



PLANNING DEPARTMENT

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**WESTLAKE PLANNING COMMISSION
MINUTES OF THE REGULAR MEETING
MAY 10, 2021**

Present: Brad Lamb, Nick Nunnari (arriving at 7:19), Lauren Falcone, Duane Van Dyke, Matt Jones
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 17, 2021.

ROLL CALL ON APPROVAL:

Yeas: Falcone, Van Dyke, Jones, Lamb

Nays: None, motion carried

Mrs. Falcone moved, seconded by Mr. Van Dyke to approve the minutes of the regular meeting of April 5, 2021.

ROLL CALL ON APPROVAL:

Yeas: Falcone, Van Dyke, Jones, Lamb

Nays: None, motion carried

Mrs. Falcone moved, seconded by Mr. Van Dyke to approve the minutes of the regular meeting of April 12, 2021.

ROLL CALL ON APPROVAL:

Yeas: Falcone, Van Dyke, Jones, Lamb

Nays: None, motion carried

OLD BUSINESS

Aldi's Development Plan (addition), 30700 Detroit Rd., PP#21118019 & 027, rep. R. Pichola, Ward 5, tabled 4/5/21

Mr. Pichola, architect and Mr. Gauss, Aldi's were present and explained the site was revised since the last meeting. Mr. Bedell reviewed his staff memo noting changes since the last meeting were: transition of new Aldi's materials with the exterior of the existing shopping center; revised and relocated arborvitae hedge along north side to the north side of wood fence to provide organic view from neighbor's property, changed to the 6' high fence to wood to match existing around the residential property; added the sidewalk and cross walk from Bradley road to Aldi entry; relocated the ADA parking spaces further from entry door as requested; widened the pedestrian concrete areas in front of Aldi entry to minimize car pedestrian conflicts; added section through northern part of site to show grade difference from residential property to the north; defined the 6' high CMU fence around trash dumpster in the loading dock, and added dumpster to one new location so now 2 bins can fit inside.

Members of the commission discussed: the transition of materials and colors from the Aldi's store to the existing plaza to provide in some consistency; painting the shopping center fascia grey; reviewed the landscape and suggestions to enhance the landscape; the placement of the ADA parking spaces and if the ADA signs can be located in the landscape planters to provide more space on the sidewalk; cleaning up the rear of the shopping center; delivery truck circulation through the site; grading and working with the residential property owner to the north.

Findings of Fact:

1. The proposal is a permitted use in the General Business district.

2. Modifications are needed for the parking setback and driveway width.
3. No signage is approved with this request and will be submitted for a future meeting.
4. Buffering will be field verified during construction and adjusted if needed to meet the requirements of Chapter 1130.

Motion: Based upon the findings of fact Ms. Falcone moved, seconded by Mr. Van Dyke to recommend approval of the Aldi's Development Plan with the following modifications and conditions:

1. Modification for parking setback to be 30.2 setback from the north property line.
2. Modification for driveway width at 36'.
3. Condition that buffering will be field verified during construction and adjusted if needed to meet the requirements of Chapter 1130.
4. Condition that the exterior lighting plan emailed to staff on 5/7/21 is approved.
5. Approval is subject to comments in Part III of the 5/6/21 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, Lamb, Jones

Nays: None, motion carried

Ordinance 2021-17 Rezoning 28083 Detroit from R-1F-80 to R-MF-40, PP#21219005, 012 & 054, Ward 5 ref. 3/4/21, tabled 4/5/21

Mr. Hoffman and Mr. Pavicic presented a revised conceptual plan reducing the size of the units and increasing the number of the units to 49 units. Mr. Bedell noted the plan shown is just conceptual and is subject to change. Based on the size of the property there could be up to 53 units or any other permitted use in R-MF-40 zoning if rezoned. The zoning excludes apartment buildings. He advised the city's Guide Plan should be amended because it shows this area for single family homes.

Bob and Maureen Stein, 1706 Coe's Post expressed the following concerns: traffic and the amount of vehicles; possible number of units; does not feel like Westlake; single family is preferred; opposed to the rezoning and proposal; price of units and profitability. Mr. Pavicic estimated the units selling for \$525,000 to start and the type of proposed units are what the market supports.

Members of the commission discussed the proposal and addressed: the style, size and number of units; the Guide Plan shows the area as single family although there are more dense uses along Detroit Road; if there was a way to have less dense units at the rear of the property; the setback of the units from the adjacent single family property; if it is possible to rezone the property to planned unit development (the parcels are not large enough); existing traffic concerns; the need for this type of housing; the rezoning goes on the ballot; suggestions for redesigning the plans and looking at options. Mr. Bedell advised the plan shown is just conceptual and any permitted use in the zoning district can be constructed if rezoned.

