



**Beachwood Planning and Zoning Commission Meeting Agenda**  
**Thursday, February 29, 2024, 6:00 PM**  
**at Beachwood City Hall, Council Chambers,**  
**25325 Fairmount Boulevard, Beachwood, Ohio 44122**

Agenda Items

1. Roll Call
2. Approval of Minutes of the January 18, 2024 Planning and Zoning Meeting
3. Council Report
4. Citizen's Remarks
5. Planning and Zoning Commission **2024-7** Bryan Barkley, PDI Toledo dba Allegiance Ohio, is requesting preliminary and final site plan approval for a mobile MRI unit to be located at 3690 Orange Place.
6. Planning and Zoning Commission **2024-8** James Kassay, ADA Architects Inc, is requesting preliminary and final site plan approval for a new fenced playground area to be located at 23825 Commerce Park, Primrose School of Beachwood.
7. Planning and Zoning Commission **2024-9** James B. Heller, on behalf of Beachwood Office LLC, property owner, is requesting preliminary and final approval for variance to permit ADA compatible residential units on the first floor of the building located at 23250 Chagrin Blvd.
8. Planning and Zoning Commission **2024-10** An Ordinance, 2024-22, Rezoning 2463 Green Road, Beachwood, Ohio 44122 PPN# 741-09-005, 2479 Green Road, Beachwood, Ohio 44122 PPN# 741-09-051, 2475 Green Road, Beachwood, Ohio PPN# 741-09-064, 25222 Fairmount Boulevard, Beachwood, Ohio 44122 PPN# 741-22-008, subplot 281 Peshurst Drive, Beachwood, Ohio 44122 PPN# 741-14-100, and subplots 156 & 157 Letchworth Road, Beachwood, Ohio 44122 PPN# 742-13-030 and 742-13-029 From U-1 Single Family Residential District to U-5 Public and Institutional District. (Referred from Council February 5, 2024.)



**PLANNING & ZONING APPLICATION**

**Form must be completed or will not be processed**

APPLICATION DATE: 1/24/24

OWNER OF BUILDING: Orangewood Holdings, LLC PHONE: (216) 407-0068

STREET ADDRESS: 28 west 36th street 3rd Floor

CITY/STATE/ZIP: New York, NY 10018

APPLICANT: Bryan Barkley PHONE: 480-695-6545

COMPANY OR FIRM: PDI Toledo D/B/A Allegiance Ohio

EMAIL: bbarkley@allegianceohio.com

STREET ADDRESS: 3690 Orange Place, Suite 110

CITY/STATE/ZIP: Beachwood, OH, 44122

**PRESENTER(S) TO APPEAR AT THE P&Z MEETING (include name & email address):**

Bryan Barkley

**DESCRIPTION OF THE PROPERTY:**

ADDRESS: 3690 Orange Place SUITE # 110

TENANT NAME: Allegiance Ohio

PERMANENT PARCEL # \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ PRESENT USE: Parking Lot PROPOSED USE: Temporary

PURPOSE OF APPLICATION: To obtain a temporary occupancy permit for our mobile MRI unit to service the community of Beachwood

**NATURE OF THE REQUEST (check as many as apply):**

- Preliminary site plan approval
- Final site plan approval
- Lot split
- Lot consolidation
- Conditional use permit
- Rezoning
- Zoning text amendment
- Other \_\_\_\_\_
- Request for a variance.

Must provide a "Box Score" indicating permitted area, distance, etc. and requested area, distance, etc. with application. Please explain reason for variance (**must indicate a hardship**):

Are there any special issues regarding this application that should be brought to the attention of the Planning Commission and Staff? If so, please explain. \_\_\_\_\_

\*\*\*\*\* (OVER) CONTINUED ON BACK\*\*\*\*\*

**Planning & Zoning Submission Requirements:**

- Attach site plan of the proposed development with details such as square footage, height, purpose.
- Attach an aerial photo depicting the property and surrounding area (these are available online via County Auditor's GIS website or Google Earth).
- Attach copy of the Auditor's Report from the Cuyahoga County website indicating the real estate taxes for the property have been paid on a current basis.
- Any Planning & Zoning application which requires Council approval must have a representative attend the scheduled Council meeting.

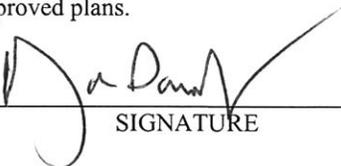
**Planning & Zoning Submission Filing Fees & Deposits:**

A non-refundable filing fee in the amount of thirty-five dollars (\$35.00) shall be paid to the City for each application submitted to the Planning and Zoning Commission; and...

A cash fee in the amount set forth in the following schedule shall be submitted in addition to the filing fee listed in subsection (a) hereof, at the time of application to the Planning and Zoning Commission and/or Council:

	<u>Zoning District</u>	<u>Fee</u>
(1)	U-1, A-1 / U-1, A-2 / U-2 / U-2A / Variances Includes all applications to the Planning Commission and/or Council except applications for lot splits and/or consolidations plats, easement applications, and any application required to be recorded with the County Recorder's Office.	\$300.00
(2)	All other Zoning Districts for site development plan review (new building/addition)	\$5,000.00
(3)	All lot split and/or consolidation plats, easements, and any application required to be recorded with the County Recorder's Office	\$1,500.00
(4)	For all Zoning Districts, excepting U-1, A-1/U-1, A-2/U-2/ and U-2A, all other applications, including, but not limited to: special use permits, conditional use permits, variances, text amendments, or similar or harmonious use	\$750.00
(5)	Map Amendment	\$2,500.00

We, the building owner and/or applicant, with our signature below, hereby agree to follow specifically the plans submitted to and approved by the Planning and Zoning Commission and do agree to construct said building(s) as depicted on said approved plans.

  
 \_\_\_\_\_  
 SIGNATURE

Bryan Barkley  
 \_\_\_\_\_  
 PRINTED NAME

1/30/24  
 \_\_\_\_\_  
 DATE

\*\*\*\*\*OFFICE USE ONLY\*\*\*\*\*

PLANNING & ZONING COMMISSION - P&Z No. \_\_\_\_\_ MEETING DATE: \_\_\_\_\_

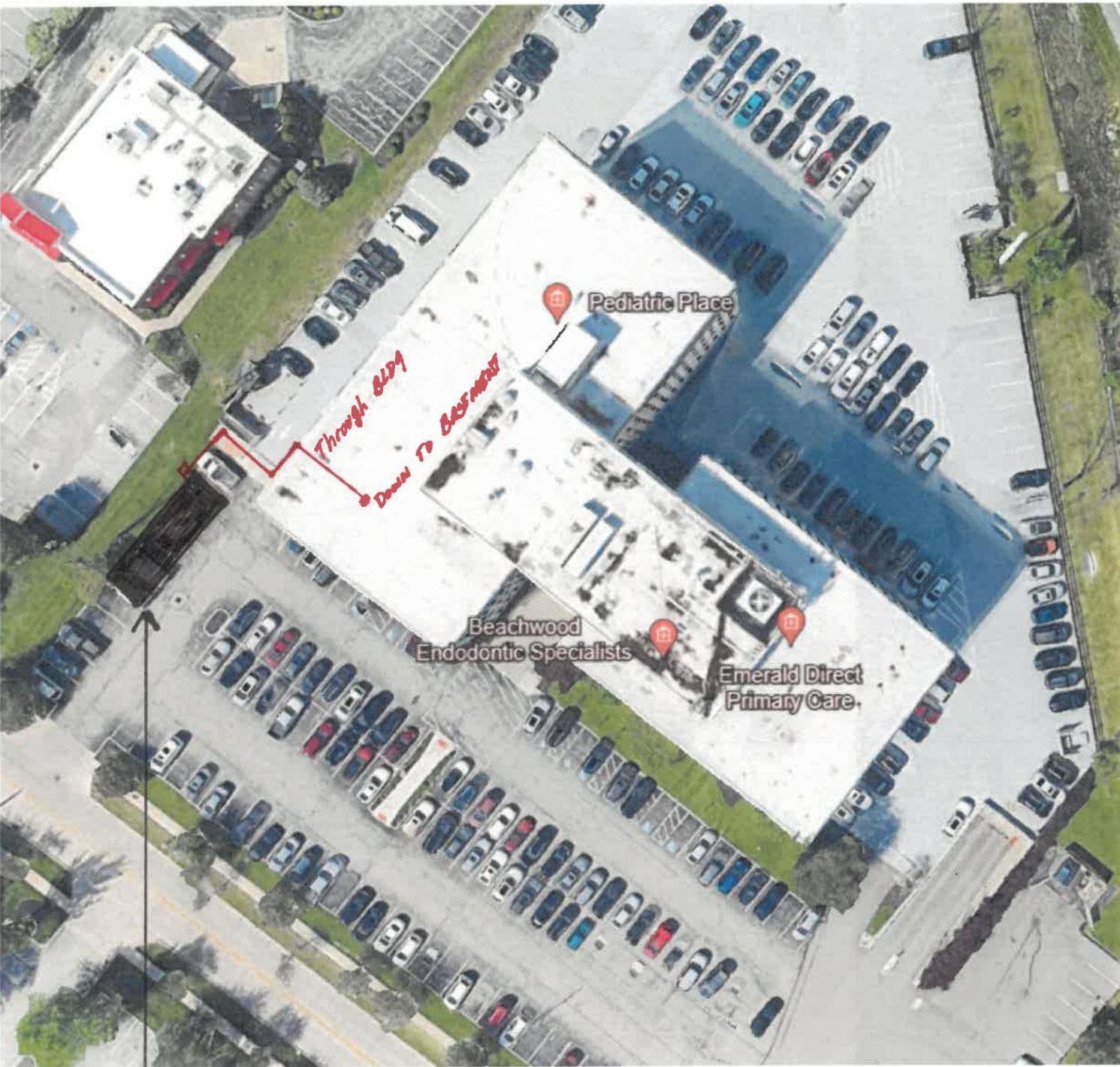
FEE: RECEIPT # \_\_\_\_\_ AMOUNT \$ \_\_\_\_\_ DATE PAID \_\_\_\_\_

