

**MINUTES OF A REGULAR MEETING
OF THE PLANNING COMMISSION
CITY OF INDEPENDENCE, OHIO
August 1, 2023
Council Chambers & Via Zoom**

Chairman Vice Mayor Grendel called the meeting to order at 5:35 p.m. August 1, 2023, and the following responded to Roll Call:

PRESENT: Mayor Gregory P. Kurtz
Vice Mayor Dave Grendel, Chairman
Cheryl Chase
William Gutermuth
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:

- 1. Approval of Minutes of the Planning Commission meeting held on July 10, 2023.**
- 2. 5997 Brecksville Rd., PPN 561-15-006 & 561-13-045** – Proposed lot consolidation of two existing parcels and requesting a Special Conditional Use Permit for the Church of Jesus Christ of Latter-Day Saints.
- 3. 5711 Lombardo Center, PAM Health & Rehabilitation Hospital, PPN 561-17-001** – Requesting a special conditional use permit for the proposal rehabilitation hospital.
- 4. West Canal Road, VF Holdings LTD., PPN 571-06-117** – Represented by Dalad Group for the proposal of a lot split and consolidation of PPN 571-06-117 and PPN 571-07-006.
- 5. Discussion of a proposed ordinance regarding the electric vehicle charging stations within the boundary of the City of Independence.**

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Chairman Vice Mayor Grendel stated welcome everyone to the Planning Commission meeting. There was supposed to be a Public Hearing at 5 o'clock, but that was cancelled, and the applicant has been removed from the agenda, so we will not have item number 3 that is on the agenda under old business.

Jessica can explain to us the reason why the applicant pulled out, just for the panelists.

Economic Development Director Hyser stated we received word yesterday that the applicant would be withdrawing their application for Planning Commission for tonight's Public Hearing. They said that there were some business realignment decisions that required them to come out to the site. From my understanding, a part of it is costs (inaudible), but there were vision changes from their client.

Chairman Vice Mayor Grendel stated I see. Don, I know we were looking into possible other infrastructures and everything. Did you start on that?

City Engineer Ramm stated we looked into extending the roads.

Mayor Kurtz stated and just for the record, I did communicate with the Mayor of Seven Hills, and we are in agreement that we should sit down and discuss the possibility of possible cost sharing for the infrastructure and the upgrade to the pavement of Lombardo Center. We also have access to the utilities and curb cuts along Lombardo Center for future projects. So, ill be in contact with; we talked with Council this afternoon, and we'll be in contact with the mayor and see if we can achieve something now rather than waiting until we have a firm project in the future.

Economic Development Director Hyser stated for context, just so that everyone understands, Lombardo is 100% the city of Seven Hills, (inaudible), in the world of community it's shared between one community and another. So, anyone needing access to Lombardo would need to work with Seven Hills.

There were technical difficulties with the microphone.

Economic Development Director Hyser stated so, to reiterate, the property line and the access to those utilities would be through the City of Seven Hills. We need to work closely with our neighbors in Seven Hills for any future applicants who would be located in that northwest quadrant area and would need access to Lombardo.

Mayor Kurtz stated so, the thought is to be forward thinking in terms of coming up with an agreement sooner rather than later.

Chairman Vice Mayor Grendel stated and part of that would be the overlay.

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Mayor Kurtz stated there would be something about pavement improvement expense initially and I'm sure there will be some maintenance component in the future.

Chairman Vice Mayor Grendel stated it makes it more attractive.

Mayor Kurtz stated yeah, everybody wins.

Chairman Vice Mayor Grendel stated thank you, Jess. I guess what we first need is approval of the minutes of the Public Hearing that we had last month in July.

A motion was made by William Gutermuth, seconded by Cheryl Chase, to approve the minutes of the Public Hearing held on July 10, 2023.

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

Chairman Vice Mayor Grendel stated the minutes of the Public Hearing held on July 10th have been approved. Now, we need the minutes of the regular Planning Commission meeting that was held on July 10th.

A motion was made by William Gutermuth, seconded by Joseph Moeller, to approve the minutes of the regular Planning Commission meeting held on July 10, 2023.

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

Chairman Vice Mayor Grendel stated thank you. The minutes have been approved, both for the Public Hearing and the regular meeting of July 10, 2023.

Now, we come down to item number 2.

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

Chairman Vice Mayor Grendel stated I think that we've all received, I believe it was an update dated Monday, July 24th I believe, and I think we received from Christian an update addressing the issues that came out of the Public Hearing message. Mainly 3 issues; the Temple steeple, number two was the steeple lighting, and the third was the vegetation buffer. If you'd like to go over the memo that was sent.

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Mr. Stevens stated I'm Christian Stevens, and I am an architect with Haskell. So, yes, we sent over a memo addressing those 3 main topics from the last Public Hearing of the last Planning Commission meeting. To briefly touch on those three, we did take back all three of those to the owner.

The steeple height is an item that we want to hold firm of not changing the height of the steeple for the exact same reasons that we expressed last time. They believe strongly that the architecture of the building is an expression of their faith, and that its creation representation and approval was divinely inspired and approved by the church leadership.

Nowe, the lighting of the Temple...

Chairman Vice Mayor Grendel stated I think you mentioned in your memo that because of the setbacks for the property lines and the vegetation, that the steeple will only really be visible from one resident.

Mr. Stevens stated I apologize for skipping that. Yes, so we pulled together a diagram, hopefully you guys saw that, we elevated the building to the proposed elevation, and illustrated here through the existing vegetation and the proposed vegetation, then outlined the closes neighbors. We are showing there that red house, that is the only property where we feel like would have a clear shot from their house of the steeple.

A resident asked what's the address of that house?

Mr. Stevens stated I do not know. It is, if you see the diagram there, it is the third one back on Longano; or maybe you consider it the second, that red. So, we are trying to keep as much of that large, there's extremely tall vegetation there on site where obviously we need parking, but we're trying to keep as much of the large vegetation as much as possible, supplemented with a future large vegetation.

