

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

Chairman Lytkowski called the meeting to order at 5:40 p.m. May 5, 2020 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
Gregory J. O'Brien, Law Director
Jeff Markley, City Planner

Old Business:

**Approval of Minutes of the Planning Commission meeting held on
March 3, 2020.**

New Business:

- 1. 5051 West Creek Road, Courtyard by Marriott & Cleveland Clinic Sleep Lab -** Approval of the continuation of the use of 8 rooms for the Cleveland Clinic Sleep Study (approval expires on June 6, 2020).
- 2. 6599 Granger Road, The Glory House Church, Pastor Nate Burge –** To consider the request for a Special U-3 Permit for 6599 Granger Road for the operation of a church ministry on the site.
- 3. 6001 West Creek Road, Children's Joy Pre-School, Jerry & Laura Bash –** To consider the request for a Special U-3 Permit to operate a daycare center and pre-school on the site.
- 4. 7007 East Pleasant Valley Road, Redwood Corporate One, LLC –** Approval of consolidation plat.
- 5. Daisy Blvd. & Aster Drive, PPN 562-18-001 & 562-18-047, Daisy May, LLC –** Lot split and consolidation for Phase 1 with the lot split and consolidation of two existing properties into 2 residential lots.

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- 6. Daisy Blvd. & Aster Drive, PPN 562-18-001, 562-18-046 & 562-18-047, Daisy May, LLC** – Lot split, consolidation and dedication plat for Phase 2 with the separation of 3 existing properties into 5 residential lots.

Chairman Lytkowski stated that Planning Commission members had received the Minutes of the March 3, 2020 meeting. The Chairman asked if there were any additions or corrections.

A motion was made by Dale Lytkowski, seconded by Vice Mayor Grendel, to approve the Minutes of March 3, 2020 as amended.

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

5051 West Creek Road, Courtyard by Marriott & Cleveland Clinic Sleep Lab – Shane Fronfelter of the Courtyard by Marriott was in attendance. He was asking for a three year extension for the sleep lab for the Cleveland Clinic.

The Chairman asked if anyone had any issues with regard to this extension. There were no issues expressed by any of the Commission members.

Law Director O'Brien stated to Mr. Fronfelter that the matter had to go before the City Council, and it would be scheduled for the May Council meeting.

A motion was made by Dale Lytkowski, seconded by Dave Grendel, to approve the use of 8 rooms at the Courtyard by Marriott for the Cleveland Clinic Sleep Lab for a three year extending, ending on May 31, 2023.

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

6599 Granger Road, The Glory House Church, Pastor Nate Burge – Pastor Nate Burge and Pastor Melody Burge were both in attendance.

Pastor Melody Burge stated that they were an outreach movement and a church as well. They were an outreach movement mainly. She stated that they were really hands on in the community. She stated that they have been doing hands on in the community for over 10 years. Recently they had started a ministry approximately 4 years ago. She stated that they really want to lease the space. She stated that they had been looking for a long time. It has been a long road. She stated that the space meets all of their needs. They have

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looked at probably 100 buildings in the last few years; and this one was more like an answer to a prayer or dream come true for them.

Chairman Lytkowski asked Pastor Burge what was the dimension of the building. Pastor Burge stated it was 30,000 square feet. She stated that they would take a smaller part of it. The Chairman asked if there would need to be a lot of renovations done to the building.

Pastor Burge stated that they did not have to do many renovations, and that was the best part of it all. She stated that it was move in ready for them right now.

Chairman Lytkowski asked Vice Mayor Grendel if he had any questions. Vice Mayor Grendel stated that he went down there today, and that was the old Ace Copier. He stated that was who provided his copy machines over the past several years until they got taken over by Meritech. He asked if it was handicap accessible. If someone was in a wheelchair how they would get into the building.

Pastor Burge stated that they would be the only real project that they would have to do to make it wheelchair accessible; and they were told it would be really easy to do. They would just put it on the side.

Vice Mayor Grendel asked if there was a sprinkler system in the building in case there was a fire.

Building Official Gero stated that the building did not have a sprinkler currently. He stated that the previous use of the building did not require a sprinkler when it was constructed; however, to change the use to an assembly use would require a sprinkler system being added.

Chairman Lytkowski asked Engineer Ramm about the flood plain area, had it been corrected.

City Engineer Ramm stated that it was still registered in the FEMA flood zone.

Chairman Lytkowski stated that was what he thought.

City Engineer Ramm stated that the project recently helped the situation there, but they are definitely still located in the flood plain.

Law Director O'Brien stated that he knows that at least over his tenure which was close to 20 years; there have been a half a dozen flooding incidents with that building.

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City Engineer Ramm stated that he thought the owner had done some flood proofing. He believed the entrance was flood proofed and an enclosure gate put on the front entrance he thought. He stated that he thought there had been some improvements that had helped minimize the flooding or the damage from flooding.

Chairman Lytkowski stated that he remembered that quite well.

Vice Mayor Grendel asked if the bathrooms were ADA accessible for handicapped.

Pastor Burge stated that they were.

Chairman Lytkowski asked Mayor Kurtz if he had any questions. The Chairman stated that he had a couple more comments.

Mayor Kurtz stated that he didn't have any questions. He stated that the question of the sprinkler system from a safety standpoint, something would have to be addressed there to begin with.

Chairman Lytkowski stated to Pastor Burge that it seemed to him, unless the other members think to the contrary; he would like to table the matter for the time being and have them come back to the Planning Commission with a plan on the sprinkling system, double check the flood plain zone and the bathrooms to make sure they were in compliance with the Disability Act.

Pastor Burge replied great.

The Chairman stated that he didn't feel comfortable.

Law Director O'Brien stated to Pastor Burge that he wanted her to check the parking and make sure that there would be adequate parking down there. He stated that she may also want to look into the past flooding. He stated that they were asking for essentially a zoning change which will require the City to have a public hearing at some point in the future. He stated that oftentimes the Planning Commission ask applicants to look at the costs. The sprinkler system, he thinks that they may be surprised at the cost of that. He stated that the Planning Commission doesn't want to waste the applicants' time; and they don't want to waste the City's time and money with regard to setting up a public hearing whenever they could do that under the current circumstances.

