

MINUTES OF MEETING  
PLANNING COMMISSION  
NOVEMBER 14, 2023

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Members Present: Coyne, Wilson, Allen, DeMarco, Bishop

Presence Noted: Ray Reich, Building Commissioner  
Kate Straub, Planning and Zoning Coordinator

Council Members Present: Jeanne Gallagher, Ward 3  
Christina Morris, At-Large Council Member

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Chairman Bishop called to order the November 14, 2023 meeting of the Rocky River Planning Commission at 6:00 P.M. in City Council Chambers of Rocky River City Hall.

Mr. Bishop asked if there are any corrections to the Planning Commission meeting minutes of October 24, 2023. Mr. DeMarco moved to accept the minutes as written. Mr. Allen seconded.

5 Ayes – 0 Nays  
Passed

**1. ROUNDSTONE INSURANCE – 19621 Lake Rd – Review of signage and minor modifications.** Mr. Denver Brooker of Vocon came forward with Mark Conzelman, Developer, to discuss the project updates.

Mr. Brooker said that they are proposing to add 3 sun/shade structures on the third floor roof terrace. They have made some minor modifications to the ground level terrace and door configuration on the south face of the building. They are also proposing an exterior signage package for the project. They presented the signage and modifications to the Design Board last week and they received their approval. The revision the Design Board discussed was to construct the shade structures using wood slats in a back frame and that is what they did.

Mr. Bishop said that he is fine with the minor modifications and Mr. DeMarco said he takes no exception to them as long as the Design Board is comfortable with what is proposed. He asked if the size of the ground level terrace component has changed since their final approval. Mr. Brooker said that it was previously disconnected from the south face of the building but they added doors so they extended it to touch the building and now the doors can egress directly onto the terrace. Mr. Allen said he is glad that the Design Board looked at it and that it does not impact the visual step back on the north side of the building. Mr. Coyne and Mr. Wilson have no additional comments.

Signage was discussed next. Roundstone did not want any of the signs illuminated. The canopy mounted sign on the north side of the building is individual letters mounted on the edge of the canopy. There is an address sign at each of the driveway entrances on Lake and on Linda. There is an address and a Roundstone logo on the south face of the building. Mr. Bishop said that there

are details about illumination on the plans and Mr. Brooker said that it is an error, and it should not have those details, so that is incorrect.

Mr. Bishop said that the front address sign appears to be a little bit weak, and he would prefer an address sign like is at 700 Lake project, which is ground mounted with no posts. There is a base and then their address and it is a little more substantial. He said that it should be modestly landscaped around the sign because it would be considered a monument sign. He said that illumination on the address might be a good idea. Mr. Conzelman said that they would put a landscape light separately to shine onto the address on both sides along Lake Rd. Mr. Bishop said that they should make the note that the sign will be illuminated by external landscape lights.

Mr. DeMarco said that the typeface on the sign does not appear to be to branding standards and he said there is a note in the technical sign drawing that the spacing may change due to the actual font standard for Roundstone. He asked what the length of the letter set on the canopy is because he would think it would be more along the line of Roundstone's branding. Mr. Coyne added that the notes say that it will be black, but the picture looks more like a mill color. Mr. DeMarco would like to see what the front sign will actually look like, and Mr. Conzelman replied that the sign is being presented the way it will look. It was approximated that the sign is probably 12 to 14 feet wide. Mr. Brooker said that he will follow up with information on the overall length and height of the sign. Mr. DeMarco said he would appreciate that, and he is fine with handling it administratively. He prefers that it not to be open-ended regarding the length. Questions were asked about the colors of the letters of the sign and of the address sign. Mr. DeMarco said that he would like the applicant to make sure that all the details in the descriptions are correct and match the renderings.

Mr. Bishop moved to approve the minor modifications as presented. Mr. DeMarco seconded.

