

City of Bay Village

Council Minutes, Committee Session
Conference Room
Paul Koomar, President of Council, Presiding

November 2, 2015
7:39 p.m.

Present: Clark, Henderson, Koomar, Lee, Lieske, Vincent, Mayor Sutherland

Excused: Mr. Tadych

Also Present: Law Director Ebert, Director of Public Safety/Service Thomas, Finance Director Mahoney, Police Chief Spaetzel

AUDIENCE

The following audience members signed in this evening: Dick Majewski, Conda Boyd, Jeff Gallatin, Tara Wendell, Warren Remain, Lydia DeGeorge, Jerrie Barnett, Pat McGannon, Marty Mace.

President of Council Koomar called the meeting to order at 7:39 p.m.

ANNOUNCEMENT

COMMITTEE OF THE WHOLE

PLANNING, ZONING & PUBLIC GROUNDS & BUILDINGS COMMITTEE

Proposed Chapter 1158, Attached Residence District

Mr. Koomar stated that a version of Chapter 1158 dated October 30, 2015 was included in the Council packets this past weekend. There was consensus on the framework on the density and the setbacks, and a lot of the work the planning consultant Paul LeBlanc had done on design standards.

Mrs. Lieske asked for clarification as to how Mr. Koomar sees this ordinance going forward. Will it come back to the Planning and Zoning Committee one more time after this evening, and then back to Council as a Whole? Or, does Mr. Koomar plan to just work everything through the Committee of the Whole, and what is the time frame to take things back to the Planning Commission.

Mr. Koomar stated that based on the last discussion, he was just going to have the ordinance worked through the Committee of the Whole. The Chairman of the Planning Commission has been kept informed. The last time Chapter 1158 was reviewed by the Planning Commission they said it was more of a Councilmanic issue. The concern of Mark Barbour, Chairman of the Planning Commission, is that there be a public hearing following the current approval process. He did not have any suggestions on the technical side of the ordinance. He respected the work Mr. LeBlanc had done and was fine with that work.

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Mrs. Lieske stated that she appreciates the list of places to visit with attached residence development that Mayor Sutherland sent to Council. Mrs. Lieske looked at the places and found it very revealing for this discussion. Mr. Vincent also looked at the sites.

Mrs. Lieske stated that the Addington Avenue in Rocky River by Bradford's Gate backs up to a five or six story senior apartment complex and a Home Depot Shopping Center. The residential area spins off of an adjacent street. The Addington Avenue complex is not right in the middle of a neighborhood.

The Granus at West 202nd Avenue is basically on Lorain Road in Fairview Park with apartments all around. Once again, not in the middle of a neighborhood.

The Wagar and Detroit complex – apartments all around. The Linda Avenue complex – apartments all around.

In looking at these, Mrs. Lieske would liked to have seen something more in tune with what there is here in Bay Village, where you don't have these very busy commercial streets on one or both sides, and more residential. Mrs. Lieske looked at the sites and got the idea of how many units per acre, but trying to visualize this number of units and the types of structures in Bay - it was very difficult to picture that here. Mrs. Lieske noted that going forward, we had not talked about specifying a location and applicability, but she would like to see something more specific instead of referencing the Master Plan and Retail Improvement Strategy. She believes that residents would appreciate having a better idea of what that means, possibly starting with business districts or something along those lines rather than what we currently have.

Mr. Koomar stated that the thought is to officially approve the last Master Plan as those current sites, and as a new Master Plan is done we would approve those sites as well. Mrs. Lieske stated that after talking to some residents, and after some of the discussions that were held at the Planning Commission meetings, if we really want the residents to support this they are going to want to know, in the ordinance, where it will be located.

Mr. Lee asked Mrs. Lieske if the current Master Plan locations were identified that are suggested as appropriate locations for this type of development, and pulled those out of the Master Plan so that you could see what areas of town have been identified and find out what areas are identified in the Retail Improvement Strategy, would that answer your questions or concerns?

Mrs. Lieske stated that the Planning, Zoning, Public Buildings and Grounds Committee kept talking about the broader support of things in the business district or the area just adjacent to the business district. Looking at this ordinance, we have really gotten away from that type of terminology.

Mr. Koomar stated that when Mr. LeBlanc was present for discussion there was support to use that base Master Plan. The Red Oak development has fit into the neighborhood quite well. That spot around the Community Garden is listed in the Master Plan. That would be ripe if someone chose to purchase some properties and build around that. It isn't just necessarily business district. I shared in my email that going away from a 5-acre minimum, as we consider this legislation, to smaller clusters of homes as attached residences, blends in better with the character of Bay Village. In my

years on Council that the single-most asked question is- more alternative housing options for residents that have been here thirty or forty years. We are not providing those options. Using that Master Plan as a base for the time being, and making sure that we have some of those options on the table for potential development is a good first step.

