

**MINUTES OF A REGULAR MEETING  
OF THE PLANNING COMMISSION  
CITY OF INDEPENDENCE, OHIO  
Held in the Council Chambers at City Hall**

Chairman Ray Wiecek called the meeting to order at 7:26 p.m. September 3, 2019 and the following responded to Roll Call:

**PRESENT:** Chairman Ray Wiecek  
Mayor Anthony Togliatti  
Vice Mayor David Grendel  
William Gutermuth  
Dale Lytkowski

**OTHERS**

**PRESENT:** Don Ramm, City Engineer  
Jeffrey Markley, City Planner  
Gregory J. O'Brien, Law Director

**Old Business:**

**Approval of Minutes of the Planning Commission meeting held on August 6, 2019.**

- 1. Rockside Woods Blvd., Parcel 2, Saucy Brew Works, PPN 561-24-023, Hub Valley Realty, Ltd.** – Represented by Donald Bohning & Associates to consider the application for an accessory use to operate a brewery and the company's corporate offices on the premises.

**New Business:**

- 2. 5555 Brecksville Road, Former America's Best Value Inn** – Represented by Kautilya Group for a change in use from U-6 to U-6A to change zoning to permit the renovation and updating of the former hotel.

**Other Business:**

- 3. Presentation by Industrial Realty Group** regarding the proposed northwest quadrant mixed use development project.

The Chairman asked if all of the Planning Commission members have received the Minutes from the August 6, 2019 regular Planning Commission meeting. He asked if there were any additions or corrections to those Minutes.

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**A motion was made by Vice Mayor Grendel, seconded by Dale Lytkowski, to approve the Minutes of the Regular Planning Commission meeting of August 6, 2019.**

**ROLL CALL:           Yeas: Grendel, Lytkowski, Togliatti, Wiecek  
                          Nays: None  
                          Abstain: Gutermuth  
                          MOTION CARRIED**

Chairman Wiecek stated that he would like to make a motion to incorporate all the statements, comments, questions and answers from the Public Hearing held this evening, September 3, 2019, in reference to the Saucy Brew Works, PPN 561-24-023, Rockside Woods Blvd., Parcel 2, seeking approval for an accessory use to operate a brewery and the company's corporate offices on premises into the Minutes of the September 3, 2019 Planning Commission meeting.

**A motion was made by Mayor Togliatti, seconded by Vice Mayor Grendel, to incorporate the above.**

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

**Rockside Woods Blvd., Parcel 2, Saucy Brew Works, PPN 561-24-023, Hub Valley Realty, Ltd.** – Chairman Wiecek stated that the Planning Commission had incorporated all of the public comments from the hearing. He asked Mr. Lytkowski if he had any comments.

Mr. Lytkowski stated that he had a question for the Law Director. He asked if the Planning Commission would normally wait 30 days after the Public Hearing to take action.

Law Director O'Brien stated that the Planning Commission generally as a rule, especially for change of zoning, which this matter is not, wait 30 days. The Planning Commission has on occasions based upon this Commission and based upon an applicant's desire to move forward with the project, taken a vote on the day of the hearing. There is nothing in the Codified Ordinances to prevent a vote from taking place right now. It is just done as a matter of courtesy and tradition in some cases.

Mr. Lytkowski stated that he just could not recall off hand the Commission ever taking a vote on the Planning Commission after having a Public Hearing. He asked the Secretary if they had done that.

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The Secretary replied that they had done that in the past.

Law Director O'Brien stated that he had been sitting there for about three Administrations; he stated that they had done it about two dozen times if not more.

Mr. Lytkowski asked if he thought so.

The Law Director stated that he was positive. He was not going to go back in the record and check it. If Mr. Lytkowski would feel so inclined, please be his guest and give him the exact count, but he assured Mr. Lytkowski that it has taken place.

Mayor Togliatti stated that he believed that most recently they did it for Noah's Event Center.

Law Director O'Brien stated which was this year.

Mr. Lytkowski stated that was right.

Chairman Wiecek asked if Mr. Gutermuth had any comments.

Mr. Gutermuth stated that he just had comments and no questions. He stated that the Planning Commission typically does not discuss for this long, the meetings were generally were over by now; but he thinks it speaks to the value that they see in the property. He also thinks that after having the discussion that, he thinks that he came in with concerns on what the City would get or potentially lose by not having somebody else there; but he thinks that Mr. Zimmerman would be a valuable asset to the community. He looks forward to them being in here.

