

**City of Aurora**  
**PLANNING COMMISSION**  
**MEETING MINUTES**  
**January 20, 2016**

The Aurora Planning Commission met in a regularly scheduled meeting on Wednesday, January 20, 2016, in Council Chambers of Aurora City Hall. The meeting was called to order at 6:31 p.m. by Planning Commission Chairman Kathi Grandillo.

**ROLL CALL:**

Present:            Laura Duguay  
                       Peter French  
                       Sarah Gilmore  
                       Kathi Grandillo  
                       Dennis Kennedy

Also Present:     Dean DePiero, Law Director  
                       Denise Januska, Director,  
   Planning, Zoning & Bldg. Division  
                       Justin Czekaj, City Engineer  
                       Corinne Craine, Commission Clerk

Mr. DePiero swore in those in attendance who wished to speak this evening.

**AMENDMENTS TO AGENDA & SUBMISSION OF SUPPLEMENTAL INFORMATION**

There were none.

**APPROVAL OF MINUTES:**

Mr. Czekaj wanted to clarify a sentence in the second paragraph on page 8 of the January 6<sup>th</sup> meeting minutes. Regarding the “no impact” letter, he was not aware of the Army Corps issuing such a letter.

**MOTION:            To approve the meeting minutes of January 6, 2016, as clarified**

Mr. Kennedy moved; Mr. French seconded, and the motion carried, 5-0, on a roll call vote.

Yeas:    Mr. Kennedy, Mr. French, Mrs. Duguay, Mrs. Gilmore, Mrs. Grandillo

Nays:    None

**AGENDA ITEMS:**

Aurora 43 South LLC (Pulte), 1060-1120 S. Chillicothe Road, Wetland Setback Variances (1510024 – 1510028)

The project manager, Greg Modic of the Pulte Group, 387 Medina Road, Ohio, was present for the discussion. The applicant is seeking five different wetland setback variances for a new

residential development to be located at 1060–1120 S. Chillicothe Road. The property is zoned R-4 and was granted a conditional zoning certificate for a residential conservation development (RCD) in 2008.

Mr. Modic provided an update on the project. Since his last meeting with the Commission, he had received and analyzed the information from Chagrin River Watershed Partners (CRWP). He pointed out that CRWP had concerns regarding the installation and long-term maintenance of their proposed Best Management Practices (BMPs). He explained that in order to address these concerns, the storm water system has been re-designed. These revised plans show that the original proposals for BMPs have been removed and now all of the storm water quality requirements would be handled in a central retention basin. Additionally, Mr. Modic said that the variance requests for the areas shown as A, B, and C have all been reduced from 65 feet to 60 feet and variance E has been reduced from 48 feet to 45 feet. The last variance request for D remains at 65 feet, but the encroachment area has been reduced by 25% from the previous request. Overall, the encroachment areas for the variance requests have been reduced anywhere from 13% to 45% which is quite substantial.

Also, Mr. Modic spoke about the conditions for approval as listed in the staff report. *(See page 3 of attached staff report)*. He said that his company is committed to protecting these wetland areas and they agree to clearly identify the wetland setback buffers with signs, to re-vegetate the impacted areas, to provide appropriate materials for educating residents on the importance of the wetland areas, and to create a long-term maintenance agreement for the monitoring and protection of the wetland areas.

Mr. French wanted to know whether CRWP has reviewed these revised plans. Mr. Czekaj said that the revised wetland setback variance requests have been reviewed and they meet all of the conditions which were suggested by the CRWP.

Also, Mr. French wanted more information about the centralized location for storm water management. Mr. Modic explained that the requirement is to treat the water as it comes through the site for water quality and it does not matter whether the system is in one central location or several locations. By having one central location, the plan will meet all of the EPA requirements and it will be easier to maintain for the long term.

Mr. Kennedy asked about the process for monitoring the approval conditions as listed in the staff report. Mrs. Januska said that all of the educational materials and maintenance agreement documents will be submitted with the final improvement plans and will be reviewed by city staff and CRWP. There will also be an inspection prior to the recording of the plat to make sure that the signage has been installed. Mr. Modic pointed out that language relating to these protected wetland areas will be added to the improvement plans, the plat, homeowners association (HOA) documents, and the storm water maintenance agreement.

Mrs. Duguay asked how subsequent homeowners would be informed of these protected wetlands. Mr. Modic explained that the information will be available in the HOA documents, on the plat, and in the title report. Also, the signage installed will identify the wetland areas.

