



CITY OF BROADVIEW HEIGHTS PLANNING COMMISSION MEETING MINUTES

June 15, 2023

Editor's Note: These minutes are not an actual verbatim transcript of the meetings, but merely intended to be a detailed synopsis of the discussion and decisions that took place during the meeting. Upon acceptance of the minutes by the Planning Commission, these written minutes will become the official minutes of the meeting. All recordings are kept and disposed of according to the Public Records Schedule of the State of Ohio.

The **June 14, 2023**, meeting of the Planning Commission was called to order by Chairman Kenneth Emling at 7:02 p.m.

ROLL CALL

PC MEMBERS

- | | |
|--------------------------------|---|
| ✓ Kenneth Emling, Chairman | ✓ Brian Culley (alternate) |
| ✓ Bill Ridgeway, Vice Chairman | <input type="checkbox"/> John Tamer (alternate) |
| ✓ Meredith Davis | <input type="checkbox"/> Vacant (alternate) |
| ✓ Andrea Staruch | |

COUNCIL & CITY OFFICIAL MEMBERS present

- | | |
|---|---|
| <input type="checkbox"/> Joe Mandato (Building Official) | <input type="checkbox"/> Jeff Hajek (Fire Chief) |
| ✓ Gina Zdanowicz (BZA/PC/Bldg. Dept. Admin. Assist.) | ✓ Joe Fleming (Assistant Fire Chief) |
| <input type="checkbox"/> Gary Yelenosky, PE (City Engineer) | ✓ Robert Boldt (Council Rep.) |
| ✓ Richard Pignatiello (Assistant Law Director) | <input type="checkbox"/> Tom Pavlica (Council Rep. Alternate) |

Additional CITY OFFICIALS present

- | | |
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| <input type="checkbox"/> Sam Alai (Mayor) | <input type="checkbox"/> George Stelmaschuk (City Council) |
| <input type="checkbox"/> David Schroedel (Service Director) | <input type="checkbox"/> Glenn Goodwin (City Council) |
| <input type="checkbox"/> Vince Ruffa (Law Director) | <input type="checkbox"/> Brian Wolf (City Council) |
| ✓ Joe Grandinetti (Assistant Law Director) | <input type="checkbox"/> Jennifer Mahnic (City Council) |
| <input type="checkbox"/> Dean DePiero (Assistant Law Director) | <input type="checkbox"/> Joe Price (City Council) |
| <input type="checkbox"/> Steven Raiff (Police Chief) | |

PC CASE #2023-03 – Bordeaux Crossings - Vacant Land Broadview & Boston Rd- PPN: 585-23-002.

**Site Address: Vacant Land Broadview & Boston Rd-
PPN: 585-23-002**

**Applicant: The MacIntosh Land Company, Limited Partnership / Petros Development
Owner(s): Zaremba Management Company**

The matter under discussion is at the request of Greg Modic representing The MacIntosh Land Company, Limited Partnership for a proposed B-1 sixty townhomes attached single family development located on the northeast corner of Broadview & Boston Rd. (asking for Final Approval).

Mr. Emling read the update from Building Department:

The Building Department and Engineering Department have reviewed the plans for Bordeaux Crossings and have the following comments:

The applicant is requesting the construction of 60 town homes in the northeast corner of Boston and Broadview Road that was recently rezoned from C-2 to B-1.

- **Building**- No variances are needed on this project. All the B-1 guidelines have been followed according to our codified. Petros Homes has met with our administration (Mayor, Fire, Police, Service and Engineering) multiple times to correct any inefficiencies. The project as submitted meets code.
- **Traffic** – Ingress and egress drives are located approximately 500’ away from Boston Road and Broadview Road Intersection. In January, Prime AE completed a traffic study for the proposed subdivision and surrounding road networks. After review of the study, it is concluded that the proposed development will have minimal impact to the surrounding road network. Due to previous resident concerns which don’t impact this subdivision the City is evaluating the intersection at New Hampton and Macintosh and will be discussing at an upcoming Safety/Service meeting.
- **Wetlands/Tree Removal** - There are a number of wetlands on the property. The applicant is requesting to fill 0.37 acres of isolated wetlands under the regulations of the Ohio EPA. Based on the USACE there are another 1.48 acres which won’t be impacted and will be protected during construction. The applicant has filed and received approval from the Ohio EPA to fill the 0.37 acres of isolated wetlands by purchasing offsite wetland credits. The remaining wetlands will be fenced off and protected during construction. Since the wetland fill permit is with OPEA, not the USACE there is not any restriction on tree clearing placed by Fish and Wildlife as part of the permit, therefore applicant is able to clear trees anytime.
- **Sanitary Sewer** – The proposed development will be serviced by an 8” sanitary sewer that will tie into an existing stub that runs from Andover Circle. The applicant is providing the City an access easement via a grass/gravel drive to access manholes outside of the right of way.
- **Pavement** – The applicant has provided a concrete and asphalt cross section and will select one based on the City’s preference. The asphalt section includes” 3” 304 aggregate base, 4” bituminous aggregate base 1.5” asphalt intermediate course, 1.5” asphalt surface course, and concrete curb and gutter (4” rolled curb). The concrete section includes 2” aggregate base and 6” fiber cement concrete.
- **Stormwater** – The proposed subdivision drains into a retention basin located at the north east corner of the property. There are a series of catch basins in the rear of the lots that drain between the units and eventually flow into the retention basis. The basin design meets the required Ohio EPA water quality requirements and far exceeds the City’s critical storm requirements. Basin maintenance will be the responsibility of the Home Owner’s Association.
- **Water** – The proposed subdivision will be serviced by an 8” water main which will contain a 4” loop around the cul de sac. The Cleveland Water Department is currently reviewing the proposed waterline.
- **Sidewalks** – As required by code the applicant is providing sidewalks to the interior of the subdivision. There won’t be any sidewalks along Boston or Broadview however applicant is grading and preparing the area for future sidewalks.
- **Snow Removal** – Applicant is providing a snow removal pad at the end of the cul de sac. In addition, the applicant will be stipulate in the HOA documents that snow removal for the housing units will not interfere with City plowing.
- **Buffers and Encroachments**- Currently there are several encroachments on the property which will have to be moved prior to work (swing sets/playsets, gardens, etc. – from residents in New Hampton). The applicant is constructing landscape mounds around most of the perimeter of the site to help provide screening for New Hampton and future residents of the Town Homes.
- **Parking/Emergency Access** – The proposed development will have four separate off street parking areas which provide an additional 18 parking spots. One of the parking areas contains the common mailbox for the development. The road width and geometry

