

BEREA MUNICIPAL PLANNING COMMISSION
January 15, 2015 – 7:30p.m.

The Berea Municipal Planning Commission met on January 15, 2015 and was called to order by Chairman Matthew Madzy at 7:32p.m. Present: Conrad Borowski, Leon Dozier, Andy Fay, Richard Koharik, Don Sawyer and Dan Smith. Tony Armagno, City Engineer, was also present.

This meeting was held in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code and Chapter 109 of the Codified Ordinances of the City of Berea.

Moved by Mr. Koharik, seconded by Mr. Dozier, that the minutes from the December 4, 2014 Planning Commission meeting be approved. Vote on the motion was all ayes and no nays. The motion carried and the minutes were approved.

REQUESTS FOR VARIANCES/APPEALS: **None**

NEW BUSINESS – GENERAL PLANNING MATTERS:

Application #15-01-01
Application for Signage
786 Front Street, P.P. #362-02-007

Mr. Madzy noted that no agent was present to discuss Application #15-01-01.

Moved by Mr. Koharik, seconded by Mr. Sawyer, that the application be tabled. Vote on the motion was all ayes and no nays. The motion carried and the application was thus tabled.

Application #15-01-02
Application for Site Plan Approval and Parking Modification
1073 W. Bagley Road, P.P. #361-34-009

Mr. Madzy read the Administrative Review.

The agent, Christopher Tadych, was present this evening, along with Mike Petrasek, owner and president of Fieldhouse Athletics, LLC. Mr. Tadych distributed and displayed larger versions of the submitted plans, so that they could be more easily viewed and discussed. He explained that Fieldhouse Athletics is before the Commission to ask for approval to construct Phase 2 of a project they presented to Planning Commission last year. This phase would add a 50 foot addition, as well as a second story, to the north side of the building in question. This addition would house the previously discussed dance studios.

Mr. Tadych gave a brief overview of the parking situation, explaining that more spaces will be added, thus completing the loop that will become the drop-off area. He reminded the Commission that they had already approved a parking modification that would setback spaces 5 feet, instead of the required 10 feet, from building entrances. He simply requested a continuation of this modification for the proposed parking spaces.

Mr. Tadych informed the Commission that both the retention basin and drainage for the entire site have already been approved, and the additional concrete has been factored in to the overall drainage plan.

Mr. Tadych and Mr. Petrasek also displayed and explained the elevation diagram, informing the Commission that masonry work would be added to front parts of the building, but the back elevations would remain the same. Mr. Tadych also acknowledged that a shallow aluminum canopy will be displayed. This canopy is not meant to act as a shelter, but will, rather, be utilized to bounce more light back in to the building. This design element will also break up the elevation to present a horizontal feel and balance the vertical effect.

Mr. Sawyer asked what type of material will comprise the spandrel. Mr. Tadych responded that it will be aluminum, and then displayed a mock-up of the building, once it is complete.

General discussion commenced concerning the materials which will be utilized during construction, as well as various construction details.

Mr. Sawyer questioned the safety of pedestrian traffic as they enter the dance studio and gymnasium. Mr. Tadych informed him that the circular traffic loop will be constructed next to a wide sidewalk that leads to the building's only entrance. The intent is to utilize the loop as a drop-off area, thus limiting the number of children who will be walking through the parking lot. While emergency exits will be utilized as entrances during the second phase of construction, once complete, the only entrance will be from beside the parking loop. This will require individuals to pass by the office on their way in and out of the building. Mr. Petrasek added that Susan Barre, the owner of Above the Barre, requested a designated drop-off zone for students, and noted that safety was a salient issue considered throughout the design process.

Mr. Madzy noted that the parking space modification, which was approved last year, will become void once this phase is complete. All parking spaces will be picked up, and the facility will actually offer more parking spaces than the Zoning Code demands.

Mr. Petrasek stated that the Planning Commission originally granted him two years to return for Phase 2 approval, but the decision was made to expand the construction while the site is already torn apart. Mr. Madzy appreciated the decision, noting that it will minimize disruptions if all construction is completed at once.

