

THE PLANNING AND ZONING COMMISSION MEETING WAS HELD AT THE CITY OF BEACHWOOD CITY HALL ON THURSDAY, JULY 31, 2014.

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

A motion was made by R. Hecht and seconded by C. Cohen to amend the agenda to approve the minutes of the May 28, 2014 Planning and Zoning Commission meeting.

ROLL CALL: AYES: C. Cohen, R. Hecht, O. Jacobs, B. Mann  
B. Zabell  
NAYS: None  
MOTION APPROVED – AGENDA AMENDED

A motion was made by O. Jacobs and seconded by R. Hecht to approve the minutes of the May 28, 2014 regular meeting.

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

Mayor Gorden and Council Representative, Mark Wachter, entered the Planning and Zoning meeting.

P&Z 2014-13 GREAT LAKES FENCE CO., REPRESENTING “THE VILLAGE” IS REQUESTING PRELIMINARY AND FINAL SITE PLAN APPROVAL TO INSTALL NEW FENCING AS SHOWN ON THE DRAWINGS.

Mr. Jonathan Classic, Operations Manager from Great Lakes Fence Company, was present to request approval for a partial perimeter fence to be installed around The Village property. Also present Mr. Classic was Barbara Jason, Property Manager for The Village, David Kostelnick, Village Management, Robert Turoff, President Homeowners Association, Richard Zywicka, A-Z Masonry, and Joe Delgado, Obar Door and Gate. The fence is proposed to go from the main front entrance to the rear entrance of The Village. It is six foot high commercial, aluminum fence. On George Zeiger Drive and Richmond Road it is being requested that the fence be permitted to be six to ten feet off the sidewalk pending the locations of fire hydrants and underground utilities. The closest to the sidewalk will be six feet and the farthest from the sidewalk will be ten feet. There will be seven hundred and seventy-one (771) foot of fence along Richmond Road and depending on the grade level or slope of the property; the fence may be located two to three feet from the sidewalk. The land runs straight up hill. The Village can maintain the land between the fence and the sidewalk. The location of fence for safety issues is the intersection located at George Zeiger Drive and Richmond Road. The applicant is requesting a twenty (20) foot setback at the intersecting of George Zeiger and Richmond Road. There will be connection made to the existing fence at the rear of the property. There is a thirty-foot gap going south on Richmond Road. There will be two thirty foot returns with no connection. The applicant asked if there were any safety issues that the Commission was concerned about.

Mr. Smerigan stated that the Building Department, Police Department and Fire Department have reviewed these drawings and have no comment at this time.

The City Engineer submitted a report which recommended the owner perform a boundary survey everywhere the fence is proposed to insure the fence is installed in the proper location.

Mr. Smerigan stated that this request is for approval to construct perimeter fencing around The Village. This is the first phase of a multi-phase project to increase security around the development. The application is to install a total of 2,873 feet of fencing along with one (1) gate, and nine (9) masonry columns. The nine masonry columns are proposed along the south side of George Zeiger Drive from the intersection of North Park Boulevard west to Richmond Road. The columns are 7.25 feet in height with a stone cap. The gate is located near the guard shack on North Park Boulevard. The gate is black aluminum six (6) feet in height. Two thousand and sixty-three feet (2,603 feet) of the fencing is proposed as commercial black aluminum six (6) feet in height. The remaining 270 feet of fencing is proposed as wooden board-on-board five (5) feet in height.

The black metal fencing begins 40 feet east of North Park Boulevard on George Zeiger Drive and connects to the existing guard shack. The metal fencing continues west along George Zeiger Drive and south along the east side of Richmond Road to the northerly lot line of the Sexton property at 2389 Richmond Road, where it turns back from the right-of-way for a distance of 30 feet. The black aluminum fencing begins again on the south side of the Sexton property and continues south to the Lerer property at 2511 Richmond Road where it turns east and runs along the common property line between The Village and the Lerer property for a distance of 300 feet. At that point, the applicant proposes to switch to a wooden board-on-board fence along the rear property lines of the Lerer property and the adjacent Nemeth property at 2515 Richmond Road. The wooden fencing stops at the southeast corner of the Nemeth property. Finally metal fencing is proposed on either side of the entry and exit gates at the northerly Richmond Road entrance to The Village.

The Sextons have indicated in a letter to the City that they do not wish to have their property fenced in. The applicant is not proposing to place fencing around the Sexton property except for two (2), 30-foot sections extending from the Richmond Road right-of-way on either side of the Sexton residence. The Nemeth property is already at least partially enclosed with a wooden fence.

Ornamental metal fences of the type proposed are permitted in U-2A Attached Single Family Home District. Such fences are limited to six feet in height. The use of the masonry columns is similar to what has been done in other developments. Section 1141.02(d)(9) prohibits fencing that does not have a uniform color, material and design; however, the Section also provides that the Planning Commission may authorize exceptions to that prohibition. In this instance, it appears that the applicant is attempting to match the existing fencing material on the adjacent single-family lots. Matching existing fencing may be desirable; however, it still appears that the Lerer property at 2511 Richmond Road will have two different fencing styles with a black metal fence along the northerly side lot line and a wooden board-on-board fence on the rear lot line. The Commission will need to determine whether that arrangement is appropriate.

