

## Tactical Planning, LLC

P.O. Box 3163  
Cuyahoga Falls, Ohio 44223  
Ph: 440-725-1886  
geosmerigan@gmail.com

TO: Justin Berns, Mayor  
Beachwood City Council

FROM: George Smerigan, City Planner

DATE: July 21, 2022

RE: **Request for Legislation**

---



Pursuant to the discussion at this morning's internal Planning and Zoning meeting, I have prepared the attached amendment to the Zoning Code to require a Conditional Use Permit for gas stations in the U-9 Motor Service District. Access into and out of the current gas stations located on Chagrin Boulevard is challenging and difficult during extended periods of the day, and they are both located on corner lots. A mid-block station could present significant accessibility and safety issues. Therefore I am suggesting that we revise the Zoning Code to change gas stations in U-9 Districts from a use permitted by right to a conditionally permitted use. Such a change would provide both the Planning Commission and City Council with additional authority to review such uses and to better control their potential impacts on traffic movement and traffic safety,

I am requesting legislation to place the attached amendment to the Zoning Code relating to gas stations in the U-9 Motor Service District before City Council to initiate the formal amendment adoption process.

cc: L. Stewart Hastings, Law Director  
William Griswold, Building Commissioner  
Orry Jacobs, Planning Commission Chair

INTRODUCED BY:

ORDINANCE NO. 2022-100

AN ORDINANCE AMENDING BCO CHAPTER 1111, SECTION 1111.02(L) TITLED “CLASSIFICATION OF USES” OF THE CITY OF BEACHWOOD, OHIO PLANNING AND ZONING CODE

WHEREAS, the City Planner has requested an amendment to BCO Chapter 1111, Section 1111.02(l), titled “Classification of Uses” of the City of Beachwood, Ohio Planning and Zoning Code; and

WHEREAS, it is Council’s desire to refer said requested amendment to its Planning and Zoning Commission for study and a report and recommendation in accordance with BCO 1107.01.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Beachwood, County of Cuyahoga, and State of Ohio, that:

Section 1: The Council of the City of Beachwood, having received, on or about July 21, 2022, a request from the City Planner for an amendment to the City’s Planning and Zoning Code, which is attached hereto and incorporated herein as Exhibit “A”, will place this issue and said proposed amendment on first reading, and refer the proposed amendment to the Planning and Zoning Commission for its report and recommendation.

Upon Council’s receipt of the recommendation of the Planning and Zoning Commission the issue of amending the current BCO Section 1124.10 shall be set for Public Hearing.

The Public Hearing shall be held on the \_\_\_ day of \_\_\_\_\_, 2022 at the Beachwood City Hall, Council Chambers, 25325 Fairmount Boulevard, Beachwood, Ohio.

This Ordinance shall be read by Council on three separate occasions and its passage shall cause the Proposed Amendment to become effective upon operation of the law.

Section 2: The Clerk of Council is directed to advertise said hearing one time in a newspaper of general circulation in the City at least thirty (30) days prior to the Public Hearing, setting forth the substance of the amendments which are proposed.

Section 4: It is found and determined that all formal actions and deliberations of Council and its committees relating to the passage of this legislation that resulted in formal action were in meetings open to the public where required by Chapter 105 of the Codified Ordinances of the City.

WHEREFORE, this Ordinance shall be in full force and effect from and after the earliest date permitted by law.

Attest: I hereby certify this legislation was duly adopted on the 15<sup>th</sup> day of August, 2022, and presented to the Mayor for approval or rejection in accordance with Article III, Section 8 of the Charter on the 16<sup>th</sup> day of August, 2022.

\_\_\_\_\_  
Clerk

Approval: I have approved this legislation this 16<sup>th</sup> day of August, 2022, and filed it with the Clerk.

\_\_\_\_\_  
Mayor

**AMEND SECTION 1111.02 CLASSIFICATION OF USES BY AMENDING SUBSECTION (L) AS FOLLOWS:**

**1111.02 CLASSIFICATION OF USES.**

For the purpose of this Code, the various uses to which buildings and premises can be devoted are divided into groups, classes and subdivisions as set forth in the following classification. These uses, hereinafter classified as Class U-1, Class U-2, Class U-2A, Class U-3, Class U-3A, Class U-4A, Class U-4B, Class U-5, Class U-7, Class U-7A, Class U-8, Class U-8A, Class U-9 and Class U-10, are permitted under regulations herein set forth in the respective use districts allotted to such uses.

- (1) Class U-9 Uses.
  - (1) Gasoline service station limited to sites with frontage on Chagrin Boulevard only **with a Conditional Use Permit.**
  - (2) Motels and hotels.
  - (3) Restaurants and eating places where food is consumed in an enclosed building.
  - (4) Automobile agencies limited to sites with frontage on Chagrin Boulevard, Central Parkway, and Orange Place only.
  - (5) Banks.
  - (6) Office buildings.
  - (7) Child day care center with a Conditional Use Permit.
  - (8) Adult Day Care Center with a Conditional Use Permit.
  - (9) Licensed health care facilities with a Conditional Use Permit.
  - (10) Professional medical offices.

