

THE PLANNING AND ZONING COMMISSION MEETING WAS HELD AT BEACHWOOD CITY HALL ON THURSDAY, AUGUST 29, 2013.

ROLL CALL:	PRESENT:	C. Cohen, Mayor Gorden, R. Hecht, O. Jacobs, B. Mann, M. Wachter, B. Zabell
	ABSENT:	None
	ALSO PRESENT:	M.A. Cannon, J. Ciuni, J. Doult, Wm. Griswold, G. Smerigan

A motion was made by B. Mann and seconded by C. Cohen to approve the minutes of May 30, 2013 regular meeting.

ROLL CALL:	AYES:	C. Cohen, M. Gorden, R. Hecht, B. Mann M. Wachter, B. Zabell
	NAYS:	None
	ABSTAIN:	O. Jacobs

COUNCIL REPORT

Mr. Mark Wachter, Council Representative, stated that Council approved the following item from the July 25, 2013 meeting Planning and Zoning meeting: P&Z 2013-12A Winking Lizard Inc., representing Winks Bar and Grille, to be located at 25800 Central Parkway, requesting preliminary and final approval for an addition with improvement to the restaurant, which included 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.

Chairperson Hecht welcomed several City Council members: Mr. Horwitz, Mr. Jacobs, Council President, and Mr. Goodman.

P&Z 2013-27A	BERNS, OCKNER & GREENBERGER, LLC, REPRESENTING GENERAL GROWTH PROPERTIES, IS REQUESTING APPROVAL AND RECOMMENDATION TO COUNCIL, THE PROPOSED OF 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 MAY 6, 2013.)
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Mr. Charles Tapia stated that he has had several prior visits to the Planning and Zoning Commission meetings and is pleased to tell us that they do have an agreement with two restaurants tenants. One restaurant is Seasons 52, which is a white table cloth restaurant and prides itself on changing the menu seasonally. Also featured is a Chef's table which you can place reservations for and the meals will be customized and paired with the wines of your choice. The second restaurant is Capital Grille, which is known internationally for their steaks and continually receives awards for their culinary abilities and wine selections. The other item he would like to show briefly is what the area would look like driving down Richmond Road past the proposed restaurant from the corner of Community Drive and Richmond Road.

Mr. Zabell asked if the Richmond Road location of the restaurant was for either one of the restaurants previously mentioned that Beachwood Place had an agreement with or was this restaurant yet to be named.

Mr. Tapia stated no and that was correct that there was not a name for this restaurant.

Mr. Griswold stated that the Building Department, Fire Department and Police Department have no concerns at this time.

Mr. Ciuni stated he had no further comments from the Engineering Department.

Mr. Smerigan summarized that before the Planning and Zoning Commission was the issue of rezoning 5.63 acres of land from U-1 Single Family District to U-4B Shopping Center District. The 5.63 acres is 11 parcels of land on Richmond Road. The purpose of the rezoning would be to expand Beachwood Place Mall with a 77,000 square foot addition to the mall building and three stand-alone restaurants. The applicant has provided at the City's request the Traffic Study, the Economic Impact Analysis, various sight line studies, as well as the legal descriptions of the properties to be rezoned. There is also a site development plan that shows the parcel. There are essentially three issues before the Commission that there has to be a decision for review and referred back to City Council. First is the classification of the 5.63 acres, and whether to change the classification to U-4B. Second, because there is a portion of the land, not all of it, that is subject to deed restrictions whether to recommend to Council to modify those deed restrictions to permit the expansion of the mall. Third, based on the Staff recommendation, it is recommended in addition to the map amendment that a text amendment be recommended to control the development of the property in the most appropriate and effective fashion.

To summarize that text amendment that would modify Chapter 1123, the U-4B District, it makes a number of changes. It sets forth the fashion character that everything must follow the present character of Beachwood Place Mall. It permits free-standing restaurants but these would be the only free standing buildings permitted on the property. It also requires that any free standing restaurant obtain a conditional use permit from the Planning and Zoning Commission, which gives another opportunity to review and comment on the development plan. That text amendment also revises and cleans up the parking ratio requirements in the U-4B District. This uses the current standards in the industry for parking. In addition to that we have incorporated signage requirements into the district, because of the unique character of the Mall and revised signage requirements. There are sign requirements for the mall building itself that limit the signage on the main building to the entrances and the anchor stores. Some streetscape signage will be permitted for the portion of the addition with exterior entrances. There will be signage regulations for the restaurants also. The regulations for the signage for the streetscape tenants

