

THE PLANNING AND ZONING COMMISSION MEETING WAS HELD AT BEACHWOOD CITY HALL ON THURSDAY JUNE 24, 2010.

ROLL CALL: PRESENT: C. Cohen, M. Gorden, R. Hecht, M. Jacobs
J. Kahn, B. Mann
ABSENT: M. Wachter
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 April 29, 2010 minutes of the regular meeting.

ROLL CALL: AYES: C. Cohen, M. Gorden, R. Hecht, J. Kahn
B. Mann
NAYS: None
ABSTAIN: M. Jacobs
MOTION PASSED – MINUTES APPROVED

A motion was made by B. Mann and seconded by J. Kahn to approve the May 27, 2010 minutes of the regular meeting

ROLL CALL: AYES: C. Cohen, M. Gorden, R. Hecht, J. Kahn
B. Mann
NAYS: None
ABSTAIN: M. Jacobs
MOTION PASSED – MINUTES APPROVED

COUNCIL REPORT

Mel Jacobs, Council Representative, stated that Council had reviewed and approved P&Z 2010-10, The Richard E. Jacobs Group, acting on behalf of the owner, Eaton Corporation, for final site plan approval for the proposed headquarters office located at 1000 Eaton Boulevard, and P&Z 2010-16, The Richard E. Jacobs Group, acting on behalf of the owner, Eaton Corporation, for preliminary and final approval of a lot consolidation of 53 acres of land for the proposed headquarters office located at 1000 Eaton Boulevard.

P&Z 2010-18 TREMCO LOCATED AT 3735 SO. GREEN ROAD IS REQUESTING PRELIMINARY AND FINAL APPROVAL FOR THE LOCATION OF A WIND TURBINE AND RAIN WATER COLLECTION CISTERNS.

Mr. Craig Nelson, Vice President of Construction Operations for WTI, Tremco, Mr. Daryl Krasner, President Tremco Building & Maintenance Division, and Tina Stefanski, Construction Manager, were present to request preliminary and final approval for a wind turbine and rain water collection cisterns. Tremco is presently undergoing an energy efficiency renovation to the building and as a component of this renovation wish to add a wind turbine and water reclamation cisterns to the property. The wind turbine is about the size of a basic light standard. The wind turbine is 45 feet tall (pole and generator unit combined). The four, 6-foot vertical blades spin in a 10 foot diameter and are mounted on a 1' 4" diameter pole.

Mr. Nelson stated that Tremco north building has an window well at the ground floor level. The silo water tank will be mostly blocked from view down in the window well. The cisterns will be blocked from view on the east

side of the building. One collection tank is taking the rainwater from the roofing system, holding it and then pumping it up to use to water the green roof itself. The other part is being used to deflect water from the parking lot and collect it in the catch basin; filter it, store it and later use it for watering the campus rather than using City water. The water will not be going into the storm water system.

Mr. Griswold stated that the Building Department, Police and Fire Departments have no comments at this time.

Mr. Kreczko questioned if the cisterns were made of fiberglass. Also, Mr. Kreczko requested that final details for the overflow or discharge water with regards to storm water management needs to be addressed. Mr. Kreczko also asked about the winterization process. Mr. Kreczko also inquired about the amount of noise that the wind turbine makes.

The applicant answered the cisterns were made of fiberglass and that the details for the overflow and discharge water will be submitted with the final drawings for approval. The system will be emptied during the winter season. The maximum noise would be approximately 40 to 43 decibels.

Mr. Smerigan stated that this request is for preliminary and final site plan approval for the installation of a wind turbine and water cisterns as part of the facility renovations. The water re-use system includes three (3) above ground tanks, each with a capacity of 1,000 gallons, and a pumping system to irrigate the green roof. The tanks collect storm water falling on the building and site and use the water to maintain the plant material on the green roof. The tanks are proposed to be located on the east side of the building. The tanks are 5.5 feet in diameter and would extend to approximately 7.5 feet above finished grade. The pump and piping system is also located above grade.

Mr. Smerigan continued that the proposed wind turbine is a vertical blade, horizontal rotation type unit mounted on a support pole. Automatic and manual braking is provided. The applicant indicates that the proposed height of the wind turbine is forty-five (45) feet. The wind turbine is proposed to be located approximately ten (10) feet off of the eastern property line. This location is between the three buildings presently occupied by Tremco. While cut sheets have been provided, detailed plans of the wind turbine and connection to the electrical system have not been provided, nor has noise generation information.