was designed per City Code requirements and evaluated using the City's Fire Truck movements. The cul de sac and streets meet or exceed City requirements.

- **Landscaping** – Development far exceeds (57%) the minimum 40% required greenspace.

Mr. Emling asked the applicant to come forward. Greg Modic, Petros Homes spoke to the Board. He stated that he took some notes from the preliminary plan, and obviously when you step from preliminary to final there is a great deal of information that they had to prepare and put together, hence the larger plans and thicker binders associated with studies, that were put together and they have been working on. Mr. Modic stated that there are three take aways, that he has mentally kept in the back of his mind after the last meeting, which he had made commitments to, were that he would meet with the administration and talk with them regarding sidewalks and greater community connectivity around this area. He also made a commitment with the storm water management, and said he would make sure they would exceed the code requirements. There was also discussion on architecture as well. Regarding the sidewalks, he met with the City, and have had over a greater period of time, discussions of connectivity throughout the community. He stated that they do not show the sidewalks on their plan, but they have worked with the City to insure that they have easements outside of the right of way, so there is room to install sidewalks should there be a greater community program to grow the sidewalks and make connectivity. They have provided the grading to allow for it, so essentially they are prepped and ready to go for it, and they have discussed potential funding mechanisms with them that they are aware of. He stated they are working with NOACA and some other agencies. There are some financing mechanisms they can utilize that they are aware of. In their opinion it's something that is for the greater community, this project can help spur that and put it into place. Mr. Modic stated that he just wanted to be upfront with us, it was not on the plans, but are showing sidewalks internally and within it. He went on to state that he has spent a lot of time on storm water management. He challenged their engineers, and lost about a week of time getting the plans in, because he asked them to go further. He felt that it was indicative of what the City Engineer stated pertaining to storm water management, that they far exceed the City's critical storm requirements, and those are new requirements since the last time he was in front of the Board for a subdivision. Pertaining to architecture, Gary Naim will present that, and there is a Power Point presentation, that can offer some clarity for the conversations that happened within the caucus, and provide a better direction of what they are doing. Mr. Modic stated that the product that has been put in front, from an architectural perspective, is some of the higher quality architecture they have put forth on any of the buildings they have brought into this community, and he is proud to see them. As it pertains to public uses, there are a few things to discuss within that. They have the corner of property there, and there was a mention of a sign there, and the sign will be saved. They put together an easement, and just this afternoon, he was asked by the City Engineer, if they could expand that, and his response was absolutely, they will do that. The intention for that is to create a space for the community within there, at the discretion of the City. He wasn't one hundred percent sure what it would be, but they are going beyond that, to provide that space there. The City is looking at greater plans with regards to connectivity and everything in there. They are providing additional space associated with the public use within there. As he read "Site Plans for Public Use", the key thing he took away from it, was that a park, playground or other public use, if shown on a park or recreation plan or comprehensive plan be adopted. He didn't think there was one adopted, so he thought it didn't apply to this for that reason. He stated that a lot of communities that he puts in, unless it is on a much larger scale, those amenities aren't put in, because people are not using them, or the minimal use within them, people aren't wanting to maintain them over the years, and they go away over time. As it pertains to Community Facilities, Section 1246.06(d), it speaks to dedication to sites of character. They have the wetland areas and they are looking to preserve what is already preserved, it is put in a permanent covenant that will protect that area, and as he mentioned, they are looking to expand that corner to provide for the opportunity there, for public use, whatever that use may become. Mr. Modic stated that he is open to discussion with the Board, he always has been. There is no

doubt, that there is a limit to what they can do, from a financial perspective, but he thinks they have always tried to come into this community and do what is right. Mr. Modic wanted them to look at the plan in front of them, and discuss what they have done to exceed the code. Neighboring communities are at 20 ft. rear setbacks. They started rezoning it around 50 ft, and they have backed themselves all the way up to 80 ft, and have created mounding, so it looks nice. There is also an extension of trees and plantings along the entire perimeter to try and screen the neighboring properties, as well as, the roads for the new residents that are coming in there, and also create a great backdrop as you enter Broadview Heights. Mr. Modic wanted the Board to know that they really did try to come here tonight, and put their best foot forward in everything they did. They took to heart some things that were brought up at preliminary planning, and tried to adopt them here. Mr. Modic stated that he can answer any questions that they may have, and he appreciated the time and consideration of this Board. Mr. Modic felt this was a great Board, and he has always tried to collaborate and work with us. He takes in our feedback, and learns and grows from it project after project, and thinks that is what is in front of the Board tonight.

