

THE PLANNING AND ZONING COMMISSION MEETING WAS HELD AT BEACHWOOD CITY HALL
ON THURSDAY, SEPTEMBER 29, 2016.

Chairman Hecht congratulated Ms. Gentner, Planning and Zoning Clerk, on her recent marriage and becoming Mrs. Muth.

ROLL CALL:	PRESENT:	Mayor Gorden, C. Cohen, R. Hecht, B. Linick, B. Zabell
	ABSENT:	O. Jacobs, B. Mann, J. Pasch
	ALSO PRESENT:	J. Ciuni, W. Griswold, G. Smerigan

Chairman Hecht welcomed Councilman Alec Isaacson to the meeting.

A motion was made by Mayor Gorden and seconded by R. Hecht to approve the Planning and Zoning Commission minutes dated July 28, 2016, special meeting.

ROLL CALL:	AYES:	Mayor Gorden, R. Hecht
	NAYS:	None
	ABSTAIN:	B. Zabell
	NOT VOTING:	C. Cohen, B. Linick
		MOTION APPROVED – MINUTES APPROVED

COUNCIL REPORT

Mr. Brian Linick, Council Representative, stated on September 19, 2016, Ordinance No. 2016-76, an Ordinance amending BCO Chapter 1155.05 Keeping of Domestic Farm Animals and Fowl, was placed on second reading and referred to a public hearing set for 7:15 PM on November 7, 2016.

Mr. Linick commented Council did take a moment of silence for former Councilman Saul Eisen.

Chairman Hecht observed a moment of silence for the recent passing of Councilman Saul Eisen.

P&Z 2016-21	MARCO CICCARELLI, STUDIOTECHNE ARCHITECTS, REPRESENTING GREEN ROAD SYNAGOGUE, IS REQUESTING PRELIMINARY SITE PLAN APPROVAL FOR A NEW SYNAGOGUE TO BE LOCATED AT 2437 SOUTH GREEN ROAD.
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Mr. Marco Ciccarelli and Ms. Kelly Stinson, studioTECHNE Architects, and Mr. Steven Socloff of Green Road Synagogue, was present to request preliminary site plan approval for a new synagogue to be located at 2437 South Green Road at the corner of South Green Road and Timberlane Drive. Mr. Ciccarelli stated the Synagogue is one of four buildings that is part of the complex in the U-5 Zoning District. The proposal is to develop a new building of 37,300 square feet on one floor behind the current facility. After the facility is constructed, they will demolish the other building and construct the parking lot as shown. The current design has the building completely within all the setback lines that exist and on the Timberlane Drive side they are exceeding the setback for the parking lot by approximately 20 feet, 9 inches. The site will feature a pair of exterior courtyards and deliveries and trash will be in the back adjacent to the parking lot for Young Israel. All of the parking along Timberlane Drive will be screened with landscape on top of a berm. They are maintaining the current entrance off Green Road with landscape area in the front, parking pulled back, the building placed as discussed and entrances from Timberlane Drive as well as Green Road. The exterior design of the building will be rendered in stone and wood panel with detailed plans submitted with final review. Some of the features of the existing building will be brought back onto the new design.

Mr. Griswold stated the Fire Bureau commented plans submitted failed to denote fire hydrant and FDC placement. Although it is early in the planning stages, hydrant and FDC placement will need to be approved by Fire Prevention Bureau. Access around the structure is limited and will need to be reviewed and addressed by the architect prior to final approval. Building size and type of occupancy will require sprinkler system and fire alarm system throughout. Both the Police and Building Department had no comments.

Mr. Ciuni stated Engineering Department recommends preliminary approval. They will look at drainage, storm water management and grading when they submit final drawings.

Mr. Smerigan stated this request is for preliminary site plan approval to construct a new synagogue. The applicant proposes to construct the new synagogue behind the existing building in what is currently the parking lot. Upon completion of the new building, the existing synagogue would be demolished and a new parking lot constructed in front of the new building. Essentially the locations of the building and parking lots would be reversed. The subject site is zoned U-5 Public and Institutional District. The proposed building would be 37,300 square feet in area and approximately 30 feet in height. The existing building is 31,000 square feet.