5 Ayes – 0 Nays  
Passed

Regarding signage, Mr. Bishop moved to approve the signage package as presented with a modification to the Lake Rd. address signage being a ground-mounted sign on a base similar to 700 Lake with applied numbers on both sides. There will be minimal low landscaping around the monument sign and external landscaping illumination. The canopy will be a mill color and the length will appear as presented in the rendering, but the total length of the canopy sign will be submitted to the Planning and Zoning Coordinator who will review the sign administratively for compliance with what was discussed before the sign permit is issued. Mr. DeMarco seconded.

5 Ayes – 0 Nays  
Passed

**2. ORDINANCE 81-23 – Mandatory Referral – PUBLIC HEARING – An Ordinance to Change the Zoning Classification of Certain Real Property known as Auditor’s Permanent Parcel No. 301-18-083 from its Present Classification of OB-2 Office to LB Local Business, as further described in Exhibit “A”.** Mr. Dave Budge of WXZ Development, came forward to discuss the proposal.

Mr. Budge explained that they bought 19340 and 19360 Detroit Rd. This is the former Jan Dell building, which is the commercial building and the single family house that is next door. He explained that Jan Dell was operating as a retail use in office zoning but he is not sure how long it was a non-conforming use. Their intent is to renovate the Jan Dell florist building and likely demolish the single-family home and build another small shop retail building next to the Jan Dell building. He said that this would make this area of Detroit Rd. consistent with the other two parcels which are zoned Local Business.

Mr. Bishop said that the OB-2 district permits 150’ in height and he is sure that nobody would want to see a 150’ tall building there. It also wraps the two local business properties so it makes a lot of sense to fill that corner out with Local Business. He is in support of this rezoning for those and other reasons.

Mr. DeMarco said he wants to point out a mistake on the zoning map which shows one of the properties on Parson’s Court as General Business but they are both actually zoned Local Business and this rezoning makes a lot of sense because of that. Mr. Allen said that he has no comments and feels this makes a lot of sense. Mr. Wilson and Mr. Coyne have no additional comments.

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

5 Ayes – 0 Nays  
Passed

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

5 Ayes – 0 Nays  
Passed

Mr. DeMarco moved to recommend Ordinance 81-23 back to Council with the clarification of the zoning map for those 3 parcels so that they are all Local Business. Mr. Allen seconded.

5 Ayes – 0 Nays  
RECOMMENDED

3. **PLANNING COMMISSION Discussion re: Ordinance 80-23.** An Ordinance Amending various sections of Rocky River Codified Ordinances Chapter 1163 Entitled “Office Building District Regulations”, as further described in Exhibit “A”.

Mr. Bishop said that this Commission referred this Ordinance to City Council, which is a complete revision of Chapter 1163 – Office Building Zoning Districts. City Council discussed this at great length and has sent it back to this Commission with the only modification made to it from a maximum height of 110’ permitted to a maximum height of 70’ in OB-2 zoning districts. He would like to incorporate the minutes from City Council’s October 23, 2023 meeting. It was clear that Council was wrestling with the height and there were suggestions of anywhere from 60 to 80’ and there was one council person who didn’t have an opinion and felt that Planning Commission should be the guide in this because he views them as the experts.

Mr. Bishop said that he is not sure that City Council has all of the experience needed to look at this in the very big picture. He does not mean that in a negative way, but the Planning Commission members deal with these things almost daily. He prepared a written statement in memo format for this meeting and he would like to attach his memo to these minutes, as “Exhibit B.” He read his memo into the record, which outlines the history of the zoning in OB districts and outlines the existing conditions relating to heights of specific buildings in the City.

Mr. Bishop said that there is a lot to be said for the history of what the zoning map shows us, which is 100’. He explained the logic behind getting to the 110’ as they first recommended, because the consultant had recommended a height abutting residential was 55’, so the 110’ was exactly double the 55’ height for OB-2. In our current Code, an R-5 allows 50’ in height and an R-6 allows 100’ in height, which is exactly double what the drop-down zoning is. He would like to stress that the recent consultant from the Cuyahoga County Planning Commission recommended 120’ height in OB-2 districts. In our current Code, an R-5 is permitted 50’ in height and an R-6 is permitted 100’ in height, which is exactly double what the drop-down zoning is.

