

MINUTES OF A PUBLIC HEARING HELD BEFORE THE PLANNING COMMISSION OF THE CITY OF INDEPENDENCE, OHIO TO CONSIDER THE APPLICATION BY SAUCY BREW WORKS, PPN 561-24-023, ROCKSIDE WOODS BLVD., INDEPENDENCE HIO 44131, PARCEL 2, SEEKING APPROVAL FOR AN ACCESORY USE TO OPERATE A BREWERY AND THE COMPANY'S CORPORATE OFFICES ON THE PREMISES

**HELD VIRTUALLY VIA ZOOM
5:30 P.M., TUESDAY, MARCH 2, 2021**

Chairman Lytkowski opened the Public Hearing at 5:38 p.m. and the following responded to Roll Call:

PRESENT: Dale Lytkowski, Chairman
Gregory P. Kurtz, Mayor
David Grendel, Vice Mayor
William Gutermuth
Don Ramm, City Engineer
Jeff Markley, City Planner

OTHERS

PRESENT: Gregory O'Brien, Law Director
Michael Gero, Building Official

Chairman Lytkowski stated that we have one item on the Public Hearing. The Chairman asked if all interested parties been notified. The Secretary stated that a Public Hearing Notice was put in the newspaper, and there were no adjoining residents to the property.

Chairman Lytkowski asked if the applicants were in attendance via Zoom. The Secretary stated that they were.

Brent Zimmerman of Saucy Brew Works, Architect David Maison and Todd Sciano of Donald J. Bohning & Associates were all in attendance.

Chairman Lytkowski asked if Mr. Sciano was going to take the lead since the project appeared to be different than the last project that the Planning Commission approved. He wanted Mr. Sciano to explain what were the changes.

Mr. Sciano stated that he will defer to let Mr. Zimmerman start the conversation, and then between Mr. Maison and himself, they can answer any questions the Commission may have.

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Mr. Brent Zimmerman introduced himself. He stated that he thought he met everyone either in person or via Zoom. He thanked everyone for taking their time for the Public Hearing.

Mr. Zimmerman stated that the last time was a bit ago, but he thought that there were only a couple "changes" or additions that the Commission did not see the last time. He stated that Mr. Maison and Mr. Sciano could correct him if he was wrong because he doesn't draw the drawings.

Mr. Zimmerman stated that one of the additions was there were some structures that were kind of adjacent to the parking lot that will be used and utilized as a coffee drive-thru. They have launched a coffee business in 2020. He stated that they launched a coffee business and opened three breweries during a pandemic.

He stated that the only other change was the type of construction because they were going to try to timber frame it much like the building downtown that Cleveland Hudson Day was doing next to the West Side Market. He stated that maybe the square footage had changed a little bit on the margins, but in general he didn't think that the scope of what they were always trying to accomplish had changed dramatically. He asked Mr. Sciano and Mr. Maison if he was missing something that maybe they didn't have the last time, or were those the two highlights.

Mr. Maison stated that was true. He stated that they did have an outdoor bar in the initial presentation. He stated that the new piece of that was as Mr. Zimmerman mentioned, the opportunity to provide coffee to serve the new Saucy coffee business. He stated that what was joists and steel frame inside the building, they have made the decision to go with mass timber construction. He stated that what they will see would be beautiful wood posts, beautiful wood ceiling. He stated that it would be a positive adjustment inside, but essentially the square footage was very, very much the same as what they looked at last time.

Mr. Zimmerman stated that one of the major things that was the shift in construction methodology accomplished was that they believe that they can get if not all the way, close to a net negative energy footprint. He stated that their goal was to actually be net negative, meaning they would contribute energy to the grid from a green perspective. He stated that hopefully they could get to net neutral, and Emerald Green was their consultant on that and will help them with some other things as it would relate to the building, etc. He stated that the wood would actually be absorbent, and Hudson Bay was getting to a net negative position, which would be awesome. He stated that as far as they

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know, other than the initiatives that Brew Dog was doing internationally, the only net neutral, net negative facility in the country, which was very important to them, not only from being good stewards of the community and their natural resources; but also as the Commission could imagine, breweries use a lot of energy. He stated that it would make good business sense over time to look at this kind of stuff. He stated that he thought it was where they were going, and they don't want to be in the rearview mirror as they were building a \$15,000,000 to \$20,000,000 facility and want it to be something that would be energy efficient for decades. They don't want it to be a flash in the pan kind of thing.

Mr. Zimmerman stated that other than that, he would be happy to walk through all the components of this if the Commission would need a refresher.

Chairman Lytkowski stated that he wanted Mr. Zimmerman to walk through everything.

Mr. Zimmerman stated that would be no problem, and Mr. Maison and Mr. Sciano could chime in at any point. He stated that what the Commission was looking at, the top upper left picture was the façade that they would see when they would enter the driveway, and the back portion bottom right was the more ski lodge looking building which will be timber frame with steel and glass. He stated that it would be very industrial, much like what they did in downtown Cleveland which would be in tune with their brand.

He stated that if they would be looking inside the brewery, there will be about 11,000 sq. ft. of production space, aka the space that they would brew the beer, not only for the actual pub on site but also for the groceries, restaurants, stores, all those different things. He stated that the remainder square footage which was being pulled up right now.

Chairman Lytkowski stated that Mr. Zimmerman stated groceries.

Mr. Zimmerman stated that they sell beer to grocery stores.

The Chairman stated it would be for distribution.

