



PLANNING DEPARTMENT

27700 Hilliard Blvd.
Westlake, OH 44145

Phone 440.871.3300
Fax 440.617.4324

**WESTLAKE PLANNING COMMISSION
MINUTES OF THE REGULAR MEETING
DECEMBER 7, 2015**

Present: Chairman Dan Meehan, Mark Getsay, Phil DiCarlo, Brad Lamb, Duane Van Dyke

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. Lamb moved, seconded by Mr. DiCarlo to approve the minutes of the regular meeting of November 9, 2015.

ROLL CALL ON APPROVAL:

Yeas: Lamb, Meehan, Getsay, DiCarlo, Van Dyke

Nays: None, motion passed

COUNCIL REPORT

Councilman Getsay reported on council matters regarding planning commission items.

SELECTED CORRESPONDENCE

Ordinance 2015-144

- 12/3/15 letter received from George Salloum, Maroun Inc., 27000 Center Ridge Road – opposed to request
- 12/4/15 letter received from Chris Kitchens, 2940 Dover Center – opposed to request
- 12/4/15 letter received from Patty Zinn, 2750 Clark Parkway – opposed to request

OLD BUSINESS

Travel Centers of America Sign Plan, 24601 Center Ridge Rd., PP#215-27-006, rep. M. Lauretano, Ward 2, tabled 8/3/15, 9/14/15, 10/5/15, on 11/9/15 partial sign plan approved

Mr. Joel Frezel explained the sign was revised per the request of the planning commission and moved to the north elevation on the east side of the north elevation. The sign is the same size, color and materials as previously and matches the sign on the west elevation. Mr. Krause reviewed his staff memo and noted the height of the sign is at the same height as the sign on the west elevation.

Findings of Fact:

1. The exact height of the proposed northerly facing wall sign above grade has not been determined but it exceeds the maximum 20' above grade permitted by code.
2. Section 1223.05(b) limits the height of wall signs to 20' above grade unless otherwise approved by the Planning Commission taking into consideration the location, placement, scale and architecture of the building.
3. Section 1223.05(c)(1) limits the height of a single letter or logo within a sign to 48".
4. The proposed letters in the logos on the building are 66" tall.

Motion: Mr. Lamb moved and Mr. DiCarlo second to approve the proposed northerly facing wall sign with the following modifications:

1. Grant a height modification for the placement of the signs on the building due to the location and setback of the wall signs in relation to the street and the architecture of the building.
2. An 18" modification for the height of the letters in the logo wall sign due to their location and setback from the street.

ROLL CALL ON APPROVAL:

Yeas: Lamb, Meehan, Getsay, DiCarlo, Van Dyke

Nays: None, motion passed

Kings Tree Subdivision (formerly known as Canterbury Manor 2) Preliminary Plan (12 lots on a cul-de-sac), Center Ridge Rd., PP#213-23-023 & 024, rep. C. Szucs, Ward 2, tabled 7/6/15, 8/3/15, 10/5/15, 11/9/15

Mr. Bedell reviewed his staff memo explaining the change to the layout is the incorporation of a cul-de-sac rather than a street that connects to Newbury. The Guide Plan from 1984 does show the connection of Newbury to Williams through this property but the applicant does not own property adjacent to Williams and has decided to develop the property as proposed. There are still 12 lots proposed. The subdivision was previously tabled to review traffic and drainage. The lot area for the lots complies with code but many of the lots are square in shape and require lot to depth ratio modifications. A minimum lot depth required is 170' and most of the lots are proposed to be 144' deep except lots 1, 5, 6, and 7. The problem with shallow lots is that the rear of the house is often at the rear setback so when homeowners wish to install decks, for example, variance requests are necessary since there is not space for the deck without it being located in the rear yard setback. The applicant would like to rezone the property to single family cluster and has submitted an application to council to do so. With cluster zoning the homes could be placed on the lots with a 30' front yard setback rather than a 50' setback required for single family zoning. This would create more room in the rear yard for use of the yard and accessory uses. Also, as a cluster development the roadway and infrastructure would be owned and maintained by the homeowners association. In order to establish the number of units that are permitted in the cluster development, the approved number of subdivision lots must be known. Therefore, the preliminary plan is necessary even if the property is rezoned for cluster housing.

