

THE PLANNING AND ZONING COMMISSION MEETING WAS HELD AT BEACHWOOD CITY HALL ON THURSDAY, SEPTEMBER 26, 2013.

ROLL CALL:	PRESENT:	C. Cohen, M. Gorden, R. Hecht B. Zabell
	ABSENT:	O. Jacobs, B. Mann, M. Wachter
	ALSO PRESENT:	M. A. Cannon, J. Doutt, Wm. Griswold, G. Smerigan

A motion was made by B. Zabell and seconded by C. Cohen to approve the minutes of the June 27, 2013, regular meeting.

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

A motion was made by C. Cohen and seconded by Mayor Gorden to approve the minutes of the July 25, 2013, regular meeting.

ROLL CALL:	AYES:	C. Cohen, M. Gorden, R. Hecht
	NAYS:	None
	NOT VOTING:	B. Zabell
MOTION APPROVED – MINUTES APPROVED		

A motion was made by B. Zabell and seconded by Mayor Gorden to approve the minutes of the July 30, 2013, Special meeting.

ROLL CAL:	AYES:	M. Gorden, R. Hecht, B. Zabell
	NAYS:	None
	NOT VOTING:	C. Cohen
MOTION APPROVED – MINUTES APPROVED		

No Council report this evening.

P&Z 2013-39	VOCON, ON BEHALF OF CAM, INC. IS REQUESTING FINAL SITE PLAN APPROVAL FOR THE PROPOSED NEW CONSTRUCTION OF A 2-STORY OFFICE BUILDING, OMNOVA, TO BE LOCATED AT THE CORNER OF EATON BOULEVARD AND HARVARD ROAD.
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Ms. Julie Trott, architect from Vocon, representing CAM, Inc. and Jeff Mockbee from CAM, Inc. were present to request final approval for a new 2-story office building to be located at the corner of Eaton Boulevard and Harvard Road. As the Commission is aware, this will be a development on the 8.5 acres of land of a two-story, 57,000 square foot commercial office building which will become the world headquarters for OMNOVA Solutions. The building fronts on Harvard with a main entrance, right turn in and right turn out only. There will be a secondary entrance on Eaton Blvd, being a traditional entry that can be accessed by both northbound and southbound traffic. There have been meetings with the Police and Fire Departments to permit a

break in the median strip which is located in the middle of Eaton Blvd. At both access points there will be monumental signs installed for identification to the site. Visitors will be parking in the front of the building and the employees will transition to the major parking that is located behind the facility. There is a major grading change across the site and it will be accommodated throughout the site. The building will be elevated approximately six feet above Harvard Road and slightly below Eaton Boulevard. The remaining site transition grading will occur on the eastern property line and will be accommodated around the future retention basins for storm water retention. The applicant has worked with the City Planner and the City Engineer to review the plan and the proposal to address all of the issues from the City Engineer, City Planner and Police Department.

Mr. Griswold stated that there have been several meetings between the applicant and the City's different departments. Mr. Ciuni's report, which is before the Commission, reflects that he has received plans and recommends final approval. There are a few minor engineering items which will be addressed prior to issuing a permit and the Building Department would recommend approval. The issues for the Fire Department have been addressed. The Police Department's request for the right-in, right out only on Harvard Road has been complied with by the applicant. Every Department would recommend final approval.

Mr. Smerigan stated that the site plan is consistent with the preliminary development plan approved by the Planning and Zoning Commission in August. Access drives comply with the comments of the Police Department and the City Engineer. Setbacks and building ground coverage comply with the Zoning Code. One adjustment from the original plan is that the number of parking spaces has been reduced from 242 to 235; however, the parking still complies with the 228 required by the Zoning Code. The applicant has provided a site lighting photometric plan that complies with the City standards. Also there was a detailed landscape plan submitted. The Planning and Zoning Commission has final authority to approve or deny the plan, and it is recommended that the Commission grant final approval, subject to the comments of the City Engineer.

A motion was made by C. Cohen and seconded by B. Zabell to grant to Vocon, on behalf of CAM, Inc., final site plan approval for the proposed new construction of a 2-story office building, OMNOVA, to be located at the corner of Eaton Boulevard and Harvard Road, contingent upon complying with the comments of the City Engineer.

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

Mrs. Cannon, Law Director, stated for the Planning Commission's information that Council has approved the incentives contemplated for this project and OMNOVA has received approval from the Warrensville Heights School District. OMNOVA has started the process for getting final approval from the State and the Port Authority for their financing.

P&Z 2013-40 REVERE TITLE AGENCY, ON BEHALF OF THE OWNERS
OF THE PROPERTY, IS REQUESTING A LOT SPLIT AT
26690/26720 HENDON ROAD.

