

CITY OF CHARDON PLANNING COMMISSION

Meeting Minutes
November 7, 2023

Members Present:

Andrew Blackley, Chairman
Dean Peska
Robert Emmons
Lene Hill

Dan Meleski
Mary Jo Stark, Vice-Chairman
Colin Wantz

Also Present:

Brett Bestgen, Infinity Construction
Frank Cunnane
Marybeth Cunnane
Doug Courtney, City Engineer
James Dvorak, County Commissioner
Dominick Durante, City Architect
Bradford Gellert, Then Design Architecture
Chris Grau, Mayor
Bill Hess
Shaina Klarr
Dave Lelko, Councilman
Majeed Makhoulf, Acting Law Director

Kyle Martin, Councilman
William McCullam
Paul Mendolera
Gerry Morgan, Geauga County Administrator
David Ondrey, Geauga County Judge
Carolyn Paschke, Geauga County Judge
Rebecca Repasky, Secretary
Allison Wilson
Steve Yaney, Community Development
Administrator

Mr. Blackley called the meeting to order at 6:30p.m. The Pledge of Allegiance was said. Roll was called.

Mr. Wantz made a motion to approve amended the October 24, 2023 meeting minutes. It was seconded by Mrs. Stark. Roll was called. The vote carried 7-0.

Mr. Blackley reminded all that were present to sign in and swore in City Staff.

OLD BUSINESS – none.

NEW BUSINESS

PC Case #23-219: Mr. Yaney explained the applicant, Paul Mendolera, is requesting architectural review for exterior renovations at Element 41. The renovations are to replace the existing storefront window with a glass overhead door. Mr. Yaney explained the current window is starting to deteriorate and one (1) window panel is broken. Mr. Yaney said because this is a larger project, he would prefer Planning Commission approval.

Mr. Blackley asked if the new window will be weather tight.

Mr. Mendolera was sworn in.

Mr. Mendolera explained the original window will be demolished and the new one will be insulated and match the existing color. There will be a weather seal on all sides. Additionally, the ability to open the window will allow customers to enjoy the summer concerts while at the restaurant.

Mrs. Hill asked if the window will abut the existing brick. Mr. Mendolera said yes. Mr. Emmons asked what the project timeline is. Mr. Mendolera said work will begin upon approval.

Mr. Peska made a motion to grant the architectural review. It was seconded by Mrs. Hill. Roll was called. The vote carried 7-0.

PC Case #23-195/196/220: Mr. Yaney explained the applicant, Bradford Gellert on behalf of the Geauga County Commissioners, is requesting concept plan and architectural review approval to allow for a 21,522 sq. ft. addition to the Courthouse. In addition to the concept plan and architectural review approval, the applicant is requesting the following variances:

1. Minimum lot width of 200'
2. Minimum lot area of 2.00 acres
3. Minimum front yard setback of 60'
4. Minimum parking setback of 60'
5. Maximum lot coverage by buildings of 10%
6. Maximum height of principal structure of 35'
7. Maximum height of a wall/fence in the front yard of 3'
8. Requirement of 3 deciduous trees per 100' of frontage
9. Requirement of 20 shrubs per 100' of frontage
10. Requirement of 5% of interior parking lot to be landscaped
11. Requirement of additional trees to be planted at a rate of 6 per acre

Mr. Yaney explained the variances will need approval prior to concept and architectural review approval.

Mr. Bradford Gellert was sworn in. Judge Ondrey and Judge Paschke are recognized as Officers of the Court, do not need to be sworn in.

Mr. Gellert reviewed the slideshow presentation. He shared the goals of the project included a secure elevator for staff, visitor elevator, screening station, sally port, ADA access, more functional layout for judges and their staff, breakout rooms for meetings and better security for judges and staff. The newest design for the building was presented. It includes plans for the landscape requests from the City. The same stone on the current courthouse will be used for the new addition and brought from the same quarry. There will be security access on both sides of the courthouse. There will be a larger court room. The roof top HVAC units will not be able to be seen.

