



# CITY OF BROADVIEW HEIGHTS PLANNING COMMISSION MEETING MINUTES

August 10, 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 **August 9, 2023** meeting of the Planning Commission was called to order by Chairman Kenneth Emling at 7:00 p.m.

## ROLL CALL

### **PC MEMBERS**

- |                                |                            |
|--------------------------------|----------------------------|
| ✓ Kenneth Emling, Chairman     | ✓ Brian Culley (alternate) |
| ✓ Bill Ridgeway, Vice Chairman | ☐ John Tamer (alternate)   |
| ✓ Meredith Davis               | ☐ Vacant (alternate)       |
| ✓ Andrea Staruch               |                            |

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### **COUNCIL & CITY OFFICIAL MEMBERS present**

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

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### **Additional CITY OFFICIALS present**

- |  |                                     |
|--|-------------------------------------|
| ☐ Sam Alai (Mayor)                         | ☐ Steven Raiff (Police Chief)       |
| ☐ David Schroedel (Service Director)       | ☐ George Stelmaschuk (City Council) |
| ☐ Vince Ruffa (Law Director)               | ✓ Glenn Goodwin (City Council)      |
| ☐ Joe Grandinetti (Assistant Law Director) | ☐ Brian Wolf (City Council)         |
| ☐ Dean DePiero (Assistant Law Director)    | ✓ Jennifer Mahnic (City Council)    |
| ☐ Steven Raiff (Police Chief)              | ✓ Joe Price (City Council)          |

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### **PC CASE #2023-10**

**Site Address: 10035 Broadview Road**

**PPN: 585-17-008**

**Applicant: DHA Architects, LTD., David Harala Architect**

**Owner(s): Mark Paine, Hy-Tech Products**

**The matter under discussion is at the request of DHA Architects, LTD., representing Mark Paine, Hy-tech Products Inc. to construct a 12,000 sq. ft. addition for the expansion of an existing warehouse located at 10035 Broadview Road (Preliminary Site Plan Approval)**

**Report by the Building Commissioner and City Engineer:** The rear setback will require a 25' variance from the required 50'. Planning Commission would have to approve before they send to BZA for the variance. Once approved by BZA it goes back to PC for final approval.

The application is for the Expansion of Existing Warehouse. The current site is within an E-2 Light Industrial Zoning District. The site fronts on Broadview Road and has on the north side a lot zoned E-2 and on the south Towpath Road. The addition is a 100' x 120' added on to the existing building. The following requires are for an E-2 Light Industrial Zoning District.

Usage – Office Warehouse	Complies
Side Yard - 25' minimum, 75' minimum both sides	20' & 55' Shown - Complies
Rear Yard – 50' minimum	25' Shown – Variance Req'd.
Height – 75' Maximum	One Story Shown – Complies
Max Lot Coverage – 40%	Approx. 40% Open - Complies

The site plan shows no eight additional parking on the site. There is an existing building off of Towpath Road to the rear of the site. Engineering does not feel that a rear yard variance would have any effect on the adjacent parcel.

David Harala, Architect, spoke to the Board. Mr. Harala stated that Hy-Tech Products is looking to expand their existing warehouse. They deal in products that other companies don't carry, and is true with all products. They are looking to expand for their current need, as well as their future needs. The two buildings will be connected, and they will require a variance on the east side of the building, which is the only variance they will need. The building will match the existing building's masonry and brick that is there. The height will not exceed anything that is currently there now, it is just an extension of what they have in the warehouse, they just need more space. If they need a fire separation between the two buildings, they will do that with a fire wall and a fire door. They haven't looked at it in depth yet, to find out if the area increases, if the code allows us, will it allow us in total square footage of what they are looking for.

Mr. Emling opened questions/comments to the audience. There were none.

Mr. Emling opened up questions/comment to the Board.

Mr. Cully confirmed with Mr. Harala that the height will match the existing warehouse. Mr. Harala stated that was correct.

Mr. Emling asked Mr. Harala, that when he refers to it as a two story, it's really not two story, just a taller building, single story. Mr. Harala stated that it was a one story building. Mr. Emling asked if there will be any windows around the building. Mr. Harala stated that instead of skylights that they have in the current building, they are going to install windows in the upper portion of the new building.

Mr. Cully asked if the parking spaces are the correct size, to spec. Mr. Harala stated that they are. Mr. Cully stated there are trees along the east side of the building, and asked if they would be cut down. Mr. Harala explained that some of them will, only because the grade of the adjacent property looks like they put fill there, and they have to remove it, and he was sure some of the trees will have to come down with it. He went on to explain that with respect to their neighbor, they will do some re-planting, to make sure they have a nice buffer between the two. Mr. Cully asked if the trees are left, will there be any issue getting in between the buildings. Mr. Harala stated no.

Mr. Emling wanted to make the point, that because he didn't submit any information regarding the new addition, in terms of the aesthetics or design, what the Board would be approving tonight, if it passes, is the preliminary site layout, and recommending that your variance request go to the Board of Zoning Appeals. If it gets approved at the Board of Zoning Appeals, you would have to come back to the Planning Commission for preliminary approval on the design as well, and then for a final after that. Mr. Harala understood the procedure.

