

**MINUTES OF A REGULAR MEETING
OF THE PLANNING COMMISSION
CITY OF INDEPENDENCE, OHIO
Held in the Council Chambers at City Hall**

Chairman Ray Wiecek called the meeting to order at 5:36 p.m. June 4, 2019 and the following responded to Roll Call:

PRESENT: Chairman Ray Wiecek
Mayor Anthony Togliatti
Vice Mayor David Grendel
William Gutermuth
Dale Lytkowski

OTHERS

PRESENT: Don Ramm, City Engineer
Jeffrey Markley, City Planner
Gregory J. O'Brien, Law Director

Old Business:

Approval of Minutes of the Planning Commission meeting held on May 7, 2019.

Approval of Minutes of the Public Hearing meeting held on May 7, 2019.

- 1. 5555 Brecksville Road, Former America's Best Value Inn -** Represented by MWT Architecture for a change in use from U-6 to U-6A to change zoning to permit the renovation and updating of the former hotel.

New Business:

- 2. Quarry Lee Estates –** Represented by Donald Bohning & Associates for approval of the revised Preliminary Plan eliminating one subplot and reconfiguration of the Stormwater Management Facility.

Chairman Wiecek stated that all the members had received the Minutes from May 7, 2019 Regular Planning Commission meeting and the May 7, 2019 Public Hearing for MWT Architecture for Brecksville Road to change zoning from U-6 to U-6A renovation and update of the former hotel. He asked if there were any additions or corrections. There were none.

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A motion was made by Vice Mayor Grendel, seconded by Dale Lytkowski, to approve the Minutes of the Planning Commission meeting of May 7, 2019 and the Public Hearing Minutes of May 7, 2019.

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

Chairman Wiecek stated that the Planning Commission had two items on the agenda, one was the change of the zoning from U-6 to U-6A to permit renovation from MWT Architecture, and the other was Quarry Lee Estates represented by Donald Bohning & Associates for the approval of the revised preliminary plan eliminating one subplot and reconfiguration of the stormwater management facility.

The Chairman stated that just for the record, the Planning Commission was going out of order because the applicant under Old Business was not in attendance at this time.

Quarry Lee Estates – Mr. Todd Sciano of Donald Bohning & Associates and owner Timothy Lee were both in attendance.

Mr. Sciano stated that they were back before the Planning Commission with the request to eliminate a lot. He stated that the exhibit that he passed out showed the overlay of what was previously proposed and what they would be proposing at this time.

Mr. Sciano stated that they reviewed the principle gas line location, the high pressured line that ran parallel to the transmission lines. He stated that it would be close in proximity for them to be able to get the retention pond to work. He stated that it would probably also take too long to meet the Lafayette reconstruction timeline. He stated that he knows it was something that they talked to the Commission about trying to marry up the two projects. He stated that they have been fast tracking the project. He stated that they came up with an alternate plan. He stated that the dark contours was to install a detention pond on Sublots 3 and 4. He stated that the pond would have sat on physical residential properties. He stated that it was approvable possibly through the ordinances in Independence, but it would have also been a challenge for the homeowners and the HOA for maintenance. So, ultimately after a few weeks, they decided to come back with an elimination of a lot.

Mr. Sciano stated that by doing that, the lot that was left over would be fully compliant with the code; and the pond would sit on that lot.

Chairman Wiecek asked Mr. Lytkowski if he had any questions. Mr. Lytkowski asked the Secretary if notice was given to the neighboring properties. The Secretary stated that they had been notified. He had no other questions.

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Mr. Gutermuth stated that he had no questions. He stated that the changes make more sense. He stated that it looked cleaner. He stated that the Commission allowed previously condensing two lots, but he believed that the one was a much better fit.

Vice Mayor Grendel stated that he had no questions and thought it made sense.

City Engineer Ramm stated that he was in favor of the change.

Mayor Togliatti stated that he appreciated the fact that the applicant was working diligently and quickly on the project so that the two projects could be undertaken simultaneously. It will help to ease burdens on the residents in the area. He stated that the revised plan as presented, he had no issue with. He stated that logically it made a lot of sense, and he had no other comments.

Chairman Wiecek stated to Mr. Lee that he appreciated him doing that. He knows that Mr. Lee would have to drop one of the lots which would be an economic issue, but the Planning Commission did appreciate it. He believed that it would work out much better.

A motion was made by Vice Mayor Grendel, seconded by Dale Lytkowski, to approve the revised preliminary plan, eliminating one subplot and reconfiguration of the stormwater management facility.

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

Law Director O'Brien stated that he would have to go back and look at the code. He didn't believe that the matter would have to go back again before Council; but if it would, they would make sure it would get on the agenda as soon as possible considering that it would be removing one subplot; he would assume that if the approval would go through, it would be a perfunctory measure because they would be reducing one lot.

5555 Brecksville Road, Former America's Best Value Inn – Chairman Wiecek stated that at this time there was no representative in attendance on behalf of MWT Architecture; but the Planning Commission would proceed.