Mr. David Kaprosy, representing the owner of the property located at 26690/26720 Hendon Road, is requesting approval of a lot split and consolidation. The neighbors are each buying half of this property.

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

Mr. Smerigan stated that this request is for preliminary and final approval of a lot split and consolidation plat. The property is located on the south side of Hendon Road in the U-1 Single Family District. Three existing lots are being combined to make two new lots. The resulting two lots will have extensive frontage on Hendon and will conform to all the single family requirements. This is a subdivision plat and will need to be referred to City Council. He would recommend approval.

Mr. Cohen asked about any service and upkeep being done on the pond.

Mr. Kaprosy stated he did not know of any conditions that needed to be completed.

A motion was made by B. Zabell and seconded by C. Cohen to approve and recommend to Council the request of Revere Title Agency, on behalf of the owners of the property located at 26690/26720 Hendon Road, for a lot split and consolidation.

ROLL CALL:	AYES:	C. Cohen, M. Gorden, R. Hecht B. Zabell
	NAYS:	None
	MOTION APPROVED – RECOMMEND TO COUNCIL – meeting October 7, 2013	

P&Z 2013-41 THE RICHARD E. JACOBS GROUP, INC., IS REQUESTING
PRELIMINARY AND FINAL APPROVAL FOR A LOT SPLIT
ON GREEN ROAD, PPN 742-39-001, CREATING AN AP-
PROXIMATE 4.992 ACRE PARCEL.

Mr. Carl Frey, representing The Richard E. Jacobs Group, Inc. was present to request preliminary and final approval for a lot split on Green Road, PPN 742-39-001, to create an approximately 4.992 acre parcel for the development of an assisted living facility.

Mr. Griswold stated that there were no comments from the Building Department, Fire Department and Police Department. Mr. Griswold stated that the Engineering Department recommended approval.

Mr. Smerigan stated that this request is for preliminary and final approval of a lot split plat. The property is located in the U-10 Planned Mixed-Use Development District. The proposed new lot is 4.992 acres in area and has 535 feet of frontage on the east side of Green Road. The proposed lot will conform to all of the minimum lot criteria in the U-10 Planned Mix-Use Development District.

Again, the Commission will need to make a recommendation to City Council and approval is recommended.

A motion was made by C. Cohen and seconded by B. Zabell to approve and recommend to Council the request of The Richard E. Jacobs Group, Inc. for preliminary and final approval for a lot split on Green Road, PPN 742-39-001, creating an approximate 4.992 acre parcel for the purpose of the development of an assisted living facility.

ROLL CALL:	AYES:	C. Cohen, M. Gorden, R. Hecht B. Zabell
	NAYS:	None
	MOTION APPROVED – RECOMMEND TO COUNCIL – meeting October 7, 2013	

P&Z 2013-42	LIFESERVICES ASSISTED LIVING IS REQUESTING PRE-LIMINARY SITE PLAN APPROVAL FOR A NEW 76-UNIT ASSISTED LIVING COMMUNITY TO BE DEVELOPED ON GREEN ROAD AND HARVARD ROAD.
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Mr. Scott Allen, one of the owners of LifeServices Assisted Living, was present to request preliminary approval to build an assisted living facility on Green Road. LifeServices has been in existence since 1997 and opened the first community assisted living facility in Erie, PA. in 1997, where the headquarters is also located for LifeServices. There are eight communities in North-eastern Ohio and the western Pennsylvania area. The first facility in Ohio was opened in Mentor in 1999. There are other communities in Strongsville and Highland Heights. This will be a two-story building on a 5 acre site, a residential assisted living community with 38 studio units and 38 one-bedroom units. It will be a residential care facility licensed by the Ohio Department of Health. The building will have all the new fire protection requirements. There will be approximately 35 to 40 staff over 3 shifts, which is an average of about 10 to 12 people per shift and a few deliveries. There was a traffic study done for the driveway, although most of their residents don't drive. There is a very minimal traffic impact for this area. There are 56 parking spaces provided for the facility. The storm water detention is at the south area of the property. There is an interior courtyard. There is weekly housekeeping provided; three meals a day available, scheduled transportation for the residents, hands on personal care as needed per individual resident, and linen service.

Mr. Griswold stated that the Building Department has reviewed the drawings and has no comments. Mr. Ciuni has recommended preliminary approval and the applicant will address the issues in the Engineering report dated September 16, 2013.