**Mr. Emling made a motion to approve PC Case # 2023-10 for Preliminary Site Plan Approval, to move the variance request to the Board of Zoning Appeals.**

**PC MOTION BY: Kenneth Emling** \_\_\_\_\_

**SECOND BY: Bill Ridgeway** \_\_\_\_\_

**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

**PC CASE #2023-12**

**Site Address: 2256 W. Royalton Road**

**PPN: 584-06-018**

**Applicant: Krystyna and Andy Pietrzycki**

**Owner(s): Krysna Pietrzycki**

**The matter under discussion is at the request of Krystyna and Andy Pietrzycki at 2256 W. Royalton Rd. for a variance to erect a 6’ vinyl fence beyond the front setback of the proposed house. 1312.06(D) (2) (c) all other fences are prohibited in the front yard unless approval is given by a simple majority of Planning Commission.**

**Report by the Building Commissioner:** If variance is granted tonight, no work can commence until house drawings are submitted and fully approved. No fencing can be installed without a main dwelling. All variances expire one year from approval date.

**Report by the City Engineer:** The applicant is requesting to install a 6” fence along the western property line of the lot. Per Section 1312.06 (d) (7) (c) 4. of the City of Broadview Heights code a 6’ fence is permitted but it required to be in the rear yard. This fence would be in the front of the house but would be the continuation of an existing fence on the adjoining property. The proposed house on this property is setback further then the house on the west side and the fence would provide screening for the rear yard of the other lot. The Engineering Department will review for grading and drainage if approved.

Andy Pietrzycki, owner of 2256 W. Royalton Road spoke to the Board. Mr. Pietrzycki stated that he is looking to install a vinyl fence as a continuation of the existing neighbor’s fence. He and his neighbor have had issues, and he is trying to continue the peace amongst each other. He stated that it didn’t really make a difference if they continued the fence, or he did. With the house being placed some 300 - 400 ft. back, it will give them screening and keep them from having any issues with them, because there have been several issues with said neighbors. The fence will be a 100 ft. run up to the house when they do build it. The whole intent is that he just doesn’t want to have issues with anyone. They want it to be quiet and to be left alone, that is their whole intent. The other neighbor has a stockade wood fence, he feels vinyl would be better, because it can be easily maintained.

Mr. Emling opened up questions/comments to the audience.

Alex Archer, 2296 W. Royalton Road. She stated that she is the neighbor that Mr. Pietrzycki was talking about. She explained that she is a teacher, and went on to make a presentation using the analogy of a classroom with a student that doesn't follow the rules, the rest of the class and a teacher. The point she was trying to make, was that there are rules and policies in place to insure safety. They can be inconvenient at times, but they are in place for a reason. Ms. Archer went on to state that there were 7 or 8 people that attended the Board of Zoning meeting last week, that spoke against the variances for him. She went on with her presentation saying, picture that these 7 or 8 people come to you to talk, they consistently follow the rules and work to improve the neighborhood. There is a particular person that has repeatedly broken the rules, and made others feel unsafe. As she was presenting, Ms. Archer held up cards with the words noise, trespassing, and parking violations to the Board. She went on to state that a week later this person comes to the Board to break another rule for his own benefit. The group from before implores us not to allow it, as it would erode their trust in us, some are even considering moving. Ms. Archer wanted to leave the Board with this last comment, she stated that we as a Board are responsible for making the City the best it can be. Does Mr. Pietrzycki really deserve this special privilege in this case. The decision seems clear.

Karen Churchill, 2166 W. Royalton Road. She said she spoke last week at the Board of Zoning Appeals meeting and if you were there, you know that she was not pleased with how the decision making from the free holders came down. She lives up on a hill, and the fence that is proposed is a white fence, and it will be ugly. The whole beauty of their neighborhood is in question. Ms. Churchill went on to state that last week's free holders took an escalating situation, you had neighbors on every single side of this property, that was opposed to it, and it was allowed anyways. She doesn't really know what to say. A fence isn't going to make it pretty. Is it going to make it worse, she didn't know that either, it's going to be a white glaring fence that she will see from her kitchen. What she really didn't want is the way it's turned out to be in the first place, with a great big pole barn, that he is going to put a tractor trailer in. She is opposed to that, and she feels like the City doesn't care. She lives in an old house that she grew up in. She took it back from her mother when she died, and she wanted to live there her entire life, and now she feels like it is in jeopardy. The other people, besides the ones behind her, didn't even come today, because they felt it was futile. They are now arguing over a fence, when the situation was really the big pole barn that is going to be the atrocity in our backyards. There is nothing she can do except tell us how she feels, and she speaks for the other neighbors. She understood Mr. Pietrzycki wants to have a life too, and that's fine, she wishes he could have a life, a life somewhere else, because their woods are being destroyed. There is nothing she can do about it now; it's already mowed down. Every single person that knows she lives on Rt. 82, all ask her the same question, what the heck happened two doors down from you? She tells everyone the story.

Jeff Vinca, 2296 W. Royalton Road. Mr. Vinca stated that on October 2022, he used a large CAT machine with some kind of grinding attachment. In the aftermath at least eight of their trees 3 to 6 inches in diameter were destroyed, and there is no way to know how many smaller trees were destroyed, because the machine ground them up and ran them over if they were small enough. A massive amount of splinter wood, and many trees were left fallen on their property. He spent hours cleaning up the mess of trees that were either knocked over onto their property, or fallen on to the remaining trees. A lot of splinter wood is still there today. He did much of this after dusk. Shortly after that he decided to mark the property line because of his negligence. He tied string between their existing property markers and put markers along their existing property markers, in hopes this would not happen again. He made no attempts to recognize his wrong doing, or even talk to them about his plans at all, so it made sense for him to mark the property line. He obtained a survey in January of 2023. Between then and May he used his chainsaw at restricted times. In mid-May, he came with a spray paint can and marked trees that he wanted cut down. A group of people cut down the trees he marked. On the first

