THE PLANNING AND ZONING COMMISSION MEETING WAS HELD AT BEACHWOOD CITY HALL ON THURSDAY, MAY 28, 2015.

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

Chairman Mann welcomed Mel Jacobs for filling in for Mark Wachter, Hope Jones for filling in for Brian Reali and a special welcome to Ms. Veronica Gentner who will be taking the place of Sue Ley as Planning and Zoning Secretary as she has retired and will be greatly missed.

Chairman Mann requested a motion to amend the agenda for an additional agenda item, P&Z 2015-14, 3401 Enterprise Dedication plat for a triangular shaped parcel of 1,076 square feet at the public right-of-way.

A motion was made by R. Hecht and seconded by C. Cohen to amend the agenda.

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

COUNCIL REPORT

Mel Jacobs stated there was no Council report this evening.

P&Z 2015-09 THEODORE A. SAHLEY, REPRESENTING 3589 PARK EAST DRIVE, IS REQUESTING SITE PLAN APPROVAL FOR A LOT SPLIT IN ORDER TO CREATE AIR RIGHTS PARCELS.

Mr. Bruce Robinson, from BL Robinson Engineering, representing Theodore A. Sahley, was present along with Mr. Theodore A. Sahley, representing CBHV, LLC, to request site plan approval for a lot split in order to create air rights parcels at the property located at 3589 Park East Drive. Mr. Robinson stated they had submitted legal descriptions for the parcel. The air rights parcel is somewhat different than a normal lot split in the fact that they are only conveying an elevation specific legal description which the City Engineer has reviewed. The method they used was lighter lines showing the foundation of the facility and darker lines show what the air rights parcel encompasses. The line was figured by doing a 3D scan of the Indigo Hotel, Clarion Hotel, and the Social Security Administration Building. With the two buildings that exist on the site, they then determined the outermost perimeter of the building that it encompasses. The Clarion Hotel has a lot of soffit and facia on the roofs and the drive overhangs that normally do not show up on the foundation or site plan. The dark line encompasses all of the projections from the building and the air rights are approximately one inch below finish floor. They did not set the top of the elevation at the elevation of the existing building but did set it at the maximum allowable by Zoning which he believes is forty feet. If the hotel were to come back at a later date and work something out that fits within that vertical parameter, they would not have to go back to Mr. Sahley to ask permission to do that.

Mr. Griswold stated that the Fire, Police and Building Department have no concerns regarding the lot split.

Mr. Ciuni stated they have reviewed both plat and legal descriptions submitted for the lot split of the air rights on the parcels and approval is recommended.

Mr. Smerigan stated that this request is for approval of an air rights lot split. The subject site is approximately 8.3 acres in area and is zoned U-9 Motor Service District. The applicant proposes to create two (2) separate air rights parcels above the existing hotel building and the existing office building. The office air rights parcel would cover 9,890 square feet and would extend vertically from the building foundation or slab a distance of fifty (50) feet. The hotel parcel would be 81,195 square feet in area and would extend vertically from the building slab a distance of sixty (60) feet. They are in compliance of all their requirements of the Zoning Code. Since this is a subdivision plat, the Commission will need to act in the form of a recommendation to City Council. Approval is recommended.

A motion was made by R. Hecht and seconded by C. Cohen to approve Theodore A. Sahley, representing 3589 Park East Drive, request for site plan approval for a lot split in order to create air rights parcels.

ROLL CALL:	AYES:	C. Cohen, Mayor Gorden, R. Hecht M. Jacobs, B. Mann, B. Zabell
	NAYS:	None
	MOTION APPROVED - RECOMMENDATION TO COUNCIL – Monday, June 15, 2015 at 7:00 p.m.	

P&Z 2015-11 CHELSEA T. PERNELL, REPRESENTING KINGDOM ACADEMY CHILD CARE CENTER, TO BE LOCATED AT 22035 CHAGRIN BLVD., IS REQUESTING PRELIMINARY AND FINAL APPROVAL FOR A CONDITIONAL USE PERMIT.

Ms. Chelsea T. Pernell, representing Kingdom Academy Child Care Center, located at 22035 Chagrin Blvd., was present to request preliminary and final approval for a conditional use permit.

Mr. Griswold stated that the Building Department, Fire Department and Police Department have no concerns regarding the application and would recommend approval of the conditional use permit.

Mr. Ciuni stated that there were no comments from the Engineering Department.

