

REVISED MINUTES OF MEETING
PLANNING COMMISSION
JANUARY 18, 2024

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

Presence Noted: Ray Reich, Building Commissioner
Kathryn Kerber, Director of Planning and Community Development
Kate Straub, Planning and Zoning Coordinator

Council Members Present: Jeanne Gallagher, Ward 3
Christina Morris, At-Large Council Member
Dave Furry, At-Large and Council President
Tom Hunt, Ward 1
Michael O'Boyle, Ward 2

Chairman Bishop called to order the January 18, 2024 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 December 19, 2023. Mr. DeMarco moved to accept the minutes as written. Mr. Allen seconded.

5 Ayes – 0 Nays
Passed

1. CITY OF ROCKY RIVER SENIOR CENTER – 21014 Hilliard Blvd. – PUBLIC HEARING - PRELIMINARY REVIEW – Senior Center Additions. Mr. Timothy Wagner and Mr. Don Rerko of Makovich & Pusti Architects, Inc., came forward to present the project. Also present is Rocky River Facilities Director, Michael Balla.

Project overview: Additions to the front of the existing building for a lecture hall to seat approximately 96 people and to the back for a fitness center/dance studio and new restrooms. A lot consolidation of two city-owned properties is required for this project. The exterior of the additions will tie in with the existing building.

Mr. Bishop thanked the applicants for a thorough pre-preliminary review last month and it looks like they addressed everything the Commission requested on the site plan. He asked how their pre-preliminary review went with the Design Board. Mr. Wagner said that the Design Board had some comments about some of the materials they are planning to use and how they are applying them to the front elevation and asked them to also look at the entrance.

Mr. DeMarco asked what the context was regarding the comments Design Board made about the entrance. Mr. Wagner said they would like to see the tall piece be revised to relate to the entrance more, which is in line with Mr. DeMarco's comments at the last meeting. Mr. DeMarco said that if they are going to focus on signage at a later date, they should come back to this Planning Commission with that sign package. He suggested that they provide some sort of

definition or score marks on the EIFS material on the back of the building because it looks like one big piece of stone as it is being presented now.

Mr. Allen said that the square footage calculations all make sense to him now and thanked them for updating the site plan.

Mr. Capka said his questions surrounded parking and he appreciates the update that the City is satisfied with the parking as it is being provided.

Mr. Wilson has no further comments.

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

5 Ayes – 0 Nays
Passed

Ms. Kathryn Boyd, 1948 Wagar Rd., came forward to express the following concerns: She is the neighbor adjacent to the property. She loves the design but she is concerned with the amount of water that fills the back of the property into the community garden. There is a wetland existing back there and she is hoping there is proper drainage for the storm water and questioned whether they need certain permits because this is now considered a wetland. There is a lack of landscaping on the back, which she feels is important. She added that there are plants and trees that can grow in the shade. She quoted the Master Plan and the fact that we have plans to make trails for people to walk along on this property. She asked that they address lighting back there along with the landscaping to encourage seniors to walk the paths. She said the Code requires screening for the parking and it hasn't been addressed at this point, so she hopes that will be addressed per Section 1185.11. Mr. Bishop asked Ms. Boyd if she can see the Senior Center building from her house. Ms. Boyd responded that her view of the Senior Center building is currently blocked by the big greenhouse and she feels she probably will see it once it is expanded back. She also sees the Senior Center bus that is always parked in that lot and it would be great if they would plant some screening materials for that.

There being no other members of the public wishing to comment, Mr. Bishop moved to close the public hearing. Mr. Capka seconded.

5 Ayes – 0 Nays
Passed

The applicants addressed the neighbor's concerns by saying they are not building into the wetland so they have no EPA requirements for that. The drainage of the property will be enhanced by the roof system and the storm water will be handled that way. They can look at the screening of the property, but a main concern is that it is a Senior Center and it is suggested not to put bushes in that would allow people to hide behind. They can look at some smaller plantings. The trees within 5' to 10' of the building footprint will be removed. He said that

there is a path back there now and there will be a sidewalk going around the building, so they could connect to the path. Mr. Bishop pointed out that the site plan shows the existing wetlands and confirmed that they are quite a distance from the addition. Regarding lighting behind the building, there will be lighting above the exits, which is required by Code, and it would not be pitch black back there. They operate after dark maybe once or twice a year. They are not touching the parking lot so the screening does not relate to this project. It was mentioned that there is no other place to park the Senior Center bus. Mr. Balla said that they can take a look at that and see what can be done. They have engineered the storm water management and/or catch basins on the site, but the construction documents are not complete yet. That should address the concerns about standing water.

Mr. Allen agreed with adding some landscaping in the back of the building and asked them to return with it for the final approval.

Mr. DeMarco moved to grant preliminary approval to The City of Rocky River Senior Center, 21014 Hilliard Blvd., to construct two additions, subject to the commentary in the meeting minutes regarding items they should address based on concerns the neighbor expressed. Mr. Allen seconded.

5 Ayes – 0 Nays
Passed

3. ORDINANCE 80-23 – PUBLIC HEARING – 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 he would like to incorporate the City Council meeting minutes of October 23, 2023, November 6, December 4, 2023 and December 11, 2023 regarding Ordinance 80-23 (attached). He would also like to incorporate the Planning Commission meeting minutes of August 15, 2023 and November 14, 2023 regarding Ordinance 80-23 (attached). He said he would like to clarify that this discussion will only be about Ordinance 80-23, which covers the entire City as it relates to requirements within Office Building zoning districts. There will be no discussion regarding any zoning changes or any projects anywhere in the City. There is a rezoning that was put before Council which has been put on hold. That zoning request will go through the entire process on its own. They are really talking tonight about Office zoning in the entire City on properties that are currently zoned Office. This is not about changing any zoning classifications of any properties.

Mr. Bishop said he would also like to address social media. He has heard about or seen quite a bit on social media and he thinks that 70% of the information at a bare minimum is inaccurate. He will be trying to clarify some of those inaccuracies tonight so that everybody has an understanding of where we started and where we are today. He would like to go on record to say that he was misquoted by an individual at a City Council meeting on December 11, 2023. The minutes of the Planning Commission November 14, 2023 meeting reflect his exact words and he

wants to go on record about that. He would also like to clarify Council Member Gallagher's letter that was sent out to residents. He said they are actually following the 2010 zoning map, which was the last zoning map to be adopted by the City. It is subject to zoning changes that took place thereafter, but the 2016 coloring map is not accurate and was never adopted by City Council. Additionally, the most recent Planning Commission recommendation back to City Council was for an 80' height in the OB-2 district, with the caveat that 25% of the building footprint could reach 100' with Planning Commissions and Design Board's review. He wants to point out that there are many other factors that regulate what can ultimately occur relating to height, such as required parking and setbacks, etc. He said that their proposal was rejected by City Council and sent back to this Commission to contemplate this evening.

Mr. Bishop said he would like to lay out how we got to where we are with the Ordinance and proceeded to read a prepared statement. The Planning Commission consists of 5 members and 2 alternate members who are all residents of Rocky River and they are all involved in some aspect of development as a career and that they may cumulatively have as many as 150 years of experience. He prepared a slide show that is projected onto two large monitors in Council Chambers and which is incorporated herein by reference as "Exhibit A." Mr. Bishop quoted the Vision Statement No. 4 in the Master Plan (Pg. 38), which is for the, "...upkeep and reinvestment of commercial districts to foster vibrant areas and economic activity." He highlighted Goal 8 in the Master Plan (pg. 60), which is to, "Update codes to allow walkable commercial and multi-family projects." He highlighted the phrase, the City should update its Zoning Code to a codified walkability, which should include updates to both business districts and multi-family regulations. Regarding Actions toward Goal No. 8, the City should, "Expand the range of Central Business District Overlay, reduce the required minimum for City's Mixed-Use Overlay District, or update the development standards of existing Business Districts to codify more walkable development standards in commercial areas outside of Downtown River." The City should, "Consider incentivizing mixed-use development through regulatory flexibility."

Mr. Bishop said that 3 of the 9 core projects listed in the Master Plan relate to tonight's discussion because they involve Office districts. Core Project No. 6 is *Reimagining the Marion Ramp and Allen Court: Development Options*. All of Allen Court is zoned OB-2, which has the current 150' maximum permitted height. Core Project No. 8 is *Linda Street District Development* and regarding *Redevelopment Potential*, it states that, "With improved infrastructure and public spaces, new development should be encouraged along Linda St. Older industrial buildings, especially close to the intersection of Ingersoll and Linda, have the potential for redevelopment that could extend the walkable business district and add to its vibrancy." Mr. Bishop said that all of Linda St. is essentially zoned OB-2 (150' maximum permitted height). Core Project No. 9 is *Center Ridge Road East Walkable Development*, which outlines redevelopment at the corner of Center Ridge Rd. and Linden Rd. where there are currently 3 office buildings, one of which is 95' tall and located in a General Business district.

Mr. Bishop said that the Planning Commission is bound by the Development Code, which is the law and not just a guide. The Code states that, "This Master Plan shall be reviewed periodically and revised as necessary giving due consideration to those areas requiring redevelopment or

urban renewal.” It continues, “The comprehensive plan shall serve as a guide to all future actions of the City concerning land use, development regulations, and official maps.”

Mr. Bishop highlighted and read Section 1135.19, Amendments to Text, which states that the Planning Commission and City Council should consider the following items when formulating its decisions when amending the text of the Development Code, which is what ORD. 80-23 is proposing and what guides this Commission in formulating their recommendation tonight:

- (a) Whether such change is consistent with the intent and purposes of this Development Code and other adopted ordinances and policies;*
- (b) Which areas are most likely to be directly affected by such change and in what way they will be affected; and,*
- (c) Whether the proposed amendment is made necessary because of changed or changing conditions in the areas of zoning districts affected or in the city generally, and, if so, the nature of such changed or changing conditions.*

Mr. Bishop read aloud the intent of Office Building Districts contained in 1163.01:

1163.01 INTENT.

The Office Building Districts (OB-1, OB-2) and their regulations are established in order to achieve, among others, the following purposes:

- (a) To provide sufficient areas, in appropriate and convenient locations, for professional, administrative, and medical offices as well as mixed use development and the exchange of services;*
- (b) To protect adjacent residential neighborhoods by restricting the types of land and non-residential uses, particularly at the common boundaries, which would create congestion, hazards, noise, odors or other objectionable influences; and,*
- (c) To promote the most desirable land use and traffic patterns in accordance with the objectives of the Plan of the City.*

Mr. Bishop then reviewed the history of Office Zoning in the City of Rocky River by reading a memo he prepared and is attached as part of Exhibit “A”.

Mr. Bishop said that the primary purpose of revising this section of the Development Code to expand permitted uses in Office Districts is to create mixed use opportunities as stated in the Master Plan. The existing Office District code was outdated and illogically restrictive. The height consideration was secondary, as the maximum height was already being substantially lowered from 150’.

Mr. Bishop said that it is important to think of mixed use and not office buildings when considering these revisions to Chapter 1163. The City Council recommendation of 70’ height in OB-2 districts does not align with existing OB-1 height of 55’, as it is only an increase of 15’ and it doesn’t differentiate OB-2 from the OB-1 enough. He proposes to amend the ordinance for OB-2 height requirement to 75’ maximum, because the 20’ differential from OB-1 will essentially allow an increase of 2 stories from the OB-1 district. Upon review of City Council’s minutes, there was a lot of back and forth between the members discussing 70’ or 80’, and eventually they settled on 70. Mr. Bishop said that allowing 75’ as the maximum height would

actually be a 50% reduction from what is currently permitted (150'). There are several properties in the City that straddle the 70' height, with some just under 70' and some that are just over 70' in height, which is another reason he is proposing 75' in height.

Mr. Bishop said he further proposes that there be a third district added as OB-3, with a height limitation of 95'. The OB-3 district would not change anything at this time but it would first allow those three 95' properties to be zoned properly at a later date, which would eliminate the creation of 3 non-conforming properties. Under this proposal, all of the current rezoned 150' OB-2 properties would be restricted to a maximum height of 75'. The OB-1 properties would remain restricted to a maximum height of 55'. The OB-3 zoning district would eliminate non-conforming parcels because of the existing 95' tall properties but more importantly, it is a tool that can be used when appropriate, subject to all of the requirements of Planning Commission and City Council. Mr. Bishop said that he would like to hear comments from the other Commission members.

Mr. DeMarco thanked Mr. Bishop for the overview of the history of this zoning and said he wants to point out that it is very important for everyone to understand where we were 20 years ago and where we are now, as well as what is currently under consideration.

Mr. DeMarco read a prepared statement into the record, as follows:

"The subject of Ordinance 80-23, Chapter 1163, is a product of extensive review and discussions had between this Planning Commission, RR City Council and city staff, County Planning, and other community members, about a comprehensive update to the Development Code.

The Master Plan summarizes the feedback from city residents into several vision statements that include:

- Maintaining high-quality, diverse, and universal housing stock
- Commercial vibrancy and engaging public spaces
- Flexible parking solutions and infrastructure improvements
- Community connectivity & engagement

We can achieve all of these visions, but not in a single zoning district. Residential zoning districts are limited by existing construction and vacant parcels; business districts become more flexible but are outdated with regard to parking requirements; service & manufacturing districts offer unique uses but they are becoming obsolete in communities like Rocky River. Mixed Use overlays can start to get us there by allowing alternative uses, but current regulations and ordinances are limiting and never used. In fact, discussions within Planning Commission and County Planning propose to eliminate this district altogether and consolidate the uses & regulations with business or office districts. Updating the OB district regulations made the most sense and offered the most flexibility in terms of uses and development requirements to achieve the visions outlined in the Master Plan. We should look at and consider the new Ordinance as a whole:

- It provides a broader and more current range of uses
- Provides increased flexibility for development while still allowing the city to maintain some control

- Provides the framework for high-quality and cohesive development that the city commands

Specifically, regarding the issue around building height, I still maintain that there is too little difference between the current OB-1 allowable height of 55' and the council-sponsored 70'. That delta equates to a difference of only a single story in height, which may or may not provide developers the room to achieve financial goals on projects they wish to construct. Allowing a slightly taller height – 80' - with the option for Planning Commission to increase that if a well-composed detailed development plan is submitted, will provide a better slate for growth in the city without alienating potential prospects. We have a unique opportunity to affect the future of Rocky River by recommending changes that will continue to attract residents and businesses and maintain the distinction that the city is known for.”

Mr. DeMarco said that his statement was prepared before the Chairman offered his compromise of the OB-2 at 75' and adding an OB-3 district at 95'. He thinks that is a good starting point for discussion after they have heard from all of the Commission members.

Mr. David Allen read his prepared comments into the record, as follows:

“When we see the end of a project, we're seeing how the development code informs decisions (developer, owner, architect, landscape, etc). Developers have multiple economic breakpoints, such as at 4, 7, and 10 stories (informed by material costs, location, etc). Architectural breakpoints occur around 6 floors (called "5 over 1"). Building standards & regulation also inform decisions (i.e., 60 feet is one recognized next level for additional fire suppression, etc.) Office Zoning 1 (OB 1) at 55', while it has some constructability challenges in today's environment (i.e., building materials) generally allows for 4 story Mixed Use AND Office. All that said, 55 ft has served us well to reduce the amount of sacrifices that need to be made in order to get quality projects completed in the city at those heights. 7-story Mixed Use and a 7 story office (the next breakpoint), needs to be at 95 feet (using today's market expectations)...our current 95' office buildings are 8 stories but would not be built in the same way today (example: first floors typically have higher ceilings than floors above). As we review OB2 requirements, the number 70 is stuck in the middle...we've discussed it not being "differentiated from 55 ft"...it's in no-man's land (not enough for an updated 6 story mixed use construction or a 5 story office construction). The only way to get there is to start making dimension sacrifices that lead to long term unsustainability & deteriorating desirability of a project: ceilings for the 1st floor space aren't high enough for a 1st class development, or ceilings in the residential units aren't as high as other premier spaces. So, these decisions that take place now, need to in some way acknowledge the potential outcomes. As it relates to Ordinance 80-23 and amendments to text: First, I believe the context in which we are contemplating these code text updates are based on changing conditions in the city as a whole. This is not the only Zoning District for which we have reviewed text changes (others have been made and others are still on the docket to make) - related to 1135.19 (c).

Second, the intent of these text changes are consistent with the other recommendations contemplated by this commission (both adopted by Council & pending review). That intent is to

create an updated roadmap on which additional planning can take place in the city (examples being Zoning Map updates & code reviews by Cuyahoga County Plan Commission, work that began in 2010 as documented in Chairman Bishop's memo dated November 10th and updated for today's meeting). Furthermore, these changes reflect outside recommendations where commissioners have adjusted them for application INTO Rocky River specific conditions (To be clear, I am not aware of any cases where we haven't implemented recommendations AT or with MORE restrictive code than outside recommendations) related to 1135.19 (a).

