

**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 5:22 p.m. May 4, 2021 and the following responded to Roll Call:

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

OTHERS

PRESENT: Don Ramm, City Engineer
Michael Gero, Building Official
Gregory J. O'Brien, Law Director
Jeff Markley, City Planner
Jessica Hyser, Economic Development Director

ABSENT: William Gutermuth

Old Business:

**Approval of Minutes of the Planning Commission meeting held on
April 6, 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. 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.
- 3. 6700 Rockside Road, Panera Bread, Stamford Properties, Inc.** – Seeking approval for a building addition and proposed drive-thru.

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Chairman Lytkowski stated that Planning Commission members had received the Minutes of April 6, 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 April 6, 2021 Planning Commission as written.

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

Saucy Brew Works, PPN 561-24-023, Rockside Woods Blvd. – Architect David Maison and owner Brent Zimmerman were both in attendance.

Chairman Lytkowski stated that he wanted to talk about the matter. He stated that he understood that they did some revisions to the concept. He asked Mr. Maison to bring the Commission up to date as to where it stands.

Mr. Maison stated that they submitted a landscaping plan for review. He stated that they had another sit down with Mr. Casini and Mr. Gero to refine a couple of the details along the back side of the building and just to clean up a couple of things between plans and elevations. I think we are in pretty good shape there. He stated that was the extent of the architectural adjustments that they have made since the last meeting.

Chairman Lytkowski asked about the parking.

Mr. Maison stated that his understanding was that there was conversations that has been had and working with the City to find a solution that would work for everyone.

Mayor Kurtz stated that Mr. Maison was correct. He stated that he has been working with representatives of Saucy Brew Works along with the City. He stated that their team has been working overtime trying to find a solution that would be compatible with their need. He stated that he believes that if they do some type of approval this evening, it would be a condition of that approval, if the Planning Commission would deem that feasible. He stated that they were not quite positioned to quantify or add extreme clarity to it; but he believes that it would be a condition of a permit or approval, that would go a long way to confirm the City's interest to commitment to Saucy. He stated that it would also give both parties an opportunity to craft a solution to their parking deficiency that would meet the City's needs and requirements long term; and at the same time, accommodate and accomplish what they believe to be in their best interests long term.

Mayor Kurtz stated that they could suspend the conversation on the parking right now and talk about the other outstanding issues.

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Chairman Lytkowski stated that he was looking at drawings that said they were revised April 24th. He asked what had been revised.

Mr. Maison stated that if they would stay on the elevation on the screen, one of the things that they did was in working with Mr. Casini, they implemented some mounds to help with the screening. He stated that they were asked to examine whether or not there was another way to get the access to the building that they would need to with larger trucks, and there just wasn't. He stated that as a compromise was that they worked out with Mr. Casini was to try to implement some mounding along the front of the building and then landscaping on top of the mounding so that they would get a nice screen wall from Rockside Woods Blvd. which would help with any concern. He stated that the section there would show it nicely. He stated that they have a lot built up there, and they have been able to kind of screen the view of the loading docks from the street.

Mr. Maison stated that the other thing they did on one of the earlier, with the same elevation, they added some glass. He stated that rather than a big door, they added a large window so that there was some openness and people could see what was happening inside the production area. He stated that was on the top view on the left-hand side of the elevation. They put a window there which they felt that would look a little more welcoming and allowed some view inside the facility.

Vice Mayor Grendel asked will you be able to see some of the tanks and everything?

Mr. Maison stated that was exactly right.

Vice Mayor Grendel asked if anything had changed as far as the building was concerned besides the windows? He stated that he thought it was on the first sheet there was some of the things that had been made aesthetically for the building.

Mr. Maison stated that there were small changes. He stated that at the last meeting they had, they discussed shifting their building panels so that the windows inside the production space would be better aligned with the realities of the construction or the panels themselves. The joints and the panels and the windows had a better relationship with each other. That was what they were looking at here, although what was on the screen was an older version. He stated that there was a newer one where you could see the light lines in the background. He stated that they shifted the panels and did a combination of 8 foot and 12 foot so that they didn't have windows breaking out construction joints. He stated that the window placement was kind of tied to the tanks so they didn't have a lot of flexibility with the window movement back and forth without moving the tanks inside which were pretty tight to begin with, but they were able to shift panels around. He stated that they got to something that was a little bit cleaner in a way that Norm Casini was requesting.

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Vice Mayor Grendel asked what will be visible from the freeway, from people either on the ramp going onto to I-480 or I-77? What will they be able to see of the building? How much of the building?

Mr. Maison stated that they will be able to see a good bit of the upper level; so the middle elevation that they would be looking at. That was the view that would face the freeway. They would have a large kind of glass expanse that would be their dining, and that would be their dining room at the left. The event space would be to the right, and it would be on the upper level. He stated that the lower portion of the building, not too much would be visible, but the upper portion would be. He stated that they have some big glass windows. They have articulated the event space with some nice kind of custom made wood doors; and again they have that lodge feel that you would see in the rendering. He stated that it would also be exposed at the end of the building that would face the freeway.