Neither of these proposed additions to the subject site are listed as accessory uses in the U-8 District and neither would fall under the terminology contained in Section 1129.02(c) as being "customarily incident to the main use" which in this case is office. Therefore, it would require a determination by the Planning and Zoning Commission and confirmation by City Council that these would be similar, harmonious, and compatible accessory uses in the district. Such a determination may be premature without the establishment of some standards or criteria for such uses similar in nature to what was developed for wireless communication facilities or incinerators.

Mr. Smerigan stated that the staff has developed proposed standards for wind turbines to permit them as an accessory use; however, that draft language has not yet been submitted to City Council or referred to the Planning and Zoning Commission for review. That proposed language includes a recommendation that setbacks for such facilities be related to height in order to create a safe clear fall zone. While the cisterns would appear to have fewer potential impacts, they can create visual impacts depending on size, number, and location.

Mr. Smerigan stated that the City is in the process of developing criteria for alternate energy facilities. The Commission, as well as the applicant, has been provided with the proposed criteria that are presently being considered with regard to the placement of free-standing systems. There are ten criteria suggested. The applicant complies with most of the criteria, including the fact that the noise level of the proposed wind turbine is well below the suggested decibels. The only requirement in question would be regarding having a clear fall zone that is related to the facility. The proposed location of this turbine is on the applicant's campus surrounded by three of their own buildings.

Mr. Jacobs asked the applicant regarding the comparison of the size of the wind turbine, which is 45 ft. in height, to the standard light pole. Also, will there be adequate landscape screening around the water system.

The applicant answered that the wind turbine itself is approximately 10 to 15 feet taller than the standard light pole. There will be screening where necessary around the cisterns.

Mr. Kahn asked the applicant if the overall renovation was being done in order to achieve "leeds standard certification"? The applicant answered yes. This is an important factor for Mr. Kahn as he stated his supported this project, since Tremco is involved in a large renovation and are not located by a residential area. Also, the applicant's purpose of the wind turbine is for energy and not to obtain finances.

Mr. Cohen asked regarding the life of the parts on a wind turbine. The applicant answered that it has been extensively tested and the mechanisms last approximately 20 years. The electrical component will wear out in the shortest period of time.

Ms. Hecht stated that the well is 8 feet deep and there are two tanks. How long does the water pump and does it coincide with the rain, and what happens if it doesn't rain?

The applicant stated that it does coincide with the rain. There are moisture detectors on Green Road that will determine the moisture level and determines when watering needs to be done. The system will determine if it is needed to water from the reserve.

A motion was made by J. Kahn and seconded by C. Cohen to approve and recommend to Council the request of Tremco located at 3735 So. Green Road for preliminary and final site plan for the location of a wind turbine and rain water collection cisterns subject to the comments of the Engineering Department and City Planner.

ROLL CALL:	AYES:	C. Cohen, M. Gorden, R. Heckt M. Jacobs, J. Kahn, B. Mann
	NAYS:	None
	MOTION APPROVED – RECOMMEND TO COUNCIL	

P&Z 2010-19	TREMCO LOCATED AT 3735 SO. GREEN ROAD IS REQUESTING PRELIMINARY AND FINAL SITE PLAN APPROVAL TO ADD AN ENCLOSED EXTERIOR STAIR TO ACCESS THE ROOF AT 3777 GREEN ROAD.
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Mr. Craig Nelson stated that Tremco is undergoing an energy efficiency renovation to our neighboring building at 3735 Green Road, and as a component of this renovation will be placing a photovoltaic array on the roof of 3777 Green Road. In order to access the PV feature, an exterior roof-access only stair tower to the property needs to be constructed..

Mr. Griswold stated that the Building Department is reviewing the construction drawings, and the Police and Fire Departments have no comments at this time.

Mr. Kreczko stated that there were no engineering issues with this application.

Mr. Smerigan stated that this request is for both preliminary and final site plan approval to locate an exterior stair tower on the existing building to provide exterior access to the roof. The proposed stair tower would be attached to the south east corner of the building in a small notch area of the building. The tower would extend eleven (11) feet above the adjacent roof elevation to permit access to the roof. The total height of the tower would be 30.25 feet. The stair tower is proposed to be finished with dryvit efis panels which are to be finished with a brick pattern to match the color and size of the brick on the existing building. The proposed addition would conform to the Zoning Code requirements with regard to height and setbacks. The stairwell would not impact the current parking on the site. Approval is recommended subject to any comments from the City Engineer and/or Fire Chief.

A motion was made by B. Mann and seconded by J. Kahn to grant to Tremco located at 3735 So. Green Road approval for preliminary and final site plan to add an enclosed exterior stair to access the roof at 3777 So. Green Road.

