

THE PLANNING AND ZONING COMMISSION MEETING AND WORK SESSION WERE HELD AT BEACHWOOD CITY HALL ON THURSDAY, MARCH 20, 2014.

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

A motion was made by C. Cohen and seconded by O. Jacobs to approve the minutes of the February 27, 2014, regular meeting.

ROLL CALL:	AYES:	C. Cohen, M. Gorden, R. Hecht, O. Jacobs, M. Wachter
	NAYS:	None
	MINUTES APPROVED	

COUNCIL REPORT

No Council report from representative Mark Wachter.

P&Z 2014-07	CBHV LLC, OWNER OF THE PROPERTY LOCATED AT 3589 PARK EAST DRIVE, IS REQUESTING PRELIMINARY APPROVAL FOR AN EXTENDED STAY ALL-SUITE HOTEL BY HILTON.
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Mr. Joe Myers, of Myers Architects, was present to request preliminary approval for an extended stay All-Suite Hotel (Home 2 Suites) to be located at 3589 Park East Drive. This project has been developing over several years. This parcel will eventually have four different projects. The Social Security Administration is completed; the old Clarion has been divided into two hotels, i.e. Clarion Hotel and Indigo Hotel Boutique Hotel which is presently under construction. There was one more building included and the owners have decided on Home 2 Suites which is an extended stay, which is different than the other two hotels. There is landscaping with a patio and an indoor pool. There are no variances and the project meets all of the zoning requirements.

Mr. Griswold stated that the City Engineer has reviewed the drawings and would recommend preliminary approval. The Fire Department stated that the plans submitted did not locate the fire hydrants around the new structure nor the location of the FDC. The plans need to denote the height of the canopy. The canopy height should be not less than 13 ft. in height to allow fire apparatus access.

Mr. Smerigan stated that this request is for preliminary site plan approval to construct a third hotel on the subject site. Approval of previous plans for the existing hotels and office building anticipated eventual construction of an additional building on this 8.3 acre site, which is zoned U-9 Motor Service District. The new proposed hotel is a Home 2 Suites. It would consist of 91 rooms, all of which would be extended stay type suites.

Mr. Smerigan continued that the proposed building is 47,000 square feet in area and four (4) stories, or 40 feet in height. As with the two existing hotels on the subject site, the proposed Home 2 Suites would not have a restaurant within the hotel. The building would be located behind the Social Security Administration building and would have a covered drop-off on the west elevation. The plan includes two outdoor patio areas and an indoor pool. The building would be approximately 110 feet from the office building and 60 feet from the southern property line, and 80 feet from the right-of-way line of I-271. The site plan indicates a total of 420 parking spaces on the subject site, which would comply with the combined code requirement for each of the uses. As indicated in the box score, the proposed preliminary site plan complies with the zoning requirements of the U-9 Motor Service District. Preliminary site plan approval is recommended.

A motion was made by C. Cohen and seconded by O. Jacobs to grant preliminary site plan approval to CBHV LLC, owner of the property located at 3589 Park East Drive, for an extended stay all-suite hotel by Hilton subject to compliance of the comments of the Fire Department.

ROLL CALL:	AYES:	C. Cohen, M. Gorden, R. Hecht O. Jacobs, M. Wachter
	NAYS:	None
		PRELIMINARY SITE PLAN APPROVAL

Chairperson Hecht welcomed Council members Fred Goodman and James Pasch to the meeting of the Planning and Zoning Commission and work session.

P&Z 2014-06	ORDINANCE NO. 2014-22 - AMENDING VARIOUS SECTIONS OF THE CITY'S ZONING CODE, INCLUDING U-7A CHAPTERS 1111.02, SUBSECTION (k), 1127.02 and U-9 CHAPTER 1131.02, SUBSECTIONS (A)(5) AND (A)(6).
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Mr. Smerigan stated that the Beachwood Zoning Code U-9 proposed amendments would permit special temporary event sales; industrial and retail trade shows to occur at the hotels within the City in U-9. The present Zoning Code provides provisions that do not permit these types of sales in the U-9 District. These events are open to the general public and offer materials for sale to the public. These two provisions effectively had prohibited special sale events and most trade and industrial shows create some traffic issues in some areas. The proposed amendments would eliminate the current limitation on retail sales and services and industrial and/or retail trade shows and events within hotels and would permit certain sales when a special permit approved by Building Commissioner and Safety Director was issued. There have been several requests over the years from the hotels owners and organizations that sponsor these types of events that these types of sales be permitted.

