

THE PLANNING AND ZONING COMMISSION MEETING WAS HELD AT BEACHWOOD CITY HALL ON THURSDAY, MARCH 26, 2015.

Mr. Mann, Chairman of the Planning and Zoning Commission is out of town and Ms. Hecht is acting Chairman this evening.

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

A motion was made by O. Jacobs and seconded by C. Cohen to approve the minutes of the February 26, 2015 regular meeting.

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

COUNCIL REPORT

No Council report.

P&Z 2015-01	ARTURO MARTINEZ, REPRESENTING TRES POTRILLOS MEXICAN RESTAURANT, LOCATED AT 25765 CHAGRIN BLVD., IS REQUESTING PRELIMINARY AND FINAL SITE PLAN APPROVAL TO ADD A PATIO, 15 FEET BY 50 FEET TO ACCOMMODATE 40 GUESTS.
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Mr. Don Geitz, architect, representing Arturo Martinez from Tres Potrillos Mexican Restaurant located at 25765 Chagrin Blvd., is requesting preliminary and final site plan approval to add a patio, 15 feet by 50 feet to the front of the building to accommodate approximately 40 guests. The owner would like to close off the basement during the summer and use the patio.

Mr. Griswold stated that the Fire Department indicated that the Fire Alarm needs to be extended to the exterior patio. The Police Department has no comments. The City Engineer stated that the drive aisle will be reduced due to patio, but still meets the City's minimum requirements. The Building Department, Fire Department, Police Department and City Engineer recommend approval.

Mr. Smerigan stated that this request is for preliminary and final site plan approval to construct a covered outdoor seating area or patio. The subject site is in the U-4A Integrated Business District. The patio would be 750 square feet in area and would provide seating for 42 customers. The patio is proposed to be located on the front, or west side, of the building. No parking spaces would be removed for the patio; however, the existing drive aisle in front of the restaurant would be reduced from 24 feet to 20 feet in width. The site plan and elevation drawings indicate that the patio would be enclosed by a decorative half wall and would be covered with a roof supported by columns. The proposed location for the patio is such that the building would continue to comply with all the required setbacks for buildings in the U-4A District.

Mr. Smerigan continued that the applicant is proposed to limit outdoor seating by closing a portion of the dining room during periods when the outdoor patio is in use. Typically, outdoor seating venues result in relocation of customers from indoor to outdoor seating during good weather, rather than a net increase in total customers. The Commission will recall that it used this approach with Winking Lizard prior to the construction of additional parking on that site.

Should the Planning and Zoning Commission wish to grant preliminary and final site plan approval, such approval should be subject to the following stipulations: 1) approval is for an outdoor dining patio with a maximum seating capacity of 42 persons; 2) when the outdoor dining area is open and in use, the restaurant shall reduce the indoor seating area by 42; 3) no outdoor music shall be played without the expressed authorization of and subject to the specifications required by the Safety Director; and 4) compliance with the comments of the City Engineer and Fire Department.

Mr. Cohen asked if there was a handicapped ramp accessible to the restaurant and was there a five foot aisle in front of the patio? Mr. Cohen would also like to make a recommendation for some type of buffer in front of the patio and be aesthetically pleasing.

Mr. Geitz stated that there was a handicapped ramp.

Mr. Griswold stated that the Fire Chief will be contacted and it will be stipulated that balusters will have to be installed for protection in front of the patio. Also, there is no handicapped ramp for entrance to the patio. Entrance to the patio will be through the restaurant where there is ADA compliance.

A motion was made by O. Jacobs and seconded by C. Cohen to approve Arturo Matinez, representing Tres Potrillos Mexican Restaurant, located at 25765 Chagrin Blvd., request for preliminary and final site plan approval to add a patio, 15 feet by 50 to accommodate 46 guests subject to the following stipulations: 1) approval is for an outdoor dining patio with a maximum seating capacity of 46 persons; 2) when the outdoor dining area is open and in use, the restaurant shall reduce the indoor seating area by 46; 3) no outdoor music shall be played without the expressed authorization of and subject to the specifications required by the Safety Director; 4) compliance with the comments of the City Engineer and Fire Department; and 5) protection provided, such as balusters.