Judge Ondrey endorsed Mr. Gellert's work and is impressed with the architectural concept. He said additional space was needed, more security needed and more conference rooms for breakout sessions for privacy between lawyers and clients. Judge Ondrey is very proud of this design.

Judge Paschke said the first concept of the building design made her aware that they would outgrow the building before it was even built and that is not a good use of public funds. She said the initial concept would not be useful for their purposes. She said this new concept will meet their needs.

Judge Ondrey added the secure parking includes: for the judges, magistrate and clerk of court.

Mr. James Dvorak was sworn in.

Mr. Dvorak shared he has a long background in construction and masonry and this design is well done. He said the stone and brick will complement the Square.

Mr. Courtney said there were a number of comments on the first review which have been addressed. The additional comments for the second review can be addressed at construction document phase. Mr. Gellert said they have met with the Fire Chief for those concerns and will address the line and tap comments.

Mr. Dominick Durante was sworn in.

Mr. Durante said he and City Staff are please the county courthouse is staying on the Square. He said the current courthouse is 5,000 sq. ft. – the new addition is 10,000 sq. ft. It will be closer to the sidewalk. He asked that the design would make the building look and feel smaller. He would prefer the windows be spandrel glass. He asked that the area be more pedestrian friendly. He would like to see more depth in the building, add landscape and make the fence transparent.

Photographs of the existing Victorian structures on the Square were shown as well as a photo of the existing stone at the base of the current court house. These were shown as part of the audio/visual display.

Mr. Blackley added that in the 1970s, the County Commissioners were very cognizant of the historical character of the Square when building the Annex Building. Mr. Blackley said the proposed second story window treatment does not match anything on the Square or any Victorian design element that he has ever seen. Mr. Blackley agreed that spandrel glass can be used. Mr. Blackley added it is important to have a courthouse that is sympathetic to the other buildings on the Square. Mr. Blackley said he is extremely appreciative of the courthouse staying on the Square and said both sides are very close to agreement and just a few details need worked out. Mr. Blackley said he would like to keep the City's ability for architectural review of the project.

Mr. Wantz asked if there is a preference between the two (2) options/bids for the fence. Judge Ondrey said either is acceptable to him but he prefers the second option slightly. He said his concern is making sure the cars and garage are not seen to keep it pedestrian friendly.

Mrs. Stark asked about the seating wall on the west entrance. Mr. Yaney said Mr. Gellert has made that correction. It has been widened to 8' to keep people from driving into the building. An ornamental bollard has been added. Mrs. Stark suggested adding shrubs and trees.

Mr. Wantz asked what is the deciding factor for which fence is built. Mr. Gellert said the preferred fence is more expensive – approximately \$600,000 - \$650,000 is the estimate given by Infinity Construction.

Brett Bestgen was sworn in.

Mr. Bestgen said this is an estimated quote – not a bid for the project. Mr. Wantz said this is a decision on cost, not aesthetics. Mr. Blackley commented that there is an obligation and need for consideration for a screening wall. Mrs. Stark said there may be a need for another meeting regarding the wall.

Mrs. Stark asked if a maple leaf could be stamped into the stone panel below the windows. Mr. Dvorak said they could look into it, but that would be an added cost.

Mr. Emmons asked if there is security on the east side pedestrian access. Mr. Gellert said there will be a gate and they will look into how to secure it after hours. Mr. Emmons clarified there is no visual of the judge's vehicles. Mr. Gellert said no.

Mr. Peska said a decent job has been done on this project and the courthouse does need to be secure. He added the building looks a bit more commercial and does not like the square windows. He agreed more room is needed for the courthouse staff.

Mr. Meleski asked if there are photos that show the stone being on the window panels. Mr. Gellert said yes there are, and he will get those photos. Mr. Meleski clarified that a masonry wall is being built. Mr. Gellert said yes. Mr. Meleski agreed there needs to be a more secure building and glass is not an option for the wall.

Mr. Emmons asked if there has been any consideration for 3-M unbreakable film for the first-floor windows. Mr. Gellert said the probation space, front and back doors will have laminated glass – but they will consider the 3-M film.

Mrs. Hill commented she is pleased the masonry wall is being considered. Mr. Blackley agreed.

