

**BEREA MUNICIPAL PLANNING COMMISSION
FEBRUARY 4, 2010**

The Berea Municipal Planning Commission met on February 4, 2010 and was called to order by Mr. Madzy. Present: Borowski, Madzy, Rump, Sawyer. Absent: Draves, Fay. Also Present: 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 Sawyer, seconded by Borowski to approve the minutes from the January 7, 2010 meeting, as submitted. Vote on motion was all ayes; no nays. The minutes were approved.

The Commission members indicated that they had not received the minutes from the December 17, 2009 meeting. Mr. Madzy advised them that Ms. Hubler would make copies for them and they can be approved at the next meeting.

Witnesses were sworn in by Mr. Madzy.

REQUESTS FOR VARIANCE/APPEALS:

Application #10-02-01

Approval of Variances for New 6-Unit Multi-Family Dwelling

K. V. Builders & Management - 729 Prospect Road #363-38-010

Mr. Madzy read the Administrative Review. Due notification was made on this application pursuant to Section 807.2 of the City of Berea Zoning Code.

The applicant, Van Kirkendall, and the agent, Ted Macosko, were present this evening. Mr. Macosko stated that the Commission is familiar with this property as it came around initially when they were requesting for the property to be rezoned. The presentation has not really changed outside of perhaps juggling the dimensions here and there in an effort to try and make it beneficial for all parties concerned.

Mr. Macosko gave an overview of the variances they are requesting and said most of them are relatively minor in terms of the neighborhood. The parking size variance is fairly standard these days going from a 10-foot parking width to a 9-foot parking width. The size of the lot requires a variance but there is really not a lot they can do given the property surrounding their property is fully developed. The setback variance for the parking spaces in

proximity to the building have been moved to 7-1/2 feet which he felt was acceptable with less concrete, no headlights pointing at the building and there is still plenty of space to walk. The final variance they are requesting is a 10-foot variance of the required 25 foot setback from the north property line. He explained that the lot is narrow and substandard and they have done their best to keep it away from the street and use the features that are already on the property.

Mr. Macosko reported that there is an existing stone wall on the property that they are trying to maintain and also the orientation of the building is away from the property that would be affected by that variance so that the garage doors face away from the building on the northern property line. They are hoping that this variance would be less objectionable to the Commission as well as the neighbor as there will now be a 15-foot area of grass instead of amending it to where they would have to flip the building and put the parking on that side of the property. They felt this was a better option for the neighbor. He pointed out that the restrictions based on the size of the lot would probably require a setback variance on one side or the other.

Mr. Madzy said going back to the way the building is laid out on the property, if the building were put closer to the retaining wall then most of the traffic generated going in and out of the garages would be closer to the residential property. The way it is laid out now would keep the traffic in between the building and the street so it is probably the least impact to the neighboring properties. Also, if the building were put closer to the retaining wall, it might be odd that a part of the building is so close to the wall.

In response to Mr. Madzy, Mr. Macosko agreed and said doing this would leave less room for recreation and it would put the building closer to the street as well. He explained that a neighbor was present at the Council meeting and expressed concerns regarding the need for more buffering along this property line. Mr. Kirkendall (proposed owner) spoke with the neighbor after the meeting about installing fencing. A fence is shown along this property line against the parking area so they feel they have ironed out any minor concerns the neighbor might have had. In fact, that neighbor really did not express any specific concerns except that they were curious of what was going on and showed up at the meeting.

Mr. Madzy raised concerns regarding the site plan where there is a gap between the existing trees and asked if they could put some fencing or landscaping in this area to add to the buffering there. Mr. Macosko stated that he was sure they could do this. He explained that Mr. Kirkendall is a life-long Berea resident and a good neighbor and will continue to cooperate with the neighbors. He pointed out that this would also be a good thing for his tenants adding a little bit more privacy there. Mr. Macosko pointed out that from a residential standpoint, the normal setback is 5 feet so in some sense, this is

even further than what is normally allowable in a strictly residential situation. Discussion ensued.

Mr. Madzy inquired what their proposal for parking lot lighting is and Mr. Macosko explained that they do not have lighting planned for that area. They feel the existing street lights provide plenty of ambient lighting. However, if the Building Department would require more lighting, they would install it.

Mr. Madzy explained the factors that the Planning Commission is supposed to consider when granting variances. The first thing is whether or not the variances are substantial. Mr. Madzy pointed out that regarding the lot size variance, this proposal is 53% compliant. They are 60% compliant regarding the side setback variance, 90% compliant with the parking space size and 75% compliant on the setback for parking spaces to a ground floor opening. He did not feel these variance requests were substantial.

