



**PLANNING DEPARTMENT**

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**WESTLAKE PLANNING COMMISSION  
MINUTES OF THE REGULAR MEETING  
DECEMBER 10, 2007**

Present: Chairman Richard Schultz, John DesForges, Daniel Meehan, Nathaniel Cross, James Connole

Also Present: Planning Director Robert Parry, Assistant Law Director William Huffman, Assistant Planning Director William Krause, Acting Clerk of Commissions Denise Rosenbaum

Discussion of agenda items and fact finding was conducted at 7:00 p.m. The regular meeting was called to order at 7:30 p.m. by Chairman Richard Schultz

**APPROVAL OF MINUTES**

Mr. DesForges moved, seconded by Mr. Meehan to approve the minutes of the work session meeting of November 5, 2007.

ROLL CALL ON APPROVAL:

Yeas: Cross, Schultz, Connole, DesForges, Meehan

Nays: None, motion passed

Mr. DesForges moved, seconded by Mr. Meehan to approve the minutes of the regular meeting of November 12, 2007.

ROLL CALL ON APPROVAL:

Yeas: Schultz, Connole, DesForges, Meehan, Cross

Nays: None, motion passed

**COUNCIL REPORT**

Councilman Connole reported on council matters regarding planning commission items.

**SELECTED CORRESPONDENCE**

Memo from Will Krause dated 12/07/07 for **Seeley, Savidge, Ebert & Gourash, Sign Plan**

Memo from Will Krause dated 12/07/07 for **Marc's Pharmacy, Sign Plan**

Memo from Bob Parry dated 12/06/07 re: **Ordinance 2007-174**

Drawing prepared by Will Krause on 12/10/07 showing required buffer area for **ENA Enterprises (Spa West)**

Letter dated December 10, 2007 from Mr. S. Allen Deak of 1432 Bradley Road in favor of **Ordinance 2006-172 vacating Avon Road**

Memo from Will Krause dated 12/07/07 for **Sunglass Hut Storefront and Sign Plan**

Email received 12/07/07 from Richard Levitz, Stark Enterprises requesting the **Apple Store** be withdrawn from the agenda

Memo from Bob Parry dated 12/06/07 re: Signs on multi-story buildings and office buildings

Email from Mike Williams dated 12/10/07 naming the single point contact for **AT&T** projects

Boxscore:

**ENA Enterprises (Spa West)**

Letter submitted at meeting on 12/10/07 from Leo Citro, owner of property on Avon Road

### **OLD BUSINESS**

**DOCKET 07-10-93 – Seeley, Savidge, Ebert & Gourash Sign Plan, 26600 Detroit Rd., PP# 213-05-011, 023, 025 G. Ebert, rep. WARD 3, withdrawn by applicant 10-15-07, tabled 11-12-07**

Mr. Gary Ebert presented the revised sign plans which eliminated the “Co LPA.” This allowed for more room to spread out the other letters and they also decreased the letter height from 24” to 21.”

Mr. Parry reviewed Mr. Krause’s memo stating that the sign area is within the code limits. The sign would need a height modification of 19.5’ to allow it to be mounted on an architectural element 39.5’ above grade.

Mr. Meehan was pleased with the revisions but asked that there be a condition that there be no additional signage on the building. Other members were in agreement.

**Motion:** Mr. DesForges moved, seconded by Mr. Meehan to approve the Seeley, Savidge, Ebert & Gourash Sign Plan with the following modification and condition:

- 1) modification of 19.5’ for the sign to be mounted on an architectural element 39.5’ above grade
- 2) condition that there be no additional signage on the building

**ROLL CALL ON APPROVAL:**

Yeas: Connole, DesForges, Meehan, Cross, Schultz  
Nays: None, motion passed

**NEW BUSINESS**

**DOCKET 07-12-105 – letter from G. Moore of Millions Moore LLC requesting an extension of time for the Cavano Kennel Building Dev. Plan, @ Bradley Rd. PP# 211-13-009 and part of 211-13-003, WARD 3**

Mr. Geoffrey Moore, 12829 Pyle Road, stated that a 6 month extension is requested to start this project. They are in good shape at this time, weather permitting, to begin in February or March. They also have a signed purchase agreement in place with contingencies on it.

Mr. Connole asked that the extension of time be to a specific date. Mr. Parry explained that the plan had been approved by planning commission on July 10, 2006. Before that expired, Mr. Moore submitted a letter requesting an extension. However, he had a problem with the extension of the conditional use permit and had to go through that process again. Now he has a new conditional use permit that is good for another year, and he needs an extension of time for the development plan.