Vice Mayor Grendel stated that he spoke about everything, but he does believe that it will be something that will be a great fit. It is something that they need. Along with Topgolf, it will be a catalyst for that area of town. He thinks it is a great fit. It goes hand-in-hand with Topgolf, and the fact that you have a relationship with them down at Polaris and also with the Cavaliers. He thinks it will be a great asset to the community, hopefully for decades to come. He thinks it will be.

City Planner Markley stated that he didn't say anything for public comment. Everyone said plenty, and he would have to echo everything. As a very avid youth sports parent and being in that cult of avid youth sport parents, they do seek out, he thinks someone mentioned, not the hotel itself, but the proximity to the event that they would be going for, whether it was a tournament or what have you. They always sought out as a group those locations that had a microbrew. So, from Asheville, North Carolina to Austin, Texas to Fort Collins in Colorado, they spent a lot of time at the places being responsible; but enjoying the amenities that these places would provide.

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He would only echo Page 3 of Jeremy's comments which effectively stated that it would increase the City's attractiveness and competitiveness for recruiting businesses. They don't go to these places just to sit in the hotel. They go and look for the experiences of that particular community that they go to; and the microbrews were always a big part of that for his family and the groups that he hangs out with.

City Engineer Ramm stated that he had no comments at this time. At the appropriate time, at site plan review, he will look at things like wetlands, setbacks, stormwater management; but that would be nothing germane to the meeting.

Chairman Wiecek asked if there were any other comments.

Mayor Togliatti stated that he did have a question for the Engineer. He stated that he believed that there were some steep slope encroachments on some manufactured slopes. Would that be something that could be addressed this evening?

Law Director O'Brien stated that the City Engineer needs to look at it. They don't believe the manufactured steep slope would apply; but if there would be some issues with steep slope they could address those with the applicant when they would be ready to present their final drawings. It should be something to easily overcome with the Engineer.

City Planner Markley stated that the only other comment from the Architectural review; at some point they will be addressing the building's architecture, and certainly look at the landscape plan and site plan relative to the shipping and the loading dock areas.

**A motion was made by William Gutermuth, seconded by Vice Mayor Grendel, to approve and recommend to Council the approval of an accessory use of using PPN 561-24-023 as a brewery and corporate headquarters to support the same uses located on the property.**

**ROLL CALL:           Yeas: Gutermuth, Grendel, Togliatti, Wiecek  
                              Nays: Lytkowski  
                              MOTION CARRIED**

Law Director O'Brien stated that there will be an ordinance crafted, and there will still be time to put that on Council's agenda. That will be for Tuesday. Sometimes the applicant comes, sometimes they don't. They have already presented to City Council. He stated that he would have someone talk to the Mayor's office and Economic Development Director and decide what is appropriate.

**5555 Brecksville Road, Former America's Best Value Inn** – Gary Patel of the Kautilya was in attendance. Chairman Wiecek stated that he appreciated Mr. Patel

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waiting and hearing how the Commission proceeds. He stated that he wanted to make a point; if Mr. Patel could give the Commission a very brief overview because they should be aware that the Commission will need to set the matter for a Public Hearing.

Mr. Patel stated that he was not aware of that.

The Chairman stated that if Mr. Patel would want to give the Commission a brief overview, then the matter will be set for Public Hearing on November 11, 2019. It would be the same type of hearing that Mr. Patel that he just sat through.

Mr. Patel stated that he was from New Jersey. He stated that he owned 8 hotels in Pennsylvania, Ohio, New Jersey. He stated that he wanted to bring in a new hotel. He was looking to re-zone the property from U-6. He stated that he was looking to bring an upper mid-scale hotel to the area. He wanted to remodel the inside of the building and renovate the outside also.

Chairman Wiecek stated that the Commission all look forward to the Public Hearing where they could really see some more detail on the potential project.

Mr. Lytkowski stated that he had a quick question. He stated that the property was owned by the gentleman from Buffalo. He had the option to purchase it. He asked Mr. Patel if he bought from that gentleman?

Mr. Patel stated that the property was currently owned by the bank.

Several people began speaking at once.

Mr. Patel stated that he didn't know the gentleman, but he heard about him. He stated that he was before the Commission to have the property for a long time. He didn't want to put in money and then move.

Law Director O'Brien asked if Mr. Patel had an option on the property.

