

THE PLANNING AND ZONING COMMISSION MEETING WAS HELD AT BEACHWOOD HALL ON THURSDAY, MAY 29, 2014

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

Chairperson Mann welcomed Councilmen Horowitz and Isaacson. The Commission would like to welcome the new Law Director, Brian Reali to the City of Beachwood.

Chairperson Mann stated that there is an agenda change of item no. 6 will be heard before item no. 5.

A motion was made by C. Cohen and seconded by O. Jacobs to approve the minutes of the April 24, 2014, regular meeting and work session.

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

COUNCIL REPORT

Mr. Wachter, Council Representative, stated that since the Planning and Zoning Commission referred the amendment changes for U-7A and U-9 back to City Council, there were a few modifications made. Council has heard it on 2nd reading in May, and will have the public hearing and 3rd reading July 21. The ability to utilize the modifications to U-7A depends on whether or not a particular parcel is adjacent to or across from any single family zoning. The effective date that will be used to make this determination will be the legislative date. Under the current where U-7A could incorporate for instance a restaurant into an office use, it has to be contained inside the office building and not an out building connected in any manner.

P&Z 2014-11 COVEN-GOLDMAN, OWNER OF THE BUILDING, REPRESENTING FIT BODY BOOT CAMP, TO BE LOCATED AT 23645 MERCANTILE ROAD, SUITE C/D, IS REQUESTING PRELIMINARY AND FINAL APPROVAL FOR A CONDITIONAL USE PERMIT.

Mr. Larry Coven, owner of the building along with Ms. Lisa Schulz, owner of Fit Body Boot Camp is requesting preliminary and final approval for a conditional use permit for 23645 Mercantile Road. Fit Body has been in the 23945 Mercantile building for several years. Fit Body Boot Camp would like to expand their business and move into another facility located at 23645 Mercantile. There will be no changes in the parking requirements or hours of operation for Fit Body Boot Camp.

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

Mr.Ciuni stated that he has no comment on this application.

Mr. Smerigan stated that this request is for Conditional Use Permit approval to operate a group fitness and personal training facility in a multi-tenant building located in the U-8 Industrial and Office Mixed-Use District. Athletic facilities and fitness centers are permitted in the U-8 District with a Conditional Use permit. The proposed space is approximately 4,800 square feet in area and was previously occupied by a gymnastics training facility. The applicant has indicated that the hours of operation will be from 5:30 a.m. until 9:00 p.m. but that 80% of the business occurs after 5:00 p.m. and on the weekends. The application indicates that the maximum number of clients on site between 8:00 a.m. and 5:00 p.m. during weekdays will be 25 persons.

Ms. Hecht asked if the current maximum number of clients was 25 persons and if that was the most there would be at one time. Also, would there be four instructors?

Ms. Schultz stated that 25 persons was the maximum and four instructors. Most activity takes place after 5:00 p.m.

A motion was made by R. Hecht and seconded by O. Jacobs to approve Coven-Goldman, owner of the building, representing Fit Body Boot Camp, to be located at 23645 Mercantile Road, Suite C/D, the request for preliminary and final approval for a conditional use permit with the following stipulations: 1) this conditional use permit is granted to Fit Body Boot Camp only, and may not be transferred without the approval of the Planning and Zoning Commission; 2) approval is for use of 4,800 square feet of floor area for group fitness and personal training; and 3) the maximum occupancy of the space shall not exceed twenty-six (26) persons between the hours of 8:00 and 5:00 p.m. Monday through Friday.

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

P&Z 2014-12 BRIAN SMITH FROM JOYCE FACTORY DIRECT, REPRESENTING
MRS. ELAND, OWNER OF THE PROPERTY AT 8 CHELSEA COURT
IS REQUESTING PRELIMINARY AND FINAL SITE PLAN APPROVAL
FOR A LOT SPLIT AND CONSOLIDATION IN ORDER TO BUILD A
SCREENED-ROOM ADDITION.

