

**CITY OF INDEPENDENCE
PLANNING COMMISSION MINUTES
OCTOBER 7, 2008
COUNCIL CHAMBERS**

CAUCUS:

Chairman Lytkowski called the meeting to order at 6:35 p.m. Present were Dale Lytkowski, Jack Shallcross, Jerry Skuhrovec, Councilman Dave Grendel, Mayor Kurtz (arrived at 6:40 p.m.), Law Director Gregory J. O'Brien (arrived at 6:40 p.m.), City Planner Jeff Markley, City Engineer Don Elewski, Engineer/Public Service Coordinator Don Ramm, Councilman Jim Piteo, Economic Development Director Ron White, Joe Balog and Loren Guell.

City Planner Markley distributed a plan for the Independence Technology Center landscaping along the northern border of the property. This is what they are proposing to Dick Pace to install. Chairman Lytkowski stated that they did tell Mr. Pace he could start the parking lot as long as he agrees to put in the landscaping. City Planner Markley stated that he knows that they talked about mounding and landscaping the area, but mounding really isn't going to help. There needs to be trees right up against the fence line. The Chairman stated that the Commission doesn't need a motion because they had already voted on this matter. City Planner Markley stated that Mr. Pace went ahead and put the gravel drive in without doing any landscaping.

Joe Balog was in attendance with regard to his matter and stated that he would like to have a simple lot split for a parcel of land that is divided by Rockside Woods Blvd. Mr. Balog referred to the map indicating where the Spectrum office building was located along with the Beacon Place office building. This parcel is a left over parcel that they actually bought. The parcel now has a ravine on both sides. It is not useable, not developable. The Ohio College of Podiatric Medicine would like to buy that piece. They want to buy it so that no one would ever fill the ravine area in. They want to buy it for protection. Mr. Balog stated that they do not intend to fill either side; but the college would like to buy the property. The creek goes right about on the property line. Mr. Balog owns the other half; and unless you own both halves of it, you cannot go ahead and fill the property.

Mr. Balog stated that the one side of the property has a deed restriction on it that was given to the Cuyahoga County Soil and Water Conservation people when they did the filling back over in the rear of the property by I-480. Mr. Balog stated that they agreed that they would leave the one side as a green area. Mr. Balog stated that under the one

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permanent parcel number there are two pieces of property divided by Rockside Woods Blvd. Mr. Balog would like to split it in two pieces and have a separate permanent parcel number for each. Then the one piece would go to the Ohio College of Podiatric Medicine.

Chairman Lytkowski asked Mr. Balog who owns the piece of property behind Holiday Inn. Mr. Balog stated that it was the college that owned that property. Chairman Lytkowski asked about the tombstones on the other side. Mr. White stated that it is a family cemetery, and the OCPM is responsible for maintenance of that property. There are a few headstones there.

Mr. Balog stated that the piece of land that he wants to split off is a little over an acre. The whole purpose of the college buying the parcel of land is that they want to be able to control it so that no one can go ahead and fill it. Mr. Balog stated that the property would stay green. Mayor Kurtz asked if the property could be filled. Mr. Balog stated that anything could be done, but when you look to do a proper fill you would need a 3 to 1 or 4 to 1 slope. The topography on part of the property is probably 100 foot of elevation change. Mr. Balog stated that they passed on filling this piece a long time ago because there just isn't enough land to justify all of the expenditures. Mr. Balog stated that it is a one acre parcel. There could be a 10,000 square foot building put on it; but it would be kind of funny looking. Mr. Balog stated that there is also a provision in the agreement with the City for the construction of the street lights through the assessment process that if this piece is ever built or developed; they would have to pay the assessment on the street lights also. So those are the restrictions. Mr. Balog stated that what the agreement was that if the parcel was ever developed, they would reimburse the City for the proportionate share of the street lights.

