

**MINUTES OF A REGULAR MEETING
OF THE PLANNING COMMISSION
CITY OF INDEPENDENCE, OHIO
June 6, 2023
Council Chambers & Via Zoom**

Chairman Vice Mayor Grendel called the meeting to order at 5:35 p.m. June 6, 2023, and the following responded to Roll Call:

PRESENT: Mayor Gregory P. Kurtz
Vice Mayor Dave Grendel, Chairman
Cheryl Chase
William Gutermuth (5:41 PM)
Joseph Moeller

OTHERS

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

Old Business:

**Approval of Minutes of the Planning Commission meeting held on
May 2, 2023.**

New Business:

- 1. 5997 Brecksville Rd., PPN 561-15-006 & 561-13-045,** – Proposed lot consolidation of two existing parcels and requesting a special conditional use variance for the Church of Jesus Christ of Latter-Day Saints.
- 2.** Discussion of a proposed ordinance regarding the electric vehicle charging stations within the boundary of the City of Independence.

Late Addition:

- 3. 5407 Brookside Rd., PPN 563-20-037, Metz & Salupo Property** - Requesting a variance to Chapter 1383 to permit encroachment into the steep slope setback for the construction of a new garage.

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Chairman Vice Mayor Grendel stated welcome everyone to the Planning Commission meeting.

The first item of business that we need to do is to approve the minutes of the Planning Commission meeting that was held on May 2, 2023.

A motion was made by Joseph Moeller, seconded by Mayor Kurtz, to approve the minutes of the Public Hearing held on May 2, 2023.

ROLL CALL: Yeas: Moeller, Kurtz, Grendel, Chase
Nays: None
MOTION CARRIED

Chairman Vice Mayor Grendel stated the minutes of last month’s Planning Commission meeting have been approved. We have 2 items of New Business on the agenda, and we have 1 item that’s a late addition. What we are planning on doing is we’ll do the first item under new business, then also the late addition. The discussion of the proposed ordinance, we’ll discuss last today.

5997 Brecksville Rd., PPN 561-15-006 & 561-13-045, – Christian Stevens with Haskell, and Jason Symons with the Church were in attendance.

So, the first item we have is 5997 Brecksville Rd., permanent parcel numbers 561-15-006 and 561-13-045. It’s a proposed lot consolidation of two existing parcels and requesting a special conditional use variance for the Church of Jesus Christ of Latter-Day Saints. Jessica, I’ll have you introduce us.

Economic Development Director Hyser stated sure. In December 2022, the Church of Jesus Christ of Latter-Day Saints acquired approximately 11.5 acres of land that is just North of the Cavs practice facility and East of Vista Springs, on the East side of Brecksville Rd. The Church acquired 2 parcels, one of them is a vacant lot and the second is the home of a house that was built in 1921.

The Church intends to consolidate the 2 properties as required. This application is (inaudible) residential home on one site. The Church is seeking to develop the property to serve as the Temple, which is prohibited under the U-1 single-family0 zoning, and the property requires a special conditional use. So, there are 2 parts to this application: a lot consolidation as well as a special conditional use.

The members attend the Temple to seek additional learning and guidance about their faith. It is separate from typical churches that most of us would consider is, they meet there 6 days a week and are closed on Sundays. The Temple is considered one of the most Holy places on Earth for members of this faith. The closest Temple here in the area

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is in Columbus and Cranberry, Pennsylvania, so this is the closest one to us here, hopefully. The applicant will be seeking to submit a preliminary site plan approval showing approximately an 8,900 sq. ft. Temple with a 100' tall spire. There's a second building on the property, the ancillary building, and it is about 2,200 sq. ft., which would serve as the waiting area for non-Church members as well as the grounds and maintenance building, along with restrooms, and a break room.

There was some extensive information that we put into the staff report, but before we go any further, we will turn it over to the members of the team that is here. We have representatives from Haskell, Christian Stevens, and Haskell is serving as a design-build firm, as well as Jason Symons who is with the Church itself.

Chairman Vice Mayor Grendel stated thank you, Jessica. Gentlemen, if you'd like to come forward, please.

Mayor Kurtz stated they are working on the system.

Chairman Vice Mayor Grendel stated most of our meetings are in the small room.

Mr. Stevens stated I am Christian Stevens; I am an Architect with Haskell. We're a design and build firm, so I am overseeing the design of the new proposed project, and we are the general contractor that will come in and do the site modifications and put in structures.

So, as Jessica said we are proposing 2 structures on the site, the Temple is the main building. As she said it's different from a typical meeting house for this faith. A meeting house generally is used on Sundays for worship, they might have youth activities throughout the week. The Temple is different, this is one of their most sacred buildings and they have Temple services throughout the whole week except for Sunday. Sunday is reserved for their (inaudible) services in the meeting houses. So, it's a unique structure, you don't find Temples as broadly as you do a typical meeting house. Their selections are based on church membership, the proximity to them, and the ecclesiastical leaders of the church want to get Temples closer to the members. So, they selected Independence as one of those nice locations where members are either within your city limits and even those around will come in and attend Temple.

It's roughly 9,000 sq. ft.; the Temple itself is a unique building type. It is a modular construction; it's used for this building type. Haskell has experience with modular construction, and we're fusing the two together to help the owner meet their needs. So, the Temple itself is actually going to be 25 modules which are going to be built off-site in Alabama. We go through an extensive permit process through the State of Ohio, and you guys have selected various third-party inspectors that are approved, so that permit process

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happens kind of on the side of the jurisdictional approvals that take place just because when those products arrive, there's so much that are completed that you don't want walls ripped up to do 3-way inspections and all those kinds of things.

