

Planning Commission Meeting  
February 23, 2015  
Minutes

The Regular Planning Commission Meeting was called to order by Chairman Stanard at 6:43pm.

PRESENT AT ROLL CALL: Mr. Bolek, Mrs. Cooper, Mr. Fritz, Mr. Pogatschnik, Mayor Renda, Mr. Stanard

Others Present: Dave Strichko, Building Inspector, Aimee Lane, Assistant Law Director, Jeff Filarski, Village Engineer, Sherri Arrietta, Clerk of Council

Mr. Stanard asked if there were any additions or corrections to the Special Planning Meeting Minutes of January 26, 2015. Mrs. Lane stated that her name should be added under "also present" because she was in attendance at that meeting.

Mr. Stanard made a motion seconded by Mayor Renda to approve the minutes from the Special Planning Commission Meeting of January 26, 2015, as amended.

ROLL CALL:

AYES: Mr. Bolek, Mrs. Cooper, Mr. Fritz, Mr. Pogatschnik, Mayor Renda, Mr. Stanard

NAYS: None

MOTION CARRIED

Mr. Stanard asked if there were any additions or corrections to the Regular Planning Meeting Minutes of January 26, 2015. Mr. Bolek stated that on page 4, the second to last paragraph starting with "A discussion ensued"; it should read "A discussion ensued between Mr. Bolek and Mr. Kucia regarding the height of the columns and the suggestion that more thought be put into that architectural feature of the house."

Mayor Renda made a motion seconded by Mrs. Cooper to approve the minutes from the Regular Planning Commission Meeting of January 26, 2015, as amended.

ROLL CALL:

AYES: Mr. Bolek, Mrs. Cooper, Mr. Fritz, Mr. Pogatschnik, Mayor Renda, Mr. Stanard

NAYS: None

MOTION CARRIED

**Kahn Residence**  
35 Ridge Creek Trail  
Pool House/Pool/Patio

Mr. Matthew Wolf, with Wolf-Maison Architecture was present at the meeting. The Board of Zoning Appeals approved a 2.3 foot eave height variance for the pool house just prior to this meeting. Mr. Wolf stated that the pool house will have a sitting area, a bar, a locker room with a

washer and dryer in it, and upstairs will be Mrs. Kahn's "retreat" area. All materials of the pool house will match the existing house (roof, siding, overhangs, soffit details, etc.). The pool will be mostly shallow at 3.5 feet deep, and at the deepest portion of 11 feet, there will be a diving board. It will have an infinity edge to the one side of the pool. The pool will be mostly surrounded by concrete with a strip of tile by the house that looks like concrete. There will also be a water feature, a stainless steel spa and a recessed fire pit, which will be concrete as well. A cedar bench will back up to a concrete planter area and there is also a concrete square that will have a large pillow on it for sunbathing, as well as an outdoor dining area.

Mr. Stanard stated that the Village Architect approved the plans as noted: "Design Approval;" submit construction drawings- variance per Code", which was approved just prior to this meeting at the BZA meeting. Mr. Stanard asked how many trees will have to be taken down. Mr. Wolf stated four (4) trees will need to be removed but the homeowners intend to do some expansive landscaping on the side of the house to provide privacy. He stated that the entire backyard will also be fenced in. Mr. Pogatschnik suggested adding another gate in order to make it easier to get lawn equipment in and out.

Mr. Stanard made a motion seconded by Mrs. Cooper to approve the pool house, pool, and patio located at 35 Ridge Creek Trail and making note of the BZA variance approval to allow an eave height in excess of 2.3 inches above the allowable 9 feet requirement on the pool house, with the intent of making that eave on the pool house consistent with the eave on the existing house.

ROLL CALL:

AYES: Mr. Bolek, Mrs. Cooper, Mr. Fritz, Mr. Pogatschnik, Mayor Renda, Mr. Stanard

NAYS: None

MOTION CARRIED

**Kahn Residence**  
35 Ridge Creek Trail  
Additions

Mr. Matthew Wolf, with Wolf-Maison Architecture was present at the meeting. Mr. Wolf stated that Mrs. Kahn wants a big grand rear entry to the house. He stated that the little sliver of area between the two garages will be, in essence, a hallway from the drive port to the corner edge of the back pool area. It will have a flat roof over it. Mr. Wolf stated that the addition on the one side of the "hallway" will be a garage which will match the character of the existing garage, except it will have one (1) additional dormer. On the back side of the proposed garage, there will be a grill area which will include a bar, TV, and a pizza oven. He stated that this was an open area but will be closed. At the end of the garage, there will be an exterior shower, just opposite the location of the diving board. The lounge area will be open, but will include bug screens that can be raised or lowered, and will include a fireplace and a TV.

