

City of Bay Village

Minutes of Public Hearing
City of Bay Village Pending Ordinance 13-56
Cahoon West Rezoning

July 15, 2013
7:00 p.m.

Paul A. Koomar, President of Council, Presiding

Present: Clark, Koomar, Lee, Lieske, Miller, Tadych

Absent: Mayor Sutherland, Mr. Young

Also Present: Law Director Ebert, Finance Director Mahoney, Service Director Galli, Operations Manager Landers

Audience: J. Holzhauser, A. Seelig, D. Krueger, Tom Henderson, Melissa Henderson, Abraham Bruckman, H. McGowan, Mark Chernisky, Gerry Schreiber, Marty Mace, Russell Thompson, Susan Murnane, Mike O'Boyle, Der Tung Yuan, Ken and Mary Ann Sindelar, Greg Schwert, Nancy Brown, Claire Banasiak, Mick Banasiak, Vince Donofrio, Rita Sotu, Dino Lustri, Al Kruzer, Linda and Grace Beam, Kurt Shreffler, John Suter, Bruce Geiselman, Chuck Sotu, Bill Selong, Neil Wensink, Denny Wendell, Bob Reed, Bill Dague, Sharon Topping, Sue Fink, Jeff Gallatin

President of Council Koomar called the meeting to order at 7:00 p.m. in the Council Chambers of Bay Village City Hall and the meeting was open to the public.

Mr. Koomar advised that this meeting has been called to hear public comments about the potential rezoning of property on the west side of Cahoon Creek, from the intersection of Cahoon Road and Wolf Road to the fifth parcel south of Wolf Road. He noted that part of the process is to have open and transparent government. All Council meetings are open to the public every Monday. When something of this nature that may go on the ballot if approved by vote of Council, the Council makes an extended effort to make sure that the public is aware of the measure and that feedback from the residents is received before a vote and decision is made about putting the issue on the ballot. The ordinance will be read at special meetings on Mondays in July, and possibly the first Monday in August. If the ordinance is placed on the ballot for consideration in November, 2013, the residents of Ward 2 and the residents city-wide would vote and make a decision on whether the property should be rezoned. Council's only action is to decide whether it is to be placed on the ballot. The measure, if placed on the ballot, must pass in Ward 2 and in the remainder of Bay Village. If it would pass Bay Village as a whole, and fail in Ward 2, or vice-versa, the rezoning would not take place. Mr. Koomar called upon Law Director Ebert to highlight the parcels in question.

Mr. Ebert stated that on July 8, 2013, Council placed on first reading four parcels for rezoning. The four parcels are owned by two property owners; from the corner of Wolf and Cahoon including two houses and the empty lot next to them. Since that time, the property owner directly south requested in writing that their property also be included. The property

is currently zoned Third Residence District, which mean single family homes. If the measure is placed on the ballot, and the vote of the people results in passage of the rezoning, the parcels could be used for attached residences as well as single family homes. Two years ago on the east side of Cahoon Creek where the Shell Gasoline station used to be located, that parcel was rezoned for attached residences. That is a Retail Business District. A developer came to the city and stated that he had an option with the owner of the shopping center to purchase that property. It was placed on the ballot for rezoning and it passed. The development did not occur. Since that period of time, a developer has made a proposal to develop both the east side and west side of Cahoon Creek. The west side is unique due to the fact that those parcels have very little depth to the properties, making it difficult to get a person to entertain building a single family home. There are now five parcels involved: the one on the corner, the one next to it with a home on the property, two vacant lots to the south of the second parcel, and the fifth parcel with an existing home on the property. If Council passes the ordinance with five parcels for rezoning, the measure will go to the ballot in November. Voter passage will be required in both Ward 2 and city-wide, for the rezoning to be effective. The issue of tax abatement came up from the developer when he made a presentation to Council. The tax abatement is not necessary and not even a decision by Council until the property is rezoned. That discussion will take place again if the parcels are rezoned.

A companion ordinance for attached residence allows eight units per acre, which would also be contingent upon the passage. In order to make it feasible to develop that property, the eight units per acre allowance was reviewed by the Planning and Zoning Committee of City Council. Various developers have informed the city that development of attached housing is not feasible unless eight units per acre were permitted to be developed in the property.