So, those 25 modules come together, they actually get set, and the foundation will be ready before the modules come, but they can be set in like 10 days. After those 10 days, we'll start working on the exterior cladding' we're doing site modifications throughout the whole time, and then finishing up the interior finishes inside the Temple. There's also a small 2,200 sq. ft. utility, ancillary building, and this will house a small grounds building. It is also a waiting area for those who come to visit the Temple and to congregate before they come over with their group to the Temple.

Chairman Vice Mayor Grendel asked so, on Sunday there will be no activity on the grounds at all?

Mr. Stevens stated Sunday is (inaudible) feel free to ask me any questions about the project. I assume you have looked at what we sent over. The material of the building, the Temple itself is large format GFRC, so the large format precast panels essentially, they are lightweight panels. I do have a sample in my backpack, so I am going to pass that around.

Chairman Vice Mayor Grendel asked so, the construction time won't be as long as normal?

Mr. Stevens stated so, typically a Temple of this size, this isn't extremely large compared to other Temples...

Mayor Kurtz stated it looks large. It's depicted as a large facility.

Mr. Symons stated perspective, right?

Mayor Kurtz stated perspective, yes.

Mr. Stevens stated this is 9,000 sq. ft., and I've worked on some that are 90,000 sq. ft., so it's tailored to be scaled down to not be overbearing for the city from a residential aspect that we're coming in asking for that special conditional use permit. A typical Temple could take 2-2.5 years for construction. This construction method with modules, then you add in the aspect of large format panels and exterior cladding, and you are looking at probably a year and maybe a handful of months beyond that. So, we try and do a lot of the earthwork foundations before the modules themselves show up on site.

Mr. Symons stated by no means does it look like what people would consider to be modular. It matches the building, the substance, and is of the utmost quality. So, a lot of

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times we get a preconceived notion of what modular means and what modular is, and this is in no way, shape, or form anything you've ever seen as a modular constructive project.

Jessica and Christian have both introduced the project to a really great extent. I don't have too much to add other than the City of Independence was strategically and very thoughtfully chosen for the place of the Temple because of its culture and what we could understand from our research in the area and where we were at with adjacency to the major places that we have members in. So, this facility is going to be something that we're in to make sure that we're being a great neighbor and we're abiding to the City. We're in it for the long term, so we really want to partner with you all in order to make this project successful on every account.

Ms. Chase asked is this the exterior?

Mr. Stevens stated that is correct.

Ms. Chase stated so, in this picture that I am looking at right now, if I understood what some document in here was, the primary in and out for the building is going to be on the east side, so it's actually going to be around the other side?

Mr. Stevens stated yes.

Ms. Chase asked so, is this the picture of that there?

Ms. Stevens stated that's the view from Brecksville Road.

Ms. Chase stated okay, thank you.

Mr. Stevens stated we wanted to show a few renderings so that there weren't any feelings you're getting the bad side of the building or you're getting the back side of the building. I actually have 4 really beautiful sides. The East side entry is really just for putting the entry closer to the patrons, close to the parking, and for easier access.

Mr. Symons stated when it's for that purpose when you put the parking on the backside, it was so we (inaudible).

Chairman Vice Mayor Grendel stated I see you have landscaping in the front, and then parking is actually going to be on the East, North, and South sides.

Mr. Symons stated yes, sir.

Chairman Vice Mayor Grendel asked, and then how much space do you have for buses? I see 2 maybe.

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Mr. Stevens stated there are 2 bus spots. It is anticipated that you will have some larger groups coming from different parts of the state, maybe a little further.

Chairman Vice Mayor Grendel asked is the location of Cranberry Pennsylvania, how close is that to Cleveland? Is that near Pittsburgh?

Mr. Stevens stated that I do not know.

Chairman Vice Mayor Grendel stated I was just trying to place a position of where it's located.

Economic Development Director Hyser stated Cranberry is north of Pittsburgh.

Chairman Vice Mayor Grendel stated north of Pittsburgh, I see. Do you anticipate guests from out of town coming in?

Mr. Stevens stated very likely.

Chairman Vice Mayor Grendel asked so, they most likely will be able to use the Embassy Suites, Holiday Inn, or other hotels that are available?

Mr. Symons stated that's the intention. Again, we put these in a place that would be able to sustain people for coming in making that journey, spending time here, and actually being patrons of the city while they're here.

Chairman Vice Mayor Grendel stated my familiarity with the religion is not that great. Would they have programs, for example, if you needed a bigger facility, whether it be the Embassy Suites, would you have meetings there or would everything be done on-site?

Mr. Symons stated everything would be done on-site for the most part. It really is more of a (inaudible) on the inside. It's for people that come in and seek inspiration and additional learning. So, there will be youth groups that come in from other parts of the state, there will be people that will come in and travel 2-3 hours or more to be able to patrons of the state, and they will be staying overnight and eating at the restaurants and enjoying your city.

Mayor Kurtz stated Mr. Chairman, it's my understanding that based on the brief narrative I've had with several members of the congregation, some of the leadership, is that not everybody can go to this Temple. It's a very select and very high bar in terms of your personal well-being and your personal standing to even go in the Temple. Is that true?

Mr. Symons stated that is true, yes sir.