Mr. Smerigan continued that it is suggested that the Section 1131.02(a) Accessory Uses be amended to permit temporary special event sales at a hotel provided that such event sales shall be conducted solely in the common areas and meeting facilities of the hotel; and no displays or

sales associated with such special events shall take place in individual bedroom suites. This was a recommendation from the Fire Chief to clarify that these events are in the common areas of the hotel and not individual rooms. The same conditions go for the industrial and/or retail trade shows or events; such events shall be conducted in the common areas and no related activities shall take place in individual bedroom units. In each case it is required to have a special event permit obtained from the Safety Director and Building Commissioner prior to the event.

Ms. Hecht asked how far in advance does a business have to obtain a permit before the event is to take place.

Mr. Smerigan stated that that was not included in the change in the Code and would be handle administratively.

Mr. Griswold stated that these events are booked anywhere from three to six months in advance at the hotels. Should the Commission recommend these amendments; the changes will be sent to the establishments affected.

Mr. Jacobs asked why these events could not be held in the individual rooms.

Mr. Griswold stated that there were three reasons. First, the corridors are exit access corridors in the hotels. With the doors remaining open it impedes the ability for fire suppression to do its job. Secondly, the hotels are designed with meeting rooms, and the Fire Chief felt the events should be held in those locations. Thirdly, it was not desired to have individuals rent a room and have fifty people show up for an event with not enough room to accommodate everyone.

Chairperson Hecht stated that this was a work session for the Planning and Zoning Commission members. Those residents and businesses represented in the audience were able to make comments and ask questions after Mr. Smerigan's presentation. There was a tablet to sign your name and address at the podium. Chairperson Hecht asked that the comments be limited to three minutes.

Mr. Smerigan stated that the proposed amendments are for a couple sections of the Code in the U-7A General Office Building District which deals with the permitted accessory and conditional permitted uses and specialty retail and service uses in the district. This change came about as part of a bigger program with regard to Economic Development and the re-evaluation of some of the City's zoning regulations with regards to future development. In 2011 there were two studies completed. One study was referred to as the Whiteboard Study or Economic Development Action Plan, which was prepared collaboratively by SZD Whiteboard, Mark Barbash EDC and ED Solutions, Inc. These three firms are recognized as experts specializing in economic development and were able to come back to the City with strategies and recommendations to go forward. The second study was the Commerce Park Area Revitalization Study which looked at conditions in the Commerce Park and Chagrin Boulevard areas. One of the recommendations was to implement some new Economic Development programs and create an Economic Development Department. There was another recommendation to consider some residential development at the south end of the City for young professionals. It was considered important as a support for the office and headquarters development along with the hospital development at the south end of the City.

Mr. Smerigan continued that as a result of other recommendations, approximately 8 acres at the corner of Chagrin and Green Roads was rezoned to U-3C to create an opportunity for high-end apartments that would target young professionals. The present project under construction is The Vue. One of the existing multi-family developments has recently started a significant reinvestment by refurbishing of their facilities. Another recommendation of the strategies was the importance of making a connector road between Commerce Park Road and the Chagrin Highlands, and ultimately to Harvard Road. The City required The Jacobs Group, as developer of the Chagrin Highlands property to incorporate into their master development plan a road running from Harvard Road to the south end of Commerce Park. The City also required a property on the south side of Mercantile Road to make the connection because Chagrin Highlands doesn't come that far north. Also recommended was to restructure Commerce Park and get away from the old warehouse/manufacturing type businesses. There was a recommendation to build incentives into the code to encourage the combination of properties together to create new configurations and also, to tear down the obsolete buildings and replace them with something new that will carry the City forward as a significant portion of economic development. There was preparation of new amendments to U-8 of the Zoning Code, which covers the bulk of Commerce Park. These changes were recommended by the Planning and Zoning Commission to Council and City Council approved the amendments. There have been contacts by business owners and investors with the City Administration that are looking at long-term changes in this commercial area in Commerce Park.

