



PLANNING DEPARTMENT

27700 Hilliard Blvd.
Westlake, OH 44145

Phone 440.871.3300
Fax 440.617.4324

**WESTLAKE PLANNING COMMISSION
MINUTES OF THE WORK SESSION
JANUARY 10, 2022**

Present: Chairman Brad Lamb, Nick Nunnari, Duane Van Dyke, Lauren Falcone
Also Present: Planning Director Jim Bedell, Clerk of Commissions Nicolette Sackman

The regular meeting was called to order at 6:37 p.m. by Chairman Lamb.

BUSINESS

Corporate Circle, minor change to roof line for possible administrative approval, 2205, 2207, 2209 Crocker Road, PP#21126068, 067, 21129009, rep. D. Craun, Ward 5

Mr. Rubin explained they are seeking approval for some minor changes to the office building due to budget constraints. The approved building footprint and elevations were reviewed. Ms. Williams showed the proposed revisions, which simplify the roofline by removing gables, dormers and the flat portions that were to house the HVAC units (now to be located at ground level). The building footprint will have more recessed areas, where HVAC units can be located and screened with landscaping similar to what was done for the two existing office buildings to the south. In order to maintain similar square footage, (approved for +/- 62,000 sf and proposed for 61,500 sf.) the building will be extended to the east and setback 110' rather than 113' from the east property line. While the roofline is simplified by eliminating dormers and gables, one that is the primary focal point of the northwest corner will remain. The façades will be broken up with the use of two different alternation tones of brick and the shingles will be a mid-tone grey color. Tenants will submit signage and awnings as part of their storefront approval. The majority of the view of the building is blocked by the retail buildings to the west that are in front of this building.

Members of the commission discussed the proposal and were understanding of the market conditions. They would like to see revisions showing the color of the downspouts, with the use of awnings or canopies to better define entrances and break up the façade and interest added to the masonry, such as the use of soldier courses in various locations.

ADJOURNMENT

Meeting adjourned at 7:00 p.m. The next regular meeting is scheduled for Monday, March 1, 2021, in the Westlake City Hall Council Chambers.

Chairman Brad Lamb

Nicolette Sackman, MMC
Clerk of Commissions

Approved: _____



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**WESTLAKE PLANNING COMMISSION
MINUTES OF THE REGULAR MEETING
JANUARY 10, 2022**

Present: Chairman Brad Lamb, Matt Jones (arriving @ 7:18), Duane Van Dyke, 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 Lamb.

APPROVAL OF MINUTES

Mr. Jones moved, seconded by Mr. Nunnari to approve the minutes of the regular meeting of December 6, 2021.

ROLL CALL ON APPROVAL:

Yeas: Nunnari, Jones, Lamb

Nays: None, motion carried

COUNCIL REPORT

Mr. Van Dyke acknowledged Council President Greenspan and Councilman Nunnari who were in attendance and thanked Mr. Nunnari for his service as the former Council representative to the Planning Commission.

BUSINESS

**Lands End South Major Subdivision Final Plat, Silveridge Trail,
PP#21112004, 011, 21113001 & 002, rep. T. Valore, Ward 6**

Mr. Valore explained the final plat matches the preliminary plan that the commission approved. Mr. Bedell reviewed his staff review memo noting several modifications are necessary, but they are the same ones that were approved with the preliminary plan. This project is an infill so modifications are not uncommon with these types of developments.

Findings of fact

1. This final plat is needed for recording purposes in order to sell lots for new homes.
2. The final plat mirrors the preliminary plan, with no new modifications needed.
3. Modifications are needed due to the size and shape of the parcel to be subdivided and its relation to adjacent properties that prevents the developer from being able to purchase additional property for compliance and because this is an extension of a subdivision that was developed prior to minimum depth requirements, with existing lots only 150' in depth.
4. Modifications are in accordance with Sections 1127.01 and 1131.04.
5. The extension of Silveridge Trail is in the Westlake Guide Plan and in accordance with 1127.01 should be incorporated into subdivision plans.
6. The retention basin is a "dry basin" not requiring fencing but a condition is included in case there is a control structure that is in excess of three feet in height.

