

Minutes of a Meeting of
City of Bay Village Planning Commission
held December 4, 2014
7:30 p.m.

Present: Barbour, Lesny Fleming, Lieske, Maddux, Mr. Ebert represented Mayor Sutherland

Absent: Mr. Foster

Also Present: John Cheatham, Chief Building Official, SAFEbuilt, Inc.

Audience: John O'Neill, Bradley Center Limited, Chris Blue, LS Architects, Thomas Skliros, and Nicoleta Candrea of Candrea Properties, Mike Petrello, Lydia DeGeorge, Suzanne Graham, Marty Mace.

Chairman Pro tem David Maddux called the meeting to order at 7:30 p.m. The following members were present: Mark Barbour, Dave Maddux, Jennifer Lesny Fleming, Councilwoman Karen Lieske, and Law Director Ebert, representing Mayor Sutherland.

Mr. Maddux called for approval of the minutes of the meeting of November 5, 2014. **Motion** by Lieske, second by Barbour, to approve the minutes as prepared and distributed.

Motion carried 4-0.

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

Mr. Maddux advised that the public hearing for the Candrea Properties was held yesterday, December 3, 2014, at 7:30 p.m., as advertised. There was not a voting quorum of the Planning Commission present to continue the agenda last evening, so the remainder of the agenda will transpire this evening.

Chris Blue, architect for the Candrea Properties proposal, reviewed the plans for a new restaurant at the existing building at 583 Dover Center Road. The building will be remodeled both inside and outside. The existing cement block walls will be repainted, new windows and awnings will be installed on the north side of the building, landscaping will be done, and the parking in front of the building will be reworked with permission of the Planning Commission.

Minutes of Planning Commission Meeting

December 4, 2014

Mr. Maddux noted that there is one way vehicle circulation on the site for service vehicles. Mr. Blue stated that this was suggested by the Board of Zoning Appeals. The driveway is only ten feet wide, but the trash collection people have verified that they will be able to access the dumpster.

Mr. Maddux advised that the Architectural Board of Review suggested that a section of the fence be removed between the parking and the public lot. Mr. Maddux asked the Law Director if the City has a position on that proposal. Law Director Ebert stated that it is permissible if access is needed by the patrons to the parking lot. Chief Building Official Cheatham stated that removal of the section of the fence would improve the appearance of the site. The City will restripe the parking lot to provide additional parking. Mr. Cheatham noted that most of the parking spots are 11 feet; the state only requires 8 feet. Most of the parking in other locations are 9 feet. There are 19 spots at the lot currently.

Mr. Cheatham reviewed the requirements for parking for the new restaurant. Twelve parking spaces are required. There are three spots behind the building. There is the option of one ADA spot in the front of the building, or in the public parking lot. Three spots have been granted across the street. Mr. Cheatham stated that the Mayor had sent a letter stating that the City parking lot to the north of the building is a public parking lot to be used for businesses, and there is no problem with the use of that lot for this restaurant. A variance of 6 spaces will be required.

Further review of plans and discussion of parking requirements followed.

Mrs. Lieske asked if there is enough public parking for the future, given the number of establishments or restaurants that could be in that area in the future and the limited parking. Law Director Ebert commented that on Sundays, St. Raphael's Church uses the side streets and the post office parking lot for additional parking. Dover Junction Shopping Center is across the street with a large parking lot as well. Mrs. Lieske asked if someone would talk to the folks at the post office if there is a need to use their parking lot for overflow parking. Mr. Ebert stated that they would certainly speak to the post office personnel to request that permission.

Mr. Barbour noted that in order to promote this kind of development the City must be flexible with parking issues. Ms. Lesny Fleming agreed, noting that it is a question of what variance to adopt and whether the Planning Commission wants to re-establish the green space in front of the location. Mr. Ebert commented on the difficulty of backing out of parking spaces in front of the building due to the proximity of the intersection.

Mr. Barbour stated that his personal view is to grant a variance on the parking, re-establish the green space in front of the building, and provide an additional ADA accessible parking space in the public parking lot.

Mr. Cheatham commented that all have the requirements of the Architectural Board of Review on October 8, 2014 have been met, including screening on the top of the building.

Motion by Barbour, second by Lesny Fleming, to accept the plans as submitted by Candrea Properties for the establishment of a restaurant at 583 Dover Center Road, with a change in the

front parking area to become a grass area, and to grant a parking variance in the amount of six spaces, in accordance with Option C of the plans reviewed.

**Roll Call Vote: Yeas – Barbour, Lesny Fleming, Lieske, Maddux.
Nays – None.**

Motion passed 4-0.

Mr. Skliros expressed appreciation to the Planning Commission and stated that they will provide good food, good atmosphere, and the outdoors very elegant for the community.

**Bradley Center Limited
Southern Extension of Crestview Drive
and development of 9 lots containing 4.31 acres**

Mr. Cheatham advised receipt of reports from Bob Greytak, CT Consultants, engineering consultant to the City of Bay Village, and Scott Thomas, Director of Public Service, both saying that they recommend approval and that Bradley Center Limited has adequately addressed all previous concerns, secured the adequate permits for sanitary sewer, and obtained permits from the Environmental Protection Agency.

