

MINUTES OF MEETING
PLANNING COMMISSION
JANUARY 15, 2020

Members Present: Allen, Murphy, Long, DeMarco, Bishop

Presence Noted: Ray Reich, Building Commissioner
Michael O'Shea, Assistant Law Director

Chairman Bishop called to order the January 15, 2020 meeting of the Planning Commission at 7:00 P.M. in Council Chambers of Rocky River City Hall.

Mr. Bishop asked if there are any corrections to the meeting minutes of December 17, 2019. Mr. Long moved that the minutes of the December 17, 2019 Planning Commission meeting be approved as presented. Mrs. Murphy seconded.

5 Ayes – 0 Nays
Passed

1. KING WAH – 20668 Center Ridge Rd. – PUBLIC HEARING – Preliminary Review – Rooftop Solar Panels as a Conditional Use on Existing Buildings located in a Local Business Zoning District. Mr. Ed Hom, property owner, and Mr. Don Geitz, Architect came forward to present the project.

Mr. Geitz began by explaining that they are proposing to install 86 solar panels on the rooftops of two buildings. There is no sprinkler system in the building but it has a fire alarm system along with easy access to the rooftops in case the Fire Department needs it. The purpose of the panels is to save energy and Mr. Hom will be saving 27.86% over the years and the payback timeframe on his investment is about 7.9 years. One building is two stories tall and the other is one story tall, but the panels will not be visible from the street. There is a passage way on the rooftop to get from one building to the other.

Mr. Bishop said that he would like to proposal to reflect two different addresses because each building has their own address. Mr. Hom said that the other building's address is 20672 Center Ridge Rd. Mr. Bishop asked if there are any type of electrical or connecting type equipment for the panels that will either be on the roof or mounted on the ground. Mr. Hom said that it is his understanding that the system is fed directly into the electrical meter box on the back of the building and there is no extra external equipment.

Mr. Bishop said it looks like the proposal meets all of the requirements of Section 1131 of the Code and the Commission members agreed with him. Mr. DeMarco asked if the panels are directly fastened to the roof or whether there is a different way to attach them. Mr. Geitz said that they are installed with a special bracket and the weight of the panels themselves holds them down. Mr. Hom said that to the best of his knowledge, the panels are not fastened to the roof. Mr. Geitz said that they are anchored somehow. Mr. DeMarco said that there is a letter from a structural engineer that says that the anticipated load of the equipment itself should not be a concern as far

as wind loading goes. He wonders if there is any other sort of ballast that holds the system components down. The details provided by the applicant were reviewed by the Commission.

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

5 Ayes – 0 Nays
Passed

There being no members of the public present for comment, Mr. Bishop moved to close the public hearing. Mr. Long seconded.

5 Ayes – 0 Nays
Passed

Mr. Bishop moved to grant preliminary and final approval of the Solar Panels for the buildings located at 20668 and 20672 Center Ridge Rd., conditioned upon review by the Building Commissioner that the panels are properly attached to the rooftop and that there are no visible connections on the outside surface of the buildings. Mr. Allen seconded.

5 Ayes – 0 Nays
APPROVED
(Preliminary and Final)

2. RUFFING MONTESSORY SCHOOL – 1285 Orchard Park Dr. – FINAL REVIEW – Second Story Addition. Mr. Bob Bajko and A.J. Suever of HSB Architects, came forward to present the project.

Mr. Bajko said that they discussed the setback of the building in relation to the height of the new structure at the last meeting, and a survey from a previous project at the school was provided which verifies that. The visibility of the rooftop units was also a concern and it came up at the last Design Board meeting, as well. They submitted a digital sketch to the Design Board members following that meeting, which solidifies their position that the units will be less visible when they are added to the second floor roof.

