

**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 1, 2008**

Chairman Dale Lytkowski called the meeting to order at 7:30 p.m., July 1, 2008 and the following responded to Roll Call:

**PRESENT:** Dale Lytkowski, Chairman  
Gregory Kurtz, Mayor  
Dave Grendel, Councilman  
Jerry Skuhrovec  
Jack Shallcross

**OTHERS**

**PRESENT:** Gregory J. O'Brien, Law Director  
Don Elewski, City Engineer  
Ron White, Economic Development  
Jeffrey Markley, City Planner  
Donald Ramm, Engineer/Public Service Coordinator

**AGENDA:**

**Old Business:**

**Approval of Minutes of Regular Planning Commission Meeting held on  
June 3, 2008.**

**Old Business:**

- 1. 6990 Archwood Rd., Elaine Kukawka** – Lot split of Permanent Parcel No. 563-03-033 and approval of dedication plat of East Archwood Road.

**New Business:**

- 2. 6571 Brecksville Rd., #3, Kin Properties, Inc.** – Requesting additional parking to facilitate added square footage of second floor addition to existing building.

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3. **6801 Brecksville Road, Independence Technology** – Requesting approval to make the previously approved temporary parking lot addition a permanent surface.

Chairman Lytkowski asked if there were any corrections or additions to the Minutes of the Regular Planning Commission Meeting held on June 3, 2008. There were none.

**A motion was made by Jack Shallcross, seconded by Councilman Grendel, to approve the Minutes of the Regular Planning Commission Meeting of June 3, 2008 as written.**

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

**6909 Archwood Rd., Elaine Kukawka** – Elaine Kukawka was in attendance with regard to this matter. She stated that this matter is contingent with the lot split she had earlier this year, and the easement that she gave the City to do swale work between her property and the Homestead Acres and taking into consideration the City dedicating Archwood Road and doing a lot split on Parcels A and B to get individual addresses, and Parcel 3 on the original split giving it an Archwood Road address.

Mayor Kurtz stated that Don Ramm supplied an interoffice memo outlining the various issues and the City's commitment. The City's commitment is to do the drain water improvements as agreed to by the Planning Commission. There is also the issue of Archwood East and upgrading it to City standards. It is the recommendation that a water line be put in to service three new lots. The road re-surfacing would be completed before the City would take responsibility for the entire property. At that point, the City would be responsible for it as it would become a dedicated street. There would be new water connections for the two houses on the north side of the existing area. The house on the south side would get a fire main, and then a re-surfacing of the pavement as well as the dedication of the property and right-of-way. Councilman Grendel stated that the City has already committed to the drainage improvement – the \$40,000. Mayor Kurtz stated that the City would be responsible for the drainage. Then the City is accepting the project without any precedent being set, and it would be the City's responsibility for any future upgrades.

The Mayor asked the Law Director if the City could accept the property right-of-way within the framework established by Don Ramm's memo, and then the City would assume total responsibility once those improvements are committed? Law Director

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O'Brien stated that it could be approved subject to the City and applicant entering into a Settlement Agreement and Release with the understanding that the final plat would not be signed and filed until the water line and the 8" water main and milling and re-paving of Archwood East Road are completed. Councilman Grendel asked if the applicant would pay for the water and the milling and re-paving? Law Director O'Brien stated that is correct. He has spoken with the applicant, and within the agreement the applicant will be responsible for the milling and re-paving, the water line, and the 8" water main with the understanding that the City has compromised its' position and allowed a modification to a grandfathered street and would not require it to meet the current code requirements which would be curbing and expansion of the road to 24 feet.

Law Director O'Brien stated that the City's only financial responsibility will be the installation of the swale. That was something the City had agreed to early on. Mayor Kurtz stated that the swale may be done before the next Planning Commission meeting. Law Director O'Brien asked Ms. Kukawka if that is the way she understood it? She agreed.

Councilman Grendel asked about the width of Archwood. City Engineer Elewski stated that the right-of-way would be 40 feet, and the pavement would be 20 feet. The Mayor stated that it could be adjusted later if they did a curb and gutter. Law Director O'Brien stated that if the City were to upgrade, it would be nice to give the required 4 feet right now. The Mayor asked how the issue of the potential Parcel A and B would be addressed with a potential four buildable lots on the north side of Archwood, and 24 feet of pavement and one house on the south side. Law Director O'Brien stated that they would put in the agreement that if the house on Lot A comes down, the City would require that owner, and they would probably have to file it with the county, to seek a lot split to equally divide the two lots to make them more conforming, about 80 feet each. The Mayor had talked about Amocco. Mayor Kurtz stated that the other thing they talked about was if all the structures were razed, they could conceivably put four houses, create four nice buildable lots on the north side of the street. If it is approved, and one of the lots is sold, the opportunity is gone. The question to Ms. Kukawka is if it is something she wants the City to look at for the future? The Mayor does not know if there is a mechanism that would allow them to look into the future. The houses will be razed one day, and it may make more sense to look at the big picture with regard to that.

Mayor Kurtz stated that part of their job is to plan the future, but the City can only do so much. They are not going to make Ms. Kukawka to tear the houses down and make four lots. Law Director O'Brien stated that he doesn't know if the Planning Commission wants to craft that here, because if Elaine and her family sells the lot, and a new applicant came in to look to lot split the one parcel with the Amocco on it; they won't be able to do it without more room. Law Director O'Brien stated that the City would hold the legal

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cards if someone asked for a variance to a lot split there because he doesn't believe there is enough frontage on Amocco to lot split that into two lots. The Law Director thinks it is prudent that (inaudible) as far as accounting for Sublot A if that house every comes down; but he thinks that the Amocco will pretty well cover for the future.

