

MINUTES
Planning and Zoning Commission & Architectural Board of Review
City of Willoughby Hills, Ohio
June 5, 2008

CALL TO ORDER: 7:08 P.M.

Welcome back, Jim Michalski

PRESENT: Chairman Charlotte Schryer, Vice Chairman James Michalski Mayor Robert Weger, Council Representative David Reichelt, Madeleine Smith, and John Lillich

ALSO PRESENT: Building Commissioner Fred Wyss, Architect Bill Gallagher, City Engineer Richard Iafelice, BZA Representative Frank Cihula, and Clerk Katherine Lloyd

Disposition of Minutes: Meeting of May 15, 2008

MOTION: David Reichelt moved to accept the Minutes of May 15, 2008 as submitted.
Seconded by John Lillich
Roll Call: 5 Ayes and 1 Abstention (James Michalski)
Motion Passes

ARCHITECTURAL BOARD OF REVIEW

Public Portion

Public Portion opened at 7:10 P.M.

None

Public Portion closed at 7:10 P.M.

I. BMW and Mini-Cooper

9091 LLC (Jim Brown)

Contractor: Cleveland Construction, Inc. (CCI)

2551 S.O.M. Center Road – New Construction (Commercial) – PPN: 31A-011-E-00-025-0

Plans stamped received in the Building Department 5/23/08

Present: Darryl Cox, consultant and Tony Paskevich, architect

(Schryer) We need to finish the review of the building and the other half of the landscape plan

Owner/Representative Comments

- It is two buildings combined. The BMW building is 32600 square feet and the Mini-Cooper building is 7800 square feet for a total combined size of 40,400 square feet.
- Materials used will be a combination of cement masonry units, lukalon metal panels and glass.
- On the material board we have sample colors and pictures of the light fixtures.
- The BMW building will have gray-white masonry and off-white metal panels. The frame of the glass and the color of the man doors will be gray.
- The Mini-Cooper building will have dark gray block, black metal panels, and a red entryway.
- The landscaping plan is an extension of what we had originally proposed.

(Schryer) The drawings include the landscaping plan with the 50-foot buffer and plants and two elevations.

Richard Iafelice

Our review says that the site plans have been reviewed. The footprint of the building has changed somewhat. There are no planning or zoning issues that need to be addressed. The Lake County Storm Water Management Department has approved the site. This has been a negotiated resolution between the city and the developer. As part of the negotiated resolution, the city has, by judgment entry, granted approval for the site plan as well as the landscape plan, because it included the buffer area. The parcels of the buffer area will not be conveyed to the city until completion of all the improvements. The site plan contractor is proceeding already because the plan was approved. Everything is in order. They are here before you (this board) for Architectural Board of Review.

(Schryer) The Fire Marshall, Ken Avram, has not finished his review because he needed additional paperwork. He feels there will be no issues to hold up the approval of the Building.

Board Comments

(Michalski) Can you show where the masonry is? *In the rear of the building*

(Smith) I am concerned about parking in the rear and the lighting.

(Lillich) It looks like zero spilled light. It is now a single combined building.

(Smith) There won't be any loudspeakers? *No, that has been reviewed already.*

(Reichelt) On page E8, the Electrical exterior, there are some pictures labeled W3. Are those sconces? *Those are the down lights. They will be white when on a white surface and black on a black surface.*

The other fixtures on the perimeter are all down lights, also. *Yes*

(Reichelt) The area indicated "snow melt", is this electrically heated? *Yes, it is the perimeter sidewalk.*

(Iafelice) Temporary signal has been flashing yellow. Tomorrow it will go into operation. Plans for the permanent signal are progressing. It will be synchronized through Rt. 84 to Halle Drive.

Widening of SOM Center Road required an Interchanged Modification study conducted for ODOT to assess cars entering the freeway system from Rt. 306 to I-90. As a result, a right-turn lane needs to be put in. With Approvals and a completed design, these improvements will go into next spring.

