



PLANNING DEPARTMENT

27700 Hilliard Blvd.
Westlake, OH 44145

Phone 440.871.3300
Fax 440.617.4324

**WESTLAKE PLANNING COMMISSION
MINUTES OF THE REGULAR MEETING
APRIL 7, 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 7:30 p.m. by Chairman Dan Meehan.

APPROVAL OF MINUTES

Mr. Fatzinger moved, seconded by Mr. Lamb to approve the minutes of the work session meeting of March 1, 2014 as amended

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 regular meeting of March 3, 2014.

ROLL CALL ON APPROVAL:

Yeas: Lamb, Fatzinger, Meehan, Getsay

Nays: None, motion passed

SELECTED CORRESPONDENCE

Email received 3/14/14 from Diane Goodwin requesting Livingston Villas be tabled until May 12th

Email received 4/4/14 from Bill Pawson re: Westlake Square signage

OLD BUSINESS

Ordinance 2012-115 Rezone land near Center Ridge and on Crocker, PP#217 27 001 & 217 25 002 from R-1F-80 (Single Family) to Planned Unit Development, WARD 6, ref. by council 9/20/12, tabled 11/12/12, 12/3/12, 1/7/13; 1/7/13 requested extension of time until 7/1/13; 2/13/13 requested to be tabled until June; tabled 6/3/13 to September meeting, 6/3/13 requested 90-day extension of time (to expire 9/29/13); 9/9/13 request a 30 day extension of time (expires 10/29/13) & tabled to 10/7/13 PC mtg.; tabled 10/7/13 to

12/2/13 & 10/7/13 requested 6 month extension of time (to expire 4/29/14), tabled 12/2/13

Applicant requests to be tabled until 8/4/14.

Motion: Mr. Fatzinger moved and Mr. Lamb second to request an extension of time for Ordinance 2012-115 to August 4, 2014 meeting

ROLL CALL ON APPROVAL:

Yeas: Lamb, Fatzinger, Meehan, Getsay

Nays: None, motion passed

Motion: Mr. Fatzinger moved and Mr. Lamb second to table Ordinance 2012-115 to August 4, 2014 meeting

ROLL CALL ON APPROVAL:

Yeas: Lamb, Fatzinger, Meehan, Getsay

Nays: None, motion passed

Crocker Woods Preliminary Development Plan for cluster single family, PP#217 27 001 & 217 25 002, for two single family lots and 60 single family cluster homes in PUD zoning, south of Center Ridge Road and west & east of Crocker Road (the area previously known as Bretton Woods Park Subdivision Phase 4), WARD 6, tabled 12/3/12 & 1/7/13; 2/13/13 requested to be tabled until June; tabled 6/3/13 to September meeting; 9/9/13 tabled to 10/7/13; tabled 10/7/13 to 12/2/13 & 10/7/13 requested 6 month extension of time (to expire 4/7/14), tabled 12/2/13

Applicant requests to be tabled until 8/4/14.

Motion: Mr. Fatzinger moved and Mr. Lamb second to table the Crocker Woods Preliminary Development Plan to August 4, 2014 meeting

ROLL CALL ON APPROVAL:

Yeas: Lamb, Fatzinger, Meehan, Getsay

Nays: None, motion passed

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 requested to be tabled until the May meeting.

Motion: Mr. Fatzinger moved and Mr. Lamb second to table the Kings Tree Apartments Revisions to Development Plan to the May 19, 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 and Dave Harbarger, legal counsel for the applicant. Mr. Harbarger, thanked the commission for visiting the facility and for working with them. He did review Mr. Bedell's April 4, 2014 memo (attached to the minutes) and stated they he felt legally they did establish a determination of similar use. He commented on Mr. Bedell's memo regarding the use to be established as a Conditional Use Permit in the zoning code rather than a Main Use. He felt they have established that they are similar to other main uses in the zoning code but will accept the recommendation that it be established as a Conditional Use Permit. However, he did have concerns with Mr. Bedell's suggestion in section "I" of new code to be created limiting the hours of operation and questioned why a limitation on hours of operation is being suggested. Mr. Harbarger expressed that limiting the hours to 7:00 am to 7:00 pm was problematic and would only allow for one shift to work within those timeframes as their property is within 500' of residential properties in Bay Village but not within 500' of residential property in Westlake. Mr. Harbarger stated that similar main uses, such as warehouses, distribution plants, and other similar uses within the district that have more traffic, noise and odors than this use do not have a limit on the hours of operation. He reviewed other main uses that are permitted as noted at previous meetings and the traffic, noise and odors associated with those uses. It has been estimated that for this use they average over a three month period there would be one semi-truck every 90 minutes which is less than other main uses would permit. He suggested placing decibel level limitations if there were noise concerns related to the hours of operation. Mr. Harbarger stated that placing a limit for the hours of operation within 500' of residential property would deny the use on the applicant's property.

Mr. Scott Walter commented that they have three main reasons why they need to have a 24 hour operation. They were: investment and payback, as two shifts are critical for that to happen; housekeeping and maintenance, as they need to be able to maintain the facility and keep it clean; and third, to be able to spread out truck traffic, as they would like to have traffic during non-peak hours.

Mr. Bedell reviewed his April 4, 2014 memo which is attached. He noted that when reviewing the proposal and considering amendments to the code to establish this use he considered all parcels in this zoning district as this use would be permitted as a Conditional Use Permit anywhere in the Exclusive Industrial District. He noted there are places in the Exclusive Industrial District where there are parcels that are adjacent or within 500' of Westlake residential property. His suggested code language is not limited to the parcel owned by the Kimble Company. Mr. Bedell advised he did a lot of research as to what other communities allow for this type of use and looked at best practices from communities across the country and not just local communities to establish code language for this type of use. Mr. Bedell reviewed photos of the Kimble Company's Twinsburg facility.

