



PLANNING DEPARTMENT

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**WESTLAKE PLANNING COMMISSION
MINUTES OF THE REGULAR MEETING
NOVEMBER 14, 2022**

Present: Chairman Brad Lamb, Duane Van Dyke, Lauren Falcone, Bonnie Smith
Absent: Matt Jones
Also Present: Planning Director Jim Bedell, Assistant Law Director Nathalie Supler, 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 Ms. Smith to approve the minutes of the regular meeting of October 3, 2022.

ROLL CALL ON APPROVAL:

Yeas: Falcone, Lamb, Smith
Abstain: Van Dyke
Nays: None, motion carried

Mrs. Falcone moved, seconded by Ms. Smith to approve the minutes of the special meeting of October 17, 2022.

ROLL CALL ON APPROVAL:

Yeas: Falcone, Lamb, Smith, Van Dyke
Nays: None, motion carried

COUNCIL REPORT

Councilman Van Dyke reported on council matters as they relate to planning commission.

BUSINESS

**Westside Christian Academy development plans, sign plan and
assembly plat, 23096 Center Ridge Rd., PP#21427006-8, Ward 1**

Mr. Fant (architect), Mr. Stibe (architect), Mr. Plautz (civil engineer) and Mr. Whitman (WCA representative) were present. Mr. Bedell reviewed his staff memo reporting on changes in the plan since the last meeting: increased sidewalk width; changes in the buffer along the western property line adjacent to the single family home; reconfiguration of the retention basin and addition and increasing the trees along the basin (existing trees will be removed); buffering; the existing fence along the western property line will be maintained and additional landscape will be added to soften the look of the fence from the school side; with the removal of existing trees the site complies with code requirements but existing trees of 8" D.B.H. or greater located within a required landscape perimeter area should be preserved unless planning commission and council approves the removal; lighting be administratively approved if any changes are necessary during construction; design, location, size and fencing of the retention basin; and the revised sign.

Members of the commission discussed in length the retention basin and what changes could be done to the size, location and design and whether it can be done in phases. Mr. Fant explained the basin as shown is to provide enough retention for the proposed phases as well as for a future third phase that has not been presented. By doing the basin based on what will be needed in the future will prevent in additional cost to redo the basin in the future. It was determined that the basin as shown can be approved but in the meantime, before a third phase is presented, that a revised plan should be submitted for the phases currently being proposed (reducing the size). Other items discussed by the commission were: brick materials and pattern; building design; sign; preserving as many trees as possible and to incorporate more Oak trees into the current plan.

Findings of Fact

1. The proposal is a permitted use in the R-MF-24 zoning district.
2. Sign modifications are required.
 - a. The school and church is across the street from the new Westin Pointe buffer mounds and the signage is not likely to impact neighboring residential properties.
 - b. The scale of the site and buildings can accommodate the signs.
 - c. The logo exceeds 48" but frames the left side of the sign and a conforming logo would be hard to see.
 - d. If this were a commercial zone on Center Ridge Road, 240 s.f. of signage would be allowed but, as an institutional use in a residential zone, only 24 s.f is allowed as either a monument or wall sign.
3. The new design of the retention basin is not likely to preserve many more trees than the former design; however, it provides some space for buffering on the east side. The removal of trees in the required 10' buffer to the east and west of the retention basin, with none replaced on the west side of the basin, requires a modification in accordance with Section 1130.04(g) and may be exempted in accordance with 1137.05. The proposed landscaping on the east side of the basin complies with the buffer requirements in Chapter 1130.

Motion: Based upon the findings of fact Ms. Falcone moved, seconded by Ms. Smith to approve the Westside Christian Academy lot assembly plat involving permanent parcel numbers 21427006, 21427007, and 2142708, 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: Smith, Lamb, Van Dyke, Falcone

Nays: none, motion carried

Motion: Based upon the findings of fact Ms. Falcone moved, seconded by Ms. Smith to recommend approval of the Westside Christian Academy development plan with the following:

1. Modification to remove existing trees of eight inches D.B.H. or greater located within the required 10' side buffer area for the retention basin with the replacement of some trees on the east side of the basin and no trees on the west side of the basin.
2. Condition that the exterior lighting plan is approved with any changes administratively approved in compliance with 1230.03, or returned to the Planning Commission if not in compliance.
3. Condition that sound from HVAC units does not exceed 70 dB at the nearest adjacent residential lot line.
4. Condition that a 4' high minimum fence is placed around the retention basin.
5. Condition that the retention basin plan as submitted is for the third phase of the development (future gymnasium) and a plan for a smaller basin to be developed in conjunction with the phase 1 and 2 construction will be submitted for administrative approval.
6. Approval is subject to comments in Part III of the 11/10/22 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: Smith, Lamb, Van Dyke, Falcone

