

City of Bay Village Planning Public Hearing & Planning Commission Minutes  
Held February 1, 2023  
7:30 p.m.

Present: Rick Kirk, Kendra Davitt, Jeff Foster, Pete Winzig, Jennifer Lesny Fleming

Also Present: Lauren Oley (Board Secretary), Eric Tuck-Macalla (Building Director), Mark Barbour (Law Director), Lydia DeGeorge (Councilwoman)

Excused: Dave Maddux

Audience: Kris McGivney, Rick Jozity, Cathy Mauck, Tom Putnam, Patrick Kenney, Thomas Sheets

*\*Full recording of the meeting is permanently available on the City of Bay Village website under Government/Planning Commission/View Most Recent Agendas and Minutes/Media*

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

- 1) St Raphael Catholic Church  
525 Dover Center Rd.
  - Review of proposed exterior campus improvements. Including: new playground, new pavilion, new storage building, and new walking path with prayer gardens

Mr. Jozity stated that the proposed project is to develop part of the undeveloped land on the property into an outdoor pavilion for masses and learning. They also propose to build a walking path to prayer gardens along the east edge of the property and a larger storage facility. All the improvements are within code compliance and they are able to maintain the required parking. They will also be expanding the playground.

Mr. Tom Putnam, 26922 Osborn, shared that the dumpsters were evacuated at 12:25 pm today. He gets the sense that something has changed. He remembers on Monday it was around 9:30 am, but it wasn't at 6 am. For two days, out of one week, it was in the morning. The configuration of the orange cones in the parking lot were deployed and the truck came at time where there were no children in the lot. He hopes it continues and congratulations to whoever talked to them. He hopes it's permanent.

Mr. Jozity stated that the trash collection process is through the diocese. There is no direct correlation between Republic and St. Raphael's. Through the proper channels they contacted Republic and had a call with them to discuss the concerns of the neighbors. She went back to her scheduling supervisor.

Mr. Patrick Kenny, 26927 Osborn, inquired if current parking spaces at the church will be maintained during construction, what is the potential for overflow parking on the street is, and how will traffic/parking will be maintained during peak times? To the city, he inquired how will they address cars that are parked on the street for more than 6 hours or blocking residents' driveways.

Mr. Jozity replied that there will need to be some areas that are cordoned off for materials, but they will try to minimize that as much as they can. They don't know exactly how many spaces are going to be used until a contract is awarded, but those are discussions they'll have with the contractor. During a typical weekday at the church not all the parking spaces are filled – there is some give there.

Ms. McGivney stated that it's their intention to do most of this construction during summer so school will not be in session.

Mr. Barbour replied that if there is a car parked for more than 6 hours or a driveway is blocked, they should call the police and let them handle it. When the police are aware of that they will make an attempt to contact the person that owns the vehicle to get it moved. If not, they'll ticket it.

Mr. Mauck inquired what actions residents should take when contractors are working outside quiet hours, per city ordinance? Or if there are other issues who is the point of contact?

Mr. Barbour answered that the hours of operation are 8 am-9 pm. Given the building department is typically closed during the issue hours you should contact the police. They will go to those contractors and tell them to stop. That happens with some regularity. If there are other complaints about the building process you should contact the building department.

Mr. McGivney inquired if there was a study that was done on the additional storm water. Is that something the residents can view?

Mr. Jozity replied that they received that comment at the last planning commission meeting 1/4/23. Their engineer contacted the city engineer and in the revised plans there is a new bioretention basin to handle any overflow. He stated that everything is contained on site and empties into the main on Dover Center. He confirmed that the swale on the east end will not be filled in. They're grading the prayer gardens so that the water can flow.

Mr. Putnam inquired if he can paint a line, on the Bay Village Street, that encourages people to move forward in front of his home to better utilized the area in front of his parking. They park their vehicles in the middle of 40' where no one can park in front or behind.

Mr. Barbour replied that no residents are permitted to paint on the streets.

Ms. Cathy Mauck, 27000 East Oviatt, stated that they mentioned construction may start this summer. Do you have any more specifics?

Mr. Jozity stated that until they hire a contractor they won't have an exact date. Their goal is to have it finished before the next school year.

Ms. McGivney stated that would be their goal, but it's based on their capital campaign and how much money is raised. She stated that some could be done as early as this summer if they phased the work.

Hearing no further questions Mr. Foster closed the public hearing portion of the meeting and called to order the Planning Commission meeting with rollcall.

Motion by Mr. Kirk, Second by Mr. Winzig, to approve the minutes as prepared for January 4, 2023.

