



**PLANNING DEPARTMENT**

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**WESTLAKE PLANNING COMMISSION  
MINUTES OF THE REGULAR MEETING  
MARCH 2, 2020**

Present: Chairman Brad Lamb, Lynda Appel, Phil DiCarlo, Lauren Falcone, Duane Van Dyke

Also Present: Planning Director Jim Bedell, Assistant Planning Director Will Krause, Law Director Michael Maloney, Clerk of Commissions Nicolette Sackman

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 Brad Lamb.

**APPROVAL OF MINUTES**

Mrs. Falcone moved, seconded by Mr. DiCarlo to approve the minutes of the regular meeting of February 3, 2020.

ROLL CALL ON APPROVAL:

Yeas: Lamb, Van Dyke, Falcone, Appel, DiCarlo

Nays: None, motion carried

Mrs. Falcone moved, seconded by Mr. DiCarlo to approve the minutes of the regular meeting of February 10, 2020.

ROLL CALL ON APPROVAL:

Yeas: Lamb, Van Dyke, Falcone, Appel, DiCarlo

Nays: None, motion carried

**COUNCIL REPORT**

Mrs. Appel reported on council matters.

**OLD BUSINESS**

**Ordinance 2019-76 rezoning south side of Center Ridge Rd west of Crocker Rd., PP#217-26-012 & 007, from R-1F-80 District to R-MF-24 District, ref. 5/17/19, rep. P. Vincent, Ward 6 – tabled 6/3/19, 7/1/19, 8/5/19, 9/9/19, 10/7/19, 11/11/19, 12/2/19 tabled to the 2/3/2020 meeting – extension of time granted to 3/15/20**

Applicant requested to be tabled to May.

**Motion:** Mrs. Falcone moved, seconded by Mr. DiCarlo to request a 90 day extension of time for Ordinance 2019-76.

ROLL CALL ON APPROVAL:

Yeas: Lamb, Van Dyke, Falcone, Appel, DiCarlo  
Nays: None, motion carried

**Motion:** Mrs. Falcone moved, seconded by Mr. DiCarlo to table Ordinance 2019-76 to the May 11, 2020 meeting.

ROLL CALL ON APPROVAL:

Yeas: Lamb, Van Dyke, Falcone, Appel, DiCarlo  
Nays: None, motion carried

**Ordinance 2019-127 code amendments to the sign code,  
1223.14(a) and 1223.18(c) ref. by council 10/17/19, tabled  
12/2/19**

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**Motion:** Mrs. Falcone moved, seconded by Mr. DiCarlo to request a 90 day extension of time for Ordinance 2019-127.

ROLL CALL ON APPROVAL:

Yeas: Lamb, Van Dyke, Falcone, Appel, DiCarlo  
Nays: None, motion carried

**Motion:** Mrs. Falcone moved, seconded by Mr. DiCarlo to table Ordinance 2019-127 to the April 6, 2020 meeting.

ROLL CALL ON APPROVAL:

Yeas: Lamb, Van Dyke, Falcone, Appel, DiCarlo  
Nays: None, motion carried

**NEW BUSINESS**

**The Learning Experience Development Plan, 25211  
Center Ridge Rd., PP#215-26-005, rep. M. Zimmerman,  
Ward 2**

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Mr. Zimmerman stated the proposal is for a one story day care facility, 10,000 sf in area. Ms. Amanda Bonetti was also present to answer any questions.

Mr. Bedell reviewed his staff memo. The request is to construct a single story, day care center on a 2.11 acre property. The site will include parking for 35, a rear playground, a dumpster enclosure, storm water retention and landscaping. In anticipation of this development plan, the property was rezoned to General Business (Ordinance 2019-123) and a conditional use permit was granted (Ordinance 2019-124). The parking islands and other areas need detailed landscaping plans, and a detailed plan for the proposed fence. The dumpster enclosure requires a modification to be in front of the building and should be screened with landscaping on the north and east side to screen views to it from off site. The plans show a curb and sidewalk and it was questioned if there are details for wheel stops and if they are being used. The lighting plans are incomplete, cannot be approved, and require a lot more details. Mr. Bedell reviewed the building materials. An appropriate building material, such as brick, thin brick, or precast, should be substituted for the EIFS, and the EIFS being only used as a minor architectural feature, belt course or minor design element. He discussed the requirements for a day care facility and parking. The hours of operation are needed as the playground is within 500' of residential property.

Mr. Bedell noted the following items: All building entrances shall have entry password protected locking doors - **Unknown**; Dedicated vehicular drop-off/pick up locations shall be provided at sidewalks leading to the licensed child day care center and marked clearly with signs and/or striping in parking lots and driveways - **Those spots farther than 30' meet this requirement**; Need verification that parking formula used resulted in 7 spaces; playgrounds shall provide entry password protected locking gate or gates to the parking lot for an emergence evacuation exit as required by the fire and building departments. **Unknown**; Hours of operation shall be in accordance with Section 753.01, Closing Hours, of the Westlake Business Code - **Unknown**; A minimum requirements for indoor and outdoor space and maximum group size shall be as established by the OAC - **Unknown**; The maximum occupancy as set by the Fire Department shall not supersede stricter requirements for children as set by the OAC - **TBD**; Surveillance cameras shall be provided at building entrances, pedestrian access routes and outdoor playground areas – **Unknown**.