and the restaurants require them to turn the lights off during the hours they are not in operation. The modifications also provide for the monument sign, which are currently at the corner of Cedar and George Zeiger Drive and would permit a sign similar to that one at the corner of Richmond Road and George Zeiger Drive. Finally, there was one addition to the original set of recommendations for the text amendment that came out of the hearings and that was the concern of access from Richmond Road. Section 1129.03, Access, which limits vehicular access to the mall development, provides that access shall be limited from only Cedar Road and George Zeiger Drive. The plan submitted does not incorporate access from Richmond Road, based on the traffic report but this codifies that prohibition. So the Planning and Zoning Commission has three issues: 1) the map amendment to rezone the 5.63 acres, it is suggested that the recommendation be made to Council the rezoning of the property as being consistent with the plan and he doesn't believe that U-1 zoning is the best zoning for that property; 2) the change to the deed restrictions that would accompany the rezoning, and finally 3) the text amendment includes the provision that provides the restriction on the access from Richmond Road. This action will have to be in the form of a recommendation to Council.

At this time, Chairperson Hecht stated that a number of questions have been received by the City via email and she will read the questions and the responses. These responses were submitted to the City by General Growth. The Planning and Zoning will make a recommendation to City Council on this issue. Then, City Council will place the item on second reading. There will also be a third reading and a public hearing, so that if there is any other questions or concerns, they can be heard before City Council takes any action on this rezoning. There are a couple of questions that will be answered by people present at the Planning and Zoning meeting.

Last Minute Questions

1. If the lots are rezoned to U4B and all requested changes are granted, does this mean a strip mall COULD be put on that land, even though the current owner of Beachwood Place is not asking for it at this time?

A: The proposed amendment to the U48 Zoning District would not permit a freestanding strip of stores, but would allow only attached mall retail shops and freestanding restaurants.

2. The proposed plan does not include a curb cut today but there is still a concern that it could be revived. How can the entrance on Richmond be prevented once the rezoning is implemented?

A: The proposed amendment to the U4B Zoning District would restrict vehicular access to Beachwood Place only from George Zeiger Drive and Cedar Road. It would not permit access from Richmond Road.

3. What is a "super referendum" and why are you referring to the petitions this way?

A: Mr. Wachter stated that this answer is not from General Growth Properties. "Super referendum" is a phrase that he coined for purposes of referring to the referendum that had been proposed. That referendum was one that was required, not only, first it was a prerequisite to any request for rezoning from U-1; secondly, it was also a prerequisite to modifying any deed restriction. That referendum required a majority not only of the vote generally, but also of the precinct and adjoining precincts where the property is located. He coined that phrase "super referendum" to distinguish it from the referendum that currently exists in our Charter Planning and Zoning Commission

which is a referendum that the voters can take after the fact.

4. We are very concerned about the change in safety in this area if the buffer is removed. The serpentine wall does a lot to keep people from running across the street and into the neighborhoods. We see regular reports about theft near the mall and fear more people will escape into the neighborhoods if there isn't a wall there preventing them. We still do not have an answer from the Safety Director about how the police department sees the value of this wall in helping to catch criminals and how the removal of this barrier would make their jobs harder.

A: This question still does not have a response yet. This question will be discussed once there is a proposed site plan and it will be discussed with General Growth, the Police Department and the Safety Director.

5. GGP clearly has a lot of money to throw at this project, as evidenced by them spending double market value for those properties. Too many times it feels like they are using their wealth to get their way. Is this fair and is this consistent with the values of our community?

A: GGP did not pay double the market value for the purchase of the homes on Richmond Road. GGP believes that the proposed expansion of Beachwood Place is consistent with the values of the community.

6. The deed restrictions on the eleven lots fronting Richmond Road were implemented as part of a deal with the owners of Beachwood Place Mall in 1992 (over 21 years ago) as a guarantee to the city and its residents that the residential character of the north end of Richmond Road would be preserved. Many people purchased expensive homes in the Richmond Road/ Cedar/ Hilltop/ Community Drive/ Penshurst area based on those qualities and that agreement (as evidenced by the deed restrictions). If the City agrees to void the past agreement with the community and the residents, doesn't this say "we don't honor our commitments" to the residents and what does it imply for other areas of the city, such as the Halburton road area behind the Pavilions, for example?

A: Any attempt to maintain the existence of eleven homes on the east side of Richmond Road between La Place and George Zeiger Drive, as stated by the City Planner, is no longer appropriate given the existing traffic on Richmond Road. Thus the Declaration of Restrictions no longer serves the best interest of the City. The proposed amendment to the U4B Zoning District mandates a 60' landscape buffer with no openings to Richmond Road. The proposed amendment to the U4B Zoning District, once adopted, cannot be changed without a vote of the City Council.

