

**MINUTES OF THE PLANNING COMMISSION WORKSHOP  
CITY OF INDEPENDENCE  
Held in the Council Chambers at City Hall**

**5:30 P.M., JUNE 27, 2007**

**AGENDA:**

- 1. 6990 Brecksville Road, PPN 563-06-002, 141 & 142** – Lot split and consolidation to create four parcels.
- 2. 6046 Brecksville Road, MSZ Limited Partnership** – Proposed office campus consisting of five mid-rise buildings with parking.

Chairman Lytkowski called the meeting to order at 5:30 p.m. on Wednesday, June 27, 2007, and the following responded to Roll Call:

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

**OTHERS**

**PRESENT:** Greg O'Brien, Law Director  
Don Elewski, City Engineer

**ABSENT:** Ron White, Economic Development

The Chairman wanted the Law Director to state what a workshop was as to any legalities within the work shop. Law Director O'Brien stated that generally a work shop is an opportunity outside of the regular meeting and/or special meeting for the Commission to take up any item on its Agenda or any item that has been presented to the Planning Commission in an informal manner. It is an informal meeting. The Chairman acts as parliamentarian. It is designed to be a discussion amongst the members and amongst the applicant and anybody else that the Chairman recognizes. No decisions will be made in a work shop.

**6990 Brecksville Road, PPN 563-06-002, 141 & 142** – Elaine Kukawka was in attendance. She stated that she has a property at 6990 Brecksville Road which is two lots south of the Aamco Transmission. The parcel runs from Brecksville Road all the way back through upper Archwood. There is a house in the middle of the parcel. She is

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asking for a split to make the front parcel on Brecksville Road Parcel 1. Where the existing dwelling is would be another parcel, and then another parcel from that existing dwelling to upper Archwood. Mayor Ramos asked Mrs. Kukawka if she was looking to build a house on Parcel 1 and Parcel 4. Mrs. Kukawka stated that Parcel 4 would be a 4 or 5 acre lot that will go up for sale.

Chairman Lytkowski stated that at the last meeting Mrs. Kukawka, the City Engineer and the City Planner were to get together with the neighbors and discuss this item and kind of work it out. City Planner Markley thought that there would be an opportunity to debate and discuss this issue at a work shop with the neighbors. Vice Mayor Kurtz would like to identify some of the issues and concerns, and then see what can be concluded. The Vice Mayor stated that some of the issues that were raised revolved around the drainage. The drainage as it relates to Rosewood and Hunting Lane, the properties to the north of Parcel 4 and proposed Parcel 3. Mrs. Kukawka stated that her piece of property has not changed its' grade ever. She is getting the brunt of the drainage from Rosewood and Hunting Lane. There is no runoff coming from her property. Vice Mayor Kurtz asked the City Engineer about the direction of the drainage. He stated that it runs west to east and south to north. It comes from the Archwood, Elmarge area and migrates north and east. Mrs. Kukawka concurred. She stated that there is a little piece that comes from the creek that goes north and south. The Vice Mayor stated that there are two water courses through the property. The City Engineer agreed. Vice Mayor Kurtz stated that there is a water course on the extreme west end of the property, which would be the west end of proposed Parcel 4. Then there is a creek that goes through Parcel 3 on an angle. Those are the two main water courses. The Vice Mayor asked if the water from Parcel 4 goes through and planes across all the property. Is there an open course creek through Rosewood? The City Engineer stated that there was. Vice Mayor Kurtz stated so there was an open creek from where Archwood ends, so that creek went through by Selig. The City Engineer stated it comes down Rosewood and goes to underneath Selig. Before the development went in, all that water migrated across the property. The City Engineer stated that some of the water went to the east and some went to the west. The Vice Mayor stated that the situation is that the water is cut off from moving to the north. It has to either go to the creek to the left or the creek to the right.

The Vice Mayor stated that the other issue that was brought up was access. The possibility of extending Archwood to Brecksville Road was raised. The applicant stated that Archwood would not go through. The Vice Mayor stated that there is no way of accessing Archwood all the way through to Brecksville Road. The Vice Mayor stated that there is a drainage problem. Mrs. Kukawka stated that she will get access the same way everyone else on Brecksville Road does that has one driveway to multiple homes.

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She stated that she would come off of Archwood. The Vice Mayor asked if that was going to be the frontage. Mrs. Kukawka stated “sure”. The Vice Mayor stated that most homes have frontage on dedicated streets; Mrs. Kukawka stated that upper Archwood near the high school is a dedicated street. The Vice Mayor asked the City Engineer if the 30’ frontage would constitute frontage on a dedicated street. The City Engineer thinks it is more than 30’, he believes it is closer to 40’. Vice Mayor Kurtz asked about the frontage for Parcel 3. Mrs. Kukawka stated that on Parcel 3 she is asking for a change of address to make that a lower Archwood address. The Vice Mayor asked if Archwood was dedicated in that section. The City Engineer stated that it was not.

