



PLANNING DEPARTMENT

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**WESTLAKE PLANNING COMMISSION
MINUTES OF THE REGULAR MEETING
FEBRUARY 1, 2021**

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

The regular meeting was called to order at 7:08 p.m. by Vice Chairman Falcone.

APPROVAL OF MINUTES

Mr. Jones moved, seconded by Mr. Van Dyke to approve the minutes of the regular meeting of January 4, 2021.

ROLL CALL ON APPROVAL:

Yeas: Falcone, Nunnari, Van Dyke, Jones

Nays: None, motion carried

Mr. Jones moved, seconded by Mr. Van Dyke to approve the minutes of the work session meeting of December 14, 2020.

ROLL CALL ON APPROVAL:

Yeas: Falcone, Nunnari, Van Dyke, Jones

Nays: None, motion carried

COUNCIL REPORT

No new report.

OLD BUSINESS

**Sts. Peter and George Coptic Orthodox Church Development Plan,
25796 Hilliard Blvd., PP#21322001, rep. R. Jozity, Ward 1, tabled
12/7/20, 1/4/21**

Mr. Jozity reviewed the revisions since the last meeting and Mr. Bedell reviewed his staff memo. The simulated brick veneer manufactured by Dryvit (NewBrick) is no longer being considered for this project and all areas previously called out for this material will be in full brick veneer. The split face block will be 4" high x 16" long and requires a modification to be larger than 4" x 12". Mr. Jozity presented samples of the material and a photo of another church where it was used for comparison. The applicant will not be using any building uplighting or flood lights but will uplight some landscape features. Mr. Bedell explained that the lighting is compliant with 1230.03.

Members of the commission reviewed the changes and the use of the EFIS that will be tooled and colored to resemble stone. From a distance it will look like stone and will be cost effective and a lighter material for installation. The location of the HVAC units were discussed and well as any associated noise that will be evaluated during construction. The buffering and fencing was questioned. It was explained that when the construction plans are submitted and reviewed the buffering will be looked at. Before the certificate of occupancy, staff will field verify the buffer and if any fencing is necessary to comply with the opacity requirements. Drainage will also be reviewed by the city's engineering department.

Findings of fact

1. The proposal is a permitted use in the R-1F-80 zoning district.
2. Modifications are accordance with Section 1220.06, PERFORMANCE STANDARDS.

3. Approval is for the updated drainage design dated 12/31/20.
4. Approval is for the updated lighting design received on 1/18/21.
5. EFIS is acceptable because it will be finished to give the illusion of stone with appropriate color, texture and scoring as shown in the examples on page ten and eleven of the 1/28/21 staff report.

Motion: Based upon the findings of fact, Mr. Van Dyke moved, seconded by Mr. Jones to recommend approval of the Sts. Peter and George Coptic Orthodox Church development plan with the following modifications and conditions:

1. Modification to reduce the open space requirement by 2.5% to 47.5%, to increase driveway width by 1' to 25', and to permit uplighting fixtures W2 and W3, split face CMU in 4" high by 16" long units, and EFIS as detailed on page 10 and 11 of the 1/28/21 staff report.
2. Condition that full brick veneer is used for areas called out for simulated brick veneer.
3. Condition that trees located between the south wall of the church and Hilliard Boulevard are counted as front yard trees.
4. Condition that the buffering is field verified during construction to meet the opacity requirements with the inclusion of a fence if necessary.
5. Condition that a full-size mock-up of full brick veneer, CMU and EFIS is built on-site during construction for verification by the Planning Department that it complies with materials shown in the development plan.
6. Condition that rooftop HVAC units are administratively approved with sound barriers installed for any units with a decibel level exceeding 50dB at any residential lot line.
7. Condition that playground colors are administratively approved.
8. Approval is subject to comments in Part III of the 1/28/21 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: Van Dyke, Nunnari, Falcone, Jones

Nays: None, motion carried

Motion: Based upon the findings of fact, Mr. Van Dyke moved, seconded by Mr. Jones to approve the Sts. Peter and George Coptic Orthodox Church sign plan with the following modifications:

1. Modification to permit an interior illuminated sign (electronic message center).
2. Modification for three wall signs at a maximum 17.78 s.f. as shown on Sheet A2.0.

ROLL CALL ON APPROVAL:

Yeas: Van Dyke, Nunnari, Falcone, Jones

Nays: None, motion carried

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

Mr. Valore explained he reduced the size of the unit proposed for the property to a 1,400 sf ranch home with an attached garage. He showed a revised yield plan that establishes the number of units allowed based on a conceptual subdivision plan to show this 26th lot could have been developed at that time.

