Minutes of a Public Hearing and Meeting
of the
City of Bay Village Planning Commission
held November 5, 2014
7:30 p.m.

Present:	Barbour, Foster, Lesny Fleming, Lieske, Majewski
Absent:	Mr. Persanyi, Mr. Maddux
Also Present:	John Cheatham, Chief Building Official, SAFEbuilt, Inc. Bob Greytak, CT Consultants, Inc.
Audience:	John O'Neill, Bradley Center Limited, Chris Blue, LS Architects, Thomas Skliros, and Nicoleta Candrea of Candrea Properties

Mr. Majewski called the meeting to order at 7:30 p.m. He explained that Chairman Persanyi is not present this evening due to a back injury. Mr. Majewski will chair the meeting this evening as Vice Chairman of the Planning Commission.

Mr. Majewski called for a reading of the minutes of the Planning Commission meeting of June 4, 2014. **Motion** by Foster, second by Barbour, to dispense with the reading of the minutes and approve the minutes as prepared and distributed.

Vote resulted: Yeas – Barbour, Foster, Lesny Fleming, Lieske, Majewski.
Nays – None.

Motion carried 5-0.

Withdrawal of the Application of the Bay Skate and Bike Park

Mr. Majewski stated that it is his understanding that the addition will not be pursued at this time which will require that the item be removed as pending before the Planning Commission.

Motion by Barbour, second by Foster, to accept the withdrawal of the application for an addition to the Bay Skate and Bike Park. **Motion carried 5-0.**

Bradley Center Limited
Southern Extension of Crestview Drive (past 606 Crestview Dr.)

and development of 9 lots containing 4.31 acres

Mr. Majewski stated that the matter of the Bradley Center Limited application for the Southern Extension of Crestview Drive was last heard by the Planning Commission on June 4, 2014. At that time a request was made for a report from the Service Director and the City of Bay Village Consulting Engineer, CT Consultants, Inc.

Mr. Majewski related that the report requested has not been received by the Planning Commission. Mr. Greytak of CT Consultants stated that he has not done a report. He was not aware of the request of the Planning Commission. Mr. John Cheatham of SAFEbuilt, Inc., stated that he has a memorandum from Mr. Greytak dated September 17, 2014. Mr. Greytak stated that he can provide a verbal report to the Planning Commission, if the commission so wishes.

Mr. Majewski stated that as a part of the approval process for the preliminary plat, the requirement is for a written report with recommendations from the Director of Public Service and Properties. The motion at the June 4 meeting was to refer the preliminary plan for the Crestview Subdivision to the City's Service Director and the City's Consulting Engineer for their study, comments and recommendations. The Planning Commission is not in receipt of that report. In order to go further, the Planning Commission needs that report since it is part of the requirements.

Mr. Greytak stated that the way this project has developed has been rather unusual in that even before Mr. Greytak was aware that there was a subdivision proposed, there were final plans being delivered to their office for review. To compound that, the sublots were being piggy-backed on a previous development that had already been approved, and did not reflect the joint sharing of storm water utilities between the Bradley Health Care Facility and the Crestview Subdivision. It has been an unusual sequence of delivery of documents.

Mr. Majewski stated that the Planning Commission was expecting to receive the report. After receiving the report, the Planning Commission has 90 days to make a determination as to whether the Preliminary Plat would be approved. We have received numerous extensions from Council. There were questions from the June 4, 2014 meeting that have not been addressed. One question was the measurement of the cul-de-sac. The code calls for the cul-de-sac not to be more than 1500 feet. It was to be clarified as to the beginning measuring point for the 1500 feet measurement, whether it was from Ashton Lane or the cul-de-sac itself. The Law Director was to be consulted for the answer to this question. The Planning Commission was also to receive comments from the Police Department and Fire Department, and all items to be received prior to approval. The motion on June 4, 2014 was to refer the matter to CT Consultants and the Service Director.

At this point, the Planning Commission does not have the report from the Service Director as required. Mr. Greytak stated that the Preliminary Plat was reviewed. Comments were offered to the Service Director.

