

**BEREA MUNICIPAL PLANNING COMMISSION**  
**August 7, 2014 – 7:30p.m.**

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The Berea Municipal Planning Commission met on August 7, 2014 and was called to order by Chairman Matthew Madzy at 7:30p.m. Present: Conrad Borowski, Leon Dozier, Andy Fay, Richard Koharik, Don Sawyer and Dan Smith. Absent: None.

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. Fay, seconded by Mr. Borowski that the minutes from the July 17, 2014 Planning Commission meeting be approved. Vote on the motion was ayes: Borowski, Dozier, Fay, Madzy, Sawyer and Smith. Nays: None. Mr. Koharik abstained from the vote. The motion carried and the minutes were approved.

The witness was sworn in by Mr. Madzy.

Mr. Madzy referenced the memo from Mr. Armagno that was included within the members' packets. This memo detailed the final placement of the proposed fence at 593 Louis Drive. He stated that Mr. Armagno had visited the property owner on site and was able to determine an appropriate placement that met the needs of the owners, while also ensuring safe and proper visibility.

**REQUESTS FOR VARIANCES/APPEALS:**

**Application #14-08-01**  
**Application for Sign Variances**  
**137 Front Street, P.P. #364-09-004**

Mr. Madzy read the Administrative Review. Due notification was made on this application pursuant to Section 102.04 of the City of Berea Zoning Code.

The owner, David Justice, was present this evening. He began by explaining his plan for the property. He stated that he purchased the property in 2001, and while he has received a formal "No Further Action" notification from BP, when the first well was pulled, product remained inside. Remediation, therefore, continues at present time. Once the problem is resolved, he would like to improve both the building and landscaping. He will trim the shrubs to a level that makes them look neat, and will replace mulch with stone so the appearance is clean. A small circle of mulch surrounding the ground sign will remain, but much of the area will be replaced with stone. The building will be revamped and redone so that it looks almost brand new. He added that the Goodyear sign will remain.

Mr. Justice then apologized to the Commission, stating that he thought he had received proper City approval to progress forward with the new signage, but was obviously

mistaken. He took full responsibility for the misunderstanding, adding that one wall sign has, therefore, been added on the west peak, and 6 longstanding banners were replaced with laminated decals over each bay. The canopy is also brand new and affixed with Napa's copyrighted colors.

Mr. Fay questioned the blue Goodyear sign on a blue background, and Mr. Justice stated that the picture is deceiving, as the lettering is visible when on site.

Mr. Sawyer felt the additional signage was appropriate and practical, and Mr. Koharik asked about the composition of the canopy. Mr. Justice answered that the canopy is vinyl and can be scrubbed clean and washed, adding that they will maintain it properly.

Mr. Madzy inquired about illumination, and Mr. Justice confirmed that all signage will remain non-illuminated.

Mr. Fay wondered if H.A.R.B. had recommended approval on the application, and Mr. Madzy responded that no quorum was present at the H.A.R.B. meeting, so the application appropriately moved through to Planning Commission.

General discussion commenced concerning the City's intent to repair or replace the existing light poles on and around the property in question. Mr. Justice informed the Commission that the lampposts, while decorative, do not have functioning lights. It was unclear whether or not these lampposts sit on City property, but Mr. Madzy stated that he would speak with Mr. Armagno and follow up with Mr. Justice. Mr. Justice offered to dispose of the old and hazardous lampposts and run electricity to new poles. He even offered to pay the electric cost, adding that the continuity would look pleasant.

Moved by Mr. Fay, seconded by Mr. Koharik, that the 6 wall sign variance be approved. Vote on the motion was ayes: Borowski, Dozier, Fay, Koharik, Madzy, Sawyer and Smith. Nays: None. The motion carried and the application was thus approved.

Mr. Madzy reminded Mr. Justice to pick up his sign permit from the Building Department, and Mr. Justice noted that he would pay for it next week.

