

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

7:00 P.M., FEBRUARY 5, 2008

Chairman Lytkowski called the meeting to order at 7:09 p.m., February 5, 2008 and the following responded to Roll Call:

PRESENT: Dale Lytkowski, Chairman
Gregory Kurtz, Mayor
Vern Blaze, Vice Mayor
Jack Shallcross
Jerry Skuhrovec

OTHERS

PRESENT: Gregory J. O'Brien, Law Director
Don Elewski, City Engineer
Jeff Markley, City Planner
Ron White, Economic Development

AGENDA:

Old Business:

Approval of Minutes of Regular Planning Commission Meeting held on December 4, 2007.

Approval of Minutes of Public Hearing held on December 4, 2007.

Approval of Minutes of Continuation of Public Hearing held on January 2, 2008.

- 1. Bartlett Cove, PPNs 563-01-043, 563-01-044, 563-01-045 & 563-01-046**
– Lot split and consolidation of 4 existing Sublots in Phase 2, Section 3 of Chestnut Woods Subdivision.
- 2. Rockside Road/West Creek (Northwest corner)** – Proposed construction of a 5,300 sq. ft. Get Go convenient market, 8 dispenser island gasoline pumps and car wash.

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3. **St. Maron’s Church** – Approval for Special U-3 Permit to operate a church and community center on the property located at 7800 Brookside Road.

Chairman Lytkowski asked for the approval of the minutes of the Regular Planning Commission meeting of December 4, 2007.

A motion was made by Jack Shallcross, seconded by Mayor Kurtz, to approve the minutes of the Regular Planning Commission meeting of December 4, 2007 as written.

**ROLL CALL: Yeas: Shallcross, Kurtz, Lytkowski
 Nays: None
 Abstain: Skuhrovec, Blaze**

Chairman Lytkowski asked for the approval of the minutes of the Public Hearing held on December 4, 2007.

A motion was made by Jack Shallcross, seconded by Chairman Lytkowski, to approve the minutes of the Public Hearing held on December 4, 2007 as written.

**ROLL CALL: Yeas: Shallcross, Lytkowski, Kurtz
 Nays: None
 Abstain: Skuhrovec, Blaze
 MOTION CARRIED**

Chairman Lytkowski asked for the approval of the minutes of the Public Hearing held on January 2, 2008.

A motion was made by Vice Mayor Blaze, seconded by Jack Shallcross, to approve the minutes of the Public Hearing held on January 2, 2008 as written.

**ROLL CALL: Yeas: Blaze, Shallcross, Skuhrovec, Kurtz, Lytkowski
 Nays: None
 MOTION CARRIED**

Law Director O’Brien stated that per the Charter and the City Code there needs to be a Chairman elected for the Planning Commission for the next two year term.

Jack Shallcross stated that he would like to nominate Dale Lytkowski as Chairman of the Planning Commission.

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A motion was made by Jack Shallcross, seconded by Vice Mayor Blaze, to elect Dale Lytkowski as Chairman of the Planning Commission.

**ROLL CALL: Yeas: Shallcross, Blaze, Kurtz, Skuhrovec, Lytkowski
 Nays: None
 MOTION CARRIED**

Bartlett Cove, PPNs 563-01-043, 044, 045 & 046 – Mr. Gene Troiano of Perry Homes was in attendance. He is before the Planning Commission for what was presented previously with regard to a lot split and consolidation for a series of lots in the Bartlett Cove cul-de-sac. Currently, there are four platted sublots. This revolves around converting those four lots into three lots of larger size.

Law Director O'Brien stated to Mr. Troiano that it was his understanding that Mr. Troiano has had some discussions with the City administration and there is still a desire by Mr. Troiano to sit down with the residents and discuss ongoing issues. Mr. Troiano stated that he was readily available.

Chairman Lytkowski asked City Engineer Elewski if he had looked at the consolidation with regard to water problems. City Engineer Elewski stated that there were no water problems. City Planner Markley was asked if he looked at this from a landscaping standpoint with respect to the lot consolidation. City Planner Markley stated that he had no issues.

