

THE PLANNING AND ZONING COMMISSION MEETING WAS HELD AT BEACHWOOD CITY HALL ON THURSDAY, JULY 25, 2013.

ROLL CALL:

PRESENT: C. Cohen, M. Gorden, R. Hecht
O. Jacobs, M. Wachter

ABSENT: B. Mann, B. Zabell

ALSO PRESENT: M.A. Cannon, J. Ciuni, Wm. Griswold
G. Smerigan

COUNCIL REPORT

Council Representative, Mark Wachter, reported that Council approved P&Z 2013-29, Life Time Fitness's request for a similar, harmonious and compatible use permit to establish a Childcare with youth programs and camps located at 3850 Richmond Road.

Chairperson Hecht advised the audience that there will be a special meeting regarding the Beachwood Mall rezoning issue, on Tuesday, July 30, 2013, at which time there will be comments allowed by anyone attending the meeting.

P&Z 2013-34

NORTH POINTE REALTY, INC. REPRESENTING LANDMARK CENTRE LOCATED AT 25700 SCIENCE PARK DRIVE, IS REQUESTING PRELIMINARY AND FINAL SITE PLAN APPROVAL TO CONSTRUCT AN ACCESSORY BUILDING AT THE SOUTHWEST REAR CORNER OF THE PARKING LOT.

Mr. Paul Welker, Construction and Property Manager for North Point Realty, Inc., was present to request preliminary and final approval to construct an accessory building at the southwest rear corner of the parking lot.

Mr. Griswold stated that the Building Department, Fire Department and Police Department have reviewed and have no comments on this application.

Mr. Ciuni stated that there were no engineering issues.

Mr. Smerigan stated that this request is for preliminary and final site plan approval to locate an accessory maintenance and storage building, which is located in the U-8A Office Building and Research District. The proposed site plan indicates an accessory building of 100 square feet in area and 8 feet in height to be placed on a parking space at the southwest corner of the site. The proposed location of the structure would place it approximately 10 feet from the western side lot line and 15 feet from the rear lot line. There is a significant grade change to the small office building to the west, which sits higher than the subject site. That difference in elevation mitigates any visual impact in that direction. The size and setbacks of the proposed accessory building appear to be appropriate for the site and approval is recommended.

A motion was made by C. Cohen and seconded by M. Wachter to grant North Point Realty, Inc., representing Landmark Center, located at 25700 Science Park Drive, preliminary and final site plan approval to construct an accessory building at the southwest rear corner of the parking lot.

ROLL CALL:

AYES: C. Cohen, M. Gorden, R. Hecht, O. Jacobs
M. Wachter

NAYS: None

MOTION APPROVED -

P&Z 2013-35

THE PIADA GROUP IS REQUESTING PRELIMINARY AND FINAL SITE PLAN APPROVAL TO CONSTRUCT A MONUMENT SIGN ALONG WITH A COUPLE OF WALL SIGNS LOCATED ON EATON BOULEVARD.

Mr. Bruce Sommerfelt, representing The Piada Group, was present to request preliminary and final site plan approval to construct a monument sign, along with four (4) wall signs to be located at the proposed restaurant on Eaton Boulevard.

Mr. Griswold stated that the Fire Department, Police Department and Building Department have reviewed the signs and would recommend approval. The Richard E. Jacobs Group has also reviewed the plans and has approved the signage.

Mr. Ciuni stated that there were no engineering issues with this application.

Mr. Smerigan stated that this request is for approval of the sign package for the Piada Restaurant, which is located adjacent to the Aloft Hotel on the north side of Eaton Boulevard at the Richmond Road intersection. All signs in the U-10 Planned Mixed-Use Development District require Planning and Zoning Commission approval. The applicant is proposing a combination of four (4) wall signs and one (1) freestanding monument sign to be located along the Richmond Road frontage. Two (2) wall signs are proposed on the front (east elevation) of the building facing Richmond Road. One of those signs is a shield shaped sign that consists of a routed aluminum cabinet with push through acrylic and translucent vinyl. This sign is approximately 15.5 square feet in area with a white background and black lettering. The second sign uses internally illuminated channel letters. This sign is mounted above the canopy on an illuminated architectural wall feature. This canopy sign is approximately 72 square feet in area.

Mr. Smerigan continued that the wall sign on the north elevation is approximately 42 square feet in area and consists of aluminum channel letters that are internally illuminated. The lettering is red. The wall sign on the south elevation facing Eaton Boulevard is a canopy mounted sign identical to the one on the east elevation facing Richmond Road. The total area of all wall signage is approximately 201.5 square feet.

Mr. Smerigan stated that the Commission will need to make a determination with regard to the two canopy mounted signs. Section 1141.11(d) specifically prohibits "signs placed, inscribed or supported upon a roof or upon any structure which extends above the roof line of any building." The subject signs are mounted on the top of the canopies, however, neither sign extends above the main roofline of the building. The sign package is consistent with the sign requirements of the PUD district and has approval of The Richard E. Jacobs Group.

