



PLANNING DEPARTMENT

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**WESTLAKE PLANNING COMMISSION
MINUTES OF THE REGULAR MEETING
NOVEMBER 10, 2014**

Present: Chairman Daniel Meehan, Scott Fatzinger, Phil DiCarlo, Mark Getsay
Absent: Brad Lamb
Also Present: Planning Director Jim Bedell, Assistant Planning Director Will Krause, Assistant Law Director Robin Leasure, 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 7:32 p.m. by Chairman Dan Meehan.

APPROVAL OF MINUTES

Mr. Fatzinger moved, seconded by Mr. Getsay to approve the minutes of the regular meeting of October 6, 2014.

ROLL CALL ON APPROVAL:

Yeas: Fatzinger, Meehan, Getsay, DiCarlo

Nays: None, motion passed

COUNCIL REPORT

Councilman Getsay reported on council items.

SELECTED CORRESPONDENCE

11/3/14 correspondence from Attorney Don Powers requesting that Ordinance 2012-115 and Crocker Woods be tabled until January 2015.

9/24/2013 correspondence from Lawrence Management Company re: Lake Forest

10/7/2013 correspondence from R. Puzzitiello Jr., Hennie Homes, responding to the 9/24/13 Lawrence Management Company re: Lake Forest

11/2/14 correspondence from A. DiVito, 2216 Waters Edge Drive, re: Lake Forest V

11/4/14 correspondence from G. Failor, 2198 Falls Oval, re: Lake Forest V

11/6/14 correspondence from A. O'Donnell, 2194 Falls Oval, re: Lake Forest V

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, 10/6/14 tabled to 11/10/14; 8/4/14 requested extension of time to expire 3/2/2015

11/3/14 correspondence from Attorney Don Powers requesting that Ordinance 2012-115 and Crocker Woods be tabled until January 2015.

Motion: Mr. Fatzinger moved and Mr. Getsay second to table Ordinance 2012-115 to the 1/5/15 meeting per the applicant's request.

Vote: 4 ayes, 0 nays, motion carried


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, 10/6/14 tabled to 11/10/14

11/3/14 correspondence from Attorney Don Powers requesting that Ordinance 2012-115 and Crocker Woods be tabled until January 2015.

Motion: Mr. Fatzinger moved and Mr. Getsay second to table the Crocker Woods Preliminary Development Plan to the 1/5/15 meeting per the applicant's request.

Vote: 4 ayes, 0 nays, motion carried

Ordinance 2013-169 code amendment 1203.18 & 1211.03 accessory uses in single family (ref. by council 11/7/13), tabled 1/6/14, 3/3/14, 7/7/14, 9/8/14; 9/8/14 requested an extension of time to expire 11/10/14

 Mr. Bedell explained the Lutheran Home previously received a conditional use permit so they are no longer seeking code amendments. This ordinance should be recommended to be defeated.

Motion: Mr. Fatzinger moved and Mr. Getsay second to recommend that Council defeat Ordinance 2013-169.

Vote: 4 ayes, 0 nays, motion carried

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

Mr. Kalina explained he revised the proposal since the last meeting by moving the grotto back on the site to comply with the planned right-of-way setback. However, in doing so there is now a parking lot issue relative to the layout of the lanes and traffic flow. Mr. Kalina explained the angles of the parking spaces will be revised but there were concerns that dead end lanes would be created. If the parking spaces are striped to not be on an angle there would be more room for a vehicle to back out. Additional plantings will be added to the landscape bed.

Mr. Krause reviewed his staff memo noting there is a problem with the proposed angle parking that causes a ripple effect through the entire parking lot, the need to know how many total spaces would remain, a scaled drawing is needed, more details on planning materials, and details on draining including the location and impact on the existing catch basins.

Members of the commission discussed that they did not have issues with the proposed grotto but needed to have more detailed plans to be able to address concerns raised by city staff before they could act on the proposal. It was suggested that Mr. Kalina work with the planning staff so that he can provide more details that are currently missing and to table the issue until the next meeting. Revised drawing would need to be submitted by the 17th or 18th for staff to have time to review the plans.