Nays: none, motion carried

Motion: Based upon the findings of fact Ms. Falcone moved, seconded by Ms. Smith to approve the Westside Christian Academy sign plan with the following:

1. Modification for site signage to exceed 24 s.f., for the logo height to exceed 48", to allow either one wall or one canopy sign in addition to the existing monument sign, and to allow a canopy style sign design instead of a wall sign for the Phase 2 signage.
2. Condition that the Phase 1 wall sign will not be reused after it is removed for the Phase 2 development, unless approved by the Planning Commission.

ROLL CALL ON APPROVAL:

Yeas: Smith, Lamb, Van Dyke, Falcone

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Nays: none, motion carried

Equity Trust monument sign, 1 Equity Way, PP#21120012, Ward 3

Mr. Beeman, sign contractor, reviewed the proposal for a new directional sign to direct employees to the correct parking lot. Mr. Bedell reviewed his staff memo.

Findings of Fact

1. The modification for the height of the sign is acceptable due to the “the general characteristics of the proposed site and surrounding area” as there are monument signs on the property along Clemens Road that are allowed to be taller and the slight increase in height for the sign also fulfills the requirement for uniformity of signs on the site as does the similar materials, colors and font.
2. The modification for the distance from the edge of the driveway is not recommended for safety reasons and the sign should be repositioned accordingly.

Motion: Based upon the findings of fact Ms. Falcone moved, seconded by Ms. Smith to approve the Equity Trust monument sign with the following:

1. Modification for the directional sign to exceed 3’ in height.
2. Condition that the sign is repositioned to be 5’ from the edge of the driveway.

ROLL CALL ON APPROVAL:

Yeas: Smith, Lamb, Van Dyke, Falcone

Nays: none, motion carried

Hospice of Western Reserve lot split, 30080 Hospice Way, PP#21115017, Ward 3

Mr. Plautz, engineer, was present and explained they wish to split the parcel into two parcels. Mr. Bedell reviewed his staff memo. Discussion ensued that the newly created parcel could be developed for a number of main medical uses, such as medical offices, based on the Health Campus zoning, but senior service uses, such as a nursing home, are not main uses and require CUP approval.

Findings of Fact

1. This request will permit the sale of property for development for a future Health Campus Zone use.
2. There are no zoning issues with the proposal.

Motion: Based upon the findings of fact Ms. Falcone moved, seconded by Ms. Smith to approve the Hospice of the Western Reserve lot split involving permanent parcel number 21115017 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: Smith, Lamb, Van Dyke, Falcone

Nays: none, motion carried

ADMA sign plan, 24272 Detroit Rd., PP# 21402003, Ward 1

Ms. Savelli from ADMA explained the proposal is for a wall sign. Mr. Bedell reviewed his staff review memo.

Findings of Fact

1. No modifications are required.
2. This will be the only sign.

Motion: Based upon the findings of fact Ms. Falcone moved, seconded by Ms. Smith to approve the ADMA sign plan.

ROLL CALL ON APPROVAL:

Yeas: Smith, Lamb, Van Dyke, Falcone

Nays: none, motion carried

**Corporate Circle revised PDP, 2205-2209 Crocker Rd., PP#21126075,
Ward 5**

**Kitchen Social storefront and sign plan, 2207 Suite E Crocker Rd.,
PP#21126075, Ward 5**

Ms. Williams, architect, and developer Mr. Rubin, were present to explain revisions to the Corporate Circle PDP and the Kitchen Social storefront and sign plan. The PDP needs to be revised as the building addition is being added to the south side of building A1 and will increase the footprint by 1,000 sf. Kitchen Social is seeking to extend the addition into the plaza area for a proposed enclosed patio. Ms. Williams reviewed the addition design, roll up garage doors to open the space during warm weather, materials, colors, light sconces, and signage. Mr. Bedell reviewed his staff memo. Mr. Rubin advised that the blade sign at the rear of the patio will be removed from the proposal and not installed out of respect for the residents to the east.

Members of the commission discussed the following: the building and patio addition elevation; materials and colors to be used; the size of the fascia above the roll up doors that was increased due to the air curtain system required by the health department; the 4" inset of the storefront tower on the west elevation should be increase to 12" to provide a visual difference in the elevation so it does not appear flat; the color of the canopies, and the layout of the plaza and landscape that will be provided in that area.

