

BEREA MUNICIPAL PLANNING COMMISSION
March 20, 2014 – 7:30p.m.

The Berea Municipal Planning Commission met on March 20, 2014 and was called to order by Chairman Matthew Madzy at 7:30p.m. Present: Conrad Borowski, Leon Dozier, Richard Koharik and Don Sawyer. Absent: Andy Fay 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. Sawyer, seconded by Mr. Dozier, that the minutes from the March 6, 2014 Planning Commission meeting be approved. Vote on the motion was all ayes and no nays. Mr. Koharik abstained from the vote. The motion carried and the minutes were approved.

The witness was sworn in by Mr. Madzy.

REQUESTS FOR VARIANCE/APPEALS:

Application #14-03-02
Application for Fence Height Variance
426 Front Street, P.P. #362-16-012

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, Brandon Leach, was present this evening. In response to the concern of proper site distance, Mr. Armagno informed the Commission that both he and the City's Traffic Consultant, Tommy Ross, conducted an onsite evaluation. They determined that, because the position of the proposed fence is offset from the alley, there is sufficient site distance.

Mr. Koharik said that while he appreciated the aesthetically pleasing changes the owner is making, a six foot high fence along Front Street and Fourth Avenue concerns him. He continued by explaining that he wants the family to be safe, but wouldn't be comfortable with such an excessively high fence.

Mr. Dozier agreed with Mr. Koharik that a six foot high fence along Front Street would not be an attractive addition to one of the City's gateways, but was accepting of the six foot high fence along Fourth Avenue.

Mr. Leach explained that the neighbors across Front Street are very noisy, and there is a lot of pedestrian traffic along Fourth Avenue. He would feel more comfortable with a six foot fence.

Mr. Madzy reminded the Commission that Mr. Leach's property is unusual in that it contains three frontages, and one side yard. The security afforded to property owners in the City who possess a rear yard, is not available to Mr. Leach because of these unique circumstances. If site distance is sufficient, he sees no reason to reject the application.

Mr. Koharik questioned whether there was any precedence for a six foot fence in a front yard. Mr. Madzy responded in the affirmative, noting that sufficient site distance is a requirement any time this type of application presents itself.

Mr. Leach, in an effort to compromise, suggested that he move the fence back to its original location, but keep the height at six feet. General discussion commenced about this suggestion, and in response to an inquiry from Mr. Madzy, Mr. Leach agreed to add landscaping that would hide the masonry and soften the view of the fence from Front Street.

The discussion of the six foot fence continued, with possible compromises offered by members of the audience. In the end, Mr. Leach agreed to move the fence back near its original location, but keep its height consistent at six feet. Mr. Borowski stated his approval of this compromise.

Moved by Mr. Sawyer, seconded by Mr. Dozier, that the application be approved with the condition that the fence return to its original location, and appropriate landscaping be added to soften its view from Front Street. Vote on the motion was ayes: Borowski, Dozier, Koharik, Madzy, and Sawyer. Nays: None. The motion carried and the application was approved.

Mr. Madzy informed Mr. Leach that, due to the variance, the permit can not be released for a period of twenty days. Mr. Madzy also reminded Mr. Leach that his project will require both a post hole inspection and a final inspection. Mr. Leach acknowledged his understanding.

NEW BUSINESS – GENERAL PLANNING MATTERS:

Application #14-03-03

Ordinance No. 3-11: Referred by Berea City Council

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

Mr. Madzy gave a brief introduction to the proposed Zoning Code changes, explaining that the Commission can either recommend that Council approve the Ordinance or recommend that Council not approve the Ordinance. If Planning Commission recommends approval, the Ordinance can be adopted by a simple majority vote of Council. If Planning Commission does not recommend approval, it will take a two-thirds (2/3) vote of all members elected to Council in order for the legislation to be adopted. Mr. Madzy announced that City Council will hold a public hearing to discuss this legislation on April 21, 2014 at 7:25p.m., and added that the legislation will be on for third reading that same night.

