

MINUTES OF MEETING  
PLANNING COMMISSION  
December 16, 2025

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Members Present: Coyne, Allen, DeMarco, Bishop

Presence Noted: Kathryn Kerber, Director of Planning and Community Development  
Dylan Minek, Planning and Community Development Administrator  
Michael O'Shea, Law Director

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Chairman Bishop called to order the December 16, 2025, meeting of the Rocky River Planning Commission at 6:00 P.M. in City Council Chambers of Rocky River City Hall.

Mr. Bishop asked if there were any corrections to the Planning Commission meeting minutes of November 24, 2025. Mr. DeMarco said that for item #3, Mr. Faehnle's name is spelled wrong, and on page 7, Spencer Road is spelled wrong.

Mr. DeMarco moved to accept the minutes as amended. Mr. Allen seconded.

4 Ayes – 0 Nays  
Passed

**1. University Hospitals – 19332 Detroit Rd – Public Hearing: Preliminary Review –  
New medical office**

Present – Olivia Ford, HSB Architects  
Ben Gingrich, HSB Architects

Mr. Bishop said some of the restaurants' square footages look a little light for the service area. He said they are well within the parking requirements, so it's probably irrelevant. Mr. Gingrich said they followed the same calculations that they submitted for the September meeting. He said they have also been working with staff to work through the calculations, but he is happy to answer any specific questions. Mr. Bishop said there was a variance back in 2004 for this property. That variance was for 330 spaces provided versus 508 spaces that were required at the time. The variance did not include the 31 spaces from the parking agreement with the church, so they added that into the provided spaces, so it came to 361 spaces provided. Mr. Bishop said they are calculating the parking requirement at 416 spaces, which is well below the 508 spaces from the variance. So, he said, any of the minor adjustments to the service areas would not tip the scale.

Mr. DeMarco said there will be a lot of early-day overlap and hopes that it does not create a parking issue. Mr. Bishop said he was there today around 2 pm, and there were approximately 80 spaces open. Mr. Allen said he went this weekend, and he didn't see more than 3 cars in the parking garage. He asked how many spaces they counted in the garage; he didn't see the number listed on the plans. Mr. Bishop said the narrative said there are 117 spaces in the garage.

Mr. Gingrich said Planet Fitness used to be packed. Although it is the same calculation on paper, they feel the medical office will be a little less dense than the gym was. Mr. Bishop said the medical office will most likely require less parking at night when the restaurants start to get busier.

Mr. Bishop moved to open the public hearing. Mr. DeMarco seconded.

4 Ayes – 0 Nays  
Passed

Mr. Bishop moved to close the public hearing. Mr. DeMarco seconded.

4 Ayes – 0 Nays  
Passed

Mr. DeMarco asked if there is any intention to dedicate any parking spaces in the garage. Mr. Gingrich said there was a conversation about dedicating spaces to this, but they would most likely be in front of the building and not in the garage. Mr. Bishop said the whole shopping center cannot exceed 20% reserved. He said to his knowledge, there are 16 or 18 spaces reserved currently.

Mr. Bishop moved to grant preliminary and final approval to University Hospitals, 19332 Detroit Rd, for a new medical office. Mr. Allen seconded.

4 Ayes – 0 Nays  
**APPROVED**

**2. Lofts on Linda – 19911 Lake Rd – Pre-Preliminary Review – Demolition of the existing building and construction of a new two-story building**

Present – Nicholas Faehnle, DS Architecture

Mr. Faehnle said they rethought the architecture, changing the gable to a flat roof. The look is more industrial to match the Roundstone building across the street. More detailed ornamentation in the brickwork, canopy, and cornices. Mr. Faehnle said they updated the parking counts and rearranged the parking islands based on the maximum spacing of cars, so they do not have to have the internal island.

