

**MINUTES OF A REGULAR MEETING
OF THE PLANNING COMMISSION
CITY OF INDEPENDENCE, OHIO
April 6, 2021
Held Virtually Via Zoom**

Chairman Lytkowski called the meeting to order at 5:32 p.m. April 6, 2021 and the following responded to Roll Call:

PRESENT: Chairman Dale Lytkowski
Mayor Gregory P. Kurtz
Vice Mayor David Grendel
William Gutermuth

OTHERS

PRESENT: Don Ramm, City Engineer
Michael Gero, Building Official
Will Doyle, Assistant Law Director
Jeff Markley, City Planner
Jessica Hyser, Economic Development Director
Vern Blaze, Finance Director

Old Business:

**Approval of Minutes of the Planning Commission meeting held on
March 2, 2021.**

**Approval of Minutes of the Planning Commission Public Hearing held on
March 2, 2021.**

- 1. Saucy Brew Works, PPN 561-24-023, Rockside Woods Blvd.** – Seeking approval for an accessory use to operate a brewery and the company’s corporate offices on the premises.

New Business:

- 2. 8801 East Pleasant Valley Road, CSA America Testing & Certification, LLC** – Requesting a variance to Chapter 1383 to permit encroachment into the steep slope setback and a variance for additional parking.
- 3. 8600 Pleasant Valley Road, Independence Auto, LLC** – Requesting a Special Conditional Use Permit to permit a used car dealership to be located within the existing building.

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Chairman Lytkowski stated that Planning Commission members had received the Minutes of March 2, 2021 Planning Commission meeting. The Chairman asked if there were any additions or corrections.

A motion was made by Vice Mayor Grendel, seconded by Mayor Kurtz, to approve the Minutes of the March 2, 2021 Planning Commission as written.

**ROLL CALL: Yeas: Grendel, Kurtz, Lytkowski, Gutermuth
Nays: None
MOTION CARRIED**

Chairman Lytkowski stated that everyone had received the Minutes of the Planning Commission Public Hearing held on March 2, 2021. He asked if there were any additions or corrections.

A motion was made by Vice Mayor Grendel, seconded by William Gutermuth, to approve the Minutes of the March 2, 2021 Planning Commission Public Hearing as written.

**ROLL CALL: Yeas: Grendel, Gutermuth, Kurtz, Lytkowski
Nays: None
MOTION CARRIED**

Saucy Brew Works, PPN 561-24-023, Rockside Woods Blvd. – Chairman Lytkowski stated that the first item on the agenda was the Saucy Brew Works. He asked if the applicant was in attendance.

The Secretary stated that David Maison was in attendance via Zoom. She stated that she did not see Brent Zimmerman’s name on the screen.

Economic Development Director Hyser stated that she knew that Mr. Zimmerman was on vacation, so she wasn’t sure if he would be joining the meeting.

Chairman Lytkowski stated that they were seeking approval of an accessory to provide a brewery and corporate offices. He asked Mr. Maison if he could hear everyone.

Architect David Maison stated that he was in attendance with owners Matt Schubeck and Eric Anderson. Also, Todd Sciano was in attendance for Donald Bohning & Associates. He stated that Mr. Zimmerman was on vacation.

Chairman Lytkowski stated that before they begin to discuss the project he wanted to state that on behalf of Independence, they wanted to thank Mr. Maison and the team for joining them last month and having a workshop to try to iron out all the little plusses and

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minutes that needed to be done. He wanted to thank them for that and thank them for the efforts.

Mr. Maison stated that he wanted to thank them as well. He stated that it was extremely helpful, and the Chairman has been extremely helpful. He stated that they appreciate the investment that the City has made as well.

The Chairman stated that before they begin, he wanted to go through a list of four or five items, and then it can be opened up to discussion.

He stated that Number 1, he asked if the Architectural Board of Review had given approval for this project.

Mr. Maison stated that they had a subsequent meeting following their informal meeting, and the changes that they discussed together with the Architectural Board and Building were revised and included in the latest submission. He stated that they feel like they have hit the spots that were most important. He stated that he hasn't heard anything more since they submitted the revisions following that second meeting with the Chairman of the Architectural Board and the Building Department. He asked if anyone at the City had heard any response back from the Architectural Board Chairman.

Mayor Kurtz stated that he hadn't.

Vice Mayor Grendel asked if those were the items that were summarized on the second page after the application. He stated that it was letters A through G.

Mr. Maison replied that was correct.

Vice Mayor Grendel stated that he noticed that as far as where they will be serving the coffee, it will only be served until 11:00 a.m.

Mr. Maison replied that was correct. He stated that it will alleviate the congestion that they could have had between the lunch crowd and the coffee line. The service will be limited.

Vice Mayor Grendel stated that was what he had hoped for because he was worried about the safety issue there with the coffee being served during the lunch hour, and the time that they will have people come to the restaurant there.

Chairman Lytkowski stated that the Architectural Board of Review had technically not yet signed off on the application. He stated that they had probably given a quasi approval but not totally formalized the approval.

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He asked about the City Planner. He asked if the City Planner had looked at the plans. He stated that he knows there was a lot of landscaping changes. He asked City Planner Markley if he had signed off on the plan.

City Planner Markley stated that he hadn't signed off, but he saw the plan today. That was the first time that he has had the opportunity to review the changes made from the work session. He stated that it looked very promising. He stated that he liked the entire screen all along the driveway there, the screening off the freight area.

Chairman Lytkowski stated that he thought the one area that the Mayor was concerned about was the loading docks.

City Planner Markley stated that was what he was referring to. He stated that there was no plant legend, but the elevations made them looking promising. He stated that he wanted to see the final package of the landscape drawing, and he hoped they had names, sizes and all that kind of stuff.

Mr. Maison agreed.

Chairman Lytkowski asked if the Building Department, the Building Official, have all the questions been resolved.

Building Official Gero stated that Norm Casini, he and Mr. Maison met together and went over the plans and the proposed changes to the building that can be seen in the submission. He stated that everything that Chairman Casini talked to the applicants about, they have implemented. He stated that just to clarify, the Architectural Board will not give approval until after the construction drawings would be reviewed, and their specific materials. That will not happen for a little while yet, formal Architectural Board approval.

Chairman Lytkowski asked City Engineer Ramm about any concerns. He stated that he thought the last time the City Engineer had some questions about the water, the drop off of the land.

City Engineer Ramm stated that there weren't a significant amount of changes to the site he didn't believe. He stated that one question that came up during the work session or prior to, the sanitary sewer that runs along the south property line in an easement, he wanted Mr. Maison to speak to what features they were proposing to build in the southwest corner and whether or not there would be an encroachment into the sanitary easement, and if so, to what degree.

Mr. Maison asked Todd Sciano to help him out a little bit because he believes Mr. Sciano understands that portion of the project. He stated that there was the plan to utilize that

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portion of the site, understanding that if work would need to be done, it would need to be done; and the replacement of the paving would be their issue and not anyone else's. He stated that it would allow them to utilize the southern portion of the site and try to keep their parking numbers up as high as they can possibly get them with the area of land that they were dealing with. He asked if there was anything that Mr. Sciano would want to add to that.

Mr. Sciano stated that to the City Engineer's comment, the majority of the easement, the entire length, would be parking over from the intersection basically with the UEL at Rockside Woods Blvd. heading towards the freeway, the entire length. He stated that in the back corner closest to the freeway, there was a garbage enclosure and a chiller enclosure that would encroach into that easement. He stated that was the appendage on the plan coming off the building at the end of the drive aisle. He stated that those would also be within that easement.

