

MINUTES OF A CONTINUATION OF A PUBLIC HEARING HELD BEFORE THE PLANNING COMMISSION OF THE CITY OF INDEPENDENCE, OHIO, TO CONSIDER THE REQUEST BY ST. MARON'S CHURCH FOR APPROVAL OF A SPECIAL U-3 PERMIT TO OPERATE A CHURCH AND COMMUNITY CENTER ON THE PROPERTY LOCATED AT 7800 BROOKSIDE ROAD.

**HELD IN COUNCIL CHAMBERS AT CITY HALL
6:00 P.M., JANUARY 2, 2007**

Chairman Lytkowski opened the Public Hearing at 6:00 p.m. and the following responded to Roll Call:

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

OTHERS

PRESENT: Donald Elewski, City Engineer
Gregory O'Brien, Law Director
Ron White, Executive Assistant
Jeffrey Markley, City Planner

Chairman Lytkowski wanted to first wish everyone a Happy New Year and hoped it would be a happy and prosperous New Year.

The Chairman then opened the continuation of the Public Hearing with regard to St. Maron's Church. Mr. Tony Asher spoke on behalf of St. Maron's. He introduced Mr. Ron Bender from Euthenics Engineering and Consulting Company. Mr. Bender will present the traffic study and the water management study. Father Karam will discuss the uses of the church. Attorney Sheldon Berns will discuss the legal aspects of this matter.

Mr. Bender referred to the display boards he brought with regard to the site. The first board was an overall rendering of the site. The 21 acre site will make a beautiful campus setting for the church complex. The church itself would be a 600 seat capacity building, which is relatively small in size. Mr. Bender referred to the structures that would be removed; i.e. the single family residence that will be taken down. The existing classroom building and the gymnasium in the back will also be torn down. Mr. Bender referred to the board showing the new chapel and activity center. The distance from the new structure to the existing property line will actually be increased. From the rear property line and the east property line there is about a 230 feet setback. There will be less area occupied by the new building than the present building. There will be a baseball field and the existing pool and tennis courts will be relocated.

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Mr. Bender referred to the board that showed the new facilities. Behind the new chapel would be the activities center. The main buildings that are there now will remain, but will be renovated. There will be parking on both sides of the main church complex. The parking has been pulled over, and there will be approximately 130 feet of green space between the parking and the property line on the east side of the property. Mr. Bender referred to the board showing the new location of the tennis courts and pool. They have looked at some of the concerns that the residents might have had. This project has very little effect on City services.

They have looked at the traffic issue. They put together a traffic and storm water study. There would be one hour a week where the traffic would be increased. The services on Sundays would generate about 160 cars. Mr. Bender stated that the peak hour during the week on Brookside has approximately 330 cars. The rest of the time when the church will be used, there will be a very small amount of traffic. If there is an event on a Saturday evening, there will be a little more traffic generated. Mr. Bender does not think traffic should be a concern.

A resident in the audience stated that they have heard the whole plan already, and they don't want the aggravation with the traffic, the whole thing.

Mr. Edward Johnson of 7304 Brookside Road asked if the church was going to use the facility occasionally on Saturdays and on Sundays. Will this be used on other days of the week? Are there going to be any other uses? Mr. Johnson stated that he saw them doing the traffic study, and it was just done on the weekend. Attorney Sheldon Berns asked if the questions from the audience could be held until they finish their presentation. Chairman Lytkowski stated that they will hold off on all questions until the presentation is totally completed. Mr. Bender stated that they did do a traffic study on Sunday morning and also during the week. That is included in their study.

Mr. Bender stated that with regard to the storm water study, the proposed facility has a slight increase in the amount of impervious surface area. They would abide by the City requirements to design a detention facility for the 100 year detention of the runoff. They can handle any additional water that may come from the site. There is a sanitary sewer in Brookside that has plenty of capacity; therefore, sanitary should not be an issue.

Mr. Bender stated that with regard to parking, a church with 600 members would require 150 parking spots in the area immediately around the church. They are showing 172 parking spaces.

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The parking lot would be lit with pole lighting that shines downward so as to not spill over to the adjacent residences. The parking has also been pulled away from the property lines. The lighting will also be turned off at night when the church was not being used. They would also provide landscape buffers in the form of moundings and some pine trees in the area along the homes and along the area to the east almost screening the parking area. Mr. Bender believes that these are the main concerns that were looked at.

