THE PLANNING AND ZONING COMMISSION MEETING WAS HELD AT BEACHWOOD CITY HALL ON THURSDAY, JUNE 29, 2017.

ROLL CALL:	PRESENT:	Mayor Gorden, C. Cohen, R. Hecht, O. Jacobs, B. Mann, J. Pasch, B. Zabell
	ABSENT:	None
	ALSO PRESENT:	W. Griswold, H. Jones, G. Smerigan

A motion was made by R. Hecht and seconded by C. Cohen to approve the Planning and Zoning Commission minutes dated March 30, 2017, regular meeting.

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

A motion was made by B. Mann and seconded by C. Cohen to approve the Planning and Zoning Commission minutes dated May 25, 2017, regular meeting.

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

COUNCIL REPORT

Mr. James Pasch, Council Representative, stated during the meeting of June 12, 2017, Council unanimously adopted P&Z 2017-10(A), a Motion determining that Manna Isle Ohio's use of PPN 742-17-047, Chagrin Boulevard and Richmond Road is a similar, harmonious, and compatible use and approving the final site plan for the two story medical center. Ordinance No. 2017-78, amending BCO Chapter 1155 titled "Special and Conditional Uses," by enacting Section 1155.06 relating to the regulation of Food Trucks was placed on first reading and referred to Planning and Zoning this evening.

P&Z 2017-16 — ORDINANCE NO. 2017-54, AN ORDINANCE SUBMITTED UPON THE PROPOSAL OF A CITIZEN TO AMEND BCO SECTION 1121.02(A), TITLED 'PERMITTED USES,' TO ALLOW FOR DRIVE-THRUS IN CLASS U-4A DISTRICTS UNDER SPECIFIC CIRCUMSTANCES.

Mr. Daniel F. Linder, Attorney of The Linder Law Firm, Bill Eberhard, Eberhard Architects, and Michael Arch, property owner, was present to request approval to use the existing drive-thru window at the former First Merit location for the proposed Starbucks location. If Starbucks cannot obtain a location with a drive-thru window then at the end of their lease they will look for other locations outside of the city.

Mr. Griswold stated City Engineer had no comments regarding the applicant proposal. The Fire Department indicated concern with the location of proposed drive-thru. This buildings parking is already congested, adding cars that could possibly stack up or even wrap around the structure will make emergency vehicle travel difficult and near impossible at peak business times. The Police Chief had the same concerns as the Fire Department and he would not feel comfortable recommending this project.

Mr. Smerigan stated this request is for a proposed text amendment to Section 1121.02(a) to permit drive-thru facilities in U-4A Integrated Business Districts. The applicant is requesting that the Code be amended to permit drive-thru windows where a pre- existing drive-thru facility is present. Currently the Zoning Code does not permit drive-thru or drive-up restaurants. The only drive-thru facilities permitted in the City are for banks.

The site in question is the corner of Green Road and Chagrin Boulevard where the Starbucks would like to take over the former First Merit Bank drive-thru window. While the amendment is intended for the existing Starbucks, it would apply to any situation in a U-4A District where a bank drive-thru is converted to a restaurant drive-thru. In addition to the issue of changing the City's policy with regard to drive-thru restaurants, there is also a concern regarding the functionality of the drive-thru on the subject site, which is relatively tight.

While I understand the desire of the Starbucks owner to have a drive-thru facility, the Commission will have to consider whether making the proposed accommodation, even if it is limited to this one specific site, is consistent with the City's intended long-term policy with regard to drive-thru food service operations. On the other hand, if there is a desire to alter the existing policy of totally banning restaurants with drive-thru windows, this would be the opportunity to make that change.

Mr. Mann asked how they can prevent stacking the vehicles up around the building and getting the orders out in time.

Mr. Eberhard replied they are gaining 700 square feet of space to improve their production space to produce the orders.

Ms. Hecht stated she has a concern if both the Fire and Police Department have concerns about the area as well.

A discussion ensued regarding traffic conditions on the property.

Mr. Pasch stated he will not recommend an approval of something where both the Chief and City is telling them it is difficult or near impossible for an emergency vehicle to get where they have to go. If there is a different setup for the Chief to look at, then that plan should be submitted.

Mr. Griswold restated to the applicant the Fire Departments concerns.

Mr. Linder commented they would like to meet with Police and Fire Chiefs in that regard and determine if the Architect could figure out a way to satisfy them before a decision was reached by the Board.

Mr. Zabell agreed with Mr. Pasch that it is difficult to recommend something where the Fire Department is uncomfortable relative to life safety issues. He thinks updating the zoning to have drive-thrus in some controlled capacity is very important if they want to continue to be a community that welcomes retail that extends to food and soon extend to non-food users as well. Drive-thrus will become increasingly important in the retail landscape.

A discussion ensued regarding buildings with existing drive-thru windows in U-4A Districts and the global standpoint.

Chairman Jacobs recommended the applicant to come back to the Board with options and table the item rather than take a vote on it.

