



PLANNING DEPARTMENT

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**WESTLAKE PLANNING COMMISSION
MINUTES OF THE REGULAR MEETING
APRIL 3, 2023**

Present: Chairman Brad Lamb, Matt Jones, Duane Van Dyke, Lauren Falcone, Bonnie Smith
Also Present: Planning Director Jim Bedell, Law Director Michael Maloney, 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. Jones to approve the minutes of the regular meeting of March 6, 2023.

ROLL CALL ON APPROVAL:

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

Nays: None, motion carried

Mrs. Falcone moved, seconded by Mr. Jones to approve the minutes of the work session of March 23, 2023.

ROLL CALL ON APPROVAL:

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

Nays: None, motion carried

Mrs. Falcone moved, seconded by Mr. Jones to approve the minutes of the work session of March 13, 2023.

ROLL CALL ON APPROVAL:

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

Nays: None, motion carried

Mrs. Falcone moved, seconded by Mr. Jones to approve the minutes of the work session of March 29, 2023.

ROLL CALL ON APPROVAL:

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

Nays: None, motion carried

COUNCIL REPORT - None

BUSINESS

Torton Center sign plan, 27312 Detroit Rd., PP#21222022 & 4, Ward 3

Motion: Ms. Falcone moved, seconded by Mr. Jones to reconsider the Torton Center Sign Plan motion from 3/6/23.

ROLL CALL ON APPROVAL:

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

Nays: none, motion carried

Mr. Bedell advised the applicant has requested the commission reconsider the motion made at the previous meeting. The request is to approve the monument sign approved at the 3/6/23 meeting with a blue background rather than the terracotta or a warmer red color that was a condition of approval. Mr. Beeman explained that the property owner would like the sign to have the proposed blue background on the sign panels as part of the lease agreement with Sherwin Williams and the color blue is to be incorporate into signage. He advised the blue color was approved in 1987. The Terra Cotta color does not match anything in the center and goes against the language in the lease

agreement. Members of the commission discussed the proposal and the colors of the signs in the plaza. They were not in favor of the color blue based on the other sign colors in the plaza.

Motion: Based upon the findings of fact Ms. Falcone moved, seconded by Mr. Jones to approve the Torton Center sign plan with the elimination of the second condition regarding the color of the background of individual sign panels and with the following:

1. Modification is granted for the sign to be less than 10' from the right-of-way and for the total sign face area to exceed 30 s.f.

ROLL CALL ON APPROVAL:

Yeas: Jones

Nays: Van Dyke, Lamb, Falcone, Smith none, motion failed

Brad Smith Roofing/Bay Furnace lot split and assembly, 24550 & 24530 Sperry Dr., PP#21401027, Ward 1

Mr. Bedell reviewed his staff memo explaining the location of the split and assembly. There are no legal non-conformities from this request.

Findings of Fact

1. The proposal does not create any new nonconformities.

Motion: Based upon the findings of fact Ms. Falcone moved, seconded by Mr. Jones to approve the Brad Smith Roofing/Bay Furnace lot split and assembly lot split & assembly involving permanent parcel numbers PP#214-01-027 and 214-01-018 subject to comments in Part III of the 3/31/23 staff report and approval of the final plans by the Engineering Department.

ROLL CALL ON APPROVAL:

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

Nays: none, motion carried

Mills Pointe site improvements Mills Pointe Way, PP#21714054, Ward 6

Mr. Sutcliffe, Drees Company, explained they are seeking approval of the privacy fences that were already installed. They did not know that when Knez presented the development plans for approval, the patios were not shown with fences. L-shaped fences of dark brown composite wood material were constructed around the patios with one 6.5' tall section to provide privacy from the adjacent unit and one 3.5' tall section to provide privacy at the sidewalk. Due to the grade of the property, Mr. Sutcliffe advised the fences are not very visible. Mr. Bedell reviewed his staff memo noting that some of the fences are located in the front yard setback and height modifications are needed.