Mr. Koomar stated that City Council has not had any discussion on the tax abatement piece. The only goal of City Council has been to look at the rezoning. After going through the public hearing and moving toward a third reading, Council thinks it is only fair to the public for them to understand where City Council stands on the tax abatement issue. That would be decided prior to rezoning. Mr. Koomar stated further that he does not think it is fair to pass the rezoning and then wonder whether there would be tax abatement on the property. It is fair for the public to understand both pieces of the equation because one is driving the other.

Mr. Ebert stated that if Council does consider tax abatement, the tax abatement is only on the increase in valuation, and not on the current valuation of the property.

A member of the audience asked what Council thinks about tax abatement. Mr. Koomar stated that the Council has not discussed it and although they have passed measures for rezoning they have never given tax abatement in the past. The purpose of this hearing is for public input. If there is discussion about tax abatement it would seem that a final decision has been made on the rezoning.

John Suter, 281 Parkside, asked the density for attached housing on the east side of Cahoon Creek. Mr. Lee stated that the density is eight units per acre for attached housing for the

property on the east side of Cahoon Creek.

Mr. Suter asked if the discussion about tax abatement would take place before the third reading of the proposed rezoning ordinance. Mr. Koomar stated that the discussion will take place before the third reading of the ordinance.

Carol Cole, 409 Bradley Road, displayed two pictures of property development in other communities. Ms. Cole stated that the vegetation is gone, no more trees, no more green. She stated that ultra-modern is not in keeping with the traditional style in Bay Village. She asked who would pay \$600,000 for a condo behind a parking lot and 50 feet from a Middle School. Ms. Cole stated further that “Bay is so built up that people have to tear down one house to build another. Why would we pack a bunch of buildings where there is a beautiful area, and why would we want to tear down very old houses? The builder, according to *The Plain Dealer*, is not a classy person. He reneged on a Las Vegas trip he donated to a charitable auction. The owners of the \$50 winning ticket were told the only trip he would pay for would be a one-way ticket to Siberia. If they were to build condos somewhere, why not for the typical Bay person wanting to retire, rather than something costing two or three times what their current house is worth?”

Mr. Koomar stated that the style of the property has not been determined. If looking at that particular developer and making the assumption that that would be the same architectural style, that has not been determined. It would have to go through the Planning Commission, through the Architectural Board of Review, and those normal steps. This is a rezoning and while one developer has expressed interest in that, whether he can come to terms with all those property owners and purchase that property so it becomes his property and he develops it as he sees fit, remains to be seen. The city is not involved in that. That would be an arm’s length transaction with three or four different property owners.

Andrew Brickman stated: “Let me introduce myself. I am Andrew Brickman. I am the classy developer that they just referenced and I can tell you that we haven’t made any predeterminations in terms of the architectural style. I would invite any of you to call me or to call Mayor Mike Summers in the City of Lakewood in regard to our corporate citizenship. I would also encourage any of you to visit any of our projects. One of the first ones that we have done is a very different departure from modern architecture. It’s a sympathetic town home community developed in Cleveland Heights where there was an existing church where the congregation no longer could afford the church. They came to us, we developed the property, we won numerous awards for the City of Cleveland Heights as well as the Cleveland Restoration Society. The allegations *The Plain Dealer* has made are completely erroneous and false in regard to us. We continue to be good corporate citizens in every way, both to the local communities that we are developing in as well as to the general population. I am happy to field any questions that you have in regard to the project. We think there is a need in Bay Village. I have been approached by four former residents who wanted low maintenance type living. It didn’t exist in the City of Bay Village. They said to me if we were successful in getting it rezoned they would love to return to Bay Village. We would just ask for open mindedness and your input in regard to this. We think that this project is needed in Bay Village and we would hope that the community would recognize that. I am

open to having a dialogue with each and every one of you and showing you the quality of the projects that we do. In regard to the landscaping over there, the hillside, as far as normal erosion control, will be re-seeded. The kind of demand we have for our properties are that we are completely sold out, with the exception of one residence in Lakewood. In the second phase we haven't even broken ground and we have sold four houses. There is demand for this type of project. Whether it is modern or historic, I am not married to one particular architectural style. I'm trying to create the highest quality and most forward thinking design we possibly can. I've got family who have been long-time residents of Bay Village so we are going to do something we are proud of and we think also would be sought after by not only the citizens of Bay Village but by the general populace as well."