Mr. Brian Smith from Joyce Factory Direct, representing Mrs. Eland, owner of the property located at 8 Chelsea Court in The Village, is requesting preliminary and final site plan approval for a lot split and consolidation in order to build a screen-room addition.

Mr. Griswold stated that the Building Department, Fire Department and Police Department reviewed this application and has no comments.

Mr. Ciuni stated he reviewed the application and it meets all of the County requirements. The Engineering Department would recommend approval.

Mr. Smerigan stated that this request is for approval of a lot split and consolidation plat for the purpose of constructing a screened room addition. All dwellings within The Village have footprint lots that require a transfer of ownership from The Village Community Association to the individual homeowner to permit additions to existing dwellings. The size of the transfer is very small. The dwelling will still comply with all of the setback requirements for the district and the common area will continue to comply with the minimum open space requirements. Since this is a plat, the Commission will need to act in the form of a recommendation to City Council. Approval is recommended subject to any comments of the City Engineer and receiving a letter of approval from The Village Homeowner's Association.

Mr. Griswold stated that there has been conversation with The Village, and as a condition of moving forward with this project, the Building Department will receive a letter of approval.

A motion was made by O. Jacob and seconded by C. Cohen to approve and recommend to Council, Brian Smith's request, representative from Joyce Factory Direct, representing Mrs. Eland owner of the property located at 8 Chelsea Court, for preliminary and final site plan approval for a lot split and consolidation plat in order to build a screened-room addition subject to receiving an approval letter from the Homeowner's Association in The Village.

ROLL CALL:	AYES:	C. Cohen, Mayor Gorden, R. Hecht, O. Jacobs, B. Mann, M. Wachter
	NAYS:	None
	MOTION APPROVED –	
	RECOMMEND TO COUNCIL – JULY 16, 2014	

P&Z 2014-10 BRIAN SMITH FROM JOYCE FACTORY DIRECT, REPRESENTING MRS. ELAND, OWNER OF THE PROPERTY LOCATED AT 8 CHELSEA COURT, IN THE VILLAGE, IS REQUESTING PRELIMINARY AND FINAL SITE PLAN APPROVAL TO ADD A SCREENED-ROOM ADDITION.

Brian Smith from Joyce Factory Director, representing Mrs. Eland, owner of the property located at 8 Chelsea Court, in The Village is requesting preliminary and final site plan approval to build a screened-room addition.

Mr. Griswold stated that as a continuation of the previous application, the Building Department is working with The Village Association to get a letter of approval for this project.

Mr. Ciuni stated that the Engineering Department has no comment.

Mr. Smerigan stated that the addition is contingent upon the approval of the lot split and consolidation by Council. This request is for both preliminary and final site plan approval for the purpose of constructing a screened room addition. The room will be approximately 240 square feet in area. The addition is one story in height and would be located on the south corner of the existing dwelling. The addition will comply with all of the building setback and separation requirements in the District. The Commission has typically required evidence of approval from The Village Community Association for such additions.

Mr. Smerigan continued that the Commission has authority to grant final approval of the site plan. Preliminary and final site plan approval is recommended subject to: 1) approval of the lot split and consolidation plat by City Council and 2) letter of approval from The Village Homeowners' Association.

A motion was made by R. Hecht and seconded by C. Cohen to approve the request of Brian Smith representative from Joyce Factory Direct, representing Mrs. Eland, owner of the property located at 8 Chelsea Court, in The Village, for preliminary and final site plan approval to add a screened-room addition contingent upon: 1) Council's approval of the lot split and consolidation and 2) receiving a letter of approval from The Village Homeowners' Association.

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

Mr. Wachter stated to the applicant that the letter needs to be received prior to going before Council on June 16, 2014.

P&Z 2013-33 ORDINANCE 2013-71 – REZONING CERTAIN PARCELS FROM U-1 TO U-3 FOR ANDREW E. BRICKMAN, WHO WAS GRANTED PERMISSION FROM CRANBERRY COURT LLC, TO REQUEST THIS PROPERTY LOCATED ON RICHMOND ROAD (PPN'S 741-15,005, 006, 007, 008, 009) TO BE REZONED FROM U-1 TO U-3 (Referred from Council 7/1/2013).