Members of the commission discussed the following: previously just patios were approved; the location of the fences; the various heights of the fences; the fences provide some privacy for the residents and screening from adjacent properties and streets; and the color of the fences.

Findings of Fact

1. The fences provide privacy for the residents and screen views from surrounding streets.
2. The fences were constructed without permits.
3. A modification is needed for the fences that are in the front yard to be in excess of 2.5' and for all of the fences to exceed 6' in height.
4. The modifications meet the spirit of the performance standards in 1220.06 to "... protect the desirable characteristics of both existing and planned development as adjacent properties."

Motion: Ms. Falcone moved, seconded by Mr. Jones to recommend approval of the Mills Pointe site improvements with the following:

1. Modification for fences for units 1-10 to be located in the front yard and exceed 2.5' in height to a maximum height of 7' and for units 11-16 to exceed 6' in height to a maximum height of 7'.
2. Condition that any fences within utility easements may be removed by the City for future maintenance work and replacing the fence shall be at the homeowner's expense.
3. Approval is subject to comments in Part III of the 3/31/23 staff report and approval of the final plans by the

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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.

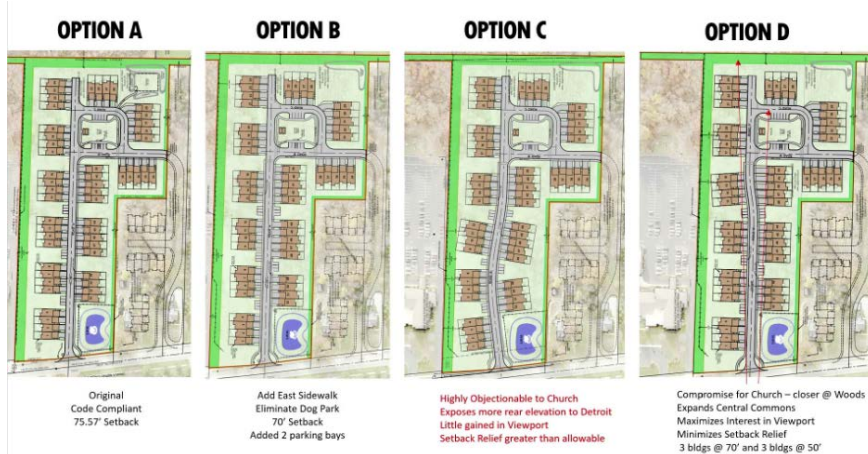
ROLL CALL ON APPROVAL:

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

Nays: none, motion carried

Hope Pointe Place Townhomes development plan and sign plan, 28083 Detroit Road, PP#21219005, 012 & 054, Ward 5

Mr. O'Connor and Mr. Filipkowski reviewed the revised plans per discussion at the last meeting. He discussed the following: the monument sign will comply with all setbacks and code requirements; location of the monument sign; seven parking spaces were added; the dog park was removed; a sidewalk was added to the east side of the street; a fence will be provided for screening; the unit along the street can be changed to the "cottage style" if the



commission wishes; there is property owned by the church at the rear of the development that is not part of this project and since it has different ownership he cannot say what could happen to it in the future; the screening and landscape being provided for this project; setbacks; changes to the various elevation designs changes for the various style of units; and the storm basin. He presented four variations for the street reconfiguration, two of which were preferred. Option A

is the original layout that complies with the code. Options B and D are preferred as Option C places the units too close to the church and they were opposed to that layout. Option B is what they would like but are ok with Option D. Mr. Bedell reviewed his staff memo and comments made by the applicant.