Finally, the applicant is requesting a freestanding monument sign that is 33.75 square feet in area and 6.33 feet in height. The monument sign is mounted on a 2.5 feet high stone base with a limestone cap. The stone base materials for this sign and the Aloft Hotel sign should be coordinated to create a consistent image for these uses share a site, parking areas, and access. The approved site plan for Piada indicated a freestanding sign along the Richmond Road frontage immediately in front of the building. The site plan submitted in support of this application indicated sign placement further to the south. That location is actually the location of the Aloft Hotel sign and is off the Piada premises. The actual location for the

monument sign will need to be as originally shown in the area directly in front of the building property spaced between the Aloft sign and the Lifetime Fitness sign. The Planning and Zoning Commission has final authority to either approve or deny the sign package. Any approval should be subject to the following stipulations: 1) a determination that the signs mounted on the canopies are not roof signs as set forth in Section 1141.11(d); 2) that the freestanding monument sign be relocated onto the Piada property in a location approved by the Administration; and 3) that the base material for the Piada sign be coordinated with the base material for the Aloft Hotel sign.

Ms. Hecht stated that the two monument signs have matching stone bases, and the signs on the canopies will not appear above the roof line.

Mr. Jacobs asked the applicant if the location of the sign was in fact an error in placement. Which driveway is the restaurant traffic supposed to use to get to the restaurant?

The applicant stated that indeed it was an error in location. The operation of the shared driveway for the restaurant has not been determined.

Mr. Smerigan stated that when site plan was approved for this development, it was stipulated that there be no curb cut on Richmond Road for traffic control purposes. The access comes from Eaton Boulevard that is a right-in only that services Aloft and the restaurant. There is another shared driveway between Aloft and Lifetime Fitness which provides access further to the west. There are cross easements and agreements between the owners.

A motion was made by C. Cohen and seconded by O. Jacobs to approve preliminary and final site plan approval to construct a monument sign along with a two wall signs located on Eaton Boulevard contingent upon the following stipulations: 1) a determination that the signs mounted on the canopies are not roof signs as set forth in Section 1141.11(d); 2) that the freestanding monument sign be relocated onto the Piada property in a location approved by the Administration; and 3) that the base material for the Piada sign be coordinated with the base material for the Aloft Hotel sign.

ROLL CALL:	AYES:	C. Cohen, M. Gorden, R. Hecht, O. Jacobs M. Wachter
	NAYS:	None
	MOTION APPROVED – SIGNS ADMINISTRATIVE APPROVAL REQUIRED	

P&Z 2013-12A

WINKING LIZARD INC., REPRESENTING WINKS BAR AND GRILLE, TO BE LOCATED AT 25800 CENTRAL PARKWAY, IS REQUESTING PRELIMINARY AND FINAL APPROVAL FOR AN ADDITION WITH IMPROVEMENTS TO THE RESTAURANT.

Mr. Robert Orvets, representing the Winking Lizard, Inc. Winks Bar and Grille, was present to request approval to change the existing pagoda on the front of the restaurant, add an addition and make site improvements. The existing building was granted a 17 ft. setback. This pagoda will be enclosed and an additional 2 ft. setback is required to complete this remodel.

Mr. Griswold stated that the Building Department and Police Department would recommend approval. The Fire Department stated that commonly liquor establishments that have an exterior patio require that all access points be gated. If the restaurant is licensed for liquor sales and gates are required, the gates must swing appropriately for egress from the patio and have panic hardware for emergency egress purposes. All life safety systems shall continue into the proposed addition/patio area.

Mr. Ciuni, City Engineer, stated that the addition will be built on existing hard surfaces, and therefore there will be no impact on civil/site plans regarding storm water management. Engineering would recommend approval.

Mr. Smerigan stated that this request is for preliminary and final 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 the same except for a small addition of 622 square feet to the 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. Given the existing location of the building, it would be difficult to modify the entrance without some encroachment into the front setback.

Mr. Smerigan stated that the applicant has agreed to limit the total seating capacity in the restaurant to 166 persons, which is consistent with the amount of available on site parking. The applicant has provided a landscape plan for the foundation area around the new addition. That plan is consistent with the general landscaping treatment on the site.

A motion was made by O. Jacobs and seconded by M. Wachter to recommend to Council the request by Winking Lizard Inc., representing Winks Bar and Grille, to be located at 25800 Central Parkway for preliminary and final approval for an addition with improvements to the restaurant with the following stipulations: 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 seating capacity of the restaurant shall be 166 persons; and 4) if the restaurant is licensed for liquor sales and gates are required, the gates must swing appropriately for egress from patio and have panic hardware for emergency egress purposes and all life safety systems shall continue into the proposed addition/patio area.