Findings of Fact:

1. The Westlake Guide Plan's future land use map does not support the proposed rezoning and will need to be amended to be consistent with the change of use.
2. The conceptual plan indicates the potential density of units if the property is rezoned RMF-40 and the feasibility at this location. It is not a development plan and is for reference only.
3. The conceptual plan indicates the required 30' buffer to the adjacent R1-F-80 zoned property with the additional required 102.43' setback to the rear and 50' to the side of the townhomes. If this area is developed as a single-family subdivision, the rear setback is 30' and the side setback is 15' with no buffer required.
4. If rezoned, the applicant, a prospective developer or a future land owner will be able to apply for approval of a development plan that does not include the type or number of units or layout shown in the conceptual layout and may instead include a different type or number of units or a different layout. This could result in a different number of units for the site with the maximum allowed by code being 53.

Motion: Ms. Falcone moved, seconded by Mr. Van Dyke to amend the Westlake Guide Plan Future Land Use Map to designate permanent parcels 212-19-005, 012 & 054 as Multi-Family Residential (Medium Density).

ROLL CALL ON APPROVAL:

Yeas: Nunnari, Falcone, Lamb, Jones

Nays: Van Dyke, motion carried

Motion: Based upon the findings of fact Ms. Falcone moved, seconded by Mr. Van Dyke to recommend approval of Ordinance 2021-17.

ROLL CALL ON APPROVAL:

Yeas: Nunnari, Falcone, Lamb, Jones

Nays: Van Dyke, motion carried

NEW BUSINESS

Reed, Benjamin and Joyce - Lot Split and Assembly, 31569 & 31487 Center Ridge Rd., PP#21714016 & 026, Ward 6

Ms. Reed explained her parents would like to reconfigure the two parcels they own. Mr. Bedell reviewed his staff memo noting the proposed widths of the lots comply with code requirements and is an improvement to what exists.

Findings of Fact:

1. The purpose of this request is to split property from one parcel and add it to the adjacent parcel owned by the applicant.
2. An existing legal non-conformity for lot width for PP#217-14-026 is eliminated and the depth to width ratio non-conformity is switched from PP#217-14-026 (“COMBINATION”) to PP#217-14-016 (“SPLIT”) and reduced slightly.

Motion: Based upon the findings of fact Ms. Falcone moved, seconded by Mr. Van Dyke to approve the Reed, Benjamin and Joyce Lot Split and Assembly involving permanent parcel numbers 217-14-016 & 026, with the following modification and condition:

1. Modification for “SPLIT” parcel (PP#217-14-016) to be more than 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: Van Dyke, Nunnari, Falcone, Lamb, Jones

Nays: None, motion carried

Equity Trust Lot Split & Site Improvement 1 & 2 Equity Way, PP#21120001, rep. A. Maione, Ward 3

Mr. Maione explained the proposal is to split the parcel into two parcels so each building is on its own lot. This is being done for tax purposes. Mr. Bedell reviewed his staff memo noting in order to qualify for tax abatement for their new Convergent East Building, Cuyahoga County requests that it be on a separate parcel. Council approved this tax abatement in 2019. There is no new construction proposed however, the existing development plans for Equity Trust/Convergent East includes the area of the proposed Parcel A. Therefore, approval of a new site plan is necessary to reflect the new lot lines and setbacks. A condition of approval is needed for the use of shared parking and access.

Planning commission members discussed the following: easements for access and parking and how that would be handled if either parcel were sold.

Findings of Fact:

1. The purpose of this request is to split off the Convergent East Building for tax abatement purposes.
2. There will be no physical changes to the site because of this action.
3. Should Parcel ‘A’ or ‘B’ be sold, easements for parking and shared access are needed.

Motion: Based upon the findings of fact Ms. Falcone moved, seconded by Mr. Van Dyke to approve the Equity Trust lot split involving permanent parcel number 211-20-001 with the following conditions:

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1. Subject to approval of the site improvement plan (site plan) by Council.
2. That a future and permanent shared parking and ingress/egress easement serving both parcels is added to the plat.
3. The plat meets the requirements of the County and State as indicated in the Ohio Revised Code and is approved 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, Lamb, Jones

Nays: None, motion carried

Motion: Based upon the findings of fact Ms. Falcone moved, seconded by Mr. Van Dyke to recommend approval of the Equity Trust site improvement plan with a modification for the existing parking spaces to be at a 0' setback from the new lot line shared by Parcel A and Parcel B.

ROLL CALL ON APPROVAL:

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

Nays: None, motion carried

UGSC Bradley Rd LLC Sign Plan, 876 Bradley Road, PP#21102013, rep. C. Marshall, Ward 3

Mr. Bedell reviewed his staff memo noting the request is for larger address numbers than code allows.