Father Karam stated that he would like to talk about the proposed use of the Marycrest property. Father Karam stated that the Hanna House will be kept and used as residence for the clergy, offices and some conference rooms. The chapel will be kept. Father Karam stated that what the nuns referred to as the infirmary will be used as the pastoral center, youth center, classrooms and offices for these programs. The field will have a picnic area. The swimming pool will be moved; along with the tennis courts. They are proposing to add some parking for visitors and for those using the picnic area. The existing school and gymnasium will be demolished. They will build the new church and community center right behind it. The church will be used for worship and Sunday gatherings, weddings, baptisms, and what have you. The youth center will be used for church activities only; gatherings, receptions after the mass on Sunday, receptions after funerals. By receptions, Father Karam means mercy meals, things of that nature. It will also be used for a place of youth gatherings for the parish. It will be a community center/gymnasium for the youth of the parish to use. The fields will be used for summer activities and sports. Father Karam stated that this is the extent of the proposed use of the property for now. That is the proposed use that has been submitted.

Sheldon Berns stated that he is the attorney representing St. Maron's. Mr. Berns stated that he does work with regard to the legal rights of churches. Mr. Berns stated that the Constitution of the United States and Ohio guarantee the right to worship. Part of the right to worship is to have a place to worship. This has gone back as far as 1942 in the Supreme Court of Ohio. The question was whether or not churches were entitled to be built and used in residential areas. A particular community stated that you could not build a church in a residential district. The Supreme Court of Ohio stated that churches belong where people are; and said there is no moral or general welfare to preclude a church from being in a residential area. There may be circumstances where someone would try to put up a too big church in a too small area and start to invade the privacy of people. This is not the case. There is 23 acres on this site. The Court of Appeals has agreed with a case where people said they do not want a synagogue in a certain area. The Court of Appeals stated that you have an obligation to accept people from other communities. People have the right to worship where they want. Mr. Berns read from his letter: "It is no doubt true that automobile traffic often chokes the streets and endangers both the

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general and the traveling public. However, it is rarely, if ever, that people entering or leaving a church cause or contribute to traffic accidents.” They go on to say that “When, under the facts in this case, the welfare and safety of the people in the neighborhood is placed on the scales of justice on one side, and the right to freedom of worship and assembly is placed on the other, the balance weighs heavily on the side guaranteeing the right to peaceful assembly and to worship God according to the dictates of conscience, regardless of faith or creed.” Mr. Berns stated that here there isn't a traffic problem. There is less than 50% of the normal traffic on Brookside during peak hours. It is one hour on Sunday.

In 2000 the Congress of the United States heard testimony that churches were being discriminated against by some cities. What they said was that cities could erect a permit, and had a right to permit churches. If the cities did not have a permit for churches, then the church would have to apply for a special permit. That is the case with regard to Independence. That is why St. Maron's is applying for a special permit. After all the testimony was heard, two senators co-sponsored an act which required cities to issue permits to churches. In Independence, there is not a specific place to go to place a church. (Inaudible). Under the Act of “RLUIPA”, which is the Religious Land Use and Institutionalized Persons Act of 2000; and the law, regardless of what people may think, there is no reason to block St. Maron's. This is not something that is bad for the community. It would be thought that the City would rather have a place of worship instead of a lot of other things. This one would be separated from the neighboring homes with all the green space and buffering. This church will generate little traffic; basically one hour on Sunday morning there would be 160 cars. That is the greatest number they would have. This is a very modest intrusion on the adjoining property. The parishioners of St. Maron's Church request to worship in the City of Independence. Hopefully, they will be welcomed as part of the community of Independence.

Vice Mayor Kurtz stated that he has received information from the residents concerning sites for Maronite facilities throughout the State of Ohio. One of the concerns that was raised deals with the use of this property. It is his understanding that the original presentation was for increased growth in the parish. The information that he was given concerning ancillary uses of support services of the church, there seems to be a commercial tone to it. There are commercial banquet facilities, reception facilities that are an intricate part of this. The Vice Mayor would like to have that addressed because it is important that the Commission understands if there is a commercial connotation to this or is the information that he received relative to the use for rent, for utilization of banquets, is it primary use or is it restricted use for the church's congregation. Mr. Asher stated that it is restricted use for the congregation. The activity center is not big enough to handle 500 people. Vice Mayor asked if St. Maron's intent was to rent out the facility. Mr. Asher stated that there is no intention of renting out the hall. It is strictly for the parish

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community. The Mayor asked if the church would be willing to give some type of deed restriction or guarantee that there would not be a commercial use for this type of thing. Mr. Asher stated "very definitely".