Mrs. Sogor of 6890 Hunting Lane spoke. She stated that when she goes on Map Quest, there is no real Archwood there. She stated that it shows Cherry Street going through, and everything else is being Brecksville Road. Mrs. Kukawka stated that there are two homes on Archwood. She has lived in those homes for more than 50 years. She stated that addresses are 6909 and 6911. Mrs. Sogor stated that the County shows it as listed on Brecksville Road. Mrs. Kukawka stated that her tax bill lists an Archwood address.

The Mayor wanted to go back to the drainage issue before the access is addressed. The Mayor asked Mrs. Kukawka if she gets water on Parcel 4 and Parcel 3; he asked where she specifically gets water. Mrs. Kukawka referred to her map. She stated that Parcel 2, to the north of this parcel and the driveway going into the existing dwelling; it comes all the way from upper Archwood all the way down to the catch basin. It goes from west to east. The Mayor asked everyone from Hunting Lane and Rosewood if they get water on the back line of their properties. Mrs. Fabish stated that it is between the houses.

Chris Lula stated that he has a runoff stream when it rains and goes to his back property line and then behind Sublot 6. Chris lives on Sublot 7. It follows his property line and goes toward Brecksville Road to the creek down there.

Larry Gervasi of 6879 Rosewood Circle spoke. He stated that they have the same thing. There is water in the back facing that parcel and on the sides. He stated that their property is lower than Mrs. Kukawka’s property.

Mira Djelic of 6880 Hunting Lane spoke. She also has water problems. There is standing water that is on her property. Mrs. Sogor stated that she also has water. She stated that even though there has not been rain lately, there is still standing water between her lot and her neighbor’s lot. She stated that if you walk in her backyard there is saturated grass.

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Chairman Lytkowski stated that he wanted to summarize where they are at. He is looking at the Minutes from the last meeting dated June 5, 2007. The Chairman stated in the Minutes: “Chairman Lytkowski requested that the City Planner and the City Engineer work with Elaine and the neighbors to formulate a comprehensive plan that’s a win win win for everyone”. It is clear that this has not taken place. For the Commission to have this type of discussion tonight in this forum, nothing is going to be accomplished. The Chairman would really suggest one more time that the City Engineer and the Planner and Elaine and the appropriate neighbors get together and iron it. Then come back to the Commission, and they can fine tune it, approve it or disapprove it. The Chairman knows there are water and access problems; but to be fair to everyone the Chairman thinks it is a lot easier if the Engineer and the Planner get together with Elaine and the appropriate neighbors and try to iron this out. This makes more sense to the Chairman.

City Planner Markley stated that he was under the impression that the workshop tonight was for those purposes. This is what he understood. The Chairman stated that perhaps he was not clear; his interpretation or intent was to have a small group of people, have this dialogue, formulate a plan that is a win for everyone and then bring it to the Commission prior to the meeting. The Chairman stated that the Law Director may have some questions because there is some question of the legality of using a private drive for two homes. There are a couple of issues that need to be resolved.

The Mayor stated that he needs to ask this one question. For the people on Rosewood and Hunting Lane, let’s put aside the water runoff for a second, does anyone have an opposition to a single family home being constructed on Parcel 4? Mrs. Fabish stated that they didn’t sign up to have people right in their backyard. The Mayor stated that if anyone does have a concern, his next question is what are the concerns? Mrs. Fabish stated that when she moved there she was not told she would have neighbors right in her backyard. There will be kids flying by, ambulances and fire trucks.

Mira Djelic bought her home six years ago and was told nothing would ever be built there. It would be completely closed in. She just wants the green space.

The owner of Sublot 8 stated that her concern is with the depressed economy that they are having right now, granted there would only be one house built; how does she know that there won’t be 10 to 14 sublots in that area. Mrs. Kukawka stated that she talked to the Mayor and told him that she would put a deed restriction on the lot for a single home only. The resident asked who could afford a home for that amount of money. What clientele would come in with that type of money? Mrs. Kukawka stated that on that size lot there will be a big home. Everyone began talking at once. Mrs. Kukawka asked who

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told the homeowners that the property behind them would never be developed. Whoever told them that does not own the property, and they cannot tell anyone it would not be developed. They need to go back to that person and tell them that they lied to the homeowners. Mrs. Kukawka stated that her family has been in Independence for over 100 years. She wants to come back to Independence. Mrs. Kukawka stated that she is concerned with the residents' concerns, which is why she came to the Mayor and made the proposal to do one home. The Mayor asked what assurances do the residents have that 12 or 14 homes will not go there. He understands about the green space.