Mr. Bishop said that at the very least, the OB-2 district should permit 100’ in height. This will honor the history of the zonings in the City and there is really no need for anything over 100’ because we don’t currently have any buildings that are 100’ tall. Anything lower than 100’ could potentially negatively impact existing properties and that is somewhat of a legal question or a taking of the lands question because they already have the OB-2 zoning, which gives them 150’. Law Director O’Shea said that he has the same concern as Mr. Bishop has.

Mr. Bishop said that the 35 or more parcels that were originally at a 100’ permitted height, they were given a gift of 50’. He spoke of the existing building on the southwest corner of Center Ridge and Linden Rd. (20525 Center Ridge Rd.) and said it is an example of what a 100’ building would look like at the setbacks that would be permitted.

The proposed height at 100’ gives an applicant some flexibility in design. If height is limited, there is an economic process that developers go through, and without flexibility in the height, it

will lead to potentially less of a project than it could be. There are other parameters that guide the development of a property, such as setbacks, lot coverage, parking requirements, and even how it may affect surrounding properties. In response to 70' recommendation by Council, he said it would be a shame for someone to come in with a very "vanilla" 70' building when the Planning Commission can guide them through a more attractive building that some flexibility in height can give them. Because we are an infill community, he said we need to have the flexibility to promote development.

Mr. Bishop said he is in favor of recommending a maximum height of 100' in an OB-2 district that respects the zoning prior to the 2010 change, which was driven and implemented by a consultant, to protect the existing property owners when a revision of the Code infringes on their property rights and to allow for the flexibility previously outlined. He suggested an option he has thought about in great detail. He said that they could put a provision in that no more than 20% of the building footprint can go beyond the 80', if that's where to settle for height, and it would provide flexibility in design and tone down the potential of someone wanting an entire building to be 100' tall. He used Roundstone's building as an example of how this Commission worked with them to step back and layer the building to visually disguise the height. He said that the flexibility increases the likelihood of good creative projects, which is what they work with developers to do now. The height of 70' will lead to more variance requests because everyone will want the additional height. If they are clear today about what their intent is, that gives them somewhere to draw a line in the sand.

Mr. DeMarco thanked Mr. Bishop for writing the memo because it did a very good job of explaining the history. It is particularly helpful because he and the other Board members were not here to understand what happened during the 2010 process. He said that there is not enough distance between the two heights that are being proposed. Most of the members work in the building industry and when you talk about a potential office building, that is a difference of one floor. He does not feel that it is enough of a substantive difference for him. He said that for residential, it is the difference of less than 2 floors. The difference between 55' and 70' is negligible and precludes even having two office zoning districts. He agrees that for the types of projects that they want to attract into the City, they need flexibility and the only way they will get that is a bigger difference between OB-1 and OB-2. He supports 100' and feels it gives more options to potential developers coming in and he is supportive of allowing Planning Commission the leeway in how they administer the total height, such as a percentage of the building, or the districts it abuts. He said that they are not trying to achieve a block style 100' building but they need to be somewhat flexible in what they encourage and the reasons are adequately spelled out in the Master Plan with regard to attracting good tenants in the City and a variety of potential residential and mixed uses.

Mr. Bishop asked Mr. DeMarco how he feels about the percentage clause and what height number would he be comfortable with. Mr. DeMarco said that there is some simple logic to doubling the number, which is how they came up with the 110'. He said that it needs to be something higher because with a 70' cap on height for OB-2, they would still be getting 4 to 5 stories out of it. He feels it needs to be something higher and he likes the 100' and he likes the

idea of a percentage of coverage. He would like to see variation to the height of buildings. He thinks that 20% of the building footprint would be a little limiting. And he does not think that there is enough space between 55' and 70' to even warrant an OB-2 district.

Mr. Allen said that he was comfortable with 110' and he is certainly comfortable with 100' maximum height. He agrees with Mr. DeMarco that more height needs to separate OB-1 and OB-2. He is in favor of the flexibility because it has allowed this Commission to extract value out of a lot of those conversations. He thinks that having the flexibility creates projects that end up getting support from this Commission. He said 100' makes sense from a development perspective and he is trying to calculate number of floors into a height. That is why he was comfortable with 110', with the thought of higher ceilings on the bottom and standard ceiling height above it. He is similarly comfortable with 100' in height.

