

MINUTES OF MEETING
PLANNING COMMISSION
March 19, 2026

Members Present: Coyne, Allen, DeMarco, Bishop

Presence Noted: Michael O'Shea, Law Director

Kathryn Kerber, Director of Planning and Community Development
Dylan Minek, Planning and Community Development Administrator
Raymond Reich, Building Commissioner

Council Members Present: Lisa Havemann, Council at Large

Chairman Bishop called to order the March 19, 2026, meeting of the Rocky River Planning Commission at 6:00 P.M. in City Council Chambers of Rocky River City Hall.

Mr. Minek wanted to let everyone present know that there have been fraudulent emails that have targeted numerous applicants of this meeting, asking them to wire thousands of dollars. He said the city has not and will not ever ask an applicant to wire or transfer money; payment is currently only cash or check. The city is aware of these incidents and will take extra precautions to make sure emails are not readily available on the website for scammers to target. He asked that anyone who may have received a fraudulent email forward it to him so he can send it to the police department for their investigation.

Mr. Bishop asked if there were any corrections to the Planning Commission meeting minutes of February 18, 2025. Mr. DeMarco moved to accept the minutes as written. Mr. Allen seconded.

4 Ayes – 0 Nays
Passed

**1. Akron Children's Hospital – 20220 Center Ridge Rd – Pre-Preliminary Review –
New Medical Office –**

Present – Brian Lapolla, Vice President of Operations
Scott Radcliff, Hasenstab Architects

Mr. Lapolla said the vision of Akron Children's is to be the most trusted, inclusive, and accessible pediatric health system in the communities they serve. Facilities like these allow them to provide the right care at the right place at the right time, and as close to home as possible for patients and families.

Mr. Radcliff said they are proposing an outpatient health/medical facility. They will be doing a full gut and renovation of the existing building. Primary care will be on the lower, first floor. The second floor, which is basically at grade level, will have a free-standing emergency department with radiology adjacent to it. With lab and outpatient pharmacy services on that same floor. On the third floor, there will be outpatient behavioral health and rehabilitation services. On the fourth floor, there will be all of the specialty services, including heart, orthopedics, and a variety of other services. Mr. Radcliff said they will be modernizing the stair facilities of the building to meet modern codes. There will also be two new stair towers being built. He said they plan to resurface the parking lot and repair the parking deck. The current parking deck has some surface

falling, and they will be patching that since it is non-structural. He said the rear of the parking deck has a ramp that is in disrepair, so it will be demolished. They will also be adding a new drive aisle to access the rear of the property.

Mr. Bishop said he wanted to go on record that they are converting an office building to medical, which requires a different parking count. Office requires 3 spaces per 1,000 square feet, and medical requires 4 spaces per 1,000 square feet. Mr. Bishop said there was a discrepancy with the building area in the submission package; one place it says the building is 85,287 square feet, and another says it is 70,405 square feet, plus the 5,000 square feet for the new stairwells. Mr. Radcliff said the discrepancy between those two numbers is because the 85,000 includes the two smaller buildings on the other parcels that Akron Children's owns to the southwest. Mr. Radcliff said the 75,000 square feet is the accurate number for the medical office building. Mr. Bishop asked if there were any plans for those two buildings. Mr. Radcliff said they have been acquired by Akron Children's, but there are no plans yet for those buildings. Mr. Bishop said the site plan shows 299 parking spaces, while the survey shows 319 parking spaces, so they are losing 20 spaces. Mr. Radcliff said they are actually losing more spaces than that; however, they are adding spaces in other areas. They are losing spaces where the emergency generator is proposed, and gaining spaces where the ramp for the parking deck is being removed. Mr. Bishop said they are 3 spaces short of what the code requires, which would be a 1% variance, and that is something they can talk about and/or adjust down the road.

Mr. Bishop said it is a great project for this building since it has been in limbo for some time now. He said it looks like they will be modifying the front canopy for the ambulatory services/emergency room, and asked if there would be any overnight stay, or just as long as necessary to either be transferred or released. Mr. Radcliff said just as long as necessary. No bedded care is intended to be at this facility. Mr. Bishop asked if it would be open 24 hours. Mr. Radcliff confirmed. Mr. Bishop asked Mr. Reich if there were any concerns with the hours of operation being 24 hours. Mr. Reich said he would have to look into the code regarding that. Mr. Bishop said that if there are any restrictions, they would have to get a use variance for the hours of operation.

Mr. Bishop asked about the architectural, how much is being changed. Next time around, they should have color renderings and more details on the screening. He also said there should be more details around the signage and dumpster enclosure. Mr. Radcliff said the exterior of the building is a precast brick panel that is attached to the building. A large majority of these panels are intended to remain. He said every single window will be removed in the facility, and new windows will be installed. They will also insulate the inside of the entire facility. He said the new towers will be masonry concrete with brick to match the existing building. Mr. Radcliff said the existing roof has no parapet, so they will construct one using a corrugated metal panel. Two new air handlers will be installed on the roof that are screened to serve in addition to the existing unit. Mr. Bishop said on the first floor, there is a space labeled "shell," he asked if that is an unfinished space. Mr. Radcliff said that is unfinished space for whatever programs start to grow over time. Mr. Bishop said the Commission will deduct that from the required parking, so that should get them out of needing a variance for the parking. He said they would need to come back for a modification if they were to start using that space.

Mr. Bishop said in the next submission, the landscaping plan should have more detail. Including the types of plants with color indicators. He said the plan is good, they just need to show pictures of the type of plants. For the site plan, Mr. Bishop said they should show the dimensions for the parking spaces and drive aisles. He said the number of parking spaces in each bank should be listed on the site plan as well. Mr. Bishop said for the next submission, they should include the total number of treatment rooms and the peak number of staff.

Mr. DeMarco asked if the two smaller buildings' parking would be used for the parking of this facility. He said patients may not know that they can park in that area, and it should be clear whether they can use that parking or not. Mr. DeMarco asked if the canopy in the front is going to be completely removed and replaced. Mr. Radcliff confirmed. Mr. DeMarco asked what the anticipated volume of ambulance visits is on a daily or weekly basis. Mr. Radcliff said they do have specific numbers, but they could base it on other facilities that they have and adjust based on size. Mr. DeMarco asked if they could ballpark the number. Mr. Lapolla said maybe one per day. Transfers out of the facility may occur a few times a week. Other than that, Mr. DeMarco said he would agree with Mr. Bishop that he would like to see rendered elevations, which will help to identify the materiality, what's new, and what is existing. He also said the enhanced landscaping plan will be very important for the next submission. Mr. DeMarco said he would like to see some sort of site signage plan in addition to the building signage, things like entry and exit signage.

Mr. Bishop asked if the 299 parking spaces shown on the first page included the parking with two smaller buildings. Mr. Radcliff said he believes that it does. Mr. Bishop said if they were to include those buildings in the parking calculation, they would actually need 342 parking spaces. Mr. Radcliff said that would assume that Akron Children's would occupy those buildings. Mr. Bishop said that if they need to get the variance, they should provide data from other locations showing that there is sufficient parking.

Mr. Allen asked if they had any similarly sized facilities that they could use to base the number of trips in and out a day. Mr. Radcliff said they estimated 75 trips per hour based on a transportation manual for a facility of this size. He said that estimate is a global aggregate. Mr. Allen asked the Commission members if they were okay with that many trips onto Center Ridge. Mr. Coyne said that estimate seems high. Mr. Bishop said he believes it all comes down to the number of treatment rooms. Mr. Allen said some sort of traffic study with the traffic lights or some sort of understanding of the impact of this development would be super helpful. He said there are no left-hand turn lanes out onto Center Ridge. He asked if they anticipate any queuing because he would imagine that with so many trips per hour, there would be some sort of queuing. Mr. Allen also asked if they had considered consolidating the parcels. Mr. Radcliff said they have not entertained consolidating the parcels at this point. Mr. Allen said there are 5 existing curb cuts and one owner. He wondered if there was any way to eliminate a curb cut while also allowing for a left-hand turning lane.

