

**MINUTES OF A REGULAR MEETING
OF THE PLANNING COMMISSION
CITY OF INDEPENDENCE, OHIO
October 4, 2022
Council Chambers/Via Zoom**

Chairman Vice Mayor Grendel called the meeting to order at 5:30 p.m. October 4, 2022, 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

Old Business:

Approval of Minutes of the Planning Commission meeting held on September 6, 2022.

New Business:

- 1. Stone Road, PPN 562-09-032 & 562-09-033, Andria Mileti** – Proposed lot consolidation of two parcels to construct a single-family home.
- 2. 8901 East Pleasant Valley Road, PPN 564-21-001, 564-22-004 & 564-26-017, Andrew Levandovski** – Proposed lot consolidation of three parcels.
- 3. 7800 Brookside Road, St. Maron's Church** – Proposed indoor and outdoor pavilion.
- 4. 6201 Brecksville Road, McDonald's** – Proposed two-lane drive thru and expansion of existing parking lot.

Chairman Vice Mayor Grendel welcomed everyone to October 4, 2022, Planning Commission meeting.

The Chairman stated that the first item of business they have under Old Business was the approval of the Minutes of the Planning Commission meeting that was held on September 6, 2022.

**PLANNING COMMISSION MINUTES – CITY OF INDEPENDENCE, OHIO
October 4, 2022**

Chairman Vice Mayor Grendel stated that now they need to approve the Minutes of the Planning Commission meeting that was held on August 2, 2022, right after the Public hearing.

A motion was made by Mayor Kurtz, seconded by Joseph Moeller, to approve the Minutes of the Planning Commission Meeting Minutes of September 6, 2022.

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

Chairman Vice Mayor Grendel stated that the Commission had four items on the agenda. He stated that he thought two of them were consolidations of lots, and then they have the proposal from St. Maron’s Church. The final one was the McDonald’s proposal which they had a little informal discussion at last month’s meeting which gave the Commission a heads up and he wanted to thank the applicant for taking the time to do that.

Stone Road, PPN 562-09-032 & 562-09-033, Andria Mileti – Property owner Andria Mileti was in attendance.

Chairman Vice Mayor Grendel stated that the Commission all received the report from the Economic Development Director, and the Commission was given a good historical aspect of the lot and everything.

Mayor Kurtz stated that the property was going to go from 10 lots to 2 lots to 1 lot by way of history. He asked if that was correct.

Chairman Vice Mayor Grendel stated that was correct. He stated that the property has had a history for the last number of years. He stated that the Planning Commission approved the current configuration 5 years ago, but it was originally proposed to be a 10 lot development at one time. He stated that at this time the Commission has a staff report. He asked the Economic Development Director if there were any comments on the report that she had provided the Commission.

Economic Development Director Hyser stated that she thought it was pretty simple. She stated that as the Mayor had stated that the property was planned for a 10 lot subdivision, and in 2017 it was approved for the 2 lots. Now the owner would like to consolidate the lots for future development of a single-family residence on the one parcel.

Chairman Vice Mayor Grendel stated that the parcel was a little over 7 acres.

Economic Development Director Hyser replied correct.

PLANNING COMMISSION MINUTES – CITY OF INDEPENDENCE, OHIO
October 4, 2022

The Chairman stated that there was no problem with the zoning as it was zoned for single-family.

Economic Development Director Hyser agreed.

The Chairman stated that the staff report recommendation was to approve the consolidation. He asked if there were any questions from the Planning Commission. He asked Mr. Gutermuth if he was on the Planning Commission when they originally approved the lots.

Mr. Gutermuth stated that he didn't think he was on the Commission then.

Chairman Vice Mayor Grendel asked Mrs. Mileti to come forward.

Mrs. Andria Mileti came up to the podium.

The Chairman stated that it was Mrs. Mileti's desire to just have one ranch home.

Mrs. Mileti stated that they have no interest in selling either of the parcels at any point and time. They would like to build a ranch home on the property and not be restricted by the lot line going right through the center.

The Chairman stated it was clear as far as the maps they received what the consolidated lot would look like. It would be narrow by the street, but it would widen out as you get into the property. He stated that once it would be built, that would be the challenging part, getting the utilities and driveway and everything else in. He stated that once it was in, it will be a very beautiful setting.

Mrs. Mileti stated that she was excited.

The Chairman asked if there were any questions from the Commission of Mrs. Mileti.

Mr. Moeller stated that the only question he had was to understand the timeline.

Mrs. Mileti stated that they were taking their time with it. She stated that her oldest was medically complex, and she will be with them long term, and that was part of the motivation of doing the ranch home. She stated that they want to make sure that they were dotting every "i" and crossing every "t" in what they can anticipate that they will need to accommodate for her. She stated that right now she was a junior in high school, so they were waiting for her to finish high school before the house would be completed. They were not in a giant rush, and especially with the logistics of a long, steep driveway and everything that will come with what they will need. She stated that they want to make sure they were doing it right.

**PLANNING COMMISSION MINUTES – CITY OF INDEPENDENCE, OHIO
October 4, 2022**

Mr. Moeller replied thank you.

Chairman Vice Mayor Grendel asked if there were any other questions. He asked if there were any concerns from the City Engineer?

City Engineer Ramm stated that there were no concerns.

Law Director O'Brien stated that he was sure it would have great landscaping.

Chairman Vice Mayor Grendel stated that he would entertain a motion to approve this request for the consolidation.

A motion was made by Mayor Kurtz, seconded by William Gutermuth, to approve the lot consolidation as presented.

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

8901 East Pleasant Valley Road, PPN 564-21-001, 564-22-004 & 564-26-017 –
Bogdan Garasimchuk was in attendance and Andrew Levandovski was on Zoom with regard to the matter.