Mr. Wilson said that having the context is very helpful and thanked Mr. Bishop for that. He said that he agrees with Mr. Bishop's well-reasoned recommendation. He is in favor of the 100' height because the need for the Code to evolve so that it is with the times and is responsive to the changing environment of development. Mr. Coyne said from the beginning in talking about this chapter, the height of 150' was thought to be too high. He said that the height needs to be economical yet flexible enough so that developers want to come here. He thinks that 70' is a non-starter because there is not enough differentiation between the heights in the two districts. He said there is a reason that a property would be zoned OB-2 and the coordinating areas around it are going to dictate what you really can do on that property anyway. He is most comfortable with 110' height but he would still be comfortable with 100'. He is willing to have further conversation regarding percentages for a taller height.

Mr. Bishop said that City Council has the ultimate power in decision making. He questioned whether the height of 80' with 25% of the building footprint permitted to be 100' is a good place for OB-2 and discussion was had about redevelopment of OB-2 buildings. Mr. DeMarco said that they should consider that the ordinance is improved and that the OB-2 as written is a wholesale improvement over what it was.

Mr. Bishop encouraged the Council members who are present to express any concerns they may have. They discussed the proximity of residential to existing OB-1 properties. Ms. Morris thinks that protecting the residential properties so they don't have to look at something that they hate and that blocks their sun is important. Mr. Bishop said that the back of Astor Place has garages and one bedroom window per unit and they are focused to the front (north).

Discussion was had about whether this should go back to City Council for discussion again to see if they can reach a consensus before Planning Commission holds their public hearing. Mr. Bishop said he would like to add that even if parcels are assembled there is very little opportunity for someone to actually be able build to this height because the properties are so small. He wants to encourage some flexibility in design, and he also wants to recognize and respect what City Council is saying.

Mr. DeMarco moved to recommend amending the height in Ordinance 80-23 as referred by City Council, from 70' to 80' in OB-2 zoning districts, with the inclusion of a clause that reads, "Planning Commission may allow for up to 25% of the building footprint to increase in height to 100' based on their review of a detailed Development Plan." Mr. Bishop seconded.

5 Ayes – 0 Nays  
Passed

The meeting adjourned at 7:40 pm.

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William Bishop, Chairman

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Michael DeMarco, Vice-Chairman

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

## **EXHIBIT "B"**

### **MEMORANDUM**

TO: RR Planning Commission Members

FROM: William T. Bishop, RR Planning Commission

DATE: November 10, 2023

RE: Proposed Ordinance OFFICE DISTRICT

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### **HISTORY**

Historically, there have been essentially three (3) pockets of office zoning;

- The southwest corner of Center Ridge Rd. and Linden Rd. (2 Parcels)
- The Westlake Condominiums / Bridge Building (2 Parcels)
- Smith Ct./Linda St./Allen Ct. 300' – 400' North of Detroit Road to the RR Tracks (more than 35 parcels).

### **Prior to 2010 Development Code / Zoning Map**

There were four (4) Office Zoning Districts:

- OB-1 (35')
- OB-2 (50')
- OB-3 (100')
- OB-4 (150')

The Center Ridge Rd. parcels were zoned OB-2 (50').

The Westlake Condominiums / Bridge Building parcels were zoned OB-4 (150').

The West side of Smith Ct. parcels were zoned OB-2 (50').

The East side of Smith Ct./Linda St./Allen Ct. parcels were zoned OB-3 (100').

The Dependable Chemical Property at Linda St. was rezoned from OB-3 to SM.

The North end of Allen Ct. was rezoned from OB-3 to SM.

There is one parcel at Center Ridge Rd. and Spencer Rd. that was spot zoned to 35'.

There is one parcel at the end of Plymouth Ave. that was rezoned to 50'.

There is one parcel on Detroit Road just east of Parsons Ct. that was rezoned to 100'.