Then, item number three was the buffer and the vegetation, which we've provided plants and plans to show. Cars, headlights, and that kind of thing that can definitely be a nuisance for the neighbors north and south; we illustrated the buffer zone that we're trying to create. The shrubbery plus the trees, I believe there are 2 separate plans that we provided, just to show the separation we're trying to do with natural vegetation. Not a big concrete wall, we don't want to create a big ugly object in somebody's backyard or on the Temple site, but through vegetation. If we evaluate on site that somebody's headlights are shooting through, there is definitely opportunity during site construction to add some shrubs, add something to supplement. Obviously, we do our best in design, but this is a 2-D, sometimes 3-D world in reality.

Mayor Kurt stated the address that you show as being impacted is 7350 Longano Dr., that's Lucinda Champa.

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Mr. Stevens stated we had great conversations with these neighbors, and they're all great people.

Mr. Chairman Vice Mayor Grendel stated if you could come up to the microphone and state your name for our Secretary.

Ms. Sobieraj asked can you put your microphones so we can hear you better?

Mr. Chairman Vice Mayor Grendel stated if you could please come up and speak into the mic here if you can and state your name, please.

Robert Beastron, 7350 Longano Drive. It's nice, we got the trees here; the problem with trees is the leaves fall off, we're in Ohio. That's only covering us for 5 or 6 months a year. What do we do in the other half of the year? You're saying that this is the one that is impacted; I don't want to see lights in my backyard.

Mr. Stevens stated so that brings us to item number two, which is lighting. The lighting, as we stated last time, is something that is the preference of the owner on all of their projects. The preference is to fully light the Temple from the evening hours to the morning hours That is the preference, but that was the one item that the owner said yes, let's dim the lights, let's not have them on full all night long through the morning to help the lights in the backyards, and not affect them as much as they would. Contrary to the preference of the owner on these Temple programs that they do.

Mayor Kurtz stated so, you're saying the lighting could be, you'd accommodate the City's timetable for lighting; whatever we determine overtime to be appropriate. In other words, if we just say no lighting after a certain time, I'm not sure that suffices, but we want to make sure that we control the impact of the lighting, the timetable of lighting that you've agreed to.

Mr. Stevens stated I think the owner would like to know what your thoughts are on that, what your recommendations are.

Mayor Kurtz stated well, we don't really know until we see the finished product and the impact. It would be an imbalance one way or the other if we told you, well, we don't want any lights after 9 o'clock at night or we don't want any lights before 6 o'clock in the morning. Don't you think it'd be in your best interest to wait and see? There's flexibility there, the impact, the time of year. If not, we're just making it clear that no lights after a certain time.

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Mr. Stevens stated that's a hard one, and like I stated in my memo, for this facility and the number of members that would be attending, they're just estimates right now as far as when people are going home or when people are showing up. So, that would be a hard thing to tell you, hey one hour after the last patron leaves. It's not established yet, so I understand what you're saying.

Chairman Vice Mayor Grendel stated I think your memo you were throwing out 11 p.m. until 5 a.m.

Mayor Kurtz stated that's probably not going to work in certain times of the year for the residents. It might be a little too stretched a little too much.

Mr. Symons asked, and we would be considering the spire, not the Temple building itself, correct? For safety purposes and those types of things. The parking lots and of course...

Mayor Kurtz stated the parking lots are a different scenario. We're talking about the spire, the building itself and the impact on the residents.

Mr. Symons stated right, and I see that as a fair thing to come to terms with currently.

Mayor Kurtz stated let's see what happens once you've already built, but you have to agree that the City controls that. So, if we do that, then the neighbors can have a continued voice, but they're not going to have a final say, but they will have a voice. I think that's fair.

Mr. Symons stated right. I think that's fair as well.

Mayor Kurtz asked do you think that's fair?

Somebody stated yes.

Mr. Beastron stated my last question is how many lights and what are the lumens on those lights going on the spire, and how bright are we talking? Is it 150,000 lumens per light, and 6 lights going up there?

Mr. Stevens stated it's actually not a lot. The actual lumens and whatnot, I can find out for you. I'll have a light rendering I can share with you afterwards; a representation as good as our digital models can produce. Me, when I looked at it, the steeple does not stand out and glare at you. At your entrances, safety and whatnot, where we have signage, that's where it's a little brighter.

Mr. Beastron stated that's fine.

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Several people began speaking at once.

Ms. Sobieraj spoke again, but her statement was inaudible.

Chairman Vice Mayor Grendel stated if you can, you'll have to come up because we're not able to get audio for the minutes. May we have your name also?

Linda Sobieraj and I live at 7300 Longano Dr., right next door. I'm thinking that, like I said, the spire may not be as concerning because hopefully the lights going to go straight up the spire. I guess the thing is though, you have a spire here, and this light here, then the light is going to shoot past that. The spire is not going to be all fat, so it has to be pretty dim.

The other thing for me is, I think that I would like somebody to come to my house and show me where the line is that you consider is going to be your property because I think that my yard is mowed. I don't have trees right on my property line. Do you know what I'm saying? So, here's the property line, (inaudible), so there's grass here, and if you put your parking lot right there, I'm going to be looking, you know, there's not going to be trees between me and the parking lot. It's going to be me and a parking lot and lights. So, I'd like to be assured that there's going to be trees between me and the parking lot, and I'd like to be assured that the parking lot lights are not going to be more interruptive in my life than the spire. So, the lights definitely need to be directed away from my house, and maybe there's be something there so that the light wouldn't be shining towards my house, like a block and the light would be shining towards the parking lot.

Mr. Stevens stated I just want to respond to you in the mic. So, what you say matches up with the City's policy. The City lighting ordinances require cut off lights, property line. We're not allowed to light up your property, so that is what is designed on the parking lot; cut off and fixtures. You also brought up the planting plan, so you can see where we've added vegetation in between the 2 properties.

Ms. Sobieraj asked even if there's grass there, you'll plant something?

Mr. Stevens stated yeah, we have added shrubs and trees.

Mayor Kurtz asked these are the plans that the church submitted, right?

