



**PLANNING DEPARTMENT**

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**WESTLAKE PLANNING COMMISSION  
MINUTES OF THE REGULAR MEETING  
FEBRUARY 03, 2014**

Present: Chairman Daniel Meehan, Bonnie Smith, Brad Lamb, Scott Fatzinger, Mark Getsay

Also Present: Planning Director Jim Bedell, Assistant Planning Director William Krause, Law Director John Wheeler, Clerk of Commissions Nicolette Sackman

Discussion of agenda items and fact finding was conducted at 7:00 p.m. The regular meeting was called to order at 7:30 p.m. by Chairman Dan Meehan.

**APPROVAL OF MINUTES**

Mrs. Smith moved, seconded by Mr. Lamb to approve the minutes of the regular meeting of January 6, 2014.

ROLL CALL ON APPROVAL:

Yeas: Smith, Lamb, Fatzinger, Meehan, Getsay

Nays: None, motion passed

Mrs. Smith moved, seconded by Mr. Lamb to approve the minutes of the work session meeting of January 23, 2014.

ROLL CALL ON APPROVAL:

Yeas: Smith, Lamb, Fatzinger, Meehan, Getsay

Nays: None, motion passed

**COUNCIL REPORT**

Councilman Getsay reported on council matters regarding planning commission items.

**SELECTED CORRESPONDENCE**

1/10/14 email from Mike Orley requesting that **King's Tree Apartments** be tabled until April

1/31/14 letter received from attorney A. Coyne of Mansour, Gavin, Gerlack & Manos re: **Ordinance 2013-193**

2/3/14 letter from Jason J Harrell, Champaign Bank re: **Ordinance 2013-193**

**OLD BUSINESS**

**Kings Tree Apartments Revisions to Development Plan (approved 6/2012), 25776, 25796 & 25808 Center Ridge,**

**213-23-023, 024 & 029, rep. M. Orley, Ward 2, tabled 10/7/13, 11/11/13, 12/2/13, 1/6/14 tabled to 3/3/14**

Removed from agenda – on 1/6/14 item was tabled to 3/3/14

**Kimble Company determination of similar use for a proposed recycling facility as a main use in an Exclusive Industrial District, PP# 212-01-008, K. Kimble rep., WARD 3, tabled 11/11/13, 1/6/14**

Mr. Bedell noted a site visit of the Twinsburg facility is scheduled for Saturday, March 1<sup>st</sup> at 9:00 a.m. and this item should be tabled until the March 3<sup>rd</sup> planning commission meeting.

**Motion:** Mrs. Smith moved and Mr. Lamb second to table Kimble Company determination of similar use until the March 3, 2014 meeting

ROLL CALL ON APPROVAL:

Yeas: Smith, Lamb, Fatzinger, Meehan, Getsay

Nays: None, motion passed

**Crocker Park G Block Final Development Plans (GNE, GNW, GSE, GSW mixed-use buildings), within Crocker Park, WARD 5, tabled 12/2/13, 1/6/14**

Mr. Bedell noted this item should be tabled until the March 3<sup>rd</sup> planning commission meeting, since there is a work session scheduled for Tuesday, February 11<sup>th</sup> to discuss the plans.

**Motion:** Mrs. Smith moved and Mr. Lamb second to table the Crocker Park G Block Final Development Plans until the March 3, 2014 meeting

ROLL CALL ON APPROVAL:

Yeas: Smith, Lamb, Fatzinger, Meehan, Getsay

Nays: None, motion passed

*\*note: a 2/11/14 work session meeting is scheduled to discuss this item*

**Chase Bank ATM Development Plan, 29656 Detroit Rd., PP#211-21-028, rep. S. Stefanidis, WARD 3, tabled 1/6/14**

Mr. Stefanidis explained the proposal is for a new standalone ATM unit that is not attached to the bank building. The proposed location is not in any setbacks and he thanked the planning department for assistance regarding the proposed location. A curb will be installed to direct traffic using the ATM to the west side of the exit drive and a “do not enter” sign and pavement markings will be installed to direct traffic. He reviewed the current traffic pattern of the site as he was aware the police department had concerns with possible collisions. He explained that bank traffic enters the drive and turns right and reviewed the traffic flow.

