MINUTES OF MEETING
PLANNING COMMISSION
APRIL 18, 2023

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Members Present: McAleer, Capka, Allen, DeMarco, Bishop

Presence Noted: Ray Reich, Building Commissioner
Michael O'Shea, Law Director
Kate Straub, Planning and Zoning Coordinator

City Council Members Present: John Shepherd, Ward 4
Jeanne Gallagher, Ward 3
Christina Morris, At-Large

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Chairman Bishop called to order the April 18, 2023 meeting of the Rocky River Planning Commission at 6:00 P.M. in City Council Chambers of Rocky River City Hall.

1. **LAKE ROAD ROCKY RIVER LLC – 19621 Lake Rd. - PUBLIC HEARING PRELIMINARY REVIEW -** New Office Building with attached Parking Garage

Mr. Denver Brooker, of Vocon Architects, came forward to present the project. Mr. Brooker began explaining the project while calling out the pages of the submission. There are 3 sites that make up the proposed development parcel, with two of them currently accessed off of Lake Rd. and one parcel currently accessed off of Linda St. The 3 sites will be consolidated into a single parcel. They are currently zoned R-5 and LB. He said that the largest of the parcels is split between LB and R-5 zoning. They have an existing survey (page 5) and a proposed demolition plan (page 6). They will be removing everything on the three parcels as part of the new development and they will simplify to one new curb cut on Lake Rd. and one curb cut on Linda St. They will need to relocate an existing street lighting pole on Lake, just east of the new curb cut.

Mr. Brooker explained that page 7 sets forth the site and first floor plan, in terms of all of the various proposed setbacks, which he explained aloud. The building will be set back 25' from the public right-of-way. He added that it important to note that the public right-of-way at this part of the site is pushed back considerably further south from the sidewalks than other parts of Lake Rd. to the west. Along this parcel, they are set back anywhere from 38' – 8" to 42' – 4" from the sidewalk. The new curb cut will be at the west side of the parcel off of Lake Rd. Parking along the west side of the new building will be setback 10'. He continued to discuss the other setbacks of the building, parking and landscape buffer areas. He said that one of the things that they have done to determine the impervious area coverage on the site is the insertion of a red dashed line and he explained that everything south of that line is zoned R-5. That portion of the site is subject to a maximum of 75% impervious coverage. They currently have it at 74.5% lot coverage. The north portion of the site is zoned LB, which has no restriction with respect to impervious area, so that calculation is not given.

Mr. Brooker explained the setback of the first floor south open parking area is at or just beyond the required 10' setbacks to the east and the west and they are approximately 9' – 1" off of the south property line. Because it is the railroad and not an actual zoning district, there is no setback requirement there. The 9'-1" setback will help to provide constructability along that line. The trash enclosure and transformer locations are within the area of the open parking area and outside of the setbacks. The only deviants is that just north of the Linda St. entrance is 539 Linda St., which is an R-5 zoned parcel, with a setback requirement on its east side of 15', and a bit of the drive lane just crosses that line by 4 or 5 feet. He explained the second and third floor parking setbacks. Regarding building coverage, it exceeds the current zoning maximums in both districts (Local Business = 54% vs. 30% maximum permitted and R-5 = 59% vs. 40% maximum permitted). He briefly explained the landscape and lighting plans which are described in detail in the submission.

Exterior elevations of the building were described next. Mr. Brooker said that the actual mechanical units have been 3-dimensionally built into the model to demonstrate where they will be located, but these units are not visual from any of the vantage point. Mr. Brooker said that they are asking for a height variance, so they have made a concerted effort to set the building back significantly and then set the third floor back even more, which is demonstrated on page 19 at the top of the page. The third floor has a maximum height of 44' – 2" to the top of the roof plane. It is set back from the second floor significantly and the second floor parapet is less than the maximum permitted height of 35' per zoning. He explained the visual that shows this building in the context of other buildings to the east and the west along Lake Rd. on page 19.

Mr. Brooker explained the pages that show the exterior elevations. This is primarily a brick structure with a setback of the third floor in an accent of black metal panels that also matches the black trim on the rest of the building and the black frames of the windows. There are street trees along the front that set up a green space in the front of the building and then rotating around to the main front entrance the elevation of the lower two stories are modulated into a series of double and single window bays, with a movement in and out. The entrance is accentuated with some custom shaped bricks to give it an added texture and a slightly darker color. Further to the west along Lake is the drive entrance on the west side of the building. The elevation has a very similar appearance to the east side. Page 26 shows a close-up of the building to show the details of the building including the spandrel accent panels with the diagonal detailing of the metal panels between the first and second floor windows, a canopy along with the textured brick main entrance. The south elevation and entrance shows an employee ground level terrace.