**Motion:** Mr. DesForges moved, seconded by Mr. Meehan to recommend approval of an extension of time to 6/30/08 for the Cavano Kennel Building Development Plan  
ROLL CALL ON APPROVAL:  
Yeas: DesForges, Meehan, Cross, Schultz, Connole  
Nays: None, motion passed

**DOCKET 07-12-106 – Lusardo Lot Split @ corner of Hilliard & Bassett, PP# 216-31-038, D. Lusardo, owner; WARD 5**

Mr. Dave Lusardo, 29242 Fall River Drive, presented his plans to do a simple lot split to create two buildable lots. The property is a continuous corner lot between Hilliard Boulevard and Bassett Road as it exists currently. They will provide retention for the land.

Due to technical difficulties with the audio/visual system, the commission recessed at 7:44 p.m. and reconvened at 7:46 p.m.

Mr. Parry explained that, according to the plat, it doesn't quite meet the code in that the side yard setback of subplot B is only 10' where code requires 15', and 20' on the other lot to make up the difference. Sublot B would need a modification for this reduction. However, after discussion, it was determined that on corner lots, the side yards are allowed at 10'. Mr. Parry commented on subplot A, which is a through lot with frontage on both Hilliard and Bassett. He suggested that it should be established which will be the front and which will be the rear yard as well as the orientation of the lot. A minimum

building setback for the rear of the house should be established so that the back of the house is not at the 50' setback for either direction it would face. Also, there is a need to determine a minimum setback for accessory structures such as fences, garages and sheds. He suggested that be at least at the 50' setback line.

Mr. Lusardo addressed these issues, stating that both lots could face either way, and he is aware of the setbacks. And since this is a heavily wooded area, trees can be saved to provide a tree line for privacy. Mr. Parry countered that in developing any lot, it is difficult to save many of the trees because of grading, yard drains and retention basins. Modifications would be needed for the irregular shaped lot and the double frontage lot. Discussion ensued from other members about which street the houses would face – the preferred being toward Hilliard – ease of driveway access, setbacks and the placement of accessory structures. The applicant was advised to redraw the plat to show the orientation of both houses fronting on Hilliard Boulevard with setbacks of 50' on both sites for any structure, to show the retention basin and to submit this for consideration at the January 7, 2008 meeting.

**Motion:** Mr. DesForges moved, seconded by Mr. Meehan to table the Lusardo Lot Split to the 1/7/08 meeting  
ROLL CALL ON TABLING:  
Yeas: Meehan, Cross, Schultz, Connole, DesForges  
Nays: None, motion passed

**DOCKET 07-12-107 – AT&T Above Ground  
Cabinet Development Plan, 24525 Hilliard Blvd.,  
PP# 213-28-004, T. Fogarty, rep., WARD 1**

Mr. Mike Williams explained the request is to place an above ground cabinet in the easement at 24525 Hilliard Boulevard. He pointed out an existing cabinet and the location of the new cabinet in relation to that.

Mr. Parry stated that AT&T already has an easement on Parkside school property to the west of the school drive where there is a traffic cabinet as well as another cabinet approximately 7'-8' off the sidewalk. The proposed cabinet would be located within that easement to the west of the existing cabinet with a new pad and pushed back so as to not block visibility in front of the cabinet.

There were no comments from the members.

**Motion:** Mr. DesForges moved, seconded by Mr. Meehan to recommend approval of the AT&T Cabinet Development Plan  
ROLL CALL ON APPROVAL:  
Yeas: Cross, Schultz, Connole, DesForges, Meehan  
Nays: None, motion passed

**DOCKET 07-12-108 – Marc’s Pharmacy Sign Plan,  
30050 Detroit Rd., PP# 211-19-015, Archer Sign Co.,  
rep.; WARD 5**

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No representation for the Marc’s Pharmacy Sign Plan was present.

