

Minutes of a Special Meeting  
of the  
City of Bay Village Planning Commission  
held February 5, 2014

Present: Barbour, Foster, Lesny Fleming, Lieske, Maddux, Majewski, Persanyi

Mr. Mark Barbour, former Councilman-at-large for the City of Bay Village, was welcomed as the new appointment to the City Planning Commission.

Also Present: Law Director Ebert, John Cheatham, Chief Building Official, SAFEbuilt, Inc., Conda Boyd, Clint Keener, Superintendent of Schools, Mike Kotansky of ADA Architects for the school projects, Mike Petrillo for the proposed restaurant at 27115 East Oviatt.

Audience: Clete Miller, Marty Mace

Chairman pro tem Persanyi called the meeting to order at 7:30 p.m.

**Motion** by Majewski, second by Lesny Fleming, to approve the minutes of the meetings held January 8, 2014, and January 22, 2014, as published and distributed. **Motion passed 6-0.** (Mr. Foster arrived at 7:55 p.m.)

**Robert Gulla**  
**27115 East Oviatt**  
**Commercial Establishment – Proposed Restaurant**

Mr. Mike Petrillo, representing Robert Gulla, addressed the Commission concerning the plans for the proposed restaurant at 27115 East Oviatt.

Mr. Petrillo stated that it is his understanding that the parking situation is required for review prior to approval by the Planning Commission. Mr. Petrillo produced a letter written by Robert Gulla stating that he is allowing six employee spots at his location at 27016 Knickerbocker Road. It is the fenced-in area next to the Knickerbocker Apartments, south of the site of the proposed restaurant. Mr. Persanyi verified with Mr. Cheatham that with this provision by Mr. Gulla for employee parking, there would be 14 parking spots remaining at the restaurant site. Based on our current ordinances, these are half of the parking spaces that would be required off site.

Minutes of Planning Commission meeting  
February 5, 2014

Mr. Cheatham stated that 38 total parking spaces are required. There is one ADA required parking spot, based on the property. Based on the 38 total parking spaces, 2 ADA parking spots would be required.

The Google Map of the city-owned parking lot adjacent to the property on Dover Center Road shows that there are 19 parking spots, compared to what it could be if the city would restripe the lot to pick up some additional spaces. Mr. Majewski asked Mr. Petrillo if the parking spots between the city parking lot and the building at 27115 East Oviatt belong to the property owner or the city. Mr. Petrillo stated that those parking spots are the city's spots.

Mr. Petrillo noted that one option is to put the ADA parking spots in the front to buffer the parking from the sidewalk. Mr. Persanyi noted that the desirable spot for handicap parking is close to the entrance.

Mr. Persanyi stated that for purposes of the Planning Commission motion for approval, the plans indicate access to 19 parking spots on the parcel, and six off the parcel, which would be 50% of what would be required based on the 38 determined needed for approval with 50% off-site parking.

Mr. Majewski asked how the Planning Commission will rectify the 15 feet setback from the right-of-way. Mr. Ebert stated that there are two opinions, one by the Building Official and one by the Law Director that says that is not where the right-of-way is marked. The right-of-way comes into consideration where the main thoroughfare is involved because of public improvements. Mr. Majewski stated that the code states that the setback line is 15 feet of a dedicated portion of any street. The sidewalk, according to the definition in the code, is that portion of the street between the curb lines or the lateral lines of a roadway and the adjacent property lines intended for use by pedestrians. The sidewalk is a portion of the street, and it is in the dedicated right-of-way. Mr. Ebert stated that they have never taken the dedicated right-of-way for purposes of setback in construction or extension of buildings, except for the main thoroughfares. This has been done historically throughout the city with all improvements. Some sidewalks are in the right-of-way, some are not, throughout the city. We have never taken that into consideration as far as this situation concerning parking available, and where the cars could park up to the sidewalk.

Mr. Majewski stated that in 1995 Martin's Deli expanded their parking lot. A 15-foot setback from the right-of-way was maintained when that expansion took place. There was a 15-foot setback when that parking lot was established in 1995. For consistency sake, that is why this is being brought up. We have to somehow make allowance for that code.

Minutes of Planning Commission meeting  
February 5, 2014

Mr. Persanyi commented that the only thing he could say would be to grant a variance, but based on the Law Director's opinion he has nothing else to go on.

Mr. Majewski commented that he is just trying to rectify what we have. We have ordinances that say there is a 15 ft. setback from any dedicated portion of any street. There are parking spots in this proposal that are against the sidewalk. Mr. Cheatham has informed the Commission that there has to be a separation between the sidewalk and the parking. The code calls for that separation to be 15 feet.

Mr. Persanyi stated that it would be necessary to decide what to do to provide that separation. The best thing for a separation would be some sort of planter or curb blocks so that someone can't accidentally roll out into the sidewalk.

Mr. Majewski asked Mr. Petrillo what he plans when he referred to Phase 2 of this restaurant. Mr. Petrillo stated that maybe in the future he will have an outside eating area placing seasonal tables next to the vestibule area where the dash line is shown on the plan.