Mr. Garasimchuk stated that Mr. Levandovski was on Zoom as his child was ill, and he couldn't be in person.

Chairman Vice Mayor Grendel stated that the Commission received the staff report. He asked Mr. Garasimchuk to give his presentation.

Mr. Garasimchuk stated that they acquired the building, and it came with three parcels. He stated that they wanted to do some work on the parking lot, adding a loading dock, repairing one and adding an additional one. He stated that they were requested to consolidate the property. He stated that they wanted to consolidate the three parcels.

The Chairman asked if there was a company that would be coming to Independence.

Mr. Garasimchuk stated that it was an online auction site. They were based out of North Royalton, and this would be their distribution location. They would process merchandise that they would acquire from Amazon returns. He stated that they process it in the facility, and send it to their other pickup locations.

The Chairman asked how many employees did they have.

PLANNING COMMISSION MINUTES – CITY OF INDEPENDENCE, OHIO
October 4, 2022

Mr. Garasimchuk stated that they had around 50 employees.

Mr. Moeller asked if there was any intention of them using the building as a pickup location or would it just be a distribution center.

Mr. Garasimchuk stated it would be just for distribution.

The Chairman asked if any of the other members had any questions.

Mr. Gutermuth asked if there was any intention of doing anything with the parking lot, and did he know how many people would specifically be employed at that location. He asked if they were going to make the parking lot bigger.

Mr. Garasimchuk stated it would just be resurfacing the parking lot, and adding a loading dock. He stated that they would have roughly 30 employees at that location.

Mr. Gutermuth stated that if returns come back and Amazon would not want them, they would take them, process them and put them online for auction.

Mr. Garasimchuk stated that was correct. He stated that it would be taking pictures, inventorying them and then sending them to other pickup locations.

Mr. Gutermuth stated that the pickup locations looked like North Royalton and Brookpark.

Mr. Garasimchuk added Stow.

The Chairman asked Mr. Garasimchuk if he had various locations.

Mr. Garasimchuk agreed.

The Chairman asked Ms. Chase if she had any questions. She had none.

Mayor Kurtz stated that the only concern or reservation or observation that he had would be that the property before they acquired it, they filled the back of the property without a permit; and so what he would ask would be that the City Engineer would make sure that the steep slope, riparian setback compaction were all within the City's parameters before. He stated that he didn't want Mr. Garasimchuk to walk away thinking that it would be done, and then they would find out they had a problem with the back of the property because it goes back into the creek and blocks the creek. He stated that he knows they inherited the situation, and he was not trying to create a burden to him, but he thinks they should be aware of it. He stated that the City would have to at least review it to make sure that they would be aware of the situation and whatever tests would have to be done

PLANNING COMMISSION MINUTES – CITY OF INDEPENDENCE, OHIO
October 4, 2022

to give them a comfort level that what they were doing in terms of the surface treatment, the driveway, that they would be doing it with an open mind and would meet the requirements of the City.

Mr. Garasimchuk agreed.

Mayor Kurtz stated that they inherited the situation, and he thought it was only fair that they were aware of it, and that they help them navigate through any concerns so that down the road if there would be a problem, they could fix it. If there was not a problem, that they were aware of the fact of how it was done. He stated that they would have some evidence to support whatever they would want to do.

The Chairman asked if there was anything the Economic Development Director could add from the report. He stated that it looked like everything was pretty self-explanatory.

Economic Development Director Hyser stated that they mentioned the location of the property which was next to the CSA building, and the fact that these were three separate parcels.

Mr. Moeller asked if there was any long term plan to get the space. He stated maybe it was too new since it was a recent acquisition, but obviously the loading dock he mentioned and the other updates in the back. Would there be anything with this property going up to the road or from a landscaping perspective that they discussed with the City.

Mr. Garasimchuk stated not necessarily. He stated that they wanted to freshen up the front, the curb appeal because it was kind of overgrown right now. He stated that there would also be signage.

Mayor Kurtz stated that the one parcel was a former sewer treatment plant, the small .62 acres. That is where the City had a treatment plant before the sanitary sewers were installed, and once the sanitary sewers were installed, it was abandoned. The property was abandoned and picked up and bought. It was the same people who bought this. He stated it was just an fyi. It was a lower elevation because it was all gravity feed at the time. He asked the City Engineer if he knew that.

City Engineer Ramm stated that he didn't know that it was there.

Mayor Kurtz stated that he just thought he would share it with him. He stated that it was the City's wastewater treatment plant before the sanitary was brought in.

He stated that if the Planning Commission would approve the lot consolidation, conditioned upon the City's Engineer reviewing the site, and the Building Official

PLANNING COMMISSION MINUTES – CITY OF INDEPENDENCE, OHIO
October 4, 2022

reviewing the site with him just to make sure everyone was on the same page, would that be fair.

Mr. Garasimchuk replied yes.

The Chairman asked the Law Director if he wanted to craft that motion.

Mayor Kurtz stated that he guessed everything was part of the steep slope, compaction and everything.

City Engineer Ramm stated especially in terms of what they may or may not be looking to build or do on that soft material.

Mayor Kurtz stated that he just wanted to make sure that their eyes were open, and that no one comes back to the City either.

A motion was made by Cheryl Chase, seconded by William Gutermuth, to approve the consolidation of the lots, subject to a review by the City Engineer relative to the steep slope fill to reassure the City that it would not present a hazard.

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

Chairman Vice Mayor Grendel asked Mr. Garasimchuk when he anticipated getting his operation opened.

Mr. Garasimchuk stated that they were trying for as soon as possible. He stated that they had the building for a year now. He stated that once they get this approved and get the drawings figured out, they want to get it going. He stated that they can't get it going until the docks were ready for them.

Mayor Kurtz stated that the Building Official was right there, and he should make sure he was working in concert with their needs, and the City Engineer is also right here. He stated that Mr. Garasimchuk could put a name with a face and go after them.