Mr. Wantz asked if there is screening for the roof HVAC units. Mr. Gellert said it will look like the screening on the county building on Ravenwood Drive. Mr. Wantz asked if that was an industrial/galvanized look. Mr. Gellert said no, it will be an off-white color, but any color can be used that Planning Commission would like.

PUBLIC COMMENTS

Shaina Klarr 105 N Hambden sworn in.

Ms. Klarr said she is concern about losing twenty (20) parking spaces on E Park Street. Mr. Blackley said the gravel parking lot will be paved for parking by the County. Ms. Klarr asked if N Hambden will be torn up – she is concerned because of the businesses and traffic. Mr. Courtney said yes because of water main and sewer work – but they will make sure the contractor maintains the flow of traffic.

Mr. William McCullam was sworn in.

Mr. McCullam provided the Commission with a letter. He said the twenty (20) parking spaces belong to the City of Chardon, the building should be built on the gravel parking lot and the 9' fence is offensive looking.

Mrs. Marybeth Cunnane was sworn in.

Mrs. Cunnane commented this is already a done deal. She said there is already a 5,000 sq. ft. building for the courthouse staff. She said for the Commission to make the decision carefully as the building will be there long after everyone else is gone. She said she understands the challenges, but not sure this is the solution. She said Mr. Durante's comments were thoughtful and sensitive. She said no one occupies a number of the buildings around the courthouse so there is not much opposition that can be voiced to this project. She said this changes the look and feel of the Square. She added the voters did not get to vote on this and asked who decided that this building could be built. Mr. Blackley said as a Councilman, the City will have this building built and he hopes it lasts a hundred years. He said the City wants this to be a beautiful building too. For legal reasons, the courthouse must be on the Square. He said the wall is non-negotiable for security reasons. He added aesthetics are important to the Commission as well. Mrs. Cunnane asked what the overall budget is for the project. Mr. Dvorak said \$17.3 million, but not all of that has to be used. Mr. Blackley added that the County is higher than the City. Mr. Makhoul explained Planning Commission will vote on the variances. He said there is a Supreme Court case that allows for Eminent Domain. He said the County did have to apply and make a good effort case; however, if the City decided to deny this project, the County would be immune and could move forward anyways with the project. Both sides wanted to avoid that and have worked together collaboratively. Mr. Makhoul added these variances are 'area' variances. Area variances are more lenient and the County as a government entity has Eminent Domain. Mrs. Cunnane asked who is paying for the project. Mr. Makhoul said he will not go outside the merits of what is requested for the variances before Planning Commission this evening. He added the risk was losing the courthouse off the Square and the solution is to save the courthouse, save the Square, save downtown. He said they will never get to where everyone agrees.

Mr. Frank Cunnane was sworn in.

Mr. Cunnane said this will never go on the ballot even if they wanted it to. He commented the people are the ones that make decisions and they were not asked. He said to come up with something else other than that wall and he does not want to see the original courthouse torn apart.

Mr. Bill Hess was sworn in.

Mr. Hess said the wall faces his house and a wall that high will impede vision while driving. Mr. Courtney said a study found no sight impedance as the wall is behind the sight line. Mr. Blackley added line of sight will not be an issue. Mr. Blackley added the wall tapers based on the grading; and the Commission wants it to be aesthetically pleasing with screening. Mr. Gellert added the fence top will have the same angle as the masonry work on the current courthouse.

Mr. Blackley added it would be nice to have complete pedestrian access by connecting to Short Court. Mr. Gellert said they will look into it.

Mr. Makhoul reminded Planning Commission of the standards for area variances. The standard is practical difficulty decided by a Supreme Court case. He said none of those factors are determinative and it is based on site limitations. He added the building is being built to consent judgment.

1)Mrs. Hill made a motion to grant the minimum lot width of 200' variance. It was seconded by Mr. Meleski. Roll was called. The vote carried 7-0.

2)Mr. Meleski made a motion to grant the minimum lot area of 2.00 acres variance. It was seconded by Mrs. Stark. Roll was called. The vote carried 7-0.