day, 80 to 100 ft. trees that were on the property line less than 20 ft. from his own survey markers, were cut down. That night he called the police to document the damage because he didn't know if they would come back and grind up the stumps. Between then and June, he used a wood chipper and a chain saw a number of times into the evening. On June 7, a group of individuals returned to cut the rest of the trees down. He parked on their lawn, and that is the first time he spoke to him. He told him he couldn't park there, and he scoffed, and said yes he can its public property. On Royalton Road you can't park on the street at all, let alone on someone's property, especially not near a fire hydrant. Mr. Vinca told him he cut their trees down and offered to show him. He said he didn't have time, and called the police and said he was being harassed, and they were on their porch. That night, he hung a flag on one of the stumps facing their house that said "Don't like me, F off problem solved". Since then he has moved logs and other debris on their property over the line, and in doing this, he has left many ruts and tread marks on their property. He has done logging after 7:00 p.m. and on Sundays. The amount of noise they have endured is maddening. At the end of June, the Building Department came out and took pictures, and they provided them with all of this information. He has pictures documenting the damage each time it happened. They finally got a fence because they couldn't take it anymore. They hated being in their back yard because of all this, and they can't enjoy their wooden lot because there is so much noise, destruction and intimidation. He claims they are harassing him and he has been slowing down his construction. The City has time restrictive rules for logging, construction, using heavy machinery because it is disturbing and loud. They just want to live there in peace. He also claimed that they do construction on Sundays and it is a double standard. The one occurrence was their fence guy using a nail gun for two hours and he didn't even let them know, it wasn't them. That compared to him running his chainsaws, wood chippers at times he isn't supposed to on a consistent basis right next to his house. He used string to demonstratively show the cutting down of the 80 -100 ft. Red Maple and Red Oak that were on the property line. The Oak was 120 years old and the Maple was about 80 years old, he counted the rings. Any trespassing by them was to document with photos and videos of the destruction of our property. He wants a gaudy vinyl fence in the middle of the woods butting up against their wood fence, and it is going to look terrible in contrast to the wooded lots in the area. Maybe if he wants privacy, he should plant a line of trees.

Joe Price, representing City Council and Board of Zoning Appeals. He stated that they never want to see two neighbors pitted against each other. There are definitely some struggling issues here. The property owner has a right to develop his property, that was respected by the Board of Zoning Appeals. Mr. Price stated that he did not appreciate someone accusing a Board of Zoning member of taking a bribe. These are volunteers that are on the Board, they don't get paid to do their job, so they shouldn't be accused of situations like that. The other thing he wanted to say was, we all can look at something that becomes a created hardship, or practical difficulty. The house didn't have to be pushed that far back. Maybe it is a benefit in this case, because of the situation between the two neighbors. He felt that this was a created practical difficulty by putting the fence along there. It will close off the neighborhood and make the neighborhood look somewhat institutional.

Jennifer Mahnic, representing City Council. City Council sets rules and regulations so that they have peace, order and tranquility in the community. If we have rules and they are changed constantly, you get situations like this. She happened to have a former neighbor, where she built a 700 ft. fence, so for her it was a good decision, but it was also not in her front yard, it was in the back of her house, and she had to follow the rules that are set here. If the neighbors would be okay with this, maybe it would make sense. She was very shocked by the amount of things they were saying that has been going on, and has continued to go on. We need to help them stop this nonsense. Ms. Mahnic stated that she is asking us to respect our rules and regulations that we do have, and listen to what the people who are living there right

now want, which is not a vinyl fence in front of the yard. If you allow this, what will you say to the next person who wants to have a 6 ft. vinyl fence in their front yard.

Mr. Emling opened up discussion to members of the Board.

Mr. Mandato stated that this isn't a variance situation, in the ordinance, it says all fences are prohibited in the front yard, and this given approval is given by majority of Planning Commission. He just wanted them to know it isn't a variance, and he wanted to make that clear.

Mr. Emling stated that obviously there is a lot going on here that is not going to be solved tonight, and it isn't their job to try and solve that. There are two sides to every story. He had a few questions for the Building Department. He assumed the setback that this house has from the street is allowed. Mr. Mandato stated that was correct. He also clarified that none of these structures exist as of today. Mr. Mandato stated that was correct. He confirmed that a building was approved at the Board of Zoning Appeals last week. Mr. Mandato stated yes, an accessory structure/garage, 220 sq. ft. over what is allowed, and the drive going to the garage. Mr. Mandato stated that Mr. Pietrzycki isn't allowed to excavate anything for that foundation, unless the house is approved and being built at the same time. Mr. Emling asked if everything followed the rules of the Building Department for the site clearing. Mr. Mandato explained that everything was done in Engineering, the Building Department doesn't have anything to do with the site work, so pictures weren't taken by the Building Department that was Gary Yelenosky in Engineering. Mr. Mandato stated that it sounds like everything was done fine when he talked to Gary. Mr. Emling asked about the work after hours. Mr. Mandato stated that is all documented with the Police Department.

Mr. Cully stated that he agreed one hundred percent that we have ordinances and rules in place. If you ask for a variation, you have to come to us and explain why you want to do it, other people get to comment on why you should or shouldn't do it, and we decide whether we should grant that variation. For the audience, it is never a good idea to accuse someone of taking a bribe. They are just talking about the fence tonight, he was sad to find out they have this whole thing going on, but this Board is only concerned about the fence. He had a question for the people that were objecting to the fence, is it the style or you do not want it there at all. Ms. Davis stated she had the same question. Ms. Archer stated that it is the fence being there at all. Their fence ends where the grass part of their yard ends, and then the woods start. Their fence ends right about where the little stream is and that is where all the animals currently cross thru the property. The deer go thru everyone's front yards and that is where they pass thru, and without that they will have to go in front of the houses which they have done many times, and that is not something that they want. She would like to leave the woods to the wildlife that is in the woods, and their fence allows that to happen, and his would not. Mr. Cully wanted to clarify that her objection is aesthetic. Ms. Archer stated that if there is going to be a fence, she would then like it not to be vinyl, she would like it to be wood, natural. The preference would be no fence at all.

