THE PLANNING AND ZONING COMMISSION MEETING WAS HELD AT BEACHWOOD CITY HALL ON THURSDAY, MARCH 30, 2017.

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

A motion was made by C. Cohen and seconded by R. Hecht to approve the Planning and Zoning Commission minutes dated February 23, 2017, regular meeting.

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

Chairman Jacobs noted the meeting is being live streamed for the first time.

COUNCIL REPORT

Mr. Brian Linick, Council Representative, stated Council passed legislation to accept the bid for the new Fire Station.

Mayor Gorden informed the Commission the ground is now being cleared and construction should start by the end of next month. He does not have the ground breaking date yet but will inform everyone once it has been determined.

Mayor Gorden stated the landscaping along Richmond Road in front of Beachwood Place Shopping Center has been completed according to their submitted plan. Mr. Griswold and his team have verified everything that is there is according to what the Commission approved. General Growth has agreed to add additional landscaping along the buffer area down Richmond Road. It should start sometime by the beginning or middle of May depending on weather conditions and will enhance the site quite a bit. It will be a more pleasant look coming down Richmond Road.

Chairman Jacobs acknowledged the presence of Councilman Horwitz.

P&Z 2016-6(A) LEON SAMPAT, LS ARCHITECTS INC, REPRESENTING UNITY FRIENDS LLC, IS REQUESTING FINAL SITE PLAN APPROVAL FOR A NEW MEDICAL BUILDING TO BE LOCATED AT PPN 742-25-001, 23650 COMMERCE PARK DRIVE.

Mr. Leon Sampat, LS Architects, was present to request final site plan approval for a new medical building to be located at PPN 742-25-001, 23650 Commerce Park Drive. He stated this is Phase Two of the project. Phase One was completed in 2008. They are proposing a 10,124 square feet structure and adding 54 parking spaces to the existing parking lot. They have designed the building to match the existing Phase One structure.

Mr. Griswold stated the Fire Department has indicated the original design submitted denotes 24ft access around structure. Due to the design change with the second structure and its proposed height, the 20ft access around will be sufficient for apparatus operations. Not knowing what type of medical occupancy will fill the structure, the Fire Prevention Bureau would like to make the owner and/or future occupant aware the structure may need to be suppressed depending on use.

Mr. Griswold stated Joseph Ciuni, City Engineer, had the following comments:

1. Applicant must submit plans to Cuyahoga County Department of Public Works for review and provide a copy once approval is granted.
2. Please provide top and bottom of wall elevations for the proposed retaining wall. If the wall is three (3) feet or greater, structural calculations will be required and must be stamped by a structural engineer.
3. Provide inverts at the building for the proposed downspouts.
4. Show location of the proposed gas connection.
5. There is no silt fence shown on plan. Provide locations for silt fence to prevent sediment from leaving the site.
6. Provide a location for a concrete washout and provide details of same.
7. Add an area on the SWP3 for truck wash and the following notes: "All vehicles leaving the site shall be cleaned of mud and waste. City roads must be kept clean during construction activities".
8. Add the following note to SWP3 plan: "All trucks used on City of Beachwood roads to street cleaning must be of the vacuum variety".
9. Provide a copy of the original storm water management/water quality/storm sewer calculations for review.

Mr. Smerigan stated this request is for final site plan approval for the construction of a 10,124 square feet medical office building. The proposed site plan is consistent with the preliminary site plan approved in February 2016. As part of the preliminary site plan approval, variances were granted to permit a rear yard building setback of 35 feet and to reduce the amount of the combined side yard setbacks for parking. The proposed final site plan is consistent with those previously granted variances. The proposed development conforms to all of the other Planning and Zoning Code requirements. Approval of the final site development plan is recommended subject to any comments of the City Engineer.

Chairman Jacobs asked Mr. Sampat if he had any issues with the comments of the City Engineer.

Mr. Sampat relied, no, not at all.

Ms. Hecht asked if the building was for dialysis.

Mr. Sampat replied they do not have a signed lease yet but are working on negotiating with that lease. It will be a medical use but not dialysis.

Ms. Hecht asked if there will be any type of surgery or ambulatory surgery.

Mr. Sampat replied, potentially. If that is the case, it will have a generator and sprinkler system.

A motion was made by C. Cohen and seconded by R. Hecht to approve Leon Sampat, LS Architects, request for final site plan approval for new medical building to be located at PPN 742-25-001, 23650 Commerce Park Drive subject to the comments of the City Engineer and the Fire Protection requirements requested by the Fire Chief based on the use of the building such as fire suppression or other.

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

P&Z 2017-6 EDWARD & DEBRA SMALL, OWNERS, ARE REQUESTING PRELIMINARY & FINAL SITE PLAN APPROVAL FOR A GARAGE ADDITION AT 2645 BUCKHURST DRIVE.

