

**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. October 1, 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 September 3, 2019.**

**Approval of Minutes of the Public Hearing meeting held on September 3, 2019.**

- 1. 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. **Scheduled for Public Hearing on November 11, 2019 beginning at 5:45 p.m.**
- 2. Rockside Woods Blvd., Parcel 2, Saucy Brew Works, PPN 561-24-023, Hub Valley Realty, Ltd.** – Represented by Donald Bohning & Associates seeking a variance from the Steep Slope Ordinance and requesting final site plan approval.

**New Business:**

- 3. 5850 West Canal Road, VF Holdings, PPN 571-06-001, 571-06-002** – Represented by Donald Bohning & Associates seeking final site plan approval for proposed new Valley Ford Truck dealership.

**PLANNING COMMISSION MINUTES – CITY OF INDEPENDENCE, OHIO  
OCTOBER 1, 2019**

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- 4. 5200 Rockside Road, PPN 562-32-024, 562-32-021 & 562-32-007 –**  
Represented by Stamford Properties, Inc. and requesting a Special U-3 Permit to allow for the proposed project and site plan approval.

The Chairman asked if all of the Planning Commission members have received the Minutes from the September 3, 2019 regular Planning Commission meeting. He asked if there were any additions or corrections to those Minutes.

**A motion was made by Vice Mayor Grendel, seconded by Dale Lytkowski, to approve the Minutes of the Regular Planning Commission meeting of September 3, 2019.**

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

The Chairman stated that the Planning Commission members have received the Minutes from the September 3, 2019 Public Hearing. He asked if there were any additions or corrections to those Minutes.

Mr. Gutermuth stated that he had one minor comment. It was just changing of a word equity to of the building. He asked if it was alright to give a copy of the transcript to the Secretary after the meeting and point out the one minor change.

The Chairman stated that was fine.

**A motion was made by William Gutermuth, seconded by Vice Mayor Grendel, to approve the Minutes of the Public Hearing meeting of September 3, 2019.**

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

**Rockside Woods Blvd., Parcel 2, Saucy Brew Works, PPN 561-24-023, Hub Valley Realty, Ltd.** – Todd Sciano of Donald Bohning & Associates was in attendance along with Chrissy Baldwin and Architect Dave Maison.

Mr. Sciano stated that they were before the Commission this evening to request relief from the steep slope ordinance. He stated that at the last meeting they had the site plan to identify but didn't have the elevation identified from the ODOT map.

He stated that following the ordinance as it stands, the steep slopes were identified with the dark black line, and the yellow represented the 25 foot required setback. He stated

**PLANNING COMMISSION MINUTES – CITY OF INDEPENDENCE, OHIO  
OCTOBER 1, 2019**

---

that they followed the package that (inaudible) utilized in their submittal; and there was a second sheet which would represent the impacts of the site. As the site would stand today, they could see the impacts to the buildable areas based upon the current ordinances.

Mr. Sciano stated that the ordinance that the City of Independence has does not distinguish between natural slopes and man-made slopes, of which all of the slopes that they were asking for relief from were created either by the construction of the ramp from the freeway, the existing haul road that runs through the site, or the Topgolf westerly slope.

He stated that tonight they were before the Commission to ask for basically full relief from the 25 foot setback. He stated that the majority of the interior setbacks that they were asking for were created by the road that was built through the site and would eventually be eliminated as part of future grading plans for development.

He stated that the other exhibit that they showed followed suit with what was presented to the Commission as how the yellow would impact portions of the site that could not be built. He stated that the portion of the building would be restricted, crossing that to get to the other part of the parking lot and then the walkable path areas would not be able to be built. He stated that they color coded similar to how Topgolf was (inaudible). He stated that if they would recall on the original plat it did show some fingers on the exhibit that cut into the site and the corner there that was impacted by the slope that they created for their parking lot. He stated that it was pretty consistent. The grades on theirs were close; and now they have an actual field survey so it was a little bit more in depth. He stated that basically, the site with the setbacks as proposed would become unbuildable.

Chairman Wiecek asked Mr. Lytkowski if he had any questions.

Mr. Lytkowski stated that he had one question for the City Engineer. He asked if the change would have any impact on the water flow.

City Engineer Ramm stated that it would not. He stated that when they develop property, their experience would be they would be meeting the City's stormwater management codes.

Mr. Lytkowski asked if the City Engineer was okay with that. There would be no additional erosion.

City Engineer Ramm stated that it would be managed with the site development.

Mr. Gutermuth stated that he had no comments.

**PLANNING COMMISSION MINUTES – CITY OF INDEPENDENCE, OHIO  
OCTOBER 1, 2019**

---

Vice Mayor Grendel stated that he had no questions or comments.