Larry Gervasi stated that his concern was the access of the driveway. It looks like on the plan that you can access Parcel 4 which is big and Parcel 3 through the piece of Archwood. That would involve the driveway or the private road being right along the back of his property, pretty close to his house. That is not the standard anywhere else in Independence. Mayor Ramos stated that he does not know if this is possible or not, but he is thinking for the people who have the water problems in the back; if something can be done with a storm sewer along the property line to catch the water, move the access road further south. Rather that would be a win-win situation for everyone; he is not proposing that. That is why he is asking what the concerns and questions are. Law Director O'Brien stated that he is confused. The map shows access to Parcel 4 only off of Archwood. Is she proposing to put a road all the way to Parcel 3? Mrs. Kukawka stated "no". The Law Director asked if access to Parcel 3 would be off of lower Archwood onto Brecksville. Mrs. Kukawka stated that there is an easement at the top of Parcel 4.

Vice Mayor Kurtz asked Mrs. Kukawka if she would deed restrict the property to one lot. Mrs. Kukawka stated that she would. The Vice Mayor stated that if the property owner is willing to stipulate that there would be one house on a 4 to 5 acre piece of property; his question is that there are four issues on Parcel 4. Vice Mayor Kurtz stated if there was a 15' or 25' drive off of Archwood and moved away from the north property, and put the house on the property that is in the middle that is 355' wide, and they were able to manage all the water problems on the north end of the property, and vacate Eugene Drive access – that doesn't work? Vice Mayor Kurtz stated that there is a piece of property with 4 or 5 acres, and the City lots are half acre lots; now they can argue about access and all, but there is a dedicated street right at Archwood. The Vice Mayor is trying to craft a solution that just might work. Initially, before everyone meets, if they were to take the end of Archwood and come in the end of Archwood and move to the south immediately and then split the property so that there is no road. If you move the drive to the middle of the property, and they can deal with the drain water on the north end of the property, and

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put the house right in the middle. The property goes from 166' wide to 355' wide. If it is stipulated that the house would be in the middle of a 355' wide area; it would not adversely affect the people on Archwood, Elmarge, Dora or Hunting or Rosewood. Vice Mayor Kurtz stated that it should be put altogether and shown to everyone. If you move the driveway 100' away from the property line to the north, and you are moving it, it would be roughly 300' east. So when the house is built, it will be 150' from the north properties, 150' from the south properties. You would be over 100' away from any house if it is stipulated one house in the middle with a private drive off Archwood away from the north properties; and you vacate Eugene Drive. Then you would get some drainage understanding on the north side. Is there any issue for the adjoining property owners; especially if it is heavily landscaped as it comes off Archwood? You have one house instead of potentially 4 or 5 houses. There is a private drive. It seems to the Vice Mayor that Mrs. Kukawka has offered something to the City that makes a lot of sense to the neighbors. Then the issue is dead forever because it would be part of a permanent deed restriction.

Larry Gervasi asked if the deed restriction would be permanent. If someone wanted to come and change it, could they? Vice Mayor Kurtz stated it would be stipulated as part of the condition of the lot split. Dr. Gervasi stated that whoever buys the property could come to the Planning Commission and ask to change the deed restriction. The Law Director stated that they could ask, but they won't be able to. Vice Mayor Kurtz stated that the piece of property with one house on it would be worth something. That would be an estate lot. That is what someone would be buying. Whoever would buy it would have to live with the stipulations as the owners. The Vice Mayor is trying to fast forward this thing to the point where they address the drainage on the north side, they address the access off of Archwood migrating to the south. There would be one lot, and the house has to be in the middle of the widened area so it is not directly behind any house. The Vice Mayor asked the City Engineer if this would be feasible. A resident asked if the access would be to the west. The Vice Mayor stated it would be where the culvert is now. You would come in Archwood and the drive would turn to the right. Nobody would be inconvenienced. City Planner Markley stated that with the deed restriction you could also put in a building envelope and define it by legal description. You could have the driveway within the building envelope. That would be the building zone area. Vice Mayor Kurtz asked if the City Engineer could put all of this on a map and then give it to everyone to look at it. Vice Mayor Kurtz stated that the road pavement right now is 26'. You could shorten that and squeeze that down so you are further away from the properties. Initially you would have to move further south so it gets between the middle of the properties. There are a lot of trees in that area that would not have to be disturbed. There is a possibility of disturbing some of the trees if they do some drainage mitigation;

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some of the trees would have to be addressed. There may be an opportunity to take the drainage and move it further south from the property and on the north side of this property. If they were successful, they would take that easement and just move south of it, and the trees are not as grown in that area as they are at the property line. It would not adversely affect anybody's property that way. The Vice Mayor thinks it is a great opportunity for everyone to find something – if you can take a 4 or 5 acre parcel and put one house on it and put it somewhere where it doesn't adversely impact, eliminate the access point permanently, vacate that on Eugene, give it some drainage, and put the road in the middle of the property, and the house in the middle of the widened area, he is not sure there is a better deal than that. Someone will buy it.

