



**PLANNING DEPARTMENT**

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**WESTLAKE PLANNING COMMISSION  
MINUTES OF THE REGULAR MEETING  
OCTOBER 6, 2014**

Present: Chairman Daniel Meehan, Scott Fatzinger, Phil DiCarlo, Mark Getsay, Brad Lamb

Also Present: Planning Director Jim Bedell, Assistant Planning Director Will 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 7:30 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 September 9, 2014.

ROLL CALL ON APPROVAL:

Yeas: Fatzinger, Meehan, Getsay, DiCarlo, Lamb

Nays: None, motion passed

**COUNCIL REPORT**

Councilman Getsay reported on council items.

**SELECTED CORRESPONDENCE**

10/6/14 email from R. Kalina requesting to table St. Bernadette's Parish Site Improvements (landscape, benches & fountain) until the November meeting

9/29/14 email from Steve McQuillin, 31156 Detroit re: Bur Oak Subdivision

10/2/14 letter from K. V. and Alayne Gopalakrishna, 31019 Logan Ct. re: Bur Oak Subdivision

**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, 2/13/13, 6/3/13, 9/9/13, 10/7/13, 12/2/13, 4/7/14, 8/4/14; 8/4/14 requested extension of time to expire 3/2/2015**

9/11/14 D. Powers requested to be tabled to November meeting.

**Motion:** Mr. Fatzinger moved and Mr. Lamb second to table Ordinance 2012-115 to the 11/10/14 meeting per the applicant's request.

ROLL CALL ON APPROVAL:

Yeas: Fatzinger, Meehan, Getsay, DiCarlo, Lamb

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, 6/3/13, 9/9/13, 10/7/13, 12/2/13, 4/7/14, 8/4/14**

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9/11/14 D. Powers requested to be tabled to November meeting.

**Motion:** Mr. Fatzinger moved and Mr. Lamb second to table the Crocker Woods Preliminary Development Plan to the 11/10/14 meeting per the applicant's request – revised plans must be submitted to the planning department by October 27, 2014.

ROLL CALL ON APPROVAL:

Yeas: Fatzinger, Meehan, Getsay, DiCarlo, Lamb

Nays: None, motion passed

**St. Bernadette's Parish Site Improvements (landscape, benches & fountain), 2256 Clague Road, PP#214-11-016, rep. R. Kalina, WARD 1, tabled 8/4/14**

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10/6/14 email from R. Kalina requesting to table St. Bernadette's Parish Site Improvements (landscape, benches & fountain) until the November meeting.

**Motion:** Mr. Fatzinger moved and Mr. Lamb second to table the St. Bernadette's Parish Site Improvement to the 11/10/14 meeting per the applicant's request – revised plans must be submitted to the planning department by October 27, 2014.

ROLL CALL ON APPROVAL:

Yeas: Fatzinger, Meehan, Getsay, DiCarlo, Lamb

Nays: None, motion passed

**Crocker Park KSE-II Development Plan, within Crocker Park K Block, rep. Bialosky & Partners, WARD 5  
Yard House Storefront (part of KSE-II), 160 Union St., rep. Bialosky & Partners, WARD 5  
Texas de Brazil Storefront (part of KSE-II), 174 Union St., rep. Bialosky & Partners, WARD 5**

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Mr. Brian Meng reviewed renderings showing the elevations and noted some preliminary landscape and hardscape plans, which will be submitted in the near future. He showed renderings of the building massing in relation to the surrounding buildings and changes that had been made since the last meeting. Mr. Hank Rapport reviewed the alley spaces and future micro retail space that was added to the building since the last meeting. The alley will be activated with pedestrian traffic going to restaurants and retail spaces.

Mr. Bedell reviewed his staff memo noting the landscape and hardscape shown is still conceptual and not part of the request for review this evening. He noted that hopefully the area in Union Square that allows automobile display did not become the focal point of the square. The additional retail space added to the building will help activate the alley. Mr. Bedell reviewed changes to the plan since the last meeting and revised comments made by the building and fire departments.

Discussion ensued regarding the activation of the alley and concerns that in one point of the alley it is only 8' wide. It was questioned if there would be safety concerns in the event of an emergency as the alley funnels down to an 8' width. 8' is the minimum width permitted within Crocker Park and there has been discussion that the railing around the restaurant patio can be removable so in the event of an emergency or large event the railing can be removed. It was suggested when the landscape and hardscape plans are presented that materials to be used are shown as well as lighting as it will be part of the sign package. Members of the commission expressed that they preferred the taller height of the Texas de Brazil entry pavilion over what is shown in the current renderings. Materials for the building were reviewed.

