

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

Chairman Lytkowski called the meeting to order at 6:28 p.m. June 2, 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
Gregory J. O'Brien, Law Director
Jeff Markley, City Planner

Old Business:

**Approval of Minutes of the Planning Commission meeting held on
May 5, 2020.**

- 1. Daisy Blvd. & Aster Drive, PPN 562-18-001 & 562-18-047, Daisy May, LLC –** Lot split and consolidation for Phase 1 with the lot split and consolidation of two existing properties into 2 residential lots.
- 2. Daisy Blvd. & Aster Drive, PPN 562-18-001, 562-18-046 & 562-18-047, Daisy May, LLC –** Lot split, consolidation and dedication plat for Phase 2 with the separation of 3 existing properties into 5 residential lots.

New Business:

- 3. 6324 Evergreen Drive, PPN 562-01-022, Justin Weseloh –** Requesting a variance to Chapter 1383 regarding the Steep Slope Ordinance.
- 4. 7660 Jonathan Cole Court, James Zimmerman –** Requesting a lot split of part of Permanent Parcel Number 563-23-008 and consolidation with existing property on Jonathan Cole Court.
- 5. 6436 Poplar Drive, PPN 562-34-033, 562-34-036, Terry Boylan –** Requesting a consolidation of two parcels.

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Chairman Lytkowski stated that Planning Commission members had received the Minutes of the May 5, 2020 meeting. The Chairman asked if there were any additions or corrections.

A motion was made by Vice Mayor Grendel, seconded by William Gutermuth, to approve the Minutes of May 5, 2020 as amended.

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

Daisy Blvd. & Aster Drive, PPN 562-18-001 & 562-18-047, Daisy May, LLC and Daisy Blvd. & Aster Drive, PPN 562-18-001, 562-18-046 & 562-18-047, Daisy May, LLC – Law Director O’Brien stated that if the applicant was okay, after the Chairman would be done introducing the two, the Planning Commission could insert by reference and restate the entire Public Hearing into the Minutes of the Regular meeting so the Commission would not have to re-hash the meeting.

Chairman Lytkowski stated that would be fine with him. He asked if they would need a motion.

Law Director O’Brien stated that the Planning Commission would need consent from the applicant to restate all comments, questions into the regular meeting as discussed and stated during that hearing.

Chairman Lytkowski asked Mr. Sciano if he agreed with that.

Mr. Sciano replied absolutely. Thank you.

Chairman Lytkowski asked what were they going to talk about.

Law Director O’Brien stated that he thought the facts and comments. He stated that the Chairman could ask if there was anyone attending the meeting virtually; if they would have any additional facts or comments and see if everyone was participating during the Public Hearing. If not, he believes the Planning Commission could go right to a vote.

Chairman Lytkowski asked if anyone had any questions or comments with respect to Items 1 and 2. The Chairman asked the Secretary if anyone from within the City of Independence had any questions with regard to this matter who would like to make comments.

The Secretary replied that she had no questions posted from anyone.

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Chairman Lytkowski stated that he would ask the Planning Commission members if they had any questions or comments with respect to Items 1 and 2.

Vice Mayor Grendel stated that his only comment was like he stated last month was that he thinks this will be an improvement over the one that the Planning Commission approved a couple of years ago. It will be less intrusive, and he thinks that it makes sense and there was less construction. It will just be the cul-de-sac that would need to be built. The other infrastructure was in great shape. He stated that he thought the new plan makes more sense to have it approved this week.

Mr. Gutermuth stated there was an e-mail that came from a resident, Mary Jane Horton with regard to discharge plans from Quarry Lee. He asked someone to speak to that. He believed that the Secretary forwarded that e-mail.

City Engineer Ramm stated that he believes they have broached the topic earlier relative to storm sewers and sanitary sewers available on each limit of the project. He stated that it was helpful to look at the original design. The sanitary sewer was available at the end of Aster, and as Mr. Sciano mentioned they were already there at the other end. He stated that sanitary sewers were available. There was a concern that was raised relative to basement service for the homes. It would be difficult to answer that question at this point and time, but it was the likelihood that there may need to be some grinder pumps. He stated that it was really a builder and property owner issue that would cause no concern to the City if that was how the homes would need to be built.