Vice Mayor Kurtz stated that at this point, they have laid out all the issues; if the Engineer can lay that out on a map and get it to everyone, including Elaine, so that she confirm that she wants to do that. Then when you come to the next meeting, if everyone agrees, or at least raises questions based on some evidence; it would certainly take this process and move it along in his opinion. Mayor Ramos stated that a map will be sent to the affected residents. A resident asked if maybe the drainage could be mapped out also. City Planner stated that the parcel to the south does drain to the north, to their lots. Those lots were filled to build that street and those homes. By filling those lots, it forced the water back to the south. The homes on Rosewood and Hunting now drain away from the backyards into no-man's land. Vice Mayor Kurtz stated that when the houses were built it cut off the drainage. Just for the record, Don Elewski was not the Engineer of record on this subdivision. Vice Mayor Kurtz stated that they could cut some drainage further south of the affected properties, it would cut that water off from migrating to the low spot.

Vice Mayor Kurtz stated that with regard to Parcel 3, he thinks the question is if Archwood east by Brecksville a dedicated road? City Engineer Elewski stated that it always has been used as a road. Vice Mayor Kurtz stated that there are two houses on Archwood. Right now 6990 has a Brecksville address. There is no Parcel 1 and 3 right now. The first thing the Commission has to do is find out what rights the City has for Archwood east. Vice Mayor Kurtz stated that someone is going to buy that house, and they will have to have legal access to a public road, which would be Archwood or Brecksville. They have to find legal access for that property. At that same time, they ought to get dedicated frontage for the two houses on Archwood east. City Planner Markley asked if the street is dedicated, does it have to be built to the new City standards. Vice Mayor Kurtz stated that they have roads that are smaller pavement, less than 26'. The Vice Mayor's first question is to find out if it is dedicated; if it is not dedicated and

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they are trying to make 6990 Brecksville give it a new Archwood address so that it has frontage so they can sell it as a legal lot without frontage on Brecksville Road. What has to be done to accomplish that? At the same time the other two houses ought to be incorporated into that same scenario so that it can be addressed all at once.

Vice Mayor Kurtz asked the Engineer and the Law Director to find out the current status of Archwood east; and how do they achieve legal frontage for what is existing which is 6990 Brecksville and the two houses on Archwood so there is permanent Archwood legal access. Then Parcel 1 can be subdivided. It would just take more than 30 days because it is less than 100’.

Chairman Lytkowski asked how many feet is Archwood east. City Engineer Elewski stated that it would be about 400’. He stated that a lot of the improvements are already there. There is a hard surface drive, there is a sanitary sewer, there is a storm sewer, and there is a gas line. You would have to check out what isn’t there. Mayor Ramos asked if it would be the responsibility of the City or property owner. The Mayor would assume that it would be the responsibility of the property owner to make the street in compliance.

Vice Mayor Kurtz stated that this matter will probably not be ready for next Tuesday. They would like to get the concept out to everyone to look at so that this matter can be moved forward at the August meeting. The Vice Mayor stated that the Engineer needs to get the map to Elaine first and have her agree with it and then pass it out to everyone else.

**6046 Brecksville Road, MSZ Limited Partnership** – Mr. Don Lydon of Zaremba Management was in attendance. He referred to his proposed site plan showing the 14 acres of property owned by MSZ on Brecksville Road. Back in 2004 there was a re-zoning for this property which also involved two properties to the south, three individual properties to the north zoned from residential to U-5 Campus Office District. Within that re-zoning process, they established a Development Agreement which was a combination of the Planning Commission and the neighbors that set out guidelines for what was going to be allowable on site; and guidelines for within which they would agree to develop and provide certain cooperations with the neighbors. What they are presenting is a development that basically meets every single one of those requirements without a variance. They are submitting to the Planning Commission that this site plan be accepted for approval. Law Director O’Brien stated that approval cannot be given tonight.