Mr. Fay wondered if the parking loop would be adorned with “No Parking” signs, and Mr. Tadych answered that the loop is wide enough to accommodate two vehicles. Cars will be able to stop and drop off students, while leaving sufficient room for other vehicles to pass. Mr. Petrasek emphasized that the area will be designated as a drop-off zone.

Mr. Sawyer questioned the need for the additional handicapped parking spaces, and Mr. Tadych explained that future plans include the addition of yet another building, and the handicapped spots are simply being striped now to be used later.

In response to a question from Mr. Fay, Mr. Petrasek informed Council that Petrasek Properties remains the contractor, but the lending agent asked that the property be quick-claimed to a different entity, since Petrasek Properties has other projects currently underway. Fieldhouse Athletics, LLC was, therefore, created for this project only. They are the property owners, but Petrasek Properties remains the developer.

Moved by Mr. Fay, seconded by Mr. Sawyer, that the parking modification be approved, as submitted. Vote on the motion was ayes: Borowski, Dozier, Fay, Koharik, Madzy, Sawyer and Smith. Nays: None. The motion carried and the parking modification was approved.

Moved by Mr. Fay, seconded by Mr. Sawyer, that the site plan be approved, as submitted. Vote on the motion was ayes: Borowski, Dozier, Fay, Koharik, Madzy, Sawyer and Smith. Nays: None. The motion carried and the site plan was thus approved.

Mr. Madzy informed Mr. Tadych and Mr. Petrasek that the building department now has the authority to issue the building permits once the construction plans have been reviewed and approved.

Applications #15-01-03 and #15-01-04
City Council Referral
Ordinance No. 12-2 and Ordinance No. 12-3

Due notification was made on this application pursuant to Section 102.01 of the City of Berea Zoning Code.

Mr. Madzy reminded everyone that when a Council referral comes before the Municipal Planning Commission, the Commission can choose to recommend approval of the Ordinance(s), recommend not to approve the Ordinance(s) or recommend approval with modifications. He further acknowledged that Jay Stewart, the City’s Zoning Consultant, conducted a review of the proposed Ordinances, and sent a letter to the City that included recommended changes.

Mr. Smith recused himself from his seat with the Commission, and instead joined his wife and mother-in-law in the audience. He explained that the legislation before Council affects his property, as well as several others in the City.

Mr. Madzy reviewed Mr. Stewart's proposed modifications, which are attached at the conclusion of these minutes. Mr. Stewart recommended adding measures to ensure that no matter where someone entered the Zoning Code, if inquiring about pools on peninsula lots, he or she would be redirected to the proper location. He also suggested that the Ordinances be amended to include certain and specific criteria that must be examined by Planning Commission before granting approval of a swimming pool in the front or side yard of any residential property, or property utilized for residential purposes. Planning Commission must consider public safety implications, whether or not the pool will have an adverse effect on neighboring properties, and if the pool is situated in the most practical location on the lot.

Mr. Sawyer felt that residential privacy would be negated if these Ordinances were, in fact, adopted. He was also concerned about the liability of the owner and the City, should pools be allowed in front and side yards.

Mr. Koharik expressed his concern with fencing in the front and side yards of a historic icon within the City, as he spoke, specifically, about Mr. and Mrs. Smith's lot.

Mr. Smith countered, stating that the City's definition of "alleys" creates 3 front yards on his property, and Mr. Madzy added that a homeowner on a peninsula lot could, potentially, still have what would be deemed a "backyard" to many people. The Code, however, defines it differently than what may be readily observed.

Kim Smith, a member of the audience, informed the Commission that there are several parcels in the City that possess multiple front yards, as defined by the Zoning Code. She proceeded to present a photograph of a house on Stanford that, while a corner lot, also contains an appropriately fenced in pool. She next referenced the Glen Oaks area, stating that their pool resides in the middle of the complex, and is very aesthetically pleasing. She concluded her remarks by declaring that the concerns about privacy and unauthorized individuals jumping a fence in order to get in to a pool would be a concern each and every time a pool is constructed, and not just in the case of peninsula lots.

