



**PLANNING DEPARTMENT**

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**WESTLAKE PLANNING COMMISSION  
MINUTES OF THE REGULAR MEETING  
MAY 19, 2014**

Present: Chairman Daniel Meehan, Brad Lamb, Phil DiCarlo, Mark Getsay  
Absent: Scott Fatzinger  
Also Present: Planning Director Jim Bedell, Assistant Planning Director William Krause,  
Assistant Law Director Sean Kelleher, 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 7:35 p.m. by Chairman Dan Meehan.

**OATH OF OFFICE**

Mr. Kelleher swore in Mr. DiCarlo and welcomed him to the commission.

**APPROVAL OF MINUTES**

None

**COUNCIL REPORT**

Councilman Getsay reported on council matters regarding planning commission items.

**SELECTED CORRESPONDENCE**

Email received 4/22/14 from Diane Czinger, 27510 Bassett, in support of the Verizon Wireless Cell Tower

Email received 5/14/14 from Jim Wensink, 2135 Radcliffe, concerns re: Kings Tree Apartments

Email received 5/19/14 from Pat Scaravilli, 29820 Sequoia Trail re: Ord. 2014-34, drainage concerns

**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. Dana Zimmer, architect, was present and explained the plans were revised for six townhouse style buildings with three units in each building. Mr. Bedell reviewed his staff memo explaining one story had been removed from the building height approved in 2012 and the current revised plans reduces the number of units within each building to three. The building facades and

elevations were revised to be a more pleasing design than the 2013 submittal. Mr. Bedell reviewed the site plans and the proposal.

The following residents were present and made comments: Roger McIntyre 25826 Center Ridge; Anne Huber 1990 Newbury; Lisa and Nick Stipanovich 25930 Williams. Comments and concerns expressed were: concerns with drainage, concerns the retention pond should be fenced in; the row of evergreens at the rear of the property that were shown on previous plans and removed should be put back on the plans, the fence that was shortened along the property lines should be lengthened as it was shown on the original plans to provide screening from vehicle headlights, will lights shine onto adjacent properties; how deep will the retention basin be; will additional trees be removed; what will be maximum occupancy be for the units.

Discussion ensued that the retention basin is a dry basin and is not required to be fenced. The maximum depth will be approximately 3'. It was explained that the city's engineering department reviews all storm water drainage so that it complies with codes. The fences along the east and west property lines should be extended to provide screening from vehicle headlights. Ms. Orley felt the evergreen trees shown at the rear of the multi-family project should be eliminated as the rear units will have a beautiful view of the woods, field and retention basin. The field will also be accessible for families that live there to use for recreational purposes. It was noted that the previous lot split and assembly created two parcels – one being the front parcel along Center Ridge Road that is zoning multi-family and the other parcel being the rear single family zoned parcel with frontage on Newbury. It was noted that the tree preservation plan may need to be revised because if the required trees are on the single family parcel there could be a problem in the future if that parcel were to be sold off or developed as the trees could be removed as part of a future residential plan. This development plan should comply with the tree preservation plan. Mr. Orley advised there are no plans to develop the parcel to the rear and they plan to leave it as it is. It is anticipated that there could be up to 18 families living in the units.

Items that need to be revised are the tree preservation plan, landscape plan, and increasing the length of the fences along the east and west property lines to provide better screening.

**Motion:** Mr. Lamb moved and Mr. Getsay second to table the Kings Tree Apartments Revisions to Development Plan to the June 2, 2014 meeting

ROLL CALL ON APPROVAL:

Yeas: Lamb, DiCarlo, 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, 4/7/14**

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**Motion:** Mr. Lamb moved and Mr. Getsay second to table the Livingston Villas Development Plan to the July 7, 2014 meeting

ROLL CALL ON APPROVAL:

Yeas: Lamb, DiCarlo, Meehan, Getsay

Nays: None, motion passed

## **NEW BUSINESS**

### **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; 4/7/14 requested ext. of time to expire 7/7/14**

Attorney Don Powers was present and explained the parcels currently are zoned Office Building at the front of the parcel and Single Family at the rear of the parcel. The request is to rezone the rear of the parcels to Office Building so the entire parcels on this side of Crocker Road have consistent zoning. This property is east of Crocker Road, south of Center Ridge and adjacent to the east is Evergreen Cemetery. He explained this would be the best use of the property because to develop it as single family would result in seven to eight houses with drives off of Crocker Road. Zoning it Office Building would allow for a single development with less curb cuts onto Crocker Road. If rezoned they would eventually assemble both parcels and in the future submit a development plan for the property. Mr. Bedell reviewed his staff memo and the criteria to review when considering a rezoning.

