



PLANNING DEPARTMENT

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**WESTLAKE PLANNING COMMISSION
MINUTES OF THE REGULAR MEETING
FEBRUARY 11, 2019**

Present: Chairman Brad Lamb, Lynda Appel, Phil DiCarlo, Lauren Falcone, Duane Van Dyke
Also Present: Planning Director Jim Bedell, Law Director Michael Maloney, 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 7:33 p.m. by Chairman Brad Lamb.

ELECTION OF OFFICERS

Motion: Mr. Van Dyke moved, seconded by Mr. DiCarlo to elect Brad Lamb chairman, Lauren Falcone Vice Chairman and Phil DiCarlo secretary.

ROLL CALL ON APPROVAL:

Yeas: Lamb, Appel, DiCarlo, Falcone, Van Dyke

Nays: None, motion carried

APPROVAL OF MINUTES

Motion: Mrs. Falcone moved, seconded by Mr. DiCarlo to approve the minutes of the regular meeting of January 7, 2019.

ROLL CALL ON APPROVAL:

Yeas: Lamb, Appel, DiCarlo

Abstain: Falcone, Van Dyke

Nays: None, motion carried

Motion: Mrs. Falcone moved, seconded by Mr. DiCarlo to approve the minutes of the work session meeting of January 14, 2019.

ROLL CALL ON APPROVAL:

Yeas: Lamb, Appel, DiCarlo

Abstain: Falcone, Van Dyke

Nays: None, motion carried

COUNCIL REPORT

Mrs. Appel reported on council matters.

Motion: Mrs. Falcone moved, seconded by Mr. DiCarlo to adjourn into executive session for the purpose of potential litigation at 7:35 pm.

ROLL CALL ON APPROVAL:

Yeas: Lamb, Appel, DiCarlo, Falcone, Van Dyke
Nays: None, motion carried

Planning commission returned to the public floor and Mrs. Falcone moved, seconded by Mr. DiCarlo to adjourn out of executive session at 7:58 pm.

ROLL CALL ON APPROVAL:

Yeas: Lamb, Appel, DiCarlo, Falcone, Van Dyke
Nays: None, motion carried

Chairman Lamb announced that the **Hillsborough Townhomes** project will be tabled until March 4th and wanted to know if the applicant would be available for a work session sometime within the next two weeks. The applicant's legal counsel, Mr. John Christie, stated that Chairman Lamb has an interest in this property as an abutting property owner and is concerned with any role he played in executive session as well as outside public hearings relative to this issue. He advised that the applicant is happy to work with the city to develop the property as it has been rezoned and to make a development to improve the city of Westlake. He wanted to make sure there was complete transparency. They are happy to make changes that are necessary to make this project move forward. This project has been pushed off numerous months and doing so delays construction and possible increases in cost. Mr. Maloney advised that they went into executive session so he could give legal advice, which cannot be disclosed. He has discussed with Mr. Lamb if he can vote on this issue or not and Mr. Lamb will be abstaining from participation and voting but will administratively handle things. Mr. Christie asked if something would get done in March. Chairman Lamb asked if they were open to a work session prior to March 4th. Mr. Christie asked what needed to be completed as the project complies with all the zoning requirements and there is nothing legally wrong so what needs to be discussed at a work session, which the Chairman responded that there were new members that need to be brought up to speed as they were sworn in today. Mr. Christie stated they can review the plans and minutes before the next meeting to get up to speed and reiterated his question on the necessity of having a work session. Councilwoman Appel advised that there have been several meetings and the commission has repeatedly expressed if the architecture of the townhomes compliments the architecture of the single family homes to provide a complementary neighborhood feel. In November they were told that it would but at the last meeting the architect was not present. There were concerns with the building materials, the height of the buildings and comparisons from the single family homes. Mrs. Falcone would like a dialogue back and forth and was not certain if this was the forum for that. She also noted concerns with density and buffering. Mr. Christie advised they have been tabled before and all parties are present to discuss the plans with the commission this evening and answer questions that were raised.

Chairman Lamb announced that the **Livingston Villas** project will not be heard as the applicant has withdrawn this project at this time. They do own the property so something could come forward in the future but any new development plans will require notification to surrounding property owners.

Motion: Mrs. Falcone moved, seconded by Mr. DiCarlo to amend the agenda order to be Westlake Community Services Center, Clague Playhouse Ball Fields, Parkway Crossing and Hillsborough Townhomes.

ROLL CALL ON APPROVAL:

Yeas: Lamb, Appel, DiCarlo, Falcone, Van Dyke

Nays: None, motion carried

OLD BUSINESS

Westlake Community Services Center (on Rec. Center property), Development Plan revised, 28955 Hilliard Blvd., PP#216-14-002, rep. B. Kelly, Ward 4, tabled 10/1/18, 10/22/18 – PC recommended approval 11/12/18; back before PC for building exterior changes

Mr. Bob Kelly, Westlake City Engineer, Architects Sean Barbina and Eric Pros presented revised plans to the commission. Mr. Pros reviewed the site plan which has not changed. The building roof and the application of the building materials have been revised some. The roof line will match the character of the other municipal buildings. It has been revised to remove the flat features of the roof and will have a pitched gable and hip roof. The brick and pre-cast stone has been distributed to both sides of the building, and the pre-cast stone is very similar to the stone that was used on the recreation center. He reviewed the floor plan, landscape and mounding, which remains the same. Mr. Pros noted where the proposed traffic circle, which is not part of this development plan, is located.

