

**MINUTES OF A REGULAR MEETING  
OF THE PLANNING COMMISSION  
CITY OF INDEPENDENCE, OHIO  
July 6, 2021  
Held Virtually Via Zoom**

Chairman Lytkowski called the meeting to order at 5:32 p.m. July 6, 2021 and the following responded to Roll Call:

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

**OTHERS**

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

**ABSENT:** Don Ramm, City Engineer

**Old Business:**

**Approval of Minutes of the Planning Commission meeting held on  
June 1, 2021.**

- 1. 6360 Mackenzie, Drive, Margaret Trombetta** – Consolidation of Permanent Parcel Number 563-17-089 with 2,250 sq. ft. of Permanent Parcel Number 563-17-026.

Chairman Lytkowski stated that before he would begin, he asked the Mayor if he wanted to comment on the newest member of the Planning Commission.

Mayor Kurtz stated that he would like to welcome Cheryl Chase. He stated that many of you know her and her family, and her ties to Independence. He stated that when she accepted the position, he was so excited because she brings such a wealth of experience and talent, and he cannot wait for her to weigh in on some of the subjects and challenges that they deal with at the Planning Commission.

Mayor Kurtz stated that he was excited because he thinks that there will be an increased level of activity; so that will be exciting. He stated that he was so happy that Ms. Chase

**PLANNING COMMISSION MINUTES – CITY OF INDEPENDENCE, OHIO**  
**July 6, 2021**

---

joined the Planning Commission. He stated that Council unanimously approved the appointment. He stated that they were changing the dynamic of the Planning Commission.

Ms. Chase stated that she was happy to be a part of it.

Chairman Lytkowski stated that he wanted to echo the Mayor's comments. He asked Law Director O'Brien if he was going to formally swear in Ms. Chase today.

Law Director O'Brien asked Ms. Chase to raise her right hand, and he proceeded to swear her in.

Law Director O'Brien stated that a long, long time ago as the Assistant Law Director, his first matter he believed was the BZA was George Chase regarding a fence in his front yard.

Mayor Kurtz stated that he must add that since the Law Director brought it up, he stated that Ms. Chase will exceed what her father's capacity was.

Ms. Chase stated that she didn't know about that.

Mayor Kurtz stated that as Chairman of the Planning Commission, he did a phenomenal job of helping guide the Commission through some of their greatest growth time period. He stated that he believes Ms. Chase will do as good of a job as her father.

Ms. Chase stated that she hoped so. Big shoes to fill.

Chairman Lytkowski asked Ms. Chase if she had any comments that she would like to make before they would begin.

Ms. Chase stated that she didn't think so.

Chairman Lytkowski stated just as a historical preference, her father moved to Reno, and he took his position. He stated that he didn't know if Ms. Chase knew that.

Ms. Chase stated that she knew he was Chairman of the Planning Commission, she remembers him sending her up to the Building Department when she was in high school and college and graduate school to pick things up for him and get them back home. She didn't know that Chairman Lytkowski has been the Chairman as long as he had been.

Chairman Lytkowski stated that Planning Commission members had received the Minutes of the June 1, 2021 Planning Commission meeting. The Chairman asked if there were any additions or corrections.

**PLANNING COMMISSION MINUTES – CITY OF INDEPENDENCE, OHIO**  
**July 6, 2021**

---

**A motion was made by Vice Mayor Grendel, seconded William Gutermuth, to approve the Minutes of the June 1, 2021 Planning Commission as written.**

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

**6360 Mackenzie, Drive, Margaret Trombetta** – Marc Zanath, the seller of the property was in attendance.

Chairman Lytkowski asked the Secretary if notices were sent to the neighbors. She stated that they were sent out.

Ms. Trombetta was not in attendance.

Chairman Lytkowski asked Mr. Zanath to explain what they were trying to accomplish on behalf of Ms. Trombetta.

Mr. Zanath stated that he was just selling them a 30' x 75' piece of land on the back side of his property. He stated that the Trombettas have recently put a pool in. He stated that he didn't know what they planned on doing with the property, but he saw how cramped they were on room. He stated that he really doesn't use that space; so he figured he would be nice and sell it to them. Mr. Zanath stated that he didn't have an argument against it. He stated that he didn't know what they planned on using it for; he was not told nor did he ask. He stated that he doesn't use the land, and he has plenty more land back there. He stated it would not affect him at all.