Mr. Gutermuth asked if they would be able to have somebody share screen so he could make sure he would be looking at the same thing. He stated that it was tough to follow on his paper.

Mr. Maison put up the site plan on the screen.

Mr. Sciano referred to the site plan showing the area in question. He stated that all the parking along that line would be within the easement; and then you would see the trash enclosure at the far end and the chiller enclosure, or at least the screening for them would be in that easement also.

Vice Mayor Grendel asked if the parking spaces there would be for the employees of the business, and the other ones would be for the general public.

Mr. Maison stated that was the way will orchestrate it. He stated that would make the most sense.

Chairman Lytkowski stated that he had one more question on parking. He asked if they would need a variance? He asked if they had determined how many parking spaces that would be needed. He stated that last time he had some questions about it.

City Engineer Ramm stated that he thought the Building Official could speak to that. He stated that he believed they were short some parking.

Building Official Gero stated that he wanted to say because of the mixed uses of the structure, and because the parking code would address specific functions as a total use of a building, he tried to figure in what would be an appropriate calculation for the parking. He stated that based on that, he figured that the parking would be somewhere between

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218 and 240 required, and he counted up 165 spaces. He asked Mr. Maison if that was correct.

Mr. Maison stated that he had 168 spaces as his latest count.

Building Official Gero stated that he figured there was somewhat of a little deficiency on parking, needing between 218 to 240, somewhere between 53 and 75 roughly give or take spaces that they were a little short. He stated that would not take into consideration evening or weekend hours where the office people wouldn't be there, and those parking spaces that were allocated for their use would be available. Production might not be at its full capacity, and then those parking spaces would be available. He stated that it also did not figure, the production parking was calculated on a square footage basis; and he believed that they had stated that they were only going to have 17 employees versus the 32 spaces that were calculated for the production. He stated that there will be a deficiency, but it would be hard to say an exact number of what the deficiency would be.

Chairman Lytkowski thanked Building Official Gero. He stated that the bottom line would be they would need a variance.

Building Official Gero stated that a variance would need to be granted, or an alternative parking situation provided.

Chairman Lytkowski stated that was a big percentage. He stated that he thought it would be approximately 25% short.

Building Official Gero stated that erring on the side of caution, where the numbers would be, it was difficult to figure exactly some of the spaces required depending on because of the different uses involved.

Mr. Maison stated that one of the great things about the property was they have the outdoor space. He stated that seasonally in the warmer weather they would have a greater deficiency than they would have in the colder weather, but he stated that it would not negate the fact that they do have a deficiency.

Chairman Lytkowski stated that he had one more question, and then he would turn it over to Mr. Maison to make the presentation. He asked if the safety forces, the Fire and Police, did they give their okay to the layout of everything.

Economic Development Director Hyser stated that she was able to talk with Don Reis in the Fire Department today, and he was okay with the setup of the modifications. She stated that she also heard from Chief Kilbane, and he was also okay with the project.

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Chairman Lytkowski replied perfect. He asked if that would include on site security, actual personnel security and cameras.

Economic Development Director Hyser replied that it did not. It would just include the site layout.

The Chairman stated that they would have to address security personnel on site as well as cameras.

Economic Development Director Hyser agreed.

Mr. Maison stated that they will definitely submit all the cameraing and security layout as a part of the document set that would go in for Building, and they would take a look at all of that.

The Chairman stated that he would want high definition cameras so they could see who the people are when they would need to be seen. He thought that was a good way to put it. He asked Mr. Maison to begin his presentation.

Mr. Maison stated that they were looking at the site plan. He stated that not a lot had changed. He stated that one of the things that they did to help improve was incorporate, in addition to the screening that they had, also some mounding along Rockside to give that screening a little teeth. He stated that they felt like it would be a lot more successful. He stated that they were showing some mounds on either side of the drive with the planting both behind and on top of which they will see in the elevation coming up. He stated that he will try to be as brief as possible.

He stated that their floor plan was very similar. He stated that the one difference that would make a difference to the assessment of the parking; they were at one point proposing an additional event space to the west that they have since removed. He stated that it would now be a kitchen area because they needed to increase their production space a little bit. He stated that helped them. He stated that it was one less thing that they needed to try to deal with parking.

He stated that the second floor plan was very much the same as it was before. He stated that it will be where the event space would live. There was a little bit of mezzanine space that would overlook their brew hall, and a two-story production space.

Mr. Maison stated that the elevations were what they spent a lot of time talking and working through in the design review meeting, which was to kind of build up the earth a little bit along Rockside to provide that kind of additional screening and get some layering of trees and arborvitaes. They have a dense bush that would stick around all times of the year.

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He stated that another thing they did was they removed a large garage door that they had, and they replaced it with glass so that they could get a little bit of view into the production space. He stated that they would mostly see the top of it from the street, but again it will be a better presentation to the street side than having another door.

He stated that they continued the gabion wall a little more uniformly, and they extended it up so they end up with a stone piece on the corner. He stated that it was another suggestion that came out of the meeting they had. He stated that they have a wood element that would give a nice warm feeling in terms of the building. They have included that on the piece on either side of the windows as they hit the production space. He stated that it had a little bit better and stronger feel to it.

Mr. Maison stated that in the shot from the south, there was the continuation of the screening. He stated that it was the side of the building that you would see from the Embassy Suites parking lot. He stated that one of the things they hadn't yet done in the earlier conversations was develop some openings along that elevation so that it would have a little more life to it, and they were able to get some light inside the building.

Mr. Maison stated that was it as far as the Architectural Board sit down meeting. He stated that he believes that he has covered the hot points. He asked if there were any questions.

Mayor Kurtz stated that he had a question. He stated that with the mounding out front, how would they ensure that potential patrons would not just drive by because of the narrow footprint that they would have. He asked if signage would be able to deal with that.

Mr. Maison stated that they will definitely propose some type of reasonable monument sign at their entrance; but he thinks they will have a little visibility of the upper portion of the building, not in a naming sense, but at least in a recognition that the building was there. He stated that they will have to handle the street wayfinding with some type of a low monument street sign at the entry.

Mayor Kurtz stated that the other question he had was with such a narrow opening, would that be wide enough for truck traffic and vehicular traffic if they have semis coming in for pick up or delivery; and they have traffic circulating to get out, would he think that the pavement area could accommodate that.

Mr. Maison stated that was a great point. He stated to Mr. Sciano that he looked at the widths that they have been talking about. He asked if Mr. Sciano could use a few more feet to make things flow a little better.

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Mr. Sciano stated that he agreed. He stated that they were fighting two things; one the screening in the front; and then two trying to accomplish that truck movement to back in that area. He stated that they did talk about it before Planning Commission, last week Thursday, he would like to see the radius opened up to accommodate the movement a little bit better and possibly slide the island back one stall as you would enter. They also want to accomplish what Mr. Casini requested by the screening of the dock.

Mayor Kurtz stated that they might have to have a little flexibility only because being an old truck driver and trying to get in there with a semi when cars would be coming out. Then you would have to go around the island and around the other island to back in; he wouldn't want to take his CDL test on that. He stated that he thought it would need to be as functional and safe as possible. He stated that as long as everyone stated that they would have to be flexible in that, it may be a game day decision or something out front that would show that they have a little flexibility or something. He stated possibly a roll up curb or something that would not be so confining in getting in and out of there.

Mr. Maison stated that was a good point. He asked Mr. Sciano if that was something they could accommodate.

Mr. Sciano stated that he would prefer that, he thinks that whole entrance area, if they would bump that landscape back a little bit towards the building, and then open up that radius, it would give the truck drivers more sight lines also. He stated that they could still accomplish a nice entry. As it would open up, they would see the angle of that landscape as they would come down the street. He just thinks it should be moved a little bit further towards the building.