Mr. Allen asked what the height of the building is with the parapet. Mr. Radcliff said the parapet is 4 feet above the height of the existing building. Mr. DeMarco said the height would be around 50-52 feet tall with the parapet. Mr. Allen asked if the signage would be addressed later. Mr. Bishop said it should be since the signage is a part of the architectural. Mr. Allen said there were a lot of notes that said, "see electrical plans," and the electrical plans were not included, and

that should be included. He also said there were a few other references that did not have supporting documents. Those should either be removed or the documents included. Mr. Allen said the site data on C-200 should include all of the provided columns, and the parking numbers are updated based on Mr. Bishop's comments. He said it all comes down to the architectural and electrical plans.

Mr. Allen asked where the proposed underground water tank is supposed to go. Mr. Radcliff said it is between the ambulance canopy and Center Ridge Road, just to the west. He said it is lightly dashed in on the plans. Mr. Allen said he echoes the comments about updating the landscape plan and including more detail. Regarding the lighting plan, he said it would be nice to have a larger depiction of the lighting fixtures. They can pull them straight out of the catalog.

Mr. Coyne said he echoes a lot of the comments that the other members had. He said when it comes to the HVAC screening, it appears to be out of scale, and that should be updated in the next submission, so it is depicted accurately.

Mr. Lapolla wanted to address a prior question about the number of ambulance visits they are expecting. In year one, they are expecting a total of 135 ambulance visits or 2-2.5 per week. He said that as the facility grows, that number could grow over time, but they would never anticipate exceeding 6-7 visits per week. Mr. DeMarco wanted to confirm that there are no beds that allow for inpatient care. Mr. Lapolla said there would be no inpatient beds. There will be some observation status in the emergency department to stabilize and then transfer over to a hospital. Mr. DeMarco asked if someone were to need inpatient care, they would be transferred. Mr. Lapolla confirmed.

2. Riverdale Homes – PPN: 301-09-121 – Public Hearing: Preliminary Review – Modification of a Previously Approved Plan: New single-family home –

Present – Angelo Corna, Prospective Owner
Jim Doyle, Current Owner

Mr. Corna said he is currently under contract to buy this parcel down in the yacht club basin. He said the parcel is a part of Riverdale Homes. Mr. Corna said that in 2016, the Planning Commission had reviewed phase one of this project, which included two single-family homes. Those two homes were approved and built. He said in the approved set of plans from 2016, the site plan indicated a future development where he is proposing this new home. He said the yacht club basin has some building restraints. Although it is zoned R-3, they are following the R-1 zoning restrictions.

Mr. Bishop said this project was developed as a single-family grouped dwellings in an R-3 district. He said that means the project setbacks would be 20 feet around the perimeter. (Please note for meeting minute purposes: The Planning and Community Development Department reviewed the Development Code and found that setback is incorrect; the project setbacks should be 10 feet). Mr. Corna said he was not aware of that setback; he was told it had to be 8 feet. Mr. Minek said he thought the project would be considered single-family and have to follow the R-1 setbacks. Mr. Bishop said it would not be a single-family home; it would be considered a part of

the detached group dwelling development with the two other homes that were approved and constructed. Mr. Corna said it is phase two of that development and would be on its own parcel. He said some of the phase one housing is less than 5 feet from the property line, with 10 feet between the units. Mr. Bishop said it is not the distance between the units; it's the distance from the property line. Mr. Corna said that at 425 Riverdale, the home is 10 feet from the property line. Mr. Bishop said he is not sure how the 10 feet was approved for phase one. He asked if they had received a variance. Mr. Doyle said they did not need a variance for that (Please note for meeting minute purposes: The Planning and Community Development Department reviewed the Development Code, and the 10-foot setback between 425 Riverdale and 423 Riverdale would be permitted; thus, a variance would not have been required).

Mr. DeMarco said the previously approved plans from 2016 showed the future development having a 10-foot setback. Mr. Bishop said they never showed a third unit, just the parcel for the development. Mr. Corna said that is not correct. The final approval from 2016 showed an area reserved for future development, and it shows a side setback of 10 feet. Mr. Bishop said it says to demolish the building. Mr. Corna said there was a home in that location, which was demolished, and that space was reserved for a future home. Mr. Bishop said the whole land area was reserved for a future home; it could be anywhere on that site within code. Mr. Corna said the future development on the approved plans shows a 10-foot setback. Mr. Bishop said that the 10 feet shown represents the distance to the demolished building. Mr. DeMarco said the plans do not explicitly state that the 10 feet is the distance to a future building. To him, the drawings seem to indicate the distance to the demolished building.

Mr. Corna asked for clarification on what the side yard setback is that they have to follow. Mr. Bishop said 20 feet (Please note for meeting minute purposes: The Planning and Community Development Department reviewed the Development Code and found that setback is incorrect; the side yard setback should be 10 feet). Mr. Corna said that at 20 feet, he is going to need a variance because the site is extremely limited in its building envelope because of the steep grade. Mr. Bishop said they have to review the code requirements. If there is a need for a variance, it gets sent to BZA. The Commission can either support the variance or not, and it is the applicant's job to provide information to the BZA for the justification for the variance. Mr. Bishop asked if the property on the rear is an R-1 district. Mr. DeMarco said it is R-3.

Mr. Bishop said they had received an email from the neighbor, Marcel Mylen, about the history of the site and the recorded easement. Mr. Corna said there is a parcel that is carved out in the middle of the master parcel, and it is called "R-4." He said the neighbor does not own that parcel, but they do have an easement for parking two cars on the property. Mr. Corna said they are not building over that parcel, and it will remain as is. Mr. Bishop said the plans that were submitted show them building over that parcel. Mr. Corna said that plan was not from his architecture; that is something the engineer drew. Mr. Bishop said the biggest issue tonight is what is happening with this easement. Mr. Corna said the easement will not change at all; there will be no impact, as he is building around it. He said that his updated drawings clearly identified that the easement will not be disturbed. Mr. Bishop said that all needed to be provided to the Commission before they came to the meeting so they would know what they were looking at. He said the plans they are looking at tonight are not updated to address the easement. Mr. Bishop said they need to verify if the parking space is meeting code and ensure that the proposed home is not within the

easement. He said they should table this and then get on the next agenda and show exactly what they want to do. Showing the parking, the dwelling, and anything else that affects the site.

Mr. Bishop asked if the HOA document had been recorded. Mr. Doyle said he does not think they officially recorded it. He asked if that would be with the city or the county. Mr. Bishop said the county. Mr. Corna said condominium declarations were filed. Mr. Reich said he believes it was an owner's agreement, not an HOA. Mr. Bishop said the previous approval was based on establishing an HOA and having it recorded. Mr. Doyle said there is an agreement; he said they can have something present at the next meeting. Mr. Bishop said that if there is an agreement between the three homes and it is recorded, it is just as good as having an HOA in this case. He asked if it was a maintenance agreement between the parties. Mr. Doyle said that is correct. Mr. Bishop asked for a copy of that at the next meeting.

Mr. DeMarco said that when they come back, have more clarity in the site plan. He asked them to clearly delineate where the different parcels are, where the parking areas are, where the drive into your garage is going to be, where the limits of pavement are, where the easements are, and where the homes are. Mr. Bishop said not to show "proposed" on the site plan, but to show exactly what they want to do.

