

Minutes of a Meeting of the
City of Bay Village Planning Commission
Held February 5, 2020
7:30 p.m.

Present: Jeff Foster, Warren Remein, Rick Kirk, Sara Byrnes Maier and Kendra Davitt

Excused: Jennifer Lesny Fleming and Dave Maddux

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

Audience: Jim Jewitt

**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 7:32 p.m.

Following roll call, Mr. Foster called for approval of the minutes of the Planning Commission meetings held January 8, 2020 and January 15, 2020.

Motion by Byrnes Maier, **second** by Kirk, to approve the minutes of the Planning Commission meetings held January 8, 2020 and January 15, 2020 as prepared and distributed.

Motion carried 5 yeas, 0 nays

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.

Mr. Russell explained that he wanted to use this work session as more of a listening session to hear some of the Board's comments and feedback thus far on the draft of the Mixed-Use Overlay Code. He explained that he met with the Administration on Friday of last week to gather some of their information. He hopes to take feedback from the Planning Commission and Administration

to make a robust update to the Code. He explained that he would like to next go through the draft Code piece by piece. (Throughout the minutes below, the draft of the Mixed-Use Overlay Code is in bold and italics for reference.)

Ms. Byrnes Maier explained that she was also in on the Administration meeting the past Friday and there are comments that were made by the administration that are not reflected in the draft of the Code that the Planning Commission was currently reviewing. She stated that there will be a Planning and Zoning meeting on February 19, 2020 at 6:30. The Council members will be able to discuss the next iteration of the Zoning Overlay.

Mr. Russell started with the **Purpose section** of the draft and asked if there were any comment, questions or concerns.

Chapter XXXX.XX Mixed-Use Overlay District

A. Purpose

This District is intended to encourage a predominance of compact mix of housing, retail, service, and office uses in a manner that reflects human scale, prioritizes pedestrians and emphasizes connectivity between development sites and adjacent amenities. All new development in this District shall be consistent with the Bay Village Master Plan. New developments will be required to reflect the overall appearance, form, pattern, and design set forth in District regulations. To the maximum extent feasible, new development in the district will be required to preserve and protect scenic and natural landscape qualities, as well adhere to prevailing storm water management practices to protect Lake Erie.

Ms. Davitt asked if it was common to have a purpose section in the ordinances.

Mr. Russell explained that the intent is that whoever is reviewing the Code 15-20 years from now will understand the intent and purpose at that time.

Ms. Davitt asked if there was another municipality that recently made changes like this that the Board could compare it to.

Mr. Russell stated that the goal is to do it more related to Ohio. Dublin, Ohio is a great example. (Bridge Street Development) He encouraged the Board members to go down if they have not been there. The scale is way beyond what they would do here but what they have done is very nice and the Code is very extensive. You can see how the Code was created and implemented over the last several years.

Mr. Kirk discussed Shaker Heights and Hudson using a different approach to control and maintain the spaces that were developed. He asked if there was a reason that Bay Village would

do it this way versus a different way. He asked if there were alternatives to this that we should be aware of before deciding that this is the way to go?

Mr. Russell explained that there a couple of alternatives. First, they could create a whole new Bay Village Zoning classification. Just like there is Retail and Office you could create a Mixed-Use District and apply it to specific parcels. A second option is to create a section of the Code that is just Planned Development. Planned Development is a loose development plan. There are no prescribed setbacks, etc. but rather you prescribe the process for which a developer would have to go through to create the development itself. It would not have the specifics. (height, number of units, etc.) It would basically state that the developer would have to present a development plan to the City, go through the Architectural Board of Review and Planning Commission and then be approved by City Council. It gives the flexibility to say that the City can sit with the developer and hatch out what the plan will truly look like. Once it went through City Council it would go to the voters to approve it. Then the planned development is applied to the property with all the development plans that were approved. There is not a specific zoning classifications but the actual plan is approved by Council. If any changes were made different from what was approved, they would have the start the process over again. Lastly, the current proposed option is simply an overlay. It would sit on top of the Bay Village Zoning that the City currently has.

Ms. Davitt asked if the municipality has to approve the overlay and if it really mattered which option they chose.

Mr. Russell said yes, the municipality does have to approve the overlay. The current proposed overlay is very prescribed on all the regulations which is very different from a planned development which is very loose and open.

Ms. Byrnes Maier added that a planned development is much bigger in scale. (several acres)

Mr. Foster asked, of the four districts that this could apply to, if Bay Village has an Apartment and Office District in the Code and on the map?

Mr. Tuck-Macalla explained that the "Apartment District" would be the Knickerbocker Apartments. He explained that there is also a "Parking District" which includes one parking lot.

Mr. Remein stated that it would be helpful to get large size, readable zoning maps that could be reviewed prior and during meetings.

Mr. Russell took the zoning map and narrowed it down to the Dover Center Corridor and colorized the zones to show the different parcels in that area and how they are zoned currently.

Mr. Remein stated that the need for zoning maps is needed not only for this current topic but for anything else they may consider in the future. Each Board member should have a copy of the zoning map in their own materials.

Mr. Foster wondered if some of the districts should be consolidated and instead of an overlay, the City should incorporate it with base district. He asked if there was a benefit or a drawback to integrating it.

Ms. Byrnes Maier explained that they had discussed that at the Administration meeting that was held the previous Friday. Having the base district allows for someone to redevelop exactly as is. It also provides a comfort level with the residents of the City. There was a lot of discussion when the Master Plan came out about referendum zoning. They want to be able to put the terms of what the development would like all bundled so that the City has a lot of control over what gets developed but not take away the ability to still develop as is and to let the market decide what happens. In terms of being more palatable, that is where the City is falling with the Zoning Overlay but it is also a point of discussion with the Planning Commission and City Council. The City is doing this because they want to shape future development in the City so it will not be a suburban strip center but also wanting to make sure that it has the ability to get approved and have some impact as a result of it.

Mr. Foster stated that a goal of the overlay is to have people feel compelled to use it and encourage it. He is concerned that they will go through all the effort and there will be a great Overlay District that no one will use.

Ms. Byrnes Maier agreed and explained that is a conversation that the City has had and wondered if they should just swap out the entire thing and go for a totally new rezoning.

Mr. Kirk stated that it depends on what the City wants to do and City Council. Do we want to get rid of retail only districts? Or are we trying to say what we want the future to be and this is how we are going to do it? He explained that the confusion which happens, residents think something is imminent and are not thinking about the market. Or the opposite, everything is going to change and we cannot keep it the way that it is. He feels using the right tool to effectively get what the City wants is what we should be using. He doesn't think it is the worst approach if they need to have a market driven, could stay the same but if it doesn't they have the rules in place. He feels that this is probably the right way to do it but if the goal is for the parcels to be redeveloped and to look completely different, then we may want to think of a different tool. He was not sure if it has been decided yet.