Mr. Smerigan stated that part of the same recommendation for Commerce Park and Chagrin Boulevard was the idea to go to a more mixed use approach and change the orientation of strictly industrial in Commerce Park, and strictly office on the U-7A portion on Chagrin Boulevard to a more mixed used and incorporate some support services and specialty uses for those office type uses. There were a number of things included such as computer sales and services; phone stores, office supplies and print centers, inclusion of some restaurants. As a follow-up recommendation these U-7A amendments were established that will be incorporated if approved by the Planning and Zoning Commission to Council and then Council approved. Restaurants are currently permitted as an accessory use in the U-7A Zoning District. While expanding the uses to specialty uses it was suggested that restaurants be handled as conditional use permit businesses. Those are the changes being recommended in the U-7A District. The whole basis is that we change the corridor along Chagrin Boulevard. There are no longer Class A office buildings on Chagrin Blvd. It becomes harder and harder to lease office buildings of lower class than a Class A building for office uses. There is a mixture of zoning categories along Chagrin Boulevard already. This zoning will provide a more appropriate operation and create a long-term image of business on Chagrin Boulevard.

Mr. Wachter stated that he understands the approach to provide more flexibility to the owners in U-7A Zoning Districts. The concern here is that on the south side where there is long stretch of U-7A that already abuts U-8 Zoning, this type of zoning would be okay. However, on the north side of Chagrin Boulevard there is already a variety of uses; i.e. U-4A (Pavilion), U-7A (Signature Square I & II, and the vacate parcel at Chagrin & Richmond Road) and going west then is U-7A (Chagrin Plaza East and West), corner of Chagrin & Green, U-3 Apartments. On the other side of Green Road there is U-4A, U-3 and U-5 and another small stretch of U-7A between Green and the City line all abuts single family U-2A.

Mr. Wachter continued that on the south side of Chagrin Blvd. most of the U-7A abuts the U-8 Zoning District which is Commerce Park and Mercantile areas, except for the western corner where The Vue (U-3 Apartments), are being constructed. There is a small building zoned U-5 and then an area zoned U-1,A-1 that would abut U-7A on the west side and he would exempt that strip from the revised amendments also. The south corner of Richmond and Chagrin Blvd. has residential areas (Concord and Beacon Roads) behind the Chagrin Richmond Plaza Bldg. which is U-7A Zoning District and would not be subject to the new amendments. The goals could be accomplished by providing some tools to the owners by allowing the text changes in U-7A except where it abuts single family, whether directly or across a road, those areas would remain with the existing U-7A uses. This would provide the flexibility that owners might need and still respect the residential areas immediately adjoining the U-7A Districts.

Mr. Jacobs asked for a response from Mr. Smerigan regarding the concept Mr. Wachter suggested.

Mr. Smerigan stated that he has heard the concerns about the impacts of change, but this is a policy matter for the Planning and Zoning Commission and Council. He doesn't share the belief that there will be significant impact resulting from these changes. The setbacks in the U-7A District are the same setbacks in the U-4A Districts which permits some of these same uses. There is a conditional use provision for the restaurants, which provides for the opportunity to control traffic, lighting, buffering etc., and the impact doesn't change. Restaurants are presently allowed as an accessory use in some of these same buildings. If you limit the changes to only the U-7A areas that don't abut single family residential areas, it is limiting the uses to about one-third of the U-7A District. It doesn't have the impact that was proposed for the mixed use idea. It is a compromise that could be provided and the language could be written to accommodate what the Commission feels is appropriate.

Mr. Wachter stated that since both the north side of Chagrin Blvd. between Green and Richmond already has a good mix of uses, it doesn't need the addition of these changes. There is a free-standing restaurant and other restaurants in the mall. The corner at Richmond and Chagrin has Giovanni's Restaurant. The Administration has been very sensitive to the concerns on development on the western corner at Richmond and Chagrin. An owner would still have the ability to have a restaurant in an office building at that location.