Gary Naim, Petros Homes, spoke to the Board. Mr. Naim stated that he has a Power Point presentation, but also has additional handouts, and he passed them out to the Board. Mr. Naim stated, that as Greg had mentioned, they have built variations of this product for several years across multiple municipalities across northeast Ohio. Each time, they have attempted to make improvements in different versions on their product. They are always trying to improve and stay up with the trends and designs for the area as well. He has taken feedback from consumers, and commissions, and tried to maintain a price point and a budget, which has obviously, as of late, become difficult. They have taken this feedback, along with the comments from the preliminary approval meeting, and enhanced the product further, to the point where they believe it's the best version of these types of homes, that they have ever built in northeast Ohio. They have paid particular attention to the massing of the buildings, per our recommendations to offset portions of the building, as well, as break up roof lines so there is not one contiguous ridge line, to make them look like individual units clustered together. They have also incorporated a large variety of architectural details and materials within each building itself. They've included materials like premium board and batten siding, they have some cement fiber elements in some of the units, some metal roof components, and they have introduced some cedar as well, along with updated garage doors and upgraded stained entry doors. They have also mixed in upgraded color combinations, premium colors within the building, to create individuality and uniqueness, which also creates value and diversity. Also by offsetting portions of the buildings, and breaking up rooflines, they have enhanced the character of the rear elevations as well, which was a concern. They have also concerned to further enhance the standard side and rear elevations on units that face Broadview and Boston Roads, as noted on the site plan included in the package, which they can review. Mr. Naim went on to explain that we will recognize the significant change in look and value that was made to the product, by adding some additional stone in certain areas, trimming out the windows, adding color enhancement, gable peaks with board and batten siding elements, which of course comes with significant cost to construct. Mr. Naim stated that they feel that the architectural themes and color combinations complement and enhance the area, and what has been built in and around it. He said we will also see in our packet, some alternate color elevations, that he can go over specifically. These variations will enhance the diversity of the neighborhood as a whole. They are also planning on some interchangeable features in certain mass areas for diversity, like lighter and darker versions of stone, as well as, implementing an alternative grey shingle possibly. Their plan would be to make the color choices of these buildings ahead of time, so as to create a diverse streetscape, and not put it in the hands of the consumer, so that they would make sure that there are no two consecutive buildings, and buildings that face each other would not be exactly the same.

Mr. Naim took the Board through the handout, talking about colors and universal selections, and went on to explain the different options available on the Power Point presentation. Mr. Naim

explained that Page 3 had some small architectural element changes in some of the plans, and explained those as well. The color choices would be predetermined by them, and as they go out and look at the land plan, placing these colors on there, they found that they have had the best success with that, by professional placing those colors, and not leaving the choice to the consumer, because typically no one can agree anyway. There are multiple owners in these buildings. If they have to have a specific color on the building, then they can pick that unit from that standpoint. Mr. Naim went on to another page, where they have tried to identify the areas beyond the base elevations where they are going to further enhance the side and rear elevations as denoted in yellow, by side elevations, and in blue by the rear elevations. Most of the buildings that are affected here are the master down types, and explained the color codes for the master downs, and the two story. When putting the material together, those are the ones that got shown, because those are the ones that are going to get built. They made further enhancements to the rear elevations, upgrading the siding, adding color variations, detailed large trimming out of the windows, and mixing in some color variations as well. The enhanced the side elevation, and finally there are two master bedroom up duplexes, where the rear elevations have been enhanced, so that the roof lines are broken up. They added gable peaks on the back of the rear elevation and large casing of the windows.

Mr. Emling opened up the discussion to the audience. He mentioned that they are trying to stay away from the discussion about the traffic issue, the City is looking into that, and they wouldn't be able to provide you with any update at this point.

Mr. William Tarter, 369 Wilmington Drive, spoke to the Board. He appreciated what we said about the traffic issue. His first question was regarding the analysis that was done from Prime AE Study. When he was looking at the traffic study, it was noted that 60% of the traffic is going to head north. He has also realized that the winery that is located at the intersection has added capacity and square footage in the past few years, and was interested in knowing if expansion of the winery was included in the analysis. Secondly, he wanted to thank Commissioner Mandato, who mentioned the Safety Committee conversation that took place last time. He also recognized that the Safety Committee is going to have a dedicated meeting in August. Mr. Tarter went on to say, that as a citizen, this is so important to him, because the traffic study that was done as a request of this development, noted that 60% of that traffic was going north, and in the NOACA analysis, was based on the current traffic number, of 2022, and not taking into account yet, this proposed traffic that would be added from the Prime AE study that was done. As a resident having a full understanding of the current state of that intersection in MacIntosh and New Hampton is important. Also, the traffic that will be layered in as a result of this development, based on the Prime AE analysis that was done. He is thankful the City will have a dedicated meeting in August. He felt it was important to understand that there will be an impact based on the Prime AE analysis, that 60% of the traffic is going north. As a resident, that was something that he took particular interest in, and would be interested in knowing how that is ultimately going to impact the entrances into the development.