Mr. Stevens stated yes.

Ms. Sobieraj stated let's say here is plant, plant, plant, then a second row of plants, so there'd be like a little wall or something, that kind of plant.

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Mr. Stevens stated to me, stopping the headlights is bigger than the steeple. So, I am on the same page as you, that's my biggest worry.

Ms. Sobieraj asked what do you mean when you say headlights?

Mr. Stevens stated car headlights. Isn't that what you're talking about?

Ms. Sobieraj stated no, I'm talking about the parking lot lights.

Mr. Stevens stated oh, you're talking about the pole lights.

Ms. Sobieraj stated I'm assuming there aren't going to be like thousands of cars, not that that's not an issue.

Mr. Stevens stated no, I was just thinking low level.

Mayor Kurtz asked is it fair to say that you're going to provide landscaping features to eliminate car lights for the adjoining properties?

Mr. Stevens stated yes.

Mayor Kurtz stated but the question is the downlighting from the parking lot lighting, the protection lighting for your facility. How do we make sure that everything faces in and not exaggerated to the neighboring properties?

Mr. Stevens stated so, the lighting design does an analysis of that. It does a photometric plan that shows where the light is distributed and they keep below one foot candle outside of our property lines, and I believe the outside of the parking lots, there are only like 2-3 poles on those. So, there might be a pole, but you have to order it a certain way, but you order a cut off light fixture, and the cut off means you have the pole and it's set out and it's illuminating in this direction because it cuts off from here back. It meets the city standards and ordinances, not just Independence, but many cities require that. And that is the best we can do to provide that security.

The other thing is the parking lot lights, when it's not in use, they will turn those off.

Mayor Kurtz stated so, you're saying basically, I want to make sure, it makes it easier if we clarify it; the building lighting as well as the parking lot lighting, you're going to be flexible with the City to make sure the building lighting at the direction, after we've built the building, at the direction of the City to accommodate your needs as best as possible, but being sensitive to the neighbors.

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The lighting for the facility itself, the parking lot lighting, that'll also be something that the City can have some say so in during and after construction.

Mr. Stevens stated for the parking lot lights, yes. I don't see you having any concerns with the parking lot lights. There are definitely light levels that are code required, building code required for security, and that's the minimum. They don't go above code required light levels on their parking lots.

Ms. Sobieraj stated let's say for some reason there's a particular light; let's say there's one right in my backyard and it's shining right into my yard. Is there something you could do, like put a shield on it?

Mr. Stevens stated if it was, then yes, you bet.

Ms. Sobieraj stated I understand what you're saying, but just in case, if it was shining back on me, you'd be willing to do something to kind of to keep that light out.

Mr. Stevens stated yes, if we had to do a custom shield on the back of one of them because it wasn't living up to its product standards, then yes, I don't see any issues in doing that. I also think that we could add a shrub or a tree.

Ms. Sobieraj asked if this is the back of your building and there's grass here, you'll put some trees or shrubs in?

Mr. Stevens stated yes, so if you'd like to look up there to give you some peace of mind, I don't know which house is yours, but you'll see all of those additional shrubs and trees along the north, those are added. Some of the softer colored ones, those are existing, and the darker circles are added and new.

Ms. Sobieraj asked are you going to keep any old growth?

Mr. Stevens stated as much as we can that the disruption of the parking lot where you have to excavate is harmful to trees and roots, and so, we are keeping as much as we can of the large vegetation there. But if you had an idea about where your house was, which one, you could just see that north. North is the top. 4

Ms. Sobieraj stated okay, so that's Longano.

Mr. Stevens stated that's not Longano. So, this is the property line of the future Temple site, so this is the garage. I believe it's the garage of the neighbor that lives right here. Here's Brecksville. So, Longano is actually up here.

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Ms. Sobieraj stated this is my house. I am the third house on Longano. If this is Longano up here, and this is my house.

Mr. Stevens stated this is the arch straight from the center of the temple we have added some plants. So, that previous plan was trying to illustrate; so, that little building you saw the corner of, that's that one right there.

Ms. Sobieraj stated so there's no building in my backyard.

Mr. Stevens stated no. So, just to give you some reference, from the steeple to this property is 550 feet. So, that's probably 600 feet to your house.

Ms. Sobieraj asked when you say that there is, does that mean that they're going to see it, and they're going to see it? What does that mean?

Mr. Stevens stated if you look up here, that means only the top 15 feet or so of it will be seen over the top of the trees.

Ms. Sobieraj stated by this person.

Mr. Stevens stated yes, but these ones right here, all of these other locations, based on our research on site and our diagram, it's showing that. So, you wouldn't see the top.

Ms. Sobieraj stated so you are saying it's all in this person; that's only 15 feet?

Mr. Stevens stated I would have to zoom in and look at that, 15-20 feet, but that's just a representation of the two, of how the view angles based on the setbacks and location of the Temple.

26:40Ms. Sobieraj stated and the lights that you're talking about, where are they?

Mr. Stevens stated so, they sit on the roof below. There are parapets on here that come up, so they sit like right here and they're sized specific to this structure. So, they're they size to get that width and to hit those points in a nice even spread. We don't like hot spots on them, that would be bad. We're not trying to shoot light out into the distance, but they're here and aimed up.

Ms. Sobieraj asked so, there's not any lights actually on this.

Mr. Stevens stated no, you won't see physical lights on there. You'll just see the light glow of the building. You've mentioned property lines; we've received records of the sites of the plots from the owner and from the City. I can't speak to where you think your

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property line is versus where the official plots show them. I don't know if there's a way that we could provide her those documents to show you or stake that out.

Ms. Sobieraj stated but you put those trees between me and there. In this picture, I don't understand.

Mr. Stevens stated this was taken from standing right here, on Brecksville to the east.

Ms. Sobieraj stated it's over by that house.

Mr. Stevens stated so, this is that house right there. So, you're looking down and you're seeing like, that's going to be kept, that's going to be kept, that's going to be kept, that's going to be kept, that's going to be kept, and that's going to be kept. It's that big chunk in the center that we can't keep if we're going to build a building.

