

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

Chairman Lytkowski called the meeting to order at 5:37 p.m. September 1, 2020 and the following responded to Roll Call:

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

OTHERS

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

Old Business:

Approval of Minutes of the Planning Commission meeting held on August 4, 2020

Approval of Minutes of the Public Hearing held on August 4, 2020.

- 1. Acorn Drive, PPN 562-32-020, The Goddard School** – Proposed 8,824 sq. ft. building to accommodate an Early Childhood development facility and requesting a U-3 Special Conditional Use Permit for the facility.
- 2. 5785 Brookside Road, 5780 Eastview Drive, Jeanne Goldberg** – Proposed lot split and consolidation.

New Business:

- 3. 6000 Rockside Woods Blvd. North, Kent State College of Podiatric Medicine** – Requesting a U-3 Special Conditional Use Permit for the installation of a 315.2 kW ground mount solar array.

Chairman Lytkowski stated that Planning Commission members had received the Minutes of the August 4, 2020 Planning Commission meeting. The Chairman asked if there were any additions or corrections.

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A motion was made by Mayor Kurtz, seconded by William Gutermuth, to approve the Minutes of August 4, 2020.

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

Acorn Drive, PPN 562-32-020, The Goddard School – Chairman Lytkowski asked the Law Director if he could incorporate the Public Hearing comments into the Regular Planning Commission meeting.

Law Director O’Brien stated that as long as the applicant would consent, it would be a motion by the Planning Commission to incorporate by reference in their entirety the comments, statements and testimony presented in the Public Hearing.

Chairman Lytkowski asked Attorney Romer if he did consent to the motion.

Attorney Romer stated that he did consent.

A motion was made by Vice Mayor Grendel, seconded by Mayor Kurtz, to incorporate by reference in their entirety the comments, statements and testimony presented in the Public Hearing with regard to The Goddard School.

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

Chairman Lytkowski stated that the Mayor had some comments at the Public Hearing that he wished to express.

Mayor Kurtz stated that he wanted to make sure of two things relative to the site itself and access to the property. He wanted to make sure that if Acorn Drive was ever extended that they will agree to give the City any right-of-way the City would need free of charge.

He stated that also if there was any road extension, if there would be any assessment that they would agree to their pro-rata share of the assessment.

Attorney Jay Romer stated that they would not charge for a right-of-way encroachment. They will pay the assessment also.

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Mayor Kurtz stated that other than that Mr. Chairman, he would rely on the Architectural Board and the litany of professionals to make sure that they will construct the building to the City's standards. He stated that it sounded like a very exciting project.

Chairman Lytkowski stated that it was well stated, and he agrees with the Mayor. He asked Mr. Gutermuth if he had any questions or comments.

Mr. Gutermuth stated that his only question was on the need the variance. He stated that he knows that the Planning Commission will be approving the zoning today. He asked if the applicant would have to come back before the Planning Commission for that variance. He stated that he was not sure if the fence would be encroaching, depending on where they were, and they hadn't requested any variance for the steep slope. He stated that he didn't know if that would be an issue, if they will have to come back to the Planning Commission at that point. He asked if the Law Director could speak to that and how it would play out.

Law Director O'Brien stated that he heard the City Engineer state that they designed the site plan so it would be outside of the steep slope. He stated that in theory and practice if they couldn't, they will have to come back to the Planning Commission for that. He stated that the Planning Commission could not consider it today. He didn't know if the matter would be voted on as opposed to tabling the matter in case there would be additional comments. He presumed that over the next 20 days prior to the October meeting if it would be determined that the steep slope would be a necessary variance, they would put together the necessary documentation and submit it to the Planning Commission before the next meeting.

Mr. Gutermuth stated that would make sense. He stated that he was under impression that they were encroaching on that. He stated that was his only real concern there.

Mayor Kurtz stated that he also believed that the Architectural Board of Review has already approved the building structure.

Chairman Lytkowski asked Mr. Gutermuth if he had any other comments.

Mr. Gutermuth stated that he didn't have any other comments.

