

THE PLANNING AND ZONING COMMISSION MEETING WAS HELD AT BEACHWOOD CITY HALL ON THURSDAY, DECEMBER 12, 2013.

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

Chairperson Hecht stated that there was a handout on the dais for each member of the Commission that was printed at a meeting that was conducted by the Planning Commission of Cuyahoga County. This is a list of definitions regarding Planning and Zoning terms.

Mrs. Cannon, Law Director, stated that there was a mistake on the date for filing the petitions that she stated in the October minutes. The date should be November 21, 2013 instead of November 14, 2013.

A motion was made by C. Cohen and seconded by O Jacobs to approve the minutes as corrected of the October 31, 2013, regular meeting.

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

COUNCIL REPORT

No report from Council Representative Mr. Wachter.

Mayor Gorden stated that the Planning and Zoning Commission is one of the most important parts of the City. The Commission looks at projects for the current day and future plans for the City. When Mrs. Hecht joined the Planning Commission several years ago, she decided that her full attention would be given to the applications presented to the Planning Commission. Mayor Gorden said that he would like to thank Mrs. Hecht for her constant interest in the Planning and Zoning Commission over the years. Also, Mayor would like to thank the Commission members for working along with Mrs. Hecht.

Mrs. Hecht stated she was thankful for the Mayor's comments. She has been on the Commission for about 15 years and she has been the chairperson for the last four years. She would like to thank all of the directors, the consultants and members for the pleasure of working on all of the projects. Mrs. Hecht also announced that Mr. William Mann will be the new chairperson for the upcoming 2014 Planning and Zoning Commission.

P&Z 2013-46	ROBERT OROVETS, REPRESENTING WINKS BAR AND GRILLE, IS REQUESTING PRELIMINARY AND FINAL APPROVAL FOR THE EXPANSION OF THE PARKING LOT AND RENOVATIONS TO THE EXISTING PATIO AREA.
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Mr. Craig Cohen recused himself from the dais due to a conflict with this application.

Mr. Jim Callam representing Winks Bar and Grill stated that drawings were submitted for a parking lot expansion and remodel of a patio. This will permit the seating capacity to be 214 seats instead of 166 seats.

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

Mr. Ciuni stated that the application was originally submitted for preliminary approval. It is a simple plan for a parking lot that was initially planned on the original submittal. Engineering has reviewed the letter from the applicant regarding the fact that there are no wetlands.

Mr. Smerigan stated that this is for site plan approval to construct a new parking lot and to expand the existing front patio area. The applicant is proposing to install an additional 24 parking spaces at the rear of the site, which would permit the seating capacity of the restaurant to be increased by 48 from the current limit of 166 to 214 seats. The proposed parking expansion complies with the parking setback requirements for the U-9 Motor Service District. The application included a site lighting plan for the new parking area and a landscaping plan for both the parking lot area and patio expansion that complies with the City's regulations.

Mr. Smerigan stated that should the Planning and Zoning Commission determine to grant preliminary and final site plan approval, the motion should include an amendment of the previous stipulation limiting the restaurant's seating capacity to a total of 166 seats to permit a total of 214 seats.

Chairperson Hecht stated that the restaurant is now open. It opened December 3, 2013.

Mayor Gorden stated that he had dinner at Winks last week and was very pleased with the food and the service.

A motion was made by B. Zabell and seconded by B. Mann to grant Winks Bar and Grille preliminary and final site plan approval for the expansion of the parking lot and renovations to the existing patio area to expand the seating to 48 additional seats to have a total capacity of 214 seats and conditioned upon complying with the comments of the City Engineer.

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

Mr. Craig Cohen returned to the dais.

P&Z 2013-47

VOCON PARTNERS, REPRESENTING HIGHPOINT REALTY LLC, LOCATED AT 24755 HIGHPOINT ROAD, IS REQUESTING PRELIMINARY SITE PLAN APPROVAL FOR THE PROPOSED CHANGE OF USE AND AN ADDITION TO THE EXISTING BUILDING, AND ALSO REQUESTING A PARKING VARIANCE.