Ms. Sobieraj stated this house here. So, why?

Mr. Stevens stated correct, there's just not as much room there to provide the large vegetation.

Ms. Sobieraj stated that house is not (inaudible).

Mr. Stevens stated no, it's just giving a representation.

Ms. Sobieraj stated I see where it's at.

Mr. Stevens stated this is like standing on the sidewalk on Brecksville Rd.

Ms. Sobieraj stated thank you.

Mr. Stevens stated you're welcome.

Chairman Vice Mayor Grendel stated yes, please state your name and address.

Lucija Radujkovic, 5947 Brecksville Road. You mentioned always that it's important to be high, like the Temple. How many other Temples does your church have at that height in the United States? Can you explain to me what is so important because I am thinking it's a holy place, it's a place of prayer, but I just don't see the reason for it to be that tall if I'm being honest. 70 feet would be perfect height; it's a residential area. Why do we need to go that high in the sky? How many other churches have it and what is so important that it has to be that tall?

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Mr. Stevens stated so, the steeple itself is an expression of faith because of its rising to the heavens. The reason why it's a religious expression, and they feel so strongly about its divine approval is because every single design of this church goes through approval process of the ecclesiastical leadership of the church up to and receiving approval, direction, comments, maybe it gets pushed back and comes back up to them, but from the prophet of the church. So, they believe that direction is divinely inspired. This is actually a very small Temple for this faith. This is 10,000 sq. ft., a 100 ft. spire, I have personally worked on a 90,000 sq. ft. Temple with 150-200 ft. spires, 3 levels, that are usable and occupied levels, and then a spire. I have worked on Temples where they have 2 spires. Not every one is the same, some are similar, but when we design these buildings, we go through a pretty rigorous/spiritual process with the ecclesiastical leaders of the church and the design team to arrive upon the final approved design.

Chairman Vice Mayor Grendel asked are there any further questions?

Mr. Gutermuth stated just a quick google search, it looks like the tallest is 288 ft. tall in Washington, DC, just as a reference point.

Mr. Stevens stated so, we spared you that one.

Mr. Radujkovic stated that's okay. Is it somewhere open or far?

Mr. Stevens stated so, I understand the concerns, for me as an architect, this is a residential, complementary sized Temple. It is very small, in fact, this being what they consider one of the most holy buildings of their faith. This is even smaller than some of their meeting houses that are used every single Sunday for worship. So, this is a reduced size, where they felt like would fit in this location to serve its population. Now, if there was a huge population of the faith in the area, they probably would have sought a bigger site, a bigger location to accommodate it. Everything here is size specific to the estimated patrons, the site, acreage, the parking, all of that.

Chairman Vice Mayor Grendel asked is it just for the people in this area?

Mr. Stevens stated it's not restricted as a member of this faith to only go to a specific one that's closest to you, but it's definitely here so that the patron's that live in your city limits, even some in nearby cities to come here instead of driving 4 hours to Columbus, Ohio or leaving the state to go to another Temple.

A resident stated thank you, with that being said, we know with the hope center, they built this whole center with apparently adequate parking, but yet, 4,5,6 times a year were all the way up and down Longano Drive because they have parties going on. So, we're building a facility with 120 parking spaces; are we going to have, you're saying there's

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not that many people, but we have this massive parking lot. Are we overflowing from this building also onto Longano Drive? Just curious.

Mr. Stevens stated so, they come up with the parking based on the estimated members of the church in the area. So, 120 is the number that they came up with based on the percentages in the region, those within a certain mileage. Very rare would you see a Temple parking lot slammed on a regular basis where there is overflow. When they do an open house where everyone is invited to come and see, either they will select a location off-site to bus people into the site or you could see some cars overflowing on those specific timeframes during an open house, but an open house is done at the completion of construction. Maybe it's 1 week, maybe it's 2 weeks, but they don't do an open house every year, they don't do it once a month, it's a one-time thing that they do. You're never going to see that many people come, and most of those people coming to see are probably going to be people that are not members of this faith.

A resident stated so we are building 120 parking spots for a one-time event.

Mr. Stevens stated no, 120 is to give adequate options for parking for the average attendance throughout the week. That is to maintain all of their parking that's not reduced to a low number, so that they can take advantage of Brecksville or Longano. That is to make sure that all patrons have a spot there, and they're not parking in front of your house.

Chairman Vice Mayor Grendel stated they're within the code as far as their parking, and there's enough parking spaces, so that's not an issue.

Mr. Stevens stated yes, we should be.

Ms. Sobieraj stated my understanding is that at one time you had a Temple in Kirtland. Is that correct? And why are you not there anymore? Why has that one been sold and making a new one here?

Mr. Stevens stated so, the Temple in Kirtland, Ohio, which is about 30 minutes away from Independence, is not owned by the Church of Jesus Christ of Latter-Day Saints. It was, and most of the members of the church on the east coast migrated to the Salt Lake Valley at one point. They had a lot of persecution, various reasons, the bulk of the church actually left and went to settle in Salt Lake Valley in Utah. There was a portion, some members of that church who split off, they are the ones who own the church. They have now changed their name and are affiliated with the community of Christ Group; they maintain, they run the tours of everything in that Temple. I asked a person in what we call the Temple Department, they do the research on where we need to put a Temple. Where can we help provide locations for the members' needs. I said how come not in Kirtland because of its historical significance, and the reason was because that's not

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where the members of the church are. Right now, they're in your city, they're in nearby cities, and that's why Independence was selected.

Ms. Sobieraj asked so that church is no longer a Mormon church?

Mr. Stevens stated it's not.

Ms. Chase stated I have two things I wanted to bring up. The first one is, you know, I listened and heard from the beginning of all of our meetings and read all of the documentation and such. I'm a psychologist, and I can't help but read the anxiety in the city around this project. I think one of the things that people want to hear, they've said some of their own experiences with things that have come in under one pretense, and then things that have shifted is assurance that what we're talking about here today is really a commitment and not just words. And I think piece of that comes from the faith you say that you have and that your goal really is to be a good partner and a good neighbor, and you know there will be a day that you gentlemen are not here. I'm hoping that those who take your places will also have that same sort of feel for the city.