Ms. Byrnes Maier stated that it hasn't been decided yet and that it was embarked upon during the Zoning Overlay. They are touching most of the areas of the City with it, so that is also a consideration. It is a point of discussion.

Mr. Kirk explained that they could do an overlay now and in 5-10 years it could be replaced.

Mr. Russell agreed with Ms. Byrnes Maier in that it goes back to the community and the comfort level of the residents. There are pros and cons to each option. The one concern with changing the Base District all together but you could be restricting the use of a parcel. For example, if a store like Heinen's ever wanted to expand the store, new regulations may require certain changes and may not allow for it without certain variances. You could be restricting the use of the parcel.

Mayor Koomar explained that the Zoning Overlay is an efficient tool to effect some of the change at a reasonable cost. During a good economy it could be achieved in a short amount of time. Rewriting the Code is much more labor intensive and requires a lot more Council action.

Mr. Barbour added that if you change the Base Code and a parcel gets rezoned from Residential to Commercial, you could have that new development there whereas if you have the Zoning Overlay that is designated for certain sections of the City only, the residents know where it is going to happen. A two acre residential property is not going to become commercial.

Mr. Foster asked if it would apply to the two acre property if the zoning was changed for that property.

Mr. Barbour explained that it depends on how the overlay is designed. Whether it is designed for a parcel or all commercial districts.

Mr. Foster explained that from a leadership standpoint, Council needs to be behind it and encouraging the purpose of the overlay.

Ms. Byrnes Maier explained that the intent is if there is going to be redevelopment we do not want the existing per the majority. But want to also make sure it is something that can be passed and achievable.

Mr. Foster stated that there were concerns with C.O. 1158 that it would open the flood gates on development and that has not happened.

Mr. Kirk asked how the conversations went with the current owners of the commercial properties in town.

Mr. Russell explained that they met with one of the owners of Dover Commons. They discussed how leasing and occupancy is currently and who is leasing the spaces. They discussed their long term future improvements of the property and viability of the property. He spoke very highly of the plaza itself and the focus on local retail but he did second the idea of mixed-uses. If the market were to change he would have more options and flexibility. As it stands it is a very viable. They also met with Goodman from Bay Square. They had similar conversations but had a more aggressive idea of having options to redo the property and reposition the property. They also met with the majority parcel owners at Clague Parkway. He has a vision for his property for a use that is currently permitted in that area. He likes the idea of having more flexibility and making his property more valuable. Lastly, they just met with the owner of Bay Offices. (18 units across from the post office) All but two of the units are leased to Bay Village residents. He has increased the occupancy and improved the building. He loved the idea of the Mixed-Use Overlay but he did not think he would use it on his property but it would create other opportunities in the District that increase the value and desirability of the property.

Mayor Koomar explained that the property owners have other properties and they see this a better return on their investment and a better long term strategy for them.

Mr. Russell stated that he had a future meeting to discuss the Heinen's property.

Mr. Foster explained that they have a bunch of comfortable property owners. What is good for the property owner may not be good for the community. You cannot force that.

Mr. Foster discussed the last line of the purpose, "***as well adhere to prevailing storm water management practices to protect Lake Erie.***" He felt it was a technical term and may not belong in the purpose. It is a great aspiration but wondered if it was really one of our true purposes.

Mr. Russell said instead of using ***storm water management***, they should speak to the environmental benefits in general and recognize the asset the City has with Lake Erie.

Mr. Foster agreed.

Mr. Kirk explained that it is more of an example.

Mr. Winzig clarified that it included other environmental issues.

Ms. Byrnes Maier explained that the intent was not only environmentally sensitive but also to have a certain level of quality too. Based on feedback, that has been important to people. They understand the importance of Lake Erie. It is something that it important to keep in there.

Mr. Remein explained that there are a lot references in the Master Plan to various sustainable practices and issues. (ex: tree canopies, bioswales, etc.) The Green Team hopes to see them incorporated in the actual design guideline provisions specifically in a concrete manner.

Mr. Russell stated that one of the bullet points in the intent section should state that and they should really flush that out because it does not speak to any sustainable practices. It should be further reinforced in the intent section.

Mr. Winzig asked what was meant in the purpose section, "*in a manner that reflects human scale.*"

Mr. Russell explained that the importance there is to make sure that they construct buildings, signage and other amenities that are geared towards pedestrians and not automobiles.

Mr. Russell moved on to the **Intent** section of the draft. It is the meat and the potatoes of what truly is the intent of creating such a code for the City. It states how the City wants to apply it moving forward. He asked if there were questions or comments.

B. Intent

The objective of the mixed-use overlay district is to provide a framework that allows for the development of mixed-use zoned properties in a manner consistent with the Bay Village Master Plan. The overlay district is intended to allow greater flexibility of development standards and building types than what would be permitted under the base zone of the site.

Mixed-Use developments can be horizontally or vertically integrated. Horizontal mixed-use development consists of two or more attached or detached buildings of differing permitted use categories within the same project area. Vertical mixed-use developments consist of one or more different use placed over another use within the same building. A project area may encompass a single parcel or multiple parcels.

District regulations are designed to promote development appropriately designed and located to achieve, among others, the following objectives:

- Create dense, walkable, mixed-use centers wherein daily goods and services and employment opportunities are located within short distances of residents.***
- Promote pedestrian accessibility by discouraging uses that attract large-scale automobile and truck traffic that tend to make pedestrian circulation difficult and/or unsafe.***
- Improve the pedestrian environment through building orientation, attractive building facades, and pedestrian amenities.***

- ***Promote the grouping, clustering and compactness of buildings to further encourage both pedestrian access to retail sales and services as well as comparative shopping.***
- ***Allow for a diversity of small business uses that complement and strengthen one another.***
- ***Expand residential and lifestyle options with increased mobility choices***
- ***To retain the unique historic and architectural characteristics of the City of Bay Village while accommodating new development.***
- ***Enhance the overall quality of life for Bay Village residents, business owners and visitors.***

Ms. Davitt stated that there is not a definition section and there are a lot of technical terms in the draft. She wondered if one should be included either with the other defined words in the current Code or maybe they should add the specific definitions to this particular section.

Mr. Russell explained that there are two things they can do. They can refer to the definition sections that already exists in the Code and either add to that section or create a separate section in this Overlay chapter that specifically defines some of those terms.

Ms. Byrnes Maier explained that there are other things that need to be cross tabbed and updated in the Zoning Code outside of this and are on a parallel track.

Mr. Foster encouraged the definitions to be in the definitions section.

Mr. Russell explained that the other benefit of putting it in the existing definition section is that further updates in other sections of the Code can refer to the definitions.

Mr. Russell moved on the ***Applicability*** section of the draft. (see below) He explained that this is the section of the Code that is designed to help someone understand where it can be used and how it applies to the Base Code. This is an overlay that exists on top of a Base District and the overlay restrictions do not go into place until they are actually utilized. If your property is retail business, it can remain retail business. He asked if there were any questions.

