

BEREA MUNICIPAL PLANNING COMMISSION
February 6, 2014 – 7:30p.m.

The Berea Municipal Planning Commission met on February 6, 2014 and was called to order by Chairman Matthew Madzy at 7:30p.m. Present: Conrad Borowski, Andy Fay, Richard Koharik, Don Sawyer, and Dan Smith. Absent: Leon Dozier. Also present was Tony Armagno, City Engineer.

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. Koharik, that the minutes from the January 16, 2014 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. Madzy.

REQUESTS FOR VARIANCE/APPEALS:

Application #14-02-01

Application for Variances for Next Phase in Sandstone Ridge South Subdivision Sandstone Ridge South – Phase 3C

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 agent, Dan Neff, was present this evening. He explained that the original intent of Phase 3, in the Sandstone Development, was proposed to be townhouses. Due to changes in the market, the request has been made to construct single family homes instead. The vastness of this change does require several variances, but Mr. Neff mentioned that he had worked with the City to reconfigure lots and reduce the number of variances as much as possible.

Mr. Neff discussed another change to the development which includes the addition of 17.5 acres of green space, which will act as both a common area and a conservation easement.

Mr. Neff next informed the Commission that the two corner lot setback variances would simply act to conform those properties to the rest of the corner lots within the development. Due to the Zoning Code change, this now becomes

a necessity, even though the request is simply maintaining the standard set for all corner lots in the development.

Mr. Neff communicated to the Commission that the proposed private street of single family homes would have sufficient parking in the way of a two car garage and two driveway spaces as well, and concluded his comments by asking the Commission for approval on all requests so that the development can, in the very new future, begin its completion.

Mr. Smith appeared to be supportive of the lot size variances, as the area was previously zoned for townhomes, and he felt it seemed consistent to accept a smaller lot size. Mr. Madzy reminded the Commission that these properties would not require City services in the way of snow removal and road maintenance, as they would sit upon a private street.

Mr. Sawyer, after many calculations, determined that the best course of action was simply to remove one proposed lot, whereby expanding all the others. This would reduce the overall variance request substantially. In response to his suggestion, Mr. Neff explained that it is not possible to remove only one lot, but Mr. Sawyer's proposal would require them to remove two lots. There is revenue generated by each lot sale, and each lot is necessary to secure the bank loan. If the lot number changes, the deal will have to be renegotiated, and he considered this a definite hardship in his goal of completing the development.

Mr. Smith inquired as to the cost of each lot, and Mr. Neff stated that the lots run from \$38,000 to \$40,000. Mr. Smith noted that this would constitute an \$80,000 change, should lots start being removed.

Mr. Fay offered his support for the removal of a few lots, whereby minimizing the number of requested variances. Mr. Neff reiterated that any change in lots would require a renegotiation with the lenders.

General discussion commenced concerning the number of units in the subdivision. Mr. Armagno informed the Commission that there are 553 units in the North and South Phases, and 80 more in the proposed build-out.

Mr. Koharik, while encouraged by the prospect of finishing the development, questioned the approximate change in expected population should the proposed townhouses become single family homes. He hoped to refrain from densely populating the area to such an extent that it would have an adverse effect on City services. To his delight, Mr. Neff responded that based on estimations, the population of 29 single family homes should be roughly equal to or less than the population of 50-60 townhouses.

General discussion continued about removing one or two lots from the proposal, and Mr. Neff emphatically declared that to do so would postpone the loan and the project for an indefinite period of time. Mr. Madzy asked if the lots can bump out in to the proposed easement area, and Mr. Neff explained that, due to the agreement with Corp of Engineers, the lots can not.

Mr. Koharik questioned if surrounding property owners were notified of this change, and Mr. Madzy said that all property owners within 200' were notified, but only one was present in the audience. The owner, Chuck Bushley, wondered if the odd shape of Sublot 225 would limit the type of house that could be built there. Mr. Neff noted that the lot has the same buildable area as the others, so there would be no restriction on the type of house constructed.

Mr. Bushley next inquired as to whether the massive dirt pile within the area in question would be removed, as it constitutes a nuisance. Mr. Neff said that the mitigation work must be done before the development proceeds, and needs to be completed by May 31, 2014. The dirt pile will be removed no later than that date.

Mr. Fay questioned the potential start date for this Phase, and Mr. Neff predicted that infrastructure construction would begin in April and take approximately 2 months.

Mr. Fay concluded that the Zoning Code was established to prevent overbuilding and density issues. This proposal, if approved, would defeat the purpose of the Code.

General discussion commenced about the necessity to transition this Phase from townhouses to single family homes, so as to react to the changing market.

Moved by Mr. Smith, seconded by Mr. Borowski, that the lot size variance for Sublot 229 be approved. Vote on the motion was ayes: Borowski, Koharik, Madzy, and Smith. Nays: Fay and Sawyer. The motion carried and the variance was approved.