Mr. Edward and Debra Small, owners, were present to request preliminary and final site plan approval for a garage addition at 2645 Buckhurst Drive. Mr. Small stated they have a single-story home without a basement, a family of six and constantly have a lack of storage such to the point he has never parked in his garage. The proposed garage addition would allow them to create a more prominent front façade, allow them to have a third bay which they presently use as storage, keeps with modern standards and allows them to relocate their family room approximately to their front door. It would give them synergy and allow him to park his car in the garage.

Mr. Small commented he appreciated the Commissioner's and some of the Commission members feedback of input earlier that suggested if they might reduce the extent of the variance that was originally requested that it might be more palatable to the Commission. They did submit a sketch reflecting that.

Mr. Small stated his architect does have a topo survey based on what was done years ago and can provide that. The home most affected by what they are proposing, which is immediately east of them and fronts on Deborah, is higher elevation and he does not believe it would detract from his property.

Ms. Hecht asked if that house was a rental property or sold.

Mr. Small replied it had been a rental property ever since they moved in but he believes the gentleman who lives there now is the owner and moved in last year.

Mr. Griswold stated Engineering, Fire and Building have no comments. As Mr. Small indicated, they did have comments on the original submission during the internal meeting. He discussed those challenges on the first submission with Mr. Small and believes the Commission should look at it in this manner or the revised plan which reduces the size of his request.

Mr. Smerigan stated in response to Staff comments, the applicants have revised their request. They are still seeking two (2) setback variances to permit the conversion of the existing garage to living space and the construction of a new garage addition to the existing dwelling. The applicant is still requesting a side yard setback variance from the street and a rear yard setback variance from the neighboring property to the east; however the amount of the rear yard variance has been reduced from 14 feet to 9 feet.

As noted in the initial report, the amount and impact of the side street setback variance is very minimal and historically, the Planning and Zoning Commission has approved setback variances where the applicant is matching an existing setback condition. Granting that variance seems reasonable and appropriate.

Section 1113.03 requires a minimum rear yard setback in U-1 Single-Family House Districts of thirty percent (30%) of the average depth of the lot, but not more than 40 feet. The applicant's lot has a depth of 175 feet. Since 30% would be 52.5 feet, the required rear yard setback is 40 feet. The rear yard setback of the existing dwelling is a Code compliant 43 feet. The applicant is requesting to extend the proposed addition to within 31 feet of the rear property line. That is a variance of 9 feet, which seems much more reasonable than the original request and it appears that the applicant has attempted to minimize the amount of the requested variance.

Section 1159.02(a) grants the Planning and Zoning Commission final authority to approve or deny variances to Chapter 1113. It is recommended that the Commission grant the side yard setback variance and the rear yard setback variance subject to the following findings:

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 1113.04(b) with regard to the required side yard

building setback on a corner lot and Zoning Code Section 1113.03 with regard to the required rear yard setback.

2. Granting a variance of 1.61 feet to Section 1113.04(b) to permit the minimum setback from the side street to be 18.39 feet in lieu of the required 20 feet.
3. Granting a variance of 9 feet to Section 1113.03 to permit the minimum rear yard setback to be 31 feet in lieu of the required 40 feet.

Ms. Hecht asked what they are going to do with the current driveway.

Mr. Small stated their proposal would be to maintain the first three (3) sections of concrete, just under 20 feet, to provide opportunity for a place to park should someone want to come to the front door or make a delivery. The intent is to excavate the last 2-3 sections of concrete that extend from present garage door heading west so they can landscape that area and minimize the hardscape impact. The garage door would be replaced with large windows that match existing conditions around the home.

A motion was made by R. Hecht and seconded by C. Cohen to approve Edward and Debra Small, owners, request for preliminary and final site plan approval for a garage addition at 2645 Buckhurst Drive 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 1113.04(b) with regard to the required side yard building setback on a corner lot and Zoning Code Section 1113.03 with regard to the required rear yard setback, 2) Granting a variance of 1.61 feet to Section 1113.04(b) to permit the minimum setback from the side street to be 18.39 feet in lieu of the required 20 feet, and 3) Granting a variance of 9 feet to Section 1113.03 to permit the minimum rear yard setback to be 31 feet in lieu of the required 40 feet.

Mr. Small thanked the Commission and commented the City is known for its strict enforcement of its regulations, particularly to zoning, they respect that and did not take this lightly and appreciate it.

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

P&Z 2017-2(A) MICHAEL HORTON, HORTON HARPER ARCHITECTS, REPRESENTING BRICKHAUS PARTNERS, IS REQUESTING PRELIMINARY AND FINAL APPROVAL FOR REVISED LOT SPLIT AND CONSOLIDATION OF PPN 741-15-004, 741-15-005, 741-15-006, 741-15-007, 741-15-008 AND 741-15-009, PURSUANT TO DEVELOPMENT AGREEMENT BETWEEN OWNER AND CITY OF BEACHWOOD.