The City Engineer stated that as far as the storm sewers, it would be the same thing. He believes that it might be something that they need to look at during the detailed design; but there were adequate storm sewers available. He stated that the original subdivision as designed was all coming to a low spot and routing stormwater back into the corner outletting to the highway. He stated that those plans might now need to be changed because of a less impervious area and less overall stormwater that would need to be managed because of the decreased roadway area with the new design.

Mayor Kurtz stated that he had no comments.

Chairman Lytkowski stated that he had one last question for Mr. Sciano, and it was for the Law Director. The Chairman stated that being a subdivision, would they need an HOA.

Law Director O'Brien stated that they would not need an HOA because there was no common area.

Mr. Sciano agreed.

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Law Director O'Brien stated that there was no detention pond. He stated that in the original plan, and again what the City Engineer was talking about, there was no detention/retention pond so they would not have to deal with that.

Chairman Lytkowski stated that all the questions and comments were done so he will entertain a motion.

Law Director O'Brien stated that unfortunately the Planning Commission will have to do 2 separate motions because the first motion will be a motion to approve the minor preliminary plan as submitted for 562-18-001 and 562-18-047.

A motion was made by Vice Mayor Grendel, seconded by William Gutermuth, to approve the minor preliminary plan as submitted for Permanent Parcel Number 562-18-001 and 562-18-047.

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

Mayor Kurtz stated that he was going to abstain because it was his nephew, and he doesn't want any appearance of conflict.

A motion was made by Vice Mayor Grendel, seconded by William Gutermuth, to approve the preliminary plan of a major subdivision for Permanent Parcel 562-18-001 and 562-18-046, 562-18-047 with the recommendation that it be sent to City Council for approval.

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

Mayor Kurtz stated that he was going to abstain.

Vice Mayor Grendel asked Law Director O'Brien if the matter will be on the Council Agenda for the June meeting or the July meeting.

Law Director O'Brien stated that he will get it to the June meeting. He stated that he has had some last minute requests for some legislation, some last minute legislation that was thrust upon them, so Council will get a revised Agenda.

6324 Evergreen Drive, PPN 562-01-022, Justin Weseloh – Bob Marek of Marek Builders was in attendance on behalf of the homeowner.

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Chairman Lytkowski asked if the steep slope ordinance issue would be a Zoning Board or would it be the Planning Commission.

Law Director O'Brien stated that it would be the Planning Commission. He stated that it was a revision made back in 2016 and amended in 2017. He stated that it deals with areas within the City that are ravine like. It would stay with the Planning Commission because you would be asked about these types of plans anyways; and it seemed appropriate to bring the matters before the Planning Commission.

Chairman Lytkowski asked Mr. Marek to explain the project.

Mr. Marek stated that they were putting an addition on the side of the house, and where the addition will be going, it will be further away from the steep grade than where the house currently was. It was a less significant area as far as the grade. He stated that he believes there was a code that you would have to be a certain footage away from the top of an area. He stated that he thought the code might be 25 or 30 feet, but they were 7 feet different than that. He stated that he thought they were at 23 feet or so. That was why the applicant was requesting the variance according to the code. He stated that the part that was going into the area would be a garage with a master bedroom over the garage. He stated that it will be connecting to the existing house that was there now.

Chairman Lytkowski asked Mr. Marek how many square feet would the addition be.

Mr. Marek stated that the garage would be over 400 sq. ft. The addition above would be over 400 sq. ft., and the connecting area which would be a laundry room area which would be another 100 sq. ft. on the first floor. Mr. Marek stated that they were adding above the garage. There will be a great room across the back of the house. It stated that it will be over an existing structure, it won't be part of a new structure.

