

MINUTES OF A PUBLIC HEARING HELD BEFORE THE PLANNING COMMISSION OF THE CITY OF INDEPENDENCE, OHIO TO DISCUSS THE PRELIMINARY PLAN APPROVAL FOR APPLICATIONS FOR RESIDENTIAL SUBDIVISION CONSISTING OF TWO RESIDENTIAL PARCELS AND FIVE RESIDENTIAL PARCELS LOCATED NEAR OR ADJACENT TO DAISY BLVD. AND ASTER DRIVE

**HELD VIRTUALLY VIA ZOOM
6:00 P.M., TUESDAY, JUNE 2, 2020**

Chairman Lytkowski opened the Public Hearing at 6:03 p.m. and the following responded to Roll Call:

PRESENT: Dale Lytkowski, Chairman
Gregory P. Kurtz, Mayor
David Grendel, Vice Mayor
William Gutermuth
Don Ramm, City Engineer
Jeff Markley, City Planner

OTHERS

PRESENT: Gregory O'Brien, Law Director

Chairman Lytkowski asked the Secretary if everyone had been notified regarding the Public Hearing. The Secretary replied that the neighboring properties had been notified and there was a Public Hearing Notice published.

Chairman Lytkowski asked if there was a representative for the Public Hearing who would participate in the Zoom meeting.

Todd Sciano of Donald J. Bohning & Associates addressed the Commission. He stated that he was with Tim Lee and Christine Komer.

The Chairman asked Mr. Sciano to give a review of the subdivision which would consist of 7 homes. He asked Mr. Sciano to tell everyone what they were trying to accomplish to make sure that everyone was on the same page.

Mr. Sciano stated that as the Commission recalled, Mr. Lee came before the Commission twice last year. Once was to create the subdivision plat that is shown on the screen. He stated that was the revised plat that was approved by the Planning Commission as amended. He stated that the connection of Lee Lane went from Daisy Avenue to Aster Drive and created basically 10 lots total, 3 of which were pre-existing at the time the subdivision was proposed.

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Mr. Sciano stated that project went out to bid, and they could not make the economics work with the elevation of the rock. Mr. Lee is before the Commission this evening with an alternate plan to create one less lot with a reconfiguration of the properties that exist. He stated before the Commission this evening is 2 lot splits. The first lot split was really focused on Daisy Blvd. He stated that there was a pre-existing lot, Number 2, that comes out towards Daisy Blvd. He stated that there was a flag lot that was where Mr. Lee's current house sits; and there were 2 previously created lots that really would not be party to the lot split.

Mr. Sciano stated that the proposed Phase 1 subdivision would split a portion of Parcel 2 and attach it to the remainder portion of Parcel 1 that abuts Daisy Blvd. They would create Parcels 3 and 4 that would have basically no variances required. They would be (inaudible) to the City; and Lot 2 would be the remainder or the block that would be left over. He stated that Parcel 1 would remain as Mr. Lee's lot, and the 2 previously created lots would be changed.

Mr. Sciano stated Lots 3 and 4 when the utilities were run for Mr. Lee's house, they have sanitary, storm and water connections already to them when the improvements were made to get back to Lot 1.

Law Director O'Brien asked that the 2 lots that were already approved, will that be a private drive that they will have a cross easement over?

Mr. Sciano stated that at the time that Mr. Lee's house was approved, it created a private drive easement for ingress and egress and utilities. He stated that the parcel 55, the furthest to the east, the parcel that abuts Daisy; that parcel could either come out onto Daisy Blvd. He stated that it had frontage on the right-of-way, or it could come out on the private drive. He stated that the parcel to the west of that, 054, that parcel would use the shared drive. He stated that both parcels 54 and 55 have storm, sanitary and water connections that were included as part of the utilities that were installed as part of the Timothy Lee subdivision in 1993.

Chairman Lytkowski asked the Law Director regarding the shared drive, would they need some kind of agreement between the 2 parties involved? He was just curious.

Law Director O'Brien stated that he did not research the historical approval of those 2 lots. He stated that there would be a cross easement that would be recorded. He stated

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that any bank would require that anyways. He would need egress, and that would not be a big issue for the City.

Chairman Lytkowski thanked the Law Director.

The Chairman stated that he had another question for Mr. Sciano. He stated that he was a bit curious because Mr. Sciano used the term “rock elevation.” He asked what that would mean to him.

Mr. Sciano stated that the Rockside Road corridor was all rock; and so the rock all up and down Lafayette was very shallow. He stated that if they would see the contractor that was working on that street; he was installing some storm sewers. He stated that deep excavations would be difficult. When they built Mr. Lee’s house it was all rippable rock; but it was hard rock. He stated that he believes the portion of the property to the rear, to the west up against I-77 was a quarry at one time.

Chairman Lytkowski asked how would the excavator get around the rock elevation?