Jaime Pedaci, 644 Andover Circle, spoke to the Board. She stated that her house backs directly up to the property, she is not located on either Boston or Broadview. She and her neighbors will be looking directly at the back of these homes. From an architectural standpoint, there was discussion, and her understanding, that there was a request to do more than just change a roof line. The back of these, apartment chic, are very boxy, and not something that she wants to look at. She appreciates that they want to do upgrades on public roadways, but they are taking down the trees that would block them. She stated that she knows they are talking about putting in mounds and trees, but if you look within the development, those areas that are backed up to houses like this, such as in New Hampton, there are large screens, she can't see them when it is summer time. All of that is going to be taken down. Again, the lack of gathering places, although there are sidewalks, is still an issue. There was discussion on what

the Board can and cannot do. She stated that there is case law out there, Bergman vs. Monarch, that she hoped that Council will look at that, and see if that would shed any light on the Board's position.

With no one else wanting to speak, Mr. Emling closed the public portion of the meeting, and brought the applicant back up again.

Mr. Emling stated, to just get Mr. Tarter's question out of the way, there is no additional information that he could share, and the City Engineer is not here tonight. They will make sure his questions, get to him. Mr. Emling thought it was a very good point, that if a study is going to be done, that the study should take into account this development when counting traffic, and should take into account, the recently expanded winery and additional parking spaces that they recently put in.

Mr. Emling stated, that with regards to Ms. Pedaci's questions, he thought we will get into that when we start talking about architecture.

Mr. Emling opened up questions to the Board.

Mr. Ridgeway said that he appreciated the enhancements of the architectural elements, and it was a significant jump from where they started. He looked at a couple of prior developments, like the one in Brecksville off of Snowville Road, and in Richfield, and this is beginning to approach the level of what he sees in Richfield, as far as details go. The detailing is very nice. He thinks that is what they were hoping to see for those major thoroughfares. It is the entrance to Broadview Heights, and makes a big statement. He is still trying to see the hindrance for providing the amenity, prior to turning this over to the homeowners, for some means to passively enjoy this wetland area, and or, at least even the retention pond, in some fashion of a walking trail.

Mr. Modic stated that the walking areas are difficult to place, because of the wetlands in those areas. It does not prohibit the restrictions that were put in place, that they are supposed to remain natural. It does not prohibit those individuals from being able to walk thru that area, or hike or bird watch in that area, and utilize the space. Their intention of the restriction was simply that they made commitments, that those areas that would remain to the residents that he met with in their backyards. They want to make sure it remains, so that at a later date, the HOA for this community doesn't come in and say this is a great space for a club house, or ball field or soccer field. There is nothing to prohibit that from happening. There is a stone path that does go back to the majority of that area to come around the pond. There are plating along those areas as well. The City, as they look at a master plan from a trail perspective, that's implemented and put in place, could help tie in the things that they are providing, as far as space along the perimeter. Mr. Modic went on to state that in their experience, the sidewalks are the amenity that the people use to walk their dogs and talk to neighbors around the neighborhood, not clubhouses, or large playground areas. The majority of these units are targeted at 55 and older, and they anticipate that they likely do not have kids, or older kids if they do.

Mr. Ridgeway asked if that the access portion of the retention pond is a gravel access. Mr. Modic stated that what they are actually doing with it is, a pathway that is defined with a stone section, with geo-grids to reinforce it and topped with topsoil so that grass grows within there. It is defined as you walk across it, and it is substantial enough to hold a vehicle. Mr. Ridgeway said that it appears that on the topographical survey part of this, that same level goes all the way around. Mr. Modic stated that was correct. Mr. Ridgeway asked if the overflow point was a depression in that area. Mr. Modic stated that it was. Mr. Ridgeway stated that theoretically,

people can continue to walk all the way around it. Mr. Modic stated yes, and it will be mowed and maintained.

Mr. Modic wanted to answer Mr. Tarter's questions. Their traffic counts were recent, and they took into account the current state of the winery. All that information was provided to the City Engineer, which he assumed, would provide to NOACA. It was his understanding that the City was in discussion with NOACA, but there have been no final studies that have been done at this point. He will make that report available directly to NOACA if needed, and told Mr. Tarter that he would be happy to give him his cell number, and he can call with any concerns with regards to the traffic study, and he will provide the answers to him. Mr. Emling stated that he appreciated that, and felt that they did what was asked of them. Of course the residents have concerns, and the City Engineer is taking them into account.

Mr. Ridgeway asked that he mentioned there was a last minute discussion on the additional easement, and asked if that was at the corner, and what it may be at this point. Mr. Modic stated at the corner, yes. Mr. Yelenosky asked him to sit down with him, and he will define as to what that was. There is a curb dimension line on the easement they have shown that calls to put in a sidewalk, and he said he is envisioning that, as being stepped back a little bit further. They also discussed specific language associated with that, because if they give it to the City for sidewalks, they may prohibit you from doing something otherwise. He will look into it and talk to the Administration and Law Department, what is the right language, to give the City the flexibility.

Ms. Staruch stated that she thought they were very attractive elevations. They coordinate well with the winery across the street. The only one, in her opinion, that doesn't have a lot of variation is the all black one. She stated that it just seems like a lot of black. On the landscaping, she wasn't sure about the legend, and if she could distinguish which trees were evergreens and which trees are hardwoods. Mr. Emling answered her, that you have to look at that legend, they are using the abbreviated term for each planting type. He stated that he went through the ones on Broadview, and the majority of them are some type of spruce or pine tree, and there are some hardwood trees as well. All of the street trees are Autumn Blaze Maple.

