



PLANNING DEPARTMENT

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**WESTLAKE PLANNING COMMISSION
MINUTES OF THE REGULAR MEETING
APRIL 19, 2010**

Present: Chairman Richard Schultz, John DesForges, James Connole (left at 9:00 p.m.), Daniel Meehan, Bonnie Smith

Also Present: Planning Director Robert Parry, Assistant Law Director William Huffman, Law Director John Wheeler, Assistant Planning Director William Krause, and Clerk of Commissions Nicolette Sackman

Discussion of agenda items and fact finding was conducted at 7:00 p.m. The special meeting of planning commission was held from 7:15 p.m. to 7:30 p.m. (*see the special meeting minutes*). The regular meeting was called to order at 7:31 p.m. by Chairman Richard Schultz.

COUNCIL REPORT

Councilman Connole reported on council matters regarding planning commission items.

APPROVAL OF MINUTES

None – the March 1, 2010 minutes will be placed on the next agenda.

SELECTED CORRESPONDENCE

Letter dated received 3-25-10 from Steve Ross of CB Richard Ellis re: **Ordinance 2010-27 CUP** at 1290 Bassett Road, request to remove – 4/1/10 Council defeated ordinance

Memo dated 4/15/10 from R. Parry re: **Kerrington Estates**

Memo dated 4/15/10 from R. Parry re: **Stonegate Subdivision**

Letter received 4/19/10 from Maryann Seitz of 28166 Sherwood Drive opposed to the **Stonegate Subdivision**

Memo dated 4/15/10 from R. Parry re: **Westshore Auto Repair**

Memo dated 4/15/10 from W. Krause re: **Soma Intimates**

Memo dated 4/15/10 from W. Krause re: **Fransesca's Collections**

Memo dated 3/08/10 from R. Parry re: **Westlake Commercial & Industrial Market Analysis**

Memo dated 4/15/09 from R. Kelly re: **City of Westlake Grading Plan**

OLD BUSINESS

DOCKET 10-02-05 – Kerrington Estates Minor Subdivision, west end of Laura Lane (2 single family lots-sublot 24 & sublot 25), PP# 215-21-098, D. DiBenedetto rep., WARD 2, 2/1/10 planning commission denied, 2/4/10 council referred back to planning commission for reconsideration, 3/1/10 tabled

Mr. Jim Resar, engineer for the applicant, explained the proposal is to add two lots to the end of Laura Lane. The existing cul-de-sac will be made into a “T” turn around and an additional sewer line will be installed that extends toward the property to the south.

Mr. Parry reviewed his April 15th memo and explained since the last planning commission meeting that city council accepted a dedication of roadway right-of-way for the extension of 121’ (Ord. 2010-52). With this action the law department ruled the proposal submitted is now considered a minor subdivision and not a major subdivision. Part of the approval for this subdivision in 1995 noted that the overall plan dated July 1983 be incorporated in the approval of the preliminary plan at that time so sublot 25 is permitted to be 15,298.3 sq. ft. per the law department. Mr. Parry explained included in sublot 24 is a 20’ storm sewer easement to the southerly lot line and an 8” sewer pipe with yard drains and a 4” stub to the property line.

Mr. Jeffrey Pappas of 25776 Yeoman Drive commented on the following: concerns with drainage, the maintenance of the north south swale, an additional east west swale, and the maintenance of the property if it is not developed right away.

Discussion ensued that the sewer line will go in to replace what is now the north south swale and extend to the southern property line. In addition there will be a 4” stub at the property line that Mr. Pappas can tap into. It was also noted that the sewer will be installed right away and a condition of approval will be that this sewer line be installed prior to the plat being recorded.

Motion: Mr. DesForges moved, seconded by Mr. Meehan to approve the Kerrington Estates Minor Subdivision with a condition that the 8” sewer line and 4” stub be installed prior to the recording of the plat

ROLL CALL ON APPROVAL:

Yeas: Connole, DesForges, Schultz, Smith, Meehan

Nays: None, motion passed

Mr. Huffman left at this point in the meeting and Mr. Wheeler stepped in.

NEW BUSINESS

DOCKET 10-04-16 – Stonegate Drive Major Subdivision Preliminary Plans, between Stonegate Circle and West Brockway, (13 single family lots), PP# 216-18-022 & 216-19-036, rep. C. Shimola, WARD 4

Mr. Shimola explained the proposal is for a 13 lot single family subdivision that will connect West Brockway and Stonegate and have a cul-de-sac street to the south. He stated all of the lots

are in compliance with the code of the time when the subdivision was originally submitted. Mr. Shimola stated the name of the new street does not need to be Stonegate Drive and can be Stonegate Court or another name and he is willing to work with city officials on the name that conforms with the name of existing streets.

