



PLANNING DEPARTMENT

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REPORT TO COUNCIL

TO: Denise Rosenbaum CMC, Clerk of Council

FROM: Nicolette Sackman, MMC – Clerk of Commissions

DATE: April 2, 2019

RE: Planning Commission Regular Meeting of April 1, 2019 Report to Council

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

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

Westlake Planning Commission, at its regular meeting held on April 1, 2019 took the following actions:

APPROVAL OF MINUTES

Motion: Mrs. Falcone moved, seconded by Mr. DiCarlo to approve the minutes of the regular meeting of March 4, 2019.

ROLL CALL ON APPROVAL:

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

Nays: None, motion carried

OLD BUSINESS

Motion: at 7:31 pm Mrs. Falcone moved, seconded by Mr. DiCarlo to adjourn into executive session to discuss potential litigation.

ROLL CALL ON APPROVAL:

Yeas: Appel, DiCarlo, Falcone, Van Dyke

Abstain: Lamb (Mr. Lamb did not attend executive session and remained outside executive session with the clerk)

Nays: None, motion carried

Planning commission adjourned executive session and returned to the public floor at 8:05 pm. Chairman Lamb left the room and Vice Chairman Falcone ran the meeting at this point.

**Hillsborough Townhomes Development Plan (24 units),
NW corner Hillsborough / Center Ridge, PP#217-06-033,**

**rep. M. Neff, Ward 6, tabled 11/12/18, 11/19/18, 12/03/18,
1/7/19, 2/11/19, 3/4/19**

Findings of Fact:

1. Per section 1220.05 of the Westlake Zoning Code pertaining to Planning Commission Review and Modification Duties the planning commission considered whether the development plan takes into account the spirit and intent of the Zoning Code, the standards and requirements of the Zoning Code, the location of the proposal, the effect on surrounding properties, which would be Prestwick Crossing, and the relationship of the proposal to the Guide Plan. Based upon the information, drawings and other materials in the proposed development plan submitted to the city, information presented at a series of commission meetings with the applicant and residents near the property in question, and based upon information presented by the Planning Director Jim Bedell, the commission members found:
 - a. The character, appearance and design of the proposal development plan does not match up with the surrounding properties.
 - b. There was a lack of compatibility of the proposed architectural elements, size, roof top decks and building heights with the adjacent neighborhood.
 - c. The development plan did not take into account the spirit and intent of the Zoning Code or the character of the neighborhood.
2. Per section 1237.01 pertaining to the intent of the Design Review Guidelines, the commission members found as follows according to each subsection:
 - a. 1237.01(a) – The development plan did not strengthen, protect, enhance and improve the existing visual and aesthetic character of the City.
 - b. 1237.01(b) – The development plan did not integrate development into the surrounding environment.
 - c. 1237.01(c) – The development plan did not protect and improve property values.
 - d. 1237.01(e) – The development plan did not ensure that the particular existing design features which contribute to the unique character of the City of Westlake are retained and re-created in a manner that ensures that the City retains and enhances its sense of community.
 - e. 1237.01(f) – The development did not ensure the new and redevelopment are compatible and harmonious with the existing overall character of the City.
 - f. 1237.01(g) – The development plan did not bring new buildings into an orderly arrangement with landscape and nature, other buildings and open areas.
 - g. Members of the commission did not feel the development plan complies with intent of sections of 1237.01 Intent re: Design Review Guidelines, as listed above (Findings of Fact #2, #2a-2f).
3. Per section 1237.04 Design Guidelines, the Planning Commission found as follows:
 - a. The development plan did not enhance and improve the character of the community and is appropriate and compatible with its surroundings in accordance with the intent, objectives and development criteria of the Zoning Code.
 - b. The development plan did not enhance and improve the character of the community and be appropriate and compatible with its surroundings in accordance with the intent, objectives and development criteria of this Chapter per 1237.04(a)(1).

