

THE PLANNING AND ZONING COMMISSION MEETING WAS HELD AT BEACHWOOD CITY HALL ON THURSDAY, OCTOBER 29, 2015.

ROLL CALL: PRESENT: C. Cohen, Mayor Gorden, R. Hecht, O. Jacobs,
B. Mann, M. Wachter, B. Zabell
ABSENT: None
ALSO PRESENT: J. Ciuni, W. Griswold, B. Reali, G. Smerigan

Chairman Mann welcomed Councilman Mr. Horowitz, Mr. James Doult and also his mother in the audience this evening.

A motion was made by R. Hecht and seconded by B. Zabell to approve the Planning and Zoning Commission minutes dated September 24, 2015, regular meeting.

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

A motion was made by O. Jacobs and seconded by B. Zabell to approve the Planning and Zoning Commission minutes dated September 30, 2015, special meeting.

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

COUNCIL REPORT

Mr. Mark Wachter, Council Representative, stated there were two (2) items approved by Council. The variance for the addition on west side of building at Yours Truly Restaurant located at 25300 Chagrin Blvd. was approved. The comments and recommendations in respect to Ordinance No. 2015-94, Keeping of Fowl, went back to City Council, placed on second reading, and set for public hearing on December 7, 2015. Council can then vote for it on third reading or sometime after that.

P&Z 2015-27 DENVER BROOKER, VOCON, REPRESENTING GOLDBERG COMPANIES, INC., IS REQUESTING FINAL 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).

Chairman Mann stated to update record that Mr. Cohen is in his seat.

Mr. Denver Brooker, Vocon, representing Goldberg Companies, Inc., was present to request final 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. Brooker stated they have followed through with a number of adjustments to the site plan that was discussed at last month's meeting. They completed detailed civil,

engineering and landscape design work and have worked with the Building Department and City Engineer and responded to all their concerns.

Mr. Brooker presented an overview of the site and pointed out major features that have been changed or developed. He stated, as discussed, they removed the entrance ingress/egress off Richmond Road. They retained the entrance off Chagrin Blvd., adjusted its location to avoid power poles and adjusted the geometry of that entrance to satisfy the Fire Department requirements. There was discussion about the nature of berming at the northern edge. They developed the berming to meet the existing berming height to the west and increased it from five (5) feet to eight (8) feet where they could. It varies from a minimum of five (5) feet to eight (8) feet height plus the four (4) foot fence on top which matches the existing fence on the berm to the west.

Mr. Brooker stated in reference to parking, they continue to look at this as a campus and they provided 1,203 parking spaces on the site. They have a parking requirement of 1,201 spaces. This has gone up as a result of increasing the footprint size of the restaurant wing of the building. This was done in response of leasing activities to satisfy those restaurants interested in the property. He stated since the requirements are met, they do not need any zoning variances.

In regards to the detailed landscape plan, instead of trees along Chagrin which conflict with the power lines, they are using lower shrubbery in the tree lawn along Chagrin. They adjusted the trees in front of the building to maximize exposure of the building and increased the density of landscaping on the northern property edge with combination of pin oaks and Austrian pines on the residential side of the fence.

The courtyard was developed further with a ten (10) foot high wall enclosure at the northern edge and a connecting trellis feature with a fairly dense landscaping plan. The outdoor seating area was developed as a series of outside rooms with three (3) smaller, twenty (20) seat areas with the outdoor seating count remaining sixty (60) even with the larger restaurant.

Mr. Eric Bell, Goldberg Companies, stated he spoke with representatives of the neighborhood and met with resident Dr. Sorin Teich who expressed concerns about the project. In a summary email, Dr. Teich discussed several points, the first being mounding. Mr. Bell stated they are focusing their efforts on mounding the northeast border of their property as that area is behind the restaurant. Dr. Teich had expressed more concern about the noise from the restaurant rather than the office building. Mr. Bell stated they have agreed to increase the four (4) foot fence on the existing property line to six (6) foot board on board fence continuing behind the new project. With the 5-8 feet of mounding and six (6) feet of fence, there will now be fourteen (14) feet of vertical separation between the properties.

Mr. Bell stated Dr. Teich's other question was restaurant size. He stated they are talking with only the highest quality of restaurants in the country. As a group, the restaurants needed more than the 6,100 square feet that was shown so they have grown the footprint to 7,500 square feet with the correct corresponding number of seating.

He stated Dr. Teich asked if they could restrict the exit out of Bryden Road to only automobile traffic and restrict trucks. Mr. Bell stated it is not a practical exit for trucks and absolutely agreed to restrict truck traffic to Chagrin ingress/egress.