ROLL CALL:

AYES: C. Cohen, M. Gorden, R. Hecht, O. Jacobs
M. Wachter

NAYS: None

MOTION APPROVED – RECOMMEND TO COUNCIL
August 19, 2013

P&Z 2013-33

ORDINANCE 2013-71 RE-ZONING CERTAIN PARCELS FROM U-1 TO U-3 FOR ANDREW E. BRICKMAN, WHO WAS GRANTED PERMISSION FROM CRANBERRY COURT LLC, TO REQUEST THIS PROPERTY LOCATED ON RICHMOND ROAD (PPN'S 741-15-005, 006, 007, 008 AND 009) TO BE REZONED FROM U-1 TO U-3. (Referred from Council 7/1/2013)

Mr. Andrew Brickman, and Belle Decco from Abode Living, were present to request rezoning of the property previously known as Cranberry Court LLC. Mr. Brickman also stated that the property north of Cranberry Court, 2400 Richmond Road was also under contract to include in the property to be rezoned. The history of Cranberry Court is that the project started under difficult economic times. Their company has had success in the development of no maintenance type living. They would like to take this project, redesign it, and make a community of no maintenance homes. There have been several successful developments throughout the City.

Mr. Griswold stated that this is a map amendment. The approval for Cranberry Court was in 2002 and only 6 units of the proposed 12 units were completed.

Mr. Ciuni stated that there were no engineering issues.

Mr. Smerigan stated that this request is for a map amendment to rezone approximately 1.6 acres of land located on the west side of Richmond Road from U-1 Single-Family House District and U-2A Attached Single-Family House District to U-3 Apartment House District for the purpose of constructing townhouse style units. The proposed map amendment includes the northern portion of the Cranberry Court development as well as an additional single family lot located immediately to the north of that development.

There are attached single-family dwelling units immediately across Richmond Road in The Village which is zoned U-2A Attached Single Family Home District. There are also similar attached dwelling units on Richmond Road at Fairmount Boulevard in the Ten Courts Condominiums and Fairmount Court developments which are zoned U-2 Multi-Family District and U-2A Attached Single-family Home District respectively. There is also land zoned U-3 Apartment House District on the northeast corner of Richmond Road and Fairmount Boulevard. Further to the south, the Richmond Road frontage has been developed with attached dwelling units at Wedgewood Crossing and Baywood Estates which are zoned U-3 Apartment House District and U-2A Attached Single-Family Home District respectively. All of those projects have been positive additions to the City and provide alternative housing opportunities for residents. These are attached and/or multi-family developments along three of the City's four arterial streets. The only exception is Harvard Road, where the development agreement for Chagrin Highlands prohibits any residential uses. The use of such developments as a transition from arterial streets and/or more intensive zoning districts to single family residential neighborhoods is a very common and well accepted land use and zoning policy.

Mr. Smerigan continued that the applicant has provided a preliminary concept plan for the development that indicates a total of 34 dwelling units in 7 buildings focused around a central court. Five of the build-

ings are straight townhouse style units. The other two buildings, which would front Richmond Road, are designed to look like very large houses. The plan calls for a single driveway from Richmond Road and an interconnection with the existing drive way in Cranberry Court. The applicant has also provided examples of other projects he has constructed as an indication of his intended approach to the subject site.

Mr. Smerigan continued that the height limitation in the U-3 Apartment House District is 35 feet. Side and rear yard setbacks are tied to building heights. The front setback and building separation are all set by the development plan. Density is based upon the unit mix from 1-3 bedrooms and ranges from 15.5 – 21.7 dwelling units per acre. The applicant has indicated a front setback that matches that of the existing Cranberry Court units. Treatment of the areas adjacent to single-family residences will be a critical concern. Given the fluid nature of the zoning criteria in this district, it would be appropriate for the Planning and Zoning Commission to provide direction and comment to the applicant regarding the proposed concept development plan and building designs and to request a more detailed and refined preliminary development plan that could be approved concurrently with and tied to the rezoning. This could include a development agreement that more clearly sets forth some of the controlling criteria for the project. The applicant needs to amend the request for rezoning before Council to include the other parcel of land north of Cranberry Court.

Mr. Wachter asked the applicant the height of the buildings, the approximate number of units proposed and the number of acres of the property being discussed. Is any green technology used?

The applicant stated that the buildings would probably be a 3-story complex about 35 ft. in height and with 41 units on approximately 2 acres of property, including the additional home north of Cranberry Court. Abode Developers believes it is the most sensitive builder when it relates to environmental matters. The award for green home of the year was given to our developer by the HBA. It is more costly to get the LEEDS certification although it is believed that our buildings would qualify for it. It is intended to introduce ideas for eco sensitivity as well as a design that provides a desirable home for the residents. The new Abode Wellness program has been introduced to help improve the life style of people inside and outside of their homes. The products used are the most sensitive to the environment.

Chairman Hecht asked the applicant regarding the eco sensitive products; i.e. paint, inside and outside use.

The Mayor asked the applicant if any of the buildings were anticipating an elevator and what type of exterior materials on the building.

The products used are no or low maintenance type. The applicant stated at this time no there is no plan for elevators. These types of products keep the association fees lower.

Mr. Jacobs requested the number and sizes of the proposed houses and if townhouses were part of the thinking and how many bedrooms, room size, etc.