Motion: Ms. Falcone moved, seconded by Mr. Van Dyke to recommend approval of the Lands End South Major Subdivision Final Plat with the following:

1. Modification for lot depth to width ratios and lot depths as indicated in Part IV of the 1/6/22 staff report.
2. Modification for the property line adjacent to SL 9 and 10 to not be radial.
3. Condition to erect a four-foot high black, brown or dark green chain link or ornamental metal picket fence around any storm water control structure in excess of three feet in height.
4. Condition that a homeowners association be established.

5. Condition that approval is subject to the plat meeting the requirements of the County and State as indicated in the Ohio Revised Code with final Engineering Department approval subject to the review of the completed plat.

ROLL CALL ON APPROVAL:

Yeas: Falcone, Lamb, Van Dyke

Nays: None, motion carried

**Bahia Bowl Sign Plan, 225 Main St., PP#21124302, rep. M. Hannah,
Ward 5, tabled 12/6/21**

Mr. Hannah reviewed the sign plan, which have been approved by the landlord and match the master sign criteria. Mr. Bedell reviewed his staff review memo.

Findings of fact

1. The proposed signage meets the requirements of the Crocker Park Master Sign Criteria.
2. No waivers or modifications are necessary.

Motion: Ms. Falcone moved, seconded by Mr. Van Dyke to approve the Bahia Bowls sign plan.

ROLL CALL ON APPROVAL:

Yeas: Falcone, Lamb, Van Dyke

Nays: None, motion carried

**McGreevy Funeral Home Development Plan, 26691 Detroit Road,
PP#21311001, rep. J. Larsen, Ward 3**

Mr. Larsen and Mr. McGreevy were present to discuss the proposal to construct a 25' x 25' garage for storage and the transfer of caskets in and out of the building so they are not in public view. Mr. Larsen reviewed the proposal. The architecture will match the existing building and he reviewed the elevations, lighting and materials.

Mr. Bedell reviewed his staff review memo. He explained the garage is designed to complement the architecture of the building; however, it is clad in EFIS and will require a modification. In addition to providing protection from the elements, it improves the experience of entering and exiting the building by framing the existing courtyard. It is currently flanked by a former loading dock.

The commission discussed the following: roof color; at this site EFIS makes sense as the existing building has EFIS and the garage will match; there is an existing pole light in the front of the building that needs to be adjusted as it is bright and it was assumed the lights were changed to LED. The applicant will review the light with staff.

Findings of fact

1. The proposal is an enhancement for the business that will have no negative impact on neighboring uses.
2. Typically, we would not want to see a building clad in EFIS, but it will match the existing building and blend seamlessly and is acceptable.
3. Standing seam metal roofs in black have been approved for other businesses and is acceptable.

Motion: Ms. Falcone moved, seconded by Mr. Van Dyke to recommend approval of the McGreevy Funeral Home Development Plan with the following:

1. Modification for EFIS as the cladding material and the standing seam metal roof in black.
2. Condition that approval is subject to comments in Part III of the 1/6/22 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: Falcone, Jones, Lamb, Van Dyke

Nays: None, motion carried

Dover Village Townhomes Development Plan, Hillsborough & Center Ridge, PP#21706033, rep. L. Sampat, Ward 6