Mr. Zimmerman stated that it was a little hard over the internet. He stated that they have both production business, aka they sell to grocery, bar, restaurant, stadiums and all that. He stated that was where their major manufacturing facility will go, and that will be 11,000 of the fee. He stated that the remainder of the feet would be dining, pub, event spaces, kitchen, restrooms, etc. He stated that what the square footage would look like.

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Mr. Zimmerman stated that they envision a pretty lively place, both during the day, capturing the business traffic that the City benefits from in Independence as well as at night, as well as having facilities to have small to large parties, anywhere from 20 people to up to 200 people. He stated that they could hold a full wedding there if they want to, and they will. He stated that the space that the Commission sees at the very top of the presentation with the circles on it was the space, and they were actually making that so that the walls would retract and collapse to make that space multi-dimensional. So, they could have four groups at once or one at a time, depending on what the need would be. He stated that it would be all run from their CRM back end technology.

He stated that he wanted to continue with the 10,000 foot level overview; they will then have about a 20,000 sq. ft. outdoor area which they touched on a little bit. It would be serviced by a couple of whether it would be container ships, indoor timber frame, they were not 100% sure yet; but those were always there. The only addition was the coffee drive-thru. It will be serviced by those, they will be heated. They will be plumbed, all of those things. He stated that the outdoor space would be meant to be very approachable to all, meaning they will have a playground for kids. They will have a dog area, they will have plenty of seating; and then they will also supply natural gas hook ups so they could extend the seasons as people, obviously now, especially like to gravitate towards being outside. He stated that in general he thinks that Cleveland and everywhere, people like to be outside. He stated that the pandemic has only exacerbated that.

Mr. Zimmerman stated that what they were really looking for was that it was a model basically that they have stolen from California really, and they don't have the nice weather like California. He stated that there was a way to extend the seasons and really be out there and enjoy themselves. He stated that they will have different programming, whether it would be a large gaming format, stuff that people could do. He stated that people like to do things while they are eating and drinking. He stated that was a 10,000 foot level overview of what they were doing there. He will stop so the Commission could dig into questions.

Chairman Lytkowski thanked Mr. Zimmerman. He stated that he had a number of questions, but he didn't want to monopolize. He asked if there were any other questions before he began to ask his.

Vice Mayor Grendel asked if the coffee drive –thru would be open, how many hours would it be opened? He stated that he was trying to visualize where it would be located.

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Mr. Zimmerman asked if the Commission saw the map on the screen. He stated that all the way to the front of the map was where they would enter, and they would drive through the parking lot and to the left would be where the production facility will be located, and then in the back was the bar. He stated that they could see the car line and it would go towards where their outdoor facility will be. He stated that there would be a little station right there where they could pick up both coffee and beer actually. It would be to go coffee or beer.

He stated that as a side note, they have launched the coffee business in 2020, both in their retail stores as well as e-commerce through a partnership with the Caruso Company which has been around literally decades in Cleveland. He stated that they supply coffee for all over the world, the beans. He stated that they have had a real problem actually keeping up with demand. He stated that the team that went through the selection team did an amazing job. He stated that if they like coffee, he stated that he was super proud of how well they did with the coffee. He stated that he was a little bit of a snob drinking coffee, and it was now his go to. He stated that obviously he was biased a little bit, but they did a really nice job. He stated that their customer base really agrees with him, the feedback has been fantastic. He stated that it was really a nice value add to the property to extend hours.

He stated to answer the Chairman's direct question, he believes they will open around 7:00 a.m. He stated that they have tried their other coffee shops at 6:00 a.m., and the traffic didn't warrant it. He stated that he was sure that they will try to start it at 6:00 a.m., and it won't warrant it again; and then they will probably start at 7:00 a.m. just like the other locations. He stated that it was on a percentage basis a hugely growing portion; but the total revenue from the company was a very small portion. He stated that it was a nice add on. He stated that he loved the diversified revenue stream; so it was another way to do that. He stated that if they sold zero coffee, it would be irrelevant to the model. He stated that they didn't even have it modeled (inaudible).

Vice Mayor Grendel stated that it was similar to what Mr. Zimmerman had over at Pinecrest. He stated that he thought they had coffee over there also.

Mr. Zimmerman stated that they had coffee over there.

Vice Mayor Grendel stated that it was a different kind of venue. He asked if they were going to sell anything besides coffee? He stated that there was always pastry that would go good with coffee. Or would it strictly be coffee?

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Mr. Zimmerman stated that they would do that also. He stated that they should think of it as Starbucks like. They will have a local pastry provider, similar to what they do in Pinecrest. He stated that it could evolve too. He stated that at the beginning they would have to figure out what people would like and stuff like that. He stated that as contemplated right now, they will be in partnership with a local bakery, rather than them making it themselves.

Vice Mayor Grendel asked if it would switch over then. They would serve coffee until noon time or 11:00 a.m., and then they would switch to something.

Mr. Zimmerman stated that they would actually serve coffee to closer to 3:00 p.m. He stated that there was a huge boom in coffee sales around the country around 2:00 p.m. That was Starbucks data. He stated that once that would end, it would become more if they would want to do drive-thru pick up which they have tons of at their other locations, whether it be Pinecrest or downtown or Columbus. He stated that they would sell a lot of beer out of their retail refrigerators. He stated that if they would want to at 7:00 a.m. they could buy a six pack. He stated that there were no rules prohibiting that, but primarily it will be coffee until the afternoon.

Vice Mayor Grendel replied very good, thank you.

Chairman Lytkowski asked if there were any other comments.

Mayor Kurtz asked if it was the comments for the Planning Commission Public Hearing, or for the regular meeting?