#### **KSE II:**

The planning commission made the following findings of fact:

1. The plan with modifications meets the standards of the zoning code and the Crocker Park Mixed Use Design Guidelines.

**Motion:** Based upon the above Findings-of-Fact and presentation Mr. Fatzinger moved and Mr. Lamb second to recommend approval of the Crocker Park KSE-II Development Plan with the following conditions and modification:

1. Condition that a minimum 8' wide pedestrian pathway be maintained;
2. Condition only retail or food service uses shall be permitted within the space identified as retail tenant #1020 and it shall not be used for landlord storage;
3. Condition that refuse and recycling shall be provided for in the service yard behind Nordstrom Rack;
4. Condition this approval does not include landscape and hardscape design plans;
5. Condition department review comments, including the fire department and building department received 10/6/14 shall be addressed; A 2' height modification for height is approved for the entry pavilion for Texas de Brazil; Condition that where brick is shown it shall be full size brick and not thin brick;
6. Condition that the height for the entry pavilion for Texas de Brazil shall be increased to that shown on the previously submitted plan submitted on 9/22/14 and administratively approved;
7. 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: Fatzinger, Meehan, Getsay, DiCarlo, Lamb

Nays: None, motion passed

**Yard House:**

The planning commission made the following findings of fact:

1. The plan with modifications meets the standards of the zoning code and the Crocker Park Mixed Use Design Guidelines.

**Motion:** Based upon the above Findings-of-Fact and presentation Mr. Fatzinger moved and Mr. Lamb second to recommend approval of the Yard House Storefront with the following condition:

1. Condition that where brick is shown it shall be full size brick and not thin brick;
2. 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: Fatzinger, Meehan, Getsay, DiCarlo, Lamb

Nays: None, motion passed

**Texas de Brazil:**

The planning commission made the following findings of fact:

1. The plan with modifications meets the standards of the zoning code and the Crocker Park Mixed Use Design Guidelines.

**Motion:** Based upon the above Findings-of-Fact and presentation Mr. Fatzinger moved and Mr. Lamb second to recommend approval of the Texas de Brazil Storefront with the following condition:

1. Condition that the height for the entry pavilion for Texas de Brazil shall be increased to that shown on the previously submitted plan submitted on 9/22/14 and administratively approved;
2. Condition that where brick is shown it shall be full size brick and not thin brick;
3. 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: Fatzinger, Meehan, Getsay, DiCarlo, Lamb

Nays: None, motion passed

**Motion:** Based upon the above Findings-of-Fact and presentation Mr. Fatzinger moved and Mr. Lamb second to recommend approval of the Texas de Brazil Storefront with the condition that the materials board is to be submitted and administratively approved by planning staff.

**ROLL CALL ON APPROVAL:**

Yeas: Fatzinger, Meehan, Getsay, DiCarlo, Lamb

Nays: None, motion passed

## **NEW BUSINESS**

### **Massage Heights Storefront & Sign Plan, 143 Crocker Park Blvd., PP# 211-25-004, rep. R. Levitz, WARD 5**

Mr. Richard Levitz reviewed the proposal which is to reface the existing storefront with a stacked stone to give the storefront a clean and understated appearance. The awning will be brown and all the colors to be used are earth tone in color. Mr. Levitz reviewed the sign package which complies with the code. Mr. Krause reviewed his staff memo noting the proposal does comply with the design guidelines but is very understated and basic. Chairman Meehan noted he did not support the very simple design and felt the design could be more detailed, he also noted that the stone veneer does not fit in with the adjoining tenant facades.

The planning commission made the following findings of fact:

1. The proposal is minimally acceptable under the design guidelines.

**Motion:** Based upon the above Findings-of-Fact and presentation Mr. Fatzinger moved and Mr. Lamb second to recommend approval of the Massage Heights Storefront.

The planning commission made the following findings of fact:

1. The proposal is minimally acceptable under the sign criteria.
2. The criteria states that acrylic sign faces must have a matte finish.

**Motion:** Based upon the above Findings-of-Fact and presentation Mr. Fatzinger moved and Mr. Lamb second to recommend approval of the Massage Heights Sign Plan with the condition that the acrylic sign faces have a matte finish.