Mr. Griswold stated that the Fire Department has three issues. First, the fire apparatus access is a concern and will need to be modeled with vehicle dimensions provided by the Fire Prevention Bureau. It shows no access to the east side of the structure which is a concern and will need to be discussed with the designer. Secondly, the Fire Department would like to discuss Life Safety systems for the building along with hydrant and fire department connection (s) locations. The Fire Department is requesting 2 to 3 fire hydrants to be installed along the building frontage in the City right-of-way. Thirdly, the pond located on the south of the drive entrance will need to be fenced to prevent pedestrian and vehicle access. The Police Department has no comment at this time.

Mr. Smerigan stated that this request is for preliminary site development plan approval for an assisted living facility. The subject property is located in the U-10 Planned Mixed-Use Development District and consists of 4,992 acres with 535 feet of frontage on the east side of Green Road. The proposed building has a footprint of 36,985 square feet and is two stories in height. The building complies with the maximum building ground coverage requirement in the U-10 District. It will also comply with the minimum landscape area. It will exceed all of the minimum setback requirements as will the parking. There is approximately 37 feet of elevation change across the site. The site will require an extensive amount of grading. Final landscape plans will be critical on this site.

Mr. Smerigan continued that licensed health care facilities are listed as a permitted use in the U-10 Planned Mixed-Use Development District; however, assisted living facilities are not specifically listed. The standard parking for licensed health care facilities such as clinics, hospitals, etc., requires a higher parking demand with the larger amount of traffic and wouldn't necessarily be appropriate for an assisted living facility. The current City parking standard for assisted living facilities is 1 space for each 1.5 dwelling units. In this instance application of that standard would require a total of 51 parking spaces. The site plan indicates a total of 56 parking spaces. In this instance the Planning and Zoning Commission can grant preliminary site development approval for the 76 unit assisted living facility with a determination that the applicable parking standard for the facility shall be 1.5 spaces per dwelling unit and that such approval is subject to compliance with the comments of the City Engineer and no variances are required.

Mr. Zabell asked about the individual size of each unit and if there was any provision for overnight visits of guests. Also, is there any policy set that allows only one (1) person per unit and that non-residents cannot stay overnight?

The applicant stated that the size varies from 350 square feet up to 650 square feet. A bathroom and a kitchenette are provided. Mr. Allen also stated that there was a policy that no unrelated visitors may occupy in the unit. In the one-bedroom there are allowed couples; a husband and wife or two sisters or brothers.

Chairperson Hecht asked how many employees were per shift and how many people drove cars. If the residents don't drive; is there transportation available? Who drives the van?

The applicant answered that there were 12 to 15 on the first shift; 6 to 8 on the second shift; and the third shift is 3 to 4 people. If there are 3 or 4 residents that drive cars, that would be average. There is scheduled transportation provided and the bus is driven by one of the employees.

Chairperson Hecht asked if there was going to be a fence around the pond and if the courtyard was fenced in. Is there a security system for the property? Is the front door kept locked?

The applicant stated that the courtyard is actually in the interior of the building. The pond will be fenced using the standard black decorative aluminum fence. There is a state of the art security system where each resident has a pendant. If the help call button is pushed, it notifies the staff via pager and also notifies the Nurse Care Manager and Community Director on their computer. It locates the resident, tells management who it is; the resident number, and where they are currently located in the building. The front door as well as the other exits is all on a delayed egress system. There is a security pad next to the doors, if you can put the code in, which is listed above the keypad, and you can exit immediately. In case of a fire or fire alarm, those delayed egresses are immediately disconnected. If someone pushes the bar it automatically alerts the staff.

Mr. Cohen asked about a perforated line shown on the drawings that is to the east or rear of the property and asked what that represents? If it is a walking trail, there is a grade drop off there and would it be prudent to put a fence up?

Mr. Frey stated that there is a gravel access driveway that is across the property from Green Road that is for the gas well. There are no trails in that area and the applicant isn't purposing any trails. The Richard E. Jacobs Group has been coordinating with the leasee of the gas well to relocate some equipment to accommodate this project.

A motion was made by B. Zabell and seconded by C. Cohen to grant LifeServices Assisted Living preliminary approval for a new 76 unit assisted living community to be developed on Green Road and Harvard Road subject to: 1) the comments of the Fire Department; 2) comments of the City Engineer; and 3) the determination made by the Planning Commission that the applicable parking standard for the facility of 1.5 spaces per dwelling unit will be adequate.

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

P&Z 2013-43	RICK DOODY, REPRESENTING CEDAR CREEK GRILLE, LOCATED AT 2101 RICHMOND ROAD, IS REQUESTING PRELIMINARY AND FINAL SITE PLAN TO INCREASE THE SIZE OF THE RESTAURANT FOR INTERIOR EXPANSION AND AN ADDITION FOR A PATIO FOR A TOTAL OF 1000 TO 1400 SQUARE FEET.
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Mr. Rick Doody, IS representing Cedar Creek Grille, which is the present restaurant and has 86 employees and has done about 4 million dollar business over the past year. This proposed project is a second concept next to the restaurant which would incorporate the patio. This proposal is a second concept next to the restaurant that would incorporate the terrace/patio. The terrace is

a nice amenity to Cedar Creek but is not utilized to the fullest extent. This will be a more casual concept. There will be no increase in the number of seats for a restaurant.