Vice Mayor Grendel stated that the symbol that they have on it, that symbol will be visible from the freeway there. He stated that was the Saucy symbol.

Mr. Maison agreed.

Chairman Lytkowski asked if it would be lit at night?

Mr. Maison stated that they would like to put a light on it. He stated that they will light up the building so that they get some nice presentation to the street.

Vice Mayor Grendel stated that they want to make it that you can see Saucy from the freeway. He stated that it would make a statement for Independence and also for the businesses south and would guide people to come there.

Mr. Maison agreed.

He stated that the glass that they see on the lower picture, that corner will be visible to the freeway; and that the glass would just wrap around the corner facing the freeway.

Vice Mayor Grendel stated that will be a beautiful building. He stated that he really likes the appearance it will give. He stated that it would not be your ordinary restaurant, that was for sure.

Mr. Maison stated that they were excited.

Chairman Lytkowski asked if there would be manufacturing and distribution at the facility?

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Mr. Maison stated that there would be beer production. There would be a brew house with a cellar and all of what would go into making beer would happen inside the production side of things.

The Chairman stated then the restaurant, then the party room. He asked what about the headquarters.

Mr. Maison stated that they have office space above the retail and above the cooler space. He stated that there was office in the upper right-hand corner of the building would be where they would have the majority of the office space.

The Chairman asked how many people roughly?

Mr. Zimmerman stated that there would be 60 people employed. There would be \$3,000,000 of payroll.

Chairman Lytkowski stated that he thought they were going to pare down the facility and just focus on the party center and restaurant. He asked what happened.

Mr. Zimmerman stated that the distinction there was if they can't figure out a parking solution across the street, that would be one of the options. In which case they would take production and offices off site, which would be \$1,500,000 of payroll and go somewhere else with it; but that was only if they can't figure out the parking solution which the Mayor and he and Jessica, they were trying to figure it out. He stated that they would love to have it all there, but it would have to be the right solution. He stated that if it is, they will keep it all there.

Chairman Lytkowski asked the entire project, how big will it be?

Mr. Zimmerman asked dollars or square feet?

Chairman Lytkowski replied dollars.

Mr. Zimmerman stated that it will be 42,000 square feet, and it will be \$16,000,000 plus the land.

He stated that for those who don't pay attention to commodity markets on a daily basis, lumber is up 100% since December, and steel was up 75% since December. He stated that you can't hire anyone to do anything. Labor is up dramatically across the board, and he will avoid a political conversation here; but they were pushing up against an area where it is becoming questionable whether to build it or not if commodity prices continue at the pace they were going right now. He stated that the price to build it today versus the

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first time they came through, was almost 70% higher. He stated that was nobody on the call's fault. He was just pointing out the reality of where they were living right now.

Chairman Lytkowski stated that he totally understood.

Vice Mayor Grendel stated that he was in full support of them having their operations here, their corporate headquarters and a beautiful restaurant and event center. He stated that they just want to make sure that the parking will be enough to satisfy all their customers. He stated that he as a consumer and everything, he can't walk very well at his age; but nothing is more frustrating than going someplace and not be able to find adequate or suitable parking and being either turned away or really having to stretch yourself to get to the facility. So, if they can take care of that, to him it will be a fantastic addition and tremendous place, not only for Independence, but for northeast Ohio.

Mr. Zimmerman stated that whether or not Council will agree or not, he thinks he has a solution that would make a lot of sense for everyone from even a return perspective which he is sure the Mayor will be talking to everyone about next week. He stated that if they need further clarification next week, they will be happy to jump on a call. He stated that their preference would be to do the whole project right here. He stated that they have spent a lot of time and money and effort. He stated that at some point soon, it will be either or get off the pot.

He stated that he has a deficit right now from a production perspective. He stated that they can't make enough beer. He stated that he has to build a facility, and they have to make decisions.

Chairman Lytkowski stated he had a couple of more questions if Mr. Zimmerman didn't mind. He asked about the coffee and the traffic.

Mr. Zimmerman stated that they have told everyone that they would stop doing drive-thru when they opened so there wouldn't be an issue with the drive-thru.

The Chairman asked if they ever got the security issue, the cameras, etc.

Mr. Zimmerman stated that they have cameras at every one of their properties already; so that would be part of their plans. He stated that the Planning Commission has expressed some of the security issues that the City has had, and they were happy to have, whether it would be off-duty, on-duty Police to help subsidize. They want everyone to be safe and feel safe.

He stated that he wanted to tell the Planning Commission, and he was not telling them to cop out to say they don't want to do it; he was just giving them context and history. He stated that they have locations in Cleveland, Pinecrest, Columbus, Detroit. He stated that

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they don't have security, actual physical people, on any of those locations. They have never had the Police called in any of those locations. They have never had an incident that they have had to deal. He stated that the only reason he was bringing that up was because he thinks the business, the brand, the clientele, etc. tend to not bring problems with them. He stated that was not him shirking their duty. It was not him saying they don't want to do security. He stated that they were happy to do that; but he just wanted the Planning Commission to know that in general they have no Police issues in any of their locations, and those were in city environments which one could argue were usually less "safe".

