

THE PLANNING AND ZONING COMMISSION MEETING WAS HELD AT BEACHWOOD CITY HALL ON THURSDAY, JUNE 28, 2012.

ROLL CALL

PRESENT: M. Gorden, J. Greenberg, R. Hecht,
M. Jacobs, (Council representative in the
absence of M. Wachter), B. Mann, B. Zabell

ABSENT: C. Cohen, M. Wachter

ALSO PRESENT: R. Schaltenbrand, W. Griswold, T. Kreczko
G. Smerigan

Due to attendance at the May meeting and this meeting, the May 31, 2012 minutes will be presented to the Commission for approval at the July meeting.

COUNCIL REPORT

Mel Jacobs, Council Representative, for this June meeting, stated that the Planning and Zoning Commission approved the following items: P&Z2012-21, Beachwood Board of Education requesting preliminary and final site plan approval for the reconfiguration/relocation of the Beachwood High School Richmond Road driveway; P&Z 2012-27, Ordinance 2012-90, rezoning PPN 741-22-018 and the northerly twenty-five (25) feet of PPN 741-22-034 from Class U-1 (Single Family District) to Class U-5 (Public and Institutional District); and P&Z 2012-24, Brown Architect representing Dr. & Mrs. Michel, requesting a lot split and consolidation for an addition of a screened-in porch to their residence located at 5 Hampton Court, and that Council approved these items at the June 18, 2012 meeting. Council also referred to the Planning and Zoning Commission Ordinance 2012-104, BCO Chapter 1105.04, relating to the Zoning Fee Schedule for the Building Department.

P&Z 2012-28 TENORA EDWARDS, OWNER OF THE DAY CARE TO BE
LOCATED AT 22035 CHAGRIN BLVD., IS REQUESTING
APPROVAL TO OPERATE A DAY CARE.

Ms. Tenora Edwards was present to request a conditional use permit to operate a Child Day Care Center to be located at 22035 Chagrin Boulevard.

Mr. Griswold stated that the Police Department has no issues. The Fire Department has several issues, including the fact that the integrity of the fire alarm system and sprinkler system is unknown due to the interior condition of the building. It was noted that the fire alarm and sprinkler systems must be in full working order for the building to be re-occupied as a child care facility and all applicable codes and requirements for state licensing must be met prior to child care occupancy. The Fire Department is also requesting that documentation must be presented relating to the asbestos abatement. The Building Department has information relating to asbestos abatement and the property owner has submitted plans to the Building Department for renovation of the building and resurfacing of the parking lot.

Mr. Kreczko stated that there were no engineering issues.

Mr. Smerigan stated that this request is for a Conditional Use Permit to operate a child day care center at the subject site. Section 1155.02 requires a Conditional Use Permit for all child day care facilities. This will be the fourth day care facility to be approved and operate at this location. The applicant has indicated that the hours of operation will be Monday through Friday from 6:00 AM until 12 Midnight.

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Those hours are similar to the previous day care facility on the subject site. The applicant has indicated that there will be ten (10) employees and that the number of children enrolled will be approximately one hundred (100). Again, these numbers are consistent with the previous operation.

Mr. Smerigan continued that the building is a two story structure. Section 1155.02(f)(1) limits day care operations to the first floor. The Commission authorized a variance to permit use of the second floor for each of the last two day care operations which were operated on this site. Also, based upon the number of employees and children, a total of 15 parking spaces are required for the proposed operation, and there are currently 37 parking spaces on the subject site.

The building is currently being renovated and the interior layout will need to be reviewed to verify compliance with restroom and other requirements of Section 1155.02 as well as life safety requirements. The Planning and Zoning Commission has final authority with regard to issuance of Conditional Use Permits for day care facilities. Approval is recommended subject to the following stipulations: 1) this approval is for Tenora Edwards only and is not transferable; 2) the applicant shall provide evidence of a valid State license as required by Section 1155.02(e)(1) of the Zoning Code to the Building Commissioner when it is available and prior to commencing operations; 3) a variance is granted to Section 1155.02(f)(1) to permit the day care center to occupy the second floor of the building; 4) approval is for a maximum of 100 children; 5) hours of operation shall be 6:00 AM to 12:00 Midnight Monday through Friday; 6) the applicant shall comply with all fire safety requirements; 7) outdoor play areas shall be adequately protected from vehicles entering and exiting the parking lot; 8) the applicant shall comply with the rest room requirements of Section 1155.02(f)(3) and 9) this permit may be revoked by the Building Commissioner for violation of any of these conditions or any of the requirements of Chapter 1155.

Chairperson Hecht stated there was an additional stipulation that needed to be included and that was that all children need to be indoors by 8:00 p.m.

Mayor stated that 8:00 p.m. is fine during the summer hours; but during the winter it gets dark earlier than 8:00 p.m. and inquired as to how this might be regulated.

Mr. Griswold asked the applicant if during the winter hours the children could be inside by 5:30 p.m.

Ms. Edwards stated that there is a second shift and day care centers are required by state law to have the children outside at some time of the day for approximately 15 minutes.

