

**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., JANUARY 2, 2007**

Chairman Lytkowski called the meeting to order at 7:45 p.m., January 2, 2007 and the following responded to Roll Call:

**PRESENT:** Dale Lytkowski, Chairman  
Fred P. Ramos, Mayor  
Gregory Kurtz, Vice Mayor  
Jack Shallcross  
Tom Narduzzi  
Jeff Markley, City Planner

**OTHERS**

**PRESENT:** Greg O'Brien, Law Director  
Don Elewski, City Engineer  
Ron White, Economic Development

**AGENDA:**

**Old Business:**

- 1. 7800 Brookside Road, St. Maron's Church** – Requesting a Special U-3 Permit to allow a community center for the church to be built on the property.
- 2. Duke Realty Corporation** – Request for zoning change to mixed use overlay on approximately 7 acres adjacent to proposed Frontage Road "D".
- 3. Mackenzie Drive** – Lot split, street extension and approval of preliminary plan for The Meadows – Phase 2A by LeBec Homes.

**New Business:**

- 4. Twin Creeks, Hillside Road** – Requesting final site plan approval for proposed single family residential development consisting of 11 lots located behind existing homes on Hillside Road east of Brecksville Road.

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**Late Addition:**

- 5. Indexco Properties, Chestnut/East Ash Road** – Preliminary approval of 12 lot subdivision.

Chairman Lytkowski asked for the approval of the minutes of the Regular Planning Commission meeting of December 5, 2006.

**A motion was made by Jack Shallcross, seconded by Tom Narduzzi, to approve the minutes of the Regular Planning Commission meeting of December 5, 2006.**

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

Chairman Lytkowski stated that before he calls up the first matter, Mr. Kurt Hill would like to speak. Mr. Hill stated that he saw the paper last week – Broadview Heights, North Royalton and Brecksville are working together on Chippewa Creek regarding water problems. Mr. Hill stated that they are looking at downtown re-development, they are looking at three developments that have been approved. As Mr. Hill hears the parishioners and Father here giving assurances, and they do it in all good faith, you people here at these meetings listen to what people believe is going to be the case. But, no one ever follows through. Lake Charles is the example. Everyone talks about the water in their backyard. It all came from Lake Charles overflowing because drains were not inspected and drains plugged up. They have no street lights and sidewalks. Mr. Hill asked the Board if they knew that there would be no sidewalks until 80% of the homes were built. There are 7 homes up there that are built, 2 homes have people living in them. Last July the City Engineer got a call to see if Mr. Stradtman had gotten his bond back. It is now January and no one knows if Stradtman got his bond money back. He sold out to someone else, and no one is following through. The lake has never been landscaped. It has never been mowed. There are no street lights and no sidewalks. Mr. Hill stated that his point being is that people believe what happens in these public hearings and they take it in good faith. They will be disappointed if they rely on what they hear in these meetings. It does not come to pass because nobody checks. The Mayor stated that there is some follow through. As far as the water runoff, the City is bringing in a hydrologist to look at the projects to make sure that the measures are being put in place.

Mr. Hill stated that the hydrologist has not been up there to see what is going on. There are a total of 4 trees left on three lots. One has none. They have a plan with the elevation

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of the garage floor. There is a house being built with the elevation of the garage floor 5 feet higher than the road. In essence, it is a three story house being built. Mr. Hill spoke to someone who was cutting the trees down. This guy said that the City sets the grade so high that he has to cut all the trees down to meet the grade. City Engineer Elewski stated that they do not set the grade. Mr. Hill believes that the engineering for these projects is done from the seat of a bulldozer. Mr. Hill stated that it is disappointing. Mr. Hill believes that everyone should get a company car and drive around the town to see what is going on. Mr. Hill thanked the Board for their time.

