

Minutes of the  
City of Bay Village Planning Commission Meeting  
Held June 15, 2022  
7:30 p.m.

Present: Jeff Foster, Rick Kirk, Dave Maddux, Warren Remein, Kendra Davitt  
(arrived after roll call), Jennifer Lesny-Fleming

Also Present: Shawnee Schuller (Secretary), Mark Barbour (Law Director)

Excused: Lauren Oley (Board Secretary), Pete Winzig, Eric Tuck-Macalla (Building  
Director)

Audience: Nick & Nancy Dadas, Branden Hudak, Nora Lamb, Emily Zinda, Talana  
Corson

*\*Full recording of the meeting is permanently available on the City of Bay Village website under  
Government/Planning Commission/View Most Recent Agendas and Minutes/Media*

Chairman Foster called the meeting of the Planning Commission to order at 7:30 p.m. with a roll  
call commenting that Kendra Davitt has not yet arrived to meeting and Councilman Winzig is  
excused.

Following roll call Mr. Foster called for approval of the minutes of the Planning Commission  
meeting held June 1, 2022

**Motion** by Mr.Kirk, Second by Mr.Maddux, to approve the minutes of the Planning Commission  
meeting held June 1, 2022.

**Nick & Nancy Dadas**  
**502 Cahoon Rd.**  
**Conditional use of a school: Acton Lakeside**

Mr. Foster introduced the main item on the agenda as Nick & Nancy Dadas at 502 Cahoon Rd.

Ms. Dadas introduced herself and thanked the board for having them. She advised they started this  
journey a couple years ago. They have 3 boys (ages 7, 7, and 2) and as they've approached school  
age, they were looking for something that didn't exist yet. They've tried a few different options  
and they just knew that the way they approach life and raise their family doesn't conform to  
traditional schooling. There are many variations to schooling, but they haven't found what they  
desire yet. One day they read about Acton Academy they realized that is what they desire for their

family and they've talked to other families that see that vision. Acton is an amazing network – there are about 270 schools around the world with plans to open 100 more this year. That makes Acton the fastest growing private school network that is out there. The backing of that network includes best practices on how to run a school, how to hire, how to find the right families, curriculum (even a day-by-day curriculum if desired) that goes pre-k through high school. Acton looks for entrepreneur parents and they want people that have a business background. Her and her husband been fortunate enough to run a business starting in 2003, in college, and still operates today. As they went down this process they realized they were the type of people that Acton is looking for. They were approved to open one and from there they started looking for the right location to bring their vision to life. Acton is not a franchise it's a network. They're basically adopting the Acton model, but then you're able to tailor it based upon your vision and what the community needs and desires. Their Acton is going to be faith based, which they let you decide, and in addition they want to have a focus on nature, getting learners outside as much as possible. They also want to focus on STEM and hands on learning. As they were looking for various locations they heard from Mayor Koomar that the library was up for public bid as soon as they saw it they knew that it would be wonderful. They've met with various city officials to gain feedback prior to submitting their winning bid. So today they're asking for conditional use to go from the library to the school and help their vision come to life. They've got 17 learners that have committed that want to be a part of the founding families – it shows there is such a need for additional options. Not saying that any one option is broken, this is just another option for families. The support has been astonishing. They've had conversations with Chief Gillespie regarding security the building. They're here to learn what the Planning commission has feedback on – their ultimate goal is to open in September. When they purchased the building, they didn't believe there was any way it would all come together fast enough, but the architect thinks they can get it done by 2022.