Mayor Ramos asked if there has been an effort as far as working with the adjoining property owners. It has always been a concern of the City’s that nobody would be left behind. The Mayor just wants to make sure that every effort has been made to include

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them in the project if possible. Mr. Lydon stated that they provided a site plan back in the re-zoning time that clearly shows that these parcels, by virtue of doing a lot consolidation with the three neighbors to the north, a lot consolidation with the two neighbors to the south, that on their own and by themselves those combined parcels are more than able to develop without any assistance through them. They provided the cooperation with regard to providing driveway access and utility access off of their property if it is needed. Quite honestly, those parcels are developable, and they provided a site plan showing what could be built on those properties without having to have any access or intertwining the development with their property. Mr. Lydon has enough land right now. They have made that perfectly clear back at the time of the re-zoning that they could in the future potentially and possibly purchase or joint venture with them. At this point in time, those parcels would not be left behind. They have ample frontage and access to both Brecksville Road and the utilities necessary to develop their sites.

Chairman Lytkowski asked if there were tenants already for the buildings. Mr. Lydon stated that they are in discussions with two separate organizations; one being a professional services firm needing approximately 40,000 square feet. They would occupy an entire building. They are also in preliminary discussions with another professional services company that would require approximately 60,000 square feet with an annual payroll of \$35 million dollars that is interested in a corporate headquarters facility. They would like to consider this site. The Chairman stated that when the office campus style was developed he thought it was 3 stories and not 2. Mr. Lydon stated that there are maximum height limitations not to exceed 3 stories. All of the buildings are basically two story and will not exceed the height limitations. They have also agreed to develop them in a Western Reserve style. Mr. Lydon produced the original site plan which shows the neighboring property owners in purple. It basically provides them with a concept of how a building would work on their site, completely independent of the MSZ site. However, knowing the traffic is going to be an issue, they strategically aligned the site driveway with the Cavaliers' facility across the street. Mr. Lydon stated that they would be more than happy to discuss access via a traffic light there. It would be a benefit to both Mr. Lydon and the Cavaliers. With that the neighboring property owners would be able to access their property through the MSZ site and be able to take advantage of the traffic light.

Chairman Lytkowski asked about the donation of land if Brecksville Road would be widened. Mr. Lydon stated that they have plenty of room in the setback. They are at a 50' setback from the right-of-way to their parking lot, which would be ample room for a one lane extension or turning lane. Chairman Lytkowski asked Mr. Lydon if he talked to the adjacent land owners recently about the project. Mr. Lydon stated that he has not.

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The Chairman asked if there was any particular reason that Mr. Lydon didn't talk to the land owners. Mr. Lydon stated that 153,900 square feet is a lot of square footage to be putting on the market. Mr. Lydon stated that he would love to see this property be successful. They would love to have the opportunity to take it from the land that they own to the neighboring property owners if they are willing to be involved in that. At this point and time, they don't have the money to acquire the adjoining properties at today's market rates, and they have 14 acres to develop and are not sure how fast the market will absorb this amount of property. They have to build to the market. In the future there may be an opportunity to do that, but at this point and time this is a big enough piece of meat for them to chew on at this point.

Mr. Lydon stated that 2/3 of the entire development would be taken if both tenants were able to come to be. Mr. Lydon stated that most of the people on the Commission were involved with the re-zoning, and he thought that everyone did a real good job creating that Development Agreement to address all of the problems and issues that the neighbors had at that time.

Chairman Lytkowski asked the City Planner about looking at the site plan with regard to having access to the shopping center. Mr. Lydon stated that this has never been brought up. Vice Mayor Kurtz stated that he thinks that he will be consistent with what he said four years ago. The other properties have to be incorporated in a Master Plan, and Zaremba is a lot bigger than the rest of them. The Vice Mayor stated that since Mr. Lydon is back for another shot at the apple, the Commission ought to look at this plan. There was a plan that came out of Columbus about 10 to 15 years ago that extended the retail into a campus type setting. Mr. Lydon is offering something with a lot of potential in terms of the office. Would it be possible to incorporate a Master Plan? The City now has permanent access off of Rockside Road with the City dedicated road on the western property line of the existing Rockside Corners. If Mr. Lydon were to take that and incorporate it into a larger development, which incorporates all the properties, and Mr. Lydon would have offices on the second and third floors and retail on the first floor. A new focus would be created with the dedicated road and access opposite the Cavs; and it creates some synergy out of that whole quadrant.

Chairman Lytkowski stated that he loves the office buildings, but he would agree about doing something more in that area. The Chairman doesn't know how that can be done. Mr. Markley stated that he was interested in seeing if there was a connection to the shopping center largely as a benefit to those that are working in the offices as opposed to coming out on Route 21, coming down to Rockside and then looping back in to where they would go and grab a bite to eat for lunch.

