



PLANNING DEPARTMENT

27700 Hilliard Blvd. Phone 440.871.3300
Westlake, OH 44145 Fax 440.617.4324

**WESTLAKE PLANNING COMMISSION
MINUTES OF THE REGULAR MEETING
JUNE 7, 2021**

Present: Brad Lamb, Nick Nunnari, 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 May 10, 2021.

ROLL CALL ON APPROVAL:

Yeas: Falcone, Nunnari, 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 May 17, 2021.

ROLL CALL ON APPROVAL:

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

Nays: None, motion carried

COUNCIL REPORT

Councilman Nunnari reported on council matters.

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. 8/14/21), tabled 1/4/21, 2/1/21, 3/1/21, 4/5/21, 5/10/21

Mr. Bedell reviewed his staff memo explain he is conduction further research.

Motion: Ms. Falcone moved, seconded by Mr. Van Dyke to table Ordinance 2020-146 to the July 12, 2021 meeting.

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, tabled 5/10/21

The applicant requested to be tabled to the next meeting.

Motion: Ms. Falcone moved, seconded by Mr. Van Dyke to table Gales Garden Center Development Plan (greenhouse addition) to the July 12, 2021 meeting.

ROLL CALL ON APPROVAL:

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

Nays: None, motion carried

**Ordinance 2021-30 Code amendment: 1211.04(B)(1) “Accessory Uses”
of the Zoning Codes to fences, ref. 4/15/21, tabled 5/17/21**

Ms. Keppler, 24102 Center Ridge Rd., explained she would like to be able to put a fence on her property with a historic home (circa 1882) but there are three lots and she is not permitted to put a fence on the vacant parcels without a main use. During her variance request in 2019 to the Board of Zoning Appeals, she was advised of the code requirement and it was suggested that she assemble the three parcels. She stated that she did not want to assemble the parcels as there is an expense to hire as surveyor, which would take months, possible increase in taxes, and if she wanted to sell one of the parcels the lot would have to be split if it were assembled. She presented photos of existing sections of different style fences that exist on the property. She questioned how the fence across the street from St. Bernadette was installed as the house is on a separate parcel from the fence parcel.

Mr. Bedell reviewed his staff memo advising the request to permit fences to be constructed on multiple unassembled, adjacent lots meeting certain requirements. Currently, fences can only be constructed on property that has a “main use”. The zoning code amendment would apply to all properties in the city. Mr. Bedell reviewed the property and existing zoning code for accessory uses. He explained at the PZL meeting of council that Director of Inspections Grayem stated his objection to this amendment that has the potential to have adverse impacts on building and zoning codes, such as for enforcement purposes. PZL did not recommend that this ordinance be adopted. However, Council forwarded it to the Planning Commission for a recommendation. He will also research the property on Clague Road that Ms. Keppler mentioned. He reviewed the original request to BZA and noted the fence she is now proposing is different and no longer in the front yard or exceed the permitted height.

Mr. Keppler, 1440 Queen Anne’s Gate, expressed the following: there are various fences styles (5) on the property that have been there for years; questioned if the fences were grandfathered; he noted the gravel circular driveway that exist is no longer permitted and questioned if it had to be removed; the home is a historical home and the fences were part of the property; questioned what is considered a main use as there is a barn on the property (Mr. Bedell advised a house is a main use and a barn is an accessory use. The barn is a legally non-conforming structure since it is on a parcel without a main use); questioned how the Clague Road fence was constructed and permitted without a main use on the property; the property has multiple zoning, single-family and multi-family;

Mr. Bedell questioned if the new fence would go in the same location as the existing fences, which the Kepplers advised it would. Mr. Bedell was not aware of the existing fences until the meeting as the original request to BZA was for a fence in the front yard.

Members of the commission discussed the following: how many lots in the city exist with 2 acres that the code would apply to (Mr. Bedell was uncertain); where fences could be located; reviewed the code amendment and how it would be applied; if the amendment should be further amended to include houses that are older than a certain date with 2 acres, which may be few; that a date shouldn’t be applied as there could be new homes in the city that have common ownership that could apply to the code, which may not be an issue; questioned the legal non-conforming fence and what can be done or not; the proposed fence would look better than what exist on Ms. Keppler’s property; and this property is historical and there is the desire to retain the historical character of the property; styles of fences. It was determined that further research is needed and the ordinance should be tabled.

