

CITY OF ROCKY RIVER

October 2, 2023

The Committee-of-the-Whole Meeting of Council was called to order by Mr. Moran, President of Council, at 7:00 p.m. in the David J. Cook Council Chambers.

Council Members Present: Mr. Hunt, Mr. Shepherd, Mrs. Gallagher,
Mr. Furry, Mrs. Morris, Mr. Moran

Council Members Absent: Mr. Sindelar

Administration: Mayor Bobst, Mr. Snyder

Law Director: Mr. O'Shea

The meeting was opened with the Pledge of Allegiance.

MAYOR'S REPORT:

The Mayor is happy to report that Director Snyder received a letter from the Ohio Department of Natural Resources stating that the Linden Park Storybook Trail Grant will be funded by ODOT through their Recreational Trails Program, in the amount of \$6,000. City Council passed the application legislation for this grant requested by Evan Baisch, an Eagle Scout. In the letter received by Director Snyder, the Imagination Library of Ohio and the first Lady's commitment to that and literacy were referenced. Evan was very excited.

The Mayor announced there is a new receptionist at City Hall. Her name is Evangelia. She is already a great ambassador for the community. Eve is very enthusiastic and originally from Greece and thinks the community has served her family well. She will be working part-time as a receptionist replacing Therese who took a job at the Police Department. Therese will be missed, but we welcome Evangelia.

The Mayor reported that Director Snyder is working on a comprehensive evaluation that includes flow meters on Tonawanda, Gibson, Pocono and Goldwood. Mercedes, Leona, Mark and Idlewild will have flow monitors also. From this information along with other data points, there will be a plan going forward that will be communicated to residents in those areas.

An AED is being installed at Tri-City Park at the Restroom Building with a direct alert or alarm to WestCom when it is activated. A camera is also activated at the same time to record activity. The AED is very easy to use with directions on the front of it. This is the first of AEDs with more being installed at Elmwood Park, Linden Park, Rocky River Park and perhaps others. The Mayor noted that the swale project on the north end of Tri-City Park has been completed. Director Snyder has also been there with the engineers to address the noise complaints received.

The Bradstreet's Landing base course is in and looks terrific. The overlook at Rocky River Park is moving along well. They are waiting for the top deck railing cap pieces.

This Thursday the Senior Center will be celebrating Oktoberfest with the "Chardon Polka Band".

The Mayor also announced that all the budgets have been turned in on time.

- Councilman Shepherd thanked the administration for announcing the flow meters in the Mercedes, Leona area. There was some bad back up there during the storms. It will be good to find out where the stormwater infiltration is coming from. The Mayor thanked Mr. Shepherd for his assistance with that.
- Councilman Furry echoed those sentiments for Gibson and Tonawanda.
- President Moran said the meeting that Director Snyder held to gather some of the necessary information and asking residents to carry that information back to other residents worked out well. It was a great meeting. Director Snyder said that letters will be mailed this week to residents of these neighborhoods outlining what the city's plan is going forward.
- President Moran likes the AED at Tri-City Park. He will reach out to the new president of the development and gather residents to make them aware that it has been installed. Mr. Moran feels it would be good for the directions to be reviewed prior to an emergency. The Mayor added that Recreation will be sending information out to residents and directly to the pickleball community. The Mayor said that President Moran's point is well taken, to look at it prior to an emergency to familiarize yourself on how it works.

COMMITTEE REPORTS: NONE

COMMUNICATIONS FROM COUNCIL: NONE

President Moran welcomed Mr. Bill Bishop, Chairman of the Planning Commission to this evening's meeting. Mrs. Gallagher thanked Mr. Bishop for attending this evening and asked Council if there were questions regarding any of the legislation on this evening's agenda.

UNFINISHED BUSINESS:

AMENDED ORDINANCE NO. 51-23: Mrs. Gallagher said this has been referred to the Planning Commission. This was discussed at their Public Meeting on July 26th. The discussion was had on the obsolescence of service manufacturing and the need for the rezoning to be changed on the obsolescence of the manufacturing on these parcels. It was zoned office at one time with a 100-foot height permitted. This zoning would be a continuation of the zoning of the adjacent OB-2 properties which would make the area more cohesive. Planning moved to recommend the amended ordinance to City Council on August 10th. Planning discussed permitted height in OB-2 and are revising heights permitted in these districts.