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

4 Ayes – 0 Nays
TABLED

**3. Friel Family Trust – PPNs: 301-09-127 and 301-09-128 – Public Hearing:
Preliminary Review – Modification of a Previously Approved Plan: Detached single-
family grouped dwelling development –**

Present – John Chandler, Howard Hanna
Dave Maddux, Arcus Group

Mr. Maddux said they are here to present a modification to the house plan for Parcel B; Parcel A will remain as is. He said the goal of this development was to find potential purchasers of the project and modify it based on their requirements/requests. Mr. Maddux said the modifications to Parcel B still meet all of the previously approved setbacks and requirements. Mr. Bishop asked if the dwellings presented are similar to what was approved the second time around. Mr. Maddux said they were before the Design Review Board, and they tweaked things, and they will have to take this back to the Design Review Board again. He said the main change is that in the previous iterations, they had access to both homes off of South Island. Now, there is a little more separation between the homes with access off of South Island for Parcel A and access off of Riverdale for Parcel B. Mr. Maddux said creating separate entrances helps to give these homes more independence from one another. Mr. Bishop said they are standalone homes, and they have no shared maintenance, other than the easement; they are separate from one another.

Mr. DeMarco said it makes sense to separate the drive access if you want to create a separate identity for the two homes. He said he is not a huge fan of the materiality for Parcel B, but will

let them go through the Design Board regarding that. He asked if they needed a height variance. Mr. Maddux said they do not. Mr. DeMarco said, looking at that area, there could be three new construction homes being built in that area around the same time. He said they need to be mindful of that since the Yacht Club Basin is already a tricky area to navigate. Mr. Chandler said that if they start with Parcel B first, they can mobilize on Parcel A. Mr. Allen said he is not a fan of the wall facing north of the house on Parcel B. Mr. Maddux said they are still figuring out some of the architectural. He said the wall does create a sort of garden wall, even for Parcel A. He said he did not want to have a ton of exposure or privacy concerns between the units. How they plan to address that is to create two distinct locations and two distinct properties where they are not sharing too much of a common area. Mr. Allen said the Design Board can address the wall. Mr. Chandler said the landscaping plan could also help to address that. Mr. Allen agreed.

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

4 Ayes – 0 Nays
Passed

Courtney Mylen, 421 Riverdale Dr, came forward. Mrs. Mylen said, looking at the plans, it appears that Parcel B is being built right on the property. She asked what the required setbacks are. Mr. Bishop said the home is not being built on the property line. He said the code requires it to be 10 feet from the property line. Mr. Chandler said the home is 10 feet from the property line. Mr. Bishop said right now it is code-compliant. Mrs. Mylen said that the homes are being built on property that floods periodically, and she wondered what building homes on that land means for flooding in the area. Mr. Reich asked where the water is originating from. Mrs. Mylen said the river. Mr. Reich said he met with ODNR, although it touches the floodway, this project is not in the floodway, or the fringe, or the freeboard. He asked if the river crested into the property. Mrs. Mylen said yes, and it then goes down South Island. Homes have been flooded down there because of it. Mr. Reich said that FEMA's floodplain map and ODNR's floodplain map do not reflect any flooding within that area. Mr. Bishop asked how old the maps are. Mr. Reich said they were updated in 2019. Mrs. Mylen asked if the water would be pushed towards their home. Mr. Reich said he could not speak to that. Mr. Coyne said they would need to see the civil engineering. Mrs. Mylen asked when this project would begin. Mr. Bishop said that is probably determined by the buyer of the home. Mrs. Mylen asked how close the driveway for Parcel B would run to their home. Mr. Bishop said he estimates 25-28 feet from their property at its closest. He said the sidewalk looks to be 11 feet away from their property, and that would be the pavement closest to their property.

Mr. Bishop asked Mr. Chandler if he could speak to the flooding of the site. Mr. Chandler said the structures themselves will be out of the floodplain. He said they will also be raising the grade of the home above that, so they will be up about a foot and a half. He said the veneer of the first floor of the home is stone. Mr. Bishop asked how far they got with their civil engineering. Mr. Chandler said they were waiting till they got some approval through the Commission. They can have it for the next meeting. Mr. Bishop said he knows they have to contain their own water. Mr. Reich said if water is coming over the headwall, he is not sure how to address that. Mr. Bishop said they will be regrading, which will hopefully help with that situation. Mr. Maddux said raising the grade will help keep the water in the channel rather than allowing it to breach onto the property. Mr. Bishop said they will contain the water on their site, whether that's through swales

or basins. Mr. Reich said that is exactly what was done further north on South Island with some other properties. They redirected the water with mounding and drainage. Mr. DeMarco said the water is going to go somewhere. Mr. Reich agreed. However, he said that as far as regulating these projects, they can only enforce what happens on a given property. He contacted ODNR, and they are out of the required floodplain. Mr. DeMarco said if Mrs. Mylen is saying the flood waters are draining down South Island, then the flood line is much farther inland than what the maps are indicating. He said a developer will do what they have to do when it comes to containing water on a particular property. However, there is not much they can do to help the entire area. Mr. DeMarco said that is a state or city issue. Mr. Reich said that is part of living next to a river that rises and falls with the seasons. Mr. Bishop said that on the face of it, the project seems like it would improve the situation. Mr. Chandler said they would do the same thing that they did for the two properties on the north side of the Yacht Club bridge. He said they raised the finished floor above the floodplain and did not have basements on those homes. Mr. Bishop asked Mrs. Mylen if her home has a basement. Mrs. Mylen said it does. She said their home has never flooded, but their yard has, and it has taken out their dock and their fence. Mr. Allen asked where the fence is. Mrs. Mylen said it runs along the property line from the water to the rear of their home. Mr. Bishop said to Mrs. Mylen that they are entitled to build these two homes on this property. He said that is a part of the risk with living in this area.

Stephen Morcheck, 405 Riverdale Dr, came forward. Mr. Morcheck said the heavy rain event that they had two weeks ago caused the water to flood from this property into his basement and garage. Mr. Bishop said they have to contain their water within their property. So, they have to protect your property line from their property line from any runoff. Mr. Bishop said that it is all done through the city engineer. He said they cannot raise the grade and then discharge it onto his property.

John Raff, 411 Riverdale Dr, came forward. Mr. Raff said his backyard abuts the roadway that is supposed to go in. Mr. Bishop said there is no roadway anymore. Mr. Chandler said it will just be a driveway off of South Island to access Parcel A and a driveway off of Riverdale to access Parcel B. Mr. Raff said there is a large tree adjacent to his property that, if removed, would have some serious effects on his property. Mr. Chandler said they can try to save the tree. However, in reality, with the amount of distribution they'll have to do on the lot, the tree will most likely be removed. They will be adding on to the part of the property that abuts Mr. Raff's patio. Mr. Raff said that raising the grade would force the water onto his property, and he has a basement. Mr. Bishop said they are not allowed to discharge water onto his property. Mr. Reich said they cannot discharge water onto his property, and he cannot discharge water onto their property. He said if Mr. Raff's water is currently discharging onto this property, he is going to have to take care of that issue once the engineer approves the civils for the site. Mr. Reich said if the water now comes off of Riverdale and through his property and then floods onto this property, that is going to become Mr. Raff's problem. Mr. Raff said if they bring the grade up, the water will flow towards his property. Mr. Reich said no, the engineer will design it to flow towards the river. He said if Mr. Raff's water is going through this property to discharge into the water, that is going to have to be dealt with. Mr. Raff also expressed his concerns with 416 Riverdale and the condition of the home. Mr. Reich said they have the owner in court, and they are working to remediate the situation.

Jim Doyle, 425 Riverdale Dr, came forward. Mr. Doyle asked if Riverdale was going to be widened in that area. Mr. Chandler said they will only be adding an apron. Mr. Doyle asked who owns that road. Mr. Chandler said the city does.

Alice O'Donnell, 427 Riverdale Dr, came forward. Mr. O'Donnell had similar concerns regarding 416 Riverdale. She said the property is not livable and is condemned. Mr. Reich said they have not been able to get into the property, and they have to be able to access it before condemning it. Mr. O'Shea said the Planning Commission has no jurisdiction to cite a housing violation. He said Mr. Reich is the person to contact when it comes to housing violations.

Bridget O'Donnell, 427 Riverdale Dr, came forward. Mrs. O'Donnell said she looked in the windows of 416 Riverdale and saw dirt floors. Mr. O'Shea said they are working through the court system to address these violations.