7800 Brookside Road, St. Maron's Church – Joseph Mannarino was in attendance on behalf of St. Maron's Church.

The Secretary stated that Mr. Mannarino was on Zoom.

Economic Development Director Hyser stated that they did not provide a staff report for the project because they were lacking some information.

PLANNING COMMISSION MINUTES – CITY OF INDEPENDENCE, OHIO
October 4, 2022

The Chairman stated that he was wondering that.

Economic Development Director Hyser stated that it wasn't an oversight.

The Chairman stated that the Commission did receive a couple of communications. He believed that everybody on the Commission did. He stated that he did promise the one too that he would read the letter here. He stated that he didn't know if resident Lisa Davis was in the audience.

Mayor Kurtz asked if it was safe to assume that the Planning Commission was not going to take action tonight.

Mr. Mannarino stated that he agreed with that. He was just trying to get, he was contacted by the church to start the journey, the process of doing this for them and what steps they would need to take. He stated that Ms. Beal sent him a letter from a resident already. He stated that the church really wanted to get this project moving forward, and he thought that they could have a general conversation about what they were hoping to accomplish and what would be the best path to take with the City moving forward. He stated that was all he was looking for this evening.

Chairman Vice Mayor Grendel stated that the only thing that was presented was the map.

Mr. Mannarino stated that his question was if he should submit the design. He stated that he didn't know what he had to do with the City before they would come up with a site plan that would make more sense.

Mr. Gutermuth asked if this was the original site plan that the Planning Commission had approved. He stated that he couldn't recall what they had approved previously. He stated that he remembered doing a site plan.

Mr. Mannarino stated that had the new church on it, and this one did not. He stated that it was new. He stated that they threw him in this about a month ago. He wanted to find out what obstacles were in the way of moving the project forward.

Mayor Kurtz stated that this may be better getting what was originally approved, overlaying what the request was, understanding some of the logistics, getting the neighbors' input, and then before they would be in a position to bring it to the Planning Commission, he thinks they would need to have a workshop or something on this that would define or redefine their expectation. He stated that it would go back many years, and he wasn't here for part of it, but he would like to go back from the beginning, see what they approved, see what would be consistent with what was approved, what their expectation was, the impact on the neighbors, future impact on the neighbors. Those were all considerations when they acquired the property. He doesn't remember when that was.

PLANNING COMMISSION MINUTES – CITY OF INDEPENDENCE, OHIO
October 4, 2022

Economic Development Director Hyser stated it was 2008.

Mayor Kurtz asked if it was unreasonable to maybe go back in time, resurrect some of the issues. He stated that he knows that the Chairman wanted to read the letter. He stated that Mr. Mannarino's expectation was to go through a process, not just expect the City to approve something.

Mr. Mannarino replied no. He stated that he wanted to make sure the process, the journey they would take would be one of minimal (inaudible). He stated that he appreciated the Commission putting the matter on the agenda this evening without a full set of plans, but to open some dialogue.

Chairman Vice Mayor Grendel stated that what they need to do then as a Commission, have a special workshop on this issue alone and be able to revisit what has been approved, and find out what the plans are in the future, just so they have an idea and then be able to have the City Engineer see what the ramifications would be from an engineering standpoint on the neighbors, not only on Brookside, but on Dalebrook on the other side and just to see the whole impact. He stated that it has been so long since they have addressed any of this. He stated that he wouldn't mind taking another visit to the site there too.

Mr. Mannarino stated that they were open to all of those things. He stated that he wanted to have open dialogue, and if they needed to have some sort of workshop to discuss previous plans, or a site visit, or address the concerns of the neighbors, the retention pond. He stated that he was very open to all of that.

Chairman Vice Mayor Grendel stated that he thought that would be their next step to have a workshop, and maybe depending on what time of day it would be, and also have a site visit after that so they could visualize what they would be proposing and what was on the property now. He stated that it was such a long extent, that they do not want to get people up in arms in not knowing what would be proposed here. He stated that there were no diagrams or pictures or anything of what was being planned there and the effect it would have on the topography and how much concrete there would be and everything else because there was a question whether or not those retaining ponds were functioning as they should be. He stated that he remembered distinctly being involved with those retaining ponds too.

Mayor Kurtz stated that if he might suggest, this was so new and Mr. Mannarino was making it clear to the Commission that he recognizes the request would be new. He stated that might the Building Official, the Engineer, the Economic Development Director meet with Mr. Mannarino and his team to review history, the historical side of the property. Then they could have a workshop with the Planning Commission, and then they could go to the Planning Commission application formal process. He asked if that

PLANNING COMMISSION MINUTES – CITY OF INDEPENDENCE, OHIO
October 4, 2022

would make sense, rather than waste the Commission's time, put all the historical information together and see how they complied with what was done a decade or 15 years ago, and then they could get the neighbors to weigh in with what they have seen. He stated that he knows there were concerns about future buildings and the impact on the neighbors, what the expectation was or is, and then formally come back if there would be some consensus to have the Planning Commission weigh in and approve. He asked if that would make sense.

Ms. Chase stated that one of the letters that the Commission received, there was the question of building the church on the grounds, and that was a question that would need to be answered before they would allow a facility.

The Chairman stated that it would be for the future Planning, besides this.

Mayor Kurtz asked Mr. Mannarino if he was in a position to talk to the Commission about what was originally approved was the church?

Mr. Mannarino stated that he thought they built the church. They built the chapel in the back.

Mayor Kurtz stated it was probably not to the extent that everybody envisioned.

Mr. Mannarino agreed.

