

CITY OF CHARDON PLANNING COMMISSION

Meeting Minutes

April 22, 2025

Members Present:

Andrew Blackley, Chairman
Robert Emmons
Lene Hill
Dan Meleski

Dean Peska
Mary Jo Stark, Vice-Chairman
Colin Wantz

Members Absent

Also Present:

Diane Calta, Mansour Gavin LPA
Ben Chojnacki, Law Director
Doug Courtney, City Engineer
Tony Coyne, Mansour Gavin LPA
Kevin Drozin, MS Consultants
George Foradis
Julie Foradis
Michael Payne
Ken Pritt, Fire Marshall

Rebecca Repasky, Secretary
Ryan Roche, Sheetz
Michael Tomsik
Alison Wilson, Geauga Maple Leaf
Owen Wolf, OW Holdings LLC
Steve Yaney, Community Development
Administrator

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.

Mrs. Stark had a correction to the spelling of arborvitae. Mr. Peska made a motion to approve the amended April 8, 2025, meeting minutes. It was seconded by Mrs. Hill. Roll was called. The vote carried 7-0.

NEW BUSINESS

PC Case #25-077: Mr. Yaney explained the applicant, Hidden Glen Associates, is requesting an extension to the Preliminary Plan approval. The current plan expires on August 17, 2025 and the extension would expire in 2029.

Mr. Michael Payne was sworn in.

Mr. Blackley asked when the remaining homes will be built. Mr. Payne explained that they plan to build soon, but inflation has made costs rise, which has been difficult.

Mr. Emmons asked how many more homes are planned. Mr. Payne said approximately fifty.

Mr. Blackley suggested looking into connecting a walking path to the new library location. Mr. Payne said they will look into that.

Mrs. Stark made a motion to extend the Preliminary Plan. It was seconded by Mr. Meleski. Roll was called. The vote carried 7-0.

OLD BUSINESS

PC Case #24-261/262: Mr. Yaney explained the applicant, Michael Tomsik, is requesting Final Development Plan approval and Architectural Review for a new commercial remodel at the site of a formerly vacant building for a ‘Crepes in the Country’ restaurant.

Mr. Meleski made a motion to remove this case from being tabled. It was seconded by Mr. Wantz. Roll was called. The vote carried 7-0.

Mr. Blackley said the applicant returned with additions to the site plan, landscape plan and architectural information. Mr. Yaney reviewed all the colors for the materials. Mr. Tomsik provided the Commission with samples. Mr. Yaney said there are a few items on the landscape plan that can be worked out at construction document time – Staff does not feel those items would hold up the approval. Mr. Courtney has discussed with the applicant’s engineer the City’s specifications for the turn radius for the garbage truck and delivery truck, to make sure the trucks do not back out onto Water Street. This correction can be done at construction document phase. Mr. Yaney added the side yard hydrant that was shown was determined by the Fire Department to be not needed because of the location of the hydrant in the front yard.

Regarding the landscape plan, Mrs. Stark said she submitted her list of comments to the applicant. She said two of the plants are not available in Ohio. She said from her list, the city arborist suggested two substitutions for those plants: Bob White crabapple and syringa meyeri palibin tree. She added the deciduous shrubs on the west side may not be tall enough or provide the needed screening as said in the zoning code. Mrs. Stark said she is curious why all shrubs were replaced when some did not need to be. Mrs. Stark suggested these corrections can be done at construction document time.

Mr. Michael Tomsik was sworn in.

Mr. Tomsik said the owner will have a landscaper take in these comments to finalize the plan.

Mr. Blackley added there is a letter from the City Architect and Fire Department recommending approval. He said the color renderings are very nice and this will be an attractive building in the community.

Mr. Wantz made a motion to approve the Announcement of Decision for Final Development Plan and Architectural Review; with the correction to item #10 to strike “industrial addition”. It was seconded by Mrs. Stark. Roll was called. The vote carried 7-0.

OTHER BUSINESS

Mr. Blackley shared that at the April City Council meeting, Council agreed to allow Chardon Custom Polymers until December 2027 to install a sidewalk on Fifth Avenue; to allow time to adjust the project budget. The president of Chardon Custom Polymers agreed to that condition.

