

MINUTES
(Audio recording is available)
PLANNING COMMISSION
JUNE 2, 2016
LAKEWOOD CITY HALL

PRE-REVIEW MEETING
6:30 P.M.
LOWER CONFERENCE ROOM

Review docket items

REGULAR MEETING
7:00 P.M.
AUDITORIUM

The meeting was called to order at 7:00 p.m.

1. Roll Call

MEMBERS PRESENT

Kyle Baker
Hannah Belsito
Glenn Coyne
William Gaydos, Vice Chairman
Louis McMahon, Chairman

OTHERS PRESENT

Bryce Sylvester, Senior Planner, Board Secretary
Jennifer Swallow, Assistant Law Director

A motion was made by Mr. McMahon, seconded by Mr. Baker to **EXCUSE** the absences of Patrick Metzger and Mark Papke. All of the members voting yea, the motion passed.

2. Approve the Minutes of the April 7, 2016 meeting

A motion was made by Mr. Baker, seconded by Mr. McMahon to **APPROVE** the April 7, 2016 minutes. Mr. Baker, Mr. Gaydos and Mr. McMahon voting yea, and Ms. Belsito and Mr. Coyne abstaining, the motion passed.

3. Approve the Minutes of the May 5, 2016 meeting

A motion was made by Mr. Coyne, seconded by Mr. Baker to **APPROVE** the May 5, 2016 minutes. Mr. Baker, Ms. Belsito, Mr. Coyne, and Mr. Gaydos voting yea, and Mr. McMahon abstaining, the motion passed.

4. Opening Remarks

Mr. Sylvester read the Opening Remarks.

OLD BUSINESS

LOT SPLIT

5. **Docket No. 04-08-16**
11714 Nelson Court
Eden - Emerald Development + Economic Network, Inc.

Leopold E. Wetula, applicant requests the review and approval of a lot split (PPN 315-14-039), pursuant to section 1155.07(c) – procedures for lot splits. The property is located in an R2, single and Two Family district. This item was deferred from the April and May meetings. (Page 3)

Mr. Sylvester received an e-mail from the applicant who requested to withdraw the item and resubmit at a later date. No action was required from the Commission.

NEW BUSINESS

LOT SPLIT

6. **Docket No. 06-10-16**
1422 Hopkins Avenue
Rockport Square

William Sanderson, Rockport Square, LLC, applicant requests the review and approval for the lot split of PPN 315-10-001 into 17 sublots, pursuant to section 1155.07 – lot split. The property is located in a C3, Commercial and General Business district. (Page 19)

C. J. Onyak, P. E. was present to explain the request.

Mr. Sylvester said that city administration supported the proposal as presented.

There were no comments or questions from the Commission. Public comment was closed as no one addressed the issue.

A motion was made by Mr. Baker, seconded by Ms. Belsito to **APPROVE** the request. All of the members voting yea, the motion passed.

LOT SPLIT

7. **Docket No. 06-11-16**
12966 Clifton Boulevard
12966 Clifton, LLC

Anthony J. Mazzella, 12966 Clifton, LLC, applicant requests the review and approval for the lot split of PPN 312-27-040 to establish seven separate condominium units, pursuant to section 1155.07 – lot split ~~1155.06 – procedures for lot consolidations and resubdivisions~~. The property is located in an R2, Single and Two Family Residential district. (Page 40)

Anthony J. Mazzella, 12966 Clifton, LLC, applicant was present to explain the request.

Mr. Sylvester said that upon further review, the section was 1155.07 – lot split, not 1155.06 as written on the agenda. Mr. Greytak, CT Consultants expressed concern about a rear garage that encroached on the property line he approved it once it was disclosed the garage was an existing one and not a new build.

The Commission said the situation needed to be remedied. Kevin Hinkel, attorney for the applicant said the encroachment was a result of a party wall garage; encroachment occurred on both properties. The garage was built on the original foundation. Finalization of the project was dependent upon the Commission's approval.

A motion was made by Mr. Coyne, seconded by Mr. Baker to **APPROVE** the request **with the following stipulation:**

- **The City of Lakewood's staff receives sufficient clarification from its consulting group, CT Consultants, clearance on the existing lot encroachment to the satisfaction to both property owners.**

All of the members voting yea, the motion passed.

LOT SPLIT AND CONSOLIDATION

8. **Docket No. 06-12-16**
1415 Riverside Drive
Northlake 1405 Riverside I, LLC

Andrew Perry, McCarthy, Lebit, Crystal & Liffman Co., LPA, applicant requests the review and approval for a lot split of a portion of land from PPN 311-19-049 and a lot consolidation of said portion to PPN 311-19-001, pursuant to sections 1155.07 – lot split and 1155.06 – procedures for lot consolidations and resubdivisions. The property is located in an R2, Single and Two Family Residential district. (Page 72)

Andrew Perry, McCarthy, Lebit, Crystal & Liffman Co., LPA, applicant was present to explain the request.

