

Minutes of a Meeting of the
City of Bay Village Planning Commission
Held January 15, 2020
7:30 p.m.

Present: Jeff Foster, Warren Remein, Rick Kirk, Sara Byrnes Maier, Jennifer Lesny Fleming, Dave Maddux and Kendra Davitt

Excused:

Also Present: Mayor Koomar, Eric Tuck-Macalla (Building Director) and Mark Barbour (Law Director), Councilman Tadych, Councilman Kelly, Councilman Winzig, Councilwoman DeGeorge, Councilwoman Stainbrook

Audience: Bob Shields, Danny Wendell, Chrissy Morschen, Eric Burgy and Cherry Bochmann (Many more were in attendance but this is the list of who signed in.)

**Full recording of the meeting is permanently available on the City of Bay Village website under City Government /Planning Commission.*

Chairman Foster called the meeting of the Planning Commission to order at 7:30 p.m.

Following roll call, Mr. Foster called for approval of the minutes of the Planning Commission meeting held December 4, 2019.

Motion by Remein, **second** by Lesny Fleming, to approve the minutes of the Planning Commission meeting held December 4, 2019 as prepared and distributed.

Motion carried 7 yeas, 0 nays

Cuyahoga County Library: Bay Village Branch

Applicant: S. Peters c/o HBM Architects

27400 Wolf Road

Referral from Architectural Board of Review to Planning Commission for final approval pursuant to the regulations in Chapter 1128.

Mr. Foster introduced the first agenda item, Cuyahoga County Library: Bay Village Branch.

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Ms. Peters, HBM Architects, introduced herself. She explained that last week they met with the Architectural Board of Review and discussed the evolution of the project and the comments that have come up throughout the process. She stated that they were in attendance for a final motion.

Mr. Foster asked if there was anything noteworthy from the ABR meeting that she wanted to report back to the Planning Commission.

Ms. Peters said no.

Mr. Foster asked if there were any comments or questions from the Board or the audience.

Ms. Byrnes Maier clarified from reading the ABR meeting minutes that the patio is still and add alternate for the bid package.

Mr. Foster asked if there was an update on schedule that could be reported.

Ms. Peters stated that they are still on schedule to go out for bid and start construction in the spring.

Mr. Remein discussed the underground retention in the front of the building and asked if there was any thought in making that a bio soil or partly a bio soil.

Ms. Peters explained that they did go back and forth between a bio soil and having an underground retention. They believed that it was the City's request to keep it underground.

Mr. Remein stated that it appears to be underground but that it is hard to see from the drawings. He asked if it was a tank.

Ms. Peters explained that it is a series of piping underground.

Mr. Remein asked how big the pipe was. He explained that he knew that when some of the underground retention had to be cleaned up in North Olmsted, they found that the silk contained hazardous materials and had a significant cleanup. He presumes there will have to be some maintenance over the years because it will accumulate silk and sediment.

Ms. Peters apologized but she was not sure what the size of the piping was off the top of her head but she could get the information for him.

Mr. Tuck-Macalla explained that they are not quite to that point yet and the City is still waiting for the engineering drawings and the storm water protection plan. All the particulars and specifications will be in that document.

Mr. Foster clarified that they are proposing a tidier look than a bio retention basin. From his perspective, what they are proposing will look the best consistently. Bio soils can look nice but they need maintenance.

Ms. Peters explained that they do have a bio soil in the back in lieu of underground piping. She explained that the other issue with the bio soil is that it would have to get quite deep and there were safety concerns.

Mr. Remein asked if she had visited the restaurant in the Flats were the Metroparks is and in Rocky River Park. He explained that the bio soils are beautiful. It is a significant investment but they are also attractive all year round.

Ms. Peters explained that they were also thinking that the green space area in the front would also tie into the main green space that the City was interested in connecting to the park.

Mr. Remein stated that it could be a rare opportunity to make a physical outdoor statement towards sustainability.

Mr. Foster asked if there were any other comments or questions from the Board and if there was a motion.

Motion by Byrnes Maier, **Second** by Kirk to give final approval for the Cuyahoga County Library: Bay Village Branch project per the plans and application as prepared and submitted.

