

THE PLANNING AND ZONING COMMISSION MEETING WAS HELD AT BEACHWOOD CITY HALL ON THURSDAY, MAY 27, 2010.

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

COUNCIL REPORT

Mr. Wachter reported that Planning and Zoning Commission recommended to Council P&Z 2010-13, Applebrook Design, representing Hiroshi's Pub, located at 3365 Richmond Road, for a patio area with outdoor seating, planting beds and wrought iron railings to enclose the dining area 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 an additional variance of twenty-six (26) parking spaces for a total variance of ninety (90) parking spaces to Section 1121.04 to permit the total amount of off-street parking on the subject site to be 516 improved spaces and 51 land banked spaces; 3) approval is for construction of an outdoor dining patio with a maximum seating capacity of thirty-eight (38) persons; 4) no outdoor music shall be played in the patio area without the expressed authorization and subject to the specifications of the Safety Director; 5) the applicant shall submit a landscaping plan for the planter area for administrative approval by the City Planner and Building Commissioner; 6) final construction drawings shall be subject to approval by the City Engineer, and 7) no further variances for this entire property and the owner will be granted until the issues of the dumpsters, screening, fountain, landscaping, and parking lot are resolved in a manner satisfactory to the Planning and Zoning Commission and the City. Also, on Monday, June 7th Council will be in a work session reviewing the issue on banners signs.

P&Z 2010-14	YOUNG ISRAEL SYNAGOGUE LOCATED AT 2463 S. GREEN ROAD IS REQUESTING PRELIMINARY AND FINAL SITE PLAN APPROVAL TO LOCATE A DUMPSTER ENCLOSURE IN THE REAR PARKING LOT.
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Joseph Myers, architect, representing Young Israel Synagogue, was present to request preliminary and final site plan approval to locate a dumpster enclosure in the rear parking lot. Young Israel Synagogue has a fellowship hall and would like to complete the area for a kitchen. In order to complete the kitchen, an area outside for the dumpster must be established. The dumpster enclosure would be behind the building, located at the left side of the building.

Mr. Griswold stated that the only concern was for compliance with the Ohio Fire Code regarding capacity of dumpsters exceeding 1.5 cubic yards. Dumpsters and containers with an individual capacity of 1.5 cubic yards or more shall not be stored in buildings or placed within 5 feet of combustible walls, openings or combustible roof eave lines.

Mr. Ciuni stated that there no engineering issues with this application.

Mr. Smerigan stated that this request is for preliminary and final site plan approval to construct a dumpster enclosure on the southeast corner of the Young Israel Synagogue. The proposed enclosure is six feet four inches in height and is proposed to be constructed of white split face block to match the existing building façade, and will include a stone cap. The gates are shown as board on board painted white. The enclosure is located behind the building and will not be visible from Green Road. This location faces the rear parking lot and driveway and will be readily accessible by trash trucks.

Mr. Smerigan stated that this request is for authorization to locate a recycling bin on the Suburban Temple site, located at 22401 Chagrin Blvd. The Planning and Zoning Commission previously authorized the Building Commissioner to approve recycling bins administratively in conformance with certain agreed upon criteria or standards for location. The applicant is unhappy with the location authorized by the Building Commissioner and is coming to the Commission to seek approval of an alternate location.

Mr. Smerigan continued that the applicant has provided two (2) proposed locations. One location is at the southwest corner of the parking lot. This location is within the front building setback from Chagrin Blvd. The Commission has never approved a recycling or dumpster location within a front building setback area. This location would be very visible and is not consistent with City policies. This location is not recommended. The alternate location is at the rear of the parking lot, east of the existing building, between the building and the Stratton Road right-of-way. This location is approximately 180 feet from the Stratton Road right-of-way. The recycling bin would occupy one parking space; however, parking has not been a significant issue on the subject site. This proposed location is a substantial distance from Chagrin Blvd. as it is at the rear of the lot. The applicant proposes to enclose the recycling bin with a wood stockade fence six feet in height.