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Mayor Kurtz stated so, I wouldn't make the cut, but that's what I understand. It's a very high bar of personal reflection in order to be able to go in this Temple.

Mr. Symons stated that is correct.

Mayor Kurtz stated it's not a mass, the masses won't be here.

Mr. Symons stated there may be some that will come just to walk around, but it's not going to be bus load after bus load of large crowds.

Ms. Chase stated I'm curious how that impacts first responders or people coming and doing evaluations, or things like that. Is there access?

Mr. Symons stated full access, including any inspections.

Ms. Chase stated that was on my list.

Mr. Stevens stated yes, we talked with a couple of Chiefs and let them know that they can work with the facilities manager there, and they'll schedule visits. Especially during construction and once it's turned over and dedicated, they'll need to do those inspections; and Heaven forbid if there was an emergency they would need to come inside.

Law Director O'Brien asked are you affiliated with the Temple in Kirtland?

Mr. Stevens stated so, if you look back on the history of the Church of Jesus Christ of Latter-Day Saints, the Kirtland Temple is actually their very first Temple, but they no longer own that facility. That is owned by Community Christ Church, I believe.

Law Director O'Brien stated okay, because I grew up in that area, so I have gone there the last 40 years and I see small groups, like 6 or 7, and they look like tourist groups on the outside. They don't appear to go in.

Mr. Symons stated the Church does own a large amount of property around the Temple site, so they do tours of the original homestead and those types of things that are in Kirtland.

Mr. Stevens stated before the dedication of the Temple itself, they will hold an open house for the general public. That can range anywhere from 2-3 weeks depending on how many people they think are going to come and walk through, and at that time yeah, it's anybody. They come to see the craftsmanship inside. Like Jason was saying, maybe I have over-emphasized the module aspect just because I think it's cool, but if you were to walk inside the building you would have no idea where these modules come together. You would have no idea that it was a modular building. The craftsmanship that goes

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inside, you'll see it on the outside, you'll see it on the renderings the type of stone, wood, stains, art, it's pretty exquisite. In the architectural realm, it's pretty high-end architecture and design.

Chairman Vice Mayor Grendel asked now, these other Temples that are built, are they similar types of construction too? Or were they built a much longer time ago?

Mr. Stevens stated it just depends. The leadership of the church will have certain aspirations for the Temple in certain locations. So, that might dictate what the guts of the buildings are. The modular aspect is new. We just completed one in Montana, and we're working on quite a few, a handful overseas. So, this is pretty new, this type of building, but if you look at other Temples, they're a large structure still. The framed construction, we use anywhere from stone modular blocks for the exterior cladding to the large precast concrete and plaster; it just varies. We do a lot. So, the design team, before we engage too much, the design team gets together, and they do precedent research. They really look at the architecture around the city, and that's what they pay for; we look at the type of materials, the colors, the type of foliage, it's generally pretty unique based on the location.

Chairman Vice Mayor Grendel asked how many of these Temples are nationwide, just in our country?

Mr. Stevens stated you have a lot of tough questions.

Mayor Kurtz asked how many are there in the state of Ohio?

Mr. Stevens stated Columbus, Ohio.

Mayor Kurtz asked is Kirtland a Temple?

Mr. Stevens stated no.

Law Director O'Brien stated you had walked out when they were talking about it.

Mayor Kurtz stated I'm sorry.

Mr. Symons stated it's actually not owned by our faith, it's owned by another faith, but it was remnants of our origination.

Mr. Moeller stated I have a question about the different day-to-day programming that you mentioned, 6 days a week, not Sundays. Could you elaborate on that a little bit more, like what that consists of? Is it scheduled programming that takes place? Is it a full building 6

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days a week? Does it depend on certain times in the calendar year? How's the volume of people, is it kind of as people want to come on their own to visit?

Mr. Symons stated currently, it is scheduled visits, which was kind of a byproduct of the Covid era. There are certain, what we consider sessions, that are times throughout the day, and so it would be a timed schedule, so the occupancy will stay at a certain amount.

Mr. Stevens stated so, on the (inaudible) you'll see a maximum occupancy, but you're generally not going to see that maximum occupancy. There is potential though, that every room in the building is occupied.

Chairman Vice Mayor Grendel asked are these going to be during the day or are they going to be in the evening?

Mr. Stevens stated throughout the whole day. Generally, it's anywhere from around 6 AM to 8 PM or 10 PM. It's based on the membership of the church, and anticipated by how many will go there. Some Temples might only be open a couple of days; I believe this one is anticipated Monday through Saturday.

Chairman Vice Mayor Grendel stated I'm looking at the diagram and there's quite a bit of landscaping and flowers. How many would be employed by the church to take care of the grounds because it seems like a lot of good landscaping and vegetation will need the required attention?

Ms. Chase stated employees in general.

Mr. Stevens stated well, we have our landscape architect in the back. Inside a building of this size, they'll probably have a facilities manager, maybe 2 assistant facilities managers to maintain it and keep everything going, they'll probably have 1 or 2 grounds managers to maintain the grounds, then they'll have volunteers who are local members of the church who serve the inside of the facility, so that can be anywhere from 15-25 members that are just there to help serve inside for others visiting.

Mr. Symons stated it is the intention to keep it pristine and looking fantastic.

Chairman Vice Mayor Grendel stated the neighbor at Cornerstone, they always keep their property looking very nice too. It goes right into that area with the Cavs facility, the entrance to them, and that.

