

BEREA MUNICIPAL PLANNING COMMISSION
January 2, 2014 – 7:30p.m.

The Berea Municipal Planning Commission met on January 2, 2014 and was called to order by Chairman James N. Walters III at 7:30p.m. Present: Conrad Borowski, Andy Fay, Leon Dozier, Richard Koharik, Don Sawyer and Dan Smith. Absent: None. Also present was Matthew Madzy, Director of Building, Planning, Engineering, and Housing.

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.

Mr. Walters introduced himself, explaining that he is the Director of Law for the City of Berea, and is chairing the meeting as the Mayor's designee.

Moved by Mr. Fay, seconded by Mr. Borowski, that the minutes from the December 5, 2013 Planning Commission meeting be approved. Vote on the motion was all ayes and no nays. The motion carried and the minutes were approved.

The witnesses were sworn in by Mr. Walters.

REQUESTS FOR VARIANCE/APPEALS:

Application #14-01-01

Appeal of Notice of Violation – Zoning Code Enforcement
625 Wesley Drive, P.P. #361-16-045

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

The applicant, Mark Dannemiller, was present this evening. He asked if all members of the Commission had read his letter, as he intended for that to be his statement before Planning Commission. All members responded in the affirmative.

Mr. Walters recognized Mr. Madzy, the City's representative on this matter. Mr. Madzy stated that he had received complaints regarding 3 signs. Upon investigation, it was determined that 2 of the signs were approved by Planning Commission while the City was still operating under the old Zoning Code. The third sign in questions is Mr. Dannemiller's, which advertises a

professional home occupation. Mr. Madzy distributed a photo copy of the sign on Mr. Dannemiller's house to all Commission Members, and explained that a notice of violation was sent to Mr. Dannemiller, and a letter of appeal received. Mr. Madzy noted that he had spoken with Mr. Dannemiller on a couple of occasions with regard to this matter. Mr. Madzy concluded by explaining that Mr. Dannemiller highlighted specific code sections in his letter of appeal, and these sections deal with the general signage requirements within the City. However, as one continues to read the Code, explicit requirements emerge for specific types of signage. The Code irrefutably denies signage on home occupations.

General discussion commenced concerning why these specifications were added within the new Zoning Code. Mr. Walters explained that the Zoning Code was approved by City Council after exhaustive debate and discussion. Input was gathered from a variety of sources, and Council had the final vote.

Mr. Dannemiller contested this specification in the Code, stating that it violates his First Amendment right to freedom of expression. He explained his intent to grow his business to a place where it would be logical for him to pursue a commercial location within Berea, the City he loves. He stated that he simply needs signage for the time being.

General discussion commenced concerning whether or not all signage should be free from laws and constraints, and Mr. Dannemiller acknowledged the need to regulate signage that could be deemed a safety or health hazard. Mr. Walters noted that case law exists that proves it is much more acceptable to regulate commercial signage than political signage.

Mr. Smith inquired about Section 303.09 which allows wall signs on the outside wall of a residential house in a residential district. Mr. Madzy explained that the Land Use Matrix is the logical starting point when identifying what is or is not permitted within the City of Berea. Once a use is determined to be allowed, the next step is to identify the particular regulations associated with that use. The Code unequivocally denies signage on home occupations, and it does so because uses are more constrained in residential districts, specifically because people reside in these areas, day and night. The Code attempts to limit intrusive impacts on residential neighborhoods, while promoting harmonious uses.

Mr. Smith questioned why any wall sign would be permitted in a residential district, and Mr. Matt responded by stating that some people choose to place "No Trespassing" signs, identification signs, and school or sports signs on their properties. These are acceptable in residential districts.

Mr. Smith noted, for the record, that wall signs do not forbid commercial speech in our Zoning Code. Mr. Madzy clarified that the specifications of home occupations, however, do.

Mr. Dannemiller asked how many complaints were made about his sign, and felt that any emotional harm derived from his sign should be regarded as irrelevant. People have the right to not look at a sign they do not like.

Both Mr. Fay and Mr. Koharik attempted to explain the reason for sign standards, stating that property values need to be maintained, the fabric of the community needs to be preserved, and if residents have felt harm because of the sign, their complaints can not be ignored. Mr. Dannemiller continued to insist that not allowing the sign is a violation of his freedom of expression.

Mr. Walters reminded the Commission that they can choose to uphold, modify, or differ the order of the Building Administrator.

Moved by Mr. Sawyer, seconded by Mr. Dozier, that the Building Administrator's order be enforced, but that the date of compliance be modified to that of March 21, 2014. Vote on the motion was ayes: Borowski, Dozier, Fay, Koharik, Sawyer, Smith, and Walters. Nays: None. The motion carried and the Building Administrator's order was thus modified.

Mr. Dannemiller expressed his understanding of the date by which the sign needed to be removed, clarifying the exact date of the first day of spring. Mr. Walters wished Mr. Dannemiller the best of luck in his business endeavor.

Application #14-01-02
Application for Signage and Display Area Variance
368 W. Bagley Road, P.P. #361-10-014

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

Due to inclement weather, the agent was not yet present this evening. The application was initially tabled, to see if the agent, Ms. Ruff, would arrive before the conclusion of the meeting, but she did not. Therefore, it was moved and seconded that the application be tabled to a date certain of January 16, 2014. Vote on the motion was all ayes and no nays, and thus the motion was approved.

NEW BUSINESS – GENERAL PLANNING MATTERS:**Application #14-01-03
Application for Signage
14 Seminary Street, P.P. #364-11-030**

Mr. Walters read the Administrative Review.

The agent, Dave Detar, was present this evening. Mr. Sawyer announced that the Heritage Architectural Review Board did approve the sign, as shown.