Mr. Bedell reviewed his staff memo noting the roof is grey in color. The walls are now all brick with a pre-cast stone base, while previously, stone was used for the auditorium. The glass entry remains, but is toned down by the brick walls, stone base and entrance portico (canopy). Previously, the glass went all the way to the ground and now the stone base is carried through this area, tying it into the design of the rest of the building. At the front drive and the side entrance, brick box columns support pedimented porticos with ample room for identification signage and brick columns. Formerly, the columns were plain steel posts. More detailed drawings are needed to understand the pediments, such as the material to be used and whether articulation will be provided in the form of dentil moldings, cove moldings, etc., changes in the wall plains, etc., as it looks too flat as rendered. He questioned the circle, similar to what is on the recreation entrance, that was shown and if it were a placeholder for signage or a future design. Windows appear to be in the same location and the same size as previously. This gap was less evident in the previous design that had a canopy at this location. This blank space makes the walls look out of proportion and throws off the look of these elevations. Also, further articulation of the windows such as stone or brick sills and lintels and window mullions should be included as similar details are found at the Rec Center, Police Department, fire stations, and City Hall. The brick columns on the side entrance need clarification. They do not match the front ones – the brick does not go up to the roofline, the columns block the sidewalk, the pediment seems to be cantilevered too far out from the columns to be supported by them. This may just be a rendering issue, otherwise it needs to be corrected.

The following residents were present and made comments: Ms. Sue O’Neil, 23289 South Melrose and Mr. Jim Eppel, 28778 Weybridge: It was questioned if there will be a yoga studio,

which there will be. Previously neighbors have expressed concerns regarding the buffer mound and the way the rendering is shown, there are very few evergreens shown on the mound. The natural buffer that will exist between the mound and The Estates subdivision is just scrub, not very dense, and does not provide a lot of visual screening, so they would like to see more evergreen trees on the mound to provide a four season screening. Other concerns are: the routing of the sewer connection through an Estates yard that they would like to see go perpendicular through the buffer area to minimize disruption to the vegetation; landscaping around the sewer connection ends so it is not an open view corridor; shielding light sources; and the location of the pickleball courts due to noise related to the game.

Mr. Kelly explained there are allowances in the budget to address the buffer and routing of the sewer. Additional trees can be added and not all the trees are shown on the plan as they do not know where they will be located. He reviewed the timeline noting it will be approximately 18 months before the landscape and trees are installed. The location of the pickleball courts is yet to be determined and they will be closer to the recreation center building.

Members of the commission discussed the proposal noting this plan fits more with the character of other Westlake municipal buildings. They discussed the sewer installation and Mr. Kelly advised he can work with the residents on the location. When trees are installed on the buffer mound Mr. Kelly should be in contact with the residents so he can get their input. He will contact them and estimated that the buffer mound will be approximately 6' tall and could vary in height. The floor plans and building elevations were discussed. Mr. Van Dyke made recommendations for changes in the building elevations to break up large areas of brick wall, the scale of the secondary entrance, to study the overhangs within the interior courtyard, areas to add more stone, the location of the louvers along the rear mezzanine, the standing seam roof and to mix the roof materials. The four way stop was briefly discussed and Mr. Kelly noted they are not seeking approval for it at this time but the center circle area will be used for wayfinding signage or some other feature. The lights in the interior of the dining room will not be used much in the evening and only a couple of ambient lights will remain on in the evening. The plan is being considered at this time so the site development may commence with refined building elevation plans coming back to the commission for review when ready. The site plan and lighting plan are complete and will do not need to come back for further review.

Findings of fact

1. A sign plan and permit will be submitted at a future meeting.
2. The proposed traffic circle/four-way stop intersection and relocation of tennis courts are not included in this approval/recommendation.
3. Although the only recent change is in the building style, the conditions from the previous motion are still relevant and are included in the motion (3 & 4), as this recommendation includes all of the previously recommended development plans with the new building elevations replacing the former ones.

Motion: Based upon the findings of fact, Mrs. Falcone moved, seconded by Mr. DiCarlo to recommend approval of the Westlake Community Services Center Development Plan dated 11/8/18, with building elevations dated 2/11/19 (*building elevations were dated received 12/19/18 not 2/11/19*) and the following modification and conditions:

1. Revised building elevations will be presented at a future meeting for recommendation.
2. A modification is granted for the standing seam metal roof in grey.
3. In order to best determine where buffering should be provided, the location of related plantings and mounds will be field evaluated and adjusted as needed by staff during construction.
4. Approval is subject to comments in Part III of the 2/4/19 staff report and 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:

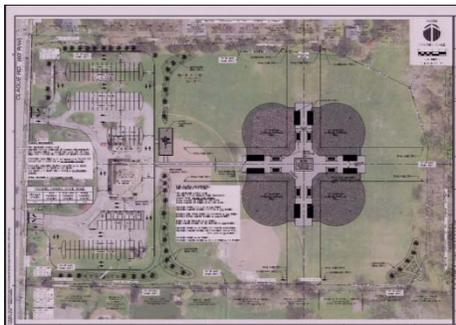
Yeas: Lamb, Appel, DiCarlo, Falcone, Van Dyke

Nays: None, motion carried

NEW BUSINESS

Clague Playhouse Ball Fields, Development Plan, 1371 Clague Rd., PP#214-23-001, rep. B. Kelly, Ward 1

Mr. Kelly, City Engineer; Mr. Dan Kelbach, civil engineer from sports design group Osports (Osborn Engineering); and Bob DeMinico, Recreation Director were present. Mr. Kelly



explained they have reviewed the plan with city council and some neighboring residents. Mr. Kelbach explained there are currently three ball fields on the site behind Clague Playhouse and the proposal is to eliminate them and build four new fields, dugouts, centrally located concession stand, restrooms, bleachers with shade awnings, and address drainage problems. The fields are designed with all four infields surrounding the concession stand and the outfields to project out towards the residential properties with

landscape berms in the northwest, southwest and southeast quadrants. The northeast quadrant has mature trees which will be retained and for that reason berms are not being put in this location as they do not want these trees to die. There is an alternate bid for a playground which will be located along the parking lot. Mr. Kelbach reviewed the water collection system, swales and catch basins. He advised that adjacent property owners will be able to tie into the drainage system if they would like, at their own cost. The plan they showed council had 119 parking spaces but it has been revised to have 100 spaces and landbank 19 spaces. This moves the parking spaces further away from the residential properties and has been designed to allow fire truck access throughout the site. Mr. Kelly added that they obtained input from residents, the playhouse and the museum for the project, and there is an agreement that events will not be scheduled all at the same time. He noted there will be bollards at the edge of the parking lot that can be removed for emergency vehicle access. Mr. Kelbach reviewed the dumpster, dug outs, concession stand and the locations. The roofs will be forest green.