Mr. Bolek suggested that there needs to be consistency with the eave heights of both garages and therefore the eave height of the proposed garage should be brought up to match that of the existing garage. He stated that he likes the asymmetry of the dormers and believes that all the

different elements will help enhance the more contemporary centerpiece. Mr. Bolek stated that he has concerns with the 4 foot space between the columns and suggested widening the distance between the two in order to make the space less tight.

Mr. Stanard stated that the Village Architect has approved the drawings as noted; “design only, submit construction drawings.”

Mr. Bolek made a motion seconded by Mr. Pogatschnik to approve the two (2) side additions located at 35 Ridge Creek Trail with the suggestion that the eave of the proposed attached pool house be re-worked to integrate with the eave of the existing house by slightly adjusting the proposed attached garage.

ROLL CALL:

AYES: Mr. Bolek, Mrs. Cooper, Mr. Fritz, Mr. Pogatschnik, Mayor Renda, Mr. Stanard

NAYS: None

MOTION CARRIED

**Korner Residence**

70 Farwood Trail

Addition/Driveway

Mr. Todd Korner, homeowner and builder was present at the meeting. Mr. Stanard informed Mr. Korner that the Village Architect did not approve his plans. He stated that Mr. Kawalek’s notes addressed the “alleyway” being long, dark & narrow, the sliding doors should be replaced by French Doors (fire rated), and fire rated walls between the garage and the residence are required. There was also a comment needing further explanation regarding the windows and the site elevation and wall bracing details, and that a 6:12 roof pitch would be more appropriate than the 8:12, so that it would match the existing pitch on the south side.

Mr. Korner stated that regarding the “alleyway,” it is there so as not to add more square footage to the house (14 feet wide and 40 feet long) and he stated that it would be landscaped. He explained that he was initially going to tear the garage off the house but it has a studio in it and there is not enough room on that side of the property. Mr. Stanard stated that the addition of windows could possibly make it less dark, which is also what Mr. Kawalek suggested in his notes. Mr. Korner addressed the comments regarding the grade and explained that the grade of the land in the back does slope down away from the house; it is not all flat.

Mr. Bolek stated that there are so many things happening with so many conflicts, that nothing really looks resolved. He stated that there are odd conditions and too many different pieces going on that it is not a good semblance of architectural features. Mr. Korner asked if he needed to work with Mr. Kawalek on the plans. Mr. Stanard stated that it would be helpful to have approved drawings from Mr. Kawalek and informed Mr. Korner that it is very rare for this board to see not approved drawings. Mr. Korner stated that he was not informed that they were not approved because if he had been made aware, he would not have come before this board. Mr. Strichko stated that Mr. Kawalek returns the plans to his office and that the timing is pretty tight

before the packets have to go out. Mrs. Cooper stated that generally, they would try to get the plans to the applicant prior to the meeting; this does not happen all the time. Mr. Korner was advised to take the drawings back to the person that drew them up and make the appropriate changes identified by the Village Architect and to try to make some improvements to the design. Mayor Renda stated that Mr. Kawalek may be willing to meet with Mr. Korner to help advise him further. Mr. Stanard stated that there will be the same concerns for Mr. Korner's next item on the agenda which is for a detached garage. Mrs. Lane suggested that both items be tabled.

Mr. Bolek made a motion seconded by Mrs. Cooper to table the addition, driveway, and detached garage located at 70 Farwood Trail.

ROLL CALL:

AYES: Mr. Bolek, Mrs. Cooper, Mr. Fritz, Mr. Pogatschnik, Mayor Renda, Mr. Stanard

NAYS: None

MOTION CARRIED

**Rahim Residence**

80 Lancaster Court (SL 5 Moreland Mews)

New Dwelling

Ms. Corey Ringle, with Anthony Paskevich and Associates was present at the meeting. She stated that they are proposing a 4,020 square foot, two-bedroom home, with the potential for two more bedrooms in the future. It is two levels (main and lower levels) with stucco and stone façade as well as a two-car garage. Ms. Ringle stated that she dropped off site plan drawings today to Mr. Filarski and he had advised her that the setbacks were very close but the drawings are approved pending the topo and lot configuration. Mr. Filarski stated that the side yard setbacks requirement is 6 foot because this subdivision was approved by a judge, as far as layout goes. He stated that this proposed house meets that requirement. The finishes of the home are also similar to the others within the subdivision. Mr. Stanard stated that the Village Architect approved the plans with notes relating to making the glass block window an egress window. Mr. Strichko clarified that that area is where a future bedroom will go. He stated that it is suggested to make the egress window ahead of time, but since it is not going to be a bedroom now, it does not have to be. Ms. Ringle stated that the reason the glass block comes down as far as it does, is so that not too much of a change will be needed in order to make it an egress window in the future. There was question whether the third roof slope counted as a third roof pitch or not, since only two roof pitches are allowed. The Code section pertaining to the roof pitches could not be located for clarification.