**Motion:** Mr. DesForges moved, seconded by Mr. Meehan to table the Marc’s Pharmacy Sign Plan to the 1/7/08 meeting

ROLL CALL ON TABLING:

Yeas: Meehan, Cross, Schultz, Connole, DesForges

Nays: None, motion passed

**DOCKET 07-12-109 – Ordinance 2007-174  
Amending §1218.03 to permit office use as CUP in  
industrial north of I-90 from Clague to Columbia;  
referred by council 11-01-2007**

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Mr. Parry reviewed his memo dated 12/6/07. The current code permits offices as an accessory use to a permitted main use in the exclusive industrial district, but it does not allow office as a main use except as a conditional use and limited to a specific area: the Detroit Road / I-90 corridor between Clague and Columbia Roads and between Detroit and I-90. This ordinance would expand that area to the industrial land on the north side of I-90 between I-90 and the railroad tracks and west of Clague Road to Columbia Road, approximately 34 acres of land. This industrial area was developed before I-90 and Sperry Drive, so there are some older industrial buildings and some newer flex space buildings. An applicant who proposes to purchase and renovate one of the industrial buildings would like to convert it into an architectural studio. Over time, there may be further interest in converting other buildings in the area to office considering their location. This ordinance would allow for that as a conditional use on a case by case basis taking into consideration land and parking requirements. Mr. Parry recommended this amendment to the code. Members agreed that this is a sensible change to the code.

**Motion:** Mr. DesForges moved, seconded by Mr. Meehan to recommend approval of Ordinance 2007-174

ROLL CALL ON APPROVAL:

Yeas: Connole, DesForges, Meehan, Cross, Schultz

Nays: None, motion passed

**DOCKET 07-12-110 – ENA Enterprises Addition  
Development Plan, 29103 Center Ridge Rd., PP#  
216-20-001, E. Alhajj, owner; WARD 4**

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Mr. Edgar Alhajj stated that he had spoken to Mr. Parry about the parking plans and that they would go with the existing plan and block off a space by a fire hydrant. As for the lighting, they will use the downcast lighting that they currently use and the same colors of materials on the structure as well. A drawing of the addition was shown with the setbacks.

Mr. Parry reviewed his boxscore for the project. The 2-lane roadway pavement to the back of the property will be maintained as is, however, the existing parking spaces already added along it will narrow it down to a single lane drive providing access to parking for employees. He reiterated that the one existing/planned parking space by the fire hydrant should be striped out so that there is no parking by the hydrant. Mr. Parry explained that the original conditional use was for body conditioning in an office building. As long as half of the addition is office, it would still comply. The addition is just under 7,000 sf, and it complies with building setbacks. It will use the same materials as the existing building. The parking will remain as is with the addition of parallel parking in part of the drive. The major issue involves buffering, including encroachment into the buffer zone with a walkway on the original plan. This addition will take out more of the natural area but increase the buffer landscaping within the 30' setback along the south, east and west of the property. They would add additional spruce trees and relocate some arborvitae to the rear portion to provide buffering. The original approval required at least 80% year-round buffering. A walkway was inadvertently put in the buffer area, and with this new addition, that should be removed. Mr. Krause provided a sketch showing two triangles shown as patio area that extend into the 30' buffer area which abuts residences in single family zoning on the southwest side and vacant residential land on the east side. The patio area should not encroach into the buffer area, especially along the southwest side abutting the homes. As for lighting, there were issues with the original building involving wall packs. With this addition which is even closer to the residences, there should either be no lighting on the back portion of the building or very low wattage and completely downcast and shielded so that there is no glare to the rear of the property.

Ms. Barbara Deeds, 29184 Fall River Drive, expressed concerns about buffering and lighting and how, in the past, issues were not resolved. She asked that plans be outlined in detail so that the rights of the neighboring property owners are protected.

Mr. Meehan asked to see complete documentation of the light fixtures, light poles, lighting at man doors and buffering.

Due to technical difficulties with the audio/visual system, the commission recessed at 8:21 p.m. and reconvened at 8:23 p.m.

Mr. Connole expressed concerns about how much area will be offices and how much will be used for storage and training areas. He prefers that this be outlined ahead of time instead of seeking permission after it is in place. He wants to see everything on paper before approving.

Mr. DesForges asked about the parallel park spaces creating the single lane drive. Mr. Parry explained that the spaces are outside the setback and that the code permits it as such for a parking area of less than 19 spaces, but that the parking space by the fire hydrant must be removed. Mr. DesForges also agreed with Mr. Connole that he wants to see the plans in writing before approving due to past experiences of plans not being followed. He specified that the proposed patio area should be removed from the buffer area.

Mr. Cross asked that the residential issues be addressed. He asked if the hours of operation would change and they will not, according to Mr. Alhaji. He echoed the other members' concerns that the plans be specific and in writing before approving.