The Chairman stated that the other point the Law Director made mention of, and he was glad that he did. He asked how many people will attend the church at any given point and time?

Pastor Burge stated that right now they are at about 50 or 60.

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Chairman Lytkowski asked the City Engineer if there would be ample parking.

Pastor Burge stated that they did check into that, and it did look like there was ample parking.

The Chairman asked if the parking met the City's code.

Building Official Gero stated that he was not sure if it met the parking code. He stated that he did not receive any information from the applicants as far as the number of parking spaces that were available for that portion of the building. He stated that the applicants were only taking a portion of the building. The applicant would not be taking the whole 30,000 sq. ft.; so he wasn't sure what the number was of parking that was available for them.

Chairman Lytkowski stated that was something that they would have to check out.

Law Director O'Brien stated that he was just trying to give the applicants as many questions to be answered because he doesn't want to delay their application; but with churches, unless this one was unique, most churches would want to grow, so a plan based upon an expectational, but a plan to make sure that there would be enough parking for any growth. He stated that he didn't know if they planned on staying at 50 people forever; he doesn't know many churches that would choose to do that.

Chairman Lytkowski stated to Pastor Burge that the Planning Commission was going to postpone any action on their application. He stated that he wanted her to get together with the Building Official or the City Engineer with regard to the sprinkling system. He stated that he would be concerned about the flood area and the parking and the Disability Act for the bathrooms. The Chairman stated that if they could resolve those things and perhaps maybe next month the Planning Commission could talk about it in more detail.

Pastor Burge agreed. She stated that she had one question. She stated that she did reach out to somebody about the sprinkler system, and they were wanting to know, would they have to do the whole building or just the area that they would be leasing.

Chairman Lytkowski asked the Building Official what he thought.

Law Director O'Brien stated that the applicants were asking for a change of use for the whole building; they don't have a change of use for a partial building. He stated that they would have to sprinkle the whole building.

Pastor Burge replied okay.

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The Law Director stated that even though they were only going to use part of it; but they were asking for a change of zoning. It will be over the whole building. The City doesn't have in their code.

Pastor Burge replied that it was fine.

Chairman Lytkowski asked Pastor Burge if she had any other questions or comments.

Pastor Burge stated that she didn't have any at the moment.

Chairman Lytkowski thanked Pastor Burge for considering Independence.

Pastor Burge stated that they love Independence.

6001 West Creek Road, Children's Joy Pre-School, Jerry & Laura Bash – Jerry and Laura Bash were both in attendance along with Marcus Bunta their contractor.

Chairman Lytkowski asked Mr. Bash what was his game plan and what he was trying to accomplish.

Mr. Bash stated that they were looking to, the current building was the former sound studio; and they were looking at it for use as a pre-school and daycare. He stated that right now the plans that they would need to modify that building would be to add sprinklers on the lower level. He stated that there were already a sprinkler system on the upper level. He stated that they would be using Marcus Bunta as the contractor about adding that in. Mr. Bunta could give the Planning Commission information on that.

Mr. Bash stated that the other changes they would need to make would be to put some small toilets for children's use in it and put some windows on the outside of the building to get some sunlight into the classrooms. He stated that right now there were no windows. He stated that they would also fence in the backyard area to allow for an outdoor play area for the children.

Vice Mayor Grendel stated that was a very steep ravine there.

Chairman Lytkowski stated that it went through his mind.

Vice Mayor Grendel asked would the parking be sufficient for their use.

Mr. Bash stated that he didn't check the parking. He stated that there were 18 spaces now. He stated that the requirement they were using were 6 spaces per child; and that would be after you take off employees. They would have anywhere from 5 to 8 employees. He stated that it would allow them in the neighborhood of 60 kids there which would be about what; and they also had a former State Inspector come through to

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look at the space with them. He stated that she was positive about it. He stated that the State would regulate the amount of children they should have in a certain square foot area. It would not be based on the total square foot of the building. It would be on the space that would be usable for the children. He stated that she thought it would be somewhere of that neighborhood of 60 children. He stated that it would be a good fit in terms of parking.

Chairman Lytkowski asked Mr. Bash what his background was.

Mr. Bash stated that he was an engineer. He stated that his wife has been running the daycare. He stated that it was on a much smaller scale for the last 10 years. The Chairman asked where the daycare was located. Mr. Bash stated that it was in Parma currently.

Mayor Kurtz asked Mr. Bash where in Parma was the daycare located.

Mr. Bash stated that it was at 4708 Torrington Avenue.

Vice Mayor Grendel asked how many children would be in the daycare and how many pre-schoolers would there be.

Mr. Bash stated that right now the State would allow 35 square foot per child. He stated that he thought the capacity would be around 60 was what they were thinking. He stated that it would be a half and half split between pre-schoolers and toddlers. There would be some infants as well.

Chairman Lytkowski asked about the parking. He asked if there was sufficient parking for 60 students. He is aware that the parents would come at different times. He asked about the traffic flow in that area.

Mr. Bash stated that he discussed the parking with Building Official Gero. He stated that they talked about the requirement of 6 spaces per child. He stated that there were about 18 spaces there now; so that would mean 10 for children, and it would allow them to have 60. He stated that the Chairman was correct, they do not all come and go at the same time. He stated that they believe that there would be adequate parking. He stated that it also was a pull through driveway. He stated that they could control the traffic flow that way. He stated that it would be a quicker drop off and pick up.

Law Director O'Brien stated to the applicants that the City has a very difficult time, by the time, and he would assume that they were like every other daycare that they have in the City; parents would be dropping off children during the peak hours and picking up kids during the peak hours. He stated that there was one part of the City that was very, very challenging from a traffic flow issue; and they would be right in the heart of it.

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He stated that the one thing he would request moving forward would be a traffic study.