Law Director O'Brien stated that he saw the plan, but he asked if there was a vegetation management report or geotechnical report.

City Engineer Ramm stated that they have had occasion to get caught up in the ordinance in existing neighborhoods. He stated that what they try to represent there would be the significant overlay of the existing steep slope setbacks (inaudible) and specifically on the house question. He stated that the corner there, some of the house roof was already in the steep slope setback. He stated that the portions highlighted in yellow were already in need of some relief; but it predated the code. He stated that when those situations have come along, they have taken the opinion that the proposed work would be no more in violation than the existing home. He stated that they feel that a lot of the code that would require those extensive studies; as long as they would be staying out of the steep slope itself which would be the green shaded area, which they were. They normally don't

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recommend, under grandfather type conditions, that a lot of the code requirements would be relieved and the variances be granted.

Chairman Lytkowski asked the City Engineer if the applicant would need any type of special foundation construction as they would get closer to the slope. He was just curious.

City Engineer Ramm stated he believes that being that the top of the bank would still be way back there, they were still away from it. So, they really are (inaudible) which was a 4 to 1, it was a pretty flat area. He stated that he didn't believe there was any concern. He stated that the builder may choose to consider that. It would be nothing that the City Engineer would require.

Chairman Lytkowski asked Mr. Marek if he had thought about that.

Mr. Marek stated that it was not a big structure, it would be a garage. He stated that it would not be like a two-story living structure. The garage area, they were going to go down the typical 4 feet for footers. They will be tied in. The garage will be built on top of that; and there would be a master bedroom on top of that. He stated that it will be an all block construction. The footers will go to a safe depth. He stated that they would be pretty far away from any slope.

Mr. Marek stated that in Valley Woods and Forestwood when they built on some of those topos, he had the footers in, the rebar for a little bit more stabilization; but if you would look at the site, it would be flat in the area where they were putting the addition on.

Chairman Lytkowski asked if the neighbors were notified.

The Secretary stated that the neighbors had been notified.

Mayor Kurtz stated that if Mr. Marek had talked to his client about the possibility of cantilevering over the slope with an additional deck capacity. He stated that it might make an outstanding opportunity.

Mr. Marek stated that they didn't talk about that.

Mayor Kurtz asked Mr. Marek if he would consider talking to his client about that. He stated that it would be a really neat thing for him.

Mr. Marek stated that it would be a nice look.

Chairman Lytkowski stated that it sounded expensive.

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Mayor Kurtz asked Mr. Marek to have his client consider it.

Mr. Marek stated that he would be sure to tell his client that the Mayor brought that up.

Chairman Lytkowski asked Mr. Gutermuth if he had any questions.

Mr. Gutermuth stated that he just wanted to make sure that there were no issues. He stated that he was not familiar with the terrain outside from the images. He stated with water; and he was worried about changing the height and slope. He asked if there were any concerns there.

Mr. Marek stated that everything would flow back. He stated that they probably couldn't hold water there if they wanted to the way it would all flow back. He stated that there should be no water problems whatsoever.

Law Director O'Brien asked Mr. Marek if the applicant was planning on doing any landscaping other than grass around the new addition.

Mr. Marek stated that he stated on the side of the garage when you were facing it on the left side. He stated that the applicant would do some landscaping on the side that was facing the neighbor. He stated that the whole yard was landscaped pretty nice; so he was sure he would do something on that side. He stated that it would only be about a 20 foot area that the applicant could possibly landscape.

Chairman Lytkowski asked Vice Mayor Grendel if he had any final questions.

Vice Mayor Grendel stated that he was familiar with that house and everything. He stated that he thought it would be a nice addition. He stated that as long as the City Engineer was happy with it and has no problems; he sees no problems either.

The Chairman stated that he agreed with the Vice Mayor on that.

Chairman Lytkowski asked Mayor Kurtz if he had any other final comments.

Mayor Kurtz stated that he had voiced his excitement about the project.

Chairman Lytkowski asked Mr. Gutermuth if he had any final questions.