Mr. Bishop said he likes the proposed architecture, as it helps bring the mass of the building down. He asked why it is addressed on Lake Road. Mr. Faehnle said that is the current address of the property, and they are in the process of having the address changed to 800 Linda Street. Mr. Bishop told Mr. Faehnle to review the landscaping and buffering requirements before they get too deep into the process. He also said this still needs to go to the Design and Construction Board of Review for their Pre-Preliminary Review. Mr. Bishop said they would come back to the Planning Commission for the Preliminary Review, and then they could go to the Board of Zoning and Building Appeals.

Mr. DeMarco said to double-check the dumpster's setback on the west side to make sure it complies with the 15-foot requirement. Mr. DeMarco said it looks like there was a reduction in the pole lighting; just make sure it is a full cut-off to not interfere with the adjoining residential properties. Mr. Faehnle said they did shift the pole lights away from the residential properties;

they are now to the south of the drive aisle. Mr. DeMarco said that the last time there was a private entrance from the garage into the gym, and it looks like that has now been reconfigured. He asked if Unit 1 has private access to the spaces downstairs. Mr. Faehnle said, just to the spa, which includes the steam room, sauna, and private locker room. Mr. DeMarco asked if that is also shared with the gym. Mr. Faehnle said it is not. Mr. DeMarco also asked if there would be any signage for the gym. Mr. Faehnle said no, just the address signage.

Mr. Allen asked if there is no desire to have an entrance from the garage down the middle of the hallway. Right now, the only entrance from the garage is through Unit 1. Mr. Faehnle said he would have to double-check with the client. Part of the intent was to make everyone go outside from the garage and not enter internally to secure the gym from the residential area. Mr. Allen said you can enter the cold plunge from the locker room. Mr. Faehnle said that it is a private locker room. There are locker rooms for the gym itself and then this private one for Unit 1. Mr. Allen said that for Units 2, 3, and 4, the living rooms have doors into them. He wanted to make sure that it is not meant to be an open concept and that the space won't be used for a bedroom. Mr. Faehnle said the intent is to have the living room closed off and not be used as a bedroom. These residential units are for extended stays, so the idea is to have the space more private than if people were living there. Mr. Allen asked if there would be a door from Unit 1 to downstairs. Mr. Faehnle said it is an open staircase with no door.

Mr. Allen said Mr. Faehnle mentioned some landscape island changes. However, he does not see any changes from the previous submission. Mr. Faehnle said that in the northwest corner, they eliminated the two spots and placed a tree there. Mr. Allen said he noticed the lighting being moved to the south side of the drive. He said they look like the same lights that are at Roundstone. Mr. Faehnle confirmed. They will be a 14-foot height with a quick cut off. Mr. Allen said he went to Roundstone at night and is concerned that if they are using those same lights, it is going to bleed over the fence and into the residences at Beachcliff. Mr. Faehnle asked if the concern is seeing the actual fixture, is it the cut off, or is it the intensity of the light. Mr. Allen said he recognizes that the lighting outline shows zero foot candles at the lot line. However, his concern is that the neighbors are going from no lighting to industrial lights right outside their bedrooms. He said Astor Place has some great residential street lighting. Mr. Allen wondered if there is a way to blend the lighting more appropriately for Beachcliff or Astor rather than matching the existing Roundstone lighting.

Mr. Allen said during the previous meeting, there was a conversation about possibly using a shorter, pedestrian-scale, bollard-type of lighting. Shining away from the residence rather than shining towards, like what is being proposed. Mr. Faehnle said they will continue to investigate that. There is code versus safety versus all the things that Mr. Allen has highlighted. Mr. Faehnle said the client does have some safety concerns, being that the parking lot is tucked away and is not very visible from the street. Which is why one of the concerns is making sure the lighting feels safe. Mr. Allen said one of his concerns is the lighting along that entrance path.

Mr. Allen said another concern is the landscape buffering in the distance from north of the drive aisle to the southern end of Beachcliff and the eastern portion of the property to the western portion of Beachcliff. Mr. Faehnle said they have already updated the plans from what is in front of the Commission to include some better landscaping. He asked if the Commission is okay with shrinking the drive aisle from 24' to 22' to make a little more room for the landscape buffering.

