

THE PLANNING AND ZONING COMMISSION WAS HELD AT BEACHWOOD CITY HALL ON THURSDAY, OCTOBER 31, 2013.

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| ROLL CALL: | PRESENT:      | C. Cohen, R. Hecht, O. Jacobs<br>B. Mann, M. Wachter |
|            | ABSENT:       | M. Gorden, B. Zabell                                 |
|            | ALSO PRESENT: | M. A. Cannon, J. Ciuni, W. Griswold<br>G. Smerigan   |

A motion was made by B. Mann and seconded by O. Jacobs to approve the minutes of August 29, 2013, regular meeting.

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| ROLL CALL: | AYES:                              | C. Cohen, R. Hecht, O. Jacobs<br>B. Mann, M. Wachter |
|            | NAYS:                              | None                                                 |
|            | MOTION APPROVED – MINUTES APPROVED |                                                      |

A motion was made by M. Wachter and seconded by C. Cohen to approve the minutes of the September 26, 2013, regular meeting.

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| ROLL CALL: | AYES:       | C. Cohen, R. Hecht  |
|            | NAYS:       | None                |
|            | ABSTAIN:    | O. Jacobs           |
|            | NOT VOTING: | B. Mann, M. Wachter |

#### COUNCIL REPORT

Mr. Mark Wachter, Council Representative, stated that Council approved the following items from the September 29, 2013 meeting: 1) P&Z 2013-40 Revere Title Agency, on behalf of the owners, requested a lot split and consolidation at 26690/26720 Hendon Road; 2) P&Z 2013-41 The Richard E. Jacobs Group, Inc. requested preliminary and final approval for a lot split on Green Road, PP#742-39-001, creating approximately a 4.992 acre parcel; and 3) P&Z 2013-43 Rick Doody, representing Cedar Creek Grill, located at 2101 Richmond Road, requested preliminary and final approval to increase the size of the restaurant interior and an addition for a patio for a total of 1,0000 to 1,400 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.

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| P&Z 2013-42 | LIFESERVICES ASSISTED LIVING IS REQUESTING FINAL SITE PLAN APPROVAL FOR A NEW 76-UNIT ASSISTED LIVING COMMUNITY, BEACHWOOD COMMONS, TO BE LOCATED ON GREEN ROAD IN CHAGRIN HIGHLANDS. |
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Mr. Scott Allen, one of the owners of Life Services Assisted Living community described the project. The first assisted living facility was opened in 1997 in Erie, Pa. There are three locations in the Cleveland area. The Beachwood Commons will be a 76 unit assisted living community, licensed as a residential care facility through the Ohio Department of Health located on a little less than 5 acres. There will be a mix of 38 studio apartments and 38 one-bedroom apartments. There will be 35 to 40 employees on staff over three shifts. It is a two-story, wood-framed building. There is minimal traffic generated since most of the residents are over the age of eighty. The plans for this facility have been approved by The Richard E. Jacobs Group.

Mr. Allen stated that there was concern about deliveries and location of the dumpster. Most of the deliveries are on short box trucks. The receiving area would not block the main drive for the Fire Department or an ambulance. The dumpster would be emptied twice a week.

Mr. Griswold stated that the applicant has answered the questions from the Fire Department. The Police Department has no comments. The letter of approval from The Richard E. Jacobs Group will be forwarded to the Building Department by the applicant. Final approval is recommended by the Building Department, Fire Department and Police Department.

Mr. Cinui stated that the plans have been reviewed. Engineering would like a copy of the approval letter from The Richard E. Jacobs Group as well. There is one issue regarding the grading. This is a difficult site and the plans show that the applicant is grading beyond the property lines. A letter from the adjacent property owners is required stating that they are okay with the grading as proposed. The Engineering Department recommends approval.

The applicant stated that The Richard E. Jacobs Group was to receive a letter from the neighboring property owners with their approval.

Mr. Smerigan stated that this request is for final site development plan approval for a 76-dwelling unit 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 36,958 square feet and is two stories in height. One-half of the dwelling units are studio apartments and one-half are one-bedroom apartments. Each unit has a private bath and kitchenette. The facility would include group dining facilities, housekeeping facilities, and common areas. The building is rectangular in shape with a central open courtyard.

