



**WESTLAKE CITY COUNCIL MEETING
PROCEEDINGS OF PUBLIC HEARINGS
AND A REGULAR SESSION
SEPTEMBER 1, 2022**

Public hearing was called to order by President of Council David S. Greenspan at 8:01 p.m. in accordance with Article III, Section 13, of the Westlake City Charter regarding the following legislation:

ORDINANCE NO. 2022-36: AN ORDINANCE AMENDING VARIOUS SECTIONS OF THE ZONING CODE AS TO REQUESTS TO CHANGE THE ZONING CODE AND PROOF OF INTEREST IN REAL PROPERTY.

Planning Director Jim Bedell explained this amendment to the zoning code.

Ed Pavicic, 1779 Granite Court, had questions about the moratorium and how it would impact his development plan that may involve additional land proposed to be rezoned at the November election. Although this was not related to Ordinance No. 2022-36, Council President Greenspan explained the process and status of the moratorium on multi-family developments.

There being no further comments from the audience, Council President Greenspan declared the public hearing on Ordinance No. 2022-36 closed.

Public hearing was called to order by President of Council David S. Greenspan at 8:06 p.m. in accordance with Article III, Section 13, of the Westlake City Charter regarding the following legislation:

ORDINANCE NO. 2022-65: AN ORDINANCE CONSIDERING A CONDITIONAL USE PERMIT FOR A DANCE, MARTIAL ARTS, GYMNASTICS AND FITNESS STUDIO.

Planning Director Jim Bedell explained this amendment to the zoning code.

There being no comments from the audience, Council President Greenspan declared the public hearing on Ordinance No. 2022-65 closed.

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The regular session of Council was called to order at 8:08 p.m. by President of Council David S. Greenspan.

Present: President of Council David S. Greenspan; Councilmembers Duane Van Dyke, Nick C. Nunnari, Dennis J. Sullivan, Michael F. O'Donnell, Amy G. Havelka, Mark R. Getsay.

Also present: Mayor Dennis Clough, Law Director Michael Maloney, Service Director Paul Quinn, Director of Engineering Robert Kelly, Finance Director Prashant Shah, Planning Director James Bedell, IT Infrastructure Manager Mike Stybel, Director of Inspections Donald Grayem, Director of Community Services Lydia Gadd, Police Captain Gerald Vogel, Provisional Fire Chief Mike Freeman, Clerk of Council Denise L. Rosenbaum.

APPROVAL OF MINUTES:

Councilmember O'Donnell moved, seconded by Councilmember Havelka, that the reading of the minutes of the regular session of July 21, 2022, be waived and that they be approved as received.
Yeas: Greenspan, Van Dyke, Nunnari, Sullivan, O'Donnell, Havelka, Getsay.
Nays: None; motion carried.

Councilmember Havelka moved, seconded by Councilmember Van Dyke, that the reading of the minutes of the special session of August 15, 2022, be waived and that they be approved as received.
Yeas: Greenspan, Van Dyke, Nunnari, Sullivan, O'Donnell, Havelka, Getsay.
Nays: None; motion carried.

SELECTED CORRESPONDENCE:

Notice from Ohio Division of Liquor Control received August 8, 2022, for a new D1 permit for Chipotle Mexican Grill of Colorado LLC dba Chipotle Mexican Grill 4177, 25350 Detroit Road, Westlake, Ohio 44145.

Councilmember O'Donnell moved, seconded by Councilmember Havelka, not to object to a new D1 permit for Chipotle Mexican Grill of Colorado LLC dba Chipotle Mexican Grill 4177, 25350 Detroit Road, Westlake, Ohio 44145.
Yeas: Greenspan, Van Dyke, Nunnari, Sullivan, O'Donnell, Havelka, Getsay.
Nays: None; motion carried.

Communication from Mayor Clough dated August 30, 2022, informing Council of the entering into an agreement with McBride Dale Clarion for multifamily moratorium professional services in an amount not to exceed \$20,000.00.

Notice from Ohio Division of Liquor Control received August 31, 2022, for a transfer of D5A, D6 permits from Sonesta International Hotels Corp dba Sonesta ES Suites Cleveland Westlake, 30100 Clemens Road & pool area, Westlake, Ohio 44145 to Aimbridge Hospitality LLC dba Sonesta ES Suites Cleveland Westlake, 30100 Clemens Road, Westlake, Ohio 44145.