Mayor Kurtz asked Mr. Sciano if he would suggest that if they identify it as something that would need to be modified but also it will be something that they really look at and finalize when they were on site doing work.

Mr. Sciano stated that it would definitely be a detail that he thinks would come with the landscape plan, but also it would make the truck movements work as part of the detailed engineering.

Mayor Kurtz stated that if they approve it, subject to a landscape plan and implementation; so that would be something that would be something that would be ongoing until it would be completed. He asked the City Planner if he was comfortable with that.

City Planner Markley replied that he could accept that. He was going to offer one suggestion. He stated that perhaps the smaller mound on the eastern side.

Mayor Kurtz stated it would be the north or east.

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City Planner Markley stated that if they were to pull that back a little bit more and open it up to the aisle of the parking lot, they might actually be able to achieve a decent radius that way also. He stated that they wouldn't compromise any of the screening.

Mayor Kurtz stated that was one suggestion. He stated that the other question he had if it was appropriate at this time was how would they be dealing with keeping water on site. He stated that he really appreciated the drone footage that was submitted, and it clearly identified a concern for him at least in terms with the severe elevation changes between properties. He asked how would they be dealing with on site water management from all that hard surface. He asked if they would have parking areas or some of the landscape or buffer areas that would be managing water. He asked them to tell him how they would deal with water management.

Mr. Sciano stated that there would be no ability for off site management for the site. He stated that all the water on site will have to be managed in accordance with the City's code. He stated that there would be a stretch to try to reach some type of Silver LEED credit. He stated that as he knows now, the retention will all be underground. He stated that the water quality will all be underground/bio-swale. He stated that it would basically be that a majority of the site would be built out so it would be a full .9 holdback. He stated that the site will be standalone, and it will meet the pre to post critical storm criteria in the City's code. He stated that there was no room for a pond anywhere, so it will all be underground.

Mayor Kurtz replied thank you.

Chairman Lytkowski asked the City Engineer if he would oversee the potential water problem.

City Engineer Ramm stated that it would be reviewed administratively during the detailed site plan and site engineering.

Chairman Lytkowski stated that it was mentioned, and he asked if the City had a water ordinance. They made reference to some water ordinance.

City Engineer Ramm stated that they have a water management ordinance.

The Mayor agreed.

Chairman Lytkowski stated that he didn't know that. He stated that one of the things that was on his mind that he would like to talk about. He stated that there was a concern about the parking. He knows that in the past the Planning Commission had granted approvals and had parking variances that sometimes turn around and bite them. He stated that he gets concerned about the parking. He stated that he knows that Mr. Zimmerman

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talked about this being a really big affair here, especially during the summertime. He asked what should they do about the parking variance. He stated that he thought they would need to go beyond by having some of the employees who won't be there during the day. He stated that he believes as they get more people coming in, the staff would be greater than 17 people. He stated that there was a number initially of 30 employees if he recalls. He stated that he had a concern about the parking. He asked what can be done about it.

Mr. Maison stated that Saucy has been working on that really hard, and in talking with the ownership; they have reached out to a long-time Independence developer that would be across Rockside Blvd., but would be the closest building. He stated that they have worked out an arrangement for an additional 80 spaces to use when they hit those spots like in the summertime, on the weekend, they will be busy when the outdoor area would be open.

The Chairman stated that he hoped so.

Mr. Maison stated that they were sensitive to the parking issue as well, and as he understood it, the attorney for the group, Mr. Balog, was out of town. That was in the works, and it should be available for submission to the City in the form of an agreement very, very soon. He stated that he could not speak to an actual time. He asked if Matt or Eric had a better sense of timing on the arrangement.

Mr. Anderson stated that with him being gone this week, he knows that Mr. Zimmerman had talked to them; and he would hope next week. He stated that they were working on it furiously over here because they hear the Planning Commission's concerns; and they want to address those concerns. He stated that they were doing the best to get that to the City as fast as they could.

Mayor Kurtz stated that it sounded to him like the magic number that he believes that the Building Official mentioned, and now what the applicant had mentioned, was about 75 or 80 spots would be what the target was in order to allow their business to be fluid and flexible and successful. He stated that was the magic number, and now they have to figure out how they get that. He stated that there were several different options that they could look at. He stated that parking was one of the issues.

Chairman Lytkowski stated that there were some spaces on the other side of the street, right opposite, and maybe trying to convert that area into off street parking. He stated that it might make a lot of sense. He stated that he just cannot see, and he was not too sure what building Mr. Balog was talking about; but it would be on the south side of Rockside if he would have a guess; so that would mean that they would be crossing the street there leaving from the brewery after a couple of drinks. They might be tired of waiting for that bus; and he could just see problems. He stated that he would rather see it

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be done somehow real close to the brewery operation. He stated that was his feelings, and he doesn't know if they need to convert that to a parking facility there. He stated that he didn't know how much land was available or the cost; but all he knows is that they have been burned in the past. He would hate to see that happen again. He stated that maybe they could take care of it by having the applicant produce a bond. He stated that maybe they could work on it together somehow. He stated that they were a partnership. He stated that they want the applicant to be there with them. He stated that it would have to be a two-way street. He asked if there were any comments.

Mayor Kurtz asked if the Chairman was stating that a bond would be a condition.

The Chairman stated that he thought maybe a bond of some sort. He stated that he was sure that the legal counsel could give them some advice as to what type of bond they would need. He stated that he didn't know if it was a performance bond; he didn't know what kind of bond. He stated that it seems to him that having people on that side of Rockside coming to the brewery would not be very conducive.

Mr. Maison stated that he absolutely heard what they were saying, and he was not saying what he is saying to be argumentative; it just was that maybe he was not clear. He stated that with the use of the parking, they would either valet to and from so people would not be on the street. One of the things that they thought might be kind of an interesting solution would be to employ a couple of street legal electric golf carts; and they make the ones that would be a little bit more elaborate and more like a vehicle. He stated that the thinking was it would do a couple of things. They would have eyes on the ground moving around and seeing and could help with security. They would not be Police officers that would be driving the vehicles, but there would be a presence in the neighborhood. He stated that they could be outfitted with radios. He stated that they don't want their guests enjoying themselves and then wandering down the street. He stated that would not help the business. He stated that if there were an off site parking arrangement that would be accepted, they would definitely be proposing the movement of those people, either via valet or possibly the introduction of something that would help the area in terms of safety as well in any movement and visibility. He stated that he didn't know if that would help clarify what he initially stated or not.

Chairman Lytkowski stated that he heard Mr. Maison, and to him he was no pro at parking; but it seemed to him that (inaudible) the better off they will be, the better off the City of Independence would be. He stated that they could combine Embassy Suites with the parking project and Topgolf; and maybe they do that. He asked the Mayor what he would think.

Mayor Kurtz stated that Topgolf has their own parking challenges, and the fact that everything was good while the road was closed. He stated that when the road opened up it took away a lot of flexibility. He stated that he was working with the Police Chief to

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address the issue from a long term strategy. He stated that they were looking at all of their options right now as they speak. He stated that the contracts were still open relative to the road construction; so nobody could do anything in the immediate proximity at this point because they have not closed out some of their construction project for Rockside Woods North. He stated to Mr. Maison that it was Rockside Woods North just to have a little fun with him. He stated that it was not Rockside.

Mr. Maison replied forgive me.

Mayor Kurtz stated that he didn't know if Mr. Maison wanted it to be Rockside or not.