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

4 Ayes – 0 Nays
Passed

Mr. Bishop moved to grant preliminary approval to the Friel Family Trust, PPNs: 301-09-127 and 301-09-128, for a modification of a previously approved plan for detached single-family grouped dwellings, subject to the comments tonight about containing water on the property. Mr. Allen seconded.

4 Ayes – 0 Nays
PRELIMINARILY APPROVED

Mr. Minek asked what was required for the next submission. The project needs to obtain Design Board approval, submit a grading plan, and Reitz Engineering should be present.

4. The Bank – 20000 Detroit Rd – Public Hearing: Preliminary Review – Modification of a Previously Approved Plan: New accessory structure –

Present – Haley Delzani, Property Owner

Mr. Bishop said he believes Mrs. Delzani received the bad news that the shed is not permitted within the front setback. Mrs. Delzani said she did last night. Mr. Bishop asked what the possibility is of putting the shed on the north side of the building, which is considered the side yard. Mrs. Delzani said that is not possible because of the windows on that side of the building. She said the reason for this structure is for the storage of their snow equipment. To drop the snowplow, they need to be able to access the shed straight on, and on the north side of the building would be unrealistic in achieving that. She also said aesthetically it would look more appealing where she has proposed it, rather than behind the building. Mr. Bishop said her frontage is along Smith Court, according to the code, and no accessory structures are permitted within that front yard. He asked if the snowplow is one that you put on a pickup truck. Mrs. Delzani confirmed that it is. She said they also had to get a snowblower because of the snow that

gets piled on the sidewalks from the road plows. Mr. Bishop asked where the windows are on the north wall. Mrs. Delzani pulled up her previously approved plan, which shows the five windows but does not give her the spacing in between. Mr. Bishop asked what is on the inside of the windows. Mrs. Delzani said that the west-most window is the backroom for the employees, and the other windows are customer spaces. She said the shed in front of a window would block direct access to natural light, which would not work for them. Mr. Bishop asked Mr. Reich how far the shed has to be from the building. Mr. Reich said if the shed is under 120 square feet, it does not fall under the building code and can abut the building. Mrs. Delzani said the shed is 80 square feet. She said abutting it to the building would put it on the curb, which would not serve the need for the shed in the first place.

Mr. DeMarco asked whether the truck is pulling its front end into the shed and disconnects, or if the truck stops before the shed, disconnects, and then you have to move into the shed. Mrs. Delzani said both scenarios can happen, but new plows allow you to set them down and disconnect from there. Mr. DeMarco asked if it folds down. Mrs. Delzani said no. She said they had the shed structured so that it is 8 feet wide and 10 feet long with a 6-foot door. So, you would have to turn the plow, pull in, square it up, and then set down. Mr. Allen asked if the photo provided was just an inspiration. Mrs. Delzani said the shed will look exactly like that, just with wider doors. Mr. DeMarco asked if it is stick-built or pre-manufactured. Mrs. Delzani said pre-manufactured. Mr. DeMarco wondered if it could go closer to the building on the west side of the building. Mrs. Delzani said that is a mulch bed. Mr. Bishop asked if it could go on the east side. Mrs. Delzani said they would lose parking spaces. Mr. Bishop said he goes by quite often and doesn't think the parking lot is ever at full capacity. Mrs. Delzani said it's the city code that determines the number of required parking spaces. She asked what the difference would be between being on the east side versus being on the west side. Mr. Bishop said it would be tucked away and not visible from Smith Court. He said it is in the rear yard, so it complies with the code. He said she could put the shed in the parking space behind the building. Mrs. Delzani understands what he is saying, but still believes that the shed where she is proposing would be the more attractive option. Parallel, same color, and same finishing, just not brick, as the building. Mr. Bishop said he sees a shed in the front setback, and that is what the code is trying to prevent, and he would not want to set a precedent. He said there are alternative locations that would not have the shed in the front setback. Mr. Bishop said if this were his property, he would not be putting the shed in this location. He said he would put where the parking space is behind the building or in the far northeast corner of the parking lot and reconfigure that area to make it fit. Mrs. Delzani said they would lose a parking space regardless, because the parking runs along the 5' side building setback. She is not sure if there would be enough space to pull in square with the shed if it is in the northeast corner's parking space. Mr. Bishop said there would be enough space, but they may have to use the parking space to the north of the building to reverse out. Mrs. Delzani said it would make sense to have the shed in the space north of the building rather than the northeast corner. However, she said it would not be appealing behind the building. Having the shed to the side of the building would be more attractive. It will match the building, and she said she intended to have planters in front of it to match the building. Mrs. Delzani said she would make it look beautiful, just as she has with the main building itself.

Mr. DeMarco said his initial thought was to put it in the mulch bed on the west side of the building, where the existing cabinet/chest is. He was wondering if they could put it in there and tuck it next to the building to make it look like it is a part of the building. He said that would

increase his likelihood of thinking the shed could go there. Mr. DeMarco said she could also put the shed on the east side of the building in that mulch bed to make it look like it is a part of the building. He said that where it is proposed now looks like a PODS container was dropped in the parking lot. If it is going to be a pre-fabricated structure that is going to be dropped on the pavement, he would rather see it on the back side of the building. Mrs. Delzani said it will be pre-fabricated to look like the photo example, so it'll be nicer than the typical pre-fabricated sheds. Mr. DeMarco said he understands that, but they would not be excavating a foundation; it is going to be placed directly on the pavement. Mrs. Delzani said she is not excavating a foundation, but it will be level and secured to the ground appropriately. Mr. DeMarco said she could put the shed to the north of the building, just west of the parking space. He is not sure if it would impede natural light back there or not. Mrs. Delzani said if it were placed in that parking space, it would not. However, if it is placed west of the parking space, it would. She said if the shed is in that space and people are parked directly across from the shed, there would not be enough space to access the shed with the truck to get the plow out. Mr. Bishop said there should be enough space; there is a 25-foot drive aisle. He said it might be even more since the shed is not as long as the parking space. Mr. Allen said it sounds like the back of the shed would have to be parallel with the side of the building. Mrs. Delzani confirmed. Mr. Allen said the shed is 10 feet deep, so it would extend 10 feet from the side of the building. Mrs. Delzani said if the shed were in that location and there were cars in the northeast corner, the plow would never be able to pull straight into the shed. Mr. DeMarco agreed that maneuverability might be an issue. Mr. Bishop said to pull up to the shed, drop the plow, and walk it into the shed. Mr. DeMarco said that is not how Mrs. Delzani describes how the plow and truck operate. He understands the maneuverability issue, that turn would be difficult. Mr. Bishop said they never have to turn. Pull up straight and drop the plow. Mr. DeMarco said that, since Mrs. Delzani has described how that plow operates, they would need to turn. They do not drop the plow and walk it into the shed. They drive into the shed and drop it. Mrs. Delzani said that is correct. They can have the plow at an angle to fit it through the doors of the shed, and then once in, you can square the plow up with the building.

Mr. Allen said the shed is beautiful, and the building is beautiful, and it coordinates exactly how it is supposed to. However, he said the analogy to the PODS container is very accurate. The shed would be in the middle of the drive aisle. Mr. Allen said his concern is setting a precedent by putting it in the front yard. In his mind, option one would be trying to find some way for it to connect to the building. Option two would be the northeast corner, it's the rear yard, and he said you could back into the parking space north of the building and drive straight across the drive aisle directly in front of the shed. Mrs. Delzani asked about the people who are already parked in the space to the north. Mr. Allen and Mr. Bishop said she could park there instead of on the east side of the building. Mrs. Delzani said no. She said that location would never work in that northeast corner. She thinks the backside of the building on the west side would probably work better than that option. She said the shed being on the east side will become a nuisance, so she would prefer having it on the west side. Having it on the back side of the building on the west side would make the only inconvenience to her and not her patrons. Mr. Bishop asked if she would want it to project out at the radius. Mrs. Delzani said she does not want it back there at all. She said that based on this conversation, it sounds like her only other alternative. She wanted it where she had proposed because to her, it does not look any different than a beautifully finished garage. Mr. Bishop said that garages are not permitted within the front setback. Mrs. Delzani said you can see garages from the street, and some are attached to the front of the house. Mr.

