

**BEREA MUNICIPAL PLANNING COMMISSION**  
**FEBRUARY 19, 2009**

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The Berea Municipal Planning Commission met on February 19, 2009 and was called to order by Mr. Madzy. Present: Borowski, Draves, Fay, Madzy, Rump, Sawyer. Absent: None. 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 Draves, seconded by Fay to approve the minutes from the October 2, 2008 meeting. Vote on motion was all ayes; no nays. The minutes were approved.

Moved by Draves, seconded by Fay to approve the minutes from the January 15, 2009 meeting. Vote on motion was all ayes; no nays. The minutes were approved.

Moved by Draves, seconded by Fay to approve the minutes from the February 5, 2009 meeting. Vote on motion was all ayes; no nays. The minutes were approved.

Mr. Madzy reported that the Planning Commission members have received a copy of the proposed **Findings and Conclusions of Fact** regarding application #08-09-01 which is based on meetings that were held in October, December and January regarding the United Methodist Church. He stated that he had a chance to speak to John Wargo on the telephone and he asked Mr. Wargo if he would like to speak at this time.

Mr. Wargo asked Mr. Madzy if these are being included in the minutes that are being approved this evening and Mr. Madzy informed him that these are separate **Findings and Conclusions of Fact** that the Commission will discuss this evening and vote to either approve or not to approve them. In response, Mr. Wargo said that none of these were discussed at the meeting when the actual approval of the variance requests of the United Methodist Church took place. Mr. Madzy replied that all of these items were discussed in the course of the meetings, the findings were discussed and this is essentially the explanation of the conclusion that the Commission made.

Mr. Wargo stated, "I submit to you that at the time of the meeting when the vote was taken, there were no findings made. There was no one questioned as to what they were approving or why. They simply were told by the Law Director the usual reasons that you grant variances and I quote that, and I

already have the transcript, and did not want to discuss that any further and read that section and that was the end of the conversation. It appears that somewhere from outside the meeting now a summary has been made, somebody has done a summary but that certainly, the members of this panel, never made those findings or conclusions and now the Planning Commission is attempting to include that as part of the transcript”.

Mr. Madzy replied, “We had that discussion with Mr. Hunt, the attorney who represents the City in this matter, as well as the Law Director. Both gentlemen had informed the Planning Commission that to address these matters today is the proper way to handle this situation”. Mr. Wargo said, “Let me point out further that, as you know, this case is now on appeal and once the appeal was filed, this Commission lost any jurisdiction over this matter because it is now controlled by the Common Pleas Court which is the Court of Appeals in this case and I would submit to you that this Commission does not have the authority to now add to what transpired at the meeting of the 15<sup>th</sup> of January. Mr. Madzy replied, “Duly noted”. Mr. Wargo said, “And that will show in the record, correct?”

Mr. Madzy asked if the Commission had any questions or would like to make any comments. Mrs. Draves explained that “actually everything in here was discussed. I went looking at the old minutes and everything stated here is in the minutes. We have volumes of minutes from those meetings”. Mr. Sawyer agreed with Mrs. Draves and said, “I don’t see anything in here that was not discussed”.

Moved by Draves, seconded by Sawyer to approve the ***Findings and Conclusions of Fact***, as submitted. Vote on motion was ayes: Borowski, Draves, Fay, Madzy, Rump, Sawyer. Nays: None. The motion carried.

Witnesses were sworn in by Mr. Madzy. Mr. Madzy called a five minute recess at 7:40 p.m. in order to retrieve a document from his office regarding the next application. The meeting was called back to order at 7:45 p.m.