Mr. Bolek made a motion seconded by Mr. Pogatschnik to approve the new dwelling located at 80 Lancaster Court (SL 5 Moreland Mews).

ROLL CALL:

AYES: Mr. Bolek, Mrs. Cooper, Mr. Fritz, Mr. Pogatschnik, Mr. Stanard

ABSTENTIONS: Mayor Renda

NAYS: None

MOTION CARRIED

**Orange City School District**  
33700 Chagrin Blvd.  
Bus Garage Renovation/Addition

Mr. Justin Fliegel with Van Auken Akins Architects, and Mr. Phil Dickenson, Business Manager for the Orange School District, were present at the meeting. Mr. Fliegel stated that they are proposing a 700 square foot addition to the existing transportation center on the back corner of the property and renovations to 1400 square feet of the building itself. The total square footage of the building including the bus garage is about 6,000 square feet. The primary purpose is to expand the bus driver's room so that they can have an adequate space when they arrive early in the morning and for afterwards to eat their lunch, prior to their afternoon routes. This portion is an expansion off the existing building and will create a separate entrance for the bus drivers with an overhang. This space will also be used for continuing education courses for the bus drivers. The restrooms will also be renovated because the existing restrooms are undersized and are located directly off the driver's room. The exterior material on the bus garage will be metal siding and on the existing small addition on the corner, they would like to replace the vertical vinyl siding with a metal siding to keep in line with the other building. The addition is located 400 feet from Chagrin Blvd. and is at 29 feet on the side yards (35 feet side yard setback requirement).

Mr. Bolek asked about the notations that the asphalt shingle and the metal siding are "alternates." Mr. Dickenson explained that if they needed to, for cost purposes, they would just put shingles on the new portion to match the existing, however, they would like to re-roof the entire thing, which goes the same for the siding as well. Mr. Bolek asked whether either way it is done, it will it keep it consistent and match. Mr. Fleigel stated that was correct and stated that the base bid is to replace all siding, all of the roof, and all windows, but based on pricing, they have to include deduct alternates. Mr. Stanard asked if there were any parking spaces being taken away because of the addition. Mr. Fleigel stated that none will be taken away where the building is; however, access is still needed around the perimeter of the building to get back to the condensing units and emergency generator. He stated that even if a few of the parking spots in the back are taken away for that purpose, they already have an excess of parking spaces for the drivers so there will still be more than enough spaces.

Mr. Fritz made a motion seconded by Mr. Pogatschnik to approve the design for the bus garage renovation and addition located at 33700 Chagrin Blvd. contingent upon approval of structural drawing approval from a third party.

ROLL CALL:

AYES: Mr. Bolek, Mrs. Cooper, Mr. Fritz, Mr. Pogatschnik, Mayor Renda, Mr. Stanard

NAYS: None

MOTION CARRIED

**Ordinances 2015-14, 2015-15, 2015-16, & 2015-17**

Mr. Stanard stated that these four ordinances will modify and amend our Planning and Zoning Code. Mrs. Lane explained that the Planning Commission's role this evening is to acknowledge that the ordinances have been recommended from Council for a Public Hearing to be held by the Planning Commission. She stated that discussion is not required tonight; only a recommendation for a Public Hearing, where further discussion can take place.

Mr. Stanard made a motion seconded by Mr. Fritz to recommend a Public Hearing at the March 23, 2015 Planning Commission Meeting for Ordinances 2015-14, 2015-15, 2015-16, and 2015-17, which will modify the Planning & Zoning Code, and with notice of said Public Hearing being sent to the newspaper by the Clerk of Council.

ROLL CALL:

AYES: Mr. Bolek, Mrs. Cooper, Mr. Pogatschnik, Mayor Renda, Mr. Stanard

NAYS: Mr. Fritz

MOTION CARRIED

**Discussion:**

Mr. Fritz asked if there was an update on the Sunoco property. Mrs. Lane stated that there has been no update from last month. She stated that she and the Mayor met with BUSTR several months ago, and it was determined that if there was a sale of the property, all their efforts would have to start at step one because they cannot leave off where they were if it's a new property owner. Mrs. Lane stated that the sale that was going to go through was stopped by the State or the County because the court was going to have the property sold free and clear of taxes that are due.