Mayor Kurtz stated that he has met with Gene, and he will meet again when he is able to consolidate the issues that the neighbors have with regard to the subdivision. There are some issues that need to be addressed. There are signage issues and some drain water issues. Mayor Kurtz stated that Mr. Troiano is very open for discussion and is looking to plan the future and share information with the neighbors and potential customers about the future of the subdivision as well as some of the items that need to be attended to. The Mayor stated that it is not germane to this issue. Mr. Troiano agreed.

Mayor Kurtz stated that they are going to start the year out differently. They are going to communicate with the neighbors, the residents in the area. The developer will be open in terms of how he wants to look to the future. There were some issues that were brought to the City's attention relative to the subdivision. The Mayor also added that the I-77 widening and barrier wall project will be sold this year in 2008. There will be an impact on the subdivision. It is the Mayor's understanding that the wall will be completed between Chestnut and Hillside. There will be no gap. Mayor Kurtz stated that they can address some of the paving areas to the maintenance contract to the older subdivision and

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sidewalk concerns. The signage and landscaping will be addressed. They will focus on the new subdivision and some of the concerns and issues that the developer has relative to the future.

A motion was made by Jack Shallcross, seconded by Mayor Kurtz, to approve the lot split and consolidation of the 4 existing sublots in Phase 2, Section 3 of Chestnut Woods Subdivision.

**ROLL CALL: Yeas: Shallcross, Kurtz, Skuhrovec, Blaze, Lytkowski
 Nays: None
 MOTION CARRIED**

Mayor Kurtz stated to City Engineer Elewski to make sure the drainage, when the plats are approved for building permits, that they are sensitive to the drainage from the corresponding attached lots. There may be some cross flow.

Chairman Lytkowski stated that he wanted to go out of order with regard to the next item.

St. Maron’s Church, 7800 Brookside Road – Law Director O’Brien wanted to update the Planning Commission. The City has determined that it needs for public purpose approximately 9.32 acres of property described earlier as the bookends. It is approximately 6 acres on one end of the property and approximately 3 acres on the other end of the property. The City is in negotiations with the Sisters to purchase the property, and negotiations are ongoing. The City hopes it can amicably resolve this with the Sisters; however, if need be the City will appropriate the property through an ordinance. The Law Director did prepare a Findings of Fact encompassing the public meetings. Law Director O’Brien stated that he does believe that the use, and he has talked to the residents, should be recommended to Council for religious purposes.

Chairman Lytkowski stated that the original application was taken out on September 5, 2006. If the Planning Commission does recommend to Council a U-3 permit, the applicant will have to submit a new application. Law Director O’Brien stated that they will have to submit an application for preliminary plans to receive approval from Planning Commission. Eventually, they will have to come in for a final plan. The Chairman thinks the application that the applicant filled out in the beginning is outdated. Law Director O’Brien stated that the applicant’s request is for the issuance of a U-3 Special Permit.

Law Director O’Brien read from the Findings of Fact: “In consideration of Findings of Fact set forth herein, the Planning Commission recommends to Council that it consents to the proposed use requested by St. Maron’s Church and grants a Special U-3 Permit

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subject to St. Maron's Church purchasing the property, but shall not include any property acquired by the City. The consent of the Special U-3 Permit to St. Maron's is for the proposed use only and any future development, improvement or alteration of the property acquired by St. Maron's Church must be in conformance with, and as required by, the City's Codified Ordinances."