Mr. Bishop asked if Mr. Bajko will walk them through the classroom count so that they can verify the existing 16 classrooms and the new total of 19 classrooms and how they arrived at that. This is in order to verify that they have adequate parking with the addition of the second floor spaces. Mr. Bajko reviewed the classrooms that exist and then presented which classrooms will be combined, lost, and added, as well as which classrooms will be empty except for a music or flex space that brings students from another classroom, so it is not counted. The applicants demonstrated that there will be 19 classrooms in total when the project is completed and the Planning Commission agreed that the parking that is provided on the site is adequate. Mr. Bishop said that they are basing this review on good faith that there will be 16 classes total, but theoretically, they could add additional students to have 19 or 20 classes and it would change the

parking calculation. Mr. DeMarco said that they are basically doing their parking calculation on classes and not classrooms. Mr. Bishop said that the question is who in the City will be able to monitor the interior space and number of classes in the future. Mr. Bishop said that they are basing this on good faith that the enrollment will not increase, which will cause the need for more classrooms or staff. Mr. Bajko said that there has been no increase in classroom roster or teachers. Mr. Bishop asked the other Planning Commission members if they are happy with the way they have counted the number of classrooms. Mrs. Murphy said that the applicant has previously represented that there are no plans in the foreseeable future to expand the current enrollment. Mr. Bishop said that there are 42 parking spaces on the site, which means they could theoretically gain 2 more classrooms before hitting the maximum parking required. The Commission is satisfied that they have calculated the parking correctly based on the interior space. Mr. Bishop mentioned that the survey they provided was done by an architect and not by a surveyor. As far as he can tell by adjusting the scale, the proposed building is 28' high and it is located more than 56' from the rear property line.

Mr. DeMarco said that there is a site plan that shows a visibility study that the applicant did from two houses to the north of the school but no houses to the south were studied. He thinks the Baldwin Lane properties sit up a little higher than the school's property, so they may have a different view of the rooftop units than the people on the street to the north. Ms. Suever said that the Design Board said that they were only concerned with the northern houses so that is how they proceeded.

There being no further discussion, Mr. DeMarco moved to grant final approval to Ruffing Montessori School, 1285 Orchard Park Dr., for a second story addition. Mr. Long seconded.

5 Ayes – 0 Nays
APPROVED

3. VALVOLINE – 21114 Center Ridge Rd. – PUBLIC HEARING – Preliminary Review – New Commercial Building with a Drive-Thru. Mr. Dave Budge of WXZ Development, property owner, came forward with Jason Hunt of Valvoline and Kelly Schweiderman, project Engineer came forward to present the project.

Mr. Budge said that they were before the Planning Commission on a previous date for a pre-preliminary review and had a discussion of issues related to circulation, access, parking, the retaining wall in the front, and traffic on and off the site. There was a recommendation that the building go before Design Board for feedback on the elevations and the look of the building. What they are presented today reflects the feedback from Design Board on the look of the building and changes that they incorporated. They have since worked out an access agreement with the property owner next door and he is present at this meeting. They now have the ability to have vehicular traffic go through a portion of the site next door to the west and also to the north. He added that the easements are in writing and available for the Commission's review.

Mr. Hunt reviewed what they have done since the last review. They moved the rear parking stall on the north of the site back to the setback line as discussed, which gave them the ability to increase the rear drive aisle to 22' wide, which was a big issue. They have also changed the dumpster location now that they have flow back out to the north of the site and traffic moves easier through the site and back out onto Plymouth Dr. They moved the parking to be 10' from the face of the building when they originally had 2 handicap parking stalls that were encroaching on that requirement. They added the fence along the retaining wall across the front that is 3' high and they have added a detail of what they are planning to install there. There is additional landscaping that was added for fall prevention and that will obscure the headlights coming out of the drive-thru. Design Board wanted them to add full height brick to the building and brick up the pilasters, so they have pulled the brick all of the way to the roof on the tower. They also added score joints behind the sign of the EIFS panels at the Design Board's request.