Vice Mayor Grendel asked if there had been any communication from the applicant since the last meeting. The Secretary stated that she had not heard from the applicant.

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

Mr. Lytkowski stated that he would question why it would have to be changed. He was concerned about flipping the property. He was not too sure that it would be in the best

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interest of the City of Independence at this point and time. He had concerns. He was not for it.

Mr. Gutermuth stated that he would second Mr. Lytkowski's comments. He was equally concerned, and he would like to point to a couple of pieces in the record that specifically gave him concern. He stated that for example it was stated that the applicant really couldn't put a franchise agreement into something unless he would have a legitimate product. Without the zoning no one would want to look at it, but then the applicant proceeded to tell the Commission that he had people knocking down the door. Everyone wanted to sign on the dotted line. He had lots of options. Mr. Gutermuth stated that he was not sure how that would be possible considering he previously stated that no one would look at it unless the zoning was done first.

Mr. Gutermuth stated that Mayor Togliatti had asked the applicant about managing the property; and he didn't have any experience in managing the property so he would in the interim get a management company who would want to buy the property. Mr. Gutermuth stated that there a lot of things that he found inconsistent on his presentation to the Commission; and for those reasons he was also not inclined to grant the change at this time.

Vice Mayor Grendel stated that he was hopeful when the applicant first came that there might be something to it, that there might have been an improvement to that area of town; but as time went on and some of questioning that he had taken from the Mayor, it was obvious that he didn't have the answer for that; and the fact that he wanted to basically just flip the property possibly, did not sit well. He stated that area there when it was a hotel, it had been a problem for years for the City, for the Police Department and whatnot. He stated that he didn't know if there were some drug overdoses there, prostitution and everything else that went on there.

Vice Mayor Grendel stated that they didn't need that kind of hotel in town. It was not a benefit. Like Mr. Lytkowski stated, it was not going to be an asset to the City. He stated that the applicant didn't seem to have a lot of answers. It was like a fishing expedition, and he wasn't really comfortable. The applicant was also not from around the area. He stated that it didn't look like he was going to be married to the project for any length of time. Once the zoning would have changed, he was going to flip it. He stated that it just didn't make sense that the Planning Commission would approve anything of that nature, especially given some of the things that they found in the past what he might have intended for it. So, to him it had hopes briefly, but briefly it was. He certainly would not have let Council look at it because there wasn't enough there really to say that it was good for the City.

Vice Mayor Grendel stated that he would not favor to change the zoning from U-6 to U-6A. Again, the Planning Commission has to look at, this might have been a short term

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fix. The Commission has to look at the long haul, and he was sure there were other plans at that end of town; and Topgolf will be open for business here later this year. He stated that the DiGeronimo family owns quite a bit of property at that north end. They might have certain plans also; and just to approve something like this, it might be more of a hindrance to the City down the road also. At this point, he would say that it certainly didn't pass muster. He stated that it didn't pass the smell test. Something kind of smelled there, and he will not be supporting it.

City Engineer Ramm had no comments.

City Planner Markley had no comments.

Mayor Togliatti stated that he certainly agreed with the Vice Mayor's comments and concerns and the inconsistencies that were brought about in the presentation of the applicant. He stated that the other thing that he looked into was the most recent City's Master Plan which he believes was completed in 2015 and incorporated the Cloverleaf district in that Master Plan. He stated that the majority of the area was commercial industrial, and perhaps the criminal activity and the history with the hotel in that industrial area has something to do with the zoning being out of alignment with the remainder of the area. He stated that the Master Plan did not call for the redevelopment of a hotel in that area. It called for fostering industrial growth in that area, and Council within the last maybe year and a half rezoned some property across the street, the former Broglio's site, for industrial use for a potential client there.

Mayor Togliatti stated that based on all of that, as well as the applicant's presentation, he cannot support the zoning change.

Chairman Wiecek stated that he would have to echo what everyone has stated. He stated that some of his biggest concerns, not to belabor it, would be the criminal elements down there. He stated that he has been here his whole life, it has been a terrible area. He stated that there were a lot of problems. He stated that the layout of the property was a very difficult layout. He stated that it always has been with the restaurant up front and so on and so forth. He stated that he just doesn't believe at this time that a hotel would be best served in that area.

A motion was made by Vice Mayor Grendel, seconded by Dale Lytkowski, to approve and recommend to City Council for a change of zoning use from a U-6 to U-6A for 5555 Brecksville Road.

**ROLL CALL: Yeas: None
 No: Grendel, Lytkowski, Gutermuth, Togliatti, Wiecek
 MOTION FAILED**

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Chairman Wiecek asked if there were any comments or new business to come before the Planning Commission. There were none.

There being no further business, the Planning Commission meeting was adjourned at 5:49 p.m.

Chairman Ray Wiecek

Debi Beal, Planning Commission Clerk
Minutes Unapproved at Time of Release 06/06/19