The final site development plan conforms to the previously approved preliminary site plan. The building and parking areas conform to the requirements of the Zoning Code with regard to setbacks and ground coverage. The 56 parking spaces conform to the parking determination made by the Planning and Zoning Commission as part of the preliminary site plan approval. As a result of the elevation change across the site, the building and parking lot sit substantially higher than Green Road, but much lower than the rear of the property. The landscape plan provides for a series of red maples along Green Road. The entry drive and parking lot are lined with honey locusts. Prairie fire crab trees anchor the building foundation plantings and the drop-off plantings. The decorative and shade trees are specified as 2" or 2.5" caliper. A combination of Norway and Serbian Spruce trees has been used to create a screen line along the northern and eastern property lines. A cluster of

spruce trees is used to screen the existing gas well which is located just off the subject site. All of the evergreens are specified as 7 feet planting height. The courtyard is well landscaped with a combination of perennials and shrubs with a few decorative trees. The volume, placement, and installation sizes of the proposed plant materials are consistent with City standards. Driveway and parking lot lighting is with cut-off fixtures mounted on poles 11 feet in height. Wall packs are used around the building. The wall packs and three (3) light poles provide lighting for the fire lane surrounding the building. The courtyard is illuminated with three (3) light poles. The photometric plan indicates adequate lighting for safety while meeting the City's light spillage requirements. It is recommended that the Planning and Zoning Commission grant final site development plan approval subject to compliance with the comments of the City Engineer.

Chairman Hecht asked how many part-time employees there were.

Mr. Allen stated that there was around a total of 40 employees and 20 employees would be part-time. These part-time employees are resident assistants.

A motion was made by B. Mann and seconded by O. Jacobs to grant the request of LifeServices Assisted Living for final approval for a new 76-unit assisted living community, Beachwood Commons, to be located on Green Road in Chagrin Highlands, contingent upon compliance with the comments of the City Engineer, and receiving a letter from The Richard E. Jacobs Group from the neighboring property owner for permission to do the proper grading.

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| ROLL CALL: | AYES:           | C. Cohen, R. Hecht, O. Jacobs, B. Mann<br>M. Wachter |
|            | NAYS:           | None                                                 |
|            | MOTION APPROVED |                                                      |

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| P&Z 2013-44 | AGILE SIGN & LIGHTING MAINTENANCE INC., REPRESENTING UNIVERSITY HOSPITALS/MANDEL JEWISH COMMUNITY CENTER, LOCATED AT 26001 SO. WOODLAND, IS REQUESTING PRELIMINARY AND FINAL SITE PLAN APPROVAL TO INSTALL A NEW NAME ON ALL THE EXISTING SIGNAGE AT THIS FACILITY. |
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Mr. Lou Belknap from Agile Sign, representing University Hospitals and Mandel Jewish Community Center, stated that there used to be a former healthcare provider that moved out of the JCC located at 26001 So. Woodland and UH took over the contract. University Hospitals will be on all of the signs except that the front entry sign will remain the same. Everything being changed will be on the interior of the lot; i.e. directional signs, building identification etc. The original name was taken off of the signs and will be replaced with University Hospitals. The signs remain the same with the identical raised letters being replaced with the proper name. There is one damaged sign that will be completely replaced.

Mr. Griswold stated that the Building Department, Police Department and Fire Department have all reviewed the application and would recommend approval.

Mr. Ciuni stated there were no engineering comments.

Mr. Smerigan stated that this request is for preliminary and final site approval to modify the existing sign package at the Mandel Jewish Community Center to provide identification of University Hospitals as the provider of the Rehabilitation and Sports Therapy program. The existing building canopy sign, wayfinding signs, and entry door signs would be altered to include the University Hospitals' logo and name. There is no change to the main entry identification sign. The proposed sign package is consistent with the provisions of Section 1141.14 which regulates signs in U-5 Public and Institutional Districts and with the previous approval of the Planning and Zoning Commission of the overall site sign program. It is recommended that the Planning and Zoning Commission grant preliminary and final site plan approval for the sign modifications.

Mr. Mann asked the applicant if the contract with University Hospitals had been executed.

Mr. Belknap stated that to his knowledge everything has been completed. University Hospitals may even already be in the facility.

A motion was made by O. Jacobs and seconded by B. Mann to grant the request of Agile Sign & Lighting Maintenance Inc., representing University Hospitals/Mandel Jewish Community Center, located at 26001 So. Woodland, for preliminary and final approval to install a new name on all the existing signage at this facility.

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| ROLL CALL: | AYES:           | C. Cohen, R. Hecht, O. Jacobs, B. Mann<br>M. Wachter |
|            | NAYS:           | None                                                 |
|            | MOTION APPROVED |                                                      |

Mrs. Cannon, Law Director, stated that she had an update for members of the Commission who may have read in the media that on Tuesday, a committee known as Beachwood Jobs & Services filed petitions that were discussed previously by the Planning Commission, to place on the ballot a Charter amendment which would make part of the Charter of the rezoning of the single family properties adjacent to Beachwood Place and the text changes, which Council referred to the Planning and Commission. The Planning and Zoning Commission favorably referred it back to Council which has it on second reading with a public hearing set for November 18, 2013 at 7:00 p.m.

