

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

Chairman Ray Wiecek called the meeting to order at 5:41 p.m. January 7, 2019 and the following responded to Roll Call:

PRESENT: Chairman Ray Wiecek
Mayor Anthony Togliatti
Vice Mayor David Grendel
William Gutermuth
Dale Lytkowski

OTHERS

PRESENT: Don Ramm, City Engineer
Gregory J. O'Brien, Law Director
Jeff Markley, City Planner

Old Business:

Approval of Minutes of Regular Planning Commission Meeting held on December 10, 2018.

Approval of Minutes of the Public Hearing of Planning Commission held on December 10, 2018.

1. **Quarry Lee Estates** – Represented by Donald Bohning & Associates for a proposed major residential subdivision consisting of 12 sublots.

Chairman Wiecek stated that all the members had received the Minutes from December 10, 2018 Regular Planning Commission meeting. He asked if there were any additions or corrections. There were none.

A motion was made by Vice Mayor Grendel, seconded by William Gutermuth, to approve the Minutes of the Planning Commission meeting of December 10, 2018.

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

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Chairman Wiecek stated that the Planning Commission members had received the Minutes from the December 10, 2018 Public Hearing to discuss plans for the Quarry Lee Estates, a proposed major, residential subdivision consisting of 12 sublots. He asked if there were any additions or corrections to those Minutes. There were none.

A motion was made by Vice Mayor Grendel, seconded by William Gutermuth, to approve the Minutes of the Public Hearing meeting of December 10, 2018.

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

Quarry Lee Estates – Owner Tim Lee and Todd Sciano of Donald Bohning & Associates were both in attendance on behalf of the subdivision.

Chairman Wiecek asked the Secretary if all of the neighbors had been notified. The Secretary stated that they were.

Mr. Lee stated that they turned Sublots 11 and 12; and in doing that, it changed the number of variances that will be required. In return, there will be two more variances requested for Sublot 8 and 9. He stated that per the discussion at last month's meeting, the Commission would rather see the lots turned.

Chairman Wiecek asked Mr. Lytkowski if he had any questions. Mr. Lytkowski stated that he didn't have any questions at the very minute, but he will have questions.

Mr. Gutermuth had no questions.

Mayor Togliatti asked on the 90 degree bend in the road, would that be a landscaped island in the center.

Mr. Sciano stated that it would be a combination of landscaping and the gang mailbox.

Mayor Togliatti asked if the bold line was the limitations of the limits of the pavement of the roadway. Mr. Sciano stated that the bold line would be the right-of-way, and the lighter line inside would be the lane lines.

Mayor Togliatti stated that he didn't have any other questions. He thanked the applicants for reconfiguring the lots. They looked a lot more sensible.

Vice Mayor Grendel stated that he thought it really looked complete now, even with the variances on the other lots that it created. The Vice Mayor asked if there was going to be

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sidewalks on both sides of the development.

Mr. Sciano stated that currently it looked like they just showed on the north side.

City Engineer Ramm stated that on the planned view it showed sidewalks on both sides.

Mr. Lytkowski asked if sidewalks were required on both sides of the street.

City Engineer Ramm stated that they were required.

Vice Mayor Grendel stated that unless it was a practical difficulty or the Engineer determined otherwise.

Mr. Sciano stated that there was no issue with putting them on both sides.

Vice Mayor Grendel asked if that was the best place to put the mailbox.

Mr. Lytkowski stated that he had a couple of questions. He stated that the City Engineer talked about the rock last time. He wanted to talk about that in terms of drilling that rock, making foundations, the water lines, the sewer lines. Would that cause any kinds of problems there with water runoff. If they have rock, how would the water runoff.

City Engineer Ramm stated that he wanted to defer that to Mr. Sciano.

Mr. Sciano stated that he would state that there was soil over rock.

Mr. Lytkowski asked how much.

Mr. Sciano stated that it varied throughout the site.

Mr. Lytkowski wanted a rough number.

Mr. Sciano stated that some areas would have a foot, and some areas there would be four or five feet. He stated that they had talked briefly about rear yard drainage and the grading that would take place along the south side of the project. So, from the runoff standpoint, all that water will either be maintained through conduits, ditches and eventually it will work its way into the water quality retention facility. He doesn't foresee that the runoff would be any issue.

Mr. Lytkowski asked if there was going to be a Homeowners Association. Mr. Sciano stated that he thought that was per the code.