Mr. Zimmerman had questions regarding the city engineer and fire department's comments. Mr. Bedell reviewed with him the width of the driveway, the setback from the planned right-of-way, a fire lane on the side of the building along with state fire requirements. Mr. Zimmerman stated that he will call out the wheel stops on the plans. He advised the parking island will be grass and there will not be any landscape in the islands. Mr. Bedell said that the intent of the code is that they are landscaped and should include trees at a minimum.

Mr. Krause reviewed the sign plan. The primary blue awning is the same color as the primary blue blocks, so count as sign area. If they were an earth tone they would not be counted as signage. The primary blue awnings result in the total sign area exceeding what is permitted by code and will be over by 32.32 sf. It was noted the column blocks (look like blocks used by children) are primary colored and a different set of colors than the sign and are attention getting. The monument sign requires an 8.75' setback modification as the sign is shown to be 11.25' from the existing right-of-way and it needs to be 10' from the proposed right-of-way. The owner must state that they will move the sign back at their own expense when road is widened. The monument sign details were discussed and illumination specification are needed. He advised that not enough sign details were provided.



The planning commission discussed the proposal. Overall the commission would like to see the building redesigned to fit better with the existing architecture of surrounding buildings and what is seen in Westlake, with the use of more brick and stone. As currently designed the building looks very commercial. The roof line should be looked at with the consideration of the use of a pitched roof. The columns were not well received and should be redesigned, or counted as part of

the sign package as they are attention getting. The solid doors on the front of the building were not desirable and should have windows for a better design aesthetics. There should be a sidewalk that connects to the sidewalk along the street. Landscape suggestions were made to include trees in the parking islands, what to use around the dumpster enclosure, and more canopy trees. The traffic flow through the site was discussed and if there is drop off or if parents bring children into the building.

Ms. Bonetti explained the building is designed to look like other Learning Experience buildings, which are located nationwide. The age of the children are infants through age 7 at maximum with hours of operation being 6:30 am to 6:30 pm. There are not weekend hours, other than the occasional open house on a weekend. Children are brought into the building and not dropped off in front of the building by parents or care givers.

It was noted that the following needs to be addressed:

1. Comments in Part III of Mr. Bedell's staff report.
2. Detailed landscaping plan indicating treatment of parking lot islands, dumpster enclosure screening and any other locations for landscaping.
3. The area behind the building must be detailed including the playground design.
4. Clarification on the wheel stops.
5. Lighting design in accordance with Section 1230.03.
6. Redesign of cladding material to limit the use of EIFS on the building and dumpster enclosure for use as a minor architectural feature, belt course or minor design element.
7. The retention basin fence requires a detail and color.
8. Items in Section 1226.02 that need clarification, as indicated in the aforementioned staff report.
9. A pitch roof is preferred.

**Motion:** Mrs. Falcone moved, seconded by Mr. DiCarlo to table The Learning Experience Development Plan to the April 6, 2020 meeting with revised plans being submitted by March 23<sup>rd</sup>.

ROLL CALL ON APPROVAL:

Yeas: Lamb, Van Dyke, Falcone, Appel, DiCarlo

Nays: None, motion carried

**The Villas at Westin Pointe Development Plan, 23059-23159 Center Ridge Rd., PP#214-29-006 to 008, rep. D. Siley, Ward 1**

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Mr. Siley, reviewed the townhouse development plan for 25 units. The units will be for-sale simple-fee townhomes with a starting price point of \$400,000. They will be approximately 1,700-1,900 sf. with two car garages, a first floor master bedroom, and a full basement. He reviewed the site plan showing the layout, building elevations, and buffering proposed. Originally the retention basin was shown as a wet basin, but will now be a dry basin so a fence is not required. There will be yard drains throughout the site. They plan to retain as many trees as possible. He reviewed the building material and façade design.

Mr. Bedell reviewed his staff memo. The townhome development is at the current location of Warner Interiors (5.38 acres). The units are two stories in height (31.67') with attached two-car garages. There will be space for two cars in the driveway, for guests and owners use, as well as two parking spaces in the garage. The development will not be phased. The rear setback of the units will need a setback modification, as submitted as they are too close to the rear property line, and some of the setbacks between buildings will need modifications. The curbing and driveway design need to be approved by the city engineer. The required buffering is not well depicted on the plans and does not explain buffering or explain how opacity requirements will be met. This needs to be addressed. The plans also need to be revised to meet the code requirement for front yard trees. The signage is unclear. If it is not being approved with the development plan, any indications of it should be removed from the drawings. Mr. Bedell noted the lighting plans are incomplete and more information is needed for review.

