

MINUTES OF MEETING
PLANNING COMMISSION
MAY 31, 2023

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

Presence Noted: Ray Reich, Building Commissioner
Andrew Bemer, Legal Consultant to the City for the Roundstone Project
Kate Straub, Planning and Zoning Coordinator

Chairman Bishop called to order the May 31, 2023 meeting of the Rocky River Planning Commission at 6:00 P.M. in City Council Chambers of Rocky River City Hall.

Mr. Bishop said that there are 4 sets of meeting minutes to approve and asked for any comments on the Minutes of the March 16, 2023 meeting. Mr. Capka moved to approve the March 16, 2023 Planning Commission meeting minutes. Mr. McAleer seconded.

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

Mr. Capka moved to approve the March 21, 2023 Planning Commission meeting minutes. Mr. McAleer seconded.

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

Mr. McAleer moved to approve the April 18, 2023 Planning Commission meeting minutes. Mr. McAleer seconded.

5 Ayes – 0 Nays
Passed

Mr. DeMarco moved to approve the May 16, 2023 Planning Commission meeting minutes. Mr. Allen seconded.

5 Ayes – 0 Nays
Passed

1. LAKE ROAD ROCKY RIVER LLC – 19621 Lake Rd. – CONTINUATION OF THE PRELIMINARY REVIEW - New Office Building. Ms. Julie Trott, Architect with Vocon, came forward with Mark Conzelmann, Developer.

Mr. Bishop said that the applicant submitted modifications to the plan. Ms. Trott summarized their revisions. They removed the parking garage that was on the rear of the property and re-configured the south portion of the lot to accommodate the parking. This reduced the building

coverage from 57% to 27.8% across the entire site. They squared off the southern half of the building, which reduced the square footage of the building by 1,451 gross square feet. They reduced the number of parking spaces from 182 to 150 spaces, which meets the minimum of 150 spaces based on the usable (net) square footage of the building. They relocated the trash enclosure from being situated closer to Linda St. to the eastern property line so it is fully shielded from all drive areas. They re-shaped the paving areas near the building, they have added pavers to the north and south entry points, adjusted the permeable pavers, added landscaping within the new parking configuration to incorporate new trees and shrubbery to meet the landscaping requirement and added darker brick accents within the northern face of the building per the Design Board's request, to break up the mass along Lake Rd. The access on Linda Street will be full access.

Mr. Bishop thanked the applicant for following up on the modifications they discussed at the last meeting because he feels it really improved the project. He also thanked them for honoring the setbacks, including those in the R-5 zoning district portion of the site. He said that Attorney Bemer directed them to interpret the site as Local Business in its entirety for building and impervious coverage rather than the split zoning that exists.

Mr. Bishop said that this project requires 3 variances, including the height of 44' – 2" versus the 35' maximum height permitted. This project is permitted to have a 10' building setback per Code, but they have pushed the building back to the maximum setback of 25', which gives a lot of relief to the height at the front elevation. They also stepped back the third floor, which also gives a lot of relief to the impact of the height of the building. He added that the 25' setback also allows for additional landscaping, which is another reason he is in favor of the height variance. It is much in line with the variance the Kennedy building received further west on Lake Rd.

They will also need a variance for 150 parking spaces versus 170 spaces required. The current code requires that parking be calculated based on gross square footage and he feels that the applicant is being penalized based on the use as an office building, rather than other uses such as retail, where the net and gross calculations are actually calculated the same, per our parking formula. He added that the proposed revised Code will be reducing parking to the net number, rather than the gross number. He is in favor of this variance as it is identical to the Kennedy variance that was received for the project further to the west on Lake Rd.

Lastly, there is a very small portion of office space that is situated on the R-5 portion of the space, which is 1,485 sq. ft. at the foundation level and then 2,924' of actual interior office space that is projecting 8' into the R-5 zoning district. He feels that it would be more negatively impactful if they move the building forward by 8' in order to alleviate that need for a variance, but he thinks it would be more of an overall negative to have the building closer to Lake Rd.

Regarding the ingress/egress easement with the adjacent neighbor, Mr. Bishop said that Mr. Opal, owns the corner lot at Lake and Linda, but he does not see anyone here for that topic. He asked the applicant if they are willing to remove the extra concrete that is on their property, assuming they would want that done. Mr. Conzelmann said that they are willing to do that and agreed to fill and seed that area where the concrete will be removed if the neighbor agrees to it.

He said that there is also a curb cut there that needs to be restored. Mr. Bishop said he is very satisfied with everything else that is being presented.