Vice Mayor Grendel stated that the Trombettas were before the Planning Commission last year, and they had obtained a 30' x 75' on the west side of their property.

Mr. Zanath stated that they did that, and at the same time they had asked him. He stated that they couldn't come to a price agreement. Ms. Trombetta told him that it wasn't really in the budget; so they dropped it. The Trombettas brought it up against this summer that they could utilize the property. He stated that he believed that the City, during that meeting, even told them to take the property line straight across. He stated that it was an odd-shaped backyard prior to them getting the property from his neighbor. He stated that they tried last year, but it wasn't in their budget, and for whatever reason they wanted to try to pursue it this year. Mr. Zanath stated that he was okay with it. He was not utilizing it for anything, nor did he plan to utilize it.

Chairman Lytkowski stated that he had a question for the Law Director. He asked if the Planning Commission could approve the request if the applicant was not in attendance.

**PLANNING COMMISSION MINUTES – CITY OF INDEPENDENCE, OHIO**  
**July 6, 2021**

---

Law Director O'Brien asked if the neighbor had presented some evidence that he has been designated as their agent.

Mr. Zanath replied no.

Mayor Kurtz stated that Mr. Zanath was the one that was selling the property.

Mr. Zanath stated that Ms. Trombetta should have submitted the drawing, she had the land surveyed, and both parties did sign that along with the surveyor. It should have been submitted to the City, but that was as much responsibility that he wanted to take on.

Vice Mayor Grendel stated that they received that in their packet.

Mr. Zanath stated that he was available to join, so he joined the meeting to make sure.

Mayor Kurtz stated that two-thirds of Mr. Zanath's was absorbed by an easement.

Mr. Zanath stated that was why he couldn't build anything back there. All he was doing was cutting the grass.

Chairman Lytkowski asked if there were any other questions or comments with respect to the lot split and consolidation.

Vice Mayor Grendel stated that it would even out their property in the back.

Chairman Lytkowski stated that it looked a lot better, that was for sure. He stated that he had no other comments.

Mr. Zanath asked if the City would allow the Trombettas to build a fence straight across that even though there was an easement, or will the property have to stay open.

Law Director O'Brien stated that he was not familiar with the easement language, but if it was a City easement, generally there would not be permitted any permanent structures. He would have to look at it, and sometimes occasionally, he was not making any promises, sometimes licenses have been granted where the owner that runs with the land, if the City would ever need to get in there, the City would not be responsible for tearing it down or ripping it apart.

Mr. Zanath stated that he thought he would ask.

Mr. Gutermuth wanted to be clear that the Planning Commission would be able to approve the lot split and consolidation without Ms. Trombetta being in attendance.

**PLANNING COMMISSION MINUTES – CITY OF INDEPENDENCE, OHIO  
July 6, 2021**

---

**A motion was made by William Gutermuth, seconded by Vice Mayor Grendel, to approve the lot split and consolidation.**

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

Chairman Lytkowski stated that they have one more item that the Mayor would like to make a comment on, but before the Mayor comments, the Chairman wanted to know if anything has happened with Kent State and the solar panels over there.

City Planner Markley stated that he e-mailed Kent State’s Architecture Department and Planning Department on Friday with a plan asking for them to modify it as required to be submitted to ODOT. He stated that he had not received a response to date. He stated that he hoped he would get at least some acknowledgement that they had received the e-mail. He stated that he sent a copy of that to Don Ramm as well as to Anne Lynch. He stated that it was a mounding and landscape plan that Kent State would have to submit to ODOT for permits. He stated that is where it sits today.

City Planner Markley stated that he will follow up with Kent State by the end of the week at the latest.

The Chairman asked the Mayor if he had any comment.

Mayor Kurtz stated that as many of the Commission Members know, CBIZ has decided to stay in the City of Independence, and as a result, they had a meeting this morning; and this will be a design build fast track project to build a 128,000 sq. ft. office building. He stated that it will be a hybrid of sorts because the City is buying the adjoining property to complement the parking needed for them to be able to build that size building, the footprint they have available on the parcel they were requiring. That being said, they have asked the City, and one of the formal points of understanding, would be the City would expedite all processes, permits and discussions relative to the Planning Commission, Zoning Board, Architectural Board of Review.