Mr. Justin Orley, owner, agreed with Mr. Bedell's review of the proposal and explained he prefers to construct single family homes rather than the apartments that were previously

approved on this property. He did look at designing the subdivision with just homes on one side of the street so they were deeper in accordance with code requirements but it would reduce the number lots and would not be economical to develop. If he were to develop the land in that manner he would have to connect to Newbury because of the added cost of the cul-de-sac paving, etc. He prefers to construct single family cluster homes so the homes can be closer to the street with larger back yards.

Mr. John Smith, 2041 Newbury, explained he met with 15 families in the area and was designated as the representative for the neighborhood. Concerns they had were sanitary and storm sewer impacts, they did not want sidewalks to connect to Newbury and would like to see buffer installed on the northern edge of the property and around the retention basin.

Ms. Mary Ellen Kraus, 25925 Williams Dr., questioned if the financing for the property was secured and when construction would begin. Mr. Orley advised they own the land as it has been paid in full and have the funds for development, which he anticipated could begin 5-6 months after final approval.

Ms. Ann Huber 1990 Newbury Dr., asked for clarification on the proposal as a single family development vs a cluster, if the sidewalk will connect to Newbury, if there will be a cul-de-sac or if the street will connect to Newbury, and would only cluster homes fit on the lots that are substandard in size. Mr. Bedell explained as proposed there will be a cul-de-sac but the Guide Plan did show Newbury connecting to Williams but cannot since the applicant does not own property adjacent to Williams. The cul-de-sac is proposed for both the cluster development and the proposed single family development. They are proposing a private street, as the homeowners association will not want the street to connect because as a private street they would be responsible for its maintenance and not the city.

Discussion ensued on the drainage study, which Mr. Hoffman (engineer) explained has not been completed yet and will be part of the final improvement plans to be reviewed and approved by the city's engineering department. The drainage was discussed briefly with notation that it will comply with code requirements. There will be a homeowners association (HOA) for the development which will ensure that any fences that are installed will be consistent and the style of the homes will be similar but not all the same. The houses will have side load garages. As a cluster development, the HOA will also handle snow removal on the street and any landscape maintenance required. Mr. Orley did not have any issue with installing a buffer at the north end of the cul-de-sac and around the stormwater detention as requested by the residents. He stated he would follow city requirements regarding connecting the sidewalk to Newbury.

Lengthy discussion ensued on the process for rezoning the property to cluster, the front yard setback differences between cluster and single family zoning, and that the number of lots for the subdivision must be approved since they need multiple modifications in order to establish the number of units permitted in the cluster development. It was explained that if approved this is a preliminary plan for a subdivision which will need council approval and then a final plat if it were to be developed as a single family zoned property. The third reading of the preliminary plan could be before council at the same time as the request to rezone the property for cluster. It is the applicant's desire to develop the property as a single family cluster so the front yard setback can

be 30' and the rear yards can be larger but in order for that rezoning to happen the number of approved lots in a subdivision needs to be determined. Planning staff cannot determine the number of lots because modifications need to be granted by planning commission in order to establish the approved number of lots and then the number of units in a cluster development can be determined. Mr. John Smith felt the proposal is the best use of the property and the surrounding neighbors support the request as shown. It was discussed that there are other lots in the city with lot to width ratio modifications but there were concerns if they approved the subdivision with this many lots requiring modifications that there could be other developers of subdivisions that come forward requesting similar modifications.

Findings of Fact:

1. Residential subdivisions are a permitted use in the R-1F-80 and R-MF-24 districts
2. The development of this area as a residential subdivision has been identified in the City's Guide Plan since 1985.
3. The developer is not able to connect Newbury Drive to Williams Drive, because the property necessary for doing so is not for sale.
4. Modifications are required for the lot depth to width ratio and minimum lot depth, as "the size, shape and topography restrict development" of lots that meet the minimum standards.
5. All lots will provide the required setbacks and square footage necessary for new home sites.
6. Nearly 70 percent of the lots require modifications for depth to width ratio and minimum lot depth.