The proposed preliminary site plan will require two (2) parking setback variances. Both variances are for side yard parking setbacks. The applicant is requesting a variance of 48 feet to permit the parking lot to be located two (2) feet from the southern property line in lieu of the code required 50 feet. This variance is consistent with the historical parking arrangement on the subject site, as well as with the variances granted to Young Israel uses to permit its parking to be closer the same property line. The second side yard parking setback is from the right-of-way of Timberlane Drive. The applicant is seeking a variance of 21 feet to place 15 parking spaces 29 feet from the edge of the right-of-way in lieu of the 50 feet setback required by the Code. Again, it should be noted that the existing parking lot is at approximately the same setback. The site plan indicates the installation of a landscaped mound to screen the parking from the residences across the street on Timberlane Drive. The height of the mound and the details on the landscaping are not provided, but can be established as part of the final site plan approval.

Since variances are required, the Commission will need to make a recommendation to City Council. Should the Planning and Zoning Commission determine to recommend approval of the preliminary site plan for the proposed new synagogue, the following 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 1124.04(b)(2) with regard to the required side yard parking setbacks.
- 2) Granting a variance of 48 feet to Section 1124.04(b)(2) to permit parking to be setback to be 2 feet from the southern property line in lieu of the required 50 feet.
- 3) Granting a variance of 21 feet to Section 1124.04(b)(2) to permit parking to be setback 29 feet from the right-of-way of Timberlane Drive in lieu of the required 50 feet.

Chairman Hecht asked if sidewalks will be put in along Timberlane Drive as, currently, there are no sidewalks.

Mr. Ciccarelli replied yes.

Mr. Zabell asked how much additional capacity they will have.

Mr. Ciccarelli stated the main sanctuary is growing by about twelve (12) seats. The biggest change, essentially in square footage, is in additional classroom space and functionality in the classrooms. They are essentially not building in larger capacity, they are adding functionality.

Mr. Zabell asked if they are planning to phase the project so there is no down time and how long is the project.

Mr. Ciccarelli replied yes, the plan is to phase the project with no down time. The project will be approximately sixteen (16) months in duration. They will use adjacent parking lots with the other uses when they are able to and probably look at the front grass area as being a temporary area to use during construction as well.

Chairman Hecht asked if there are plans for the front property in the future.

Mr. Socloff stated there is a small piece, 3/4 of an acre, along Green Road and there has been preliminary discussion about putting a small, senior rental housing project in that location but it is extraordinarily preliminary. Given the limited amount of space available, it would probably remain a difficult project.

Mr. Smerigan stated they would have to come back to the City if they plan on pursuing something. For now that area will be grass and landscaped. They do have sufficient land to potentially do something additional, as long as it is associated with the Synagogue and not a separate use.

Chairman Hecht commented the construction of the new building will begin in spring and the existing building will be there until the new building is complete and then demolished.

Mr. Ciccarelli concurred.

Chairman Hecht stated there is a lot of parking on Timberlane Drive during High Holy Days and asked will this alleviate the overflow parking on Timberlane and have enough parking spaces to accommodate everyone.

Mr. Ciccarelli replied the current driveway gets closed off so there is no access to the site at all for any of the holidays. This is getting removed and should alleviate the parking on Timberlane.

Mr. Linick congratulated the applicant on the progress made so far. He asked if the intent of the development parcel on the western side to do something like that down the road, if there were discussions had about moving the entire footprint to the East with some type of variance for the setback.

Mr. Socloff stated they purposely tried to stay within the setbacks because there is residential property there. With discussions with the owner, he is comfortable with the building being 80 feet away and not sure if he would be comfortable with the building being 50 feet or 30 feet away. He supposes that is something they could entertain.

Mr. Linick asked if the residents located behind were members.

Mr. Socloff replied yes.

Mr. Linick asked if the pedestrian walkway to the East currently exists.

Mr. Ciccarelli stated they eliminated it after discussions of seeing it as a huge cost item and not something that was desirable.

Mr. Cohen asked if they were to relocate the North bank, in particular, is there an opportunity to put that along the South side continuing the parking to the East.

Mr. Ciccarelli replied yes.

Mr. Cohen stated so that would give us an option to create a greater buffer on the angle of site line on Green Road. His biggest concern was the site lines.

Chairman Hecht stated it will be a very attractive building and we look forward to its completion.

Mr. Zabell commented in George Smerigan's report, it was mentioned the variance required for the parking as it relates to the setback is going to put the parking lot further away from the setback that exists today.

Mr. Smerigan concurred.