Mr. Bedell reviewed his staff memo noting no modifications are required. The ATM machine will be a neutral color and he reviewed the site plan. In addition to curbing, he recommended that an additional “Do not enter” sign and pavement markings be added to the site. He agreed that the public using the bank would turn right and the addition of the curbing for the ATM machine and one-way drive around the building improves traffic circulation. He expects that the parking at the rear of the building is used by employees and the public uses the parking in front of the building.

The planning commission made the following findings of fact:

1. No modifications are required.
2. The new one-way traffic pattern removes a potential traffic conflict at the existing drive up tellers.
3. Additional measures should be taken to reduce the potential for new traffic conflicts at the proposed ATM.

**Motion:** based on the findings of fact and comments received, Mrs. Smith moved and Mr. Lamb second to recommend approval of the Chase Bank ATM with the following conditions:

1. The approval is subject to approval of the final plans by the Building and Engineering Departments in compliance with the code and the ordinances of the City of Westlake; and, in the development process, should there be any changes necessitated by engineering requirements that visually alter the appearance of the development approved by the Planning Commission, the plan shall be re-submitted to the Planning Commission.
2. An additional "Do not Enter" sign shall be located to the west of the proposed one.
3. Pavement markings shall be added to indicate the one-way driveway.


ROLL CALL ON APPROVAL:

Yeas: Smith, Lamb, Fatzinger, Meehan, Getsay

Nays: None, motion passed

**Church on the Rise Lot Split, 3550 Crocker Rd. PP#216-10-023, rep. J. Resar, WARD 6, tabled 1/6/14**

Mr. Resar and Pastor Endri were present. The proposal is to split off 7.6 acres of land which will be sold and developed for a nursing home facility by a separate owner, not the church. Concerns were if once split if the property would comply with the green space requirements, which Mr. Resar stated that it would. He reviewed the lot line split which would go through the existing parking lot. Another concern was if there would be enough parking spaces once the property was split and Mr. Resar explained that there will. There will also be a drive easement but the parking accessed by this driveway and the parking on the newly split off property is not required to meet parking codes.

 Mr. Krause reviewed his staff memo explaining the split will return the property back into two parcels, which is what existed prior to the development of the church. The entire property has a landscape buffer around the perimeter. He reviewed the parking and open space requirements and noted it will comply. The newly created parcel will be used for the development of a nursing home and plans will be forthcoming for that development. He noted the current storm and gas easements need to be shown on the plat.

The planning commission made the following findings of fact:

1. Church on the Rise is currently situated on an 18.80 acre parcel of single family zoned land.
2. There is no required minimum lot size for a church in a single family zoned district.

3. Section 1211.29 permits, with approval of a conditional use permit (CUP), nursing homes fronting on Crocker Road between Center Ridge and Schwartz Road on a lot with a minimum of 6 acres and 200' of frontage.
4. The proposed lot will have 7.66 acres and over 400' of frontage on Crocker Road.
5. A CUP request for a proposed one story, 100 bed, 70,000 sq. ft. nursing home was submitted to Council on 11/21/13. It is currently in the form of Ord. 2013-197 which was on first reading and referred to the Planning Commission on 12/19/13 and is tentatively scheduled for the 3/3/14 PC meeting.
6. As per Section 1211.09, the minimum side-yard setback for the existing church from the newly created lot line is 15'. The church is shown at 40' from the lot line.
7. There is no minimum side-yard setback required for the church parking except as per Section 1211.04(a)(8) which requires parking areas to be a minimum of fifty feet from any single-family or two-family dwelling. This requirement continues to be met.
8. Section 1211.11 requires a minimum of one driveway and three access lanes for parking lots of 300 to 999 parking spaces. Church on the Rise will still have an access drive with three access lanes on their church parcel (Parcel #2) after the split.
9. An easement will be required for the church to continue to use the northerly row of 19 parking spaces that will remain on Parcel #2. The un-executed draft easement agreement was submitted via e-mail for city review 1/29/14. Exhibit D of the easement shows that the lot split will split off 58 of the existing church parking spaces onto Parcel #1.
10. The applicant submitted a seating plan 12/13/13, prepared by architect Steve Schill indicating that the largest area of assembly in the church seats a maximum of 716. Based on Section 1221.05(b)(2) the church, with 15 employees, requires 246 parking spaces  $[(716/3) + (15/2) = 238.6 + 7.5 = 246]$ .
11. The law department has ruled that the use of the youth center as a school is considered an accessory use to the church and does not require the provision of any additional parking spaces.
12. The latest approved development plans for the church shows 358 parking spaces, the applicant has confirmed 352 paved parking spaces. Even with the loss of 58 parking spaces that leaves at least 292 parking spaces on Parcel #2, 46 more parking spaces than required by code.
13. Schedule 1211.09 requires a minimum of 50% open space in single family zoning. The applicant submitted, on 1/16/14 a green space/pervious surface/open space calculation prepared by J.A.R. engineering indicating that Parcel #2 will be 55% open space after the split.

