



PLANNING DEPARTMENT

27700 Hilliard Blvd.
Westlake, OH 44145

Phone 440.871.3300
Fax 440.617.4324

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

Present: Nick Nunnari, Lauren Falcone, Duane Van Dyke, Matt Jones, Brad Lamb
Also Present: Planning Director Jim Bedell, Asst. Law Director Regis McGann, Clerk of Commissions Nicolette Sackman

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

APPROVAL OF MINUTES

Mrs. Falcone moved, seconded by Mr. Van Dyke to approve the minutes of the regular meeting of February 1, 2021.

ROLL CALL ON APPROVAL:

Yeas: Falcone, Nunnari, Van Dyke, Jones

Abstain: Lamb

Nays: None, motion carried

Mrs. Falcone moved, seconded by Mr. Van Dyke to approve the minutes of the work session of February 19, 2021.

ROLL CALL ON APPROVAL:

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

Nays: None, motion carried

ELECTION OF OFFICERS

Mr. Van Dyke moved, seconded by Mr. Jones to elect Mr. Lamb as chairman.

ROLL CALL ON APPROVAL:

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

Nays: None, motion carried

Mr. Lamb moved, seconded by Mr. Nunnari to elect Mrs. Falcone as vice chairman.

ROLL CALL ON APPROVAL:

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

Nays: None, motion carried

Mrs. Falcone moved, seconded by Mr. Jones to elect Mr. Van Dyke as secretary.

ROLL CALL ON APPROVAL:

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

Nays: None, motion carried

COUNCIL REPORT

No new report.

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 5th.

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**

Mr. Valore explained since the last meeting he revised the size and style of the house to fit the lot better. It will be 22' wide and approximately 1,100 to 1,400 s.f. The design will have a historic feel and fit the character of the neighborhood. It will comply with single family residential side yard setbacks and he reviewed the setbacks of the adjacent neighbors. The lot is 56.35' wide with a depth of 205'. Mr. Bedell reviewed his staff memo noting the house is compliant if the lot were single family zoned and on a legal lot of record, but since it is zoned R1-F Cluster the zoning code requires a side yard setback of 30' adjacent to all perimeter boundary lines of the development parcel. This will require modifications for the proposed setback. Regardless of the size of the proposed cluster unit, the perimeter setback is deficient, as the lot is only 56.35' wide. A single family parcel requires smaller side yard setbacks than cluster zoned property. If this parcel was zoned R-1F-80, one-family residential, the proposed home would comply with setback requirements and could be constructed without any variances.

The following were present: Dan and Brian Lavell representing their parents at 2445 Columbia Rd. The following was expressed: the home does not fit the property; this is the third proposal for a house on the lot; opposition to the proposal; and questioned what could be built if their parents owned the lot.

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 so a future owner is aware of being part of the cluster development; the proposed house style will fit with the character of the neighborhood; the lot is unique and there are no other cluster developments with a section of the development that looks like a standalone single family lot, therefore precedence would not be set; the house will need to return to planning commission so the landscaping plan and design of all sides of the cluster home and garage can be reviewed and approved.

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 26th unit.

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

Mr. Bedell reviewed his staff memo explaining the proposal is a continuation of earlier action in 2018 to split off and assemble backlands of adjacent parcels to property owned by the applicant. The result being a subdivision to complete the Birkdale Turn cul-de-sac. In the future, the newly created parcel will be subdivided to complete the subdivision. It was suggested by one planning commission member that as many trees as possible be retained.

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

Mr. Hoffman explained the purpose is for the Carlton Ave. right-of-way widening. The street is an existing street that was never constructed. The existing parcels along the street are non-conforming lots with very narrow widths, some 20' wide. They are proposing to assemble various parcels to create larger buildable lots. He explained the applicant does not own all the parcels on the street so at this time the street is shown with a T-turn around with a future cul-de-sac being considered. Mr. Bedell reviewed his staff memos (Carlton Ave. Roadway Dedication #2 and all the Lagrange Lot Splits and Assemblies) explaining the various lot to depth ratio modifications necessary and the proposed dedication plat.

Members of the commission discussed the following: easement to the retention basin; the desire for a cul-de-sac as there were concerns with vehicles being able to turn around; will the Carlton connect to Bradley Rd.; discussion regarding the proposed widths; what type of home will fit on the proposed lots; what will setbacks be for any proposed houses and it not being favorable for setback variances for all the houses on the street; if variances will be needed possibly the lots widths need to be reconsidered; and the area of the lots was questioned.

Mr. Bedell, Mr. Pavicic and Mr. Hoffman addressed questions. The proposed lot areas and widths are permitted per code for old non-conforming lots of record. Mr. Pavicic reviewed the type of houses, possible setbacks that may need to be reviewed further to comply and price point. The street is not planned to connect to Bradley, because the houses on Bradley on each side of the street would be very close to the street. A cul-de-sac is desired but since the lots at the end of the current proposal are not owned by Mr. Pavicic a temporary T-turn around has been proposed. The easement for the retention basin is being reviewed and discussed with the city's engineering department regarding the potential of utilizing the property to the north owned by the city for this purpose.

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

Discussion for the Lagrange Plats #3 to #9 is included above.

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 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 #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 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 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 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 #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 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 #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 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 #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 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 #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

Mr. Bedell reviewed his staff memo explaining the request for a 4' ornamental fence around the wet retention basin rather than a 6' chain link fence. Mr. Garland advised the proposed fence will match the fence that will be installed for the adjacent lot and it would look aesthetically better if the styles matched. He noted there are other basins in the city the type of fence he is proposing and well as basins with no fencing. Mr. Bedell noted that the law department is writing legislation that would change the fence requirement for retention basins to be 4' and not 6' chain link. This would match what is proposed for swimming pools.

Ms. Linda Tomkalski, 3341 Bradley, stated that she was not opposed to the fence proposed but questioned where it would be placed as the retention basin is against her property line; will there be a gate; and there is not enough room for a fence. Mr. Garland and Mr. Hoffman explained the fence would be placed on the property line, as there is room adjacent from the basin for the fence. Ms. Tomkalski disagreed as the basin is on the lot line and there has been a lot of dirt moved on the site. Mr. Garland advised that he would have stakes placed on the lot line with a survey.

Members of the commission discussed the proposal.

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 o 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' 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**

Mr. Levitz reviewed the site, storefront revisions, materials, awning colors and signage. As proposed, all items comply with the Design Guidelines criteria. Mr. Bedell reviewed his staff memo.

The amenity zone for the tables and chairs was discussed. Mr. Bedell and Mr. Levitz advised the amenity zone is not changing from what currently exists, that was approved and complies with the Crocker Park Mixed Use Area Design Guidelines.

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

Meeting adjourned at 9:08 p.m. The next regular meeting is scheduled for Monday, April 5, 2021, in the Westlake City Hall Council Chambers.

Chairman Brad Lamb

Nicolette Sackman, MMC
Clerk of Commissions

Approved: _____