

**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 5:40 p.m. July 7, 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 June 2, 2020.

Approval of Minutes of the Public Hearing meeting held on June 2, 2020.

New Business:

- 1. 7064 Brecksville Road, Fortuna Funeral Home, Inc.** – Requesting a U-3 Special Conditional Use Permit to allow the conversion of the existing dwelling into arrangement offices and casket selection area.
- 2. 5785 Brookside Road, 5780 Eastview Drive, Jeanne Goldberg** – Proposed lot split and consolidation.

Chairman Lytkowski stated that Planning Commission members had received the Minutes of the June 2, 2020 Planning Commission meeting. The Chairman asked if there were any additions or corrections.

A motion was made by Vice Mayor Grendel, seconded by Mayor Kurtz, to approve the Minutes of June 2, 2020.

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

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Chairman Lytkowski stated that Planning Commission members had received the Minutes of the Public Hearing of June 2, 2020. The Chairman asked if there were any additions or corrections.

A motion was made by William Gutermuth, seconded by Vice Mayor Grendel, to approve the Minutes of the June 2, 2020 Public hearing.

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

7064 Brecksville Road, Fortuna Funeral Home, Inc. – Chairman Lytkowski asked the Secretary if the neighbors had been notified. The Secretary stated that the neighbors had been notified.

Chairman Lytkowski asked the Law Director if the Special U-3 request would need a public hearing.

Law Director O'Brien stated that the matter would have to have a public hearing.

The Chairman asked if the applicant was in attendance.

Mr. John Fortuna and Josh Leuck of Fortuna Funeral Home were in attendance virtually.

Chairman Lytkowski stated that if he heard the Law Director correctly, the Planning Commission will have to have a public hearing with respect to the request. However, if Mr. Fortuna could be so kind to give an overview of what he would want to accomplish.

Mr. Fortuna stated that they have outgrown their space above the funeral home where they have all of their offices at this time. He stated that they would like to convert the home that they just purchased into arrangement offices, two or possibly three if space would permit and a casket selection room. He stated that all the administrative and business offices would be upstairs above the funeral home that they have now. He stated that they have not done anything with the house at this point. They purchased it, and everything was finalized about three to four weeks ago; and they have been working on it for the last eight or nine months. It has finally gone through. He stated that things were taking a long time, and then Covid came into effect and it took even longer.

Mr. Fortuna stated that they haven't done anything with regard to plans or anything just because they hadn't gotten any permission to move forward. He stated that whatever steps they would need to take, and he did speak with the Law Director about a week ago; and he was told that they would have to have a public hearing. He stated that they were aware of that.

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Chairman Lytkowski asked Mr. Fortuna if they planned on making any façade changes to the home.

Mr. Fortuna stated that they would definitely be making changes to the façade. He stated that they haven't decided how they would do the outside yet, but it would definitely have to be redone. He stated that the siding on the house was probably the original siding. He stated that it hadn't been touched in 50 or 60 years. He stated that right now with the roof, they haven't had any problems or signs of any problems with the roof inside; but he was sure that they would eventually be replacing that.

Mayor Kurtz asked Mr. Fortuna if there was any way to architecturally tie the house into the funeral home. He stated that the funeral home was a beautiful structure. He was just wondering if there was any way to architecturally, the materials might blend into that so it would look like it would be a nice transition area.

Mr. Fortuna stated that they did talk about that, and again being that it was in the very beginning stages, he did bring that up to see what they could do to make it look like part of the funeral home. He stated that on the drawing that he had sent it showed the paper street that would connect the two. He stated that for safety reasons and just to try to connect the two properties, they were hoping to be able to put a drive across the properties. If they had to they would eliminate the drive out onto 21 if that had to be done. He stated that for the sake of when people would come in for appointments, he believes it would be a lot easier for them to navigate pulling into the existing parking lot and direct them over to the house. He stated that they were not certain what that would be at this point; but they believe it would make it a lot easier and safer to try to connect everything.

Mayor Kurtz stated that would make sense, but the City could give them an easement that would run with the U-3 permit over the public right-of-way. He asked the Law Director how they could navigate that.