Chairman Lytkowski asked Mr. Gutermuth if he had any comments because he had a number of questions.

Mr. Gutermuth stated that he didn't have any. He would let the Chairman go ahead, he was in line with the Vice Mayor. Mr. Zimmerman took care of most of his thoughts.

Chairman Lytkowski stated that the first question was that Mr. Zimmerman talked about the drive-thru with the coffee. He stated that when he looked at the numbers, and he wanted to thank Mr. Zimmerman for the financial data. He stated that there was a pretty nice healthy revenue coming in from the coffee. He stated that his question was if there was a drive-thru would there be a backup in traffic there?

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Mr. Zimmerman stated that while a half million dollars might seem like a big number, it was a third to a quarter of what a Starbucks would do. He stated that it was not overly aggressive in terms of the overall number. He stated that they could wipe that to zero, and it wouldn't change the economics of the deal. He stated that if they would look at the cadence, they would have four to five times the queue that any Starbucks would ever have. He stated that they could have 15 to 20 cars. He stated that from a zoning perspective, it would be more than any Starbucks would ever have.

Mr. Maison stated that they didn't really anticipate a line outside of the morning rush for coffee, but they did want to make sure that they had ample space for that busier period of time.

Vice Mayor Grendel asked if it had an address, he noticed the parking spaces there too. He stated that it seemed like someone would have to go through the parking lot to get to the drive-thru.

Mr. Zimmerman stated that they will not open their doors to the public for lunch, etc. until 11:00 a.m. He stated that generally if they would look across the country when coffee would get sold, there was not a lot during the 11:00 a.m. to 1:00 p.m. timeframe; it was in the morning, and also from the 2:00 p.m. to 3:00 p.m. timeframe, which it was data that the Commission was welcome to look up. He stated that they didn't think it would be an issue at all. They would still have 70 to 80 plus spaces that would be unencumbered by the line at a minimum.

Law Director O'Brien stated that it would be fine if they were just serving coffee out of there, but they will also be serving beer into the evening, and they may have pastries. His guess was they will want to maximize that space; so whatever they could sell out of there, they will sell out of there. He stated that they will have people trying to park for lunch, and they will be behind the row of cars. He stated that he didn't know if that was something that the Planning Commission would want to think about. He stated that he knows that Mr. Zimmerman would not do anything to jeopardize his business, but it was something to think about.

Mr. Zimmerman stated that if they would look at any Starbucks in the country, they have a quarter of the spaces for a line to form. He stated that if they look at the parking, there might be 30 spaces that they could not use if the cars were halfway in the parking lot.

The Chairman stated that it wasn't a Starbucks, this was a brew house. He stated that he was really confused to be totally frank and honest, when he saw the coffee on the

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sketches and the information that was provided to him. He stated that it didn't have an impact on the entire project, so why would Mr. Zimmerman even do it.

Mr. Zimmerman stated that they launched a coffee business. He stated that they were not the first company to launch a coffee business. He stated that they were creating a brand, a lifestyle brand. He stated that it didn't mean that they would have to sell only beer. He stated that they sell beer, they sell merchandise, they sell coffee. They sell all kind of stuff. He stated that they were creating a brand for their investors and customers to buy which happened to be coffee. He stated that it was part of their strategy, and was since the day they launched the brand. He stated that there were many examples of it across the country. He stated that he was not the first to do it. He stated that it worked extremely well.

The Chairman stated that Mr. Zimmerman was telling him that the coffee, the beer and the gift items would all kind of go together. He asked if that was what Mr. Zimmerman was telling him.

Mr. Zimmerman stated that it was a manufacturing process. He stated that it was all using manufacturing equipment in factories to produce craft coffee. He stated that craft coffee was the fastest going segment of the market in the country right now as it would relate to the retail consumer. He stated that they would think it would be a weird stat to say because of Starbucks and because of the big coffee places that they all know. He stated he wanted them to think about 25 years ago when craft beer was a thing and started and how much of a share they have taken away from Budweiser. He stated that the same thing was happening. He stated that they should look at Starbucks' behavior. They were buying small coffee ventures all over the country. Why? Because they were too big, and they can't innovate anymore; he stated it was just like Pepsi, just like Coke, just like Budweiser. He stated that they buy small competitors and innovate them. He stated that sector was actually growing faster than craft beer was growing which was still growing by the way. He stated that it was going very well at the other locations that it had been introduced at.

Chairman Lytkowski stated that he did recall that Seattle's Finest Coffee when he was there, they actually brew it by temperature, and they could indicate with a certain temperature to get a certain flavor or depth of coffee out of a certain temperature. He stated that it was pretty sophisticated. He asked if that was what Mr. Zimmerman was talking about.

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Mr. Zimmerman stated that was what actually happened. He stated that they have a third party wholesaler that was in business for 100 years that makes the coffee for them. He stated that they brand it and sell it.

The Chairman stated that was the coffee itself, but the actual brewing of the coffee, he asked what kind of equipment they had for that. He was just curious.

Mr. Zimmerman stated that they do not brew coffee, they sell coffee. He stated that there was a wholesaler. He stated that there was coffee all over the world and in warm places. He stated that there was a wholesaler that buys and sells coffee futures from all over the world. He stated that they have a manufacturing facility that was probably 50,000 sq. ft., and they buy whole beans in sacks that were twice the size of him and the Chairman. He stated that they then manufacture to a place where they can bring it down to, whether it would be a small coffee bag, or whatever it was, for a third party consumption, aka branding. He stated that if they would go to a grocery store, almost every one of the coffees that you would buy would be doing exactly what he was talking about. He stated that they were not manufacturing them.

