THE PLANNING AND ZONING COMMISSION MEETING WAS HELD AT BEACHWOOD CITY HALL, 25325 FAIRMOUNT BOULEVARD ON THURSDAY, MARCH 28, 2013.

ROLL CALL:	PRESENT:	C. Cohen, M. Gorden, R. Hecht, B. Mann, M. Wachter, B. Zabell
	ABSENT:	None
	ALSO PRESENT:	M.A. Cannon, Wm. Griswold, T. Kreczko, G. Smerigan

Chairperson Hecht welcomed James Doutt, the new Economic Development Director to the Planning and Zoning meeting, along with Council President, Mel Jacobs and Councilman, Martin Horowitz.

A motion was made by C. Cohen and seconded by R. Hecht to approve the minutes of the February 28, 2013, regular meeting.

ROLL CALL:	AYES:	C. Cohen, M. Gorden, R. Hecht
	NAYS:	None
	ABSTAIN:	B. Mann, B. Zabell
	NOT VOTING:	M. Wachter

MOTION APPROVED – MINUTES APPROVED

COUNCIL REPORT

Mr. Wachter, Council representative, reported that Council approved Planning and Zoning Commission P&Z 2013-4, a lot split for a future restaurant next to the Aloft Hotel; P&Z 2013-5, a land acreage variance to permit this lot to be less than one (1) acre as required by the Beachwood Codified Ordinances; P&Z 2013-6, a lot split request to permit the future Alzheimer's Special Memory Care on Harvard; and P&Z 2013-2, approval of a parking variance for the Alzheimer's Center.

P&Z 2013-8 — Michael J. Caito, Architect, representing Mr. & Mrs. James Loveman, owners of the property located at 7 Hyde Park, is requesting preliminary and final site plan approval for a lot split and consolidation for the purpose of building a screened porch.

Mr. Caito stated that the applicant desires to build a screened porch on their newly remodeled home. The approval from The Village was completed, and the applicant should receive a signed letter by next week, since signatures from some of the board members were unavailable at the meeting. The screened porch is 16' x 13' feet and approval has been received the neighbors. This area will be taken from the common area that belongs to The Village.

Mr. Griswold stated that the Building Department, Fire Department and Police Department have no issues with this application.

Mr. Kreczko stated that the Engineering Department has reviewed the lot split plat and legal descriptions and would recommend approval.

Mr. Smerigan stated this request is for preliminary and final approval of a lot split and consolidation plat for the construction of a screened porch for a parcel in The Village. The proposed plat would transfer 211.21 square feet, or 0.0048 acre, from the Association to the Lovemans to permit the proposed porch construction. The existing Loveman parcel is 3,003 square feet in area or 0.0689 acre. The resulting parcel and addition would comply with the required setbacks and building separations set forth in the Zoning Code and stipulated with the approval of The Village. The development will still comply with the minimum common open space requirement.

Mr. Smerigan stated that it is recommended that the Planning and Zoning Commission grant preliminary and final site plan approval subject to the confirmation of approval by The Village Association and compliance with the comments of the City Engineer.

A motion was made by B. Mann and seconded by C. Cohen to approve and recommend to Council the request of Michael J. Caito, architect representing Mr. & Mrs. James Loveman, owners of the property located at 7 Hyde Park, for preliminary and final site plan approval for a lot split and consolidation for the purpose of building a screened in porch contingent upon: 1) receiving a letter of approval from The Village Association, and 2) compliance with the comments of the City Engineer.

ROLL CALL:	AYES:	C. Cohen, M. Gorden, R. Hecht, B. Mann, M. Wachter, B. Zabell
	NAYS:	None
	MOTION APPROVED – RECOMMEND TO COUNCIL	
	Meeting April 8, 2013 – 7:00 p.m.	

P&Z 2013-9 — Michael J. Caito, Architect, representing Mr. & Mrs. James Loveman, owners of the property located at 7 Hyde Park, is requesting preliminary and final site plan approval to build a screened porch.

Michael J. Caito, Architect, representing Mr. & Mrs. James Loveman, stated this project is approximately a 12 foot by 16 foot screened porch off the dining room. There will brick veneer to grade and rough sawed cedar to match the existing house color. This will go before the Architectural Board of Review next month.