Mr. Symons stated there is as much intention that will be spent on the outside as on the inside.

Chairman Vice Mayor Grendel asked Bill, do you have any questions?

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Mr. Gutermuth stated yes, can I ask about the location? When you're looking for a property, is residential versus commercial considered? Is there a preference for one or the other?

Mr. Stevens stated I do know that a separate group within the Church of Leadership finds the location and decides. We have seen them in commercial areas before, we have seen them in residential areas before, but what I do know is that they look for good environments. Obviously, this is where people are coming, members of the church are coming to worship, this is the highest level of worship for their faith. So, they're coming in reverence, they're coming in seeking answers and spirituality. So, they do look for places in areas that are busy and vast.

Mr. Gutermuth stated you don't want to be next to a factory or something blowing smoke out, obviously.

Mr. Stevens stated right.

Mr. Gutermuth stated I think it's unique in that and at least historically. In our community, I think that Churches or Temples historically have gone first with communities building around them, and in this case, our temple is being put into a community that is already established around it. Any ideas from past projects that you've done on how areas have been affected that were in the immediate vicinity of the new Temple?

Mr. Stevens states yes, so I worked on a project a couple of years ago, where they had our builds, and they work with the City and actually planned full developments around it. It was probably a couple of minutes out of the city's center, but whole residential communities developed around it, future commercial districts are popping up, and they work with developers, with the city to make that happen. There is definitely potential for people coming in who don't live here, that might just come in for a day or a couple of hours, grab lunch and go. There might be people that spend the night. There are so few Temples that at least for members of the Church of this faith, when they see a Temple pop up nearby or in their community, usually they want to live by it, they want it close. We have seen property values near Temples double or triple because of that, it becomes a high demand, even in places outside of Utah.

Mr. Gutermuth stated I think you got to where I was going with this, which historically people want to live closer and walk. Walking isn't as important these days, but do you still find that members would like to be in the immediate vicinity? I think you answered that already, but is there a desire to be closer if somebody might be an hour away? This isn't somewhere that everybody goes, so how many people are we really talking about as opposed to a general congregation? Ultimately, there is a desire is what you're saying? If you could confirm that people do want to be in the area as the Church or Temple.

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Mr. Stevens stated yes, I would say so.

Mr. Symons stated people tend to gravitate toward it.

Mr. Gutermuth stated thanks.

Mr. Stevens stated a long-term goal from what we've heard. So, I won't work for the Church, but I am a design architect that has worked on Temples for 12-13 years now. Their goals are to try and maybe make the Temples smaller, but bring them to the congregations a little closer, to make it easier for them, so that it's not as difficult to go. We've got some that I'm working for the little islands out in the Pacific, and people have to save their whole lives to book a ticket on the boat or airplane to go attend Temple once in their lives. So, that's their goal. This is kind of revolutionary as far as the modular aspect goes and that helps them achieve their goals of getting it a little closer to people, so it's not much of a sacrifice for those members of the Church to get there. I could see people trying to move into the area because of that.

Mr. Gutermuth asked on the structure itself, height-wise, do you have a comparable reference point for the ultimate height of the structure?

Chairman Vice Mayor Grendel stated how tall is St. Michaels?

Mayor Kurtz asked the bell tower? I'm not certain.

Chairman Vice Mayor stated that's just for comparison's sake.

Mr. Gutermuth asked is this going to be the tallest structure in the city or was there somewhere else that's comparable? It doesn't have to be answered right this moment, but if you think of something, I'm just trying to get a sense of scale.

Economic Development Director Hyser stated we can look into that for the next meeting.

Law Director O'Brien asked can I ask a question? Other than what you do, is rounding out the building for lack of a better word, why is the spire so high? I've done a little bit of research; I don't see anything in the Mormon religion requiring it to be a certain height.

Mr. Stevens stated that's purely architectural.

Chairman Vice Mayor Grendel asked will it need a variance?

Law Director O'Brien stated you'd need a variance, obviously because of the Federal Law. I don't have an issue with the use, it's just the height given the area is still in transition over there. Is there an intention to light the spire at night?

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Mr. Stevens stated there is a desire to light it, but there's a dimming and timer system associated with it, so it can be dimmed to the appropriate levels, and it can be turned off at certain times. That all can be fine-tuned.

Law Director O'Brien stated yeah, because there's going to be a Public Hearing, I think, so in the event you get public comment or at least from my aspect, there's going to have to be evidence put into the record that if you do light it, the light does not go beyond the boundary of the property line. There are some residents over there that are still transitioning. I realize that's a transition area, and I know you're conscientious and you want to be conscious of that.

Mr. Symons stated that is one of the biggest priorities; to be a good neighbor. We're in it for the long term.

Mr. Stevens stated in the meeting with our site team this past week we talked about light poles, just light poles going along the perimeter, and just making sure that we're keeping our light on the property because we have residents there on both sides.

Law Director O'Brien stated yeah, we had another religious organization, of course, they didn't have a 130' structure, but they converted a former property. They did a pretty good job with the lighting, like the down lighting because they too are in a residential. I haven't been out there at night, maybe you have, but it's my understanding that the lighting...

Chairman Vice Mayor Grendel who are you referring to?

Law Director O'Brien stated up on Brookside Rd.

Chairman Vice Mayor Grendel stated oh yeah, St, Maron's.

Mr. Stevens asked what was the name of that?

Law Director O'Brien stated St. Maron's.