Mr. Barbour commented that the site is the 'old library'. The original old library now houses the board of education. In the late 70's the county library wanted to expand and build a new branch and a deal was worked out between the school board and the city of Bay Village and the county library whereby the school district would give the city, what is now 502 Cahoon Rd, and the library would give the school district the K.T. Allen building and the city would float the bonds to fund the construction of the library and give the library a lease. When that county library was done with the use of that structure, at 502 Cahoon, it would go to the city. That is how the city obtained that property. Prior to it becoming the library in 1980 it was part of the school district and prior to that it was an orchard. So, it has a long history of being a conditional use. This is the third residential district – the same conditional uses are permitted in a first and third residence district. Our code reads that one of the conditional uses is a school, public or private, so in order to switch the use from a library to a school the property owners need a conditional permit. The planning commission has the authority to set whatever reasonable conditions they find are appropriate under our code for that conditional permit. That is what this process is now. He would suggest they set this matter

for a public hearing and then anytime after the public hearing they can have another meeting or whatever they'd like to do. They should focus on the property, it's use, and its elements of the use and how can it adhere to our code as closely as possible and the effects to the surrounding communities and individual property rights and those things that are enumerated in the ordinance.

Mr. Foster commented that chapter 1124 is the section of the zoning code that Mr. Barbour referenced. As a technical submission under 1124.03 the standards for evaluating conditional use permits – those are some very specific things that they need from the applicant that says this property fits with what the code requires. He didn't see all that in their submission so that would be something they need to prepare. It's a lot about setbacks, lot coverages, etc. He would suggest that they read through and provide that information which is a requirement for the submission. One question that came to his mind was circulation or traffic – could they comment on that?

Ms. Dadas advised that the first thing they considered is when the middle school would have heavy traffic. They will be offsetting their start times from there – so they wouldn't add on to the traffic that the community faces. The middle school hours are 7:45 a.m. - 2:45 p.m. so they would open their campus at 8:30 am, with arrivals between 8:30-9:00 am, and let out at 3:15 pm. They've been working with Brandon and David Krebs at AoDK to ensure that they can get as many cars off of Oakland and Cahoon as possible and to ensure they have no line out into those streets. They did provide a drawing showing how traffic would come into the lot and be able to put a lot of cars in the lot to get them off Oakland. The Acton model is that the owner comes and greets them and welcomes them in and out of the cars and that is what will happen – and then they will go out the one way.

Mr. Dadas discussed additional traffic routing.

Mr. Foster stated that year one they might only have 20 students, but what about year 5?

Ms. Dadas replied that it still may not be that many vehicles – there is one family that is interested in bringing seven students.

Mr. Remein inquired where they see their families coming from?

Ms. Dadas replied that they are mainly from Bay. They are so early in the 'marketing' of this so the people that are naturally hearing about it are reaching out to them and many are from Bay.

Mr. Remein inquired if they are requiring that parents bring their students via vehicle?

Ms. Dadas replied that they will not have a bus service, but they will be permitted to walk/ride bikes as well.

Mr. Dadas added that one of the families lives very close and he's sure they'd be waking daily.

Mr. Remein commented that right now the drop off at the middle school is a horrible thing. He goes down Lake Rd. to avoid Wolf Rd. at the time the middle school is getting out – it's just blocked. He knows some parents and some citizens have talked to the police department, but there isn't much that can be done. He thinks that traffic is a valid concern. Let's say your school is wildly successful, beyond your greatest dreams, then you'd have 100 cars there – he sees that being difficult. He also sees that during drop off times – he wonders how the residents along that stretch will feel.

Ms. Dadas replied that she agrees and that has been something they've been cognizant of since the beginning. She doesn't think there would ever be 100 cars – there will likely be several learners per car. Those projections to get to 100 are in the wildest dreams and she's not saying they don't want that to happen, but she also thinks that's the most aggressive pathway. That building won't accommodate more than that.

Mr. Foster stated that a traffic study is something that is required as part of the conditional use process and that is part of them and their design team to go back and think about. They're here to 'what if' a lot of scenarios. They're under the assumption that when you come for a conditional use it's indefinite – beyond their lifetimes the building will be here. They need to think way ahead – how does the building expand, etc. Have they gone through that exercise, 'how many students does this fit?' because you don't really have space to add on.

Ms. Dadas replied that this really is a micro school. It's not intended to be the size of Bay Middle School. In an ideal Acton world 100 would be the most you'd ever want and even that would make it one of the larger ones in the country. She doesn't see a scenario where they keep adding on because that's not what it's intended to be.

Mr. Remein inquired if their LLC would be for profit or non-profit.