Mr. Russell explained what was discussed at the previous Administration meeting. They discussed the idea of nonconforming use. If there was a nonconforming use on a property and you put an overlay on it, the question is which Code rules. They used the example of Ross' Beverage. If the development was reconfigured somewhat and moved to a different location, it would have to go through the whole process of being allowed as a nonconforming use.

Mr. Foster asked what nonconforming is.

Ms. Byrnes Maier stated that the alcohol portion because it is not a right. It is a conditional use.

Mr. Foster asked if there is a restriction in zoning for sales of alcohol.

Ms. Byrnes Maier stated that she did not cross tab it back to the current Code but as it read in the draft, it would be a conditional use.

Mr. Kirk asked if it was nonconforming under today's Code.

Ms. Byrnes Maier said it was just the hypothetical under the draft Code.

Mr. Russell discussed **B. 1** below. (*base district standards*) He explained that the intent section was not clear and needed clarification.

Ms. Byrnes Maier stated that she read the section that if one parcel in a district utilized the Zoning Overlay then all of parcels would be held under that as well. Some wordsmithing is needed in this section.

Mr. Russell explained further about the specific section. If City Council goes forth and applies the Overlay on all the properties and areas that are being discussed, the question is if it would supersede the Base District. It contradicts itself. It needs to be clearer. Even though the Overlay may exist on your property, the Base District is still enforced until you actually make modifications to the property.

Ms. Byrnes Maier stated that she read it as if one parcel utilized the Zoning Overlay, that all the other parcels within that Base District would then have to use the Zoning Overlay.

Mr. Foster clarified that because the Base District is still in play, you do not have to utilize the Zoning Overlay.

Mr. Russell explained that it needs to be clearer that it is a parcel by parcel decision.

Mr. Winzig clarified that it allows for but does not supersede.

Mr. Kirk clarified that unless the liquor store is redeveloping, it would not matter. Walgreens utilizing the Mixed-Use would not affect the liquor store and would stay under the Base Code.

Mr. Remein discussed “*c. Option to apply mixed-use overlay district standards.*” He stated that the words “may” and “option” are weak terms. They are not enforceable language. All of the language should be termed in something that can be enforced and required.

Mr. Kirk explained that he does not think it is absolute because there is an Overlay. It is saying that there is still an underlying Base Code that exists with an Overlay above it.

Mr. Remein clarified that the charging statement should say the base standards apply until or unless an owner applies for the Overlay District standard. Once you have made the application and you have received approval for the Overlay, you are following the Overlay standards and cannot go back.

Mr. Foster asked if you had to apply in order for this to apply to your property. Do you have to go through an approval process or is do you just follow the rules and bring your project to the City?

Mr. Remein stated that it brings us back to asking what the Overlay District is. Are we going to create a district and then they will have to go through the referendum process because it is a change to zoning?

Mr. Barbour explained that it if it changes the use permitted in a zoning classification, you allow something that was not previously allowed, that has to go in front of the voters. If you change the zoning of a particular piece of property, it also has to go in front of the voters.

Mr. Remein asked if the height/setback would be approved by Council.

Mr. Barbour explained that if you change the height or setback, that does not go in front of the voter.

Mr. Remein clarified that it would be approved by Council.

Mayor Koomar explained that it is like C.O.1158, Bay Creek Residences. C.O.1158 was updated and passed by City Council for it to apply there and then it went to a vote of the people.

Mr. Foster asked if the Mixed-Use Overlay would have to go in front of the voter.

Mr. Barbour discussed the gas station/Bay Creek property. He explained that that was in front of the voters to permit 1158 Attached Residence Districts to be in Commercial Districts. The voters approved that. Subsequent to that, some of the regulations in 1158 were changed and those still applied.

Mr. Remein clarified that the referendum is a charter issue. If a person applies to use the Overlay, isn't that still a zoning change? Doesn't that still kick in the referendum? He was confused about the process.

Mr. Barbour explained that the process has not been decided yet. There could be specific designated geographic areas that the overlay would apply to. They could all be in front of the voters at one time and they could vote them up and down. To pass it would have to pass City wide and in the ward where the property is located. Theoretically it could pass in ward 1 and fail in ward 2. Or it could be designed so it would be in place and when a developer or builder wants to use it, they would have to get it on the ballot or have Council put it on the ballot per application. It is all out there to be considered.

Mr. Foster stated that the last scenario kind of defeats the purpose of even doing this.

Ms. Byrnes Maier stated that the first scenario is the direction she is advocating for. You go through the process, put it on the ballot at one time and then there is still the option for the property owner. But there are tools in place so developers know what is expected of them and they do not have to take the time and spend the money and do a ballot initiative.

Mr. Foster clarified that as it is written now, they are not changing any of the permitted uses within a Commercial District. These are all permitted uses and they are just putting guidelines on how they can be mixed together.

Mr. Barbour stated that when you are permitting residential in the commercial areas you are going to have to go in front of voters. He believes the only residential you can have in commercial is through C.O. 1158. He does not think 1158 would work if you set it on top of the Walgreens.

Mr. Foster stated that the parameters of the use would be the use itself as attached residences in the Commercial District has already been voted on by the voters.

Mr. Barbour stated that as a practical matter, it is going to go in front of the voters.

Mr. Foster explained that he fears that when it is introduced to people, they will only think in tangible completed projects in the areas. (ex: Crocker Park) This to them does not mean anything until they see a precedent for it. What does this equate to? We are trying to bring the code up to date and useable.

Mr. Barbour explained that those are the points the Planning Commission would raise in front of City Council. It would be up to City Council to decide the format it is going to take. He feels it

would be a difficult design to accomplish to make it in such a way that it would not go in front of the voters. From his experience, he feels it should go before the voters even if you could design a system where you would not have to.

Mayor Koomar agreed and explained that giving Planning Commission more teeth to approve a better product that demands changes that better fit our character.

Mr. Kirk stated that we will need to dumb it down enough to explain that we are talking about a framework. It can get very convoluted, detailed and scary. There is a lot of jargon in there residents might not understand. We need to step back and talk about it like a framework for future development. It is all about how it is sold. It needs to be simplified enough so it is not scary. Based on the last couple of meetings, the residents were scared. We need to be able to communicate it effectively.

Ms. Byrnes Maier stated that is also part of the decision that needs to be made, is it just a zoning overlay or a change to the overall Code. She feels the zoning overlay helps with some of those arguments.

Mr. Kirk agreed.

Ms. Byrnes Maier stated that they are not changing anything but they are enabling that when the time is right, they are specifying what it is that they want. They are giving the parameters so they have the control over it.