ROLL CALL ON APPROVAL:

Yeas: Fatzinger, Getsay, DiCarlo, Lamb

Nays: Meehan, motion passed

### **AT&T Development Plan, 871 Canterbury Rd., PP# 213-04-017, rep. M. Williams, WARD 1**

Mr. Williams explained the proposal is to install an equipment cabinet in the right-of-way at 871 Canterbury Rd. The cabinet will be surrounded on three sides with landscape materials. Mr. Bedell reviewed his staff memo. Discussion ensued that 7 gallon plant materials would be a better size choice to use and it was questioned if the plants will be maintained by AT&T for two years, which Mr. Williams said could be done.

The planning commission made the following findings of fact:

1. The proposal is in an industrial area.
2. The proposal meets zoning requirements.
3. No modifications are required.

**Motion:** Based upon the above Findings-of-Fact and presentation Mr. Fatzinger moved and Mr. Lamb second to recommend approval of the AT&T Development Plan with the following conditions:

1. Hicks Columnar Yews will be installed, seven gallon size, as shown on the landscape plan and be maintained by the applicant for a minimum of two years;
2. 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: Fatzinger, Meehan, Getsay, DiCarlo, Lamb

Nays: None, motion passed

**Westlake Service Garage Tipping Pad & Covered Building Development Plan, 741 Bassett Rd., PP# 212-01-004, rep. C. Stuhm, WARD 3**

Mr. Chris Stuhm reviewed the proposal which will be installed south of the salt barn recently approved. They currently have outdoor storage of aggregate materials which is now required per the EPA to be covered. In addition to the covered materials they are also installing a covered tipping pad for vehicles to drive through. Mr. Stuhm reviewed the dimensions, renderings and what currently exists. Mr. Bedell reviewed his staff memo noting there are no modifications necessary.

The planning commission made the following findings of fact:

1. The City currently provides for outdoor storage at this location and wishes to improved and upgrade these facilities.
2. The proposed covered storage structure and tipping pad prevents storm water runoff from carrying pollutants into the watershed and meets OEPA requirements.
3. The proposed covered storage bins protects materials from the elements that are to be spread, such as topsoil, allowing Service Department staff to better load and spread materials that are not overly saturated.
4. No modifications are required for this approval.

**Motion:** Based upon the above Findings-of-Fact and presentation Mr. Fatzinger moved and Mr. Lamb second to recommend approval of the Westlake Service Garage Tipping Pad & Covered Building Development Plan 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: Fatzinger, Meehan, Getsay, DiCarlo, Lamb

Nays: None, motion passed

**Essig-Bur Oak Lot Split, 31480 Detroit Road, PP# 211-07-003, rep. K. Kelly, WARD 5**

Mr. Watkins, engineer for the applicant, explained they are seeking approval to split off the rear portion of the Essig parcel and assemble it to the Bur Oak subdivision for future lots. The area of land being split off is approximately 2.76 acres. Mr. Bedell reviewed his staff memo.

Mr. Kevin Rowe, 31389 Jager Drive expressed concerns with houses being built behind his home, he was unaware that the area behind his house would be developed, and asked what kind of

buffering will be in place to protect his house.. Chairman Meehan advised that what is currently before the commission is the lot split and the subdivision will be the next item on the agenda.

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 plat.
2. The geographic boundaries of the new lot are the same as the proposed preliminary plan for Phase 2 of the Bur Oak Subdivision and will not alter the proposed design of the subdivision.

**Motion:** Based upon the above Findings-of-Fact and presentation Mr. Fatzinger moved and Mr. Lamb second to approve the Essig-Bur Oak Lot Split involving parcel 211-07-003.

ROLL CALL ON APPROVAL:

Yeas: Fatzinger, Meehan, Getsay, DiCarlo, Lamb

Nays: None, motion passed

**Bur Oak Phase II, Subdivision Preliminary Plan, 15 lots  
(10 at extension of Bur Oak Dr. & 5 West Essig Ln.), PP#  
211-05-006, 211-05-004 & 211-07-003, rep. K. Kelly,  
WARD 5**

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Mr. Watkins, engineer for the applicant, explained the proposal is for 15 new lots. Five will be located at the stub of West Essig Lane and ten will be at the extension of Bur Oak Dr. The original conceptual plans showed a cul-de-sac at the end of Bur Oak Dr. They are proposing a temporary cul-de-sac and in Phase III they plan to remove the cul-de-sac and loop the road. Phase III has not been designed yet and there has been discussion that Avon Road may be vacated. Mr. Watkins advised the current basin meets all code and EPA requirements and can handle an additional 15 lots. Retention for Phase III will have to be designed.