Motion: Mr. Fatzinger moved and Mr. Getsay second to table the St. Bernadette's Parish Site Improvement to the 12/01/14 meeting.

Vote: 4 ayes, 0 nays, motion carried

**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**

Mr. Watkins explained that the proposal is the same as presented at the last meeting but some of the previous issues raised have been addressed. He did provide a conceptual plan of how future property owned by the developer could be designed for a future phase of the subdivision.

Mr. Bedell reviewed his staff memo. He advised that in 2005 when a conceptual plan was shown there was a strip of land behind homes on Bur Oak but that was because at that time the developer did not own that strip of land and they now do. The plans at that time also showed that the mound on West Essig Lane was just a stockpile location for topsoil.

Mr. Getsay reported that Councilman Brady and Mayor Clough met with concerned residents and the developer to address issues raised at the last planning commission meeting. Mr. Kelly (developer) advised that they have agreed to try to find compromises and work with the residents but at this time are still working on agreements.

The planning commission made the following findings of fact:

1. Minor modifications for depth to width ratios and side lot lines not radial to the street are necessary for several lots due to the unique shape of the property that is being subdivided.
2. These modifications are within the intent and spirit of the subdivision regulations, since they will produce a subdivision with "...attractive and harmonious neighborhoods, convenient and safe streets and economical layouts of residential, business and industrial development" in accordance with chapter 1127.01.

Motion: Mr. Fatzinger moved and Mr. Getsay second to recommend approval of the Bur Oak Phase II Subdivision Preliminary Plan with the following conditions:

1. Comments received in Part II of the 9/29/14 staff report are addressed.

2. Modifications are granted for depth to width ratio for the following lots: lot 41 - .3 modification, lot 42 - .1 lot modification, lot 49 - .2 modification, lot 50 - .3 modification, lot 51 - .2 modification.
3. Modifications are granted for side lot lines that are not radial for lots 48, 49, 50, 51, and 52.
4. The temporary cul-de-sac for Bur Oak Drive shall be constructed to Engineering Department standards.

Vote: 4 ayes, 0 nays, motion carried

NEW BUSINESS

Dennis O'Brien Law Firm Bldg. Sign Plan (multi-tenant ground sign for Dennis O'Brien Law Firm & Golden Eagle Title), 29550 Detroit Rd., PP#211-21-008, rep. D. O'Brien, WARD 3


Applicant or agent was not present at meeting.

Motion: Mr. Fatzinger moved and Mr. Getsay second to table the Dennis O'Brien Law Firm Bldg. to the December 1, 2014 meeting (*applicant or agent was not present at meeting*).

Vote: 4 ayes, 0 nays, motion carried

Lake Forest V Subdivision Preliminary Plan (34 lots), extensions of Turtle Creek Dr. & Rocky Ridge Dr., PP#211-09-016, rep. R. Puzzitiello, WARD 6

Mr. Stewart Sailor, engineer for the applicant, reviewed the proposal to revise the plans that were approved in 1986 for this portion of the subdivision. Current lots are required to be 20,000 sq. ft. while in 1986 they only had to be 15,000 sq. ft. All the lots but one are over 20,000 sq. ft. and lot 148 is over 19,000 sq. ft. He advised the retention basin that was constructed with Phase I will need to be brought up to current code requirements and they will be working to do that. There will be a locked gate for emergency vehicle access at Water's Edge Drive.

 Mr. Bedell reviewed his staff memo reiterating that the original preliminary plan was approved in 1986. As revised the lots are now larger and there are fewer lots – 34 instead of 45. One lot (lot 148) is under 20,000 sq. ft. which will require a modification but it is larger than the original lots approved in 1986. In 1986 Water Edge Drive was proposed to be a public street and part of the single family subdivision. Since that time condos have been developed and the street is now a private street that is not maintained by the city so a gate is appropriate to limit use to emergency vehicles as needed. The layout of this phase of the subdivision is very similar to what was approved in 1986.