 Mr. Bedell reviewed his staff memo noting that per code 148 parking spaces are needed as code requires 110 spaces for the recreation fields, the Clague Playhouse requires 31 spaces, and the Clague Museum requires 7 spaces. ADA spaces will be added near the Clague Playhouse. ADA

spaces will be added near the Clague Playhouse. The entire lot will be curbed with a type 5 curb (6" in height) that will discourage drivers from parking on the grass but provisions will be made for overflow parking on the grass if needed. New sidewalks and a bike rack will be added to improve pedestrian connectivity to the recreation fields. Pedestrians on Clague Road will have to use the parking lot to reach the playground and recreation fields. Space should be reserved for a sidewalk. He advised a landscape plan is needed. More trees may be needed along the parking lot so lights from the parking lot are shielded from the neighboring houses. A lighting plan is also needed. Mr. Bedell discussed the placement of the scoreboards and suggested the orientation of the scoreboard to be east and west rather than north and south. A slight encroachments for the corners of the ball fields will exist but there will be no visible encroachment, as there will be no outfield fences. Mr. Kelly advised he can move them and needed to review the cut sheets for the scoreboards as he believed they were 6' tall. Mr. Bedell asked to see the storage unit details and Mr. Kelly explained they are an alternate bid to be an extension of the dugout and showed a rendering.

The following residents were present and made comments: Richard Lynch, President of the Board of Directors of the Clague Playhouse; Mr. Bill Shields, 23352 South Melrose; Pat Mayer, 23455 Concord Dr.; Mr. Bill Bine, 1368 West Melrose, Mr. Chuck Clawson, 23372 South Melrose; Mr. Mike Scherma, 23320 South Melrose; and Mr. Franz Pussel, 23567 Concord. Comments and concerns expressed were: concerns that there will be enough parking for the playhouse as per code 148 spaces are required for all three uses and there will only be 100 and during special playhouse events there may not be enough parking; concerns with a path next to the rear of the playhouse to the diamonds as noise will be distracting as that is where the back stage area is located; where will the dumpster be located; has there been consideration to changing the direction of the parking so it is perpendicular to what it is now so lights don't shine into back yards; this is a small area surrounded by homes and it looks like there will also be soccer fields; concerns with the location of the scoreboards and east and west locations are better; concerns that people cut through residential yards to get to the fields, as now during the 4th of July a lot of people cut through yards; there will be more traffic; how will the existing ditch be handled on the north and east side; concerns with schools closing so where will soccer be played; the fields should be kept for baseball use so there is some quiet during the off season; questions with how the retention basin and drainage will work; and will the large evergreen trees be preserved.

Mr. Kelly advised the parking lot is empty often and scheduling will be coordinated so not all uses are using the parking lot at the same time. There will be more parking on the site than there is now. The parking lights are downcast and shielded. They are also programmable so the light can be dimmed when not in use. It was explained the soccer fields are shown for reference to show that they could fit on the site in the outfields as another use. Mr. Kelly stated there may be some soccer practice on the field when the baseball leagues are not using the site, and soccer fields will not be striped. It was noted that if residents have problems with people cutting through yards to access the field to contact the city and they will notify coaches of issues so it will not happen. Mr. Kelly advised the ditch will be enclosed to flow better. It was noted that flag football has also practiced on these fields. Mr. Kelly reviewed the drainage plans, catch basins and that if residents have water issues in their yards they are permitted to tie into the drainage system at their own cost. There will also be drainage in the outfields to pick up run off. As many

trees as possible will be retained and the mature trees on the north will be kept as long as they are healthy, otherwise they will be replaced.

Members of the commission reviewed the proposal and discussed the curbing in the parking lot and the proposed bollards. There were some concerns with the location of the playground being next to the parking lot, while others did not have an issue with the proposed location due to its visibility. It was discussed if another location for the playground can be explored such as behind the playhouse and if it will be enclosed by fencing. Mr. Kelly can explore options but there are concerns with placement as it needs to be in a location where children won't be hit with baseballs. It was questioned if a playground was needed and it was explained that frequently there are families at the games with younger children who play at the playground. It was determined that the location will be reviewed factoring in concerns. The building materials and colors for the buildings were reviewed. Discussion ensued on the location of the scoreboards with it being determined that the best orientation of the scoreboard to be east and west. It was suggested to add a walkway from Clague Road to the ball fields adjacent to the south driveway.

Findings of fact

1. A lighting plan in accordance with Section 1230.03 of the zoning code is required for administrative approval.
2. A tree preservation plan is required for administrative approval demonstrating that at least 69 trees with 275 caliper inches will exist.
3. If dumpsters are to remain, a masonry dumpster enclosure that is six feet tall with an opaque locking gate is required and will need to be located outside of any front yard or rear or side yard setback.
4. Four corners of the diamonds encroach into the side yard setback, but only at the corners of the diamonds and are of minimal impact, as there are no outfield fences and the area will be lawn.
5. A modification to reduce the number of parking spaces by 29 spaces (148 required and 119 provided) is acceptable with a condition that use of the recreation fields will not be scheduled when the Clague Playhouse is having performances. To ensure that there is enough parking for all of the uses that share the parking lot.
6. Space should be reserved for a sidewalk from Clague Road to the recreation fields, should one be needed in the future.
7. A landscaping plan should be submitted for administrative approval. Also, in order to best determine where buffering should be provided, the location of related plantings and mounds will be field evaluated and adjusted as needed by staff during construction.
8. A sign plan and permit will be submitted at a future meeting.
9. A modification to allow split faced concrete block is justified as this material is used at other city parks and will be in an earthtone color.