Chairman Vice Mayor Grendel stated it's on Brookside Rd. off of Brecksville Rd., the South end of town.

Chairman Vice Mayor Grendel asked Cheryl, do you have any questions?

Ms. Chase stated I'm just curious how many people will be employed? I know we talked about maintenance.

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Mr. Stevens asked like paid employees?

Ms. Chase stated yes.

Mr. Stevens stated maybe you could get with your department to get you a better number, but I would estimate 15-20.

Ms. Chase stated just speaking in terms of the given set traffic every day, cars every day, whom we can count on to be there every day, and the additional staff.

Chairman Vice Mayor asked Joe, do you have any questions?

Mr. Moeller stated so, I am sort of piggybacking off that question, and we already asked about the day-to-day programming and volume. Can you speak a little bit more, or if at all, on what's the potential percentage of people that are coming from within this region versus those coming from out of the region? Like when you have Temples that are placed in some of these areas you have built them; what percentage of the attendees are coming from far and spending multiple days here versus going there after work one day for an hour then heading home? Any rough estimates or ideas?

Mr. Symons stated I would say the majority of the people are going to be within 2 hours of here. So, not a huge influx from clear across the U.S., but you will get the occasional person that, especially with (inaudible) and Kirtland Temple being so close. They will come and visit those sites as well, but it will be small family groups and things to that effect.

Ms. Chase asked where are the other meeting houses in the area?

Economic Development Director Hyser stated there's one on Rockside Rd., just on the Seven Hills border on the Northern side of Rockside Rd.

Ms. Chase stated I was only asking because if what you're describing is this is (inaudible) that people come 6 days a week, and then they'll still need to go somewhere else on Sunday. So, if we're talking about people potentially relocating to be in the area, is that a realistic thing because there are no meeting houses around, but clearly there are meeting houses around.

Mr. Symons stated I don't know the exact locations either, but we could find out.

Mr. Stevens stated the type of worship that happens in the Temple, you might have some members of the faith come and attend the Temple visits once a week. You might have some retired people that have more time, they might come once a day. The general body of the Church, you might see them come once a month. It really varies.

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Ms. Chase asked but they would all still go to the meeting house on Sunday, correct?

Mr. Stevens stated yes.

Mr. Moeller asked based on the membership within this region, is there an anticipated percent occupancy rate on an average day? What's the average day, is it going to be half full, is it a full parking lot every single day? Just curious to understand the volume of traffic impact.

Mr. Stevens stated I don't know if we have been given those numbers, they do so statistics review when they are trying to figure out the location. So, we might have those numbers, somebody might have those numbers. I know that the owner did a traffic study that said if we put the Temple here, what would the impact on the road itself be, or what the impact would be at the nearest intersections, and they deemed that the influx of vehicles wouldn't impact it enough to recommend a change of infrastructure. We can provide that study to you as well if that's something that you'd like to see.

All agreed it would be very helpful.

Chairman Vice Mayor Grendel stated the other structure that is going to be on the property, it's about a fifth of the size of the Temple, and then you said it's kind of a gathering place. How many people...

Mr. Symon stated I think it seats 20 or 30?

Mr. Stevens stated like 25 people. Small groups.

Chairman Vice Mayor Grendel asked, and that's probably at the North end of the property? Near the residents, I think, toward Longano.

Mr. Stevens stated consulting with the Mayor and his team, we've pulled that back further, and we're trying to pull it off of that property line. We're going to try and buffer up education (inaudible).

Mr. Symons stated even as a gathering space, it still stays pretty reverent. It's not somewhere where you'll get a lot of loud, boisterous people, and a lot of excitement outside of the occasional wedding that will be performed on the property.

Chairman Vice Mayor Grendel stated I believe there's going to be a fence around the property.

Mr. Stevens stated the Mayor talked some sense into us, but it will just be around the Temple property.

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Chairman Vice Mayor Grendel asked Mayor, do you have any questions?

Mayor Kurtz stated yeah, a couple of things just for the record. I learned a lot during this process, and social media has picked up on this and real estate picked up on this long before we had our first meeting with leadership. Leadership was very frank and honest when they said that they weren't even aware, Ohio Leadership, they were not aware that real estate and what was going on from out of the state was driving this project. So, every time that we would receive an inquiry on social media or somebody else, it was like no one has approached the City, and I think they thought we were hiding something. They were extremely apologetic, Leadership; and when we finally met with them, they explained the process. They didn't even know the location or the logistics, and so it was one of those things where social media and the real estate market were churning, but Ohio Leadership didn't even know and obviously, we tried to tell people that no one has approached the City, but so be it, we are here.

The path was not straight, and it was not easy, but the reality is Leadership made it clear that they were in the dark themselves until they came to the City and exposed the situation. Since that has happened though, they have been very accommodating and taken into consideration the number of engineering, the number of the different concerns that we anticipated with the residents and neighbors, and the aesthetics. There are several things that need to be codified for the Law Department; there are easements, and we're talking about an upgrade to Route 21 with a little widening. So, they have agreed to accommodate whatever the City's needs are in terms of easements and utilities. They were also talking about the utilities and taking away from the ambiance of the Temple, the impact of the Temple of the overhead lines in front of their property. So, they're exploring the possibility of doing something with that. They have already been made aware of the impact on our infrastructure, the changes that are going to take place, and they've dealt with the Safety Forces in terms of making sure if there's a crisis or situation, they have easy access to get in and out.