Mr. Jim Christino, 23039 Center Ridge Rd. expressed concerns with drainage and buffering, as his property is adjacent to the project. He questioned if the existing Warner Interior building and house located on one of the properties will be demolished, which they will be. Chairman Lamb advised that a requirement is that all water is retained on the site of the development.

The planning commission discussed the proposal. They would like to see the rear elevations revised to add more details and materials, as they will be visible from Center Ridge Road and neighboring property owners. The preservation of trees on the site is desirable and it was suggested to use larger growing and shade trees. Mr. Bedell noted the tree preservation plan exceeds code requirements, but additional front yard trees need to be added. The landscape and buffer mound need additional details. The rear setback to the single family property to the south was discussed, with Mr. Bedell noting there is a retention basin at the rear of the single family lots and the townhomes will be approximately a little over 200' away from the nearest residence. The construction was discussed with it being noted the first building will be constructed at the front of the property, moving back to the rear of the property. It is estimated that the construction will start in fall 2020. The landscaping in front of each unit was discussed with suggestions of planting materials to be considered. It was also suggested to add evergreen trees to the rear of the property to provide additional screening.

It was noted that the following needs to be addressed:

1. Comments in Part III of this report.
2. Detailed landscaping plan indicating treatment of buffering or an explanation of how opacity requirements will be met.
3. Front yard trees need to be adjusted to meet code requirement.
4. Signage needs to be clarified. If monument signs are not being approved with the development plan, all indications of it should be removed from the plans.
5. Lighting information is needed to determine whether it is in accordance with Section 1230.03.
6. The retention basin fence requires a detail and color.

**Motion:** Mrs. Falcone moved, seconded by Mr. DiCarlo to table the Villas at Westin Pointe Development Plan to the April 6, 2020 meeting with revised plans being submitted by March 23<sup>rd</sup>.

ROLL CALL ON APPROVAL:

Yeas: Lamb, Van Dyke, Falcone, Appel, DiCarlo

Nays: None, motion carried

**Gravino Lot split and Assembly Plat, Hilliard Blvd.,  
PP#216-31-062 & 068, rep. K. Hoffman, Ward 4**

Mr. Hoffman explained the proposal is to split off a portion of a parcel located on Hilliard Blvd.



and assemble 1.52 acres to a parcel at 28470 West Preston Place. The remaining vacant parcel on Hilliard will be sold as single family lot.

Mr. Bedell reviewed his staff memo advising a modification is needed to create an odd shape lot. Planning commission members had no concerns with the proposal and

questioned how the yard will be developed. Mr. Hoffman was not certain, but believed the owner would like to install a pool and outdoor living space.

Findings of fact

1. The current depth to width ratio is over the maximum and the proposal is ok for Parcel 'A' and slightly under for Parcel 'B', requiring a modification.
2. A modification is needed for Parcel 'B' to be an irregular shape (not a rectangle). As a cul-de-sac lot it is currently an irregular shape.

**Motion:** Based upon the findings of fact Mrs. Falcone moved, seconded by Mr. DiCarlo to approve the Gravino lot split and assembly plat involving permanent parcel numbers 216-31-062 & 068 with the following modifications and condition:

1. Modification for the depth to width ratio for Parcel 'B' to be less than 1.4:1.
2. Modification for Parcel 'B' to have an irregular shape.
3. Approval is subject to comments in Part III of the 2/27/20 staff report and approval of the plat by the Engineering Department 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: Lamb, Van Dyke, Falcone, Appel, DiCarlo

Nays: None, motion carried

**Crocker Woods Cluster creating fee simple title lots (for  
recording purposes) Crocker Rd., PP#217-27-001, rep. K.  
Hoffman, Ward 6**

Mr. Hoffman explained the purpose of the proposal is so that a plat can be recorded creating fee simple title lots. This is to solve past financing issues for individual mortgages as banks want the

units to be on lots and not just a unit that is owned on top of commonly owned property. This has become common and a standard for financing in recent years.

Mr. Bedell reviewed his staff memo. He explained that Ordinance 2019-134 changed the zoning code to allow the land under each multi-family unit to be a separate parcel with a fee simple title. Due to financing challenges since 2008 this is necessary, as new homeowners cannot get financing or do so at a premium if condominium lots are created, where the land under the units is owned in common by the development. This plat does not change how the property will be developed or how common areas will be owned or maintained.

Findings of fact

1. This plat is for recording purposes to create fee simple title lots corresponding to the approved cluster units.
2. It does not change the approved development plan for Crocker Woods Clusters.

**Motion:** Based upon the findings of fact Mrs. Falcone moved, seconded by Mr. DiCarlo to recommend approval of the Crocker Woods Cluster plat for recording purposes.

ROLL CALL ON APPROVAL:

Yeas: Lamb, Van Dyke, Falcone, Appel, DiCarlo

Nays: None, motion carried

**Ordinance 2020-6 vacating Leroy Street, rep. K. Hoffman,  
Ward 6, ref. by council 2/6/2020**

Mr. Hoffman explained that Mr. Pavicic is seeking to vacate Leroy Road, which is a paper street created in approximately 1919 as part of a subdivision that was never built. Once vacated, the property will become part of Mallard Cove No 4.