Motion: Based upon the findings of fact, Mrs. Falcone moved, seconded by Mr. DiCarlo to recommend approval of the Clague Ball Fields Development Plan with the following conditions:

1. Modification to reduce the required parking to 119 spaces, with 19 spaces landbanked provided that the scheduled use of the recreation fields does not coincide with Clague Playhouse performances.
2. Modification to allow the outfields to encroach into the side yard setback.

3. Modification to allow split faced concrete block in an earthtone color.
4. Condition regarding the orientation of the scoreboard to be east and west.
5. Condition that details of the lighting, landscaping, roof colors, building materials and tree preservation plans be provided for administrative approval.
6. Condition that a sidewalk be constructed from Clague Road to the recreation fields adjacent to the south driveway.
7. Approval is subject to comments in Part III of the 2/4/19 staff report and 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, Appel, DiCarlo, Falcone, Van Dyke

Nays: None, motion carried

OLD BUSINESS

**Parkway Crossing, Development Plan (144 units),
Westchester Parkway, PP#213-03-001 & 003, rep. J.
O'Connor, Ward 3, tabled 11/19/18, 12/17/18 work
session, tabled 1/7/19, 1/14/19 work session**

Mr. Jim O'Connor, Pulte Homes, explained the proposal is for 144 units which is less than they are permitted on the site. The condo styles and price are appropriate for the Westlake market. He advised there have been several meetings with all involved to minimize the impact to the neighbors and increase the quality of the development. They submitted a letter to the city with commitments regarding the project, which are noted in Mr. Bedell's staff review. Since that time they have met with neighbors regarding drainage at the rear of their properties and have added two additional drains into the rear yard swale so it drains property. They also committed to add some trees along the buffer to the south for a particular property owner where there is a barren spot. He felt the only open item is if a sidewalk should be installed to connect to the Woods of Westlake subdivision. Pulte Homes is willing to install a sidewalk connection or to landscape the area with the option to add the connector sidewalk at any time in the future.

 Mr. Bedell reviewed his staff review memo and the comments that were provided in a letter to the city. There were several meetings with the residents, both city meetings as well as meetings the developer held with the residents. The units will be two story units and third stories will not be offered as an option. Regarding tree clearing, there will be an onsite review and the limits of clearing will be marked and fenced in advance. Cahoon Road will not be used for construction traffic and Pulte Homes will provide a phone and email contact roster for onsite representatives. There will be a number of special provisions included in the Declaration of Restrictive Covenants for the project: a provision prohibiting short term rentals; a provision restricting early morning or late evening service hours for vendors such as trash pickup – services to be performed between 9 am and 5 pm only; a provision preserving open space into perpetuity; provision prohibiting parking on streets within the community; restrictions on investors purchasing units for speculation or rental purposes – while this cannot be completely prohibited, Pulte Homes only desires owner occupied residences. They will ensuring proper maintenance on

Emergency Access Barricade for the side visible in Woods of Westlake, and responsibility for repair and/or replacement, which the Westlake property maintenance code also addresses. Pulte Homes shall comply with all required City of Westlake, Federal and State Agency requirements. Prior to the start of construction for a respective phase, all final City approvals and required permits from all agencies will be in place and provided to City Engineer for that respective phase. Mr. Bedell advised the buffering may be constructed at the same time as the start of the construction of the townhomes but will need to be installed and completed prior to any occupancy permits.

The following residents were present and made comments: Mr. Brendan Fitzgerald, 27640 Bryandale Dr.; and Ms. Ellen Burbach Stein, 27648 Bryandale Dr. Comments and concerns expressed were: if the city needs to approve any easements to allow additional drainage and catch basins in resident's rear yards, opposition to the sidewalk being installed as it is not needed or wanted by the residents of the Woods of Westlake (a petition with 53 signatures opposed and 2 who do not mind the sidewalk connection was submitted); and concerns cars will park on the stub street where the emergency access is located if there is a sidewalk connection. Councilman Sullivan received an email from Christopher Penitz, 27689 who is in support of the sidewalk connection. He noted most of the residents in the neighborhood do not support the installation of the sidewalk. Mr. Bedell advised the side walk was something he suggested since the stub street is a public street and was not something Pulte Homes was requesting to install.

Discussion ensued that a lot of time and planning has gone into making the city a walkable community with a network of sidewalks between neighborhood developments and other areas of the city. Commission members were in favor of installing the sidewalk, however due to the number of individuals opposed they suggested not installing the sidewalk at this time and revisiting the topic during Phase III. This will give time for everyone to think about the sidewalk and see how the developments interact. It was questioned what would go in the location of the sidewalk and Mr. Uhlenbrock, civil engineer for the project, advised they will continue the landscape mound, buffering, and fence. If in the future a sidewalk is desired, it can be installed at that time by removing a section of the fence. It was suggested to change the front lighting to candelabra style LED bulbs which will look nice and enhance the facades.

Findings of Fact – Development Plan

1. The proposed use is permitted in the R-MF-40/Multi-Family 40 district.
2. No zoning code modifications are required.
3. The lighting plan requires a condition regarding lumens, color temperature and luminaire data.