INTRODUCED BY:

**AMENDED** ORDINANCE NO. 2022-41

AN ORDINANCE AMENDING THE CITY OF BEACHWOOD, OHIO PLANNING AND ZONING CODE BY AMENDING CHAPTER 1111 TITLED “DISTRICTS AND ZONE MAP GENERALLY” AND ADDING NEW CHAPTER 1122 TITLED “U-4C INTEGRATED MIXED USE, MULTI-FAMILY RESIDENTIAL, OFFICE, RETAIL, RECREATION BUSINESS DISTRICT”

WHEREAS, My Place Group has requested amendments to the City of Beachwood Planning and Zoning Code by amending Chapter 1111 and adding new Chapter 1122; and

WHEREAS, Council has referred said requested amendments to its Planning and Zoning Commission for study and a report and recommendation in accordance with BCO 1107.01.

NOW , THEREFORE, BE IT ORDAINED by the Council of the City of Beachwood, County of Cuyahoga, and State of Ohio that:

Section 1: The Council of the City of Beachwood, having received a request for an amendment to the City’s Planning and Zoning Code, a copy of which is attached hereto and incorporated herein as Exhibit “A” and Exhibit “B”, placed said proposed amendments on first reading on March 21, 2022, and referred the proposed amendments to the Planning and Zoning Commission for its report and recommendation.

Council is in receipt of the report and recommendation of the Planning and Zoning Commission and the issue of the zoning amendments shall be set for a Public Hearing or referred to a Committee.

If referred to a Public Hearing, said Public Hearing shall be held no less than 30 days after referral.

If referred to a Committee of Council, a Public Hearing shall be set after receipt of the report of the Committee.

This Ordinance shall be read by Council on three separate occasions and its passage shall cause the Proposed Amendment to become effective upon operation of the law.

Section 2: The Clerk of Council is directed to advertise this hearing in a newspaper of general circulation in the City for a period of not less than thirty (30) days prior to the Public Hearing, setting forth the substance of the proposed amendment.

Section 3: It is found and determined that all formal actions and deliberations of Council and its committees relating to the passage of this legislation that resulted in formal action were in meetings open to the public where required by Chapter 105 of the Codified Ordinances of the City.

WHEREFORE, this Ordinance shall be in full force and effect from and after the earliest date permitted by law.

Attest: I hereby certify this legislation was duly adopted on the \_\_\_ day of \_\_\_\_\_, 2022 and presented to the Mayor for approval or rejection in accordance with Article III, Section 8 of the Charter on the \_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Clerk

Approval: I have approved this legislation this \_\_ day of \_\_\_\_\_, 2022 and filed it with the Clerk.

\_\_\_\_\_  
Mayor

REV 6 14 2022

1111.01 DISTRICTS AND ZONE MAP GENERALLY.

For the purpose of regulating the location of trades, industries, residential houses and other uses of property, the number of square feet of lot area per family housed, the width of lots, the location and size of yards and the alignment of buildings upon street frontages, the City is hereby divided into the following classes of Use Districts, termed respectively:

- Class U-1 or Single-Family Residential District
- Class U-2A or Attached Single-Family Residential District
- Class U-3 or Multi-Family Residential District
- Class U-3A or High-Rise Apartment District
- Class U-3C or Planned Multi-Family Residential District
- Class U-4A or Integrated Business District
- Class U-4B or Shopping Center District

**Class U-4C or Integrated Multi-Family Residential Business District**

- Class U-5 or Public and Institutional District
- Class U-7A or General Office Building District
- Class U-8 or Industrial and Office Mixed-Use District
- Class U-8A or Office Building and Research District
- Class U-9 or Motor Service District
- Class U-10 or Planned Mixed-Use Development District

Formatted: Highlight

1111.02 CLASSIFICATION OF USES.

For the purpose of this Code, the various uses to which buildings and premises can be devoted are divided into groups, classes and subdivisions as set forth in the following classification. These uses, hereinafter classified as Class U-1, Class U-2A, Class U-3, Class U-3A, Class U-3C, Class U-4A, Class U-4B, Class U-5, Class U-7A, Class U-8, Class U-8A, Class U-9 and Class U-10, are permitted under regulations herein set forth in the respective Use Districts allotted to such uses.

- (a) Class U-1 Uses.
  - (1) Single-Family Dwellings.
- (b) Class U-2A Uses.
  - (1) Attached Single-Family Dwellings.
- (c) Class U-3 Uses.
  - (1) Multi-Family Dwellings.
- (d) Class U-3A Uses.
  - (1) High-rise Multi-Family Dwellings.
- (e) Class U-3C Uses.
  - (1) Multi-Family Dwellings.  
(Ord. 2011-170. Passed 3-19-12.)
- (f) Class U-4A Uses.
  - (1) Stores selling commodities at retail such as, but not necessarily limited to:

A. Groceries; supermarkets; bakeries; delicatessens. Such uses may be permitted curbside pickup provided that they first obtain a Site Development Plan approval. The number of spaces dedicated for curbside pickup shall be as authorized on the approved Site Development Plan.