Mrs. Calabersa stated that for the record since there is going to be a recommendation made; at what point are they going to be incorporating some of the conditions that they discussed throughout the Public Hearing to be included in the Special Use Permit. Law Director O'Brien stated that the other conditions in tearing the buildings down; and he would like to address that, in the other meeting and in the Findings of Fact there are concerns of the residents. The concerns of the residents for the most part will be discussed and re-visited once St. Maron's comes in for their request to start building their church on the property and their directly related religious use of the property. The removal of the buildings is a separate issue. They need to get the City officials out there because if the City determines there is a nuisance, they can't dictate St. Maron's or them coming in with their application. However, if those buildings are determined to be a public nuisance and a hazard to the surrounding neighborhood, then the current owner will have to be notified or the future owner of the property to take down those buildings maybe more abruptly and quicker than they anticipated. The Law Director stated that his point is that they can't force St. Maron's to come in until they are ready to come in, but if the property while it is remaining dormant becomes and is determined to be a nuisance; then the City will need to address those particular issues of nuisance with the current property owner. Mrs. Calabersa stated so that this can't be incorporated in as part of the Special Use Permit. Law Director O'Brien stated that the applicant may come in and state that they have re-thought it and might want to put up a two room chapel there and that's it. Some of the concerns by some of the neighbors may not be germane at that time. The nuisance issue; technically, St. Maron's doesn't even own the property. The City would need to take that up with the Sisters. The Law Director believes that no one has been out there since that meeting. Mayor Kurtz stated that every issue that was documented as part of the process during the public hearing and the evening of the public discussion and every other issue the City documented as well as any of the residents will be addressed when it comes to the land use when the applicant comes back to the City. That is the City's vehicle to address all of it. There is no vehicle to address that because there is no application. Mayor Kurtz believes that St. Maron's should get everything so that they can filter through everything and make it more functional. Mayor Kurtz stated that his thought is that if St. Maron's is going to pursue this, then they need to have all the concerns the City has now so they can incorporate as many of the concerns as possible in their plan. Then the ones that St. Maron's can't, they can explain why they can't do it. Mayor Kurtz stated that everything is all documented.

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There are reams of information that St. Maron's can have. Mayor Kurtz asked Ron White if he was putting that information together. Law Director O'Brien stated that there is a working draft. Mr. White stated that he is waiting for comment, and then he will put it in final draft. Mayor Kurtz stated that when he gets it, he will get a copy to Mary Calabersa and to Father Karam. Then at least there will be some framework of what the concerns are rather than waiting until St. Maron's presents something.

Bill Gauntner of 7700 Brookside Road stated that his understanding is that the City and St. Maron's Church were going to meet in Federal Court last Friday, and the City was going to present to the Judge a smaller amount of land. Did St. Maron's accept that? Law Director O'Brien stated that he was the lawyer that handled that hearing. Law Director O'Brien stated that St. Maron's in the hearing, the City stated their position just as the Law Director did a few minutes ago. St. Maron's accepted that position, and the Judge's exact words were: "Well, St. Maron's there's really nothing left in your case". St. Maron's lawyer agreed and said that the minute Council consents and approves the U-3 use, they understand they will have to come back for preliminary plan and final plat approval just like anybody else; and they will be dismissing their lawsuit because the thrust of it regarding whether or not there was a RLUIPA violation is gone. The Judge ordered St. Maron's to submit their dismissal by next Friday, three days after Council meeting. Law Director O'Brien stated that St. Maron's knows how much of the property they will be purchasing.

Mayor Kurtz stated that this request purely deals with the U-3 conditional zoning, and it has nothing to do with their original proposal to their application. Law Director O'Brien stated that in his opinion, unless Father Karam corrects him, their request was for a U-3 designation. The renderings that were provided were for discussion purposes. The Law Director doesn't think there has been any determination by the church. Father Karam replied "correct".

Mayor Kurtz stated that he received correspondence from Lillian Bodker against in allowing St. Maron's Church a Special U-3 Permit. The letter was given to the Clerk to be made part of the record as Exhibit "A" attached hereto.

Chairman Lytkowski stated that the Law Director has presented the Planning Commission a Findings of Fact with regard to this process. The Commission has received it. The Chairman trusts that everyone has read it.

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A motion was made by Jerry Skurhovec, seconded by Vice Mayor Blaze, to recommend to City Council to accept the Findings of Fact set forth herein and recommend to City Council that they grant a Special U-3 Permit to St. Maron’s Church for the purchased property, but such property will not be property acquired by the City of Independence.

**ROLL CALL: Yeas: Skurhovec, Blaze, Shallcross, Kurtz, Lytkowski
 Nays: None
 MOTION CARRIED**

Rockside Road/West Creek (Northwest corner) Get Go – Mr. Mark Carrabine and Mr. Pat Avolio were in attendance. They were before the Planning Commission initially in December where they had a site plan for the Commission. They also had a meeting with the Mayor and Vice Mayor and a representative from the Engineer’s Office and ABR. The Engineer brought up about re-orienting the site itself. The building would be located towards West Creek. Mr. Avolio has a couple of layouts this evening. One would have the car wash located towards the west. There has been some initial feedback from Ron White with some concerns. They have also done a concept with the car wash located more on the northern end of the property with the stacking heading out towards the west.