Mr. Bedell reviewed his staff memo noting the new design is more typical of the size and proportions of other homes on Columbia Road built in the 40s and 50s. A revised yield plan will need to be adopted for the proposed 26th unit. He explained the Chapparral homeowner's association (HOA) does not wish to have this unit included in their association. The Law Department verified that there are no zoning code requirements for the establishment of HOAs or requirements that new cluster units added to existing developments have to join an association. HOAs are routinely required for subdivisions in the ordinance approving the final plat or as a condition of approval for the development plan for multi-family developments. This was likely the case when this development was approved in 1999, as there was a condition that "... the association shall have {a} covenant in its Declaration of Condominium Ownership that will create funds for the maintenance and repair of the streets, gates, and fencing..." This proposed unit will not have access to the aforementioned streets, gates and fencing and its future owner may object to being included in the association, should they be made to contribute financially for amenities of which they receive no benefit. Staff researched other HOAs and found that some developments include multiple HOAs (e.g. Burr Oak, the

Estates, Bay Landing) while others have some dwellings in an association and some that are not in the association (e.g. Century Oaks). Many of our older subdivisions do not have HOAs, or if they do, the associations are voluntary, making it difficult to raise funds for improvements or to enforce restrictive covenants. The Law Department verified that the Developer is free to place deed restrictions on unit 26, such as excluding it from being a part of the HOA.

Mr. Bedell explained since the home is the 26th unit of the cluster development and not a standalone single family lot there is a code requirement for 30' perimeter setbacks, as well as 30' between adjacent dwellings. What is being proposed is 15' (requires a 15' modification) and 10' (requires a 20' modification) side yard setbacks (perimeter setback) and 25' (requires a 5' modification) distance between the proposed cluster unit and home to the north and 20' (requires a 10' modification) between the proposed cluster unit and home to the south. Almost half of homes on Columbia Road have distances between dwellings that are less than 30', with 37% being similar to the modification needed for the distance needed for the north dwelling and 17% being similar to the modification needed for the distance to the south dwelling. 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 aforementioned setback modifications for the home would not be required and only variance would be needed for the distance between dwellings. This lot however is not a standalone single family zoned parcel is part of the larger cluster zoned property and development.

Brian Lavell representing his parents at 2445 Columbia Rd. reiterated comments made at the previous meeting: the house is being putting on a section of land that is not ideal as numerous variances are needed; verbal offers to purchase the property with no formal offers; nor were there offers to purchase his parent's property; and they were open to discussions related to options to build by making both lots one lot.

Members of the commission discussed the proposal and preferred the revised house versus the previous two story house, but there were still concerns with the overall 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; concerns with the perimeter setback modifications required and precedent setting. They could not support the request. Mr. Valore debated that if the lot was a standalone single family lot it could be built on. He reviewed the request and past history. Some commission members noted this section of the development has served as a buffer and was not intended to have a unit in this location when the clusters were developed.

Withdrawn by the applicant

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

Mr. Bedell reviewed his staff memo noting the proposal is not a change to the regulations but is to clean up the codes by placing all of the regulations in one place rather than various places in the codified ordinances. Discussion ensued that there are possibly businesses that are open past midnight. It was noted businesses that are not complying are code enforcement issues and the proposal does not change anything that already exists regarding operating hours of drive-in/drive-thru facilities. The commission felt the hours should be reviewed as there are a lot of people that work different shifts so having more open hours would benefit both business and patrons. It was requested that the operation hours of late night businesses, such as Taco Bell, Get-Go or McDonalds be researched to determine needs and so this does not negatively impact businesses.

Motion: Mr. Van Dyke moved, seconded by Mr. Nunnari to table Ordinance 2020-146 until March 1, 2021.

ROLL CALL ON APPROVAL:

Yeas: Van Dyke, Nunnari, Falcone, Jones

Nays: None, motion carried

NEW BUSINESS

Neverman Insurance Site Improvements (parking lot), 27596 Detroit Rd., PP#21213055 & 058, rep. T. Bennett, Ward 3

Mr. Bennett reviewed the proposal for exterior façade updates and the reconfiguration of the parking lot and sidewalks. Two additional parking spaces will be added to accommodate needs. Mr. Bedell reviewed his staff memo and explained the business is on the end of a dead end street. When I-90 was constructed this stub remained and the

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street only services Neverman Insurance and a small adjacent apartment building. The parking spaces are at a 0' setback from the street, which in this case is not an issue unlike all the other streets in the city. The street acts as a driveway not a street. A no "parking sign" needs to be installed so vehicles are not parked at the end of the street blocking parking spaces. There is an existing utility pole to the north and the parking spaces will need to be shifted or a space removed to comply with the 5' setback requirement from the pole. It was suggested to remove the 3' walk in between the second and third parking spaces so the remaining spaces can be shifted to accommodate the setback necessary for the utility pole and Mr. Bennett agreed to this solution. Discussion ensued and the commission reviewed the proposal. It was suggested to evaluate the style of window shutters to be used as they may not match the Mid-Century Modern architecture of the house.

Findings of fact

1. The proposal is for limited site improvements to the property including parking, pedestrian walkways and cosmetic changes to the building.
2. A modification is needed for two additional parking spaces due to their location at a 0' setback.
3. Some adjustment is needed for the expanded parking due to the Engineering Department requirement that a 5' separation be provided from the utility pole.
4. The performance standards in 1220.06 support the modification.