 Mr. Bedell reviewed his staff memo and questioned if there are any wetlands that need to be mitigated, which Mr. Watkins advised that there are not. The current proposal is for Phase II and not Phase III which has to be designed but Jager Dr. will be extended in Phase III and there will be lots behind the houses on Bur Oak Dr. Mr. Watkins advised that is correct and the lots behind the homes on Bur Oak Dr. were always planned. At this time they have not addressed the lots in Phase III to know exactly how they will be laid out. Mr. Bedell advised that all the lots in Phase II are over 20,000 sq. ft.

Mr. Watkins advised that they hope to bring Phase III to the commission soon and wished to not construct a temporary cul-de-sac as it would be removed as part of Phase III construction. Chairman Meehan advised the commission would want to have the temporary cul-de-sac installed as issues could come up that prevent Phase III from being submitted or constructed in the near future. Mr. Krause noted in 2008 there were half finished houses in the subdivision due to the downturn in the economy so the temporary cul-de-sac should be constructed. He did question the length of the road if it were made into a loop in Phase III because there is a section of code that requires more than one means of ingress and egress for a road over 1,000'. He suggested to review the code to ensure their proposed design for Phase III would comply with the code. Brief discussion ensued on the road length but since it is part of Phase III it will be addressed when a preliminary plan is submitted for Phase III.

Mr. Leo Citro, property owner of 31235 Avon Rd. expressed the following: concerns with an agreement and easement he had with Mr. Gerent (previous owner) that have not been honored; he was told if Avon Rd. were vacated he would have access to his parcel through Bur Oak; at one time Mr. Gerent wished to purchase his property; he was told by City Engineer Bob Kelly that there is money in escrow for improvements to his property that have not happened; he wishes to sell his parcel; and agreements were made that have not been honored. Mr. Watkins and Mr. Kevin Kelly (applicant) were not aware of any agreements or easements. They stated Mr. Gerent may have had discussion in the past with Mr. Citro to purchase his property but Mr. Gerent has passed away and they are not aware of any agreements, nor would purchasing Mr. Citro's parcel be beneficial to the subdivision as it is outside the subdivision layout and to the south of the retention basin. Mr. Citro stated there is an easement and improvement agreements that Mr. Bob Kelly (city engineer) is aware of. Mr. Bedell noted Phase II should not be approved at this time as discussion should happen so all can be aware if access to Mr. Citro's lot is supposed to be provided through Phase II of Bur Oak as suggested by Mr. Citro.

Ms. Heather Kurtz, 1772 Bur Oak Dr., expressed the following: she questioned how Phase III will be laid out because when she purchased her home she was told there would not be houses directly behind her house as there would be a wooded area and now she is hearing that is not the case; she was under the impression that the woods behind her house would remain and screen the view of any new houses; she questioned what her legal rights were. Mr. Watkins explained that Phase III has not been designed yet and it is possible that they could save some of the trees behind her house but at this time it is uncertain what the Phase III proposal will be. Chairman Meehan noted what is before the commission is Phase II and when Phase III is before the commission residents will be notified as they were for this meeting. He also suggested that Ms. Kurtz contact the law department regarding any legal questions.

Mr. Kevin Rowe, 31389 Jager Drive reiterated concerns with houses being built behind his home, he was unaware that the area behind his house would be developed, and what kind of buffering will be in place to protect his house. He had a drawing of his lot which did not show parcels behind it and he did not expect that area to be developed. He questioned what the setbacks will be between the parcels to offer protection as people in homes behind him will be able to look directly into his house. When he purchased his home he was not told there would be houses behind him, similar to Ms. Kurtz and thought the hill and wildflowers would remain.

Discussion ensued that there were some unresolved issues raised this evening and the matter needs to be tabled so that planning staff can talk to Mr. Bob Kelly and research any possible agreements or easements.

**Motion:** Mr. Fatzinger moved and Mr. Lamb second to table the Bur Oak Phase II Subdivision Preliminary Plan to the 11/10/14 meeting.

**ROLL CALL ON APPROVAL:**

Yeas: Fatzinger, Meehan, Getsay, DiCarlo, Lamb

Nays: None, motion passed

**MISCELLANEOUS** - None

**ADJOURNMENT**

Meeting adjourned at 9:28 p.m. The next regular meeting is scheduled for Monday, November 10, 2014 in the Westlake City Hall Council Chambers.

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Chairman Dan Meehan

*Nicolette Sackman, MMC*  
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Nicolette Sackman, MMC  
Clerk of Commissions

Approved: November 10, 2014