Mr. Griswold stated that the Building Department would recommend approval.

Mr. Kreczko stated that there were no engineering comments.

Mr. Smerigan stated that this request is for preliminary and final site plan approval for the construction of a screened porch for a parcel in The Village. The proposed porch is 12.67 feet by 16.67 feet or approximately 211 square feet in area. The addition will comply with the required setbacks and building separations set forth in the Zoning Code and stipulated with the approval of The Village Association.

Mr. Smerigan stated it is recommended that the Planning and Zoning Commission grant preliminary and final site plan approval subject to confirmation of approval by The Village Association and compliance with the comments of the City Engineer.

A motion was made by B. Zabell and seconded by B. Mann to approve the request of Michael J. Caito, architect, representing Mr. & Mrs. James Loveman, owners of the property located at 7 Hyde Park, for preliminary and final site plan approval to build a screened porch contingent upon the following: 1) receiving a letter of approval from The Village Association and 2) approval of the lot split for 7 Hyde Park by City Council.

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

P&Z 2013-10 William Boron from Atwell, LLC, representing Amitel Beachwood, LLC LLC, located at 3628 Park East Drive, is requesting preliminary and final site plan approval for a lot split creating a 0.8991 acre, Parcel B.

Mr. William Boron of Atwell LLC, representing Amitel Beachwood, LLC, was present to request preliminary and final site plan approval for a lot split for one lot to be 5.19 acres for the hotel. The split will leave a .8991 acre left over for the remaining parcel.

Mr. Griswold deferred to Mr. Smerigan's comments for the results of this lot split.

Mr. Kreczko stated that the Engineering Department recommends approval pending the final review of the legal descriptions.

Mr. Smerigan stated that this request is for preliminary and final approval for a lot split plat. The applicant proposes to split a parcel consisting of 0.8991 acre from the site of the Marriott Residence Inn. The proposed lot split would leave the hotel on a parcel consisting of 5.1980 acres. While the minimum lot area for a hotel in the U-9 Motor Service District is 3 acres, Section 1131.04(c) requires a minimum of 1,300 square feet of land area per lodging unit. Since the Marriott Residence Inn has a total of 174 lodging units, the hotel requires a minimum lot area of 226,200 square feet or 5.19 acres. With the proposed lot split, the hotel building and parking lots will comply with the minimum required setbacks set forth in the Zoning Code from the new lot lines.

Mr. Smerigan stated that when the Residence Inn was originally approved, the property owners indicated their intent to construct a restaurant in the future. The Commission should note that the resulting 0.8991 acre lot will not accommodate a restaurant, as the minimum area requirement for free-standing restaurants in the U-9 Motor Service District is 1.5 acres. While not available for a restaurant, the proposed parcel would be a conforming parcel and could be used for a bank or office building. It is recommended that the Planning and Zoning Commission grant preliminary and final lot split plat approval and recommend to City Council along with compliance with the comments of the City Engineer.

Mr. Wachter asked the applicant if there were any ideas for a tenant for that particular parcel.

Mr. Boron stated that there is nothing in mind at present, but the owner is researching ideas for uses for the new parcel.

Mr. Mann stated that this lot would have to be used for a special tenant.

Mr. Cohen asked if there would be any cross over easements

Mr. Boron said that this is a stand-alone parcel.

A motion was made by B. Mann and seconded by C. Cohen to approve and recommend to Council the request of William Boron from Atwell, LLC, representing Amitel Beachwood, LLC, located at 3628 Park East Drive for the preliminary and final site plan approval for a lot split creating a .08991 acre, Parcel B, contingent upon the review and approval of the legal descriptions by the Engineering Department.

ROLL CALL:	AYES:	C. Cohen, M. Gorden, R. Hecht, B. Mann M. Wachter, B. Zabell
	NAYS:	None
	MOTION APPROVED – RECOMMEND TO COUNCIL April 8, 2013	

P&Z 2013-11 Mark Fremont Architects, representing CH Development, LLC, is requesting preliminary approval for a new three-story office building, with a lower level garage and accessory off street parking to be located on Park East Drive.