Members of the commission, Mr. Bedell and Mr. Wheeler discussed the proposed language for the code. Mr. Wheeler advised that the planning commission is just a recommending body and that city council will have final say on the language for the zoning code. They may opt to adopt suggestions made by the commission or ones of their own. It was discussed to amend the language in

subsection "1" from "(1) If the recycling facility is located within five hundred feet of property zoned, planned or occupied for residential use, it shall not be in operation between hours of seven p.m. and seven a.m." to "The Planning Commission may impose reasonable restrictions upon hours of operation when the use is located within close proximity to residentially used land." Members of the commission and the applicant preferred the amended language for subsection "1." This language would still allow limitations on the hours of operation based on a case by case basis during the Conditional Use Permit process rather than having to get a modification from the zoning code. It was also noted if specific hours of operation were listed in a Conditional Use, they could be amended in the future once the use has been there and all parties are more comfortable with the use.

The planning commission made the following findings of fact:

1. Recycling facilities are not listed in any other zoning district.
2. Recycling facilities are more appropriate to, and conform more closely to the basic characteristics of the Exclusive Industrial District than to any other zoning district.
3. Recycling facilities have not been determined to not create dangers to health and safety, nor have they been determined to create offensive noise, vibration, dust, heat, smoke, odor, glare or other objectionable influences to an extent greater than the other uses listed in the Exclusive Industrial District.
4. Recycling facilities have not been determined to generate traffic to a greater extent than the other uses listed in the Exclusive Industrial District.
5. In order to mitigate any impacts on neighboring properties and the community, recycling facilities should be included in the Exclusive Industrial District as a conditional use with detailed and specific regulations covering the operations of the facility, such as were provided for in other communities

Motion: Mr. Fatzinger moved and Mr. Lamb second in accordance with 1229.01, Determination of Similar Uses, the Planning Commission recommends the following addition to Chapter 1203, Definitions, of the Westlake Zoning Code: *Recycling facility means a specialized plant that receives, separates, packages, and transfers commercially and residentially collected recyclable materials for marketing to end-user manufacturers or to other facilities for further processing.*

ROLL CALL ON APPROVAL:

Yeas: Lamb, Fatzinger, Meehan, Getsay

Nays: None, motion passed

Motion: Mr. Fatzinger moved and Mr. Lamb second to recommend approval of Kimble Company's determination of similar use in accordance with 1229.01, Determination of Similar Uses, the Planning Commission recommends the following additions to Chapter 1218, Industrial Districts, of the Westlake Zoning Code: *Recycling facility is added to the schedule of permitted buildings and uses in the Exclusive Industrial district as a conditional use permit with the following conditions:*

- (a) *The use shall comply with the provisions in Part Twelve of the Westlake Codified Ordinances and all other applicable City ordinances.*
- (b) *The use shall not create a public health nuisance.*
- (c) *Open dumping, as defined in Ohio R.C. 3734.01 shall not be permitted at the facility.*

- (d) *Each solid waste or waste recycling facility, whether operational, or subject to closure within the meaning of Ohio R.C. Chapter 3734, and related rules, located within the City shall be subject to continuing inspection and supervision by the City for the purpose of ensuring that the operation and maintenance of the solid waste or waste recycling facility does not create a danger to the public health, safety and welfare.*
- (e) *Materials accepted*
- 1. Mixed and source separated recyclable materials will be received at the facility from haulers of waste generated from commercial, residential, and industrial sources.*
 - 2. Only mixed streams consisting of primarily recyclable materials may be accepted.*
 - 3. Putrescible solid waste shall be excluded from a reprocessing and/or recycling facility. If such wastes are received, they shall be placed in leak proof, easily cleaned containers until it is disposed. All putrescible solid waste shall be disposed at a licensed solid waste disposal facility within seven (7) days.*
 - 4. Any material that is classified as hazardous waste or infectious waste shall be prohibited from the facility.*
 - 5. Materials shall be received from haulers on a contract basis only and shall not be received from the general public.*
- (f) *Maintenance. A site used for the operation of a recycling facility shall be maintained in a clean, sanitary, and litter-free condition on a daily basis. All processing and separating areas shall be maintained in a clean condition, and free of accumulations of dust and debris with daily cleaning. Liquid residue that has leaked from containers that are being recycled or reprocessed shall be cleaned from the equipment, storage facilities, floors, walls and other surfaces as often as necessary to prevent odors and flies. All processing areas shall be paved. All surfaces shall be smooth and easily cleanable. A plan will be implemented to address the extermination of vermin and insects, control of blowing litter and collection solid waste that is spilled or dropped on the grounds of the facility, adjacent properties, or public streets.*
- (g) *Storage*
- 1. Recycled and/or reprocessed material shall not be stored in such a way that it presents a habitat for rodents or other vermin. Temporary or permanent outside storage is not permitted.*
 - 2. All solid waste, and/or reprocessed material shall be stored in compliance with all applicable local, State and Federal fire, zoning, and environmental codes, laws and regulations.*

Lightweight materials such as paper and plastic shall be baled or stored in an enclosed structure in order to prevent scattering.

3. *At no time shall a registered facility accept or store volumes which create a fire hazard or nuisance conditions.*

(h) Any activities beyond collection including, but not limited to, sorting, storage, and/or processing of materials, shall be within an entirely enclosed structure.

(i) Ventilation fans shall be directed away from residences.

