

**MINUTES OF A REGULAR MEETING
OF THE PLANNING COMMISSION
CITY OF INDEPENDENCE, OHIO
June 1, 2021
Held Virtually Via Zoom**

Chairman Lytkowski called the meeting to order at 5:35 p.m. June 1, 2021 and the following responded to Roll Call:

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

OTHERS

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

Old Business:

**Approval of Minutes of the Planning Commission meeting held on
May 4, 2021**

Approval of Minutes of the Public Hearing held on May 4, 2021.

1. **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.

Chairman Lytkowski stated that Planning Commission members had received the Minutes of the May 4, 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 May 4, 2021 Planning Commission as written.

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

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Chairman Lytkowski stated that Planning Commission members had received the Minutes of the May 4, 2021 Public Hearing 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 May 4, 2021 Public Hearing as written.

ROLL CALL: Yeas: Grendel, Kurtz, Lytkowski
Nays: None
Abstain: Gutermuth

8600 Pleasant Valley Road, Independence Auto, LLC – Charles Ipsaro was in attendance.

Chairman Lytkowski asked if the neighbors had been notified.

The Secretary stated that they had been notified.

Mr. Ipsaro thanked the Commission for having the meeting so that the matter could be resolved, and he could move forward with the business plan.

Chairman Lytkowski stated that he wanted Mr. Ipsaro to give everyone an update as to where he stands and what his plans were for the Independence Auto, LLC.

Mr. Ipsaro stated that the goal was to sell used cars and trucks and do some light reconditioning if possible. He stated that in order to do that they have to get the zoning changed to retail from light manufacturing. He stated that he was looking for a conditional use variance to make it so they could retail some vehicles. They would be held inside, advertised online. Nothing would be advertised or sold on Pleasant Valley Road. It would all be online and inside.

Chairman Lytkowski asked if there would be no banners also.

Mr. Ipsaro replied correct. He stated that the cars and trucks would be labeled inside the building.

Chairman Lytkowski stated that there would be no overnight parking outside as well.

Mr. Ipsaro replied correct. He stated that was what Law Director O'Brien stated that he could not have anything outside.

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Chairman Lytkowski stated that last month he thought they talked about the detailing shop.

Mr. Ipsaro stated that they were going to try to do light detailing.

Chairman Lytkowski asked if that would be on the cars they own, or could anyone take their car there to be detailed.

Mr. Ipsaro stated that it would be done on the cars and trucks that they own, and then if it would get going, they would open it up and advertise. They would then do outside cleanups.

Chairman Lytkowski asked the Law Director if Mr. Ipsaro would add an additional service, would he need to come back to the Planning Commission for that.

Law Director O'Brien stated that he would have to know what the service was, if it was in line with the detailing or inside detailing or inside sales, he might. He stated that he didn't know what else Mr. Ipsaro wanted to do.

Chairman Lytkowski stated that the Planning Commission could make that a condition. The Chairman asked if Mr. Gutermuth had any questions.

Mr. Gutermuth stated that there was some mention in the Minutes from the last meeting about the signage. He asked Mr. Ipsaro if he could clarify whether there would be a separate sign, or would it be beneath Quasar on the same block of business names on the ground sign.

Mr. Ipsaro stated that what he requested and what was talked about at the last meeting was that on the ground sign they would have Independence Auto, LLC; but he also asked if he could put the location on the building. There was a sign for the prior tenant, and that would be right to the left of the garage door. He stated that he asked if he could put signage there.

Mr. Gutermuth stated that there would be no additional sign being added. That was what his understanding was as well from the Minutes, but he just wanted to clarify that. He stated that as far as the building would go, they were really not approving any changes to the existing structure. He stated that they were just changing the use. He asked Mr. Ipsaro if he could clarify that as well.

Law Director O'Brien stated that there would not be any changes to the building, no structural changes have been requested. He stated that if there were, they would have to come back to the Planning Commission.

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Mr. Gutermuth stated that he was actually talked to by a number of residents about the matter, which was a positive thing that people were paying attention to what was going on in the community here. He stated that a lot of the concerns were about a traditional used car sale lot type of business going in there. He stated that by all accounts that was not at all what this would be. He stated that in general, he was in favor of it, subject to obviously the various things that were spoken about in the last meeting as far as cars being outside, big advertising signs and things of that nature. He stated that this would really be an e-commerce car business as opposed to a traditional used car sale business. He stated that with that being said, he was generally in favor of this at this point.