The applicant stated that there are a variety of different sizes and styles that have been developed. If you look at housing and apartment trends, people are moving to smaller residents and lower square footage. The smallest residence would be 1200 square feet with two bedrooms, two full baths and a two-car garage up to 2700 square feet. Different styles of architecture can be blended together in any community if done properly.

Mr. Smerigan stated that the applicant must appear before Council again to amend the request for rezoning after adding the additional property to the original application.

The Law Director, Margaret Cannon stated that if the applicant was before the Planning and Zoning Commission at the August 29, 2013 meeting, there would be a possibility of having the item being referred to the September 16, 2013 Council agenda for second reading and a then a third reading is required along with a public hearing. At the earliest, it would be early October before the final approval of the rezoning would be completed.

A motion was made by C. Cohen and seconded by O. Jacobs to place P&Z 2013-33 on pending.

ROLL CALL:	AYES:	C. Cohen, M. Gorden. R. Hecht, O. Jacobs M. Wachter
	NAYS:	None
	PLACED ON PENDING	

Mr. James Doutt, Director of Economic Development and Ms. Colleen McHugh, Administrative Assistant/Computer presented information to the audience regarding accessing the City's website with information on the Beachwood Place Expansion.

Mr. Doutt stated that on July 11, 2013 a special meeting was held in the Community Center specific to the Beachwood Place project. Public comments were made and several suggestions from the citizens were made. These suggestions and comments were considered in developing a web page where interested people could view documents regarding the Beachwood Expansion and also be able to submit questions and concerns regarding the project. Steps were shown to the audience regarding accessing the special website for the Beachwood Place Project. The proposed site plan for the project, the landscape plan, the site plan study, the traffic study and the economic development study are already on the site. Also, there is the capability of receiving questions from the public, which will come into the Economic Development Department, and will be distributed to specific City employees for the correct answer. The questions must be pertinent to the project and the person asking the question must be identified by name.

The Mayor thanked Mr. Doutt and his team for putting together this presentation and with very limited expense. This is a first endeavor on any project and this will be available for other projects.

Mr. Doutt stated that the City wanted to be responsive to the Community.

P&Z 2013-27A

BERNS, OCKNER & GREENBERGER, LLC, REPRESENTING GENERAL GROWTH PROPERTIES, IS REQUESTING APPROVAL AND RECOMMENDATION TO COUNCIL, THE PROPOSED REZONING TO THE U-4B ZONING DISTRICT, THE ELEVEN PARCELS ON RICHMOND ROAD AND THE APPROVAL OF THE TEXT AMENDMENTS TO THE U-4B DISTRICT REGULATIONS TO PERMIT THE EXPANSION OF BEACHWOOD PLACE. (ORDINANCE 2013-51 CHANGING THE ZONING OF PROPERTY LOCATED ON THE EAST SIDE OF RICHMOND ROAD, NORTH OF GEORGE ZEIGER DRIVE FROM U-1 ZONING CLASSIFICATION TO U-4B ZONING CLASSIFICATION. REFERRED TO PLANNING AND ZONING COMMISSION FROM COUNCIL MAY6, 2013.)

Mrs. Cannon, Law Director, stated that members of the Commission were notified that there would be certain text amendments regarding the U-4B Zoning District. Because there were significant uncertainties about the configuration of the property being rezoned, the text amendments were not completed prior to the rezoning being referred to the Planning Commission. City Council held a special meeting this evening, and followed the procedure of placing the text amendments on first reading and then referred the text amendments to the Planning and Zoning Commission. Mr. Smerigan will briefly outline the amendments and will be before the Planning and Zoning Commission for formal consideration simultaneously with the rezoning. Certain components of the text amendments are integrally related to the rezoning and the site plan issues.

Mr. Smerigan stated that the finalization of the text amendments needed a clearer idea of the concept development plan for the Beachwood Place Expansion. This rezoning needed to be a complete package to refer back to City Council and the recommendation was comprehensive. The parking standard is antiquated and a more appropriate standard was used. There is additional frontage on certain streets which may change the setbacks, standards, and also an entirely new sign criteria needs to be addressed.

Mr. Berns on behalf of General Growth Properties presented a revised conceptual site plan for the expansion of Beachwood Place Mall. In attendance were Mr. Mark Witt, Sr. Director of Design and Construction of General Growth Properties, Mr. James Heller, Vice President, KA Architects, and Mr. Kevin Westbrook, Traffic Dept. Manager of URS Corporation.

Mr. Mark Witt, Sr. Director of Design and Construction of General Growth Properties stated that Beachwood Place is one of the premier properties in the General Growth portfolio. Our request is for rezoning of properties acquired so that we can meet some of today's retail trends. The retail sales at Beachwood Place are above the industry average, but it is lagging in the food and dining components. General Growth Properties would like to continue to meet the trends of different types of retailing. General Growth takes pride in that more than six million dollars' worth of real estate taxes are contributed to the City, and three hundred and fifty thousand dollars' worth of income taxes are paid to the City each year. There will be additional job opportunities created with this project.

