

MINUTES OF A CONTINUATION OF A PUBLIC HEARING HELD BEFORE THE PLANNING COMMISSION OF THE CITY OF INDEPENDENCE, OHIO, TO CONSIDER THE REQUEST BY GEORGE GACOM FOR THE APPROVAL OF PRELIMINARY PLANS FOR A MAJOR SUBDIVISION TO BUILD 37 SINGLE-FAMILY HOMES ON PROPERTY SITUATED BETWEEN HILLSIDE, BRECKSVILLE AND NORTH RENWOOD ROADS (PPN 563-10-013 AND 563-09-005)

HELD IN COUNCIL CHAMBERS AT CITY HALL

6:00 P.M., FEBRUARY 6, 2007

AGENDA: George Gacom, Hillside Road, PPN 563-10-013 & 563-10-027 – Proposed major subdivision consisting of 37 single family homes.

Chairman Lytkowski opened the Public Hearing at 6:20 p.m. and the following responded to Roll Call:

PRESENT: Dale Lytkowski, Chairman
Fred Ramos, Mayor
Gregory Kurtz, Vice Mayor
Jack Shallcross

OTHERS

PRESENT: Donald Elewski, City Engineer
Gregory O'Brien, Law Director
Ron White, Economic Development

ABSENT: Tom Narduzzi

Attorney Chuck Riehl was in attendance representing George Gacom and Chestnut Realty with regard to his preliminary plat and application. This is a continuation of a prior application. Mr. Riehl stated that the prior application is one that has changed and been revised by Mr. Gacom. The orientation of the cul-de-sac will exit onto Hillside Road and not onto Brecksville Road. This was primarily due to the negotiations that Mr. Gacom had with CEI. Those negotiations were not fruitful, and they were required to revise the application. The other thing is that the previous applications had 37 lots. With the new orientation and the design for storm water retention, and taking into account the wetlands, there is considerably more open space and the number of lots have been reduced to 33. Kevin Noble, who is Mr. Gacom's storm water engineer, is before the Commission also this evening. He will talk about the storm water retention. There will be storm water retention not only for this subdivision, but there will be retention to serve as a regional storm water retention.

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Mr. Riehl stated that the topography and layout of this particular subdivision does require the lots to be configured as they are on the drawing. There is considerable open space, as much as 50%. The property is compacted by the configuration of the 40 acre lot. There is also a CEI easement and high tension wires on the property.

Mr. Riehl stated that in addition to the open space that is shown in Block "A", there is open space that will consolidate wetlands and the setback from the wetland area in Block "C". Mr. Gacom has also preserved a 40' buffering zone in Block "D". They have also submitted a traffic engineer's study. The traffic engineer did a sight analysis of the entrance coming off of Hillside Road.

Mr. Gacom thanked everyone for coming to this evening's meeting. Mr. Gacom intended to have the traffic engineer at this meeting tonight, but there were problems with regard to the weather. Mr. Gacom believes there is not enough affordable housing in Independence. There is a need for this type of housing in the City. Mr. Gacom stated that the land costs have skyrocketed. Mr. Gacom stated that people in their 50's do not want to spend \$400,000 or \$500,000 for a house.

Mr. Gacom did have a previous meeting with people on Renwood and Carol at the Civic Center. There were a few residents that did show up. Mr. Gacom felt that the meeting was very beneficial. He had an opportunity to hear what the residents' fears were. Mr. Gacom believes one of the biggest fears is water. Mr. Gacom referred to the drawing with the two detention basins designed for the water. Mr. Gacom stated that water from this subdivision will not impact any of the properties to the north, south, east or west.

Vice Mayor Kurtz stated that he has received correspondence from some of the residents; i.e. Popovich, Craig and some others on Hillside. Mr. Gacom needs to address the issue of water from the north end of the property – how will the water be managed that is existing and is proposed from continuing to bombard the back of those homes on Hillside. The Vice Mayor wants to see the existing drainage courses on the property and how will Mr. Gacom stop that water. The Vice Mayor feels that it is not acceptable. This is the time to deal with it. Mr. Noble, Mr. Gacom's Engineer, stated that the subdivision itself has two different drainage courses. One goes from Hillside to Vineyard. There will need to be two different storm water management systems. On the proposed plan there are two water management systems proposed. Mr. Noble stated that along the north edge of the property there will be swales with catch basins. The catch basins and underground storm sewer system will drain into either Basin 1 or Basin 2.

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The whole subdivision itself slopes from south to north. They will pick up the water that comes across the property and discharge back into the existing drainage swale at a controlled rate. Mr. Noble stated that there is a large area that was set aside for a regional storm water system which will pick up water that comes from Seven Hills and retain it and release it at a slower rate. This area is under the CEI easement. Mr. Noble stated that CEI does have certain restrictions with regard to these ponds under their easements.

