

THE PLANNING AND ZONING COMMISSION MEETING WAS HELD AT BEACHWOOD CITY HALL ON MONDAY, SEPTEMBER 26, 2011.

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

COUNCIL REPORT

Mr. Mark Wachter, Council Representative, stated that the Planning and Zoning Commission approved and recommended to Council, P&Z 2011-19, Diane Linick, owner of the property located at 26703 Hurlingham, request for preliminary and final approval for a lot split for a future proposed single family dwelling at a future time. Council approved it.

P&Z 2011-24 ODI, REPRESENTING THE RICHARD E. JACOBS GROUP, IS REQUESTING PRELIMINARY AND FINAL APPROVAL FOR A LAND DEVELOPMENT SIGN TO BE LOCATED ON THE NORTH SIDE OF HARVARD RD. BETWEEN RICHMOND AND GREEN ROADS.

Mr. Carl Rappaport for ODI, representing The Richard E. Jacobs Group, requested preliminary and final approval for a land development sign to be located on the north side of Harvard Road, between Richmond and Green Roads. The temporary sign will be 4' x 8' and will be 1000 feet east of Green Road.

Mr. Griswold stated that the Police and Fire Departments have no concerns regarding this application. The Building Department suggested there might be a time period for the sign to be displayed.

Mr. Kreczko stated that there were no engineering issues.

Mr. Smerigan stated that this request is for approval of a temporary development/sale sign for the Chagrin Highlands PUD. All signs in the U-10 Planned Mixed-Use Development District are as approved by the Planning and Zoning Commission. At the request of the developer, the Commission previously established sign standards for this PUD. The applicant is requesting a double sided sign, 32 square feet in area and 8 feet in height, to be placed along the Harvard Road frontage between Richmond Road and Green Road. The proposed sign has gold lettering on a dark green background, which is consistent with the sign color scheme, style and size, previously approved for the Chagrin Highlands PUD. Approval is recommended subject to final placement and setback of the sign being approved by the Building Commissioner and Police Department.

The Commission decided that it would be good to place a one-year limit as the length of time for this particular sign. The applicant can return to the Planning and Zoning Commission if a longer period of time is needed. It was also mentioned that a non-peeling paint should be used to keep a good appearance.

A motion was made by C. Cohen and seconded by J. Greenberg for the request of ODI, representing The Richard E. Jacobs Group, for preliminary and final approval for a land development sign to be located on the north side of Harvard Road between Richmond and Green Roads with location approval of the Building Commissioner and Police Department and for a period of one (1) year.

ROLL CALL: AYES: C. Cohen, M. Gorden, J. Greenberg, M. Wachter
 NAYS: None
 MOTION APPROVED

P&Z 2011-25

DAVID SMITH FROM A SIGN ABOVE, REPRESENTING BARNETT MANAGEMENT, MANAGERS FOR FAIRMOUNT COURTS, LOCATED AT 25802-98 FAIRMOUNT BOULEVARD, IS REQUESTING PRELIMINARY AND FINAL APPROVAL FOR TWO NEW GROUND IDENTIFICATION SIGNS.

Mr. David Smith, representative from A Sign Above, and Barry Barnett of Barnett Management, managing agent for Fairmount Courts Condominium Association were present requesting preliminary and final approval for two (2) new ground address identification signs. Mr. Smith stated that currently there is an individual sign that gives the address of the property. The Association requested A Sign Above to see if there was a possibility of having two signs at the island median on Fairmount Boulevard for better exposure for the property. One sign would face eastbound traffic and the other one would face westbound traffic.

Mr. Griswold stated that there were no concerns by the Building or Police Departments. The Fire Department did request that a bright or reflective painting material be used for the address numbers to increase the visibility during night operations.

Mr. Kreczko stated that there were no engineering issues.

Mr. Smerigan stated that this request is for approval to erect two (2) permanent free-standing signs to replace the existing signs which identify the entrance to the Fairmount Court development located on the southeast corner of Richmond Road and Fairmount Boulevard. The subject site is zoned U-2A. Residential developments in the U-2A District are permitted one monument sign that may be 40 square feet in area and 8 feet in height. The applicant is proposing to construct two (2) signs which are each approximately 7 square feet in area and 4.7 feet in height. The signs are significantly less in area than permitted by the Code.