MOTION: David Reichelt moved to accept the plans as submitted.
Seconded by Mayor Weger
Roll Call: Ayes Unanimous
Motion Passes

Mr. Iafelice was dismissed at 7:29 P.M.

2. BP Products NA, Inc

Contractor: Paul Landa / Century Sign

2481 SOM Center Road - Sign – PPN: 31A-012-B-00-001-0

PPN: 31A-012-B-00-002-0

PPN: 31A-012-B-00-003-0

Plans Stamped Received in the Building Department 4/23/2008

Plans Stamped Received in CT 4/24/08

Plans Stamped Approved by CT 5/12/08

Present: Bill Kelleher, Century Sign Co.

Owner/Representative Comments

- BP is changing the name of their convenient store concept from BP Connect or Wild Bean to AM/PM. They will take down the existing wall signs and paint the building from green and yellow to beige and tan. They will install new wall signs that say "AM/PM".

- Samples of color were shown. The upper portion of the building will be painted lighter tan; the knee wall will be darker tan.

(Lillich) What is the “thematic wall sign”? *It is a small merchandising wall sign that has a transparency picture inserted and changed from time to time. We would like to get approval to get a merchandising sign put up on the left side.*

- The total square footage of signs now is more than there will be if this is approved.

(Lillich) this is only for the BP at this location? *So far, yes.*

Architectural Comments

- How confident are you that painting over the enameled green will stick, rather than replacing it with another enameled panel system? *It is an alkali-bond facia system. BP has done this at over 300 stations so far. The contractor that is painting will be using a guaranteed system.*
- Are those individual letters in the AM signage? *Yes, they are 17-inches high, mounted on a tubular frame. That frame is mounted to the wall (construction drawing and color samples provided). There is a raceway at the bottom of the sign. The raceway has aluminum angle brackets to attach it to the wall.*
- What color is the raceway? *Light beige – the same color as the wall. Colors of the AM/PM letters were shown. They will be gradient dark blue and gradient red and will be illuminated by neon.*
- You are also painting the masonry on the signature tower? *Yes, it will be painted and sealed with epoxy*
- Will the BP colors on the dispensers change? *No, the dispensers are already a beige color. The building and the dispensers will be close to the same color. It is still a BP fuel facility. The dispensers and the canopy will remain the same.*
- The canopy will stay green? *Yes, we are only working on the convenient store concept*
- Is the continuous banding along entire length of the windows underneath the AM/PM an applied material? *It is an aluminum bull nose. We will put on an applied decal that wraps around it.*
- This is a good design change with good quality materials.

Board Comments

None

MOTION: John Lillich moved to accept the sign plans as submitted.
Seconded by Mayor Weger

Discussion:

(Cihula) All the signs on this property are under variance under the old sign code. I did not receive any drawings. I did not research the variance and application under the new code. For the ground sign, the new code is the same as the old code. Is there any change to the pole sign out back? *The only change is in the face panels on the monument sign. On the wall signs, we are decreasing the square footage.* The new code does allow more signs on the building. If a code review found that they all comply with the new code, then the variance issue would be moot.

**Roll Call: Ayes Unanimous
Motion Passes**

3. Loreto Development

Contractor: Boyer Signs & Graphics, Inc

2802 SOM Center Road – Install 1 Ground Sign – PPN: 31A-006-F-00-014-0

Plans Stamped Received In the Building Department 5/19/2008

In House Review 5/29/2008

Present: Rob Milburn, Boyer Signs & Graphics, Inc

Owner/Representative Comments

- They would like to place an illuminated double ground sign in front of the building.
- They are requesting that the base of the sign be brick to match the building itself. There would be a sandstone cap on it. (Picture of building provided for file)
- They have almost 100 feet of frontage. I had submitted a larger sign first but it was over code. This is a second submission.

Architectural Comments

This is the same sign that has been proposed for two other sites. I see no reason to change the style.

Board Comments

(Lillich) This is in keeping with everything else in the area.

(Reichelt) The building looks nice.