There were no questions or comments from the Commission. Mr. Sylvester said that city administration supported the proposal. Public comment was closed as no one addressed the issue.

A motion was made by Mr. Gaydos, seconded by Mr. McMahon to **APPROVE** the request as submitted. All of the members voting yea, the motion passed.

ADJOURN

A motion was made by Mr. McMahon, seconded by Mr. Gaydos to **ADJOURN** the meeting at 7:20 p.m. All of the members voting yea, the motion passed.


Signature *Signed on behalf of the Chairman*

August 4, 2016
Date



Oath

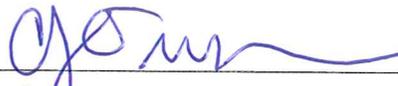
(You need not give an oath if you object. If you object to giving an oath, please notify the hearing officer or secretary before signing below.)

I, the undersigned, hereby solemnly swear that the testimony I give at this proceeding will be the truth, the whole truth and nothing but the truth:

PRINT NAME:

SIGN NAME:

- 1. CHARLES ONYAK, PE
- 2. Anthony Mazzella
- 3. Andrew Percy Attorney
- 4. _____
- 5. _____
- 6. _____
- 7. _____
- 8. _____
- 9. _____
- 10. _____
- 11. _____

- 
- Anthony Mazzella
- AP
- _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____

Prepared by: The City of Lakewood Law Department, 12650 Detroit Ave., Lakewood, Ohio 44107

FOR CITY USE ONLY

Lakewood Administrative Procedure: ABR/BBS Citizens Advisory Civil Svc. Dangerous Dog Income Tax Appeals Loan Approval Nuisance Abatement Appeals Parking Planning Zoning Appeals Other:

Date of Proceeding: Thursday, June 2, 2016

Sylvester, Bryce

From: Russell, Jason
Sent: Wednesday, June 01, 2016 4:37 PM
To: Sylvester, Bryce
Subject: FW: Leo Wetula

FYI

Jason M. Russell, AICP
City Planner
Department of Planning & Development
City of Lakewood
12650 Detroit Avenue
Lakewood, OH 44107
216-529-5933 (Office)

From: Nitschke, Kathleen A. [mailto:knitschke@thinkgk.com]
Sent: Wednesday, June 01, 2016 2:46 PM
To: Russell, Jason; 'jason.russell@lakewoodoh.net'
Subject: RE: Leo Wetula

Jason,

Thanks for your continued patience with us. We will voluntarily withdraw the application at this time. We do anticipate that we will be refileing again in the future and will reach out to you when the time comes.

Thanks again,

Kathleen

Kathleen Nitschke
Giffen & Kaminski LLC
1300 East Ninth Street
Suite 1600
Cleveland, Ohio 44114
Phone: (216) 621-5161
Facsimile: (216) 621-2399
knitschke@thinkgk.com

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From: Russell, Jason [<mailto:Jason.Russell@lakewoodoh.net>]
Sent: Tuesday, May 31, 2016 1:45 PM
To: Nitschke, Kathleen A.; 'jason.russell@lakewoodoh.net'
Subject: RE: Leo Wetula

Kathleen,

You are withdrawing the application on your own, so you are free to reapply at a later date.

Jason

Jason M. Russell, AICP
City Planner
Department of Planning & Development
City of Lakewood
12650 Detroit Avenue
Lakewood, OH 44107
216-529-5933 (Office)

From: Nitschke, Kathleen A. [<mailto:knitschke@thinkgk.com>]
Sent: Tuesday, May 31, 2016 10:35 AM
To: Russell, Jason; 'jason.russell@lakewoodoh.net'
Cc: Sylvester, Bryce
Subject: RE: Leo Wetula

Jason,

Thanks for the email. Before I withdraw, I just want to make sure that my client can reapply with the Planning Commission for approval of the lot split at a later date. Is that the case? I do not want to foreclose my client from being able to seek Planning Commission approval of the lot split in the future, either with or without the variance.

Thanks again,

Kathleen

Kathleen Nitschke
Giffen & Kaminski LLC
1300 East Ninth Street
Suite 1600
Cleveland, Ohio 44114
Phone: (216) 621-5161
Facsimile: (216) 621-2399
knitschke@thinkgk.com

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From: Russell, Jason [<mailto:Jason.Russell@lakewoodoh.net>]
Sent: Wednesday, May 18, 2016 8:13 AM
To: Nitschke, Kathleen A.; 'jason.russell@lakewoodoh.net'
Cc: Sylvester, Bryce
Subject: RE: Leo Wetula

Kathleen,

The best course of action would be to withdraw your current application and reapply in the future when you have settled everything on your end.

To withdraw your application, just send me a separate email stated your request for our records.