Mr. Bell stated they contemplated walls at the east and west end of the opening at the space at the back of the building, but it could not be closed entirely because it is an important architectural and safety issue to be able to have that open. They are adding sliding barn doors which will be closed on the evenings and weekends. This will help control sound dramatically. They also created a landscape buffer of trees and mounding between the two (2) walls. They agreed with Dr. Teich's suggestion that sound absorbent panels that can be part of the hardscape within the courtyard will be added as part of their commitment to control the sound.

Mr. Bell stated they realized their outdoor dining is further than Moxie's is from the condominiums on Richmond Road and much further from the outdoor seating at Giovanni's is from the homes on Beacon and Concord.

He stated Dr. Teich had asked if they could shift the service area of the restaurant from the northwest corner to the northeast corner of the building. All of the window line is along Richmond Road and Chagrin. All the seating is by the window and, because of that, the kitchen is located in the northwest corner of the building so the service court and dumpsters have to be next to that. Dr. Teich understood and agreed that made sense. They agreed to have it all enclosed, behind doors and will not be open to the back of the building.

He stated Dr. Teich asked if they can control valet parking and restrict it to Chagrin Blvd. and Richmond Road to the end of the restaurant building. Mr. Bell agreed in principal but cannot commit to anything because they do not know who the restaurant will be or how they will run their business. A restaurant representative had advised him they want the self-parkers as far away from the homes as they can be as it is apt to have more of an impact on the residents over valet quickly retrieving the vehicle and pulling it to the front. Mr. Bell stated they will restrict it first to part of Chagrin side and Richmond side knowing there will be a section for self-parking. They will insist on the valet parking to park as close as they can to the building, whether front side or back, which will control that condition.

He stated Dr. Teich asked they not put cellular towers or antennas on the building. That is a commitment they are comfortable with making. He had a comment about mezzanine seating and wanted to be sure they were not going to make additional seats that are not part of the parking count. Mr. Bell said we cannot because if you increase seating you have to increase parking.

The last thing Dr. Teich spoke about was deliveries. He wanted to make sure neighbors did not have to deal with restaurant deliveries coming at night or bad hours during the weekend. Mr. Bell advised him both he and the restaurant would observe the City of Beachwood's hours. You cannot make deliveries between 7:00 p.m. and 7:00 a.m. during the week and between 7:00 p.m. and 9:00 a.m. during weekends. He will push till 11:00 a.m. on the weekends and work with them so they understand how important it is to protect the neighborhood.

Mr. Bell stated he hopes everyone appreciates the effort they put in to recognizing and working on the issues the residents are concerned about and they think this is a good blend of commercial and residential.

Mr. Griswold stated Fire Department reviewed the drawings and recommended the knox boxes be located at building entries designed by the Fire Prevention Bureau and the building shall be equipped throughout with fire alarm system and fire suppression. The plans will be reviewed as they come in. The Police Department had no comments and we recommend approval.

Mr. Ciuni stated he received the final set of plans three (3) weeks ago. Revised plans were submitted in response to their comments and they meet City standards and codes and recommend approval.

Mr. Smerigan stated the proposed building is 56 feet in height and contains a total of 98,249 square feet. Within that total, there are 78,184 square feet of office space, 7,500 square feet of restaurant, and 12,565 square feet of parking garage. The restaurant is proposed to have a seating capacity of 310 persons of which 60 are outdoor patio seating. The area of the proposed restaurant is 9.6% of the gross floor area of the main office building.

The applicant has provided site lighting and photometric plans. The fixtures will match the existing Signature Square fixtures and the illumination levels comply with City standards with regard to light spillage.

The applicant has also submitted a detailed landscaping and screening plan. The plan includes a mound along the northern property line abutting Halburton and Bryden Roads. The owners agreed to increase the height of the mound from a 4-6 foot mound to a 5-8 foot mound and increase the height of the fence from a 4 foot board on board to a 6 foot board on board. A substantial number of trees, combination of pin oaks and Austrian pines, are proposed along the rear property line to enhance the buffer even above the fence line.

The parking complies with the requirements of the regulation both in terms of design and number of spaces. The building is a four-story building with a height of 56 feet. There was a variance previously granted to permit buildings in Signature Square to go to 56 feet in height. They are in compliance with that previously granted variance.

Mr. Smerigan stated at the last Planning and Zoning Meeting, they did stipulate, as part of the preliminary site plan approval that it be mandatory they remove the access, both ingress/egress, onto Richmond Road which they have done. The only access to Richmond Road is via Bryden Road which has always been the plan for Signature Square.