**Duke Realty Corporation** – Mr. Charles Riehl and Mr. Jon Burger were in attendance. They are before the Board requesting an overlay re-zoning of the U-5 district on a specific parcel that is partially going to front on the new Frontage Road “D”. Mr. Riehl stated that they are suggesting a mixed use type of overlay for the parcel which would include offices. They are also suggesting full service, stand alone restaurants which would exclude any drive-thru restaurants. Mr. Riehl knows that there is some concern on the Commission’s behalf about how such an exclusion could be put in place. Mr. Riehl has been in contact with the Law Director with regard to the crafting of a deed restriction that would include that restriction on the property. When they were before the Board in November, it was indicated that they were in discussions with a potential purchaser and weren’t at liberty to say anything at that time. They are now in the position to disclose the potential purchaser. This purchaser has come up with some suggestions for the property. Mr. Riehl then introduced Alan Ritchie. Mr. Ritchie stated that the name of his company is Ironwood Development. They are an office developer. They are under agreement with Duke to purchase the 6111 Oak Tree Blvd. building. As part of that acquisition, Mr. Ritchie felt there was incredible opportunity to add amenities to that property in order to increase the value of his investment. He has taken some time to analyze the six acres and put together some very preliminary plans. Mr. Ritchie stated that he is before the Commission tonight asking for the consideration of re-zoning, not any approval of a site plan. Mr. Ritchie understands that he will have to come back and work with the City with regard to that. Mr. Ritchie’s goal is to have two office buildings on that property. He is not a retail developer. He is not a restaurant developer. He develops office space. In order to increase the value of your office, you have to have the amenities to go with it. Mr. Ritchie thinks that this particular piece of property, through the City’s investment of the new road, has created a unique opportunity to develop this location and further enhance the value of the 6111 building.

Mr. Ritchie stated that he is before the Commission talking in concept. Mr. Ritchie passed out a drawing showing the proposed buildings. This is one of several preliminary plans that could be done with a mixed use plan. What he wants to emphasize is that Mr. Ritchie’s goal is to have at least two office buildings on this property. He is not

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purchasing this to create a lifestyle center. He has no desire to do that. He has no desire to put in a retail strip. He has no desire to put in twelve restaurant pads. Mr. Ritchie likes to have offices that have restaurants next to them. He likes offices that have Paneras next to them. People will rent space in those offices. This particular plan that they have put forward is really driven by two users that are very interested in coming. The first is Cameron Mitchell's Fish Market. The second is a concept called First Watch; which many people are not familiar with, but there are about 1,300 nationwide. There is one in Crocker Park. They only do breakfast and lunch. It is a fantastic place for breakfast meetings, for lunches, etc. This market is perfect for them. Those two uses are really driving the first couple of spaces close to Frontage Road "D".

Mr. Ritchie's first intention is to improve the 6111 building. The building needs to be cleaned, stained and brightened. It needs to be improved. It also needs to be improved by adding the amenities to it. Mr. Ritchie wants the people renting space from him not to have to drive down the street all the way to the corner to get their coffee. People like working where their amenities are. Mr. Ritchie knows there is a big concern about traffic on Rockside Road. It is a major concern. Another way to address the traffic is to stop the bleed of people into the street at 5:00 p.m. One of the ways to keep them in their parking spots is to provide the amenities to make them stay. Mr. Ritchie believes that having the amenities will help the vacancy on Summit and on Oak Tree. Mr. Ritchie stated that people like to work where they live. They like to live where they play.

Mr. Ritchie stated that his goal is not to re-zone this for restaurant city. That is not the right use. The goal is to help the office buildings around it. Mr. Ritchie stated that Cameron Mitchell's is the type of restaurant he would want on the site. It is white tablecloth. People would spend time there after work. Mr. Ritchie's goal is to put another 50,000 square foot office building there. The plan could change in going through the site plan process with the City. His goal is to keep the 6111 building leased. There are two major tenants in there now – Axiom and Thomson West. Mr. Ritchie stated that he does not own the property yet, and he is not asking for site plan approval yet. He is working with the seller to get this concept introduced.