My kids are fifth-generation residents, and I don't ever want my great grandchildren to go great great grandma what the heck were you doing the day you were on the Planning Commission, and you said it was okay. The words that you share with us, I think are really important, but the assurance that you're here for the haul and you're here to watch this thing develop and grow are important, and your commitment to work with the residents. I'm a pretty smart person and I can't for the life of me visualize what a 100 ft. spire lit up at night and then dimmed looks like, I can't do it. When I drive by it, I'll know, and when it's in the city, I'll know.

One of the things that's important to me as a resident and as somebody who really loves the city is the ongoing relationship that we can have in terms of saying hey, I know we all said 10 o'clock, but in the middle of January, 10 o'clock is a little bit late. We all think about can you come back to the table, let's talk about dimming a little earlier. So, if we can continue what seems to be a nice relationship moving forward, I think that would help the anxiety a great deal.

Mr. Stevens stated yes, definitely.

Mr. Symons stated I can speak to that. So, the City of Independence was chosen specifically because we do see it as a great place to be. It was chosen because of the people you have in your community. It was strategically done and researched and vetted very, very heavily. Again, why not Kirtland, and why Independence, and that was done on purpose. We're building 100 plus year buildings, we're not building a 20,30,40-year building. This is something that we want to be a member of this community. Our patrons

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already are people within the community, and that again, is another reason that it's being built here. To the negotiation and the continued involvement, we're going to be invested and involved in this city, and not just speaking for myself, but being faith based and having the correct attitudes towards what we're doing there is, like you were saying, a little bit of hesitation for the unknown. It causes anxiety, it causes people to pause because you're not sure what's going to happen, and there have been others that have promised one thing and didn't deliver on those promises,

Ms. Chase stated both of those are important elements.

Mr. Symons stated right, and what I can say is that we will do our best to uphold and follow everything that we've communicated and will continue to be at the table if negotiations are needed in the future. That's not just coming from me, that's a message from our leadership. We don't go into places, and then try to make it so we get run out. That's the last thing that we want to have happen. We've had it happen, and so we're in for the long haul. This building is basically a monument to our Lord, and that's why we have chosen the design, that's why we've chosen this spot.

We would be very, very amiss if we were to not uphold the things that God would want us to, and that has to do with honesty as well. So, as we come, and we say things, and we talk through these negotiations, and the things we're hoping to make it, so it does make it a pleasant experience from the very start through the construction process. Then, once our patrons are in the building and they're visiting, then we're going to be something that is going to uplift and make this community better. You'll be proud when you drive by on Brecksville, and it's going to be something that is an addition to the city as opposed to something where your great grandchildren are going to be disappointed with you. We definitely don't want to be a disappointment either, so we will do our very best to make sure that now and, in the future, we're going to be good neighbors.

Ms. Chase stated thank you.

Chairman Vice Mayor Grendel stated my understanding is that after the open house, basically everything that is going to be conducted on the temple site is going to be faith based, and religious, not carnivals or festivals.

Mr. Stevens stated that is correct, everything will be inside.

Chairman Vice Mayor Grendel stated so, that parking should be more than ample as far as rarities.

Mr. Symons stated it's very rare too, it's not block parties, or speakers, or people parking in the streets, and coming back and forth. It really is people dressed like me going in, worshipping, and then coming back out dressed like me.

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Not to say this is the only way people dress, but it is not to be rough and round. It's very, very reverent; it's a safer place, and so that's the way that it is kept, and it it's kept that way year-round. As Christian was saying, open house is basically the opening celebration, which is done once. Then, if it were ever to be renovated in the future, they may do another one like they're doing in Columbus, to kind of celebrate the restoration of that Temple. So, these are very, very infrequent gatherings of people, and we do our best to not make it a pain for everyone in the neighborhoods and those surrounding it. Again, we want to be good neighbors. We want to be good stewards of the area that we've chosen. So, we're going to do everything we can within our power, through the entire process to make sure that happens.

Chairman Vice Mayor Grendel asked how old is the Temple in Columbus?

Mr. Stevens stated I believe that one is in the early 2000s.

Chairman Vice Mayor Grendel stated I see, so it's being renovated after about 20 years.

Mr. Stevens stated yeah, I believe they had some weather barrier issues on the exterior cladding, so some improper use of materials.

Mr. Symons stated generally, it's far different unless there is something that was wrong structurally or with the exterior. There's one being done in Utah right now that is over 100 years old, and it's getting its first renovation, so it really is an as needed basis.

Ms. Sobieraj stated I have one last question. You have established this view of the steeple, and you said that if 7350 Longano is the only one that's really going to have a direct view, is there anything that can be done to eliminate that or lessen the view, since that one house its bee lined on, is there a big, tall tree you can put up? Something that can lessen that direct view.

Mr. Stevens stated we have to start somewhere, and in design we've taken the best approach that we can, that we feel like. As we commence, if we feel like there's potential for additional buffer, I think that's something that we can talk about and address. I believe one of the biggest issues we have there is just because of the parking in between your properties, that's a little more narrow than right next to it because we need to accommodate some buses and that goes a little further back, but we've supplemented as much as we can and as much as we can tell in a digital 2-D world here. There might be some potential when we're actually planting those trees and shrubs where maybe there is room for something else. You have to do it in a healthy way, obviously, you can't put trees too close together, otherwise one is going to die, but yes, I think there's always potential.

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Mr. Moeller stated I don't know if I necessarily have any other questions, but just other thoughts as we're talking about this today. I really can't help myself but to think there's some level of slight contradiction from when we talked about this in June, June 6th. We talked about how, I think even Law Director O'Brien in the minutes from that meeting specifically called out, he said "I'm not seeing anything in the Mormon religion requiring it to be a certain height." Mr. Stevens said, "that's purely architectural." That's what was said then, and I understand now we have some other verbiage that we received from you guys saying that it was of divine nature, and I understand that as well. I just want to make sure we're all, to Cheryl's point, really just working towards something that we can all agree on. Something that can be well sought out by the residents, specifically the neighbors.

