

**MINUTES OF A REGULAR MEETING
OF THE PLANNING COMMISSION
CITY OF INDEPENDENCE, OHIO
Held in the Council Chambers at City Hall**

7:00 P.M., JULY 3, 2007

Chairman Lytkowski called the meeting to order at 5:32 p.m., July 3, 2007 and the following responded to Roll Call:

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

OTHERS

PRESENT: Gregory J. O'Brien, Law Director
Don Elewski, City Engineer
Jeff Markley, City Planner

ABSENT: Ron White, Economic Development

AGENDA:

Old Business:

**Approval of Minutes of Regular Planning Commission Meeting held on
June 5, 2007.**

- 1. 6990 Brecksville Road, PPN 563-06-002, 141 & 142** – Lot split and consolidation to create four parcels.
- 2. 6491 Brecksville Road, Spa K-9 LLC** – Proposed dog grooming spa and dog day care.
- 3. 6046 Brecksville Road, MSZ Limited Partnership** – Proposed office campus consisting of five mid-rise buildings with parking.

**PLANNING COMMISSION MINUTES – CITY OF INDEPENDENCE, OHIO
JULY 3, 2007**

New Business:

- 4. Chapter 1141.021 Class U-2 Uses – Senior Citizen Residential Development** – Proposed Zoning Amendment to be included on the ballot for the November 6, 2007 election.
- 5. 5605 Granger Road, GE Supply** – Proposed exterior storage area for business.
- 6. 6479 Brecksville Road, Bombay Tan** – Proposed tanning salon in the space formerly occupied by Independence Hardware.
- 7. 5905 Brecksville Road, Cornerstone of Hope** – Installation of permanent perimeter fence for rear of property.

Chairman Lytkowski asked for the approval of the minutes of the Regular Planning Commission meeting of June 5, 2007.

A motion was made by Mayor Ramos, seconded by Jack Shallcross, to approve the minutes of the Regular Planning Commission meeting of June 5, 2007.

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

Chairman Lytkowski asked for the approval of the minutes of the Planning Commission Workshop held on June 27, 2007.

A motion was made by Mayor Ramos, seconded by Jack Shallcross, to approve the minutes of the Planning Commission Workshop of June 27, 2007.

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

Chairman Lytkowski called up the applicants for Bombay Tan and Spa K-9. He stated that the Commission is not going to take any action on their applications this evening. The Chairman asked if the owner of the property was in attendance. Mr. Sutula was not in attendance. The applicants came forward. Mayor Ramos stated that as he had indicated to all of the applicants involved, one of the issues that came into play is the City

**PLANNING COMMISSION MINUTES – CITY OF INDEPENDENCE, OHIO
JULY 3, 2007**

trying to work with the property owner to upgrade the building. Upgrade the building in the sense of signage and also some recommendations as far as what can happen with the front of the building. The Law Department had talked to Mark Sutula already, and was asking if Mark was going to be present today because the Commission thought it was important that he attend this meeting because the applicants cannot make any promises on behalf of the property owner. This is something that he has to do.

The Commission is certainly sensitive to the fact that they don't want to hold up the applicants any longer; however, if anything is going to be addressed as far as the cosmetics of the building, whether it be signage or just fixing up the building. This is the appropriate time to do so, and the Mayor indicated that to both of the applicants. Consequently, in the Planning Commission, it was the Commission's direction to continue talking to the property owner to ask if he would be interested in any type of low interest or no interest loans, programs for store fronts in order to fix up the building. They just want to upgrade that building a little bit, or at least look into trying to do something. That is where the Commission is at.

The Mayor does not think that there are any serious reservations about any of the uses; whether it be the dog care or the tanning salon. The only concern the Commission has is as far as working with the property owner in order to upgrade as far uniform signage, which is something they talked about. Also, there are some architectural things that can be done. The Mayor stated to the applicants not to take this as being against the projects. The Mayor stated that the applicants' uses were fine, it is just working with the property owner.

Amy Spino, one of the Bombay Tan applicants stated that she spoke with the property owner. He knows the position here, and she stated that he is not coming because he knows that. She asked how should they work this out. She stated that they have already paid money, and they are ready to go. Law Director O'Brien stated that he spoke to the property owner directly. The Law Director stated that the owner knows that the applicants can go elsewhere. He thinks that an enhanced building will enhance the applicants' businesses. The Law Director did ask Mr. Sutula to come this evening. Mr. Sutula can contact the Mayor's office, and he can talk to the Mayor individually. The Mayor can communicate what the City has in mind. He can also contact the Law Department. He does not necessarily have to come to a public meeting. Mr. Sutula knows at least the bare minimum what the City is looking for.

Ms. Spino stated that if the applicants this evening would say they would comply with whatever the Commission wants them to do, that is not enough? The Law Director stated that Mr. Sutula did say he was going to try to be here this evening. Mr. Sutula offered

**PLANNING COMMISSION MINUTES – CITY OF INDEPENDENCE, OHIO
JULY 3, 2007**

that the applicants would spruce up their signage, at their cost. The problem is that there will be two relatively nice signs, and the others would not match. The City was looking for uniform signage, which usually the developer sponsors significantly. Mr. Bartko stated that Mr. Sutula told him he wanted to go off the Northcoast Insurance sign. Mr. Sutula was going to get everyone together by the end of the week to meet.

City Planner Markley stated that on Thursday they have the Architectural Board of Review meeting. It is possibly that Mr. Sutula could attend informally to discuss this with the City architect, who has developed a design and a concept. The opportunity could be there for an informal chat about this. Law Director O'Brien stated that the City expended money a few years ago for the City architect, at the City's costs, to put together a proposed sign design for that development. Law Director O'Brien stated that the City architect is the Chairman of the ARB, and he would certainly have it.