Chairman Lytkowski asked Mr. Ritchie to give some examples of the projects that Ironwood Development has worked on. Mr. Ritchie stated that in the last 5 years, they have sold and developed 800,000 square feet of office. There are three or four buildings in downtown Cleveland. They own buildings in Brunswick, Strongsville, Fairlawn, Aurora. This will be Mr. Ritchie's first investment on Rockside. Mr. Ritchie stated that he was a real estate lawyer at Thompson Hine for about 10 to 11 years. A banker friend and he formed a company called American National. They developed about a million square feet in a couple of years and sold a lot of it. They then went their separate ways, and Mr. Ritchie started Ironwood Development this past May. Mr. Ritchie always thought that Independence was the best office market in Cleveland.

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Mr. Burger thinks that Mr. Ritchie's concept is great. He will be upgrading the 6111 building. Mr. Ritchie will be able to capitalize on that office market. Adding the amenities can only help the Summit buildings. Chairman Lytkowski asked Mr. Ritchie if there were any possible tenants for the back building. Mr. Ritchie stated that there is a 10,000 square foot office tenant that is currently in Independence. Mr. Ritchie does propose some restaurant use in the new building; something to service the tenants in the building. This plan does not max out the parking. There are land banked parking spaces. The back office building could be bigger. Mr. Ritchie would not come back and ask for more retail to be put in.

Chairman Lytkowski asked about the 6,000 square feet of proposed retail on the plan. Mr. Ritchie stated that a bank would do well there. A Panera would do well. Mr. Ritchie stated that you will not have a First Watch and a Panera. Mr. Ritchie even thinks a walk in investment provider would do well.

The Vice Mayor thinks that an existing office building being added to the concept, it means stability; at least in terms of the Planning Commission and the City, that the applicant is willing to take an existing facility and put it in his proposed development. Mayor Ramos stated that his understanding is that Mr. Ritchie will develop the whole thing as a development. Mr. Ritchie stated that he thinks signage for this type of a development is important. Mr. Ritchie can understand the sensitivity of putting a bunch of signs on Rockside. Mr. Ritchie thinks it would be a neat idea to brand this area as something. Mr. Ritchie would be happy to participate in the cost of a monument sign at Oak Tree and Rockside at least identifying the development; not every tenant, not any tenant, but the development itself.

Mayor Ramos stated that because this area is unique, the landscaping and streetscaping signage is important.

Loissirene Blumberg of Pleasantwood stated that she thinks the project is great and bringing more upscale restaurants to town is a good thing. The Outback and Bonefish restaurants are always packed. Mr. Ritchie stated that the Outback and Bonefish are now open for lunch. Mr. Ritchie also stated that the Damon's on Rockside is the highest grossing Damon's in the country.

Mary Calabersa of Brookside Road spoke. Mr. Ritchie has a contract for some property as well. She wanted to know if this affects this. Mr. Ritchie stated that he is still working on that.

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Mr. Riehl stated that they have been through a public hearing already and would very much appreciate a recommendation by the Board and Council and the Law Director preparing a Development Agreement for this project. The Vice Mayor stated that certain areas have been identified that should be included in the Development Agreement. Drain water issues have to be managed to the satisfaction of the City. The fact that this is a unique piece of a property in that the marginal road configuration is there and demands additional landscaping. Vice Mayor Kurtz stated that this development needs to be the identifying mark in setting the stage for everyone else that this is what the City expects. The architecture of the buildings need to be addressed in terms of compatibility to the existing structures. The need to identify the restaurants as being upscale or sit down, the City is not looking for fast food restaurants, no drive thru. Vice Mayor Kurtz likes the monument sign at Oak Tree and Rockside with the name that Mr. Ritchie eluded to as “Bridgewater Crossing”. Vice Mayor Kurtz stated that appropriate lighting would also need to be done. It should be lighting that compliments the area. There should also be deed restrictions in the Development Agreement.

