



PLANNING DEPARTMENT

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**WESTLAKE PLANNING COMMISSION
MINUTES OF THE REGULAR MEETING
JANUARY 9, 2012**

OATH OF OFFICE

Mrs. Bonnie Smith was sworn in by Mr. Wheeler.

Present: Acting Chairman John DesForges, Dennis Sullivan, Daniel Meehan, Bonnie Smith

Absent: Richard Schultz

Also Present: Planning Director Robert Parry, 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 regular meeting was called to order at 7:30 p.m. by Acting Chairman John DesForges.

APPROVAL OF MINUTES

Mr. Meehan moved, seconded by Mrs. Smith to approve the minutes of the regular meeting of December 5, 2012

ROLL CALL ON APPROVAL:

Yeas: Sullivan, DesForges, Meehan, Smith

Nays: None, motion passed

Mr. Meehan moved, seconded by Mrs. Smith to approve the minutes of the work session meeting of December 19, 2012

ROLL CALL ON APPROVAL:

Yeas: Sullivan, DesForges, Meehan, Smith

Nays: None, motion passed

COUNCIL REPORT

Councilman Sullivan reported on council matters regarding planning commission items.

SELECTED CORRESPONDENCE

Memo dated 1/5/12 from W. Krause re: **Gardens at Westlake**

Revised memo dated 1/9/12 from W. Krause re: **Gardens at Westlake**

Revised plans & comments from A. Royster to memo received 1/9/12 for **Gardens at Westlake**

Comments received from D. Tober 1/9/12 regarding detention ponds re: **Gardens at Westlake**

Revised drawings dated received 1/9/12 re: **Westlake United Methodist Church**

1/5/12 revised memo from C. Bauer re: **Westlake United Methodist Church**

Memo dated 1/9/12 from R. Parry re: **Church on the Rise**

Memo dated 1/6/12 from W. Krause re: **Ord. 2011-156**

Memo dated 1/6/12 from W. Krause re: **Ord. 2011-157**

Letter dated received 12/20/11 from **Russell Realty** located at 27121 Center Ridge requesting clear cutting trees on property

Department Reviews

Gardens at Westlake – Service, Engineering

Westlake United Methodist Church – Fire, Engineering

OLD BUSINESS

DOCKET 11-12- 81 Gardens of Westlake Development Plan, 27569 Detroit Rd., PP#212-21-004 to 006, rep. A. Royster, WARD 3, tabled 12/5/11

Mr. Royster explained the changes to the plans since the last meeting which were to shift the building to the south slightly. Once they met with the fire department it was determined that a road was not needed between buildings. The building was moved closer to the existing building as food services will need to walk between buildings. Two of the parking spaces will need to be relocated and they wish to landbank extra parking that is not needed at this time. A sidewalk was added connecting the buildings and the drop off area complies with ADA requirements.

Mr. Parry noted that an assembly plat was submitted to assemble the three parcels. He reviewed Mr. Krause's 1/9/12 revised memo describing setback calculations and modification that are being requested. The fence around the memory garden requires a 1' height modification and has been approved for other facilities of this type.

Discussion ensued that the setback shown between the buildings is 20' and it was questioned if it was better to move the building to the north to eliminate any setback modifications. Mr. Parry reported that if the building is moved to the north trees will need to be removed and there may be some interference due to the location of the retention basin. He stated the fire department has reviewed the proposed location and a fire access drive is not needed between the buildings.

Motion: Mr. Meehan moved, seconded by Mr. Sullivan to approve the Gardens at Westlake Assembly Plat dated 1/6/2012

ROLL CALL ON APPROVAL:

Yeas: Sullivan, DesForges, Smith, Meehan

Nays: None, motion passed

Motion: Mr. Meehan moved, seconded by Mrs. Smith to recommend approval of the Gardens at Westlake Development Plan with the following conditions and modifications:

1. Condition that the location and size of the storm connection to be addressed on final improvement plans;
2. Condition that updated retention calculations to be addressed with final improvement plans;
3. a 4.4' modification for the average separation between main wall of buildings;
4. a .4' modification for the average separation between the north wall of the protrusion and the new building;
5. a 6.9' side yard setback modification for the memory garden porch roof;
6. 1' height modification for the wall around the memory garden;
7. Condition that the new light pole fixtures are high pressure sodium and that no wall-packs are approved for the new building;
8. Condition the ten additional spaces shown as "optional" are approved as land-banked parking;
9. Condition that a materials board is submitted no later than for the City Council meeting.


