

THE PLANNING AND ZONING COMMISSION MEETING WAS HELD AT BEACHWOOD CITY HALL ON THURSDAY, SEPTEMBER 24, 2015.

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

A motion was made by R. Hecht and seconded by C. Cohen to approve the Planning and Zoning Commission minutes dated July 30, 2015, regular meeting.

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

COUNCIL REPORT

Mr. Mark Wachter, Council Representative, stated there were many items presented to City Council and approved. Covington Realty Partners rezoning of the property located at 3600 Park East Drive was approved at the Public Hearing on September 21, 2015. Along with it was an item not presented in front of Planning Commission, but was necessary in order to complete that was the waiver of a deed restriction that involved an adjoining property. The change in the subdivision plat for S/L 16 Fairwood Glen and the parking spaces for the drop-off at the office building located at 23600 Commerce Park Road were approved by Council.

P&Z 2015-26 LARRY SHIBLEY, REPRESENTING YOURS TRULY RESTAURANT, IS REQUESTING PRELIMINARY AND FINAL SITE PLAN APPROVAL FOR PROPOSED ADDITION ON WEST SIDE OF BUILDING TO BE LOCATED AT 25300 CHAGRIN BLVD., YOURS TRULY RESTAURANT.

Mr. Larry Shibley, President/Chairman of Yours Truly Restaurant, was present to request preliminary and final site plan approval for proposed addition on the west side of Yours Truly Restaurant located at 25300 Chagrin Blvd. He stated they have been working on a restoration, improvement project for several months largely driven by the need for handicap accessibility. In addition to the cosmetic changes, they are proposing to push out the west wall by about four (4) feet which makes the entry aisle, entry way and restrooms accessible.

Mr. Griswold stated Fire Department indicated all current life safety systems shall extend into proposed addition. The City Engineer indicated the small addition and slight revision to the parking and driving aisle is recommended for approval. All minimum geometric standards are met.

Mr. Smerigan stated this request is for both preliminary and final site plan approval to construct a small addition on the west side of the existing restaurant. The proposed addition is 152 square feet in area and one story in height. The proposed addition is located in a notch in the side of the existing building. As a result, the addition will not impact any existing front or side building setbacks. This property is an anomaly in that it is a legal nonconforming restaurant use in a U-1 Single Family Residential District.

Both the proposed addition and the change to the parking layout appear to be reasonable improvements to this long-time nonconforming use. Section 1147.01 provides that the expansion of any nonconforming use requires the approval of City Council. Therefore, the Planning and Zoning Commission will need to act in the form of a recommendation to City Council.

One other item, in terms of the site plan, is the applicant is also proposing to restripe the parking lot in a manner that will eliminate one parking space back by the dumpster but which will significantly enhance vehicular access and maneuverability around the building. Both he and the City Engineer have discussed and they believe it will provide a positive enhancement and major upgrade to the property. It is recommended that the Commission recommend to City Council approval of the expansion of the nonconforming use and of the preliminary and final site plans.

Ms. Hecht asked if the entrance to the restaurant was changing.

Mr. Shibley stated the entrance will be in the exact same spot.

A motion was made by R. Hecht and seconded by B. Zabell to approve Larry Shibley, representing Yours Truly Restaurant, request for preliminary and final site plan approval for proposed addition on west side of building to be located at 25300 Chagrin Blvd., Yours Truly Restaurant.

ROLL CALL:

AYES: C. Cohen, Mayor Gorden, R. Hecht
B. Mann, M. Wachter, B. Zabell

NAYS: None

MOTION APPROVED - RECOMMENDATION TO
COUNCIL – Monday, October 19, 2015 at 7:00 p.m.

Mr. Mann welcomed Councilman Mr. Jacobs, Councilman Mr. Horowitz and Mr. Douth.