Mr. Allen said he is okay with that. Mr. Bishop said the issue is the size of vehicles. Mr. DeMarco asked if they were still proposing to do crushed aggregate in the parking lot. Mr. Faehnle said they are not; it would be permeable pavers.

Mr. DeMarco said he is not concerned about the lighting. Newer LED fixtures, like they are shown, have cut-offs. They'll have a cut-off on the front to reduce or eliminate the glare part of the light. Mr. DeMarco said the LEDs are so low-profile that you don't get that anymore. He said he would be more concerned with light trespass at the ground level rather than glare shining in the windows. He said he feels like the residential lights may be almost worse because there will be a globe of light shining in the window, versus the potential for a cutoff with this lighting. Mr. Allen said the experience at night at Roundstone would not be pleasant if residential was right next door.

Mr. Allen asked if they were within the parking requirements. Mr. Bishop said they were over the maximum allowed last time. Mr. Faehnle said they reduced the number of spaces by 4. Mr. Coyne said he counted 47 spaces plus 4 in the garage, 51 total spaces. Mr. Minek said in the last meeting, the Commission said a minimum of 37 spaces were required, with a maximum of 51 spaces allowed. Mr. Faehnle said his client is going to want every bit of the 51 spaces. Mr. Allen said he was trying to create 2 or 3 feet for landscaping on the eastern side of the property. Mr. Faehnle said they are already working through that. With the fence and the drive aisle heading north-south, they can't widen that space without reducing drive aisles. Mr. Allen asked how wide the green space is currently. Mr. Faehnle said maybe 2.5 feet, but he is not 100% positive. Mr. Bishop said the drive aisle has to be 3 feet. Mr. Faehnle said it is probably 3 feet then, but he said he will double-check that.

Mr. Coyne asked Mr. Allen if he didn't like the light on the south side of the drive aisle. Mr. Allen said no, it looks a lot like the drive aisle across the street for Brownstone. Mr. Coyne asked if he would want to see them on the north side. Mr. Allen said he would like to see them lower in more of a bollard style. Mr. Coyne said that doesn't give them light coverage for the driveway. Mr. Faehnle said the challenge is finding a bollard that can disperse enough light to cover the driveway. Mr. Allen said his concern is seeing the light over the existing fence. Mr. Coyne said the lighting can be managed through some sort of dispersal.

Mr. Allen said he does not like it on the north side of the drive aisle because it is too close to the residence, and on the south side, they are shining the light directly north. Mr. Faehnle said the lighting would be at a 45-degree angle, so it hits the edge of the drive aisle. Mr. Allen said that it is the same condition that is at Brownstone. He said to drive down that drive aisle at night and see if you would like those lights outside your house. So, keeping those lights low below the fence would be ideal. Mr. Faehnle said they will try their best, but there are code and safety implications. The pedestrian bollards will not spread light across the drive aisle. Mr. Allen said he is asking them to do their best. He recognizes this is within code and will show a zero foot candle at the property line. Mr. Faehnle said they will try their best, but there are not many steps forward to lighting an entire drive aisle with 6-foot bollards. Mr. Allen said when they come back, the how you navigate this will be important to him.

**3. Bearden's Steakburgers – 19985 Lake Rd – Public Hearing: Preliminary Review – Re-submission of a dumpster enclosure**

Present – Ben Harrison, Bearden's Steakburgers

Mr. Harrison said he is here to resubmit for the dumpster enclosure. Proposal #1 is what the commission originally supported, which was a 9-foot by 9-foot dumpster enclosure. However, he wanted to submit proposal #2, which is a total enclosure of the space behind the restaurant to neighboring Astor Place and the parking lot to the south. Mr. Harrison said fencing in that whole area will help keep it clean. He said he would like to continue the same fence from the Kennedy building. Mr. Harrison said he does not want to create a “no-man's land” behind the dumpster, and he wants to take full responsibility for the area. He also wanted to note that he is in coordination to get the food truck towed off the property. He has submitted additional photos of the area, he has had a full cleaning of the area, all of the picnic tables are gone, and the smoking complaints have been addressed with the staff. He said he has been working in good faith to rectify the issues. Mr. Harrison said proposal #2 just takes it a step further and wants to completely maintain that area and prevent the creation of “no-man's land.” He said the neighbors have a lattice up, and he does not want them to feel obligated to keep that up. Mr. Harrison said they would put the dumpster towards the front of the enclosure, not towards the back/neighbor's side.