Motion: Based upon the findings of fact, Mrs. Falcone moved, seconded by Mr. DiCarlo to recommend approval of the Parking Crossings Development Plan with the following conditions:

1. Condition that the front lighting utilizes candelabra style LED bulbs and all site lighting is approved with luminaires at less than 7,000 lumens with correlated color temperatures of 2,700 to 3,000K with updated data provided to staff for administrative approval.
2. Condition that required buffering be installed prior to issuance of any certificate of occupancy and it shall be field-verified by staff and adjusted if needed to meet opacity requirements.

3. Condition that townhomes are two story with no third floor options.
4. Condition regarding sidewalks, prior to commencement of Phase III, the developer brings the possibility of revisiting the sidewalk connection back to planning commission.
5. Approval is subject to comments in Part III of the 2/7/19 staff report and 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, Appel, DiCarlo, Falcone, Van Dyke

Nays: None, motion carried

At 10:58 Chairman Lamb had Vice Chairman Falcone run the meeting and he left the council chambers and did not participate in discussion.

**Hillsborough Townhomes Development Plan (24 units),
NW corner Hillsborough / Center Ridge, PP#217-06-033,
rep. M. Neff, Ward 6, tabled 11/12/18, 11/19/18, 12/03/18,
1/7/19, 2/11/19**

Mr. Bedell noted the applicant's name on the staff reports for the 11/19/18, 12/3/18, 1/7/19 and 2/11/19 meetings was incorrectly listed as being Kevin Hoffman, Polaris Engineering. Mr. Hoffman and Polaris Engineering have never been associated with this development plan submittal. The correct applicant is: Three J Properties LLC in purchase agreement with Hillsborough Point LLC. The aforementioned reports were corrected.

Mr. Paul Glowacki, Dimit Architects, reviewed the changes to the plans. City staff informed him there was an incorrect calculation in the setbacks, so the C unit building has been revised to correct the setbacks. He stated the buildings have setbacks beyond what is required for the height and the length of the building. There are still five units in the C building (located along Center Ridge Road). He showed a rendering of the height elevation comparison, foot by foot, between the project, landscape mound and the adjacent single family homes. The length of the C building has been reduced by eliminating the width in each unit. The elevation designs are still the same with a large gable, lots of windows, and predominate materials are brick, stacked stone, wooded bay/siding and asphalt shingles. The rear of the C building is pretty much remains the same except not as wide.

Mr. Bedell reviewed his staff memo noting staff discovered an error in one of the calculations that occurred when staff was calculating the side yard setback between the west wall of Building 1 and 31060 Center Ridge Road. The correct setback should be 33.9' not 18.9' as had been previously communicated to the applicant and has been corrected. His memo spells out comments provided by the applicant in response to comments received at the 1/7/19 meeting, and they were shown in his presentation for the audience (comments in black, applicant's response in red):

- ***Redraw the sheet called "Townhouse Elevations" with both the horizontal and vertical scales being the same. We will complete this at a 10 scale both vertical and horizontal. At this time, the "possible" wall will***

not be shown in the profile because the developer would like to discuss that at the meeting. Note: this was provided in the drawings submitted on 2/6/19.

- *Further revise the landscape plan to provide a definitive design of the buffer mound that includes better landscape materials for screening on the mound with irrigation and the inclusion of a 3' tall retaining wall and drainage on the north side to allow for a higher mound if possible. Change the proposed fir trees on the mound to Green Giant Arborvitae as they will be a better screen than the proposed fir tree. Buffering should also be constructed first to provide the residents screening. We are happy to swap out trees but I have been informed by our LA that the arborvitae are deer candy and a spruce or fir is a better choice. We would be happy to sit with you and Mr. DiCarlo to discuss types of trees when we get into design. We are committing to planting the buffer no matter what the plant choice is. The earthen berm will be built when the earthwork is completed in the early stages of the project. However the plantings cannot be made until later after the infrastructure is complete. The developer would like to discuss the wall options at the meeting before committing to its construction. They wish to discuss the proposed retaining wall at the meeting.*
- *Planning Commissioners would like a more detailed traffic study. We provided what we were asked to provide.*
- *The location of the transformer should be moved for traffic safety. We will eliminate the transformer from the plan as it will be placed as directed by CEI. Note: this was provided in the drawings submitted on 2/6/19.*
- *Planning Commissioners have concerns with the modern look of the buildings and rooftop decks that are only found at Crocker Park. (no response)*

The following residents were present and made comments: Ed Huck, 30879 Prestwick Crossing (advised he was a realtor and had real estate knowledge); Mary Morgan, 31453 Muirfield Way; Bryon and Diane Runwvitch, 31271 Muirfield Way; Tracy Newman, 31245 Muirfield Way; Kim Durbin, 31401 Muirfield Way; Philip Shaver, 31144 Muirfield Way; Henry Forbush, 31141 Muirfield Way; Jackie Gramlich, 4677 Prestwick Crossing; Mike Campo, 31193 Muirfield Way; Diane Runwvitch, 31271 Muirfield Way; Walt Nimylowycz, 31248 Muirfield Way; Brad Smith, 4476 Prestwick Crossing; Amy McFarland, 4479 Prestwick Crossing; Dan Bowman 31366 St. Andrews; Paula Linkovic, 31060 Center Ridge Rd.; Tim Hrobat, owner of 31130 Center Ridge Road; Eric Fortin, 31089 Muirfield Way; and Brian Urban, 31297 Muirfield Way.