ROLL CALL ON APPROVAL:

Yeas: Sullivan, DesForges, Smith, Meehan

Nays: None, motion passed

**DOCKET 11-12- 82 Westlake Methodist Church
Development Plan, 27650 Center Ridge Rd., PP#212-30-
004, rep. J. Resar, WARD 4, tabled 12/5/11**

Mr. Resar explained the plans were revised to lower the height of the light poles, the wattage was reduced to 250 watts and they will be high pressure sodium fixtures. They did look at using LED but they may not be cost effective since the lights will not be used often and they are considering changing the existing lights to high pressure sodium. Additional landscape trees were added to the north line of the parking lot.

 Mr. Parry reviewed Mr. Bauer's revised 1/5/12 memo which spells out what Mr. Resar explained. He suggested that a condition of approval be that the house on the lot where the parking lot is to be located be removed. All the parcels will be assembled.

Motion: Mr. Meehan moved, seconded by Mr. Sullivan to approve the Westlake United Methodist Church Assembly Plat dated 1/9/12

ROLL CALL ON APPROVAL:

Yeas: Sullivan, DesForges, Smith, Meehan

Nays: None, motion passed

Motion: Mr. Meehan moved, seconded by Mrs. Smith to recommend approval of the Westlake United Methodist Church Development Plan with the condition that the existing house be removed

ROLL CALL ON APPROVAL:

Yeas: Sullivan, DesForges, Smith, Meehan

Nays: None, motion passed

NEW BUSINESS

DOCKET 12-01-01 Church on the Rise Development Plan (patio), 3550 Crocker Rd., PP# 216 10 021 & 023, P. Endrei rep., WARD 6

Pastor Paul Endrei explained they would like to construct a patio, similar to what one would see at a single family residence. They will use the patio during good weather for social gatherings such as coffee and snacks after services but the patio will not be used for services.

Mr. Parry explained the patio is 1,000 sq. ft. and is a paver patio in decorative block with a block fireplace. The patio will be located in the side yard of the church on the south side of the main building. For a residential home a recreational fireplace is required to be in the rear yard but the code does not prohibit side yard location for a non-residential use. This property is approximately 19 acres and the setbacks well exceed the code. The zoning code requires the fireplace unit to be 20' from a building but the fire department noted that the fire code requires recreational fires to be 25' from a building.

Ms. Debbie Kurce, 3579 Monroe Trail, stated the following: questioned when will the area will be used, what will the use of the patio be, will there be supervision of teens, will there be control of the wood used, will there be security monitoring the area, concerns with noise, concerns with airborne materials due to the use of the fireplace, has a child with breathing problems and this will create more problems and this will decrease the value of her home. Pastor Endrei could not comment on property being devalued and would only think this feature would improve their property. What they are proposing to build is high end material and something similar to what one would see in Crocker Park. Their property is currently well maintained and monitored by security. The fireplace will only be used when adults are present and they plan to use the area as a social spot after services or for committees. They would not be using the patio late into the night and would only use the patio weather permitting. In the summer he did not anticipate the fireplace would be used and would think the fireplace would be used in the spring and fall.

Members discussed if the fireplace could be moved so it is 25' from the building and if the sparks and embers will be screened. Mr. Clark-Wise, contractor, reviewed the location and swale area near the patio. They are willing to work with the fire department. The fireplace unit includes all required screening and he showed renderings of the fireplace and design details. The commission asked if the church would be agreeable to limiting hours of use so that it is not used late into the evening, which Pastor Endrei said they could do. He assumed the main concern was noise levels and he said they do try to keep the noise controlled.

Motion: Mr. Meehan moved, seconded by Mrs. Smith to recommend approval of the Church on the Rise Development Plan with the following conditions and modification:

1. Condition that the fireplace not be used after 11:00 p.m. on weekdays and after midnight on weekends;
2. Condition the fireplace unit does include screening for sparks and embers;
3. Condition of fire department approval for the location of the fireplace and it could be moved if required by fire code 4 ½' further to the south so it is 25' away from the building;

4. Modification of 9” for the maximum width of the fireplace above 5’;
ROLL CALL ON APPROVAL:
Yeas: Sullivan, DesForges, Smith, Meehan
Nays: None, motion passed

DOCKET 12-01-02 Ordinance 2011-157 amending and supplementing §1211.29 entitled “Nursing Home; Assisted Living Facility in Single-Family Districts” ref. by council 12/1/11

Mr. Parry explained the ordinance is to amend 1211.29 regarding parking lot setbacks and buffering for nursing homes located in single family districts. Currently the code spells out building setbacks for these facilities but not parking lot setbacks. This ordinance will require buffering for these facilities.