Mrs. Gilmore wanted to know who would be responsible for the wetland maintenance once the

subdivision is completed. Mr. Modic said that the HOA would be responsible for the maintenance at that point.

Mrs. Grandillo opened the floor for public comments.

Ron Vojir, 370 Rainbows End, lives in Walden Farms which is adjacent to this proposed development. He wanted to know whether CRWP reviewed these amended plans.

Mr. Czekaj stated that CRWP reviewed the amended wetland variance plans. The storm water management plan will be reviewed when the applicant submits the final improvement plans.

Mrs. Grandillo asked for further questions or comments and there were none.

**MOTION: To grant a wetland setback variance of 60 feet for application no. 1510024 subject to the four conditions listed in the staff report**

Mr. Kennedy moved; Mr. French seconded, and the motion carried, 5-0, on a roll call vote.

Yeas: Mr. Kennedy, Mr. French, Mrs. Duguay, Mrs. Gilmore, Mrs. Grandillo

Nays: None

**MOTION: To grant a wetland setback variance of 60 feet for application no. 1510025 subject to the four conditions listed in the staff report**

Mrs. Gilmore moved; Mrs. Duguay seconded, and the motion carried, 5-0, on a roll call vote.

Yeas: Mrs. Gilmore, Mrs. Duguay, Mr. French, Mr. Kennedy, Mrs. Grandillo

Nays: None

**MOTION: To grant a wetland setback variance of 60 feet for application no. 1510026 subject to the four conditions listed in the staff report**

Mr. French moved; Mrs. Gilmore seconded, and the motion carried, 5-0, on a roll call vote.

Yeas: Mr. French, Mrs. Gilmore, Mrs. Duguay, Mr. Kennedy, Mrs. Grandillo

Nays: None

**MOTION: To grant a wetland setback variance of 65 feet for application no. 1510027 subject to the four conditions listed in the staff report**

Mrs. Duguay moved; Mr. French seconded, and the motion carried, 5-0, on a roll call vote.

Yeas: Mrs. Duguay, Mr. French, Mrs. Gilmore, Mr. Kennedy, Mrs. Grandillo

Nays: None

**MOTION: To grant a wetland setback variance of 45 feet for application no. 1510028 subject to the four conditions listed in the staff report**

Mr. Kennedy moved; Mrs. Gilmore seconded, and the motion carried, 5-0, on a roll call vote.

Yeas: Mr. Kennedy, Mrs. Gilmore, Mrs. Duguay, Mr. French, Mrs. Grandillo

Nays: None

Aurora 43 South LLC (Pulte), 1060-1120 S. Chillicothe Road – Preliminary Plan (1509020)

The project manager, Greg Modic of the Pulte Group, provided an overview of the project. Pulte is proposing to develop 25.4 acres as the Glenridge Chase Subdivision. This residential conservation development will consist of fifty-seven single-family homes with 43% open space. Mr. Modic pointed out that the preliminary plan was revised to show sidewalks along Chillicothe Road and to reflect the amended wetland setback variances which were approved tonight. He is seeking approval of the preliminary plan this evening so the project can move forward.

Mrs. Grandillo asked the members for questions and there were none. She then opened the floor for public comments.

Ron Vojir, 370 Rainbows End, lives in Walden Farms and his property is located to the west of this proposed development. He was concerned about storm water runoff, sloped drainage, and increased water flow into the creek which is located next to his property.

Mrs. Januska pointed out that the preliminary plan being considered tonight is just a concept plan which does not require a storm water review. She stated that the applicant will still have to submit final plans to the Planning Commission. At that time, the storm water management plan will be carefully reviewed by the City Engineer to make sure that it complies with all of the city storm water regulations.

**MOTION: To approve the preliminary plan for the property located at 1060-1120 S. Chillicothe Road**

Mr. Kennedy moved; Mr. French seconded, and the motion carried, 5-0, on a roll call vote.

Yeas: Mr. Kennedy, Mr. French, Mrs. Duguay, Mrs. Gilmore, Mrs. Grandillo

Nays: None

Hawthorn of Aurora, Nancy Drive & Morgan Trail – Wetland Setback Variances (1510038 – 1510045)

The project engineer, Ken Hejduk of Hejduk-Cox and Associates, Solon, Ohio, was present to discuss the wetland variance requests. The applicant is seeking eight different wetland setback variances for the new Phase 5 of the Hawthorn subdivision. The subdivision is located in a PD (planned development) zoning district.