General Growth Properties heard the comments and concerns regarding the original plan. The original plan had two out-parcel restaurants on Cedar Road, and then two additional restaurants and a vehicular entrance along Richmond Road, along with additional retail by the exiting mall with a streetscape type of façade. There is approximately 77,000 square feet of retail and an additional 36,000 square feet of restaurant space. The revised concept plan, after hearing the comments from the City and Community, includes the following revisions. GGP maintained the two restaurants on Cedar Road and the retail attached to the building, but along Richmond Road there is expected to be only one restaurant and improvement on the setbacks has been made. There has been created a larger landscape buffer than the original thirty foot area. There will be no additional vehicular entrance on Richmond Road. It was determined that the existing entries have the capacity for the minimal amount of additional traffic that will be generated at peak hours, approximately 1%.

Mr. James Heller from KA Architecture, stated that there are eleven lots presented for rezoning, approximately 5.62 acres of land in total. In the original plan, where the site plan included an entrance on Richmond Road, the interior circulation was different than on the new proposed site plan. There are three restaurants which will be approximately 27,000 square feet. The buffer has been increased to sixty feet. There has been a tree survey completed. Mr. Heller explained the trees that will be maintained along with

new landscaping of new trees on the south end on the property being rezoned. There will be a continuous hedge with existing evergreens and additional new shrubbery. The ring road has islands that will be landscaped also. The parking will be facing north and south, not east and west. There are no additional buildings on the site. The site line study shows topographic grades. There is a section shown where the restaurant would be seen and the new retail strip along Nordstrom's Department store would be built; it would be approximately 800 feet to the nearest residence. The topography drops in the middle and comes up slightly as it comes closer to the building. Therefore, the cars will have little visibility because of the topography of the site. At the south part of the site, currently the upper level of Nordstrom's would be approximately 500 feet away.

Mr. Kevin Westbook introduced URS, a world-wide agency which serves public and private agencies performing traffic studies. Traffic studies are data and numbers. The traffic counts were all newly performed and were completed by an outside, independent company, Mio-Vision. The Trip Generation Manual determines what traffic will be generated by new business. If you put in the number that the mall should generate now based on the current size, it should 2,609 trips, which is both ins and outs during the evening rush hour, 5 p.m. to 6 p.m. Every driveway was counted and only 1,554 trips, ins and outs, were counted, which is only 60% of what the manual states. This is probably due to the type of high-end mall. In terms of additional traffic, the manual stated that there will be 198 new trips ins and outs. The first things looked at was the need for the proposed additional driveway. As busy as Cedar Road and Richmond Road are, the access points can handle the additional traffic with the expansion. There would be approximately a 1% increase in traffic, which is considered very little if any impact on traffic.

Mr. Griswold stated that the Police Department has reviewed and studied the traffic study and has no reason to challenge the trip projections. The Police Department has no further comments since there are no additional curb cuts.

Mr. Ciuni stated that he wasn't in favor of the additional entrance on Richmond Road and is glad that the study showed that the increase will be less than 1%. This warrants no improvements to the roadways with such a small increase in traffic. The Engineer's office's would have used the same process, the Trip Generation Manual, and GPD agrees with the findings of URS's study.

Mr. Doult stated that General Growth requested an economic study be done, which was completed by The Strategic Edge, which has been in business for 25 years. The points brought out were the proposed expansion for retail is 77,000 square feet and 27,000 square feet three, stand-alone upscale restaurants. The trade area of Beachwood Place Mall as defined by GGP is 528 square miles. That is the area from which the mall pulls 70% of their customer base, which is approximately a population of 612,000 people.

Mr. Doult continued that it was stated that Beachwood Mall has the potential to be a dominant shopping location for the affluent Cleveland shopper. The main competition is from life-style centers such as Legacy Village in Lyndhurst and the Eaton Center in Woodmere Village. The presence of the unique upscale anchors, Saks Fifth Avenue and Nordstroms, are very unique to northeastern Ohio. The ancillary tenant mix in the mall is not as dominant as the robust and luxury tenant mix in Legacy Village and Eaton Center. Restaurants present a particular problem to the mix at Beachwood Place. Restaurants are below the national average. This expansion could generate between 60 and 69 million dollars in retail and restaurant sales. In addition an estimated 146 to 198 number of new jobs could be created. The Strategic Edge stated that this expansion could mean the ability for Beachwood Mall to remain competitive, current and relevant. It could be at risk of deterioration if this expansion doesn't happen.

