

**MINUTES OF A REGULAR MEETING  
OF THE PLANNING COMMISSION  
CITY OF INDEPENDENCE, OHIO  
September 5, 2023  
Council Caucus & Via Zoom**

Chairman Vice Mayor Grendel called the meeting to order at 5:32 p.m. September 5, 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. West Canal Road, VF Holdings LTD., PPN 571-06-017** – Represented by Dalad Group for the proposal of a lot split and consolidation of PPN 571-06-017 and PPN 571-07-006.
- 2. 8501 East Pleasant Valley, CSA America Testing & Certification LLC** – Proposed building expansion for electric vehicle battery performance and life cycle testing.
- 3. 6200 Oak Tree Blvd., Suite 125, T-Mobile** – Installation of condenser yard adjacent to the building along with a tiered generator.
- 4. 4849 Acorn Drive, Dr. Ashoo Khanuja** – Proposed new 8,549 sq. ft. dental office building.
- 5. 5300 Rockside Road, Gran Fiesta Restaurant** – Construction of exterior stairs on the existing hillside to allow for direct access from the existing parking lot into restaurant space.

Chairman Vice Mayor Grendel stated welcome, everyone to the September 5<sup>th</sup> regular Planning Commission meeting. The first item of business that we're going to do is approve the minutes of the Planning Commission meeting that was held on August 1<sup>st</sup> 2023. Are there any changes or corrections to be made?

There were none.

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**A motion was made by William Gutermuth, seconded by Joseph Moeller, to approve the minutes of the regular Planning Commission meeting held on August 1, 2023.**

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

Chairman Vice Mayor Grendel stated the minutes of the Planning Commission meeting of August 1<sup>st</sup> have been approved. We have one item on the agenda for old business.

**West Canal Road, VF Holdings LTD., PPN 571-06-117** – Joseph Balog was in attendance.

Chairman Vice Mayor Grendel stated I see Joe is here, and it is a request to consolidate 2 parcels in order to sell land. I believe we have already consolidated a couple of years back.

Mr. Balog stated yes.

Chairman Vice Mayor Grendel asked now, is this a different deal?

Mr. Balog stated the ones that we have consolidated previously, those 2 parcels were previously sold. We have 26.5 acres that were left, and they are currently in a 14-acre and a 12.4-acre parcel, and the buyer wants 15 acres so they can take 1 acre off of one parcel and add it to the other.

Chairman Vice Mayor Grendel asked how much of the land is in Independence and how much is in Valley View?

Mr. Balog stated all of the land that is part of the split is in Valley View. There is a little tail of the land that is in Independence. The resulting parcels will be a 15-acre parcel with approximately 14 acres in Valley View and less than 1 acre in Independence. The other parcel will be 11.44 acres, all of which is in Valley View.

Chairman Vice Mayor Grendel stated so, very little of this involves Independence.

Mr. Balog stated correct. We've presented it to the County, and the County has approved the plat.

Chairman Vice Mayor Grendel asked Valley View has approved everything?

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Mr. Balog stated that's correct, Valley View has a formal approval set for 2 weeks from tonight on the 19<sup>th</sup> of September.

Mayor Kurtz asked Joe, what is the 26-acre parcel now?

Mr. Balog stated the 26-acre parcel, Mayor, from here to there to there to there. It's currently 2 pieces of land; this is 1 parcel up to here, and this is the 2<sup>nd</sup> parcel over here. We're proposing to split this piece right here from this parcel and attach it to that parcel.

Mayor Kurtz stated so, there will be 15 acres there?

Mr. Balog stated yes, there will be 15 acres even, there will be a residue parcel, and the piece that's in Independence is the division line between Valley View and Independence, which is the old center line of the river. So, the piece that is in Independence is this portion right over here. Everything to the north of that center dotted line.

Mayor Kurtz stated so, this new piecer that they're getting that is depicted on the drawing is 15 acres?

Mr. Balog stated that is correct.

Mayor Kurtz stated, and they already own the property to the north.

Mr. Balog stated the buyer owns all of the property that's over here, which is about 25 or so acres.

Mayor Kurtz stated thank you. So, we met with the Mayor of Valley View, and the Engineers determined that between the existing 25 acres and the additional 15 acres, whatever the Engineers agree to in terms of the percentages for Independence and Valley View we would do a JEDD, a Joint Economic Development District, and we had agreed that we'd vote on this tonight, and they would vote on it. Then, the Law Director, the Solicitor, along with the Engineers would sit, confirm the acreage, and then also determine the logistics and mechanism for whatever the percentage is.

For Independence, we would get that percentage of income tax and property tax, and whatever the percentage is for Valley View, they would get that percentage of income tax and property tax. This way we're not arguing about where the placement of the building is, it eliminates a lot of the back and forth. So, that's the goal, and we both agreed in our meeting that we would both approve this at the Planning Commission level. Then, those 4 people would craft a document that those respective Councils can adopt.

Chairman Vice Mayor stated, and you only have 1 party that owns that property.

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Mayor Kurtz stated 1 party would own the whole 15-25 acres.

Mr. Balog stated Brian O'Donnell, he has everything that is north of Mount Creek and 2 separate liability companies, and I am sure he's going to put this in the 3<sup>rd</sup> one, but it's 1 person that is behind all of them. So, that one person would be participating in the decision.

Chairman Vice Mayor Grendel stated it's much easier when you're just dealing with 1 party.

Mayor Kurtz stated, and the goal was to find a fair and equitable splitting of any tax dollars, whether it be real estate or income tax, so the placement of a building wouldn't be jeopardized. Ideally, it's what's best for the property, and what's best for the Village or the City.

Chairman Vice Mayor Grendel stated it eliminates the headaches for the development.

Mayor Kurtz stated, and one of the discussion points is that we would both approve this, and let the Law Director, Solicitor, and the 2 Engineers consolidate the information and come up with a fair way to go into the future with it.

Ms. Chase stated in other words we can approve this subject to.

Mayor Kurtz stated yes. So, that's the goal. That's what we agreed to, and we both want to expedite this for the parties involved.

Chairman Vice Mayor Grendel stated very good because it's been on the agenda for the last 3 months or so.

Mr. Balog stated yes, we made the first presentation in July, and you wanted some additional information. For the August meeting, we did not have the County's approval for the lot split that we received on August 10<sup>th</sup>. The only comment about the subject to is the arrangement between Valley View and Independence, there's nothing that we as the landowners are really going to be involved in.

Mayor Kurtz stated maybe I misspoke. You'll be involved in the capacity of the lot split and consolidation, but the mechanism we're going to use between the Village and the City is...