**Motion carried 6 yeas, 0 nays**

**Excused: Maddux**

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| <ol style="list-style-type: none"><li>1) St Raphael Catholic Church<br/>525 Dover Center Rd.<ul style="list-style-type: none"><li>• Review of proposed exterior campus improvements. Including: new playground, new pavilion, new storage building, and new walking path with prayer gardens</li></ul></li></ol> |
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Mr. Foster introduced the first item on the agenda as St. Raphael Catholic Church.

Mr. Jozity stated that at the last meeting they were asked to explore alternate locations for the trash along Dover Center Rd. which they did do. One of the locations, suggested by a resident at the last meeting, was a fire lane so they can't put the dumpster there. There is also an area at the end of the fire lane which they are required to leave open. There really is no other place, on the church property, where the dumpsters can go. The only alternate location is the parish office parking lot and that is a separate parcel. It's really not feasible in case the church sells that parcel in the future then the dumpsters will need to be relocated. They request the dumpsters stay as they are in their proposed design. They did make slight change and moved them from being flush with the back of the storage building to be flush with the front which gives them an opportunity to put in a landscape buffer between the back of the dumpster wall and the properties to the south. In the packets provided they can see the studies on decibels and noise levels and how they relate to distances. In summary, moving the dumpsters even 800' away then you get a drop in decibels of under 7 decibels which is barely distinguishable by the human ear.

A whisper is measured at 25 decibels. They feel that moving the dumpsters anywhere else on this site is simply moving the complaints from one neighbor to the another. There is no place on the site that won't impact any neighboring properties.

Mr. Foster inquired, of the residents, how the sound was with the truck coming at a later time?

Mr. Putnam replied that for people that work it's not a factor and for people that are retired it's also not a factor. They don't have the wake-up disruption or anything like that. He would say that the changing of the timing is all good.

Mr. Foster inquired, of the architect, if there is any level of confidence that these changes will stay?

Mr. Jozity replied that he doesn't know. They've had a conversation with them and they all agreed that it was best if the time was moved, but they all understand that Republic Waste has a schedule to keep. They offered the time between 6:45 – 7:15 am as the optimal time because that's before children get to school and also a window between 9:30-11:15 am where there are no children in the parking lot. He just received an email, on Monday, from Republic that they're working on it. Obviously if they're coming later then he believes it's been done.

Mr. Tuck-Macalla stated that the building department would like it if there was something in writing from Republic Waste. It seems optimal for the church, building department, and residents to have something regarding the time the garbage is going to be picked up. From what he's heard, over the years, that it varies. Changing the time seems like the best solution.

Mr. McGivney stated that they will continue to use their best efforts to get something in writing from them going forward.

Mr. Putnam added that he thinks that's a good idea since people change. If they've got it written down at their own place then they understand it's a constraint they will need to deal with.

Mr. Kirk stated that he appreciates that slight move of the dumpster and would recommend that the landscape buffer gets implemented. He thinks that will go a long way ascetically helping the neighbors as well as creating an acoustical improvement.

Mr. Jozity replied that it's on their revised plans.

Mr. Kirk pointed out that the plans he has says there is ‘an opportunity for landscaping’.

Mr. Jozity clarified that the construction drawings have it included.

Mr. Winzig stated that he had an opportunity to visit the space and he’d have to agree that there are constraints to putting it in the parish parking lot. He agrees the solution is the time the garbage is picked up.

Mr. Foster confirmed that they still use the modular home.

Mr. Jozity stated that he went to his engineer following their last meeting and their engineer worked with Don Bierut, the city engineer, and they ended up designing a bioretention basin in front of the prayer gardens along the east border line. That should take care of most of the water. He’ll forward the other comments, received from service/city engineer, to their engineer tomorrow.

Mr. Kirk inquired if there are new storm drains or if they are existing?

Mr. Jozity replied that there are existing storm inlets in the parking lot and there are existing storm inlets in the swale that connect. There are no new storm inlets in the parking lot, just the bioretention basin.

Mr. Foster confirmed with Mr. Barbour that the tree ordinance has been codified. One comment from the tree commission, and engineer, is that the applicant provided a tree preservation plan.

Mr. Jozity confirmed and advised that he spoke with Jon from the service department and submitted the landscape plan. Jon advised he was on the right track and requested a few additional materials.

Mr. Barbour stated that it a new ordinance and they’ll be the first applicant to go through this process.

Mr. Foster added that the tree ordinance was enacted by Council to address the loss of our tree canopy. They’ve had too many sites where contractors come through and clear-cut beautiful growth to put up a house or garage. It’s a step to make developers accountable for that and he thinks it’s a great addition to the ordinances.

Mr. Tuck-Macalla addressed parking stating that he went back through the plans that he has for St. Raphael’s. There were two additions that take care of the whole property, besides the school, and each set of plans had the required parking for that addition. It comes up to a little over 300 spaces required and there are going to be 280 once this is finished. It’s pretty close- the required spaces would be for the church and activity center are working at the same time.