Mr. Bishop said they hashed out proposal #1 last time and came to an agreement that would work. Mr. Harrison said it could work, but it is not ideal for them operationally. He said that area is where they receive deliveries, and it would interfere with their flow. Mr. Bishop said it looks like proposal #1 would only project 5 feet from the corner of the building. He said they are basically asking for a zero-lot-line dumpster enclosure to both the south and the west. Mr. Bishop said he is not sure if they have ever had a variance that wiped out the whole code. He supposes that it could be feasible for a variance. However, they know that proposal #1 works, and he is not sure why they need such a large area for the dumpster enclosure. There should not be flying debris even if there were no fence. Mr. Bishop said there should be a lid on the dumpster preventing trash and debris from escaping. He imagines this space will just become a collection of “junk.” The space is almost the size of a two-car garage. Mr. Harrison said what he is attempting to do is quite the opposite. He said the objective of the proposal is complete debris control. Mr. Harrison said they are trying to create a condition where the neighbors on the first floor do not see anything over the fence. Mr. Bishop said the neighbors have virtually no glass on the first-floor elevation; there is more on the second floor. Mr. Harrison said that is why they wanted to move it closer to the property line, because extending it further out makes it more visible for the second-floor windows. Mr. Bishop said, regardless, the neighbor is going to see it. The larger proposal is going to have a bigger impact on the neighbors, rather than the smaller proposal.

Mr. Bishop asked what the size of the dumpster was. Mr. Harrison said it is 7.5 feet by 7.5 feet. He said the small enclosure makes it tight in the enclosure, which increases the possibility of damage. Mr. Bishop said the trash removal can pull the dumpster directly out of the enclosure. He said the code allows for a curb if he needs to do that. Mr. Bishop said he can extend that fence from the Kennedy building and still have the dumpster enclosure 15 feet from the west property line. Mr. Harrison said the dumpster enclosure extending passed the side of the building

does impede their ability to deliver food products into the building efficiently. Mr. Bishop asked how. Mr. Harrison said they back the trucks up into that area. They stage and unload the trucks in that area. Mr. Bishop asked where the food truck has been sitting for a long period of time. Mr. Harrison said it does not always sit there; in the winter, it does.

Mr. O'Shea asked Mr. Reich to tell the Commission what the current status of the building violation is and what date the trial is set for. Mr. Reich said James Griffith, the building owner, is currently in court for a violation of performance standards for this project. Mr. Reich said they are in their third pretrial, in which they have had no appearance. They are scheduled for a bench trial on January 27<sup>th</sup>. Mr. O'Shea said the Law Department recommends that no action be taken on anyone who has a currently pending building violation case. Mr. O'Shea said that is only a recommendation, but he said that is good policy and sends a good message. Mr. Bishop asked if the only issue is the dumpster. Mr. Reich said that is correct. Mr. Bishop said this has been going on for 5 years, and the City has taken a very friendly approach to this. It took all of this just to get them here. They should've realized they needed to find a dumpster location when they sold the property to Kennedy. Mr. Bishop said he understands what Mr. O'Shea is saying; however, how do they resolve it without the Commission reviewing the proposals? He said it seems that they would be stopping the resolution. Mr. O'Shea said this is the policy of the Law Department for almost two decades has been compliance first. He said that once they comply, they dismiss them at no cost. They want compliance, not to shake them down for the fees and fines, so it is the City's incentive to achieve that.

Mr. Bishop asked if they got the dumpster enclosed by the 27<sup>th</sup>, what does that mean? Mr. O'Shea said if they got it into compliance tomorrow, once they are alerted and it's been verified, the case is dismissed at no cost. Mr. Bishop said they cannot achieve that without this Commission reviewing the proposals. Mr. Reich said this is the process of compliance, so these proposals need to be reviewed. Mr. Harrison said this is all news to him. Mr. O'Shea said this is not news to the owner.