Moved by Mr. Smith, seconded by Mr. Borowski, that the lot size variance for Sublot 230 be approved. Vote on the motion was ayes: Borowski, Koharik, Madzy, and Smith. Nays: Fay and Sawyer. The motion carried and the variance was approved.

Moved by Mr. Borowski, seconded by Mr. Smith, that the lot size variance for Sublot 231 be approved. Vote on the motion was ayes: Borowski, Koharik, Madzy, and Smith. Nays: Fay and Sawyer. The motion carried and the variance was approved.

Moved by Mr. Borowski, seconded by Mr. Smith, that the lot size variance for Sublot 232 be approved. Vote on the motion was ayes: Borowski, Koharik, Madzy, and Smith. Nays: Fay and Sawyer. The motion carried and the variance was approved.

Moved by Mr. Smith, seconded by Mr. Borowski, that the lot size variance for Sublot 233 be approved. Vote on the motion was ayes: Borowski, Koharik, Madzy, and Smith. Nays: Fay and Sawyer. The motion carried and the variance was approved.

Moved by Mr. Smith, seconded by Mr. Borowski, that the lot size variance for Sublot 234 be approved. Vote on the motion was ayes: Borowski, Koharik, Madzy, and Smith. Nays: Fay and Sawyer. The motion carried and the variance was approved.

Moved by Mr. Borowski, seconded by Mr. Smith, that the lot size variance for Sublot 235 be approved. Vote on the motion was ayes: Borowski, Koharik, Madzy, and Smith. Nays: Fay and Sawyer. The motion carried and the variance was approved.

Moved by Mr. Smith, seconded by Mr. Borowski, that the average lot size variance be approved. Vote on the motion was ayes: Borowski, Koharik, Madzy, and Smith. Nays: Fay and Sawyer. The motion carried and the variance was approved.

Moved by Mr. Borowski, seconded by Mr. Smith, that the percentage variance be approved. Vote on the motion was ayes: Borowski, Koharik, Madzy, and Smith. Nays: Fay and Sawyer. The motion carried and the variance was approved.

Moved by Mr. Borowski, seconded by Mr. Smith, that the front setback variance on for Sublot 208 be approved. Vote on the motion was ayes: Borowski, Koharik, Madzy, Sawyer, and Smith. Nays: Fay. The motion carried and the variance was approved.

Moved by Mr. Borowski, seconded by Mr. Smith, that the front setback variance on for Sublot 236 be approved. Vote on the motion was ayes: Borowski, Koharik, Madzy, Sawyer, and Smith. Nays: Fay. The motion carried and the variance was approved.

Moved by Mr. Koharik, seconded by Mr. Borowski, that the subdivision site development plan be approved. Vote on the motion was ayes: Borowski, Koharik, Madzy, Sawyer, and Smith. Nays: Fay. The motion carried and the subdivision site development plan was approved.

Mr. Madzy reminded Mr. Neff that, due to the variances, no permit can be issued for at least 20 days. Mr. Neff conveyed his understanding and thanked the Commission for their support.

Application #14-02-02

Application for Wall Sign Variance and Signage

295 High Street, P.P. #362-09-057

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 agent, James Briola, was present this evening. He explained that, due to the odd shape of the property, the front of the building is not perpendicular to the road. The decision was made to place one wall sign facing the CVS parking lot, and thus be visible to motorists travelling east on Bagley Road. To garner correct and desired exposure, however, another wall sign is being requested for motorists travelling west on Bagley. Mr. Briola stated his hope that an identical sign could be put on a different wall of the building, thus maximizing visibility.

Mr. Borowski, although impressed with the sign quality, questioned the need for another sign when the business already has one wall sign and one monument sign. Mr. Briola responded by stating that the business does not have a driveway of their own, and the sign is needed for building recognition.

Mr. Fay asked if the sign would include any additional lighting, to which Mr. Briola answered in the negative.

Mr. Madzy clarified that the intent of the sign was for identification needs, rather than advertising purposes.

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

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

Mr. Madzy reminded Mr. Briola that, due to the variance, the permit can not be issued for a period of twenty days.

Application #14-02-03
Application for Setback Variances and Lot Split
400 W. Bagley Road, P.P. #361-10-012

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 applicant, Clint Williams, and the agent, George Hoffman, were present this evening. Mr. Hoffman explained that there is a building located on the back of the parcel in question. A local Church has been utilizing the building, and desires ownership. This objective can not be accomplished without a lot split.

Mr. Madzy clarified that a dedicated travel easement would allow access to the back parcel, should the lot split be approved. The easement, however, is only possible if the variances are approved. He added that there would be, in actuality, no physical change to the land.

General discussion commenced concerning plausible alternatives, but none were established. Mr. Madzy noted that the easement would remain and run in perpetuity with the land.