Mr. Fay hoped the sign could be made to appear a bit more historic, due to the fact that it sits within the Historic District. He suggested that, perhaps, the framing or cabinet be appropriately altered. General discussion commenced concerning appropriate changes, and it was determined that a final sketch be submitted to Mr. Madzy for approval.

Moved by Mr. Fay, seconded by Mr. Koharik, that the application be approved with the condition that the agent consults with the Building Department regarding the final details of the sign cabinet. Vote on the motion was ayes: Borowski, Dozier, Fay, Koharik, Sawyer, Smith, and Walters. Nays: None. The motion carried and the application was thus approved.

**Application #14-01-04
Application for Site Plan Approval and Signage
1004 W. Bagley Road, P.P. #361-30-004**

Mr. Walters read the Administrative Review.

The agent, John Kleem, was present this evening. He explained the intent of the project and was open to questions from the Commission.

Mr. Smith inquired as to whether or not room existed for expansion, and Mr. Kleem responded that adequate space is available, as is room for a parking addition.

Mr. Sawyer inquired about the landscape plan, and Mr. Kleem referred him to the plan submitted with his application. Mr. Fay inquired about this plan, especially along the front of the building. Mr. Kleem informed the Commission that there would be no raised mounds, but rather low landscaping and concrete display stands that run flush with the ground.

Mr. Kleem confirmed that the wall sign will not be illuminated, unless the Commission demanded as much.

Mr. Kleem concluded by explaining that the back of the building will be comprised of pre-engineered steel, with siding, and the front of the building will be split-faced block. He displayed a sample for Commission Members. Mr. Kleem said that the side of the building will be constructed with 4 foot high blocks and then metal siding to the roofline.

Mr. Walters noted that the Commission could vote upon the wall sign, but added that Mr. Kleem would need to return for additional approval if the sign was altered in any way.

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

Application #14-01-05
Application for Parking Modification
10 Seminary Street, P.P. #364-11-030

Mr. Walters read the Administrative Review.

The applicant, Luis Roman, was not present this evening due to illness. Therefore, it was moved and seconded that the application be tabled to a date certain of January 16, 2014. Vote on the motion was all ayes and no nays. The motion carried and the application was thus tabled.

Application #14-01-06
Application for Approval of a Subdivision Site Development Plan
Sandstone Ridge South – Phase 3C, Block A-13

Mr. Walters read the Administrative Review. Mr. Koharik questioned whether it would not be more appropriate to discuss Application #14-01-07 before tackling Application #14-01-06, and Mr. Walters suggested that both applications be discussed together, but voted upon separately. Mr. Koharik found this to be acceptable.

The agent, Dan Neff, was present this evening and stated that he would be discussing the final phases of the Sandstone Ridge development. Mr. Neff said that the market state has caused a delay on the completion of this development, but work is ready to recommence. Mr. Neff explained that he is asking for approval for one section, previously approved for townhouses, to instead be approved for 29 single family lots which will contain detached houses on a private street.

Mr. Neff next informed the Commission about a conservation easement which has been added and will act as a common area for the development. This area will be maintained in perpetuity as greenspace, and will be maintained by the Homeowners Association. As part of the project, wetland restoration and reforestation will occur.

Mr. Neff next addressed the requested lot split, explaining the intent to subdivide a large parcel to create 2 new parcels. He distributed diagrams which showcased the intent behind the two applications that bring him before the Commission.

Mr. Neff concluded his presentation by informing the Commission that he will be returning once plans for the final phase or phases, construction of 50-52 single family houses, are solidified.

General discussion commenced concerning Phase 3C, and Mr. Walters clarified that the houses will be constructed on a private street. Mr. Neff stated in the affirmative, acknowledging that the only City services on that street would be with regard to trash collection.

Mr. Smith was concerned about the parking situation in Phase 3C, and referenced prior parking conflicts in the townhouse areas. Mr. Neff informed the Commission that the Building Department has already granted permits for additional parking for townhouse residents. The project has begun, and will be concluded in the Spring of 2014. The parking addition has been approved by both the homeowners and management company, after several public meetings. With regard to the new single family houses in question, Mr. Neff explained that the driveways will be large enough to accommodate 2 vehicles, which is different than the townhouse area. Unlike the townhouses, the single family houses will also have 2 car garages.

After discussion with Mr. Madzy, Mr. Neff asked that Planning Commission table Application #14-01-06 due to the fact that the conversion of this property from townhouse to single family home status may require area variances.

Moved by Mr. Fay, seconded by Mr. Smith, that the application be tabled to a date certain of January 16, 2014. Vote on the motion was ayes: Borowski, Dozier, Fay, Koharik, Sawyer, Smith, and Walters. Nays: None. The motion carried and the application was tabled.

**Application #14-01-07
Application for Lot Consolidation and Split
Sandstone Ridge South, P.P. #361-49-001 & #361-50-001**

Mr. Walters read the Administrative Review.

Mr. Neff informed the Commission that this lot consolidation and split would create Block A14 (the common area), Block A15, and Block A16.

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

OLD BUSINESS: None

OTHER BUSINESS:

Informal Presentation of Future Development Plan – Dan Neff

Mr. Neff’s discussion of future development within Sandstone Ridge was incorporated in to his presentation concerning Applications #14-01-06 and #14-01-07.

Having no further business before the Commission, adjournment was moved by Mr. Koharik and seconded by Mr. Fay. With no opposition, the meeting adjourned at 9:20p.m.

James N. Walters III, Chairman

Attest: _____
Alycia Esson, Secretary

CERTIFICATE OF COMPLIANCE

The meeting of the Municipal Planning Commission held this 2nd day of January, 2014 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