(j) Exterior doors shall not be left open longer than necessary to provide ingress or egress to buildings.

(k) Noise levels shall not exceed sixty decibels as measured at the property line of residentially zoned or occupied property, or otherwise shall not exceed seventy decibels.

(l) The Planning Commission may impose reasonable restrictions upon hours of operation when the use is located within close proximity to residentially used land.

(m) Recycling facilities shall not abut parcels zoned or planned for residential use.

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)**

The applicant requested to be tabled until the July meeting.

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

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, tabled 3/3/14**

The applicant requested to be tabled until the May meeting.

Motion: Mr. Fatzinger moved and Mr. Lamb second to table the Livingston Villas Development Plan to the May 19, 2014 meeting

ROLL CALL ON APPROVAL:

Yeas: Lamb, Fatzinger, Meehan, Getsay

Nays: None, motion passed

NEW BUSINESS

**Campbell-McGee Lot Assembly, 28900 Hilliard Blvd.,
PP#216-31-001, 011, 025, & 30, rep. E. Campbell, WARD
5**

Mr. Campbell explained they own four individual adjacent parcels that they would like to assemble into one parcel. The issue with multiple parcels is accessory uses cannot be on a parcel the house is not located on. They are also looking to construct an addition to the home and would have to maintain side yard setbacks to the adjacent parcel they own so it makes more sense to assemble all the parcels into one parcel.

Mr. Bedell reviewed his staff memo summarizing comments stated by Mr. Campbell.

The planning commission made the following findings of fact:

1. The proposal meets the requirements of Part 11(Planning and Platting) of the Westlake Codified Ordinances.
2. The proposal will allow the property owner to make full use of this residential parcel in accordance with the regulations for one family zoning.
3. Final Engineering Department approval is subject to the review of the completed plat meeting the requirements of the County and State as indicated in the Ohio Revised Code

Motion: Mr. Fatzinger moved and Mr. Lamb second based upon the findings-of-fact, Planning Commission approves the Campbell-McGee lot assembly

ROLL CALL ON APPROVAL:

Yeas: Lamb, Fatzinger, Meehan, Getsay

Nays: None, motion passed

**Westlake Service Garage Salt Storage Barn (replacement)
Development Plan, 741 Bassett Rd., PP#212-01-005, rep.
C. Stuhm, WARD 3**

Mr. Chris Stuhm, Westlake Service Deputy Director, explained the proposal is to replace an existing salt storage barn with a new structure. The existing structure is 4,800 sq. ft. and they are proposing to construct a new 6,400 sq. ft. structure in the same location. The existing structure is about 23 years old and needs major repairs and replacement is a better option. It will be similar in design to the existing structure and match with other structures on the site. Mr. Bedell reviewed his staff memo and showed renderings of the proposal.

The planning commission made the following findings of fact:

1. The proposed salt storage structure replaces one existing at this location.
2. The proposal meets zoning requirements and modifications are not required

Motion: Mr. Fatzinger moved and Mr. Lamb second based upon the findings-of-fact, Planning Commission recommends approval of Westlake Service Garage Salt Storage Barn with the following condition:

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

ROLL CALL ON APPROVAL:

Yeas: Lamb, Fatzinger, Meehan, Getsay

Nays: None, motion passed

**Stone Creek Village Subdivision Lot Assembly, 1860
Bassett Rd., PP#211-27-021, 28 & 34, rep. E. Pavicic,
WARD 5**

Mr. Pavicic explained he purchased land to the north of the Stone Creek Subdivision that he wishes to assemble to the subdivision. The parcel that was recently purchased has frontage on Bassett Road that will be split off and assembled to Mr. Forester's property on Bassett Road. The rear portion of the parcel will be assembled to the subdivision.

Mr. Bedell reviewed his staff memo and recommended approval of the proposal. There was discussion on who would maintain the access easement on Mr. Forester's property and Mr. Pavicic advised Mr. Forester will. At some point in the future if the access drive needs to be replaced or repairs it will be the responsibility of the homeowners association to make those improvements if needed.

Ms. Sue Engle, 1736 Bassett, expressed the following: concerns with how the exiting ditch will be maintained and affect her property, uncertainty as to how the parcels are being assembled and what is being proposed, how the access drive will be used and if there will be buffering from the subdivision. Mr. Pavicic and Mr. Bedell reviewed the lot assembly and Mr. Pavicic explained construction traffic will not use the access drive to build homes. Initially there will be the construction of the drive but afterwards there will be no construction vehicles using the drive. The drive is to access the retention ponds for maintenance. Mr. Pavicic is uncertain if a mound or trees will be installed as he is working with Mr. Forester as to what he wants on his property.

The planning commission made the following findings of fact:

1. The platting process mandates that there be only one parcel prior to approval of the final subdivision plat.
2. The geographic boundaries match the boundaries of the preliminary plat for Stone Creek Subdivision as originally conceived to include four northern lots adjacent to the Granite Court cul-de-sac

Motion: Mr. Fatzinger moved and Mr. Lamb second based upon the findings-of-fact, Planning Commission approves the lot split and assembly for Stone Creek Village Subdivision involving parcels 211-27-021, 28 & 34 with the following conditions:

1. "For Recording Purposes Only" shall be added to Clerk of Planning Commission and City Engineers signature block.
2. Plat shall meet the requirements of the County and State as indicated in the Ohio Revised Code.
3. Final Engineering Department approval is subject to the review of the completed plat

ROLL CALL ON APPROVAL:

Yeas: Lamb, Fatzinger, Meehan, Getsay

Nays: None, motion passed

**Stone Creek Village Subdivision Revised Preliminary
Plan, 1860 Bassett Rd., PP#211-27-021, 028 & 034, rep. E.
Pavicic, WARD 5**

Mr. Pavicic reviewed the proposal which is to add four sublots to the north end of the subdivision. These lots were originally shown as possible conceptual lots as when the original subdivision was approved he did not own this parcel of land. With the addition of this land and the four parcels a cul-du-sac will be created. He reviewed the layout of the lots, retention basins and buffering around the retention basins.