Preliminary Approval: \_\_\_\_\_  
Date

Final Approval: \_\_\_\_\_  
Date

Recommendation to Council:  YES  NO Meeting Date: \_\_\_\_\_

**Building Department**  
 Brian Roenigk, Building Commissioner  
 Phone (216) 292-1914 • Fax (216) 292-1917



*TRAILER LOCATION*













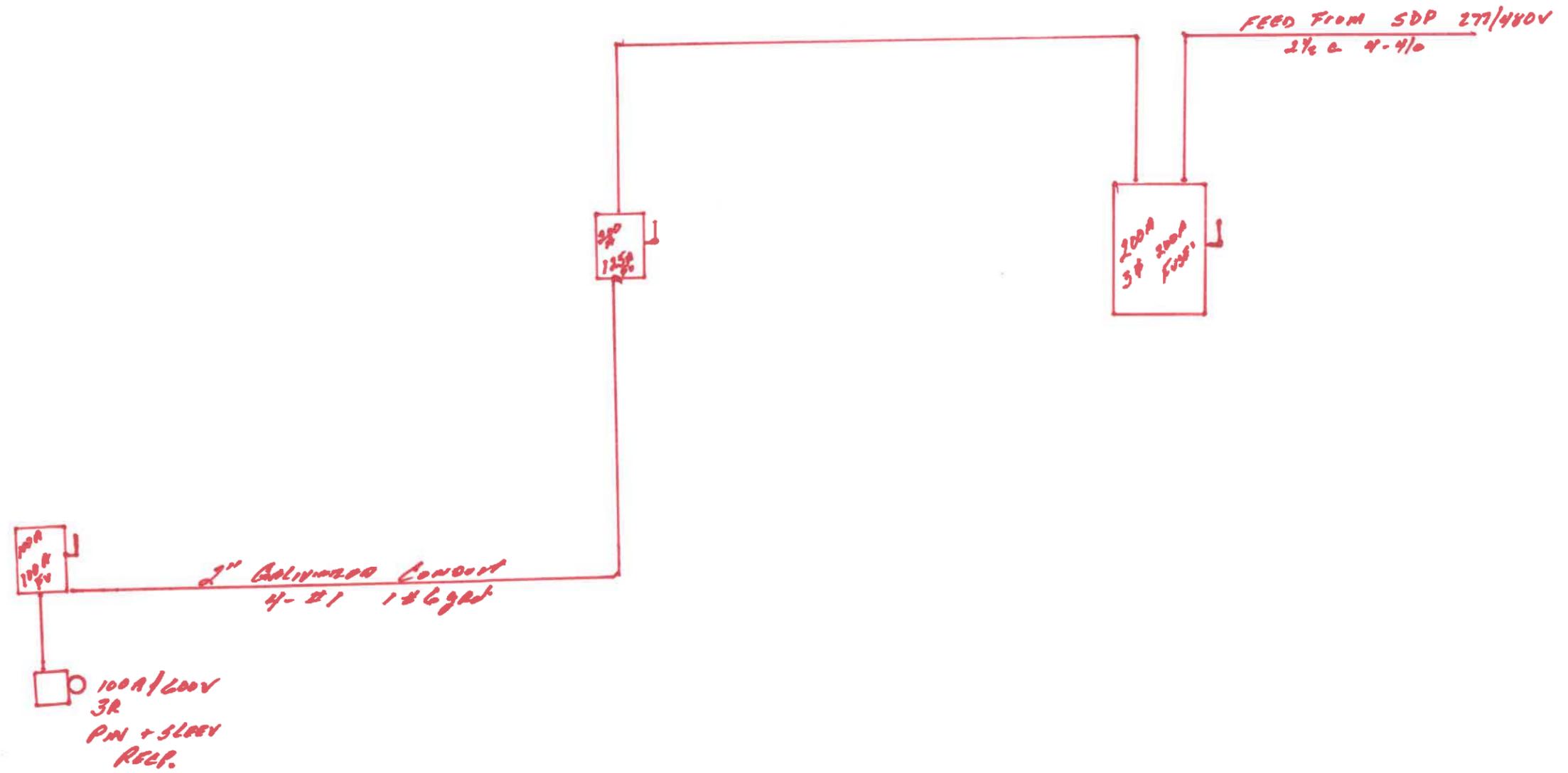








ALLEGIANCE OMI  
3690 ORANGE PLACE  
BEAONWOOD OH. 44122



# 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: February 15, 2024



RE: **P&Z 2024-7 PDI Toledo dba Allegiance Ohio  
Orangewood Holdings, LLC  
3690 Orange Place  
Temporary Mobile MRI Unit**

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This request is for approval to temporarily place a mobile MRI unit on the property. The subject site is zoned U-9 Motor Service District. Professional medical offices are a permitted use in the U-9 District. The mobile MRI unit has already been placed on the site. There are two access drives to the office building off of Orange Place. The MRI unit has been placed adjacent to the southern access drive. The facility is being powered by an electrical feed from the office building. That feed uses the truck restrictor to cross the driveway and the cables then run along the ground. Patients using the MRI unit would have to cross the main access drive. The path between the mobile MRI unit and the building is not protected. The placement of the MRI unit temporarily eliminates seven (7) parking spaces. The applicant has not provided a specific time frame for use of the temporary facility.

The Commission has permitted temporary mobile MRI units on at least two other occasions. In each case the unit was placed immediately adjacent to the building and a protected walkway was provided for patients to safely travel between the building and the MRI unit. In each case a time limit was established for the temporary arrangement.

I am not opposed to the concept of placing a temporary MRI unit on the subject site or to temporarily eliminating seven (7) parking spaces. I am, however, not comfortable with the chosen location. There are places on the site where parking is located immediately adjacent to the building. Placing the MRI unit in one of those locations would be a much safer arrangement. The patient path could be protected and patients would not have to cross one of the two main access drives to the site to

P&Z 2024-7  
PDI Toledo dba Allegiance Ohio  
Orangewood Holdings, LLC  
3690 Orange Place  
Temporary Mobile MRI Unit  
February 15, 2024  
Page 2

get to the MRI. Such a location would also permit the electrical feed to be handled in a safer manner.

It is my recommendation that this request be tabled and the applicant directed to return with a plan that places the mobile MRI unit in a safer and more acceptable location that better provides for patient access and better handles the power arrangements. The applicant should also provide the Commission with some indication of the time frame for this temporary arrangement.



**GPD GROUP®**  
Glaus, Pyle, Schomer, Burns & DeHaven, Inc.

**Cleveland Office**

5595 Transportation Blvd  
Suite 100  
Cleveland, OH 44125

tel 216.518.5544

fax 216.518.5545

[www.gpdgroup.com](http://www.gpdgroup.com)

**MEMORANDUM**

**CITY OF BEACHWOOD**

**PLANNING AND ZONING COMMISSION MEETING**

**Meeting Date: February 29, 2024**

**Report Date: February 15, 2024**

2022120.02

To: Mr. Brian Roenigk  
Building Commissioner

From: Joseph R. Ciuni, P.E. P.S.  
City Engineer

**AGENDA ITEM NO. 5**

**P & Z 2024-07 Bryan Barkley, PDI Toledo dba Allegiance Ohio, is requesting preliminary and final site plan approval for a mobile MRI unit to be located at 3690 Orange Place.**

There are no Engineering comments for this item.

## Fire Prevention Bureau

## P&Z Report

To: Planning and Zoning Commission  
From: Matthew Domonkos, Assistant Fire Chief  
Date: 02-20-2024  
Re: P&Z # 2024-07 – 3690 Orange Place- Mobile MRI Site Plan

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The Fire Prevention Bureau has reviewed the drawings/documents submitted for this item.

1. Fire Department has no comment at this time.

*Matthew Domonkos*

Assistant Fire Chief

**PLANNING & ZONING APPLICATION**

**Form must be completed or will not be processed**

APPLICATION DATE: 01/31/24

OWNER OF BUILDING: 23825 Commerce Park LLC PHONE: \_\_\_\_\_

STREET ADDRESS: 23825 Commerce Park Road

CITY/STATE/ZIP: Beachwood, Ohio 44122

APPLICANT: James Kassay PHONE: 216-521-5134

COMPANY OR FIRM: ADA Architects, Inc.

EMAIL: jkassay@adaarchitects.com

STREET ADDRESS: 17710 Detroit Ave.

CITY/STATE/ZIP: Lakewood, Ohio 44107

**PRESENTER(S) TO APPEAR AT THE P&Z MEETING (include name & email address):**

James Kassay, ADA Architects, Inc.

Matt Taylor, Primrose Schools

**DESCRIPTION OF THE PROPERTY:**

ADDRESS: 23825 Commerce Park Road SUITE # \_\_\_\_\_

TENANT NAME: Primrose School of Beachwood

PERMANENT PARCEL # 742 - 25 - 017 PRESENT USE: Office PROPOSED USE: \_\_\_\_\_

PURPOSE OF APPLICATION: Change of use to a Primrose child care facility on the first floor, and removing portions of existing parking lot to accommodate fenced playground areas

**NATURE OF THE REQUEST (check as many as apply):**

- Preliminary site plan approval
- Final site plan approval
- Lot split
- Lot consolidation
- Conditional use permit
- Rezoning
- Zoning text amendment
- Other \_\_\_\_\_
- Request for a variance.

Must provide a "Box Score" indicating permitted area, distance, etc. and requested area, distance, etc. with application.

Please explain reason for variance (**must indicate a hardship**):

No variance requested

Are there any special issues regarding this application that should be brought to the attention of the Planning Commission and Staff? If so, please explain. No

**Planning & Zoning Submission Requirements:**

- Attach site plan of the proposed development with details such as square footage, height, purpose.
- Attach an aerial photo depicting the property and surrounding area (these are available online via County Auditor’s GIS website or Google Earth).
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**Planning & Zoning Submission Filing Fees & Deposits:**

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(2)	All other Zoning Districts for site development plan review (new building/addition)	<b>\$5,000.00</b>
(3)	All lot split and/or consolidation plats, easements, and any application required to be recorded with the County Recorder’s Office	<b>\$1,500.00</b>
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(5)	Map Amendment	<b>\$2,500.00</b>

We, the building owner and/or applicant, with our signature below, hereby agree to follow specifically the plans submitted to and approved by the Planning and Zoning Commission and do agree to construct said building(s) as depicted on said approved plans.

  
**James Kassay**  
 SIGNATURE

**James Kassay**  
 PRINTED NAME

**01/31/24**  
 DATE

\*\*\*\*\*OFFICE USE ONLY\*\*\*\*\*

PLANNING & ZONING COMMISSION - P&Z No. \_\_\_\_\_ MEETING DATE: \_\_\_\_\_

FEE: RECEIPT # \_\_\_\_\_ AMOUNT \$ \_\_\_\_\_ DATE PAID \_\_\_\_\_

Preliminary Approval: \_\_\_\_\_  
 Date

Final Approval: \_\_\_\_\_  
 Date

Recommendation to Council:  YES  NO Meeting Date: \_\_\_\_\_

**Primary Owner** 23825 COMMERCE PARK LLC  
**Property Address** 23825 Commerce Park RD Beachwood,OH 44122  
**Tax Mailing Address** Wayne Bilinovic 23825 Commerce Park Rd #A BEACHWOOD, OH 44122  
**Description** 59 COMM PK DEV  
**Property Class** OFFICE BUILDINGS - 1 AND 2 STORIES  
**Parcel Number** 742-25-017  
**Taxset** Beachwood  
**Tax Year** 2023

**Assessed Values**

Land Value \$106,860  
 Building Value \$447,480  
 Total Value \$554,340  
 Homestead Value \$

**Market Values**

Land Value \$305,300  
 Building Value \$1,278,500  
 Total Value \$1,583,800

**Flags**

Owner Occupancy Credit N  
 Homestead Reduction N  
 Foreclosure N  
 Cert. Pending N  
 Cert. Sold N  
 Payment Plan N

**Half Year Charge Amounts**

Gross Tax \$33,734.36  
 Less 920 Reduction \$11,984.67  
 Sub Total \$21,749.69  
 10% Reduction Amount \$0.00  
 Owner Occupancy Credit \$0.00  
 Homestead Reduction Amount \$0.00  
 Total Assessments \$129.38  
 Half Year Net Taxes \$21,879.07

**Rates**

Full Rate 123.26  
 920 Reduction Rate .350798  
 Effective Rate 80.020588

**Escrow**

Escrow N  
 Payment Amount \$0.00

	Charges	Payments	Balance Due
Tax Balance Summary	<b>\$43,758.14</b>	<b>\$21,879.07</b>	<b>\$21,879.07</b>

**2023 (pay in 2024) Charge and Payment Detail**

Taxset	Charge Type	Charges	Payments	Balance Due
<b>Beachwood</b>				
	1st half tax	\$21,749.69	\$21,749.69	\$0.00
	1ST HALF BALANCE	\$21,749.69	\$21,749.69	\$0.00
	2nd half tax	\$21,749.69	\$0.00	\$21,749.69
	2ND HALF BALANCE	\$21,749.69	\$0.00	\$21,749.69
<b>C100030C-SEWER MAINTENANCE</b>				
	1st half tax - 2023	\$64.69	\$64.69	\$0.00
	1ST HALF BALANCE	\$64.69	\$64.69	\$0.00
	2nd half tax - 2023	\$64.69	\$0.00	\$64.69
	2ND HALF BALANCE	\$64.69	\$0.00	\$64.69
<b>C100030S-Sewer Maintenance</b>				
	1st half tax - 2023	\$64.69	\$64.69	\$0.00
	1ST HALF BALANCE	\$64.69	\$64.69	\$0.00
	2nd half tax - 2023	\$64.69	\$0.00	\$64.69
	2ND HALF BALANCE	\$64.69	\$0.00	\$64.69
<b>2023 Taxes</b>				
Tax Balance Summary	<b>Charges \$43,758.14</b>	<b>Payments \$21,879.07</b>	<b>Balance Due \$21,879.07</b>	

Disclaimer: Information included on this report is believed to be accurate but is not guaranteed. Cuyahoga County is not liable for errors or omissions. Cuyahoga County provides this geographic data and related analytical results as a free public service on an "as is" basis. Cuyahoga County makes no guarantee(s) or warranty(ies) as to the accuracy, completeness, or timeliness of the information contained herein, and said information is not intended to, nor does it, constitute an official public record of Cuyahoga County. While much of the data contained herein is compiled from public records, the official records of the public office or agency from which they were compiled remains the official record of any such public office or agency. By accessing, viewing or using any part of the site, you expressly acknowledge you have read, agree to and consent to be bound by all of the terms and conditions listed on this site. Routine maintenance is performed on Fridays and disruptions may occur. We apologize for any inconvenience.

