

Minutes of a Meeting
of the
City of Bay Village Planning Commission
held April 2, 2014

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

Also Present: John Cheatham, Chief Building Official, SAFEbuilt, Councilman Paul Vincent, Councilman Steve Lee

Audience: Conda Boyd, Lydia DeGeorge

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

Motion by Majewski, second by Barbour, to approve the minutes of the meetings held February 5, 2014, as published and distributed. **Motion passed 7-0.**

Review of Proposed Parameters for Revisions to Chapter 1158

Mr. Persanyi advised that several members of the Planning Commission attended the Planning and Zoning Committee of Council held recently. Some of the ideas regarding Chapter 1158 were discussed at that meeting. Based on the deadline of April 8 that has been set for this review, the Planning Commission needs to come to a conclusion today on their recommendations to Council.

Mr. Persanyi opened the discussion for review of the parameters for revisions to Chapter 1158.

Mr. Majewski stated that one thing that was made clear at the Council committee meeting is that the Planning Commission is charged with review of the recommendations of John Cheatham of SAFEbuilt dated February 10, 2014. Mrs. Lieske stated that the way the Planning Commission could capture the discussion would be to start with the review of Mr. Cheatham's proposal and comment on the alternative proposals.

Mr. Majewski reviewed a document from the *Planners Web* entitled "National Realtors' Survey Indicates Strong Interest in Walkable Mixed-Use Neighborhoods." (Exhibit A attached). He read from the last paragraph of the publication as follows:

"One thing to look at particularly: do your development regulations and transportation plans allow for single-family homes on small lots, in a pedestrian-friendly atmosphere within

Minutes of Planning Commission meeting
April 2, 2014

walking distance of shops, restaurants, and community facilities? This seems to be the ‘sweet spot’ that consumers increasingly want, but in many communities this option is hard to find.”

Ms. Lesny Fleming stated that there is a similar article about how younger people in particular really want those amenities and that’s what they look for as well.

Mr. Majewski stated that the article he references also talks about 50+ citizens and their attachment to their automobiles. The demographic in the survey was not really looking for attached residences; they are looking for a house on a small lot in a walkable, bicycle-friendly community. There were 1500 adults chosen to be representative of the US population for this survey and the margin of error was 2.5%

Mr. Persanyi noted that the fastest growing segment of the City of Cleveland is downtown.

Mr. Majewski suggested that the Commission review Mr. Cheatham’s memorandum of February 10, 2014 in detail. Mr. Foster asked if the goal is to expand the tax base. Is that still an underlying theme of all this? Mrs. Lieske stated that has not been discussed by Council as a whole. Mr. Foster stated that he is still unclear about the context in which to review Chapter 1158. Is it to control growth, encourage growth, limit growth, and encourage certain types of development?

Mr. Persanyi stated that the intent is to have something in the code that would lead to development of this type. Under the current Chapter 1158, everyone believes that nothing can happen. He noted that people are reluctant to vote for any kind of change in zoning if they do not know what is being proposed.

Mr. Majewski noted that the latest goal he can find going through all of the documents associated with this project is the 2008 memorandum from the Cuyahoga County Planning Commission. They specifically state that the city’s desire is to encourage more alternative housing that is affordable to older residents of Bay Village who are looking for a smaller unit with less maintenance. They also point out that they are looking for moderate-priced units. Mr. Persanyi questioned whether this is also the intent of the city.

Mr. Majewski suggested that it be said that the city is looking to encourage more alternative housing. Mr. Persanyi stated that this is a fair statement of what is trying to be achieved, and that would be in line with what the city would like, based on the fact that approaches have been made to the city in regard to this particular subject and we didn’t have any answers for them at the time.

Minutes of Planning Commission meeting
April 2, 2014

Mr. Majewski suggested starting with the definition of townhouse and/or attached residence. Mr. Majewski stated that he likes the idea of it being a single family dwelling from the foundation to the roof. That eliminates different ownership, one above the other. This makes sense in a city that has single family homes all over the city.

