

CITY OF ROCKY RIVER

March 5, 2018

PUBLIC HEARING - ORDINANCE NO. 106-17

AN ORDINANCE TO CHANGE THE DISTRICT CLASSIFICATION OF PART OF CERTAIN REAL PROPERTY KNOWN AS AUDITOR'S PERMANENT PARCEL NO. 302-01-007 AND BREEZEALE COVE TRUST COMMON AREA EASEMENT (PARCEL 1), FROM ITS PRESENT CLASSIFICATION OF R-1 SINGLE FAMILY TO R-4 MULTI-FAMILY (36'), AND PART OF PERMANENT PARCEL NO. 302-01-007, AND PERMANENT PARCEL NOS. 302-01-010, 302-01-011, 302-01-015, AND 302-01-016 AND BREEZEALE COVE TRUST COMMON AREA ROAD (PARCEL 2) FROM THEIR PRESENT CLASSIFICATION OF R-1 SINGLE FAMILY TO R-3 SINGLE FAMILY ATTACHED, AS FURTHER DESCRIBED IN PARCELS 1 AND 2

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

The meeting was opened with the Pledge of Allegiance.

The Public Hearing for Ordinance No. 106-17 was opened at 6:00 p.m. by Mr. Moran, President of Council. President Moran welcomed everyone to the Public Hearing and read Ordinance No. 106-17 as written above.

The purpose of this meeting is for public comment on Ordinance No. 106-17. A sign-in sheet was also passed around for attendees to sign and indicate if they are for, against or uncertain regarding this ordinance. 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 twice. City Council appreciates hearing all the comments but President Moran asked the audience to keep their comments under five minutes this evening. Preservation Partners will give a short presentation regarding some of the changes made in the last year.

AUDIENCE PARTICIPATION:

John Carney, 20664 Beachcliff Blvd. is a partner of the Rocky River Preservation Partners. Mr. Carney is a long time resident of Rocky River for over 54 years. Preservation Partners has invested approximately \$4 million in this property and quite a bit of that is in Breezevale Cove and pays over \$80,000 in taxes a year. Mr. Carney submitted to Council a longer outline that he hopes Council will read. Mr. Carney introduced his son's John and Michael, both partners in

this project. He believes the focus tonight should be on the requirements of the ordinance and not other matters that are for later in the process, if this project goes forward. Their consent is required on major decisions, including any change in the plan recommended by Planning Commission, any changes in design and landscaping, any resolution of disputes with brokers, resolution any disputes with purchasers to make sure Preservation Partners deliver what was promised, and any disputes with contractors. This project started in 2016 and Council wanted more site plan/design specifics. That was withdrawn. In 2017, another proposal was put forward which was for an R-3 but that was confusing because it didn't quite work with what they wanted to achieve. Preservation Partners has listened to Council and determined last July to work with the Planning Commission on what the project was going to look like and what Preservation Partners was going to do. In November Preservation Partners had four informal discussion sessions with the Planning Commission to refine site plans and building exterior design, including landscape, setbacks, parking and lighting, about ten hours in duration with various meetings attended by Councilmen Moran, Klym and Furry. The Planning Commission voted 5-0 to recommend this project. Approval is restricted to the plans committed. The Planning Commission goes with the eight requirements of Codified Ordinance No. 1135.21. Mr. Carney recommended that Council read the Planning Commission minutes. Mr. Carney stated that Mr. DeMarco moved to recommend to City Council Ordinance No. 106-17 subject to the continued progress of the conceptual development of this specific proposal as presented at the Planning Commission meeting. The specific requirements in the Code of Section 1135.21 as presented by Consultant Mr. Hartt:

- (a) This is consistent with the Master Plan of the City;
- (b) Consistent with the intent of the Development Code;
- (c) Made necessary because changed conditions in the area affected; aging of the population along with their desire to remain in Rocky River with single floor living and maintenance free housing;
- (d) Compatible with the uses permitted on other property in the immediate vicinity; 97% of this area is multi-family;
- (e) Environmental in terms of acceptable air, noise, light, or water quality standards; Mr. Hartt's testimony said that this was satisfied;
- (f) Utilities, sewer, and water facilities, are in. This is infill development and the water system will be upgraded, upgrade the sewer system and the storm drainage;
- (g) There isn't any vacant land in the area and the site is unique on the Lakefront;

Property values are up on Breezevale Cove. He does not believe B.J.'s property is impacted greatly by their proposal. It's change and nobody likes change. The distance from her house to the proposed project is barely farther north than the Gerard house was before. Preservation Partners have tried to speak with Mrs. Alexander. He doesn't think any one person should be able to block a project like this.

The Beach House has met with Preservation Partners voicing their concerns and have suggested solutions and also forwarded a letter to Council supporting this.

