

THE PLANNING AND ZONING COMMISSION MEETING WAS HELD AT BEACHWOOD CITY HALL ON TUESDAY, SEPTEMBER 30, 2014.

ROLL CALL: PRESENT: C. Cohen, Mayor Gorden, R. Hecht, B. Mann
M. Wachter, B. Zabell
ABSENT: O. Jacobs
ALSO PRESENT: J. Ciuni, Wm. Griswold, B. Reali, G. Smerigan

A motion was made by R. Hecht and seconded by M. Wachter to approve the Planning and Zoning minutes of September, 18, 2014, regular meeting.

ROLL CALL: AYES: Mayor Gorden, R. Hecht, M. Wachter
NAYES: None
ABSTAIN: C. Cohen, B. Mann, B. Zabell
MOTION APPROVED – MINUTES APPROVED
Abstain votes are counted as yes votes. OBC 151.03

P&Z 2014-20 GREAT LAKES FENCE CO., REPRESENTING “THE VILLAGE IS REQUESTING PRELIMINARY AND FINAL SITE PLAN APPROVAL TO INSTALL NEW FENCING AT GEORGE ZEIGER DRIVE/RICHMOND ROAD.

Mr. Jonathan Classic from Great Lakes Fence representing The Village was present to inform the Planning Commission that there was a new location for the fence. Great Lakes Fence had pinned out the approved location of the proposed fence and had started to dig to place the first column seven (7) feet parallel to the sidewalk along George Zeiger Drive. However digging the column location Great Lakes ran into underground power lines. OOPS had been contacted and brought to the site a second time, only to find out OOPS mismarked the utilities. There was a power line directly in the center of the location of the proposed fence running the length of the sidewalk down George Zeiger Drive to Richmond Road. Great Lakes Fence found out the same power line went all the way down Richmond Road where the proposed fence was to be located three (3) feet from the sidewalk. OOPS was called out and the utilities were marked and Great Lakes thought it was okay to dig after approval had been given by the Planning and Zoning Commission. There was found to be another underground power line when Great Lakes started to dig and OOPS came out again, it was found that the lines were missed. The new location of the fence on Richmond Road will be six (6) feet behind the sidewalk, since there is a regulation by the Ohio Utilities Commission that any structure has to be three (3) feet from the location of the power lines. Power lines covered the area all the way along George Zeiger Drive which included gas lines, power lines, and cable lines up the mounds. The new location of the fence was to run between the power line and the gas line which was not a straight parallel line. When power lines, gas lines, or other utilities are run; the location from the road or the sidewalk is not considered. From the curb at the corner of George Zeiger and Richmond Road, to the main entrance to The Village on George Zeiger Drive, the fence will be located 37 feet from the curb. Along the sidewalk, it is 26 ½ feet off the sidewalk. The fence will have to be staggered between the power lines, 17 to 19 feet back for about 200 feet, until the curve at George Zeiger Drive and Richmond Road. The original location of the fence was to be six to ten feet off the sidewalk, with location of the utilities dictating exact location. The Village management and Great Lakes Fence decided that once the lines were centered the fence couldn't be placed any closer to the right-of-way. The contractor decided at that point to place the fence where there was no interference with the utilities. The final location is 17 to 19 feet back from the sidewalk and 26 ½ feet off the entrance of The Village on George Zeiger Drive.

The location of the utilities made adjusting the fence line challenging. The Village had to have trees removed and digging conditions were hard due to the fact there were lots of roots. Underground utilities always dictate the location of a fence. The first interest is the security of The Village residents. Because of how open the area is at the rear, there is a jog in the fence, again due to the underground utilities. At the back entrance of The Village there will be 42 feet of fence along the tree brush line, and angling the fence to the of the maintenance parking lot.

Mr. Griswold stated that as the applicant indicated there were issues in locating the footer columns where the applicant had indicated where they were to go. The Building Department noticed the change in location of the columns. The common practice is to call for an inspection for the footers before it was poured, and notify the City that there was circumstances beyond the contractor's control, i.e., the site conditions and underground utilities, and realized the fence would have to be moved back further than the four to six feet that was approved by the Planning and Zoning Commission to twenty-two feet due to the utilities. There should always be permission asked for before forgiveness is granted. None of the footers were inspected. From the City's perspective and the protection of The Village, the City requires verification from the contractor about the depth and materials, rebar, etc. of the footers.

Mr. Ciuni stated that engineering had no comments except that he was insulted with the drawings submitted. The need for a fence is understood and also the fact utilities can get in the way.