The following residents were present and made comments to the commission: Mr. Gary Failor, 2198 Falls Oval; Mr. Jake Crocker, 2935 Waterfall Way; Mr. John Columbro, 2722 Forest Lake Drive; and Mr. Boris Pakush, 2904 Rocky Ridge Drive. Comments and concerns expressed were: drainage into Marshfield Lake and sediment from the subdivision going into the lake; concerns with the earthen dam at Marshfield Lake regarding repairs, dam breach due to volume, and liability being the responsibility of the condo association; the cost to remove sediment from the lake is over \$200,000; will there be a buffer or landscape between the condos and the new single family subdivision; the condo association does not wish to see additional traffic, bikes or pedestrians from

the subdivision using Water's Edge Drive as it is a private drive; storm sewer drainage concerns and flooding; concerns with the grading between Forest Lake and the proposed new home as the first floor of the new homes may be at the same level as the second floor of the existing homes; concerns with water retention in the basin; dissatisfaction with the layout of the new cul-de-sac adjacent to existing homes; when will the new development occur; water concerns; can development happen since there are wetlands throughout the site; and EPA concerns relative to the lake.

Discussion ensued that the full engineering improvements plans have not been designed yet as this is the first step in process (a preliminary plan) and those will come as part of the final plat. Mr. Sailor explained he does not have all the engineering details yet but the existing retention basin will need to be addressed. He explained the layout and preliminary details of proposed sewer lines but reiterated that full engineering details have not been designed but they are required to comply with the city codes and standards. Mr. Sailor advised that they are still working with the Army Corp. of Engineers relative to the wetlands, which will be mitigated. They are also looking at sediment control and there will be a Phase II Engineering Impact Study.

Councilman Getsay reiterated this is the first step in the process and once engineering improvement plan details have been designed he will host a community meeting with the residents, City Engineer Bob Kelly and the developer.

The planning commission made the following findings of fact:

1. The proposed layout is generally the same as the approved preliminary plan with changes to the road alignment and lots to reflect current requirements for minimum lot size requirements.
2. These changes, as well as the shape of the area to be subdivided, resulted in the need for very minimal modifications for lot width to depth ratios for various lots. Even with these modifications, all lots will provide the required setbacks and square footage necessary for new home sites with the exception of lot 148 that requires a modification for minimum square footage. Therefore, the modifications are in accordance with sections 1131.04 and 1127.01 of the Planning and Platting Code.

Motion: Based upon the above Findings-of-Fact and presentation Mr. Fatzinger moved and Mr. Getsay second to recommend approval of the Lake Forest V Preliminary Plan Major Subdivision with the following conditions:

1. The approval is subject to comments in Part III of the staff report.
2. A locked gate shall be provided for emergency access at the intersection of Rocky Ridge Drive and Waters Edge that includes Knox Padlocks installed on the gate.
3. Modifications are granted for lot width to depth ratios of .1 for lots 140-147, 160, 167, 173; .2 for lots 149, 155, and 166; and .3 for lot 162.
4. Modification of 491 sq. ft. for lot 148.
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.

Vote: 4 ayes, 0 nays, motion carried

**Erie Shores Federal Credit Union, site improvements,
26931 Detroit Rd., PP#213-10-005, rep. M. Lesner, WARD
3**

Mr. Lesner explained they wish to revise the landscape plan that was previously approved and install a patio. He reviewed the proposed plans for landscape beds, planting materials, and the area of the patio. Mr. Bedell reviewed his staff memo noting this is an improved plan and the proposed patio replaces an earlier existing patio and will need a modification to the code.

Mr. Mike DeSalvo, 26780 Gershwin Drive, explained since a lot of the existing trees have been removed off this site and one across the street (Madison Eye Care) he can now see the lights on the building. He would like to see the glare from the lights softened or buffered so they are no longer visible from all floors of his house and his rear yard.

