

THE PLANNING AND ZONING COMMISSION MEETING WAS HELD AT BEACHWOOD CITY HALL ON THURSDAY, JANUARY 30, 2014.

Mr. Mann, Chairman of the Commission welcomed Council members Mel Jacobs, James Pasch, and Martin Horowitz. Also in attendance was James Doult, Economic Development Director.

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

A motion was made by C. Cohen and seconded by M. Wachter to approve the minutes of the December 12, 2013 regular meeting.

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

COUNCIL REPORT

No report from Council representative, M. Wachter.

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 ALSO REQUESTING A PARKING VARIANCE.
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Ms. Julie Trott, architect from Vocon Partners, and Brad Zucker representing Highpoint Realty LLC, located at 24755 Highpoint Road, were present. Ms. Trott stated that a revised plan was given to the Commission this evening. The applicant has revised the request and is no longer requesting a parking variance. The applicant would like approval to land bank 13 parking spaces on the interior of the building. The applicant would like to change the use of the building to professional offices. The building was previously used for light manufacturing purposes. The parking requirements for this would change. The parking on the exterior will be maximized and brought up to ADA requirements. There will be two additional parking facilities on the south side of the building. There will be seven additional parallel parking spaces installed on the north side of the building. In doing this the applicant will have a total of 130 parking spaces. The requirement is 140 parking spaces. There will be no addition at this time.

Mr. Griswold stated that as the applicant indicated, there was a revised drawing that altered the original request. The Fire Department was notified regarding the changes. The applicant indicated that compliance would be made regarding suppression and all issues or concerns of the Fire Department. Mr. Griswold asked about the parking spaces on the north side of the building, and if the applicant was proposing sub-compact parking spaces, because there was concern regarding the turning radius around the corner for the fire equipment.

Mr. Ciuni stated that there were no engineering issues with this application. There would need to be building modifications with adding indoor parking.

Mr. Smerigan stated that this request is for preliminary site plan approval to convert the existing building to a multi-tenant office facility. The applicant has revised the application. The new proposal would provide 13 potential parking spaces within the building, which the applicant is requesting to land bank at this time. In addition, the site plan has been revised to provide for restriping of the existing lot to increase the parking count in the parking lot by 9 spaces to a total of 130 spaces. The plan has been revised to eliminate the originally proposed addition to the office space. Based upon the conversion of 7,626 square feet to interior parking, the overall parking requirement is reduced to 140 parking spaces. The applicant will meet the reduced parking requirement, but requires authorization to maintain the existing drive aisle width of 22 feet and is seeking authorization to land bank 13 interior spaces.

Mr. Smerigan continued that the recently adopted revisions to Chapter 1129 Industrial and Office Mixed-Use District include a provision (Section 1129.05.b.9) that authorizes the Planning and Zoning Commission to approve land banking of required parking spaces without the necessity of a variance. It has been the Commission's policy in the past to permit applicants to maintain existing legally non-conforming aisle widths within parking lots in instances where only restriping is occurring and the parking lot is not being reconstructed. Such is the case here.

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Should the Planning and Zoning Commission determine to grant site plan approval and authorize the land banking, the following stipulation is recommended: 1) granting of authorization to land bank 13 interior parking spaces pursuant to Section 1129.05(b)(9) until such time as the Building Commissioner or the applicant determine that such spaces are required, at which time they shall be installed in such time frame as is established by the Building Commissioner. Also, it is recommended that preliminary and final approval be granted for this application.

Ms. Hecht inquired as to the number of tenants in the building and if the names of the tenants were available.

Mr. Zucker stated that one tenant will be Ancora, presently in the Chagrin Highlands building. Also, there is a tenant that sub-leases called FSM, Fairway Sports Management which will be the second tenant. The additional portion may possibly be rented to Ancora Securities.

Mr. Cohen asked what the hatched area represented on the plan.

Ms. Trott stated that the hatched area on the north side is an area that is currently proposed for interior land banked parking spaces, and the other area is for future expansion area. The second hatched space is for future expansion space for one of the tenants or an unknown at this time.

Mr. Jacobs asked if the stated 7,626 square feet of office space represented the future expansion of office space.

Mr. Smerigan stated that the 7,626 square feet was the area that was to be occupied by the thirteen (13) land banked parking spaces. It was taken out of the office calculation.

Mr. Doult, Economic Development Director, stated that there was some background regarding this project which might assist the Commission members with some further questions regarding the project. The Mayor and Mr. Doult met with Mr. Zucker and fellow colleagues several months ago. This is a retention project for the City of Beachwood. Highpoint Realty LLC is a formation of two companion companies; i.e. Ancora, of which Mr. Zucker is the CFO and FSM, Fairway Sports Management which are presently housed at One Chagrin Highlands. The proposal is to buy this building located at 24755 Highpoint, which will be divided and invest 2.5 million dollars. There will be 12 additional jobs added over a period of time with this project. Also, the County Council acted on the application from Highpoint Realty LLC for a two million dollar loan from the Western Reserve Loan Fund and the loan was granted.

