

**MINUTES OF A SPECIAL MEETING
OF THE PLANNING COMMISSION
CITY OF INDEPENDENCE, OHIO
July 15, 2021
Held Virtually Via Zoom**

Chairman Lytkowski called the Special Planning Commission meeting to order at 4:35 p.m. July 15, 2021 and the following responded to Roll Call:

PRESENT: Chairman Dale Lytkowski
Mayor Gregory P. Kurtz
Vice Mayor David Grendel (arrived at 4:51 p.m.)
Cheryl Chase
William Gutermuth (arrived at 4:39 p.m.)

OTHERS

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

New Business:

- 1. Rockside Woods Blvd., PPN 561-25-017, Rockside Woods Visibility, LLC –**
Approval of preliminary plans for a 125,000 sq. ft. multi-tenant office building.

Chairman Lytkowski stated that the Commission had one item before it, the Rockside Woods Blvd. Parcel 561-25-017, requesting preliminary plan for a 125,000 sq. ft. office building.

Chairman Lytkowski asked if any of the applicants were online.

Mr. Tom Charek stated that both Michael Christoff and Denver Booker were all in attendance.

Chairman Lytkowski asked if the applicants could bring everyone up to date where they stand with regard to the project. The Chairman stated that he did look at their projects and diagrams and layout, and it was very impressive. He stated that he was very pleased. He wanted them to go over and give an overview.

Mr. Christoff stated that they appreciate the Planning Commission's time with regard to calling a special meeting. He stated that they were excited to keep the jobs in

PLANNING COMMISSION MINUTES – CITY OF INDEPENDENCE, OHIO
July 15, 2021

Independence and take advantage of the great location. He stated that there was a lot of interest in the building and appreciate the opportunity to do the job more quickly and break ground in the next couple of months at the latest.

Chairman Lytkowski asked how long was their construction phase going to be.

Mr. Christoff stated that their goal was to have tenants move into the building late in 2022. They will be in there in the fall or winter, depending on the construction season, winter that they would be into. He stated that by the end of 2022 people will be in that office.

Chairman Lytkowski stated that would be about 14 months from today.

The Secretary stated that the Vice Mayor was having issues in joining the meeting.

The Chairman asked if Mr. Gutermuth was going to come on today.

The Secretary stated that she had not heard from Mr. Gutermuth.

Finance Director Blaze stated that he recalled the last Planning Commission where this was discussed as a possible date, and he recalled Mr. Gutermuth was questionable about the date. He wouldn't know until closer until today.

The Secretary stated that she was under the impression he was clearing his calendar. She was going to try calling him.

Mr. Gutermuth then joined the meeting.

Mayor Kurtz referred to the drawing and asked about the restaurant on top.

Mr. Christoff stated that they hadn't quite gotten there yet.

He stated that he wanted to kick off the discussion.

Mr. Christoff wanted to thank the Planning Commission for their time. He stated that they were excited to be in the meeting talking about what was called Project Visibility. He stated that they had been working on it for a little while now, and what the Commission will see today was the development of the site and the footprint of the building and the building's mass.

He stated that he was going to walk them through what has been designed so far. They were quite a bit further in a building design level than what they were asking for approval on because they still have to continue to tweak things and work through them, but what

PLANNING COMMISSION MINUTES – CITY OF INDEPENDENCE, OHIO
July 15, 2021

they want to hone in on today was the organization of the site, where the building will sit and a couple of variances that they were asking for today of the Planning Commission, and then after they get the Board of Zoning Appeals and talk about that variance. He stated that they will see all of that in the package.

Mr. Christoff stated that Mr. Booker, the principal designer at Vocon and designer on the project start to walk you through the site plan and how they thought about the site and how they landed where they were, and if people have questions throughout the presentation, please do not hesitate to interrupt and ask. He stated that they would be happy to discuss things and chat about things as they were going. He asked if everyone could see the mouse on the screen that will point to things.

Several people replied yes.

Mr. Booker stated that he was going to go over the planning criteria. He stated that the northern part of the site was on a landfill location, and it was not permitted for construction of a building on the site. He stated that it then became parking for the site. He stated that they looked at how they could locate the building on the developable portion of the site to equally balance parking north and parking from the other side. He stated that they put the building as far as north as they could. He stated that they oriented it in the direction it was for a couple of reasons. They wanted to optimize the views to the north, the City's skyline; and the long (inaudible) in the east/west direction is actually the optimal position of the building for energy performance.