The Zoning Code generally limits fencing along street frontages; however, in this instance the dwelling units have their frontages internally to the development and the areas along George Zeiger Drive and Richmond Road are actually common areas that serve as buffers behind the dwelling units. Incorporating decorative fencing with the mounding and landscaping is consistent with the original intent of the perimeter buffering for the development and with what has been approved elsewhere in the City.

In addition to the issue of multiple fence styles and materials noted above, the Commission may find it desirable to incorporate masonry columns at the three (3) points on Richmond Road where the fence makes 90 degree turns (the two corners of the Sexton property and the northern lot line of the Lerer property). While masonry columns along the entire length of Richmond Road would be costly, adding them at the corners would reinforce the desired image and clearly mark the edges of the development.

Approval is recommended subject to the Commission's determinations with regard to the proposed fencing materials and the additional columns.

Mr. Jacobs asked about the ninety-six feet in front of the Sexton property was not going to be enclosed.

The applicant stated that all but the front of Sextons' property will be enclosed with fence. The only difference in fences is what is connecting to already existing shadowbox fence. The new fence is meeting existing board-on-board fence, which could be eliminated if the new fence just stopped at one point and restarted at the other point so two different type fences don't meet.

Mr. Smerigan stated that there is a board-on-board fence on some of the properties already, which you are connecting to. The question is the extending of the board-on-board fence behind the Lerer property and bringing the aluminum fence down the side of the property. Because of the ordinance the Commission needs to make a finding that having the two types of fence is acceptable, or the area behind the Lerer property would have to be black aluminum fence.

Ms. Jason stated that the fence would go down along the Hanover side of Sexton's property on the opposite side of the pine trees. The other side of the fence would return on the Windrush and Chelsea on The Village property and across the rear property line also. This will not enclose the Sexton property (2389 Richmond Road).

Mr. Jonathan Classic asked that the Board approve what has been submitted contingent upon receiving communication with the resident, Mr. Sexton, that the additional fence would be okay with them. An additional submittal would then be submitted to the Building Department.

Mr. Smerigan stated that he would be reluctant to approve any changes to the plan not knowing if the resident was informed of the changes from what has been proposed. Also, there was hesitation regarding the aluminum fence on both sides and attaching to the existing board-on-board fence.

Mr. Jacobs asked if there was fence being installed on any property other than property owned by The Village.

The applicant stated that the fence was being installed on The Village property only. The only place where there are two different types of fences is where there is existing board-on-board fence and it will be connected to the aluminum fence.

Mr. Smerigan stated that the concern is the fact that there are properties that already have board-on-board fences in the rear of their lots. The Commission needs to make a finding that the two types of fences are permitted or change the board-on-board fence to the black aluminum fence.

Mr. Brian Reali, Law Director, stated that the idea of approving a project contingent upon receiving a letter from a resident would not be recommended.

Mr. Jacobs stated that he thought the applicant wanted to amend his proposal and get approval for the fence around the Sexton property at a later date.

The applicant stated that if there has to be another meeting to get approval from the Sexton's that would have to be. It would be okay to wait on approval for about 600 feet around the property, but would not want to hold up the entire project.

Mr. Smerigan stated that across lot number 4, 6 and 7 is where the board on board fence exists. Lot 4 will have different types of fences. Lot 6 has fence along the sides but doesn't enclose the property since there is a large mound in the rear. The City regulations do not typically permit this situation.

Ms. Hecht stated that The Village has been in existence for a very long time and was wondering why the fence idea was proposed now.

Mr. Turoff stated that the residents were concerned about the security factor. There are more and more intrusion from the shopping center and people just believe that The Village is somewhere where they can freely walk. The residents are in favor of the fence and the Association would like to provide the fence for these reasons.

Mr. Wachter asked Mr. Smerigan if there was a section of Code which addressed open-ended fences or fences that don't close off an area.

Mr. Smerigan stated that there was a regulation that did require the fence to make an enclosure, but there have been some adjustments to the Fence Ordinance. This is just a phase of a multi-phase project. Everything cannot be done at one time. This would not violate the ordinance.

Mr. Jacobs asked if there was any comment on adding the additional columns.

The contractor asked if the request for concrete columns all the way down Richmond Road.

Mr. Smerigan stated that he had suggested a column at the corner of George Zeiger Drive and Richmond Road and at the corners of the property where the fence is making a turn eastward.

The contractor stated that it would have to be discussed with The Village because of the cost. The location of the utilities would affect if the columns could be placed in the correct area and also the grade of the property. The property corners to have columns added would have to be addressed by The Village.

Mr. Mann explained that he would like to have a completed site plan showing everything as it is going to be proposed and installed, not with all the possibilities of this way and that way.

Mr. Cohen suggested that it would be his recommendation to add additional columns going down Richmond Road. Having the piers go down Richmond Road would be an additional architectural feature and would keep with the theme.