INFORMAL DISCUSSION

Mr. Chojnacki made the Commission aware this is an informal discussion about the applicant trying to gauge the Commission’s perspective on the elements requisite to obtaining a use variance. He said the applicant is going to put on a presentation, the Commission is free to ask questions and provide them comments. Mr. Chojnacki said the objective for Planning Commission is to give them information necessary for them to make a determination if they would like to proceed and formally submit, at a future meeting, to have a quasi-judicial hearing, as to whether they will obtain a variance or not. Mr. Chojnacki said anything discussed today, cannot factor into a decision if or when they come formally to present and ask for a variance. Mr. Blackley asked for an explanation of the importance of this use variance. Mr. Blackley said the City Code changed several years ago to require a use variance for a service station within this zoning area. Mr. Chojnacki said the use variance runs with the land, and city code has requirements that have to be met. Mr. Yaney said this requirement pre-dates his time as Community Development Administrator. He said there only used to be three C-1, C-2 and C-3 districts. C-3 was then split into C-3 and C-4. When that happened, gas stations were only permitted in the C-4 district. Previous gas stations in

the C-3 were grandfathered in. At the code re-write, those few gas stations were permitted with conditions and they had to be operational prior to the adoption of the code. This was done so if a station needed to be updated/remodeled, they would not have to go through a substitution non-conforming use process.

Kevin Drozin, Diane Calta, Tony Coyne, Ryan Roche and Owen Wolf presented to the Commission. They did not need to be sworn in, as this was only an informal discussion.

Ms. Calta explained this is a unique circumstance. She said Sheetz has a program where between every ten – fifteen years the stores are completely redone; which includes taking out tanks and pumps, the building is leveled and everything is reconstructed. The proposal is to move the current Sheetz business across the street to the former Rite Aide site. It will be a new Sheetz convenience store, which is a permitted use in the C-3 district as the code says today. She said it will include a drive thru that is an amenity to the entire convenience store. She said the highest volume at the store is the lunch hours. The drive thru will have a touchscreen which is a permitted accessory use under the code. It will also include the ‘Made-To-Order’ offerings which is permitted. The issue is the fueling stations which are not permitted. She said there would be six fueling islands – twelve pumps.

Mr. Drozin explained there will need to be five parcels re-developed. This proposal would expand the site with three entrances/exits. It would go as far west as Chardon Tire. The pickup window for the drive thru will be on the south end of the building. The entrance faces the intersection. There is parking on the east and west sides. The fueling canopies will be on the east side. Mr. Drozin said the fueling station canopy will be new/updated. It would be landscaped to code. He said the site would be designed to city standard and meet storm water regulations. Mr. Blackley clarified that the acquired roadway easements and sewer easements would be preserved. Mr. Drozin said yes. Mr. Blackley asked if they anticipate any other roadway improvements. Mr. Drozin said only if the traffic study says to. Mr. Blackley clarified the driveway on Wilson Mills will be the same entrance/exit. Mr. Drozin said yes. Mr. Meleski asked if there is a carwash. Mr. Drozin said no. Mr. Emmons asked if the old Sheetz building would be torn down. Mr. Drozin said no, but it will be decommissioned, and they will leave the site in better condition. The fuel tanks will be pulled out and the site landscaped. Mr. Emmons asked if it is typical to move to a new location or replace an existing Sheetz building. Mr. Blackley asked why this work cannot be done on the existing site and if the current Sheetz building could be renovated if this request does not go forward. Mr. Wolf said it could, but the proposal is twice the investment in the community. He explained Sheetz is currently leasing the building it is in now – and they have a lease agreement signed with the landlord for the former Rite Aide site. Mr. Wolf explained the current site is too small and their offerings have expanded. Mr. Wolf did offer Planning Commission renderings of the site. Mr. Wolf said the preference is to rebuild, but they could redo the current site. Mr. Wolf said the landlord gave permission to share to the Commission that there are no other economically feasible options.

Mr. Blackley asked if this proposal cannot proceed, would the existing site be re-developed. Mr. Wolf said the current store needs rebranding and is not up to Sheetz’s standards. Mr. Wolf said they would to the best of their ability re-develop the site but they are restricted at the current site and their preference is to move to the proposed site. Mr. Blackley asked if there are other sites in the city that can be developed for a Sheetz store. Mr. Yaney said that would be out by Wal-Mart, Fifth Avenue extension – but there are no corners. The one potential corner is where Meijer is going and the agreement with Iafallice prohibits another fueling station. There are not a lot of other vacant corners in town. Mr. Wolf said the only thing that would remain on the current site, is the building because that belongs to the landlord. Everything else would be removed.

Mrs. Stark asked since the gas station part would be gone, if another gas station were to come in, they would have to go through what process. Mr. Yaney said the use variance process. Mrs. Stark clarified because the building is in a C-3 district, the landlord could have another type of store as long as it complies with the code. Mr. Yaney said yes, or the store could be torn down for someone else. Mr. Blackley clarified

once the chain of the grandfathering is broken, there cannot be another gas station . Mr. Yaney said yes – not without going through the same process.