Motion: Ms. Falcone moved, seconded by Mr. Van Dyke to request a 90-day extension of time for Ordinance 2021-30 (9/12/21).

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 2021-30 to the July 12, 2021 meeting.

ROLL CALL ON APPROVAL:

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

Nays: None, motion carried

NEW BUSINESS

**Tookman Lot Assembly, 23833 Wonneta Pkwy., PP#21406020 & 050,
rep. J. Tookman, Ward 1**

Mr. Tookman stated that he would like to assemble two parcels into one. Mr. Bedell reviewed his staff memo.

Findings of Fact:

1. The proposal assembles two lots owned by the applicant.
2. There are no legal non-conformities created by this action.

Motion: Based upon the findings of fact Ms. Falcone moved, seconded by Mr. Van Dyke to approve the Tookman lot assembly involving permanent parcel numbers 214-06-020 and 214-06-050 with the condition that approval is subject to the plat meeting the requirements of the County and State as indicated in the Ohio Revised Code and approval by the Engineering Department in compliance with the code and the ordinances of the City of Westlake.

ROLL CALL ON APPROVAL:

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

Nays: None, motion carried

Neverman Insurance Lot Assembly, 27594 Detroit Rd., PP#21213055 & 058, rep. R. Donnelly, Ward 3

Mr. Bedell reviewed his staff memo and noted the assembly of the parcels was a condition of approval for the site improvements approved 2/1/21.

Findings of Fact:

1. This is being done in accordance with the condition of approval for the approved site improvement plan.
2. There are no additional or increases in legal non-conformities as a result of this action.

Motion: Based upon the findings of fact Ms. Falcone moved, seconded by Mr. Van Dyke to approve the Neverman Insurance lot assembly involving permanent parcel numbers 212-13-055 and 212-13-058 with the condition that approval is subject to the plat meeting the requirements of the County and State as indicated in the Ohio Revised Code and approval by the Engineering Department in compliance with the code and the ordinances of the City of Westlake.

ROLL CALL ON APPROVAL:

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

Nays: None, motion carried

Neverman Insurance Sign Plan, 27594 Detroit Rd., PP#21213055 & 058, rep. Grigoli, Ward 3

Mr. Grigoli explained the proposal is to replace the existing monument sign in the same location with a new internally illuminated sign that is smaller in area. Mr. Bedell reviewed his staff memo. The illumination and location were discussed.

Findings of Fact:

1. The new sign will be located in the same location as the existing one.
2. The design conforms to Chapter 1223 except for the setback that requires a modification.

Motion: Based upon the findings of fact Ms. Falcone moved, seconded by Mr. Van Dyke to approve the Neverman Insurance sign plan with the following:

1. Modification for the new sign to be in the same location as the existing sign.
2. Condition that the new sign will be moved at the owner's expense to be 10' from the right-of-way if Detroit Road is widened in the future.

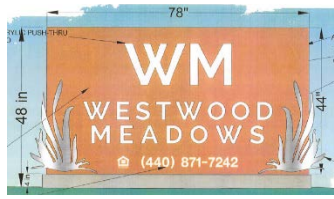
ROLL CALL ON APPROVAL:

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

Nays: None, motion carried

Westwood Meadows Sign Plan, 27825 Detroit Rd., PP#21221001, rep. S. Fridrich, Ward 3

Mr. Fridrich explained the proposal is for a new monument sign between the two driveways. He reviewed the materials, illumination, location and style of the sign. The sign will have a unique aluminum grass design feature that extends past the sign. Mr. Bedell reviewed his staff memo.



Discussion ensued that the grass design feature that extends past the main portion of the sign might be damaged by mowers and it was suggested to expand the base so a mower cannot get close enough to the sign to hit the grass design feature.

Findings of Fact:

1. Although a modification is required, signs consisting of push through internally illuminated acrylic letters are preferable because they produce less glare than externally illuminated signs.
2. Otherwise, the proposed sign complies with Chapter 1223.