He stated that there were a couple of things that led to the configuration of the building on the site. He stated that there would be two entries onto the site, one off the northern parcel that snakes into the south following the topography of the knoll and one to the far south. He stated that the building will essentially have two equally weighted entrances, one to the south and one to the north, and each of them serving their parking lots.

He stated that they have allowed for two blue zones, those were allocated for stormwater management.

He stated that with respect to the site and parking, there were two variances that they were requesting today associated with the parking. One was the number of parking spaces. He stated that the City's code would require 5 spaces per 1,000 sq. ft. of office building. They were requesting that the Planning Commission would approve 4 spaces per 1,000. They were currently showing a little bit more than that, a little bit less than 5 per 1,000 sq. ft.

He stated that for the building and the tenants that would be going in it, the 4 per 1,000 would be appropriate and more than enough to accommodate what would be happening in the building.

PLANNING COMMISSION MINUTES – CITY OF INDEPENDENCE, OHIO
July 15, 2021

Chairman Lytkowski asked why was 4 per 1,000 appropriate?

Mr. Booker stated that because in the tenant spaces that they were developing, they were averaging approximately 1 person per 275 to 280 gross sq. ft., likely less than 4 per 1,000.

He stated that the second variance with respect to parking they were requesting was that the City's Zoning Code requires 180 sq. ft. parking spaces, which would be a 10' x 18' or a 9' x 20' space. They were requesting, given the nature of the site, the buildable area, the existing knoll, the number of other considerations, that they plan it with 9' x 18' spaces. He stated that in many municipalities 9' x 18' with a 24' drive aisle would be standard parking spaces. He stated that have encountered municipalities like Independence that would require a little bit more, and in this case there would be a lot of considerations the knoll, the landfill, the limited buildable area of the site. He stated that they need that to make this work effectively.

Chairman Lytkowski stated that they were requesting two parking variances, one on the total number of units or spaces, and two the one area on the size of the parking space. He asked if that was correct.

Mr. Booker replied that it was correct.

He stated that with regard to the details of the site, they were working with the Civil Engineer in developing the site. He stated that to make all of that work, they were looking at sub-grading the existing knoll to transition from a higher elevation to this north end. He stated that they were proposing a sloped walkway between the south parking area and the entrance. He stated that on the northern side they would be including an outdoor patio that they would associate with a (inaudible) space inside and any events that a tenant would want to hold outside. He stated that there would be visitors' parking close to the building, and the same on the south side. He stated that there would be access to a space on the north off of the building.

Chairman Lytkowski asked that the northern parking lot, the 253 spaces, the extreme north part of the parking lot, how far away would that be from the entrance to the building.

Mr. Booker stated that they measured it once. He wanted to say that it was about 400 to 500 ft., in that range.

Mr. Christoff stated that one of the things they did, they looked at some of the other buildings in the area and how far parking spaces were. He stated that in the 300 to 350 range, there were many buildings that kind of had that as the space. He stated that it would be in that ballpark.

PLANNING COMMISSION MINUTES – CITY OF INDEPENDENCE, OHIO
July 15, 2021

Mayor Kurtz stated that he didn't think it was so unusual compared to some of the other configurations.

Mr. Christoff stated that it was not. He stated that it was comparable to the spaces from CBIZ's current office building.

Chairman Lytkowski stated that he had a couple of questions. He stated that on the 252 spaces, he wanted to presume it would be a rainy day, a wet day, a snowy day, would there be any type of coverage, canopies for the people who would park at the far northern end to walk or would they be open to the elements at that point and time?

Mayor Kurtz stated that it would all be open.

Mr. Christoff stated that the only canopy for consideration would be (inaudible).

Finance Director Blaze stated that you could take the valet or shuttle service.

Mayor Kurtz stated that he thought a canopy in that area would probably be appropriate at both ends because the weather sometimes would play a role in people exiting with the egress of the building. He stated that a convenient drop off, it might be a benefit to some of the employees.

He stated that here was what he was hearing Mr. Booker say, he was looking for two things. He asked if there was any land banked parking proposed there. He asked if everything that was shown was intended to be built.

Mr. Christoff replied that was correct.

Mayor Kurtz asked if it would fully envelope anything in the future, any changes? He asked what flexibility have they thought about in terms of building into the campus type setting if in fact the future tenants need more parking. He asked if there was any flexibility or was this based on their experience and it should work.

Mr. Booker stated that it should work, but at some point in the future of the building, (inaudible). He stated that they would have to look at alternatives. He stated that what they were proposing today would be developing the most developable portions of the land, there was still a lot of land. He stated that it would be quite some time that they would be in a position after the tenancy of the building, if there was land south of there that could be configured in some manner to create additional parking spaces.