Many comments and concerns were reiterated from previous meetings: this is the wrong location for their proposed demographics as those people would want to be near activity such as Crocker Park or someplace else; this area is not the right market for this type and price units and Mr. Huck provided statistics on real estate sales (in Westlake, Rocky River, Bay Village, Avon, Avon Lake) for townhomes at this price point in the last two years was 48 and those without a first floor master bedroom was 14 and all but 2 have views or some amenity; concerns that if only one building is built to start with and then they are unable to sell more units the property will remain vacant and unsightly or units of lesser quality will be constructed; it was reiterated this is not the location for this style of high end “trendy” townhome; the proposal should be redesigned so the units front facades face the street rather than face the mews and the private road should not be on the outside and adjacent to the single family homes; the private street is too close to the rear yards of houses on Muirfield Way; the location of the private road creates for existing homes on Muirfield to have a road in the front yard and a road in the rear yard, and for one house on Muirfield, three sides of the home is surrounded by roads; residents have heard the developer state they can the develop what they want because they comply with the code and basically the resident’s concerns don’t matter; the planning commission’s job is to ensure harmony and coordination with developments in the city and would they want this in their back yard; each development should be evaluated based upon its own merit; the commission members

should visit the site; concerns with a new street connecting to Hillsborough Point in two locations; how will vehicles be able to make a quick turn or stop mid-slope to enter this development; traffic concerns related to counts and the methodology used, safety as the existing road has a significant slope and is difficult to navigate in the winter, the need for signalization; the view across the street from the proposed new condos is a strip mall and a parking lot for Wagner's; the architecture does not match the character of the neighborhood; the existing values of homes of the existing citizens should be protected; per the city's website the commission is responsible for the planning and platting of the city for harmonious development and coordination of streets; the developer has not expressed any interest into assimilating into the existing neighborhood and has stated he does not care what the residents want; other developments have been successful as they fit into charter of the surrounding neighborhoods; why can't the developer work with the residents, similar to how Pulte Homes worked with the residents near their development; while technically the proposal may fit per code, it does not fit the character of the neighborhood; concerns with drainage, flooding and runoff; why does the wetland have a leg that drains towards the homes on Muirfield Way; flooding problems in the rear yards of houses on Muirfield Way; the rear yards on Muirfield Way and this property to be developed is always wet; the current residents should be considered and the neighborhood preserved; the horseshoe shape street that is behind the single family homes does not make sense; the price point of the units is too high and will not sell in this area; what guarantees are there that all the units will be built as proposed; the development is still too dense with too little screening; the developer implied that the buildings have been reduced but that was to comply with the code and not to work with the residents; the developer has only had one neighborhood meeting to discuss the proposal but has made no changes; it is too close to the single family properties; the units are still very tall; the units have windows and rooftop decks (on the building along Center Ridge) still facing the homes in Prestwick Crossing so the residents will have no privacy; noise from cars; additional lights and lights shining onto adjacent properties; the cost for a resident to purchase the property was unrealistic as it cost as much as their homes; safety concerns with the location of the street for the condos as children play in rear yards and a road in the rear of the single family homes is not desirable, as homes will have a street in the front and rear yard, which should not be permitted; when the property was rezoned they were led to believe the rezoning request was for 12 single family clusters and not what is being proposed; property values will decrease; concerns with the setback off the single family properties; how will the rooftop decks be used, will grilling be allowed, as there will be nothing to block noise or visibility from the rooftop decks; concerns with the C building being constructed first and being able to see the rooftop decks because the other buildings will not be constructed right away to block the view; where will air conditioning units be located; a video was shown showing water drainage and flow issues; concerns with the environmental impact; concerns that there is not a true traffic study or market analysis; previously the property was zoned for a commercial use, but there was no way a gas station ever would have been built on the site as suggested; how is this good for Westlake; this is a bad location for townhomes; the ward precinct was against the rezoning; will the sales price of the units remain at \$500,000 or reduce in price and quality if the first units built do not sell; almost all the trees will be clear cut; the removal of wetlands; reduction of green space; why can't the entrance be off Center Ridge rather than Hillsborough; when will the mound be installed and how much landscaping will be on the mound; a wall should be built as a buffer and how tall will the mound be; none of the residents present were in favor of this proposal; questions regarding the grading and heights; while the plan may meet

code requirements, the human element needs to be factored in to determine if this is needed verses code requirements; concerns that when the commission was discussing tabling the proposal, Mrs. Runwvitch was in the hall and overheard the developer discussing building rental units and suing the city, which she felt spoke to the character of the applicant; what will happen to the existing clock tower that the HOA for Prestwick has been maintaining for years; integrity issues; this proposal does not reflect the spirit and intent of the code; Westlake used to be a rural community and now it has become a metropolitan area; it is difficult now to make a left hand turn onto Center Ridge Road or to walk across the street; the slope and grade of the property is a concern and in the winter many vehicles have slid and hit the stop sign at the bottom of Hillsborough, which is also a concern due to the location of the bus stop and where children stand for the bus; there is a business to the west with a parking lot very close to the proposed street within the condo development and the owner has concerns with water runoff; once all the trees are removed the business and parking lots on Center Ridge Road will be visible; how tall are the roof deck screening walls; the reduction of units from 24 to 20 was not to accommodate the residents but so they could comply with setback requirements; they have not seem a berm that has been raised or a wall added; the project has been shoehorned onto the site; and the commission was urged to reject the proposal.