Vice Mayor Kurtz stated that the water will still be released to the north into the existing drain water courses. Mr. Noble stated that they cannot take water from one drainage course to the other. You have to discharge it. A storm water management ponds works like a bathtub. It will release at a slower rate. Vice Mayor Kurtz asked what if the existing drainage course is off site from the property and is not adequate to handle that flow? Mr. Noble stated that as part of any hydrology studies you have to have adequate out fall. Mr. Noble stated that when they size the ponds they have to determine how much water the stream will hold without it topping its banks. The Vice Mayor stated that the Commission has to work with the premise that they have a problem today. Mr. Noble's proposal has to solve the problem. Short of that, it is not acceptable. There is an existing problem today in that area. Any proposal of a development in that area has to solve the problem as the water goes north or the problem hasn't been solved. Mr. Noble stated that the City has very stringent storm water requirements. That is what this pond will do.

Vice Mayor Kurtz stated that the problem they have there is flooding. If they can't solve the flooding problem with this proposed development, there is no sense in even talking about the development. They have had problems since the 1950's. The Vice Mayor wants to see how the developer will improve the situation. Status quo isn't good enough. There are problems in that area. To allow a subdivision to go in and not improve the situation, the Board has not done their job.

Chairman Lytkowski asked about the 100 year flood or 500 year storm. City Engineer Elewski stated that the City code is for a 100 year flood. Mr. Noble stated that anything that they do for that subdivision will have to meet with the Engineer's approval. Mr. Noble stated that they are not proposing any deviation from the City's standards.

Vice Mayor Kurtz stated that the number one priority is if they can't improve the situation from a drain water prospective, then there will be no discussion on the rest of it. Mr. Noble referred to his drawing with regard to the water detention ponds. Mr. Noble stated when he refers to a regional detention pond, there are 242 acres coming from Seven Hills down to this area.

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Chairman Lytkowski asked if there is a detention basin on the north side. Mr. Noble referred to the drawing showing a pond on the south side that will pick up water from the northerly direction. Mayor Ramos asked if there are currently any retention basins at this time. Mr. Noble stated that there are none. Mayor Ramos asked if there have been measurements taken as far as the amount of water that flows through that area. Mr. Noble stated that there are drainage maps that can be used for existing land conditions. The Mayor asked if there have been computations made as far as the size of the retention basin based upon that information. Mr. Noble stated that there has been. Mr. Noble stated that there is soil mapping for the area to determine the permeability of the water. Mayor Ramos asked if the fact that there are going to be driveways and streets, etc. taken into consideration. Mr. Noble stated that those things have been taken into consideration. Mr. Noble stated that the pond is larger than the code requires. The Mayor stated that before they even consider anything like this, they will have to look north at Hillside. If it is inadequate north, it will end up backing up south anyway. Mr. Noble agreed.

Vice Mayor Kurtz stated that when you look at this layout and get the best utilization out of the land. Is this the best possible of use of this entire area? The Vice Mayor stated that Mr. Gacom went from Brecksville Road access to Hillside Road access. Which road is better for the City of Independence? Mr. Gacom needs to look at what is best for the City of Independence long term. Is Brecksville Road access safer or more practical. Mr. Gacom has lots where the backyards are going to be the side yards from some houses. Is that the best planning? When the Vice Mayor gets to Hillside, he sees traffic, the hills, Vineyard and Filip. Is this the best plan for the City of Independence long term? Mr. Gacom stated that in 2004 he had a plan with 44 houses. Since that time it went to 40 and the last time was 37 houses. Due to riparian rights and the ordinances the City of Independence had, the subdivision is now at 33 houses. Mr. Gacom stated that one of the concerns of the neighbors on Hillside is the slight variation of not lining up the proposed street with Vineyard. Mr. Gacom stated that they could not line it up. Mr. Gacom stated that there are riparian rights. When there is a water course, depending on how much water that creek carries, determines how far you have to be away from the creek. By setback, it means you cannot disturb it or put a house near it. In this particular case, with the type of wetlands that are on this parcel, there are three categories of wetlands – 1, 2 and 3. All of the wetlands on the property fall into the category of 2. You then need to be 75' from that creek. That is a lot of land. Therefore, Mr. Gacom could not line up the road with Vineyard. This is the safest and most practical place to put the road. Mr. Gacom has included a traffic study in the Commission's packet. There is not a sight problem. Mr. Gacom stated that having the entrance off of Brecksville Road would be too difficult. There would have been a dip in the proposed road coming off of Brecksville. CEI wanted Mr. Gacom to move some poles and a tower. There were a lot of restrictions. Mr. Gacom stated that this is the fourth revision with regard to this subdivision.

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Vice Mayor Kurtz stated that part of the function of the Commission is to try to get out information so that everyone has an understanding and comfort level of sorts.

Don Krolikowski of 6408 Hillside Road spoke. He has a comment with green space and that property. Mr. Gacom owns the property, and he wants to get some economic viability out of the property by putting some homes there. Somewhere he has a number that he is trying to work with. Is there a chance that the City would consider purchasing this property and perhaps preserving it for a future bike path and tying it into the valley to the east?