Chairman Lytkowski asked City Engineer Ramm if he looked at the water. He asked if the water situation was taken care of because they talked about some kind of underwater tank the last time.

City Engineer Ramm said that will definitely need to be something that will be addressed at the detailed site plan review stage, the drainage design; and he does believe because of the constraints of the site, underground stormwater detention and water quality treatment would have to be implemented here.

The Chairman stated that it would be incorporated within the plans.

City Engineer Ramm agreed.

The Chairman asked City Planner Markley about the screening and landscaping, etc. He asked if there was total agreement on that.

City Planner Markley stated that he had received two plans from Jessica, and he would say it would be fine for a preliminary plan. It didn't provide size, mechanical names and things like that; but he thinks it will work. He stated that given the extent of the architecture and quality of the architecture, he would expect Mr. Maison to deliver a final landscape plan that would equal the architecture.

Chairman Lytkowski stated that Mr. Maison would give him the final plan, not a preliminary plan.

The Chairman stated that the only issue was the parking issue.

Mayor Kurtz stated that his thought was, obviously the Vice Mayor was on which was really important because this will have to go to City Council, but the fact of the matter was, he thinks they have done their due diligence by reviewing every component of this project. He stated that he thinks they have a really neat opportunity here, something really nice for the area to complement the other opportunities.

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He stated that the conditions that they talked about, they were just outlined relative to limited drive-thru. The Law Director will craft all of this, limited drive-thru, the security cameras, the parking, the water drainage, the landscaping. It really hones in on two things, the security and the parking. He stated that the parking, in order to utilize the site for the complementary uses, something that each and every one of would be attracted to, a component or several components of this entertainment venue. He stated that the problem was they have a parking issue that cannot be resolved on site. He stated that there have been several different opportunities or discussions or different possible alternatives; the one involves adjacent property that the City was in the middle of determining if it would be in a position to acquire and then repurpose for parking.

He stated that they were not in a position today to finalize the extent of what would be needed to complete this permit, but he thinks in his discussions with Mr. Zimmerman and members of his team and members of the City's team, there was a comfort level to do a conditional use permit, give the City time to finalize some of these off site parking along with the security. The purpose for additional security would be two things. They truly believe that this will be an action packed area; and if it was true, and they need the additional off campus parking, it will need some additional courtesy and security to get people in and out of the venue. So, Mr. Zimmerman and his team have been very open to the thought of adding additional security, and right now they were trying to determine a fair value to the parking.

The Mayor stated that being the case, it would be appropriate if the Vice Mayor concurs, that the Planning Commission could do a conditional approval; and then they would be in a position to let Council also be able to weigh in on. He stated that at least with Mr. Zimmerman and himself, if they could come to terms and present to Council, then they would be in a position to move the project forward in a more time sensitive manner. He stated that if they can't, then like Mr. Zimmerman outlined, there were backstop alternatives, but they are all hopeful that this most robust venue will be the one that they can come to terms on.

The Mayor stated that he hopes that he has answered the question with respect to the parking. He stated that he thought the City Engineer has outlined elements of drainage that he could address as they move the ball down the court. He stated that the City Planner has also indicated that he will do a full thorough review of his responsibilities and present and make sure that there will be cooperation there. He stated that the Law Director could craft a proposal that everyone could agree with, and they would be in a position then to move this to City Council for their review, input and approval.

Chairman Lytkowski replied thank you Mr. Mayor. He asked if there were any other comments.

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Vice Mayor Grendel stated that he would concur. He stated that he concurs with the Mayor and would like to get this moving and give conditional approval so they can get this to City Council.

Chairman Lytkowski stated that he totally agrees. He stated that he gets more excited about this project month after month. He stated that he likes it. He stated that initially he was a little bit cool on it, but he does like it a lot.

He asked out of curiosity, do you know what kind of real estate taxes would be brought in on this project.

Mr. Zimmerman stated that he could comment, too many.

Vice Mayor Grendel said definitely the schools will benefit from this, but it's going to be a quality structure.

Chairman Lytkowski said and a hell of a project.

Vice Mayor Grendel said a lot of communities would love to have this headquarters and this project in their city.

Mr. Zimmerman stated that one thing he could comment on was that it would be \$55,000 to \$75,000, depending on how many people are on payroll at once. It would be \$55,000 to \$75,000 in payroll taxes a year to the City. He stated that he thought they were about 2%.

Mayor Kurtz stated just to be clear, he thinks that the goal now would be, the heavy lifting would still be trying to find that last puzzle piece to complete the mosaic. He stated that he thinks they should move forward in order to keep this thing buoyance so that they can show and move forward in terms of a permanent solution. He stated that although Brent and he both in their discussion today realized that there is still some heavy lifting to do; but at least they would be on the right path knowing that the Planning Commission supports the project, and is making initial recommendation to City Council.

Chairman Lytkowski stated that with that stated, if the Law Director would like to craft a motion.

Law Director O'Brien stated that hopefully he captured everything.

