

**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., AUGUST 5, 2008**

Chairman Dale Lytkowski called the meeting to order at 7:30 p.m., August 5, 2008 and the following responded to Roll Call:

**PRESENT:** Dale Lytkowski, Chairman  
Gregory Kurtz, Mayor  
Dave Grendel, Councilman  
Jack Shallcross

**OTHERS**

**PRESENT:** Gregory J. O'Brien, Law Director  
Don Elewski, City Engineer  
Ron White, Economic Development  
Jeffrey Markley, City Planner  
Donald Ramm, Engineer/Public Service Coordinator

**ABSENT:** Jerry Skuhrovec

**AGENDA:**

**Old Business:**

**Approval of Minutes of Regular Planning Commission Meeting held on July 1, 2008.**

**Old Business:**

- 1. 6571 Brecksville Rd., #3, Kin Properties, Inc.** – Requesting additional parking to facilitate added square footage of second floor addition to existing building.
- 2. 6801 Brecksville Road, Independence Technology** – Requesting approval to make the previously approved temporary parking lot addition a permanent surface.

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3. **6000 Rockside Road, Sunoco** – Proposed interior and exterior alterations to convert from service garage to convenient mart.

**New Business:**

4. **6550 Brecksville Road, Independence Dog Depot** – Proposed dog grooming facility.

Chairman Lytkowski asked if there were any corrections or additions to the Minutes of the Regular Planning Commission Meeting held on July 1, 2008. Councilman Grendel had a correction to the Minutes on page two; it should state “consistent” instead of “contingent”.

**A motion was made by Jack Shallcross, seconded by Councilman Grendel, to approve the Minutes of the Regular Planning Commission Meeting of July 1, 2008 with the above change.**

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

**6571 Brecksville Road, #3, Kin Properties, Inc.** – This matter was tabled in caucus until next month.

**6801 Brecksville Road, Independence Technology** – Brandon Roberts, Facility Manager of Independence Technology, was in attendance with regard to this matter. Mr. Roberts stated that they are seeking approval to pave the gravel lot on their property so that they may facilitate plowing and make sure it is a fully functional parking lot. Mr. Roberts stated that they have made changes to the drainage as per the City’s request. Mr. Roberts stated that the lot is 200’ x 125’. In the south lot they are also going to install 14 additional parking spaces. Currently they have 645 spaces, and they have approximately 600 employees. With the additional 114 spaces, parking will improve greatly.

Chairman Lytkowski asked City Engineer Elewski if he looked at this project. City Engineer Elewski stated that they sent a letter on July 1, 2008, and he believes they have not answered all of their concerns. Chairman Lytkowski asked the Engineer if he wanted to go over the items that were still open with respect to that letter. Engineer Elewski stated that there were 19 items in that letter, and until they satisfy those items; that’s what they need. The letter was sent to Don Ramm and a carbon copy sent to Riverstone. The Chairman asked what points were not accomplished or finished with regard to the letter.

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The Chairman stated that he met with Dick Pace last week and assumed that these things were taken care of. Chairman Lytkowski asked Don Ramm if there were any items addressed in the letter. Mr. Ramm does not know if they brought back anything. Mr. Ramm does not know if the items are anything significant with respect to Planning Commission approval. Councilman Grendel stated that approval could be granted contingent upon the applicant meeting the 19 points of the letter.

Chairman Lytkowski asked City Planner Markley if he had looked at the landscaping with respect to the parking lot. City Planner Markley believed that there was some screening between one of the residents. That was the extent of the landscaping; and it was never completed. This was addressed a couple of months ago. Mr. Roberts stated that they do have a solution for the screening. They were going to install a 6 foot berm along their side of the property. Law Director O'Brien stated that not only was the applicant supposed to put a berm in; but he believes that some evergreens and plantings were supposed to be put in. Mr. Roberts stated that they installed trees over a year ago. The City Planner stated that there was additional work that was agreed to and promised a few months ago. The approval for the temporary parking lot was made contingent upon that.

