

MINUTES OF MEETING
PLANNING COMMISSION
September 23, 2025

Members Present: Coyne, Allen, DeMarco, Bishop

Presence Noted: Ray Reich, Building Commissioner

Kathryn Kerber, Director of Planning and Community Development

Dylan Minek, Planning and Community Development Administrator

Council Members Present: Michael O'Boyle, Ward 2

Chairman Bishop called to order the September 23, 2025, 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 were any corrections to the Planning Commission meeting minutes of August 19th, 2025. Mr. Bishop said on page six, two lines down, it says demoing, and it should say demolishing. Mr. DeMarco moved to accept the minutes as written with Mr. Bishop's comment. Mr. Allen seconded.

4 Ayes – 0 Nays
Passed

1. Magnificat High School – 20770 Hilliard Blvd. – Final Review- New greenhouse and pavilion

Present – Mike Supler, New Vista Enterprises
Steve Wagner, Magnificat

Mr. Bishop said it looks like they have addressed everything from their last meeting. Mr. Bishop said the only thing that would be outstanding is the variance for the 8-foot height of the fence. Mr. Bishop said he would personally support based on the type of facility and what they are doing there, for safety and security reasons. Mr. DeMarco said the lighting is on timers with school hours and should not be on outside of school-sponsored functions. Mr. Allen said he is also in support of the variance.

Mr. DeMarco moved to grant final approval to Magnificat High School, 20770 Hilliard Blvd, for a new greenhouse and pavilion, with the condition that they are granted a variance for the 8-foot fence and subject to the limitation of lighting only being on during school hours or school-sponsored functions. Mr. Allen seconded.

4 Ayes – 0 Nays
Passed

2. Jerry Hammerschmidt – 20244 Detroit Rd – Public Hearing: Preliminary Review – Garage replacement with surface parking at a 3-family dwelling

Present – Jerry Hammerschmidt, Owner

Mr. Bishop said the layout is similar to what the Commission finalized the last time he was here. It looks like it solves the issue of not having enough parking. However, variances are needed. One variance for the unenclosed spaces versus the required enclosed spaces. Another variance

for parking within the parking setback. And the third variance for the trash enclosure within that parking setback. Mr. Bishop said Mr. Hammerschmidt owns the property to the west, and asked if he had spoken to the property owner to the east. Mr. Hammerschmidt said he has not yet, but he is in contact with them via his realtor. Mr. Bishop asked, even though it was not official, were people parking where the proposed parallel parking is going. Mr. Hammerschmidt said yes. Mr. Bishop said that for the final review, can he give a little more detail on the landscaping plan? He needs to identify the plantings and the proposed height. Mr. Bishop asked if there is lighting on the rear of the building. Mr. Hammerschmidt said there is a side door light, but he is not sure about behind the building. He does know there is lighting in the Rocky River Board of Education parking lot adjacent to him, so it is never dark back there.

Mr. Bishop said Mr. Hammerschmidt has three variances to obtain. He said he would support all of the variances, given that it would be quite an improvement to the existing condition of the property. Mr. Bishop also said the size and shape of the lot would make it difficult to create any more parking than what he is proposing, currently. Mr. DeMarco agreed with Mr. Bishop's comments and supports the variances. Mr. DeMarco said that even if he were to replace the garage, he would most likely need to go for some type of variances. Mr. DeMarco asked if he would be able to stripe in the space before and after the 5 and 6 stalls. He said if he had no stripes, then people would most likely try to park in those spaces. Mr. DeMarco also would like to see some sort of curb north of the 1-4 stalls. It can be concrete, stone, or wheel-stop curbs to act as an obstruction to prevent people from pulling too far forward.

Mr. Bishop wanted to point out that he is gaining one extra parking space by removing the garage in that same location. Mr. Bishop wondered, to Mr. DeMarco's point, would it be beneficial to stripe the turnaround, so people do not park in that space. Mr. DeMarco said it may deter people from turning around, so a sign that says turnaround only, no parking would be better. Mr. Allen echoed the comments of the other members. His only comment would be to include the length of the parking stalls on the site plans. Mr. Hammerschmidt said he believes they are 19.5 feet long, but he can include that in the next submission.