**Motion:** based on the findings of fact and comments received, Mrs. Smith moved and Mr. Lamb second to approve the Church on the Rise Lot Split with the following conditions:


1. condition that the current storm and gas easements be shown on the plat and the sanitary sewer easement be vacated or relocated as requested by the engineering department
2. condition that the drive easement be recorded with the lot split.

ROLL CALL ON APPROVAL:

Yeas: Smith, Lamb, Fatzinger, Meehan, Getsay  
Nays: None, motion passed

## **NEW BUSINESS**

### **Ordinance 2013-193 rezoning PP#211-15-016 on Clemens Road from Exclusive Industrial to Hotel Motel, (ref. by council 12/19/13), rep. O. Patel, WARD 3**

 Mr. Bedell reviewed his staff memo explaining the request is to rezone the 3.2 acre parcel from Exclusive Industrial to Hotel Motel. This parcel is adjacent to Hotel/Motel zoning and there are other hotels and motels in the surrounding area. A conceptual site plan was provided to show that the use can meet code requirements on the parcel and if rezoned a development plan would be required. Mr. Bedell advised that he has heard from area businesses the desire for more premier hotels in the area. The parcel is currently vacant and has been vacant for many years as evidenced by the forest located there. He reviewed current land use trends in the area. There has been limited development in the exclusive industrial district in recent years and it is not typical industrial uses but instead: self-service storage, recreation uses (tennis), fitness uses, and daycare. Other Exclusive Industrial property has been recently utilized for other non-industrial: Tri-C, text amendment to permit school use in EI and rezoning Exclusive Industrial land to Health Campus for Hospice of the Western Reserve. Mr. Bedell advised that this vacant parcel represents less than 1% of vacant industrial land in Westlake. He pointed out criteria to consider when considering this rezoning, which is spelled out in his memo.

Mr. Patel, Alliance Hospitality, explained they have 22 other properties that they manage that are premier status facilities. He reviewed the industry high end hotel brands and the proposed Holiday Inn Express is an Intercontinental Hotel Group property which offers loyalty rewards for its guests. Mr. Patel expressed that there are a lot of corporate demand possibilities here or coming to Westlake and one of the draws of the area is Crocker Park and established retail. This makes Westlake a destination location. He explained the application process to become a Holiday Inn Express and that the existing Holiday Inn will be changing brand names. The proposal is for a 91 room hotel, with pool and an upscale atmosphere. Mr. Patel reviewed the property noting creeks at the north and east sides of the parcel and that the proposed use is a good use of the parcel.

Mr. Jeff Dietrich, engineer from Mannik Smith Group, reviewed the conceptual rendering of the building and site plan. He explained the concept has been approved by Holiday Inn Express and he has met with some city department to preliminary review the site plans and requirements. He anticipates that a development plan will be submitted in the near future.

Mr. Justin Eddy, attorney from Mansour, Gavin, Gerlack & Manos representing Twin Tier Hospitality, explained they object the proposal. He stated attorney A. Coyne submitted a letter on behalf of their client, who is converting the existing Holiday Inn into a Hilton brand Double Tree Hotel and plan to invest \$7,000,000.00 in improvements to the existing facility. With the renovation they will be relocating their corporate offices and approximately 25 jobs from out of state. Mr. Eddy stated that his research shows that the market cannot support this proposed use and provided the commission with data related to occupancy rates, performance rates, room rates, costs and debt service. He stated that the Holiday Inn's occupancy rate has dropped since 2012 with an anticipated rise in the future. Mr. Eddy stated they do not support this development as there are

numerous new hotels being constructed on the west side of Cleveland which dilutes the market resulting in underutilized and under used rooms for hotels in the area.