Mr. Smerigan stated that this request is to revise the perimeter fencing around The Village that was previously approved by the Commission. The original location designated for the fencing has extensive underground utilities making construction of the column foundations impractical. The applicant is seeking to move the fence further from the public rights-of-way in order to avoid the underground utilities. The plan still calls for masonry columns with a stone cap along the south side of George Zeiger Drive from the intersection of North Park Boulevard west to Richmond Road. The fencing is proposed as commercial black aluminum six (6) feet in height. The black metal fencing begins 40 feet east of North Park Boulevard on George Zeiger Drive and connects to the existing guard shack. The metal fencing continues west along George Zeiger Drive and south along the east side of Richmond Road to the northerly lot line of the Sexton property at 2389 Richmond Road.

Ornamental metal fences of the type proposed are permitted in U-2A Attached Single Family Home District. Such fences are limited to six feet in height. The use of the masonry columns is similar to what has been done in other developments. Incorporating decorative fencing with the mounding and landscaping is consistent with the original intent of the perimeter buffering for the development and with what has been approved elsewhere in the City. The modification to the proposed fencing appears reasonable based upon the site conditions. Approval is recommended.

Mr. Cohen asked how many columns had been cast to date.

Mr. Richard Zywicka from A-Z Masonry, stated that there are nine (9) columns. Originally there was 700 feet down George Zeiger Drive that would dictate the fence spacing of the columns down George Zeiger Drive. There were supposed to be nine columns spaced at 90 feet each. With the setbacks around the corner at Richmond Road and George Zeiger, decreased the footage greatly between columns. The columns were then marked out at 70 feet apart to try and keep the appearance aesthetically pleasing.

The columns did not work out properly due to the location of the utilities. Then the columns were measured out at 60 feet apart. A-Z Masonry submitted a drawing detail on the columns. It was at this point that there was thought to be an understanding that fence companies do not have to have footer inspections. The footers were over excavated and fill was brought in. There are nine columns poured and a lot of material is staged. The project has been put on hold. Mr. Zywica stated he believes with the pictures taken of the project; i.e., materials, depth of the footer, size of the footer, etc. that would answer any questions regarding the stability of the columns. Pictures can be submitted for the review of the Building Department and not have to hire a scanning company. The sixty (60) foot spacing of the columns works out aesthetically and doesn't interfere with the utilities.

Mr. Ciuni asked if the location of the proposed columns and fence are located on top of a mound which is all fill material and is not shown on the drawing. Also, how deep is the footer? The mounds are just fill and not virgin soil.

Mr. Zywica stated there are pictures of the fill brought in and cross sections of the footer where the barrier of the virgin soil was broken allowing us to get into the stable soil. The nine columns, the size of the footers and the materials used would support the columns. The footers are over five foot deep.

Mr. Cohen asked if there was any rebar in the columns. When you jogged from 26 feet to 17 feet is that a double pierce situation or is there a 90 there in the fence with a fence pole.

Mr. Zywica said you could see rebar protruding thru the columns. It is not a double pierce situation. Where the widest span is, is where the utilities go on an angle. The 19 feet to 26 feet is just the spacing distance away from the sidewalk.

Mr. Cohen asked if there were any masonry piers going on Richmond Road entrance and are there new operating doors that are fence rather than the present arm?

Mr. Classic stated that there were no masonry piers on Richmond Road and that the fence would be set where the new operating doors are going in. It is impossible to give a definite location of the fence off of the sidewalk due to the locations of the utilities.

Mr. Ciuni stated that he would be satisfied if he could receive an as-built drawing with the fence in its final position when the project is completed.

Mr. Classic stated he would be able to provide a drawing with the final location of the fence.

Mr. Wachter asked about the concerns of the actual pour of concrete themselves. If the pictures were satisfactory or if there were some safety and stability issues involved.

Mr. Griswold stated that the issue is no photographs would have been needed had A-Z Masonry called about pre-pours. The fact that although fence posts do not require inspections, a column that is a footer five to seven feet deep, you ask anyone in construction, and that would require an inspection. In regards to the rebar, looking at the photographs there is no indication of the rebar that is the horizontal at the bottom. It is recommended that the scanning be done for the sake of The Village and the City of Beachwood. It is a necessary component to verify what was done.

Mr. Wachter stated that this report is not for a punitive measure, but is required for the safety of everyone concerned.

Mr. Griswold stated that this report is for verification. It would be a totally different situation if there was a building on this footer. This footer is only carrying a fence.

