

CITY OF CHARDON PLANNING COMMISSION

Meeting Minutes

May 14, 2024

Members Present:

Andrew Blackley, Chairman
Robert Emmons
Dan Meleski
Dean Peska

Mary Jo Stark, Vice-Chairman
Colin Wantz

Members Absent

Lene Hill

Also Present:

Elaine Bruening
Ben Chojnacki, Law Director
Doug Courtney, City Engineer
Catherine Divoky
Stephanie Divoky
Joe Drucker
James Elliot
Andrea Garrabrant
Chris Grau, Mayor
Audre Grover
Dr. Michael Hanlon, Chardon Schools
Superintendent
Jeff Henderson
Steve Kofol, Chardon Schools

Kyle Martin, Councilman
Heather Hudson Mean, Council
Kenny Misch
Barb Petersen
Susan and Bob Pryor
Glenn Pisching
Ken Rarick
Rebecca Repasky, Secretary
Diane Robinson
Allison Wilson, Geauga Maple Leaf
Steve Yaney, Community Development
Administrator
Thomas Yankovich

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

Attendance roll was called. Mr. Blackley reminded all that were present to sign in and swore in City Staff.

Mr. Peska made a motion to approve the April, 2024 meeting minutes. It was seconded by Mrs. Stark. Roll was called. Mr. Meleski abstained. The vote carried 5-0.

NEW BUSINESS

PC Case #24-068: Mr. Yaney explained the applicant, Kenny Misch, is requesting a variance to reduce the front yard setback to 32' to allow for the construction of a front porch. It will also have a roof covering. The setback is 40' and this request is for a 32' setback. Mr. Yaney said there are other similar encroachments like this in the neighborhood. He said Staff has no concerns with this request. He reviewed the Findings of Fact.

Mr. Emmons clarified that granting this specific request, does not allow others in the neighborhood to build a porch that encroaches on the setback. Mr. Yaney said correct – that this is only for 340 Sylvia Drive. Mr. Blackley asked if the neighbors were notified. Mr. Yaney said yes.

Mr. Wantz made a motion to approve the Announcement of Decision variance for the residential addition. It was seconded by Mr. Meleski. Roll was called. The vote carried 6-0.

PC Case #24-076: Mr. Yaney explained the applicant, Thomas Yankovich, is requesting a sign deviation to allow for the installation of two (2) electronic message centers that are 32 sq. ft. in size. The first sign would be installed at Chardon High School next to the driveway entrance on the west side of Maple Avenue. The second sign would be installed at Chardon Middle School along the east side of North Street. Mr. Yaney said both signs meet the setbacks and there are no adverse effects to adjacent properties. The size and scale of the signs are appropriate to the building.

Mr. Blackley said he has no objections to the proposed digital signs; but asked if the brightness/illumination of the digital signs at night will be an issue. Mr. Yaney said specifications were given to stay below at night.

Mr. Wantz asked if the brick base was reviewed by the City Architect and if it needs to match the building. Mr. Yaney said no to both.

Mrs. Stark asked if the brightness and colors would be similar to the Kent State digital sign.

Mr. Tom Yankovich was sworn in.

Mr. Yankovich explained this particular display is high resolution and is crisp and clear. There is also an automatic dimmer with ambient light for nighttime.

Mrs. Stark asked if the sign at Canfield Drive and Memorial Drive is staying. Mr. Yaney said yes.

Mr. Peska made a motion to accept the Announcement of Decision for the sign deviation. It was seconded by Mr. Emmons. Roll was called. The vote carried 6-0.

PC Case # 24-077: Mr. Yaney explained the applicant, Jeff Henderson, is requesting Concept Plan approval for the installation of a 1,575 sq. ft. seasonal building at Chardon Local Schools football stadium. The building will be used for restrooms, concession stands and storage. Mr. Yaney said setbacks and design requirements are met. The reason Planning Commission is reviewing this is because the building is over 1,000 sq. ft. There is no need for City Architect review; and the City Architect and Water/Sewer Department has reviewed the water and sanitary plans.

Mr. Jeff Henderson was sworn in.