Since that initial blur, it has been very clear, they have been very clear and direct in terms of trying to accommodate the City. The Planning Commission really gets to the issue in terms of trying to define what is going to be there permanently, and then, with the Public Hearing that'll engage the rest of the concerned residents and neighbors. So, I think that's the next step, to set the Public Hearing. Take into consideration some of what you've heard today and maybe you can define some of your answers by some of the questions that were asked, that's the goal. Then, when we have the Public Hearing, you could make your expectations, your goals, and how we've worked together to try to incorporate many of the City's concerns as possible clearer. Fair enough?

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Mr. Symons stated we have been very appreciative of the dialogue that we have had over this process, it has been really, really great. We're always really happy when we can get the kind of dialogue that we've had, so it's been very appreciated.

Mayor Kurtz stated I think our Economic Development Director, the Engineers, the Building Commissioner, our City Planner, and everybody that has been a part of that has really tried to engage to try to anticipate what's around the corner. I think the next step will be setting the Public Hearing for next month and then go from there. Does that make sense?

Chairman Vice Mayor Grendel stated I think next month our meeting a little later since the first Tuesday is the 4th of July.

Law Director O'Brien stated it will be on the 10th.

Chairman Vice Mayor Grendel stated so, we had set Monday, July 10th as our meeting date, and we can have our Public Hearing on that day. Which is the day before our Council Meeting on the 11th.

Mayor Kurtz stated so, we will publicize that in the multiple media platforms that we use to make sure the residents and neighbors are able to participate and share their thoughts and ideas, but it is on an odd day for us. It will not be a normal first Tuesday, so we'll get that information out to the residents, especially those in the vicinity so that if they have any concerns, they can identify it and bring it to our attention, or if they intend to participate they can also do that.

Chairman Vice Mayor Grendel asked so are we thinking 5 PM on the 10th?

Mayor Kurtz stated we can start at 5 PM. Is that good for everybody?

All agreed.

Chairman Vice Mayor Grendel stated very good, so 5 PM on July 10th will be the Public Hearing.

Mayor Kurtz stated so, take the information that the Planning Commission has exposed, and we'll keep refining some of those answers so that if anything else comes up we will bring it to your attention, and you can be prepared.

Mr. Symons stated absolutely, we appreciate your time.

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5407 Brookside Rd., PPN 563-20-037, Metz & Salupo Property – Theresa Salupo, Michelle Metz, and their neighbor Robin Clifford were in attendance.

Chairman Vice Mayor Grendel stated thank you very much, gentlemen. We will move on to what is on our agenda as a late addition, and this is 5407 Brookside Road, permanent parcel number 563-20-037, the Metz and Salupo property. Requesting a variance to Chapter 1383 to permit encroachment into the steep slope setback for the construction of a new garage.

Don, you provided us with a report, I think. I might have you introduce the issue for people, we have our applicants here.

City Engineer Ramm stated Mr. Chairman, the applicants went before the Board of Zoning Appeals, I believe back in March seeking some variances for the size of the structure, the sideyard setback, and the height. I believe 2 out of the 3 were approved, the one that was not was the sideyard setback. They have since made a change and pushed it out to 5' from the sideyard, and the challenge that is before us today is that the property wasn't encumbered when the adoption of the ordinance, the steep slope setback ordinance was approved in 2017. It encumbered an area in this rear yard with the steep slope setback, and as you can see from the aerial back in 1963 when the home was built the yard grade was established, and it's been a (inaudible) ever since then. I believe the intent of the ordinance in 2017 was adopted to protect forested slopes upland of waterways to minimize erosion and flooding, but this is just not that scenario, so I felt that this would be a burden to the owners to try to navigate and pursue the regiment that is required in the ordinance.

So, this aerial shows that the house itself, the northern portion of the house itself falls into the steep slope setback of 25' there as well as some rear yard patio and walkways. So, this (inaudible) because not only is the proposed garage within the setback, but it's also on the steep slope itself. So, if you look at the elevations that were submitted by the garage builder, they are aware of the terrain there, and they have since proposed the elevations that represent that it's going to be a structural foundation wall that will be protruding out of the ground in the rear of the structure by approximately 8'. So, there will be no grade required in the back of the structure, it'll project out, but it's really not seen very well, it is pretty obscured, and it's hidden back there. It is not going to be anything that is too visible to anybody. It seems like an adequate request, a reasonable request to seek relief to allow the garage to be built there.

I believe they have this on the agenda for later this month for BZA, for the sideyard, and 2 additional feet on the height because I believe there was a misunderstanding before. It was approved for 20' height, but on the application, they requested 22', so they are going to correct that issue at the upcoming meeting.

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Chairman Vice Mayor Grendel stated thank you, Don. Would you like to present your application?

Ms. Salupo stated okay, thank you all for having us. I'm Terri Salupo, Theresa Salupo, and this is my partner, Michelle Metz. I first want to thank Don for working with us like crazy, and we're just 2 packrats and we need the space. Our house has quite a few vehicles, and a garage full of different things, but as far as this variance, like Don was saying; I have been cutting that grass since I was a little girl, as soon as my dad could put spikes on me, I have been pushing that hill, still doing it.

I think the location and where it's at right now is where we want the structure to be. I actually brought my neighbor here too, the one to the right of us, she is the property on the right. It's up high enough that we're not infringing on the water or whatever is behind the property. I think the building is pretty nice.

Chairman Vice Mayor Grendel stated it's very attractive.