Ms. Zingale, the applicant for Spa K-9 asked if this means they cannot open their businesses until Mr. Sutula gets the building done. Chairman Lytkowski stated that the City of Independence wants to have more uniformity with real estate in the downtown area. That building was probably built in the 1940's. It should be brought up to date. The Commission would like to see this done in tandem with the applicants moving in. Ms. Zingale stated that in their situation, they need to open fairly soon. That would take awhile to renovate the building. Ms. Russo stated that if Mr. Sutula would come to the meeting and agree to do what he needed to do; Chairman Lytkowski stated that there would be no problem then. Mayor Ramos stated that most of the applicants' uses are pretty much accepted. The applicants are not the issue. Law Director O'Brien stated that they shouldn't sign any leases until they get approval. City Planner Markley stated that the applicants have some clout. Ms. Spino stated that she has already signed a lease.

Law Director O'Brien stated that the problem with the tanning salon is the same as with the dog grooming, it is not a permitted use. Everyone began talking at once. Mr. Bartko stated that they purchased \$60,000 in equipment. The owner told them that the City wanted all the signs to be alike.

Ms. Zingale asked what they were supposed to do. Chairman Lytkowski stated that the Mayor's office will attempt to contact the property owner again and have a meeting with the property owner. Mayor Ramos stated that he will call Mr. Sutula on Thursday to try and make arrangements to meet with him this week. The Mayor does appreciate the fact that time is of the essence. The Commission does not want to jeopardize that. It is just if they are going to address this issue, this is the time for them to address it. This is the time to talk about signage. They aren't going to talk about signage after the tenants move in.

**PLANNING COMMISSION MINUTES – CITY OF INDEPENDENCE, OHIO
JULY 3, 2007**

Ms. Zingale asked that if this meeting happens and Mr. Sutula agrees to everything, then the applicants can start to move in. Law Director O'Brien stated that the applicants would be an exception in a U-4, so not only would they have to get approval from the Planning Commission; they would need approval from Council. Generally speaking, if something comes out of the Planning Commission with approval, Council has mostly gone along with it. This is not something the Law Director feels is a controversial issue. Mr. Bartko asked what the time frame was for approval. Law Director O'Brien stated that Planning Commission meets, then a week later Council meets. Assuming that this can be worked out with Mr. Sutula, you are looking at August. Law Director O'Brien stated that there is a Council meeting July 10th, but approval from Planning is not going to be made today. Law Director O'Brien stated that there are planned Council Workshops toward the end of the month. Mayor Ramos stated that if it can be worked out, maybe they can schedule a special Council meeting at the end of the month. Mayor Ramos stated that after he meets with Mr. Sutula, he will call the applicants.

Chairman Lytkowski told the audience that no action will be taken today on the office campus building proposed by MSZ Limited Partnership. They will be on the Agenda for the next meeting, or if they have a special meeting, the residents will be notified of that meeting.

5605 Granger Road, GE Supply – Chairman Lytkowski stated that this matter has been postponed until the next Planning Commission meeting in August.

5905 Brecksville Road, Cornerstone of Hope – Ann Nerone of Ballast Fence was in attendance. Vice Mayor Kurtz stated that he will be abstaining from this matter. She stated that she is before the Commission on the behalf of Cornerstone of Hope. She is donating the fence for the rear of the property to be installed there.

Mayor Ramos stated that he has a little problem. There is a fence there now. The Mayor stated that there was never approval for that fence. Ms. Nerone stated that she completely takes responsibility for that. She was acting on a rush because of the deer. Angelo Pettiti donated a bunch of shrubs and expensive foliage there for the property. It was being eaten by the deer. Ms. Nerone stated that she thought she could put up a fence temporarily. She did not intend not to follow procedures. The Mayor asked if the fence was going to stay up. She stated that not all of the chain link fence would stay up. She would like to propose that the rear portion of the fence stays because it makes no sense to put the ornamental fence all the way around the perimeter. It is very expensive. As long as she can accommodate the residents to make sure they are happy with what is going in, she does not see the need to remove the entire chain link fence. The Mayor asked if there was a problem putting the fence on the Cornerstone's side of the mound. Ms. Nerone

**PLANNING COMMISSION MINUTES – CITY OF INDEPENDENCE, OHIO
JULY 3, 2007**

stated that the intent is to contain the existing shrubs. Ms. Nerone stated that she needs to protect the existing landscaping that is there on the mound. She stated that the fence is behind the mound right now. She is proposing to tie in the ornamental fence on the north and south end of the properties into the existing chain link fence, keeping in mind that the residents will be putting other shrubbery that is going to be donated in so that the residents involved are looking at beautiful surroundings.

Chairman Lytkowski asked about the abutting properties. Ms. Nerone stated that she is proposing to tie into the rear of the homes. As far as the western end along Brecksville Road, there won't be any fence there. The Mayor is concerned about what the neighbors on Longano are looking at. The Mayor does not want them looking at a chain link fence. Ms. Nerone understands. Once the ornamental fence stops, the portion of the chain link fence would be, there would be spruce trees installed above the height of the fence which would wrap around wherever is needed to the satisfaction of the residents involved.

