



PLANNING DEPARTMENT

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**WESTLAKE PLANNING COMMISSION
MINUTES OF THE REGULAR MEETING
JANUARY 7, 2008**

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

Also Present: Planning Director Robert Parry, Assistant Law Director William Huffman, Clerk of Commissions Nicolette Sackman.

The regular meeting was called to order at 7:00 p.m. by Chairman Richard Schultz

APPROVAL OF MINUTES

Mr. DesForges moved, seconded by Mr. Meehan to approve the minutes of the regular meeting of December 10, 2007.

ROLL CALL ON APPROVAL:

Yeas: Cross, Schultz, Connole, DesForges, Meehan

Nays: None, motion passed

ELECTION OF OFFICERS

Motion: Mr. DesForges moved, seconded by Mr. Cross to nominate Richard Schultz as Chairman, John DesForges as Vice Chairman, and Dan Meehan as Secretary.

ROLL CALL ON APPROVAL:

Yeas: Cross, Schultz, Connole, DesForges, Meehan

Nays: None, motion passed

COUNCIL REPORT

Councilman Connole reported on council matters regarding planning commission items.

SELECTED CORRESPONDENCE

Memo from Bob Parry dated 1/03/08 re: **Lusardo Lot Split**

Revised memo from Will Krause dated 12/27/07 for **Marc's Pharmacy, Sign Plan**

Memo from Bob Parry dated 1/03/08 re: **ENA Enterprises (Spa West)**

Revised plans received 1/7/08 re: **ENA Enterprises (Spa West)**

Memo from Will Krause dated 12/27/07 for **Apple Store, Sign Plan**

Response to Engineering Comments received 1/7/08 from Architectural Vision Group re: **23850 Sperry Drive**

Memo from Will Krause dated 12/27/07 for **Gardens at Westlake, Sign Plan**

Memo from Will Krause dated 12/27/07 for **Cleveland Door, Sign Plan**

Memo from Will Krause dated 12/27/07 for **MAC, Sign Plan**

Response to city comments received 1/4/08 from Richard Levitz re: **MAC, Sign Plan**

Memo from Will Krause dated 12/27/07 for **BCBGMAXAZRIA, Sign Plan**

Boxscores:

ENA Enterprises (Spa West)
23850 Sperry Drive (Architectural Vision Group)

Department Comments:

Gardens at Westlake – Building & Engineering Departments

23850 Sperry Drive – Building & Engineering Departments

Lusardo – Engineering Department

ENA Enterprises – Engineering Department

Apple Store – Fire Department

OLD BUSINESS

**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 revised plans to do a simple lot split to create two buildable lots. The revised plans presented showed the retention basin, revised setbacks, and that the homes will have frontage on Hilliard Blvd. Mr. Lusardo did note that the fence for the retention basin would have to be located within the 50' Bassett setback and 25' off Bassett Road. He also presented a drawing showing how possible homes could be placed on the lots.

Mr. Parry reviewed his memo noting the plat states no structures to be in front or rear setbacks except fences which are limited to 25 feet from Bassett right of way. However subplot "A" shows a retention basin and retention easement in the 50' Bassett setback. Thus a fence at 25 feet setback would be in the retention basin. Therefore on subplot "A", which has two street frontages, the fence should probably outside the rear 50' setback. In addition Section 1127.04 allows the Planning Commission to require a 10' planting strip and no right of access at the rear frontage of a "single tier lot". Sublot "B" requires a 10' lot depth modification and the plat should note that the houses on these lots should face Hilliard Blvd. The basin should also be made a dry basin since it is so close to the sidewalk. The lots should also only have access from Hilliard Blvd. and not dual access

onto Bassett too. Mr. Parry noted that the city engineer commented the existing storm sewer that crosses this property from Hilliard Blvd to Bassett Rd must be maintained until the Hilliard Blvd improvements are completed. This will require a 20' storm sewer easement that could be vacated, at the time of the new improvements along Hilliard Blvd, if and when these improvements are completed.

Discussion ensued that the easement suggested by the engineer needed to be addressed, why is the storm sewer not shown on the plat, where is the exact location of the storm sewer, who would pay to vacate the storm sewer, the easement needs to be shown on the plat if granted and why split the lot at this time because lot "B" would be a non-buildable lot due to the storm sewer location. It did not make sense to approve a lot split which creates a non-buildable lot. Mr. Lusardo advised that discussions he had with the city engineer, Mr. Kelly, were that the storm sewer could be moved or vacated when the Hilliard Blvd. improvements happen. The commission felt this issue needed to be discussed further because if the road improvements didn't happen any easements need to be shown on the plat and items needed to be put in writing. They suggested that Mr. Lusardo meet with the city engineer to discuss this and to withdraw the proposal until these details can be determined.