The Planning and Zoning Commission has final authority to grant final site plan approval. It is recommended that the Commission grant final site plan approval for the office and restaurant subject to the following stipulations: 1) Submission and recordation of cross access and parking easements in a form acceptable to the Law Department, and 2) Submission of revised landscape plan that reflects the new mound and heights.

Mr. Zabell asked what the prior square footage is of the restaurant compared to what it is today and what the last plan showed for maximum capacity versus the 300 shown today. He also questioned is the courtyard intended to be accessible for anyone or exclusive to only restaurant patrons.

Mr. Brooker stated the previous plan showed a 6,100 square foot facility and the current plan shows 7,500 square foot facility. The new plan is based on 250 seats within the building and 60 on the terrace. The previous plan is 50-60 seats less than that. He said the courtyard is accessible for both and is basically an amenity for the office building.

Ms. Hecht asked for clarification on the parking count of the box score.

Mr. Brooker stated the summary on the overall site plan says 1,203 spaces with a requirement of 1,201.

Mr. Smerigan concurred with Ms. Hecht saying they counted 1,213 spaces. Whether there are 1,201 or 1,213 spaces, they are still in compliant.

Mr. Wachter stated he wanted to point out this is a U-7A District, which is for buildings that are near residential neighborhoods, for projects that do not create large volume of pedestrian or vehicle traffic, nor excessive noise. Among other things, permit limited commercial development on parcels not considered appropriate for more intensive commercial uses. The restaurant becomes a very sensitive addition because this is a rather significant commercial development in this parcel. It is a high profile parcel, a gateway to the City and it directly abuts the residential property. He is concerned with the fact the parcel has been sitting dormant for years and now they are being asked to approve all these changes in essentially thirty (30) days without input of everyone who might be heard on it.

A discussion ensued regarding the architectural elements of the building and parking.

Mr. Wachter stated he wants to make sure those items discussed with Dr. Teich are recorded in the meeting minutes because if the developer is going to commit to those items, he wants to make sure those are done once only and there is no question about them. With respect to commitment of the mound, it was stated it was increased to six (6) feet on the Bryden egress and increased the fence height from four (4) to six (6) feet on the entire length of the property.

Mr. Bell replied the mounds went from 4-6 feet to 5-8 feet. They concentrated efforts on the mound that is east of the current egress of Bryden Road because that is the space most centered on the restaurant, between that and the neighborhood. They replaced all the old four (4) foot fencing with four (4) foot fencing. Only the new fencing is being increased.

A discussion ensued regarding the mound plant material and screening materials.

Mr. Wachter stated he is looking for a commitment from the owner that the screening will be maintained between the building and residences to the north.

Mr. Bell commented to the extent they are falling short of screening and there is sound emanating from the restaurant in fifteen (15) years not being properly screened, they will certainly commit to controlling the noise coming from the restaurant. He cannot commit, as it is not a reasonable request, that they tear out forty (40) foot trees and replace them with twelve (12) or fifteen (15) foot trees to start over. They can commit, on the record, whoever owns the property, they will make sure that buffer is maintained and in an appropriate way.

Mr. Wachter stated you did commit the exit onto Bryden will not be used for truck or delivery vehicles services the office building or restaurant and will include signage indicating no delivery vehicles.

Mr. Bell replied correct, and they will restrict it to all the existing office buildings as well.

Mr. Wachter stated they did commit the barn door located on the rear of open seating area will be closed after some hour in the evening.

Mr. Bell replied, around 5:30-6:00 p.m., the office tenants can use it as the pathway it was intended to be then slide the door closed and certainly on the weekends from 5:30 p.m. on Friday till Monday morning.

Mr. Wachter asked are the dumpsters internal to the building or behind screening and not just a fenced area.

Mr. Bell replied it is an enclosed compartment in a closed room at the back of the building, adjacent to the kitchen and no, there will be doors enclosing that area.

Mr. Wachter stated they agreed no cellular towers or antennas, no mezzanine seating in the restaurant, and the hours of delivery, per the City Ordinance, with more restrictive hours on the weekends.

Mr. Bell confirmed.

Mr. Wachter questioned valet parking.

Mr. Bell stated he cannot commit to the fact they can accommodate all the restaurant parking along Chagrin and Richmond. He believes his response is reasonable that there will be a certain number of parking spaces protected along the front of the restaurant, because that is where you want the patrons who choose to park themselves. We will require the restaurant to focus the valet parking on the front and Richmond side of the building. If they need to park cars in the rear of the building because of spill over, we will require them to park as close to the rear of the building as they can. They will understand and respect our concern to protect the neighbors. He cannot allow a deed restriction or make any more of a commitment than that to only have cars parking on the front or side of the building.