ROLL CALL:	AYES:	C. Cohen, M. Gorden, R. Hecht, M. Jacobs J. Kahn, B. Mann
	NAYS:	None
	MOTION APPROVED	

P&Z 2010-20 BIALOSKY & PARTNERS, REPRESENTING THE JEWISH COMMUNITY CENTER (MANDEL), LOCATED AT 26001 SO. WOODLAND, IS REQUESTING PRELIMINARY AND FINAL SITE PLAN APPROVAL FOR A NEW VESTIBULE ADDITION AND LOUNGE ADDITION.

Mayor stated that he received a call earlier in the evening prior to the meeting from Mr. Darryl Young, and he anticipated attending the meeting but ran into other circumstances which prohibited him from being here.

Mr. Jason Downey from Biaolsky & Partners, representing The Jewish Community Center, was present to request preliminary and final site plan approval for a new 170 square feet vestibule addition and a 400 square feet lounge addition. This new construction will concur at the southeast corner of the building at the location of the existing main entry. The additional square footage for the new construction requires an additional four (4) parking spaces. These spaces are provided with landbanked parking adjacent to the existing south parking lot. New site elements include a landscaping bed and sidewalk adjacent to the new lounge addition and a new striped concrete walk at the main entrance. All setbacks comply with the City's requirements.

Mr. Griswold stated that the Building Department and Police Department have no comments. The Fire Department reviewed the drawings and stated that there is a Knox Box located in the area of the current front door. The proposed vestibule will create a situation where this Knox Box would have to be relocated. The Fire Department requested that during the construction process the Fire Department Bureau is contacted to review a new location for the current Knox Box.

Mr. Kreczko stated that there were no engineering issues with this application.

Mr. Smerigan stated that this request is for both preliminary and final site plan approval for two small additions to the existing facility. The two minor additions include a 170 square feet vestibule and a 400 square feet expansion of the existing lounge area. Both additions are on the east side of the building at the main entrance. The plans include a new walkway and landscape area.

Mr. Smerigan continued that the two minor additions do not impact any setback requirements. The additional building area would require the provisions of four (4) additional parking spaces. In 2009 the Planning and Zoning Commission and City Council approved the plans for the on-going renovation and expansion of this facility. At that time, the applicant was granted a land bank parking variance for twenty-six (26) parking spaces. The applicant is requesting that the additional four (4) spaces also be permitted to be land banked. Given the nature of the additions proposed, this request appears reasonable.

Since a variance is required, the Commission will need to make a recommendation to City Council. Should the Commission recommend preliminary and final site plan approval, the following stipulations are suggested: 1) pursuant to Section 1159.04. it is determined that a practical difficulty exists or will result from the literal enforcement of the Zoning Code with regard to provision of off-street parking; and 2) granting of a variance to Section 1124.07(b)(11) to permit the land banking of four (4) additional parking spaces to bring the total amount of land banked parking permitted to thirty (30) spaces.

A motion was made by J. Kahn and seconded by M. Jacobs to approve for Bialosky & Partners, representing The Jewish Community Center, located at 26001 So. Woodland Road, preliminary and final site plan approval for a new vestibule addition and lounge addition with the following stipulations: 1) pursuant to Section 1159.04. it is determined that a practical difficulty exists or will result from the literal enforcement of the Zoning Code with regard to provision of off-street parking; 2) granting of a variance to Section 1124.07(b)(11) to permit the land banking of four (4) additional parking spaces to bring the total amount of land banked parking permitted to thirty (30) spaces, and 3) the applicant contact the Fire Department Bureau with regards to the new location for the current Knox Box.

ROLL CALL:	AYES:	C. Cohen, R. Hecht, M. Jacobs, J. Kahn B. Mann
	NAYS:	None
	MOTION APPROVED – RECOMMEND TO COUNCIL	

P&Z 2010-17(A) APPLEBROOK DESIGN, REPRESENTING EQUITY PLANNING CORPORATION, LOCATED AT 3355 RICHMOND ROAD, IS REQUESTING PRELIMINARY AND FINAL SITE PLAN APPROVAL FOR IMPROVED PARKING LOT FACILITIES AND ADDITIONAL PARKING.

A letter was received from Ms. Reinberg requesting to be removed from the agenda of the Planning and Zoning Commission and placed on pending.

P&A 2010-17(B) APPLEBROOK DESIGN, REPRESENTING EQUITY PLANNING CORPORATION, LOCATED AT 3355 RICHMOND ROAD, REPRESENTING MOXIE'S RESTAURANT, IS REQUESTING PRELIMINARY AND FINAL SITE PLAN APPROVAL FOR AN ADDITION TO THE RESTAURANT AND PATIO.