Mr. Gutermuth had no final questions.

A motion was made by Mayor Kurtz, seconded by Vice Mayor Grendel, to approve the variance to the Steep Slope Ordinance.

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

7660 Jonathan Cole Court, James Zimmerman – Homeowner James Zimmerman was in attendance.

Chairman Lytkowski asked Mr. Zimmerman to give the Planning Commission an update.

Mr. Zimmerman stated that he was purchasing a portion of the property behind him. The address was 4711 Sprague Road. He stated that it would be Parcel C on the rendering. He stated that he would want to attach it to his property at 7660 Jonathan Cole Court. He stated that the County had approved it at this point and time. He stated that the purchase had not taken place yet.

Chairman Lytkowski asked if there was a cul-de-sac over there.

Vice Mayor Grendel stated that Mr. Zimmerman came before the Planning Commission. He was the first submittal that the Planning Commission had this year. He stated that the Planning Commission already approved a lot split and consolidation. He stated that Mr. Zimmerman had told the Planning Commission that his intent was to get the other piece to complete that.

Chairman Lytkowski stated that it would be a huge lot.

Mr. Zimmerman stated that the additional piece was going to add about .89 acres. He stated that he would end up with approximately 2 acres.

Chairman Lytkowski stated that it would be a nice size lot.

The Chairman asked if there were any comments from the audience. He asked the Secretary if everyone had been notified.

The Secretary stated that all the affected neighbors were notified, and there were no questions.

Chairman Lytkowski asked Mr. Gutermuth if he had any comments.

Mr. Gutermuth stated that he had an issue with the sale not being complete yet at this time. He asked if the Planning Commission could approve the lot split and consolidation. He asked if there would be any issue there.

Chairman Lytkowski stated that they could make it subject to.

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Mr. Gutermuth stated that it would be no problem then.

Chairman Lytkowski asked the Vice Mayor if he had any questions or comments.

Vice Mayor Grendel stated that he had the same concern as Mr. Gutermuth as far as Mr. Zimmerman not owning the property yet.

Chairman Lytkowski stated that it would be subject to. He asked if that was alright?

Mr. Zimmerman stated that before he would go and make the purchase, he asked if the Planning Commission would not approve it until he makes the purchase.

Law Director O'Brien asked Mr. Zimmerman if he was under contract for the property?

Mr. Zimmerman stated that he had a contract, but it was not executed. They have a final contract that has been agreed on as of yesterday.

Law Director O'Brien stated that he thought what the Commission was going to do was approve it subject to Mr. Zimmerman purchasing the property.

Mr. Zimmerman stated that what the Planning Commission was telling him was go ahead and purchase the property.

Chairman Lytkowski stated that was correct.

Mayor Kurtz stated that the Law Director will review the contract to make sure that everything would meet the City's code.

Mr. Zimmerman stated that he could e-mail the contract then.

Chairman Lytkowski asked Mayor Kurtz if he had any other comments.

The Mayor stated that he had no other comments. He stated that it would then complete Mr. Zimmerman's request. He stated that it would be consistent with the direction that the Planning Commission had given Mr. Zimmerman.

Chairman Lytkowski asked Law Director O'Brien to craft a motion.

A motion was made by Vice Mayor Grendel, seconded by William Gutermuth, to approve the lot split of Permanent Parcel Number 563-23-002 and the consolidation with existing property at 7660 Jonathan Cole Court as depicted in the application, subject to the purchase by the applicant of the property and the recording of the lot split and consolidation prior to December 31, 2020.

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

6436 Poplar Drive, PPN 562-34-033, 562-34-036, Terry Boylan – Property owner
Terry Boylan was in attendance.

Chairman Lytkowski asked Mr. Boylan to explain to the Planning Commission what he was trying to accomplish.

Mr. Boylan stated that currently there were 2 parcels. He stated that he has a shed on one of them. He stated that he just went before the Zoning Board; and he was given approval to build a bigger shed as he would take down his existing one contingent that the parcels be consolidated because City code was he can't build where the existing shed was because there was no dwelling on the parcel.