- Mr. Bishop said that when Mr. Mylett owned the property, he came to the Planning Commission with two or three different ideas but none of them came to anything. The owner now is a true developer that knows how to take a project from the beginning to the end. They already have a great track record as far as Center Ridge where they are working right now. Their idea is mostly residential, maybe some retail and/or a restaurant. Service Manufacturing is very limiting. It is a 35-foot height, the uses that are permitted are few. Essentially this property could never be developed any other way than rezoning it. Nobody would redevelop it as service manufacturing. The constraints prohibit any type of development. The Planning Commission is in the middle of re-doing the Development Code, so when Council looks at the ordinance for office, that is a summary of where they were headed. Part of that is from the County Planning and part from the city's Planning Commission. It is a mix of both commissions. This is where the 110-foot height comes in and will be recommended to Council in the OB-2. Part of that is they thought 150 was too high and did a physical analysis of existing buildings and there are no buildings in an OB-2

that are much over the 110 range. There was a risk of taking away property rights, but nobody has a 150-foot building so by lowering it to 110, the city is not taking away their rights in a sense.

- President Moran said that is a significant difference going from a three story to an OB-2 and a mixed use at the same time. Mr. Bishop said this is the other piece of their recommendation for the new Development Code. Permitted uses will be broader to pin down economically and feasibility when looking at these things. They are trying to get rid of this whole idea of mixed use but make the districts interchangeable. With height limitations, side yard limitations, rear set back limitations, parking set back limitations to make it more generic from the uses from local business to general business to office. For example, in office residential can be done above the first floor. Why would you not permit residential on the first floor? The Commission is trying to make it more interchangeable but with these other restrictions. The Mayor added that there was mixed use overlay but this provides for mixed use without having an overlay. Mr. Bishop said that the problem with mixed use is nobody has ever used it, it is complicated and requires Council's approval so in sense it is a rezoning and developers want to know what they can do without going through this whole process. By letting some of these things be interchangeable, it allows the Planning Commission to tighten up what to allow but have the flexibility within these commercial areas.
- Mr. Furry is wrestling with the height where technically it is 150 but proposing it goes down to 110. Looking at the topo from Detroit, he does not disagree that service manufacturing needs to change. When the Planning Commission looks at this, they try to get the map to be more cohesive. There are OB-2's in that whole area, so to make it with the smaller parcels, it is more advantageous that it is cohesive rather than half the site is OB-2 and half is OB-1. The idea is to get these colors to flow together and make larger zoning districts, so it is not so chopped up. The city has been heading that way over time, but one at a time. Now there is someone coming forward that has more parcels, or a bigger parcel and they want it to be cohesive with their adjoining parcels.
- Mr. Bishop said not to get locked into the difference between the 110 and the 55 because 110 gives the chance to have a more creative design with flexibility. This is going to be a huge project and only have one shot at it.
- Mr. Hunt asked how many stories will the buildings be? Mr. Bishop said 11 feet per story, so 10 stories.
- Mr. Shepherd said the height does contribute to the density of this project. He believes it is going to be mostly residential. He does not anticipate that there would be a burden of density on the infrastructure, i.e., traffic loads and sewer loads, but he knows the public will ask about that. Mr. Bishop said that there will be a traffic study based on what is proposed. Without knowing what is proposed, it is hard to say for fact what the load of traffic would be. It is a private street and the sanitary and storm will need to be relocated. This will need to be evaluated. Mr. Shepherd asked if they do a traffic study and if there is an issue and the plan meets the zoning, can you still say no to them? Mr. Bishop said there is a lot of criteria within the code, how it impacts surrounding neighbors and neighboring properties. There are lots of things to point to if the project is not a good project.
- Mr. Shepherd said there is a church as permitted use and the situation on Wooster the city came back with the law director's recommendation that anybody can be a church. If you call yourself a church, you are a church. Mr. Shepherd suggests that that should be conditional use. The Mayor said that the Development Code piece will go through the process before the property is rezoned

and the developer has said that he has reviewed all of it and is in agreement with it. It has no impact on his project, the height included. Council will read it for the first-time next week and then refer it back to the Planning Commission. Any thoughts Council has, should be shared them with the Planning Commission while they are reviewing it a second time. They will have a Public Hearing on it and then Council will have a Public Hearing on it.

