

**MACEDONIA PLANNING COMMISSION
MEETING MINUTES
MAY 19, 2014**

CALL TO ORDER

Mayor Kuchta called the planning commission meeting to order at approximately 5:30 p.m.

ROLL CALL: Present were Mayor Kuchta, Ms. Darrow, Mr. Hopkins, Mr. Mauk, and Mr. Westbrooks. The staff members present were Fire Inspector Don Bell, Building Commissioner Mike Hlad, and City Planner Brian Frantz.

PROPOSED STORAGE BUILDING FOR DAVE'S AUTO BODY AT 9270 VALLEY VIEW

City Planner Brian Frantz and City Fire Inspector Don Bell read their memos for the commission. City Engineer Nick Fini and Assistant Building Commissioner Dennis Saxe's memos were read as well. Mr. Mauk asked the applicant if they were willing to landscape. The applicant indicated he was. Mr. Mauk made the motion to approve the proposal with the stipulation that the planner's recommendations are met and to allow the 0 foot setback. Mr. Westbrooks seconded, all members were in favor.

END OF TOPIC

PROPOSED SIGNAGE AT 7-ELEVEN AT 316 EAST HIGHLAND RD.

City Planner Brian Frantz read his memo for the commission. Mr. Hopkins made the motion to approve the proposal with the condition to exclude the ATM wall sign which is not in compliance. Mr. Mauk seconded, all members were in favor.

END OF TOPIC

PROPOSED CONCRETE PATIO FOR DOS CORONAS RESTAURANT AT 269 HIGHLAND ROAD

City Planner Brian Frantz and City Fire Inspector Don Bell read their memos for the commission. City Engineer Nick Fini's memo was read as well. Ms. Darrow asked if there were going to be cars traveling between the building and the patio; the applicants said they would not. The applicant explained that the gas meters would not be inside the patio area. Mr. Mauk asked if blocking off the driveway would cause problems with the fire department. Mr. Bell said they could get to the back and the front and since the length of the building isn't large, it won't be an issue. Mr. Hlad suggested adding bollards to the plans. Ms. Darrow asked if noise would be an issue. It was determined that it would not be. Mr. Westbrooks made the motion to approve with the stipulation that bollards be added and a variance be granted from the BZA for the setback. Mr. Hopkins seconded the motion, all members were in favor.

END OF TOPIC

PROPOSED PAVILION FOR SUMMIT POINT AT 9633 VALLEY VIEW ROAD

City Planner Brian Frantz read his memo for the commission. City Engineer Nick Fini's and Assistant Building Commissioner Dennis Saxe's memos were read as well. Mr. Westbrooks asked if the area was grass or patio, the applicant indicated that it would be cement. Mr. Hopkins asked if it was going to be wood. The applicant explained that it was treated lumber. Mr. Mauk made the motion to approve the proposal as submitted with administrative review. Ms. Darrow seconded the motion, all members were in favor.

END OF TOPIC

PROPOSAL TO PARK U-HAUL VEHICLES ON PROPERTY FOR RENT FOR SPACE PLACE MACEDONIA LLC AT 8945 S. FREEWAY DRIVE

Mr. Hopkins made the motion to table the proposal. Mr. Mauk seconded, all members were in favor.

END OF TOPIC

PROPOSED SIGNAGE FOR JERSEY MIKE'S SUBS AT 8210 MACEDONIA COMMONS BOULEVARD

City Planner Brian Frantz read his memo for the commission. The applicant informed the commission that the lettering was their national logo. Mr. Westbrook made the motion to approve with the condition of bronze side returns. Mr. Hopkins seconded, all members were in favor.

Mr. Westbrook made a suggestion that the retail plazas amend their sign package, so the commission doesn't have to keep overriding what the package states.