Mr. Schultz asked how much square footage would be office. Mr. Alhaji explained that they currently have about 2,500-3,000 sf and are increasing that to about 3,500 sf. Mr. Schultz outlined the revisions that would need to be presented: the engineering plans and the landscaping plans need to correlate; a plan showing the lighting and examples of light fixtures; remove anything in the setback; stripe off the parking space by the fire hydrant; and show current office space in current facility, what it will be converted to, where it will be located and used for in the addition, what the patio will be used for. Discussion ensued about what kinds of activities would be on the patio, and Mr. Alhaji stated that they currently have three cabanas for outdoor massages and would probably have two cabanas on the new patio.

**Motion:** Mr. DesForges moved, seconded by Mr. Meehan to table the ENA Enterprises Addition Development Plan to the 1/7/08 meeting

ROLL CALL ON TABLING:

Yeas: DesForges, Meehan, Cross, Schultz, Connole

Nays: None, motion passed

**DOCKET 07-12-111 – Ordinance 2006-172 vacating  
Avon Rd. and Avon Rd. vacation plat, WARD 5;  
referred by council 10-18-2007**

Mr. Parry showed an aerial of the area involved. Avon Road runs approximately 2,450 feet from Bradley Road to the county line in Westlake and continues to Lear Nagle Road. The Glens development has no lots with frontage on Avon Road, and there had been discussions of vacating it depending on future development. Some of the utilities came through the Glens, providing some utilities to the properties on Avon Road. To the west of the Glens, there is one parcel on Avon Road with a house that is occupied. West of that one house, the other lots are owned by Harry Gerent and the Bur Oak subdivision development. He showed a layout of the intersection of Bradley and Avon Roads and Cedarwood Drive. He also showed the preliminary plan of the phases of the Bur Oak subdivision and how it addresses Avon Road. There had been concerns that had Bur Oak connected with Avon Road, traffic would have cut through the subdivision to get to Detroit or Bradley Roads. But since there were already three entrances (from Detroit Road and two from the Glens), there was no need for a fourth entrance off Avon Road. Since then, land has been purchased by the developer so that he now owns all the parcels from the county line up to the one parcel that is still occupied. Next he showed a preliminary sketch of a phase of Bur Oak in the event Avon Road was vacated or not used for access showing how the road would loop around towards Detroit Road with all the lots fronting on that road and not on Avon Road.

Mr. Parry reviewed a memo regarding a study done by TraffPro that indicated traffic on Avon Rd. in this area is low – less than 100 trips per hour at peak time – and that

vacating the road would add only one minute or so to take an alternate route. The city engineer did some estimates of maintenance and intersection improvement costs if Avon Road were not vacated, which showed it makes more sense to spend money on major arterials rather than minor streets like Avon Rd. State routes receive state aid whereas Avon Road improvements would be solely city funding. Currently, the city has plans to improve the Bradley/Detroit intersection and Detroit Road. The only concern is that there remains one house on Avon Road in Westlake that needs roadway access. At this time, then, it would be best to vacate only the portion of Avon Road west of that house until that time when the property would be purchased either by the city or the adjoining property owner.

Mr. Leo J. Citro, 4540 Clifton Avenue, owner of the residence on Avon Road, submitted a list of issues concerning this residence, including the need for school bus service, fire and police protection, trash pick-up, mail delivery and snow removal. There were prior agreements with the developer and Engineering Director Bob Kelly that all services would be maintained as long as there was even one resident on the road. He is open for purchase of the property within reason. He requested that all services and maintenance of the road remain until any future change in status of this property.

Ms. Susan Stephanoff, 1384 Bradley Road, spoke in favor of vacating Avon Road. However, she disagrees with the traffic study, stating that there is much more traffic than was noted and that it is a difficult intersection to get out of. Her only issue with the vacating of the road is what would happen to it, whether ingress and egress to it would be blocked, would it be left to further deteriorate and whether it would be landscaped. She said there were other residents present from the Glens who had similar concerns.

Ms. Christina Malone, 31235 Avon Road, lives in the only residence on Avon Road in Westlake. Her family has owned the property since 1968 up until Mr. Citro bought it. She stated that there is more traffic on the road than the study may have revealed, with cars going in excess of the speed limit, semis using it as a cut-through, car/deer accidents and other unsafe conditions. She has three school-aged children and requested that as long as they live there, the street be maintained, if even only up to their home, for the safety of her children and family.