Mr. Lytkowski asked if they would get that bonded because he stated that he could see

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alot of water problems there.

Law Director O'Brien stated that he was going to defer and make sure that they manage the water per the Federal and State codes, which the City would follow. He stated that it would all run into a retention basin or to underground sewers.

Mr. Sciano stated that was correct. He stated that it would either match the retention facility or traded off and rob Peter to pay Paul for the areas that can't make it to the retention.

Law Director O'Brien stated that would be a common area.

Mr. Sciano stated that was correct.

Law Director O'Brien stated that the Service Department may have an issue with the island. He stated that from a safety street standpoint, he would like to see that, and he knows that it was not within his prevue with the Law Department; but he would like them to think about it, unless the Planning Commission would decide otherwise and tells them to do it. They would remove the island in the center of that street and maybe the big property, Sublot 5, carving out a little swatch of land there to make that the other common area for the collective mailbox.

Mr. Lee stated that they could do a mailbox for each house.

Law Director O'Brien stated that if they could get the U.S. Postal Service to do that, God bless you. They went to approximately two years ago, the Postmaster General, they were no longer offering individual mailboxes. The City has fought that. Other communities have fought that. The City Planner was an elected official of another community, they fought that. Everybody has lots.

City Planner Markley stated that it was for five or more lots.

Mr. Lytkowski stated that he was concerned about the turnaround for the safety vehicles.

Mayor Togliatti stated that even for snow removal.

Law Director O'Brien stated that it would get banged up.

Mr. Lytkowski asked if they would have the water and water retention basins, some kind of bond. They had talked about that before. Mr. Lytkowski stated that he was afraid that they have more problems with water. He stated that the City would end up paying for it.

Law Director O'Brien stated that the City historically had contributed to detention basin

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cleanout; but in most communities, they go in there and assess the individuals, anyone who would be benefitting from that. They will go in there and assess that. He stated that even though the City had chosen over the years to go in and contribute either in part or whole to clean out detention basins; that was a choice. He stated that there was a mechanism under law that would allow the City to do that and asses.

Law Director O'Brien stated that he could not speak for any elected official, and actually it would be a City Council decision.

Mr. Lytkowski asked if there was some way they could put within the agreement that they would have to have a bond of some sort.

Law Director O'Brien stated that what they had done in one other location, and that was the Meadows II. They pay upon a point of sale. It was a small subdivision; he thought it was 9 or 10 lots as well. He stated that was the concern because it was not like a Perrico where there were hundreds of homes that it would be a more robust Homeowners Association. He stated that the City set up a mechanism where every time the house was sold through a Point of Sale, he thought it was \$300 which was paid into a City Fund designating for the retention, up to a certain point; and then the money was locked in. If the City would have to access that money, that would trigger again Point of Sales going forward. They utilized that provision there in that situation.

Mr. Lytkowski stated that he agreed with the Law Director.

Law Director O'Brien stated that he had the language that he could send to Mr. Sciano because he will send out the Meadows II. He stated that they had received, other than the Finance Department making sure that the title companies will follow it because most title companies would go through the code; they won't look at the Code of Regulations. He stated that it had been seamless. He was not aware of any homeowners complaining about it because they know going into it what they have to do at the Point of Sale and when they sell.

Mr. Sciano stated that it was a fair amount of money.

Mr. Lytkowski stated that he had a couple of more questions. He asked Mr. Sciano who owned the land. Mr. Lee stated that he and Nicki Lee owned the land. Mr. Lytkowski asked how long had he owned it. Mr. Lee stated that has owned it for 10 years. Mr. Lytkowski asked if Mr. Lee had ever tried before trying to develop the land. Mr. Lytkowski stated that he didn't recall it.

Mr. Lee stated that he had not tried to develop the land before; this was the first time.

Mr. Lytkowski asked Mr. Lee if he had a timing issue on the project. Mr. Lytkowski

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stated that if the Planning Commission did not approve the project this evening and reassessed with the homeowners, etc. Would it bother Mr. Lee.

Mr. Lee stated that it would not.

City Engineer Ramm stated that the Service Director did review the plan, and he was definitely opposed to having the mailbox unit and the island in the cul-de-sac. He stated that the big plow trucks wouldn't be able to maneuver that.

The City Engineer stated that the Mr. Lee mentioned that Sublot 1, he would speak to the power transmission lines and the fact that he moved that lot closer. He wanted it to be on the record.