Withdrawn by applicant

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

Applicant was not present again.

Motion: Mr. Cross moved, seconded by Mr. Meehan to table the Marc's Pharmacy Sign Plan indefinitely

ROLL CALL ON APPROVAL:

Yeas: Cross, Schultz, Connole, DesForges, Meehan

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**

Mr. Edgar Alhajj and Mr. Eli Mahler were present to review the revised drawings. The plans were revised to remove the parking space adjacent to the fire hydrant and to stripe the area so vehicles are not parked there. The parallel parking previously shown within 2' of the lot line have been removed and the existing parking will remain. The wattage for the wall will be 75 watts. The amount of spa space will remain under 50% so a Conditional Use Permit is not required. The previous plans omitted a door on the rear elevation which has now been placed on the plans. Mr. Mahler also noted that a 12'3" setback modification is necessary for the patio on the north side of the buffer.

Mr. Parry advised that the revised plans received earlier in the day corrected concerns he noted on his boxscore and memo. He further explained that the spa use is an accessory

use in an office building so the floor space for that use needs to be maintained at 50% cannot exceed 50% with out obtaining a Conditional Use Permit for the use. The buffer setback exceeds the 30' along the rear (west side) meets code on the south side but is only 17'9" on the north side which is adjacent to the rear of the vacant parcel to the northeast. He indicated that the buffering along the south side of the property was not changed from the last meeting and there is still a gap along the south side by the single family property. Mr. Alhadj thought the plans submitted earlier in the day addressed the south buffer. Upon further review it was discovered that additional trees were placed accidentally along the west side of the buffer and not the south side of the buffer. Mr. Parry advised that a condition of approval could be that revised landscape plans are submitted showing the trees in the correct location, prior to the council meeting.

Motion: Mr. DesForges moved, seconded by Mr. Meehan to recommend approval of the ENA Enterprises Addition Development Plan with the following conditions:

1. condition to relocated the eight 8' Canadian Hemlocks trees shown on the west side of the buffer to the south side of the buffer area and to submit revised drawings before the next council meeting;
2. condition that the parking area next to the fire hydrant be striped and the inclusion of a no parking sign;
3. condition the wattage on the wall units is no more than 75 watts.

ROLL CALL ON APPROVAL:

Yeas: Cross, Schultz, Connole, DesForges, Meehan

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**

Mr. Richard Levitz, Stark Enterprises; Mr. Benjamin Fay, Apple Director of Store Design; and Mr. Simon Orchover, Apple Senior Manager were present. Mr. Fay reviewed the proposal which characteristics are a simple and modern design. The storefront materials are stainless steel and glass and are installed in such a way that the steel appears to float above the glass. The only signage is the Apple logo.

Mr. Parry commented the design of the storefront fits in well with the design of the building. One concern raised in Mr. Krause's memo is what will the lumen output for the fluorescent tubes shining through a white translucent face be. He noted that the regular Westlake code states: "Light sources located inside or outside of buildings shall not be of excessive brightness or cause glare hazardous to pedestrians or drivers." A condition of approval should be that the white translucent face be screened or opaque enough to comply with the illumination performance regulation of the regular Westlake code.

Motion: Mr. DesForges moved, seconded by Mr. Meehan to recommend approval of the Apple Store 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 Apple Store Sign Plan with the condition that the white translucent face be screened or opaque enough to comply with the illumination performance regulation of the regular Westlake code.

ROLL CALL ON APPROVAL:

Yeas: Cross, Schultz, Connole, DesForges, Meehan

Nays: None, motion passed

NEW BUSINESS

DOCKET 08-01-01 – Ordinance 2007-169 Conditional Use Permit for Architectural Offices @ 23850 Sperry Drive, referred by council 10/18/07

WARD 1

DOCKET 08-01-02 – 23850 Sperry Drive (Architectural Vision Group) Development Plans, 23850 Sperry Dr., PP# 214-03-011, A. Smiltars, rep.,

WARD 1

Mr. Schultz advised that ordinance 2007-174, permitting office use as a conditional use permit must be adopted by council before this use is allowed. Council has not voted on ordinance 2007-174 yet and had planned to place it on the last agenda but due to the holidays the local paper did not provide legal advertising. It is anticipated the ordinance will be on the next agenda and any approvals granted by the commission this evening would be contingent upon the adoption of ordinance 2007-174.