The Mayor stated that they retrofitted a portion of the existing building. He stated that the concern was the property to the south of their property, the impact on the neighbors, the property to the north, the abutting properties; and it will boil down to they spent a lot of time historically speaking on drainage water courses and managing the water. They were very sensitive to the treatment of the property behind the neighbors, along Brookside, and he thinks the location of the buildings was something that was taken into consideration back then. He stated that maybe a workshop and a refresher with the Engineer, the Building Official and the new Economic Development Director, and then sort these things out so that when they have a site visit, when they have a meeting with the residents, when they have a meeting with the Planning Commission, they have some baseline to work off of.

Mr. Mannarino stated that he agreed 100%. He stated that they should start with some history, some background and how they got to this point. He stated that he will make himself available at the Commission's convenience. He stated that his email address was on the application, and he will make himself available, and his team, his architect, and possibly one of the major players behind this.

PLANNING COMMISSION MINUTES – CITY OF INDEPENDENCE, OHIO
October 4, 2022

Mayor Kurtz stated that the Economic Development team puts a staff report together for the Planning Commission, so Jessica could you coordinate that meeting?

Economic Development Director Hyser replied yes, absolutely.

Mayor Kurtz stated that they would get the team, Engineering, Building, and at least build a foundation of where they were at so that when they go meet with the workshop and get the public involved, or meet on site, at least they are working off of something together, rather than having a fragmented approach to it.

Mr. Mannarino stated that he agreed 100%.

Mayor Kurtz asked if there were any objections from the residents?

One of the residents had a question for City Engineer Ramm. He asked if they had come up with any plans to minimize the problem before something major would happen.

Mr. Mannarino stated that he didn't have any information on that, but he would follow up.

The Chairman stated that was the question that a resident had for the City Engineer.

City Engineer Ramm stated that he did meet with Ms. Davis in her backyard, and then went over to the site and did have the City's contractor look at it, and they think they have an option to pursue to help mitigate that condition.

The resident stated that he was just worried now with winter coming, and with the thaw and melting process. He stated there was a huge stump, and it would get slippery, and it will start sliding down the hillside. He stated that it was the size of a pickup truck. He stated that there was tree there. He stated that if it would go down and block the stream, they would get a lot of water, and if that would blow out, people on Brookside would get hit again.

Mayor Kurtz stated that the Engineer, that was one of the concerns they have for the entire watercourse. He stated that he was not going to sit here and tell him that they will handle it this winter either.

The resident stated that it would seem like an emergency on that southern retention basin, and somehow re-route it to put some of the water to the northern retention basin just to keep that flow from coming over the hillside.

Mayor Kurtz stated that was more technical, and he will let those guys handle it.

PLANNING COMMISSION MINUTES – CITY OF INDEPENDENCE, OHIO
October 4, 2022

The resident stated that this was a little different than everything else, but they do know that there is a dam on the property; and there was a lot of silt behind that too. He just wondered if the City was aware of all that because farther up the canyon there was a dam spreading across there.

Mayor Kurtz stated that was to the west, on the west end of the property.

The resident stated it had been there since the 1920s. He stated that was holding back a lot of silt, and should that ever come down, there would be a lot of stuff coming down that southern part of Brookside.

Mayor Kurtz stated that the National Park would be the recipient of all of that. He stated that they will work through those issues, bring them to their attention. That will all be part of a final report.

The resident stated that he thought the people on the Montello side, it would not get them immediately, but it was something they were watching happen, and it was something they wanted to make the City aware of so that they don't want a disaster down there.

Mayor Kurtz stated that they were very sensitive to watercourses in the City because they have to deal with them continuously.

The resident stated that he was sure that they do. They live right on the edge of a valley. He stated that was a very steep valley too.

Mayor Kurtz stated that they will be getting together with the neighbors, but suffice to say, there are multiple steps.

Chairman Vice Mayor Grendel stated this was way too early. He stated that the next step would be having Jessica reaching out to this gentleman to the church there and maybe getting the process started between the City and the departments and St. Maron's Church. He stated that eventually, once they have narrowed down the scope and everything, it will come to the Commission's attention.

Mayor Kurtz stated that maybe a workshop on site would be the next step after they have done their review, but let's see what they come up with first.

Chairman Vice Mayor Grendel stated that nothing would be done until they have input from the residents, full disclosure. They were a few steps away from that. They have to kind of decide, try to find out what the issues are themselves, and with their experts.

Mayor Kurtz stated that they do appreciate the neighbors' input and narratives, it makes them aware of some of the different issues.

PLANNING COMMISSION MINUTES – CITY OF INDEPENDENCE, OHIO
October 4, 2022

Chairman Vice Mayor Grendel stated that they definitely appreciate the letters that were sent and the concerns. He stated that they like to be kept fully aware so they would not be leaving anything without attention.

Mayor Kurtz stated that there will be no action taken. He asked the Law Director if they would need to take any action.

Law Director O'Brien stated that the applicant has agreed that St. Maron's believe that a workshop would be in order along with further discussion. He stated that the applicant stated that he was not expecting any action by the Planning Commission. This was just to open the dialogue.

Chairman Vice Mayor Grendel stated it was similar to what they did with McDonald's last month informally also. Thank you, Mr. Mannarino.

Economic Development Director Hyser stated to Mr. Mannarino that she would reach out to him later this week.

6201 Brecksville Road, McDonald's – Bob Bumbarger, Michele Miller and Todd Sorg were all in attendance on behalf of McDonald's.

The Chairman stated that the Planning Commission had talked last month informally.

Mr. Bumbarger stated that they talked last month about the two lane drive-thru at the existing McDonald's on Brecksville about having two lanes going in, redoing the opening on Rockside to meet the departments of the Planning and City, redoing the parking along Brecksville, along with the second lane, striping along the front and rear to handle and make sure that employees going out for deliveries and stuff like that with the traffic. They didn't want any safety issues there, and they needed to make sure they maintained that bypass lane.