Discussion ensued with Mr. Eddy being asked when his client proposes to renovate their property, which Mr. Eddy explained plans are underway but he wasn't certain of an exact timeframe for city submittal but they have received Hilton approval. Mr. Wheeler asked if the primary reason for their objection was concern that competition will impact Mr. Eddy's clients business or dilution of the market in the area. Mr. Eddy stated they were concerned with the dilution of the market due to data related to occupancy and other factors as there are multiple new hotels proposed to be constructed in the surrounding communities.

Mr. Patel expressed that competition in the market is a good thing and future improvements for the Double Tree Hotel will only improve the market in Westlake and help bring in more guests to the area. He responded to the data figures given by Mr. Eddy by stating the data is subjective pending what you put into it as he did not feel the data reflected hotels of the same tier as Holiday Inn Express. Mr. Patel was questioned if he was aware of other hotel construction proposed in surrounding areas and if they factored that into their decision to locate in Westlake, which Mr. Patel advised they are aware and feel the type of hotel being constructed will bring in guests based in its brand and loyalty rewards.

Members of the commission expressed that the proposed use is a reasonable use for the property and rezoning as it is a similar use to adjacent properties.

The planning commission made the following findings of fact:

1. the property is not currently being used for any purpose, including an industrial purpose
2. that this parcel is attractive for the hotel use due to that there are corporate generators and other retail outlets that would attract individuals to use the hotel
3. that the parcel has other hotels and motels around it, and would feed off the use of those hotels and motels
4. that the use is consistent with the use of properties in the surrounding area
5. that this is a premium brand of hotel and it has a type of clientele that would currently want to use this type of hotel and may not use hotels that are existing in the area
6. the Guide Plan does indicate the use of this land as special commercial and changing the use is in line with the Guide Plan
7. the applicant has demonstrated a community need for the proposed amendment to the zone map and the uses and development it will allow
8. (A)The proposed map amendment is consistent with the Guide Plan's future land use map, goals, policies and objectives etc.
9. (B) The site's physical, geological, hydrological and other environmental features are compatible with the proposed map amendment;
10. (C) Potential uses in the proposed zoning district are compatible with surrounding uses in terms of land suitability, density of use, environmental impacts, traffic impacts, aesthetics, infrastructure capacity, orderly development, and maintenance of property values and enjoyment

11. (D)The proposed map amendment establishes a desirable zoning trend policy for similar property
12. (E) The map amendment does not create an isolated and unplanned spot zone
13. (F) The range of permitted uses in the requested zoning district is more appropriate than the range of permitted uses in the existing zoning classification
14. (G) Circumstances have changed substantially since the establishment of the current zoning map to warrant the proposed amendment
15. (I) The subject property has been vacant for a long period of time in relation to the pace of development of nearby properties
16. (J) The applicant has demonstrated a community need for the proposed amendment to the zone map and the uses and development it will allow
17. (K) The proposed amendment will not adversely impact the public health, safety, or welfare of the citizens of the city

**Motion:** Mrs. Smith moved and Mr. Lamb second to recommend approval of Ordinance 2013-193 based on the criteria set forth on page 4 (A-G & I-K) of the planning staff report, the findings of fact, the following comments as stated by Mr. Wheeler and Mr. Bedell and that the planning commission incorporate what they suggest as findings of fact:

1. (A)The proposed map amendment is consistent with the Guide Plan’s future land use map, goals, policies and objectives etc.
2. (B) The site's physical, geological, hydrological and other environmental features are compatible with the proposed map amendment;
3. (C) Potential uses in the proposed zoning district are compatible with surrounding uses in terms of land suitability, density of use, environmental impacts, traffic impacts, aesthetics, infrastructure capacity, orderly development, and maintenance of property values and enjoyment
4. (D)The proposed map amendment establishes a desirable zoning trend policy for similar property
5. (E) The map amendment does not create an isolated and unplanned spot zone
6. (F) The range of permitted uses in the requested zoning district is more appropriate than the range of permitted uses in the existing zoning classification
7. (G) Circumstances have changed substantially since the establishment of the current zoning map to warrant the proposed amendment
8. (I) The subject property has been vacant for a long period of time in relation to the pace of development of nearby properties
9. (J) The applicant has demonstrated a community need for the proposed amendment to the zone map and the uses and development it will allow
10. (K) The proposed amendment will not adversely impact the public health, safety, or welfare of the citizens of the city
11. The property is not currently being used for any purpose, including an industrial purpose
12. That this parcel is attractive for the hotel use due to companies, corporate generators and other retail outlets that would attract individuals to use the hotel
13. That the parcel has other hotels and motels around it, and would feed off the use of those hotels and motels and that the use is consistent with the use of properties in the surrounding area



14. The hotel suggested is a premium brand of hotel and is the type of hotel corporate clientele currently desire
15. Establishes a desirable zoning trend for the area and is not a significant reduction in the amount of city zoned industrial property

**ROLL CALL ON APPROVAL:**

Yeas: Smith, Lamb, Fatzinger, Meehan, Getsay

Nays: None, motion passed

**Ordinance 2013-194 Conditional Use Permit for a crossfit gym, 30311 Clemens Rd., PP# 211-20-004, (ref. by council 12/19/13), rep. W. Wencel, WARD 3**

Mr. Wencel explained he is seeking a conditional use permit for a fitness use in a multitenant building. The code requires that his use provide 19 parking spaces. Mr. Bedell reviewed his staff memo noting that the 1985 development showed 8 parking spaces which were never constructed so they could be considered landbanked. Another two parking spaces could be picked up by re-striping the parking lot so only a modification of 5 parking spaces would be needed. Discussion ensued on the applicant's hours of operation, which are early morning and evening, and closed during the day when other tenants would be using the parking lot. Mr. Wencel explained the class size is 10 with two instructors which would require less parking than the code requires.

The planning commission made the following findings of fact:

1. The standards in Section 1220.06 and 1227.03 of the zoning code have been met.
2. In order to approve this item, 8 parking spaces will need to be landbanked and a modification is required to reduce the total number of required parking spaces. The Planning Commission verified that most activity associated with this use is in early morning and evening hours when other industrial tenants are not using the parking lot.
3. The maximum number of attendees in classes was verified as 10, with time in between classes, ensuring that parking is available for other tenants.

**Motion:** based on the findings of fact and comments received, Mrs. Smith moved and Mr. Lamb second to recommend approval of Ordinance 2013-194 with the following conditions:

1. Eight parking spaces are landbanked and two additional parking spaces shall be striped as indicated on page 2 of this report.
2. A modification to reduce the total number of parking spaces required by 5 spaces is required.
3. The hours of operation are limited to Monday through Friday from 5:30 am to 8:00 am and 5:30 pm to 9:30 pm and on Saturday and Sunday from 9:00 am to 1:00 pm.

**ROLL CALL ON APPROVAL:**

Yeas: Smith, Lamb, Fatzinger, Meehan, Getsay

Nays: None, motion passed

**MISCELLANEOUS**

**Request extension of time for Ordinance 2013-197  
Conditional Use Permit for a nursing home, 3550 Crocker**



**Rd., PP#216-10-023, (ref. by council 12/19/13), rep. P.  
Endrei, WARD 6**

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**Motion:** Mrs. Smith moved and Mr. Lamb second to request a 90-day extension of time (expiring on 5-18-14)

ROLL CALL ON APPROVAL:

Yeas: Smith, Lamb, Fatzinger, Meehan, Getsay

Nays: None, motion passed

**ADJOURNMENT**

Meeting adjourned at 8:53 p.m. The next regular meeting is scheduled for Monday, March 3, 2014 in the Westlake City Hall Council Chambers and a work session meeting scheduled for February 11, 2014 in the Westlake City Hall Council Chambers.

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Chairman Dan Meehan

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Nicolette Sackman, MMC  
Clerk of Commissions

Approved: March 3, 2014