P&Z 2015-27

DENVER BROOKER, VOCON, REPRESENTING GOLDBERG COMPANIES, INC., IS REQUESTING PRELIMINARY SITE PLAN APPROVAL FOR PROPOSED NEW OFFICE BUILDING AND RESTAURANT TO BE LOCATED ON CHAGRIN BOULEVARD (PPN 742-17-047, INCLUDING PPN 742-17-038).

Mr. Eric Bell, Goldberg Companies and Mr. Denver Brooker, Vocon, were present to request preliminary site plan approval for proposed new office building and restaurant to be located on Chagrin Blvd. Mr. Bell stated they have presented less than acceptable ideas to the City and to the neighbors behind Signature Square and they heard the message loud and clear that they wanted an office building rather than a hotel.

Mr. Brooker presented the aerial view of the Signature Square Campus, showing Signature Square I in the middle, Signature Square II to the west and the proposed Signature Square III on the property located on the corner of Richmond Road and Chagrin Blvd, Bryden Road to the north and Halburton Road to the northwest. The new building is set slightly forward than Signature Square I building and located the complex as far south and east as they can within the existing prescribed zoning setbacks. There is a real effort to pull the development as far from the residents to the north.

The building is made up of two (2) wings. The West wing is four-stories, has approximately 74,000 square feet of office space and approximately 12,000 square feet of indoor parking on first floor. The East wing is approximately 6,100 square foot restaurant. The two (2) wings are joined by a court yard space which will act like both a small park-like amenity for the office building and an outdoor dining space for the restaurant. They will be maintaining setback and buffer consistent with Signature Square I and II to the west. They will be installing a bermed mound with a fence and landscaping along both sides of the fence along the entire northern property where it abuts Halburton Road and Bryden Road. We will be maintaining the current egress only onto Bryden Road, the proposal includes a right-in and right-out only on Richmond Road and a right-in and right-out only off of Chagrin Blvd. just toward the western property line.

The plan shows a proposed ground floor of the building with the main entrance on the south face, a secondary entrance to the north connected by an atrium lobby space, indoor preferred executive parking to the west and a 10,000 square foot lease space on the ground floor to the east opening out to the courtyard space. The typical office floor will lend itself to either multiple or single tenants. They believe the building holds the corner well and provides a presence one would expect from a site like this and it does so both at day time and at night in the terms of how it would appear from the street.

Mr. Brooker stated they are in the preliminary designs in terms of the civil engineering aspects of the project and landscaping and they would expect to submit that in a final site plan approval packet in the next phase.

Mr. Bell stated what was originally approved was a 115,000 square foot office building with two (2) restaurants. They have lessened the density on the corner as they thought it was important to make a building that makes a statement, one that is designed well and efficiently for today's office tenants. By doing so, they reduced the building by almost 30,000 feet. They are now 78,000 square feet with one (1) restaurant and eliminated the need of a parking deck which was going to create a lot of difficulty. They are excited with what they came up with and worked very hard to create this integrative product that makes the right statement on one of the most important corners of Beachwood.

Mr. Griswold stated the City Engineer indicated a recommendation for preliminary site plan approval. For final approval, we require the applicant to submit all documentation for grading, drainage, paving, geometric and storm water management.

The Fire Department had indicated the final would have to complete the following: 1) Denote location of fire department hydrants, fire department connections and explanation as to the waterline continue off of the existing or separate tap supplied for this property and the waterline for the hydrants shall be designed in a loop, 2) Apparatus modeling will need to be performed and submitted with dimensions provided by the Fire Department, 3) Knox Boxes shall be located at building entries designated by the Fire Prevention Bureau, and 4) Building shall be equipped throughout with fire alarm system and fire suppression.

Mr. Griswold stated the applicant met with the Police Department regarding the entrance off Richmond Road and, it was discovered as part of one of the approvals that was given for the height variance, that no entrance off of Richmond Road would be permitted. The applicant was notified so when they come back for final approval, the curb cut on Richmond Road would have to be shown as being deleted.