The Mayor stated that he thinks that if he is hearing people correctly at least up to this point, the issues that they have defined would be it would have to go to the ARB. One of the conditions would be for landscaping. They would watch that not only for the approval but also monitoring during construction and final construction. That will all be in motion and in movement because it would be something that would have to be fluid to accommodate some of the on site management issues such as water management. That would have to be underground.

The Mayor stated that the other issues were parking and safety. He stated that their safety forces were being taxed because of people getting out of their shells again. He stated that it would not go away, and he could see when they open this up and they have all this value added to the area. He stated that it would present some challenges, and they have mitigated some of that with Topgolf. They have put off-duty Police officers on site, and it seems to have exacerbated or are at least balanced out some of the challenges that were escalating. He stated that they have neutralized that. He stated that might be between cameras, security systems and on site safety forces. He stated that might be a solution for the safety concerns they have.

He stated that with the parking, it was mentioned a bond, maybe they would have to put a bond up until they find a formalized solution because if in fact the project would be approved and it would be built, it would be hard for the City to say it would not be working right, there was not good parking. He stated that unless they have something of substance to hang their hat on. He stated that he thought the Chairman's proposal might make the most sense, at least if they would want to move forward as quickly as possible.

He stated that was his version of recapping what he has heard the Chairman and others say up to this point; and he was not sure what other issues there were. He asked how would they deal with the ODOT property and managing that to make it the most favorable in terms of their views; if they were coming westbound, there would be an opportunity that they could really take advantage of if they have some support from ODOT or at least the ability to manage some of that. He asked Mr. Maison if he could speak to that.

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Mr. Maison asked Mr. Sciano to speak to that as it was part of what they have discussed.

Mr. Sciano stated that from a high level, they talked to ODOT about potentially trimming some of the trees in the right-of-way, the scrub brush and opening up the sight lines to try to do some advertising and showcase the fancy part of the building, especially at night with the lighting looking off to the east. He stated that they had surveyed the trees that were in the right-of-way, and they would be required to do a 2 to 1 replacement for any trees that they take out. He stated that it was on the table, especially towards the north part where they were not cutting the trees down to open up that view vantage point. He stated that what was out there beyond the fence right now, it was nothing great.

Mayor Kurtz stated that they kept their right-of-way pretty mowed, cut down. That was what Mr. Sciano was saying.

Mr. Sciano agreed. He stated that whatever was growing was really small at the top of that 3 to 1 slope. He stated that they do have a great program that would allow communities to enhance the right-of-way. He stated that they have explored it, and they have talked to the Permit Department about what would be required. He stated that he thought it would actually provide some value to the group from a marketing standpoint and for showcasing the facility.

Mayor Kurtz stated that he wanted to thank Mr. Sciano for the explanation. He stated that it was appreciated.

He stated that one other thing in terms of safety. He stated that they still haven't talked about the pickup. He stated that he saw that they changed the hours of operation, but should that be tied into a safety issue.

The Chairman agreed.

Mayor Kurtz stated that his thought would be that if everything was fine, and it was working well that would be great, and everybody would win; but if in fact that it would become a nuisance, they would have to have some flexibility to be able to curtail that use. He stated that would be predicated on the submittal by the Police Chief or the Fire Chief. He stated that he would think it might be another consideration or condition that they would have to look at.

Chairman Lytkowski stated that he totally agreed. He asked if anyone else had any comments.

Vice Mayor Grendel stated that the only thing he wanted to ask, and it might have been answered there by the Engineer. He asked if there would be additional signage on the building itself visible to I-77 and I-480, similar to what Topgolf has on their building?

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He asked if that was being planned or any kind of lighting. He knows that they had the one hotel, SpringHill Suites; they have attractive lighting on top of their building. He just wanted to see how it would fit in with the aesthetics of the area.

Mr. Maison stated that they have discussed the possibility of some signage that would face the interstate, but they were still trying to work it into the architecture of the building. He stated that they haven't collectively as the Saucy group made a decision yet on how to best handle that. He stated that it was something they realized they would have to come back to the Planning Commission for. He stated that at this stage they don't have anything planned on that I-77 facing elevation. He stated that more to Mr. Sciano's point, and trying to get visibility up to see the building was what they have been doing.

Mayor Kurtz stated that the Vice Mayor's point was well taken. He stated that they could do something really to make a statement if they could incorporate lighting into the building, some type of tying into the building would be really something that would be classy. He stated that they would want something really classy to make a statement, but it would have to be tied into the building. He stated that the lighting should be appropriate.

Mr. Maison agreed.

Vice Mayor Grendel stated that was what he was trying to get to. He stated that it could be such a great potential for that area, for them and for the City.

Mayor Kurtz stated that when you would be coming eastbound on I-480, it could definitely make a statement if they could somehow tie it into the building with the appropriate, some classy looking statement for lighting. It would be really nice.

Mr. Maison stated that the Mayor was absolutely right. That would be great. He stated that they have a terrific sign guy that they work with, and he has been chomping at the bit to get looking at the project. They will start that right away.

Chairman Lytkowski asked who was their sign guy out of curiosity.

Mr. Maison stated that they use Signature Signs, Mr. Bruce Farkas. He asked the Chairman if he had somebody he liked.

Chairman Lytkowski stated Ruggo Sign in Louisville, Kentucky.

Mr. Maison replied thank you.

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The Chairman stated it was Tom Cameron. He was a good friend of his. He stated that they do all signs across the country, plus internationally.

The Chairman asked Mr. Gutermuth if he had some questions.

Mr. Gutermuth stated that one question was on the truck and the traffic, and he was not sure how large of a concern it was because he thinks it was addressed previously; but he thinks it might be a question for the ownership. He asked what would be the expected truck traffic as far as timing would go? He could not imagine that they would have a semi truck making a pickup or delivery in the middle of a busy day. He asked if there was generally speaking standard pickup and delivery times that they would have.

Mr. Anderson stated that with their distributors and Sysco, they could set whatever delivery timelines they would need. He stated that ideally they take everything in and out early in the morning. He stated that it just seems to work best because as the day would go on, they would get more and more traffic. He stated that they could coordinate with them. He stated that Sysco would deliver at 5:00 a.m. if they need to. He stated that they were very flexible. He stated that they have House of LaRose just down the road; they would be very flexible on pickup times. They start pretty early.

Mr. Gutermuth stated that was what he figured. He stated that there was some talk about the trucks, and not saying the landscape would not have to accommodate them; but he couldn't imagine them bringing a semi truck in the middle of a lunch shift. He thanked Mr. Anderson for clarifying that. He stated that he believes they have done that for him.

He stated that the other question was, not saying that they should, but have they allowed a variance of a similar size in recent years as far as the number of spaces goes. He stated that he thought the Chairman was the one who threw out roughly 25% give or take. He stated that it was fairly large as far as parking would go. He asked if there was any precedent for a variance of that size at all? He was not sure on that. He stated that he didn't know who to ask. He stated that it was directed towards the City, not the applicant. He asked if somebody could take a look at that for him. He would just be curious. He stated that not saying that it would necessarily be appropriate in this instance, but it would be an easier sell for him to say some sort of bond would be warranted based on the fact that this was a variance beyond something they have done in recent history. He stated that he thought it would make the bond suggestion all the more applicable.

He stated that those were his thoughts and his questions, and he doesn't expect necessarily an answer on the parking right now; but something, if someone with the City could take a look at that for him. Again, he wouldn't know who would be the appropriate person to look into that. He would be curious to know. He stated that was all he had.

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City Planner Markley asked the Secretary if the Law Department could look into that with her.

The Secretary replied yes.