Mr. Hejduk provided an update on the project. Since the last time before the Commission, they received and analyzed the information from Chagrin River Watershed Partners (CRWP). He said that the applicant has agreed to meet all of the CRWP recommendations with a partial exception to the variance request shown as #3. They were only able to attain a 50-foot wetland setback around the north and west sides of the intersection because of the earthen embankment needed for the construction of the road. He said that the variance request for the areas shown as #1 and #2 have been reduced from 35 feet to 25 feet and variance #3 has been reduced from 40 feet to 25 feet. Although the other variance requests are the same, it was noted that the actual encroachment areas have been reduced from the previous plan.

Mr. Kennedy complimented the applicant on working with the city and CRWP and making all the changes. He stated that his only question was about the process for monitoring the approval conditions as listed in the staff report. *(See page 3 of the attached staff report)*. Mrs. Januska said that it was the same monitoring process as she explained previously for the Glenridge Chase project. The educational materials and maintenance agreement documents will be reviewed by city staff and CRWP and inspections will be done to make sure that the signage is installed.

Mrs. Duguay wanted to know how subsequent homeowners would be informed of these protected wetlands. Mr. Hejduk said that language will be added to the plat and the HOA documents and signs will be installed which identify the wetland areas. Also, CRWP has offered to meet with homeowners for a wetland educational presentation.

Mrs. Grandillo asked for further comments and there were none.

**MOTION: To grant a wetland setback variance of 25 feet for application no. 1510038 subject to the four conditions listed in the staff report**

Mr. Kennedy moved; Mr. French seconded, and the motion carried, 5-0, on a roll call vote.

Yeas: Mr. Kennedy, Mr. French, Mrs. Duguay, Mrs. Gilmore, Mrs. Grandillo

Nays: None

**MOTION: To grant a wetland setback variance of 25 feet for application no. 1510039 subject to the four conditions listed in the staff report**

Mrs. Gilmore moved; Mrs. Duguay seconded, and the motion carried, 5-0, on a roll call vote.

Yeas: Mrs. Gilmore, Mrs. Duguay, Mr. French, Mr. Kennedy, Mrs. Grandillo

Nays: None

**MOTION: To grant a wetland setback variance of 25 feet for application no. 1510040 subject to the four conditions listed in the staff report**

Mrs. Duguay moved; Mrs. Gilmore seconded, and the motion carried, 5-0, on a roll call vote.

Yeas: Mrs. Duguay, Mrs. Gilmore, Mr. French, Mr. Kennedy, Mrs. Grandillo

Nays: None

**MOTION: To grant a wetland setback variance of 25 feet for application no. 1510041 subject to the four conditions listed in the staff report**

Mr. French moved; Mrs. Duguay seconded, and the motion carried, 5-0, on a roll call vote.

Yeas: Mr. French, Mrs. Duguay, Mrs. Gilmore, Mr. Kennedy, Mrs. Grandillo

Nays: None

**MOTION: To grant a wetland setback variance of 25 feet for application no. 1510042 subject to the four conditions listed in the staff report**

Mr. Kennedy moved; Mrs. Gilmore seconded, and the motion carried, 5-0, on a roll call vote.  
Yeas: Mr. Kennedy, Mrs. Gilmore, Mr. French, Mrs. Duguay, Mrs. Grandillo  
Nays: None

**MOTION: To grant a wetland setback variance of 55 feet for application no. 1510043 subject to the four conditions listed in the staff report**

Mrs. Gilmore moved; Mrs. Duguay seconded, and the motion carried, 5-0, on a roll call vote.  
Yeas: Mrs. Gilmore, Mrs. Duguay, Mr. French, Mr. Kennedy, Mrs. Grandillo  
Nays: None

**MOTION: To grant a wetland setback variance of 25 feet for application no. 1510044 subject to the four conditions listed in the staff report**

Mrs. Duguay moved; Mrs. Gilmore seconded, and the motion carried, 5-0, on a roll call vote.  
Yeas: Mrs. Duguay, Mrs. Gilmore, Mr. French, Mr. Kennedy, Mrs. Grandillo  
Nays: None

**MOTION: To grant a wetland setback variance of 60 feet for application no. 1510045 subject to the four conditions listed in the staff report**