Mr. Balog stated it can be approved by both City Councils. I appreciate that.

Chairman Vice Mayor Grendel asked are there any other questions?

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Mr. Gutermuth asked what happens if it falls through and we can't reach an agreement? Like, we're saying we get 15%, and Valley View says no, you're only getting 5%. So, if it falls through, is our approval going to be contingent on that?

Mayor Kurtz stated the same guy owns all the properties, so that'll be Planning Commissions and everything else to figure all that out. It'll take a deep dive to sort it all out at that point. We had a meeting to try to create a mechanism that both parties could agree to. I know, for example, our Building Department can support Valley View because they don't have a Building Department. We have always had a good relationship between the Village and the City, and this is just another example of how we can work together to build on that relationship. So, the Law Director and the Solicitor are going to work towards that goal.

Chairman Vice Mayor Grendel asked the Mayor of Valley View, is he up for re-election?

Mayor Kurtz stated he's not running.

Chairman Vice Mayor Grendel stated so, there's going to be a new Mayor.

Mayor Kurtz stated that'll be next year.

Chairman Vice Mayor Grendel stated but it will be binding.

Mayor Kurtz stated we'll try to get this done as quickly as possible; both of them are on Council now.

Mr. Balog stated the 2 candidates running for Mayor are both Councilmen in Valley View currently.

Mayor Kurtz stated Joe, with your knowledge and experience maybe you can give us both some insight. Not tonight, but as to how you would help. Maybe talk to Greg, if you have any thoughts based on your experience.

Mr. Balog stated yes, sir.

Chairman Vice Mayor Grendel asked any other questions from the Panel?

There were none.

Chairman Vice Mayor Grendel asked Greg, do you want to craft that motion?

Law Director O'Brien stated we don't need anything subject to.

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**A motion was made by Mayor Kurtz, seconded by Joseph Moeller, to approve the lot split and consolidation of PPN 571-06-017 and a portion of PPN 571-07-006.**

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

Chairman Vice Mayor Grendel stated this lot consolidation has been approved. Thank you, Joe.

Mr. Balog stated thank you.

Chairman Vice Mayor Grendel stated so, we'll move on to the bottom of page 1 of the agenda under new business.

**8501 East Pleasant Valley, CSA America Testing & Certification LLC – Rich Weiser with CSA and Keith Rintamaa, the Engineer were in attendance.**

Chairman Vice Mayor Grendel stated this involves a new construction of a building expansion for electric vehicle battery performance and lifecycle testing. Is Rich here?

Mr. Weiser stated I'm right behind you.

Chairman Vice Mayor Grendel stated we have received the paperwork regarding this, but do you want to explain what you're doing there for the company.

Mr. Weiser stated so, the last time we met Mayor, we were (inaudible) that facility next door. We are growing really quickly in that facility and we're looking to expand into the energy vehicle battery program. So, this expansion is on our existing 8501 property, it's on the west side, and it connects to an existing building that's back there. Right now, we're focused on EV batteries, doing environmental testing, and recycling; that type of thing.

This is really kind of a pre-planning, I don't know that we're looking for an approval at the moment, but with the relationship that we have with the City, we wanted to make sure that if there's anything that you're seeing because of the type of testing we're doing, or if there are any concerns, we could try to address those quickly because we need to move pretty fast on this because this is a fast-growing industry and there's a lot of opportunity that we'd like to take advantage of. Our competitors are building this in Detroit right now, so the sooner we could get going the more we can compete with them.

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The existing energy building that we built right next door to this, we anticipated having maybe 20 people or 20 Engineers running that facility in a 5-year period, and within 1 year, we're already over 20 people. It's growing that quickly, so we're looking to expand pretty quickly.

Mayor Kurtz stated the only thing suggestion I'd make is if anywhere on your footprint and being respective of property lines, if you see where you could expand, like further east. Whatever the City has to do to contribute to growth, don't limit the footprint in terms of what you see, have your Engineer design whatever you need for the future, even if there is an elevation change. You saw what we did next door. We can be very fluid in terms of making sure that you have maximized the use of your property and continue to consolidate some of those elements of your growth into a footprint that is good for that area. So, if your engineers want us to help you, we'll lay out more acreage for you if that helps.

Mr. Weiser stated that is good to know. Our Engineer is right next to me.

Mayor Kurtz stated we'd love to meet with you and our Engineer, Don Ramm if there is a what-if session that we can say, hey, we dropped the elevation down 10 ft., but we can pick up 3 or 4 acres. I'm just talking from what I see there. You're also protected by (inaudible), so you don't have to worry about affecting other buildings. If you can find a way to make it work, we'll make it work.

Mr. Weiser stated that's fantastic. We really appreciate that because we have been talking about other expansions also, and anything we can do on this footprint will really help us. Hopefully, we will be looking at some other properties down the street (inaudible).

Mayor Kurtz stated yeah, as long as people are reasonable. We will work with you in any way that we can. Even to the north or to the west, if we have to talk to one of the neighbors to help create a larger vision for you that you're comfortable with, we'll be very receptive to doing that because of our relationship.

Mr. Weiser stated thank you very much.

Mayor Kurtz stated you say what you're going to do, and you do it. I think we've responded accordingly over the decade, and we'd like to maintain that well into the future. With your leadership on that site, we've had a great track record, and you have a good vision for that, so we'll work with you.

Mr. Weiser stated thank you very much.

Mayor Kurtz stated that's my perspective.

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Chairman Vice Mayor Grendel stated I agree. I don't know if there's any land available going to the west. I know that's where the location of your property is, but there is some.

Mayor Kurtz stated well, that's where the Engineers are going to sit down and look at it. We can look at it from existing conditions, but they have the ability to look at it for future conditions.

Chairman Vice Mayor Grendel stated now it seems like the future is unlimited with that and the competition, so it'll be good to have someone from Don's office work with your Engineers.

Mayor Kurtz asked so, you guys will meet?

Mr. Rintamaa stated yeah, I can talk to Don.

Mayor Kurtz stated keep me posted if you would, I'd appreciate it.

City Engineer Ramm stated certainly, Mayor.

Chairman Vice Mayor Grendel stated I do see there is some steep slope there. Based on the presentation we got from Economic Development, there will be some kind of remediation with the 25 ft. steep slope setback, and some riprap would have to be reinforced and things of that nature.

Mr. Weiser stated so, right on the southeast corner of the building there's a drive that goes around it, and about 80 ft. or so of that curve encroaches into the setback, and then into that steep slope.