Mr. Linder replied that is an excellent idea.

Mr. Griswold mentioned to the applicant to contact him to schedule the meeting with both Fire and Police Departments.

Mayor Gorden asked if he was correct in assuming whatever this body does still has to go in front of City Council for approval.

The Commission Board concurred.

A motion was made by R. Hecht and seconded by B. Mann to table Ordinance No. 2017-54, an Ordinance upon the proposal of a citizen to amend BCO Section 1121.02(A), titled ‘Permitted Uses,’ to allow for drive-thrus in Class U-4A Districts under specific circumstances.

ROLL CALL: AYES: C. Cohen, Mayor Gorden, R. Hecht, O. Jacobs, B. Mann, J. Pasch, B. Zabell
NAYS: None
MOTION APPROVED – ITEM TABLED

P&Z 2017-20 NANCY R. COHEN, OWNER, IS REQUESTING PRELIMINARY AND FINAL APPROVAL FOR LOT SPLIT AND CONSOLIDATION OF PPN 741-26-890C, 17 DORSET COURT, AND PPN 741-26-024, THE VILLAGE COMMUNITY ASSOCIATION.

P&Z 2017-21 JOSEPH KOCHEVAR, A.P.K. CONSTRUCTION AND ROOFING, REPRESENTING PROPERTY OWNER, NANCY R. COHEN, IS REQUESTING PRELIMINARY AND FINAL SITE PLAN APPROVAL FOR AN ENCLOSED PORCH ADDITION AT 17 DORSET COURT, THE VILLAGE.

Mr. Joseph Kochevar, A.P.K. Construction and Roofing, and Ms. Nancy Cohen, owner, was present to request preliminary and final approval for lot split and consolidation of PPN 741-26-890C, 17 Dorset Court, and PPN 741-26-024, The Village Community Association; and preliminary and final site plan approval for an enclosed porch addition at 17 Dorset Court, The Village. The porch will have no insulation and a flat roof. There is an identical porch located at 8 Chelsea Court.

Mr. Griswold stated the Fire Department had no issues. The City Engineer reviewed the lot split and consolidation and it meets all City and County standards and recommends approval.

Mr. Smerigan stated this request is for approval of a lot split and consolidation plat to permit 215 square feet of land to be transferred from The Village Community Association to Nancy Cohen for the purpose of constructing an enclosed porch on her existing dwelling. The Village Community Association has indicated their approval of the plat. There are no zoning issues associated with the lot split and consolidation. It is recommended that the Planning and Zoning Commission recommend approval of the lot split and consolidation plat to City Council.

Mr. Smerigan stated this request is also for preliminary and final site plan approval for the construction of a porch addition to the existing dwelling. The proposed porch is approximately 13 feet by 18 feet. It is one story with a shed roof. There are no zoning or setback issues associated with the porch addition. Approval is recommended subject to the approval of the lot split and consolidation plat by City Council.

A motion was made by R. Hecht and seconded B. Mann to approve Nancy R. Cohen, owner, request for preliminary and final approval for lot split and consolidation of PPN 741-26-890C, 17 Dorset Court, and PPN 741-26-024, The Village Community Association.

ROLL CALL: AYES: C. Cohen, Mayor Gorden, R. Hecht, O. Jacobs, B. Mann, J. Pasch, B. Zabell
NAYS: None
MOTION APPROVED - RECOMMENDATION TO COUNCIL – Monday, July 10, 2017 at 7:00 PM

A motion was made by R. Hecht and seconded B. Mann to approve Joseph Kochevar, A.P.K. Construction and Roofing, representing property owner, Nancy R. Cohen, request for preliminary and final site plan approval for an enclosed porch addition at 17 Dorset Court, The Village, subject to the City Council approval of the lot split and consolidation.

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

Chairman Jacobs moved P&Z 2017-22 to last item of agenda as recommended by Mr. Smerigan.

P&Z 2017-23 MICHAEL & FAYE BASS, OWNER, IS REQUESTING PRELIMINARY AND FINAL APPROVAL FOR LOT SPLIT AND CONSOLIDATION OF PPN 741-27-829, 8 HYDE PARK, AND PPN 741-27-013, THE VILLAGE COMMUNITY ASSOCIATION.

P&Z 2017-24 KEN PERRIN, ARTISTIC RENOVATIONS, REPRESENTING PROPERTY OWNER, MICHAEL AND FAYE BASS, IS REQUESTING PRELIMINARY AND FINAL SITE PLAN APPROVAL FOR SUNROOM ADDITION AT 8 HYDE PARK, THE VILLAGE.

Mr. Ken Perrin, Artistic Renovations, was present to request preliminary and final approval for lot split and consolidation of PPN 741-27-829, 8 Hyde Park, and PPN 741-27-013, The Village Community Association; and preliminary and final site plan approval for sunroom addition at 8 Hyde Park, The Village.

Mr. Griswold stated the City Engineer reviewed the lot split and consolidation and it meets all City and County standards and recommends approval. Police and Fire Department have no questions or comments.