Mr. Michael Horton, Horton Harper Architects, was present to request preliminary and final approval for revised lot split and consolidation of PPN 741-15-004, 741-15-005, 741-15-006, 741-15-007, 741-15-008 and 741-15-009, pursuant to Development Agreement between owner and City of Beachwood. Mr. Horton stated in January he presented the same project for both the site plan and lot split and consolidation. Since then there have been some changes. They have reduced the number of residences from thirteen (13) to twelve (12). It is a four (4) building development. Building No. 4 used to be four (4), smaller townhouse residences and has been changed to three (3) townhouse residences. The primary reason for the change is shifting market demands. The sizes and configurations of the four (4) residence building that was proposed was not as ideal or marketable. They are not requesting any additional variances and still adhering to the development agreement. Since the January meeting, they have obtained approval from the Architectural Board of Review.

Mr. Griswold stated Building, Fire and Engineering have no comments.

Mr. Smerigan stated this request is for revised final approval of the lot split and consolidation plat for the 24 Hundred Townhomes project. The earlier approval was to divide the subject site into 13 building lots, which range in size from 4,176 square feet to 9,556 square feet. The applicant is now proposing a revised plat with only 12 building lots, which would range in size from 4,428 square feet to 9,701 square feet. Each of the proposed lots will still have cross easements for access and utilities with all of the other lots in the development.

The purpose of this revised subdivision plat is to reconfigure Building No. 4 from a four (4) unit building to a three (3) unit building in order to accommodate first floor masters. This revised arrangement is still consistent with the development agreement between the property owner and the City as approved by City Council. The proposed plat complies with all of the requirements of the Code for such documents. Approval of the final revised lot split and consolidation plat is recommended.

Chairman Jacobs asked if this requires Council approval.

Mr. Smerigan stated, yes, the lot split and consolidation plat will have to go to Council so the Commission has to act in the form of a recommendation to Council. The site plan, however, can be approved by the Commission.

Ms. Hecht questioned why the banners are always up and down and there are always pieces of fasteners on the ground of sidewalk along Richmond Road.

Mr. Horton stated he cannot speak to the banners. He will make a note to the owner.

Mayor Gorden stated the wind had ripped some of the fasteners from the banners and they had to come and reinstall it. He was not aware of the debris on the public sidewalk till today but will take care of it.

Mr. Linick asked if that type of signage on fence is even permitted.

Mr. Griswold replied they have permitted those on pretty much every development that has gone up in the past, from The Vue to Alzheimers to Assisted Living to Goldberg's project. They perform two (2) functions. It effectively keeps the dust and modifies the noise somewhat and allows the construction to go on behind that fence. The same material was up at Beachwood Place Mall but they chose not to display grand opening etc.

Mr. Linick stated if it was just a mesh he could see it as more of a barrier but to him its signage the way it is now. He asked if there something explicitly permitting that in a residential area in the code.

Mr. Griswold replied the ability to do that has been historically one that has been granted in the city.

Mr. Linick asked what part of the code permits it. He can see it if talking about The Vue, Ahuja or the mall in a commercial type developments but wonder in a residential setting if that is something permitted.

Mayor Gorden stated the precedent has been on all the projects that we have let that happened on Richmond Road, Cedar Road, Chagrin Blvd. Unless Council has an objection to it and want to pass an Ordinance, the Building Commissioner, myself and City Planner has permitted this. He does not think they have ever had a complaint or concern. It helps depicts what the project is and people going by can take a look at it. The copy is approved by the Building Department before going up.

Mr. Linick said he is not questioning if it has happened before but more so questioning what section of the code they are looking at for what is permitted in regards to type of design and message.

Mr. Griswold indicated if it is not specifically in our code, he would recommend to Council to then place it in the code. What it does for the city is it shows the city has life and a lot of development.

A motion was made by C. Cohen and seconded by R. Hecht to approve Michael Horton, Horton Harper Architects, request for preliminary and final approval for revised lot split and consolidation of PPN 741-15-004, 741-15-005, 741-15-006, 741-15-007, 741-15-008 and 741-15-009, pursuant to Development Agreement between owner and City of Beachwood.

ROLL CALL: AYES: C. Cohen, Mayor Gorden, R. Hecht, O. Jacobs, B. Linick
NAYS: None
MOTION APPROVED - RECOMMENDATION TO COUNCIL – Monday, April 3, 2017 at 7:00 PM

P&Z 2017-3(A) MICHAEL HORTON, HORTON HARPER ARCHITECTS, REPRESENTING BRICKHAUS PARTNERS, IS REQUESTING FINAL SITE PLAN APPROVAL FOR REVISED SITE PLAN FROM 13 SFD TO 12 SFD (PPN 741-15-004), ALSO INCLUDING PPN 741-15-005, 741-15-006, 741-15-007, 741-15-008 AND 741-15-009.