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

4 Ayes – 0 Nays
Passed

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

4 Ayes – 0 Nays
Passed

Mr. DeMarco moved to grant preliminary approval to Jerry Hammerschmidt, 20244 Detroit Rd, for a garage replacement with surface parking at a 3-family dwelling. Mr. Allen seconded.

4 Ayes – 0 Nays
Passed

**3. GKHE Properties – 19800 Detroit Rd – Public Hearing: Preliminary Review –
Removing the ingress and egress on Linda Street. Replacing the curb cuts with
landscaping and a fence**

Present – Jill Brandt, Brandt Architecture
Haley Mylett, GKHE Properties

Mrs. Brandt said they are looking to close off the two driveways on Linda Street and install a fence along that area. One reason is for safety. The Cleveland Clinic has suites for pediatrics and one that specializes in autism, and people use this parking lot as a cut-through, so they may not be paying attention or slowing down as much as individuals looking for parking spaces. Mrs. Brandt said the Cleveland Clinic has commented its concerns regarding that. Another reason is parking. Mrs. Brandt said people park in this lot, but are not patrons of the establishments on the property itself. People are crossing Linda Street, not at the crossing, creating a potential hazard. While also creating an overparking issue on the owner's lot. Mrs. Brandt said Gregg Mylett, the property owner, has spoken with the Fire Prevention Office, Safety Service Department, and Building Department. Thus, the city is aware of this closure.

Mrs. Brandt said they are proposing a 4-foot fence, rather than the 3-foot fence that is allowed. This is because at 3 feet, people would be able to climb right over the fence. The fence will start on the retaining wall, where the existing fence is that needs replacing. Go down the hill and along the parking lot and terminate at the building to the north. Mrs. Brandt said Mr. Mylett has already spoken with that neighbor. The whole intention is to prevent cut-throughs. Due to the slope on the south side of the property, the fence will be about a foot, 6 inches off of the property line, and then, as it curves around the large pine tree, it will be set back the required 5 feet. With the required landscaping between the fence and the property line. Mrs. Brandt said there will be no change to the parking layout. Ms. Mylett said that they have done signage; however, it has not been effective. Thus, they wanted to add a structure that prohibits. Mr. Bishop knows that this has been an ongoing issue for some time.

Mr. Bishop asked if they could have more details on the landscape plan for their next submission. He also asked if the fence terminates at the building on the south side, so no one can squeeze through. Mrs. Brandt said that is correct. Mr. Bishop asked if they were aware that a variance is needed for the height, and if it would be a black fence. Mrs. Brandt said they are aware and that it would be a black fence. Mr. Bishop said it looks like they could add 2-4 spaces if they were to dead-end both aisles. Mr. Bishop said the office building was built and approved as an office building, but now it has become a medical building, which requires a higher parking count. He says the square footage shown is 25,700; is that just the office building? Mr. Bishop said that would require 103 parking spaces for medical. He understands they aren't here for a parking analysis, but at the same time, they are. He wanted to run through the numbers, so they have them in case tenants change. Mr. Bishop asked what the square footage of the plaza is. Mrs. Brandt said she is not sure and did not include that on her site plans. Mr. Bishop just wanted to see how close they were to their parking to create even more justification for them not wanting people parking there who are not patrons.

Mr. Bishop would say that probably 50% of the people who use the plaza use the Linda Street exit. His only concern would be pushing all of the traffic onto Detroit, which can be difficult

sometimes when there is a lot of traffic around that 5-6 pm time frame. Mr. Bishop does understand why Mr. Mylett would want to do this, though. He wondered if Mr. Mylett had ever asked to be compensated by the other businesses that are parking in his lot. Ms. Mylett said she is not sure, but she knows they had been paid in free ice cream scoops before. Mr. Bishop said there have to be at least four tenants from across the street who are parking there that shouldn't be.