Mr. Sciano stated that the advantage of the way they reconfigured it was that they will not have to drag the utilities and buck grade. He stated that as the utilities get deeper as it would go further down the street; that part of the job was taken out of it by not having to drag the utilities down from grade. He stated that they have utilities at the frontage of Aster, and they have utilities at the frontage of Daisy.

The Chairman stated that it would be a singular method.

Mr. Sciano agreed.

Chairman Lytkowski asked if there were any other comments, questions?

The Chairman stated that Mr. Sciano had a couple people with him. He asked if they had anything to add to the project.

Mr. Sciano stated that Mr. Lee was with him, and he said nothing on the slide.

Ms. Komer stated that she had nothing else to add.

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

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Vice Mayor Grendel stated that just to clear his mind, the 2 existing parcels that were 1 and 2 and 3 and 4 that would be created by this; they will all have their utilities already in place as far as the sewers would go.

Mr. Sciano stated that was correct. He stated that the new parcels 3 and 4 would already have connections on their frontage. He stated that the pre-existing lots that were created to the north, those would already have their utilities. He stated that those connections were installed at the time that Mr. Lee put the trunk utilities in to get all the way back to his property.

Vice Mayor Grendel stated that if the project would get approved, the 4 lots should be ready to go rather quickly he would think.

Mr. Sciano agreed. He stated that the nice part was the storm and sanitary, there would be no invasive excavation to the new pavement.

Vice Mayor Grendel stated that was good. He stated that was all he had.

Law Director O'Brien asked Mr. Sciano Lot 2 that was designated with the number 2, he asked if it was part of the other Phase 2.

Mr. Sciano stated that it was. He stated that was basically the remainder of the large tract. He stated that there was a large tract of land basically that would go from Daisy back to Aster. He stated that it would be the remainder of the split. He stated that the frontage would be on Aster.

Law Director O'Brien stated that was his question, where was the frontage going to be.

Mr. Sciano stated that it would be the same 30 feet that it had today.

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

Mr. Gutermuth stated that he wanted to get clarification on what exactly was being approved this evening. He asked if it would be Phase 1 and Phase 2, just Phase 1? He was looking to get a little clarification on what exactly the Planning Commission would be approving.

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Law Director O'Brien stated that as far as Phase 1, would there be any easements granted for the extension and maintenance of water supply or sewage for those parcels. He wasn't talking about the ones that were previously approved.

City Engineer Ramm stated that like Mr. Sciano mentioned, there was a storm and sanitary sewer easements already across the land; so the new lots will have access to storm and sanitary right in the frontage. He stated that there was an existing water main in the right-of-way behind the curb and gutter; and Mr. Sciano mentioned that they might have already had water connections brought across during that prior work when Mr. Lee's house was constructed. He stated that he believed all the utilities will be accessible and available here to facilitate Lots 3 and 4 and already there for the existing lots of record.

Law Director O'Brien asked if there was going to be any extension of the road?

City Engineer Ramm stated that there would not be any extension of the road.

Law Director O'Brien stated that the answer to Mr. Gutermuth's questions, it would technically be a minor subdivision, and he does not believe that minor subdivisions need to be sent up to Council. He stated that the next one that they talk about, because of the extension of the road, they will have to submit it to Council for approval.

Chairman Lytkowski stated that a minor subdivision was under 5 lots.

Law Director O'Brien stated that when he has some extra time and looks at stuff because of the extension of the road, technically it would be a minor. He stated that because they were adding onto the road, the cul-de-sac, based upon the City's definition, it would be considered a major subdivision. He stated that even though to the Planning Commission it would be a minor subdivision because of the number of lots.

Mr. Gutermuth stated that because they don't need any variances on the actual lot sizes, they don't necessary have to approve that; the Commission was just approving the split and consolidation, the creation of the lots.

Law Director O'Brien stated that the Planning Commission would be approving the preliminary plan of Phase 1.

Mr. Gutermuth stated that he just wanted to clarify that. He stated that he was good on questions then.

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City Engineer Ramm stated that he thought it was worth noting, he wanted Mr. Sciano to speak to a couple of the variances that he has listed up in the chart that really would be for Parcels 1 and 2.

Mr. Sciano stated that Parcel 1 today would be existing and non-conforming. He stated that it would be Parcel 562-18-047; and then Parcel 562-18-001 would be an existing non-conforming because the frontage would be the 30 feet on Aster. He stated that when they would be done making the split, that also would be its frontage. He stated that they thought it was appropriate just to bring it to everyone's attention that it exists today; and after the split it will also exist. He stated that they would run them through the Board of Zoning Appeals also.

Mr. Sciano stated that Parcel 1 was the same thing. He stated that the building setback lines and the abutment to the street, those variances exist because of how far it was set back off the frontage.

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

Mayor Kurtz stated that he had no comments. He stated that he appreciated the ability to understand clearly.

Chairman Lytkowski stated that he was glad they had the Public Hearing. He stated that he thought it was important that they got it all clear up front.

