



CITY OF BROADVIEW HEIGHTS PLANNING COMMISSION MEETING MINUTES

February 9, 2022

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 meeting of the Planning Commission was called to order by Vice Chairman Bill Ridgeway at 7:00 p.m.

ROLL CALL

Present were Planning Commission members:

PC MEMBERS

- | | |
|--|--|
| <input type="checkbox"/> Kenneth Emling, Chairman | <input type="checkbox"/> Vacant |
| <input checked="" type="checkbox"/> Bill Ridgeway, Vice Chairman | <input checked="" type="checkbox"/> John Tamer (alternate) |
| <input type="checkbox"/> Brad Clifford | <input type="checkbox"/> Don Taylor (alternate) |
| <input type="checkbox"/> Kristina Sorensen | <input type="checkbox"/> Meredith Davis (alternate) |
| | <input checked="" type="checkbox"/> Andrea Staruch (alternate) |

COUNCIL & CITY OFFICIAL MEMBERS present

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

Additional CITY OFFICIALS present

- | | |
|--|--|
| <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) |
| <input checked="" type="checkbox"/> Joe Grandinetti (Assistant Law Director) | <input type="checkbox"/> Jennifer Mahnic (City Council) |
| <input type="checkbox"/> Steven Raiff (Police Chief) | <input type="checkbox"/> Joe Price (City Council) |

Bill Ridgeway: The first thing I would like to do is recognize our newest member; Andrea Staruch. I over looked that at the last meeting when our law director swore her in and then we just launched into the meeting, welcome.

Andrea Staruch: Thank you.

Bill Ridgeway: Our first case for this evening is case **2022-PC #01 (correction 2022-PC #02)** and it is for It's So You Salon & Suites for signage. Can I have an update from the Building Department?

Joe Mandato: The matter under discussion is at the request of Bob Bottomley of Fastsigns of Broadview Heights, representing It's So You Salon & Suites at 1100 W. Royalton Rd, Suite FF. for signage for final approval. No comments by the Building or Engineering Department.

Bill Ridgeway: Do we have a representative?

Robert Bottomley: Good evening I'm Robert Bottomley with Fastsigns Broadview Hts.

Bill Ridgeway: Welcome

Robert Bottomley: This sign is a typical illuminated channel letters and is similar to the ones in the plaza. You may be familiar with and there are just some business moving around in that plaza. This is a new business in that plaza the old salon went out so we are just changing the name. That is all it is.

Bill Ridgeway: O.k. it's pretty straight forward.

Robert Bottomley: Yes

Bill Ridgeway: We have the usual sign off by the landlord?

Robert Bottomley: Both of these sign permits that I have; I will be emailing in Petros approval.

Bill Ridgeway: O.k. Any comments or questions from the board?

John Tamer: I have nothing

Andrea Staruch: No

Bill Ridgeway: With that I will make a motion to approve the signage as presented for It's So You Salon & Suites at 1100 W Royalton Rd. Do I have a second?

PC MOTION BY: Bill Ridgeway SECOND BY: John Tamer

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"/>	<input type="checkbox"/>	John Tamer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Ridgeway	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Don Taylor	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Brad Clifford	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Meredith Davis	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kristina Sorensen	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Andrea Staruch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vacant	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				

APPROVED DENIED POSTPONED TABLED

Bill Ridgeway: Our second application is case **2022-PC #01 (correction 2022-PC #03)** and is the same address 1100 W Royalton Rd and signage for Broadview Chiropractic Health Center. Can I have an update from the Building Department.

Joe Mandato: The matter under discussion is at the request of Bob Bottomley of Fastsigns of Broadview Heights, representing Broadview Chiropractic Health Center at 1100 W. Royalton Rd, Suite G. for signage final approval and no comments from the Building or Engineering Departments.

Bill Ridgeway: O.k. Mr. Bottomley.

Robert Bottomley: Same plaza and this business has expanded into a second unit and we are going to put up a similar sign to all the other ones that are in the Plaza. White illuminated channel

letters. Letters are all the same size as the existing size and they fit within the frontage code. It's a typical channel letter sign drilled into the brick. That is about it.

Bill Ridgeway: Any questions from the board?

John Tamer: I have none

Andrea Staruch: No

Bill Ridgeway: With that I will make a motion to approve the signage as presented for Broadview Chiropractic Health Center, the addition of the health center portion. Do I have a second?

PC MOTION BY: Bill Ridgeway 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 type="checkbox"/>	<input type="checkbox"/>	John Tamer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Ridgeway	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Don Taylor	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Brad Clifford	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Meredith Davis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kristina Sorensen	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Andrea Staruch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vacant	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				

APPROVED DENIED POSTPONED TABLED

OLD BUSINESS:

Bill Ridgeway: We will move into old business.