Lastly, by adopting a change in code from 150' to 70' for OB-2, 2 of the 3 areas currently zoned OB-2 & impacted by this change will have immediately non-conforming buildings (in other words, 2 of the 3 areas that currently have one or more buildings at 95' and our code would indicate a max height of 70'). This would be arresting potential future re-development at this height in areas that CURRENTLY have this height - I would also highlight that these areas are listed in the Master Plan as target areas for re-development. Not to mention, we've received significant public support for modifying the code from 150' to 100'. I've identified this impacted area based on review of 1135.19 (b).

Mr. Allen's Recommendation:

At the end of the day, he is looking to establish the right guideposts for responsible development; where we can keep variances to a minimum, massing/bulking to a minimum; and encourage design techniques to mask height (i.e., stepping) - outcomes all achieved through our partnership with the Architecture Review Board - and reduce the sacrifices that produce less than optimal outcomes. I thought the recommendation produced in our last meeting (80 feet with a % to 100') achieved these goals. What I've heard is a desire to have more than a binary decision; so I'd suggest 3 zoning districts 55', 75' (at the very minimum), and 95'. Short of a PUD (Planned Development) process, this would allow for 1st class execution of the Master Plan, proper development at those heights in applicable zones, have a relationship to an updated set of practical planning & development breakpoints, incrementally control the height (with proper spacing in between floors for first-class development), provide Zoning/Development Code flexibility (like we have in residential), with the intent of limiting sacrifices so that we can see best possible projects for long term sustainability/attractiveness - the benefit to the community being quality of tenants, quality of structures, which lead to increasing quality of services in the city."

Mr. Capka said that they have been working on amending the Code since 2010 in various degrees, which is the idea of change and evolving with where the market is and where the City is. He thinks they have talked a lot about changes and where the best uses. Some of the suggestions made tonight support the idea that we should change as markets change and consistent with the plans that were implemented previously. If a change does happen, it does not mean that it can't be changed again in the future but the point is that this is an ongoing process and must be looked at as such.

Mr. Williams said that he is relatively new to this Commission but in the time that he has been here, he has been very impressed by the breath of knowledge that this Commission brings to all

of the issues that have been on the table during the time he has served. He also would like to echo the comments that were already made about creating flexibility and updating the development code to reflect that, to not only fit modern development needs but also consider comments from the community and from City Council, which are all well documented over many, many meetings. He looks forward to learning what their neighbors have to say and the needs of the development community.

Mr. Bishop made a motion to open the public hearing. Mr. Capka seconded.

5 Ayes – 0 Nays
Passed

Mr. Bishop clarified that discussion will be limited to this particular Ordinance 80-23, which revises Office District Regulations throughout the entire City and they will not be talking about specific properties to be rezoned or specific projects that may be coming to the City at a later date. He entered into the record the approximately 47 letters received supporting the amendments to 80' height with 100' at the 25% footprint because that is where it was left off prior to this evening. There were about 6 letters opposing the Ordinance as recommended by the Planning Commission.

Mr. Andrew Bemmer, 21191 Erie Rd., came forward to commend this Planning Commission for its willingness to provide some degree of compromise and work with City Council. Council is certainly the electorates representative and they need to have a say in this. He would like to commend Mr. Bishop for his solid overview of the history as he was right next to Mr. Bishop and the Planning Commission throughout whatever the City had been doing in the last 20 years. In his retirement he has followed this because of its potential for additional development in the City to be very positive, because as we know, if we are not moving forward, then we are staying still and more than likely, we are dying. Moving forward is critical to the vibrancy of a community. Mr. Bemmer said he knows all of these Planning Commission members and they are the experts. They work with this in their careers and they dedicate their time to the City. Their expertise is invaluable. While he commends their willingness to work with City Council, Mr. Bemmer said that there comes to be a point that in following this process, it has seemed to be almost getting off the rails with the back and forth of proposals being sent between Planning Commission and City Council, and back because it is not how the Code works. When there is a recommendation, which can come from a developer, City Council or from the Planning Commission, and when it is written as an Ordinance, the matter moves to a public hearing. Once the input from the public is given, then Planning Commission makes its recommendation to City Council and City Council should be very acute to the experts who have the experience of providing that recommendation. That is why the Code provides a super majority to overrule the Planning Commission. What Planning Commission says and does based on their expertise, is something that City Council really needs to take to heart. Unless they have good expert opinion to override it, they should follow Planning Commission's recommendation. That has been his posture throughout the 30 years he did land use law for the City of Rocky River and other cities. At this juncture, he commends the Commission for providing a strong overview of the history

and precedent because it means something. Development going forward means something. He wishes that they continue to make their expert opinions known and clarified if there are any misunderstandings between how the workings of Planning Commission and City Council operate.

Ms. Lisa Havemann, 180 Buckingham Rd., came forward to say she is a Civil Engineer and feels she shares some of this Commission's expertise. She prepared some statements before they came up with the new plan with the OB-3. She suggested creating a mixed-use zoning classification seemed like the most appropriate solution for revising the development code and rezoning parcels. OB-2 did not seem like the appropriate classification for some parcels that will be redeveloped for commercial and residential mixed land use. While office buildings may be desirable land use development in some areas, as evidenced by the two office buildings constructed on Lake Rd., which are not zoned OB-2, she would argue that developers are interested in smaller office buildings rather than tall office buildings that would require the OB-2 zoning height allowance. If an area is proposed for commercial/residential mixed land use, it does not seem like the residential only or office building classification would be the most appropriate zoning for the Ingersoll parcels since an office building is not part of the proposal. This is why a mixed land use classification is more appropriate. She does not think that the current height of 150' or any of the other proposals of 120' or 110' seem appropriate for most of Rocky River. She feels that many of the residents share that feeling, even though they only received 6 letters. She believes that many would believe those heights are too tall for many areas such as Ingersoll or Linda St. She thinks that the 80' height allowance with 25% being allowed to go to 100' in height would provide more design flexibility. However, while the higher height restriction might be appropriate for Center Ridge Rd., it seems a little bit higher for areas like Ingersoll that are in a more residential area. She feels that a new mixed use zoning classification should be created with a lower height restriction for projects that would be commercial/residential mixed land use and those properties should be zoned for that rather than the 110' allowance. When looking at height restrictions, the zoning code should consider whether a property is within a certain radius of residential land use, rather than simply adjacent. Railroad tracks are considered land parcels and therefore, in the area of Ingersoll Dr., the parcels to be rezoned would not be located adjacent to residential parcels since they are separated by Railroad tracks and not restricted in height. She feels a radius is a more appropriate to determine if a property is near residential properties instead of using adjacent parcel criteria. Ms. Havemann continued by saying that she hopes that when development plans come before Planning Commission, they will consider sustainability and traffic issues. She is concerned about what newly paved asphalt and concrete area will have on the sewer infrastructure since there will be less surface area for the rain to infiltrate into the ground. She hopes they consider some green measures, such as rain gardens around the parking lots to allow for some surface water runoff and perhaps they can be encouraged to put solar panels on the rooftops. She is interested in the effects of increased traffic due to the development. She said she wants to clarify that Linda St. is mostly zoned Service Manufacturing and the adjacent parts are Local Business and across the railroad tracks is R-3. That area is not mostly OB-2 as was said earlier in the meeting.

Mr. Bishop said he would like to clarify that Linda St. to the Railroad tracks is OB-2 and that 110' proposed height was the original proposal, which is completely off the table now. Regarding the comment about using a radius, if the parcels were properly zoned with consideration of residential locations, then each parcel would be zoned appropriately to what it relates to, based on what surrounds it. Even when looking at intent, what is adjacent when something is rezoned, is taking into great consideration. This is also how we get away from spot zoning. Mr. Bishop said that they are actually trying to create a mixed-use district within Office Districts because those are the logical places to create mixed use. They would not be in favor of creating mixed use development in a multi-family district because it is strictly residential. They are looking at repurposing commercial property that just happens to be called Office Building district right now, but they could easily call it a mixed-use district. He said the real intent here was to create additional permitted uses in Office Building zoning districts because they were very limited. They are trying to create a mixed-use district.

Mr. Bishop said that there was a comment about what residents would not like to see. However, they have had 150' maximum permitted height in the City way before the 1950's and he wants it to be clear because some places like on Facebook have comments saying the Planning Commission is trying to raise height. He prefers that people keep their finger on the truth.

Ms. Jody Wolf, 22827 Lake Rd., came forward and said she moved here from the east side in June and she did a lot of research. She was very excited to move to Rocky River and she chose it for its charm and the feel of the community. She is concerned when she hears about the location of some of the taller buildings. She said that if Rocky River ends up like the pink hotel area with a bunch of Westlake hotels, she does not think people will want to move here and she would not have moved here if that was the case either. She hopes they will preserve the vibe of Rocky River. She is all for development but wants to keep it what it is now.

Ms. Ann Krueger, 20728 Beachcliff Blvd., came forward to say that she hopes that part of the mixed-use development would be to allow a pickleball court. She referenced the The Blue Zone, which is a Netflix documentary with Dan Buettner. He has gone to these different countries and has studied the people who live to 100 years old. They talked about the fact that cars are so expensive in Singapore and people cannot afford them. This forces them to walk everywhere, which they say is one of the reasons why people are living longer. She said they play pickleball and it keeps them young. Mr. Bishop responded that they may be able to fit the pickleball use into recreation and health club uses and the Planning Commission would have to consider whether it is a similar use to those things. He thinks it could probably happen.

Mr. Tim McDonough, 19957 Frazier Dr., came forward and thanked the Commission for making accessible what he feels is a very technical set of circumstances. The quality of Rocky River is about the quality of the Community and the quality of the Community is defined by the residents. He appreciates the mixed-use ideas and that as planners, the Commission is driven toward more economic orientation. Where he was raised, you lived in the suburbs, you worked downtown and you went home. That is what he does now, and he would like to strongly encourage them to try to think about how we can maintain that within the personality of what

Rocky River is, with the intent that there is plenty of sky views, green grass and trees, just like what drew him here so many years ago.

Mr. Greg Atwell, 536 Beachcliff Row Dr., came forward and said he thinks it is important for the Planning Commission to take what Council says to represent what the people say because the people elect Council to represent them. He thinks that the Planning Commission should listen to those views. If Planning Commission's views don't coincide with what City Council thinks is right, then they need to present their views to the community so that the people can then inform their City Council that they think the Planning Commission is right and this is what we would like to do. However, as it stands now and after attending a couple of meetings for office buildings that are going up, it doesn't seem like the Planning Commission cares as much about the residents as they do about the builders.

A member of the audience asked if she can stand up and ask a question. She stated her understanding of what they are doing and asked about OB-3. Mr. Bishop responded that if any applicant came and proposed to rezone a parcel to OB-3, it would have to go through Planning and City Council just the way any rezoning request happens. He said he is proposing an OB-3 district to protect those 3 existing buildings so they are not non-conforming, which can lead to other problems like financing issues. He is proposing that OB-3 align with those 3 properties and be available to go through the process of rezoning if someone requests it. He said that all OB districts would have the same permitted uses. Mr. Bishop continued by saying that their goal is to reduce the amount of variance requests and suggested that sometimes there are trade-offs for variance requests, such as good design, increased landscaping, etc. Mr. Bishop invited the audience member to come to the podium. Her name is Aileen Fitzgerald and is a resident of Rocky River. Mr. Bishop confirmed that anybody who came and requested to have a property zoned OB-3, would have to go through the same process of rezoning that is outlined in the Code. Ms. Fitzgerald said that she now understands that OB-3 is not in existence yet but as Mr. Bishop is explaining it, other people can apply for that zoning.

Mr. Randy Clifford, 651 South Kensington Dr., came forward to ask the Planning Commission to put themselves in the audience's position and how they would feel if they looked out the back window and where they normally see trees in the sky, they now see a big building. He does not want to see that. He does not want to face huge amounts of traffic that weren't there before, no matter where it is in the City. He does not want to see the character of the City become big buildings and where there was once 30' buildings, there are now 80' tall buildings. He is not in favor of that big change. Mr. Bishop acknowledged Mr. Clifford's comments and urged Mr. Clifford to come back and comment if the time comes that there is a tall building being proposed to be located behind him.

Mr. Jim Moran, 2676 Country Club Blvd., came forward and said that his interpretation of the message is that there normally may not be this many people at a Planning meeting or at a City Council meeting. Speaking as a past City Council member, there is a lot of respect for what this Commission does. He said that the people are here tonight because they have concern for a specific situation that could envelope part of what this Commission is talking about. There are

many things that they now have to consider that they didn't have to back in 2010 when they were thinking about the Master Plan. He said that there is some communication they need to have with some specifics and the message is that we must make sure that we get it right. There is no way that a resident understands all of the Codes. He said that they want to be sure that this group works very closely with City Council to make sure they get it right.

Mr. Bishop said that City Council has recommended 70' and he is proposing 75'. The easy job for this Planning Commission would be to just go with 70' and let developers apply for a 5' variance. However, they do want to get it right and they do want to reduce variances, which is the point of pushing it a little extra so it kind of falls into place with construction of floor to floor levels and to have more design flexibility within the top layer. He said that 5' is minimal, especially if the setback is pushed back a little more. He said that the intent goes right to protecting residential properties. Mr. Moran said that 20% is nothing when they are talking about a generator and how close it is to a property, which equates to 2'. But 20% on top of 70' or 80' to get to 100' is a very large difference. He said that the message is that 5' or 10' when finding some specifics with OB-1, 2 and 3, has some great merit because things are different today. Things that are grandfathered like those couple of buildings in Rocky River are not going to happen today. To have those things more specific would make this Planning Commission, City Council and the residents of Rocky River extremely happy.

Law Director O'Shea said that he wants to assure anybody who took the time to come here tonight to know there will be a time in the future where they can talk about a project. Further, he said they are in the process of updating our Code so that in addition to the traditional way they notify the public about these types of meetings and these issues, they can hear it other ways, such as using Ready Notify system so folks can get regular updates. He offered the audience a copy of Chapter 1135 of the Code, which outlines the rezoning procedure.

For clarification, Mr. Bishop explained that all OB-2 properties would remain OB-2. All OB-1 properties would remain OB-1. There would be no OB-3 properties on the colored map at all, but because of the existing non-conforming buildings, it is appropriate to rezone them to make them conform. These would be the three 95' tall buildings that he talked about. All rezonings require a public hearing here at Planning Commission and at City Council. All projects require a public hearing at Planning Commission.

Mr. and Mrs. Ken and Mitzi Long, 618 South Falmouth Dr., came forward with a concern about the affects of zoning on the infrastructure, specifically the sewers. He explained that when heavy rain happened last year, a manhole cover blew off on Smith Court and part of the sidewalk under the railroad tracks was pushed up and had to be replaced and multiple properties on South Falmouth Dr. had basement flooding, along with the street in front of Lake Road Market. Mr. Bishop said that he does not mean to be disrespectful, but they are talking only about the zoning text for Office Building zoning districts. Sewers are not considered by Planning Commission because the City Engineer is charged with reviewing and approving the private developer's engineering. Planning Commission does not receive reports from the City Engineer because this Commission is the first step before permits are issued. Approval of plans by the City Engineer

and the Building Department all happen following approvals from Planning Commission. Mr. Bishop said that it is the applicant's requirement to demonstrate to the City Engineer that they are not creating any addition strain on the infrastructure. Ms. Long said that nobody ever addresses what is underground, but they have to live with it. The Longs agree that OB-2 would be better if it were at a lower height because of these issues. Law Director O'Shea encouraged Mr. and Mrs. Long to contact the appropriate Council people because there is a method of communication for these types of issues.

Ms. Joanne Riordan, 538 Beachcliff Row, came forward and asked how often the maps get updated. Mr. Bishop said that the real official map is 2010 with the addition of any zoning changes made thereafter. However, the map has not been formally adopted since 2010. Mrs. Riordan asked if the zonings have anything to do with parcel size. Mr. Bishop said that the Code has specific parking, setback, and lot coverage requirements that essentially control how much of the parcel can be developed. The bigger the project, the more parking that will be required. It is a challenge to a developer financially, and it has to work for the City because it has to fit into the requirements of the Development Code. Mr. Bishop said that when there is a small parcel, the setbacks and other requirements become more and more restrictive and have a direct influence on the size and height of a building. It would be required to be smaller and shorter because of the restrictions. He added that many times, an applicant doesn't even propose the maximum height they are permitted.

Mr. Rob Jurs, 20816 Beaconsfield Blvd., came forward and said that the 75' height they are proposing is roughly double the size of the Roundstone and Kennedy buildings. He said that 75' means residents of the top 3 or 4 floors will get to see the Lake. But 75' is tall for Rocky River and if all they will be doing is putting rental homes or expensive condominiums in the top 3 or 4 floors, they have not achieved anything. They will have ruined the character of Rocky River.

Mr. Bishop asked if any of the City Council members want to add anything. Mrs. Gallagher thanked people for coming and she loves the engagement, even if there is misinformation. She is not on Facebook, but she is sure there is a lot of misinformation. However, at least it is information and it got people here tonight. Council Member Christina Morris urged everyone to sign up for Ready Notify and to tell their friends to sign up also. She thanked everyone for coming.