Mr. Smerigan stated that if you add the outside time to be no later than 9:00 p.m. it shouldn't affect the residential neighbors. The stipulation would need to say that the outdoor time for the second shift would not exceed 9:00 p.m.

Mr. Jacobs asked if all children are required to go outside or if the requirement was limited to specific age groups?

Ms. Edwards stated that all children go outside according to state law.

Mr. Greenberg inquired as to the hours of the second shift.

Ms. Edwards stated that it was from 6:00 p.m. to Midnight.

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ROLL CALL: AYES: M. Gorden, J. Greenberg, R. Hecht
M. Jacobs, B. Mann, B. Zabell
NAYS: None
CONDITIONAL USE PERMIT GRANTED

ROLL CALL: AYES: M. Gorden, J. Greenberg, R. Hecht
M. Jacobs, B. Mann, B. Zabell
NAYS: None
P&Z 2012-29 PLACED ON PENDING

Mr. Neff stated that this project is a 335-unit apartment complex, consisting of 1, 2, and 3 bedroom units located at the southeast corner of Green Road and Chagrin Blvd. The three office buildings

presently there will be demolished. There is surface parking and a parking garage. The main entrance is the focal point at the corner. Access will be maintained to Commerce Park Buildings Four and Five.

Ms. Peggy Brown is the Landscape Architect for the project. She made a very extensive presentation of the landscaping. There will be many existing trees replaced with evergreen trees around the base of the walls. In the southeast corner of the property will be a dog area for pet owners to be able to walk their pets around. Within the buildings, there will be three courtyards. One courtyard at the north will include a pool along with additional activities; the middle courtyard will be more relaxing; and the south courtyard will include some activities including a theatre-like area and an area for book reading.

Ms. Brown also detailed the plant materials. The entire site has a variety of trees which give a variety of colors all year along with variety of perennials. There will be a mixed perennial garden in the courtyard.

Mr. Fluker stated that the concerns of the Fire Department will be discussed and addressed before the submission of final site plans.

Mr. Griswold stated that there are requirements for open grilling regarding the separation from the buildings. It is recommended that the five items on the Fire Department's report, dated May 14, 2012, remain on the list and will probably be discussed with the appropriate personnel prior to the applicant submitting to the Planning Commission for final approval. There are other items indicated that will be addressed when the construction drawings are submitted to the Building Department. These issues will all be discussed with the applicant and resolved prior to the final submission. Mr. Griswold did request that the applicant submit a complete set of landscape drawings, as presented to the Commission this evening to the Building Department for the City's records.

Mr. Kreczko asked the applicant if he was ever able to determine if there was an easement for the large storm sewer that runs through the site and indicated that after speaking with the Service Director, it was decided that the City would like to have an easement for that storm sewer. He also asked if the routing of the sewer goes through the building. It was noted that the applicant needs to work closely with the City Engineer, Mr. Joseph Ciuni with regards to the routing of the sewer. There are some questions and concerns relating to routing storm sewers under buildings that some time in the future may have structural issues and require repairs. Preliminary approval is recommended.

Mr. Neff stated that they were unable to determine if there ever was an easement for that storm sewer. It is a 54 inch sewer and drains most of the Commerce Park and Mercantile area. There will be an easement agreement with the City. Mr. Neff stated he has talked with Mr. Ciuni and regarding other means for the placement of the sewer.

Mr. Smerigan stated that this request is for preliminary site plan approval to construct 335 apartment units. The dwelling units are proposed in a single-four story building built over an underground parking garage. The project is proposed to be constructed under the recently adopted U-3C Planning Multi-Family Residential District provisions. There are two entrances to the site; one each on Chagrin Boulevard and Green Road. The entrance drives have been placed as far from the intersection as possible. There are two entrances to the underground parking garage, one on each east side of the

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building and one on the south side. The main driveway circles the building providing access to all four sides. The main entrance faces the intersection and is fronted by a landscape entry feature. The landscaping is very extensive particularly on the north and west sides. This is a very highly visible building at a main intersection to the City of Beachwood. There are three courtyards. The northern

courtyard is an active recreation area that includes an outdoor swimming pool. The central courtyard is designed as a passive open area. The southern courtyard is open to the south and combines both passive and active spaces.

Mr. Smerigan stated that the applicant has provided landscaping and site lighting plans that appear to meet City standards. The application complies with the zoning requirements of Chapter 1118 with regard to areas, densities, setbacks, heights, open space, ground coverage, parking, etc. Floor plans will be necessary with the final site plan to verify the unit mix compliance with the Zoning Code. The Code states that that one-bedroom units cannot make up more than 50% of the unit count. Presently the one-bedroom units make up 47% of the total number of units.

Preliminary approval of the site plan is recommended with the following stipulations: 1) submission of building elevations with an acceptable architectural façade treatment for this highly visible corner; and 2) compliance with the Zoning Code requirement that not more than 50% of the dwelling units be one bedroom or studio units.

