



**WESTLAKE CITY COUNCIL MEETING
PROCEEDINGS OF A REGULAR SESSION
FEBRUARY 4, 2021**

The regular session of Council was called to order at 8:00 p.m. by President of Council Michael F. Killeen.

Present: President of Council Michael F. Killeen; Councilmembers Lynda M. Appel, Nick C. Nunnari, Dennis J. Sullivan, Michael F. O'Donnell, Kenneth R. Brady, Mark R. Getsay.

Also present: Mayor Dennis Clough, Law Director Michael Maloney, Service Director Paul Quinn, Finance Director Prashant Shah, Recreation Director Paula Horner, Planning Director James Bedell, Economic Development Manager Michelle Boczek, Director of Purchasing Larry Surber, IT Infrastructure Manager Mike Stybel, Director of Inspections Donald Grayem, Director of Community Services Lydia Gadd, Police Patrolman Mark Arcuri, Assistant Fire Chief Mike Freeman, Clerk of Council Denise L. Rosenbaum.

APPROVAL OF MINUTES:

Councilmember O'Donnell moved, seconded by Councilmember Sullivan, that the reading of the minutes of the regular session of January 21, 2021, be waived and that they be approved as received.

VOICE VOTE:

Yeas: All.

Nays: None; motion carried.

SELECTED CORRESPONDENCE:

Conditional use permit application from Rita Abdallah, Turning Point Wellness & Yoga, LLC, received January 26, 2021, for a small yoga studio and wellness center at 25092 Center Ridge Road. Council President Killeen referred this request to the planning, zoning, legislative committee.

Communication from Mayor Clough dated February 1, 2021, requesting authorization of a payment to Thyssenkrupp Elevator Corp. for the 2021 annual maintenance agreement fees in an amount not to exceed \$5,371.77.

Councilmember Getsay moved, seconded by Councilmember Brady, to authorize a payment to Thyssenkrupp Elevator Corp. for the 2021 annual maintenance agreement fees in an amount not to exceed \$5,371.77.

Yeas: Killeen, Appel, Nunnari, Sullivan, O'Donnell, Brady, Getsay.
Nays: None; motion carried.

Zoning amendment application from Custom Homes & Development EFG Company, received February 4, 2021, to change the zoning of 28083 Detroit Road from R-1F-80 to RMF-40 for a proposed townhome development. Council President Killeen referred this request to the planning, zoning, legislative committee.

PETITIONS FROM THE PUBLIC:

None.

REPORT OF THE MAYOR:

Mayor Clough read his third report of the year.

REPORTS OF STANDING COMMITTEES – COMMITTEE OF THE WHOLE:

President of Council Killeen reported on the Committee of the Whole meeting held this date at 7:30 p.m. Present were Councilmembers Killeen, Appel, Nunnari, Sullivan, O'Donnell, Brady, Getsay. Also present were Mayor Clough; Directors Maloney, Quinn, Shah, Horner, Bedell, Boczek, Surber, Stybel, Grayem, Gadd, Arcuri (Patrolman), Freeman (Assistant); and Clerk Rosenbaum. Agenda items were discussed as well as selected correspondence, the planning commission report, a timetable for submitting zoning amendment applications, and deer culling. No committee meetings were scheduled.

Councilmember O'Donnell moved, seconded by Councilmember Nunnari, to adjourn at 7:42 p.m.

Yeas: All.

Nays: None; motion carried.

Meeting immediately adjourned at 7:42 p.m.

REPORTS OF OTHER BOARDS AND COMMISSIONS – PLANNING COMMISSION:

Councilmember Nunnari reported on the February 1, 2021, planning commission meeting advising that the commission took the following actions: **Sts. Peter and George Coptic Orthodox Church Development Plan, 25796 Hilliard Blvd., PP#21322001:** Findings of fact 1. The proposal is a permitted use in the R-1F-80 zoning district. 2. Modifications are accordance with Section 1220.06, PERFORMANCE STANDARDS. 3. Approval is for the updated drainage design dated 12/31/20. 4. Approval is for the updated lighting design received on 1/18/21. 5. EFIS is acceptable because it will be finished to give the illusion of stone with appropriate color, texture and scoring as shown in the examples on page ten and eleven of the 1/28/21 staff report. Motion: Based upon the findings of fact, Mr. Van Dyke moved, seconded by Mr. Jones to recommend approval of the Sts. Peter and George Coptic Orthodox Church development plan with the following modifications and conditions: 1. Modification to reduce the open space requirement by 2.5% to 47.5%, to increase driveway width by 1' to 25', and to permit uplighting fixtures W2 and W3, split face CMU in 4" high by 16" long units, and EFIS as detailed on page 10 and 11 of the 1/28/21 staff report. 2. Condition that full brick veneer is used for areas called

out for simulated brick veneer. 3. Condition that trees located between the south wall of the church and Hilliard Boulevard are counted as front yard trees. 4. Condition that the buffering is field verified during construction to meet the opacity requirements with the inclusion of a fence if necessary. 5. Condition that a full-size mock-up of full brick veneer, CMU and EFIS is built on-site during construction for verification by the Planning Department that it complies with materials shown in the development plan. 6. Condition that rooftop HVAC units are administratively approved with sound barriers installed for any units with a decibel level exceeding 50dB at any residential lot line. 7. Condition that playground colors are administratively approved. 8. Approval is subject to comments in Part III of the 1/28/21 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, Mr. Van Dyke moved, seconded by Mr. Jones to approve the Sts. Peter and George Coptic Orthodox Church sign plan with the following modifications: 1. Modification to permit an interior illuminated sign (electronic message center). 2. Modification for three wall signs at a maximum 17.78 s.f. as shown on Sheet A2.0; **Chapparral Development Plan (add 1 cluster unit), Columbia Rd., PP#21526040: *Withdrawn by the applicant*; tabled Ordinance 2020-146 zoning code amendment to relocate 1216.03 footnote (i)(7) to new Section 753.04 - operating hours of drive-in/drive-thru facilities, until March 1, 2021; Neverman Insurance Site Improvements (parking lot), 27596 Detroit Rd., PP#21213055 & 058: Findings of fact 1. The proposal is for limited site improvements to the property including parking, pedestrian walkways and cosmetic changes to the building. 2. A modification is needed for two additional parking spaces due to their location at a 0' setback. 3. Some adjustment is needed for the expanded parking due to the Engineering Department requirement that a 5' separation be provided from the utility pole. 4. The performance standards in 1220.06 support the modification. Motion: Based upon the findings of fact, Mr. Van Dyke moved, seconded by Mr. Nunnari to recommend approval of the Neverman Insurance Site Improvements with the following modification and conditions: 1. A modification is granted for a 0' side yard setback for parking spaces adjacent to Dellwood Drive. 2. Condition that an assembly plat for parcels 212-13-055 and 212-13-058 is submitted for Planning Commission approval. 3. Condition that design details/specifications of the doors, windows and shutters is provided for administrative approval. 4. Condition that a "No Parking" sign is installed near the guardrail at the end of Dellwood Street. 5. Condition that the expanded parking lot is located at least 5' from the utility pole by shifting the parking. 6. Condition that curb design is approved by the Engineering Department. 7. Condition the exterior lighting is to be administratively approved. 8. Approval is subject to comments in Part III of the 1/28/21 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; **Dean's Greenhouse Site Improvements (fence), 3984 Porter Rd., PP#21728011: Findings of fact 1. A 2' height modification from 1211.04 (b) (3) is needed for the proposed 8' tall fence. 2. The fence is needed to curtail damage to nursery stock by deer and trespassing by residents. Motion: Based upon the findings of fact, Mr. Van Dyke moved, seconded by Mr. Jones to recommend approval of the Dean's Greenhouse Site Improvements (fence) with the following modification and conditions: 1. The southern portion of the proposed fence shall be located outside the Southwest Blvd. right-of-way. 2. A 2' height modification is granted for the proposed 8' tall deer fence. 3. Approval is subject to comments in****

