

MINUTES OF MEETING  
PLANNING COMMISSION  
OCTOBER 20, 2020

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

Presence Noted: Andrew Bemer, Law Director  
Ray Reich, Building Commissioner  
Kate Straub, Planning and Zoning Coordinator

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Chairman Bishop called to order the October 20, 2020 VIRTUAL meeting of the Planning Commission at 6:00 P.M. via ZOOM.

Mr. Bishop asked if there are any comments on the August 18, 2020 Planning Commission meeting minutes. Mr. DeMarco moved to approve the August 18, 2020 Planning Commission meeting minutes, as presented. Mr. Allen seconded.

4 Ayes – 0 Nays – 1 Abstain (Meyers)  
Passed

**1. ROCKY RIVER CITY SCHOOLS (Kensington Intermediate School) – 20140 Lake Rd. – PUBLIC HEARING – Preliminary Review – 6’ Tall Ornamental Fence with Motorized Gate.** Mr. Sam Gifford, Executive Director of Support Services for Rocky River City Schools is present to discuss the project. Also in attendance is Neil Czaplicki, Rocky River School Resource Officer.

Mr. Gifford began by thanking the Planning Commission and explaining that the current fence does not provide the safety and security that they believe is necessary for students and staff at Kensington School. They performed a safety and security assessment and this is one of the areas they identified as needing to be addressed. They work closely with the Rocky River Police Department and Rocky River School Resource Officer Neil Czaplicki is in attendance. They are all in agreement that this is a necessary safety step that probably should have been done a long time ago. The gate will be a mechanized pocket style gate that will be controlled by activators to open and close it when necessary. It will be closed during the day and there will no longer be parking in that area for staff. If it were open to staff, it would only be open for minutes in the morning for staff to get in and then closed. Staff would not have the actuators to open and close the gate so if a car were parked in there, it would be there for the whole day. The gate would open for a short time in the evening to release cars if they happen to be back there. The custodial staff, principal and the main office will have gate actuators, as well as the Rocky River Police and Fire Departments.

Mr. Gifford explained that there will be two person gates, with one along the Falmouth side and one in the portion of the fence that runs between the building and the residents on the east side of the building. He does not necessarily have people working on the weekends to lock the person gates, but he will check on that. The person gates will be locked in the evening during the week. They will have signage posted and they have spoken to the RRPD and they will do more patrols. People mostly show up there at night in cars and park in the lot, so the gate being closed should deter that behavior.

Mr. Bishop asked what the need for the fence to be 6' tall is, as opposed to a shorter one. Mr. Gifford said that 6' is the recommended height for safety and security and a shorter fence would not be the deterrent they need to protect students and staff on a daily basis. He said that the fence is the same size that is installed at the high school stadium but there will not be brick pillars associated with this fence. Officer Czaplicki added that he thinks it is very important to have the fence be at least 6' tall for security to deter people from trying to get into that area. Mr. Bishop asked if any other Board members have any concerns relating to the setback of the fence as proposed. Mr. DeMarco said that he does not have a problem with approving the 6' tall fence if it can be set back 5' from the sidewalk. Mr. Bishop and Mr. Allen agreed that a greater setback will soften the look of the fence at the sidewalk. Mr. Capka asked how far the fence will be set back that is currently along the neighbor's property. Mr. Gifford responded that the section of fence that Mr. Capka is referring to will not be replaced until a possible second phase is implemented. He is proposing to set back the new fence 2' from the sidewalk, but he said that he could probably set the fence back 3' from the sidewalk and he will move the piece of equipment that is there for handicapped students so that he can accommodate the fence. Mr. DeMarco asked if there is an opportunity to add a couple of brick piers to this fence and Mr. Gifford responded that adding brick piers is not at all in the budget. Mr. Allen would like to see the softening along Falmouth Dr. because pushing it off of the sidewalk more will help to mask the grade change along there. He asked if the person doors and the gate will work off of the same activators. Mr. Gifford responded that the person doors will just have regular latches that may have padlocks or key locks on them and the police and fire departments will have the keys. Mr. Allen said that they have been discussing the ability to deter people from getting into the area that will be fenced, but he also thinks an important consideration would be to add another person gate at the very north end of the long stretch around Falmouth Dr. in order to funnel people out easier in case they needed to get out.