Mr. Bishop thanked Mr. Brooker for the very detailed presentation and the package they have submitted. He acknowledged the three Councilmembers that are here, Jeanne Gallagher, Christina Morris and John Shepherd and apologized for not doing that sooner. It appears that they have complied with all of the building and parking setback requirements so there are still two areas in the zoning analysis that will require some discussion at some point. The one issue is

the height at the 35' requirement vs. the 44' – 2" height requested, as well as the building coverage, which varies between the two zoning districts, which they will discuss down the road.

Mr. Bishop asked how the office building will operate and function. Mr. Mark Conzelmann, project developer, came forward and said that the employees at Roundstone work on a hoteling basis, meaning they work between 7:00 am and 7:00 pm, coming in on a flexible schedule throughout the course of the day depending on what their rotating basis is. The majority of the employees come from shoreway communities of Cleveland, Lakewood, Rocky River, Bay Village, Avon Lake and Sheffield so they expect the large majority of traffic to be coming east and west along Lake Rd. There are currently 140 employees and only 50% of those employees work at any one time, which amounts to 70 employees in the building at a time. Managers have assigned parking spaces and some of the other employees will have rotating "hoteling" desks. Mr. Bishop asked how many employees this 58,000 sq. ft. could accommodate. Mr. Conzelmann said that it could accommodate 250 employees at any one time. Mr. Bishop asked if that means there is a potential for a capacity of 500 employees. Mr. Conzelmann responded that it depends on how the business grows and how they decide to hotel in the future. More employees are being hired remotely that are located out of the state. But the building can accommodate 250 employees at any one time. Depending on the employee the work day will be somewhere between 4 and 8 hours and not everybody will show up and leave at the same time.

Mr. Bishop said that this project went to Design Board for a pre-preliminary review and received a very favorable response to what was presented. He confirmed that Mr. Brooker at the Design Board meeting said that they expect most people to use the Linda Street access. Mr. Brooker responded that the discussion related to the traffic light at the corner of Linda and Lake and what happens if someone needs to go westbound on Lake Rd. coming out of the entrance. He said that they might choose the Linda St. egress point because there is a traffic light there and anyone who wanted to go east could turn out of the main entrance on Lake Rd. Mr. Bishop said that the second story parking was stated to be for future offices either to be within that structure as the elevation looks like offices and/or anticipating expansion upward from there. He said that it was unclear in those minutes. Mr. Brooker explained that on the first floor of the building there is indoor climate controlled parking which is designed to look like the rest of the office building that does give them flexibility to convert some, all, or none of that space to office space in the future if they needed to. On page 7, where it says, "Enclosed Garage Parking," that portion of parking looks like the rest of the office building. That portion of the building could at some point in the future, be converted to office space, depending on their needs. No other part of the open 2-story parking structure is contemplated for expansion. At that point, they would need to acquire additional land to make up that parking because that amount of future office space would require approximately 50 additional parking spaces or thereabouts. There is no access capacity built into the structural system of the parking deck to add another level on top of it. Mr. Bishop said that they have parking to accommodate 180 cars but at some point they are looking at a capacity of 250. He asked if he is reading that right in that they would be short 70 spaces, or asked if the overlap blends that out in a sense. Mr. Conzelmann said that all 250 would not be coming and going at the same time.

Mr. DeMarco thanked Mr. Conzelmann for walking through where Roundstone's employee base is coming from. It sounds like they are committed to hiring local people. He asked if there will be provisions in the building for bicycle parking and perhaps shower changing facilities for the employees. Mr. Conzelmann said that they have not gotten that far on the interior design yet but Roundstone is a very health conscious company and there will be a gym inside the building for the employees and they have more than enough space to accommodate bikes. Mr. DeMarco said he thinks it would be good to locate something on the site that shows that. He asked what the floor to floor height on the ground parking to upstairs. Mr. Brooker responded that it is 11'. Mr. DeMarco asked about trash pick-up and noted that the enclosure is located inside the parking structure. He asked if it will present any access issues for the trash truck that comes to pick it up. Mr. Conzelmann said that they are considering re-locating the trash enclosure to the west of the permeable pavers that are shown on page 7 that would allow better ingress and egress for a trash truck to be able to circle out. Regarding site circulation, Mr. DeMarco said that on the drive aisle that is the main connector from Lake Rd. to Linda St. there is a dimension of 22' to 24' and he wonders if there was any consideration to making the curb cut onto Lake Rd. three lanes wide to accommodate one lane in, and a dedicated left and dedicated right turn only lanes. Mr. Brooker said that they consider that and see if there is room. Mr. DeMarco said that dedicated aisles may help the left out.