Mr. Bell advised Mr. Wachter they have no problem committing to the things he has said to him this evening. This is really important to them that it is successful. They have been here for 25 years and in Beachwood for 40 years and they will be here for another 40 years. They really want to be good neighbors, responsible and respect the neighborhood. That is how they have tried to plan this.

Mr. Wachter stated of property owners in town, they are way on the top, but this is a very sensitive property both of the location overall in the city and its proximity to its neighbors. He is not suggesting he would not live up to the commitments but they want to make sure there is some protection there.

Mr. Bell replied, on the record, they are committed to requiring the restaurant to respect these conditions and will make that part of the lease. They are very serious about it.

A motion was made by R. Hecht and seconded by O. Jacobs to approve Denver Brooker, Vocon, representing Goldberg Companies, Inc., request for final 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) with the following stipulations: 1) Submission and recording of cross access and parking easements in a form acceptable to the Law Department, and 2) Submission of revised landscape plan to reflect the new mounding and fencing.

ROLL CALL:

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

NAYS: M. Wachter

MOTION APPROVED

P&Z 2015-33 LOU BELKNAP, AGILE SIGN & LIGHTING, REPRESENTING MANDEL JEWISH COMMUNITY CENTER, IS REQUESTING PRELIMINARY AND FINAL APPROVAL FOR A CHANGEABLE INFORMATION POST AND PANEL SIGN TO BE LOCATED AT 26001 SOUTH WOODLAND ROAD.

Mr. David Boyer, Agile Sign & Lighting, representing Mandel Jewish Community Center, was present to request for preliminary approval for a changeable information post and panel sign to be located at 26001 South Woodland Road. Mr. Boyer stated it is a bulletin board sign Mandel Jewish Community Center wants to put up next to the entrance on their turn around parking, drop off area to inform people coming to the center of their current, upcoming events. The sign will be made of aluminum extrusion matching the same frame work and same colors as the front of the building. The boards will be interchangeable from a panel on the side with a solid back to the sign. The maintenance crew will be the ones changing the boards for their upcoming events.

Mr. Griswold stated Building, Fire and Police Department have no issues with the submission and recommend approval.

Mr. Ciuni stated Engineering has no comments.

Mr. Smerigan stated this request is for approval of a permanent changeable copy sign to announce events at the Mandel Jewish Community Center. The use of a permanent changeable face sign will eliminate the need for individual temporary sign permits for individual events scheduled at the facility. This is a better and more consistent arrangement to do it in this fashion. The proposed sign complies with the requirements in the U-5 District and approval is recommended.

A motion was made O. Jacobs and seconded by C. Cohen to approve Lou Belknap, Agile Sign & Lighting, representing Mandel Jewish Community Center, request for preliminary approval for a changeable information post and panel sign to be located at 26001 South Woodland Road.

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

P&Z 2015-34 M4 MOTORS INC., DBA BUICK GMC IS REQUESTING USE OF AN EXTERIOR PARKING LOT FOR VEHICULAR STORAGE AT 23550 COMMERCE PARK AS A HARMONIOUS USE DEFINED IN SECTION 1129.02(A).

Mr. Justin Yelling, General Manager of Buick GMC of Beachwood, was present to request approval for use of an exterior parking lot for vehicular storage at 23550 Commerce Park as a harmonious use defined in Section 1129.02(A). Mr. Yelling stated they are stocked full of cars on Central Parkway and this lot would be perfect to store new cars only, no preowned or service vehicles, and to alleviate their situation and create more parking for Buick GMC of Beachwood.

Mr. Griswold stated the only caveat they have is no showing of cars to any customers at this lot should the Commission move forward with this.

Mr. Ciuni stated Engineering has no comments.

Mr. Smerigan stated this request is for determination of new vehicle storage as a similar and harmonious use in the U-8 Industrial and Office Mixed Use District. The applicant is requesting authorization to store a portion of their new vehicle inventory on the northern end of the City's Municipal Service Garage site. The northern portion of this City owned building is currently vacant and has been for several years. Since that portion of the building is unoccupied, the parking lot is presently unused and the parking spaces are not necessary for the City's operation.

In making its determination regarding this as a similar and harmonious use, the Planning and Zoning Commission should consider the following: Section 1111.02(m)(7) lists storage of finished or packaged goods as a permitted use; Section 1129.02 provides for maintenance of fleet vehicles within this district; the City has previously authorized vehicle leasing operations within this District; and across the street from the City property, is the bus parking lot for the Beachwood School Board.