The subject development has frontage on both Richmond Road and Fairmount Boulevard. Section 1141.13(a)(1) permits residential developments with frontage on two streets to have a second monument sign for identification, but requires that the second sign be located on the other street. In this instance, the development has no access from Richmond Road so a sign on Richmond Road would not be beneficial. The entrance to the subject site is complicated by the median of Fairmount Boulevard and the divided access drive. The existing signage is not very effective in identifying the project or its entrance. It appears that placing signs as proposed by the applicant would provide enhanced identification of the project and the entrance drive. Placing a single two-sided sign is difficult both because of the existing gas pole and because of the orientation of the drive access with regard to Fairmount Boulevard. There does not appear to be an available location where the sign would be visually effective from both approaching directions.

Mr. Smerigan stated that granting a variance to permit two much smaller monument signs to be placed on either side of the entry island as proposed appears to be a reasonable resolution of the apparent practical difficulty. Since this request involves a variance to Chapter 1141, the Planning and Zoning Commission has final authority to either grant or deny the variance.

Should the Commission determine to grant the variance, 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 provisions of Section 1141.13(a)(1) relative to

the placement of permanent residential development monument signs; 2) granting of a variance to Section 114.13(a)(1) to permit two (2) single-sided monument signs to be placed on the Fairmount Boulevard frontage in accordance with the site plan; and 3) the two single-sided monument signs shall not exceed 7 square feet in area and 4.7 feet in height each.

Mr. Greenberg asked the applicant if the signs were lit. Mr. Barnett stated that the signs are lit. There are spot lights lighting up the signs, which were recently installed.

Mr. Wachter asked Mr. Smith what the actual materials of the signs would be and asked if there was lighting on the present identification signs that are on during certain hours.

Mr. Smith stated that the sign will be made of urethane materials, which is not a reflective material, with gloss enamel applied to the surface of the sign.

Mr. Cohen asked what the gas line pipe was doing in the center of the island.

Mr. Smith stated that the gas company had been contacted years ago and the management was told that the gas line couldn't be moved.

A motion was made by C. Cohen and seconded by J. Greenberg to approve the request of David Smith from A Sign Above, representing Barnett Management, managers for Fairmount Courts, located at 25802-98 Fairmount Blvd. for preliminary and final approval to install two (2) new ground identification signs 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 the provisions of Section 1141.13(a)(1) relative to the placement of permanent residential development monument signs; 2) granting of a variance to Section 1141.13(a)(1) to permit two (2) single-sided monument signs to be placed on the Fairmount Boulevard frontage in accordance with the site plan; 3) the two single-sided monument signs shall not exceed 7 square feet in area and 4.7 feet in height each; and 4) approval by the Fire Department of the illumination of the sign for increased visibility during night operations.

ROLL CALL: AYES: C. Cohen, M. Gorden, J. Greenberg, M. Wachter

NAYS: None

MOTION APPROVED – VARIANCES GRANTED *See attachment

P&Z 2011-26 CARL F. FREY, REPRESENTATIVE OF THE RICHARD E. JACOBS GROUP, LLC, IS REQUESTING PRELIMINARY AND FINAL APPROVAL OF A LOT SPLIT CREATING AN APPROXIMATELY 6 ACRE PARCEL FROM PPN 742-39-001 FOR A PROPOSED NEW SITE.

Mr. Carl F. Frey, representative of The Richard E. Jacobs Group, LLC is requesting preliminary and final approval for a lot split to create a parcel approximately 6 acres in size, PPN #742-39-001, for a proposed new site.

Mr. Griswold stated that the Building Department, Fire Department and Police Department have no comments on this application.

Mr. Kreczko stated that the items on the Engineering Department's report are being addressed by the applicant. The Engineering Department would recommend approval contingent upon the submission of a new mylar with all the corrections completed.