Mrs. Lieske stated that places like Cahoon Ledges fit into the character of Bay and what she hears is more opportunities for young professionals without children to have more options. The interest being more of a homeowner type of association to take care of the yard and snow removal as opposed to having to do that on your own. Those types of units would fit nicely. Mrs. Lieske noted that the units she saw on her tour through the suggested sites in other communities wouldn't fit in Bay Village.

Mr. Koomar stated that this is an architectural design; that is the function of the Planning Commission and the Architectural Board of Review to guide good choices. The Cahoon Ledges is a good example of a developer coming in and making the adaptations to fit, buffer along the street, mound, and make it blend in.

Mr. Lee asked Mrs. Lieske if she felt the Linda Street developments in Rocky River would fit in the commercial district in Bay Village. Mrs. Lieske stated that she thinks it would fit in because the area is commercial. The whole commercial area would lend itself well to an initial type of development and then residents could see it, get their arms around it, and think it might look well elsewhere. If we could get something going in one of these commercial areas, it might help with the support.

Mr. Clark stated that as currently constituted, the area just east of Cahoon Creek is the only area that the voters would grant the approval for the City to put in that type of development. The new Master Plan is about eight months out and we would revisit this in 18 months anyway. The Master Plan of 1999 is going to look a lot different than the Master Plan of 2016.

Mr. Koomar noted the desirability of this type of development in the center of the City for walkability to local businesses and activities.

Mr. Henderson stated that from a price perspective there is plenty of opportunity here in Bay Village. We have expensive houses, and very affordable houses. There are also plenty of opportunities today for people to hire people to help them with home maintenance. He noted that people in his area of the City, when talking about this proposal, generally express concern. Locations are very important and if we have a dynamic Master Plan in this time frame right now, between the 1999 plan and the 2016 plan, he likes being more clear about where these things might be located.

Mr. Ebert noted that many people have moved out of Bay Village because they do not have maintenance free, alternative housing. Cahoon Ledges was the closest thing we had developed, but if you go to Westlake, Avon, Avon Lake, Rocky River, you will see this type of alternative housing.

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Mr. Henderson noted that the Bay Commons off of Bradley Road is affordable, alternative housing, and it is not uncommon for one there to be for sale for a while. Mr. Ebert noted that the location is near the railroad tracks.

Mr. Koomar noted the case of a resident who could afford to contract out services but did not want to have to deal with those decisions. That is when people look for the lower maintenance options.

Mrs. Lieske stated that there are also people on the other end of the spectrum. A neighbor bought a larger home but doesn't want to move outside of Bay Village because she can stay more independent by not having to drive on any major thoroughfares to get what she needs. Many empty-nesters have done significant improvements to their homes and don't intend to leave their homes. You hear of people who move because of the taxes. You hear both sides, depending on where you are. That is why the survey is such a good idea to get a full sense of the community.

Mayor Sutherland stated that the survey was mailed out on October 23, 2015. She stated that she is thinking it did not go first class mail and may be delayed at the post office due to election mailings this time of the year.

Mr. Koomar referred to Pages 7, 8 and 9 of the draft of Chapter 1158 ordinance. Mr. Barbour, the Chairman of the Planning Commission, has also spoken with Mr. Koomar about this. If you look at the items that are there for the review standards, and to make these properties under Chapter 1158 as good as they can be, people like that. If you look at the items that were deleted in (d) (e) and (f), that deviated away from our current approval process and some of the public hearing requirements.

Mr. Ebert stated that this is something that needs to be discussed. There is a difference of opinion. Paul LeBlanc had recommended that a developer be able to see exactly what has to be done versus going to the other sections on the public hearing.

Mr. Koomar referred to the section that states that "Upon receipt of the Planning Commission recommendation regarding the rezoning, City Council shall vote to approve or disapprove." That is done by the voters. Mr. Koomar stated that there is no interest around this table for City Council to be involved in that. City Council believes strongly that the rezoning needs to stay with the residents. That is not negotiable.

Mr. Koomar stated that if a developer wants to develop property under Chapter 1158 he will have to follow the review process of Chapter 1129.01. The Council does not want to deviate from that. Not requiring a public hearing in the beginning or the end is not how we have done business. Mr. Koomar stated that he wanted to bring that up tonight. The ordinance is not up for first reading but he wants to keep this moving along so we can highlight those things and get additional feedback.

Mrs. Lieske asked if there is anything in the ordinance about some type of engineering study of the storm and sanitary sewer. Mr. Koomar stated that this is always done through Chapter 1129.01. That is part of the issue when you start to piece meal some things in the ordinance it becomes less clear than stating that is normally done as part of Section 1129. If we want to look at the whole review process, we would be willing to do that. In Section (h), the modification requirement, the Planning Commission already has some flexibility on the parking. The things that were a concern

from a Councilmanic perspective is reducing parking and landscaping provisions. Buffering is something that has always been extremely sensitive to residents. In talking to Mr. Cheatham, he stated that the positioning of the properties, the character of the surrounding development and the site constraints are always taken into account by the Planning Commission. His opinion is that is already in Chapter 1129. We can have a discussion around the table on that, but those are the differences I was seeing and I want to make it as clear as possible that if we push all that to Chapter 1129, if we want to expand 1129 as part of this we can, but we want the review standards for the Chapter 1158 because those are unique to those properties.