Mr. Henderson reviewed the plans on the TV for the Commission. He explained a lift station was needed for water and sanitary for the building. He said the color of the new building will match the color of the stadium.

Mr. Emmons asked if this will now be the only concession stand at the stadium. Mr. Henderson said the other stand on the other side will still remain.

Mrs. Stark added she is happy to see this.

Mr. Meleski made a motion to grant Concept Plan approval. It was seconded by Mr. Peska. Roll was called. The vote carried 6-0.

OLD BUSINESS

PC Case #24-054/055/056/057: Mr. Yaney explained the applicant, Jeff Henderson, is requesting Concept Plan and Architectural Review approval for a new transportation and maintenance facility. The plan is to refurbish the two existing buildings at a total combined square footage of 21,840 sq. ft. for offices, maintenance and storage. There will be a parking area added for school busses and school staff in front of the buildings. Eight variances are being requested:

1. To allow the reduction of the required side yard setback from a residential property from 25' to 10' (existing)
2. To remove the requirement of an opaque wall or fence to surround an outdoor vehicle storage area
3. To allow an outdoor vehicle storage area in the front yard
4. To increase the maximum fence height in the side/rear yard from 6' to 8' and the front yard from 3' to 8'
5. To waive the requirement of 5% of the parking area to be landscaped
6. To waive the requirement of landscape islands to define parking rows
7. To reduce the width of the buffer yard from 25' to 10' and 15' in the side and rear
8. To waive the requirement that the outdoor vehicle storage area and loading docks be enclosed by a solid 6' wall or fence for safety and security reasons.

Mr. Yaney explained there will be seventy-one (71) parking spaces for employees; and forty-six (46) spaces for buses. The City Architect requested additional windows on the front building. The Fire Department will address additional fire hydrants that are needed at the construction document phase.

Mr. Courtney explained three (3) reviews of the plans have been completed and submitted for Planning Commission review. Comments will deal with plan content requirements at concept plan stage. Mr. Courtney explained a traffic impact study still needs to be complete. He will be meeting with Mr. Henderson to go over the scope of the study. Mr. Courtney said this property is comprised of eight (8) parcels and a consolidation plat will need to be done. Mr. Courtney said they still need the final destination of 12" storm line. The contractor will need to clean and televise that line to find the termination point. Mr. Courtney suggested this be done before construction. Mr. Courtney suggested moving the fuel station further east but the applicant disagrees because it would interrupt bus traffic flow. Mr. Courtney said a preliminary storm water management plan was submitted and Staff's comments can be addressed at construction document phase.

Mr. Blackley expressed another concern is potential petroleum contaminated runoff.

Mr. Peska asked if there are separators for the drains. Mr Courtney explained said there is an oil separator for the sanitary drain for the maintenance building but nothing for the main parking field.

Mr. Blackley shared his five concerns:

1. The request to waive the 5% landscaping in the parking lot. Mr. Blackley said he has not heard a good reason as to why that should happen. Other applicants have had the same requirement.
2. The potential for oil and fuel to contaminate the City's storm water system.
3. Regarding the fuel station, he is okay if it is not moved, but it should be screened because it can be seen from Washington Street. Mr. Blackley added he has been meeting with Staff to formulate these comments.
4. Photometrics for lighting because of the parking lot being lit at night and there are requirements in the Code.
5. Needing a traffic impact study to see what the impact of busses would be in the City in order for approval.

Mr. Henderson gave the Commission a presentation on the TVs. Mr. Henderson said the traffic study has started but still needs to be completed. There will be a sliding gate for security. The outbound traffic will be the south end exit. Circulation will be one-way. Building B, the back building, will be for maintenance; Building A, the front building, will be administrative offices. Regarding storm water retention, it is on the west side of the site. He said the current location of the fuel station is for easier flow of the buses to go into their parking spots. He said they are requesting no landscaping; and there is a place for snow to go and make snow plowing easier.

Mr. Blackley asked about the fueling station. Mr. Henderson said it is a 10,000-gallon tank, above ground. It is 30' long 8' diameter. Mr. Blackley added there is a containment wall around it and it will have a pump facility attached to it. Mr. Blackley said he would like screening because it can be seen from Washington Street. Mr. Henderson explained it will be covered base on requirements by the Department of Commerce.