Bishop said that attached garages versus detached garages are interpreted differently within the code. Mr. DeMarco asked if the front of the shed would align with the northwest corner of the building. Mrs. Delzani said she is not sure if it would align with that corner because of the windows on the north side of the building, so it might stick out slightly, and access would still be through her parking space. She said the only way to get the plow in that shed would be to drop the plow onto a dolly and take it back because there is no way to turn the curve and be square with the shed. However, with how her parking lot works, this would be the only alternative location that works. Mr. Bishop said he would not be opposed to a slight variance, allowing it to slightly extend past the building line. Mrs. Delzani said that where she originally proposed to have the shed, it would shield the existing AC units.

Mr. Bishop asked Mr. Reich if it's not allowed in the front setback or the front yard. Mr. Minek said accessory structures are not permitted in the front yard. Mrs. Delzani asked if she could apply for a variance to have it where she originally proposed it because she would consider that her side yard. Mr. Bishop said she could, but he does not believe any of the Commission members would be in support of that. Mrs. Delzani asked what the difference was between this and someone having a garage right out front, by the street. Mr. Bishop said detached garages are not permitted in the front yard. Mrs. Delzani said there is one on Roslyn, which is on the side of the house. Mr. Bishop said it is in the side yard. Mrs. Delzani confirmed. Mr. Bishop said it is permitted in the side yard. Mr. Minek said detached garages are only allowed in the rear yard. Mr. Bishop asked if they had received a variance. Mr. Minek said he does not know; he would need to look it up. Mrs. Delzani said that would be a precedent right there. She asked if she could drive around the city and find pictures of this condition, and what the difference is from what she is proposing. Mr. Allen said the difference is that they may or may not have received a variance. Mr. Bishop said they could have been grandfathered in, since many homes have been built prior to the current code. He said it would take a lot of history and research to understand why and how these structures were built. Mr. Bishop said we are dealing with the current development code, and her original plans were under this same code.

Mrs. Delzani said from a realistic, structural, functional, and maneuverability standpoint, what they have proposed would make the most sense. She understands the Commission is trying to give her options that they think could work. Mr. Bishop said he would be open to a side setback variance, maybe in the area where the old guardrail was. Mrs. Delzani said it could not go where the guardrail was. Mr. Bishop said not in that exact location, but some relief to that side setback. Mrs. Delzani asked if she could take where she is proposing it now and push it all the way back towards the north property line. Mr. Bishop said that is still the front yard. Mrs. Delzani said the shed would be 17 feet from the west property line. She said the property sits much higher than Smith Court, so when you drive by, you are just looking at a landscape mulch bed. Mr. Bishop asked if the sidewalk for the building is raised or flush with the parking lot. Mrs. Delzani said it is raised and has a curb.

Mr. DeMarco suggested having the shed behind the northwest corner of the main building and having the doors face the east. Mrs. Delzani said that makes the most logical sense; the truck will just have to reverse all the way out. Mr. Bishop said the truck would have to reverse regardless. Mrs. Delzani agreed. She said she would not put the fancy doors on the shed since no one would see the doors in that location. Mr. DeMarco said his first thought was to put the shed in the southwest mulch bed to make it look integrated with the building. Mrs. Delzani said she is not

sure if the mulch bed is big enough for the shed she would have to measure. Mr. DeMarco said his next thought was to put it in the east mulch bed; however, that does have a lot of nice landscaping. He said the shed is 10'-6", which will be to the gutter line of the building, so anywhere the shed goes, it will cover whatever is on that section of the building. Mr. DeMarco said what he just described, having the shed in the northwest corner and the doors facing east, and then driving down that northern drive aisle to access it, is probably the next best solution. Mrs. Delzani agreed, but they would not be able to have any of their patio items out there. Mr. DeMarco said seasonally, they could.

Mr. DeMarco said he is also struggling with the fact that they approved a site plan with 16 parking spaces. He said she had to get a variance for the 2 spaces. Mrs. Delzani said that is correct. She said the Commission supported the variance for the 16 spaces; however, the BZA wanted to see the 18 spaces. She said in their scenarios, she would lose a parking space. Mr. Bishop said that with Mr. DeMarco's scenario, she would not lose any parking. Mr. DeMarco asked if she could estimate the distance from the westmost window to the west side of the building. Mrs. Delzani said she is not sure. Mr. DeMarco said that the location of the shed at the northwest corner of the building is the most viable compromise. Mr. Bishop said there looks to be 10 feet from that window to the edge of the building. Mrs. Delzani said she cannot confirm and would need to measure. Mr. Bishop asked if the shed comes in different dimensions. Mrs. Delzani said they do, but the reason they chose this size was that it allows for the plow to be in the shed in any configuration. They also need additional room for the snow blower and other storage items. Mr. Bishop wondered if they could do 10' wide by 8' deep. Mrs. Delzani said the driveway is 139 inches, so there should be enough space. She said it just pushes her more into the setback. Mr. Bishop said he would be in favor of a variance for the side yard setback so the shed would not impede the windows. Mr. Delzani said a shallower shed makes it possible to come from the west and make that turn to access the shed. She said she could work with the 10' wide and 8' deep. Mr. Bishop said she could align it with the side of the building, and it would look like an attached garage. Mrs. Delzani wanted to make sure the Commission was aware that there is a curb between the building and where the shed would go, so they could not get it flush with the building. Mr. Bishop understood and said they should table the item, and she should come back with an adjusted site plan reflecting this conversation. He said she could hand-draw the shed on the site plan, and they could calculate what the variance would be based on the sidewalk measurement. One argument for the variance would be that they could have a building 5 feet from the side property line, but the shed has to be 10 feet.

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

4 Ayes – 0 Nays
TABLED

**5. WXZ Development – 19350 Detroit Rd – Public Hearing: Preliminary Review –
Modification of a Previously Approved Plan: New cookie shop and Pilates studio –**

Present – Dave Budge, WXZ Development

Mr. Budge said this project got its approval in 2024 and went through the Planning Commission and Design Review. They currently have two tenants operating in the space, a jewelry store and a clothing store. He said they signed leases with two new tenants; one is a counter-service cookie store with no seating. The other tenant is a Pilates studio, which is on the lower level that faces Beachcliff Market Square. Mr. Budge said that when they were going through the permitting process, they were informed by the City that they had to go through the Planning Commission regarding the parking. He provided a parking analysis and a Use narrative that included the number of employees, operating hours, and the nature of the business.

Mr. Bishop said the previous approval's parking was calculated based on retail's 4 spaces per 1,000 square feet of rental space. He said the previous plan did not have rentable space on the lower level, other than the space that the Pilates studio is proposed to occupy. The remainder of the lower-level space was not shown as rentable space. However, the narrative said there is office space in the lower level. Mr. Budge said that is correct, the cookie store has an office in that space. So, it is a part of the cookie store's space and not a separate entity's office. Mr. Budge said there is a storage space on the lower level, and that is for the jewelry store. Mr. Bishop asked what the cookie store is doing in the lower-level space. Mr. Budge said some of that space is for the storage of their product. There is an office and a breakroom down there. Mr. Bishop asked if they do cookies that they send out to other vendors, like a production. Mr. Budge said no, all of their production is upstairs. They do some catering, but it is all upstairs. Mr. Bishop said that both tenants would have to come back for signage.