Mr. Lamb excused himself from discussion and Ms. Falcone took over as chair. Mr. Sampat and Mr. Asimes were present. Mr. Sampat reviewed the site plan for 19 townhome units. The six units that are on the north side of the private drive (baking up to the Prestwick Subdivision) have been designed to have more of a single family feel (one and a half stories) and are connected with trellis structure, rather than connecting via interior walls. They are 54' from the north property line to keep them farther away from the subdivision with buffering from landscaping and a mound. Across the private drive will be two buildings (two-stories), one being four units and the other being five units. Then there will be four units (one and a half stories) at the southeast corner of the property with two of them having driveways connecting to Center Ridge Road and the others from Hillsborough Pointe Dr. All units will have two car garages and driveways that accommodate two cars. There will be seven visitor parking spaces. Four on the west end and three on the east end. The units on the north side of the private drive will have parking that points away from adjacent residences. There will be a buffer landscape mound along the northern property line next to the single-family homes and the dry retention basin is located at the north corner of the property west of the units. He reviewed the elevations and materials for the units, which are French Manor style buildings. They propose using a large ornamental stone base, EFIS cladding above, a slate-like shingle roof, and there will be some architectural accents and metal roofing too.

Mr. Bedell reviewed his staff review memo. When the property was rezoned from General Business to RMF-40, the applicant at that time proposed ten single-family cluster homes. Since townhomes are also allowed in this zone, they are a permitted use. He showed the schematic plan included with the zoning request and noted that it only indicated a 30' setback from the north property line, while the current proposal indicates a 54' setback. The schematic plan also indicated a single drive from Hillsborough Pointe Drive and the majority of the proposed units will be from a single drive, except for four units at the southeast corner. He reviewed the site layout, design guidelines including the use of EFIS in large expanses instead of as an accent material requiring a modification, buffering, no signage proposed, building heights are allowed, other considerations such as how the proposal is integrated into its site and surrounding neighborhood, and modifications for the distance in between units 15-16 and 17-18. He noted that sheet C-100 indicates the entire property is subject to clearing limits and it needs to be clarified that trees within are being preserved. Mr. Sampat said they spoke to their engineer regarding addressing this. With the exception of one building fronting on Center Ridge, four buildings face inwards to a private road accessed from Hillsborough Point Drive. Residential a/c units are located to the rear of units and screened with landscaping, which is typically done for townhouse developments. EIFS is used as a minor feature but is also in "large expanses" and requires a modification. 38 trees will be preserved and there will be 41 new trees. However, sheet C100 indicates that the entire property is subject to clearing limits, but it needs to be clarified that trees within this are being preserved.

The following residents were present: Mr. Jim Crandall, 31323 Muirfield Way; Ms. Kim Urban, 31401 Muirfield Way; Mr. Mike Campo, 31193 Muirfield Way; Mr. Phil Shaver, 31144 Muirfield Way; and Mr. Walt Nimyłowycz, 31248 Muirfield Way. The following was expressed: concerns with environmental issues such as the existing gas well, wetlands, and wildlife; many drainage concerns with the retention basin design (whether a geotechnical study requires a liner so it will not leak into adjacent basements) and location, grading, subsoil (shale, sand, clay seams), run-off and flooding, water backing up into adjacent basements that do not require sump pumps today, city requirement for storm water drainage along north lot line was not shown and cannot be done due to proposed berm, berm should be pushed to the south with the basin also shifted south as they are too far to the north, questioned why the city wanted the storm water detention in the northwest corner when the low point is in the north middle of the site, basin overflow should not be allowed to run into a catch basin in an adjacent back yard; traffic impacts, if a traffic and safety analysis study has been completed, why show a connection to the adjacent city property when the last unit next to the berm could be eliminated for room for the fire truck turn around to the south instead; the height of the buffer mound; tree preservation; style of the units not being complimentary to the Prestwick subdivision; the spacing and setback of the units; concerns with visitors parking on Hillsborough or in the Prestwick subdivision; the existing entrance clock tower feature should be retained as the residents have been maintaining it; concerns with the fire truck turn-around; concerns that if the units will be rented there will be a negative impact on property values, how long will leases be, who would rent for \$3,100 a month; has a market study been completed and who would be the market of the units; the residents have not be provided with any market studies; concerns that there is a requirement for sidewalks on both sides of the new street; concerns that not all the units will be constructed; concerns that the units will become Air BNB units if they cannot be leased; there was a question about why the spacing of the units north of the private drive was for clusters instead of townhomes; safety due to traffic, weather