Mr. Sciano stated that Sublot 1, they just pushed it up another 10 feet. The power lines were right there.

City Engineer Ramm stated that it was something different from the previous plan. They pushed that lot 10 feet closer to the right-of-way; so instead of 75 feet it would be 65 feet, and they would need a 10 foot variances to get it further away. He stated that he thought it fit better when you would look at the houses to the south there on that same side.

Law Director O'Brien asked how much land from the rear of the proposed dwelling, assuming he would build in that location, and up to the first power line. Mr. Sciano stated that it would be about 80 feet.

The Law Director stated that he knows that the owner would not be able to build any structures underneath the power line. He wanted to make sure for sheds that they had ample room, and it sounded like they did. He stated that 80 feet would be more than enough.

City Engineer Ramm stated that at the last meeting there was some discussion of rear drainage for the Laurel Road homes that abut the southerly boundary line; and Mr. Sciano committed to having site meetings and meeting with the residents, looking at the trees and looking at how to minimize the impact but still provide for, if possible, some decent improved drainage. It was extremely flat along that line. He stated that he would like an acknowledgement that they would still be amenable to that. It's something that while it would be not too much grading or drainage improvements shown along that line, that they would be open to that and could be something during the detailed engineering review, they could pin those things down and get input from the residents.

Mr. Lytkowski asked if Mr. Sciano had the meeting with the residents. City Engineer Ramm stated that they had not. He stated that those were items that were raised last month.

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Mr. Sciano stated that the discussion was to try to keep the trees in that area. The City Engineer stated it was a tough balance. That would be something that the City would want to pursue at the next level of approvals.

City Engineer Ramm stated that there was one more concern about how the detention basins were with that front one that was existing and would the water just over land flow between the two. He asked if there was a reason that they couldn't have a connection through that easement underground.

Mr. Sciano stated that it may be possible. He stated that it was something they talked about early on; and he believed it would get flushed out in the final detailed engineering drawings and final First Energy approval; they would be able to see that travel.

City Engineer Ramm stated that there could be a concern if there were over land flows, and it would need to be drenched out or because water would start to meander elsewhere over time and sediment buildup. It could be problematic, and the City would need to get in there and do some excavation and ditching underneath those lines. He stated that sooner or later Mr. Sciano might have to do the very thing they were trying not to do up front in the design. So, it would be something to be cognizant of. It would be something that could be addressed at the next phase of detailed design.

Mr. Lytkowski stated that the City Engineer triggered in his mind the famous 500 year flood. He asked if the basin could handle it.

City Engineer Ramm stated that the City's code, he stated that they call it the critical storm method where they were actually holding back more water than they were even allowed. They do pretty well. He stated that the catch basins around town have been doing okay.

Mr. Lytkowski stated that it would be designed comparable to those. The City Engineer agreed.

City Engineer Ramm stated that there was one issue with some of the storm sewers and the ones nearest Daisy, if they would actually flow through the existing storm sewers. He stated that not all of them would make the elevations to that basin.

Mr. Sciano stated that currently as it was stated today, basically Sublots 6 and 7 and 11 and 12 have service. So, if someone wanted to build a house on the lots as they exist today, they could. The sanitary lateral and storm sewer and tie ins for the water line tap were there. He stated that their goal was that the grade would run through the lots where it would start to shed to the west. He stated that there might be some tradeoff where the ponds that would be overdesigned and some of that water would be allowed to pass through. There might be a small management/quality on that lot (inaudible). He stated

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that the closest lots to Daisy could be basically constructed on today.

City Engineer Ramm stated that they would be without detention ponds. Mr. Sciano stated that was the goal that they would be going for through design.

City Engineer Ramm stated that it would be one more thing they would be looking at during the detailed study. He stated that he thought they could manage to get through it.

Mr. Lytkowski stated that he had a couple of more questions.

Mr. Lee stated that he didn't buy all the lots at once. He stated that he bought a piece, and then John Kurtz helped him buy the other pieces to put this together. I only owned the one piece from the start. Mr. Lytkowski stated that he didn't recall Mr. Lee being before the Commission. Mr. Lee stated that John Kurtz helped him purchase the rest of the property. He stated that one of the family members in California called him, and they wanted him to have it. So he picked it up at that time. He stated that it worked out, and all the pieces kind of fit together.