Mr. Bishop said that with 20% discount for shared parking, they are required to have 32 parking spaces. Mr. Budge said that when he did the calculation, he was required to have 35 spaces. Mr. Bishop said they did not need to include the 6 spaces for the storage areas. Mr. Budge and Mr. Minek said those 6 spaces were included in their previously approved plans. Mr. Bishop said that storage is now specific to the tenants. He asked if any outside tenants were using the storage. Mr. Budge said no, it's only for the operating tenants. Mr. Bishop said it is designated differently from being within the space. Mr. DeMarco said he would not want to go against what they previously approved, since it is a modification. Mr. Bishop said that they will go off the 35 spaces required versus the 27 spaces provided. Mr. Coyne asked if the neighboring home would not sell to them. Mr. Budge said they have asked a couple of times, and the owner does not think the time is right for them to sell. He said they have called Beachcliff and the church to rent spaces from them, but they do not have any to give.

Mr. DeMarco asked, since they have had some tenants in there for a few months, how the parking arrangement is working. Mr. Budge said that the parking has been working just fine, and that they are overparked for the two tenants. Mr. DeMarco asked if Elanor Hobbs' customers are parking at Beachcliff and walking over. Mr. Budge said he believes that does happen. Mr. DeMarco asked about the jewelry store. Mr. Budge does not think the customers come from Beachcliff; he believes they use the parking lot that they created. He said he gave the Planning Commission the operating hours, and the jewelry store is open four days a week till 6 pm. Elanor Hobbs is open 10 am – 6 pm, six days a week. The Pilates studio would be busy in the morning and sometimes after normal work hours. The cookie store would be the normal 9 am – 9 pm or 10 am – 10 pm operation. Mr. DeMarco said he would agree that parking for Elanor Hobbs would be at Beachcliff, W Gallery would use the parking spaces to the west of the building, the Pilates studio would have the parking lot to the north, basically to itself, and that would leave the

rest of the west parking lot to the cookie shop. Mr. Budge said they could also mandate that the employees park in the lower parking lot, which is north of the building. He also said that the Pilates studio has machines known as reformers, and they only allow for one person per reformer. So, there are 7 reformers and 1 instructor, so the maximum occupancy of that space is 8 people. Mr. DeMarco asked if that is typical for the Pilates studio or if they have open classes down there. Mr. Budge said you need to have a subscription. He said sometimes they do parties, but the idea is that the party precedes the exercise. Mr. DeMarco said he believes the overlap in hours is not an issue when it comes to the parking. Mr. Bishop said the problem is that if they get a variance, the variance is forever, and tenants can change in the future. Mr. Bishop said the parking requirement for a counter service restaurant is inaccurate when it comes to the realistic demand for parking.

Mr. DeMarco said the lower floor has changed from what was previously approved. He would like to see an updated leasing plan; however, he is not sure if it affects what the Commission is looking at. He is wondering if that would affect the parking in any way. Mr. Bishop said the Pilates parking calculation should be for 8 spaces since that is the maximum allowed number of people. Mr. Budge said he did the calculation based on the code requirements. Mr. DeMarco said they are still looking at a variance for parking, even after the 20% reduction the code allows for, for shared parking. He said the cookie shop customers will be very transient, and they will be in and out of there every 10-20 minutes; however, the code does not highlight that. Mr. Bishop said that is what the 20% reduction is meant to discount. He said the real question is whether the Commission supports a variance for 8 spaces, which is 25%.

Mr. Coyne said he likes how the project turned out, so he wanted to commend Mr. Budge for the work they have done. He said he really thinks it helped that corner of the City out. They just need to find a resolution to the parking issue. Mr. DeMarco asked if they could get parking from Beachcliff. Mr. Budge said they had reached out, and Beachcliff has no parking spaces to give; they are actually renting spaces from the church. He said he called the church, and they said they have no parking spaces to give. Mr. DeMarco said there are street parking spaces on the south side of the street. Mr. Budge said they did a lot of streetscape improvements to Detroit. They stopped the curb cut up front, improved the approaches on both sides of the property, added a sidewalk all the way to the back of Beachcliff, and added stairs on the back. He said they did all of this to make the project more connected with the neighbors, which has increased the pedestrian traffic. Mr. Bishop said he could see people parking across the street and walking over. Mr. DeMarco said there appear to be 6 parking spaces across the street from their frontage. There appear to be 12 parking spaces in total on the south side of Detroit between Prospect and Wright Avenues. Mr. DeMarco said it could be a justification for a variance.

Mr. Allen asked Mr. Budge where he is pulling the square footage for the parking calculation, because there is a discrepancy between those that are in the calculation and those that are on the floor plans. Mr. Budge said the numbers in the parking calculation are based on the architectural drawings. Mr. Bishop said it is based on the gross square footage. Mr. Budge agreed, and that is what he used in his calculations.

Mr. Coyne said there is parallel street parking across the street, and when he has frequented Elanor Hobbs, he has parked at Beachcliff. He thinks it is just natural to shop that whole area now, versus trying to go to the destination. Mr. Coyne said they could support this in some

regards because he does not think anyone is just going to one place in that area. You can park several areas down and walk your way back along Detroit, which is something that the city never had in the past. Mr. Coyne said they are only short a handful of parking spaces.

Mr. Allen asked if they had ever tested the accuracy of the counter service parking calculation. Mr. Bishop said the parking requirements for counter service are way off. Mr. Budge said the counter service parking requirement is the same as a sit-down table service restaurant. Mr. Bishop said they are trying to work on updating the parking requirements with the new development code. Mr. Allen said counter service has a minimum requirement of 10 spaces or 1 parking space per 50 square feet, whichever is greater. If they were only to look at the minimum number of spaces, the cookie shop would reduce its required parking spaces by 10.

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 asked Mr. Budge when they are planning to open up the cookie shop. Mr. Budge said it would be in the summer, if everything goes smoothly. He said the permit is currently held up because of this parking issue. Mr. DeMarco said they will still need to get a variance. He said the Commission would recommend the variance based on the on-site parking and the availability of enough street parking in the immediate vicinity to cover the balance. The other members agreed with Mr. DeMarco. Mr. Bishop said they need to get the variance and then come back for final approval and signage. Mr. Allen said it is important to note that parking will be on the street across from this development and not in a residential neighborhood.

Mr. DeMarco moved to grant preliminary approval to WXZ Development, 19350 Detroit Rd, for a Modification of a Previously Approved Plan for a new cookie shop and Pilates studio, with the recommendation of a variance for 8 parking spaces based on the methodology of the on-site parking plus available public common parking in the immediate vicinity. They must return for a review of the building signage. Mr. Allen seconded.

4 Ayes – 0 Nays
PRELIMINARILY APPROVED

Mr. Minek said he sent the signage of W Gallery and Elanor Hobbs to the Design Review Board, so he wanted clarification on what Board is supposed to see signage. Mr. Bishop said it is a Modification of Previously Approved plans. Mr. Minek said that needs to be worked out because he was directed to send the Design Review Board signage, and now the Planning Commission is asking to see the signage. Mr. Bishop said the code talks about a Detailed Development Plan, and signage would be a part of that, so they are required to see signage that would fall under a

Detailed Development Plan. Planning Commission and the Design Review Board would have to see the signage for a Detailed Development Plan. Mrs. Kerber said they will need to straighten that out with the new development code. Mr. Bishop said it makes sense; the sign just needs to be reviewed twice. Mr. Minek said that slows everything down. Mrs. Kerber asked why they would need to have two reviews for signage. Mr. Bishop said the Design Board needs to see it, and the Planning Commission needs to see it in a Detailed Development Plan, much like UH signage. Mr. Minek said they really didn't have much say in the signage because the Planning Commission was the one who said they would recommend the variance or not. Mr. Bishop said it would be part of the Design Board's review as well.