Law Director O'Brien stated that just to respond to the applicant so the applicant would know, there won't be any permitted signs on the building. He stated that certainly the placard, the multi-tenant sign; he would have to go to perhaps to the Architectural Review Board for the panel. He stated that he didn't know for sure, but if he wanted to get a sign on the building or any additional signage, he would have to go to the Board of Zoning Appeals and seek a variance which would not be guaranteed.

Chairman Lytkowski stated that he thought at one time they talked about the signage on the building.

Law Director O'Brien stated that currently the City's code would allow for one essentially building sign, and there was one there. He stated that to get a second sign on the building, the applicant would have to get a variance.

Mr. Ipsaro asked the Law Director if the sign in the driveway that said "private drive" at the base of the driveway, would he be able to put Independence Auto, LLC so people would know where they were.

Law Director O'Brien stated that he looked at the code for different reasons for the application, but he didn't look at the sign section. He suggested that Mr. Ipsaro should check with the Building Official as the City had just revamped the sign ordinances. He stated that a directional sign would be treated in a different manner, and off the top of his head he didn't know that.

Chairman Lytkowski asked Mr. Ipsaro if he would prefer a sign on the building that would say Independence Auto, LLC versus a sign in the front of the building.

Mr. Ipsaro stated that for clients to recognize where the business was located since it would be set back, he was trying to get visibility without having interruption to Pleasant Valley traffic flow and so forth. He stated that he was not looking to disturb Pleasant Valley at all.

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Vice Mayor Grendel stated that he thought what Mr. Ipsaro could do was just see what the needs would be and everything, and approach the Building Official, and he could guide him what he would need to get approval from the Board of Zoning Appeals for signage. He stated that he thought the City would be accommodating in making sure that people don't get lost or cause a traffic situation. He would be able to have something that he could safely get his clientele into the building.

Mr. Ipsaro thanked the Vice Mayor.

Chairman Lytkowski asked Mayor Kurtz if he had any questions.

Mayor Kurtz stated that he would have to abstain from the discussion and vote on the matter.

The Chairman stated that he just wanted to put that on the record.

He stated that he had no other comments. He wanted to recap. He stated that he thought in the situation since it was something new to Independence, perhaps the Planning Commission could grant a two year conditional permit. He stated that it was like what they did on Rockside Road with the sleep study clinic. He wanted to do the same thing here with a conditional permit for two years, and after two years, if everything was going okay, it would be renewed automatically. He stated that it would give the Planning Commission a little bit of a hedge. He stated that would be his suggestion.

The Chairman stated that it was agreed that there would be no advertising out front. He stated that the signage should either be on the building or at the front of the driveway. He stated that he preferred on the building itself.

The Chairman stated that the other question was if they would do detailing for cars that were not his, he doesn't know if the Planning Commission would make it that Mr. Ipsaro would have to come back to get it approved. He stated that the only problem he would see with that would be the concierge service. He stated that if someone would leave their car there, how would they get home.

Law Director O'Brien stated that he understood Mr. Ipsaro's application for an inside e-commerce car sales and detailing. He stated that he didn't think it was to detail the used cars. He thought it was separate, those would be two businesses that he would be seeking a Special Conditional Use Permit for.

Chairman Lytkowski asked Mr. Ipsaro if that was correct.

Mr. Ipsaro stated that initially to get started they would have to get the cars that they would be merchandising detailed and cleaned; and then along the way, if they were

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progressing, he would want to open it up and they would be advertising to do retail automotive cleanups. He stated that the goal was to do both, but to get started, they have to get the cars and trucks cleaned and sold. He stated that he didn't know if that answered the question.

Law Director O'Brien stated that it answered his question, and he was clear on what Mr. Ipsaro was asking for.

Mr. Ipsaro stated that they want to detail, but just to get started he was not going to be advertising for detailing in the beginning. He stated that he wanted to have the opportunity to do that.

Law Director O'Brien stated that just so the record would be clear, this will confirm that when Mr. Ipsaro stated advertising, he was talking e-commerce advertising or print advertising, no advertising there at the site.

Mr. Ipsaro agreed.

Chairman Lytkowski stated that they have clarity on that. He stated that the only item he would have was the conditional two year permit. He asked if anyone had any feelings on that.

Mr. Gutermuth stated that he liked the idea.

Vice Mayor Grendel stated that he could go along with that also. He stated that he agrees with Mr. Gutermuth; at first he had his reservations; but the fact that this will be all done through e-commerce and no advertising on the street, there would be no banners, it would be very discreet. He stated that he thought it would be definitely worth giving that two year conditional permit and hopefully permanent after that if everything would go well for Mr. Ipsaro.

Chairman Lytkowski asked if there were any other comments from anyone. There were none. The Chairman asked the Law Director to craft a motion.