A motion was made by, seconded by to approve by the Planning Commission and recommend approval by City Council to allow additional accessory uses for the operation of a brewery and offices, subject to final landscaping plan approval by the City Planner, design and construction of on site drainage and stormwater retention

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approved by the City Engineer in compliance with local, state and federal laws, the retention of a peace officer as defined by the Ohio Revised Code with jurisdiction and arrest authority in the City boundaries, at times mutually agreeable between the parties, but no less than Friday, Saturday evenings between the hours of 8:00 p.m. through the close of operations and national holidays and the day before national holidays during those same time periods that the drive-thru ceasing operations immediately prior to the opening of the brewery and the execution of a mutual and agreeable lease agreement between the City and Saucy Brew Works for parking on City owned land while Saucy Brew Works and/or its successors or assigns are in operation.

Mayor Kurtz asked Mr. Zimmerman if he was comfortable with that motion.

Mr. Zimmerman stated that it was a lot of verbiage, but in general, yes. He stated to reiterate, they completely understand and agree that they will have digital security on site. They will also have physical security, and they are completely on board with that. They understand all of the things from an architectural engineering perspective, he believes they are close to do most of them except for where the water retention and all that stuff goes. He knows that everyone will have to work through exactly what that will look like. He stated that he was not an architect or an engineer, he was an entrepreneur. He stated that lastly they have to figure out parking to which he thinks that he has presented a solution earlier today that they can all talk about or the Mayor could present next week.

He stated that there was a lot stated there, but yes in general, they agree.

Mayor Kurtz stated that to be clear, in their discussions and just so Planning Commission and all the consultants that they depend on to make sure that they do what is best for their customer, in this case it would be Saucy, and the City of Independence to be able to live, work and play here; if in fact that they can't get to the finish line and cross the tape, then they will have to come back to the Planning Commission for some revised variation. He stated let's hope that was not the case, but he wants to be clear.

Mr. Zimmerman stated that he was completely on board, he stated that he agreed.

A motion was made by Vice Mayor Grendel, seconded by Mayor Kurtz, to approve by the Planning Commission and recommend approval by City Council to allow additional accessory uses for the operation of a brewery and offices, subject to final landscaping plan approval by the City Planner, design and construction of on site drainage and stormwater retention approved by the City Engineer in compliance with local, state and federal laws, the retention of a peace officer as defined by the Ohio Revised Code with jurisdiction and arrest authority in the City boundaries, at times mutually agreeable between the parties, but no less than Friday, Saturday evenings between the hours of 8:00 p.m. through the close of operations and

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national holidays and the day before national holidays during those same time periods that the drive-thru ceasing operations immediately prior to the opening of the brewery and the execution of a mutual and agreeable lease agreement between the City and Saucy Brew Works for parking on City owned land while Saucy Brew Works and/or its successors or assigns are in operation.

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

6700 Rockside Road, Panera Bread, Stamford Properties, Inc. – Mr. Kim Phillips and Mr. David Bruening were in attendance.

Chairman Lytkowski asked the Law Director if asking for a proposed addition would necessitate a Public Hearing.

Law Director O'Brien replied no, he didn't believe it would.

Mr. Phillips stated that he represents Panera Bread. He stated that he was the architect for the regional franchisee. He stated that Mr. Bruening was their landlord presently at this location at the current café on Rockside. He stated that they were interested in adding approximately 363 square feet to the side of the building. He stated that he has been working in the past with Mr. Ramm and Mr. Gero on the reorganization of the parking on that end of the building. He stated that the result of which would provide a drive-thru capability for their café which has become in the strange times even more important. He stated that what it would result in basically would be two-fold. He stated that it would be a decrease in the plaza's number of parking spaces by what he believes to be 23 spaces. There would be some in the rear and some on the side where the drive-thru lane would go. He stated that it was shown on the plan in the dashed lines in the rear area and on the side so that they don't restrict access to the service doors of the other tenants in the rear. The final plan would allow for their truck deliveries and customer access as well because they know that a lot of those units would be accessed from the rear of the building as well as the front.

Mr. Phillips stated that he reviewed the initial layout with Mr. Ramm and Mr. Gero, and they provided him with some comments. He stated that they have made the adjustments, and rightfully so a lot of the comments revolved around the vehicular access along the front of the building. He stated that they were in total agreement with a totally right out exit strategy out of the drive-thru. He stated as everyone can see on the plan which was a result of the elimination of some of the parking for the drive lane; they actually increased, and he believes it will be a lot more attractive, the greenspace adjoining the drive lane on both sides, and therefore reducing the pervious surface that currently exists in the current parking lot. He stated that everything was asphalt now except for the islands, and it will

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extend that greenspace quite a good amount and should soften that end of the building up quite nicely.

Mr. Phillips stated that he believed that they sent over later to Mr. Ramm the exterior elevations which their intent for the addition would be really to match everything of the existing plaza architecturally and add a small section. He stated that there was an updated version that was sent earlier to Mr. Ramm that showed another window per the landlord's request on the front of the building and an awning. He stated that the window would really be an opaque "fake" window to continue the aesthetics of the entire plaza.