Mr. Smerigan stated that there is a greater mix of U-7A on the northern side of Chagrin Blvd. There is some concern about the vacant property at the corner of Richmond and Chagrin, the view of this was for the complete corridor of U-7A. The view was for the corridor and U-7A District as a whole; and not focusing on one piece of property. It was for the overall economic development of the City. There needs to be concern regarding doing what is best for the development of the City and economic development needs and not miss an opportunity to improve the Chagrin corridor as a whole. This corner property is one of the busiest spots of the City of Beachwood which has great exposure. This can be instituted and at the same time adequately protect the residents.

Mr. Wachter stated that this property at the corner of Richmond and Chagrin Blvd. is the gateway to the City of Beachwood. The Whiteboard study talked about aging office buildings and a place for incentive tools in this area. The stretch between the First Catholic Slovak Ladies Association and the The Vue is the most area to be affected by these changes in U-7A.

Mr. Smerigan stated that the area which will be most affected is the south side of Chagrin between the First Catholic Slovak Ladies Association and The Vue located at Green and Chagrin. These buildings are closest to approaching obsolescence in the U-7A District at the far western end of Chagrin Blvd. The areas where this will be most effective in the short term will be on the south side. This has to be a long-term perspective or it won't work.

Chairperson Hecht asked if there were significant differences between a self-standing restaurant and a restaurant in an office building with regards to the impact of traffic, noise, lighting, etc. Also, should Pet Care Centers be added to the list of uses?

Mr. Smerigan stated that typically office buildings have more impact at the peak time whereas the restaurant's biggest impact is at off peak times on most streets. Mr. Smerigan stated that use was in the U-8 District.

Mr. Jacobs asked what is the definition of personal services?

Mr. Smerigan stated that this came up at another meeting. There is no specific definition at this time. It could possibly be defined at this work session. It could be a beauty shop, barber shop, nail salon, services that are provided on a personal level. In a number of office buildings there are a number of those types of small shops under accessory uses, not a conditional use. Looking at all of these uses and how they impact the function of the building and the employees was part of what the Whiteboard studies showed. If there is a significant employment center, there has to be these services available within the area to serve the needs. These are accessory uses and not main or conditional uses. No permit or approval is required as long as the accessory use does not exceed the 20% regulation.

Mrs. Cannon stated that the permitted uses in Section 1127.02 are presently in the Zoning Code and that section includes, in addition to the listed uses, restaurants and other food service facilities. The restaurants are a permitted use in office buildings as long the 20% regulation is not exceeded. The proposal is to move the restaurants from a use of right in any office building to Section 1111.02, where restaurants will be listed under Conditional Use Permits, thus having to obtain approval.

Mr. Craig Cohen asked about the 20% regulation in the present Code for the conditional use.

Mr. Smerigan stated that the 20% language is in the Code so that the District maintains as an Office District so that the accessory uses do not surpass the main use of the building. It would not be the primary use of the building. If the conditional use permit is required then it isn't necessary to have the 20% regulation.

Mrs. Cannon stated there is still allowed only 20% for the accessory uses of the buildings. If you are looking at personal services for a specific building, it would still be limited to the 20% as accessory use of the building. Restaurants which presently are listed as accessory uses and subject to the 20%, that are uses as of right, would be moved to the conditional use, as would the schools and nursing homes, and would not be subject to the 20% accessory use.

Chairperson Hecht stated that the meeting is open to comments and questions, and please sign your name and address on the tablet by the podium.

Mr. Sorin Teich resident of 25467 Halburton Road asked Mr. Smerigan where it is stated that the U-7A needs to be changed as a recommendation from the studies. Tell me where you get your information.

Mr. Smerigan stated that he participated in the preparation of the studies and the discussions that took place in numerous meetings with the consultants, the Commission, and City Council. There were discussions about changing the Chagrin Boulevard corridor to more of a mixed use development. This was the direction that was established during these studies.