Law Director O'Brien stated that the matter would have to go to City Council, but it would be approving and recommending to City Council the granting of a two-year Special Conditional Use Permit pursuant to 1141.10 for the property located at 8600 East Pleasant Valley Road, subject to all sales shall be conducted indoors and all detailing of automobiles and trucks should be conducted indoors and that no parking of any vehicles except for behind the building which cannot be seen from the public right-of-way on East Pleasant Valley Road.

The Chairman stated that he would entertain that motion.

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A motion was made by Vice Mayor Grendel, seconded by William Gutermuth, to approve and recommend to City Council the granting of a two-year Special Conditional Use Permit pursuant to Chapter 1141.10 for the property located at 8600 East Pleasant Valley Road, subject to all sales being conducted indoors and all detailing of vehicles will be conducted indoors and also there would be no parking of any vehicles except for behind the building which cannot be seen from the public right-of-way on East Pleasant Valley Road.

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

Chairman Lytkowski congratulated Mr. Ipsaro.

Mr. Ipsaro thanked the Commission for the opportunity. He stated to the Law Director that he would have to go to the Zoning Board on June 17, 2021.

Law Director O'Brien stated that if Mr. Ipsaro's question was did he have to go to the Board of Zoning Appeals to seek an additional sign as far as the wall sign on the building, the answer would be yes. He stated that as far as the sign at the driveway, he would call Building Official Gero in the morning and see if that would constitute a directional sign and whether or not it would be permitted.

Mr. Ipsaro stated that he didn't have to concern himself with a used car approval from Zoning.

Law Director O'Brien stated that if Mr. Ipsaro was referencing the meeting last month, he looked into it, and he did not have to appear before the Board of Zoning Appeals.

Mr. Ipsaro thanked the Law Director.

Chairman Lytkowski stated that he drove by Kent State today. He stated that they were working on the landscaping by the solar panels.

City Planner Markley asked what were they doing.

Chairman Lytkowski stated that they were putting screening there to kind of screen the solar panels from the freeway.

Mayor Kurtz stated that they have a long way to go. He stated that he hadn't had any conversation with the City Planner yet, but if they can't completely shield those as far as he was concerned, they were an eyesore.

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The Chairman stated that he agreed with that.

Mayor Kurtz stated that wasn't the intent of the Planning Commission, at least for him what he envisioned.

Vice Mayor Grendel stated that the Mayor was absolutely right. He stated that it reminded him of over at Lordstown off the turnpike with the miles of panels and everything. He stated that it was very ugly to see as far as aesthetics.

City Planner Markley stated that Kent State must be doing that on their own right now because they do not have a permit with ODOT. He stated that he was working with the Permitting Division. He stated that they have brought up an interest in mounding. He stated that the mounding may be an issue with permitting; and that was what he was working with them on if they could incorporate mounding in front of the fence, meaning on ODOT property. He stated that if that was the case then they will design that with plantings on top of the mounding. He stated that if not, then it would have to be larger plant material in order to be able to screen it. He stated that it was such a big vista that the trees that would be planted would have to grow to a fairly mature size height wise to give you that coverage.

City Planner Markley stated that the Chairman had asked for planting along the south side. He stated that was along the cemetery property which belongs to Kent State. He stated that they did have some rights. He stated that he would have to talk to the Law Director who would know the answer. He stated that he imagined that given it was all of their property, they probably would have a right to go in there and clear some brush out in order to plant material that would effectively screen from the south side. He stated that those were the things he was dealing with right now.

The City Planner stated that the only other area of more easily accessible screening would be on the southeast corner as you would approach the drive, come down the drive. It was very open and able to be planted.

Mayor Kurtz stated that he agrees that it would need to be addressed also.

Chairman Lytkowski thanked the City Planner for following up on it.

The Chairman stated that he had no other items.

City Planner Markley stated that he would try to drive out there tomorrow to take a look at what they were doing.

Chairman Lytkowski stated that he thought it was on the other side of the fence.

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City Planner Markley stated that they didn't have a permit yet from what he understood.

The Chairman stated that he wanted to bring that to the City Planner's attention.

He asked if there were any other items.

Vice Mayor Grendel asked if there was any update on Saucy Brew Works. Were they doing anything with their other conditional items?

Mayor Kurtz stated that Jessica has been working really hard to see if they can mold a deal with property across the street. He stated that tentatively things were shaping up to be able to come to the Planning Commission with a more comprehensive plan for that area. He stated that they were working through it through Don Ramm and Jessica. They were working overtime to craft something that would be good for City Council. He stated that he hoped to talk to City Council next week in Executive Session on several real estate legal situations. He stated that it was a very dynamic time considering all the different things going on in the world and the State of Ohio and the City of Independence. He stated that he can assure everyone that economic development was not stagnant, and poor Jessica is so happy she came on board when she did because she just loves the thrill of the chase and the chase of the thrill.