Mayor Kurtz stated you own all of the property though, so it's not as though you're encroaching onto somebody else's property. If it affects anything, it's going to be your property, right?

Mr. Weiser stated yes. So, there's that issue, and then the other issue was just the site parking, the parking does not meet the requirements, and we're not suggesting we can solve that with this project. So, I think all we were looking for was to present it to the City and get some preliminary feedback to see if the direction needed to change or anything.

Chairman Vice Mayor Grendel stated so, it looks like the Engineering Departments are going to get together. There are no approvals being sought tonight.

Mayor Kurtz stated I'd make a motion to approve it if it meant expediting it, subject to Building and Engineering if that helps expedite things for you.



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Mr. Weiser stated I think that would be great. We still have some engineering that's coming back to understand exactly what we need to do with the building.

Mayor Kurtz stated I have confidence in my respective departments. Law Director, is there a subject to?

Law Director O'Brien stated I don't have a problem because I know how flexible the administration is and wants to move these projects along, but I don't know if they have a full grasp of the parking, one additional variance you'll need for parking.

Mr. Rintamaa stated so, on the site plan, if you could zoom in, in the lower left-hand corner there's a parking count.

Mayor Kurtz stated tell me what you want to do. Do you want to come back next month?

Mr. Rintamaa stated basically, the additional required spaces with the expansion would be 38 spaces, and we're proposing to put in 13.

Mr. Gutermuth asked is there a lot of automation work going into the new facility or (inaudible).

Mr. Weiser stated most of the setups are automated. There will be a few technicians that run those. For this project, it's not like we're going to have a whole bunch of people at this site.

Mr. Gutermuth stated I wouldn't expect you to be proposing something, and not have enough parking at your facility. If you're confident that it's self-sufficient, then I think I'm okay with it.

Ms. Chase asked will the new spaces contain any sort of significant change to your worksite goals, the hours that you're on, or noise, or is it just more of the same?

Mr. Weiser stated it'd be more of the same. I think some of the equipment we would run a couple of shifts.

Ms. Chase asked, and you're running a couple of shifts currently?

Mr. Weiser stated I'd say it's a 1.5 shift. We start early and go a little later, but as far as noise it's not going to be an issue.

Ms. Chase stated okay. The different shifts might help if there were a bigger issue.

Mr. Weiser stated yeah, that would be something we'd consider for sure.

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Chairman Vice Mayor Grendel stated Mayor, I see no problem approving this to expedite it since you're in competition time is of the essence.

Mayor Kurtz stated as long as the Engineer and the Building Official are okay with it.

Building Official Gero stated CSA has always been a good resident of the City and has always worked really well with the Fire Department and the Building Department any time they're making changes in their operations to make sure everything is done in a safe, sufficient manner. I have no concerns that they would do anything that wouldn't be appropriate.

Mayor Kurtz asked Economic Development, any issues?

Economic Development Director Hyser stated I have no issues. Again, just reiterating what the Building Official said, CSA has always been a good corporate citizen. They've delivered on their projects and whatever we can do to help them from a business standpoint to be competitive.

Mayor Kurtz asked City Planner, are you comfortable? What are your thoughts on this?

City Planner Lynch stated yeah, I echo what everyone else has said.

Chairman Vice Mayor Grendel stated I think our proof is the most recent project.

Mr. Gutermuth stated so, just for clarity, we would be approving the steep slope setback and the parking variances today. Do we even need to make that subject to anything?

Law Director O'Brien stated the parking you can do that because you have a full grasp on what you need. I was just talking with the City Engineer, and you'll have to come back, and we'll have to modify that steep slope, but as members of the Planning Commission said they're flexible as long as it makes sense. I've always understood that you're not going to put millions of dollars into a structure that is unstable, so that would be the only thing because we don't have enough information now.

City Engineer Ramm stated it's a minor impact, but the area that needs relief is very small. It looks pretty negligible, but I think just as a formality we should march through the process, and give you what you need once you determine exactly what that is.

Chairman Vice Mayor Grendel asked should we do a preliminary approval and revisit that next month?

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Mayor Kurtz stated preliminary approval tonight and you can get everything organized by the next meeting. Are you comfortable with that?

Mr. Weiser stated very comfortable. We still have a few weeks before the Engineers get back to us.

**A motion was made by Mayor Kurtz, seconded by Vice Mayor Grendel, for preliminary approval for the steep slope setback.**

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

**A motion was made by Mayor Kurtz, seconded by Vice Mayor Grendel, to grant a variance to 1181.17 to allow a reduction of 25 parking spaces.**

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

**Minute 25:00**

Chairman Vice Mayor Grendel stated now we move on to page 2 of the agenda.

**6200 Oak Tree Blvd., Suite 125, T-Mobile** – Earl Staffan and Ashley Armbrustmacher with EXP were in attendance.

Chairman Vice Mayor Grendel stated this is a request for the installation of a condenser yard adjacent to the building along with a tiered generator.

Mayor Kurtz asked do you have the elevation drawing?

Chairman Vice Mayor Grendel asked is this going to go in the back of the building?

Mayor Kurtz asked is someone here for T-Mobile?

Mr. Staffan stated yes, my name is Earl Staffan from EXP, and this is Ashley, also from EXP. So, T-Mobile leases 2 spaces in the building, a 4th-floor admin space, and then the 1<sup>st</sup>-floor equipment room space. They are looking to enlarge the equipment space, so to do that they need additional condensers to pull the new equipment going in. Also, they are looking to install two 3-meg generators for the Day 1 installation, and then two additional 3-meg generators as, you know, the space would grow. They're looking for an upgrade to utility services, and we've been working with First Energy to bring in new electrical services.

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Mayor Kurtz asked Earl, what's depicted are the 4 generators?

Mr. Staffan stated yes, in the pink. These would be the 4 generator locations. The closest to the parking is the Day 1 installation, and the condenser yard is along this building.

Mayor Kurtz asked do they have the entire first floor? Can you show the first floor? North is to the top.

Mr. Staffan stated the equipment room basically sits here; they had offices on the first floor, which they moved up to the fourth floor, and so it's this whole, whatever direction it is, into the building.

Chairman Vice Mayor Grendel stated that's going west.

Mayor Kurtz asked so, those 4 generators, you'll put underground to tie into inside the building? Like underground circuits.

Mr. Staffan stated yes.

Mayor Kurtz asked how big of a project is this?

Mr. Staffan stated I think it's around \$29 million.

Mayor Kurtz asked what's the timeframe on it? If you got all of your approvals and you were ready to go.

Mr. Staffan stated 16 months. If everything gets approved, we're looking to start construction in January, so June of 2025.

