

MINUTES OF MEETING  
PLANNING COMMISSION  
JUNE 15, 2023

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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

Council Members Present: Jeanne Gallagher, Ward 3 Councilmember

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Chairman Bishop called to order the June 20, 2023 meeting of the Rocky River Planning Commission at 5:30 P.M. in City Council Chambers of Rocky River City Hall.

Mr. Bishop asked for any comments on the Minutes of the May 31, 2023 meeting. Mr. Capka moved to approve the May 31, 2023 Planning Commission meeting minutes. Mr. McAleer seconded.

5 Ayes – 0 Nays  
Passed

**1. LAKE ROAD ROCKY RIVER LLC – 19621 Lake Rd. – FINAL REVIEW - New Office Building.** Mr. , Architect with Vocon, came forward with Mark Conzelmann, Developer.

Mr. Bishop began by saying that the applicant outlined all of the changes they have made since the last meeting by memo. The Design and Construction Board of Review asked for landscaping at their final review and it looks like that was taken care of on the drawing. All 3 variances were granted. He asked the applicant if he had any further discussion with the neighbor regarding the apron easement. Mr. Conzelmann said that he has not had further discussion with that property owner. Mr. Bishop said that he thinks there will be minimum impact because it will almost be identical to what is in place. Mr. Conzelmann said that they will reach out to that neighbor. Mr. Bishop asked if they are consolidating all of the parcels and Mr. Conzelmann said that they are in the process of doing that. They will return for signage for the project at a later date.

Mr. DeMarco said that it was addressed in the memo, but for a point of clarification, the layout on page 7 does not show the building to the east accurately in relation to where it sits on the site. However, it is accurate on the full sized print that they did and it is consistent throughout the rest of the package. Regarding landscaping, they are showing the Hornbeam ornamental trees on the east side of the building and asked if they would be opposed to supplementing that with the Juniper that runs a little bit farther south. He thinks that a little more landscaping along the east elevation would be good. Mr. Conzelmann agreed to do that.

Mr. Allen said that all of his questions have been addressed. Mr. Capka and Mr. McAleer also had no comments.

Mr. DeMarco moved to grant final approval to Lake Road Rocky River LLC, 19621 Lake Rd., with the conditions that additional landscaping be added on the east elevation, that the applicant return for signage approval at a later date, and full consolidation of all of the parcels. Mr. Allen seconded.

5 Ayes – 0 Nays  
APPROVED

**2. GKHE PROPERTIES LLC – 1260 Smith Court - PRE-PRELIMINARY REVIEW - Detached Garage in an Office Building Zoning District.** Ms. Jill Brandt of Brandt Architecture, came forward to discuss the project.

Ms. Brandt said that the property owner, Gregg Mylett was called of town and sends his apologies for not being here. They are proposing a 25' x 42' garage at the rear of the property with a height of 18' – 9". The existing building in the front will have new siding and the siding underneath it will be restored or replaced, and this garage will match the front building. They are showing 2 double garage doors on the front elevation and since he will occupy the front building for his office, he would like to have covered parking and still have some surface parking to accommodate any clients or visitors. The existing building is about 2,000 sq. ft., so he will likely be utilizing the first floor for himself, but would like the flexibility to possibly lease out the second floor.

Mr. Bishop said that this would have to go to the Design and Construction Board of Review, so the plans would need to be more detailed. The first hurdle is the fact that the Code only permits an accessory building up to 200 sq. ft. and once it exceeds 200 sq. ft. it becomes a principal building. Two principal buildings are permitted on one lot but the problem is that a garage is not a permitted use as a principal building. Regarding the height, Section 1163.09 restricts it to 15' but it reads someplace else that the height is 20'. However, our Code says that when there is a discrepancy, the stricter regulation shall apply.