Mr. Narduzzi thinks that this is a great concept. One complements the other. The Mayor stated that he is very excited about this project. It is a very difficult piece of property the way it was situated before and then with the marginal road coming in; it just opens that up. There are enough tenants in that area to support the businesses as well as bringing in from other areas.

Law Director O’Brien asked Mr. Burger about the line that was repaired through the marginal road. He wanted to know who paid for that. Mr. Burger stated that they did. The Law Director stated that there were some discussions had between the Law Department and Duke that this was an antiquated line. Mr. Burger stated that they upgraded that whole section. The Vice Mayor stated that this is an on-site issue that will have to be managed on-site to the satisfaction of the City. Mr. Burger stated that they upgraded all the lines that went under Frontage Road “D”.

The Vice Mayor stated that when they originally zoned this property to a single office building, there was access onto Oak Tree. Will that be a formalized access for the entire campus? Mr. Burger stated that south of the 6111 building, it will be dedicated for the whole campus.

The Mayor stated to the applicant not to be afraid to landbank some property for purposes of keeping some green space.

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The Law Director asked Mr. Burger if the property was one piece of property. Mr. Burger stated it was two pieces of property. Mr. Ritchie stated that they will consolidate the properties. The Vice Mayor stated that the landscaping will be designed as a campus, the architecture will be one.

**A motion was made by Jack Shallcross, seconded by Tom Narduzzi, to forward this to Council with the Planning Commission’s recommendation of a zoning overlay, subject to the various conditions discussed above with regard to this development.**

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

**Mackenzie Drive** – Mr. Leonard Doubrava and Wayne Repko were in attendance. Mr. Repko stated that the property is located south of Pleasant Valley and east of I-77. It is an existing 14 lot subdivision called The Meadows. The cul-de-sac is existing. The development will consist of one lot and a 75’ section of the street across the front. This parcel is part of an existing lot that contains a house on site. Mr. Repko referred to the drawing. Mr. Repko stated that the lot that would be created would be a 100’ x 200’ lot. The parcel remaining will become Block “A” and will be undeveloped at this time. The improvements for the development will include the extension for the roadway, a turnaround, the extension of water and sanitary storm sewers will service this road. The drainage now goes across the site, and that will continue. The detention basin on the site has sufficient capacity to handle one more lot.

Mr. Repko stated that the lot is conforming. The existing lot will remain at 115’ x 200’. The setback will be the same as exists on the rest of the street at 65’. It will meet all setbacks for the rear, front and sides. Vice Mayor Kurtz stated that this area was one of the more severe areas that flooded in June. His question is if there is something else that needs to be addressed because of this subdivision that affects the people down the creek further, or was the water adequately managed as a result of the subdivision? The City Engineer has not looked at that yet. Vice Mayor Kurtz stated that there was a problem further east with severe flood damage. The Vice Mayor’s questions is that without seeing the big master plan for this area, before any additional lots are approved, if the Engineer signs off on this lot not affecting any additional water or stream water further east.

Mr. Repko stated that there is sufficient capacity and oversized sewer lines in this area. The Vice Mayor would like that validated. The City Engineer asked about the sanitary sewer. Mr. Repko stated that the sanitary sewer will be extended at its full depth and the

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connection from the house will have hung plumbing or a pump. The Vice Mayor asked about tying into the sewer. The City Engineer stated that it is a rough piece of property. The Mayor stated that there is a sanitary sewer proposed for the property. The Vice Mayor stated that it drains west, and you can't go deep enough. Whoever develops the property to the east, the sanitary will have to go east and that will be able to tie into that. Mr. Repko stated that where the sanitary sewer is shown now is pretty much the end of the sewer going back to the west. Anything that will be developed will have to go out to the east. A situation could be accommodated so that the sanitary connection at the house is installed from the house out to the street when the house is being constructed. The Vice Mayor wants to take steps to plan for future development. The City Engineer stated that this area is one of the hot spots from the flooding of June 22<sup>nd</sup>; however, one lot will not do anything.