The following residents were present: Mr. John Carbone 29855 Sequoia Trail; Mr. Michael Lamb (no relation to planning commission member Brad Lamb) 29477 Tamarack Trail; Mr. Tom Frank 29916 Sycamore Oval; and Mr. Gene Bernharoad 29995 Sequoia Trail. Comments and concerns expressed were: all were very concerned with current drainage/flooding problems as well as future problems with more development; residents had flood damage from the recent storm that flooded the neighborhood, streets, and houses; they questioned what is being done about drainage problems as this is not the first time they have raised public awareness to the flooding problems in their neighborhood. Mr. Getsay informed the residents he has been in contact with City Engineer Bob Kelly regarding the recent flooding events. The city is currently collecting data and looking at ways to improve the drainage. He urged all residents to contact the engineer department regarding any flooding issues they had so the department is aware of it.

Discussion ensued that the matter before the commission was the rezoning of the property and not a development plan. Drainage would be reviewed, with public notice, as part of a future development plan and right now the issue is if the property should be rezoned or not. Residents were concerned if rezoned there would be more drainage issues as a parking lot and building could be constructed if rezoned. Mr. Powers advised they are willing to work with the city to address any drainage issues and in the past have given the city property for a retention basin.

The planning commission made the following findings of fact:

1. The proposed rezoning is in accordance with the Guide Plan's Future Land Use Map and the Zoning Code's Purpose Statement for Office Building Districts.
2. The proposed rezoning meets the criteria for rezoning listed in Part III of the planning commission staff report.

**Motion:** based on the findings of fact and comments received, Mr. Lamb moved and Mr. Getsay second to recommend approval of Ordinance 2014-34.

**ROLL CALL ON APPROVAL:**

Yeas: Lamb, DiCarlo, Meehan, Getsay  
Nays: None, motion passed

**Tugwell Lot Assembly, 23782 Cornwell Dr., PP#214-09-045 & 114, rep. L. Tugwell, WARD 1**

Mrs. Tugwell explained they own two parcels and would like to assemble them together. Mr. Bedell reviewed his staff memo adding that one parcel is a land locked parcel behind the parcel with street frontage so it makes sense to assemble the parcels.

The planning commission made the following findings of fact:

1. The depth to width ratio exceeds the maximum permitted by .5.
2. The assembly eliminates the current legally nonconforming lot that is only 15,000 s.f.
3. The assembly eliminates a landlocked parcel.

**Motion:** based on the findings of fact and comments received, Mr. Lamb moved and Mr. Getsay second to approve the Tugwell Lot Assembly with the condition that the depth to width ratio be approved at 4:1.

ROLL CALL ON APPROVAL:

Yeas: Lamb, DiCarlo, Meehan, Getsay  
Nays: None, motion passed

**Pat O'Brien Chevrolet Development Plan minor rev., (security gates), 25100 Detroit Rd., PP# 213 09 026, rep. J. Schmalz, WARD 1**

Mr. O'Brien explained they are requesting approval to install three security gates across the front of their driveways to secure the lot after hours. Mr. Bedell reviewed his staff memo and reviewed the location of the three proposed gates. They are in the front setback and will require a modification for the location.

The planning commission made the following findings of fact:

1. The proposed gates encroach into the front yard and require a modification.
2. Performance standards for modification in 1220.06 are met.

**Motion:** based on the findings of fact and comments received, Mr. Lamb moved and Mr. Getsay second to recommend approval of the Pat O'Brien Development Plan minor rev. (security gates) 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 approval is subject to comments in Part III of the planning commission staff report.
3. A modification to allow a front yard setback of 21' for the gates is granted.

ROLL CALL ON APPROVAL:  
Yeas: Lamb, DiCarlo, Meehan, Getsay  
Nays: None, motion passed

**Sweeny Lot Assembly 30899 Sawgrass Lane and Block E,  
PP# 216-05-036 & 007, rep. D. Bennett, WARD 6**

Mr. Bennett explained the proposal is to assemble Block E to a lot on Sawgrass. Block E was part of an earlier design for the subdivision that was to include a cul-du-sac prior to the phase that expanded the subdivision without one. When that phase was approved it was discussed to assemble the block to a parcel but that did not occur until now. Mr. Bedell reviewed his staff memo and noted this assembly should be approved.