MOTION: Mayor Weger moved to approve the sign plans as submitted.

Seconded by David Reichelt

Roll Call: Ayes Unanimous

Motion Passes

4. Marty & Cis Kastelic

Contractor; Owner

2674 Deer Run Drive – Deck – PPN: 31A-011-A-04-005-0

Plans Stamped Received in the Building Department 5/28/2008

In House Review 5/29/08

Present: Marty Kastelic

Owner/Representative Comments

- We are putting a deck on the house in the back and on one side.
- There was an old deck on the house when we bought it. We tore it down 15 years ago.
- We will use brown timbertech for the deck and fibron composite for the railing.

(Schryer) The drawings show a roof over the deck. *We will not be doing the roof; it is too expensive.*

(Lillich) You are on the cul-de-sac. Do you have a ravine behind you? *No, in our back yard is the pond for the lot next to us and Eddy Road.*

(Wyss) For benefit of the committee, when Mrs. Kastelic submitted these plans, she informed us that she did not want to do the porch roof. Rather than have her go to considerable expense to have the drawings completely redone, I suggested that they just do the structurals on the first page where it shows optional deck detail. They also wanted to make the deck larger and cantilevered out. There was no significant change. I asked them to show details on how they planned to do it. We can mark and clarify the plans.

(Schryer) You are increasing the size of the deck? *Yes, from 8-feet to 10-feet.*

(Wyss) That foot print was noted on Bill Gallagher's prints.

Architectural Comments

- Just for clarification, since you are not taking your posts up, you will stop your 6x6 posts at the top of the yard? *Yes. There is no future intention of ever doing this deck? No. So you will not prep for it and leave the posts standing up? No.*
- It looks like the deck will wrap around and it will go over your garage doors. *Yes. By the design, the posts look like they are in line with the garage doors. It is no longer a garage. We are using it for storage. You are not driving vehicles down there? There is no driveway to get down there.*

- Your guard details will match what is on the plans? Instead of wood, you will have synthetic materials throughout? *Yes.* It will remain a 2x2 and the caps will be 2x6 and the ballisters at signage dead-center? *Yes*
- It is a nice design. You will get great use out of it.

Board Comments

MOTION: David Reichelt moved to accept the plans as submitted with the notation that the roof will not be part of the project.
Seconded by John Lillich
Roll Call: Ayes Unanimous
Motion Passes

5. Will Flack

Contractor: Frank Conti Construction

2798 Trabar – **Build a deck and ramp @ front** – PPN: 31A-008-H-00-023-0

Plans Stamped Received in the Building Department 5/28/08

In House Review 5/30/08

Present: Frank Conti, Frank Conti Construction

(Schryer) Mr. Wyss sent an extra drawing for the board

Owner/Representative Comments

- I brought pictures of the front of their house and typical pictures of a deck and ramp that I have built. It will be very similar to theirs. The deck will be the same length.
- We will use wolmanized material and trex material for the flooring.

Architectural Comments

- This is being built because of a disability in the family? *Exactly*
- We would like to see the deck softened with landscaping and shrubbery.
- My preference would be to put the deck against the house and the landscaping beds front of the deck. There is that 8-foot area underneath the house. It is an attractive house and that would conceal the deck even more. The deck could be part of the entranceway and put the deck in this area (he indicated on drawing), unless you need that much run to make the ramp work. *We were trying to avoid the original beds. I will mention it to them.*
- It is a necessity. All we can do is make it blend in with house the best we can.

Board Comments

(Michalski) To add to Mr. Gallagher's comment, you are suggesting that you pull this [ramp] back against the house, take these shrubs out, and then wrap them around the front of the house?