The new plan has more land and the property is now contiguous to the Beach House. This is not a big building and they have made a complete design change. The exterior is much more Rocky River. The building will be "L" shape with significant changes to accommodate the neighbors.

Finally, the Gerard Family said they could name the street going into the project for their son "Red".

The Trust Estate is the driveway to Breezevale and access to the beach. There is no restriction in the Trust Estate for this development. It was Planning Commission's decision to recommend rezoning parts of the Trust Estate. Preservation Partners achieved 1100 signatures for an initiative but due to time restrictions and mistakes that Preservation Partners made, it was unable to get on the ballot. They prefer this process because it gives the city control on what happens on that site. Mr. Carney said that they will hold our feet to the fire. Preservation Partners is limited to this plan.

Tom Evans, 22500 Lake Road, President of the Beach House Condominium Association, which is a 46 single story unit condominium building and all units face the lake. Mr. Evans submitted a letter regarding the project and this letter reflects the condominium Board's Association opinion. In general, Rocky River is a very desirable community. The development seems to be a quality development and a substantial reinvestment to the community. Without reinvestment, Rocky River will be on a slippery slope of decline. Rocky River has pros and cons. They would like to see the negatives improve but they won't if there isn't new investment in the neighborhood. As a Board, they are in favor of this development. The Beach House residents have made about \$1 million of reinvestment to their building. He is not concerned about issues like cut and fill, slope stability and site planning and he is not seeing anything unusual about the plans proposed. Mr. Evans is concerned about the west boundary and preserving topography and trees and how the project will look from Lake Road. They would like to maintain a green and leafy look along Lake Road. Once this zoning is passed, he hopes for a design agreement with some of their concerns incorporated into that.

B.J. Alexander, 22658 Breezevale Cove, would like to clear a couple things up. She has met with Mr. Carney and Mr. Brickman at her home and the original plan was presented to her. She has never threatened Mr. Carney with a law suite. Her attorney has pointed out that the Trust Estate Document has some language in it that would keep the developer from taking over the trust estate and land.

Mrs. Alexander is opposed to rezoning all the land in the developer's proposal. What happens when a developer comes into the neighborhood and builds tall dense buildings? What happens to the residents who don't wish to sell? If the zoning is approved, then those that don't sell are surrounded by the buildings or forced to sell. Those that have the power prevail. Breezevale Cove is not a street of vacant lots. Real people live there. In the beginning, it wasn't as if there were vacant lots on Lake Road. There were two homes that were allowed by the developers to go into disrepair. They were torn down. The trust estate property is being used in the developer's request for rezoning. One problem with this is that they do not own this land. The property has a Parcel No. 302-01-005 and taxes are paid by the actual owners. It does not belong to Carney and Brickman, but they are attempting to use it as their own. Please keep all the property and the project zoned R-1.

Nancy Spellman, Frazier Drive, feels this is a threat to her property. In good faith you buy a parcel of land zoned single family. How fair is it when someone decides they can make money

on that street? It almost seems like “David and Goliath”. What is the incentive for anyone to improve personal property when a developer like Mr. Carney or Mr. Brickman can come in and change the zoning? Mrs. Spellman urges Council to really look at what they will be saying to the residents of Rocky River.

Malcolm Wood, 22740 Lake Road, lives immediately west of this development and has a very strong interest in this project. He is also a retired professional engineer. There are major deficiencies so that compliance with RRCO 1137.13 would result in a totally different plan. The inclusion of just one fire equipment access road and removing the Breezevale Trust setback trespass could reduce the width of the condo building by as much as forty-one feet. The fire equipment access road turnaround at the north side of the condo building will prevent that area from being used for a swimming pool. The maximum height allowed for a flat-roof building in R-4 zoning is 36 feet. This will remove two floors indicated in the developers site plan for a total reduction of 24,120 square feet or 36% of the proposed building’s floor area. Mr. Wood is sure that the number of units and unit size will be less than advertised. It will not be a five-story condo with a swimming pool with twenty-three or twenty-five units. It will be three stories, smaller and more cramped, with fewer units. Mr. Wood feels that there is also an issue with architectural compatibility. He feels it is obvious that the proposed condo building will be overwhelming to the neighborhood. In Mr. Wood’s opinion, this site would be better served with R-1 zoning, which would be much more harmonious with the existing dwellings in the neighborhood.

Mary Wood, 22740 Lake Road, would like to comment on one thing regarding the developers referring to where she lives as R-4. There is no R-4 multi-family designation in that sector of Lake Road from Breezevale Cove to the Bay Village line. It is R-3 on the southside of the street which are all single-family homes attached and detached. These developers thrive on fake news and if fake news is repeated enough times there are people who will believe it. Another piece of fake news is that Mr. Carney mentioned that there were 1100 signatures collected of people in favor of this project. The 1100 signatures were collected to place this issue on the ballot. Mrs. Wood hopes that Council does not get ensnared with all this fake news.