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

5 Ayes – 0 Nays  
Passed

Mr. Chris Steiner, 345 Falmouth Dr., said that he and his wife are the neighbors to the north of Kensington School. He is supportive of the fence and has spoken to Mr. Gifford regarding the importance of security. He said they also discussed the safety issue of teenagers at 10:00 and 11:00 p.m. lighting off fireworks and they were hoping if they can use this as an opportunity to secure the area after dusk on weekends, which is when most of that activity occurs. Officer Czaplicki said that he has been with the Rocky River Police for almost 10 years. He agrees that weekends and evenings in the summer and during breaks has caused a lot of issues with the playground and people scattering things around from the dumpster. They have had kids drinking there and they have found knives on the playground, as well. He thinks that there are a lot more benefits with this project than there are negatives.

There being no further public comment, Mr. Bishop moved to close the public hearing. Mr. Allen seconded.

5 Ayes – 0 Nays  
Passed

Mr. Allen asked Mr. Gifford to explain when the gates will be locked. Mr. Gifford said that there will be custodial staff working in the buildings and he will have to work out a schedule for the weekends so that they can lock the gates on a Friday night but have them open for a Saturday or Sunday afternoon. They will lock them during the week days at dusk and signage will be posted to indicate that.

Mr. Bishop moved to grant preliminary approval for a 6' fence as presented, with the condition that the members of the school administration study how far the fence could be moved inward from the sidewalk for the final review. Mr. DeMarco seconded.

5 Ayes – 0 Nays  
APPROVED

**2. GREGG MYLETT – 19960 Ingersoll Dr. –PUBLIC HEARING –Preliminary Review – To Locate Shorebird Brewery in an Existing Commercial Building.** Architect Dave Maddux of The Arcus Group Architects is in attendance to present the project. Also present is Gregg Mylett, property owner.

Mr. Maddux began by explaining that he is representing the property owner, Gregg Mylett and GKHE Properties who owns all of Ingersoll Dr. as well as the entire CVS Plaza on Detroit Rd. He said they would like to continue the discussion of the last time they met regarding a brewery on Ingersoll Dr. This seems to be a perfect blend of uses in this warehouse and industrial street and it is their desire to develop and improve the entire Ingersoll Dr., beginning with this tenant space.

Mr. Maddux shared the screen and explained the tenant spaces along this northern section of Ingersoll Dr. The plan is to develop a use with the majority use as a warehouse/brewery, but with a tap room in addition to it. The tap room would be in the front half of the building.

They will require 37 parking spaces based on the combined uses, which is a higher number than what they think they may actually need. Based on their use and square footage, Mr. Maddux said that they will need 10 spaces for the brewery function itself, but in actual terms, they will probably have 4 to 5 employees. There are 27 spaces allotted for the tap room usage. To accomplish the parking requirement, they are planning to do head-in parking on the north side of Ingersoll Dr. with 2 handicap spaces and 8 additional parking spaces for brewery use. There will also be 27 head-in parking spaces on the south side of Ingersoll Dr. They own all of Ingersoll Dr. so they can handle parking any way they are required to on the site.

Mr. Maddux discussed the floor plan and said that they have rear access both for ingress and egress of materials and trash collection and there will be brewery function on the back side, a cooler along the west side and a bar that lines the cooler there. They are proposing a modest tap room in the middle and there will be restrooms and the entrance along the right hand side. They are planning for the ability to have outdoor seating and they are working through the exact configuration of the covering of that. Their approach is brewery first and tap room second. They feel that the use is in sync with what the existing use of the street is and he thinks it works with what the Master Plan had hoped would happen along this street and in tying into further east on Linda St. where Market and Wine Bar are.

Mr. Maddux described the elevations and showed inspiration photos of the proposed warehouse space. There is a loading dock ramp that currently services their space as well as Paragon Fitness' space, which will be eliminated, filled in and they will rework the front. They will create a series of overhead glass/aluminum doors so that they open up the tap room space and connect it to the outside for a more interesting elevation. There will be typical warehouse industrial elements such as exposed steel and a very appropriate looking entrance door system. There will be a low wall that encloses their outdoor space that will consist of gabion caged rocks to provide a shoreline atmosphere. The Shorebird branding is meant to be consistent with the Rock River nearness to water. Shorebirds are birds that live on land but get their food from the water, so it is an appropriate branding element. Mr. Maddux showed some additional branding elements on screen. They are working with Richardson Design on some of the branding, as well as the interior design elements of the space. He highlighted some of the visual inspiration they are using for the interior and exterior elements of the brewery on screen. They are striving for a casual, relaxed, upscale brewery type of feel and he discussed inspirational features and images of both the interior and the outdoor space.