Mr. DeMarco asked what the dimension is from the east property line to the building to the east. He said that it looks to him that it dimensions out to be 5'or 6' and he wants to be sure it is not located on the property line. Mr. Brooker said he does not know the dimension Mr. DeMarco is asking for. Mr. DeMarco said that in total, there is probably 15' to 17' between this proposed building and that building. Mr. Brooker confirmed that it is at least that far away because the proposed building is not actually parallel to the east property line. Mr. DeMarco just wanted to confirm that there is more than enough room there for fire separation per Building Code. Mr. DeMarco made positive comments about the lighting plan and he said he likes the elevations. He particularly likes the distinction and articulation of the entry piece of the building for some prominence. He likes the warehouse feel they have created with the warehouse style windows and the Chicago style windows that are appropriate for this location and the history of what this triangle is. He thinks the building is very well landscaped and the greenspace that will be in front is something that is lacking in that stretch of road right now. It will be a welcome sight to see fresh plantings and trees and a focus on making it a pedestrian scale type façade. He applauds them for what they have done and he thinks the scale and articulation of this proposal is very appropriate for what this site is.

Regarding the extra lane suggestion Mr. DeMarco suggested, Mr. Bishop asked if they would be more prone to slowing the exiting down. Mr. DeMarco said he feels that this may provide a shortcut because the signalized intersection could get clogged up with people, they may find their way through this site, so maybe restricting it is better to avoid that.

Mr. Allen said he spent a lot of time concentrating on the site circulation aspect. Coming from the Lake Rd. ingress as well as coming east from Linda St., he asked if it is possible to make that a "T" instead of having the 5 permeable paver spots there. He asked if they could switch those 5 spots to the north side of the drive aisle and have traffic come directly into the parking garage. This could ease the flow coming in and out of the parking garage by switching those spaces to the north side of the drive aisle. That could create the parking closest to the building in an "L" shape around the edge of the building versus those 5 spots being located across the drive aisle. Mr. DeMarco said he thinks that is a good idea. Mr. Allen said he had the same concern about relocating the trash location outside of the enclosure. Mr. Allen said that it sounds like the idea is not to have mechanical screening and it is just from a sightline perspective. Mr. Brooker said that they studied a number of HVAC solutions for the buildings, some of which involved fewer but much larger pieces of equipment. But they have elected to pursue an approach with more units that are smaller to allow them to get the results they did with the site line studies. Regarding the large concept site plan, Mr. Allen said a fence is identified but he cannot find that fence on the site plan. Mr. DeMarco said it is noted on the landscape plan too but it is not called out anywhere. Mr. Brooker said that the only place they would need or think about a fence would be at the south property line along the railway instead of just the building wall but they are not proposing to put a fence anywhere else on the site. Mr. Allen said that if they need a fence on the south line, they should put it on the site plan. In addition, there is a dashed line on the east property line that goes from just north of the parking enclosure that lines the parking enclosure all of the way down but he does not see that identified anywhere on the legend. Mr. Brooker explained that it will be a dry-stacked retaining wall and Mr. Allen asked him to identify that in the legend.

Mr. Capka thanked the applicant for the level of detail on the submission. He would like to know how much the existing yoga building abuts the building versus the parking garage. It appears that most of the building is closer to the parking garage versus the building structure. Mr. Bishop said that the setback of the existing building is just slightly behind where the garage starts. Mr. Capka said if they are going to dimension the distance between the existing yoga building to the proposed building, then he would like to know how far that intrudes on the proposed building versus the proposed parking structure. He guesses it is 6' to 8' but he would like those dimensioned out for the next meeting. Regarding the two larger handicap parking spots that are closest to the driveway exiting out onto Lake Rd., he wants to make sure there is enough space for those cars to back out with potential queuing of cars while someone may be wanting to back out of those spots. Mr. Brooker said that the few visitors coming to this site might use those spots and there are only 10 or 11 spots. The majority of the parking will be done in the garage. Mr. Capka asked how the setback of the second floor of the building compares to the other building that was proposed on Lake. Mr. Bishop said that it is the same distance and Mr. Brooker said that the difference is they are not proposing a large roof mass and it is a true complete setback.

Mr. McAleer said he likes taking the 4 or 5 parallel spots off of the plan on the Linda St. access. He asked the applicant to confirm whether the enclosed parking garage can only be accessed

from the first level of the open parking garage. Mr. Brooker said that he is correct. There are two separate overhead doors that allow them to maximize the parking inside. Mr. McAleer said that they touched upon the fact that there might be up to 250 employees working at various times but he would like to know if the number of clients, customers or visitors are very few. Mr. Conzelmann responded that Mr. McAleer is correct. Mr. McAleer also agrees with the point that was made about moving the trash enclosure.