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

P&Z 2013-33	ORDINANCE 2013-71, REZONING CERTAIN PARCELS FROM U-1 AND U-2A 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 AND U-2A TO U-3 (Referred from Council 7/1/2013).
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Mr. Sheldon Berns of Berns, Ockner and Greenberger, LLC, representing Brickhaus Partners, was present to request approval of Ordinance 2013-71, rezoning certain parcels of land from U-1 and U-2A to U-3. Mr. Brickman takes on challenges and makes opportunities for development from them. There was a video from Dr. Robert Simons, who has a Phd. in City and Regional Planning, Masters Degree in Economics, and City and Regional Planning, and was a Full Bright Scholar. Dr. Simons is Professor of Urban Planning and Real Estate Development at Cleveland State University. Dr. Simons is a Beachwood resident. There would be additional property tax revenue for the City and the school district. The community must actively pursue new housing opportunities since there are very few available developmental residential sites. This project is in a good location along Richmond Road and is suitable for multi-family development. This development provides for better housing choices for people age 65 and older. The density of the 20 units compared to the original 32 units seems appropriate. The overall local property values will increase.

Mr. Andrew Brickman stated that last time he was before the Planning Commission he represented Abode Modern Lifestyle Developers. Now Mr. Brickman represents Brickhaus Partners. Mr. Elliot Reusser is in attendance, a graduate from Kent State University School of Architecture. Now he represents Brickhaus Partners. He stated he would like to thank Mayor Gordon and all the staff from the City that has given guidance and time to get this project to this point. Mr. Brickman presented a brief interview with Dr. Simons and showed the original plan rendering. The original plan for 32 units has been changed to reflect the comments of residents and is now 20 units total for the new project. The new units will be one and a half stories high. All the roof-top decks are eliminated and there are fifty-seven parking spaces with seventeen visitor parking spaces. There will off-site snow removal. There will be no parking zones in front of the garages.

Mr. Brickman also presented a couple of letters of support for the project from the current Cranberry Court residents and showed a few pictures of previous projects of similar developments.

Mr. Griswold stated that the City Engineer had indicated in his report a concern about the number of driveways accessing the site. The safety of ingress/egress from Richmond Road to Cranberry Court and the new development must be reviewed and approved by the Police Chief. The Fire Department had the same concern. The Police Chief met with the applicant and the southern curb cut was moved forty (40) feet to the north and that was satisfactory to everyone. Mr. Griswold continued that the Fire Department was satisfied with the dimensions and will have access throughout the proposed site plan. Also, this project is in early stages, but the Fire Prevention would like it noted that hydrant locations will need to be approved by the Fire Department. Lastly, the Fire Department noted that the exterior parking for occupants outside of the garages is not denoted on the proposed drawings. Cars that would part in front of the garages would reduce the required 24 foot roadway for fire apparatus access.

Mr. Smerigan stated that this request is for a Zoning Map amendment to rezone approximately 1.78 acres located on the west side of Richmond Road from U-1 Single Family House District and U-2A Attached Single Family House District to U-3 Apartment House District for the purpose of constructing townhouse-style attached single family dwelling units. As inducements for the rezoning the applicant has submitted the following: 1) a revised concept development plan; 2) an executed development agreement; 3) concept renderings of building architectural treatment; and 4) a concept landscape buffer plan. With submission of the above referenced inducement items, the Commission have a sufficiently complete application packet to act upon the requested rezoning.

Mr. Smerigan continued that the revised concept development plan contains a total of twenty (20) single-family attached dwelling units with six (6) dwelling units on the former Cranberry Court parcel and fourteen (14) dwelling units on the northern parcel. The limitation to six dwelling units on the southern parcel is consistent with the deed restrictions regarding density that was executed as part of the Cranberry Court approval. Access to the site has been revised to provide for two driveways and has been reviewed by the Police Department.