Chairman Vice Mayor Grendel asked this is going to take how many parking spaces? At least, in our report, Jess do you want to comment?

Economic Development Director Hyser stated yeah, there were a couple of questions we had related to the information that was submitted. I believe there's going to be a loss of some parking spaces as well as some concerns about setbacks that we weren't able to determine from what was submitted.

Chairman Vice Mayor Grendel stated I believe you mentioned something about the noise for the residents that live in Seven Hills.

Economic Development Director Hyser stated correct. So, the property to the west is in the City of Seven Hills, and that is a residentially zoned piece of land with several homes that would back up to this property. While they aren't Independence residents, we are

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concerned about the impact of noise as well as what they would actually see from the back of their house.

Mr. Staffan stated the generators are inside enclosures, sound-attenuating enclosures that meet the required decibel level at the property line. From a visual standpoint, because it is on the hillside we are building a tiered structure and we have screened walls around it, so that'll block the view. Also, we're looking to do landscaping because we understand the concerns of the residents behind, so we wanted to do landscaping to completely block the sight lines to see the generators, and obviously, that would help with the noise. Ashley, the parking spaces, how many do we lose along the building?

Ms. Armbrustmacher stated 10.

Mr. Staffan stated, and the Landlord has approved of that.

Mayor Kurtz asked 10 spaces, is that a big deal?

Building Official Gero stated I'd have to see what the total number of spaces was.

Ms. Chase asked what's above ground and what's below ground? Above ground are generators?

Mr. Staffan stated yes.

Ms. Chase asked and below ground is what?

Mr. Staffan stated nothing below ground except for the feeds from the generators to the building.

Ms. Chase stated so, these 4 pieces that were pink, those are above the ground.

Mr. Staffan stated yes, we have concrete pads that are stepped up.

Mayor Kurtz asked is there a retaining wall behind them?

Mr. Staffan stated yes, and I believe it was in the drawings.

Mayor Kurtz asked are these generators for emergency service?

Mr. Staffan stated yes, emergency service in case we lose power. We don't want the phone system to go down.

Mr. Moeller stated so, they're not running 24/7, only when the power goes down.

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Mr. Staffan stated only when the power goes down.

Law Director O'Brien asked how often do you exercise a generator that large?

Mr. Staffan stated once a month. Typically, they're supposed to run them for an hour, but once they see that everything is okay they turn them off.

Mayor Kurtz asked diesel?

Mr. Staffan stated yes.

Mayor Kurtz asked can I look at that elevation? Is that what you're showing there?

Mr. Staffan stated this is a section of the retaining wall. So, here's the generators, the retaining wall, the fence, and the landscaping behind it. It's a 3-tier; the lowest area would be electrical gear, then a generator, and another generator.

Chairman Vice Mayor Grendel stated, and the first floor is just equipment?

Mr. Staffan stated yes.

Chairman Vice Mayor Grendel asked, and the offices are on the fourth floor?

Mr. Staffan stated the fourth floor, yes. They have a small control room that's staffed by 2-3 people.

Chairman Vice Mayor Grendel asked how many employees are there in total?

Ms. Armbrustmacher stated I can find that out.

Chairman Vice Mayor Grendel asked T-Mobile has been in this building for a little over a year?

Mr. Staffan stated oh no, they've been there for a long time. At least 10 years, maybe longer.

Mayor Kurtz asked do you know where the elevation is?

Mr. Staffan asked Ashley, could you see what page the elevation is on?

Ms. Armbrustmacher asked what are you looking for?

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Mayor Kurtz stated I'm looking for the elevation from the corporate line to the generators. Something that shows the elevation and landscaping proposed.

Mr. Staffan stated here's the landscaping.

Chairman Vice Mayor Grendel stated there's the elevation.

Mayor Kurtz stated it's a little more crisp when you see it from this drawing. So, I talked with the Mayor of Seven Hills and shared with him that we were going to be sensitive to the residents that live there. If the roles were reversed, I'd like the same consideration for our residents because they've had an undisturbed quality of life for decades. You're going to take a lot of the existing landscaping out, and then it looks like you're going to replace a lot of it.

Mr. Staffan stated yes.

Mayor Kurtz stated so, my question is, and something, not for tonight; you're not looking for approval tonight, are you?

Mr. Staffan stated I'm always seeking approval.

Mayor Kurtz stated realistically, the Engineer is going to look at this, but if there was a way to push these further east, Don, and minimize the encroachment on the existing elevation where it's heavily foliated today because there's a 100 ft. setback. I know there's probably an additional cost for the underground conduits and the electrical gear, but if you're going into here and you're going to move east, it's not going to be going around the whole building. The impact is going to be feet rather than yards, or hundreds of feet.

Would you consider pushing this? It also might change your need for such a high retaining wall. We can take a look at a permanent placement of these. We can talk to our Engineer about pushing these 4 generators away from that encroached area. Although you're not encroaching, the landscaping is going to be destroyed. You can start from scratch with landscaping, and if there's a way to move and not have to disturb as much on the existing landscaping. It's just easier to sell from my perspective.

Mr. Gutermuth asked do you know what the adjacent property is there?

Mayor Kurtz stated that's the parking lot owned by First Energy.

Mr. Gutermuth stated right, so then your thoughts are to put the generators that are going to be noisy once a month closer to a parking lot and away from residents.

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Mayor Kurtz stated right, and also not to disturb the landscaping as much for those houses that are going to be affected directly. You're going to strip down something that's been there for 40 years; you're not cheating the landscaping, but it's going to destroy it.

Mr. Staffan stated yeah, most of it would have to be cut down in order to build.

Mayor Kurtz stated have your Engineers work with our Engineer to see if we could push this further east and have less of an impact on that 100 ft. If you'd consider doing that with your engineering group, then come to our Engineer. Where is EXP?

Mr. Staffan stated I'm based out of the Columbus office, but the U.S. headquarters is in Chicago. Our office is working on this project.

Mayor Kurtz asked Ashley, where are you based out of?

Ms. Armbrustmacher stated Michigan.

Mayor Kurtz stated welcome to Independence, Ohio.

Mr. Staffan stated she likes Ohio.

Mayor Kurtz stated then you should move here. I'm just sharing my perspective, having dealt with the Mayor and trying to maintain a good relationship.

Mr. Staffan stated I will say, it is something that we have looked at, and the reason it is here is initially we came and said we'll put engines here because, like you said, the costs. We got approval from the Landlord for this location, so we went ahead with that location. You're exactly right, though, going out here is just more money for the feeds.

