

Minutes of the
City of Bay Village Planning Commission Public Hearing and Meeting
Held August 18, 2021
7:30 p.m.

Present: Jeff Foster, Warren Remein, Rick Kirk, Kendra Davitt, Dave Maddux

Also Present: Lauren Oley (Assistant to Building Director), Eric Tuck-Macalla (Building Director), Mark Barbour (Law Director)

Excused: Jennifer Lesny Fleming, Sara Byrnes Maier

Audience: Vince Monachino & Mike Scaletta

**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*

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 August 4, 2021.

Motion by Mr. Remein, **Second** by Mr. Kirk, to approve the minutes of the Planning Commission meeting held August 4, 2021.

Motion carried 4 yeas, 0 nays

Excused: Jennifer Lesny Fleming, Lesny Fleming, Kendra Davitt

Ms. Davitt joined the group following roll call.

Mr. Foster introduced the next item on the agenda as the Bay Creek 402 & 406 Bay Creek – Lot Consolidation.

Mr. Monachino introduced himself as the representative from Oster Services. He advised that they are here to request a lot consolidation for lots 5 & 6 which were shown on the original site plan for Bay Creek. Originally there were 11 units on the original approvals for the Bay Creek Townhomes and they are requesting the lot consolidation to take that density down to 10 and put a single family home on those two lots after they are consolidated. The single family home would be less in square footage to a single one of the duplexes - it's not one really large house that is the same square footage it's actually shallower, but the same width as the original duplex would have

been. It's bookended on the other end with the other single family home that was approved. The same architect will be doing the drawings on them and based on the preliminary elevation the board can see that they are being very careful to make sure that it's very similar in design aesthetic to everything else that is already there.

Mr. Kirk inquired what precipitated the change – was it lack of demand for the duplex?

Mr. Monachino replied that they already had a buyer for lot 5 and they were interested in a single family like #11. Additionally, the lots on 5 and 6 are a little closer to the hillside so shallowing up and building one home keeps them further back from the hillside and gives them more of a buffer. In the original site plan you can see the topo lines in the backline of the building. They could have put it in two, but it maintenance and long term it might have been harder. Since the buyer for lot 5 was interested in a single family it seemed to make sense for both the development and the buyer. It's just under 3,000 sq. ft. on levels one and two and then it will have a finish basement. The duplexes 7,8,9,10 – are 2,900 so they are very similar living area on the first and second floor. There is still a two car garage. They've also included, on the new site plan, the old setbacks in a few areas compared to the original ones. They are not looking to encroach on the existing units 7 or 8 or bring them any closer to the road than was originally approved. They'd like to maintain similar setbacks.

Mr. Foster remarked that the perception of the proposed home is that it may appear as a house with a garage sticking out of the front of the house. In spirit it's a little disappointing to see this change because the spirit of the development is that this is one of the first multifamily developments of this scale in the center of downtown. It would have been great to see all the units built out as intended, but he understands why it was done.

Mr. Monachino replied that they considered sticking with the duplex concept, but they wanted to shallow up the building to pull back from the hillside and the square footage that they would have been left with is not something that the buyers, that we've sold to, have been looking for. Even the four townhomes that are up on Wolf Rd., the 3 story ones, are still around 3,000 sq. ft. of living area. They would have been quite a bit less than those and that is not what the buyers are looking for and they have someone that already bought lot 5.

Mr. Foster remarked that there is a bit of a lift there to make sure that looks right. In the 2D elevation it's hard to tell the two apart, but the third dimension that is really going to bring this thing to make or break it. It is a very long narrow floorplan with the garage.

Mr. Maddox commented that the design is interesting because you're entering a narrow connector to the courtyard – you'd see the creek through the entranceway. It's not a bad architectural move. It is interesting.

Mr. Foster replied that the architecture inside the house is great, but that's not really their purview. They should be looking at what the volume is of this particular house is in relation to the context around it.

Mr. Monachino replied that this is as far as they've gone with the architecture because they understand that they are going to be back in front of ABR for this house to make sure that those concerns are satisfied. They've presented this to the client as a concept to make sure that they're headed in the right direction for them. One of the other considerations for the shape is that the other residences have decks projecting off the back of them and they don't want to tack a deck on the back of this – to keep the hillside in mind. Having this shape allows them to wrap the living space and still offer the outside space that they were able to offer the other buyers.