Mr. Foster asked if changing the wording that way precludes development in the commercial district where it is perfectly appropriate to have a multi-story condominium, or apartment type of configuration. Are we excluding things like that, or should it be in addition to attached residences to clarify what a townhouse would be and there are certain requirements for a townhouse. It would be fantastic to see a mixed use development in the shopping center across the street.

Mr. Maddux stated that if you are trying to establish more moderate prices for an aging population, three story townhouses won't fit that bill. Mr. Persanyi stated that since we don't have anything for mixed use, we are now talking about an elevator building and because of the height restrictions we have it would be three floors. Do we want that type of structure?

Mr. Barbour stated that City Council and the administration have to set a policy. The charge of the Planning Commission is not to set hard and fast rules for parameters that the city is supposed to follow. Maybe what we are best suited to do is to give them some discussion points that we fleshed out as a starting point. Then they will make the policy decision through deliberation and public hearing. Our job should be to make suggestions based on our discussions and experiences.

Ms. Lesny Fleming agreed with the comments of Mr. Barbour.

Mr. Majewski stated that if the focus of the memorandum and the review is attached residence district, maybe the Planning Commission should focus on something outside the retail/commercial district and talk specifically about what an attached residence district would look like, and suggest somewhere in the future that there should be consideration for a mixed use for the commercial/retail districts.

Mr. Persanyi summarized that the Planning Commission then would like to recommend a unit being either a single story or two story, but ownership is vertical so that there are not different owners, one above the other. The other way it becomes a low rise apartment house with multiple owners.

The next item on the recommendation of Mr. Cheatham is the three different proposed models. Mr. Persanyi explained the zoning classes for clarification. Residence District 1 is essentially on the west side of the city where there are larger lot sizes with 70 ft. frontage, and 14,700 square

Minutes of Planning Commission meeting
April 2, 2014

feet of land area. Residence District 3 is a minimum lot size of 7500 square feet with 50 ft. frontage. Sutcliffe Drive is probably the dividing line. District 1 is going west of that line; District 3 is east of that line. There are variations along Lake Road where newer lot sizes are different from what was originally laid out. Residence 1 is our most restrictive zoning class. The difference in density suggested by Mr. Cheatham is because larger lots would be incorporated in Residence District 1, which would be Model B.

Mr. Majewski asked if everyone is in agreement with having the models for different residence districts is a good idea, which different parameters for each residence district. Mr. Barbour agreed so as to have the units blend in as much as possible with single family homes. The term in Model C “be allowed adjacent to commercial or retail business district” is again up for discussion as to exactly what “adjacent” means but for the Planning Commission purposes it is fine. Mr. Majewski noted that in the zoning code now duplexes can be built if they are within 120 feet of a commercial property line.

Mr. Majewski stated that one of the things that came out of the Planning and Zoning Committee was the idea of focusing on the Commercial District first, because it would encourage the walkable community. Mr. Persanyi stated that would be the Model C in Mr. Cheatham’s recommendations, and would we still want to have Model A and Model B available. Mr. Persanyi noted that development would be restricted confined to Model C to along Dover Center Road and at Clague Road. Mr. Majewski suggested looking at those areas, but keep them restrictive and do not change the parameters. The 2009 Council memorandum suggested 3 acres in the residence districts, Residence District 1 and Residence District 3. That would be a good starting point, and then focus more on the commercial area. Mr. Persanyi asked if it would be mandated that development be limited to areas adjacent the commercial district. Mr. Majewski stated that he would mandate it to the adjacent areas. However, the definition of adjacent should not be the responsibility of the Planning Commission to determine. Mr. Cheatham advised that adjacent means a common property line. Mr. Barbour commented that this would be a discussion point for City Council. Mr. Cheatham noted that when it has been challenged in court the property line is the center line of the street, and would be adjacent for this purpose.