3)Mr. Peska made a motion to grant the minimum front yard setback of 60' variance. It was seconded by Mrs. Hill. Mrs. Stark asked if number 3 should be number 4 on the agenda. Mr. Blackley said they are going by the Announcement of Decision. Roll was called. The vote carried 7-0.

4)Mrs. Hill made a motion to grant the minimum parking setback of 60' variance. It was seconded by Mr. Peska. Roll was called. The vote carried 7-0.

5)Mr. Meleski made a motion to grant the maximum lot coverage by buildings of 10% variance. It was seconded by Mrs. Hill. Roll was called. The vote carried 7-0.

6)Mr. Peska made a motion to grant the maximum height of principal structure of 35' variance. It was seconded by Mrs. Hill. Roll was called. The vote carried 7-0.

7)Mr. Wantz made a motion to grant the maximum height of a wall/fence in the front yard of 3' variance. It was seconded by Mrs. Stark.

Mr. Blackley said stone will be added to match the base of the building addition Should this be a variance? Mr. Wantz said that was 1 of 2 preferences. Judge Ondrey said that will be a County decision, that he preferred option 2. Mr. Blackley said the County does have the authority on the decision, but he would like Planning Commission to go on record choosing the superior aesthetic. Mr. Makhoulf said it can be made as a condition, but this does not deny the request. The City is permitting the fence, but would prefer it look a certain way for aesthetics for approval.

Mrs. Hill made a motion to include the condition for the variance request. It was seconded by Mrs. Stark. Roll was called. The vote carried 7-0.

8)Mrs. Stark made a motion to grant the requirement of 3 deciduous trees per 100' of frontage variance. It was seconded by Mr. Peska. Roll was called. The vote carried 7-0.

9)Mr. Peska made a motion to grant the requirement of 20 shrubs per 100' of frontage variance. It was seconded by Mrs. Stark. Roll was called. The vote carried 7-0.

10)Mr. Meleski made a motion to grant the requirement of 5% of interior parking lot to be landscaped. It was seconded by Mrs. Hill. Roll was called. The vote carried 7-0.

11)Mrs. Stark made a motion to grant the requirement of additional trees to be planted at a rate of 6 per acre. It was seconded by Mrs. Hill. Roll was called. The vote carried 7-0.

Mr. Makhoulf shared that for smaller/simpler projects, concept plan and architectural review can be combined. For larger more complex projects like this one, these can be separated out to be voted on separately. Mr. Wantz made a motion to separate the concept plan and architectural review approval variances. It was seconded by Mrs. Stark. Roll was called. The vote carried 7-0.

Mrs. Hill made a motion to approve the concept plan. It was seconded by Mrs. Stark. Mr. Wantz clarified that any additional comments will be addressed at construction document approval. Mr. Courtney said yes. The County accepted. Roll was called. The vote carried 7-0.

Mr. Blackley asked the Commission and the County if everyone would like to continue the discussion on the windows and other minor details tonight or come back at the regular meeting on November 28th.

The County took a brief recess to discuss.

Mr. Dvorak said in the spirit of compromise, they want to do what is best for Chardon and the Square. They will go with the ultimate deluxe stone and add sidewalk on the east side. Regarding the windows, the design is for the needs of the judges and will leave the windows as presented. Mr. Blackley said there is no interest in delaying the decision and/or vote.

Mr. Meleski made a motion to grant architectural review with the amended conditions from the County to include ultimate deluxe stone and adding sidewalk to the east side. Mrs. Stark seconded the motion to include the amended conditions. Roll was called. The vote was 6-1:

- Mr. Emmons yes
- Mrs. Hill yes
- Mr. Peska yes
- Mr. Meleski yes
- Mr. Blackley no
- Mrs. Stark yes
- Mr. Wantz yes

EXECUTIVE SESSION – none.

OTHER BUSINESS – none.

ADJOURN

Mr. Meleski made a motion to adjourn the meeting. It was seconded by Mrs. Stark. The meeting adjourned at 8:48 p.m.

Respectfully Submitted:

ANDREW BLACKLEY, CHAIRMAN

Rebecca Repasky, Secretary