Findings of Fact:

1. The address numbers require a permit because they exceed two s.f. and are considered a wall sign.
2. No conditions or modifications are needed.

Motion: Based upon the findings of fact Ms. Falcone moved, seconded by Mr. Van Dyke to approve the UGSC Bradley Rd LLC Sign Plan.

ROLL CALL ON APPROVAL:

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

Nays: None, motion carried

Hilliard Meadows Major Subdivision Preliminary Plan, Hilliard Blvd., PP#21625001, rep. B. Uhlenbrock, Ward 5

Mr. Neff and Mr. Malloy were present and discussed the proposal. Mr. Bedell reviewed his staff memo for the ten lot subdivision along Hilliard Blvd. Mr. Neff explained there will be storm sewer easements and reviewed the location of the easements and drainage. They plan to preserve as many trees as possible on the lots.

Mr. Dave Almquist, 2857 Wyndgate expressed concerns with drainage; if the neighboring creek will be impacted as well as water quality; concerns with the existing culvert and water flow. Mr. Malloy, Lakewood Country Club representative explained water drains into the existing ponds on the golf course and reviewed the drainage.

Mr. Malloy explained that eight of the lots have been pre-sold already and it is anticipated that the homes will be valued over \$1,000,000 each. There will be an architectural review board of the homes and deed restrictions in place. Discussion ensued regarding the following: drainage; the retention of as many trees as possible; the elevated grade of the property; the eventual widening of Hilliard Blvd. (no plans at this time); deed restrictions; lot sizes; bio-swales; wetland mitigation; and traffic congestion on the street in this area during peak traffic hours.

Findings of Fact:

1. This subdivision stems from a 2012 lot split and assembly plat approval for this purpose.
2. There are no modifications necessary.

Motion: Based upon the findings of fact Ms. Falcone moved, seconded by Mr. Van Dyke to recommend approval of the Hilliard Meadows Major Subdivision Preliminary Plan with the following conditions:

1. A public utility easement is required on the north side of Hilliard Blvd.
2. Storm water quality is required along with storm calculations.
3. Rear yard storm drainage is required.

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4. All lots require water and storm connections.
5. Pavement width on Hilliard Blvd shall be twenty-five feet (25') from face of curb.
6. Approval is subject to comments in Part III of the 5/6/21 staff report.

ROLL CALL ON APPROVAL:

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

Nays: None, motion carried

**Gales Garden Center Development Plan (greenhouse addition), 24373
Center Ridge Rd., PP#21410001, rep. R. Rouser, Ward 1**

Applicant requested to be tabled.

Motion: Ms. Falcone moved, seconded by Mr. Van Dyke to table Gales Garden Center Development Plan to June 7th.

ROLL CALL ON APPROVAL:

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

Nays: None, motion carried

**Crocker Park F Surface Parking Lot Development Plan, 130
American Blvd., PP#21126001, rep. J. Plautz, Ward 5**

Mr. Plautz explained this proposal had been previously approved in 2019 but was not constructed within the one year timeframe. Mr. Bedell reviewed his staff memo.

Findings of Fact:

1. The only modification is for the parking lane width that was supported to be reduced by the City Engineer to improve the layout of the parking lot.
2. The Preliminary Development Plan was revised when this was approved in 2019 for a minimum setback of 74' from Crocker Road for this parking lot.

Motion: Ms. Falcone moved, seconded by Mr. Van Dyke to recommend approval of the Crocker Park F Surface Parking Lot with the following modification and conditions:

1. Modification for a 23' wide parking aisle.
2. Approval is subject to comments in Part III of the 5/6/21 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, Lamb, Jones

Nays: None, motion carried

**Crocker Park DSE Parking Lot Development Plan, 130 Market St.,
PP#21126069, rep. J. Plautz, Ward 5**

Mr. Plautz explained this proposal had been previously approved in 2018 but was not constructed within the one year timeframe. Mr. Bedell reviewed his staff memo. Discussion ensued if there were previously parking meters, which Mr. Bedell clarified were also shown in 2018. The lot is a privately owned lot, unlike the parking garages which were funded by the Port Authority making them public and eligible for parking meters. In the future it is possible a building could be constructed at this location if supported by the market.

Findings of Fact:

1. No modifications are required.
2. The Preliminary Development Plan was revised when this was approved in 2018 for a minimum setback of 50' from Crocker Road to be consistent with the existing parking setback for this lot and the Union Street lot that is 50'.