Mayor Kurtz asked if it was additional parking or additional building. He didn't hear him.

PLANNING COMMISSION MINUTES – CITY OF INDEPENDENCE, OHIO
July 15, 2021

Mr. Booker replied additional parking.

Mayor Kurtz asked Building Official Gero, it would really boil down to granting a variance from the 5 per 1,000 code to the 4 per 1,000. He asked the Building Official if he was comfortable with that?

Building Official Gero stated that reducing the parking requirement, they do have in their code for a U-5 HR high rise, the Park Center Building there was granted a variance based on that high rise parking requirement which was 3.5 per 1,000. He stated that if the Planning Commission would grant a variance for 4 per 1,000, he would think that they would still be above that minimum requirement; and if there was an issue later, they would have to come up with some resolution. He doesn't know that it would be an issue.

Mayor Kurtz stated that they show 552 spaces. He asked if that would equate to 4 per 1,000.

Building Official Gero stated that 4 per 1,000 would be based upon the submittal, it would be 472 spaces, and they were providing 561 spaces. He stated that they were actually kind of splitting the difference between 4 per 1,000 and 5 per 1,000. It would be like 4.6 per 1,000.

Mr. Gutermuth asked if there was a reason that the variance request would be for a 4 to 1 ratio as opposed to just the 29 parking spaces, saying they would want a variance to be 29 short. He asked if there was a rationale for the 4 to 1 instead of that, which would be less than what was provided there.

Mr. Booker stated that the rationale behind not tying it to an exact number was that if they decide that they want to make the island a little bigger, they want to make the entry a little more grant and get rid of a couple parking spaces to provide that, they wanted a little bit of flexibility. He stated that he didn't know if they were 100% married to the 4 per 1,000; but we didn't want to tie it specifically to a number that would put them in a position to not be able to make other kind of improvements that were not shifting from the current designs, but they did want a little bit of flexibility just that if there were other things that came up.

Mr. Gutermuth stated that would take into account as well the variance on the width from 9'; so had that variance been denied, and it was 10', they would lose quite a few spaces he would imagine. He asked if that was accurate.

Mr. Booker stated that was correct.

Mr. Gutermuth stated that the current number of spaces would be based on the 9' variance on the size. He stated that he didn't know what the exact number was, he was

PLANNING COMMISSION MINUTES – CITY OF INDEPENDENCE, OHIO
July 15, 2021

not sure if they would know offhand, he thought it was said that it was somewhere around 4.5, he was just thinking if anybody had any issue with the ratio, maybe they could find a slightly higher number because he thinks they would be pretty far above the 4 to 1. Maybe they could call it 4.25 or something to that effect if anyone on the Board would object. He was just throwing that out there.

Mayor Kurtz stated that one of the things that people mentioned to him was the width, if they have to find some common ground like a 10' x 18' and change the number of spots, the ratio like Mr. Gutermuth just mentioned. He asked if there was some place they could find that would work with everybody with a 10' x 18' and managing the number of spots to still achieve what they would need to achieve.

Mr. Christoff stated that he thought it would come down to flexibility in the future. One of the things that Mr. Booker brought up was they could make it 10' x 18' and lose some of the spaces, but in the future if there were tenants that required more, he thinks they would probably be a little concerned about going too low or making the spaces too big because at some point if the tenancy changes down the road, and the employee per square foot count does go significantly down, they would need those additional spaces.

Mayor Kurtz asked so what would the spaces be at 10' x 18', where would it fit into between the 590.

Mr. Booker stated that the difficulty with that, they were at 24' aisles. If they would make then 10' x 18' (inaudible). He stated that to make up for that, they would either lose 2 spaces, get rid of both landscape aisles to maintain the same number of spaces. He stated that with 20 spaces, they would lose 20'. He stated that they would lose 10% of the spaces to make the spaces 10' instead of 9'. He stated that you can see on the site how they have stretched.

Mayor Kurtz stated that his challenge was that he has been in enough of debates with employees, and one of the arguments that he always get is that you can't swing in, you have to bounce back and forth to get into a 9' space. He stated that the cars get nicked, and it has worn him out over time. He stated that based on experience and what people have conveyed to him with their frustration, those were the challenges. He stated that the City would get in the middle of the private property situations; so he would assume if it would go to the 18', the same square footage. Instead of 10' x 20', they do 10' x 18'; he thought that would be a good compromise for everybody.

