

City of Bay Village
PLANNING, ZONING, PUBLIC GROUNDS AND BUILDINGS COMMITTEE
September 22, 2014
City Hall Conference Room 6:00 p.m.

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

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

Audience: Clete Miller, Conda Boyd, Lydia DeGeorge, J. Maurer

Councilwoman Lieske, 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. Mrs. Lieske thanked everyone for their attendance this evening.

Review of Chapter 1158

A new draft of the proposed amendments has been prepared by Law Director Ebert, incorporating the suggestions of John Cheatham, and the suggestions from previous discussions by the Planning and Zoning Committee.

The first few pages of the draft are the current legislation. Mr. Ebert commented that at the last meeting of the Planning and Zoning Committee on June 30, 2014, there was the request for information about what the look of units on a specific number of acreage. Steve Schill, Architect, prepared a concept plan for a development containing 6 units per acre, and 8 units per acre. A copy of the print will be included as Exhibit A of these minutes.

Mr. Lee stated that it is helpful to see these plans, and asked whether Mr. Ebert has been able to identify any actual constructed developments in Rocky River, Westlake, or Avon Lake that might be toured by the Committee.

Conda Boyd suggested a bus tour of developments; noting that some of the developments in neighboring communities are very attractive. Bay Commons in Bay Village was built under the existing Chapter 1158, on a minimum acreage of 5 acres with 6 buildings per acre. The Cashelmara development was not built under Chapter 1158; it was built under its own version of Chapter 1158, entitled Chapter 1158(B).

The Committee reviewed the concept plans presented by Mr. Schill.

Conda Boyd asked about buffering requirements. Mr. Ebert provided copies of Chapter 1165, Buffer Regulations to all present. He stated that it applies to any building developments within the City. Mr. Majewski noted that zoning districts abutting residential districts are required to conform to buffering regulations. Mr. Lee referred to the buffering requirements contained in Chapter 1129, Approval Process. He asked Mr. Ebert to determine how those requirements, as well as the requirements in Chapter 1165, would apply to Chapter 1158. Ms. Boyd noted that the amended section 1158.02 states that “Preliminary and final development plans shall be required for all proposed development in an Attached Residence District, and shall comply with Chapter 1129.”

Chairman Lieske suggested that the committee review the proposed amendments, section by section.

1158.01 Intent

Mr. Lee asked how the parenthetical language at the end of sections will be dealt with that references when legislation for each section was passed. (Ord. 74-51, Passed 7-1-54). The new chapter, when it is passed, will reflect the new ordinance number and date for all changes within the section, even if only one word has been changed.

1158.03 Building and Occupancy Permits

“Building Department” is used rather than “Building Commissioner.”

1158.04 Permitted Buildings, Structures and Uses.

“Four-plexes” have been removed.

Ms. Boyd asked if single-family homes would be included as permitted structures. Mr. Lee stated that by design this chapter addresses homes that are attached to each other. Single family homes would not be built under the requirements of Chapter 1158. Mr. Majewski stated that in most districts Council will permit less restrictive development. Mr. Ebert added that least restrictive (single family homes) can be built in an Attached Residence District; the most restrictive building (attached residences) would have to follow these guidelines.

Mr. Lee stated for clarification, that if the rezoning passed last November, and a developer came forward to build attached residences, nothing in the rezoning would have precluded the developer from building single family homes because that was permitted before the rezoning occurred.

Mr. Miller stated that the particular property that is being referenced here on Cahoon Road is permitted to have duplex homes because it is adjacent to a commercial area.

1158.05 Accessory Buildings, Structures and Uses.

Mr. Lee stated that the previous Part (A) “Automobile storage facilities including enclosed garages” was deleted in the rewriting of the chapter. He assumed that the thinking was that there will no detached garage structures permitted in this district. All garages have to be attached as part of the townhouse.

Mrs. Lieske asked if there needs to be any reference to cable television lines. Mr. Ebert stated that it would not be necessary to reference cable lines.

1158.06 DEFINITIONS

Mrs. Lieske asked whether Open Space should be included in the definitions. Mr. Ebert stated that open space is covered in Section 1158.11 LANDSCAPE PLANTING AND DESIGN.

Mrs. Lieske stated that the Landscape Planting and Design should be Section 1158.12, and the former Section 1158.11 OPEN SPACE REQUIREMENTS was omitted in the rewriting. This will be put back in the new section of the ordinance.

Mr. Lee asked if a definition for Impervious Area should be included in Definitions. Mr. Miller noted that sometimes Open Space is considered green space, thus a permeable space. If there will be tennis courts in an open space, that is impervious surface. If it is pervious, it is typically the horizontal driving surfaces, and sidewalks. Mr. Ebert suggested that Mr. Cheatham take the writing of language for impervious surfaces under consideration. Mr. Lee asked Mr. Cheatham to check to see if we are using Land Area per Dwelling Unit in Definition (A).

Mr. Lee stated that Definition (B) Gross Floor Area of Dwelling Unit is defined but when you get to the requirements it just says minimum square footage living space. Should that line say “minimum gross floor area of dwelling unit?” Mr. Cheatham stated that perhaps the same verbiage should be used as the language used for minimum square footage of living space.