He stated that per the last meeting, they did want to update on the parking along Brecksville, and they made sure that met the parking requirements from the City with the 9' x 20' parking compartments on those. He stated that they were just under, and that had been addressed as well.

He stated that officially they were saying that they were going with the 118 which was the original parking count from the original site. They were losing 8 spots from the current site. That was a 30 car variance from the original site plan, from 118 to 88.

Law Director O'Brien asked if the 118 was the one previously approved?

PLANNING COMMISSION MINUTES – CITY OF INDEPENDENCE, OHIO
October 4, 2022

Mr. Bumbarger stated it was the original, and it got approved down to 107. He stated that it was initially approved for a small variance, and at some point it got initiated to where it was at now. He stated that they were asking for that, and the idea was from the informal meeting that this was a total of a 30 car variance.

Ms. Chase asked how many were there now?

Mr. Bumbarger stated that there were 96, and they were going down to 88. He stated that Paul who was not in attendance, who worked at the store every day, at that last meeting he stated that he had never seen in the 30 years he had worked there, needing all of those spots. He stated 88 was even more than they would put into a McDonald's, a brand new one today. They were way overparked there, but they have plenty of space.

The Chairman stated that it seemed like a majority of the stores now have the two stall.

Mr. Sorg stated that what that would allow would be to create two drive-thru lanes, relieve some of the stacking that would go back out onto Rockside or anywhere else on the site. He stated that the other thing was in regard to the drive-thru and the parking, the one thing that Paul presented or mentioned at the last meeting was that because of Covid and other things, the drive-thru percentage was up to 80%. So, that would also relieve some of the parking lot capacity. He stated that he never in the over 30 years that he had been at that store, has never seen a full parking lot, even when they were at their maximum capacity during breakfast or lunch.

The Chairman stated that the upstairs has not been opened up. He stated that was part of the attraction was the upstairs. He stated that he knows when he had the younger kids and everything too. He stated that the remodeling that they did, he liked the old charm. He stated that now it didn't have the same atmosphere that it had when it first opened.

Several people began speaking at once.

The Chairman stated that it seemed like it was more elegant. The reality was that most of the business did come from the drive-thru, and being in the business area that they are, it was always jammed packed, especially during Lent because you have Fridays for the fish sandwiches.

Mr. Sorg stated that also the small caveat was delivery was picking up also. He stated that was a factor with Covid also. He stated that with delivery being increased, the drive-thru being increased, that leaves less use on the parking lot and less use for the number of parking spaces that they do have. He stated that Michele could probably touch on it better than he could, but in terms of the amount of parking spaces they have, at one of their normal restaurants of this same size, what were the normal parking spaces.

PLANNING COMMISSION MINUTES – CITY OF INDEPENDENCE, OHIO
October 4, 2022

Ms. Miller stated it was normally 50 or less. She stated that all the newer buildings have less, unless it was a City requirement.

Mr. Sorg stated that for 88 what they were asking for, they would still have about 25 more than what they would normally have at one of their newer restaurants.

Chairman Vice Mayor Grendel stated that when you would come in from PNC bank, how would that affect, people wouldn't be able to go right into the drive-thru.

Mr. Bumbarger stated that from the rear of the site there was a little 8 inch curb that would protect the lane with flexible bollards.

The Chairman asked if that would keep the traffic to the right?

Mr. Bumbarger stated it was deterring them so they don't jump the lane or jump the curb.

The Chairman stated that they will be directing the traffic to go that way.

Ms. Chase stated that they think they were more important than you.

Mr. Moeller stated that they said the parking stalls along Brecksville Road, they made those longer.

Mr. Bumbarger agreed.

Mr. Moeller asked how much that would eat into that bypass lane? Would the bypass lane be about the same size than what it would be today?

Ms. Miller stated that they would still be the same.

Mr. Bumbarger stated that it was 19 feet before, and now it would be 20 feet.

The Chairman stated that the Economic Development Director had her report, but he noticed that the only issue there was as long as the ingress and egress would not be hindered by what was proposed.

Economic Development Director Hyser replied correct.

Mayor Kurtz stated that he agreed with the 20 foot length. He asked what were the thoughts of making them wider than 9 foot on the west side of the parking?

Mr. Bumbarger asked if he wanted to make the stalls wider. He asked if the Planning Commission was okay with them losing more stalls.

PLANNING COMMISSION MINUTES – CITY OF INDEPENDENCE, OHIO
October 4, 2022

Mayor Kurtz stated that they stated that they had an average of 50.

Mr. Bumbarger stated that he was okay with that.

Mayor Kurtz stated that he just knows people pulling in at different angles, and to him he was more of a Costco type parking than a 9' x 20'. He stated that you have young people with kids and strollers, trying to get into a 9 stall is hard.

Mr. Bumbarger stated that they put this parking design together maximizing the amount of parking they have. He stated that he was supposed to be done per the parking code, but if the City and Planning would be okay with a lower number, he doesn't see any reason why they could not widen the spaces along that area.

Ms. Miller stated that they would probably lose a couple of stalls.

Vice Mayor Grendel asked would it be done to all of the spaces?

Ms. Miller asked make then 9' wide all the way around the lot?

Mr. Bumbarger stated that he thought that was what was mentioned when Jessica was on site.

Mayor Kurtz stated that by the way they were reviewing their parking code right, and they were going to a 10' x 20' if Council would approve that. It was just a point of information, but because of bigger trucks and bigger vehicles.

Ms. Miller stated that there were a lot of bigger vehicles, bigger SUVs.

The Mayor stated that you were trying to come in for convenience and some food. Mr. Sorg stated so if that would be something that the Commission would request was for there to be wider stalls along the Brecksville side, as long as they were not requesting an additional variance if that would be a requirement that the Commission would want them to do.