Mr. Griswold stated that the applicant, Abode Living, is not expecting a vote tonight, but has made a presentation of the project to receive comments from the Commission. The applicant has talked with the Fire Department concerning the fire apparatus access and is aware that the site will need to be modeled with the dimensions of the apparatus, and also needs to discuss the Life Safety systems and fire hydrant locations. The Fire Chief indicated that on one of the renderings presented there was indicated a water feature which is required to have a fence surrounding it.

Mr. Ciuni had no comments from the Engineering Department.

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 Home 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 zoning U-2A Attached Single-Family Home District. There is also land zoned U-3 Apartment House District on the northeast corner of Richmond Road and Fairmount Boulevard. One common factor among these projects is that they are internally directed or oriented and have provided perimeter buffering to Richmond Road and/or Fairmount Boulevard.

Mr. Smerigan stated that the applicant has provided a preliminary concept plan for the development that indicates a total of 32 dwelling units in seven buildings predominantly focused around a central courtyard. There is a mix of units with one, two and three bedrooms. The plan calls for a single new driveway from Richmond Road and an interconnection with the existing drive in Cranberry Court. Density in the U-3 Apartment House District is determined based upon the proposed mix of units with different rates depending upon the number of bedrooms. The plan as presented complies with the maximum density requirement for the unit mix proposed by the applicant. The height limitation in the U-3 Apartment House District is 35 feet. The applicant has provided proposed building elevations and floor plans that indicate three story townhouse style units that approach or meet the maximum building height. Based upon the floor plans, the proposed units would meet the minimum livable floor area requirements set forth in the Code for each unit type. The side and rear yard setbacks in the U-3 Apartment House District are tied to building heights. The front setback and building separation are all set by the development plan. The applicant has indicated a front building setback from Richmond Road that matches that of the existing Cranberry Court units to the south and the single family residence immediately to the north of the proposed project. The plan indicates the placement of 12 guest parking spaces in the front building setback.

Mr. Smerigan continued that the primary issue before the Planning and Zoning Commission is the proposed zoning map amendment to reclassify the property to U-3 Apartment House District. The applicant has provided the concept development plan as an inducement to rezone the property. Should the Commission determine to recommend the map amendment to U-3 Apartment House District, it may wish to include as part of that recommendation a proposed development agreement that clearly sets forth the nature, details, and design standards of the project.

Mr. Zabell asked Mr. Smerigan if it is known what the density is going to be with the proposed plan as compared to what it is at present.

Mr. Smerigan stated under the old U-3, there is an old formula; instead of having a set density in this district, the density is based on the unit mix. It is based on the number of bedrooms; i.e., 1, 2 or 3 bedrooms units have different area requirements. The density would change depending on the mix of units. The proposed 32 mixed units is an appropriate mix and would comply with the density requirements in this district.

Mr. Smerigan continued that the portion of Cranberry Court that was unbuilt was originally designated with six units. The Leone property is larger than that remaining portion of Cranberry Court. It was not done at the maximum density that was proposed. The style of unit being proposed in this project lends itself to create a little more density. The final mix will determine the density requirements.

Mr. Zabell continued that it is a good probability that the project will double the number of units from the previous Cranberry Court project. Mr. Zabell asked Abode Living if the proposed units to be built are for rent or for sale.

Mr. Brickman stated that all these units will be for sale.

Mr. Zabell commented that as this project moves forward that there should be some direct interaction, either through a Council person or someone else, with the abutting landowners.

Mr. Brickman stated that there have been letters sent several times and some telephone calls made. He has have spoken to several homeowners at Cranberry Courts. They want to be good neighbors and corporate citizens.

Mr. Brickman stated that he has spoken to Miss Marinelli who lives in Cranberry Court and winters in Florida. She has no objections. There have been no negative comments that they have heard. Mr. Stephen Eisenberg, he has spoken to, but not the homeowners on Brian Drive. It is hoped that they are able to get more of a response in the future as they move forward with the project.