Mr. Brickman, stated that there has been work going on diligently with the Mayor, Mr. Griswold, Mr. Smerigan and many interested parties within the City regarding this extremely exciting project. There have been many letters of recommendation sent to the City of Beachwood. Brenda Rodriguez, and intern, Elliot Reisser, from Kent State University, Architectural School and Urban Development, were present along with Mr. Brickman. Since the last meeting, there have been extensive meetings with the existing residents of Cranberry Court discussing the issues and concerns of the proposed project, and most of these issues have been addressed. The new plan has six residents on the parcel left from the original Cranberry Court plan with additional green space and additional parking. There is parking throughout the entire site. There are six first-floor master homes. The issues with the Fire Department have also been resolved. There are no final architectural drawings.

Mr. Griswold stated that the access driveway for the Fire Department apparatus has been changed to accommodate the equipment. The applicant needs to address life safety systems and fire hydrant locations with the Fire Department. If the water feature that was previously shown on the renderings is still proposed, there needs to be fencing around it. There was a copy of a letter from the Cranberry Court residences given to the Planning members

Mr. Ciuni had no comment on this application.

Mr. Smerigan stated that this request is for a Zoning Map amendment to rezone approximately 1.78 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 construction townhouse style, attached single family dwelling units. The proposed map amendment includes the northern portion of the former Cranberry Court development as well as an additional single family lot located immediately to the north of that development. The proposed concept development plan has been revised to address comments from the Planning and Zoning Commission and neighboring property owners. Those plan revisions include reducing the proposed density to a total of 21 dwelling units. The revised concept plan indicates 6 two-story attached units on the former Cranberry Court parcel and 15 three-story dwelling units. The concept plan has a total of 5 buildings. There are 3 three-unit buildings and 2 six-unit buildings. The proposed plan has total building lot coverage of 30% with approximately 40% of the site being green space. The plan as proposed complies with the deed restriction regarding density on the Cranberry Court portion of the property.

Mr. Smerigan continued that the revised plan provides for a total of 21 guest parking spaces, with those spaces distributed around the site. A solid screen fence is proposed along the western property line abutting the adjacent detached single-family residences. Balconies and roof top decks have been internally oriented to face them away from the adjoining properties. The proposed concept plan indicates one additional driveway access from Richmond Road. The new development would also utilize the existing Cranberry Court driveway. The proposed concept development plan complies with the required building and parking setbacks for the U-3 Apartment House District as set forth in the Zoning Code. It is clearly possible to construct the proposed 21 townhouse style units on the subject site without the necessity of variances.

As previously stated in earlier reports, from a land use and policy standpoint the appropriate use of this property is for single-family attached units. The question was raised whether or not the rezoning would include all of parcels being rezoned to U-3; the southern parcel (U-2A) and the northern parcel (U-1). Would the southern parcel, U-2A remain as it is zoned and just rezone the northern parcel to U-3. Mr. Smerigan stated that it could be done either way. The applicant meets the setback and density requirements for both zoning districts. As indicated earlier, because of the nature of the U-3 Zoning District, it will be essential to have a development agreement to lock down the terms and details, i.e. density, the appropriate number of units, screening, landscaping, etc. of the requirements for the project that the Planning and Zoning Commission requests. The only issue for the Planning and Zoning Commission is the rezoning, which requires a recommendation to Council. Clearly the development plan is an integral part of the inducement for the rezoning and that is where the development agreement comes into effect.

Chairman Mann asked Mr. Smerigan if the Commission was only working on the rezoning issue with the applicant and the development agreement would be discussed when the applicant submitted plans for site plan approval.

Mr. Smerigan stated that the development agreement needs to accompany the rezoning recommendation to Council because when you are just rezoning to a U-3 District there is no guarantee of what has previously been presented as the development will be the final plan. In order to guarantee that the development plan will be what has been presented to the Planning and Zoning Commission for the proposed rezoning property, a development agreement is necessary to be executed with the number of units; screening, etc. There are no specific regulations in the U-3 Zoning District. The development agreement needs to be part of the recommendation to rezone sent forward to Council.