B. Restaurants; Restaurants may be permitted outdoor dining areas and/or curbside pickup provided that they first obtain a Site Development Plan approval. The number of outdoor seats and/or spaces dedicated for curbside pickup shall be as authorized on the approved Site Development Plan.

C. Drug stores.

D. Wearing apparel stores.

E. Variety stores.

F. Paint and wall paper; hardware stores.

G. Furniture; household appliances; draperies; floor coverings.

H. Electronic appliances.

I. Florist; gift; jewelry, sporting goods stores.

(2) Service establishments such as, but not necessarily limited to:

A. Barbers; beauty shops, and nail salons.

B. Dry cleaning; laundries; tailor shops.

C. Appliance repair.

D. Banks and other financial institutions.

E. Exercise and training facilities.

F. Private schools and colleges.

G. Dance studios; photographic studios.

H. Printing shops; copy centers.

I. Child Day Care Centers pursuant to Section 1155.02.

J. Adult Day Care Centers pursuant to Section 1155.03.

K. Indoor recreation and athletic facilities,

L. Day spas, tanning salons, and massage therapy.

(3) Offices including medical offices.

(4) Hotels.

(5) Multi-Family Dwellings above the first floor with a Conditional Use Permit.

(6) Banks and drug stores may be permitted accessory drive-thru, drive-up, or pickup arrangements and facilities provided they first obtain a Conditional Use Permit.

(g) Class U-4B Uses.

(1) Shopping centers.

**(h) Class U-4C Uses.**

(1) Stores selling commodities at retail such as, but not necessarily limited to:

A. ~~Specialty G~~groceries; ~~supermarkets; bakeries; delicatessens; coffee and drink bars;~~ bodegas; farmers markets; ~~and food trucks~~(per Code Sec. 1155.04). Such uses may include curbside pickup as shown on the Site Development Plan including areas or parking spaces dedicated for curbside pickup.

Formatted: Highlight

B. Restaurants; ~~Restaurants~~; bars; coffee houses; delicatessens; bakeries; food courts; buffets; food halls; ~~event spaces~~, including outdoor dining areas and/or curbside pickup as shown on the Site Development Plan.

C. ~~Drug stores.~~

D. ~~Wearing a~~Apparel stores.

E. Variety stores.

F. Boutique home good and decor stores.

G. Florist; gift; candles; jewelry; sporting goods stores.

H. ~~Specialty R~~etails sales ~~associated with wholesale businesses~~ and showrooms, interior decorating and design services

I. Business services

J. Personal services

K. Entertainment, amusement and arcades including those that function as restaurants or bars and contain bowling, video games and similar uses.

~~L. Compatible retail uses and stores.~~

(2) Service establishments such as, but not necessarily limited to:

A. Barbers; beauty shops, and nail salons.

B. Dry cleaning; laundries; tailor shops.

C. Indoor and outdoor ~~recreation and athletic fitness~~ facilities,

D. Day spas, health spa, tanning salons, and massage therapy.

E. Dance studios and exercise and training facilities

~~F. Broadcast studios and associated soundstages~~

G. Art studios and galleries

H. ~~Overnight p~~Pet care facilities

(3) Offices including ~~professional, administrative, executive, sales, governmental, utility,~~ medical offices and related facilities

(4) Multi-Family Dwellings

(5) Parks and recreation facilities

~~(6) Professional, administrative, executive, sales, governmental and public utility office.~~

~~(7) Wholesale and retail business and showrooms~~

(8) Hotels

(9) ~~Automobile agencies, including sales, leasing, and rentals.~~

(10) Banks

~~(11) Billboards and advertising devices, both freestanding and on buildings, including to advertise and promote on-site uses and tenants~~

(12) Event and recreational spaces for on-site tenants (both residential and retail/office/commercial) and rental to non-tenants, including for parties, concerts, events, business shows, and similar uses at a capacity that is supported by on-site parking; or for events beyond the capacity of on-site parking based on permission from adjacent property owners to park on their property.

(13) Additional uses and/or future uses that are compatible with those listed above

~~(i)~~ Class U-5 Uses.



- (1) Governmental facilities.
- (2) Parks and public recreation facilities.
- (3) Public and private schools and colleges.
- (4) Nursing homes.
- (5) Places of worship.
- (6) Libraries.
- (7) Museums.
- (8) Community Centers.

(j) Class U-7A Uses.