Mr. DeMarco said his major concern was fire access; however, the letter from Chief Leonard addressed that concern. He asked Mr. Reich what the Building Department's position is on this and what Mr. Snyder, the Safety Service Director's, position is. Mr. Reich will have to verify with Mr. Snyder. However, he had a brief conversation with the Fire Department and Mr. Snyder, and neither seemed to have a problem with it. Mr. Reich said he did not get details on it or whether there were any concerns. Mr. DeMarco said he understands what they are trying to do. He wondered if there was an opportunity for shared parking arrangements. Mr. DeMarco imagined there would be a good avenue that people would be amenable to. However, that does not address the safety concerns. Mr. DeMarco said that would put more onus on the city to develop some kind of safety plan for that intersection. Which is probably more than what they are proposing for right now. He echoed Mr. Bishop's concerns about pushing all of the traffic onto Detroit. Monitor it and see if it causes a problem.

Mrs. Brandt said the one concern of having shared parking or compensation is the difficulty in regulating that. It is hard when the businesses have overlapping hours. Mr. Bishop said the property owner has the right to say someone can't park there. Even if they would compensate, the property owner has the right not to accept it. Mr. Bishop said the businesses that are parking in this lot should be the ones to get shared parking agreements with someone. Mr. Reich said that if they were ever to sell one of the parcels, either 19800 Detroit or 19930 Detroit, they would need some sort of shared parking agreement between the two.

Mr. Bishop said he would be in favor of the variance for the height. Mr. DeMarco agreed; they have a decent argument for the additional height. Mr. Bishop said it is not meant to be a decorative fence at this point; it is meant to be a safety feature. Mr. Minek asked if they are supportive of the other variance, for the proximity to the property line as it moves southwards. Mr. Bishop said yes. Mr. DeMarco said if they do a good job landscaping the five feet on the other section of the fence, it offsets that section that moves closer to the sidewalk. There is already landscaping on the west side of the proposed fence now. Mr. DeMarco said as far away as they can reasonably get, since they are dealing with the grade. Mr. Bishop said he thinks it adds a little interest instead of having one straight fence.

Mr. Allen asked if the members believe the site is properly parked. Mr. Bishop said he was trying to get to that. He believes that this would alleviate a deficiency. Mrs. Brandt said they could provide additional information regarding that for the next meeting. Mr. Allen said he appreciates the landscape design, and what it does from a streetscape perspective, it makes a ton of sense on this side of the property. Mr. Allen's concern is that it pushes all the traffic to Detroit. Mr. Allen said if this had come originally as part of the plaza development plan, he is not sure this commission would have approved a site plan without that exit or entry. Mr. Allen's main concern is endorsing variances for a plan that wouldn't have been approved in the first place.

Mr. Allen wanted to address the letter that was submitted. Regarding the Cleveland Clinic Foundation, they said they wanted the driveway on Linda Street closed; he wanted to know what their comments were regarding that. Mrs. Brandt said she has not personally had a conversation with them. However, it has been a long-standing conversation that the property owner has had with the tenants there. Mr. Bishop asked about the Cleveland Clinic's hours. Mrs. Brandt is not sure of the exact hours, but they may have some evening and weekend appointments because it is pediatrics, so outside of school and work hours.

Mr. Allen said the letter says the Fire Prevention Officer approved the plans. He is not sure if the Fire Prevention Officer approved the plan; they did not have an issue with it. Mr. Allen wanted to make the distinction between approval and not having an issue with it. Mrs. Brandt said that is fine; she did not have these conversations directly; this was language given to her. The letter also said they have spoken with the Building Department and received positive feedback. Mr. Allen asked Mr. Reich if he would qualify his commentary as positive feedback. Mr. Reich said no, he said let's see what the Planning Commission has to say. Mrs. Brandt said again that she did not have these conversations directly. Mr. Reich said Mr. Allen is correct. There was a conversation with the Fire Department; they had no issue with it, but they were not excited about it. That was the same for the Building Department.