Moved by Mr. Sawyer, seconded by Mr. Fay, that the 29' front setback variance be approved, as submitted. Vote on the motion was ayes: Borowski, Fay, Koharik, Madzy, Sawyer, and Smith. Nays: None. The motion carried and the variance was approved.

Moved by Mr. Fay, seconded by Mr. Sawyer, that the 9.5' front setback variance be approved, as submitted, for the back building. Vote on the motion was ayes: Borowski, Fay, Koharik, Madzy, Sawyer, and Smith. Nays: None. The motion carried and the variance was approved.

Moved by Mr. Fay, seconded by Mr. Sawyer, that the proposed lot split be approved. Vote on the motion was ayes: Borowski, Fay, Koharik, Madzy, Sawyer, and Smith. Nays: None. The motion carried and the lot split was approved.

Mr. Madzy informed Mr. Hoffman and Mr. Williams that there is no 20 day waiting period on this variance, for nothing is being constructed. He did remind them that temporary signage requires a permit.

Application #14-02-04
Application for Display Area Variance and Signage
103 Front Street, P.P. #364-09-008

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. Sawyer informed the Commission that this application was approved by the Heritage Architectural Review Board.

The applicant, Joseph Kiskis, was present this evening. He informed the Commission that he had been a business owner in Berea for several years, and is presently transitioning to his third location. He explained that his intention is to take the current wall sign and place it above his new shop instead. This would be the easiest and most cost effective means of establishing signage at his new location.

Mr. Sawyer questioned the original cost of the sign, and Mr. Kiskis responded by stating that it was approximately \$2,000.00.

Mr. Madzy inquired as to whether Mr. Kiskis had obtained his Occupancy Permit, and Mr. Kiskis responded in the affirmative.

Mr. Koharik asked why Mr. Kiskis decided to remove the awning at his new location. Mr. Kiskis explained that a lot of customers recognize the Star Wars font on his signage, adding that a standard font on the green awning simply wouldn't do for his business. He continued by stating that Yoga 101 has a logo on their door, Bar 107 has nothing specific, and both Luna and the bike shop have colored awnings. In his opinion, the awnings tend to look old and weathered.

Mr. Madzy reminded Mr. Kiskis that no more than 20% of window space can be covered in signage. Sensing that some members were uncomfortable with the removal of the awning, however, Mr. Madzy continued by asking if Mr. Kiskis would be open to the idea of requesting additional window signage instead of a wall sign. This way the awning could stay, and that stretch of downtown shops could remain aesthetically consistent. Mr. Kiskis said that the panes of glass on his new shop are smaller, and if he attempted window signage, it would require new windows. He continued by stating that cars and trucks are often parked in front of his building, and any window signage would be obstructed.

General discussion commenced as the Commission attempted to find a solution that would please the applicant and also allow the awning to remain.

Moved by Sawyer, seconded by Smith, that the display area variance be approved. Vote on the motion was ayes: Borowski, Sawyer, and Smith. Nays: Fay, Koharik, and Madzy. The motion failed.

Mr. Madzy informed Mr. Kiskis that the variance was not approved, adding that he would, therefore, have to redesign the sign. He noted that signage up to 30 square feet in area would not require a display area variance.

Mr. Madzy suggested that Mr. Kiskis apply for temporary signage, should he wish to place a sign outside of his new location for the time being.

NEW BUSINESS – GENERAL PLANNING MATTERS:

Application #14-02-05 Application for Razing 147 Depot Street, P.P. #362-12-007

Mr. Madzy read the Administrative Review. Due notification was made on this application pursuant to Section 309.16 of the City of Berea Zoning Code.

The applicant, Chad Schaefer, was present this evening. He informed the Commission that the house in question has no foundation, no windows, no electric, gas, or water. He would like to demolish the house immediately, for safety reasons, adding that recent storms already collapsed a portion of the structure.

Mr. Koharik requested that Mr. Schaefer utilize engineered backfill so the land does not drop. Mr. Schaefer agreed to do as much. Mr. Madzy inquired as to who would be razing the house, and Mr. Schaefer stated that he would be doing the work himself. Mr. Madzy asked that Mr. Schaefer spray down the demolished area, noting that if he intends to utilize the fire hydrant as a water source, a tap fee and bond would be required.

General discussion commenced concerning the age of the house, which no one could precisely determine.

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

Mr. Madzy reminded Mr. Schaeffer to secure his permit from the building department before proceeding with the demolition.

OLD BUSINESS: **None**

OTHER BUSINESS: **None**

Having no further business before the Commission, adjournment was moved by Mr. Fay and seconded by Mr. Borowski. With no opposition, the meeting adjourned at 8:53p.m.

Matthew Madzy, Chairman

Attest: _____
Alycia Esson, Secretary

CERTIFICATE OF COMPLIANCE

The meeting of the Municipal Planning Commission held this 6th day of February, 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