Mr. Booker stated that the zoning ordinances were for 180 sq. ft.

Mayor Kurtz stated that he was just giving them his perspective of what he believe is appropriate in terms of the 10' x 18'. He stated that it would seem to work a lot better

PLANNING COMMISSION MINUTES – CITY OF INDEPENDENCE, OHIO
July 15, 2021

Mr. Christoff stated that they were doing some math over there.

Mayor Kurtz stated that he was trying to find some common ground.

Vice Mayor Grendel stated that he agreed with the Mayor as far as the 10' wide. He stated that at his office they just have a small parking lot, it was 9' wide; and cars were constantly banging doors and things of that nature. He stated that most people drive SUV's now so they were wider cars and longer cars. He stated that it would make sense for the convenience of the employees to have it 10' wide.

Mr. Gutermuth stated that he had to be honest. He stated that he didn't recall asking about the specific size of the spaces on any of the recent proposals the past few years. He stated that he thought it was the standard code. He stated that the reason it was coming up now was obviously the request for the variance. He asked if anyone knew, he was not sure who the appropriate person would be for that, but have all the spaces been 10' wide on all of the recent building development in the City? He stated that he never asked the question to be honest.

He stated that what he was asking was if they were setting a precedent with the 9' parking space by approving it if they were to do so.

Mr. Booker stated that again to clarify, the Zoning Ordinance stated 180 sq. ft., and it stated 9' (inaudible). He stated that what they were asking was to reduce the length of the space. They were not asking to change the width. He stated that he knows they were saying what if they make them wider, maybe the shorter would be okay; but what they were asking for would be to reduce the length of the space, not to change the width.

Mr. Gutermuth replied okay. He stated that was why he asked the question on the width of recent development; he stated that he had never asked the question.

Mr. Christoff stated that if they were misinterpreting that, he wanted the Commission to let them know. He stated that he didn't want to say that was the code if they would disagree with that.

Building Official Gero stated that the code reads that as was stated 180 sq. ft., and then in parentheses it stated 9' x 20'. Unless the 9' x 20' would be a reference, that would be a Law Director question, how he would interpret that code the way it was written.

Law Director O'Brien replied it would be 9' x 20'.

Chairman Lytkowski asked if Mr. Christoff was asking for the preliminary approval on the parking spaces and the parking variance today?

PLANNING COMMISSION MINUTES – CITY OF INDEPENDENCE, OHIO
July 15, 2021

Mr. Christoff stated that they were. He stated that the hope was to have a conversation today so that they could understand that they were aligned to what the City would require. He stated that they did want to put themselves in a position to make an initial submission for the site and grading, but they know they will be back in front of the Commission with regard to the building. He stated that if the Commission would need something different than what they were requesting, they would have to go back and make sure that the space could confirm what they could accommodate. He stated that was the reason they were asking for kind of phased approvals.

Chairman Lytkowski stated that he wanted to ask a question. He asked with CBIZ being an accounting firm, they probably would have a third of their staff on the road probably every day if not more so. He asked if he was right on that? He stated that he would question if all the parking spaces, if everybody would not be in the facility at the same time, and CBIZ would be taking over two floors. He asked if that was correct?

Mr. Christoff stated that they would be taking over at least two floors.

Chairman Lytkowski asked how many employees would there be?

Mr. Christoff stated that Mr. Charek might be able to answer that more specifically. He stated that they were figuring that out right now. He stated that he knows there were a number, they were floating around 200 employees.

Chairman Lytkowski stated the accounting profession, he knows that there would be a lot of people out of the office; there might be 240 people there, but at any given point and time, there might be only 180. He stated that maybe it would not be as bad as they think it would be.

Mr. Charek stated that the Chairman was right. The conversation had been had that a number of the people would be on the road a number of days a week, and it may rotate. How often 100% of their staff was in the office would be very consistent. He stated that they do have a rotating staff for meetings out of the office. He stated they were a professional services firm, cars were not always parked next to each other; they do get smaller over the years. He stated that the point of 220 to 180 being in the office, it was closer to 180 most likely.

Chairman Lytkowski stated that he was not surprised.

Mayor Kurtz stated that it didn't take into consideration the rest of the building. He stated that they didn't know what would go in the rest of the building.

Chairman Lytkowski stated to the Mayor that he agreed with him. He stated that was the companion question.

PLANNING COMMISSION MINUTES – CITY OF INDEPENDENCE, OHIO
July 15, 2021

Mayor Kurtz stated that the parking lot could be 18' and around the building could be 9' x 18' or some hybrid or something that would keep this thing fluid.