Mr. Parry read his April 15th memo.

Mr. John Kocsis of 28844 Brockway Drive expressed the following: questioned why the residents were given notice of the acceptance of public comment when it is obvious to him that the matter is part of a settlement and is what he called a done deal; does it make a difference what the resident's have to say about the proposal; expressed concerns with concrete and roofing trucks driving down the street many times per day; and that 13 houses were going to be built in this area. Mr. Wheeler explained that part of the settlement agreement is for the proposal to go through the city review process and a preliminary plan is the initial step in this process. Mr. Shimola added that he did receive Ms. Seitz's letter earlier this evening and has no problem keeping all of the land wooded, or as a park, or sell it to the city as a park, but stated the city has put a time limit of two years to do something on this proposal. He reiterated he was willing to sell the land to the city for use as a park or a dog park. Mr. Schultz stated this forum is not the place for that discussion.

Mr. William Fecht of 28555 East Brockway Drive expressed the following: concerns with where the water will go; problems with existing flooding in the area without additional homes; the water in the city owned retention basin cannot handle the existing water in the area and water that is directed to the basin; stated this proposal was not well thought out and the water retention problem needs to be addressed before adding more homes to the area; asked if there was an engineering study and if not when is that addressed because there should be a water retention plan. Mr. Parry explained it was his understanding this land was part of the retention basin plan when the East Brockway lots were created and incorporated into the use/design plan for the existing retention basin. He stated that the retention is addressed as part of the improvement plans.

Mr. Mark Slavik of 28565 East Brockway Drive expressed the following: there is a creek in his yard that is eroding away the rear of his yard; has concerns with the retention basin and drainage; stated the existing basin has not been maintained; questioned where storm water will go and that currently it goes on their property; with more homes there will be more problems; and more thought should go into the plan.

Ms. Janice Costaras of 28625 Brockway Drive expressed the following: concerns with drainage; preservation of trees and with the removal of trees if there will be more flooding problems; erosion of property due to water run off; flooding problems and damage; and problems with the existing electrical grid in the area.

Mr. Dan Kolar 28561 Stonegate Circle expressed the following: when are the residents supposed to discuss concerns because once the development is in it is too late; what is proposed will have a impact on the surrounding neighborhood; what type of homes will be constructed and how will they impact the value of the homes in the area; concerns with additional traffic and safety since

the dead end will no longer exist; that further thought should be given as how to handle this proposal. Mr. Wheeler explained the type of homes are determined when the applicant or future owner/builder build on the lots and submit construction plans for review that would follow the codes in place in 1992. Mr. Shimola urged residents to call him to discuss the proposal. He stated that he would like to see nice homes built on the lots but he may not be in control of what is built if he sells the lots to a builder. He would think similar type homes to what exists should be built.

Ms. Linda Evans of 28686 East Brockway expressed the following: concerns with water and drainage; she has met with city officials about drainage issues; the city need to be vigilant in protecting the properties that are there; concerns with all the water being drained in and toward the existing retention basin; in addition to water from the area water from the Stearns Extension, North Olmsted and Olmsted Falls flows toward this basin; their property is a life investment and if it is flooded people will not want to be located in this area.

Ms. Lynn Andrews of 28516 East Brockway expressed the following: her house will back up to the new lots; she has enjoyed the wooded property but does not own the land; her property is an odd shape now; concerns with water and drainage; a swale takes up a good portion of her yard now; questioned how will the drainage problems be addressed or regulated; has concerns with an increased amount of water in her yard and basement; where will the retention for the new subdivision be as she doesn't want the water in her yard; the land behind her house is higher in grade than her property and is concerned where water will drain; stated that the 1992 codes are almost 20 years old and since that time there must be some significant changes in code requirements.

There was discussion on the drainage for the 13 new lots with Mr. Wheeler explaining the drawing shows that it will be collected along drains at the street and flow to Stonegate to the north and west. Mr. Shimola stated the water would drain south to the retention basin and there are easements on yards. Mr. Wheeler stated the drawing showed the water being collected along the new street and being directed to the north and west and then go to the retention basin through the storm sewers. He added after the preliminary plan an improvement plan is part of future review that is not part of this preliminary plan review. The engineering department will review the improvement plan when it is submitted. Mr. Wheeler stated that the significant difference in the code since 1992 is the minimum lot size requirement.

Mr. George Haddad of 28532 East Brockway Drive expressed the following: that he has three swales in his lot that go to the woods; stated he did talk with the engineering department about water problems and drainage and was told there would be a mound with swales that would drain to a ditch; the sump pump in his basement runs all the time even when the swales are dry; concerns with more water draining into his yard and services not being met.