The Chairman stated that if there were no other comments or questions, he would move that the Planning Commission close the Public Hearing.

Vice Mayor Grendel asked if the Planning Commission was going to consider Phase 2 also.

Chairman Lytkowski stated that he was a little confused because the New Business has the lot splits.

Vice Mayor Grendel stated that it was his understanding that the Planning Commission was going to discuss the entire Phase 1 and Phase 2.

The Secretary stated that they were both included in the Public Hearing.

Chairman Lytkowski stated that was fine.

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Mr. Sciano stated that Phase 2 would pick up where they left off on Phase 1. He stated that the Number 2 block that was the remainder, and then the parcel to the west of there was a large tract of land that also would have 30 feet of frontage on Aster. He stated that they would be basically be creating a split out of that remainder parcel as it was seen and then the parcel to the west of that. He stated that they would extend the cul-de-sac through that diagonal property line that they previously saw to create Parcels 1, 2, 7 and 8. He stated that also Number 3 would be a small split off of Tim Lee's property, and the remainder of the land of 562-18-046 parcel.

Vice Mayor Grendel stated that there was no house to be built on Parcel 3.

Mr. Sciano stated that there was the ability to build one there. He stated that if he were looking at it from an estate planning standpoint, that would be the last lot that would be built.

Chairman Lytkowski stated that the frontage to Parcel 3 would not be the cul-de-sac.

Mr. Sciano stated that it would. He stated that lot would need a variance because they have to get beyond the (inaudible).

Vice Mayor Grendel asked if Mr. Lee was going to have access to his lot off of the cul-de-sac or would he be off of Daisy?

Mr. Sciano stated that nothing will change for Mr. Lee's lot. It will remain on Daisy.

Vice Mayor Grendel stated that he won't have access to the cul-de-sac.

Mr. Sciano stated that he would not.

Chairman Lytkowski asked the City Engineer if the cul-de-sac was wide enough for the safety forces to turn around.

City Engineer Ramm stated that it was. He stated that the pavement would meet the subdivision codes with a 50 foot radius. He stated that one minor thing was that the right-of-way was shown to be 60 feet on a cul-de-sac; and the code requires 65 feet. He stated that there would be a 5 foot variance needed. He stated that it would be in keeping with the neighborhood. He stated that there were some stubbed streets throughout the subdivision that either do not have cul-de-sacs at all or have smaller, like Waldorf was

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smaller. He stated that it met the code back in the day. He stated that he thought it was appropriate to have a 60 foot.

Chairman Lytkowski stated that the Board of Zoning will take care of the variances.

City Engineer Ramm stated that they were giving the City a 5 foot sidewalk easement. That was how that situation was handled.

Chairman Lytkowski asked if there were any other comments from anyone.

Mr. Gutermuth stated that he just wanted to clarify that all the neighbors were informed, and there was nobody on the meeting this evening.

The Secretary stated that all the neighbors were notified, and she stated that actually she sent out both of the site plans to the neighbors. She stated that there were no attendees asking any questions via Zoom with regard to the matter.

Mr. Gutermuth stated that he just wanted to note that for the record because it was a large change to the neighborhood over there, and he believes it will be for the better. He stated that it was a change, and that as long as everyone was aware.

Chairman Lytkowski asked Mr. Sciano if he had the timing on the project.

Mr. Sciano stated that the Phase 1 split would happen immediately because it was really more logistics now. He stated that the re-platting, filing the subdivision plat and the consolidation and then re-filing the deeds. He stated that the Phase 2 plat would require the public improvement of the road, and they would be a little bit lag on that because they would have to work through that piece with the City on the design. He stated that was why they broke it up.

Vice Mayor Grendel stated that Phase 2 probably wouldn't be until next year.

Mr. Sciano stated that the platting might get finished this year. He stated that ideally their goal would be to try to wrap up all the construction in one swoop up there so it would be clean; and everyone would be back to normal.

Chairman Lytkowski asked the Law Director if it was okay for the Planning Commission to approve Phase 2 as well as Phase 1.

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Law Director O'Brien stated that when they open the regular meeting, it would be appropriate. He stated that there has been some change in the law since the last time the Planning Commission considered a subdivision, so he would encourage the Commission to vote on it. If they would not approve it, then the members would have to state their reasons why not.

Chairman Lytkowski thanked the Law Director.

The Chairman asked Mayor Kurtz if he had any comments or questions.

Mayor Kurtz stated that he didn't have any comments or questions.

The Chairman stated that if there were no other comments, no other questions, then he would make a motion to close the Public Hearing.

A motion was made by Vice Mayor Grendel, seconded by William Gutermuth, to close the Public Hearing.

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

There being no further business, the Public Hearing was closed at 6:27 p.m.

Dale Lytkowski, Chairman

Debi Beal, Planning Commission Clerk

Minutes Unapproved at Time of Release 06/03/20