Mr. Blackley asked for explanation on the bus training area. Mr. Henderson said this is only for bus drivers because they currently train in Hambden and it is not large enough. Mr. Henderson said this was a specific request from the Bus Transportation Department.

Mr. Henderson said most of the storm water goes to the detention basin; some going into the 12" line mentioned earlier. He said that is currently being televised. Mr. Blackley wanted the public aware that there is a significant amount of site runoff that flows from the east to the west and is collected into that line. Mr. Henderson said their intent is to pipe that all in. Mr. Blackley commented that would be a large pipe going into a small pipe. He asked what the current negative impact is taking place on the site currently because the site hasn't been used in the last thirty (30) years commercially.

Mr. Blackley added 300' of hose coverage is needed; the fire hydrants may need to be moved further back. He asked if any internal fire suppression is required. Mr. Henderson said yes, for the maintenance building; the administrative building is not required by code. Mr. Henderson said they will meet with the Fire Department regarding all these questions.

Mr. Henderson added there will be security cameras on the light poles.

Mr. Blackley asked if it is a chain-link fence around the entire site. Mr. Yaney said an 8' vinyl fence. Mr. Henderson added it is an opaque fence except on Washington Street. Mr. Henderson showed the Commission a rendering of the color of the proposed fence. It will be an off-white opaque; solid vinyl fence. Mr. Henderson said on the north side, the 8' fence will be built onto of the retaining wall. Mr. Blackley asked why the fence was shown extended into the southeast corner into a wooded area. Why not make it diagonal to avoid cutting trees? This would also avoid a future maintenance issue with the fence becoming overgrown in the woods. Mr. Blackley and the Commission liked a darker color for the fence. He added the Commission also does Architectural Review for color and shape of buildings. Trees are proposed for the west side of the site.

Mr. Blackley said another issue is waiving the landscaping inside the parking lot. Mr. Blackley said the same argument that it is inconvenient to plow can be made by every development in the City. Mr. Wantz pointed out there is an entire row of plugs for the buses and lights; the current layout is already inconvenient for snow plowing. Mr. Wantz asked what the current proposed percentage for landscaping is. Mr. Yaney said 0%. Mrs. Stark asked about the light green area on the south side. Mr. Henderson said lawn area. Mrs. Stark asked why planting can't be done along the lawn area, or in between the buildings or along the side. Mr. Henderson said the lawn area is intended for snow storage. Mr. Henderson said landscaping does not work well inside because of the number of busses and the busses are always going to be on site – they can't be moved elsewhere. Mr. Blackley suggested planting on the ends of the aisles. Mr. Blackley explained landscaping helps mitigate thermal impact of open asphalt/pavement. Mr. Henderson said it is going to be concrete. Mrs. Stark suggested planting between the training area and bus parking area. Mr. Wantz suggested by the fuel tank or ends of aisles because most of the snow removal will go to the south end lawn area. Mrs. Stark said she does not think around the fuel station is a good idea for landscaping.

Mr. Blackley expressed concern over runoff pollution. He said currently the way the parking lot is designed; storm water collection is going into little inlets along the retention basin. He said there is not an opportunity

in this current design to do much in the way of potential separation of oil contaminants and runoff. Mr. Blackley asked what the intention is to deal with that. Mr. Henderson asked what other implementation have happened in the City. Mr. Courtney said in large parking lots like Wal-Mart and Home Depot they have separate underground retention systems and separate water quality units that handle flows coming out of those spaces.

Mr. Joe Drucker, PE, Site Civil Engineer, was sworn in.

Mr. Blackley asked if he is a registered engineer. Mr. Drucker said yes.

Mr. Drucker said they are potentially looking at doing a filter system. He does not think an underground system will work because the sewer systems there are shallow. He said they are looking at options and are open to suggestions. Mr. Peska said his concern is the fuel tank above the ground and what if that empties. Mr. Blackley explained the fuel tanks come with a containment built into it. A leak would be contained in the pre-fabricated wall and secondary wall. Mr. Blackley said his concern is if someone is fueling, and there is spill over from that; or the diesel busses leaking oil/lubricants.