Mayor Kurtz stated we're talking maybe 50 ft. rather than 500 ft.

Mr. Staffan stated yeah, but there's a lot of feeds going in and a lot of copper going in, and copper's expensive, but it is something we can look at.

Mr. Moeller asked do these generators require any additional lighting or anything?

Mr. Staffan stated they're basically inside a house, so we do have some stumble lighting outside, but it's minimal. They're inside a box if you will, so it is lit.

Mr. Moeller stated I just wanted to make sure that doesn't cause any additional issues as well.



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Chairman Vice Mayor Grendel stated if you move it to the east it'll be less disruption to the hillside, the vegetation, and the retaining wall. There might be some kind of trade-off.

Mr. Staffan stated we have looked at that, and the cost of concrete and the retaining wall is less, but the coppers an add, but like I said we were kind of stuck with that location because of the agreement with the Landlord. We can address that, though.

Chairman Vice Mayor Grendel stated even though they're not our residents, all of those homes aren't cheap, they're expensive, and even if they were it's still their quality of life.

Mayor Kurtz stated based on this Mr. Chairman, the retaining wall is around the entire perimeter except for the parking spaces. Am I reading this right?

Mr. Staffan stated yes.

Mayor Kurtz stated so, if you pushed it over you're going to continue into the embankment where you were going to excavate anyways.

Mr. Staffan stated yes.

Mayor Kurtz stated if you could have your Engineer look at it with our Engineer. We have to explore all possibilities before we can make an approval.

Chairman Vice Mayor Grendel stated this way Don, you could give the Commission a report on what your findings are in conjunction with T-Mobile just to make sure we're covering all of our bases rather than rush into this. You have a number of people who live there, and we want to make sure that we do it right for all parties involved.

Mayor Kurtz stated in all fairness I think we need to explore. We mentioned the noise, we mentioned the lighting, the elevation is something that we're going to look at collectively, we talked about the manpower, and we talked about the budget, a\$29 million project. We're going to lose some office space, but we're going to pick up some gear to add value to the footprint, and T-Mobile has been with us for a long time, so we have a good relationship.

Mr. Staffan stated and they're not leaving.

Chairman Vice Mayor Grendel stated if need be we could bring the owner of the building in, in case there's a problem on his end.

Mayor Kurtz stated I think first we have the Engineer look at it, and then we can go from there.

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Mr. Staffan stated okay.

Mayor Kurtz stated if you guys can get that resolved between now and next month it can stay on the agenda for next month.

Mr. Moeller asked how about the condenser yard, is there anything else worth discussing about the condenser yard component? Those will be on all the time I'd imagine, right?

Mr. Staffan stated those will be running. Half of them will be running.

Chairman Vice Mayor Grendel stated very good. We have our marching orders for the Engineers to get together and see if there's any possible way that can be remedied even a little bit or not at all, depending on what the findings are. I think we'd feel better if we had our experts alongside your experts to make sure that is the only place this could go. Then, Mayor, we go from there.

Mayor Kurtz stated that's my thought too. I agree, Mr. Chairman. Do we just table this, Greg?

Law Director O'Brien stated you can table it with the applicant's permission. I hope the applicants coming from a long distance understand that there's a zoom option, too.

The applicants stated that they would be in person.

Chairman Vice Mayor Grendel stated we appreciate that too because it's always great to see the applicants.

**A motion was made by William Gutermuth, seconded by Cheryl Chase, to table the request for the installation of a condenser yard adjacent to the building along with a tiered generator.**

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

Chairman Vice Mayor Grendel stated thank you very much. It was a pleasure meeting you. We hope to see you next month.

**4849 Acorn Drive, Dr. Ashoo Khanuja – there was no one in attendance. This item was removed from the agenda.**

Chairman Vice Mayor Grendel stated I know we talked about this a few times in the past; we had that event center.

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Mr. Gutermuth asked did that event center actually get built? I never went back and looked at it.

Chairman Vice Mayor Grendel stated no, and Goddard School came I think after them for a while, but then they got the existing.

Mr. Gutermuth stated I actually know somebody that poked that event center before it went under.

Chairman Vice Mayor Grendel stated I have a question; I don't know if anyone is familiar with the dialysis building next door. In comparison, how big is this building? The dialysis building doesn't seem to be that big. I just wanted to see how 8,549 sq. ft. compared to what's next door. Of course, we have a cul-de-sac there Mayor, but I know you always have plans.

Mayor Kurtz stated well, there's an existing cul-de-sac, but we were having preliminary discussions with the owner of the property further south, and Don is looking at creative ways to address the wetlands. That'll allow access to not only properties further east, but the long-term vision would be I-77 South. So, I wouldn't be up for taking any steps that would prohibit us from future expansion of the road.

Law Director O'Brien stated Mayor, I remember with the event center, the applicant at the time was receptive to donating certain aspects. Was that ever finalized? I assume it wasn't.

Mayor Kurtz stated I don't know if they donated it if we never finished anything. Did they donate the right-of-way necessary to continue the road?

City Engineer Ramm stated I think there was an agreement that they would, but I don't think the project even got to that point.

Mayor Kurtz stated as long as we can remember that we want them to donate the right-of-way. The only other question I had was about the future building in the back, which goes back to the Chairman's question: how big is the first one, how big is the building they're proposing?

Economic Development Director Hyser stated so, the building next door, the dialysis center, is about 9,976 sq. ft.

Chairman Vice Mayor Grendel stated I see, that's even bigger.

Economic Development Director Hyser stated, and that sits on I believe the smaller parcel. That's 1.5 acres versus 3 acres.

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Chairman Vice Mayor Grendel stated so, it's about half the size.

Economic Development Director Hyser stated correct, and a larger building.

Mayor Kurtz stated my understanding is twice the acreage, so if it's 9,000, it's 18,000 or 20,000 sq. ft. building on that property.

Economic Development Director Hyser stated there are some topography challenges to take into consideration. We looked at the eastern side.

Mayor Kurtz asked the eastern side drops off?

Economic Development Director Hyser stated I believe it goes down.

Chairman Vice Mayor Grendel stated I see there were a couple of zoning issues too with the frontage, it's only 75 ft. and we require 100 ft, the side yard is a 5 ft. difference, and the minimum square footage was 10,000 sq. ft.

Building Official Gero stated yes, the zoning code requires a 10,000 sq. ft. building. The event center I don't believe met that square footage, and I don't think the Goddard School met that square footage either, but both of those buildings were looking for special conditional use permits. So, they were not going for the approved zoning use for an office building.

Chairman Vice Mayor Grendel stated but they're not here anyways. Should we table this?