Vice Mayor Grendel stated that he was a proponent of the proposal. He stated that he believes it would fit a need that the City has. He stated that as they would recall 4 or 5 or 6 months ago they had a couple of proposals for a childcare that were very precarious. He stated that he thought one was on West Creek. He stated that this presented project was well thought out. He stated that they were already in the community, so he was sure

they have their clientele, their families; and this would allow them to own their own structure and give them some stability in the community also. He stated that they would

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be willing to participate if there was down the road the need for the right-of-way or an assessment. He stated that he sees all positive in this project.

Chairman Lytkowski asked if there were any other comments.

The Chairman stated that he had one last comment and it was for Attorney Romer and Ms. Beverage. He stated that the only thing he would do was to make sure that before they start anything, that they have their financing lined up. He stated that they deal with a lot of banks, and in this day and age with this virus and the uncertainty of the economy, they should be a little skiddish. He asked them to get the financing lined up. He stated that was the only suggestion he would make. He stated that he loved the project. He was all for it 100%, but he wanted them to get the financing lined up. That was all he would ask.

Mayor Kurtz stated that the only thing he wanted to add, he stated that it was another example of how it would make the western portion of I-77 and Rockside, the south side more independent. It would create a little more of a better opportunity to service the western customers.

Chairman Lytkowski stated that makes sense.

Vice Mayor Grendel stated that the location was a lot better than the one they were currently at. He stated that the current location was isolated in the back of Lombardo Drive. He stated that the proposed one, they would be right in with the office buildings, and the proximity was a lot better.

Chairman Lytkowski stated that he forget the other one was back there on Lombardo. He stated that after the last meeting, he took a drive back there to look at it.

The Chairman asked if they needed a special motion at this point.

Law Director O'Brien stated that if the Planning Commission was not going to wait the traditional 30 days and make a special consideration for the applicant, then the motion would be a motion to approve and recommend to City Council a Special U-3 Conditional Use Permit for PPN 562-32-020.

A motion was made by Vice Mayor Grendel, seconded by William Gutermuth, to approve and recommend to City Council a Special U-3 Conditional Use Permit for PPN 562-32-020.

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

Nays: None
MOTION CARRIED

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Law Director O'Brien stated that this matter will be an ordinance presented to City Council next week.

5785 Brookside Road, 5780 Eastview Drive, Jeanne Goldberg – Homeowner Jeanne Goldberg was in attendance.

Ms. Goldberg stated that she was the owner of both the Brookside and Eastview properties. She stated that the Brookside property was up for sale, and the Eastview property was a narrow lot. Since she owned both, she thought it would be best to add a little of the Brookside property to the Eastview property to make it a more desirable lot in the long run.

Mayor Kurtz stated that was the one that the Planning Commission reviewed in June. He asked the City Engineer if he had a chance to weigh in on it, and was he okay with the lot split.

City Engineer Ramm replied yes. He stated that she submitted everything, and everything looked good, the survey drawing and legal descriptions. He stated that there were no problems on his end.

Chairman Lytkowski asked the City Engineer if there were any water problems.

City Engineer Ramm stated that nothing would be the result of whether or not the split would happen or not.

Chairman Lytkowski asked if the neighbors were notified.

The Secretary stated that the neighbors were notified.

The Chairman asked Mr. Gutermuth if he had any comments or questions.

Mr. Gutermuth stated that as long as they were within the ordinance as far as lot sizes would go, he believes that this would be fine.

The Chairman stated that he would assume they were.

Mr. Gutermuth stated that it appeared so.

The Chairman asked Vice Mayor Grendel if he had any questions.

Vice Mayor Grendel asked Ms. Goldberg if she owned all three of the lots there. He stated that it looked like on the map that Sublot 1,2 and 3 were owned by her. He stated

that he thought it made perfect sense to add on to the Eastview lot there to give her a little more width at the back.

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The Chairman stated that he had no questions or comments.

A motion was made by Mayor Kurtz, seconded by Vice Mayor Grendel, to approve the lot split and consolidation as set forth on the site plan submitted.

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

6000 Rockside Woods Blvd. North, Kent State College of Podiatric Medicine –
Andrew Hostetler of Paradise Energy Solutions was in attendance on behalf of Kent State College of Podiatric Medicine.