Mr. Allen asked if there are any sort of metrics that identify how often people are using it as a cut-through or parking there and walking across the street. Mr. Allen said he is trying to make the distinction between "they feel it's happening" versus it's happening "50% of the time between these hours and 30% of the time between these hours." Mr. Allen is trying to demonstrate need. Mrs. Brandt said they can look into that and try to provide more information; she has witnessed it herself. Ms. Mylett said every time she is there, which is almost every day, it is happening. She is always picking up trash from the businesses across the street. Mr. Allen is trying to distinguish between solving for the tail scenario and individuals who use the plaza properly. Are they trying to solve this by doing variances for 10% of the cases; what is the demonstrated need? Mr. Allen said he likes the landscape and the idea. However, he would probably vote no tonight only because he believes there is more of an elegant solution that the city needs to engage on relative to parking garages in that area.

Mr. Bishop doesn't think the variances are a critical part of what is being done here. They are asking for an extra foot in height and some forgiveness in setback. Thus, that is not the driving force of this. Mr. Bishop also doesn't believe cutting through is the driving force, either; he does not see that happening. What he does see happening is people crossing Linda Street. To him, the core of the problem is the people parking in this parking lot and crossing over Linda Street, who are patrons of those businesses. Mr. Bishop said Mr. Allen is right; they probably wouldn't approve it originally without the ingress and egress on Linda Street. However, he believes the landowner is entitled to get the full use of their property, and this is the only way they are able to get full use. Mr. DeMarco said in a brand new development, the conversation would be a little different because the shared parking conversation would have been paramount.

Mr. Allen asked if the property owner, since he owns the properties to the west, had considered expanding the parking and creating a second entrance on exit on Smith Court. Mrs. Brandt said she can touch base with Mr. Mylett about that. Mrs. Brandt also said it may not have been originally approved without this entrance/exit. However, Linda Street has changed significantly.

Also, the variances are for the fence itself and not to close off the parking lot. Mr. Bishop said the drive aisle to the west would create a whole new set of problems. The cost would also be monumental since there is a grade change. Mr. Bishop said it would also make the Smith Court parcel less developable, chopping the south end of it off for a drive aisle. Mr. Bishop said it is not a great situation, no matter how you look at it. However, he believes this property has been taken advantage of for a really long time when it comes to parking in that area. Mr. Allen does not disagree with those issues. He is just trying to spark some conversation at the city level to address the overall issue. Mr. Allen would like to see that solution. Mr. Allen asked about the fence termination point to the north. Mrs. Brandt said Mr. Mylett had spoken to that property owner, and the fence would go to their building to prevent the cut through. Mr. Allen asked about what is required to take the fence onto someone else's property. Mr. Bishop said a letter of agreement between the two needs to be provided.

Mr. Bishop asked that, with the potential development of Ingersoll, the issue may alleviate itself. Would they consider reopening this entrance and exit? Mrs. Brandt said it is possible. Mr. Bishop said they are allowed to put a window on approvals. He wonders if they should put a 5-10 year timeframe and revisit because he does think there is an ingress and egress issue on Detroit. Mr. Coyne said these are still separate parcels, and one could technically be sold separately from the other. He asked if there is an easement, currently, that allows access to the medical building off of Detroit. If they were to sell the medical building tomorrow, they technically would have no access. Mr. Coyne said there is a question about ingress and egress for that parcel. Is there an opportunity to merge those parcels? Mrs. Brandt said, according to the aerial photo from the county, there is a drive aisle from Detroit on the medical building's parcel. Mr. Reich said it does, but the concern is not having anything in the deed speaking to a shared drive or shared parking. Mr. Reich said they are having a problem at Rehorse; there is a driveway there that is servicing a dentist, and the property owner of Rehorse wants to remove most of that driveway. That is because there is nothing within the deed of the land for a shared drive. Mr. Reich said if they close it off and sell the medical building, nothing gives egress and ingress to that parcel.