- (1) Professional, administrative, executive, sales (without samples and merchandising services), governmental and public utility offices.
- (2) Services of a limited nature such as beauty and barber shops, photographic developing and blueprinting.
- (3) Telephone exchanges.
- (4) Child Day Care Centers pursuant to Section 1155.02.
- (5) Adult Day Care Centers pursuant to Section 1155.03 .
- (6) Licensed health care facilities with a Conditional Use Permit.
- (7) Professional medical offices.
- (8) Banks and other financial institutions.
- (9) Restaurants; Restaurants may be permitted outdoor dining areas and/or curbside pickup provided that they first obtain a Site Development Plan approval. The number of outdoor seats and/or spaces dedicated for curbside pickup shall be as authorized on the approved Site Development Plan.
- (10) Multi-Family Dwellings above the first floor with a Conditional Use Permit.

(k) Class U-8 Uses.

- (1) Professional, administrative, executive, and sales offices.
- (2) Professional medical offices.
- (3) Licensed health care facilities.
- (4) Research and development laboratories and testing facilities.
- (5) Wholesale and retail businesses and showrooms.
- (6) Retail sales associated with wholesale businesses and showrooms, interior decorating and design services, or with articles or goods created, manufactured, or assembled on the premises.
- (7) Storage and distribution of finished or packaged goods subject to the provisions of Section 1129.07.
- (8) Light manufacturing, fabrication and assembly operations.
- (9) Business services.
- (10) Personal services.
- (11) Printing, publishing and engraving.
- (12) Photographic studios, sales and processing.
- (13) Copy, blueprinting and reproduction services.

- (14) Interior decorating and design services and facilities.
- (15) Postal facilities and package delivery services.
- (16) Public utility facilities.
- (17) Municipal facilities.
- (18) Financial institutions.
- (19) Child Day Care Centers pursuant to Section 1155.02.
- (20) Adult Day Care Centers pursuant to Section 1155.03.
- (21) Dance studios.
- (22) Recording and broadcast studios.
- (23) Art studios and galleries.
- (24) Athletic facilities, fitness centers, and health spas 8,000 square feet or less.
- (25) The following uses may be permitted with a Conditional Use Permit:
  - A. Schools and training facilities.
  - B. Athletic facilities, fitness centers, and health spas greater than 8,000 square feet.
  - C. Licensed health care facilities.
  - D. Restaurants provided, however, that no such use shall be established on a site requiring a parking variance to accommodate said use. Restaurants may be permitted curbside pickup. The number of spaces dedicated for pickup shall be as authorized in the Conditional Use Permit.
  - E. Daily and overnight pet care facilities provided that such facilities meet the following criteria:
    1. The maximum number of pet lodging units shall not exceed one (1) per each one hundred (100) square feet of gross floor area of the first floor of the building.
    2. Runoff from all lodging units and exercise areas shall be directed to the sanitary sewer system and not the storm sewer system.
    3. An outdoor exercise and relief area shall be provided which shall contain a minimum of 1200 square feet and shall be enclosed with an opaque fence eight feet (8') in height.
    4. No animals shall be permitted outdoors between the hours of 10:00 p.m. and 6:00 a.m.
    5. Wastes shall be controlled and collected on site and shall be properly removed at least two (2) times per week.
    6. There shall be no noise from animals measurable beyond the property boundary lines.
    7. There shall be a minimum of two (2) employees on site at all times.
    8. Parking spaces shall be provided at the rate of five (5) spaces plus one (1) space for each ten (10) lodging units at maximum capacity.
    9. The maximum number of daily or day care animals shall not exceed fifty percent (50%) of the approved number of lodging units.
    10. There shall be no grooming other than of pets which are being lodged for overnight stays.
    11. There shall be no retail sales of pet supplies or products.

12. There shall be no pet training classes conducted on the premises.

13. The use shall not be so located as to have an adverse impact on the use, reuse, and/or redevelopment of any other property in the District.

F. Veterinary hospitals and clinics.

G. Multi-family residences provided that no dwelling units shall be located on the first or ground floor.

(k) Class U-8A Uses.

- (1) Professional, administrative, executive, governmental and public utility offices.
- (2) Licensed health care facilities with a Conditional Use Permit.
- (3) Professional medical offices.
- (4) Research and development laboratories or testing offices.
- (5) Wholesale offices and showrooms.
- (6) Manufacturing and assembling as permitted in Class U-8.
- (7) Child Day Care Centers pursuant to Section 1155.02.
- (8) Adult Day Care Centers pursuant to Section 1155.03.

(m) Class U-9 Uses.

- (1) Gasoline service station limited to sites with frontage on Chagrin Boulevard only.
- (2) Motels and hotels.
- (3) Restaurants; Restaurants may be permitted outdoor dining areas and/or curbside pickup provided that they first obtain a Site Development Plan approval. The number of outdoor seats and/or spaces dedicated for curbside pickup shall be as authorized on the approved Site Development Plan.

(4) Automobile agencies limited to sites with frontage on Chagrin Boulevard and Central Parkway only.

- (5) Banks.
- (6) Office buildings.
- (7) Child Day Care Centers pursuant to Section 1155.02.
- (8) Adult Day Care Centers pursuant to Section 1155.03.
- (9) Licensed health care facilities with a Conditional Use Permit.
- (10) Professional medical offices.