Mr. Russell stated that if City Council puts it in front of the voters and it is applied to specific areas it will put the protections in place so that when a property owner says they do want to develop using the Mixed-Use, it is the Architectural Board or Review, Planning Commission and City Council that would have to approve it. There are the different bubbles for public interaction to be a part of achieving that design. We need to make sure it is clear in the Code and in the campaign itself.

Mr. Russell stated that he was glad that they had this conversation because whatever City Council decides to do, will dictate how this section is written.

C. Applicability

a. Relationship between overlay district standards and base district standards. For property within a mixed-use overlay district, the regulations in this Chapter allow mixed-use development as an alternative to the type of development allowed under the base (underlying) district standards.

b. Base district standards.

i. The provisions in this Chapter shall apply to all properties with mixed-use overlay district designation, but the provisions do not supersede the underlying base district provisions until a property is developed in compliance with the provisions of this Chapter.

ii. New projects may be developed in compliance with the existing underlying base district, provided that all standards and requirements of the underlying base district are met.

iii. Regulations, development standards, and requirements in the underlying base district shall continue to apply to those projects that are currently developed according to the existing standards.

iv. For legal non-conforming uses (i.e., uses that do not comply with the provisions of the base district or this Chapter), the provisions in Chapter 1124.04 (Nonconforming use, structure, or site condition) shall apply.

c. Option to apply mixed-use overlay district standards.

i. The owner or developer of any property within the mixed-use overlay district may choose to develop in compliance with the standards and procedures in this Chapter.

ii. In order to exercise the option to develop under the provisions in this Chapter, approval of a development plan shall be required in compliance with Chapter 1129 (Approval Process — Conditional uses, Attached housing, cluster development and business/commercial structures).

d. Applicable regulations after completion of development. Once a property is developed in compliance with the provisions in this Chapter, the provisions of this Chapter completely supersede the provisions of the underlying base district. Whenever the requirements of the overlay district impose a more or less restrictive standard than the provisions of the underlying base district, the requirements of the overlay district shall govern.

e. Location of a Mixed-Use Overlay District. The mixed-use overlay district may only be applied to the following base districts:

i. Retail Business District

ii. Commercial Business District

iii. Apartment District

iv. Office District

Mr. Russell moved on to section ***D. Permitted Uses***. He discussed some of the comments that were made at the previous meeting with the administration. The biggest thing with the residential

is as you read through Chapter 1158 is that it can be useful in some areas in Bay Village but it is not useful here as it is currently written for the type of residential uses they are trying to create. 1158 is envisioned more of a ground up subdivision development of attached residential housing versus being a part of a downtown district and being attached to a use.

Ms. Byrnes Maier stated that overall this residential section needs to be flushed out a lot more.

Mr. Winzig asked if they would revise 1158.

Mr. Russell stated yes and no. His concern about revising C.O. 1158 itself, is it could be utilized elsewhere in residential portions of the City. He would want to keep that intact and then create something just specific for the commercial corridor.

D. Permitted Uses

a. Residential

i. Attached Residential (as defined in Chapter 1158)

ii. Apartment Houses located above the first floor (as defined in Chapter 1171)

b. Commercial/Retail

i. Artisan studios, photography shops and studios, and art galleries.

ii. Assembly and meeting halls, provided that such use on the ground floor of a structure shall not exceed five thousand (5,000) square feet of gross floor area.

iii. Automated teller machines (ATMs).

iv. Banks or other financial institutions, except drive-through bank teller or ATM facilities, provided that such use located on the ground floor of a structure shall not exceed five thousand (5,000) square feet of gross floor area.

v. Bars/taverns, provided that such use located on the ground floor of a structure shall not exceed five thousand (5,000) square feet of gross floor area.

Ms. Byrnes Maier added to the above portion that bar/taverns are permitted use so long as it is greater than 200' away from a residence.

Mr. Remein asked if any of the areas in the commercial district are less than 200' away from a residence.

Mr. Russell stated that he would not think so.

Ms. Byrnes Maier discussed the question about the 5,000 sq. ft. and it being the right number. Some of the numbers throughout the draft are test run numbers and different scenarios can be applied to see if they are appropriate. We need to make sure we are not limiting too much or providing too much parking, too little parking, etc.

Mr. Remein had a question about teller machines, it is mentioned in two areas. One is a conditional use and one is not. Are we saying we want a bunch of ATM kiosks in our Retail Overlay District? We are almost making it a use but sticking it out there by itself.

Mr. Russell explained that it could be a use in itself if it was a freestanding ATM as it is written today.

Mr. Remein asked why it would be considered a use if it was attached to a bank.

Mr. Russell stated that it would only apply if it was truly a freestanding ATM.

Mr. Remein would like to ask Council if we really want freestanding ATMs in the City.

Mr. Kirk went back to Ms. Byrnes Maier's discussion on testing the number requirements in the draft. He wondered how they would go about doing that.

Ms. Byrnes Maier explained that it is literally looking to see if specific areas could get enough square footage to where it would actually work out financially to do that. They would have to run the numbers and see what the shape of the development would be.

Mr. Kirk asked who would run those numbers. There should be some modeling that everyone is comfortable with so the number can be defended in the public.

Mr. Russell explained that it was discussed the previous Friday and Mr. Tuck-Macalla took the lead to share some numbers and they selected some properties to run the proposed numbers on. He planned to provide different numbers relating to Bay Village with the help of Mr. Tuck-Macalla. Once they have the Code drafted further and examples they plan to go back to the property owners and get their feedback as well. The numbers with examples will also be able to show the public that we do not want Crocker Park because the numbers will not allow for it.

Mr. Foster stated that the retail footprints seem really small. There are uses there that are useful to Bay. (Walgreens and CVS)

Ms. Byrnes Maier stated that most of them are set at the 5,000 sq. ft. but they could be adjusted. That is why it is important they be tested and make sense.

Mr. Remein asked about the Heinen's property. Due to its size, it would never want to apply the Mixed-Use Overlay.

Ms. Byrnes Maier stated it was a conditional use.

Mr. Russell stated that they would have to seek a variance which would require a hardship.

Mr. Foster clarified that amendments to this are variances through Board of Zoning Appeals or an action of the Planning Commission. Some of these would not have a hardship because it fits better with the development.

Mr. Russell explained that depends on how it is written.

Ms. Davitt asked where in the draft it discussed variances.

Mr. Russell explained that it does not specifically discuss variances. If it is not written in the Code it could be appealed in front of the BZA.

Ms. Davitt wondered how often that would really happen and if they should have it in the draft or worry about it once it becomes an issue.

Mr. Remein wondered if the variance process would be similar to what they have now.

Mr. Russell explained that they would want to avoid that. It is important to give the flexibility to the Planning Commission on things like uses and then some of the larger yard requirements that have a significant impact to an adjacent residential would be left to the BZA to decide and grant variances. We want to streamline the process as much as possible.

Ms. Davitt asked what was comparable to 2,500 sq. ft. in Bay Village.