Discussion ensued that the existing wall packs and lights on the building and site should be downcast and shielded and reviewed for compliance. Ms. Judy Cunningham, CEO, explained the trees that were removed were across the street for another development and the lighting on the building was existing. Mr. DiCarlo reviewed the planting materials to be used, made suggestions for alternate materials to be used and will work with planning staff to review the planting materials.

The planning commission made the following findings of fact:

1. Landscaping has been revised to include more stylized landscape beds, be sensitive to the location of adjacent plantings and to preserve existing trees and forest.
2. The planting of 8 arborvitae and 6' tall board on board fence along the west property line will provide the necessary buffering and opacity.
3. Additional sidewalks improve the functionality of the building.
4. A modification is required for the patio that replaces an existing one removed during construction

Motion: Mr. Fatzinger moved and Mr. Getsay second to recommend approval of the Erie Shores Credit Union site improvements with the following conditions:

1. That any tree next to the driveway is permitted provided that limbs and foliage are trimmed so that they do not extend into the cross-visibility area or otherwise create a traffic hazard.
2. A 5' modification is granted for the patio.
3. Swale and drainage along the western property line must be maintained.
4. The existing building lighting shall be fully shielded and downcast per the Westlake Zoning Code.
5. Any substitution of any shrub/tree species be submitted and administratively approved by the Director or Planning.
6. 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.

Vote: 4 ayes, 0 nays, motion carried

**Erie Shores Federal Credit Union Sign Plan, 26931
Detroit Rd., PP#213-10-005, rep. J. Briola, WARD 3**

Mr. Jim Briola explained the proposal is for two ATM directional signs and a wall sign. Mr. Krause reviewed his staff memo. He suggested not illuminating the south side the ATM exit sign to help address a surrounding resident's concerns with illumination. The wall sign will be non-illuminated.

The planning commission made the following findings of fact:

1. The property is permitted 73 sf of signage and they are proposing 37 sf.
1. The previously approved monument sign will remain the same and the new wall sign complies with code.
2. The two proposed directional signs comply with code except for a 5' setback modification required for the exit one.
3. The main reason for the required 5' setback is to maintain visibility. The proposed 22" tall sign does not obstruct visibility for pedestrians or drivers.

Motion: Based upon the above Findings-of-Fact and presentation Mr. Fatzinger moved and Mr. Getsay second to approve the proposed Erie Shores Sign Plan with the following modification:

1. Setback modification of 5' for the exit directional sign.
2. The south side of the exit ATM exit directional sign be either non-illuminated or be screened with landscaping so it is not visible to abutting residential neighbors and shall be administratively approved by the Director of Planning.

Vote: 4 ayes, 0 nays, motion carried

**Ord. 2014-142, Conditional Use Permit for a Fitness
Center @ 27257 Detroit Rd., ref. by council 10/16/14,
WARD 3**

Mr. Paul Scianna, sworn in by Ms. Leasure, explained the use will be for personal training and fitness classes. They also offer nutrition planning and have some retail sales of products. Mr. Bedell reviewed his staff memo noting this is a good use for the location.

The planning commission made the following findings of fact:

1. The Planning Commission shall determine whether standards in Section 1227.03 of the zoning code have been met.
2. Hours of operation as regulated by 753.01 of the City's business operations code are adequate for this use.
3. The total number of parking spaces for both tenants exceeds the amount required by code by one space.

Motion: Mr. Fatzinger moved and Mr. Getsay second to recommend approval of Ordinance 2014-142 as submitted.

Vote: 4 ayes, 0 nays, motion carried

**Doubletree Sign Plan and Façade Reimaging, 1100
Crocker Rd., PP# 211-15-003, 211-16-001, rep. R. Crego,
WARD 3**

Mr. Crego, project manager, explained they are revising the entry with a porte-cochere and making other improvements to the property. The entry will use polycarbonate tongue in groove panels for the translucent bowed roof which allows light in. There will be LED lights which will emit a soft white accent light below the bowed roof. The exterior will have a stone façade and painted accent colors.