Mr. French moved; Mr. Kennedy seconded, and the motion carried, 5-0, on a roll call vote.  
Yeas: Mr. French, Mr. Kennedy, Mrs. Duguay, Mrs. Gilmore, Mrs. Grandillo  
Nays: None

Hawthorn of Aurora, Nancy Drive & Morgan Trail – Preliminary Plat of Phase 5 (sublots 247-272) (1510037)

The project engineer, Ken Hejduk of Hejduk-Cox and Associates, provided an overview. The applicant is proposing to expand the Hawthorn subdivision with Phase 5 which includes twenty-six sublots. He said that they worked closely with the Army Corps of Engineers on this phase and there will be no disturbances to the wetlands. There will be nine sublots included with the Morgan Trail extension, seven sublots on the Nancy Drive extension, and ten sublots on a cul-de-sac off of Nancy Drive. He is requesting approval this evening, so the project can move forward.

Mr. Kennedy wanted to know the time line for this project. Mr. Hejduk said that the intent is to complete the roads this summer and to begin the construction of houses this fall.

Mrs. Duguay wanted to know how the existing boat launch driveway and parking will be affected by Phase 5. Mr. Hejduk said that the existing boat launch area will remain the same. He did not anticipate any conflicts between the construction of the sublots 269-272 and access to the boat launch driveway or parking. Also, he was not aware of any plans for expanding the boat launch parking in the future.

Mr. French asked about the square footage of the homes in Phase 5. Mr. Hejduk stated that the sublots are similar in size as the ones in Phase 4, therefore, the square footage of the homes

would probably be similar.

Mrs. Grandillo asked for further questions and there were none.

**MOTION: To approve the preliminary plat for Phase 5 of the Hawthorn Subdivision**

Mr. Kennedy moved; Mr. French seconded, and the motion carried, 5-0, on a roll call vote.

Yeas: Mr. Kennedy, Mr. French, Mrs. Duguay, Mrs. Gilmore, Mrs. Grandillo

Nays: None

Hawthorn of Aurora, Rt. 43 & Aurora Lake Road – Revised Development Plan (1510036)

The project engineer, Ken Hejduk of Hejduk-Cox and Associates, explained that the development plan was updated to reflect this new Phase 5. When the development was originally started in 1979, it was planned for 1,394 housing units. This revised development plan shows that the number of housing units has been reduced to 968 units in total.

Mr. Kennedy noted that there have been several changes to the development plans over the years and he wanted to know how the different phases affected the plan. Mr. Hejduk said that the original development plan was followed for Phases 1 and 2. The changes to the development really started with Phase 3 and the overall number of housing units have been declining with each subsequent phase.

Mrs. Januska pointed out that every time there are changes to the development plan, we ask the applicant to provide an update so that staff can keep track of the whole subdivision and make sure that it meets the zoning requirements.

Mrs. Gilmore asked about the location for the commercial sites. Mr. Hejduk stated that there are 53 acres of commercial and office sites and they are located along Route 43.

Mrs. Grandillo asked the members for further questions or comments and there were none.

**MOTION: To approve the revised development plan for the Hawthorn Subdivision**

Mrs. Gilmore moved; Mr. Kennedy seconded, and the motion carried, 5-0, on a roll call vote.

Yeas: Mrs. Gilmore, Mr. Kennedy, Mrs. Duguay, Mr. French, Mrs. Grandillo

Nays: None

**MISCELLANEOUS:**

There were none.

**ADJOURNMENT:**

Mr. French moved to adjourn at 7:28 p.m.; Mr. Kennedy seconded, and the motion carried, 5-0, on a roll call vote.

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Yeas: Mr. French, Mr. Kennedy, Mrs. Duguay, Mrs. Gilmore, Mrs. Grandillo

Nays: None

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Kathi Grandillo, Chairman

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Corinne Craine, Clerk



**PLANNING COMMISSION STAFF REPORT**

**Project: Glenridge Chase Subdivision**

**January 20, 2016 Meeting**

Staff: Denise Januska, AICP, Director



Request: Wetland Setback Variances  
File: 1510024, 1510025, 1510026, 1510027, and 1510028  
Applicant: Aurora 43 South LLC (Pulte)  
Location: 1060-1120 South Chillicothe Road  
Current Zoning: R-4 Residential District  
Lot size: 25.42 acres

Introduction:

The applicant is proposing a residential conservation development with 57 single-family homes and 10.77 acres or 43% open space.