Mr. Narduzzi asked if the congregation number would grow, at what point can the City say that enough is enough if they keep building. Does the City have any recourse to say that the church is big enough and cannot be added onto anymore? Mr. Asher stated that the church will seat 600 people. That is the whole concept. Will it grow to 900 people? Mr. Asher can only hope so, but he doubts it. They are only so big. Mr. Asher stated that a 20% growth would be difficult. Mr. Berns stated that there is a plan before the Commission. What they are planning to build is what they propose. Anybody can come back to the Commission later and state that they need to do something in addition to the original plan. At that point it is the Commission's decision to determine if it is reasonable if a set increase in growth is not going to cause any problem. If there is a problem with it, the Commission will let them know what the problem is. Nothing in this world is in stone.

Chairman Lytkowski asked Mr. Berns if he was suggesting at this time a conditional approval subject to "x" number of families within the church. Law Director O'Brien stated that to answer Mr. Narduzzi's question, the way you would do that is through the use restrictions and/or the deed restrictions which would ultimately limit the size of the building. Law Director O'Brien is envisioning what the Planning Commission is asking for is maintaining green space and maintaining the current use as proposed given some growth as any church would like growth to be. Law Director O'Brien stated that he and the City Planner were just speaking and the way they limit it out in some of the greener areas like Geauga County is they provide a building envelope. They say that the building can grow to a certain size and beyond that it is all deed restricted to green space. Mr. Berns stated that this is a possibility. He wouldn't want to say that it can never change from what it is under any circumstances; that would not be appropriate. They are before the Commission to find something that can satisfy those concerns.

Vice Mayor Kurtz stated that there are some people here that were not at the last public hearing. By way of bringing them up to speed there are a couple of things that were mentioned at the last public hearing that need to be addressed. One was the green space issue. The Vice Mayor knows that they talked with regard to the area west of the existing facilities. If the Vice Mayor heard Mr. Berns, they were willing to deed restrict or do something along that line so the Commission did not have to worry about coming back and encroaching on that undeveloped area of green space. That was the first issue by way of history. The second was the on site drain water had to be mitigated on site. The third issue that was raised at the initial public hearing was that there are some drain water issues that the City has off site which would utilize some of this

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land to help them mitigate some of the problems they have on lower Brookside, and that the applicant was willing to at least entertain that concept as part of his understanding. The Vice Mayor believes that the senior day care is an intricate part of the other facilities. Father Karam stated that there is only one facility in Ohio that has this and that facility is not owned by the diocese. It is owned by a religious order, and that is the Entinite Sisters in Youngstown, Ohio. This institution does not have a parish. Father Karam is related to their parish.

Mr. Shallcross asked the group what their vision would be how the property would change. Would they immediately tear down the old schoolhouse and gymnasium? What else would be done? Mr. Shallcross asked what their sequence of events would be. He knows that this is not going to happen at once. Father Karam stated that it would be a two to three year project. They may tear down the buildings in the near future because they are very dangerous. They would do that immediately. The house would be remodeled immediately because living conditions on Carnegie Avenue are very detrimental for the parish. They are breaking into their house on a daily basis. The church building may take two to three years to build. The infirmary would be remodeled quickly for Sunday school and the youth activities and senior citizens. Father Karam stated that if he held a service at 6:00 p.m., no one would come to it. Nobody likes to drive downtown. It is not safe. If Father Karam holds a bible class at 7:00 p.m. two or three people will show up. It is not safe. He stated that their community cannot grow on Carnegie Avenue. They are landlocked, and it is not really safe.

Mr. Asher stated that it is a matter of money. The parish has enough money to buy the property. Now they have to raise enough money to tear down the buildings, fix the house and do the remodeling.

Mayor Ramos stated that he is trying to get as much information as he possibly can. He thinks that the concerns that the Commission are hearing is traffic, storm water drainage, lighting and because this is in a center of a residential district it is obvious that this has to have the least amount of impact on this property. It is a beautiful piece of property, and they certainly have an appreciation for green space. The Mayor stated that he is getting into the informational part of this and will be in contact with the applicant.