Ms. Maryann Hahn 28603 Stonegate Circle expressed the following: concerns with privacy; there will be three new neighbors that will be able to see into her house and will privacy buffering be provided; stated she is confused because if Mr. Shimola does not want this development why is the city requiring it. Mr. Wheeler explained the Mr. Shimola filed an

application for this subdivision and the city is acting on what has been submitted as part of the process.

Mr. Art Fusco of 28500 Southbridge Drive expressed the following: questioned what is the timeframe that was mentioned; when will homes be constructed; the city needs to meet the needs of the residents; what does the litigation settlement spell out; and if what is required could be explained in detail. Mr. Wheeler stated the city has not forced Mr. Shimola into anything and Mr. Shimola is a litigant and entered into a settlement agreement with the city. Part of the settlement agreement are certain timeframes where Mr. Shimola may develop Stonegate as set forth in the settlement agreement. Mr. Fusco questioned if the city could extend that timeframe and Mr. Wheeler stated he is not going to comment on the details on the litigation but according to the settlement agreement if Mr. Shimola is to develop the property under the agreement there is a certain timeframe involved. He stated Mr. Shimola chose to file an application and once filed the city is bound to review his application. Mr. Fusco questioned what the consequences were if an application had not been submitted. Mr. Fusco further questioned if there will be dust inside homes and dirt all over what ramifications do the resident's have. Mr. Wheeler stated the contractors are required to take care of any dirt/dust and are required to provide bonds and insurance to cover issues and there are city ordinance that regulate how that is taken care of.

Mr. Rich General of 28592 Stonegate Drive expressed the following: concerns with safety issues and traffic through the subdivision; concerns once the street is opened from being a dead end street people will use the street as a cut through; expects there will be a lot more traffic in the area as a result of this proposal.

Mr. William Fecht (commented earlier in the evening) of 28555 East Brockway Drive expressed the following: that water concerns are important and reiterated previous comments made.

Mr. Bob Shockey of 29053 Brockway expressed the following: that the development should have to meet the codes and what is being proposed is under the codes of 1992 not the current codes of today; that the project will not be built to today's codes.

Motion: Mr. DesForges moved, seconded by Mr. Meehan to recommend approval of the Stonegate Drive Major Subdivision Preliminary Plans in accordance with the November 2008 settlement between the applicant and the City of Westlake with a modification of the non-radial side lines of subplot 11 and adjustments to the rear lot line of sublots 1 and 2, if needed.

ROLL CALL ON APPROVAL:

Yeas: Connole, DesForges, Schultz, Smith, Meehan

Nays: None, motion passed

**DOCKET 10-04-17 – Westshore Auto Repair, Addition
Development Plans, 28825 Center Ridge Road, PP# 216-
18-004, rep. C. Shimola, WARD 4**

Mr. Shimola explained the proposal is for an addition next to the existing building at 28825 Center Ridge Road. He noted the notice that went out had the adjacent parcel highlighted and the location is at 28825 Center Ridge Road.

Mr. Parry read his April 15th memo.

Ms. Janice Costaras of 28625 Brockway Drive expressed the following: questioned if this was the old fitness building and asked for clarification on where this development is located. Mr. Shimola told her it was at 28825 Center Ridge Road and showed her on the map the location of the property.

Motion: Mr. DesForges moved, seconded by Mr. Meehan to recommend approval of the Westshore Auto Repair, Addition Development Plans in accordance with the November 2008 settlement between the applicant and the City of Westlake with a modification to allow for the expansion with seven fewer parking spaces.

ROLL CALL ON APPROVAL:

Yeas: Connole, DesForges, Schultz, Smith, Meehan

Nays: None, motion passed

**DOCKET 10-04-18 – Ordinance 2010-28 Conditional Use
Permit for a Yoga Fitness Studio at 2035 Crocker Road,
PP# 211-27-004, WARD 5**

Mr. Tom Gable, sworn in by Mr. Wheeler, explained the conditional use permit is for a yoga fitness center located in Reserve Office Park which is zoned Executive Office Park and is permitted with a conditional use permit. The hours of operation of the mixed use tenants in the building vary. He stated that all of the parking was installed so there are more than enough parking spaces.

Mr. Parry reported this use will be located on the second floor of the building and it is anticipated that there will be approximately 10 to 15 people per class four to five times a day. He agreed that there are no parking issues as all of the parking for both the Phase 1 and Phase 2 buildings have been installed. He suggested a condition of approval is to limit the number of students per class.

Motion: Mr. DesForges moved, seconded by Mr. Connole to recommend approval of Ordinance 2010-28 with a condition that the maximum number of people is 15 per class

ROLL CALL ON APPROVAL:

Yeas: Connole, DesForges, Schultz, Smith, Meehan

Nays: None, motion passed

**DOCKET 10-04-18 – Soma Intimates, Storefront & Sign
Plan, 112 Main St., PP# 211-25-004, rep. R. Levitz, WARD
5**

Mr. Levitz explained this tenant is going in the previous Indigo Nation tenant space. The storefront will remain the same other than the addition of an awning and new signage. The fascia sign was previously administratively approved by the planning director and the signs that need approval by the planning commission are the blade sign, awning sign and window signs. He noted the blade sign is not illuminated.