Mr. Smerigan stated this request is for preliminary site plan approval to construct a four-story office building. The subject site is zoned U-7A General Office Building District and is part (Phase 3) of the Signature Square office complex. The proposed new building will share parking and access drives with the existing Signature Square office buildings.

This site has been treated as a campus for parking calculations as has been done for Commerce Park I through V before Commerce Park I, II and III were demolished for The Vue project; Corporate Park in Beachwood; the former MBNA now Cleveland Clinic; Menorah Park; and Beachwood Place even though the mall owns its own site. One of the things in common is the access to the site is limited, each of the parcels and each uses does not have its own entrance but a shared entrance, restricted access to the street, cross parking and access easements. The code requires 1,148 parking spaces for the entire Signature Square complex and the site plan submitted for preliminary approval complies with having 1,205 parking spaces.

The proposed building is 56 feet in height. As the Planning and Zoning Commission will recall, a height variance was previously approved for Signature Square that authorized buildings to extend to a maximum of 56 feet. As pointed out by Mr. Griswold, the stipulation that there not be an access from Richmond Road so the plan will need to be modified to eliminate the access from Richmond Road. The Police Department also requested the exit directly into Richmond Road, the right turn exit, also be eliminated so the entire curb cut on Richmond Road would have to be eliminated at this point.

The proposed building contains a total of 90,749 square feet. Within that total, there are 78,184 square feet of office space, a 6,100 square feet restaurant, and a 12,565 square feet parking garage. The restaurant is proposed to have a seating capacity of 204 persons. The proposed restaurant complies with the Zoning Code limitation that it not exceed twenty percent (20%) of the gross floor area of the main building. The project complies with all of the Zoning Code requirements for the U-7A General Office Building District.

The curb cut on Chagrin Blvd. is limited to a right-in, right-out only. After review, the Police Department found that to be acceptable.

The restaurant is connected to the office building with a covered walkway. In fact, the location of the office building places it as far from the residential area to the North as is physically possible in compliance with required setbacks. The restaurant is over 300 feet from the nearest dwelling.

There was a question raised about the restaurant being constructed with attachment to the main building and not located within the main building. The code requires that accessory uses be developed in the manner that is integral with the development of the main building but it does not require it to be wholly enclosed in the main building. Mr. Smerigan stated he was asked by Council to draft a legislation to change it to state it has to be enclosed within the building. He did draft the legislation but it was never adopted by Council so the language and his interpretation stay the same, that the restaurant can be constructed in this fashion. In his opinion, they are in compliance with the code.

Since no additional variances are required, the Planning and Zoning Commission has final authority to grant or deny preliminary site plan approval. He believes the building, as designed with the same materials and features, is consistent with the design of Signature Square I and II. It is recommended that the Commission grant preliminary site plan approval with the stipulation that the curb cut on Richmond Road be eliminated.

Mr. Wachter advised the applicant this is not a signage approval for the plans. Also, that they understand the tradeoff of the 56 foot height variance means the elimination of the curb cut on Richmond Road. The owners of this parcel are Larry Goldberg and James A. Ratner, as Trustees and the adjacent parcel to the west shows the owner as Signature Square SPE, LLC.

Mr. Bell stated the entire Signature Square has been owned for more than fifty (50) years by a combination of Ratner and Forest Cities families and the Goldberg family. They have not deeded the properties as a single purpose entity at this time but it will be done. The name of the entity is different but the ownership group is the same.

Mr. Wachter stated the drawing shows parking for Signature Square II being on this parcel (PPN 742-17-047).

Mr. Brooker stated there are currently 53 parking spaces on the parcel and they will be displaced as part of the redevelopment of the site. The overall campus parking numbers as stated by Mr. Smerigan is sufficient and in excess of the requirement of all three (3) buildings.

Mr. Bell stated when they built Signature Square I they created that parking lot as temporary overflow parking.

Mr. Smerigan stated it is technically being used by both Signature Square I and II as there is cross parking easements over the entire parcel.

A discussion ensued.