Findings of Fact

1. This Preliminary Development Plan is being revised in concert with the proposed Kitchen Social storefront plan.
2. In addition to the change in the building footprint for Building A1, approval of the revised PDP also covers changes in parking and a slight reduction of open space mentioned in this report.

Motion: Based upon the findings of fact Ms. Falcone moved, seconded by Ms. Smith to recommend approval of the Corporate Circle revised preliminary development plan.

ROLL CALL ON APPROVAL:

Yeas: Smith, Lamb, Van Dyke, Falcone

Nays: none, motion carried

Findings of Fact

1. Signage complies with the master sign criteria and no waivers or modifications are required.
2. The proposed storefront complies with the design guidelines.

Motion: Based upon the findings of fact Ms. Falcone moved, seconded by Ms. Smith to recommend approval of the Kitchen Social storefront with the following:

1. Condition that the canopies are approved as submitted with the fascia on the patio addition matching the Prodema Ice Gray color.
2. Condition that the inset for the tower on the west elevation is 12" instead of 4".
3. Condition that lighting is administratively approved.
4. Condition approval is subject to comments in Part III of the 11/10/22 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: Smith, Lamb, Van Dyke, Falcone

Nays: none, motion carried

Motion: Based upon the findings of fact Ms. Falcone moved, seconded by Ms. Smith to approve the Kitchen Social sign plan with the following conditions:

1. The acrylic face of the letter forms have a matte finish to avoid reflections in the letter face when not illuminated
2. Signs shall not emit more than 10.00 Footcandles (equivalent to 10.00 Lumen per square foot) of light when measured at night, three feet perpendicular from the center of any sign face (WCO 1223.07)

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3. Signs are turned off when the business is closed.
4. The blade sign at the rear of side of the addition/patio be removed (from the sign plan).

ROLL CALL ON APPROVAL:

Yeas: Smith, Lamb, Van Dyke, Falcone

Nays: none, motion carried

Brentwood Subdivision fence waiver, Palomar Ln., Ward 6

Mr. Hoffman, engineer, explained they are seeking a fence waiver for the retention pond. Mr. Bedell reviewed his staff review memo noting the fire department does not support this request. Discussion ensued and developer Ms. Bailey explained two adjacent neighbors have privacy fences along the property line and another property has a fence for a pool. Members of the commission were not in favor of a waiver as the fire department did not support the request for safety reasons.

Findings of Fact

1. The Westlake Fire Department does not support eliminating the requirement for the fence.

Motion: Based upon the findings of fact Ms. Falcone moved, seconded by Ms. Smith to recommend approval of the Brentwood Subdivision fence waiver.

ROLL CALL ON APPROVAL:

Yeas: none

Nays: Smith, Lamb, Van Dyke, Falcone, motion failed

Lagrange Subdivision fence waiver, Carlton Ave., Ward 6

Mr. Hoffman, engineer, explained they are seeking a fence waiver for the retention pond behind several parcels and adjacent to vacant land owned by the city. He advised the basin has a safety shelf. Mr. Bedell reviewed his staff review memo noting the fire department does not support this request. Members of the commission were not in favor of a waiver as the fire department did not support the request for safety reasons.

Findings of Fact

1. The Westlake Fire Department does not support eliminating the requirement for the fence.

Motion: Based upon the findings of fact Ms. Falcone moved, seconded by Ms. Smith to recommend approval of the Lagrange Subdivision fence waiver.

ROLL CALL ON APPROVAL:

Yeas: none

Nays: Smith, Lamb, Van Dyke, Falcone, motion failed

Hilliard Ct. Ext. Subdivision fence waiver, Hilliard Ct., Ward 6

Mr. Garland, developer, explained the retention basin will be surrounded partially on Sublot 2 as the property owner will fence in their back yard and the basin is partially in their yard. There will be access to the basin and the owner will sign a liability waiver. The basin will be fenced on three sides with the 4' fence connecting to the house, which provides the fourth side. Mr. Bedell reviewed his staff review memo explaining the request shares some similarities with an in ground pool and the fence requirements for pools, but technically is not a pool and any safety considerations will need to be made part of the ordinance approving the waiver. He noted the fire department is in favor of this request. He reviewed the safety features that are required for a pool (a 48" minimum fence height, self-latching gate, and non-climbable design). All doors with direct access to the pool through that wall shall be equipped with an alarm which produces an audible warning when the door and its screen, if present, are opened. Having the home equipped with alarms for child safety, similar to a swimming pool is recommended. Such alarms are readily available at swimming pool supply stores or online.

Mr. Garland stated the basin has 6' safety shelves and there are numerous basins in the city that do not have a fence. He will advise the owner of the need to install an alarm but debated that a basin is not a pool and the need for an alarm.