Al Kruzer, 517 Cahoon Road, stated "Why don't we have diagrams on anything? We have been talking about something; we are going to vote against nothing. What are you proposing? What is the setback? You've got 24 units, that means 48 cars. What's the setback on Cahoon Road? Especially, on the west side, because, what are you going to build, ten miles out over the creek? There's no dirt there."

Mr. Koomar stated that when the Zipp property by the tracks rezoning came in front of Council back in 2000, shortly before he came on City Council, after they did it he actually came on and prior to the vote, what was done at that time, because the property had been purchased by a developer, they came in and the city made these chambers available to say, "What do you envision given those setbacks, and what style do you envision? At that point that was very helpful to the public to understand and get their arms around what might exist on that land. If we were to rezone this property and go down that route and there was a purchaser before the rezoning, we would have another hearing to give some details."

Mr. Kruzer continued, stating, "How many acres are we talking about now, with that other house being purchased?"

Mr. Lee: "Closer to two and one-half on the west side, and 1.7 or 1.8 on the east side."

J. Holzhauser, 511 Cahoon: "Isn't that part of the creek, though?"

Mr. Ebert: "There is an issue. Actually in the ordinance we indicate by the riparian rights. There is a problem as far as erosion and where the actual property ends and starts because of what has happened over the years. That is an issue as far as looking where your property may go into the creek, versus on the bank that has been eroded."

J. Holzhauser: "So the 2.9 on the west end of Cahoon may include the creek."

Mr. Ebert: "Mr. Lustri is here who did some of the actual survey. Mr. Lustri was before Council going back 4 or 5 years ago on a different situation on his property. Maybe he has some input on that."

Dino Lustri: "My name is Dino Lustri, I am at 475 Cahoon, I am the second house in. I am a civil engineer and surveyor. To make everybody aware, part of the issue is that the current

zoning, the way the houses are and the current property, I have divided it up into five lots in addition to my house. That green house you see there, there is actually technically five additional lots. They are paper lots. Council has signed off on it. Planning has signed off on it. The only thing I haven't done is record it. I don't want to do that if something else is going to happen. But, having said that, under current code, five lots plus mine, six total lots, technically two units per lot can be built today, without any rezoning. In my opinion, and this has been my push since I started this ten years ago, was that instead of having little bowling alley looking units along there, I wanted to have a more architecturally pleasing appearance from the street. I hate garages facing the street. That's just a personal thing. No offense on anybody. I apologize if that's offensive. But my issue is that I would like to have them connected, but not one big row house either. This is all about architectural layout. The rezoning is necessary to even have this discussion. So these kinds of things, distance into the creek, all of those issues...under current code all of that is permitted. What is permitted today, in my opinion, would be tremendously worse than what I personally would like to see there. I hope you can take some of what I have done in my own home as an indicator that I am not trying to throw something up there to make it look ugly and just crank out a profit, cause that's not me. You know how much I spent on my house. With that, I would very much be happy to answer any questions. As it is right now, I would like the rezoning for a number of reasons, my family being one of them, but the issue is not so much density, because under current code twelve units can be built on the west side of the creek. As far as things being worse because of this rezoning, no, I would look at it as the rezoning is permitting the attachment of the units. And that's my opinion."

Al Kruzer: "Dino, let me ask you. Our side of the street, how would you exit the houses?"

Dino Lustri: "When I did my layouts, my layouts all had rear entry. I had a wrap-around drive going to the rear of the units. The face of the units to the street were all like my porch, is what I was proposing. Again, my proposal has no bearing on any of this."

Al Kruzer: "How are you going to exit the rear of that lot?"

Dino Lustri: "Not the rear. There is a U-shape that comes around so you enter on one side and come around on the other. The drive would go underneath the rear portion. But these are not relative to the current item."

Al Kruzer: "You can't vote on anything without seeing something."

Dino Lustri: "This has been my issue for eight years. I came here in front of Council and in front of Planning a long time ago."