# COMMERCE PARK ROAD 60'

(A PUBLIC RIGHT-OF-WAY)

Sanitary Manhole  
Rim 1098.53  
Inv. 8" E 1079.56

Storm Manhole  
Rim 1098.33  
Inv. 42" E 1081.49

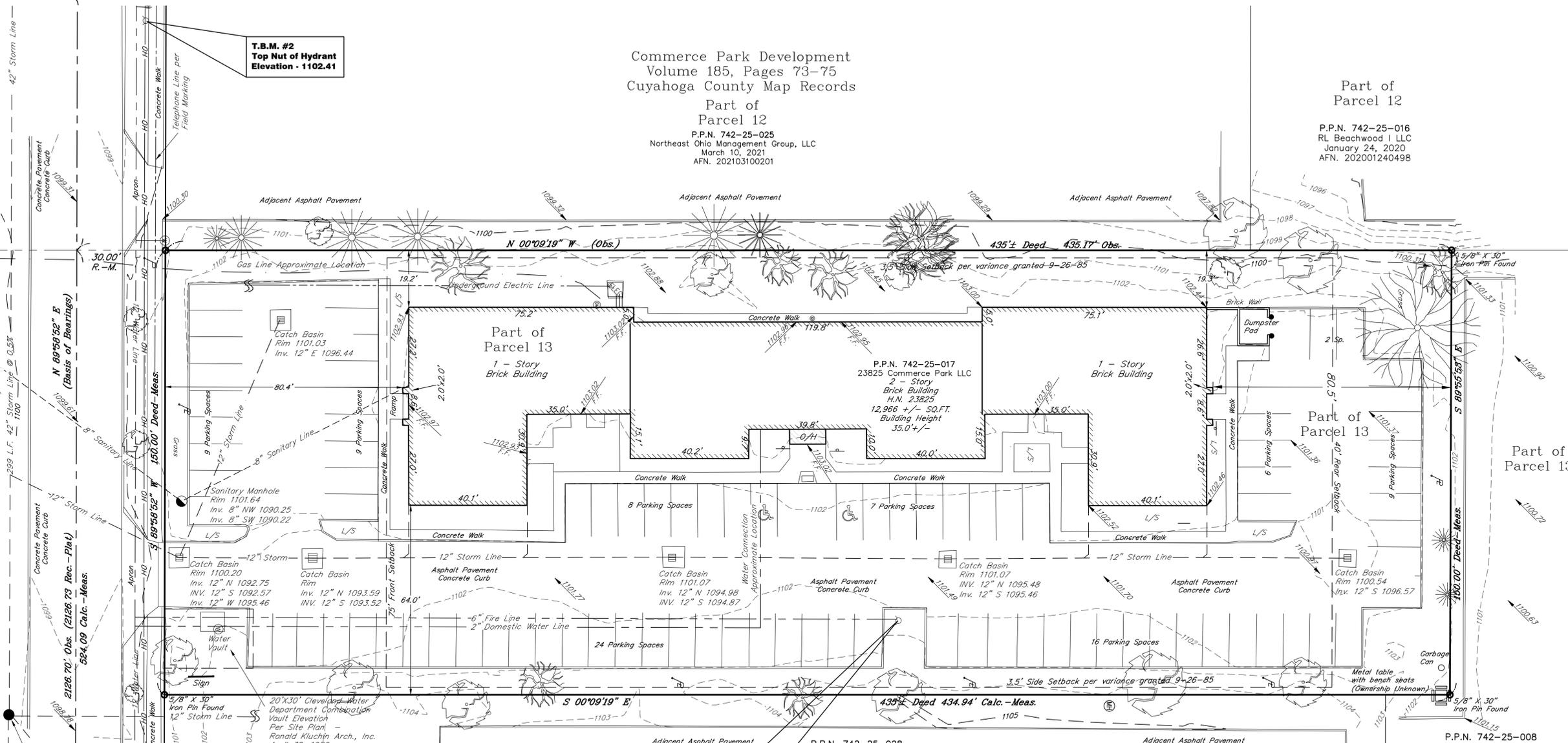
**T.B.M. #2**  
Top Nut of Hydrant  
Elevation - 1102.41

## Commerce Park Development Volume 185, Pages 73-75 Cuyahoga County Map Records

Part of  
Parcel 12  
P.P.N. 742-25-025  
Northeast Ohio Management Group, LLC  
March 10, 2021  
AFN. 202103100201

## Part of Parcel 12

P.P.N. 742-25-016  
RL Beachwood I LLC  
January 24, 2020  
AFN. 202001240498



**T.B.M. #1**  
Top Nut of Hydrant  
Elevation - 1105.82

P.P.N. 742-25-028  
23875 CP LLC  
June 29, 2020  
AFN. 202006290904

## Commerce Park Development Volume 185, Pages 73-75 Cuyahoga County Map Records

P.P.N. 742-25-008  
RL Reflections, LLC  
July 06, 2020  
AFN. 202007060105

## Part of Parcel 13

## MERCANTILE ROAD 60'

(A PUBLIC RIGHT-OF-WAY)

LEGEND	
<ul style="list-style-type: none"> <li>Manument Box Found</li> <li>Iron Pin or Pipe Found</li> <li>5/8" Iron Pin Set and Capped Riverstone Company Dudley PS6747</li> <li>P.K. Nail</li> <li>Gas Meter</li> <li>Gas Valve</li> <li>Utility Pole</li> <li>Light Pole</li> <li>Guy Anchor &amp; Line</li> <li>Telephone Box</li> <li>Cable Box</li> <li>Bollard</li> </ul>	<ul style="list-style-type: none"> <li>Spot Elevation Tag</li> <li>Hydrant</li> <li>Water Service Valve</li> <li>Water Valve</li> <li>Water Meter</li> <li>Reducer</li> <li>Storm Manhole</li> <li>Sanitary Manhole</li> <li>Curb Inlet</li> <li>Catch Basin</li> <li>Round Curb Inlet</li> <li>Cleanout/Test Tee</li> </ul>
<ul style="list-style-type: none"> <li>Ex. Parcel line</li> <li>Original Sublot Line</li> <li>Original Lot Line</li> <li>Centerline</li> <li>Property Line</li> <li>Right-of-way Line</li> <li>Easement Line</li> <li>Railroad Tracks</li> <li>Electric Line</li> <li>Gas Line</li> <li>Sanitary/Combination Sewer</li> <li>Storm Sewer</li> <li>Waterline</li> <li>Fence Line (Wooden)</li> <li>Fence Line (Chain-Link)</li> <li>Guardrail</li> </ul>	<ul style="list-style-type: none"> <li>Acres</li> <li>Adjacent</li> <li>Asp. Asphalt</li> <li>B.F. Basement Floor</li> <li>Calc./C. Calculated</li> <li>CB Catch Basin</li> <li>C.C.M.R. Cuyahoga County Map Records</li> <li>Centerline</li> <li>C.L.F. Chain-link Fence</li> <li>Clr. Clears</li> <li>Conc. Concrete</li> <li>Conn. Connection</li> <li>D.H. Drill Hole</li> <li>D.I.W.M. Ductile Iron Water Main</li> <li>Elec. Electric</li> <li>Enchr. Encroaches</li> <li>Ex. Existing</li> <li>F.F. Finished Floor</li> </ul>
<ul style="list-style-type: none"> <li>L.C.A. Limited Common Area</li> <li>Meas./M. Measured</li> <li>MH Manhole</li> <li>Obs. Observed</li> <li>Pg. Page</li> <li>P.P.N. Permanent Parcel Number</li> <li>P Property Line</li> <li>Rec./R. Record</li> <li>R/W Right-of-way</li> <li>San. Sanitary</li> <li>S.F. Square Feet</li> <li>S/L Sublot</li> <li>Stm. Storm</li> <li>T.B.M. Temporary Bench Mark</li> <li>TBR To Be Removed</li> <li>Tele. Telephone</li> <li>T.F. Top Footer</li> <li>Vol. Volume</li> <li>Wat. Water</li> </ul>	<p>GRAPHIC SCALE</p> <p>( IN FEET )</p> <p>1 inch = 20 ft.</p>

Preliminary  
Not for  
Construction

**RIVERSTONE**  
LAND SURVEYING - ENGINEERING - DESIGN  
3800 LAKEVIEW AVENUE - SUITE 100  
CLEVELAND, OHIO 44114  
PHONE: (216) 491-9640  
WWW.RIVERSTONE-SURVEY.COM

2023-485

PLAN REVISIONS:


PAGE REVISIONS:

ISSUED FOR:  
DATE  
NOT FOR CONSTRUCTION

PRIMROSE SCHOOL  
23825 COMMERCE PARK ROAD  
BEACHWOOD, OHIO

EXISTING CONDITIONS

Ohio Utilities Protection Service  
**GUARD**  
before you dig

OGPUPS  
Ohio Oil & Gas Producers Underground Protection Service  
Call (811) 715-2561 or 811

**C2.01**



1 AERIAL SITE PHOTO  
A1.0 SCALE: N.T.S.



2 SOUTH ELEVATION  
A1.0 SCALE: N.T.S.



3 SOUTHEAST ELEVATION  
A1.0 SCALE: N.T.S.

PRELIMINARY  
NOT FOR CONSTRUCTION



**ADA**  
ARCHITECTS

17710 Detroit Avenue, Lakewood, Ohio 44107  
Phone (216) 321-9134 Fax (216) 321-1624  
www.adaarchitects.com

**PRIMROSE SCHOOLS:**  
BEACHWOOD, OH

23825 COMMERCE PARK RD BEACHWOOD, OH  
THESE DOCUMENTS CONTAIN INFORMATION PROPRIETARY TO ADA ARCHITECTS, INC.  
UNAUTHORIZED USE OF THESE DOCUMENTS IS EXPRESSLY PROHIBITED UNLESS AGREED UPON IN WRITING.

