

City of Bay Village

PLANNING, ZONING, PUBLIC GROUNDS AND BUILDINGS COMMITTEE

September 5, 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, John Cheatham, Chief Building Official-SAFEbuilt,
Councilman David L. Tadych, Councilwoman Karen Lieske

Audience: Dick Majewski, Marty Mace, Clare Banasiak, Dave Volle, Jon Burney,
Al Kruzer

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.

Chapter 1158 – Attached Residence District

Mr. Lee referred to the table he circulated today (Exhibit A attached) summarizing the Attached Residence Code Chapters of Rocky River, Westlake, and Avon Lake, and a memorandum from SAFE/built Chief Building Official John Cheatham (Exhibit B attached).

Mr. Lee made the following comments concerning the codes of neighboring communities:

- Rocky River and Avon Lake do not have an acreage minimum for attached residence development perhaps considering that smaller, tucked-in developments are an option
- Density – Rocky River- 9.68 acres, Avon Lake- 12 acres
- Maximum Height – Avon Lake- 45 feet
- Residences Per Building – No restrictions in other communities, Bay Village- 8 maximum
- Minimum Gross Floor Areas- Avon Lake-1000 square feet, Bay 1,200 to 1,600 square feet
- Mix – No restrictions in other communities, Bay Village – mixed between 2 and 3 bedrooms
- Open Space, Frontage, Building Line Setbacks, and Minimum Sideyards

Mr. Lee noted that while it is beneficial to review what is currently in place in the ordinances of the neighboring communities, he acknowledged that what might work for the neighbors may not necessarily be a fit for Bay Village.

Mr. Miller referred to a memorandum from the Cuyahoga County Planning Commission (Exhibit C attached) regarding the benefits and details of utilizing an Overlay District as the mechanism to ensure the compatibility of new development with the existing character of Bay Village.

Mr. Miller asked if any of the surrounding communities surveyed use an Overlay District for their attached residence development. He noted that if they use the Overlay District, there would be an underlying ordinance for that particular district that may govern some of the features of the development

Mr. Cheatham stated that he did not refer to the Overlay District in his memorandum. He noted that the idea of an Overlay District is to use what is already in place for setbacks and other relevant issues. If the City were to make use of an overlay district in the majority of the city, the setbacks and other zoning issues would be predicated by the regulations in that district.

Mr. Cheatham stated that he read through all the neighboring rules and regulations, and also made a physical observation of the communities. The consensus was that what works in some of these communities won't work for Bay Village. Mr. Cheatham based his consideration of what would work for Bay Village on two models, noting that one model will not work for the entire city. Model A was defined for Residence District 3, and Model B would be allowed in either Residence District 1 or 3, as a more upscale version. He noted that the acreage for the two models was an attempt to be realistic with what Bay Village has to work with, and the need for retirees and empty-nesters who want to stay in Bay Village. Model A minimum lot size is 80,600 square feet, which equates to 1.85 acres or 10-11 existing lots. Model B is 130,680 square feet, which equates to 3 acres or 9 existing lots. Mr. Young noted the lot size difference in Resident 1 District, and Residence 3 District.

Mr. Cheatham noted that Bay Village's current Chapter 1158 does not allow for a one-bedroom unit. In talking with other communities, he has learned that many empty-nesters want one-bedroom units. He recommended that there be some availability for one-bedroom units. Model A would allow for one-bedroom units; Model B would not.

Most other communities allow accessory structures. In keeping with Bay Village, Mr. Cheatham did not recommend the allowance of accessory structures in Bay Village, e.g., storage sheds.

Clubhouses and pools would be permitted in Model B, but not in Model A (Residence District 3).

Structures containing 3 residences are treated differently under the building code than structures containing 4 or more residences. Once a building has 4 or more residences, it becomes subject to the Ohio Building Code (commercial) as opposed to the Residential Code of Ohio. This would have a financial impact on the developer and might dictate the size of the buildings and the number of residences contained in each building.

Mr. Young expressed concern about the possibility of a two-story building, if measured from the lower end of the creek, in an area where there are smaller level homes. Mr. Cheatham stated that any proposed development would have to go through the Planning Commission approval process. Language could be included for exceptions. He noted there are ways to address these concerns to protect the city and existing residences. Mr. Miller noted the condition of adjacency where you cannot exceed a certain distance above an adjacent structure by a certain percentage.

Mr. Lee expressed appreciation to Mr. Cheatham for his work on this project, and noted that his review is very helpful to the committee. He opened the discussion to comments from the audience.