Mr. Stevens stated I think my follow-up statement to him in that, what I meant by that was there's not a religious ceremony that takes place inside the spire.

Mr. Moeller stated thank you for clarifying.

Mr. Stevens stated, and I hope that's in the minutes because I thought I said that, but I understand what you're saying.

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

Mayor Kurtz stated there's a resident who has something.

Chairman Vice Mayor Grendel asked yes sir?

A resident stated just one last comment. I truly believe in religious freedom, welcome to our city. Two things: I don't want to see you and I don't want to hear you. I'm trusting you guys to verify that we get enough shrubbery, we get enough bushes, we get enough coverage, dim the lights to protect my interests. That's what we're asking here. Thank you.

Chairman Vice Mayor Grendel stated thank you.

Mr. Gutermuth stated yeah, I guess I'll just conclude by saying I do appreciate everything that's been done to this point, between light studies, the trees, the diagrams, the traffic studies, you did the angle from the homes. I think, generally, you've done your best to address the concerns within limitations of what you're willing to do in regard to the structure.

I guess my only other request would be to work with the City and potentially allow us to do it on a contingency basis to give the city some sort of reasonable control over lighting.

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Reasonable in the sense that you can't have lights on at all in the evenings and that's completely unreasonable. We would like it dimmed at a certain point in the summer. At 9 o'clock it's still light out at certain points in the summer. I don't think it makes sense to have a hard fast rule from a resident's perspective. If they're unhappy with something, and the elected officials in the city are not doing anything, they can elect those people out; it gives them a sense of control over the situation versus if the owners of the property don't like it, they can complain to you, and if you say no, then that's kind of the end of it. So, for me, the only final request that I have would just be agreeing to some sort of city, not run, but some city say in reasonable lighting accommodations. Aside from that, I'm pretty close to being willing to approve it at this point. What're your thoughts on that.

Mr. Symons stated as far as we're concerned, again, we want to be good neighbors. We want to be people that are going to be a joy around, and we don't want to have things to be contentious, especially right out of the gate because that just starts to fester and boil over; really it doesn't end well for any of us. Again, our choice for having this Temple in this area wasn't to bother anyone or bring contention, it was actually, again, to hopefully uplift the community, and really be something that people are feeling happy that we're here and be well received.

So, continued negotiations and having that communication with the City is really in our best interest, and that's what we're going to do. We're going to make sure that we do have a great relationship with one another because we're going to need you as much as we're wanting to be here. So, we want to continue to have that relationship with you here as City Officials, and making sure that, again, we're being good neighbors because not only will you, we'll hear it too, so we want to make sure that voices are heard, and that we're doing our due diligence and what's right when it comes to those different things.

Also, what you were saying, having it be something where we are still able to have our expressions still met, and that we're having our voices heard as far as from our religious perspective. So, I don't see any reason that we wouldn't be at the table at every negotiation, and like you said, as long as the conditions are reasonable.

Mr. Gutermuth stated thanks, that's fair. That's it for me.

Chairman Vice Mayor Grendel stated thank you, Bill. I think we've handled, as far as the screening, I think we could have a subject to the approval of our city planner as far as adequate protection for the neighbors, so that from the parking lot, even then, I don't know if you have somebody in your department that looks at lighting or its building, just to make sure that the light doesn't spread out over the neighborhood and causes a problem. And the steeple, I think if we handle the lighting issue, it will take care of the steeple issue; not to draw attention to where it's so glaring to the point it disturbs people from the enjoyment of their property. Mayor, I think what we should do is approve this

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subject to flexibility; until it's built and everything, we won't know how the lighting and the hours, then the City can sit down with your leaders and say that this is a reasonable timetable for the Spring and Summer when there's more daylight, and then, during the Winter months it should be this. I think I would understand, but you need to have some respect for people that live in the neighborhood too, that they're able to enjoy their property, but also concerned with the safety of the people that are coming to your Temple to pray to God and be able to serve. So, I think we need flexibility built into the approval and have to wait to see because this is not something we were involved with on a regular daily basis, but something we need to be able to accommodate both your concerns and also the neighborhoods concerns. I think we can do that.

Mayor Kurtz stated yeah, I have a couple comments. One question that I have is first, I want to confirm that you're not going to acquire any additional property.

Mr. Stevens stated we don't acquire property.

Mayor Kurtz stated (inaudible) making that a condition of approval.

Mr. Stevens stated I don't think we could even speak to that.

Mayor Kurtz stated well, if it's a condition; that's going to be a condition because we don't want an expansion.

Mr. Symons stated there are no current plans for expansion.

Mr. Stevens stated the expansion of the Temple is what you're saying.

Mayor Kurtz stated yes, right.

Mr. Symons stated there will not be an expansion to the Temple.

Mayor Kurtz stated okay, your words good enough. The conditions that we talked about are relative to the lighting, is that the City has to have some continued influence in the decision-making process. In other words, if the City says it's too light, it's too dark, it's too much light, there's too many lumens, then you have to adjust it. If the City says we're receiving complaints because it's affecting our quality of life, then you're going to have to adjust it. Those are 2 conditions of the lights that I would find to be required in terms of my approval.

In terms of landscaping, the same thing. What I heard over the last series of discussions over the last couple of meetings we've had is that we don't know for sure, and this goes back to the initial comment about the lighting. We don't know the impact until we

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experience the impact, and so the same thing with landscaping, we don't know all that is going to be necessary. What I've heard and what I respect is that you're going to make this a beautiful environment, and you're going to do whatever it takes to accommodate the neighborhood, your environment, both internally and externally. So, the City has to have some continued influence over that because if in fact there's lighting or there's an impact that we haven't thought about, we want to make sure we have a direct line to accommodate if there are more trees necessary in one area or if there's a fence needed in some other area. From my perspective, those 2 conditions, where the city has continued influence and say on those 2 areas, then the only thing I can say is we welcome you. We embrace you with the understanding that you're honorable and you're going to keep your word, and what we expect, and we're going to keep our word in being a good partner with you during this process. Is that fair?