Mr. Krause reviewed his April 15th memo and noted that the criteria for Crocker Park need to be revised to address face changes of signs. The only addition to the storefront is the awning and all of the signs comply with the code.

Motion: Mr. DesForges moved, seconded by Mr. Meehan to recommend approval of the Soma Intimates Storefront

ROLL CALL ON APPROVAL:

Yeas: Connole, DesForges, Schultz, Smith, Meehan

Nays: None, motion passed

Motion: Mr. DesForges moved, seconded by Mr. Meehan to approve the Soma Intimates Sign Plan

ROLL CALL ON APPROVAL:

Yeas: Connole, DesForges, Schultz, Smith, Meehan

Nays: None, motion passed

DOCKET 10-04-19 – Francesca’s Collections, Storefront & Sign Plan, 161 Main St., PP# 211-25-004, rep. R. Levitz, WARD 5

Mr. Levitz reviewed the proposal for the storefront which will have a traditional boutique looking entrance with dark wood and a black granite base. The proposed signage complies with the criteria and no modifications or conditions are being requested.



Mr. Krause reviewed his April 15th memo and agreed with Mr. Levitz’s description of the proposal.

Motion: Mr. DesForges moved, seconded by Mr. Meehan to recommend approval of the Francesca’s Collections Storefront

ROLL CALL ON APPROVAL:

Yeas: Connole, DesForges, Schultz, Smith, Meehan

Nays: None, motion passed

Motion: Mr. DesForges moved, seconded by Mr. Meehan to approve the Francesca’s Collections Sign Plan

ROLL CALL ON APPROVAL:

Yeas: Connole, DesForges, Schultz, Smith, Meehan

Nays: None, motion passed

DOCKET 10-04-20 – Crocker Park BW Loft Suites (2), minor revision to Dev. Plan, 236 Crocker Park Blvd., PP# 211-25-004, rep. R. Levitz, WARD 5

Mr. Paul Deutsch explained they wish to convert two storage spaces into loft apartments. Over the period of pre-construction and construction this building has been revised and what was originally to be bump in features in the façade were filled in and the extra space was converted into storage area for the tenants. Originally the building was to have 58 units but only 56 were constructed. Due to financing they are required to have 58 units so they propose to convert these

two storage areas into loft units. The units have an open floor plan and will most likely be used for corporate housing or short term leases. The façade of these units is being revised to add additional windows to the space. With the conversion of this area there is still more than the required storage area for the various tenant spaces.

Mr. Parry explained that per the code the PUD district can have the proposed type of loft apartments as long as they do not exceed 10% of the number of units in the building. The applicant prepared a drawing showing the units and the amount of storage space available so as proposed there are no problems and the units comply with the minimum amount of floor area permitted.

Motion: Mr. DesForges moved, seconded by Mr. Meehan to recommend approval of the Crocker Park BW Loft Suites (2), minor revision to Dev. Plan

ROLL CALL ON APPROVAL:

Yeas: Connole, DesForges, Schultz, Smith, Meehan

Nays: None, motion passed

MISCELLANEOUS

Review draft Commercial Market Analysis

Mr. Parry reported that the Cuyahoga County Planning Commission prepared a Phase 1 Commercial Market Analysis. He reviewed his March 8th memo summarizing the study and made a presentation showing various tables within the study. The study inventories commercial uses (retail, office and industrial) in Westlake as well as seven surrounding communities. A similar study was done in 1995 and 1977 so the city has been able to track trends and development over periods of time. The total amount of land within the study is 97 square miles. Avon and North Ridgeville have about half of the land area in the study. Mr. Parry reviewed the various tables showing each type of commercial use, which was broken down into use categories, and how the various uses are comprised in each community. Overall Westlake has a balanced amount of uses, approximately 1/3 of each use, and is the leader in office use among the surrounding communities. Westlake, Avon and Avon Lake are the leaders in industrial development with North Ridgeville, Avon and Avon Lake still having a large amount of vacant industrial land available for development and could surpass Westlake in industrial development in the next 15 years. Mr. Parry expressed the analysis is an important tool when looking at future development, type of uses and guide plan planning.

ADJOURNMENT

Meeting adjourned at 9:30 p.m. The next regular meeting is scheduled for Monday, May 3, 2010, in the Westlake City Hall Council Chambers.

Chairman Richard Schultz

Nicolette Sackman, MMC
Clerk of Commissions

Approved: June 7, 2010