Ms. Hecht asked Mr. Smerigan if the Commission can either approve or deny the rezoning without a development agreement.

Mr. Smerigan stated that if the Commission is going to recommend approval of this rezoning there should be a development agreement. If the Commission should not recommend approval of these parcels of land for rezoning, a development agreement would not be necessary.

Mr. Brickman stated that he would like the Commission to approve the recommendation for rezoning with the stipulation that a development agreement would follow.

Mr. Smerigan stated that Mr. Brickman has indicated in correspondence to the Commission that he is willing to execute a development agreement that would essentially lock the development of the site into what has been presented to the Commission. Clearly, a development agreement is needed in order to finalize any positive recommendation to Council.

Chairman Mann stated that if a development agreement is needed, it is necessary for the Planning and Zoning Commission to review it before it is recommended to Council.

Mr. Smerigan stated that the first issue is whether or not the Commission is satisfied with the proposed site development plan that has been presented. If there are adjustments or requirements that the Planning Commission wishes to see with this development, it is necessary for the applicant to have this information before making up a development agreement. If approval is not going to be recommended there is no need for a development agreement.

Ms. Hecht stated that she read a letter from the Cranberry Court Association and there are several issues stated that have not been addressed by the proposed developer, and feels that this information would affect the development agreement. Ms. Hecht stated that the applicant was wanting the Planning and Zoning Commission to make a recommendation without a development agreement or the concerns of the residents of Cranberry Court being addressed properly. Also, Ms. Hecht asked the applicant if there had been any conversations held with the residents of Brian Drive.

Mr. Brickman stated that he believes that all the issues with Cranberry Court Association can be worked out to the owners' request. There have been several meetings with both the Mayor and the residents to discuss the concerns of the homeowners at Cranberry Court. Also, there have been conversations with a couple of the residents on Brian Drive. Mr. Brickman stated that he is willing to make the letter of concerns from the Cranberry Court Association part of the development agreement if the Planning and Zoning Commission desires.

Mr. Wachter asked Mr. Smerigan if procedurally the rezoning could only be proposed and recommended for the parcel to the far north. Mr. Smerigan stated yes it could be zoned alone.

Mr. Wachter asked Mr. Brickman for the size of the northern parcel which has the fifteen units proposed for the development?

Mr. Brickman stated that the total parcel is 1.7 acres. The other parcel is about .9.

Mr. Wachter stated that it was the larger of the two parcels. The density is still going to be 12 to 15 units to the acre. Mr. Wachter's concern is not with the design, look or the aesthetics, the concern is with the density; the number of units in the small area. There is correspondence, other than the four out of six residents of Cranberry Court who stated their favor since it is similar to the original development, that have not given their approval to this project and it is going to surround their properties.

Mr. Brickman stated that the current plan already has approval of the original six units, and there will be screening done to the property. Richmond Road has changed its character since 1968. There is a large demand for this type of property as evidenced by many business owners and stake holders who are in favor of the project. There will never be unanimity in a community relative to any project. I believe this project would be an asset to the City. The number of units has been reduced by forty percent (40%) which is significant.

Mr. Jacobs thanked Mr. Brickman for the substantial changes he made in the plan from the one originally submitted. He stated he would like to know what the concerns are of the residents of Brian Drive and asked if Mr. Wachter had correspondence with the residents.

Mr. Wachter stated he had discussions with the residents and their main concern is the density of the project. He stated that he believes that none of the residents have seen the present proposed project. The concerns I heard were noise, essentially like an apartment complex when it was anticipated the most number of units would be six. Privacy issues were a concern but their backyards come right up against the project. If there is some interest on the part of the Commission to move forward with a positive recommendation of the project, then there should be a meeting that entertains public comment. Mr. Wachter stated he believes that there ought to be a negative recommendation given to Council and be done with it, but if the view of the Commission is to give it further consideration, then we owe it to the developer and ourselves to hear what the residents have to say.