Councilmember Nunnari moved, seconded by Councilmember Van Dyke, not to object to a transfer of D5A, D6 permits from Sonesta International Hotels Corp dba Sonesta ES Suites Cleveland Westlake, 30100 Clemens Road & pool area, Westlake, Ohio 44145 to Aimbridge

Hospitality LLC dba Sonesta ES Suites Cleveland Westlake, 30100 Clemens Road, Westlake, Ohio 44145.

Yeas: Van Dyke, Nunnari, Sullivan, O'Donnell, Havelka, Getsay, Greenspan.

Nays: None; motion carried.

PETITIONS FROM THE PUBLIC:

None.

REPORT OF THE MAYOR:

Mayor Clough read his fifteenth report of the year.

REPORTS OF STANDING COMMITTEES – COMMITTEE OF THE WHOLE:

President of Council Greenspan reported on the Committee of the Whole meeting held this date at 7:30 p.m. Present were Councilmembers Greenspan, Van Dyke, Nunnari, Sullivan, O'Donnell, Havelka, Getsay. Also present were Mayor Clough; Directors Maloney, Quinn, Kelly, Shah, Bedell, Stybel, Grayem, Gadd, Vogel (Captain), Freeman (Provisional); and Clerk Rosenbaum. Agenda items were discussed as well as selected correspondence, the planning commission report, the status of Ordinance No. 2022-67 and an upcoming presentation regarding school baseball fields. The following committee meetings were scheduled: Safety, Utilities committee, September 15 at 6:45 p.m.; Joint Committee of the Whole and Recreation Commission, September 15 at 7:00 p.m.

The meeting adjourned at 7:59 p.m.

REPORTS OF OTHER BOARDS AND COMMISSIONS – PLANNING COMMISSION:

Councilmember Van Dyke reported on the August 8, 2022, planning commission meeting advising that the commission took the following actions: **Milline LLC lot split, 31538 Center Ridge, PP#21714007:** Findings of Fact 1. The request will create two residential lots for single-family homes. 2. Modifications are need for Lot "A" for the depth to width ratio, shape and depth. These modifications are due to the location of Mills Road and are acceptable per WCO Section 1133.02. Motion: Based upon the findings of fact Ms. Falcone moved, seconded by Mr. Van Dyke to approve the Milline LLC lot split involving permanent parcel number #21714007 with the following: 1. Modification for Lot "A" for the minimum depth to width ratio, lot depth and for the shape to be irregular. 2. Condition that approval is subject to the plat meeting the requirements of the County and State as indicated in the Ohio Revised Code and approval by the Engineering Department in compliance with the code and the ordinances of the City of Westlake; **Szaller lot assembly, 28470 & 28430 Hilliard Blvd., PP#21228002 & 29:** Findings of Fact 1. The applicant owns both properties. 2. There are no modifications required for this assembly. Motion: Based upon the findings of fact Ms. Falcone moved, seconded by Mr. Van Dyke to approve the Szaller lot assembly involving permanent parcel numbers PP#21228002 & 29 with the condition that approval is subject to the plat meeting the requirements of the County and State as indicated in the Ohio Revised Code and approval by the Engineering Department in compliance with the code and the ordinances of the City of Westlake; tabled the **Brentwood Townhomes development plan, 29883 & 29765 Center Ridge Rd., PP#21126004, 006, 007 & 012,** to September 12, 2022; **Lego storefront and sign plan, 276 Crocker Park Blvd.,**