Mr. Lytkowski stated that hopefully Mr. Lee could make some money on it.

Mr. Lytkowski asked how large were the homes going to be. He stated that he knows that the Law Director informed him about something today. He asked if there would be a requirement as to how large the homes would be.

Mr. Lee stated that it would be 2,500 sq. ft. for a ranch, and around 3,000 sq. ft. for a two floor.

City Engineer Ramm asked if they would be ranches or split levels.

Mr. Lee stated that they would, but 2,500 sq. ft. minimum for a ranch, and then 3,000 minimum for a two floor.

Mr. Lytkowski asked if Mr. Lee was going to build the homes or was he going to sell the lots.

Mr. Lee stated that he had no clue yet.

Mr. Gutermuth asked if there was anything that they had to have for the mailbox, having a turnaround, the way they have it drawn there. Do they have that anywhere else in the City mapped out that way at all? He knows when they just did the project off of Hillside, how were the mailboxes configured for that development there?

City Engineer Ramm stated that they kind of got shoe horned into something on Phase 4,

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whether it was kind of an afterthought. It wasn't a planned item. So, there ended up being parking on the street.

Mr. Gutermuth asked if that was due to the rule change at the time?

City Engineer Ramm stated that in Phase 5, there was an intentional planned efforts to accommodate it and have pull offs with 3 car stacking; but they were serving 30 or 40 homes versus here. Presently, there are no others in the City.

Mr. Gutermuth stated that he wanted to make sure.

Law Director O'Brien stated that there was one outside of his home where he lives, across the street. He stated that they don't have sidewalks. He was in Geauga County. They just installed a berm, and he wishes that they wouldn't have because it was on his property too; and they just put stone down on an annual basis. It gets banged up. What the cars will do, including himself, they would pull off to the side, get out, get the mail, and turn around and go. He stated that it would be nice to have a little bit of indent there with the mailbox, but it doesn't seem to be a problem. It never was a safety issue.

City Engineer Ramm stated that they had heard some feedback with Phase 4 that there was no current pull off, but that the community was very young. There were moms with strollers and babies and people jogging; and there were many instances where people would just walk down on the sidewalks to the mailbox unit. They would not be parking in the street. So, it actually seemed to encourage or promote walking or riding bikes and non-vehicle type things.

Mr. Lytkowski stated that he wanted to give his thoughts.

Chairman Wiecek wanted to ask anyone out in the audience if they had any questions or comments. There were none.

Mr. Lytkowski stated that it seemed to him because they still have the water issues. They have not yet met with the neighbors. He would like to, they don't have a timing issue, he would like to put the matter on the block for one more month and come back and resolve the water issues, resolve the neighbors' issues. He would feel more comfortable. That would be his suggestion.

Mayor Togliatti asked the City Engineer how the development would play into the road reconstruction project that we have laid out for this whole area, and the timeline for that.

City Engineer Ramm stated in terms of Mr. Lee's construction time, were they anticipating later next year, having it paved before the season was over? The City Engineer stated that the City's goal for the water main project and resurfacing was to get

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going here in the summer and ideally to try to do all the concrete and possibly pave it in one season. So, Lafayette, Laurel, Daisy, all those streets; that was the timeline the City was on. He asked Mr. Lee if that was sooner than he was anticipating?

Mr. Sciano stated that in that situation, not to be presumptuous, but they usually don't start until they have approval. He stated that they originally told Mr. Lee it would be about 90 days, that would be the best case scenario. He stated that he was not 100% sure; he asked if they had to go to the Board of Zoning Appeals for the variances. He asked if those needed to be ratified by Council?

Law Director O'Brien stated that what the procedure was that the Planning Commission would vote, and assuming it would be an approval; it would be a recommendation to Council for approval. So, that will go on Council's agenda, the earliest it could get on at this point is February. If the Commission would pass this tonight, there was no reason during the interim, during any of this period of time; that they could not apply and go to Board of Zoning Appeals. He stated that he would be at that Board of Zoning Appeals meeting; so he could give a little bit of history. He knows that the Mayor and Vice Mayor do a good job bringing all Council members, and there will be a Council member who is a Board member. They will understand the history of why they were looking for five variances as opposed to the original three.

Mr. Sciano asked if those could be concurrently.