Kim Clutterbuck Crane, 19722 Frazier Drive, feels Rocky River residents are lucky that residents can hold standards high and do not need a tax abatement or otherwise here in Rocky River. The city is in demand. The developers have listened to the community and adjusted the design style to accommodate the voices in the area. Change is hard, but it is also necessary. This project fits within the Master Plan. Mrs. Crane does not believe there is a threat to other neighborhoods of Frazier and Avalon. These neighborhoods do not have current multi-family homes surrounding them. The home at 22732 Lake was on the market for 1,116 days straight showing little to no interest in a single family there. The other home was finally sold in 2014. The two homes not owned by the developer on Breezevale, are in support of the plan. The other four are currently owned. Mrs. Crane hopes that this project can be seen through as a community.

Karen Heckerman, Brandon Place, said that they are R-3 single family attached, not multi-family. Lakeside Village, Maison de Luc are zoned R-3 also. Multi-family in the area would be the nursing home, which is temporary living. Statements have been made that other communities

are reinvesting, but she doesn't see this happening in Bay Village or Avon. She is opposed to this project. The area hasn't changed in a long time and if it changes, it's because of a zoning change. She feels bad for the owners in Breezevale Cove that chose not to sell.

Jim Bilek, Beach House, 22500 Lake Road, finds it interesting that there isn't any impact on traffic. How can that be when there will be at least 25 potential new residences there and an additional four with direct access to Lake Road. The average age of the residents at the Beach House is relatively high which has a bearing on the safety in this area. This will certainly have an impact during rush hour traffic. Mr. Bilek's other concern is the maximum height of the new project. It says R-4 with a maximum of 36 feet, but he has heard some comments regarding this and is not sure if it is the maximum height or the average of the heights of all the buildings in the complex. He also commented on the comment regarding the lack of sales of the homes that were leveled. There are many factors that go into whether a home moves or not, including the selling price that is being offered at that point of time. He doesn't feel that is a true indicator of a lack of interest.

Sandra Bilek, Beach House, 22500 Lake Road, thanked the Mayor and Council for allowing her to speak. She is concerned about the hill between the two properties. The Beach House owns 1/3 of the hill. Developers spoke with Beach House residents but weren't clear about their intentions of a future project that might take the hill down. The residents of the Beach House love that hill and would like it to remain. Mrs. Bilek has concerns regarding the letter from the Board Members from the Beach House and she isn't sure it reflects the majority views of the residents at the Beach House.

Antoinette Horn, 22664 Lake Road, supports the project and has lived in Rocky River for 40 years. Her street hasn't been very well maintained and feels this would improve her neighborhood, allow more people to have access to the shores of Lake Erie and would impact the Rocky River Schools. Mrs. Horn would be proud of it as an investment in the community and hopes Council will support it.

John Kelley, 18875 River South, Fairview Park, and he has concerns to share before the city takes this venture with Mr. Brickman and his partners. He highly recommends Council speaking with Mayor Patton. A number of residents at River South have grievances with Mr. Brickman due to promises that he made prior to buying units. He told residents that there would be a water fountain and he is saying now he didn't realize that they would need a retention pond and because of the depth, they can't have it. The renderings of his unit are very different from what was originally promised. Parking is a huge issue. Density and landscaping is a huge issue. Mr. Brickman or Brickhouse is still managing the Home Owners Association because he still has 5 or 6 units to sell. He does not manage the association well. He promised him a great view of the Metroparks. Mr. Brickman sold a piece of HOA land and the owner is putting in a hot tub, parking spot, grill and a 6-foot fence on a very small piece of land. Mr. Kelley spent \$363,000 on this one-bedroom condo. The majority of the residents are not happy with Mr. Brickman.

Marty Heath, 11 Pond Drive, has safety concerns regarding this 1/8 of a mile of Lake Road. She has lived on Pond Drive for 17 years and traffic on Lake Road has increased tremendously. When the assisted living building opens at the Normandy this year, it will add 100 more rooms

adding more and more traffic. People are using the turning lane as a passing lane and doing so at very high speeds. This is an accident waiting to happen. For these reasons and the number of additional cars, she feels strongly that the current plans not be approved.

Sally Niklas, 22500 Lake Road, Beach House, non-board member and is concerned about the natural buffer and rolling hill. This preserve contains many varieties of trees, vegetation and wildlife. She is concerned that significant erosion will result in cutting in the rolling hill and the removal of trees and vegetation. The ODNR's Office of Coastal Management is developing a Lake Erie Shore Erosion Management Plan. Trees reduce the rate of erosion by protecting the soil from the impact of rain. Root systems stabilize the soil. Mr. Brickman's projects reflect a lack of vital green space. The high density developments at River South in Fairview Park and Clifton Point in Lakewood reflect a lack of vital green space. We must do our part in protecting the shoreline and take measures to reduce erosion.