Thanks,

Jason

Jason M. Russell, AICP
City Planner
Department of Planning & Development
City of Lakewood
12650 Detroit Avenue
Lakewood, OH 44107
216-529-5933 (Office)

From: Nitschke, Kathleen A. [<mailto:knitschke@thinkgk.com>]
Sent: Wednesday, May 11, 2016 8:53 PM
To: 'jason.russell@lakewoodoh.net'
Subject: Leo Wetula

Jason,

I wanted to write to you to provide an update. We are still in a holding pattern on the Planning Commission Application. It is my understanding from my colleague Tina Rhodes that the application has been further deferred as a result of our current situation. At this point, I am unsure when I will have direction as to whether the proceed with the Planning Commission Application or a Board of Zoning Appeals Application.

Should we withdraw the Planning Commission Application for now? We might be able to proceed on the Planning Commission Application in the future. Can we reapply at a later date?

I appreciate your patience with us.

Thanks,

Kathleen

Kathleen Nitschke
Giffen & Kaminski LLC
1300 East Ninth Street
Suite 1600
Cleveland, Ohio 44114
Phone: (216) 621-5161
Facsimile: (216) 621-2399
knitschke@thinkgk.com

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**LEGAL DESCRIPTION and PLAT
REVIEW COMMENTS**

To: Bob Greytak, P.E.

Regarding: Subdivision Plat for PPN 315-10-001 (Rockport Square)

From: Tim Hadden, P.S. *THH*

Date: 5/19/16

We have found nothing that would preclude approval and the documents can be accepted as submitted.

We require changes be made on the submittal documents for the items listed below.

The submitted documents have been revised addressing previous review comments.

Sylvester, Bryce

From: Bob Greytak <BGreytak@ctconsultants.com>
Sent: Thursday, June 02, 2016 2:22 PM
To: Sylvester, Bryce
Subject: Re: 12966 Clifton Boulevard project

Follow Up Flag: Follow up
Flag Status: Flagged

Bryce,

I have a couple comments:

- 1.) There is an encroachment from the proposed garage onto the adjacent property and a reciprocal encroachment from the garage on the adjacent property. How is this to be resolved? I can't recommend approval for an encroachment for the subject project.
- 2.) The drawings don't show a section through the building at the stairway. I presume that the dimension of 0.2' is to a landing above grade. I am concerned that typical construction tolerances may result in encroachment of the stairway.

I did not have an opportunity to check the math on the lot, but it is a simple lot so I expect any grievous errors would be caught by the County.

I hope this helps in advance of tonight's planning commission meeting.

Regards,

Robert H. Greytak, P.E.
CT Consultants, Inc.

On Jun 2, 2016, at 2:00 PM, Sylvester, Bryce <Bryce.Sylvester@lakewoodoh.net> wrote:

See plat attached, along with layouts of interior units

Bryce Sylvester, AICP
Senior City Planner
Department of Planning & Development
City of Lakewood
12650 Detroit Avenue
Lakewood, OH 44107
216-529-6635 (Office)



From: Kevin Hinkel [<mailto:khinkel@khwlaw.com>]
Sent: Friday, May 13, 2016 4:28 PM
To: Sylvester, Bryce
Subject: 12966 Clifton Boulevard project

Dear Bryce,

Thanks for your phone call today. I appreciate your assistance. I have attached the survey as well as drawings of six of the seven units. I will forward the basement unit next week. Have a nice weekend.

Kevin M. Hinkel, Esq.



Kadish, Hinkel & Weibel

A Legal Professional Association

1360 East Ninth Street, Suite 400

Cleveland, OH 44114

Phone: (216)696-3030 Ext. 116

Fax: (216)696-3492 / Cell: (216)952-3628

E-mail - khinkel@khwlaw.com / Website - www.khwlaw.com

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- <Square foot drawings - SUITE302 (00271371xBACBB).pdf>
- <Square foot drawings - SUITE301 (00271370xBACBB).pdf>
- <Square foot drawings - SUITE202 (00271369xBACBB).pdf>
- <Square foot drawings - SUITE201 (00271368xBACBB).pdf>
- <Square foot drawings - SUITE102 (00271367xBACBB).pdf>
- <Square foot drawings - SUITE101 (00271366xBACBB).pdf>
- <Eagle View Condominiums Plat (02-22-2016) (00273977xBACBB).pdf>

**LEGAL DESCRIPTION and PLAT
REVIEW COMMENTS**

To: Bob Greytak, P.E.

Regarding: Lot Split & Consolidation for 1415 Riverside Drive

From: Tim Hadden, P.S.