(n) Class U-10 Uses.

- (1) Office buildings.
- (2) Licensed health care facilities with a Conditional Use Permit.
- (3) Professional medical offices.
- (4) Motels and hotels.
- (5) Restaurants; Restaurants may be permitted outdoor dining areas and/or curbside pickup provided that they first obtain a Site Development Plan approval. The number of outdoor seats and/or spaces dedicated for curbside pickup shall be as authorized on the approved Site Development Plan.

- (6) Motor vehicle service stations.
- (7) Child Day Care Centers pursuant to Section 1155.02.

(8) Adult Day Care Centers pursuant to Section 1155.03.  
(Ord. ~~2018~~2022-~~94~~. Passed ~~10~~-~~21~~-~~1922~~.)

Formatted: Indent: Left: 1"

# Tactical Planning, LLC

P.O. Box 3163  
Cuyahoga Falls, Ohio 44223  
Ph: 440-725-1886  
geosmerigan@gmail.com

TO: Beachwood Planning Commission

FROM: George Smerigan, City Planner



DATE: June 19, 2022

RE: **P&Z 2022-06      My Place Group**  
**P&Z 2022-07      Zoning Text Amendment**  
**Rezoning and Site Development Plan**  
**3663 Park East Drive**

This request is for approval to amend the Zoning Code to create a new mixed-use zoning district to be known as the U-4C Integrated Multi-Use Residential Business District. The application also includes a request to rezone approximately 10 acres of land located on the east side of Park East Drive, and also referred to as Permanent Parcel No. 742-29-017, from U-9 Motor Service District to the proposed new zoning classification. At the last meeting the Commission requested that I work with the applicant to eliminate inconsistency in the application and to address as many of the issues raised in my May 4<sup>th</sup> Supplemental Report regarding the text amendment and development plan as possible. As a result of our discussions, the applicant has submitted revised text amendments and made modifications to the proposed development plan.

The text amendments to **Section 1111.02 Classification of Uses** have been modified to eliminate some duplication of uses that appeared in the original draft. This clean-up will make the amendment more readable and user friendly. Some uses which I had indicated as inappropriate in my May 4<sup>th</sup> Supplemental Report (such as supermarkets, drug stores, wholesale business, automobile agencies, and billboards) have been eliminated from the proposed list of permitted uses. The result is a more reasonable mixture of uses.

In addition, the applicant has proposed modifications to two uses intended to make them more acceptable to the Commission. Pet care facilities has been revised to eliminate overnight keeping of animals, an issue that has been a concern in the past. Several members of the Commission also expressed concerns about the inclusion of event space for use by both residents and non-residents as a permitted use. To address that concern, the applicant has added a codicil to that listed use proposing

P&Z 2022-06  
P&Z 2022-07  
My Place Group  
Zoning Text Amendment  
Rezoning and Site Development Plan  
3663 Park East Drive  
June 19, 2022  
Page 2

to limit the size of events based upon the availability of parking. The Commission will need to determine whether these modifications sufficiently address the concerns regarding those two uses.

The applicants indicated their desire to have food trucks operate on the subject site. I advised them that authority for food trucks appears in a separate section of the Code. I have attached to this report the necessary Code amendment to Section 1155.06 to permit food trucks on the subject site. That amendment would have to accompany any recommendation back to City Council in order to permit food trucks to operate on the subject site.

Proposed new **Chapter 1122 U-4C Integrated Multi-Use Residential Business District** has also been modified based upon my discussions with the applicant. Pursuant to my recommendation, a new Section 1122.02 has been added that essentially makes this new district a planned development district where the property is being rezoned to a specific plan as opposed to simply being placed in the district. This approach provides the Commission and Council with greater control because it essentially becomes a development agreement between the City and the property owner with regard to how the property will be developed. Under this approach any substantive change to the approved concept development plan would constitute a zoning amendment. Tying the concept plan approval to the rezoning eliminates the need for a preliminary site development plan approval, but ties the approval of all final site development plans to conformance with the approved concept plan. This is a fairly significant change to the structure of the district.

The items contained in former Section 1122.02 has been revised and some have been incorporated in new Section 1122.03 Development Standards while others were moved to 1122.04, which has been renamed Development Standards. Pursuant to my earlier recommendation, the applicants have reduced the maximum aggregate building ground coverage to 35%. They have also increased the minimum landscape area to 20%. The applicant has provided in Section 1122.04(e) some limitations on the required mix of uses and the use of first floor space for residential units.

The applicants have incorporated the standard of 1.5 parking spaces per dwelling unit that was contained in my May 4<sup>th</sup> Supplemental Report. The proposed parking ratios for non-residential uses are reasonable. The amendment does provide for some parking adjustment for shared parking as determined by the Commission, which is also reasonable. The proposed text also authorizes the provision of

P&Z 2022-06  
P&Z 2022-07  
My Place Group  
Zoning Text Amendment  
Rezoning and Site Development Plan  
3663 Park East Drive  
June 19, 2022  
Page 3

charging stations for electric vehicles which is a good addition. Finally, the applicant proposes that parking spaces be 9 feet X 18 feet with 24 feet wide drive aisles. This is similar to what has been permitted in the U-10 District and what we have allowed on other sites where new parking fields are interconnecting to older ones. Use of 60 feet double parking bays is very common.