Mr. Bishop asked what the distance is from the back of the sidewalk to the ornamental fence. Ms. Schweiderman said that they show the distance of the fence from the right-of-way line. They are 1' from the hedges and another 1' to the fence. Mr. Bishop said that he is trying to determine if there is enough space to landscape between the sidewalk and the ornamental fence because Code requires that the ornamental fence in the front setback must be adequately landscaped and provide detailed requirements. He said that he questions whether there is adequate space in practicality to install the landscaping. Ms. Schweiderman said that they specifically spoke with the Landscape Architect and he chose a bush based on the tight distance. She said that there will be the edge of the right-of-way and then 1' for the hedges, and then the fence, and then the 2.5' drop in grade at the retaining wall. The fence goes on top of the retaining wall and goes the length of the retaining wall until they are back at grade, which is at the southwest corner of the site. There will be curbing along the entire site with pavement. Mr. Bishop said that he thinks the detail of the fence itself is fine, it's just a question of whether they can landscape it adequately enough to essentially hide it. Ms. Schweiderman said that they will review the Landscape requirements for the fence before the next meeting.

Mr. Bishop reviewed the sign requirements with Planning and Zoning Coordinator Straub. A sign on the rear elevation is not permitted when it faces residential. An additional sign is permitted on the side elevation because this is a corner lot. Mr. Bishop asked about the steel doors that are facing Plymouth Dr. and Mr. Hunt responded that they lead to the mechanical room. Mr. Bishop asked if there is a way to make them look less industrial on that prominent elevation. Mr. Hunt said that they can certainly do that. Access to the oil bins and drums in the pit of the building through the smaller access hatches was discussed. Mrs. Murphy asked that the applicants please bring a more detailed drawing of the area where the fence is to be located, complete with dimensions and what type of plants will be installed based on the Code. She reminded them to be mindful of the possibility of snow being piled in that location and plantings that will shield the fence year round. Mr. Bishop said that landscaping does a lot for this plan and he thinks that bringing the landscaping around the corner will look nice.

Mr. Bishop moved to open the public hearing. Mrs. Murphy seconded.

5 Ayes – 0 Nays
Passed

There being no members of the public present for comment, Mr. Bishop moved to close the public hearing. Mr. Long seconded.

5 Ayes – 0 Nays
Passed

Mrs. Murphy moved to grant Preliminary Approval to Valvoline, 20114 Center Ridge Rd., for a new commercial building with a drive-thru, contingent upon a detailed review of the area in front of the ornamental fence, with dimensions as well as a copy of the Easement Agreement any other requirements discussed tonight. Mr. DeMarco seconded.

5 Ayes – 0 Nays
APPROVED

4. JOHN CHANDLER – 387 South Island Dr. – PUBLIC HEARING – Preliminary Review – Single-Family Detached Grouped Dwelling Development. Mr. John Chandler, Property Owner, came forward to present the project.

Mr. Chandler began by explaining that they submitted a new drawing from Reitz Engineering to show the coverage calculation for the dwelling units and impervious surface. Those calculation do not exceed the maximum coverage percentages. They also included an aerial view and a more detailed plan of what a dwelling unit would look like. Mr. Bishop said that they have provided more detail than the pre-preliminary review and it does not look like a whole lot has changed. He asked if they started the reciprocal agreements and Mr. Chandler said that their attorneys are looking at that now and they will be submitted to the City for approval. He added that the buildings will have to be sprinkled according to the Fire Department's review. They will initially construct just one of the residences. Mr. Bishop said that since they are looking at this project as a whole in a detailed development plan, the foundation of the first home would ultimately control how they build the second residence in order to stay within maximum lot coverage percentages for the entire project, and Mr. Chandler agreed. Mrs. Murphy asked about lighting and Mr. Chandler said that the lighting will be on the houses and there is no common lighting for the sites.

Mrs. Murphy moved to open the public hearing. Mr. Long seconded.