Ms. Miller stated that they were good with it.

Mr. Sorg stated that he thinks they could accommodate that.

Mayor Kurtz stated that he would like to hear from the rest of Planning Commission. He stated that he stated that based on real experience, and he didn't want to create more of a chaotic situation. He asked how many seconds does it take to get a customer through? He stated that why would they want to create a bigger challenge for a person who was

PLANNING COMMISSION MINUTES – CITY OF INDEPENDENCE, OHIO
October 4, 2022

trying to get inside and enjoy a meal or relax and has kids, and then having to fight to get in a parking space that would be too small. He stated that it was just a thought.

Mr. Sorg stated that his only request would be that whatever would be decided, he thinks that Council knows it as well, that they were on a very tight timeline to try to get asphalt and concrete in this year. So, if it is something, he didn't know how they would word the variance.

Law Director O'Brien stated that it would be very simple to word it. He stated that the Planning Commission would have to decide. Was Mr. Sorg stating that they would lose two spaces? So, it would be a reduction of 21 for a total of 86 spaces.

Mr. Sorg stated that was what his guess was. He didn't want to hold the matter up.

Vice Mayor Grendel asked so that will only be on the west side?

Several people began speaking at once.

Mr. Sorg stated that if the Planning Commission would say 3 spots, and they would only need 2, they would be still plus 1 then. He stated that he would recommend doing 1 more than what they were thinking so at least they have some leeway. If they could do it with losing 2, then they lose 2.

Mayor Kurtz stated that even on the east side.

Mr. Sorg stated that he would have to really think what that would mean for re-striping the entire lot.

Mayor Kurtz stated that it would be both sides of the fish spine.

Mr. Sorg stated that he would have to go out and double check the measurements of the stall, and then he would have to do a re-striping layout to see exactly what would happen.

Ms. Miller stated that they would have to re-stripe that.

Mayor Kurtz stated they would lose 2 there, and 4 over there. He stated that it would make it more user-friendly.

Mr. Sorg stated that he didn't disagree with the Mayor, but he didn't know how to answer that.

Several people began speaking at once again.

PLANNING COMMISSION MINUTES – CITY OF INDEPENDENCE, OHIO
October 4, 2022

Mr. Sorg stated that he would think there would be a bigger benefit to losing them on the east side. He stated that he wouldn't say don't do it on the west side. He would say the more places the better.

Mayor Kurtz stated that he agreed with him.

Mr. Sorg stated that he was just a little worried about the timing on that.

Mayor Kurtz stated that if those were the only 2 issues that the Engineer and Building Official could take into consideration, they could be approved subject to their review and approval.

Building Official Gero stated that the Planning Commission could grant the applicant a variance for the 4 spaces, and then they could figure out how to make it work.

Mayor Kurtz stated that it would be 2 and 4.

Ms. Miller stated it would be an additional 6 spaces.

Mayor Kurtz stated that it would be 2 on the west side, and then 4 on the east side in the spine area. He stated that he thinks the experience would be better, and he has never seen it full. He stated that all they would create if they would stripe it, people would park across the stripes.

Ms. Miller stated that they have to stripe the lot anyways.

Mayor Kurtz stated that the Planning Commission could approve 82 instead of 88. He asked if that made sense.

Law Director O'Brien stated that he was ready.

Several people began speaking at once again.

Ms. Miller stated that would still be plenty of parking.

Mayor Kurtz stated that conceptually he was okay with it, subject to the Building Official and Engineer refining it with the applicant to agree on it. If they would settle at 83 or whatever it would be, fine. If the Planning Commission would say 82, they would have to make it work.

Mr. Bumbarger stated it would be no less than 82.

Law Director O'Brien stated that 82 was good.

PLANNING COMMISSION MINUTES – CITY OF INDEPENDENCE, OHIO
October 4, 2022

Mayor Kurtz stated that would take care of that issue. He stated that the bigger issue for him was the one that was brought up last time, and with all due respect, he knows that they do not own the property; but he could only support the project if there would be a continuous turn lane. He stated that he was not saying that it needed to be done; he knows they are on a timetable to get the parking lot done. He stated that he was okay with that. He was okay himself personally voting to approve it, subject to the 82 parking spaces; but also subject to the fact that the turn lane installed, not necessarily in concert with the rest of the upgrades, but it would be installed. He stated that it may take time to get the utilities moved and everything, sometime in 2023.

Vice Mayor Grendel asked do we need the other people?

Mayor Kurtz stated that the other people would have to be involved because it goes beyond their boundary, but with all due respect, most of the traffic comes out of McDonald's.

Mr. Sorg stated that he thoroughly agreed with that. He stated that he could not argue that one bit.

Mayor Kurtz stated that all the customers that want to get in there, they use all the advantage they get by getting through the line, and they get out there, and there is one car trying to go straight. Then they get 3 or 4 backed up.

Vice Mayor Grendel stated that you can wait a long time.

Mr. Sorg stated that they have no objection to that. He stated that he stated that the last time. The only thing that they didn't know at that point and time was the amount of work that still needed to be done on the project. He stated that obviously even on the side where their property line was, they were still about 15 to 20 feet away from where their property line was. So, that area was owned by the daycare.

Economic Development Director Hyser wanted to pull up the site plan.

Mr. Sorg stated that there were so many utilities just in that area with the traffic control box, the storm sewer drain. He was thinking that Engineering would, rather than having to move all that stuff.

Mayor Kurtz stated that the City would take care of engineering. He stated that the deal he would make is that they would take care of the engineering, and they would take care of the costs. He stated that however they would split that with their neighbors, the City would work with them. He stated that he would need a commitment that they would take care of that if the City would be willing to spend the money to help them design, prepare with the understanding; he doesn't want to put them in an awkward position with the

PLANNING COMMISSION MINUTES – CITY OF INDEPENDENCE, OHIO
October 4, 2022

neighbors, and they would work with the neighbors. The Mayor stated that he would need a commitment out of them that they will do it if the City gets the engineering done.