Mr. Teich asked if we were talking about rezoning the whole City as an open discussion, and then there is a report that states only a section of the City is affected, that was the discussion that Mr. Smerigan was part of. The reports are on the website. The same arguments were used when the rezoning proposal for Richmond and Chagrin Blvd. was presented. The intent of the U-7A is to protect the residential zone. We are not against development and what is in the report. There is no objection to the change of U-7A that is adjacent to Commerce Park. The reports are very specific and the residents must be protected.

Mr. Smerigan stated that there has been a recommendation made to City Council and the Planning Commission that it is appropriate to make modifications to the U-7A portion of the Zoning Code to accomplish the goals for economic development. There has been misinformation distributed, but no certain area is being targeted. The only thing trying to be done is to create a zoning regulation to put the City into the best possible position that will let the community grow and develop and continue to be one of the premiere locations in northeastern Ohio. The City has gotten to be a desirable and solidly economic based place to be by having prudent and wise decisions made by the City Administration. The goal is to work together, whether it means tweaking and adjusting situations, but continue to look to the future.

Mr. Wachter stated that there is no need to derive support for Mr. Smerigan's suggestions and word for word from the Whiteboard study. This is Mr. Smerigan's field and if he can extrapolate beyond it that is fine. The White Study identified some areas as Beachwood Opportunity Sites Strategy (BOSS). One of the four sites specifically identified was Chagrin Boulevard, one of the major commercial corridors that is a spine of some of the neighboring Communities. The aging commercial stock on Chagrin Blvd. was identified as an area of concern. Protect the residents but still allow incentives to new growth.

Mr. Dick Barson, resident of 21902 Halworth, stated that he is close to a commercial real estate agent. Business is dead and nothing is going to happen until 2016. This agent hasn't put any businesses into business for two years. Leases come up and he tries to negotiate down. When he looks at the specialty retail and services uses; i.e., office supply, printing, postal and shipping services, he sees how many people go there. These businesses are dying. Florists we have Gali Florist, why do we need competition. Arts and crafts, what is wrong with Michael's, which is on Chagrin near Giant Eagle. Phone stores we have one next to Giant Eagle. What is needed is help that is working for \$50,000 – \$52,000 a year. Where is that going to come from? In the glass office building on Chagrin is where there are needed lawyers and doctors. Business is where you need to put your efforts. From one end of Chagrin to the other we have five to ten banks and we don't need any more.

Mr. Jerry Moss, resident of 25459 Halburton, stated he wanted to ask Mr. Smerigan about the impact of an office building versus the impact of a free-standing restaurant at the corner of Chagrin Blvd. and Richmond Road. The traffic impact from an office building might be greater than traffic impact from a restaurant. Mr. Moss asked that Mr. Smerigan address the issues regarding the different aspects of a restaurant versus an office building such as, i.e. extended hours, lights, parking, traffic, that might affect adjacent neighbors rather than neighbors adjacent to a restaurant in an office building.

Mr. Smerigan stated that the hours of an office building can be more extended than those of a restaurant, even 24/7 with businesses that contact clients in all parts of the world and the hours of an office building can be more extended than those of a restaurant. With regards to lighting, it is controlled through specifications listed in the Code. Restaurants are usually interested in more signage lighting than parking lot lighting. But in terms of parking lot lighting there are certain regulations with the standards for cut off fixtures and light spillage beyond the boundaries of the property that would apply equally whether it is an office building or a restaurant. Typically the bigger issue is in terms of lighting for signage. There are sign regulations. By going with a conditional use permit those issued can be controlled more effectively. The situation in terms of a free-standing restaurant versus a restaurant in an office building and the types of customers that would be attracted or the hours of operation are not typically any different. The City has limitations on the types of restaurants that come into the City. There are no drive-thru restaurants or fast-food restaurants. The type of restaurant is usually a sit-down restaurant. The issue of lighting, parking, etc. is covered in the Zoning Code regardless of the use.

Mr. Moss asked what the difference between a restaurant that is 20% of an office building versus a 100% free-standing restaurant?