Chairman Lytkowski asked Mr. Hostetler to explain the project.

Mr. Hostetler stated that they have been contracted through Brewer Garrett and Kent State to install a 315kW DC rated ground mounted solar array. So, we will be using solar energy to offset roughly a quarter of the university's electric power. We will be tying it in to their existing service, and it will have no backup power. It will just be on demand, and we will feed back into the utility grid once there is not a use for it at the utility flowing back through their meter.

All of their drawings will meet the NEC, National Electric Code, requirements; and the utility requirements that they have given them.

Chairman Lytkowski asked if the solar area was going to be located immediately west of the school.

Mr. Hostetler agreed.

Mayor Kurtz stated that it would be just north of the cemetery.

Mr. Hostetler agreed.

The Chairman stated that they will have all the panels, and he asked if it would be visible from the highway.

Mr. Hostetler stated that he believed they would be. He stated that the large Kent State University sign was just north right off the map there. He stated that he believed they would be able to see that from the freeway.

Mayor Kurtz asked how high the panels would be off the ground.

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Mr. Hostetler stated that the front side was about 2 ½ feet, and the back side would be roughly 10 feet on the very top of the back panel.

Mayor Kurtz stated that it was bigger than he thought.

Chairman Lytkowski asked if there was a screening application that could be done. He stated that the area was so pretty at this point and time.

Mayor Kurtz asked Mr. Hostetler if the project was time sensitive.

Mr. Hostetler stated that it was. He stated that the customer has asked him that it would have to be in by the end of the year. He stated that they were proposing to start in mid-October and run hopefully through mid-November to complete the project.

Mayor Kurtz stated that he looked at the site, and for some reason he didn't realize the panels would be 10 foot. He stated that he was probably thinking more of the roof mount ones.

Mr. Hostetler stated that there would be 2 panels, one on top of one another.

Chairman Lytkowski stated that if the Mayor recalled, they spent a lot of time and effort on the antennas for the radio (inaudible).

Mayor Kurtz stated that the question was if Mr. Hostetler could put one in each corner so they could see the effect. He asked the Chairman if that was what he was asking.

Chairman Lytkowski stated that his point was that they put a lot of effort in Rockside Road and on I-77 to kind of shield the antennas on top of the buildings; and he just gets concerned with solar panels that would be 10 foot high. He asked if that would mean all the effort they put into that, would those panels take that away. That was his question.

Vice Mayor Grendel stated that he agreed. He stated that he travels down to the Youngstown area quite a bit, and where Lordstown was located, they have a lot of the solar panels. He stated that to him they were kind of unsightly, even though it was right in with the parking lot. He stated that it was not the prettiest thing to be looking at when you are on the turnpike either.

Economic Development Director Hyser stated that she was just going to ask if there were some examples in the area where they were placed that maybe everyone could take a look to see them to scale.

Mayor Kurtz stated that the Economic Development Director wanted to know what it would look like.

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Vice Mayor Grendel stated that he agreed.

Mayor Kurtz stated that based on the perspective, they will definitely see a sea of solar panels from the ramp for sure. He stated that he thought the State would handle all the construction reviews and permits to a certain extent. He stated that the only thing that the Planning Commission may request would be right along the property line, they may have to shield that with some trees or something. He doesn't know how much authority they really have in this case, but he does think they do have authority to mandate that there should be landscaping along the property border or some type of softening effect.

The Chairman stated that he agreed with the Mayor 100%.

Law Director O'Brien stated that in addition to the aesthetics, it could help with any reflective light coming up I-77.

Mayor Kurtz asked what about the possibility of the State since they would influence the permitting process, allowing trees to be planted on the State side of the fence.

Mr. Hostetler stated that his only concern there would be how high the trees would be, and if they could potentially shade the panels. He stated that it would be non-productive.

Mayor Kurtz stated that was why he stated that they could put them on the State property away from the property line so it would be almost like a little bit of a mound in that area.

Mr. Hostetler stated that the panels would have an anti-reflective coating on them that the frames would be made out of anodized aluminum; and there shouldn't be any type of glare coming off of the panels for the motorists.