Law Director O'Shea said that he would like to disclose that he knows the developer pretty well, but he has no decision making authority. Mr. Bishop said that he would like to enter all of the minutes for the Kennedy Office Building at 19933 Lake Rd., including the following meeting minutes: Planning Commission meeting minutes of August 16, October 18, November 15 and December 20, 2022, and of February 21 and March 21, 2023. He would also like to enter all of the minutes of the Design and Construction Board of Review of September 6 and November 11, 2022 and January 4 and March 20, 2023 and the Board of Zoning and Building Appeals meeting minutes of March 4, 2023. Mr. Bishop said he would like to enter the minutes into the record for the March 20, 2023 from the Design and Construction Board of Review for this Roundstone Insurance Office Building. He would like to also enter the Fire Department's comments dated April 18, 2023. He would also like to enter correspondence from the owner of the adjacent building to the east at 19537 Lake Rd. to Mayor Bobst. He is entering for the record an email from Mr. Timothy Stanton of April 18, 2023 and an email from Rob Roe of April 18, 2023. He would like to also enter the minutes of the Planning Commission meeting of September 20, 2022 in which a previous applicant came to them for a pre-preliminary review of a project on this property.

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

5 Ayes – 0 Nays
Passed

Mr. Bishop said that he would like to start at the front row and work their way back. He is hoping that they can keep the discussion to the concerns they want to express.

1. Ms. Deborah Crusky-Bonanno, 19646 Battersea Blvd. came forward and said that they have been long-term residents there. They are against the parking lot and the building as proposed because they have concerns that they don't have access to the nice pictures the Board has and they got notice at the last minute by word of mouth from someone who saw it on Facebook. She said that this is a pretty big project and she would think we could include everyone who will be affected. She is concerned because the plan will attract many more vehicles down Lake Rd. and Linda St. and it will affect streets such as Beachcliff, Wagar and all the streets that run parallel to Lake and up to Detroit because it will just be a matter of time before people start taking shortcuts. She has not seen any traffic studies on how this will affect Lake Rd. She is also concerned about the character of the neighborhood and the fact that this will change that. They have a quiet street and it is family-safe. The impact of the traffic is a concern. She asked if there

are any plans to open up a road into Beachcliff Blvd. on Arundel because she wants to be assured that won't be opened to alleviate traffic from Lake Rd. Ms. Straub said there are no plans to do that. Ms. Bonanno wishes there was more ability for public input for these projects. She hopes this Board takes into consideration their neighborhoods and the ambiance and how the traffic could impact the safety of their neighborhoods.

2. Ms. Ellen Riehm, 19601 Battersea Blvd. came forward and said she is probably just over 150 ft. from the proposed building. She is concerned about the impact of the demolition on air quality because that property has housed a mechanics shop and it was a pottery factory starting back in the 30's so there may be lead and other things that may impact them as the building is demolished. She would also like to know exactly what they are demolishing. She has asthma and she is concerned about air quality and how she will spend her summer. She wonders if she will be able to be in her back yard and have windows and doors open to the backyard or if she will be inundated with dust and chemicals. She is very disappointed in the lack of transparency from the City of Rocky River. She feels that this is being held back from them on purpose. She would also like to know whether the garage will be able to be used in the evening by the patrons of the food and beverage establishments on Linda St. She said that this development will impact their neighborhood in a negative way and wants to know why this property cannot be used as condominiums, apartments or senior housing.

Building Commissioner Reich said that there will be environmental studies done on all of the structures that will be demolished. Lead and asbestos abatement will be take place. There have already been some environmental studies and clean-up on the portion of the property that burned and some buried tanks were removed and an "all clear" was given by BUSTR.

Law Director O'Shea said that all of the records they want to see are public record and can be emailed and seen by visiting the Building Department. There are no plans being hidden by anybody and he wants to be sure that people understand that they can see records by visiting the building department or via email. Mr. Bishop said that there were only 2 meetings that applied to this project. All of the other minutes applied that he referenced applied to other projects.

3. Mr. Benny Bonanno, 19646 Battersea Blvd., came forward and said that many of them are very concerned about the landscaping on Lake Rd. What they don't want to occur is Lake Rd. looking like Center Ridge Rd. He asked questions about the landscaping, such as what kind of trees are going in front and what is the height of those trees. Mr. DeMarco said that the landscape plans show Red Maples which are called out as 2.5 – 3" caliper, which is the width of the trunk at the time of planting. Mr. Bonanno commented on the size of the trees and slow growth of them. He asked about the bushes that will be in the development and Mr. DeMarco responded that there are many varieties of landscaping and Law Director O'Shea handed him his copy of the submission to review. Mr. Bonanno said that Center Ridge Rd. looks like a concrete jungle and asked if hopes they could be sensitive to the landscaping throughout the entire city going forward.