Mr. Smerigan stated that this request is for approval of a subdivision plat to create a new 6.0026 acre parcel with frontage on the north side of Harvard Road. The newly created parcel is intended to be developed for a rehabilitation facility for which a separate site plan has been submitted. The western property line of the proposed parcel would be the easterly line of the future right-of-way for the connector road from Commerce Park to Harvard. The new lot would have approximately 500 feet of frontage on Harvard Road which would vary in depth from about 350 feet to approximately 416 feet. The remaining parcel from which the lot is being split would still be in excess of 125 acres in area. The proposed lot conforms to the minimum lot requirements of the U-10 Planning Mixed-Use Development District and appears to be consistent with the Mater Development Plan for the Chagrin Highlands PUD and the proposed routing for the connector road. Approval is recommended subject to the comments of the City Engineer.

A motion was made by C. Cohen and seconded by J. Greenberg to approve and recommend to Council the request of Carl F. Frey, representative of The Richard E. Jacobs Group, LLC for a lot split creating an approximate 6 acre parcel from PPN 742-39-001 for a proposed new site contingent upon the comments of the City Engineer.

ROLL CALL: AYES: C. Cohen, M. Gorden, J. Greenberg, M. Wachter
 NAYS: None
 MOTION APPROVED – RECOMMEND TO COUNCIL – 10/17/11

P&Z 2011-22 COGDELL SPENCER ERDMAN ARCHITECT, REPRESENTING COGDELL CLEVELAND REHAB, LP, IS REQUESTING PRELIMINARY APPROVAL FOR THE PROPOSED REHABILITATION HOSPITAL FACILITY TO BE LOCATED ON HARVARD ROAD EAST OF GREEN ROAD.

Mr. David Miller, representative from Cogdell Spencer Erdman Architect, representing Cogdell Cleveland Rehab LP would like to request preliminary approval for a proposed rehabilitation hospital facility to be located on Harvard Road just east of Green Road on a 6 acre site. This is a rehabilitation hospital for physical therapy for patients admitted for an approximate 6-8 week period of time.

Mr. Miller stated that this is a two-story building. This site has a significant elevation change going from east to west, which makes the building appear to have an upper level, which is the first floor accessed from the eastern side. The lower level, about 40% of the total building area, that is exposed on the west side. This is designed to accommodate fifty patient beds. There is a proposal for a total of 219 parking spaces, developing 134 parking spaces initially. The history with these types of facilities indicates that two and a half parking stalls per bed are adequate. The remaining 85 parking spaces would be landbanked.

Mr. Griswold stated that the Police Department did not have any comment after the applicant went to one curb cut. The Fire Department has some questions regarding the location of the Fire Department connection and fire hydrant on the east side. The preferred location is the island directly east of the fire hydrant shown on the drawing, located on the northeast side of the structure. The FDC and fire hydrant shall be located in the same island, which allows the Fire Department apparatus the ability to perform emergency operations and still permit the apparatus to be connected to the Fire Department connection.

Mr. Kreczko stated that the Commission may not be aware that there are no sanitary or storm sewer utilities that serve this property. The waterline presently stops at Eaton Boulevard. There have been meetings among representatives of the developer, The Jacobs Groups and the City of Cleveland. There is a twenty-four (24) inch water main on So. Green Road, a distribution main that interconnects with the transmission main. The land banked parking spaces must be considered in the storm water management review. The Engineering Department would recommend preliminary approval.

Mr. Smerigan stated that this request is for preliminary site plan approval to construct a 54,728 square feet physical rehabilitation facility on a 6.0 acre site in the Chagrin Highlands PUD. The subject site is located in the U-10 Planned Mixed-Use Development District and a separate request for a lot split to create the parcel accompanies this request. The site has been shifted to the east from the original submission. The subject site is bounded on the north by a protected wetland area. Licensed health care facilities are a listed permitted use within the U-10 District. There is a grade change of almost 40 feet in elevation across the site from east to west.