Law Director O'Brien stated remove it.

Mayor Kurtz stated I'm under the impression that they were trying to see if the City would be receptive because there was a time issue.

Economic Development Director Hyser stated so, from my understanding, we have met with Dr. Khanuja who is the Doctor who would be purchasing this land and developing it for her own practice. She looked at several lots in the city and decided on this one for various reasons, so I think she's trying to get a level of comfort with the Planning Commission on whether or not this site is developable for her practice. I'm disappointed that she didn't show up to tonight's meeting, so I would rather table this for a future discussion versus just dismissing it.

Mayor Kurtz asked what would be some of the issues we would have if they were here and going to present?

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Economic Development Director Hyser stated we had some concerns about the setback and understanding how that fits with the site. In the meetings that we've had with the Doctor, we've also discussed the access to the roadway, but we want to make sure that's solidified before we move with the project. Also, understanding the use of that second building on the backside of the property, right now it seems a little disjointed, but understanding from their perspective going forward, obviously, I think they see some expansion potential. And understanding how the circulation around the site would work because I believe there was a patient drop-off and pick-up area, but it seems unclear based on these drawings.

Building Official Gero stated one other thing on this proposal, the parking stall size is incorrect.

Chairman Vice Mayor Grendel stated they used the old one.

Building Official Gero stated so, that would need to be addressed.

Mayor Kurtz stated so, the elements if I understand, Jess, concern the right-of-way donation, potentially paying for their share of the new road, the parking, and the use of the back building.

Economic Development Director Hyser stated, and setbacks.

Mayor Kurtz stated if anyone else wanted to chime in and offer a suggestion. At least the record reflects some of the issues, and if they want to go forward, then they'll have a good framework to go forward. We're being transparent.

Mr. Moeller stated going in line with the uncertainty of the use of the back building with the northern building. Both of these would be less than the 10,000 sq ft requirement, but together they'd be about 13,000 or something like that.

Economic Development Director Hyser stated correct.

Mr. Moeller asked the one that's bigger, is it just the design, is it the intended use? Just a question that's out there for them to think about.

Building Official Gero stated instead of 2 buildings on the same parcel, build a building that meets the minimum requirement of 10,000 sq. ft., plot it out, (inaudible) if necessary for a future area.

Chairman Vice Mayor Grendel asked where is her office located?

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Economic Development Director Hyser stated she's on Rockside Rd. in the former St. Vincent Charity building.

City Engineer Ramm stated there was a labeling error, they called out a 75 ft. front setback from Acorn Drive, a future road extension portion, and actually, it's 25 ft., it's mislabeled. So, you can see how close that is to the road and where the building is. It's nowhere close to 75 ft.

Chairman Vice Mayor Grendel stated I don't know why they would want it so close to the road.

Economic Development Director Hyser stated, and I think it's not considering that the road extension. When you look at it from the cul-de-sac it doesn't look disproportional, but once you put the road extension in, it does become really close to that roadway.

Chairman Vice Mayor Grendel stated it would be good if we could have a discussion. I know years ago, I think Fred might've been the Mayor at the time, we were looking at a proposal and they wanted to put in, that middle road that goes east and west, it was a restaurant, I think it had 2 or 3 retails. I don't know what happened, it never made it past those initial stages.

Mayor Kurtz asked do you mean the Marginal Road further north?

Chairman Vice Mayor Grendel stated yeah, further north.

Mayor Kurtz stated it was a restaurant that was proposed, and nothing ever happened.

Chairman Vice Mayor Grendel stated no, and we're talking maybe 18 years ago. It was right after Rockside was completed. And we've talked about Acorn Drive going to I-77 for 20 years.

Mayor Kurtz stated, and that's what we're talking about now, at least exploring that. The limitation was the wetlands, but then I think Don said there were some creative (inaudible) rather than trying to remediate them. That could open up that corner piece, plus the access onto I-77, and then that future growth to the west would have 2 access points to get on to I-77 South instead of jamming West Creek.

Chairman Vice Mayor Grendel stated that makes sense as the land gets less and less. The other night the CBIZ building was lit up when we were coming back from the baseball game.

Mayor Kurtz asked how did it look?

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Chairman Vice Mayor Grendel stated it looked beautiful. It had green on top and had the CBIZ sign there. It looked great. You can see it once you get by Cloverleaf, we came right down I-77 to Pleasant Valley. They did a nice job.

Should we table this?

Law Director O'Brien stated I think there was no one here to present (inaudible).

Chairman Vice Mayor Grendel stated okay, so we'll just remove it from the agenda. So, we'll move on to item number 5 on the agenda.

**5300 Rockside Road, Gran Fiesta Restaurant** – Richard Yankel from Architecture Plus and Juan Vasquez from Rocksidered Group, LLC were in attendance.

Chairman Vice Mayor Grendel stated this is a proposal to construct an exterior staircase on the existing hillside to allow for direct access from the parking lot into the new restaurant space. Richard, if you'd like to give us your proposal, then we'll get some feedback from our Economic Development Department.

Mr. Yankel stated so, what we have here is (inaudible). We've got roughly a 10 ft. elevation change from the parking lot to the building, so in order for them to get into this building they have to walk up the hillside. So, what we're trying to do is create more direct access from the parking lot, up that hillside, and you'll have to come through an existing patio where there are 2 existing entry doors.

Chairman Vice Mayor Grendel asked is the intent to have the restaurant separate from the hotel facility?

Mr. Yankel stated it already is.

Mr. Moeller asked is that the only entrance into the restaurant?

Mr. Yankel stated no. The (inaudible) is 72 ft. from the set of double doors on the bottom left, so it'll be 70 ft. away from that. There's a second dining area, and that's where the main entry to the restaurant is.

Mayor Kurtz asked that dining area is not a part of the restaurant?

Mr. Yankel stated it is a part of the restaurant.

Mayor Kurtz stated it's a part of your footprint. So, you could actually go sit at the bar, if you walk out through those double doors and walk out and go around towards the hotel, you can come out on that side too?

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Mr. Yankel stated well, when you come through the double doors, you'll be coming through the other half of the seating area, and beyond that is the hotel.

Mayor Kurtz asked but can you go into the hotel from there? Can you get back and forth?

Mr. Yankel stated you can, there's a hallway that leads to the hotel.

Mayor Kurtz stated if you're so busy, you can park in the back and walk in from that way.

Mr. Yankel stated yes.

Mayor Kurtz asked in the summertime, are you going to use that outdoor patio as additional seating?

Mr. Yankel stated yes.