Motion: Based upon the findings of fact Ms. Falcone moved, seconded by Mr. Van Dyke to approve the Westwood Meadows sign plan with the following:

1. A modification to permit an internally illuminated sign in a residential district.
2. Condition that the base is extended past the grass element feature a minimum of 4" on each side.
3. Condition that approval is subject to comments in Part III of the 6/3/21 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

Dover Congregational United Church of Christ Sign Plan, 2239 Dover Center, PP#21314010, rep. M. Hannah, Ward 2

Mrs. Falcone recused herself due to a conflict of interest and left the room. Mr. Hannah reviewed the sign proposal to replace the existing sign with a new sign in the same location. The new sign will have a digital message center and the sign is internally illuminated. He reviewed the design and materials. Mr. Bedell reviewed his staff memo noting the text on the digital portion should be one color only and not change more than once every 24 hours.

Members of the commission discussed the proposal and what the end cap of the one side of the sign will look like and if there will be a strip with one color so the sign does not have a striped appearance. Mr. Hannah explained it will have various colors visible.

Findings of Fact:

1. The proposal replaces the existing monument sign with one that incorporates a digital sign.
2. Modifications for the internal illumination are acceptable.

Motion: Based upon the findings of fact Mr. Lamb moved, seconded by Mr. Van Dyke to approve the Dover Congregational Church of Christ sign plan with the following:

1. Modification to permit an interior illuminated sign (push through letters and digital sign) in a residential district and for the total sign face to exceed 24 s.f. as presented.
2. Condition that the digital sign only display a single color with a black background and be operated so that the message is static, with no scrolling or flashing or any movement or animation of any kind except that the message can change once every 24 hours.

ROLL CALL ON APPROVAL:

Yeas: Van Dyke, Nunnari, Lamb, Jones

Nays: None, motion carried

Findings of Fact:

i.c. Scientific Solutions Sign Plan, 909 Canterbury, PP#21307040, rep. T. Tilberg, Ward 1

Mr. Tilberg reviewed the proposed wall sign on a multi-tenant building. He advised there is a sign criteria for the building, but it is old and outdated. The sign is two lines of text and the logo, which is 66" tall and non-illuminated. Mr. Bedell reviewed his staff memo explaining the sign area requested is 65 sf. and the overall height exceeds the 48" permitted. He spoke with the building owner earlier in the day who would like to update the master sign criteria for the building. Each tenant is allotted 18 sf. of signage.

Discussion ensued regarding the overall size and how that will affect the other tenants' allowable area for their signs. There were concerns with the size of the sign as well as visibility. The word "Scientific" is so light it blends in with the wall and is not noticeable. It was questioned if that could be revised. Mr. Tilberg stated he mentioned that to the tenant but as proposed matches their name/logo on all of their items. If the sign were to be reduced so it is not over 66" (logo) the lines of text would be smaller and it was uncertain how legible it would be at that size. The existing sign areas for the other signs in the plaza should be provided. It was determined that options for the sign should be researched.

Motion: Ms. Falcone moved, seconded by Mr. Van Dyke to table the i.c. Scientific Solutions Sign Plan to the July 12, 2021 meeting.

ROLL CALL ON APPROVAL:

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

Nays: None, motion carried

**Kennedy Viking Property Site Improvements, 30505 Clemens
(parking lot), PP#21117018, rep. M. Hasel, Ward 3**

Mr. Hasel reviewed the proposed area to be paved, which is an existing gravel parking lot. He advised the gravel lot was constructed years ago and does not comply with code so the applicant would like to pave it. Mr. Bedell reviewed his staff memo and the commission discussed the number of parking spaces, the proposed paved area, and how it will be illuminated. There will be no additional lighting and Mr. Bedell advised there are no minimum requirements for the amount of lighting.

Findings of Fact:

1. Approval will allow the paving of an existing gravel parking lot.
2. There are no zoning modifications required.

Motion: Based upon the findings of fact Ms. Falcone moved, seconded by Mr. Van Dyke to recommend approval of the Kennedy Viking Property site improvements with the condition that approval is subject to comments in Part III of the 6/3/21 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

**Blue Sushi Sake Grill Storefront (patio), 2000 Crocker Rd.,
PP#21125005, rep. B. LaCount, Ward 5**

Mr. LaCount explained the proposal is to add a patio for the restaurant. He reviewed the proposal and showed renderings of the patio, planting beds, lighting and furniture. Mr. Bedell reviewed his staff memo. The members of the commission discussed the proposal.

Findings of Fact:

1. The proposal improves the dining experience, while enlivening the northeast edge of Crocker Park.
2. There are no zoning modifications or design guideline waivers required.