Chairman Lytkowski opened the meeting up to the audience. Bill Gauntner of 7700 Brookside Road spoke. He stated that it was mentioned that there would be 160 cars on Sunday morning. In the document provided, it states approximately 500 people attend mass on Sunday. He wanted to know if those people never leave. Mr. Asher stated that it takes approximately a half hour for the people to get in and out. Law Director O'Brien stated that the traffic study

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calculation takes into consideration more than one person driving by way of car. It takes a 2 ½ ratio by car, that is where the 500 people come in. Mr. Bender stated that the cars would come from two directions. The 160 would be combined with the existing cars on the road, along with the proposed. Mr. Gauntner stated that a few months ago they were told that the applicant would be building a 400 seat church in 4 to 5 years. Now it will be a 600 seat church with 150 car parking lot. Mr. Gauntner wanted to know the distance from home plate to the property line for the ball field. City Engineer Elewski stated approximately 330 feet. Mr. Berns stated that the ball field will not be next to the property line. Mr. Bender stated that it would be 250 to 300 feet.

Mary Calabersa of 8414 Brookside Road spoke. She wanted to respond to a couple of subjects that were brought up tonight. The first one has to deal with the proposed hall. Most of the discussion was focused on the traffic. She believes that the hall is the real issue. Based on the State of Ohio Fire Code, an 8,000 square foot hall can accommodate up to 1,000 people conference style and 500 people banquet style. It is popular now for banquets, wedding receptions, Christmas parties, graduations, proms, reverse raffles, fundraisers, corporate events. These activities are just not restricted to Saturday nights. The hall rental business is big business, and whether it is for profit or non profit; it is still a business. She thinks there are commercial overtones, and that this is their general concern. She has some pictures from Our Lady of the Cedars Maronite Church and Banquet Center located in Fairlawn to share at the end of the session. She recommends that the Planning Commission goes down and look for themselves. They would agree that it is something that does not belong in a residential area or on a side street. It was suggested at the last meeting that another possible location in Independence would be more suitable.

The other issue that she wanted to respond to was the recurring item of impervious surfaces. It was stated that approximately 20% of the entire site would be impervious. The problem with that is almost the entire 20% is concentrated at the easterly end of the property. That end has the severest drop in elevation; she believes it is about a 50 foot drop. It has the greatest potential for runoff and flooding. The reason they are concentrating on the easterly end is because they want to save and work around some of the existing buildings. They are planning on using one of those buildings for their adult day care center which is also a business. If a developer would come in, they would level all of the buildings, and design the site so that the impervious areas would be evenly distributed around the property allowing for much better storm water drainage. The best way to properly manage the water is to start with a clean slate. Mrs. Calabersa may not have the perfect solution; but she would like to offer a possible solution. She believes that everyone is familiar with the Hillbrook development across from St. Basil's. The development consists of 36 homes on about 10 acres. There is a mixture of ranches and cape cods ranging in

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size from 1,600 square feet to 2,500 square feet and generates about \$170,000 in property taxes a year. The impervious surfaces of this development are about 147,000 square feet. That represents roughly 15% of the Marycrest site compared to their proposal which represents 20%. A development of this size and nature could be the answer to the Marycrest site. It would be residential, it would blend in with existing homes in the area, provide for much better water management, offer a possible site for senior housing for folks who want a smaller size home without the yard work; and provide additional property taxes while not burdening the school system with additional students. She has information from the Brecksville Building Department showing the development.

Mr. Asher stated that they are not in the commercial banquet business. You can put that in your deed restriction. They will not rent out the hall; but use it for church purposes.

Mrs. Calabersa asked why the hall would have to be 8,000 square feet. Mr. Asher stated that everyone wants to design what they want to do. They want to tell them how to live. Everyone started to speak at once.

Mayor Ramos stated that this hearing is for purposes of hearing concerns and answering questions. Everyone will get a chance to speak. Everyone will be heard that wants to be heard. Please express your concerns so that the Planning Commission and Council can make a decision that will be for the benefit of the City.

Gil Montague of 8324 Brookside Road spoke. He doesn't believe that a church is the least impact for that area. He thinks that the green space that a lot of the communities have would be less of an impact. They are not prejudiced with regard to the church. They have a Catholic, Methodist and Lutheran church in the City, and they get along just fine. Mr. Montague asked how the area is zoned. If they are allowed to build on the site, then the residents do have a say. The constituency seems to not be in favor of building a church there. Mr. Montague stated that what has to be considered is the proposed use and future use of that property and how it will impact the neighborhood; let alone the street and the other stuff. Mr. Montague stated that in the event that this does occur, the buildings are large up there. If you are going to demolish those buildings, even if state-of-the-art asbestos abatement is used, there are still a lot of silica based materials up there. He is concerned about this.