Joe Mandato: O.k. I'm going to pass this out to you guys. This is in regards to the Morel Landscaping case from the last meeting. I just want to inform the board that the Morel Landscaping project will be brought back to approve a similar use per 1276.02(14) and the stipulations for similar use are 1262.06 for the section of the guidelines approving or disapproving the similar nature use. Furthermore, I misspoke at the last meeting saying administration supports the project. After talking to the Mayor and the administration team we will never interject our opinions on a project. My comment should have been we felt that the project fit the zoning at the time but having said that I have talked to the law director since then and he did state that if the project is given the variances it will be brought back to you guys for approval or disapproval of similar use for planning and then eventual go back to council for their approval. Me stating that administration supports it, we are not sure if that changed your votes, so we want to make sure you guys get a chance to vote on it again as the similar use.

Bill Ridgeway: O.k.

Joe Mandato: I don't know if Bob has anything to say on that.

Robert Boldt: No just I think the discussion; we kind of go off track. My only concern a few days ago was you guys voted to send it to BZA based on some of the things that were said. I think I have a resolution so that we don't have to go through that. I don't even need to know your opinion; if that is why you voted for it or you didn't. The few things that I didn't like that kind of happened at the meeting is one Mr. Petros came up and said that Tom Pavlica was on board with this which is not true. He used the sleight of hand to make it sound like one of the Councilmen are o.k. with it. Joe, like I said he just explained his side of it. I have explained since day one that I'm against the buffer zone reduction and I'm against the material and the storing the material on the property is the reason they are pushing the buffer. If they weren't storing the material on the property; I

don't think they need to reduce the buffer. So will be my argument and that's on me as a Councilmen. I'm going to take that to the next work session. It's going to be on the work session. Joe and I have just difference of a little opinion. That's fine. My wife has a lot differences from me to but we are going to both play our hands out here. I respect his decision and all that to me the similar use is more of the 1262.06 and if you look at "a", on the second page. If you read that if you use similar use you have to give opportunity to anybody in C-1 and cannot use it for a particular business. And it states that right in there. When I read; hadn't read it in years; I kind of understand why it's there and the legalities of it to pick and choose because then somebody can feel they are slighted. With that being said I will go into what happened at Council on Monday. A few residences where talking about them being against it. The first time it was at planning I didn't call anybody. Second time it was at planning I didn't call anybody. The third time it was at planning I didn't call anybody. They got wind of it somehow someway and I received over 35 emails last weekend. You know some of the people involved in that. That is fine and it's their opinion and I get it all day. The reason even at the end of the meeting I didn't react. I know Bill you gave me an opportunity to talk about it. I figured I was going to get it back on the comeback after BZA. I decided to change my tact on it. So we will be talking at the next work session about it. Council may send you that they are for or our against it in a letter. And the same thing is going to be discussed with BZA. I will just leave that as is. whatever you guys decided that s fine. Instead of going through this whole process and you guys finding out at the end Council is against it; I'm trying got be proactive. That way you know when you are basing your decision when it comes to council there are going to vote for it or they are going to vote against it. You guys know upfront. It should not weight on your decision but you understand.

Bill Ridgeway: Sure

Robert Boldt: If you have any questions I will answer them about the landscaping if not, I will move on to the Goodwill Store.

Joe Mandato: After talking to the law director I think you and I are n the same page now. I don't think we have a difference of opinion.

Bill Ridgeway: O.k.

Andrea Staruch: I have a question. What point do we find out if Council is supporting it or not?

Robert Boldt: Normally what happens is it comes here and goes through BZA if that is needed. The history of this. Mr. Petros asked for a variance a few years back, it got approved at a BZA and the only way I could trump BZA is in a court of law. So I put a charter amendment on few years back that says Council has the right within 30 days to overturn any BZA. So to answer your question it goes to BZA if they are good with it and Council is good with it they won't vote on it. If there is anything different it goes back to Council. Council will vote on the voting change and they support it or denied it. I think we have only denied one since this charter has been in place. Then it comes back to you for further discussion. That way you know if the variance was granted or not in your planning of the future. After planning, pushed on, supports it, feels the deal is done Council has the final say on it. One of the things we need to recognize is that law suits happen no matter what. If I'm a lawyer and it pass through GPZ (Growth Planning and Zoning) then is passed through planning and the passed through BZA and then its passed through planning again and then Council will vote no on it. I got a great court case. Everybody in the world wants this, the politicians don't. That is why if the City doesn't want something they need to react earlier than later. To that argument I will tell you what happened with the Goodwill. They want to put in a Goodwill store just north of the Drug Mart on Broadview Rd. There was enough residence where; as I said I got 35 emails there must have been 4 people here. It was the first time we filled the place up in a while. They were here and kind of against it. They don't understand that you can't just say I don't like it. I get it and that's their concern and they don't know the

policies and procedures of this. I tried to explain that we need a reason why. Goodwill needs conditional use. You guys need to vote on that. Council decided instead of pushing it through GPZ like we usually do and send it on to planning they voted it down. So I expect Sam Petros to bypass that and come to planning with it. But at least you know that three people on council were against it. everybody vocalized it if you want to read the minutes. GPZ voted it down. It's not that we don't like it. We mentioned there are other places in the City probably more appropriate to put it and not in the downtown section. Sam Petros thinks it should be there Council thinks it shouldn't be there and then we have the legalities of the planning district itself and if it fits. You guys have the right on the conditional use to vote it down.