Mr. Bedell reviewed his staff memo. Sublots 4 and 5 in the approved Mallard Cove No 4 preliminary plan included a portion of the Leroy Road right of way south of Carleton Avenue. Leroy Road is an undeveloped paper street that is not needed to provide access to any properties. On January 6<sup>th</sup>, the planning commission recommended approval of the Mallard Cove No 4 preliminary plan with a condition that council approves vacating Leroy Road south of Carlton Avenue, which is the reason it is being presented at this meeting for the planning commission's recommendation. This is also required for the approval of the Mallard Cove no. 4 final plat (for recording purposes). Mr. Bedell reminded Mr. Pavicic that a letter of support was needed from adjacent property owners to shorten the notification process required by city council. Mr. Pavicic advised he was waiting for a sample letter from the city's law department.

Findings of fact

1. This right-of-way vacation is necessary in order for Council to be able to approve the preliminary plan and final plat for the Mallard Cove 4 subdivision.
2. Leroy Road south of Carleton Avenue is a paper street that is not needed for access to adjacent properties.
3. The vacated property will be incorporated into two residential building lots in the Mallard Cove 4 subdivision.

**Motion:** Based upon the findings of fact Mrs. Falcone moved, seconded by Mr. DiCarlo to recommend approval of Ordinance 2020-6.

ROLL CALL ON APPROVAL:

Yeas: Lamb, Van Dyke, Falcone, Appel, DiCarlo

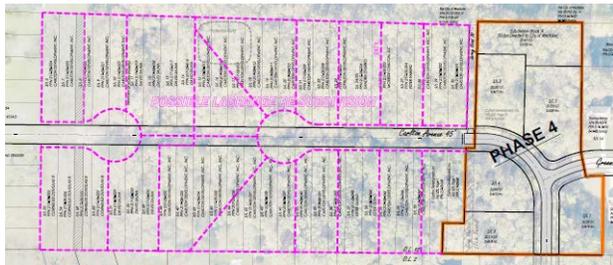
Nays: None, motion carried

**Mallard Cove No 4 Major Subdivision Final Plat,  
Greenview Pkwy. & Carlton, rep. K. Hoffman, Ward 6**

Mr. Hoffman reviewed the final plat, which only has slight differences from the preliminary plan. The final plat has exact sizes of the lots based on the survey. The lots have been renumbered (10-14) to follow the numbering in phase 3. There will be an easement at the rear of lots 13 and 14 so the city can access the retention basin on the golf course. Mr. Pavicic has met with adjacent neighbors to lot 14. At that time it was noted the fence around the city's retention basin on the golf course is a split rail fence with mesh between the rails. He estimated that it was not 4' tall. He thought it might be desirable to design the fence around the basin at the rear of lots 13 and 14 to match the city's fence, but he is willing to install what the commission desires.

Mr. Bedell reviewed his staff memo and the variations from the preliminary plan. One change pertains to a 'block' that was shown in the preliminary plan for the retention basin for City ownership. It has been incorporated into adjacent sublots 13 and 14, which is the preferred method of ownership by the City Engineering Department. The applicant has designed a 4' tall ornamental fence for the basin. Typically, a 6' tall fence has been required, but 4' is preferred for aesthetics and it is the height required for swimming pools in Section 1365.06 (b).

Ms. Ann Kalt, 31435 Lincoln, explained her son lives on Bradley Road at the end of the paper street known as Carlton. She questioned if this subdivision would connect to Bradley Road and questioned the ingress and egress. Mr. Pavicic and Mr. Hoffman explained the property to the west of this subdivision has not been designed yet and showed Ms. Kalt a conceptual layout, but noted it was just in a conceptual layout at this time. Mr. Pavicic is aware that the homes



on Bradley are setback close to Carlton Avenue and he does not envision the public street going through in between the two Bradley Road properties. He thought an emergency access road may be developed in that location that for use by emergency vehicles. A similar emergency access road for the Park Subdivision was discussed. Mr. Bedell advised when that property is designed and submitted to planning commission, notification will be given to property owners within 500'. The current subdivision extension will have access from Greenview and Mallard Cove.

Planning commission members discussed the retention fence on the golf course and felt it was reasonable to match that fence since both will be visible from the golf course and surrounding property owners.

**Findings of fact**

1. This completes the fourth phase of the Mallard Cove Subdivision by subdividing 3.5962

acres into five lots by extending Carlton Avenue and Greenview Parkway.

2. Three subdivisions, Mallard Cove, Hedgewood Estates and Lagrange, that have been stalled for decades will be connected satisfying the requirement for providing "... two permanent means of access, one from each direction" for streets exceeding 1,000 feet in length or 25 homes required in Section 1127.04(a)(3).
3. It eliminates an undedicated and undeveloped right-of-way for Leroy Road to the west of S/L 11 and 12.
4. Modifications are in accordance with sections 1127.01, 1131.04 and 1133.02 of the Planning and Platting Code and are necessary largely due to the location of the proposed subdivision in relation to the existing roadways and adjacent properties that cannot be changed.