Chairman Lytkowski stated that it was a good suggestion.

Vice Mayor Grendel stated that he thought the location would be right across from the offices that were behind Crown Centre. Mr. Bash agreed.

Chairman Lytkowski stated that it was west of Crown Centre. The Vice Mayor stated that it was across from the smaller offices that were behind Crown Centre.

The Chairman stated that those were the IRS offices. The Vice Mayor agreed.

Chairman Lytkowski stated that there was a very deep ravine back there. The Vice Mayor stated that he went back there today, and he agreed. The Chairman stated that it really bothered him.

Chairman Lytkowski stated to Mr. Bash that the City had a facility off of Lombardo. He asked Mr. Bash if he knew anything about that facility. He asked how they were doing back there.

Vice Mayor Grendel stated that was the Goddard School.

Mr. Bash stated that he didn't have any information on them.

Chairman Lytkowski stated that they have a childcare facility also behind McDonald's called Le Chaperone Rouge. He asked about that facility. Mr. Bash stated that he didn't know how they were doing.

Vice Mayor Grendel asked how many children were in the program at the Parma address.

Mr. Bash stated that they have in the neighborhood of 20 to 22 children now. He stated that they were not all full-time children. Some of those were 2 days a week, some 3 days a week. He stated that many of them are just morning. He stated that there were a number of them, but they were not there full-time.

Vice Mayor Grendel asked if most of them came from the Parma area or were they from all around.

Mr. Bash stated that some of them do, but the bulk of them were coming from other locations. He stated that it was a Christian pre-school, and it was also Romanian. His wife is Romanian. He stated that she knows a lot of people. A lot of them come from quite a distance. He stated that they believe that they will be able to get more children from the local area because the location would be good for that.

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Chairman Lytkowski asked if Mayor Kurtz had any questions.

Mayor Kurtz stated that he didn't have any questions. He thinks that the Chairman has explored all the different questions he had. The Mayor stated that he did have a question relative how were they dealing with the Covid virus situation.

Mr. Bash stated that there were very few children attending. He stated that it was a home daycare now, so it wasn't actually required to close. He stated that the pre-school has remained opened, but in general some of the weeks it was only 2 days a week with 1 or 2 children there. He stated that it was beginning right now to pick up a little bit more; but it was much slower than usual.

Mayor Kurtz asked if Mr. Bash was subject to limitations or was it self-imposed.

Mr. Bash stated that he thought the way he read the State Order was it did not include home-based pre-school; but they sort of imposed their own.

Mayor Kurtz asked if Mr. Bash was in that facility, they would be closed down right now.

Mr. Bash agreed.

Mr. Bash stated that he had one question about the traffic study. He asked if someone could give him an idea of the timing of that one. He stated that the next step would be a public hearing.

Chairman Lytkowski stated that he didn't want Mr. Bash to get ahead of himself. He stated that it would be if the Planning Commission would agree to accept the application today. He stated that the Planning Commission has some serious questions, and the Law Director raised a good question for the safety forces about fire trucks turning around in the parking facility, the safety squads, etc. He stated that to him, he wanted to know what kind of safety would they have to protect the kids from intruders, that type of thing. They haven't talked about that.

The Chairman stated that he thought there were some items there that he would like to have the Planning Commission take a step back, wait 30 days and come back, give the Planning Commission a little bit more input. He would like to know how the facility down on Lombardo was doing. He was just curious. He stated that he doesn't go down there very often, but he would be curious to see how they were doing. He stated that he doesn't want to have over capacity within Independence. He would like to wait 30 days unless the Planning Commission members would not agree with him. He stated that he was only one vote. He stated that he thinks there would be a safety issue with the ravine. He stated that he looked at that ravine, and he knows that it is pretty steep.

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Mayor Kurtz stated that the Planning Commission cannot vote on it without at least some understanding of the traffic. He stated that he wouldn't be comfortable at this point.

Law Director O'Brien stated to Mr. Bash that he would suspect, he would be asking essentially for a change of use as well. He was asking for a Special U-3 Use, which would be essentially a temporary change to the zoning; but it would still have to meet the Zoning Code. The Law Director stated that he would be very surprised if the majority of the Planning Commission would make the recommendation to the City Council without reviewing that traffic study because the City has spent millions and millions of dollars to better that area as recent as a few years ago several million dollars. He stated that he believes the Planning Commission will want to know if having parents rush in and rush out if they were late for work, if they need to drop their children off or pick them up at a certain time, will affect the traffic over there because even the slightest effect, he would be surprised if the City would want to add to the traffic situation over there versus the traffic.

The Law Director stated that if someone would want to build over there, one of the demands of the City further on down with the undeveloped land, they would have improve Rockside Road. The City will not allow any future additional development over there without improvements to the road over there. He stated that he couldn't speak for the Mayor or the Vice Mayor, but he would imagine that they get quite a bit of complaints from over there.

Vice Mayor Grendel stated that he concurs with the Mayor. He stated that the traffic would be what really concerns him and the safety of the children. He stated that he thought that you could contain them in that area; but that was an awfully small area in the back of the building. There was a very steep, almost scary type of incline there. He stated that he would be very concerned. He stated that he would have to see what kind of fence would get built and everything. He stated that those were the 2 big issues that concern him, traffic and the safety of the children there on the playground.

Chairman Lytkowski asked if anyone else had any comments or questions.

The Chairman stated to Mr. Bash that at this point and time he would like to table the matter until next month. He stated to the Law Director that he or the Building Official could line up the safety study. The Chairman stated that he would also like to see from the City Engineer the effect of coming in and out of that facility. He stated that he would like more information so the Planning Commission could make a good decision for Independence.

Law Director O'Brien stated to Mr. Bash that he didn't know if he was familiar with any traffic engineers; but the City Engineer has dealt with enough of them in the City over the years. He could give Mr. Bash a list of names.

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City Engineer Ramm stated that he could do that.