Ms. Chase asked if the CBIZ plan have any work owned vehicles that would be there pretty much around the clock?

Mr. Charek stated that there would be one.

Mr. Christoff stated that they do a lot of corporate interior work. He stated that every single one of their clients right now were having some version of conversation around how many days a week they are going to require employees. With the pandemic starting to get to a point with people feeling a little more safe to be the office full-time; but people may not want to be in the office full-time. He stated that they will not solve that one on this phone call, but he would say that it was something that they should all be having conversations around because the Zoning Codes were written in a world that he thinks they were entering a slightly different one. He stated that he thought it would be an interesting conversation.

Mayor Kurtz stated that was why they were very flexible on this thing, and that was why they were having this conversation. He stated that it was not just a closed door issue, they would like to find some common ground. He stated that if they want the CBIZ property to be, landscaping and all the amenities and the customer service would still be accomplished by a 9' wide space; and they do 10' on the City's portion, he was not sure if that would create any type of problem for them at all.

Mr. Booker stated that they might lose spaces that they were planning on (inaudible).

Mayor Kurtz stated that they were overparked based on the code; so that was a sweet spot that everyone would live with; and maybe it would be compromise in between how we stripe after they see what they have built. It would keep them on track, but it would allow some flexibility; and everyone would be upfront with their desires. No one would be forced into a corner.

Mr. Booker stated that he needed to clarify something. He stated that they were really talking about their client's site in terms of the variance; and the northern property as the Mayor stated, was the City of Independence's. He stated that they have conceptually drawn now with 9' x 20' spaces which was their Zoning Code imposed. He stated that the east property and south parking lot were laid out with 9' spaces.

Mayor Kurtz thanked Mr. Booker for identifying that.

Mr. Booker stated that they could not ask for variances on the City's project.

PLANNING COMMISSION MINUTES – CITY OF INDEPENDENCE, OHIO
July 15, 2021

Mayor Kurtz stated that he wanted to be clear. He stated that it was a unified project. He stated that it all comes together because of the magnetic attraction of the two properties coming together. He stated that without that they were in an extremely deficient situation. He stated that he heard what Mr. Booker was saying, but in reality it would be a symbiotic situation. He stated that it has to be unified or he was not sure if the customer or the builder or the owner, everyone would have to be transparent; and he appreciated Mr. Booker identifying that because you would only see that from his 30,000 foot vantage point. He thanked Mr. Booker.

Mayor Kurtz stated that with that being said, he thinks that they need to make sure that everyone understands that they were achieving this because of that magnetic attraction of the two properties and the ability of the City to draw into this project because the project will be what drives the entire proposition.

Chairman Lytkowski asked if there were any other comments on the parking variances, etc.

The Chairman wanted to ask a question. He stated that they have a 24' entrance, driveway coming into the parking lot, he asked if that would be sufficient for safety vehicles.

Mayor Kurtz stated that he thought in conversations, they had talked about the plan being a preliminary sketch, and that they were going to address extending the width of the apron and making sure that they had plenty of room for safety vehicles to easily have access and ingress and egress. He asked if that was what he recalled?

Mr. Christoff stated that he did believe that 24' for an entrance would work, and if it didn't, they do have space to make that wider.

Mayor Kurtz stated that the safety forces will look at it. He stated that he thought in their conversation, they stated that they would be flexible in terms of whatever the requirement was, whatever their needs were for the final venue. He stated that the Chairman's point was well taken, but for the record, he thinks they were already aware of safety forces' access that were going to have the final development accommodate the larger equipment.

Chairman Lytkowski wanted to follow up on that. He stated that between the northern parking lot and the eastern parking lot, there was a small roadway there. He stated that it seemed very narrow. He asked if that was for cars. He asked if it should be as wide as the entrance. He stated that for the safety vehicles, it seemed awfully tight in that area there.

Mr. Christoff stated that it should be 24' as well.

PLANNING COMMISSION MINUTES – CITY OF INDEPENDENCE, OHIO
July 15, 2021

The Chairman asked if it was 24'?

Mr. Christoff stated that it should be 24'. He stated it might not be 24' on the drawing, but it should be 24'. It will be 24'.

Mayor Kurtz stated that he will have the safety forces review and tweak. He stated that they could make adjustments that they feel would be necessary. He stated that every developer was always taken into consideration, their requests, he is assuming that will be done before the final review and presentation.

The Chairman replied thank you. He stated that he had one more comment. He wanted to go back to the possible canopies of some sort, the drop off areas on the northern parking lot during inclement weather if there would be some way we could look at that. He stated that it might be a nice amenity for the tenants.