- c. The development plan did not minimize changes to the natural grade and the removal and destruction of trees, landscaping and other natural features per 1237.04(a)(2).
 - d. The development plan did not provide buildings that are oriented in relation to proposed grading, natural features and to existing structures on and adjacent to the site to maintain: Satisfactory proportions and scale; Reasonable light and air; and Privacy, as appropriate; per 1237.04 (a)(3)(A)(B)(C).
 - e. The development plan was not designed with buildings, structures and landscaping designed and located on the site and of a scale to complement adjacent buildings and enhance the character of the surrounding area by having features that are appropriate and compatible with existing buildings and structures. Specifically considering roof pitch, balconies and roof top decks as per 1237.04(a)(4)(B).
 - f. The development plan did not provide designs that do not detract from an architectural unity of an ensemble or group of architecturally significant buildings per 1237.04(a)(7)
 - g. Members of the commission did not feel that the development plan in general complies with the intent of section of 1237.04 Design Guidelines. The planning commission agreed the development plan is not appropriate and not compatible with its surroundings under 1237.04(a)(1).
4. The planning commission stated the following findings:
- a. The planning commission and city council were asked to rezone the property based on a concept for 12 cluster homes with a road down the middle of the development.
 - b. The rezoning went on the ballot for consideration by the electorate based on a concept for 12 cluster homes with a road down the middle of the development.
 - c. The conceptual plan that was shown to planning commission during the rezoning discussion and consideration is not what was brought forward at this time for consideration, nor remotely close to what the intent of what the planning commission was told would be developed if the property was rezoned.
 - d. The City of Westlake Zoning Codes provides guidelines, but the site can be laid out in a variety of ways, and the applicant chose to place the road along the perimeter.
 - e. The planning commission offered to have a work session with the applicant to look at different options, which the applicant turned down.
 - f. The project has been tabled six times, with the same plans being presented each time with very minor changes.
 - g. Most, if not all, multifamily developments in the city have a scale that steps up from adjacent residential to a higher multifamily unit, via an in between unit of a height that is in between the lower residential home and higher multifamily unit.
 - h. The proposed units have a scale that appears to be three floors tall with a roof and roof top decks on some units.
 - i. The height of the building is exaggerated due to the grade of the property, and the height difference between the single family homes to the north of the proposal and the units on the south end of the applicant's property, which deals with the compatibility of the project and the existing single family homes.

- j. The planning commission also functions as an architectural review board, and as such reviews the architectural style and if it ties in with adjacent homes and buildings. They look at the plans to see if they fit the architectural character of the neighborhood.
 - i. The proposed units are a completely different style.
- k. In past meeting it was suggested to move the road over and to design smaller units along the edge of the property abutting the single family homes and in the absence of any new drawings addressing these items and others asked for by the planning commission at prior meetings, the planning commission cannot determine whether any feasible alternatives may be possible.
- l. The proposal is not compatible with the adjacent residential development.
- m. Many of the Prestwick Crossings resident's concerns have not been addressed with no new plans being provided with a better alternative.
- n. The berm was tweaked but many other items have not been addressed such as: the street loop; creating a single family parcel in Prestwick that will be surrounded on three sides with streets due to the design of this proposal; the commission asked for a traffic study and received a letter, which didn't go with the intent of what the commission was looking for; concerns with clear cutting the entire parcel and then only developing a portion; the architecture and how it is not compatible with the existing single family subdivision when comparing the aesthetics, appearance and compatibility.

Motion: Based upon the findings of fact Mr. Van Dyke moved, seconded by Mr. DiCarlo to recommend approval of the Hillsborough Townhomes Development Plan.

ROLL CALL ON APPROVAL:

Yeas: None

Nays: Appel, DiCarlo, Falcone, Van Dyke, motion failed

Chairman Lamb returned to the regular meeting at 8:33 pm.

**Westlake Laser Wash, Sign Plan, 30760 Center Ridge Rd.,
PP#217-07-006, rep. M. Boukzam, Ward 6**

Findings of fact:

- 1. The Westlake Laser Wash is under new ownership and has requested revised and additional signage for the site.
- 2. A sign application was submitted 2/5/19 and additional materials submitted as requested by the Planning Commission and Planning Department.
- 3. Outline lighting was installed since December 2018 in violation of Section 1223.12(d) of the Westlake codified ordinances, and "disabled" by the applicant as per e-mail correspondence dated 3/17/19.
- 4. Wall mounted light fixtures were installed which do not comply with the approved development plans and are in violation of Section 1230.03 of the Westlake codified ordinances. The fixture on the west façade was removed and the fixture on the south façade modified as per e-mail correspondence dated 3/17/19. The city's lighting consultant has stated that the modification to the light fixture is not UL approved and is therefore not in compliance with the city's lighting ordinance.

