

CITY OF ROCKY RIVER

June 12, 2017

PUBLIC HEARING - ORDINANCE NO. 15-17

AN ORDINANCE TO CHANGE THE DISTRICT CLASSIFICATION OF CERTAIN REAL PROPERTY KNOWN AS AUDITOR'S PERMANENT PARCEL, NOS. 302-01-007, 302-01-010 AND 302-01-011 FROM THEIR PRESENT CLASSIFICATION OF R-1 SINGLE FAMILY TO R-4 MULTI-FAMILY, IN THEIR ENTIRETY, AS FURTHER DESCRIBED IN EXHIBIT "A"

Council Members Present: Mr. Hunt, Mr. Shepherd, Mr. O'Donnell, Mr. Furry,
Mr. Sindelar, Mr. Klym, Mr. Moran

Administration: Mayor Bobst, Mrs. Costello, Mr. Thomas

Law Director: Mr. Bemer

Press: Ms. Botos

The meeting was opened with the Pledge of Allegiance.

The Public Hearing for Ordinance No. 15-17 was opened at 7:00 p.m. by Mr. Moran, President of Council. President Moran welcomed everyone to the Public Hearing. This ordinance is regarding two parcels of land currently zoned R-1 to change to a classification of R-4. Information is on file in the Building Office at City Hall. This ordinance has been referred to the Planning Commission and will be back to Council with the approved minutes recommending a change to an R-3 status.

The purpose of this meeting is for public comment on Ordinance No. 15-17. When Council has legislation before them it is read three times publicly at Legislative Meetings, every other week. After the third reading, Council will vote on the legislation. This ordinance has been read once. President Moran said that this has been discussed for over a year with the developers, the owner and residents. City Council appreciates hearing all the comments.

President Moran said that there are three possible groups of people at this meeting: a group for the proposal, a group against the zoning change and the third group who are undecided and looking for more information. President Moran asked for a show of hands for each of the groups. President Moran continued to say that everyone will have an opportunity to speak and all comments will be held to five minutes. President Moran explained that Council will be following Codified Ordinance No. 1135.21 as follows:

- (a) Whether the change in classification would be consistent with the Master Plan of the City or other adopted plans and policies;

- (b) Whether the change in classification would be consistent with the intent and purposes of this Development Code;
 - (c) Whether the proposed amendment is made necessary because of changed or changing conditions in the area affected, and if so, the nature of such changed or changing conditions;
 - (d) Whether the uses that would be permitted on the property, if it were reclassified, would be compatible with the uses permitted on other property in the immediate vicinity;
 - (e) Whether the uses that would be permitted on the property, if it were reclassified, would have an adverse environmental or health impact on the immediate surrounding area in terms of acceptable air, noise, light, or water quality standards;
 - (f) Whether adequate utility, sewer, and water facilities, and all other needed public services exist or can be provided to serve the uses that would be permitted on a property, if it were reclassified;
 - (g) Whether the amount of vacant land with the same zoning classification as proposed for the subject property, particularly in the vicinity of the subject property, and any special circumstances, if any, that make a substantial part of such vacant land unavailable for development; and,
 - (h) Whether the proposed amendment would correct an error in the application of this Development Code as applied to the subject property.
- Councilman Klym clarified that the proposed zoning request is for an R1 to an R4 for the two parcels of land on Lake Road and also one parcel on Breezevale Cove. However, the Planning Commission also recommended not to change the zoning on Breezevale Cove.
 - Councilman Sindelar asked if the developer wants the request regardless of the Planning Commission's recommendation to remove the Breezevale Cove property. Mr. Carney said that he would address that this evening.