Al Kruzer: "There are a bunch of kids from Kent State that drew up these plans and they sell it to the government. These kids, they could be in jail. It doesn't matter."

Dino Lustri: "With respect to that, these same comments were given by the Cuyahoga County Planning Commission back in 2000."

Mr. Koomar stated that tonight we don't have plans. The technical rezoning, our hope would be if it moves through we could address plans at that time. He added that "Remember, I stated that I had been on Council for two weeks when Cahoon Ledges went through and the specifics of shingle color and siding, not holding the developer to that, but saying here are the tones that we're looking at; here are the styles of homes that we're looking at, here's the roof pitches that we're envisioning, without submitting anything to Planning Commission. It was a good faith effort by that developer to try to at least paint a picture. Tonight we don't have that, it is really on the technical merits of rezoning."

Dean Krueger, 503 Cahoon Road asked "What is the environmental impact? You are going to be doing all kinds of stuff on the west side of Cahoon. Is there going to be an impact study?"

Mr. Lustri: "Sewers are already in. Water is already in. Storm is already shedding to the creek as it naturally would do. Actually, any improvement on that lot would be natural."

Dean Krueger: "What about the Middle School, what about traffic in and out?"

Mr. Koomar: "I can't speak to Dino's comments relative to the sewers all being in, but part of that process, of any process, is going through the Planning Commission. Sewers, for sure. The Middle School, when they put that in, actually had to make some changes to the sanitary sewer for capacity. The sanitary sewer project going down Cahoon that you will see in the very near future that is part of an Environmental Protection Agency mandate, will have the size increased appropriately which will raise the threshold of basement flooding. But, relative to traffic, and things of that nature, any Planning Commission project, the police are brought in, a traffic consultant if needed, to go through all those steps to make sure that an increase in the density will not be a burden of infrastructure or to the public roads. But, again, that's part of a formal submission to the Planning Commission and if they are not meeting those criteria then it is voted down."

Nancy Brown, Wolf Road, addressed Mr. Ebert, stating, "Mr. Ebert, could you please explain to the audience, I know that tax abatement is not the topic tonight but residents will not get to vote on tax abatement, is that correct?"

Mr. Ebert: "No, that's done by City Council. Westlake had a similar situation. Tax abatement would come up whenever there is a proposal. Remember, there is no picking or choosing developers on this. It is strictly what happens after the rezoning. Whoever purchases the property at that point in time has to go through the whole process before the Planning Commission."

Ms. Brown: "So City Council will get to vote on the tax abatement?"

Mr. Ebert: "At some point in time. If this would pass, and next spring there is a plan set before the Planning Commission, but there is a tax abatement phase of it, it would have to come before City Council before they could go anywhere."

Mr. Koomar clarified again that City Council is going to decide this concept before they vote on the rezoning at the end of July or August.

Councilman Miller: “Gary, I know you referenced the Hyland project before Westlake City Council as similar, it is not. That is a commercial property; it is not a residential property. While that is a recent transaction in Westlake of City Council – they provided abatement to the commercial property, that’s not what we have here.”

Mr. Ebert: “City Council decides tax abatement, period. At any point in time.”

Holly McGowan, 27000 Bruce Road: “I am just a little concerned because Mr. Brickman sounds delightful and honest, and everything else. Up on Lorain Road, there was approved a luxury townhouse project and that was morphed into a non-descript three story office building to be owned by an unnamed but already decided upon client. Once you rezone you are on a slippery slope of what else can...maybe I’m wrong, I understood that the reason why the first proposed condos on the east side of Cahoon didn’t go through was because they couldn’t get permission from the Army Corps of Engineers. I might be wrong, but because they wanted to cantilever decks or something over the creek. Once you rezone like that then it’s just like an attachment to get something that you did not plan upon in the rezoning. It’s a slippery slope. I must admit, I am not knowledgeable in all of these, but to vote for something when you have no idea just on assurances what it is going to be is a difficult thing to swallow.”

Mr. Koomar: “I am not aware of the property you are referencing on Lorain Road, but attached residence in Bay Village would not allow for a commercial enterprise to move in. Again, this is a residential type setting and it would be restricted as such in the planning process and review and permitting.”