**Motion:** Based upon the findings of fact Mrs. Falcone moved, seconded by Mr. DiCarlo to recommend approval of the Mallard Cove No. 4 Major Subdivision final plat with the following modifications and conditions:

1. Modification for the minimum lot width for S/L 10 to be 103.12’.
2. Modification for the lot area of S/L 10 to be 18,313 s.f. with the condition that a home is not constructed on S/L 10 until ten lots, including five in Phase Four and five to the west fronting on Carleton Avenue are improved for development.
3. Modification for the lot depth to width ratio for S/L 12 to be 1.29:1.
4. Modification for the property line shared by S/L 13 and 14 to not be radial to the curve of the street line.
5. Modification for S/L 12 to be slightly more square than rectangular in form.
6. Modification for the minimum lot depth for S/L 11 and 12 to be less than 170’.
7. Condition that the Westlake City Council approves Ordinance 2020-6 vacating Leroy Road south of Carlton Avenue.
8. Condition that the retention basin is fenced with a fence to match the adjacent fence (to the east) around the city basin.
9. Approval is subject to comments in Part III of the 2/27/20 staff report and approval of the final plat by the 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: Lamb, Van Dyke, Falcone, Appel, DiCarlo

Nays: None, motion carried

**Clague Memorial Park Sign Plan, 1371 Clague Rd.,  
PP#214-23-002, B. Deminico, Ward 1**

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Mr. Krause explained the proposal is to install a sign on the Clague Memorial Park property as an entrance marker for the new ball fields in the park. He reviewed his staff memo. Members of the commission discussed the proposal and liked the sign for an entrance to the fields. They reviewed the location and color of the posts. It was questioned if it should be green to match other fencing materials, but was determined the proposed black would stand out against the green grass background.

### Findings of fact

1. The proposed 15.75 sq. ft. non-illuminated black metal freestanding sign is incorporated in a black metal arch that pedestrians will pass under when entering the new ballfield area on the new sidewalk, to give a sense of arrival to the ballfields for players and fans.
2. The arch is similar in design to one at the entrance of Evergreen Cemetery that automobiles pass under.
3. This freestanding sign will require a modification to be the third freestanding identification sign on this parcel.
4. This 13' tall freestanding sign will require a 7' height modification.
5. The arch is more than 270' from Clague Road and is behind both the Clague Museum and Clague Playhouse so will be barely visible from Clague Road.
6. The nearest residence is over 300' away and will see the side view of the non-illuminated arch

**Motion:** Based upon the findings of fact Mrs. Falcone moved, seconded by Mr. DiCarlo to approve the proposed Clague Memorial Park Sign with the following modifications:

1. A modification for the third freestanding identification sign on the parcel.
2. 7' height modification.

ROLL CALL ON APPROVAL:

Yeas: Lamb, Van Dyke, Falcone, Appel, DiCarlo

Nays: None, motion carried

### **Marc's Sign Plan, 26324 Detroit Rd., PP#213-05-005 to 009, rep. K. Fisher, Ward 3**

Mr. Fisher explained the proposal is to add an internally illuminated wall sign with 2' tall individual letters and visible from I-90. He would like the commission to consider allowing the west side of the building to count toward the linear footage (which would be a total of 565 linear footage) on the site and to permit a sign can be placed on the west façade. He advised the advertising signage on the cart corrals has been removed.

Mr. Krause reviewed his staff memo noting buildings on lots abutting a freeway shall not be considered to have building frontage on the freeway for sign area calculations and signs shall not be located for visibility from the freeway except for buildings in Interchange Services Districts or as otherwise approved by the Planning Commission. This would require a modification and Planning Commission has been consistent in not permitting a sign facing the freeway unless the property is located in Interchange Services Zoning District or the building has an entrance facing the freeway. There is a customer exit door on the west side of the building so the commission could consider approving a sign on the west side of the building and remain consistent with this policy.

Planning commission discussed the proposal and that another similar store down the street has similar signage on the side of the building that is visible from I-90. This would be consistent with that site. It was discussed if the wall sign would be dimmable so the illumination can be adjusted if needed. Mr. Beeman, sign contractor, stated it can be designed to be adjustable.

