

City of Bay Village

PLANNING, ZONING, PUBLIC GROUNDS AND BUILDINGS COMMITTEE

Held June 10, 2013

City Hall Conference Room 6:00 p.m.

Member Present: Councilman Steve Lee, Chairman
Councilman Mike Young
Councilman Clete Miller

Others Present: Law Director Ebert, Service Director Galli, SAFEbuilt
Councilman Dwight Clark, Councilman David L. Tadych

Audience: Dick Majewski, Marty Mace, Susan Murnane, Sally Irwin Price
Susan Fink

Councilman Lee, Chair of the Committee, called the meeting to order at 6:00 p.m. in the Conference Room of Bay Village City Hall, and the meeting was open to the public. Mr. Miller arrived shortly after the meeting began.

Cahoon Memorial Park Information Sign

Service Director Galli provided Mr. Lee a drawing of the type of sign that they would like to propose for the Cahoon Memorial Park Information Sign. Mr. Galli stated that the sign, other than the signboard itself, is something that could be built by the Service Department.

Mr. Lee advised that Mr. Young has provided a copy of a picture of the City of North Olmsted sign in front of the North Olmsted City Hall.

The existing sign allows for traffic travelling east and west on Wolf Road to view the two panels of the sign. North bound traffic on Cahoon Road also has a sight line to the sign. The cost of doing a V-shaped sign with more than one board would be significant. The current large sign in Cahoon Memorial Park has four lines of text on each panel. In going to a smaller sign, much of that character capability could be lost.

Mr. Young asked if we could possibly have just one sign that is parallel to Wolf Road. He noted that 90% of the time the sign is used by the Recreation Department for posting registration information for their activities. It is available for emergency postings to the public as well. Mr. Young suggested sending a copy of the proposed sign to the Recreation Department to see if it would be adequate for their use. The diagram shown, with a pedestal below and something above, will take a lot of space. Mr. Young would like to keep the size of the sign to a smaller scale. Information will be sought from North Olmsted as to the cost of their sign. Mr. Lee would like to know if there are any protections built into the electronic sign boards for vandalism.

Mr. Young asked about determining the additional costs for the sign, such as materials for the structure that will contain the sign, electrical connection to the sign, etc. Mr. Galli estimated the cost to be approximately \$3,000 in materials. The sign shop could possibly assist with applying the Bay Village logo to the sign.

Mrs. Fink noted that when the discussion took place for the sign that is in front of the Board of Education Building on Dover Center Road, one of the points that was brought up were the lights and the surrounding residential areas. The School Board did not want the sign to be a distraction.

Mr. Lee stated that the desire of the committee is to use a blue and white sign, consistent with the other Bay Village public signage. It is just a question as to whether the technology is there yet to provide different colored lights. Mr. Lee's preference is also that it would not be necessary to wait for the sign to scroll to the next screen in order to read the entire message.

Mrs. Fink also noted that the School Board discussed whether their sign should dim at a certain point in the evening.

Community House Restoration and Budget Fact Finding

Mr. Lee advised that he recently received copies of the Cleveland Restoration Society Report of August, 2010, The Varo Engineers Engineering Report of 2011, and the Varo Engineers Energy Assessment from August of 2011. Mr. Lee verified that everyone on the committee has copies of those reports done on the existing condition of the Community House and recommendations for renovation and asked whether anyone was aware of any other relevant reports. Mr. Young suggested adding the original 1936 drawings of the Community House. Mr. Galli will see if he can provide those drawings through scanning and email. Mr. Lee will schedule a walk-through of the Community House after everyone has had an opportunity to review the written material and drawings.

Mr. Young stated that Mr. Miller did a study on restoring the Community House without changing the design, shape or size of the original structure. This would include changing the kitchen to a warming kitchen, rather than one in which cooking is done, bringing the bathrooms up-to-date, and having storage for tables and chairs. He emphasized the need to retain the historic nature of the building while accomplishing the restoration.

Mr. Young also discussed the configuration of the entrance to the building. The originally intended entrance to the building is on the west side of the building, which no one uses because there is no way to get to the door.

Sally Irwin Price asked if the elevator could be moved to the inside of the building. Mrs. Price was informed that the elevator is inoperable. It should be eliminated completely and replaced with a handicap ramp on the front of the building. Mr. Young commented that putting in an elevator would be too costly. The ideal arrangement would be to eliminate the ability to get to

another floor and treat the two separate floors as individual spaces. The staircase area being eliminated would provide extra square footage for improvements.

