

MINUTES OF A PUBLIC HEARING HELD BEFORE THE PLANNING COMMISSION OF THE CITY OF INDEPENDENCE, OHIO TO CONSIDER THE APPLICATION BY INDEPENDENCE AUTO, SEEKING A SPECIAL CONDITIONAL USE PERMIT TO PERATE A USED CAR DEALERSHIP WITHIN THE EXISTING BUILDING

**HELD VIRTUALLY VIA ZOOM
5:00 P.M., TUESDAY, MAY 4, 2021**

Chairman Lytkowski opened the Public Hearing at 5:04 p.m. and the following responded to Roll Call:

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

OTHERS

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

ABSENT: William Gutermuth

Chairman Lytkowski stated that they had one item on the Planning Commission for the Public Hearing, and that item was Independence Auto requesting a Special Conditional Use Permit. He asked if there were any representatives from Independence Auto in attendance via Zoom.

Charles Ipsaro and Alex Chumat were both in attendance on behalf of Independence Auto.

Chairman Lytkowski asked Mr. Ipsaro to give the Planning Commission a brief overview of what they were trying to accomplish.

Mr. Ipsaro thanked the Secretary and the Planning Commission. He stated that what they were trying to accomplish was they would like to have an indoor used car operating facility to sell used cars and trucks and do auto detailing. He stated that there will be some pictures shown. He stated that they would be located at 8600 Pleasant Valley Road. He stated that there would be a separate building, separate entrance. He stated that right now the building was light manufacturing, and they were looking for a conditional use permit to use a different section of the building to have indoor sale of autos, trucks and detailing.

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Mr. Ipsaro stated that they would advertise via the internet and e-commerce. He stated that he had spent 35 years in the automobile industry. He stated that was what they were proposing.

Law Director O'Brien asked Mr. Ipsaro how much space were they proposing to lease from the building owner.

Mr. Ipsaro stated that it would be 6,000 square feet.

Law Director O'Brien asked how many cars because Mr. Ipsaro has been in the business for 35 years, how many cars would they have in the entire 6,000 square feet there on site.

Mr. Ipsaro stated that it would be 15 to 20 inside. He stated that the inside would be for sale. He stated that if they had vehicles waiting to be cleaned up or detailed, they would be outside behind the building.

Law Director O'Brien stated that the only cars that would be outside parked temporarily while they were waiting to be detailed would be detail oriented cars, not the cars that they would like to sell over the internet. He asked if that was correct.

Mr. Ipsaro stated that if they were detailing them, they would be prepared to be detailed. He stated that if they weren't for sale there would be a posted placard, 5 x 7 that would say that this car was not for sale, please contact the dealer for details. He stated that in other words, they wouldn't be soliciting business or advertising cars on Pleasant Valley Road with For Sale signs or anything like that.

Law Director O'Brien stated that what he was asking, where would they do the detailing of cars. He stated that detailing from his experience is just washing and waxing.

Mr. Ipsaro stated that washing, waxing, buffing on the inside.

Law Director O'Brien asked if all that work would be done inside the building?

Mr. Ipsaro replied yes sir.

Law Director O'Brien stated that other than the parking temporarily of the cars scheduled for that day to be detailed, there will be no outside parking whatsoever.

Mr. Ipsaro replied yes sir.

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Law Director O'Brien stated that there would be no cars outside where someone could see from the road or on the property that have any type of For Sale or any type of signage stating that the car was for sale at any time of the day.

Mr. Ipsaro replied correct.

Law Director O'Brien stated that he wanted to clarify what Mr. Ipsaro was planning on doing there.

Chairman Lytkowski asked the Secretary if the residents were notified.

The Secretary stated that they were notified.

Chairman Lytkowski asked what was over there.

Mr. Ipsaro stated that Quasar Energy was there.

Chairman Lytkowski asked Mr. Ipsaro if that was his company.

Mr. Ipsaro stated that it was not his company. It was owned by a resident. He operates his business there. It was Mel Kurtz.

Chairman Lytkowski stated that the Quasar sign will still be retained, and Mr. Ipsaro's business would be behind that.