Chairman Lytkowski asked the Law Director if the site is zoned residential or other. Law Director O'Brien stated that he understands and empathizes with those who say they don't want anything and they want green space. That is not reality. Unless someone buys it, a purchaser or owner of the property can seek the type of use that is appropriate for that property. He asked the

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Planning Commission Clerk to make copies of Mr. Berns' letter. The Law Director stated that he agrees with Mr. Berns' rendition of the law in this area. He cites it correctly in his letter. Law Director O'Brien briefed Mr. Berns' letter today. Mr. Berns uses his cases correctly, and he honestly presents what cases in both Ohio and under RLUIPA, the Federal statute he cited, are looking toward this area. This is a religious application, and Law Director O'Brien assures everyone that Mr. Berns and the church view this site for purposes of religious purposes. Therefore, fact and reality is that the City has to address both the Federal statute and the State cases cited in Mr. Berns' letter when they zone this. This property has always been zoned residential; however, reality is again that since 1957 it has been used for religious purposes. If it was a green space, the Law Director understands that argument between putting aside RLUIPA, the Federal statute, and the case law as far as impact. But again, the Commission has to take that into consideration as to how it was used in the past, and how it impacts the community. The Law Director stated that the issues that he heard that he is concerned with from a legal standpoint, are the storm water, the traffic, are fire code restrictions, and the last point that was made which is valid, not necessarily for the application, but assuming the application or provide the application gets granted, is the asbestos mitigation and the effects. The Law Director wants proper protection for the environment and the community-based residents surrounding that area.

Mr. Montague asked if the City has the tools to stop them from building legally; if it is a residential area, and the fact that this area is zoned residential, (inaudible). The precedent that Marycrest was there doesn't seem to be validation for allowing them to put the church on a site that is in a residential area. Law Director O'Brien stated that Mr. Berns' rendition of the Federal statute and the case law are correct. They are correct in his letter. Law Director O'Brien stated that they will provide a confidential attorney/client letter to both Council and Planning Commission. You can quote the facts in this case; also add in the fact that Marycrest was operating there since 1957. The Law Director takes the position that it has been long abandoned, it's a residential area. Mr. Berns will not take that position. Mr. Montague stated that if it is zoned residential, and they can prevent them from going there, they want to.

Edward Johnson of 7304 Brookside Road spoke. When the water study was done, no one came to his house and asked him if he got water or where the water is coming from or how the water goes. Mr. Johnson wanted to know when Council was going to have an executive session to discuss the religious extortion that is going on in the community here. Mr. Johnson stated that at the last meeting it was stated that the church would not go there for like 5 years, now it is 2 to 3. Is it a church, or is it a community center? It sounds like what Vice Mayor Kurtz said; it sounds like a commercial venture for them to raise money. Mr. Johnson asked about a carnival or picnic where the residents would have to deal with the thousands of cars from other communities coming in. Mr. Berns stated that a vote of 1,000 people is a vote of 1,000 people that want

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something else; you cannot overrule the constitution. That is the City government. The reason that we have the Bill of Rights is to protect individual rights. You may not agree often with what is done elsewhere, but you have rights. You have to look at the law. If there is water upstream from the church, then obviously there has to be a problem causing it. The City Engineer is very strict in requiring what is needed to protect downstream flooding. Everyone began talking at once. Mr. Berns stated that Mother Nature does things that the City Engineer cannot prevent. This property will have 20% more impervious surface than is there now. They have sufficient retention so that it won't cause a problem downstream. With regard to traffic, there is not that much traffic. Mr. Berns stated that he understands that everyone would want that nothing be built on the site. Everyone does. But the church has a constitutional right to use the property. They would like to work with members of the Planning Commission and Council to work out the protections so that it will be used as suggested. To protect everyone so that there will be green space, a buffer, so that it will not be built near the property line, that will be done. The applicant is willing to work with the Planning Commission and Mr. Markley and Mr. Elewski to make sure that everything is done appropriately.