Mayor Kurtz stated that he thinks they will do something really neat for the patio area because that will be a very attractive and utilized feature in his opinion when they take breaks and stuff. He stated that it was becoming more of a real focal point for some of these developers to have that wifi accessible and make it very easy to sit out there for a while. He stated that is where they can have their coffee, or it can be up on the top floor.

Chairman Lytkowski stated that they didn't talk about the top floor yet.

Mayor Kurtz stated that he didn't think there was any objection to the variance. He stated that he thought that adjusting the code, he thinks there some reservation relative to the width; but if there would be some common ground. Again, the plans are only preliminary; so he wants them to walk away knowing that they are all on the same page, or that there is a common ground. He stated that he thinks Mr. Gutermuth and a few others have indicated that they can find some common ground based on the code and the requirement and the variance needed. He stated that he was just not sure how to articulate that to make sure their comfort level is such that they can just keep moving.

Mr. Christoff stated that it was making sure it works.

Mayor Kurtz stated that he thinks that the comments that were articulated by some members of the Commission were appropriate in terms of they want easy access from the door to the parking lot into the building. He stated that they don't want to have to walk out of the way too much to get into the building. He stated that was why they had the paths that will accommodate the pedestrian traffic and the transition to the different type of landscaping and treatment for the area to actually walk over. He stated that was something that they had used in different parts of the City, and it really works with the brickwork type landscaping transition.

PLANNING COMMISSION MINUTES – CITY OF INDEPENDENCE, OHIO
July 15, 2021

The Mayor stated that the Chairman was right in terms of making sure that pedestrian traffic from the north parking lot as well as all other parking lots have easy and safe access to the building. He stated that everybody agrees that they want to make it first class, and they don't want to compromise the landscaping especially around the building. He stated that the entrance width, etc., that will all be addressed. That will not be an issue.

He stated that the only gray area was the width of parking spots. He stated that he was okay with 10' on the north and then 9' on the east and the south; in fact, that is what the owner and developer want to find in a compromise. He stated that it might need to be changed all up, but he thinks they agree that a variance would be in order. He stated that it would be how they achieve that variance, how do they come up with something that they can move forward with it without having to keep coming back.

Mr. Charek stated that he had a question. He stated that they were not actually asking for a variance on width of any spots.

Mr. Christoff stated that he thought what the Mayor was saying was that in order to (inaudible), there would be a variance on the length from the 9' x 20' required to something with 18' as the length. He stated that he thought they were looking for a compromise to getting to 10' x 18' instead of 9' x 20' or some other version of a compromise, and he was not sure how it would get written. He stated that he thought the idea of having maybe some larger spots, the 9' x 20' spaces on the north lot that do meet the zoning code and 9' x 18' on the south lot where the space was a little tighter with the building, if that was something, it would be a 50/50 split between which ones are on or not compliant with the Zoning Code. He stated that he was not sure how it would get written as a variance. He stated that he didn't know if the Planning Commission would see that as a reasonable compromise. He asked if that would work, or was it not quite there yet?

Mayor Kurtz asked who was he asking that of?

Mr. Christoff stated that he didn't know.

Mayor Kurtz stated that if he heard him say that they would look at it, the 9' x 18' around the building with the extensive landscaping. There would be some flexibility of 10' x 18', so they were compromising on the 18'. He stated that the code was 9' x 20'. He stated that the compromise would be to the 18', the flexibility would be to 10' and some 9's if that would make sense.

He stated that he was comfortable if there was a flex point to have some 10's and 9's in the width, then he was comfortable with going to the 18' across the board for the depth.

PLANNING COMMISSION MINUTES – CITY OF INDEPENDENCE, OHIO
July 15, 2021

Chairman Lytkowski stated it would make them more uniform.

Mayor Kurtz stated that at least around the building, people will try to jam in there to get in there to get into the building, but on north the lot they would race to get in there.

Mr. Charek stated that he agreed with what was said. He stated that if they were able to make some of the spaces 10' wide on the south and east parking lot, he didn't know if they could do all of them, but some of them; and if they were able to go 18' wide in the north parking lot; you could probably average out and get more parking if you could add another road. He stated that he was looking for Mr. Christoff to see if he was crazy. He stated that you could get more wide spaces and actually have more parking.

Ms. Chase asked if they were drawn at 20'

Someone replied yes.

Mr. Christoff stated that would not work.

Mayor Kurtz stated that they were showing 10' x 20' on the 252.