Mr. Smiltars reviewed the proposal and responses to comments made by city departments. The building is an existing building which they propose to renovate and will comply with any city recommendations such as providing curbing and changes noted by the engineering department. A comment was received relative to the gravel drive but Mr. Smiltars advised it is not owned by them and belong to the city so they will not be making any improvements to that access road. Three of the parking spaces do not meet the setback requirements due to the land grade. The street trees will remain and they will relocate the dumpster enclosure to the corner of the parking lot. The building is an existing building which they will reface the concrete block with EFIS. The overhead doors will be replaced with a glazing to provide natural light into the building. They do propose to keep the existing windows.

Mr. Parry reviewed the proposal and conditional use permit. The three parking spaces that do not comply with the parking setback are not an issue as they are not visible from Sperry. The dumpster enclosure needs to be returned to be included on the plans. The proposal also incorporates more EFIS, which is not always desirable, but it will be placed over the concrete block and will look better than the concrete block and match the rest of the building. He did question if the existing chain link fence will be removed as the plans do show a new gate. Mr. Smiltars advised they plan to keep the existing fence for

security purposes due to their close proximity to the highway but do plan to rework the gate to provide a more elegant entrance to the building.

Motion: Mr. DesForges moved, seconded by Mr. Meehan to recommend approval of Ordinance 2007-169 with the following conditions:

1. condition the council approve Ordinance 2007-174 allowing office use as a conditional use permit before this conditional use is granted;
2. condition that the development plan is approved;
3. condition that the improvements indicated on the development plan are completed before an occupancy permit is issued.

ROLL CALL ON APPROVAL:

Yeas: Cross, Schultz, Connole, DesForges, Meehan

Nays: None, motion passed

Motion: Mr. DesForges moved, seconded by Mr. Meehan to recommend approval of 23850 Sperry Drive development plans with the following conditions and modifications:

1. modification of 2.5' in existing front setback;
2. modification of 0.5' in existing rear setback;
3. modification to allow three parking spaces to have a 47' setback;
4. condition that curbing is provided on the drive and parking lot;
5. condition that a dumpster enclosure be relocated on the plans.

ROLL CALL ON APPROVAL:

Yeas: Cross, Schultz, Connole, DesForges, Meehan

Nays: None, motion passed

**DOCKET 08-01-03 –Gardens at Westlake,
Development Plan (parking lot), 27569 Detroit
Road, PP# 212-21-004 to 006, J. McGee, rep.,
WARD 3**

**DOCKET 08-01-04 –Gardens at Westlake, Sign
Plan, 27569 Detroit Road, J. McGee, rep., WARD 3**

Ms. Caren Ermel reviewed the proposal which is to remove the existing two story parking structure and replace it with an at grade parking lot. The existing parking structure is in disrepair, does not provide at grade parking and the number of spaces are not needed since the original use of the facility has changed. The facility previously was an independent living facility but the use has changed to become an assisted living facility which requires less parking spaces. The parking would be better suited if it were on one level at grade to the property. They will also be able to provide more handicapped parking spaces in the new proposal; five verses the one that currently exists. The new parking lot will be in the same location as the existing parking structure (within the loop road of the property) and is not visible from Detroit Road.

Mr. Parry reviewed the proposal noting the existing structure is not an attractive structure with several repairs necessary. There are multiple ramps at the different grades and none

of the parking is at grade. Over the 20 years the facility has been in place he has never seen the parking to capacity. During construction there will be 44 temporary parking spaces in what is now green space. Mr. Parry suggested that those temporary spaces could be landbanked the event that in the future the use changed or more parking spaces were needed. The number of spaces to be provided in the new parking lot exceeds code requirements for the current use which requires 44 spaces and the new parking lot will provide 84 at-grade spaces including 4 handicapped spaces.

As for the proposed signage Mr. Parry explained the existing sign will be replaced with a new sign in the same location. The leading edge of the existing sign appears to be no more than 10' from the right-of-way and the new sign should not be any closer to the right-of-way. It was noted that evergreen plantings should be underneath the sign to block any light glare underneath the sign.

Motion: Mr. DesForges moved, seconded by Mr. Meehan to recommend approval of the Gardens at Westlake development plans with the condition that the temporary 44 parking spaces are landbanked.

ROLL CALL ON APPROVAL:

Yeas: Cross, Schultz, Connole, DesForges, Meehan

Nays: None, motion passed

Motion: Mr. DesForges moved, seconded by Mr. Meehan to approve of the Gardens at Westlake sign plan with the following conditions:

1. condition that the leading edge of the new sign should be no closer to the right-of-way than the existing sign;
2. condition that there will be evergreen plantings blocking the glare underneath the sign

ROLL CALL ON APPROVAL:

Yeas: Cross, Schultz, Connole, DesForges, Meehan

Nays: None, motion passed

**DOCKET 08-01-05 – Cleveland Door, Sign Plan,
29263 Clemens Rd., PP 211-22-052, M. Vitou, rep.,
WARD 3**

Mr. Schultz explained due to a conflict of interest he would excuse himself for this portion of the meeting. Mr. Mike Vitou and Mr. Rob McClland were present to review the proposal. Mr. Vitou stated the proposed ground sign is to be made of black granite with double sided red and gold lettering and logo approximately 4'x 6'. The owner's tenant put in a freestanding sign, which was approved by the commission but this proposed sign is in addition and more permanent. Mr. McClland explained that both signs are reviewed from the commission point as permanent. The tenant obtained their sign without previous approval from the landlord. They are requesting to be permitted two ground signs and this lot is a corner lot. Mr. McClland stated that corner lots are allowed to have two freestanding signs. The owner is amendable to having no wall signs in order to have the two freestanding signs.

Mr. Parry reviewed Mr. Krause's memo and noted the two signs are far apart. The tenant is Fastenal and when their sign was approved one condition of approval was that there is 127 sq. ft. of sign area available for wall signage under the previously approved master sign plan. Currently Fastenal has signs in their windows which are counted as wall signs and were not approved by the commission. As for the proposed sign, the material is of a high quality stone and the Fastenal sign does not match this proposed sign. The sign area of the Fastenal sign is 15 sq. ft. and the actual sign area of the Cleveland Door lettering is 12 sq. ft. even though the overall size of the monument stone is 24 sq. ft. 30 sq. ft. is permissible by code and there have been other locations where there are separate entrances where two ground signs have been permitted in different locations. The overall sign area of the two signs is less than 30 sq. ft. and a condition of approval should be that the wall signage be eliminated and any previous reference to sign criteria be eliminated as well.

Discussion ensued that the proposed sign was attractive and it was unfortunate that there was not uniformity between the two signs. It was also requested that Fastenal remove the signs that have been placed in their windows.

Motion: Mr. Meehan moved, seconded by Mr. Cross to approve of the Cleveland Door sign plan with the following conditions and modification:

1. condition if the Fastenal tenant sign is ever refaced or replaced that any future signs match in color and design of the Cleveland Door sign;
2. condition that the wall signage be eliminated and any previous reference to wall signs in the sign criteria be eliminated as well;
3. condition the total sign area on the two signs not exceed 30 sq. ft. with the sign area on the granite sign be 15 sq. ft. or less;
4. modification to allow two freestanding signs.

ROLL CALL ON APPROVAL:

Yeas: Cross, Connole, DesForges, Meehan

Nays: None, motion passed

At this time Mr. Schultz returned to the meeting.

**DOCKET 08-01-06 – MAC, Storefront and Sign
Plan, 262 Crocker Park Blvd., R. Levitz, rep.,
WARD 5**

Mr. Richard Levitz reviewed the proposal and read a statement describing the design. The design is simple with a canopy structure over the entrance. The materials to be used are stainless steel, glass and polished granite in the color scheme of white and black. All proposed signs comply with the codes.

Mr. Parry advised no modifications are necessary and the design is very minimalist with rich materials. The metal panels will match the materials.

Motion: Mr. DesForges moved, seconded by Mr. Meehan to recommend approval of the MAC 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 MAC Sign Plan.

ROLL CALL ON APPROVAL:

Yeas: Cross, Schultz, Connole, DesForges, Meehan

Nays: None, motion passed

**DOCKET 08-01-07 – BCBGMAXAZRIA Storefront
and Sign Plan, 238 Crocker Park Blvd., R. Levitz,
rep., WARD 5**

Mr. Richard Levitz reviewed the proposal and read a statement describing the design and the origin of the store name. This storefront has a pop out corner feature and the materials will match the building with golden ambers colored chips and neutral tones. The awnings shown are along the alley and have small font lettering on them.

Mr. Parry advised the design is elegant and the signage is understated. The three awning signs are in the alley way that leads to the garage and they have a small amount of lettering on them. Mr. Krause questioned the use of gypsum board in the storefront but it has since been clarified the gypsum board is an inside feature and not part of the exterior storefront so it is not an issue.

Motion: Mr. DesForges moved, seconded by Mr. Meehan to recommend approval of the BCBGMAXAZRIA 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 BCBG/MAXAZRIA Sign Plan with a 26.69 sq. ft. modification in awning size for each of the three awnings and that no additional signage be permitted on the awnings.

ROLL CALL ON APPROVAL:

Yeas: Cross, Schultz, Connole, DesForges, Meehan

Nays: None, motion passed

MISCELLANEOUS

None

ADJOURNMENT

Meeting adjourned at 8:37 P.M. The next regular meeting is scheduled for Monday, February 4, 2008, in the Westlake City Hall Council Chambers.

Chairman Richard Schultz

Nicolette Sackman, CMC
Clerk of Commissions

Approved: _____