Mr. Bedell reviewed his staff memo noting sublots 12 and 15 will need modification for non-radial lines. There was also discussion the city engineer would like to see Block A assembled or connected to a sublot rather than being a stand along parcel as often times the Blocks are not maintained. Mr. Pavicic explained he is negotiating to purchase the parcel to the south of Block A and would assemble Block A to that parcel once purchased and becomes part of the subdivision.

Ms. Mary McGreal, 1855 Bassett and her son-in-law David Sican were present and questioned if a landscape mound and buffering would be placed in front of her home as the entrance/exit drive face her house. Mr. Pavicic advised it will be installed as previously agreed with the original subdivision and he discussed options with Ms. McGreal.

The planning commission made the following findings of fact:

1. The expanded subdivision and four new lots were identified in the 9/9/13 preliminary plan for Stone Creek Village Subdivision.
2. The new lots and cul-de-sac comply with applicable standards in Parts Eleven and Twelve of the Westlake Codified Ordinances.
3. Proposed entranceway signage and landscaping of common areas require City approval.
4. A modification is needed for the southern lot lines of lots 12 and 15, since they are not radial to the cul-de-sac.

Motion: Mr. Fatzinger moved and Mr. Lamb second based upon the above findings-of-fact, Planning Commission recommends approval of the Stone Creek Village Revised Preliminary Plat subject to the following conditions.

1. A modification is granted for the southern lot lines of lots 12 and 15 that are not radial to the cul-de-sac.
2. The Entranceway Island and sign will require some type of agreement to allow this in the right-of-way, ownership and maintenance of block A is not identified, landscape plans for center of the cul-de-sac is required, a copy of the Home Owners Association documents is required, landscaping in the storm sewer easement will require a separate agreement, entrance features north and south should be outside utility easement on their own sign easement, existing ditch to the north is to be cleaned and regraded, final engineering approval is subject to the review of the completed drawings and details.
3. Fire hydrants required on private property shall be installed and in working order before delivery of combustible construction materials. WCO 1371.03 (h); all fire hydrants, new or replacements shall have a 5" Integral Storz Pumper Connection on

the fire hydrant pumper nozzle and 2½” Cleveland Standard thread on the remaining ports. Hydrants shall be Mueller, Kennedy, or the equivalent; and the 25’/50’ turning radii shall be maintained throughout the site for emergency access. 2011 OFC 503.2.4

ROLL CALL ON APPROVAL:

Yeas: Lamb, Fatzinger, Meehan, Getsay

Nays: None, motion passed

Holiday Inn Express Development Plan, 30500 Clemens, PP#211-15-016, rep. J. Dietrich, WARD 3

Mr. Jeff Deitrich, engineer, briefly reviewed the proposal (previously reviewed a conceptual plan when the rezoning was before the commission). He explained they will revise the parking spaces so they are 20’ in length. The building materials were revised so they are a brick or stone material rather than the Hardie Panel System originally proposed in certain locations. The roof top HVAC units will be screened so they are not visible. He reviewed the masonry trash enclosure and advised the light pole height has been revised to be 20’ poles.

Mr. Bedell reviewed his staff memo noting the signs shown were for informational purposes only and are not for approval. A sign plan will be submitted in the future. He reviewed the revisions and noted the brick columns on the porte-cochere need to be extended to fascia. Discussion ensued that details should be provided for the grill elements below the room windows.

The planning commission made the following findings of fact:

1. The approval of sign plans will be required at a future meeting.
2. Otherwise, the development plan meets all applicable zoning requirements

Motion: Mr. Fatzinger moved and Mr. Lamb second based upon the findings-of-fact it is recommended that the Holiday Inn Express Development Plan be approved with the following conditions:

1. Brick columns on the porte-cochere are extended to fascia.
2. Signage is not approved as part of this approval.
3. Planning staff administratively review and approve the parking stalls plan.
4. The elements below the room windows are to be administratively reviewed and approved.
5. 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.

ROLL CALL ON APPROVAL:

Yeas: Lamb, Fatzinger, Meehan, Getsay

Nays: None, motion passed

Title Boxing Club Sign Plan, 30691 Detroit Rd., PP# 211 23 002, rep. L. Warthman, WARD 5

Ms. Warthman explained the proposal is for red channel letters mounted on the wall. The proposal did not match other existing box signs and the criteria for the plaza but since submittal the owner has agreed to revise the sign criteria and other existing box signs will be replaced so the signage on the property is uniform.

Mr. Krause reviewed his staff memo confirming that the sign criteria will be changed/established as this plaza has signs that were in place prior to the code requiring master sign criteria for the plaza. He did receive an email with a drawing attached showing that the other tenants will be replacing their signage so all the signs will be uniform. Part of the approval for this sign plan is to establish new sign criteria.

