

**Debbie Noble**

---

**From:** George Smerigan <geosmerigan@gmail.com>  
**Sent:** Tuesday, December 17, 2013 2:23 PM  
**To:** Mayor Gorden  
**Cc:** Margaret Cannon; William Griswold; James Douth; Karen Navolanic  
**Subject:** Request for Legislation  
**Attachments:** Request for Legislation U-7A and U-9.pdf; Proposed U-7A and U-9 Amendments.pdf

Mayor,

Pursuant to our earlier conversation and the discussion held at the last Planning and Zoning Commission meeting, attached is a formal request for legislation for amendments to the **U-7A General Office Building and U-9 Motor Service Districts.**

George

--  
George Smerigan  
Tactical Planning, LLC  
PH: 440-725-1886  
Email: [geosmerigan@gmail.com](mailto:geosmerigan@gmail.com)

APPROVED BY MAYOR FOR  
NEXT COUNCIL AGENDA.

SIGNATURE

*Mark S. Gude*

DATE

12-17-13

12-17-13

cc: G.S.

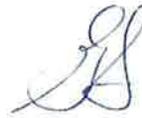
T.T.

## Tactical Planning, LLC

83 Levan Drive, Painesville, Ohio 44077  
Ph: 440-725-1886  
geosmerigan@gmail.com

### MEMORANDUM

TO: Merle S. Gorden, Mayor  
FROM: George Smerigan, City Planner  
DATE: December 17, 2013  
RE: **Request for Legislation  
Amendment to U-7A and U-9 Districts**



In response to requests from several property owners and pursuant to discussions among the Administrative Staff, I have prepared a couple of amendments to both the U-7A General Office Building District and the U-9 Motor Service District. One of the amendments to the U-9 District would permit temporary special event sales to be held at hotels. As you are aware, various vendors and the hotels themselves have been requesting permission to do this for some time. In the past, the code has specifically prohibited such special event sales. The language would permit such sales with a special permit issued jointly by the Safety Director and the Building Commissioner. A second amendment to the U-9 Motor Service District would eliminate the current restrictions with regard to trade shows and permit them with a special permit issued by the Safety Director and Building Commissioner. It is our belief that this permitting procedure will provide better control and reduce violations.

The U-7A General Office Building District amendments would permit specialty retail and service uses in the district and would make restaurants a conditional use. While maintaining a high level of control, these changes would provide more flexibility in the district, be consistent with our move toward mixed-use developments, and provide some relief and expanded usage for the City's office building owners.

Therefore, I am requesting that this matter be placed on the next available City Council agenda in order to initiate the formal amendment process and for referral to the Planning and Zoning Commission. A copy of the proposed language is attached.

cc: Margaret A. Cannon, Law Director  
William Griswold, Building Commissioner  
James Doutt, Economic Development Director

**INFORMATION AND BACKGROUND SHEET  
FOR  
RECENTLY INITIATED CODE AMENDMENTS  
TO THE  
U-7A GENERAL OFFICE BUILDING DISTRICT**

WHAT IS BEING AMENDED

Section 1111.02(l) Classification of Uses and Section 1127.02 Permitted Uses in Chapter 1127 General Office Building District.

WHAT DO THE AMENDMENTS DO

The proposed amendments would add Specialty Retail and Service Uses to the list of permitted uses in U-7 A Districts. They would also add Restaurants, Schools, Training Facilities, and Nursing Homes as conditionally permitted uses. Finally, Personal Services have been added as an accessory use.

WHY ARE THESE AMENDMENTS BEING PROPOSED

In 2011 the City of Beachwood commissioned two studies. One was the Economic Development Action Plan, which was prepared collaboratively by SZD Whiteboard, Mark Barbash EDC, and ED Solutions, Inc. Those three firms are recognized as experts specializing in economic development. The other study was the Commerce Park Area Revitalization Study, which focused on Commerce Park and the adjacent office corridor on Chagrin Boulevard. Both studies were done concurrently and information was shared.