(Gallagher) It could nestle right in there. The shrubs would be in the shade and not get the exposure they need. *(Conti) The gas meter might be on that wall. It could be moved. They would have to pay for it.* The gas meter would be an issue

(Lillich) There is another option. You can use a latex stain on the wolmanized wood to match the house. It lasts a long time. *(Conti) I will make a couple notes and present it to the homeowners.*

(Smith) If the beds are not moved, they will have problems getting access to them. *The one area will be difficult.*

MOTION: Madeleine Smith moved to approve the plans with the suggestions of the Board to the homeowners to help make the deck pleasing to the eye.
Seconded by John Lillich
Roll Call: Ayes Unanimous
Motion Passes

(Michalski) I have a question for Mr. Gallagher. Does that slope meet ADA?

(Gallagher) It doesn't and nor does the run meet ADA, but houses do not follow the purview of ADA. It's supposed to be 12% maximum. The calculations I saw was 12 ½%. (Wyss) *The code states 12.5%. But ADA for commercial structures is down 12%. After doing the math, it's close enough.*

(Conti) He has a 4-foot landing and a turn-around. The long ramp is 28 feet; the short ramp is 4 feet

6. Bogey's Comedy Club

Contractor: TBD

28080 Chardon Road – Comedy Club – PPN: 31A-008-C-00-044-0

Plans Stamped Received in the Building Department 5/30/08

In House Review 6/2/08

Present: Richard Favazzio and Kirk Bogus

(Schryer) They have their floor plan. They are here because of the change in the front door and their entrance and exits on the building.

Owner/Representative Comments

(Favazzio) We are the building owners as well as the contractors for the building. We will construct a double door to the front entrance for ingress and egress. There will be an egress single door to the rear for exiting the show or smoking outside. There will be lounge in the front, an area for entertainment, and a couple offices in the rear.

Architectural Comments

- The drawings indicate that you have one existing door and you say you are planning to add a door. It appears that you are adding half of a pair of doors. *We will add a 6.0-7.0 double door into a vestibule area. We will have a new store front in that area made of anodized aluminum to match the existing colors of the other tenants.*
- Full height glass? *It is not full height. There is a knee wall of approximately 16-20 inches. I would like to keep the knee wall to match the store front. I will cut the knee wall, create a double entry into a vestibule, and match the store front.*
- As long as it is new – the drawings don't show that.

Board Comments

(Schryer) There is another door here. You will remove that? *That door will be blanked off.*

(Schryer) My concern about the double door and the vestibule is that they are 'jogged' or offset. They should be in line with the doors on the inside. It should show that on the drawings. *That should be an easy fix.*

(Wyss) That is not their drawing, I made note of the need for double doors on the drawing.

(Schryer) My other concern is that the space between the doors does not allow a wheelchair to turn and get it in and out. It is 4-feet 8-inches.

(Gallagher) It does have to comply with Building Code. I hope the County Building Department pick that up. It has to be 7-feet between doors. (Conti) *As a contractor, we recognize that. We will increase the size of the vestibule.*

(Schryer) It needs to show on the plans.

(Smith) These doors will be lined up? That is a safety issue, especially if there is a fire. (Conti) *They will be lined up. We will rely on Lake County to mark up the drawings and make comments.*

(Gallagher) Your architect is a plan examiner. *They are not our architect.*

(Wyss) For clarity, the original plans were submitted with single doors. We wanted to make it clear the front of the building was the main entry. It was our suggestion and our note that there will be double doors. I'm sure it will be done to a design to meet the codes and be safe for the public.

(Lillich) Lake County will go over these plans. Do we keep a copy of these plans on file here [Willoughby Hills] also? (Schryer) Yes. We will want a copy of the final plans to come back to our Building Department. (Conti) Comments coming back from Lake County will probably be 8 ½ x 11. (Lillich) We absolutely need a copy.

(Lillich) How are you going to block off that other door? *It will probably be a spandrel full height to match the adjoining store front because there is a ladies room in the front. We will extend the masonry*

MOTION: John Lillich moved to approve the plans and to have a copy of the final plans submitted to the Building Department.
Seconded by David Reichelt
Roll Call: Ayes Unanimous
Motion Passes

(Conti) I will make sure you do [get a copy of the final plans].

Mr. Gallagher dismissed at 8:15 PM.