7. Is it true that Saks will be "downgraded" to a Lord & Taylor with Saks moving to Pinecrest in Orange (also note that Tiffany's is coming to Eaton instead of the Beachwood Place) Is that consistent with the image of the mall and the city of Beachwood that the neighborhood is a premium community? For many in the community this rumor suggests that GGP is not willing to honor their commitments to maintain the value of the mall or its image for the city.

A: There is no indication that Saks would be downgraded or moved from Beachwood Place and within the last year Saks has completed renovations to its space. Tiffany's was interested in space that would have access both to the mall and would have an exterior entrance, as is planned for some of the new stores to be attached to the mall. Tiffany's, however, could not wait for the amendment to the U4B Zoning District to be adopted and for construction to be concluded.

8. We are aware that Beachwood was previously found to be in violation of Federal flood laws over Beachwood Place expansion in the past. Is Beachwood going to engage the Army Corps of Engineers, the Euclid Creek Watershed Council and FEMA prior to approving any zoning changes to evaluate the watershed and flood plain impacts of converting the current absorptive surface of yards and lawns with hard surfaces of a parking lot? What "surprise" improvements will the city need to pay for in order to achieve compliance, especially when endorsing an expansion that eliminates a major expanse of permeable ground?

A: **Beachwood Place met all of the stormwater management requirements at the time of the previous expansion and will meet and pay for any and all requirements for stormwater management due to the currently proposed expansion without any cost to the City.**

9. A 1% increase in traffic doesn't necessarily sound so bad. But I think that was referring to Cedar or Richmond. What is the % increase on George Zeiger Drive and how will that affect people along that street? Will that make it harder for ambulances to get through in an emergency to the Village and the Hamptons, both developments with a larger number of elderly residents?

A: **URS's studies project a 0.6% p.m. peak hour increase in traffic on George Zeiger Drive, even less of an increase than on Richmond Road, and this small increase should have no impact on the ability for emergency vehicles to access nearby residential or commercial facilities.**

10. There's now only ONE restaurant shown on the plan along Richmond Road. How much tax revenue is expected from that one restaurant? Is it worth it to rezone 11 lots and risk all kinds of controversial future development on that land just for those benefits? How much revenue would the city get if those lots were simply opened for single family homes again?

A: **It is anticipated that the tax value of the land on Richmond Road, after the same is rezoned for commercial use, will exceed the tax value of the existing eleven residential lots.**

11. We really like our buffer! Why is nobody on the City Council trying to defend the value of the buffer and hold Beachwood Place accountable to retaining that feature? It feels like the city is selling out our souls! (In addition to violating a previously legislated commitment in the form of the 1992 deed restrictions).

A: **The Declaration of Restrictions was drafted to permit its amendment with the consent of the City in the event that doing so would serve the City's interests. The City's Planner, George Smerigan, has concluded that given the existing traffic on Richmond Road, restricting the eleven lots to single family use no longer serves the best interest of the City and that the 60' landscape buffer required by the proposed amendment to the U4B Zoning District adequately protects the City and its residents from any adverse impact that expansion of Beachwood Place might have.**

12. Why is the GGP petition asking for the removal of all signage restrictions? What do they really have in mind?

A: **GGP has not petitioned the removal of the signage restrictions, and the signage restrictions in the proposed amendment to the U4B Zoning District are more stringent than those that currently exist in the separate signage ordinance that now governs the U4B Zoning Planning and Zoning Commission**

District.

13. How many new stores are expected on that expansion to the mall?

A: **Depending on tenant requirements, it is anticipated that there will be 4 to 8 new stores that will be located in the attached mall stores.**

14. LaPlace is under foreclosure. How does that factor into the development plan for this area? If General Growth acquires it, does that mean that the plan for rezoned lots could change substantially in a way that we did not expect and would not want? Please be very careful about unintended consequences.

A: **The foreclosure of La Place has no bearing on the proposed expansion of Beachwood Place.**

15. The new landscaping shown by GGP along Richmond Road is very sparse and will be non-existent in the winter. This does not meet the standard set by the Village or other stretches of land along Richmond. Even Legacy Village has much better screening. We want Beachwood to look better than the neighbors, not worse.