Mr. Russell stated that the liquor store is 4,300 sq. ft., the gym is 7,300 sq. ft., Arthur's Shoe Store is 2,500 sq. ft. and Bay Lanes is 13,134 sq. ft.

vi. Medical clinics, provided that any clinic use located on the ground floor of a structure shall not exceed five thousand (5,000) square feet of gross floor area.

vii. Offices, business or professional, with a ground floor footprint not to exceed five thousand (5,000) square feet of floor area.

viii. Recording, radio, or television studios, provided that any such use shall not exceed two thousand five hundred (2,500) square feet of gross floor area.

ix. Restaurants, except drive-through restaurants, with a ground floor footprint not [to] exceed five thousand (5,000) square feet of floor area.

x. Retail uses, with a ground floor footprint not [to] exceed five thousand (5,000) square feet of floor area.

xi. Services, personal, business, or repair, except for vehicle repair, with a ground floor footprint not to exceed five thousand (5,000) square feet of floor area.

c. Institutional/Civic/Public

i. Government administrative offices.

ii. Public, non-profit, or private cultural facilities including but not limited to libraries and museums.

iii. Public park or recreation areas, including multipurpose trails.

iv. Public recreational facilities, indoor or outdoor.

v. Public safety and emergency services.

vi. Essential public utility and public services installations, including bus shelters and bus stops, but not including water towers, power generating stations, transfer stations, or outdoor storage.

Similar main uses permitted

i. Any other retail store, shop or service shall be permitted if it is determined by the Board of Zoning Appeals to be similar to the uses listed in Chapter XXXX.XX(b) in terms of the following standards.

1. Such use is not listed in any other classification of permitted buildings or uses, and

2. Such a use is more appropriate to and conforms to the basic characteristics of this classification; and

3. Such a use does not create dangers to health and safety, and does not create offensive noise, vibration, dust, heat, smoke, odor, glare or other objectionable influences to an extent greater than normally resulting from other uses listed in the classification to which it is to be added; and

4. Such a use does not create traffic to a greater extent than the other uses listed in the classification to which it is to be added.

e. Accessory Uses (see Chapter XXXX.XX)

Mr. Russell moved on to **E. Conditional Uses**.

E. Conditional Uses

a. Residential

i. Senior Citizen Housing (As defined in Chapter 1175.04)

Mr. Russell explained the above code was created for the Knickerbocker Apartments and it would not apply to the Mixed-Use Overlay because of the requirements that it sets forth.

Mr. Russell went back to Ms. Davitt's point and that under conditional uses, they had language that allowed Planning Commission to approve a store over 10,000 sq. ft. or whatever the maximum sq. ft. that is decided upon.

b. Commercial/Retail

i. Automobile service stations.

ii. Banks, or other financial institutions, with drive-through teller or ATM facilities, provided that when such use is located on the ground floor of the structure it shall not exceed five thousand (5,000) square feet of gross floor area.

iii. Bars/taverns located within two hundred (200) feet of a residential use.

iv. Convenience stores and specialty grocery stores.

v. Day care centers

vi. Entertainment and indoor amusement facilities.

vii. Funeral homes.

viii. Lodging.

ix. Liquor stores.

x. Offices, business or professional, with a ground floor footprint greater than five thousand (5,000) square feet, but less than ten thousand (10,000) square feet or provided that any

structure must be broken up into storefront modules not exceeding forty (40) feet in width. Each module shall have display windows and other architectural features to distinguish it from adjacent modules.

xi. Recreational or sports training facilities, commercial.

xii. Retail and restaurant uses with a ground floor footprint greater than five thousand (5,000) square feet, but less than ten thousand (10,000) square feet or provided that any structure must be broken up into storefront modules not exceeding forty

(40) feet in width. Each module shall have a prominent entry, display windows, and other architectural features to distinguish it from adjacent modules.

xiii. Retail uses with outdoor sales or storage.

xiv. Veterinary facility, small animal clinic (allow overnight, indoor boarding).

xv. Parking structure as a principal use.

c. Institutional/Civic/Public

i. Convention or conference centers.

ii. Places of religious worship, including churches and synagogues. Religious schools and day care centers may be permitted as accessory uses within the same structure as the principal conditional use.

iii. Public Safety and Emergency Services.

iv. Schools, public or private (preschool, elementary, secondary, or post-secondary.)

Mr. Russell asked if there was any other questions.

Mr. Remein asked that they discuss “***public safety and emergency services*”**. He asked what the envisioning? What type of services?

Mr. Russell explained that it is fire station, police station or any public safety facility that would be needed.

Mr. Remein asked why the City would want that in our Commercial District.

Ms. Byrnes Maier stated that it was written so it would be taken out of the permitted use and have it be a conditional use.

Mr. Remein asked why we would want to have it as a conditional use.

Mr. Russell suggested that we keep it in because at some point in time the City may want a centrally located station. They believe that need to provide that functionality. It is similar to not being able to strike schools or churches from an area, you have to allow for them.

Ms. Davitt asked if it can just be a conditional use.

Ms. Byrnes Maier agreed.

Ms. Davitt asked if it is not included at all, would it just need to be granted a variance.

Mr. Russell disagreed and stated that then it is not a use permitted in the district at all.

Mr. Russell stated that they he has not completed section **F. Accessory Uses**.

Ms. Byrnes Maier explained that was another section where they needed to decide if they use the existing accessory use in the current Code or draft a new accessory uses. Regardless there is clean up that needs to be done on the accessory portion of the Code.

Mr. Russell moved on to section **G. Property Development/Design Standards**. He discussed the numbers in the draft are place holders and until they figure out the numbers he rather they wait to discuss that portion.

Ms. Byrnes Maier stated much like the Mr. Russell's last presentation, it would be helpful to have diagrams to show maps and scale.

Mr. Russell explained that he is still working on **b. Open Spaces**. He explained that the intent behind this section it to make sure whatever is developed, they are devoting land that is undeveloped and have services that are built for the enjoyment of the people that are occupying the property or for public enjoyment. This section goes to maintaining the scenic landscaping of Bay Village and determining how these paces should and should not be improved for public or private use.

Mr. Russell discussed section **c. Mix of Uses**. This section makes it very clear that there needs to be more than one use not only in the same building but on the same parcel as well.

c. Mix of Uses

Mixed-use developments shall be strongly encouraged in mixed-use overlay district, subject to the following standards:

i. More than one (1) principal commercial/retail use permitted by-right or conditionally may be developed or established together on a single lot or site, or within a single structure, provided all applicable requirements set forth in this Chapter and Code and all other applicable ordinances are met.

ii. Any combination of residential and commercial/retail uses that are permitted by right or conditionally may be developed or established together on a single lot or site, or within a single structure, provided all applicable requirements set forth in this Chapter and Code, and all other applicable ordinances, are met. (For example, a two-story structure on a single lot in the mixed-use overlay may have a restaurant or retail store on the ground floor, and residential units on the second floor.)