END OF TOPIC

PROPOSED SIGNAGE FOR ULTA AT 8210 MACEDONIA COMMONS BOULEVARD

City Planner Brian Frantz read his memo for the commission. The applicant said all the letters in "ULTA" were the same size (48") and the logo was slightly taller (6') which goes underneath. The name is very short, causing the letters to be larger, and is still under the square footage allowable. Mayor Kuchta discussed the plaza changing the retail plaza to accommodate the tenant, so it would make sense that the height of the letters should be allowable. The applicant told the commission that the developer has approved the sign submitted. Mr. Frantz stated that the sign is under the allowable square footage and if it were smaller it might look ridiculous, but it does not meet the requirements set by the developer. Mr. Westbrook stated that the sign size does not fit the developer's criteria, and therefore must be amended in order to allow the sign height. Mr. Hlad stated that the plaza's sign package must be revised prior to approving the sign being discussed. Therefore the sign cannot be approved. Mr. Westbrook asked if the quickest way to get the sign approved is by going to the BZA to approve the height variance, or by having the developers submit a revised sign package. Ms. Darrow asked how long it would take to get a BZA meeting. Mr. Hlad informed the commission that either way would take about a month, but the best solution would be to have the developers submit a revised sign package for future reference. Mr. Hopkins made the motion to table the proposal and allow the applicant to go to the BZA. Ms. Darrow discussed approving the proposal with the condition the BZA approves the size variance. Mr. Hlad recommended tabling the proposal because going to the BZA would cost more money, the variance could be denied, and the sign package should be revised for future reference. Also, it would be around the same time as the next planning commission meeting. Mr. Frantz stated that if the commission requires the developer to revise the sign package and they don't have any issues with the proposal, then the applicant does not have to be present for the planning commission meeting and the commission can approve the proposal then. Mr. Westbrook asked Mr. Frantz if he noticed the sign hanging under the canopy. The applicant explained that if the sign were to be denied it is not an issue. Mr. Frantz stated that the sign is permissible, but the colors are not. Based on Mr. Frantz's statement, the applicant said they would most likely remove the sign. Mr. Frantz informed the commission that in the past, when developers updated their sign packages, they simply wrote a letter to the building department and the update was on the upcoming planning commission meeting. Mr. Hopkins rescinded his motion. Ms.

Darrow seconded the motion, all members were in favor. Ms. Darrow made a motion to table the proposal at the applicant's consent until a revised sign package is received from the developer, which it can then be approved at the next available meeting, provided that the sign under the canopy is eliminated. Mr. Westbrooks seconded the motion, all members were in favor.

END OF TOPIC

PROPOSED SIGNAGE FOR MATTRESS FIRM AT NE CORNER OF RT. 8 & AURORA ROAD.

Mayor Kuchta recuse himself from the meeting. City Planner Brian Frantz read his memo for the commission. The applicant explained that they are the largest tenant in the plaza. The applicant said the developers were currently working on a sign package for the plaza. Ms. Darrow expressed her thoughts about tabling the proposal, because the developers' original site plan does not match the current tenants proposing signage. Mr. Hopkins made the motion to table the proposal until they have more clarification from the developer. Mr. Westbrooks seconded the motion, all members were in favor.

END OF TOPIC

PROPOSED 6 PARKING LIGHT POLES FOR NORDONIA HILLS CITY SCHOOLS AT 8006 S. BEDFORD ROAD

Mr. Hopkins made the motion to table the proposal until an applicant is present. Ms. Darrow seconded the motion, all members were in favor.

END OF TOPIC

PROPOSED ZONING CODE CHANGE RELATED TO ACCESSORY STRUCTURES

City Planner Brian Frantz read his memo for the commission. Ms. Hanneken said the intention was to add the proposed language at the end of section 1163 as letter (k). Ms. Hanneken asked Mr. Frantz if he is suggesting to remove items (3) and (4) in section 1163 and reword the language under item (2). Mr. Frantz indicated he was. Mayor Kuchta asked Mr. Frantz if the legislation should be looked at by the law department. Mr. Frantz agreed and stated in his memo that the issue should be examined by the Law Director. Ms. Hanneken informed the commission that Dave Engle wrote the legislation. Mr. Frantz suggested that the legislation would go under 1163.02 (k) in the code. Ms. Hanneken also stated that the language Mr. Frantz suggests under item (2) and removing items (3) and (4) in his memo will suffice. Mr. Frantz stated that the three bullet points after the first bullet point are mainly issues with the flow of the language. The first bullet point mentioned in the memo should go to the law department. There could be issues where a detached structure is located on a vacant lot because there was a permitted structure there previously, but you do not allow the construction of an accessory building without a main structure in the code. Ms. Hanneken stated that there is a detached structure on N. Bedford, but it was grandfathered. Mr. Frantz questioned Ms. Hanneken if this proposal was because of a specific incident. Ms. Hanneken stated that the proposal is driven by the fact that it has not been resolved through various efforts. The demolition of the building would cost \$20,000 to \$30,000 causing a hardship on the owner, but was denied a variance. Mr. Frantz said there is not a grandfathering in zoning, but is called legal nonconforming. If you have a legal nonconforming structure on an existing property, it remains legal nonconforming. Mr. Frantz would have to look at the code to see how it addresses legal nonconformities. Those are typically allowed to remain as long as they comply with nonconforming section of the code. Mr. Frantz suggested the city should rely on the nonconforming language and not amend the code for a single issue. Ms. Hanneken said they could look at alternate