Mr. Smerigan stated that this request is to transfer the Conditional Use Permit for a child day care center on the subject site. Several child care facilities have been approved and operated in this building. The applicant is taking over the last operation; essentially utilizing the same hours and the same restrictions as was provided with the last operation. The Planning and Zoning Commission has final authority to authorize transfer of the Conditional Use Permit. Should the Commission grant approval, the following four stipulations are recommended: 1) This approval is for Kingdom Academy Child Care Center only and is not transferable without the approval of the Commission; 2) The hours of operation shall be Monday through Friday 6:00 AM until 12:00 Midnight; 3) The maximum number of children shall not exceed 100 without further authorization from the Commission; and 4) The applicant shall maintain a valid State License.

Mr. Jacobs asked Mr. Griswold if keeping the same hours of 6:00 AM until 12:00 Midnight, has there been any problems with it concerning neighbors, traffic etc.

Mr. Griswold stated there have been no complaints. Regarding the hours till midnight, there is a play area located in the back but the children are not out there during that time. Ms. Pernell may state the hours the children are brought in. During the summer, the children may be outside later, but in the winter they are inside the building itself.

Mr. Smerigan noted the last two operations have had the same hours of operation and, to his knowledge, have never had a complaint.

Chairman Mann asked whether the previously approved variance for the second floor was still good.

Mr. Smerigan replied yes, it is still in effect.

Chairman Mann asked if she planned on using the second floor as well.

Ms. Pernell replied yes.

Ms. Hecht asked if she anticipates any larger enrollment in the future.

Ms. Pernell replied, partly in the future as they do business, we will abide by and contact the Commission if that number changes and exceeds 100 children.

A motion was made by B. Zabell and seconded by C. Cohen to approve Chelsea T. Pernell, representing Kingdom Academy Child Care Center, located at 22035 Chagrin Blvd., request for preliminary and final approval for a conditional use permit with the following stipulations: 1) This approval is for Kingdom Academy Child Care Center only and is not transferable without the approval of the Commission; 2) The hours of operation shall be Monday through Friday 6:00 AM until 12:00 Midnight; 3)The maximum number of children shall not exceed 100 without further authorization from the Commission; and 4) The applicant shall maintain a valid State License.

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

P&Z 2015-12 K.A. ARCHITECTS, REPRESENTING GENERAL GROWTH PROPERTIES, LOCATED AT 26300 CEDAR ROAD, IS REQUESTING REVISED PRELIMINARY AND FINAL SITE PLAN APPROVAL FOR THE BUILDING EXPANSION ON THE WEST SIDE OF THE EXISTING MALL.

Mr. James Heller, Consultant, and Mr. Jae Cho, Project Architect, from K.A. Architecture, representing General Growth Properties, located at 26300 Cedar Road, was present along with Mr. Jonathan Lim, Corporate Architect of GPD, Mr. Craig Kouris, Director of Construction based out of Chicago, and Mr. Rob Clarke, General Manager, of General Growth Properties, to request preliminary and final site plan approval for the building expansion on the west side of the existing mall.

Mr. Heller stated the submission is almost identical to the plan submitted in October when they presented the entire west side of the project and expansion. Tonight, they are here to finalize the building. The biggest difference is that they anticipated a tenant with a second floor on the southern portion of the expansion submitted in October; however, that second floor expansion is no longer there so the square footage has gone down to 46,841 square feet of leasable space. A year and a half ago, the zoning originally was 77,000 square feet with retail shops plus three restaurants. They are requesting approval of the site plan and modifications to that site plan which relates only to building, nothing is changing to the berm, the buffer, the parking lot, lighting or landscaping. The existing mall entrance on west end of building is being extended out, as always was, a vestibule coming in, there will be hardscape and landscape as shown on previous drawings, and two (2) enclosed service courts visually from the parking lot being open to the sky with an overhead door being closed at both entrances at service courts and closed during business hours. If the service courts are open for deliveries, they will be closed after the truck has come in. The compactors are in the same area making it overall neater in appearance as before they were open, as that occurs in many places where there are open service courts. The transformers are enclosed with one in the north location and one in the south location. The new construction and the existing west end of mall will be powered by these two transformers. There is no change to the roadway system. As they did in October, the design is now completed with Saks Fifth Avenue to the left, Nordstrom to the extreme right, and the middle is the entrance which now has a taller, vertical element to attract visitors to main entrance of the mall. Different store front concepts are being used so it does not have the look of a strip center. The entire west end of the project from Nordstorm to Saks will now have a 100% complete finish exposure to the west end. This area originally had the two story element which is now gone.

Mr. Griswold stated that Police, Fire and Building Departments have reviewed and have no concerns regarding the application.

Mr. Ciuni stated after reviewing the utility and site plans, a couple paperwork items need addressed. They need to get approval from Cleveland Water Department, Ohio EPA, and Cuyahoga County Department of Public Works for their sanitary sewer. They have a clearance between a storm and sanitary sewer that is less than one (1) foot, he is requesting that it be concrete encased which the Civil Engineer will complete. They have met all requirements and specifications and recommends approval contingent upon receiving above mentioned items.