Mr. Michael Horton, Horton Harper Architects, was present to request final site plan approval for revised site plan from 13 SFD to 12 SFD (PPN 741-15-004), also including PPN 741-15-005, 741-15-006, 741-15-007, 741-15-008 and 741-15-009. Mr. Horton stated the same comments apply for the site plan as they do for the lot split and consolidation

Mr. Griswold stated Building and Fire Department have no questions or concerns. The City Engineer indicates the following comments:

1. Provide approvals from Cleveland Water Department, Cuyahoga County Department of Public Works, and Ohio EPA once granted.
2. The sand/pea gravel shall be located below the soil media and above the gravel layer. Please follow the typical section provided in the ODNR Rainwater and Land Development Manual and as listed in the Bio-Retention Cell Notes on Sheet 08 for “filter layer”.
3. Provide the long term operations and maintenance plan once completed.
4. Please provide a copy of the geotechnical report once received.
5. Please provide a copy of any plan changes per NEORSD comments.
6. Please incorporate the above comments in to the plans and submit 4 full size sets and one half size set of signed/stamped plans and 2 copies of the signed/stamped SWM report and Long Term Maintenance Plan to the City of Beachwood Building Department.

Mr. Smerigan stated this request is for revised final site plan approval for the 24 Hundred Townhomes project. The net change is a reduction of one (1) unit. The fencing, landscaping and layout remain the same. We are recommending you grant final approval subject to the comments of the City Engineer.

Chairman Jacobs asked Mr. Horton if he had any issues with the comments of the City Engineer.

Mr. Horton replied no comments. He did receive those comments and are working to get that information back to the city.

A motion was made by R. Hecht and seconded by C. Cohen to approve Michael Horton, Horton Harper Architects, request for final site plan approval for revised site plan from 13 SFD to 12 SFD (PPN 741-15-004), also including PPN 741-15-005, 741-15-006, 741-15-007, 741-15-008 and 741-15-009 subject to the comments of the City Engineer.

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

P&Z 2017-7 DAVID & SARINA GUTMAN, ON BEHALF OF BARBARA LUFT, IS REQUESTING PRELIMINARY AND FINAL APPROVAL FOR LOT SPLIT AND CONSOLIDATION OF 2361 BEACHWOOD BLVD. (PPN 741-11-046) AND 2367 BEACHWOOD BLVD. (PPN 741-11-004, 741-11-005) TO INCREASE REAR YARD.

Mr. David and Sarina Gutman were present to request preliminary and final approval for lot split and consolidation of 2361 Beachwood Blvd. (PPN 741-11-046) and 2367 Beachwood Blvd. (PPN 741-11-004, 741-11-005) to increase rear yard. Mr. Gutman stated they would like to purchase a plot of land owned by their next door neighbor. There is a parcel of land next to their neighbor, Ms. Luft, on the Wendover side that extends about 20 feet deep, across entire length of her backyard and midway into their backyard. They want to purchase that portion to split and consolidate to extend their backyard as they have four (4) children.

Mr. Griswold stated Building, Fire and Police have no comments or questions concerning this request.

Mr. Smerigan stated this request is for final approval of a lot split and consolidation plat. The applicants are seeking to split existing Permanent Parcel No. 741-11-005 with frontage on Wendover Drive and attach portions of it to the two lots that front on Beachwood Boulevard. The result would be a slight increase in the size and depth of the two Beachwood Boulevard lot. The Wendover lot is only 20 feet in width and is therefore unbuildable as a separate parcel. Since it is a lot split and consolidation plat you will need to act in the form of a recommendation to City Council. We are recommending you make a positive recommendation to Council.

A motion was made by C. Cohen and seconded by R. Hecht to approve David and Sarina Gutman, on behalf of Barbara Luft, request for preliminary and final approval for lot split and consolidation of 2361 Beachwood Blvd. (PPN 741-11-046) and 2367 Beachwood Blvd. (PPN 741-11-004, 741-11-005) to increase rear yard.

ROLL CALL: AYES: C. Cohen, Mayor Gorden, R. Hecht, O. Jacobs, B. Linick
NAYS: None
MOTION APPROVED - RECOMMENDATION TO COUNCIL – Monday, April 3, 2017 at 7:00 PM

Mayor Gorden welcomed Barbara Luft to the meeting and recognized her as a very active member of this government years ago. She held a seat on Beachwood City Council, stated her opinion on many issues over the years, has been active in the community and does not hesitate to give her opinion as a resident of the city and we respect that very much.

Ms. Barbara Luft thanked the Mayor in return.

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

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

_____
Orry Jacobs, Chairman

_____
Veronica Muth, Secretary

_____
Whitney Crook, Clerk of Council