Mr. Zabell stated he does not recall the history of the original site plan and asked if there is a variance in place today or was the property grandfathered in with some respect.

Mr. Smerigan replied he does not know when the original building and parking lot was approved and did not do any research on the old variance as it predates his time, over 20 years, with the City. The parking lot has been close to the street and there have not been any expansions of the parking lot or further encroachment during his time with the City.

Mr. Ciccarelli stated the parking lot that is currently there is the parking lot on the construction drawings dated 1974.

Chairman Hecht asked the total number of congregation members.

Mr. Socloff stated the most recent number he heard was 325 families which is approaching almost doubling of the last couple years.

A motion was made by C. Cohen and seconded by B. Zabell to approve Marco Ciccarelli, studioTECHNE Architects, request for preliminary site plan approval for a new synagogue to be located at 2437 South Green Road 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 1124.04(b)(2) with regard to the required side yard parking setbacks; 2) Granting a variance of 48 feet to Section 1124.04(b)(2) to permit parking to be setback to be 2 feet from the southern property line in lieu of the required 50 feet; 3) Granting a variance of 21 feet to Section 1124.04(b)(2) to permit parking to be setback 29 feet from the right-of-way of Timberlane Drive in lieu of the required 50 feet; and 4) Subject to the comments of the Fire Department.

ROLL CALL:	AYES:	Mayor Gorden, R. Hecht, B. Linick, B. Zabell
	NAYS:	C. Cohen
	MOTION APPROVED - RECOMMENDATION TO	
	COUNCIL – Monday, October 17, 2016; Postponed till	
	November 7, 2016 at 7:00 PM	

P&Z 2016-16	JOSEPH CIUNI, GPD GROUP, REPRESENTING CITY OF BEACHWOOD, IS REQUESTING FINAL APPROVAL OF THE DEDICATION PLAT OF CORPORATE PARK DRIVE.
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Mr. Joseph Ciuni, GPD Group, representing City of Beachwood, was present to request final approval of the dedication plat of Corporate Park Drive. Mr. Cuini stated there is an existing street that is a private drive which will now become a public right-of-way and will extend all the way to Enterprise Parkway. This proposal is to create a public street that will connect both Richmond Road and Enterprise Parkway.

Mr. Smerigan stated the property owner is dedicating the right-of-way to the City to permit this to become a public street. The City will do the improvements to bring it up to our standards and make the interconnection. They believe it is a vital part of the overall traffic improvement program to move traffic around that portion of the City. This has been presented to Council during Work Sessions and will be on Council's agenda to go out for bids pursuant to your recommendation at their October 17, 2016 meeting.

Mr. Ciuni stated they will replace the pavement between Richmond Road and Enterprise Parkway within the sixty (60) foot right-of-way. It will be a public street once it is dedicated and plat is recorded.

Mr. Griswold stated Fire Department had no comments. Police Department supports the Corporate Park Drive proposal as a means to eliminate some of the traffic congestion issues associated with the Richmond Road.

Mr. Linick stated Council believes this is a very unique and exciting opportunity to go about this project. It should be good for the businesses located within Corporate Park and also part of a broader scale project with Bryden Road interchange and Richmond Road and trying to work on that project in the long term. Obviously, this is Phase One as it gets cut short on the western side before it gets closer to the intersection which he believes it will be addressed next year when they deal with the South bound lanes on Richmond Road.

Mr. Smerigan replied yes, this is a Phase One of what they see as a Two Phase traffic improvement program. Mr. Linick is correct as they see this as a significant opportunity to enhance that property. With the frontage limited to Richmond Road, most spaces in the building do not have any visibility so tenants of the building have been somewhat restricted and limited. Given the new public right-of-way and new exposure, they believe it is a real opportunity for vast improvement and hope to see it pays some dividends for the City from that standpoint as well.

Mr. Linick asked what work was being done on Enterprise Parkway.

Mr. Smerigan stated in order to accommodate the connection to Enterprise Parkway they will be constructing a North bound, left turn lane on Enterprise Parkway to go into the new public street and not block the North bound traffic. They believe this is critical given the volume of traffic that Enterprise Parkway carries during certain times of the day.

Mr. Cuini stated although that is shown on the picture, this has nothing to do with the plat as what is being presented to them this evening is the dedication plat of Corporate Park Drive.

Chairman Hecht asked if it will be called Corporate Park Drive.

Mr. Smerigan stated it has not been determined yet. As part of the negotiations with the property owner, they have discussed wanting input with the street name as part of the dedication.