Ms. Davis stated that she appreciated the changes to the rear elevations, and the high impact areas that are visible from the street. She stated that she was a little underwhelmed with the duplex one, it still seems very plain and boxy. Ms. Davis asked if there are any of the sides of those duplexes facing the road, and asked if there were two. Mr. Naim stated yes, there was two on the site plan, it is actually like three of the four sides. Ms. Davis stated that personally, she would like to see that stone wrap go all the way back on those two units, where the sides are visible from the road. Mr. Naim stated that just the nature of a two story home is going to have stuff stacked on top. They have offset that building so that there is a side that goes up, so it's a lot different in a three dimensional standpoint. The stone that wraps around is sort of low from that standpoint. Mr. Naim stated that he talked about possibly just breaking up the gable, because that is probably the most expansive thing that you see, and break it up with vertical board, and that can easily be done. Mr. Emling asked for clarification. Mr. Naim stated they were talking about the side elevation of the duplex, and he was suggesting they break up the large gable, to create the board and batten look there. Mr. Emling thought that would help.

Mr. Cully stated that he had a question now. So we have a real suggestion by one of the Planning Commission members, and asked is that required. Mr. Grandinetti stated that he thought the applicant suggested that he be interested in doing that. Mr. Naim stated that he heard Ms. Davis' comment, and to enhance that, would be something they are willing to do. Ms. Davis thanked him.

Mr. Emling had some questions and comments. Starting with the site, is the pond meant to be a dry pond, or will there always be some water in there. Mr. Modic stated that it will be a wet pond, and explained it. Mr. Emling asked if everything around it be grass, or will there be plantings as well. Mr. Modic stated that there won't be areas that will be wet all the time, it will be grassed down, and referred him to the section of the plans to explain it. Mr. Emling stated that he thinks he saw on Page 2 of 20 that there will be street lamps. Mr. Modic stated that they are showing street lamps at the intersections. Mr. Emling pointed out the various locations. Mr. Modic stated that typically the street lights are at intersections and sharp curves in the roads, but he will be happy to put them in, he would talk with the Service Director and Engineer, and any recommendations from the Board, as for the placement of them, but they are currently shown at the intersection of Broadview and Calistoga, Calistoga and Bordeaux, back in the cul-de-sac of Bordeaux and Boston, and about half way down from Calistoga going down Bordeaux. Mr. Emling stated, his opinion would be, to put in all of them that they show on drawing 2 of 20. He asked if they had any cut sheet of what those lights would be, and asked if they were LED's. Mr. Modic stated that he was just in a meeting with Ohio Edison and First Energy. They have certain tariffs with PUCO, which they have to provide a specific light at a specific rate to a City, and that is the current one you see through Broadview Heights, which is the high pressure sodium, but he knows that they are trying to get away from that and change over to LED's. The struggle they are having is they have to change their tariff with PUCO in order to allow for the LED's. So at this point, he can't say which type of lighting it will be. Mr. Emling clarified that someone else puts the light in. Mr. Modic stated that was correct. Mr. Emling wanted to clarify with Mr. Modic that they will agree to install the quantity that is shown on Page 2 of 20, in the locations that they've shown, with the understanding that someone else will put the fixtures in. Mr. Modic stated that is correct. Mr. Emling asked if each homeowner gets a gas lamp next to the driveway. Mr. Naim stated that typically with townhomes they don't put lamp posts in, because of having very little room and the utilities and trenches, it is problematic. Mr. Emling stated that it is critical that all the street lights go in. Mr. Ridgeway clarified that the garages will have carriage lights. Mr. Modic stated that was correct.

Mr. Emling stated that was all the questions he had on the site. He made the comment that it was disappointing that they just got the Power Point presentation this evening. He stated that this would have gone a long way toward reviewing all the elevations, because the Power Point tells a much different story. Mr. Naim apologized for the process of development, and explained the person who does it had some issues, but he will be happy to answer any questions. Mr. Emling stated that the information in the packet is harder to follow, not labeled, and he wasn't sure which one was which, until you get to the drawings in the back. It made for a much more difficult review to him, as to what they were trying to do. Mr. Naim stated that he also felt with multiple submissions that it might be confusing, and better to just present in person. Mr. Emling recommended that they do a three dimensional modeling, it tells a much better story overall. Mr. Emling went on to ask questions and added comments about the different elevations, and color variations and what he liked and did not like. He asked the intent as well, and whether he would use all the variations throughout the development. Mr. Naim stated that their intention would be to use a combination of them, at least four. Mr. Modic explained that during the preliminary plan, there was a comment made with regards to diversity amongst the street scapes so it's not the same building throughout, and he stated that is what the intent is here, is to allow the diversity to be created, so the buildings next to each other aren't exactly the same. Mr. Emling asked if there will be a rhyme and reason to how the colors are laid out, and clarified that there won't be two of the same next to each other. Mr. Naim stated that was correct, not next to each other or across the street from each other. Mr. Emling proceeded to go over each color scheme with them and whether he liked them or not, and why. His reasoning was because he didn't want the buildings to look like one giant block, and would like them to stick with the ones that break up the units more.

Mr. Cully had a color question. He wanted to know if the homes will be built and then sold, or the other way around, where the owner will get to pick the color. Mr. Naim stated that they will chose the color ahead of time. Most of the units will not be started until there is at least two sold in a four unit building. Mr. Cully asked what if there are two sold in a four unit building, and those people want a specific color. Mr. Naim stated that they will have to go to a building that is going to have that that color. Mr. Cully clarified that Petros will be picking the color. Mr. Naim stated that was correct.