Mr. Parry explained what would happen if the entire road were vacated. Half would go to the north, owned by the state of Ohio which could revert back to the city, and half would go to the properties to the south. The city would need some vehicle access for utilities and the storm drain culvert, but it would probably be a driveway of sorts half the width of the current road and be either gravel or asphalt with a chain or gate to block entry and possibly additional landscaping or mounding along the properties to the south of it. If the road were vacated only to just west of the occupied residence, there would need to be a turn around for service vehicles, and the city may need to obtain land from Bur Oak subdivision for a cul de sac.

Mr. Connole stated that, with the likelihood of the Lear Nagle interchange, Avon Road would be less used. Based on the engineer's figures to improve the roadway, he stated

that it would be better to proceed with the partial vacating and work out the details along the way for the resident who remains.

Other members were in agreement with the partial vacating of Avon Road.

**Motion:** Mr. Schultz moved, seconded by Mr. Meehan to recommend approval of Ordinance 2006-172 to vacate Avon Road from the Cuyahoga county line to just west of PPN 211-06-009, and that when the residence on that parcel is vacated, to vacate the remainder of the road to Bradley Road.

ROLL CALL ON APPROVAL:

Yeas: Meehan, Cross, Schultz, Connole, DesForges

Nays: None, motion passed

**DOCKET 07-12-112 – Sunglass Hut Storefront &  
Sign Plan, 279 Crocker Park Blvd., PP# 211-24-001,  
R. Levitz, rep.; WARD 5**

Mr. Richard Levitz read a statement about this tenant describing the storefront as having two solid pilasters holding a rectangular pediment above with an opening below large enough to hold a framed glass door and window. The design follows very basic, functional characteristics such as having the entrance on one side balanced by a single display window on the opposite side. Other traits include a high base under the display window, the recessed entry, a continuous awning across the entire façade and a top fascia proportioned to accommodate a business sign. The exterior materials are cut porcelain tiles laid in horizontal bands of alternating values and textures of beige, cream and grey colors. The overall composition has a modern, art deco style. The fascia, blade and plaque signs are in compliance with the Crocker Park sign criteria.

Mr. Krause reviewed his memo, stating the colors and materials blend well with the residential above. The tile base anchors the bottom of the store to the ground. The signs are of high quality. He explained the calculations of the signs were a bit different than what Mr. Levitz figured, but they fall within the allowed signage.

**Motion:** Mr. DesForges moved, seconded by Mr. Meehan to recommend approval of the Sunglass Hut Storefront

ROLL CALL ON APPROVAL:

Yeas: Cross, Schultz, Connole, DesForges, Meehan

Nays: None, motion passed

**Motion:** Mr. DesForges moved, seconded by Mr. Meehan to approve the Sunglass Hut Sign

ROLL CALL ON APPROVAL:

Yeas: Schultz, Connole, DesForges, Meehan, Cross

Nays: None, motion passed

**DOCKET 07-12-113 – Apple Store Storefront &  
Sign Plan, 267 Crocker Park Blvd., PP# 211-24-001,  
R. Levitz, rep.; WARD 5**

In an email from Richard Levitz, dated December 7, 2007, it was requested to withdraw this item from the agenda due to their realization that an important internal review step was missed by Apple's Corporate Communications team. Also, further conflicts did not allow their representative to be present for this meeting. They are willing to make any required resubmissions in order to be considered for the next available meeting. Therefore, this project was withdrawn.

**MISCELLANEOUS**

**Request extension of time for Ordinance 2007-169  
CUP for architectural offices; referred by council  
10-18-2007**

Mr. Parry explained that this is a conditional use permit for an office conversion of a building at Clague and Sperry. We have the development plan and the conditional use, but need an extension of at least 60, if not 90 days.

**Motion:** Mr. Connole moved, seconded by Mr. DesForges to recommend approval of an extension of time for Ord. 2007-169 to 4/1/08

ROLL CALL ON APPROVAL:

Yeas: DesForges, Meehan, Cross, Schultz, Connole

Nays: None, motion passed

**Draft Code Amendments re: Office Signage**

Mr. Schultz mentioned that Mr. Parry had prepared a memo regarding signs on multi-story and office buildings that will be considered at a future meeting.

**ADJOURNMENT**

Meeting adjourned at 9:13 P.M. The next meeting is scheduled for Monday January 7th, 2008 in the Westlake City Hall Council Chambers.

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Chairman Richard Schultz

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Denise Rosenbaum  
Acting Clerk of Commissions

Approved: \_\_\_\_\_