Mr. Berns stated that this country was founded on freedom of religion and freedom of worship. Mr. Berns stated that he would like the community to welcome St. Maron's into the City.

Alan Klonowski of 7465 Brecksville Road spoke. He understands that Independence has zoning. The zoning was established on the site after Independence became a City. Marycrest was grandfathered into the City because they existed before zoning. In other cases in the City, when there were zoning issues, it was put to a vote of the people. Is that going to be the case this time?

Law Director O'Brien stated that he believes that Mr. Klonowski's question was could they send this matter to a vote of the people and change the charter to require such votes for these types of applications? Mr. Klonowski believes that it is required for the zoning changes to be voted on. Law Director O'Brien stated that certain zoning changes are voted by Council, certain zoning changes voted by, like multi-family, for example, to a vote of the people. Some of the City's zoning, as in this case, is covered by a special U-3 permit in the code. Mr. Klonowski asked if this piece of property is zoned residential. What does the Independence code say about that? Law Director O'Brien stated that an application can come in and seek a special U-3 permit, which that is what this applicant is attempting to do. If the Planning Commission finds that it meets those provisions then they will approve that application and it will go to Council. Council will then either approve or disapprove that application.

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Mayor Ramos stated that the only time currently in the City's charter that it has to go to a vote of the people is if someone proposed multi-family housing or cluster homes. That is why in the center of town when cluster homes, senior housing was being proposed, that went up for a ballot. If people have a petition for something like that, then it can go up for a vote of the people. The only time that re-zoning goes to the people would be if it was multi-family housing. In this case, what they are asking is for a U-3 permit which is not an issue that goes to the voting people.

Vice Mayor Kurtz stated that the mandatory referral that some communities have for all zoning and re-zoning and has to go to a vote of the people, that went to a vote of the people about 15 years ago and was turned down 2 to 1.

Sondra Lansky of 7524 Brookside Road spoke. Her concern is with regard to the ball field also. She has picture windows and is worried about balls hitting the window. She belongs to St. Michael's, and they don't have a pool or tennis courts. That is what is scaring the residents. She is concerned with how many people will be in the pool since her house is in close proximity. She is also concerned about the tennis courts. She wanted to know if there would be more than the church community coming in to play tennis. She would like to enjoy her backyard.

Mr. Asher stated that the pool may be used on Saturdays and Sundays. Mrs. Lansky thought that there would be a day care center on the property with children. Mr. Asher stated that there would be no day care center there with children. There would be an adult day care center.

A member of the church council spoke. The people in the St. Maron's church community are spread out. It is not like a local church where everyone who attends is from a local city. It is difficult for people to come daily to the location because they are so spread out. Many people car pool. There are 4 to 5 people in a car because they are coming from a distance. He is also the youth director for the Sunday school. He teaches 7th and 8th grade and has 14 students. In 5th and 6th grade there are 15. That is the size parish they are talking about. The meetings that they will have and the youth picnics that they will have will be like the local playground. It is not that big. People don't travel that far to come on a regular basis. Mrs. Lansky asked about meetings. The meetings that will be held during the week at St. Maron's are very small. The residents will hardly notice St. Maron's. The residents are invited anytime to the church on Carnegie. He attended the last meeting and took back the concerns of the residents to the church council. The primary concerns were that the residents wanted residential because they were concerned about traffic and water. The church went to a great expense to try to address those concerns. They hired an outside engineering firm to do the studies. They wanted to address the residents' concerns and wanted to show that they would be a very low impact use of the property. They are a small church community. They would prefer to work with the residents.

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Chairman Lytkowski asked Mr. Asher what the timing was with regard to this project. Chairman Lytkowski stated that the public hearing will be continued until next month in fairness to the citizens so that they have a little more time to talk about this matter.

A resident spoke and stated that several times in the course of these meetings there have been comments that they were not going to build a church now. It was stated that the church will be built in the next 5 to 10 years. Now the discussion seems to be the use of the property without the benefit of a church being constructed. That amounts to a community center. This land is not zoned for a community center. It is zoned residential. At one of the earlier meetings it was said that the residents would like to help St. Maron's locate in Independence, but not on this site. It was suggested by him that the site of the old middle school could be used for St. Maron's. All of the churches in Independence are located downtown. They are located in the vicinity of St. Michael's church.

Rich Stanovich of 7824 Brookside Road spoke. He stated that what he has behind him is vacant, deteriorating buildings. Marycrest said previously about being good neighbors and being part of the community. Now look what they have behind them. If it was a single family home, the house would be bought up. The zoning is residential and should stay that way.