He stated that Lake Erie Island Coffee was owned by that manufacturer. He stated that it was just a retail brand of coffee.

Mr. Maison stated that he wanted to interject quickly. He stated that he thought what the Chairman was asking was about the equipment, the roasting will happen off site, and that was what Saucy had developed. They developed a roasting kind of flavor profile that they love. He stated that the on site brewing was with special equipment that would be tied directly to and supplied to Saucy by the same manufacturer who was sourcing and roasting the beans. He stated that there was nice coffee brewing equipment involved in that.

The Chairman stated that was what he thought. He stated that it was his understanding was the equipment was quite expensive.

Mr. Zimmerman stated that compared to brewing equipment, it was very inexpensive, but they didn't have to buy it.

The Chairman asked if they were leasing it.

Mr. Zimmerman stated that they didn't own the equipment, they buy beans from the wholesaler who has the equipment.

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He stated that the other great part about that was a lease and rent doesn't care what time of day it was. He stated that he didn't sell beer at 7:00 a.m., but he could sell coffee at 7:00 a.m.

Chairman Lytkowski stated that he had one more question that was raised in his mind. He stated that the playground for children. He asked Mr. Zimmerman what were they talking about there. He wanted Mr. Zimmerman to explain that a little bit more.

Mr. Zimmerman stated that it would look like if the Chairman would go to any park in the Metroparks or whatever where there would be slides or climbing bars. He stated that it will not be any different than any other kind of playground that they would normally see that would be a public playground.

Vice Mayor Grendel stated that Mr. Zimmerman had that plan previously when they presented to the Planning Commission. He stated that he thought a playground was part of that plan too.

Mr. Zimmerman stated that it was a huge tool. He stated that he had two kids that were younger, and he was always searching for places that would be kid friendly that could keep their attention span for an hour so they could have dinner. He stated that the playground would accomplish that in a huge way. He stated that they thought it was very additive to the traffic profile. He stated that if they were downtown in Ohio City on a Saturday, they would see anywhere from a newborn to people in their 90's at their brewery. He stated that it was a very family friendly environment. He stated that he knows that the Vice Mayor could comment on that; he didn't know the others on the call. He stated that they want to be attractive to empty-nesters, to families, to millennials; and they accomplish that. He stated that the statistics that they have show that.

Chairman Lytkowski asked the Mayor if he had any comments.

Mayor Kurtz stated that he didn't have any comments for the Public Hearing. He stated that his comments, questions, but it was his first review of the situation. He stated that he didn't have the advantage that some of the other members who were there when they came and made a presentation in 2019 he believes it was. He was not sure if that was ever completed. He would have to ask the Law Director. He stated that they were starting from scratch from a permit process.

Law Director O'Brien stated that they were.

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Mayor Kurtz stated that he was the new kid on the block he guessed.

Chairman Lytkowski stated that he had a couple of more questions here. He asked what happened that the project never got off the ground initially.

Mr. Zimmerman asked the Chairman if he wanted him to be frank.

The Chairman replied absolutely.

Mr. Zimmerman stated that the construction partner fell off.

The Chairman asked if it was the construction partner.

Mr. Zimmerman stated that it was.

The Chairman asked who that was.

Mr. Zimmerman stated that it was Independence Construction, and he was not going to speculate as to why or what happened. He stated that he certainly had his opinion, but that was what happened.

Chairman Lytkowski stated that from 2019 until today, they were looking for a new construction partner.

Mr. Zimmerman stated that in the meantime they had the pandemic so he wasn't on full speed ahead, and the bank paused as well for a couple of months, especially at the beginning and none of them were ready at the beginning of the pandemic. He stated that the bank, 3 to 4 months into the pandemic came back to them in good faith, and told them they would love to do the project. He stated that they told him they believed in it, and they wanted to get the process rolling again. He stated that they always knew they were going to come back and do it one way or another.

Chairman Lytkowski stated that if he recalled correctly, he didn't have the numbers in front of him. The contributions were primarily from bank financing. He asked if that was correct.

Mr. Zimmerman stated that there were a bunch of different layers. He stated that the State would pay equity financing. He stated that there were a couple of million dollars of

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equity. He stated that there was bank debt. He stated that there was a small ODOT grant. He stated that generally would cover it.

Chairman Lytkowski stated what his concern was, he was all for the project. He didn't want Mr. Zimmerman to misinterpret him.

Mr. Zimmerman stated that the Chairman could ask any question he wanted.

The Chairman stated that his concern was when they have a project like this one, if something would go wrong, what dry power do they have to supplement (inaudible).

Mr. Zimmerman asked if he could be frank again.

Chairman Lytkowski replied absolutely.

Mr. Zimmerman stated that he will tell the Chairman it was the \$100,000,000 net worth of the group and Saucy that owns the land that they were building this on. He stated that they own the land.

Mayor Kurtz asked if Mr. Zimmerman was backing the project personally.

Mr. Zimmerman stated it was him and six others of which he has the second or least net worth of everyone.

Mayor Kurtz asked if that was always Mr. Zimmerman's intent with whoever contractors he was going to use? He asked if they were going to personally back the cost of construction.

Mr. Zimmerman agreed. He stated that not only will the owners of the land and the ultimate building back it personally for the construction, so will the construction company.

Mayor Kurtz stated that the construction company will have to get paid, he was not sure if that would make a difference.