Motion carried 6 yeas, 0 nays, 1 abstention (Davitt)

WORK SESSION:

Stay In Bay-Review of the Bay Village Commercial Code with Jason Russell, Concord Consulting

Mr. Foster introduced the next agenda item, Stay In Bay with Jason Russell from Concord Consulting.

While Mr. Russell was setting up Mr. Foster explained to the Boy Scout troop in the audience that the library had been to this Committee a few times. He explained that this venue is where an

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applicant would present a project, what they want they want to do and how they want to do it. The Board then comments on how it fits into the City, the architecture and asks how it fits in with what they want to see as a community in Bay Village?

Mr. Foster explained that Mr. Russell is here to discuss the adoption by the City of a new Master Plan. He asked if they were familiar with what a Master plan would be for a City. He explained that a Master Plan is a blue print of what they want to see a city develop. It is a lot of new and different ideas. The City is developing new ordinance pages that would go along with that and one of those concepts is how the City can diversify some of the retail and mixed-use development in Bay Village.

Mr. Russell introduced himself. He explained that he ran a small company called Concord Consulting. He currently serves as the Neighborhood General Manager for the Van Aken District in Shaker Heights. He explained that the Van Aken District is a new mixed-use project where they converted a former 1950's shopping center to a place that has office, residential and retail. He was also a former city planner for Lakewood and used to serve on City Council in South Euclid.

Mr. Russell explained that his main role in all this entire project is help create a denser downtown for the City of Bay Village. He is tasked with leading the public engagement on what the zoning changes could look like to allow for future development to accommodate those things. He will evaluate the different zoning opportunities that exists and see how they could be applied here in Bay Village and actually draft the zoning code that could be implemented by City Council.

Mr. Russell explained that the purpose of Stay In Bay is to build vibrant commercial districts that reflect the existing character of Bay Village. Updating the building guidelines for the commercial districts will encourage more retail. Additional housing options and new community gathering spaces that exist in harmony with our existing residential neighborhoods.

Mr. Russell explained the timeline of where they have been, where they are at and where they are going. The listening phase was started back in November with meeting with the Planning Commission and City Council. On December 10, 2019 they held a public meeting at the Dwyer Center and had discussions with commercial property owners on Dover Center. The next step is to create. He presented to the Planning Commission on January 8, 2020 and again at the current meeting. There will be another public meeting held on January 23, 2020 to get feedback on where they are to date. After creating they will evaluate and it will be introduced to City Council. They will review it and send it to the Planning Commission to further review and to make changes to it and then it would be referred back to City Council. Ultimately City Council will

make the final decision on whether or not they implement that into the Zoning Code as a potential tool for future development.

Mr. Russell asked if there were any question.

Mr. Winzig asked that Mr. Russell explain to the Boy Scouts what zoning is, the different types of zoning that we have and some examples of the different areas.

Mr. Russell asked if anyone knew the game, Sim City. He explained that in the game you have to choose residential, commercial, office or industry. You basically design where places exists in a City. Zoning is a tool the City uses to delegate where those items are. You control use and how the building looks, feels, etc. It helps define what the building environment around us looks like. It did not just happen, someone helped make it happen. Bodies such as the Planning Commission help in that process.

Mr. Russell discussed the progress summary so far. January 8, 2020 they reviewed public feedback from the listening phase, heard additional comments, questions and concerns and began review of draft mixed-use overlay zoning code.

Mr. Russell explained that in tonight's meeting they planned to review the permitted uses (by right and conditional) and review the property development guidelines. Such as, units per acre, large parcel development and pedestrian and vehicular circulation. They want to make sure things exist so when a developer comes to Bay Village they have the guidelines of what the community wants their properties to look and feel like and what is included in that process. It would be up to the Planning Commission to decide whether or not to approve such developments.

Mr. Russell asked if there was any questions.

Mr. Russell discussed permitted uses, residential and commercial/retail.

Residential:

- Attached Residential (as defined in Chapter 1158)
- Apartment houses located above the first floor (as defined in Chapter 1171)

Commercial/Retail:

- Artisan studios, photography shops and studios and art galleries
- Assembly and meeting halls
- Automated teller machines (ATMs)
- Banks or other financial institutions, except drive-through bank teller or ATM facilities

- Bars/tavern,
- Medical clinics
- Offices, business or professional
- Recording, radio, or television studios
- Restaurants except drive-through restaurants
- Retail
- Service, personal, business or repair, except vehicle repair

All of the above are provided that such use is on the ground floor of a structure shall not exceed 5,000 square feet of gross floor area.