Mr. Price wanted to clarify that it was not an indictment on everybody in this room, it was one person that got argumentative with Scott Maitland from the Board of Zoning Appeals, and sent it out to Public Record. There was no name mentioned, he does not know who the person was, but you don't win arguments by making outlandish comments. Mr. Culley agreed with his point.

Mr. Emling explained that his opinion is that, although this is not technically a variance, it basically is, because they are being asked to permit something that is not permitted by the current zoning code. Variances are based upon a hardship, and he does not see that here, so

when they vote, he will vote no on the fence. He would be in favor of a line of trees, if he wanted to plant them.

Ms. Davis asked if Mr. Pietrzycki would object to changing the type of fence. Mr. Pietrzycki stated that he would not, he could go with a cedar fence. He is just trying to limit his exposure to said individuals to stop any ongoing issues. Mr. Pietrzycki went on to state that a lot of allegations have been made about him, and that is fine, they are entitled to their opinion, he has never been sited or charged by police for anything. There is a lot of hearsay, a lot of misleading information, especially at the last meeting for the pole barn. I understand their feelings are hurt, but they had plenty of time to purchase this property years back. They said he is going to devalue their properties, he is building close to a million-dollar house there, there properties will go up in value. He is going to make it look nice and manicured. With them finding out he owns a semi company, they think he is going to bring his trucks. He cannot bring semi's there. He does hazmat work and he is regulated. They want to believe what they want to believe. He cannot get insured for certain reasons and a lot of things have been blown out of proportion, and he is not going to back down from these individuals. It's has been hell since day one, and he was sure it will be that way until he is done building the house. He said he was sorry to use the kind of language that he did, but it should have been an easy process with everything he is doing. He paid for a survey, he doesn't have it on camera, but they were pulling the property stakes out. He had to pay an additional \$1500.00 to get rebar in the ground so they couldn't take them out. All of this is just silly, and makes no sense to him. They don't want him there; he has destroyed the land that they think they are entitled to. They could have purchased it and had it for themselves, but they didn't do it, and now he is the big bad wolf in this scenario, and it is very irritating. He stated the only one that is going to see the fence from the front is him. As far as the water, there is a permit pulled and there is going to be sewers and culvert piping.

Mr. Cully appreciated his comments and his frustration on everyone's side, but reminded everyone they are just here for the fence.

Mr. Pietrzycki stated that he doesn't object to a cedar fence, because it won't rot.

Mr. Emling clarified with Mr. Pietrzycki that if he puts into the motion that it be a cedar fence, that would be acceptable to him versus a white vinyl fence. Mr. Pietrzycki stated that was correct.

Mr. Cully stated that he is going to vote no for the fence and wanted to explain why. When you ask for a variation from the standard, they have to take into consideration not only what he wants, but how it affects the other people around him. The reason he is voting no, is because he is getting a lot of push back from his neighbors, and he has to take into consideration that, and their aesthetic views.

**Mr. Emling made a motion to approve PC Case # 2023-12 for a 6 ft. cedar fence outlined on the drawing submitted.**

PC MOTION BY: Kenneth Emling

SECOND BY: Andrea Staruch

**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 checked="" type="checkbox"/>	<input type="checkbox"/>	Brian Culley	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Bill Ridgeway	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	John Tamer	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Meredith Davis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Vacant	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Andrea Staruch	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>				

APPROVED     DENIED     POSTPONED     TABLED     REMOVED

**PC CASE #2023-13****Site Address: 8075 Town Centre Drive****PPN: 583-26-074****Applicant: Joe Carollo****Owner(s): JPMS Property Two LLC.**

**The matter under discussion is at the request of Joe Carollo of JPMS Property for a modification approval of the previously approved office building located at 8075 Town Centre Drive. (Final Approval)**

**Report by the Building Commissioner and City Engineer:** Mr. Mandato stated that Mr. Carollo got an extension to his Building permit, so his permit is good until September, so they are still good on the old building, and they will do a modification off of that.

The proposed development of this site is a 28,014 sq. ft. Flex Space Office with Warehouse. The proposed site is within the SPDB Special Planning District Zone B District. The total usage for Business in this district is currently 12.6%, therefore this development is permitted. The site would be developed using E-2 Light Industrial Zoning requirements. The following are the requirements for this district;

Lot Area – 1 acre required	2.92 acres site	Complies
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Lot Width – 150’ required	637’ site width	Complies
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**Building**

Front Yard – 100’ from ROW	271.75 shown	Complies
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Side Yard – Abutting Non-Res.		
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25’ minimum	72.6’ shown	Complies
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75’ total	217.33 shown	Complies
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Rear Yard – Abutting Non-Res.		
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15’ minimum	51’ shown	Complies
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**Parking Areas and Drives**

Front Yard – 75’ required	198.5 shown	Complies
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Side Yard – Abutting Non-Res.		
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10’ required	13.83 shown	Complies
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Rear Yard – Abutting Non-Res.		
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10’ required	11’ shown	Complies
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Minimum Landscaped Area



30%	31% shown	Complies
Maximum Height		
75'	42' shown	Complies

**Parking Requirements**

1 space/350 sq. ft. (81 required)	115 shown	Complies
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The drawings show that trucks can access and traverse around the building. The development also shown a landscape buffer on the rear of the property which will help screen the site. The site also shows the addition of a fire hydrant near the new building and that it will have full fire suppression system installed. Engineering and Building Departments finds the proposed site is in compliance with all requirements. Furthermore, the members of the safety and service departments have reviewed the plans and have no objections or adjustments to the submitted modified plan.

