

**MINUTES OF A REGULAR MEETING
OF THE PLANNING COMMISSION
CITY OF INDEPENDENCE, OHIO
December 1, 2020
Held Virtually Via Zoom**

Chairman Lytkowski called the meeting to order at 5:30 p.m. December 1, 2020 and the following responded to Roll Call:

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

OTHERS

PRESENT: Don Ramm, City Engineer
Michael Gero, Building Official
Jeff Markley, City Planner (arrived at 5:36 p.m.)

ABSENT: Gregory J. O'Brien, Law Director

Old Business:

**Approval of Minutes of the Planning Commission meeting held on
October 6, 2020.**

- 1. 7099 Brecksville Road, Sunoco** – Renovation of existing building to include expanded retail and elimination of mechanic shop.

Chairman Lytkowski stated that Planning Commission members had received the Minutes of October 6, 2020 Planning Commission meeting. The Chairman asked if there were any additions or corrections.

Chairman Lytkowski stated that he did have one comment. He asked if the City Engineer could help him out.

The Chairman stated that when the Planning commission approved Kent State University and the solar panels, they had it subject to three items. He stated that one was that the Police and Fire would look at it to make sure there were no problems. He stated that the second was to have the City Planner look at it; and the third was a chain link fence which was to be rubberized as opposed to galvanized so it would not rust.

The Chairman asked if any of that had taken place.

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City Engineer Ramm stated that he was not aware.

Vice Mayor Grendel stated that it looked like the solar panels were installed.

Chairman Lytkowski stated that the solar panels were installed. He stated that he didn't hear anything about the screening and the shrubbery and the fence.

The Vice Mayor asked if there was fencing around the panels. He stated that he drove through there and didn't see any fencing around the solar panels.

The Chairman stated that he didn't see any fencing either.

Mayor Kurtz stated that they were supposed to install a fence.

Several people replied yes.

The Vice Mayor stated that he thought they would want to install a fence for vandals and everything.

The Mayor agreed.

Chairman Lytkowski stated that was the reason he was asking the question because when he went there he didn't see a fence. He stated that he recalled specifically the approval was subject to that condition.

Vice Mayor Grendel stated that was correct. He had checked the Minutes.

Chairman Lytkowski asked the Mayor how that should be followed up on.

Mayor Kurtz stated that the Building Official could follow up.

The Chairman stated that would be great if the Building Official could handle that with respect to the landscaping, and the City Planner should be a part of that and the fence.

Building Official Gero stated that he would check into that and see where they were at and what would need to be done.

The Chairman thanked the Building Official. He asked if there were any other comments about Kent State. He stated that if there were no other comments, he would entertain a motion to approve the Minutes of October 6, 2020.

A motion was made by Vice Mayor Grendel, seconded by William Gutermuth, to approve the Minutes of October 6, 2020.

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

7099 Brecksville Road, Sunoco – Sameh Aboualghanam was in attendance on behalf of Sunoco.

Mr. Aboualghanam stated that he would like to expand the store to make it a convenience store and close the garage and make it bigger for a convenience store. He stated that the garage had been slow, and that was the reason why they want to make it a convenience store. He stated that they wanted to put the coolers outside, and they will make it look good.

Mr. Aboualghanam stated that the Engineer will explain to the Commission what he wanted to do.

Elie Zogheib stated that he was the Engineer for the project. He stated that he could make a quick introduction of the scope of work of what they will be doing. He stated that what Mr. Aboualghanam wanted to do was increase the size of the retail area inside the store. He stated that it would remain as a gas station, but there will be more area inside to sell retail items. He stated that one of the required items would be to eliminate the mechanic area and introduce a new walk-in cooler which would be located on the outside of the building and would serve the inside as reach in doors. He stated that it would be a 10 door cooler.

Mr. Zogheib stated that on the side there was a little utility area that they would store the sink and mop and water heater for the increased space. He stated that it would be from the back.

Mr. Zogheib stated that from the front all they would be doing was closing the doors and providing (inaudible) that would match the existing building using the same material, white brick and anodized finish. He stated that no other work will be planned for the outside. They just want to stripe the correct number of spaces properly to provide the number of spaces required by code. He stated that they were asking for approval to proceed and finalize the design of the work.

Vice Mayor Grendel asked who was the owner of the Sunoco. He asked if they were leasing from Michael Rajko.

Mr. Aboualghanam replied yes.

The Vice Mayor asked if it would remain a Sunoco.

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Mr. Aboualghanam stated that it would remain a Sunoco.

Mayor Kurtz asked if they would eliminate any repairs to vehicles for maintenance of vehicles.

Mr. Aboualghanam stated that they have two bays now, and they will expand it for retail.