PP#21125012: Findings of Fact 1. The storefront design is theme driven with items suggestive of Lego blocks. 2. Signage is limited and in compliance with the Master Sign Criteria, except that waivers are needed for cabinet signs with illuminated panels. These signs are also part of the design theme. 3. Illumination of signs is regulated in 1223.07(b): "Light sources to illuminate permanent signs located inside or outside of buildings shall not be of excessive brightness or cause glare hazardous to pedestrians or drivers of automobiles, or be objectionable to adjacent Residential Districts. "Excessive brightness" shall be defined as any sign that emits more than 10.00 Footcandles (equivalent to 10.00 Lumen per square foot) of light when measured at night, three feet perpendicular from the center of any sign face." Motion: Based upon the findings of fact Ms. Falcone moved, seconded by Mr. Jones to recommend approval of the Lego storefront with the following: 1. The upper façade color and depth will be administratively approved. 2. Approval is subject to comments in Part III of the 8/5/22 staff report and approval of the final plans by the Building and 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. Motion: Based upon the findings of fact Ms. Falcone moved, seconded by Mr. Jones to approve the Lego sign plan with the following: 1. Waiver from MSC 3.1 and 6.1 for cabinet signs with illuminated, translucent backgrounds. 2. Waiver from MSC 8.1 for a cabinet sign to be a window sign type. 3. Condition that signs are dimmable; **Tech West Building sign plan (3 tenant banners), 191 American Blvd., PP#21129005:** Findings of Fact 1. Banners are permitted in the Crocker Park Master Sign Criteria. 2. No waivers are needed. Motion: Based upon the findings of fact Ms. Falcone moved, seconded by Mr. Jones to approve the Tech West Building sign plan (3 tenant banners); **ADMA site improvements and sign plan, 24272 Detroit Road, PP#21402003:** Findings of Fact 1. This stems from a condition of approval in Ordinance 2022-65 for a site improvement plan (addressing traffic circulation, parking, exterior lighting and signage). 2. A modification is needed for parking, but the applicant's parking analysis indicates fewer spaces are needed and more can be developed on-site if parking deficiencies become an issue. Motion: Based upon the findings of fact Ms. Falcone moved, seconded by Mr. Jones to recommend approval of the ADMA site improvements with the following: 1. Modification for 22 parking spaces with a condition that the applicant will develop more parking on the site if needed in the future. 2. Condition that no other exterior lights may be converted to LED without first receiving City approval. 3. Approval is subject to {approval of Ordinance No. 2022-65 and} comments in Part III of the 8/5/22 staff report and approval of the final plans by the Building and 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. **Ordinance 2022-74 Conditional Use Permit for a Fitness Center (Inner Bliss Yoga Studio), 30311 Clemens Rd., PP#21120004:** Findings of Fact 1. The applicant is losing their lease, causing them to relocate to another property approximately ½ mile to the west. 2. No zoning modifications are needed. Motion: Based upon the findings of fact Ms. Falcone moved, seconded by Mr. Jones to recommend approval of Ordinance 2022-74; **Chipotle Mexican Grill development plan, 25350 Detroit Rd., PP#21309021 & 14:** Findings of Fact 1. The development plan meets code requirements and the requirements of CUP Ordinance 2021-92. 2. The only modification is for the driveway to be wider, but this is a Westlake Engineering Department request and for signage – overall square footage is slightly over (less than one s.f.). Otherwise, the sign plan meets code requirements. 3. The assembly plat requires a separate motion. Motion: Based upon the findings of fact Ms. Falcone moved, seconded by Mr. Jones to

recommend approval of the Chipotle Mexican Grill development plan with the following: 1. Modification for the driveway to exceed 34' in width. 2. Condition that gator bags are used until trees are established and that lighting is administratively approved. 3. Restripe Detroit road to create a left hand turn lane as directed by City Engineer. 4. Approval is subject to comments in Part III of the 8/5/22 staff report and approval of the final plans by the Building and 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. Motion: Based upon the findings of fact Ms. Falcone moved, seconded by Mr. Jones to approve the Chipotle Mexican Grill sign plan with the following: 1. Modification for an additional .96 s.f. of signage. Motion: Based upon the findings of fact Ms. Falcone moved, seconded by Mr. Jones to approve the Chipotle Mexican Grill assembly plat; **Sandbox VR storefront and sign plan, 294 Crocker Park Blvd., PP#21125004:** Findings of Fact 1. The proposed storefront and sign plan does not require any waivers from the Crocker Park Mixed Use Area Design Guidelines or Master Sign Criteria. Motion: Based upon the findings of fact Ms. Falcone moved, seconded by Mr. Jones to recommend approval of the Sandbox VR storefront with the following: 1. Approval is subject to comments in Part III of the 8/5/22 staff report and approval of the final plans by the Building and 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. Motion: Based upon the findings of fact Ms. Falcone moved, seconded by Mr. Jones to approve the Sandbox VR sign plan; **Ordinance 2022-71 repeal §1218.03(h)(8) and (13) of §1218.03 so that new conditional use permits for par 3 golf courses, tennis/racquet facilities, fitness centers or similar recreational uses will no longer be permitted in the Exclusive Industrial District of the Zoning Code:** Motion: Based upon the findings of fact Ms. Falcone moved, seconded by Mr. Jones to request a 60-day extension of time for Ordinance 2022-71. Motion: Based upon the findings of fact Ms. Falcone moved, seconded by Mr. Jones to table Ordinance 2022-71 to September 12, 2022. Meeting adjourned at 9:45 p.m. The next regular meeting is scheduled for Monday, 9/12/2022.

Councilmember Van Dyke moved, seconded by Councilmember Nunnari, to approve the **Lego storefront** with the conditions listed in the report of the August 8, 2022, planning commission. Yeas: Nunnari, Sullivan, O'Donnell, Havelka, Getsay, Greenspan, Van Dyke. Nays: None; motion carried.

