



**PLANNING DEPARTMENT**

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**REPORT TO COUNCIL**

TO: Denise Rosenbaum CMC, Clerk of Council

FROM: Nicolette Sackman, Clerk of Commissions

DATE: 3/2/2021

RE: Planning Commission Meeting of 3/1/2021 Report to Council

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Present: Lauren Falcone, Duane Van Dyke, Nick Nunnari, Matt Jones, Brad Lamb

Also Present: Planning Director Jim Bedell, Assistant Law Director Regis McGann, Clerk of Commissions  
Nicolette Sackman

Westlake Planning Commission, at its meeting held on 3/1/2021 at 7:00 pm and took the following actions:

**OLD BUSINESS**

**Ordinance 2020-146 zoning code amendment to relocate 1216.03 footnote (i)(7) to new Section 753.04 - operating hours of drive-in/drive-thru facilities, ref. 12/17/20, tabled 1/4/21**

Motion: Mr. Van Dyke moved, seconded by Mr. Nunnari to table Ordinance 2020-146 to April 5<sup>th</sup>.

ROLL CALL ON APPROVAL:

Yeas: Van Dyke, Nunnari, Falcone, Jones, Lamb

Nays: None, motion carried

**Chapparral Development Plan (add 1 cluster unit), Columbia Rd., PP#21526040, rep. A. Valore, Ward 2, tabled 1/4/21**

Findings of Fact

1. The only modification is related to the perimeter setback for cluster development:
  - a. A 30' perimeter setback is required due to the R-1F-80 Cluster Zoning. The proposed home has a 14.16' (-15.84') setback on the north side and a 20.18' (-9.82') setback on the south side of the home.
  - b. A distance of 30' is required between dwellings and 30.1' is provided between the proposed cluster unit and home to the north. If measured from the edge of the wall of the proposed home (instead of from the edge of the porch) 30.4' is provided between it and the home to the south, but it is recommended that a condition be included that the porch remain unenclosed. This is consistent with regulations for single family homes (1211.22) that allow unenclosed porches to encroach 3' feet into the side yard setback, with the key being the porch is not enclosed.
2. If the proposed unit was on its own single-family zoned lot, Section 1211.12 regarding setbacks for lots less than 75' in width would apply and the aforementioned setback modifications for the home would not be required. In fact, side yard setbacks would be exceeded. They are a minimum of 10' for one side and an aggregate of 25'. As shown, they are 14.16' minimum and 31.34' aggregate.
3. Approval of the development plan includes the yield plan that was revised in support of the proposed 26<sup>th</sup> unit.

Motion: Based upon the findings of fact Mrs. Falcone moved, seconded by Mr. Van Dyke to recommend approval of

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the Chapparral Development Plan with the following:

1. Modification for a 14.16' north perimeter setback and a 17.18' south perimeter setback.
2. Modification for the measurement between unit 26 and the dwelling to the south to be taken from the wall of unit 26 (30.4') with the condition that the side porch remain unenclosed.
3. Condition that a landscaping plan and design of all sides of the cluster home and garage are submitted for approval at a future meeting.
4. Approval is subject to 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: Van Dyke, Falcone, Jones, Lamb

Nays: Nunnari, motion carried

### **NEW BUSINESS**

#### **Guiding Star Development Company, Lot Split & Assembly, 4438 Bradley, PP#21706067 & 064, rep. B. York, Ward 6**

Findings of Fact

1. The purpose of this request is to split and assemble property for a future subdivision that will complete the cul-de-sac at Birkdale Turn by splitting off property with Bradley Road frontage.
2. Two lots will result with "Parcel A" with the existing home and garage and "Parcel C" for the future subdivision.
3. "Parcel C" is of an irregular shape, requiring a modification. This is acceptable because it will be eliminated by the future subdivision.

Motion: Based upon the findings of fact Mrs. Falcone moved, seconded by Mr. Van Dyke to approve the Guiding Star Development Company Lot Split and Assembly involving permanent parcel numbers 217-06-067 & 064 with the following:

1. Modification for "Parcel C" to be of an irregular shape.
2. Approval is subject to comments in Part III of the 2/24/21 staff report.

ROLL CALL ON APPROVAL:

Yeas: Van Dyke, Nunnari, Falcone, Jones, Lamb

Nays: None, motion carried

#### **Carlton Ave Roadway Dedication #2, Carlton Ave., PP# 217-08-006 to 020, 029 to 045, K. Hoffman, Ward 6**

Motion: Mrs. Falcone moved, seconded by Mr. Van Dyke to recommend approval of the Carlton Ave Roadway Dedication #2 plat with the following:

1. Subject to review and approval of final construction plans and specifications by the Engineering Department.
2. Approval is subject to comments in Part III of the 2/24/21 staff report and subject to the plat meeting the requirements of the County and State as indicated in the Ohio Revised Code and approval by the Engineering Department in compliance with the code and the ordinances of the City of Westlake

ROLL CALL ON APPROVAL:

Yeas: Van Dyke, Nunnari, Falcone, Jones, Lamb

Nays: None, motion carried

#### **Lagrange Lot Split & Assembly Plat #3, lots E, F & G, PP#21708040 to 045, K. Hoffman, Ward 6**

Findings of Fact

1. The purpose of this request is to create three lots for three single-family homes in an existing undeveloped subdivision.
2. The existing legal nonconformity for depth to width ratio is substantially reduced with no new legal non-conformities created.