The planning commission made the following findings of fact:

1. The sign plans for this shopping center were approved before the current sign code which requires sign criteria was adopted.
2. The approved sign plans includes wall signs consisting of two box signs and three signs of non-illuminated letters with a total of 272 sq. ft. of area.
3. The applicant is seeking an internally illuminated wall sign of black, white and red and to replace the two approved box signs with red letters to match the new sign.
4. The approved sign plans for the center include green, teal and beige.
5. The proposed signage complies with Section 1223.10(c) which requires consistency in size, design, and color

Motion: Mr. Fatzinger moved and Mr. Lamb second based upon the findings-of-fact, Planning Commission approves the Title Boxing Club with the following conditions:

1. The Title Boxing sign is approved as submitted including the 2.5' tall black and white logo and red internally illuminated letters on a raceway painted to match the building.
2. The colors green and teal will no longer be allowed for signage at this shopping center.
3. Any future signage will consist of either red internally illuminated letters as shown on the e-mail drawing submitted 4/3/14 or non-illuminated light brown letters which coordinate with the building color.
4. The total amount of signage on the lot will not exceed 280 sq. ft. and the individual signs over the two main entrances will not exceed 46 sq. ft. each

ROLL CALL ON APPROVAL:

Yeas: Lamb, Fatzinger, Meehan, Getsay

Nays: None, motion passed

**Westlake Square Sign Plan, second monument sign, 30733
Detroit Rd., PP# 211 23 002, rep. J. Schmalz, WARD 5**

Mr. Bill Pawson, owner, was present. Mr. Krause reviewed his staff memo noting this proposed sign is a second monument sign as part of a right-of-way easement agreement approved by city council. This sign will be placed at the Bradley Road entrance. The other entrance to the plaza is on Detroit Road and the two signs will not be visible at the same time. CVS is actually the corner parcel and this parcel has a strip that extends out to Bradley Road. Placing a sign in this location will help identify the plaza drive as a drive for the plaza. The approval is for a 30 sq. ft. sign which should be 5' x 6'.

The planning commission made the following findings of fact:

1. The sign plans for this shopping center were approved before the current sign code was adopted.
2. The approved sign plan includes one 37.5 sq. ft. monument sign which fronts on Detroit Rd.
3. Council adopted Ordinance No. 2014-40 which included an easement which included a provision for a second monument sign of 35 sq. ft. with the condition that the second sign referenced in the easement for Westlake Square should be reviewed by planning commission pursuant to and in accordance with Westlake Codified Ordinance §1223.
4. The applicant is seeking Planning Commission approval of a second 30 sq. ft. monument sign fronting on Bradley Rd. along the north side of their driveway out to Bradley Road.
5. This shopping center has two frontages but is not a corner lot. It is fairly unique in that it has two driveway entrances which are not visible from each other because CVS is located on the actual corner lot. The driveway entrance on Bradley Road currently does not have any signage.
6. The proposed sign will require a 5' setback modification from the rear property line of CVS and a 2.5' setback modification from the curb of the driveway

Motion: Mr. Fatzinger moved and Mr. Lamb second based upon the above findings-of-fact, Planning Commission approves Westlake Square Sign Plan with the following modifications and condition:

1. Modification to allow a second monument sign.
2. 5' setback modification to the rear of CVS lot and 2.5' setback modification to the curb of drive.
3. Condition that sign is moved back at property owner's expense if road is widened
4. Condition that the monument sign is non-illuminated

ROLL CALL ON APPROVAL:

Yeas: Lamb, Fatzinger, Meehan, Getsay

Nays: None, motion passed

MISCELLANEOUS

Ordinance 2014-34: rezoning certain land located on the east side of Crocker Road and the south side of Center Ridge Road, being part of PP# 217-28-004 & 217-28-006, from R-1F-80 District to Office Building District; Referred to Planning Commission on 3/6/14; Request extension of time to July 7, 2014

Motion: Mr. Fatzinger moved and Mr. Lamb second to request an extension of time until July 7, 2014

ROLL CALL ON APPROVAL:

Yeas: Lamb, Fatzinger, Meehan, Getsay

Nays: None, motion passed

ADJOURNMENT

Meeting adjourned at 9:15 p.m. The next regular meeting is scheduled for Monday, May 19, 2014 in the Westlake City Hall Council Chambers.

Chairman Dan Meehan

Nicolette Sackman, MMC
Clerk of Commissions

Approved: _____



PLANNING DEPARTMENT

27700 Hilliard Blvd.
Westlake, OH 44145

Phone 440.871.3300
Fax 440.617.4324

MEMO

TO: Planning Commission
FROM: Jim Bedell, Director of Planning and Economic Development
DATE: 4/4/14
RE: Kimble Company Determination of Similar Use for a Proposed Recycling Facility

The purpose of this memo is to provide the following:

- An analysis of comments received during the March 3, 2014 Planning Commission meeting by representatives of the Kimble Company.
- To provide a recommendation regarding the determination of similar use in accordance with section 1229 of the Westlake Zoning Code (page 7).

The following comments from David Harbarger and Scott Walter are in quotation marks and my responses are in bold italics.

Statements made by Scott Walter:

1. "Material coming into the facility is non-putrescible, inorganic material from residents and businesses. Non-putrescible means not liable to become putrid." ***Putrid means decomposed and foul-smelling; rotten. Food scraps on unwashed containers and a slight odor within a few feet of open doors and the two glass bins at the rear of the building. It may be worse in above freezing conditions.***
2. "Very little potential for rodents, insects and vermin." ***We were told that in Twinsburg they have had raccoons arrive to the facility in trash trucks that service dumpsters and an employee program for rat control. Not sure about flies, since we visited their facility in the winter.***
3. "Noise, back-up alarms, brakes, similar to what we have in the City Services Center." ***City Services is not typically a 24 hour, 7 day operation.***
4. "Location next to the City's old landfill." ***The landfill was closed in 1990. When it was in operation it was for the City of Westlake, with fewer trucks than the proposed recycling facility. It was not a 24 hour, 7 day operation.***
5. "Initially it will be a transfer facility and the City operated one on its property." ***Difference would be in intensity of use and volume. When the City operated a transfer facility it did so only for the City of Westlake for approximately ten years.***
6. "Jobs – initially 6 employees for transferring materials to their Twinsburg facility. It could grow to 24 jobs when sorting and bailing is done here." ***No comment.***
7. "Future fueling and maintenance for trucks anticipated." ***An allowable accessory use.***