Mr. Smerigan stated that he doesn't know if there is any difference at all. If its 4000 square feet of restaurant space, it is 4000 square feet of restaurant space; if it has 80 seats, it has 80 seats; and will probably attract the same people. It doesn't matter whether the restaurant is in another building with other uses or if it is free-standing, it will still attract the same clientele. The hours of operation are the same hours of operation; the food that is served is the same food, the trash is the same trash that is produced.

Mr. Moss asked Mr. Smerigan if there was a difference whether the patrons of the restaurant were visitors from the office building that go to the restaurant versus the traffic generated from Planning and Zoning Commission

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people that come from all over the city to go to the restaurant, specifically creating more traffic, a need for more hours of operations, as opposed to the use of the restaurant in the office building?

That is a good point regarding reduced traffic if the patrons are from other offices within the building. In terms of people driving to the site, the restaurant will attract clients from anywhere. Additional traffic will be generated with the clientele that comes to the office building that will not be generated by a free-standing restaurant.

Mr. Jacobs asked Mr. Moss if there was concern about a restaurant at the corner of Chagrin Blvd. and Richmond Road.

Mr. Moss answered yes. The people that he has spoken with are not as concerned about another office building with an ancillary restaurant for use primarily by the building tenants. It is the concept of a free-standing restaurant that creates more concern and what other problems the neighborhood will be presented with.

Mr. Smerigan stated that he understands that concern. The clarification here is that whether the restaurant is an accessory use to a building, that doesn't limit whether the clientele will be primarily from the office building. Clientele to a restaurant such as Giovanni's is from all over the state. The situation at the corner of Richmond and Chagrin does need to be addressed.

Eva Simpson, resident of 3690 Concord, asked where is the proposed road coming from the Commerce Park area and where is it going? Is it behind Concord and Beacon?

Mr. Smerigan stated that is the connector road. This road would run on the south side of Mercantile, approximately across from the City Service Department, south through Chagrin Highlands to Harvard Road. It is not by Concord and Beacon. The connector road is more westerly.

Eva Simpson stated that the residents get the animals that are displaced every time something new is started. Sometimes it feels like the south area by Concord and Beacon is getting ambushed. There are more stores coming in, along with the hotel and Eaton Corporation already there. Another restaurant by the Aloft Hotel and another office building in the same area along with the hospital will bring more traffic. She wouldn't want any other types of businesses coming into this area on Chagrin Blvd. because it will create more problems and it is already difficult to get out of the side street.

Mr. Smerigan stated that her concern is well founded. From the standpoint that as businesses continue to develop in the Chagrin Highlands area, the traffic on Richmond Road is going to increase in volume. Part of the idea of the connector road is to alleviate some of the business traffic down towards Harvard Road and utilize another interchange.

Helen C. Wade, resident of 3766 Beacon Drive, stated that she has been on the corner for 40 some years and attended many meetings. There is a City Planner and studies done by several different companies, and there is no discussion on what is being done for the residents on Beacon and Concord Roads. Let the Community around Beacon and Concord know what proposals

are being discussed and possible future development. Mrs. Wade continued that years ago when Richmond Road was widened the neighbors were promised a sound barrier so that the noise from the trucks and traffic wouldn't be heard. She is a concerned resident of the City.

Mayor Gorden stated to Mrs. Wade that at the present time there is nothing planned for Concord and Beacon Roads. The only thing that has been discussed with the administration is how can the entrances to Concord and Beacon be beautified which is not part of any Master Plan. There was signage on each entrance discussed with him by some of the residents during his past Mayoral campaign. As far as any redevelopment with the area of Beacon and Concord, there are no plans for any changes.

Mr. Wade stated that very seldom does he disagree with his wife. The wall is there. It is like the invisible fences for the pets; it is invisible also. There was promised another road but it never materialized. Also, there is a lot of traffic and it is very difficult to pull out of Concord onto Richmond Road.

