

MINUTES OF MEETING  
PLANNING COMMISSION  
AUGUST 15, 2023

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Members Present: Coyne, Allen, DeMarco, Bishop

Presence Noted: Ray Reich, Building Commissioner  
Michael O'Shea, Law Director  
Kate Straub, Planning and Zoning Coordinator

Council Members Present: Mr. Dave Furry, At-Large Councilmember

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Chairman Bishop called to order the August 15, 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 July 18, 2023. Mr. DeMarco moved to accept the minutes as written. Mr. Allen seconded.

4 Ayes – 0 Nays  
Passed

Mr. Bishop asked if there are any corrections to the Planning Commission meeting minutes of July 26, 2023. Mr. DeMarco moved to accept the minutes as written. Mr. Allen seconded.

4 Ayes – 0 Nays  
Passed

**1. GKHE PROPERTIES LLC – 1260 Smith Court – PUBLIC HEARING – Preliminary Review – Re-development Plan with Addition.** Mr. Gregg Mylett, property owner, came forward with Jill Brandt and Ross Andrysco, of Brandt Architecture.

Ms. Brandt explained the changes they made to the garage and storage addition to the existing building since they last met with Planning Commission. The roofline will be simplified by continuing it across to clean up the roofline. The whole building will be newly sided and the roof will match the existing. They will add some trim around the building and a small awning will be added over the front/side entry door. They are adding windows and trim to the street side of the building to give it more of a front façade, which was noted by the Design Board. They will add some lighting at the front window and lighting over the garage door. Regarding parking, they have 6 parking spaces across the back of the lot, including 1 handicap parking space, and there will be a 5' parking setback on all 3 sides. There will be 1 restricted spot in the garage. Landscaping includes new landscaping across the front on the north and south sides. She added that they are 20' away on the adjacent buildings.

Mr. Bishop said that they are showing 6 spaces, but the title block says 5 surface spaces and 1 enclosed. At this point, they need 4 variances, including parking setback on the three sides (5' on each side and in the rear) and then there is a 4' – 9" building setback they are proposing. He

thinks that would be a reasonable variance because they are following the existing building line. Mr. Bishop suggested that they remove 1 space in the rear and stated that the handicap space is not really a 5' variance, but it is touching the property line. The striping for the handicap space is part of the parking space. Since they don't need the sixth space, he wonders if they can shift all spaces to the north by 5' and eliminate 1 space because it may avoid the need for 1 of the variances and there would not be a "jog" into the pavement. It will give them about 10' at the north, but they don't have a real survey. He said it would be helpful in the north/south drive aisle if they added a back in space so that when a car leaves it can be used to back into and head out. He said they might make it without the variance to the north and there will be a turn-around space. Mrs. Brandt confirmed that they will have 4 parking spaces, plus 1 handicap space in the rear, and one restricted space in the garage. Mr. Bishop said that he would support all of the variances with that kind of a layout. He said that there is not really a landscaping plan but it looks like the trees on the south look nice and there is not a lot that will help there. He would like to see how the other members feel about the landscape plan. It was confirmed that the Design Board were ready to give full approval, but they will go back to show them the final selections. The garage door will be a Clopay wood look door. Mr. Bishop said that if they dimension where the corner of the parking spot hits relative to the north property line, it will determine whether they need a variance or not. It is not where all of the pavement ends, but it is where the parking space itself ends up.

Mr. DeMarco said he likes the fact that the maneuverability of the last spot was brought up and he was going to suggest removing one of the stalls to allow for a place to back into in order to go out head first. He also supports the variances because addition will line up with the building line and he does not see that there is anything major. He said this is much improved from what they saw previously and it is very cohesive now. He likes the materiality and asked whether the second story of the garage will be occupied. Mr. Mylett said that the second floor is strictly for storage and there will be either a pull-down staircase or a full staircase and no plumbing will be installed up there.

Mr. Allen said he agrees with the other members and he appreciates the dimensions to the westerly neighbor. He is comfortable with the variances as suggested and confirmed that the existing building sign will be removed. Mr. Mylett said that the sign has been removed and will not be replaced.