Motion: Mr. Lamb moved and Mr. DiCarlo second to recommend approval of the Kings Tree Subdivision preliminary plan with the following conditions:

1. Depth to width ratio modifications for Lots 2,3,4,8,9 of .4 and lots 10,11,12 of .3
2. A modification to reduce the minimum lot depth for lots 2-4 and 8 -12.
3. The note on lot 11 be corrected to read 50'.
4. 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, Getsay, DiCarlo,

Nays: Meehan, Van Dyke, motion passed

The Reserve at Fox Run Subdivision, fence waiver, Fox Run, PP#214-29-018, rep. J. Orley, Ward 1, tabled 7/6/15, 8/3/15, 10/5/15, 11/9/15

Mr. Hoffman explained they are seeking a waiver so they do not have to install the 6' chain link fence around the dry retention basin for the subdivision. Mr. Orley went out and inspected 50 retention basins. 19 of the dry basins and 23 of the wet basins did not have fences. Due to the subdivision proximity to the Tri-City Park it was noted the fence should be installed. He looked

at other basins that are near parks, such as the city's recreation center, which do not have fences installed. St. John Medical Center has dry retention basins next to soccer fields on the property and they do not have fences nor does the basin at the city's fire station. He explained residential properties one acre or larger are now required to have basins and they are not required to be fenced. There will be a road to the basin for access for the city. He would like to waive the fence requirement and keep the dry basin in a natural state with grass that is hardy for when there are rain events. This way the basin will appear to be part of the yard of lots 1 and 2.

Mr. Bedell reviewed his staff memo noting this is a dry basin which will slowly allow water to drain during high water events and his understanding from the consultant's engineer that storm water will not typically be in the basin for long periods of time. There have been waivers for other fences. He did advise that the police department was not in favor of granting the fence waiver for safety reasons and deferred to their recommendation.

Discussion ensued on the design of the basin, who will maintain the basin (the HOA or the property owner) and per EPA requirements the city must inspect the basins annually. Mr. Orley explained the HOA will spell out the maintenance of the basin. It was questioned what would happen if other property owners in the association wanted the fence installed, which Mr. Orley explained if 65% of the homeowners wanted the fence it could be installed. The commission reviewed the surrounding properties and their use.

Findings of Fact:

1. The proposed drainage basin is a dry basin design that is located at the rear of two residential lots in drainage easements and not accessible by the general public.
2. The Police Department has recommended against the waiver due to safety concerns.

Motion: Mr. Lamb moved and Mr. DiCarlo second to recommend approval of the Reserve at Fox Run Subdivision fence waiver.

ROLL CALL ON APPROVAL:

Yeas: Lamb, Meehan, Getsay, DiCarlo, Van Dyke

Nays: None, motion passed

NEW BUSINESS

Ordinance 2015-144 rezoning 27121 Center Ridge from Office Building District to General Business District, PP#215-10-003, ref by council 11/5/15, Ward 4

Mr. Ron Russell, property owner, explained he has a tenant that would like to lease the middle building on his property which is currently zoned Office Building. The business is a pharmacy that sells to nursing homes and is not open to the public. The use is not a permitted use in Office Building and is similar to a General Business use.

Mr. Bedell reviewed his staff memo. He explained the building has not been able to be rented as an office building as it was built many years ago as a warehouse building. There are currently three buildings on the property. The rear building is occupied by a landscaper which does need a conditional use permit which is forthcoming as the request is currently before council's PZL committee. The request is to rezone the property to General Business and to add this use as a

main use in General Business. Upon further thought it has been determined that a better solution is to leave the property zoned Office Building and to add this use in the Office Building District as a conditional use permit. It was also determined that the definition for the use as provided for in the staff report was necessary. Office Building Zoning provides a buffer between more intensive general business uses and the adjacent single family zoned properties. As a conditional use, it can be reviewed on a case by case basis with the ability to place conditions if needed. He reviewed the site of the property noting there is a current driveway easement through the Rite Aid parking lot to access this building as there is no other connection. The lot is an odd shaped lot and he reviewed the past uses and history of the parcel. The driveway easement would not change and remain in use. Mr. Russell added that he purchased the building with the driveway easement, which was in existence for some time. The building is better suited as a warehouse due to its design than an office and this particular tenant is a good fit for the building.

Mr. Terry Mackin 2843 Dover Center asked for clarification if the current request is to retain the Office Building Zoning but change the code to allow this type of use, which was confirmed as correct.