Mr. Mark Fremont stated that this request is for preliminary approval for a proposed three-story building over a parking garage, which will be partially exposed and partially underground. The building will be brick and composite metal panels. The entrance to the building is at the northwest corner of the site and there will be circulation available around the building. There are 16,000 square feet on each floor and 50,000 square feet of office space and 16,000 square feet of garage. There are 207 parking spaces available and 204 parking spaces required, of which 37 are inside the garage.

Mr. Griswold stated that the Fire Department has concerns about the access around the structure for the fire apparatus. The plans will need to be modeled with the dimensions of the Fire Department's apparatus measurements. Also, the plans submitted did not denote the locations of fire hydrants, fire connections, or post indicator valves. Although it is early, the Fire Prevention Bureau would like to note that the locations of the previous stated utilities mentioned shall be determined by the Fire Prevention Bureau. The Police Department and Building Department have no comments at this time and would recommend preliminary approval.

Mr. Kreczko stated that Engineering would recommend preliminary approval. There are several utilities and sewer easements that go through the property. These need to be shown on the final drawings. With final submittal, the location of utilities must be complete. Grading, drainage, landscaping, storm water pollution and storm water management plans must also be submitted. Mr. Kreczko noted that Hotel Drive has been renamed Park East Drive.

Mr. Smerigan stated that this request is for preliminary site plan approval to construct a three-story office building on a 3.09 acre parcel located in the Chagrin Highlands PUD. The subject site is located between Chagrin Highlands 1 and 2 and has frontage on Park East Drive. The subject site touches the Auburn Road right-of-way at a point. There is an existing watercourse and detention area on the subject site. The site is also traversed by easements.

Mr. Smerigan continued that the site plan indicates that the three-story building will have a total of 50,805 square feet of floor area. The building will also have a lower-level parking garage. Vehicular access to the parking garage is on the east side of the building. The main entrance to the office building is located on the west elevation. The site plan complies with the parking requirement. However, the applicant is requesting authorization to land bank four (4) parking spaces. The site plan complies with the minimum building and parking setbacks for office buildings in the U-10 Planned Mixed-Use Development District. The applicant has provided a landscape plan, which makes use of marsh plantings along the detention basin and open watercourse. It is recommended that the Planning Commission grant preliminary approval. It must be in the form of a recommendation to Council to approve the request for the variance to land bank four (4) parking spaces.

Mr. Wachter stated that Mr. Smerigan's report states that there are four land banked parking spaces being requested. Three of those parking spaces require a variance and the fourth parking space is extra. Is that correct?

Mr. Smerigan stated that the applicant exceeds the parking requirement for that parcel. The applicant would not have to request a variance. The applicant would like to land bank three parking spaces and one extra parking space. The applicant can install more parking spaces than required.

Mr. Fremont stated that the applicant would like to modify his application and request that there be no request to land bank any parking spaces. The applicant will show the one parking space that would make the site plan meet the Code requirement and not have to request a variance.

Mayor Gorden asked the applicant why the site plan was proposed with the request for land banked parking spaces.

Mr. Fremont stated that the applicant was trying to get as many parking spaces as possible on the site. Because of the agreement with the developer of the site, the applicant would prefer not to have any variances connected with the property or the approval.

A motion was made by B. Mann and seconded by B. Zabell to grant preliminary site plan approval to Mark Fremont Architects, representing CH Development, LLC, for a new three-story office building, with a lower level garage and accessory off-street parking to be located on Park East Drive contingent upon the following: 1) adding one (1) additional parking space; 2) complying with the comments of the Fire Department; and 3) complying with the comments of the City Engineer.

ROLL CALL:	AYES:	C. Cohen, M. Gorden, R. Hecht, B. Mann M. Wachter, B. Zabell
	NAYS:	None
	MOTION APPROVED – PRELIMINARY APPROVAL GRANTED	

P&Z 2013-12 Winking Lizard Inc., representing Winks Bar and Grille, to be located at 25800 Central Parkway, Beachwood, Ohio, is requesting preliminary approval for an addition to the restaurant, and a modification to convert the existing walkway into a new enclosed patio with landscaped buffer and fireplace.