Mr. DeMarco said he supports the Chairman's arguments for the three variances and has nothing further to present relating to those variances. He asked that on page 7 of the bound package, if they would please clean up the outline of the building directly to the east because it is not really represented accurately on the layout plan, but it is on every other plan that they transposed the building footprint on. He said that it looks like it is being shown as something closer to 15', when in actuality, it is something more like 40'. Ms. Trott briefly said where the water retention will be located on the site. Mr. DeMarco said that the site circulation is much improved and he likes the modifications they have made. He assumes signage will be the topic of a later approval. He confirmed with the applicant that the only site fence is around the transformer and generator. He agrees that the alternating brick color on the façade with the recesses is a nice detail touch and is glad it was recommended by the Design Board. He thanked the applicant for accommodating all of this Commission's requests.

Mr. Allen confirmed that the retaining wall is no longer necessary with the garage being removed. He asked about what screening will be used on the first floor of the north side of the building to screen the first floor parking and Ms. Trott said that there will be a film on the interior of the windows so that it allows the future flexibility to be able to use it as expansion office space at some time in the future. It will deter anyone from seeing inside the space and when necessary, the film will be removed. Mr. Allen asked if they are receiving any tax abatements from the City and Mr. Conzelmann responded that they are not receiving any tax abatements and they have not requested any. Attorney Bemmer said he has never known the City to offer any tax relief incentives to anyone relating to any project. He briefly commented on the Master Plan being an urban planning tool for aspirational development but said that it is a non-binding document. It is a way of providing guidance relating to orderly development, but there is also the issue of private property rights. Master Plans help the citizens see where there are pockets of development that need to be done, but it has no control whatsoever over what an individual property owner desires to do with their own property. Mr. Allen asked if there will be landscaping along the east side of the building and Mr. Conzelmann responded that there are trees that run along the property line that are existing but they will be removed and replaced with new trees. Ms. Trott said that the landscaping along that side of the building will be reflected in the final package.

Mr. Capka said he supports the variances because he felt that the site was over parked in the beginning. He agrees that there is precedence for the height variances in the building to the west. He said that it looks like they are coming along with the Design Board. Ms. Trott said that they are working with Cowen Pottery to pay homage to the history of the site. He confirmed that the Linda Street and Lake Road accesses will be full ingress/egress.

Mr. McAleer said that he supports the Chairman's comments on the three variances, particularly the comment regarding the further setback off of Lake Rd. Mr. McAleer confirmed whether or not there are any public dollars going into this project and Mr. Conzelmann said that this is fully privately funded. Mr. McAleer said that the County Public Works department has conducted

two traffic studies for the Lake/Clifton connector project and both of those studies showed a minimal impact to traffic. He had a conversation with the Public Works Director who wanted to make sure that this Commission understands that because that project will be happening sometime soon.

Discussion was had regarding the access easement that is in place with the neighboring property owner on the corner of Lake and Linda.

Mr. Bishop said that he prepared a summary to read for the record. He said everyone should realize that something will happen here, no matter what, whether it is this development or something else. There is a traffic study which shows the project will be minimally impactful and he believes it will be even less impactful than what the traffic study showed because the traffic study didn't really give any benefit for the real use of the building, which is an insurance office building rather than a busier office use such as a medical office building. He said that the study also showed that there are many other uses that would be permitted on the property which would have a much greater impact on traffic, such as a medical facility, a restaurant, a retail strip with apartments or offices above, a health club, funeral home and they could have a 50' tall apartment building on the rear portion of the site. He said that this proposal is permitted by right, subject to the 3 variances, and this Commission's approval and the Design Board's approval. Although the building is long, but our Code requires a minimum of 65% of the street frontage to be occupied by the building. He said that the changes made have given great consideration to the east neighbor and improved the impact on them, as well. They demonstrated through the traffic study that the Linda Street access is necessary for safety. He pointed out that this is really not a residential area but it has been rezoned along the way for residential use. However, it is still a commercial corridor. He said that this Commission is charged with getting the best project they can within reason. We are an infill community, which is challenging. He feels that this project meets all of their criteria.

Mr. Bishop moved to grant preliminary approval subject to variances being granted and approval from Design Board, as well as the small details discussed here tonight. Mr. Allen seconded.

5 Ayes – 0 Nays
Passed

The meeting adjourned at 7:30 pm.

William Bishop, Chairman

Michael DeMarco, Vice-Chairman

Date: _____