Councilmember Van Dyke moved, seconded by Councilmember Nunnari, to approve the **ADMA site improvements** with the modification and conditions listed in the report of the August 8, 2022, planning commission. Yeas: Sullivan, O'Donnell, Havelka, Getsay, Greenspan, Van Dyke, Nunnari. Nays: None; motion carried.

Councilmember Van Dyke moved, seconded by Councilmember Nunnari, to approve the **Chipotle Mexican Grill development plan** with the modification and conditions listed in the report of the August 8, 2022, planning commission. Concerns were expressed regarding the westbound left turn lane, safety issues with the intersection and ingress/egress to the location. Yeas: O'Donnell, Havelka, Greenspan, Nunnari. Nays: Getsay, Van Dyke, Sullivan; motion carried.

Councilmember Van Dyke moved, seconded by Councilmember Nunnari, to approve the **Sandbox VR storefront** with the condition listed in the report of the August 8, 2022, planning commission.

Yeas: Havelka, Getsay, Greenspan, Van Dyke, Nunnari, Sullivan, O'Donnell.

Nays: None; motion carried.

Councilmember Van Dyke moved, seconded by Councilmember Nunnari, to grant a 60-day extension of time for **Ordinance No. 2022-71**.

Yeas: Getsay, Greenspan, Van Dyke, Nunnari, Sullivan, O'Donnell, Havelka.

Nays: None; motion carried.

LEGISLATION:

**ORDINANCE NO. 2022-36: AN ORDINANCE AMENDING VARIOUS SECTIONS OF
(THIRD READING) THE ZONING CODE AS TO REQUESTS TO CHANGE THE ZONING CODE AND PROOF OF INTEREST IN REAL PROPERTY. (First reading and referred to planning, zoning, legislative committee 4/7/22; second reading, amended, referred to planning commission 6/16/22; planning commission recommended approval 7/11/22; third reading 7/21/22)**

Councilmember O'Donnell moved, seconded by Councilmember Nunnari, that Ordinance No. 2022-36 be adopted.

ROLL CALL ON ADOPTION:

Yeas: Greenspan, Van Dyke, Nunnari, Sullivan, O'Donnell, Havelka, Getsay.

Nays: None; Ordinance No. 2022-36 adopted.

**ORDINANCE NO. 2022-65: AN ORDINANCE CONSIDERING A CONDITIONAL USE
(THIRD READING) PERMIT FOR A DANCE, MARTIAL ARTS, GYMNASTICS AND FITNESS STUDIO. (First reading and referred to planning commission 6/16/22; planning commission recommended approval with changes 7/11/22; second reading, amended 7/21/22)**

Councilmember O'Donnell moved, seconded by Councilmember Nunnari, that Ordinance No. 2022-65 be adopted.

ROLL CALL ON ADOPTION:

Yeas: Nunnari, Sullivan, O'Donnell, Havelka, Getsay, Greenspan.

Nays: Van Dyke; Ordinance No. 2022-65 adopted.

**ORDINANCE NO. 2022-74: AN ORDINANCE CONSIDERING A CONDITIONAL USE
(SECOND READING) PERMIT FOR A FITNESS CENTER. (First reading and referred to planning commission 7/21/22, planning commission recommended approval 8/8/22)**

Council President Greenspan set a public hearing on Ordinance No. 2022-74 for September 15, 2022.

LEGISLATION FOR FIRST READING ADOPTION UNDER SUSPENSION OF RULES:

Councilmember O'Donnell moved, seconded by Councilmember Havelka, that the rule requiring ordinances/resolutions to be read in full on three separate dates be suspended, and that the following be placed on third reading.

ROLL CALL ON SUSPENSION:

Yeas: Nunnari, Sullivan, O'Donnell, Havelka, Getsay, Greenspan, Van Dyke.

Nays: None; motion carried.

ORDINANCE NO. 2022-84: AN ORDINANCE TO REVISE THE CODIFIED ORDINANCES BY ADOPTING CURRENT REPLACEMENT PAGES.

Councilmember Getsay moved, seconded by Councilmember Nunnari, that Ordinance No. 2022-84 be adopted.

ROLL CALL ON ADOPTION:

Yeas: Nunnari, Sullivan, O'Donnell, Havelka, Getsay, Greenspan, Van Dyke.

Nays: None; Ordinance No. 2022-84 adopted.

RESOLUTION NO. 2022-85: A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY FISCAL OFFICER.