Mr. Jim Callum representing the Winking Lizard Inc., is requesting approval of a patio addition to the restaurant located 25800 Central Parkway, which will require a front setback variance. This application requests additional seating and parking required.

Mr. Griswold stated that the Fire Department noted the new fireplace and would like to discuss with the designer what type of fuel the fireplace will be burning. Also, the safety features that accompany the fireplace should be discussed. The plan denotes a natural gas line and natural gas ignition. The Fire Chief noted that, according to the State Board of Liquor Control, that all establishments that have an exterior patio require that access points be gated, and the gates must swing appropriately for egress from the patio and have panic hardware for emergency egress purposes. The life safety systems shall continue into the proposed patio area. The Police and Building Departments have no comments on this application.

Mr. Kreczko stated that engineering had no comments.

Mr. Smerigan stated that this request is for preliminary site plan approval for an addition to the existing restaurant building. The applicant proposes to replace the former restaurant on the subject site with a Winks Bar and Grille. The building and parking are remaining generally as existing, except for a small addition to the front of the building and the addition of an outdoor dining area in front of the building. The applicant is proposing façade changes to alter the original oriental appearance of the building. The original restaurant was given a front setback variance of 17 feet because of the existing wetlands at the rear of the lot and the fact that the lot was not very deep. That variance permitted the building to be located at 83 feet from the right-of-way of Central Parkway in lieu of the required 100 feet. The current applicant is requesting a variance of an additional 2 feet to accommodate the construction of a new entry and an expansion of the bar area. If granted, the total front setback variance would be 19 feet with the building located 81 feet from the Central Parkway right-of-way.

The applicant has indicated a total seating capacity in the restaurant of 180 persons. Based upon the parking requirement contained in the Zoning Code, the site would require 90 parking spaces. There are currently 81 parking spaces on the subject site. To accommodate the proposed seating capacity, the site would require a variance of 9 spaces, or 10% of the Code requirement. The alternative would be to reduce the proposed seating capacity. The applicant is also proposing outdoor patio seating for 24 persons, abut has indicated a willingness to close part of the indoor seating area when the patio is in use. Without such an arrangement, the amount of the required variance would be even greater.

Mr. Smerigan stated that it appears that the addition, which requires a setback variance, is at least partially responsible for the need for a parking variance. The subject site is heavily developed with little room for any parking improvements. It does not appear that this site is capable of accommodating a restaurant with a 180 person seating capacity. Furthermore, there does not appear to be any basis for establishing a practical difficulty as required by the standards set forth in Section 1159.04.

Mr. Smerigan continued that, while he is not necessarily opposed to the proposed addition to redesign the entry to the building, or the inclusion of an outdoor dining patio, it is a concern that the proposed seating capacity and requested variance are excessive and that the granting of the variance will provide no means of addressing any resulting problems. These types of restaurants are characterized by periods of heavy demand that will likely exceed the capacity of the parking lot.

Mr. Smerigan stated that it is recommended that the Planning and Zoning Commission deny the parking variance request and require the maximum seating capacity of the restaurant be set at 162 persons. Should the Commission wish to grant the front setback variance and approve the outdoor dining area, the following stipulations are suggested as part of any recommendation to City Council: 1) pursuant to Section 1159.04, it is determined that a practical difficulty exists or will result from the literal enforcement of the Zoning Code with regard to the provisions of Section 1131.05(a) relating to the minimum required front yard setback; 2) granting of a variance of an additional 2 feet, for a total variance of 19 feet, to Section 1131.05(a) to permit the front building setback to be 81 feet in lieu of the 100 feet required by Code; 3) the maximum indoor seating capacity of the restaurant shall be 162 persons; 4) the maximum permitted seating for outdoor dining shall be 24 persons; and 5) when the outdoor dining area is open and in use, the restaurant shall reduce the indoor seating area in use to not more than 138 seats.

Chairperson Hecht asked Mr. Smerigan what the actual maximum legal capacity of the restaurant, including the bar area would be. Ms. Hecht also asked the applicant how many seats were available at the bar.