Review of the 1229.01 requirements by David Harbarger

1229.01 DETERMINATION OF SIMILAR USES.

Upon application for a permit for a building or use not specifically listed in any of the permitted building or use classifications in any of the districts, or on its own initiative, the Planning Commission may recommend additions or clarifications to Council based upon the following standards: (a-d)

- (a) Such use is not listed in any other classification of permitted buildings or uses. **Correct.**
- (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. **See following:**

According to 1218.01 Purpose:

Office-Laboratory Districts and Exclusive Industrial Districts and their respective regulations are established herein in order to achieve, among others, the following purposes:

- (a)** *To provide convenient and sufficient districts for industrially oriented office and research activities and for the production and distribution of goods in order to serve and promote economic development of the community; more specifically; (N/A)*
- (b)** *To provide Office-Laboratory Districts in close proximity to the freeway system so as to be accessible to widely dispersed administrative and technical personnel in the region; (N/A)*
- (c)** *To provide Exclusive Industrial Districts near the freeway system for uses which generate relatively large volumes of traffic, so as to be accessible to a large labor force and consumers throughout the region; **Most Exclusive Industrial property is within close proximity to I-90. Note: Truck traffic is prohibited on Bradley, Canterbury and Clague Roads and portions of Crocker Road in Westlake. Trucks coming to the proposed facility from the south and exiting to the south can only utilize I-90 and Columbia Road in Westlake and S.R. 83 in Avon.***
- (d)** *To protect and stabilize developments from traffic congestion by regulating the intensity of use, by requiring off-street parking, loading and on-site circulation facilities and by regulating the access to streets; **Typically through section 1218.06, Performance Regulations(also through the conditional use process).***
- (e)** *To protect nearby residential neighborhoods by restricting the types of nearby uses, particularly at their common boundaries, which would create objectionable influences; **Some Exclusive Industrial property is in close proximity to residences in Bay Village and Westlake . This determination is not specific to property owned by the Kimble Company but to any property in the Exclusive Industrial District.***
- (f)** *To promote the most desirable and beneficial industrial use of the land based upon the Guide Plan and directed to bring about eventual conformity with the Plan as it may be amended. **The 1985 Guide Plan identifies this property as utilities most likely due to the former landfill and the 2004 Guide Plan identifies it as industrial.***

(Ord. 1969-169. Passed 7-16-70.)

(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 "Recycling is done throughout the country and contributes to the environment." **Recycling facilities must adhere to state and federal regulations for the handling of hazardous wastes.**

Mr. Harbarger went through the various permitted uses in the Exclusive Industrial district in order to demonstrate that the proposed recycling use does not create noise, vibration, etc. to an extent greater than those listed to which it is to be added:

2. "At the Service Center, the city operates a salt barn, composting, and in past recycling there. Offers residents ability to recycle (oil). Collects street sweepings and other materials at the garage, from a stand point of recycling, so the City is participating in recycling in the EI district at this time." **It is correct that the city is doing these activities but recycling done there is not likely to be, nor has it ever been, of the same intensity or volume as the proposed recycling facility, since it is available only for Westlake residents. The oil collected from residents amounts to only a few gallons per week and Computers and household hazardous waste are collected from Westlake residents in partnership with the County only during select times of the year in the spring and fall.**
3. Newspaper printing establishments. "newspaper ... one of the things that we are recycling ... newspaper ink is one of the most toxic substances there is." **This is a correct statement and federal hazardous waste management regulations through the Environmental Protection Agency apply to most businesses that generate such hazardous waste.**
<http://www.epa.gov/osw/hazard/generation/sqg/handbook/k01005.pdf>.
4. Research Laboratories and metal production were noted as main uses. **Correct.**
5. Plastic production. **Associated heat, odor, waste, storage, traffic for raw material and material that's used was noted.**
6. Printing and engraving. **Associated noise, smell, odors and waste were noted. He opined that the proposed recycling facility use will produce less noise, smell and waste than is produced printing and engraving. This claim has not been substantiated. May be similar but not necessarily at higher levels.**
7. Dying, dry cleaning, carpet cleaning. **Associated odors, waste, and noxious materials were noted and he opined that they are at a higher level of noise, vibration, heat and so forth than the use they are proposing. This claim has not been substantiated. May be similar but not necessarily at higher levels.**
8. Food and drink preparation. **He opined that vermin concerns are greater in food and drink preparation than the proposed recycling use. This has not been substantiated.**
9. "Shops of contractors are at a higher level of use for noise." **This has not been substantiated. May be similar but not necessarily at a higher level.**
10. Warehouse. "UPS and FedEx could locate in this district." **Correct.**