Joe Carollo, JPMS Properties. Mr. Carollo stated that he was in front of the Board before, and he received final approval for the Class A two story 42,000 sq. ft. office building, that they were going to build. It was a sister building to the existing building that has been there for 16 years, JPMS Property One. It was going to be by the parking lot in the back area, 3 acres. Mr. Carollo went on to explain, the reason he was here tonight for the modification. He stated that back before COVID he had a lot of interested parties for the office building, and they said if he built it they will come. COVID lasted longer than anyone thought it would, and people were working from home, and no one wanted to come back to work. Office buildings are now vacant, and all the people that were interested went away. Mr. Carollo went on to say, that they hung in there, and worked with a leasing company to try to get people, and his agent told him it wasn't going to happen. There are too many spaces on Rockside Road that are empty, and there are a lot of foreclosures, it just wasn't a good idea right now. His agent did tell him that one highlight from all of this, is that a lot of these office/flex warehouse buildings are doing very well. He stated that they are doing tons of them, and they have a lot of potential with clients all over Cleveland. They decided to put the word out that if they switch the building to an office flex space would anyone be interested, and he has gotten a lot of inquiries. He has several people that they are talking to now, that would love to move into the space, if they have an opportunity to modify it. The goal is to start the building as soon as they can once they have approval, to get these tenants under a lease. Mr. Carollo stated that last week he had someone that called him that wanted possibly the entire building, and they may need to expand the building, maybe down the road. Mr. Carollo stated that they are excited about the opportunity, and decided to see if they can get final approval on a modification of the building. It will go from a two story to a one story now. Nothing has changed with the material. Mr. Carollo went on to state, that some of you know him, and he is a perfectionist with no patience. If you look at the quality of his existing building, you know he takes care of the building and tries to do the best quality, and he wants it to look similar. Even though it may not be a Class A building, he wants it to look like one. They didn't change anything when it comes to the parking lot and the landscaping, so they won't need any variances, everything stays the same, except for the look of the building now, it will be a longer one story building. The face will look like the existing JPMS building. When his architect did the drawing, he did a worse-case scenario, some of the garage doors in the back he depicted are worse case. The space can hold fourteen tenants, but he would prefer a couple of tenants. With the people he is talking to now, hopefully there will be three or four, with maybe three or four garage doors, it depends what his tenants want. If he gets one tenant, there may be no garage doors, or maybe just one. His builder would probably put in a knock outs for the

garage, not knowing what the tenants want at this time. Mr. Carollo stated that it was a win win for everyone, in the sense that when he talked with the neighbors on Cherry Lane, they were concerned it was a high building and they could see it. Obviously this will be lower, but will still have a pitched roof, and there is a buffer of woods. They have aligned with all the requirements of safety, it will have a fire suppression system throughout the building and cameras for security. They kept everything the same, they just modified it, and hopefully with this he can get tenants and bring some people into Broadview Heights.

Mr. Emling opened up questions or comments to the audience.

Andrew Coccia, 701 Oakes Road. He was concerned about water. Building one has a large drain that is right up against the neighbor's property line. He doesn't believe he has issues, I think it is more standing water, and he said they believe it has to do more with the new town homes that are adjacent. He wanted to know if there was any water/drainage plan that has to meet approval, and who is accountable if something were to go wrong or there is flooding.

Joe Price, City Council. Mr. Price wanted to clarify that everyone within 1000 ft. was notified of this. He went on to say that Mr. Carollo is an outstanding businessman here in the community, and is highly respected and appreciated. He hoped he didn't take his comments wrong. This is a completely different plan, this is not a modification, and that is what the letter said. It may fit, but showed the elevation drawing, and said this is what the neighbors have to look at, 14 ft. high doors, 12 feet wide and 14 of them, and that is his concern. With the old plan the fire trucks could go to the side, but they didn't have an access road behind it, and the building was almost up to the property line. Joe was correct, it was going to be twice as tall, so this will help, somewhat, being lower.

Spencer Wallace, 9450 Aquila Court. He stated that he came to see what the modification was, and what it was going to look like, because previously it was going to be a continuation of the nice looking office building there, which would have been great, and he wasn't exactly sure because he hadn't seen any drawings so he came to better understand it. Mr. Emling stated that unfortunately he doesn't know if the public always has access to the documents or information, but they will get into the aesthetics of the building.

Jennifer Mahnic, City Council. She stated that she does have concerns, she feels like this is not a modification, that this is a completely different project, and the first project went through Council and they were able to discuss it. At that time, some of their concerns were water because this a larger surface area. As someone who spent many years going to Goddard School, she also deeply discussed the traffic. Now with this new proposed type of building, he specifically said trucks are going in and out right where all the kids get into their cars with their parents, and she hope that the Board will consider that too. She wished Council wasn't on summer session right now and they could have a voice on this, because this is not the project that they saw with both Planning and Zoning. Her other concern is she doesn't see many Cherry Hill residents here, and is concerned whether they really understand that this project is significantly different than the one that they were aware of. One thing they hear a lot on Council when you have a residential property next to a new commercial property, is the lights from the cars, and in this case it is the trucks. She sees that there is landscaping there, but sometimes that isn't enough and certainly not enough until those trees are in full bloom. She felt it is a different building and a different project, this isn't an existing building significantly

smaller. She is concerned that the residents really don't understand modification, it looks like a different project.