Motion: Ms. Falcone moved, seconded by Mr. Van Dyke to recommend approval of the Crocker Park DSE Parking Lot with the following condition:

1. Approval is subject to comments in Part III of the 5/6/21 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, Lamb, Jones

Nays: None, motion carried

**Concord Reserve Sign Plan, 2116 Dover Center Rd., PP#21226025,
rep. M. Lloyd, Ward 4**

Mr. Detar explained the proposal is for four wayfinding signs on the property. They will be non-illuminated and he reviewed the locations and style of the signs. Mr. Bedell reviewed his staff memo. Discussion ensued that the sign code should be reviewed so these types of signs are not too tall.

Findings of Fact:

1. The purpose of this request is for new instructional signs for wayfinding at Concord Reserve.
2. The signs comply with Chapter 1223 and do not require any modifications.

Motion: Ms. Falcone moved, seconded by Mr. Van Dyke to approve of the Concord Reserve sign plan with the condition that instructional signs placed no closer than 18" from the driveway curb and not obstruct the sight line view of pedestrians or motorists.

ROLL CALL ON APPROVAL:

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

Nays: None, motion carried

**Rosewood Grill Site Improvements (patio), 2035 Crocker Rd.,
PP#21127004, rep. G. Schindler, Ward 5**

Mr. Schindler explained they are seeking to construct a roof over the existing patio to provide shade and protection from inclement weather. The patio size is not changing and he reviewed the rendering and drawings of the proposal. Mr. Bedell reviewed his staff memo advising the existing awnings and fire pit are being removed and the existing exit door is being relocated for direct access to the patio from the restaurant lobby. There will be string lighting which complies with the code. Mr. Schindler explained once the roof is in place and has been in use, they can determine if any other changes will be requested in the future.

Discussion ensued: the roof structure is a permanent structure; what months will it be used (seasonal use); will there be fans or heaters (yes) which should be shown on the plans; review of the roof material; location of heaters and if they will be visible off the site, which was unlikely due to the fascia on the front of the structure.

Findings of Fact:

1. The request meets code requirements, except for roofing materials.
2. "Shade by others" is required for a future approval by the Planning Commission in accordance with Section 707.05(b).

Motion: Ms. Falcone moved, seconded by Mr. Van Dyke to recommend approval of the Rosewood Grill Site Improvements with the following modification and condition:

1. A modification is granted from Chapter 1237, Design Guidelines, for the roof material to be of black aluminum frame with translucent polycarbonate panels.
2. Approval is subject to comments in Part III of the 5/6/21 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.

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Yeas: Van Dyke, Nunnari, Falcone, Lamb, Jones
Nays: None, motion carried

Taco Bell Sign Plan, 1345 Columbia Rd., PP#21324009, rep. M. Harrison, Ward 1

Mr. Harrison explained the proposal is to replace the existing monument sign that was damaged and to install a new menu board/small canopy and crash bar. He reviewed the proposed signs and their locations. The menu board images are static other than the small area that displays the order. Mr. Bedell reviewed his staff memo.

Findings of Fact:

1. The proposed signage complies with code, except for the digital menu board that require modifications from 1223.08(b).
2. These modifications are consistent with those granted for other drive-thru restaurants.

Motion: Ms. Falcone moved, seconded by Mr. Van Dyke to approve of the Taco Bell sign plan with the following modification and condition:

1. Modification to allow the digital menu boards to exceed 33% of the sign face and have more than one color; and to allow the message to change more than once but no more than 4 times per day, except for the portion of the digital menu board used for an order display area that may change as needed.
2. Condition that the digital menu boards are not operated as animated signs except as stated above and that the crash bar and canopy are approved as presented.

ROLL CALL ON APPROVAL:

Yeas: Van Dyke, Nunnari, Falcone, Lamb, Jones
Nays: None, motion carried

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, 90-day extension of time (exp. 5/16/21), tabled 1/4/21, 2/1/21, 3/1/21, 4/5/21

Mr. Bedell reviewed his staff memo. Discussion ensued on hours of operation for drive-thru restaurants, distance from residential properties, pick-up windows, and hours should be looked at. Additional research was requested.

Motion: Ms. Falcone moved, seconded by Mr. Van Dyke to request a 90-day extension of time.

ROLL CALL ON APPROVAL:

Yeas: Van Dyke, Nunnari, Falcone, Lamb, Jones
Nays: None, motion carried

Motion: Ms. Falcone moved, seconded by Mr. Van Dyke to table Ordinance 2021-17 to June 7th.

ROLL CALL ON APPROVAL:

Yeas: Van Dyke, Nunnari, Falcone, Lamb, Jones
Nays: None, motion carried

MISCELLANEOUS

None

ADJOURNMENT

Meeting adjourned at 10:17 pm. The next meeting is scheduled for Monday, 5/17/2021.

Chairman Brad Lamb

Nicolette Sackman, MMC
Clerk of Commissions

Approved: _____

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