Mr. Bishop does not buy the argument that proposal #2 solves the issues or makes it easier for them to maintain. He asked if the dumpster would fit in a 9.5-foot by 9.5-foot dumpster enclosure. Mr. Harrison said that it would. Mr. Bishop said the 5-foot projection from the corner of the building is the biggest issue. Mr. Harrison said that is correct. He was wondering if they could be flush with the building. Mr. Bishop said that would put them at about a 10-foot setback from the west property line. He asked why they don't run the Kennedy fence down their property line. Mr. Harrison was under the impression that the fence could be part of that enclosure. Mr. Bishop said that would be a zero variance and a zero variance. Mr. Harrison said he would be happy to extend the Kennedy fence along the property line, separate from the enclosure. Mr. Reich asked Mr. Bishop if the fence would be the same materials and same likeness. Mr. Bishop said yes. He also asked Mr. Harrison what the dumpster enclosure material would be. Mr. Harrison said it is proposed to be 6-foot cedar fencing with a gate in front. Mr. Bishop asked if it could match the fence material. Mr. Harrison said he would have to look into it; he doesn't want to make a promise he can't keep. Mr. Bishop said it could be painted to match.

Mr. DeMarco said the Kennedy fence continuation will help alleviate some of the concerns and issues from the neighbors next door. He said the fence could be extended all the way to the corner of the building. Mr. DeMarco is concerned that from the back of the dumpster enclosure

to the fence may create a “no-man’s land” space, which is something Mr. Harrison was trying to prevent. There will be a 10-foot space between the two, so there is no telling what will happen in that space. Mr. Bishop said that can be alleviated by, as he said, terminating the fence at the corner of the building and possibly adding lighting back there. Mr. DeMarco would not support the full enclosure shown in proposal #2, which is way larger than what they need. He said he is not sure if that would solve the problems that have been presented. Mr. DeMarco said if they took the 9.5 by 9.5 dumpster enclosure and shifted the upper right corner to the corner of the building, and put the full height fence in along the property line, then he would support a variance for that reduction. His concern is the space between two fences. Mr. DeMarco also commended Mr. Harrison for his narrative and the checklist for close-out, which shows his good-faith effort to address these concerns. Mr. Harrison said it would be greatly appreciated to get that enclosure flush with the corner of the building. He understands that the Commission might not see the issues that arise from its projection. However, operationally, he knows issues will arise if the enclosure projects from the side of the building.

Mr. DeMarco said there was a conversation last time that talked about potentially reducing the size of the dumpster. Mr. Harrison said it is possible. However, it would increase the number of trash pickups. This would cause more noise for the neighbors and be more of a financial burden for the restaurant. Mr. Bishop asked what time they pick up. Mr. Harrison said he doesn’t remember the exact time, but it is in the morning. He said it is possible to reduce the size, but their volume has increased, and he believed it would have more of an impact on the neighbors and himself.

Mr. Allen showed Mr. Harrison a photo that was included in his submission. Mr. Allen asked if there were any doors south of the door shown in the photo to the rear corner of the building. Mr. Harrison said there are not. Mr. Allen wanted to know how any projection from the dumpster enclosure to the south of the building would impact any delivery entrance into that door. Mr. Bishop said where the food truck is. Mr. Harrison said the delivery trucks come behind the food truck and then roll the deliveries down the alley. Mr. DeMarco asked if deliveries would get better without the food truck there. Mr. Harrison said that it could. Mr. Allen and Mr. Bishop are not sure if the projection would impede the deliveries. Mr. Allen said he is thinking about the objective of the code. Which is to get it 15 feet away from the property line when it abuts residential.