Mike O’Boyle, East Oakland addressed a question to Mr. Lustri, stating: “So you are saying you own six of these lots, am I right about that?”

Mr. Lustri: “Currently they are shown as three on the Cuyahoga County records but I have a plat that is ready to be recorded that will show six.”

Mr. O’Boyle: “In terms of acreage, how much is that?”

Mr. Lustri: “The acreage I own is 2.2 acres. I don’t know how much the other homes would add to that.”

Mr. O’Boyle: “So you personally stand to benefit handsomely if this project goes through?”

Mr. Lustri: “I wouldn’t say that because I have seen the prices come in for the single family homes and I see the prices – what’s being offered now – and it’s not that big of a difference; less than what you would think. Having said that, I think I am being a good resident by trying to get something that would be a little bit better looking there. Although it does sound bad coming from somebody who might benefit from it. I do understand that, and

recognize it.”

Bob Reed, 539 Cahoon Road: “I live a few houses down from Dino and where this plan is. My house at the end of Osborn runs into it. There are five houses, six lots that sit back. I, too, profited off of that, two or three houses down. So I am all for people trying to make money, and being creative, making a better city to live in. However, we have five acres, a quarter of that is actually down in the creek, it can't be built upon. There are five houses there and approximately, depending on if one of the college students is home, 14 cars in those five houses. The more houses you put, the more cars you get, the more people you get, the more traffic you get. We also tried to do something with our driveway so you wouldn't have driveways coming out of there. My mother-in-law lives down the street and she has actually stated that one of her concerns is just the safety, with the school being there, backing out of long driveways. It is dangerous when the Middle School is concerned. As far as saying that Cahoon Ledges was another example, they are just building there the last lot. That's kind of hidden back behind some bushes. Those homes are around \$300,000 and those lots have been available for many, many years. I applaud the efforts to do something creative, however, if you look at attached houses. My mother lives in an attached house over by Avon Commons at Avenbury Lakes and those just aren't the style of Bay Village. They are the style of Avon complexes that are built for retirement. I spent a lot of money building my house. I built it on a residential street. I grew up in Bay Village. I moved away. I came back because this is where I want to raise a family. The houses and the appearance and the ability right now to build single family homes on Dino's property, that can be done, I don't know why no one is doing it now. So, as far as making it more houses, when you build it's nice to see plans, but you can't stop anyone from building something. There are a lot of things to consider and I don't think that, definitely on the west side, attached homes would fit into our community. Maybe on the east side, something that would fit into the shopping center like more condos. I am not opposed to being creative for something like that, but, as a homeowner on the street, if we do this we could probably start adding a bunch of houses right down the road and we could all sell our houses. With my five acres and my neighbor's, we would probably put 60 to 70 houses there.”

Ella Johnson, 340 Appleblossom Lane: “I spent seven years driving Middle School groups. It's no fun. My son would sit in the back seat and try to map out a better traffic plan. The parents were told to get their cars off of Wolf Road because many times there would be issues with safety forces. Number one – traffic. What's it going to look like? Number two – safety. I am concerned for safety. There was a fire on my street and it took ten minutes for the fire trucks to get there and they didn't have to get through the traffic in front of the Middle School which occurs twice a day. Number three – We are touted – right out there this evening – as the Number one ranked nationally, locally, what in the world are we thinking of, City Council to give tax abatements? We are a number one ranked community. Developers should be, and are, building at this very hour without tax abatement.”

Mr. Koomar: “The comment regarding tax abatement was from the Mayor in some of the local newspapers. There has been no discussion from Council on tax abatement. We would be the body to make that decision.”

Charles Sotu, Fairview Park: “Mr. Brickman, I met you before, at prior meetings. Question for this fellow, here, (Mr. Lustri), what is the width of those lots?”

Dino Lustri: “Fifty feet.”

Mr. Sotu: “Then you would have garages behind it?”

“Mr. Lustri: “Yes for a single family lot in Bay, they would be front facing. Not attractive at all.”

Mr. Sotu: “Mr. Brickman, can I ask you a question too? In the paper it said you had total abatement from Lakewood. Now, does that mean land and building structure?”