Institutional/Civic/Public:

- Government administrative offices
- Public, non-profit, or cultural facilities including but not limited to libraries and museums
- Public park or recreation areas, including multipurpose trails
- Public recreation facilities, indoor and outdoor
- Public safety and emergency services
- Essential public utility and public services installations, transfer stations, or outdoor storage

Lastly, similar main uses will be permitted. In 20 years there may be a use that we never thought of but at least having the provision allows Board's like the Planning Commission to decide if it is similar enough to a use that is permitted in the district.

In all of the uses stated above there are limitations on the square footage allowed per that use. Based on feedback from the public, it was important to make sure that there was not big box retail. They do not think that is appropriate and they want to focus on small businesses. They discussed Amazon and how it is changing the retail market. They discussed sustainability to make sure they create a downtown that is going to be here for the next 50-100 years from now. They discussed specific downtowns such as Rocky River, Chagrin Falls and Hudson that have stood the test of time.

Mr. Russell shared a diagram showing the average store square footage for common retailers. Below are some examples he shared.

- Heimens is about 40,000 sq. ft.
- TJ Maxx is about 21,000 sq. ft.
- Rite Aid is about 13, 000 sq. ft.
- Old Navy is about 16, 000 sq. ft.

Right now in the Code as it is drafted, 5,000 sq. ft. is the largest permitted retail use unless they got a conditional use to allow them to go larger. What is important about conditional use, is that it is not permitted by right. They would have to go in front of a board such as the Planning Commission or City Council to have the ability to utilize that conditional use. Those are conditional so that if they ever violate any conditions of that use it could be revoked. It gives the community greater control to control the uses in the community.

Mr. Russell gave some examples of what stores would fit under the current code in Bay Village. (less than 5,000 sq. ft.)

- Game stop-1,600 sq. ft.
- Coach-3,000 sq. ft.
- Lululemon Athletica-3,100 sq. ft.

Mr. Russell explained how that related to Bay Village currently.

- Bay Lanes-13,134 sq. ft.
- Walgreens- 12,968 sq. ft.
- Key Bank-4,990 sq. ft.
- **Minotti's Beverage-4,362 sq. ft.**
- **Arthur's Shoe Store-2,500 sq. ft.**
- **Verizon Wireless-1,106 sq. ft.**
- **Subway-900 sq. ft.**

The bolded above would currently be permitted under the code as it is written today. It would not prevent a Walgreens type store but they would have to come in front of the Planning Commission to have a conditional use to permit it.

Mr. Russell discussed units per acre. The restrictions of dwelling units per acre helps the City control the density of residential units within the mixed overlay district. For example: single family homes have a density of 8.5 units per acre. Townhomes have a density of 18 units per acre. A 4-story apartment building has a density of 36 units per acre. Mr. Russell discussed how that translates using some examples in Bay Village and showing the density of different areas. Ex: Condos behind Dover Village Square is just under 7 acres of land. On E. Oviatt there are four houses within an acre. Just south of Wolf on the east side of the City on Huntmere Drive there are 6 units per acres. He wanted to give examples of areas that represent Bay Village today.

Mr. Russell discussed new projects around the region that provide townhomes with first floors masters and gave examples of their density. Being able to age in place was important to members in the community. The developer would be looking for that if there was a market for it and so they need to see if they can allow for that type of use in the area. Some examples: McKinley

Place in Lakewood, Oh has 14.71 units per acre. Clifton Pointe in Lakewood, Ohio has 20.7 units per acre. First and Main in Hudson, Ohio has 19.7 units per acre.

Mr. Russell asked if there were any questions.

Next, Mr. Russell discussed Large Parcel Development.