He stated that as part of that, they were asking that the Planning Commission be available for a meeting next Thursday. He stated that he was not sure what time they said.

Chairman Lytkowski stated that it was 4:30 p.m. because of the Zoning meeting.

Mayor Kurtz stated that what they will do, this week they will go through all the different dynamics that they have to go through, all the different checks and balances before they go public. They have asked, and it was confirmed, and Council was already aware of the fact that they will be asking for a hybrid schedule for the meetings.

**PLANNING COMMISSION MINUTES – CITY OF INDEPENDENCE, OHIO**  
**July 6, 2021**

---

He stated that being said, if the Planning Commission would be able to accommodate meeting next Thursday, July 15<sup>th</sup> at 4:30 p.m. That was the tentative schedule. He stated that by Thursday everyone will know the particulars; and so they will be able to get things out to the Planning Commission on a timely basis for the review and input and questions. He stated that they asked if the Planning Commission could schedule a meeting for next Thursday. They want to meet with the Planning Commission. They want to meet with the Zoning Board because there will be a height variance needed. He stated that there were a number of different small variances. The Mayor stated that he would consider them small variances relative to the magnitude of the project.

Mayor Kurtz stated that was the summary and what he was at liberty to say at this point. They will put the City in a position to further elaborate and participate as of Thursday. He stated that the Planning Commission should be getting a packet before the week's end if in fact they will commit to the schedule.

Vice Mayor Grendel asked if the meeting will be a virtual meeting or in-person meeting.

Mayor Kurtz stated that they have talked about an in-person, but it might be virtual because he believed the Board of Zoning will be virtual. He stated that if that was the case, they asked if they could be flexible for that meeting. He stated that there was no reservation on his part if it would mean to get the ball rolling. He stated that they will be more involved as the project gets traction.

Vice Mayor Grendel stated that he will still be on vacation up at Maumee Bay, but he could be available virtually if the meeting will be held virtually.

Mayor Kurtz asked Chairman Lytkowski if it was okay with him to do it virtually; the Vice Mayor will be out of town.

Chairman Lytkowski stated that would be fine.

Mayor Kurtz stated to the Secretary to let the applicant know when they submit that the Planning Commission had agreed to go with a virtual meeting to accommodate their schedule and request relative to the Zoning Board also.

Vice Mayor Grendel asked if it would be 4:30 p.m. on July 15<sup>th</sup>.

The Mayor stated that if the meeting was going to happen, it would be 4:30 p.m. on July 15<sup>th</sup>. He stated that then they could go right into a 5:30 p.m. meeting at the Board of Zoning.

Mayor Kurtz stated it was exciting. He stated that he thought the bottom line was there were so many balls in the air relative to the project; but after this week, there will be a

**PLANNING COMMISSION MINUTES – CITY OF INDEPENDENCE, OHIO**  
**July 6, 2021**

---

firm commitment to navigate through it. He stated that they have a very tight time schedule, but after meeting today, it will be definitely something that will be a tremendous complement to the City of Independence's future and the tax duplicate. He stated that they will be able to drill down on some of the specifics and particulars. He stated that it was a very dynamic situation, it was moving every day. They have some good people working on it, and so they are excited. He stated that the Law Director was working on the Purchase Agreements, and those will be going through the system.

Law Director O'Brien stated that there was one last week that he got to the Mayor, and there was another one that he will have to Jessica. That was the one with the City to the entity, and then the donation, they should have it mid-week. He stated that they would piggyback off of the other.

Mayor Kurtz stated that as soon as they have both of those, they should have a conference call so they could be looked through specifically and make sure that everything was in it that they agreed to.

Economic Development Director Hyser replied perfect, will do.

Chairman Lytkowski asked for a quick update on the Saucy Brew Works project.

Mayor Kurtz stated they were trying to figure out how to build what they can build on a piece of property that would need parking to accommodate a spectrum of ideas and concepts that they had. The Planning Commission had given them approval already, and so if they go with the full spectrum, and the City could accommodate them through the code by parking across the street that the City was going to build.