Mr. Greenberg asked Mr. Smerigan if there was an easement with regards to the entrance on Chagrin Boulevard for the two office buildings that remain to the south.

Mr. Smerigan stated that there is an easement that was provided some time ago for Commerce Buildings IV and V that allow them access across the property. That easement is in place and the proposed plan keeps the access which allows use of the driveway of the apartment building.

Mr. Griswold stated just for the Commission's information that Mr. Munsell, who is a partner in this development, is the owner of the two buildings east of the project and Building Four and Five.

Chairman Hecht asked what type of equipment is included in the outdoor kitchen area and is there another grill area? Also, are there going to be supplies in the animal area for tenants to use?

Ms. Brown stated that there is an outdoor kitchen in by the pool area and there is a grill or two with a bar atmosphere with stools. The fenced-in dog park will be on top of the roof deck apartments. There will be a turf area and supplies made available.

Mr. Mann asked if there was a time frame for the demolition of the three buildings?

It was noted that the asbestos abatement starts on Tuesday (July 3rd). Demolition of Building I is scheduled to start in mid August.

Mr. Griswold stated that the Building Department has received and issued a fence for the entire site. The entire site will have a 6' chain link fence around it with gates and in a couple of weeks jersey barriers will be placed to block any traffic going on the easement area going north and south in this area.

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A motion was made by B. Mann and seconded by J. Greenberg to grant mNeff Design Group, representing Commerce Park Place Holdings LLC, preliminary site plan approval for a planned 335 unit multi-family development at the southeast corner of Green Road and Chagrin Boulevard with the following stipulations: 1) submission of building elevations with an acceptable architectural façade treatment for this highly visible corner; 2) compliance with the Zoning Code requirement that not more than 50% of the dwelling units be one bedroom or studio units; 3) compliance with the comments of the

Fire Department and 4) compliance with the comments of the City Engineer.

ROLL CALL: AYES: M. Gorden, J. Greenberg, R. Hecht,
M. Jacobs, B. Mann, B. Zabell
NAYS: None
MOTION APPROVED – PRELIMINARY APPROVAL

P&Z 2012-05 KA ARCHITECTS, ON BEHALF OF GOLDBERG COMPANIES, INC., IS REQUESTING REVISED FINAL SITE PLAN APPROVAL FOR THE FOURTH APARTMENT BUILDING TO BE LOCATED ON GEORGE ZEIGER DRIVE FOR A CHANGE IN THE TOTAL NUMBER OF UNITS. (Final approval granted 5/31/12)

Todd Brandt, from KA Architects, representing Goldberg Companies, Inc., was present to request a revised final site plan approval for the Fourth Apartment Building to be located on George Zeiger Drive, for a change in the total number of units. There was a change in the size of the unit mix. The applicant is now requesting an additional eighteen one bedroom units and consequently will eliminate nine (9) three bedroom units and two (2) two bedroom units. The total number of dwelling units will increase from 133 to 141. There is an additional seventeen land banked parking spaces. The deed restrictions and change in density were previously approved by City Council.

Mr. Griswold stated that the Fire Department has been working with the architect and will make sure that all life safety codes and requirements are followed.

Mr. Kreczko reminded the applicant to the applicant to include the additional 17 land banked parking spaces in the Storm Water Management plan. Engineering would recommend approval.

Mr. Smerigan stated that this request is to modify the recently approved final site plan for the fourth and final building of the Four Seasons apartment complex. The footprint of the plan remains the same; however, the mix of apartment unit types within the building is proposed to be changed by eliminating nine (9) three-bedroom units and two (2) two-bedroom units, replacing them with eighteen (18) one-bedroom units. The total number of dwelling units would increase from 133 to 141.

Mr. Smerigan continued that the applicant has requested a revised deed restriction regarding the density from City Council. City Council approved the total number of dwelling units, which is still within the maximum number permitted by the Zoning Code. The change in the total number of dwelling units will require the provision of additional parking. The applicant meets the Zoning Code provision regarding enclosed parking, but is requesting a modification of the previously approved variance for land banked parking to increase the number of land banked spaces from twenty (20) to thirty-seven (37) spaces. Approval of the change to the final site plan is recommended subject to 1) granting of a variance to Section 1119.11 to permit the land banking of thirty-seven (37) parking spaces and 2) compliance with the comments of the City Engineer.

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A motion was made by B. Zabell and seconded by B. Mann to grant and recommend to Council, KA Architects, on behalf of Goldberg Companies, Inc., revised final site plan approval for the fourth apartment building to be located on George Zeiger Drive for a change in the total number of units contingent upon the following: 1) granting of a variance to Section 1119.11 to permit the land banking of thirty-seven (37) parking spaces and 2) compliance with the comments of the City Engineer.

ROLL CALL: AYES: M. Gorden, J. Greenberg, R. Hecht
M. Jacobs, B. Mann, B. Zabell

NAYS: None
MOTION APPROVED – RECOMMEND TO COUNCIL
Council meeting – July 16, 2012

Adjournment

Rochelle Hecht, Chairperson

Sue Ley

Karen Navolanic