PLANNING & ZONING COMMISSION

Public Portion Opened 8:16 PM

Public Portion Closed 8:16 PM

Unfinished Business

1) Bogey's Comedy Club: James Michalski commented that we should have seen a front elevation of the building because he is making changes to the front elevation. That would have helped our understanding and discussion. (Lillich) He will probably have to do that for Lake County. That is why we need a copy of the final drawings.

2) Section 1119 Changes to the Zoning Code: David Reichelt reported that there are two ways that amendments to the code can be brought up for discussion. One [way] would be through a presentation of an ordinance to Council. The other [way] is through a motion of the Planning Commission which is then referred to Council. Last meeting, it was stated that we should handle it at the Council end. We had planned to do that at our upcoming Planning and Zoning Committee meeting but the ordinance was not prepared, so we did not do it at our meeting tonight. Mr. Reichelt suggested that it might be simpler to start the process in Planning Commission. The changes he has noted on his copy of the proposal are the collected changes suggested by citizens, the Planning Commission, the Council, and others.

Charlotte Schryer noted that a hearing is still necessary for those and the Accessory Building Size.

Mr. Reichelt said that his version of the building size still lists 1000 square feet. The Board should disregard that in favor of the 960 square feet discussed by the Planning Commission.

Mr. Reichelt plans to email his copy with the changes to the clerk who will distribute it to the Planning Commission. Everyone can then review the proposed changes and it will be discussed at our next meeting.

New Business

Stratford Place decks: Phone calls have been coming in to the Building Department regarding the size of patios/decks that do not fit the size between the windows and the doors. We contacted the spokesperson for the Homeowners' Association. They have contracted a contractor to build nine patios. Only one is in the buffer. The contractor is going back to explain that she cannot change the size. One other owner is happy with the 10x12 deck in the agreement. Charlotte Schryer distributed a copy of the agreement that this board did in the past and pictures of what was decided. The other decks

are in the inner body of the complex. They understand that the stairs cannot extend beyond the corner the building. However, if they do the 10x12 size, the 12-foot length would end in the middle of the windows of their units. They would need two sets of steps which would not be aesthetically pleasing. Pictures of where each was located and a photo of a deck that was built during construction (and before the Homeowner's Association took over) was discussed. They are asking us to discuss the 12 x16 size to extend the deck under the windows. They need not only our approval, but also the approval of the Homeowner's Association. The Homeowners' Association needs to give a letter to the Building Commissioner that will list all the addresses and decks that the Association has approved. If we approve this size tonight, they will get together the drawings for the three different styles because of the different shapes of the buildings so that they are ready to come to our next meeting.

(Weger) Is it a deed restriction? If it is a deed restriction, they may need to go to Lake County and the BZA regarding a deed restriction.

(Schryer) It is an addendum to their Homeowner's Association. There is a sentence in the agreement stating that if they do not like their design, they can bring it back to the Planning Commission and present a new design.

(Smith) Is the problem whether or not they get into the buffer zone?

(Schryer) Size is an issue.

(Wyss) We have told them that no changes can be made in the buffer zone. The specific sizes listed in the Homeowners Agreement show the adjustments that have been made to the sizes of the decks. Any area that goes into the buffer zone would be a cantilever. The posts are outside the buffer zone. However, a couple of decks have been built that have encroached on the buffer zone. Those were built on four-plexes and were approved by the Lake County Building Department. Willoughby Hills never approved them. Because it is a commercial building rule, I cannot inspect the decks on a four-plexes. The contractor contracted for these nine decks would need to get registrations and permits from both Lake County and Willoughby Hills.

(Smith) What happens in the future when the decks need to be replaced? Do they come to us for a permit to replace the deck encroaching into the buffer zone again or do we make them build it to code?

(Schryer) When you build something in this city, Lake County should not be giving a permit until they get a permit from us. Willoughby Hills must approve the plans and grant a permit first.

(Weger) Those slipped through somehow. We need to address these nine units.