Mayor Kurtz asked, and there are 2 sets of doors there for the weather?

Mr. Yankel stated we're planning on adding an inner set of doors to help with the windbreak.

Chairman Vice Mayor Grendel asked, and the restaurant will be what it currently is? I read something about the ballroom.

Several people began speaking at once.

Economic Development Director Hyser stated that is the kitchen for the ballroom and will no longer have that service. This will be separately owned and managed by the restaurant.

Mayor Kurtz asked the existing restaurant will be part of your responsibility? Excuse me, the existing kitchen.

Mr. Yankel stated yes, it will be, but there are no changes planned for that except cleaning, of course, it's filthy. We'll need to go through the Health Department for their approval, but we don't plan on any changes within the kitchen except for maybe changing some lights.

Mayor Kurtz asked, but you'll be responsible for the kitchen?



Mr. Yankel stated that would be part of my work, yeah.

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Mayor Kurtz stated your restaurant is going to be responsible for the kitchen, so they can't push you out. That's where you're going to make your food?

Mr. Yankel stated yes.

Chairman Vice Mayor Grendel asked will it be all new interior? Like, the restaurant itself will be different from what it was.

Mr. Yankel stated there will be cosmetic changes; concrete, tile, paint, things like that, but no structure changes.

Mayor Kurtz stated I went in the other day, and it's really going to be nice. They did a really nice job of transforming that space. It's going to have a whole different ambiance about it.

Chairman Vice Mayor Grendel asked is the hotel up? I drove by today and there was just 1 vehicle in front of the building, then I drove in the back, and there were no cars in the back, just 1 van that was underneath.

Mayor Kurtz stated I can't comment on that.

Chairman Vice Mayor Grendel stated it'll kind of be like what we have with Cozumel and the previous building.

Mayor Kurtz stated yeah, and you see what happened there.

Chairman Vice Mayor Grendel stated yeah, and you just wonder because we've had police reports, so would you want to put another business there when you're having some issues.

Mayor Kurtz stated we want to make sure you're aware that we've had some challenges with the existing owner.

Mr. Yankel stated yes, I believe that the owner is aware of the Landlord.

Mayor Kurtz stated so, we've had additional police presence necessary just to monitor the situation. It's just been no fun for the City.

Chairman Vice Mayor Grendel stated we've had homeless living there, and all kinds of unsafe issues, which really make you think because there's been weddings there and so

many friends or family have stayed there. You look at it now, and you're thinking what happened.

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Mayor Kurtz stated so, one of the things that we talked about was security, I think Mr. Chairman, you brought up a good point, security and having a police presence in the evening hours. Similar to what we've done with some of the other hotels and Top Golf where we've mitigated some of the concerns with theft and some of the challenges there because they have their own security, which is usually renting policemen. It's been working pretty well.

Chairman Vice Mayor Grendel stated yeah, because we've had some episodes at Top Golf and the Embassy Suites.

Mayor Kurtz stated we're making progress. One of the recommendations I would say is to work with the Police Department or the City to have us increase security.

Chairman Vice Mayor Grendel stated it's going to be a nice restaurant with nice clientele, and who know what's in the hotel section. You'd hate to have incidents that would ruin your business.

Mayor Kurtz stated Richard, the other suggestion to look at would be the steps to go up; that's a whole new area, you have to install that, right?

Mr. Yankel stated that's going to all be new, yes.

Mayor Kurtz stated so, just a couple things, the weather alone creates a dynamic in this Cleveland area with the wind. I've been in that parking lot when the wind cuts across, and it's an elevation that's constantly increasing and going up. So full disclosure you should be aware of the fact that the parking lot is going to have to be maintained properly. Or for your own personal or company liability.

The other thing is those steps, I believe that they should make a statement on their own in terms of the width, the landscaping, a heated stairway, and you won't have to have all of that salt going into the beautiful floor you're putting in. So, if you created a feature with the landscaping and heated steps, and kind of a fanning effect, so if I'm parking on one side or parking over here, I'm not just going to have to come to a certain point and climb up, I can actually walk up on an angle, from a safety standpoint, and then once you get into that double barrier; if you have something out there in the winter, then when you get to the top step, you won't be buffing it by those winds. So, I don't know if you saw the sketched that circulated.

Mr. Yankel stated I did, but these have been adjusted since they've been submitted.

Mayor Kurtz stated they don't look like they've been adjusted.

Mr. Yankel stated I have new ones here if you'd like to see them.

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Mayor Kurtz stated well, that's what you're here for.

Mr. Yankel stated unfortunately, I only have full size drawings.

The applicant handed out new drawings.

Mr. Yankel stated so, they're 6 ft. at the top and they are roughly 10 ft. at the base.

Several people began speaking at once.

Mr. Gutermuth stated, and the parking lot would be pretty accessible that way too.

Ms. Chase stated a lot of people have the same thing on Rockside Rd. at night, so being well lit is going to be important.

Mayor Kurtz stated the handrails, masonry, that's going to be good. That'll buffer the wind, then if you have lighting up the rails, and heated steps, that would be a big feature, I think, long-term for safety.

Ms. Chase asked is there a way to drop people off at the door or close to a door?

Mr. Yankel stated it's kind of up the hill.

Mayor Kurtz asked is that the one on the side?

Mr. Vasquez stated the one with the awning.

Mayor Kurtz asked if you go in through that one, are you able to walk into the restaurant from that one?

Mr. Vasquez stated yeah, but if we keep that entrance, again, when it's icy and snowing, to make customers go all the way up there, it's going to be against us.

Mayor Kurtz stated you want to go this way, then down.

Mr. Vasquez stated yes, and that's why we came up with the idea of doing this.

Mayor Kurtz stated that's why it's important, like you said, this has to be heated, it has to be safe and secure, so people don't slip and fall, especially when they leave.

Several people began speaking at once.

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Mayor Kurtz stated it's a canopy, one of those canvas canopies from here to her because this is under the roof, but it would shield the wind. If you're up here, that wind won't come across.

Ms. Chase asked could you canopy the steps as well?

Mr. Yankel stated it's possible.

Ms. Chase stated I'll just tell you, living in the City, knowing the City, and knowing how people use things in the City, you'll draw people from Valley View, you'll draw from Seven Hills. We have an older population, and we have families. If this doesn't feel safe for an older person, they won't go. So, everything you can do to just make it feel and be as safe as possible.

Mayor Kurtz stated this is a higher end version of a Mexican restaurant, so there's a solid investment, and I think it'll make a difference if you can do it right and make it safe.

