

THE PLANNING AND ZONING COMMISSION MEETING WAS HELD AT BEACHWOOD CITY HALL ON THURSDAY, November 18, 2010.

ROLL CALL: PRESENT: C. Cohen, M. Gorden, R. Hecht, B. Mann  
M. Wachter  
ABSENT: S. Gross  
ALSO PRESENT: M.A. Cannon, W. Griswold, T. Kreczko  
G. Smerigan

A motion was made by B. Mann and seconded by C. Cohen to approve the minutes of the October 28, 2010 regular meeting.

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

### COUNCIL REPORT

Mark Wachter, Council Representative stated that Council reviewed and approved P&Z 2010-39, Crestmont Cadillac's request for preliminary approval for site plan revisions; expansion of existing parking lot; new parking area; and renovations and addition to the entry. P&Z 2010-36, Ordinance 2010-113 replacing current BCO Chapter 1322 as amended regarding the Flood Damage Reduction Plan was adopted after the third and final reading, and a public hearing.

P&Z 2010-42 LISA M. SCHULZE, REPRESENTING FIT BODY BOOT CAMP, IS REQUESTING PRELIMINARY AND FINAL APPROVAL FOR A CONDITIONAL USE PERMIT TO OPERATE A GROUP FITNESS AND PERSONAL TRAINING OPERATION LOCATED AT 23632 MERCANTILE ROAD.

Ms. Lisa Schulze, along with Marcia Coven, owner of the building, was present to request approval for a conditional use of the property located at 23632 Mercantile Road, Suite D-rear. The use is for Group Fitness and Personal Training and does not involve equipment such as elliptical machines and treadmills. It consists of medicine balls, jump ropes, indoor cycles, dumb bells, etc. The proposed hours of operation would be between 5:30 am and 10:00 pm with a majority of the business after 5:00 pm weekdays and on weekends. The maximum number of clients at one time would be ten (10) clients. There would only be two employees at a time.

Mr. Griswold stated that the Building Department, Police and Fire Departments have no issues with this application.

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

Mr. Smerigan stated that the applicant proposes to occupy 1,600 square feet (known as Suite D) of the multi-tenant building in the U-8 Limited Storage and Manufacturing District. The proposed use is a physical fitness and personal training facility which is a conditional permitted use in the U-8 District.

Mr. Smerigan continued that the applicant indicates hours of operation between 5:30 am and 10:00 pm, but states that the peak periods will be after 5:00 pm on weekdays and weekends. Historically, the Planning and Zoning Commission has limited occupancy as a means of managing the parking demand generated by such training facilities. The applicant has proposed that the maximum number of clients in the facility at any time would be ten (10). As a further limitation, the applicant has suggested that there would not be more than four (4) clients at any time between the hours of 8:00 am and 5:00 p.m., which are peak parking demand hours for the typical office and business uses in the building. With two (2) employees, the maximum parking demand would be six (6) spaces during regular business hours and twelve (12) spaces in the evenings and on weekends. Standard office parking for this space would be eight (8) spaces. Therefore it appears that the proposed use will not have a traffic impact if conducted under those terms.

Mr. Smerigan stated that the Planning and Zoning Commission has final authority to grant or deny the conditional use permit application. Should the Commission determine to grant approval, the following stipulations are recommended: 1) approval is for Fit Body Boot Camp and is not transferable without the approval of the Planning and Zoning Commission; 2) the total number of clients in the facility at any one time shall not exceed a maximum of ten (10); 3) the total number of clients in the facility between the hours of 8:00 am and 5:00 pm on weekdays shall not exceed a maximum of four (4); and 4) the applicant shall comply with the comments of the Fire Department and Building Department with regard to safety measures.

There were a few questions regarding the sale of any products at the facility and if this was a new business. The applicant stated there was only instructional training being done and no products of any kind would be sold. Also, the applicant stated this was a new business and each session lasted 45 minutes to 1 hour and there would be approximately four (4) clients between the hours of 8 a.m. and 5 p.m. There would be small groups of approximately 4 or less during the day also. The corporation company is in San Diego California and there are over 200 franchises in the United States.

