

THE PLANNING AND ZONING COMMISSION MEETING WAS HELD AT THE BEACHWOOD CITY HALL ON THURSDAY, FEBRUARY 25, 2010 AT 7:00 P.M.

ROLL CALL: PRESENT: J. Berns, M. Gorden, R. Hecht, J. Kahn
B. Mann, M. Wachter
ABSENT: None
ALSO PRESENT: M.A. Cannon, Wm. Griswold, T. Kreczko
G. Smerigan

A motion was made by J. Kahn and seconded by B. Mann to approve the minutes of the January 28, 2010 regular meeting.

ROLL CALL: AYES: M. Gorden, R. Hecht, J. Kahn, B. Mann
M. Wachter
NAYS: None
ABSTAIN: J. Berns
MOTION APPROVED – MINUTES APPROVED

COUNCIL MEETING

Mr. Wachter stated that City Council approved the following ordinances that were referred from the Planning and Zoning Commission: P&Z 2010-1 and P&Z 2010-04.

Chairman Hecht welcomed several law students and a professor from Case Western Reserve University.

P&Z 2010-01 HERSCHMAN ARCHITECTS, REPRESENTING THE MENORAH PARK CENTER FOR SENIOR LIVING, LOCATED AT 27100 CEDAR ROAD, IS REQUESTING FINAL APPROVAL FOR A VARIANCE FOR LAND COVERAGE OF .22% FOR AN ADDITION OF 2700 SQ. FT. TO THE EXISTING CHILD CARE CENTER.

Mr. Jerry Herschman, representing The Menorah Park Center for Senior Living, is requesting final approval for a 2700 square foot addition to the existing Child Care Center, which required a variance of .22% for land coverage. This facility is on an interior courtyard.

Mr. Griswold stated that the Police and Building Departments would recommend approval. The Fire Department indicates that the plans will meet applicable code when submitted.

Mr. Kreczko stated there are no engineering issues with the application.

Mr. Smerigan stated that this request is for final site plan approval to construct an addition to the Child Care Center at Menorah Park Center for Senior Living. The existing Child Care Center is approximately 3,725 square feet in area, the proposed addition would add 2,632 square feet for a total area of 6,357 square feet. The addition consists of two new rooms (approximately 20 ft. by 40 ft. each), a multi purpose room, restrooms, and a corridor connecting the rooms. The final site plan is consistent with the previously approved preliminary site plan. Since the addition is located in the interior of the Menorah Park campus, no minimum building setbacks are affected.

Mr. Smerigan continued that as part of the preliminary site plan approval and ground coverage variance, it was stipulated that the Child Care Center must be for the exclusive use of employees of Menorah Park Center and cannot provide day care services to the general public. As such it is an accessory use which does not impact overall site parking requirements. It is recommended that the Planning and Zoning Commission grant final site plan approval subject to compliance with the comments of the City Engineer.

Mr. Griswold stated that in the ordinance, Section 1337.02 (d), these containers are allowed for up to thirty (30) days. A property is restricted to one POD and the location is checked for safety.

Mr. Berns questioned the need for a site plan to be submitted. When someone is doing an interior renovation on the home, a simple drawing can be done just to make sure the POD is located where it doesn't create any safety hazards.

Mr. Wachter brought to the attention of the Commission members that there were two items to consider here; i.e., the PODS and the construction dumpsters. The reason for separating them is that PODS are used more often in residential areas than construction dumpsters.

This information with regards to Ordinance 2009-139 was referred back to City Council from the Planning and Zoning Commission.

P&Z 2010-03

MIGHTY FLAME, REQUESTING PRELIMINARY AND FINAL APPROVAL FOR A PROPANE TANK EXCHANGE CAGE AT THE BP STATION LOCATED AT 25705 CHAGRIN BLVD.

Mr. Bob Skapinac, Area Sales Manager for Mighty Flame Propane Company, stated that he does all the propane exchange cages for Lehigh Gas which in turn has purchased about 50 BP locations in the Cleveland area. Mighty Flame is petitioning the Planning Commission to grant preliminary and final approval for a propane tank exchange cage at the BP station located at 25705 Chagrin Blvd. The exchange tank cage would be on the north side of the building next to the ice machines presently there. The cage would be five feet east of the side door to the building.

Mr. Griswold stated that as the applicant indicated the cage has been moved to the north side to shelter the view. The Fire Department stated that there will be a fire extinguisher mounted on the exterior of the building by the applicant.

Mr. Kreczko stated that there were no engineering issues.

Mr. Smerigan stated that this request is for both preliminary and final site plan approval to locate a propane dispensing cage at the BP Gas Station at Chagrin Boulevard and Richmond Road. The cage is approximately 96 square feet in area and is constructed of stainless steel. The applicant proposes to place the cage on the north side of the building where there are existing ice machines. There are existing bollards at the edge of the sidewalk to protect the propane tanks from vehicles. The proposed cage does not have a foundation, but would merely be set in place. Relocation of the cage to the north side of the building adjacent to the ice machines appears to resolve the issues raised in the early proposal.

Mr. Smerigan continued that the subject site is in a U-4A Integrated Business District. The currently approved use on the subject site is a gasoline service station which permits the sale of gasoline, lubricants, and motor vehicle accessories. In addition, the operator of the service station was authorized to sell convenience and snack food items as an accessory use. The extent of such sales was limited due to the physical constraints of the site. Section 1121.02 permits accessory uses which are customarily incidental to the main use provided that such accessory uses are planned and developed in connection with the main building. The proposed accessory use is commonly associated with convenience store operations.