Date: 5/24/16



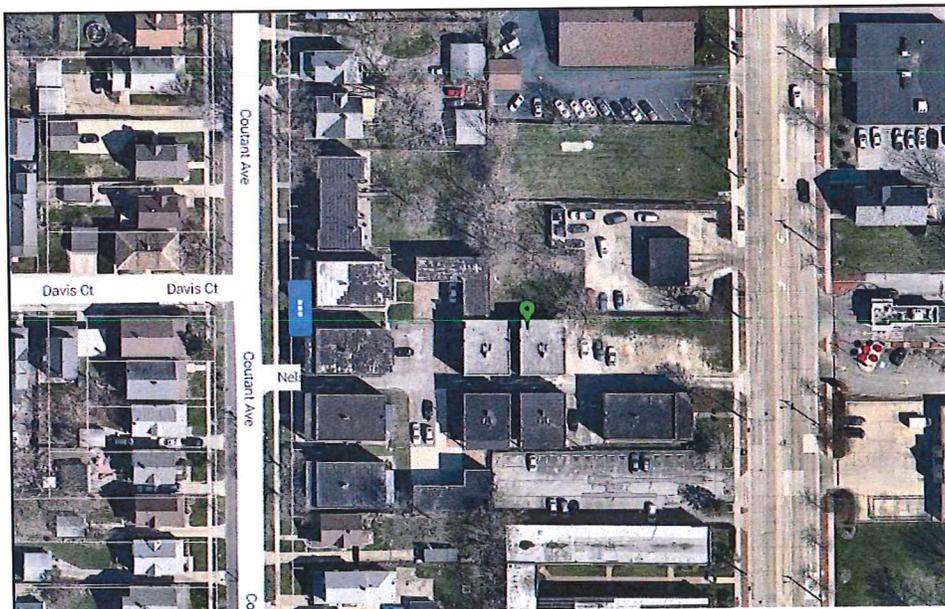
We have found nothing that would preclude approval and the documents can be accepted as submitted.

We require changes be made on the submittal documents for the items listed below.

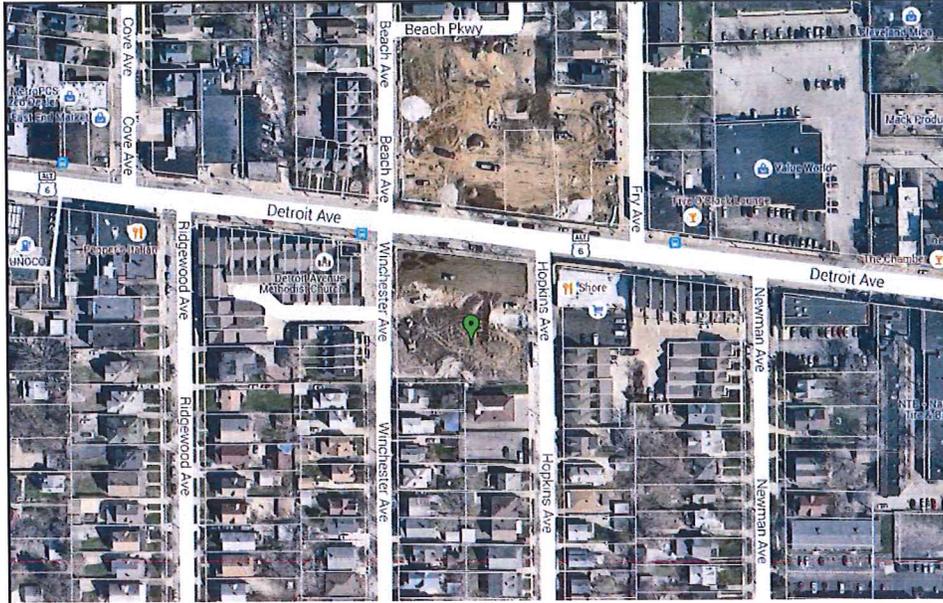
The submitted documents have been revised addressing previous review comments.