Mr. Patel stated that he did have an option. He thought that he could get the zoning change this evening.

Law Director O'Brien stated that was not correct. He thought he heard the Mayor telling Mr. Patel out there. To change the zoning, they would have to have a Public Hearing; and he will tell Mr. Patel based upon what the Commission was talking about this evening. The application earlier was not a change of zoning. It was just an accessory use. He cannot recall a time where someone came in and asked for a change of zoning where the Board did not wait 30 days because the purpose of that 30 days would be to allow people in the public who cannot make the meeting to submit any type of comment

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or come to the following public meeting. They would have to come and explain their objection or support of it; but it would be to allow additional time because change of zonings, as Mr. Patel knows since he was in the business, would be a very exceptional type of action by a city. So, he would suspect that at the November meeting the Commission will want Mr. Patel to present, hopefully a very robust plan to give them the confidence that this property will be a successful property because he understands the challenge and the history of the property. It has been a challenge for the City; so hopefully Mr. Patel will come in with, maybe put a little more effort into what he would normally do for his other properties if he was making himself clear so that the City would have the confidence that he will be a responsible property owner; and that they should seriously consider to re-zone it as a hotel. Assuming that would take place, the Commission would make the recommendation. Only City Council would have the power to rezone property in the City. It would go to City Council. They would take what the Planning Commission would recommend very seriously, and then City Council would pass it at their next regular meeting. They usually do two readings. So, it would be put on First Reading, and then the second meeting Council could decide.

Law Director O'Brien stated that if the Commission has the Public Hearing in November, so it would probably be January or February that Mr. Patel would be looking at for a decision.

Vice Mayor Grendel stated that because of the calendar and everything, the next Planning Commission meeting would be October 1<sup>st</sup>; so in order to have the 30 days they need to wait until November.

Law Director O'Brien stated just so Mr. Patel could plan accordingly with the bank, and secure whatever option he would need.

Mr. Patel stated that he will let the bank know.

Law Director O'Brien stated that he would say conservatively January or February would be the earliest that he would get a decision from City Council.

Vice Mayor Grendel stated to back up what the Law Director stated, there would be a big hurdle to overcome because of the history of that property. So, again just like what the Commission had earlier today, he would need to have a presentation that would really wow not only Planning Commission, but also the members of City Council that it would be something worthwhile because they have gone through a few bad episodes with that building from a law and order standpoint that they will need to have something that would fit in with what has been going on there at that end of town. He stated that he wanted Mr. Patel to know that his presentation would need to be more than just the ordinary, mundane.

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Chairman Wiecek thanked Mr. Patel. He stated that the Public Hearing would be scheduled for November 11, 2019 at 5:45 p.m.

**A motion was made by Dale Lytkowski, seconded by Vice Mayor Grendel, to schedule the Public Hearing on the matter on Monday, November 11, 2019 at 5:45 p.m.**

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

Chairman Wiecek stated that next on the agenda they have Industrial Realty Group to give an overview with regard to the proposed northwest quadrant mixed use development project.

Economic Development Director Rowan stated that he was hoping that he could provide just a little bit of background about the PUD before turning it over to IRG if that would be okay.

Chairman Wiecek was in agreement.

Economic Development Director Rowan stated that before turning it over to Bill Tidman who was from IRG to make the presentation. He wanted to provide a little bit of background about the PUD process, how it was developed, how the approval and rezoning process would be different and then also a little bit of background on how they got to this point.

He stated that when they did the Economic Development Strategic Plan in 2013, one of the recommendations to that process was to look at opportunities to control that property in the Rockside corridor and other strategic areas in the City. Shortly after that plan, there was an opportunity for the City to buy 33 acres of property on Rockside Road from Duke Realty when they were leaving the market. So, the City went ahead and purchased 33 acres for \$2,500,000 from Duke Realty. After that purchase, the City went through a process to view a series of area plans in the business districts. They developed a special priority development area for that 33 acres and the surrounding 50 plus acres, looking at opportunities to develop mixed use at greater densities to provide an environment that would be complementary but different than what they had on Rockside now. It would also provide some amenities and greenspace for both business attraction and retention efforts.

That plan was finalized, finished and adopted by Council. So, to implement that vision that was outlined in the area plan for Rockside, specifically these 33 acres, they had to adopt new zoning. So, they hired a consultant. The City drafted a PUD overlay zone for

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both Rockside and downtown. The map that you see on the board would be the Rockside PUD area. So, it would be larger than just the 33 acres with a minimum of 30 acres to apply for the overlay.