Someone said no.

Mayor Kurtz stated that it was 9' x 20' on the 252.

Ms. Chase stated that even 10' x 18', you may be able to fit in another row is what you were saying.

Mr. Charek agreed.

Ms. Chase stated that she has been places where there were parking spaces that say compact cars only, and there may be a compromise with that where it would be clearly specified that these would be spaces for compact cars. There were spaces for SUV's, and at the end of the day, you can choose.

Law Director O'Brien stated that in his building, the BP Tower, they have plenty of spots that say smaller cars. Then if you drive an SUV, you find one of the larger spaces.

Mayor Kurtz stated that he guesses he would want the owner to be comfortable with some compromise that says that they are flexible. They have to be very flexible with the 5 or 4 per 1,000 and try to take the footprint of what they articulated here and modify it to where it's 10' x 18' on the 252, and then they were showing 9' x 18' on the rest. He asked if that was correct.

PLANNING COMMISSION MINUTES – CITY OF INDEPENDENCE, OHIO
July 15, 2021

Mr. Booker stated that at the moment they were all 9' x 18'. He stated that he understands that a 10' wide space would be more user friendly. He stated that there was a math equation that (inaudible). If they were compromise and say they were going to do 10' x 18' spaces there, at any one of the given major roads (inaudible). He stated that if they change them to 10' they would lose 10% of the spaces in any given row, and there was no room to create another aisle. He stated that they would lose more spaces in the length of the row. He stated that if they say they want 20', they would get rid of the zoning request, and they would say okay they would go 9' x 20'. They would lose one row of spaces, that would be 8. If they go to 10' x 20' spaces, they would lose two. There would be 18 spaces.

He stated that in terms of the conversation (inaudible) stay with the 9' x 20' spaces. He stated that he thought by going to 10' wide spaces, they will have fewer spaces.

Mayor Kurtz stated that again he was not going to draw it today, he stated that the 128 or 142 and the 30, whatever they would be, they have already drawn those at 9; x 18'.

Mr. Gutermuth asked what were the size of those 30 spaces that were covered, he would presume that they would be executive parking spaces.

Mr. Booker stated that they were 9; x 18'.

Mr. Gutermuth stated that if it was good enough for the executives, it would be good enough for the rest of the employees. He stated that he was hoping that they were going to tell him they were extra wide.

Mr. Booker stated that every single one they have drawn for the last 10 years, it was based on 9' x 18'.

Mayor Kurtz stated that they have more time because of the convenience to park your vehicle too. He stated that it would be a lot easier underground or under a roof.

He stated that he couldn't sit here and figure how that would work with the 252, but he thinks there would still be an opportunity here to reconfigure the 252, and he doesn't want to close that door. He stated that if they would have to look at a variance on the spaces on Parcel 3 with 9; x 18' as depicted on the plan, then they will continually review the additional spots, recognizing that there would be flexibility to be looked at without holding up the project. He stated that was the initiative that they need to take, and the incentive that they need to hear to make sure that they know that the Planning Commission was working towards continuing this thing on a fast track. He stated that the goal should be what do they have to do to keep this thing moving. He stated that by the end of the day today, they should have their variances, or they should have enough

PLANNING COMMISSION MINUTES – CITY OF INDEPENDENCE, OHIO
July 15, 2021

flexibility to know that they were still moving forward, and they would still be calling more meetings as fast as they would need them.

Mr. Charek stated that a variance just on Parcel 3, knowing that they were happy to talk about the 252 parking lot and how to make that a really great experience for everybody involved, not just for tenants in their building before the other amenities are around the parking lot also. He stated that would move them forward and lets them submit for mass grading while the north parking lot would still be massaged. He stated that he thinks that Vocon will shake their head, and that would get them from Point A to Point B to start the next step.

Mayor Kurtz stated that he was okay with that.

Vice Mayor Grendel stated it was fine with him too.

Mayor Kurtz asked if anybody would object to that.

Several people replied no.

Mayor Kurtz stated that Mr. Charek made a good point. He stated that they were still developing the grading plan, and they have some flexibility on the north side. He stated that he thinks they want some assurances that what Vocon has put together on the footprint surrounding the building would be acceptable. He asked if that was what he was hearing.

Mr. Christoff replied yes.

Mayor Kurtz stated that they could craft an approval based on the 9' x 18' spaces depicted on the submittal adjacent to the building would be granted a variance to the Code; and that as the grading plan develops on the north portion of the parking, that will be reviewed, submitted and approved at a later date.