Mr. Emling stated that he appreciated the fact that they are looking to enhance the backs of some of the units that might have a presence on Broadview Road. Mr. Emling wanted to recommend that they add to their plan. If you start northwest, the forpleks there, they have the side but not the back, and it is very close to some residents, and as he is driving south on Broadview, he will see the back of that unit. He would consider that something that could be enhanced. He also mentioned the two units that make up the entry off of Boston Road, he could see the rear of those being enhanced as well, as you'll see those heading east and west down Boston Road, and also the residents that live behind there. He also mentioned the unit next to it directly to the east, both of the forpleks', he asked that they took a look at enhancing the rear of those. They will be seen from the street and the residential areas around them. Mr. Naim stated that they pointed out initially that the setbacks are significantly further, and that they do have mounds and trees there. Mr. Modic said as you are on Broadview Road heading south, there are areas behind the folks that lie on New Hampton, that are trees, and is wooded, and that will remain. They will also have a 6 ft. mound with 6 to 8 ft. tall pine trees on it, which will block the view coming down Broadview Road, and will buffer the neighbors as well. On Boston Road, coming from the east heading west, there are substantial plantings of pine trees along the backs of New Hampton that will screen that all out, and in addition the same 6 ft. mounds with pine trees. Mr. Emling went on to go through the packet with regards to enhancements on the roof lines and gables and siding, and had some questions, which Mr. Naim answered. Mr. Naim agreed to the side elevations of the duplex units, which is shown in the small box window, they would break the gable up and install a vertical backboard, just on the ones with enhanced side elevations. Mr. Modic clarified the two duplexes that are backing up towards Boston Road at the end of the cul-de-sac there. Mr. Emling clarified that it was just vinyl siding. Mr. Naim stated that was correct. Mr. Emling asked if there was a reason why he couldn't do that on all of them, because it looks much nicer. Mr. Modic stated that the challenge they face when they create a community like this, is trying to create a differential from a price point perspective to drive people to certain units. Mr. Emling clarified that the difference in that vinyl siding is going to have a price point difference between those units. Mr. Naim stated that where they brought them from until now, has brought a significant cost. To add cost and value to this, based on the recommendations to work with us, they had to prioritize and pick and choose in certain areas. Mr. Naim stated that he understood the request and they will incorporate that thought into the color variations, and not being too dark or too monotone, they can accomplish that. Mr. Emling asked to see the materials that will be used. Mr. Naim and Mr. Modic brought samples of the various materials that will be used on the buildings, and explained each of them and where they will be used. Mr. Ridgeway had a question about the light grey shingles, and asked if that will be mixed and matched. Mr. Naim stated that it was something they wanted to present, and make it a little more diverse. Mr. Ridgeway felt that with the grey shingle, some of the other colors do pop a little better. Mr. Naim agreed.

Mr. Emling made the comment that he is an architect, and he and his team make many presentations to various Planning Commissions and Architectural Review Boards, and it would have helped them out significantly if they could have made a board for each color scheme, with larger samples, making it easier to give them the approval that they want. He felt that no one would disagree with him. Mr. Naim stated that they brought tonight what they have brought to

every other meeting. They have been taking the Board's guidance, and trying to implement everything, and will continue to do so based on the discussions and comments on color. He agreed that there were more things that could have made it easier to review tonight. Mr. Emling stated that this case is a hot topic, everyone has their eyes on it, and they want to make sure they are doing the right thing, and give them the guidance that they think is important. Mr. Modic appreciated it, and will incorporate those things as they move forward.

Mr. Cully made the comment to Mr. Modic and Mr. Naim, that they build at their own peril. If they don't paint the house correctly and it doesn't sell, that is on them. Mr. Emling is an Architect, so he is making suggestions to them, which they can take or not take them, but ultimately it's up to them. Mr. Modic stated he has always welcomed the feedback of this Commission, and tried to incorporate everything they can throughout, and put their best foot forward.

Mr. Ridgeway stated that there are probably not a lot of other opportunities within this community for a development like this, so he is looking at it like it is a Petros legacy in a sense. Mr. Ridgeway stated that they have built a lot of things in this community, and this is sort of their concluding project. These last little bits of information that has been passed on from each of the members, he would challenge them to look at it in that sense. This is the gateway coming into Broadview Heights, and when they see it, they are going to say it is a Petros development. Mr. Ridgeway stated that he owns a Petros home and is very proud of it, and he is just looking at it that way. Mr. Naim said that he appreciated that, Broadview Heights is home to them in a lot of ways. They want this to be something that they, and the City are very proud of. They will take the Board's comments to heart about that.

Mr. Boldt said that we heard both sides of the argument and appreciation. He stated that he also owns a Petros home, and was very proud when he bought it, that the house next to him and two doors down, were not identical to his. Sam Petros has always done that, and he stated that he was glad they are doing it again. Also he felt that they made improvements to the backs of the buildings, and they put time and effort into changing it, which is appreciated. He agreed with Ms. Davis' comment, he too, was not impressed with the townhouse with one flat color, and said if they can do something about that, it would be appreciated as well.

Ms. Modic commented if it was clear in the record, Ms. Davis asked for stone and they looked at the architectural element higher, because landscaping will block it, and they did commit to, and will incorporate that change, on the upper peak there.