Chairman Lytkowski asked if it would be a convenience store or what type of store would it be.

Mr. Aboualghanam stated that it would be just a convenient store. They could put in an ATM, coffee, more drinks. He stated that it would be more like a convenience store.

The Chairman stated that when Mr. Aboualghanam talks about the cooler, he was confused. He asked if there would be a beer cooler on the outside.

Mr. Aboualghanam stated that the building was too tight with the walk-in cooler inside. He stated that they would put it outside 8 feet, and the doors would be inside.

Mayor Kurtz asked if they would be adding on to the building or would it just be outside.

Mr. Aboualghanam stated that they would just put it outside. They would put all the doors inside, but the back of the cooler would be outside. He stated that it would be a cooler for external use.

Mayor Kurtz asked the City Engineer to show the slide again with the building and the parking.

Vice Mayor Grendel stated that he thought that slide was up now.

Mayor Kurtz stated that it was an opportunity to clean up the areas that the City didn't participate in. He stated that the City did a nice job of fixing up that corner with the landscaping, but now the rest of it needs to be cleaned up. He stated that Mr. Aboualghanam was going to do something behind the building.

Mr. Aboualghanam agreed.

Mayor Kurtz stated that they will have to fence that all in and actually fence in the parking or landscape. He stated that he applauds Mr. Aboualghanam for wanting to upgrade the building. That was great, but they will have to deal with the aesthetics of the neighboring properties because there was an elevation change, and they have a chance there to clean it all up.

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Mr. Aboualghanam agreed. He stated that they could do that.

Chairman Lytkowski stated that they will actually be adding 8 feet onto the building.

Vice Mayor Grendel stated that it would be the cooler. He stated that he thought all the suggestions that the Mayor made should come into play here.

The Chairman stated that he totally agreed. He stated that the biggest question he had was if they were going to maintain the same hours or would they be changing hours. He asked if they would be putting an addition on the building for the cooler.

Vice Mayor Grendel stated that it looked like it was just the cooler itself. He stated that it didn't look like there would be any structure around it.

Mr. Aboualghanam stated that it was just a cooler that was designed for external use. He stated that it would be exposed. There would be no walls that would go around it.

Vice Mayor Grendel stated that was why the Mayor wanted that area fenced in.

Building Official Gero asked what color would the cooler be.

Mr. Aboualghanam stated that they haven't gone through the design for selection yet. He stated that if there was a certain color they were required to have, they would be glad to apply it during the design.

Building Official Gero stated that they would need to present all of this before the Architectural Board of Review when they finalize their plans. He would ask where would the fence that the Mayor brought up. He wanted to know if the fence would be located around the cooler area or around the whole property line.

Vice Mayor Grendel stated that his feeling was the Mayor wanted it along the whole property line.

Mayor Kurtz stated that it could either be the fence or landscaping, some kind of hedge, from the City's finished landscaping in the corner.

Building Official Gero stated that he could always get that answer and have it for the Architectural Board as far as the type of fence and where it should be located and whether it would be a screening tool around the outside of the cooler or it would be something to separate the whole property line. He thought that maybe some type of shrubbery or hedge would be better in that area between Hillside and the building.

Vice Mayor Grendel stated that would be fine.

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Mayor Kurtz stated that there could be a hedge in there and fencing around the back of the cooler.

Building Official Gero stated that they could decide all of that at the Architectural Board when they would come with their plans as far as what they were intending to do to the building.

Mayor Kurtz stated that he wanted to make sure that it was included in the Minutes, what they expect.

Vice Mayor Grendel stated that the cooler could be subject to vandals if it would not be protected.

Chairman Lytkowski stated that was his point.

Vice Mayor Grendel stated that it could be an eyesore too.

Mayor Kurtz stated that it would have to be a board-on-board or an enclosed fence.

The Chairman stated that it sounded like it was an open cooler with exits from inside. There would be nothing to protect it from the outside. He stated that it didn't make sense.

Building Official Gero stated that it would have exterior walls built to protect it from weather with insulation and whatnot.

Vice Mayor Grendel stated that it looked like it was just a cooler with no walls around it.

Chairman Lytkowski stated that was what he thought.

Building Official Gero stated that the walls of the cooler would be built to maintain the environment. He stated that the cooler would probably be about 8 foot high, and the other thing to consider would be the City's fencing requirements. He stated that the requirements right now were a maximum of 6 foot, unless they would look at it differently. He stated that would be the key as far as what the fencing would be used for as far as screening goes.

Chairman Lytkowski asked if they could enclose the cooler with a roof over the top.

Mr. Aboualghanam stated that it would not be covered. He stated that the cooler itself was specially designed for external use; so it would be enclosed properly for protection.

