

**CITY OF INDEPENDENCE  
PLANNING COMMISSION MINUTES  
JANUARY 6, 2009  
COUNCIL CHAMBERS**

**CAUCUS:**

Chairman Lytkowski called the meeting to order at 6:32 p.m. Present were Dale Lytkowski, Jack Shallcross, Jerry Skuhrovec, Councilman Dave Grendel, Mayor Kurtz, Law Director Gregory J. O'Brien, City Planner Jeff Markley, City Engineer Don Ramm, Councilman Jim Piteo, Economic Development Director Ron White, Resident Walt Ellert, and Sun reporter Tara Quinn.

Dan Ridgeway, Facilities Director for the Ohio College of Podiatric Medicine was in attendance to give an overview of the project they will be presenting at the Planning Commission meeting. Law Director O'Brien stated that the proposed project is not properly before the Planning Commission. It should go to the Board of Zoning Appeals. Mr. Ridgeway stated that they were going to be before the ARB tomorrow morning. Law Director O'Brien stated that Mr. Ridgeway is looking for a variance. Mr. Ridgeway asked if it was because they were asking to put in a walking trail, a picnic pavilion and a bridge. Law Director O'Brien agreed. Mr. Ridgeway stated that they also will do some grading. The Law Director stated that the grading issue is supposed to be before this Board. Law Director O'Brien stated that Mr. Ridgeway is before Planning for a change of grade. The Law Director stated that the reason that the applicant needs to appear before the BZA is for a variance because the applicant is in a U-5; it is not a permitted use. The applicant wants to use it for a recreation area. The City does not have a specific code for a recreational area. The Mayor asked if it was the Planning Commission's call then. Law Director O'Brien stated that it would just be for the change of grade.

Mr. Ridgeway asked the Commission if they wanted to hear about the entire project or just what they want to go for now. There is an area that is filled with dead sticks, twigs and trees. They would like to clean up the lot; it looks as though this lot was a dumping ground for years. There are piles of culvert pipe, piles of concrete and asphalt. There is a ravine that has a bunch of steel pipes that were dumped on it. They would like to pull all of that out, and they would like to slightly grade that property, put on some top soil and plant some grass. Mr. Ridgeway stated that on the plan there is a football, soccer and a softball field. What that means is that they are looking for an area large enough to hold something like that. There won't be any football field or anything being put in. It would be all grass. They would like to put in a looped walking trail around it with a picnic shelter; a 20' x 30' picnic shelter. They would also like to put in a bridge to let the

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students cross over the ravine as opposed to walking down the street. Mr. Ridgway stated that is what is called Phase 1 of Phase 1. There is a much larger plan which their Board of Trustees asked them to come up with. This plan could be a 20, 30 or 40 year plan. It may never fully develop; but the Trustees wanted a plan. Mayor Kurtz asked if any resident could walk on the paths or would they be just for OCPM. Mr. Ridgway stated that they haven't discussed that. There is no fencing or anything proposed. The only natural barrier that they would propose would be shrubbery between them. Mayor Kurtz stated that there needs to be some serious landscaping put in as a buffer; between OCPM and the Holiday Inn. Mr. Ridgway stated that the property line is the Holiday Inn parking lot. Mayor Kurtz stated that there is one thing he would strongly encourage is to have the City Planner look at it. The Mayor can't over-emphasize the need for strong natural barriers because they are so close to the interstate. The Mayor stated that there needs to be a barrier so that people can't see who is on the path. That is his opinion. Mr. Ridgway needs to be very sensitive to the landscape treatment around that open area where there is quick access to people. Mr. Ridgway stated that they are on the same path with that because they wanted to put a large natural barrier. The only issue is that there are trees that they added to create that around the roadway area. They weren't part of Phase 1 of Phase 1; but they could easily be part of Phase 1 or Phase 1.

Mayor Kurtz stated that Mr. Ridgway should consider creating a boulevard type entrance into the property just like the front. Mayor Kurtz asked City Engineer Ramm if the City had enough right-of-way to do that. Mr. Ridgway stated that it is being done along the Holiday Inn; there is a placement of trees there. The Mayor inquired if the City had enough right-of-way on the west side of the street to allow OCPM to do that. There would be a different setting created for the whole campus. If you create a true boulevard with the trees, it will grow into a canopy over 10 to 15 years. Mr. Ridgway stated that they are envisioning doing that in their Phase 2 plan down their main driveway.

Mayor Kurtz stated that the concerns that Mr. Ridgway should be sensitive to is blocking off visual access from the Holiday Inn parking lot so that the OCPM people could feel a sense of protection. The Mayor suggested that Mr. Ridgway consider cameras at some point. Mr. Ridgway stated that it would be a good idea.

Chairman Lytkowski stated that he does like the Mayor's idea of the pathway being available for Independence residents. The other thing the Chairman would like to address is the cemetery; if Mr. Ridgway could identify it in some way. Mr. Ridgway stated that part of Phase 1 there would be some lighting. Ron White stated that he doesn't know if the City wrote anything in to protect the long term protection of that cemetery; could they or should they have that as a part of something. Law Director O'Brien asked

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who is currently maintaining the cemetery. Mr. Ridgway stated that the City of Independence currently cuts the grass. Mr. White stated that it is the West family cemetery. Mayor Kurtz stated that if the cemetery could be identified; then OCPM could take care of it. Mr. Ridgway stated that someone from either the City or State maintains the cemetery; and they also maintain some sort of paths. Mayor Kurtz stated that the City does that. Mr. Ridgway stated that they can do that; it is not a big deal.