Chairman Lytkowski would like the Law Director to craft a motion subject to the 19 points, the landscaping approved by the City Planner, and making sure the City Engineer signs off on the 19 points of the July 1, 2008 letter.

**A motion was made by Jack Shallcross, seconded by Councilman Grendel, to approve the permanent surface for the temporary parking lot addition, subject to the installation of proper screening as determined by the City Planner prior to any permanent surface being installed as well as subject to the approval of the City Engineer and the Engineer/Public Service Coordinator prior to any permanent surface being installed as to the 19 points outlined in City Engineer Elewski's letter of July 1, 2008.**

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

**6000 Rockside Road, Sunoco** - Architect Michael Meyer was in attendance, along with Laura Hadchiti, owner of the property. Mr. Meyer is looking for physical approval of the project this evening. He knows that this approval would be contingent upon finding some resolution to the phasing of the job which involves the interior and exterior

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alterations to the existing gas station. Mr. Meyer stated that they have gone to the Architectural Board of Review and also met with members of the Architectural Board on the site. Mr. Meyer stated that the plan that the Commission has reflects pretty much every request and recommendation that was put before them. The safety forces were at the site and had no major recommendations to make.

With regard to the landscaping at the northwest corner of the property, it is actually the responsibility of the properties that are listed on the monument sign. Mr. White is in the process of coordinating a meeting with those owners to make sure that they follow through with their commitment to make the landscaping the way it ought to be. City Planner Markley will also make some recommendations about the landscaping out there. Mr. Meyer stated that Sunoco will continue the same theme with plantings on their property. Councilman Grendel asked if the responsibility for the landscaping around the sign falls to the different companies that have their name on the sign. City Planner Markley believes that the maintenance of the island would be the responsibility of the hotels. City Planner Markley stated that they have discovered that the applicant has augmented this with some plantings to clean it up because it had not been maintained as well as it should have been. Whatever landscaping is done needs to be consistent with the hotels.

Law Director O'Brien asked Mr. Meyer how he was going to let people know that there was expanded merchandise in the building. Mr. Meyer stated that they think with just the alterations and renovations to the exterior of the building, that there will be a whole new look. Law Director O'Brien asked Mr. Meyer how many windows would be added on the front of the building. Mr. Meyer stated that the two overhead doors will be converted to windows. The Law Director asked about anticipated in window advertising. Mr. Meyer stated that he can't speak to that because he doesn't know the City's code with regard to that. Everyone began talking at once. Mrs. Hadchiti stated that they would put up signs. Chairman Lytkowski asked if there was an ordinance. Law Director O'Brien stated that a condition could be put into an agreement preventing this. Councilman Grendel asked if it could be made a condition. Chairman Lytkowski told the applicant that a condition could be made not allowing signage in the windows. The Mayor stated that he doesn't want signs in the windows. The applicant's business will be predicated on how clean the building is, how nice the building looks. Mrs. Hadchiti asked if she could have a lottery sign. Mr. Meyer stated that all the vending machines will be gone from the outside.

Mayor Kurtz stated that the Architectural Board of Review will make the applicant put pillars and an overhang on the building to dress up the building. The Mayor wants the building to look nice. Mr. Meyer stated that he will draw something up for tomorrow's ABR meeting.

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Chairman Lytkowski stated that he would like to see the whole project done at once. Mr. Meyer stated that he will include everything in the construction set of drawings. They will spend every penny they can spend to get as much as they can get. Chairman Lytkowski told the applicant, Laura Hadchiti, that in the long run it is better and cheaper to get the job done. Everyone began speaking at once. Mr. Meyer stated that they want to get everything done.