Mr. Wantz asked if the surrounding properties are C-3 as well. Mr. Yaney said yes.

Mrs. Stark asked when the tanks are dug up, how is the area left. Mr. Yaney said it would need to be landscaped. Mr. Wolf said they will comply with that. Mrs. Stark said that portion of the site will still be owned by the shopping center. Mr. Yaney said yes, Aveni Group is the owner.

Mr. Wantz asked if the driveway on Wilson Mills will stay. Mr. Wolf said yes, it will be full access. Mr. Wantz asked if the left lane into the site will remain on Wilson Mills. Mr. Wolf said if this proposal is to proceed, they will have a traffic impact study done. On Water Street, the full access driveway will be moved further west. Mr. Wantz asked if there are any potential issues with the utility tie-ins there. Mr. Courtney said not that he is aware of.

Mr. Coyne addressed the standards for the variances. He said the only item currently not permitted is the fueling station. Mr. Coyne explained the fueling station is an accessory to the café and convenient store. Mr. Coyne said he likes looking at standards for a use variance holistically – and said it is subjective to prove all of them completely. He said it is consistent with the code and the planning done for the master plan. Regarding the spirit and intent of the zoning code, he said the use is already there, it is just across the street. It will not adversely affect public health, safety, or the delivery services. It will not affect any adjacent properties in an adverse way. It won't alter the character of the area because it is already there, but this will be a much better facility. There was nothing done or created by the owner that makes this a challenge under the variance process. Mr. Coyne said the variance stems from the property being unique. Regarding economic viability, yes, other retail stores could go in the building; but that could end up being one off uses such as Goodwill stores or an urgent care center. He explained the previous Rite Aide/CVS buildings are designed too big, but are still in decent shape; so what ends up happening is the building is carved up. It could have a coffee shop, pizza shop, vape shop, convenient store or bank in a portion of the building.

Mr. Blackley asked Mr. Coyne to explain economic viability of this site more. Mr. Coyne said if you look at the economic viability standard that it can't be used for anything else, that is a really high standard. Mr. Coyne said all land can be used for something. Mr. Coyne said the economic viability of it could be for something else – such as being carved up into three different stores. He said it should be looked at what is the highest and best use, while being consistent with what the city's plans are. Mr. Blackley agreed and said the site could end up with something that is a slightly less desirable retail store. Mr. Blackley clarified what the primary use of the Sheetz is: either a convenience store or fueling station. Mr. Coyne said the convenience store is a huge part of the business model. Mr. Coyne said all aspects are connected.

Mr. Coyne added Sheetz is looking at an EV charging station option; but that still has to be evaluated. Mr. Emmons asked if EV charging is a permitted use in the C-3. Mr. Yaney said it is not defined as a use because it is so new. Mr. Wolf said EV charging companies will do market research to see if one would be needed.

Ms. Calta explained Sheetz started in the 1950s as a family-owned business as a convenient store. She added preferred sites are larger sites for larger parking stalls, landscaping and sidewalks. She said the level of security for Sheetz is very high.

Mr. Blackley reminded the Commission any decisions are not expected at this meeting.

Mr. Yaney explained the next step would be to apply formally before Planning Commission. Mr. Chojnacki said Planning Commission would need to consider the variance first. They would need to look at the factors to establish whether the applicant is entitled to a use variance. After Planning Commission makes that decision, if Planning Commission decides to proceed, that would be the appropriate time at subsequent

meetings. Mr. Blackley clarified that would be done without reference to a site plan or building renderings. Mr. Chojnacki said the decision is use on the site.

Mrs. Stark asked what is going on with the De Nora Tech site. Mr. Yaney said there is a potential purchaser with a potential submittal.

Mr. Blackley asked what is going on at the Jehovah Witness building. Mr. Yaney said interior renovations but they are staging construction equipment outside.

Mr. Peska asked what the decision was on the Maple Trace playground. Mr. Yaney said the playground was agreed upon.

Mr. Blackley asked what the status of the Courthouse is. Mr. Yaney said he heard possible completion in the fall.

EXECUTIVE SESSION – none.

ADJOURN

Mr. Meleski made a motion to adjourn the meeting. It was seconded by Mrs. Stark. The meeting was adjourned at 7:48 p.m.

Respectfully Submitted:

ANDREW BLACKLEY, CHAIRMAN

Rebecca Repasky, Secretary