There were some comments regarding trying to reduce the parking. The reason why they did keep the parking there was that the overall parking count was 30. There is about 26 spaces (inaudible) from the building. There is some employee parking further away. Then there are some vacuum islands and some other employee parking further away in and of itself. What they tried to do was work within the confines of the property that Mr. Carrabine has agreed to purchase from the City that is located towards West Creek at the intersection of West Creek and Rockside and current property that he owns.

Mr. Avolio stated that they are looking for some direction in which way to proceed. They still have a whole list of issues that they had originally, but before preparing elevations and everything else, they would like to know the orientation of other elements of how they should be moving forward with this. If you look at the location, it is an odd shaped piece of property with a massive ravine in the back. Mr. Avolio would like to get the Commission’s input on how they can begin to move this forward.

Chairman Lytkowski asked Mr. Avolio about leasing the land. Mr. Avolio stated that they are going to be leasing the land from One Independence Place. The Chairman stated that he was kind of surprised that Mr. Avolio said that.

Vice Mayor Blaze asked Mr. Avolio if he had a large rendering of the site so that some of the audience members can get a visual of the corner. Everyone began talking at once.

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Mr. Avolio stated Concept 5 and 6 incorporate some of the comments from Mr. White. The key difference between 5 and 6 is the location of the car wash and how the car wash entrance would be stacking. Option 6 indicates the car wash in the middle of the property with stacking towards (inaudible). Option 5 has the car wash located on the western portion of the property with stacking heading from east to west. The one thing they were able to accommodate in Option 5 that they weren't able to accommodate in Option 6 is that they increased the drive lane that is closest to Rockside Road from 12' to 15'. In the same sense, they are also maintaining a larger landscape strip along Rockside. That was an issue brought up by staff quite awhile ago at the ABR.

Vice Mayor Blaze stated that assuming that the City, from a safety standpoint and an engineering standpoint, landscaping standpoint, had no preference to 5 or 6. From Mr. Avolio's experience, which would work better for Giant Eagle or Get Go the car wash on the west of the site or the car wash on the north, or is there really no, do they both work? Mr. Avolio stated that either one would work with Option 5 with the car wash to the west which would allow all the stacking to be, if there were to be an issue with stacking, the stacking would actually be all internal to the site, and would not impact the access points on Rockside as in Option 6. The other issue with Option 5 is that when they show furthest west on the property a right in and right out, with Option 5 they only need an exit because anything (inaudible) into the property will really make the first right turn in. In Option 5 there is really no advantage to have another right in there. In essence they could restrict that to just an exit. Mr. Avolio stated that in Option 5 he thinks they can eliminate the entrance in. Everyone began talking at once. They can exit out along Rockside and then heading back to 77, they can make the big loop around and make the right turn heading west on Rockside and back out to West Creek. Mr. Avolio stated that they haven't gone to that level of detail because they were looking for some guidance.

Jeff Skoczen from the City Engineer's Office wanted Mr. Avolio to address the tanker route on Option 5. Mr. Avolio stated that they think it is easier with the entrance coming in off of West Creek. Either way could work. They could fine tune that with the Engineer. Mr. Shallcross asked about the tanker coming in off of Rockside or West Creek. Mr. Avolio stated that they would bring the tanker in off of West Creek and circling and exiting back on Rockside. Mr. Shallcross asked how they would get back to the freeway. Mr. Avolio stated that at the next light you would make a right and go back down and make a circle. Everyone began talking at once. Mr. Avolio stated that the details could be worked out.

Law Director O'Brien stated that the three major issues are building location, pump location and car wash location. Mr. Skoczen asked if there would be an issue if the pumps were turned 90 degrees, facing north and south. Mr. Avolio stated that it would

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be an issue because there are two elements to that. One is from an operational perspective is having direct line of site from the attendants to the dispensing outlet. When they are stacked in the opposite direction, you would lose that line of sight. You could have cameras there. The cameras are truly not effective from a safety perspective that you are looking up and don't pay attention to that versus a direct visual impact. Also, there is a separate distance from the emergency stop. From the furthest dispenser outlet, you need to have within a 100 feet under NFPA guidelines, an emergency stop. The significance of that is how they shut (inaudible). That is the original option that they had the building was in the middle of the site. They would have to have a stand alone emergency stop somewhere else. From an operational perspective, they have not built any with that orientation.