AUDIENCE PARTICIPATION:

John Carney, 20664 Beachcliff Blvd. is a member of the Rocky River Preservation Partners, the developer. Mr. Carney believes that their proposal addresses the Master Plan, offers luxury, ecofriendly, single floor living and positions Rocky River to maintain itself as one of the premier communities of this area. 700 Lake will fulfill the need for a housing option to retain Rocky River residents who might otherwise leave as empty nesters and also young professionals who desire single floor living in an attractive lakefront environment. Mr. Carney feels that this development will also increase the Rocky River tax base by an estimated \$1,200,000 a year providing critical support for city services, the schools and the library. Mr. Carney also feels that expanding current housing stock with quality upscale alternatives generally increases housing values throughout the community. The Planning Commission has recommended R-3 zoning for the Lake Road property and did not make a recommendation regarding the Breezevale Cove property. Mr. Carney said that they will withdraw the two Breezevale Cove properties and will accept the recommendation of R-3 for the Lake Road property. Mr. Carney said that they will enter into a Development Agreement with the city to ensure that Rocky River Preservation Partners do what they say they will do.

Ben Phyfer, 30708 Lake Road, is a partner with the Rocky River Preservation Partners and the original property owner. He approached Mr. Brickman about the properties and joined a partnership. Mr. Carney and sons joined the partnership soon after. Mr. Phyfer feels that this is a unique situation for the city with no risk, no infrastructure costs and high returns with taxes. Mr. Phyfer asked Council to consider what is best for the entire city of Rocky River, what will benefit all of the citizens the most and what does the Master Plan favor.

John Carney, Jr., 1050 Homewood Drive, Lakewood, is a real estate developer and a member of the Rocky River Preservation Partners. Mr. Carney said that 700 Lake Road is a legacy project that will add tremendous value to the City of Rocky River and its residents. The team they have assembled is rooted in Rocky River and will deliver a new standard in lakefront living that people will want to remain in the community and new people who will be eager to call Rocky River their home.

Mike Carney, 18898 Canyon Road, Fairview Park, works on many downtown real estate developments with his father, Mr. John Carney. Mr. John Carney is also heavily involved in Crocker Park showing the high caliber of work that they do as a development team.

Alexandra Yonkov, 15220 Fox Run, Chagrin Falls, a principal architect with Brickman and is from Bulgaria. She is proud of what Andrew's company does. Alexandria says that Andrew is a pleasure to work with because of his passion and the quality of life he provides for people. Andrew is a visionary and their customers are happy with the quality of their homes.

Kim Clutterbuck Crane, 19722 Frazier Drive, is a realtor. This project is a no-brainer. Everyone wants near the lake, walkability, turnkey move in with no maintenance.

David Hartt, 3151 Sterling Court, Mentor, is Senior Advisor of Planning Services with CT Consultants. Mr. Hartt spoke last June regarding the criteria of the Codified Ordinances. He testified at that time that the proposal covered 7 of the 8 points in the code, and the eighth one was not applicable. The draft of the Comprehensive Plan further reinforces the consistency with sound land planning principles. The new draft plan goes even further in the rezoning of this project.

Issa Salti, 22656 Breezevale Cove, also supports the project saying Mr. Brickman has addressed all his concerns and continues to communicate with him. He feels that this is what the area needs.

Antoinette Horn, 22664 Lake Road, supports the project and feels it would enable many more people to enjoy homes on Lake Erie.

John Clifford, 22480 Lake Road #8, is in opposition of the rezoning. Building on the edge of Lake Erie is a difficult situation. Owning a home on the edge of Lake Erie has its own unique problems. If a layer of condo management is in between the homeowners and what needs to be done it is inviting further problems. Condo Management is done by the lowest bid. Limited parking for service or repair vehicles, guest parking along with an increase of traffic will be a

problem also.

Michael Richards, 18875 Riversouth, Fairview Park, is very happy with the project, the quality of work, the interaction with Brickhouse Development, the developer and the whole professional team. His experience has been great. He is supportive of this project.

Malcolm Wood, 22740 Lake Road, feels that the developers have brought “blight” to northwest Rocky River in the form of two homes that have been ravished for the copper, cabinets, doors and windows. These two houses filled with debris and rubbish are open to the weather all year long. The police said that the scavengers had permission from the developers to remove these items. These home sold for almost \$1,000,000 each. Please do not change the zoning.