Mr. Smerigan stated that this request is for final site plan approval for the expansion of the main Beachwood Place Mall building. The applicant has submitted site plans, landscaping and buffer plans, lighting plans, and building elevations for the western addition to the main mall building. The site layout plans are in conformance with the overall concept development plan approved as part of the rezoning for the expansion. The size of the proposed addition has been reduced from 64,000 square feet to 46,841 square feet. That addition will bring the main mall building to a total of 945,489 square feet. The overall plan also proposes construction of two restaurants that together total 19,195 square feet. These additions will bring the total retail space at Beachwood Place Mall to 964,684 square feet.

The western expansion of the main mall building will provide for streetscape tenants as permitted in the revisions to Chapter 1123. This approach will make the western entrance to the mall much more attractive and inviting for customers. Two service courts are indicated as part of the new addition. The service courts are proposed to have roll down doors to provide screening from the parking lot. A drop off is shown at the entrance to the mall.

Parking lot lighting for the new lot makes use of the same lighting fixtures as on the remainder of the site. The fixtures are cutoffs with shields and the photometric plan indicates compliance with City light spillage standards. The proposed plan meets the minimum parking requirements of the U-4B Shopping Center District with 4, 116 spaces, which is 257 spaces more than the 3,859 spaces required by the Zoning Code.

The landscape plan indicates a buffer sixty (60) feet in width along the frontage of Richmond Road. The landscape plan includes a double row of spruce trees eight (8) feet in height from just north of Hilltop Drive to the northern property line. There are rows of canopy trees both in front of and behind the double row of spruce trees. The landscape buffer includes three (3) bio-retention basins, which are necessary to meet storm water management requirements. Those basins are landscaped with appropriate plant materials. In addition to the bio-basins, there is a mound within the buffer area that extends from the northern property line to just north of Hilltop Drive. The mound varies in height from 3 to 5 feet.

The southwest corner of the site is heavily landscaped with a combination of canopy trees, ornamental trees, and evergreen trees. The trees are supplemented with shrubs, grasses, and perennials. Behind the landscape materials in the sixty (60) feet buffer is a black aluminum fence six (6) feet in height that extends from George Zeiger Drive to the northerly property line where it curves along the internal drive. The fence has stone columns with pre-cast caps.

In summary, the proposed expansion complies with the previously approved general development concept plan that accompanied the rezoning and it complies with the provisions of Chapter 1123 U-48 Shopping Center District. The landscaping and lighting plans conform to City standards. Signage is not being approved as part of this application. Final site plan approval is recommended subject to any comments from the City Engineer.

Ms. Hecht asked if there are still two (2) restaurants or one (1) restaurant.

Mr. Smerigan stated we previously approved the grading and changes to parking lot on the northeast end of the mall to accommodate the area for two pads. That plan is approved and going forward and we anticipate there will be two restaurants at some point but they will have to come back for a Conditional Use Permit. Those are not being addressed this evening. The third restaurant was approved at the west end but is not being provided for at this time. At this time, it is a parking area. At some point if the restaurant goes forward, as it is authorized to under the zoning change, they would have to submit site plan approval and conditional use permit to the Commission. The plan, presently, accommodates two restaurants.

Ms. Hecht asked when the houses along Richmond Road were being demolished. Mr. Heller stated they would start demolition mid-June.

Ms. Hecht stated it is not a secret that La Place has been purchased by General Growth Properties and asked will there be any plans in the future. Both Mr. Heller and Mr. Cho confirmed La Place has been

purchased by General Growth Properties.

Mr. Cho stated there are currently other departments looking at opportunities we have there but, unfortunately, we are not able to provide any information.

Ms. Hecht asked if the service bays will be hidden or in viewpoint.

Mr. Heller stated there will be roll down doors with a masonry pier between the doors so you will not be able to see into the service bays except when vehicles go in or leave. Currently, many deliveries occur along the sidewalk that go across the bridge or go into the mall entrance and one near Nordstom which is open but has landscaping alongside of it. Nonetheless, these will both be basically enclosed. There is also one located on the south end just north of the Nordstrom wall.

Mr. Smerigan stated the existing service bays at the mall at open. We made it a requirement from this western expansion to be screened and approved as part of the general development plan. The roll down doors is a method for screening so you cannot look into those bays which are an enhancement as to what is at the mall presently.

Ms. Hecht asked if they were satisfied with the landscaping and buffers.

Mr. Smerigan stated the landscaping conformed with the concept approval plan and, as stated previously, the photometric complies with all of our standards.

Mr. Jacobs questioned is the approximate 20,000 square feet decrease coming from the second floor tenant not being there or coming from other places also.