Law Director O'Brien stated that they were looking at the paper street, and the best way to do it as they looked at a little bit more was the easement.

Chairman Lytkowski asked if Florian Blvd. was a proposed street.

Law Director O'Brien stated that Florian Blvd. was what was known as paper street. He stated that the right-of-way was owned by the City, but it was not dedicated or developed in any way. He stated that most of the properties, he believes that all of them but for one, that front Florian Blvd. were properties although they were separately permanently parceled; but they were adjacent to permanent parcels of the same owner who have houses that front upon a dedicated street north of Florian.

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Chairman Lytkowski asked if the neighbors were notified, and he asked if there were any neighbors in attendance. The Secretary stated that none were in attendance.

Chairman Lytkowski asked Mayor Kurtz if he had any other questions, or should the Planning Commission set the public hearing.

Mayor Kurtz stated that they could set the date for the public hearing as long as the Planning Commission would be willing to grant an easement over the City's property and architecturally it would blend into the concept of the corner; he would think it would be an additional benefit to the neighborhood. The Mayor stated that they should look at repurposing the house, and they could tie some of the materials that would be used and the concept that was used for the funeral home. That would be more attractive to the neighborhood. The Mayor stated that they will rely on the Architectural Board to determine that.

Mayor Kurtz asked Mr. Fortuna if he was on the Architectural Board agenda or was he going to wait to get on the Architectural Board before the public hearing so they have some direction.

Mr. Fortuna stated that was the very first step. He wasn't going to do anything else yet. He stated that if the Mayor feels that he should get in touch with someone else between now and the public hearing. He asked the Mayor to direct him what to do, and he would do it.

Mayor Kurtz stated that if Mr. Fortuna was amenable to architecturally upgrading the appearance of the house, he believes it would be a benefit to the neighborhood.

Mr. Fortuna stated that the brick façade that was on the house now was coming away from the house; so he knows that will all have to be removed. He stated that if someone could go over it with him and see what they could feasibly do.

Mayor Kurtz stated that he was not sure when the next Architectural Board of Review meeting was. He asked if it was too early to have a concept done. He stated that Mr. Fortuna could meet with Norm Casini to give him a little head start on the project. He stated that it was worth exploring. He stated that it was an opportunity to further invest in that area. He stated that it was good for the area. He stated that the use seems to be inconsequential to the community. The Mayor asked Mr. Gutermuth, since he was a neighbor over there, what he thought.

Mr. Gutermuth stated that he stated that he didn't know if anyone talked to the neighbor there, if he would have a problem with a commercial piece of property being next door. He stated that he thought that house could use some improvement.

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Mayor Kurtz stated that was his thought too.

Economic Development Director Hyser asked Mr. Fortuna if the garage would stay. Mr. Fortuna stated that the garage would stay. He stated that they were already using the garage for one of their vehicles. He stated that what they have run out of in the funeral home was storage space, so they were using the garage already.

Chairman Lytkowski asked if there were any other questions.

Mr. Gutermuth had no questions.

Vice Mayor Grendel stated that it would be a good idea for Mr. Fortuna to meet with Norm Casini and get some ideas on how they could tie in the property, both the house and garage into the funeral home and have the one cohesive feeling. He stated that it definitely would be a welcomed addition to that corner there.

Mr. Fortuna asked when the Architectural Board meeting was.

The Secretary stated that it was this Thursday.

Mr. Fortuna stated that he would definitely not have anything to present to him, but maybe just to get some ideas from Mr. Casini. He asked the Mayor if that was what he was asking.

Mayor Kurtz stated that his thought would be that maybe Mr. Fortuna could set up a time where Mr. Casini could come out to Mr. Fortuna's place and social distance but be able to give Mr. Fortuna some thoughts of how he would like to see the project.

Mr. Fortuna asked the Secretary to e-mail him Mr. Casini's number.

The Secretary stated that she could do that.

Mayor Kurtz asked when would the Planning Commission set the public hearing for.

The Secretary stated that it would be at the September Planning Commission meeting on September 1st. She stated that it could not be at the August meeting as there were not 30 days between the July and August meetings.

Mayor Kurtz asked if they needed 25 or 30 days.