Mr. Wachter asked what the berming will be between the building and residents.

Mr. Brooker stated the landscape buffer will have a 6 foot fence on top of a 4-5 foot mound and landscaping on both sides of the fence, a continuation of the same landscape treatment as Signature Square I and II.

Mr. Wachter questioned outdoor seating at the restaurant, screening of the patio, outdoor music and noise.

Mr. Brooker replied approximately 40-60 outdoor seating as the patio has not been fully developed and that number is part of the restaurant count of 204. These calculations are based on assumptions as they do not currently have a known restaurant tenant. There will be an architectural fence, wall and/or trellis across the northern edge and there will be dense landscaping on the three (3) sides of the patio.

Mr. Bell said they have not identified the prospective tenant of the restaurant space but, as stated to Planning Commission previously, any restaurant they have on their property will be of a higher standard such as Giovanni's or Red's. It will be an upscale, higher end restaurant with background music on the patio. They can commit to keeping the music to a certain level and it is not a live music venue or bar but rather an extension of the dining with some background music.

A discussion ensued.

Ms. Hecht asked if the restaurant will be open for lunch and offer valet parking.

Mr. Bell replied they are hopeful the proposed restaurant will serve lunch and is sure any of the upscale restaurants will offer valet parking.

Mr. Zabell stated he has a concern regarding the interpretation of the restaurant being ancillary to the office building and if it is determined to be a free-standing building whether they can accomplish a site plan approval through a variance or a rezoning.

Mr. Smerigan stated the code requires that accessory uses have to be planned and developed in the fashion that is integral with the development of the main building. It further states it cannot exceed 20% of the gross floor area of the main building. In his opinion, this design meets that requirement of the regulation. It does not say the restaurant has to be internal to the office building. He stated they are in the position to grant preliminary site plan approval and the applicant will come back for final site plan approval with more detailed landscape, lighting and buffering plans.

Mr. Wachter stated he disagrees with Mr. Smerigan in the interpretation of this section of the code. His view is the accessory use has to be included in the building and simply because they are on the same site designed at the same time and connected by a canopy does not meet the code requirements. He believes it is not an integral development of the main building but rather two (2) buildings connected by a canopy. He stated a use variance may be available to make it happen but they have a very high standard for use variances. His other concern is how they can determine the parking count is correct with a restaurant of unknown size.

Mr. Smerigan replied they control the restaurant size through the parking count as they did with Winking Lizard. They cannot exceed or they get a variance or meet the parking standard. He does not share the concern of the seating capacity of the restaurant as it will be fixed based on the parking.

A discussion ensued.

Mr. Mann commented we have professionals' on staff for a reason and he believes they use that expert opinion and suggest the Commission follow Mr. Smerigan's interpretation of this issue and vote appropriately.

A motion was made C. Cohen and seconded by B. Zabell to approve Denver Brooker, Vocon, representing Goldberg Companies, Inc., request for preliminary site plan approval for proposed new office building and restaurant to be located on Chagrin Blvd. (PPN 742-17-047, including PPN 742-17-038) subject to the following stipulations: 1) City Civil Engineer's requirements; 2) Fire Department requirements which includes removal of the entrance and exit on Richmond Road; 3) cross parking easement for the campus in order to meet parking requirements; 4) structural barrier or permanent fence surrounding the outside courtyard; 5) Building Department and code requirements; and 6) no live music allowed on the outside patio.

ROLL CALL:

AYES: C. Cohen, Mayor Gorden, R. Hecht
B. Mann, B. Zabell

NAYS: M. Wachter

MOTION APPROVED

P&Z 2015-29

RICHARD K. LEVITZ, ARCHITECT, REPRESENTING METROHEALTH BEACHWOOD HEALTH CENTER, IS REQUESTING PRELIMINARY AND FINAL SITE PLAN APPROVAL FOR PROPOSED POLE SIGN TO BE LOCATED AT 3609 AND 3619 PARK EAST DRIVE, PARKWAY MEDICAL CENTER.