conditions on Hillsborough and school bus traffic; will all the units be built at once and if not can the units along Center Ridge be constructed first; questioned if a traffic study was completed as the residents have not seen one; there must be issues with the property as why were single family home not developed on it when the rest of the subdivision was constructed, traffic analysis on Hillsborough Pointe Drive relates to the entrance points and the slope of that hill and the turning and site distance and site visibility going up that hill versus cars coming in from Center Ridge Road into the development and their ability to see and respond in an appropriate manner to a vehicle is one of the things that has to be studied; architecturally whether the French Manor style townhome style complements their American Colonial style homes; potential for accidents from vehicles sliding down the hill with a school bus stop at the end of the hill.

Mr. Asimes advised he was not sure if the units will be rented or sold. He estimates the sale price of the units will be \$450,000. The market would be for families. Mr. Bedell advised that the proposal is not a platted subdivision and therefore does not require sidewalks on each side of the street. While short-term rentals of homes are not permitted in Westlake, such as Air BNB, long term rentals of homes are permitted and cannot be prohibited through zoning nor can the city control how a home is owned. Mr. Bedell noted his 12/2/21 memo included a comparison of the spacing required between cluster units and townhome units for illustrative purposes only. This comment had caused confusion, was removed from the current report and is no longer relevant. Prior to the multi-family rezoning the property was zoned General Business so single-family homes could not be constructed on the property. there was a question about a comment in an earlier memo regarding what the spacing would be if the units north of the private drive were clusters and Mr. Bedell answered that the comment was in the earlier report that was not reviewed and not included in the report for this meeting and no longer relevant;

Mr. Maloney advised that the planning commission is restricted to make decisions based on the city's zoning codes and cannot make decisions that are not the purview of this commission, such as drainage that is approved by the city engineer, decisions regarding building codes, or if a unit is rented or owner occupied. A market analysis is not reviewed by the planning commission. Legally the commission cannot address these items, as the planning commission is restricted to certain legal considerations.

Mr. Sampat advised the fire truck turn-around is on site and complies with city requirements. Each unit will have up to four parking spaces (two inside and two outside) in addition to overflow visitor parking for seven vehicles. He explained the city engineer reviews the drainage along with the grading. They are required to retain water on site and cannot direct it onto the neighboring properties. The civil drawings show drainage across the north property line. They are open to discussing with the HOA how the existing clock tower feature can remain and be incorporated into the development. The mounding is taller than required, which will help to reduce the change of any overflow onto adjacent properties. The plan was to build the units closest to the single family homes first to screen the remaining construction but they can look at changing that and discussing it with the residents. The mound is 8' tall and drops down to 6' on the south side of the mound based on the grading. They thought this was the least obtrusive way to handle traffic – having four units at the corner with their own driveways and the other units from a single private drive as far from Center Ridge Road as possible but are happy to discuss traffic with the residents.

The commission discussed the proposal. The schematic layout that accompanied the rezoning in 2017 was discussed. At the time, it was expected to be a cluster housing development and was hoped to retain as many trees as possible. Six units to the north are appreciated as they are more like individual homes in appearance versus townhomes and having the least dense part of the development next to the subdivision is good. A cross-section that included the site and adjacent homes was requested to show the relationships in height. It was explained that drainage and grading plans are submitted to the city engineer for review and approval. There is a process in place for portion of the construction and, if residents were to have issues with drainage, they are able to contact the Westlake engineering department. When the property was zoned General Business, a parking lot could be setback close to the residential development so the rezoning made sense. The following was discussed: that as many trees as possible should be retained and identified; retaining the natural trees line along the single family properties should be explored with the neighbors rather than a mound understanding that a mound has more of a guarantee of long-term screening versus existing vegetation that can die; the large amount of EFIS proposed is not desirable or supported by the code and the commission is not in favor of granting a modification with brick was suggested instead and in earthtone colors instead of white; revisions to the building materials should be considered with a mix of textures and colors; some refinement of the dormers will occur with the new cladding materials and an additional one on the backside should be explored for the master bedroom; the engineering department should assess the drainage of the