Mr. Wachter stated that the two issues for the applicant are the scanning of the columns and the as-built drawings when the project is complete.

Mayor Gorden stated that he is glad that the fence is being installed and will be an asset to everyone in The Village. The Mayor asked the gentleman from A-Z Masonry, what type of construction he was involved in and if there were plans that were followed for the fence?

Mr. Zywica stated that he does a lot of flat work and restoration work. Flat work such as sidewalks, driveways, patios, etc. and restoration work such as pavers, repair on buildings, maintenance, brick replacement, etc. There was a drawing submitted to the Building Department with the requirements needed for the columns, and at that time was told there was not a permit required.

Mr. Griswold stated that Great Lakes Fence pulled the permit and was the responsible party. The Building Department does not issue two permits for one fence. A-Z Masonry is a contractor who does work in The Village. Great Lakes then sub-contracted the work to A-Z Masonry for the concrete work.

Mayor Gorden asked Mr. Zywica if Great Lakes Fence gave him an approved plan to work from.

Mr. Zywica stated that he was not contracted through Great Lakes Fence to do the work. The Village contracted with A-Z Masonry to work with Great Lakes Fence.

Mr. Griswold stated that relative to the City, the permit pulled by Great Lakes Fence would include both the work of the fence and the columns. The sub-contracting is not something that the City keeps track of. After the permit is issued to the General Contractor. The GC can sub-contract any portion of the project that is covered by that particular permit.

Mr. Jonathan Classic stated that he worked for Great Lakes Fence and was Operations Manager, was the person in charge. The office pulled the permit. The Building Department told Great Lakes Fence that the permit issued to the company would cover the entire project.

Mayor Gorden asked Mr. Classic, if Great Lakes Fence pulled the permit, why did your company not hire the sub-contractor?

Mr. Classic stated it was not necessary for the party pulling the permit to hire the sub-contractor. It was stated that all aspects of the project would be covered under one permit. In this case the City said that only one permit was needed since it was considered one project. The Village requested that there be only one permit to avoid confusion.

Mayor Gorden asked if the original plan was changed.

Mr. Classic stated that that was correct. The only change from the plan was the original location of the fence that was discussed.

Mayor Gorden asked Great Lakes Fence representative why the City Building Department was not notified when it was discovered that the fence was going to be installed at a different location than the Planning and Zoning Commission approved.

Mr. Classic stated that the miscommunication was that Great Lakes Fence was under the understanding that the location of the underground utilities was going to dictate location. The six to ten feet range discussed at the first meeting was the understanding that Great Lakes Fence was working with. A definite placement of the fence could not be given since the exact location of the utilities angled and their location was not known.

Mayor Gorden stated that whatever the dimension from the sidewalk that was given, the Commission thought that the fence would line up with the other fences on George Zeiger Drive. Mayor asked if what was installed is in the best interest of the City and The Village.

Mr. Griswold stated that the minutes reflected placement of the fence, six (6) feet from the sidewalk and when driving by, stopped and measured where the column was placed, it was twenty-two (22) feet at the entry closest to the entrance to The Village.

Mayor stated that the fence location is not where the Planning and Zoning Commission approved. The new location may not look aesthetically pleasing or may appear to look crooked. The concern now is what is being installed now is going to be the best for everyone concerned, both the City and The Village.

Mr. Classic stated that what has been done is in the best interest of The Village and the safety of all. This installation is the most visually pleasing fence that could be installed given the locations of all of the utilities. There is no better way or location for a fence to be installed for the satisfaction of both The Village and the City, other than where it is located. The company did mess up by not contacting the City officials. Unfortunately, there are a lot of rules and regulations that are different in every City. The only other option would be to put up a fence around each yard. The company's quality and reputation is at stake with the final appearance of this project.

A motion was made by R. Hecht and seconded by B. Zabell to approve Great Lakes Fence Company, representing The Village, revised preliminary and final site plan approval to install new fencing at George Zeiger Drive/Richmond Road contingent upon the following stipulations: 1) comments of the Building Commissioner, regarding scanning of the columns being completed and 2) comments of the City Engineer, submit an as-built drawing showing the final location of the completed fence.

ROLL CALL:

AYES: Mayor Gorden, R. Hecht, O. Jacobs,
B. Mann, M. Wachter, B. Zabell

NAYS: C. Cohen

MOTION APPROVED –

Adjournment

Bill Mann, Chairman

Sue Ley

Karen Navolanic