Ms. Dadas replied that it would be for profit. Across the Acton network you're allowed to decide, based on your scenario, and they would have an operating entity for the school and one for the building. One scenario they've considered is after some of the tax benefits that they could receive go away they could easily transition to a not for profit.

Mr. Foster inquired what is happening to the outdoor garden space and ADA parking?

Ms. Dadas replied that it would become a more raised garden where the learners can work, plant, and harvest.

Mr. Foster stated that it looks like where the meeting rooms are it would become a maker space/learner lab.

Ms. Dadas replied in the affirmative adding that it may be as simple as Legos for now, but it may become pottery or more hands on that aren't found in many school settings these days.

Mr. Foster remarked that it appears they've got a greenhouse proposed in the front yard?

Ms. Dadas replied that it's another dream scenario, but it's not something they'd be moving on anytime soon and they understand that would be a whole separate process.

Mr. Foster remarked that as they look at a submission the board would like to know, 'what are you building? And what is the 'master plan'?'. For instance, the parking/circulation/traffic is a massive planning exercise, as is a possible expansion because that all factors into your determinations of lot coverage. From what he understands, what stands there today could not be build by the current code.

Mr. Barbour replied that he doesn't believe it could. If they look at 1124.04 it talks about non-conforming uses of structures. Basically, it's a grandfather clause. He doesn't know the setbacks for that building, but just looking at it – it looks like it probably wouldn't fit the code now. It's probably too big and the setbacks are too close. There are also requirements for modifying the building down the road. They are allowed to modify a non-conforming structure, but only to a certain extent. Because it was a pre-existing conditional use when this ordinance was enacted (2005) and the site is grandfathered in as it currently sits. If they were to substantially change it then it becomes a different story. Per our zoning code, it has to be a school. The code doesn't give you much more guidance and since this code was adopted this was the first application for a conditional use permit for a school. How it meets your definition of a school is something for the board to consider. One thing the code would not allow is if someone bought this property and turned it into a proprietary school – like ITT Tech where you pay a sum of money to get a credential of some kind. It doesn't have as much to do with non-profit or profit. In Ohio compulsory school age children are required to go to school between the ages of 6-16. You have to demonstrate to the state of Ohio that schooling is being received. The opportunity for the planning commission is to ensure, for these applicants, that the property is being used that way and for those that live around there and for any future applicants. He would echo Mr. Remein's comments regarding the amount of people that are driving their kids to school.

Mr. Maddux inquired if it was sort of like a homeschool online model?

Ms. Dadas replied that there is no stay at home and zoom into the school, for example, it's not online in that way, but each learner would file as a home schooler in the district and then under the Ohio way their parent can then decide that they're homeschooling at Acton Academy. There is one other Acton in Dublin, Ohio and the way their proposing being structure is exactly how they're doing it as well.

Mr. Foster inquired what they will be doing about food?

Ms. Dadas replied that each learner will bring their lunch.

Mr. Foster stated that means there will be no food service which eliminates the need for that service and its accommodations on that site. The use of a library is a lot less intensive with some of those than a school.

The board and Mr. Barbour discussed home schooling requirements. Mr. Barbour advised that he is aware of certain attendance requirements either collectively or through individual parents, there are requirements for non-charter and charter schools, but he doesn't know what the requirements are for a home school cooperative setting.

Ms. Dadas stated that attendance will be tracked and it has to add up to 900 hours of learning. If they were a charter school they check it by days, 180 days, and for homeschooling it's 900 hours. The state requires one of two things – one is a portfolio that is reviewed by an accredited teacher (a teacher that has been approved review homeschool portfolios) or a standardize test. Their plan is to work with parents to decide what is best for their learner. They would make sure that one of those was submitted.

Mr. Barbour inquired what the instruction requirements according to the Department of Education?

Ms. Dadas advised that from what she can gather it's not really defined it's up to the parent.

Mr. Barbour inquired if another parent would be permitted to instruct other kids and visa versa?

Ms. Dadas replied that from what she understands he could.

Mr. Dadas added that they are looking for teachers that do have experience teaching the age children they're hoping to instruct. It's a mix of experience, their heart, and learning the Acton best practices.