Chairman Lytkowski asked Mr. Ramm about fire protection and a turnaround. Mayor Kurtz stated that there is not a turnaround there. Mr. Ramm stated that typically ever street, even a dead end street would have a requirement for a cul-de-sac for school buses and emergency vehicles. Law Director O'Brien stated that something was called for in the preliminary plan approval for a turnaround. Mayor Kurtz stated that they could do a turnaround on Parcel A so that a vehicle can turn around.

**A motion was made by Jack Shallcross , seconded by Councilman Grendel, to approve the lot split of Permanent Parcel No. 563-03-033 and approval of the dedication plat of East Archwood Road, subject to the City and applicant entering into a Settlement Agreement and Release with the understanding that the final plat and lot splits shall not be signed and filed until the water line, 8 inch water main and milling and re-paving of Archwood East Road is completed by the applicant.**

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

Law Director O'Brien stated that he has one issue, probably more so for Elaine's information. Don Ramm's memo does reference the possibility of a variance being needed; and he doesn't know based upon the information provided of the Amocco property as to parking because they may take some because of the improvements. Elaine may have to put that in the agreement as far as her agreeing to provide that necessary roadway with the understanding that the City would look at that and grant the necessary variance for that property. Law Director O'Brien stated that the point is he doesn't think Don Elewski and Don Ramm have enough information to opine if any variances are needed.

**6571 Brecksville Road, Kin Properties, Inc.** – Dr. Frank Kindl and Dr. Carl Asseff were in attendance. Dr. Kindl stated that this matter was discussed in caucus last month. Mr. Kindl stated that he would like to put an addition on the existing building; but to do those things he would need parking. That brings in the vacant lot that is in the back of their building. This has been an ongoing idea of theirs for quite a few years. They want to put on an additional 5,000 square feet onto the second floor of their building. In discussing this in the past years, they came to a conclusion that maybe there is an opportunity to look at the big picture. They have several shortcomings – the church

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parking which is on the south side of Stone Road. If they can improve that, it would be great because then the church wouldn't have to park in front of the building they have. Dr. Kindl stated that across the street where the beauty shop is they do not have enough parking so those people have to come across and park in front of Dr. Kindl's building.

The next thing is that if you look at the big picture. Dr. Kindl and Dr. Asseff would love to modernize and present a better position, but it is kind of stuck in the 1950's. If they could come up with a concept, maybe they could develop it into an RTA parking area. They could resolve the issue with the church with working out some type of an agreement with the parking. The idea about widening Stone Road – that is a big problem. As those trucks come up, they have to come way over onto the west side of 21 to swing and get their north direction. That could be addressed. Depending on whatever happens to that school property, there are a lot of things that could be changed. Another thing is that there is the old building where the barber shop is. There have been all kinds of rumors about it over the years. The west side of 21 to almost the church could be developed also.

Mayor Kurtz stated that the City is in agreement. The City will have the Engineer take a broad stroke approach to the intersection of Stone Road and Route 21. When you look at what the City's options are in terms of re-configuring the infrastructure, possibly widening and changing that intersection; and then accommodating some of the relief needed at the intersection by adding additional parking on the property adjacent to Dr. Kindl's property which would help the church and would also allow for the expansion and would also allow some public purpose parking. The City is going to design an option for the intersection and work their way off that corner. What the City would like to do is once they have those sketches, get Dr. Kindl's perspective and acceptance of whatever is decided. They can look at the long term approach and the traffic management and the size of the vehicles at Stone and Route 21 recognizing that this is an opportunity. Dr. Kindl has created an opportunity for the City, for the church, for Dr. Kindl's property, to do something on a larger scale than just adding two parking spaces. Between the Engineer, Planner and anyone on the City's team that they can put together to help give them to draw the options, that is what they are going to do. Once the Planning Commission gets those, they will sit down and have a Workshop. Then they can make a formal presentation before Planning Commission and City Council. City Council has to participate in terms of right-of-way, in terms of utilization of the City's property. The Mayor stated that he has heard Council's response, and they were willing to participate in the total review of that intersection.

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Chairman Lytkowski stated that it is almost like this could be the south entrance to downtown. Dr. Asseff stated that the City could incorporate the two parking areas across the street into the new parking. Then there would be the opportunity to get some real development. The area could be developed into old town Independence. There could be very ample parking.

Mayor Kurtz stated that Dr. Asseff raises another point in the City having an opportunity to re-visit across the street to balance that a little bit. That is another opportunity. As soon as Planning has some sketches, everyone should sit down and see how close they are in terms of reaching an understanding; something that is acceptable to Dr. Kindl and Dr. Asseff, the church and the City. The Mayor stated that Council gave their commitment last week with regard to this.

**6801 Brecksville Road, Independence Technology** – Chairman Lytkowski stated that this matter was taken off the Agenda. A Workshop will be set up with the owner of the property, Dick Pace, to work out a Master Plan for Independence Technology.

**There being no further comments or business, a motion was made by Chairman Lytkowski to close the meeting at 8:05 p.m.**

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**Dale Lytkowski, Chairman**

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**Debi Beal, Planning Commission Clerk**  
Minutes Unapproved at Time Released 07/04/08