Mr. Emling acknowledged the fact that Petros has done a lot, everything that they have asked, and it is appreciated. He explained that he may sound critical, but he is just trying to do his job. Mr. Emling went on to state that he is 50/50, or maybe 51/49, and would love to see something that would wrap all of this up into a final clean package, where he understands everything, i.e., color schemes they have selected, and which one is going where, the rear of the units that are enhanced, all the elevations for the duplex units. Mr. Emling explained that there is a big weight on their shoulders to do the right thing as the Planning Commission on this project, and asked if they would be open to coming back in two weeks, giving us that final package, and then vote at that point.

Mr. Modic stated that with regards to the color schemes, he didn't think they have anything pre-defined or could they at this point, it is a sales driven thing, what the customers will buy. They have committed to next door and across the street won't be the same, but the mix may lean heavily towards one vs. the other depending on what the customers like. They have committed to the perimeter and the enhancements they will put in here. They took into account the Board's feedback on a color scheme that you didn't like, and are committing to

that. He felt that painted a very good picture of what they were willing to do, and committed to do. With that, the hindrance within coming back in two weeks, for something that is spelled out here and committed to, is simply the start of the construction season, as well as the recess that will be coming with Council, who needs to act upon our recommendation tonight. The recess is almost all of July and August, which pushes out the construction season. Their timing of submission was very driven and intentional towards getting thru this process and he believed they have captured the comments and feedback of the preliminary plan here.

Mr. Boldt stated that Council does meet on July 10th, if they come back on July 28th, they will be on Council's agenda for July 10th.

Mr. Cully commented that we are asking them to delay for two weeks, because the Board doesn't like the aesthetics of a building. Mr. Emling stated that wasn't true. Mr. Cully asked for clarification. Mr. Emling stated they he didn't think they provided a package that clarifies what they are doing. Mr. Cully asked if that was on the aesthetics of the building. Mr. Emling stated that was correct. Mr. Cully does not believe it is in the purview of this Planning Commission to have anything to do with the aesthetics of the building that they are building. Mr. Emling made the comment that he wasn't sure what they have been talking about for the last hour and a half then. Mr. Cully agreed with him, and stated that is why he hasn't said anything. Mr. Emling stated that was a topic for another time, Mr. Cully stated that it is a topic for now, because he is asking them to delay for two weeks. Mr. Emling said that Mr. Cully stated his opinion. He asked if there were any other comments, and made the statement again that he was 50/50, but he is not the only Planning Commission member.

Mr. Ridgeway read the Chapter of "Planning Principles, Chapter 1246. "1246.01(A) Intent. The planning principles established in this chapter are intended to be fundamental principles to be applied with professional skill in the planning of land so as to produce attractive and harmonious neighborhoods, convenient and safe streets and economical layouts of residential and other land development". Mr. Ridgeway stated that it is perfectly fine for the Board to talk about the attractiveness of any development in this community.

Mr. Cully stated that he agreed 100%, what he didn't agree with is that we can't hold them hostage. Mr. Ridgeway stated they are not holding them hostage. Mr. Cully stated that we are holding them hostage, your saying you don't like the aesthetics of their building. Mr. Ridgeway, stated that they didn't say that either, they asked for clarification as to the layout of where they apply. Mr. Cully stated that we are asking for clarification on aesthetics, that he does not believe we have authority over. Mr. Ridgeway stated that we have parameters to talk about. Mr. Cully said we have our lawyer here. Mr. Grandinetti answered, that The Planning Commission can absolutely talk about the aesthetics and the harmonious nature, and make suggestions and recommendations, as to the aesthetics of a proposed project. That is totally okay, and it's within the purview of Planning Commission.

Mr. Modic stated that he values the feedback, and he has committed to doing that. Being in front of these commissions numerous times, these are the most complete packages that they have put together. The only hiccup he is foreseeing, is if you take the site plan and say each building will have this elevation from this package. He just can't do that because from a sales perspective, he doesn't know which houses will be which. If one is driving more, they are going to shift towards that, but still committing to the fact that they won't be side by side or across from each other.

Mr. Emling stated that he is willing to work towards making a motion, but wanted to list down what they have agreed to.

1. The colors, document Page 4 – color variations that they recommend that they use either of the two, and next page, white espresso vertical was recommended. The all white vertical and horizontal was one that we would not want them to move forward with, it looks too much like one unit. The cypress paneling on the next page has a nice look to it. Espresso and Driftwood had the same problem, it was too monochromatic. Mr. Emling asked if they would agree to that. Both Mr. Naim and Mr. Modic stated that they would.
2. The second thing they talked about was on the duplex units, the enhanced side elevations would have a stopping point, and they would switch to the vertical board and batten siding on all the duplex sides as they identified as being enhanced. Mr. Naim stated that was correct.
3. Install all the light posts installed on sheet 2 of 20 of the Subdivision Improvement Plan, understanding the utility company will install what they have. Mr. Modic stated that is correct, and he will press for the LED lighting.

Mr. Modic stated that the additional item was:

4. Providing additional space as provided by the City Engineer and the Administration on the corner of Boston and Broadview Roads for the easement area and define the language with it.

Mr. Emling asked if he had missed anything.

Ms. Staruch asked Mr. Emling if he wanted them to agree to go back to Safety Service Committee. Mr. Emling stated he didn't know one way or the other.

Mr. Modic stated that for what it's worth, the final vote comes out of Council, and Council as a whole, votes on Safety Service as well as at Council.