Mr. Madzy stated that another factor to look at is whether or not the property would yield a reasonable return without these variances being granted. He said Mr. Macosko had brought up a good point earlier that due to the size of this lot, a size variance would be needed no matter what was built here. No permitted principal use in this zoning district could be done with the existing size of the lot.

Mr. Madzy said additionally, they are supposed to consider whether granting these variances will change the character of the neighborhood. He pointed out that right across the street from this lot there are other existing multi-family properties. Additionally, what is currently on this property is industrial so this proposed project will bring a residential use into a residential area. Mr. Macosko said this is correct and these points were brought up at the zoning meetings. City Council granted the rezoning with the understanding that they were granting a nonconforming situation there and Mr. Macosko said he did not believe there were any other design options for this plan.

Mr. Madzy noted that the other factor they are to consider is whether governmental services will be interrupted if these variances are granted and he did not think they would be. Also, whether granting these variances complies with the spirit of the zoning code and he felt they did. He explained that when the zoning code was adopted they did realize there would be nonconforming uses, however, they are supposed to do away with nonconforming uses. The fact that this property was zoned Residential Single Family B and was rezoned to multi-family (which is also residential) and yet there is an existing commercial building there makes it a nonconforming use. This proposed project goes a step towards removing the nonconformity and replacing it with a conforming use.

Moved by Sawyer, seconded by Rump that the 20 square foot variance on the parking space size be approved, as submitted. Vote on motion was ayes: Borowski, Madzy, Rump, Sawyer. Nays: None. The motion carried.

Moved by Sawyer, seconded by Rump that the 2.5 foot variance for the parking spaces to be setback at least 10 feet from any ground floor opening be approved, as submitted. Vote on motion was ayes: Rump, Sawyer, Borowski, Madzy. Nays: None. The motion carried.

Moved by Sawyer, seconded by Rump that the demolition of the existing building be approved, as submitted. Vote on motion was ayes: Sawyer, Borowski, Madzy, Rump. Nays: None. The motion carried.

Moved by Sawyer, seconded by Rump that the 10 foot northern (side) property line setback variance be approved, as submitted. Vote no motion was ayes: Sawyer, Borowski, Madzy, Rump. Nays: None. The motion carried.

Mr. Sawyer questioned the requested lot size variance. In response, Mr. Madzy explained that this property has been rezoned and when the rezoning was put into effect, any permitted principal use on this property would require at least an acre. This property is not an acre. So when this was rezoned, there was an understanding that if this project came forward, it would require a lot size variance. Additionally, as Mr. Macosko pointed out, the two lots adjoining this property on either side are both built up and occupied so there really is no way to get around this. If this variance is not granted, the project cannot go forward and there is no way to move the building around to situate it so it would not need a variance.

Mr. Madzy added that if this variance is not granted then probably no other project whether it is an apartment building or any other permitted principal use in a multi-family zoning district, can go forward so this variance is a necessity. Mr. Sawyer asked if there are any objections from any neighbors and Mr. Rump commented that most of the neighborhood wants to get rid of the existing eyesore at this property.

Mr. Macosko noted that the density (the filling of the lot) is not that great. He thought the purpose of having a one acre minimum is to keep the density at a perceived minimum. Mr. Madzy said that Mr. Macosko brings up a good point. When looking at the code it states the amount of square footage is based on per unit so it says in a multi-family medium density district there should be 2,500 square feet per unit so with six units you are going to need 19,000 square feet but the code also states no less than one acre. If this were bigger than a one acre lot, you could have a lot higher density on this parcel. The density will actually be below what is figured per dwelling unit for this proposed project.

Moved by Rump, seconded by Sawyer that the 20,312 square foot lot size variance be approved, as submitted. Vote on motion was ayes: Rump, Sawyer, Borowski, Madzy. Nays: None. The motion carried.

Moved by Rump, seconded by Borowski that the site plan and landscaping plan be approved, as submitted with the condition that when the applicant applies for building permits that they submit a new landscaping plan which will include adding arborvitae or other vegetation along the north property line. Vote on motion was ayes: Sawyer, Borowski, Madzy, Rump. Nays: None. The motion carried.

Mr. Madzy advised Mr. Macosko since there are variances involved with this, there is a 20-day waiting period before building permits can be issued. However, there is not a variance for the demolition and he advised Mr. Macosko that they could submit the demo plan to the Building Department whenever they care to. Mr. Macosko said he would leave this up to the owner and he thanked the Commission for their time this evening.