A: **The landscape buffer will have a variety of species of trees, shrubs and flowers, including evergreen trees, some of which will be relocated from the existing area. Prior to any construction, the City must approve a final detailed landscape plan during the site plan approval process.**

16. Are all of the new tenants of the mall going to be first to market, or are they just moving from nearby locations?

A: **GGP's first choice is to bring retail tenants and restaurants that are new to Beachwood and Northeastern Ohio and that meet the appropriate upscale standards of Beachwood Place.**

17. The economic impact study did not seem to factor in the upcoming Pinecrest project in Orange. How much lower will the tax revenue be if that happens?

A: **The PineCrest project is proposed to be an open-air strip center. Many details of the proposal are unknown. There is, however, a difference between a high-end enclosed mall, such as Beachwood Place, as compared to a strip center.**

18. What is GGP doing to improve the existing mall, or is the whole project just about making it bigger? Are their issues with the existing design being of old style that need to be addressed? After all, the expansion is only 10%- the other 90% will still have the same problems.

A: **GGP performed a major remodeling of the center court, food court and lower level entrance approximately 5 years ago and will always be looking to improve the interior and exterior of the mall so that it will continue to be an upscale, state of the art facility. The proposed expansion of the mall will update the entire west side of the mall between Saks and Nordstrom.**

19. I've heard complaints that some of the citizens' questions on the city web site were edited not just for length but for substance to dilute or significantly alter the question. Why were their questions censored? How many questions were submitted compared to those that were actually published and what are the answers to their original questions?

A: After reading question number 19, Chairperson Hecht requested that Mr. James Douth, Economic Development Director responded to the question.

Mr. Douth, Director of Economic Development stated that it is more a comment than a question. The content of the questions were maintained. The website committee went to work right after the July 22nd public meeting, when the public requested the ability to submit questions. Within one week the website had a special tab for Beachwood Place project tab. Residents were given the opportunity to review documents, view the site plan, see the Economic Impact Study, Traffic Study; a number of documents related to the project, and to submit questions. To date, and it is more than a month later, we have received a total of only four (4) questions. No questions have been censored. We did however reserve the right to edit the questions. We did not want this to turn into a blog. It wasn't a site for people to make comments but to ask project specific questions. The content of the questions was maintained, and the purpose of the question was directly answered, and there were none that weren't answered.

20. The serpentine wall protects the residential neighborhoods by being a barrier to sight, sound and foot traffic. Is the economic gain to the city so important as to significantly alter the character of the neighborhood? Especially one that was enshrined in legislation as part of the settlement that led to the 1992 expansion?

A: There is no answer to this question at this time. This question will be discussed and answered at the time the site plan is proposed.

21. Is there any way we can keep the buffer, yet give the mall the expanded parking they need? There's got to be a solution that can satisfy both. To some it feels like all the conversation is about how to give GGP everything they want and ignore the residents' issues because there are only a few people and they are easily ignored. How do we improve the engagement with the community and show greater respect for their wishes- and to past commitments made by the developer and the City?

A. Again, there is no answer and this will be discussed by Planning and Zoning once there is a site plan submitted.

The Mayor stated that there were 21 questions submitted and out of the 21 questions there were only three questions that were not answered, which will be answered during the approval process.

Mr. Zabell stated that Mr. Smerigan summarized in some version the text amendment. Could you give a brief overview of the proposed deed modifications, so the Commission understands at least generally what is proposed or being modified?

Mr. Smerigan stated that the deed restriction does not apply to all of the eleven lots; it applies only to eight of the eleven lots. The deed restriction did not permit the commercial activity to expand into those residential lots which were owned by General Growth Properties at the time. It limited commercial use of those lots. The Planning and Zoning Commission would be removing the deed restriction to permit the parking lot and the one restaurant to be extended into a portion of the land that was previously covered by the deed restriction.

Mrs. Cannon, Law Director, stated that there are actually two (2) sets of deed restrictions. One set of deed restrictions relate to the eight (8) of the eleven (11) single family lots that front along Richmond Road. Then there is a second set of deed restrictions that relate to the next tier of land inwards, the

land adjacent to the serpentine wall. The Richmond Road frontage are the single family deed restrictions and the serpentine wall deed restrictions are the ones that provide that the only use of the property can be parking lot and landscape buffer. As part of the final site plan process, both sets of deed restrictions would have to be dealt with.

Mr. Wachter asked Mrs. Cannon if the Planning and Zoning Commission was dealing with the deed restrictions as well as Council.

Mrs. Cannon stated that the only respect with which the Planning and Zoning Commission is dealing with the deed restrictions is that implicit in the recommendation of the rezoning and the text change is also a recommendation to Council that they are going to have to address the deed restrictions, because otherwise the rezoning and the text amendment change don't work.