Mildred Schauer of 8104 Brookside Road spoke. She stated that everyone is being naïve about this. Look at the church on Wallings and I-77. It started in Broadview Heights High School. They had about 20 members. They then built the church over there. You cannot go down Wallings. They have police officers doing the traffic. They built a second entrance off of Sprague. Brookside Road is residential and that is what it should stay.

Chris Krol of 8927 Brookside spoke. She is curious about the growth patterns of St. Maron's over the last 20 years. What was the parish count 20 years ago? Has it grown? Father Karam stated that St. Maron church is a Catholic church of the eastern rite tradition. It has been in this area since 1923. It is not a big community. Since 1975 it has grown by about 15 to 20%. The reason for this is that the first and second generations in this area have remained committed to the community. The increase is very minimal. His church will never be a mega church like St. Michael's in Independence. The difference between St. Maron's parishioners and St. Michael's parishioners are that the parishioners of St. Maron's live in Cuyahoga County. They come downtown from the east, west and south side. Not the same people come every Sunday. They have 1,200 families. Since Father Karam came to Cleveland a year ago, they have added about 70 households to the roster. Why? Because these 70 families didn't like the priest before

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him. These are things that happen in every parish. Father Karam stated that not more than 80 people come to the 9:30 mass. The 11:00 mass is the community of divine liturgy. There are no more than 450 people on a given Sunday. Now Christmas may bring in 700 people. There will be the same amount on Easter. These are the exceptions. With regard to the traffic, St. Maron's people tend to stick together. After mass on Sunday, you will not see a huge number of cars leaving the parking lot all at once. They stay for coffee and donuts, they socialize. What you will see is about 10 cars going out and then gradually the cars will leave the property. In the youth program there are 16 kids on the roster. When they hold meetings, not more than 25 people come. At St. Michael's there is a school. There are a lot of programs there. St. Maron's does not have a school. They will never be able to have a school. When Father Karam holds a meeting for the parish council, 9 people come to it and they car pool. It is not a big community. Father Karam stated that the future of their community does not belong on Carnegie Avenue in Cleveland. They cannot survive there. This is the reason why they have been looking to move. Father Karam stated that they lose people to the Roman Catholics. They lose people. He would like to keep his community together in a place where it is safe to worship.

Louis Colantuono of 8703 Brookside Road spoke. He stated that he understands Father Karam. He belonged to six parishes. On Brookside you can only go east and west. He has nothing against Father Karam. Mr. Colantuono has been on Brookside for 35 years, and they are still trying to divert water out of that place. They fight traffic. Come 3:30 or 4:00 you cannot get on Brookside. There is going to be close to 200 parking spaces on the property. With an 8,000 square foot hall, he doesn't think that a small parish needs a hall that big. The traffic and water are the biggest problems. Mr. Colantuono stated that he does not want to move.

Chairman Lytkowski instructed the Secretary to type up the minutes of this meeting so that the residents will have a chance to review the minutes before the continuation of the meeting which will be Tuesday, February 6, 2007 at 6:00 p.m.

Father Karam asked if there is anything they should do before the next meeting. Vice Mayor Kurtz would suggest that Father Karam review the minutes and then be prepared to answer some of the questions that were raised in the minutes so that they can expedite next month and ask additional questions.

Father Karam believes they have done what they were asked. Law Director O'Brien stated that he has a question about the additional uses and the traffic study. Their traffic study only talks about Sunday and weekday. From a legal aspect, the Law Director has enough to advise the

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Planning Commission and Council on the legal aspects of the application. Vice Mayor Kurtz stated that there is the issue of the community center and church being used at separate times. Chairman Lytkowski asked City Engineer Elewski to look at the traffic flow. He wants to make sure about the number of vehicles going up and down Brookside Road.

Attorney Berns stated to Mr. Longano that there is no reason in this world why the social hall needs to be constructed before the church. They could be constructed simultaneously. There is no intention of building a social hall without the church. They are willing to agree to that.

A motion was made by Jack Shallcross, seconded by Tom Narduzzi, to continue the Public Hearing until Tuesday, February 6, 2007 at 6:00 p.m.

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

Dale Lytkowski, Chairman

Debi Beal, Secretary

Minutes Unapproved at Time of Release 1/10/07