REVISIONS

#	DATE	TYPE
1		
2		
3		
4		
5		
6		
7		
8		
9		

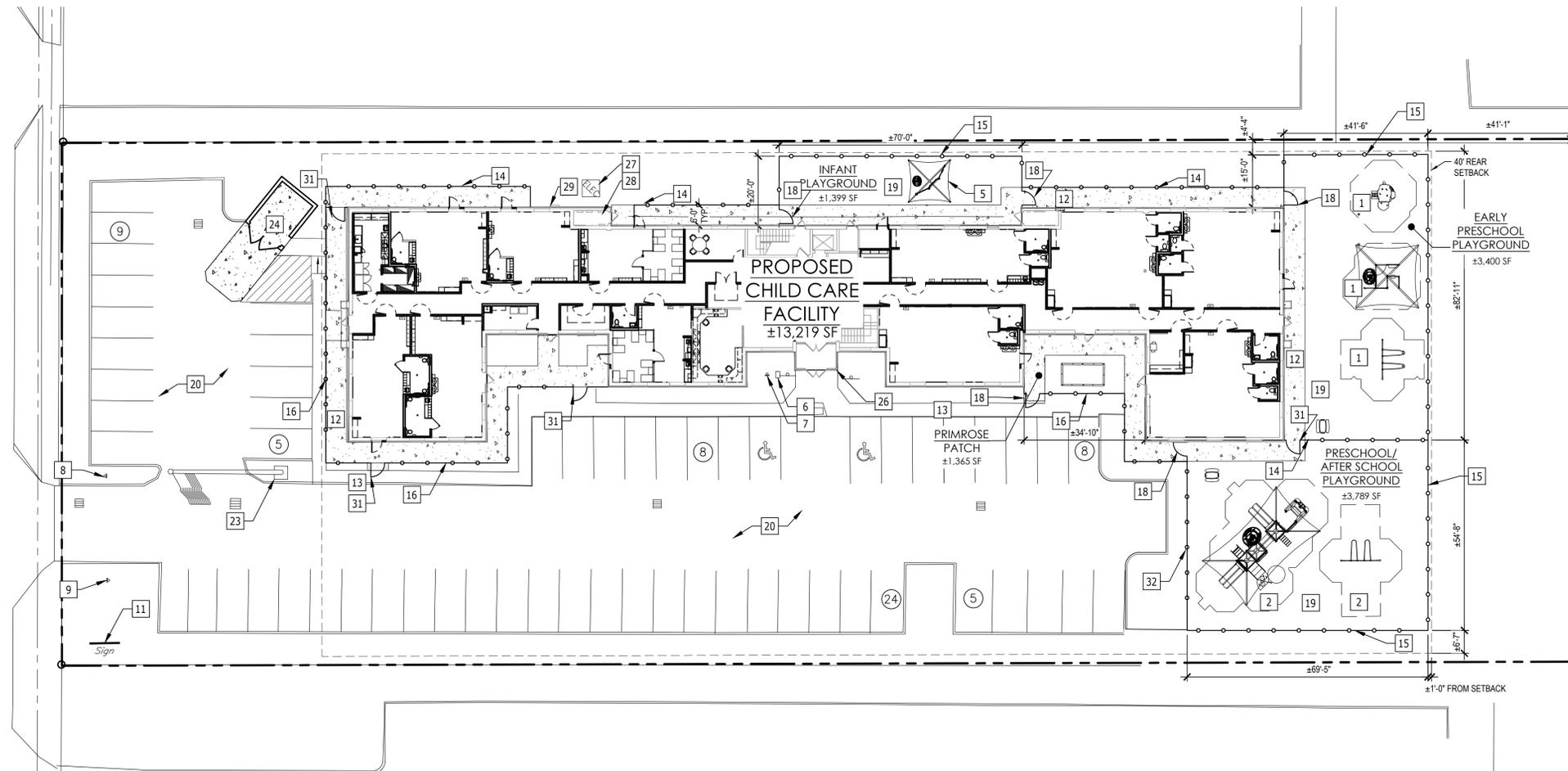
ELEVATIONS

DATE 01/30/2024  
JOB NO. 23242

**A-1.0**  
SHEET NO.

**SITE PLAN KEYED NOTES**

1. EARLY PRESCHOOL PLAYGROUND EQUIPMENT - SEE 1/A4.0
2. PRESCHOOL/ AFTER SCHOOL PLAYGROUND EQUIPMENT - SEE 2/A4.0
3. NOT USED
4. NOT USED
5. 12' x 12' SUNPORTS SUNSHADE. FOREST GREEN WITH BEIGE LOGO. SEE 3/A4.0
6. MAILBOX - SEE 4/A-5.0. COORDINATE LOCATION WITH OWNER & USPS
7. SMOKE FREE SIGN - SEE 3/5.0
8. BUCKLE UP SIGN - SEE 3/A5.0
9. WATCH FOR CHILDREN SIGN - SEE 3/A5.0
10. NOT USED
11. SHARED MONUMENT SIGN
12. 6'-0" W SIDEWALK
13. SIDEWALK
14. 4' BLACK VINYL CLAD CHAIN LINK FENCE, TYPICAL ALL INTERIOR FENCES - SEE 6/A4.0
15. 6' BLACK VINYL CLAD CHAIN LINK FENCE, (NON-STREET SIDE), 3-RAIL WITH MIDDLE RAIL @ 24" A.F.G. - SEE 6/A4.0
16. 4' BLACK AMERISTAR IMPACT FENCE, TYPICAL AT FRONT OF BUILDING - SEE DETAILS ON A4.0.
17. NOT USED
18. 4' W x 6'H BLACK GATE W/ PANIC HARDWARE TO MATCH FENCE MATERIAL, TYP. - SEE 8/A4.0
19. PROVIDE ARTIFICIAL TURF THROUGHOUT PLAYGROUND - SEE 4/A4.0
20. PARKING LOT STRIPING
21. NOT USED
22. LOT LIGHT
23. FLAGPOLE - SEE 4/A5.0
24. PROPOSED BRICK TRASH ENCLOSURE, WITH CONC. APPROACH. SEE SHEET A5.0
25. NOT USED
26. PROVIDE A KNOX BOX NEAR THE FRONT ENTRANCE FOR FIRE DEPT. ACCESS. COORDINATE WITH LOCAL FIRE OFFICE.
27. PAD MOUNTED TRANSFORMER.
28. EXISTING ELECTRICAL SERVICE
29. GAS METER LOCATION
30. NOT USED
31. 4'W x 4'H BLACK GATE W/PANIC HARDWARE TO MATCH FENCE MATERIAL, TYP. - SEE 5 & 8/A4.0
32. 6' BLACK AMERISTAR IMPACT FENCING - SEE DETAILS ON A4.0
33. NOT USED
34. NOT USED
35. NOT USED



**SITE PLAN**  
SCALE: 1"=20'-0"

**PRELIMINARY**  
NOT FOR CONSTRUCTION



**ADA ARCHITECTS**  
17710 Detroit Avenue, Lakewood, Ohio 44107  
Phone (216) 321-9134 Fax (216) 321-1484  
www.adaarchitects.com

**PRIMROSE SCHOOLS:**  
BEACHWOOD, OH  
23825 COMMERCE PARK RD

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UNAUTHORIZED USE OF THESE DOCUMENTS IS EXPRESSLY PROHIBITED UNLESS AGREED UPON IN WRITING.

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<b>SITE PLAN</b>	
DATE	01/30/2024
JOB NO.	23242
<b>A-2.0</b>	
SHEET NO.	

ROOM	OH AGES	PRIMROSE AGES	OH SF PER CHILD	PRIMROSE SF PER CHILD	OH RATIO	MAX GROUP SIZE	PSFC STAFF RATIO	PROPOSED ROOM CAPACITY	STAFF REQ'D	REQ'D AREA SF	ACTUAL AREA SF	
A1 - INFANTS	BIRTH - 12MOS	6WKS - 12MOS	35	50	2:12	12	1:4	8	2	400	448	
A2 - INFANTS	BIRTH - 12MOS	6WKS - 12MOS	35	50	2:12	12	1:4	8	2	400	438	
B1 - TODDLERS	12MOS - 18MOS	12MOS - 18MOS	35	35	1:6	12	1:6	12	2	420	506	
B2 - TODDLERS	18MOS - 30MOS	18MOS - 23MOS	35	35	1:7	14	1:7	14	2	490	553	
EP1 - EARLY PRESCHOOL	18MOS - 30MOS	24MOS - 29MOS	35	35	1:7	14	1:7	14	2	490	579	
EP2 - EARLY PRESCHOOL	30MOS - 3YO	30MOS - 35MOS	35	35	1:8	16	1:8	16	2	560	660	
PRESCHOOL PATHWAYS 1	30MOS - 3YO	30MOS - 42MOS	35	35	1:8	16	1:8	16	2	560	639	
C1 - PRESCHOOL	3YO - 4YO	3YO	35	35	1:12	24	1:12	24	2	840	849	
C2 - PRESCHOOL	3YO - 4YO	3YO	35	35	1:12	24	1:12	24	2	840	928	
D1 - PRE KINDERGARTEN	4YO - KINDER	4YO	35	35	1:14	28	1:12	24	2	840	907	
D2 - PRE KINDERGARTEN	4YO - KINDER	4YO	35	35	1:14	28	1:12	24	2	840	874	
								TOTALS:	184	22	6680	7381

BUILDING: FIRST FLOOR: ±13,219  
 SECOND FLOOR: ±5,248  
 TOTAL: ±18,467

PLAYGROUND: PROVIDES AT LEAST SIXTY SQUARE FEET OF USABLE SPACE PER CHILD USING THE AREA AT ONE TIME.  
 PLAYGROUND REQUIRED: ±3,240 SF  
 PLAYGROUND PROVIDED: ±9,567 SF

PRELIMINARY  
NOT FOR CONSTRUCTION



**ADA ARCHITECTS**  
 17710 Detroit Avenue, Lakewood, Ohio 44107  
 Phone (216) 321-9134 Fax (216) 321-1624  
 www.adaarchitects.com

**PRIMROSE SCHOOLS:**  
 BEACHWOOD, OH  
 23825 COMMERCE PARK RD  
 BEACHWOOD, OH

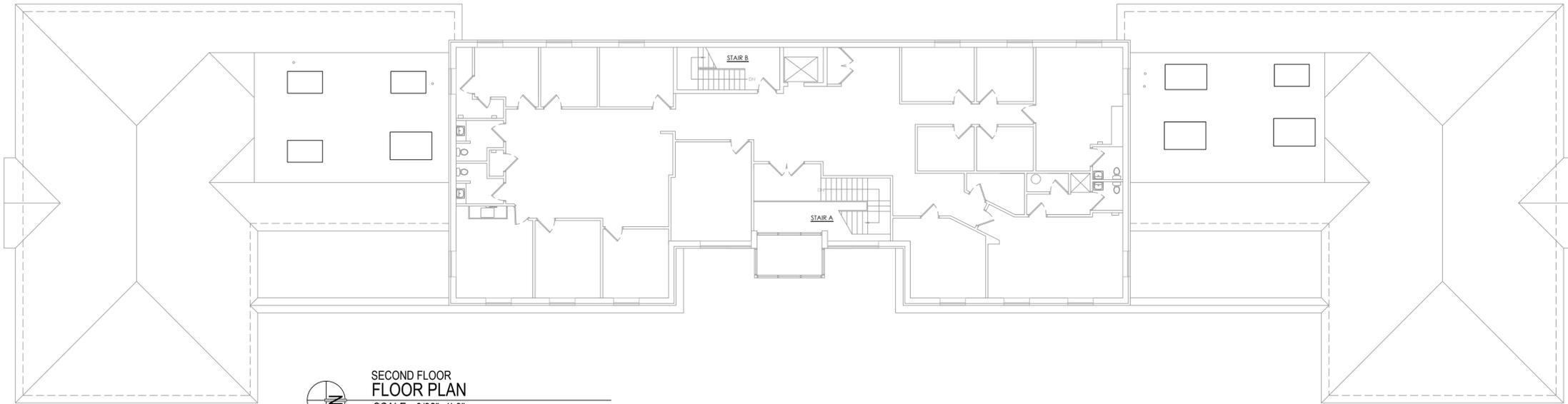
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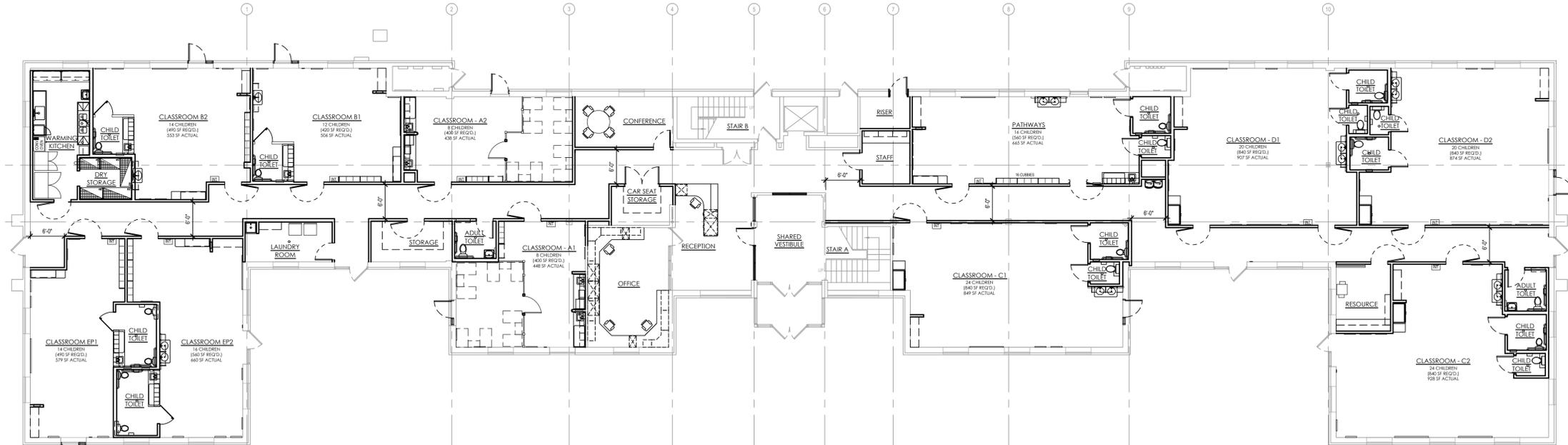
FLOOR PLAN