After Mr. Huck spoke the applicant's legal counsel, Mr. John Christie, responded to comments. He stated arguments made by Mr. Huck were outside of the planning commission's purview. Regarding comments related to the value of property, the land being developed is consistent with the zoning and the city plan that was commissioned by the city of Westlake. He stated that multifamily is what the city envisioned and a development is going to come. If the residents don't like this development, are they going to pick and choose who they want to build and what they have to look at? They are trying to work with the commission to get something that everybody can be happy with. Before this property was rezoned, under the previous zoning there could have been a gas station, office buildings, or some other commercial use in their back yards, which people behind would be very unhappy to see. Mr. Christie felt townhomes looked a lot nicer and he assumes that most people bought their property when the applicant's parcel was zoned commercial. The applicant did not request the rezoning or commission the study showing this as a development with the uses listed at wanted. The plans are fully compliant with the zoning code and the city plan for what the city wants to do. Concessions or modifications can be made. They have already reduced the number of units from 24 to 20 to work with the city and the overall feel of the city. He advised at some point someone is going to develop the property and if people were worried about how the property was going to be used, they could have purchased it and left it how they wanted. He stated the city commissioned a study, the city changed the zoning and decided to have a residential development as proposed. Mr. Bedell stated that the city did not commission a study to rezone the property. The property owner requested that the property be rezoned from General Business to Multifamily. Mr. Christie clarified that there is a city plan that contemplates what is being proposed. Mr. Bedell advised the update for the city's guide plan for the future land use plan does indicate this as multifamily residential, and that change happened after the property was rezoned. Mr. Christie questioned if the rezoning was approved by council, which Mr. Bedell did not dispute, as Mr. Christie wanted to make sure he did not misunderstand anything and that they were both in agreement with the current city plan and codes. Mr. Bedell stated he wanted to clarify that the city did not commission this plan. Mr. Christie wanted to confirm that Mr. Bedell agrees that the development plan complies with the

city plan and codes, which Mr. Bedell withheld answering as there were a few items that have not been addressed yet. There are things that staff and the commission has asked for. Mr. Bedell thinks more information such as specifications on the rooftop units, the location of the air conditioning on the rooftop units to ensure they are not overly loud; clarification of the ground air conditioning units; the lighting plan is currently under review by the city's lighting consultant as more information may be required; and a sign plan and permit is required for planning commission approval. He did advise that a multifamily project is compliant with the zoning code. At this time Vice Chairman Falcone asked that Mr. Christie hold his comments until after all the residents have had an opportunity to speak to the commission.

In response to owners of the townhomes being able to see into the single family homes discussion ensued that the rooftop decks on the two building closest to the single family homes had the roof line redesigned and will have screen walls so the homes below cannot be seen. There were concerns that the C building will be constructed first and the other buildings will not be constructed to block the view. Mr. Glowacki advised that the C building will be blocked by multiple buildings and may not be built first. Mr. Christie advised that the zoning code permits a 30' setback and the code has not be rezoned to change that and it seems the residents want to limit it here. It is his understanding that the roof wall is 8' tall and Mr. Glowacki thought it may be 10' tall. Mr. Christie stated regarding guarantees requested by the residents, there are no guarantees. He advised that the water and drainage problems are existing problems in their development and the development of this project and this project should help to improve drainage. The city also ensures that water is retained on their property.

Mr. Christie believed this was the fifth time his client has been before the commission and there already has been an informal meeting with the ward councilman to discuss the proposal. While Mr. Lamb is not taking part in discussion today, he knew that Mr. Lamb took part in discussion in the past from his chair seat, and Mr. Christie was curious what communications Mr. Lamb has had officially and unofficially to rally the support. Mr. Christie can appreciate and understand the residents' concerns over the loss of the woods but when residents buy a house, they are only purchasing the lot their house is located on. There are certain laws and zoning ordinances and neighboring property owners are allowed to follow those laws and this property will be developed at some time and can be developed for townhomes. For residents to say they don't want this and there is nothing like it, Mr. Christie felt that was probably said when Crocker Park was built but now they probably appreciate Crocker Park when it comes to raising taxes. He reiterated that the zoning code allows townhomes in this zoning district and revenue and development fund city projects. He felt the townhomes as designed will benefit everybody. He advised that there are cheaper alternatives, and possibly a way for a developer to come in, create a less thought out plan and less bold plan, and do something cheaper that won't be sold and marketed as rentals, which would be much different from what is now being proposed. This is a bold plan but it falls within the zoning code and what is permitted. The units are not designed to cheapen the value of the property in the adjoining neighborhood and it is a plan to benefit the neighborhood. He stated his client is willing to discuss tweaks that are needed and to work with the city. In order for this project to make sense based on the applicant's marketing study, this is the best option for city and this parcel. They want this project to be successful and a beautiful development.

Members of the commission discussed the history of the rezoning. It was explained the property owner (not the applicant, who has an option to purchase the property) requested the rezoning and it went on the ballot. When the rezoning proposal was made to rezone the property, the owner had a developer that was interested in building ten cluster homes on the parcel with a road down the middle of the parcel surrounded by homes, which is what the residents expected would happen. The rezoning did not pass in the ward precinct but, it did pass citywide and was rezoned. Throughout the city there are many examples of condos and townhouses along main roads adjacent to single family homes. The code is not written for every parcel in the city as not all sites are the same. This parcel is unique due to its shape and slope so that needs to be factored in when designing the property. Due to the slope, the structures seem taller than they would if the site were flat. The proposal is very dense resulting in a lot of pavement, all the trees being cleared, and the grades have to be manipulated from the top to the bottom to make the project work. It seems like a lot is trying to be put on the property due to the slope and is more than the site can handle. Residents have certain expectations, and the property was previously zoned General Business District and part of the reason to place the rezoning on the ballot was so a commercial use did not go on the property and it would be used for some kind of residential use adjacent to another residential use. There are other townhouse developments that are more in scale and proportion to the adjacent neighborhoods that fit and work well together. This seems to be a very urban solution for a suburban site. It was noted that residents never probably expected to have a street next to their back yard. The townhomes have been designed to be more vertical than horizontal and appear to be three or four stories in height (garage level, first floor level, the bedroom level and then a roof on top) and exaggerates the appearance of the height from the single family homes perspective, which is concerning.

It was questioned if there will be a berm and then a wall to separate and screen the development and the single family homes. Mr. Neff, applicant's civil engineer, presented a sketch showing a stone wall varying 2.5'-3' in height pending the grade with a mound that has a 3:1 slope, with a couple of extra feet going up the mound along the north property line.