Chairman Lytkowski asked the Law Director how that would happen that there was a small parcel like that.

Mayor Kurtz stated it was an old subdivision.

Vice Mayor Grendel stated that Mr. Boylan was the only one on the street with that.

Mayor Kurtz stated that it could have been part of the property to the west. He stated that it was built back before he was born.

Law Director O'Brien stated that the City has a few anomalies in the City, paper streets and things like that. He would recommend that they clean that up. He stated that they could wash their hands of that.

Chairman Lytkowski stated that he would concur. He asked if there were any comments from the audience.

The Secretary stated that there were no questions.

Chairman Lytkowski asked Mr. Gutermuth if he had any questions.

Mr. Gutermuth had no questions.

Vice Mayor Grendel stated that he was fine with it.

Mayor Kurtz stated that he was good.

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Chairman Lytkowski stated that he was happy with it as well. He asked the Law Director if they needed to craft a motion.

A motion was made by Mayor Kurtz, seconded by Vice Mayor Grendel, to approve the consolidation of the two parcels as depicted on the application.

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

Chairman Lytkowski stated that before the Planning Commission adjourns, they received an e-mail from Ms. Mary Kotapish. He asked if there was anything that would need to be done with that.

Mayor Kurtz stated that he has had conversation with Mary and the neighbors, her sister, or at least Mary and communication over the past several months. He stated that the City was on track to meet with the church, and with the Covid-19, it kind of put everything in a pause or holding pattern. He stated that as they start to put things together again, he just received all the Minutes of the history of that property. He stated that the new Economic Development Director just started this week; and he did respond to Mary and told her that we would be coordinating the discussions, the City's strategy; and they will meet with the church and make sure that the neighbors and neighborhood would be fully invested in the process.

Chairman Lytkowski replied very good.

Mayor Kurtz stated that there were some historical documents that created some limitations or some expectations of the church's property over the years; and he intends to research those and see how and if they would still apply. He stated that they will make sure they coordinate with the church and the neighbors to hopefully come up with a Master Plan and strategy that would be good for everybody in the neighborhood.

Chairman Lytkowski stated that it sounded good. He stated that there would be no action taken. He thanked the Mayor for the update.

Mayor Kurtz stated that there was one more comment along those same lines. There will be some interim steps taken, like if the houses would be deemed to be in disrepair or the cost seems to be in excess of the benefit; they will be afforded the razing permits. He stated that obviously it would be consistent with the ultimate end use product; but he does believe that Independence Excavating has a permit or was in the process of getting a permit for the house, the north most house next to the old convent. Those will be steps of cleaning up that won't interfere with the long term strategy for that area.

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Chairman Lytkowski stated that it sounded good. He asked if there were any other comments.

There were none.

Mayor Kurtz stated that he just wanted to take a second. He just noticed that Jessica Hyser was on the Zoom meeting. He wanted to introduce Jessica Hyser, the new Economic Development Director, to the Planning Commission. He stated that she will do a great job of filling big shoes; but also do a great job because of her experience. He stated that the problem with him talking to her, he starts talking to her for 10 minutes, and then an hour later. He stated that he was so immersed and excited about what she brings to the table, her experience. She is also a resident too. He stated that it was an exciting opportunity for the City of Independence.

Vice Mayor Grendel stated welcome Jessica.

Everyone else welcomed Jessica aboard.

Mrs. Hyser stated that she will be reaching out to everyone at some point in the near future. She stated that she looks forward to working with everyone.

A motion was made by William Gutermuth, seconded by Vice Mayor Grendel, to adjourn the Planning Commission meeting of June 2, 2020.

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

There being no further business, the Planning Commission meeting of June 2, 2020 was adjourned at 6:56 p.m.

Chairman Dale Lytkowski

Debi Beal, Planning Commission Clerk
Minutes Unapproved at Time of Release 06/04/20