Mr. Bishop said that on either purchase of either property, the buyer would be savvy enough to know that all has to be agreed upon. The remedy to that would be a Cease and Desist. Mrs. Brandt wanted clarification on what the concern is; the property line seems to allow access to the property. Mr. Reich said that is correct; however, you have Westsiders parking on this parcel. There are all sorts of commingling going on between the two parcels. Mr. Reich said this could raise a potential issue if either parcel were ever sold.

Mr. DeMarco asked if they could approve this based on the duration of ownership, and if he chose to sell it, it would have to be reverted to the previous state. Mr. Bishop said he would like to discuss a condition relating to the development of the area. If there is additional parking created for the people using this parking lot, then there is an option to reconsider. Mr. Bishop said that would alleviate the traffic on Detroit. Mr. Reich asked if they could put that as a condition. Mr. DeMarco wondered if that was appropriate. Mr. Reich said that it is for the Law Director to determine appropriateness. Mr. DeMarco said his concern is holding a developer to a design, which is not the Commission's purpose. Mr. Bishop said traffic is a part of their purpose. Mrs. Brandt said her concern with that is whether it's 5 or 10 years down the road, there are so

many variables to how that street and parking are developed that are outside of the owner's control. So, he is kind of being held captive by somebody else's development.

Mr. Bishop said they do have a concern because, in essence, he is forcing traffic onto Detroit. They are not privy to what was discussed at the original approval of the entire site. Were those two aisles put in just for convenience, or were they to push traffic in different directions? Mrs. Brandt asked if any studies have looked at the traffic generation from the Ingersoll development or the Marion Ramp deconstruction. Mr. DeMarco and Mr. Bishop said there are generic trip calculations that can be done; it wouldn't be a true study, but it would be a pretty good range. Mr. Coyne said he has no issue with the variances being proposed; he just believes there are bigger questions at hand.

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

4 Ayes – 0 Nays
Passed

Sean Gormley, a resident on Detroit Road, came forward. His main concern is getting in and out of the shopping plaza and the added traffic this will create on Detroit Road.

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

4 Ayes – 0 Nays
Passed

Mr. Bishop said the traffic is the main concern. The aesthetics is not the concern. The Planning Commission wants to make sure they are doing the right thing. Mr. Bishop said they have a problem, and he has tried to wrap his mind around how to solve that without closing this off. It's tough to come up with a solution. Mrs. Brandt said that until there is more parking in the area, the solutions are pretty limited. Mr. DeMarco asked if Mr. Mylett had talked to the city about something like that, or whoever owns all of the property next door, about providing cross-block access. Mr. Reich said not that he is aware of. Mr. DeMarco said, regardless of what happens here, there is a larger safety issue that needs to be addressed. Mr. Reich said the master plan for the city had an entertainment district proposed along Linda Street, which included more parking. Maybe that is something they need to look at again.

Mr. Bishop said his other concern is that this move the problem towards Detroit. Are the people going to park more towards the south of the parking lot along Detroit now? Mr. Bishop said on the face of it, it seems reasonable. However, are they sort of pushing people to a different spot? Mrs. Brandt said it's possible. But when they say there is a lack of parking on the street in general, these buildings were here with more or less these functions, and then we got Market, Wine Bar, and Tommy's. Mrs. Brandt wants to know how these are getting approved with the lack of parking. Mr. Allen said it applies to the uses in this plaza; have they all been approved by the Planning Commission to have the right amount of parking? Mrs. Brandt said they can verify that. Mr. Bishop said they have not, definitely not for office to medical. Mr. Bishop said they

need to get on record that they have enough parking; however, it is a separate issue from what's happening with other people there using property that they're not entitled to use.

Mr. Bishop said that for the next meeting, the best thing they could do is a simple trip generation from a building/plaza of that size with the type of tenants it has. It would break down between uses, like restaurants versus CVS. This would give the Commission a better understanding of how much total traffic would be on Detroit at this point.