### **REQUESTS FOR VARIANCES/APPEALS:**

#### **Application #09-02-03**

#### **Approval of Razings, Variances & Site Plan for New Educational Facility Baldwin-Wallace College – 320-336 Front Street, P.P.#362-19-011 & 012**

Mr. Madzy read the Administrative Review. He explained that Zoning Code Section 502.1 talks about the required number of parking spaces. This has changed since the application was first submitted. At the last Planning Commission meeting we addressed the new building which will be the Center of Innovation and Growth. Baldwin Wallace has changed that application (the plan) slightly to increase and include more parking spaces but also to save the

oldest trees on campus. The parking lot that we reviewed last time has been changed in an effort to save the oldest trees on campus. Additionally, the parking lot will be slightly larger which will allow the Life-Earth-Science addition to count these parking spaces as their parking spaces because they are within a close proximity. Therefore, no variance for parking spaces is necessary provided this amended parking plan is approved.

Bill Kerbusch of Baldwin-Wallace College reported that there are two trees here, one is 51 inches in diameter and the other one is 41 inches in diameter. These two trees are the oldest on campus. They have fenced off these trees, everything around the outside of the drip edge, so they will be protected during construction. This area has now turned into a large green space instead of a flat, open parking area.

Mr. Kerbusch stated that they originally started with 59 spaces for the Center of Innovation and Growth which is two more than what was required for the square footage of the building. This was reviewed at the last Planning Commission meeting on February 5<sup>th</sup>. The College knew more parking was needed at the north end of campus so when the City informed them that a variance would be needed for an additional 20 parking spaces to accommodate the addition, they decided to come in with a new parking lot plan and try to get more spaces than just what is required. They have taken what used to be a square parking lot and now there are trees in there. They have rearranged the parking lot. Besides the 59 spaces that they originally had, they now pick up an additional 27 spaces. He referred everyone to a rendering of the plan and pointed out that they also have added four handicapped parking spaces. It is a net of four additional parking spaces. They have now increased the parking by 31 spaces over and above the 59 that they had for the Center of Innovation and Growth. Now they are above what is required for the addition.

Mr. Rump raised concerns regarding parking for the future S.P.R.O.U.T House and pointed out that he does not see that on this plan. Mr. Kerbusch indicated that there is an old dilapidated garage that will be removed and they will put additional parking there. In response to Mr. Rump, Mr. Kerbusch reported that eight people will occupy the S.P.R.O.U.T House. Mr. Madzy said this is something to look at in the future when the dilapidated garage is removed. There will be ample space for additional parking there. Mr. Rump reported that many people have complained to him about lack of parking in Berea.

Mr. Madzy explained that two projects have come to Planning Commission at different times due to various issues such as getting the rezoning approved and the lot consolidation which will be seen later. These two projects came in separately but they are really a combined project. Although the site plan submitted to the Planning Commission previously has changed, it is really the site plan for the whole project.

Mr. Madzy pointed out that as the Administrative Review notes, Planning Commission approval is needed for the site plan. It is his opinion that the above changes should be included in this site plan. If the Commission is in favor of approving the new site plan as Mr. Kerbusch discussed above, then the parking variance would not be necessary this evening.

In response to Mr. Sawyer, Mr. Kerbusch stated that there is an additional 31 parking spaces over and above the original 59 spaces. Underneath this parking lot there is going to be a geo-thermal well field for the Center of Innovation and Growth and the Life-Earth-Science buildings. Mr. Madzy noted that if the Life-Earth-Science building and Wilker Hall were built today, the parking requirements would be far more. If they were built today, they would require 206 parking spaces with only 70 parking spaces there now. This is grandfathered so the Planning Commission cannot really touch this. All they can look at is the gross floor area of the new addition and how many additional parking spaces will be required. The additional parking spaces can be achieved through this expanded parking plan. This expanded parking plan actually helps the Wilker Hall and Life-Earth-Science buildings as well because these buildings are below the number of parking spaces for what the code is today. This revised plan helps alleviate a tight parking situation.

Mr. Rump raised concerns about the geo-thermal field under the parking lot being too close to the two old trees and Mr. Kerbusch explained that they have fenced this area off with the drip edges of the trees being far away from the area to protect them from any encroachment during construction. Mr. Rump emphasized that the tree roots go out quite far and Mr. Kerbusch replied that his grounds foreman has laid out this plan to protect the trees.