Mrs. Stark said she would prefer a darker shade fence instead of the opaque color. She asked what the trees on Washington Street would be. Mr. Henderson said the species has yet to be determined. Mr. Yaney said the City Arborist will review.

Mr. Wantz said a copy of lighting plan was not given to the Commission. He added some light is hitting the parcel on the north side of the site. Mr. Henderson said the school owns that parcel.

James Elliott of 145 Fifth Avenue was sworn in.

Mr. Elliott explained the south parcel to his lot was purchased by the school. It is a wildlife corridor and a dark and quiet space.

Mr. Steve Kofol, Chardon Schools Transportation Manager, was sworn in.

Mr. Kofol explained busses do not leave at the same time; they are staggered based on their route time. Some begin 6am – 7am for high school and middle school; and most leave at 9:20am and 9:40am for elementary schools. The vans are for midday runs. In the afternoon 2:10pm/2:20pm, he said the bus fleet will be split between Center Street up to the Square and Fifth Avenue. Busses return between 4pm – 5pm.

Mr. Peska asked if the traffic study will include Fifth Avenue up to North Street. Mr. Henderson said, Fifth and Washington and Washington and Center Street. Mr. Peska suggested adding up to North Hambden and Maple Street.

Mr. Meleski said to add landscaping to the ends of the aisles and to screen/buffer the fuel station. Mrs. Stark said she would like to see screening from Washington Street. She said she does not think vegetation next to the fuel station is a good idea. Mr. Meleski said maybe use a vinyl wall.

Mr. Emmons asked if there are any regulations prohibiting snow removal going into the retention pond. Mr. Courtney said no. Mr. Emmons said he does not want water to be sent onto Washington Street. Mr. Blackley said trench drains will be installed.

In an answer to a question from Mr. Blackley, Mr. Chojnacki explained a person cannot not tell the truth because this is a quasi-judicial body; and as a quasi-judicial body, we have the obligation to rely upon truthful statements in making our decisions exercising our judicial discretion. If someone does not tell the truth, or if someone is not sworn in, and an appeal was pursued to the courts, someone not being sworn in would result in this meeting having to take place all over again in court. Our effort is to avoid that and to make a decision based on substantial and reliable evidence.

Mr. Glenn Psiching of 130 Center Street (Village Square Condominiums) was sworn in. His concerns and representing the concerns of the other condominium owners, were: being very close to building B, would like a higher fence on the east side and exhaust fumes from the buses. Mr. Psiching submitted two (2) letters for the Commission to read from 130 Center Street 6B and 7B. Mr. Chojnacki reminded the Commission these letters are not sworn testimony; however, they can still be considered.

Barb Petersen of 143 Fifth Avenue was sworn in.

Her concerns were regarding the bus fumes because she has health issues and runoff water from building B. Mr. Courtney said they will be required to submit a storm water management plan. She asked when the project is anticipated to start. Mr. Courtney said another set of plans still need to be reviewed – there is quite a bit of time yet.

Diane Robinson of 139 Fifth Avenue was sworn in.

Her concerns were seeing the buildings if the trees are taken down. She would prefer a brown fence and would like additional planting. She asked if the residents on the north side of Fifth Avenue were notified and if not, can they be for the next meeting. She is concerned about the lighting. She asked if an environmental impact report is required. She would like to make sure the fuel tank has protection. She asked if this facility will decrease her property value. Mr. Blackley explained housing value is based on the market and to determine the value she will need to go through the county auditor's office.

Mr. Elliot asked if there are rules/codes with a fueling station being next to a residential area. Mr. Courtney said that will be regulated by the Fire Department and State Code – not from the Zoning Code. The Fire Department will be doing a review and the State will need to approve. Mr. Elliot said he does not want to suffer because of re-grading. He is concerned about the noise, pollution, traffic and lights. He asked what the idling of the engines will be like. Mr. Elliot asked if the traffic study will be made public and be open for public comments. Mr. Blackley said it will be a public record and agrees it will need to be made open to public comments.