Mr. Symons stated I think any reasonable request is fair.

Mayor Kurtz stated so, if the lighting is adversely impacting the quality of life and it's hard to tell when you're sitting here on a beautiful day in August. What's it going to be somewhere down the road? I just want to make sure that we're speaking the same language and we're clear that the City has continued influence over the lighting configuration and the amount of light and the timing of the light. That's just laying the cards on the table just like you have for us.

Mr. Stevens stated I would recommend that when we get to that point, we do that onsite.

Mayor Kurtz stated we'll probably have to do it more than once, a couple different times because maybe the impact on the neighbors are going to be seasonal. I don't have a crystal ball, but I just know that if you give me your word that the City will be able to address and give you our concerns, you'll address them immediately, then I am comfortable with that. You've been very honorable in terms of how you've approached this entire project, once we were made aware of it by the way. That's still our bristle, a little bit of that.

Mr. Stevens stated we know.

Mayor Kurtz stated it was painful for me and the community listening to gossip and not having any information or ability to communicate, but we're over that one. I just want to make sure that the lighting and the landscaping are 2 issues that we need to make sure are accommodated in our community as a condition of this approval.

Mr. Symons stated yes.

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Mr. Stevens stated yeah, and I would expect that to go in through permitting and whatnot. There will be comments from your design team, engineering, maybe you'll see some gaps in the planting, and we can make those comments in the plan review.

Mayor Kurtz stated the only way we're going to really finalize everything is once you're there, once we plant everything, once we turn the lights on, and once we realize the impact on the time of year. What happens in my office is I'll get a call, then you're going to get a call, and we're going to say okay the lights are on too late, we have to cut it back or it's too bright, and you have to turn them back down, or there's a few trees that have to be put in. This will be a process that will evolve, but when it's all said and done, you've got great neighbors. You just have to convince; you have to raise the bar of comfort level over time that your impact is going to be a positive impact for them and their quality of life. Fair enough?

Mr. Symons stated fair enough.

Mayor Kurtz asked did I capture everything?

Mr. Stevens stated they are great neighbors, we stuck around afterwards and talked with everybody, and they are great people.

Mayor Kurtz asked does anybody else have anything they want to add? I hope we captured everything.

Law Director O'Brien stated I have to apologize here, I came down with the stomach flu about 3 or 4 this morning, so I'm on the mend. You did mayor, just thoughts on the committee members regarding the steeple. The applicant is correct that the codified ordinances basically say lighting can't traverse across property lines, otherwise it's a trespass. So, with that one covered, I can put that in the condition, or the request by the applicant. The landscaping is covered, and we'll make it subject to the City Planner, and the lighting for the building and Temple, subject to the codified ordinances, and the Engineering Department or its designee because Don may get an expert in lighting to help the applicant. But I'm a little unclear on what you want to do with the Temple lighting regarding that, and mind you, let me say this, there's going to be other opportunities for the City to weigh in. They're not going to be able to; they have to get approvals, the engineering, all that sort of stuff, so it's not like this lot consolidation and granting of a special conditional use permit is the end of the application.

Mayor Kurtz stated I think we have on the record our concerns and conditions, and you've accepted them. So, Greg, is there any way we have to craft a motion?

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Law Director O'Brien stated yeah, I would say a motion to approve the request to consolidate the two existing parcels, 561-15-006 and 561-13-045, and recommending the granting of a special conditional use permit to City Council, subject to the building and Temple lighting being in compliance with the Ohio Revised Code and the City's codified ordinances with approval by the City Engineer or his designee, the landscaping plan being approved by the City Planner, and the steeple not exceeding 100 ft. in height.

Chairman Vice Mayor Grendel asked as far as the timing of the lighting, how do we get that, or do we just have that on the record? I think that is a concern that we need to look at down the road when this facility is ready to be occupied, then we can make sure the City still retains the jurisdiction over that issue along with consultation with the church.

Mayor Kurtz asked fair enough?

Mr. Symons stated yes.

Mayor Kurtz stated we've agreed. The record will show they agreed.

A motion was made by William Gutermuth, seconded by Cheryl Chase, to approve the request to consolidate the two existing parcels, 561-15-006 and 561-13-045, and recommend the granting of a special conditional use permit to City Council, subject to the building and Temple lighting being in compliance with the Ohio Revised Code and the City's codified ordinances with approval by the City Engineer or his designee, the landscaping plan being approved by the City Planner, and the steeple not exceeding 100 ft. in height.

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

Mr. Gutermuth stated congratulations.

Mayor Kurtz stated okay, congratulations, you go to the next step now. That's a Council meeting. Jess, next week?

Economic Development Director Hyser stated yes.

Mayor Kurtz stated that'll be on next week's agenda, so I would be here for that. The members of Council, after they read the minutes, if they have any questions, we'll try to have the questions before the meeting, but in the event that something comes up be prepared would you please. I appreciate it.

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Chairman Vice Mayor Grendel stated, and I believe Caucus will begin at 5:30 P.M.

Mayor Kurtz stated 5:30 P.M.

Ms. Chase asked is that a week from today?

Mayor Kurtz stated a week from today.

Chairman Vice Mayor Grendel stated if you want to check in with our Clerk on the time, just to make sure, in case we move it up to 5 P.M.

Mayor Kurtz stated thank you, gentlemen. Thank you, neighbors, for helping us facilitate this.

Chairman Vice Mayor Grendel stated the next item on the agenda is number 4, which is West Canal Road. I did not see the applicant here.

West Canal Road, VF Holdings LTD., PPN 571-06-117 – there was no one in attendance.