Mr. Coyne said that this is his initial review of this building, although he did see the previous submittal. He thinks that where it was before compared to what it is today is much improved and he appreciates the applicants' attention to detail. He has nothing additionally to add.

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

4 Ayes – 0 Nays  
Passed

Mr. Dave Maddux of The Arcus Group Architects said that his office is in the building just to the north. They are glad that Mr. Mylett is cleaning up this property. He is concerned that there is a great Redwood tree that is in between the properties at the back parking spaces. He thanked them for maneuvering the parking in the back and eliminating 1 spot gives clearance to let that tree survive.

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

4 Ayes – 0 Nays  
Passed

Mr. Bishop moved to grant preliminary approval to GKHE Properties LLC, 1260 Smith Court, conditioned upon obtaining the variances and final Design Board approval. Mr. Allen seconded.

4 Ayes – 0 Nays  
Approved

**2. WXZ DEVELOPMENT – 19340 Detroit Rd. - Informal Discussion - Proposed Rezoning from OB-2 to LB (Local Business).** Mr. Dave Budge of WXZ Development came forward with Tom Liggett of Arcus Group Architects.

Mr. Budge began by explaining that they have the Jan Dell property as well as the adjacent corner lot in contract to purchase. The neighboring property shows up on the zoning map as General Business, but they have been told that the actual zoning of that property is Local Business. The current Jan Dell property is zoned OB-2, which is office. Their intent is to redevelop these properties as retail use, create some parking next door, which is the vacant parcel on the corner of Parson's Court and Detroit Rd. They brought some concept plans for the site plan and elevations, but they have not done a feasibility study on their ability to tear down the yellow single-family home that fronts Detroit Rd. and create new retail there, but that is their intent. They feel that rezoning the Jan Dell property to Local Business is more appropriate and consistent with what is in the area. He said that Mr. Liggett can speak to any questions about how they are looking at the existing buildings.

Mr. Bishop said that he does not really want to get into the conceptual part of this because they look at whether the zoning district being proposed makes sense for the area. He said that this property is the only OB-2 parcel that is anywhere near this area so it does not make sense why it would be OB-2. Rezoning this makes a lot of sense to gain continuity and continuation of existing zoning districts. He asked if they have had any discussions with the owner to the north of the corner parcel. Mr. Budge said that they had some initial discussions but nothing of substance and they have not made them a formal offer. Mr. Bishop said that it would make a lot of sense to rezone to General Business if they could get that property. Mr. Budge said that they would prefer General Business because it is more consistent with the neighboring parcels and it would give them greater flexibility on the retail side of things. Mr. Bishop said that a corner

parcel adjacent to General Business still makes sense, but the problem with proposing General Business is that it would involve that property owner. Mr. Budge said that if it was appropriate at some point in the future, they could approach that property owner, but at this point it doesn't serve any purpose to them. With the 2 parcels they have under contract they can do what they want to do. One of the owners' daughters has a retail jewelry business and she wants to locate in this property. They may cut the existing Jan Dell into 2 spaces and she would take ½ of the Jan Dell space and they could have either the yellow house or the new building that they are in the concept phase of designing, but it would all be neighborhood scale retail and service uses.

Discussion was had about the corner lot, which Mr. Bishop said is probably the most valuable part of the project in terms of frontage and exposure. He said that putting parking there might be a little bit difficult if you look at what the setbacks that are required would be. Mr. Liggett said that there are level changes on the corner so that is a valuable piece of property for their parking needs. Mr. Bishop said that it is early and again, not the time to discuss a project. Mr. Budge described the 12' of fall between Detroit to the existing drive aisle in the back behind this property. If they were to take down the single-family home for parking, it would be tough to do handicap parking and get a parking field that is level with Detroit.

