



PLANNING DEPARTMENT

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

Present: Chairman Daniel Meehan, Brad Lamb, Scott Fatzinger, Mark Getsay
Vacant seat on the board

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 7:43 p.m. by Chairman Dan Meehan.

APPROVAL OF MINUTES

Mr. Fatzinger moved, seconded by Mr. Lamb to approve the minutes of the regular meeting of February 3, 2014.

ROLL CALL ON APPROVAL:

Yeas: Lamb, Fatzinger, Meehan, Getsay

Nays: None, motion passed

Mr. Fatzinger moved, seconded by Mr. Lamb to approve the minutes of the work session meeting of February 11, 2014.

ROLL CALL ON APPROVAL:

Yeas: Lamb, Fatzinger, Meehan, Getsay

Nays: None, motion passed

COUNCIL REPORT

None

SELECTED CORRESPONDENCE

3/3/14 correspondence from Bob Parry re: Crocker Park G Block

2/13/14 correspondence from Don Grayem, Director of Inspections, re: Use of EFIS

Letter received 3/3/14 from Walter Withers re: Livingston Villas

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

Mr. Orley was unable to attend and requested to be tabled until April.

Motion: Mr. Fatzinger moved and Mr. Lamb second to table the Kings Tree Apartments Revisions to Development Plan to the April 7, 2014 meeting

ROLL CALL ON APPROVAL:

Yeas: Lamb, Fatzinger, Meehan, Getsay

Nays: None, motion passed

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

Present for the Kimble Company was Scott Walter, Dave Harbarger, Keith Kimble and Don Johnson. Mr. Walter explained various members of the planning commission toured the facility on various days. He explained the history of the company, other locations owned by the company, reviewed the conceptual plan and the daily operations expected at this location as reviewed and discussed at the November 11, 2013 planning commission meeting. Mr. Johnson reviewed the equipment used and how the recycling, sorting and bailing process works.

Mr. Harbarger, legal counsel for the applicant, explained they are seeking a determination of similar use for a proposed recycling facility as a main use in an Exclusive Industrial District. He stated this use is similar to the recycling use the city used to perform in past years on this property and to the south as well as warehouse, production, extrusion and fabrication uses currently permitted in Exclusive Industrial. He reviewed the various main uses listed as permitted in the Westlake Zoning Code, made comparisons and noted what is permitted by code relative to the main uses listed pertaining to: traffic, noise, production, odor, etc. The drawings presented are just preliminary conceptual plans and if the use were to be determined similar to a main use a development plan would follow. Mr. Harbarger noted there is an existing easement on the property with the city. The proposed building would be similar to a warehouse building where recycling would be conducted inside. Noise, odor and traffic from this use would be similar to other main uses in this zoning district (as previously reviewed by Mr. Harbarger) and the city's own service garage which is located in the zoning district. Mr. Harbarger stated this property was used as a landfill in the past and at one time the city's service garage did recycling on the adjacent parcel and currently does still offer some recycling services. He reviewed the standards in 1229.01(a-d) that the planning commission may recommend additions or clarifications to council and stated that the proposed use complies with each standard listed and he gave examples supporting the determination of similar use. The standard listed in 1229.01 are: *(a) Such use is not listed in any other classification of permitted buildings or uses; (b) Such use is more appropriate to, and conforms more closely to the basic characteristics of the classification to which it is to be added than to any other classification; (c) Such a use does not create dangers to health and safety and does not create offensive noise, vibration, dust, heat, smoke, odor, glare or other objectionable influences to an extent greater than the other uses listed in the classification to which it is to be added; (d) Such a use does not generate traffic to a greater extent than the other uses listed in the classification to which it is to be added.*

Members of the commission thanked the Kimble Company for allowing them to tour their Twinsburg facility. Chairman Meehan explained the commission would like further time to discuss the proposal and suggested tabling the matter until the next meeting.

Motion: Mr. Fatzinger moved and Mr. Lamb second to table Kimble Company determination of similar use to the April 7, 2014 meeting

ROLL CALL ON APPROVAL:

Yeas: 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, rep. B. Moses, WARD 5, tabled 12/2/13, 1/6/14

Mr. Brett Moses reviewed the changes since the last meeting and presented the materials board showing which materials and colors will be used. He reviewed the brick colors which are red, tan and brown. Three colors of metal panels will be used; white, silver and pewter. The silver and pewter panels will have a range of colors (from silver to pewter) but the samples shown show the extremes on each end of the color pallet to be used. Quotes are being obtained for the use of EFIS or metal panels and the price will be the determining factor as to which material will be used. They are hopeful to use metal panels but EFIS could be used.