Building Official Gero stated that he would just like to add that he would suggest Mr. Bash investigate the cost of adding a sprinkler system. He stated that the one there was a limited sprinkler system. He stated that he didn't know what the capabilities were with bringing a sprinkler line in from the road into the building could in essence be cost prohibitive; but Mr. Bash should investigate that with a sprinkler contractor.

Chairman Lytkowski asked the Building Official to educate him a little bit. He asked if there were 2 types of sprinkler systems.

Building Official Gero stated that in some situations there were what would be called a limited area sprinkler system. He stated that if they would say there was an area that would be, you would not put a sprinkler system in a computer room; but there might be a mechanical room that would want sprinklered, and that was the only area you would need because it would be a limited area, it would be less than 20 heads, they would be able to tap that off of a domestic water line as opposed to bringing in a 6 inch sprinkler line into the building to supply the building.

Chairman Lytkowski asked Mr. Bash if he had anything else.

Mr. Bash asked if he could clarify what the Planning Commission was looking for with regard to the next meeting. He wanted to make sure that he captured everything. He stated that he heard a perspective on the sprinklers, a traffic study. He asked if he was getting ahead and that was not the next step.

Chairman Lytkowski stated a traffic study and sprinkler system. He stated that he thought a better flow of the traffic pattern that was there now. He stated that he was familiar with that area, the Crown Centre especially at 4:00 p.m. or 4:30 p.m., there are a ton of people on that street, a ton of cars. He stated that he thought they even had 4 lanes over there in that area. He stated that they would definitely need the sprinkler system also. He would like to see a better design on the fence. He asked what kind of safety would they have on the fence. He asked if the Law Director could add anything else, or the Vice Mayor or Mayor.

Law Director O'Brien stated that he thought maybe they should get some input from especially the Fire Chief with children and allergies. He would have to check, he thinks they have 2 or 3 other child care places in the City. He stated that it might be interesting to see what the run rates were and make sure they would have easy ingress or egress.

Chairman Lytkowski stated that even if they have a turnaround for the fire trucks or whatever. He stated that the safety forces would determine that.

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The Chairman asked Mr. Bash if there was anything else.

Mr. Bash stated that he didn't think so. He had on his list safety, a traffic study, looking at sprinklers, the fence as far as safety, the Fire Chief; and he thinks they mentioned how other pre-schools in the area were.

The Chairman stated that he would like to know that. He stated that the last thing they would want would be over capacity.

Mayor Kurtz stated that they could do that homework; but he would suggest that if Mr. Bash would be able to fulfill all of those suggested, answer those questions, then Mr. Bash could call them and get back on the Planning Commission.

Mr. Gutermuth had one more quick questions for Mr. Bash. He stated that he thought the Planning Commission was assuming that the pre-school would be open during the rush hour times; but he asked Mr. Bash to clarify what would be the usual drop off and pick up times for children.

Mr. Bash stated that normally it would be as early as 6:30 a.m. until 6:00 p.m. or 6:30 p.m. in the evening, sometimes later. It would generally be 6:30 a.m. to 6:30 p.m.

Mr. Gutermuth stated that Mr. Bash would assume the rush hour times would be the beginning and end then. Mr. Bash agreed. He stated that right now it was not the case, but he thinks he would anticipate that.

Mr. Gutermuth stated that when Mr. Bash was talking 60 children, do they have families, with multiple kids coming in one vehicle or would it be 60 kids and 60 vehicles.

Mr. Bash stated that there were several siblings that would be dropped off. He stated that right now they have a small subset of them that were siblings.

Mr. Gutermuth thanked Mr. Bash and the Chairman.

Chairman Lytkowski stated to Mr. Bash that the Planning Commission appreciated him coming down, and they were looking forward to talking to him in the future.

Mr. Marcus Bunta, general contractor for Mr. Bash. He had a question. Mr. Bunta stated that one of the things that Mr. Bash didn't explain to the Planning Commission, and maybe he was the one that had his eye on the cost and things like that. Mr. Bunta stated that right now they were a very small daycare center, and they were looking to dip into their retirement fund to purchase the building and expand and make something that would be very beneficial to the community. He stated that at this point the seller of the building would not be sure if he would entertain the offer that Mr. Bash has put in for the

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building. He stated that pending the Planning Commission's review, Mr. Bash would go back and go to the seller and hash it out and maybe negotiate. Mr. Bunta stated that Mr. Bash was not really in a financial position to spend thousands of dollars on a traffic study that may or may not yield anything. It might all be in vain because the seller might not even be willing to sell. Mr. Bunta stated that he thought Mr. and Mrs. Bash were coming before the Planning Commission to get a feel for their opinion as to whether or not the Planning Commission would allow something like that before they go and commit thousands of dollars out of their own retirement to do this.

Chairman Lytkowski stated the Planning Commission has listed their concerns and questions. He stated that he personally didn't think the Planning Commission would have a problem per se; but he doesn't know yet. The Chairman stated that if he was Mr. Bash, what he would do, he would try to get the real estate subject to approval by the City, subject to financing. He stated that if Mr. Bash was dipping into his 401k, he would rather see him use that building as leverage because today's interest rates are very low. He could leverage that with the bank. That was what the Chairman would try to do. He stated that if Mr. Bash had a track record, they have a limited one in Parma; it might make it more difficult to get financing. He stated that Mr. Bash should keep in mind that it was a special purpose facility on top of that.

Mayor Kurtz stated that he thinks Mr. Bash was asking if this would be a feasible use; and the Mayor believes there would be enough challenges to the property that if Mr. Bash was in the early stages of determining to move forward, at some point he will put money into this process; and the Mayor wanted to be fair to him and say this would be a real stretch to use this property for that purpose. The Mayor stated that before anybody invests a lot of money and time and effort into something and then find a way that there was nobody at the altar waiting for you. The Mayor thinks it is a fair question from Mr. Bash's standpoint, and it would be fair to the proposed user. He stated that it would be an uphill climb because of the dynamics of the property and some of the potential upgrades necessary. The Mayor stated that he hoped it helps clarify his question.