An audience member asked if development could occur in the creek, when considering the current proposed rezoning of the Cahoon Creek west land. Law Director Ebert stated that riparian ordinances require building a certain distance (25 feet) from the creek. He noted that development occurs from the finished ground grade at the center front elevation.

Mr. Kruzer asked if there are Environmental Protection Agency issues with development at the creek. Mr. Ebert stated that if there were an issue it would be addressed when an application is filed for development.

Mr. Kruzer asked about drainage if there were development on the west side of the creek. Mr. Ebert stated that a drainage plan would have to be submitted for approval that would tie in with the storm sewers and be sufficient in capacity with retention features.

Chairman Lee stated that the next step would be to refer some version of Chapter 1158 to the Planning Commission, depending on the comments of the Council of the Whole. Mr. Young expressed satisfaction with the recommendations of John Cheatham concerning Chapter 1158.

Mr. Majewski asked if the committee is talking about an Overlay District for the entire city or a developer driven Overlay District. Mr. Lee stated that the intent is to do this on a city-wide basis. Mr. Ebert noted that one previous proposal was to overlay the whole city which caused a lot of anguish. He noted that there are areas that are more conducive to an overlay than the whole city. This was the biggest stumbling block in the past. Mr. Tadych noted that Council chose to let things remain as they were defined.

Mr. Miller noted that even though an overlay might be used, there is still the requirement to refrain to the underlying district for setbacks and restrictions. Variances should not be granted to give up the underlying restrictions. A very specific condition would have to be considered for the granting of a variance. You could not take a 50 foot setback and turn it into a 25 foot setback for the convenience of building out greater space and having higher density. Mr. Miller noted that an advantage to an Overlay District is that original zoning of the area is never lost.

Mr. Majewski noted that there are areas of Rocky River where you can't build attached residences. He asked if there will be areas of the City of Bay Village that will exempt from this type of Overlay District. Mr. Lee stated that this may be a recommendation from the Planning Commission. Mr. Miller commented that the County Planning Commission does make reference to appropriate areas, and references to the Master Plan as a guiding force. He outlined areas identified in the Master Plan as being appropriate for high density housing. A re-draft of Chapter 1158 should refer to the Master Plan. A Master Plan serves a long-term goal. The long-term goal for this housing has been in place for a long time. People have challenged this ordinance several times, and when they have challenged it in the past they referenced the Master Plan but

never could come to a consensus. The Master Plan is still a valid document and the values it reflects for the City are still valid when we talk about it today.

Mr. Majewski noted that the focus of the Master Plan was to identify housing for specific needs with a specific price point. We are now discussing a different type of high-end housing.

Mr. Miller stated that Chapter 1158B is for the west side of Cahoon Creek. Chapter 1158 is how it would be applied to the entire city. Chapter 1158 would be the guidance for applying to the general city.

Mr. Lee noted that this committee is attempting to rewrite Chapter 1158 as we move closer to the election date. These comments will be incorporated and presented for the Council meeting on Monday, September 9 for a discussion by City Council and consideration to refer the matter to the Planning Commission.

Cahoon Memorial Park Information Sign

Mr. Lee suggested that the committee view the proposed sign for the Police Station which has been approved for installation in the very near future.

Mr. Young has consulted with the Brilliant Sign Company who manufactured the City of North Olmsted electronic sign. They have quoted the price of \$7,000 to \$10,000 for a comparable one-sided sign for Cahoon Memorial Park, not including a base or top to the sign.

Mr. Lee asked if there is information available concerning color options for the display. Mr. Young stated that amber or colored lights are all that is available. White is not an option.

Discussion followed as to the possibility of distracting motorists with the sign. The existing sign uses 80 characters for the messages to the public.

A resident commented about the importance of maintaining the sign and considering serviceability of a sign upon purchase.

Mr. Lee will consult with Service Director Galli. Final approval of a sign would be submitted to the Architectural Board of Review and the Cahoon Memorial Park Trustees.

Alternate locations for placement of the sign were discussed. The possibility of being repetitive in having two informational signs on Wolf Road, one at city hall, and one in the park just west of city hall was discussed. Mr. Miller suggested that perhaps the time has come that the messages are better serving when situated in front of city hall. Mrs. Lieske commented that the current messages at the park seem to be those that refer to signing up for recreation programs. A resident expressed concern about a safety issue when motorists may be distracted by the sign at the intersection.

The meeting adjourned at 7:05 p.m.

Steve Lee, Chairman

Joan Kemper, Secretary