Mr. Majewski advised that a notation on the current application states that preliminary approval was received from the Commission on June 4, 2014, and they are seeking final approval at the

November 5, 2014 meeting. Mr. Majewski stated that according to the minutes there was no approval of the Preliminary Plat. Mr. Majewski and Mr. Barbour confirmed that they do not recall any preliminary approval at the June 4, 2014 meeting.

Mr. Greytak stated that since the Planning Commission meeting in June, CT Consultants have commented on both the Preliminary Plat and the final approval. They have worked with the Bradley Center Limited engineer to address those comments. The plans have been reviewed and commented on by Cuyahoga Soil and Water Conservation District, who is under contract with the city to provide consultation on erosion control and storm water manners. The developer's engineer has received those comments, made revisions, and rectified any shortcomings in the plans. They have updated the Bradley Bay Nursing Facility to accommodate the nine additional sublots which required them to make their retention basin larger than it had been originally when it was approved in 2013. Mr. Greytak noted that he was prepared to appear here this evening and say that everything they have required from the developer and engineer have been addressed and the plans are in an approvable state.

Mr. Majewski stated that a good deal of what has taken place as outlined by Mr. Greytak was supposed to have taken place as part of this commission. For the sake of transparency in the process, which is spelled out in the codes, why weren't these things on the agendas for the Planning Commission meetings?

Mr. Greytak stated that he was asked to review plans and provide engineering judgment on whether the plans met the engineering requirements and code. He has had correspondence with the Law Director regarding easements and easement language, and whether the easement conforms with the ordinance of the City. Mr. O'Neill has revised the easement language to bring it into conformance according to Mr. Ebert's instructions. There is a review process, which does not necessarily require Mr. Greytak to sit down in public and review the plans, but he does provide comment back to the City and the developer's engineer.

Mr. Majewski stated that the Planning Commission is responsible for eventually sending this project to City Council. They are the representatives of the people of Bay Village. The Planning Commission has requirements in the code. If we are going to send something to the people of the City, it should be complete in accordance with the code. Not only are we required to have a report regarding the Preliminary Plat from the Director of Public Service, but also from the final plat as well. We do not have that report either. How do we go forward if we are lacking those essential items? Mr. O'Neill is here tonight to seek final approval, but without those items we are not prepared to send this on to Council.

Mr. Foster asked if the Planning Commission would be able to receive the reports from the Service Director after the Preliminary Approval, and then next month review this as a final approval. Mr. Foster noted that the public deserves the opportunity to review and respond to the comments.

Mr. Greytak stated that he has a memorandum with the review of the Preliminary Plat but he does not have a copy of the transmittal that went to the Service Director. These comments have

since been addressed. Mr. Barbour noted that the ordinance requires written reports. This must be remedied. Mr. Cheatham stated that he will speak with Service Director Thomas.

Discussion followed about the possibility of a special meeting to give the Planning Commission an opportunity to receive and review the required reports. Ms. Lesny Fleming stated that when you do a special meeting, and you don't do a special meeting for some other party there is belief there is disparate treatment. Mrs. Lieske stated that residents know when meetings are scheduled. If there is an interest, they know the meetings are the first Wednesday of the month. It was decided to continue the matter to the regularly scheduled December meeting. If reports are available, the Commission can review the reports on the Preliminary Plat, receive any reports on the Final Plat in December, review those, and approve in January. An additional extension of time for review will be sought from City Council. Also to be forthcoming is a written report for the Final Plat from the Director of Public Service.

Ms. Lesny Fleming asked if notice could be given to the public that the Planning Commission will review both the Preliminary Plat and the Final Plat in December. Mr. Majewski stated that the Planning Commission has a 90 day period to approve the Preliminary Plat, and a 90 day period to approve the Final Plat. After that, the matter goes to City Council. Mr. Barbour stated that he understands Mr. O'Neill's concerns, but the statute for the ordinance does not provide for that. Somewhere along the line, the Planning Commission did not receive the information they needed to approve. Mr. O'Neill stated that they will continue to navigate through the requirements.