A letter was received from John Bennett, representing Moxie's Restaurant, requesting to be removed from the agenda of the Planning and Zoning Commission and placed on pending.

P&Z 2010-23 RONALD ULLMAN IS REQUESTING PRELIMINARY AND FINAL SITE APPROVAL TO REMODEL AN EXISTING SUNROOM AT THE REAR OF THE HOUSE LOCATED AT 2671 ELMHURST DRIVE.

Mr. Ronald Ullman was present to request preliminary and final site plan approval to remodel and expand to the north and to the south, an existing 12' x 12' sunroom at the rear of the house located at 2671 Elmhurst Drive. The brick base has cracks and the windows are in need of repair.

Mr. Griswold stated that the Building Department, Police and Fire Departments have no comments at this time.

Mr. Kreczko stated that there were no engineering issues with this application.

Mr. Smerigan stated that this request is to replace and expand an existing sunroom on the rear of the dwelling. The applicant is proposing to maintain the existing distance from the rear property line, but to expand the sunroom to fill in and square off the rear portion of the house.

The existing dwelling conforms to the side setback requirement, so the extension of the sunroom to match the existing side line of the house will be in conformance with the side yard setback requirement. The rear setback appears to be approximately twenty-five (25) feet. Based upon the average depth of the lot, the rear yard setback requirement is 36.7 feet. Therefore, the applicant would require a rear yard setback of 11.7 feet to expand the sunroom and maintain the existing rear setback. Even with the additional square footage, the house is well within the maximum house size requirement.

Given the existing conditions on the site, the fact that the proposed improvement would not increase the existing rear yard encroachment, that the required side yard setback would be met, and that the house conforms to the maximum house size requirement, the variance would seem to be reasonable.

Since this property is in a U-1 District, the Commission has final authority to grant or deny the variance request. Should the Commission wish to grant approval, the following stipulations are recommended: 1) pursuant to Section 1159.04, it is determined that a practical difficulty exists or will result from the literal enforcement of the Zoning Code with regard to the rear yard setback; and 2) granting a variance to 11.7 feet to Section 1113.03 to permit a rear yard setback of 25 feet in lieu of the required 36.7 feet.

Mr. Smerigan stated that this is a request for a lot split and consolidation plat to transfer approximately 140 square feet of area from The Village Community Association to the applicant for the purpose of constructing a screened-in porch on the existing residence.

Mr. Smerigan stated that the approval of the lot split and consolidation plat is recommended subject to the compliance with the comments of the City Engineer, and submission of evidence of approval by The Village Community Association and is a recommendation to City Council.

A motion was made by B. Mann and seconded by J. Kahn to grant approval and recommend to Council the request of Mr. Harvey Siegel, owner of the property located at 17 Hyde Park in The Village, for preliminary and final lot split and consolidation for the purpose of building a screened-in porch with compliance with the following stipulations: 1) compliance with the comments of the City Engineer and submission of evidence of approval by The Village Community Association.

ROLL CALL:	AYES:	M. Gorden, R. Hecht, M. Jacobs J. Kahn, B. Mann
	NAYS:	None
	ABSTAIN:	C. Cohen

MOTION APPROVED – RECOMMEND TO COUNCIL

A letter was received from Bialosky & Partners representing Mr. & Mrs. Marc Schlessinger, owners of the property located at 25035 Margot Court to withdraw the request for P&Z 2010-09 to construct additional garage space.

A motion was made by J. Kahn and seconded by M. Jacobs to remove P&Z 2010-09 from the pending agenda.

ROLL CALL:	AYES:	C. Cohen, M. Gorden, R. Hecht M. Jacobs, J. Kahn, B. Mann
	NAYS:	None

MOTION APPROVED – ITEM REMOVED

Mr. Cohen inquired as to the status of Crestmont Cadillac.

Mr. Griswold stated that he would refer the matter with Mr. Alex Parks to Mrs. Cannon, Law Director. With regard to the school issues, the Building Department has met with the several people from the school. The preliminary plans looked at have not been shared with even the Mayor. Mr. Griswold stated that he doesn't believe there will be any proposed construction that will happen this year. Relative to any high school renovations and additions, there are no plans at this immediate time.

Mrs. Cannon advised the Commission that Mr. Parks told her the company is still in litigation regarding the franchises. There is no other information at this time.

It was requested that the Mr. Griswold, the Building Commissioner contact Alex Parks and ask him to appear at the Planning Commission in the next three months.

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Meeting was adjourned.

Rochelle Hecht, Chairman

Sue Ley

Karen Navolanic, Clerk of Council