The Vice Mayor would like to know if there is anything that can be done to modify drainage further east. The Engineer stated that right now it goes to an underground retention basin. The Vice Mayor would like that looked at so that there is some evidence that they examined that as part of the approval process. The Mayor stated that there are about 3 or 4 houses that got hit on the south side as well as the north side. The Mayor stated that this one lot is not going to make that much of a difference so they might as well look at the whole area. Mr. Doubrava stated that there is additional capacity in the existing system.

The Mayor stated that Hydrosphere is looking at this whole area, and if Council approves it, they will have a report within 60 days. The Mayor would like to incorporate that so that this is included in the report. Mr. Repko stated that anything done in that area would have to be taken somewhere else. City Engineer Elewski asked if the basic drain for the area is going into the underground retention. Mr. Doubrava stated that this was correct. The Mayor asked Mr. Doubrava if he was thinking of breaking ground soon. Mr. Doubrava replied that he would like to. Mr. Doubrava stated that there should be no issue with regard to the water. This one house will not create any more water. Mr. Doubrava's house is right next door to the proposed lot. The Vice Mayor does not think the one house is the issue. This could be looked at as part of the original subdivision. Before any additional development would be approved further east, there should be a Master Plan in place that identifies a full stop measure in terms of drain water.

The Mayor would like to have the hydrologist look at all of this so that the people downstream don't think that the City is not addressing their water problems. The Mayor stated that the study will be done within 60 days. The Vice Mayor stated that the Engineer will have to approve this. The Mayor stated that the motion could be made subject to the Engineer's approval.

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**A motion was made by Chairman Lytkowski, seconded by Jack Shallcross, to approve the lot split, street extension and approval of preliminary plan for The Meadows Phase 2A, subject to the City Engineer’s approval.**

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

**Twin Creeks, Hillside Road** – Mr. Jim Kavalec of Granite Development was in attendance. Mr. Kavalec is seeking final plan approval for the 12 single family housing development. City Engineer Elewski has reviewed the documents submitted by Granite Development, and they are in compliance with recommendations by the Cuyahoga County Soil and Water Conservation District, Mr. Todd Houser; they are on the right track.

City Planner Jeff Markley stated that he looked at the landscape plan and the only question he had was to do with the height of some trees close enough to the intersection. Those should be shifted down. With regard to the signage, there was a question with it in regard to the close proximity to Hillside. Mr. Kavalec stated that he would be removing that sign.

City Engineer Elewski stated that Mr. Kavalec will have everything needed by the next Council meeting.

Law Director O’Brien stated that after Planning Commission meeting last month, there was a telephone conference with the Engineer, City Planner, the Law Director, the Building Department and Mr. Kavalec. The various issues were discussed, and they got everything accomplished. There are some deed restrictions that should be placed in the record for the recommendation to Council.

Vice Mayor Kurtz stated that he did receive a call from Mrs. Zito who lives across the street from the development concerning the road and the impact on their access to their properties and traffic that would be generated during construction. There was a concern with the berm in that area that needs to be addressed possibly prior to construction because it needs to be upgraded. The Vice Mayor is asking the Service Director to address that as soon as possible. The City Engineer stated that they will be doing some work on Hillside Road. The Vice Mayor wants to make sure that the storm water repair incorporates that area. The area should be identified prior to construction and then take a road maintenance bond by the contractor or developer. This way, any damages can be repaired that may occur. The Law Director stated that it would be included in the Development Agreement.

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Mr. Narduzzi asked about the Point of Sale Disclosures. The Law Director stated that any changes to that document will be done. The City does not have an ordinance to address this, but they want the developer to have this document in place.