mound that is currently only on the south side of the mound and other drainage matters that may change the layout of the development, a line of site study at Hillsborough Pointe and Center Ridge relative to the new development should be performed by the applicant, a traffic impact study to demonstrate how it ties into the existing system should be performed if one is recommended by the city engineer, it appears that the private drive is in the optimal location being as far north of Center Ridge Road as possible without impacting the setback from the adjacent subdivision; retaining the existing clock tower and incorporating it as an asset to the development; a maximum of 24 units is permitted and only 19 are being proposed and this is the number that works financially for the developer along with the layout with the less dense townhomes next to the subdivision; review of the buffer mound height; looking at providing outdoor space at the units on the corner of Center Ridge and Hillsborough, which Mr. Sampat thought may potentially have walk-out basements.; would like to see a sight line analysis at the corner of Center Ridge and Hillsborough; the soil in the area of the retention basin should be studied to determine if a liner is needed in the basin; and wetland mitigation plans should be submitted to the Army Corp of Engineers sooner than later. The architectural design does not match the adjacent subdivision but that does not mean it is not complementary. It was thought that removing EFIS as the wall material will better complement the adjacent neighborhood.

As there were a number of items to address, Mr. Sampat agreed more time was needed and did not object to it being tabled to the March meeting.

Motion: Ms. Falcone moved, seconded by Mr. Van Dyke to table the Dover Village Townhomes Development Plan to the 3/7/22 meeting.

ROLL CALL ON APPROVAL:

Yeas: Falcone, Jones, Van Dyke

Nays: None, motion carried

Mr. Lamb returned to the meeting.

**Starbucks Sign Plan, 30225 Detroit, PP#21125002, rep. K. Moffatt,
Ward 5, tabled 11/8/21, 12/6/21**

Mr. Bedell reported revised plans have not been received and the landlord is aware. It is anticipated that plans will be received for the next meeting.

Motion: Ms. Falcone moved, seconded by Mr. Van Dyke to table the Starbucks Sign Plan to the 2/07/22 meeting.

ROLL CALL ON APPROVAL:

Yeas: Falcone, Jones, Van Dyke, Lamb

Nays: None, motion carried

**The Apartments at Vitalia Development Plan, 26695 Center Ridge,
PP#21501042, rep. L. Apple, Ward 2**

Mr. Apple reviewed the proposal for a two story 16 unit apartment building, additional parking and sixteen parking garages. The prior plan in 2021 was not approved by Council as it was deemed an expansion of the current building. After receiving an explanation letter from the Law Director, they withdrew that plan and are submitting this one for a standalone building. The building is setback approximately 10' from the existing building and will have a canopy structure over a walkway between the two buildings. The new building will architecturally match the existing building and he reviewed the site plan and building materials. The apartments are not part of the assisted living use and there are no age restrictions for tenants. These will be general multi-family apartments with no age restrictions. There are eight units per floor with half being one-bedroom units and the other being two-bedroom units.