Ms. Chase stated if people feel safe, again, we have a larger older population here, and you have to think twice when there are stairs. You have to think twice, I don't know if you're going to be family friendly, but people have kids, they have strollers, so I would just make it as safe as possible.

Mayor Kurtz asked Richard, when it gets down here, is this the existing curb?

Mr. Yankel stated that's the curb line, yes.

Mayor Kurtz asked is there concrete, or anything planned for here if you want to drop somebody or pick somebody up? They can pull down over here, so when they come out, they can walk to their car without having to fight traffic in the front.

Mr. Yankel stated yeah, we can possibly extend that. This is a 6 ft. depth landing, and right now it's a little over 10 ft. wide, so we can possibly extend that.

Mayor Kurtz stated from here at least.

Mr. Yankel stated maybe another 10 ft. in both directions.

Mayor Kurtz stated at least 20 ft. on each side, car width. That way if you're waiting for somebody, you can pull up, and they can go right to their car.

Chairman Vice Mayor Grendel stated, and I think the parking lot was redone.

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Mayor Kurtz stated so, safety and some of these additional improvements that were suggested. You're already working on the inside.

Mr. Vasquez stated well, we had stopped for reasons.

Mayor Kurtz stated a good reason to stop.

Chairman Vice Mayor Grendel stated as far as restaurants go, the City could use an upper end restaurant.

Mayor Kurtz stated they have a good reputation.

Mr. Vasquez stated they've been there for almost 18 years.

Chairman Vice Mayor Grendel stated so, you've been in business a long time.

Mayor Kurtz asked so, my question is, what's our next step, Greg? Do we want to incorporate these things and give some direction, or do we want to tell them they're headed the right way and we can get this all approved next month? I want them to start again.

Law Director O'Brien stated (inaudible). I don't want to commit you all, I know that area very well, it's been here a long time like me, but some sort of heated element would save you maintenance costs and driving all that rock salt into your restaurant after you put a lot of money into it.

Several people began speaking at once.

Chairman Vice Mayor Grendel asked Mayor, should we accept it then subject to?

Mayor Kurtz stated yeah, if you want to talk about it, we can approve it subject to tonight, and you can work with everyone to work it out. You've obviously improved that entrance from what it was, So, why don't we all just throw our two cents into the pot and Greg can craft a motion.

Chairman Vice Mayor Grendel stated I think we said lighting, a heating element or canopy.

Mayor Kurtz stated a canopy, even a temporary canopy for the winter up on top, but a canopy getting up those stairs, when it's raining you don't want to wet running around. I

can stop, get out of my car, get under the canopy, and I'm safe to get in. I don't have to rush to get up the stairs and possibly trip.

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Ms. Chase stated it's kind of like the airport. If you park away at the airport, everything is covered on your walk in. It makes a big difference. I used to work in hospitals, and we knew if it was below 30 degrees or raining, all of our patients 65 years and over canceled. I'd hate to see an empty restaurant because there's a threat of ice tonight or something.

Mayor Kurtz stated so, canopy from the sidewalk to get into the building, and in the summertime, you can take off the upper section, that's one suggestion.

Law Director O'Brien asked that's the stairway up?

Mayor Kurtz stated from the bottom landing all the way to the entrance of the building, all the way up.

Law Director O'Brien stated or a heating element.

Mayor Kurtz stated but because I think it's safer to do it right. It's a long-term strategy for you, and it'll make your customers a lot happier when they can walk on the stairs and not get rained on. They get out to right here, and someone can pick them up. They can get out of there and be happy. I think Cheryl is correct, it'd be better long-term for everyone.

Law Director O'Brien stated so, it'll be a motion to approve the application subject to the City Planners approval as to lighting, landscaping, heating the stairs, and a canopy.

Mayor Kurtz stated and the additional 20 ft. of concrete beyond the entrance for pick-up or drop-off. Then, we still have to talk to the Landlord about the; who is responsible for the parking lot, you or the Landlord?

Mr. Vasquez stated that would be his responsibility.

Mayor Kurtz stated so, we need to talk to the Landlord.

Law Director O'Brien stated that's going to be a challenge, but I would imagine there's something in his lease that requires him from the minute those lights don't get changed as quick as we'd hope, that you or your lawyer will be calling him saying, hey, I need the lighting in the parking lot fixed. I agree with Cheryl, if it's pitch black out there because your section isn't lit, you know, that's ingress and egress to I-77.

Mayor Kurtz stated we have to make sure the lights are LEDs, and modern lights, downlighting with ample lighting that really illuminates to make it safe for the parking lot. It has to be downlighted, so it doesn't affect the people on I-77 or surrounding areas,

but that's going to be subject to. So, the other thing is the property, the lighting from the Landlords standpoint.

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Law Director O'Brien stated that's the landlord.

Mayor Kurtz stated but it's still part of this approval.

**A motion was made by William Gutermuth, seconded by Joseph Moeller, to approve the construction of exterior stairs on the existing hillside subject to, the City Planners approval as to the lighting and landscaping, heating element to the stairs, a canopy for the section from the landing to the double doors, 20 ft. of additional concrete for pick-up and drop-off, security outlined by the City and the Police Chief, and the Landlords compliance with the lighting of the parking lot.**

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

Mayor Kurtz asked are there any questions on what we're looking for?

Mr. Vasquez stated not at the moment, but I know they'll come.

Mayor Kurtz stated at least you know we want to work with you.

Ms. Chase stated, and I think all the recommendations are because we know the clientele that hopefully would be coming to your place, and when they're sitting at that deciding point, we would like them to choose you and not find excuses not to.

Chairman Vice Mayor Grendel stated, and Mayor, before we adjourn the meeting, I talked with Debi about our November meeting. It is November 7<sup>th</sup>, election day, so we wanted to see if the Planning Commission wanted to move it. We could move it to that Monday the 6<sup>th</sup>.

**A motion was made by Cheryl Chase, seconded by William Gutermuth, to move the November 7, 2023, Planning Commission meeting to November 6, 2023, at 5:30 PM due to election day.**

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

**PLANNING COMMISSION MINUTES – CITY OF INDEPENDENCE, OHIO**  
**September 5, 2023**

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**A motion was made by William Gutermuth, seconded by Cheryl Chase, to adjourn the September 5, 2023, Planning Commission meeting. Voice Vote: 5 yes/0 no; motion carried.**

**There being no further business, the Planning Commission meeting of September 5, 2023, was adjourned at 6:57 p.m.**

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**Chairman Vice Mayor Dave Grendel**

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**Amanda Sharrer, Planning Commission Clerk**  
Minutes Unapproved at Time of Release 09/08/23