Part III of the 1/28/21 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 2020-148 amending §1235.06 “Notice of and Public Hearing on Zoning Ordinances” as to electronic means of notification of public hearings:** Motion: Mr. Van Dyke moved, seconded by Mr. Jones to recommend approval of Ordinance 2020-148; **Ordinance 2020-149 amending various sections of Zoning and Building Codes and repealing Chapter 1317 Board of Building Appeals:** Motion: Mr. Van Dyke moved, seconded by Mr. Jones to recommend approval of Ordinance 2020-149; **Ordinance 2021-5 Conditional Use Permit for an office use in Exclusive Industrial District, 909 Canterbury, PP#21307040:** Findings of fact 1. Offices are a conditional use in the Exclusive Industrial District in accordance with section 1218.03. 2. Performance regulations in section 1218.06 have been met. 3. Forty surplus parking spaces were constructed for the existing industrial building and it is unlikely that all tenant spaces will become office. If they do, there will be a 9-space parking deficiency and a modification is recommended. 4. Standards for evaluating conditional use permits in 1227.03 have been met and no additional safeguards and conditions are needed. 5. The neighboring tenants (Caruso’s Cabinets and G&G Inc.) are permitted exclusive industrial uses that will not be impacted by this proposal. Motion: Based upon the findings of fact, Mr. Van Dyke moved, seconded by Mr. Jones to recommend approval of Ordinance 2021-5 with the following modification: 1. If all tenant spaces are converted to office, the total number of parking spaces required is 164. Meeting adjourned at 9:20 p.m. The next meeting is scheduled for Monday, 3/1/2021.

Councilmember Nunnari moved, seconded by Councilmember Appel, to approve the **Sts. Peter and George Coptic Orthodox Church Development Plan** with the modifications and conditions listed in the report of the February 1, 2021, planning commission.

Yeas: Appel, Nunnari, Sullivan, O’Donnell, Brady, Getsay, Killeen.

Nays: None; motion carried.

Councilmember Nunnari moved, seconded by Councilmember Appel, to approve the **Neverman Insurance Site Improvements (parking lot)** with the modification and conditions listed in the report of the February 1, 2021, planning commission.

Yeas: Nunnari, Sullivan, O’Donnell, Brady, Getsay, Killeen, Appel.

Nays: None; motion carried.

Councilmember Nunnari moved, seconded by Councilmember Sullivan, to approve the **Deans Greenhouse Site Improvements (fence)** with the modification and conditions listed in the report of the February 1, 2021, planning commission.

Yeas: Sullivan, O’Donnell, Brady, Getsay, Killeen, Appel, Nunnari.

Nays: None; motion carried.

Council President Killeen set public hearings on Ordinance Nos. 2020-148 and 2020-149 for February 18, 2021.

LEGISLATION:

ORDINANCE NO. 2021-5:
(SECOND READING)

AN ORDINANCE CONSIDERING A CONDITIONAL USE
PERMIT FOR AN OFFICE USE IN AN EXCLUSIVE

INDUSTRIAL DISTRICT. (First reading and referred to planning commission 1/21/21, planning commission recommended approval with modification 2/1/21)

Councilmember O'Donnell moved, seconded by Councilmember Nunnari, that Ordinance No. 2021-5 be amended by substitution of an amended ordinance.

ROLL CALL ON AMENDMENT BY SUBSTITUTION:

Yeas: O'Donnell, Brady, Getsay, Killeen, Appel, Nunnari, Sullivan.

Nays: None; Ordinance No. 2021-5 amended by substitution.

Council President Killeen set a public hearing on Ordinance No. 2021-5 for February 18, 2021.

ORDINANCE NO. 2021-11: AN ORDINANCE SETTING FORTH THE
(SECOND READING) COMPENSATION OF SALARIED AND HOURLY RATE
EMPLOYEES IN THE LAW DEPARTMENT OF THE CITY
OF WESTLAKE, AND REPEALING ALL OTHER
ORDINANCES IN CONFLICT HEREWITH, AND
DECLARING AN EMERGENCY. (First reading 1/21/21)

ADJOURNMENT:

President of Council Killeen declared the meeting adjourned at 8:19 p.m.



Denise L. Rosenbaum, MMC
Clerk of Council



Michael F. Killeen
President of Council