Mr. Madzy opened the floor to the agent, Tom Veider of Burt Hill Architects. Mr. Veider explained that Baldwin-Wallace College would like to completely renovate the interior of both the Life-Earth-Science building and Wilker Hall. This will include modernizing the labs as well as tearing down the existing 250 seat auditorium at McKelvey Hall. This will allow them to build a new three-story addition that would create amenities for students on the first floor that are currently lacking. These will include a resource room, student lounge and kitchenette on the first floor with two classrooms and additional offices on the upper floors.

Mr. Veider reported that another improvement they are looking to do is to create better access from the Front Street parking lot by taking out an existing potting room on the first floor and bringing a new entrance vestibule off of the parking lot. This will also provide a better accessible entrance for the handicapped. This required the greenhouse to be moved further to the south where the new potting room will be incorporated into the greenhouse structure. He displayed renderings of the plan. He explained that on the quad side, the

existing façade will remain the same. They are not making any improvements to the Life-Earth-Science or Wilker Hall facades themselves. The McKelvey Hall entrance lobby will remain with the new addition setting back from that. They are looking at brick to match both buildings. Mr. Veider displayed samples of the brick that will be used.

Mr. Veider noted that the cornice will match the exact profile of both entrances to the building and he displayed the architectural fiberglass material that will be used. This same material will wrap around the back of the building which faces Front Street. New garden walls will be built to replace the existing deteriorated walls. A service door as well as the college garden which is related to the greenhouse will be screened behind a wall in the exact same location.

Mr. Veider pointed out that the new entrance into the Life-Earth-Science building will actually mimic the existing entrance at Wilker Hall and will be made again of the same material. He displayed renderings of the other facades and discussed what will remain. He displayed samples of the pre-cast stone material that will be used for the sills (under the windows) and noted that it will match the stone work that is being used on the cornice. All of the window framing will be painted to match the existing window frames.

In response to Mr. Madzy, Mr. Veider indicated that the existing 250 seat auditorium at McKelvey Hall will be removed. Mr. Fay asked what this would be turned into and Mr. Veider stated this will be where the three-story addition is going to be with the first floor being where the students will walk through the entrance. They will walk into an existing lobby which will be staying and then through to a new student lounge, another student resource room (basically a computer room), a new elevator and a lobby that will provide access to both buildings. This will be a link between both buildings and creating one center, lab building and science building. Mr. Fay said the plans show an auditorium on the second floor and Mr. Veider clarified that this will be a tiered lecture hall for 40 people.

Mr. Madzy explained that the idea behind this project is to take the existing Wilker Hall, Life-Earth-Science Building and McKelvey Hall and link them together in order to provide more amenities for the students. In response to Mr. Madzy, Mr. Kerbusch reported that the College does not plan to increase student enrollment. This project is strictly to improve the amenities for the existing number of students. It will open up spaces for the existing students and faculty. The other purpose of this project is to modernize the chemistry and biology labs which are in really poor condition. The science building must be modernized.

Mr. Kerbusch pointed out that if you look at the floor elevations between the Life-Earth-Science Building and Wilker Hall, there is about a 3-foot difference in soil elevation/height. This building will have an elevator installed

which will give handicapped accessibility to every level, not just three stories but to all of the intermediate levels also. Currently handicapped students cannot go anywhere in Wilker Hall.

Mr. Fay inquired if there will be an area designated for trash and Mr. Veider stated that the dumpsters will be located where they are now and will be screened behind the existing brick wall and landscaping. These walls are 6 feet high and there is actually a drop to the service porch. Mr. Fay asked about lighting and Mr. Madzy reported that the existing parking area lighting in front of the Life-Earth-Science Building and Wilker Hall will remain with the same lighting plan that was approved at the last meeting being carried out throughout the rest of the parking area. Mr. Kerbusch said they will have to be careful that the lighting they install in the parking area near the Observatory area, will be down light due to the observations that are done at night. Shining light would interfere with the observations.