Signs are to be approved by the Planning and Zoning Commission in the same manner in which we handle signs in Chagrin Highlands in the U-10 District. This approach makes sense if we are going to treat this as a planned development district. Establishing a sign package or standards for the site provides the City with both control and flexibility with regard to signage.

The overall **Concept Development Plan** has also been slightly revised. The principal change has been modification of the parking garage from the previously proposed lift system (about which there were many concerns expressed) to a conventional two-level parking deck where individuals are able to self-park. As a result of this design change, the site would have 281 covered parking spaces in the garage and about 54 spaces partially covered under the northern building. That is a total of 335 covered spaces or 40% of the total parking on the site.

The revised Concept Development Plan provides for a total of 827 parking spaces. Based on the parking ratios contained in the draft text amendment, the total number of required parking spaces would be:

Office =	105 Spaces
Retail =	104 Spaces
Restaurant =	147 Spaces
<u>Residential =</u>	<u>498 Spaces</u>
Total =	854 Spaces

Therefore, the applicant would be seeking a reduction of 27 spaces (or 3.25%) based on a shared parking reduction. That reduction is more consistent with the parking analysis contained in my May 4<sup>th</sup> Supplemental Report.

The issue with regard to distribution of parking spaces and walking distances remain, however, the ability to traverse the majority of the distance indoors may mitigate some of those concerns.

The other remaining issue is traffic management. The City Engineer was authorized to prepare a traffic analysis report.

1155.06 FOOD TRUCKS.

1. (a) Definitions.

"Food Truck" means any mobile food preparation vehicle, whether self-propelled or attached as a trailer in which food is processed, prepared, stored, or dispensed to the paying consumer.

"Food Truck Park" means a permanent arrangement of parking, seating, and restroom facilities for four (4) or more Food Trucks for which a Site Development Plan has been approved by the Planning and Zoning Commission.

2. (b) Special Permitted Use. Food Trucks may be permitted on private property in the City with the written approval of the property owner in any U-4A Integrated Business District, U-4B Shopping Center District, [U-4C Integrated Mixed Use, Multi-Family Residential, Office, Retail, Recreational, Business District](#), U-5 Public and Institutional District, U-8 Industrial and Office Mixed-Use District, or U-7A General Office Building District with the approval of the Safety Director and a permit issued by the Building Commissioner. Such a permit shall be issued only when the Safety Director and the Building Commissioner find that the proposed use complies with all the requirements and standards of this section. Food Trucks shall locate only on sites that have convenient pedestrian, bike and vehicular access and sufficient off-street parking. Violation of any of the requirements and standards of this Section shall result in immediate revocation of the special permit.



REV 6 14 2022

CHAPTER 1122

U-4C Integrated Mixed Use, Multi-Family Residential, Office, Retail, Recreational, Business District

1122.01 Intent.

1122.02 Permitted uses.

1122.03 Area, yard and height regulations.

1122.04 Off-street parking and loading facilities.

1122.05 Site development plans.

1122.06 Signs

CROSS REFERENCES

Districts established - see P. & Z. 1111.01

Nonconforming uses - see P. & Z. Ch. 1147

Certificates of occupancy - see BLDG. Ch. 1313

Building permits, fees and deposits - see BLDG. Ch. 1329

1122.01 INTENT.

The City of Beachwood 2015 Master Plan, called for the adoption of new mixed use zoning districts including those that are; walkable and friendly to pedestrians, promotes mixed-use redevelopment near the Chagrin Blvd corridor and other outdated commercial areas to encourage reuse and growth where industry and jobs currently exist, encourage redevelopment of the Richmond Road corridor to support higher-density residential neighborhoods, incentivize housing that accommodates future need and grows the City's population, provides different housing choices for young people, separates small ~~apartments~~ from existing single family uses, promotes mixed use including multi-family, and to remove barriers to adaptive re-use of older buildings. The City recognizes the changing nature of the Park East corridor, situated between the Chagrin Blvd. corridor and Richmond Road corridor and creates this new U-4C district to rezone certain portions adjacent to I-271 and currently zoned U-9, to meet 2015 Master Plan goals and vision. This U-4C district is only designed as a possible rezoning for areas currently zoned U-9, located north of Harvard, south of Chagrin.

It is the intent of this Chapter (Class U-4C Districts) to provide for the establishment of a district for high density mixed-use, multi-family residential, office, retail, services, recreational, event space, hotel, apartments, and similar compatible uses. This District shall provide for the establishment of attractive and well-designed mixed-use ~~developments~~ which offer quality housing, offices, services, entertainment spaces, and recreation for nearby residents and office workers to create additional housing, office, and ~~mixed-use~~ ~~mixed-use~~ opportunities including commercial and retail areas and for the City's primary employment centers.