The Planning and Zoning Commission has final authority with regard to approval of such facilities. Because of the minor nature of recycling bins, the Commission has typically considered granting both preliminary and final site plan approval concurrently.

Mr. Kahn stated he went to the site and the objection is the stockade fence. The placement of the recycle bin in the site line of the people in the Stratton House is objectionable, when you have a alternative to place it by present dumpsters, out of the residential site line. Mr. Kahn stated he didn't support either location presented to the Commission.

Mr. Wachter stated he agreed with Mr. Kahn. Mr. Wachter stated he didn't understand why there were alternative locations for the recycle bin, when there was an available location by the present dumpster.

Mr. Margolius stated that this dumpster was not for the congregants to dispose of books, papers, and recyclables, but for the purpose of having the community has access to the recycle bin. Mr. Margolius stated that the company could not pick up the recyclables on the service road by the other dumpster.

Mrs. Cannon stated that Abitibi is a for-profit corporation. This is not necessarily a charitable undertaking. There are at least five other recycling possibilities within two miles of City Hall and several of those are operated by Abitibi. The applications that have been before the City and locations determined by the Commission have never had any objection from the company.

A motion was made by J. Kahn and seconded by C. Cohen to grant preliminary and final approval to Suburban Temple, located at 22401 Chagrin Blvd., to grant the appeal to place a recycle bin in the parking lot.

ROLL CALL: AYES: None
 NAYS: C. Cohen, M. Gorden, R. Hecht, J. Kahn
 B. Mann, M. Wachter
 APPEAL WAS DENIED

P&Z 2010-10 THE RICHARD E. JACOBS GROUP, INC., PROJECT MANAGER, ACTING ON BEHALF OF THE OWNER, EATON CORPORATION, IS REQUESTING FINAL SITE PLAN APPROVAL FOR THE PROPOSED HEADQUARTERS OFFICE LOCATED AT 1000 EATON BOULEVARD. (P&Z Preliminary approval 3/25/10; Council approval 5/3/10.)

Dominic Salomone, was present representing The Richard E. Jacobs Group, Inc. on behalf of Eaton Corporation, along with Joe Bradley of the URS Group and Todd Johnson with Landscape Design Workshop. Mr. Salomone showed the rendering of the front elevation of the proposed Eaton Headquarters project requesting final site plan approval. The most significant change on this rendering is the placement of a barrier wall. The 16 inch wall will go around the perimeter of the storm water pond and circular drive. Also, the guardhouse building, approximately 600 sq. ft., was moved back to eliminate the encroachment into the front setback. The only variance is required due to the overhang of the guardhouse, which protects vehicles when interacting with the security guard. The overall height of the main building is 144 feet. The total number of parking spaces on the property is 1045 parking spaces. Around the circular driveway will be a number of light poles. The relationship between the office building, the storm water pond, and down to Eaton Boulevard and Spectrum Parkway shows about 30 feet below the drop-off lane in front of the office building.

Mr. Todd Johnson of Landscape Design Workshop reviewed the overall landscape of the property.

Mr. Griswold stated that the applicant has met with the Fire Department and the questions and concerns have been discussed and all have been addressed adequately. (see attached report).

Mr. Ciuni stated that this was a large set of plans. After meeting with the applicant, discussions have reviewed the issues, made some responses and resolved most of the concerns. There will be follow up discussions prior to construction starting. The median curb was set back off of the apron out of the City's right-of-way. The issue of the agreements regarding storm water management and maintaining the pond, wet and dry, will have to entered into with The Richard Jacobs Group and presented to the City. Mr. Ciuni recommends approval.

Mr. Smerigan stated that in response to the various staff comments regarding the final site plan submission, the applicant met with members of the staff and has made revisions to the site development plans. The foundation of the guardhouse has been moved back to the 50 feet setback line to eliminate the previous 6 feet encroachment. As a result of this adjustment, the only encroachment into the front setback is by the overhang which provides protection for vehicles when interacting with gate security. The extent of the overhang encroachment is 14.5 feet. The Commission has historically permitted unenclosed overhangs and porte cocheres to extend reasonable distances into front building setbacks. The arrangement in this instance would appear to be consistent with that policy.