DATE 01/30/2024  
 JOB NO. 23242

**A-3.0**  
SHEET NO.



SECOND FLOOR FLOOR PLAN  
SCALE: 3/32"=1'-0"



FIRST FLOOR FLOOR PLAN  
SCALE: 3/32"=1'-0"

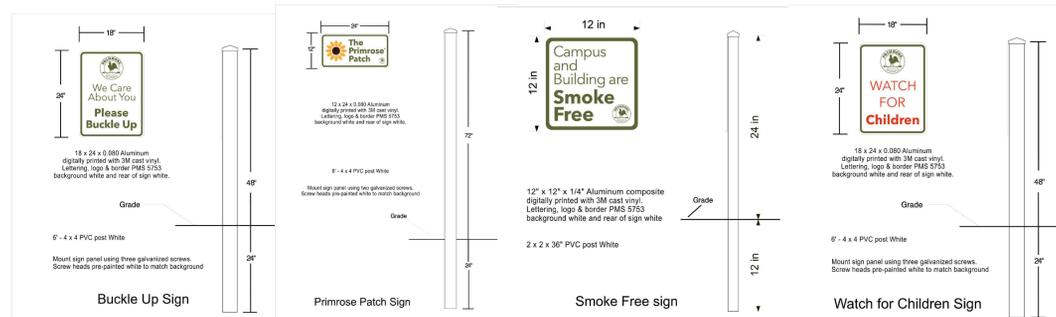




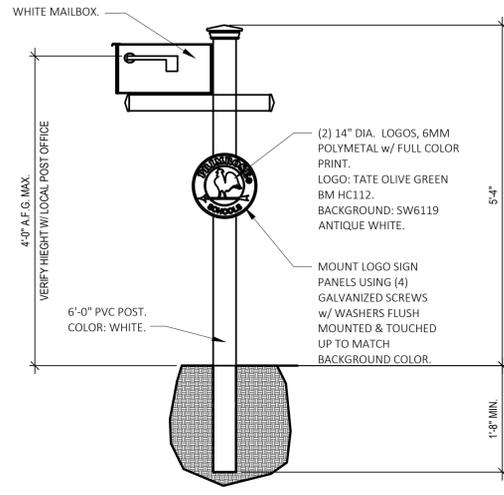
SIGN ALLOWANCE = 1 SF PER 1 LF OF ELEVATION  
 42" DIAMETER SIGN ON SOUTH ELEVATION  
 SOUTH ELEVATION PERMITTED = 67 SF  
 SOUTH ELEVATION PROPOSED = 10 SF  
 60" DIAMETER SIGN AT MAIN ENTRANCE  
 EAST ELEVATION PERMITTED = 270 SF  
 EAST ELEVATION PROPOSED = 20 SF

3 1/4" WIDE TRIM BOARD, PAINT.  
 PROVIDE J-BOX FOR SIGN POWER.  
 (4) 5/16" DIA. x 4 1/2" LAG BOLTS, PAINT HEADS TO MATCH SIGN COLOR.  
 CONTINUOUS SEALANT @ PERIMETER, TYPICAL.  
 WALL CONSTRUCTION

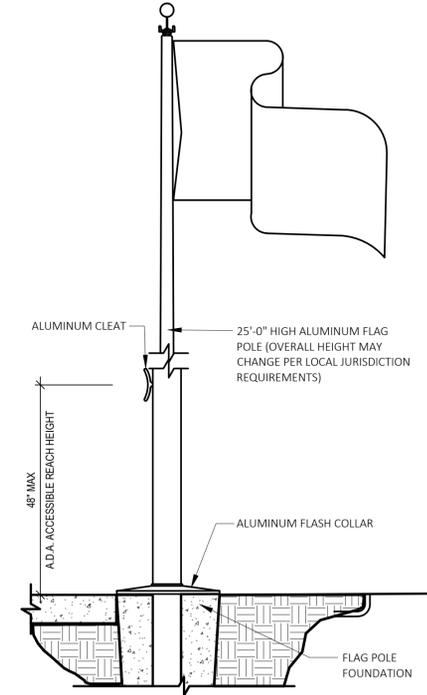
**1 SIGN MOUNTING**  
 A5.0 SCALE: 1" = 1'-0"



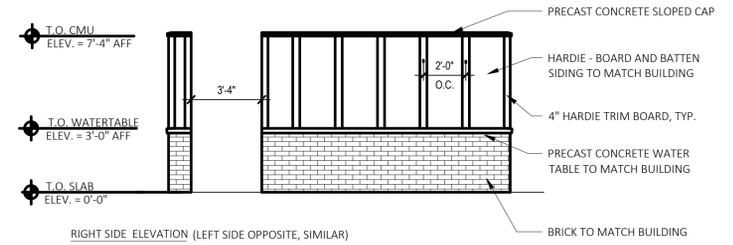
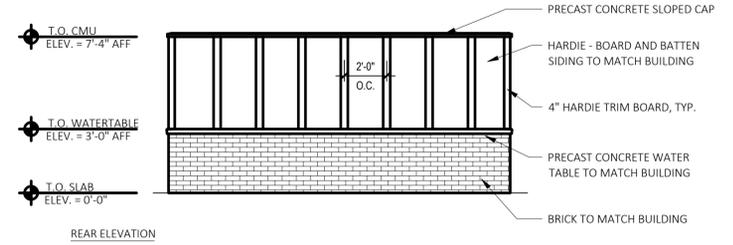
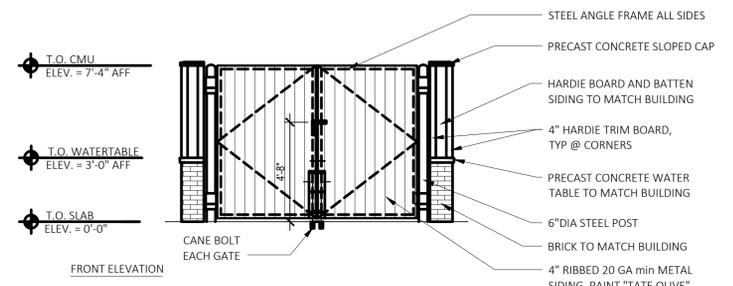
**2 SITE SIGNAGE PACKAGE**  
 A5.0 SCALE: NTS



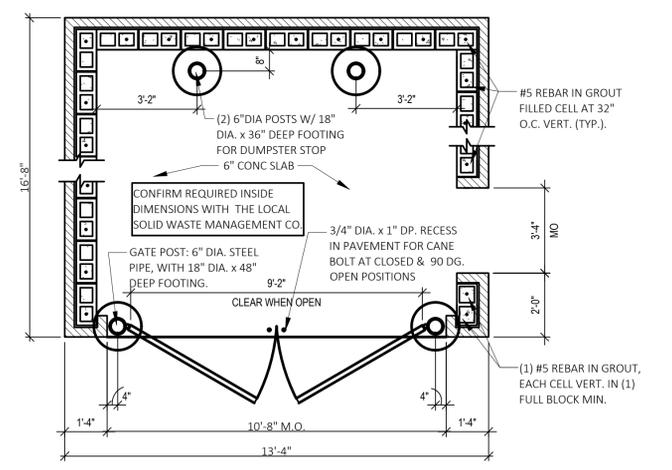
**3 USPS MAIL BOX**  
 A5.0 SCALE: 3/4" = 1'-0"



**4 FLAG POLE**  
 A5.0 SCALE: 1" = 1'-0"



**5 DUMPSTER ELEVATION**  
 A5.0 SCALE: 1/4" = 1'-0"



**6 DUMPSTER PLAN**  
 A5.0 SCALE: 3/8" = 1'-0"

PRELIMINARY  
 NOT FOR CONSTRUCTION



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**PRIMROSE SCHOOLS:**  
 BEACHWOOD, OH  
 23825 COMMERCE PARK RD

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**SITE DETAILS**  
 DATE 01/30/2024  
 JOB NO. 23242  
**A-5.0**  
 SHEET NO.

# 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: February 15, 2024

RE: **P&Z 2024-8**      **ADA Architects, Inc.**  
**Primrose School of Beachwood**  
**23825 Commerce Park**  
**Preliminary and Final Site Plan**

---

This request is for preliminary and final site plan approval to convert the first floor of the existing building to a child day care facility. The subject site is in the U-8 Industrial and Office Mixed-Use District. Child day care facilities are a permitted use in the U-8 District subject to compliance with Section 1155.02. The applicant is proposing to eliminate approximately 30 parking spaces in order to create the outdoor play area required for child day care facilities. The site plan indicates that the new outdoor play areas will be fenced and there are details for the various play equipment.

Section 1155.02 provides that child day care facilities can only be on the first floor of a multistory building. The proposed plan complies with that requirement. The elimination of the parking spaces is not an issue since the parking requirement for child day care centers is less for office space. The required parking for the second-floor office space and the day care facility is 53 spaces. The proposed site plan provides for 59 parking spaces.

It is recommended that the Commission grant both preliminary and final site plan approval for the Primrose School of Beachwood child day care facility subject to the applicant's continued compliance with the provisions of Section 1155.02.



**GPD GROUP®**  
Glaus, Pyle, Schomer, Burns & DeHaven, Inc.

**Cleveland Office**

5595 Transportation Blvd  
Suite 100  
Cleveland, OH 44125

tel 216.518.5544  
fax 216.518.5545

[www.gpdgroup.com](http://www.gpdgroup.com)

**MEMORANDUM**

**CITY OF BEACHWOOD**

**PLANNING AND ZONING COMMISSION MEETING**

**Meeting Date: February 29, 2024**

**Report Date: February 15, 2024**

2022120.01

To: Mr. Brian Roenigk  
Building Commissioner

From: Joseph R. Ciuni, P.E. P.S.  
City Engineer

**AGENDA ITEM NO. 6**

**P & Z 2024-08 James Kassay, ADA Architects Inc. is requesting preliminary and final site plan approval for a new fenced in playground area to be located at 23825 Commerce Park, Primrose School of Beachwood.**

Only preliminary plans were submitted and we recommend preliminary approval. We will require Civil Engineered drawings for the proposed Curbs, sidewalks, drainage and new pavement areas.