Mr. Jacobs asked if there was any use for the land banked area until the parking spaces are needed by the applicant.

Mr. Smerigan stated that it could possibly be used for storage but offices could not be used there.

Mr. Zucker stated that this area has always been considered for the future parking and nothing else.

Mr. Wachter stated that if that condition should change, the applicant will have to come back to the Planning and Zoning Commission for approval. Mr. Wachter also stated that for the Commission's information, the location is important. This could be considered one bookend to the beginning of the renewal the Commerce Park area. Also, not slighting Chagrin Highlands but by bringing these businesses completely into the City of Beachwood, is effectively doubling the revenue for the City.

Mr. Zabell asked if the land banked approval was specific to one tenant or can it be transferred if the owners were to change in the future.

Ms. Cannon, Law Director, stated this is not like a conditional use permit which is granted to a specific tenant. The owner can transfer the property and then the new owner has to make the parking available for that particular use.

A motion was made R. Hecht and seconded by O. Jacobs to grant Vocon Partners, representing Highpoint Realty LLC, located at 24755 Highpoint Road, preliminary and final site plan approval for the proposed change of use and land banking of 13 parking spaces with the following stipulations: 1) granting of authorization to land bank 13 interior parking spaces pursuant to Section 1129.05(b)(9) until such time that the Building Commissioner or the applicant determine that such spaces are required, at which time they shall be installed in such time frame as is established by the Building Commissioner, and 2) compliance with the requirements of the Fire Department.

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

P&Z 2014-01 JERRY HERSCHMAN, ARCHITECT, REPRESENTING STONE GARDENS, MENORAH PARK, LOCATED AT 27090 CEDAR ROAD, IS REQUESTING PRELIMINARY AND FINAL SITE PLAN APPROVAL TO CONSTRUCT A COVERED DROP OFF STRUCTURE AT THE MAIN ENTRY ON THE WEST SIDE OF THE BUILDING.

Mr. Jerry Herschman, architect, representing Stone Gardens, Menorah Park, located at 27090 Cedar Road, is requesting preliminary and final site plan approval to construct a covered drop off structure at the main entry on the west side of the building. The materials will all blend and meet the requirements of the suppression and lighting.

Mr. Griswold stated that the fire suppression is required and approval is based on meeting that requirement.

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

Mr. Smerigan stated that this request is for preliminary and final site plan approval to construct a new porte cochere or covered drop-off at the main entrance to Stone Gardens. The main entry is on the west side of the building and sites in a u-shaped portion of the building between two resident wings. As a result, the addition will have no impact on the current building setbacks.

The porte cochere is proposed to have masonry columns that would be placed in the existing landscape island at the current drop-off and that would span the entire drop-off driveway. The proposed canopy is 22 feet wide and would have a ground clearance of 13 feet. The Commission should obtain comments from the Fire Department regarding clearance for their emergency vehicles. The materials should match the existing architectural treatment of Stone Gardens. Preliminary and final site plan approval is recommended subject to the comments of the Fire Department.

The Mayor questioned if this project had previous approval. The applicant stated that it was shown on an original drawing, but the owner was not sure if the project had been submitted and approval had been granted by the Planning and Zoning Commission.

A motion was made by O. Jacobs and seconded by R. Hecht to grant Herschman Architect, representing Stone Gardens, Menorah Park, located at 27090 Cedar Road, preliminary and final site plan approval to construct a covered drop-off structure at the main entry on the west side of the building.

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

P&Z 2014-02

JACK NEMECEK, MANAGING PARTNER FOR GET FIT FASTR, LLC, IS REQUESTING A CONDITIONAL USE PERMIT TO CONDUCT INDIVIDUAL AND SMALL GROUP FITNESS & NUTRITION SERVICES TO BE LOCATED AT 24000 MERCANTILE ROAD, UNIT 4.

Mr. Jack Nemecek, managing partner for Get Fit Fastr, LLC, is requesting a conditional use permit for occupancy at 24000 Mercantile Rd., Unit 4. The purpose is to provide individual and small group fitness and nutrition coaching services to the clients, by appointment, both in studio and online settings. There is one full-time employee and two part-time employees. The nature of their business is in personalized coaching of their clients in their fitness and nutrition programs online.