Mr. Bumbarger asked does that affect their costs?

Mayor Kurtz stated that they will have a more meaningful discussion. He stated that the only one in all fairness, is if he would understand correctly, would be the child care literally owns the property. If they don't need it, between McDonalds and the bank. He stated that what he would do would be to get a meeting with everybody and see if everyone could consolidate their efforts. He stated that in all fairness, he would ask the child care to donate the property. That would be their contribution.

Mr. Sorg stated that his big question was who would they be asking to spearhead this, or would this be coming from somebody with the City to kind of bring every party together.

Mayor Kurtz stated that he would have no objection to the City playing a primary role in looking at the plans, getting Council to approve, the Engineer to design the upgrade so that they would know what they would be responsible for. Then go to PNC and go to the neighbors and say if you donate the land, and if PNC would contribute to the cost, put a package deal together. The City would participate in it.

Mr. Sorg stated that he thinks that would be something that McDonalds would participate in, but without knowing anything about the construction or the costs. He stated that if he would say yes that they would be willing to commit to their third, and all of a sudden the costs turn out to be \$1,000,000, they have to tell their operator that they will have to come up with a third of \$1,000,000; it would be a little bit tough to sell a blank check. He stated that if they had a little more information with that, but in terms of the need and the use of it, he completely agrees with the Mayor. He stated that he believes there was a need, and he does agree that it should be done; and he does agree that McDonalds will contribute. He stated that he has talked with their operator, and she has asked the same question, how much will this cost her. He stated that he didn't know.

Mayor Kurtz asked Mr. Sorg if he told her \$1,000,000.

Several people began speaking at once again.

Mr. Sorg stated that was what they were looking at, and would they be responsible for the costs of moving all the utilities? What part of the costs would McDonalds, would it be just the asphalt and concrete and land and that part? Or would it be the whole thing?

Mayor Kurtz stated that his perspective was, first of all the grounds rules, he doesn't see the child care contributing. He stated that they didn't have a benefit.

PLANNING COMMISSION MINUTES – CITY OF INDEPENDENCE, OHIO
October 4, 2022

Mr. Sorg stated that what they would have to contribute would be the land.

Mayor Kurtz stated that they could check that box. They could contribute the land, and then the cost and the burden would become the bank and McDonalds. He stated that the City, what he would talk Council into doing, was them preparing the plans because they have all the infrastructure history. They did the job. So, Don would it be unreasonable for the City to design that turning lane?

City Engineer Ramm stated that he intended to.

Mayor Kurtz stated that the City will participate, and that will not be a cheap venture. They would participate to make sure that it would be done to McDonalds' satisfaction.

Mr. Sorg stated that he knows what engineering plans cost.

Mayor Kurtz stated that the last thing was the cost, and that is what they will have to have a discussion about. He stated that the fact that McDonalds was open-minded to it. The fact that they recognize that there was a need. He stated that he had no problem voting this evening, subject to; but it would be a stretch. He stated that they will have to trust the Planning Commission with the subject to.

Mr. Sorg stated that he thinks that is kind of what they talked about at the last meeting, and he was actually working on a very similar issue in Cincinnati. He stated that it was the same type of issue where they have the same ingress and egress at one of their restaurants, and he was working with ODOT down there because it was a State road. He stated that he was working with them on trying to do something, but they were limited because it was on a major intersection. He stated that it was right across the street from Kenwood Mall in Cincinnati. He stated that there was no room to expand that intersection; so they were trying to figure different things out there. So, he knows exactly where the need comes from. He stated that maybe the operator here does not see it as much as their operator in Cincinnati, but she does recognize that there is a need for that.

Mayor Kurtz stated that they were reinventing themselves here. He stated that they were creating more opportunity. He stated that the City was trying to accommodate that. He stated that 38 years ago when the City approved McDonalds, they pioneered the whole opportunity because of the McDonalds and the City, it was a new venture for them. He stated that they all look back at that it had a very positive impact on the community. He stated that the fact that it is known throughout the world in terms of the architecture.

Mr. Sorg stated there were other ones after it got built wondering why they couldn't have one also.

Mayor Kurtz stated that he got a lot of calls back then, but what he was suggesting was to accommodate the parking, they will work with McDonalds on that. He stated that he thinks a reasonable way of managing it. He stated that in terms of the turn lane, it would be essential that they have the turn lane because it would be for McDonalds' benefit, their customers, which he was one of them. He stated that it was frustrating when you get up there, and you are 2 or 3 deep because people want to turn right, and they can't turn right because one person is going straight.

He stated that he thought they outlined the framework, the City will do the engineering. He stated that in a perfect world this is how he would see it. The City would do the engineering. The daycare does the contribution of the property, and then maybe there would be some split in terms of the cost between McDonalds and PNC. He asked if that was reasonable.

Mr. Sorg stated that was reasonable.

Mayor Kurtz stated that at least he was not saying 100% McDonalds.

Mr. Sorg stated that the only thing he was trying to do at this meeting would be keep these things in 2 separate buckets. He stated that they will make a commitment that yes something needs to be done and as the work developers with this project, and costs develop, they would even like to collaborate with the City. He stated that was what McDonalds is, a construction company; they could work with the City also to say maybe they could do it this way or that way and have a total project together. He stated that he thinks they could make that commitment here and keep it in 2 separate buckets.

Mayor Kurtz stated that they will not keep it in 2 separate buckets, they will put it in one bucket, but McDonalds could do their work in one bucket, and it will just bleed over to the other bucket. He asked if that was fair.

Mr. Sorg replied yes.