Law Director O'Brien stated that there was discussion about the condition of the canopy being replaced within a period of time. Mayor Kurtz stated that the landscaping, building renovations and parking lot need to be done. Mrs. Hadchiti stated that she wants to do it. She can't afford everything at once. Mayor Kurtz stated that everything needs to be done so that it helps their business. Law Director O'Brien asked if pump replacement was Phase 1. Mr. Meyer stated that the pumps will have new covers on them in Phase 1. Mayor Kurtz stated that it is more than just pumps.

Law Director O'Brien stated that landscaping plan approval would be now. The replacement of the canopy and parking lot would be when? Mrs. Hadchiti stated that they will also have new signage. Law Director O'Brien stated that with regard to signage, they will prepare an agreement that Mrs. Hadchiti will sign that will be filed with the Recorder's office; so that if she sells the property, the City wants to make sure that any future owners will understand prior to buying that there is no in window advertising. Law Director O'Brien asked Mrs. Hadchiti if she has agreed to that. Mrs. Hadchiti stated that she had agreed. Mayor Kurtz stated that when the Commission approves something, they don't approve it for a person; they approve it for the property and the use. Everyone began speaking at once.

Law Director O'Brien asked when the parking lot improvements should be done. Councilman Grendel believes it should be two years. Phase 2 will be 18 months, and Phase 3 will be 24 months. Mr. Meyer stated that if things go well, they will complete it prior to that time.

Mayor Kurtz wanted to make sure that the ground sign that gets approved for the property will have a lot of landscaping around it.

Mayor Kurtz asked the applicant if it was a 24 hour gas station. She stated that it is open 24 hours a day.

The Law Director stated that there would have to be a bond posted with regard to the canopy and parking lot improvements. Mrs. Hadchiti asked if she had to have a bond. Chairman Lytkowski stated that the bond would probably cost the applicant about \$2,000 a year.

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Mr. Shallcross stated that the only sign the applicant asked about was the lottery sign; however, on the drawing there is a Sunoco sign on the building itself. Law Director O'Brien stated that it is not advertising. Everyone began speaking at once.

**A motion was made by Councilman Grendel, seconded by Jack Shallcross, to approve the application, subject to the applicant entering into an agreement in a form acceptable to the City Law Director including but not limited to, the installation of landscaping and monument sign in accordance with the submission to the City's Building Department of July 10, 2008 and acceptable to the City Planner, the condition that there shall be no in window advertising or exterior advertisements on the building or in the windows except for the Ohio lottery sign and the advertisement depicted on the applicant's submission of July 10, 2008, no outside vending, Architectural Board of Review approval, the canopy replacement shall be completed within 18 months of the applicant receiving a permit, and the parking lot replacement within 24 months thereof, and subject to the applicant submitting a bond to the City for the two improvements of the parking lot and canopy replacement in the form of either a surety bond in the amount of not less than \$25,000 or cash bond in the amount not less than \$15,000.**

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

**6550 Brecksville Road, Independence Dog Depo** – Denise Mindzora and Barb Caspio were in attendance. Mrs. Caspio stated that she would like to open a dog grooming business at 6550 Brecksville Road. They are planning to put up some partition walls in the existing building and do some painting and cleaning. Chairman Lytkowski asked if a license was needed to do dog grooming. She stated that she is not required to have a license, but she did go for schooling in 1975. She in turn taught her daughters.

Mayor Kurtz stated that there are a number of issues. Law Director O'Brien stated that they need to make sure that there is separate ventilation between the applicant's business and the bakery next door. There is clean up that is needed in the backyard along with drainage problems. The Law Director doesn't know if the City Engineer has looked at that. Mayor Kurtz stated that it would be a condition before they would get an occupancy permit; that it would have to be cleaned up and approved by the Building Commissioner. Mrs. Caspio stated that the rental space is 70' deep and 14' wide. They are only going to rent 14' x 57'. In the back there is an overhead garage door. In the back which measures approximately 20' x 20', there are cinderblock walls; and the applicant could sublease that area out to the bakery to use for whatever they need. Mayor Kurtz stated that the

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landlord would have to clean and fix the back up. In order for the applicants to get an occupancy permit, they would have to fix up and meet the standards of the Building Department. The Building Department will also inspect the backyard to make sure that there is adequate drainage and that all the rubbish is cleaned up, and make sure that the parking is stable back there.