Mr. Griswold stated that the Fire Department has met with both business and property owners to discuss a potential mall egress corridor changes to accommodate this new concept. Both are working with the architect to make sure all applicable codes and standards are met. Also, it was noted on the plans that the new wood burning fireplace for ambiance will have glass fire doors that will be shut upon use. The Fire Prevention Bureau has and will continue to work closely with the restaurant owner to make sure all applicable codes and safety precautions are met for the proposed fireplace. Mr. Ciuni, City Engineer, has no comments and would recommend approval. The Police Department has no comments at this time.

Mr. Smerigan stated that this request is for preliminary and final site development plan approval for the expansion of the existing restaurant and the inclusion of a new unit to be known as Taco Barrio. The proposal is part of the LaPlace shopping center, which is located in the U-4A Integrated Business District. The existing Cedar Creek Grill restaurant was approved with seating for 202 persons including the outdoor patio area, resulting in an increased capacity of 71 seats. The LaPlace shopping center has a total of 582 parking spaces. Based upon the proposed new restaurant expansion, the number of required parking spaces on the subject site would increase to 599. Therefore, the proposed restaurant expansion would require a parking variance of 17 spaces, or about 3% of the total required parking. This seems to be a reasonable variance to allow the expansion of the restaurant.

Since a variance is required, the Planning and Zoning Commission will need to make a recommendation to City Council. Should the Commission determine to recommend approval of the variance and site plan, 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 1121.04(b) relating to the minimum number of required off-street parking spaces; and 2) granting of a variance of 17 spaces, to Section 1121.014(b) to permit the total number of parking spaces on the subject site to be 582 in lieu of the 599 spaces required by the Code.

Mr. Cohen asked if there was an enclosure or is there an addition or is it part of the existing patio being utilized?

Mr. Doody answered that the terrace is presently enclosed. The hallway between the terrace and the back kitchen will be enclosed. With regard to the parking issue, the employees are required to park in the garage. There is valet parking on Wednesday, Thursday, Friday and Saturday evenings. Sometimes it is even hard to keep the valet busy. There has never been an issue with regards to parking availability. The Taco Barrio kitchen area is actually the old Yves Delorme space. The kitchen will be used for both sections of the restaurant.

Mr. Zabell asked Mr. Smerigan if the additional parking being required is because of the conversion of the space from retail space to restaurant space or is there actually new leasable space being constructed.

Mr. Smerigan said it is required because of the conversion of space. The retail space parking requirement is based on square footage and the restaurant parking requirement is based on seating capacity. There is a lot of kitchen area that is being converted to seating area. Because the seating area of the restaurant is increased, it increases the number of parking spaces required. It is worth noting that a significant percentage of that increase is patio parking, which is seasonal. A 3% variance which is mainly for seasonal parking seems to be a reasonable request. There has never been a parking problem in this area. There is no additional leasable space that is being constructed.

Chairperson Hecht asked if both restaurants were going to be open for lunch and dinner.

The applicant answered that that is the plan.

Chairperson Hecht asked about the entrances being separate for each restaurant and if there were going to be separate menus.

Mr. Doody stated that each restaurant would have a separate entrance. It is not the standard taco restaurant you see around town. It is a nautical theme restaurant. It has a unique menu from oyster tacos to fresh fish tacos. It is inexpensive and has the regular beef and chicken tacos also.

A motion was made by C. Cohen and seconded by B. Zabell to recommend to Council the request of Rick Doody, representing Cedar Creek Grille's located at 2101 Richmond Road, for preliminary and final site plan approval to increase the size of the restaurant for interior expansion and an addition for a patio for a total of 1000 to 1400 square feet, 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 1121.04(b) relating to the minimum number of required off-street parking spaces; and 2) granting of a variance of 17 spaces, to Section 1121.014(b) to permit the total number of parking spaces on the subject site to be 582 in lieu of the 599 spaces required by the Code.

ROLL CALL:	AYES:	C. Cohen, M. Gorden, R. Hecht B. Zabell
	NAYS:	None
	MOTION APPROVED – RECOMMEND TO COUNCIL – October 7, 2013	

Adjournment

Rochelle Hecht, Chairperson

Sue Ley, Secretary

Karen Navolanic, Clerk of Council