The planning commission made the following findings of fact:

1. Standards of the planning and platting code are met.
2. The assembly eliminates an unusable remainder parcel.
3. The developer has agreed to deed the property to the applicant.

**Motion:** based on the findings of fact and comments received, Mr. Lamb moved and Mr. Getsay second to approve the Sweeny Lot Assembly with the conditions in Part III of the planning commission staff report.

ROLL CALL ON APPROVAL:  
Yeas: Lamb, DiCarlo, Meehan, Getsay  
Nays: None, motion passed

**J. Jill Storefront and Sign Plan, 177 Main St., PP# 211-25-  
004, rep. R. Levitz, WARD 5**

Mr. Levitz reviewed the proposed storefront and sign plan which will have a simple and elegant design with neutral colors. There will be four styles of signs but the storefront is not over signed and appears simple and elegant. Mr. Krause reviewed his staff memo and agreed with Mr. Levitz's calculations and overview of the proposal.

The planning commission made the following findings of fact:

1. Staff concurs with the sign calculations submitted for J. Jill which is a type #1 frontage area which allows all types of signs defined in the sign criteria.
2. The 47.81 sq. ft. of total signage requested falls within the 67.5 sq. ft. of sign area permitted.
3. Section 11.1 only permits three types of secondary signs, four are requested, so a modification is needed for one additional secondary sign type.

**Motion:** based on the findings of fact and comments received, Mr. Lamb moved and Mr. Getsay second to recommend approval of the proposed J. Jill storefront.

ROLL CALL ON APPROVAL:  
Yeas: Lamb, DiCarlo, Meehan, Getsay  
Nays: None, motion passed

**Motion:** based on the findings of fact and comments received, Mr. Lamb moved and Mr. Getsay second to approve the J. Jill sign plan with a modification to allow one extra secondary sign type.

ROLL CALL ON APPROVAL:

Yeas: Lamb, DiCarlo, Meehan, Getsay

Nays: None, motion passed

**Ordinance 2014-54 code amendment to 1203.05  
Automotive Uses, ref. by council 4/17/14**

Mr. Bedell reviewed his staff memo explaining this code amendment to 1203.05 Automotive Uses. It was initiated by the Building Department due to potentially confusing and unclear language in the zoning code in regards to storage garages. This code amendment is expected to aid in the interpretation and administration of the zoning code. It does not change the intent of the regulation as it has been understood and enforced by staff.

**Motion:** based on the findings of fact and comments received, Mr. Lamb moved and Mr. Getsay second to recommend approval of Ordinance 2014-54.

ROLL CALL ON APPROVAL:

Yeas: Lamb, DiCarlo, Meehan, Getsay

Nays: None, motion passed

**Goddard School Lot Assembly, 30502 Center Ridge Rd.,  
PP#217 07 010 & 015, rep. S. Collins, WARD 6**

Mr. Scott Collins explained they have purchased an adjacent parcel to their property and wish to assemble it to their existing parcel. He noted there is a footprint shown on the drawing but at this time they only wish to assemble the parcels. Mr. Bedell reviewed his staff memo noting the approval is only for an assembly plat and any and all future development will need to be submitted to the city for review and approval.

Mr. Tom Roach 4463 Mallard Circle was present and expressed comments and concerns regarding the maintenance of what is currently a vacant parcel, how it could be developed in the future, buffering and drainage. Discussion ensued that the current proposal before the commission is to assemble two existing parcels and many of the other issues raised would be part of a development plan if the property is further developed in the future. Mr. Krause noted that any permitted use could be constructed on the property and it does not need to be the same use as the school. However, the applicant previously indicated the possible desire to construct a playground on the parcel. If there are any property maintenance issues the city has a property maintenance officer who addresses any maintenance complaints.

The planning commission made the following findings of fact:

1. The approval is for the assembly of property only and does not include the development of the play area as proposed by the applicant.

**Motion:** based on the findings of fact and comments received, Mr. Lamb moved and Mr. Getsay second to approve the Goddard School Lot Assembly with the conditions in Part III of the planning commission staff report.