Mr. Jacobs acknowledged his appreciation for the process that was used and explained. The website that was established was very informative. He would also like to note that General Growth Properties was very responsive to comments that were made from the initial presentation that was made. The deletion of the entrance on Richmond Road was made going from two restaurants to one restaurant on Richmond Road and doubling the size of the buffer.

A motion was made by B. Mann and seconded by O. Jacobs to approve and recommend to Council Berns, Ockner & Greenberger, LLC, representing General Growth Properties, the request for the proposed rezoning to the U-4B Zoning District, the eleven (11) parcels of land 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 the 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 May 6, 2013) with the following recommendations: 1) the map amendment to rezone the 5.63 acres, that the rezoning of the property as being consistent with the plan and the Commission does not believe that U-1 zoning is the best zoning for that property; 2) the change to the deed restrictions that would accompany the rezoning, and finally; 3) the text amendments, including the restriction on the access from Richmond Road.

ROLL CALL:

AYES: M. Gorden, R. Hecht, O. Jacobs, B. Mann
M. Wachter, B. Zabell

NAYS: C. Cohen

MOTION APPROVED – RECOMMENDATION
TO COUNCIL – September 16, 2013

Mrs. Cannon, Law Director, stated that the Planning and Zoning Commission has recommended back to Council the rezoning of the eleven parcels along Richmond Road and the text amendments, discussed by Mr. Smerigan. Council has to place these changes on second reading, and has to set a public hearing, which is thirty (30) days after notice, hold the public hearing, and have a third reading and address legislation regarding both sets of deed restrictions.

Mayor Gorden asked about the opportunity for public comment which would occur at a public hearing.

Mrs. Cannon stated there has been and will continue to be the public comment time during Council meetings. There will also be time for public comment when the public hearing is held, with at least 30 days' notice. There will be other opportunities to have public comments. The website will also be

updated and be open for more questions.

Mr. Doult stated that the website will remain open for opportunities to ask questions and make comments.

P&Z 2013-30 VOCON DESIGNERS, REPRESENTING THE COLLECTION
AUTO GROUP IS REQUESTING FINAL APPROVAL FOR THE
PROPOSAL OF THE NEW CONSTRUCTION OF AN INFINITI OF
BEACHWOOD DEALERSHIP TO BE LOCATED ON CENTRAL
PARKWAY. (Referred to Council 6/27/2013)

Mr. Denver Brooker, Architect from Vocon, representing the Collection Auto Group, Mr. Booker stated that the first project is the final approval for the proposed new construction of the Infiniti of Beachwood Dealership. The entrance will be on Central Parkway. There was a parking variance requested that was approved at the last Council meeting.

Mr. Griswold stated that the Building Department and Police Department have no concerns. The Fire Department stated that information was received from Neff and Associates referencing the modeling of the apparatus and also the utilities pertaining to fire suppression. All of the information provided by the applicant meets the needs of the Fire Department and they would recommend approval.

Mr. Ciuni reviewed the grading, drainage, stormwater management and geometry and made some comments that Neff and Associates have answered. There are a few minor items to be addressed, but Engineering would recommend approval.

Mr. Smerigan stated that this request is for final approval to construct a new automobile dealership on 4.87 acres of land located on the south side of Central Parkway. The subject site is located in the U-9 Motor Service District. The final development plan is consistent with the previously approval preliminary plan. The building footprint is 31,916 square feet with 2,565 feet on the second floor. The final site plan also indicates a total of 320 parkings spaces. Of those, 84 spaces are double-stacked spaces, which are intended for storage of vehicle inventory. The applicant has provided lighting and landscaping plans that conform to the City standards.

Mr. Smerigan continued that City Council approved the side yard parking setback variance and also approved the modification to the deed restrictions. The site plan before the Commission is in proper and approvable form and he would recommend approval.

A motion was made by B. Zabell and seconded by C. Cohen to grant Vocon Designers representing The Collection Auto Group, final approval for the proposed new construction of an Infiniti of Beachwood Dealership to be located on Central Parkway.

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

P&Z 2013-32 VOCON DESIGNERS, REPRESENTING COLLECTION BUICK GMC OF BEACHWOOD IS REQUESTING FINAL APPROVAL FOR A PARKING EXPANSION AND SITE IMPROVEMENTS AT 25975 CENTRAL PARKWAY.

Mr. Brooker, Architect from Vocon Design, representing The Collection Buick GMC of Beachwood is requesting final approval for a change to the perimeters of the reworked detention basin, complete removal of the test track and no additional parking will be added. There will be new landscape installed.

