

Minutes of the  
City of Bay Village Planning Commission Meeting  
Held August 3, 2022  
7:30 p.m.

Present: Jeff Foster, Rick Kirk, Kendra Davitt, Jennifer Lesny-Fleming, Warren Remein, Dave Maddux

Also Present: Lauren Oley (Board Secretary), Mark Barbour (Law Director), Eric Tuck-Macalla (Building Director), Councilwoman Lydia DeGeorge

Excused: Pete Winzig

Audience: Nick & Nancy Dadas

*\*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.

Mr. Foster called for approval of the minutes of the Planning Commission meeting held July 20, 2022

**Motion** by Mr.Kirk , **Second** by Ms. Davitt, to approve the minutes of the Planning Commission meeting held July 20, 2022.

**Motion carried 6 yeas, 0 nays**

**Excused: Winzig**

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

Mr. Foster introduced the only item on the agenda as Acton Lakeside. It was tabled last week for a larger quorum which is present this evening.

Mr. Dadas advised the board that they presented to ABR for the exterior and they were very supportive of the changing of the doors.

Mr. Foster remarked that they received the draft ABR minutes and confirmed that no board members had any questions or concerns.

Ms. Davitt provided a sample motion, 'Motion to approve the conditional use of Acton Academy, operating as Acton Lakeside, at 502 Cahoon Road to operate as a non-tax, non-charter school in accordance and conformity with its application to the Planning Commission provided that it continues to comply with all relevant Ohio Revised Code and Ohio Administrative Code provisions; does not exceed 100 learners; and continues to operate under the framework of the Acton Academy model.'

Mr. Kirk commented that he would like to make sure that the non-tax non-charter is tied back to a definition in the Ohio Administrative code.

Mr. Barbour inquired if perhaps they'd like to include the relevant code in their motion? OAC 3301-35-08 non-charter, non-tax supported school. He added that it's possible that ordinance could be changed depending on what the amendment/change is. Perhaps they should add language that says, 'as may be amended from time to time'. The purpose is that the conditional use complies with the applicable administrative code section governing non-charter, non-tax supported schools. This board wouldn't want to make a condition where it's permissible under the Ohio Administrative Code, but not with this board's conditional use.

Mr. Remein recalled that there is a discussion of 100 students – is that in there?

Ms. Davitt confirmed that it was and restated her motion, 'Motion to approve the conditional use of Acton Academy, operating as Acton Lakeside, at 502 Cahoon Road to operate as a non-charter, non-tax school as provided by OAC 3301-35-08 as may be amended by time to time and in accordance with its application to the Planning Commission provided that it continues to comply with all relevant Ohio Revised Code and Ohio Administrative Code provisions; does not exceed 100 learners; and continues to operate under the framework of the Acton Academy model.'

Mr. Remein inquired with the addition of the doors and extra outdoor space, which is a great thing, he could see the possibility or potential for there to be a lot of noise if they reach their maximum number of kids or have evening events. He sees the fence was reduced to 3' and he wonders if they want to make a statement about noise? He knows there are codes, but those generally apply at night. He referenced a previous issue with a hockey rink.

Mr. Barbour stated that was a residential setting rather than a school setting.

Mr. Remein suggested that they might agree to plant a green wall that would help prevent the noise or some other noise buffer.

Mr. Kirk pointed out that they wanted a 4' fence, but it's too tall for code so the city actually asked them to reduce it so they're in compliance.

Mr. Tuck-Macalla replied that only applies to the fence in the front. None of the fences have changed they're all 4'. If they wanted to keep that particular fence at 4' it would need to go to BZA. As far as noise codes, there really isn't much in the code that addresses that. It really just addresses construction equipment between certain times.

Ms. Davitt pointed out that the Middle School is right there and they have a lot of activities. Unless there has been a lot of complaints about their activities it doesn't seem like this applicant will have a wilder school with 100 kids.

Mr. Barbour added that he'd be hesitant to create a standard for this school that they have not created for other learning facilities in the city.

Mr. Remein stated that he knows of at least 3 people that complain about the noise at the high school all the time.

Ms. Davitt stated that at one of the meetings a neighboring resident came and expressed that she was pleased with it being turned into a school.

Mr. Foster stated that Mr. Remein's comments are well noted, but the site plan is what they reviewed, and approved, at the last meeting. To Mr. Barbour's point the sound expected with a school isn't any different than any other school within the city. If you live by a high school it's going to be loud when there is a football game or the band practices. If there was extraneous noise that is happening at midnight, he'd think it would be addressed with the building department regarding their operations.

Ms. Lesny-Fleming inquired what the rationale was regarding the referencing of the Acton Academy model.

Ms. Davitt replied that it was discussed at the last meeting. The board is comfortable with their school, but if they stop operating in 2 years and they want to sell the building then they can sell it to almost anyone and as long as they're following the other stipulations they could open their school – even if it isn't something that is good for the community.

Ms. Lesny-Fleming remarked that the Acton Academy model could drastically change in a few years and then they've got a conditional use that ties it to the Acton Model. Maybe they should say, 'as presented'.

Ms. Lesny-Fleming stated she'd feel more comfortable if it wasn't in there.

Mr. Maddux inquired which would be worse – the Acton model changes or they would sell to someone that operates differently? They were trying to be specific that this specific set up is okay, but if they decide to sell then they need to come back.

Ms. Lesny-Fleming replied that she doesn't mind the language, but she would say as presented.

The board, and law director, continued to discuss the specific language of the propose motion.

**Motion** by Ms. Davitt, **Second** by Mr.Maddux, to approve the application for the Conditional Use Permit of Acton Academy, operating as Acton Lakeside, at 502 Cahoon Road to operate as a non-charter, non-tax school as contemplated by OAC 3301-35-08, as may be amended from time to time, and in accordance and conformity with its application to the Planning Commission provided that it continues to comply with all relevant Ohio Revised Code and Ohio Administrative Code provisions and does not exceed 100 learners.

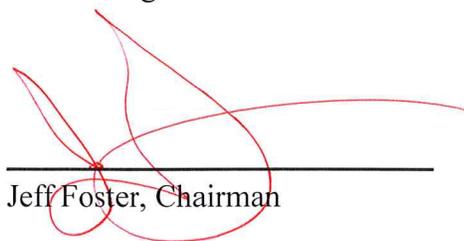
**Yay: Lesny-Fleming, Kirk, Maddux, Foster, Davitt, Remein**

**Excused: Winzig**

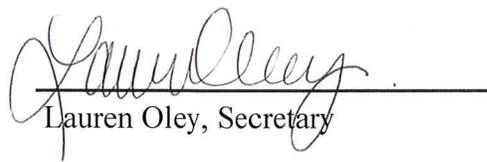
Motion Passed 6-0

Ms. DeGeorge provided a council update. They had a council meeting Monday night and the trustees voted to move the 'Bay Village' sign to the planning commission. The donor submitted specific plans explaining what he would pay for and what the trust would pay for. They also took care of legislative matters on Monday night. She also thanked Mr. Remein for his concern regarding noise. As someone that lives near a school, she's gotten used to it and actually enjoys it.

There being no further business to discuss the meeting adjourned at 7:50 p.m.



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



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