Ms. Dadas advised they're been talking to a candidate that was at Ruffing for about 5 years and went on to children's Montessori in Westlake and another one was at a Montessori school in

Westlake for 17 years – so they do have significant educational experience. So, they'll be using their experience with the Acton Curriculum.

Mr. Foster opened it up to the audience for questions/comments.

Ms. Talana Corson, 511 Cahoon Rd, advised that she lives right across the street so she's very interested in learning what they're doing. She has one of the original old apple trees from the orchard. She is glad to hear they're considering Middle School times because there are times where she cannot leave her driveway. She inquired if they ever envision building a second story on the existing structure?

Ms. Dadas replied in the negative. Acton is meant to be a micro school. It's not intended to be a massive public school. The biggest change they envision is adding gardens. The goal is to keep it small.

Ms. Corson inquired how many children do they envision attending Acton?

Ms. Dadas replied that it will hopefully grow over time. The first year they have about 17 students that are interested in attending, three are theirs, they want to start small with people that believe in this approach. It's not for everyone. In a crazy best case they'd have 30-40 year two, but they're not going to grow just to grow. It's a Montessori approach/inspired where it is learner driven. There is no teacher in the front of the classroom lecturing to students with students sitting in desks and taking notes and regurgitating information back. She just got back from shadowing a school in Indianapolis, where she saw seven-year olds setting their goals for the day – which was amazing. They then had recess, because they had worked hard for 45 minutes, came back in and did a Socratic discussion where the guide asks questions, but they are debating with each other, then lunch, then back to a second core skills section and then all decided by them – followed by 45 minutes of writing on their own. It's not a teacher in the front of the classroom. They would like to bring people in from the community as well. In 5<sup>th</sup> grade they start doing apprenticeships in the communities – so there are some homeschool components.

Ms. Corson replied that she's looking forward to it.

Ms. DeGeorge inquired what the dates of their school year are?

Ms. Dadas replied that the Acton approach is quite different than public school. It's a 10 ½ month calendar year. You start in September, after Labor Day, then you go through June. The learning design is based upon 5-7-week periods. During those weeks the learners do hand-on projects. There is a public exhibition and that is what shows they're learning as opposed to tests. Then they take a 5–10 day break. It's a shorter summer, but then 5-10 day resets throughout the year. The

tuition is \$8,500 annually. They've done market research on where that puts them. The Acton guidance is to be about 10% less than the highest private school in the area. The highest school in the area is Ruffing at \$11,500 a year. It's really on par with Westside Christian.

Mr. Barbour inquired if there are recognized grades K-12? Is there a cap on how old the students are?

Ms. Dadas replied that it's a gray area with Acton. You won't hear the language of 'I'm in 2<sup>nd</sup> grade' you'd hear 'I'm in the spark studio. I'm in the middle school studio, etc. I'm in the launchpad studio...'. They've developed badge plans. The learners are working towards milestones on the badge plans once you have mastered the badges that you need then you've earned the right to go to the next studio. Those badges loosely tie to common core to ensure that at the end of the day they can go to college. They want to make sure that they have that knowledge without teaching to the test.

Mr. Barbour remarked that the reason he asked is for everyone's consideration. In granting a conditional use permit – some conditions need to be set. The purpose of those conditions is so that the applicant knows what can be done with the property and that the letter and intent of the zoning code is being met and the people in the community know what to be expected. One of the guidelines that could be used is that it shall be open to children from some starting age to some finishing age. If it were a regular high school it would say K-12, grades it becomes an issue. When you've moved on and it's been a conditional use and the condition has not been defined and someone wants to change the parameters for the school...

Ms. Dadas replied that the family is tracking the child – even though they're not technically, in that parents mind they'll be in 2<sup>nd</sup> grade. Something like that is feasible within the Acton model.

Mr. Remein remarked that there seems to be homeschool requirements from the state. If they are considering their schooling as homeschool then this board needs to know/understand those requirements.

Mr. Barbour commented that the city of Bay Village wouldn't be enforcing any educational requirements that may exist for any school. That's on the Department of Education, and the governing body, but he thought it was going to be a non-charter school.

