

MINUTES OF THE COMMITTEE OF THE WHOLE
July 15, 2019
Auditorium

Present: Councilmembers Anderson, Bullock, George, Litten, O’Leary, O’Malley, Rader

Also Present: Planning Director Sylvester, City Planner Katelyn Milius, Mayor Summers, Law Director Butler, Jim Wymer and David Swindell of WXZ Development and Paul Glowacki of Dimit Architects, Clerk Bach taking minutes, Deputy Clerk Lascu, 1 member of the public

Call to Order: 6:13 p.m.

ORDINANCE 09-19 - AN ORDINANCE to amend Section 1105.02 of the Zoning Code of the Codified Ordinances of the City of Lakewood by changing and revising the Zoning Map of the City with respect to certain property as set forth and described as 13900 Lake Avenue (PPN 312-05-011) from R1M (Single-Family Residential, Medium Density) to PD (Planned Development).

President O’Leary introduced Ordinance 09-19, which authorizes the re-zoning of the Marathon Gas Station property in order to make way for a planned development under the Zoning Code. Changes to the site plan have recently gone through the boards and commissions processes.

Director Sylvester requested that Committee of the Whole recommend adoption of Ordinance 09-19 tonight.

Ms. Milius provided Council with an update on the changes to the project since this was last discussed at Committee of the Whole June 24th. The changes to the project were unanimously approved by Planning Commission July 2nd and Architecture Review Board on July 11th. The project consists of building four cluster homes with first-floor masters at the site of the former Marathon Gas Station.

Ms. Milius discussed the main changes between the first version of the project and the current version. In the current, updated version:

- setbacks have increased in the front, rear, and side yards
- there is a larger landscaped area in the center
- the scope of the project has downsized from 5 to 4 units

The boards and commissions found the following benefits of approving the proposed planned development:

- Noise and traffic reduced from the previous gas station
- Provides desirable and sought after first-floor living
- Improved pedestrian safety

The Planning Commission approved the project with the following conditions:

- The applicant adds or maintains landscape screening to the west property boundary extending from the wall.

- The applicant obtains a green certification for the project.
- Reiterate this is a unique site and will not set precedent in other neighborhoods.

Paul Glowacki of Dimit Architects delivered a visual presentation of both the original and the new site plans. He showed evidence about how the modified plan is compatible with and complimentary of the neighborhood. He showed detailed pictures of the proposed landscaping and lighting and discussed them. He showed the floor plans for each unit. Each unit has increased in size by 300 square feet under the new site plan. He remarked that the architectural style is influenced by that of Lake Ave. and Lakewood as a whole. He described details of the architectural styles.

Councilmember Litten asked for more assurance that this type of planned development will not set a precedent in the City.

Ms. Milius responded that the zoning at this property is unique because it is a commercial gas station located in a residential neighborhood (R1M). The gas station is an existing nonconformity and this planned development makes it come more closely into conformity.

Director Sylvester added that if there were another area of the City where there were heavy commercial use in a residential district and there was an opportunity to consider a planned development that would bring the area more into conformity, that Planning would certainly consider it.

The Committee discussed the rear setbacks and how they have changed from the previous plan to the current plan as well as the wall immediately south of the property line.

In response to a question about landscaping, Mr. Wymer explained that a homeowners' association will be set up for the resident homeowners. Residents will pay a HOA fee which will go toward maintaining the landscaping. McKinley Place, Clifton Pointe and Rockport all have similar arrangements. Other examples were discussed.

It was stated that the City will likely collect refuse at these properties.

Councilmember Rader relayed concerns by residents that this cluster home planned development could set a precedent on larger lots – that a developer may choose to purchase a large home, demolish it and propose such a plan.

Director Sylvester replied that context would be important in the situation but that this generally doesn't sound like a plan that could gain support by Council or the boards and commissions. Planned developments must show that they align with the community vision.

Councilmember Bullock stated his plans to support the ordinance. He thanked WXZ and the boards and commissions for their due diligence and responsiveness to neighborhood concerns. He reflected on the private sector's role in development generally.

In response to a question by Councilmember Bullock, Mr. Wymer explained that the asking price for the properties will be around \$700,000. The additional square footage has been factored into these numbers. He expected that this would have a positive impact on the property values of the neighbors.

In response to a question by President O'Leary, Director Sylvester discussed the landscaping plans for larger shade trees.

Vice President Anderson asked for assurance that the City is consistent with its application of and acceptance of planned development proposals.

Law Director Butler responded that while each site presents unique problems and challenges that the City's Council and boards and commissions do not act arbitrarily and that its decisions are always based in the Code and the Community Vision. As long as that remains the case, the City is not at any risk.

WXZ discussed its timeline. It is planning to start construction in early spring 2020 and to be complete end of 2020.

Motion by President O'Leary, seconded by Mr. Anderson to recommend adoption of Ord. 09-19

All in favor. Motion passed.

Committee of the Whole adjourned at 6:56 p.m.