(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

1. "Office use permitted in the district will create more regular traffic flow than the use they propose. *Traffic is not likely to be 5 ton truck and semi-tractor trailer*". **Office uses, other than those accessory and incidental to a permitted main use on the premise, may be permitted by conditional use permit in an exclusive industrial district located only in the areas between Detroit Road and Interstate 90, and between Sperry Road and the north corporation line from Clague Road to Columbia Road; setbacks shall conform to those in exclusive industrial districts and parking shall conform to those of office use.**
2. "Service. Salt and other City vehicles are at least equivalent to what they propose." **The City Services Department does not typically receive or send daily shipments of materials from semi-tractor trailers. One exception is during winter shipments of salt when it may receive four shipments per day. The average number of 5 ton vehicle trips are comparable to the proposed use, but are typically not a 24 hour, 7 day operation.**
3. "College use due to student traffic will place more burden on the road network than their proposed use." **Likely to generate more trips, but not typically 5 ton truck and semi-tractor trailers.**
4. "Food and drink preparation." The bottling of soft drinks was given as a specific example. **According to Mr. Harbarger, a typical bottling plant averages between 40-50 trips per day of 5 ton distribution vehicles delivering product from the plant with 8-15 large vehicles (18 wheelers or tankers) coming into the plant daily with raw materials for production of product. In their case, they have the smaller vehicles bringing the material in and the larger vehicles bringing the product out. Mr. Walter stated 25-30 delivery trucks. On 4/2/14, actual numbers were provided by Kimble from January 1 – March 1 for semi-tractor trailers (an average of 6 semi-tractor trailers per day or one per 90 minutes).**
5. "Warehouses." **It was noted that UPS or FedEx could locate as a main use in this district. It was stated that they bring in 10-20 semi-tractor trailers per day. Their distribution vehicles are smaller than 5 tons. The number of distribution vehicles is unknown. For recycling facilities, the 5 ton vehicles bring the materials in and the semi-tractor trailers take them out. The number of semi-tractor trailers are similar to the proposed use; however, according to Mr. Harbarger, the only difference is that these companies do not use 5 ton trucks for deliveries. They use smaller box trucks.**

Determination of Use and Development of Facility

1. Mr. Harbarger stated that the first step is the determination of similar use – whether a recycling center is permitted as a main use in the exclusive industrial district. He stated the use is in question and that the location is not necessarily on this parcel.
2. The second step after a determination of similar use is a development plan in accordance with zoning code and other City requirements.
3. Mr. Harbarger stated his belief that they have met the legal requirements to obtain a recommendation of determination of similar use to council.

In addition to other zoning regulations, if approved as a conditional use, the following regulations will apply to the proposed use

1218.06 PERFORMANCE REGULATIONS.

Every performance standard set forth herein shall be complied with as a precedent to occupancy of any use in an industrial district.

(a) Structures.

(1) Enclosure. All permitted main and accessory uses and operations, except for off-street parking and loading facilities, shall be performed wholly within an enclosed building or buildings. Open testing procedures and open storage of materials and/or equipment used or produced on the premises shall be permitted if suitably screened by a fence or dense landscaping so that no stored material is visible from an abutting street. Outdoor overnight parking of cargo carriers shall be permitted.

(2) Fire and explosion hazards. All permitted main and accessory uses shall be carried on only in buildings classified as fireproof by the Building Code.

(3) Incineration facilities. Incineration facilities shall be provided and shall be located within the main building. Only closed commercial containers for rubbish shall be permitted and shall be located in the rear yard outside of buildings.

(b) Air Pollution.

(1) Smoke, fly ash, dust and dirt. No industrial operation shall exhaust or discharge into the air, any quantity of fly ash, dust, dirt or similar form of air pollution which may become discernible as settlement at, or beyond, the boundaries of the lot occupied by the use.

(2) Noxious or toxic matter. The emission of toxic, noxious or corrosive fumes or gases which may be demonstrably injurious to property, vegetation, animal or human health at or beyond the boundaries of the lot occupied by the use, shall not be permitted.

(3) Odorous matter. The emission of odorous gases or other odorous matter in such quantities as to produce a public nuisance or hazard beyond the lot occupied by the use shall not be permitted.

(c) Noise. The sound pressure level at the nearest residential street, of any operation on a lot, other than the operation of autocalls, bells, sirens or whistles, shall not exceed the average intensity of the street traffic noise at the nearest residential district and no sound shall be objectionable due to intermittance, beat frequency or shrillness.

(d) Vibration. Vibrations shall not be permitted beyond the lot line occupied by the use which would be perceptible without the aid of instruments.

(e) Radioactive or Electrical Disturbance. Radioactive or electrical disturbances which adversely affect any form of life or equipment at or beyond the boundaries of the lot occupied by the use shall not be created.

(f) Heat and Glare. No industrial operation that produces heat or glare perceptible from any property line of the lot on which the operation is located shall be permitted.

Industrial and exterior lighting shall be used in a manner that produces no glare on public highways and neighboring property.

(g) Industrial Wastes. No industry shall discharge any treated or untreated sewage or industrial waste into any reservoir or lake, or discharge any untreated sewage or industrial waste into any stream. All methods of sewage and industrial waste treatment and disposal shall be approved by the State Department of Health and all effluent from a treatment plant shall, at all times, comply with the requirements of the Ohio Water Pollution Control Board.

(h) Soil Removal. No mining, extracting, filling or soil-stripping operations shall be conducted in such a manner as to leave unsightly or dangerous excavations or soil banks, or in such a manner as to increase erosion. Soil removal shall further be regulated by the provisions of Chapter 1367 of the Building Code.

(i) Trash Receptacles. All trash receptacles shall be located wholly within the main building or in an approved enclosed structure. Exterior trash enclosures shall be six feet in height with masonry walls on three sides with a solid gate or door on the fourth side. Enclosures shall be designed to be compatible in design and material as the main building. Exterior enclosures shall be at least six feet from the main building and provide a setback from property lines equal to the required loading area setback. Where adjacent to residential districts, trash enclosures shall be further screened with a landscape buffer approved by the Planning Commission.