Law Director O'Brien stated that when the Secretary and he spoke about it, she was right that it was 30 days because they were under the assumption that they were going to look

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at it as a change of zoning; but given the application that it was for a Special U-3 permit, it would be 25 days.

Mayor Kurtz asked if there were 25 days between the July and August meeting.

Vice Mayor Grendel stated that they did.

Mayor Kurtz asked what time would they want to set the public hearing for.

Chairman Lytkowski stated that it could be 5:00 p.m., and then have the regular Planning meeting following. The Chairman stated to the Secretary that they could make it 5:00 p.m. on August 4th. He stated that the Planning meeting will follow the public hearing.

A motion was made by Chairman Lytkowski, seconded by Mayor Kurtz, to schedule the Public Hearing for the Special U-3 Permit for Fortuna Funeral Home, on Tuesday, August 4, 2020 at 5:00 p.m.

ROLL CALL: Yeas: Lytkowski, Kurtz, Grendel, Gutermuth

Nays: None

MOTION CARRIED

Mr. Fortuna asked what the date was for the public hearing.

The Secretary stated that it was August 4th.

Mr. Fortuna stated that they should leave the house as is until they get through the public hearing.

Mayor Kurtz stated that they would be traveling at their own risk if they didn't get approval.

Mr. Fortuna stated that it would stay the way it was. He thanked everyone for the consideration, and he will touch base with Mr. Casini. He stated that he was looking forward to improving that lot for the City.

5785 Brookside Road, 5780 Eastview Drive, Jeanne Goldberg – The homeowner, Jeanne Goldberg, was in attendance via Zoom; however, she was having audio issues and could not be heard.

Chairman Lytkowski asked if the neighbors had been notified about the proposed lot split.

The Secretary stated that the neighbors have been notified.

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Chairman Lytkowski asked City Engineer Ramm if there were any water issues, drainage issues with the proposed lot split and consolidation.

City Engineer Ramm stated that there was a stream that runs through the property under a bridge; but it would have no effect on the proposed split and consolidation.

Mayor Kurtz stated that the applicant was going to split the perforated white line to join to 5780. He asked if that was correct. He asked which line would be changed.

Vice Mayor Grendel stated that he thought it would be the red line.

City Engineer Ramm shared his screen showing the lot split and consolidation. He stated that it would be 20 feet.

Mayor Kurtz stated that with the 20 feet, there would be a minimum of 20,000 sq. ft. on the new lot that was proposed.

City Engineer Ramm agreed.

The Mayor stated that it would not affect, if he owned 5785 Brookside, it wouldn't be a problem with the backyard.

City Engineer Ramm replied no. He stated that they need to be cognizant of the 40 foot minimum. He stated that once the detailed survey would get performed, it would be one thing that he would be checking, the rear yard setback on 5785 Brookside.

Mayor Kurtz asked if the City Engineer was saying with the 20 foot change, the owner would still have 40 feet.

City Engineer Ramm stated that they should. He stated that right now it was about 60 feet before the split; so it will take them very close to the 40 feet.

Mayor Kurtz stated that it would still make the lot conforming.

City Engineer Ramm agreed. He stated that once it would go to 200 feet, it refers to 40 feet as the minimum.

Mayor Kurtz asked if there were any environmental problems. He asked if those were two separate properties, the City Engineer would still recommend the lot split and consolidation.

City Engineer Ramm replied correct.

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Mayor Kurtz asked if the elevation was pretty similar between 5780 and 5785.

City Engineer Ramm stated that there was a good drop off. He stated that there was a significant drop off.

Ms. Goldberg tried to rejoin the meeting, but she could still not be heard.

Mayor Kurtz asked the City Engineer if it was his recommendation that the Planning Commission would approve the request.

City Engineer Ramm replied yes. He stated that he felt that it was very similar to Mr. Zimmerman who came before the Planning Commission a few months back when he proposed using some schematic plans getting somewhat of a voice approval, informal approval tonight and then come back with the survey documents at a future meeting for final and formal approval.

Mayor Kurtz stated that if the City Engineer was recommending that the matter presented would make sense to be able to, actually they would be creating two conforming lots.