5 Ayes – 0 Nays
Passed

Mr. Marcel Mylen, 421 Riverdale Dr., came forward and said that he has a written statement he would read for the record. He said that he is the person most impacted by this project. He is also the person most impacted by the other project that was approved in 2016, which is still not finished and is a misery to live through. He read his prepared statement which outlines his

concerns about the construction in the neighborhood in general, and about the unfinished projects he has seen happen over time. He specifically detailed the problems with the single-family detached grouped dwelling development owned by the Doyle and O'Donnell families on Riverdale Dr. They feel that the City, the Building Department and the developers do not care about the welfare of the citizens living close to these building projects. The City continues to let this uncoordinated development project drag on with no end in sight that is causing major inconveniences and harm to residents of the neighborhood. The project before Planning Commission is within 10' of his property line at a time when they are also planning to perform a Riverdale roadway expansion and resurfacing project. He wants to know how the City plans to ensure that this development does not drag on and on and negatively impact the lives of anyone living in the neighborhood. He also wants to know how the City will ensure that this new development does not cause destruction to the new Riverdale roadway resurfacing project like the prior project has caused substantial damage to the existing roadway. He thinks that the placement of two very large structures on this very small parcel will block a substantial amount of northeast riverfront view and air flow. The project will cause substantial value destruction to his property and impact quality of life to anyone living in this home. He wonders whether the 10' setback from his property is standard, per the Code. It looks as if the new home will be placed very close to the river seawall but the river regularly floods over the seawall on this property and the ice sheets push into this property during the winter due to the bend in the River. He fears that rain runoff and flooding waters will be directed toward his back yard and he will have to deal with it. He wants to know how they will enforce adequate drainage and grading on this property to be sure no water runoff moves to surrounding properties. There is a small sliver of land by the river which separates the northeast edge of his property and the proposed Chandler development, with permanent parcel number 301-09-099, which is owned by Larry Waitzman. The parcel is covered by a concrete pad that is eroding due to floods, etc., and it needs to be addressed before it causes destruction to surrounding property. There is an easement over the Chandler property for the benefit of the owner of that parcel for access and use because it is landlocked and he does not see how that access will remain open. The City needs to do a better job holding the project developers accountable to staying on schedule and for the damage they are doing to the neighborhood and the daily lives of the residents living near them. He thinks a building bond or other capital requirement should be held in escrow to force the developers' compliance with building timelines and compensate other homeowners who are harmed by their development and delays. He objects to the subject project being approved at this time due to his comments and the unfinished work currently underway in the Yacht Club basin that they all have to deal with.

Mr. Bishop said that about 99% of Mr. Mylen's comments are not under the Planning Commission's purview because they just look at projects based on their merit in relation to the Code. Property owners have property rights that they have to be sensitive to as does Mr. Mylen. Unfortunately, they cannot act on Mr. Mylen's complaints, which certainly seem valid. Assistant Law Director O'Shea suggested that Mr. Mylen submit his letter to Law Director Bemer so he can address it and work with the Building Department on these issues.

Ms. Pam Ghaster, 359 Riverdale Dr. came forward and said she is located in the direct path of construction vehicles and she has endured thousands of dollars in damage to her house. There are

cracks in her walls, her foundation is shaking and the carpet on her lower level is completely bunched up. The City will be spending \$1.3M starting in two months on Riverdale Dr. and she is not sure why they would be doing that with the construction that is still going on and has for the past 4 years. There is no timeframe on when they are going to be finished. The Building Department literally hangs up the phone on them. She said that Rocky River has the worst Building Department she has ever seen. There are many property maintenance issues and she wants to know how the house on this property is going to be taken down because it may even have asbestos. The neighborhood is a disaster and there are million dollar properties located there. There is no greenspace and no parking left.

Ms. Mary Deery, 411 Riverdale Dr., came forward and said that her property is right behind where the construction site will be. She is very concerned about all of the dirt and about foundation damage. She wonders how trucks will access the site and how her tenant will be able to access the property through the back door entrance. She wonders about the trees and the hill that is labeled as parcel #3. She is concerned about all of the filth and dirt that will engulf her house. With all of this construction along with the widening of Riverdale, she wonders how anyone will be able to get in and out. She will not be happy if she loses a tenant over this mess and she asked what the timeframe to start the project is and how long it will take.