The Chairman asked the Law Director if the only item before Planning then is the grade. Are they in a position to make a decision with respect to this? Mayor Kurtz stated that he is in support of a change in grade conditioned upon resolution of the applicant satisfying the Law Director and the City Planner with respect to the cemetery and landscape.

City Engineer Ramm stated that relative to some of the intermittent streams and some riparian setback issues that are not identified anywhere on the plan. Mayor Kurtz stated that the applicant will have to satisfy all of the City's requirements for a change of grade. The Commission can approve it subject to the Engineer and all the Federal, State and Local regulations. The Mayor directed Mr. Ridgway to work with the City Engineer on that. The Mayor stated that the Commission can approve it subject to the cemetery, subject to landscaping and subject to the Engineer. He will be the one issuing the change of grade approval; also subject to BZA and ABR approval.

Chairman Lytkowski asked about the bridge. Mr. Ridgway produced a picture of the bridge. He stated that it is a walking bridge; it is not anything that you can drive over.

Chairman Lytkowski asked Mr. Ridgway about Phase 2. Mr. Ridgway stated that Phase 2 is basically an area which the Trustees wanted reserved for a future building. The Chairman asked if OCPM owned that property. Mr. Ridgway stated that they do own it; this is the property between their driveway and the Embassy Suites. It is a 4 acre parcel; part of the grand master plan. It's the most logical place on their campus to put a building; should one ever be needed. It could be an auditorium or a foot and ankle clinic or it may never be anything. It is just a spot that they reserved in the grand master plan for something. That would include sidewalks to the main campus and tying in the landscaping to the main campus.

Mr. Ridgway stated that Phase 3 is a landscape upgrade to their current property. The only physical structure change would be curbing the driveway if they ended up needing extra parking spaces out there. Other than that, it would pretty much structurally and physically stay the same. It is basically re-landscaping the entire front of the building. It would be putting in a logical pattern of trees; creating that boulevard effect, etc.

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Chairman Lytkowski asked Mr. Ridgway what was inside of the circle near the main building. Mr. Ridgway stated that there is a flagpole there right now; it kind of slopes up to a small concrete pad. Chairman Lytkowski stated that it would be nice to make it a waterfall.

City Engineer Ramm asked if the overlook deck was part of the improvements. Mr. Ridgway stated that they have determined that there is a sliver of property; the overlook deck will probably not come to a reality. There is a sliver of property that they found that they do not own that comes down to the corner of Office Park II. This is basically where all of their drainage and parking lot runoff goes. Knowing that there is a piece that OCPM does not own and never will own; that means the trail that would come down into the ravine would not be on their property. Mr. White stated that it is the Spectrum building, and Dalad owns that. Law Director O'Brien feels that it is a drainage easement. Mayor Kurtz stated that there could probably be given some permission to go with a bridge or something. The Mayor stated that they would help the applicant if he wants to do it. City Engineer Ramm asked if the property that they acquired from Mr. Balog has transferred yet. Mr. Ridgway stated that the property has officially transferred. Mayor Kurtz stated to Mr. Ridgway if he needs support in order to fulfill the master plan; the City would help him.

City Engineer Ramm asked if the paths would be limestone. Mr. Ridgway stated that they would be limestone. City Engineer Ramm asked about the portable bathrooms throughout. Mr. Ridgway stated that they really don't want to have that. The President and Vice President of OCPM do not want to have those. Mr. Ridgway stated that you have to have something there. Mr. Ridgway stated that it would be properly fenced off back in the corner somewhere. City Engineer Ramm asked about a vehicle being able to get down the paths to take care of the portable bathrooms. Mr. Ridgway stated that basically the pathway is 6' except there is an area that is 10' to allow a vehicle to go down. Mayor Kurtz stated that he hoped when Mr. Ridgway looked at the pavilion, he looked at water and sanitary. Mr. Ridgway stated that their original plan was an open air pavilion but he sees where there may be a need to have water and sewer run to the pavilion. Mayor Kurtz stated that the pavilion will be so nice that Mr. Ridgway will want to have facilities there.

Mr. Ridgway stated that they are basically looking for grading, the path, the pavilion and the bridge and grass. Mr. White asked Mr. Ridgway if he wouldn't mind asking the safety forces to take a look at the plan. Mr. White stated that he would like to see both police and fire look at the plan, with the Mayor's permission.

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Chairman Lytkowski moved on to the next item – All Erection and Crane and the 2,500 sq. ft. addition to their existing building. City Engineer Ramm stated that the building is in the flood plain. There will need to be a flood plain permit process followed before he would allow the building. The building itself would have to be beneath the flood plain. Chairman Lytkowski wanted to let the applicant say their peace and then table the matter. City Engineer Ramm stated that there is also an issue with the fire lane; they don't have the adequate width to allow. The requirement is 20'. Mayor Kurtz stated that decisions have to be made based on the fact if somebody else bought and owned the property. What impact would this have on someone else if they bought the building?

Chairman Lytkowski asked about the Dollar General store and the granting of approval for the project contingent upon the lighting going out when the store was closed. The Secretary stated that there was a timeframe on the lighting. The Chairman stated that the light is on much more beyond that. He feels sorry for the people across the street that have to look at that bright yellow light. The Secretary stated that the Building Department will take care of this.

The caucus was adjourned at 6:56 p.m.

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Debi Beal, Secretary