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

5 Ayes – 0 Nays
Passed

Mr. Bishop said that they have the option to accept City Council's recommendation of 70'. However, his personal opinion is that it is not necessarily the best thing to do for the City in the long run. A lot of buildings exist that are right at that 70' height or thereabouts, plus there are 3

buildings at 95' in height. It would not be right to create non-conforming structures for many reasons, including that it can be problematic for financing when a property is non-conforming.

Mr. DeMarco asked Law Director O'Shea if it would be some sort of illegality if they knowingly create a non-conforming use. Mr. O'Shea said that it would not be illegal because people who are already non-conforming are grandfathered, and we can't take away what they already have.

Law Director O'Shea said that Chapter 1135.19 has the 3 factors that Planning Commission and then City Council are required to consider when formulating their recommendation or decision. The minutes should reflect that they considered the factors in reaching their recommendation. Mr. Bishop said that they have already considered all of the factors regarding this Ordinance and they are really down to recommending 70' or 75' in height. Mr. Allen said that he feels he addressed all of the factors in his prepared comments. He said that he thinks that 55' has served the City well. He thinks that 95' is essential for the redevelopment of the spaces in the Master Plan and, from a development perspective, to get quality tenants, quality projects and quality services out of a building at a particular height. He said that 70' is not the number, but 75' is the number based on current requirements in the marketplace, considering first floors and additional floors on top. That number will produce quality projects, wherever it is located in the City. He added that 55', 75' and 95' heights provide the flexibility from a proper development standpoint to make sure those projects, wherever they are, are the absolute best thing for the City that we can get in those spaces. He is trying to avoid haphazard development and inconsistent spaces across the zoning districts.

Mr. DeMarco agrees with Mr. Allen's comments that 70' is not the correct number, which is why they proposed what they did originally. He said there is more logic behind the 55', 75' and 95' guidelines from a development standpoint. His one concern is how we prevent slab development at something like 95', but that is incumbent on this Commission to do but other district regulations have other methods, such as design standards, to accommodate some of those things. A detailed development plan review can ensure that does not happen and he asked if there is any concern around that. Mr. Bishop said he points to "intent" because they are charged with protecting residential regarding height. Traffic studies speak for themselves in telling whether something will work or not. Mr. Bishop and Mr. DeMarco agree that if they decide upon 55', 75' and 95', then they should stick to those numbers. Mr. Capka added that this is the time to address the shortcomings in the Code.

Mr. DeMarco moved to recommend Ordinance 80-23 back to City Council for amending sections of Chapter 1163, subject to the creation of 3 proposed Office Building Districts labeled OB-1, OB-2 and OB-3, with height requirements of 55', 75' and 95' respectively. Mr. Allen seconded.

5 Ayes – 0 Nays
Passed

4. **ELECTION OF OFFICERS FOR 2024** – Mr. Allen nominated Bill Bishop to be Chairman of the Planning Commission for the year 2024. Mr. Capka seconded.

5 Ayes – 0 Nays
Passed

Mr. Allen nominated Michael DeMarco to be Vice-Chairman of the Planning Commission for the year 2024. Mr. Capka seconded.

5 Ayes – 0 Nays
Passed

The meeting adjourned at 8:15 pm.

William Bishop, Chairman

Michael DeMarco, Vice-Chairman

Date: _____

The insurance process is proceeding. The RFP has been sent out. There are several companies receiving the RFP directly, but any insurance company that can write insurance for the city's scope of means can request the RFP. The city hopes to have the proposals back by early to mid-November. The responses will be reviewed with a recommendation and then to Council. Hopefully, there will be an opportunity for three full reads. In the past, they would like to be within the 30-to-60-day window to bid on the city's insurance which includes the city itself, the multijurisdictional municipal court and the regional WWTP.

Halloween will be celebrated on Halloween, October 31st from 6:00 p.m. until 8:00 p.m. Information will be sent out to alert residents regarding increased activity on the streets and sidewalks.

The Mayor respectfully requested an Executive Session under Article X, Section VI, Subsection I of the Rocky River City Charter to discuss two personnel matters.

LAW DEPARTMENT: NONE

COMMITTEE REPORTS: NONE

COMMUNICATIONS FROM COUNCIL: NONE

MOTION:

President Moran moved to hold an Executive Session prior to the end of the Legislative Meeting under Article X, Section VI, Subsection I to discuss personnel matters, seconded by Mr. Furry.

VOTE: Hunt – aye	Shepherd – aye	Gallagher – aye	Furry – aye
Morris – aye	Sindelar – aye	Moran – aye	
7 ayes	0 nays		PASSED

PUBLIC COMMENT: NONE

UNFINISHED BUSINESS:

AMENDED ORDINANCE NO. 51-23 **BY: JEANNE GALLAGHER**
AN EMERGENCY ORDINANCE TO CHANGE THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTIES KNOWN AS AUDITOR'S PERMANENT PARCEL NOS. 301-17-082, 301-17-083, 301-17-048, AND 301-17-084, FROM THEIR PRESENT CLASSIFICATION OF SM-SERVICE MANUFACTURING TO OB-2-OFFICE, AS FURTHER DESCRIBED IN EXHIBIT "A"
ON HOLD

This was referred to the Planning Commission and remains on hold.

ORDINANCE NO. 80-23 **BY: JEANNE GALLAGHER**
AN ORDINANCE AMENDING VARIOUS SECTIONS OF ROCKY RIVER CODIFIED ORDINANCES CHAPTER 1163 ENTITLED: OFFICE BUILDING DISTRICT REGULATIONS", AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT "A"
1st READING

Mrs. Gallagher is leaning towards keeping this on hold until Council has a definitive consensus regarding height restriction before it is referred to the Planning Commission. She is not comfortable referring this until she has received input from all of Council. Mrs. Gallagher stated that the majority of OB-2 is located in Ward 3 and it will affect the neighborhood she represents. She has spoken to many on Council

that feel the proposed change of 110 feet is too high and she agrees. She is more comfortable with 60 – 70 feet at most. She requested and received the Cuyahoga County Planning Commission document where they recommended a 55-foot maximum height when abutting residential districts. Mrs. Gallagher also looked at similar population cities such as Bay Village, Berea, Hudson, Chagrin Falls, Broadview Heights and Oxford, Ohio and the maximum height is 50 feet in Hudson and Broadview Heights. Mrs. Gallagher asked for further discussion.

- Mr. Sindelar stated he does not have an opinion as far as height as there is a point as to why the city has the commission it has to suggest certain things and feels he is not in a position to give an opinion on height yet.
- Mr. Shepherd stated he made a trip to Ingersol and Allen Court along with other members of Council to check out the OB-2's in these areas, the Westlake Hotel and the OB-2 building on Center Ridge. He concludes that he is comfortable including all those areas with this area if the change is made to this area, bearing in mind that this will affect that part of Ingersol if the zoning is changed to OB-2, which is the impetus for all this. The Ingersol project is an exciting project to get mixed use in this area. The current zoning for light manufacturing is obsolete and is not a well-kept area. When he walked around that area looking at reference points, he agreed that 110 feet is too much for that area. He notes that the OB-2 currently has a height of 150 feet set well before any of the current Council was on Council. It surrounds the area on Ingersol plus it surrounds Linda and Allen Court. He feels whatever is decided on here will be a transformative project, the largest project for the city since he has been on Council. He has had discussions with other people and Council and the height of 70 feet may have a consensus.
- Mr. Furry walked the property also and feels that 150 is an office building, but who is going to build an office building now. He was wrestling with 75/80 feet. He would be fine with 70 feet.
- Mrs. Morris said she would like to see the project as a step-up project rather than one continuous height. Step-up projects are good for views, so she is wondering if there is some way to ensure that it is not 70 feet or whatever height everywhere, but rather an average of differing heights. The Mayor stated that this needs to be looked at without talking about specific projects. Mrs. Morris said for any project, she would like to see that kind of thoughtfulness.
- Mr. Shepherd said Council is changing the height restriction of a zoning classification which may be a single parcel or a group of parcels. He agrees with Mrs. Morris and would like to see differentiation and he thinks the Boards usually make an effort to get that and so far, have done a good job on that. This has been presented to Council addressing just this classification and later to transfer the light manufacturing to this classification would be unwieldly for us to do that. He would have faith in the Boards that they would try to do that and maybe grant some concessions that way.
- Mr. Moran said these are numbers not to exceed and Council needs to step back and look at the entire Rocky River area and see if there is any place where some things would not fit at 150 feet. Council needs to have a number that they would be comfortable with any place in the city. Council needs to be careful not to look at this one project but try to think of the big picture in the big scheme of things. Think long term.
- Mr. Sindelar said that if 70 feet is the decision, far be it for him to blockade, but to Councilman Shepherd's point, he does not think this serves the Planning Commission and the Design Review Board as this is their profession. He is not looking to legislate design as it is not Council's role.

- Mr. Hunt is looking at the zoning map and at the various individual lots as they exist in OB-2 and there are certain areas that give reason to pause at the 110 feet. He is on board with a significant decrease. He asked if Council has looked at the permitted uses in this ordinance. He wants to be sure everyone is on board with that. Having looked at the individual parcels as they are zoned OB-2 now would be affected by the change not only by the height restriction proposed, so is everyone ok with the amended uses. In deference to the Boards and Commissions they have a vision of what those parcels can be utilized for. He would be on the lower end of a maximum height as discussed.
- Mr. Moran has reviewed it and feels that 110 feet is taller than what he would be comfortable with but thinks 60-70 feet is restrictive. He would push more for 80 feet. He thinks Council should see what the Commission will come back with.
- Mrs. Gallagher said she is comfortable with 70 feet. The Mayor said Council could send it to Planning with the change but to request details if they do not accept this height as to why. They have already modified it to 110 feet from 150 feet. There are minutes from the meeting where it was amended to 110 but this Council deserves that answer. The Mayor said this ordinance could be read this evening, amend the exhibit and then refer it. It will not be on October's agenda and the next Planning Commission meeting is November 21st.
- Mr. Snyder said this is not a hard and fast number. If somebody comes through with a knock it out of the park plan and asks for a variance, the height could change. The Mayor added that substantial variances are very difficult because the commissions honor what all of you have said.
- Mr. Shepherd feels it would pass if amended to 70 feet tonight to keep the ball rolling and hear what they have to say.

MOTION:

Mrs. Gallagher moved to amend Exhibit A for Ordinance No. 80-23, Section 1163.09, Height Requirements A2 to read OB-2 to 70 feet, seconded by Mr. Furry.

VOTE: Hunt – aye	Shepherd – aye	Gallagher – aye	Furry – aye
Morris – aye	Sindelar – nay	Moran – aye	
6 ayes	1 nay		PASSED

AMENDED ORDINANCE NO. 80-23 **BY: JEANNE GALLAGHER**
AN ORDINANCE AMENDING VARIOUS SECTIONS OF ROCKY RIVER CODIFIED
ORDINANCES CHAPTER 1163 ENTITLED: "OFFICE BUILDING DISTRICT
REGULATIONS", AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT "A"
1st READING

Mrs. Gallagher referred this to the Planning Commission.

ORDINANCE NO 81-23 **BY: JEANNE GALLAGHER**
AN ORDINANCE TO CHANGE THE ZONING CLASSIFICATION OF CERTAIN REAL
PROPERTIES 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"
REFERRED TO PLANNING

reviewing the outline.

Step 3: Complete the outline and send to Council to be ready for the review with your director.

Next meetings:

- November 13th – 1st Read
- November 20th - Review
- November 27th – 2nd Read
- FRIDAY, DECEMBER 1st – 8:00 a.m. -12:00 Noon - Reviews with Council and Directors
- December 4th – Last review and meet with any Director unable to make it on December 1st
- December 11th - Public Hearing - Possible 3rd Read of the 2024 Budget

COMMUNICATIONS FROM COUNCIL: Mrs. Gallagher has been fielding phone calls, emails and met with residents regarding blighted rental properties. Mrs. Gallagher reviewed the Master Plan and Goal 6 discusses incentivizing the beautification and rehabilitation of residential properties. Mrs. Gallagher has been in touch with the Building Department and has received good communication from them and she is planning on meeting with Commissioner Reich, John Peters and Aaron Hare to discuss items that can be changed or addressed as far as properties not being kept up and neighbors not being happy with that, trailers parking in driveways, etc. She has encouraged the residents to reach out to all of Council and the Administration.

- The Mayor said that in the budget, John Peters is retiring and is part time in property maintenance and rental. There is a proposal to make that a full-time position. The Mayor said it takes far too long to get people to do what is needed. There are a variety of reasons why owners cannot get to these issues. Mr. Hunt spoke with Mrs. Gallagher and he pulled legislation for habitual offenders. The Mayor said the Building Commissioner would welcome that as well.

Mr. Moran had a training session this evening on the new AED at Tri-City Park with Chief Lenart along with staff from the Cleveland Clinic. The new AED is on the side of the restroom building. The training session showed how the AED works along with CPR training. There may be AEDs added at Elmwood and Linden Parks. The training went well and Mr. Moran would like to have more people utilize this training.

UNFINISHED BUSINESS:

AMENDED ORDINANCE NO. 51-23: Mrs. Gallagher said this ordinance is to change the zoning classification of certain real properties is on hold.

AMENDED ORDINANCE NO. 80-23: Mrs. Gallagher stated that this is amending various sections of the Codified Ordinance Chapter 1163 and has been referred to Planning. There will be a Public Meeting in December for this ordinance.

ORDINANCE NO. 81-23: Mrs. Gallagher said this has been referred to Planning and they will have a Public Hearing on November 14th for the Jan Dell property.

RESOLUTION NO. 82-23: Mrs. Gallagher said that this resolution supports the placement of a proposed shore structure. ODNR Division of Real Estate and Management requires the city to pass this resolution. This will be read for a third time next week.

ORDINANCE NO. 83-23: Mrs. Morris said this is to authorize the city to enter a contract with the Cuyahoga County Board of Health for illicit discharge detection and monitoring for 2024 and 2025 not to

comparable outline as we prepare to review personnel changes, expectations of revenue, outline for expected expenses, major changes and long term “wish lists”. The understanding for this budget is not once a year, complete the task and then it is done, but it is a true plan that Council continually lives the entire year.

Like the city’s master plan, it is reviewed during the year for the completion of the outline that was presented. The administration reviews this plan and gives monthly updates from Director Thomas as to how the city is progressing on the financial side of things. The outlines, with power point presentations (from recreation and Wastewater treatment as part of the environmental committee) was extremely informative, but the outline this year from our Fire Department along with the example of what our fire department personnel have and use, was not only informative but also showed past investments Council approved to make the department, firemen, and residents know that we have all the tools needed to complete their tasks and save lives.

This is the most important task that City Council members complete during the year in understanding the budget and the requests for funding and spending. President Moran thanks you for the time put in and the time the Directors did also. There will be a Public Hearing to review for anyone who did not have a chance to be at the meeting to have the opportunity to ask any questions. This is important to all of us and President Moran is sure the open channel of communication and transparency of plans lets Council and the administration work together to service the residents of Rocky River.

President Moran is thankful for having the opportunity to understand this plan. The budget book that Council receives and reviews to see how Rocky River is growing as a community.

This shows why the City of Rocky River is voted as the best city in northeast Ohio by Cleveland Magazine with all we offer. The City of Rocky River has an award-winning Senior Center, an outstanding Recreation Department and programs, superior safety services, a court system that services the surrounding communities, a WasteWater Treatment Plant that also services Rocky River and surrounding communities and a safe city run by the Mayor with assistance from an award winning Finance Director and a Service Director that keeps our streets and departments moving in a positive direction.

President Moran said that City Council thanks you all.

COMMUNICATIONS FROM COUNCIL: NONE

UNFINISHED BUSINESS:

AMENDED ORDINANCE NO. 51-23: Mrs. Gallagher said this ordinance is to change the zoning classification of certain real properties and is still on hold.