Mr Smerigan stated that it is his opinion that the development of attached single-family dwellings in a cluster or townhouse arrangement is an appropriate and desirable use along the frontage of Richmond Road. The applicant has submitted a concept landscape buffer plan that includes a fence six feet in height and a combination of shrubbery.

Mr. Smerigan stated that if the Planning and Zoning Commission is satisfied with the inducements proffered with the application for rezoning it will need to act in the form of a recommendation to City Council regarding the proposed rezoning or map amendment.

Chairperson Hecht checked that the Planning Commission members had received three letters from Mr. Berns, Cranberry Court Association and Mr. Lieberman, attorney representing Cranberry Court. Ms. Hecht asked when the snow removal would be done at what time of day or morning would this take place.

Mr. Brickman stated that it would be removed before normal business hours.

Mr. Wachter stated that the unit presently at Cranberry Court does not need any rezoning? Also, rezoning the southern parcel from U-2A to U-3 does not advance anything other than making that parcel susceptible to development as U-3 in the future.

Mr. Smerigan stated that the six units as proposed in the current development plan is consistent with the U-2A Zoning. The application before Council and Planning and Zoning Commission is to rezone the entire parcel to U-3. If you rezone only the northern parcel and not the current Cranberry Court, the development plan be doable. There are deed restrictions, in favor of the City, that limit the future use of that property unless the City of Beachwood would waive those restrictions.

Mr. Wachter stated that the issues regarding snow removal and parking in front of the units is not part of the present development agreement and the applicant would have to revise the development agreement.

Mr. Smerigan stated that was correct. The applicant would need to modify that development agreement and submit the revised executed development agreement to City Council.

Mr. Jacobs asked if the development agreement was acceptable to the City?

Mr. Smerigan stated that it was acceptable to the City.

Mr. Jacobs also asked if the applicant advise where the guest parking is located.

Mr. Brickman stated there are seventeen parking spaces located throughout the site.

Mr. Jacobs asked if the driveway was one way or two way.

The applicant stated it was a two-way drive.

Mayor Gorden asked Mr. Griswold about the issues that the Fire Department and City Engineer had mentioned in their reports.

Mr. Griswold stated that both the Fire Chief and City Engineer had mentioned about the locations of the curb cuts. The applicant has complied with the concerns of the Fire Chief. The other issue is the enforcement of the snow removal.

Mr. Berns stated that the Homeowners' Association will require that the trustees to remove snow to keep the parking areas free of snow. The trustees would enforce no parking in front of the units. The signs for no parking fire lane would make it enforceable by the City.

Mr. Wachter stated that there is too much density with regards to units per area. There are too many curb cuts with three driveways with traffic turning onto Richmond Road. The current density of Cranberry Court is 6 ¼ units per acre. New single family on Richmond Road is not acceptable.

Ms. Hecht stated she agreed that there are too many curb cuts. It is difficult to make a left turn onto Richmond Road from Maidstone.

Mr. Cohen stated that he thought this was a good development idea.

A motion was made by C. Cohen and seconded by O. Jacobs to make a recommendation to Council the Ordinance 2013-33 rezoning certain parcels from U-1 and U-2A 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 and U-2A to U-3 with the following stipulations: 1) a revised concept development plan; 2) concept building elevations; 3) concept landscape plan; and 4) a revised development agreement to include the following: the fire lane restriction and off-site snow removal.

ROLL CALL:

AYES: C. Cohen, Mayor Gorden, O. Jacobs

NAYS: R. Hecht, M. Wachter

MOTION APPROVED – RECOMMEND TO COUNCIL
Council – April 20, 2015 – 7:00 p.m.

A motion was made to adjourn.

Rochelle Hecht, Chairman Pro-tem

Sue Ley

Karen Navolanic, Clerk of Council