Mr. Boldt stated that Greg was right, but there is a problem, it wasn't passed from Safety Service, but you will be recommending it to go to Council and bypassing Safety Service, that will allow in the future, developers to bypass a committee to go to Council. Earlier, prior to Council, he firmly believes, unless the lawyers tell him differently, that it should go to Safety Service first and then to Council.

Mr. Modic stated that he is in disagreement, and there are plenty of lawyers in the room, so correct me if I'm wrong, but procedurally Safety Service was a recommendation from that committee to the Planning Commission, and this committee is recommending it to Council who is the ultimate vote of approval. Mr. Cully stated that the Safety Service Committee punted and made no recommendation. Mr. Boldt stated no, they did, they did not approve it. Mr. Cully said so they rejected it. Mr. Boldt and Mr. Modic stated that was correct. Mr. Modic commented, that for the record, it was in opposition to their administrative staff and professionals that recommended approval and agree with all of their stuff. Mr. Modic asked Mr. Grandinetti to correct him if he was wrong, but procedurally, the recommendation comes out of Safety Service to this committee for them to consider it, and their recommendation then goes back to Council, and Council is the final vote.

Mr. Emling stated he is in no means the expert here, but with all respect to you, if feels like the Safety Service Committee did vote against it, but they authorized it to move to us. So it didn't get bypassed, they had their review, and moved it to us, and here we are. They could have not moved it forward, if that wasn't an option to them.

Mr. Cully asked what where their options. Mr. Boldt stated that they could not decide about traffic, and snowplowing in the development. Mr. Modic stated that was resolved. Mr. Cully wanted to make sure he understood the question. In that committee, what were the options of that committee that could have said no or yes, what were their options, and what did they pick. Mr. Boldt stated that they did not approve it. The Council meeting happened, and he stated that he and Vince talked about letting them come here, for time constraints, so they did not stop the developer from going forward, and asked Mr. Modic if that was correct, because he was in the room that night. Mr. Modic stated that it was given, and he believed there was actually discussion within it, that, is this a recommendation to them, because it was, the vote was 4 to 3 no. There was extensive conversation pertaining to traffic on an intersection, that their license professionals stated there is no impact in that surrounding network area, it was clearly stated by professionals and confirmed by the City Engineer and Police Chief, the Fire Chief and the Building Commissioner, who were all there that evening.

Ms. Staruch noted that their minute's state "Mr. Wolf stated that we cannot prevent this from going to the Planning Commission, but we are not sending it with any approval". Mr. Boldt stated that is o.k. When it goes to Council on the floor, they will decide if it has to go back to Safety Service prior to voting on the motion.

Mr. Emling stated that he felt more comfortable having Council make that decision, then here at the Planning Commission.

Mr. Grandinetti stated that it is his understanding that the Planning Commission can move forward tonight and proceed with what the safety experts have stated and what was provided to you, and let Council go ahead and let them do what they do.

PC MOTION BY: Kenneth Emling **SECOND BY:** Bill Ridgeway

For Final Approval with the following conditions:

1. The applicant uses only the color schemes that were agreed to tonight at the meeting, and won't build any that the Board was not in favor of.
2. The sides of the duplex units that are enhanced, have the change in siding from horizontal to vertical.
3. All of the light posts that are shown on Drawing 2 of 20 of the Subdivision Improvement Plan, be installed in those locations, and at the same quantity.
4. The applicant is open to allowing some type of easement at the corner of Boston and Broadview Roads for the City to do some type of enhancement, with specifics being agreed upon at a later date.

Before the vote Mr. Cully stated that it seemed to him if they go ahead with that motion, that they are setting a precedent that we can vote yes with conditions. Mr. Grandinetti stated that has always been the case. Mr. Cully stated that it isn't a precedent then. Mr. Emling stated no, and Mr. Cully understood.

VOTING:

	<u>YES</u>	<u>NO</u>	<u>RECUSE</u>		<u>YES</u>	<u>NO</u>	<u>RECUSE</u>
Kenneth Emling	✓	<input type="checkbox"/>	<input type="checkbox"/>	Brian Culley	✓	<input type="checkbox"/>	<input type="checkbox"/>
Bill Ridgeway	✓	<input type="checkbox"/>	<input type="checkbox"/>	John Tamer	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Meredith Davis	✓	<input type="checkbox"/>	<input type="checkbox"/>	Vacant	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Andrea Staruch	✓	<input type="checkbox"/>	<input type="checkbox"/>				

APPROVED DENIED POSTPONED TABLED REMOVED

OLD BUSINESS:

Mr. Cully stated that he made the recommendation for sidewalks and wanted to know if anything moved on that. Mr. Emling stated that he would have to talk to the Council President, that is the next step for it to move forward.

NEW BUSINESS

None.

COUNCIL UPDATES

None.

APPROVAL OF MINUTES:

Kenneth Emling: Moved to approve the Planning Commission meeting minute from March 22, 2023 and April 26, 2023. All those in favor say "Aye."; those opposed, none. Those sets of minutes are approved.

Mr. Emling stated that with no further business to come before the Planning Commission, he will make a motion to adjourned the meeting at 8:36 pm. All those in favor say "Aye.", those opposed, none.

CAUCUS: The Caucus Meeting began at 6:35 pm. and ended at 6:53 p.m. The meeting recording is available for public inspection upon request.

 Kenneth Emling, Chairman
 Planning Commission
 City of Broadview Heights

Approved Date: _____

Respectfully Submitted,

Gina Zdanowicz
 Building Administrative Assistant
 Board of Zoning & Planning Commission Secretary