Mr. Cohen stated that he appreciated all the changes, considerations and improvements that the applicant has made to the original development plan. Mr. Cohen stated he also concurred with Mr. Wachter that maybe the Commission needs to hear from the residents. Mr. Cohen stated he was in favor of the project.

Mayor Gorden stated there will be an opportunity for as much public comment as is needed when this issue for rezoning comes before City Council as a public hearing. Anyone who wishes to speak, for or against the project, will have an opportunity to do so at that meeting. Mayor stated that he has had several meetings with Mr. Brickman and his staff, and residents that are in the development area based on the original project that was presented. By the end of the last meeting, there was no doubt that the residents within the development, (not any of the surrounding neighbors), there were five out of the six residents that were in favor of the project and said it should move forward.

Mayor Gorden continued that regarding the development agreement, the items in the letter from the Cranberry Court Association just came in today in the form of a letter to the Planning and Zoning. Mr. Brickman stated that he would entertain every request that the residents had and work out an equitable solution. Whatever the Commission decides to do as well as Council, the process needs to keep moving. There is merit to the project and the Commission needs to keep the process moving.

Chairman Mann asked that there be a motion formed either in the affirmative or the negative, or the Commission can table the application pending looking at the development agreement at the next meeting.

Mr. Cohen stated that there needs to be a motion.

A motion was made by Mr. Cohen and seconded by O. Jacobs to approve and recommend to Council, the request of Mr. Brickman to leave the property at the southern end of Cranberry Court zoned as U-2A, and rezone PPN'S 741-15,005, 006, 007, 008, 009 from U-1 TO U-3; subject to a development agreement being established which conforms to the latest plan submitted and satisfactorily addresses all of the concerns in the letter from the Cranberry Court Association with the understanding that there will be a public hearing.

Mr. Wachter stated that Council needs more information from the Planning and Zoning Commission and not just a positive or negative recommendation for the rezoning, without a development plan. Council needs a complete package; i.e. for instance when the Mall was done, the developer had to put together a development plan so that Council knew what was being recommended. There was public comment made at this level and at the Council level.

Mr. Jacobs stated to Mr. Wachter that the recommendation included the fact that the developer had to conform to the plan that had been submitted to the Planning and Zoning Commission. There may be other changes that are made due to any comments that are made by Council. Mr. Jacobs stated that he would agree to have public comment at the level of the Planning and Zoning Commission.

Mayor Gorden stated that there ought to be a complete package that is presented to the Planning and Zoning Commission and can then be reviewed recommended and moved along to Council. There is too much speculation at this point to make an adequate decision based on information that has not been submitted. The questions from Cranberry Court Association arrived today and there has not been an opportunity to discuss them with the applicant.

Mr. Cohen asked if the Commission was not voting on a rezoning issue because that is what has been requested by the applicant. The applicant would need to appear again before the Commission for site plan approval.

Mr. Mann stated that the development agreement is what would support the rezoning.

Mr. Jacobs asked with regards to timing. If voting doesn't occur tonight; there is a public hearing held and a development agreement is submitted, and the Commission comes to some agreement, potentially the Commission could recommend to Council both the rezoning and the preliminary site plan.

Mr. Wachter stated that the preliminary approval of the site plan would not occur until after the rezoning is approved. The concept here is that part of the inducement to rezone is the development plan that lays out the idea. The applicant still will need to submit for preliminary site plan approval sometime in the future, if rezoning occurs.

Mr. Jacobs asked that if a site plan was sufficiently developed, why couldn't the two items; i.e. rezoning and development site plan, be considered at the same time? First, the recommendation for the rezoning of the property to Council; then approval of the preliminary site plan contingent upon Council's approval of the rezoning all be completed at one meeting.

Mr. Wachter stated that the developer would have to determine how much he was willing to put into the site development plan with the unknown decision of the rezoning of the property.

Mr. Cohen stated that he would withdraw his motion.