Candrea Properties
583 Dover Center Road
Application to establish Restaurant in Existing Stand-alone Building

Mr. Chris Blue of LS Architects appeared before the Commission with a proposal to establish a restaurant at 583 Dover Center Road.

Mr. Majewski stated that his understanding is that this matter has been before the Architectural Board of Review. A copy of the minutes of the Architectural Board of Review has been received by the Commission. Mr. Majewski confirmed with Building Official John Cheatham that the zoning is correct at the proposed site for the restaurant.

Mr. Foster addressed the issue of parking. Twelve spaces are required and six are shown on the plans. Mr. Blue stated that a letter has been received from the business across the street permitting the use of three parking spots. It is also hoped to use the City parking lot adjacent to the building at 583 Dover Center Road for additional off-street parking.

Parking requirements are calculated on the basis of the net dining area. Mr. Foster commented that his feeling is that more than 12 spaces are needed to accommodate 54 customers. Mr. Cheatham advised that there is not a requirement that parking is adjacent to the building. If the Planning Commission feels there is cause for a variance on parking spaces due to conditions,

they can grant a variance especially if the denial of an increase would be a manifested injustice to the business of the owner. The City has always allowed parking in the general area if it is practical and logistical. Mr. Majewski added that accessory parking spots are permitted within 300 feet from the location, according to the code.

Mr. Foster asked about the three parking spaces along Dover Center Road, and the proximity to the intersection. He asked if we should be encouraging the property owners to use those spaces on the tree lawn. They are poor in terms of the street scape and what they do for the downtown of Bay Village. Mr. Majewski stated that in the past the Police Department was trying to discourage those types of parking spots. Malley's Ice Cream Store front parking was approved in their proposal. Since that time, it should be pointed out that there have been a number of accidents related to head in parking, particularly at Malley's, Minotti's and Walgreen's Drug Store. The Police Department has reported that they have no comment on the proposed restaurant, but the Commission may want to ask them again specifically in regard to those three spots on Dover Center Road. In conferring with Mr. Persanyi by telephone prior to the meeting, he expressed concern that a number of different establishments use the City lot. It was just used recently to grant parking for the proposed Bay Diner location to the east of the City lot. Mr. Persanyi feels that a certain point there is a limit to the number of variances that can be granted using the City lot.

There is also a narrow driveway, 9 feet, 10 inches. The code requires 10 feet. There has to be a loading and unloading area. Mr. Skliros stated that deliveries will be in the rear of the building, very early in the morning, before 7 a.m. The restaurant will be open six days a week for lunch and dinner. Mrs. Lieske noted the importance of being mindful of students walking and riding their bicycles to St. Raphael's School on Dover Center Road. There is a dumpster now in the rear for remodeling, and a truck is able to come into the driveway to pick up the trash. The owners have a demolition permit at this time. Mr. Majewski noted that if the driveway is used for ingress and egress simultaneously it has to be wider, not less than 18 feet. Mr. Cheatham stated behind the driveway there will only be three parking spaces for employees. It will not be a driveway that will have ingress and egress. Mr. Foster suggested taking out a section of the fence and letting the traffic flow into the city lot where it comes behind the building. This would reduce the parking in the rear to two spaces.

Mr. Cheatham noted that Mayor Sutherland has advised that the City parking lot will be restriped which will add three or four parking spaces.

Information will be sought as to how many variances for parking have been granted for the City lot. The Police Department will be asked to comment about the parking in front of the establishment. The Planning Commission, in their approval of this project, must consider a variance in parking and a variance for the driveway. The restaurant will employ six to eight people.

The National Code, a reference of the Ohio Building Code, states that parking spots shall be 8 feet by 20 feet. Chapter 1176 of the Bay Village Code stipulates 9 feet by 20 feet, but this reference is for the manufacturing districts. Law Director Ebert stated that this cannot be

extrapolated into Chapter 1191. Two handicapped spots have been agreed upon, although only one spot is required by code. Wider than 9 feet by 20 feet handicapped spots are only required for vans.