He stated that they were before the Planning Commission to start the conversation, open up the conversation and answer any questions that anyone might have.

Chairman Lytkowski asked Vice Mayor Grendel if he had any questions.

Vice Mayor Grendel stated that the only thing he was concerned a little bit about would be losing 23 parking spaces; although he does understand that a number of people that park there usually run in, get their takeout order and run out. So, now they would be able to use the drive-thru so there wouldn't be a need for them to be parking. He stated that he goes down there quite often to eat, and most of the time until his wife got hurt, most of the time it was to dine inside. He stated that as long as it wouldn't affect, he believes that Naf Naf was next door and Verizon and the other tenants as far as the availability to park because he knows before the pandemic parking was at a premium there for lunch time.

Mr. Phillips stated that they find that when they import a drive-thru, and he didn't know what the overall pressure from the rest of the tenants would be, maybe Mr. Bruening could answer that question; but from a parking standpoint, they typically when they introduce a drive-thru element to it, it typically reduces their parking amount requirement for comfortable parking numbers by about 25% because people would be funneling through the drive-thru in lieu of that. He stated that they would still be losing 23 parking spaces.

Vice Mayor Grendel stated that he knows that pre-pandemic he had a lot of time to watch the people that are there, and there is a lot of business that gets conducted there. There are a lot of people getting interviewed. He stated that there were people selling, he didn't know if they were selling insurance or financial advice; but there are a lot of meetings that take place, a lot of students that they have that go to the colleges here. He stated that they were there studying and everything. He stated that he didn't know if they will get back to that again post-pandemic, but it is a very highly utilized, even on the weekends, the basketball tournaments they have up at the high school facility and everything, they come to dine for lunch and that. He stated that parking was important to him to make sure. He stated just like it would be with Saucy Brew Works, they want to make sure that they weren't selling themselves short of parking spaces too.

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Mr. Phillips stated that was why they tried to reach out early in the process to get input and to see if they could get to the end of this and end up with a drive-thru for the City.

Vice Mayor Grendel asked how many of the Panera facilities have drive-thrus, a third of them or a half of them?

Mr. Phillips stated that he was going to guess at this point and time because they have been playing catch-up with some of them, he would say that 25% was probably a good number. He stated that a lot of the original ones were in line, in plazas, but in their infinite wisdom 20 years ago they stuck it on the wrong end of the plaza, so they couldn't make it work. He stated that they were never drive-thru people. So, he would state that about 25% of them, all the new ones for sure for the last four or five years that were freestanding elements they have had a drive-thru.

Vice Mayor Grendel stated that he knows they added one in Macedonia to that facility recently.

Mr. Phillips agreed.

Chairman Lytkowski asked Mr. Phillips what was his timing for the project.

Mr. Phillips stated that they would like to get it done by the holidays this year.

Chairman Lytkowski asked if the holidays were being defined as Christmas?

Mr. Phillips agreed.

Chairman Lytkowski stated that his concern was, and he told that to the Mayor, when he looked at the drawings all he could think about was the parking difficulty across the street at Discount Drug Mart. He stated that he just wonders if they will be creating a similar situation there. He stated that he liked the concept of the drive-thru, but he just wonders if they should take some time, step back and maybe have an engineer look a little bit closer at the traffic, maybe having the safety forces look a little bit at the traffic flow before they would reach a decision. He stated that they have timing on their side; therefore, in his opinion, he would like to step back for 30 days and look at it and get a little bit better of an understanding of the parking.

Mr. Bruening stated that they have the same concerns. He stated that they all love their parking, and they thought long and carefully about this. He stated that they kind of took a look at the space and realized all the parking spaces on this side of the plaza were really being utilized by Panera; and because there are creating a backlog of people as the Vice Mayor mentioned, people parking and running in and running out. It was actually affecting Key Bank. He stated that Key Bank has been complaining about people

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stopping in front of the main drive. He stated that the last thing they want to do would be to lose parking spaces, but at the same time they realize that every time someone was in the parking lane, they weren't going to park their car. He stated that they think it might be a net gain for them at the end of the day which was why they considered it in the first place. He stated that they talked a lot about it. He stated that if there would be 20 people in the parking lane, there would be 20 people not parking their cars and staying there and taking those parking spaces.

Mr. Bruening stated that the other tenants' customers were not parking there. He stated that it was pretty much exclusively Panera's side. He stated that the spaces that they would be giving up would be essentially being traded for the drive-thru. He stated that was why they were comfortable with even going along with it in the first place.

Chairman Lytkowski asked Mr. Bruening if they had studied that.

Mr. Bruening stated that it was totally a landlord study. He stated that they went out there and watched the traffic, watched people coming and going. He stated that they care about it, it was important to them.

Chairman Lytkowski stated that he remembers when the Planning Commission approved the project, he recalls talking about the parking and building further south. He stated that they did have a parking question. He does recall that. He stated that, being always conservative, he would like to defer for one month.

Mr. Bruening stated that it was absolutely the Planning Commission's call. He was just giving some feedback.