Mayor Renda made a motion seconded by Mr. Stanard to adjourn the meeting at 7:55pm.

ROLL CALL:

AYES: Mr. Bolek, Mrs. Cooper, Mr. Fritz, Mr. Pogatschnik, Mayor Renda, Mr. Stanard

NAYS: None

MOTION CARRIED

Respectfully Submitted,

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Sherri Arrietta, Clerk of Council

Planning Commission Training Session  
February 23, 2015  
Minutes

The training session began at 8:15 pm.

PLANNING COMMISSION MEMBERS PRESENT: Mr. Bolek, Mrs. Cooper, Mr. Fritz, Mr. Pogatschnik, Mayor Renda, Mr. Stanard

Others Present: Aimee Lane, Assistant Law Director, Sherri Arrietta, Clerk of Council

Mrs. Lane explained the outline of discussion as follows:

- I. Ohio Ethics Laws
- II. Ohio Sunshine Laws
  - A. Open Meeting Law
  - B. Public Records Law
- III. Role and Authority of the Planning Commission/BZA
- IV. Architectural Design Review
- V. Update on Technology Improvements

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- I. Ohio Ethics Laws**
  - 1. Members cannot solicit or accept anything of value
  - 2. Always ask if you think there could be a problem; this could be a criminal offense
- II. Open Meeting Requirements**
  - A. Open Meeting Laws
    - 1. All meetings are open to the public with the exception of Executive Sessions
    - 2. Members must be present to participate
    - 3. Can't discuss items on the agenda with other members; even discussing with one and passing along, could create a cumulative effect. Notice requirements; minutes are to be promptly prepared and accurate
    - 4. In Executive Sessions, the public is excluded, however third parties can be invited in if need be, but you must be cautious. Executive Sessions are used to discuss litigations, personnel, purchasing of real property, collective bargaining, which does not apply here. A roll call vote must be made to enter and come out of Executive Session.
    - 5. Anyone can challenge an open meeting law

**B. Public Records Laws**

1. Do not discuss public business via email; Even your personal email is considered public records.
2. Exceptions to public records are medical records, law enforcement addresses, etc.
3. All requests made for public records are made to the Public Records Custodian. Person making the request cannot be asked why they want the information, nor do they have to provide their name or address. The request also does not have to be made in writing.
4. Records Retention Schedule is created by the Village to determine which documents need to be kept and for how long. We are only required to provide what you have; if you don't have the record, you cannot provide the information.

**III. Role of the Planning Commission/BZA**

**A. Planning Commission**

1. Apply law as written only to the extent of what is in the Codified Ordinances.
2. We have a grant of authority from Council
3. The following applies to Planning Commission:
  - Subdivision of land
  - Lot splits (complies with requirements)
  - All developmental plans
  - Conditional Uses (require a Public Hearing) Planning recommends to Council for approval
  - Similar Use determination (does not happen often)
  - Code Amendments (initiated by Council & placed on first reading, Planning Commission holds a Public Hearing). Amendments can be initiated by the Planning Commission or a private person. If it was a non-residential use, it would go to the voters.
  - Environmental Regulations (Village Engineer handles this) anything relating to topsoil, hillside setbacks, riparian setbacks, etc.
  - Wireless Telecommunications Facilities
  - Signs

**B. BZA**

1. Variances: Area and Use
2. BZA is the final deciding body for Area Variances
3. Use Variances are recommend to Council for final approval
4. Appeals to Code interpretation (made by the Building Commissioner or Village Engineer)
5. Non-Conforming Uses (require a hearing process)
6. Resolve disputes for zoning district boundaries
7. The Findings of Fact must be stated in the minutes (11 factors)

**IV. Architectural Design Review**

1. Village Architect reviews and recommends to Planning
2. When the Village Architect feels there is a design issue, he can point it out

3. The Build Commissioner provides a Certificate of Plan Approval which includes all notes from the Village Architect, any Homeowner's Association Requirements, and Building Code issues.
4. Motions can include "contingent upon" approvals of Engineer and Building Commissioner, etc.
5. They discussed establishing a "set of standards" for submission and if they are not complete, they will not be accepting and put on the agenda.
6. They discussed changing the Village Architect's stamp to read "Recommended for Approval" instead of "Approved" so the Commission has the ability to vote "no" on a project.

V. **Update on Technology Improvements**

1. Two Smart T.V.'s will be installed within a month so plans can be viewed on the screens.
2. We will work on getting everyone to submit electronically from now on

The training session ended at 9:53pm.