Mayor Togliatti stated that being that the steep slope ordinance was enacted to protect riparian areas and prevent erosion in the natural riparian areas, none of which would be affected by the project; they have some very freshly created steep slopes here from this development, highway construction, the haul road, and he has no issue with it.

City Engineer Ramm stated that those were his thoughts exactly. He stated that the spirit and intent of the code for which it was enacted was not the presented situation at all. He stated that he felt that it was prudent to give the variances as requested.

City Planner Markley stated that he wanted to echo the Mayor and City Engineer.

Chairman Wiecek stated that he echoed everyone too up there.

**A motion was made by Vice Mayor Grendel, seconded by William Gutermuth, granting a variance to the Steep Slope Ordinance as presented on the site plan and approving the site plan as submitted in the application.**

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

**5850 West Canal Road, VF Holdings, PPN 571-06-001, 571-06-002** – Todd Sciano of Donald Bohning & Associates along with Architect Randy Baker and Doug Callahan of Valley Ford were all in attendance.

Mr. Sciano stated that it was a unique project. He stated that it would sit in two cities. The historic river line is the corporation line between communities; and in the past they coordinated with Engineering when these projects come up, and they thought it was appropriate that both cities review the project and multiple future phases. He stated that the group was before the Commission to answer any questions the Commission may have.

Mr. Lytkowski stated that the only question he had was if the project was in the flood zone area.

City Engineer Ramm stated that it was.

Mr. Lytkowski asked what they were doing to protect the water problem. He stated that was his question. He stated that they always have problems down there with the water.

**PLANNING COMMISSION MINUTES – CITY OF INDEPENDENCE, OHIO  
OCTOBER 1, 2019**

---

Mr. Sciano stated that on the exhibit that was presented, there were really two different areas that were of importance from an engineering perspective; the area that was in the flood plain and then the area that was in the flood way. He stated that the work that was west of the flood way, there were very strict guidelines of what could take place in that area. There would be no building without an H&H study. He stated that the both the City of Independence and the Village of Valley View share the same ordinance which requires that if any work takes place in the flood way, both communities have to agree from an engineering perspective and from an administrative standpoint, with both Mayors signing off. He stated that the construction in the flood way could only be stormwater management below the existing grade. He stated that was why the ponds were located there.

Mr. Lytkowski asked if the water would spill into the parking lot.

Mr. Sciano stated that the parking lot would be higher.

Mr. Lytkowski asked how much higher, just out of curiosity.

Mr. Sciano stated that it would be four feet roughly.

Mr. Lytkowski asked if they had floods down there exceeding four feet?

City Engineer Ramm stated that it was four feet higher than the flood elevation.

Mr. Sciano stated that the Village code requires that the finished floor would be two feet above the hundred year storm, which was the actual building.

Mr. Lytkowski stated that last time Mr. Sciano talked about the 500 year storm.

Mr. Sciano stated that the ordinance for both communities reference, which would be tied to the firm maps, was the hundred year storm; and the base flood elevation for finished floor would be required.

Mr. Lytkowski asked how much is that roughly.

Mr. Sciano stated that it would be two feet above the base flood elevation, which was the hundred year storm. He stated that was required.

Mr. Lytkowski asked for the total footage.

Mr. Sciano stated that roughly it would be somewhere between 3 ½ feet to 4 feet higher than the hundred year storm elevation.

**PLANNING COMMISSION MINUTES – CITY OF INDEPENDENCE, OHIO  
OCTOBER 1, 2019**

---

Mr. Lytkowski asked the City Engineer if that made certainly.

City Engineer Ramm stated that most certainly it did make sense. He stated that the City has similar requirements to keep things up above.

Mr. Lytkowski asked if they had the water exceed 3 ½ feet down there. He stated that he would hate to see them put up the building and have water problems.

Mr. Sciano stated that the river elevation and the profile for the back water would be relative to the existing grades; and so in the vicinity, the water would never come out of the property. He stated that, both cities share that same ordinance, which requires it.

Mr. Lytkowski thanked Mr. Sciano.

Mr. Gutermuth stated that he was newer to the Commission, so he was not sure how it had been handled historically, and maybe his question was better suited for his colleagues on the Commission. He stated that they were reviewing the entire site plan, but in reality, only a portion touches Independence, so he asked if it has been that Valley View and Independence both agreed that crossing properties like this would be approved; but technically speaking, all the property was really in Valley View. He stated that from Independence's side from a tax perspective, and things of that nature, everything will go to Boards in Valley View. He asked if that was right.

He stated that the Commission could say no to the portion that was in the Independence; and they could still go forward with the project on the Valley View property. He just wanted to make sure he understood how it would effectively work.

Several people replied yes.

Mr. Lytkowski asked if the Commission would make it subject to Valley View approving the project too.