Mrs. Murnane commented about the value of the wood floor in the Community House. Mr. Ebert stated that sections of the existing floor were replaced some years ago. Mr. Young stated that the floor must be replaced, and will be replaced in wood. It can no longer be refinished.

Mr. Lee will schedule a walk-through of the Community House for the members of the committee.

Mrs. Fink asked if the gift of the cupola from the Bay Village Historical Society to the Community House building has been formally accepted by the Cahoon Memorial Park Trustees. Mr. Clark noted that the Council overturned the Planning Commission's vote to allow the cupola to happen. Mr. Galli stated that the plans have called for two ways to attach the structure to the building. A method of bolting will be used to attach the cupola to the building. A structural engineer, who is working pro bono on the project, is advising regarding the connections. The building is scheduled for shingled roof replacement. The concrete board material used when the cupola was attached can be replicated. Siding in that material is low maintenance and provides excellent fire rating. These are some of the things that can be done with new materials today, while matching the old material. Mr. Galli hopes to have the cupola attachment work done this month, prior to the roof replacement.

Chapter 1370 Electrical Stand-by Power Generator Systems

Mr. Young had expressed concern recently about the denial of a variance to locate a generator in the far rear yard of an applicant. The ordinance calls for the generator to be 10 feet from the home.

Mr. Lee noted that the intent was not to take the authority away from the Board of Zoning Appeals to grant variances, but allow for the variance process, as long as it fit within the parameters of Section 1370. There may need to be more clarity with the Board of Zoning Appeals on the intent of Section 1370. It is not meant to take away their authority to grant variances where appropriate.

Mr. Young stated that he spoke with the resident who was denied the variance, and what he wanted to do was put the generator in the back corner of this lot. In doing so, it would be closer to the neighbors to the rear, but would be placed in front of a shed. All of the neighbors had given permission for the placement in the area of choice.

Mr. Miller arrived at this point. He asked if the resident presented a hardship for having it close to the home. Mr. Young stated that it wasn't a hardship situation. Mr. Miller stated that the Board of Zoning Appeals looked at the letters and understood the premise. That section of the ordinance to place the generator in proximity to the home was in unanimous agreement with the Board of Zoning Appeals at the time the ordinance was drafted.

Mr. Young stated that his primary question would be whether the ordinance could be written in a way that options could be considered for placement. Mr. Miller asked for thoughts on adding a subsection stating that on certain conditions, such as unanimous agreement from neighbors, would provide an alternative method of review. Mr. Miller noted that the committee avoided putting in measures for mitigation of sound in considering alternative placements. He noted that if there were language that would provide a suitable amendment to the ordinance, he would be supportive.

The committee will review the ordinance further and have discussion regarding the ordinance with the Board of Zoning Appeals before taking further action.

A resident commented about the need to keep a diesel generator more than 10 feet distance from a home. Mr. Miller explained that the ordinance for residential properties requires that generators be of natural gas unless otherwise approved by the Board of Zoning Appeals. A commercial installation can have either diesel or natural gas.

Chapter 1158 Attached Residence District

Mr. Lee advised that with respect to Chapter 1158, as discussed at the last Planning and Zoning Committee meeting, there is a lot of history there and he would like to re-engage those discussions that have occurred over the past several years. The city has now been approached by at least two developers who want to build attached residences on the west side of Cahoon Creek, separate or in conjunction with development of attached residences on the east side at the former Shell Gasoline Station property.

The east side parcel was previously rezoned in 2010. It was placed on the ballot for rezoning and approved by the voters in November of 2010. The property is in the Retail Business District and the measure that was approved provided for a minimum of one acre and a density of eight units per acre.

In regard to the rezoning proposal for the west side of the property, Mr. Lee advised that this committee is not charged with discussing the merits of the development proposal, financing, or tax abatement. This committee is just charged with discussing the zoning of the property. If there is a consensus among the committee members it would then go to the Committee of the Whole of Council. The Committee of the Whole would then consider the issue, there would be multiple readings, a public hearing, and if approved by the Council of the Whole it would be placed on the ballot for the voters in November. Working back from November 5, the date of the General Election this year, the deadline for filing a ballot issue is August 7, 2013.

Mr. Lee stated that he continues to hear from residents the desire to have alternative housing in the city, especially among the empty-nesters. There are more options for residents for this type of housing in neighboring cities. The Master Plan of 1999 includes discussion about developing both sides of the creek as town homes. According to the Master Plan, the acreage on the west side of the creek is 2.5 acres, and the acreage on the east side of the creek is 1.7 acres, for a total

of 4.1 acres. The 1999 Master Plan estimated that 24 town houses, 14 units on the west, and 10 units on the east, could be built if the property was developed as a whole.