Ms. Byrnes Maier suggested striking the example above from the draft.

Mr. Foster asked if “open space” really needs to be in this. There are setbacks that will determine some of that anyway. It is a very suburban concept and could be deleted.

Mr. Russell explained that he feels they should keep it in there. Usually in a suburban environment the open space requirement is around 50%. It is a smaller number but it makes sure the developer knows you need to commit a portion of your property to greenspace. It can be accomplished by bringing some buildings to the street but then leaving some spaces for an open plaza or park. Just a break in the monotony of the built environment.

Ms. Davitt asked if a garden wall would count towards open space.

Mr. Russell said maybe and that it is important to give that flexibility for that.

Mr. Remein asked if volleyball and bocce courts were applicable to open space.

Mr. Russell explained that he would leave that up to the Planning Commission to make that decision. But typically open space is meant for passive use only rather than an active use.

Mr. Jewitt brought up rooftop gardens being along the same lines as garden walls.

Mr. Russell explained that he has seen it both ways. The open space requirement is typically designed for the public benefit. A rooftop garden is more of a private benefit but if it advances a larger goal of the City it could be included as part of open spaces. Or they would have to provide an open space in addition.

Mr. Kirk stated that he thinks the concept of preserving green space is important.

Ms. Byrnes Maier explained that they briefly discussed the possibility of having a density bonus in which a property owner or developer could get in return if they provided over a certain amount. It could help encourage better development.

Mr. Russell agreed and discussed that there is a possibility a person may not be able to provide the open space but they would increase the other streetscape amenities that still provide the tree canopy the City is looking for, etc.

Ms. Davitt discussed a prior conversation of using native plantings.

Ms. Byrnes Maier agreed and mentioned that was noted in the intent section and making sure it is done as sustainable as possible. The City encourages best management practices and better landscaping choices.

Mr. Russell mentioned referencing the existing updated tree plan for the City and using native species where possible.

Mr. Russell moved to section *d. Large Parcel Development*. The numbers below are just placeholders and designed to change. This portion is intended to make sure large parcels have a variety or mixed-uses within that parcel.

Large Parcel Development

i. Development proposals that involve at least 1.5 acres or 60,000 square feet of floor area, whichever is less, shall:

A. 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.

B. A minimum of 50% of the linear first floor building frontage along primary streets shall be designed for retail, restaurant, and/or service uses, with a floor to ceiling height of at least 10 feet.

C. A minimum of 60% of the street-facing building façade between 2 feet and 8 feet in height shall comprise clear windows that permit views into the interior of the building and/or product display areas.

D. These requirements may be waived for conditional uses based on their location.

ii. All parking structures shall be primarily lined with other permitted uses along the primary street frontage.

Ms. Davitt asked if this portion was clear. She suggested it needed to be revised.

Mr. Kirk asked if it was necessary.

Mr. Russell moved on to section *e. Environmental Standards. See Chapter 1308 (post-construction water quality runoff)* The City wants to make sure that this had enough teeth to it and it required the developer to not only impellent those standards but also make sure they were public facing from an educational standpoint. Ex: do a bioswales if possible as opposed to underground retention. It is not repeated here due to the strong section already in the Code.

Mr. Russell moved on to sections *f. driveway curb cuts, g. pedestrian circulation and h. vehicular circulation.*

Mr. Russell explained that in section **g. pedestrian circulation**, one thing that he did not articulate is referencing the difference between an arterial and interior streets. Who is responsible for it and how does the circulation change?

Driveway Curb Cuts

i. Single-family detached. No more than one driveway curb cut per lot.

ii. Single-family attached and multi-family: No more than two driveway curb cuts per development site.

iii. Non-residential uses: No more than one driveway curb cut per lot, except that when the lot is wider than 150 feet then no more than two driveway curb cuts per lot.

g. Pedestrian Circulation

i. A coordinated pedestrian system shall be provided throughout the development, including connections between uses on the site, and between the site and adjacent properties and rights-of-way. Pedestrian connections shall be provided to properties across streets wherever feasible.

ii. The site shall be connected to adjacent properties and pedestrian facilities to the maximum extent feasible.

iii. Continuous sidewalks or other pedestrian facilities shall be provided between the primary entrances to buildings, all parking areas that serve the buildings, pedestrian facilities on adjacent properties that extend to the boundaries shared with the development, any public sidewalk along perimeter streets, or other community amenities or gathering spaces.

iv. Sidewalks at least five feet wide shall be provided on all sides of a lot that abut a public street, way, or open space.

v. Sidewalks at least five feet wide shall be provided along the full length of a building facade that features a customer entrance and along any building facade abutting a public parking area.

h. Vehicular Circulation

i. Circulation systems shall be designed to efficiently facilitate traffic flow yet designed to discourage speeds and volumes that impede pedestrian activity and safety.

ii. Street designs are encouraged to incorporate traffic calming devices and techniques.

iii. Common or shared access points are encouraged.

iv. To the maximum extent feasible, common or shared service and delivery access shall be provided between adjacent parcels or buildings and provided to the rear of buildings.

v. Traffic impact studies, when required by the Planning Commission, shall be provided as part of the site plan review process. Mr. Russell noted that it would be at the developer's expense.

Mr. Foster discussed section ***i. streetscape improvements***. He clarified it was intended for all existing streetscapes as well not just within the properties development streets.

Mr. Russell explained that this is another example of where he needs to make clear the interior and arterial roads. The standards should be different depending on the scale of the road.

Ms. Davitt asked if numerous businesses would have to share in the expense of a traffic impact study.

Mr. Russell explained that the property owner who is interested in adding additional uses would have to pay for the traffic impact study. They would have to take into account all the existing uses and traffic patterns on Dover Center. The City would be in charge of deciding on the exact area that they would have to include in the study.

Mr. Remein understands they have to do the study but wondered what it would mean for the City in terms in approved or disapproving something.

Mr. Russell explained that depending on the outcome of the study, the property owner may have to make changes to reduce their traffic impact on the City. There could be restrictions on the amount of density there is on their property.

Ms. Byrnes Maier stated that they could require that they pay for the signal optimization and timing for the signal so traffic would more efficiently.

Ms. Davitt asked when that would be required by the Planning Commission.

Mr. Russell stated that he did not want to put that in because there is a lot of things you can do based on the traffic impact study.

Ms. Byrnes Maier explained that it would be done in the planned submission section and that it may be redundant in the earlier sections because the approval process lays that out.

Mayor Koomar stated that with the Middle School, the Planning Commission just required a traffic study be completed with the scope of the project.

Mr. Russell explained that under the development plans, it does require estimated traffic volumes but it depends on the scope and size of the project. But as a Planning Commission, the Board could require one to be done.

Ms. Davitt asked how bigger projects would affect other businesses in the area. If everything around a business were changing and improving and some were staying the same, it could be bad.