Mrs. Lieske asked if aluminum siding cannot be used for exterior materials. On Page 7, under Exterior Materials, aluminum siding is not listed. Mr. Koomar stated that he does not know if it is not listed if that means it is excluded. Mayor Sutherland and Mr. Koomar suggested that Hardy Board may be a step up. To blend in with existing areas, something of high quality would be wanted.

Mr. Henderson stated that with City Council involvement, the Council would want to be sure that they don't exert themselves into that process of zoning change and what can go where. We definitely need to leave the zoning decisions where they are as outlined in the City Charter.

Mrs. Lieske commented on some of the infrastructure type questions and flooding concerns and was assured by Law Director Ebert that infrastructure plans would be submitted to the City's consulting engineer for review as part of the entire process.

Mr. Vincent commented that the fact that voters need to approve rezoning is the gatekeeper for potential projects.

Mr. Koomar asked that Council continue to give him feedback on the draft of Chapter 1158. Mr. Clark stated that he would like to keep moving it forward with some closure on the topic. Council has spent a great deal of time on it, and once it is passed it will be a work in process with the Master Plan. It will be reviewed periodically. We would like to give specifications to someone who might want to build in the City.

Mr. Lee asked if it is possible, as expressed as a concern by Mrs. Lieske, to identify the areas recommended by the Master Plan as appropriate for this type of development, as well as those in the Retail Improvement Strategy Plan. Mr. Koomar will resend those pages from the Master Plan to City Council in their packets. The information that was sent previously did not include the Retail Improvement Strategy Plan. Mayor Sutherland stated that the Retail Improvement Strategy Plan is only dealing with the retail areas. Mr. Lee asked if it identifies housing opportunities. Mayor Sutherland stated that it does include housing opportunities. Mr. Lee asked if all could be sent to Council as the finite list of places that the Master Plan or the Retail Improvement Strategy Plan suggests are appropriate places for this development.

Mr. Henderson asked if the Council will make a motion to adopt the Master Plan of 1999. Mr. Koomar stated that if you have a document he would like it to stand by itself. If Council wants to make a motion confirming that Master Plan that recommends those sites as part of that, it would be favorable to do so. When the new Master Plan becomes available, Council will review that as well.

Mr. Henderson clarified with Mr. Koomar that Mr. Koomar's intent would be that Council would vote again on "accepting" a new Master Plan if, for example, those specific locations expanded or there were more locations in the 2016 plan than in the 1999 Master Plan. Mayor Sutherland stated that the new Master Plan will also be a more public visioning process which will be very interesting. What the County Planning Commission will do is review the 1999 plan and build on it. We have other things that have cropped up that they are going to have to address. Mayor Sutherland stated that she has specifically asked them to look at the ITA (Improvement Target Area) areas that have increased and what is going to be the long term strategy for turning that around.

AUDIENCE

Conda Boyd stated that in the intent section of the new draft of Chapter 1158, she was sad to see the general language dropped about the old Chapter 1158.01 (a) to regulate locations of buildings to obtain proper light, privacy and usable open spaces. There is language about avoiding congestion and providing adequate services. Ms. Boyd stated that she believes those objectives are very important for this type of housing and she would like to see that intent language back in the draft. Mr. Koomar asked Mayor Sutherland to review that and let him know her thoughts.

Ms. Boyd continued, stating in Section 1158.01(b) and 1158.02 the Retail Improvement Strategy is referenced. That document was published in 2007. The Master Plan comes up for review and updating every so often. The Retail Improvement Strategy is a different type of document and Ms. Boyd would suggest that whatever is in the Master Plan rule rather than having two plans that might possibly be competing. Mayor Sutherland stated that the Cuyahoga County Planning Commission is going to be looking at the Retail Improvement Strategy and looking at bringing that all under one umbrella. Ms. Boyd stated that it would be nice to get the Retail Improvement Strategy out of Chapter 1158. Mayor Sutherland stated it can always be modified later.

Mr. Koomar stated those sites are basically along the corridor of Dover Road and Cahoon Road. New homes have been built on Cahoon Road on an open spot since the time the Retail Improvement Strategy was done.

Ms. Boyd stated that her comments are not referring to the content of the Retail Improvement Strategy versus the Master Plan. We update the Master Plan every decade. Mayor Sutherland stated that there were two Master Plans. One was in 1963 and the second one was in 1999.

Ms. Boyd stated that she did not see anything about the Architectural Board of Review in the new draft of Chapter 1158. Mr. Koomar stated that the reference to Chapter 1129 includes that process of the Architectural Board of Review.

There being no further discussion, the meeting adjourned at 8:08 p.m.

Paul Koomar, President of Council

Joan Kemper, Clerk of Council