AMENDED ORDINANCE NO. 80-23: Mrs. Gallagher stated that this amending ordinance is amending various sections of the Codified Ordinance Chapter 1163.09 entitled Office Building District Regulations. This was referred to Planning and Mrs. Gallagher presumes that Council read the Planning Commission minutes last week. Council needs to have some kind of consensus and do not want to hold it up. Mrs. Gallagher shared her thoughts:

- There are currently two buildings in Rocky River at 95' in height. The iconic historic Westlake and the office building at Linden and Center Ridge Road. While Mrs. Gallagher does not mean to diminish or negate the roles of those on the Planning Commission, as they said themselves, they are the professionals, she still has an obligation to the residents that elected her. Mrs. Gallagher knows that Director Snyder, Director Thomas and Mayor Bobst are professionals in what they do every day as well, yet Mrs. Gallagher as a member of City Council has a responsibility to make sure that they too are looking out for those that entrust us to do the right thing for our residents. Mrs. Gallagher not only represents those that live near Ingersoll, the impetus of this zoning overhaul but she lives nearby as well. Mrs. Gallagher believes the 70' height recommendation in OB-2 is generous. While she embraces new development and knows that change is good and needed, she does not think she wants a skyline in her neighborhood. She could be completely wrong, but she doesn't think that is what residents want as well. She spoke with a resident that lives in the area and she is concerned about the overpowering of a street that already has water issues, undoing the city's master plan and the overwhelming traffic currently on Detroit that forces many to use Smith Court, Linda and Ingersoll as cut throughs.
- Mrs. Gallagher also spoke with the fire chief to see if they had ladders to go 100' or more. In these instances, they depend on internal fire suppression, aka sprinklers to fight potential blazes. This Council was concerned that if garages were allowed to be built above the 15' currently in the code, people would have offices or rooms above their garages. If Council want to raise garage heights to avoid going to BZA to get a variance, she is confused why the possibility of an 80-100 structure in Beachcliff 2 would be ok. It is also important to mention that although the Planning Commission and Chairman Bishop mentions that the Cuyahoga County Planning Commission recommends a combined OB-1 and OB-2 district into one OB, they are not recommending this. The Cuyahoga County Planning Commission also recommended that the OB zoning districts that abut or are adjacent to residential districts have a height limit of 55'. That is not in the Development Code nor do they recommend this addition in this ordinance. Mrs. Gallagher's wishes are full transparency and openness to the residents and she is anxious to hear their opinions on this.
- Mr. Shepherd appreciates greatly the work the Planning Commission does. He has been to many of their meetings and they do an admirable job and apply a lot of experience and expertise to their issues and he has seen some great results. Mr. Shepherd too has a feel for what is appropriate for the city and that area based in part on discussions with residents as an elected official for a few more weeks. He probably won't be voting on this but he does have some opinions here. Mr. Shepherd thinks 80-100 feet is way too much for that area. He does not think it will be well received by the public when the hearings are held and he does not think it is appropriate for those spaces. Mr. Shepherd stated that the city has OB-2 which is office and somehow it was put up to 150 feet. If he shares some responsibility for that, it was totally off the wall. 100 feet that could be up to 9-10 stories is too much too. OB-2 under the proposed change is to be switched to a mixed use. He first thought that a mixed use he was excited and thought it might be something like a Crocker Park. He has observed recently that there are no office buildings being built. Rental units seem to be where there is incentive and makes

economic sense to develop property. He is not against rental units, but if it is too massive and too many, too high it won't be well received by the community. As he says this, if we are going to change OB-2 and allow it to be mixed use, he would rather see a new zoning classification called mixed use and make it mixed use it results in what you think mixed use is. To that extent if we don't specify in mixed use or OB-2 which allows mixed use, if we don't specify percentages, you will not get what necessarily what you want. It won't come back to the office in the current environment, but it could come back 100% residential and still complies with the zoning, it isn't mixed use. The Planning Commission might want to consider zoning classification for example a first-floor level you have a minimum percentage 20, 30, 40, whatever it is that is to be commercial. It would be nice to have some amenities for the community and would be more what we think when discussing mixed use. All of this is being said, recognizing the fact that we are voting to change OB-2 as it is currently sits on the zoning map. Most of Ingersol at center portion, is not OB-2, so it isn't what Council is considering at this time. It is currently at small manufacturing 35-foot height restriction. He thinks Council is in an awkward position here. The ordinance that is in front of Council, he would rather stick to the 70 feet. He feels that is somewhat generous for what he thinks is appropriate for that area. Then again, if you want to put mixed use down there and get mixed use, you have to somehow control it. You cannot have an open road map where you get no mixed use. These are Mr. Shepherd's concerns, he does not necessarily have the answers, but he would prefer this is held to 70 feet on this.

- Mr. Furry said well said for both. He initially was thinking his comfort zone would be 80 feet but he does agree with Mr. Shepherd on the mixed-use issue. What kind of a mixed-use would we get. Mr. Furry knows when Brighton Chase came along obviously anything was better than what was there, but he would have preferred owner occupy but it was rentals. He would petition for a little more 75-ish or 80, but he could stick with the 70 feet. It could be a transformational thing there, obviously the service manufacturing or small manufacturing is outdated. Conversely office buildings are outdated too thanks to COVID.
- Mr. Moran thinks that City Council has had an opportunity to review this, to speak to perspective suitors, view and walk the area and have done it. Council has had a lot of changes here with the situation of mixed-use, whether the County has one situation and Rocky River has another one as far as OB-1 and OB-2 really stands for. In looking at this situation, he might have been at the higher end but 70 foot was fine. He thinks looking at the review and seeing some suggestions 80 feet up to 25% goes back to 100 feet. That's too much. The 70 feet with an additional 10% or one more story more is what he would suggest. Residents would be concerned of a height of 100 feet or more. His feeling is 70 feet with a caveat for a variance of up to one more story, presenting the right information but not a situation of 80 feet with 25% more. He would be ok with up to 80 feet or with 70 plus a variance of one more floor.
- Mr. Sindelar said that the idea that office buildings are outdated, he read that trend too but there are two going up in the city near each other. Mr. Sindelar does not think Council should be planning like that based on trends, that is not what the issue is. There is a proposal to change from one to another. City Council is not planning. Secondly, to

presume what residents are going to say anecdotally on a couple of conversations, he thinks the Public Hearing is exactly what that is for. Specifically, height, he was not firm on anything, his suggestion was to follow the suggestion from Planning, but he is more than willing to go to 70 feet also. It seems from the beginning what everyone collectively has said and agreed on.

- Mr. Hunt wanted to commend Councilwoman Gallagher for her well thought out comments this evening. To echo the residents of Ward 1 they would have those same similar concerns as they did with the Roundstone Building. Council has thought about this, considered it at length and the recommendation was at 70 feet and he is perfectly comfortable with that.
- Mr. Moran asked if there were any more comments because there was a comment made about the height with the possible variance of going up 25% of the building. Mr. Moran said several Council members went to meetings regarding garages and did that at length. As far as that the question became “what is a garage anymore”. Council is trying to put some facts to this and give a great outline, inside that suggestion do you feel we should be giving something to the height and what we would expect to be the largest variance that they would be able to approve.
- Mr. Furry said his only thing was not to have a monolith there. He would agree to one additional story at 25-30% upwards to 50 to break it up some. He thinks that would be agreeable and a little olive branch in meeting halfway.
- The Mayor said that Planning along with the Architectural Review would also make sure that wouldn’t happen. They did it with Hilliard Blvd., Roundstone and Kennedy’s building.
- Mr. Hunt added that you get into legal discussions and what a practical difficulty is and what type of area variances can be granted. He does not think that is something this body should be going into at this point. The Boards and Commissions are obviously adept at figuring those out and they know what standards to apply to a particular variance request. It would have to be deferred to the Law Department to figure out the way to work that into a formula. The law is well settled in the area with regard to practical difficulties and what you can do or can’t do on an area variance.
- Mr. O’Shea said that they want to get to the point of not relying too much on variances, thinking forward that variances become less common.
- The Mayor said they do not want to go against what Council wishes. They understand that they can provide a variance but they don’t want to do that when council has said this is the maximum whether it is a setback, height or a permitted or conditional use. That is what governs the mixed-use part of this are the permitted uses that are provided for in the update.

- Mrs. Gallagher said she knows we aren't developers but she worked with the developer for Bay View Hospital and that had to go to the voters. She also had a front seat with her sister who worked for Bob Stark and the Carneys regarding Crocker Park and that also went to the voters.
- Mr. Sindelar said it is not a development issue. It is according to whether we change it from one to the other. The Mayor said there is a rezoning to be considered along with a change in the Development Code that is being considered that has an impact on the zoning change. It is a parallel process that must be considered.
- The Mayor added she inquired about the 55 feet when it abuts a residential. There is residential on the other side of the tracks. The tracks are a parcel because they pay taxes on those parcels, they are in fact the first abutting parcel, so it does not abut residential. A roadway does not have same standing. A roadway would be the residential zoning on the other side of the road that would dictate the 55 feet.
- Mrs. Gallagher also inquired with a real estate attorney on that too, but upon research that is not in our code, abutting residential property at 55 feet. The Mayor said it is one of the suggestions from the Cuyahoga County Planning. They did the city's Master Plan so the city engages them through an initial grant to update the Development Code consistent with the Master Plan. This process is continuing but this project hit at about the same time as that was being finalized.
- Mr. Shepherd said Council could define whether it abuts or how far away. If they recommend 55 feet against residential, Council effectively pass a provision that meets that need, even if the railroad tracks are in between. The city is not locked in any way to do it. The city could put a radius on it. It is entirely up to Council.
- Mr. O'Shea added that abut and adjacent are defined in the code in 1123.02. Abut means to physically touch or border upon or to share a common property line but not overlap. Adjacent definition says to see "abut". They are the same.
- The Mayor said that next week, Councilwoman Gallagher, these minutes will stand as part of your record. If the consensus is to leave it the way it was sent back to Planning, confirm that and refer it back. No motion is needed, just confirmation that it is being sent back with no changes.

ORDINANCE NO. 81-23: Mrs. Gallagher said this is to change the zoning classification of Permanent Parcel #301-18-083 from OB-2 to Local Business. There will be a Public Hearing on this December 18th at 7:00 p.m. in Council Chambers.

ORDINANCE NO 88-23: Mr. Moran said this is to renew for one year the agreement with Ruple Trucking for the removal of digested sludge cake for the winter season at \$56.99 per ton, which is the same price as last year. This will be put on the consent agenda for next week.

The Mayor reported that it was asked at the last S.A.F.E. meeting to give the suburbs updated noise data from the airport. S.A.F.E. is a Council of Governments that was established to have suburban oversight over Cleveland Hopkins Airport when they were doing an expansion to the runway. Residents can now go online to a tracking system of all flights to voice a complaint. The statistics the Mayor received are as follows concerning noise complaints per city by year for the City of Rocky River:

- 2020 – 128 complaints
- 2021 – 11 complaints
- 2022 – 8 complaints
- 2023 – no complaints

During this time, the Detroit/Cleveland Metroplex was put in to place which sent air traffic down the path of the valley then out several hundred feet over the lake before turning. The Metroplex has had some impact. The city was getting hundreds of complaints prior to the Metroplex being put in to place.

The Mayor gave a big thank you to Mary Hildebrandt, the Senior Center social worker. More than seventy-five Pinzone Tower residents participated in a holiday celebration with treats, games, carols and gift cards. The Mayor thanked Mary for all her time and effort. It used to be an arrangement of dropping gift cards off without special time to spend with the residents.

The Mayor said that next week will be the last week of leaf collection. This week will be the sixth pass through the city and next Monday will begin the last pass of the season. After that, residents may use the brown lawn bags for yard waste. The Mayor reiterated that if there is a car parked in front of leaf piles causing leaves not to be picked up, let the city know and they will manage that for the residents.

LAW DEPARTMENT: Law Director O'Shea said that he is beginning the process of drafting the appropriate legislation to address Issue 2 and whether the city will permit an operation in the City of Rocky River. He will be drafting this legislation and sending it Councilman Hunt for review to pass before the end of the year.

COMMITTEE REPORTS: Finance Committee: President Moran said that Council had the opportunity on December 1st to finalize Ordinance No. 95-23. There was excellent communication and thank you to the Mayor, Director Thomas and all the directors. It is a great outline for what will be happening in 2024. This Ordinance will not be read for a third time this evening since Councilwoman Morris is absent and not able to vote on it.

COMMUNICATIONS FROM COUNCIL: NONE

PUBLIC COMMENT: Mr. Bobby Kreuger, 21495 Avalon Drive, read a prepared statement. Mr. Kreuger was born and raised in Rocky River and currently resides at the above address. He is a real estate developer that purchased the land at 18960 -19970 Ingersol Drive in September of 2021. In addition to owning these parcels on Ingersol, they are currently working on two significant projects in Rocky River. The first is at 22655 Center Ridge Road, a two-phase multi-family development and the second one is 19933 Lake Road which will be a family office. He also submitted a list of projects for the record that his family's company, the Kreuger Group, has either developed, owned, constructed, or managed in Rocky River over the past 45 years. Over sixty projects in total. The parcels he owns at Ingersol are a topic of legislation this evening and the reason for his forthcoming statement. Rocky River has a formal rezoning process that he has followed with the guidance of the Mayor and the Planning Commission. His request is that the City Council support the Planning Commission's recommendation for the rezoning of these parcels on Ingersol to OB-2. Their goal for this project is to create a meaningful community development. The service manufacturing uses associated with the current zoning are obsolete and are not an asset to the community. Without proper zoning the best position for any developer would be to sell off the existing lots individually to separate owners each with their own vision. It is difficult to

predict how this might turn out but it seems fair to say that it would present challenges to creating a cohesive development pattern. He believes this is a once in a lifetime opportunity for the property and the City of Rocky River. The company has made every effort to respect and compliment the city's Master Plan goals with the development of this project and being transparent about their intentions throughout this zoning application. He is asking for the zoning change to make the project work for them, yes, but they also believe this change will benefit the broader community economically and socially both now and for years to come. Thank you.

Lisa Havemann, 180 Buckingham Road, said that during the Planning Commission meeting, they commented that City Council did not have the experience or expertise needed to determine the appropriate height restrictions and while she thinks engineering and zoning knowledge is useful, she agrees with Councilwoman Gallagher's statement that the primary objective is to look out for the interest of the residents. Therefore, she believes City Council does have the adequate knowledge and experience to evaluate these things. She appreciates that Council is taking a more in-depth look at the zoning proposals that come before Council. As the Mayor rightly pointed out, the railroad tracks are adjacent to the parcels while the streets are not. However, for residents the impact is much the same regardless of whether they are separated by a street or railroad tracks. Therefore, Councilman Shepherd's idea of a radius to determine whether a project is near a residential property seems like an appropriate standard than using the adjacent parcel standard. Last week Councilman Sindelar argued that office buildings are still a desired land use since two buildings were put up on Lake Road. She argues that his observation is only partly correct because developers are still interested in small office buildings in Rocky River but suspects the demand for super tall buildings which would require the OB-2 zoning as it is now, are probably more limited. Councilman's Shepherd's suggestion to create a mixed land use zoning designation seems like the most appropriate solution to the Ingersol situation. OB-2 with the higher height restriction, for example 80 to 100 feet seems reasonable for an all-commercial location like Center Ridge Road. However, it is a bit high for a location like Ingersol Drive. She also thinks that the proposed re-development for that location is not really an office building. It is expected to be commercial and residential mixed land use. Therefore, neither a residential only or an office building only classification seems appropriate to her. Frankly, both the current designation of 150 feet and the County's recommendation of 120 feet, seem too tall for Ingersol Drive and possibly the entire city. She has heard many residents express this same sentiment. At their last meeting, the Planning Commission expressed concern that seventy feet was not significantly different than the OB-1 height limit of 55 feet. She thinks that is a fair point. A higher OB-2 height restriction might be appropriate for large commercial centers like Center Ridge. Even more reason to create a new mixed use zoning classification that then could be used for Ingersol Drive. One of the Councilmembers said that decisions should not be anecdotal stories from citizens, but rather rely on the comments made during the Public Hearings. Often, residents are unaware or unable to attend the Public Meetings, however opinions communicated directly to Council members are just as valid as those made during the hearings and shouldn't be considered anecdotal. Lastly, in the past, minutes, agendas and attachments were very challenging to locate on the city's webpage. The new link of Meeting Central on the city's homepage is very helpful and eliminates a lot of confusion.

- Mr. Sindelar corrected Ms. Havemann saying he did not advocate for office buildings. He stated the fact that regardless of trends two people about 100 feet from each other are building office buildings. He was not advocating one way or the other. Ms. Havemann did not mean Mr. Sindelar was advocating. Mr. Sindelar said he was just pointing out a fact.

Brenda Russ, 522 Beachcliff Row Drive, which is near Ingersol. Her question tonight is as described in Exhibit A and there is no Exhibit A, where can she locate that? That might give information as to what the builder is intending to build. Mrs. Gallagher gave her Exhibit A. Ms. Russ said that with the addition of the two office buildings there will be an increase in traffic in that area and that should be a heavy

consideration. The Mayor said that Ms. Russ can meet with the Building Department regarding the rezoning. The Mayor said the rezoning is separate from the project itself. Rezoning should look at the highest and best use in each area. That is hard because everyone wants to know what the project is, why it is being rezoned, but they are parallel processes. In addition, the Development Code is being updated because the city has been working on it to match the Master Plan. In addition to this height question, which is an important one, there is also an addition of permitted uses. The question of mixed use is addressed in these additional permitted uses, even though it is not defined as mixed use zoning. Feel free to call the Mayor's office in the morning, she will get Ms. Russ everything she has.

UNFINISHED BUSINESS:

AMENDED ORDINANCE NO. 51-23 **BY: JEANNE GALLAGHER**
AN ORDINANCE TO CHANGE THE ZONING CLASSIFICATION OF CERTAIN REAL
PROPERTIES KNOWN AS AUDITOR'S PERMANENT PARCEL NOS. 301-17-082, 301-17-083,
301-17-048, AND 301-17-084, FROM THEIR PRESENT CLASSIFICATION OF SM-SERVICE
MANUFACTURING TO OB-2-OFFICE, AS FURTHER DESCRIBED IN EXHIBIT "A"
ON HOLD

This was referred to the Planning Commission and remains on hold.