Mr. Wachter asked if there was an overall master plan of what this project will look like at the finish of the project. Either it will be approved by pieces but it would be better to approve a project by phases. Is this going to be approved piece meal?

Mr. Classic stated that right now only Phase I is approved by The Village to see how it affects the security issue. The Village is trying to see if this will be affective for the type of security necessary to make the residents feel comfortable. If the plan doesn't work it will be a beautiful decorative fence. Before going into Phase II and III, which is about four times the footage and cost of the fence, The Village has to see if it works. The location and style for the fence can be of different style, types, materials, etc. Seeing the results of Phase I will determine how far Phase II and Phase III will be completed.

Mr. Wachter stated that he would prefer to see a complete conceptual plan for the entire fence project.

Mr. Classic stated that with regards to having columns down Richmond Road, it is impossible because of the grade changes. The grade goes straight up hill. It is hard to install columns with this kind of slope grade.

Mr. Mann stated that the information from Mr. Wachter and Mayor Gorden would be helpful in making decisions regarding the future plans of the complete fence project. It is suggested that a master plan be put together and contact information from the residents that your proposal is satisfactory to them.

Mayor Gorden stated that he was in favor of the fence and it is a good idea. If this is only phase I because of the cost involved, how is this going to add any security?

Mr. Classic stated that this fence would be a deterrent. It will defer someone from coming into The Village. If it works and is effective the rest of the project will be completed.

Mr. Kostelnick stated that the Board of Trustees from The Village Association wants to encompass the entire Village. With this fence portion of fence The Association was trying to provide security where there were homes that abutted the public right-of-way. The rest of the perimeter of the area is abutted by neighboring residential areas at the back of The Village. The Village wanted to enhance the security in a manner that was architecturally appealing for the residents as well as those driving down the public highway. In order to have a master plan, the Board of Trustees would have to review that their discussion was that it would be nice to have the entire property fenced in some time in the future. It would probably be several years, and possibly another Board of Trustees, before there would be a plan to fence in the entire Village property.

Mr. Smerigan stated that the cover letter that accompanied the proposal for the fence indicated that this was Phase I of a three-phase project. It seemed to indicate that eventually the entire Village property would be enclosed by a fence. It is agreeable that this area is where there is the greatest exposure with the two main roads.

Mr. Zabell stated that he is comfortable to let the staff make the decision about the additional columns to be included down Richmond Road and what is architecturally feasible in the right-of-ways. My concern is the 30 feet of fence that is to be placed along parcel 2. I understand property owner has voiced the opinion of not wanting to be entirely enclosed by a fence. It would be more comfortable to have the fence terminated at the beginning of the property owner's lot line and have the extensions of the fence done at a later time with the approval of the homeowner.

Mr. Classic stated that this could be done at parcel 2 and address the returns of the fence at a later time with the approval of all of the property owners. The fence would come up to the property line at parcel 2 with no return. This would eliminate 60 foot of fence.

Ms. Jason stated that her discussions with Mr. Sexton last week was with concern to the fence being too close to the driveway which would be on the Hanover side. It was told to him that it would not be on his driveway and that the pine trees would remain on the property. Ms. Jason stated that she could see about getting a letter of approval from Mr. Sexton.

Mayor stated that the letter from Mr. Sexton was concerned about being enclosed.

Mr. Classic, the applicant stated that the letters of approval from both residents would be sent to the Building Department for record.

A motion was made by R. Hecht and seconded by O. Jacobs to approve Great Lakes Fence Co., representing The Village, request for preliminary and final site approval to install new fencing as shown on the drawings, contingent upon receiving letters from the Sexton and Leher properties and does not include Phase II and Phase III.

A motion was made to amend the original motion by R. Hecht and seconded by O. Jacobs.

|            |       |                                                                     |
|------------|-------|---------------------------------------------------------------------|
| ROLL CALL: | AYES: | Mayor Gorden, R. Hecht, O. Jacobs<br>B. Mann, M. Wachter, B. Zabell |
|            | NAYS: | C. Cohen                                                            |
|            |       | AMENDED MOTION APPROVED                                             |

Mr. Smerigan asked if the Commission was going to consider the City Engineer's recommendation for a boundary survey. The survey is not necessary along George Zeiger and Richmond Road, but the boundary lines need to be clearly defined around the property lines of the residents affected. Mr. Smerigan stated that he believes that if pins can be located and the City Engineer is satisfied with the applicant's property line location for the two residents, Leher and Sexton, that a complete boundary survey is not necessary.

A motion was made by R. Hecht and seconded by O. Jacobs to approve Great Lakes Fence Co., representing The Village, request for preliminary and final site approval to install new fencing as shown on the drawings, not including Phase II or Phase III, contingent upon the following: 1) receiving letters from the Sexton and Leher properties, and 2) a boundary survey of the residential properties, satisfactory to the City Engineer's approval.

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ROLL CALL:

AYES: Mayor Gorden, R. Hecht, O. Jacobs  
B. Mann, M. Wachter, B. Zabell

NAYS: C. Cohen

MOTION APPROVED

## Adjournment

Bill Mann, Chairman

Sue Ley, Secretary

Karen Navolanic, Clerk of Council