Vice Mayor Grendel stated that it would almost require the alternate parking site across the street because this project would be a destination hopefully for a number of events; so he would think it would almost be mandatory that some arrangement would be made for that land across the street to have overflow parking and an arrangement be made that you have people that direct the parking there if it would get real busy. He stated that he anticipates that Topgolf would be having special events also, and Saucy Brew Works will; and he believes it would make sense to have the extra parking available there. He stated that also Embassy Suites would probably go along with that also. He stated that it would make perfect sense to make use of that land in a safe manner, and a manner that could park extra cars so they would not have a problem on the street there.

Mayor Kurtz stated that there were a lot of moving parts, and as long as they could keep moving in the right direction, he thinks there would be a global solution. He stated that he was looking for a global solution. He stated not to put anybody on the spot or put them at a disadvantage, but they already recognize, he thinks that Mr. Gutermuth's point was well taken. He stated that he didn't know from his perspective if they had a variance of that size, especially in a retail or a mixed use type environment. He stated that he was a little gun shy because they have had success with Topgolf; but they have had challenges. He stated that Saucy will get the benefit or the brunt of that experience. He stated that they recognize that safety was an issue because they have had some challenges. He stated that they recognize that parking was an issue because they have some challenges; and the landscape and aesthetics was something that they need to address in terms of the architecture. He stated that they were not trying to be unreasonable, they just think that what they have here was something that would have to make a statement. He stated that they were pushing and prodding to complement what they have done from a baseline, not to be stubborn, but to be encouraging in terms of what the expectation level would be. He stated that a number of people who will be attracted to this facility would demand that they have a clear vision of how it will be managed for the future.

He stated that to answer their question, they were working on some of these solutions. He stated that he wishes that he had an answer today, but everything takes time. He stated that they still have an open contract down on that road construction which should wrap up here fairly soon; and then they would be in a position to search all their options. He stated that Saucy would have to be open with the parking deficiency. They have to find some vehicle to give them something that would be reasonable. It would be the same thing with safety. He stated that it would be the same thing with water management. He stated that those were all issues that it sounds like everyone was on the right page or the

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same page, but they need to have an approval that would give some flexibility to the future of the property and the opportunity.

He stated that they identified a bunch of the different concerns in the narrative earlier from when they started tonight, as well as last month.

Vice Mayor Grendel stated that he agreed. He stated that he thinks that a project like this, it was not just a restaurant or not just a corporate headquarters or a facility that produces beer and everything; it will be a destination. It would be an attraction, and he thinks that any attraction to be successful would have to have adequate and decent parking because nothing turns consumers off than inadequate parking if you would be fighting over parking spaces or that too. He stated that to him it would be the most critical issue that they take care of ahead of time so that when it would open, it would be a smooth opening, and they will be able to really have a lot of success right out of the get-go and not have problems with parking because it's a first impression. If you have people coming here, and they would be having a heck of time trying to park, they might not come back and everything because of the hassle. If you address that issue right out of the get-go, he thinks they will find success and find people who will want to come back. He stated that what the solution would be would be up to the experts, but he would like the idea of maybe having some kind of valet service or whatever to make it easier for people. He stated that it would have to be done safely, and it would require a lot of thought. He stated that it could be a really big success; and he believes that you need to plan ahead and properly.

Mayor Kurtz stated that to complement what the Vice Mayor stated was that if they have on duty or off duty Police officers managing the security and the safety; he doesn't want them to be glorified traffic cops out by the road. He stated that they have seen that happen before. He stated that he was optimistic that they could produce a global solution to some of the issues. He asked Mr. Maison what would be the timetable. He stated that Mr. Maison has heard the concerns that the Planning Commission had with traffic, parking, safety, security, landscaping. He asked what was their expectation this evening.

Mr. Maison stated that what they were hoping for because he thinks that the landscaping and the civil work for the management of the site; those things would all come of the development of the project. He stated that they were as a group collectively aiming towards an end of May first part of June as a hope to have something ready to submit to the Building Department. He stated that it was not like they could come in to submit next week; they have a lot of work to do to pull it all together. He stated that he thought if they were given a conditional approval from Planning Commission this evening with the exceptions that the Commission has voiced; they would be able to satisfy, all of them in both the global parking solution and in the implementation of the security as well long before they would be ready to submit any documents for the next step. He stated that if they could get the conditional approval, he knows that piece would really help the Saucy

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side of things with finalizing all of the financing that was in the works that would also be necessary to keep things moving forward.

Mayor Kurtz stated that Mr. Maison was saying that conditional approval, understanding and recognizing that if they could not satisfy the safety issues, they could not satisfy the parking, that it would become a dead issue unless there was some major renovation of some kind. He asked if that was what he was hearing Mr. Maison say, and they would be willing to take that risk.

Mr. Maison agreed.

Mayor Kurtz stated that he didn't want to put a customer that has a lot of money invested and a lot of time and effort invested; they don't take people to the altar and abandon them. He stated that he would rather make sure that they were fully prepared when they come to the altar so that when they make a commitment, it would be done and everybody would facilitate the implementation stage. He stated that right now Mr. Maison was saying they will open the doors of the church, but they understand that they were not at the altar yet; but they want to get inside. He asked if they were saying?

Mr. Maison stated that it was a good analogy. He stated that he knows from his talks with the guys at Saucy, they were trying to get in the door as best as they can. He stated that they hoped to have the executed LOI for the parking for tonight's meeting. He stated that it didn't happen, but they have also thrown out some alternate suggestions again that he thinks there are some things that they need to talk about. He stated that piece could be ironed out in the next few weeks, just not to the Planning Commission's satisfaction because this place will not work for Saucy if they can't park. He stated that Saucy was as committed to solving this as the City was because it would be the best thing for everyone; and that was what they all want.

He stated that as far as working out the site movement, the underground retention will just be how Mr. Sciano has to manage the water. He stated that it would be a completely code satisfying way to do it. He stated that he didn't feel that it would be an outstanding issue; but they won't see those details until Mr. Sciano would do all the documentation. He stated that he feels like they are all very, very close. He stated that they spent a lot of time together, and he believes they are all working in the same direction. He stated that he was confident with some contingencies just because he knows they are all working in the same direction as they have been for several months now.

Mayor Kurtz stated that he could appreciate that. He stated that was why he asked the question. He stated that he didn't want to give them from his perspective, and it was his perspective only; but he wouldn't be comfortable. He stated that they could show him a letter that would say they would have 80 spots available, but they wouldn't be anywhere near them. He just thinks that would be an artificial attempt to satisfy a code. He stated

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that he didn't see it as being something of substance. He stated that being said, then it would be their business. He stated that the City would need to make sure they have a comfort level that they have done everything they could. They exposed every concern so that they all understand the implications, the ramifications if in fact they don't reach that bar on implementation stage. He stated that they have to understand that the City was working on some things that could have a tremendous impact on the property and support a global strategy; but it was not for further discussion this evening. He stated that it would be something that would deserve consideration in the near future.

Mr. Gutermuth stated that he wanted to ask a point of clarification on the parking. He stated that the LOI that was referenced, he asked if the parking would be directly across the street or was there another location? He just wanted to clarify that.

Mr. Maison stated that it would not be directly across the street, it would be across the street and to the south.

Mr. Gutermuth stated that they were talking line of sight from the actual building itself. They were not talking Rockside Road versus where they were at there.

Mr. Maison stated that they were talking.

Mayor Kurtz stated that it was not line of sight.

Mr. Maison stated that he didn't know if it was line of sight either.

Mayor Kurtz stated just to be clear, they were talking either about the Spectrum building or Beacon Place building.

Mr. Maison agreed.