6. T-Fitness Studio – 19630 Center Ridge Rd – Public Hearing: Preliminary Review – Existing recreational/health club and shared parking agreement –

Present – Forrest Paige, HSB Architects
Mike Assad, Property Owner

Mr. Bishop said the aerial parking lot shows 44 spaces, whereas the drawing shows 46 spaces. He said that the drawing seems to be what is there currently. Mr. Bishop said he remembers Mr. Assad saying he repaved the parking lot and re-laid it out. However, when that happens, they are supposed to come in front of the Planning Commission. Any modification to a parking lot is required to be reviewed by the Commission. Mr. Assad said he thought his concrete company received the appropriate permits. Mr. Bishop said the code requires parking spaces to be 9' by 19', and it looks like they cheated on that to gain the extra parking spaces when they repaved the parking lot. Mr. Reich said the parking spaces are measured within the stripes. Mr. Bishop said he measured them himself, and from middle of stripe to middle of stripe it was not quite 9' and the stripes are generally 4". He said the parking spaces are undersized. Mr. Bishop asked Mr. Reich if on the north bank of parking, are they providing the correct safety for the handicap spaces. Mr. Reich said the handicap parking spaces at either end would accommodate a van door. He said the two interior handicap spaces at either end need to have the safety striping as well. Mr. Bishop said they stretched the parking to increase the number of spaces, but to have 4 handicapped spaces, they will need to lose a space to achieve the required safety striping. He asked Mr. Reich what the requirement is for the number of handicap spaces. Mr. Reich said he would have to look it up. Mr. DeMarco said he does not think they would need 4 spaces. Mr. Bishop said there may be some flexibility with that.

Mr. Bishop said the 4 spaces on the west side of the parking lot that are shown as diagonal spaces are actually head-in spaces 90 degrees to Z Dentist. He said he went there two Saturdays in a row, and there was nowhere to park. There were actually two cars parked in the drive aisles. One parked next to the space on the far west, labeled number 7, and another parked next to the space on the far east, labeled number 5. Mr. Assad said that the people from Z Dentist have been parking like that. Mr. Bishop said it told him there was no parking left on Saturday, so they utilized any area that was left to park. He said that with the 90-degree head-in parking next to Z Dentist, and the car parked next to space 7, the drive aisle was very difficult to drive through. Mr. Assad said the aisle next to Z Dentist is primarily used by Big Bear; they do not have many clients using that drive aisle. Mr. Bishop said that even today, it was filled with cars. He said he parked in the only available space along Z Dentist, and he hung out 4 feet into the drive aisle.

Mr. Bishop said that if they had diagonal spaces, that would allow for more space in that area. He said the drawn plans show 4 parking spaces in that area, and the aerial only shows 3 spaces. Mr. Paige said this is why they were working on the parking agreement with the hospital. Mr. Bishop said the document they provided is not really a parking agreement; it is a letter that says sometimes they can use 5 parking spots. He said the code requires a 20-year lease agreement. Mr. Bishop asked if they had talked to anyone else around there. He said he saw people parking at Pearl Vision and walking across the street on Saturday. He asked if Pearl Vision had complained. Mr. Assad said they have not complained. He reached out to see about some sort of agreement and never heard back.

Mr. Bishop asked if the hospital site was within 800 feet of their site. Mr. Paige said it is. Mr. Bishop asked if they could verify that somehow. Mr. Paige said he did; he included the scaled Google map with the distance and the crosswalks. Mr. DeMarco said it was the last sheet of their packets. Mr. Assad said the hospital is allowing them to use the parking at the northern corner of the parking lot, so it wouldn't intrude on the hospital's parking requirements. Mr. Bishop asked if he thinks that parking would be practical. Mr. Assad said he thinks that for events or parties, the extra parking will come in handy.

Mr. Bishop said they are approximately 15 parking spaces short. He said they may also have one or two spaces, depending on the safety striping that is required for the handicap spaces. Mr. Bishop asked Mr. O'Shea how he feels about the 20-year lease agreement for parking. Mr. O'Shea said he has never heard of it. Mr. Bishop said that it's in the code. Mr. O'Shea asked how often that happens. Mr. Reich said that shared parking agreements are required to have a 20-year agreement. Mr. Bishop said it needs to be approved by the Law Director. They could also do an easement. Mr. O'Shea asked what the purpose of the 20-year timeframe is. Mr. Bishop said it is to ensure that for 20 years, the site has the necessary parking. Mr. O'Shea asked if 20 years is a standard. Mr. Reich said something that was put in the code years ago. Mr. O'Shea said a city like ours needs to have some flexibility.

Mr. DeMarco asked what the issue was with getting parking from the dentist next door. Mr. Assad said he is not sure; he had reached out a couple of times, and the dentist agreed. Mr. Assad said he reached out again after that, and then the dentist said he was not sure. He said the dentist told him he'd reach out if he was interested, and Mr. Assad said he never heard from him again. Mr. DeMarco said his concerns are the same as they have been the past couple of times they have seen this shopping center. He said the shopping center is grossly under parked; however, tenants keep getting leased into the shopping center knowing that there is a parking issue. Mr. DeMarco said that this tenant, specifically, the Building Department, didn't even know that they were occupying the space until this started happening. He said they did not have a building or occupancy permit for their space downstairs. If something had happened, it could have been catastrophic. Mr. DeMarco said he was looking for the easiest solution to the parking issues, and to him, the dentist next door would be an easy opportunity for that. He said this is a very common issue in this area of Center Ridge. There are agreements between businesses. However, the Commission keeps encountering this same shopping center with no substantiating documentation for it. Mr. Assad thought the agreement he got would have made a difference. Mr. Bishop said it is way too loose of an agreement. Mr. DeMarco said it does not account for the balance; it gives him some of the parking he needs, but not all of what he needs. He also said it is the farthest away that he could get parking. Across the street are other potential opportunities

to pick up extra parking, and they would be much closer and a much more reasonable solution to what he is proposing.

Mr. Bishop asked if T-Fitness is the first tenant that he had rented space to in the basement. Mr. Assad confirmed. Mr. Bishop said there lies the problem with parking. Mr. Assad said T-Fitness was supposed to handle everything when it came to permitting. He wasn't aware that he had to be a part of it. Mr. Bishop said he has been in front of the Commission before, and he is well aware of the process. Mr. Assad said that it is after the fact. Mr. Reich said the landlord is ultimately responsible. The applicant before is the perfect example of ownership taking responsibility for getting the right permitting for their tenants. Mr. Assad said moving forward, he is aware of the process. Mr. DeMarco said they have gone through this before with the Jiu-Jitsu studio and the dog groomer. He said years ago, Mr. Assad was looking into leasing out the bottom to an axe-throwing tenant. Mr. DeMarco said this is not a moving forward issue; they have had this conversation with him numerous times, and there is nothing to show for it. Mr. Assad said that is why he is here. He is trying to remediate this issue and get everything in order. He said that T-Fitness was leased way before the Brazilian Jiu-Jitsu was leased. Mr. Bishop said the Jiu-Jitsu came before the Commission first. Mr. Assad said there have been no new tenants since the Jiu-Jitsu. Mr. Bishop said he was before them with the dog groomer. Mr. Assad said the Jiu-Jitsu was just a month after the groomer. He said it's the way everything lined up. Knowing what he knows now, he would never make that mistake again.

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

4 Ayes – 0 Nays
Passed

Ann Chengery, Office Manager at Z Dentist, came forward. Mrs. Chengery said Mr. Assad has not come to speak with Dr. Hayeck; he has sent his sons to speak on his behalf. Mr. Assad said he has spoken with Dr. Hayeck. Mrs. Chengery said she has been with Dr. Hayeck for 28 years, and she does not remember Mr. Assad coming to speak with Dr. Hayeck. She said Mr. Assad's sons came in, and they had a note on a paper written in pencil for them to sign. The agreement was for Mr. Assad to use some of their parking spots if Z Dentist could use some of his parking spots during the week. Mrs. Chengery said they are there till 6:00 pm during the week and are not there during the weekend, so they would not mind sharing their parking lot with Mr. Assad as long as it is maintained. She said that Orange Theory has been using their parking lot and not even asking. Mr. Assad said that he spoke to some of the employees of Z Dentist, and they have been parking on his property. He said he never said anything to them because he understands that it is closer for them to walk to work. Mrs. Chengery said they have 12 employees and 16 parking spaces. Mr. Assad said he has no problem with them using the parking for a few of their employees; he was just waiting for Dr. Hayeck to see if it was okay, and he never heard back. Mrs. Chengery asked if he came before or after his son. Mr. Assad said he went first, and Mr. Hayeck said okay, and then he sent his sons, and that is when he said he would think about it. Mrs. Chengery said that his sons came with a paper with an agreement written in pencil, and she told them they needed to have something more professional and written in stone.