John Bodnar of Longano spoke. He stated that he lives on the northern border of the property on Longano Drive. Regardless of ornamental or whatever, he is against any fence. When the project was proposed, when Frank Rini was before the Commission for the approval of the expansion, it was suggested that the neighbors agree to either fencing or mounding around the basic perimeter of the property. At that point it was agreed that none of the neighbors wanted to look at a fence. They agreed to the mounding. At that point, Mr. Bodnar thought it was a finished issue. There would be mounding and no fence. That was his understanding. Mr. Bodnar stated that he is the only resident here tonight. His neighbor to the west of him doesn't care one way or another. Mr. Bodnar stated that he has lived in his house since 1964. He is a long time resident. He spoke to a few other neighbors, and the reason they aren't here is because they have gotten tired of coming up here for the last three years over issues. All the issues have not been answered satisfactorily to their way of thinking. They have asked for changes and decisions have gone to the Cornerstone of Hope on different issues.

Mr. Bodnar presented a copy of the Ordinance for the original Cornerstone of Hope. Mr. Bodnar stated that one of the items was that there was to be no overnight accommodations provided by the Cornerstone of Hope. It is in the Ordinance. He has talked to several Council people, and at the time this was approved in July; they said that this Ordinance took effect in July. To date, the City has taken no action, and people are living in the house. At the very first meeting, Mark Tripodi stated that the existing family dwelling that is there, not the new structure, was to be used as a chapel. No one would live there. Mr. Narduzzi stated that he does not think that Cornerstone is open yet. Mr. Bodnar stated that when he talked to members of Council, they said that the Ordinance took effect on the date it was signed. It doesn't say people can live there until it opens. Regardless of the new structure, it says build or provide accommodations. Nothing has been done on that.

**PLANNING COMMISSION MINUTES – CITY OF INDEPENDENCE, OHIO
JULY 3, 2007**

Mr. Bodnar stated that they also said that they were going to leave the woods as they were, clear out some of the shrubs and put in pathways. They came and bulldozed the entire property and took everything out. Then they left it for a period of about a year and a half. They didn't do anything. Then they came up with, when the mounding was discussed, as Mr. Bodnar stated it was his understanding at the Planning Commission meeting that there would be mounding and no fence. In regard to the chain link fence that is up there now, poles were put up on the property approximately three to four weeks ago. Mr. Bodnar called the Mayor's office and said that they were putting up fencing. Mr. Bodnar stated that there was no approval for the fence. Mr. Bodnar talked to the Building Commissioner and the Mayor. They said they went down there and told Mr. Rini that no fence was to be built. That he was to stop the existing fence from going up. Everything was quiet for a week, and then the fence went up anyhow; even though the City instructed him not to put the fence up. Again, at this point, nothing has been done on behalf of the neighbors. The fence is still there. They have shown no respect to the neighbors. Mr. Bodnar does not think they have shown respect to the administration of the City. They do whatever they want. That is why Mr. Bodnar is upset about it. That is why the neighbors have not been up here because as far as they are concerned there is no point in coming up here.

Chairman Lytkowski asked Mr. Bodnar what harm does the fence do. Mr. Bodnar stated that he just does not like it. Physically it does not harm; aesthetically it could do harm. The Chairman stated that if the fence is covered with evergreens as Ms. Nerone maintains it will be, you will not be able to see the fence. Ms. Nerone asked Mr. Bodnar to show her where on her drawing that he lives. Ms. Nerone stated that there will be spruce trees to cover the fence by his property. She stated that she wants to make sure he is satisfied. Mr. Bodnar asked about the ornamental fence. Ms. Nerone showed on her drawing where the ornamental fence would be erected. Mr. Bodnar stated that the ornamental fence will stop in the middle of his neighbor's property. That particular part will not bother him. He stated that he had no idea because it just said around the rear perimeter. At this point, he has no objection to that fence. Mr. Bodnar stated that he still objects to the chain link fence that is there now. If someone from the Planning Commission could explain to him how it is perfectly okay for them to defy a City order and have no consequences. Law Director O'Brien stated that when they became aware that the Mayor went down and then the Building Department put a stop order on it; the Law Director talked to John. He does not know where in the process they stopped. He does not know where in the process they began again. The Law Director said that he and John spoke today on this. The Law Director did not know they started up again. They received a letter. Ms. Nerone stated that she was not told to stop. Law Director O'Brien stated that unfortunately this issue has come up a couple of times with Cornerstone. It

**PLANNING COMMISSION MINUTES – CITY OF INDEPENDENCE, OHIO
JULY 3, 2007**

has happened repetitively in other matters with them. The Law Department stated that they wrote a letter to Cornerstone. It would be silly for them to take the fence down. They put in an application to be put on the Planning Commission Agenda. They were permitted to keep the fence up until the Planning Commission renders a decision. If Planning says no fence, they will have to take the fence down, or receive a citation. If the Planning Commission says to keep it with some restrictions, then that is the Commission's prerogative.

Chairman Lytkowski stated that the Commission can say yes today that they approve the fence as outlined in the plans or they can say they don't approve it, or they want further documentation. The Law Director agreed.

City Planner Markley stated that he is not sure as to what is being donated and what has been purchased. It appears that a combination of the two fences and 8' spruces that will cover the chain link fence is a lot of money either being donated or spent to satisfy the problem with the deer. The issue with the deer is that they are eating the arborvitae on the top of the mound. The arborvitae don't really do anything to enhance that property. The mound screens the detention basin, and the mound screens the future building. The deer are eating the arborvitae. It would make more sense to simply remove the arborvitae and be done with the deer problem. Then the fence can be put closer to the building in front of the detention basin. Ms. Nerone stated that it is not her call. Mr. Markley stated that he told Mr. Rini that he didn't understand why the arborvitae was planted to begin with. It seems like that is the attraction to the deer.