Mr. Shallcross asked about a curb around the building. It looks like there is a curb. Mr. Avolio stated that those were actually employee spaces. That would be employee parking. In an earlier version of Concept 5, they have the tanks located on the north side of the pump islands which means that the car wash and the pumps itself (inaudible). With the car wash located as it is in Option 6, with the reclaim tanks for the car wash itself, they have put the tanks elsewhere. Mr. Avolio stated that the final location of the tanks really is something they are going to work through the Engineer.

Chairman Lytkowski asked on site plan 5 where Mr. Avolio has the tanks, do the trucks go over the tanks, where are the trucks? Mr. Avolio stated that tanker trucks drop off from the passenger side. That is the standard. Their tankers would deliver during non-peak hours. They would actually pull out along side the curb that enters in from West Creek. There is a 30' drive aisle in there. They would park there and extend the hoses which are typically 20' to 40' and connect in and drop them. Cars would park on that, those would be designated employee spaces, but the tanker truck could drive over them. Mr. Avolio stated that one of the reasons they have them on the north side is that they don't want to have people that are driving in to get gas, drive over the fill caps because they are all raised. Mr. Avolio stated that the passenger side is the industry standard. They drop off fuel from the passenger side. Vice Mayor Blaze asked if they pull in off of West Creek and come down, is the pump going to go underneath the truck because the truck would be facing southbound at that point. Mr. Avolio stated that they would have to try and bring them in between the dispenser and the canopy. If it pulls in off of West Creek, that would be the passenger side drop off. Vice Mayor Blaze stated that he originally thought that was why there was a second right turn in to allow a fuel truck to come in, park right there, and face northbound. Mr. Avolio stated that they can make an adjustment in the location of the tanks. Once they figure out how the site will be oriented, then they can figure out the details. City Planner Markley asked if there was a maximum distance that the tanks have to be from the pumps. Mr. Avolio stated that

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ideally they are immediately adjacent to the pumps where the underground piping runs from a maintenance perspective. Ideally, you don't have too much of a remote location of it. They would like to have it more central on the site versus the peripheral. You want to stay away from the slope as far as possible. Mr. Avolio stated that in Option 5 you would have the tanks located on the north side of the dispenser island. That was the earlier version that he had sent out to Ron a couple of weeks ago. In Option 5 the tanks can actually be located to the north, that's where they were. They had to find another home temporarily for the tanks which came here.

Chairman Lytkowski asked Mr. Avolio if he was looking for the Planning Commission to say "yea" or "nay" with respect to 5,6, or 4. Mr. Avolio stated that they were looking for some guidance. Chairman Lytkowski asked Mr. Avolio if he would hold the Planning Commission to what they liked tonight. Mr. Avolio stated that they would like to stick to an option that they could refine in more detail. If the Commission needs more time, then they can communicate through Ron and maybe summarize all the concerns or comments. Law Director O'Brien stated to the Chairman that what the Commission would give to Mr. Avolio tonight would not be binding upon the Commission. Mr. Avolio is looking for the direction of the major construction. If the Commission has ideas as to maybe the Commission wants the building in the center of the property, or on the other side of the property, then you need to go into that on another day; but if the Commission has an idea that they like the building where it is, then that is what Mr. Avolio is looking for tonight. Chairman Lytkowski stated that he personally likes the building where it is located on the southeast corner. Vice Mayor Blaze agrees with that, and with the car wash on the west. Chairman Lytkowski prefers the west because you back up north of that so that there isn't visibility. Vice Mayor Blaze stated that the building will be the focus on that corner. All of the landscaping could help to enhance and bring out the building. Chairman Lytkowski stated that he would like to see the building rounded to kind of meet with the rounded wall in front to kind of blend it in. Mr. Avolio stated that they could try and pull some of the elements out that it wouldn't be part of the actual building but would be a wall that ties into it somehow. Chairman Lytkowski could envision brick with some nice curved glass.