solutions, but believes this proposal doesn't do anything harmful. Mayor Kuchta stated that he had offered an alternative solution to the problem, but was turned down (putting up a few trees). Mayor Kuchta said there were members of the BZA present in the audience because they feel the code is being changed for a single person. Mayor Kuchta stated that he also had council wave the BZA fees for the gentleman to go and work out a solution with the members and was never taken up on the offer. Members of the BZA in attendance said they agree with the Mayor and do not think the code should be changed for one person. Also, there is an issue with safety of the surrounding residents. If the owner of the accessory building resides in an alternative location, they could store harmful items inside and not take into consideration the safety of the surrounding homes. Ms. Hanneken stated that the person lives extremely close to the property. One property faces Shepard and the other faces Valley View. They are close, but not connected. There are few feet separating the properties. Mayor Kuchta questioned why it generated a complaint, because this issue came about because of a complaint. Ms. Hanneken stated that the BZA denied the applicant a hardship. Mayor Kuchta explained that the applicant was not going back to the BZA to contest the hardship, but was offering an alternative solution. Mr. Hlad said that there have been applicants in the past who have been denied hardship by the BZA, but have returned and explained in more detail and other portions of the hardship and the BZA have changed their mind on some of these issues. Mr. Westbrooks asked for a brief summary of the issue. There was once a house on the property with the accessory building, but was torn down because it had a hole in the roof. The house was torn down approximately 10 years ago, but the issue became relevant because there was a complaint. Mr. Westbrooks asked if this amendment would allow accessory buildings to stay, should this situation happen again in the future, from this point on. Ms. Hanneken said this legislation would be for all city residents. Mr. Westbrooks stated that there must be a reason this was put in the code in the first place. Mr. Westbrooks said it would be an oddity in the code that you allow accessory buildings by themselves one way, but not another for one specific property. There should be another way to solve the issue. Ms. Darrow explained that the owner of the accessory building tried to purchase some land from his neighbor to connect his two properties, but the neighbor did not want to sell. Mr. Hlad stated that the resident being discussed had two accessory buildings located in his properties and one was cited for being dilapidated. There was confusion over which building was asked to be removed; it was not the newer barn that is being discussed at the meeting. Mr. Hlad said he has not given the resident a formal letter stating to remove the structure in question. Mr. Hopkins made the motion to table the issue and allow the review from the Law Department as recommended by Mr. Frantz. Ms. Darrow seconded the motion. All members were in favor.

END OF TOPIC

PROPOSED SIGNAGE FOR PENSKE AT 1261 EAST HIGHLAND ROAD

City Planner Brian Frantz read his memo for the commission. Mr. Mauk made the motion to approve the proposal as submitted. Ms. Darrow seconded, all members were in favor.

END OF TOPIC

PROPOSED SIGNAGE RELOCATION FOR GNC AT 8210 MACEDONIA COMMONS BOULEVARD

City Planner Brian Frantz read his memo for the commission. Mr. Hopkins asked if the sign is the same size as the previous sign. The applicant stated that it was. Mr. Westbrooks made the motion to approve the proposal as submitted. Mr. Mauk seconded, all members were in favor.

END OF TOPIC

ADJOURNMENT

Mr. Hopkins made the motion to adjourn at approximately 6:00p.m. Mr. Westbrooks seconded the motion, all members were in favor.