NEW BUSINESS – GENERAL PLANNING MATTERS:

Application #10-02-02

Approval of Site Development Sandstone Ridge South – Phase 3B

Lopat Development Co., LLC – Along Stone Ridge Way & Slate Drive, P.P. #Block A-11B

Mr. Madzy read the Administrative Review. The agent, Daniel J. Neff of Neff & Associates was present this evening. Mr. Neff explained that this is the latest phase. They are still selling houses in this area and it is probably one of the best selling developments in Cuyahoga County. Ryan Homes is anxious to start moving into this next phase.

Mr. Neff reported that this phase will include 31 single-family lots and they are nearing the completion of this development. Mr. Madzy noted that they are here this evening seeking approval for the lots themselves. The size, positioning of lots along streets and orientation of the lots amongst each other. This does not have to do with any buildings or what will be built on these lots. It is just the layout of the land itself. Mr. Neff pointed out that this layout is in general conformance with the overall plan that was approved by the Planning Commission several years ago.

Mr. Rump inquired about building larger homes and Mr. Neff commented that there are a few larger lots in this phase. It does give them the option to build wider houses. He reiterated that this development has done very well. In response to Mr. Rump, Mr. Neff stated that the lots are a minimum of 50 feet wide. He discussed the different housing products that were planned for this development. The development was laid out with a mixture of different style, width and size lots and homes.

Mr. Sawyer asked if the issue of extra parking spaces for the townhomes was ever resolved and Mr. Neff said no. Mr. Neff explained that they could not come to a full understanding on how they wanted to do it and Ryan Homes backed away from any further obligation and left it the way it was. They did incorporate more parking in the newer townhome section and Mr. Madzy added that part of the issue was the parking was going to be in the right-of-way and in the newer townhome section, it is a private street. Mr. Neff agreed and said they did accommodate some more on-street parking on the private street. Mr. Madzy stated that they alleviated the parking problem by planning ahead with the other townhomes and had more flexibility since it is a private street.

Moved by Rump, seconded by Borowski to approve the site development of 31 lots in Sandstone Ridge South – Phase 3B, as submitted. Vote on motion was ayes: Borowski, Madzy, Rump, Sawyer. Nays: None. The motion carried.

In response to Mr. Rump, Mr. Neff reported that they have no current plans to build more townhomes. The townhomes that are already in the ground have been up for a while and it is his understanding that they are not planning any more, well into next year.

Mr. Rump asked if they are still trying to acquire the Hollo property and Mr. Neff said that due to the current market conditions these talks have stopped. He explained that in all development right now lot prices have come down. They are continuing to sell but the profit is going away. There is readjustment in the value of land right now and although Hollo is still very interested, the economy will have to change a little bit before any moves are made.

Application #10-02-03

Approval of Business Identification Sign

Gemini Club – 1286 W. Bagley Road, P.P. #361-32-012

Mr. Madzy read the Administrative Review. The agent, Warren Gard with Sign-A-Rama, was present this evening. Mr. Madzy stated that this proposed sign will be mounted to the front façade of the building. The additional signage on the door and window do not require Planning Commission approval as they can use up to 20% of window space for advertising goods and services.

Mr. Rump asked if this sign would be similar to the other business signs in this area. Mr. Madzy pointed out that Powerhouse Gym has a red sign and Tree-Hugger's has a green sign in similar style letters in this strip. Mr. Gard explained that all of these signs use channel letters, however, the difference with Gemini Club's proposed sign is the aluminum is on the face with the Lexan on the back and the letters are non-illuminated.

Moved by Rump, seconded by Borowski that the proposed business identification sign be approved, as submitted. Vote on motion was ayes: Rump, Sawyer, Borowski, Madzy. Nays: None. The motion carried.

Mr. Madzy advised Mr. Gard that now that he has received Planning Commission approval he will need to come to the Building Department to pull a building permit to construct the sign. He can do this as early as tomorrow. In response to Mr. Madzy, Mr. Gard said his company will use an installer to put up the sign. Mr. Madzy advised him that the installer will need to be registered with the City of Berea as a contractor for 2010.

Application #10-02-04

Approval of Demolition of Residential Home

William Durigg – 116 Sprague Road, P.P. #363-26-023

Mr. Madzy read the Administrative Review. Due notification was made on this application pursuant to Section 607.1 of the City of Berea Zoning Code.

The agent, Kevin Kilgore, was present this evening. Mr. Kilgore explained that the owner, Bill Durigg, is a long-time family friend. Mr. Durigg may want to turn around and sell this lot. There is an existing two-car garage and he would like to do something in the next two years maybe even less. His biggest issue is he has been paying taxes on a dwelling the past few years with no return.