Joe Carollo stated that the two story building that they were building was 42,000 sq. ft. this one is 28,000 sq. ft. so it is actually smaller, it is longer though. The landscaping plan that was approved the last time they were at the meeting, that had residents there, were happy with it, and it will be Sal's Landscaping that he will be using. They agreed what they were going to do on the landscaping portion of it. There is another five-acre lot in between, it is not up against residential properties, so there is a wooded buffer of land there before the backyard of the residences. The lighting will be the same as before, they will probably be working until 5, it's not going to be anything that will be at night where there will be a lot of lights. Everyone was happy how the light plan was set in the parking lot. With regards to the garage doors, he put them on the drawing, but if he is lucky enough to get the 3 or 4 tenants, it may fill the entire building, and there is also the tenant that may want the entire building, there may be no garage doors at all, or two or three. Mr. Carollo stated that he wants to make everyone happy, he wants it to look at nice at it can, he has to look at it too. Regarding the trucks, he didn't mean semi-trucks, these flex spaces don't have big trucks like that coming in and out. If someone does have a small warehouse, it may be a box truck delivering some goods. With regards to Goddard School, Tyler may be one of his tenants. He is looking at making an additional auxiliary space, and is thrilled about being able to walk the kids over. So there won't be a lot of movement or traffic when it comes to accessibility. The people he is talking to now, there may not be any warehouse at all, but there is that potential, they did that because it brings in some people.

Mr. Ridgeway stated the nature of the current style of an office warehouse is a lot of going in and out, so even if it is a box truck, this is a completely different use than an office building where people come and park at 8:00 a.m., and are there all day and then they leave. That is not what this building would be like. This building will have box trucks going in and out all throughout the day, so it is a completely different application of the traffic coming in and out of the space. Mr. Carollo stated that he doesn't deny that there is going to be some box trucks, but is it going to be Grand Central Station, he didn't think so. If you look at the space, if they have front offices, they may have 500 sq. ft. of warehouse space, you won't have a bunch of stuff coming in and out all the time. He didn't think there would be a lot of movement like that. Mr. Carollo explained that he has a warehouse at JaniKing in the Class A building, and they have equipment delivered all the time. The trucks are going thru the parking lot, and it has never caused an issue. It won't be like a normal place that has a 5-10,000 sq. ft. warehouse facility where you would see this kind of movement. His goal is to have the least amount of warehouse space as he can. The three tenants that he is talking to are more office space. Mr. Ridgeway stated that what they are approving here, is when it's fully partition off. What the design is, depending on how the market goes, is it could all be individual spots and they all could be mom and pop kind of internet sales. That means getting UPS and FED-EX trucks there to move those goods. Mr. Carollo and his tenants get UPS and FED-EX deliveries every day at JPMS. He gets three or four deliveries a day and so do his tenants, so yes they will be delivering just like they are now. The goal is to have the least amount of tenants as he can.

Mr. Cully asked what the legal definition of a modification on a plan like this. Is this a legal modification. Mr. Pignatiello stated that he didn't think there was a definition section that spelled out modification. Mr. Mandato stated that they sat down with the Law Director, the Mayor and Safety Service, and determined it was a modification of the existing building, and it will go back to Planning Commission for a final approval regardless, because it is a commercial project, and goes back to Council regardless.

Mr. Price wanted to know if we had a copy of the letter that was sent to the residents. We did not have a copy with us at the meeting.

Mr. Cully stated that one of the concerns he had, was that people don't realize what is going on, that is why we have the public meetings. If you don't show up, it is kind of touchy, that is what this meeting is for. They are supposed to come here and tell us why they don't want this to happen. Their silence tells me they don't care. Mr. Price stated they are not silent, their neighbor is a Councilman, and they spoke to him. Mr. Cully stated that his point is the neighbors are not here. Mr. Price stated that they are, he represents the people. Mr. Cully stated that the neighbors need to be here, he has no idea if the neighbor on the corner actually agrees with you or not.

Mr. Emling stated that if someone is going to speak, they have to come up to the podium because you are not getting recorded if you don't. Also, the Council Representatives have a right to be here and represent their constituents. This Councilman happens to live on the street, and he has talked to his neighbors so we can't tell him he's not representing his constituents, because he is.

Mr. Cully stated that his point was, we don't have a proxy from a person to speak for them. Mr. Price wanted to comment.

Mr. Carollo asked to talk before Mr. Price, and stated that we have gone through this before, and there were a lot of neighbors then, he knows him well enough to know that he wants it to be a win win, and he wants his neighbors to be happy. Hopefully he has been a good neighbor with what they have done with the current building and how they maintain it, and that is what he is going to do with this building. Mr. Carollo hoped that we had answered a lot of the questions the last time he was here. There are changes, but he wants everyone to be happy.

Mr. Price stated that he trusts Mr. Carollo, he is a good businessman in this town. When he got a letter, that says a modification, he didn't have the drawings. This is not a modification, Jennifer is right, it needs to go back as a new project, and let it go through the review, that is all he is asking. Speaking on behalf of the residents on Cherry Hill, they asked what was going on with this, and do they need to show up. He said that he trusts Mr. Carollo, but he didn't know it was a complete project.

Mr. Cully stated that he understood, that is why we have these meetings. Mr. Price stated that he has the right to speak. Mr. Cully said he does have the right to speak, his point was, people could have easily written a letter to them, people do that all the time, or they should have attended the meeting. He understood that people have told him, and he understood and respected that, but he wants to hear from those people, because when they are not here, that tells him they don't care all that much. Mr. Price stated then maybe we should postpone this and give them a chance to show up. Mr. Cully stated they have gotten a notification that this meeting was going to happen.