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

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

Mr. Smerigan stated that this request is for Conditional Use Permit approval to operate a fitness and nutrition service in a multi-tenant building located in the U-8 Limited Storage Manufacturing District. The applicant indicates that while the operation is generally one-on-one training, they do have small group sessions with up to five (5) clients. No hours of operation have been indicated. The proposed space is approximately 2,300 square feet in area. As manufacturing space it would require a total of six (6) parking spaces. It appears that the applicant will not exceed that parking demand. Approval of the Conditional Use Permit is recommended subject to the following stipulations: 1) this Conditional Use Permit is granted to Get Fit Fastr, LLC only, and may not be transferred without the approval of the Planning and Zoning Commission; 2) approval is for the use of 2,300 square feet of floor area for personal one-on-one and small group fitness training and nutritional coaching; and 3) the maximum occupancy of the space shall not exceed six (6) persons between the hours of 8:00 am and 5:00 pm Monday through Friday.

Ms. Hecht asked about the nutrition training and asked if there were any supplements sold or any retail of any kind on site.

Mr. Nemecek stated no supplements would be sold. If there were any type of retail sales, it would be sales of shirts. There is consulting on a one to one basis to take the exercises prepared for them and to train others to pass on to other clients. The clients are by appointments.

Mr. Jacobs asked about stipulation #3, and if six persons meant at one time or during the period of time from 8:00 am to 5:00 p.m. Monday through Friday.

Mr. Smerigan stated that there are to be six persons at one time.

Ms. Hecht asked if there was to be any type of stipulation on the number of persons during evening hours.

Mr. Smerigan stated that as in previous situations, the peak parking demand time is between 8:00 and 5:00 p.m. In the evening many of the parking spaces aren't being used at all. If there were more people during the evening hours there would not be a problem.

A motion was made by B. Zabell and seconded by C. Cohen to grant Jack Nemecek, managing partner for Get Fit Fastr, LLC, a Conditional Use Permit to conduct individual and small group fitness and nutrition services to be located at 24000 Mercantile Road, Unit 4 subject to the following conditions: 1) this Conditional Use Permit is granted to Get Fit Fastr, LLC only, and may not be transferred without the approval of the Planning and Zoning Commission; 2) approval is for the use of 2,300 square feet of floor area for personal one-on-one and small group fitness training and nutritional coaching; and 3) the maximum occupancy of the space shall not exceed six (6) persons at any one time, between the hours of 8:00 am and 5:00 pm Monday through Friday.

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

Mr. Andrew Brickman and Chelsea Kulhanek were present to present to the Planning and Zoning Commission some additions and changes for the proposal of a new project for the previous Cranberry Court property. Mr. Brickman thanked the Commission for taking the time to visit other projects that he had completed in north eastern communities. Presented tonight will be some of the changes made to the original project to be located on the previous Cranberry Court property located at Richmond Road and Maidstone Road. After meeting with Mayor Gorden, Mr. Smerigan, and Mr. Griswold, they have incorporated some significant changes. The balconies and rooftop decks were thought to be invasive to the current residents, so those have been turned to the central courtyard. There was concern regarding the density of the project and the lot coverage of the buildings. The green space has been increased by approximately 30%. The number of units remains the same but the site plan has reworked. There are 32 units proposed. There was a concern for enough parking and they have increased it so that there is fifty percent more parking. The properties with the rooftop decks have been moved away from the residents toward the east. In regards to density there are several ways to look at it. The first is lot coverage or the number of units. In order to be economically viable, there has to be a certain number of units. If that is the only objection to the project, there can possibly be consideration of a small reduction in the number of units. Mr. Brickman was interested in providing a modern type of new housing to the public not only in Beachwood but in Northeastern Ohio. These types of homes cut down on energy usage also. In terms of coverage of this project, it is less than other similar attached residences within the City.

Ms. Hecht asked Mr. Smerigan, in his professional opinion, how many units does he feel would fit comfortably on that property.

Mr. Smerigan stated that the Code provides for density requirements. The plan presented will comply with the code. However, there are a couple of units that encroach into the required setbacks. That zoning classification is a dated form of calculating density which is done by the number of bedroom mix, which the modern code doesn't do. The site on the one hand has a fair amount of open space; adjusting the decks, providing additional parking in the rear, increased the amount of landscape, etc. have been some of the changes made. There were some issues concerning the turning radius for the Fire Department apparatus, but the applicant thinks it can be met. A fewer less units would probably eliminate the encroachment or required setbacks. The units will be more vertical than we are used to seeing. There are some attached units in the City but they are not as tall as this project. Beachwood's housing is more spread out on individual lots.

Mr. Smerigan stated that he cannot speak to the economic aspect of the project. Certainly a couple of units less would eliminate the encroachment issues. It is an urban style project. The parking arrangement with regard to the court style units has always been difficult for maneuvering around. People are knowledgeable of this type of living. A project of this nature can work and make some sense, but the Commission and the Council must be comfortable with the site plan. Rezoning the property is considerable, but a site plan must be in place that everyone is comfortable with.