So, the opportunity to rezone under the Chapter in the Zoning Code that goes with the Rockside PUD area, you can only do that within the geographic boundary, you would need 30 acres minimum to make that decision. So, generally it would be the northwest quadrant on Rockside.

That zoning was drafted and adopted by Council. They kind of had all the pieces in place at that time. They had the Strategic Plan, they had the Vision and Area Plan, and then they had the zoning in place. They talked with different partners. Fairmount Properties was interested in this along with downtown. That didn't materialize. They reached out to IRG to discuss the property with them as a large national developer that has substantial holdings here in northeast Ohio. They were interested. They shared it with Council. Their vision, which is what you will see tonight, this presentation has been made to Council a couple of times. They drafted a letter of intent which would be a basic term sheet for how the City would move forward with a development agreement and then also the purchase agreement with IRG on the property. They have been negotiating those agreements for over a year. They were done now at this point.

So, they are at the point now where IRG is moving from concept to a little bit more detail with preliminary development plans, which brings them up to today. They will be making an informal presentation just to kind of brief Planning Commission on who they are, their vision for the project, the budget, just to understand per the context of the project, who they are, and when they come back at a later point with an official application, the Commission will have some background on the project.

He stated that he passed out this sheet explaining the PUD process itself. He will kind of quickly touch on it and tell the Commission a little bit of why it would be different than typical rezoning. So, one this would be an overlay within that district; so they would have to meet minimum standards which would be the 30 acres of site to apply. So, when that happens, it would come to the Planning Commission first. The application would be for a rezoning to Rockside PUD under that chapter; and then also consideration of the preliminary development plan. Those would be the two items that Planning Commission would be considering. The one big difference would be that the Public Hearing would not be held at Planning Commission, it would be held at Council; and Council wanted that Public Hearing to be under their control; and the legislation was drafted when the PUD was drafted.

So, Planning Commission would make that review and recommendation to Council which would be Number 2. Then it would go to Council. Council will set the Public Hearing, then come back and ultimately approve the zoning change to the preliminary

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development plan. That gives the developer some assurance that the direction they are heading would be acceptable; and then they would have to come back to Planning Commission for the submittal of the final development plan which would get into a lot more of the details. That would run through Planning Commission again, and then it would get recommended to Council who ultimately approves the final development plan which would allow them to then file for permits and move forward with the project.

So, it would be a little bit different. It would be a two-step process with the Public Hearing being held by City Council.

That process would be one step of the approval. The development agreement and purchase agreement has a lot more detail about how this land will be developed. That certainly would be available to everyone on Planning Commission to review before they come back.

Economic Development Director Rowan stated that he didn't know if there were any questions, but that was kind of a quick catch up to how they got this presentation and a little bit about the process.

Mr. Tidman from IRG stated that they were one signature away from having the two important documents signed and negotiated.

Law Director O'Brien stated that he took care of it.

Mr. Tidman stated that the Mayor and Economic Development Director thought it would be worthwhile having a brief introduction to the Planning Commission. He stated that they have had 5 or 6 meetings with City Council at the various levels, some with the School Board to introduce their ideas for the property, the vision for the property; and the Mayor thought it would be timely to have a level of introduction to the Planning Commission.

Mr. Tidman stated that first of all, IRG, he would like to leave the Commission with the understanding that they are a large national very substantial organization. They were privately held. They own and operate approximately a hundred billion square feet of buildings, primarily commercial buildings. They have 150 employees. They have 150 plus or minus major projects that would be substantially leased and operated. They have 11 affiliate offices around the country.

Mr. Tidman stated that the company was founded by a gentleman, Stuart Lichter, originally from the Bronx. He some years ago moved himself to the Los Angeles area. That would be considered the headquarters. Stu probably spends half of his time in northeast Ohio. He has a lot of properties, a lot of holders here.

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He stated that they were on a speed dial basis with most of the Fortune 100 companies in the country. When the auto industry was going through the (inaudible) in 2008, they were one of the people that they called to dispose of a lot of their properties. They bought a lot from General Motors. They bought a lot from Ford. The most visible property in this area would be the Goodyear headquarters. They acquired that property when they were contemplating leaving the market. He stated that they acquired the property, they built their new headquarters; and they were just now getting some substantial traction on the redevelopment and re-tenanting of the Goodyear facility on Market Street. He stated that it was pretty impressive.