Mr. Smerigan stated that what is before the Planning Commission is a referral from Council of an ordinance to rezone both parcels of property. In making a recommendation for rezoning, the reason that it was suggested the necessity of a development agreement, is that under the U-3 Zoning District for this property, and then someone else takes over the property, anything that is permitted in the U-3 Zoning District can be built, such as the original 30-unit development that was presented and met all the requirements. The reason for the development agreement is to limit the development plan to what the Planning Commission feels is appropriate for the property. Without any agreement there is no control going forward if the property is just rezoned. While it was indicated, based on questions asked by the Commission members, you could rezone one portion of the property and not the other; it is best served to rezone both parcels of land and making all of the land subject to the development agreement, because that provides the best control over what happens. While the southern property was zoned to U-2A, and there is a development plan for that property, it doesn't include some of the other things proposed for the U-3 Zoning District. The most appropriate technique, if the Commission finds the proposed development plan acceptable, before the applicant can submit a development agreement, the applicant must be given some positive direction as to the requirements. A development agreement must be submitted before a positive recommendation for rezoning is referred to Council.

Mr. Smerigan stated that the issue in front of Council is an ordinance to rezone the property that was referred to you for recommendation. The site plan when it comes will only come for approval by the Planning and Zoning Commission. If there is a development agreement that says it has to be in conformance with this concept plan; that will guide the Commission for final development plans. There are no variances required at this time. There is no measuring stick unless there is a concept plan that is part of the development agreement attached to the rezoning recommendation. This is not a planned development district. The only way the Planning and Zoning Commission can make a reasonable positive recommendation to Council is to have agreed upon the parameters; i.e. number of units, landscaping, access points, parking, etc. and send it to Council as a packet. If there is a positive recommendation given to Council, there should be a development agreement that applies to the entire property.

Mr. Jacobs stated that this application should be tabled until such time a public hearing can be held and a development agreement be submitted for review.

Mr. Brickman stated that he is willing to accept any public hearing with the neighbors, but generally the only people that show up for the meetings are opposed to the project. There have been plenty of positive recommendations in support of this project sent to the City. Mr. Brickman felt that the public comments could be made at the City Council meeting so that this project could be moved forward contingent upon the submittal of a development agreement.

Chairman Mann stated that the Commission would move ahead and plan an informational meeting and also, have a version of the development agreement at the next meeting. Generally, in the development agreement should be the number of units, the orientation of the decks, balconies, maintenance of the driveways, snowplowing regulations, garbage pickup, landscaping and buffering, reaffirming the shared parking and also, address the comments in the letter from the Cranberry Court Association.

Ms. Hecht read the letter from the Cranberry Court Association with the comments and concerns of the residents.

Mr. Brickman stated that he would go through all the residents' concerns, try and address everything requested by the Commission and come up with a development agreement that would cover all of the property, including the southern parcel. Assuming all this is completed to the Commission's satisfaction, is the Commission ready to positively recommend the rezoning to Council?

It was answered that the Commission could not answer at this time without more information. The public hearing will be to hear what the residents' concerns and recommendations are. In order to make the best decision, all this information needs to be completed.

P&Z 2014-08 HERSCHMAN ARCHITECTS, REPRESENTING MENORAH PARK LOCATED AT 27100 CEDAR ROAD, IS REQUESTING PRELIMINARY AND FINAL SITE PLAN APPROVAL TO ENCLOSE THE EXISTING OPEN AIR BECKER COURT YARD.

Mr. Steve Raichilson, CEO of Menorah Park, was present to request approval to change an outdoor garden built in the mid 60's to an enclosed courtyard an area. The older adults enjoy indoors more than being outdoors. There will be a wine bar, espresso bar, piazza look, indoor plant life, etc. There was some concerns about parking at the Menorah Campus expressed at the last presentation. Menorah Park is the largest nursing home in the State of Ohio has limited parking around the nursing home itself where most of the visitors arrive. There is a committee studying the issue of designing a parking structure that will make parking easier. The goal is to add 80 to 100 parking spaces in the front of Menorah Park in a covered deck area that would sweep the front stairs all the way towards the Myers Apartments which also has parking issues.

Chairman Mann stated that the parking concerns were not the result of this application, but because of a variance request.