Mr. Smerigan stated that this request is for a map amendment to rezone approximately 5.63 acres of land located on the east side of Richmond Road between George Zeiger Drive and La Place Fashion Center from U-1 Single Family House District to U-4B Shopping Center District. The land to be rezoned consists of eleven (11) parcels with an average lot depth of 200 feet. Eight (8) of the eleven parcels are subject to a deed restriction in favor of the City that was executed during a previous expansion of Beachwood Place Mall. The purpose of the requested rezoning is to accommodate a proposed expansion of Beachwood Place that would add streetscape lifestyle units on the western side of the existing mall building as well as three (3) free-standing restaurants. The proposed streetscape lifestyle addition would be approximately 77,000 square feet in gross floor area. The three proposed free-standing restaurants would range in size from 8,000 to 10,000 square feet and would have a total area of approximately 27,000 square feet. The proposed additions would increase the total floor area of Beachwood Place Mall to just over one million square feet (1,002,648 – 8% increase).

The proposed concept development plan shows the western expansion of the existing mall building to be 425 feet from the eastern right-of-way of Richmond Road, which is approximately 90 feet closer than the existing western edge of the main mall building at Nordstrom's. Because of the angle of the building wall, the distance from Richmond Road increases as one moves north. The plan indicates two (2) of the three (3) free-standing restaurants are to be located in the northeast corner of the site adjacent to the existing detention basin on the south side of Cedar Road. Those restaurants would be located 100 feet from the Cedar Road right-of-way and 200 feet from George Zeiger Drive. The third restaurant is shown on the west side of the mall opposite the streetscape lifestyle addition. That free-standing restaurant is proposed to be setback 100 feet from the Richmond Road right-of-way and approximately 200 feet from the south property line of La Place Fashion Centre. In addition to the concept development plan and property legal description, the applicant has provided a traffic impact study, an economic impact analysis, and sight line drawings of the proposed development from the residential properties on the west side of Richmond Road.

Mr. Smerigan continued that the existing Beachwood Place Mall is presently zoned U-4B Shopping Center District. The adjacent La Place Fashion Centre is zoned U-4A Integrated Business District. The parcels which are the subject of this rezoning request are the only properties within the area bounded by Richmond Road, Cedar Road, and George Zeiger Drive that are not commercially zoned. To the east of the existing mall, across George Zeiger Drive the zoning is U-7A General Office Building District and U-3A High-Rise Apartment District. To the south across George Zeiger Drive the zoning is U-3 Apartment House District and U-2A Attached Single-Family Home District. To the west, across Richmond Road, the zoning is U-1 Single-Family House District.

Mr. Smerigan continued that he reviewed the traffic impact study prepared by URS Corporation. The report documents the existing traffic conditions on Cedar Road, Richmond Road, and George Zeiger Drive in the immediate area of the mall. It also provides projected estimates of traffic to be generated by the proposed expansion. He agrees with Mr. Ciuni that the projections are consistent with the standards published by the Institute of Transportation Engineers. The traffic study concludes that the existing driveway entrances to the mall are sufficient to accommodate the proposed additional development and concludes that there should be no entrance to the subject site from Richmond Road. The proposed concept plan reflects the recommendation from the traffic consultant that there be no access drive from Richmond Road. Without an entrance to the mall property from Richmond Road, the traffic impact on the

portion of Richmond Road between Cedar Road and George Zeiger Drive will be minimal. The study further indicates that no modifications are necessary to the existing lane configurations to accommodate turning movements at the various mall entrances or at the intersections of George Zeiger Drive with either Cedar Road or Richmond Road.

The economic impact analysis prepared by The Strategic Edge clearly indicates that the expansion of the mall will contribute to the City's economic base. Planning for retail centers recognizes that malls and other regional shopping centers must regularly update their image and tenant mix in order to remain attractive and competitive. Failure to adjust to changing consumer demand will result in lost patronage and potential failure. In recent years, malls and regional shopping facilities have moved to incorporate lifestyle elements in order to remain attractive to their key consumer groups. As a result, large fashion centers, such as the Polaris shopping facility in Columbus, have added streetscape lifestyle elements to their buildings and free-standing restaurants on the mall property in order to create the desired shopping experience. The proposal submitted by the applicant is consistent with that trend in regional centers.

Mr. Smerigan continued that the two sight line studies document the anticipated visual impact of the proposed development. The southern site line drawing, taken near Hilltop Drive, indicates that the proposed streetscape lifestyle addition will be approximately 600 feet from the nearest residential dwelling. With a proposed building height of 26 feet, the addition will have a lower sight line than the existing Nordstrom space. In addition, the nearest parking space in this area is located 90 feet from the right-of-way and over 260 feet from the nearest dwelling. Given the City's experience in other locations, there should be little or no visual impact from either the parking field or the mall addition in this area. The northern sight line drawing, taken near Community Drive, indicates that the mall addition, which has a proposed height of 44 feet in this area, will be 880 feet from the nearest dwelling on the west side of Richmond Road. The proposed free-standing restaurant will be 200 feet from the nearest residential property line and about 270 feet from the nearest dwelling unit. Again, these are substantial setbacks that tend to mitigate visual and auditory impacts. By comparison, the City permits industrial facilities to be located 50 feet from single family residential property lines.