Chairman Hecht asked if there will be a sidewalk.

Mr. Smerigan replied yes, there will be a sidewalk on the North side all the way through.

Chairman Hecht asked the length of the new road.

Mr. Griswold replied approximately 660 feet.

Mr. Cohen asked if the current owners are participating in the construction.

Mr. Ciuni replied no, their portion is donating the right-of-way to the City.

Mr. Cohen asked what the main thinking is and how the City benefits from this other than the businesses, is there a traffic problem issue.

Mr. Smerigan stated the whole thing started as a traffic improvement and being able to move vehicles between Richmond Road and Enterprise Parkway other than on Chagrin Boulevard and providing a back door in and out of the whole area. The City Engineer, Police Chief and himself have been involved in this for some time working on these traffic solutions but, as Mr. Linick pointed out, they also see some benefits of the redevelopment of that commercial property.

Mr. Zabell asked Mr. Ciuni to clarify what is intended to be the access, number of lanes, traffic movements at each entry point and what it will look like.

Mr. Cuini stated it will not change at Richmond Road where Richmond, Bryden and Corporate Park come together and the signal stays. They will take out the center islands and make it a two-way left turn lane so it will be one lane in each direction with a two-way left. When you get to Enterprise you will be able to turn left to go North or turn right to go South and one lane coming back in which is West bound off of Enterprise.

Mr. Zabell commented left and right onto Enterprise and no signal.

Mr. Ciuni replied there is no signal at this time but, if warranted, they can look into it in the future.

A motion was made by B. Zabell and seconded by C. Cohen to approve Joseph Ciuni, GPD Group, representing City of Beachwood, request for final approval of the dedication plat of Corporate Park Drive.

Mayor Gorden commented there will be some improvement at the access to the roadway at Richmond but it has not been determined what will happen there yet and will come at a later phase.

ROLL CALL:	AYES:	C. Cohen, Mayor Gorden, R. Hecht, B. Linick, B. Zabell
	NAYS:	None
		MOTION APPROVED - RECOMMENDATION TO COUNCIL – Monday, October 17, 2016 at 7:00 PM

P&Z 2016-22	EVAN DAIBER, REPRESENTING 2 TONE BOXING CLUB, IS REQUESTING PRELIMINARY AND FINAL APPROVAL FOR CONDITIONAL USE PERMIT FOR A FITNESS FACILITY LOCATED AT 23307 COMMERCE PARK SUITE B.
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Mr. Evan Daiber, owner of 2 Tone Boxing Club, was present to request preliminary and final approval for conditional use permit for a fitness facility located at 23307 Commerce Park Road, Suite B. Mr. Daiber stated the facility offers fitness boxing, not contact boxing, and offers a specialty of Rock Steady Boxing for Parkinson's disease which research shows it is an effective treatment to lessen the symptoms. The max number for classes is fifteen (15) people, with one on one training as well. He plans on having one (1) more full-time employee besides himself and possibly 1-2 part-time employees in the future.

Mr. Griswold stated Building, Fire and Police Department have no concerns regarding this application.

Mr. Ciuni stated there are no Engineering comments on this item.

Mr. Smerigan stated this request is for approval of a Conditional Use Permit for an exercise facility in the U-8 Industrial and Office Mixed-Use District. The applicant is located in the rear portion of the building on the subject site. Exercise facilities are permitted in the U-8 District with a Conditional Use Permit.

The applicant will occupy approximately 3,300 square feet of floor area in the existing multi-tenant building. The subject site currently has a total of 82 parking spaces. At the time the building was constructed, that parking count complied with the Zoning Code. If the 3,300 square feet to be occupied by the applicant were occupied by an industrial use, the required parking would be nine (9) spaces. Based upon Section 1129.05(b)(2)(V) the proposed use will require thirteen (13) parking spaces or a difference of four (4) parking spaces. There is no opportunity to add spaces to the subject site. Parking has not historically been an issue on the subject site.