- Development proposals that involve at least 1.5 acres of 60,000 sq. ft. of floor area, whichever is less, shall:
 1. Include a mix of retail, office, residential or civic uses, so that no one use category exceeds 90% of the total floor area of the proposal.
 2. A minimum of 50% of the linear first floor building frontage along primary street shall be designed for retail, restaurant, and/or service uses with a floor to ceiling height of at least 10’.
 3. A minimum of 60% of the street-facing building façade between 2’-8’ in height shall comprise clear windows that permit views into the interior of the building and/or product display areas.
 4. These requirements may be waived for conditional uses based on their location.

The examples above are malleable but the important part is that the City wants to have a mixture of uses on any large piece of property that is repurposed in the City of Bay Village.

Lastly, Mr. Russell discussed the pedestrian and vehicular circulation and gave examples. He explained that one thing that this code currently requires is a developer who is looking at repurposed land would have to submit a plan that takes into account having pedestrian access to move throughout the site and having vehicles move and access the site. He shared different potential layouts and explained that a developer would have to show in their plan how the circulation of the site would look.

Mr. Russell shared two side by side photos of pedestrian walkways and asked what they like and dislike about each space. They discussed the space to walk, green space and lack of defined space. Mr. Russell discussed the lack of benches in the area and wanting to create gathering areas and providing seating opportunities.

Mr. Russell explained that these are things in the code that require designations for the Planning Commission to review to make sure that it is very clearly delineated, not through signs, but thoughtful design to determine where pedestrian and vehicle right of ways are.

Mr. Russell discussed curb cuts and how it is important to make sure you reduce the number of curb cuts for pedestrians. As the plans are submitted, currently there are restrictions on the

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amount of linear feet on how many curb cuts you can have. It would force the developer to minimize those cuts.

Mr. Russell shared photos of good streetscapes. Right now the code requires benches to be included as a part of it as well as other street furniture. They help create a gathering space in a traditional sidewalk. He also discussed movable furniture as a way to create a community gathering space.

Lastly, he discussed lighting. Everything is about the perception of lighting and lighting can add to that tremendously. Right now in the code, it requires lighting that lights up the road and pedestrian lighting. When lighting is high and intense it does not benefit the pedestrian, it can actually be intimidating. The better way of doing it now is having higher ones that point only to the road that have shields and create pedestrian poles closer together and lower to the pedestrian. It gives a more intimate feeling and you feel safer.

Mr. Russell completed his PowerPoint and asked if there were any questions.

Audience member asked about the overall goal, and asked if it was to create more business and residential housing in the areas that are talked about?

Mr. Russell explained that the overall goal is to create a zoning tool. If approved by Council, a tool would exist within the Zoning Code so that property owners and developers could provide additional retail, residential and office options within their property.

Mr. Foster asked how this fits in with the current zoning. Is it a replacement or supplement or both?

Mr. Russell explained that what they are creating is what is called an overlay. Right now, the zoning code has a number of different zoning destinations. (commercial/residential) They are creating an overlay which can sit on top of that. This overlay would have stricter regulations and guidelines. Whatever is in the code now exists until the overlay is applied. The overlay supersedes the Bay zoning. It does not replace anything that is currently in the code, it is just a tool that can be placed on top a property should a developer need tools to redevelop their properties.

Audience member asked if a developer buys a property in the commercial district, is there anything to stop them from making it look more like Rocky River? Hypothetically, if they bought 2-3 acres they could build a 4-story building with four units in it as long as they have retail under it on the bottom floor?

Mr. Russell said yes, as long as they utilized the overlay code but all of that would have to go in front of the Planning Commission.

Audience member asked if they are currently allowed to do this.

Mr. Russell explained that currently there are different uses, setbacks and parking requirements. Unfortunately right now the code is more geared towards 1950's shopping centers. If you wanted to do it, the building would have to be setback 100' from the road and provide X amount of parking. There is a flexibility to reduce some of those guidelines to create a denser and more pedestrian friendly design but only if you take advantage of the overlay.

Audience member asked in his previous experience in other cities, what was the retention on the retail people who were going into something new.

Mr. Russell gave the example in Shaker Heights in the Van Aken District. The shopping center that they owned was demolished. They purchased another shopping center to move all the existing tenants over there. They were retained but moved them into second generation space as well. The price is fairly the same. When you bring in new construction the rent is obviously slightly higher. But all the tenants are either first time owners of business or they own another location in northeast Ohio or it is a regional business (like Columbus or Detroit) that has opened their first Cleveland location. The largest store is 5,000 sq. ft. (small grocery store) and everything else is between 200 sq. ft. up to just over 2,000 sq. ft. They created small spaces for that purpose so that they could make the rent affordable and it can easily be repurposed.