Mr. Bedell reviewed his staff memo. He advised at the 7/12/21 meeting, the Planning Commission recommended approval of a proposed two-story, 21,128 s.f. addition to the assisted living building for 16 rental apartments. Council did not approve the addition because it was an expansion of the assisted living building not allowed under 1211.34. This proposed building is separated from the existing facility, so the building will not be "expanded or enlarged." As stated at the 7/12/21 meeting, the applicant stated they would be "...similar to other apartments within the city and are not part of the assisted living use. Anyone can rent one of the apartments. Services that may be offered are cleaning or meals that are delivered and the individuals residing in the apartments will not have access to the assisted living facilities. Mr. Apple stated there are state licensing requirements for assisted living facilities and the proposed is only a residential apartment open to anyone." He reviewed the parking, elevations, materials, buffer,

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traffic circulation, and setbacks, which are mostly the same as the design reviewed at the 7/12/21 meeting with the main change being to separate the proposed building from the existing facility. A canvas awning is shown at the sidewalk that connects the two buildings. The color of the awning will need to be approved – the sheet with building elevations notes: “color and style to be determined.” Departmental review comments were explained noting that the Fire Department needs the 25’/50’ turning radii to be maintained throughout the site, requests 25’ radius on the new north access drive towards Center Ridge Road, and need clarification on the construction materials, since Type V is not allowed and signage and identification of fire lanes; the applicant will need approval from the city engineer regarding storm water and Mr. Bedell clarified that parking meets the setbacks from the planned right-of-way, and comments from the Building Department that may be addressed by a revised drawing that was received on 1/10/22 and still under review. The proposal does not meet the definition of an independent living facility, as it is open to anyone and restricted to “persons of retirement age.” The only modification is for the distance between buildings that is required to be 44.8’ and is only 10.06’. In order to correct, the building needs to shift to the east, which results in setback encroachments. Therefore, per the current design, two westernmost units from each of the floors would need to be eliminated to meet the 44.8’ separation requirement. Mr. Apple stated that losing the units would make it uneconomical to build and they thought it was important for the building to face Center Ridge Road by being parallel to the street. Exterior lighting is being redesigned and will be reviewed by the city’s consultant. The HVAC is the design same as the previous plan with a condition recommended for maximum sound levels. Most of the draft conditions are typical for a new apartment building except that an additional condition that is not used as an assisted living, memory care, or independent living facility is included. This condition was also in the recommendation at the 7/12/21 meeting as were a number of other recommended conditions.

Mr. Assad and Mr. Najjar, 26564 Westwood Rd.; and Mr. Zink, 26461 Westwood Rd. were present and expressed the following: concerns with the building setback to the residential property to the south; the layout of the building facing Center Ridge Rd. and not being parallel to Westwood; the building has a commercial look; the applicant did not talk to Mr. Najjar regarding purchasing his property, which is the only single family home remaining and does not look right being surrounded by “commercial buildings”; concerns with the location and sound of a/c units; existing problems with landscaping maintenance and drainage; it was not a desirable building to look at; and concerns with the building height and massing.

Councilman Nunnari stated that the planning commission supported the previous plans from July 2021 but city council did not. He expressed that the addition will be an enhancement to the community. When the development was initially reviewed and approved (asst. living facility) it was the desire that the structures face Center Ridge Rd. and provide screening from Westwood, which he thought this continues to do. He felt the applicant has been a good neighbor to the residents in the area and supported the proposed design.

Attorney Majeed Makhoulf noted that any discussion of the purchase of an adjacent property is a private matter that should not have an impact on the progression of the development before the city. The parcel is independent and developable. Items such as buffering were addressed prior to the 7/12/21 meeting and continue to be addressed in the current design,

Mr. Assad clarified that they did not come to the meeting to sell the home, but to express their concern about this building being close to their backyard and not looking right.

The commission discussed the following: concerns with the separation distance between the two buildings as 10’ is much different than the 44’ requirement and the Building Code may require separation too so their review is needed prior to reaching a decision; why is the awning needed if they are two separate buildings: the building should be shifted; how much traffic will there be between the two buildings; ask for verification that the apartment was for any age tenant; questioned how meal plans and cleaning services work and if there would be assisted living services; and the intent is not to expand the assisted living use.