Mr. Zimmerman stated that it was a huge difference to banks. He stated that if the construction company was not backing, sometimes they don't want to deal with them. He stated that it also would reduce your cost of financing 50 to 100 basis points.

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Mayor Kurtz asked who was going to construct the building now.

Mr. Zimmerman stated that it was his dad.

Mayor Kurtz asked if Mr. Zimmerman was going to make his dad back him.

Mr. Zimmerman stated that he was going to.

Several people began speaking at once.

Mayor Kurtz stated that Mr. Zimmerman was a much more confident guy than he was.

Mr. Zimmerman stated that he had been doing it 50 plus years, he has a lot of confidence in him. He stated that he built their other breweries as well. He stated that he was okay with it.

Mayor Kurtz stated that he hoped he was.

Mr. Zimmerman stated that he was good. He stated that another piece of evidence, and he was not trying to be flippant at all, but CF Bank who was lending them the bank debt, the founder and largest investor, Ed Cochran was a Saucy investor. He stated that needless to say, Mr. Cochran, as well as the others, have confidence in them getting the project done.

The Chairman asked if CF Bank was down there in Akron.

Mr. Zimmerman stated that it was one of the locations.

The Chairman stated wasn't that the bank, and not to be smart, but if he recalled correctly, they were out looking for capital investors a number of years ago.

Mr. Zimmerman stated that Mr. Cochran bought.

The Chairman stated that was what he thought.

Mr. Zimmerman stated that now it was a multi-billion dollar lender.

The Chairman stated that they actually had investors looking at CF Bank for the record to invest in it.

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Mr. Zimmerman stated that Mr. Cochran did.

Chairman Lytkowski stated that Mr. Zimmerman made a lot of significant changes in his opinion in the actual structure itself. He stated that he would like to see them go before the ARB first and get approval from the ARB. They could get their permits lined up. He stated that he would also like to look at the coffee a little bit closer quite frankly.

The Chairman asked Mr. Zimmerman if they were going to have take out beer too? He asked how would that work.

Mr. Zimmerman stated that you would still have to follow the law. He stated that it was just like any of their other pubs. They have retail refrigerators where you could come and buy whatever, a six pack, a twelve pack, however much you want; but that then does not give you the license to be able to drink beer in your car.

Chairman Lytkowski asked if it would be indoor and not outside.

Mr. Zimmerman stated that it will be insulated in a refrigerated space.

Chairman Lytkowski asked if it would be inside the building.

Mr. Zimmerman agreed. He stated that it would not sit outside.

Mr. Maison stated that the Chairman was correct about the last Planning Commission that they did when they came before Planning, the building was still kind of evolving; but by the time they went before the ARB, and they got their ARB approval; Mr. Casini was looking at the same renderings that they were looking at today. He wanted to make a point of clarification if it would make a difference to them.

Chairman Lytkowski stated that he was pretty conservative about items like what was presented. He stated that he believes everyone knows that. He stated that he would like them to go back to the ARB, get their approval and get the permits; and then they could come back before Planning next month, take a final overview and then approve it. He stated that he just wanted to take a little bit more time. He stated that in the meantime, if possible, once they get the final approval from the ARB, maybe they can all sit down and have a little workshop to iron out any final details so that it will be a slam dunk. He stated that was what he would like to see happen.

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Law Director O'Brien stated that typically whenever anything would come in for a Public Hearing for a special conditional use permit for the accessory uses; he didn't know what happened last time, maybe this one was one of the handful of exceptions he has seen over the last couple of years. He stated that the Planning Commission would normally table the matter anyways, but he was not too sure, and he would have to check if it would be appropriate for it to go to the ARB because he thinks it would be fair to the applicant that they should have a go or no go before they would start incurring dollars on it.

Chairman Lytkowski stated that he stated that they at least they could get a 90% feel for what the ARB will go along with.

Mr. Zimmerman stated that one thing he wanted to reiterate was that literally the only addition that they were talking about in the meeting that wasn't approved the last time because it was not on the drawing was the coffee drive-thru. There was nothing else. He stated that he was happy to do or answer whatever kind of questions everybody wants, but he stated that he didn't want to reinvent the wheel. He stated that it was substantially the same building and substantially the same business.

Chairman Lytkowski stated that there was no way the Planning Commission wanted to hold up the project. He stated that he liked the project. He stated that he feels much more comfortable this time around, but in the end he really thinks that the Planning Commission would have a fiduciary responsibility to the entire community to cover all bases, cross all t's and dot all i's, and he would like to see that happen.

Mr. Zimmerman stated that he didn't want Mr. Maison to submit to the ARB on his behalf. He stated that he was not there yet. He stated that he understood the Chairman's fiduciary duty, he understood what he needed to do as a member. He stated that he also understood that the exact building and rendering was what was approved the last time. He stated that he didn't know how long the additional process was going to take; however, all of it will cost money. He stated that they were talking about two years of a ticking clock right now. He stated that every day will count to them. He stated that he just wanted to put that position out there that they were talking about a less than 5% of revision of anything that happened the last time it got approved.

Chairman Lytkowski stated that if they were talking about a project of this magnitude, it will go well beyond today, tomorrow, 4 or 5 or 10 years down the road. He stated that a 30 day look back to look at another time will not hurt the project at all in his opinion.

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Mr. Zimmerman stated that he got it, and respectfully his opinion was that it had been looked at for a year and a half.

Mayor Kurtz stated that with all due respect, he was the new kid on the block. He stated that he did have several questions. He stated that one was that it looked like the docks would face the road, and that was a question that would need to be addressed. He stated that the drive-thru, they would be driving through two banks of parking. He was not sure that any Starbucks would do that. He stated that was more of a curiosity situation because they would still have the drive-thru while people would be coming through for lunch.