Mrs. Mindzora stated that their prospective landlord stated that there is a municipal lot near the building that anyone can park at. Mayor Kurtz stated that he gave the applicants misinformation. It is a municipal lot; and they used to give out permits for those people who used the RTA. They are not going to sanction them using the parking lot.

Mayor Kurtz believes that there may be a problem with the bakery guy and the walking of dogs. He might not like that. The Mayor stated that one of the big issues is cleaning up the backyard and making it presentable and organized. The Mayor also wants to be honest with the applicants; if a project comes in, he doesn't want the applicants in his office begging him not to move them out of the building. The Mayor stated that he wants the applicants to know up front that if a great development opportunity is presented, and the City comes in to buy that property to upgrade the development; the applicants won't contest it. It may not happen. It doesn't mean that the applicants couldn't go to another site. The Mayor stated that if the applicants do that good of a job and there are no problems, he will help find another site. Mrs. Caspio stated that she can guarantee that she will do a good job. Law Director O'Brien asked the applicants if they are signing more than a one year lease. Mrs. Caspio stated that they are signing a two year lease. The Law Director stated that there could be a condition put in there. The Mayor stated that he just doesn't want to be disingenuous; and all of a sudden the applicants move their business, and the City gets a great opportunity to do some development over there.

Law Director O'Brien stated that the applicants need six designated spaces back there based upon the City's code. The Chairman doesn't think there are six spaces over there. The Law Director stated that he does not have enough information here as far as the parking spaces. Mrs. Caspio stated that there is parking out front. Mayor Kurtz stated that there may be an issue with parking also. Mrs. Caspio stated that her employees will park in the back; or they could park across the street in the shopping center. Mrs. Caspio stated that their clientele are usually just in and out; and they probably wouldn't have more than two people at one time.

Mayor Kurtz stated that the applicants currently are in business at another location and would not be jeopardized in putting this off for one month. The Mayor stated that City Planner Markley and City Engineer Elewski along with the Building Commissioner and Ron White, will meet on site and determine a list of all the different things that need to be corrected from drain water to parking to signage. Once that information is gathered, then everyone can share that information at the Architectural Board meeting, and the

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applicants can attend that meeting. Then the Commission can see if there is enough information gained, and the applicants are comfortable to come back to the next Planning Commission meeting, and the Commission would be in a position to vote on this matter. Councilman Grendel believes that Gerald Broski, who is the attorney for the property owner, should be brought in also. Mayor Kurtz stated that Mr. Broski should attend the Architectural Board meeting on August 20, 2008 along with the applicants. Then the Board will present the lists of concerns, the applicants will work it out and see where they are at. If there is enough information and everyone is comfortable, then the Board will tell the applicants the conditions, and they will come back next month. The Mayor suggested Mrs. Caspio contact Mr. Broski and inform him about the Architectural Board of Review meeting on August 20, 2008. Everyone began speaking at once.

Chairman Lytkowski stated that this matter will be on the Agenda for next month, which will be September 2, 2008. The Mayor stated to City Planner Markley that at the Architectural Board meeting of August 20, 2008, he will instruct the applicants to come back on the September Planning Commission. If everyone is on the same page, and all the questions have been answered, there should be no problem coming back next month. City Planner Markley stated that it sounds like the real issue, if ventilation is not going to be an issue, will be parking and the clean up. Chairman Lytkowski would also like the owners of the bakery be notified to be fair.

This matter was then tabled.

**There being no further comments or business, a motion was made by Chairman Lytkowski to close the meeting at 8:17 p.m.**

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**Dale Lytkowski, Chairman**

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**Debi Beal, Planning Commission Clerk**

Minutes Unapproved at Time Released 08/06/08