Mr. Richard K. Levitz, R.K. Levitz LLC, on behalf of MetroHealth Beachwood Health Center, was present to request preliminary and final site plan approval for proposed pole sign to be located at 3609 and 3619 Park East Drive, Parkway Medical Center. Mr. Levitz stated they are requesting a variance to the required 200 feet minimum location distance of a new pole sign in relation to two (2) existing pole signs at the adjacent properties to the North and South.

Mr. Levitz introduced Christine Crisboi, Senior Director of the Ambulatory Network of The MetroHealth System.

Ms. Crisboi stated MetroHealth has been in Beachwood for close to ten (10) years and they have signed a long-term lease with Parkway Medical Building for seven (7) years. They have nearly doubled the amount of visits over the past year to about 45,000 visits. Their goal is to spread word of their location, show their commitment to Beachwood and to serve the east side. She stated they spend a lot of time on the telephone explaining directions to patients and they want to eliminate the stress of the sick patients.

Mr. Levitz stated they are requesting a variance of 7.5 feet to the North and 25.6 to the South. The sign is being placed so it does not affect parking. The hardship presented is based on the fact the existing sign to the North based on the present code is 9.4 feet too close to their property line. If they built the sign at the right location with the 25 foot setback, there would be no need for a variance to the North. To the South, the existing sign is 13.8 feet closer to the property line based on the current 25 foot setback. In this case, they would need a variance of 11.26 feet. The signs are very close to this property and the site is about 360 feet North to South which, based on this code, forbids the property from having any pole sign and becomes dependent of the neighboring properties being able to have a pole sign. He feels the proposed pole sign fits well within the U-9 zoning designation next to the freeway and MetroHealth has pledged a long-term commitment to the Beachwood community at this specific location.

Mr. Griswold stated Police, Fire, Building and Engineering have no issues and recommend approval.

Mr. Smerigan this request is for both preliminary and final site plan approval to install a pole sign on the subject site. The applicant is proposing to install a pole sign along the I-271 frontage that would be 300 square feet in area and 50 feet in height. Section 1141.17(c)(5) permits pole signs of the size and height proposed on U-9 Motor Service District properties which abut the interstate right-of-way. The Section further requires that such signs be a minimum of 200 feet from any similar sign and 20 feet from any property boundary line. The applicant requires a variance to the 200 feet separation requirement.

The applicant notes that the existing pole signs to the North and South of the subject site are closer than 20 feet to the property line. It should be noted that both of those existing pole signs were installed prior to the adoption of the present sign regulations and are legal non---conforming signs. The Commission did authorize a face change on the northerly sign. The two existing signs are 370 feet apart, which would prohibit a pole sign on the subject site. Even if the two existing signs met the 20

feet setback requirement, the applicant would still require a variance to install a pole sign on the subject site.

The applicant's site plan indicates placement of the proposed sign 20 feet from the I-271 right-of-way in an area adjacent to the existing dumpster where no parking spaces would be eliminated. While the sign is proposed to announce the MetroHealth facility, once approved the sign could be used to announce any tenant on the subject site. The issue before the Planning and Zoning Commission is whether there is a practical difficulty created by the Code requirement and whether it is reasonable and appropriate to permit an additional pole sign along the interstate on the subject property.

The Planning and Zoning Commission has final authority to approve or deny sign variances. Should the Commission determine that the variance for the pole sign is warranted on the subject site, the following findings and stipulations are recommended: 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 1141.17(c)(5) with regard to separation of pole signs; and 2) Granting variances of 7.5 feet and 25.6 feet to Section 1141.17(c)(5) to permit a pole sign to be located 192.5 feet and 174.4 feet from existing pole signs.

Ms. Hecht asked why the sign is covered up to the property to the North.

Ms. Levitz stated it is an old sign. He believes whoever was using it left the pole sign so it could be grandfathered because they knew the code changed. It was covered to save for future use.