The proposed concept development plan maintains the four (4) existing driveway entrances to the mall property. The proposed plan continues to provide a perimeter ring road to move traffic around the mall with minimal pedestrian conflict. The proposed concept development plan provides a total of 4,123 parking spaces with 2,552 surface spaces and 1,571 spaces either in the garage or on the garage deck at the south end of the site.

Mr. Smerigan stated that from a land use planning and zoning policy standpoint, the existing single family residential zoning classification is not the most appropriate zoning classification for the 5.63 acres. The subject property immediately abuts high intensity commercial property and has extended frontage and relatively short depth on one of the City's four arterial streets, which is also a State Route. Similarly, the current zoning classification does not advance the City's overall economic development program. Given those observations, however, it is important to control any off-site impacts that could potentially be generated by reclassification of the subject site. The proposed concept development plan for the expansion of Beachwood Place appears to be a reasonable attempt to address those issues.

With regard to the text amendment, Chapter 1123 which is Shopping Center District, proposes several changes. One of those has to do with the clarification of the intent of the district to be a regional upscale fashion shopping center. This is to establish and provide regulations for a regional upscale fashion shopping center which will become a part of the City of Beachwood. In terms of permitted uses, the clarification is that all of the uses are intended to be developed as a unified and cohesive shopping center which shall include an interior sheltered walk or promenade that provides access to a variety of retail stores and other facilities. Free-standing restaurants will be added as a permitted use. The only thing that can be developed as a free-standing building, outside the mall, is a restaurant. The restaurants have to be in style and fashion with the mall and compatible with the mall. It would require a conditional use permit, prior to development, which would give the Commission another look at the proposal. The style, quality and compatibility would have another step to get approval.

Some of the additions are necessary since there was not frontage previously on Richmond Road, nor free-standing buildings. Setbacks from the street and adjacent properties were to be established, along with limitations on area, height and yard regulations being established. Free-standing buildings would be limited to 10,000 square feet in area and 25 ft. in height. Some of the additions are necessary because in the past there was no frontage on Richmond Road. Only restaurants can be free-standing buildings outside the mall and the size is limited to 10,000 square feet and height and issuance of a conditional use permit. Free standing buildings cannot be located any closer than 100 feet from a street right-of-way. In addition, there have to be setback regulations from adjacent properties, side and rear, and parking space setback requirements and all setbacks must be improved with landscaping. All of the previous standards have been maintained and additional standards added. The code presently has requirements that the islands in the parking lots have landscaping and the service areas must be landscaped. One other major change is the parking ratio. Parking will be determined on the gross leasable area of the facility. There has been a separate set of sign regulations for this area, U-4B Shopping District. Before looking at U-4B changes, there was a general sign section for the entire mall. Signage is limited on the main mall building where there are main entrances. Standards for the streetscape tenants were also established, specific to this area. The illumination is also regulated in this specific area. The monuments signs are very specific, with the mall being allowed two monument signs; one at Cedar Road and George Zeiger Drive, and the second one at George Zeiger Drive and Richmond Road. There would be four monument signs permitted at the mall entrances itself. Specific regulations have been established on the size, height, square footage, and design of those signs. An on-site way finding sign package for directions on the site could be submitted to the Planning and Zoning for review and approval from Beachwood Mall. This has been done in other districts.

Mr. Smerigan continued that all of the new criteria and standards have been developed for dealing with this unique situation. Obviously, some of these changes need to be put into place whether or not the rezoning passes. Some of these upgrades to the regulations are important as text amendments.

Going forward, the entire package needs to be reviewed, but not just what is the correct zoning for this property. What is the appropriate design of the development, what are the appropriate standards to have in place to ensure that future designs will be what go beyond the initial development? If the restaurants should change, there would have to be a complete review of the new proposal.

Mr. Smerigan stated that there is to be another presentation and no action will be taken this evening. The proposed map amendment raises both the opportunity and the need to adjust the current zoning code. If the Planning and Zoning Commission determines to recommend the requested map amendment, it should include, as part of that recommendation, a text amendment to Chapter 1123 to insure adequate and proper controls and that the concept development plan, offered as an inducement for the rezoning, is followed.

Chairperson Hecht recognized Mr. Rob Clarke, General Manager of Beachwood Place Mall present in the audience.

Mr. Jacobs thanks General Growth Properties and all the presenters for the informative presentation and he appreciates the changes made from the original proposal. First, he would like to hear in your own words why this project is important to the continued success of General Growth Properties, and why you believe that free-standing restaurants would be more successful than the previous restaurants. Secondly, he couldn't find the Economic Analysis very informative. He was expecting to see what the economic impact for the City of Beachwood, the schools, and change in property tax income tax would be.

Mr. Witt stated that there are two words to address the first question, relevance and convenience. There are retail trends and there are interested retailers that want streetscape, exterior facing, open façade, and open building sites appeal to a lot of national retailers. The matter of convenience is important to restaurants. Upscale restaurants want to have exclusive parking areas. Being farther away from the main mall building means they would have parking dedicated to the restaurant patrons.

Mr. Cohen asked about the U-4B change in parking and how it would impact the current parking conditions.