Mr. Bishop moved to table this item. Mr. Allen seconded.

4 Ayes – 0 Nays
Tabled

4. Gormley's Pub – 19500 Center Ridge Rd. – Public Hearing: Preliminary Review – Modification of a Previously Approved Plan of a tavern for second-floor use, additional parking, dumpster location, and garage removal

Present – Sean Gormley, Owner

Mr. Bishop said the issue is parking. Mr. Bishop said now, he is essentially asking for the Commission's blessing to use the second floor. According to their previous approval from 2016, he was not allowed to use the second floor. Mr. Gormley said in 2016 his main concern was just opening up the pub. He had no idea when he would get it completed because of the cost. Thus, he could not answer at that specific time. Mr. Gormley said it was almost a year later before he was able to start finishing out the upstairs. Mr. Bishop is not sure if he met the requirement for parking by using the upstairs, which is why they gave him the 18-month window to come up with a plan.

Mr. Bishop said the way he has laid this out, there is 1,700 square feet total at the pub. So, that would be the required 26 spaces (that is a calculation error; it should be 34 spaces) or 1 space/50 square feet. Mr. Bishop said there are 4 chairs in the barber shop, meaning they would need 8 spaces. Mr. Gormley said there are only two people cutting hair. Mr. Bishop asked how many chairs there are. Mr. Gormley said there are 4 chairs, but only 2 working chairs. They are by appointment only, so there are not a ton of people waiting. Mr. Bishop said that for this calculation, they count the number of physical chairs, not which ones are operational; if he removed the other 2 chairs, then that would lower the required parking spaces. Mr. Gormley said there are two chairs in the shop, and the other two are in his garage because they were getting refinished. He just brought one of them back to the shop, and they are putting it together. Mr. Bishop asked if they went into the shop tomorrow, there would not be 4 chairs in there. Mr. Gormley said no, there are the two that are operational, the one they are putting back together that is on a trolley, and the one in his garage getting refinished. Mr. Bishop said even the presentation says 4. Mr. Gormley said when they originally opened, there were 4; now there are only two. Mr. Bishop said they will use the 2 chairs for now, which would require 4 spaces.

Mr. Bishop said they would need 30 spaces (that is a calculation error; it should be 38 spaces) then. With the 20% reduction in shared parking, it drops to 24 required spaces (that is a

calculation error; it should be 31 required spaces). Mr. Bishop said there are currently 14 spaces provided, so they are 10 spaces short (that is a calculation error; it should be 17 spaces short). As far as the Karate Studio, Mr. Bishop said they cannot count because there are no stripes on the parking spaces, so they have no idea how many spaces are truly there. Mr. Gormley has a good relationship with that owner. Mr. Gormley said he has offered to pay to get the parking spaces striped himself. It just hasn't been done; there are repairs his neighbor has to do before that can be done. Mr. Gormley said there is a lease for him to use those spaces. Mr. Bishop asked how many spaces and how long the lease is. Mr. Gormley said it is month-to-month and it's for 15 or 17 spaces. During the day, Mr. Gormley does not need the parking, but after 5:30-6 pm, after the Karate Studio's lessons are done for the day, he has access to the parking. Mr. Bishop asked what are the hours of operation of the barbershop. Mr. Gormley said till 5 pm Monday- Friday and till noon on Saturday. Mr. Bishop asked what time does the pub open. Mr. Gormley said, depending on the day, 2-3 pm.

Mr. Bishop asked about the agreement with Strawberry Plaza. Mr. Gormley has been working with the owner since 2016 and has given signage that prohibits parking for the pub in Strawberry Plaza before 6 pm. Mr. Bishop said that is a separate issue because the Commission is not a fan of the signs that are sitting in the parking lot. Mr. Gormley said the ones that he gave him are not up yet; the ones that are up are temporary ones that the owner has put up. Mr. Gormley said that after 6 pm, he has access to the entire parking lot, which has 26 spaces. Mr. Bishop asked if there were any parking agreements. Mr. Gormley stated that there are parking agreements in place with both property owners. Mr. Bishop said at the final review to submit those documents.