Mr. Koharik acknowledged that the height of mini-storage facilities would not be affected by this legislation, inferring that the internal space would simply increase. He explained that after reading the minutes from the Council meeting at which this legislation was introduced, his understanding is that more small business owners are renting out mini-storage spaces side by side, and asking for walls to be knocked down. They would prefer a larger storage space, and this legislation would accommodate their request.

Susan Moviel, a member of the audience who lives on High Street, stated her concern that larger storage space would attract larger and louder businesses. She questioned both the kind of business that would rent larger storage, and the type of vehicles that business would bring in to the neighborhood. Mr. Madzy reminded Ms. Moviel that this legislation does not refer to lot coverage. He continued by informing her that certain businesses are already allowed in the Depot District, but even if the size of mini-storage facilities is amended, by definition mini-storage facilities will remain buildings "designed to provide rental storage space".

Dale Mercer, another member of the audience, agreed that larger mini-storage facilities would attract larger vehicles with more fuel and fumes. Mr. Madzy reminded him that the new Zoning Code attempted to soften the permitted uses in districts that adjoin residential areas. Mini-storage is a passive, not an active, use. Some active uses are, however, permitted in the Depot District. He cautioned the members of the audience to keep this in mind.

Theresa Reiland, a member of the audience, said that expanding mini-storage would negate the word "mini". The facility would simply become a storage facility, rented out by people who want to store large things. Ms. Reiland continued by explaining that mini-storage facilities do not bring jobs or tax revenue to the City, and doubted that this type of use coincides with the Master Plan to develop the North End. She then questioned where the proposed storage units would be constructed in the Depot District.

Mr. Madzy explained that a mini-storage facility already exists in the Depot District, and the owner's intent is to tear down a dilapidated warehouse and construct more storage units. This legislation would give the owner the ability to apply for a conditional use. Mr. Madzy clarified that adopting this legislation is not the same thing as approving the conditional use.

Chris Toddy, another member of the audience, acknowledged that expanding mini-storage would mean increasing low storage hazards to medium storage hazards, and appreciated that perspective mini-storage owners in the Depot District would have to appear before the Planning Commission before setting up shop.

Mr. Madzy offered his opinion that this passive use in the Depot District would be more residentially friendly than some permitted uses. While Ms. Moviel acknowledged this point, she explained that she does not want her neighborhood to collapse.

Meredith Steirer, a member of the audience, asked if the Commission had received any other feedback with regard to this proposed legislation. It was announced that hundreds of notices had been mailed out, but only three people had responded with questions. All of these individuals had their concerns relieved, and chose not to attend the meeting.

Mr. Dozier confessed that while he was initially in support of the legislation, the comments from the audience had swayed his opinion, and he appreciated their participation.

Moved by Mr. Sawyer, seconded by Mr. Koharik, that Planning Commission recommend to City Council that proposed Ordinance No. 3-11 be adopted. Vote on the motion was ayes: Koharik, Madzy, and Sawyer. Nays: Borowski and Dozier. The motion failed.

Mr. Madzy explained that the official recommendation to City Council is that the Municipal Planning Commission offers no recommendation. The decision is now in the hands of Berea City Council. Mr. Madzy reminded the audience members that Council will hold a public hearing to discuss this proposed Ordinance on April 21, 2014, and will likely vote upon the legislation during their meeting that same night.

OLD BUSINESS: NONE

OTHER BUSINESS: NONE

Having no further business before the Commission, adjournment was moved by Mr. Dozier and seconded by Mr. Koharik. With no opposition, the meeting adjourned at 8:30p.m.

Matthew Madzy, Chairman

Attest: _____
Alycia Esson, Secretary

CERTIFICATE OF COMPLIANCE

The meeting of the Municipal Planning Commission held this 20th day of March, 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