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Vice Mayor Kurtz stated that the fact that Mr. Lydon is before the Commission offers the opportunity. He doesn't think anyone would have looked at it unless Mr. Lydon showed up. Mr. Lydon stated that there was a clear, concise Development Agreement set up five years ago to do precisely this plan. Vice Mayor Kurtz stated that his motivation is to address the property owners up front and also the unique opportunity that the City created with the dedicated road coming through Rockside Corners; the City now has an opportunity to create some synergy with retail and office and to do something really neat. Mr. Lydon stated that the Commission had four years with this project sitting here and the zoning approved; and now he is before the Commission to present a plan that completely meets the criteria that was there four years ago; and now they're changing the direction of what the City wants to see. Vice Mayor Kurtz stated that they are weighing in on the issue, and they are trying to enhance Mr. Lydon's investment. Mr. Lydon does not see physically, based on the topography, how it can be done; and at what and who's cost. Everyone began speaking at once. Mr. Lydon stated that their land doesn't even touch Rockside Corners. You are talking about two or three other property owners, the construction of a road that has to cost at least \$1,000 a lineal foot, and how long is he going to be sitting there waiting for that process to go through.

Mayor Ramos stated that the City brought Craig Cawrse into this thing, and he came up with the plan for that whole area. That is why the City ended up resolving it with the smaller office campus in order to take advantage of the ravine so that it can overlook the ravine. The Mayor can certainly understand the streets coming in and things like that. The Mayor stated that he is a little bit puzzled because he thinks right behind Mr. Lydon's property and right behind some of the properties on Brecksville Road, there is a rather drastic ravine. Consequently, tying that in would be rather expensive. The Mayor is not exactly sure if any retail going back there would really have the frontage necessary. Mr. Lydon stated that Rockside Corners has never been a successful retail center. Mr. Lydon has had everyone from Marc's to Giant Eagle look at their site and everything up and down Brecksville Road. They had no interest because the demographics to the east is a National forest. There are no property demographics. Whatever else that is to the east is now on top of the hill at Transportation Boulevard. Mr. Lydon stated that the Master Plan done four years ago concurred with all of that. That is why this property was zoned into office. Mr. Lydon stated that he is going to develop his land to highest and best use. Mr. Lydon has been looking at this land for twenty some years. They have yet to find a better use for this land. Mr. Lydon stated that he thinks the physical restraints of tying this to any of their neighboring properties other than those to the immediate north and south would be impossible.

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Mayor Ramos stated that they should just check out that road coming off of Rockside just to see where if any place that could go as far as coming around so that some of the property owners can take advantage of that. The Mayor knows that when he sees the Flors' property, Ronnie Latara's which is further north – it is beautiful property back there. It is like living in a park on Brecksville Road. A lot of those trees need to be preserved. To cut all that down and build on there. Mr. Lydon stated that this plan calls for them basically to maintain as much of the existing trees as possible. It is not their idea to come in and clear cut this site. Mr. Lydon stated that they are planning on keeping this as green space.

Mr. Markley asked about the storm water. Mr. Lydon stated that they have some retention ponds shown on the site plan. It has been determined by the Engineer that the storm is deep enough for them to retain it there and get it back up. It would not have to go to the ravine. They could do it in both directions according to the Engineer. They can retain as much water as need be and only dump off site what is currently dumping off now. Mr. Lydon stated that there is a culvert pipe that dumps out about three feet above. It comes out of whoever's property and drops three feet to the stream that runs along the property. The EPA is allowing them to culvert 200' of that in order to be able to get this slope re-graded to support their parking. The rest of it would be maintained in open stream. There are some wetlands down there that will be maintained in its current position. The site is designed to fit into the plateau, and when it is all done all the natural vegetation will be maintained so the neighboring property owners really won't even see the buildings unless the leaves were off the trees.

Mr. Lydon stated that they are doing soil tests to make sure that they can shore up and the soil is going to allow them to not have what they call a "Robiskie" effect where it would slide down. There is many ways to shore up the land.

Mr. Lydon stated that the access road is kind of a curve ball to him. There certainly is room to the north of them to get a road through. They are set up in such a way that if something tied in, there is room for it to tie in. They would certainly be willing to look at it. He is not able to say at this point to say can they take another year and look at this. Mr. Lydon stated that in all fairness to him and in all fairness to the City, this plan has been on the table for a long time, and he thinks that everyone has had an opportunity.