Mr. Smerigan continued that the applicant has provided cut sheets for the proposed site lighting fixtures. The applicant has also indicated that the entry signature walls will be stone. The proposed wall treatment appears to be consistent with the established character of the Chagrin Highlands PUD. The applicant has addressed many of the issues raised by the City Engineer and has agreed to accommodate the remaining issues with adjustments to the construction drawings. The applicant has agreed to provide a storm drainage easement across the adjacent parcel as requested by the City Engineer. The applicant has also agreed to incorporate a couple of pull-off parking pads for maintenance vehicles and appropriate signage along the rear fire lane to avoid any potential conflicts with emergency vehicles.

Mr. Smerigan stated that this new request is complicated by the fact that there is another application on the agenda for an approval of an addition to the restaurant in the northern corner of the building by the owners of Moxie and Red. The Commission granted the earlier parking variance request by this applicant with the understanding that the overall change in parking demand was within certain tolerances and that there were some land banked parking spaces available in reasonable proximity to the restaurant if demand exceeded expectations. In addition, the Commission expressed concerns about having some other improvements made of the Corporate Park site.

A significant portion of the parking variances granted for the subject site relate to seasonal activities (i.e. outdoor dining), which somewhat mitigates or limits their potential impacts. It appears, however, that it may be time for the Commission to consider a more comprehensive and coordinated review of total parking demand, parking accessibility, overall traffic movements, and site amenities in Corporate Park of Beachwood given that: 1) the existing parking variance on this site is already at thirteen percent (13%) of the total parking requirement; 2) in addition to the outright variance, there is also an eight (8%) land banked parking variance, and 3) there will now be four (4) restaurants operating on the subject site which will occupy over twenty-five percent (25%) of the total building area of the complex.

*The parking situation is summarized as follows:

<u>Uses</u>	<u>Parking Requirements</u> without Moxie improvements	<u>Parking Requirements</u> with Moxie improvements
Moxie	121	121
Red	49	49
Hiroshi's Pub	109	109
Rosso	0	0
Day Care Center	27	27
Offices	366	345
Total	672	734

<u>Parking Type</u>	<u>Existing</u>	<u>As approved with Moxie</u>
Paved	516	555
Land Banked	51	51
Variances	90	90
Total	657	696

Mr. Smerigan stated that at this time it might be appropriate to hear from the owner of the property, Ms. Reinberg regarding the issues discussed at the previous Planning and Zoning meeting.

Mr. Griswold stated that he wanted to remind the Commission regarding the motions made at the last meeting with the problems of screening the dumpsters and taking care of a fountain feature that is inoperable.

Ms. Reinberg stated that a letter was sent to Mr. Griswold stating that the dumpsters would be moved and enclosed. The fountain will be removed when the site improvements are completed on the parking lot.

Mr. Smerigan stated that the fountain area is where the land banked parking presently exists. There was preliminary approval granted for the banquet facility adjacent to Moxie's which had required some of the land banked parking to be installed to meet the parking requirements. That approval became null and void since the period of time ran out. The present request for Moxie's, next on the agenda, is not for a banquet facility, but for an addition to the restaurant. This will require additional parking. It is similar to the previous approval but slightly different. Clearly there will be some parking improvements. Some of the demand for parking is seasonal because of the outdoor seating.

Ms. Reinberg stated that there is no additional restaurant. Hiroshi's restaurant is replacing a previous restaurant. The only addition is outdoor seating. When there is outdoor seating, the number of people inside is very low. The square footage being requested for Moxie's is about half of what had been requested for the banquet addition.

The Mayor requested that the applicant explain what is being done with the parking along Richmond Road. The previous preliminary approval expired after two years. There is no specific plan for this expanded area of the present Moxie's restaurant. The Mayor asked the applicant if this was basically the same proposal for the banquet room or a different proposal.