Mr. Barbour stated that the last time the Planning Commission reviewed the application the reports to be filed per the statutory requirements were not filed and the Planning Commission was prohibited from further examination of the plans. That requirement has been met and at this stage both preliminary and final approval is pending.

Law Director Ebert suggested that it would be appropriate at this time for the Planning Commission to consider preliminary approval.

Mr. Cheatham advised that the Bay Village Fire Department has asked the turning radius at the end of the street. Seventy-two feet turning radius is needed for the Fire Department's largest unit. The outside radius is 100 feet.

The second question is the furthest point to the nearest fire hydrant. The requirement is no greater than 400 feet. Mr. Cheatham will be provided that information by the engineer for the project. Mr. Young noted that his lot at 606 Crestview Drive is 180 feet wide, with another 20 feet going back. It is about 200 feet on the west to the east side from the current end of Crestview.

Mr. Maddux informed the applicant that there are only four voting members of the Planning Commission at this meeting. A total of four affirmative votes are needed for approval. The applicant was offered the opportunity to wait until there are additional members present.

Mr. O'Neill asked the requirements for preliminary approval. Mr. Maddux stated that the applicant has met those requirements, and the reports filed this evening indicate that there has been approval by the Service Director and the consulting engineer. The stumbling blocks in the

Minutes of Planning Commission Meeting

December 4, 2014

past have been due to procedural requirements. Mr. O'Neill stated that he thought he was following the direction he was given from the City and was not attempting to circumvent process. Ms. Lesny Fleming commented that there was no indication that there was an intentional violation of any sort.

Motion by Barbour, second by Lesny Fleming, that the Planning Commission grants preliminary approval to the plans submitted by Bradley Center Limited for the southern extension of Crestview Drive, subject to the contingencies discussed this evening, including confirmation of the radius needed for Fire Department turn-around, and distance from the nearest fire hydrant.

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

Motion passed 4-0.

Bay Diner

In regard to the previous approval of the Bay Diner application for a restaurant at 27115 East Oviatt Road, and the requirement of the Planning Commission that the applicant provide two ADA accessible parking spots for the establishment, Mr. Cheatham explained that he has been advised by the State of Ohio that only one ADA Accessible parking spot is required by state and federal guidelines and the City is not permitted to increase the standard by two spaces.

Mr. Ebert noted that it is permissible to reconsider the motion at this time due to this new evidence submitted by Mr. Cheatham.

Pursuant to Section 111.13 of the Administrative Code of the City of Bay Village, Ohio, it was **Moved** by Maddux, second by Barbour, to reconsider the motion requiring two ADA Accessible parking spots for the proposed Bay Diner Restaurant at 27115 East Oviatt Road, in light of the new information submitted by Building Official John Cheatham.

Motion passed 4-0.

Motion by Maddux, second by Barbour, to require only one (1) ADA Accessible parking spot for the proposed Bay Diner Restaurant at 27115 East Oviatt Road.

Motion passed 4-0.

Mr. Mike Petrello addressed the Commission and stated that upon measuring the lot, he falls clearly within the 15 feet right of way to keep the two parking spaces facing the north side of the street. Mr. Cheatham confirmed the accuracy of Mr. Petrello's statement. New plans with the modifications will be submitted to the Building Department.

Motion by Barbour, second by Maddux, that the Planning Commission withdraw the requirement that there be green space south of the sidewalk and six parking spaces be maintained in front of the proposed Bay Diner at 27115 East Oviatt Road.

Motion passed 4-0.

Council Update

Councilwoman Lieske provided the following information:

- On November 10, 2014 Council approved an ordinance to provide participation in the Heritage Home Loan Program. The website of the Cleveland Restoration Society has a link to the application for homeowners to apply for assistance for certain home improvements.
- Council held a Town Hall meeting on November 24, 2014. Mrs. Lieske stated she is grateful to residents who take so much time to attend meetings and stay informed, specifically acknowledging those residents in the audience this evening. The main topics of discussion at the Town Hall meeting were sewer improvements and the 2015 Budget overview.
- Council has been presented with information from Northeast Ohio Public Energy Commission (NOPEC) about a gas aggregation program. This proposal could possibly be on the ballot in May, 2015.
- Change orders for street construction and improvement contracts have been adopted by Council
- A vote to install fitness equipment on the north side of Lake Road at the T. Richard Martin Walking Trail passed with 5 affirmative votes and 2 opposing votes of Council. The proposal is pending private fund raising efforts. Mrs. Lieske noted that she did not vote in favor of the proposal because of hearing from residents who were opposed to the project. Mrs. Lieske commented that she believes the City needs a new Master Plan. A grant application for the Master Plan has been submitted and word should be received in the near future as to its success or denial. The City has not done a survey for several years and before we move forward with requests for projects such as this we really need to know what the residents want in their community.
- Council will meet again on December 8 and December 15, 2014. There could be an additional meeting before the end of the year. The 2015 Budget is expected to be passed.