Mr. Bishop asked if there is a plan to have a kitchen or food at this point. Mr. Maddux said that there is not a plan for a kitchen, but the discussion of how they might serve food is ongoing, but this will not have a full kitchen and a restaurant. They are looking at some of the breweries around this area, such as Sibling Revelry, which has a pizza/food truck on the site and they looked at how they could entertain that concept with this outdoor space serving under the canopy. However, that concept is an ongoing discussion.

Mr. Capka asked about the streetscape relating to sidewalk accessibility for pedestrians with parking that will be adjacent to the sidewalk in front of the brewery on Ingersoll Dr. Mr. Maddux said that they presented a possible next phase when they were before them last time which could involve the elimination of a couple of buildings and extending streetscape that way. Their intent is to eventually develop the entire north and south sides of Ingersoll Dr. They anticipate maintaining a consistent sidewalk that that would allow people to walk the entire street, between Smith Court and connecting to Linda St.

Mrs. Meyers asked about whether there will be any area to add bike parking somewhere. Mr. Maddux said that Mrs. Meyer brought up a great point and that bike parking is something that can be accommodated between the sidewalk and the gabion wall.

Mr. DeMarco thanked the applicants for the branding package they provided and he loves the design approach they are going for. He would really love to see it spur the development of the entire street, and he hopes this preliminary concept becomes the design language for the rest of the development. He asked about the plan for the hours for the brewery. Mr. Maddux said that the Scott Mitchell is the brewer and he is also present, so he can comment on that. Mr. Mitchell said that the brewing activities are done before the tap room opens. During the week, it will open at 4:00 p.m. and at noon on Saturday and Sunday. There will not be any production done on the weekends. They will close at 10:00 p.m. Monday through Saturday and 8:00 p.m. on Sunday. Mr. DeMarco asked what the mezzanine area is for in the drawings. Mr. Maddux said that the mezzanine will be new construction over the bathrooms and will be the brewer's office space and a breakroom.

Mr. DeMarco said that they discussed the use last time and determined that the service portion is not a permitted use in Service Manufacturing zoning district, but the production part is permitted. He thinks this is a great project and they need to figure out how to allow both uses. Mr. Maddux said that the food is a non-issue at this point, and that they may only serve hot pretzels or cold foods and nothing that involves a commercial kitchen or prep of any kind. Mr. DeMarco said that he wonders what square footage percentage would be considered as an incidental use like in the Building Code. He thinks that they are showing the tap room space as more than 10% and he is not sure what the acceptable threshold for that use is and he wants to be sure that they establish that the production and distribution is the primary use and the tap room part of it is the incidental use.

Mr. Maddux said that per building code, the incidental use threshold is 10% but he does not think that is the "planning" approach to things. They are a brewery first and the tap room is more secondary. In their long term plan, he said that they discussed and have been encouraged by this Commission to proceed with rezoning the entire properties. Mr. Bishop said that he does not think that rezoning would hold up the process moving forward if they knew that this particular project complied with the existing Service Manufacturing district. They have to decide how much of the use is dedicated to the primary use and how much is dedicated to the incidental use. Regarding the current Covid-19 mandates, Mr. Maddux said that open air air circulation is the model that they are searching for and the reason why they show a number of garage doors that can be opened up to allow air circulation throughout the building.

Discussion was had relating to the indoor component and seating capacity of the tap room and the potential rezoning based on what fits with the long term plan for the entire north side. Mr. Maddux said that they would perhaps consider minimizing the tap room to make it more of an incidental use in order to expedite this approval process. However, what is currently being presented provides a balance of brewery and tap room that they see as a successful combination. The Commission discussed having the main use be the tap room and the incidental use be the brewery in order to provide more options to come up with a better zoning district fit for this establishment. Mr. Maddux asked if there is an avenue to phase the approval process by

minimizing the tap room to allow them to move forward with the brewery construction part. Mr. Bishop said that the brewery is not an issue as far as zoning is concerned.