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Vice Mayor Grendel stated that on a day like today there would be a foot of snow on top of it.

Mayor Kurtz stated that the façade of the building, the upgrades will all be approved by the Architectural Board because they have a chance to clean up the entire corner. He stated that he thinks they need to work with the applicant to take advantage of that.

Building Official Gero stated that they were talking about what type of fencing and whether landscaping would be a hedge row or something else would be more appropriate between the two properties along the property line and just fencing to screen the cooler in the back of the building.

Mayor Kurtz stated that he agreed with it. It was a great idea. There would be shrubbery and then fencing around the cooler to shield and protect it and keep the vandals. He stated that with the front of the building he would rely on the Building Official and Architectural Board to really come up with something that would be consistent with the City's goal would be.

The Chairman asked about fixing up the parking area.

Building Official Gero stated that he thought that was all repaved in the last year or so.

Mr. Gutermuth stated that they just redid that. It was all new.

Mayor Kurtz stated that they have an opportunity to really clean up that corner and make it a very attractive feature for the entire area. He stated that he thought what The City Engineer and Building Official was hearing the shrubbery, the fencing, the aesthetics, the building upgrade, the material, painting, cleaning. They have an opportunity to camouflage all that. He stated that they could do some really nice aesthetics so that when people look at this, they will know that it has been upgraded and not just overhauled.

Chairman Lytkowski asked about the lighting.

Mayor Kurtz stated that he would expect the Architectural Board would address that.

Chairman Lytkowski asked about the trailer that was there in the summer. He stated that they would sell French fries.

Vice Mayor Grendel stated that it was just a temporary thing that they had for a couple of weeks.

Mayor Kurtz stated that it was by permit only.

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Chairman Lytkowski asked what would the hours of operation.

Mr. Aboualghanam stated that the hours would be from 5:00 a.m. to 11:00 p.m. Monday through Friday. He stated that Saturday would be 7:00 a.m. to 11:00 p.m., and Sunday would be 8:00 a.m. to 10:00 p.m.

Chairman Lytkowski asked if that would conform to the City's ordinance.

Mayor Kurtz stated that the hours would have to conform to the City's ordinances.

The Chairman stated that he had no other questions.

Vice Mayor Grendel asked if there would be warm food served there, hot dogs and hamburgers, or would it just be cold packaged food.

Mr. Aboualghanam stated that it would just be retail food ready for sale. There would not be any cooking inside.

Vice Mayor Grendel replied thank you.

Chairman Lytkowski asked if there were any other questions.

Mr. Gutermuth asked if the pad would go in the back, would there be a need for a variance with regard to how close it would be to the property line, or anything with slopes. Would they be able to build the pad without any variances?

Mr. Aboualghanam stated that the pad already exists. All they were doing would be reinforcing the (inaudible) just to accept it.

Mr. Gutermuth stated that he thought it would be a new pad. He stated that the parking he thought would be adequate. He stated that he agreed with everyone's comments thus far. He stated that he didn't think the Commission had a problem with the project so much as how it would look, and he was in agreement with everyone on that.

Vice Mayor Grendel stated that the old convenience store that was across the street was really just another liquor store, and it would probably be more convenient for people to come here and pick up a few items than to go to Dollar General. He stated that it would fit a need there.

Chairman Lytkowski asked Mayor Kurtz if he had any comments.

Mayor Kurtz stated that just to reaffirm what everyone was saying that the hedge row landscaping from Hillside north along the property line at the higher elevation, the

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fencing around the cooler area, the side of the building will have to be cleaned up and all the debris and anything that was not attached to the building will have to be removed. He stated that the paving in that area would have to match the rest of the paving and appropriate striping for the parking that will be needed. He stated that the building itself, the materials and the changes will have to be consistent with the City's policies and protocols. Any parking on the north side of the building, that will have to be addressed from a landscaping standpoint as well as the clearly delineated paving and stops to make sure the cars cannot go into the fencing or landscaping. The island would have to be cleaned up and painted to meet the City's standards. He stated that he will depend on the Architectural Board to reinforce the importance of the landscaping to complement whatever the City did. He stated that the utility mechanisms by planting some shrubbery around them, the green structures.

City Planner Markley stated that those were the irrigation boxes. He stated that there was an irrigation box.

Mayor Kurtz stated that was a power box, not irrigation. He stated that it will need to be softened.

He stated that if the applicant does all of those things, he thinks it will be a great upgrade and clean everything up and there will be organized parking. There will not be all those cars anymore and all the debris. He stated that it would be an opportunity to really clean it up and make it blend in with the other parts of the community.