Mr. Madzy asked about the dumpster enclosures at the Center for Innovation and Growth. Mr. Aoun reported that they are still determining where they will be located. He stated that these dumpsters will be enclosed.

Moved by Fay, seconded by Draves to approve the demolition permit for the existing McKelvey Hall, as submitted. Vote on motion was ayes: Draves, Fay, Madzy, Rump, Sawyer, Borowski. Nays: None. The motion carried.

Moved by Fay, seconded by Draves to approve the demolition permit for the existing greenhouse, as submitted. Vote on motion was ayes: Fay, Madzy, Rump, Sawyer, Borowski, Draves. Nays: None. The motion carried.

Moved by Fay, seconded by Draves that the site plan be approved with the condition that the dumpster enclosure be placed behind the Center for Innovation and Growth in either two of the discussed locations. Vote on motion was ayes: Rump, Sawyer, Borowski, Draves, Fay, Madzy. Nays: None. The motion carried.

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

#### **Application#09-02-04**

#### **Approval of Conditional Use Permit**

#### **Planet Aid - 7 W. Grand Street, P.P. #364-09-003**

Mr. Madzy announced that the application for a conditional use permit has been withdrawn from tonight's agenda by Serina Lopez of Planet Aid. Mr. Madzy reported that this application was for a Planet Aid donation box to be placed at Berea Beverage, 7 W. Grand Street. However, the Heritage Architectural Review Board (H.A.R.B.) tabled this application last Thursday in order for Ms. Lopez to meet with Mr. Brown and Mr. Sawyer of H.A.R.B. to find

a new location within the City of Berea. They have found a possible location at the Berea Recreation Center, however, this cannot be discussed this evening due to all property owners within 200 feet of the Rec Center will need to be notified.

Mr. Madzy stated that this evening they will address the issue of the donation box located at Ready-Set-Grow Daycare Center and whether the Commission will consider extending the conditional use permit, modifying it, or not extending it. Serina Lopez of Planet Aid was present this evening. She gave an update on the donation box located at the Ready-Set-Grow Daycare Center on W. Bagley Road.

Ms. Lopez explained that the container was placed at Ready-Set-Grow on April 26, 2008 and as of last week, it had collected 4,175 pounds. It is picked up once a week and has only been full one time. Ms. Lopez reported that Planet Aid has changed their processes recently in a number of ways. One of the changes is anytime they receive a phone call from any customer or anyone about a container, it goes into their computer system. Also, all of the containers have a bar code located at the bottom. They now have contractors instead of hourly drivers and every time the drivers empty the containers they scan the bar code at the bottom of the container and it is automatically updated in their computer system. This helps them function more properly.

Mr. Madzy pointed out that currently the container is located in an auxiliary parking lot. He suggested that the container be moved closer to the grass due to water collecting in this area. Photographs show the container sitting in the middle of a puddle, like it is an island. Ms. Lopez replied that they will move the container further west to get it out of the water. Discussion ensued.

Mr. Borowski commended Planet Aid for keeping the container maintained. He said he has changed his negative opinion about these donation containers. Ms. Lopez stated that they are always trying to improve their container processes. She explained that they sell the items to thrift stores throughout the world. In 2007, Planet Aid recycled 86 million pounds of clothes and kept them out of landfills. Mr. Madzy asked how the Berea container compared with other containers regarding amount of clothing collected. Ms. Lopez reported that the Berea container has collected an average amount of items.

Moved by Rump, seconded by Fay to extend the conditional use permit for one year with the condition that the container be moved as discussed above. Vote on motion was ayes: Sawyer, Borowski, Draves, Fay, Madzy, Rump. Nays: None. The motion carried.

**OLD BUSINESS:** None.

**OTHER BUSINESS:** None.

**ADJOURNMENT:**

There being no further business to come before the Planning Commission, moved by Draves, seconded by Fay 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)

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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 19<sup>th</sup> day of February, 2009 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)

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Carol A. Hubler, Secretary