Ms. Hecht asked if there is a pole sign for Hotel Indigo.

Ms. Smerigan stated the pole sign is covered up because the hotel does not have their final approvals but they do intend to use the pole sign. In the meantime, we required the sign to be covered. It was our preliminary understanding it would be for the new facility but he does not know for certain.

A motion was made by R. Hecht and seconded by C. Cohen to approve Richard K. Levitz, Architect, representing MetroHealth Beachwood Health Center, request for preliminary and final site plan approval for proposed pole sign to be located at 3609 and 3619 Park East Drive, Parkway Medical Center 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 1141.17(c)(5) with regard to separation of pole signs; 2) Granting variances of 7.5 feet and 25.6 feet to Section 1141.17(c)(5) to permit a pole sign to be located 192.5 feet and 174.4 feet from existing pole signs, and 3) the variance is for MetroHealth use only, should MetroHealth vacate, the future tenant will need to come to the City for permission and approval.

ROLL CALL:

AYES: C. Cohen, Mayor Gorden, R. Hecht
B. Mann, M. Wachter, B. Zabell

NAYS: None

MOTION APPROVED

P&Z 2015-30

DARRYL WILKINS, MID-CONTINENT CONSTRUCTION COMPANY, REPRESENTING UNIVERSITY HOSPITALS AHUJA MEDICAL CENTER, IS REQUESTING PRELIMINARY SITE PLAN APPROVAL FOR ADDITION OF MRI TRAILER AWNING TO BE LOCATED AT 3999 RICHMOND ROAD.

Mr. Darryl Wilkins, Mid-Continent Construction Company, representing University Hospitals, and Mr. Alan Zarik, The Awning Company, was present to request preliminary site plan approval for an addition of a MRI trailer awning located at 3999 Richmond Road. Mr. Wilkins stated University Hospitals currently has an MRI in process and have a large overflow need for more MRI service. They have a temporary drive with the ability to pull in a mobile MRI unit. The frequency of the MRI trailer coming in has increased from once a week to up to three (3) times a week, seeing patients up to five (5) times a week. With the inclement weather coming, University Hospitals approached him to create an enclosure so they have safe access from the building to the MRI trailer. They have cross flow traffic of patients going from the helipad location to the emergency room so part of the awning design had to take that into account. Also on that pathway, the sidewalk direct from the helipad to emergency room has a snow melt system.

Mr. Zarik stated they have completed these for nine (9) other locations of University Hospital. The structural design is good for 34 lbs/square foot and 113 mph wind loads. The awning will serve its purpose and will be safe.

Mr. Griswold stated Police, Fire, Building and Engineering Department have no issues and recommend approval.

Mr. Smerigan stated this request is for both preliminary site plan approval to install an awning in front of the emergency room area of the hospital to provide a covered entry from the MRI trailer to the building vestibule. The awning would be free-standing and not attached to the building façade. The proposed awning would be placed six inches (6") from the front of the building, just under the overhand. The awning would extend over the existing sidewalk and would cantilever over the MRI trailer, a distance of 25.7 feet. The awning would be 25 feet wide at the MRI trailer. The applicant proposes to install clear vinyl side curtains on the awning for weather protection. This is a temporary arrangement until the hospital expands and creates the new MRI which they have the intent of doing. There are no variances associated with this application. The Planning and Zoning Commission has final authority to grant or deny the preliminary site plan approval and we are recommending approval.

Mr. Mann asked what temporary means, specifically how long will it be before they bring it into the facility.

Mr. Wilkins stated unfortunately he does not know but the need for it is there and they are in the process of creating their business plan. Designing and purchasing an MRI could be a yearlong process.

Mr. Zarik stated there was one located in Medina that was up for approximately 2.5-3 years.

Ms. Hecht asked if this was an open or regular MRI and how many days a week does it come.

Mr. Wilkins replied he believes it is an open MRI and it currently is there five (5) days a week. It is possible it may be there for the next six months, every day till they get caught up.

