



PLANNING DEPARTMENT

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**WESTLAKE PLANNING COMMISSION
MINUTES OF THE REGULAR MEETING
JANUARY 4, 2021**

Present: Chairman Brad Lamb, Nick Nunnari, Duane Van Dyke, Matt Jones
Absent: Lauren Falcone
Also Present: Planning Director Jim Bedell, Law Director Michael Maloney, Clerk of Commissions Nicolette Sackman

The regular meeting was called to order at 7:00 p.m. by Chairman Brad Lamb.

APPROVAL OF MINUTES

Mr. Van Dyke moved, seconded by Mr. Jones to approve the minutes of the regular meeting of

ROLL CALL ON APPROVAL:

Yeas: Lamb, Van Dyke, Jones

Abstain: Nunnari

Nays: None, motion carried

COUNCIL REPORT

None

OLD BUSINESS

**Leo's Italian Social Storefront, 200 Crocker Park Blvd.,
PP#21125004, rep. R. Levitz, Ward 5, Phase II storefront referred
back by council 10/15/20, tabled 11/9/20, 12/7/20**

Mr. Levitz explained since the last meeting Phase II of the project was revised: the lamppost was moved to the west, the proposed planter boxes were removed and the bar area was reduced, bollards with chains have been added along the sidewalk and an 8' pedestrian walkway is being provided. Mr. Bedell reviewed his staff memo.

Findings of fact

1. The design of Phase II was changed to address safety concerns
2. Pursuant to Section 8.2 of the Crocker Park Mixed Use Area Design Guidelines, the existing bar area patio utilizes the 2' expansion zone width and 7'-2" of the 10' amenity zone width for a total of 9'-2" used out of a possible 12' available. This leaves 2'-10" of amenity zone width available for the proposed bar expansion. Since the total expansion is 6'-11-1/4", this requires a waiver from the Crocker Park Mixed Use Area Design Guidelines to allow an additional 4'-1/4" of amenity zone width.

Motion: Based upon the findings of fact, Mr. Van Dyke moved, seconded by Mr. Jones to recommend approval with the following:

1. Condition that existing planters are moved to be within the gaps in the railings/inside of the patio to maintain the minimum 8' clear sidewalk.
2. A waiver is granted from Section 8.2 of the Crocker Park Mixed Use Area Design Guidelines to allow an additional 4'-1/4" of amenity zone width for the expanded patio.
3. Approval is subject to comments in Part III of the 12/31/2020 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, Van Dyke, Nunnari, Jones

Nays: None, motion carried

**Sts. Peter and George Coptic Orthodox Church Development Plan,
25796 Hilliard Blvd., PP#21322001, rep. R. Jozity, Ward 1, tabled
12/7/20**

Mr. Jozity reviewed the requests since the last meeting. He provided a list of buildings that use the Dryvit NewBrick material, a phasing plan for development, renderings of the scale of the building in comparison to the surrounding residential homes; and a revised retention plan relocating the basin closer to the parking lot to retain more trees and the natural vegetative state at the rear of the property.

Mr. Bedell reviewed his staff memo and the new location of the retention pond and showed pictures of the Dryvit NewBrick material on a building in another city. Members of the commission reviewed the materials provided and discussed the following: the Dryvit NewBrick material, the phasing plan and how the driveway will be utilized during construction, the scale of the building in relation to the surrounding homes, lighting, noise, the relocation of the retention basin to preserve more of the existing buffer, the height of the dome and the proportions of the building. There were concerns with the use of the Dryvit NewBrick material, as it is a form of EFIS and per the design guidelines should only have minimal use on a building, as well as the size of the split block to be used. Mr. Jozity advised as they have been receiving quotes for the material as well as traditional brick and the costs are similar so they can use traditional brick. Different sizes of split block were discussed. The commission would like to a detailed elevation sketch showing the different building materials. The applicant was asked to verify if there would be any future requests to light the building, as it is best to discuss that along with the development plan.

Motion: Based upon the findings of fact, Mr. Van Dyke moved, seconded by Mr. Jones to table Sts. Peter and George Coptic Orthodox Church Development Plan to the February 1, 2021 meeting.