Ms. Dadas replied that could be one route they could go. They know Brick Willis who founded CCS is Elyria and that is the route he has chosen to go – they're not opposed to that. They're leaning towards this because it gives them the most flexibility.

Mr. Barbour added that as he read the requirements for a non-charter school is that the instructor has to have a bachelors degree or an equivalent.

Mr. Maddux stated that he has a question about not relying on standardized testing. If they progress and go through high school how do you measure? How do you be competitive/be prepared for college?

Ms. Dadas stated that Acton that has been around for two decades. There are learners that have gone through from the beginning and have gone to college and now graduating. The overwhelming thing they're hearing is that college admissions officers are loving Acton kids because they are so different. If you're 7 and having these discussions and you're owning your learning at that age then you've got an amazing portfolio for college. Acton candidates really stand out. College isn't necessarily the path for every Acton learner. What is really amazing about that is because of the launchpad that they're finding people are able to get great jobs because of their real-world experiences, but most are still going to college.

Ms. Davitt inquired who the 'we' is when Ms. Dadas is speaking about the organization. Who is the decision-making body when it comes to curriculum and non-profit status?

Ms. Dadas replied that the parents won't have a lot of input when it comes to the curriculum. That's set by the guides in conjunction with us. At the end of the day we need to ensure we're educating people to be prepared for college and meeting those standards. Right now, it's an LLC and it's husband Nick and herself.

Ms. DeGeorge stated that when the middle school lets out many of those parents use that parking lot to wait for their children. Additionally, this time of the year during the baseball games people will park there too. People tend to use that as public parking – how would you address that? Sometimes habits that residents have are hard to break. She understands it's their private property, but she's curious if they've thought of addressing it.

Ms. Dadas advised she wasn't aware of that issue, so she doesn't have an answer, but they'll think on that.

Mr. Foster said that tonight they've talked about a lot of specifics. What they are here to do is to put guardrails on the conditional use. Ultimately if they don't hold up to that then the city has a right to say that they're not holding up their end of the conditional use. Everything they've talked about, and we've talked a lot about education – which they're not here to comment on, but it does lead to 'what is this'. It's important for the applicant to let this board, the city and the public, know what 'school' means in this instance. They have to consider what this entity might be 100 years down the line. It seems like you've got a pretty good grasp on what is need. There isn't really any

action to take tonight. If they could come back, follow the guidelines for submission for the building department there are certain deadlines to meet.

Mr. Barbour stated that he would recommend that they set it for public hearing so that the public can comment. Where they set the time and everyone can say whatever they want and then you can have your meeting afterwards.

Mr. Foster inquired if that would come after the formal submission?

Mr. Barbour replied that they made a formal submission.

Mr. Forster stated that his point is that reading through 1124 the formal submission isn't complete. It doesn't have all the information that they need to assess if it conforms to 1124. So that the public can see the full submission.

Mr. Dadas spoke to the fact that they're working with an architect and the building director to ensure that they are meeting the requirements. Could you help clarify what else specifically is missing?

Mr. Foster stated that they need a zoning evaluation. So, they've given the board what is there and how they plan to use the floor plan, but there are further exercises required about how they are going to use it day 1 and the future.

Mr. Remein stated that they want to see a metes and balance site plan. Number of parking, etc.

Mr. Barbour commented that after they receive those materials they could set the public hearing after that.

Mr. Foster stated that he would see that as the appropriate way to do that so that all that information has been vetted. The spirit of this is 'We support it, because it's consistent with the adjoining property and the use is consistent', but the devil is in the details.

Mr. Kirk stated that tying it back to an already established definition of how a school will operate and the definition of a non-charter, charter, or even public school is – so as they give the conditional use they can sort of tie back to and they will operate in this manner, which is already established.

Ms. Dadas inquired if they start as a homeschool would they require them to stay that way or within that is there flexibility down the line? To get a charter it's an 18 month to two-year process. That's clearly not what they want to do, but are they looking for you to commit to 'we are never going to pursue that charter route' because it's operating standard is different than a home school.