Planning Commission
May 5th, 2016



11714 Nelson Court
Lot Split



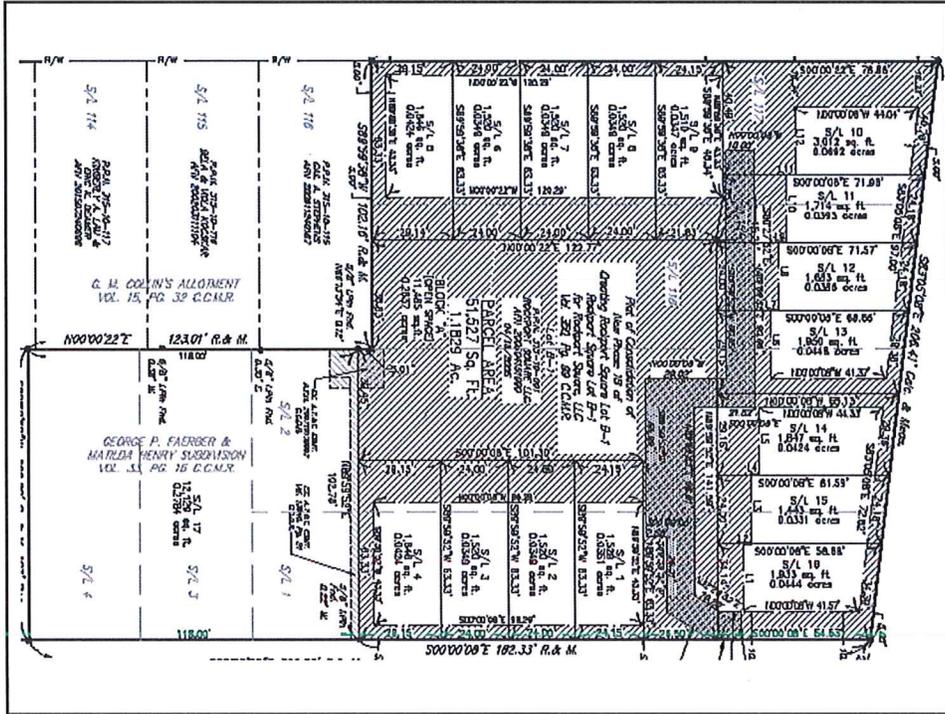
1422 Hopkins Avenue
Lot Split

Chapter 1155.07: Lot Split

(c) Approval. The Commission shall review all required maps and the report of the Engineer for compliance with the applicable sections of this Chapter and the *Code*. The Chairman and Secretary of the Commission shall make an approval notation on the preliminary plan and the plat.

1422 Hopkins Avenue
Lot Split





Chapter 1155.07: Lot Split

(c) Approval. The Commission shall review all required maps and the report of the Engineer for compliance with the applicable sections of this Chapter and the *Code*. The Chairman and Secretary of the Commission shall make an approval notation on the preliminary plan and the plat.

1422 Hopkins Avenue
Lot Split

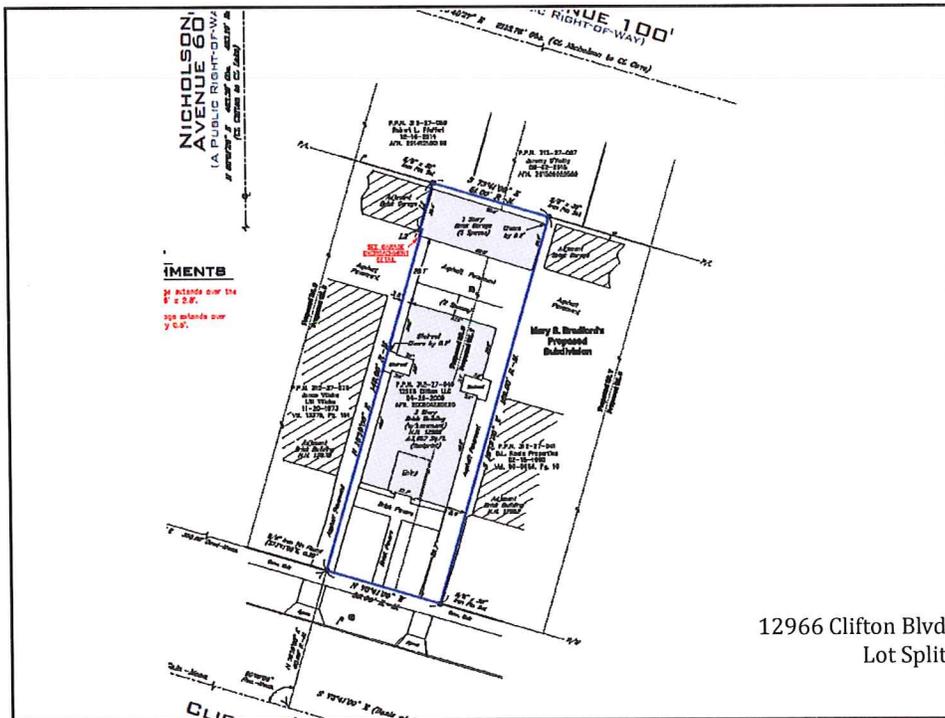
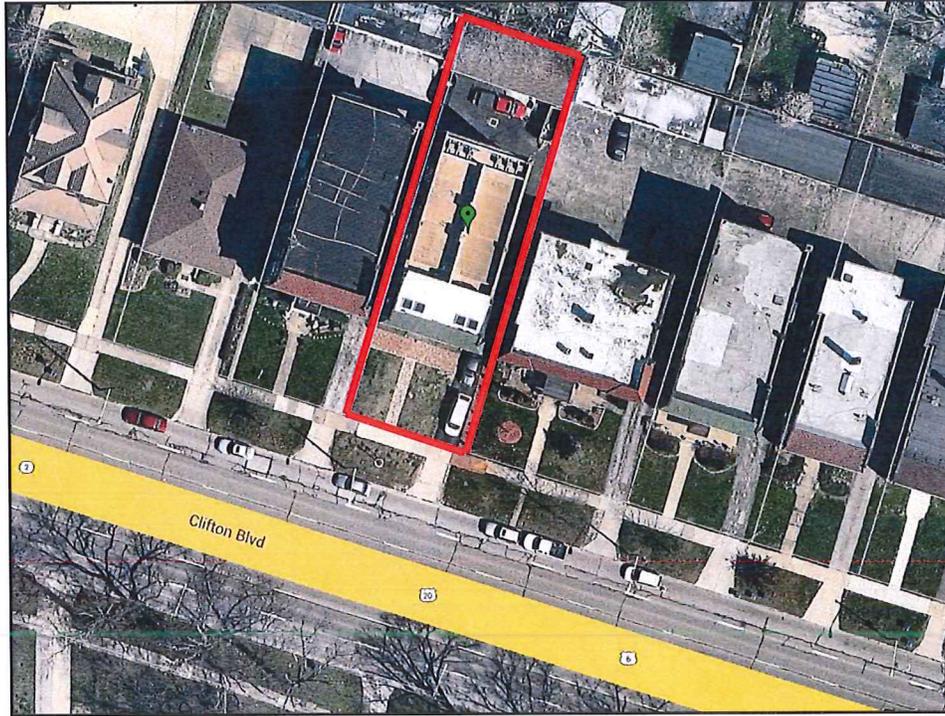