Mr. Bishop said that he recommends that the applicant remove the tap room to give the Planning Commission some time to study what the options are for the tap room and outdoor dining area so that the brewery portion can move forward. If they were to pursue rezoning the north side of Center Ridge Rd., he thinks that either Local Business or Office zoning are appropriate to allow for permitted uses that are not as wide-open as General Business uses are, such as a drive-thru and big box stores, etc. Mr. Maddux said that the way it is drawn now, the interior tap room space is 21% of the build-out space.

Mr. Bishop said that the problem is that the outdoor space adds a lot more percentage devoted to the tap room space and that they could perhaps be limited to the indoor space or outdoor space, but not both. Mr. Allen suggested they allow them to keep the bar and cooler space for tasting purposes and delivery of to-go orders, along with just the outdoor space until this works itself through. Mr. Maddux said that they have no problem doing that. Mr. Capka said that it makes a lot of sense to him to do it that way and it is a very good idea to take the time for a comprehensive look at the street. Mrs. Meyers agreed and said that the plan looks very good and she is excited for the future of the tap room because she feels that it is a perfect fit for this space. Mr. DeMarco likes the idea of doing a phased approval, as well and said that the brewery portion could be up and running and then be grandfathered into the local business or office use rezoning. He asked if there is a way to physically partition off a future tap room so they can come back to the space later to be redeveloped as a tap room exclusively at some point in the future. Mr. Maddux said that they were thinking of keeping it very open and he is not sure that partitioning it off would be necessarily the best design intent.

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

5 Ayes – 0 Nays  
Passed

There being nobody from the public present, Mr. Bishop moved to close the public hearing. Mr. Allen seconded.

5 Ayes – 0 Nays  
Passed

Mr. Allen brought up the fact that there is nowhere in the Code that addresses parking for outdoor seating and said since the Code doesn't acknowledge it, he would say it could be defined as incidental. Mr. Bishop said that he thinks the Code anticipates that the people who are seated indoors will be outdoors and it doesn't affect the parking. Mr. Allen asked Mr. Maddux about sheet A-1 and whether he is proposing to stripe the north portion of the street and Mr. Maddux responded that he is not intending to stripe that portion. Regarding the south side of Ingersoll Dr., Mr. Allen brought up island requirements for parking lots and will want to address that to avoid so many parking spaces all in a row. Mr. Maddux responded that they are not sure what they will

do with the south side of Ingersoll Dr. They will develop the brewery for now, and if they end up doing something different on the south side, they will have to accommodate parking for those spaces as they move forward. Mr. Bishop suggested they look at the section of the Code that talks about landscaping in parking lots. Mr. Maddux clarified the part of the plan that is labeled, "Future opening to adjacent space." He said the Auto Parts space next door is currently under lease for the next 3 years and they are allowing the possibility of expanding into that space without having to take the restrooms out. However, there is no immediate plan to do that and it is just allowing for the possibility. More discussion was had about the inside counter space and access to behind the bar and Mr. Maddux said that they are still working through the design of those things.

Mr. Bishop said that he would be satisfied with allowing the service counter and some reduced indoor seating and some limitations on the combined indoor/outdoor seating so that at any one time, the capacity is limited until they work this out. Mr. Allen said that he feels that the service counter is incidental and included in the project. If Shorebird came to the City and said that because of Covid-19, they want to get people outside and put a tent where the covered terrace area is, he believes that the City would allow that to take place. He asked why they wouldn't just approve that now at the beginning rather than them having to come back for it. Law Director Berner said that since we are going through revisions to the Code, he has some degree of confidence that when the Code modifications come, this will basically be a permitted use.

It was decided among the members that it would be best for the applicant to withdraw the full-scale tap room and just have a tasting bar and provide a covered terrace that is undefined at this point because it is a very important part of the architectural elements and they need some time to sort out how this could work under the Code. The outdoor seating should be removed for the final review.

Mr. Bishop moved to grant preliminary approval for a brewery that will include a service counter with approximately 15 stools, which will be considered accessory use to the brewery and the covered terrace should remain as an important architectural element to the design concept for the development plan. The applicant understands that they will remove the tap room and terrace seating as a condition of the approval of the brewery itself. Mr. Capka seconded.

5 Ayes – 0 Nays  
Approved

The meeting adjourned at 7:45 p.m.

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William Bishop, Chairman

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Michael DeMarco, Member

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