1122.02 ESTABLISHMENT OF U-4C INTEGRATED MIXED USE, MULTI-FAMILY RESIDENTIAL, OFFICE, RETAIL, RECREATIONAL, BUSINESS DISTRICT

The following criteria shall govern the establishment of any U-4C Integrated Mixed Use, Multi-Family Residential, Office, Retail, Recreational, Business District:

- (a) No such District shall be established except subsequent to an application by the property owner requesting that the land be subject to these special provisions and which shall include an overall concept development plan.
- (b) The layout of the concept development plan shall be designed to create an orderly arrangement of uses and buildings compatible with the landscape and topography of the area with the planning principals of the City.
- (c) Each U-4C Integrated Mixed Use, Multi-Family Residential, Office, Retail, Recreational, Business District shall be developed in conformance with an approved final Site Development Plan which has been reviewed and approved in accordance with the provisions set forth herein and consistent with the approved concept development plan.

Formatted: Font: Font color: Auto

Formatted: Font: Font color: Auto

Formatted: Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.5" + Indent at: 0.75"

1122.02-03 PERMITTED USES DEVELOPMENT STANDARDS

The following standards and requirements shall apply to all U-4C Integrated Mixed Use, Multi-Family Residential, Office, Retail, Recreational, Business Districts:

(a) Buildings and land in a Class U-4C District shall be used and buildings shall be designed, created, altered, or intended for the uses designated as Class U-4C uses in Section 1111.02, except that other similar harmonious and compatible uses as may be determined by the Commission and approved by Council may be permitted.

(b) Accessory uses customarily incident to the main uses listed above shall be permitted provided they are planned and developed in connection with the main building. Such accessory uses among those permitted under this section shall include:

(1) Parking garages and off-street parking and loading areas for residents, employees, guests, and customers as provided in this chapter.

~~(2) Maintenance and storage.~~

~~(3) All~~ Solid waste collection, compaction, storage or container facilities, provided such facilities shall be located within or adjacent to the main building and physically separated from other uses by a wall, screen, fence, or similar partition, and otherwise designed to enable collection and pickup of the waste materials.

1122.03-04 AREA, YARD AND HEIGHT REGULATIONS DESIGN CRITERIA

(a) Area.

(1) The aggregate ground area occupied by the building(s) shall not exceed fifty-thirty-five percent (5035%) of the total area of the ~~lot~~ development.

(2) Consistent with the current existing or adjacent landscape plans on existing parcels, or ten-twenty percent (1020%) of the total lot area, whichever is less, shall be developed as planted, hardscapes, terraces, patios, sidewalks and other open occupiable spaces ~~areas~~ in

accordance with a landscape plan as approved by Commission and shall be maintained in good condition. The total lot area may include elevated areas within the overall site including upper floor exterior spaces and gardens.

(3) The minimum lot width at the building setback line shall be one-hundred-fifty feet (150').

(b) Yards.

(1) A front yard of not less than twenty-five feet (25') shall be provided.

(2) Within a U-4C District, side yards shall be not less than five feet (5').

(3) The rear yard shall not be less than five feet (5').

(4) A landscape plan with screening as necessary from adjacent uses; where a U-~~4A-4C~~ area is adjacent to other U-4, U-5, U-7, U-8, U-9, or U-10 uses the ~~presumption is that limited or no screening is required~~ screening requirement will be consistent with screening currently existing (as any U-4C district will be a rezoning to an already developed parcel) or as determined necessary by Planning Commission, with a goal of increasing walkability and having the Park East Drive corridor function overall as a mixed-use area.

(c) Off-Street Parking and Loading in Yards. Accessory off-street parking in a front yard shall be permitted no closer than five feet (5') from a street line. Accessory off-street loading spaces in a front yard shall be permitted no closer than fifty feet (50') from a street line.

(1) Accessory off-street parking and driveways in a side or rear yard shall be permitted no closer than five feet (5') from a property line or thirty feet (30') from a U-1, U-2, or U-3 residential District line. Accessory off-street loading in a side or rear yard shall be permitted no closer than five feet (5') from a property line or fifty feet (50') from a U-1, U-2, or U-3 residential District line.

~~(d)-(d)~~ Height. Building height shall not exceed seventy-five feet (75), exclusive of towers, cornices or similar features.

(e) The following minimum standards must be implemented for all new or modified developments within the Class U-4C District:

(1) A minimum of forty percent (40%) of the development's floor area must be developed and maintained as residential uses. In new construction the first floor/ground floor must have commercial/retail/office uses; residential uses shall be located on upper floors. In adaptive re-use of structures that previously had residential on the first floor, first floor residential units shall be permitted.

(2) A minimum of twelve and 1/2 percent (12.5%) of the development's floor area must be developed and maintained as retail, restaurant, office, and services uses.