The Chairman stated that he appreciated the feedback. He stated that he likes Panera, and the Vice Mayor was one of the people who were there all the time with people doing their tax returns. He stated that he was only kidding about that.

Vice Mayor Grendel stated that there was a lot of business being conducting, and a lot of studying by students.

Chairman Lytkowski stated that in his opinion, he would like to table the matter for one month and come back next month and have a little bit better clearer understanding of the parking, and have the safety forces look at the parking. He asked if Key Bank would be okay with it?

Mr. Bruening stated that Key Bank was having a problem now with the way it was working because people want the convenience. They don't want to sit there and park their cars. Parking their cars there, it really is a fire lane. He stated that he had to put up signs in the front that state that they will be towed. He stated that it was a real problem, especially when Covid was at its height, but it still is a problem because people have been

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trained now for the convenience factor. He stated that they were parking all around the building, particularly close to Panera's door and creating a traffic problem and a safety problem.

Chairman Lytkowski stated that then entrance over by Key Bank was probably about five spaces.

Mr. Bruening stated that perpendicular that was true, but they have the whole parking lot behind them.

The Chairman stated that he understood.

Vice Mayor Grendel stated that he agreed where they have you can stay in your car and have the food brought out to you and everything. He stated that sometimes there were two or three cars parked on the east side of the building, and there were a few in the front. It causes a lot of headaches.

Mr. Bruening agreed. He stated that in a perfect world he would rather not do it, but he actually thinks it will be good for everybody and good for the center at the end of the day.

Chairman Lytkowski stated that the shopping center was an asset for Independence. He stated that having stated that, if no one would have any objections, he would like to table the matter for a month.

Mayor Kurtz stated that he would like to pose some questions if it would be appropriate. He stated that he had a couple of questions just to get a global appreciation for this. He asked if they had additional space, would they be able to utilize it?

Mr. Phillips stated that he was not sure that he knows the question.

The Mayor stated that in other words, if they had more seating capacity on site, would they be able to utilize it. He stated that he couldn't get a seat. He stated that he was asking him a business question.

Mr. Phillips stated that he couldn't answer that from an operational perspective honestly because he didn't know the numbers of that particular café, he was just hearing that it was crowded all the time. He was sure that if they had the ability to expand into the next tenant over that would be worth a consideration from their standpoint he would think.

Mayor Kurtz stated that the only reason he mentioned that was because they were talking about safety, they were talking about traffic, but he was talking about convenience to the customer. He stated that he has no problem parking where the cars were on the back. He has no problem going around back because he knows he could get a parking spot, and he

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could walk in and get the same level of service. So, he knows that when he walked into Naf Naf, and the bathrooms were right there; so they would not carve that out without causing a compromise situation. He stated that he even thought they could create a combined lobby for the two businesses going in, right to Panera and left to Naf Naf from the rear side. He stated that it wouldn't really work because the mechanical side of the building would prohibit that to a certain extent unless they could get the Naf Naf site.

The Mayor stated that the other question he had, have they ever considered reorientation of the site itself because of the robust business and the need for convenience in the future. He doesn't know if there was tenant space available in the building to move Naf Naf to create a bigger footprint for Panera and create that safe interest to the rear of the building which then you would have two entrance points for the customers. He stated that he didn't know if it was a statement or a question.

Mr. Bruening stated that he would be glad to weigh in the best he could. He stated that all the tenants there have back entrances except for Panera. He stated that all the doors in the back operate exactly like that. He stated that they chose not to do that, and whether they could reorient or re-engineer something to put in a back door, he was not certain. He stated that they were very blessed not to have problems with tenants. All the tenants do very well there; so there is no space available for movement.

Mayor Kurtz stated that maybe they will have to go two-story. He was just kidding. He stated that he posed the question because that would create a real permanent solution to the convenience issue that he sees going forward. People just want convenience.

He stated that the other issue was, if he could continue, were there any delivery truck ingress and egress challenges? He wanted them to think about it. He wasn't looking for an answer. He stated that if he was parked in the front, and he gets his food, and he gets in his car, he is usually in a hurry. He stated that if he comes out of the bank, and he was in a hurry and going eastbound to the stop sign, and there will be these cars pulling out who just got their food and trying to get oriented. He stated that then you will have people walking in front of the cars, not that it was unique to them, McDonald's does the same thing. He stated that he just thinks that the cars coming from the parking lot, whether they would be from one of the tenants or Key Bank, when he drives past the front of it, he usually knows the stop sign is quite a bit away. He stated that with the traffic pulling out, he just wonder if it will create a challenge for a while. It would be a question mark, something that the safety forces should look at.

Mayor Kurtz stated that the other thing, in the back, again he was not sure if it would be a challenge, but if he would be parked in the back, and he has to walk around all the way to the front, today was a nice day, but it was raining. He stated that on those days in the winter time when it is cold, he doesn't want to meet somebody there because he doesn't

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want to have to fight if they would take away the spot he always park in on the side there, you will limit my options to get in.