Should the Commission determine that the proposed use is similar and harmonious in the U-8 Industrial and Office Mixed Use District, it would need to act in the form of a recommendation to City Council whose concurrence is required. The Commission and Council may attach conditions to any such determination. Three (3) conditions were suggested in the staff report. During the internal discussion with the staff, a fourth suggestion regarding off-loading of car carriers not occurring on the street but within the city site itself. There is sufficient room on the city site to accommodate that so there is no need to off-load carriers on the street. This could create traffic issues at certain times during the day in Commerce Park. With those four (4) stipulations we are suggesting that the Commission could make a determination that is similar and harmonious and make that recommendation to City Council.

Ms. Hecht asked how many vehicles will be stored at this site.

Mr. Yelling replied the ideal number would be around 100 vehicles.

Ms. Hecht requested confirmation of no loading or unloading off a trailer on the street.

Mr. Griswold replied all the unloading/loading of cars would have to occur in the parking lot not on the street.

Mr. Smerigan stated there is sufficient room in the parking lot to accommodate those car carriers.

Mr. Griswold stated we request the City Engineer look at the parking lot that is on the east side of the building to determine the condition of it so, when Collection is done, they would be responsible for any repairs that might be required.

Mr. Cohen asked what the operational procedures look like with the transferring of vehicles and at what times and how often that would occur.

Mr. Yelling stated the vehicles will always be unloaded by the manufacturer at the Buick GMC location and the transport of those vehicles to the Commerce Park location would be through a car porter system. It usually occurs on a day they are not open for business such as Saturday evening or Sunday afternoon.

Mr. Cohen asked if there is any intention to securing this property or parking lot similar to the bus location where it is fenced in for security purposes or will it be open.

Mr. Yelling replied there has been no request for that and remains open.

Mr. Cohen stated this property is an eye-sore and it would be nice to see some commitment towards some vegetation to buffer that visual. He is not sure if that is on the city's behalf.

Chairman Mann stated it would have to be written into the lease.

Mr. Reali stated there are a lot of terms that will be incorporated into the lease and whether he is instructed to negotiate buffering is something to be talked about with the Administration and City Council.

Mr. Cohen asked how this fits into the Master Plan. He stated Commerce Park has had a lot of hardscape which they had been looking to get rid of. In this case, it is encouraging hardscape and maybe we have the opportunity to create a landscaped area and not have so many open parking spaces as well.

Mr. Smerigan replied from the City's standpoint, we see it as an interim use and at some point the City will program its property for future use. We see this as an opportunity to accommodate and help a Beachwood business on an interim basis. We do not see this as a long term situation because at some point the northern end of that property will be used for some purpose other than parking.

Mr. Cohen questioned the lease term.

Mr. Reali stated we have not had a discussion on the length of the lease and that will be presented to Council.

Mr. Zabell asked is the application itself for this use intended to be specific to the applicant and not transferable to others.

Mr. Smerigan replied yes, it is City property so we have zoning control and the fact Council would have to enter into the lease agreement in order for the applicant to do this. As being the property owner, we have total control and this is specific to this one situation.

Chairman Mann stated it is our responsibility to determine the use. It will be the Administration and Council's job to deal with the terms of the lease.

Mr. Zabell stated he would be more comfortable if there was the ability within this approval to provide this use for a finite amount of time.

Mayor Gorden stated before they commit to anything, he would like the ability to look at the structure of the lease and have an exit strategy for not only the occupant but with the City also. He would not prefer a finite amount of time. The Law Department would draft the lease.

A motion was made by R. Hecht and seconded by B. Zabell to approve M4 Motors, Inc. dba Buick GMC request for use of an exterior parking lot for vehicular storage at 23550 Commerce Park as a harmonious use defined in Section 1129.02(A) subject to the following stipulations: 1) Authorization is for storage of new vehicles only and there shall be no sales, demonstration of vehicles, advertising, or other retail operations on the subject site; 2) No maintenance of vehicles shall be performed on the subject site; 3) No used vehicles shall be stored on the subject site; and 4) There will be no street loading of trailer of cars; and 5) Per the Mayor and Administration, the lease will not be in perpetuity.

ROLL CALL:	AYES:	Mayor Gorden, R. Hecht, O. Jacobs, B. Mann, M. Wachter, B. Zabell
	NAYS:	C. Cohen
	MOTION APPROVED - RECOMMENDATION TO COUNCIL – Monday, November 16, 2015 at 7:00 p.m.	

Chairman Mann stated there is no Planning and Zoning Meeting in November. The next meeting will be on December 10th and wished everyone a Happy Thanksgiving.

A motion was made by O. Jacobs and seconded by R. Hecht to adjourn the meeting.

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

Bill Mann, Chairman

Veronica Gentner, Secretary

Karen Navolanic, Clerk of Council