Mr. DeMarco said that he agrees with the idea of rezoning to General Business but depending on the neighboring parcel, Local Business is appropriate too. He does share the concerns about parking on the corner and in an ideal scenario, having that be another retail piece is probably the most ideal scenario. However, he is sympathetic to the fact that they don't have control over the middle parcel and this is the solution that suits them. He said that what they put there and how they put it there is important but they really want to focus on the zoning. He said that if they are locked into the arrangement they are briefly discussing, he would like to see some emphasis put on the corner of the property in a dressed up fashion. The Radiant Bride building is going to be beautiful and they did a good job of working together to get it that way. He recognizes that General Business zoning is dependent on acquiring the other parcel. Dining use is not a possibility on this site because they wouldn't be able to provide enough parking. Mr. DeMarco encouraged the applicant to be mindful of how they sign people to get back to the appropriate parking places. He asked about there are any BUSTR issues and Mr. Budge responded that the site is all clear and there are no environmental issues.

Mr. Allen said that this portion is 1.5 acres and asked if there is any concern over whether it is LB or GB at that size and Mr. Bishop responded that there is not a concern. Mr. Allen said that if they don't end up getting that other parcel, he is fine with recommending an LB rezoning of the Jan Dell property. Mr. Allen suggested that they reflect the streetscape that is happening here, with Beachcliff Market Square and the south side of Detroit Rd. Mr. Budge said that they plan to keep the old Jan Dell building with its mid-century modern design. Mr. Bishop said that he would not support a rezoning to GB unless they got the adjacent parcel on Parson's Court. Mr. Coyne said he has no questions at this point.

The applicants thanked the Planning Commission for the conversation.

Regarding the next 4 items, they are all Ordinances that are intertwined and he read a prepared summary. The Planning Commission has seen the need to propose a change in car washes from a permitted use to a conditional use in General Business zoning districts. They are establishing regulations for that conditional use, and they are increasing the required queuing spaces for a car wash. The second thing they are proposing is to change the automated teller machine and drive-thru in General Business districts, which were previously permitted and they are proposing that they be conditional uses. Those things already have requirements in our Code. He said that all other drive thru services in the City will now be considered a conditional use and we already have that criteria in our Code.

They are increasing the queuing requirements for all establishments serving food and drink and they are further establishing some flexibility for the Planning Commission on the queuing requirements based on testimony from any applicant.

**6. ORDINANCE 63-23 - PUBLIC HEARING - AN ORDINANCE AMENDING THE DEVELOPMENT CODE OF THE CODIFIED ORDINANCES OF THE CITY OF ROCKY RIVER, SECTION 1167.03 ENTITLED USE REGULATIONS, REGARDING BUSINESS DISTRICT REGULATIONS AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT "A".** Mr. Bishop said that the existing chart says "freestanding automated teller machine or drive-thru" and he wonders if they should remove the word freestanding. Ms. Straub and Mr. DeMarco said they think that this is covered under the letter "D." It was decided not to remove the word, "freestanding." There was no further comment regarding Ordinance 63-23.

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

4 Ayes – 0 Nays  
Passed

There being no members of the public present to speak to this Ordinance, Mr. Bishop moved to close the public hearing. Mr. Allen seconded.

4 Ayes – 0 Nays  
Passed

Mr. Allen moved to recommend ORDINANCE 63-23 back to City Council. Mr. DeMarco seconded.

4 Ayes – 0 Nays  
Passed

**7. ORDINANCE 64-23- PUBLIC HEARING - AN ORDINANCE AMENDING THE DEVELOPMENT CODE OF THE CODIFIED ORDINANCES OF THE CITY OF**

**ROCKY RIVER, SECTION 1183.09 ENTITLED CONDITIONAL USES IN THE BUSINESS DISTRICTS, REGARDING BUSINESS DISTRICT REGULATIONS AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT “A”.** Mr. Bishop explained that this is the criteria for car washes as a conditional use in General Business zoning districts, which is a minimum lot size of 2 acres and 125’ frontage.

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

4 Ayes – 0 Nays  
Passed

There being no members of the public present to speak to this Ordinance, Mr. Bishop moved to close the public hearing. Mr. Allen seconded.

4 Ayes – 0 Nays  
Passed

Mr. Coyne moved to recommend ORDINANCE 64-23 back to City Council. Mr. Allen seconded.