As far as the minimum development size, Mr. Majewski stated that the 2009 Committee and Mr. Cheatham both said 3 acres in Residence District 1. In Residence District 3, the 2009 Committee said 3 acres; Mr. Cheatham suggested 1.85 acres; the Cuyahoga County Planning Commission suggested 2 acres. The Commercial Districts as voted in 2010 is 1 acre. The cluster developments, according to our code right now are 4 acres minimum and 10 acres maximum. Mr. Persanyi stated that Council will have to make the decision. Three acres becomes almost prohibitive from a stand point of development occurring.

Minutes of Planning Commission meeting
April 2, 2014

Mr. Foster stated that we all agree that the minimum size is the issue in the current code. He feels it perfectly appropriate to have three different levels that are in this range. Assembling a two-acre lot is challenging but if you put these parameters in a built structure on that lot it still would fit in quite nicely.

Mr. Barbour commented that if the desire is to promote growth, those changes will have to be made. He expressed agreement.

Ms. Lesny Fleming asked if we are preparing a written recommendation to Council. Mr. Persanyi stated that the minutes will reflect the Planning Commission comments and recommendations. Ms. Lesny Fleming stated that we are reviewing this particular proposal without making policy statements or conclusions about what we want and what we think the city wants. Mr. Persanyi stated that ultimately Council will have to decide the main thrust of Chapter 1158 and what they would like to see happen in the city.

Mr. Foster noted that after the discussions of Mr. Cheatham's memorandum we can almost surmise that this is what we say as a contemporary version of Chapter 1158 for most development.

Mr. Barbour stated that if the desire is to make changes to Chapter 1158, Mr. Cheatham's memorandum of February 10, 2014 is an excellent place to start.

In regard to density per acre, Mr. Majewski stated that in Residence District 1, both John Cheatham's memorandum and the Cuyahoga County Planning Commission both recommend 6 units per acre. In Residence District 3, 8 units per acre. Commercial Districts, by ordinance are 8 per acre. The adjacent areas, John Cheatham recommends 12 per acre and the Cuyahoga County Planning Commission was 10.6 per acre.

Mr. Persanyi stated that he thought 12 units per acre to be excessive. The amount of land coverage based on driveways and garages would make it difficult to come up with open space and green area. Mr. Majewski noted that the Commercial Districts are only 8 per acre as voted by the people. Mr. Persanyi stated that this is one of those things that Council will have to decide and he is opposed to a number that high because it makes it look very crowded. There isn't a place in the city that has a density like this. Cashelmara has a density in excess of 10 but it has its own chapter. Anyone can look at Cashelmara and know that it is pretty dense.

Mr. Majewski noted that the Cuyahoga County Planning Commission used the east side of Dover Center Road directly across from Heinen's as an example, suggesting 3 acres with a density of 10.66 units per acre.

Minutes of Planning Commission meeting
April 2, 2014

Mr. Persanyi stated that we will have to leave this to City Council for the ultimate decision.

Mr. Majewski agreed that a density of 12 is high. Mr. Barbour agreed that 12 is too many, and noted favor with Mr. Persanyi's proposal of consideration of square footage as being preferable.

Mr. Maddux stated that the density matter will take care of itself with the other requirements for open space and parking. He noted that the densest concentration of housing should be in the Commercial District, at 8 units per acre, especially in our community. Anything beyond 8 doesn't make a whole lot of conceptual sense. Mr. Barbour expressed agreement.

Mr. Maddux noted that there would be less resistance if placing the attached residences in the Commercial District. If there are successes in that central area, residents would look at it as less intrusive.

Mr. Persanyi noted that Council will also have to provide for a set of rules for the residential districts.

Mr. Majewski commented further on concentrating on areas adjacent to the Commercial District. He suggested that this would be a conservative way to approach this development. The memorandums received through the years seem to have also taken this more conservative direction.