Mr. Avolio stated that he sent some photos to Mr. White that he would like shared with the Commission with regard to a building concept. Chairman Lytkowski stated that he would like to see a nice curved building there with some nice glass and brick tying into Crown Centre. He does like the green lights there too. Vice Mayor Blaze stated that a little jut out on the building was the question at the caucus. Is that outdoor café seating? Mr. Avolio stated that it was an exterior seating area, and they can adjust the location around that. In the photographs that Mr. Avolio sent to Ron White, there is actually a commercial urban overlay in the town center where he lives that was created. There is a

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gas station similar to the one they propose that has an entry off the road with a right in and right out. They also have an exterior seating area. There are different elements and features to the building that has a false glass fascade. They use that for advertising. It is a very unique element.

Chairman Lytkowski stated that another thought he had, and it was discussed during caucus, was to perhaps put the patio on the roof top. Mr. Avolio stated that then you would have to have the elevators and all the other code elements. Chairman Lytkowski stated that he likes that idea. The elevator can be on the outside wall. Mayor Kurtz stated that it could mirror Crown Centre. Mr. Avolio stated that they want to make this convenient for people to go to. He said people tend to go in and out of gas stations rather quickly. Mr. Avolio stated that they will have an exterior seating area. They would have an internal wi fi area, a little café area. People could get on their laptops and work out of there like a Starbucks or Caribou. The longer they stay, the more they will buy. Everyone began talking at once. Mr. Avolio stated that they have approximately 26 parking spaces in front of the building. They also have 7 further away. Mr. Avolio thinks they can work with 26 spaces, and that should be sufficient. Mr. Avolio stated that the area of the building that is facing the north is called the power quarter side. There is glass along that side of that building, and that is where the wi fi area is. They would have the parking very proximate to that. They feel what they have there they can live with.

Mr. Skoczen asked if this concept has worked elsewhere and how does it relate to a place that has been up six months or a year. Mr. Avolio stated that this is along the lower end of what they would desire. This is a newer concept. This would be one of the first of a brand new concept that they are developing. They are looking to do more of building on the wi fi or convenient food – sandwiches, grilled paninis, barista bar and those types of developments. This would be very unique and much more open than the other location.

Chairman Lytkowski asked Mr. Avolio if he wanted to make this location world class. Everyone began talking at once. Mr. Avolio stated that he looks at it from a useability standpoint. He is here to address the issues from above looking down from Crown Centre. Mr. Avolio stated that they have done an experiment with regard to using elevators in stores. They had a demonstration kitchen upstairs where there were classes. Nobody wanted to use them. He has tried that in a large supermarket, and it hasn't worked for him. Mr. Avolio stated that as a consumer he doesn't want to go up an elevator or up a stairwell to go out into a seating area when there is something more convenient on the ground. Mr. Avolio stated that if he thought someone would use it, they could explore it.

Chairman Lytkowski asked the Commission members if they concur on the placement of the building on the southeast corner. Mr. Shallcross liked Concept 6 better with the car wash in the back. Mayor Kurtz liked 6 better also. Everyone began talking at once.

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Mayor Kurtz asked about landscaping. Mr. Avolio stated that he was not going to rip down the trees that are on the stream valley itself. Those would remain. Law Director O'Brien stated to Mr. Avolio that if he wanted a conceptual, it looks like number 6 is the one. Everyone began talking at once again.

Mr. Avolio asked if there was any benefit if they looked at, they have two lanes coming out of there; one making a right and one having that shared - rotating the building a little bit which would create a larger green area there; and trying to create a little bit more synergy between the parking opposite each other. Or, to have the building create somewhat of an area where people can stack and make a left. Vice Mayor Blaze asked if Mr. Avolio meant to rotate the building counter-clockwise a little bit.