Chapter 1155.07: Lot Split

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12966 Clifton Blvd
Lot Split





CONDOMINIUM UNIT INFORMATION

Unit	Unit Area	F.F. Elevation
101	1317 Sq.Ft.	654.59
102	1312 Sq.Ft.	654.59
201	1351 Sq.Ft.	664.66
201	1351 Sq.Ft.	664.66
301	1739 Sq.Ft.	674.74
301 Mezzanine	948 Sq.Ft.	683.38
302	1753 Sq.Ft.	674.74
302 Mezzanine	952 Sq.Ft.	683.38

Note: Unit square footage is based on plans provided by the Architect LS (22082 Lorain Road, Fairview Park, Ohio) dated September 28, 2015.

CONDOMINIUM PARCEL AREA

0.1944 Acres
8,470 Sq.Ft.

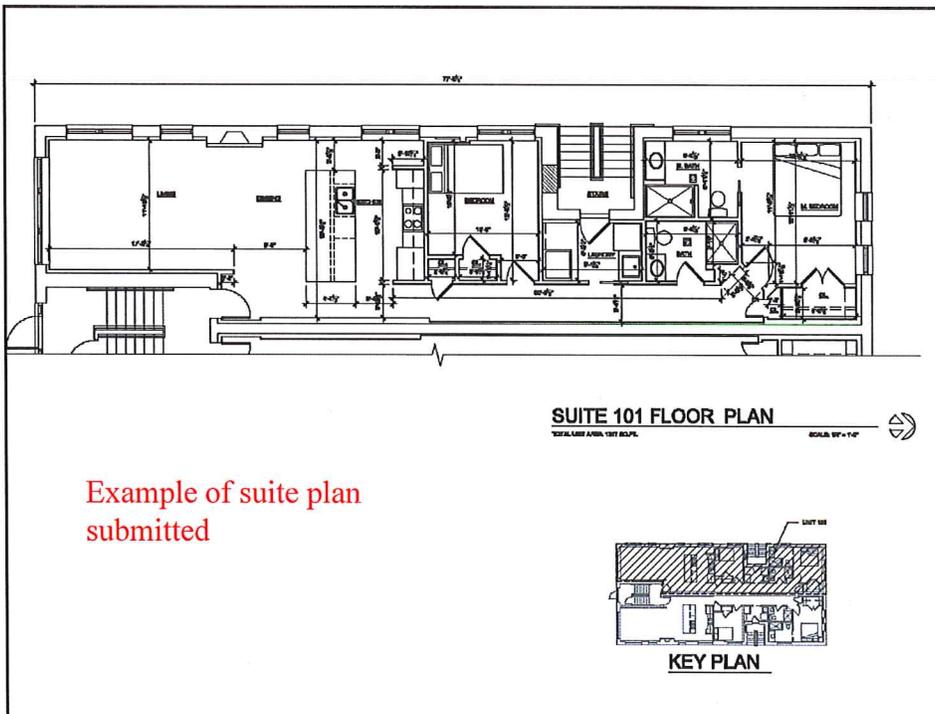
COMMON ELEMENT NOTES

Common Element - All walks, drives and stairwells are to be defined as Common Elements to benefit the residents of Eagle View Condominiums.

Limited Common Element - All parking areas located in the the rear of the building (2 Spaces) and within the brick garage (5 Spaces) are to be Limited Common Elements to benefit the residents of Eagle View Condominiums.