Mr. Griswold stated that Mr. Smerigan will discuss in greater detail the increase land coverage issues in more detail. Mr. Raichilson didn't have an opportunity to present the information he presented this evening with moving forward to find a solution for additional structured parking. Mr. Smerigan modified the code to permit a greater density of land going from 25% to 30% should structure parking be completed.

Mr. Ciuni stated that approval is recommended and reminded the applicant that storm water management practices for construction projects will be enforced during construction.

Mr. Smerigan stated this request is for preliminary and final site plan approval to enclosure an existing courtyard at Stone Gardens. The applicant proposes to construct a one-story addition to the existing facility that would be used as interior common space for the existing residents. The total area to be enclosed is 3,911 square feet Since the proposed addition will be used as common area for the residents and no additional bedrooms or dwelling units are being creased, the addition will have no impact on the amount of parking required by the Code. The subject site presently complies with the minimum number of parking spaces required by the Zoning Code.

This request would increase that building ground coverage variance by an additional 3,911 square feet to a total variance of 10,025 square feet or 25.87% of the 26.53 acre campus. Since a variance is required, the Commission will need to make a recommendation to City Council. Should the Commission determine to recommend approval of the variance and site development plan the following stipulations are suggested: 1) pursuant to Section 1159.04 it is determined that a practical difficulty exists or will result on the subject site from the literal enforcement of Zoning Code Section 1124.04(a) with regard to maximum building ground coverage; and 2) an additional variance of 3,911 square feet is granted to Section 1124.04(a) to authorize a total variance of 10,025 square feet and to permit the total building ground coverage to be 25.87% in lieu of the Code required 25%.

Ms. Hecht stated that Menorah Park has formed a committee and is moving forward. What is the approximate time frame for this project and when will the parking construction actually begin?

Mr. Raichilson stated that plans are hopefully together by the end of 2014. We want to work with the City and figure out the temporary parking while the construction of the new garage is going on which will be over the present parking area. This project is also in conjunction with the possibility of another apartment building of 80 units with its own parking, not taking away from the parking deck.

Mr. Raichilson stated that financing will have to be obtained, site plan approval and realize that Menorah Park needs this parking as soon as possible to serve their customers. We hope to have these projects underway in 2015 with adequate financing and approvals.

Mr. Jacobs asked Mr. Raichilson if these projects were interconnected or if one project could be started before the other. Will financing have to be obtained for the entire project?

Mr. Raichilson definitely stated that one project can start before the other, but don't want to hinder the possibility of building another apartment complex. Some designers are stating that there is another parcel between Stone Gardens and Menorah Park where a concrete deck can be put over surface parking spaces and an apartment building built on top of the deck. This doesn't affect our parking deck that is under consideration. It is a possibility to consider this type of structure in the future. Financing can be obtained for separate projects.

Mr. Wachter stated that the Commission is concerned about Menorah Park being diligent with regards to finding an answer to the parking situation.

A motion was made by O. Jacobs and seconded by C. Cohen to approve and recommend to Council the request from Herschman Architects representing Menorah Park, located at 27100 Cedar Road, requesting preliminary and final site plan approval to enclose the existing open air Becker Courtyard with the following stipulations: 1) pursuant to Section 1159.04 it is determined that a practical difficulty exists or will result on the subject site from the literal enforcement of Zoning Code Section 1124.04(a) with regard to maximum building ground coverage; and 2) an additional variance of 3,911 square feet is granted to Section 1124.04(a) to authorize a total variance of 10,025 square feet and to permit the total building ground coverage to be 25.87% in lieu of the Code required 25%.

ROLL CALL: AYES: C. Cohen, Mayor Gorden, O. Jacobs
M. Wachter
NAYS: R. Hecht, B. Mann
MOTION APPROVED – RECOMMEND TO
COUNCIL - JULY 16, 2014 – 7:00 p.m.

A motion was made by R. Hecht and seconded by M. Wachter to remove P&Z 2012-33 from pending.

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

Adjournment

Bill Mann, Chairman

Sue Ley, Secretary

Karen Navolanic, Clerk of Council