4. Ms. Kathleen Barnard, 22636 Beechnut Ln., came forward and said that she has 3 young daughters who will all be at Kensington for school. She is here because she just heard yesterday about the proposed building and she has never imagined a project like this in that area. It disturbs her because it is too large of a project for Linda St., which is very small and they go there to ride their bikes and walk as a family. This is where she expects her children to be able to ride their bikes to school in the morning without having to worry about traffic. She is 100% opposed to this project and all of her friends who are unable to be here are also opposed to it and she can have them write emails later.

5. Mr. Bruce Baum came forward and said he is not a resident but he has been retained by Chrys and Jim Kozak who are the building owners directly to the east of this development because of the encroachment. He has reached out to Denver Brooker and he is trying to find out what affect this building may have on the building next door. He is a Structural Engineer and he is interested in the soil properties when they start the construction and what affect it may have on his clients' building. He said that he has some preliminary drawings and would like more information showing setbacks, etc.

6. Mr. Anthony Galang, 510 Linda St. #7, came forward and said he received a late and inconspicuous notice for the meeting and he felt offended that they were not reached out to earlier. He felt like he found out by accident and had to speak about the traffic he sees happening on Linda St. He is thankful that the Kozaks dropped the full drawings off to him because if he had to receive that letter and recognize that as a massive project is planned for around the corner from him and emailed, there would have been a lot of time lost. He asked if the Planning Commission are planning for the additional traffic or requesting a traffic Study be done. Chairman Bishop said that it is definitely a possibility. Mr. Galang said he implores them to plan for the traffic and request a traffic study and not rely on the hunches of the developers and employers regarding what may or may not happen. He said that he does not think that there should be a parking garage with 180 spaces and not have a traffic study. He would love if it was independently funded, like half from a citizen group and half from the City. Mr. Galang said that the Master Plan came out in 2018 and it is still on the website. He appreciates that he can click on a link and see the plans. He said that 8 of the 14 people who approved the Master Plan are still with the City of Rocky River. He said that the Master Plan was done with community input and with transparency and he attended some of the meetings. The result had some ideas in it that are unachievable if we do this project. He listed those things aloud. They include Core Project #6, which involves removal of the Marion Ramp. At the time, a traffic study was done that Linda St., West Blvd. and other roads were able to absorb that traffic. He said that if there are 180 parking spaces with this project then the City will not be able to remove the Marion Ramp and it will have to be replaced. Mr. Galang referred to Core Project #8 in the Master Plan that references Downtown River parking and development and if people know that Linda and Lake is busy and crowded, they won't want to come to the City. The connection to Lakewood's west end is part of this Core project and is to be turned into one lane in each direction with bicycle and walking paths. If this project happens, then that will not be able to be done. He said that the Linda Street district development will not be able to happen as envisioned in the Master Plan

because nobody will want to come here. The City is creating negative energy for things they want to accomplish in the Master Plan. We are moving away from the Master Plan for a project that creates commuter traffic and that the public doesn't know about and it wasn't discussed among them. They do not want commuter traffic. They want the Master Plan. He said he has a letter from 2 neighbors (Rob Rowe and another person at Beachcliff Row) who will probably get the brunt of this traffic and the headlights who will experience negative consequences due to this project. The purpose of responsible development is to improve the entire area and it is not to impoverish some residents and that is what this does.

7. Joanne Riordan, 538 Beachcliff Row, #27, came forward and said she is a neighbor of Tony's. She also went through the Master Plan. Page 14 of the Master Plan highlights that the Detroit Road Traffic Parking Analysis and Marion Ramp Feasibility study was done. On page 16, the focus areas of Old Detroit, Middle Detroit and Linda Street identified the need for a cohesive and walkable neighborhood, an active town center and an enhanced place with better linkages to surrounding neighborhoods and improved gateway entrances. She said that this building will prevent a lot of that. Page 25 had public input development where residents wanted new development but among that, they agreed that new development should reflect existing scale and character. She said that the building is beautiful but it does not belong on Lake Rd. Regarding the parking, there is another development on the other side of Lake Rd. which is the Kennedy structure, which is an additional 62 to 64 parking spaces, which would bring another 60 cars in. It is not just the 185 to 250 cars in the area, it is also those 60 cars, which amounts to another 300 cars coming into the area. She called out page 53, page 84 and page 92 of the Master Plan. Regarding the building, she questions where they will put snow and this condensed area faces that problem every year. They live in a private street and for the cars to go out onto Linda St., there is a big probability that cars will go right through their private drive and out onto Lake Rd., which they see happening all of the time. I-90 will be under construction from Hilliard to Downtown for 2 years. People will avoid I-90 and come down to Clague Rd. and to Lake Rd., which will create even more traffic and be more problematic.