Mr. Peter Nintcheff, representing Goldberg Companies located at 25101 Chagrin Blvd., stated that the business was in favor of the changes in the U-7A Zoning District. It is important to attract new businesses and maintain present businesses which would be helped by adopting these changes. These changes offer flexibility to the owners in repurposing the properties. Businesses today are looking for mixed uses, and a variety of services and amenities, when looking for property to open new businesses. There is competition for areas with downtown businesses. It is understandable for those opposing the changes. These concerns can be addressed with proper development. He believes these changes are very important to the future of the City of Beachwood to allow the City to be a leader and maintain its competitiveness.

Ms. Karen Tindel, resident at 25460 Halburton, stated that she lived in the first house directly behind Signature Square and would be impacted by any changes made to the U-7A Zoning District and what would be additionally permitted in the area. A little history of what goes on in the neighborhood behind a U-7A and U-4B zoning district starts in the mornings around 5 am with the sound of dumpsters being emptied and snow plows moving snow. There is constantly trash blowing around most of the yards from the present dumpsters; and she assumes that more businesses would mean more trash dumpsters, and it blows out all over. Living behind Signature Square, at least it is busy there during the day and she doesn't have to worry about the noise. If there are going to be other businesses allowed that would be operating hours other than 8 to 5 p.m., there could possibly be noise during the evening hours and on the weekends and make the use of the patio less desirable. There is concern as to what might be developed on the lot directly next to her house to take away additional privacy. Things are promised when developments start, like barriers, trees, or landscape screening, but they never happen. A couple of years ago when returning from vacation, the property a couple houses west of her house, the trees behind that house were all cut down only to find that in the U-4A District the Kindercare was going to be built. Not only did we have to put up with the construction for months starting at 7 a.m. and going all day and even on weekends, but now there is permanent noise with the children outside at all times of the day. There were supposed to be trees planted, but never has been completed.

Mr. Doug Bennett, resident at 3596 Concord Drive, stated that his might be a unique perspective having served with the Chamber of Commerce and as a member of the Planning and Zoning Commission previously, and also as one of the residents being affected by these zoning changes. He asked Mr. Smerigan whether the property owned by the Lady Slovak Association, west of Concord and Beacon, is still zoned for single family residential and is this property affected by the new zoning changes.

Mr. Smerigan stated that it is still zoned single family residential and the property will not be affected by the zoning changes. There is no proposal to change this property at this time.

Mr. Bennett continued and asked about the buffer on Commerce Park and the current residential area as to what might happen, the property staying residential, if it would deter any contractor from developing that area if there is no setback to Commerce Park. Have there been any inquiries on that piece of property?

Mr. Smerigan stated that the only access to that property is from the Lady Slovak office building. Highpoint Road does not extend that far eastward because there is no land owned there or any right-of-way. Any development that would occur would have to come off of Chagrin Boulevard. Also, in discussions with the First Lady Slovak Association it was stated that there wasn't any interest in selling that property. There have been no inquiries or talk regarding this property for years.

Mr. Bennett stated he understands the concerns of the neighbors regarding lighting and buffering as having previously been on the Commission, knowing that everyone tries to do the best with regards to the regulations. For example there was concern regarding the lighting from Life Time Fitness, and he believes there is still some effect on the neighbors.

Mr. Smerigan stated that there is truth about Life Time Fitness being one of the most active businesses in the City. It generates a great deal of traffic and has long hours of operation. We need to be diligent in protecting the neighbors in all these situations.

Mr. Michael Silver, resident at 25495 Bryden, stated he would like to present about 16 to 17 years of history and educate the Planning and Zoning members. About seventeen years ago this same concept was tried when it was proposed to build a building with a big Office Max at the corner of Chagrin and Richmond. This matter of zoning is not just about Chagrin Boulevard and Richmond Road. It is about all the neighbors on Halburton, Halworth, Letchworth, Beacon and Concord, as well as Bryden and the condos on Richmond. The U-7A Zoning District was created specifically to protect residential neighborhoods by limiting the nature of the businesses operated there from nine to five. That is how it was designed and is part of the City's Master Plan, which has been asked for through a Public Records Request. Under Mr. Smerigan's logic relative to a restaurant, there is no need for a change. If you can have a restaurant in an office building, then go ahead and do it. The 20% limitation is built in to protect the residential communities. There was an opportunity to have the OMNOVA Headquarters at the corner of Chagrin and Richmond Road. The incentives discussed in the two studies were intended for just such a project as that instead of locating the project in Chagrin Highlands.