Vice Mayor Grendel stated that it was not boring, that was for sure.

Mayor Kurtz stated that hopefully they will be in a position to have a more clear discussion with City Council next week, and then obviously the first public throw would be at the Planning Commission hopefully even next month.

The Mayor stated that he was also going to nominate Dr. Cheryl Chase to the Planning Commission vacancy. He stated that she was bright. He stated that her father, George Chase, was the Chairman of Planning Commission at one time.

Chairman Lytkowski stated that he took his spot.

Mayor Kurtz stated that she was bright and young, and he thinks she will do a great job. He stated that he has been in meetings with her where she could articulate very well; and she gets right to the point.

Mr. Gutermuth stated that would be great.

Vice Mayor Grendel stated that if she was like her dad,, she would be a great addition.

The Mayor stated that will be on next week's agenda.

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Mr. Gutermuth stated that it would be good to have a full board again.

Mayor Kurtz stated that he believes things will start revving up, and they need to be prepared with all hands and all brains on deck because there will be a lot of moving parts. He stated that there is no easy deal out there right now, but at least there are some deals to compensate for some of the adjustments being made by some of the bigger corporations such as the Cleveland Clinic. He stated that their portfolio of administrative space was now being downsized by half. He stated that it would affect the City across the City at the Technology Center; but believe it or not, there were people clawing to find spaces. He stated that it was a moving target as Jessica will tell you. He stated that every day it offers a new variety of opportunity and challenge.

Economic Development Director Hyser agreed.

Mayor Kurtz stated that poor Don, he never thought he would be in the middle of economic development, but he is.

Vice Mayor Grendel stated that he was glad they have Don too, it makes him more comfortable.

Mayor Kurtz stated Don and Jess, and the Finance Director does so much more than just Finance Director. He stated that he really was a great resource in terms of all the other things he contributes to during the day. He stated that they were blessed.

Vice Mayor Grendel stated that in a small City like Independence needs versatile and multi-talented individuals; and they were blessed with that.

Mayor Kurtz stated that they were very fortunate.

Mr. Gutermuth stated that the Fortuna Funeral Home that the Planning Commission approved a couple of months back, the home that was right next door was shaping up pretty nicely too. He stated that they were going to be done with that pretty soon. He wanted to mention that since they were updating things.

Mayor Kurtz stated that they were just classy people. He stated that he watches that as he would drive by. He stated that Mr. Gutermuth lives by it, so he gets to see it all the time. He stated that they have a lot of things going on, and there were some challenges; but there were some opportunities. He stated that every deal was unique nowadays, and every deal was something so different than the cookie cutter things they used to do 20 years ago. He stated it was exciting and dynamic. He stated that they were in a position to find new opportunities to take advantage of. He stated that he can't say enough about the hard work of Jessica and her team. He stated that she was assembling a great team too. He was excited about that going forward.

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Mayor Kurtz stated that they were losing some people. People were moving to different positions. He stated that the younger generation particularly are very nimble. He stated that he interviewed today a person that indicated that she doesn't match up to her generation in terms of her thought process. He stated that he could appreciate that. He stated that he didn't either. He stated that you have an appreciation of the older generations. He stated that you learn from them more quickly, and then you can use that to your advantage and your career.

Mayor Kurtz stated that there were a lot of interesting dynamics going on right now.

Vice Mayor Grendel asked if they were doing some activity at the Sunoco station? He stated that he knows the Planning Commission gave approval to transition. He stated that it looked like they were getting ready to start that.

Mayor Kurtz stated that there were a lot of permits being issued, a lot of different things going on. He stated that there were some big plays going on too. He stated that they were excited, but yet cautious at the same time.

Mayor Kurtz stated that he expects to see things on the agenda, hopefully next month even. He stated that some of things, if they would get traction to Planning Commission level, they will need a quick turnaround. That was part of the dynamic they were dealing with. So, he will try to get as much information out as possible if they get to that point. Stay tuned.

Vice Mayor Grendel thanked the Mayor.

A motion was made by Vice Mayor Grendel, seconded by William Gutermuth, to adjourn the Planning Commission meeting of June 1, 2021.

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

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There being no further business, the Planning Commission meeting of June 1, 2021 was adjourned at 6:03 p.m.

Chairman Dale Lytkowski

Debi Beal, Planning Commission Clerk
Minutes Unapproved at Time of Release 06/02/21