Mr. Majewski asked if Mr. Petrillo is still planning the entrance on the west side of the building and exiting on the east side of the building. Mr. Majewski noted that the city parking lot is not designated as an entrance or an exit. If cars are parked on the city's lot, exiting, it will be confusing if cars entering the restaurant lot can only enter there.

Mr. Petrillo stated that he agreed that it did not make any sense. The city curb is blocking the path to the back. Mr. Majewski stated that the property of the restaurant is not wide enough for two-way traffic. Mr. Petrillo stated that it is not wide enough with the curb the way it is constructed. After reviewing the plans further, Mr. Barbour noted that the distance between the curb of the city lot and the building is 22 feet. Mr. Maddux noted that this is not enough room for two-way traffic. Twenty-four feet is the minimum recommended for two-way traffic. Mr. Majewski noted that there is a fence in the back of the building. The opening between the fence and the building is 12 feet.

Mr. Maddux stated that it makes it easier if there is half the number of required on-site spaces. However, the solution toward buffering from the street would be to provide two ADA accessible spaces in the front, which would address the ADA need. We could reduce the six spaces in front to four spaces and get five feet off the sidewalk to the first space, and still have a space, an ADA strip, and then a space. Now we have 27 feet from the sidewalk, or three 9-ft. spaces. You could reduce it to four spaces in front rather than six and get the five feet off the street before the first space, and still have the ADA space, a strip, and then another parking space. You would have to flex on the number of on-site spaces versus off-site spaces. We would all agree that it is a situation that happens all over the city. It is not the greatest situation, and there is a situation

Minutes of Planning Commission meeting  
February 5, 2014

here where it can be avoided. It seems like we are in a position here where we could make the front of this building better. People are going to park where they are going to park, regardless if they have 14 on-site or 12 on-site; it's really not going to affect the function of that building very much.

Mr. Persanyi stated that the only negative thing about that is if you put another handicap parking slot on the other side of the island, then you are almost forcing people to come in a drive that is essentially a do-not-enter drive.

Mr. Maddux stated that they can loop around. ADA has to be close to the entrance of the building. It doesn't have to be the first space you pull up to. You will still have simple access to the building.

Mr. Persanyi stated that he has no objection on anything that separates the parked cars from the sidewalk. It is desirable if for no other standpoint then you get better sight distances when you are pulling out of the parking area by way of the driveway; there is less visual obstruction.

Mr. Maddux stated that it is what there is more concern about: the number of spaces or the proximity of spaces to the sidewalk and people parking potentially two wheels on the sidewalk if the stripe is right there.

Mr. Persanyi stated that the other thing that could be permitted is to put some kind of planter in there because he would not need a full 9 ft. slot for the vehicle and the apron that is required. Mr. Cheatham noted that the aisle way could be between it and the next space. Mr. Maddux noted that there would be a full 5 ft. between the spot and the sidewalk if you wanted it to be there.

Mr. Foster commented that this is a chance to improve the streetscape along there, especially since it is primarily a residential street. There is a lot of on-street parking in that area as well, so it seems like a perfect way to soften the front of the building.

Mr. Persanyi asked if that is an acceptable solution to everyone. Mr. Majewski stated that it accomplishes the goals of the ADA spots and the separation from the sidewalk. Mr. Maddux added that it doesn't fully meet the 15 ft. that Mr. Majewski is concerned about, but at least it is a nod toward it and it is a compromise.

Ms. Lesny Fleming asked Mr. Petrillo how he felt about the proposal. Mr. Petrillo stated that he is happy to have reached a point where everyone could all work together.

Mr. Maddux asked Mr. Ebert if this is a position that he is okay with. Mr. Ebert stated that he is fine with it. He does not think that there is a concern, per se, of all the parking on site. Some of the patrons will probably use the post office parking and the city lot. By taking one more space out of the equation based on how it is setback the Planning Commission has addressed Mr. Majewski's concerns as far as the sidewalk.

Mr. Persanyi stated that the motion for approval will include 12 spaces on site with 6 spaces in agreement with the adjacent parking owner, and the balance of the required 38 spaces will be off-site. He asked if some sort of landscaping is suggested to provide a barrier between the sidewalk and the paved parking area. Mr. Petrillo stated that he has hired Maple Leaf Landscaping to do the snow removal and they are getting into contracting with clients for seasonal flowers. They will do that in addition to the shrubs that are already in existence.

Mr. Majewski asked about the ingress and egress solutions. Mr. Persanyi stated that from a practical standpoint the west driveway will be used in both directions. Signs can be put up designating a one-way exit on the side of the building on the west driveway, but the east driveway should essentially be a do-not-enter driveway. The only traffic coming in that drive should be the people picking up the refuse and they will have to back in. Deliveries will probably have to use that drive as well. Mr. Petrillo stated that this activity will occur in the early morning hours. Mr. Petrillo asked if the signage could be placed on the treelawn area. The signs cannot be placed in the treelawn area but could be placed in the planting bed area.