Mr. Russell gave the example of Thyme Table and it needing to replace sidewalks. If they were only replacing something that was existing, the new Code would not affect their business. It would only be affected if they wanted to take advantage of the Mixed-Use Overlay. But he feels positive changes would happen organically overtime.

Mr. Remein stated that the City still has a Maintenance Code and at some point something could be added to it that would require a business to bring their business up to the same requirements as surrounding ones.

Mr. Kirk clarified that they would only have to conform to it when they were replacing something or making changes. They would not be forced to make the change.

Ms. Byrnes Maier agreed and stated that there would also be some natural pressure put on them.

Mr. Jewitt stated that the changes that were discussed are promoting pedestrian activity in the City which is the objective. He asked where bicycles fall, are they considered pedestrian or vehicular? We need to improve bicycle flow within the City.

Ms. Byrnes Maier stated that there is some discussion within the intent section about increased mobility choices and she has made note about putting bicycles with pedestrians.

Mr. Remein stated that we should be progressive in saying that they could replace X amount of parking spaces with bicycle parking.

Streetscape Improvements

i. A Streetscape Plan shall be submitted for the entire site. The Streetscape Plan shall address the relationship between vehicular and pedestrian traffic, pedestrian facilities, street and sidewalk lighting, landscaping, street furniture, trash receptacles, and transit stops.

ii. The design of streets, pedestrian ways, landscaping, lighting, and street furniture shall be coordinated and integrated throughout the site.

iii. Pedestrian-scale lighting fixtures shall be provided along all sidewalks and walkways to provide ample lighting during nighttime hours.

iv. Vehicular streets and driveways shall be designed to be compatible with pedestrian ways to encourage a pedestrian friendly environment. The width of streets shall be sensitive to pedestrian scale, and shall be minimized to avoid overwhelming the pedestrian scale.

v. Decorative sidewalk materials, such as brick pavers, shall be provided at key intersections or streets.

Ms. Byrnes Maier stated that there needs to be some consistency or palatte that is developed with the above portion regarding the sidewalk materials. It should not be up to the developer, there should be some sort of standard that the City wants to have so there is not wildly different pavers.

Mr. Foster stated that across the City we should be defining that.

Ms. Byrnes Maier agreed and mentioned it was on a parallel track initiative.

Mr. Russell stated that we should make clear that a streetscape plan for one property should be similar to other streetscape plans approved by the City under this chapter.

vi. Street furniture or other amenities are required, such as plazas, benches, and decorative pedestrian light fixtures and shall be provided as a part of Streetscape Plan.

vii. Public art is strongly encouraged Landscaping and Screening

Mr. Russell explained that they spent time discussing public art. It is not clear who would approve the public art.

Mr. Winzig asked if it would be approved by the Architectural Board of Review.

Mr. Russell explained that it could be approved by the ABR or it could be approved as part of a larger overall development.

Ms. Byrnes Maier stated that this portion needs to be thought through. The intent is that public art is important to have but there has to be parameters around it and we need to make sure it is maintained.

Mr. Tuck-Macalla asked if Mr. Russell recalled what Shaker Heights had in place.

Mr. Russell explained that Shaker Heights has a public art task force. They meet and provide their opinion to the artist. Once the artist makes changes and it is approved, then it goes to the Architectural Board of Review for approval.

Mr. Russell moved on to section *j. landscaping and screening*. He explained the important part of this section is to make sure there is a landscaping plan submitted as a part of any development. There are additional landscaping requirements on top of the minimum standards required by the City.

j. Landscaping and screening

i. General Requirements

A. A landscaping plan shall be submitted for the entire site. The standards contained in Chapter 1187.12 are considered to be minimum standards for this district, with additional landscaping provided where needed to mitigate off-site visual impacts or to improve the internal landscaping on the site.

B. Landscaping shall be used to define public entrances using signature landscaping elements.

C. A year round visual screen shall be provided between the site and any adjacent single family uses, except where planned pedestrian connections are provided.

D. Entryways shall be planted with ornamental plant materials such as ornamental trees, flowering shrubs, and perennials, and ground covers.

E. Landscaping should be designed and constructed to promote on-site water management and infiltration through the use of native plants and porous landscape detention, swales, and filter strips.

ii. Uses fronting on arterials. Landscaped buffers shall be required within the front yard setback area of all uses fronting an arterial street. The landscaped buffer shall meet the following standards:

A. Trees of three (3) inch caliper or greater shall be planted no less than every 100 feet of front yard length.

B. Trees shall be planted in a random pattern, interspersing sizes of trees based on future full-growth dimensions

C. Native trees species should be utilized.

Ms. Davitt suggested moving the portion above to the general requirements section and changing it to “plant species” instead of “tree species”.

Mr. Russell agreed.

iii. Non-residential uses fronting non-arterial roadways: In all non-residential developments fronting non-arterial streets, at least ten percent of the total front yard area adjacent to the public or private street shall be landscaped with a mixture of trees, shrubs, planting beds and/or perennials.

iv. Landscaping for Parking Lots.

A. General requirements.

• Parking lots containing twenty or more vehicular parking spaces shall provide interior landscaping of the peninsular or island types of uncompacted, well-drained soil that contains a minimum of six inches of top soil mix, as well as perimeter landscaping.

• All parking lots shall provide perimeter landscaping.

B. Interior landscape requirements for parking lots.

• For every ten parking spaces or fraction thereof, the applicant shall provide not less than 160 square feet of interior landscaped parking lot areas containing at least one tree with a minimum DBH of two inches and four shrubs.

• The minimum landscape area permitted shall be 160 square feet with a minimum planting width of nine feet.

- **Maximum contiguous area.** *In order to encourage the required landscape areas to be properly dispersed, and to break up large expanses of parking, no individual landscape area shall be larger than 500 square feet in size in vehicular use areas less than 30,000 square feet and no individual area shall be larger than 2,000 square feet in vehicular use areas over 30,000 square feet. Individual landscape areas larger than above are permitted as long as the additional area is in excess of the required minimum total.*

Mr. Remein discussed yard setbacks.

a. Setbacks

i. Front Yard

A. Residential uses – Five (5) feet

B. Non-Residential uses

- **Minimum: Zero (0) feet**
- **Maximum: Ten (10) feet**
- **Averaging may be required for setbacks:** *When the two immediately adjoining properties contain existing development in compliance with Chapter XXXX (Mixed-Use Overlay), then the front setback shall not differ by more than ten percent from the front yard setbacks existing on either one of the two properties immediately adjoining the subject property unless approved by the Planning Commission.*

ii. Side Yard

A. General Requirements

- **Residential Uses** o *Single-family uses: eight (8) feet. o Multi-family uses: ten (10) feet.*
- **Non-Residential Uses:**
 - o **Minimum:** *None, provided that abutting walls are constructed of fireproof masonry material in accordance with state and/or city building code.*
 - o **Maximum:** *One third (1/3) the height of the principal building.*