He stated that they had a situation with the Shared Use Facility, and they changed the parking for safety reasons because of a similar situation that could have been a problem with people backing out of their spaces. He stated that people will go to lunch, they will be backing out, somebody would be in a hurry to get a cup of coffee, and they were shooting down the aisle way and guess what. He stated that he was making an observation. He stated that it was his first shot looking at the project.

He stated that the docks facing the road, that was an issue that would need to be addressed. He stated that they mentioned earlier that the construction materials were changing; he stated that he thought that was the responsibility of the Building Department as well as the ARB. He stated beer sales through a drive-thru, he was not sure the Code would permit that. He asked the Law Director.

Mr. Zimmerman stated a couple of things. He stated that they will stay here until 10:00 p.m. tonight asking the Commission's questions; so please do so. He stated that Mr. Maison could address the screening for the dock.

Mr. Maison asked Mr. Zimmerman if he should do it now.

Mr. Zimmerman stated yes, other than the statement he wanted to give. He stated that again Greg with all due respect, there was almost not a single instance of a drive-thru that he could think of, whether it was McDonald's, whether it be Chick Fil A, whether it be Dunkin Donuts, that would not drive through the parking lot, almost every single one of them.

Mayor Kurtz asked which Greg was Mr. Zimmerman referring to?

Mr. Zimmerman replied Mayor Kurtz.

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Mayor Kurtz replied sorry, there were two Gregs, he just wanted to get clarification.

Mr. Maison asked if the slides could go to the site plan sketch because they did talk about it early on. He stated that if they would look on the perimeter, they have strategically placed arborvitae on all of the sight lines coming down the road and looking at the facility. They have essentially screened as much view of their docks as they possibly could because it was something that came up the first go-around, and it was important to the community.

Additionally what they did, and if they would go back to the rendering, they were making it as beautiful as they possibly could. They will be using a lot of wood and a lot of great materials. So, they have over-detailed if everyone would look at the upper left, that was essentially the dock doors that they were talking about. They would be using gabion walls and stone and wood and steel and graphics. They would be making it a very pleasing thing to look at, and on top of that they were also screening it from view. He stated that the parking and the drive-thru, they have more queue spaces like Mr. Zimmerman stated than most of the typical drive-thru places would have; but they don't anticipate that traffic after the facility would open. He stated that it would be a morning (inaudible). They will not get a rush on traffic at noon when people would be trying to eat. He stated to Mr. Zimmerman's point earlier, if it would become a problem, they would change the way it operates; they would not leave it a problem, it would hurt the business. He stated that if it would become a walk up, and there was a sidewalk and you could walk up at a certain point; there were solutions out there that they can manage the works of.

Mr. Maison stated that the final comment that the Mayor had made was the change in materials, and it had nothing to do with the exterior, that was only with the construction of the inside of the building to better create the kind of environment that they were looking for. He stated that the outside of the building will be identical to the building that was approved by ARB the last go around.

Mr. Zimmerman stated that they wanted to eliminate drywall and stuff and instead have gorgeous wood beams and ceiling, etc. It would be a much more natural, aesthetically pleasing environment in their mind.

Mayor Kurtz stated that there were a number of different issues that need to be addressed. He stated that the Chairman's idea of expediting the matter by having them meet between now and next month might be the best way to filter some of the concerns or questions.

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Chairman Lytkowski stated that he totally agreed with the Mayor.

Mayor Kurtz stated that it was the Chairman's idea.

The Chairman stated not to stop the project, he would just feel more comfortable, and he has been doing this for 20 years, maybe too long perhaps with the City of Independence, and he stated that they were very proud of all the projects that they have approved. They have done very well. He stated that there were some projects they passed on, some projects that they revised. He stated that he just thinks they need one more look see after the ARB would give it a tentative approval so they could sit down and look at it, perhaps have a workshop and then finalize it after that.

Mayor Kurtz stated that the Chairman was stating that the workshop gives them time to sort out the questions. He stated that the Architectural Board will look at the loading dock concerns, and they could explain it to him and raise his comfort level.

The Mayor stated that with the drive-thru, he agreed with everyone else, that was a question that would need to be addressed. He stated that selling beer through the drive-thru, he was not sure if it was legal for them to do that through the Code.

He stated that those were just real questions. He stated that it was his first blush at the project.

Chairman Lytkowski stated that he could take it one step further, having small grandchildren out there playing around near a brew house, that was another story for another day.

Mr. Zimmerman stated that there was example after example around the entire country, he has children, and he would not going to put them in harm's way by playing in a playground because they have a brewery next door.

The Chairman stated that he hoped Mr. Zimmerman wouldn't. He stated that he knows that he wouldn't, and he knows Mr. Zimmerman wouldn't either. He stated that some people kind of lose attention with their children. He stated that he could see a liability factor for Mr. Zimmerman's company.

Mr. Zimmerman stated that he had insurance for a reason.

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Mayor Kurtz stated that the project has a lot of opportunities, but it would warrant some more critique, new critique based on the new variables.

Mr. Zimmerman stated that just so everyone was on the same page, the only new variable in his mind was that they were picking up coffee. All the other stuff would be the same, but he wanted to know what the Commission would think would be different.

Mayor Kurtz stated that he just outlined his issues. He stated that he was not sure how the kiosk would blend into the Code. He stated that there was the cross traffic, the parking and traffic that may be an issue that they could probably get some facts to raise their comfort level.