In response to Mr. Madzy, Mr. Kilgore reported that regardless if Mr. Durigg sells the property or not, he still wants to demo the house, however, he would leave the existing garage standing. This two-car garage is only five or six years old and Mr. Durigg spent approximately \$12,000 to have it built.

Mr. Madzy asked what the game plan would be if the property sits vacant for a few years. Mr. Kilgore replied that this house has an existing old sandstone foundation which is basically a crawl space. The HVAC system and hot water tank are down in the crawl space area with very limited access. The foundation is crumbling and dilapidated. There have been three additions poorly built onto the original structure over the years. The house looks acceptable on the exterior but the interior is in total shambles and is falling apart. Mr. Durigg does not want to spend the money to refurbish the interior.

Mr. Madzy asked if they will fill in the basement/crawl space and Mr. Kilgore said yes. Mr. Madzy explained the City's Storm Water Ordinance and said if a property is going to sit vacant for more than 45 days, they must seed and straw the property. Mr. Kilgore stated that they may leave this property green space for a while. Tony Armagno, City Engineer, added that they will need to make sure that there is positive drainage away from the pitch fall.

They are required to stabilize it even though it is winter and they are not able to grow grass at this time. They are required to put down straw for the time being and then seed it in the spring. Mr. Kilgore said ok.

Mr. Sawyer asked about the age of the house and Mr. Kilgore said they think it was built in 1910. In response to Mr. Rump, Mr. Kilgore reported that Mr. Durigg has used this property as a rental for quite some time. Mr. Rump noted that he thought the house looked good on the outside and Mr. Kilgore said it is deceiving in the photograph. Mr. Sawyer indicated that he had looked at this property and it is falling down on the inside, however, the garage is nice.

Mr. Kilgore stated that the house is totally accessible and unlocked. They have had all of the utilities removed completely. They are ready to go forward with the demolition other than obtaining the permit and getting approval for the demolition this evening. They will also call the underground utilities prior to any demolition.

Moved by Rump, seconded by Sawyer to approve the demolition of the residential home at 116 Sprague Road with the condition that the site be stabilized with straw in the winter and seed planted in the spring. Vote on motion was ayes: Sawyer, Borowski, Madzy, Rump. Nays: None. The motion carried.

Mr. Madzy advised Mr. Kilgore that he has received Planning Commission approval but will still need to pull the demolition permit with the City's Building Department. Mr. Kilgore said he would do this in the next few days.

OLD BUSINESS:

Application #09-12-03

Approval of Business Identification Sign

PNC Bank – 50 W. Bridge Street, P.P. #364-08-Various

Mr. Madzy read the Administrative Review and reported that all National City Bank locations are changing over to PNC Banks. This proposed sign did come before the Heritage Architectural Review Board (H.A.R.B.) on December 10, 2009 and he asked Mr. Sawyer to update the Commission on the H.A.R.B.'s findings. Mr. Sawyer said this is a standard neon channel letter sign similar to what is already there for National City Bank and the H.A.R.B. approved the sign, as submitted.

Moved by Rump, seconded by Borowski to approve the business identification sign, as submitted. Vote on motion was ayes: Borowski, Madzy, Rump, Sawyer. Nays: None. The motion carried.

Mr. Madzy advised Mr. Miller that there is no variance associated with this sign so there is not a waiting period to pull the building permit. He can come in as early as tomorrow to pull the permit to construct the sign. Mr. Madzy also advised Mr. Miller that his company would need to be registered as a contractor in the City of Berea for 2010. Mr. Miller acknowledged this.

OLD BUSINESS: None.

OTHER BUSINESS:

Mr. Madzy announced that there is a new member of the Planning Commission who is here this evening observing the meeting. He introduced Mary Brown to everyone. Mr. Madzy swore Ms. Brown in as a member of the City of Berea Municipal Planning Commission.

ADJOURNMENT:

There being no further business to come before the Planning Commission, moved by Rump, seconded by Borowski to adjourn. Vote on motion was all ayes; no nays. The meeting was adjourned at 8:20 p.m.

(signed copy on file in the office of Secretary to Planning Commission)

Matthew Madzy, Chairman

(signed copy on file in the office of Secretary to Planning Commission)

Attest: _____

Carol A. Hubler, Secretary

CERTIFICATE OF COMPLIANCE

The meeting of the Municipal Planning Commission held this 4th day of February, 2010 has been conducted in compliance with all legal requirements, including C.O. Chapter 109 and Section 121.22 of the Ohio Revised Code.

(signed copy on file in the office of Secretary to Planning Commission)

Carol A. Hubler, Secretary