Mr. Smerigan answered that the old plan was for a banquet facility and the new application is for additional restaurant space. There is different square footage. The site improvements that are proposed, along with the parking improvements, are the same parking improvements. The actual improvement inside the building is different.

Mr. Wachter stated that at the last meeting the Commission had approved the parking variance for Hiroshi's Pub and Council approved it also. Mr. Wachter stated that there was concern regarding the position of the Commission to do something with both applications at this time. Approval could be given to the application for Hiroshi's Pub and the site modifications on the application regarding Moxie's could be decided later.

Ms. Reinberg stated that the applicant would like to have approval for the additional patio area at Hiroshi's and a preliminary approval on the site improvements and Moxie expansion.

Mrs. Cannon, Law Director, stated that specifically before the Commission are two things: 1) an additional variance for five (5) parking spaces for Hiroshi's Pub without the creation of any additional parking, land banked or other, on site. Therefore the Hiroshi's request is for an additional (5) five space variance assuming that the parking on the site remains unchanged. Secondly, the application for Moxie's is for preliminary site plan approval, which includes the creation of an additional 39 (thirty-nine) parking spaces on the front of the property, which would take care of the water feature. The parking which is shown on the proposal before the Commission may or may not be needed if Moxie's improvement is not completed; or Moxie's improvement as proposed would require the construction of the additional 39 parking spaces in front of the property; and the Commission made it clear there was no additional requests that would be considered until the dumpsters and the water feature were addressed.

P&Z 2010-17

EQUITY PLANNING CORPORATION, LOCATED AT 3355 RICHMOND ROAD, REPRESENTING MOXIE'S RESTAURANT, IS REQUESTING PRELIMINARY AND FINAL SITE PLAN APPROVAL FOR THIRTY-NINE (39) ADDITIONAL PARKING SPACES AND AN ADDITION TO THE RESTAURANT .

Mr. John Bennett, representing Moxie's Restaurant, presented the proposal for preliminary approval for additional restaurant space of approximate 4,154 square feet to be used as dining room, bar, kitchen and storage. Also, an additional 500 square feet would be added to the current patio. These improvements to the restaurant would require a variance to add additional parking spaces, and improve the façade of the present building and landscape area on Richmond Road.

Mr. Griswold stated that the Fire Department indicated that there might be a need for the relocation of the fire hydrant. Final plans would have to be submitted and reviewed by the Fire Department regarding the fire hydrant location. The applicant does not show on the proposed patio to note any ballards, fencing, etc. as was with the application for Hiroshi's Pub.

Mr. Ciuni stated that there are details on the grading and parking, etc. that are needed before final approval can be given. It was recommended in the past that additional parking is needed and Mr. Ciuni would recommend preliminary approval again.

Mr. Smerigan stated that this request is for approval to convert 4,154 square feet of office space to a new restaurant and to construct an outdoor patio for the subject restaurant. The proposed restaurant would have a total seating capacity of 166 persons including the outdoor dining area. As part of the application, the applicant is proposing to construct thirty-nine (39) additional parking spaces in the front of the existing building and extending to within twenty-five (25) feet of the Richmond Road right-of-way. This is where the demand for the parking is. This site was originally designed as industrial flex space which is not in demand now. Parking at the rear of the building was reasonable and appropriate then. If this space is going to be for the public, they will not park in the rear. The parking along Richmond Road needs improvement to make the site operable. This request replaces an earlier request for a banquet room facility. This new request is complicated by the fact that there is another application on the agenda for approval of an expansion of the outdoor dining area by the owner of Hiroshi's Pub. The plans submitted by the applicant are not sufficient to meet the requirements for a final site plan approval. At most, the Planning and Zoning Commission could consider this request for preliminary site plan approval.