Mr. Cheatham suggested instead of having three spaces that require pulling in and backing out, the ADA parking spot be placed parallel to the street, merging into traffic instead of backing out.

After further discussion regarding parking availability and parking requirements, it was **MOVED** by Foster, second by Barbour, to move the issue of the proposed restaurant at 583 Dover Center Road to public hearing and also requesting that the ADA parking spot be placed in front of the building parallel to Dover Center Road; that there be further investigation into how the parking in the City lot will accommodate the needs of the restaurant for parking, with review by the Police Department of the three parking spots and the possibility of having the ADA spot parallel to Dover Center Road.

Mr. Barbour asked if it is possible to have the ADA spot in the City lot next to the building. Mr. Cheatham stated that agreement by the City would be required. Mr. Barbour noted that this would be safer for the patrons and the three spots in front would be retained. Mr. Foster stated that the Commission should discourage head-in parking in front of the building. Mr. Barbour noted that this is difficult considering the layout of the City.

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

The Secretary will forward the questions to the Police Department about the front parking and the possibility of changing the direction of the ADA parking spot. Mr. Cheatham will meet with the Police Department directly. Research will also need to be done to determine how many spots in the City lot have been granted for variances.

Mr. Majewski noted that the application may have to return to the Architectural Board of Review after the public hearing.

Council Update

Mrs. Lieske reported the following:

- 2015 Budget Reviews are underway – The minutes of the Finance Committee are posted on the City's website.
- A recent meeting was held with delegations from Bay Village and Avon Lake to discuss the ongoing deer situation in both cities, especially considering the jointly owned property at the Walker Road Park. A representative of the Ohio Department of Natural Resources will address Council on November 17, 2014 at 7:30 p.m. in the Council Chambers.
- Chapter 1158 is in the works of being drafted. That draft will then go to the Council Planning and Zoning Committee, and then to the Council Committee of the Whole.

When the review is scheduled again the Planning Commission will be informed so that the members can participate.

- Ward 1 and Ward 4 Council members held a Town Hall meeting in August. Mrs. Lieske, Ward 3 Council representative, and Paul Vincent, Ward 2 Council representative, held a Town Hall meeting in September. Residents appreciated the opportunity to attend and participate in dialogue with these elected officials.
- There has been a recent proposal for a recycling center in the City of Westlake, bordering on Bay Village. Westlake is trying to be good neighbors and address the aesthetics of the development. When the City of Bay Village trash collection contract is renegotiated, it will include discussion of the possibility of using the new Westlake center rather than hauling to Oberlin, Ohio.
- There has been a proposal made to the Recreation and Parks Improvement Committee of Council for the installation of fitness trail equipment in the T. Richard Martin Walking Trail in Cahoon Memorial Park on the north side of Lake Road. The areas proposed have been marked with stakes and paint. The equipment would be low to the ground and is for the purpose of encouraging park users to engage in cardiovascular type of activity in addition to the walking and jogging. Some concerns have been expressed about keeping this part of the park free of equipment and in its natural state. The topic is still in the discussion and deliberation stage. Mr. Cheatham noted that if this moves forward it will have to be reviewed by the City Planning Commission. Mrs. Lieske stated that the question has been raised about conducting a survey among residents to gather data that would indicate what the residents would like to see in their parks in the future. A grant has been applied for from the County to revise the Master Plan of the City. There could be a survey connected to that effort.
- A Property Maintenance Inspector has been hired to reinstitute the property inspection process. There is a need for this type of work in order to maintain the housing in the community. In the past, maintenance of property has been enforced through complaint driven measures. This systematic, proactive approach will help to keep residents aware of maintenance work that will maintain and enhance the value of their property. Mr. Cheatham explained that the inspector will only be permitted to inspect from the sidewalk, unless a neighbor invites him into their yard to observe into the next yard. There is a section in Chapter 13 on Maintenance Code, and the City has adopted the most current edition of the International Property Maintenance Code, which is the 2012 edition. These are the baselines for code compliance. Mr. Foster suggested providing this information in a one-page worksheet to remind homeowners of what they are required to do by code to maintain their property. Mr. Majewski stated that the homeowners are not actually cited. They are given a letter listing the things they need to address. Adequate time is given to property owners to rectify problems and extenuating circumstances are taken into consideration. Mr. Majewski noted that in the past the City received Community Block Grants that identified properties that may be entitled to assistance to correct deficiencies. Mrs. Lieske stated that in 2015 the City will participate in the Heritage Home Loan Program through the Cleveland Restoration Society to provide low interest loans for improvements to homes more than 50 years old.