8. Ms. Brigit Flannery, 21200 Stratford Avenue, came forward and said that she only heard about this building by a friend who saw it on Facebook. They have lived in this community for 30 plus years. This is Rocky River, one of the prized communities on the west side of Cleveland. We are already seeing heavy traffic and she thinks it started with Whole Foods. With this office building that will house up to 250 employees and the Kennedy project she didn't know about, it will impact the area with a lot of traffic. People come to Rocky River because it is Rocky River; a wonderful family oriented community and they would like to keep it that way. She thinks it is this Commission's responsibility as their representatives to make sure it stays that way for all of the people who live here and love it here, as well as all of the people who want to come here. She asked the applicant why there is nothing set up so people can see what they are talking about and we don't have that technology for them in 2023. She is so opposed to this and what it will do to our beautiful community. This Commission has a huge responsibility to make sure it stays that way. She asked if there is anything that any of the people who are here today can say that will make this project not happen. She asked if it is a done deal. Chairman Bishop

said it is not a done deal but the people in the audience have to also realize that this is a commercially zoned, Local Business and R-5 zoned property and something is going to happen here, one way or the other. Ms. Flannery said that something could be better than potentially 250 cars coming into our community every day. She said that they will be going to restaurants in the City and this will affect the whole community. Mr. Bishop said that the September 22nd meeting was a proposal for 129 apartment units which they strongly discouraged. Ms. Flannery suggested they strongly discourage this for the sake of our City.

9. Mr. Brady Giles, 20566 Stratford Ave., came forward and said that his biggest concern is traffic because it will be people finding ways around using Lake Rd. It is already busy, especially around Linda Street in the morning and when people are coming home from work. There are many empty office buildings on Center Ridge Rd. and he is not sure why we need a brand new one. Westlake has a lot of empty office buildings as well. His biggest concern as now around this Planning Commission and transparency. He understands what is lawfully required, but he wonders why they wouldn't want to be more transparent and involve the community more. He said it sounds like this Commission is working for the developer and the audience members are the ones who are trying to voice their concerns. He thinks the Developer should be asked how they are going to support the citizens. To laugh off a traffic study when traffic is already a problem will affect the citizens. He said that he basically doesn't trust that the developer should have the traffic study done. He said that they couldn't see the presentation as the developer was discussing it and he thinks the City should be more upfront with the citizens. He asked how many tax incentives they will be getting. He asked that they please consider the citizens and put something here that they can use, such as restaurants.

10. Mr. Vince Hvizda, 2230 Nelson Park Dr., came forward and said he has been a resident of this community for 56 years and was also a councilman for 16 years in Ward 3, which is the area we are talking about. He was Chairman of the Planning and Zoning Committee in those years so he understands the residents' concerns. He has heard this before and he knows what the Planning Commission is going through. We don't like change and that is a fact of life. Conversely, there are other things that have to be dealt with relative to this particular issue. The Chairman alluded to the fact that this is zoned commercial so the zoning dictates what is allowed to be built in that particular piece of property. The issue was raised about traffic. The traffic problem started when the bridge was built cutting through Clifton Park in Lakewood, which made Lake Rd. a major artery for all of the western suburbs to get through and that has been going on for quite a while. We also have to deal with something that has been a problem. When he was a councilman, the area we are talking about was an eyesore and was always a problem. What he thinks should be said here is that we have an issue, which is a piece of property that is a worse eyesore because of the fire, etc. The question is what should be do with this particular piece of property. He said the issue about a Master Plan, which are put in place but they are not absolute and they are not etched in stone. They are plans to say that the public officials, together with the residents' input, to show how we would like to collectively see our city develop at a point in time based on the situation and what is available at that point in time. In the meantime, they have a fire that has added to the eyesore of this particular piece of property, so something

has to be done. We have a developer who has come in here. When you are talking about planning, there are two things that are critical. One is the project and the second is the developer himself. You can have wonderful plans, but if you have a lousy developer, the end result is not something we want to see after the developer leaves. He said that this particular project, if you want to see the developer's history, all you have to do is go into the City of Lakewood where Roundstone is currently located and they can see what they did with a church that was abandoned for 8 years. He spent a lot of money, he is a good neighbor and has the best interest of the community as well as the city at heart and he hated to leave that particular location. The business is growing and we should encourage growth. We have this section in Rocky River that is our little industrial area, which includes this stretch and Ingersoll Dr. These are the last remnants of what is left in Rocky River in terms of re-development. He can appreciate the concern of the residents who live on Lake Rd. who have spoken before. But somewhere down the pike, we have to understand that we want something built and we have rules set up. Regarding transparency, there is an old military term that, "Someone always doesn't' get the message." He thinks this Commission is doing a good job trying to recognize the people's concerns but at the same time the people have to understand that there are certain guidelines that this Commission has to follow, such as rules that say what the zoning is and what is permitted to be built there and here is the best project we have come up with relative to this area.