Mr. Bunta stated that as far as the safety was concerned, the fence, they could build big fences. He stated that the sprinkler system, and they can price that out. It would be on one level, and it would be fairly close to the street. He stated that running a 6 inch line from the water main, it would be costly but the end of the water.

Mr. Bunta stated that the only thing remaining would be the traffic study which he thinks that as of right now, they only have 20 kids part-time with the hopes of increasing that obviously to make it financially feasible for them. So, in the future as the business would grow, they feel right now that would be a problem for traffic, he stated that he doesn't know if there would be a way to determine that ahead of time without spending the thousands of dollars on a traffic study.

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Mayor Kurtz stated that was why he didn't want to give them the impression that it would be an easy one. They have a lot of hurdles to overcome; and the Mayor would rather be up front with them then have them start investing money to find out that it won't work or it would be too far of a stretch or the timing wasn't right. The Mayor stated that he was being candid with them to make sure they would not be lulled or fooled or anything else. He stated that he hopes they accept it the right way.

Mr. Bunta stated that the biggest concern of the Planning Commission would be the traffic so that they would be clear from their end.

Mayor Kurtz stated safety, traffic, building rate repurposing. He stated that there were a number of issues that members of the Planning Commission have articulated.

Chairman Lytkowski asked if they were biting off too big of a chunk. He asked if it would make good financial sense for Mr. Bash. He stated that it looks like they would be stretching; and in today's day and age. The Chairman stated that was the reason he asked how the other 2 locations were doing in Independence. He stated that if there was over capacity, then they would get hooked on a long budget, personal signature, guaranteed by their home, that would be a tough one.

Mayor Kurtz stated that in all fairness, he didn't know how they would do a traffic study right now. He stated that right now they would pass a traffic study with flying colors because there's no traffic. The Mayor stated that he was not sure how they navigate through that because they look at things in terms of firm capacity and full capacity. He stated that Mr. Bash was trying to grow a business, and the Mayor understands and appreciates the fact that they want to be in Independence; but realistically this wouldn't be the easiest site for them to repurpose. He stated that he doesn't have an answer for traffic right now unless they could find some historical data that would be more realistic because it would not be a true dynamic with respect to traffic.

Mayor Kurtz stated the width of the building, the safety of potential clients, children, safety in terms of our safety forces would have to review this. So, there were a number of challenges; but full disclosure, he doesn't want them to spend the money if it's not in their budget. In all fairness to them, he would rather do that than have them invest in something that would not be realistic. He was just being candid and fair with them.

Mr. Bunta stated that he was wondering because obviously of the inability to do a traffic study right now or possibly for the next couple of months. He asked if there would be any way that the City could maybe provide possibly the last traffic study done in that area because as the Planning Commission stated, the City has dumped millions of dollars. He is sure there would have been some kind of study for that particular intersection and go off of that as a guiding point. That way Mr. Bash wouldn't have to spend any money on

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it, and they would at least have a better understanding of, and the Planning Commission would have a better understanding of where they would possibly be.

Vice Mayor Grendel stated that he knows that building was south of the Patriot's Way intersection, so traffic shouldn't be as much there. The only traffic coming from the north of it would be the hotels and then from the east it would be those office buildings where Farmers Insurance was. He stated that he didn't know if they had a traffic study. He stated that to get out of there they would have to go south and go to the intersection, either the West Creek and Rockside intersection or take a right on Patriot's Way. If they were heading east, they could probably go one of those exits there. He stated that he didn't know if they would get a fair assessment from any existing traffic study or not.

Law Director O'Brien stated that he was sure that Mr. Bunta could contact the City Engineer Don Ramm. They could see, based upon their availability, and you have to understand things are going to be very slow because they working just like everyone remotely; so maybe there would be a traffic study out there. He would want to make sure that it would be current and it would be applicable. The Law Director stated that also too, it would go without saying, if the parents cannot get in and out of there in a timely fashion to get their children and get to work on time, they would probably go to one of the other facilities in Independence, other places where there would not be a big traffic jam. He wanted to throw that out there.

The Law Director stated that there may be something out there. That was a good point. It would have to be close in time and location as opposed as farther down the street; but the City Engineer could check.

Mr. Bunta stated that he knows there was a BP gas station right there that got torn down and something was happening with the traffic. He can't recall exactly what it was right now; but perhaps during the planning stages of that project there was a traffic study. It would be right in that cluster of buildings. He stated that perhaps something that was submitted at that time would give them an answer to their dilemma right now.

Chairman Lytkowski wanted to ask the City Engineer, he wanted him to give the Chairman a range for a traffic study in terms of cost.

City Engineer Ramm stated that the ones that they were used to facilitating their larger scale when they deal with entire corridors; he would have to dig into it a little bit. He stated that he knows that a year or 2 ago when the proposed Starbucks was across the street, they were looking at some of that. He stated that he could get back to Mr. Bash.

Chairman Lytkowski stated that even if the City Engineer had an idea that a traffic study would have cost \$15,000; and if that would break the bank, then the question would be moot.

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Mr. Bunta agreed. He stated that he will also get with the City Engineer to see if there would be anything from that.

Chairman Lytkowski stated that would be perfect. The Chairman told Mr. Bash to call when he was ready to come back.

Mr. Bash agreed.

Law Director O'Brien asked the Chairman to consider a motion to table the matter.

A motion was made by Vice Mayor Grendel, seconded by Chairman Lytkowski, to table the matter.

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

7007 East Pleasant Valley Road, Redwood Corporate One, LLC – Mr. Chuck Grasser, Director of Development with Redwood Living was in attendance.

Chairman Lytkowski asked Mr. Grasser to briefly go over the consolidation plat.

Mr. Grasser stated currently the property was the former ADP headquarters, and it was built basically straddling 2 parcels. Mr. Grasser stated that their standpoint and the financing standpoint, they were working on a TIF with the City. The requirement was that they should combine those 2 parcels into one parcel. He stated that was basically what they were before the Planning Commission to do tonight.