A motion was made by B. Mann and seconded by M. Wachter to grant Fit Body Boot Camp's request for preliminary and final approval for a conditional use permit to operate a group fitness and personal training operation located at 23632 Mercantile Road with the following stipulations: 1) approval is for Fit Body Boot Camp and is not transferable without the approval of the Planning and Zoning Commission; 2) the total number of clients in the facility at any one time shall not exceed a maximum of ten (10); 3) the total number of clients in the facility between the hours of 8:00 am and 5:00 pm on weekdays shall not exceed a maximum of four (4); and 4) the applicant shall comply with the comments of the Fire Department and Building Department with regard to safety measures.

ROLL CALL:

AYES:

C.Cohen, M. Gorden, R. Hecht, B. Mann  
M. Wachter

NAYS:

None

MOTION APPROVED

P&Z 2010-43

RABBI YAKOV KATZ OWNER OF THE PROPERTY LOCATED AT 2573 LARCHMONT ROAD, IS REQUESTING PRELIMINARY AND FINAL APPROVAL FOR A REAR YARD VARIANCE TO BUILD AN ADDITION FOR A STUDY.

Mr. Eli Mahler, representing Rabbi Katz, was present to request preliminary and final approval for a rear yard variance for an addition to the house. There was a zoning change in the last couple of years. This addition would not go past the present house and the existing back porch would be removed. The addition is approximately 142 square feet in size.

Mr. Griswold stated that the Building, Police and Fire Departments had no concerns with this application.

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

Mr. Smerigan stated that this request is for a variance to the required rear yard setback. Section 1113.03 of the Zoning Code requires a rear yard setback equal to thirty percent (30%) of the average depth of the lot. In this instance the subject site is 120 feet in depth. Therefore the minimum required rear yard setback is thirty-six (36) feet.

The applicant's existing dwelling is presently located at thirty (30) feet from the rear property line. The applicant proposes to construct an addition in a portion of the area presently occupied by a deck. The total size of the proposed addition is 142 square feet. The rear line of the proposed addition would match the existing rear line of the dwelling. Construction of the addition as proposed would require a variance of six (6) feet which is about 17% of the code requirement. In the past, it has been the Planning and Zoning Commission's policy when dealing with existing encroachments into required setbacks to permit infill additions that do not increase the encroachment or further reduce the established nonconforming setback. In this instance, the applicant would maintain the present rear yard setback.

Mr. Smerigan continued that since this is an area variance in a U-1 District, the Commission has final authority to grant or deny the application. Should the Commission determine to grant approval, the following findings and 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 provisions for minimum rear yard building setbacks. and 2) a variance of six (6) feet is granted to Section 1113.03 to permit an addition to the existing building to be located thirty (30) feet from the rear lot line in lieu of the required thirty-six (36) feet.

A motion was made by C. Cohen and seconded by B. Mann to approve Rabbi Yakov Katz, owner of the property located at 2573 Larchmont Road for preliminary and final site plan for a rear yard variance to build an addition for a study with the following recommended 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 the provisions for minimum rear yard building setbacks. and 2) a variance of six (6) feet is granted to Section 1113.03 to permit an addition to the existing building to be located thirty (30) feet from the rear lot line in lieu of the required thirty-six (36) feet.

ROLL CALL:

AYES: C. Cohen, M. Gorden, R. Hecht, B. Mann  
M. Wachter

NAYS: None

MOTION APPROVED – VARIANCE GRANTED

P&Z 2010-44

HGF ARCHITECTS, REPRESENTING MENORAH PARK CENTER FOR SENIOR LIVING, LOCATED 27100 CEDAR ROAD, IS REQUESTING PRELIMINARY AND FINAL SITE PLAN APPROVAL FOR THE ADDITION OF A TOILET ROOM AND BEDROOM REQUIRING AN AREA VARIANCE FOR BUILDING COVERAGE.

