

City of Bay Village
PLANNING, ZONING, PUBLIC GROUNDS AND BUILDINGS COMMITTEE
June 30, 2014
City Hall Conference Room 5:30 p.m.

Member Present: Councilwoman Karen Lieske, Chairman
Councilman Steve Lee
Councilman Paul Vincent

Others Present: Councilman Tadych, Bela Persanyi, Chairman of the Planning Commission, Planning Commission Vice Chairman Dick Majewski,
Law Director Ebert, John Cheatham of SAFEbuilt, Inc., Chief Building Official

Audience: Conda Boyd

Councilwoman Lieske, Chair of the Committee, called the meeting to order at 5:30 p.m. in the Conference Room of Bay Village City Hall, and the meeting was open to the public. Mrs. Lieske thanked everyone for their attendance this afternoon.

Review of Chapter 1158

Mr. Ebert provided a copy of a draft of Chapter 1158 that he prepared this morning. Mrs. Lieske noted that there had been a reference to a \$10.00 application fee and Mrs. Lieske questioned whether this amount that had been in place since 1974 should be increased. Mr. Cheatham and Mr. Ebert stated that there does not need to be an application fee because there is a fee covered in the Building Fees Section 1305.

Mr. Lee questioned Section 1158.02 as to whether anyone has compared this section to the fairly recent updated Chapter 1129. Much of the information in Section 1158.02 is out of date and should be replaced by Chapter 1129. Section 1158.02 could be deleted entirely with reference made to Chapter 1129.

Mrs. Lieske stated that she spoke with her Council colleagues to see what their thoughts were after looking at the most recent draft of Chapter 1158. Everyone is supportive of doing something in the commercial area. A couple are supportive of doing more things city-wide. Mrs. Lieske raised this with Paul Koomar for suggestions on how to proceed since there seems to be a split in terms of how much to do. Mr. Koomar suggested that the Planning and Zoning Committee go through everything and ask Building Official Cheatham to provide a mock-up for each ward because there were concerns about the eastern side of town when looking at the

different models. The committee will look at the current version of Chapter 1158 and the draft of the new version of Chapter 1158 and compare the two side-by-side for each ward. Mrs. Lieske noted that the Planning and Zoning Committee doesn't have to be in total agreement on all aspects of the new code before bringing it to the Council of the Whole. There are some things that the committee is in total agreement on, and if one or two others might one something different we can note that and take it to Council of the Whole. Mrs. Lieske noted that she likes to try to have consensus as we go forward.

Mr. Vincent asked if developers have contacted the city with proposals for development. Mr. Ebert stated that many have. The moratorium is a moot issue. The moratorium was put into place because of the issue that went to the ballot in the past, so that Chapter 1158 could be reviewed before there was development. As of last Wednesday, Mr. Ebert met with Service Director Thomas and Dino Lustrì, a resident of Cahoon Road, who is asking for a variance, regarding issues that Mr. Lustrì had been promised as far as the road construction. Mr. Lustrì asked if the City/Council going back to the ballot on the rezoning of his area. He stated that otherwise he will try to market the property as single family residences. Mr. Ebert stated that he does not know if there is any interest in putting this proposed rezoning back on the ballot, by either the Council or the homeowner/builder.

Mr. Lee stated that he would not be in favor of putting that particular project back on the ballot unless someone came forward with definite plans and clear ideas for residents to evaluate and understand, know how they will look, what the access will be, and the effect on the traffic on Cahoon Road. Mr. Ebert informed Mr. Lustrì that he still had the option of referendum and circulating petitions.

Mr. Persanyi asked Mr. Ebert if Mr. Lustrì showed him the plan he brought to the Planning Commission in 2008. Mr. Ebert stated that Mr. Lustrì did not show him those plans. Mr. Persanyi stated that Mr. Lustrì proposed townhouses for the property that he owns. Mr. Lee noted that Mr. Lustrì did not bring those plans forward last year.

Mr. Ebert noted that until Council determines what the acreage and density for attached residence development is going to be, no builder is going to come forward with a proposal. Any development is a non-starter until Chapter 1158 is changed. The moratorium speaks as a reference that Chapter 1158 is being reviewed.

Mrs. Lieske stated that looking at the way the Council proceeded in 2009, they discussed everything and prepared a memorandum collectively setting forth the things they were all in agreement on. If there are things for which certain members still have a preference that should

still be brought to Council as a Whole to see how everyone feels while still trying to hone in on what we are in agreement on as we look at this.

The committee decided to proceed going through each section of the new draft of Chapter 1158.