Mr. Kirk and Mr. Monachino discussed the square footages for the units concluding that the joint units were close to 5,000 square feet total and this one is closer to 3,000 because it's shallower. The width of this new unit is about the same, but it's shallower.

Mr. Remein commented that this was originally approved as an attached dwelling. The whole project was an attached dwelling and he went back to the code to look for a definition. The criteria said that they all have to be townhouses and then it points to a definition of townhouse 1121.47, but there is no definition of a townhouse there. The code is in error. There is no definition of attached dwelling. The implication, when this project was passed, was that there would be multiple units together not a single unit. This is a single family house.

Mr. Kirk added that there was one unattached unit on the other end. They had already approved that as part of the unit.

Mr. Monachino commented that when they looked at it they didn't think it was out of context considering the two duplexes would now be bookended by a single family unit on either end.

Mr. Remein commented that it isn't within the original intent of what they were trying to create.

Mr. Kirk inquired what would happen if this wasn't approved?

Mr. Monachino replied that they'd have to get quite a bit smaller and then they could be down into the 1800-1900 sq. ft. living area which there doesn't seem to be a market for here. They're not only looking for the 3,000 sq. ft. of living space, but they're also finishing the basements in all of these. The buyers say they are downsizing, but they're having the basements finished. Considering they have a live buyer that is willing to buy both lots and combine them. The alternative would be that they could have these two lots sitting for who knows how long...They actually moved in their

first residents to Bay Creek in Unit 7 and Unit 8 is moving in tomorrow. Units 9 and 10 are a fall closing. They have people living in the community now so they want to get in and finish it for their benefit. Residence 1 is sold and it looks like 2 may sell soon.

The board inquired if this was a hit to the financials of the project.

Mr. Monachino advised that it's interesting because usually he's standing in front of board asking for more density and it's unusual to be asking to reduce the density. In this case since the buyer is willing to buy the 2nd lot it's like for like as far as they're concerned.

Mr. Barbour advised that he didn't have anything to add from the law department position. It's all within the Planning Commissions discretion to decide whether they want to approve or whether they want to require it to go to ABR if they want to see changes in the design. It was changed before, if you recall, but that change was more significant. He believes the road got moved and they got rid of one of the brownstone units. That was pretty significant and in his opinion this is different – more of a consolidation.

Mr. Remein remarked that he doesn't think the residents of Bay Village are even going to notice this happened.

Mr. Monachino added that they've already talked to the current buyers and they are all okay with it. There are no objections from the buyers. If anything it's one less development.

Mr. Foster commented that he feels the architecture review board does need to see it as it's a change and then the final design would need to come back here.

Mr. Monachino advised that he reached out to Mr. Tuck-Macalla who advised that they'd need to start with PC and then go to ABR. Tonight they'd be looking for approval on the consolidation so that they can redraw and refile the plat. If they receive the consolation approval tonight then they can start the replatting process and put the other drawings together to get on the next ABR agenda. Then he believes they might be back in front of PC for final approval, but he's not sure.

Mr. Foster remarked that they can review the lot consolidation, but the change in the site plan revisions they would need to see the architecture, what changes in terms of parking, drives, landscapes, etc. and also to address their concerns about what does this look like when you drive in.

Mr. Remein inquired if this would go back to the fire department?

Mr. Tuck-Macalla replied that it wouldn't really change anything. He'd let them know the change in the address and structures.

Mr. Forster added that if they were significantly changing the circulation patterns or traffic then it would need to be reviewed.

Mr. Remein commented that he'd like to see the Fire Department take a look.

Mr. Barbour stated that he doesn't think the PC can approve the consolidation of the lot without doing the other steps because it's part of the parcel. If it's their determination that the design needs to go ABR then ABR needs to go do their review and report back at another meeting and then they can move forward. The way it was submitted as an attached residence district with duplex type homes the other issues need to be addressed. If you approve consolidation lots then it really seems like you're giving approval to build a single family residence and you haven't seen the plans.

Mr. Monachino commented that to go to the next stage at ABR they're talking about taking the drawings to the next level without knowing the lot is going to be consolidated – to him it seems backwards.