AMENDED ORDINANCE NO. 80-23 **BY: JEANNE GALLAGHER**
AN ORDINANCE AMENDING VARIOUS SECTIONS OF ROCKY RIVER CODIFIED
ORDINANCES CHAPTER 1163 ENTITLED: OFFICE BUILDING DISTRICT
REGULATIONS", AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT "A"
ON HOLD

Mrs. Gallagher said this is amending various sections of the Codified Ordinances, Chapter 1163 Entitled Office Building District Regulations. This was discussed last week and is being referred back to Planning with the recommendation.

ORDINANCE NO. 81-23 **BY: JEANNE GALLAGHER**
AN ORDINANCE TO CHANGE THE ZONING CLASSIFICATION OF CERTAIN REAL
PROPERTIES 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"
3rd READING

Mrs. Gallagher said there will be a Public Hearing next Monday, December 18th at 7:00 p.m. regarding this ordinance.

ORDINANCE NO. 95-23 **BY: JAMES W. MORAN**
AN EMERGENCY ORDINANCE TO MAKE APPROPRIATIONS FOR THE CURRENT
EXPENSES OF THE CITY OF ROCKY RIVER, OHIO, DURING THE FISCAL YEAR ENDING
DECEMBER 31, 2024
3rd READING

Mr. Moran said this is an annual ordinance for the 2024 Budget. Director Thomas forwarded an amended exhibit with a total decrease of about \$15,000. There were changes made to the WWTP and other alignments with insurance and severance compensations. Mr. Moran moved to amend Ordinance No. 95-23 by substitution, seconded by Mr. Hunt.

Vote: Hunt – aye Shepherd – aye Gallagher – aye

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 existing 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.


William Bishop, Chairman


Michael DeMarco, Vice-Chairman

Date: 9/26/2023

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.

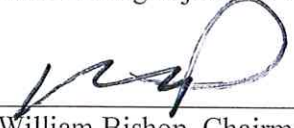
Mr. Bishop encouraged the Council members who are present to express any concerns they may have. They discussed the proximity of residential to existing OB-1 properties. Ms. Morris thinks that protecting the residential properties so they don't have to look at something that they hate and that blocks 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.

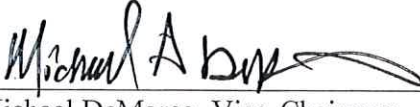
Mr. DeMarco moved to recommend amending the height in Ordinance 80-23 as referred by City Council, from 70' to 80' in OB-2 zoning districts, with the inclusion of a clause that reads, "Planning Commission may allow for up to 25% of the building footprint to increase in height to 100' based on their review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

5 Ayes – 0 Nays
Passed

The meeting adjourned at 7:40 pm.



William Bishop, Chairman



Michael DeMarco, Vice-Chairman

Date: 12/19/2023.

To: Rocky River Planning Commission & City Council-

We support the meaningful changes being proposed to the OB (Office Building) districts to allow for a broader range of uses to be developed on the OB properties throughout the city. An OB-2 zoning designation for Ingersoll Dr. will provide a long-awaited opportunity to transform a blighted property into a vibrant, walkable, community destination. I have no objection to the maximum permitted height for OB-2 zoning districts being **REDUCED from 150' to 100'** that has been recommended by the Planning Commission. It is important for the Planning Commission and the City of Rocky River City Council to consider what is best for further developing the entire city while still protecting the current OB-2 property owners from a major reduction in their property values.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Gray".

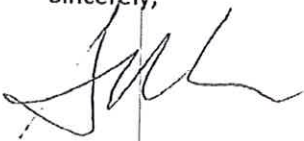
Letters of Support via email

January 17, 2024

To: Rocky River Planning Commission & City Council,

We support the meaningful changes being proposed to the OB (Office Building) districts to allow for a broader range of uses to be developed on the OB properties throughout the city. An OB-2 zoning designation for Ingersoll Dr. will provide a long-awaited opportunity to transform a blighted property into a vibrant, walkable, community destination. I have no objection to the maximum permitted height for OB-2 zoning districts being REDUCED from 150' to 100' that has been recommended by the Planning Commission. It is important for the Planning Commission and the City of Rocky River City Council to consider what is best for further developing the entire city while still protecting the current OB-2 property owners from a major reduction in their property values.

Sincerely,

A handwritten signature in black ink, appearing to read 'SK', with a stylized flourish extending to the right.

Sean Kennedy

Kate Straub

Subject: FW: Support for Ingersoll Dr Project- OB Height Requirements

Kate Straub, Planning and Zoning Coordinator
City of Rocky River
440-331-0600 ext. 2037

From: John Carney <jc@johncarneyonline.com>
Sent: Wednesday, January 17, 2024 10:15 PM
To: Kate Straub <kstraub@rrcity.com>
Subject: Support for Ingersoll Dr Project- OB Height Requirements

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Hi Kate,

My wife Leah and I support the proposed Ingersoll Dr development project and the Planning Commission's recommendation to the modifications of the Office Building Zoning District Regulations.

Rocky River is definitely a city on the move and we are looking forward to seeing the new commercial development projects on Ingersoll Dr (and Lake Rd) come to life.

Sincerely,

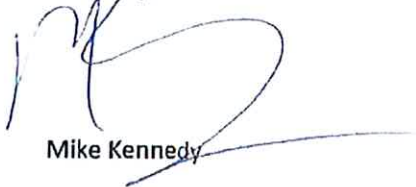
John & Leah Carney
19955 Roslyn Dr

January 15, 2024

To: Rocky River Planning Commission & City Council,

We support the meaningful changes being proposed to the OB (Office Building) districts to allow for a broader range of uses to be developed on the OB properties throughout the city. An OB-2 zoning designation for Ingersoll Dr. will provide a long-awaited opportunity to transform a blighted property into a vibrant, walkable, community destination. I have no objection to the maximum permitted height for OB-2 zoning districts being REDUCED from 150' to 100' that has been recommended by the Planning Commission. It is important for the Planning Commission and the City of Rocky River City Council to consider what is best for further developing the entire city while still protecting the current OB-2 property owners from a major reduction in their property values.

Sincerely,

A handwritten signature in blue ink, appearing to be 'Mike Kennedy', with a long horizontal flourish extending to the right.

Mike Kennedy

To: Rocky River Planning Commission & City Council-

*We support the meaningful changes being proposed to the OB (Office Building) districts to allow for a broader range of uses to be developed on the OB properties throughout the city. An OB-2 zoning designation for Ingersoll Dr. will provide a long-awaited opportunity to transform a blighted property into a vibrant, walkable, community destination. I have no objection to the maximum permitted height for OB-2 zoning districts being **REDUCED from 150' to 100'** that has been recommended by the Planning Commission. It is important for the Planning Commission and the City of Rocky River City Council to consider what is best for further developing the entire city while still protecting the current OB-2 property owners from a major reduction in their property values.*

Sincerely,

*John Farrall
21190 Aberdeen Road
Rocky River, OH 44116*

To: Rocky River Planning Commission & City Council-

*We support the meaningful changes being proposed to the OB (Office Building) districts to allow for a broader range of uses to be developed on the OB properties throughout the city. An OB-2 zoning designation for Ingersoll Dr. will provide a long-awaited opportunity to transform a blighted property into a vibrant, walkable, community destination. I have no objection to the maximum permitted height for OB-2 zoning districts being **REDUCED from 150' to 100'** that has been recommended by the Planning Commission. It is important for the Planning Commission and the City of Rocky River City Council to consider what is best for further developing the entire city while still protecting the current OB-2 property owners from a major reduction in their property values.*

Sincerely,

/Sean Mellino/

Kate Straub

From: White, Brian (Dennis) B <dbwhite@beckman.com>
Sent: Thursday, January 18, 2024 8:06 AM
To: Kate Straub
Subject: Support for Ingersol Project

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Kate:

My name is Brian White, I live in Rocky River on Morewood Parkway. I have had the pleasure of working with Jack Dohney and the Kruger group on several large construction projects over the past 10 years.

The company does impeccable work and takes the time to ensure all checklists are crossed off before moving on to another job. We should feel blessed to have an opportunity to work with them as a lead on this important project.

Sincerely:

D. Brian White
(216) 496-1425 - cell phone

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Kate Straub

From: catherine ly <catherinely21@gmail.com>
Sent: Tuesday, January 16, 2024 9:37 PM
To: Kate Straub
Subject: Ingersoll Drive

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To: Rocky River Planning Commission & City Council-

*We support the meaningful changes being proposed to the OB (Office Building) districts to allow for a broader range of uses to be developed on the OB properties throughout the city. An OB-2 zoning designation for Ingersoll Dr. will provide a long-awaited opportunity to transform a blighted property into a vibrant, walkable, community destination. I have no objection to the maximum permitted height for OB-2 zoning districts being **REDUCED** from 150' to 100' that has been recommended by the Planning Commission. It is important for the Planning Commission and the Rocky River City Council to consider what is best for further developing the entire city while still protecting the current OB-2 property owners from a major reduction in their property values.*

Sincerely,

Catherine Ly, DO

To: Rocky River Planning Commission & City Council-

*We support the meaningful changes being proposed to the OB (Office Building) districts to allow for a broader range of uses to be developed on the OB properties throughout the city. An OB-2 zoning designation for Ingersoll Dr. will provide a long-awaited opportunity to transform a blighted property into a vibrant, walkable, community destination. I have no objection to the maximum permitted height for OB-2 zoning districts being **REDUCED from 150' to 100'** that has been recommended by the Planning Commission. It is important for the Planning Commission and the City of Rocky River City Council to consider what is best for further developing the entire city while still protecting the current OB-2 property owners from a major reduction in their property values.*

Sincerely,

A handwritten signature in cursive script, appearing to read "S. First".

Sharon First
2846 Gasser Blvd
Rocky River, Ohio

Kate Straub

From: Eric Wiedemer <ewiedemer@hinkley.com>
Sent: Tuesday, January 16, 2024 2:23 PM
To: Kate Straub
Subject: Letter in Support of Ingersoll Re-Zoning

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To: Rocky River Planning Commission & City Council-

I support the meaningful changes being proposed to the OB (Office Building) districts to allow for a broader range of uses to be developed on the OB properties throughout the city. An OB-2 zoning designation for Ingersoll Dr. will provide a long-awaited opportunity to transform a blighted property into a vibrant, walkable, community destination. I have no objection to the maximum permitted height for OB-2 zoning districts being **REDUCED from 150' to 100'** that has been recommended by the Planning Commission. It is important for the Planning Commission and the City of Rocky River City Council to consider what is best for further developing the entire city while still protecting the current OB-2 property owners from a major reduction in their property values.

Sincerely,

Eric Wiedemer
Rocky River Resident

ERIC WIEDEMER | VP & GENERAL COUNSEL

HINKLEY
33000 PIN OAK PARKWAY | AVON LAKE, OHIO 44012
DIRECT 440 653 5535 | P 800 446 5539 | F 440 653 5585
hinkley.com

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Eric Wiedemer
VP and General Counsel

Direct: 440 653 5535
Fax: 440 653 5585
Email: ewiedemer@hinkley.com

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Avon Lake, OH 44012
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Kate Straub

From: Bridget Troy <BTroy@kendallhunt.com>
Sent: Tuesday, January 16, 2024 2:12 PM
To: Kate Straub
Cc: Sean Troy
Subject: Ingersoll Rezoning~ Letter of Support
Attachments: Ingersoll Re-Zoning Support Letter -TROY.docx

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Hi, Kate.

I trust you are off to a great 2024.

Attached is our letter of support for the Ingersoll rezoning issue slated to be discussed at the upcoming Planning Commission & City Council meeting.

We support the meaningful changes being proposed to the OB (Office Building) districts to allow for a broader range of uses to be developed on the OB properties throughout the city.

An OB-2 zoning designation for Ingersoll Dr. will provide a long-awaited opportunity to transform a blighted property into a vibrant, walkable, community destination.

We have no objection to the maximum permitted height for OB-2 zoning districts being **REDUCED** from 150' to **100'** that has been recommended by the Planning Commission.

It is important for the Planning Commission and the City of Rocky River City Council to consider what is best for further developing the entire city while still protecting the current OB-2 property owners from a major reduction in their property values.

Regards,

Bridget and Sean Troy
20751 Avalon Dr.
Rocky River, OH 44116



Bridget M. Troy

Director, K12 Sales

Kendall Hunt | **ConstructEd**

P 800-542-6657 **Ext** 1478

C 563-580-3927

E btroy@kendallhunt.com

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To: Rocky River Planning Commission & City Council-

*We support the meaningful changes being proposed to the OB (Office Building) districts to allow for a broader range of uses to be developed on the OB properties throughout the city. An OB-2 zoning designation for Ingersoll Dr. will provide a long-awaited opportunity to transform a blighted property into a vibrant, walkable, community destination. I have no objection to the maximum permitted height for OB-2 zoning districts being **REDUCED from 150' to 100'** that has been recommended by the Planning Commission. It is important for the Planning Commission and the City of Rocky River City Council to consider what is best for further developing the entire city while still protecting the current OB-2 property owners from a major reduction in their property values.*

Sincerely,

Brennen Randquist

330-671-1587

Brennen.randquist@gmail.com

19523 Beach Cliff Blvd

Rocky River, OH 44116

To: Rocky River Planning Commission & City Council-

We support the meaningful changes being proposed to the OB (Office Building) districts to allow for a broader range of uses to be developed on the OB properties throughout the city. An OB-2 zoning designation for Ingersoll Dr. will provide a long-awaited opportunity to transform a blighted property into a vibrant, walkable, community destination. I have no objection to the maximum permitted height for OB-2 zoning districts being REDUCED from 150' to 100' that has been recommended by the Planning Commission. It is important for the Planning Commission and the City of Rocky River City Council to consider what is best for further developing the entire city while still protecting the current OB-2 property owners from a major reduction in their property values.

Sincerely,

Daniel J. Geuther

Daniel J. Geuther

To: Rocky River Planning Commission & City Council-

*We support the meaningful changes being proposed to the OB (Office Building) districts to allow for a broader range of uses to be developed on the OB properties throughout the city. An OB-2 zoning designation for Ingersoll Dr. will provide a long-awaited opportunity to transform a blighted property into a vibrant, walkable, community destination. I have no objection to the maximum permitted height for OB-2 zoning districts being **REDUCED from 150' to 100'** that has been recommended by the Planning Commission. It is important for the Planning Commission and the City of Rocky River City Council to consider what is best for further developing the entire city while still protecting the current OB-2 property owners from a major reduction in their property values.*

Sincerely,

A handwritten signature in blue ink, appearing to read "Kim Crane & Ryan Crane", with a stylized flourish at the end.

*Kim and Ryan Crane
19722 Frazier Dr.
Rocky River, OH 44116*

Kate Straub

From: Harris, Paul R. <PHarris@taftlaw.com>
Sent: Tuesday, January 16, 2024 1:07 PM
To: Kate Straub
Subject: Ingersoll Dr Rezoning

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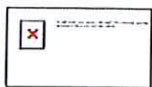
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To: Rocky River Planning Commission & City Council-

*I support the meaningful changes being proposed to the OB (Office Building) districts to allow for a broader range of uses to be developed on the OB properties throughout the city. An OB-2 zoning designation for Ingersoll Dr. will provide a long-awaited opportunity to transform a blighted property into a vibrant, walkable, community destination. I have no objection to the maximum permitted height for OB-2 zoning districts being **REDUCED from 150' to 100'** that has been recommended by the Planning Commission. It is important for the Planning Commission and the City of Rocky River City Council to consider what is best for further developing the entire city while still protecting the current OB-2 property owners from a major reduction in their property values.*

Sincerely,

Paul R. Harris



Paul R. Harris

Partner

PHarris@taftlaw.com

Dir: 216.706.3862

Tel: 216.241.2838 | Fax: 216.241.3707

200 Public Square, Suite 3500

Cleveland, Ohio 44114-2302

taftlaw.com

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To: Rocky River Planning Commission & City Council-

*We support the meaningful changes being proposed to the OB (Office Building) districts to allow for a broader range of uses to be developed on the OB properties throughout the city. An OB-2 zoning designation for Ingersoll Dr. will provide a long-awaited opportunity to transform a blighted property into a vibrant, walkable, community destination. I have no objection to the maximum permitted height for OB-2 zoning districts being **REDUCED from 150' to 100'** that has been recommended by the Planning Commission. It is important for the Planning Commission and the City of Rocky River City Council to consider what is best for further developing the entire city while still protecting the current OB-2 property owners from a major reduction in their property values.*

Sincerely,

Abbey Heisler

Jeff Heisler

*20606 Morewood Pkwy
Rocky River, OH 44116*

To: Rocky River Planning Commission & City Council-

*We support the meaningful changes being proposed to the OB (Office Building) districts to allow for a broader range of uses to be developed on the OB properties throughout the city. An OB-2 zoning designation for Ingersoll Dr. will provide a long-awaited opportunity to transform a blighted property into a vibrant, walkable, community destination. I have no objection to the maximum permitted height for OB-2 zoning districts being **REDUCED from 150' to 100'** that has been recommended by the Planning Commission. It is important for the Planning Commission and the City of Rocky River City Council to consider what is best for further developing the entire city while still protecting the current OB-2 property owners from a major reduction in their property values.*

Sincerely,

Michael Bertin

Michael Bertin

Kate Straub

From: Conroy, John <john_conroy@keybank.com>
Sent: Tuesday, January 16, 2024 11:43 AM
To: Kate Straub
Subject: Ingersoll Re-Zoning
Attachments: Scan.pdf

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Kate:

Please see attached the support letter for the Re-Zoning of Ingersoll. I believe this project represents progress and reinvestment in an area of our city which needs it.