Mr. Kirk replied that in his opinion the conditions could be created in way that would allow you to come back if you were to change the use of the conditions that were agreed to. There would need to be an additional approval. There wouldn't be a carte blanche 'This is what we're approving, but if you want to change it that's fine'. That's the opposite of what they're trying to accomplish, but they realize its dynamic right now. They want to provide this conditional use in a way that articulates to them, you, the community exactly how it is going to be used – on some level.

Mr. Foster commented that use, from their perspective, has to do with hours of operation, flow of traffic, when people are there, how the building gets physically constructed. So, whether it's a charter school, homeschool, or religious academy – those other factors won't necessarily change.

Mr. Kirk clarified that he feels they are trying to identify what it is they're providing a conditional use for.

Mr. Barbour added that because the code doesn't give any more definition to what a school is Mr. Kirk makes a good point that the conditional use permit they are setting some sort of definition. In our code they call it a 'safeguard their guidelines' for what is a school so everyone knows going forward. If something should happen down the road and someone comes in down the line and says, 'I'm a school' you have a definition with a conditional use as to what it is. It would be nice to get some boundary established. As they work through this it could be possible to come up with a definition that allows for some expansion within that.

Ms. Dadas replied that the way they've described themselves as a for profit entity where children that are declared as homeschooler go to learn – that right now is their plan. Does that have any red flags as it relates to the planning commission?

Mr. Kirk stated that he believes they need to articulate that as part of their conditional use. How do we define school in this instance? Do we have to write down exactly what was said or is there some way to create a guideline that is already established to refer back to. School means 'this'. The type of school and what they're trying to do is less important than how to do make this a school since it's not defined in the code.

Ms. Dadas inquired if that is something they should propose as part of their submission or is that something they're going to be thinking of as well?

Mr. Kirk advised that what he has looked at is what has already been established by the Ohio Revised Code. They already have a definition of 'a non-charter non-public school is this...' or 'a charter school is...' so that's the easiest thing to do, but he doesn't have a way to define that if

you're not going to fit those parameters. If they aren't going to be using established definition then they need to come up with one.

Mr. Barbour stated that there may be more information from the Ohio Department of Education that would be useful.

Ms. Dadas commented that she's been working with the individual that runs the school in Columbus regarding requirements. He advised that essentially if you're going this route the requirements are the 900 hours and the reporting attendance and you're good. It's almost surprising how little is required by taking that route. She is struggling with how to define it further than what she just said.

Mr. Kirk replied that they will have to put some guardrails on it from some perspectives. If they sell and leave and someone else could come in and do whatever they want.

Mr. Barbour replied that there could even be another property down the road that uses this as a template for establishing a school. It's important for the city and the planning commission because they're setting a standard.

Ms. Dadas thanked the board for all the information and they're just trying to make sure they do everything they need to do to open in September.

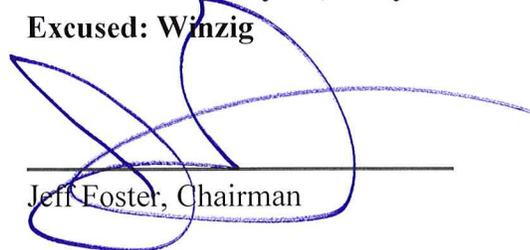
Mr. Foster stated that they're moving cautiously because it's new territory for them.

Ms. DeGeorge provided an impromptu council update given Mr. Winzig's absence. She advised that they are working through some potential dispatch changes.

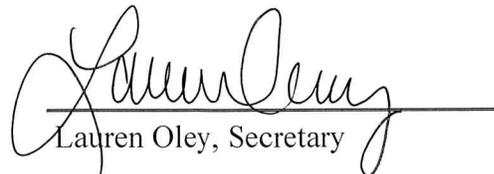
There being no further business to discuss the meeting adjourned at 8:33 p.m.

**Motion carried 6 yeas, 0 nays**

**Excused: Winzig**



\_\_\_\_\_  
Jeff Foster, Chairman



\_\_\_\_\_  
Lauren Oley, Secretary