5. There are portable signs and freestanding temporary promotional signs displayed on the property which are in violation of Sections 1223.12(h) and 1223.04(g) of the Westlake codified ordinances. The applicant stated in 3/18/19 submittal that the temporary promotional signs will be removed when the digital sign is installed.
6. New monument sign was approved by the Planning Commission on 3/4/19 with final design approved by the Planning Department on 3/26/19. It is proposed to be located 10.5' from the existing right-of-way, approximately .5' from the planned right-of-way and 10' from the driveway. As per Schedule 1223.06 footnote (a) requires a 9.5' setback modification from Center Ridge Rd.
7. Note #3 on drawing - Owner agrees to move sign at their expense if the road is widened.
8. The proposed flagpole is an accessory structure/use that will be constructed approximately 26' from the existing right-of-way. As per Section 1216.06 the front yard setback in General Business Zoning for an accessory use is 60' from the planned right-of-way [as per footnote (a)] so the flagpole requires an approximately 44' setback modification.
9. American flag is exempt as long as it complies with Section 1223.11 (j) and (k).
10. As per Section 1223.08(b)(4) the changeable copy must be a single color (it is shown as red on a black background).
11. The proposed sign package, including outline lighting, exceeds the code by 159.75 sq. ft. Note #5 on drawing, applicant requesting to count second 50' side of building toward sign area which Planning Commission can consider under Section 1223.03(c)(3). This would reduce the sign area modification to 109.75 sq. ft. The elimination of the outline lighting would reduce the sign area modification to 55.59 sq. ft. Planning Commission can consider additional sign area for signage on the rear of the building under Section 1223.03(c)(3).
12. As per Section 1223.08(b)(4) up to 33% of the area of a freestanding sign can be changeable copy. Since 9.9 sq. ft. of the 29.9 sq. ft. proposed sign is changeable copy = 33%.
13. Section 1223.12(a) prohibits animated signs which as per Section 1223.02(a)(1) means any sign that changes more than once every 24 hours.
14. Planning Commission has approved digital signs with a written statement by the applicant stating that they will operate the digital sign in conformance with the code. Note #4 on the drawing states that "owner will operate the digital sign in conformance with the code".
15. As per Section 1223.07(g) a minimum of 75% of the sign face of an internally illuminated monument sign must be opaque or nontransparent. As submitted 3/26/19, the monument sign face is described as opaque green.
16. As per Section 1223.07(g) external lights on the flag must be screened, shielded and located so that there is no hazardous glare towards the road. Note #1 states "lights will be directed so that there is no hazardous glare towards the road."
17. As per Section 1223.07(b) light sources shall not exceed 10 lumens when measured 3' from the sign face. The monument sign should be installed with dimmers so that if the LED cabinet or digital sign are found to exceed 10 lumens at 3' from the center of the sign face they can be dimmed down. Note #5 on drawing states "new sign illumination will be installed with dimmers".

18. Lighting consultant approved E-Conolight E-WFG03A-F4OUZ with photocell control for replacement of front light fixture.
19. The site is currently short nine (9) non-buffer street trees to comply with code.

Motion: Based upon the findings of fact Mrs. Falcone moved, seconded by Mr. DiCarlo to approve the proposed sign plan for Laser Wash with the following conditions and modifications:

1. Condition that the outline lighting be removed prior to issuance of a sign permit;
2. Condition that the west facing light fixture remain removed and the south facing light fixture be replaced with a fully downcast one, comparable to the fixture approved by Planning Commission 9/4/01 as administratively approved by the Planning Department and installed prior to issuance of a sign permit;
3. Condition that the freestanding temporary promotional signs are removed;
4. 9.5' setback modification for the new monument sign with a condition that if the road is widened and sign needs to be moved it will be done so at the expense of the sign owner;
5. 44' setback modification to permit a 15' to 20' tall flagpole on which to display a maximum 24 sq. ft. U.S. flag in compliance with Section 1223.11 (j) and (k).
6. 50 sq. ft. modification to count the Bradley Road side of the building toward signage on the west side of the building and a 46.54 sq. ft. modification to count the north façade of the building toward six total 33.21 sq. ft. over-sized instructional signs mounted on the north side of the building and two total 13.33 sq. ft. portable signs with a condition that the portable signs are only displayed where they are not visible from the street, reducing the total sign area modification to 9.05 sq. ft.
7. Condition that the owner will operate the digital sign in full conformance with the code, as single color changeable copy with no animation and no change in message more frequent than once every twenty four hours.
8. Condition that none of the lighting on the site creates hazardous glare toward the street.
9. Condition that signage shall not exceed 10 lumens when measured 3' from the sign face and the signage be installed with dimmers so the illumination can be adjusted as needed to comply with this requirement.
10. Condition that nine street trees of a minimum of 2" caliper be planted prior to the issuance of a sign permit, three of which are to be evergreen trees to screen the view of the vacuum units from the residences on the west side of Bradley Road.