Mildred Johnson of 6520 Hillside Road spoke. She has some problems with this subdivision. First of all, where they are putting this road, there is a large dip. It is dangerous. Our children travel this road daily to the high school, middle school and the civic center. She thinks it is very dangerous. The second thing Mrs. Johnson wants to comment on is in 1970 they put sewers on Hillside Road. They were obsolete when they were put in. They were not put in correctly. She has a swale, and these swales will not hold the water and they do not work. They are going to put more water in the drain system that cannot take the water that it gets now. This is a bad idea. There is a serious problem; and the water comes across the road. Mrs. Johnson stated that her problem is getting worse because it is washing the land away, and they are getting debris from the back.

Mrs. Popovich's daughter spoke. He lives at 6900 Hillside Road. On July 30th there was a brief rain storm. She took some photos with her camera that registered 30 minutes. She presented her pictures showing that within 30 minutes of time there was water collecting, coming out of abandoned pipes and where the water travels. Within 15 to 20 minutes her father's yard had flooded. This was just a 20 minute rain storm. Mayor Ramos asked her how long had this problem been going on. She stated it has been going on for 50 years. It has gotten worse for the past 10 years. She produced pictures showing a water path to her father's backyard. Everyone began speaking at once. She stated that there are water pathways that come from every direction.

John Boberek of 6396 Hillside Road read a statement attached hereto as Exhibit "A".

Jane Soloka of Hillside Road spoke regarding the traffic study. She disagrees with what Mr. Gacom said about the price of the homes. Inaudible.

Darlynn Velotta of 6211 Hillside Road spoke. She asked where the new driveway for the subdivision would go. Will it be right across the street from her house? She has lived there for 23 years and sees the traffic problems. She has heard that the County is going to fix the road. This has not happened.

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A resident spoke with regard to all the traffic on Hillside. There is a backup on Hillside in the morning. It is impossible to get out of your driveway. It is a very busy and dangerous road.

A resident spoke regarding the traffic and children's safety. She lives on the south side of Hillside, and there are no sidewalks. Her children have to cross the street to get on the sidewalk. It is very dangerous. There will be a lot more cars on Hillside. It is impossible to turn from Vineyard onto Hillside sometimes.

Jack Shallcross thinks that Mr. Gacom needs to definitely make sure the water concerns are addressed. That is the biggest concern.

Vice Mayor Kurtz stated that there needs to be a plan that deals with drain water in the creek. There is flooding today that needs to be improved. Mr. Gacom needs to convince the Commission that the plan he is presenting not only reduces the existing problem, but greatly improves it for the future. Status quo is not good enough anymore. Also, additional off site drain water needs to be incorporated. This needs to be in the improvement plan. Those areas need to be identified. The Vice Mayor wants to know if there is a better use for that property. Safety concerns of both pedestrian and vehicular traffic need to be addressed. As far as green space goes, the Vice Mayor thinks that every possibility needs to be looked at. If Mr. Gacom looks at those issues and gets information back to the people; that is one of the steps that will have to be taken. Next month, or whenever Mr. Gacom is prepared, the Commission will be able to see how close they are to resolving some of the issues of water, safety, and planning and then go from there.

Mayor Ramos stated that he likes Don's idea of exploring the possibility of the City looking at this property only because of its location. He does not know if safety will ever be resolved because of the way the property is situated. Also, the drain water issue, the Mayor certainly welcomes the retention basin for purposes of catching a lot of that water. However, the Mayor needs to make sure that is going to make that situation better. The Mayor thinks that whether it be this development or any other development, storm water is a main issue now ever since June of 2006 and even prior to that. Many of the people at this meeting have had problems for many years. It is getting worse. The reason why it is getting worse is more development upstream; and consequently, that is affecting everything down the road. All of these issues need to be explained. The Mayor appreciates the fact that this public hearing will remain open, and the Commission will continue to work with the property owner. There is a lot to be said about keeping this property green.

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A resident asked who has put the red “x”’s on the trees on the property between Hillside and Pleasant Valley. Mr. Gacom stated that it was CEI.

Chairman Lytkowski stated to Mr. Gacom that it is pretty clear that there is a water problem. There are traffic problems. There are also variances that they have to be concerned with. As the Chairman stated in caucus, these developments that come before the Commission are more difficult because all of the easy land has already been developed. The question comes out as to what is the best use for that land? There are some major hurdles to overcome – the water, the traffic and the variances. Every development gets tougher and tougher to get it approved.

A motion was made by Jack Shallcross, seconded by Vice Mayor Kurtz, to continue the public hearing until Tuesday, March 6, 2007 at 5:30 p.m.

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

Dale Lytkowski, Chairman

Debi Beal, Secretary
Minutes Unapproved at Time of Release 2/12/07