Mr. Kurent spoke stating that he lives two houses from the site. The agreement always was not to have isolated properties, which is obviously what is happening. Mr. Kurent stated that when Mr. Lydon started his presentation he addressed the fact that the three properties south of you if you put them together they would be very developable by

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someone. But when the Vice Mayor presented an idea as far as the Master Plan in putting it all together, Mr. Lydon stated that it wasn't doable. Mr. Lydon stated that he was talking about the property behind him. (Inaudible) Mr. Kurent asked Mr. Lydon why he was so opposed to the Vice Mayor's Master Plan to include the three properties to the south. Mr. Kurent stated that no one has ever approached him with regard to his property. (Inaudible) Mr. Kurent is concerned about a massive traffic jam with regard to these five office buildings. He stated that he left about 15 minutes early to get to this evening's meeting. He lives 500 feet from the light. It took him 12 minutes to get from his house to the light. This is around where the office buildings would be going in. Mr. Kurent wants to know where all the people are going to go at the light. They will be going south, and that road can't handle the traffic. No one addressed the issue of traffic. Mr. Kurent stated that Mr. Lydon will be blocking off three houses. (Inaudible) Chairman Lytkowski stated that is why the Commission raised the question about having access off Route 21 into the Rockside shopping center because they know that's a problem.

Eric Michalski of 6008 Brecksville Road spoke. He lives to the north of where the proposed access will be. He fully respects Mr. Lydon's right to develop that property. He guesses that office buildings are better than apartment buildings or other things that could go there. He understands that as part of the Master Plan they are in the target line in that part of town. His concern is that Mr. Lydon had stated that he wasn't leaving anybody behind, that the properties together could be marketed and sold to a developer; however, later Mr. Lydon followed it up by saying that he has talked to Giant Eagle and Marc's and no one has any interest in anything on Brecksville Road. Mr. Lydon stated that it was retail. Retail and office are two different animals. Mr. Lydon stated that what they know doesn't work there, and it has been proven by the City's Master Plan, is retail. Mr. Lydon stated that they showed how those properties could be developed into a 20,000 square foot building with its own access off of Brecksville Road with a shared access off of their street. It would simply be a matter of combining the properties. Mr. Michalski asked if it was possible that instead of tying it into Brecksville Road, go the other way and do an access off of Rockside Woods. There is plenty of traffic on Brecksville Road now. Mr. Michalski does not think that putting a light there would be the answer. Can they look at going the other way with the access road? Mr. Lydon stated that he does not own that property.

Mr. Michalski thinks that since this is part of the City's Master Plan and this is the first major chunk going on that end of town, he thinks that they have to look at other options because everything after this will be based off of what happens here. To be able to tie that into the road where Rockside Corners is, he thinks it would be an excellent idea and

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alleviate some of the burden off of Brecksville Road. Mr. Michalski thinks you have to look at other options. This is the first piece going in north of Rockside and has to be done right. It has to be done with future plans in mind. It has to be done looking at what is best for the City, and the direction that the City wants to go. Mr. Michalski stated that Mr. Lydon has mentioned a couple of times that this has been in the planning stages so long; he was under the impression that it was Mr. Lydon's company that took this thing to court that extended that process. It is kind of unfair for Mr. Lydon to stand there and throw it back that it has taken so long because it was partly Mr. Lydon's doing that it took that. It is not the City's fault or anybody's fault that it has taken so long. Mr. Lydon stated that he is not blaming anyone. Everyone began talking at once. Mr. Michalski stated that he understands that it is going to be developed. He would like to see it done in the most realistic way that benefits the City, that benefits the long term plans and that benefits the neighbors. He does not want anybody to be left out. With this, they kind of are because if Mr. Lydon's company doesn't have an interest in those parcels that tells Mr. Michalski that maybe other development companies won't either. Mr. Lydon stated that he thinks that Mr. Michalski is making a huge assumption. They have already spent the time and money to show the neighboring property owners how their land can be developed completely apart for theirs. They have agreed to cooperate in providing the access, in providing the driveways, in providing a stop light. Everyone began talking at once. Mr. Lydon stated that by virtue of the re-zoning he thinks that the neighboring properties are far beyond what it is worth as a residential property. Mr. Michalski stated that since it has been re-zoned, if their properties are so marketable, no one has ever come forward with an interest. Mr. Lydon stated that it takes a developer, marketing and money. Mr. Michalski stated that by the development going in their, he believes that the neighboring properties become less attractive. Mr. Lydon does not agree with him.

Mr. Markley would like to see the Master Plan with the other properties included. Mr. Lydon provided a copy for him to see. Everyone began speaking at once. Mr. Lydon stated that it is not that he is adverse to this, but they have developed a site plan around what they know they own and what the neighbors have. Chairman Lytkowski stated that he said to the Mayor that there are four office buildings on that site, how many people would that be? Mr. Lydon stated that there are 650 parking spaces. The Chairman stated so there would be approximately 500 cars on 21; there's a problem. Chairman Lytkowski stated that the whole thought process is that if you can take some of that traffic off and put it going in another direction, it would help.