Law Director O'Brien stated that he thought the Mayor was suggesting some type of trees that would do well in this climate that would reach 11 or 12 feet so it would not interfere with any of the solar generation; but it would shield the aesthetics and any possible distraction.

Mr. Hostetler stated that he could look into that.

Mayor Kurtz stated that he would appreciate it.

The Chairman stated that he would appreciate it also.

The Mayor stated that now that he was made aware that they would be 10 foot, he would give it a little more of a closer look. He stated that for some reason he pictured smaller panels.

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Chairman Lytkowski stated that when he looked at it, the first thing that came to his mind was that the City put a lot of effort into Rockside Road, the ramp, and he would like to make it look aesthetically pleasing.

Mayor Kurtz stated that he didn't think there was an objection to that. He doesn't think anybody would object to that. He asked what was the intent of the Planning Commission tonight.

Chairman Lytkowski stated that he would like to table the matter and see what they would come back with next month, and perhaps get the architect and Mr. Hostetler to come back with a plan to make the Planning Commission feel more comfortable.

Mayor Kurtz stated that he didn't think the area right there would be the issue, he thinks it would be further south because no one would be looking at the panels from that area. He stated that if Mr. Hostetler could address the issue of aesthetics on the State's right-of-way that would make a difference from his perspective.

Mr. Hostetler stated that would be something he would need to address with ODOT.

Mayor Kurtz stated that he thought that would be who would have to weigh in, but the State would weigh in on the terms of their decision anyway.

Mr. Hostetler stated that he had discussed it with ODOT, and they said he would not need anything as long as they weren't on their property there. He stated that he will have to bring up to them that they might want to plant some type of vegetation there on their side of the fence.

The Mayor agreed. He stated that Mr. Hostetler could see that it was a very attractive view. It gives stature and stability to the community when you have that view there. He stated that some of that would be taken away.

Chairman Lytkowski asked if there were any other comments.

Mr. Hostetler stated that he would just reiterate that they were on a pretty tight schedule, and anything they could do to continue to move the process along, he would greatly appreciate it.

Mayor Kurtz asked the Law Director if it would be strictly a Planning Commission approval, or would Council have to weigh in.

Vice Mayor Grendel stated it was a U-3 Special Conditional Use Permit.

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The Law Director stated that Council would have to, but he would imagine that whatever recommendation the Planning Commission made, Council would approve.

Mayor Kurtz asked if they would have to have a Public Hearing.

Law Director O'Brien replied no.

Mayor Kurtz asked the Vice Mayor if he would have any reservation if they were able to come to terms and raise their comfort level for the next meeting, having Council act on it right away.

Vice Mayor Grendel stated that he had no reservations on it. He stated that his concern was, and both the Mayor and Chairman shared that concern, was that from an aesthetic standpoint if they could do something that would shield those panels from the freeway or from the off ramp, then he would be comfortable with it. He stated that he had no problem with them going forward with the project; but it was just the aesthetic standpoint. He stated that the City has spent a lot of money, and they were looking to upgrade the off ramps and everything, and then to have a field of solar panels kind of defeats all the City's efforts and their expenditures elsewhere there. He stated that he thinks once the applicant can resolve that with ODOT, he would feel comfortable that the Planning Commission could approve the project.

Mayor Kurtz stated that he agreed with the Vice Mayor.

The Chairman also agreed.

Law Director O'Brien asked if there was anybody that the Mayor or the Administration could talk to give the applicant a little bit of assistance in going back and explaining the City's concerns about having a buffer zone there.

Mr. Hostetler stated that he would be happy to put the Mayor in touch with a representative of Brewer Garrett who was in charge of the project, as well as they have been working with a few representatives from Kent State who have been helping on the project. He wouldn't mind wrapping everyone involved there so they would be aware of what was being required and hearing it from the Planning Commission.

Mayor Kurtz stated that he saw the work they did at the Fieldhouse at Kent's campus. He stated that he visited that, and he wondered if they do other customers like the City of Independence, any public entities.

Mr. Hostetler stated that as far as solar installations for the public. He stated that they hadn't yet. They have all been pretty much privatized as far as their systems went.