Members of the commission struggled with the proposed development being consistent with the city and augments what the city has. The project only seems to be consistent to what is seen in Crocker Park, which is a unique part of the city, with tall contemporary vertical townhomes with rooftop decks. This is especially significant as this development will be next to single family homes. Early on the commission was told the developer wanted to work with the city but the plans continue to be the same and it is uncertain how the building materials and design are complimentary to the existing homes. There has been continual comments by the commission that the height of the buildings are also a concern. While the property was rezoned it was questionable if this was the best use of the property at this time.

Mrs. Appel expressed that the comments that are being received by the developer continue to be the same. Mr. Glowacki addressed the density of the units explaining they have been reduced from 24 units to 20 units to address setback issues. If the units are shrunken down it may not work or be desirable. He explained the A and B buildings may have an option for a first floor master bedroom and they are exploring other floor plan options. They have lost four units and the buildings are shorter than originally proposed. The buildings are not as wide either, which scales down the massing. There were still concerns with the height of the units, the architecture,

and the location of the road, which is permitted by code. This was the first time that the commission heard about the first floor master bedroom option, which is positive. Planning commission not only looks at code compliance but if the project works for the community and putting a road 30' off the rear yards of the single family homes, and creating a peninsula for one home is not what was intended with the zoning codes. No one is opposed to the property being developed but the proposal before the commission raises numerous concerns. Mr. Glowacki pointed out that there are other townhome developments that have close driveways off Center Ridge, such as Shadow Creek and Lenox Ridge so there is some precedent for this. They have Center Ridge on the front and a driveway that wraps around the back. Westlake used to be a rural community but has become denser and there is a need for this type of unit. The traffic study that was provided was not a good effort. Mr. DiCarlo questioned what the cost of the wall will be, what type of material will be used and for more specifics as what was shown during the meeting looked as if it were just drawn and they have had numerous weeks to provide a drawing with details and scale information. Mr. Neff knew the stones would vary in size but did not have specifics on the wall (a plan was not submitted for the record), as what was shown was just a sketch and specific details have not been determined. The commission commented that when new developments are constructed drainage is improved and they work with the city engineer.

Discussion ensued between the commission, Mr. Christie, and Mr. Glowacki. Mr. Christie asked if the commission will ever let two story townhouses be constructed on the property, even though it is zoned that way, because they are too high, because then all the other issues are irrelevant. It needs to be clear what can go on the parcel as there are costs associated with designing the proposal. Mr. Bedell advised that the units are 2 ½ stories in height. Mr. Christie stated that each parcel is going to be different and in order to not have flat roofs with livable space the height is within the range that is shown on this proposal. Discussion ensued that units are a mix of 2 and 2 ½ story units on the site with the units on Center Ridge Road being built into the hillside. The units will appear taller due to the grade, and roof so what is seen from the single family homes will appear to be three stories or more. Mr. Glowacki advised the taller units are along Center Ridge and do not face the single family homes and the other units between the C building and the single family homes face inward toward the site and will block the view of the taller units. Mr. Christie advised this eliminates the privacy issue. If the code permits a two story unit, they can't be built without putting a roof on top of the two stories. He questioned how can the buildings be thought to be too tall and how does the applicant ever satisfy the commission. It was noted the designs change over the years and what was built in the 1970s are no longer being built, and the same applies to homes built in the 1990s. Styles and designs change and what is being proposed is what people desire in a new home today. The building materials are similar to what was used in the adjacent neighborhood, but just designed in a different style which is transitional. It was questioned why cluster homes were not developed as shown to the commission with a road running down the middle of the site. Mr. Christie was uncertain as that was prior to his client's proposal and possibly the other developer decided it was not a financially reasonable to develop that way, but he could not say. It was suggested to design another unit that is only two stories and place them next to the single family lots to reduce the height and scale or to place the street in another location. It was questioned why mature trees cannot be retained and why clear cut the grade to find a way to retain more of the trees and the scale down the project to resemble more of what was presented when the rezoning was requested. The Planning Commission concurred that issues that still need to be addressed are: the buffer (retaining wall, mound height and

landscaping), the architecture, the vertical scale, building height, traffic, road configuration and location, clear cutting the trees, which buildings are constructed first, privacy, and rooftop decks. Mr. Neff explained the reason they were proposing to build unit C along Center Ridge is because they can build that at the same time as the infrastructure, and put a model unit in that building, but they are reevaluating that plan as they may build another unit first, which the commission would like to know. It was questioned if the plan can be designed with the road in the middle of the project off Center Ridge Road rather than Hillsborough Point. At the last meeting it was discussed that a condition of approval would be to install the wall and mound first, but the details are needed.

Motion: Mrs. Falcone moved, seconded by Mr. DiCarlo to table the Hillsborough Townhomes Development Plan to the March 4, 2019 meeting.

ROLL CALL ON APPROVAL:

Yeas: Appel, DiCarlo, Falcone, Van Dyke

Nays: None, motion carried

(Lamb abstained from discussion and left room at 10:28 pm, and did not return, so he did not vote)

NEW BUSINESS

Livingston Villas, Development Plan, minor rev., 3400 Crocker Rd., PP#216-10-030, rep. R. Nash, Ward 6

On 2/7/19 the applicant removed the project from consideration and is no longer being considered for development at this time.

MISCELLANEOUS

None

ADJOURNMENT

Meeting adjourned at 12:30 am. The next regular meeting is scheduled for Monday, March 4, 2019, in the Westlake City Hall Council Chambers.

Brad Lamb
Chairman Brad Lamb

Nicolette Sackman
Nicolette Sackman, MMC
Clerk of Commissions

Approved: March 4, 2019