Mayor Kurtz stated that they contacted the neighbor. Jeff was kind enough to send an e-mail. Mayor Kurtz called Jeff, the owner of HBA, up. The Mayor wanted to go through the e-mail with the concerns. The Mayor read through the e-mail: "Does the plan use fit the zoning". The Mayor stated that they would have to re-zone. "What zoning variances is the applicant asking for"? The Mayor stated nothing, just a use right now. They will look at it as part of the Master Plan and decide if any variances are needed. "Does it meet the City's development requirements"? The Mayor stated that it will or the Planning Commission won't vote on it. They don't know of any variances until there is a final conceptual drawing. "Does the City have a landscaping or buffering ordinance"? The Mayor stated that it does, and that is one of the early on discussion points that the City will be very sensitive how it treats the landscaping. They won't be concerned about the west side because it is natural over there. Mr. Avolio stated that the west and north sides will be kept natural. "Can they see a landscape plan"? The Mayor stated that HBA will participate in the landscape plan. "Has a traffic study been done"? The Mayor stated that not to his knowledge. There may have been something previously. That won't be germane until they decide on how (inaudible). They don't know until they decide on the configuration. "How will it affect exits to the HBA during rush hours"? The Mayor stated that they won't have this answer until they decide what direction they are heading in. "How will it be architecturally"? The Mayor stated it will look phenomenal. The Mayor wanted to address those issues for the record and respond. The Mayor stated that HBA will be kept in the loop.

The Mayor wants to address the parking. Until someone can convince him that they are not creating a dangerous situation, he just doesn't understand why the 7 spots need to be on the north side. He just thinks it's a safety situation, and maybe the building needs to be re-oriented. Maybe there is a simple solution; the Mayor just doesn't know it.

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Mayor Kurtz stated that the next item is the building architecturally. The Mayor thinks everyone agrees that they are going to make a statement with that corner. He is not sure whether they have reached a consensus in terms of the Planning Commission architecturally or some of the features. They have thrown out elevator, clock tower, columns, some transitioning between glass and columns and one story, two story, three story. This is similar to what they did twenty-some years ago with McDonald's. They made a statement – and that statement really set the tone for how they do business twenty-some years ago; and it's still a feature today – a nice feature.

Mayor Kurtz stated that the landscaping has to be something that is very sensitive to all properties; the neighboring building as well as the road. They will try to soften the entire project.

Mayor Kurtz stated that they also have to be sensitive to the canopy treatment, the pumps and deal with the top view as well as the side view. These items are being thrown out for discussion or to incorporate or think about.

Mayor Kurtz stated that the building is supposed to be a green concept. The green roof and elevator was something but Mr. Avolio has given the Mayor some logic where maybe it doesn't work; but it sure would look nice green with umbrellas and a nice place to congregate on top of the roof. All that can be discussed. The other concept could be, since the elevation changes dramatically, maybe underground parking under the building so you can address all the concerns with additional parking.

Again, landscaping was talked about as being a critical and highly sensitive issue. The Mayor stated that also the orientation of the building is something Mr. Avolio is looking at. Maybe it is something the City can incorporate from a long term perspective.

The Mayor stated that if Get Go can satisfy all those issues, he thinks that this will be an easy one to get done. Mr. Avolio stated that the biggest issue they have is the parking on the north side because that is their key critical entry point into having parking further away it tends not to be used. That is where they can look at some options in order to try to get that parking proximate and convenient for the people. The Mayor asked if it would make sense if they can't eliminate that parking to have some type of angle parking or some way to address it diagonally. The Mayor has a real concern about back-to-back traffic especially when you have guys like him come in, get gas and blow out of there. This being the only way to get back to his house, he has to go out that way. He doesn't really pay attention, once he's putting his receipt away, putting his seatbelt on; and then have someone backing out in front of him while he's shooting through (inaudible) to make the red light. Mr. Avolio stated that along the northern side that may work to

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have it angled so they would have to leave heading west and circle back on the side approximate from the building 90 degrees would make the most sense he thinks. The way it is angled now, there is excess space. The bigger concern (inaudible). Mayor Kurtz stated that his concern is traffic safety issues. Everyone began talking at once.

Mayor Kurtz stated that this is an opportunity to do something really dramatic to that corner, and as long as everyone is sensitive to the neighbors, the appearance and effect on the neighboring properties and how it ties into the whole transportation and access plan; it is an opportunity to look at. Mr. Avolio stated that they have gone out and tried to mimic the colors of the Crown Centre. It wouldn't be exactly that, but they did talk about that. Mr. Avolio stated that with regard to the first traffic pole at the site, they can work on eliminating that; the second one in actually supplies the power to Crown Centre. That is much further back. Mr. Avolio stated that he listens when the Commission talks. He will do the best that he can. Mayor Kurtz stated that they are trying to create an opportunity – a long term affect on both the community and the Get Go.