Mr. Brickman: “No, it doesn’t. I don’t know what the paper said, but we made an arrangement with the City of Lakewood to redevelop their riverfront as a result of their seeing a project we had done in River which recently was featured in ‘Drafted,’ a Kevin Costner film, as his residence. What we wanted to do, and what we thought was a responsible thing to do relative to the abatement, was to leave the current tax base in place for the single family homes that were there. Once we constructed the new property, which will probably be valued at about \$12 to \$13 million, the tax bases will probably go up. The current tax base stays in place. In addition to that, you get the added value of seventeen new residences, and when you talk about the demographics over there it’s not all empty-nesters. We’ve got young families living there. We’ve got people who value life style and don’t want the responsibility of taking care of a single family home. Our properties are very, very expensive to build, on average selling for a price of over \$200 a square foot which I think is a record for northeastern Ohio for any builder, so I would invite any of you to visit our properties to see the quality of them. We are bringing a demographic in and helping a city like Rocky River, and Lakewood, keep and improve their existing tax base, both in terms of the income taxes that are coming in as well as in terms of the type of demographic we are bringing to these communities where you don’t have this type of housing previously available. Lastly, statistics show that people will spend 70 or 80% of their disposable income in 1.8 miles of their existing residence. So you have the additional benefit of 17 new families coming to an area where they are spending additional monies. My telephone number, if anyone wants to contact me to visit any of our projects, including the ones that are more traditional in Cleveland Heights, is 216-965-4514. We have an opportunity, based on the previous successes we have had, to go to any community. We are being called by Economic Development Directors all over northeastern Ohio, particularly in inner-ring built-out suburbs to try to bring this type of housing there. We think based on the demand and based on the fact that we’ve sold 20 out of 22 residences that we haven’t even built yet in Lakewood, there is an underserved segment in the marketplace in some of these built-out communities.”

Mr. Sotu: “How many units do you propose to build on both sides of the creek? Will it be feasible financially?”

Mr. Brickman: “We haven’t gone that far in the design and development process. What we

probably will do is hold a charette with some of the local realtors and some of the local residents and see what sort of demand is out there, in addition to doing our own market research, and then we will try to design a product that offers us some flexibility so that we can sell them as quickly as possible.”

Mr. Sotu: “I am just glad to see that Bay Village is in a position where they have to do tax abatement. If it’s possible your city can get by without it. It seems like all the other communities are giving abatement. This is the first time I’ve heard your community isn’t doing it.”

Mr. Koomar: “Rocky River doesn’t give tax abatement.”

Kurt Shreffler, 530 Kimerly Court, asked when Council will decide the tax abatement issue.

Mr. Koomar stated that they would decide the end of July, or the first meeting in August.

Gerry Schreibman, 26527 Normandy Road: “I am just wondering if I can get some clarification from Council as to the genesis of the ordinance for Section 1158B. How long did you spend working on that? Where was it discussed prior to that? When I look at the document that’s been distributed or available this evening, it seems rather cursory in comparison to other development that has gone on, particularly when I compare it to the cluster development. Particularly when I look at intent, that seems very, very vague to me and, in my belief, if you have parcels of property in the community, I don’t know if we have that many, but I really feel we should do codified legislation that is applicable to as many lots as possible as opposed to putting something together in a relatively short period of time that is applicable to one lot. I know Mr. Young last week said that this was a very unique parcel but, again, my feeling is we should be looking at legislation that’s applicable to as many lots to be developed as possible as opposed to something for a particular lot which appears to have been done in a fairly short period of time. My question is, how long did you spend on this and why did it come out in this particular abbreviated fashion.”

Mr. Koomar: “As you know Council has discussed Chapter 1158 in various functions for a period of time. I am going to defer to Mr. Lee on that relative to the Planning Committee and some of the discussions they have had on that.”

Mrs. Schreibman: “I am well aware, Mr. Koomar, how long 1158 has been under discussion which is why it is amazing to me we’ve come out with this, again, what I consider to be a rather cursory and vague document.”