Mr. Zilka, 1720 Halls Carriage Path; Mr. Bladget from St. Paul Lutheran Church; Ms. Stein, 1706 Coe's Post; and Councilman Sullivan were present. The following comments and concerns were made: concerns with headlights shining into homes; there should be enough buffering with evergreens as the church parcel doesn't provide much screening in the winter; the church was not in favor of the units being closer to the church property; the church prefers Option B but were ok with D if the commission preferred that; Option D places units a little closer to the church property but closer to the rear of the property; there are no future plans for the church property behind this parcel at this time; confirmation of the price point of the units (over \$400,000); there needs to be a homeowner's association; traffic safety flow at Cahoon and Detroit; water quality from the retention basin and water runoff into Cahoon Creek; and controlling the amount of water into Cahoon Creek to help prevent flooding during storms.

Members of the commission discussed the following: the various designs of the units; the unit along the street to be the "cottage style"; Option D was preferred for the layout; landscape; the relocation of the sign was favorable; screening headlights; storm water flow; the curve in the road helps to break up a linear look; and work with staff on the scale of lights to be used.

Findings of Fact Development Plan

1. The proposed use is permitted in the R-MF-40/Multi-Family 40 district.
2. Zoning code modifications are required for optional layout D but are minimal and in an area that is at the south end of the property and not likely to disturb St. Paul Lutheran Church.

Motion: Ms. Falcone moved, seconded by Mr. Jones to recommend approval of the Hope Pointe development plan with the following:

1. Modification to permit units to encroach into the side setback as indicated in street layout option D submitted

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on 3/31/23.

2. Condition that street layout option D submitted on 3/31/23 is approved.
3. Condition that architectural enhancements submitted on 3/31/23 are approved and that the “cottage style” is used for the front facing unit {townhouse building visible from Detroit Road}.
4. Condition that a revised landscaping plan is submitted for administrative approval.
5. Condition that townhomes are two stories in height with no third story options.
6. Condition that the homeowners association special provisions in the 3/31/23 staff report are included in the Declaration of Restrictive Covenants for the project.
7. Condition that lighting is administratively approved.
8. Condition that the pavilion design is submitted to planning commission for approval.
9. Approval is subject to comments in Part III of the 3/31/23 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, Jones, Lamb, Falcone, Smith

Nays: none, motion carried

Motion: Ms. Falcone moved, seconded by Mr. Jones to approve the Hope Pointe Place sign plan with the following:

1. Approval is subject to approval of the development plan by City Council.
2. Modification for the sign to be located 10’ from the right-of-way with the condition that it is relocated at the Homeowner’s Association’s expense when Detroit Road is widened in the future.

ROLL CALL ON APPROVAL:

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

Nays: none, motion carried

Motion: Based upon the findings of fact Ms. Falcone moved, seconded by Mr. Jones to approve the Hope Pointe Place fee simple title plat with the following:

1. Approval is subject to approval of the development plan by City Council.
2. Condition the plat is revised to match option D submitted on 3/31/23.

ROLL CALL ON APPROVAL:

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

Nays: none, motion carried

**Dunkin' site improvement and sign plan, 25467 Detroit Road,
PP#21324008, Ward 1**

Mr. Berg and Ms. Eaken were present to review the revisions since the last meeting. The following was discussed: changes to the site; the two stacking lanes were increased to stack additional vehicles; head in parking spaces were revised to parallel spaces to accommodate the expanded drive thru lane; additional parking spaces were added; revisions to elevation design (added orange beams, white fascia, wood and artwork/additional wall signs); and relocated the dumpster to comply with setback requirements. Mr. Bedell reviewed his staff memo noting that new signs were added to the proposal, which increased the overall site square footage that was already significantly over. There could be additional signage if the menu station canopies are orange. He suggested, if a modification is granted for the additional square footage, the pylon sign should be eliminated and replaced with a monument sign.