**Motion** by Maddux, second by Lesny Fleming, that the proposed restaurant at 27115 East Oviatt, per the application of Robert Gulla, property owner, be approved with a total of 18 parking spaces, with the condition of 6 parking spots leased from the adjacent property owner, and 12-on site parking spaces with 4 spaces between the front of the building and the sidewalk on East Oviatt, maintaining a 5 ft. space between the sidewalk and the first parking space, and with two of those spaces being ADA reserved spaces, and the east driveway marked with a "Do Not Enter. Exit Only" sign within that buffer.

**Roll Call Vote: Yeas – Barbour, Foster, Lesny Fleming, Lieske, Maddux, Majewski, Persanyi. Nays – None.**

**Motion passed 7-0.**

Mr. Majewski noted that the Architectural Board of Review has requested seeing a roof-plan of the restaurant when it is prepared, as well as signage for the building. Mr. Petrillo stated that when the application is submitted to the Architectural Board of Review for the signage, the roof design will be submitted.

**Bay Village Board of Education**  
**Addition to Westerly School**

Mr. Mike Kotansky, ADA Architects, addressed the Commission regarding the proposed 4000 sq. ft. library addition in the front of the Westerly School, 30301 Wolf Road. The public hearing was held for the Westerly School addition on January 8, 2014, and the project received approval of the Architectural Board of Review, as submitted, on January 29, 2014.

Mr. Majewski stated that a memorandum dated February 5, 2014 has been received from Councilman David L. Tadych, Council's representative to the Tree Commission, stating that there are no other current members to the Tree Commission, consequently there is no opinion on the landscaping plan. The landscaping plan will remain as submitted.

**Motion** by Majewski, second by Foster, that the addition to the Westerly Elementary School, 30301 Wolf Road, be approved as submitted and per the plans dated November 19, 2013 with revisions to Pages 2, 3, 4, 5, 7, 8, 9, 10, and 11 that were revised on December 10, 2013.

**Roll Call Vote: Yeas – Barbour, Foster, Lesny Fleming, Lieske, Maddux, Majewski, Persanyi. Nays – None.**

**Motion passed 7-0.**

**Bay Village Board of Education**  
**Addition to Normandy School**

Mr. Mike Kotansky, ADA Architects, addressed the Commission regarding the proposed 6000 sq. ft. addition to the northeast corner of Normandy School, 26920 Normandy Road for the purpose of 4 additional classrooms. The addition will be placed behind the gymnasium and the new corridor is an extension of the existing corridor. The brick masonry will match the existing brick and all colors will match the existing school. The public hearing was held for the Normandy School addition on January 8, 2014, and the project received approval of the Architectural Board of Review, as submitted with the exception of the removal of the white band at the head of the windows, on January 29, 2014.

Mr. Persanyi noted that in reading the Architectural Board of Review minutes of the meeting held January 29, there was a question about the color of the brick matching what was done with the previous expansion on the west end. Mr. Keener stated that the color of the brick will match the existing building. The expansion that was done on the west end was matched to the building, but not as well as this brick. The architect was able to find a better match for this addition since

it is much more visible to the public. Mr. Kotansky noted that they are matching the brick of the main building.

Mr. Majewski stated that he had a call from a resident regarding the Normandy addition. The resident was not clear as to the equipment on top of the addition. Is it for the entire building or just for the addition? Mr. Kotansky stated that the equipment is for the addition only. The parapet has been extended to cover as much of those two package roof-top units as possible.

**Motion** by Majewski, second by Foster, that the addition to the Normandy School, 26920 Normandy Road, be approved as submitted and per the plans dated November 19, 2013 with revisions to Pages 2, 3, 6, and 7 that were revised on December 10, 2013, and with the recommendation from the Architectural Board of Review.

**Roll Call Vote: Yeas – Barbour, Foster, Lesny Fleming, Lieske, Maddux, Majewski, Persanyi. Nays – None.**

**Motion passed 7-0.**

Mr. Persanyi asked if there is going to be any issue of ice at the grade coming up to the entrance of the Westerly Elementary School new addition. Mr. Kotansky stated that the existing turn-around in front of the school will be changed to a concrete pad which will slope up to the entrance to the addition. There is an exit at the northwest corner which will be ramped down so that it meets the elevation of the main entrance of the addition. With grade and new walks a steep slope will be eliminated. Once they come into the building they will still ramp up slightly to meet the finished floor of the existing building which they are tying into. Mr. Persanyi asked if that door will be locked from the outside. Mr. Keeners stated that the only entrance during the day will be the west entrance.

Mr. Majewski asked if the trailer at the Westerly School will be eliminated. Mr. Keener stated that he has proposed elimination of the trailer to the School Board. Once the space for the building is developed, the School Board will take the matter under consideration. Mr. Keener noted that for reasons of security he is not in favor of the students going out of the building.