4 Ayes – 0 Nays  
Passed

**8. ORDINANCE 65-23 - PUBLIC HEARING - AN ORDINANCE AMENDING THE DEVELOPMENT CODE OF THE CODIFIED ORDINANCES OF THE CITY OF ROCKY RIVER, SECTION 1187.23 ENTITLED OFF-STREET WAITING/ QUEUING SPACES FOR DRIVE-THRU FACILITIES, REGARDING BUSINESS DISTRICT REGULATIONS AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT “A”** Mr. Bishop explained that this is regarding increasing the number of required queuing spaces for establishments serving or selling food and drinks from 6 spaces to 12 spaces. It is to increase queuing for car washes from 5 to 12, and it is providing some flexibility to the Planning Commission to require additional or reduced queuing spaces based on testimony and evidence from the applicant. Mr. DeMarco said his only comment is he is fine where they settled on the queuing space requirement. He also likes the wording on the change for queuing spaces because it is clear and concise. Mr. Allen and Mr. Coyne agreed.

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

4 Ayes – 0 Nays  
Passed

There being no members of the public present to speak to this Ordinance, Mr. Bishop moved to close the public hearing. Mr. Allen seconded.

4 Ayes – 0 Nays  
Passed

Mr. DeMarco moved to recommend ORDINANCE 65-23 back to City Council. Mr. Allen seconded.

4 Ayes – 0 Nays  
Passed

**9. ORDINANCE 66-23 -PUBLIC HEARING - AN ORDINANCE AMENDING THE DEVELOPMENT CODE OF THE CODIFIED ORDINANCES OF THE CITY OF ROCKY RIVER, SECTION 1183.11 ENTITLED SUPPLEMENTAL REGULATIONS FOR CERTAIN USES, REGARDING BUSINESS DISTRICT REGULATIONS AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT “A”**

Mr. Bishop said that they are adding the word “Car washes” to page 1183.11(c).

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

4 Ayes – 0 Nays  
Passed

There being no members of the public present to speak to this Ordinance, Mr. Bishop moved to close the public hearing. Mr. Allen seconded.

4 Ayes – 0 Nays  
Passed

Mr. Allen moved to recommend ORDINANCE 66-23 back to City Council. Mr. DeMarco seconded.

4 Ayes – 0 Nays  
Passed

Building Commissioner Reich asked to return to the discussion of Ordinance 66-23 to address Drive-Up ATMs and their hours of operation when located adjacent to a residential district.

Mr. Bishop moved to re-open the discussion regarding Ordinance 66-23. Mr. Allen seconded.

5 Ayes – 0 Nays  
Passed

Discussion was had at the request of Building Commissioner Reich regarding Chapter 1183.11(c)(8) relating to drive-up ATM machines that are located adjacent to residential zoning

districts, such as was approved for Chase Bank because in practice, we do not restrict the hours of operation for those. The title of (c) specifically refers to automatic teller machines. Ms. Straub suggested they refer to the definition section, where drive-thru facility is defined as follows:

*Drive-thru facility. Any portion of a building from which business is transacted, or is capable of being transacted, directly with customers located in a motor vehicle during such business transactions. The term "drive-thru" shall also include "drive-up" and "drive-in" but shall not include Car Wash, Gasoline Station, and Automobile Service Station.*

Mr. DeMarco said that the definition describes only a drive-thru that is connected to a building. The way it reads is a thru-the wall ATM is restricted to the hours of operation that are listed, but it is not the way things operate in reality. The city allows them to run for 24 hours as long as they meet the decibel level. Mr. Allen suggested they change the word “service” to “facility” so that it could exclude ATM machines.

It was agreed that they should also change the word “service” to “facility” and Section 1183.11(c)(8) should read as follows: “(8) The hours of operation for any drive-through **service facility** shall not begin before 7:00 A.M. nor end later than 11:00 P.M. for any site adjacent to any residential district.”

Mr. Bishop moved to re-open the public hearing for Ordinance 66-23. Mr. Allen seconded.

4 Ayes – 0 Nays  
Passed

There being no members of the public present to speak to this Ordinance, Mr. Bishop moved to close the public hearing. Mr. Allen seconded.