Mrs. Molly LaVell explained she will be the new tenant and the business is a closed door pharmacy which sells to nursing homes, assisted living facilities and other similar uses. Their clients preorder prepackaged pharmaceuticals from them, that they deliver to the facilities. Their lease at the North Olmsted location expires and they are residents of Westlake and wish to relocate to Westlake. The business has been around for over 50 years and they receive orders, package the pharmaceuticals and then deliver them. They have the ability to serve walk in customers if needed, but the primary business is in packaging and delivering to their clients. Totes are filled which can fit into a vehicle which are delivered by their employees. Most of their employees drive cars but they receive items from UPS.

Ms. Jennifer Seabold, 2810 Clark Parkway asked about security as there have been a lot of recent break-ins in the neighborhood. Mr. and Mrs. LaVell explained they are very concerned with security and have to follow the State of Ohio Board of Pharmacy regulations and do have a security contract that installs all of their security equipment – alarms and cameras for example. Since they are a closed door pharmacy most people will not know they are there and they do not need much in the way of signage since it will be employees and UPS coming to the business. They do not advertise to the public and are a delivery service for health care facilities. She explained this building is great for their business as they need the storage room for pharmaceuticals as well as medical carts and documents.

Discussion ensued on hours of operation which will be 9-5 Monday through Friday and occasionally 9-1 on Saturday when needed. It was noted in letters received by surrounding residents that there were concerns with security and the maintenance of the property. The existing fence is in disrepair and it was questioned if it would be repaired. Mr. Russell advised he wishes to retain the fence and can repair it. It was also noted that conditions can be placed when the conditional use permit comes forward for this use and/or the landscape regarding the disrepair of the fence and other maintenance issues as well as having the property maintenance officer out to inspect the property.

Findings of Fact:

1. Text amendments should be adopted to define this use in the Office Building District as a conditional use.
2. These text amendments provide greater flexibility in the leasing of an existing building.

Motion: Mr. Lamb moved and Mr. DiCarlo second to recommend approval of Ordinance 2015-144.

ROLL CALL ON APPROVAL:

Yeas: None

Nays: Lamb, Meehan, Getsay, DiCarlo, Van Dyke, motion failed


Motion: Mr. Lamb moved and Mr. DiCarlo second to recommend that council approve text amendments to add pharmaceutical fulfillment center as a conditional use permit in the Office Building District and to add the definition of pharmaceutical fulfillment center: *1203.18(v) "Pharmaceutical fulfillment center" means an establishment licensed by the State of Ohio Board of Pharmacy where incoming orders for prescriptions from affiliated pharmacies, physician's offices, hospitals, or nursing care facilities are received by a pharmacist and are processed, filled and delivered.* AND add: *1216.03 Schedule of Permitted Buildings and Uses, Office Building, (g) Other Business Uses: (20) Pharmaceutical Fulfillment Center.*

ROLL CALL ON APPROVAL:

Yeas: Lamb, Meehan, Getsay, DiCarlo, Van Dyke

Nays: None, motion passed

Ordinance 2015-132 code amendment 1218.03 office uses in industrial, ref by council 11/5/15

 Mr. Bedell advised that this is the ordinance for previous code amendments suggested by the commission.

Motion: Mr. Lamb moved and Mr. DiCarlo second to recommend approval of Ordinance 2015-132.


ROLL CALL ON APPROVAL:

Yeas: Lamb, Meehan, DiCarlo, Van Dyke

Abstain: Getsay

Nays: None, motion passed

Westlake Family Dental Sign Plan, 2255 Columbia Rd., PP#215-26-027, rep. K. Miske, Ward 2

 Mr. Miske explained the property owner wishes to remove the existing monument sign which is difficult to see and read with a new monument sign. Based on Mr. Krause's memo he made revisions to the monument sign so it is 62" X 68" and reduces the area of the sign. The address has been relocated as well and he showed new renderings of the proposal. Mr. Krause reviewed his staff memo and the address on the face of the sign. He noted the grey background must be opaque and there should be a condition that the owner move the sign at their own expense if the road is ever widened. He did talk to the engineering department who advised him there are no

future plans at this time to widen the road in this location but it is still a good idea to include the condition.