Mr. Majewski stated that the new title reads “Chapter 1158 Townhouse.” This should read “Chapter 1158 Attached Residence District.”

1158.01 Intent

Mr. Lee stated that he personally does not see any change to this section. It still applies in the same way as it did four years ago.

1158.02 Development Plans

This section needs to be compared to Chapter 1129 and a lot of it can be superseded by the more up-to-date Chapter 1129.

1158.03 Building and Occupancy Permits

Mr. Cheatham stated that there is nothing in this section that is not consistent with how things are handled currently.

The words “Building Department” will suffice with reference to SAFEbuilt, Inc.

1158.04 Permitted Buildings, Structures and Uses.

Mr. Lee asked if the reference to “four-plexs” is necessary, defined, or clear enough. Mr. Cheatham stated that his personal feeling is that you would say attached residences, including townhouses, and then add the definition of a townhouse. The term “four-plex” for a multiple dwelling is archaic. Section 1158.06 is to include the definition of a townhouse as “a single family dwelling unit constructed in a group of three or more attached units in which each unit extends from foundation to roof and with a yard or public way on at least two sides.” Mr. Henderson asked about the recommendations of Mr. Cheatham concerning all buildings with four or more units being required to have every ground floor unit ADA adaptable with some being accessible. Is the intent to have units that are not ground floor units? Mr. Cheatham stated that there was some discussion when this was before the Planning Commission about giving density bonuses for ADA accessibility. You can do that when there are less than four units; but anytime you have four or more units under one roof it is required. To be technically accurate, it is required if the four are ground level. It is not to say by inference that we will have some that

are not ground level; it is just the state and federal guidelines that say ground level for four or more you have to have the ADA requirements.

1158.05 Accessory Buildings, Structures and Uses

Mr. Lee commented that maybe this should be tied into the 1158.07 language that talks about Clubhouses and/or pools allowed and garages required. Section 1158.05 (A) says Automobile storage facilities including enclosed garages are permitted, and 1158.07 mandates the number of one car and two car garages. It may be clear to have it spelled out in one of those two places. Part (A) of 1158.05 should be removed.

1158.07 Design Regulations

The proposed revisions were dropped in from Mr. Cheatham's recommendations through his memorandum and needs to be converted to legislative language. Included in that conversion, the notes of Mr. Cheatham regarding a density bonus will be removed.

Mrs. Lieske stated that her sense is that there is agreement to include the items from Model "D" for the retail area and have that defined. Mr. Majewski stated that he was going to suggest that Model D as the Business District should be in the Business District chapter. Only those things that are dealing with Attached Residence District should be in Chapter 1158. Mrs. Lieske asked how everyone feels about increasing the density for Model D from 8 to 10. The density was established at 8 units per acre in 2010 with the minimum acreage as 1 acre. (Ord. 10-85. Passed 7-19-10 and approved by electorate; Section 1173.01 (d) of the Codified Ordinances).

Discussion followed. Mr. Cheatham stated that when he drafted his proposal he did so after researching many other communities and many of them had the density for the retail areas as 10 to 12 units per acre. Mr. Majewski noted that national surveys indicate that people are looking to be in the center of the city in walkable areas. Mr. Tadych asked about using the word "maximum" when referring to density per acre. Mrs. Lieske noted that all of the percentages of other requirements for the one acre still have to work out when designing the development. Mr. Lee noted the connection between the higher density and the price point. There has been discussion about the desire to make this housing affordable for empty-nesters and senior citizens. The lower the density the higher the likelihood of a higher price point.

Mr. Majewski commented that if at some point there was the desire to have mixed-use development you would want units above retail establishments, which would fit in with a higher density. At some point work will have to be done to modify the Retail Business District code.

Mr. Vincent asked if there is any builder that can offer the committee something that they have done that can serve as an example of eight units per acre and ten units per acre. Mr. Ebert stated that there was an architect at one time that displayed renderings of this type. Mr. Ebert will obtain a copy. Mrs. Lieske suggested visiting sites that are developed in this manner.

Mr. Cheatham stated that development in Rocky River for the retail business district is 9.68 per one acre. Westlake is 6.22; Avon Lake is 12 units per acre. Mr. Tadych commented that 8 is always a workable number and might contribute to nicer development fitting with Bay Village.

Mrs. Lieske advised that the Planning, Zoning, Public Buildings and Grounds Committee proposed in 2009 the same acreage and density city wide. Mr. Tadych was Chairman of the Committee at that time. He commented that this was something they worked to agree upon.

Mr. Ebert suggested leaving Model D in Attached Residence District and including a reference to the Business District Chapter 1173. Further discussion followed and Mr. Ebert will take this suggestion under further consideration.