Mr. Smerigan stated that the facility is close to that standard now. In retail centers over a certain size, 4 per 1000 are considered to be the standard. There have been many studies done on this formula.

Mr. Cohen asked details on the traffic study and the representation of the 95 vehicles entering and existing traffic for one peak hour. Is that a ratio of how many will be increasing in one hour.

Mr. Westbrook stated that there are approximately 198 trips; 95 vehicles entering and 103 exiting. That is for one peak hour that coincides with one peak hour on the main street. It is a percentage of the amount of total traffic on Richmond Road.

Mr. Smerigans stated that it isn't a 1% increase in total mall traffic. It is 1% increase of traffic on the existing roadway. There is about an 8% increase in the size of the mall, but the mall is only one generator on Richmond and Cedar Roads. There is a certain volume of traffic at rush hour. The majority of traffic on Cedar/Richmond Roads does not have anything to do with the mall. They are commuters going home; there are Legacy Village shoppers, and other drivers commuting to destinations other than the mall.

Mr. Westbrook stated that there would be about 50 cars added to the traffic on Cedar Road and only about 17 cars added to the traffic on Richmond Road. There is not much traffic expected to come up Richmond Road.

Chairperson Hecht asked Mr. Westbrook if the volume of traffic during the holidays was taken into consideration when traffic studies are done.

Mr. Westbrook stated no, that the period of holiday traffic is a short period of time. When it does happen there is an impact on traffic. You design for the typical weekday, rush hour during the general time of the year.

Mr. Westbrook stated that the restaurants and the mall peak at different times. The peak of the road is what is studied to determine when the traffic pattern is the worst. The restaurants will probably be busy after 6 p.m. The mall and the roads peak at different times. People also come for different periods of time to different places.

Mr. Heller stated that for residents of Beachwood coming from the south, a right hand turn will probably be made onto George Zeiger Drive and enter the mall. Why would anyone want to drive an additional half mile to enter the mall on Cedar Road?

Mr. Westbrook stated that this is a local mall and part of a community. People usually have the same route that is travelled when going to the same mall.

Mr. Wachter stated that a question was raised that things change at holiday time. Where the mall may not be a trip generator on a daily basis, it might be good to check into the additional impact of traffic at the holiday period of time. Perhaps it may not be unusual for statistics, but for the people that live with it for forty-five or so days, there may be some change in traffic.

Mr. Wachter asked Mr. Heller if another set of sight lines could be prepared for Tuesday from the front of the property looking out. Do a sight line from the front yards of the Hilltop/Community Drive area towards the mall through the trees. There will be additional buffering done in that area year round. Also, does this plan have any other enhancements anticipated in building space at this time?

Mr. Westbrook stated no. There was a renovation of the food court not long ago, and the front entrance was renovated about four years ago. The interior of the mall is in pretty good shape. This type of renovation is kind of unique because usually enclosed malls that were built several years ago don't have a street presence. This new addition that will create a streetscape experience will be very interesting and inviting to the public.

Mr. Wachter asked if there was any change anticipated in the parking area lighting from surrounding illumination or energy levels standpoint.

Mr. Westbrook stated that specifics haven't been reviewed yet. What is required will probably be maintained. There are a minimum number of foot candles required during operation hours and will be reduced after operating hours.

Mr. Heller stated that the intent would be that as expansion is made westerly, there will be additional lighting needed. There will be new cutoff lights installed. After the mall closes, there is a minimum night level of lighting required.

Mr. Wachter asked about the detention basin and if there might be a water feature.

Mr. Westbrook stated that it was early and there might be an added water feature. It is understood that regardless of what is done, storm water management will need to be done. There may be a fountain and maybe a bio-swale and some additional plantings.

Mr. Wachter clarified with Mr. Smerigan that there is no site plan approval before the Commission at this time or in the near future. There is only an application for rezoning under review and before the Commission for recommendation to Council.

Mr. Smerigan stated that is correct. Regardless of the action that is taken on the rezoning, the applicant would have to submit another application to obtain site plan approval. There is a rezoning application and some regulations are appropriate criteria that would support rezoning of the property. Also, for the restaurants, the applicants would have to make application to the Commission for a conditional use permit.

Mr. Wachter stated that he read on the website a concern that if this is rezoned and approved by Council, could it result in retail businesses adjacent to the restaurant? The only free-standing use would be a restaurant use, correct? Even then a conditional use permit would have to be granted by the Commission for each of these three restaurants, if that is what is proposed.

Mr. Smerigan stated that was correct.

Chairperson Hecht asked if the restaurant names were approved and if there were any names of the retail stores available?

Mr. Westbrook stated that there were no retail store names available at this time. There are multiple tenants interested in this space. He will see if I can at least get a category of store for your information.

Chairperson Hecht thanked the applicant for all the work and information that was presented this evening.

Adjourned at 10:15 p.m.

Rochelle Hecht, Chairperson

Sue Ley, Secretary

Karen Navolanic, Clerk of Council