Mayor Kurtz stated which would be south of the creek that would go underneath of Rockside Woods North. So, they would be closer to Rockside than to this site.

Mr. Maison stated that was correct.

Mayor Kurtz stated that was why he was saying, it was a good question from Mr. Gutermuth because it would clarify the fact that this was not something that would take them to the Promised Land. He stated that they don't do business like that. It may meet a code, but the code would go out the window when the people would start pulling in there and there was a problem parking; and all of a sudden they have a lot of unhappy customers or potential customers. He stated that it would not be good for them, and it would not be good for the City to have to navigate a traffic problem out on the road. He

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stated that he believes what was eluded to earlier, they were working on something that could present a global strategy.

Mr. Gutermuth stated that if it was him pulling up, just speaking 100% practical, chances are if there would be a spot available at Topgolf, he would take that and run the risk that someone doesn't tow him.

He stated that number of spaces would be based on the square footage of the facility. He asked if that was correct? He asked if someone could confirm that.

Vice Mayor Grendel stated that it would be a hybrid here what the Building Official stated because it was a combination of a production facility as well as a restaurant and attraction; so he did his best estimate to calculate how many parking spaces they would need.

Economic Development Director Hyser stated that the Building Official left, but it was a combination of use and square footage that would determine the parking requirement.

Mayor Kurtz stated that was a guess from their part, the 218 to 240 was a guess on their part too.

He stated that there was one other point that he wanted to make. He stated to Mr. Gutermuth to keep asking good questions because it forces them all to think.

Mr. Gutermuth stated that they talked about doing a conditional approval. He stated that he thought the other conditions landscape, water, safety; those would be a little bit more straightforward. He asked what would the condition be that they would place on an approval this evening, would it be that they secure an additional number of spots to become compliant that would be within line of sight? He asked what condition would they place when they do the approval, and it might be a question for Mr. Maison in terms of what exactly he would be looking for from the Commission this evening as far as conditional parking approval would be concerned?

Mr. Maison stated that he thought that the most attractive thing to them, and the best possible outcome would be the piece that they were not ready to discuss just yet. He stated that they were committed to participate with the City on that piece that they were not talking about yet. He stated that in the event that it wouldn't, it was a difficult thing to speak to; but the only thing he would say was that it was an unfavorable alternate, the remote parking. He stated that it would only be an issue for them at lunchtime and weekends when the weather was really nice; so if they didn't find something that was very, very close that they all globally could make happen for some reason outside of Saucy's no-participation he feels like they could come up with something with all the parking in the area that would alleviate the Commission's concerns. He stated that they

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would do all of that prior to any building or they will not get a permit to build the building. He stated that he was not a lawyer, but they are committed to working with the City. He stated that it sounded like there was something that could be good for everybody right close by, and that was something they were interested in participating in. He stated that they just want to be able to solve it in another way that if they have to stay off Rockside Woods Blvd. North, then they do that; but it would seem like there could be some other solution that would be on them to provide to them to their satisfaction prior to the issuance of any building permits for the project because it was an important component. He stated that they need to do it for themselves; so it wasn't like they were just trying to check a box. He stated that it was an issue that they need to have work for them in order for the building to do what it would need to do.

Mr. Gutermuth asked the Chairman if there was something workable there from his perspective.

Mayor Kurtz stated that if he may add. He stated that the question was the chicken or the egg. He asked if they take the next 30 days or as long as it would take to remedy some of these or at least clarify. He stated that they could clarify the landscaping somewhat. They could clarify the parking, the safety and maybe get something clarified to the point where it would be more palatable to all the Planning Commission members; and then they make quick work of it if they could find something that would be palatable.

He stated that he didn't want to get in the race if he can't finish it. He stated that he thinks it might be more appropriate based on the narrative on what he was hearing this evening, they have outlined and delineated the issues. They should take the next 30 days and finalize and frame up each one of them where they can be self-supporting; and then they bring that to the Planning Commission in a summary form for the next meeting. They will then individually explore or ask any more questions so that by the time they come to the meeting next month that they have addressed every issue; and they have clarification on them. He asked if that would make any sense? He asked what would the Planning members be comfortable with? That was the question.

Vice Mayor Grendel stated that he was comfortable with the subject too, everything but the parking which would be the critical issue. He asked if they were still planning on having like weddings and events like that. He asked if they were going to cut back on that.

Mayor Kurtz stated that he thought that was still part of the venue, a comprehensive use of the facility.

Mr. Maison stated that it will be a part of venue.

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Vice Mayor Grendel stated that he was comfortable with everything. As a matter of fact, if they could settle that parking issue, he would feel good. He stated that he knows through the City Engineer's office, they could take care of the water management issue. They have Jeff Markley to work with them on the landscaping issue. He stated that they have the Police Department and the Fire Department, they would definitely take care of the safety issues too. He was confident with Norm Casini and the ARB that they would hammer out the aesthetics of the building and everything.

He stated that the big thing was the parking, and if they could get that piece settled, he thinks that they would be in good shape to approve the project conditionally because he has confidence in the City's other departments that they would make sure that everything would fall into place. He stated that the parking was a big thing, you just can't create parking out of nothing. You have to parking within line of sight and everything, not down the street or across the City. You have to have it close by to make it practical. He stated that was where he stand as far as his vote on the project.

Mayor Kurtz stated that there was one more question that he had for Mr. Maison. He stated that when he read the Minutes from a couple of years ago, it was his understanding that they were going to bring their corporate headquarters to Independence as a condition. He asked if that was correct.

Mr. Maison replied yes.

Mayor Kurtz asked if that was still a condition?

Mr. Maison replied absolutely they would.

Mayor Kurtz stated that if his memory served him correctly, it would not be right here.

Mr. Anderson stated that it would be part of the building.

Vice Mayor Grendel stated that he thought it would be right there.

Mayor Kurtz stated that he thought they were going to have a space somewhere near there. He stated that the corporate headquarters would be there, which again that would be another parking issue. He asked the Vice Mayor if he was saying they should solve the problem to where everyone could agree to it by next meeting, or how would he want to work it out?

Vice Mayor Grendel stated that his feeling was that he was comfortable with the people that the City has, his staff with the Engineer Don Ramm and with the Police, the Fire Chief as far as the safety issue goes, and Jeff Markley as far as the landscaping. He stated that he was confident that they would be able to work with Saucy Brew Group to

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get those issues worked out. He stated that they have done that many times before. He stated that the big thing was the parking. He stated that would need to be taken care of because if that would be an issue from the beginning, this could be a disaster if they are opening and don't have adequate parking. If they would have that covered, he thinks they should err on the side of having more parking than they need. He stated that his feeling was he thought they were going to have tours of their brewery, maybe have beer tasting events and things like that. He think that the parking would be a critical issue that they can get the people in and out safely and comfortably and be able not to worry about that as being an issue. He stated that if they could take care of the parking issue, then he thinks they would be on their way to get the project done. He stated that was the critical issue.

Chairman Lytkowski stated that he wanted to share his thoughts on this. He stated that there would be no harm in holding off for 30 days. He stated that he would like to see one more workshop during that time. He stated that he really gets concerned about the bond. He stated that in his mind he would envision that bond would come into play if the parking was not ratified sufficiently for Independence and the customers, then the bond would come into play.

He stated that there were parking issues. There were landscaping issues. There were safety issues. They have the water management yet that they want to take care of. He stated that he didn't see any harm in delaying it for 30 days and buttoning it down one more time to make sure all the t's and the i's are dotted and crossed. He stated that would be his suggestion that they postpone it for 30 days and make sure that they could handle that bond. He stated that he believes that bond will be important. He would have to talk to Mr. O'Brien about it, Will about it. What kind of bond would be required for them to be happy with and for the City to be happy with. He stated that was a critical issue.