My wife, three young children and I have been residents since 2016 and strongly support this exciting phase of development.

Please let me know if there is anything else which can be helpful and all of the best in your efforts.

Thanks,
John



John Conroy
Vice President
Commercial Banking
OH-01-27-1203
127 Public Square, Cleveland, OH 44114
Phone: 216-689-7337
John_conroy@keybank.com

KeyCorp Public

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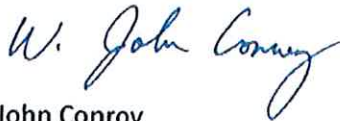
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To: Rocky River Planning Commission & City Council-

*We support the meaningful changes being proposed to the OB (Office Building) districts to allow for a broader range of uses to be developed on the OB properties throughout the city. An OB-2 zoning designation for Ingersoll Dr. will provide a long-awaited opportunity to transform a blighted property into a vibrant, walkable, community destination. I have no objection to the maximum permitted height for OB-2 zoning districts being **REDUCED from 150' to 100'** that has been recommended by the Planning Commission. It is important for the Planning Commission and the City of Rocky River City Council to consider what is best for further developing the entire city while still protecting the current OB-2 property owners from a major reduction in their property values.*

Sincerely,

A handwritten signature in blue ink that reads "W. John Conroy". The signature is fluid and cursive, with the first name "W." and last name "Conroy" clearly legible.

John Conroy

20724 Beachwood Drive

Rocky River, OH 44116

John_conroy@keybank.com

440-864-8947 (c)

Rocky River Resident – 2016 - Present

Kate Straub

From: Joe Boehm III <jboehmiii@providerrep.com>
Sent: Tuesday, January 16, 2024 10:55 AM
To: Kate Straub
Subject: Ingersoll Re-Zoning Support Letter
Attachments: Ingersoll Re-Zoning Support Letter.pdf

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Hi Kate. Please find my signed document supporting the Ingersoll Re-Zoning changes. I am a life-long RR resident, over 40 years, and know the Krueger family and company as strong, trustworthy, community builders. I'm confident in their ability to create a shared vision with the city that will be strategic and meaningful for the community and all relevant stakeholders.

Thank you for your consideration.

Regards,

Joe

To: Rocky River Planning Commission & City Council-

We support the meaningful changes being proposed to the OB (Office Building) districts to allow for a broader range of uses to be developed on the OB properties throughout the city. An OB-2 zoning designation for Ingersoll Dr. will provide a long-awaited opportunity to transform a blighted property into a vibrant, walkable, community destination. I have no objection to the maximum permitted height for OB-2 zoning districts being **REDUCED from 150' to 100'** that has been recommended by the Planning Commission. It is important for the Planning Commission and the City of Rocky River City Council to consider what is best for further developing the entire city while still protecting the current OB-2 property owners from a major reduction in their property values.

Sincerely,

X



Joseph J. Boehm III
CEO Provider Real Estate partners

(

Insert Name Here)

Kate Straub

From: Anne Lashutka <annelashutka@gmail.com>
Sent: Tuesday, January 16, 2024 10:29 AM
To: Kate Straub
Subject: Ingersoll OB-2 Zoning

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To: Rocky River Planning Commission & City Council-

*I support the meaningful changes being proposed to the OB (Office Building) districts to allow for a broader range of uses to be developed on the OB properties throughout the city. An OB-2 zoning designation for Ingersoll Dr. will provide a long-awaited opportunity to transform a blighted property into a vibrant, walkable, community destination. I have no objection to the maximum permitted height for OB-2 zoning districts being **REDUCED from 150' to 100'** that has been recommended by the Planning Commission. It is important for the Planning Commission and the City of Rocky River City Council to consider what is best for further developing the entire city while still protecting the current OB-2 property owners from a major reduction in their property values.*

Sincerely,

Anne Lashutka

Kate Straub

From: Lori Coticchia <LCoticchia@ruffingmontessori.org>
Sent: Tuesday, January 16, 2024 8:31 AM
To: Kate Straub
Cc: Bobby Krueger
Subject: Ingersoll Road Re-Zoning

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To: Rocky River Planning Commission & City Council-

*We **STRONGLY** support the meaningful changes being proposed to the OB (Office Building) districts to allow for a broader range of uses to be developed on the OB properties throughout the city. An OB-2 zoning designation for Ingersoll Dr. will provide a long-awaited opportunity to transform a blighted property into a vibrant, walkable, community destination. We have no objection to the maximum permitted height for OB-2 zoning districts being **REDUCED from 150' to 100'** that has been recommended by the Planning Commission. It is important for the Planning Commission and the City of Rocky River City Council to consider what is best for further developing the entire city while still protecting the current OB-2 property owners from a major reduction in their property values.*

Sincerely,

*Lori Coticchia- 21425 Avalon Drive
Ellen Coticchia- 21425 Avalon Drive
Julie Yates- 236 Arundel
John Yates- 236 Arundel
Madeleine Coticchia- 20847 Stratford Dr.
Jeff Reese- 20847 Stratford Dr.
Alex Spellacy- 241 Buckingham
Patrick Spellacy- 241 Buckingham*

Kate Straub

From: Maura Neundorfer <mneundo@gmail.com>
Sent: Tuesday, January 16, 2024 8:28 AM
To: Kate Straub
Subject: OB-2 Zoning Districts

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To: Rocky River Planning Commission & City Council-

*We support the meaningful changes being proposed to the OB (Office Building) districts to allow for a broader range of uses to be developed on the OB properties throughout the city. An OB-2 zoning designation for Ingersoll Dr. will provide a long-awaited opportunity to transform a blighted property into a vibrant, walkable, community destination. I have no objection to the maximum permitted height for OB-2 zoning districts being **REDUCED from 150' to 100'** that has been recommended by the Planning Commission. It is important for the Planning Commission and the City of Rocky River City Council to consider what is best for further developing the entire city while still protecting the current OB-2 property owners from a major reduction in their property values.*

*Sincerely,
Maura*

Maura Del Rosario
Lifetime Rocky River Resident
Mneundo@gmail.com

Kate Straub

From: Bobby Krueger <bkrueger@buildwithkrueger.com>
Sent: Tuesday, January 16, 2024 7:04 AM
To: Kate Straub
Cc: Jack Doheny; Dan Krueger
Subject: OB & Ingersoll Rezoning Support

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Kate-

Please share the following with the RR PC & CC.

To: Rocky River Planning Commission & City Council-

*As a resident of Rocky River, I am writing to support the meaningful changes being proposed to the OB (Office Building) districts to allow for a broader range of uses to be developed on the OB properties throughout the city. An OB-2 zoning designation for Ingersoll Dr. will provide a long-awaited opportunity to transform a blighted property into a vibrant, walkable, community destination. I have no objection to the maximum permitted height for OB-2 zoning districts being **REDUCED from 150' to 100'** that has been recommended by the Planning Commission. It is important for the Planning Commission and the City of Rocky River City Council to consider what is best for further developing the entire city while still protecting the current OB-2 property owners from a major reduction in their property values.*

Sincerely,



Bobby Krueger

Partner/President at The Krueger Group
Email: bkrueger@buildwithkrueger.com
Phone: 216-252-0222 | Mobile: 312-731-8495
12600 Triskett Road, Cleveland, OH 44111

To: Rocky River Planning Commission & City Council-

*We support the meaningful changes being proposed to the OB (Office Building) districts to allow for a broader range of uses to be developed on the OB properties throughout the city. An OB-2 zoning designation for Ingersoll Dr. will provide a long-awaited opportunity to transform a blighted property into a vibrant, walkable, community destination. I have no objection to the maximum permitted height for OB-2 zoning districts being **REDUCED from 150' to 100'** that has been recommended by the Planning Commission. It is important for the Planning Commission and the City of Rocky River City Council to consider what is best for further developing the entire city while still protecting the current OB-2 property owners from a major reduction in their property values.*

Sincerely,

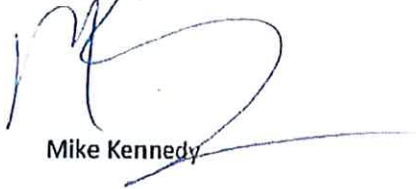
Terry McNamee

January 15, 2024

To: Rocky River Planning Commission & City Council,

We support the meaningful changes being proposed to the OB (Office Building) districts to allow for a broader range of uses to be developed on the OB properties throughout the city. An OB-2 zoning designation for Ingersoll Dr. will provide a long-awaited opportunity to transform a blighted property into a vibrant, walkable, community destination. I have no objection to the maximum permitted height for OB-2 zoning districts being REDUCED from 150' to 100' that has been recommended by the Planning Commission. It is important for the Planning Commission and the City of Rocky River City Council to consider what is best for further developing the entire city while still protecting the current OB-2 property owners from a major reduction in their property values.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Mike Kennedy', with a long horizontal flourish extending to the right.

Mike Kennedy

January 15, 2024

To: Rocky River Planning Commission & City Council,

We support the meaningful changes being proposed to the OB (Office Building) districts to allow for a broader range of uses to be developed on the OB properties throughout the city. An OB-2 zoning designation for Ingersoll Dr. will provide a long-awaited opportunity to transform a blighted property into a vibrant, walkable, community destination. I have no objection to the maximum permitted height for OB-2 zoning districts being REDUCED from 150' to 100' that has been recommended by the Planning Commission. It is important for the Planning Commission and the City of Rocky River City Council to consider what is best for further developing the entire city while still protecting the current OB-2 property owners from a major reduction in their property values.

Sincerely,

A handwritten signature in blue ink that reads "Matt Kennedy". The signature is stylized with a large, sweeping "M" and a long, horizontal stroke at the end.

Matthew Kennedy

Kate Straub

From: Chris Steiner <chrisjsteiner@gmail.com>
Sent: Monday, January 15, 2024 10:47 AM
To: Kate Straub
Cc: JDoheny@buildwithkrueger.com; Brigid Steiner
Subject: Support for Ingersoll
Attachments: Ingersoll Re-Zoning Support Letter - Chris Steiner.docx

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Hi Kate.

I am writing to share my support for the Ingersoll project and upcoming planning commission recommendation and decision. As a homeowner and direct neighbor of Ingersoll street, I feel development of Ingersoll is needed and a welcome development and improvement to Rocky River community and property values. Ingersoll street is in need of development and I support the project.

Please find attached my support letter.

Thank you

-Chris Steiner
345 Falmouth Drive

To: Rocky River Planning Commission & City Council-

*We support the meaningful changes being proposed to the OB (Office Building) districts to allow for a broader range of uses to be developed on the OB properties throughout the city. An OB-2 zoning designation for Ingersoll Dr. will provide a long-awaited opportunity to transform a blighted property into a vibrant, walkable, community destination. I have no objection to the maximum permitted height for OB-2 zoning districts being **REDUCED from 150' to 100'** that has been recommended by the Planning Commission. It is important for the Planning Commission and the City of Rocky River City Council to consider what is best for further developing the entire city while still protecting the current OB-2 property owners from a major reduction in their property values.*

Sincerely,

*Chris Steiner
345 Falmouth Dr.
Rocky River OH 44116*

Kate Straub

From: Dan Krueger <dkrueger@buildwithkrueger.com>
Sent: Monday, January 15, 2024 10:33 AM
To: Kate Straub
Cc: Bobby Krueger
Subject: Ingersoll Re-Zoning letter of support

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Rocky River Planning Commission & City Council -

We support the meaningful changes being proposed to the OB (Office Building) districts to allow for a broader range of uses to be developed on the OB properties throughout the city. An OB-2 zoning designation for Ingersoll Dr. will provide a long-awaited opportunity to transform a blighted property into a vibrant, walkable, community destination. I have no objection to the maximum permitted height for OB-2 zoning districts being **REDUCED from 150' to 100'** that has been recommended by the Planning Commission. It is important for the Planning Commission and the City of Rocky River City Council to consider what is best for further developing the entire city while still protecting the current OB-2 property owners from a major reduction in their property values.

Sincerely,



Dan Krueger

Vice President/Partner

Email: dkrueger@buildwithkrueger.com

P: 216-252-0222 | M: 773-255-3378

12600 Triskett Road, Cleveland, OH 44111

To: Rocky River Planning Commission & City Council-

We support the meaningful changes being proposed to the OB (Office Building) districts to allow for a broader range of uses to be developed on the OB properties throughout the city. An OB-2 zoning designation for Ingersoll Dr. will provide a long-awaited opportunity to transform a blighted property into a vibrant, walkable, community destination. I have no objection to the maximum permitted height for OB-2 zoning districts being REDUCED from 150' to 100' that has been recommended by the Planning Commission. It is important for the Planning Commission and the City of Rocky River City Council to consider what is best for further developing the entire city while still protecting the current OB-2 property owners from a major reduction in their property values.

Sincerely,

Elizabeth Sanders

Owner
The Life With Be
20781 Beach Cliff Blvd
Rocky River, OH. 44116

Kate Straub

From: Davis, Matt <Matt.Davis@colliers.com>
Sent: Monday, January 15, 2024 9:13 AM
To: Kate Straub
Subject: OB Zoning Districts - Public Hearing January 18th

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To: Kate Straub, The Rocky River Planning Commission & City Council -

My wife (Jen Davis) and I support the meaningful changes being proposed to the OB (Office Building) districts to allow for a broader range of uses to be developed on the OB zoned properties throughout the city. An OB-2 zoning designation for Ingersoll Dr. will provide a long-awaited opportunity to transform a blighted property into a vibrant, walkable, community destination. I have no objection to the maximum permitted height for OB-2 zoning districts being **REDUCED from 150' to 100'** that has been recommended by the Planning Commission. It is important for the Planning Commission and the City of Rocky River City Council to consider what is best for further developing the entire city while still protecting the current OB-2 property owners from a major reduction in their property values.

Please confirm receipt of this email.

Thank you,

Matt & Jen Davis
22349 Bartlett Drive
Rocky River, OH 44116

Matt Davis

Senior Vice President

Gustafson | Davis Self Storage Team

matt.davis@colliers.com | [View my profile](#) | [Download v-card](#)

Direct: +1 216 239 5115 | Mobile: +1 440 570 9003

200 Public Square, Suite 1050 | Cleveland, OH 44114 | United States



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To: Rocky River Planning Commission and; City Council-

We support the meaningful changes being proposed to the OB (Office Building) districts to allow for a broader range of uses to be developed on the OB properties throughout the city. An OB-2 zoning designation for Ingersoll Dr. will provide a long-awaited opportunity to transform a blighted property into a vibrant, walkable, community destination. I have no objection to the maximum permitted height for OB-2 zoning districts being REDUCED from 150' to 100' that has been recommended by the Planning Commission. It is important for the Planning Commission and the City of Rocky River City Council to consider what is best for further developing the entire city while still protecting the current OB-2 property owners from a major reduction in their property values.

Sincerely,

Chris Zbin

Zbin Landscaping Inc.

Z-Land-1 Properties

440-989-6107

Chriszbin@gmail.com

To: Rocky River Planning Commission & City Council-

*I support the meaningful changes being proposed to the OB (Office Building) districts to allow for a broader range of uses to be developed on the OB properties throughout the city. An OB-2 zoning designation for Ingersoll Dr. will provide a long-awaited opportunity to transform a blighted property into a vibrant, walkable, community destination. I have no objection to the maximum permitted height for OB-2 zoning districts being **REDUCED from 150' to 100'** that has been recommended by the Planning Commission. It is important for the Planning Commission and the City of Rocky River City Council to consider what is best for further developing the entire city while still protecting the current OB-2 property owners from a major reduction in their property values.*

Sincerely,

Tracy Hobbs
Owner,
Eleanor and Hobbs
20033 Detroit Road 103
Rocky River, Ohio 44116
tracy@eleanorandhobbs.com

Kate Straub

From: Jennifer Minor <minorjen@gmail.com>
Sent: Sunday, January 14, 2024 10:31 PM
To: Kate Straub
Subject: Ingersoll Rezoing Letter

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Rocky River Planning Commission & City Council,

I support the meaningful changes being proposed to the OB (Office Building) districts to allow for a broader range of uses to be developed on the OB properties throughout the city. An OB-2 zoning designation for Ingersoll Dr. will provide a long-awaited opportunity to transform a blighted property into a vibrant, walkable, community destination. I have no objection to the maximum permitted height for OB-2 zoning districts being REDUCED from 150' to 100' that has been recommended by the Planning Commission. It is important for the Planning Commission and the City of Rocky River City Council to consider what is best for further developing the entire city while still protecting the current OB-2 property owners from a major reduction in their property values.