Chairman Lytkowski stated that they are going to screen the fence in its entirety. He doesn't understand the big deal. If the fence would be covered, why would that bother Mr. Bodnar. Mr. Bodnar stated that the only thing that bothers him is they have said a dozen things and have went back on all of them. Law Director O'Brien stated that on three occasions – the clear cut, the grading and the fence. Chairman Lytkowski stated that the grading was taken care of. Mr. Bodnar agreed. Mayor Ramos stated that he doesn't have a problem with them putting up the fence, but put up the fence on the other side of the mound. Why should the neighbors look at that. Ms. Nerone stated that there are people who have agreed to donate the spruces and whatever it takes to camouflage that they will do. Mr. Bodnar asked if the Planning Commission recommend that the fence stays provided they totally screen it from the property. Chairman Lytkowski stated that this was very fair. Mr. Bodnar stated that if they don't screen it, then it has to come down. Law Director O'Brien suggested that City Planner Markley prepare a plan and give it to Mr. Bodnar for his approval. City Planner Markley wanted to make it clear that the only fence that would be screened would be the chain link, and not the ornamental fence. Mr. Bodnar stated that he would not have a problem if they planted trees on his property.

**PLANNING COMMISSION MINUTES – CITY OF INDEPENDENCE, OHIO
JULY 3, 2007**

Chairman Lytkowski thought that Ms. Nerone said all of the chain link fence would be screened. Ms. Nerone stated that is what she said initially because that is what she thought. That is what she was told. She was hoping so that this person doesn't have to donate a million trees, they could go as far as they would satisfy anyone in sight of the chain link fence. It is not her call to say that about the trees. She spoke to Mr. Digeronimo who had a meeting last Friday with Ron White. Evidently, that is what the understanding was; to screen the fence to the residents' satisfaction – not necessarily the entire fence. Mr. Bodnar stated that the only other resident who would want the fence screened, as far as he knows, is Mr. Zimon. City Planner Markley stated that approximately 525 linear feet, plus or minus a fence across the property lines, without including the other length. 10' on center would be at least 50 trees. Whether 10' on center would screen the fence will have to be determined.

A motion was made by Jack Shallcross, seconded by Tom Narduzzi, to approve the fence for the Cornerstone of Hope, subject to the applicant pulling the proper permit from the City, and subject to the applicant following the City Planner's landscaping plan as to the planting of spruce trees screening the chain link fence to the satisfaction of the neighbors in sight of the chain link fence.

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

Senior Citizen Residential Development – Chairman Lytkowski asked if there were two ordinances before the Commission to discuss this evening. Law Director O'Brien stated that he is aware of the one that the Vice Mayor prepared; the Mayor proposed one last month that has been referred to the Commission. Law Director O'Brien stated that, for the record, the single family one that the Commission reviewed a couple of months ago; the Law Department made a ruling that the Commission's condition that it go to a vote of the people was beyond the Commission's power to do so.

Chairman Lytkowski stated that he would like to get a summary of both ordinances and what action will be taken today. Law Director O'Brien stated that there is one ordinance that the Mayor proposed which is essentially the establishing of a senior housing development that went to the ballot last year that is predicated upon the Betty Kemper plan with some additional changes. It talks about single family housing, limited congregate living, apartment style limited and some cluster housing limited in the area behind Concordia as well as LTV. That is before the Commission. The Commission has reviewed this and discussed this before it came out of recommendation out of the Planning Commission at the time. Then it went to Council and then it went to ballot last year. Essentially, it is the same plan before the Commission today.

**PLANNING COMMISSION MINUTES – CITY OF INDEPENDENCE, OHIO
JULY 3, 2007**

Vice Mayor Kurtz stated that he is offering a more comprehensive approach to the seniors' needs. It was evidenced by information he supplied on Friday, and the first amendment revision with minor modifications today. The Vice Mayor's proposal does several things. One, it defines the location – which is Stone Road to the north, Brecksville Road to the west, Cuyahoga Valley to the east and Hemlock to the south. Two, it defines different types of housing units and the number of units that shall be supported by a professional prepared demographic survey. Three, it is a phased in approach so that you are not being bombarded all at once. Fourth, there is continuum care which relates to all seniors even the majority of seniors which is outside of the senior housing element. The Vice Mayor asks that this be considered by the Planning Commission this evening.

The Vice Mayor is offering the Mayor an opportunity to get on board, and they can do this together and try something that has not been tried yet in terms of a combined effort to senior housing as well as the continuum care campus. The Mayor stated that he has been trying to get the Vice Mayor on board since he has been Mayor so he is glad that the Vice Mayor has finally mentioned that. The Mayor stated that Ordinance 2007-33 is a result of an extensive amount of work that was done over an 18 month period involving Betty Kemper, involving many town meetings, involving many workshop sessions. It was the result of a committee of approximately 11 to 15 people. There were a lot of experts getting involved and things like that. At those meetings they had an opportunity to discuss parts of the assisted living and the nursing home care. What came out of the meetings was that the assisted living there seems to be, according to the market studies, there seems to be an overflow of assisted living facilities. That is why the Betty Kemper plan never included assisted living. Also, according to the survey that was passed around where they had around 1,300 responses, people were not looking for any type of assisted living or nursing care. They were looking for the independent, active care. Consequently, that is why Betty Kemper's went forward as it did. That is why through all of the studies and things like that, they came up with this. Unfortunately, the issue failed by 311 votes. They moved it over to the very same site that Greg's ordinance refers to, and it is unfortunate that he elected to do his own thing.