Mr. Apple explained the existing building is sprinkled and new one will be too. He advised that anyone from the apartment building or public invited by a resident can go to the assisted living facility for meals or events and may purchase a dining plan, so the awning is needed. Attorney Majeed Makhoulf explained services are available to the apartment tenants as well as other people who live offsite who may purchase meal plans. The building is oriented to Center Ridge Road so it has its own identity, address and culture. He did not think it was uncommon to connect buildings with different uses by an awning and this would be beneficial to staff to go back and forth.

Mr. Apple, Makhlouf, and Biales and the commission discussed the other facility owned by the applicant in Strongsville. That facility has four single story units per building with attached garages that are also non-age restricted. They are approximately 100' from the assisted living facility. The trend is to provide a mix of age uses on the property as it has been shown to be beneficial to those in the assisted facility. Allowing meal plans brings in different age people for interaction with the residents. This provides more of a neighborhood feel to the site. The applicant explained due to the lot configuration and size the apartment is not able to be located 44' off the existing building, but they can look at options to provide a larger setback. If they were to remove two units within the building, it would not be viable to construct. The original proposal was for 18 units and they reduced it to 16 units. It was suggested that the applicant should look at options so the building will conform to separation requirements, as may be needed by safety forces. The shape of the building and rooflines needs clarification and may require that the side be squared off, which may also help with the separation distance between the buildings, drainage will need to be worked out because it has the potential to change the site layout, it was acknowledged the multi-generational developments are trending nationally, but it is a matter of whether it can fit on this property. The Building Department comments need to be addressed prior to a decision being reached.

As there were a number of items to address, Mr. Apple agreed that more time was needed and did not object to it being tabled to the March meeting.

Motion: Ms. Falcone moved, seconded by Mr. Van Dyke to table the Vitalia Development Plan to the 3/7/22 meeting.

ROLL CALL ON APPROVAL:

Yeas: Van Dyke, Jones, Lamb, Falcone

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, 90-day extension of time (exp. 8/14/21), tabled 1/4/21, 2/1/21, 3/1/21, 4/5/21, 5/10/21, 6/7/21, 7/12/21, 8/2/21, 9/13/21, 10/4/21, 11/8/21, 12/6/21

Mr. Bedell reviewed his staff memo and the previously proposed amendment to the hours of operation. Councilman Van Dyke suggested leaving the sections of code where they currently exist and to address items on a case-by-case basis. Other members of the commission felt it was better to make the proposed changes with a further amendment to change the hours to allow a restaurant to open at 5:30 a.m. rather than 6:00 a.m.

Motion: Ms. Falcone moved, seconded by Mr. Van Dyke to I move to recommend that Council adopt the second redlined draft Ordinance 2020-146 as presented with the additional language (in green) and to change the hours of operation to open to 5:30 a.m.:

Section 1: That ~~Section 753.01 “CLOSING HOURS”~~ of Chapter 753 “Business Operations” be and the same ~~are~~ **is** hereby ~~amended and~~ supplemented by new ~~Subsection (c) 753.04 “OPERATING HOURS; DRIVE-IN/DRIVE-THRU FACILITIES”~~ and ~~which~~ as supplemented ~~and amended~~ shall read as follows:

~~“753.041 CLOSING OPERATING HOURS; DRIVE-IN/DRIVE-THRU FACILITIES.~~

~~(c) No drive-in/drive-thru restaurant or food service window, outside order, outside pickup or speaker, etc. located within 250’ of a residential dwelling, shall be allowed to operate between the hours of 12:00 a.m. midnight and 6:00 5:30 a.m.”~~

ROLL CALL ON APPROVAL:

Yeas: Falcone, Jones, Lamb, Van Dyke

Nays: None, motion carried

MISCELLANEOUS

None

ADJOURNMENT

Meeting adjourned at 10:03 pm. The next meeting is scheduled for Monday, 2/7/2022, in the Westlake City Hall Council Chambers.

Chairman Brad Lamb

Nicolette Sackman, MMC Clerk of Commissions

Approved: _____