#### Findings of fact

1. The proposal is to add a 22.66 sq. ft. internally illuminated wall sign of 2' tall individual letters on the west façade which will be visible to east bound I-90 drivers.
2. Section 1223.03(c) states: "The frontage width of a building shall be the width of the façade which faces the principal street or contains the main entrance."
3. Section 1223.03(c)(2) states: "Buildings on lots abutting a freeway shall not be considered to have building frontage on the freeway for sign area calculations and signs shall not be located for visibility from the freeway except for buildings in Interchange Services Districts or as otherwise approved by the Planning Commission.
4. Section 1223.03(c)(3) states: "The Planning Commission after consideration of building orientation, corner tenancy, corner locations, combination of uses and number of frontages, may allow multiple sides of a multi-tenant or single tenant building to be included in the calculation of total sign area for a building and placement of signs on the building.
5. The Planning Commission has been consistent in not permitting a sign facing the freeway unless the property is located in Interchange Services Zoning District or the building has an entrance facing the freeway. They have permitted signs on the side of a building if it has an entrance on that side of the building or the side of the building faces a non-freeway street.
6. The main customer exit door for Marc's is on the west elevation of the building.
7. Marc's was using a cart corral for an identification sign visible from the freeway and placing temporary promotional signs on all of the cart corrals.
8. Section 1223.04(b)(2) limits the total amount of signage on the site to be 407 sq. ft. based on the 407 linear feet of storefront.
9. The applicant's attorney has requested that the Planning Commission consider the 158.5' long second side of the Marc's building to be counted in the calculation of total sign area available.
10. When the sign criteria for this shopping center was approved, a modification was granted for an extra 12.76 sq. ft. of sign area for a total of 419.76 sq. ft. of sign area on the site. This additional 22.66 sq. ft. will require the site to be granted a total of 35.42 sq. ft. (12.76 + 22.66) extra sign area based on the second side of the Marc's building.

**Motion:** Based upon the findings of fact Mrs. Falcone moved, seconded by Mr. DiCarlo to approve the proposed 22.66 sq. ft. west facing Marc's sign with the following modifications and conditions:

1. Modification to count a second side of the Marc's building toward the extra 35.42 sq. ft. of total sign area permitted on the site, including this proposed 22.66 sq. ft. wall sign.
2. Modification to permit a west facing sign visible from the freeway because the primary customer exit door is on the west elevation of the building.
3. Condition that no signage will be mounted on the cart storage corrals except for a maximum of one 2 sq. ft. instructional sign on each cart corral.
4. Condition that the sign has a dimmable capability.

#### ROLL CALL ON APPROVAL:

Yeas: Lamb, Van Dyke, Falcone, Appel, DiCarlo

Nays: None, motion carried

**Aerie Storefront & Sign Plan, 95 Main St., PP#211-34-302,  
rep. P. Brunett, Ward 5**

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Mr. Brunett stated the tenant is proposing a storefront and sign plan. Mr. Krause reviewed his staff memo noting this is a new tenant to locate between Athleta and Dry Goods in a portion of space previously occupied by Beauty Brands with very light, ethereal, clean lined storefront. He did question if the poster display sign will be an internally illuminated digital display or a poster display. Mr. Brunett advised it is a poster display. Mr. Krause reviewed the tenant colors which are grey, two colors of green and oil rubbed bronze. The fabric sample of the awning materials shows that it is slightly brighter than “cottage green” which is one of the approved storefront accent colors on the Crocker Park Design Guidelines Color Palette. It is acceptable as a storefront accent color so the awnings are not considered signage. The storefront is primarily painted thin brick masonry with aluminum storefront entry and painted wood trim. The base is tile.

The commission members reviewed the proposal.

**Storefront Findings of fact**

1. The proposed storefront complies with the Crocker Park Design Guidelines.
2. The awning material sample shows that it is slightly brighter than “cottage green” which is one of the approved storefront accent colors on the Crocker Park Design Guidelines Color Palette. It is acceptable as a storefront accent color so the awnings are not considered signage.

**Motion:** Based upon the findings of fact Mrs. Falcone moved, seconded by Mr. DiCarlo to recommend approval of the proposed Aerie storefront as submitted.

**ROLL CALL ON APPROVAL:**

Yeas: Lamb, Van Dyke, Falcone, Appel, DiCarlo

Nays: None, motion carried

**Sign Plan Findings of fact**

1. The poster display case is internally illuminated which the applicant has stated in letter dated 2/3/20 that the landlord approves and that the sign will be turned off when the store is closed.
2. Our understanding from the description is that this is a poster display case and not a digital display board and therefore will be a static image.
3. The open channel letter script storefront sign with exposed LED bulbs behind a matte clear acrylic face is permitted under the criteria.
4. The blade sign has a green aluminum face with push through internally illuminated letters.
5. The proposed sign area complies with the Crocker Park sign criteria.

**Motion:** Based upon the findings of fact Mrs. Falcone moved, seconded by Mr. DiCarlo to approve the proposed Aerie sign plan as submitted with a condition that the Poster Display Case is not an animated image.

**ROLL CALL ON APPROVAL:**

Yeas: Lamb, Van Dyke, Falcone, Appel, DiCarlo

Nays: None, motion carried

**Club Pilates Sign Plan, 30032 Detroit Rd., PP#211-19-006,  
rep. J. Sapitro, Ward 5**

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Mr. Sapitro, owner, explained the business is a franchise where they all have the same branding. They have a 9.6 sf sign in the interior on the wall behind the front counter that is illuminated. The sign is 11'4" from the front window and he did not think it was a window sign. He reviewed the calculation for the exterior wall sign which was measured as a rectangular box at 27.7 sf and he is permitted a total of 33 sf for his tenant space. He noted the code allows the sign to be measured as a combination of geometric shapes and if measured that way, it would be calculated as 18.9 sf. With the addition of the 9.6 sf sign to the 18.9 sf measurement, the total amount of signage would be 28.5 sf, which is within what he is permitted.

