

**BEREA MUNICIPAL PLANNING COMMISSION
DECEMBER 3, 2009**

The Berea Municipal Planning Commission met on December 3, 2009 and was called to order by Mr. Madzy. Present: Fay, Madzy, Rump, Sawyer. Absent: Borowski, Draves. 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.

Mr. Madzy reported that the Minutes from the October 15, 2009 meeting would not be approved this evening due to needing four affirmative votes from members who were actually present at that meeting. Approval of these minutes will be moved to the December 17, 2009 meeting agenda.

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

Witnesses were sworn in by Mr. Madzy.

REQUESTS FOR VARIANCE/APPEALS: None.

NEW BUSINESS – GENERAL PLANNING MATTERS:

Application #09-12-01

Approval of Simple Lot Split & Consolidation

A & F Machine Products Company – 555/589 W. Bagley Road, P.P. #361-09-018

Mr. Madzy read the Administrative Review. He referred everyone to the lot consolidation map they received in their packets. He explained that on the left hand side of the map there is a box which includes the pre-consolidation summary, the next box is the consolidated summary and finally the third box includes the post-split summary. This follows through with what the Administrative Review states.

The agent, Jerry Burke, was present this evening. Mr. Madzy pointed out that Mr. Burke has talked to the City about A & F Machine Products purchasing the parcel located on the right hand side of the pre-consolidated summary box. Transfer was approved last spring by the Berea City Council, however, the deeds have not been filed yet. Any lot consolidation the Commission approves tonight will need the condition that the deeds be transferred. The deeds are expected to be transferred in the next few weeks.

Mr. Fay referred to the post split summary where it shows “Split 2.5310 acres” and inquired approximately how far over does the retail section go. Mr. Burke replied that there is some parking in between the property line and over but the retail probably goes no more than 50 feet there. There is parking behind the retail area and also under the CEI lines. Mr. Fay asked if the adjacent dental offices will be able to access this parking located at the Whistle Stop and Mr. Burke stated not at this time.

Mr. Madzy explained that part of the reason behind doing this is currently they have two buildings on one lot (one building contains the childcare facility and one building contains the retail/offices) but after the split, there will be two lots with the childcare facility occupying one lot and the retail/offices occupying the second lot. Mr. Burke added that the Helwig Family is in the process of making all of their buildings LLC’s so they are separate. This will be the first property they are making into an LLC.

Moved by Rump, seconded by Sawyer that three lots be consolidated into one lot. Vote on motion was ayes: Fay, Madzy, Rump, Sawyer. Nays: None. The motion carried.

Moved by Rump, seconded by Fay that the lot split be approved with the condition that the deeds be filed. Vote on motion was ayes: Rump, Sawyer, Fay, Madzy. Nays: None. The motion carried.

Mr. Madzy stated that it is anticipated that the City will file the deeds shortly, hopefully in the next week or so. Once the deeds are filed, the City can sign the lot split/consolidation map (mylar). The City will notify Mr. Burke when the signed mylar is ready to be picked up and filed with the County.

Application #09-12-02

An Ordinance (#11-3) Referred from Council to Planning Commission Rezoning – 729 Prospect Road, P.P. #363-38-010

Mr. Madzy explained that Berea City Council has referred Ordinance #11-3 to the Planning Commission for their recommendation on a rezoning request for property located at 729 Prospect Road. This land is currently zoned Residential Single Family “B” (RSFB) and the proposal is to rezone this to Multiple Family Medium Density (MFMD). He reviewed the information the members have received for this evening’s meeting; a memorandum report from Paul Gilly, Building & Zoning Administrator; official memorandum referral from City Council; a copy of the ordinance as well as a letter of intent from Mr. Van Kirkendall who is present this evening with his representative, Ted Macosko. Also included are an application and a site map of the area to be rezoned.

Mr. Madzy reported that City Council is looking for a recommendation from Planning Commission. When making a motion, Planning Commission has two choices one would be a motion to Council that the rezoning be approved or a motion to Council that the rezoning not be approved. Either one of these motions can be made at the conclusion of the discussion.

Mr. Macosko said everyone should be familiar with this property and it is often referred to as "The Cole Property". It has been used by Cole Excavators for many years and although now out of use, it is still owned by Gary Cole. This property has fallen into disrepair. Mr. Macosko displayed a photograph of the existing building that sits on the property and pointed out that Mr. Cole no longer uses the building for excavation purposes.