The proposed cage includes signage which will require separate permitting by the Building Department. No information has been provided regarding the total signage on the subject site. Therefore, no determination has been made at this time regarding the necessity of a sign variance.

Mr. Smerigan continued that should the Commission wish to authorize the proposed accessory use and grant preliminary and final site plan approval, the following stipulations are recommended: 1) approval is subject to compliance with the requirements of the Fire Department, and 2) approval does not include any authorization for signage which shall be separately permitted by the Building Department.

The Law Director, Margaret Cannon, asked if her understanding was correct that there may or may not be a variance required for the signage. The applicant understands that if a variance is required, the Commission may or may not approve it. Mr. Griswold stated that he can provide the signage information to the applicant.

Mr. Kahn stated that he had difficulty with adding propane to a site that already has almost no circulation room and no landscaping, and when the restaurant is operational there is a high volume of traffic at this location. It was suggested that an additional bollard be added to the corner just east of the present bollards. It was also requested that the applicant submit a drawing showing the complete site involved to be able to evaluate the traffic circulation.

Mr. Skapinac stated that propane is a derivative of petroleum. There are cages in a high number of gasoline stations. It is in a locked, stainless steel cage. Transactions are made inside the building and the propane tank is picked up outside.

Mrs. Cannon, Law Director stated that Mr. Kahn is trying to convey that the BP site and the restaurant site are part of a common parcel and there are a series of easements between them. There have been several discussions over the years with BP about the nature of the number of uses on this small site, the location on a busy corner getting the gasoline trucks in and out for fueling, and the curb cuts. The Commission should have an up-to-date site plan available.

A motion was made by J. Kahn and seconded by B. Mann to table P&Z 2010-03 to the March 25, 2010 meeting of the Planning and Zoning Commission.

ROLL CALL:	AYES:	J. Berns, M. Gorden, R. Hecht, J. Kahn B. Mann, M. Wachter
	NAYS:	None

TABLED – SUBMISSION OF ADDITIONAL INFORMATION

P&Z 2010-08	ORDINANCE 2010-29, AMENDING BCO SECTIONS 1141.10 AND 1141.14 TO PERMIT PUBLIC AND INSTITUTIONAL USES LOCATED WITHIN AREAS OF THE CITY WITH A ZONING CLASSIFICATION OF U-5 PUBLIC AND INSTITUTIONAL DISTRICTS TO PLACE TEMPORARY, VERTICAL BANNERS ON UTILITY POLES WITHIN THE CITY'S RIGHT-OF-WAY AND TO PROVIDE STANDARDS AND REQUIREMENTS FOR SUCH USE.
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Mr. Smerigan stated that as the Commission will recall when the new access was being considered at the Maltz Museum, the request came to the City about the potential for utilizing utility poles for banners for public and institutional use such as at University Circle. At the time the administration took that under consideration, discussed how that would operate and what type of provisions and stipulations would make that acceptable within the public right-of-way. As a result of those meetings, the City Planner developed criteria and standards for permitting vertical display banners on the utility poles within the public rights-of-way for the properties that have public and institutional zoning districts. The Law Department noted that there was a provision in the Zoning Code that prohibits placement of signs on utility poles. As a result of that specific prohibition, even though the City has the right to authorize was within the right-of-way, the Zoning Code needs to be amended to authorize such uses. The materials presented include the entire provisions for vertical banners to provide additional exposure for U-5 uses, which includes all the uses permitted in a U-5 District.

Mr. Griswold stated to the Commission that there have been a number of telephone calls from the Maltz Museum, regarding hypothetically getting permission from an adjacent property owner to permit banners beyond their own property line. The Maltz Museum was informed by CEI that banners would not be permitted on poles which have risers going up the side of the pole. CEI does not want a banner on a pole that has an underground feed that CEI is then running up the pole.

Mrs. Cannon stated that there was considerable discussion before Council on this subject when banners first were discussed. The position of Council was that the rights should be limited to the property actually owned or leased by the institutional use within U-5. An example like the Arts Council could not put up any banners, because they didn't actually own any property. The applicants need to understand that this is a privilege not a right. It is the City's right-of-way and ours or a utility's pole. The City is trying to accommodate the applicant's request for more visibility by giving them an option which has never been available before.

Mr. Griswold requested that in Section 1141.14 (f)(8) there be clarification on who "The City" is. Is it the Architectural Board, the Building Commission, the Mayor, etc. It was recommended that it state "**The Architectural Board of Review**" reserves the right to approve the message and image content of all banners proposed to be placed within the public right-of-way.

A motion was made by B. Mann and seconded by J. Kahn to refer and recommend to Council the Ordinance No. 2010-29, amending BCO Sections 1141.10 and 1141.14 to permit public and institutional uses located within areas of the City with a zoning classification of U-5 Public and Institutional District to place temporary, vertical banners on utility poles within the City's right-of-way and to provide standards and requirements for such use, with the following stipulations: 1) change "The City" in Section 1141.14(f)(8) to read "**The Architectural Board of Review**" reserves the right to approve the message and image contact.... and 2) verification will be made on each application regarding ownership of the CEI poles and that the applicant is using the poles on their property for the banners.

ROLL CALL:

AYES: J. Berns, M. Gorden, R. Hecht, J. Kahn
B. Mann, M. Wachter

NAYS: None

MOTION APPROVED – RECOMMEND TO COUNCIL

Chairman Hecht stated that she would like the Commission members to take time and think about the future planning of different areas within the City of Beachwood and the availability of land uses.

The meeting was adjourned.

Rochelle Hecht, Chairman

Sue Ley, Secretary

Karen Navolanic, Clerk of Council