He stated that he didn't want to give false hopes to the applicant which they do like; they want to make sure they cross the t's and dot the i's. That would be his suggestion.

Mayor Kurtz asked Mr. Gutermuth what he thought.

Mr. Gutermuth stated that he was torn. He stated that he believes there would be an advantage for the applicant to get a conditional approval this evening, even knowing that there would be risk involved with it, and that was his feeling from what has been stated tonight.

Mr. Gutermuth stated that he just doesn't know what they would do on the conditional approval for the parking. He asked what was the condition? He stated that Mr. Maison was speaking for the applicant; he thinks that there would be value to getting a conditional approval. He stated that his only question was what condition do they place on it. He was not sure what condition they were allowed to. Could they say conditioned

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on getting parking that would satisfy the Planning Commission? In which case, they would come back. He stated that from a procedural standpoint, he was not sure what they could do as far as the condition goes; but personally assuming the applicant would want a conditional approval, he would like to do that because he does think they will work something out. If this would help them by giving them a conditional approval, that is what he would prefer to do. He just doesn't know if it would be practical from a procedural standpoint. He stated that he would ultimately defer to the Chairman as he has been doing it a lot longer than Mr. Gutermuth has in terms of what would be best here. He stated that he just wanted to do what would be best for the applicant as well trying to keep that in mind because it would be a good project.

Chairman Lytkowski stated that he thought it was a great project. He stated that was why he wanted to make sure they do it right. He asked the Mayor if he had any other thoughts on it.

Mayor Kurtz stated that everybody, they were all torn a little bit trying to do what would be good for applicant. He stated that he made himself clear earlier, they want to make this successful; and they want to do something that would be a great opportunity for them to grow their business. At the same time, they want to make sure that the customers, like Mr. Gutermuth stated, he would sneak to Topgolf, he would go to Embassy until they both get thrown out. He stated that they want to make the project successful, and so it was not a 30 day success story or a 3 month success story; they were talking about a decades long success story. He asked how do they do that? He asked if they hash out and try to beat some of the issues over the next 30 days, and then they come back. If they get something done earlier, he wouldn't object to even calling a Special Planning Commission to affirm their intention which they have all talked about. It would give them the knowledge that they all are in favor and supportive of the project; but they also recognize the responsibility they have to make sure that it would be a successful project using their experience to rely on making sure that they have that success.

He asked Mr. Maison to tell the Planning Commission. He stated that they could either do something with a bunch of conditions this evening, or they can work hard the next 30 days to get as many of these rectified. If they can, it will be an easy pass through next month, but there is a lot of work to do between now and next month to put the applicants in a position where they can get some approval, get some financing and stuff because no one will give them financing unless there would be a clear path from the Planning Commission.

Mr. Maison stated that was exactly right. He stated that he was going to ask maybe about a partial and leaving the parking out because he thinks it would help them from their end in the presentation; but if they could get a special meeting and everyone work together, especially on the parking piece if there would be a collaborative kind of alternate

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solution. If they could do that quickly, he doesn't think he would get as much push back. He stated that he was trying not to get fired.

Mayor Kurtz stated that he was very sensitive to the pressure that Mr. Maison was under from the owners, and if he has to talk to them directly he will just to assure them that Mr. Maison did a good job. He stated that Mr. Maison and the team have done a really good job explaining their concerns. He was honest enough with the Planning Commission with his concerns. He stated that the Planning Commission recognized them, and he was honest in the way he delivered them. So, that part of it was refreshing.

The Mayor stated that they will hit the ground running as soon as tomorrow if necessary to start working on some of the issues. He stated that he didn't hear anybody object from the Planning Commission and say they wouldn't call a Special meeting.

Chairman Lytkowski stated that they have done that in the past.

Mayor Kurtz stated that they were saying it publicly; if they would agree to that publicly, then there would be no one that could say they were just trying to shove something through or anything else. He stated that they were actually trying to work with the applicant.

Mr. Maison replied absolutely. He stated that they hear that, and he thinks if they could get a Special meeting as soon as they have their ducks in a row, Mr. Sciano and he will work with the team to make sure. He stated that it sounded like the ARB would not happen until after they submit documents, but any of the other points that they could address or get, they will get immediately. Then maybe they could collaborate together on what might be the best parking solution for the neighborhood.

Mayor Kurtz stated that they will facilitate any meetings that they need with their team to advance the ball. He stated that they want it to move forward. He stated that they want it to move forward with everybody who can support and say this would be best for the City of Independence, it would be best for Saucy. He stated that and they found a solution that would long term and not just a bandaid.

Chairman Lytkowski stated that on that point, he wanted to make one last comment. He stated that the Planning Commission's goal there would be to make this project a valuable asset. He stated that was all they wanted to do, then they would all win.

Mr. Maison replied absolutely.

Chairman Lytkowski stated that having stated that, then he will adjourn the session with Saucy Brew Works. No action will be taken. He stated to Mr. Maison that any time he would want to meet, he wanted to do it.

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Mr. Maison replied thank you.

Mayor Kurtz stated that he wanted to make sure Mr. Zimmerman would know, and if he would need a conversation, have him call his office if that would help because everything the team did this evening was appropriate and beneficial to the Commission. He could assure Mr. Maison that much.

Mr. Maison stated that he appreciated that very much. He stated that he would let Mr. Zimmerman know.

Mayor Kurtz stated that they have some heavy lifting to do.

Chairman Lytkowski thanked Mr. Gutermuth for his comments, and also the Vice Mayor's comments.

Mayor Kurtz stated to the Secretary that he would like to make sure that as soon as she has the Minutes available, they could be distributed to Administration's team, Engineering, Building, himself and Economic Development; so that they could put their arms around the outstanding issues so that they could move on those issues as quickly as possible.

The Secretary agreed.

8801 East Pleasant Valley Road, CSA America Testing & Certification, LLC – Rich Weiser, Keith Rintamaa, Manny Satija and Kris Mapes were all in attendance.

Chairman Lytkowski stated that the Planning Commission received an e-mail from Councilperson Trakas, and perhaps the City Engineer could address the issues.

Mr. Weiser stated that they were before the Planning Commission to talk about a steep slope setback variance for their new building that they will be building right next door to their current facility. He stated that they were looking for the variance. He stated that he guesses that the key point they would like to make, and he has their architect online also who could help with this. He stated that he thought the key point that they wanted to make was that actually their new construction will be in a better position than the old construction was. He stated that they will actually be able to improve the watershed some from what the previous construction was.

Mr. Weiser stated that the key for them was the size of the building and the shape of the lot and so forth; he stated that they need the space to be able to do everything they need to do.

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Mayor Kurtz stated that Mr. Weiser was definitely not going to use the building anymore on site.

Mr. Weiser asked the Mayor if he noticed that. He stated that it was just some concrete now.

He stated that the interesting thing was they actually used the material from that building to shore up the erosion issue they have on the other facility. So, they were actually able to re-use that material.

Mayor Kurtz stated that they did a great job of cleaning up the site and utilizing that material. He stated that was great. The Mayor asked the City Engineer if he had any issues with the variance.

City Engineer Ramm replied no. He stated to echo the applicant's statements, he thinks that they have nice exhibits that they included in their application to emphasize the very statements that were made. He stated that he went to the site as well and took some photos, and he thinks it is when you would look at it a little bit closer and on a zoomed in view, you realize that the existing site was pretty well built out. He stated that when he says built out to the plateau all the way to the top of the slope. He stated that everyone could see in some of the photos, and they represented on their application that the existing pavement would be within 5 feet of the top of the bank. He stated that it would be well within the 25 foot setback as established per the City's ordinance that was adopted in 2017.