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Mayor Kurtz asked if the project was their first public exposure.

Mr. Hostetler stated that they had done a handful of other projects in municipalities. They did one early in the spring in Westlake, and that was a roof mount solar system. He stated that he had been in front of the Planning Commission for Summit and Stark County. He has done a handful.

The Mayor stated that he was just wondering if there might be an opportunity for them to do something with the City of Independence.

Mr. Hostetler stated that they would be open to that.

Mayor Kurtz stated that they might have something that would fit the applicant's criteria, and it could help the City with respect to their energy savings.

Mr. Hostetler agreed.

Mayor Kurtz stated that they have a few things they have to do, but the more the Planning Commission could help facilitate that, the better off they all are.

Mr. Hostetler stated that he appreciated that.

Chairman Lytkowski asked if there were any other comments from the Mayor.

City Engineer Ramm stated the he wanted to make a quick comment. He stated that early on he and Mr. Hostetler had some coordination with regard to an existing sanitary sewer that ran through the site, and it was shown on the screen in yellow. He stated that there was some easement language back in 1973 from the Wolf Envelope Company to the City; and ironically it was written to the favor of the grantor in terms of retaining many rights to the land, including building right over top of the sewer. He stated that he believed Mr. Hostetler did take into account the manhole. He stated that one thing the easement did say specifically was to maintain access to the manhole for maintenance effort; and he does believe it was the original plan that had some panels well up north of the manhole. In their revised plan, it did look like the panels have been removed, maybe to be cognizant of the manhole access. He asked Mr. Hostetler if it was true.

Mr. Hostetler stated that was correct. He stated that both manholes, one was on the south and one was on the north end of the field will be outside of the fence and accessible by

the City. He stated that they do plan to build in such a way to span the gap of the sewer line. So, there should not be any issues there.

City Engineer Ramm stated that he just wanted to put that into the record.

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Chairman Lytkowski stated that he wanted to express one last comment. He asked what was the payback once they would install these, and the reduction in utility costs.

Mr. Hostetler stated that was a great question. He stated that ballpark for a business would be anywhere between 5 and 7 years payback; and that would include a Federal tax credit that would be continuing to fade away.

The Chairman stated that he was talking about the City of Independence.

He stated that at this point and time the Planning Commission would table this item, and it will appear on next month's agenda. He wanted Mr. Hostetler to hopefully resolve the screening issue.

Mr. Hostetler thanked the Planning Commission for their time.

Chairman Lytkowski asked if anyone had any other comments or thoughts.

Vice Mayor Grendel asked if his understanding was that Council was going to address that matter this month pending the outcome of the aesthetic issue or would they wait until October.

Mayor Kurtz stated that if something would happen later in the week, he will call the Vice Mayor; and if it would be time sensitive, they would call all the Planning members. He stated that he thought they would have a month, but he will confirm that.

Vice Mayor Grendel stated that he would hate to hold them back on this; but he was concerned about the aesthetic issue.

Mayor Kurtz stated that it would be pretty quick to call a Special Planning Commission meeting because if they were going to have a Special Council meeting later this month to accept some bids, if they would call a Planning Commission meeting prior to that, they may be able to kill two birds with one stone.

Law Director O'Brien stated that it was unique because it was State owned property. It was owned by Kent State University. He stated that was why it was unique. He stated that they could do that.

The Mayor stated he was okay with that.

Chairman Lytkowski asked if there were any other comments or questions.

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Law Director O'Brien stated that if they could get the buffer addressed sooner rather than later, he thinks there is agreement to have a Special meeting in September.

Mayor Kurtz stated that was fine.

Vice Mayor Grendel stated that was fine.

Chairman Lytkowski stated that was fine by him.

The Chairman stated that being the case, the application will be tabled. He asked if there was anything else.

A motion was made by Vice Mayor Grendel, seconded by William Gutermuth, to adjourn the Planning Commission meeting of September 1, 2020.

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

There being no further business, the Planning Commission meeting of September 1, 2020 was adjourned at 6:04 p.m.

Chairman Dale Lytkowski

Debi Beal, Planning Commission Clerk
Minutes Unapproved at Time of Release 09/08/20