Audience member asked if they take light pollution into consideration.

Mr. Russell said absolutely and explained that in the code, it does require shielding from adjacent residential properties. Most lighting design now aims the light straight down and not in the night sky.

Mr. Foster asked: without changing the base code, if the City is still setting itself up for status quo? There is nothing that says you can't keep doing what they have been doing for decades.

Mr. Russell agreed but he thinks the overlay provides flexibility and the way the market has trended, it is more beneficial to provide additional uses on the property as a property owner. If retail struggles, you still have office and residential to keep the revenue coming. Providing more uses is more economically sound. From talking to property owners, if they had that tool they could take advantage of that right now.

Mr. Foster asked if it could apply to only a portion of the property.

Mr. Russell explained that it is best to include the entire parcel. But there could be multiple parcels that make up one large area.

Mr. Kirk explained that some of the areas that were discussed have more than an acre and theoretically they could still go by the existing code if they wanted to even with the overlay.

Mr. Russell stated that they should require consolidation otherwise it could create loopholes.

Mr. Remein discussed the parcels that were used as examples (Van Aken District and Hudson) and asked if the zoning codes were changed for those overlay districts specifically or did they use a different vehicle.

Mr. Russell said no. He explained that in Shaker Heights there is a special commercial mixed-use district. It is not an overlay but a specific district and it only applies to that area. In Hudson they created a Village District that only applies to First and Main and the historic portion in Hudson right off North Main Street. It only applies to the area of which they wanted to apply it to.

Mr. Remein stated that this was all generated from the Mater Plan and part of that plan references a retail development study by Kent State. He asked if they are anticipating that all of the areas referenced in the retail development study would become retail overlay zoning districts.

Mr. Russell explained that the three areas that were discussed in previous meetings were the areas at Wolf/Dover Center, Dover Center/Oviatt and Clague Parkway. The benefit of an overlay is that there are different areas within the City. Rather than making separate districts for each of the spots, you could make an overlay that could be applied in those three different areas.

Audience member asked in a community like Bay Village, how likely would it be to see the current property owners sell to big developers? There is a lot of money to be made.

Mr. Russell stated that he cannot predict but that the important piece is to have the right tools so that if something does come along there is the opportunity.

Audience member asked if it was the opinion of the City that they want big developers or do they want the City to stay the way that it is now.

Mayor Koomar explained that it was part of the Master Planning process in 2017. There was a good return rate on a resident survey, a 15 member community committee and multiple public meetings. There was a desire to create a vibrant downtown center that had the character of Bay Village. We do not want a Crocker Park but more like Old Rocky River. We have a lot of vacant

storefronts and we want to give them the tools to keep it looking the way people in Bay Village want. Part of that process is going down that road to explore the zoning overlay.

Mr. Foster explained that part of it is expanding on what we have. There are a lot of great businesses here but we have room for more. There is a lot of underused property. They are mainly talking about the Dover Center Corridor and a portion by Clague Parkway but they are mainly talking about our "downtown". We need to figure out how to improve that to make it more viable. Example: Thyme Table-It is very active. There seems to be a demand for that. Places for people to eat, places where people can go and walk to. There is also a demand for places you can go without having to mow a half acre of grass. We need to mend all this together to create a downtown. It is not about being different, it is about building off of what we have and setting the rules for that.

Ms. Byrnes Maier explained that because of the way the Code is written now and because it is so limiting in what could be developed, there really is not much incentive or the return on the investment to be able to redevelop those properties. You could not really redevelop them to what they are now. There just would not be the return on the investment that you are putting into it. This is giving the possibility to future developer but also giving the existing parcel, property and business owners the possibility to build up their business.

Mayor Koomar gave the example of the owners of Bay Square that also own the ATM and old Shell Company. Back in 2010-2011, City Council voted to allow that commercial district to be an attached residential district. That property owner was able to develop the area along the creek and it will be turned into the Bay Creek Residences development. Right now it is an old parking lot filled with graffiti and trash but it will be turned into a positive for the City. They took advantage to better utilize the property and an action that City Council made to make it a good housing option. Instead of just having it sit there, they will have something much better that bring in more taxes for the City and schools.