**Election of Chairman and Vice Chairman of the Planning Commission**

All votes were submitted unanimously by secret ballot with the following results:

Chairman

Vice Chairman

Bela Persanyi – 3 votes

Richard Majewski – 3 votes

David Maddux – 1 vote

Bela Persanyi – 3 votes

Richard Majewski – 2 votes

Mark Barbour – 1 vote

Jennifer Lesny Fleming – 1 vote

Mr. Majewski stated that he would defer to Mr. Persanyi for Chairman of the Planning Commission.

Mr. Persanyi accepted the position of Chairman of the Planning Commission.

Mr. Majewski was appointed the Vice Chairman of the Planning Commission.

### **Review of proposed parameters for revisions to Chapter 1158**

Mr. Persanyi stated that he has been looking at the ordinances in other cities regarding similar zoning, and most of the cities are a little more liberal with their minimum standards both with development size and the size of the units permitted. He asked for opinions about how the Planning Commission feels about the items, starting from the beginning.

Mr. Majewski stated that he had one question about Mr. Cheatham's memorandum. Model C is for Commercial Property and when it was passed by the voters it was reduced to one acre. Mr. Cheatham's Model C proposal is for 1.5 acres. He asked if Mr. Cheatham is suggesting an increase to 1.5 acres. Mr. Cheatham responded affirmatively. He noted that the Planning Commission can act as they see fit but noted that he spent a lot of hours looking at other communities and while he agrees that others are more liberal he knows that Bay Village is a little more conservative. These recommendations are what he came up with after a lot of study.

Mr. Cheatham noted that comments made by the Planning Commission at the January 22, 2014 meeting were incorporated into his memorandum to the Commission dated January 24, 2014.

Mr. Persanyi stated that Model A minimum acreage is 1.85 acres as recommended by Mr. Cheatham. He questioned as to why it would not be 2 acres, and asked if there is a reason for the 1.85 acre specific recommendation.

Mr. Cheatham stated that he was looking at the square footage and considering that when going to 2 acres it would require taking 12 or 13 lots. It is easier to get 10 ½ to 11 lots which is why he came up with 1.85 acres or the square footage of 80,600 square feet. The same reasoning was used when determining 3 acres for Model B, basing it on 9 lots of the minimum size lots.

Mr. Persanyi stated that the next matter is the density bonus that has been discussed previously. It seems strange that we are allowing something that has a lower density to begin with as a basic density per acre and we are giving them a bigger bonus for having accessibility. Mr. Cheatham stated that it is because they have a bigger lot to deal with, a bigger size. In buildings that have 4 units or more, the ground floor units all have to be adaptable and some accessible. The density bonus becomes a moot point. The density bonus would only apply to a 3-unit building; it wouldn't apply to the 4-units because they are all required to be compliant.

Mr. Persanyi asked if anyone sees any problems with the height restrictions. Mr. Foster stated that the most important thing is the average heights surrounding the proposed development. In some areas of the city it may be appropriate to have a higher structure, but it depends on its surroundings.

Conda Boyd asked if any outliers, such as church steeples or cupolas, can be thrown out when computing the average height of the neighboring buildings. Mr. Persanyi stated that he would be inclined to throw it out because we are speaking of residences in a residential area, and should not consider a church steeple as being a residential-type building. Mr. Cheatham stated that he was just assuming when he wrote the recommendations that it would be understood not to include a church because we are talking about residential structures. Mr. Foster suggested including a clause that said chimneys, steeples, antennae are not included in the calculations of the average height. Mr. Ebert noted that steeples are strictly exempt.

Mr. Majewski addressed Mr. Barbour stating that the Planning, Zoning, Public Buildings and Grounds Committee in the past, of which Mr. Barbour was a member during his service as a Councilman, had recommended that in no case should the height exceed 5 percent of the average height of the immediate adjacent structures. This current recommendation is 15 percent of the average height of the immediate adjacent structures.

Mr. Barbour stated that he does remember a lot of discussion in the several meetings about that and that was a concern by the members of the committee and by the people who came to the meetings. There was a definite feeling that no one wanted a structure more than two stories. They wanted it to reflect what was already in place, even in a commercial district. Mr. Barbour noted that the committee work when he served was five years ago and there was not as much desire for attached residence housing at that time. He stated that he is glad we are revisiting it because things have changed. There was also a maximum length for structure which was a lot shorter. Mr. Barbour noted he would want the structures to be consistent with the residential code more than a commercial code.

Mr. Persanyi stated that from a realistic standpoint the only place where you have anything matching the 45 feet in height would be at the shopping center, as far as commercial buildings

Minutes of Planning Commission meeting  
February 5, 2014

are concerned. There is no other area in the city that has buildings that are even close to 45 ft. high, other than the Knickerbocker Apartments. Mr. Cheatham stated that it can be changed to 35 ft in height, if that is the desire of the commission.

Mr. Majewski asked Mr. Barbour if he recalled what the committee meant by buildable land in their recommendation of three acres of buildable land in the development area.