Mr. Smerigan stated that the parking requirements are actually based on the seating capacity. A restaurant like this could have a large group of standing capacity for a special event. A facility like this could generate a large number of people in a bar that are not necessarily seated. If there is inadequate parking on the site, there might be other property available for use.

The applicant stated that currently the bar is being reconstructed and should have about a 28 person seating capacity.

Mr. Wachter stated that there was some confusion about the drawings and what was actually the site plan. Some of the drawings were from the original restaurant, Ricky Ly. Is there a particular document that should be the center of attention for the Commission's approval? Which drawings have been submitted for the actual review by the Planning and Zoning Commission? If the Commission were to permit outdoor seating, the enforcement of interior seating control would be difficult.

The applicant stated that the drawing before the Commission are the drawings which have the new patio and fireplace, with Mr. Orvets as the architect. The design of the interior restaurant is made with separate rooms so that in case of inclement weather there would be a separate room that is closed off for that emergency.

Mr. Cohen asked the applicant if he had any operational concerns with the fact that there is inadequate parking available for his customers.

The applicant stated that this application was presented to get some informational input from the Commission and investigate other possibilities for obtaining additional parking. The applicant stated that the site plan will be redrawn to comply with the requirements of the City's Zoning Code. There is a possibility there is additional property available for more parking. If there is not more property, the site plan will be revised and the patio made smaller to comply with the proper amount of parking required.

Mr. Griswold stated that the property marked future parking was towards 3401 Enterprise. He is not aware if the area at the far rear of the property is part of the original parcel. As Mr. Smerigan stated there could be some wetlands that were part of the original plat for Ricky Ly's.

Mayor Gorden stated that the materials submitted to the Planning and Zoning Commission should be accurate.

A motion was made by C. Cohen and seconded by B. Mann to place P&Z 2013-12, Winking Lizard Inc., representing Winks Bar and Grille to be located at 25800 Central Parkway on pending.

ROLL CALL:	AYES:	C. Cohen, M. Gorden, R. Hecht, B. Mann M. Wachter, B. Zabell
	NAYS:	None
	PLACED ON PENDING – Additional information needed	

P&Z 2013-02 Mr. Carl Sanders, representing JEA Senior Living, Inc. is requesting final site plan approval for a proposed Alzheimer's Special Memory Care Center to be located on Harvard Road, along with the signage for the property.

Mr. Carl Sanders with JEA Senior Living, along with Justin Hazelton, Engineer with R.E. Warner Company, were present to request final approval for the Alzheimer's Special Memory Care Center to be located on Harvard Road. Mr. Sanders stated that JEA Senior Living has over 35 years of experience in the industry including doing development, operation, and construction of skilled nursery and assisted living facilities throughout the country. The buildings are designed especially for special people with Alzheimer's and to have activities for interaction between occupants. The opening of the facility would be approximately spring of 2014.

Mr. Griswold stated that the Building Department and Police Department has no comments. It would be noted that ODOT has approved the safety of the access drive. The Fire Department has been working with the designer and has submitted hydrant locations, which will meet the Fire Department requirements. The location of the FDC's will be determined by the Fire Prevention Bureau. The original submission of the project indicated a future drive stubbed out on the northeast corner of the property, and this is needed for fire department apparatus. The future drive would allow access to the future road and would provide the Fire Department more room for apparatus maneuverability.

Mr. Kreczko stated that the Engineering Department has received letters addressing their comments satisfactorily and would recommend final approval. The issues remaining should be addressed with the final submission of construction drawings. Mr. Kreczko asked the applicant if the traffic study done was under the ODOT specifications and performed by R.E. Warner and not actually completed and approved by ODOT.

The applicant stated that was correct. The study was done by R.E. Warner, with respect to the ODOT specifications and standards.

Mr. Smerigan stated that the submission was consistent with the previous plan for preliminary approval. The site plan approval is to construct a 32,900 square feet Alzheimer's memory care center on a 4.18 acre site, which is located in the U-10 Planned Mixed-Use Development District. The proposed building would be one story in height and would consist of a 66-bed Alzheimer's and dementia facility with dining rooms, activity rooms, a beauty parlor, and secured outdoor courtyards. Licensed health care facilities are listed as a permitted use in the U-10 District. The previously approved preliminary site plan included a variance to permit a total of 132 parking spaces on the subject site with 88 of those parking spaces to be land banked. The approved preliminary site plan contained stipulations requiring the applicant to provide for a minimum 10 feet foundation landscape area around the building as provided in the Zoning Code, and relocated the dumpster enclosure further from the future connector road to Commerce Park. Both of these modifications have been incorporated in the proposed final site plan.