Further, he attended the presentations of both the studies of those firms and participated in the meetings. With clarity he can say that the Chagrin corridor, especially the north side of Chagrin Boulevard was never encompassed as part of the study. It was never part of the recommendation nor part of the study area nor sited in any of the plans. That is part of the misinformation. Mr. Smerigan's letter to the Mayor and Planning and Zoning Commission members states "the request from several property owners is generating this discussion. We specifically asked thru the Public Records Request for that information and we were told that no such property owners made any requests." The need to move forward is understandable and the neighborhood is in agreement that there should be development; maybe an office building at Chagrin Boulevard and Richmond Road; but until there is a specific plan brought to the City, there isn't a need for this drastic of a zoning text change. This was proposed before with the Aloft Hotel project and it was then determined that that property was still zoned residential because of deed restrictions on the property that were never implemented. He lives next to Bryden School and he doesn't think anyone intended that he see the Eaton sign every night; or the DDR building from his backyard; and have the lights from the Aloft Hotel spill over into his backyard let alone the neighbors on Beacon and Concord. This impacts people all over the City and down Chagrin Boulevard from Belvoir Boulevard to Richmond Road on the north side of the road. Take care of the south side of Chagrin Boulevard, but take care of the integrity of the residential neighborhood under the master plan of the City which is the City's Zoning Code.

Mr. Smerigan stated he agreed with the fact that part of the mission of the City is to protect the residential properties as we move forward with economic development. The memorandum addressed both the U-7A and U-9 changes, and there have been discussions with property owners in the U-9 District about the whole business of the trade shows. On a number of occasions the owners of the hotels have contacted both Mr. Griswold and himself, and he has indicated that in the study. There were no contacts with owners with regards to the U-7A changes. As he indicated earlier this evening, the U-7A changes came out of the studies and not any contacts with property owners. Contacts with the property owners were in reference to the U-9 District changes, but it was all part of one package. No one has misrepresented anything and no one has refused to produce anything. Certainly, as stated earlier, everything needs to be done to protect the residential properties. To the extent that tweaks and adjustments may need to be made from suggestions from members of the Commission that is why this work session was scheduled.

Mr. David Ashpis of 25929 Halburton stated that what he wanted to add is that what was being proposed as changes to U-7A implies that the area becomes a free-for all. Anyone can ask and build anything they want there. Build a shopping strip, allow to put retail stores, a restaurant or someone can demolish an office building and replace it with a shopping strip. This is not acceptable next to residential properties. It was mentioned before that U-7A is a special district, and if you open the Zoning Code and read the introduction that describes the intent of the district, it is made especially to protect residential areas. This is a drastic change, and he totally objects to describe these changes as a text change. This is not a text change. This is misleading and wrong to camouflage it as a text change. Also, the references to the previous studies; Commerce Park Study was only for that area and does not include the north side of Chagrin. It is a map change and is described. In reference to the same study, the Chagrin corridor is mentioned but no specific recommendations. So all the motivation for these changes in U-7A are just interpretations and not recommendations. These are not the result of any study.

Mr. Ashpis stated he recommended going with Mr. Wachter's approach and using the U-7A District differently. Maybe there needs to be a new district, U-7B, to apply to commercial areas and just leave the U-7A that is adjacent to residential areas as it is.

Mr. Smerigan stated for clarification purposes, there are two types of amendments to the Zoning Code; a map amendment and a text amendment. This is a text amendment as opposed to being a map amendment.

Mr. Jacobs asked if it would be possible to see a draft of Mr. Wachter's recommendations. Could there be a proposal that incorporates Mr. Wachter's suggestions for the members to review?

Adjournment

Rochelle Hecht, Chairman Pro-tem

Sue Ley, Secretary

Karen Navolanic, Clerk of Council