Mr. Bedell reviewed his memo and noted there should be a condition in the motion regarding the screening of the dumpsters. Mr. Moses showed renderings as to what portions of the various buildings will be visible in comparison to other surrounding buildings that will be constructed. Discussion ensued that if EFIS is used a third party inspector should be onsite to inspect and certify the installation process of the EFIS and that the fascia material/gauge to be used on the top should be stiff enough so it doesn't buckle or crinkle and ages well.

The planning commission made the following findings of fact:

1. Dumpster screening was not addressed in this plan. Even if it is to be later addressed by others in concert with the first floor commercial development, this should be addressed in the motion to clarify screening requirements.
2. The Planning Commission will need to approve the material sample board

Motion: Mr. Fatzinger moved and Mr. Lamb second to recommend approval of the Crocker Park G Block Final Development Plans with the following conditions:

1. The proposed units meet the minimum standards for square footage and storage per the letter dated January 30, 2014.
2. Dumpster screening will match adjacent ground floor walls, in the same manner as has been done on other existing Crocker Park buildings.
3. The sample board materials as presented this evening are approved.
4. Third party inspection or onsite inspection from the manufacturer and certification during the installation process of the EFIS is required.

ROLL CALL ON APPROVAL:

Yeas: Lamb, Fatzinger, Meehan, Getsay

Nays: None, motion passed

**Ordinance 2013-169 code amendment 1203.18 & 1211.03
accessory uses in single family (ref. by council 11/7/13),**

**tabled 1/6/14 & requested 90-day extension of time
(expires 4/6/14)**

Mr. Nathan Hessler requested to be tabled until the next meeting when possibly a full board is present. It was explained that there is currently a vacancy and it was uncertain when a new member would be appointed. Mr. Hessler understood and requested to be tabled until the next meeting.

Motion: Mr. Fatzinger moved and Mr. Lamb second request an extension of time for Ordinance 2013-169 until July 7, 2014

ROLL CALL ON APPROVAL:

Yeas: Lamb, Fatzinger, Meehan, Getsay

Nays: None, motion passed

Motion: Mr. Fatzinger moved and Mr. Lamb second to table Ordinance 2013-169 to the April 7, 2014 meeting

ROLL CALL ON APPROVAL:

Yeas: Lamb, Fatzinger, Meehan, Getsay

Nays: None, motion passed

NEW BUSINESS

**Westlake High School Development Plan for softball field
lighting, 27830 Hilliard Blvd., PP#212 24 006 & 212 25
001, rep. D. Kocevar, WARD 3**

Mr. Kocevar explained the proposal is to install four light towers behind the school on the field, which currently has no lighting. With the construction of the new high school they lost a playing field so they wish to illuminate a field that currently is not illuminated. This will allow for more play time on the field. Two 70' towers will be located in the outfield, one 60' tower by 1st base and one 60' tower by 3rd base. The proposed light towers are shorter than the existing towers on the adjoining baseball field, which have a maximum height of 90' and the football field which have a maximum height of 110'. The lights will mostly be used in the spring and fall and they will have limits as to how late an inning can be started on the field. The fixtures will be downcast and shielded and at the lot line there will be 0 footcandles of light trespass. Mr. Bedell reviewed his staff memo noting that any new innings should not start after 10:00 pm. Due to the height of the poles a variance is required from the Board of Zoning Appeals and the Planning Commission cannot grant a modification.

The planning commission made the following findings of fact:

1. Height variances are required in accordance with section 1211.23 of the zoning code.
2. The lights are no taller than other existing fixtures at this location.
3. The fixtures are shielded and a lighting photometrics plan indicates no light trespass onto adjacent properties.
4. All setbacks are met

Motion: based on the findings of fact and comments received, Mr. Fatzinger moved and Mr. Lamb second to recommend approval the Westlake High School Development Plan 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. Approval is contingent upon the height variances granted by the Board of Zoning appeals


ROLL CALL ON APPROVAL:

Yeas: Lamb, Fatzinger, Meehan, Getsay

Nays: None, motion passed

Crocker Park KNE Development Plan, 1900 Crocker Road, PP# 211-25-004, rep. B. Meng, WARD 5

Mr. Richard Levitz and Ms. Kimberly Williford from Bonefish Grill were present. Mr. Levitz reviewed the site plan which is for a 5,800 sq. ft. one story building with a 1,000 sq. ft. patio in the K Block. The entrance will face Crocker Road which is a revision from the preliminary development plan. This new layout is due to the floor plan layout and fits in with other surrounding buildings in the area. He expressed this area of Crocker Park is a transition area between The Promenade, buildings across the street, and other buildings in the K Block area that were originally not part of the Crocker Park PDP. Ms. Williford reviewed the floor plan, patio, and building elevations. The patio will have an outdoor fireplace, planters surrounding the patio and doors that slide open between the patio and the indoor dining space to provide for an open floor concept. The style of the building is modern and contemporary with all four sides of the building factored into the overall design.