Chairman Lytkowski asked City Engineer Ramm if he checked it out in terms of water flow or any type of problems with this.

City Engineer Ramm stated that they have looked at it. The slide shows some existing creek and riparian setbacks; but he didn't believe that impacts anything they would be proposing here with their site and/or with this lost split.

Chairman Lytkowski replied thank you. The Chairman asked Vice Mayor Grendel if he had any questions.

Vice Mayor Grendel stated that he didn't have any questions. He believed that the applicants were before the Planning Commission earlier this year, and this would be the next step in the process. He stated that he would welcome their project. He thinks it will be a great upgrade to that facility. It would bring it back up to the 21st century standards. I see no problem at all with this proposal.

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Chairman Lytkowski asked if Mr. Gutermuth had any questions.

Mr. Gutermuth stated that he drove past the site the other day and saw a sign up. He was looking forward to the project getting underway. He stated that it was pretty easy.

Chairman Lytkowski asked the Mayor if he had any questions.

Mayor Kurtz stated that he didn't have any issues.

A motion was made by Vice Mayor Grendel, seconded by Mayor Kurtz, to approve the lot consolidation.

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

Daisy Blvd. & Aster Drive, PPN 562-18-001 & 562-18-047, Daisy May, LLC –
Chairman Lytkowski stated that the matter involved a lot split and consolidation. He asked the Law Director if the matter needed to have a public hearing.

Law Director O'Brien stated that it came up earlier. It came up for a public hearing, and the Planning Commission had a public hearing; and he didn't see the configuration, it would be a reduction in lots. He stated that his initial ruling was no public hearing was necessary because, and he asked the Secretary to correct him if he was wrong, all the adjacent property owners had been notified. The Secretary stated that they were notified. Law Director O'Brien stated that the original preliminary plan was approved on the major subdivision. He stated that it appeared now that they were just breaking them up, and it would be a reduction in lots. The Law Director stated that he talked to City Engineer Don Ramm earlier today, and he thought they were even removing one more, he may be incorrect on that. The Law Director stated that his advice was there was no need for a public hearing.

Vice Mayor Grendel asked how many homes would they be building now. Christine Comer of Donald Bohning & Associates stated that in the Phase 1 it would be the 2 lots right on Daisy Blvd. She stated that Parcel 3 and Parcel 4 right on Daisy Blvd.

Vice Mayor Grendel asked if there would be any homes built back where it said Sublot 1 and Sublot 2. Ms. Comer stated that where Parcel 1 was, there was currently a house there now; and then the one below that, Parcel 2, that would be part of the Phase 2 split which was next on the agenda. That would be a separate split.

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Law Director O'Brien stated that he thought the Vice Mayor was asking east of the current home of Mr. Lee, those 2? He asked if those 2 would be built.

Ms. Comer replied yes.

The Law Director asked what phase was that.

Ms. Comer stated that there was currently an easement on there that has connections for that; it was part of the previous split in 2008.

Law Director O'Brien asked if it was already approved by the City.

Ms. Comer replied correct. She stated that those 2 were existing today.

Vice Mayor Grendel stated that his question was when it would be all said and done after the Planning Commission would get through Item 5 and Item 6 on the agenda; will they have, including the existing home, would there be 9 homes back there?

Ms. Comer replied yes.

Vice Mayor Grendel stated that it was more than the last proposal.

Chairman Lytkowski stated that it seemed to him that it was.

Vice Mayor Grendel stated that before they had a road coming in. They had Aster being extended, and then going to the east it was going to be a dedicated road also to hook onto Daisy Blvd. Now it looks like they have a private drive coming off of Daisy for at least Sublot 1 and 2. He stated that Parcel 3 and 4 will be on the existing Daisy Blvd; and then you would have an existing home and 4 new parcels off the cul-de-sac that will be built at the end of Aster.

Law Director O'Brien stated that he was looking at the original approved preliminary plan that the City approved, and there was, including their existing home the one that was there now, there were 12 sublots requested and approved. He stated that going back to the 2 houses, they were previously approved; and she would need to check because it looks like that would be a private drive. He asked if that was right?

Ms. Comer replied yes. She stated that also she thought that Todd Sciano was on the line. She asked the Secretary to unmute him.

The Law Director stated that Ms. Comer would need to check, it was his understanding that the lots that would be east of the Lee's home right now; she was saying that those

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precede previous approval by the City. He asked if she was saying those were the ones approved last year?

Ms. Comer replied correct.

The Law Director asked if they would be connected by a private drive in front.

Mayor Kurtz stated that he thought the existing home and 2 lots were already approved where the cursor was. Those were approved 10 years ago he believed.

Ms. Comer agreed. She stated that there was an existing easement for access to those 2 properties over the drive that was current there.

Law Director O'Brien stated that he wanted to make sure Ms. Comer because they might as well clean it up. He wanted her to make sure those lots that they were talking about, they received a variance because they were not fronting on a dedicated road. He just wanted to make sure that if they didn't, they should clean up that up.

Ms. Comer stated that she believed they were already approved, but she could double check on that.

City Engineer Ramm stated that they did have some small frontages, they were probably less than the code required, but they were approved; so there was a small frontage right there for that parcel, and a small frontage for the wide parcel. He stated that Mr. Lee's property has a long frontage there that will be modified by the Phase 1 proposal.

Law Director O'Brien stated that he wasn't concerned about it because he thinks their plan was showing that they already have those 2 lots that he was just pointing too; they already have Permanent Parcel Numbers. He stated that if it wasn't approved, the City legally would approve it anyways; they have already approved the sublots.

Chairman Lytkowski stated to the Law Director that he wanted to clarify in his own mind. He stated that in Item 5 and 6 they would be going from 3 lots to 5; and they were making significant changes from what the Commission approved about a year ago, or 10y years ago or whenever. He stated that since they were making those changes, they would still not need a public hearing.

Law Director O'Brien stated that he thought if the Chairman felt that there should be a public hearing, there was nothing preventing the Commission from setting the matter for a public hearing. The Law Director stated that he would want to make sure that all the residents were aware that this was going on. He remembered the last time.