Mrs. Petersen asked about the retaining wall on the north side of the site. Mr. Henderson said there will only be one (1) retaining wall. He said it will not be on her property but on the school's property. She asked if it deteriorates, if she is responsible for it. Mr. Blackley said no, it will be entirely on school property and they are not allowed to touch her property. They cannot take any trees down or do any grading on her property. Mr. Blackley said the City Engineer will review the drainage plan; and a property owner cannot block drainage from a higher property owner – drainage has to be allowed to go through. More runoff cannot be put onto an adjacent property either. The school cannot block the natural drainage coming off your site; they cannot go onto your property without your permission or without an easement.

Stephanie Divoky of 130 Center Street, 5B was sworn in.

Ms. Divoky's concerns were: being able to see building B from her condominium. She likes the idea of the higher fence and more trees. She is concerned about the noise because she has a special needs child with sound and sensory issues. She asked what is expected of the wash station. Mr. Henderson said it will be an indoor washing station but is not part of this project right now. Mr. Blackley said a separator will be needed for that. Ms. Divoky asked what time warming the busses start in the winter.

Mrs. Robinson asked if the school has any intention of taking the parcel that is on the corner of Washington and Fifth. Mr. Blackley said there is no requirement for the City to be notified of a property being bought. Anyone can buy or sell a property. That property is subject to the same zoning rules and regulations as this site.

Mr. Kofol said they do follow the anti-idling requirements. He said he does not know the exact minute the busses are allowed to idle. Currently they do not let them idle long because it burns fuel. Mr. Blackley

explained block heaters are set up for winter. Mr. Kofol said in the winter, they do try to get the busses turned on at the same time to warm up. Mr. Blackley asked if there are complaints now of noise or pollution from the residents on Canfield Drive, Chardon Avenue and Maple Avenue. Mr. Kofol said he has not taken any complaints personally. He said the calls he takes are regarding traffic. Regarding the age of the vehicles, Mr. Kofol said every other year, the school district is buying two (2) or three (3) busses. The fleet is refreshed every twelve (12) years. The busses are up to standard at the time of purchase for diesel/exhaust. Mrs. Stark asked since the busses are all diesel, if diesel exhaust fluid is used. Mr. Kofol said yes, it assists in the burning of diesel and brings down the smell of diesel greatly. The DEF is injected into the fuel system. Mr. Peska asked if a lot of regular gas is burned. Mr. Kofol said the vans and mowers use regular gasoline. Mr. Blackley asked if gasoline dispensing will be at this site. Mr. Kofol said yes, diesel and gasoline.

Mr. Wantz asked if the primary traffic stay west of the buildings; because it appears the ability to go around the buildings is blocked for regular traffic; keeping the busses away from the residences on the west side of the site. Mr. Henderson said correct; unless maintenance on a bus is needed.

Mr. Meleski clarified bus drivers will abide by the speed limits. Mr. Kofol said yes.

Mr. Emmons suggested over-insulating the maintenance building for sound reduction.

Mr. Blackley asked Mr. Yaney to review the zoning of the site. Mr. Yaney said this is a C-3 – traditional commercial district. It has a wide range of permitted uses which could be for: maintenance facilities, doctors office, restaurants, fueling station etc.

Mr. Elliot asked for the first variance, how the side yard setback 25' to 10' is represented. Mr. Yaney said it is not really being reduced than what is already there. Mr. Elliot asked if that setback applies to parking lots. Mr. Yaney said yes, because they stayed within the 25' because they own the adjacent parcel.