### **2010 Development Code/Zoning Map**

During the process of establishing the current Development Code (2010) the Development Code review consultant recommended eliminating two (2) office zoning districts, OB-1 (35') and OB-3 (100'), establishing OB-1 (55') and OB-2 (150').

During the same process the existing Zoning Map was changed to align with the change in the Development Code as follows:

- All parcels zoned OB-1 (35') were changed to the new OB-1 (55').
- All parcels zoned OB-2 (50') were changed to the new OB-1 (55').
- All parcels zoned OB-3 (100') were changed to the new OB-2 (150').
- All parcels zoned OB-4 (150') were changed to the new OB-2 (150').

The newly created Zoning Map was adopted in 2010. This is the Zoning Map currently being followed, subject to any zoning changes adopted thereafter.

**ALL OF THE PREVIOUSLY ZONED OB-3 PARCELS WERE GIVEN A "GIFT" OF 50' OF ADDITIONAL HEIGHT.**

### **Rezoning of 2 Ingersoll Drive Parcels**

In May 2017 RR City Council initiated a rezoning from SM to OB-2 for the Southeast Corner of Ingersoll Drive/Smith Ct. and the far east parcel on the South side of Ingersoll Drive. The two (2) area's were part of one (1) parcel encompassing the entire south side of Ingersoll Drive. The purpose of the rezoning was to allow a lot split under the Development Code Requirements, creating two (2) new parcels that could be sold separately from the larger South side parcel. The two (2) area's were directly adjacent to OB-2 zoned parcels, 1 directly south on Smith Ct., the other directly east of the east Ingersoll Dr. parcel, at Ingersoll Dr. and Linda St.

The RR Planning Commission recommended amending the Ordinance referred by RR City Council to rezone the two (2) area's to OB-1, rather than OB-2. The reason to amend the Ordinance to OB-1 was to have some control over the area as the properties were being split away from a much larger parcel with no plans for development at the time. The idea was that the zoning would be re-evaluated if one (1) party gained total control of all of Ingersoll Dr.

### **Existing Conditions**

The Westlake Condominium is approximately 95' high at it's highest point.

The Office Building located at 20525 Center Ridge Rd. (SW corner of Center Ridge and Linden Rd.) is 95' high. This building is setback 35' from Center Ridge and 27.5' from Linden Rd. This building is the best example of height and setback in real time.

There are several office buildings of varying height located in LB and GB zoning districts. The tallest of which is located on Linden Rd. at 95'.

### **2020 Development Code Review**

The Cuyahoga County Planning Commission was retained to perform a full review of the existing Development Code (2010). The Development Code was reviewed by a 5 person team with Degree's in Planning. The Cuyahoga County Planning Commission recommended combining the OB-1 and OB-2 zoning districts into one OB zoning district. The Cuyahoga County Planning Commission further recommended the new OB district have a height limitation of 120', subject to a 55' height limitation when adjacent to a residential district.

There are three (3) parcels in the entire City adjacent to a residential district:

- The Spencer Rd./Center Ridge Rd. office building which is currently in OB-1 (55').
- The small office building at the end of Plymouth Ave. which is currently in OB-1 (55').
- The last parcel at the west side of Smith Ct. adjacent to R5 (50') which is currently zoned OB-1 (55').
- THE PARCELS ALREADY HAVE A HEIGHT LIMITATION OF 55'.**

**FOLLOWING THE CUYAHOGA COUNTY PLANNING COMMISSION RECOMMENDATION WOULD GIVE ALL OF THE CURRENT OB-1 ZONING PARCELS A "GIFT" 65' OF ADDITIONAL HEIGHT, except where adjacent to a residential district.**

The Cuyahoga County Planning document is in the process of being reviewed, first by the RR Planning Commission Chair and the Planning and Zoning Coordinator, and then the entire RR Planning Commission. Chapter 1163 "Office Building District Regulations" has been fully reviewed by the RR Planning Commission. The RR Planning Commission consists of 5 members and 2 alternates. All seven (7) members have, to varying degrees, a wide range of planning and development experience and expertise. The RR Planning Commission has recommended that the two (2) current separate OB zoning districts remain and the maximum height in an OB-2 district be reduced to 110'.