Patrick Hanlon, 22500 Lake Road, is concerned that the site is not a level piece of land. There is a big drop from Lake Road to the lake and on the left side of the building there is a further drop to the lake. There is no beach because the lake has been rising. The breakwall is in bad shape and all this will be a lot of money for site preparation costs and the cost to build the building. How will they be able to get all their money back and make a profit with all the building costs. He feels that this is why they over built in Fairview Park and he is concerned that will happen here with this project.

Tom Coughlin, Rocky River, he has known John Carney for over 50 years and believes that anything Mr. Carney builds will be first class and will accommodate all the concerns just heard. The community is bigger than a few concerns. He strongly supports John Carney and the city will be proud of this project. Mr. Carney was not part of the Fairview Park project.

James Bell, 22555 Center Ridge Road, is a 50-year resident of Rocky River. He looks at this development and sees big improvements. This is something that is needed and wanted in Rocky River. We need change and new people and new income taxes to keep our services up. He looks forward to this legislation being passed.

Gavin Blaha, 22660 Breezevale Cove, is fearful of what could happen. He feels that a circle is trying to fit in a square. What if something does go wrong with erosion, fire and all the concerns people have brought up. This building is going to stand for 75 years or so. If you were in his shoes and had a slice of heaven, would you want to live next to a 4 or 5 story building? This is a very important decision.

Carol Hanlon, 22500 Lake Road, Beach House, said that Mr. Wood had excellent concerns regarding the issue of topography, soil compaction and stability and the cut and fill process that will be required for the 25-foot variance between the west end of this property and the east end. The city should consider bringing in the Army Core of Engineers to address this. Mrs. Hanlon is also concerned about the hill between the Beach House and Breezevale Cove. At River South, the row of pine trees that were planted have all died. Mrs. Hanlon feels that traffic is going to increase. Emergency vehicles will not be able to get into River South and their utilities are right on the sidewalk with no covers on the units. One of the partners met with Beach House residents

and one of the questions posed was why did River South end up looking like it did? His response was “what did you expect them to look like, they only start at about \$200,000.” They asked if this is what he is building in Rocky River, he said no. Mrs. Hanlon asked why if it wasn’t good enough for Rocky River, why was it good enough for the fine city of Fairview Park. Mrs. Hanlon would like Council to speak with the Mayor and Fairview Park’s City Council. Mrs. Hanlon closed by saying you can’t always solve problems with money and resident unhappiness won’t be worth it.

Patricio Ibanez, 22744 Lake Road, is concerned about the rezoning. He chose to live in a single family residential area on the lake with his family. He didn’t expect rezoning to be an issue when he acquired this property 2 ½ years ago. He is concerned about safety with fires and is concerned that this is being dismissed as a potential risk. He is concerned about the current traffic on Lake Road and the traffic will only increase with this development. He is not concerned about the quality of the building right now but the discussion is about the type of zoning for this property. The zoning of these lots has been for single-family homes and changing the zoning will totally change the face of this area for a long period of time.

Dave Allen, 20661 Avalon, recently relocated back to Rocky River. He was on a Planning Commission in his former city and much of their decisions boiled down to four things; traffic, water drainage, design and zoning land use. Traffic studies have been completed with clearance, regarding water drainage, he is sure there is an EPA analysis, design perspective has to be constructed as presented, and the zoning land use perspective he does not believe it is spot zoning and is consistent with surrounding area. One of the things he has not heard in the debate this evening but the most important thing to him was the diversity of housing stock. It is super important to Rocky River types of communities. He would like this added to the discussion and he is ultimately in support of this project.

Ruth Stafford, 20860 Avalon Drive, is a long time resident of Rocky River along with her husband. They have lived in Rocky River over 50 years. She is here to voice her opposition to this project and has written letters concerning this issue. Mrs. Stafford said that we were here doing the same thing last summer. Nothing has really changed. There is a little more land and a lot of building and density is a big issue. This new plan does not make it more palatable than the old one. She is concerned about the remaining residents and developing around them on Breezevale Cove. Rezoning would be setting a precedent for further lakefront development. It will change the Rocky River lake front irreversibly. Please retain R-1 zoning. Let us not end up with a mistake on the lake.

President Moran said that Council and the administration appreciates all the letters, notes and emails that they have received. Council will continue to review all the information sent to them and appreciates everyone’s comments. Thank for attending this evening’s Public Hearing.

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

Vote: Hunt – aye
Sindelar – aye

Shepherd – aye
Klym – aye

O’Donnell – aye
Moran – aye

Mr. Furry - aye

7 ayes

0 nays

PASSED

The meeting was adjourned at 7:28 p.m.

James W. Moran
President of Council

Susan G. Pease
Clerk of Council