Mr. Mann asked Mr. Smerigan how many units could be built without any variances.

Mr. Smerigan said that we need to clarify the situation. There are two sets of variances. There are some variances that are exterior to the development; the houses to the west. There are some variances that are interior to the old Cranberry Court project, where there is sharing of the driveway. The impact of the units being closer to that driveway is minimal. To eliminate the exterior variances there would probably have to be a loss of at least two units, maybe three.

Mr. Zabell stated is that for a variance relative to the proposed rezoning or to the current zoning?

Mr. Smerigan stated that that would be for the proposed rezoning. The problem is the plan that is presented is not totally code compliant in that it doesn't meet the zoning setback requirements. There are two sets of setbacks. The internal setbacks requirements are not as significant as the external setback encroachments which happen to several units to the west

Mr. Zabell asked what the number of units would be with the current zoning of today.

Mr. Smerigan stated the portion that is zoned U-2A was approved for six dwelling units. The single family lot next to it of course is for one dwelling unit home. If that property was all rezoned there could possibly be six or seven more units. If all of the property was zoned U-2A, there would be the possibility of thirteen units.

Mrs. Cannon, Law Director, stated that for clarification, the Commission will recall that the proposed rezoning includes the remainder of Cranberry Court and the single family parcel to the north, so Mr. Smerigan's analysis of the thirteen units presumes the rezoning of all the property to U-2A.

Mr. Zabell stated that the applicant has alluded to the fact that there could be a number of fewer units to lessen the density. Mr. Zabell asked if there was some variation to the height of the units. Is there some variation to the original plan from unit to unit in height?

Mr. Brickman stated that in regards to the heights, the buildings of the smallest footprint are in the interior. There are some three story homes, which were moved towards the east away from the property line to the west. There are a few residences that are three stories with an access to the roof, where the stair comes up. Most of the homes peak out at no more than thirty feet.

Mr. Zabell asked if there had been any direct discussions with the neighbors or through the City Council representative.

Mr. Brickman stated that letters have been sent out twice, but there has been no interaction or discussions with the neighbors.

Mr. Wachter stated that he understands the issue of economics. Candidly, there are too many units, the height is too high, and it is much too crowded on the property. If the economics don't work, forget the project. This is still a residential neighborhood and this type of project doesn't fit. As this stands now he doesn't see the project going forward. Mr. Wachter stated that there are just too many units in too small an area. Across the street there is density of units but it is heavily landscaped. Other than Cranberry Court with six units, there are all single family lots. This is not consistent with that.

Mr. Brickman stated that with the character of Richmond Road there are a variety of different projects and that this project could fit into this area, which is strictly single family. This style of living is forward thinking and will appeal to a great many people. Mr. Brickman believes that you can have this style housing and it can complement the rest of the neighborhood. Richmond Road is compiled of a lot of hodgepodge.

Ms. Hecht stated that if there could be a project put together that would blend into the community a little better with what is already there, it might possibly be accepted. This project doesn't seem to fit into the spirit and intent of the good of the community.

Mr. Mann said that the Commission has been consistent in the message that the density of this project is too much. Without addressing that issue, the project will not go forward.

Mr. Brickman asked if there was a magic number of units that would be accepted and there would be additional landscape around the entire property.

Mr. Wachter stated that density is still the issue and the landscape is an important feature but would need to be proposed.

Mrs. Cannon, Law Director, stated that in these discussions what is being presented to the Commission is a series of site plans that assumes a rezoning with a dramatic increase in density. One of the things that may be clouding our discussion is step one, whether the Commission is prepared to consider rezoning both the parcels to a use that would allow "x" density and then if "x" density is allowed, what site plan would be approved according to that density. These discussions have been going to step two of looking at the site plan. Instead the Commission needs to be focusing on the rezoning of the properties first. If there isn't a higher density approved to permit the higher number of units, the project is not viable. Secondly, the Commission has never rezoned a property only to have to grant variances to the use that has just been allowed. What is the maximum density that the Commission would recommend the property be rezoned, and what can be put on the property without any external variances?

Mayor Gorden stated that the applicant may need to relook at the property and redesign the project.

Mr. Cohen asked what the average square footage of a unit would be.

Mr. Brickman stated that the average size of the proposed units is 1500 to 1600 square feet.

Mr. Jacobs suggested that the applicant come back to the Commission with a new site plan with the minimum number of units that would work for the project.

Adjournment

Bill Mann, Chairman

Sue Ley, Secretary

Karen Navolanic, Clerk of Council