Motion: Based upon the findings of fact Ms. Falcone moved, seconded by Mr. Van Dyke to recommend approval of the Blue Sushi Sake Grill Storefront (patio) with the condition that approval is subject to comments in Part III of the 6/3/21 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

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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

**Corporate Circle Development Plan, Corporate Circle, PP#21126068,
067 & 21129009, rep. S. Rubin, Ward 5**

Mr. Craun, Ms. Williams and Mr. Rubin were present and reviewed the proposal for a two single story buildings for retail and restaurants and a single story “U” shaped office building. Plans were presented showing the elevations, architectural details, material and colors, lighting, green space and landscape. Mr. Bedell reviewed his staff memo and discussed the screening for the roof top HVAC units, dumpster locations, drive-up windows and stacking lanes in addition to the items reviewed by the applicant.

Members of the commission discussed the following: awnings; architectural designs; elevations and the removal of the box looking element above the end unit of the south retail building; HVAC screening; lighting; the proposed pedestrian courts and landscape; dumpster locations; entrance driveways; traffic study; and width of Crocker Road.

Findings of Fact:

1. The purpose of this request is to approve the final development plan.
2. There are several minor modifications required.

Motion: Based upon the findings of fact Ms. Falcone moved, seconded by Mr. Van Dyke to recommend approval of the Corporate Circle Development Plan with the following:

1. Modification for open space to be 41.4%, and the rear building setback to be 127’.
2. Condition that buffer landscaping will be field verified during construction for opacity.
3. Condition that rooftop units will be evaluated during construction with additional screening provided if parapet screening is inadequate and exterior lighting will be administratively approved or submitted to the Planning Commission if it does not comply with Section 1230.03.
4. Condition that approval is subject to comments in Part III of the 6/3/21 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

**28045 Clemens Road LLC Development Plan, 28045 Clemens Rd.,
PP#21208071, rep. L. Sampat, Ward 3**

Ms. Corval, architect, reviewed the proposal for a second building with a similar design but not the same design. She presented renderings of the elevations, lighting and site plan. Mr. Bedell reviewed his staff memo and noted there are no proposed changes to the existing building. Members of the commission reviewed the proposal with suggestions for architectural design tweaks and discussed the tree preservation and landscape.

Findings of Fact:

1. This proposal completes the development of this property.
2. There are no modifications and conditions can be addressed with the administrative approval of construction drawings.

Motion: Based upon the findings of fact Ms. Falcone moved, seconded by Mr. Van Dyke to recommend approval of the 28045 Clemens Road development plan with the following:

1. Condition that the exterior lighting plan will be administratively approved or submitted to the Planning Commission if it does not comply with Section 1230.03; a landscaping plan will be submitted for administrative approval; and any system protrusions from the walls or roof will be colored to match adjacent materials.

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2. Condition that approval is subject to comments in Part III of the 6/3/21 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

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

Mr. Apple reviewed the proposal for an addition to the existing building that will be for rental apartments and not part of the assisted living facility. The apartments are not senior housing and anyone of any age can rent an apartment. The addition will match the existing building architectural design and materials. Mr. Bedell reviewed his staff memo reviewing the site plan; parking lot; architecture and materials; floor plan; landscape; and HVAC screening.

Members of the commission discussed the following: the use of the addition and if it will be connected to the main assisted living building internally; concerns with the proposed addition being used for assisted living as it would require a conditional use permit and rezoning; is the apartment use permitted; previous code amendment; the floor plans and what would prevent the addition from connecting to the existing building; the layout of the parking lot and curb cuts; green space and trees; fire truck fire lanes; retention basin; and screening.

The applicant's attorney explained the addition will not be used for assisted living and will be an apartment for any age individual. The past text amendment approved by the city was not for assisted living but to change the code text so they could address the construction loan. There was a previous zoning code amendment but they withdrew it and there was never any rezoning. After discussion, the request was tabled for further information.

Motion: Ms. Falcone moved, seconded by Mr. Van Dyke to table Ordinance 2021-30 to the July 12, 2021 meeting.

ROLL CALL ON APPROVAL:

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

Nays: None, motion carried

MISCELLANEOUS

None

ADJOURNMENT

Meeting adjourned at 10:45 p.m. The next regular meeting is scheduled for Monday, July 12, 2021, in the Westlake City Hall Council Chambers.

Chairman Brad Lamb

Nicolette Sackman, MMC
Clerk of Commissions

Approved: _____