Ms. Brandt said that this is now a principal building and not an accessory building. Mr. Bishop said that since it is just a garage, it is not a permitted use for a principal building. However, if office space were included in it, then it would comply. Mr. Bishop said they could go for a variance but it would be for 5 times the permitted square footage and he could not support that. The Code is clear in the fact that it does not want garages in Office zoning districts. He said that they would need a variance for height if it stays a garage because it is taller than 15'. If there was office space above the garage, which totals 51% or more of the floor area, then it would comply. Ms. Brandt said she thought she understood that office space above a garage is not permitted. She confirmed that as drawn, they need a variance to use it as a garage, a variance for height, and an area variance. Mr. Bishop said she is correct and that the parking calculation does not provide for the upstairs square footage of the building in the front. Ms. Brandt said that the square footage does include the second story of the existing building.

Mr. Bishop said that a garage with a door on it does not apply to the parking requirement because even the drawings say that it is a storage garage and he is not sure whether it will store cars or storage. Ms. Brandt said that this is just a garage. Mr. Bishop said that the fact that there

are doors on the garage, creates restricted parking because they are not open to everyone. He encouraged her to find a couple of extra spaces on site. He said that since they are not going to count the garage spaces they will need 6 parking spaces on site because the building in front is 2,000 sq. ft.

Ms. Brandt asked if there is something in the Code that specifies that having a door on a garage as making a difference. Mr. Bishop said that if they are not going to count the garage and they just put 4 spaces in front of this garage and navigation into the other 3 spaces is possible, then there would be 7 spaces and it would comply. He said that whether or not a car can enter or exit when parking in those spaces is the landlord's problem and not a Planning Commission concern. He said that an accessory building, has to be located 10' off of the south line.

Mr. Bishop said that if they wish to add at least 51% of office space to the garage, they will need to provide more parking to accommodate that new square footage. The 15' garage height would no longer be a problem because it would become a principal building.

Mr. Bishop suggested that they put an attached garage onto the existing building or remove the existing building and build new. If they attach the garage to the existing structure, then they would probably solve 99% of their problems. Mr. Bishop said that it looks like that will work but until they put it to a survey they won't know exactly. He said that Mr. Mylett can just incorporate the attached garage into the existing building's renovation because it is simply a garage addition. Then they would have one principal building with a 4 car garage attached, and parking for 6 cars on the site. When they are finished, if the building is worth saving, then they could have a very nice looking building.

Ms. Brandt said that the attached option seems very straightforward. And she will run it past the owner. She feels they had miscommunication because they were told that they could not put offices in a garage on this site. Mr. DeMarco said that he thinks this is fine but it's just a matter of getting over the hurdles for the variances that would be required. He said that he is wondering if they could ask for a use variance to allow a garage as an accessory use on the property. Mr. Bishop said it would be difficult to justify the variance because the Code really is saying that they don't want garages in this zoning district. They will allow a storage building, but not garages. Any existing garages on the street are grandfathered in. Mr. DeMarco said he likes the idea of attaching the garage and thinks it's a good recommendation. He said he would like to see additional landscaping added. Mr. Allen said that he thought that maybe the exit made more sense on the north side than on the south side. He compared this to when this same applicant came to the Planning Commission with a brewery proposal on Ingersoll Dr. They had the same conversation where they said that 51% of the building had to be a brewery because it was an allowed use. Then they would be comfortable with the secondary use as a bar/tavern. Mr. Bishop suggested they make the side yard setback to the north comply with Code by stepping the garage back somewhat from the existing north wall of the building. Mr. Capka said that if the garage was attached and there was a need for a slight variance for a parking spot here and there, he would be much more in support of that rather than a significant variance for the size of a detached garage. Mr. McAleer said that he really likes the idea of attaching a garage and would like to see how that would work out.

Ms. Brandt thanked the Planning Commission for their time.

3. **OTHER BUSINESS** – Mr. Bishop asked Building Commissioner Reich how the progress is going regarding changing drive-thrus in General Business zoning districts from a permitted use to a Conditional Use. Mr. Reich said that they will pick that project back up and have something ready for the Commission to review next time.

The meeting adjourned at 6:30 pm.

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William Bishop, Chairman

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Michael DeMarco, Vice-Chairman

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