Mr. Emling wanted to end this argument/discussion, and he appreciated their comments. Mr. Price asked if we had a copy of the letter so they can read it. Mr. Emling stated that they did not, but it was read in the report from the Building Commissioner, and it says a modification

for approval, it was read into the record. Mr. Emling stated that he too is of the opinion that this is a brand new project and it needs to follow the proper process of any brand new project that comes thru the City. He doesn't know if it would need to go to a different Board before it comes to us, and they could make comments and vote on a preliminary approval tonight, but does that follow protocol, he didn't know. Can this Board look at it preliminarily and make a vote, and then does it have to go back to Planning and Zoning, or should it start there.

Mr. Pignatiello stated that under Section 1242.01 Modifications, it says that if it is impossible or impractical in the particular proposal for the developer to conform fully to a provision of these subdivision regulations, the Commission may accept such modification as is reasonable if it is within the general intent and purpose of these regulations. Mr. Pignatiello stated that it was a little vague.

Mr. Cully stated that the question becomes, is it reasonable. Mr. Ridgeway said that is a new question. Mr. Cully said the City believes that it is reasonable because they are saying it is a modification, and Ken disagrees with that, which he is allowed to do. Mr. Emling stated that he thinks it is a brand new project, on the same site it looks similar but it is a brand new building, with new square footage and it looks different, and the use is different, so he doesn't think we can offer final approval on this project. If they thought it was within procedure, we could offer comments and vote to determine whether they can give preliminary approval. At a minimum it needs to go before this Commission one more time for final approval if nothing else.

Mr. Pignatiello stated that it will have to come back to Planning Commission, He didn't know if we give preliminary approval now, and send it on the path forward without there being a disagreement of whether it is reasonable or not. He isn't hearing that it is unanimously agreed, that this is a reasonable modification.

Mr. Emling stated that he thinks anyone here can agree that this is more than a modification, they submitted a whole new project.

Mr. Cully stated that he disagreed with that because the City already has ruled from a legal standpoint that it is a modification. We don't have to agree with the City, but the City has taken that stance.

Mr. Ridgeway stated that his interpretation of a modification would be somewhat an adjustment to size and scale, but it is more than an adjustment to size and scale, it is a completely different use. You are combining two things, you've changed the scale, and you have also changed the use of the building. That pushes him to the side that this is a new project. If it was just a smaller version of the other building, and office building, but took the second floor off, he would call that a modification. This is a different footprint, a different look and a different use. He can't get away from the fact that it is a different use.

Mr. Carollo stated that he was right, they took the top off, and tried to make it smaller, more reasonable for someone to come in and want to lease in the area, instead of going to Rockside Road or somewhere else, and give them the ability to say if we do need a small warehouse, you will be able to have that and have your office. His biggest concern in talking to four tenants that have given him verbal commitments is, only if he starts building no later than November 1,

2023, and if they get them in by next summer, or they are going to move on. Mr. Carollo was concerned he is going to lose those tenants and have nothing to build, so he might not be able to come back to us if he does lose them. The tenants that he is looking at now, will be someone that does not have a lot of garages, maybe one or two garages. He isn't saying that to sway anything, but his concern in talking with them, is he told them he has a final meeting for modifications because they changed the building, and that they would be able to put an office or whatever they wanted in there to be a tenant in that facility, but the question is when are you going to start the building, how soon can they move in, because there are people that need to move on their leases.

Mr. Ridgeway stated that he wasn't sure this was a change in use just because it had back doors. Mr. Carollo stated that he has a Class A building and he has a 1000 sq. ft. warehouse with double doors, and he has had that for 16 years. In his mind, he has a Class A building that has a warehouse, a one story building that he now names office flex warehouse to attract people. All these tenants have guaranteed him that if they are going to do it, they will be 10 year leases so he has long term leases. His current tenants have all signed long term leases. They are good people and local people that are in Broadview Heights that want to stay here, that is what he looks for.

Mr. Ridgeway stated that he would be interested to know the ratio of warehouse to office. This is two thirds to three fourths warehouse to one third to one fourth office, and asked Mr. Carollo if that is what these would get broken up to. Mr. Carollo stated no, there is no standard. Mr. Ridgeway stated that he has used spaces like these with his background, so he knows what they look like when you break them up. He is showing us 19 individual spaces with two thirds to three fourths of it as warehouse, that is not the same thing as a little bit of a warehouse with an office building. He goes back to his main point that this is a different use. You may not use 19 spaces, and that is great, but that is not what we are approving. We are allowing him to put 19 in here based on the drawing. Someone corrected him that it was 14, not 19. Mr. Ridgeway said if he had it differently presented, and that it was mostly office not warehouse, that would be a different story, but that is not what we are approving.

Mr. Cully stated if he didn't have bay doors on the back of this building, and it was just brick fascia on the back, this just becomes a smaller office building that they originally presented.

Mr. Mandato stated that the administration made the determination that this is a modification use. Whether anyone thinks in their opinion that it is not, they sat down with the administration, and it is a modification. You guys are ruling on a modification whether it be preliminary, which he would suggest, because you want him to come back with some changes. He can come back with the changes of removing some garage doors, or whatever you decide. It could go to Safety Service again, and they can put that on for the first August meeting when everyone comes back. Mr. Mandato stated again, the Administration has decided that this is a modification use, everything fits the zoning. He is proposing 14 units, and that is something you could talk about, as put it as preliminary and postpone it until the next meeting, and ask him to come back with a different look, but it was brought here as a modification use by Administration.

Mr. Emling stated that it is his recommendation that they review the design and vote whether or not to give him preliminary approval and whatever comments they make, he comes back one

more time to them with modifications to his design that would satisfy your requirements as best you can, and then they would move for final approval at that point.

Mr. Cully stated that Mr. Carollo has skin in this game. Would he prefer us to vote on preliminary that allows you to come back with some additional modifications, or would you prefer us to vote on what is in front of us right now, and you get a yes or a no.