Mr. Koharik clarified his understanding that, should the Ordinances be approved, any application that requested a pool in the front or side yard of a peninsula lot would have to come before the Commission for ultimate approval. Mr. Madzy affirmed his statement. Mr. Koharik suggested that, perhaps, questions relating to pool placement, aesthetics and safety should be withheld at present. He felt Council should look at the overall good this Ordinance could do for the community, and then Planning Commission should consider the details of specific situations and requests. He questioned if anyone has ever brought this type of request before the Commission in the past. Mr. Madzy informed him that, at present, residents are not even granted the opportunity to come before the Commission, because use variances are prohibited in the Code.

Mr. Fay reiterated that, even if the Ordinances are adopted, all applications of this type would have to come before Planning Commission for approval. Mr. Madzy affirmed Mr. Fay's comment, adding that if these Ordinances are adopted, the Code would grant

Planning Commission the flexibility and responsibility of handling these issues when they arise. The review will be more similar to a site plan review than a variance approval. Mr. Armagno noted that Planning Commission may also have to consider fence height requirements and variances, especially if someone is requesting a pool in, what the Code defines as, a front yard.

Mr. Sawyer continued to question the privacy issue, and reiterated his concern of potential vandalism, should these Ordinances be approved. Mr. Madzy countered, stating that the privacy factor is something the owner should consider, and not necessarily the Commission.

Mr. Smith declared that, as he sees it, privacy concerns would be irrelevant on his property because a potential pool would be placed in, what he deems, his backyard.

Mary Smith, a member of the audience and owner of a double frontage lot, stated that she is also considering a pool on her property. She is simply appealing for the right to come before the Commission with her application.

General discussion commenced concerning Mr. Smith's specific lot and potential pool placement. Mr. Smith reaffirmed Jay Stewart's opinion that the Ordinance, amended with the specified changes, would represent a simple but effective approach to providing flexibility to property owners who reside on peninsula lots. Mr. Madzy reminded the Commission that Mr. Stewart's recommendations are not a part of the Ordinances that have been referred to Planning Commission. It would, however, be possible to make a recommendation for approval with the recommendation that Mr. Stewart's modifications be included in the final Ordinances.

Mr. Koharik questioned whether the Commission could make additional recommendations to Council, such as establishing a more specific definition of "rear of property", adding language that would require peninsula lot owners to position pools on the alley side of their properties, or possibly refining the Ordinances to include lots with two frontages. Mr. Madzy noted his concern about making changes without examining all the potential implications, but stated that the Commission could recommend that Council consider additional factors, such as lots with two frontages.

Mr. Dozier reminded the Commission that, even if these Ordinances are approved, applicants will still be required to come before Planning Commission before putting a pool on their peninsula lots. In response to a question from Mr. Sawyer, Mr. Madzy affirmed that neighboring residents would have the opportunity to state their opinions before the Commission, as is their right with every application that comes before Planning Commission.

Moved by Mr. Dozier, seconded by Mr. Sawyer, that Planning Commission recommend approval of the Ordinances with the modifications recommended by Mr. Stewart, and that Council also review and consider the issue of double frontage lots and their accessibility to Planning Commission review, when presented with an application for

a swimming pool. Vote on the motion was ayes: Borowski, Dozier, Fay, Koharik, Madzy, and Sawyer. Nays: None. The motion carried.

After the vote, Mrs. Esson explained Council’s next few steps with these Ordinances, alerting the Commission and audience that the Ordinances are likely to be placed on the February 2, 2015 Regular Council Meeting agenda for second reading, and that the required public hearing will also be held that same night. The process will progress from there, and may include placement on a Work Session agenda, if Council deems it appropriate or wants to consider double frontage lots as well.

Mr. Fay wondered if any additional changes made by Council would be referred to Mr. Stewart, and Mr. Madzy stated that Council may consult Mr. Stewart, if they deem it necessary.

OLD BUSINESS: **None**

OTHER BUSINESS: **None**

Having no further business before the Commission, adjournment was moved by Mr. Fay and seconded by Mr. Koharik. With no opposition, the meeting adjourned at 8:35p.m.

Matthew Madzy, Chairman

Attest: _____
Alycia Esson, Secretary

CERTIFICATE OF COMPLIANCE

The meeting of the Municipal Planning Commission held this 15th day of January, 2015, has been conducted in compliance with all legal requirements, including C.O. Chapter 109 and Section 121.22 of the Ohio Revised Code.

Alycia Esson, Secretary