Mr. Barbour stated that subsequent to that there was a change in the building code about building close to creeks. That recommendation was a reflection of that change. The feeling of the committee was they wanted to stay away from small space. Mr. Barbour noted that he can't remember specifically what they meant by buildable but he thinks it had to do with being on water and having a slope of the land.

Mr. Persanyi stated that if you have a situation where a parcel of land meets one of these minimums of 3 acres, or 1.85 acres, and because of the riparian setback it is still a problem, why not consider the entire parcel as buildable because you are also looking at maintaining certain green space of 50%, or in some cases maximum lot coverage of 30%, 25%, and 40%. As long as we want to maintain that percentage of green space, if it is in the riparian area, and part of the parcel it is not a real deterrent, is it?

Mr. Barbour stated that he did not think so and he thinks his view on it now is that it should just be the piece of property as a whole, not necessarily the buildable footprint. There tends to be a compromise in all committees, and that language of buildable at that time was a compromise. My view now is it should be the whole lot rather than just the footprint of where you put a structure.

Mr. Persanyi stated that with the parcel on Cahoon Road, some of those lots extended back across the creek, but that is a natural setting and is land that is left in a natural state so it would fulfill the percentage requirement as far as open space and undisturbed, unpaved areas without buildings on it. As long as someone could maintain the setbacks it would be acceptable.

Mr. Barbour stated that he would think it would be even more desirable because one of the things the committee ran into was that people were unsure what the structures were going to look like because there wasn't a plan. You didn't necessarily want to have the feeling that they were right on top of you. That came up in the nursing home expansion as far as the size of the building and the closeness.

Mr. Persanyi stated that the questionnaire that formed the survey that was part of the 1999 Master Plan was included in the Planning Commission packets for this meeting. He noted that he believed that there should be another survey possibly even more encompassing than the one

Minutes of Planning Commission meeting  
February 5, 2014

from 1999, presented to a larger segment of the population. In the 1999 survey there were definite references and questions regarding attached residences and it would be very important to have that survey because the results may have a major impact on where the city wants to go in the future.

Mrs. Lieske stated that she had a discussion after the Council meeting on Monday, February 3, 2014 with President of Council Koomar. Mr. Koomar was looking at the value of the survey and the concern at the same time of the 60 day time to review Chapter 1158 expiring on March 8. If the survey were to be done before this would be finalized we wouldn't be able to meet that deadline. He proposed doing things in stages and coming up with some of the first things for Chapter 1158 and then doing the survey.

Mr. Persanyi asked if Mrs. Lieske is suggesting that part of the proposals for Chapter 1158 could be passed and then later modified based on the survey. Mrs. Lieske agreed, and added that the thought may be to go into it later with greater detail if everything was not included initially.

Mr. Persanyi stated that for forty years this attached residence district chapter hasn't changed. Now, we are suddenly acting on it. Is that because of what happened on Cahoon Road? Mr. Persanyi expressed that he can't understand why we suddenly seem to have a deadline.

Mrs. Lieske stated that part of it had to do with if there were any interest in putting something on the ballot that the residents would understand. Council would require three readings for legislation and would have to meet the filing deadline of early August for the November election.

Mr. Miller stated that when Section 1158 and Subsection 1158 (B) were discussed, proposed, passed and put on the ballot, the compromise was to bring Section 1158 revisions back to Planning Commission. The Planning and Zoning Council Committee could redraft Chapter 1158 without Planning Commission's input. The real intent here was to get the Planning Commission's input and to do it in an expeditious manner. The timeframes were projected as a certain period of time of six months. Through a number of activities in November, December and January, it finally became a discussion item on the Planning Commission agenda. Mr. Miller stated that he did not see why the Planning Commission couldn't continue it until they come to a resolution of at least agreeing to the new conditions for the revisions that may be proposed to Council regarding Chapter 1158. The Planning and Zoning Committee then has to take it, digest it, and bring it up to the Council of the Whole followed by a public input opportunity and three readings. It's not so much the deadline; it could be extended again, but it really is Council bringing it down to the Planning Commission to say we need your input for a fair and equitable revision of Section 1158.

Minutes of Planning Commission meeting  
February 5, 2014

Mr. Barbour asked if the question isn't really why this year. Mr. Persanyi stated that this is what he is trying to get at. We haven't done anything with this in years. Mr. Miller stated that if circumstances hadn't changed when Mr. Pohlkamp left office he would have been sitting at the end of the table and promoting discussion of this. We have property in the city and with the changes to Section 1173 Chapter which allows attached residence in a commercial business area we have an opportunity to do some development. But, until that code caught up to where our city is today, nothing is going to happen. No developer is going to touch five acres. Mr. Miller stated that regardless of what happened over Cahoon this past November, he would have been talking about that a year ago if he had not switched committees.

Mr. Persanyi stated he doesn't really have any objection to modernizing Section 1158, bringing it up to the point where there is a potential for someone to do something, but he was taken aback by why we are suddenly pounding on this every time we meet here. He stated he knows the commission needs to work on it to come up with some reasonable changes.