Both studies recommended changes to the present development and land use structure within both Commerce Park and the Chagrin Boulevard corridor. The Revitalization Study recommended, "*broadening the mixture of land uses to include more retail and service type commercial uses within the study area.*" Similarly, the Action Plan contained a recommendation that the City focus on "*retail and/or service businesses that support the tenants in Commerce Park and the wider region (such as targeted retail, child care, business services).*" The Action Plan further recommended that the City pursue "*mixed-use development along the outer edge of Commerce Park.*"

Based upon the recommendations contained in those two studies, the City first prepared amendments to the former U-8 Limited Manufacturing and Storage District, which covers the properties within Commerce Park. That district was re-designated as U-8 Industrial and Office Mixed-Use District and the permitted uses

**and standards were adjusted to make it more mixed-use in character. Those Zoning Code amendments were adopted by City Council in 2012.**

**The next step in implementing the study recommendation, these amendments for U-7A District were prepared with the intent of adding the specialty retail and support services uses recommended in the two economic development studies in order to create a more mixed-use land use pattern for the Chagrin Boulevard corridor adjacent to Commerce Park.**

**U-7A District**

**AMEND SECTION 1111.02 CLASSIFICATION OF USES BY AMENDING SUBSECTION "K" TO READ AS FOLLOWS:**

(k) Class U-7A Uses.

- (1) Professional, administrative, executive, sales (without samples and merchandising services), governmental, and public utility offices.
- (2) Professional medical offices.
- (3) Licensed health care facilities.
- (4) Financial institutions.
- (5) Telephone Exchanges.
- (6) Specialty Retail and Service Uses including, but not limited to the following:
  - Office Supply / Printing and Copy Centers
  - Wine Bars
  - Florists
  - Spas
  - Art / Hand Crafted Merchandise Shops
  - Phone Stores
  - Computer Sales, Service and Training
  - Postal and Shipping Services
  - Photographic Studios, and
  - Other Business Services.
- (7) The following uses may be permitted with a Conditional Use Permit issued by the Planning and Zoning Commission:
  - A. Child day care centers.
  - B. Adult day care centers.
  - C. Schools and training facilities.
  - D. Nursing homes.
  - E. Restaurants.

**AMEND SECTION 1127.02 PERMITTED USES TO READ AS FOLLOWS:**

**1127.02 PERMITTED USES**

Buildings and land in a Class U-7A District shall be used and buildings shall be designed, created, altered or intended only for the uses specifically designated as Class U-7A uses in Section 1111.02, except that other similar harmonious and compatible uses, as may be permitted as determined by the Planning and Zoning Commission and approved by Council.

Accessory uses customarily incidental to permitted main uses shall be permitted, provided they are planned and developed integrally with the main use and further provided that in no event shall any one accessory use or any combination of

accessory uses as set forth in Subsections (a) and (b) hereof exceed a total of twenty percent (20%) of the gross floor area of the main building. Accessory uses permitted under this section include:

- (a) The sale of drugs associated with medical offices and licensed health care facilities.
- (b) Personal services.
- (c) Parking garages and off-street parking areas for employees and customers as provided in other sections of this chapter.
- (d) Maintenance and storage facilities within enclosed buildings.
- (e) Wireless telecommunications facilities subject to the following provisions:
  - (1) Wireless telecommunications facilities shall only be permitted as an accessory use provided such facilities are located on the roof of the building containing the principal permitted use. Antennas may be mounted on the walls of a penthouse, except where the exterior wall of the penthouse is flush with the exterior wall of the building. Antennas, other than dipole or omni-directional antennas, which are mounted on a penthouse shall not extend above the penthouse and shall be screened with panels or other screening devices designed to match the appearance of the penthouse wall and reduce visibility.
  - (2) Wireless telecommunications antennas, including dipole antennas over two inches in diameter, and support structures mounted directly on the roof shall not extend higher than twenty feet above the roof and shall be setback from the parapet or roof edge a minimum of one foot for each one foot in elevation above the top of the parapet. Dipole antennas which are two inches or less in diameter may be attached to the rear (inside) of the parapet wall provided such antennas do not extend more than three feet above the top of said parapet wall. All such antennas shall be colored to minimize visibility.
  - (3) Roof mounted wireless telecommunications facilities shall be designed to withstand wind loads of ninety miles per hour.
  - (4) Where wireless telecommunications facilities are proposed to be located on a building where such facilities already exist, the applicant shall provide assurances that the proposed facilities will not interfere with the receipt or transmission of signals by the existing facilities.
  - (5) Equipment cabinets, switching equipment, cables, and other devices associated with wireless telecommunications facilities which are located on roofs shall be screened from view from the public right-of-way.
  - (6) A building permit shall be required for the installation of each wireless communications facility. The building permit fee for wireless communications facilities shall be as set forth in Section 1329.03(y).
  - (7) The Building Commissioner may, where it is determined that proposed wireless telecommunications facilities comply with all of the criteria set forth herein, issue a permit for the installation of such facilities without referral to the Planning Commission, otherwise applications for wireless telecommunications facilities shall be referred to the Planning Commission for consideration.

- (f) Satellite dish antennas subject to Chapter 1153.
- (g) Car washes provided that
  - (1) No washing or detailing activities are conducted outside of the building.
  - (2) There is no advertising or signage associated with the car wash.
  - (3) Washing is by hand only and no automated wash systems are used.
  - (4) The wash area does not exceed 600 square feet.

**INFORMATION AND BACKGROUND SHEET  
FOR  
RECENTLY INITIATED CODE AMENDMENTS  
TO THE  
U-9 MOTOR SERVICE DISTRICT**

WHAT IS BEING AMENDED

Sections 1131.02(a)(5) and 1131.02(a)(6) in Chapter 1131 Motor Service District are being rewritten.

WHAT DO THE AMENDMENTS DO

The Beachwood Zoning Code presently limits retail sales and services within hotels and requires that any such sales must be for period of at least six months. It also prohibits industrial and trade shows and similar events which are open to the general public and which offer materials for sale to the public. These two provisions effectively prohibit special sale events and most trade and industrial shows. Hotels are generally the host venues for these types of events as they have meeting space and accommodations available for participants.

The proposed amendments would eliminate the current limitation on retail sales and services within hotels and would permit them with a special permit approved by the Building Commissioner and Safety Director. They would also allow industrial and/or retail trade shows and events to be held at the hotels with a special permit issued by the Building Commissioner and Safety Director.

WHY ARE THESE AMENDMENTS BEING PROPOSED

The existing Beachwood hotels and the regional and national operators of various trade shows and similar special events have been requesting a change in the existing legislation for many years. The hotels would like to be able to host these events in order to compete with other hotels in the region and to generate additional revenue. The promoters of trade shows and similar special events would like to bring those events to Beachwood as our City is considered a prime target location.

By permitting such events, the City will attract additional outside dollars into the local economy, as participants will patronize not only the hotels, but also local restaurants and stores. These events can help to promote and provide positive business exposure for the City of Beachwood. The permitting procedure will ensure proper facilities and safety considerations for each event.

**AMEND SECTION 1131.02 PERMITTED USES BY AMENDING SUBSECTIONS (A)(5) AND (A)(6) TO READ AS FOLLOWS:**

(a) Accessory Uses.

- (5) Temporary special event sales held at a hotel provided that a special event sale permit is obtained with the approval of the Safety Director and Building Commissioner prior to the event.
- (6) Industrial and/or retail trade shows or events held at a hotel which may include displays, presentations, and related activities with a special event permit and the approval of the Safety Director and Building Commissioner.