## Fire Prevention Bureau

## P&Z Report

To: Planning and Zoning Commission  
From: Matthew Domonkos, Assistant Fire Chief  
Date: 02-20-2024  
Re: P&Z # 2024-08 –23825 Commerce Park- Primrose School Playground

---

The Fire Prevention Bureau has reviewed the drawings/documents submitted for this item.

1. Fire Department has no comment at this time.

*Matthew Domonkos*

Assistant Fire Chief

**PLANNING & ZONING APPLICATION**

**Form must be completed or will not be processed**

APPLICATION DATE: 2/1/2024

OWNER OF BUILDING: Beachwood Office LLC PHONE: 414-777-1200

STREET ADDRESS: 1200 N. Mayfair Road, Suite 410

CITY/STATE/ZIP: Milwaukee WI 53226

APPLICANT: Beachwood Office LLC PHONE: 216-469-1924

COMPANY OR FIRM: c/o James B. Heller Consulting

EMAIL: JBHellerconsulting@gmail.com

STREET ADDRESS: 24407 Tunbridge Lane

CITY/STATE/ZIP: Beachwood OH 44122

**PRESENTER(S) TO APPEAR AT THE P&Z MEETING (include name & email address):**

James B. Heller JBHellerconsulting@gmail.com

Diane A. Calta Mansour Gavin DCalta@mggmlpa.com

**DESCRIPTION OF THE PROPERTY:**

ADDRESS: 23250 Chagrin Boulevard, Beachwood, Ohio 44122 SUITE # n/a

TENANT NAME: n/a

PERMANENT PARCEL # 742 - 23 - 002 PRESENT USE: residential PROPOSED USE: \*

PURPOSE OF APPLICATION: \* to request a variance to use the first floor of the building for ADA accessible residential units

**NATURE OF THE REQUEST (check as many as apply):**

- Preliminary site plan approval
- Final site plan approval
- Lot split
- Lot consolidation
- Conditional use permit
- Rezoning
- Zoning text amendment
- Other \_\_\_\_\_
- Request for a variance.

Must provide a "Box Score" indicating permitted area, distance, etc. and requested area, distance, etc. with application.

Please explain reason for variance (**must indicate a hardship**):

See the attached letter.

Are there any special issues regarding this application that should be brought to the attention of the Planning Commission and Staff? If so, please explain. n/a

**Planning & Zoning Submission Requirements:**

- Attach site plan of the proposed development with details such as square footage, height, purpose.
- Attach an aerial photo depicting the property and surrounding area (these are available online via County Auditor’s GIS website or Google Earth).
- Attach copy of the Auditor’s Report from the Cuyahoga County website indicating the real estate taxes for the property have been paid on a current basis.
- Any Planning & Zoning application which requires Council approval must have a representative attend the scheduled Council meeting.

**Planning & Zoning Submission Filing Fees & Deposits:**

A non-refundable filing fee in the amount of thirty-five dollars (\$35.00) shall be paid to the City for each application submitted to the Planning and Zoning Commission; and...

A cash fee in the amount set forth in the following schedule shall be submitted in addition to the filing fee listed in subsection (a) hereof, at the time of application to the Planning and Zoning Commission and/or Council:

	<u>Zoning District</u>	<u>Fee</u>
(1)	U-1, A-1 / U-1, A-2 / U-2 / U-2A / Variances Includes all applications to the Planning Commission and/or Council except applications for lot splits and/or consolidations plats, easement applications, and any application required to be recorded with the County Recorder’s Office.	<b>\$300.00</b>
(2)	All other Zoning Districts for site development plan review (new building/addition)	<b>\$5,000.00</b>
(3)	All lot split and/or consolidation plats, easements, and any application required to be recorded with the County Recorder’s Office	<b>\$1,500.00</b>
(4)	For all Zoning Districts, excepting U-1, A-1/U-1, A-2/U-2/ and U-2A, all other applications, including, but not limited to: special use permits, conditional use permits, variances, text amendments, or similar or harmonious use	<b>\$750.00</b>
(5)	Map Amendment	<b>\$2,500.00</b>

We, the building owner and/or applicant, with our signature below, hereby agree to follow specifically the plans submitted to and approved by the Planning and Zoning Commission and do agree to construct said building(s) as depicted on said approved plans.

 Digitally signed by Stewart M. Wangard  
Date: 2024.01.31 08:38:34 -06'00'

Stewart M. Wangard  
PRINTED NAME

1-31-2024  
DATE

\*\*\*\*\*OFFICE USE ONLY\*\*\*\*\*

PLANNING & ZONING COMMISSION - P&Z No. \_\_\_\_\_ MEETING DATE: \_\_\_\_\_

FEE: RECEIPT # \_\_\_\_\_ AMOUNT \$ \_\_\_\_\_ DATE PAID \_\_\_\_\_

Preliminary Approval: \_\_\_\_\_  
Date

Final Approval: \_\_\_\_\_  
Date

Recommendation to Council:  YES  NO Meeting Date: \_\_\_\_\_

**Primary Owner** BEACHWOOD OFFICE, LLC  
**Property Address** 23250 Chagrin BLVD Beachwood,OH 44122  
**Tax Mailing Address** BEACHWOOD OFFICE, LLC 1200 N MAYFAIR SUITE 410 MILWAUKEE, WI 53226  
**Description** 58 COMMERCE PARK DEV 0001 EMP 74223010  
**Property Class** OFFICE BUILDINGS - 3 OR MORE STORIES (ELEVATOR)  
**Parcel Number** 742-23-002  
**Taxset** Beachwood  
**Tax Year** 2023

**Assessed Values**

Land Value \$255,640  
 Building Value \$427,420  
 Total Value \$683,060  
 Homestead Value \$

**Market Values**

Land Value \$730,400  
 Building Value \$1,221,200  
 Total Value \$1,951,600

**Flags**

Owner Occupancy Credit N  
 Homestead Reduction N  
 Foreclosure N  
 Cert. Pending N  
 Cert. Sold N  
 Payment Plan N

**Half Year Charge Amounts**

Gross Tax \$41,567.62  
 Less 920 Reduction \$14,767.56  
 Sub Total \$26,800.06  
  
 10% Reduction Amount \$0.00  
 Owner Occupancy Credit \$0.00  
 Homestead Reduction Amount \$0.00  
 Total Assessments \$150.12  
 Half Year Net Taxes \$26,950.18

**Rates**

Full Rate 123.26  
 920 Reduction Rate .350798  
 Effective Rate 80.020588

**Escrow**

Escrow N  
 Payment Amount \$0.00

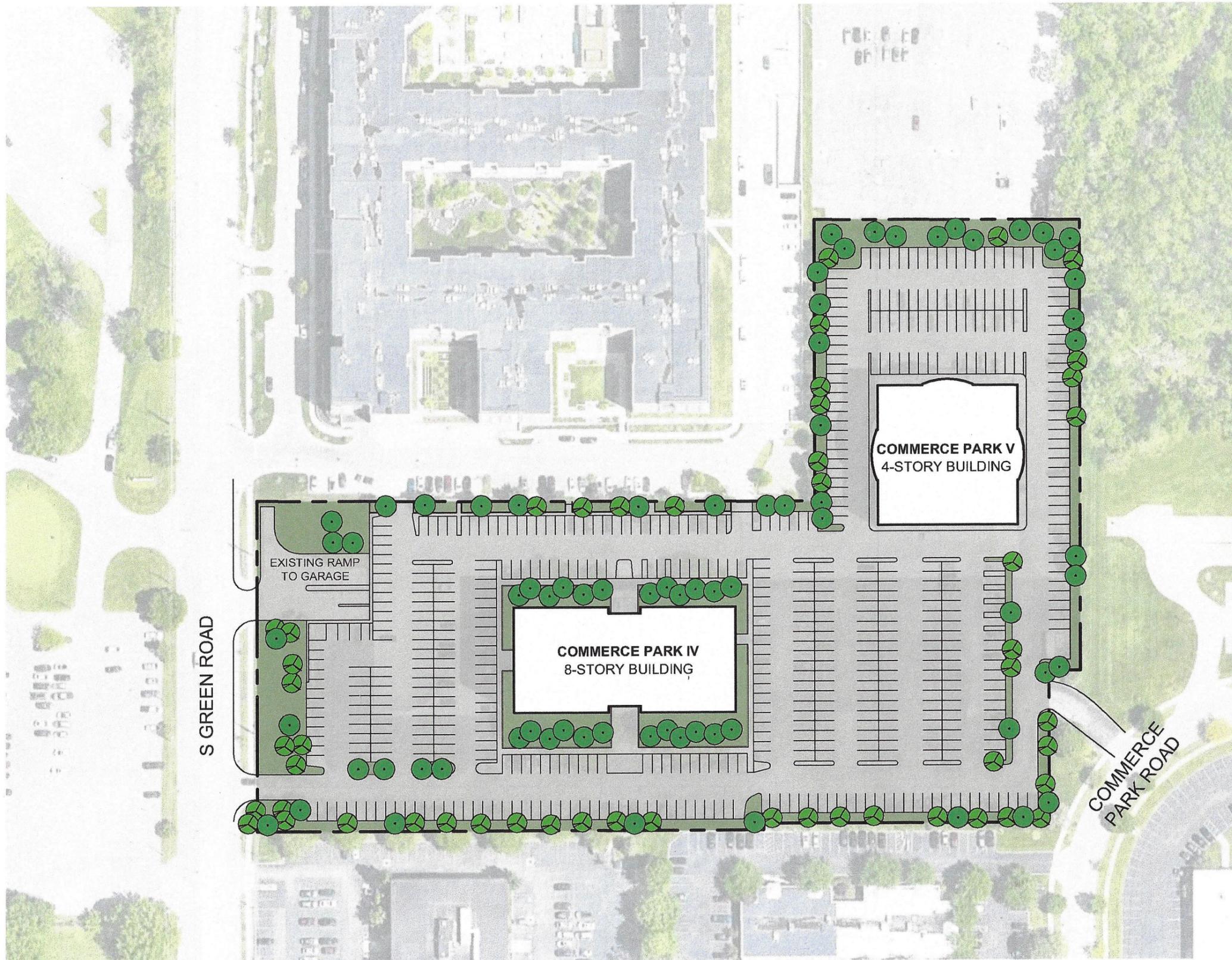
	Charges	Payments	Balance Due
Tax Balance Summary	<b>\$53,900.34</b>	<b>\$0.00</b>	<b>\$53,900.34</b>

**2023 (pay in 2024) Charge and Payment Detail**

Taxset	Charge Type	Charges	Payments	Balance Due
<b>Beachwood</b>				
	1st half tax	\$26,800.06	\$0.00	\$26,800.06
	1ST HALF BALANCE	\$26,800.06	\$0.00	\$26,800.06
	2nd half tax	\$26,800.06	\$0.00	\$26,800.06
	2ND HALF BALANCE	\$26,800.06	\$0.00	\$26,800.06
<b>C100030C-SEWER MAINTENANCE</b>				
	1st half tax - 2023	\$75.06	\$0.00	\$75.06
	1ST HALF BALANCE	\$75.06	\$0.00	\$75.06
	2nd half tax - 2023	\$75.05	\$0.00	\$75.05
	2ND HALF BALANCE	\$75.05	\$0.00	\$75.05
<b>C100030S-Sewer Maintenance</b>				
	1st half tax - 2023	\$75.06	\$0.00	\$75.06
	1ST HALF BALANCE	\$75.06	\$0.00	\$75.06
	2nd half tax - 2023	\$75.05	\$0.00	\$75.05
	2ND HALF BALANCE	\$75.05	\$0.00	\$75.05

2023 Taxes	Charges	Payments	Balance Due
Tax Balance Summary	<b>\$53,900.34</b>	<b>\$0.00</b>	<b>\$53,900.34</b>

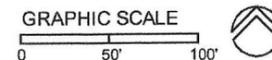
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NOVEMBER 8, 2023 RDLA#22100

# ICON | BEACHWOOD, OH | EXISTING CONDITIONS

The drawings, specifications, ideas, design and arrangements represented thereby are and shall remain the property of the architect. No part of shall be copied, disclosed to others or used in conjunction with any work or project other than the specific project for which they have been prepared and developed without the written consent of the architect. Visual contact with these drawings or specifications shall constitute conclusive evidence of acceptance of these restrictions. Written dimensions on these drawings shall have precedence over scaled dimensions. Contractors shall verify and be responsible for all dimensions and conditions on the job site, and this office must be notified of any variations from the dimensions and conditions shown by these drawings.