(Michalski) The Homeowners' Association should bring one drawing marked with where each unit is located. One large drawing showing them all would be easier to review than just using the individual pieces or blow-ups.

(Wyss) The Homeowners Association is trying to get an 'as built' copy of the drawings of the decks already built so they have them for future use.

(Reichelt) In the interests of time, for those inside the compound and not in the buffer zone, could we allow them start the permitting process? We have no restrictions on them. The one inside the buffer zone is a separate issue.

(Wyss) Because of gas, trucking and materials prices going up, they are concerned about increased construction costs.

(Weger) They all need to come before the Planning Commission because of the changes in sizes and styles.

(Schryer) They do not have their drawings yet. We have already tried to decrease the time by approving the 12x16. They know when the deadlines are for packets and that the Building Department needs time to review them.

MOTION: Mayor Weger moved that we approve the twelve-by-sixteen patios and that they submit their drawings, the building numbers and a larger footprint of where they are located in the complex, and where the stairs will go
Seconded by John Lillich
Roll Call: Ayes Unanimous
Motion Passes

2) Stratford Place - Deck in the Buffer Zone: The owner of the unit with the deck that would encroach in the buffer zone does not know what she wants to do yet. She knows that she cannot build the regular style(s) chosen by the others. The contractor says that it is not big enough for anything. We have discussed ways that the size can be made to work. You can use bench tables rather than round ones

Mayor's Report

As Mr. Iafelice mentioned, the signal at Rt. 91 is up and flashing. It goes into working mode tomorrow. That will eliminate the need for a policeman to be directing traffic out of Cleveland Clinic. It will suffice until the real signal goes up.

Council Representative's Report

The Planning and Zoning Committee of Council met earlier tonight, June 5, 2008, and approved in concept Ordinance 2008-15, the Protected Areas Regulation. That will move forward to Council at the next meeting a week from tonight.

I would like to give you some background about this so you can understand the importance of this and if need be make your sentiments known. We started discussing this in July 2005. There were meetings in July 2005, December 2005, May 2006, September 2006, October 2006, July 2007, March 2008, May 2008 and tonight, June 2008. We are under a 60-day time frame or time clock that started upon approval at the Planning Commission on April 17, 2008. We have until June 17, 2008 to approve it in Council. If we do not approve it in Council, we must start all over with the public hearing process and the advertising. Tonight there was spirited debate by members of the public including John Klements and Frank Cihula who I invited to speak. I will still accept non-substantive corrections and proposed corrections from those individuals between now and the end of next week. It is important that we get this done. I hope we can adopt it next week.

(Lillich) Do you have any concerns about approval?

(Reichelt) Not in Council. Our concern has been the ongoing commentary by individuals in opposition. That is true with any legislation, but we have taken our time and tried to address everyone.

(Lillich) In other communities developing and adopting this legislation, there have been even more objections. It sounds like you have satisfied most of the objections.

(Reichelt) We are aware of the remaining objections. Whether we agree with them or not, Council needs to decide what is best for the city.

(Schryer) All the speakers that spoke here did a good job of informing us and the public that attended.

(Reichelt) If any one here has any comments pro or con, I would like to hear them at Council meeting next week.

Building Commissioner's Report

We have a new master filing system. Each address has its own property file that will have any plan, any zoning issues, complaints, or any other actions. Now if I get a complaint, it can be filed in both the property complained against and in the file of the person making the complaint. When we are done, if there are any duplicates, we plan to offer them to the homeowners. We do not have a Records Retention Schedule specific to the Building Department yet. I spoke with Mr. Lobe about that and I will get the one dictated by the state. Also, I have seen some new computer systems that could be upgraded to allow public access to the property records via the Internet.

Chairman's Report

None

Adjournment

MOTION: David Reichelt moved to adjourn
Seconded by James Michalski
Voice vote: Ayes unanimous
Motion passes

Meeting adjourned at 8:51 P.M.

Clerk

Charlotte Schyff

Chairman

July 3, 2008