Mr. Tidman stated that they have done that throughout their 40 years in the industry. They have different markets in California. Several years ago they bought the Westinghouse in Seattle.

He stated that locally they have partnered with Industrial Commercial Properties, Chris Martin, they have a long tenured relationship with him and his firm. They have legal assistance from Walter Haverfield, Kaczmar Architects from Cleveland, Atwell from Independence. That is their civil engineer. The brokerage on the retail side will be Anchor, and CBRE will be their office broker.

He stated that they were at the very central stage of design now. He will show some of the constraints that they will be dealing with. He stated that a lot of it will be driven by the desires of the end users of the properties. They will have a health club on the retail side, very beginning discussions with a grocery store. The real meat in the project will be to be able to attract a substantial office user of the property. They have 100,000,000 square feet of facilities like this around the country.

He stated that he will flip back and forth a couple of times. He stated that there were basically two options right now that were in the conceptual stage. He stated that the other plan will be the less dense option. He stated that the Commission could probably not read it, but there would be three and four-story office buildings. He stated that there was enough land area to surface park folks. So, if they would be successful in attracting an initial larger corporate user, they could become 6, 8 or 9 stories, but they would have to use parking structures to be able to accommodate the parking on the property that would be required for this. At this stage, there is not a lot of difference in the plans other than the height of the buildings and parking. Again, the plan is very conceptual.

He stated that quality and architecture that they vision for the property will be very consistent with what is there now on Rockside Road. It would be very sleek and modern.

On the retail side, he thinks a lot of this would be the consistent with (inaudible). He stated that in a mixed use setting like that (inaudible).

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He stated that they think there will be a hotel located on the property from their conceptual plan. He indicated where the hotel would be located.

Mr. Tidman stated that one of the constraints that they would have to deal with as they start to look at the property would be the wetlands that are on the property. Unfortunately, the slide was rotated from the others, but he indicated where Rockside was located. He stated that there would be an extension of Oak Tree, and then there would be the existing Lombardo Center. He stated that the right-of-way, which would be their western parcel line, would be the Seven Hills/Independence corporate line. He stated that those were the wetlands that were located there. He referred to the map showing the 33 acres. He stated that the southern boundary was Patriot's Way. Most of the red wetlands, if not all of them, were artificially created when the site was filled over the years and filled in a haphazard manner; and it really didn't drain now. They have now what would be considered regulated wetlands that they will have to deal with. He stated that the balance between the wetlands was that they would preserve, there would be an economic equation, you would write a big enough check, a million and a half dollars, they can do anything they want on the 33 acres. There was an economic equation whether or not it would make sense for the corner to (inaudible) some of those wetlands in place and thereby reduce a lot of the wetland mitigation costs. They need to get into that with the engineers now that the contract was getting signed. They need to go over things and figure a lot of things out.

Mr. Tidman stated that the plans that he was showing were conceptual.

He stated that the project would be about a \$90,000,000 project. He stated that the cost components would be the land. There will be a lot of entitlement and design costs. Construction costs would be primarily the vertical. The tenant improvements would be the interior of the buildings. The site work would be about \$10,000,000. The total would be about \$90,000,000.

Mr. Tidman stated that was his brief introduction. He would be happy to entertain any questions.

Several people began speaking at once again.

Economic Development Director Rowan stated that they talked about the plan to put a ramp in. They talked about it with ODOT and went over alternatives for ramps. He stated that they were certainly willing to have those discussions again. He knows that IRG will be willing to leverage some of their political capital to have those discussions again. They were just not optimistic that it would happen.

Mr. Tidman stated that the challenge would be that ODOT has standards between separation areas.

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Mr. Lytkowski stated it would be too close.

Mr. Tidman stated that the interchange at I-480 and Rockside Road, those were about as tight as they could be. They will take a look at it.

Mr. Lytkowski asked if there was a timing issue on the plan.

Mr. Tidman stated that the contract that was being signed gave them 6 months to study the property, and another 12 months plus 2 extensions.

Chairman Wiecek thanked Mr. Tidman.

**There being no further business, the Planning Commission meeting was adjourned at 8:08 p.m.**

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**Chairman Ray Wiecek**

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**Debi Beal, Planning Commission Clerk**  
Minutes Unapproved at Time of Release 09/05/19