Law Director O'Brien stated that if he could make a suggestion because that one will be unwieldy to craft to give the applicant full faith and credit and direction. He stated that he thinks the motion to approve the preliminary plan, and to approve the variance to 1181.06(n) which would be the 4 parking spaces per 1,000 sq. ft.; and then bond with all the comments here, realizing the City would be certainly willing and able and flexible to grant a future variance once it has been redrafted. He stated that he thinks they could do that, and he thinks if they had to call another special meeting, they could do that. He stated that way the City would have a comfort level as to the final parking configuration. He stated that he thought it would be fair to the architect and the engineer on that matter.

Chairman Lytkowski asked if that was a motion.

PLANNING COMMISSION MINUTES – CITY OF INDEPENDENCE, OHIO
July 15, 2021

Law Director O'Brien stated that he was just looking for the Chairman or the Mayor or Mr. Charek, he thought it would make sense. He stated that he thought everybody had enough information. They would get their preliminary plan, they would get the variance to the 1 per 200 ft., and then they can go and maybe massage the plan a little bit. He stated that they may be surprised in what they can do, and then they could get that final variance, whatever would be needed on a specific plan presented to the Commission at some point and time.

Chairman Lytkowski stated that it seemed fair to him.

Mayor Kurtz stated what they were basically stating was that as identified in the parcel, the number of spaces depicted and contiguous to the building would be viewed as an approval.

Law Director O'Brien stated that what he was hearing, and what the applicant heard was there was no objection to many of the parking spaces going from 9' x 20' to 9' by 18'; but the City would like for them to look at the parking lot on Parcel 3 where the office building would be to look at maybe widening some of the spaces so who drive SUV's could have the option of parking in those wider spaces. They will know the parking lot after a week anyways, they could do that. Once the applicant comes up with that configuration, they could do the final variance at a later date.

Mr. Gutermuth stated the final variance being the actual change going from 20' x 18'.

Law Director O'Brien replied correct.

Chairman Lytkowski stated whatever it would be.

Mayor Kurtz asked the Law Director if he wanted to craft a motion.

Law Director O'Brien stated that it would be a motion to approve the site plan as presented by the applicant based upon the design submissions to the Engineering Department and the Planning Commission.

Mayor Kurtz said this would be based on a preliminary approval.

Law Director O'Brien replied yes, preliminary plan approval.

A motion was made by Mayor Kurtz, seconded by Vice Mayor Grendel, to approve the preliminary site plan as presented by the applicant based upon the design submissions to the Engineering Department and the Planning Commission.

PLANNING COMMISSION MINUTES – CITY OF INDEPENDENCE, OHIO
July 15, 2021

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

Law Director O'Brien stated then the approval of a variance to 1181.06(n) requiring 4 spaces per 1,000 sq. ft.

Mr. Gutermuth asked if the code required 4 to 1,000 or 5 to 1,000. He stated that he thought they were requesting a 4, but the code would be 5.

Law Director O'Brien stated that the variance was 4 per 1,000 as opposed to the code that requires essentially 5 spaces per 1,000 sq. ft.

Mr. Gutermuth replied thanks for clarifying.

A motion was made by Vice Mayor Grendel, seconded by William Gutermuth, to approve the variance of 4 spaces per 1,000 sq. ft.

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

Chairman Lytkowski asked if there were any comments with regard to the variance. He asked if there was anything else they need to touch base upon.

Mayor Kurtz stated that they will be really excited when everyone sees the plan as shown. It will be an exciting project, and Mr. Christoff has done a really nice job of articulating it to the team along the way, and he is sure that Mr. Charek will continue to have Mr. Christoff do that.

The Mayor stated that they just haven't talked about the restaurant on top of the building yet. He stated that Mr. Charek has assured him that they will have that conversation, but he doesn't know if they just did or not.

He asked Mr. Charek if he was comfortable.

Mr. Charek stated that he was. He stated that he thought that everybody would want to have as many parking spots as close to the building as possible, but they will find a way that every car will not get dinged up and still be efficient.

**PLANNING COMMISSION MINUTES – CITY OF INDEPENDENCE, OHIO
July 15, 2021**

Mayor Kurtz stated that he thought that the information that Mr. Charek shared today about other buildings and the distance away, so that was interesting information that you complied. He thanked Mr. Charek for that.

There being no further business, the Planning Commission meeting of July 15, 2021 was adjourned at 5:34 p.m.

Chairman Dale Lytkowski

Debi Beal, Planning Commission Clerk
Minutes Unapproved at Time of Release 07/19/21