(Ord. 1991-129. Passed 10-3-91.)

1227.03 STANDARDS FOR EVALUATING CONDITIONAL USE PERMITS.

An application for a conditional use permit shall not be approved unless the following conditions and standards are complied with as set forth for the following districts:

(b) Business and Industrial Districts.

- (1) The proposed use shall be necessary to serve the community needs and if existing similar facilities located in a less restrictive district in which the use may be permitted by right, are inadequate;
- (2) The proposed use shall pertain to schools, churches and other places of assembly no closer than necessary; and
- (3) The location, extent and intensity of the proposed use shall be such that its operation is not objectionable to nearby dwellings by reason of noise, smoke, dust, odors, fumes, vibrations or glare greater than is normal or as permitted by the performance standards of the district;

- (4) The proposed use shall form a harmonious part of the business, research, service and industrial district, taking into account, among other considerations, convenience of access and relationship of one use to another;
 - (5) The proposed use shall be permitted in a less restrictive district than that in which it is permitted by right only because of its limited extent, modern equipment and processes; and
 - (6) The hours of operation and concentration of vehicles in connection with proposed use shall not be more hazardous or dangerous than the normal traffic of the district.
- (c) Safeguards and Conditions. Safeguards and conditions may also be set forth in the permit in addition to the general standards set forth in subsection (a) and (b) herein.

Recommendation

While the proposed recycling facility use may be similar to, but not the same, as other permitted uses in the Exclusive Industrial District, language specific to recycling facilities is recommended to mitigate any harmful effects that this use may have on neighboring properties and the community.

Therefore, it is recommended that the Planning Commission take the following action:

In accordance with 1229.01, Determination of Similar Uses, the Planning Commission recommends the following addition to Chapter 1203, Definitions, of the Westlake Zoning Code:

Recycling facility means a specialized plant that receives, separates, packages, and transfers commercially and residentially collected recyclable materials for marketing to end-user manufacturers or to other facilities for further processing.

In accordance with 1229.01, Determination of Similar Uses, the Planning Commission recommends the following additions to Chapter 1218, Industrial Districts, of the Westlake Zoning Code:

Recycling facility is added to the schedule of permitted buildings and uses in the Exclusive Industrial district as a conditional use permit with the following conditions:

- (a) The use shall comply with the provisions in Part Twelve of the Westlake Codified Ordinances and all other applicable City ordinances.*
- (b) The use shall not create a public health nuisance.*
- (c) Open dumping, as defined in Ohio R.C. 3734.01 shall not be permitted at the facility.*
- (d) Each solid waste or waste recycling facility, whether operational, or subject to closure within the meaning of Ohio R.C. Chapter 3734, and related rules, located within the City shall be subject to continuing inspection and supervision by the City for the purpose of ensuring that the operation and maintenance of the solid waste or waste recycling facility does not create a danger to the public health, safety and welfare.*
- (e) Materials accepted*
 - 1. Mixed and source separated recyclable materials will be received at the facility from haulers of waste generated from commercial, residential, and industrial sources.*

2. *Only mixed streams consisting of primarily recyclable materials may be accepted.*
 3. *Putrescible solid waste shall be excluded from a reprocessing and/or recycling facility. If such wastes are received, they shall be placed in leak proof, easily cleaned containers until it is disposed. All putrescible solid waste shall be disposed at a licensed solid waste disposal facility within seven (7) days.*
 4. *Any material that is classified as hazardous waste or infectious waste shall be prohibited from the facility.*
 5. *Materials shall be received from haulers on a contract basis only and shall not be received from the general public.*
- (f) *Maintenance. A site used for the operation of a recycling facility shall be maintained in a clean, sanitary, and litter-free condition on a daily basis. All processing and separating areas shall be maintained in a clean condition, and free of accumulations of dust and debris with daily cleaning. Liquid residue that has leaked from containers that are being recycled or reprocessed shall be cleaned from the equipment, storage facilities, floors, walls and other surfaces as often as necessary to prevent odors and flies. All processing areas shall be paved. All surfaces shall be smooth and easily cleanable. A plan will be implemented to address the extermination of vermin and insects, control of blowing litter and collection solid waste that is spilled or dropped on the grounds of the facility, adjacent properties, or public streets.*
- (g) *Storage*
1. *Recycled and/or reprocessed material shall not be stored in such a way that it presents a habitat for rodents or other vermin. Temporary or permanent outside storage is not permitted.*
 2. *All solid waste, and/or reprocessed material shall be stored in compliance with all applicable local, State and Federal fire, zoning, and environmental codes, laws and regulations. Lightweight materials such as paper and plastic shall be baled or stored in an enclosed structure in order to prevent scattering.*
 3. *At no time shall a registered facility accept or store volumes which create a fire hazard or nuisance conditions.*
- (h) *Any activities beyond collection including, but not limited to, sorting, storage, and/or processing of materials, shall be within an entirely enclosed structure.*
- (i) *Ventilation fans shall be directed away from residences.*
- (j) *Exterior doors shall not be left open longer than necessary to provide ingress or egress to buildings.*
- (k) *Noise levels shall not exceed sixty decibels as measured at the property line of residentially zoned or occupied property, or otherwise shall not exceed seventy decibels.*
- (l) *~~If the recycling facility is located within five hundred feet of property zoned, planned or occupied for residential use, it shall not be in operation between hours of seven p.m. and seven a.m.~~ 4/7/19 PC meeting replaced strikeout with: The Planning Commission may impose reasonable restrictions upon hours of operation when the use is located within close proximity to residentially used land*
- (m) *Recycling facilities shall not abut parcels zoned or planned for residential use.*