The Mayor stated that he has concerns because Council has not seen this yet. He talked to the senior coalition the other day, and the Mayor is concerned about this. He is concerned about the way they are doing this. He is concerned that right now there are three different proposals. They have the single family houses, which doesn't necessarily have to go to a vote of the people; there is 2007-33 which is the Kemper plan that was introduced and voted on. They have had several public hearings regarding 33. Then there is 2007-36 which has just recently been submitted to their packets. The Mayor does not know if this is the way to handle this thing. He thinks that whatever plan needs to be

**PLANNING COMMISSION MINUTES – CITY OF INDEPENDENCE, OHIO
JULY 3, 2007**

submitted, they have to have unanimous approval. They have to have unanimous approval of the Planning Commission. They have to have unanimous approval of City Council. They have to have unanimous approval of the administration in making sure that this issue goes forward. It is going to be all of our responsibility to take this ordinance, whatever ordinance that is decided upon, and go to the people and tell the people of Independence that this is the best plan for the city of Independence and that they are all on board.

The Mayor stated that one of the things that he talked to the senior coalition about informally is that this is going to have to be acted on rather quickly. It has to be referred over to the Board of Elections by August 5th or August 6th, 90 days before the election. The Mayor does not know if he wants to handle the senior housing in that way. He thinks that, and he hates to say this because the people are going to say “here we go again with delays”; but the Mayor thinks that it is important that everyone really takes a look at this, that everyone plots this thing out, and they don’t haphazardly throw all these plans around just so that they can say they submitted a plan.

The Mayor thinks that the primary election is going to be in March. With the primary election being in March, the issue has to be referred to the Board of Elections by December. That leaves approximately 5 months to sit down, the Planning Commission, Council and everybody else and come together with a consensus that everyone is going to support. The referral will be after the election so that it will not be to anybody’s political advantage when they refer this over. Let’s take the politics out of this thing. Let’s work on this together and let’s submit something that everyone is on board with; and that they have a great opportunity to discuss among themselves, as well as with the coalition and have a fair opportunity to take this to the people, a fair opportunity to call town meetings or whatever the case may be, or workshop sessions or whatever. Would the Mayor like to see 2007-33 go forward – absolutely. The Mayor thinks it is the best plan. They went through the whole thing entirely. Is it the right answer right now as far as any one of these three going forward? The Mayor does not know. The Mayor’s concern is that if any one of these three things go forward, he does not know if it is going forward because it’s in the best interest of the City or is it a political issue. Consequently, that is the Mayor’s thought on that.

Mr. John Nicastro stated that he thanks both the Mayor and Vice Mayor for being on board with this. Mr. Nicastro stated that he was waiting to see what was going to be done this evening. There will be a couple of the senior coalition making a presentation at the next Council meeting. They are getting down to making some decisions. Mr. Nicastro stated that they want to get 23 passed the way it is now without going to the ballot for one

**PLANNING COMMISSION MINUTES – CITY OF INDEPENDENCE, OHIO
JULY 3, 2007**

simple reason. Regardless of what plan is talked about, individual houses will be in the plan. It makes no difference if you start with single units today or start them tomorrow or start them next year. They want to get started now because they are going in regardless of what you guys say.

There is no reason why they should stop there. The second thing that they are concerned about is that now they have two other issues that are addressing the problem of multi-units and condos. The senior coalition's hope is that everyone gets together, send it to a committee and reconcile this thing and come up with one issue. Certainly, you are not going to go to the ballot with two issues. If you do that, and it's left up to a divided Council and a rogue Planning Commission, it will take way past the time that they can start their campaign to get this done in November. There are two other alternatives. You either get together and reconcile this thing and get it passed like the Mayor said in November and have it ready for next spring; or let's chuck the whole thing. Then Mr. Nicaastro is going to ask all of his people to vote for a senior friendly Council for next year and start over again. Vice Mayor Kurtz asked Mr. Nicaastro when he says senior friendly, does that mean single family. Mr. Nicaastro said senior friendly Council. Vice Mayor Kurtz stated that he wants to keep going with this senior campus. He thinks it is the solution. He believes that this is best for the City today, not next year. If the senior coalition is not going to support this, then why is the Vice Mayor wasting his time? Mr. Nicaastro stated that if you get it on the ballot this year with one issue, and you do it in the next month or so; they are for it. They may have enough time; but you guys aren't going to get this ready in July. July is gone. You're not going to get this done in August. Mr. Nicaastro stated that there is just not enough time. Vice Mayor Kurtz said that Mr. Nicaastro will support this if it can get done. Mr. Nicaastro agreed. Vice Mayor Kurtz asked Mr. Nicaastro if he was going to support both issues. The Vice Mayor said that if they can reach a consensus on one of these this evening, will Mr. Nicaastro support it to get it on the ballot. Mr. Nicaastro stated he would. Vice Mayor Kurtz stated that Mr. Nicaastro wouldn't have to worry about the one dimensional housing next week – you will support them both – one next week and one in a year? Mr. Nicaastro replied “yes”. Mayor Ramos stated that Mr. Nicaastro said that the senior coalition wants the single family housing through. Everyone started to talk at once. Mr. Nicaastro stated that they are pushing for 23, and whichever one of the other ordinances.

Chairman Lytkowski asked what the major difference between the Kemper plan and the “phased in” plan that is being proposed by the Vice Mayor. Mayor Ramos stated that there would be a nursing home behind LTV. The Vice Mayor disagreed. The Chairman stated that what he would like to do is that if they can have a conference between the two main people sponsoring these two kinds of ordinances and iron out the differences; that's all we have to do and it is done. If the differences can be ironed out and have a meeting

**PLANNING COMMISSION MINUTES – CITY OF INDEPENDENCE, OHIO
JULY 3, 2007**

of the minds; it's done. Vice Mayor Kurtz stated that he will take out the nursing home if no one thinks it will be needed. It's easy for him. Mr. Nicastro stated that the difference between the two is one has a nursing home. If you take that out we are back to 33. Vice Mayor Kurtz stated that the location would be basically the same. City Planner Markley stated that the Vice Mayor is eliminating north of Stone Road as an option. So is the Mayor. Chairman Lytkowski stated that there won't be a nursing home, it will be located in the same location – he wants to know what the main difference is.