 Mr. Bedell reviewed his memo agreeing that this area within Crocker Park is a unique transition area so the placement of the building is logical. He reviewed the lighting sheets and fixtures. The service area of the building is well designed as it does not stand out, as this building is a standalone building with all four sides of the building being visible. He reported that the location of the entrance facing Crocker Road requires the approval of the Planning Commission and City Council as it does not comply with Ordinance #2000-68 which created the Crocker Park PUD.

The planning commission made the following findings of fact:

1. This building is in an area that transitions between the more urban Crocker Park and less urban Promenade.
2. The development plan meets all zoning requirements and design guidelines except for the location of the entrance that faces Crocker Road that requires approval of the Planning Commission and City Council.
3. The orientation of the building is necessary due to its interior layout and unique site within Crocker Park.

Motion: based on the findings of fact and comments received, Mr. Fatzinger moved and Mr. Lamb second to recommend approval of the Crocker Park KNE Development Plan 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. The entrance facing Crocker Road is approved for this *tenant building (changed by council 3/3/14)* only.

ROLL CALL ON APPROVAL:

Yeas: Lamb, Fatzinger, Meehan, Getsay

Nays: None, motion passed

Bonefish Grill Storefront & Sign Plan, 1900 Crocker Road, PP# 211-25-004, rep. R. Levitz, WARD 5

Mr. Levitz noted the storefront design and details were described and reviewed with the development plan so he only reviewed the sign plan. The signs as proposed fit well with the design of the building and he reviewed the individual signs and their details. He noted that the signage facing Crocker Road will need council approval similar to the entrance which faces Crocker Road. He had slightly different signage calculations than Mr. Krause but he was agreeable to the difference.

Mr. Krause reviewed his staff memo and the calculations used to determine the sign areas that are spelled out in his memo. He noted a couple of modifications are needed for the signage such as what is shown on the door for hours of operation. The building has a revolving door and plain door entrance and the signage is mostly shown on the plain door. It does not appear to be over signed but a modification is necessary. He did question if the outdoor patio would have any plastic weather screening because if it does it will need to conform with the outdoor seasonal dining requirements spelled out in the code. Ms. Williford stated there were no plans at this time to use the plastic screening but it was good to know that there are requirements in case the individual franchise owner decides to implement them in the future.

The planning commission made the following findings of fact:

1. Because Bonefish Grill is the only tenant in the stand alone KNE building which is being built at this time for this tenant in effect the storefront will be recommended for approval along with the KNE development plan.
2. Staff concurs with the sign calculations submitted for all four elevations of the Bonefish Grill storefront except that since the west elevation of the KNE building is considered a type #2 frontage the area of this frontage is not counted toward sign area calculations. In addition there is a typo in the number of primary sign types indicated on west frontage (should be 1 not 0).
3. Section 1.1 of the sign criteria, amended 5/20/13, states: "For the purpose of calculating sign areas, 'tenant frontage' shall consist of the sides of the individual tenant space along a street or key pedestrian alley and does not include alleys used for service purposes only."
4. This reduces the amount of tenant frontage to 224'5" and the calculate-able amount of primary signage to 336.63 sq. ft. This does not affect the total allowable amount of primary sign area (225 sq. ft.) and secondary sign area (100 sq. ft.) permitted on the building under Section 11.1 of the criteria because the cap of 225 sq. ft. of permitted primary signage is reached even based on just three sides of the building counting toward sign area.