Law Director O'Brien stated that they will need approval for their building and most of their infrastructure. This would just be that back corner parking lot; and other than water flooding their property, affecting their cars that would be parked there, it would be no public interest that the City of Independence would have any concern about.

Mr. Gutermuth stated that the City Engineer has raised no concerns with the water; so he didn't have any other questions.

Vice Mayor Grendel asked about the project with the Army Corps of Engineering, he asked if it was farther south.

**PLANNING COMMISSION MINUTES – CITY OF INDEPENDENCE, OHIO  
OCTOBER 1, 2019**

---

Mayor Togliatti stated that it was farther south.

Vice Mayor Grendel stated that it would not have any effect on this project. He stated that all that would be in Independence would be the southern retention pond and maybe half of the northern one. He didn't see any problems. He stated that just part of the parking lot would be in Independence also.

Mr. Sciano stated that he would let Mr. Callahan speak to it. He stated that the balance of the property they were acquiring would be another additional development piece that would be in Independence. He stated that what was being presented was the initial phase.

Mr. Callahan stated that they have some conceptual plans that they have with the entire 22 acres. He stated that eventually, probably it would be a three to seven year plan; but they will look at developing the property with one of their other brands so that it would be another truck dealership at that point.

Vice Mayor Grendel stated that at that time it will be in Independence.

Mr. Callahan agreed. He stated that they were looking three to five years down the road.

Mr. Lytkowski stated that Mr. Callahan was talking other brands.

Mr. Callahan stated that currently down in Valley View they have Ford, but they also have Hino and Isuzu, two other commercial trucks. He stated that the dealership right now would be Ford only. He stated that at that point they would look at future expansion and looking at some of the other manufacturers.

Vice Mayor Grendel asked if Mr. Callahan would leave the dealership that was across the canal.

Mr. Callahan agreed.

Vice Mayor Grendel stated that he has no problems.

City Engineer Ramm stated that in speaking with Mr. Sciano, the project came before; and they discussed it as a courtesy and information sharing. He wanted the benefit of seeing the plan, knowing that a minor area was in the City; and they would expect the same. That was why they were before the Commission.

City Planner Markley stated that he had no comments.

Chairman Wiecek stated he had no comments.

**PLANNING COMMISSION MINUTES – CITY OF INDEPENDENCE, OHIO  
OCTOBER 1, 2019**

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Mayor Togliatti stated that the Commission looks forward to Valley Ford’s future expansion into the City of Independence.

**A motion was made by Vice Mayor Grendel, seconded by Dale Lytkowski, to approve the final site plan.**

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

**5200 Rockside Road, PPN 562-32-024, 562-32-021 & 562-32-007** – Mr. David Bruening of Stamford Properties was in attendance.

Chairman Wiecek stated that before the Commission would go forward, this item will be set for Public Hearing on November 11<sup>th</sup>. So, maybe the applicant this evening could give the Commission a brief overview of what the project would entail.

Mr. Bruening stated that the project would be a Starbucks, which will be 2,500 sq. ft. It will encompass the three parcels, two on one side which were previously owned by the City, and the one in the center which was subsequently bought by the City. There would be no access to Rockside Road. He stated that they can see the renderings as to what it would look like.

Mr. Bruening stated that there would be a drive-thru. There would be a lot of stacking area to the light. He stated that the zoning that they would be requesting and hoping to achieve would be specific to the project; and any future use will need to come back before the Planning Commission. He stated that they think that was a good idea. He stated that if they would not be the owner someday, whatever might go on the site would have to come back because that was the entrance to the City.

Mr. Bruening stated that as part of the project they will be building a retaining wall along the whole property. He stated that the average height would be about eight feet. He stated that they will know more when they get their survey work done. He stated that the City will continue the wall over to the ramp; and they were working now with a plan that would allow them to hopefully build a wall that they can actually use and not have to affix anything to it.

Mr. Bruening stated that originally in the plan, what they were working towards was to build a retaining wall that the City could customize; but as they were doing their research, they were finding out that there was some pretty good product that could be used now in conjunction with the Architectural Board. They were liking the material that they were coming up, and that would save the expense that the City had to do anything on it. All

**PLANNING COMMISSION MINUTES – CITY OF INDEPENDENCE, OHIO  
OCTOBER 1, 2019**

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they would have to do is put a sign on it. Mr. Bruening stated that was what they were hoping to achieve. They haven't priced it out yet, but they were excited with what they have seen so far. They were hoping to get something that would work for everyone and kind of answer some of those questions that came up the last time about extra expenses.

Mr. Bruening stated that the idea was that when they come down the hill, they will see something modern, a new shiny penny. When you come to a city and see Starbucks, you kind of know that it means something. Every city you go to and see a Starbucks, you know that Starbucks plans well. They build nice buildings. He stated that in this case, they were building it in the corridor; and they go in locations that have a little extra.