Mr. Lee: “To answer your question, the attempt or the goal was to provide something very simple that would be understandable by everyone and not confusing. Chapter 1158 is quite lengthy and has not been modified since 1974. Mr. Koomar stated before that it is the goal of Council to continue to look at that. The Planning and Zoning Committee is going to continue to review that through the fall, after the recess, with the hope of bringing something forward that would involve a more comprehensive rewrite of that chapter. This is an attempt to do the bare minimum, as you mentioned, to show that the acreage is sufficient

and that the density is consistent with the proposed development on the east side, the former Shell property, of eight units. That's all that it attempts to do. But, again, allow the public who will be voting on the issue if it is passed by the Council the opportunity to understand that side of it as well in as simple and straightforward process as possible. Chapter 1158A was the chapter that was done for Cashelmarra many years ago and just talking with the Law Director it was thought that this was the most straight forward and transparent way to do it, although from a planning professional's perspective I agree that the more desirable route would be to rewrite all of Chapter 1158, or at least update that, consistent with the many discussions that have occurred over the last ten years."

Mrs. Schreiber: "In my opinion it would be better to proceed that way and then bring something to the citizens as opposed to putting, in my mind, the cart before the horse." When I look at Chapter 1146 which deals with the cluster development and it very clearly says that it is established in order to preserve and enhance the predominately single family character of the city. I don't see that in your ordinance here. I don't see anything that preserves or enhances. I see wanting to take advantage of an economic opportunity and I really think the whole thing needs to be done before you put something up for the citizens to vote on."

Mr. Lee: "I appreciate your comments."

Member of the audience: "Did I hear correctly that the tax abatement decision will be made in July, or by the end of July?"

Mr. Koomar: "Right."

Member of the audience: "So the tax abatement decision will be made before this even goes to the ballot to Ward 2 and the entire citizens of Bay Village?"

Mr. Koomar: "Correct."

Member of the audience: "Thank you."

Al Kruzer: "So we can override tax abatement with 10% of the voters signing a petition, correct?"

Mr. Ebert: "You've got the referendum option for any ordinance."

Mr. Kruzer: "When would that have to be filed?"

Mr. Koomar: "You would have to have something to override."

Mr. Ebert: "August 7, to be exact. You would have to have something to the Board of Elections to get it on the ballot."

Mr. Koomar: "From a Council perspective, when the Mayor made those comments out

there we received many more phone calls and inquires relative to tax abatement then we have on the rezoning. And so, it was the desire, based on all the input I've gotten from my colleagues, to have that discussion up front in public before we voted on the rezoning because in this particular case they are going to go hand-in-hand."

Mr. Kruzer: "You can't tell us how many units you are going to put up. One or one hundred? Twenty-four is what was published. You danced around how many you want to put up."

Mr. Brickman: "The process is not that simple. To characterize it as dancing around the issue I don't appreciate. I try to answer with candor. If I can finish without you interrupting me I would be happy to do so. What we are going to do is look at the property, we are going to look at the different sizes of the residences, look at the different layout, and there's probably going to be, on both sides of the creek, the east and the west, a total of somewhere between 25, 26, or 27, which is what we said, not one to one hundred. The property doesn't lend itself to that type of development and I can't afford to pay the price that the property costs in order to build just one residence. I am trying to be as straight forward as possible. The density under the current zoning that they are proposing would allow a little over 16 on the west side, and I am not sure of how many on the east side. We are not looking to max out the density. What we are looking to do is to do the development that is going to sell the best and that is going to be the most attractive. I am not a Pulte Homes or a Ryan Homes. We are developing a high quality product that's winning awards nationally as well as locally."

Member of the audience: "With respect, Mr. Brickman, I admire you for coming. He is not the only developer that would be interested if this were to pass, correct?"

Mr. Koomar: "Correct."

Mr. Lee: "This should not be read to be an endorsement of this particular product."

Greg Schwert, 547 Cahoon Road: "Just trying to get a better feel and understanding. On the west side you've got the grassy area. Where the gas station was, it is all asphalt. I am having trouble envisioning what you would be doing as far as putting units on the east side."

Mr. Koomar: "Over the years when I have met with the property owners they talked about potentially selling the piece off and putting the Key Bank ATM on the side of an existing building where the Verizon store is, on the south facing east. Those discussions were several years ago in a concept form."

Mr. Schwert: "It seems that the two properties are an apple and an orange, the west side versus the east side. What kinds of things would you be doing on the east side where it is all asphalt?"