Discussion ensued that the sign base will be stone or stucco pending the availability of the proposed stone to be used. If the stone is not available they will use stucco.

Findings of Fact:

1. Schedule 1223.06 requires monument signs to be located a minimum of 10' from the planned right of way.
2. The monument sign is located 10' from the existing and planned right-of-way.
3. Police department is concerned that the road may be widened in the future.
4. The maximum size sign face is 30 sf for this sized property, proposed sign was 34 sf, revised to 29.28 (62" X 68") sf at the meeting
5. Up to a 2 sf address is exempt from the calculation of sign area.
6. Section 1223.07(g) requires that not less than 75% of the sign face is opaque for internally illuminated monument signs.

Motion: Mr. Lamb moved and Mr. DiCarlo second to approve the revised proposed sign plan as submitted at the meeting with the reduced area with the following conditions:

1. Owner agrees to move the sign at their own expense if the road is widened.
2. The grey background must be opaque.


ROLL CALL ON APPROVAL:

Yeas: Lamb, Meehan, Getsay, DiCarlo, Van Dyke

Nays: None, motion passed

**Sibling Revelry Brewery Sign Plan, 29305 Clemens Rd.,
PP#211-22-056, rep. P. Thornton, Ward 3**

Mr. Thornton, architect, explained they are seeking approval for a monument sign and four wall signs (two on the north elevation, one on the east elevation and one on the south elevation). He reviewed the location of the signs and style of the signs. The wall signs are shown to be 1' taller than permitted and he advised they can be moved down 1' to comply. As proposed the sign package is within the total area allowed for the building.

 Mr. Krause reviewed his staff memo and reviewed the illumination noting it needs to comply with the illumination standards. Regarding the wall signs being placed 1' too tall he did not have an issue with their placement as they were centered vertically on the wall but technically a 1' modification is needed. The one wall sign (#3) will need a modification for area as 100 sf is the maximum a sign is permitted and the proposed sign is 102.5 sf. He reviewed the site and location of the all the signs. He noted the green awnings should not have text added to them or they will count as sign area and the address numbers are permitted. Mr. Thornton explained they will be removing the address numbers off one of the awnings as it is over a door that is not used and they do not want to encourage the use of the door as where one would enter the building. Mr. Krause noted that the wall sign on the south elevation can be seen from I-90 which is not an issue because the parcel does not abut I-90. He did however have concerns that having a sign on this elevation may encourage people to park vehicles in that parking lot which is not part of this parcel and belongs to another business. Mr. Thornton explained they are currently working with

that property owner for a parking easement at that location. If they do not reach an agreement the wall sign on the south elevation can be removed.

Chairman Meehan noted that the website for the brewery notes live music on the patio and at the last meeting they were told there would be no live music. They were told there would be no patio and now there is a patio. He did not have an issue with the signage but suggested tabling this matter until the property owner is present to review exactly what they want at this location and different things have been expressed. The commission would like to know what the plans are before approving the sign proposal. It was also requested the actual illumination specifications be submitted for the next meeting.

Motion: Mr. Lamb moved and Mr. DiCarlo second to table the proposed sign plan.

ROLL CALL ON APPROVAL:

Yeas: Lamb, Meehan, Getsay, DiCarlo, Van Dyke

Nays: None, motion passed

Westlake Guide Plan, proposed updates

Mr. Bedell advised that changes have been incorporated into the Guide Plan and critical street openings have been reviewed extensively. It was suggested to table this item until the next meeting and if there are too many items on the next agenda a work session could be scheduled to review the updates to the Guide Plan.

Motion: Mr. Lamb moved and Mr. DiCarlo second to table the guide plan updates.

ROLL CALL ON APPROVAL:

Yeas: Lamb, Meehan, Getsay, DiCarlo, Van Dyke

Nays: None, motion passed

MISCELLANEOUS

None

ADJOURNMENT

Meeting adjourned at 9:34 p.m. The next regular meeting is scheduled for Monday, January 4, 2016, in the Westlake City Hall Council Chambers.

Dan Meehan
Chairman Dan Meehan

Nicolette Sackman
Nicolette Sackman, MMC
Clerk of Commissions

Approved: January 4, 2016