Mr. Heller stated when the plans were presented for rezoning over a year and a half ago; they estimated 77,000 square feet for approval but have been a moving target at a tenant standpoint. Therefore, the square footage has been modifying as the architectural development of the building itself. The second floor, maybe along with some adjustments in the service courts and transformer locations that came out, could take some square footage; but, basically, the second floor space is the biggest component of the changes from the 77,000 square feet.

Mr. Jacobs asked how many stores will be at the mall as the diagram shows 5 to 6 stores.

Mr. Cho stated there is one tenant close to signing to be located at the corner property adjacent to Saks Fifth Avenue. They are undergoing leasing agreements so it may be a variety of tenants. They anticipate 4 or 5 additional tenants.

Mr. Zabell asked if they anticipate primarily retail uses or restaurant/food.

Mr. Cho stated it will be a mix of retail and possibly some restaurant uses in the range of fast/casual.

Mayor Gorden asked were there always two (2) service courts suggested from the original plan or was there one (1) service court.

Mr. Heller stated there were two (2) service courts from day one. Now that they have extended the mall entrance, they need to provide service and rubbish pickup for the new building areas and retail for both upper and lower level. The only difference is the one has been enlarged to contain a standard compactor unit but also include recyclables. So they added space to include two (2) compactors instead of one.

Mayor Gorden questioned where did the reduction of square footage come from since the footprint is now smaller than it was before.

Mr. Cho stated the footprint is very similar to what was presented before Planning and Zoning. The outer curb line that encapsulates the building has not moved and the depths of the buildings remain at about 100 feet. As part of the process of design with construction documentation, there is always push and pull and how we calculate the square footage grossly speaking.

A motion was made by C. Cohen and seconded by R. Hecht to approve K.A. Architects, representing General Growth Properties, located at 26300 Cedar Road, request for revised preliminary and final site plan approval for the building expansion on the west side of the existing mall.

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

P&Z 2015-14 3401 ENTERPRISE DEDICATION PLAT FOR A TRIANGULAR SHAPED PARCEL OF 1076 SQUARE FEET AT PUBLIC RIGHT-OF-WAY.

Mr. Joseph Ciuni, City Engineer, representing City of Beachwood, was present to request the approval of a dedication plat to expand the right-of-way on the northeast corner of the intersection of Chagrin Boulevard and Enterprise Parkway. Mr. Cuini stated the purpose of the new dedication is an exclusive right hand turn lane from Chagrin Boulevard going west bound to Enterprise Parkway going north bound. For many years, the Police Department has been requesting this addition to help the traffic flow. The car dealerships have mentioned it has been difficult to make that tight turn at Enterprise causing the vehicles to go onto the curb and tree lawn, just missing the signal pole that is at that location. We would like to add this exclusive right hand turn lane on to Enterprise Parkway and in order to do that they need an additional right-of-way from the corner property on Enterprise, the Goldberg properties.

Mr. Griswold stated no comments.

Mr. Smerigan stated this is a much needed improvement to the intersection, is a positive project and recommends approval. Since this is a plat, it will need to act as a form of recommendation to City Council.

Mr. Zabell questioned how is the property being acquired, is it being purchased or donated.

Ms. Jones stated Law Department and Joseph Ciuni met with the property owners and they were nice enough to donate the property to the City.

Mayor Gorden asked did we follow the same procedure when we widened the intersection next to the Post Office at Tremco, did we need an additional right-of-way.

Mr. Cuini stated we did not need a right-of-way there.

Mr. Smerigan stated that was done in the existing right-of-way.

A motion was made by R. Hecht and seconded by M. Jacobs to approve the dedication plat, located at 3401 Enterprise Parkway, for a triangular shaped parcel of 1,076 square feet at the public right-of-way.

ROLL CALL:	AYES:	C. Cohen, Mayor Gorden, R. Hecht M. Jacobs, B. Mann, B. Zabell
	NAYS:	None
	MOTION APPROVED - RECOMMENDATION TO COUNCIL – Monday, June 15, 2015 at 7:00 p.m.	

A motion was made by R. Hecht and seconded by C. Cohen to approve the minutes of the April 30, 2015, regular meeting.

ROLL CALL:	AYES:	C. Cohen, Mayor Gorden, R. Hecht, M. Jacobs, B. Mann, B. Zabell
	NAYS:	None
	ABSTAIN:	None

Ms. Hecht stated she has a question relating to the Cranberry Court situation, Mr. Brickman. The property he acquired to the north, Mrs. Leone’s property, is getting overgrown, is he responsible.

Mr. Griswold stated he has been notified.

A motion was made by R. Hecht and seconded by C. Cohen to adjourn the meeting.

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Bill Mann, Chairman

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Veronica Gentner, Secretary

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Karen Navolanic, Clerk of Council