Mr. Krause reviewed his staff memo. He explained when he went to the site for a final inspection of occupancy he saw the interior sign, which was visible from the exterior and should be considered a window sign. He explained the sign behind the front counter is a digital sign and is essentially a large format television. There is a new trend of interior signage which is bright enough and large enough to be read outside of the tenant space. He has seen other signs that are similar at other tenants, which have either been removed from their proposal, counted as part of the total square footage, or have been addressed once they were discovered (not part of a sign approval package). For consistency the applicant's sign should be counted as part of the sign area and the existing wall sign can be measured as a combination of regular geometric forms to determine the sign area. This would require a waiver from the sign criteria for West Bay Plaza.

Members of the commission did not have an issue with calculating the wall sign as a combination of regular geometric shapes.

**Findings of fact**

1. Club Pilates is a new tenant in West Bay Plaza, the tenant space was inspected for occupancy on 1/2/20.
2. It was noted at the time of inspection that there was a bright sign over the front counter that is visible and can be read from outside of the tenant space at the sidewalk level and in the parking lot even though it is 11.33' back from the window.
3. Section 1223.02(a)(20) defines a "Window Sign" as a sign on the inside of a building affixed to, or near, a window for the purposes of being visible to and read from the outside of the building.
4. The West Bay Plaza Master Sign Plan has no provision for secondary signage, including window signage for secondary tenants. A brightly illuminated sign over the counter which can be read in the parking lot is not permitted by right under the criteria.
5. The applicant is requesting a waiver from the criteria to allow the interior cash wrap "window" sign over the counter as a secondary sign.
6. The 22' wide tenant space is permitted 33 sq. ft. of sign area under the criteria.
7. As usually applied Section 1223.03(a)(1) results in measuring the existing exterior sign with a rectangular box drawn around the outer limits of the sign, yielding 27.7 sq. ft. (2' X 13.86')
8. Section 1223.03(a)(1) allows the use of a combination of regular geometric forms to determine the sign area. If the existing exterior sign, sign area is calculated using a circle

around the logo and a rectangle around the text then the exterior sign measures 18.9 sq. ft [(pi X radius squared = 3.14 X 1 = 3.14 sq. ft.) + (1.33' X 11.86' = 15.77 sq. ft.)]

9. Section 1223.03(a)(7) allows the Planning Commission to make a determination as to what they consider the sign area.
10. The sign over the counter measures 9.6 sq. ft. (1.93' high X 4.96' wide).
11. If two geometric shapes are used to calculate the exterior sign area than the total requested signage is 28.5 sq. ft.

**Motion:** Based upon the findings of fact Mrs. Falcone moved, seconded by Mr. DiCarlo to approve a waiver from the West Bay Plaza sign criteria to allow the 9.6 sq. ft. interior cash wrap “window” sign over the counter as a secondary sign with a condition that it be turned off when the Club Pilates is closed.

ROLL CALL ON APPROVAL:

Yeas: Lamb, Van Dyke, Falcone, Appel, DiCarlo

Nays: None, motion carried

Mr. Sapitro noted that if he turns off the window sign when they close, it will also turn off all the interior lights that are left on. He asked if he could have a couple of weeks to have an electrician come out to change the wiring so the window sign could be turned off on its own. Mr. Maloney advised that was not a problem.

### **Maximum Potential Chiropractic Sign Plan, 26291 Center Ridge, PP#215-24-021, rep. J. Briola, Ward 2**

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Mr. Briola explained the applicant is looking to redesign their existing monument sign. The cabinet on the ground sign will be removed and replaced with a new diamond shaped cabinet. They will also be adding a wall sign with a similar design. The sign will have a dimmer.

Mr. Krause reviewed his staff memo. He explained the existing monument sign is 10' from the planned Center Ridge Road right-of-way and well over 20' from the planned Canterbury Road right-of-way. The colors, design and opacity were reviewed.

Members of the commission discussed the proposal and questioned if there was a white box around the diamond shape on the monument sign. Mr. Briola explained there were not be and on the drawing the white box is to block out the existing sign so the proposed sign could be depicted.

#### Findings of fact

1. The proposed signage complies with code except that the 14.69 sq. ft. monument sign face is shown as having no parts of the sign face fully opaque.
2. If the dark green border is made fully opaque except for the lettering then the monument sign is approximately 52% opaque.
3. The owner could request a sign face up to 30 sq. ft.
4. The design of the light green logo portion of the sign does not lend itself to push through graphics.
5. If the potential 30 sq. ft. freestanding sign face area is taken into account then the approximately 7 sq. ft. of illuminated sign face represents only 23% of the potential sign

face area and 77% of the potential sign face area is not illuminated.