- Mr. Shepherd feels the height issue is the most important issue to decide. Brighton Chase is 42 feet to the gutter with a gable roof on top and is four stories. The building where the police were temporarily located on Linden is 95 feet. Mr. Bishop said that if you are limited to 55 feet, you give them a variance, but you get a lot back. The Planning Commission negotiates what is the best project. Maybe there can be a condition on the rezoning with a height that everyone is comfortable with. It must work for everybody.
- Mr. Furry disclosed that his full-time employer made this transfer, seller driven, and Ingersol Development Partners did not contact Mr. Furry or influence him in any way shape or form.
- Mr. O'Shea asked how many total parcels? Mr. Bishop said two, they own at least four that are already OB-1 and OB-2.

President Moran thanked Mr. Bishop for attending this evening's meeting.

AMENDED ORDINANCE NOS. 63-23, 64-23, 65-23 and 66-23: Mrs. Gallagher stated that the Planning Commission has seen the need to propose a change in car washes from permitted to conditional use in general business zoning districts. They are establishing regulations for that conditional use and are increasing the required queuing spaces for a car wash. They are also proposing to change the automated teller machine and drive thru in general business districts, proposing they be conditional uses. These already have requirements in the code. All other drive thru services in the city will be considered a conditional use. They are also increasing the queuing requirements for establishments serving food and drink and further establishing some flexibility for the Planning Commission on the queuing requirements-based testimony that comes before them or applies. These were all recommended back to Council at their August 15th meeting, with the minutes approved on September 26th. These amended ordinances will be read for a second time next week.

ORDINANCE NO. 78-23: Mr. Moran said this will be read a third time next week. This is for stone and cement materials already acquired by Shelley Materials for repair work.

ORDINANCE NO. 79-23: This is an ordinance to purchase a Caterpillar Mini Excavator for \$152,526. The current one is not working, and the city will receive \$58,785 for the insurance value. This will be read for second time next week.

NEW BUSINESS:

ORDINANCE NO. 80-23: Mrs. Gallagher stated that this has been modified and updated through the work of Planning and Zoning Coordinator Kate Straub and Chairman Bishop. They worked with the existing code and have incorporated all the permitted use recommended by the Cuyahoga County Planning Commission and reviewed past work done by the City's Planning Commission. Everything in red is their proposed revisions to Chapter 1163. The reason for these proposed changes and revisions are for anticipated projects and to have a cohesive plan for these projects so applicants do not need to request variances from the BZA. A significant part of these changes is proposing a reduction in permitted heights in OB to 110 from 150 currently. For the new code, if an OB property abuts a residential district, the

maximum height is 55 feet and if they do not, 110 will be the maximum. This will be referred to the Planning Commission next week.

ORDINANCE NO. 81-23: Mrs. Gallagher said this will change the zoning classification of the old Jan Dell property on Detroit from OB-2 to local business. It is currently a nonperforming retail use and the new owner would like to redevelop the parcel to allow for use consistent with the city's Master Plan which seeks to promote a walkable commercial district along Detroit Road. This will be referred to the Planning Commission next week.

RESOLUTION NO. 82-23: Mrs. Gallagher said that the ODNR Division of Real Estate and Land Management requires the city to pass this resolution to support the placement of a proposed shore structure at 19590 Frazier Drive so the city does not need this for future improvements. This will be read for the first time next week.

MISCELLANEOUS BUSINESS: NONE

This meeting was adjourned at 7:50 p.m.

James W. Moran
President of Council

Susan G. Pease
Clerk of Council