Ms. Salupo stated the materials that they are using have the smartside siding on it and everything, so we are anxious. We're going through every step that we have to, and these guys are getting tired of us bothering them. We were hoping that you guys could help us out and give us approval because we are hoping to have that put on there. We have one more step after coming here.

Mayor Kurtz asked what about the neighbor on the left?

Ms. Salupo stated Tom Oris, he was going to come today, he was at the last meeting with us. He is the one that said I don't care if you put it on my property.

Mayor Kurtz asked Robin, are you okay with that?

Ms. Clifford stated the only issue I'm worried about is drainage.

Ms. Salupo stated she's always worried about drainage.

Chairman Vice Mayor Grendel stated you have a front porch, so you'll be able to sit out there sometimes too.

Ms. Salupo stated yes, here's this space that's been sitting there all these years, but we do have sled riding parties every year. It's our family house for some of us and they all seem to end up at our house every year. With the new street, there's parking and all kinds of other stuff which we're happy with; we have the street and a sidewalk. I think it's going to be a great addition.

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Mayor Kurtz asked do you need it that large to accommodate your pack ratting?

Ms. Salupo stated yes.

Ms. Metz stated we don't have that much stuff, just a lot of gardening stuff.

Ms. Salupo stated yeah, that's what we're doing today, some gardening and all that good stuff. We do gardening, and canning, we need storage, and there is just so much I'd like to take out of the house and out into this thing already. There are no plans of living in it or anything like that even though it looks very nice.

Mayor Kurtz stated looking at the property on the Topo, it drops down through the front elevation of the house, it does drop down 4-6', doesn't it?

City Engineer Ramm stated yes, it's a walk-out basement.

Mayor Kurtz stated it looks like there's enough foliage and trees that the neighbors site line isn't going to be obstructed.

Ms. Salupo stated there's all kinds of stuff in his backyard, so it's going to be good for us, we won't have to look at it anymore. I am trying to get him to clean it up a little bit.

Mayor Kurtz stated yeah, because if the City shows up and makes him clean it up, is he going to blame you?

Ms. Salupo stated no, he's a good guy.

Mayor Kurtz stated you can help him clean up his yard then when you're done.

Ms. Salupo stated I go over there. I try to get the lawn mower over there. He is actually working on getting mulch.

Mayor Kurtz asked you don't have that problem on the other side, right?

Ms. Clifford stated no. Drainage is the only thing I'm worried about.

Ms. Chase stated erosion? That's what I saw on here too. I have a slope in my backyard as well and we have an outbuilding back there and I am currently in the process of sinking \$60K-\$100K because it all started to slide, and it is a reality. As you put weight up, things can happen, but this says here that they're going to be in compliance with the ordinances regarding erosion and sediment controls, which I am assuming are in place and appropriate for this situation. Just keep in mind that you may have an issue down the road and if you do then you'll deal with it then, and the City has been great with me.

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Mayor Kurtz stated Don, going off of what was said earlier by the group. Will there be extra wide footers and all of this to accommodate the geotechnical issues?

City Engineer Ramm asked step footers?

Mayor Kurtz stated yes.

City Engineer Ramm stated structurally reinforced step footers. It was going to be one of my requirements, a subject to if it gets approved tonight. It would be a recommendation requiring a structural engineer to design and stamp it to make sure it's adequate to support the weight of the fill that it's going to need just to get to the first garage floor level in addition to anything that may get parked in there.

Mayor Kurtz stated that's to protect you. In terms of the erosion that's on the other side of the property...

City Engineer Ramm stated it's on the high side.

Ms. Clifford asked is it going to be hooked to the sewers and have drainage on the gutters, or is that going to go out the back? That always flows in my direction.

Mayor Kurtz stated right. So, we need to make sure all surface water is managed properly so it doesn't erode or cause any problems with neighbors downstream.

Ms. Salupo stated their property is on the right side, much further away, and we have new homes that they put up there, Lake Charles; we have like a little creek behind us and when it's really bad out it still doesn't come up to this area. She's down in a lower area where it's been going deeper and deeper throughout the years, I've lived here my whole entire life. Actually, I think some of the stuff that she has on her house, we're grandfathered in where it rolls out the side, so you can't help it. Tom is higher than us and things roll downhill. We're not talking about catastrophic flooding or anything of that nature.

Mayor Kurtz stated we just don't want, adversely impact downhill further than what any subdivision has done because the City is not responsible for that, and we don't want a situation. We take every possible prevention to make sure that there's no adverse impact. Water can be managed before it leaves their property. Is that fair to say, Don?

City Engineer Ramm stated yes, Mayor. I'll look at the detailed engineering site plan during our review, before we get permits issued to actually build the structure.

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Mayor Kurtz stated some of these things, we're just trying to make sure that you're protected, the property is protected, and the City is protected. Not necessarily in that order by the way.

Chairman Vice Mayor Grendel asked are there any other questions from our members?

Mr. Gutermuth stated this steep slope issue, and we talked about this in the past. Is this one more closely aligned with the intent of the ordinance in regard to the Planning Commission giving approval? We get some of these sometimes where the house was built in the steep slope, so just in your opinion is this one more closely what we want or does this fall in the conversation of we need to take a look at this steep slope before it gets (inaudible).

Law Director O'Brien stated no, we've made a change to the steep slope ordinance to accommodate what is in the steep slope. If you could put that picture up, the one with the shade in color.