He stated that he will leave the construction materials to the ARB. He stated that the beer sales through a drive-thru; that will be something that Law Director will have to review and report to the Planning Commission and Council to see how they could address that issue.

The Mayor stated that those were just some of the issues that were attached to the project as far as he was concerned.

Chairman Lytkowski stated that he would add the security question because he knows that there had been some security problems in that area. It was a concern. He stated that he had a lot of confidence in Norm Casini with regard to the aesthetics. They worked together for years. He wanted Mr. Casini to give his approval. The Chairman stated that as far as he was concerned, he would just like to close the Public Hearing now, and set Saucy Brew Works up for the next Planning Commission meeting for approval. He stated that in the meantime he would check with Debi Beal to make sure that they could get a quick workshop, Mr. Zimmerman, the Mayor and anyone else that the Law Director tells them they could have there because there are provisions that must be followed. They will take it from there.

The Chairman asked if they need a motion to close the Public Hearing at this point and time?

Law Director O'Brien stated that he would just ask the applicants if they have anything more that they want to add to their application, and then the Public Hearing could be closed.

Chairman Lytkowski stated that was a valid point.

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Mr. Zimmerman stated that he would say that they were happy to clarify or get answers that would make the Planning Commission more comfortable, that was not hard to do.

The Chairman stated that the Planning Commission appreciated Mr. Zimmerman's cooperation.

Mr. Zimmerman stated that even to the point of they have one of the best liquor lawyers in the State of Ohio, if the Planning Commission would want his opinion, he would be happy to have him speak to the Commission as well on the drive-thru situation. He stated that legally he believes that they could do it, but he would be happy to clarify it for the Commission.

Law Director O'Brien stated that he would have to look at the Code. He stated that he didn't think anyone was suggesting that Mr. Zimmerman could not do it. He stated that he had been doing this 20 years, and he doesn't think Independence has a drive-thru in the City; and that was why everybody was talking about it and focusing on it. He stated that putting aside the parking issues and queuing and the potential hazards of cars going cross pattern, just taking it with the fact that this would be the first drive-thru that had been proposed to the City. He stated that they didn't even have a drive-thru beverage store.

Mr. Zimmerman stated that he got it. He stated that real quick if the Planning Commission didn't mind, he was an open book. He asked Mr. Maison that from his perspective on the moving forward to continue the process so that he could get the bank deals done and everything else, where would he stand, how would it change his process? He stated that he appreciated everyone's time, and he wanted everybody to be on the same page here, and he didn't think many applicants would ask that publicly, but he wanted to know.

Mayor Kurtz asked if it was the City's business or was that Mr. Zimmerman's business.

Mr. Zimmerman stated that he wanted the Planning Commission to know too, he wanted to know where Mr. Maison was because, and he wasn't going to do this, but part of him wishes he never even had a pick up for coffee and beer because nothing else changed, and it was insignificant to the business. That was his only thing. He asked Mr. Maison if he could comment on that.

Mr. Maison asked if they were talking about a meeting between now and 30 days from now, when they have the hearing and they would be approved to move forward with

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production documents that would be submitted for permit? He asked if that was the discussion this evening?

Law Director O'Brien stated that was what he heard the Chairman say that they would be on the agenda for a vote next Planning Commission, and in the meantime he wanted to get together. He will just answer the Chairman's question, he stated that at most it would only be the Chairman and the Mayor or 2 members of the Commission. That would be the extent of it based upon the Open Meetings Act.

Mr. Maison asked if that would be separate from the ARB meeting?

The Chairman replied yes. They would have the ARB meeting first real quick.

Mayor Kurtz stated that they didn't have to go to the ARB meeting, that was just to expedite.

Mr. Maison stated that they appreciated it. So, to answer Mr. Zimmerman's question, it looked like they were looking at 30 days; so that would push, either they would go at risk or it would push everything off 30 days. He stated that 30 days was a lot of time, and in 30 days everybody would be queued up and ready to go. They would lose time on scheduling as well.

Mr. Zimmerman stated that he just more wanted to understand the nuance that the Commission always talked about the other meetings taking place in between now and the 30 days.

Mayor Kurtz stated that was the goal.

Mr. Zimmerman stated that not that he had any say but as long as that would happen.

Law Director O'Brien stated that he completely appreciated it, and he thinks that one reason why people come to Independence because although they cross their t's and dot their i's like the Chairman stated, but they are very business friendly. He stated that it was a little unclear, this was the first time the Planning Commission was looking at it. He hears what Mr. Zimmerman was saying, it was the same project; but there is at least one member, nothing is normal these days. From sitting there thinking that he was hearing that, there was some trepidation about why isn't the Commission just passing it tonight. He stated that he thought it was a bit unfair.

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Mr. Zimmerman stated that he agreed with the Law Director. It was a good point.

Mayor Kurtz stated that it was a new application in the eyes of the City. He stated that they have to act accordingly.

Mr. Zimmerman stated that he fully understands, and he hears what the Commission was saying. He just wanted to get a little more clarity on what was the Planning Commission's expectation of them between now and 30 days was all.