The petitions were delivered to the Law Department on Tuesday and then filed with the Board of Elections. The Board of Elections advised the Law Department that there were more than sufficient signatures on the petitions. Council will have legislation on the agenda on November 4, 2013, to certify these Charter amendments, which would basically place in the Charter what has been considered. The Charter amendment would then be before the electorate at a special election to be held on February 4, 2014. There were also two referendum petitions being circulated, if the Commission remembers. One would have required a mandatory referendum for all rezoning of property from or residential use to any non-residential classification except institutional use. The second would have required a mandatory referendum before deed restrictions intended to protect residential from commercial properties are modified or waived. The Commission may recall that these two petitions were originally circulated in August and did not receive sufficient signatures. The Beachwood Charter requires that before petitions are circulated in the City, a registration of those petitions must be filed with the Clerk of Council.

Mr. Mann asked if Council certifies the referendum, does that render the text amendments moot at this point and does it remove the issue from Council.

Mrs. Cannon stated that it is a question of timing. Council has to have three readings and a Public Hearing has to be held before the adoption of any zoning matter. Council had this matter before them for 2<sup>nd</sup> reading and scheduled for public hearing on November 18<sup>th</sup>; the text change and the rezoning of the single family property. Council would still need to have before them the waiver or modification of the existing deed restrictions. The developer has proposed a development agreement which incorporates some of the site plan modifications that have been discussed between the adjacent residents, the City, and GGP. If Council on the 18<sup>th</sup> of November approves the text change and rezoning of the property, these issues would also be subject to referendum separately. Under the City Charter, any zoning changes can be subject to referendum. Depending on the time, the Council may or may not have adopted the zoning measures, and the zoning measures may or may not have been subject to referendum. The proposers of the Charter Amendment have until December 6, 2013 to take it off the February ballot. The additional complicating factor, under our petition registration requirement, that registration is only valid for ninety (90) days. The original registration regarding these Charter amendments relating to Beachwood Place was filed with the Clerk on August 5, 2013. These petitions with the signatures had to be filed by November 4, 2013 or the proposers had to start collecting signatures all over again. The two referendum petitions failed for the number of signatures, so they are starting the process all over again.

Chairman Hecht asked when the proposers of the other petitions have to file their petitions to be on the February 4, 2014 ballot.

Mrs. Cannon, stated that their petition registration under the City's Charter is valid for ninety (90) days. If they do not bring petitions with sufficient signatures within ninety (90) days, under the new registration, then that registration will be invalid and the process would need to be started again. Under the City's Charter you have to have the petition filed at least 75 days and no more than 120 days for an election on any issue. The City's Charter states that an election must be held not less than 75 days after and not more than 120 days after the petitions have been filed. If the circulators of the referenda want to be on the February 4, 2014 ballot, they must file the petitions with the clerk by November 21, 2013.

Chairman Hecht asked what happened if the petitions were not filed by November 21, 2013, what would be the next step.

Mrs. Cannon stated that would depend on the date when the petitions are filed with the Clerk. They have ninety days after the petitions are filed and then an additional election would have to be held by the City at least 75 days and not more than 120 days after the filing of those petitions.

Chairman Hecht stated that there could possibly be two elections.

Mrs. Cannon stated there could be two elections, and there could possibly be another election if there is a referendum on the zoning measures that are before Council. The timing would depend on the action of Council.

Mr. Wachter stated that if he is reading this correctly, if the petition to be circulated by Mr. Byrne came after the petition in favor of all modifications, if that ballot issue passed, then the petition circulated by Mr. Byrne would be of no use.

Mrs. Cannon stated that that petition would of no use with regards to Beachwood Place because it would not be in effect at the time Beachwood Place was approved either by Council, if there were no referendum or by the proposed Charter amendment. Hypothetically, if the proposed Charter amendment is on the ballot in February and it passes, there won't be any mandatory referendum in effect. The two referenda being proposed in the current petitions could have no application to Beachwood Place because Beachwood Place will have been approved.

Mr. Wachter stated that if the new petition were signed and filed by the 14<sup>th</sup> of November, it could be used.

Mrs. Cannon stated that the number of signatures required is 894 for the petition.

Meeting was adjourned.

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Rochelle Hecht, Chairman

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Veronica Gentner, Secretary, Pro-tem

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Karen Navolanic, Clerk of Council