City Council made a change, so if the entire new structure was in the orange part it wouldn't even be for this board. We made a change to the ordinance. Don would do everything he's going to ask this applicant to do without the Planning Commission. The reason why is that the little part is in the green area, that's why it's before the Planning Commission.

Mr. Gutermuth stated thank you for explaining that. I actually did not realize we had formally passed it.

Law Director O'Brien stated I took this for the record, and I think you're right, Bill. I took Don's comment that he was recommending to the Board that the proposed alternative substantially complies with all specific requirements, and with the intent to protect the hillside zone areas, and the exception as proposed shall not adversely impact upon the subject site, the surrounding properties, or upon the (inaudible) community, that was the testimony that I heard, which is required to put into the record before the Planning Commission votes. Right, Don?

City Engineer Ramm stated yes.

Chairman Vice Mayor Grendel asked any other questions?

There were none.

Chairman Vice Mayor Grendel stated I guess we're ready to vote on it this evening, subject to...

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Law Director O'Brien stated I just ask that the Board, whatever they do, to approve subject to the approval of the BZA as to the sideyard setback, subject to detailed site plan review and approval by the City Engineer, including but limited to the management of stormwater.

Chairman Vice Mayor Grendel asked Don, did you put the 5 subject to's in the report you had? If you look at Don's report.

Law Director O'Brien stated this is the report by...

Economic Development Director Hyser stated it was Don.

Law Director O'Brien stated the only thing you don't need is the 5th bullet. Whatever the Planning Commission does here, doesn't create a special duty, we don't need an acknowledgment or waiver from the property owner. You assume the risk of whatever you do out there. If you build something and it falls, it's not the City's responsibility.

A motion was made by Cheryl Chase, seconded by Joseph Moeller, to approve the encroachment into the steep slope setback for the construction of a new garage, subject to

- **The BZA approval for the sideyard setback**
- **Site plan review and approval by the City Engineer**
- **Structural footers and wall designed and stamped by a licensed registered Professional Engineer**
- **Compliance with Ordinance 1380 regarding best management practices for erosion and sediment controls during construction**

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

Mayor Kurtz asked Robin, are you comfortable with that?

Ms. Clifford stated yes.

Mayor Kurtz stated okay, thank you. Thanks for coming out.

Chairman Vice Mayor stated the last item is the discussion of the proposed ordinance regarding electric vehicle charging stations within the boundary of the City of Independence.

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Economic Development Director Hyser stated thank you, everyone. So, in our May Council meeting we talked about putting a moratorium on EV charging stations, not because we're not for the EV charging stations, but because (inaudible). So, we spent a little bit of time as a staff talking with the Building Department, the Building Official Mr. Gero, as well as the Fire Marshal Mr. Reis about how these should operate and things we should look at.

I do have Mike on speakerphone so that he can shed some light. One of the things we're looking at is where they should be placed on site, how do EV charging stations apply to the existing parking spaces and operations, the setbacks from the right-of-way, as well as side yard setbacks. Again, this is for safety purposes as well as for the consideration of parking, and how that should be calculated.

So, we put together some points for the initial discussion, and get the Planning Commissions' input to take back to City Council, and I do believe that there will be a requirement for a Public Hearing.

Law Director O'Brien stated yes, if it's going to be changed to 11.

Economic Development Director Hyser stated Mike, is there anything that you want to add?

Building Official Gero stated no, Jess. I think you covered it pretty well.

Mayor Kurtz asked so, what do you need from us then?

Economic Development Director Hyser stated we just wanted to introduce it, and start the process of looking into it, and wanted to pass on some defaults about it right away. Again, to introduce this for future discussion. We can have some more discussion at the next meeting, and potentially schedule a Public Hearing after.

Ms. Chase asked, and this was just for not any private residences, right?

Economic Development Director Hyser stated just for commercial use.

Chairman Vice Mayor Grendel asked is there still dialogue with NOACA regarding the...

Economic Development Director Hyser stated that's a great question. So, NOACA, the last conversation we had was in January and they have yet to make an (inaudible) over the last several months, and any interest in the EV charging stations was beyond the capacity of what they imagined. So, they sent bids out several times to see if they could come up with a rough estimate for the cost of the program, but we've got high demand for EV

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charging stations as well as rising supply costs. So, they had some struggles in that regard.

Chairman Vice Mayor Grendel asked any other questions for Jessica? Give you a chance to review this, maybe do a little research too, and we will probably revisit this month maybe too.

Economic Development Director Hyser stated that’s what we had imagined. Again, we were just kind of introducing this at this point in time.

Mayor Kurtz stated and if any member of the Planning Commission has any questions or any information that they want to share with the Economic Development team, the Planning Commission members, or Don Ramm and the people that are going to help influence this. We are looking for all the input we can get.

Mr. Gutermuth asked what is the reason for the date, November of 2023, is there is a specific reason for that date? Just seems oddly specific.

Economic Development Director Hyser stated it is because the City has a 6-month moratorium that was given from the legislation that was passed in May.

Mr. Gutermuth stated thank you.

A motion was made by William Gutermuth, seconded by Mayor Kurtz, to adjourn the June 6, 2023, Planning Commission meeting.

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

There being no further business, the Planning Commission meeting of June 6, 2023, was adjourned at 6:41 p.m.

Chairman Vice Mayor Dave Grendel

Amanda Sharrer, Planning Commission Clerk
Minutes Unapproved at Time of Release 06/15/23