Mr. Balog stated that it is a one acre parcel with 188 foot of frontage on a dedicated street. It doesn't need anything. All Mr. Balog is asking for is that it be split off. This was the original parcel, and they put the street through it. Usually then you have two parcels. What the County did is they went ahead and put a little crow's foot which says that the two pieces are attached.

Law Director O'Brien asked if the lot would be consolidated and how big would the parcel be. Mr. Balog stated that the parcel is 1.2745 acres. It would get a separate parcel number. Law Director O'Brien asked if the property could be consolidated with anything. Mr. Balog replied "no". Mr. Balog stated that the college wants the property to specifically protect the ravine areas. Law Director O'Brien stated that then there should be some conservation or some easements on the property that would restrict any type of development. Mr. Balog would like the Commission to approve it that way this evening. Mr. Balog stated that something could be done with the parcel right now; it has

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frontage on a dedicated street. Law Director O'Brien stated that he would feel much better having that conservation easement in hand. Mr. Balog stated that they have slope stability rights for the office building and parking lot if this slope starts to slide. Any conservation easement would have to be subject to the protection of the building.

Chairman Lytkowski stated that he would prefer to take no action today. He would like Mr. Balog to come back next month. Mr. Balog stated that he will work out with the college's attorney a conservation easement that will be submitted to the City for their review and then come back and request the Planning Commission's approval. They will hold the conservation easement in abeyance, and if the Commission approves the lot split; they will go ahead and file the conservation easement.

Discussion was had regarding the extension of Rockside Woods Blvd.

Chairman Lytkowski asked if any of the members had looked at the addition for the Ohio College of Podiatric College. City Engineer Elewski stated that there may be a slight problem with drainage. The Chairman stated that it was just a small addition to the front of the current building. Mayor Kurtz stated that he doesn't see any problem with this.

The Chairman stated that the next item is the antennas on Selig Drive. The Mayor asked the Law Director if there was any progress with the City getting their antennas on the top of the tower. The safety force antennas were supposed to retain the highest position on the tower. They have not been very cooperative. Law Director O'Brien stated that it is very difficult to try and get responses out of them.

Chairman Lytkowski asked the Mayor if he wanted to talk about Dr. Kindl's parking. The Chairman stated that the applicant is not here this evening. It was a discussion for the Planning Commission to have as to what position the City wants to take. Mayor Kurtz stated that at the next Public Buildings and Lands Committee meeting they will bring this matter up. They will bring up the sketch that has been prepared. It offers an option to expand that Stone Road/Sunset Avenue interchange to accommodate a turn lane and truck traffic. Also, it can offer a different entrance to that area. The church would be able to use some of the City's property for parking; Dr. Kindl gets additional parking. The City doesn't want to preclude or limit their ability to use that property for the future development. There is some common ground to be achieved, but the Mayor is not so sure that the City is in a position to say okay here it is. The Mayor stated that they have the sketch that Elewski and Associates put together, they can talk about it in terms of the opportunity for managing the traffic at that intersection. They also incorporate that into playing what if in terms of the future development if it goes further east or to the north where the middle school property is. Everyone has to look at the big picture.

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Mr. White stated that the concern of Dr. Kindl is that for them to move ahead, they want to be assured that they will not fall out of compliance for their parking ratio. Mayor Kurtz stated that Dr. Kindl is looking for something to enhance his site. Normally, when you do that, you pay for property. They can lease it, the church can cooperate. The Mayor is not sure that the City wants to give up its' rights to that property. Dr. Kindl wants to expand his property. Everyone began speaking at once. The Mayor stated that they need to focus in on the drawings a little more in detail, so that they can then say what they want to accomplish at the intersection; and how does that relate to the property in the back. Pretend those houses aren't there and pretend there is a clean slate with that property. Then we can determine how much property Kindl needs to expand, the church needs to park. Maybe there can be some type of cooperative that can be done where there some exchange of monies for the City's property; but then put that toward the intersection.

The caucus was adjourned at 7:00 p.m.

Debi Beal, Secretary