Vice Mayor Grendel asked if they would still keep their other open at Rockside Corners.

Mr. Bruening replied yes. He stated that he asked that question. He stated that if they could get a drive-thru there, it would be really helpful.

Vice Mayor Grendel stated that by the proposed one, there was really no amenity of that nature on the west side in the morning. You would have to go to Panera or Starbucks, but something that was on the other side of the interchange. He stated that at least the people who work on the west side will have something that they can go to earlier and get their coffee if they want from there and stay on that side of the interchange there. There are enough back roads. They can go back to the Summit and towards down to Oak Tree without getting back on Rockside.

Mr. Bruening agreed. He stated that the other thing was that a lot of the people would be using this, people who won't have to make a left-hand turn to come back. So, in that regard there was a traffic savings that way, instead of going to Panera or the other Starbucks, the people on the west side of the freeway could stop here in the morning instead of doing a traverse back and forth. He stated that there would be a savings in traffic on Rockside Road.

Chairman Wiecek stated that his colleague Mr. Lytkowski asked a question which he didn't know. He asked if it would be owned by Starbucks, the corporation?

Mr. Bruening stated that Stamford Properties would own the property.

Law Director O'Brien asked if it was a long term lease.

Mr. Bruening replied yes.

Mr. Lytkowski asked who owned the property?

**PLANNING COMMISSION MINUTES – CITY OF INDEPENDENCE, OHIO  
OCTOBER 1, 2019**

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Mr. Bruening stated that Stamford would own the property. They will build the property, they will build the building; and they will lease it to Starbucks.

Vice Mayor Grendel stated that they were the same company who owns the plaza where Panera and Melt was located. They have a history with Independence.

Mr. Lytkowski asked one more thing, he asked what was said?

Vice Mayor Grendel stated that Stamford Properties, if he was correct and everything, they own the plaza where the Panera was located and Verizon.

Mr. Lytkowski asked if Mr. Bruening was before the Planning Commission before.

Several people began speaking at once.

Mr. Bruening stated that he has stated it before, and he will state it again, they really enjoy working in Independence.

Mr. Lytkowski stated that he liked the idea, but the question he had was he was not too sure about the look, the façade. He stated that it was too modern for Independence. He didn't know. He always thought it should be Western Reserve. He stated it was food for thought.

Mr. Bruening stated that some people like the old look, but the new look states that it was brand new. He stated that if they think what happened when they built the shopping center. The City wasn't a weekend destination for food at all. No one came, and now, and he was not just saying it was their tenants, but it certainly changed. Everybody started coming on the weekends. You saw people out. The plaza across the street got busier, and their vacancies filled up. So, there's synergy that occurs when you build something. He stated that they were hoping that for this project. He stated that there was no convenience retail on that side of the street. He stated that he believes it is kind of needed.

Mr. Lytkowski stated that he didn't question that.

Mr. Bruening stated that they were not done. They would go through Architectural Board review and work with that board to get what works for the tenant and the City.

Vice Mayor Grendel asked if Mr. Bruening was always talking Starbucks or was there any other potential like Dunkin Donuts or one of the other ones.

Mr. Bruening stated that from a developer's perspective, they would love to build a bank there because they pay the most money, and they could do more. He stated that it was

**PLANNING COMMISSION MINUTES – CITY OF INDEPENDENCE, OHIO  
OCTOBER 1, 2019**

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not a service that the City really wanted on that side of the street. There were plenty of institutions already, and this was something that would serve the tenants; and he thinks it is probably a better fit in general, and they really need a tenant with heft. As they all know, it was a very expensive site, and the site work will be expensive as well; and to make all that work for a really small building, 2,500 sq. ft., they needed someone who would pay a lot of rent, and that was Starbucks. He stated that it kind of drops off after that. There were not a whole lot of people who would step up, and that you could count on who would be there five or ten years from now. That was the financial strength of the ability to get a loan for them to build. He stated that you have to go with those who have the standing, have the need, have whatever it takes to stay in the market for a long period of time because as a developer that is what they look for; and they feel lucky to get Starbucks. They originally planned to be in the Seven Hills project. If you look at their site plan, they were there; and that project started. He stated that they called them right away, and they started the project almost four years ago. Mr. Bruening stated that they called them back then, and they said they had a site. It started cratering, and they started looking here; and they feel very fortunate to get them. He stated that it was a great site. He stated that there will be a patio out front. They will also put a railing along the wall.

Chairman Wiecek thanked Mr. Bruening and stated that the Commission will see him on November 11<sup>th</sup> at 6:00 p.m. at the Public Hearing.

**There being no further business, the Planning Commission meeting was adjourned at 6:03 p.m.**

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**Chairman Ray Wiecek**

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**Debi Beal, Planning Commission Clerk**

Minutes Unapproved at Time of Release 10/03/19