Mr. DeMarco said in the 2016 meeting, there was a discussion about removing the garage; he is curious why that has not happened. The Planning Commission gave him a 24-month timeframe to do that. Mr. Gormley said he has a grassy area back there that he wishes he could fill in and use. With the opening up of a new business, he was concerned about the cost. Mr. Gormley said that the estimates he got were \$60,000. He could not afford that, especially after the pandemic; he is just happy to be open. Especially since he has worked out deals with his neighbors to address parking and has been paying them from the beginning. Thus, financially, it does not make sense to remove the garage, plus he uses the garage for storage. Mr. DeMarco said, from a parking standpoint, maybe it is not a big issue if he can demonstrate agreements that he has the required parking.

Mr. DeMarco asked Mr. Reich if the Building Department has any concerns about occupancy and live loading on the second floor. Mr. Reich said that it is limited to 29, he believes, on the second floor, and the Fire Department has begun watching that. Mr. Reich said the only thing the Building Department is concerned about is that the architect did not separate the load. He would prefer that 29 wouldn't be concentrated on the deck out front, but that it is spread out throughout the upstairs. Mr. Reich said the architect assigned 29 to the second floor. Mr. Bishop asked Mr. Reich if that was correct. Mr. Reich said he is not sure; he asked Mr. Gormley if there have been 29 people up there. Mr. Gormley said he had a structural engineer and a carpenter come out to the pub. The joists for the second floor were very close together. Mr. Gormley said there are never 29 people out on the deck.

Mr. Allen said one way to verify the 29 would be by the tables, chairs, and barstools that are up there. Mr. Bishop said this is really a parking issue based on the 1,700 square feet and what the

use is, not so much what the Fire Department or building codes are. Mr. Reich said that is correct, parking is based on the zoning codes, not the building codes. The building codes would look at the chairs, tables, etc. He has a max of 29 on the second floor and 21 on the first floor, for a total of 50. Mr. Gormley said it was 50 for the first floor; he wouldn't have opened a pub with a maximum occupancy of 21. Mr. Reich said the total for the building is 50, Mr. Gormley's architect assigned the 29 to the second floor, and the building code allows 21 on the first floor. Mr. Bishop said when Mr. Gormley came in originally, he asked for an occupancy of 50 for both floors; however, the Commission said they did not have the parking for the square footage. Mr. Reich said that is correct, but he wants to make sure they are keeping the building and zoning codes separate. Mr. Bishop said the occupancy does not really affect them; their calculation is based on the square footage.

Mr. Reich said the property maintenance guys are going to start going over to Mr. Gormley's and his neighbor, Allen's, properties based on tonight's meeting. They wanted to see if the garage is staying or going. Mr. Reich said he needs to address the garage condition and dumpster location. So, it is not just his property; it's other properties in the area. Mr. Gormley asked what the City Ordinance or Code was for dumpsters. Mr. Bishop said it has to be in an enclosure and cannot be within the parking setback. Mr. Gormley said numerous businesses do not comply with that. Mr. Reich said they are aware, and a lot of them are being handled with the property maintenance guys. Mr. Gormley said that he is going to have to give up a parking space then. Mr. Bishop asked if he could put it in the garage. Mr. Gormley said he doesn't want to put it in the garage because he parks his car in there in the winter. Mr. Bishop said there are triangular areas that are striped off that he could put the enclosure in. He could use that area behind the barbershop on the very north end and not lose any spaces.

Mr. Allen and Mr. Bishop said these plans assume nothing changes, and the garage stays. Mr. Reich will have his conversations about loading and property maintenance. Mr. Allen said, assuming the parking agreements are in place, then it works. Mr. Bishop said the dumpster needs to be addressed as well.