B. Corner lots: *On a corner lot, the exterior side yard shall be as set forth in Section XXXXX, Front Yard, above.*

C. Transitions with Residence Zone Districts: *Non-residential side yards abutting any residence district shall be no less than twenty (20) feet. In addition to this increased setback, a*

landscaped buffer of at least ten (10) feet shall also be provided and shall include a solid brick wall of at least six

(6) feet in height, pursuant to Chapter 1165.05, Buffer Area Regulations.

iii. Rear Yard

A. Minimum rear yard setback:

- **Residential Uses o Principal structure: twenty (20) feet. o Accessory structure: five (5) feet.**
- **Non-Residential Uses: ten (10) feet.**

B. Transitions with Residence Zone Districts: Non-residential rear yards abutting any residence district shall be no less than twenty (20) feet. In addition to this increased setback, a landscaped buffer of at least ten (10) feet shall also be provided and shall include a solid brick wall of at least six

(6) feet in height, pursuant to Chapter 1165.05, Buffer Area Regulations.

Mr. Remein discussed the nonresidential use setback being zero but then there are required front walks. He wondered if it was a conflict.

Mr. Russell answered no, because a front walk could be a sidewalk in itself.

Mr. Remein clarified that most properties go to the curb.

Mr. Russell explained that the public right of way would expand beyond the curb to the sidewalk so the zero setback would be at the edge of the sidewalk.

Mr. Remein asked about the landscaping requirement as well.

Mr. Russell explained that on arterial roads, you might have a curb, tree lawn and then there would be the sidewalk itself. So landscaping would exist within the tree lawn area.

Ms. Davitt asked if landscaping had to only be on the ground. (ex: planter boxes that would define an outdoor eating area)

Mr. Russell agreed. He explained that with outdoor dining, it is the building setback that counts not the fencing for the outdoor dining section. The building would have to be 10' from the sidewalk.

Mr. Remein asked if the outdoor dining area would be considered part of the building.

Mr. Russell said depending on the width of the sidewalk.

Mr. Remein discussed the width of the sidewalk requirements.

Mr. Russell stated sidewalk requirements were under design standards. (minimum of 5')

Mr. Remein asked if we wanted to require more than 5' in the Overlay District to allow for pedestrian, bikes, etc.

Mr. Russell explained yes and no depending if it is an arterial or interior street. They could require a wider sidewalk. There are other streetscape requirements. (ex: benches) They would not be able to interfere with the 5' sidewalk due to ADA requirements.

Ms. Davitt asked about a second floor residential space and which setbacks would be used.

Mr. Russell explained that he would have to make it clear that any nonresidential use, is also a mixed-use as well.

Mr. Remein discussed side yard setbacks. He asked if there was going to be any consideration to firefighting apparatus access and protection of property.

Mr. Tuck-Macalla explained that the material are addressed in Building Code. Rather than putting a setback, you could have two buildings right next to each other with the right fire rating between the two buildings and then there could be setbacks for certain floors, windows with curtain sprinkler systems, etc. There are a lot of different parameters. It will also address firefighting access.

Mr. Russell explained that side yard and front yard setbacks will fluctuate if it is adjacent to a single family use. It is very similar to what already exists in the retail business district.

Mr. Remein discussed section *j. height requirements* and there being a minimum of two stories.

Mr. Russell stated that that is the starting point of the discussion.

Mr. Remein said that it does not make him happy at all. There should be an option of having a single story building within a mixed-use.

Mr. Russell explained there is an option to have a one story building but it would have to appear to be two story. You would have to make a parapet at the front of the building that would transition to a single story building.

Ms. Byrnes Maier stated that it would need to be stated more clearly.

Mr. Remein discussed problems with parapets such as leaking and structural problems. He is not in favor of them.

Ms. Davitt agreed.

Mr. Kirk explained that the side view would not be there because it would be attached to another building or a side wall.

Mr. Russell stated that it is also a good place to hide rooftop equipment.

Mr. Russell explained that the two story requirement is very important and common in Codes because it does create the look that you are going for without requiring the developer to build a full two story building.

Ms. Davitt asked if 45' was a four story building.

Mr. Tuck-Macalla stated that it would typically be a three story building.

Mr. Foster stated that the height is important.

Mr. Winzig clarified that the draft is stating that there be a minimum of two and a maximum for three stories.

Mr. Russell explained that it is saying a minimum of two stories and a maximum of 45'. (2.5-3 stories) The height of the building would be counted based on the principle structure itself. There could be varied heights as well.

J. Height Requirements

a. General Requirements.

i. Minimum: Two (2) stories.

ii. Maximum: The maximum height of a principal structure shall be limited to forty-five feet.

iii. Site-specific height restrictions may be established as part of the overall site plan to promote design compatibility with the surrounding area and to minimize negative visual impacts, particularly on adjacent or nearby residential areas.

b. Measuring Minimum Building Height: The minimum height of a principal structure shall be measured at the street frontage portion of the building. The remainder of the building may step down to one (1) story.

c. Rooftop Mechanical Equipment: Rooftop mechanical housing and equipment may extend up to ten (10) feet above the maximum height limit and shall be designed as an integral part of the principal building or concealed with similar architectural treatment and materials as the exterior of the building.

Mr. Barbour reiterated that the comments of the Planning Commission will be used when City Council starts to draft the ordinance. Once they have a final product, it will come back to the Planning Commission for their formal comment. The idea behind this was to get a jump on that process rather than to just give them the completed ordinance. Then the Planning Commission will make their comment and approve or disapprove or modify. It will be brought back to City Council for final adoption.

Mr. Russell stopped for the night and the final two sections will be discussed at the next Planning Commission work session, February 19, 2020 at 7:30. (**Design Standards and Principles and Parking Requirements**) He discussed sending the secretary further information for the Planning Commission via email prior to the next meeting.

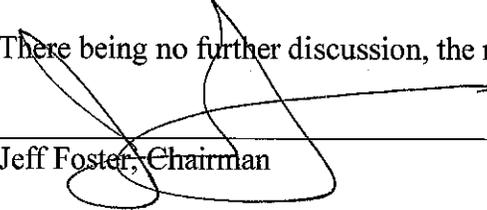
Mr. Winzig mentioned not seeing anything written in regard to electric vehicle charging.

Council Update:

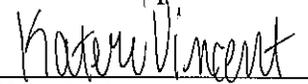
Ms. Byrnes Maier stated that there will be a Planning and Zoning Council Committee meeting February 19, 2020 at 6:30 prior to the next Planning Commission work session at 7:30.

Council approved an extension on the Library project deadline only because the meeting minutes were not approved until the February 5, 2020 Planning Commission meeting.

There being no further discussion, the meeting adjourned at 9:30 p.m.



Jeff Foster, Chairman



Kateri Vincent, Secretary