Councilmember O'Donnell moved, seconded by Councilmember Getsay, that Resolution No. 2022-85 be amended by adding the emergency clause.

ROLL CALL ON AMENDMENT:

Yeas: Sullivan, O'Donnell, Havelka, Getsay, Greenspan, Van Dyke, Nunnari.

Nays: None; Resolution No. 2022-85 amended.

Councilmember O'Donnell moved, seconded by Councilmember Nunnari, that Resolution No. 2022-85 be adopted.

ROLL CALL ON ADOPTION:

Yeas: Sullivan, O'Donnell, Havelka, Getsay, Greenspan, Van Dyke, Nunnari.

Nays: None; Resolution No. 2022-85 adopted as amended.

ORDINANCE NO. 2022-87: AN ORDINANCE ACCEPTING AN EASEMENT FOR THE INSTALLATION AND MAINTENANCE OF A STORM SEWER IN THE CITY OF WESTLAKE.

Councilmember Nunnari moved, seconded by Councilmember Getsay, that Ordinance No. 2022-85 be amended by adding the emergency clause.

ROLL CALL ON AMENDMENT:

Yeas: O'Donnell, Havelka, Getsay, Greenspan, Van Dyke, Nunnari, Sullivan.

Nays: None; Ordinance No. 2022-87 amended.

Councilmember Getsay moved, seconded by Councilmember Nunnari, that Ordinance No. 2022-87 be adopted.

ROLL CALL ON ADOPTION:

Yeas: O'Donnell, Havelka, Getsay, Greenspan, Van Dyke, Nunnari, Sullivan.

Nays: None; Ordinance No. 2022-87 adopted as amended.

ORDINANCE NO. 2022-88: AN ORDINANCE ACCEPTING AN EASEMENT FOR THE INSTALLATION AND MAINTENANCE OF A STORM SEWER IN THE CITY OF WESTLAKE.

Councilmember Nunnari moved, seconded by Councilmember O'Donnell, that Ordinance No. 2022-85 be amended by adding the emergency clause.

ROLL CALL ON AMENDMENT:

Yeas: Havelka, Getsay, Greenspan, Van Dyke, Nunnari, Sullivan, O'Donnell.

Nays: None; Ordinance No. 2022-88 amended.

Councilmember Havelka moved, seconded by Councilmember Getsay, that Ordinance No. 2022-88 be adopted.

ROLL CALL ON ADOPTION:

Yeas: Havelka, Getsay, Greenspan, Van Dyke, Nunnari, Sullivan, O'Donnell.

Nays: None; Ordinance No. 2022-88 adopted as amended.

ORDINANCE NO. 2022-89: AN ORDINANCE ACCEPTING AN EASEMENT FOR THE INSTALLATION AND MAINTENANCE OF A STORM SEWER IN THE CITY OF WESTLAKE.

Councilmember Nunnari moved, seconded by Councilmember O'Donnell, that Ordinance No. 2022-85 be amended by adding the emergency clause.

ROLL CALL ON AMENDMENT:

Yeas: Getsay, Greenspan, Van Dyke, Nunnari, Sullivan, O'Donnell, Havelka.

Nays: None; Ordinance No. 2022-89 amended.

Councilmember Nunnari moved, seconded by Councilmember Havelka, that Ordinance No. 2022-89 be adopted.

ROLL CALL ON ADOPTION:

Yeas: Getsay, Greenspan, Van Dyke, Nunnari, Sullivan, O'Donnell, Havelka.

Nays: None; Ordinance No. 2022-89 adopted as amended.

FIRST READING:

ORDINANCE NO. 2022-86: AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A COLLECTIVE BARGAINING AGREEMENT WITH LABORERS' INTERNATIONAL UNION OF NORTH AMERICA LOCAL 860 (SERVICE DEPARTMENT), AND DECLARING AN EMERGENCY.

MISCELLANEOUS:

Representatives for Inner Bliss Yoga inquired about the status of their conditional use permit (Ordinance No. 2022-74). They were informed that it was on second reading with a public hearing scheduled for September 15, 2022.

ADJOURNMENT:

Councilmember O'Donnell moved, seconded by Councilmember Nunnari, that the meeting adjourn.

Yeas: Greenspan, Van Dyke, Nunnari, Sullivan, O'Donnell, Havelka, Getsay.

Nays: None; motion carried.

President of Council Greenspan declared the meeting adjourned at 8:44 p.m.



Denise L. Rosenbaum, MMC
Clerk of Council



David S. Greenspan
President of Council