ROLL CALL ON APPROVAL:

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

Nays: None, motion carried

NEW BUSINESS

Hurst Headquarters Lot Assembly, 26185 Center Ridge Rd. PP#215-24-003, 004 & 014, rep. L. Sampat, Ward 2

Findings of fact:

1. This lot assembly results from Hurst Design and Remodel Headquarters development plan for the redevelopment of the former Plant Crafters site that included this as a condition of approval.
2. The request does not create any new legal nonconformities.

Motion: Based upon the findings of fact Mrs. Falcone moved, seconded by Mr. DiCarlo to approve the Hurst Headquarters Lot Assembly involving permanent parcel number 215-24-003, 004 & 014 with the following conditions:

1. Approval is subject to comments in Part III of the March 27, 2019 staff report and approval of the plat by the Engineering Department in compliance with the code and the ordinances of the City of Westlake.

ROLL CALL ON APPROVAL:

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

Nays: None, motion carried

Ordinance 2017-67 rezoning certain land located on Center Ridge Rd. and Dover Center Rd. from Office Building District, R-1F-80, and General Business District to R-MF-24 District, PP#213-16-034 to 037, 213-16-013 and 213-16-018, ref. by Council 5/18/17; 3/4/19 applicant requested to be tabled nine months (December 2019) but PC recommended 30-day extension to expire 4/4/19; *history: council referred 5/18/17, 6/5/17 tabled & requested extension of time to expire 9/15/17, 9/11/17 tabled & requested an extension of time to expire 3/14/18, 3/5/18 tabled & requested an extension of time to expire 9/10/18, 9/10/18 tabled & requested an extension of time to expire 3/4/19, 3/4/19 tabled & requested 9 month extension of time, but PC recommended a 30-day extension of time to expire 4/4/19.*

3/25/19 the applicant requested to withdraw the request.

Motion: Mrs. Falcone moved, seconded by Mr. DiCarlo to recommend that Council approve Ordinance 2017-67.

ROLL CALL ON APPROVAL:

Yeas: None

Nays: Lamb, Appel, DiCarlo, Falcone, Van Dyke, motion failed

The Szarek Team / Howard Hanna, Storefront, 238 Market St., rep. D. Bettac, Ward 5

Findings of fact:

1. The 1,064 sq. ft. tenant space is located next to Cycle Bar, in tenant space left over when Cycle Bar was constructed.
2. The 25'3" wide store front is primarily glass framed with metal which has a white aluminum finish. It was approved as a temporary storefront years ago when this space was used as a fitness area for tenants of the apartments above.
3. The only change to the existing storefront is that the center glass window is being replaced with a glass entrance door.
4. The base of the storefront is aluminum, there is no stone or tile proposed where the framing meets the sidewalk.
5. Section 10.5 of the Crocker Park Mixed-Use Area Design Guidelines states that in general the construction, detail and finish of the storefront should be done in a craftsman-like manner. The storefront should be constructed like a good piece of furniture.
6. This is a "vanilla" storefront similar to the storefront approved for The Szarek Team in their previous location on an alley in Crocker Park (see below).
7. While not on an alley, the location of this storefront is another non-prominent façade of a building, next to a "vanilla" entrance to apartments above.

Motion: Based upon the findings of fact Mrs. Falcone moved, seconded by Mr. DiCarlo to recommend approval of the storefront with a condition that the sign plan be submitted by June 1, 2019.

ROLL CALL ON APPROVAL:

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

Nays: None, motion carried

Findings of fact:

1. Each tenant is required to submit both a storefront and sign plan.
2. No sign plan has been submitted.

Motion: Based upon the findings of fact Mrs. Falcone moved, seconded by Mr. DiCarlo to request a sign plan for review.

ROLL CALL ON APPROVAL:

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

Nays: None, motion carried

**Skylight Financial Group, Sign Plan, 1651 Crossing
Parkway, PP#211-19-313, rep. J. Grigoli, Ward 5**

Findings of fact:

1. Skylight Financial is one tenant within two multi-tenant single story office condominiums.
2. The office buildings are located within Crossings Village which is a horizontally mixed-use development of offices, apartments and condominiums.
3. Crossings Village Parkway is a private street.
4. The approved sign criteria includes two monument signs, one for each end of Crossings Village Parkway.
5. The approved sign criteria includes one square foot nameplates for each office condominium with no provision for any additional signage.
6. Section 1223.08(c)(6) allows the Planning Commission the discretion to allow one 12 sq. ft. sign per office building in a development with multiple office buildings as long as the signs are within 20' of the individual office building named on the sign. The existing sign is 46' from the office building.
7. Schedule 1223.05 and Section 1223.08(d) permit one 4 sq. ft. directional sign, maximum 3' tall which can include the name or logo of an establishment not exceeding 20% of the sign area.
8. A 4.33 sq. ft., 3' tall post and panel sign was installed at the driveway entrance for each of the two office buildings without previous approval, which function as directional signs.
9. There is an existing pole mounted instructional sign with arrow where the 2.24 sq. ft. mini pole sign is proposed.
10. Representative revised the mini pole sign on 3/28/19 reducing it to 2 sq. ft. and adding a directional arrow like the existing sign it replaces.