Mr. Griswold stated that the Building Department, Police Department and Fire Department have no comments at this time and would all recommend approval.

Mr. Ciuni stated that the work on this property involves modifications to the regional detention pond that provides storm water management for all properties on Central Parkway. The review comments were part of P&Z 2013-30. Engineering would recommend approval.

Mr. Smerigan stated that this request is for final site plan approval to remove the existing vehicle test track and to reconstruct the existing storm water detention basin. This request previously included expansion of the existing parking lot; however, that portion of the request is no longer being proposed. It is recommended that the Planning and Zoning Commission grant final site plan approval to remove the existing vehicle test track and reconstruct the existing storm water detention basin.

A motion was made by B. Mann and seconded by C. Cohen to grant Vocon Designers, representing Collection Buick GMC of Beachwood, final approval for site improvements, removal of the vehicle test track, and installation of new landscape.

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

P&Z 2013-36 VOCON DESIGNERS, REPRESENTING INFINITI OF BEACHWOOD DEALERSHIP, IS REQUESTING PRELIMINARY AND FINAL SITE PLAN APPROVAL TO PLACE A POLE SIGN 10 FT. FROM THE RIGHT OF WAY.

Mr. Brooker, Architect from Vocon Designers, representing Infiniti of Beachwood Dealership, stated that since the last time, the proposed highway sign has been relocated. In order to maintain access between the Infiniti Dealership and the Buick Dealership it was necessary to locate the pole sign closer to the property line than the Code would allow, so a variance of 10 feet is being requested.

Mr. Griswold stated that the Building Department, Police Department and Fire Department have no comments and would all recommend approval.

Mr. Ciuni stated that the Engineering Department had no comments.

Mr. Smerigan stated that this request is for final site plan approval to erect a pole sign for the new automobile dealership pursuant to Section 1141.17(c)(5). The proposed sign would be 150 square feet in area and 40 feet in height, both of which are in compliance with the Code provision. The applicant is requesting variances to permit the sign to be located 10 feet from the right-of-way line of I-271 and 10 feet from the side property line adjacent to the other automobile dealership in lieu of the 20 feet required by the Zoning Code. Given the extensive right-of-way of I-271, the fact that both dealerships are under common ownership, and the desire to avoid placing the sign in the parking field, the variances seem reasonable. Section 1141.17(c)(5) also requires a minimum separation of 200 feet from any other pole sign. The proposed location will comply with that requirement.

Mr. Smerigan stated that the Planning and Zoning Commission has authority to grant final approval of sign variances. Should the Commission determine to grant final site plan approval, the following stipulations are recommended: 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 1141.17(c)(5) relating to the minimum required setbacks for pole signs; and 2) granting of a variance of 10 feet to Section 1141.17(c)(5) to permit the pole sign to be 10 feet from the side and rear property lines in lieu of the 20 feet required by Code.

Chairperson Hecht asked if this sign was a changeable copy sign.

The applicant answered no. This is a very permanent type of sign that is leased from the Infiniti Ownership.

Mr. Wachter stated that as Mr. Smerigan stated, the variance actually moves the sign closer to the freeway and farther away from the building itself. Mr. Wachter also stated that if there should be any changes to the simple fixed sign by Infiniti, it would have to come back to the Planning and Zoning Commission.

A motion was made by O. Jacobs and seconded by B. Mann to approve Vocon Designers, representing Infiniti Dealership, request for preliminary and final site plan approval to place a pole sign 10 feet from the right-of-way 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 1141.17(c)(5) relating to the minimum required setbacks for pole signs; and 2) granting of a variance of 10 feet to Section 1141.17(c)(5) to permit the pole sign to be 10 feet from the side and rear property lines in lieu of the 20 feet required by Code.

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

P&Z 2013-37	BRILLIANT ELECTRIC SIGN CO., LTD. REPRESENTING ALOFT HOTEL, LOCATED AT 1010 EATON BLVD., IS REQUESTING PRELIMINARY AND FINAL SITE PLAN APPROVAL FOR THE LOCATION OF THREE (3) SIGNS.
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Mr. Major Harrison with Brilliant Electric Sign Co., was present to request preliminary and final site plan approval for the location of three (3) signs on the Aloft Hotel. There are a set of white, non-illuminated channel letters that are on the south elevation at the entrance mounted to the existing pole. A set of internal illuminated channel letters at the east elevation on the top of the hotel, which will also be white faces when installed, it also has the halo illumination ability around each letter. On a smaller scale, there is a routed out cabinet for the XYZ Lounge. This aluminum cabinet is routed out, the letter-faces are routed out which creates a dimension look, a half inch out of the aluminum.