He stated that additionally the mowed lawn, if you would think back in the raw virgin state of the land, you would have to believe the whole entire site was wooded until such time as it was cleared and maintained and mowed to the limits. He stated that he feels like it would be very accurate to say that the entire 25 foot setback was encroached up and has been since the facility was built back in 1964. He stated that now in light of the proposed development, they were trying to be more cognizant of and respectful of the setback. He stated that the proposed development, they have highlighted both the top of the bank here in the thick red and then the 25 foot setback. He stated that they really only need some relief at a pinch point. He stated that he believes it was where the existing storm sewer outfall was and where their driveway aisle was to come through the area that would be very tight.

City Engineer Ramm stated that he did believe it would be a fair, what he was trying to show was that, he wrote a memo stating that it was difficult in an established developed areas to apply a code that really had made no distinction between developed and undeveloped land areas; and now they were in a condition where they were back to on a redevelopment project and trying to apply the code. He stated that it was working well, but with the allowance of such a procedure as this to provide and look hard on a case-by-

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case basis and provide some prudent decisions on some relief to the variance which he believes would be prudent here. He stated that it would be a 68% reduction of the encroachment that they would be seeking. So, it would be a step in the right direction. They were moving away from the slope and making less of an encroachment than has been there for over 50 or 60 years.

Chairman Lytkowski stated that what the City Engineer was telling everyone was that in his view they meet the ordinances. The water was okay, and the project should more or less move forward. He asked if that was what the City Engineer was saying.

City Engineer Ramm replied correct. He stated that it applies some good judgment on the ordinance and applicable to the site as well as being cognizant of the stormwater management codes that will apply to this redevelopment site. They too will have some underground stormwater detention and water quality treatment that would meet the City's code requirements such that there should be no degradation as a result of the development on the site from a stormwater erosion flooding concern.

Mayor Kurtz asked the City Engineer if he was saying that he really could have approved this, done it all himself administratively.

City Engineer Ramm stated that he believes that if the code had some allowances for such an administrative function, but as the code was written, as it was adopted, it provides for this process to come before Planning.

Mayor Kurtz stated that it costs a lot of time and money for something that the City Engineer could have done administratively with the same result.

City Engineer Ramm stated that he didn't think the result would have changed; he thinks he would have said the same thing. He could have done it administratively.

Chairman Lytkowski asked Mr. Gutermuth if he had any comments.

Mr. Gutermuth stated that he wanted to establish for the record that they were not rubber stamping the steep slope variance. He stated that it was thought through and he would assume it would be approved here this evening with all considerations taken into account. He wanted to thank the City Engineer for everything.

City Engineer Ramm replied you are welcome.

Vice Mayor Grendel stated that the City Engineer wrote an excellent memo that was dated April 5th. He stated that he read through it, and it made perfect sense. He stated that as a matter of fact, the property will be in better shape with the project than it had been previously. He stated that of course that was built in the 1960's prior to this kind of

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steep slope legislation even being dreamed of. He stated that he thought this was the exact thing that if you recall during the process of passing that legislation that Dr. Asseff was worried about that the City would kill projects that were beneficial, not only for the City, but beneficial for our corporate community and everything, especially on Pleasant Valley where the terrain was a little challenging when you would get farther away from Pleasant Valley. He stated that this would make perfect sense. He stated that he didn't think the Planning Commission was rubber stamping anything. He stated that he thinks this was something that the City Engineer has carefully studied and gave the Planning Commission pictures and everything else. He stated that it would make perfect sense. He stated that this was actually a project that tries to abide by the new slope legislation as much as it can. He stated that he was all for it. He thinks that they were going in the right direction. He stated that the City Engineer stated that it was not adding extra problems as far as drainage goes and that. He thinks it will alleviate some of the problem, but it is something that would be an improvement.

Vice Mayor Grendel stated that he was all for this. He stated that the Planning Commission does not take that lightly, but they don't want to inhibit development too in this area or tie ropes around our companies that are here and prevent them from expanding or doing really good things for their businesses and for our community. He stated that he appreciated the City Engineer's response to Councilperson Trakas' concerns. He stated that he thought the City Engineer did it in excellent fashion.

Chairman Lytkowski asked if there were any other comments.

Mayor Kurtz stated that he read through some of the extensive narrative that went into that ordinance, and absolutely Councilperson Asseff was correct, this could have been done administratively and not involve so much time and energy on behalf of the applicant. So, he stated that he will support this also.

City Engineer Ramm stated that he does also believe there was a request for a parking space variance. He asked if that would be entertained as part of the steep slope.

Mayor Kurtz replied yes.

City Engineer Ramm stated that he just wanted to make sure.

Mayor Kurtz stated that it was identified.

Chairman Lytkowski stated that he would entertain a motion for approval.

A motion was made by Mayor Kurtz, seconded by Vice Mayor Grendel, to approve the requested variance to Chapter 1383 and the variance for additional parking.

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**ROLL CALL: Yeas: Kurtz, Grendel, Gutermuth, Lytkowski
Nays: None
MOTION CARRIED**

8600 Pleasant Valley Road, Independence Auto, LLC – Applicants Alex Chunat and Charles Ipsaro were in attendance.

Chairman Lytkowski asked if there needs to be a Public Hearing on the matter.

The Secretary replied yes.

Mayor Kurtz stated that they could set a Public Hearing.

The Chairman stated that was his next comment he was going to make. They could set up a date and let the applicants know. He asked the Secretary if there was a date.

The Secretary stated it would be Tuesday, May 4th which would be the next Planning Commission meeting. She stated that they could have it right before that at 5:00 p.m.

Chairman Lytkowski stated that the Planning Commission meeting will be immediately after the Public Hearing.

He asked if there needs to be a motion to set the Public Hearing.

The Secretary replied yes.

A motion was made by Vice Mayor Grendel, seconded by William Gutermuth, to set the Public Hearing for May 4, 2021 at 5:00 p.m.

**ROLL CALL: Yeas: Grendel, Gutermuth, Lytkowski, Kurtz
Nays: None
MOTION CARRIED**

Chairman Lytkowski stated that there was one more item he wanted to talk about for a minutes. He asked the City Planner if he had an opportunity to talk to Kent State.

City Planner Markley stated that he didn't talk directly to Kent State but to the gentleman from the solar array company; and they did speak. He stated that the fence was done per the request of the Planning Commission at his suggestion which was the black rubberized material.

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He stated that as far as the planting, they stated that they would get back to Kent State because the last conversation that was had with them, they were still in permitting to try to get a permit approved to be able to do something along the right-of-way.

Chairman Lytkowski asked a permit from whom.

City Planner Markley replied ODOT. He stated that it would be in their right-of-way. He stated that consistent with the discussion that they just had with Saucy Brew Works, ODOT would be amenable to right-of-way improvements. He stated that he will follow up again with the gentleman from the solar array company to see if he could push Kent State along a little faster.

Chairman Lytkowski stated that he appreciated that. He asked if there were any other comments from anyone.

A motion was made by William Gutermuth, seconded by Vice Mayor Grendel, to adjourn the April 6, 2021 Planning Commission meeting.

**ROLL CALL: Yeas: Gutermuth, Grendel, Kurtz, Lytkowski
 Nays: None
 MOTION CARRIED**

There being no further business, the Planning Commission meeting of April 6, 2021 was adjourned at 7:06 p.m.

Chairman Dale Lytkowski

Debi Beal, Planning Commission Clerk

Minutes Unapproved at Time of Release 04/07/21