Mr. Jacobs asked Mr. Brickman if he intended to build the complete project at one time. Also, during peak times such as holidays, birthdays, where is there extra parking?

Mr. Brickman stated that it will probably be in phases because of the tightness of the site. He also stated that each resident has a two car garage. The Fire Department is working with them regarding size of the equipment and room to move around. There will be limited parking in this type of development.

Chairperson Hecht stated that Maidstone is a very narrow street and once there are a lot of cars parked there it makes it very difficult to makes turns in either direction. Street parking could create some hazardous conditions.

Mayor Gorden asked Mr. Brickman when the project would begin. Also the Mayor asked if there would possibly be another design that would not be as tight on the property.

Mr. Brickman stated that he would like to move through the approval process as expeditiously as possible and begin the project quickly. There are people who are interested in this project in the City of Beachwood. Mr. Brickman stated that he is willing to listen to any new ideas or suggestions regarding this project.

Mr. Wachter stated that his concern is that the City has been through some contentious issues concerning single family dwellings. This project also is in residential areas. In order for this project to go forward the applicant must have the approval of the rezoning to U-2. There seems to be too much density and too much building height from his perspective. That doesn't reflect the opinions of the Planning Commission or Council. If those high numbers of units are needed to make the project work, 32 units and two driveways for entering and exiting, He believes there will be traffic issues, impact on residents and some difficulty in getting approval. A rezoning issue has no entitlement to approval.

Mr. Brickman told Mr. Wachter that he would like members of the Commission to view some of the projects and see how the new residences actually blend in to the older style communities.

Chairperson Hecht stated that the homes in Little Italy are of a different nature than those in the Brian/Maidstone area. The homes have yards that are smaller and are of a different type of home than those in this area. These are expensive homes and the residents might take some getting used to having houses higher than theirs and with decks overlooking the properties. Also, it might be a good idea to take a field trip to view some of the actual sites. It is one thing to look at a photograph and another thing to see the actual buildings.

Mr. Brickman stated he would be glad to do that and that everyone will be surprised at how well these types of units blend in with existing residential areas.

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

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

Mr. Cohen returned to the dais.

P&Z 2013-48	COMMERCE PARK PLACE HOLDINGS LLC, OWNERS OF THE PROPERTY LOCATED AT 23220 CHAGRIN BLVD., IS REQUESTING PRELIMINARY AND FINAL APPROVAL FOR THE EXTERIOR SIGNAGE.
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Mr. Scott Baloney representing Commerce Park Place Holdings was present to request approval for the exterior signage showing the identification and wayfinding signs at the apartments. The layout has been submitted for the project's exterior signage and wayfinding signs and is on pages 3, 4, 5 and 6.

Mr. Griswold stated that the Building Department, Fire Department and Police Department have no issues with this application. These departments would recommend approval.

Mr. Ciuni stated there were no engineering issues.

Mr. Smerigan stated that this request is for final approval of the sign package for The Vue apartment project located on the southeast corner of Green Road and Chagrin Boulevard. The applicant's submittal is pursuant to Section 1118.05(d)(12), which requires that the Planning and Zoning Commission approve the location, size, and design of all signs associated with a U-3C Planned Multi-Family Residential District project. The proposed sign package consists of a combination of identification, wayfinding, and regulatory signs. Section 1141.13(a)(3) provides that signs in U-3C Multi-Family Residential Districts are not subject to the normal sign regulations, but that signs in such planned developments are as approved by the Planning and Zoning Commission as part of the overall development plan approval. This is similar to the way signs are handled in the U-10 Planned Mixed-Use Development District, where the Commission has the discretion to determine the number, style and size of all signs in relation to the overall design of the project.