Motion: Based upon the findings of fact Mrs. Falcone moved, seconded by Mr. Van Dyke to approve the Lagrange Assembly Plat #3 involving permanent parcel numbers PP#21708040 to 045 with the following:

1. Modification for depth to width ratio to be in excess of 3.5:1.
2. Condition that typo for east lot line of Parcel 'G' is corrected to read 249.75'.
3. Condition that approval is subject to the plat meeting the requirements of the County and State as indicated in the Ohio Revised Code and approval by the Engineering Department in compliance with the code and the ordinances of the City of Westlake.

ROLL CALL ON APPROVAL:

Yeas: Nunnari, Falcone, Jones, Lamb

Nays: Van Dyke, motion carried

**Lagrange Lot Split & Assembly Plat #4, lots H, I & J, PP#21708006 to 010, K. Hoffman, Ward 6**

Findings of Fact

1. The purpose of this request is to create three lots for three single-family homes in an existing undeveloped subdivision.
2. The existing legal nonconformity for depth to with ratio is substantially reduced with no new legal non-conformities created.

Motion: Based upon the findings of fact Mrs. Falcone moved, seconded by Mr. Van Dyke to approve the Lagrange Assembly Plat #4 involving permanent parcel numbers 217-08-006 to 010, with the following:

1. Modification for depth to width ratio to be in excess of 3.5:1.
2. Condition that approval is subject to the plat meeting the requirements of the County and State as indicated in the Ohio Revised Code and approval by the Engineering Department in compliance with the code and the ordinances of the City of Westlake.

ROLL CALL ON APPROVAL:

Yeas: Nunnari, Falcone, Jones, Lamb

Nays: Van Dyke, motion carried

**Lagrange Lot Split & Assembly Plat #5, lots K, L & M, PP#21708035 to 040, K. Hoffman, Ward 6**

Findings of Fact

1. The purpose of this request is to create three lots for three single-family homes in an existing undeveloped subdivision.
2. The existing legal nonconformity for depth to with ratio is substantially reduced with no new legal non-conformities created.

Motion: Based upon the findings of fact Mrs. Falcone moved, seconded by Mr. Van Dyke approve the Lagrange Assembly Plat #5 lot assembly involving permanent parcel numbers 217-08-035 to 040 with the following:

1. Modification for depth to width ratio to be in excess of 3.5:1.
2. Condition that typo for east lot line of Parcel 'L' is corrected to read 249.75'.
3. Condition that approval is subject to the plat meeting the requirements of the County and State as indicated in the Ohio Revised Code and approval by the Engineering Department in compliance with the code and the ordinances of the City of Westlake.

ROLL CALL ON APPROVAL:

Yeas: Nunnari, Falcone, Jones, Lamb

Nays: Van Dyke, motion carried

**Lagrange Lot Split & Assembly Plat #6, lots N, O & P, PP#21708010 to 015, K. Hoffman, Ward 6**

Findings of Fact

1. The purpose of this request is to create three lots for three single-family homes in an existing undeveloped subdivision.
2. The existing legal nonconformity for depth to with ratio is substantially reduced with no new legal non-conformities created.

Motion: Based upon the findings of fact Mrs. Falcone moved, seconded by Mr. Van Dyke to approve the Lagrange Assembly Plat #6 involving permanent parcel numbers 217-08-010 to 015 with the following:

1. Modification for depth to width ratio to be in excess of 3.5:1.
2. Condition that approval is subject to the plat meeting the requirements of the County and State as indicated in the Ohio Revised Code and approval by the Engineering Department in compliance with the code and the ordinances of the City of Westlake.

ROLL CALL ON APPROVAL:

Yeas: Nunnari, Falcone, Jones, Lamb

Nays: Van Dyke, motion carried

**Lagrange Lot Split & Assembly Plat #7, lots Q & R, PP#21708032 to 035, K. Hoffman, Ward 6**

Findings of Fact

1. The purpose of this request is to create two lots for two single-family homes in an existing undeveloped subdivision.
2. The existing legal nonconformity for depth to with ratio is substantially reduced with no new legal non-conformities created.

Motion: Based upon the findings of fact Mrs. Falcone moved, seconded by Mr. Van Dyke to approve the Lagrange Assembly Plat #7 involving permanent parcel numbers 217-08-032 to 035 with the following:

1. Modification for depth to width ratio to be in excess of 3.5:1.
2. Condition that approval is subject to the plat meeting the requirements of the County and State as indicated in the Ohio Revised Code and approval by the Engineering Department in compliance with the code and the ordinances of the City of Westlake.