Chairman Lytkowski asked City Engineer Elewski to look at this to kind of rough out a way to alleviate some of the traffic coming out of the site, and going into Rockside Corners in some way or form. Chairman Lytkowski requested that the City Engineer work with Mr. Lydon. Law Director O'Brien asked if a traffic study was done. Mr. Lydon stated that they have not.

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David Wierzbicki of 6060 Brecksville Road spoke. He looks at what is going in there, and his grandmother lives right there. Her bedroom window would be about 18 feet from the parking area on the site. How would the Commission like having the parking lot 18 feet from their bedroom window? Mr. Wierzbicki stated that it would be a monumental project to fill that ravine. He stated that his grandmother's house, Kurent's and Nemec's property all ends at the ravine. Mr. Wierzbicki thinks the access road will go across his property. He believes the property would be taken in eminent domain. Everyone began talking at once. Mr. Wierzbicki stated that the residents were not on board with this. Mr. Lydon got what he wanted. Mr. Wierzbicki stated that in 1988 Zaremba offered \$250,000 for their property. It was zoned residential then. Now in 1995 Zaremba offered \$90,000 for their property. He wanted to know how you lose that value in your property. Law Director O'Brien stated that whatever an appraiser sets the value as, if the City were to get involved, that is the value they would start with. The City has not said that they are going to take any property. Law Director O'Brien stated that if the property owners wanted to sell to a developer, they would probably work something out higher than the appraisal. Mayor Ramos stated that as far as the eminent domain is concerned, that is exactly where the Supreme Court is. There are several cases being litigated right now where the City has come in and tried to take people's property and turn it over to developers. The Supreme Court has said no that they are not able to do that on the basis of economic development. The Mayor for one is certainly not going to use eminent domain to turn around for a developer to develop this. A developer, if they want to include your property into this thing, has to work with you on a transaction. The Mayor stated that he would have been insulted by the \$90,000. You have to understand that the whole process is negotiation. You would be surprised what people sell their properties for. The Mayor is sure that if you approach and really wanted to sell the property, he would really be surprised for what you could get at today's prices.

Mr. Wierzbicki stated that his grandmother can't get in Independence what she has on her property now. She has acreage, trees and landscape. She has approximately an acre and a half. There are a lot of trees on the property line. Vice Mayor Kurtz asked Mr. Wierzbicki what his idea would be for the property. He would like to see 20' dirt mounds with blue spruces on the top and down the side. The Vice Mayor stated that they don't have all the answers, and they are trying to get some answers. The Vice Mayor stated that there is a number to satisfy people. Everyone began talking at once.

Mr. Markley stated that in looking at the expanded Master Plan, it is saying that those three parcels to the south actually become another office building. There appears that there is some marketability for office once the other buildings have been generated. Down the road, if the market for office becomes lucrative again, there is going to be a

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need or market for office; that land value may be more than what he is paying now for the property. Vice Mayor Kurtz stated that part of the problem is the history of the property. He is sure that if Mr. Lydon hadn't made that offer, Mrs. Wierzbicki wouldn't have the feelings she does today. Because of that it has created a little frustration with all of the people in that area. The Vice Mayor does not know how to correct that mistake. It was a very sensitive issue. But if landscaping is Mr. Wierzbicki's issue, that is not an issue. That can be handled.

Vice Mayor Kurtz stated that their job is to plan, explore and look at all options. This may be the only option. But our job is that they have to look at all the options. There is nobody talking about eminent domain. No one has suggested that. All the Commission is trying to do is say that maybe there is something better for everybody in this area. He does not know the answer, but it is their job to explore, to ask questions and to plan. Vice Mayor Kurtz stated that there is one point that sinks in; quality of life issues are important. Traffic is something they have to look at. Access is something they have to look at. Mayor Ramos stated that the other thing they have to make sure of is that nobody gets boxed in and left behind. That is the main concern. These folks have elected to remain there and stay there. The Commission needs to make sure that all of a sudden they are not an island. That is what they are trying to prevent.

The Mayor excused himself from the meeting at 7:20 p.m.

Chairman Lytkowski asked the City Engineer to work with Mr. Lydon and see how some kind of access going south can be done. The Commission stated that the workshop is going to be closed at this time.

**A motion was made by Chairman Lytkowski, seconded by Jack Shallcross, to close the Planning workshop at 7:21 p.m.**

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

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**Dale Lytkowski, Chairman**

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**Debi Beal, Planning Commission Clerk**  
Minutes Unapproved at Time of Release 07/03/07

