaurants on the 5.89 acre eastern parcel of Signature Square located at the corner of Chagrin Boulevard and Richmond Road.

ROLL CALL:	AYES:	C. Cohen, Mayor Gorden, J. Greenberg, R. Hecht, B. Mann, M. Wachter, B. Zabell
	NAYS:	None
		MOTION APPROVED – P&Z 2011-18 – REMOVED

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The meeting was adjourned.

Rochelle Hecht, Chairperson

Sue Ley, Secretary

Karen Navolanic, Clerk of Council