Mr. Smerigan continued that the proposed preliminary site plan indicates a two-story building with an exposed lower level to the west. The facility is proposed to provide 50 beds for rehabilitation patients. It also includes therapy areas, nursing and administrative spaces, and a dining facility. The plan shows one access drive from Harvard Road. The access drive is located in the center of the site and provides direct access to the drop off at the main entrance and to the parking lot. It also provides access for delivery vehicles and trash removal. There is the potential for a second drive from the future connector road at the western end of the site. Storm water management is provided via a large detention pond located on the western end of the site. There are currently no utility lines along Harvard Road. The site plan indicates the extension of water and sanitary sewer lines from Green Road.

Mr. Smerigan stated that the proposed building location conforms with the required front, side and rear setbacks in the U-10 District. The service bay and dumpster areas are located on the eastern side of the building and appear reasonably screened from view from Harvard Road. Parking lots conform to the required setbacks. The site plan indicates the use of 9 ft. x 18ft. spaces, which are permitted in the U-10 District. The applicant has provided a preliminary landscaping plan that provides for a mixture of deciduous, ornamental and evergreen trees around the perimeter of the property and within parking lot islands. The preliminary landscape plan also indicates the use of shrubs and ornamental grasses as foundation plantings. The general approach to landscape treatment appears to be consistent with City standards.

Mr. Smerigan continued that Section 1132.04(f)(7) requires the provision of one parking space for each 100 square feet of gross floor area for licensed health care facilities. Based upon the proposed plan the applicant would be required to provide a total of 547 parking spaces. It should be noted that the general category of licensed health care facilities includes clinics, surgery centers, and similar operations which generate significant parking demands from patients, doctors, nurses, technicians, administration, support staff, maintenance personnel, family, and visitors. It is anticipated that the parking demand from a physical rehabilitation facility, while still significant, will not be as high as some other types of health care facilities. The site plan indicates a total 134 parking spaces with an additional 85 land banked spaces. The total of 219 spaces proposed would correspond to the required parking for a general office building of similar size in the U-10 District. Therefore, should the Commission grant the parking variance, the subject building would have sufficient on-site parking to be reused in the future as general office space.

Mr. Smerigan stated that since a variance is required, the Commission will need to make a recommendation to City Council, and should the Commission determine to recommend preliminary 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 the provisions of Section 1132.04(f)(7) relative to the provision of off-street parking; 2) granting of a variance of 328 spaces to Section 1132.04(f)(7) to permit construction of 219 parking spaces in lieu of the Code required 547 spaces, and 3) granting of a variance to permit 85 of the 219 parking spaces required by this approval to be land banked.

Mr. Greenberg asked the applicant, Mr. Miller, if it meant that there were only fifty (50) people being rehabilitated at a time with only fifty (50) beds? Are there also regular outpatients having rehabilitation here also?

Mr. Miller stated that this facility will not have any outpatients at all. It will be limited to the maximum bed capacity of the building. Although classified as a rehabilitation hospital, there are not the normal hospital functions, i.e. emergency rooms, imaging centers, laboratories, medical offices, surgery centers etc. that would draw people in on an outpatient basis. The therapy received at this facility is for inpatients only.

Mr. Wachter asked Mr. Smerigan if it would be necessary to change some categories in our zoning districts?

Mr. Smerigan stated that changes in the list of uses in different districts may need to be looked at. As the medical fields change and get more refined there are always adjustments to be made. Since the Commission is in a position to grant approval, there can be stipulations attached to the variance, such as there is no outpatient rehabilitation permitted at this facility and this is for inpatients only. This would be consistent with the granting of such a significant parking variance.

Mr. Wachter asked Mr. Smerigan how he felt about the parking ratio.

Mr. Smerigan stated that it appears that the applicant's experience at other facilities is that the 134 spaces will work. The applicant would not under park their facility. The City has 85 land banked parking spaces that can be issued in at any time. The total of 219 parking spaces gives some coverage as to what could happen to this site in the future.

Mr. Wachter stated that this would be the largest variance both in terms of raw numbers and percentages that has ever been granted. He asked Mr. Miller considering the issues with the Engineering Department will this project be somewhere off in the future? The utilities issues are substantial

Mr. Miller stated that the desire of the tenant is to have this building operational at the end of 2012. The anticipation is that approval for the building itself is received from the City of Beachwood, and through a separate effort they will get the engineering design and construction of the extension of the utilities, sequencing that so it is completed prior to the opening of the building. It will probably be next spring before the all the plans for the utilities are complete and bids can go out and next summer, 2012 before the work is actually done. The applicant does want to feel comfortable that permitting for the construction of the building can be obtained and that the improvements will be completed in time for the building to be operational.