Audience member clarified that the Bay Creek Residences is planned to only be residential and not business.

Mayor Koomar said it was zoned as an attached residential district.

Audience member asked if under the new plan they would have to include business as well.

Mr. Russell stated that they would not have to but it is an option. Currently you have to pick a use and with the overlay they could mix the use.

Audience member clarified that the previous presentation stated that you had to have certain percentages of residential, business and offices.

Mr. Russell explained that was only if it is a large scale development. (over one and a half acres or 60,000 sq. ft. but the numbers are always malleable)

Ms. Stainbrook explained that based on previous discussions and meetings that no one is looking to change the look and feel of Bay Village. They just want to take a look at the zoning code options that allows the developers the flexibility. There was a lot of discussion on having the Western Reserve historic look and feel.

Mr. Russell agreed and added that a nautical design theme was discussed as well.

Mr. Russell explained that one thing they heard from property owners was that they are looking for more reasons to get more people to their property and to stay a little bit longer. It came up at the public meetings and at the meetings with the property owners. There are so many people that come to the Metroparks and to the recreational activities in Bay Village. They enjoy those and then they leave. We want to try and bring some of those people to Bay Square and down Dover Center. They want to help create the circulation to help with the unintentional purchase and for people to walk and stay in areas for longer.

Ms. Stainbrook stated that there is 800,000 visitors to Huntington Beach every year.

Mr. Russell asked if there was any other questions or comments.

Mr. Foster stated that there are a lot of really good urban design principles that apply to the overlay. He asked if they should just be incorporating those into the City's general zoning guidelines. This addresses the development but not necessarily the right of way. He asked what they do with the rest of Dover Center when folks are not necessarily applying the overlay.

Mr. Russell stated that they can work with City Council to determine what the best way is to strategically ensure that overlay impacts as much as it can to make sure the standards and guidelines trickle down as much as they can.

Mr. Foster asked if there were any other comments or questions from the Board.

Mr. Foster explained that this is a work in progress and he encouraged the audience to come to other meetings to get involved. He explained that the Board is all volunteers and are doing it out of the goodness of their hearts. He encouraged the young audience members to get involved in

whatever city they end up in and find their passion. Whatever your passion is, there is a place for you to volunteer. Do not hesitate to put your hand up. We need more voices like that.

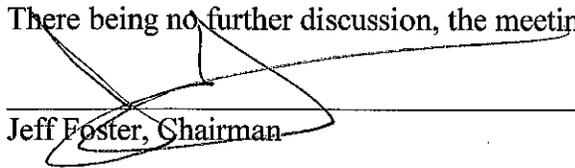
Council Update:

Ms. Byrnes Maier stated that there is a CMEG grant that was awarded in the last round. It is going to be for development during conceptual planning and development at Bay Pointe and how it ties in to the trail network that is being built. The City administration is working on that. One of the things that they are thinking about is expanding the scope to include some of the circulation throughout Cahoon Park. Some of the Council Members' goals are to make sure that there is a long-range vision for Cahoon Park. That process will be starting up this year.

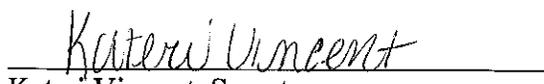
There is another public meeting on January 23, 2020 to further discuss the commercial mixed-use overlay. After that it will go to the Planning and Zoning Committee and they will continue to work on it. They will tinker with comments that they get from Planning Commission and have public meetings around that. There will be a public notice of when those meetings will be held online. They welcome participation. The Council will work on it and then send it back to the Planning Commission. They want to take what is written in the draft and refine it and make sure that it really speaks to the City of Bay Village.

Mayor Koomar explained that if Council were to take the recommendation of the Planning Commission and Planning Committee there would need to be a City wide vote because it would be a change in zoning and permitted uses. There are a lot of steps involved in the process.

There being no further discussion, the meeting adjourned at 8:26 p.m.



Jeff Foster, Chairman



Kateri Vincent, Secretary