Existing Land Use and Zoning of Surrounding Property			
Project Site	Residential	R-4	Vacant / Single-family
North	Residential	R-4	Single-family
East	Industrial	I-1	Industrial
South	Industrial	I-1	Vacant
West	Planned Development	PD	Condos / Single-family



### History:

- A conditional zoning certificate for a residential conservation development was approved by City Council April 29, 2008 Ordinance 2008-050.
- Planning Commission accepted the preliminary plan for study on October 7, 2015.

### Staff Comments:

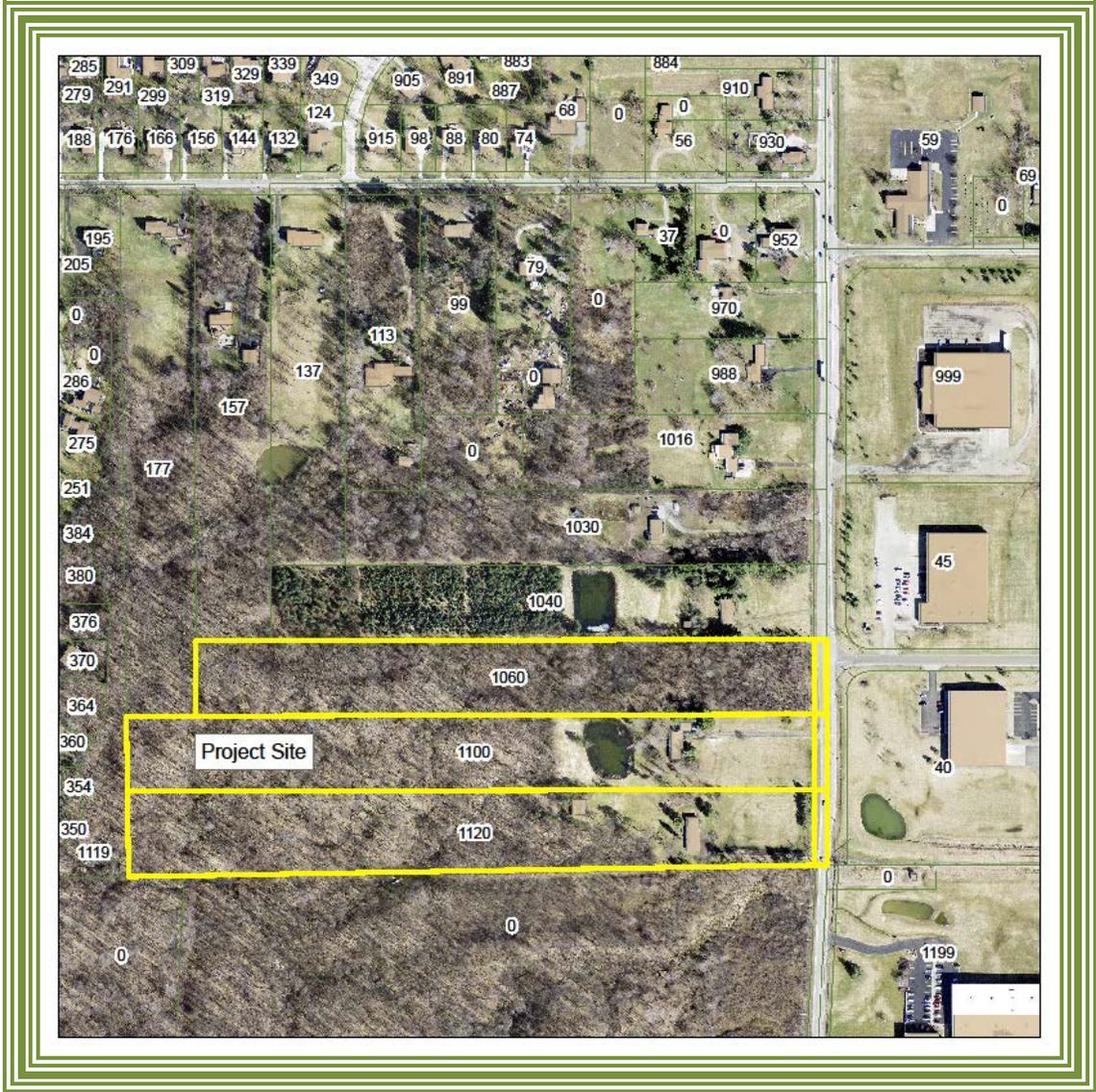
- The proposed variances have been reviewed by Chagrin River Watershed Partners (letter dated January 11, 2016) and the applicant has reduced the size of the requested variances and agreed to conditions.
  - ~~65' variance~~ - reduced to 60' variance, removing 32% of the impacted area from previous request.
  - ~~65' variance~~ - reduced to 60' variance, removing 23% of the impacted area from previous request.
  - ~~65' variance~~ - reduced to 60' variance, removing 25% of the impacted area from previous request.
  - 65' variance – additional changes remove 13% of the impacted area from previous request.
  - ~~48' variance~~ - reduced to 45' variance, removing 45% of the impacted area from previous request.
- Planning Commission may grant wetland setback variances under the conditions stated in Section 1157.07.
- In determining whether there is unnecessary hardship with respect to maintaining the wetland setback as established in this regulation such as to justify the granting of a variance, the Planning Commission shall consider:
  - The potential harm or reduction in wetland functions that may be caused by a proposed activity; The applicant has reduced the originally proposed variances and is trying to fill the least amount of wetlands as possible.
  - If the applicant has demonstrated a hardship beyond economic considerations and not created by his or her prior activities on the property such as lot splits; and,
  - If the variance requested is the minimum that would alleviate the hardship.
- The Planning Commission may not authorize any activity in a Zoning District other than those authorized in the Zoning Code;
- Variance shall not be void if not implemented within one (1) year of the date of issuance; if the variance is part of a site plan or subdivision application currently being processed, the variance shall be valid until the site plan process is concluded;
- In making a determination under this regulation, the Planning Commission may consider the following:
  - The natural vegetation of the property; The applicant will revegetate impacted areas.
  - The percentage of the parcel that is in the 100-year floodplain. When granting a variance in the 100-year floodplain, the Planning commission shall require the applicant to demonstrate that the proposed activity will cause no increase in the