Mrs. Cannon, Law Director, stated that historically in Chagrin Highlands, the developer has approached the City to petition for the improvements. The City does the improvements pursuant to the petition and assesses those costs back to the abutting properties. There has been no petition on this property. The City has never been asked to and may not have the authority to construct improvements simply for water and sewer where there is no roadway. It is not necessarily the City's business to know who is paying for this work, but the City is not.

Mr. Miller stated that the discussions held between their organization and The Richard E. Jacobs Group have not anticipated the financial participation of the City. The initial approach to this project was to extend the utilities for private use to their site alone. With discussions with the Cleveland Water District and the County, both the sanitary sewers and the water main will be sized to serve more than the applicant's property. It does increase the cost of the utilities. This is the applicant's cost with the exclusion of the City's participation.

Mr. Wachter asked about a wet or dry retention basin and will it be fenced.

Mr. Miller stated that typically it would be dry. It is just to detain the water long enough to have a controlled release. It would not have standing water. The applicant does intend to fence around the retention basin pond.

Mr. Griswold stated that generally the Fire Department would request the fencing. Also, it may be considered that the trees that are shown should not be in an area where the land banked parking will be installed. The Commission may also want to require that any change in ownership or use, the applicant must come back to the Planning and Zoning Commission thus letting the Commission know what the proposed use is and any need for additional parking spaces.

Mr. Cohen asked the applicant if this was a two-story building throughout the whole footprint and how many employees there would be over a 24-hour period. The area that shows as an addition to the building, is that for additional beds?

Mr. Miller stated that the western portion is two-story and the building steps down. There are retaining walls behind. There are about 125 employees over a 24-hour, 3-shift period. There would be nursing staff, support staff and therapists of which there probably would be about 60 employees. The fifty (50) beds are the initial building footprint. If there is a demand or an opportunity to add to the fifty beds, the building would be extended.

A motion was made by C. Cohen and seconded by J. Greenberg to grant preliminary approval and recommend to Council Cogdell Spencer Erdman Architect, representing Cogdell Cleveland Rehab, LP, for a proposed rehabilitation hospital facility to be located on Harvard Road east of Green Road 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 the provisions of Section 1132.04(f)(7) relative to the provision of off-street parking; 2) granting of a variance of 328 parkingspaces to Section 1132.04(f)(7) to permit construction of 219 parking spaces in lieu of the Code required 547 spaces; 3) granting of a variance to permit 85 of the 219 parking spaces required by this approval to be land banked; 4) that this facility will only be used for in-patient rehabilitation; no out-patient services are permitted; 5) this approval is for this applicant only; any change of ownership or use

must be submitted for approval to the Planning and Zoning Commission; 6) the landscaping of shrubbery will be

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coordinated with the placement of the land banked parking spaces; and 7) some type of deed restriction or assessment agreement must be submitted to show the condition of change in ownership or use is made for any potential buyer.

ROLL CALL: AYES: C. Cohen, M. Gorden, J. Greenberg, M. Wachter
 NAYS: None
MOTION APPROVED – RECOMMENDATION TO COUNCIL
(Council meeting – 10/17/2011 – 7:00 p.m.)

Adjournment

M. Wachter (Chairman, pro tem)

Sue Ley, Secretary

Karen Navolanic, Clerk of Council

Chief Kearns responded that no; Illuminated signs are fine.

>>> Sue Ley 9/27/2011 10:14 AM >>>

At last night's Planning and Zoning Commission meeting, A Sign Above requested approval for two new ground address identification signs.

Mr. Barnett from Barnett Managment who manages Fairmount Courts at 25802-98, stated that the signs are illuminated. Is it still necessary for the applicant to use bright and reflective paint/material for the new address numbers?

Please let me know.

Sue