Motion: Based upon the findings of fact Mrs. Falcone moved, seconded by Mr. DiCarlo to approve the sign plan as follows:

1. Existing post and panel signs for the two office buildings as directional signs with a .33 sq. ft. size modification and to allow more than 20% of the sign face to include the name and logo of establishments within the individual office buildings.
2. The revised mini pole sign submitted 3/28/19 with 2 sq. ft. sign face and directional arrow similar to the sign it is replacing so that it functions as a directional/instructional sign, not as a business identification sign.
3. The two instructional parking signs as submitted.

ROLL CALL ON APPROVAL:

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

Nays: None, motion carried

P. F. Chang's, Storefront & Sign Plan, 139 Crocker Park Blvd., PP#211-25-004, rep. R. Levitz, Ward 5

Findings of fact storefront:

1. The tenant space is on the southwest corner of Crocker Park Blvd. and Crocker Road and is currently occupied by Vieng's.
2. The footprint of the tenant space will remain the same.
3. All the exterior brick pilasters of the turret will remain, as will the existing brick wall and window west of the main entrance on Crocker Park Blvd.
4. The patio façade will retain the red brick and tan brick projections which carry the material from the upper floors down to the ground.
5. A more significant entrance element from the patio and two large framed murals with Asian characters incorporated into them will be added on the Crocker Road façade.
6. The addition of this retail entrance on Crocker Road will require both Planning Commission and Council approval subject to Ordinance #2000-68 and as specified in Section 1.3, paragraph 2. of the Crocker Park Mixed-Use Area Sign Criteria and Master Sign Plan.
7. The stone fireplace, fence piers and metal fence around the patio will remain.
8. Existing metal window frames to be painted black and wood panels and decorative trim to be painted two shades of gray to match new Nichiha horizontally ribbed panels.
9. Entrance elements on both facades to be covered in Prodema panels which look like dark finished wood.
10. New exterior light fixtures.
11. The three dimensional dragon entrance canopy over the Crocker Park Blvd. entrance and two dimensional dragon on the Crocker face of the turret to be replaced with the P.F. Chang signature horse sculpture at the exterior northeast corner of the tenant space, visible from both Crocker Road and Crocker Park Blvd.

Motion: Based upon the findings of fact Mrs. Falcone moved, seconded by Mr. DiCarlo to recommend to Council approval of the fascia wall sign over the retail entrance facing Crocker Road with a condition that the fascia wall signage in this location is not automatically transferable to another tenant. The two murals and horse sculpture are part of the storefront and are not counted as part of the sign area and the sign package is approved as submitted, and the murals should be field checked for weather wear and tear.

ROLL CALL ON APPROVAL:

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

Nays: None, motion carried

Findings of fact sign plan:

1. The tenant space is 8,020 sq. ft.
2. The tenant space has 202.75' of frontage, including 124' on Crocker and 39.67' rotunda/turret frontage.
3. The addition of the retail signage over the new entrance on Crocker Road will require both Planning Commission and Council approval subject to Ordinance #2000-68 and as specified in Section 1.3, paragraph 2. of the Crocker Park Mixed-Use Area Sign Criteria and Master Sign Plan.
4. Planning Commission will need to make a determination that the two murals and horse sculpture are part of the storefront and not part of the signage so are not required to be counted as sign area.
5. The two proposed fascia wall signs, one feature blade sign, one projecting blade sign, one shadow box/menu board and window signage fall within the sign area and number of sign types permitted for a tenant under 20,000 sq. ft.
6. We are in agreement with the calculation matrix as presented.

Motion: Based upon the findings of fact Mrs. Falcone moved, seconded by Mr. DiCarlo to recommend approval the sign plan for the PF Chang's Crocker Park DNE building as submitted.

ROLL CALL ON APPROVAL:

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

Nays: None, motion carried

MISCELLANEOUS

None

ADJOURNMENT

Meeting adjourned at 10:16 pm. The next regular meeting is scheduled for May 13, 2019 in the Westlake City Hall Council Chambers.