Discussion ensued regarding: Dunkin’ would like to retain the pylon sign for visibility so patrons can find them; the menu boards are 40 sf each which added to the square footage, as well as the other colors they added to the building; they added addition color and signage to break up the façade of the building to add more details. The planning commission discussed the following: Councilman Van Dyke had concerns with the site layout regarding traffic flow and felt it should be revised; turning lanes in and out of the site and potential backing up of traffic onto the street; concerns with traffic flow on the site as vehicles in the stacking lane could block vehicles exiting the drive-thru during time of peak traffic or result in a lot of vehicles crossing; the parapet color; the signs the applicant is considering art was not desirable as it is considered signage; canopy design; the amount of signage should be

reduced; removing the pylon sign; and the wood siding that was brought down the entire height of the building was preferred from the previous design.

Motion: Ms. Falcone moved, seconded by Mr. Jones to table the Dunkin' site improvement plan to the May 8, 2023 planning commission meeting.

ROLL CALL ON APPROVAL:

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

Nays: none, motion carried

Ord. 2023-15 code amendments to Chapter 707 as to outdoor dining facilities, ref. 2/2/23

Mr. Bedell reviewed his staff memo noting the proposed amendments were related to emergency measures put in place during the pandemic and to better organize the code.

The following were present: Ms. L. Seeholzer, 30017 Center Ridge Rd.; Ms. J. Seeholzer, 2935 Northglen Dr.; and Ms. Mertz, 2835 Northglen Dr. The following was discussed: concerns with Hail Mary's outdoor dining and enforcement and when the patio cover was approved the surrounding residents were not notified; complaints with noise; how is something that is grandfathered enforced or turn into a bar; the dining area is next to residential homes; the retractable awning is not being retracted each evening; concerns with schools being located close by; the residents should be protected and why is the current ordinance being amended.

Mr. Maloney advised that the ordinance only address sections that are being amended and any other sections that are not included remain as is, such as the noise section. The amendments organize the code and provide more restrictions for all outdoor dining, not one specific location. The amendments are stricter than the current ordinance. Temporary waivers were for approved for outdoor dining during COVID, which will expire soon. He advised enforcement was not in place during the temporary COVID waiver, and he is aware the soft weather protection screen have not been retracted at the end of business hours at the Hail Mary's location. Mr. Maloney explained at the Hail Mary's location the concrete patio existed for numerous years prior to this tenant and is grandfathered.

Members of the commission discussed the following: the noise ordinance is not changing; there are enforcement issues at Hail Mary's which is not part of the ordinance before the commission; the proposed amendments clean up the code; the amount of patio area that is allowed based on the indoor space and it should be clarified what is permitted; outdoor dining areas should also be considered based on the setback from residential property and any additional questions should be addressed prior to recommending approval to council.

Motion: Ms. Falcone moved, seconded by Mr. Van Dyke to request a 60-day extension of time for Ord. 2023-15.

ROLL CALL ON APPROVAL:

Yeas: Van Dyke, Lamb, Falcone, Smith

Abstain: Jones

Nays: none, motion carried

Motion: Ms. Falcone moved, seconded by Mr. Van Dyke to table Ord. 2023-15 to the May 8, 2023 planning commission meeting.

ROLL CALL ON APPROVAL:

Yeas: Van Dyke, Lamb, Falcone, Smith

Abstain: Jones

Nays: none, motion carried

Chipotle Mexican Grill sign plan, 25350 Detroit Rd., PP#21309014, Ward 1

Mr. Van Dyke was not present for discussion and voting.

Mr. Bedell reviewed his staff memo for the proposed walls signs and instructional signs. The freestanding sign will be forthcoming at a future meeting and is not part of this proposal. Ms. Clarke, sign contractor, advised the existing pylon sign will be removed and replaced with a freestanding sign.

Findings of Fact

1. The sign plan complies with Chapter 1223.
2. The only condition is one memorializing the owner's commitment to remove the existing freestanding sign.

Motion: Based upon the findings of fact Ms. Falcone moved, seconded by Mr. Jones to approve the Chipotle Mexican Grill sign plan with the following:

1. Condition that the existing pylon sign is removed and the design for a new free standing, monument sign is submitted for approval.