ROLL CALL ON APPROVAL:

Yeas: Lamb, Van Dyke, Nunnari, Jones

Nays: None, motion carried

Motion: Based upon the findings of fact, Mr. Van Dyke moved, seconded by Mr. Jones to table Sts. Peter and George Coptic Orthodox Church Sign Plan to the February 1, 2021 meeting.

ROLL CALL ON APPROVAL:

Yeas: Lamb, Van Dyke, Nunnari, Jones

Nays: None, motion carried

**Ordinance 2020-122 Conditional Use Permit for a Martial Arts Gym,
26949 C Center Ridge Rd., #PP21501027, rep. Y. Bushnaq, Ward 2,
ref by council 11/5/2020, tabled 12/7/20 – applicant requested to
withdraw the CUP**

Mr. Bedell explained the applicant withdrew the request.

Motion: Based upon the findings of fact, Mr. Van Dyke moved, seconded by Mr. Jones to recommend that Council approve Ordinance 2020-122

ROLL CALL ON APPROVAL:

Yeas: None

Nays: Lamb, Van Dyke, Nunnari, Jones, motion failed

NEW BUSINESS

**Crocker Road Widening, Hilliard Boulevard to Center Ridge Road,
rep. B Kelly, Ward 4 & 6**

City Engineer Bob Kelly explained the proposal. A boulevard will be installed on Crocker Road from Hilliard to Center Ridge, similar to what exists north of Hilliard Blvd. The only location of the road widening is at Center Ridge to add a right turn lane south bound. The travel lanes will be reduced in width from 14' to 12' wide to

accommodate the boulevard. The existing sidewalks will remain and not be relocated. There is an alternate plan to include a multi-purpose path along the sidewalk on the west side of the street. It is uncertain if that will be installed based on bid prices. No property will be obtained by eminent domain and any necessary right-of-way will be purchased. He explained the incorporation of a boulevard helps to slow down traffic, adds shade trees, reduces emissions, and adds to the character of the roadway. The various intersections were reviewed regarding traffic patterns and signalization. Mr. Bedell reviewed his staff memo adding that the signals in front of the fire station will be reduced per the fire department's request. It was noted that the streetlights will remain the same for this project but may change in the future with the possibility of another project through First Energy.

The following were present: Mr. Daniel Collins, 29323 Regency Circle; Mr. Kerry Gubics, 29320 Regency Circle; Mr. Mike Gleespen, 3040 N. Windsor Ct., and Mr. Ed Pavicic, 1779 Granite Ct. (developer of multiple parcels in the Estates). The following was expressed: concerns with the taking of the resident's land by eminent domain; opposition to the proposal; questions regarding sidewalks; turning lanes; what streets will have both left and right turns out of developments; the proposed boulevard will not slow traffic or reduce noise; location and proposed changes of traffic signals at the fire station; if additional traffic signals could be added at development entrances (which Mr. Kelly advised were not warranted); how long construction will take; trees will block the view when turning in and out of developments as well as difficulty turning onto Crocker Road currently; support of the boulevard and it will be a nice addition to the community; there would not be issues with entering and exiting developments; and it would be nice to see the addition of the multi-purpose path now rather than later.

Members of the commission supported and reviewed the proposal. Various technical engineering construction design was discussed as well as: the benefits of the addition of the boulevard; the new configuration of the traffic signals at the fire station; and review of the turning lanes.

Motion: Based upon the findings of fact, Mr. Van Dyke moved, seconded by Mr. Jones to recommend that Council approve the Crocker Road widening with the following conditions:

1. The Urban Forestry Manager and Westlake Tree Commission will recommend appropriate shade trees and spacing.
2. The Engineering Department will coordinate with the Fire Department regarding their departmental review comments.