Mayor Ramos stated that if you take out the assisted living and you take out the nursing home, you have 33. There is nothing else substantially different. Chairman Lytkowski stated that he wrote down two things; the number of units and phased in approach. The Chairman does not understand what that means. Vice Mayor Kurtz stated that first of all the location is basically the same. The type of units and number of units is different. The Vice Mayor's is based on a professionally supported demographics, and it has a phased in approach. In other words, what he suggested is a supply and demand formula. So, when they get the information from the seniors, they will know exactly how many want what type of housing; and there will be a waiting list based on how many years the senior has lived in Independence. There are some very important dimensions that make this different than what was voted down last year. The whole purpose was to give something that the people could remove the objections and concerns that he heard from people were not location but the type of housing. The number of units and who would be able to participate; and a phased in approach so a bunch of units were just not being built and all of a sudden you have a problem with the houses.

Chairman Lytkowski stated that he wants to focus on the number of units. The Vice Mayor had a number of unit formula; however that is defined by some mathematical computation. The Kemper plan has 8% of total households to be built. There would be approximately 218 units. Chairman Lytkowski stated that the Kemper plan says to put up 218 units immediately. The Mayor disagreed. The Mayor stated that was the problem. The point is that it will be done in phases. No developer will be coming in and putting up 218 units. It will be done in phases. It will be done by the demand of what the residents and what the market entails. This phasing is nothing new. Nobody is going to put up 218 units. Let's get a reality check here. The Chairman stated that they are both talking the same thing. They are talking a number of units to be built on a phased in approach. The Kemper plan says it will be 8%, the Vice Mayor's plan has a mathematical formula. The Chairman believes these two can be blended together. What is the big deal? Vice Mayor Kurtz stated that plan lost. Mr. Nicastro stated that it didn't lose because of 8%. The Chairman said who cares why it lost. His point is that he is trying to get this resolved in an equitable fashion. So if they have these two plans, why can't there be an agreement on the language. The Chairman asked the Mayor and Vice Mayor if there could be an

**PLANNING COMMISSION MINUTES – CITY OF INDEPENDENCE, OHIO
JULY 3, 2007**

agreement on the phased in approach – however you want to define that. Vice Mayor Kurtz said “pass mine and we’ll go to work”. Everyone began talking at once. Mayor Ramos stated that the problem is that if it’s not the Vice Mayor’s plan, the Vice Mayor won’t support it. The Mayor stated that he submits to Chairman Lytkowski that the Vice Mayor will not approve any other plan except his own. The Vice Mayor disagreed. The Vice Mayor stated that the Mayor could put his name on it and take his off if it makes him feel good. He just wants to do what is right.

Chairman Lytkowski stated that the number of units can be defined, whether we call it a phased in approach or whatever the term is. They have the type of housing. The Chairman asked Mr. Nicastro what that means. Mr. Nicastro stated that they would be single family. He said that single units will be in any plan they have. The Chairman asked if there is a disagreement between the Kemper plan and the Vice Mayor’s plan. The Law Director asked if nursing home was being taken out or managed care and assisting living. The Vice Mayor asked Mr. Nicastro what he thought about that. You can go to a nursing home anywhere. The Vice Mayor asked Mr. Nicastro if he wanted managed care. Mr. Nicastro stated he would rather have an adult day care center. Mr. Nicastro stated that if you want to listen to somebody who knows what they are talking about, you talk to Kathleen Kapusta. Vice Mayor Kurtz stated that what Mr. Nicastro conveyed to him was that it was a good direction to go with the cluster, with the congregate. The Chairman stated that there was agreement on the number of units, however they define that. Whether there would be single family homes, cluster homes – they would be there. The Chairman asked what else is missing. Vice Mayor Kurtz stated that what he tried to address in that situation was that you need to have good information as to answer the question. What do you want? When the people were here, he wrote down all the different types of housing they wanted. Let’s solidify the numbers; what do you want and how many do you need to satisfy the needs in the City. Then they came up with instead of a lottery of a waiting list; they came up with how long you have lived here which takes all the guess work out of it. Chairman Lytkowski stated he thinks that is the phased in approach which everyone agrees on. Vice Mayor Kurtz stated then you limit the number of units you build in a year so you are not having a housing stock on the City bombarded. Chairman Lytkowski stated that is the phased in approach. Vice Mayor Kurtz stated that those are the differences.

Mr. Nicastro stated if the Vice Mayor removes assisted living, nursing home and managed care, now they are getting a lot closer than before. The Chairman agrees. He does not think they are so far off. Vice Mayor Kurtz stated that it still has to go to the ballot. Chairman Lytkowski stated that if everyone is in agreement, the administration and Council is in agreement on this; it should pass with no problem. Chairman

**PLANNING COMMISSION MINUTES – CITY OF INDEPENDENCE, OHIO
JULY 3, 2007**

Lytkowski stated that what he would like to do as a Planning Commission is empower the administration and Council to set up a conference and iron it out. Vice Mayor Kurtz stated that the problem is that it is very time sensitive. Mr. Nicastro's concern is that it won't be done in time for November. If not, they can postpone it. Law Director O'Brien stated that timing wise it is almost impossible. Chairman Lytkowski stated that they seem to be pretty close.