Mr. Foster replied that the applicant has heard comments from the board tonight so he can take a spirit away from what was said, but they have to develop the design before they can approve the design to Mr. Barbour's point. Until you show the board that level of detail they need - they can't really approve it. Develop and finalize the design from an exterior perspective.

Mr. Monachino stated that he was under the impression the ABR reviewed that.

Mr. Foster advised they do, but then it gets referred back to PC and they finalize that approval.

Mr. Barbour stated that it's because it's an attached residence district instead of a subdivision where they'd have single family homes it's all wrapped into one. You're making enough of a change.

Mr. Monachino confirmed that the next steps are to finalize the design – apply to ABR and then come back to PC and then they'll go from there. He thanked the board for their time and he and Mr. Scaletta left the meeting.

Mr. Remein advised that he'd like to call into question why there are no definitions to what is an attached dwelling. He'd like the law director to review the code and report back to them. There was a definition.

The board and law director discussed how a code item would be changed. Mr. Barbour replied that 1121.47 (a) should include a definition. It doesn't appear to be in the written or electronic code. The townhouse is defined in the mixed use overlay, but that isn't law yet.

Mr. Remein advised that this could cause problems down the road.

The board continued to discuss attached dwellings including Cahoon Ledges, cluster homes, attached developments, the large size of the homes as built, and the potential for higher density neighborhoods.

The board agreed that this development is a much improved to what was at this location previously even if they had hoped for a higher density.

Mr. Remein commented that while the definition of a townhome may exist in the mixed use overlay it will only exist in the mixed use overlay districts. So now they're going to have two townhouses one of which is not defined which could set the city up for a problem in the future. The definition in the overlay amounts to a rowhouse. He could see this being called a townhouse.

Mr. Foster stated that the homes in this development include two building types. They're both attached residences. One is what you'd traditionally think of as a townhouse and one is an attached residence.

Mr. Barbour commented that an attached residence district allows you to put more dwellings in a smaller space.

Mr. Kirk added that it doesn't force you to – you can certainly do less.

Mr. Barbour advised that at the time this was passed this was a novel idea and there was a lot of trepidation and it's taken almost 11 years for the first development to take place. That is why the density is relatively low in the attached residence district and is higher in the mixed use overlay because people who are in the position to draft legislation and support it feel like the public is more comfortable with increased density. The comments tonight indicate this feels like a missed opportunity. The definition of townhouse – his guess is that when it was drafted that the definitions would dictate that they would be attached otherwise how would you get that many homes. And since no one has done it until now it simply hasn't come up.

The board agreed that this and Cahoon Ledges operate about the same.

Mr. Kirk replied that he is surprised that they settled for a single family home. Number 11 seemed to exist only because they ran out of space. There must be some architectural issues with the wall

and the hill that is creating some havoc for them. If there was enough demand they'd engineer that and they'd make it work.

Mr. Maddox advised that he agreed. Units 1-4 if you could have wrapped those all the way around they all looked the same – those are still 3,000 sq. ft.

Mr. Barbour replied that for future consideration they may want to explore that with them. So that they don't find themselves in a situation where these districts become single family homes if that is not what is wanted. That could be a significant factor that couldn't be discovered until further along so that is worth exploring with them.

The board and law director continued to discuss the missing definition of a townhouse especially now that it's been applied.

Motion by Mr. Remein, that the law director address the issue of the definition of what is a townhouse and what is an attached dwelling.

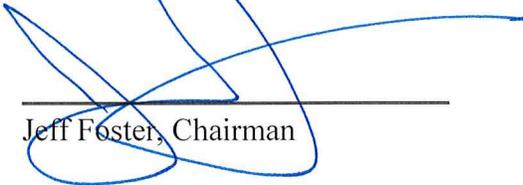
Mr. Barbour advised that he doesn't believe the board needs to make a motion and that he'd be happy to report back to the board after he's researched the issue.

Mr. Remein withdrew his motion.

Motion by Mr. Remein, **Second** by Mr. Kirk, to adjourn.

Motion carried 5 yeas, 0 nays
Excused: Lesny Fleming, Byrnes Maier

There being no further discussion, the meeting adjourned at 8:03 p.m.



Jeff Foster, Chairman



Lauren Oley, Secretary