Sincerely,
Jen Krueger
Minor Details CLE
www.minordetailscle.com
<https://instagram.com/minordetailcle/>

Kate Straub

From: Bev Maloney-Fischback <bev@wellnessmediacompany.com>
Sent: Sunday, January 14, 2024 4:47 PM
To: Kate Straub
Subject: Ingersoll Re-Zoning Support

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To: Rocky River Planning Commission & City Council-

*We support the meaningful changes being proposed to the OB (Office Building) districts to allow for a broader range of uses to be developed on the OB properties throughout the city. An OB-2 zoning designation for Ingersoll Dr. will provide a long-awaited opportunity to transform a blighted property into a vibrant, walkable, community destination. I have no objection to the maximum permitted height for OB-2 zoning districts being **REDUCED from 150' to 100'** that has been recommended by the Planning Commission. It is important for the Planning Commission and the City of Rocky River City Council to consider what is best for further developing the entire city while still protecting the current OB-2 property owners from a major reduction in their property values.*

Sincerely,

Bev Maloney-Fischback
CEO & Founder

Wellness Media Company, Ltd | Organic Spa Media | Wellness Travel University
19537 Lake Rd, Ste. 203 |
Rocky River, OH 44116 |
Phone: 440-331-5750 ext 101 |

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To: Rocky River Planning Commission & City Council-

*We support the meaningful changes being proposed to the OB (Office Building) districts to allow for a broader range of uses to be developed on the OB properties throughout the city. An OB-2 zoning designation for Ingersoll Dr. will provide a long-awaited opportunity to transform a blighted property into a vibrant, walkable, community destination. I have no objection to the maximum permitted height for OB-2 zoning districts being **REDUCED from 150' to 100'** that has been recommended by the Planning Commission. It is important for the Planning Commission and the City of Rocky River City Council to consider what is best for further developing the entire city while still protecting the current OB-2 property owners from a major reduction in their property values.*

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Fischback', with a stylized, flowing script.

David Fischback

*20875 Avalon Dr.
Rocky River, Ohio*

To: Rocky River Planning Commission & City Council-

*We support the meaningful changes being proposed to the OB (Office Building) districts to allow for a broader range of uses to be developed on the OB properties throughout the city. An OB-2 zoning designation for Ingersoll Dr. will provide a long-awaited opportunity to transform a blighted property into a vibrant, walkable, community destination. I have no objection to the maximum permitted height for OB-2 zoning districts being **REDUCED from 150' to 100'** that has been recommended by the Planning Commission. It is important for the Planning Commission and the City of Rocky River City Council to consider what is best for further developing the entire city while still protecting the current OB-2 property owners from a major reduction in their property values.*

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark Conzelmann', with a stylized, flowing script.

Mark Conzelmann
371 Northcliff Drive
Rocky River, OH

To: Rocky River Planning Commission & City Council-

*We support the meaningful changes being proposed to the OB (Office Building) districts to allow for a broader range of uses to be developed on the OB properties throughout the city. An OB-2 zoning designation for Ingersoll Dr. will provide a long-awaited opportunity to transform a blighted property into a vibrant, walkable, community destination. I have no objection to the maximum permitted height for OB-2 zoning districts being **REDUCED from 150' to 100'** that has been recommended by the Planning Commission. It is important for the Planning Commission and the City of Rocky River City Council to consider what is best for further developing the entire city while still protecting the current OB-2 property owners from a major reduction in their property values.*

Sincerely,

A handwritten signature in cursive script that reads "Heidi G. Petz". The signature is written in dark ink and is positioned above the printed name and address.

Heidi G. Petz
21475 Avalon Drive
Rocky River, OH 44116

To: Rocky River Planning Commission & City Council-

*We support the meaningful changes being proposed to the OB (Office Building) districts to allow for a broader range of uses to be developed on the OB properties throughout the city. An OB-2 zoning designation for Ingersoll Dr. will provide a long-awaited opportunity to transform a blighted property into a vibrant, walkable, community destination. I have no objection to the maximum permitted height for OB-2 zoning districts being **REDUCED from 150' to 100'** that has been recommended by the Planning Commission. It is important for the Planning Commission and the City of Rocky River City Council to consider what is best for further developing the entire city while still protecting the current OB-2 property owners from a major reduction in their property values.*

Sincerely,

A handwritten signature in blue ink that reads "Heidi G. Petz". The signature is written in a cursive, flowing style.

Heidi G. Petz
21475 Avalon Drive
Rocky River, OH 44116

Kate Straub

From: Jerry Kysela <jerry.kysela@aon.com>
Sent: Sunday, January 14, 2024 7:10 AM
To: Kate Straub
Subject: OB Ingersol Dr

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I'm in support of the changes being proposed for the redevelopment of Ingersol Dr Thank you.

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Kate Straub

From: Maloney, Brian <BRIAN.MALONEY@proforma.com>
Sent: Saturday, January 13, 2024 1:26 PM
To: Kate Straub
Subject: Support for Proposed Development on Ingersoll Dr. - OB-2 Zoning Designation

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Dear Ms. Kate Straub,

I trust this email finds you well. My name is Brian Maloney, and together with my wife Peggy, we have been proud residents of Rocky River for the past 38 years. We are writing to express our wholehearted support for the proposed development on Ingersoll Dr. and the broader changes being considered for the OB (Office Building) districts in the city.

We understand that change can be challenging for many residents in Rocky River, but we believe that this particular area of the city has long been underdeveloped and underutilized. The proposed development represents a unique opportunity to breathe new life into this space, bringing a fresh energy and contributing to the expansion of the downtown area.

The idea of transforming the blighted property on Ingersoll Dr. into a vibrant, walkable community destination aligns with our vision for a thriving and dynamic Rocky River. We appreciate the Planning Commission's recommendation for an OB-2 zoning designation for this area, providing a long-awaited chance to enhance the neighborhood.

Moreover, we fully support the Planning Commission's suggestion to reduce the maximum permitted height for OB-2 zoning districts from 150' to 100'. We believe that this adjustment strikes a balance between further developing the entire city and ensuring that current OB-2 property owners are protected from a significant reduction in their property values.

As long-standing members of the Rocky River community, we are excited about the positive impact this development could have on our city's overall growth and prosperity. We trust that the Planning Commission and the City of Rocky River City Council will carefully consider the long-term benefits of this proposal while safeguarding the interests of all stakeholders.

Thank you for your dedication to the betterment of Rocky River, and we appreciate your attention to this matter.

Sincerely,

Brian and Peggy Maloney
15 Aberdeen Court
Rocky River OH 44116

Kate Straub

From: Michael Schroeder <MSchroeder@RoundstoneInsurance.com>
Sent: Saturday, January 13, 2024 12:13 PM
To: Kate Straub
Subject: OB Districts

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To: Rocky River Planning Commission & City Council-

*We support the meaningful changes being proposed to the OB (Office Building) districts to allow for a broader range of uses to be developed on the OB properties throughout the city. An OB-2 zoning designation for Ingersoll Dr. will provide a long-awaited opportunity to transform a blighted property into a vibrant, walkable, community destination. As recommended by the Planning Commission, I have no objection to the maximum permitted height for OB-2 zoning districts being **REDUCED from 150' to 100'**. It is important for the Planning Commission and the City of Rocky River City Council to consider what is best for further developing the entire city while still protecting the current OB-2 property owners from a major reduction in their property values.*

Sincerely,

Mike Schroeder



Michael Schroeder

President | Roundstone

P: 440.617.0333 x223

M: 440-263-1090

W: RoundstoneInsurance.com



Kate Straub

From: Michael Schroeder <MSchroeder@RoundstoneInsurance.com>
Sent: Saturday, January 13, 2024 12:13 PM
To: Kate Straub
Subject: OB Districts

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To: Rocky River Planning Commission & City Council-

*We support the meaningful changes being proposed to the OB (Office Building) districts to allow for a broader range of uses to be developed on the OB properties throughout the city. An OB-2 zoning designation for Ingersoll Dr. will provide a long-awaited opportunity to transform a blighted property into a vibrant, walkable, community destination. As recommended by the Planning Commission, I have no objection to the maximum permitted height for OB-2 zoning districts being **REDCUCED from 150' to 100'**. It is important for the Planning Commission and the City of Rocky River City Council to consider what is best for further developing the entire city while still protecting the current OB-2 property owners from a major reduction in their property values.*

Sincerely,

Mike Schroeder



Michael Schroeder

President | Roundstone

P: 440.617.0333 x223

M: 440-263-1090

W: [RoundstoneInsurance.com](mailto:MSchroeder@RoundstoneInsurance.com)



Kate Straub

From: Molly Schroeder <MollySchroeder@RoundstoneInsurance.com>
Sent: Saturday, January 13, 2024 11:20 AM
To: Kate Straub
Subject: Proposed zoning changes 1.18.2024

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To: Rocky River Planning Commission & City Council-

*We support the meaningful changes being proposed to the OB (Office Building) districts to allow for a broader range of uses to be developed on the OB properties throughout the city. An OB-2 zoning designation for Ingersoll Dr. will provide a long-awaited opportunity to transform a blighted property into a vibrant, walkable, community destination. I have no objection to the maximum permitted height for OB-2 zoning districts being **REDUCED from 150' to 100'** that has been recommended by the Planning Commission. It is important for the Planning Commission and the City of Rocky River City Council to consider what is best for further developing the entire city while still protecting the current OB-2 property owners from a major reduction in their property values.*

Sincerely,

Molly Schroeder



Molly Schroeder

Manager of Employee Recruitment and
Engagement | Roundstone

P: 440.617.0333 x293

W: [RoundstoneInsurance.com](mailto:MollySchroeder@RoundstoneInsurance.com)



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Kate Straub

From: John Petz <jhnptz@gmail.com>
Sent: Saturday, January 13, 2024 10:06 AM
To: Kate Straub
Subject: Ingersol

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Kate,

To: Rocky River Planning Commission & City Council-

*We support the meaningful changes being proposed to the OB (Office Building) districts to allow for a broader range of uses to be developed on the OB properties throughout the city. An OB-2 zoning designation for Ingersoll Dr. will provide a long-awaited opportunity to transform a blighted property into a vibrant, walkable, community destination. I have no objection to the maximum permitted height for OB-2 zoning districts being **REDUCED from 150' to 100'** that has been recommended by the Planning Commission. It is important for the Planning Commission and the City of Rocky River City Council to consider what is best for further developing the entire city while still protecting the current OB-2 property owners from a major reduction in their property values.*

Sincerely,

John Petz
19835 Roslyn Dr

To: Rocky River Planning Commission & City Council-

We support the meaningful changes being proposed to the OB (Office Building) districts to allow for a broader range of uses to be developed on the OB properties throughout the city. An OB-2 zoning designation for Ingersoll Dr. will provide a long-awaited opportunity to transform a blighted property into a vibrant, walkable, community destination. I have no objection to the maximum permitted height for OB-2 zoning districts being **REDUCED from 150' to 100'** that has been recommended by the Planning Commission. It is important for the Planning Commission and the City of Rocky River City Council to consider what is best for further developing the entire city while still protecting the current OB-2 property owners from a major reduction in their property values.

Sincerely,

A handwritten signature in dark ink, appearing to read "Michael R. Caserio", followed by a horizontal line.

(Michael R. Caserio)

To: Rocky River Planning Commission & City Council-

We support the meaningful changes being proposed to the OB (Office Building) districts to allow for a broader range of uses to be developed on the OB properties throughout the city. An OB-2 zoning designation for Ingersoll Dr. will provide a long-awaited opportunity to transform a blighted property into a vibrant, walkable, community destination. I have no objection to the maximum permitted height for OB-2 zoning districts being **REDUCED from 150' to 100'** that has been recommended by the Planning Commission. It is important for the Planning Commission and the City of Rocky River City Council to consider what is best for further developing the entire city while still protecting the current OB-2 property owners from a major reduction in their property values.

Sincerely,

Mary Flanagan RN BSN
President: Gr. Tech Health Inc.

Kate Straub

From: Andrew P. Molinari <dmolinari@cyprium.com>
Sent: Tuesday, January 16, 2024 5:26 PM
To: Kate Straub
Subject: Support Letter

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Rocky River Planning Commission & City Council -

I support the meaningful changes being proposed to the OB (Office Building) districts to allow for a broader range of uses to be developed on the OB properties throughout the city. An OB-2 zoning designation for Ingersoll Dr. will provide a long-awaited opportunity to transform a blighted property into a vibrant, walkable, community destination. I have no objection to the maximum permitted height for OB-2 zoning districts being REDUCED from 150' to 100' that has been recommended by the Planning Commission. It is important for the Planning Commission and the City of Rocky River City Council to consider what is best for further developing the entire city while still protecting the current OB-2 property owners from a major reduction in their property values.

Sincerely,
Drew Molinari
20668 Beaconsfield Blvd.



Drew Molinari

Partner | Cyprium Partners, Cleveland
(W) 216-453-4534 | (M) 330-221-0897
dmolinari@cyprium.com | [Cyprium.com](https://www.cyprium.com) | [LinkedIn](#)
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Kate Straub

From: Brady Cotter <brady.cotter@gmail.com>
Sent: Tuesday, January 16, 2024 2:42 PM
To: Kate Straub
Subject: Ingersoll Rezoning

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To: Rocky River Planning Commission & City Council-

*We support the meaningful changes being proposed to the OB (Office Building) districts to allow for a broader range of uses to be developed on the OB properties throughout the city. An OB-2 zoning designation for Ingersoll Dr. will provide a long-awaited opportunity to transform a blighted property into a vibrant, walkable, community destination. I have no objection to the maximum permitted height for OB-2 zoning districts being **REDUCED from 150' to 100'** that has been recommended by the Planning Commission. It is important for the Planning Commission and the City of Rocky River City Council to consider what is best for further developing the entire city while still protecting the current OB-2 property owners from a major reduction in their property values.*

Sincerely,

Brady & Kelci Cotter

Sent from my iPhone

Kate Straub

From: Shelly Cipriani <smcdesign1@gmail.com>
Sent: Sunday, January 14, 2024 7:46 AM
To: Kate Straub
Subject: Ingersol Height restrictions

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Kate,
As a business and property owner at 1206 Smith ct . I am in opposition of any building higher than 75 ft being built on Ingersol Dr.
I feel this would negatively impact the surrounding areas and community in general.
Shelly Cipriani
SMC Design
(216) 347-2960

Sent from my iPhone

Letters in opposition via email

Kate Straub

From: Pamela E. Bobst
Sent: Friday, January 12, 2024 3:45 PM
To: Kate Straub; Ray Reich
Subject: FW: Proposed Zoning Change on Ingersoll Road

Please share with the Planning Commission.

Thank you,
Pam

Pamela E. Bobst
Mayor
City of Rocky River
21012 Hilliard Blvd.
Rocky River, OH 44116
440-331-0600
mayor@rrcity.com

From: GregA@BrightGuy.com <grega@brightguy.com>
Sent: Monday, January 8, 2024 10:36 AM
To: Pamela E. Bobst <mayor@rrcity.com>
Cc: Jeanne Gallagher <jgallagher@rrcity.com>
Subject: Proposed Zoning Change on Ingersoll Road

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Good Morning, Mayor.

I'm concerned about the proposed zoning change for the property on Ingersoll Road. If the City Council is in place to reflect the community's views, why would the Planning Commission go against their wishes of a 70' height cap on any new development on Ingersoll? Nobody I've talked with thinks a 100-foot-tall building on Ingersoll is good for the community. If you feel it is the right thing for Rocky River, you need to present your vision to the residents of the City. Let the community decide. Please don't let developers determine what is best. Sadly, after attending public meetings for the two current projects on Lake Road, I feel the Planning Commission is guided by the developers' wants and not the residents of Rocky River.

Greg Atwell
536 Beachliff Row DR
Rocky River OH 44116
440-278-0530

Greg Atwell
BrightGuy, Inc.
GregA@BrightGuy.com
440-942-8318
www.BrightGuy.com

Kate Straub

From: Pamela E. Bobst
Sent: Friday, January 12, 2024 3:43 PM
To: Kate Straub; Ray Reich
Subject: FW: Planning Commission

Please share with the Planning Commission.

Thank you,
Pam

Pamela E. Bobst
Mayor
City of Rocky River
21012 Hilliard Blvd.
Rocky River, OH 44116
440-331-0600
mayor@rrcity.com

From: Bruce Waffan <bwaffen@hotmail.com>
Sent: Friday, January 12, 2024 3:39 PM
To: Pamela E. Bobst <mayor@rrcity.com>
Subject: Planning Commission

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To: Mayor Pamela Bobst

From: Bruce Waffan

Subject: The changing face of River

Back in 1970 (55 years) Sharon and I said "I do"; Honeymoon over, we put a down payment on our first home in River. Our boys excelled at the high school, graduated university and now they have families of their own living locally. So, after 40+ years on Endsley, we moved to Beachcliff Row, a new development facing both Lake Road and Linda Street, a narrow two-lane connector street between Lake and Detroit Roads. And it has been a prime residential location until recently when aggressive commercial building was initiated.

Currently, our new neighbors (builders Kennedy, Roundstone) are building substantial commercial properties approximately 150 yards apart on Lake Road just east and west of Linda Street. The current issue: Efforts are now being made by the Planning Commission to change the classification of close-by parcels on Ingersoll Drive, allowing for buildings up to 100 feet in height, even higher than Westlake Condominiums, River's tallest building. The latter would serve to open the Linda Street area for high-rise construction and more traffic, resulting in structures that would change the local neighborhood both physically and aesthetically.