Mrs. Lieske stated that the committee had agreed upon two (2) acres for Model B. The ordinance as rewritten indicates three (3) acres for Model B. Mr. Lee noted that when you change the acreage you also have to change the square footage and the approximate number of existing lots since those numbers are tied to the acreage. Eighteen normal size lots in Residence District 3 is what is required to get to three acres. Mr. Majewski stated that there are some very large lots in Residence District 3 on the east end of the City, e.g., the Forestwood Drive section. Mr. Lee stated that even with these acreages the economics in Bay Village is such that it is highly unlikely this type of development would ever happen. The acquisition cost of that many lots is going to make the economics of these developments a non-starter.

The language describing number of lots and square footage will not be included in the new section of the ordinance.

Definition (E) Districts is adequate to describe the models intended for the residence districts. Mrs. Lieske asked if a zoning map for reference would be required for the reader to know what area is being referenced. Mr. Vincent suggested adding the language “as shown on the City of Bay Village Zoning Map” to the end of Definition (E). The words “retail district” at the end of (E) should be capitalized.

Mr. Lee stated that he thought there was discussion about a more precise definition of “Adjacent” (Definition F). There was discussion in the Planning Commission about expanding the area beyond immediately adjacent. Mr. Majewski stated that the discussion in the Planning Commission was common boundaries. If you consider the center of the street as a common boundary it would include the opposite side of the street. There are some areas in the city that still show the center of the road as the property boundary.

Ms. Boyd noted that Model C is listed as Commercial/Retail Business District. She asked the difference between Commercial and Retail Business Districts. Mr. Cheatham stated that there is a difference in the zoning. Mr. Cheatham invited the committee members to the Building Department to observe the zoning map.

Upon the committee members return from the Building Department, Mr. Lee stated that we should be consistent in the language by naming Commercial District separate from Retail Business District.

Mr. Lee commented about the footnote at the bottom of Section 1158.07 DESIGN REGULATIONS. Mr. Cheatham stated that a lot of this language was commentary, but the Planning Commission wanted this language included. Mr. Lee stated that everyone agrees with

the concept but the way it is written is not statutory language. The Law Director will need to turn that paragraph into statutory language.

Mr. Miller asked how the 500' radius for determining compliance with height regulations was determined. Mr. Majewski stated that it was meant to be a tool for the Planning Commission for defining the surrounding neighborhood, and to make the height of the proposed development fit into the existing neighborhood. Mr. Miller noted that Lakewood, Westlake and Rocky River call for 300 feet. Discussion followed. Mr. Miller stated that there could be a pitfall when using 500 feet, and used Mr. Lustri's property on Cahoon Road as an example. He stated that the greater the breadth the more often the average is going to be possibly higher.

Mr. Majewski stated that the Planning Commission was very cautious about putting down specific numbers, allowing the Council to determine what the specific numbers would be. The Planning Commission did not feel it was their job to recommend specific numbers. If there needs to be an adjustment to the 500 feet radius, the Planning Commission would not object.

Mr. Henderson asked if the property happens to be on the far west, south or east boundaries of the city does the measure extend into the neighboring city, or stop at the edge of Bay Village. Mr. Ebert stated that it would stop at the edge of Bay Village. Mr. Vincent commented that it would be useful to include the language that the radius would apply to the meets and boundaries of the City in the ordinance.

Minimum Number of Bedrooms

Discussion followed concerning the possibility of not allowing one-bedroom units. Mr. Cheatham stated that the whole point of making this type of development more attractive to developers and buyers is that many people downsizing want one-bedroom units.

Mr. Tadych stated that the trouble with a one-bedroom unit is that there is a minimum square footage which is very small for a married couple. That is why the Planning and Zoning Committee, at the time it was chaired by Mr. Tadych, felt that they could require two-bedroom units with the other bedroom being used for another purpose such as a den. Mr. Cheatham stated that in all the adjacent communities one-bedroom units are permitted and attractive to both the buyer and developer. Mrs. Lieske suggested the wording be one or two-bedroom units with minimum square footage of 1100 square feet. Mr. Tadych stated that there was discussion in the Planning and Zoning Committee when he was chair that a one-bedroom might be able to be turned into an office or business location, whereas a two-bedroom would not.

Mrs. Lieske suggested leaving the wording as it stands and bringing the matter to the Council of the Whole.

Mr. Lee asked if the number of bedrooms reference is even necessary. The reference to the square footage is more meaningful.

Mr. Lee asked if it is necessary to have a built out space designated as a bedroom separate from the living space. Mr. Cheatham stated that there are no longer any privacy requirements in residences in the national code. With the current code you can build a completely open house with no walls and no doors.

Mr. Lee asked if at some point the revision of the ordinance goes to the Planning Commission for review. Mr. Majewski stated that the Planning Commission has not seen an ordinance. Mr. Ebert stated that the ordinance will go to the Council of the Whole. The Council of the Whole will decide if it show go back to the Planning Commission. Mr. Majewski stated that he feels that after the ordinance is placed on first reading and given a number, it would be referred to the Planning Commission for comments. After those comments are received and any additional adjustments made, the ordinance would go on for adoption.

There was further discussion without the benefit of the secretary being present due to the Public Improvements, Streets, Sewers and Drainage Committee meeting commencing at 6:30 p.m.

Mr. Cheatham advised the secretary that this meeting adjourned at 7:16 p.m., and the remainder of the meeting after her departure was devoted to setting the next meeting date of Monday, September 29 at 6:30 p.m.

Karen Lieske, Chairman

Joan Kemper, Secretary