Mr. Griswold stated that the Building Department, Police Department and Fire Department have reviewed this application and have no objections, and would all recommend approval.

Mr. Ciuni stated he had no comments.

Mr. Smerigan stated that this request is for final approval of the sign package for the new Aloft Hotel. The Planning and Zoning Commission has final approval for all signage in the U-10 Planned Mixed Use Development District. The applicant's package includes three (3) building wall signs. A wall sign consisting of internally illuminated channel letters is proposed on the fifth floor of the east elevation facing Richmond Road. This sign is approximately 177 square feet in area. The second sign is built into the porte cochere on the south side of the building facing Eaton Boulevard. This sign is approximately 245 square feet in area. It is non-illuminated and is made to appear as an integral part of the porte cochere. The final wall sign is also mounted on the south side of the building. It is an internally illuminated cabinet sign approximately 32 square feet in area identifying the hotel lounge.

Mr. Smerigan stated that the sign package as presented appears reasonable and appropriate for the subject building. The sign package has been reviewed and approved by the developer of Chagrin Highlands. Approval of the building sign package is recommended.

A motion was made by B. Zabell and seconded by C. Cohen to approve the application by Brilliant Electric Sign Col., Ltd. representing Aloft Hotel, located at 1010 Eaton Blvd., for preliminary and final site plan approval for the location of three (3) signs.

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

P&Z 2013-38	THE RICHARD E. JACOBS GROUP IS REQUESTING PRELIMINARY AND FINAL APPROVAL FOR A LOT SPLIT (Approximately 8.50 acres) AT THE CORNER OF EATON BOULEVARD AND HARVARD ROAD.
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Mr. Carl Frey, representing Chagrin Highlands, presented the request for preliminary and final approval for a lot split (approximately 8.50 acres) at the northeast corner of Eaton Boulevard and Harvard Road for future development.

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

Mr. Ciuni stated that the plat and legal descriptions were reviewed and would recommend approval.

Mr. Smerigan stated that the lot complies with all of the requirements of the U-10 Planned Mixed-Use Development District. The proposed new lot is 8.5 acres in area and is located on the northeast corner of Eaton Boulevard and Harvard Road intersection. The new lot will have over 600 feet of frontage on Harvard Road and approximately 570 feet of frontage on Eaton Boulevard. The Planning and Zoning Commission will need to make the approval of the lot split in the form of a recommendation to City Council.

A motion was made by B. Mann and seconded by O. Jacobs to approve and recommend to Council the request of The Richard E. Jacobs Group for preliminary and final site plan approval for a lot split (approximately 8.50 acres) at the corner of Eaton Boulevard and Harvard Road.

ROLL CALL:	AYES:	C. Cohen, M. Gorden, R. Hecht, O. Jacobs B. Mann, M. Wachter, B. Zabell
	NAYS:	None
	MOTION APPROVED – RECOMMENDATION TO CITY COUNCIL – September 16, 2013	

P&Z 2013-39	VOCON, ON BEHALF OF CAM, INC., IS REQUESTING PRELIMINARY SITE PLAN APPROVAL FOR THE PROPOSED NEW CONSTRUCTION OF A 2-STORY OFFICE BUILDING AT THE CORNER OF EATON BOULEVARD AND HARVARD ROAD.
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Mr. Denver Brooker, Architect from Vocon, along with Ms. Julie Trott, Architect from Vocon, and Jeff Mockbee from CAM Development are requesting preliminary site plan approval for a new 2-story office building to be constructed at the corner of Eaton Boulevard and Harvard Road. This conceptual rendering is on Harvard Road facing west. Immediately to the left there is a retention basin and the building is sited up on a rise so you can see the building at the corner of Harvard Road and Eaton Boulevard. There are two entrances proposed for the site; one on Harvard Road, which is a right in; right out only, and the entrance off of Eaton Blvd., which is to the far north western corner of the new site. On the south side of the building there will be visitor parking and to the north of the building will be a primary employee parking lot. The building parking has been designed for a possible future expansion. To the southeast there is a retention basin. In terms of site amenities, there is a proposed walking trail that skirts around the back of the parking lot, around the retention basin, and connects to the front. There is a retaining wall that helps form a terrace off of a proposed café. The submission included a proposal of lighting and early topography studies for preliminary site plan approval. There was an early landscape plan submitted.