Ms. Tomkalski, 3341 Bradley Rd., expressed the following: will the basin ownership be transferred to the city; who will maintain the basin; will the owner be responsible if an animal or person dies in the basin; will there be gates for access and for the power switch; and there are stakes on her property and questioned if that was the location of the fence. Mr. Bedell advised that the city will not own the basin; the property owners will own the basin; the HOA will maintain the basin via an easement to access the basin; and gates will be provided. Mr. Hoffman, engineer, explained the easement and if the HOA is not maintaining the basin the city is able to access it via the easement and gate on the access drive. Mr. Garland stated: there will be gates; a portion of the basin that is fenced in is on Sublot 3; the basin will be accessible via the gates on both lots and easement; the stakes are not for the fence; the fence will be off the property line and comply with the zoning code; if the commission will not grant his request he will install the fence as required.

Members of the commission discussed the following: if the property owners of Sublots 2 and 3 were present; are they aware of any legal ramifications and liability if there should be any injuries as letters were not provided from the property owners nor were they present; will there be a temporary fence on the one side until the house is built and they questioned how to make that a condition of approval. Mr. Garland argued that anyone can sue for any reason and debated some of the suggested conditions for approval. He reiterated that there are other basins in the city without fences and felt he was being treated unfairly. He stated that per Ohio laws a pond is not required to be fenced in at all. Further discussion ensued that a temporary fence will be needed and Mr. Garland stated he will put in a temporary orange safety fence. It was determined that the type of temporary fence will need to be administratively approved as input will be needed from the safety forces to determine what will be required. The law department will draft a hold harmless letter to be provided to the HOA and owners of Sublots 2 and 3.

Findings of Fact

1. The Fire Department did not object to this request.
2. The pond will be fenced with the difference being that it is attached to the new house on Sublot 2.
3. This expands the visual distance of the yard.
4. The proposed fence will be of the same design as the approved fence.
5. Having the home equipped with alarms for child safety, similar to a swimming pool is recommended. Such alarms are readily available at swimming pool supply stores or online.

Motion: Based upon the findings of fact Ms. Falcone moved, seconded by Ms. Smith to recommend approval of the Hilliard Court Extension Subdivision fence waiver with the following conditions:

1. The fence extended to the house will be of the same design as the approved fence surrounding the retention basin and may not be eliminated by this owner or any future owner of Sublot 2 of Hilliard Court Extension Subdivision.
2. Pedestrian access gates shall open outward away from the retention basin and shall be self-closing and have a self-latching device.
3. All doors with direct access to the pool through that wall shall be equipped with an alarm which produces an audible warning when the door and its screen, if present, are opened. The alarm shall sound continuously for a minimum of 30 seconds immediately after the door is opened and be capable of being heard throughout the house during normal household activities. The alarm shall automatically reset under all conditions. The alarm system shall be equipped with a manual means, such as a touchpad or switch, to temporarily deactivate the alarm for a single opening. Such deactivation shall last for not more than 15 seconds. The deactivation switch(es) shall be located at least 54 inches (1372 mm) above the threshold of the door.
4. The owners of Sublots 2, 3 and the HOA of Hilliard Court Extension Subdivision shall provide the City with proof of indemnification of liability resulting from the waiver of fencing.
5. The owner of Sublots 2 and 3 of Hilliard Court Extension Subdivision shall record shall record the fence waiver ordinance with the County.
6. Condition that Sublot 2 will be enclosed by a 4' high temporary safety fence that is administratively approved (until such time that the permanent fence is installed).

ROLL CALL ON APPROVAL:

Yeas: Smith, Lamb, Van Dyke, Falcone

Nays: none, motion carried

SACMA Group sign plan, 1280 Bassett Rd., PP#21122045, Ward 3

Mr. Bailin advised the request is for a wall sign. Mr. Bedell reviewed his staff review memo advising this will be the only sign and complies with the zoning code.

Findings of Fact

1. No modifications are required.
2. This will be the only sign.

Motion: Based upon the findings of fact Ms. Falcone moved, seconded by Ms. Smith to approve the SACMA Group sign plan with the condition that the monument sign is removed after the new wall sign is installed.

ROLL CALL ON APPROVAL:

Yeas: Smith, Lamb, Van Dyke, Falcone

Nays: none, motion carried

MISCELLANEOUS

None

ADJOURNMENT

Meeting adjourned at 10:18 p.m. The next regular meeting is scheduled for Monday, December 5, 2022, in the Westlake City Hall Council Chambers.

Chairman Brad Lamb

Nicolette Sackman, MMC
Clerk of Commissions

Approved: _____