Mr. Koomar: "I am going to have to defer, in this case, to Mr. Brickman because he is here."

Mr. Brickman: “The property will be re-landscaped. We think we can turn it into an attractive community. It will work well with the west side and the two would be architecturally sympathetic in terms of the landscaping and general overall look.”

Sharon Topping, 30519 Winston Drive: “Regarding tax abatement, I think one of the issues we have is the Mayor has been quoted in several publications as indicating that tax abatement is almost a foregone conclusion. That is an unfortunate circumstance. Condominiums, or cluster homes, or whatever we call them, at \$200 square foot – I don’t know how many people would want to pay that kind of money and have a drive-up ATM within 100 feet of them, and a parking lot of a whole shopping center. This is something to consider.”

Mr. Brickman: “We like the proximity of the ATM so people can afford to pay \$200 a foot.”

Nancy Brown: “I congratulate Mr. Brickman on being able to spend that kind of money for your units, but the one in Rocky River right by the Yacht Club there, they are on the river. The ones in Lakewood have a spectacular view of the lake. I can’t see how somebody would spend that type of price point to be by the Middle School, the skateboard park and the back of the shopping center, except for maybe a couple of them would have a spectacular view of the creek. We need to remember that some of those award-winning homes that you built are literally on the river, or overlooking the lake.”

Mr. Brickman: “Well, I appreciate that. That’s the kind of input we are looking for from the community. If and when we do get to the point where we are having a charette that is going to be something that we can consider. One of our other projects was built on the border of East Cleveland. It sold out in 18 months after the economy collapsed. It is across from the busiest train tracks between Chicago and New York. We’ve had two resales there to my knowledge. One of them sold in six days for \$40,000 more than the couple paid for the property. The second one sold for \$10,000 more and the couple came in and gutted the space because they didn’t like the layout and spent another \$100,000. In terms of location and in terms of site, we think there is more to it than just the view. We think it is a combination of the great community, great schools, and great services. We think the walkability aspect of this property and the proximity to the center of the retail components of the town are something that is attractive to people. I’ve had four or five people who are interested in the project already.”

Don Kuehn, 565 Cahoon Road: “I think I just heard that under the proposed current rezoning there would be up to eight units per acre. Is there any limitation on that as far as height goes?”

Mr. Koomar: “The code is 30 feet, which is similar to single family homes and other structures.”

Mr. Lee: “All the other provisions of existing Chapter 1158 would apply. The only

modifications are to reduce the acreage requirement of five acres to the acres of these parcels, and also to increase the density from six units per acre to eight units per acre. All the other requirements are covered by existing Chapter 1158.”

Mr. Kuehn: “I can recall that previous Master Plans were up to seven stories.”

Mr. Ebert: At one time there was because Mr. Celeste had proposed that on that site. A high rise that never went anywhere. That’s correct. But the code still applies; there would have to be a variance.”

Kristine Gambrell, 574 Huntley Court: “I just want to say I think it is awesome. Because I am 54 and I think it would be awesome to live in a place like that where I could ride my bike and walk anywhere. I have friends that live over behind Dairy Queen, three of them, and they love it.”

Abe Bruckman, 29312 Osborn Rd.: “In full disclosure, I serve on the Planning Commission and I came here today just to gather input and to try to understand the sense of the community. I am not really going to comment except to say this is a great testament of the spirit of this community. Wherever this project goes, whatever the dialogue happens to be, it’s good to see this interest. Thank you for being here. I hope I see a lot of you at the Planning Commission if this comes before the Planning Commission.”

Mr. Ebert: “To clarify, two years ago when the east side was rezoned by the residents in Ward 2, at that time the development proposed included discussion of a TIF. There has never been tax abatement; there has never been a TIF in Bay Village. To be fair to the Mayor, I think her terminology was to explore alternative means for economic development. That was brought up by the developer. Tax abatement at the time was proposed to City Council and the Mayor. There hasn’t been one in Bay Village up to this point in time. A TIF was discussed at the time the Shell station property development was proposed. That was discussed in generalities, but never materialized.”

Mr. Koomar thanked everyone for their comments and attendance. The public hearing adjourned at 8:10 p.m.

President of Council

Clerk of Council