Mr. Ebert stated that the property owners on Cahoon Road will provide documentation of their desire to have the property rezoned.

Mr. Miller stated that the guidelines of Chapter 1158 are also to be considered for how they could be applied elsewhere in the city, possibly as an overlay district. Part of the amendment to Chapter 1158 that others had proposed would be the reduction of the number of acres required and the density so that there might be properties elsewhere in the city that may be residentially zoned that could, if conglomerated, qualify for this. This is also of interest, even though there are two distinct properties nearby.

Mr. Lee noted that if this proposal is not placed on the ballot by August 7, it would be necessary to wait until 2014 without incurring additional cost. The opportunity for the ballot may only be on an annual or bi-annual basis.

Mrs. Fink noted that Cuyahoga Community College is considering a levy next year and if that were the case, something from the city could be put on the ballot and the costs would be shared.

Specific proposals for amendments to Chapter 1158 followed.

1158.07 Area and Height Regulations

Five acres is the minimum development site in the current chapter. The most recent edit is 1.85 acres.

Mr. Miller noted that the minimum development site of 1.85 acres was reached after taking into consideration side yard requirements and access roads.

The density of development for Attached Residences shall not exceed 6 dwelling units per acre is the requirement of the current code. The current proposed edit is to be 8 dwelling units per acre.

The current chapter provides for a height of 30 feet. The proposed edit is to go to 35 feet.

Mr. Miller stated that it is quite common that homes are starting to have taller first floors and the 30 feet in height can be exceeded very quickly in construction. An additional five feet allows for a 9'6" first floor, a 9' second floor, and a 9' third floor. We have properties in Bay Village that are very close to the 30 foot line, but are hidden with pitched roof lines.

The existing chapter provides for a maximum of eight residences per building. The proposed edit provides for a maximum of four residences per building.

Building length is reduced from 240 feet to 160 feet.

The current chapter does not does not contemplate a one-bedroom unit. The proposed edits would provide for a one or two bedroom unit with a minimum square footage of 1100 square feet, a three bedroom unit with a minimum square footage of 1400 square feet, and a three bedroom unit of 1600 square feet.

Lot coverage, which is a new item, states that the main building, including garages and decks shall not cover more than 20% of the total lot, or 8,712 square feet.

No less than 50% of the total acreage shall be devoted to open space. Existing chapter states 60%.

Mr. Young commented about the need to consider the character of the neighborhood and heights of existing residences.

Mr. Lee stated that the Cahoon creek property, if consolidated, is estimated to be approximately 4 acres. It is possible to take the parcel on the west side of the creek and join it to the parcel on the other side and have an overlay district with those two east side and west side properties. We have Chapter 1158A, which is the Cashelmara property. He suggested the possibility of having a Chapter 1158B as a district for the Cahoon Creek property.

Mrs. Fink questioned whether the property being discussed is all buildable due to the presence of the creek and riparian regulations.

Mr. Miller stated that when property owner Dino Lustrì presented to the Planning Commission in the past he presented a plat plan with a buildable foot print. Mr. Young noted that in many cases rear yard setbacks are more restrictive than riparian setback requirements.

Mr. Majewski stated that it is very difficult to rewrite an ordinance with the pressure of a proposed development and a ballot deadline. The rewriting of the ordinance should be approached without a deadline or a pending proposal, so that the rewriting of the ordinance does not reflect the proposal.

Mr. Miller stated that he does not think the existing ordinance is fair to the city as it is written. It is not because of the development or the interest of the property owners, it is where we are in our current history. We have all heard that residents in the city would like alternative housing.

Mr. Lee commented that by Charter requirement, rezoning must be approved by the voters. If it is not approved by the voters, they, at least, have had the option.

Mr. Majewski stated that in 1999 when they rewrote Chapter 1158, there was not pressure from a developer. It was rewritten with the task to find ways to bring more senior housing into the city. The attempts since then seem to be reactionary to a developer for a specific piece of property. They failed everytime because you can't write an ordinance for a specific piece of property that will work in the entire city.

Further discussion followed. Mr. Lee advised that next year will be 40 years since this ordinance has been revised. He thanked everyone for their time this evening. The meeting adjourned at 7:25 p.m.

Steve Lee, Chairman

Joan Kemper, Secretary