ROLL CALL ON APPROVAL:

Yeas: Lamb, Van Dyke, Nunnari, Jones

Nays: None, motion carried

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

Mr. Valore explained he would like to build a home on a condominium parcel that fronts Columbia Road. The property is zoned R-1F Cluster and is part of the original 1998 25-unit Chapparral Cluster development. The Home Owner's Association would like this unit to not be part of the HOA with the owner of the proposed cluster unit having full responsibility for the maintenance and any necessary improvements of its condominium parcel. He reviewed plans for the home to be constructed, which will look like a single family home. There are two condominium parcels on the interior of the development that are still vacant and he would like to develop this as an additional 26th cluster unit. He is agreeable to having this condominium parcel not be part of the existing HOA so there is no responsibility for maintenance. He reviewed the history of the property and adjacent neighbors who were not interested in purchasing it. He had approached them numerous times with various sale prices over the years and gifting them the land.

Mr. Bedell reviewed his staff memo. An R-1F Cluster development requires a yield plan that establishes the number of units allowed based on a conceptual subdivision plan. When Chapparral was approved in 1999, lots were required to be 15,000 sf. This condominium parcel is slightly under at 12,115 sf, but its parcel lines, as indicated in the yield plan, can be adjusted to provide the additional square footage needed to equal 15,000 sf. Doing so does not actually transfer property from adjacent property owners to this parcel, as the yield plan is only a conceptual plan. He advised the landscape plan will need to include trees. If the proposed unit was on its own single-family zoned lot, §1211.12 regarding setbacks for lots less than 75' in width would apply and the setback modifications for the home would not be required but the modification for the garage would still be required. It was noted that the garage could be shifted to eliminate the need for a modification.

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Mr. Love, 2389 Chapparral South, spoke on behalf of the HOA as a board member. The HOA supports the conditions as explained with the new unit not belonging to the HOA and them having no liability for it. Another condition of their approval was that there would be no transfer of land from any of the existing condominium parcels and the approval of this 26th cluster would not impede the development of the two existing vacant condominium parcels that are part of the development.

The following were present: Dan and Brian Lavell representing their parents at 2445 Columbia Rd.; Kenneth Love 2390 Chapparral South; and Lawrence Lavell, 2445 Columbia Rd. The following was expressed: The Lavell's were not offered the gifting of the land; debate over the prices that were offered to the Lavell's to purchase the property, there are no recent offers to purchase the property, only verbal sales prices with no offers in writing, they had maintained the property for many years and purchased a riding mower for that purpose; the home is trying to be squeezed onto the property; that the owner of cluster unit 22 was not in favor of his land being taken for this lot (Mr. Bedell advised that no land is being removed from any of the parcels and the yield plan is a conceptual plan); and opposition to the proposal.

Members of the commission reviewed the proposal. The following was discussed: that the parcel cannot be split off as it does not comply with current lot sizes, but if it was an existing legal non-conforming lot it could be built on; the proposal was concerning as it is part of the cluster development but not and not acting as if it is part of the cluster development; how will the legal issues be dealt with as it is not part of the HOA or responsibility of the HOA; liability (deed restrictions can be placed on the parcel); uncertain why the HOA would not want an additional unit to offset association fees; more research on potential ramifications if this were to be approved; and the desire for a legal opinion from the city's law department relative to deed restrictions, the yield plan, and whether this unit can be allowed and not be part of the HOA.

Motion: Based upon the findings of fact, Mr. Van Dyke moved, seconded by Mr. Jones to table Chapparral Development Plan to the February 1, 2021 meeting.

ROLL CALL ON APPROVAL:

Yeas: Lamb, Van Dyke, Nunnari, Jones

Nays: None, motion carried

Corsaro & Associates Site Improvements (generator), 28039 Clemens Road, PP#21208807C, rep. K. Double, Ward 3

Mr. Double reviewed the proposal for a generator to be installed and the location. Mr. Bedell reviewed his staff memo noting the unit would be in a side yard setback, which requires a setback modification. The surrounding area is zoned industrial so the unit would not be adjacent to residential homes. The commission reviewed the proposal.

Findings of fact

1. The proposal is needed due to power outages that have disrupted the applicant's business.
2. The generator is slightly larger than a typical residential unit and not expected to create a noise disturbance across a residential real property boundary.
3. A modification is needed because it will be in the setback area.
4. The landlord is requiring that it be screened with landscaping.
5. The performance standards in 1220.06 support the modification.