This letter requests that you continue to oversee this aggressive commercial venture to keep our city at the top of the list for residential living.

Very best,

Bruce Waffen, Sharon Waffen

Bruce Waffen
534 Beachcliff Row Drive
Rocky River, OH 44116
Cell: 216.470.6152
bwaffen@hotmail.com

Kate Straub

From: Jeanne Gallagher
Sent: Thursday, January 18, 2024 10:08 AM
To: Kate Straub; bishop_W@sbcglobal.net; Michael DeMarco; Michael Coyne; Michael O'Shea; Pamela E. Bobst; Paul Capka
Cc: Kathryn E. Kerber
Subject: Fwd: Planning Commision Hearing

FYI

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From: feinerer <feinerer@ameritech.net>
Sent: Thursday, January 18, 2024 10:03 AM
To: Jeanne Gallagher <jgallagher@rrcity.com>
Subject: Planning Commision Hearing

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Good morning

My name is Lee Feinerer. I live on Beachwood.

I had knee surgery yesterday and can't make the Planning meeting tonight.

I just want to express that I'm not in favor of changing the building code to allow structures up to 10 stories.

We don't need 10 story buildings in Rocky River.

When you drive down Detroit/Lake or any side street that will become a focal point.

The current Rocky River building code has served this community well over the years. Why should it be changed to please a business when the anesthetics will change the whole Rocky River.

Thank you
Lee

Sent from my Verizon, Samsung Galaxy smartphone

Kate Straub

From: Joann Riordan <joannriordan7@gmail.com>
Sent: Thursday, January 18, 2024 11:59 AM
To: Kate Straub; Pamela E. Bobst; Jeanne Gallagher
Subject: Zoning Change on Ingersoll and More--- Please add this to the contents of packages for this evening's meeting --- January 18th

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To: The Building Commission

I do not support the intended changes to the Ingersoll area or the height requests. This does not mean I do not support progress. It's important to continue to bring in new opportunities to the city. But they have to be the correct opportunities. Trying to fit a square peg in a round hole doesn't always work. In the past year, 2 large office buildings are being built on Lake Road -- an area that is multi-zoned. In a conversation with the mayor, her words were "We need to put the brakes on some of this". Increasing construction and size of buildings to build the city is not a well thought out plan and is not in congruence with the Master Plan (of which Mr. Bishop was a part of in 2018). Why wouldn't that be your guiding document?

Increasing office space certainly does increase taxes and brings people to the city (depending on the business) It doesn't necessarily bring in voters. Voters that pass school levies. Voters that bring in children into the school system.

I have looked at the zoning map that is not even correct and hasn't been updated since 2017. It is difficult to make informed decisions when the information isn't readily available or correct. The last zoning meeting I went to regarding The Roundstone Project and

rezoning on properties, one of the members stated " We have some work to do". Hmmmmm. It would be nice if these committees that approved previous projects look back at what they agreed to and gave some careful consideration to the intent.

These are my words and thoughts---not a copied and pasted form letter from people that don't even reside in the zoned appropriate areas.

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Joann Riordan
216-375-7610

CHAPTER 1163
Office Building District
Regulations

1163.01	Intent.	1163.11	Off-street parking regulations.
1163.03	Use regulations.	1163.13	Accessory use regulations.
1163.05	Lot regulations.	1163.15	Landscaping and screening regulations.
1163.07	Setback requirements.	1163.17	Performance standards.
1163.09	Height requirements.	1163.19	Development plan review.

1163.01 INTENT.

The Office Building Districts (OB-1, OB-2, **OB-3**) and their regulations are established in order to achieve, among others, the following purposes:

- (a) To provide sufficient areas, in appropriate and convenient locations, for professional, administrative, and medical offices as well as mixed use development and the exchange of services;
- (b) To protect adjacent residential neighborhoods by restricting the types of land and non-residential uses, particularly at the common boundaries, which would create congestion, hazards, noise, odors or other objectionable influences; and,
- (c) To promote the most desirable land use and traffic patterns in accordance with the objectives of the Plan of the City.

(Ord. _____. Passed _____)

1163.03 USE REGULATIONS.

(a) Uses Permitted By Right. A use listed in Schedule 1163.03 shall be permitted by right as a principal use in a district when denoted by the letter "P" provided that all requirements of other city ordinances and this Development Code have been met;

(b) Conditional Uses. A use listed in Schedule 1163.03 shall be permitted as a conditional use in a district when denoted by the letter "C", provided the Planning Commission first makes the determination that the requirements of Chapter 1183 have been met, according to the procedures set forth in Chapter 1131, Conditional Use Certificates;

(c) Accessory Uses. An accessory use that is clearly incidental and subordinate to a use listed in Schedule 1163.03 shall be permitted provided that the requirements of all other City ordinances and this Development Code have been met.

(d) Compliance with Standards. Although a use may be indicated as a permitted principal, conditional, or accessory use in a particular district, it shall not be approved on a parcel unless it can be located thereon in full compliance with all of the standards and other regulations of this Code applicable to the specific use and parcel in question.

(e) Use Not Listed in Schedule. Any use not specifically listed as either a permitted principal or conditional use shall be a prohibited use in this zoning district and shall only be permitted upon amendment of this Code and/or the Zoning Map as provided in Chapter 1135 or upon a finding that a use is substantially similar as provided in Section 1127.39.

(f) Schedule 1163.03 Permitted Uses.

Schedule 1163.03 Permitted Uses	
	OB-1, OB-2, OB-3 Office Building Districts ^(a)
(1) Residential/Lodging	
A. Dwelling unit(s) above the first floor of a building	P
B. Hotel/motel	P
C. Multi-family dwelling	P
D. Family day care home for 1-6 children (Type B)	P
(2) Group Residential	
A. Adult care facility for 3-5 persons (Adult family home)	P
B. Residential facility for 5 or fewer persons (Foster family home)	P
C. Residential facility 6-8 persons (Family home)	P
(3) Office and Professional Services	
A. Administrative, business and/or professional office	P
B. Bank and other financial institutions	P
C. Bank and other financial institutions with drive- through	C
D. Medical/dental office	P
E. Medical/dental/health services clinic	P
F. Health services/wellness facilities	P
(4) Retail and Services	
A. Retail establishment	P
B. Freestanding automated teller machine or drive- thru	C
C. Restaurant or tavern	P
D. Service establishment, business	P

E. Service establishment, personal	P
F. School, specialty/personal instruction	P
(5) Entertainment and Recreation	
A. Gym, health club, health spa, yoga studio	P
B. Assembly hall, membership club, and/or conference center	P
(6) Community Facilities/Other	
A. Place of worship/church	P
B. Day care facility, child or adult	P
C. School (public/private) elementary/secondary	P
D. School (public/private) college/university	P
E. Library, cultural institution	P
D. Wireless telecommunication facility	See Chapter 1191
F. Public park, public playground	P
G. Cultural institution	P
(5)(7) Accessory Uses	
A. Accessory building	A
B. Fences and walls	A
C. Off-street parking and loading facilities	A
D. Parking structure	C
E. Signs	A
F. Detached decks, patio fireplaces, play structures, gazebos & pergolas	A
G. Outdoor dining (restaurant or tavern)	A
H. Outdoor Display	A
I. Private swimming pool	A
J. Solar panels	A
K. Trash Receptacles	A

(Ord. _____. Passed _____)

1163.05 LOT REGULATIONS.

(a) Lot Requirements. The lot requirements for permitted uses in the Office Building Districts shall be as specified in Schedule 1163.05, except as otherwise regulated in Chapter 1183, Conditional Use Regulations.

(b) Schedule 1163.05 Lot Regulations.

Schedule 1163.05 LOT REQUIREMENTS	
	OB-1, OB-2, OB-3 Office Building Districts
(1) Minimum lot area	None
(2) Minimum lot width	0 None
(3) Lot Coverage by Building	30 40%

(Ord. _____. Passed _____)

1163.07 SETBACK REQUIREMENTS.

Setback Requirements. Every permitted use of land and all buildings and structures shall be located on a lot in a manner that maintains the required setback from a right-of-way as well as the required side and rear setbacks set forth in Schedule 1163.07, measured from the appropriate lot line, except as otherwise regulated in Chapter 1183, Conditional Use Regulations, for conditional uses. The area within the setbacks shall remain unobstructed by structures except as otherwise permitted in this Code.

(a) Schedule 1163.07 Minimum Building Setbacks.

Schedule 1163.07 Minimum Building Setbacks	
	OB-1, OB-2, OB-3 Office Building Districts
(1) Minimum / Maximum Setback from Street Right-of-Way	10 feet / 25 feet
(2) Setback from Side Lot line abutting non-residential district	5 10 feet ^(a)
(3) Setback from Rear Lot line abutting non-residential district	5 10 feet
(4) Setback from Side & Rear Lot line abutting residential district	35 25 feet
<u>Notes to Schedule 1163.07:</u> ^(a) Wherever an office building is located adjacent to another non-residential building within or adjacent to a non-residential district, the buildings shall be either attached, or shall be separated not less than ten (10) feet from each other.	

(Ord. _____. Passed _____)

1163.09 HEIGHT REQUIREMENTS.

Buildings and structures shall comply with the following height regulations:

- (a) The maximum height for principal buildings or structures in the Office Building Districts shall not exceed:
- (1) OB-1 – 55 feet
 - (2) OB-2 – ~~75~~ feet
 - (3) **OB-3 – 95 feet**
- (b) The maximum height of accessory building or structures shall not exceed fifteen (15) feet.

(Ord. _____. Passed _____)

1163.11 OFF-STREET PARKING REGULATIONS.

Off-street parking areas shall conform to the regulations of Chapter 1187 and to the parking requirements set forth below:

- (a) Schedule 1163.11 Minimum Parking Setbacks. Off-street parking shall be located in compliance with the minimum setbacks, measured from the street right- of-way or property line, as specified below unless otherwise noted. The area within the parking setbacks shall remain unobstructed by structures except as otherwise permitted in this Code.

Schedule 1163.11 Minimum Parking Setbacks	
	OB-1, OB-2, OB-3 Office Building Districts
(1) Minimum Setback from Street ROW	10 feet
(2) Setback from Side and Rear Lot line abutting non-residential district	10 feet ^(a)
(3) Setback from Side and Rear Lot line abutting residential district	15 feet ^(a)
^(a) The Planning Commission may permit a reduction in these spacing requirements when it determines that adequate privacy is provided through the use of landscaping, architectural features, or other similar means of insuring privacy.	

- (b) Cross Access to Off-Street Parking Lots. Parking lots shall be interconnected with non-residential parking lots on adjacent properties to the maximum extent feasible. Permanent cross-access easements or other acceptable agreements for adjacent lots with interconnected parking lots shall be submitted in language acceptable to the City's Law Director and the Planning Commission.
- (c) Setbacks for Joint Parking Facilities. When cross access between two parking areas is required or provided, the parking setback shall not be required for the opening which accommodates the drive aisle, but it shall be required in all other areas that abut the shared property line. When shared parking, which spans the mutual property line, is required or provided, the parking setback shall not be required.
- (d) The area within the parking setback shall be landscaped in accordance

- with Chapter 1185, Landscaping and Screening Regulations.
- (e) Off-street parking spaces shall be provided in compliance with Chapter 1187, Off-Street Parking and Loading Regulations
 - (f) Loading and Service Areas.
 - (1) If separate loading and service areas are provided, these areas shall comply with the regulations in Section 1187.27, Off-Street Loading Requirements.
 - (2) If separate loading and service areas are provided, these areas shall be located in the rear yard, unless the Planning Commission determines that placement in a side yard would lessen the impact on adjacent residential uses.
 - (3) If separate loading and service areas are provided, these areas shall comply with the applicable parking setback requirements set forth in Schedule 1163.11 and shall be screened in accordance with the provisions set forth in Chapter 1185, Landscaping and Screening Regulations.

(Ord. _____. Passed _____)

1163.13 ACCESSORY USE REGULATIONS.

- (a) Fences and Walls. Fences and walls may be erected in compliance with the requirements set forth below.
 - (1) Location.
 - A. Fences may be built up to, but not on, the property line, and shall be located entirely on the property of the person constructing it, except property owners, with written permission from abutting property owners, may connect to fences on adjoining properties.
 - B. In order to maintain clear vision lanes for vehicles and pedestrians, no opaque fences shall be permitted within twenty (20) feet, in any direction, of the following points:
 - 1. At the intersection of a driveway and sidewalk (or front property line if there is no sidewalk);
 - 2. At the intersection of a driveway and public right-of way;
 - 3. At the intersection of any two driveways.
 - C. All fences shall comply with Section 1181.11, Visibility at Intersections.
 - (2) Materials and Construction.
 - A. Approved fencing materials include stone, brick, finished wood, iron, or synthetic look-alike products.
 - B. No fence shall be electrified or topped with barbed wire.
 - C. Only ornamental fences shall be permitted in front of a building, unless required for screening pursuant to Chapter 1185, Landscaping & Screening Regulations.
 - D. All fences shall be designed, constructed, and finished so that the supporting members face the property of the owner of the fence.
 - E. All fences on a single parcel shall have a unified style along a single plane and for all fence segments visible from off the premises from any single direction.
 - (3) Height. No fence shall exceed six (6) feet in height in any rear or side yard, or exceed three (3) feet in height when located in front of a building or in yards abutting a public street right-of-way, unless otherwise required by this Development Code.

- (4) Screening and Landscaping.
- A. Screening and landscaping is not required for ornamental fences.
 - B. All fences, other than ornamental fences, when visible from public streets, shall be visually softened and reasonably screened from the street with appropriate landscaping as follows:
 - 1. Fences that are located within required building and parking setbacks shall be considered appropriately screened with the landscaping required in Section 1185.07, Landscaping along the Street Frontage and Parking Setback, is planted within five (5) feet of the fence and between the fence and the property line.
 - 2. Fences that are not located within the required setback areas shall be screened with the following landscape materials, planted not more than five (5) feet from the fence and between the fence and the property line:
 - (I) One shade tree shall be provided for every thirty (30) linear feet of fence length or fraction thereof, not including gates or other fence openings. Each tree at the time of installation shall have a minimum caliper of 2.5 inches and a clear trunk height of at least six (6) feet;
 - (II) One shrub, that is twenty-four (24) inches in height at planting, shall be provided for every five (5) feet fence length or fraction thereof, not including gates or other fence openings; and,
 - (III) The landscaping may be flexible in its arrangement by appropriately aggregating the required plant materials.
- (5) All fences shall be maintained in good condition, be structurally sound, and attractively finished at all times.
- (6) Any proposed fence shall be approved as part of a Development Plan Review in accordance with Chapter 1127.

(b) Accessory Buildings. The height of the accessory building shall not exceed ~~twenty (20)~~ **fifteen (15)** feet. Accessory buildings that have a gross floor area of 200 square feet or less shall be located in a side or rear yard and shall comply with the parking setbacks set forth in Schedule 1163.11. All other buildings shall be considered principal buildings and shall conform to all lot and setback regulations and development plan review and approval requirements of the zoning district in which the lot is located.

(Ord. _____. Passed _____)

1163.15 LANDSCAPING AND SCREENING REGULATIONS.

Visual screening and landscape buffers shall be provided for all lots in non-residential districts in accordance with the provisions set forth in Chapter 1185, Landscaping and Screening Regulations.

1163.17 PERFORMANCE STANDARDS.

All uses shall comply with the following performance standards:

- (a) Trash Receptacles. All solid waste products, including empty packing boxes, that result from any permitted principal, conditional, or accessory use shall either be disposed of, stored in buildings, or completely enclosed in containers. Such building, container, or dumpster shall be located in a side or

rear yard and shall comply with the minimum parking setbacks set forth in Schedule 1163.11 and shall be screened in accordance with the provisions set forth in Chapter 1185, Landscaping & Screening Regulations.

- (b) Lighting. The placement, orientation, distribution patterns and fixture types of outdoor lighting shall comply with the regulations set forth in Chapter 1181, General Use Regulations.
- (c) Enclosure. All uses and operations, except off-street parking and loading facilities, shall be performed wholly within enclosed buildings, unless specifically permitted otherwise.
- (d) Outdoor Vending Machines. There shall be no outdoor vending machines, such as machines that dispense bottled beverages or packaged food.
- (f) Emission. No land use or structure shall be used or occupied in any manner to create dangerous or objectionable noise or emissions. All uses shall comply with the Performance Standards in Chapter 1181, General Use Regulations.
- (g) Stormwater Detention/Retention Facilities. Detention/retention facilities that are visible from a public street shall be integrated into a landscaped area. Such landscaped areas shall contain any combination of the following elements: shade and ornamental trees, evergreens, shrubbery, hedges, and/or other planting materials as well as ornamental fencing.

1163.19 DEVELOPMENT PLAN REVIEW.

All uses in the Office Building Districts shall be permitted only after development plans have been reviewed and approved according to the procedures set forth in Chapter 1127, Development Plan Review Procedures.