### **NEW BUSINESS – GENERAL PLANNING MATTERS:**

#### **Application #14-08-02**

#### **Ordinance No. 7-3: Referred from Berea City Council**

ORDINANCE NO. 7-3: AN ORDINANCE AMENDING THE ZONING CODE OF THE CITY OF BEREA BY ENACTING SECTIONS 201.19.1, 202.10, 203.20, 204.11, 205.14, 206.08.1, 207.08.1, 209.08.1, 309.06(F), AND AMENDING SECTIONS 102.04(B), 202.09, 208.08, 301.14, 302.04, 302.09, 302.10, 303.21, 303.23(C), AND ARTICLE IV, ZONING DEFINITIONS, IN CHAPTER 400, DEFINITIONS, OF THE ZONING CODE OF THE CITY OF BEREA, OHIO, ADOPTED MAY 7, 2012.

Mr. Madzy read the Administrative Review. Due notification was made on this application pursuant to Section 102.04 of the City of Berea Zoning Code.

Mr. Madzy detailed the proposed amendments, beginning with the current restrictive architectural standards. He explained that these standards are able to be modified in the College District, with Planning Commission review and approval. They are not able to be modified in any other Zoning District. If approved, the proposed Ordinance would allow modifications in all Zoning Districts, following the review and approval of Planning Commission. He added that this change makes up the bulk of the Ordinance.

Mr. Madzy continued by informing Council about the other Zoning Code amendments under review, which include clerical changes, a fence standard amendment, a slight change to the R-SF-T Zoning District's architectural and site design standards, and the ability of the City to inform residents about Zoning Code text changes via newspaper notice, rather than first class mail notification. This latter change would not affect the current and required Zoning Map amendment notifications.

Mr. Madzy reminded the Commission that Council is requesting a recommendation from the Municipal Planning Commission. The Commission can recommend approval, not recommend approval, or recommend approval with modifications.

Mr. Smith wondered if the proposed review standards are found anywhere in the current Code. Mr. Madzy explained that while they are not found verbatim in the current Code, similar review standards are present for the College District. These standards were awkward, at best, and thus refined and expanded to all Zoning Districts. This would give Planning Commission the ability to approve architectural standard modifications. He noted that the approval would be similar to that of a variance, landscape waiver, or parking modification.

Mr. Smith expressed concern that, as proposed, the review standards do not make it clear that an applicant does not have to meet all six of the review criteria. He feared that, in the future, someone may misinterpret the intent of the review criterion. Mr. Madzy informed Mr. Smith that the criteria are not cumulative. If the intention was to make the review standards cumulative, they would have been separated by a semicolon, followed by the word "and". Without the inclusion of the word "and", it is understood that the standards must not all be met in order for the modification to be approved.

Mr. Sawyer questioned who would interpret the phrase "essential character of the neighborhood". Mr. Madzy answered that it would be the job of the Municipal Planning Commission.

Mr. Sawyer asked Mr. Madzy for his opinion on the proposed Ordinance, and Mr. Madzy said that he does support the Zoning Code amendments. He also reminded the Commission of Jay Stewart's recommendation to review and appropriately modify the Zoning Code every couple of years.

Moved by Mr. Fay, seconded by Mr. Dozier, that Planning Commission recommend that City Council adopt Ordinance No. 7-3. Vote on the motion was ayes: Borowski, Dozier, Fay, Koharik, Madzy, Sawyer and Smith. Nays: None. The motion carried and thus Planning Commission recommended to City Council that Ordinance No. 7-3 be adopted.

**OLD BUSINESS:**                    **None.**

**OTHER BUSINESS:**                **None.**

Having no further business before the Commission, adjournment was moved by Mr. Fay and seconded by Mr. Smith. With no opposition, the meeting adjourned at 8:05p.m.

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Matthew Madzy, Chairman

Attest: \_\_\_\_\_  
Alycia Esson, Secretary

**CERTIFICATE OF COMPLIANCE**

The meeting of the Municipal Planning Commission held this 7<sup>th</sup> day of August, 2014, has been conducted in compliance with all legal requirements, including C.O. Chapter 109 and Section 121.22 of the Ohio Revised Code.

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Alycia Esson, Secretary