ROLL CALL ON APPROVAL:

Yeas: Jones, Lamb, Falcone, Smith

Nays: none, motion carried

**The Kids Dentist storefront and sign plan, 229 Crocker Rd.,
PP#21126076, Ward 5**

Mr. Sampat reviewed the proposed storefront and sign plan. The storefront will have a large window and the door will be located to the right of the window system. The sign is multiple color channel letters, which is their corporate logo. Mr. Bedell reviewed his staff memo noting the Planning Commission will need to determine whether the proposal complies with the design guidelines for a dentist office tenant.

Members of the commission discussed the following: the size of the window and visibility into the tenant space; if the raceway for the sign will be visible as rendered and it should be designed so it is not visible or using pin mounted letters; recessing in the brick for the storefront and the illumination. They also compared the design of the adjacent tenant, The Skin Center, in relation to the canopy on that tenant space and sign illumination.

Findings of Fact

1. Signage complies with the master sign criteria and Chapter 1223, except that Planning Commission approval of the raceway is required and the Planning Commission found that it did not warrant approval, as the sign could be constructed of individually mounted letters.
2. The proposed storefront complies with the design guidelines and the minimalist design is appropriate for a dentist office tenant.

Motion: Based upon the findings of fact Ms. Falcone moved, seconded by Mr. Jones to recommend approval of the Kids Dentist storefront with the following:

1. Condition to set the storefront system back to the depth of the masonry.

ROLL CALL ON APPROVAL:

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

Nays: none, motion carried

Motion: Based upon the findings of fact Ms. Falcone moved, seconded by Mr. Jones to approve the Kids Dentist sign plan with the following conditions:

1. Sign letters are backlit reverse pan channel letters with use of raceway not allowed.
2. Sign is turned off when the business is closed.

ROLL CALL ON APPROVAL:

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

Nays: none, motion carried

**The Skin Center storefront and sign plan, 2209 Crocker Rd.,
PP#21126075, Ward 5**

Ms. Williams reviewed the storefront design, canopy, exterior lighting, and signage. Mr. Bedell reviewed his staff memo noting the proposal complies with the design guidelines and master sign criteria for the plaza. Members of the commission discussed the canopy design and proposal.

Findings of Fact

1. Signage complies with the master sign criteria and Chapter 1223 and no waivers or modifications are required.
2. The proposed storefront complies with the design guidelines.

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Motion: Based upon the findings of fact Ms. Falcone moved, seconded by Mr. Jones to recommend approval of the Skin Center storefront.

ROLL CALL ON APPROVAL:

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

Nays: none, motion carried

Motion: Based upon the findings of fact Ms. Falcone moved, seconded by Mr. Jones to approve the Skin Center sign plan with the following:

1. Sign 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)
2. Sign is turned off when the business is closed.

ROLL CALL ON APPROVAL:

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

Nays: none, motion carried

**Ord. 2023-6 code amendments Chapter 1211 “Residential Districts”
as to Multi-family townhouse, cluster, two-family dwelling and
apartment developments, ref. 2/2/23**

Mr. Bedell reviewed the changes to the code as discussed at multiple work sessions. Mr. Maloney explained law department review efforts to date and future efforts. Mr. Bedell advised that after work sessions he sent revisions to the law department, as requested by the Planning Commission.

Motion: Ms. Falcone moved, seconded by Mr. Jones to recommend Ord. 2023-6 with the amendments proposed at the 4/3/23 Planning Commission meeting.

ROLL CALL ON APPROVAL:

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

Nays: none, motion carried

MISCELLANEOUS

None

ADJOURNMENT

Meeting adjourned at 10:50 p.m. The next regular meeting is scheduled for Monday, May 8, 2023, in the Westlake City Hall Council Chambers.

Brad Lamb

Chairman Brad Lamb

Nicolette Sackman

Nicolette Sackman, MMC
Clerk of Commissions

Approved: May 8, 2023