Thomas Pavlik, 10 Hidden Valley, said that most people who have spoken have a financial interest in this project. He feels that the question that should be answered is what is in the best interest of all the residents of Rocky River. Mr. Pavlik invited Council to look at the property. Mr. Pavlik was told that the homes were going to be used by the Rocky River Police Department and the Fire Department for training. The city knew nothing about this. The conduct of the developer is worrisome for other projects. He is also concerned about spot zoning.

Jeff Linkar, 22727 Edgecliff, Euclid, lives on the lake. Mr. Linkar is an example of somebody who would become a resident of Rocky River if this project happens. He likes what this development is offering and has put a deposit down on this property. Mr. Linkar is asking why this project isn't being welcomed.

Mary Wood, 22740 Lake Road, commented on the developer's statement that property values in close proximity to the development will increase. Mrs. Wood spoke with an appraiser who is certified in the state of Ohio and appraises in Cuyahoga County about this comment. Her response was that developers like to use that statement as a ploy to get people living nearby to support the project. However, in many instances the buyer's base may shrink because perspective home buyers may not want to live near high density multi-family dwellings. This can result in the following: it may take a homeowner longer to sell their property because the buyers base has shrunk; or the homeowner needs to reduce the selling price below what is normally expected in that market.

Mrs. Woods then spoke concerning the 2005 Master Plan that was adopted as a result of a two year process involving many task force meetings, community meetings, city department input and city official input. As a result, 9 focus areas were identified as having the greatest potential for change. The discussions were specific as to land use analysis and housing diversities for these focus areas. The northwest sector of Lake Road was never designated as an area for change or study. There has never been any committee meetings of city residents, neighborhood residents, task forces, city officials or city leaders concerning the needs of this northwest area of Lake Road as was done with the 9 focus areas. To imply that this sector should conform to the objectives listed for the 9 chosen focus areas is to deny the residents of this neighborhood but also the residents of the entire City of Rocky River any say in what should happen to the future of this area. The Developers are not interested in the best use or the concerns of the city or its residents. They look at their development through dollar sign glasses. The more units they can

cram into a parcel of land the more money they can put into their pockets. They will not have to live with what they build, the neighbors and residents of the city will have to live with an increase of density and traffic congestion day after day, year after year. There is nothing in the Master Plan that says more multi-family condos need to be in this sector. In this northwest sector of Lake Road, there is already diversity in housing. There are cluster homes, townhouses, apartments, golden age housing along with a city park and city service center. However, there are few single family homes on the lakefront. Don't let a developer decide the fate of the northwest portion of Lake Road. If it stays at R-1 zoning, the developer will have three options: build one large house or sell the whole parcel, subdivide the parcel back into the original two lots and build two houses or sell both lots or build 8 cluster homes. None of these options require a zoning change and they conform to what already exists in this neighborhood, thus keeping the charm and vibrant lake front presence on this portion of Lake Road.

Tony Rospert, Attorney at Thomas Hine, representing Terry Coyne, a Rocky River

resident, spoke to convey to City Council what precedent does this set by approving this zoning change. In particular, what is to keep a developer from buying two parcels of property on the lake and redeveloping it into a high density development? There is a real concern of a cascading effect or a domino effect and Mr. Coyne looks at that as a negative. There will be more high density being built along the lake and that this community will end up like the Lakewood Gold Coast or Gordon Square.

Jen Davis, 22349 Bartlett Drive, is a real estate agent in Rocky River. Ms. Davis co-chaired the successful school levy this May. The almost \$600,000 from the school levy will go toward the schools and continue to improve them. She also pointed out that as a team they have 17 reservations thus far on this project. The two homes that the developer purchased for this project, 22732 Lake was on the market for over 1100 days and 22700 Lake was on the market for about 7 years. People love River and want to stay here and this is an opportunity to do so.