- In the near future, the City will hire a part time Human Resource Manager. A job description is being formulated and will be posted when the ordinance is introduced before Council. In the past, a consultant has been used for this work.

Regarding the Crestview Development, Mr. Majewski commented that there was a lot of work going on behind the scenes that should have been done before the Planning Commission. The report requested for five months was never received. The process is not the problem; it is how the process is being handled. Mrs. Lieske stated that she will reach out to her colleagues to read these minutes closely.

Mr. Foster stated that the final set of documents should not have been sent to Mr. Cheatham until they received everything requested and preliminary approval from the Planning Commission. Mr. Cheatham stated that he has marked his code with a checkmark indicating every code he has sent to every entity involved in this development, including the officials of Bradley Center Limited, Polaris Engineering, and all City departments included in the process. Mr. Barbour stated that he believes their expectation was that they would just do preliminary and final documents at the next available meeting. There is a process in place and if you make changes for certain people and not others you open yourself to problems, unless there is a true emergency. Mr. Barbour stated that he did not feel we were giving residents an opportunity to be heard.

Mr. Majewski stated that it is a transparency issue. Things are supposed to be done in front of the Planning Commission, as representatives of the public. Mr. Cheatham noted that he also informed the applicant that in his opinion they had not met the level of the code in order to present this evening. He spoke with them in September and October, and said if they were planning to be at the November Planning Commission meeting, certain documents are needed. They have been meeting with CT Consultants to approve and they may have been thinking that as long as they met his criteria it was acceptable to the Planning Commission, even though we did not have the reports.

Mr. Foster noted that as an order of protocol, CT Consultants should not be reviewing documents that are not coming through the City's authority or Mr. Cheatham. Mr. Cheatham noted further that CT Consultants told Bradley Center Limited that he was not happy with the easement language. They did totally redesign the easement language which was approved by Law Director Ebert. Mr. Cheatham noted that in Mr. O'Neill's defense, he has been doing these things behind the scenes with the City thinking that was what was necessary.

Mr. Majewski noted further that while Mr. Cheatham was out of town Candrea Properties was routed to the Architectural Board of Review by someone in the department. Mr. Barbour stated that it is going to be difficult for another entity to apply with the intention to use the City parking lot. There is empty space at the Post Office Building that Mr. Barbour thought would be leased out to private businesses. That has not yet happened, but they do have a large parking lot. Mr. Majewski noted that people have been clamoring for more restaurants in the City. But, there is a law regarding parking and it is difficult for the Planning Commission without some kind of public provision for parking how to keep going with these variances. Mr. Persanyi has questioned how many variances we have granted for that City Parking Lot.

Mr. Barbour asked the status of Bay Diner moving into the East Oviatt location currently occupied by the consignment shop. Mr. Cheatham stated that the last he heard was that Bay Diner wanted to start their process in January or February, before their variances and approvals run out. The main reason they wanted to wait was to be kind to the consignment shop who is seeking another location. It is just a matter that she doesn't have another location.

There being no further comments this evening, the meeting adjourned at 9:05 p.m. The next meeting will be held December 3, 2014 at 7:30 p.m., beginning with a public hearing for the restaurant proposed by Candrea Properties.

_____ _____

Dick Majewski, Vice Chairman Joan Kemper, Secretary