There being no further comments from the public, Mr. Bishop moved to close the public hearing. Mr. Long seconded.

5 Ayes – 0 Nays
Passed

Mr. Bishop called Mr. Chandler forward again. He said that for the audience's sake, he would like to say that Mr. Chandler owns a property that he is entitled by law to develop. For the most part, this project complies with the Code in every way. Unfortunately, most of what was stated in the Public Hearing does not fall under the purview of the Planning Commission. Their tasked with reviewing the projects for Code compliance and then the projects then get handed off to other departments to be permitted and monitored. Property owners in the area also have property rights to take actions against the parties who are damaging your property civilly and Assistant Law Director O'Shea confirmed that.

Mr. Chandler said that he is here on behalf of his wife's trust who owns the property. He understands and appreciates the closeness of the houses and the narrowness of the roadways in the area. This property will not continue as a marina, which is how it is currently being used. They are choosing to construct 2 homes and they are not asking for any variances. They will maintain a greenspace on the hillside, so it will be kept intact. It provides for 4 additional parking spaces, in addition to the 2 parking spaces in front of each home. This will mean there will be outdoor parking of 8 spots and will provide a better access to get in and out of the property. Their goal is to landscape the hillside and their hope is to keep some of the trees. The setbacks are all within Code, while the neighbors on either side are closer than that to the line. He offered that the neighbors can call him personally if they have any issues while the development is happening.

Building Commissioner Reich said that there are no ordinances forcing the developers to have construction finished in a certain amount of time and there is no expiration on Building Permits. Mr. Bishop said that this developer is experienced and knows for the most part how to run a project and bring it from the beginning to the end. The problem they have with the current development is homeowners trying to act as the general contractor or builder without any experience, or perhaps they don't care. He is confident that there is a way all of it can be addressed and he understands the concern that the future will bring more of the same.

Mr. Chandler said he wants to address the issue of raising the grade. The seawall and the flood plain elevation is determined by the mapping of the flood area from Reitz Engineering and it is noted on all of the drawings from Reitz. They are maintaining the grade and are not looking to raise it. The design of the home puts the first floor living space one full story above the garage space. Regarding the issue of demolition on the existing home, Mr. Chandler said that they have not done anything to explore the possibility of asbestos but their goal is to have it assessed. Building Commissioner Reich said that dust control will be the responsibility of the demolition company and because this is only one house, the EPA does not require asbestos abatement. They only require asbestos abatement when 3 or more houses are being demolished.

Discussion was had relating to the triangular piece of property and whether an easement exists but Mr. Chandler said that their research, as well as information from the title company, shows that there is no easement of record across their property to that property. There is a picnic table and an old dock stored on the property and a tenant from the house of the owner keeps parking on the property. They keep threatening to tow and they have posted no trespassing signs. However, they have never physically towed a car. Mr. Bishop said that when this development happens, that problem will be solved.

Discussion was had relating to how long a Building Permit is good for and Mr. Bishop suggested that the homeowners contact their Council person and discuss the problems they are having with the current development with him. Mr. Bishop said that the timing on the widening of Riverdale Rd. is also something they should discuss with the Council person because the Planning Commission has no say in the scheduling of projects.

Mr. Allen asked the applicant to bring a landscaping plan for the property for the final review so they can see how they will handle the hillside. Mr. Bishop said that the Law Director will have to approve their reciprocal maintenance obligation, which is basically simpler version of an HOA.

Mr. Bishop moved to grant preliminary approval to John Chandler, 387 South Island Dr., for a Single-Family Detached Group Dwelling Development, subject to all of the comments made by the Planning Commission as it relates to the reciprocal maintenance agreement, landscaping plan and any other items that are reflected in them minutes being addressed to the Commission's approval at the final review. Mr. Long seconded.

5 Ayes – 0 Nays
APPROVED

The meeting adjourned at 8:30 p.m.

William Bishop, Chairman

Michael DeMarco, Member

Date: _____