Mr. Zabell asked how long the useful life of the materials being used and type of construction on the awning is. Also, how long he has seen this type of structure in place.

Mr. Zarik stated the fabric comes with an eight (8) year warranty, twelve (12) year life expectancy on the fabric and 25-40 years on structural aluminum. He has seen these structures in place for a long time and they weathered okay.

A motion was made by B. Zabell and seconded by C. Cohen to approve Darryl Wilkins, Mid-Continent Construction Company, representing University Hospitals Ahuja Medical Center, request for preliminary site plan approval for addition of MRI trailer awning to be located at 3999 Richmond Road.

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

P&Z 2015-31	JAMES VACEY, SIGNATURE SIGN COMPANY, REPRESENTING MUNSELL REALTY, OWNER OF PROPERTY LOCATED AT 23240 CHAGRIN BLVD., IS REQUESTING APPROVAL FOR OFF-SITE SIGNAGE FOR COMMERCE PARK 4 & 5.
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Mr. James Vacey, Signature Sign Company, representing Munsell Realty, was present to request approval for off-site signage for Commerce Park 4 & 5. He stated Architectural Review Board granted approval of the South Green Road ground sign but not for the Chagrin Blvd. location as there were issues with easements with the driveway and they were not sure the drive went all the way through to Commerce Park 4 & 5 because of the construction work at The Vue apartment complex. Munsell Realty has since spoken with William Griswold and the driveway does go all the way through as it was previously blocked during the construction and they do now have approval to use that drive.

Mr. Griswold stated Fire Department has no issues. Police and Building Department would like to meet with the sign company in advance of installing the sign permanently to go over the exact location where it is being installed and determine if any line of sight issues will exist.

Mr. Smerigan stated this request is for approval of off-site signage for the Commerce Park 4 and 5 office buildings. The Commerce Park 4 & 5 buildings are in the U-7A General Office Building District. The proposed off-site sign location is part of The Vue apartment building property which is zoned U-3C Planned Multi-Family Residential District. The fact that the properties are in different zoning districts is an added complication. The applicant is requesting authorization to install a sign for Commerce Park 4 & 5 on the east side of the access drive for The Vue, which is also the access easement for the office buildings. The sign for The Vue is on the west side of that access drive.

The circumstances surrounding this request are very unique. The Vue is located on the former site of the Commerce Park 1, 2, and 3 office buildings. The five Commerce Park office buildings had shared parking and shared access drives. The construction of the apartment complex cut off Commerce Park 4 & 5 visually from Chagrin Boulevard; however, an access easement to the office buildings was

retained along the eastern property line of the apartment site. The second complication is that the businesses in Commerce Park 4 & 5 have Chagrin Boulevard addresses, even though they no longer have frontage on Chagrin Boulevard, because of the old building arrangement where the Chagrin Boulevard driveway was the main entrance to the entire office complex. Changing the addresses for all of those businesses to Green Road, which is now the main entrance, will cause a significant disruption for a lot of businesses. If the addresses of those businesses are not changed and there is not a sign on Chagrin Boulevard, anyone not familiar with Beachwood who was looking for a business in Commerce Park 4 or 5 would not know to enter from Green Road or to use the easement through the apartment site.

Section 1141.16(d) gives sole discretion to the Planning and Zoning Commission to authorize Wayfinding Signs in U-7A Districts where the Commission deems the use of such signs to be necessary and appropriate for guiding traffic. In addition, Section 1141.13(a)(3) provides that the Planning and Zoning Commission has discretion to approve signs in U-3C Districts as the Commission deems appropriate as part of the final development plan approval.

Given the unique circumstances of this situation, it appears reasonable to provide some relief for the owner and tenants of Commerce Park 4 and 5 with regard to signage and the direction of traffic. Given the broad delegation of authority granted to the Commission in Sections 1141.16(d) and 1141.13(a)(3), the Planning and Zoning Commission has the power to approve the placement of a wayfinding sign for Commerce Park 4 and 5 to be located on the east side of the easement driveway on Chagrin Boulevard if it determines such sign to be necessary and appropriate. It is recommended that the Planning and Zoning Commission grant approval for a wayfinding sign as proposed by the applicant on the property at 23220 Chagrin Boulevard.