Mr. Ipsaro stated that it was to the side of it. He stated that they have to have signage up where Quasar has their sign on their front. He stated that they would have to have a sign that would say Independence Auto, LLC. He stated that there was a spot that they would be able to display the name Independence Auto, LLC.

Chairman Lytkowski asked where would the signage be.

Mr. Ipsaro stated that he didn't have the ability.

Law Director O'Brien stated that if they would look at the screen, the upper screen, there was a sign there presently, and it has multi-tenant placards on it. He stated that it appeared that two of the placards were empty. He stated that it would not be new signage.

Mr. Ipsaro thanked the Law Director.

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Chairman Lytkowski asked if that was Kendale Manufacturing at one time.

Mr. Ipsaro stated that he thought Kendale was further up the road. He stated that he believed it was the next building going west on the left-hand side.

Chairman Lytkowski stated that he wanted to reiterate what Mr. O'Brien indicated. He stated that there would be no flags out front, no cars, etc.

Mr. Ipsaro agreed. He stated that if there was a vehicle left outside, they would have a sign stating that the vehicle was not for sale in the back or on the side of the building. He stated that they would not be soliciting people to come in off the street, off Pleasant Valley, looking for something to purchase.

Chairman Lytkowski stated that if he took his car there, would he need an appointment to get it detailed.

Mr. Ipsaro replied yes.

Chairman Lytkowski stated that he lives up the street. He stated that he would bring his car there to get detailed, would they provide a loaner for him.

Mr. Ipsaro stated that they didn't provide loaners, they would have to shuttle the Chairman home. He stated that they could shuttle people to the business area.

The Chairman asked if it would make sense to provide a loaner because a detail would take all day long.

Mr. Ipsaro stated that it would. He stated that people that drop off their vehicles for detailing, they would have to get a ride home. They would drop them off. He stated that was how other detail facilities do it. He stated that there would not be a large amount of detailing. He stated that they would offer it to some businesses, some people in the area for a rate competitive to leave the car for 24 hours.

Law Director O'Brien stated that he was talking about the cars they would have inside for sale. He stated that Mr. Ipsaro kept talking about maybe having some of them parked outside and having a placard on them that states the car was not for sale. He stated that it would not work. He stated that he was sure the Commission will make it subject to any approval for the variance, they would not be able to have any cars outside parked whatsoever. The detail shop works during the day, people could drop their car off in the morning and pick it up at night. He stated that the risk of turning that into a parking lot.

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Mr. Ipsaro stated that he understood. He stated that there would be no cars outside. He stated that he understood that.

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

Vice Mayor Grendel stated that he was looking at the building. He asked Mr. Ipsaro if the part that they were going to be occupying would it be connected to the main building, or was it separate.

Mr. Ipsaro stated that it would be to the right of the main building.

Vice Mayor Grendel stated that it was the right side of the building.

Mr. Ipsaro agreed.

Vice Mayor Grendel asked Mr. Ipsaro if he was going to have signage on the main sign.

Mr. Ipsaro stated that it would be under the Quasar sign.

Vice Mayor Grendel asked if they would have any separate signage, just under that.

Mr. Ipsaro agreed.

Vice Mayor Grendel asked how many cars maximum did Mr. Ipsaro think he would have stored inside to sell at any one time.

Mr. Ipsaro stated it would be 10 to 15.

Vice Mayor Grendel asked if all the advertising would be done online.

Mr. Ipsaro stated it would be online or word of mouth. He stated that he was not sure if it would be eligible to put a sign on the building or not.

Law Director O'Brien replied no, not without a variance.

Mr. Ipsaro asked to put a sign on the front of the building where it was in the picture to the right.

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Law Director O'Brien stated that Mr. Ipsaro would have to go to the Board of Zoning Appeals and seek a variance because technically there would be two front facing signs, unless Quasar would be willing to remove their sign.

Mr. Ipsaro stated that he wouldn't ask them to remove their sign. They were the landlord. He stated that to the right of the building, there was a MDB. He stated that there was a prior tenant there.