5. The proposed sign package consists of 1 primary wall sign of letters, 2 primary wall signs of letter and logos, 1 primary canopy sign of letters and 3 primary canopy signs of logos, 1 secondary window logo sculpture, and 8 secondary window graphics.
6. The 267.89 sq. ft. of total signage requested falls within the 325 sq. ft. of sign area permitted.
7. The 247.80 sq. ft. of primary signage requires a modification from the criteria to allow an extra 22.80 sq. ft. of primary sign area.
8. The 20.09 sq. ft. of secondary signage falls within the 100 sq. ft. of secondary signage permitted.
9. The 4 secondary window graphics on the handicap door require a 6.19% (1.23 sq. ft.) modification to allow 21.19% of the glass area on that door to be covered with window graphics (total of 4.21 sq. ft.).
10. Planning Commission and Council approval is required to allow the retail entrance and signage to face Crocker Road as per Ordinance #2000-68 which was passed to establish the Crocker Park mixed-use PUD and as per note 2 of Section 1.3 of the Crocker Park Mixed-Use Area Sign Criteria and Master Sign Plan which is derived from that ordinance.
11. The Fidelity building is the closest other building in proximity to the Bonefish Grill tenant space/building.
12. The Fidelity building was approved as an office building before this land was rezoned to PUD.
13. The Fidelity building has signage on all four sides of it and entrances which face Detroit Rd. and west.
14. The Fidelity building is 1 of 4 small single tenant buildings which front Detroit Rd., the two closest to Crocker Road provide financial services, the two directly in front of Promenade are restaurants.
15. The only other one-story retail building fronting on Crocker Road within the latest approved Crocker Park Preliminary Development Plan is the existing Cheesecake Factory building, it does not have an entrance or signage facing Crocker Road.
16. There are 4 mixed-use Crocker Road buildings which have or will have retail tenants facing Crocker Road.

Motion: based on the findings of fact and comments received, Mr. Fatzinger moved and Mr. Lamb second to recommend approval of the Bonefish Grill Storefront with the following conditions:

1. That the entrance facing Crocker Road is approved for this ~~tenant building~~ *(changed by council 3/3/14)* only;
2. Condition that any outdoor weather protection screening on the patio comply with the ordinances related to outdoor seasonal dining in the City of Westlake.
3. *The signage facing Crocker Road is approved for this tenant only (added by council 3/3/14).*

ROLL CALL ON APPROVAL:

Yeas: Lamb, Fatzinger, Meehan, Getsay

Nays: None, motion passed

Motion: based on the findings of fact and comments received, Mr. Fatzinger moved and Mr. Lamb second to recommend approval of the Bonefish Grill Sign Plan with the following condition and modifications:

1. The signage facing Crocker Road is approved for this tenant only;
2. A modification to allow an extra 22.80 sq. ft. of primary sign area;
3. A modification to allow the four secondary window graphics on the handicap door to exceed the maximum 15% permitted by 6.19% (1.23 sq. ft.) to allow 21.19% of the glass area on that door to be covered with window graphics (total of 4.21 sq. ft.).

ROLL CALL ON APPROVAL:

Yeas: Lamb, Fatzinger, Meehan, Getsay

Nays: None, motion passed

Ordinance 2013-197 Conditional Use Permit for a Nursing Home, Crocker Rd. (north of 3550), PP#216-10-023, WARD 6, (ref. by council 12/19/14), 2/3/14 90-day extension of time

Pastor Jordan Endrei and Mr. Fred Bobell from Church on the Rise were present and explained the conditional use permit is to allow a one story nursing home. Mr. Krause reviewed his memo regarding the request. He explained it was just recently discovered that one of the proposed uses is for outpatient physical therapy, which he explained is not a permitted use and such use would require a text amendment to the zoning code from city council. He explained at the last meeting planning commission approved to split a portion of land off the church parcel that is north of the church which will be sold to a developer for a nursing home. The proposal is for a 100 bed facility with 50 beds for long term care and 50 beds for skilled nursing. The existing church parking lot will be split off at the property line but will have a sidewalk connecting the two lots if the church should need to use any of the parking spaces on the nursing home parcel for overflow parking. This area of land is spelled out in 1211.29 as a possible location (along Crocker Road) for a nursing home. Mr. Krause reviewed the site plan and its proximity to St. John West Shore. The code requires a 60' side yard setback and the setback between the church and the nursing home is proposed to be 45'. There is existing buffering in place surrounding the property that was previously installed by Church on the Rise. Mr. Krause reviewed the performance standards for issuing a conditional use permit.

Discussion ensued if the applicant was aware that the code does not permit outpatient care and that it will not be part of this approval. Mr. Bobell explained that the church is the applicant as they currently own the property and the sale of the property is contingent upon the granting of the conditional use permit. The representatives from Livingston Villas were in the audience. Mr. Eliav Sharvit, legal counsel for Livingston Villas, explained the outpatient use is a very minor use of the facility and if it was not approved it would not affect the project. He did have questions related to the approval process and how deadlines would impact various state applications and financing they need to apply for before they can begin construction. He questioned if a conditional use permit can be granted an extension of time after approved or what would happen after the one year period. Mr. Wheeler advised that if construction were not to begin within one year the conditional use permit would expire and they would have to apply for a new conditional use permit.