A motion was made by C. Cohen and seconded by B. Zabell to approve James Vacey, Signature Sign Company, representing Munsell Realty, request for final approval for off-site signage for Commerce Park 4 & 5 with the stipulation that the sign have a temporary post so the Police Department can view any line of site issues.

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

P&Z 2015-15	ORDINANCE 2015-94, AMENDMENT TO SECTION 1155.05(i) KEEPING OF FOWL (Referred from Council July 13, 2015).
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Mr. George Smerigan, City Planner, stated at the last meeting, the Planning Commission discussed how many chickens can be kept on the property. There is a provision that relates to the number of chickens per coop space. So there is no question or issue, we put a maximum number of four (4) based on that ratio of space vs. coop. We also added a provision to help clarify that the coop has to be located behind the dwelling, not on the side or front.

Mr. Mann asked if this would preclude someone from keeping chickens in their garage.

Mr. Smerigan stated yes, they have to have a coop.

Ms. Hecht stated she is still not comfortable with the City not requiring a permit. She added what if people are currently keeping fowl and are violating what the City is stipulating, then how would the City control that.

Mr. Smerigan stated this is being complaint driven. If there is a complaint, the Building Department then has something they can enforce and take action to deal with the complaint. If the Planning Commission wants to make this a permitting matter, they can certainly do that, but the original concept was it would be a complaint driven situation.

Mr. Cohen stated Cleveland Heights allows five (5) chickens in the coops and he is not sure if that was based off similar size.

Mr. Smerigan stated they did research on keeping chickens in terms of reasonable space and health of the chickens and environment of egg lying. They found the standard is four (4) square feet per chicken is both a safe environment for a chicken and one in which they will produce eggs. You can safely keep a chicken in less than four (4) square feet, but the egg production goes drastically down. With a 4x4 structure, the maximum number of chickens you can keep is four (4). He was unable to find any information in any literature or standards relating to the actual, physical size of the chicken relative to differences in that standard.

Mr. Wachter stated the question about them being required to be kept in a coop, is a coop in a garage a problem.

Mr. Griswold replied it does state, "shall be located behind the dwelling" which would force them out of the garage.

Ms. Hecht stated they were supplied materials from other cities on how they handle chickens and she found most other cities required permits.

Mr. Griswold commented to Ms. Hecht's previous suggestion relative to complaints, that he can attest to no neighbor has any issues calling the Building Department on a complaint.

Mr. Zabell stated his primary concern was having a set number or limitation of how many chickens; therefore, he is perfectly fine at this point.

A motion was made by C. Cohen and seconded by R. Hecht to approve P&Z 2015-15, Ordinance 2015-94, the amendment to Section 1155.05(i) Keeping of Fowl.

ROLL CALL:

AYES: C. Cohen, Mayor Gorden, B. Mann,
M. Wachter, B. Zabell

NAYS: R. Hecht

MOTION APPROVED - RECOMMENDATION TO
COUNCIL – Monday, October 19, 2015 at 7:00 p.m.

Mr. Zabell commented he attended the Town Hall Meeting on September 3, 2015 which was specific to the Beachwood Place Mall expansion and some of the residents, one in particular, was very aggressive and inappropriate with some of their questions they were asking and some of their characterizations of our City staff and process. Not only did Mr. Smerigan and Mr. Griswold have their credentials

questioned but also their integrity questioned. He would like to say both Mr. Smerigan and Mr. Griswold handled themselves extremely well and he would like to compliment them on their professionalism because he believes they represent the City very well.

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

Bill Mann, Chairman

Veronica Gentner, Secretary

Karen Navolanic, Clerk of Council