Motion: Based upon the findings of fact, Mr. Van Dyke moved, seconded by Mr. Jones to recommend approval of the Corsaro & Associates Site Improvements (generator) with the following modification and conditions:

1. A modification is granted to permit the generator in the side yard setback.
2. Condition that landscaping plan for screening be submitted to the Planning Department for administrative approval.
3. Condition that weekly testing of the unit is conducted during regular business hours Monday through Friday.
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: Lamb, Van Dyke, Nunnari, Jones

Nays: None, motion carried

Canterbury Plaza Site Improvements (patio), 26261 Center Ridge Road, PP#21524001 & 002, rep. R. Rogers, Ward 2

Mr. Rogers (owner of the plaza and Time Warp Bar) and architect Mr. Swidrak were present. Mr. Bedell reviewed his staff memo for the proposal for an outdoor dining patio. Currently there are two parking lots on each side of the shopping plaza with a connecting drive. The patio will be put in the location of the drive and the drive removed. There will be a sidewalk around the patio so patrons can park in either parking lot to access the different businesses (Sweet Basil Pizzeria, an insurance company and Time Warp Bar). He advised that the fire department was in support of the request to remove the existing drive between the two parking lots.

Members of the commission and the applicant discussed the proposal. They did feel there was a need for the patio and it would be a nice addition to the plaza. Questions centered on the amount of parking spaces, if there is enough parking at the Sweet Basil Pizzeria side of the plaza, as well as space for a vehicle to turn around if there are no available parking spaces on that side of the plaza. Mr. Rogers explained he has been working with the owner of Sweet Basil Pizzeria, as he wants him to be successful as one of his tenants. The bar has different peak times that patrons are on site. He also noted the existing drive serves as a cut trough from traffic avoiding the traffic signal at Canterbury and Center Ridge. The removal of the drive will prevent this from happening. The configuration was discussed and a space to turn around should be provided. The existing parking lot lights were discussed with the suggestion to be adjusted to prevent glare, which the applicant agreed to work with staff to address.

Findings of fact

1. The proposal is a permitted accessory use in the General Business district.
2. No zoning modifications are needed.

Motion: Based upon the findings of fact, Mr. Van Dyke moved, seconded by Mr. Jones to recommend approval of the Canterbury Plaza Site Improvements (patio) with the following conditions:

1. Detailed drawings of the masonry outdoor fireplace is submitted for administrative approval.
2. Color of the stained concrete is submitted for administrative approval.
3. Details of the gates are submitted for administrative approval.
4. Details of the light fixtures for the patio are submitted for administrative approval with bulbs being LED 2700K, 450 lumens maximum or LED flame effect light bulb.
5. Condition that the east parking lot is reconfigured to include a turn-around area that is administratively approved.
6. Condition the parking lot lights are to be administratively reviewed for adjustment for the reduction of glare.
7. Approval is subject to comments in Part III of the 12/31/2020 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, Van Dyke, Nunnari, Jones

Nays: None, motion carried

Hampton Inn Sign Plan and Site Improvements, 29690 Detroit Rd., PP#21121004 & 005, rep. L. Chafetz, Ward 3

Mr. Nichols (contractor) and Ms. Chafetz (manager) were present to answer any questions. Mr. Bedell reviewed his staff memo noting the proposal is to relocate signage to a more visible location and changes to the exterior building elevation and materials to modernize the building. Ms. Chafetz advised that this location is outdated and the revisions bring the building up to corporate standards. Members of the board discussed the materials to be used, colors, sign placement and lighting of the building.

Findings of fact

1. The purpose of this request is to modernize the building.

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2. No zoning code modifications are required.