Approval and/or Denial of the 8 Variances

1. Mrs. Stark made a motion to grant the variance to allow the reduction of the required side yard setback from a residential property from 25' to 10' (existing). It was seconded by Mr. Peska. Roll was called. Mr. Emmons voted no. Mr. Peska, Mr. Meleski, Mr. Blackley, Mrs. Stark and Mr. Wantz voted yes. The vote carried 5-1.
2. Mr. Emmons made a motion to remove the requirement of an opaque wall or fence to surround an outdoor vehicle storage area on Washington Street. It was seconded by Mrs. Stark. Roll was called. The vote carried 6-0.
3. Mr. Meleski made a motion to allow an outdoor vehicle storage area in the front yard. It was seconded by Mr. Wantz. Roll was called. The vote carried 6-0.
4. Mr. Peska made a motion to allow the increase of the maximum fence height in the side/rear yard from 6' to 8' and the front yard from 3' to 8'. It was seconded by Mr. Meleski.
Discussion: Mrs. Stark expressed concern for the Village Square condominium residents and asked if the fence in the rear could be higher. Mr. Blackley said an alternative is to plant arborvitae. Mr. Wantz asked if this is also to prevent light to getting to the condominiums or blocking view of the facility. Mrs. Stark wanted to discuss various solutions/options. Mr. Chojnacki explained a new fence height would have needed to be advertised so for now, it will have to be 8'.
Roll was called. The vote carried 6-0.
5. Mr. Emmons made a motion to waive the requirement of 5% of the parking area to be landscaped. It was seconded by Mr. Peska.
Discussion: The Commission would like to see plantings that meet the 5% landscape requirement. Roll was called. Mr. Peska voted yes. Mr. Emmons, Mr. Meleski, Mr. Blackley, Mrs. Stark and Mr. Wantz voted no. The variance was denied with a vote of 1-5.

6. Mr. Meleski made a motion to waive the requirement of landscape islands to define parking rows. It was seconded by Mrs. Stark.
Discussion: Mr. Wantz asked if this is defined as islands at the sides – or will they have to be between. What is the definition of defining the parking rows. Mr. Blackley said the endcaps. Roll was called. Mr. Wantz and Mr. Blackley voted no. Mr. Emmons, Mr. Peska, Mr. Meleski and Mrs. Stark voted yes. The vote carried 4-2.
7. Mr. Meleski made a motion to reduce the width of the buffer yard from 25’ to 10’ and 15’ in the side and rear. It was seconded by Mr. Peska.
Discussion: Mrs. Stark requested arborvitae, evergreens or whatever helps screen the condominiums at Village Square. Mr. Blackley agreed. Mrs. Stark said it could be attempted to extent it north. Mr. Blackley said it will need to be defined to the parcels show on the plan. Mrs. Stark said it will be sublots 5A, 4A, 3A and 2A. Mr. Blackley added the Village Square Condominiums common property line. Existing trees or vegetation are not to be disturbed. Mr. Chojnacki asked if the applicant is open to that because they can withdraw the variance request if they want to. Mr. Blackley said the Commission is willing to approve the variance on that condition whether they want to do it or not. Mr. Chojnacki said they can ask for a vote, get denied and ask for an appeal. Mr. Yaney said this would be a difficult variance to pull because it is an existing condition. Mr. Meleski said it could be added to the concept plan approval. Mr. Blackley agreed and to keep this variance as it is and add it as a condition to concept plan approval. The variance is not being modified.
Roll was called. The vote carried 6-0.
8. Mrs. Stark made a motion to waive the requirement that the outdoor vehicle storage area and loading docks be enclosed by a solid 6’ wall or fence for safety and security reasons. It was seconded by Mr. Wantz. Roll was called. The vote carried 6-0.

Mr. Blackley said his opinion at this time is that there is not enough information to approve this and to table the approval of the Concept Plan and Architectural Review until the Commission can review the traffic study, photometric plan and water quality report. Also needed is the plan for the plantings on the east property line.

Mr. Wantz made a motion to table the Concept Plan and Architectural Review. It was seconded by Mr. Meleski. Roll was called. The vote carried 6-0.

Mr. Blackley said it could be either at the May 28th, 2024 meeting or a special meeting on June 11th, 2024.

OTHER BUSINESS - none.

EXECUTIVE SESSION – none.

ADJOURN

Mr. Peska made a motion to adjourn the meeting. It was seconded by Mrs. Stark. The meeting adjourned at 9:11 p.m.

Respectfully Submitted:

ANDREW BLACKLEY, CHAIRMAN

Rebecca Repasky, Secretary