Mr. Smerigan stated that the applicant proposes to erect three (3) free standing monument signs. One is the primary identification sign for the facility, which is proposed to be located at the corner of Chagrin Boulevard and Green Road. That sign is proposed to be 8 feet in height and 32 square feet in area. The other two monument signs are each 5.75 feet in height and 18 square feet in area. Those two secondary free standing signs are proposed to be located at the two driveway entrances to the site, one on Chagrin Boulevard and one on Green Road. All three of the free standing monument signs consist of a black granite structure with metal accents of either stainless steel or aluminum. The actual face of each sign will be black and white and will be internally illuminated. Having monument signs at each of the two driveway entrances to the facility is certainly desirable to properly announce the entry points. Similarly, it is appropriate to have the primary identification sign on the corner and in front of the main entry to the building. The building signage consists of modest entrance identification plaques located adjacent to each of the building entry doors. The applicant is also proposing several wayfinding signs intended to direct guests, prospective tenants, deliveries, etc. Finally, there are a number of regulatory signs intended to control and direct activity on the site. While reviewable as part of the comprehensive sign package, those signs are not intended to be viewed from off site and are therefore not normally regulated by the sign code.

Mr. Smerigan stated that in general, the proposed graphics are internally consistent, and the proposed sign package appears to be consistent and compatible with the architectural treatment of the building and approval is recommended.

A motion was made by O. Jacobs and seconded by B. Mann to grant Commerce Park Place Holdings LLC, owners of the property located at 23220 Chagrin Boulevard, preliminary and final approval for the exterior sign package.

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

Mr. Smerigan stated that he handed out to the members of the Commission some text language that would make some modifications to the U-7A District. The City has been going through and making updates to several sections of the Code. The comprehensive rewrite of U-8 was com-

pleted and now work is being done on U-7A District. The big issues in this section are item (k),(6) Specialty Retail and Service Uses and (7), item E. Restaurants as a conditional use. Legislation will be sent to the Mayor and requested to be placed on Council's agenda and forwarded to the Planning and Zoning Commission. In addition, to the U-7A amendment there will also be an amendment made to the U-9 Motor Service District. There have never been temporary or periodic sales permitted in hotels. There have been requests come in frequently for these sales to be permitted. There will be some language allowing these types of sales, along with the approval from the Safety Director and the Building Commissioner. This legislation will probably be forwarded to the Commission at the same time.

Mrs. Cannon, Law Director, stated that the Commission members are aware that the proposed Charter amendments regarding Beachwood Place that were proposed by the Beachwood Jobs and Growth Committee were withdrawn last Friday, December 6, 2013. There are a couple of days left that referendum petitions could be circulated regarding the actions that Council took on December 18, 2013. There would be thirty (30) days from December 18, 2013 to return the petitions with sufficient signatures. Notice of such a referendum has to be filed with the City Auditor and no such notice has been filed with Mr. Rose, the City's Auditor. Unless the plan is to move quickly, there probably will be no referenda circulated. The actions of Council as recommended by the Planning and Zoning Commission will therefore stand. The third petition related issue is regarding two petitions that were being recirculated. One was the city-wide referendum petition, which would have required a mandatory referendum for any rezoning from residential to non-residential use, except for institutional use, with what is called a "ward veto." The second petition would have been a similar requirement to have a mandatory referendum for any change in deed restrictions which were intended to protect residential property. The circulators of those petitions in August failed to get sufficient signatures. The registration was refiled with the Clerk of Council and the circulators had ninety (90) days to get sufficient signatures, which has not run out. If those matters were placed on the ballot there would be no effect on the legislation already approved.

Mrs. Cannon stated that she has advised the City that she does not want to be considered for another term as Law Director, and Council is still in the process selecting a new law director. There is legislation before City Council to maintain Walter Haverfield on an interim basis as legal counsel. Mr. Bill Hanna will be covering for the month of January.

Chairperson Hecht thanked everyone for the opportunity to serve on the Planning and Zoning Commission and wished everyone a happy new year.

Adjournment

Rochelle Hecht, Chairperson

Sue Ley, Secretary

Karen Navolanic, Clerk of Council