Mr. Smerigan stated this request is for approval of a lot split and consolidation plat to permit 368 square feet of land to be transferred from The Village Community Association to Michael and Faye Bass for the purpose of constructing a sunroom addition on their existing dwelling. The Village Community Association has indicated their approval of the plat. This consolidation would permit the dwelling to extend closer than 25 feet to the adjacent lot line. It is recommended that the Planning and Zoning Commission recommend approval of the lot split and consolidation plat to City Council.

Mr. Smerigan stated this request is also for preliminary and final site plan approval to convert the existing deck into a sunroom. Section 1116.06(a)(2) requires that buildings in the U-2A District be located a minimum of 25 from any adjacent lot line. Approval of the site plan will permit the building to extend nearer than 25 feet to the adjacent lot line; however, that lot line is an internal lot line as the adjacent property is common area that is owned by The Village Community Association, who has approved the project.

Given the ownership and use of the adjacent lot, it is recommended that the Commission recommend that City Council grant both preliminary and final site plan approval subject to the following stipulations:

1. Granting variance of 12 feet to Section 1116.06(a)(2) to permit the proposed sunroom addition to be 13 feet from the adjacent lot line in lieu of the required 25 feet.

A motion was made by B. Mann and seconded C. Cohen to approve Michael and Faye Bass, owner, request for preliminary and final approval for lot split and consolidation of PPN 741-27-829, 8 Hyde Park, and PPN 741-27-013, The Village Community Association.

ROLL CALL: AYES: C. Cohen, Mayor Gorden, R. Hecht, O. Jacobs, B. Mann, J. Pasch, B. Zabell
NAYS: None
MOTION APPROVED - RECOMMENDATION TO COUNCIL – Monday, July 10, 2017 at 7:00 PM

A motion was made by B. Mann and seconded R. Hecht to approve Ken Perrin, Artistic Renovations, representing property owner, Michael and Faye Bass, request for preliminary and final site plan approval for sunroom addition at 8 Hyde Park, The Village, subject to the following stipulations: 1) City Council approval of the lot split and consolidation; and 2) Granting variance of 12 feet to Section 1116.06(a)(2) to permit the proposed sunroom addition to be 13 feet from the adjacent lot line in lieu of the required 25 feet.

ROLL CALL: AYES: C. Cohen, Mayor Gorden, R. Hecht, O. Jacobs, B. Mann, J. Pasch, B. Zabell
NAYS: None
MOTION APPROVED - RECOMMENDATION TO COUNCIL – Monday, July 10, 2017 at 7:00 PM

P&Z 2017-22 ORDINANCE NO. 2017-78, AN ORDINANCE AMENDING BCO CHAPTER 1155, TITLED “SPECIAL AND CONDITIONAL USES” BY ENACTING SECTION 1155.06 RELATING TO REGULATION OF FOOD TRUCKS; AND DECLARING IT AN URGENT MEASURE.

Mr. Griswold stated the proposal came from the Police Chief who asked both him and George Smerigan, City Planner, for regulations of food trucks. Mr. Smerigan wrote the Ordinance; therefore, he defers to Mr. Smerigan to see if any of the recommendations from Fire Department can be incorporated into the Ordinance.

Mr. Smerigan stated he suggested a whole series of list of requirements and/or standards that would be applied. Both the Safety Director and Building Commissioner would issue permits for the food truck operations. These would not be coming back to Commission or Council; it would be done administratively with criteria and standards established.

Mr. Smerigan commented the Board will be making amendments to this Ordinance tonight so he does not anticipate them voting on it.

A discussion ensued regarding the listed recommendations of the Fire Department.

Chairman Jacobs summarized the proposed changes as follows:
1. Rather than a maximum of two (2) food trucks, having a twenty (20) foot separation between food trucks.
2. Adding U-5 District.
3. No alcohol.
4. Complying with City of Beachwood Noise Ordinance.
5. Changing the time from 7:00 PM to 9:00 PM.
6. Changing the word “but” to “and” in Section 1155.06 C(5).
7. Changing the time from 9:00 AM to 7:00 AM.

Mr. Pasch asked Mr. Smerigan if the Ordinance could be drafted and come back to the Board with the additions they talked about as well as the additions from Fire Department.

Mr. Smerigan replied that is a good idea.

A motion was made by R. Hecht and seconded by B. Mann to table Ordinance No. 2017-78, An Ordinance amending BCO Chapter 1155, titled "Special and Conditional Uses" by enacting Section 1155.06 relating to regulation of Food Trucks; and declaring it an urgent measure.

ROLL CALL:	AYES:	C. Cohen, Mayor Gorden, R. Hecht, O. Jacobs, B. Mann, J. Pasch, B. Zabell
	NAYS:	None
	MOTION APPROVED – ITEM TABLED	

A motion was made by B. Zabell and seconded by J. Pasch to adjourn the meeting.

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

Orry Jacobs, Chairman

Veronica Muth, Secretary

Whitney Crook, Clerk of Council