John Kemper, representing his mother Betty Kemper, Avalon Drive, summed up a letter his mother has written. Mrs. Kemper has found that there is very little housing in Rocky River that has the features she is looking for, more specifically, lakefront condominium style, that supports an active lifestyle. Mrs. Kemper has friends in the same age group that feel the same way. She would like to stay in Rocky River, if possible. John Kemper and his mother Betty Kemper support this project.

Ruth Stafford, 20860 Avalon Drive, is a long time resident of Rocky River along with her husband. They have previously voiced their opposition to the rezoning ordinance through emails last year. They have voiced their opposition to the Planning Commission on April 18th. They request that City Council denies the rezoning request and let the property remain R-1, single family detached. It's important that Council is aware that there is opposition to this development throughout the community and not only the neighbors adjacent to the parcels under discussion. There are many reasons to oppose this request. The issue boils down to this: this is about the future of the Rocky River lakefront; this is about the developers that want to make money and think their rights are more important than the rights of the citizens who already live in Rocky River and care about the future. The room is full of the teams of realtors, designers, and the developers who will all make money. Those who are opposed to this rezoning will have to live

with the results. Rezoning this property will set a precedent and there will be a domino effect. This is a pivotal moment. When Council votes, they will be making a landmark decision. Mrs. Stafford hopes that Council and the residents will be able to live with the results.

Michael Zinicola, 380 Darby's Run, Bay Village, but is also a tax payer in Rocky River. He is also a realtor and one of the 17 reservations for 700 Lake Road. He said he regularly is approached by people who want to live on the lake, maintenance free. He shows them areas in Cleveland, Lakewood, drives through Rocky River because there isn't a product and ends up at Cashelmara. If this isn't in the Master Plan, why isn't? This is a need for the city and the City of Rocky River will ask for more taxes. Mr. Zinicola asked the Mayor to consider that the additional tax base created by this project on this small piece of Rocky River property will benefit the community.

- The Mayor responded saying that Council and the Administration does not make decisions based only on an increase of taxes.

Julie Plagens, Culver Road, loves living in Rocky River. Mrs. Plagens' dad was a partner with Mr. Carney and he is a great guy. She and her husband supports this project.

Ben Frank, 22480 Lake Rd. #3, is asking for Council's openness for this development for citizens who want to live in Rocky River in a hassle free living space with no maintenance. He supports this project.

Brad Roller, 347 Morewood Parkway, loves Rocky River. This project will be a tremendous asset to the city. He submitted a letter a year ago in support of this. A year has gone by and the community has not benefitted from this project. He urges City Council to move as quickly as possible to approve this ordinance.

John Rowland, 22701 Lake Road, lives directly across the street from the project in question. He and his wife think that the best use of this property will be to vote yes for the rezoning. This site is already surrounded by property that is zoned commercial and multi-family. This is not spot zoning. This area has already been zoned closer to what is being considered because it's that way already. The City of Rocky River will benefit much more from the taxes by the proposed condominium than from single family houses. This is an important consideration for the people of Rocky River. Bay Village has never been sorry for the 13 acres that were rezoned for the Cashelmara condominiums. The topography for this site invites a multi storied building that will afford as many families as possible the pleasure of enjoying a lake view.

James Bell, 22555 Center Ridge Road, is a 50-year resident. Mr. Bell feels that the developer has presented the features of new construction, good multi-family homes to choose from, condominiums and town houses plus the benefits of new property taxes, new income taxes and a lot of new residents coming to the area in support of this ordinance. People who currently live in Rocky River will maintain and stay in Rocky River. He urges City Council to vote on this ordinance and get this project going and moving forward so it is completed by next year.

B.J. Alexander, 22658 Breezevale Cove, opposes this development. Recently at a Public

Hearing the Planning Commission voted to recommend that Breezevale Cove be taken out of the developer's proposal. After that, the developers went ahead with purchase deals for at least two of the homes on Breezevale Cove. This proposal does not have full approval of all Breezevale Cove residents. Does destroying a neighborhood to build generic condos seem like a plan that will make the city more attractive? This proposal is a threat to the stability of the neighborhood. Rocky River has plenty of housing for people who want to downsize. Bay Village and Avon Lake have mostly maintained their lakefront with single family homes. Mrs. Alexander is asking once again to keep the zoning for all of this property in the proposal as an R-1 zoned area.