Chairman Lytkowski stated that if the Planning Commission can empower the administration and Council to iron out the differences in some kind of conference committee asap, then they are on the right track. He does not think they are that far off. It is more dialogue and wording as opposed to anything else. Vice Mayor Kurtz stated that the only concern is that Mr. Nicastro still wants to go through with 23. Mr. Nicastro replied "absolutely". Mr. Nicastro feels that it sends a message to the community that they are on their way to senior housing. Mr. Nicastro stated then you get the conference committee and get that resolved for November. If you can't do it for November, do it in December and put it on the thing for next year in the primary. The Vice Mayor asked if that was what Mr. Nicastro was recommending. Mr. Nicastro agreed.

Mayor Ramos stated that if you look at 33 and what the Vice Mayor has, they are almost the same. There might be a difference as far as how you compute as far as the number of units and how fast they go up, and who has access to the units; but there are things that they talked about forever. The Mayor is willing to come up with a compromise. He said that three weeks ago, and he will say it again. It does not bother him.

Reporter Tara Quinn asked what the land difference is. Vice Mayor Kurtz stated that last year it was strictly Concordia and LTV properties. This year it is the same area, but it's just so that people understand that when you say Concordia or LTV, when you say Stone Road, Brecksville Road, Hemlock Road – that is all in that area. It is in the same location, but it just says this plot rather than the specific land location. There are a couple of bowling alley lots that may participate in it; so you want to make sure you are thinking bigger than those specific property lines. It gives them a little more flexibility, but it is still in the same general area that the senior coalition, the Council and the Mayor already agreed to last year. The Mayor stated that it is the same property.

Mr. Shallcross stated that the Law Director stated that the Planning Commission did not have the authority to ask Council to put that ordinance on the ballot. Law Director O'Brien stated that the Planning Commission would make the recommendation to approve a particular ordinance, and then Council, assuming it had a congregate living or a cluster or. Mr. Shallcross stated so therefore that the one last month did not pass. Law Director O'Brien stated that technically that did not come back from Planning

**PLANNING COMMISSION MINUTES – CITY OF INDEPENDENCE, OHIO
JULY 3, 2007**

Commission as a recommendation so; therefore, if Council wants to pass it, they need five members to override it. He stated that if Council sends it back to the Planning Commission and if they look at it and review it again, Council would only need four members to approve it.

Chairman Lytkowski asked the Law Director if it was within the power or authority that this Commission can make a recommendation or make a motion that the two parties get together – the administration and Council – get together and form committee and iron out these differences so that this thing can get to the people as one unified front. Law Director O'Brien stated that they can do that, but ultimately this blended bill would need to be vetted and brought back to the Planning Commission. Then Planning Commission would review it and send it. Mr. Narduzzi asked if that process can be done for the November ballot. Law Director O'Brien stated "no". It can be done for the March ballot.

Vice Mayor Kurtz would like to clarify how they got to this point. He wants to go back to several of his colleagues (inaudible) for single family. There were five revisions on that ordinance. What people need to remember is that when his colleague first introduced legislation, he said specifically this is in draft form, and he wanted everyone to weigh in on it. The goal is to take care of our seniors. The Vice Mayor took that charge literally, and he believes as he has stated for 25 years that the comprehensive approach is still the approach. The Vice Mayor stated that there was not much disagreement. All he is saying is that what started out as, and just to go one step further; that ordinance was recommended to the Planning Commission. The Planning Commission weighed in as it was supposed to do under the ordinances, and it made a recommendation back to Council. The Law Director has deemed that the recommendation was not within the Commission's prevue. That is where the 5 votes and 4 votes issue came into play. The Vice Mayor stated that they voted at the Planning Commission to recommend back to Council 4-1, the Vice Mayor voted no, with the amendment to go to the ballot with that issue. So they had attended to that issue going to the ballot as well as a vote of Council. Then the Mayor introduced 33 which was the Kemper plan that lost last year. Then the Vice Mayor came through with what his colleagues and he discussed – a comprehensive senior needs program with continuum care. The Vice Mayor thinks that everyone is trying to do the same thing. Unfortunately, at one point, the senior coalition weighed in, and they said they wanted the single family. Then they modified it a little bit. The Vice Mayor stated that the goal was to get the comprehensive houses. The Vice Mayor took that literally. If that is the goal, and there is no sense in beating a dead horse, or fighting something that he believes is incomplete; what the Vice Mayor did was take what Mr. Nicastro said and his colleague said; and what the Planning Commission has before it is

**PLANNING COMMISSION MINUTES – CITY OF INDEPENDENCE, OHIO
JULY 3, 2007**

the product of the discussion with Mr. Nicastro, with the senior coalition, with his colleagues; and the goal is to put a comprehensive senior needs plan together for the people to approve with enough conditions to where they are comfortable. That is what the Vice Mayor's goal is. It is still his goal. What he is hearing Mr. Nicastro say is that he would rather have him back off that until December and put it on the ballot in the primary in March. Mr. Nicastro stated that it gives them enough time. Mr. Nicastro stated that when the Vice Mayor said comprehensive; comprehensive to the coalition was the Kemper plan because it included all the items. Mr. Nicastro stated that the Vice Mayor went ahead and added these other things. The reason that the seniors don't want that is because it was never in the original plan; and if you talk to the Downtown Redevelopment people, they don't want a nursing home or assisted living right in the middle of town because they want an active, adult community. They wouldn't add to the viability of downtown so they didn't think that would be a good thing to do. Mr. Nicastro is glad the Vice Mayor backed off of that because that now fits into the plans that they were talking about in the redevelopment of downtown. Mr. Nicastro stated that they want active adults downtown to cater to the businesses.