Mr. Carollo stated that he would like to vote on preliminary approval, because it will give him the opportunity to talk to these perspective tenants, and if he can tell him that he is going back to the City and needs a commitment, and if they commit they can change it. His Architect can re-do the drawings with changes on the back, which should make Joe and the neighbors happy, and you can see that there will be three or four tenants with some space left over for other tenants, and you will be satisfied with the use of what they are putting in there. The back area, they can make it into a knock out, where you will still see all brick on the back so it would look nice.

Mr. Emling stated that they are going to review this under preliminary approval. He had a couple of comments on the design. The drawings or images that were presented on 11x17, it would be great if they can be blown up, larger sheets that are clearer and easier to understand, with material changes, and the striping of the masonry. His main concern was the rear elevation. It looked like they are stopping the mansard roof and you are going to a flat roof, but he would prefer that the mansard go all the way across, and if there are any mechanical units they are hidden. He would also like to see the striping of the masonry carried around the entire building. Finally, maybe something that could help minimize the impact of these overhead doors if it does end up being 14, you make them a color to match the adjacent masonry so that they don't stand out like big white square in the darker masonry façade. He just would like to see the design enhanced. If there is any view of these from the residential street, it will be minimized because the building is shorter and the landscaping will hide it, but if they can buffer that with a little nicer aesthetic, he thought that would go a long way. There was also a comment about storm water, they always leave that up to the City Engineer, they have very strict storm water codes here in the City, that exceed other cities requirements. He has no worry when it relates to this. A lot of people don't realize that when a site is underdeveloped, the water can move out to other properties, when you develop a site, you have to make sure you are controlling all your water, so it is actually better in a lot of ways.

Mr. Carollo stated that the City required certain things, and the EPA comes once a year to do their training class at his facility, and shows people and train people how it is supposed to be done right, how the water settles, different layers of rock, etc. They do it there because they have such a nice site and the EPA loves. Water wise, if you are getting water, it is not going to be from them.

Mr. Cully said that he put in a request to legal to have a statement drafted regarding the aesthetics of buildings. It is a gray area in our City. We as a Planning Commission can make suggestions about the aesthetics of the building, but you don't have to take those suggestions. Mr. Emling is an Architect, so it might be a good idea to do that, but you don't have to. We all have the ability to vote yes or no, depending on what we think, so keep that in mind when you are moving forward.

Mr. Ridgeway stated that the Town Centre zoning has restrictions on architectural size, on all architectural components. We have jurisdiction on Town Centre, unlike any other place outside the City. Town Centre has very specific things that we consider on the Planning Commission. He suggested he read the Town Centre zoning.

Mr. Carollo stated that he will have his architect look at it, but the materials will be the same as JPMS One, he wants it look similar and make it look as nice as he can, so that both buildings complement each other.

Mr. Emling said that it would be great when you come back for final approval if you could bring samples for confirmation so that they can see them. Mr. Carollo stated that they did that the last time and they will bring them again.

**Mr. Emling made a motion to approve PC Case # 2023-13 as presented for Preliminary Approval.**

PC MOTION BY: Kenneth Emling SECOND BY: Bill Ridgeway

**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. Ridgeway wanted to ask what the latest on the screening was for Antonio’s. Mr. Mandato stated that they have a temporary still, the screening is back ordered, and he is having trouble with the change, but they are coming in. One other thing, the Mayor went there, and they did talk with them, because he noticed there was no parking for pick up, so he is working on putting some parking signs up for pick up only. Mr. Ridgeway asked if he counted the parking spaces. Mr. Mandato stated that they did. Mr. Ridgeway stated that it didn’t add up to 137. Mr. Mandato is going to review that and will get back to him on the next meeting. The owner did talk to him and said you spoke to him, and they will work on it and bring something back to the next meeting. Mr. Ridgeway stated they left out a whole section on one side of the building, the ones in the back it says 15 and it only fits 12. Also, the dumpster enclosure doesn’t have any gates or covers. Mr. Mandato stated that those are on back order as well, and he knows, it is all on the temporary occupancy.

**NEW BUSINESS**

Ms. Staruch stated that if we ever have another occasion where someone is holding up a sign that we are all reading and the audience is reading, that they need to say what is on that sign so that it goes into the record. She wishes she would have said it sooner, so that we could put it into our notes for the minutes what they actually said.



Mr. Emling stated that as a Commission they have to be careful in the meetings with some of these passionate audience members, that the discussion is from the discussion at the podium to us only, and that they can't be shouting out, or the applicant shouldn't be turning around because it doesn't get recorded, and then the meeting minutes are not going to be accurate. He felt like more and more it is becoming a zoo, for lack of a better word, and we need to get a better handle on it. He also stated that he agreed with Brian, if there is a resident that comes up and they are finished with their three minutes, if any of the Board member have a specific question, please let him know, and you can ask your question while they are at the podium, because there are occasions when we do want to ask them a direct question.

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**COUNCIL UPDATE**

No Report.

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**APPROVAL OF MINUTES:**

Kenneth Emling moved to approve the Planning Commission meeting minute from June 28, 2023. Those all in favor say "Aye."; those opposed. Those minutes were approved.

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Mr. Emling stated that with no further business to come before the Planning Commission, he will make a motion to adjourned the meeting at 8:34 pm. All those in favor say "Aye.", those opposed, none.

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**CAUCUS:** The Caucus Meeting began at 6:30 p.m. and ended at 6:46 p.m. The meeting recording is available for public inspection upon request.

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Kenneth Emling, Chairman  
Planning Commission  
City of Broadview Heights

Approved Date: \_\_\_\_\_

Respectfully Submitted,

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