Motion: Mr. Meehan moved, seconded by Mrs. Smith to recommend approval of Ordinance 2011-157 with the following amendments:

1. That the amendment to subsection (h) shown on the redlined version of the ordinance as “and outside any side or rear yard setbacks” be amended to read: and a minimum of 30’ from side or rear property lines when abutting a single family residential district or use;
2. That the amendment to subsection (k) shown on the redlined version of the ordinance as “Shall provide buffering as would be required for residential uses and multi-family districts” to be revised to read: Shall provide buffering when abutting a single family residential district or use and shall be a minimum of 10’ in width and meet the opacity requirements of Chapter 1130.

ROLL CALL ON APPROVAL:
Yeas: Sullivan, DesForges, Smith, Meehan
Nays: None, motion passed

DOCKET 12-01-03 Ordinance 2011-156, amending §1130.05(a) entitled “Applicability” ref. by council 12/1/11

Mr. Parry explained the ordinance is to amend 1130.05(a) to require buffering for non-residential uses in single family districts. Currently the code does not require buffering for uses that are not single family adjacent to single family.

Motion: Mr. Meehan moved, seconded by Mrs. Smith to recommend approval of Ordinance 2011-156 with the following amendments:

1. That the amendment to subsection (a) shown on the redlined version of the ordinance as “and between residential uses and non-residential uses within any residential district” to be amended to read: and a minimum of 10’ buffer between non-residential uses and residential uses within any residential district.

ROLL CALL ON APPROVAL:
Yeas: Sullivan, DesForges, Smith, Meehan
Nays: None, motion passed

**DOCKET 12-01-04 Ordinance 2011-169 Conditional Use
Permit for a fitness center at 29201 Center Ridge, D.
Bednar applicant; ref. by council 12/15/11**

Mrs. Amy Bednar, sworn in by Mr. Wheeler, explained the current address has a conditional use permit for a fitness use but it is specifically for women. They would like the conditional use permit amended to allow the fitness use for any gender. Mr. Parry noted in 2004 when the conditional use was adopted the applicant at that time had a women's fitness center and that is what the ordinance was drafted for. This would remove the restriction for women only and he noted Meg Sullivan's name should be removed from Section 1 of the ordinance as she was the original applicant and is no longer at this location.

Motion: Mr. Meehan moved, seconded by Mrs. Smith to recommend approval of Ordinance 2011-169 with the following amendments:

1. In Section 1 to delete "*of Meg Sullivan*" and to remove "*women's circuit training*" and insert "*training*" after fitness so Section 1 will read: *That this Council does hereby approve the application ~~of Meg Sullivan~~ for a Conditional Use Permit for the operation of a ~~women's circuit training~~ fitness ~~training~~ center at 29201 Center Ridge Road in the City of Westlake, Ohio, which said Use is to be conditioned only within the areas located within the address described in this Ordinance.*"

ROLL CALL ON APPROVAL:

Yeas: Sullivan, DesForges, Smith, Meehan

Nays: None, motion passed

MISCELLANEOUS

**Letter dated received 12/20/11 from Russell Realty located
at 27121 Center Ridge requesting clear cutting trees on
property**

Mr. Russell explained he would like to remove all the trees on the vacant portion of his property as many neighborhood kids hang out in the woods and have caused problems. A couple of years ago there was a stabbing incident in the woods. He has not been able to get the kids to stop hanging out on his property and thought removing the woods might make the area less desirable as a hang out spot. He didn't know if that would help or not. Mr. Wheeler advised that he mailed Mr. Russell a letter earlier in the day explaining the process with the submittal of a development plan and tree preservation plan and suggesting working with the planning department to submit plans.

No action taken by the commission

ADJOURNMENT

Meeting adjourned at 8:36 p.m. A work session is scheduled for Monday, January 23, 2012 and the next regular meeting is scheduled for Monday, February 6, 2012, in the Westlake City Hall Council Chambers.

Acting Chairman John DesForges

Nicolette Sackman, MMC
Clerk of Commissions

Approved: February 6, 2012