Mr. Kirk inquired if it would need a variance?

Mr. Tuck-Macalla replied that it would not. They wouldn't make them get more spaces because it's an 'as is' situation. There were 299 and they are required to have 320. This is just information to let you know how much of a difference there is.

Mr. Foster inquired how many spaces are going away as a result of the improvements?

Mr. Jozity replied roughly 16.

Mr. Foster stated that the work they're proposing is impacting the traffic count in a negative direction. Would that not require a variance from BZA to review that?

Mr. Tuck-Macalla replied that he doesn't believe so.

Mr. Jozity commented that there is a section in the zoning code section 1191.04 that allows places of worship to have up to 50% of the required parking on adjacent properties as long as those adjacent properties are not the same business owners. So, they have the parish offices and the post office that area adjacent to their property and those amount to 99 spaces.

Mr. Foster advised that he thinks, for a matter of record, the applicants' drawings should include that information. So that 10 years from now Mr. Tuck-Macalla's predecessor looks at these plans and determines there is not enough parking.

Mr. Putnam inquired if Mr. Jozity is suggesting it's okay to park at the post office?

Mr. Jozity replied that as long as it's after post office hours – they can.

Mr. Putnam stated that they ought to post that over there. Thyme Table uses that parking lot after hours and he's been in church when they've been told not to park in the postal parking lot. It sounds like a change.

Mr. Jozity replied that he doesn't know when that was added to the zoning ordinance.

Mr. Foster inquired if it requires permission of the parking lot owner?

Mr. Jozity replied that it doesn't specifically say. It reads, 'not more than 50 percent of the off-street parking spaces hereunder required therefor are provided by off-street parking lots of adjacent business establishments, if any, having different hours of operation, and reduction in the number of off-street parking spaces so required for such institutions, places of amusement and places of worship may be made to such extent.' adding that it doesn't say anything about asking for permission.

Mr. Barbour stated that there isn't any posting there currently saying that you can't park there. That's not to say they couldn't change their minds if it became a problem. The restaurant is after 5:30 pm and the church would mostly be Sunday or 4:30 pm mass.

Mr. Putnam replied that the post office has odd delivery hours and they'll need access to their docks, boxes, etc. In his opinion, it would be better if the post office posted 'no parking' on these days, etc. which would make everyone feel more legal.

Mr. Barbour replied that his concern would be that if you approach the post office with some sort of request they may say, 'we don't want anyone parking here'. It might make a reasonable situation worse to suggest signage.

Mr. Putnam sought clarification on if they're putting in a new swale.

Mr. Jozity replied that they're putting in a new biorientation pond. It's a pond designed to take on water and slowly release it back into the storm system.

Mr. Putnam inquired if that will go towards the far east end near the trees?

Mr. Jozity replied that the new pond is going between the parking on the east property line and the prayer gardens.

The resident and board reviewed the plans clarifying that residents are welcome to contact the building department for copies of the plans/documentation provided.

Mr. Winzig stated that a few houses along the southside of the property have existing fences. Would their fences come down or would they just build a new fence up along the existing?

Mr. Jozity replied that they plan to build a continuous fence along their property line – so there may be some spots where there are two fences.

Mr. Winzig pointed out an inconsistency with pavers and cement found on page C-5(2) of the plans.

Mr. Barbour inquired if there were any rejections received from department heads?

Mr. Foster replied that he didn't see any, but there were additional requests from tree commission and service.

**Motion** by Mr. Winzig, **Second** by Mr. Foster, to refer the St. Raphael's parish plans to ABR.

**Motion carried 6 yeas, 0 nays**

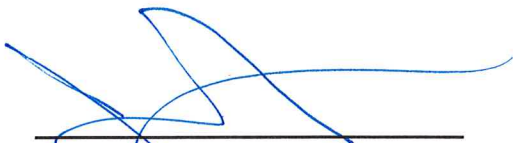
**Excused: Maddux**

Mr. Foster requested line by line answers to the questions posed by department heads.

Ms. Oley advised that the ABR meeting will be 3/8/23.

Mr. Winzig provided a council update. One of the projects that was presented to council was that the service director and city engineer projected out sewer project investments over the next 5-10 years and it's a pretty substantial number. They're looking at increasing the cost, to residents, on their quarterly sewer charge. They're trying to determine what is a good number based on requirements from Rocky River Waste Water Treatment Plant and also projected projects coming down the pike. Primarily repair and replace within the city that they know are deteriorating or will need attention in the next 5-10 years.

There being no further business to discuss the meeting adjourned at 8:10 p.m.



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Jeff Foster, Chairman



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Lauren Oley, Secretary