Mr. Smerigan continued that the lighting plan employs a combination of building mounted wall packs and pole mounted fixtures around the perimeter of the improved area. The light poles are indicated as 12 feet in height. The photometric plan complies with the lumen level requirement at the property lines. It should be noted that many of the perimeter light poles are located in the land banked parking areas and would have to be relocated if the parking were required to be installed. The landscape plan includes a pergola at the northwest corner of the building, walking paths, a stone seat wall, and a planter wall. The site plan indicates a metal fence 6 feet in height around the outdoor patient area; however, the details indicate the fence as white PVC. The dumpster enclosure is shown as concrete masonry units with a metal gate system. The dumpster enclosure materials should match or complement the building façade treatment.

Mr. Smerigan stated that the monument sign is proposed at the main entrance drive. The proposed sign is shown to the west of the driveway. The sign copy area is 3 feet by 8.5 feet, or 25.5 square feet, set into a stone veneer monument with end columns. The total height of the sign structure is 5.6 feet and it is 12.67 feet in length. All signs in the U-10 Planned Mixed-Use Development District require Planning Commission approval. The Chagrin Highlands developer has not approved the sign as compliant with the PUD standards. The clearance height for the porte cochere is not indicated on the site plan.

Mr. Smerigan stated that the applicant submitted additional materials to address all of the concerns that were in the initial Planner's report.

Mr. Smerigan stated that since no additional variances are required, the Planning and Zoning Commission has authority to approve or deny the proposed site development plan. Final site plan approval is recommended subject to the following stipulations: 1) light fixture and pole details are submitted for administrative approval, and 2) the access driveway stub be constructed for the clearance of the Fire Department apparatus and maneuverability.

A motion was by C. Cohen and seconded by B. Mann to grant final site plan approval to Mr. Carl Sanders, representing JEA Senior Living, Inc., for a proposed Alzheimer's Special Memory Care Center to be located on Harvard Road along with the signage contingent upon the following stipulations: 1) light fixture and pole details are submitted for administrative approval; 2) the access driveway stub and porte cochere be constructed for the clearance of the Fire Department apparatus and maneuverability, and 3) compliance with the comments of the City Engineer.

ROLL CALL:	AYES:	C. Cohen, M. Gorden, R. Hecht, B. Mann M. Wachter, B. Zabell
	NAYS:	None
	MOTION APPROVED – FINAL APPROVAL GRANTED	

Mr. Kreczko wanted to remind the applicant that this area is environmentally sensitive and there may be visits by the EPA. The EPA will check the site for compliance with silt fences, pollution control, truck wash, etc. With the new storm water district, (NEORSD) management requirements, the engineer would request that an electronic copy of the report be submitted to the City.

P&Z 2013-14 Ordinance 2013-17, amending BCO Chapter 1141, Signs, by amending Section 1141.17 Signs in Motor Service Districts (U-9), to provide for wayfinding signs in Motor Service District, and repealing existing Section 1141.17.

Mr. Smerigan stated that when the sign regulations were rewritten, they provided for wayfinding signs in the office districts. The U-9 District was inadvertently missed. The exact same language used in the office districts will be applied to these U-9 Districts. There are some U-9 Districts that have multiple uses on the site now and need internal directional signs in order to handle the traffic and move it appropriately.

A motion was made by B. Mann and seconded by B. Zabell to approve and recommend to Council Ordinance 2013-17, amending BCO Chapter 1141, Signs, by amending Section 1141.17 Signs in Motor Service Districts (U-9), to provide for wayfinding signs in Motor Service District, and repealing existing Section 1141.17.

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

Adjournment

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Rochelle Hecht, Chairman

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Sue Ley, Secretary

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Karen Navolanic, Clerk of Council