4 Ayes – 0 Nays  
Passed

Mr. Allen moved to amend his motion to change the word, “service” to “facility” in (c)(8). Mr. DeMarco seconded.

4 Ayes – 0 Nays  
Passed

## **10. OTHER BUSINESS - DISCUSSION REGARDING PROPOSED MODIFICATIONS TO CHAPTER 1163 - OFFICE BUILDING DISTRICT REGULATIONS.**

Mr. Bishop said that he and Kate Straub worked on the Office Building (OB) district regulations to revise the permitted uses in Section 1163.03(f), the lot requirements in Section 1163.05(b), and the setback requirements in Section 1163.07(b) and he would like to propose that the entire Chapter 1163, be substituted with what is before them. They worked with the existing Code and



incorporated all of the permitted uses that were recommended by the Cuyahoga County Planning Commission and they reviewed past work done by this Planning Commission. He added that they left off some other uses that are being added as conditional uses because they can be incorporated when they present the new Code after they have developed the actual conditions for the added conditional uses. He said that this is about 95% of where they would end up, and the other 5% will be covered at the time the new Code is reviewed by Council. He said that everything that is printed in red in the submission before them are the proposed revisions to Chapter 1163. The idea is for flexibility and overlap among all the Business Districts (LB, GB, OB and SM) and it makes sense to permit these uses in Office Building Zoning Districts. It is not necessary to add any other definitions to the Definition section because all the definitions are already there. What is in front of the Planning Commission is a combination of the exiting Code and proposed new Code and it is important to get some of these cleaned up sooner than later.

Mr. DeMarco said that it is important to note that part of the impetus for this review is because of anticipated projects that may come along to accommodate some of these uses and provide more of an opportunity to present Planning Commission with a cohesive development plan without an applicant having to go to BZA for use variances. The broadening of the OB district now can accommodate projects that could be proposed before the new development Code is adopted. Mr. DeMarco said that he agrees with the work that has been done and he takes no exception to the proposed use chart as presented in the document.

Mr. Bishop said that the other significant part of this is reducing the maximum permitted height in OB to 110' when the County actually recommended 120' in an OB-2 district. However, at the same time, the County suggested that OB-1 and OB-2 be combined and simply called OB. The only distinction in the regulations would be maximum permitted height. For the new Code, it will read that the maximum height permitted when an OB property abuts a residential district is 55' and when they do not abut a residential district they will permit 110' in height. He said that they looked at the entire zoning map and the locations of all the OB districts and what they are intending to do here regarding height would not affect those existing OB properties. They also note that there is not an existing building that is currently over 110' tall. For the purposes of the revisions to our existing Code, they are maintaining the existing format and revising the 150' maximum height in OB-2 districts to 110' maximum. When the new Code is presented, it will be formatted in the same way the rest of the new Code will be formatted. Mr. DeMarco said he has no objection to the proposed heights for OB districts.

Regarding the revisions to setbacks in OB districts, Mr. DeMarco said he takes no exception to the setbacks as proposed in 1163.07 and he assumes the elimination of the footnote (a) is because it was revised to require a setback of 10' from a non-residential district in the revision. Discussion was had relating at the addition of (a) in Schedule 1163.11 – Minimum Parking Setbacks chart, which is already contained in some other zoning districts and the wording is the same. Mr. DeMarco said that they have always discussed the possibility of a reduction in setbacks through landscaping in terms of buffering and not necessarily “privacy”, but he supposes it comes down to semantics.

Mr. Bishop said that the next step is that these minutes will be forwarded to Council with the request that they draft an ordinance, which will go through the same process as the rezoning ordinances do. Mr. Allen said that this looks consistent with some of the discussions they had pre-Covid but he is not sure that they discussed heights. Mr. Bishop said he thinks they discussed 120', which is maybe where the County got that information.

Mr. DeMarco moved to recommend the drafting of a formal ordinance to City Council to be referred back to this Planning Commission for recommendation.

5 Ayes – 0 Nays  
Passed

The meeting adjourned at 7:30 pm.

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William Bishop, Chairman

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Michael DeMarco, Vice-Chairman

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