The Mayor stated to the Building Official and City Engineer that they should look at the building to the north and see if there would be a way to tie it altogether aesthetically.

City Engineer Ramm asked if it was the strip plaza building.

The Mayor stated the canopy, the columns, the brick on the side; if it could tie into that somehow he thinks it would be really nice for that area.

City Planner Markley had a quick question for the Planning Commission. He stated that the landscape improvements that the Mayor was talking about. The landscape improvements would be private, they would be on private property.

The Mayor stated that was correct.

The City Planner stated that it would be expected that they would be maintained by the property owner.

The Mayor agreed, as a condition of the approval.

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City Planner Markley stated that right now there was an easement over the Hillside landscape improvements that were right along Hillside. He stated that the landscape improvements were being maintained by the City; would the Planning Commission want to consider rolling that back over to the property owner.

Mayor Kurtz replied yes.

The City Planner stated that instead of the City maintaining it.

The Mayor stated that the owners should blend that into their maintenance from now on.

The City Planner stated it could be with some obligation to maintain.

Chairman Lytkowski asked if there were any other questions.

Mr. Gutermuth stated that he did think it was worth noting just because he lives so close by he sees them doing work. He stated that the location has received some work in the past year or two. He stated that he wanted to commend the owner on that, and he believes that the renovation will be really nice when it's all done. He stated that the work they have done so far, he just wanted to note that it has been noticed. He knows they have put some money into the place recently.

Mayor Kurtz agreed. He stated that it was a great point.

Mayor Kurtz stated that the Architectural Board could review the Planning Minutes for what the Planning Commission wanted to accomplish.

Vice Mayor Grendel asked if they were selling alcohol at this location or will be selling alcohol.

Mr. Aboualghanam stated that they would be selling alcohol.

Chairman Lytkowski stated he had no other comments. He asked if anyone else had any comments.

There were no other comments.

The Secretary stated that there was someone in attendance who had raised their hand. She asked the Chairman if he wanted to let them speak.

Mayor Kurtz asked if there was a question.

The Secretary stated that there has not been a question given.

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Mayor Kurtz stated that it would be easier to have a question.

Mr. Zogheib stated that he had a question with regard to the Architectural Board of Review. He asked if that would come ahead of finalizing the design. He asked if they would be okay to submit for code review, or were they not there yet.

Building Official Gero stated that they were not there yet. They would need to put their plans together as far as what they intend to, and their intentions as far as what materials they will use, color schemes and things like that and submit that for Architectural Board of Review. Once the Architectural Board of Review gives their approval, then they could put together their drawings to submit for code review.

Mr. Zogheib asked how often did the Architectural Board of Review meet.

Building Official Gero stated it was twice a month, the first and third Thursday of each month.

Mayor Kurtz stated that if the applicant goes to the Architectural Board of Review, they will work with the applicant to help through this process. He stated that the Building Official just outlined that everyone would be willing to help work with the applicant because he already made an initial investment. He stated that he thinks that the applicant needs that to make sure that he would be in a good footing to complete the project.

Chairman Lytkowski asked for the record if all the neighbors had been notified.

The Secretary stated that they had been notified.

Chairman Lytkowski stated that if there were no other comments, the Chairman would like to entertain a motion for approval.

Mr. Gutermuth asked that he could make the motion, but would they need to have it subject to or would it be okay for the Architectural Review Board read the motion and make the motion for the general approval of the project.

A motion was made by William Gutermuth, seconded by Vice Mayor Grendel, to approve the exterior renovations, subject to all of the above conditions being met, Architectural Board of Review approval and site plan approval by the City Engineer.

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

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Chairman Lytkowski stated that before the Commission would adjourn, he would like to follow up on the solar panels at Kent State and make sure that the fence and the other conditions would be addressed.

Building Official Gero stated that if he could interject on the comments that were made with regard to the solar panels. He noticed that when he looked at the Minutes, the City Planner was to approve the landscape plan and perhaps he should be involved in that.

The Chairman stated that he agreed with that.

Vice Mayor Grendel asked if they needed to get anything approved by ODOT as far as the screening would go on that side of the fence.

The Chairman stated that he thought that ODOT did have to approve it.

The Secretary stated that she had a question from one of the attendees at the meeting. He asked about the gas tanks on the property, etc. She asked if there was something that would need to be addressed with the gas tanks.

Mayor Kurtz stated that they would still sell gas.

Building Official Gero stated that the tanks themselves were underground, so the tanks would not be an issue. The pumps may need some attention. He would have to look at those to see.

Vice Mayor Grendel stated that they weren't too old.

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

Chairman Dale Lytkowski

Debi Beal, Planning Commission Clerk
Minutes Unapproved at Time of Release 12/04/20