He stated that he does see an issue that he witnessed in some of the other drive-thrus, and in this case they would be asking those who would use the drive-thru to come through a double parking area; and they will take the people who are parked there, and ask them to back out in front of somebody because of the two-way traffic. Or, if business was really that good, they will block the traffic so that they couldn't back out of the space because someone would be in that space. He asked if that made any sense what he was saying?

Mr. Phillips agreed.

Vice Mayor Grendel stated that was kind of like what they had with Saucy Brew Works and argued about that coffee, it would be the same argument.

Mayor Kurtz stated that Saucy wouldn't have anything near the level of business that Panera would have. He stated that if they were looking for a short term fix, it would be one thing; but actually he would be looking for a long term. If he was a customer, he wouldn't mind driving around the back if he could just walk in the back and get inside and deal with his people, his business arrangement or get to work the crowd or whatever he would be doing. He stated that may be a long term solution, just a suggestion. He stated that he thinks that would mitigate his concerns for having to walk from the back. Even in the picture they saw, there were a bunch of cars in the back. He stated that they would eliminate the convenience spots; and now they will force people to walk around the back, come up through those gauntlets and then come out into the building. He stated that he would walk out and go into Naf Naf and walk through until someone beats me up. He stated that he was just trying to pose a realistic question because of the weather, because of the orientation, the fact that people love Panera. He stated that he loves Panera, but he certainly likes the convenience of being able to jam in there and sit down and have his business meeting and get up and leave. He stated that no one ever tells him he has to get up and leave, they have to have his table for the next round or something. He stated that at some point, if they don't solve the problem right now, reorienting the expanding, maybe another venue down the road.

Mayor Kurtz stated that those were some issues that he thinks the safety forces have to look at. As a customer, that was how he was viewing this. How convenient would this be for him to continue his business there, to continue his discussion? He stated that actually if there was a little more room where he had a little more privacy, not just Covid because he needs privacy. He stated that you are jammed in there in some spots. He stated that might be a long term solution for Panera. He stated that it was a great venue. He stated that he wonders where this Panera ranks compared to other Paneras. He asked Mr. Bruening if he had any idea?

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Mr. Phillips stated that he didn't know. He stated that he could find that out if there was an interest.

Mayor Kurtz stated that he would just like to see because their McDonald's was one of the largest. He stated that other organizations that come here, they were always ranked pretty high in terms of their utilization.

Vice Mayor Grendel stated that he thought Melt also, that was their Number 1 location.

Mayor Kurtz stated that he just poses these questions because as a customer and as a City father, they need to take a full review of this just to make sure that it would be good for them and good for the customers but also good for the City of Independence.

Mr. Phillips stated that he guesses that would be a negotiation or a discussion that would be at Mr. Bruening's level and other associates, not him on the expansion potential. He stated that to backtrack a little bit on the question, he expand the dining room, they still have the pickup problem that is occurring by people who don't necessarily want to follow their model of sitting down. He stated that he was not so sure it would address what Mr. Bruening was expressing as a current issue with the "rapid" pickup that is occurring.

Vice Mayor Grendel stated to that effect, he has noticed a lot more takeout. He stated that he knows his own children live in town, they love to go through the drive-thru because they have little kids and everything. They prefer just going through the drive-thru, getting the food and bringing it home and consuming it there. He stated that the thing was just the safety, the Mayor brought up the safety issue of the cars and the way that they would wind around because I know that I had a few close calls there when I parked because there were cars coming from both directions and there were cars on the other side that were backing out. He stated that this would only exacerbate it he would think having a drive-thru there.

Mayor Kurtz stated that also he thinks there would be a tradeoff here. He stated that if there was expanded capacity and a rear entry convenience, he thinks that they would be able to satisfy some of his concerns, the pressure of losing 23 spots in the most critical area and not have a way convenient to get into the facility going around back. So, if you would have orientation from the back that would eliminate, people would figure that out pretty quickly; and then they could also add the drive-thru and not have compromised the parking. He stated that it was not his business, but he was a customer; and he wants convenience. That is what people will expect going forward, and so if they could have a tradeoff and create the rear orientation so that all those people who were parking on the side for convenience, now they can just park in the back. They can get in and get the same product, the same convenience and move on. Then those who need to get to the drive-thru, just expand the business model two ways. He stated that was just his two

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cents. He stated that he wasn't telling them how to run their business. He stated that those were his thoughts. He was just trying to create a long term and not just a band-aid.

Mr. Phillips stated that he understood that and from a timing perspective of the adjoining tenants being there and under a lease and so on and so forth; he doesn't even know if from Panera's standpoint, he doesn't know if it's something that would even be a possibility.

Mayor Kurtz stated that Mr. Bruening has done a phenomenal job, he had the vision to create this opportunity; and they have a great partnership with him and the City. He stated that most of the people still find this very convenient; so it works. He stated that there were a couple of things off campus that he would still do like add a turn lane at the Brecksville Road interchange so that people aren't stacked up all the time. You might have to pave some of that a little bit better, but other than that, that was off campus. He stated that for the most part, if there would be a way to get more play out of this shopping center by creating a rear entry dynamic to some of these venues, it works because you can't park in the front.

Chairman Lytkowski asked the Mayor if he had any other comments.