LINE TABLE

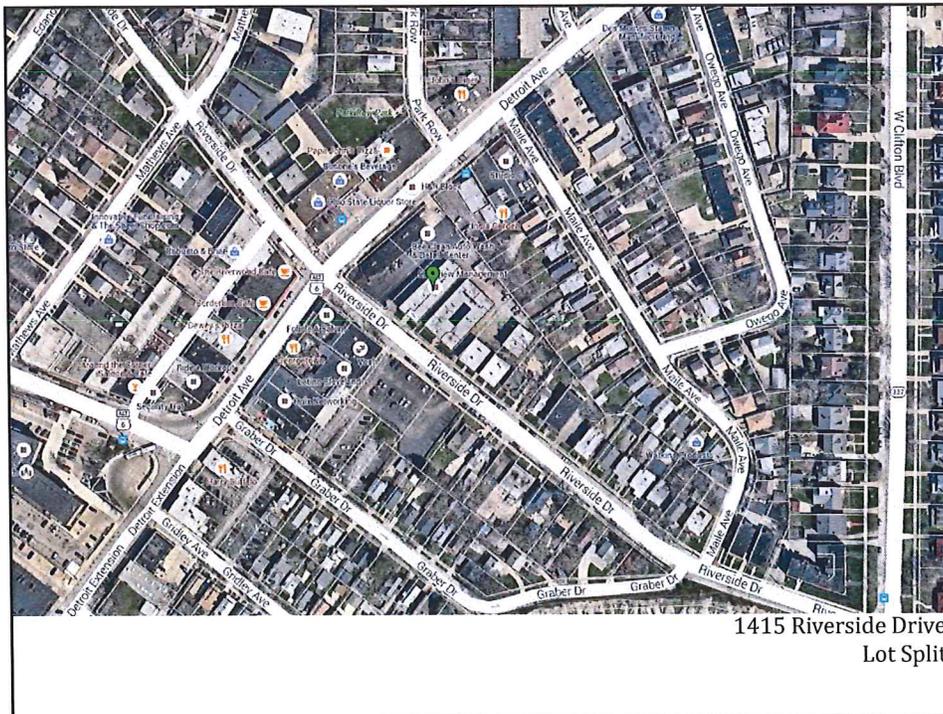
Line	Length	Bearing
L1	20.00'	N16°19'00"E
L2	1.00'	N73°41'00"W



Chapter 1155.07: Lot Split

(c) Approval. The Commission shall review all required maps and the report of the Engineer for compliance with the applicable sections of this Chapter and the Code. The Chairman and Secretary of the Commission shall make an approval notation on the preliminary plan and the plat.

12966 Clifton Blvd
Lot Split



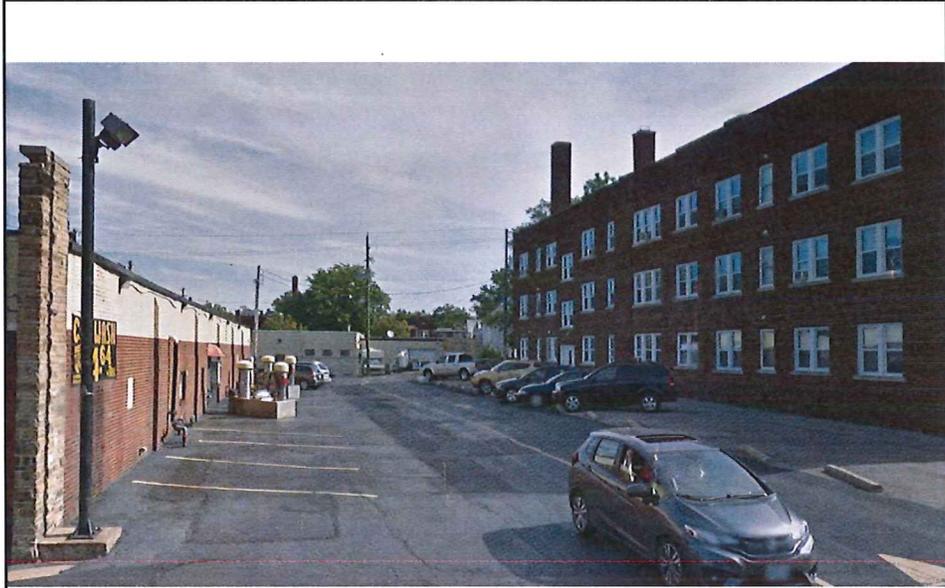
Chapter 1155.07: Lot Split

(c) Approval. The Commission shall review all required maps and the report of the Engineer for compliance with the applicable sections of this Chapter and the *Code*. The Chairman and Secretary of the Commission shall make an approval notation on the preliminary plan and the plat.