**Motion:** Based upon the findings of fact Mrs. Falcone moved, seconded by Mr. DiCarlo to approve the Maximum Potential Chiropractic Sign Plan with a modification to allow less than 75% of the monument sign face to be opaque with a condition that the dark green border on the monument sign face is made fully opaque.

ROLL CALL ON APPROVAL:

Yeas: Lamb, Van Dyke, Falcone, Appel, DiCarlo

Nays: None, motion carried

**Hail Marys Bar & Grill, outdoor weather protection panels, 27828 Center Ridge Rd., PP#216-33-031 & 003, rep. J. Novak, Ward 4**

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Mr. Mendrea, contractor and Ms. Julie Novak, owner, were present. Mr. Mendrea explained the proposal is to use material similar to that which is used on the retractable roof, on the sides of the patio for use during inclement weather.

Mr. Bedell reviewed his staff memo. He noted the proposed removable fabric wind/rain shields match the existing retractable awnings. Section 707.05 of the Westlake Business Code mandates that any such weather protection is approved by the Planning Commission. Per code they shall not be used between January 1<sup>st</sup> and March 15<sup>th</sup> and when permitted to be used, outdoor weather protection shall be properly stored upon close of each business day. He noted the existing support structure for the awning system needs to be painted. Staff recommends painting it to match the trim on the building that is a brick red color. Furthermore, the fence also needs to be painted the same brick red color. This color is recommended because the darker color compliments the brick color of the building and will help the structure and fence to recede into the background and be less noticeable.

Mr. Bedell explained the west side of the patio was previously enclosed with a fence on three sides (fence is currently only on the north and south sides). There are horizontal members that suggest it will be enclosed with a wall instead. The rendering indicates the removable fabric wind/rain shields for this wall, but that will not provide the required barrier relative to their liquor license. There is an area that is plywood sheathing that will be clad in stone, as it is the back side of an electric fireplace.



Mr. Mendrea advised that they can put the fence back up. It was questioned what the State of Ohio Liquor Control Commission requires for barriers that will separate the patio from other areas which are not permit to have liquor. Mr. Mendrea explained the weather panels are soft and they were planning to leave the area open and the horizontal boards could be used for beverage placement. Mr. Maloney advised that some kind of a barrier must be provided between the patio and the parking lot. The panels were discussed that they do not roll up and down but snap into place and are removable. They would

be used as needed during inclement weather. Mr. Maloney advised that the only matter before the commission is the use of the temporary weather protection panels and the barrier on the patio is an issue the law department will handle.

Lengthy discussion ensued regarding the proposal. The commission reviewed the design of the retractable awning and how the panels will be incorporated into the design and when they will be used. There were concerns that the panels would remain down continuously making the patio a permanent structure. Building Inspector Don Grayem submitted a department review, that the commission discussed, noting the building is a legal non-conforming use which cannot be expanded; the enclosed patio acts as an expansion; lack of available parking and by enclosing the patio the occupant load increases, resulting the need for additional parking; concerns with the heating apparatus within the patio enclosure, which will become an enforcement issue for the fire department; and the panels can only be used during specific months. Members discussed these issues and struggled if this proposal should be permitted based on Mr. Grayem's comments. Mr. Maloney reminded the commission that the only matter before them is the review of the weather protection panels. The patio is an existing use and the awning structure was approved through the permitting process and received a building permit. This structure is not for the commission to approve, nor is the parking, as that is not before the commission. Members of the commission noted that based on Mr. Grayem's comments there were concerns regarding the panels as other things would be impacted.

Ms. Novak explained the panels are temporary and will only be used as necessary pending the weather. She has no plans to leave them down all season as she would like to keep the patio open as that is a feature that patrons enjoy. Mr. Mendrea explained the panel do not stay on the structure and snap into place when needed. When they are not needed they will be removed and Ms. Novak noted they will be stored above the restaurant on the second floor.

It was discussed that the panels could be installed this month on a temporary basis as a mockup so the planning commissioners could see exactly what the panels will look like, with the proposal coming back to the commission in April for a final decision. After lengthy discussion, some of the planning commission members were in favor of the request as submitted rather than having them installed temporarily as a mock up.

**Motion:** Mrs. Falcone moved, seconded by Mr. DiCarlo to approve the weather protection for Hail Mary's patio with the condition that the joists and posts supporting the retractable awnings and the fence is painted the same brick red/burgundy color as the trim on the building, with the color to be administratively approved.

ROLL CALL ON APPROVAL:

Yeas: Lamb, Falcone, Appel, DiCarlo

Nays: Van Dyke, motion carried

## **MISCELLANEOUS**

None

## **ADJOURNMENT**

Meeting adjourned at 10:55 pm. The next regular meeting is scheduled for Monday, April 6, 2020 in the Westlake City Hall Council Chambers.

Brad Lamb  
Chairman Brad Lamb

Nicolette Sackman  
Nicolette Sackman, MMC  
Clerk of Commissions

Approved: May 4, 2020

Items on the agenda can be found at:

<https://docs.cityofwestlake.org/redirectpage.aspx?planningagendas=03/02/2020>