water surface elevation. The Director of Engineering may also require proposals from the applicant for on-site compensatory flood storage mitigation to compensate for impacts to the 100-year floodplain; **The proposed variances are not within the designated floodplain.**

- The extent to which the requested variance impairs the flood control, erosion control, water quality protection, or other function of the wetland setback, watercourse, or wetland;
  - The extent to which the applicant has demonstrated the use of stream and/or wetland mitigation within the City of Aurora to compensate for the loss of non-structural flood control, erosion control, and water quality protection functions as a result of the proposed impacts requested with the variance;
  - Any mitigation approved by this variance procedure shall first be in compliance with applicable Ohio EPA and U.S. Army Corps requirements;
  - The degree of hardship with respect to maintaining the wetland setback as established in this regulation, and the availability of alternatives to the proposed activity; and,
  - The extent to which soil-disturbing activities are proposed in such a fashion as to minimize clearing and erosion and to control sediment. **The applicant has reduced the overall proposed area located within the requested setback variances.**
- In granting a variance under this regulation, the Planning commission, for good cause, may impose such conditions that it deems appropriate to maintain the purposes of this regulation; and,
  - The Planning Commission is prohibited from granting a variance under this regulation if the applicant is able to obtain compliance with this Chapter through one or more variances from other provisions of the Zoning Code pursuant to Section 1139.03 of the Code, unless the applicant has applied to the Board of Zoning Appeals for variances and such variance requests have been denied.

**Staff recommends approval of the amended variances with the following conditions:**

- 1. Signage will be placed along the setback lines for each lot by the applicant and maintained by the homeowners association,**
- 2. The applicant will re-vegetate all disturbed areas per recommendations from the City or its consultant and included in the improvement plans,**
- 3. The applicant will produce educational material, including but limited to, wetland and riparian setback maintenance, the importance of wetlands, and wetland and riparian buffers for all property owners, and**
- 4. The applicant will create language for the maintenance and inspection of wetlands, riparian and wetland setbacks shall be referenced on the plat and within the homeowner's association documents.**



**PLANNING COMMISSION STAFF REPORT**

**Project: Hawthorn**

**January 20, 2016 Meeting**

Staff: Denise Januska, AICP, Director

Request: Wetland Setback Variances  
File: 1510038, 1510039, 1510040, 1510041, 1510042, 1510043, 1510044, and 1510045  
Applicant: Hawthorn of Aurora, LLC  
Location: South side of Aurora Lake Road and west of North Aurora Road  
Current Zoning: PD – Planned Development  
Lot size: 43 acres



Introduction:

The applicant is proposing Phase 5 of the Hawthorn Subdivision. This phase is extending Nancy Drive north and Morgan Trail south with 26 single-family sublots.