Joe Mandato: I talked to Vince today and the Mayor and they said it is not coming here.

Robert Boldt: Ok.

Joe Mandato: They said it's not coming because you guys voted it down. If it does come here it will probably be through a legal action.

Robert Boldt: Exactly. I'm glad they made that move. That is just my side of it. I don't want speak for anybody else side because there are two people that came up and said do it.

John Tamer: Doesn't it fall under the moratorium as far as discount stores.

Robert Boldt: Moratorium is over. We just voted that out about a month ago not even. He came in after that.

Bill Ridgeway: So he was waiting for it.

Robert Boldt: Another thing I said on Council floor and I will make it public here so you know; I put the moratorium in about the housing in residential because I thought some of the housing development was getting a little cheaper and we need to strengthen. Joe was a big part of it. the law director was a big part of it. Council all put their input into it. We made a lot of new rules and regulations to protect the existing residence and the future residence. Which I thought was pretty good. There is one or two that we argued about and pushed off to the side for later. What we wanted to do was go the next bar up, leave it like that; let it breath find out what was good and bad and then return. We were about to do that before but I wanted to put the moratorium in place; I called two people; I called Sam Alia and explained what I wanted to do and I called Sam Petros because Sam Petros is the biggest developer in the City. I told Sam I am putting a moratorium in place in 30 days. If you want to do something you better submit in 30 days if not, you are going on the new rules. That is the funniest thing about when we were talking the other day and I mentioned to you the two thing I didn't like was I knew the Goodwill was coming and I gave him apply opportunity to go under the old rules and regulations with the buffer and he chose not to. That is the way I conduct myself at 7-7 job and that is the way I wanted to be treated so that is why I tried to give him the opportunity before the 30days was to submit anything he wanted in and he didn't. He was more than aware of the expansion of the buffer zone. I will leave it at that. That you for the information that they are not coming forward but I'm sure unless we can work out another deal their coming. I would be prepared for that. Like I said this Monday Council at work session is going to talk about two letters; one to the PC and BZA. How that plays out I don't know but don't be surprised if you get a letter.

John Tamer: Is there also something added in the zoning but something about discount stores? After Dollar General was open, wasn't something put in place as far as?

Robert Boldt: You are a 100% right. I misspoke. The moratorium on the Dollar General is still in. the moratorium on the building.

John Tamer: Wouldn't Goodwill fall under that?

Robert Boldt: It's the square footage.

John Tamer: I'm talking about the type of business itself. Discount store, deep discount store, dollar stores wouldn't the Goodwill fall under that?

Robert Boldt: Yes, John that is a great question. I don't know the answer to that so let me find out and I will let everybody on planning know about that. Great question; really is.

Joe Mandato: I dint think of that.

Robert Boldt: Either did I.

Andrea Staruch: I think they are more than that. I think they are non-profit training.

Bill Ridgeway: So they might be able to call it a different classification

Robert Boldt: Who the Goodwill? Goodwill is for profit.

Andrea Staruch: Some people can be non-profit but make money

Robert Boldt: What is that 501-c3

Andrea Staruch: I don't know

Robert Boldt: Yes, I think that is a 51-c3

Andrea Staruch: I don't know.

Robert Boldt: I believe that this is not only a drop off its going to be a store.

Joe Mandato: Its 12,600 sq. ft. of retail store and 7,000 of the refurbishing of drop off. It pretty large.

NEW BUSINESS:

Bill Ridgeway: Any new business? I guess we sort of covered Goodwill under new.

COUNCIL UPDATES:

Bill Ridgeway: Any other general comments for Council?

Robert Boldt: No. was somebody picked for (Charter Review)

Jennifer Dukes: Ken is planning and Scott Maitland for BZA

Robert Boldt: Ok perfect.

Jennifer Dukes: I gave that to Lisa already.

Robert Boldt: So that means ward four is the only one covered. Everybody else is covered.

APPROVAL OF MINUTES:

Bill Ridgeway: Table the January minutes but we will vote on the December 22, 2021 minutes for approval. I will make a motion to approve the minutes from the December 22, 2021; All those in favor say "Aye."

Bill Ridgeway: Stated that with not further business to come before the Planning Commission I will make a motion to adjourned the meeting at 7:46 pm. All those in favor say "Aye."

CAUCUS: The Caucus Meeting began at 6:39 p.m. and ended at 6:44 p.m. The meeting recording is available for public inspection upon request.



Kenneth Emling, Chairman
Planning Commission
City of Broadview Heights

Approved Date: 4.27.22

Respectfully Submitted,

Jennifer Dukes
Building Administrative Assistant
Board of Zoning & Planning Commission Secretary