Mr. Dan Sobotka stated that he has several points he would like to go over. Mr. Sobotka would like to hear the language required by the Law Director for the Point of Sales Disclosure concerning the developing within a couple of thousand feet of the largest open pit strip mine in the State of Ohio. Law Director O'Brien stated: "No. 4. Mining Activities – The subdivision is located in close proximity to an active surface mining operation which conducts periodic blasting." Mr. Sobotka asked if the Law Director feels that is strong enough. The Law Director stated that he did feel it was strong enough.

Mr. Sobotka would like the City to include in the disclosure that the land is within the designated boundary of the National Park. Law Director O'Brien stated that every property owner is subject to eminent domain, and he does not think it is necessary to put that in the disclosure. Mr. Sobotka stated that it is a special situation because the Park may start buying land. The Law Director stated that if the Planning Commission feels it is appropriate to put that in there, they will.

Mr. Sobotka stated that the next point has to do with character of this area. The lots in the area are generally several acres in size. His mom's lot is over 3 acres in size. The lots in the proposed subdivision are possibly a half acre. Also, Mr. Sobotka does not see anything in the plans that the developer is going to maintain the park-like character of this area. The Law Director stated that the plan calls for several conservation easements. Also, there are several easements for the current property owners that are funneling their water onto the applicant's property. Mr. Sobotka asked if there is any type of easement for property bordering the park. The Law Director stated that there are none except for the normal setback requirements that the City proposes. Mr. Sobotka asked if a letter was going to be sent to the Park with regard to this. Mr. Sobotka asked if people would be restricted in cutting down trees on their property. The Law Director stated that people can do whatever they want with their property within confines of the Codified Ordinances.

Mr. Sobotka asked if the unused areas will remain untouched. Vice Mayor Kurtz stated that in the area of conservation easements, the land will remain untouched. The area that forms the creek on the south side will remain untouched. The Law Director stated that the developer will want to keep as many trees as possible.

Mr. Sobotka stated that he doesn't think that the map doesn't show 25' from the riparian setbacks. The City Planner disagreed with this. The Law Director stated that according

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to the code, the developer will have to go out and mark that prior to construction. If the developer goes into the riparian setback, the Building Department or Engineer will shut the project down.

Mr. Sobotka was concerned that the Point of Sale Disclosure didn't include that there is a stream on the property. The Law Director assured him that Planning Commission has required in the Point of Sale that whoever buys the property will know that there is a stream going through the middle of the property.

Mr. Sobotka stated that about six months ago there was a meeting with regard to the flooding. Hillside Road flooded severely because of the flooding and the blocked pipe. Mr. Sobotka stated that Granite proposes to pipe over the creek. Mr. Sobotka feels that there will be problems with flooding. The Mayor stated that Hydrosphere Engineering has gone throughout the whole City and has identified five main areas based upon the June 22<sup>nd</sup> flood. They have not addressed that issue; however, he will have either the City Engineer or Hydrosphere look at the pipe. Mr. Sobotka wants it looked at before the approval is given. The Mayor stated that it can be looked at within the next week or two. The Mayor said approval can be given subject to. The Vice Mayor stated it is his understanding that the elevation of the road would still be lower so that the floods can go over the road in that area. Mr. Kavalec stated that the hydrological study stated in that section of the road showed it would take a 500 year rain to get over the top of that road. Mr. Kavalec stated that this is not going to be a pipe; it will be a span, a bridge.

**A motion was made by Jack Shallcross, seconded by Tom Narduzzi, to recommend approval to City Council for the final plat, subject to the execution of a Development Agreement between the applicant and the City, the filing of the Declarations and Restrictions and Easements, the filing of the easements with the neighboring property owners with the County, the implementation of the Engineer and the Cuyahoga County Soil and Water Conservation District's recommendations with regard to the storm water management.**

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

**Indexco Properties** – Mr. Richard DiGeronimo was in attendance. Vice Mayor Kurtz recused himself. The Law Director stated that this was a major subdivision; so the only item before the Commission this evening would be the setting of a public hearing.