ROLL CALL ON APPROVAL:

Yeas: Nunnari, Falcone, Jones, Lamb

Nays: Van Dyke, motion carried

**Lagrange Lot Split & Assembly Plat #8, lots S & T, PP#21708029 to 032, K. Hoffman, Ward 6**

Findings of Fact

1. The purpose of this request is to create two lots for two single-family homes in an existing undeveloped subdivision.
2. The existing legal nonconformity for depth to with ratio is substantially reduced with no new legal non-conformities created.

Motion: Based upon the findings of fact Mrs. Falcone moved, seconded by Mr. Van Dyke to approve the Lagrange Assembly Plat #8 involving permanent parcel numbers 217-08-029 to 032 with the following:

1. Modification for depth to width ratio to be in excess of 3.5:1.
2. Condition that approval is subject to the plat meeting the requirements of the County and State as indicated in the Ohio Revised Code and approval by the Engineering Department in compliance with the code and the ordinances of the City of Westlake.

ROLL CALL ON APPROVAL:

Yeas: Nunnari, Falcone, Jones, Lamb

Nays: Van Dyke, motion carried

**Lagrange Lot Split & Assembly Plat #9, lots U, V & W, PP#21708015 to 020, K. Hoffman, Ward 6**

Findings of Fact

1. The purpose of this request is to create three lots for three single-family homes in an existing undeveloped subdivision.
2. The existing legal nonconformity for depth to with ratio is substantially reduced with no new legal non-conformities created.

Motion: Based upon the findings of fact Mrs. Falcone moved, seconded by Mr. Van Dyke to approve the Lagrange Assembly Plat #9 involving permanent parcel numbers 217-08-015 to 020 with the following:

1. Modification for depth to width ratio to be in excess of 3.5:1.
2. Condition that approval is subject to the plat meeting the requirements of the County and State as indicated in the Ohio Revised Code and approval by the Engineering Department in compliance with the code and the ordinances of the City of Westlake.

ROLL CALL ON APPROVAL:

Yeas: Nunnari, Falcone, Jones, Lamb

Nays: Van Dyke, motion carried

**Hilliard Court Extension Subdivision, fence waiver (to allow a 4' fence),  
Hilliard Ct. & Bradley, rep. M. Garland, Ward 6**

Findings of Fact

1. The design of the basin incorporates several safety design considerations in support of the shorter fence.
2. Of the 25 fence waivers granted since 1990, 9 (36%) were for fences to be less than 6' in height (typically 4' in height).
3. The Law Director has recommended that the new ordinance for retention basin fences establish 4' as the height of fences to be consistent with requirements for swimming pools.

Motion: Based upon the findings of fact Mrs. Falcone moved, seconded by Mr. Van Dyke to recommend that Council amend Ordinance 2018-30, 1.17c. and 1.20(2) as follows:

1.17c: To erect a ~~six~~ four-foot high black, brown or dark green ~~chain-link or~~ ornamental metal picket fence around the entire perimeter of the ~~retarding~~ retention basin unless the requirement of all or part of the perimeter fence is waived upon request by the owner of the subdivision by action of the Planning Commission prior to the issuance of any building permits for homes in the subdivision.

1.20(2): The retention basin will be fenced with a ~~6' 4'~~ 6' tall ~~chain-link or~~ ornamental metal picket fence in black, dark brown or green that is in compliance with fence regulations for swimming pools, as specified in Section 1365 of the Westlake codified ordinances.

ROLL CALL ON APPROVAL:

Yeas: Van Dyke, Nunnari, Falcone, Jones, Lamb

Nays: None, motion carried

**The Original Popcorn House, Storefront and Sign Plan, 24 Main St.,  
PP#211-25-004, rep. R. Levitz, Ward 5**

Findings of Fact

1. The proposal makes limited changes to the storefront that mainly preserve and enhance its character.
2. The striped awning is not signage.
3. No modifications or waivers are needed for storefront improvements or proposed signage.

Motion: Based upon the findings of fact Mrs. Falcone moved, seconded by Mr. Van Dyke to recommend approval of the Original Popcorn House storefront.

ROLL CALL ON APPROVAL:

Yeas: Van Dyke, Nunnari, Falcone, Jones, Lamb

Nays: None, motion carried

Motion: Based upon the findings of fact Mrs. Falcone moved, seconded by Mr. Van Dyke to approve the Original Popcorn House sign plan.

ROLL CALL ON APPROVAL:

Yeas: Van Dyke, Nunnari, Falcone, Jones, Lamb

Nays: None, motion carried

**MISCELLANEOUS**

None

**ADJOURNMENT**

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Meeting adjourned at 9:08 pm. The next meeting is scheduled for Monday, 4/5/2021.