Regarding minimum open space, Mr. Majewski referred to the open space requirements of the developments. He noted that we can generally say the more restrictive the zoning class, the higher percentage of open space. Mr. Barbour noted that Council will require open public meetings and feedback when changing this code. Mr. Majewski stated that once an ordinance is written it must come back to the Planning Commission for further review.

Mr. Foster asked if it would be too much to say that a residential development in a Commercial District shouldn't have a minimum acreage. The other regulations somewhat control the size.

Mr. Barbour commented that when he was involved as a Councilman on the committee reviewing these restrictions they could never really agree on what was wanted. It was a big breakthrough to have the zoning changed for the Commercial District to take it down to a minimum acreage of 1 acre. With the problems with the economy, no one has come forward with a development.

Mr. Barbour noted that the Planning Commission may not be the correct vehicle for this discussion in detail. It is City Council's job to have those discussions. We can comment on Mr. Cheatham's memorandum of February 10, 2014, but it may not be our charge to comment to Council on policy's issues. Mr. Persanyi expressed agreement but noted that we are to protect the community and that is how he sees this to a certain extent. Mr. Barbour stated he agrees, but

Minutes of Planning Commission meeting
April 2, 2014

when a proposal comes to the Planning Commission there are established guidelines that will be applied and used to protect the community. The difference is that we are having a discussion but there are so many avenues we can go down because the guidelines have not been set. The people who should be making these changes are the people who have been elected by the voters, and not appointed members. The power of the Planning Commission is within the terms of the rules and regulations that we are to apply. Rather than make a recommendation, we are giving the Council documents that we reviewed and suggesting those as a starting point.

Ms. Lesny Fleming stated that she agrees wholeheartedly with Mr. Barbour's comments. When we do give support it is not a per se recommendation on what we should do, we are responding to this particular proposal we have been provided and giving our reaction in the abstract without all the policy and knowledge that you would want to have in crafting the most appropriate for the kind of development they want to ultimately attract.

Conda Boyd asked if the Planning Commission will make a recommendation to Council relative to conducting a survey in order to update the 1999 Master Plan.

Mr. Persanyi stated that he believes it should be done but this study is independent of updating the Master Plan. Under the current Chapter 1158 a development would have been a non-starter. Council would like to have something ready in the way of rules for attached residences to present to any developer. A community survey is still needed, but Council may not want to wait until there is input from the community.

Mr. Foster stated that a Master Plan is an important document for the Planning Commission in their reviews. Ms. Lesny Fleming stated she would have no objection to making a motion for updating the Master Plan. Mr. Barbour expressed agreement.

Mrs. Lieske stated that one idea would be to suggest the Commercial District as a starting point, do the survey and take a look at the other districts later. The Parks and Recreation Committee is considering a survey and perhaps these questions regarding attached housing could be incorporated with that survey as an additional quality of life issue.

Mr. Persanyi stated that everything from the survey conducted in 1999 is applicable today with the exception of public transit.

Mr. Barbour asked if it is accurate to say that we would suggest to Council that they consider changes to the adjacent property in Commercial District and not explore the mixed-use concept at this juncture. Mr. Persanyi stated that mixed-use is a good idea from a conceptual standpoint. It works in some areas but there hasn't been a great demand for it. When Chapter 1158 is modified it needs to address potentially all of the city.

Minutes of Planning Commission meeting
April 2, 2014

Mr. Majewski stated that his suggestion would be to say tread carefully on the more restrictive zoning classes, Residence District 1 and Residence District 3. If you are going to experiment with high density and small acreage the place to do it is in adjacent areas to the Commercial District. Ms. Lesny Fleming stated she would agree with that.