Mr. Miller stated that Mr. Majewski had pointed out during some of the committee sessions that to modify Section 1158 for one specific project is not fair to the residents. It is not fair to pin any particular development project and craft the language of the ordinance around it. Rather, it should be discussed and saying now is the time; we don't have any projects, nobody is coming to the table. So, before somebody else turns up and we then get accused of crafting our ordinances to meet that developer let's take it under our wing, run with it, and see what we can do. If no changes come about from the discussions, then no changes come about. But, I think now that the episode with the development on Cahoon Road is past, is an opportunity to meet some of those challenges. Let's talk about it in open discussions without any pressure from any financial interest.

Mr. Majewski stated that in regard to a survey, what we are asking is, you said, bring the code up to where we are now. We are dealing with information that is fifteen years old and we're trying to make decisions on that information. We may not be where we were fifteen years ago. We may be in a different place. What I believe is, if we are going to make a decision on some of these issues we should know where we are at now, what the people's feelings are. The only thing we have to go on is a survey done fifteen years ago and a vote that was done last November.

Mr. Miller stated that a formal request by Councilwoman Lieske for an additional extension is not out of the question. You've offered it in the premise that you would really like to do a sound and thorough survey of the city, whatever demographics you come up with, and say we really want to answer this for you. We really want to give you solid evidence that has determined that these are the revisions to Section 1158 that really are qualified by responses that we've gathered

through the surveys. It seems that the next step is to offer Councilwoman's Lieske's proposal to have another extension.

Jennifer Lesny Fleming asked what the survey would look like. What kinds of questions do you think we would ask to address these specific issues?

Mr. Foster stated that one specific question in the past survey asks if the responder would support the development of alternative housing, townhomes, condominiums? This is to get the temperature of how people feel about that. Do we feel this is a single family home community?

Mr. Persanyi suggested asking "Does the community feel that we would like to have this type of housing because we would like to stay in Bay Village and currently the type of housing is not available or limited in availability?" Apparently, at the time the survey in 1999 was done one-third of the people felt we could use something like that. The attached residence chapter would be what the people were looking for. I don't know if the demographics have changed much beyond this one-third of the residents feeling that they would like to have that housing.

Mr. Barbour stated that in the simplest terms the answer is yes. When the people cast ballots in November the majority of them said they wanted to change the zoning of that particular piece that was on the ballot to attached residence. Those people were in favor of that in some way, shape, or form. The majority of the people that cast their ballots in Ward 2 were against it, but overall it passed. It's always a good idea to take the temperature of the residents because that is what we're supposed to do. The answer is always going to be, "It depends." Mr. Barbour stated that he is in favor of looking at it for all the reasons stated, but does not know why we need to do it in such a rush.

Ms. Lesny Fleming stated that if we are doing a survey we would want it broader. We wouldn't want it just that focused, would we? It seems like a wasted effort. We have some boarder issues that we want to get insight on.

Mrs. Lieske stated that we have talked about the idea of a survey in the Recreation and Parks Improvement Committee, and that is still on the table. It would depend on the type of survey and the cost and that would also need to be presented to the Finance Committee and the Council as a whole.

Mr. Barbour stated that he agrees with Mr. Miller that it is important while there is no project out there. Because if somebody wants to build something and you are seeing changes being constructed it gives everyone a bad taste.

Minutes of Planning Commission meeting  
February 5, 2014

Mr. Cheatham stated that last week in the audience someone said they voted no because they had no idea what attached residence meant. If you do a survey, it should be more definitive. Point two, Mr. Cheatham stated that his part in this is that he was approached by the Planning and Zoning Committee and asked to look at this and come up with something. Mr. Cheatham noted that he has no agenda with it at all. He was just asked for his recommendations. Point three, Mr. Cheatham stated, is that he received a call today and has been getting several lately, from a developer looking at five lots that we've just given addresses to on Cahoon Road and all five of those lots have just been recorded. Those five lots can have duplexes on them because they back up to a Retail Business District. The developer that called stated that he had seen the ads, saw that they were capable of having duplexes, and he said that he and his partners are looking at possibly putting a street through the middle of that and doing some attached housing. Mr. Cheatham informed him that right now that would not work. He asked if that was something he could go to Planning Commission about. Mr. Cheatham informed him that it was a little more difficult than that. He noted that a project may appear as there are people looking.

Mr. Barbour stated that it would be better to get through the process than have a proposal that City Council can consider before something like that goes any further so you don't run into the problem of being accused of designing a project for a particular development. Changing our laws for a particular development is not a good way to go.