ROLL CALL ON APPROVAL:

Yeas: Lamb, DiCarlo, Meehan, Getsay  
Nays: None, motion passed

**Verizon Wireless Development Plans, St. John Medical Center, 29000 Center Ridge Rd., rep. R. Grant, WARD 6**

Attorney Robert Grant explained what they are proposing is actually considered a co-location on an existing facility. The building is considered the tower and what they are doing is adding an antenna pole on the roof and an equipment shelter on the ground. If approved they will be removing their application for a new tower at the Prince of Peace Church.

Mr. Bedell reviewed his staff memo. This requires planning commission approval because the previous plan for the existing cell tower/pole did not include the equipment shelter. The equipment shelter building should be constructed of brick veneer or a material that will match the non-brick material of the building, which would be preferred to what is proposed. He explained no modifications are requested and if this location is approved they will be withdrawing their proposal for a new cellular tower at the church located at 28579 Center Ridge Rd. Mr. Kelleher explained that federal regulations and court cases have determined that a co-location to an existing structure is allowed per federal laws so this proposed pole is a permitted use.

The following residents were present and opposed to the request: Ms. Mihaela Fulop 29423 Hummingbird Circle; Mr. Robert Koeing 29181 Schwartz; Allen Weinberg 29489 Hummingbird; and Mr. Richard McKenna 29342 Hummingbird. Ms. Regina McCarthy 2935 N. Bay was present and in support of the request. Comments and concerns expressed were: opposed to the proposal and having a cell tower near residential property and at a hospital where sick people visit; property values will decrease; health risks; when was the existing cell tower approved; why is it now being proposed in this location instead of another location; was the hospital aware of this proposal; cell services is needed in the area; how tall is the pole; maybe people should get better phones if they have poor service; what can residents do to stop this proposal; and health concerns with radiation.

Discussion ensued that the pole on the roof is permitted per federal regulations (FCC) and does not need city approval to be there, but the equipment shelter needs to be approved as it was not previously shown on a development plan. Mr. Grant explained federal regulation and how cellular service works. The previous cellular pole is for another cell provider and is not a Verizon pole. Verizon has received many complaints regarding poor service in this area and have studied locations in this area for many years.

The planning commission made the following findings of fact:

1. There is an existing facility on the roof of St. John Medical Center and this meets the definition of a co-location defined by the FCC and backed up by several court cases.
2. A development plan is required, since the current conditional use permit did not include the proposed equipment shelter.
3. No modifications are required for this proposal.
4. This co-location replaces the CUP request for a monopole at Prince of Peace Lutheran Church.

**Motion:** based on the findings of fact and comments received, Mr. Lamb moved and Mr. Getsay second to recommend approval of the Verizon Wireless Development Plans with the following conditions:

1. Condition regarding the cladding/color of the proposed shelter.
2. Cover of coax cables routed up building walls and any other visible supports or structures, excluding the stealth pole, shall be colored to match the materials to which they are attached.
3. The approval is subject to approval of the final plans by the Building Department 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.
4. Condition that the color of the equipment shelter be administratively approved.

ROLL CALL ON APPROVAL:

Yeas: Lamb, DiCarlo, Meehan, Getsay

Nays: None, motion passed

## **MISCELLANEOUS**

### **St. John Medical Center, minor rev to dev. plans, community garden, 29000 Center Ridge Rd., rep. C. Stuhm, WARD 6**

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Mr. Stuhm explained the city is working with community groups and St. John Medical Center to construct a community garden. There will be a 7' tall fence to protect the garden from wildlife which will need approval for the height. The garden is 65' x 37' and it is anticipated that this project will be expanded in the future as they have already adopted out all the plots for this year. Future plans will be submitted for an expansion but for now they are seeking approval for the 36' x 37' garden, fence and garden signage. Mr. Bedell reviewed his staff memo reiterating comments made by Mr. Stuhm.

The planning commission made the following findings of fact:

1. This is a minor revision to an approved development plan.
2. A modification is required for the height of the fence.

**Motion:** based on the findings of fact and comments received, Mr. Lamb moved and Mr. Getsay second to recommend approval of the St. John Medical Center, minor rev to dev. plans for a community garden with a 1' modification in the maximum height of the seasonal fence.

ROLL CALL ON APPROVAL:

Yeas: Lamb, DiCarlo, Meehan, Getsay

Nays: None, motion passed

## **ADJOURNMENT**

Meeting adjourned at 9:48 p.m. The next regular meeting is scheduled for Monday, June 2, 2014 in the Westlake City Hall Council Chambers.



Chairman Dan Meehan

Nicolette Sackman, MMC  
Clerk of Commissions

Approved: \_\_\_\_\_