Chairman Lytkowski stated that was his biggest concern.

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Vice Mayor Grendel stated that he would feel comfortable with a public hearing himself. He stated that it was different than what the Commission had approved 2 years ago.

Chairman Lytkowski stated that it was a change. He asked the Mayor what his thought process was.

Mayor Kurtz stated that he thought that if he understood it correctly, the 3 lots were existing on the north side with one being a house. He stated that there were 2 lots being proposed right there where the cursor was. He asked if they had legal frontage? He asked if they had 100 foot frontage.

City Engineer Ramm stated that they did have legal frontage.

Vice Mayor Grendel stated that it was 110 foot.

Mayor Kurtz stated so they were standard lots then. He asked if that was the request on Item 5. They would have those 2 lots approved.

Todd Sciano of Bohning & Associates stated that he was able to log in on a different computer. He stated that the first plat that was in front of the Planning Commission was basically a lot split of Parcel 2 that exists off of Daisy Blvd. He stated that it was an existing split of that piece of property and a remainder piece to create 2 sublots on Daisy Blvd. that have 100 foot frontage each and an alteration to Sublot 1 or 2 which were previously created years ago. He stated that the portion of the lot that he was referencing was really taking a piece of the driveway from Mr. Lee. He stated that the Sublot 1 its frontage was on Daisy already; and Sublot 2 shares that drive access with Mr. Lee. He stated that both of which were previously platted and approved.

Mr. Sciano stated that the request on the first split would strictly be for splitting the 2 lots to create 2 new lots on Daisy Blvd. that already have frontage and connections that were placed before.

City Engineer Ramm stated that was correct. He stated that the thought process was that handling the matter in 2 phases, each one only dealing with lots less than 5, which would be the trigger for the major subdivision and negates the need for the public hearing.

Vice Mayor Grendel asked the old plans was that ever recorded with the County and everything.

City Engineer Ramm stated that it never went forward. It was approved for the preliminary plan; they had detailed engineering performed, and they were in the process of reviewing those plans. Actually it was a modification of this plan. He stated that this

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plan shows 12 lots. He stated that mid to late last summer, they reduced one of the lots and made it into one; so in essence the 12 lots went down to 11.

Vice Mayor Grendel stated that he remembered that.

City Engineer Ramm stated that was where it sat, and the engineering detailed plans and EPA approvals were getting lined up until this most recent change which in essence takes the 11 down to 10 lots, including the 3 there.

Vice Mayor Grendel stated that it looked like 9 he believed. He asked if the one in the northwest corner, wasn't that where the retention basin was going to be?

Mr. Sciano stated that was correct.

Vice Mayor Grendel stated that as far as the road, the only addition would be a cul-de-sac added on to the end of Aster that he saw. He stated that they were concerned with the project the City was doing up there. This would not be too much of an intrusion as far as they were worried that they would have the new road put in and then some damage might be done to the construction there of the project. He stated that he didn't think it was a concern now.

Mayor Kurtz stated that was correct. He stated that they were very concerned when they were going to put in an entire new roadway through that area, and timing would have been critical because they were trying to, he believes that when he read the Minutes, the previous Planning Commission was trying to coordinate the subdivision so it was able to sync up with the City's road project.

Vice Mayor Grendel stated that was exactly right.

Mayor Kurtz stated that with the road that was originally approved, there was going to be a lot of construction work; and his concern was that he didn't want that to happen after the City fixed the road. So, he thinks that plan negates his concern at least from a physical impact on the City's existing roadway system.

Vice Mayor Grendel stated that he agreed with the Mayor. He stated that he felt more comfortable with this proposal instead of the one they were going to have previously.

Mayor Kurtz asked if the original plan was approved? Was that correctly approved?

Law Director O'Brien stated that if the 2 lots had Permanent Parcel Numbers, they have been recorded with the County.

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Mayor Kurtz stated that he meant the previous one, if they wanted to build that, they could have built with the road going all the way through?

Law Director O'Brien replied yes. They had preliminary approval.

Mayor Kurtz stated that this would reduce any conflict with respect to the City and their infrastructure. It would be less of an impact on the existing infrastructure if they would not put a new road in.

Vice Mayor Grendel stated that he thought it was less of an impact.

City Engineer Ramm stated that it should be less Mayor definitely.

Vice Mayor Grendel stated that the extra paving that they were having done on Daisy, would that go past the private drive.

City Engineer Ramm asked if he lost the screen for everybody. He didn't know what happened. He was trying to get it back. He stated that the paving they were doing now at the north end would be north of the existing driveway there. It would be north of the dedicated portion where the portion ends presently. It was north of there.

Vice Mayor Grendel asked if it went as far as the Boehlein property?

City Engineer Ramm replied right; so they were paving, they put curb and gutter and doing the asphalt paving. He stated that in fact it might have happened today, the base course went through to the north limit of the Boehlein drive.

Vice Mayor Grendel stated that he thought aesthetically and everything, it will jive with what they were trying to do here now with these lots also. He stated that part of the new road was in front of Parcel 3 and Parcel 4 he believed. He stated that at least Parcel 4 was north of Lafayette.

City Engineer Ramm stated that Parcel 3 and Parcel 4 were off the dedicated portion that was being improved with the current project.

Vice Mayor Grendel stated that it makes him glad that Council approved that extra, to have it all done at the last Council meeting.

Mayor Kurtz stated that the improvement does not impact this subdivision, he asked if that was correct.

Vice Mayor Grendel stated that he thought it enhanced it though. He stated that he was glad that they invested that money.

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Mayor Kurtz stated that it was beyond the subdivision, or was he misreading the map.

Vice Mayor Grendel stated it was beyond that.

Mayor Kurtz stated that was what he thought.

Chairman Lytkowski asked if anyone had any other questions or comments.