11. Mr. Matt Parnell, 551 Linda Street, came forward and said that he could not rent the house that is located on his property as an office because office is not allowed in that zoning. He is not against the project because he thinks it is a good one. The site literally blew up and someone could have died but nobody is taking that into account. He said that there was a Fisher Fazio where Whole Foods went in and everyone was worried about the traffic. He said it has always been bad and he doesn't think it has changed that much. He suggested that they hold the trees back so that the line of sight for kids or people can be maintained for safety purposes.

12. Mr. Andrew Rabkewych, business owner of Cravings Café, 19701 Lake Rd came forward and said that his wife has been running Cravings for 10 years. Cravings does not own the land and they are just the tenant. If they were the landlord they would not be moving. He said this project is made up of more than one piece of empty property. He has been to a few of these meetings to listen but some commentary was about the drive-thru at cravings and how much traffic that creates. On average they do $8,000 per week in carryout, which is a $40.00 average ticket, so 200 cars per week divided by 6 days, is 34 cars a day, which is a big difference than 250 cars. He said that people are not aware that just one 44' building going up, but there are two 44' buildings are being proposed. He said that nobody seems to know what's going on next to Bearden's either. He said that a lot of their customers are unaware of the mass amount of new traffic that would be happening if both projects are approved at the same time. There will be cars cutting through the Linda off-shoot to get to Lake Rd. He said that it seems the sentiment in the room is that a lot of people were not aware of what is going on and how big both of these projects are, and to bring 250 parking spots and two 3-story buildings on Lake Rd. within ½ mile of each other, will feel like Lorain Avenue. People like Lake Rd. because it is Lake Rd. He said it is a beautiful building but it is the wrong spot.

13. Ms. Lauren Reiter, 539 Linda Street, came forward and said that this is one of the homes that would be demolished. It is owned by Imagine Homes. She, her husband and her three children live in the front home. The back parcel at 539 Linda Street is a separate, unattached home and that family, which is comprised of a mom, dad and two small children will be displaced as well. She has 3 children in the Rocky River City School District, at the Middle School, at Kensington and one at Goldwood. They love their district and how centrally located it is and how walkable and safe it is. This project is forcing them to relocate and she hopes that they consider her and her family and that there is a human cost to these projects and they are forcing others out.

A woman from the audience asked when this decision will be made. Mr. Bishop responded that it won't be made tonight and that it is a process. A woman asked if there would be another public hearing on this matter. Mr. Bishop responded that the BZA would have a public hearing if there is a variance, but this process allows just one public hearing. Other people were calling out from the audience and asking questions of the Planning Commission. Mr. Bishop said that he thinks the audience should stay and watch how this meeting unfolds so they can see the process. He said that the Planning Commission follows the Ordinances that are in place in the City of Rocky River and if anybody is not happy with that, they should go to the powers that be to discuss that, which is City Council. The transparency does not come from the Planning Commission, although that is how those here are interpreting it. Someone asked what the percentage of property that is zoned each classification. Mr. Bishop said that it is about 40 to 45% Local Business going back from Lake Rd., and about 55% at the back which is the R-5 zoning, which would allow for an apartment or condominium 50' tall. Someone said that they have a big problem because the Law Director knows the developer because they are so limited in their ability to voice their concerns. It sounds like they are trying to push this through.

Law Director O'Shea said that there was a lot of transparency when he said at the first meeting and in this meeting that he knows the developer. He said that he assumes the developer can make several copies of this and he doesn't want anyone to think that this is a secret document that nobody can see. It is all available for the public to see and if anyone has any evidence that they are not being transparent, they should call him. When the gentleman from the audience asked why we are limiting the number of public hearings, Mr. O'Shea said that there are laws on the books that they have to follow and they just don't get to make up their mind about such things. Mr. Bishop said that they are following the law and there are property rights that belong to owners so it is a two-way street. The Supreme Court has ruled many times in favor of property rights and some developer has the right to develop the property. Public hearings cannot go on forever and this Commission has a good flavor of what the concerns are and he doesn't think it matters if there are 100 people or 1,000 people here. In one public hearing, they get a flavor of what the concerns are.

14. Mr. Jeff Colah, came forward on behalf of the abutting property owner at 19765 Lake Rd., which is Nick's Auto Repair. He pointed out that the proposed curb cut cuts off their ingress and

egress to Lake Rd. from the east side of the property, which has been in effect since that property was developed 60 years ago as a gas station. There was an easement granted off of that property to allow the property where Cravings is located to be built. He said that this has been a use for 60 years, even if it is not recorded and it can't be turned off without at least some commentary. Chairman Bishop moved to close the public hearing.

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

5 Ayes – 0 Nays
Passed

Mr. Bishop asked if the parking garage would be able to be used for the Linda St. restaurant clientele and Mr. Conzelmann said that it would not be available to them. They will look into various options in order to be sure that it is not used. Regarding the easement that was just mentioned is shown on the site plan and Mr. Conzelmann said that there is no recorded easement. Mr. Bishop said that it is shown on the demolition survey and calls out a document number so he would like the applicant to address that. Mr. Conzelmann said they will look into it.