Vice Mayor Grendel stated that he was much for the project when they came the first time, and he was still much for it. He stated that the only thing that concerned him, as the Mayor brought up, was that coffee. He stated that he had safety concerns also, and also concerns about selling a six pack of beer out of that too. That was his concern. He stated that everything else to him was, the fact that they would have a picnic area or a playground area for the kids. He stated that everything to him was a fantastic supplement to that area, to Topgolf and then their entity there as well as the Embassy Suites. He stated that he thought it would really make that part of Rockside Woods North, that was the idea that they had when they built the road through to Brecksville Road. He stated that he was concerned about the safety factors, having the drive-thru there. He stated that if there was another area away from the restaurant part. He stated that he has been to Starbucks, and they do get pretty busy in the late afternoon and early evening too. He stated that he didn't know how big the coffee was for their business. He was excited about it because it would be one of the first ones there, and he didn't get up that early; but he will be there in the morning to get his coffee. He would like to make sure it was safe, and he would like to have the Police Chief to make sure that it will be safe because he has been involved in a fender bender or two in a situation like that where you have cars going one way to one thing; and then you would be trying to back out to get into the flow of traffic. He just wanted to make sure that it would be workable, and then the part about buying the beer there too. He stated that he believes the Law Director will check that out for them too. He stated that he was a little concerned about them selling six packs, and people driving off and having some accidents on Rockside Road or I-480; and the people drinking their Saucy Brew Works beer as they were going down the road.

The Vice Mayor stated that to him selling beer out of a drive-thru, he would rather have somebody come in and actually buy it physically inside the building and bring it out.

He stated that otherwise he was definitely for it. He was prepared to vote for it because they run a fantastic business and top-notch in every way; and he would be proud to have them in Independence. He stated that he didn't know how Mr. Gutermuth would feel.

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The Chairman stated that was his next question, what were Mr. Gutermuth's comments.

Mr. Gutermuth stated that he thought that he and the Vice Mayor had been pretty aligned. He liked the project. He stated that he hadn't said too much this evening because he really put Mr. Zimmerman through the ringer on the last go around. He stated that he was lucky enough to have that opportunity on the first go, and largely the project would be the same with the exception of the coffee drive-thru; and I think the concerns were valid as far as just traffic and safety go.

He stated that his only other note would just be knowing the problems that Topgolf has had, he just mentioned them by name specifically since it's been public, with regard to criminal activity; and I think it has to do with how close it was to freeway access to be perfect honest.

He stated that his only other note would just be having good security cameras that would show the parking lot, he thinks it would be helpful for the City and then also for customers to feel safe going there, not that he hasn't heard of anybody saying they don't feel safe going down that way, but he just knows there has been a few public incidents in that area. He stated that good video surveillance of the parking lot would do a lot, but all things considered, he does like the project.

Mr. Zimmerman stated that their location in Ohio City, they have 15 cameras on their facility, and honestly they wish they had zero because all that really happens was the cops call them all the time. He stated that they understand.

Mr. Gutermuth stated that the drawings don't show that, so he just wanted to at least make mention of that.

Mr. Zimmerman stated that they will have Gilmore Security on the site.

Mr. Gutermuth stated that all things considered, he thinks that the project looks good; but technically it was a new board since their last application.

Mr. Zimmerman stated that he got it. He stated that as a business owner and entrepreneur, he has shareholders; and his job was to push back and be as aggressive as he possibly could. He stated that hopefully the Planning Commission understands. He stated that he understands the Planning Commission's role, and he completely knows where they were coming from; but he also has to play his role. So, he stated that they

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were happy to get the Planning Commission the answers that they need over the next course of 30 days.

Chairman Lytkowski stated that they appreciate it.

Mayor Kurtz stated that he agreed. He stated that safety was going to be one of the conditions of the permit, addressing safety with certain levels of commitment. That was something they learned over the past year with Topgolf, and to be perfectly frank like Mr. Zimmerman, it will be one of the conditions for approval.

Mr. Zimmerman stated that it was not a problem, and they were with the Planning Commission on that. He stated that if people weren't safe, they would not come to their place. He stated that they were completely aligned.

Chairman Lytkowski replied thank you. He asked the Law Director if they would need a motion to close the Public Hearing?

The Secretary stated that there was a question from someone. She stated that both McDonalds and Wendy's have a drive-thru that pass through parking areas, have there been any problems there?

Mayor Kurtz stated that he could address that. He stated that the parking was on one side, not on both sides. You wouldn't be running the gauntlet through that.

Law Director O'Brien stated that if he remembered correctly, Wendy's at the very least, it had been a while since he had a burger, but he stated that when he used to go through there, wasn't there a barrier that you would go through the drive-thru. It was not like going through a parking lot.

Mayor Kurtz stated that you would be on one side, that was correct.

Vice Mayor Grendel stated it was close to the building.

Mayor Kurtz stated it was the same thing with McDonald's, you would be parallel to the building, there was not parking on both sides.

Mr. Zimmerman stated that they will get to the place where everyone would be happy with the project, but he could also give them 50 examples of parking on both sides going

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through a drive-thru. He stated as a devil's advocate, not pushing back; he just wants them to know he was just at one today actually in Lakewood.

Mayor Kurtz asked Independence?

Mr. Zimmerman stated not Independence.

Law Director O'Brien replied yes.

Chairman Lytkowski asked the Secretary to tell everyone the date of the next Planning Commission meeting.

Mayor Kurtz stated that they will be on the agenda.

The Chairman asked what was the date so they would know.

The Secretary stated that the date was April 6th.

A motion was made by Vice Mayor Grendel, seconded by Mayor Kurtz, to close the Public Hearing.

ROLL CALL: Yeas: Grendel, Kurtz, Lytkowski, Gutermuth

Nays: None

MOTION CARRIED

There being no further business, the Public Hearing was closed at 6:40 p.m.

Dale Lytkowski, Chairman

Debi Beal, Planning Commission Clerk

Minutes Unapproved at Time of Release 03/05/21