Conda Boyd stated that she had given the members of Council and former Planning Commission Chairman Bela Persanyi some feedback on the proposed new process of the Planning Commission. Ms. Boyd asked that the Planning Commission members be forwarded her comments regarding the new process that is on display in the lower level of City Hall. Ms. Boyd stated that it is critical for the Planning Commission to have frank input into the change in process. They have all been given a trust by the citizens. It is enshrined in the Charter that the Planning Commission is one of the few bodies that is defined in the Charter as a role insulated from other influences. The members have five year terms that potentially go across two Mayors. The independence and understanding of the city needs by members of the Planning Commission, as well as their defense of what makes a good City is critically important for the whole process.

Minutes of Planning Commission Meeting

December 4, 2014

Ms. Boyd stated that she does not see that in the new process that is outlined in the lower level of City Hall. She hopes that the Planning Commission will take time at a future meeting to discuss whether that process could be improved. Ms. Boyd noted that she spent many hours in front of the Planning Commission when the Bay Middle School was being built, due to the proximity of her home to the school. She felt that this body was critical to making sure the neighbors had an opportunity for hearings, the landscape plans were included in the process, and the roads at the construction site were cleaned. The Planning Commission needs to continue to be in the beginning of the process.

Ms. Lesny Fleming asked if Ms. Boyd has expressed her views to the City Council. Ms. Boyd stated that she sent her message to the City Council. President of Council Koomar has indicated that legislative changes will need to be made for the process to be changed, and has asked that the chairs of the Architectural Board of Review, Board of Zoning Appeals, and Planning Commission be invited to talk about this with City Council.

Mr. Ebert stated that this has been an extensive process and has included the chairs of the three commissions as well as the Chief Building Official. The idea is to eliminate the red tape in the process and the time it takes for final approval. Very few ordinances will be changed; it is just the process that will be addressed, including the reinstatement of two meetings per month by the Planning Commission and the Architectural Board of Review.

Mr. Barbour stated that his personal view is meeting more often is a good thing, even though it can be somewhat inconvenient for members of the various Boards and Commissions. It can be hard for an applicant to be delayed because of waiting for meetings to be scheduled. Personally, Mr. Barbour stated, he does not agree that speeding up the process is necessarily better. He believes that a somewhat protracted process is better for the City of Bay Village as a whole, for the community as a whole, because it gives all the residents and all the stakeholders a chance to participate and come before these Boards, making their concerns known and being provided information. Mr. Barbour stated that he personally has some concern that these changes might eliminate those individual citizens to be heard. There is a lot of talk about making government more efficient, but sometimes these efficiency moves don't necessarily lend to better decisions. Mr. Barbour stated that personally he doesn't mind meeting twice a month instead of once a month and it creates better access for people who come before the Board. Whether the changes are going to be better for the City of Bay Village, he does not know that this is necessarily true. Mr. Barbour stated that he does not know if these efficiency moves are necessarily better. From his experience, Ms. Boyd's comments need to be directed to City Council as the decision making body.

Mr. Richard Fink commented that he thinks that it has been very difficult for the parking issue to be solved. He knows that the Planning Commission has to live by the rules, but when you look at what the City is doing in general in other areas and trying to look at consolidating services and more commonality, he would love to be able to drive to downtown Bay Village and have trouble finding a parking spot. There is adequate parking for the restaurant at the shopping center and post office. The post office parking lot is never full. It seems absurd that we put these small businesses, especially when we have a vacant building that we are trying to fill, through these hoops. If they actually had to buy parking spots, they would either have to have the people pay

Minutes of Planning Commission Meeting

December 4, 2014

for them, or the city would have to force parking only for that businesses. There should be some way the City should investigate or think about a pool parking for the common good of all, other than specifically requiring a certain number of spots.

Mr. Barbour explained that the restaurant was given a six parking spot variance to address that very concern. In this particular instance, the Planning Commission does agree with the suggestion of Mr. Fink. A certain number of spaces are required by code. For code change the body that has the power to change the code must be addressed.

Mr. Fink added that with all the experience the Planning Commission has had with this issue, would they think it is more reasonable to look at a more global, holistic look at parking rather than this very narrow, granular approach.

Mr. Barbour stated that this evening they looked at that very issue and addressed that concern, giving that entity a 50% reduction. We will have to see what happens going forward. One of the benefits of Bay Village is we do have flexibility to address concerns because of our size, the way our government is structured, and because we have involved citizens. We are able to address various situations as they come up and adapt to them.

Tribute to Mr. Bela Persanyi and Mr. Richard Majewski

Mr. Maddux expressed appreciation, for the record, the work of Bela Persanyi and his years of service on the Planning Commission for over thirty years. He also expressed appreciation to Richard Majewski, for his years of service and work on the Planning Commission. Both of them were very loyal, active members with strong, working knowledge of the zoning code. Their service to Bay Village is appreciated.

Meeting adjourned at 8:43 p.m.

David Maddux, Chairman pro tem

Joan Kemper, Secretary