Motion: Based upon the findings of fact, Mr. Van Dyke moved, seconded by Mr. Jones to recommend approval of the Hampton Inn Site Improvements with the following conditions:

1. Specifications for new bulbs in existing exterior fixtures are submitted for administrative approval.
2. Approval is subject to comments in Part III of the 12/31/2020 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, Van Dyke, Nunnari, Jones

Nays: None, motion carried

Motion: Based upon the findings of fact, Mr. Van Dyke moved, seconded by Mr. Jones to approve the Hampton Inn Sign Plan with the following conditions:

1. A waiver is granted to permit the wall sign to be on the south elevation at 103 s.f.
2. A waiver from 1223.12 (d) "outline lighting" for LED strip lights provided that LEDs are dimmable for field adjustment if needed.
3. The sign permit application is revised to indicate a total of 109.86 s.f. of wall signage.
4. Channel letters will illuminate no brighter than 10.00 footcandles when measured at night three feet perpendicular from the center of any sign face.

ROLL CALL ON APPROVAL:

Yeas: Lamb, Van Dyke, Nunnari, Jones

Nays: None, motion carried

Carlton Ave Roadway Dedication #1, K. Hoffman, Ward 6

Lagrange Assembly Plat #1, PP#21708001 to 004, K. Hoffman, Ward 6

Lagrange Lot Split and Assembly Plat #2, PP#21708045 to 049, K. Hoffman, Ward 6

Mr. Hoffman (engineer) and Mr. Pavicic (owner/developer) were present. Mr. Hoffman explained the roadway dedication plat would normally be part of the approval of a subdivision. Since the subdivision already exists from around 1916, there is not a dedication plat on file. Previously lot splits and assemblies were approved for Lagrange #1 and #2. Since that time the potential property owner for the lots on the north side of the street is no longer interested so the lots in the Assembly Plat #1 will be assembled to create two lots rather than one, and the lots created from Lot Split and Assembly Plat #2 simply need to be renumbered accordingly. The previous plats approved will not be recorded. Mr. Bedell reviewed his memos.

Motion: Based upon the findings of fact, Mr. Van Dyke moved, seconded by Mr. Jones to recommend approval of the Carlton Ave Roadway Dedication #1 plat subject to review and approval of final construction plans and specifications by the Engineering Department.

ROLL CALL ON APPROVAL:

Yeas: Lamb, Van Dyke, Nunnari, Jones

Nays: None, motion carried

Findings of fact Lagrange Assembly Plat #1

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

Motion: Based upon the findings of fact, Mr. Van Dyke moved, seconded by Mr. Jones to approve the Lagrange Assembly Plat #1 lot assembly involving permanent parcel numbers 217-08-001 to 004 with the 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: Lamb, Van Dyke, Nunnari, Jones

Nays: None, motion carried

Findings of fact Lot Split and Assembly Plat #2

1. This replaces the lot split and assembly plat approved at the 10/5/2020 meeting with the only difference being a change in the name of parcels 'B' and 'C' to 'C' and 'D'.
2. This is necessary because the new Lagrange Assembly Plat #1 creates two lots ('A') and ('B').
3. There are no other changes to the plat, such as the size or shape of either of these lots.

Motion: Based upon the findings of fact, Mr. Van Dyke moved, seconded by Mr. Jones to approve the Lagrange Lot Split & Assembly Plat #2, involving permanent parcel numbers PP#217-08-045 to 049 with the 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: Lamb, Van Dyke, Nunnari, Jones

Nays: None, motion carried

**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**

Mr. Bedell reviewed his staff memo advising the purpose of this request is to relocate language regarding operating hours of drive-in/drive-thru facilities from the zoning code to Chapter 753, Business Operations. This would place all the regulations in one place and council can modify or waive these operating hour requirements if they are in Chapter 753. He added that the 2nd redlined version is preferable because it places the language in the section that already addresses operating hours for businesses. Members of the commission discussed the amendments and would like them to be looked into more.

Motion: Based upon the findings of fact, Mr. Van Dyke moved, seconded by Mr. Jones to table Ordinance 2020-146 to the February 1, 2021 meeting.

ROLL CALL ON APPROVAL:

Yeas: Lamb, Van Dyke, Nunnari, Jones

Nays: None, motion carried

MISCELLANEOUS

None

ADJOURNMENT

Meeting adjourned at 11:00 p.m. The next regular meeting is scheduled for Monday, February 1, 2021, in the Westlake City Hall Council Chambers.

Chairman Brad Lamb

Nicolette Sackman, MMC
Clerk of Commissions

Approved: _____