Mr. Ebert stated he does not think a survey is necessary. That project would still have to go the ballot. There are also some other lots in Bay that have the acreage enough for this type of development but it all gets down to the issue of the acreage. The Planning and Zoning Committee in the past spent lots of hours producing volumes of material. When they came to Council, they agreed to disagree. They couldn't come to the acreage decision. That is really the issue because a developer will not develop those types of projects in Bay Village with the acreage that is currently on the books. It is not economically feasible. The question is where is the alternative housing best suited, but that also goes to the vote of the people. You'll get projects proposed for where it will fit, but it still going to go to the ballot. You will get the survey when it goes to the ballot.

Mr. Barbour noted that when he was on Council there was a proposal to build attached residences or condominiums from the railroad tracks north on Bassett Road. They had enough acreage, but could not meet with the density requirements. Mr. Barbour noted that he thought it interesting that Rocky River has no minimum acreage for development. Mr. Persanyi explained that they specify a certain number of square feet of land area per unit, which comes out to about 8 per acre. The City of Westlake does the same thing but they do have minimum development sizes. In some instances it is one acre.

Minutes of Planning Commission meeting  
February 5, 2014

Conda Boyd said that if people in the city did indeed vote a majority for the rezoning, the message she took away was that the people in the precinct stated “Not in my backyard.” She stated that she is not sure that if you tried to put that similar development, say at Forestview, how that precinct would react. The survey would offer an opportunity for people to say, ‘Yes in my backyard, if.’” If they are thinking of putting it in my backyard, here’s how much green space I want, here’s how much height I am willing to tolerate, here’s what the congestion issues would be. A survey, rather than trying to get a yes/no answer, I would like to see you get a richer set of data there on what people would like in their backyard.

Mr. Persanyi stated that what you really need to do is have the people that are voting on this know what is in Chapter 1158. It would be almost impossible to get a sense of what the people want specifically or don’t want in a survey. You might have 500 responses and 500 different ideas of what they want or do not want in their backyard. The problem with that project is the people in the precinct had no proposal in front of them. They had no familiarity with Section 1158 (A) and they had no idea of what was being proposed. If they would have seen the plans that were shown to us in 2008 when Dino Lustri came in for the lot consolidation and lot split, they would not have turned it down. It was a sense that they pushed on us, vote on it, it’s good for you and they didn’t know what they were voting on, so they turned it down.

Mr. Majewski stated that he has a hard time understanding the urgency when we had a piece of vacant property that was zoned for attached residences next door to an attached residence that’s already built and the city gave a variance to the nursing home to build an addition to a nursing home on it. Why would a city that is desperate for attached residences have granted a variance. Over the years it has always been “alternative housing.” What does that mean? Over the years you look at the Knickerbocker, Bay Commons, Cashelmara, Cahoon Ledges, Bradley Bay Nursing Home, Avenbury Lakes, these are all things that came up in conversations with people saying this is what we should have in Bay Village. There are so many different things. Mr. Faile, on a Bassett Road proposal came in with two to three-story attached residences. Mr. O’Neill, on Bradley Road, with the nursing home. Mr. Lustri, with his on Cahoon Road. Mr. Foran came with the Sterkel property years ago, which was a row of almost town houses on the property that is going to be the nursing home now. Mr. Grealis came with Cahoon Ledges. We’ve had proposals for the Shell Station property. Mr. Gertz came in and gave a presentation to Council. He said it wasn’t going to be senior housing that came into Bay Village; it was going to be very expensive housing, \$400,000 and up. The latest one was Mr. Brickman’s proposal for Cahoon Road, and that was up to \$600,000. There are so many different alternative housing types. Which ones are appropriate for the city? Which ones do we want to encourage? Which ones do we want to discourage? Those are the points we have to determine. The survey can really help us with that.

Minutes of Planning Commission meeting  
February 5, 2014

Mr. Persanyi expressed agreement. He stated that he has been pushing for a survey for a long time because we are running around in the dark. But, Section 1158 should be modified or nothing is going to happen as far as any kind of attached residence. It becomes a problem to update it later if someone builds something and a year later you want to change it. They would say that the previous developer had a different set of rules and now you are proposing special rules for us. If Council wants consensus on it we must come to a consensus on what should be changed in Section 1158 and pass on our recommendation.

Mr. Foster stated that whatever the survey might say, the market of what is going to get built is going to determine if it is senior housing or \$600,000 condos. The structures, the density, how the land is used, and how it is parceled is what we are here to do. The market will drive what will be built.

Mr. Majewski stated that if we write an ordinance for an extreme, high density, tall building, that might be what we end up with. Is that appropriate for a city like this? That would be a question for the residents to answer.

Mrs. Lieske stated that being one of the new members of the group, would it be possible to take some of the more basic things that there would be more agreement on, and proposing changes for just a small part of it, then doing the survey, and then going back and going into greater detail.

Mr. Ebert stated that the deadline indicated of 60 days is normally for the review of plans by a developer. Unless the Planning Commission acts, the project is deemed accepted. There is no project here. The date was used in an attempt to get something back. Mr. Ebert stated that he would anticipate that next November that property may go back to the ballot, or another property in Bay, if there is attached housing proposed, go to the ballot. It has to be done in November; it can't be done in a special election. That's also part of the reason to get something done well before next November before it would become a ballot issue. He stated that there are only about 4 or 5 items that really need to be addressed to have Chapter 1158 more acceptable.