Mr. Macosko indicated that Mr. Cole is interested in selling this property. Mr. Van Kirkendall is interested in purchasing this property, however, the land is currently zoned Residential Single Family so the only thing that could be built on the land is a new house. Mr. Macosko did not feel a new house would be appropriate for this piece of land due to it being on a busy street, being near the turnpike and it being topographically challenged (the property sits in a pit). Mr. Kirkendall would like to purchase this property and build a 6-unit apartment building on it. This is why he is requesting a rezoning to Multiple Family Medium Density.

Mr. Macosko explained that the 6-unit apartment building would be frame-construction. He referred everyone to the site map and said this is the proposed footprint of the apartment building. They feel that Multiple Family Medium Density would be a more appropriate use for this land. There is property across the street (displayed zoning map). He referred to the west side of Prospect Street and stated that all of these parcels are zoned MFMD. He pointed out where the Cole property is on the map and felt that this rezoning would be appropriate in that it would be in a similar district to what is across Prospect.

Mr. Macosko said that given that this property has been used commercially for a long time, they feel it is appropriate to consider rezoning it in that regard. In response to Mr. Madzy, Mr. Macosko reported that their intent is to change this property from commercial/industrial to residential although it still would not be single family.

Mr. Sawyer inquired about the existing wall on the Dorland Avenue side of the property. Mr. Macosko replied that they are planning on leaving this barrier (wall) in place. There is also an easement that goes along with this property that belongs to the State of Ohio and was created when the turnpike was built. Mr. Macosko stated that they plan on leaving the existing landscaping in place. Along the Dorland Avenue side of the property in addition to the barrier wall there are also existing decorative crab apple trees.

Along the easterly property line, there is a row of pine trees with various vegetation along the northerly property line. All of this existing landscaping will remain with an increase in grass.

In response to Mr. Fay, Mr. Macosko reported that the proposed building will be two stories with two units down and four units up. There will be six enclosed parking spaces underneath. The height and the look of the building would be addressed by Planning Commission at a later date. They are here this evening for the rezoning request.

Mr. Macosko said they would also like to get approval to tear the existing building down. Mr. Madzy explained that they cannot address that this evening but should the rezoning be approved by City Council, they can come back to Planning Commission at a later date and address the demolition of the existing building as well as the development of the new building in one process.

Mr. Rump asked about the underneath parking and Mr. Macosko used a drawing and clarified that there will be two apartment units and six indoor parking spaces on the first floor and then four apartment units on the second floor. He reiterated that this building will only have two levels. There will be additional parking spaces outside.

Mr. Rump raised concerns regarding parking along Dorland Avenue. He pointed out that this plan only allows two parking spaces for visitors. Mr. Macosko replied that they could add more visitor parking spaces. He noted that these apartment units are designed for singles or couples without children. They are very small one-bedroom units.

Mr. Macosko stated that the code requires only one indoor and one outdoor parking space per unit. He said he would address all of these issues for sure and he was very confident that anybody living or visiting this building would not be parking along Dorland due to the existing barrier wall. He assured Mr. Rump that they will not be adding an access drive off of Dorland for this apartment building. Mr. Rump discussed current problems with the Dorland Avenue entrance off of Prospect Road. He asked Mr. Macosko if he could add additional visitor parking spaces and Mr. Macosko said they certainly could do that.

Mr. Macosko did not feel that this property would be attractive as a single-family residence due to the price of the land, the demolition of the existing building and the topography of the land. He felt that a proposed apartment building is a thoughtful and logical step for Berea as well as the investor. Mr. Rump stated that he is 100% in favor of razing the existing building that is on this property. He felt that it was key that they are keeping the existing greenery/landscaping. Discussion ensued regarding where additional parking could be placed in the plan.

Moved by Fay, seconded by Sawyer to recommend that City Council approve the rezoning of 729 Prospect from Residential Single Family "B" (RSFB) District to Multiple Family Medium Density (MF-MD) District. Vote on motion was ayes: Sawyer, Fay, Madzy, Rump. Nays: None. The motion carried.

Mr. Madzy noted that the Planning Commission would send a report to City Council tomorrow to advise them of their recommendation that this rezoning request be approved. Mr. Macosko thanked the Commission for their consideration in this matter.

OLD BUSINESS: None.

OTHER BUSINESS: None.

ADJOURNMENT:

There being no further business to come before the Planning Commission, moved by Fay, seconded by Rump to adjourn. Vote on motion was all ayes; no nays. The meeting was adjourned at 8:00 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 3rd day of December, 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)

Carol A. Hubler, Secretary