The planning commission made the following findings of fact:

1. Except for one proposed side yard setback modification the standards of Section 1211.29, 1220.06 and 1227.03 of the zoning code have been met.
2. Section 1211.29 (e) and (j) and 1220.05 allow Planning Commission to grant modifications to the required setback.
3. The requested side yard setback modification is on the side of the development away from any single family residential uses towards the existing abutting church building.
4. If the proposed building was another church it could be located closer to the side lot line.

Motion: based on the findings of fact and comments received, Mr. Fatzinger moved and Mr. Lamb second to recommend approval of Ordinance 2013-197 with the following conditions:

1. The use will not include out-patient care without approval of a text amendment to the zoning code allowing it.
2. That any side setback modifications only apply to the south side of the lot.
3. The CUP is limited to a building no larger than 72,000 sq. ft.
4. That in order for this CUP Ordinance to go into effect a development plan must be approved and construction of the facility must begin within one year.

ROLL CALL ON APPROVAL:

Yeas: Lamb, Fatzinger, Meehan, Getsay

Nays: None, motion passed

**Livingston Villas Development Plan (nursing home),
Crocker Rd. (north of 3550), PP#216-10-023, rep. D.
Goodwin, WARD 6**

Mr. Eliav Sharvit, legal counsel for Livingston Villas, briefly reviewed the timelines as discussed with the conditional use permit. Mr. Withers briefly reviewed the site plan and floor plan for the building. The building will have four units/wings with 25 beds/private rooms in each unit. There will be activity areas and Mr. Withers reviewed the flow throughout the building, the exterior photometrics, planting plan and the building elevations. Discussion ensued per the staff memo that there are some revisions are needed and it was suggested that the applicant review the proposal with the planning department staff.

Motion: Mr. Fatzinger moved and Mr. Lamb second to table the Livingston Villas Development Plan to the April 7, 2014 meeting

ROLL CALL ON APPROVAL:

Yeas: Lamb, Fatzinger, Meehan, Getsay

Nays: None, motion passed

**1290 LTD, minor revision to Development Plan (roof &
windows), 1290 Bassett Rd., PP#211-22-044, rep. J.
Burick, WARD 3**

Mr. Burick explained the proposal is to replace the existing windows and roof. The old windows are in need of replacement. The windows on the south elevation at the peak are triangular shapes that are unable to have shades put in the windows. The new windows will allow of shades in that location. The roof is being replaced with a standing seam metal roof in the color grey. Mr. Bedell reviewed his memo noting most of the revisions could have been administratively approved but he cannot approve administratively the roof color.

The planning commission made the following findings of fact:

1. The new window arrangement improves the dated look of the south façade.
2. A separate sign application is required for the oversized identification sign.
3. Design review guidelines in section 1237.04 (3)D2 govern the appearance of the following exterior improvements:
 - a. Painting the building in neutral colors does not require Planning Commission approval.
 - b. A modification is required for the standing seam metal roof in grey.

Motion: based on the findings of fact and comments received, Mr. Fatzinger moved and Mr. Lamb second to recommend approval of the 1290 LTD minor revision to Development Plan for the replacement windows with:

1. A modification from section 1237.04 (3)D2 to allow the use of grey standing seam metal roofing on this building.
2. Condition that the sign plan is not part of this approval.

ROLL CALL ON APPROVAL:

Yeas: Lamb, Fatzinger, Meehan, Getsay

Nays: None, motion passed

MISCELLANEOUS

Request extension of time (until October 6, 2014) for Ord. 2012-122 Conditional Use Permit for a Wireless Telecommunications Facility @ 28579 Center Ridge Rd., ref.by council 10/4/12; PC recommended approval 12/3/12; council ref. back to PC 2/7/13, 4/1/13 tabled for 6 months, 4/1/13 6 month extension of time; tabled 10/7/13 for 6 months, 10/7/13 6 month extension of time (to expire 4/1/14)

Motion: Mr. Fatzinger moved and Mr. Lamb second to request an extension of time until 10-6-14

ROLL CALL ON APPROVAL:

Yeas: Lamb, Fatzinger, Meehan, Getsay

Nays: None, motion passed

Motion: Mr. Fatzinger moved and Mr. Lamb second to tabled Ordinance 2012-122 to the 10-6-14 meeting

ROLL CALL ON APPROVAL:

Yeas: Lamb, Fatzinger, Meehan, Getsay

Nays: None, motion passed

ADJOURNMENT

Meeting adjourned at 10:02 p.m. The next regular meeting is scheduled for Monday, April 7, 2014 in the Westlake City Hall Council Chambers.

Chairman Dan Meehan

Nicolette Sackman, MMC
Clerk of Commissions

Approved: April 7, 2014