Chairman Lytkowski stated that they agree with the building on the corner, if they turn an angle they can discuss that. They like the car wash on the north end. The gas pumps running east/west towards the building. There has to be talk about the canopy. Mr. Avolio stated that gives him something to work with. Chairman Lytkowski stated that the landscaping is secondary right now, he would rather see the actual brick/mortar first. Law Director O'Brien stated that from a legal standpoint, they are going to tie all this in to a Development Agreement, so they would like to see it all. Mr. Avolio would like some direction.

Jeff from HBA had a concern about the parking and wondered if there would be people parking in their parking lot since sometimes they have meetings there where parking is at a minimum. Will there be overflow parking at HBA? Mr. Avolio stated that they will try to adhere to code. He said that they do have areas that have wi fi and exterior seating areas today. Mayor Kurtz stated that they will meet code. Mr. Avolio stated that his concern on parking would be the elimination of those 7 additional stalls. City Planner Markley stated that since the HBA is going to participate in the landscape plan so that perhaps everyone can develop a decent buffer between the two properties so visually even it doesn't look like they are connected.

Mr. Skoczen asked where the cashiers would be located at. They will either have their back to the (inaudible). As far as traffic flow, he does like the canopy turned 90 degrees. Mr. Avolio stated that 90 degrees rotating is not an option for him. Mr. Skoczen stated that it would help traffic flow around the entire canopy instead of one side of that being one way. Mr. Avolio stated that the building would have to be oriented back, and that is

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not an option. Mr. Skoczen asked about the safety switch being located on the car wash and would it be manned during the day hours. Mr. Avolio stated that is correct. Mr. Avolio stated that changing the pumps 90 degrees is not an option. Mr. Skoczen asked if something other than 90 degrees would be acceptable. He would like to see a traffic pattern that could traverse the entire canopy instead of one side being boxed out, or someone going that way and basically having a head on collision. In Concept 6 there are two arrows pointing toward each other along Rockside. Mr. Avolio referred to his drawing. Mr. Avolio stated that they could eliminate that so you wouldn't go in there so you aren't trying to make a u-turn or eliminate that access in and of itself. Mr. Avolio stated that they can look at it. He stated that from a 90 degree perspective, when you have them stacked like that, you can't see through those pumps and the direct line of sight is poor. Mr. Avolio showed where the cashier would be located in the building. He is modifying the plans to try to get that to a 90 degree look or a direct look. Mr. Avolio stated that they are looking at a potential modified "home plate" design. Mr. Avolio stated that they would have multiple checkout points where you can actually walk, but it will be in the direct line of sight. That is something he set up for. Mr. Avolio stated they can work through that, but to do the 90 degree that is really not an option for him. Everyone began talking at once. Mr. Avolio stated that if they rotated the pumps 90 degrees, they would have to look at it long and straight with the building set back.

Mayor Kurtz stated that they want to look at this as whatever they do it complements all the neighboring properties – aesthetically, functionally, safety-wise. They are moving in that direction, and that is why the Mayor wanted to address the neighbor's property.

Chairman Lytkowski wanted to table this matter until the March Planning Commission meeting.

There being no further comments or business, a motion was made by Chairman Lytkowski to close the meeting at 8:26 p.m.

Dale Lytkowski, Chairman

Debi Beal, Planning Commission Clerk
Minutes Unapproved at Time Released 02/08/08

January 28, 2008

Mayor Gregory Keety
City of Independence

Re: Maycrest property

Dear Mayor,

I may be unable to attend the informal meeting on Thursday, January 31, 2008, and would like you to know that I am AGAINST allowing St. Maron's Church, and/or their businesses, a U-3 Special Use Permit. This includes all of their requests, offers, or proposals for the total 22 acres, OR ANY PORTION THEREOF.

The 9800 Brookside Road property is presently zoned RESIDENTIAL, and needs to stay that way, for the HEALTH, SAFETY, and welfare of the residents of Independence.

Mayor, I recall your speaking about Eminent Domain for this property, and I trust that you meant those words.

Thanking you, and wishing you and your family all the best.

Sincerely,
Jillian Bodker

EXHIBIT "A"