1415 Riverside Drive
Lot Split

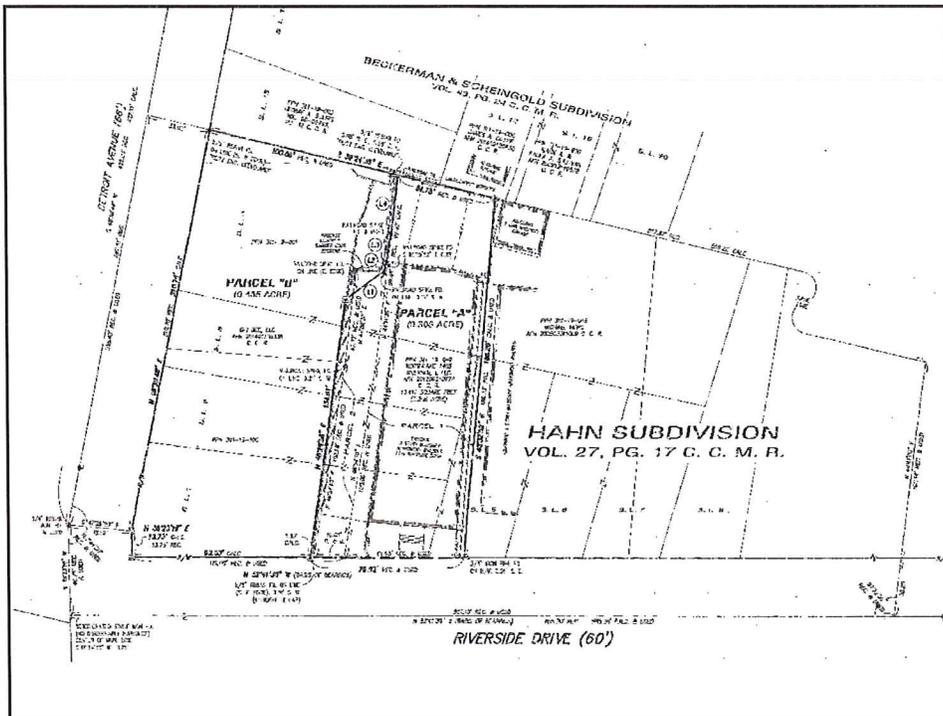
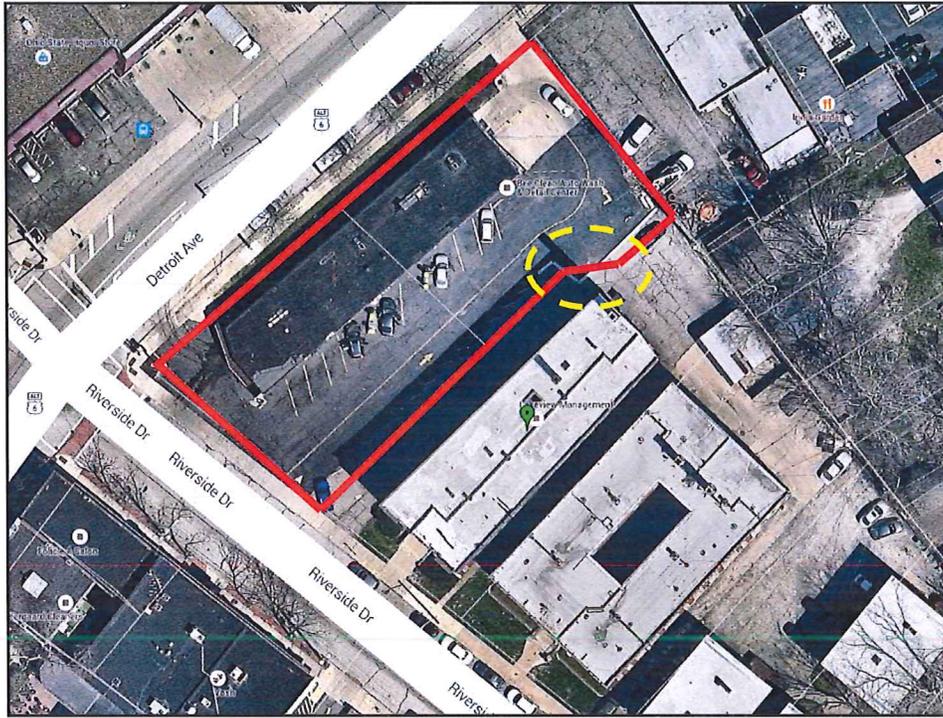


1415 Riverside Drive
Lot Split



1415 Riverside Drive
Lot Split





Chapter 1155.07: Lot Split

(c) Approval. The Commission shall review all required maps and the report of the Engineer for compliance with the applicable sections of this Chapter and the *Code*. The Chairman and Secretary of the Commission shall make an approval notation on the preliminary plan and the plat.

1415 Riverside Drive
Lot Split



Planning Commission
May 5th, 2016