Mr. Bedell reviewed his staff memo and discussed the type of LED lights to be used and their location on the porte-cochere. Discussion ensued on the use of the LED lights and concerns of colored lights being used, which would be considered signage. Mr. Crego assured the commission that only soft warm white type colored lights will be used to accent the porte-cochere's features and reviewed the locations of the lighting.

Site improvements

The planning commission made the following findings of fact:

1. The changes to the building modernize its design.
2. A modification is required in order to permit the roofing material for the canopy and the applicable performance standards in 1220.06 have been met.

Motion: Based upon the above Findings-of-Fact and presentation Mr. Fatzinger moved and Mr. Getsay second to recommend approval of the minor revision to the development plan for the Doubletree Hotel façade reimaging with the following conditions:

1. A modification is granted to allow the use of polycarbonate tongue in groove panels for the translucent bowed roof.
2. That the LED light that is being used as down-lighting and canopy lighting is in a soft warm (white) color and to be administratively approved by the Director of Planning.
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.

Vote: 4 ayes, 0 nays, motion carried

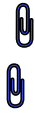
Mr. Crego explained he received the planning staff memo and explained he has an agreement signed 11-18-2013 by the city allowing them certain signage. Per the agreement they are permitted to have three 30 sq. ft. ground signs 8' in height and 600 sq. ft. of signage on the building. Members of the commission and planning staff were unaware of such an agreement and Mr. Crego provided copies of the signed agreement. Ms. Leasure advised that the law department has not reviewed the agreement and would need time to review it.

Sign Plan

Motion: Mr. Fatzinger moved and Mr. Getsay second to table the Doubletree Sign Plan to the December 1, 2014 meeting.

Vote: 4 ayes, 0 nays, motion carried

Draft code amendment suggestions to various sections of the Westlake Zoning Code



Mr. Bedell presented a memo to the commission with various draft code amendments that the commission is to review and make recommendations on over the next couple of months. Tonight he suggested addressing item #1 in the memo which relates to where hospitals are permitted (see excerpt from the memo below).

Motion: Mr. Fatzinger moved and Mr. Getsay second to recommend that Council approve/adopt suggested text amendments for #1 in the draft zoning code staff memo related to RMF-15 and RMF-24.

Vote: 4 ayes, 0 nays, motion carried

Per the staff memo: #1 Hospitals in Residential Districts - Remove hospitals (and all subsets of hospitals) as a main use in residential districts (RMF-15 and RMF-24). Hospitals are main uses in the Health Campus District and do not belong in residential districts.

1211.03 SCHEDULE OF PERMITTED BUILDINGS AND USES.

District	Main Buildings and Uses	Conditional Buildings and Uses	Accessory Buildings and Uses
R-MF-24	(a) Main uses permitted in R-MF-40 District (b) Golf course (c) Public or quasi public nonprofit recreational or community center	(a) Conditional uses permitted in R-MF-40 District and: (b) Hospital Nursing home Assisted living Independent living facility (c) Limited commercial use of historical buildings and sites. (For conditions see Section 1211.28)	(a) Accessory uses permitted in R-MF-40 District (b) Recreational facilities for the exclusive use of residents in the development.
R-MF-15	(a) Main uses permitted in R-MF-24 District	(a) Conditional uses permitted in R-MF-24 District	(a) Accessory uses permitted in R-MF-24 District

MISCELLANEOUS - None

ADJOURNMENT

Meeting adjourned at 9:35 p.m. The next regular meeting is scheduled for Monday, December 1, 2014 in the Westlake City Hall Council Chambers.

Chairman Dan Meehan

Nicolette Sackman
Nicolette Sackman, MMC
Clerk of Commissions

Approved: December 1, 2014