Since a variance is required, the Commission will need to act in the form of a recommendation to City Council. It is recommended that the Planning and Zoning Commission recommend approval of the Conditional Use Permit with the following conditions:

- 1) This Conditional Use Permit is granted to 2 Tone Boxing Club and is not transferable without the approval of the Planning and Zoning Commission.
- 2) The total floor area occupied by 2 Tone Boxing Club shall not exceed 3,300 square feet without the approval of the Planning and Zoning Commission.
- 3) The number of clients occupying the subject space shall not exceed 15 at any one time between the hours of 8:00 AM and 5:00 PM Monday through Friday or 50 at any other time.
- 4) 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 1129.05(b)(2)(V) with regard to the required number of parking spaces for exercise facilities.
- 5) Granting a variance of 4 spaces to Section 1129.05(b)(2)(V) to permit the number of parking spaces for 2 Tone Boxing Club to be 9 spaces in lieu of the Code required 13 spaces.
- 6) This parking variance is for 2 Tone Boxing Club only and shall become null and void if and when 2 Tone Boxing Club ceases to be a tenant in the building.

Chairman Hecht asked if there is a current location.

Mr. Daiber stated he is a personal trainer and has been operating and managing a studio someone else owned. He has also trained as his own business out of his home. This will be his first location which he is occupying.

Chairman Hecht asked if he mentioned having fights in the future.

Mr. Daiber replied he may have a ring in the future but would not use the ring for fights. The padded ring is nice to use for the Parkinson's patients.

Mayor Gordon asked for the hours of operation and how many days of the week.

Mr. Daiber stated the hours of operation are 5:00 AM to 8:00 PM with the busiest hours being before and after work. He has not fully figured out how many days of the week but is thinking Monday through Friday or Saturday with day off on Sunday.

A motion was made by C. Cohen and seconded by B. Zabell to approve Evan Daiber, representing 2 Tone Boxing Club, request for preliminary and final approval for a fitness facility located at 23307 Commerce Park, Suite B, with the following stipulations: 1) This Conditional Use Permit is granted to 2 Tone Boxing Club and is not transferable without the approval of the Planning and Zoning Commission; 2) The total floor area occupied by 2 Tone Boxing Club shall not exceed 3,300 square feet without the approval of the Planning and Zoning Commission; 3) The number of clients occupying the subject space shall not exceed 15 at any one time between the hours of 8:00 AM and 5:00 PM Monday through Friday or 50 at any other time; 4) 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 1129.05(b)(2)(V) with regard to the required number of parking spaces for exercise facilities; 5) Granting a variance of 4 spaces to Section 1129.05(b)(2)(V) to permit the number of parking spaces for 2 Tone Boxing Club to be 9 spaces in lieu of the Code required 13 spaces; and 6) This parking variance is for 2 Tone Boxing Club only and shall become null and void if and when 2 Tone Boxing Club ceases to be a tenant in the building.

ROLL CALL:

AYES:

C. Cohen, Mayor Gordon, R. Hecht, B. Linick,
B. Zabell

NAYS:

None

MOTION APPROVED - RECOMMENDATION TO
COUNCIL – Monday, October 17, 2016 at 7:00 PM

Mayor Gorden informed the Commission there was a discharge of a material at the High School during the day today. Yesterday, there was an adhesive applied on the track that is under construction. Unfortunately due to the weather change and rain, it loosened the surface of the material it was put on and went into the detention basin and, consequently, leaked through the natural drainage system and affected some areas downstream. It is nontoxic according to the inspectors. It is a white material which looks like an Elmer's glue and should dissipate through the water system. There is extensive work being done today and over the next several days to capture most of this. The basin will be emptied and the material that has been placed in there due to weather conditions will be transported to a safe site and dealt with. Our Fire Department was on site as soon as it happened and we contacted various County agencies, Hazmat and different divisions to check everything out. He is unsure if it will be on the news or not, but it is a non-hazardous substance not to be concerned about any type of contamination based on what the professionals say.

Chairman Hecht asked if there was any news on Mr. Andrew Brickman.

Mr. Smerigan stated he has had conversations with his Attorney, Mr. Berns, and he indicates they are continuing to negotiate with the Cranberry Court Homeowner's Association on a draft agreement they can both sign.

Mayor Gordon stated he had conversations with both parties and they are trying to cooperate with one another and work out whatever differences there are but are not quite there yet.

A motion was made by B. Zabell and seconded by C. Cohen to adjourn the meeting.

ROLL CALL:	AYES:	C. Cohen, Mayor Gorden, R. Hecht, B. Linick, B. Zabell
	NAYS:	None
	MEETING ADJOURNED	

Rochelle Hecht, Chairman

Veronica Gentner, Secretary

Whitney Crook, Assistant Clerk of Council