Mayor Kurtz stated he was fine. He thanked everyone for listening.

Chairman Lytkowski thanked the Mayor for his comments. Having stated that, the Planning Commission will table the matter until next month, and Mr. Bruening will come back and maybe have some ideas.

Mayor Kurtz stated that instead of wasting people's time, let's see if everyone can find a solution before they come back. He stated that he didn't like to waste their time. They were very busy. If they achieve something that warrants additional discussion or they could get a comfort level with respect to the safety forces and those other people who are responsible for making these decisions, then they should stay on the agenda. He stated that he thinks there will need to be a little more discourse off line to achieve that level.

Chairman Lytkowski stated such as a workshop of some sort.

Mayor Kurtz stated a workshop or as they move forward, they could just work together. He stated that maybe they will have to get some traffic people, maybe the safety forces could give them a comfort level. He stated that if they have more than five or six cars in there, you won't be able to back out of those parking spots there.

Mr. Bruening thanked everyone.

Mayor Kurtz stated that they will talk soon on the other issue.

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Mr. Bruening stated that he looked forward to that too.

Chairman Lytkowski asked if there were any other items on the agenda. He stated that he did have his favorite topic. He asked the City Planner if there was any progress for Kent State and the landscaping.

City Planner Markley stated that he submitted a plan today to the Mayor's office for review.

Mayor Kurtz stated that first of all, in the future, see if you could clean up your audio. It was tough to her you.

Second of all, he just received it just now. He stated that he hasn't had a chance to look at it, but they do need to focus on that. He went and reviewed the Minutes, and that was a condition of their approval; and they need to enforce that because of the feedback that they are getting. He stated that he will take a look at it. He stated that he will make sure all the Commission members get a copy of the landscape plan. He stated that they will discuss it further because it is not something that will go away, and he knows that when he gets on that ramp, he is extremely disappointed in what he sees. He stated that was a condition, and if they can't satisfy that to the Planning Commission's satisfaction, the they will have to go back to the drawing board and they will have to start from scratch. He stated that he didn't want to get to that point, but from his perspective, it was not what he envisioned the finished product to be like.

Vice Mayor Grendel stated that he had a question. He took a drive back, he thought last summer the Planning Commission approved construction of the Goddard pre-school at the cul-de-sac right by All Erection where they have their headquarters. He stated that he has not seen any movement. That land is as vacant as it was a year ago. He asked if they were going to go forward building a new Goddard school there?

Mayor Kurtz stated that actually Jessica could speak to that.

Economic Development Director Hyser stated that there was a little bit of a story with that one. He stated that there was a little bit of a legal dispute between the franchisee who was the one who was going to build on Acorn, and the building owner. He stated that after they got their approvals, there were years of litigation. They finally did come to terms, and so now the franchisee was able to purchase the building. They will stay in that location which would be a win-win because then they don't have essentially two similar looking building in the community; and one being a vacant school. With the Goddard School franchise, they were limited to where they could acquire property; and that would have needed to be only in Independence. She stated that it was a win-win for the City.

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Mayor Kurtz stated that he would like to have Don Ramm and Jessica and Vern, and he would like to look at that entire area again. He stated that since they backed out, he wants to see what the City's potential would be in that entire area.

Vice Mayor Grendel stated that there have been more things okayed for that land that never got built. He stated that he thought it was an attractive piece of property, but it seems like they approved the event center; and of course they went belly up nationwide. He stated that he thought there was another building approved there before he was on Planning, and that went by the wayside. It is just amazing how nothing has ever happened on that site there.

Mayor Kurtz stated that he thinks it may be an opportunity. He stated that since it was off the books now realistically. He asked the Economic Development Director if she would get to Anne and look at an overall topography map and let's see if they can create some new opportunities. He stated that Don Ramm also, they have a layout of a road being extended on to I-77; and he knows that ODOT was potentially looking for some projects. He stated that he wanted to take one more look at that. He stated that it could be a big play for that northwest and southwest quadrant if they were able to achieve that. He stated that he knows there are wetlands, and everyone states that you can't; and he just thinks it motivates him to say that they can. They can do better.

Vice Mayor Grendel stated that there was that marginal road that goes from Oak Tree all the way over to Summit Drive, and he remembers one time they planned on having some kind of retail there with a restaurant and a couple of other places. He stated that was proposed 15 or 17 years ago. He stated that has been still barren as ever.

Mayor Kurtz stated that there was some property issues, who owns, who has the rights, the water orientation; but there's another area. They have to really look at every opportunity now going forward. He stated that he will address some of those, real estate issues, in Executive Session next week, but you and I will talk.

Vice Mayor Grendel replied thank you.

Chairman Lytkowski asked for a motion for adjournment.

A motion was made by Vice Mayor Grendel, seconded by Chairman Lytkowski, to adjourn the Planning Commission meeting of May 4, 2021.

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

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There being no further business, the Planning Commission meeting of May 4, 2021 was adjourned at 6:31 p.m.

Chairman Dale Lytkowski

Debi Beal, Planning Commission Clerk
Minutes Unapproved at Time of Release 05/06/21