Formatted: Indent: Left: 0.18", No bullets or numbering

Formatted: Indent: Left: 0.75", No bullets or numbering

Formatted: Indent: Left: 0.75"

#### 1121.04-05 OFF-STREET PARKING AND LOADING FACILITIES.

Off-street parking and loading facilities shall be provided in accordance with Chapter 1144, except for the following:

(a) ~~A~~ parking space shall be not less than one hundred and sixty-two (162) square feet (minimum of nine feet (9') by eighteen feet (18') exclusive of drives and turning space.

~~provided however that existing non-conforming spaces may be maintained at current dimensions. All parking lot drive aisles will be not less than twenty-four feet wide.~~

- (b) The number of parking spaces may be reduced to account for shared parking associated with mixed-use facilities, so long as the number of parking spaces is supported by a parking study and approved by the Commission.
- (c) A minimum of one (1) square foot of landscaped area shall be provided within the parking area for each one hundred (100) square feet of vehicle use area; but this area may be reduced further to match landscaped areas in adjacent buildings and developments.
- (d) Only one and one-half (1.5) off-street parking spaces shall be required for each ~~bedroom in~~ Multi-Family Dwellings. This may be reduced based on the shared parking study.
- (e) Except as may be modified by the shared parking study detailed above, parking for commercial, office, and retail space shall be ~~one space for each \_\_\_\_\_ square feet of space as follows:~~
  - a. 3.8 spaces per 1,000 square feet of office space.
  - b. 4 spaces for 1,000 square feet of retail
  - c. 14.7 spaces for 1,000 square feet of restaurant space for those uses.
- (f) Electronic car charging stations shall be permitted in parking areas as shown on a Site Development Plan.

#### 1121.~~05-06~~ SITE DEVELOPMENT PLANS.

~~Preliminary and f~~inal Site Development Plans are required and shall be prepared for all proposed developments in a Class U-4C District. Site Development Plans shall be prepared and reviewed in accordance with the provisions of Chapter 1108.

This section supersedes anything inconsistent elsewhere in the code, including but not limited to Chapters ~~1143, 1144, 1145, 1146, 1155,~~

#### 1121.~~06-07~~ Signs

Notwithstanding section 1141, signs may be approved as part of the overall site development plan. Signs may include large building mounted electric signs or adjacent pedestal or freestanding signs, signs advertising the overall site and site tenants, and similar signs. Signage may be approved as part of the ~~initial~~ site development plan approval.

(Ord. 2022-\_\_ Passed \_\_-\_\_-2.)

Formatted

INTRODUCED BY:

**AMENDED** ORDINANCE NO. 2022-42

AN ORDINANCE REZONING 3663 PARK EAST DRIVE, BEACHWOOD, OHIO 44122 PPN# 742-29-017 FROM U-9 TO NEWLY PROPOSED CLASSIFICATION U-4C

WHEREAS, My Place Group has requested the rezoning of 3663 Park East Drive, Beachwood, Ohio 44122 PPN# 742-29-017 from U-9 to newly proposed classification U-4C; and

WHEREAS, Council has referred said requested Rezoning to its Planning and Zoning Commission for study and a report and recommendation in accordance with BCO 1107.01.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Beachwood, County of Cuyahoga, and State of Ohio, that:

Section 1: The Council of the City of Beachwood, having received a request from My Place Group for the rezoning of 3663 Park East Drive, Beachwood, Ohio 44122 PPN# 742-29-017 from U-9 to newly proposed classification U-4C, placed this issue and said Rezoning on first reading on March 21, 2022, and referred the proposed to the Planning and Zoning Commission for its report and recommendation.

Council is in receipt of the recommendation of the Planning and Zoning Commission on the issue of rezoning 3663 Park East Drive, Beachwood, Ohio 44122 PPN# 742-29-017 from U-9 to newly proposed classification U-4C.

If referred to a Public Hearing, said Public Hearing shall be held no less than 30 days after referral.

If referred to a Committee of Council, a Public Hearing shall be set after receipt of the report of the Committee.

This Ordinance shall be read by Council on three separate occasions and its passage shall cause the Proposed Rezoning to become effective upon operation of the law.

Section 2: The Clerk of Council is directed to advertise said hearing in a newspaper of general circulation in the City for a period of not less than thirty (30) days prior to the Public Hearing, setting forth the substance of the amendments which are proposed.

Section 3: It is found and determined that all formal actions and deliberations of Council and its committees relating to the passage of this legislation that resulted in formal action were in meetings open to the public where required by Chapter 105 of the Codified Ordinances of the City.

WHEREFORE, this Ordinance shall be in full force and effect from and after the earliest date permitted by law.

Attest: I hereby certify this legislation was duly adopted on the \_\_\_\_ day of \_\_\_\_\_, 2022 and presented to the Mayor for approval or rejection in accordance with Article III, Section 8 of the Charter on the \_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Clerk

Approval: I have approved this legislation this \_\_\_\_ day of \_\_\_\_\_, 2022 and filed it with the Clerk.

\_\_\_\_\_  
Mayor