Mr. Coyne said he likes the idea of it set back, away from the neighbors, as much as possible. Mr. Bishop asked if he would be okay with shifting the enclosure west 5 feet to make it flush with the east wall of the building. Mr. Coyne said he is not sure if he is. Mr. Bishop is not sure how they would even justify the variance, as it is more of a convenience rather than a hardship. Mr. Coyne thinks the matching Kennedy fence is a must along the property line. Mr. Allen said it should not return to the building because it starts to enclose it. Mr. Coyne said it is the responsibility of the restaurant to maintain the property.

Mr. Reich said there is a sizeable overhang on the building. In the site plan, is the south line the wall of the building or the overhang? Mr. Harrison said it’s the wall of the building. Mr. Reich said they are going to have to move the enclosure closer to the south because they won’t be able to lift the dumpster out of the corral to dump it. When he goes for his variance, he needs to be clear on the distance from the property line to the south and the clearance required to dump this.

Mr. Bishop said they will need to at least give them an allowance to the south differently than what they talked about in the previous meeting. Mr. DeMarco is not convinced that 9.5 feet by 9.5 feet is big enough to hold that dumpster effectively. The dumpster is 7.5 feet by 7.5 feet, so it is essentially one extra foot on each side.

Mr. Bishop moved to open the public hearing. Mr. Coyne seconded.

4 Ayes – 0 Nays  
Passed

Mr. Bishop said he wanted to enter into the record that the owner at 3 Astor Place has submitted their objection to proposal #2.

Present – Katya and Ignacio Chiong, 3 Astor Place

Mrs. Chiong said they are the neighbors directly adjacent to Bearden's operational lot. She wanted to first clarify that this would not encroach on their property. Mr. Bishop said that it is not allowed to be on their property, and it cannot encroach.

Mrs. Chiong said proposal #2 places a dumpster enclosure right beside a residential home. Creating unavoidable impacts such as noise, odor, early morning dumping, rodent activity, and safety concerns. It cannot be mitigated with fencing, the enclosure height, or buffering. The residential use and commercial dumpster are incompatible. Mrs. Chiong said that proposal #1 is already a compromise. It allows Bearden's to continue their operations while protecting the 15-foot requirement in the code. She said proposal #2 shifts the burden onto them, the neighboring homeowners. Mrs. Chiong said they have heard that a tall enclosure will reduce impact. However, height does not address the core problems. Odors rise, noise travels, rodents are not deterred by fences, and fire risk is unaffected by wall height. The only effective mitigation is distance. Proposal #1 preserves that buffer; proposal #2 eliminates it.

Mrs. Chiong urges the Commission to deny proposal #2 and require compliance with proposal #1. She asked the Commission to ensure that the enclosure is fully sealed and compliant with the code. Fully sealed to them would be solid, permanent structures such as masonry, brick, or comparable construction, just as the Commission has mentioned. She also asked the Commission to have a fence that runs along the property line, similar to the Kennedys' fence. Mr. Chiong also asked that regular sanitation and pest control measures be enforced. She asked that trash pickup and operational noises meet city codes. Mr. Chiong said the trash pickup is before 6 am. She asked the Commission that no part of an enclosure encroaches on their property or exposes our homes to additional impacts. Mr. Chiong asked the Commission to deny proposal #2 and require compliance with proposal #1.

Mr. Bishop asked if there was a compromise at a 10-foot setback, how they would feel about that. Mrs. Chiong said all of the issues that they listed in their letter are mitigated by distance. She already feels that proposal #1 is a compromise. Mr. Bishop said in proposal #1, they are compliant except for the variance on the south. Mrs. Chiong said they appreciate the distance to mitigate the issues. This has been going on for years; they have reached out to their HOA, and the HOA has reached out to the city. Now, Mrs. Chiong said they are asking the Commission for

their help with the issues. They might have cleaned it up now, but that is basic operations. It took all of this for them to clean that area up and get to this point. Mr. DeMarco asked if they had noticed a difference since they've cleaned up the area. Mr. Chiong said the rodent problem exists, and they have had to spend money themselves to tackle the issue. They have reports showing rodent activity, and some of their neighbors have the same. He said it is winter now, and there is snow on the ground, so they aren't outside as much and don't see as much trash. However, they will still see the occasional plastic cup and napkins floating around.