Mrs. Lieske stated that if a majority of the members of the Planning Commission would like to request more time, or not have this deadline, what is the best case situation for continuing this review. Mr. Persanyi stated there are certain parameters in front of us we can change.

Ms. Lesny Fleming commented that City Council is an elected body. They have constituents that they need to address and they incorporate the citizens concerns. They should know the pulse of our citizenry. Maybe the City Council should come up with a proposal.

Minutes of Planning Commission meeting  
February 5, 2014

Mr. Miller stated that the Council Committee should reach out to their constituents for a broader opinion. Maybe it is the opinion of the Planning Commission that that's what you would like them to do.

Ms. Lesny Fleming said that this would make more sense to have something really presented to us like it is normally presented and then we have something concrete for reasoning. Right now, we are trying to do this more in a vacuum.

Mr. Ebert explained that if Chapter 1158 is modified and everyone is comfortable with it, and then add the template for attached housing, if an area is conducive based on the acreage, that project can go forward. And you will know what you can build based on the acreage, that project can go to the ballot. You will know what you can build because you will have the Chapter 1158 in place and you will know what the project is going to be. Right now, the way it was put together for the ballot last time is the understanding was it would go to the ballot for rezoning. No one knew what Chapter 1158 was going to be yet. There was decided to put a moratorium and if it passes no one can build until Chapter 1158 is resolved. The cart was before the horse in that situation.

Mr. Barbour noted that there was a real divide in the past about whether people in Bay Village even wanted this type of housing, or did they just want single family.

Mr. Ebert stated that there was discussion of having mixed-use housing on Wolf Road at the shopping center, apartments above the retail stores. Mr. Majewski stated that was another type of alternative housing that has been proposed over the years.

An option for the lot now owned by Bradley Bay Nursing Home was in place for one year while alternative housing was discussed. When the option ran out, Bradley Bay purchased the property. Mr. Persanyi noted that the people who fought it were the people next door living at Bay Commons.

Mr. Barbour commented that it is Council's job to decide what changes will finally be made to Chapter 1158 with input at public meetings. As he understands it, Council wants some kind of guidance from the Planning Commission about their recommendations which they will either reject, accept, or come to some sort of compromise.

Mr. Majewski stated that the information to go by is 15 years old from the survey done for the Master Plan in 1999.

Minutes of Planning Commission meeting  
February 5, 2014

Mr. Foster noted that we shouldn't really be arguing as to whether Chapter 1158 should be changed, the issue is how it should be changed. In reality, we should be looking at the details of the code.

Mr. Persanyi asked if a final recommendation should be scheduled for the next regular meeting of the Planning Commission. It would be basically to set the parameters that limit the size, the number of units per acre, and the development size. Those are the sections that really need change if anything is going to happen.

Mr. Persanyi asked that the item of Review of the Parameters of Chapter 1158 be placed on the March 5 agenda of the Planning Commission.

Mr. Cheatham will make adjustments to his recommendation according to the information heard this evening. Mr. Persanyi asked him to consider addressing the maximum length of the structure. Mr. Miller suggested that surfaces can be stepped or staggered breaking up a long block of buildings.

Mr. Maddux asked Mr. Cheatham to explain his rationale for the density recommended in Residence 1, or Model A. Mr. Cheatham stated that he was looking at the feasibility for someone to be interested. Residence 1 is a different type than Residence 3 and has more quality. He was also coming up with mock sizes of units and figuring from that. He was also thinking of a lot of different faces on a wall, with different gables and exterior wall coverings to break it up. Mr. Cheatham will review this further. Mr. Majewski noted that the Planning and Zoning Committee recommended in 2009 that no outside wall should be more than 45 feet in continuous length without an offset.

Mr. Persanyi stated that in Model A there would be allowed single bedroom residences. Looking at the code for Rocky River and Westlake, both have a much lower minimum of 750 square feet. The market will drive what will sell and the market will drive what people will build. Mr. Cheatham said 900 square feet seems to be the most common minimum through the state. Mr. Persanyi stated flexibility is the best approach if you want to have someone come in and build units based on the demand.

### **Council Update**

Mrs. Lieske stated that the 2014 Budget, the Annual Appropriation Ordinance, was passed by City Council on Monday, February 3, 2014, which is earlier than normal.

There will be about 23 ordinances to be voted on to update the building codes to be in compliance with the State codes.

Minutes of Planning Commission meeting  
February 5, 2014

Bicycle ordinances are being reviewed by Council.

An ordinance is on first reading to increase the fee from 3% to 5% for the video service provider, for cable television only to increase revenue for the city. The amount is itemized on the residents' bills. This would increase revenue by approximately \$130,000 annually to the city.

There being no further comments this evening, the meeting adjourned at 9:40 p.m.

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Bela Persanyi, Chairman

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Joan Kemper, Secretary