Vice Mayor Grendel asked if that would interfere with Quasar's operation? They were on the other side of the building.

Mr. Ipsaro agreed. He stated that they have a door if they needed to come, there was a door on the driveway behind the yellow poles that were positioned straight up the driveway. They could go in.

Law Director O'Brien stated that Mr. Ipsaro would have to go to the Board of Zoning Appeals. He stated that normally during the public meetings the issue would be tabled for 30 days to allow additional public comment; but 1145.05 of the Code does not normally allow used car sales on property unless it would be in addition to new car sales. He stated that because of that restriction, he thinks the Board of Zoning Appeals should weigh in and provide a variance for what they would want to do inside the building there.

Mr. Ipsaro stated that he respected that, but he stated that the ordinance that he researched was back in the 1960's. He stated that the e-commerce has taken over in the last 20 years; so primarily trying to do business e-commerce wise. He stated that he realizes that it would not be a new car franchise that would be bringing additional revenue into the City with in allowing a used car franchise.

Law Director O'Brien stated that unfortunately the code was written in 1977 for this particular use. He stated that it stated that used automobile sales were permitted only if the same accessory and immediate adjacent to buildings used for the sale of new motor vehicles. He stated that from a variance standpoint, they would have to receive a variance to that code section from the Board of Zoning Appeals.

Mr. Ipsaro replied yes sir. He stated that they would have to go to the Board and ask them to consider if the conditional use variance because it was not a new car franchise with a used car franchise. He asked if that was correct.

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Law Director O'Brien agreed. He stated that if Mr. Ipsaro was thinking about signage, he might as well as combine the two and ask for the signage component too given the uniqueness of it being way back there.

Chairman Lytkowski asked if there were any other comments by the Law Director.

There were none.

Chairman Lytkowski stated that he did have one question. He asked what kind of cars were they going to sell, vintage?

Mr. Ipsaro stated that they would be everyday cars. He stated that it wouldn't be high end sports cars.

The Chairman asked the Mayor if he had any comments or questions.

Mayor Kurtz stated that he did not have any comment.

Chairman Lytkowski asked if there were any other questions from anyone.

The Chairman stated that as the Law Director indicated, the Planning Commission will hold the matter off until next month at a formal Planning Commission meeting at which time they will take action. He stated that in the meantime, they will close the Public Hearing.

Vice Mayor Grendel stated that he had one last question. He asked Mr. Ipsaro how many employees did he anticipate working at that location.

Mr. Ipsaro stated that there would be four to five employees. He asked if he would need to go to the Zoning Board before the Planning meeting? He asked if everything was predicated on Planning.

Law Director O'Brien stated that was a good question. He stated that Mr. Ipsaro could hold off. He stated that they could make it subject to if the Planning Commission approved it, it would be subject to the Board of Zoning Appeals' approval.

Mr. Ipsaro stated that he would have to go to the Board of Zoning Appeals and then to Planning. He stated that he would have to go to Planning.

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Law Director O'Brien stated that Mr. Ipsaro could wait until next month, and whatever vote would occur by the Planning Commission. He stated that obviously if they didn't approve the Special Conditional Use Permit there would be no need to go to the Board of Zoning Appeals. If they would approve it, the Law Director would make sure they would make it subject to Mr. Ipsaro obtaining the proper variance for the used car lot.

Mr. Ipsaro thanked the Law Director.

Chairman Lytkowski asked if there were any other questions.

The Chairman stated that there were no other questions.

Chairman Lytkowski stated to Mr. Ipsaro that he should make sure he would come to the next Planning Commission on June 1st at 5:30 p.m.

Mr. Ipsaro asked if the meeting would be in person.

The Secretary stated that it would still be via Zoom.

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

ROLL CALL: Yeas: Lytkowski, Grendel, Kurtz

Nays: None

MOTION CARRIED

There being no further business, the Public Hearing was closed at 5:21 p.m.

Dale Lytkowski, Chairman

Debi Beal, Planning Commission Clerk

Minutes Unapproved at Time of Release 05/05/21