Motion: Based upon the findings of fact, Mr. Van Dyke moved, seconded by Mr. Nunnari recommend approval of the Neverman Insurance Site Improvements with the following modification and conditions:

1. A modification is granted for a 0' side yard setback for parking spaces adjacent to Dellwood Drive.
2. Condition that an assembly plat for parcels 212-13-055 and 212-13-058 is submitted for Planning Commission approval.
3. Condition that design details/specifications of the doors, windows and shutters is provided for administrative approval.
4. Condition that a "No Parking" sign is installed near the guardrail at the end of Dellwood Drive.
5. Condition that the expanded parking lot is located at least 5' from the utility pole by shifting the parking.
6. Condition that curb design is approved by the Engineering Department.
7. Condition the exterior lighting is to be administratively approved.
8. Approval is subject to comments in Part III of the 1/28/21 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: Van Dyke, Nunnari, Falcone, Jones

Nays: None, motion carried

**Deans Greenhouse Site Improvements (fence), 3984 Porter Rd.,
PP#21728011, rep. S. Dean, Ward 4**

Mr. Dean explained he would like to install an 8' tall metal deer fence around a portion of the property to keep deer from eating the nursery stock. There have been issues with deer for years and they have lost a lot of inventory because of it. He reviewed the proposed locations along the south, east and west property line. The fence will be transparent and will not block visibility or views.

Mr. Bedell reviewed his staff memo noting the engineering department requests that the southern portion of the proposed fence is located outside the Southwest Blvd. right-of-way. A similar type and height fence was approved for the St John Medical Center Community Garden.

Findings of fact

1. A 2' height modification from 1211.04 (b) (3) is needed for the proposed 8' tall fence.
2. The fence is needed to curtail damage to nursery stock by deer and trespassing by residents.

Motion: Based upon the findings of fact, Mr. Van Dyke moved, seconded by Mr. Jones to recommend approval of the Dean's Greenhouse Site Improvements (fence) with the following condition and modification:

1. The southern portion of the proposed fence shall be located outside the Southwest Blvd. right-of-way.

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2. A 2' height modification is granted for the proposed 8' tall deer fence.
3. Approval is subject to comments in Part III of the 1/28/21 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: Van Dyke, Nunnari, Falcone, Jones

Nays: None, motion carried

Ordinance 2020-148 amending §1235.06 “Notice of and Public Hearing on Zoning Ordinances” as to electronic means of notification of public hearings, ref. 1/7/21

Mr. Bedell reviewed his staff memo noting the changes are a result of the charter amendments approved by the voters.

Motion: Mr. Van Dyke moved, seconded by Mr. Jones to recommend approval of Ordinance 2020-148.

ROLL CALL ON APPROVAL:

Yeas: Van Dyke, Nunnari, Falcone, Jones

Nays: None, motion carried

Ordinance 2020-149 amending various sections of Zoning and Building Codes and repealing Chapter 1317 Board of Building Appeals, ref. 1/7/21

Mr. Bedell reviewed his staff memo noting the changes are a result of the charter amendments approved by the voters.

Motion: Mr. Van Dyke moved, seconded by Mr. Jones to recommend approval of Ordinance 2020-149.

ROLL CALL ON APPROVAL:

Yeas: Van Dyke, Nunnari, Falcone, Jones

Nays: None, motion carried

Ordinance 2021-5 Conditional Use Permit for an office use in Exclusive Industrial District, 909 Canterbury, PP#21307040, rep. K. Kelly, Ward 1, ref. 1/21/21

Mr. Alex and Mr. Kelly were present. Mr. Bedell reviewed his staff memo explaining the conditional use permit is to allow an office use in an Exclusive Industrial District. Calyx is an existing IT consulting company in Westlake that is seeking the additional space they need. The building has ample parking for the office use. This CUP request is for the entire 53,950 sf multi-tenant building (Westlake Business Park). This allows other potential office users without having to return to the Planning Commission multiple times in the future.

Findings of fact

1. Offices are a conditional use in the Exclusive Industrial District in accordance with section 1218.03
2. Performance regulations in section 1218.06 have been met.
3. Forty surplus parking spaces were constructed for the existing industrial building and it is unlikely that all tenant spaces will become office. If they do, there will be a 9-space parking deficiency and a modification is recommended.
4. Standards for evaluating conditional use permits in 1227.03 have been met and no additional safeguards and conditions are needed.
5. The neighboring tenants (Caruso's Cabinets and G&G Inc.) are permitted exclusive industrial uses that will not be impacted by this proposal.

Motion: Based upon the findings of fact, Mr. Van Dyke moved, seconded by Mr. Jones to recommend approval of Ordinance 2021-5 with the following modification:

1. If all tenant spaces are converted to office, the total number of parking spaces required is 164.

ROLL CALL ON APPROVAL:

Yeas: Van Dyke, Nunnari, Falcone, Jones

Nays: None, motion carried

MISCELLANEOUS

None

ADJOURNMENT

Meeting adjourned at 9:20 p.m. The next regular meeting is scheduled for Monday, March 1, 2021, in the Westlake City Hall Council Chambers.

Vice Chairman Lauren Falcone

Nicolette Sackman, MMC
Clerk of Commissions

Approved: _____