He stated that if they decide that the project would be too robust and too large for the footprint that they purchased; then they would scale it back to something more manageable, something that would fit their needs and keeps them in Independence. He stated that they were working on that.

Chairman Lytkowski replied thank you.

The Chairman stated that he had nothing else, no other comments. He asked if anyone else had a comment.

The Secretary stated that the Planning Commission needed to schedule a Public Hearing for a matter that will be on the August meeting for 6599 Granger Road. She stated that the Cleveland Cannabis College will be seeking a Special Conditional Use Permit, and the Public Hearing will need to be scheduled on Tuesday, August 3<sup>rd</sup> at 5:00 p.m. She asked if the meeting will be virtual or in-person as she needs to place the notice in the newspaper tomorrow.

**PLANNING COMMISSION MINUTES – CITY OF INDEPENDENCE, OHIO**  
**July 6, 2021**

---

Chairman Lytkowski asked the Mayor if he had any comments on that.

Vice Mayor Grendel asked if that was a renewal. He stated that they had been before the Planning Commission.

The Secretary stated that it was a different address.

Vice Mayor Grendel asked if it would be the same kind of request.

The Secretary replied yes.

Vice Mayor Grendel asked where were they moving to.

The Secretary stated that it would be 6599 Granger Road.

Vice Mayor Grendel said that they were in the tall tower building.

The Secretary stated that they were in Independence Towers.

Law Director O'Brien stated that while the Planning Commission was contemplating a virtual versus in-person meeting; but he didn't think they would need any more than 15 minutes for the Public Hearing. She may want to change the time to 5:15 p.m.

The Secretary stated that she would change that.

Mayor Kurtz stated that then they can continue to the Regular Planning Commission meeting.

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

Law Director O'Brien stated that the Secretary was looking for the type of meeting. He asked if it would be the Commission's pleasure to do a virtual meeting or an in-person at City Hall.

Chairman Lytkowski stated that he thought a virtual meeting would be fine.

Mr. Gutermuth asked the Mayor and the Chairman if they could let him know sooner than later on the Special Planning meeting date and time so he could make sure he could get his calendar cleared out of meetings.

Mayor Kurtz stated that next week they already know.

Mr. Gutermuth asked if the meeting was for sure 4:30 p.m. on Thursday, July 15<sup>th</sup>.



**PLANNING COMMISSION MINUTES – CITY OF INDEPENDENCE, OHIO**  
**July 6, 2021**

---

Mayor Kurtz stated that Mr. Gutermuth could lock that in. They could always rescind it. He asked if they need to set the meeting through the Commission, or could he just set it.

Law Director O'Brien stated that the Mayor could set the meeting. They will just need to put out the general notices.

Mayor Kurtz asked the Secretary to set the meeting.

The Mayor stated that as soon as they get apprised of the request, then they will immediately send the information to Planning Commission, the Board of Zoning Appeals or City Council to make sure that everyone is fully aware, and they are transparent.

Economic Development Director Hyser stated that she was told they should have that by Thursday.

Mayor Kurtz stated that the meeting is set, and if by chance they don't meet their schedule, then the meeting will be canceled. He stated that everyone is aware of the date and time, and it will be set up for next Thursday, July 15<sup>th</sup> at 4:30 p.m.

Mayor Kurtz stated to Ms. Chase how easy this was.

Ms. Chase stated it was easier than most of her life.

Mayor Kurtz stated that he wished it would always be the case, but they will be fine. He stated that was all he had for this evening.

**A motion was made by William Gutermuth, seconded by Vice Mayor Grendel, to adjourn the Regular Planning Commission meeting of July 6, 2021.**

**ROLL CALL: Yeas: Gutermuth, Grendel, Chase, Lytkowski, Kurtz**

**Nays: None**

**MOTION CARRIED**

**There being no further business, the Planning Commission meeting of July 6, 2021 was adjourned at 5:56 p.m.**

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**Chairman Dale Lytkowski**

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**Debi Beal, Planning Commission Clerk**

Minutes Unapproved at Time of Release 07/08/21