Mayor Kurtz stated I don't see him here either, but the only thing that we've done; what you see here is the map that depicts the total acreage on the property that's being purchased or has been purchased or is in the process of being purchased by one user. The purpose of this picture is to demonstrate that the City of Independence has approximately 14.4 acres of the 33.8 acres within the boundaries of the City of Independence, and my only concern is that if they got the approval from us to split this property today and we don't have a discussion with the Village of Valley View Officials and the owner as to how they're going to develop this property, conceivably we could end up with a parking lot.

So, I guess; I don't know the answer, but I think in all fairness to both the Village of Valley View and the City of Independence, we should see if there's an accommodation for both communities that's in their best interests, rather than not participate in the discussion or not be made aware of a discussion. That's my only reservation because it follows the old riverbed, the boundaries of the community. So, does anyone have any thoughts?

Mr. Gutermuth stated I think that's a considerable difference now, from what we were presented with last week.

Mr. Moeller stated yeah, I think what we were presented last week was just the southern 2 parcels.

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Ms. Chase stated it was not even 2 acres, wasn't it; it was just the top.

Mr. Moeller stated it was 1.5 acres, I guess is what that would be, but the top part from the left is what we talked about.

Mr. Gutermuth asked to clarify, this is an estimate, right? We didn't have a formal survey, right?

City Engineer Ramm stated yeah.

Mr. Gutermuth stated so, I mean, it's easy to get that sorted out.

Mayor Kurtz asked how close is this, do you think?

City Engineer Ramm stated we checked with the surveyor at the County Department, and he said that this river, the boundary of the river is very vague and not good control. So, it's close, but I don't know if anyone can tell you the number of what it is.

Mayor Kurtz stated I guess my other point is when you know, 14.4 acres of the 34 acres is substantial. So, I just want to make sure that everyone's eyes are open, and that if we're not sure what influence we would have once they; they don't come to us with any proposal.

Law Director O'Brien stated Mayor, if you want any skin in the game, this is great, I would table this, then I would open up dialogue with Valley View and maybe come together with a joint agreement with all parties.

Mayor Kurtz stated that's a great idea, thank you, Greg. Don, let's do it through the Engineer's first and I'll talk to the mayor, but I think if you could talk to Bonning and Associates and show them what we have.

City Engineer Ramm stated okay.

Mayor Kurtz stated, and just tell them our concerns. We're not going to be an obstruction, but we would like to understand the intent and the overall strategy for this property, so that we can work with the developer, work with the Village to make sure everyone is aware, and then can participate in the decision-making process.

City Engineer Ramm stated to a mutual benefit, community support.

Mayor Kurtz stated right.

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City Engineer Ramm stated surely, I can let Bonning know our concerns and share everything.

Mayor Kurtz stated that's all; just a communication to try to just make sure, that's all.

Chairman Vice Mayor Grendel stated I'm looking at the staff report we got, it says that the consolidated parcel is 13.65 acres.

Mayor Kurtz stated that would be the original; 13.2 acres I the piece that they're adding to the upper piece.

Economic Development Director Hyser stated it's not looking at the whole portion of the map.

Chairman Vice Mayor Grendel stated so, we're just looking at the small piece.

Mayor Kurtz stated that's all they brought in was the small portion.

Chairman Vice Mayor stated so, we need to have a better description.

Mayor Kurtz stated that is a description of the overall impact.

Mr. Moeller stated yeah, this is a nice view.

Economic Development Director Hyser stated part of the discussion with the developer, we understand that the landowners to the north will be acquiring this land, so I think it's important.

Mayor Kurtz stated Valley Ford or something, so it's one owner that's going to own the whole thing. Let's just have the dialogue before we just sign off on it.

Chairman Vice Mayor stated last time, I think, they said in the past that all Independence would have is the parking lot.

Mayor Kurtz stated well, I think now that they're acquiring additional property, we should have the ability to...

Building Official Gero stated at the end of the day today (inaudible), there were a couple of architects working on plans for that parcel.

Mayor Kurtz stated well, tell them they have to talk to us.

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Building Official Gero stated they want to schedule a meeting with the Building Department.

Mayor Kurtz stated perfect. It's just too many acres just to let it be a parking lot in my opinion.

Ms. Chase stated, and I appreciate you getting in front of this because it's not something, with my somewhat limited experience just a couple of years here on the Commission, I would have even thought of with the way it was presented last week as just 1.5 acres, can we do this or not, but looking at the big picture and having some experience behind you really opened up the possibility here, too.

Chairman Vice Mayor Grendel stated we need to be fully informed of what we're actually approving even though the bulk of it is in Valley View, it still affects Independence.

Mayor Kurtz stated again, I don't want to be an obstruction, I just think that we ought to have a seat at the table.

A motion was made by Mayor Kurtz, seconded by Joseph Moeller, to table the request for the proposal of a lot split and consolidation of PPN 571-06-117 and PPN 571-07-006.

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

Mayor Kurtz stated, and Mike, if you could make sure that Don and engineering, make sure we coordinate that discussion, so everybody gets on the same page.

Building Official Gero stated absolutely.

Mayor Kurtz stated beautiful. Annie, thanks for your help with putting that stuff together for the Temple; and Don, always.

Chairman Vice Mayor Grendel stated, and Greg, if you're still there, thank you again, under your condition and everything for being available to us, especially with putting that together with the church.

Law Director O'Brien stated thank you, Vice Mayor. It's been a challenging day.

Mayor Kurtz asked is there discussion on the EV charging stations?

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Building Official Gero stated I haven't (inaudible).

Chairman Vice Mayor stated so, we'll review the ordinance at a later time.

Mayor Kurtz stated Greg, I'll send you a text on those outstanding issues, and I hope you feel better.

Law Director O'Brien stated okay, Mayor. I'll look for those issues tomorrow.

A motion was made by Mayor Kurtz, seconded by William Gutermuth, to adjourn the August 1, 2023, Planning Commission meeting.

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

There being no further business, the Planning Commission meeting of August 1, 2023, was adjourned at 6:41 p.m.

Chairman Vice Mayor Dave Grendel

Amanda Sharrer, Planning Commission Clerk
Minutes Unapproved at Time of Release 08/04/23