City Engineer Ramm stated that they would be more conforming.

Mayor Kurtz stated that if it was the thought that they were looking at a 20 foot changing, adding 20 foot to the Eastview property; then he would have no problem supporting it once they would see a formal survey.

City Engineer Ramm stated that was his recommendation.

Chairman Lytkowski stated that the only question he would have would be why were they doing it other than to make the lots more conforming. He asked if there was any other reason behind that.

Mayor Kurtz stated that it didn't look like you could get along the east side of 5780 without it.

Vice Mayor Grendel agreed.

City Engineer Ramm stated that there was not much room there to begin with on the side.

Chairman Lytkowski stated that it made sense to him.

Mayor Kurtz stated that the question for Ms. Goldberg would be if there was anyone who would object to proceeding at this point and allowing her to invest in a formal survey so that she could make a formal presentation in anticipation next month.

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Chairman Lytkowski stated that the Mayor was correct. If there was not a timing issue, they could wait until the next meeting. She could get the survey done.

Mayor Kurtz stated that the Planning Commission could not approve it tonight. He stated that what they were doing, like the City Engineer said, they were just giving some direction to the property owner in anticipation of certain documents for further review and study. He didn't see any problem with it if they were able to get a formal survey that would conform to the City's code.

Chairman Lytkowski stated that he totally agreed.

Vice Mayor Grendel stated that he had no objections either. It was very similar to the Zimmerman situation.

Law Director O'Brien stated that Ms. Goldberg went into a chat with Mr. Gutermuth and stated that she was going to try and rejoin the meeting.

Mr. Gutermuth stated that Ms. Goldberg did, and unfortunately there was no audio. He believes that she can hear the members of the Planning Commission though.

Mayor Kurtz stated that Ms. Goldberg could call the Secretary. The Mayor stated that he hadn't heard Mr. Gutermuth weigh in yet.

Mr. Gutermuth stated that he had no issues with it. He thought it was fine.

Law Director O'Brien stated that Ms. Goldberg was back on Zoom.

Mayor Kurtz stated that there was no objection to Ms. Goldberg getting the official survey and bring it back to the Planning Commission whenever she would get that survey. She could make her application. She will have all the information that the Planning Commission would need in order to make a decision. He asked if that was a fair way to approach it.

Chairman Lytkowski stated that he totally agreed.

Vice Mayor Grendel stated that it was agreeable to him.

Chairman Lytkowski asked the Law Director if that was the case, there would not be any motion whatsoever.

Law Director O'Brien stated that the Planning Commission would just table the matter until next month.

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The Chairman asked Ms. Goldberg if she had heard that. She typed in the chat that she did hear it.

Mayor Kurtz stated that the matter will be tabled until the next meeting or whenever Ms. Goldberg would get the documents prepared.

Several people replied correct.

Mayor Kurtz stated that Ms. Goldberg could coordinate with the Secretary as to the timing when she would be able to get on the next Planning Commission agenda once she would get her formal survey.

The Mayor thanked Mr. Gutermuth for coordinating the chat.

Mr. Gutermuth stated that he has been doing a lot of the Zoom meetings recently.

Mayor Kurtz stated that as soon as they get the formal survey, if it would be as early as next month; they will be able to take action.

Chairman Lytkowski asked if there was any other business to come before the Planning Commission.

Mayor Kurtz stated he really appreciated the Planning Commission. He stated that he hoped to have a full complement of members by next month. That would be the goal.

Chairman Lytkowski stated to the Mayor, that he appreciates the Mayor's Friday call.

Mayor Kurtz stated that he was welcome.

The Chairman stated that he was sure that everybody appreciates it. He stated that it works out very well. He thinks it is good. He likes it.

Mayor Kurtz stated that he will keep doing it.

A motion was made by Vice Mayor Grendel, seconded by William Gutermuth, to adjourn the Planning Commission meeting of July 7, 2020.

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

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There being no further business, the Planning Commission meeting of July 7, 2020 was adjourned at 6:07 p.m.

Chairman Dale Lytkowski

Debi Beal, Planning Commission Clerk
Minutes Unapproved at Time of Release 07/08/20