The Law Director stated that they cannot get on this month's agenda because of the deadline; but they could certainly get on the February one. They would not have to wait for Council. The Law Director stated that he didn't know if Council would pass it in February. Council usually has two readings. They would have to suspend the rule. If it got on February, unless Council would pass it right there and then; traditionally they wouldn't for something like this even though there has been practically no one who has come in with negative comments. Chances are they wouldn't pass it in February, and they would vote on it in March. In the meantime, they could go to the Board of Zoning Appeals, and they would make it subject to the passage.

Mr. Sciano asked if the Board of Zoning Appeals meeting was after the Council meeting in February.

Law Director O'Brien stated that it was the third Thursday of every month.

Mr. Sciano stated that they would assume that Council could look at it with Board of Zoning Appeals support.

Law Director O'Brien stated that the Law Department would write up the legislation, subject to the Board of Zoning Appeals.

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Mr. Sciano stated that if it was February or March, say it was March, the soonest they would have detailed engineering first round would be June. He stated that they could use those three months also to meet with the residents and refine the design. There would probably be some changes, and 30 days to get back in. It would be either July or August that it would be back in the Engineering Department. Mr. Sciano stated that was pretty conservative.

City Engineer Ramm stated that they would be pushing up against a November or December paving, which ideally; the City's plans were further behind than they would like them to be. So, they would probably not want to have brand new surfaces and all of a sudden have construction equipment going up and down the road to build the subdivision or some component of it. They just might need to coordinate and either accelerate the subdivision or slow the City's down to try to get them on the same track.

Mr. Wiecek stated don't slow it down.

Mr. Sciano asked if the water line on Aster was being replaced as part of the project?

City Engineer Ramm stated that they were looking into that. He stated that they thought there were two mains out there. The 12 was newer and in better condition than the other one. The one that Mr. Wiecek's neighbor was tied to was no good. The City Engineer stated that they just wanted to transfer his service to the 12 inch.

Chairman Wiecek asked if there were any other questions or comments. He asked the Law Director to craft a motion.

A motion was made by Vice Mayor Grendel, seconded by William Gutermuth, to recommend to City Council approval of the 12 subplot major residential subdivision, subject to approval of the variances by the Board of Zoning Appeals as depicted on the preliminary plan, subject to a Homeowners Association Declaration of Restrictions in a form acceptable to the Law Department, subject to the City Engineer's approval as to water management and subject to the removal of the island and relocation of the collective mailbox to one of the properties which would be the common area.

**ROLL CALL: Yeas: Grendel, Gutermuth, Wiecek, Togliatti
 Nays: Lytkowski
 MOTION CARRIED**

Mr. Lytkowski stated that he wanted to put down by his no vote was that he thought the Planning Commission should have taken a little bit more time and not rush, especially since it was not time sensitive.

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Chairman Wiecek asked if there were any comments or questions in New Business.

Mr. Lytkowski stated that the question that he had in his mind, since he drove down Rockside during the holiday season, he stated that there weren't a lot of decorations out there. He stated that the landowners were paying a lot of money to be on Rockside. He asked if Council and the Administration earmark some dollars for a little bit more upgrading for the Christmas decorations on Rockside Road. He stated that he looks at Crocker Park, and it looks so attractive there. If the City would just upgrade it, it would seem they could attract more businesses and more people. That was his only comment.s

Mayor Togliatti stated that they certainly can do that. Historically, they have always had the illuminated displays on the lighting poles.

Mr. Lytkowski stated that those things were so old.

Mayor Togliatti stated that they actually upgraded and replaced some of the older ones with some trees this year; but we can look at that for next season.

Mr. Lytkowski stated that the Mayor should really look into it.

Vice Mayor Grendel stated that there were more on one side of the street than the other. There was no uniformity. It looked like the City just tossed a few decorations up there.

Mr. Gutermuth stated that Pleasant Valley looked very nice. He noticed that.

Mr. Lytkowski stated that he would like to get something that says wow, that's very nice and more people and more businesses would want to come here. He asked the Mayor if he followed him.

The Mayor replied absolutely.

Vice Mayor Grendel stated that they have the banners and everything in the summertime.

Mr. Lytkowski stated that the banners were rather nice.

A motion was made by William Gutermuth, seconded by Dale Lytkowski, to adjourn the meeting of the Planning Commission.

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

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There being no further business, the Planning Commission meeting was adjourned at 6:13 p.m.

Chairman Ray Wiecek

Debi Beal, Planning Commission Clerk

Minutes Unapproved at Time of Release 01/08/19