Mr. Jim Herman from HGF Architects, representing Menorah Park Center for Senior Living, was present to request preliminary and final site plan approval for a similar addition, approximately 632 square feet for an addition to toilet rooms and bedrooms, requiring an area variance for building coverage. This addition will take up five (5) parking spaces. There is a surplus of parking spaces on the campus.

Mr. Griswold stated that the Building and Police Departments have no comments. The Fire Department had two concerns: 1) all fire and safety related systems that are currently in place in the existing building shall be properly continued into the expanded area, and 2) consistently there are vehicles found parked in fire lanes and/or parked improperly and the Fire Department's concern is that this expansion will consume more parking spaces and create more of a parking issue.

Mr. Kreczko stated that engineering would recommend approval contingent upon submittal of final civil site building plans. The addition has a very slight impact on the site.

Mr. Smerigan stated that this request is for preliminary and final site plan approval for a minor addition (632 square feet) to the existing Marcus Pavilion in order to convert four (4) existing two (2) person rooms into eight (8) single resident rooms. The proposed addition is one story. This proposal is identical to the one approved in March of 2009, but on the east side of the building instead of the west side. The applicant is not proposing to increase the total number of beds in the facility; therefore, there is no change to the current parking requirements. The applicant is, however, proposing to eliminate five (5) existing parking spaces in order to accommodate the addition. This would reduce the total number of parking spaces to 649, which still exceeds the minimum requirement of 590 parking spaces.

Mr. Smerigan continued that the maximum permitted building ground coverage permitted in a U-5 District is twenty-five percent (25%). The addition approved in 2009 brought the total building ground coverage on the Menorah Park Center campus to 25.13%. The current request would increase the total building ground coverage by an additional 632 square feet (or 0.06%) bringing the total to 25.19%. This is an extremely small variance consisting of a total of approximately 2,133 square feet on a campus of 26.53 acres.

Mr. Smerigan stated that he contacted the director of Menorah Park Center for Senior Living, Steve Raichilson. Mr Raichilson indicated that currently Menorah Park is preparing a plan for some changes at Wiggins Place, and committed that there will be preparation of plans for improvements to the parking for the entire campus. Mr. Raichilson was unable to attend the meeting due to a prior commitment.

Mr. Smerigan continued that since a variance is required, the Planning and Zoning Commission will need to act in the form of a recommendation to City Council. Should the Commission make a determination to recommend preliminary and final site plan approval, the following findings and 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 the provisions for maximum building ground coverage; 2) granting of a variance of 2,133 square feet to Section 1124.40(a) to permit the total building ground coverage to be 25.19% in lieu of 25.00%; and 3) compliance with the comments of the City Engineer and the Fire Department.



Mr. Smerigan stated that he is working on the study for the Commerce Park area. He handed out a map showing the present uses in the area per Building and the different areas. The buildings were color coded showing the commercial/service uses; the governmental/institutional uses; the actual industrial/manufacturing uses; and the general office uses. It is clear that the Commerce Park area has a wide variety of uses.

Mr. Smerigan asked that the Commission look over the information and have some discussion and at a later date have a combined meeting of City Council and the Planning and Zoning Commission.

Mrs. Cannon, Law Director, stated that the meeting for discussion about Alternative Energy will be scheduled after the first of the year. It was suggested that the first meeting will be scheduled with Mr. Smerigan, City Council and the Planning and Zoning Commission. The second meeting will include a panel with consultants/experts from the outside to give us their thoughts such as; i.e. Tremco, Eaton, Eco Watch, and other companies.

The Mayor stated that the term of the Chairperson expires at the end of 2010. If there are any comments or suggestions, please contact him.

Adjournment

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Rochelle Hecht, Chairperson

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Sue Ley, Secretary

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Karen Navolanic, Clerk of Council