Mr. DiGeronimo stated that he was before the Commission before for this project. They voluntarily removed it to get a change in plans on what they wanted to do. The area is

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actually smaller than what was proposed last time. Mr. DiGeronimo referred to his drawing showing where the subdivision would be located. Mr. DiGeronimo stated that Block “A” is owned by Indexco and is right now green space. Mr. DiGeronimo stated that the idea is not to make a subdivision to maximize the lots. The smallest lot is 30,000 square feet. They range up to 72,000 square feet. The City requires 20,000 square feet lots. They are larger than what is required.

Mayor Ramos stated that one of the major concerns that was brought up with the last subdivision was water problems in backyards on East Ash and Pin Oak. The Mayor asked if steps were being taken to minimize the water. Mr. DiGeronimo stated that last year a storm sewer has been added. It is actually drawn on the property owners of Ash Road that would tie into the subdivision. It would take standing water behind some of the houses on Ash right now. They volunteered to put some drainage in their backyards to relieve the water. Mr. DiGeronimo stated that on Chestnut there are actually drainage swales and catch basins brought deep into the lots to bring water back out. This area is very wet. There is standing water. The land is naturally flat. City Engineer Elewski stated that the natural drainage for the subdivision is going in a southerly direction. What they are going to do when they build this subdivision, is cut that drainage off and take it into another direction. The Mayor asked where were they going with it. City Engineer Elewski stated that they would go east to a storm outlet that was installed years ago. The pipe would be large enough to take all of that water.

Mr. DiGeronimo stated that he is going to be one of the persons living back there. He will do whatever is needed. Anything that anyone has to offer, Mr. DiGeronimo would be willing to listen to.

Mike Schneider of Chestnut Road spoke. They know that the property is woods. Mr. Schneider would like Mr. DiGeronimo to have a drawing showing the inverts of the yard drains at the back of the property line next month. They don’t want to take on any more water on their property than they already have. Mr. DiGeronimo stated that they don’t want to raise the lots because they don’t want to cut the trees down. He knows a lot of people say that, but they really don’t want to do that. He thinks it looks nicer. The lots are bigger. They will try to fit the houses in between the trees. With the sewers being so deep, they don’t have to raise the houses. The sewers are 25’ and 30’ deep. Mr. Schneider would like to see the elevations on a drawing next month. The Mayor asked Mr. DiGeronimo to also show about the trees, what is being left behind.

Attorney David Reed representing Theodosia Pavaleka of Ash Road stated that he has the previous plan of April 6, 2004 which shows 16 lots. Mr. DiGeronimo has now reduced it to 12 lots. Mr. Reed stated that the project is described as Chestnut/East Ash Road. On the last schematic it seemed there was access to Chestnut Road. Will the only access

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be from East Ash? Or is the access from Chestnut Road something that is coming in the future? Mr. DiGeronimo stated that the subdivision is totally coming off of Ash Road.

The Law Director stated that the City Code requires Mr. DiGeronimo to map out all of the trees 12” or more as measured at one half of the distance between the ground. Because of the trees Mr. DiGeronimo might want to submit a separate map identifying all the trees. That way, the ones that are going to be taken down can be marked. The Mayor stated that water drainage and preservation of trees are two of the items that are always talked about in relation to subdivisions. These are the hot issues. The Mayor is sure that the people coming to the public hearing will be asking about those issues; the more answers that Mr. DiGeronimo has, the better.

A resident from the audience asked about the sale of the lots. Mr. DiGeronimo stated that it will be a dedicated road, but the lots at this point are not up for sale.

**A motion was made by Chairman Lytkowski, seconded by Jack Shallcross, to set this matter for Public Hearing on Tuesday, February 6, 2007 at 5:30 p.m.**

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

**There being no further comments or business, a motion was made by Chairman Lytkowski, and approved by the Commission, to adjourn the meeting at 9:15 p.m.**

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**Dale Lytkowski, Chairman**

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**Debi Beal, Planning Commission Clerk**  
Minutes unapproved at Time Released 1/9/07