Mrs. Lieske called for thoughts of the Committee regarding Models A, B, and C. Definitions of the models and descriptions of the land size will be included. Model A on Mr. Cheatham's memorandum of recommendations is listed as Model B in the proposed ordinance revision.

Mr. Lee noted that in Residence District 1 single family homes are required to have a minimum lot size of 14,700 square feet. In Residence District 3, the minimum lot size is 7500 square feet. Mr. Cheatham's recommendations, and the recommendations of the Cuyahoga County Planning Commission in 2009 suggest different acreage requirements and density requirements in Residence District 1 and Residence District 3.

In the draft legislation, Model B should be Model A, or 87,120 minimum lot size of 12 lots, for the area east of Sutcliff Drive to the City's easterly border. Mr. Tadych suggested working with a zoning map to clarify this discussion.

Model C is adjacent to the Commercial District. There was a great deal of discussion about this model at the Planning Commission as to the definition of adjacent. Mr. Cheatham suggested adjacent would refer to the nearest property lines abutting the district, or to the center of the street as in the case of Mr. Lustri's property. Mr. Majewski suggested that there be some definition of "adjacent."

Conda Boyd asked the differences between Retail Business District and Commercial District. Mr. Persanyi stated that there are differences as far as permitted uses. The language should state adjacent to Retail Business District and Commercial District.

Mr. Lee clarified with Mr. Ebert that proposals for development in Model D would not have to be submitted to the electorate for rezoning since the rezoning was accomplished in 2010. Any rezoning of the areas for Models A, B, and C would have to be submitted to the electorate.

Mrs. Lieske called for thoughts on the minimum acreage requirements for Models A, B, and C. Is there a reason for Models A and B not to have the same acreage requirements? Mrs. Majewski stated that the discussion of the Planning Commission was that this is a Council decision. Mr. Tadych noted that traffic in these residential areas by the development of attached residences will be impacted both in the area itself and in the areas leading to the developments. Mr. Tadych stated that what is built in Bay Village should be equal throughout the City if it is not in a Retail Business or Commercial District. The quality and openness of a development makes it more desirable for the City and for the residents living in and around the development.

Mr. Lee stated that professional advice from the County was that it made sense to have variations. It is also unlikely that any of these will be built. Twelve lots would have to be assimilated for Model A, and rezoning submitted to the ballot. Even if we reduce it to 2 acres, or keep it 3 acres, it is still improbable that any development will happen. Mr. Majewski noted that the feeling of the Planning Commission was to tread more lightly on the Residence Districts that are away from the Commercial Districts.

Mrs. Lieske stated that she thinks everyone agrees that there might be more consensus on the Commercial/Business District and possibly the area adjacent, and not necessarily as much consensus elsewhere right now.

Mr. Persanyi commented that right now Bay Commons is under the 6 units per acre and once you get into the Third Residence District there is a larger density. With these numbers you end up with potentially 18 units. It is going to be hard for someone to come up with a plan, even for 8 units, that takes care of the minimum requirements for building size, the garages, aprons, and driveways. Mr. Cheatham noted that it is almost like a system of checks and balances.

Mrs. Lieske stated that it would be helpful to find places to look at for an idea of what a development looks like with the various numbers applied. Mr. Ebert will find places for the Committee to visit.

Mrs. Lieske asked if everyone is in agreement with what is listed as Model C in terms of the area adjacent to the Commercial and Retail Business District. After discussion, it was determined that there is some agreement on 8 units per acre for Model D, and some might favor 10 units per acre. Mr. Lee stated that he would propose 8 units for Model C and 9 units for Model B.

Mrs. Lieske stated that there seems to be consensus for Model C of 1.5 acres and 8 units per acre.

Mr. Henderson discussed the possibility of returning the formatting style of crossing out the words to be omitted in legislation being revised and highlighting new language.

Mr. Vincent asked if it is necessary to include, in 1158.06 Definitions (D), the words requiring that a Dwelling Unit mean a space all used by one family.

The next draft of the ordinance will include a definition of "Open Space."

Mr. Lee noted that some of the language in the draft is from Mr. Cheatham's memorandum as notations and should not be included as ordinance language.

Ms. Boyd encouraged Council to be cognizant about buffering needs for this type of development. Ms. Boyd was informed of the chapter in the code related to buffering.

Law Director Ebert will work with Mr. Cheatham on preparing a new draft of the ordinance. The Committee will reconvene again in early September for further study.

Mrs. Lieske thanked everyone, and the meeting adjourned at 6:35 p.m.

Karen Lieske, Chairman

Joan Kemper, Secretary