Mr. Bishop moved to close the public hearing. Mr. Allen seconded.

4 Ayes – 0 Nays  
Passed

Mr. Bishop said he is personally leaning toward proposal #1. He does not believe that it penalizes them in any way by having it project 5 feet from the southeast corner of the building. He thinks the Commission would be open to the south side expanding a few feet to make it easier for trash removal and/or to account for the overhang of the building. Mr. Bishop said there is very little effect on anyone on the southside. Mr. Bishop said the fence along the property line is also a very important part of this. Mr. DeMarco said at a minimum, the Commission will require an extension of the Kennedy fence, and whether that returns to the corner of the building, he is not sure if it's beneficial or not. Mr. Coyne said the fence wouldn't really have to return; the way it sits on the Kennedy property, it would terminate in the rear corner of the building naturally. The fence should be the same material, same design, and same color, which would satisfy the buffering requirements.

Mr. DeMarco said the issue comes with the space between the enclosure and the fence. Mr. Bishop said he envisioned the fence on the property line. Mr. DeMarco said, but the Kennedy fence is not. The fence is at the curb line essentially, so if they extended it northwards, it would essentially terminate at the building. Mr. Coyne asked Mr. DeMarco if he did not like the dumpster enclosure projecting 5 feet from the east wall. Mr. DeMarco said visually and aesthetically, no. But it is compliant with the west setback. Mr. DeMarco said the space between the fence and the dumpster enclosure is odd.

Mr. DeMarco agreed that space is their best friend. But foliage can also help to buffer sound. Is there any consideration for landscaping in front or behind the fence. Mr. Harrison said if sound is a concern, reducing the size of the dumpster would increase the number of trash pickups. Mr. DeMarco said certain considerations are unavoidable. There is always going to be sound and a potential for rodents. Mr. Harrison said he wanted to clear the rodent thing up. They are health code compliant and have no rodents. Mr. DeMarco said they are in control of the trash and the activity and behavior of your employees. The other things are out of his control. He said it is unfortunate that the owner is not here to represent the project.

Mr. Bishop said they could offset the fence and get it closer to the property line, and remove the guardrail regardless. Then, landscape on the east side of the fence to solve some of that problem. The fence can hug the Astor Place landscaping. Mr. Harrison said there is asphalt there, so in what capacity do they want landscaping? Mr. DeMarco said that if they shift the fence closer to the property line, there will be some space to add landscaping.

Mr. Coyne likes proposal #1 with a fence extension to match the existing fence on the Kennedy property. He understands the maintenance issue that Mr. DeMarco is concerned about, but regardless, this whole area requires maintenance. Mr. DeMarco said he is not sure landscaping will solve anything. He is still concerned about the functionality of the enclosure. Mr. Bishop said they could recommend a greater variance to the south. Mr. Allen said he would be in support of a greater variance to the south. Mr. DeMarco said that as much as they can get to the south, they need. He imagines the trash removal coming early in the morning and hitting the overhang of the building. Mr. Bishop said 2 feet would be reasonable.

Mr. Bishop moved to grant preliminary approval to Bearden's Steakburger, 19985 Lake Rd, for a dumpster enclosure under the following conditions: (1) it maintains a 15-foot side setback from the residential district to the west, (2) receives a variance for 2 feet from the south property line versus the 10 feet that is required, (3) the enclosure dimensions be 9.5 feet by 14.5 feet, (4) the guardrail is removed, and (5) a fence is installed in the same material, design, color, and likeness of the Kennedy fence to the south, with an offset as close to the side yard property line of Bearden's. When they come back, provide the materials for the dumpster enclosure itself and a revised site plan. Mr. Allen seconded.

4 Ayes – 0 Nays  
**PRELIMINARILY APPROVED**

#### **4. Planning Commission – Updating the Development Code**

Mr. Bishop said he and Mrs. Kerber met to work on the Development Code, and they are planning on meeting again in early January.

The meeting adjourned at 7:40 pm.

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William Bishop, Chairman

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Michael DeMarco, Member

Date: \_\_\_\_\_