Mr. Bishop asked Mrs. Chengery how many spaces they have. Mrs. Chengery said she thinks they have 16 or 17 spaces. Mr. Bishop asked if Orange Theory is using the parking lot on the

weekends. Mrs. Chengery said without their permission, their neighbors have told them about it. Mr. DeMarco said Orange Theory is one block west. Mrs. Chengery and Mr. Assad said they both heard that Orange Theory was closing down. Mr. Bishop and Mr. Reich said they are renovating the space, and they just got all new equipment; they do not believe they are leaving that space. Mr. Reich said they probably meant temporarily closing, as they renovate the space. Mr. Assad asked if Dr. Hayeck is okay with using their parking lot on the weekends and after 6 pm, would that help remediate the issue. Mr. Bishop asked Mr. O'Shea if they were allowed to make the approval conditional, that if they lose their parking, they would have to start over again and come in front of the Planning Commission. Mr. O'Shea asked why they are doing this again and again and again. He said the process has been explained to this particular applicant on numerous occasions. The applicant continues to ask for forgiveness rather than permission. Mr. O'Shea asked the Commission about the message they want to send when it comes to things like this. Mr. Bishop said that if he can get a parking agreement with Z Dentist, his only concern is if Z Dentist opens again on the weekends. Mrs. Chengery said he would not. Mr. Bishop said they could retire and sell the building, or they could be unhappy with the way Mr. Assad is maintaining the lot, and they say no longer. Mrs. Chengery said that would have to be in the contract. Mr. Bishop said if Mr. Assad loses those spaces, he would be right back here in front of the Commission. He said there is no other place to build additional space. However, he should not have rented the space, and this issue would have never arisen.

Mr. Reich said they should not be occupying the lower level. Mr. Allen asked if they have permits to occupy that space now. Mr. Reich said they do not. He said the Fire Protection Officer and him went through the life safety issues, along with the drawing Mr. Paige supplied, and took care of those issues. However, there is still the issue of parking. Mr. Bishop asked if the life safety issues had been resolved. Mr. Reich said they have addressed those issues, but there is no occupancy.

Mrs. Chengery asked if they would be able to use 3-4 spaces in Mr. Assad's parking lot during the day, since it is not full during the day. Mr. Bishop said the only issue with Mr. Assad's parking lot appears to be on Saturdays. Mr. Assad said during the week, his parking lot is virtually a ghost town. Mr. Reich said he looked up the handicapped parking space requirement, and he is only required to have 2 spaces. Mr. Bishop asked if they accept the agreement, and what happens if they lose the agreement. Mr. O'Shea said he is not sure; he has never seen it before. Mr. Bishop asked if the tenant space could be conditioned on the parking agreement. Mr. O'Shea said he believes they have a lot of discretion when it comes to that. Mr. Allen said the occupancy is conditioned on the parking from Z Dentist. Mr. DeMarco said any change in occupancy here would require a review from the Planning Commission. Mr. Reich said they need to be consistent. Whatever they did to the east, they need to do all the way down Center Ridge. Mr. Coyne asked who he was referring to. Mr. Reich said Gormley's and everything going on in that area. Mr. Bishop said he never came back and submitted his parking agreement, so they do not know how official it is. Mr. Minek said it is more official than the one being proposed tonight. Mr. Bishop asked if it was a 20-year agreement. Mr. Minek said he would have to look at it again. Mr. DeMarco said the agreement should contain language on maintenance and upkeep. Mr. Bishop is just concerned about what happens if Mr. Assad loses the parking agreement. Mr. Reich said that Z Dentist needs to contact the Building Department if there is a termination of the agreement or if ownership changes. Then the Building Department can take action to correct it. He is not sure if there is any way of doing it. Mr. DeMarco said that should

be written into the shared parking agreement. Mr. Reich needs Mr. Assad to know that he should not be changing anything in that building without called he Building Department. Mr. Coyne asked if they should be able to occupy the space still. Mr. Reich said the life safety issues have been addressed, so they do not want to punish the tenant. Mr. DeMarco said the tabled the last item for 90 days, they could do that again. Mr. Reich said the Jiu-Jitsu place is still pending approval based on this receiving approval.

Mr. Allen said that if the parking agreement terminates, they will have to come back in front of the Planning Commission. Mr. Coyne said any change of tenant would need to be reviewed. Mr. DeMarco said that is the responsibility of the two parties in the agreement. He said if either party wants to nullify the agreement, they have to reach out to the city. There is no way for the city to monitor or enforce that. Mr. DeMarco said even if it is written into the document, someone may miss it or not know what to do. Mr. Coyne said that it will be at least recorded in a written document.

Mr. Bishop moved to table this item for 30 days. Conditioned on returning to the Planning Commission within those 30 days with a signed parking agreement between the owner and Z Dentist. Mr. Coyne seconded.

4 Ayes – 0 Nays

TABLED

Mr. Reich wants it to be clear that Mr. Assad cannot do anything to that building without contacting the Building Department. He said the remainder of the lower level is empty. He cannot rent that space to anyone else. He cannot expand T-Fitness. He cannot do anything to that building without reaching out to the City and the Building Department. Mr. Assad said Jiu-Jitsu has been using the lower level for storage. Mr. Reich said storage requires a whole other level of fire suppression.

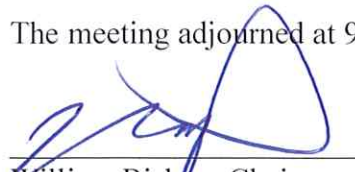
Mr. Bishop said Mr. Assad needs to work out a parking agreement with Z Dentist with terms and conditions, and provide it to the Law Director for review before it is put on the agenda. Mr. Bishop said the document should be reviewed and approved by the Law Director before the Commission even sees it. Mr. Reich said this needs to be expedited. Mr. Bishop said this item needs to be resolved because he would not be inclined to table it again after 30 days. Mr. Assad asked if there was a template. Mr. Bishop said there is no template. He should get in contact with an attorney and create an agreement that spells out the conditions for Saturdays, how many spaces, the period of time, if there is any compensation, and anything else they deem necessary to include. Part of the agreement should say that if anyone moves or sells it, all has to come back in front of the Planning Commission. It does not run with the land. The terms and conditions need to come from their legal representation and not from the city.

7. Planning Commission – Updating the Development Code –

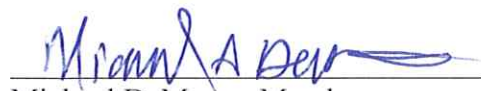
Mrs. Kerber said that she and Mr. Bishop met a couple of weeks ago. They are trying to streamline it. They are looking at the section regarding subdivisions, because they do not need a lot of that anymore since Rocky River is so built out. She said they are trying to remove sections

of the code they do not need anymore. Mr. Bishop said they also spent a lot of time on the fence code. Mr. Kerber said she tried using ChatGPT to look over some of the sections that they have already reviewed. She used it for defined terms vs undefined terms. ChatGPT identified them, but didn't know which ones needed to be capitalized. She said it was more of a heads-up rather than actual help, so it has its limitations. Mrs. Kerber said she is hopeful that it will be helpful when it comes to a comparison between the old code and the new code.

The meeting adjourned at 9:00 pm.



William Bishop, Chairman



Michael DeMarco, Member

Date: 05/07/2024