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

4 Ayes – 0 Nays
Passed

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

4 Ayes – 0 Nays
Passed

Mr. Bishop moved to grant preliminary approval to Gormley's Pub, 19500 Center Ridge Rd, conditioned on a final review having a plan for a dumpster enclosure or resolution to the dumpster location, and a written parking agreement with Strawberry Plaza. Mr. Allen seconded.

4 Ayes – 0 Nays
Passed

5. Planning Commission – Updating the Development Code

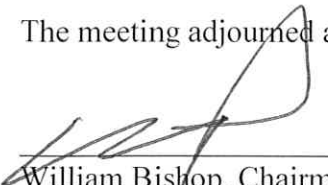
Mrs. Kerber asked Mr. Bishop about Chapters 1-7. Mr. Bishop said he has reviewed a lot of it. The issue he is having is that Mrs. Straub and he got really far with it, and some of the comments are in the updated Development Code, and some aren't. He is trying to cross-reference between the two. Mrs. Kerber said everything Mrs. Straub left her is in there. Mr. Bishop said some of the comments are in there and some are not, so he is going through his notes and seeing what is in there. Mrs. Kerber said that is why she asked for his notes originally, so she could've added them from the beginning. Mr. Bishop said he wished he had brought them; however, now it is easier because he has something to work with. He just has to go through page by page. Mr. Bishop said he is trying to make it clear so Mrs. Kerber understands it. He said he has four different versions of this. He and Mrs. Straub did all of this work, but half of it is not in there. Mrs. Kerber said all of Mrs. Straub's notes that were left have been placed in there.

Mr. Bishop said he was struggling with what to work with, and he decided to work with Mrs. Kerber's version and go through his notes at the same time, and make any necessary changes. Mrs. Kerber asked if he had a timeline on that. As he does that, Mrs. Kerber is going through 9, 11, and 13, and some changes are going to be retroactive because there is a new definition and stuff like that. Mr. Bishop said that as he gets a few done, he will hand them over to Mrs. Kerber, and she can stay ahead of him. Mr. Reich asked if they are giving this to the Council in pieces or all in one. Mrs. Kerber said she would like to do it all in one. Mr. Bishop said Mayor Bobst wants to give it to them in pieces. Mr. Reich agreed, so they are not overwhelmed. Mr. DeMarco said you are running into a situation where only certain sections are approved. Mr. Bishop said not to approve but to read. Mrs. Kerber said this has to go through Law Director O'Shea. Mr. Bishop said the Law Director needs to look to see if the new Development Code is in line with the Charter. Mrs. Kerber said that is correct, and she was actually looking at that today.


Mrs. Kerber said that when a term in code is capitalized, that means it's defined at the beginning. She went through and looked at each use of the "use or Use" to determine if it meant the defined term or if it was just used in a sentence. Mrs. Kerber did that for all of the defined terms. Mrs. Kerber said anything that had a gap in it was moved up. Mrs. Kerber said she also wants to make sure that all of the cross-references to other sections are correct since everything is moving around so much. Mr. Bishop said new definitions will probably need to be added as well. Mr. Reich said habitable space needs to be defined; he suggested using the Residential Code of Ohio's definition.

Mr. Minek and Mr. Reich told the Planning Commission that the Board of Zoning and Building Appeals wants them or City Council to review a boathouse being proposed on Avalon Drive. The Board of Zoning and Building Appeals does not feel comfortable voting on the boathouse without guidance from the Planning Commission or Council as to how many of these secondary structures should be allowed along the lakefront. The Board of Zoning and Building Appeals approved a similar boathouse next door in 2012. Mr. Bishop asked if that boathouse was new or just added on to. Mr. Reich said it was new, and it is larger than the boathouse that was there before. Mr. Reich said the code is pretty clear not to structurally alter a nonconforming structure. Mr. Bishop said that when they were updating the development code in 2010, the whole intention was to prevent people from living in those spaces. The city wanted to limit the square footage of those structures.

The meeting adjourned at 7:30 pm.



William Bishop, Chairman



Michael DeMarco, Member

Date: 10/29/25