Mr. Bishop asked if it would be possible to eliminate the Linda St. access and Mr. Conzelmann said that they can look into that. Mr. Brooker said that the Linda St. access allows emergency and service vehicles to move through this site. Mr. Bishop said that there are ways to handle ingress and egress for emergency vehicles without having it for daily vehicles. Grass coated permeable pavers are a solution and there would be a key to unlock the access for fire trucks. Mr. Conzelmann said he is familiar with that remedy. He said that the value of the drive for people coming in and out of the site is not important, but emergency and service vehicles are important uses. Mr. Bishop asked that they explore that possibility.

Mr. DeMarco said he would like to make a few follow-up comments. He agrees and has voiced this at the previous meeting that traffic will be a concern here. He said that there is an agency that is part of the County called NOACA. They did a study of the Lake Rd. ramp coming in from Lakewood in 2022 and that study yielded 9,778 trips across this intersection on a daily basis. In addition to that, there is also similar data for the Detroit Rd. bridge coming in from Lakewood and that generated 11,648 trips per day. If those are added up, that is over 20,000 vehicular trips per day that could potentially be adjacent to this site. He said he wants to point out for the record, they have been talking about a maximum number of 250 parking spaces, half of which would potentially be occupied, which equates to less than 1% of the current daily traffic that goes by in this neighborhood. Mr. DeMarco said he would be willing to bet that a good percentage of that existing traffic is already going to Roundstone in Lakewood. From what he sees regarding added trips, he thinks a traffic engineer would look at his and say that it is probably not worth doing a study for it because the impact of the overall traffic for the area is negligible. However, he will support the fact that we should see a traffic study for this site.

Mr. DeMarco continued to say that he thinks Mr. Galang did a very nice job of identifying critical points in the Master Plan that this project can affect. However, he would also like to point out that this specific area is not a focus area of the Master Plan. It does not mean that we should not give it due diligence, and he would encourage us as a community, to voice our opinions regarding the City finishing Master Plan projects or looking at core projects. This triangle is ripe for a nice development. We see developments come in and it would be nice to see some cohesion here. However, this Planning Commission is charged with looking at the applications that are in front of them; this being one of them. As a community, he would like to encourage everyone to go to City Council, talk to their council people and voice their concerns with them. He encourages them to be good stewards of the community and show that you prize where you live. We should focus more energy and attention into developing these areas rather than piecemealing them together. We have all sat with these properties being vacant for 10 years but we are all residents of the City. He drives by this site every day as do the other Commission members. He encourages all of us to be good stewards of the community. He also agrees that as a City, we are not good about transparency, meaning identifying and communicating this type of information to the City. It is not a personal attack at anybody, but Lakewood, Bay Village, Westlake and Avon all do a better job. He encourages us as a community to voice these concerns to Council so that we don't wind up with these transparency arguments. He said that it shouldn't happen that a majority of people find out through Facebook. He encourages everyone to go to Council, voice their concerns and be good stewards of your community

Mr. Allen asked for a point of clarification regarding whether the screening of the mechanical units versus line of site would be a variance. Mr. Bishop said that screening of the units it is required and the Design Board can help the applicant with that. Regarding whether the first floor section converts from parking to office, Mr. Allen asked if they would have to come back to Planning Commission to expand the office portion. Mr. Bishop said that they would have to come back for any expansion and they would have to acquire additional land to consider doing that.

Mr. Bishop said that a lot of what they are hearing is speculation, and the only way to address this is by using pure statistical data and fact. He has been in this business for 25 years, and he believes that office buildings generate the least amount of traffic of any use. Retail generates 3 to 4 times that, and apartments generate at least double. This would give them the analysis that would say that the office truly does or does not generate less traffic or whether the apartment would generate less traffic.

Mr. Bishop said that he would like to make a motion to table this item. He would like the applicant to return with a traffic study that incorporates the new Kennedy building next to Bearden's in the trip count and he would like them to also provide an analysis that includes the other options that are permitted in the zonings of this project area. The applicant should do an analysis of the potential traffic if this property was developed as an apartment or a condominium project under our zoning for that site, compared to retail on the first floor with a potential for residential above it because that is what the site would allow. He encourages the applicant to

work with the Fire Department to see if they can eliminate the Linda St. drive. The easement should be worked out with the owners of the corner property, whether it is recorded or not recorded, or at least give them consideration. Mr. DeMarco seconded.

5 Ayes – 0 Nays
TABLED

The meeting adjourned at 8:20 pm.

_____ _____

William Bishop, Chairman Michael DeMarco, Vice-Chairman

Date: _____