February 2, 2024

Bryan Zabell, Chairman  
City of Beachwood  
Planning & Zoning Commission  
25325 Fairmount Boulevard  
Beachwood, Ohio 44122

Re: ***Beachwood Office, LLC Variance Application  
Commerce Park Building V  
23250 Chagrin Boulevard, Beachwood, Ohio 44122***

Dear Chairman Zabell and Members of the Planning and Zoning Commission:

Please accept this letter as part of Beachwood Office LLC's variance application regarding its proposed redevelopment of the property located at 23250 Chagrin Boulevard. The property is approximately 3.583 acres containing a four (4) story commercial office building. The Applicant previously proposed and was granted a conditional use permit by this Commission, which was confirmed by City Council, for use of the building for residential purposes above the first floor. See Beachwood Ordinance 2023-145, a copy of which is enclosed with this letter. At this time, the Applicant is proposing and requesting a variance to use the first floor of Building V specifically for ADA accessible residential units. In total, with the use of the first floor, Building V would include approximately 50 residential units, split relatively evenly between the floors.

This property, as you know, is being redeveloped along with neighboring Commerce Park Building IV which is an eight (8) story commercial office building. Many if not all of the residential amenities, such as a pool, exercise facility, dog park and pickle ball courts, for Commerce Park IV and Commerce Park V will be shared. Those uses being considered for the first floor of Commerce Park IV include the following: a restaurant, co-working space, and office uses. Therefore, taken together between the two properties, there will be a combination of mixed uses which are consistent with the purposes and intent behind the City's U-7A zoning classification.

Commerce Park IV will have approximately 20,000 square feet per floor dedicated to residential purposes and 20,000 square feet dedicated to nonresidential purposes on the first floor. If this variance is granted, Commerce Park V will have 15,000 square feet per floor dedicated to residential purposes with approximately 25% of those residential units specifically designed to be ADA accessible on the first floor of the building.

Overall, as previously represented to this Commission the investment in these buildings will exceed \$50+ million dollars. This investment will result in additional real estate taxes paid to



the school district and the City. In addition, for those residents that choose to live and work in the City, additional income taxes will be generated for the City.

Chapter 1159 of Beachwood’s Codified Ordinances, “Determinations and Variances” sets out the framework for determinations on variance applications to the City’s Planning & Zoning Commission. Further, the provisions distinguish between area and use variances. The request herein, in the undersigned’s opinion, would be appropriately classified as an area variance. However, the following analysis will address the factors for an area variance and a use variance:

Area variances typically address space and dimensional requirements. In this instance, the zoning code allows for a conditional use permit to permit residential above the first floor. This sets forth a space and/or dimensional requirement. As such, the practical difficulty factors to consider when addressing an area variance under the City’s Code at BCO 1159.04 are the same as those announced by the Ohio Supreme Court.

Although the City’s Code does enumerate the standards for the consideration of practical difficulties, we note the historic precedent of Ohio case law dating back to two Supreme Court cases whose purpose was to assist boards and commission in this regard:

First, *Kisil v. Sandusky* (1984), 12 Ohio St.3d 30 drew the distinction between use and area variances.

“A property owner encounters ‘practical difficulties’ whenever an area zoning requirement (e.g., frontage, setback, height) unreasonably deprives him of a permitted use of his property. The key to this standard is whether the area zoning requirement, as applied to the property owner in question, is reasonable. The practical difficulty standard differs from the unnecessary hardship standard normally applied in use variance cases, because no single factor controls in a determination of practical difficulties. A property owner is not denied the opportunity to establish practical difficulties, for example, simply because he purchased the property with the knowledge of the zoning restrictions.”

In effect, the considerations for area variances focus upon compatibility with the zoning classification of the property.

About two years after the *Kisil* decision, the Ohio Supreme Court listed seven factors that it believed would more objectively guide officials in evaluating such practical difficulties. From *Duncan v. Middlefield* (1986), 23 Ohio St.3d 83, the list of seven factors is as follows:

- (1) Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance; (See BCO 1159.04(a)). *Given the current state of the office market in the City and nationally, the best use of this four (4) floors building is entirely for residential purposes.*

- (2) Whether the variance is substantial; (See BCO 1159.04(b)). *The variance if approved will provide an additional 15,000 square feet (approximately) of residential space in the building, bringing the total residential square footage to approximately 60,000 square feet. Given the size of this building the variance is not substantial. For comparison purposes, The Vue apartments, located directly to the west of Commerce Park Building V, on over 8 acres of land, includes 348 residential units totaling over 400,000 square feet.*
- (3) Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance; (See BCO 1159.04(c)). *Adding approximately twelve (12) first floor ADA accessible units to Commerce Park Building V will have virtually no obvious or appreciable impact on the neighborhood or adjoining properties.*
- (4) Whether the variance would adversely affect the delivery of governmental services (i.e., water, sewer, garbage); (See BCO 1159.04(d)). *The variance will add approximately twelve (12) residential units to this building which should have no appreciable impact on the delivery of governmental services in the City.*
- (5) Whether the property owner purchased the property with knowledge of the zoning restriction; (See BCO 1159.04(e)). *This request is being made after further review of the development of this site, along with neighboring Commerce Park Building IV.*
- (6) Whether the property owner's predicament feasibly can be obviated through some method other than a variance; and (See BCO 1159.04(f)). *Taken alone, the commercial viability to redevelop Commerce Park V for entirely residential purposes, and specifically the first floor for ADA accessible units, cannot be obviated with commercial uses on the first floor.*
- (7) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance. (See BCO 1159.04(g)). *The overall spirit and intent behind any zoning code, including but not limited to the City of Beachwood, is to promote the highest and best uses of property, while also maintaining compatibility of uses. To foster redevelopment of the subject property, this variance is being requested and will promote the spirit and intent being the City's zoning code.*

*Duncan v. Middlefield, supra, syllabus.*

It is important to point out that the Court did not rank these factors and noted that maybe only one or a few might apply, depending on individual cases. These factors are similar to the factors set forth within the City's Code.

The City's Code adds five (5) additional factors, which may be considered and are as follows (all of which are substantially addressed in the above analysis):

- (h) Whether granting of the variance will be contrary to the general purpose, intent, and objective of the specific Use District.
- (i) Whether the variance requested arises from a condition or circumstance which is unique to the subject site and which is not generally shared by other properties in the same zoning district or general vicinity.
- (j) Whether the practical difficulty is created by the Code and not by any action or actions of the property owner or the applicant.
- (k) Whether the variance desired will adversely affect the public health, safety, or general welfare.
- (l) Whether the variance requested is the minimum variance necessary to afford relief to the property owner.

If considered a request for a use variance, BCO 1159.05 sets out the factors for consideration in determining if unnecessary hardship exists to support the granting of a variance. Although they are similar in many respects to the area variance factors, these factors focus more on economic viability of the use without the variance.

- a) Whether uses permitted in the district may be reasonably established on the property and whether the permitted uses are economically viable on the property in question without the variance. *When looking at the economies and efficiencies that can be achieved with the redevelopment of Commerce Park IV and Commerce Park V, full development and build out of both buildings is the goal. In order to do so, usage of Commerce Park V as fully residential is necessary to make the redevelopment economically viable.*
- b) Whether the variance is the minimum variance necessary to afford relief to the property owner. *The variance being requested solely applies to the first floor of the building.*
- c) Whether the essential character of the neighborhood will be substantially altered or adjoining properties will suffer interference with their proper future development and rights as a result of the variance. *Adding approximately twelve (12) first floor ADA accessible units to Commerce Park Building V will have virtually no obvious or appreciable impact on the neighborhood or adjoining properties and not interfere with any future development rights.*
- d) Whether the variance requested arises from an exceptional condition or circumstance which is unique to the subject site and which is not generally shared by other properties in the same zoning district or general vicinity. *The subject*

*property is unique in the sense that it is a smaller office building in this area and only contains four (4) floors.*

- e) Whether the hardship condition was created by actions of the applicant. *The existing conditions have been created by the downfall of the office market in the City and nationwide.*
- f) Whether the spirit and intent of the Code will be observed and substantial justice done by granting the variance. *The overall spirit and intent behind any zoning code, including but not limited to the City of Beachwood, is to promote the highest and best uses of property, while also maintaining compatibility of uses. To foster redevelopment of the subject property, the variance is being requested and will promote the spirit and intent being the City's zoning code.*
- g) Whether the use requested is similar in character to the permitted uses in the subject district. *The neighboring property to the west is entirely multifamily residential.*
- h) Whether the subject property is adequate to meet the needs and requirements of the proposed use. *If this variance is granted the property's full potential in today's market will be achieved, while adding more residential options for Beachwood residents to choose to age in place.*

Whether analyzed under a practical difficulty standard or an unnecessary hardship the same conclusion should be reached that the factors weigh in favor of granting the requested variance.

Representatives of the Applicant will be able to explain the requested variance and how it related to the site plan in greater detail at the time of the required review meeting; however, we believe that if the variance is granted it will benefit redevelopment in Commerce Park and be another five star amenity that the City of Beachwood can offer to current and new residents.

Hopefully, this overview offers good insight for the City's consideration of the proposed variances being requested. We look forward to presenting this information in person to the City's Planning & Zoning Commission, at which time the information mentioned herein can be more fully discussed in detail.

Very truly yours,

*Diane A. Calta*

Diane A. Calta

DAC

Enclosure

cc: James B. Heller  
Timothy J. Voeller  
Stewart Wangard

AN ORDINANCE ACCEPTING THE PLANNING AND ZONING COMMISSION'S RECOMMENDATION OF APPROVAL OF A PRELIMINARY SITE PLAN AND A CONDITIONAL USE PERMIT TO ALLOW MULTI-FAMILY RESIDENTIAL APARTMENTS ABOVE THE FIRST FLOOR OF THE BUILDING LOCATED AT 23250 CHAGRIN BOULEVARD; AND DECLARING THIS TO BE AN URGENT MEASURE

WHEREAS, Beachwood Office LLC has requested that the Planning and Zoning Commission recommend to City Council the approval of the Preliminary Site Plan and a Conditional Use Permit to allow multi-family residential apartments above the first floor of the building located at 23250 Chagrin Boulevard, Beachwood, Ohio; and

WHEREAS, the Planning and Zoning Commission, on December 7, 2023, reviewed the request and recommended that City Council approve the Preliminary Site Plan and grant the Conditional Use Permit subject to certain conditions, stipulations, and requirements; and

WHEREAS, Council: (a) sought to encourage mixed use, including residential use, in the U-7A General Office Building District where the subject property is located by Council's adoption of Ordinance No. 2018-84 which amended the City's Planning and Zoning Code by adding Section 1111.02(i)(10) that allows "Multi-Family Dwellings above the first floor with a Conditional Use Permit" in the U-7A General Office Building District; (b) finds that economic conditions have adversely impacted continued use of the subject property for office purposes and, therefore, support its use for multi-family dwellings; (d) finds that the location of the subject property on Green Road across from Highlands Golf Course makes the subject property well located for use for multi-family dwellings rather than office purposes; and (e) finds that the location of the subject property adjacent to property located in a U-3C Zoning District which permits multi-family dwellings.