Existing Land Use and Zoning of Surrounding Property			
Project Site	Residential	PD	Vacant
North	Residential	PD	Vacant / Single-family
East	Residential	PD	Single-family
South	Residential	PD	Single-family
West	Residential	PD	Water



Staff Comments:

- The proposed variances have been reviewed by Chagrin River Watershed Partners (letter date January 11, 2016) and the applicant has agreed to recommendations with the exception of variance #3.
- The proposed variances are:
  - 35' variance – reduced to 25'
  - 35' variance – reduced to 25'
  - 40' variance – reduced to 25'
  - 25' variance – modifications had been made to reduce impacted area.
  - 25' variance – modifications had been made to reduce impacted area.
  - 55' variance – modifications had been made to reduce impacted area.
  - 25' variance – modifications had been made to reduce impacted area.
  - 60' variance – modifications had been made to reduce impacted area.
- Planning Commission may grant wetland setback variances under the conditions stated in Section 1157.07.
- In determining whether there is unnecessary hardship with respect to maintaining the wetland setback as established in this regulation such as to justify the granting of a variance, the Planning Commission shall consider:
  - The potential harm or reduction in wetland functions that may be caused by a proposed activity; The applicant has reduced the originally proposed variances.
  - If the applicant has demonstrated a hardship beyond economic considerations and not created by his or her prior activities on the property such as lot splits; and,
  - If the variance requested is the minimum that would alleviate the hardship.
- The Planning Commission may not authorize any activity in a Zoning District other than those authorized in the Zoning Code;
- Variance shall not be void if not implemented within one (1) year of the date of issuance; if the variance is part of a site plan or subdivision application currently being processed, the variance shall be valid until the site plan process is concluded;
- In making a determination under this regulation, the Planning Commission may consider the following:
  - The natural vegetation of the property;
  - The percentage of the parcel that is in the 100-year floodplain. When granting a variance in the 100-year floodplain, the Planning commission shall require the applicant to demonstrate that the proposed activity will cause no increase in the water surface elevation. The Director of Engineering may also require proposals from the applicant for on-site compensatory flood storage mitigation to compensate for impacts to the 100-year floodplain; The proposed variances are not within the designated floodplain.
  - The extent to which the requested variance impairs the flood control, erosion control, water quality protection, or other function of the wetland setback, watercourse, or wetland;

- The extent to which the applicant has demonstrated the use of stream and/or wetland mitigation within the City of Aurora to compensate for the loss of non-structural flood control, erosion control, and water quality protection functions as a result of the proposed impacts requested with the variance;
  - Any mitigation approved by this variance procedure shall first be in compliance with applicable Ohio EPA and U.S. Army Corps requirements;
  - The degree of hardship with respect to maintaining the wetland setback as established in this regulation, and the availability of alternatives to the proposed activity; and,
  - The extent to which soil-disturbing activities are proposed in such a fashion as to minimize clearing and erosion and to control sediment. The applicant has reduced the overall proposed area located within the requested setback variances.
- In granting a variance under this regulation, the Planning commission, for good cause, may impose such conditions that it deems appropriate to maintain the purposes of this regulation; and,
  - The Planning Commission is prohibited from granting a variance under this regulation if the applicant is able to obtain compliance with this Chapter through one or more variances from other provisions of the Zoning Code pursuant to Section 1139.03 of the Code, unless the applicant has applied to the Board of Zoning Appeals for variances and such variance requests have been denied.

Staff recommends approval of the amended variances with the following conditions:

1. Signage will be placed along the setback lines for each lot by the applicant and maintained by the homeowners association,
2. The applicant will re-vegetate all disturbed areas per recommendations from the City or its consultant and included in the improvement plans,
3. The applicant will produce educational material, including but limited to, wetland and riparian setback maintenance, the importance of wetlands, and wetland and riparian buffers for all property owners, and
4. The applicant will create language for the maintenance and inspection of wetlands, riparian and wetland setbacks shall be referenced on the plat and within the homeowner's association documents.