Vice Mayor Kurtz stated, just for the record, in his memo to his colleagues he said that they would be reviewing this and be prepared to discuss it. The Vice Mayor was hoping to discuss it and make modifications.

Resident Jackie Haddad stated that she just wanted to point out that part of the reason that the plan failed in November was because there is not a united campaign. She thinks that everybody has to have a plan that they can believe in and pass on to the community and really sell the idea of senior housing to the community and really believe; and everyone be on the same page with one message. So, she thinks that if they can get that consensus going, and just take one message to the community; she thinks that will help this pass on the ballot. Vice Mayor Kurtz stated that as long as it is the right message he agrees with her. If you send the wrong message, you will have the same situation that happened last year.

Elisa Yablonsky of the National Park Service spoke. She wanted to read some comments by Kevin (inaudible), the park ecologist who could not be here. The National Park Service has some concerns regarding the proposed building revisions that will allow for a housing development on the land adjacent to the National Park. The area being discussed is currently forested, and the current green space buffers the Park resources from the effects of suburbanization providing enhanced ecosystems services and habitat qualities. (Inaudible) on resources of the valley. Indeed similar but isolated forests elsewhere may have less value. Forest lands and their associated buffer layer act as a sponge absorbing and flowing storm water in large quantities

**PLANNING COMMISSION MINUTES – CITY OF INDEPENDENCE, OHIO
JULY 3, 2007**

providing the City and the park with significant natural storm water management capacity. Increased residential development up to 80% of this land according to the current proposal would likely lead to the degradation of stream resources (inaudible) and other valley communities in recent years. The maintenance of this undisturbed forest open space would hurt the City and the park and is preferable over any type of development. However, they certainly respect every community's authority to proposed zoning changes to best serve its populous. They therefore recommend by considering the limited amount of remaining green infrastructure in the landscape around the park, that all such development be designed using the highest environmental and green principles to minimize and mitigate any adverse environmental effects. Such projects will serve as models for the region and other communities by demonstrating strong environmental leadership and sustainability while providing for community development. Such projects should include application of conservation development design and planning methods, designation of larger blocks of undeveloped opened space. The current proposal of both proposals is 20% open space and this does not meet residential conservation development standards of 40 to 50%. Minimizing impervious surfaces, protection of all stream and wetland resources on the site, implementation of well impacted development methods for on site (inaudible) and storm water management, i.e. green groups, water gardens, bio-retention cells to help mimic natural systems and use of green technology and materials. By including these principles in your proposed zoning amendment, the City and the park can continue to enjoy the natural area that lies between Stone and Hemlock Roads. As you know, the National Park group and the City are working together to provide a recreational trail through the area. They should likewise work together to protect the amenities this trail will highlight. They are happy to discuss these issues with the Commission at any time.

Chairman Lytkowski stated that he can assure the National Park that they always have the environment up front and think about it all the time. The Chairman wanted a copy of the statement so they can have it for the record. City Planner Markley stated that the preliminary concept plan that they put together for the single family detached component of the plan indicated about 40% open space; and it included rain gardens, bio-retention, bio-swailes and that whole bit.

Chairman Lytkowski wanted a motion with regard to a meeting between the parties with regard to the senior housing ordinance. Law Director O'Brien stated that the parties cannot be ordered to do anything. Chairman Lytkowski stated that he wants Mr. Nicastro to be part of the committee. The Chairman would also like to be part of it. Law Director O'Brien stated that it would then be a public meeting. The Chairman stated that he did not want to be part of it then. Mr. Narduzzi stated that he would like to see a public

**PLANNING COMMISSION MINUTES – CITY OF INDEPENDENCE, OHIO
JULY 3, 2007**

meeting with the Planning Commission, City Council, the Mayor, the Vice Mayor, Mr. Nicastro, and hash this thing out in front of everybody. Chairman Lytkowski stated that he thinks if the main principals involved in this hash it out between themselves; and then they have a general understanding, he does not have a problem at that point to say here is what we agree to collectively. That is a lot easier to handle. The smaller the group, the better it is to get something accomplished. The timing and the process in the Chairman's opinion, would have differences ironed out in a small group. Vice Mayor Kurtz stated that there has to be an attainable goal. Everyone mutually agrees on the goal. The goal is to get the comprehensive approach – the congregate approach. The Vice Mayor took that at face value, and he is sure the Mayor did the same way. The Vice Mayor does not know if there is a disagreement on the goal. The Chairman thinks everyone is in agreement on that. The Chairman wants to make this as part of the minutes. They have an obligation to Mr. Nicastro to get this thing done. The more pressure that can be put on the parties, the more that can be accomplished. The Law Director stated that it would not be binding on the parties. The Vice Mayor stated that the Commission does not have that authority. The Mayor stated it could be a resolution encouraging a meeting.

A resolution encouraging the administration, the Vice Mayor, a representative of Council, representatives of the senior coalition, the City Planner, the City Engineer, a representative of the Law Department, to meet and reconcile the various ordinances with regard to senior housing.

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

Vice Mayor Kurtz believes that the Planning Commission should be there because they have to plan. The Mayor stated that it would be a public meeting.

**PLANNING COMMISSION MINUTES – CITY OF INDEPENDENCE, OHIO
JULY 3, 2007**

There being no further comments or business, a motion was made by Chairman Lytkowski, and approved by the Commission, to adjourn the meeting at 7:21 p.m.

Dale Lytkowski, Chairman

Debi Beal, Planning Commission Clerk
Minutes unapproved at Time Released 7/06/7