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

Section 1: Council accepts the recommendation of the Planning and Zoning Commission made on December 7, 2023, in P & Z Case No. 2023-22 and grants a Preliminary Site Plan approval and a Conditional Use Permit to Beachwood Office LLC to allow multi-family residential apartments above the first floor of the building located at 23250 Chagrin Boulevard, Beachwood, Ohio, subject to compliance with the conditions, stipulations, and requirements recommended by the Planning and Zoning Commission which shall include the following:

- A. Submission of building elevation drawings satisfactory to the Planning and Zoning Commission depicting the architectural treatment of the conversion with the final site development plan.
- B. The applicant shall adequately address all of the safety concerns to the satisfaction of the Fire Department and City Engineer prior to submission of the final site development plan.
- C. The applicant shall provide evidence that the parking garage meets appropriate structural standards prior to submission of the final site development plan.

D. Submission of a complete final site development plan package that includes evidence of compliance with the minimum parking requirements.

Section 2: The Building Commissioner is directed to include the conditions, stipulations, and requirements listed in Section 1 of this Ordinance in any conditional use permit and certificate of occupancy issued for 23250 Chagrin Boulevard. The failure to comply with any one or more of the conditions, stipulations, or requirements listed in Section 1 of this Ordinance and/or any other provision of the Zoning Code shall be deemed to be a violation of the Planning and Zoning Code and the Building Commissioner and any other City official are authorized to take any action that may be necessary to enforce the conditions, stipulations and requirements.

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 as required by Chapter 105 of the Codified Ordinances of the City.

Section 4: This Ordinance is declared to be an urgent measure necessary for the public peace, health, or safety or the efficient operation of the City, and for the further reason of the immediate necessity of granting a Conditional Use Permit to permit Beachwood Office LLC to construct multi-family residential apartments above the first floor of the building located at 23250 Chagrin Boulevard and to permit continued planning and design of the project and the timely construction of the project as permitted; wherefore; this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

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 18<sup>th</sup> day of December, 2023, and presented to the Mayor for approval or rejection in accordance with Article III, Section 8 of the Charter on the 19<sup>th</sup> day of December, 2023.

  
\_\_\_\_\_  
Clerk

Approval: I have approved this legislation this 19<sup>th</sup> day of December, 2023, and filed it with the Clerk.

  
\_\_\_\_\_  
Mayor

Fire Prevention Bureau

## **P&Z Report**

**To:** Planning and Zoning Commission  
**From:** Steven Holtzman, Fire Chief  
**Date:** 12-5-2023  
**Re:** P&Z # 23-22 – 23250 Chagrin - Apartments above first floor

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The Fire Prevention Bureau has reviewed the drawings/documents submitted for this item.

1. We would require 360° access to the building with our largest Fire Apparatus(Vehicle Specifications available).
2. A Bi Directional amplifier for emergency responders Marcs radio system will need to be added to this structure during the renovation.

*Steven Holtzman*

Fire Chief

# 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: November 30, 2023



RE: **P&Z 2023-22**      **James B. Heller Consulting  
Beachwood Office LLC  
23250 Chagrin Boulevard  
Conditional Use Permit  
Preliminary Site Development Plan**

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Because the Conditional Use Permit is a recommendation to City Council, and because there are a number of contingencies, I thought it would be helpful to provide a draft motion.

Motion to recommend approval of the conditional use permit and preliminary site plan to City Council with the following stipulations:

- 1) Submission of building elevation drawings satisfactory to the Planning and Zoning Commission depicting the architectural treatment of the conversion with the final site development plan.
- 2) The applicant shall adequately address all of the safety concerns to the satisfaction of the Fire Department and City Engineer prior to submission of the final site development plan.
- 3) The applicant shall provide evidence that the parking garage meets appropriate structural standards prior to submission of the final site development plan.
- 4) Submission of a complete final site development plan package that includes evidence of compliance with the minimum parking requirements.

# 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: February 15, 2024

RE: **P&Z 2024-9**      **James B. Heller Consulting  
Beachwood Office LLC  
23250 Chagrin Boulevard  
Use Variance**

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This request is for a variance to utilize a portion of the first floor of Commerce Park Building V for residential dwelling units. The subject site is zoned U-7A General Office Building District. The Commission and Council approved a Conditional Use Permit to convert the upper floors of the existing four-story building to multi-family dwellings subject to multiple conditions. The applicant is now seeking approval to utilize the first floor of the building for residential purposes.

The intent of the Code provision to permit residential uses above the first floor was to allow for mixed-use developments in the U-7A District. The limitation with regard to using the first floor for dwelling units was specifically to maintain the non-residential character at street level. This request is, in my professional opinion, a use variance and not an area variance. It is specifically a request to place a use (multi-family dwellings) in a location where they are not permitted (the first floor of a building in the U-7A District). I do not see how that request can be characterized as anything other than a use variance. Therefore, the standards of Section 1159.05 would apply and the standard is not practical difficulty, but “unnecessary hardship”.

I have the following concerns regarding application of those standards to this request:

1. There is no evidence presented, other than an unsupported statement that the office market is weak, that the first floor of the building cannot be used for any of the permitted uses in the U-7A District. To the contrary, the City is experiencing a reasonable demand for space, and the other properties located in the U-7A District appear to be able to function effectively and attract tenants in compliance with the U-7A District regulations.

2. The intent of mixed-use and no residential use on the first floor of buildings is to preserve some of the non-residential character and not change this portion of the City into a residential neighborhood. There is nothing mixed-use about a building that is 100% residential.
3. There is absolutely nothing about this request that “*arises from an exceptional condition or circumstance which is unique to the subject site and which is not generally shared by other properties in the same zoning district or general vicinity.*” Every three- and four-story office building on the south side of Chagrin Boulevard, which are all zoned U-7A General Office Building District, shares exactly the same conditions and circumstances as the subject site. There is nothing that sets the subject site apart. Allowing 100% residential use of all of those buildings would devastate the City’s economic base.
4. Making the subject building completely residential is in no way consistent with the spirit and intent of the Zoning Code. The site is zoned U-7A General Office District, not multi-family residential. The intent of the Code provision is to provide for mixed-use developments within a building. There is no mixed-use in the building if it is 100% residential.
5. The proposed use would not be “*similar in character to the permitted uses in the subject district.*” Instead, it would a departure from the very essence of the district. This variance, if approved, would be tantamount to a rezoning of the property to multi-family residential.

The applicant makes reference to providing ADA accessible dwelling units and to the amount of money to be expended on the proposed project, but those are extraneous matters that do not relate to the zoning issue before the Commission as to whether an unnecessary hardship exists.

I do not see how the Commission can “*determine by clear and convincing evidence that an unnecessary hardship exists*” as required by Section 1159.05. The City has provided reasonable relief for this applicant by approving their initial request for a Conditional Use Permit for multi-family dwellings above the first floor subject to compliance with certain stipulations. This subsequent request to allow dwellings on the first floor is tantamount to a rezoning in disguise and is essentially a request not to have to comply with the provisions of the U-7A District.

It is my professional recommendation that the Commission deny this application.



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**MEMORANDUM**

**CITY OF BEACHWOOD**

**PLANNING AND ZONING COMMISSION MEETING**

**Meeting Date: February 29, 2024**

**Report Date: February 15, 2024**

2022120.01

To: Mr. Brian Roenigk  
Building Commissioner

From: Joseph R. Ciuni, P.E. P.S.  
City Engineer

**AGENDA ITEM NO. 7**

**P & Z 2024-09 James B. Heller, on behalf of Beachwood Office LLC, property owner, is requesting preliminary and final approval for a variance to permit ADA compatible residential units on the first floor of the building located at 23250 Chagrin Blvd.**

There are no Engineering comments for this item.

## Fire Prevention Bureau

## P&Z Report

To: Planning and Zoning Commission  
From: Matthew Domonkos, Assistant Fire Chief  
Date: 02-20-2024  
Re: P&Z # 2024-09 – 23250 Chagrin - First floor Apartments

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The Fire Prevention Bureau has reviewed the drawings/documents submitted for this item.

1. The condition of parking garage that is needed for Fire apparatus travel is unknown. Bi-annual testing that the building department requires per Beachwood Codified ordinance will need to be submitted for review prior to use change of this structure.
2. A Bi Directional amplifier for emergency responders Marcs radio system will not to be added to this structure during the renovation.

*Matthew Domonkos*

Assistant Fire Chief

# Tactical Planning, LLC

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

TO: Justin Berns, Mayor  
Beachwood City Council

FROM: George Smerigan, City Planner

DATE: January 4, 2024

RE: **Request for Legislation**



As the final step to complete the City's program to update the U-5 Public and Institutional District, I am requesting legislation to rezone four (4) parcels of land that are developed with institutional uses from their current U-1 Single Family Residential District classification to U-5 Public and Institutional District. Three (3) of those properties and their respective uses are operating under use variances granted in 1998 which contain standards that are substantially more restrictive than the current U-5 Public and Institutional District regulations. There is no reason those three institutional uses should be placed at an operational disadvantage compared to all of the other institutional uses in the City. The use on the fourth property is currently designated a non-conforming use in the U-1 Single Family Residential District. That status makes special approvals necessary for any changes, even very minor changes, to their use or facilities. The non-conforming status also places the property at some risk for rebuilding in the event of a catastrophe.

In order to address those issues, and to achieve the City's intent that all institutional uses are classified in the U-5 Public and Institutional District; I am requesting that legislation be prepared and introduced at the February 5<sup>th</sup> City Council meeting to rezone the following parcels from U-1 Single Family Residential District to U-5 Public and Institutional District:

- 2463 Green Road  
PP# 741-09-005  
3.3 Acres
- 2479 Green Road  
PP# 741-09-051  
3.0 Acres

Justin Berns, Mayor  
Beachwood City Council  
Request for Legislation  
January 4, 2024  
Page 2

- 2475 Green Road  
PP# 741-09-064  
5.7 Acres
- 25222 Fairmount Boulevard  
PP# 741-22-008  
1.75 Acres

These Zoning Map amendments would reclassify approximately 13.75 acres of land from the U-1 Single Family Residential District to the U-5 Public and Institutional District.

By introducing the legislation at the February 5<sup>th</sup> City Council meeting, it could be referred to the Planning and Zoning Commission for a recommendation at the Commission's February 29<sup>th</sup> meeting and return to Council in March for scheduling of the required public hearing.

cc: Todd Hunt, Law Director  
Brian Roenigk, Building Commissioner  
Whitney Crook, Clerk of Council



**MEMORANDUM**

**CITY OF BEACHWOOD**

**PLANNING AND ZONING COMMISSION MEETING**

**Meeting Date: February 29, 2024**

**Report Date: February 15, 2024**

2022120.01

To: Mr. Brian Roenigk  
Building Commissioner

From: Joseph R. Ciuni, P.E. P.S.  
City Engineer

**AGENDA ITEM NO. 8**

**P & Z 2024-10 An Ordinance, 2024-22, Rezoning 2463 Green Road, Beachwood, Ohio 44122 PPN #741-09-005, 2479 Green Road, Beachwood, Ohio 44122 PPN #741-09-051, 2475 Green Road, Beachwood, Ohio 44122 PPN #741-09-064, 25222 Fairmount Blvd., Beachwood, Ohio 44122 PPN #741-022-008, subplot 281 Peshurst Drive, Beachwood, Ohio 44122 PPN #741-14-100 and subplots 156 and 157 Letchworth Road, Beachwood, Ohio 44122 PPN # 742-13-030 and PPN #742-13-029 from U-1 Single Family Residential District to U-5 Public and Institutional District.**

We recommend approval of this item

## Fire Prevention Bureau

## P&Z Report

To: Planning and Zoning Commission  
From: Matthew Domonkos, Assistant Chief  
Date: 01/09/2024  
Re: P&Z # 2024-10 2024-22 Rezoning

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The Fire Prevention Bureau has reviewed the drawings/documents submitted for this item.

1. The Fire Department has not questions or comments at this time.

*Matthew Domonkos*

Matthew Domonkos  
Assistant Fire Chief