Mayor Kurtz stated that he thought it was because of their history, their relationship dating back over 35 years; that is why they could have this candid discussion in his perspective.

Mr. Gutermuth stated that he had one question on that. He asked if the Planning Commission subject to a good faith effort contribution to support this future project, but he guesses that his concern was what happens if the subject to doesn't play out as expected? He asked what would be the Commission's recourse? He stated that they will already move ahead with the project.

Mayor Kurtz stated that they could assess it.

Law Director O'Brien stated that candidly speaking, since he was being asked, he will put it in the public record. He stated it would be a good faith effort regarding that.

PLANNING COMMISSION MINUTES – CITY OF INDEPENDENCE, OHIO
October 4, 2022

However, the Mayor, he believes there is enough there if the City would want to take a portion of the private property that would be outside of the right-of-way and go back and assess; and it wouldn't be frontage, it would be for beneficial use, and it would be those 3 properties. He stated that as you know there are 3 ways to assess, and this one the Engineer would say which properties are most benefited by that change in traffic pattern, and it would definitely be the 3 properties.

Mr. Sorg stated that one other thing, and he knows it was mentioned last time that they wanted to kind of line up that intersection with the mall across the street. So, maybe it could be, and he was just thinking off the top of his head here, maybe if they get some contributions from them, contributions from us, contributions from PNC, and they just put those into that bucket, then they could do the whole project under whatever that cost cap would be.

Mayor Kurtz stated that they looked at that earlier. He must have been reading their mind because right now you could drive across the street from that straight lane, and it's not a traffic issue. So, as much as they want to get that done on the other side, that would be a different project. They wouldn't burden this project with that. He stated that was his perspective. He stated that he wants to isolate this, and as long as the City Engineer could engineer it, it won't create any traffic issues or chaos or safety issues, then they were really trying to focus on this right now.

Mr. Sorg stated that since there were 3 lanes there right now, they were talking about adding one more which would most likely be on the south side.

City Engineer Ramm stated that they may need to split for the space available between the signal poles. They may need to split it.

Mayor Kurtz stated that is when the Engineer jumps in and corrects him.

Mr. Sorg stated that he was just looking at all the utilities that were over there. That will significantly add to some of these costs.

Mayor Kurtz stated that it was not an easy fix, but it was the right thing long term, for the next 38 years. He stated that was what they were looking at. He stated that he personally appreciates Mr. Sorg's openness. He asked how they could craft something that they could keep them in the game, keep them going, but with the understanding that there will be a permanent upgrade to the intersection when they get onto Brecksville Road?

Law Director O'Brien stated that he would do a two-step motion. The first one would be granting a variance to 1181.17 providing a 25 parking space variance and requiring a maximum of 82 parking spaces, subject to the approval of the Building Official and City

PLANNING COMMISSION MINUTES – CITY OF INDEPENDENCE, OHIO
October 4, 2022

Engineer and the cooperation and good faith effort of the applicant regarding the redesign and engineering to install a turn lane within the exit located on Brecksville Road.

Ms. Miller stated the Law Director stated a maximum of 82, did he mean a minimum of 82?

Law Director O'Brien stated sorry, yes minimum.

Mr. Bumbarger stated that he also thought the 25 was incorrect. It should be 118 existing.

Mayor Kurtz stated no 118 to 107, to 88 to 82.

Mr. Bumbarger stated that the Mayor was doing it that way.

Mayor Kurtz stated that the 82 was the number.

Mr. Bumbarger stated that 82 was the correct number.

Mayor Kurtz stated it would be a minimum of 82 then.

Chairman Vice Mayor Grendel asked so both of those could be put into one motion?

Law Director O'Brien stated that it was one motion.

A motion was made by Cheryl Chase, seconded by Joseph Moeller, to grant a variance to 1181.17 providing a 25 parking space variance and requiring a minimum of 82 parking spaces, subject to the approval of the Building Official and City Engineer and the cooperation and good faith effort of the applicant regarding the redesign and engineering to install a turn lane within the exit located on Brecksville Road.

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

A motion was made by William Gutermuth, seconded by Cheryl Chase, to approve the site plan as presented by the applicant.

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

PLANNING COMMISSION MINUTES – CITY OF INDEPENDENCE, OHIO
October 4, 2022

Mayor Kurtz stated that he really appreciated their flexibility. They could see they were trying to look to their business as well as trying to do what is best for the City with respect to the parking, their experience with the applicant, historical dynamic that has always been a good relationship. He stated that he really does appreciate their willingness to help the City and support them in this project, as the City supports them.

Chairman Vice Mayor Grendel stated that they will be starting construction pretty quickly he imagines.

Mr. Sorg stated that he will have to get the plan revised, the parking with the striping. He will get that over to Building which he had already submitted, but this will be a revision. He stated that hopefully once that would be permitted, it should be in a month.

The Chairman stated that they will have the full support of the Building and Engineering Department.

Building Official Gero stated that the plans were already reviewed.

Mayor Kurtz thanked the applicants for their time.

Chairman Vice Mayor Grendel asked if there was anything else for the betterment of the Commission.

Economic Development Director Hyser will be working with St. Maron's. The two parties can get together.

Mayor Kurtz stated that he liked the Chairman's idea of the on-site visit.

The Chairman stated that then they could visualize and see the neighbors' concerns. He stated that it would not be a short-term thing.

A motion was made by Joseph Moeller, seconded by Mayor Kurtz, to adjourn the October 4, 2022, Planning Commission meeting.

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

PLANNING COMMISSION MINUTES – CITY OF INDEPENDENCE, OHIO
October 4, 2022

There being no further business, the Planning Commission meeting of October 4, 2022, was adjourned at 6:41 p.m.

Chairman Vice Mayor Dave Grendel

Debi Beal, Planning Commission Clerk
Minutes Unapproved at Time of Release 10/06/22