Mr. Smerigan stated that there is no problem with what is proposed for using some of the space for additional restaurant space and making parking available to the public. During the summer time the subject site would have seasonal activities (i.e. outdoor dining), which somewhat mitigates or limits their potential impacts. Hiroshi's request would need an additional ten (10) parking spaces. There are land banked spaces at the end of the building. It appears at this time that it may be time for the Commission to consider a more comprehensive and coordinated review of total parking demand, parking accessibility, overall traffic movements and site amenities in Corporate Park of Beachwood given that: 1) the existing parking variance on this site is already at 13% of the total parking requirement; 2) in addition to the outright variance, there is also an 8% land banked parking variance, and 3) there will be four (4) restaurants operating on the subject site which will occupy over 25% of the total building area of the complex.

*See parking summary under P&Z 2010-13.

Mr. Kahn asked about clarification on the previous approvals by the Commission. Hiroshi's Pub has both preliminary and final approvals from the Planning Commission and Council. The Law Director answered in the affirmative. Now Hiroshi's Pub would like an additional variance for a larger patio. Everyone would like to know what it would be like to have another successful restaurant in that area. A variance from the City of Beachwood is incredibly hard to obtain. Mr. Kahn suggested that due to the fact that additional information is needed, the Commission make a motion to place this application on pending.

The applicant asked what type of additional information is needed.

Mr. Kahn replied to the owner that a letter and plan of intent needs to be submitted that there is a willingness to improve the parking, meeting all the requirements of the Engineering Department.

Mrs. Cannon stated that at the last consideration for Hiroshi's Pub, the applicant knew that no further variances for this site would be considered until the dumpsters are cleaned up and something is done with the water feature to make it operational or removing it. With this information, the Law Director recommended that it is the position of the Commission then those items need to be addressed as a condition of granting the variance for Hiroshi's. It should be made clear that no occupancy will be issued to Hiroshi's Pub until the dumpsters are screened and the water feature is either made operational or removed.

Mr. Griswold stated that the minutes reflected that no variances would be granted until the conditions were met for enclosing of the dumpsters and the water feature fixed or removed. The Commission may consider requesting of Ms. Reinberg a date and time when these issues would be resolved and tied into the motion.

Mr. Mann asked of the owner, Ms. Reinberg, how long the water feature has not been working.

Ms. Reinberg explained that when the building was built there was no requirement to screen the dumpsters. On the east property line there is a used car lot. The north property line had shrubbery before the Developers Diversified buildings were built. The owner stated that the screening of the dumpsters would be taken care of.

Mr. Gross, representing Hiroshi's Pub, stated that it was the understanding of the applicant that there was approval for the first phase of the patio that could be constructed. Knowing that the second phase could not be started until after the 21st of June and Council approval, if the Planning and Zoning Commission approved this application this evening, the patio would be constructed up to the point of the continuation of the additional patio.

A motion was made by B. Mann and seconded by C. Cohen to approve and recommend to Council, Applebrook Design, representing Hiroshi's Pub, located at 3365 Richmond Road, for revised preliminary and final approval for a patio area with outdoor seating, planting beds, and wrought iron railings to enclose the dining area, to increase the parking area from the 26 spaces previously approved for a total variance based on the additional seating to 36 space variance on the condition that the dumpsters on the site be screened in a manner approved by the Building Commissioner before any occupancy permit is issued for Hiroshi's Pub and that the recommendation from the Planning Commission to Council be that the applicant can increase the patio in size for seating, but cannot be utilized until the variance is confirmed by Council, which may not be until June 21st. The waterfall will have to be removed or made workable.

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ROLL CALL: AYES: C. Cohen, M. Gorden, R. Hecht, M. Wachter
 NAYS: J. Kahn, B. Mann
 MOTION APPROVED – RECOMMEND TO COUNCIL

A motion was made by J. Kahn and seconded by B. Mann to place P&Z 2010-17 on pending.

ROLL CALL: AYES: C. Cohen, M. Gorden, R. Hecht, J. Kahn
 B. Mann, M. Wachter

Rochelle Hecht, Chairman

Sue Ley, Secretary

Karen Navolanic, Clerk of Council