Mr. Griswold stated that the Building Department reviewed the plans and has no comment at this time. As reported in the previous item, due to the proximity to the Eaton Boulevard intersection, the Police Department would like to be certain that the proposal for the Harvard Road curb cut is a right turn in; right turn out only. The Fire Department report indicates the fire apparatus access is a concern and will need to be modeled with the dimensions of the Fire Department's apparatus measurements, which will need to be given to the applicant. No access to the east side of the structure is a concern. The Fire Department would like to discuss the Life Safety systems plan for the building. By doing this it would help in the location of the hydrant and Fire Department connections. Also, the pond located on the east side of the structure will need to be fenced to prevent pedestrian and vehicle access.

Mr. Cuini stated that the applicant has submitted all the necessary information for preliminary review. Preliminary approval is recommended at this time. It is a reminder to the applicant that approvals must be obtained from the Cleveland Water Department, the Cuyahoga County Sanitary Engineer and the Ohio EPA when the final plans are completed. A minor comment about the drainage, there is shown a retention basin to the southeast corner of the property, and it outlets out onto Harvard Road. Some of the drain-age of this site actually doesn't go to that corner. It is requested that the applicant's engineer check the capacity of the sewers on Harvard Road and make sure they are able to handle more drainage.

Mr. Smerigan stated that this request is for preliminary site plan approval to construct a two-story office building on the new 8.5 acre lot to be created on the northeast corner of Harvard Road and Eaton Boulevard. The applicant proposed an office building of approximately 57,000 square feet with an overall height of approximately 31.5 feet. The subject site is located in the U-10 Planned Mixed-Use Development District. The proposed site plan indicates access from both Harvard Road and Eaton Boulevard. The access from Harvard Road is shown as right-in and right-out only. A full access drive is proposed on Eaton Boulevard. The Eaton Boulevard access has been located as far as possible from the Harvard Road/Eaton Boulevard intersection. Both access drives comply with the separation requirement from the intersection. Mr. Brooker described the general site layout very accurately.

Mr. Smerigan stated that presently there are no variances required for the proposed development, as shown on the box score that was submitted. Building and parking requirements are all met for the U-10 District. The site complies with the lot coverage and open space requirements. There are preliminary lighting and landscaping plans which appear to be in compliance with the U-10 requirements. Therefore, the Planning and Zoning Commission has final authority to approve or deny preliminary site plan approval subject to the comments of the City Engineer.

Chairperson Hecht asked Mr. Smerigan to explain the break in the median on Eaton Boulevard.

Mr. Smerigan stated that he had discussed the curb cut location with Mr. Frey, who is present this evening and represents The Richard E. Jacobs Group. The concern about the curb cut location on Eaton Boulevard is that it be located as far from the intersection of Harvard Road and Eaton Boulevard and still be on the property. The question becomes that on the opposite side of the street, the property line for the Eaton Headquarters Building comes slightly further south, so that a driveway for the other corner lot could not possibly match that because it is on the opposite side of the Eaton property. As you come further south, you get closer and closer to Eaton Boulevard, which becomes an issue, which is the same issue the Police Department raised with the access on Harvard where it was recommended to have the right-in, right-out only and adjust with the intersection. There is not a proposed use or development for the empty corner.

Mr. Frey stated that the access to this location was very closely looked at and they worked with the applicant on the initial site plan concept. This is the preferred location for this driveway and a full median will be maintained at this time.

Mr. Cohen asked what the Commission was recommending on this application. Would this preliminary vote include the future expansion and parking at this time? Also, is this medical office use or is this general office use?

Mr. Smerigan stated that this information was for informational purposes only. The only thing that is being voted on for preliminary approval this evening is the two-story office building, 57,000 square feet, and the parking that goes along with it.

Mr. Doult stated that this proposed company that we are working with to attract is called Omnova Solutions and it is a chemical specialty company. They have facilities in seven countries and sell to over 90 countries. They are a 1.2 billion dollar company and this will be their World Headquarters.

Mr. Doult continued that there will be approximately 110 full-time employees to start with brought to the City of Beachwood with a payroll of approximately 22 million dollars.

Mr. Mann asked if this was a single tenant building and if there were any thoughts of putting any food service in the building.

The applicant answered yes to a single tenant building and no to any type of food service.

Chairperson Hecht asked if child care had been discussed.

The applicant stated that child care had not been discussed at all for now or in the future.

A motion was made by C.Cohen and seconded by B. Zabell to grant to Vocon, on behalf of CAM, Inc. preliminary approval for the proposed new construction of a 2-story office building at the corner of Eaton Boulevard and Harvard Road.

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

Adjourned at 8:25 p.m.

Rochelle Hecht, Chairperson

Sue Ley, Secretary

Karen Navolanic, Clerk of Council