Mr. Majewski stated that maximum height, and the number of residences that can be attached in one structure are also important topics that need to be discussed. Mr. Majewski recommended that the maximum number be lower so that you would have smaller buildings that would fit in better. Mr. Barbour commented that the maximum length of 160 feet or 180 feet is too large. Mr. Persanyi agreed. In 2009 the maximum height was recommended at 30 feet or 5% of the average height of the surrounding structures, whichever is less. The ordinance in the Commercial District is 30 feet. The Cuyahoga County Planning Commission said not more than 10 percent higher than the average surroundings. Mr. Persanyi suggested more emphasis on averaging adjacent properties.

Mr. Cheatham noted that there are many checks and balances in his recommendations that would take care of the density and the storage requirements will also limit the number of units per building. Once you have 4 or more units per building you are into the commercial code where the ADA requirements come into place.

Ms. Lesny Fleming commented that if we are looking for ultimate voter approval, if a voter sees all of these other things and difficult densities and lots that can be attached, we ultimately want to come up with a proposal that we think the voters will stand by we want it to be as positive as possible and something they want to adopt. Ms. Lesny Fleming excused herself from the meeting at this point due to guests at home.

Mr. Persanyi stated that smaller minimum acreages are more likely to make projects happen, due to the realities of taking options on land. Mr. Maddux stated that the likelihood of assembling an acre of commercial land is really difficult, and referenced Mr. Foster's comment about not having a minimum acreage for the Commercial District as having merit.

Mr. Majewski suggested that a recommendation of a minimum number of units per development is a reasonable suggestion for Council. Mr. Majewski stated that the only other comment he would make that from the literature and memos he has reviewed is something should be written in that it fits in with the surrounding areas and keeps the character of the city. That is a direction that Council should use when setting up any parameters they are reviewing.

Conda Boyd asked if the Planning Commission will take a position on the Overlay District.

Minutes of Planning Commission meeting
April 2, 2014

Mr. Majewski stated that the argument was made during previous discussion regarding whether an Overlay District would, or would not have to go to the voters. The basic idea of an Overlay District would allow permitted use of attached residences in the Overlay District. The underlying setbacks and buffering and all the regulations would have to meet setback requirements. The Law Director stated that an Overlay District would have to go to the voters.

Ms. Boyd asked if the Planning Commission is in favor of the Overlay District being submitted to the voters.

Mr. Majewski stated that the Charter requires rezoning must go to the voters. Mr. Barbour stated that in the Charter as a whole the overall tenure is that voter direct participation as much as reasonably possible is desirable.

Mr. Maddux stated that he must also leave the meeting due to another appointment.

Mr. Majewski asked if a motion is required for the recommendations to Council. Mr. Persanyi stated that we never really voted on individual recommendations and with two members of Council here and what they heard and the minutes will be representative of what was discussed.

Motion by Persanyi, second by Foster, that the Planning Commission would like to see work started on a new Master Plan and in conjunction with that have the community survey as a preliminary to the preparation of a new Master Plan.

Motion passed 5-0.

Council Update

The Town Hall Meeting was held this past Monday, March 31, 2014. The Dwyer Memorial Center was filled, with the big draw being the public hearing to discuss the sewer rate increases. The engineering consultant was on hand to explain all the different aspects of the study. It is still difficult for the residents to hear that Bay Village rates are going up, especially in comparison to other communities with higher population. Another study will be done in three years' time. Legislation increasing the rates will be considered for adoption April 7, 2014.

The Environment and Safety Committee has completed their work to update all of the bicycle ordinances in the city.

The bidding for salt for next winter has begun. Fourteen of the last fifteen weekends there have been snowplows on the streets.

Minutes of Planning Commission meeting
April 2, 2014

It is less than nine weeks for swimming pool opening. The pool slides are being repaired.

New lights will be installed at Hartman Field for the baseball and football teams. The lighting is energy efficient.

A number of contracts were approved for the 2014 Road Resurfacing Program.

There being no further comments this evening, the meeting adjourned at 9:15 p.m.

Bela Persanyi, Chairman

Joan Kemper, Secretary