Thomas Kelly, 12900 Lake Avenue, Lakewood is a real estate agent and lives at the Gold Coast in Lakewood. He has been inside of these town homes and there is a huge difference in the quality of the Gold Coast and these homes. This development will not be Gold Coast quality, this is 2017.

Thomas J. Savoca, 22135 Lake Road, is a longtime resident of Rocky River. Mr. Savoca says that if this is allowed to go through, this will only start a domino effect of going down Avalon and knocking down those homes and putting up the same things as the Gold Coast.

Caroline Merk, 31024 Huntington, Bay Village, loves Rocky River but likes a contemporary home. This project is iconic and beautiful. This project will bring Rocky River to the present. Mrs. Merk works for Executive Arrangements and this company takes high level recruits being sought by all Cleveland companies and sells them on Cleveland. These people want contemporary and new development. She is in support of this project.

Ron DeGrandis, 5 Astor Place, is a consultant and feels what Mr. Brickman does is good quality. He believes that Mr. Brickman will deliver what he says and this will be a good addition. This is a golden opportunity. He is in support of this project.

Pete Prusak, 911 River, said that there are three houses for sale in this development for over a year. He opposes this project for many reasons and hopes Council does not vote for the rezoning.

Pete Gallo, 19000 Lake Road, loves where he lives but is one of the 17 persons who has committed to this new project. His future is dependent upon this decision.

Nancy Spellman, Frazier Drive, is against the proposed development. She thinks that Breezevale Cove is one of most charming streets in Rocky River and values the difference in the homes and would like it preserved.

Gavin Blaha, 22660 Lake Road, believes that Breezevale Cove is a fabulous street. There is no way to replace the feel of this street. He opposes this project because it is not the right fit for the city.

Joe Patton, representing BJ Alexander, 22658 Breezevale Cove, has been an attorney for thirty years and has built houses for 20 years prior to that. Mr. Patton distributed packets to Council regarding Breezevale Cove. It was originally developed based on a plan in 1942 on eight single family lots. Mr. Patton discussed the trust estate created in 1946 restricting access from

Lake Road to the Lake and all the properties on Breezevale Cove strictly to individual owners of the various parcels. Once they go into corporate ownership, that owner may not use the access to the beach. This has been in the public record since 1946. Mr. Carney and Mr. Brickman have still chosen to purchase two of the properties on Breezevale Cove in the name of Rocky River Breezevale, LLC even though Mr. Carney said tonight that they are withdrawing the two parcels on Breezevale Cove. His concern is that even those the Breezevale Cove homes are removed from this legislation that it will be back at another time. Mr. Patton met with Mr. Brickman in 2015 and gave him an oral summary of all of this. Mr. Patton is asking about the community that is already there in Rocky River who have been there much longer. The problem here is how Mr. Brickman has tried to assemble these properties. Mr. Brickman needs to assemble the parcels in a better fashion.

Dave Fredecker, 20646 Beaconsfield Blvd., has met with Mr. Brickman and thinks this is a wonderful project and it is a no-brainer for Rocky River. He fully supports this project.

Carol Hanlon, 22500 Lake Road, spoke about the Riversouth project in Fairview Park comparing it with this project on Lake Road. This project could have been beautiful overlooking the MetroParks. Mrs. Hanlon asked if Council has seen the original renderings for Riversouth and what actually ended up being there. Mrs. Hanlon feels the best indicator of future performance is always past performance.

As there was no further comment, President Moran moved to close the Public Hearing, seconded by Mr. O'Donnell and Mr. Furry.

Vote: Hunt – aye	Shepherd – aye	O'Donnell – aye	Mr. Furry - aye
Sindelar – aye	Klym – aye	Moran – aye	
7 ayes		0 nays	PASSED

The meeting was adjourned at 8:57 p.m.

James W. Moran
President of Council

Susan G. Pease
Clerk of Council