Mr. Gutermuth stated that he had a couple of things he wanted to ask about. He stated that on the Daisy Blvd. dead-end with no cul-de-sac there, he asked if there were concerns with the safety vehicles having in and out access. He stated that he thought the same could be asked on the cul-de-sac, but he assumes there was plenty of room for a t turnaround there; so really Daisy Blvd. having that dead-end, he asked if there were any issues there. He didn't know who would be the one to check that.

Vice Mayor Grendel stated it would probably be the Fire Department.

Law Director O'Brien stated that any approval Mr. Gutermuth should be subject to the Police or Fire Chief. He would assume that crews would have to get in there. He will make sure they don't have any concerns. He stated that he didn't profess to remember the one 10 years ago; but if the 2 to the north of the 2 being proposed were approved (inaudible).

Mr. Gutermuth stated that the other was not so much on whether or not there should be a public hearing; but he guesses just on concerns from those residents who live right there, if the Planning Commission had approved the layout of the houses previously to be the same. He wouldn't have any concerns, he would just question whether or not; he personally does not feel that there was any issue, and he does agree that the cul-de-sac would be potentially better than a full on road, but it was a considerable change from what they had previously given people the opportunity for a public hearing to come forth and discuss. He just wanted to voice that concern that he didn't want residents to think that the Planning Commission was pulling a fast one on them or anything. He stated that it was a considerable change. He stated that he again personally does not have any issue with it, but he would be concerned with the residents. He stated that for whatever that would be worth for everybody else. It was his opinion there.

Vice Mayor Grendel stated that he agreed with Bill. He would be more comfortable if they had a public hearing for the residents' sake; but he has no problem with this proposal.

Chairman Lytkowski stated that he liked the proposal, but again he doesn't want them to run amuck with the residents.

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Mayor Kurtz stated that his concern was in his conversations with the Engineer since he got back was the conflict of redoing the new road and then having a new road built where all that traffic would have to go on our new road. He stated that in full disclosure, his nephew is Mr. Lee. So, he wants to make sure. He stated that since it a deviation from what was approved, and he was not on the Planning Commission at the time; he would think it would be in their best interest, as long as it's not a time delay. He stated that they had approval, and they didn't use it. So, it might be appropriate to have them come back and explain it. He stated that way it would be full disclosure; and the Mayor gets the benefit of being able to hear the presentation.

Chairman Lytkowski stated that he totally agreed.

Mayor Kurtz stated that he was at a disadvantage, he wasn't on Planning Commission last year when it was approved. So, he stated he would appreciate it. It would be in his best interest to be able to understand fully.

Chairman Lytkowski stated that being said, can the Secretary set up a public hearing date.

The Secretary stated that the soonest public hearing date would be July 7th as there was not 30 days between the May and June Planning Commission meeting.

Chairman Lytkowski asked if that would cause a problem for the subdivision?

Mr. Sciano stated that the only thought was that there was potentially some value in trying to get the same Lafayette contractor to try to install a cul-de-sac prior to leaving. He stated that if that thought would still exists, he thinks they would be wrapped up by then. He stated that he was open to whatever Planning wanted to do.

Chairman Lytkowski stated that he heard Mr. Sciano, but he still liked the idea of the public hearing. He stated that he wanted to be up front and transparent.

Vice Mayor Grendel stated that he agreed with the Chairman. He stated that personally he thought it was great, and he would endorse; but he doesn't want to mislead the residents up there. They were thinking one thing was going to get built; and they haven't had any really public input for them to vent their feelings one way or the other.

Chairman Lytkowski stated that as long as everyone was in agreement, he wanted the Secretary to set a public hearing date and time.

The Secretary stated that public hearing would be Tuesday, July 7th at 6:00 p.m.

Chairman Lytkowski asked the Law Director if they need a motion for that.

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Mayor Kurtz asked the Law Director if the Planning Commission needed 30 days.

The Law Director stated that they did need 30 days for a public hearing, but it would be 30 days for a change of use. He stated that they would only need 25 days under the rules; but the Secretary would need to get that into the newspaper. He asked if there was time.

The Secretary stated that they have time. She stated that then it would be Tuesday, June 2nd at 6:00 p.m.

Law Director O'Brien stated that they didn't need a motion to authorize the Secretary to set the public hearing.

Chairman Lytkowski stated that the Planning Commission has a public hearing on Tuesday, June 2nd at 6:00 p.m. for both issues, Phase 1 and Phase 2.

Law Director O'Brien asked Mr. Sciano if he was in agreement with delaying his application for a public hearing.

Mr. Sciano stated that he thought if that was what the Planning Commission requests, then he thinks Mr. Lee would be on board with that also. He stated that the question was, the individual plats will require BZA approval, how would it stage with timing?

Law Director O'Brien stated that he didn't see any variances. He asked if Mr. Sciano was seeking any variances from the code.

Mr. Sciano stated that he thought that there was a handful of tweaks because of the cul-de-sac and frontage; and he put a variance chart in there. He asked from a timing standpoint how would that work then?

Law Director O'Brien stated that they have had applicants go to the ABR and BZA prior to other Board's approval. He stated that of course any approval should he receive the variances that he was seeking, would be contingent upon the Planning Commission's approval of the overall site plan.

Mr. Sciano stated that he thought they will go in order and just delay BZA until after the Planning Commission meeting.

Chairman Lytkowski stated that was Mr. Sciano's call.

Mr. Sciano stated that he wanted to regroup with Mr. Lee, and see what he would want to do. He stated that they do have an application in for the BZA meeting.

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Chairman Lytkowski asked if there was anything else. There was no other business before the Planning Commission.

Mayor Kurtz stated that the Chairman did a nice job for this new normal with Zoom.

Vice Mayor Grendel stated that he liked the idea of having the map and everything on there too. It worked out very well.

Mayor Kurtz stated that was Coral and Don who put that together.

There being no further business, the Planning Commission meeting of May 5, 2020 was adjourned at 8:11 p.m.

Chairman Dale Lytkowski

Debi Beal, Planning Commission Clerk
Minutes Unapproved at Time of Release 05/08/20