City of Aurora
PLANNING COMMISSION
MEETING MINUTES
June 15, 2016

The Aurora Planning Commission met in a regularly scheduled meeting on Wednesday, June 15, 2016, in Council Chambers of Aurora City Hall. The meeting was called to order at 6:47 p.m. by Planning Commission Chairman Kathi Grandillo.

ROLL CALL:

Present: Peter French
Sarah Gilmore
Kathi Grandillo
Dennis Kennedy

Absent: Laura Duguay

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

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

AMENDMENTS TO AGENDA & SUBMISSION OF SUPPLEMENTAL INFORMATION

MOTION: To accept three documents for applications 1605009, 1606011, and 1606012 and the attorney letter for applications 1605007 and 1605008 as supplemental information submitted this evening

Mr. Kennedy moved; Mrs. Gilmore seconded, and the motion carried, 4-0, on a roll call vote.
Yeas: Mr. Kennedy, Mrs. Gilmore, Mr. French, Mrs. Grandillo
Nays: None

APPROVAL OF MINUTES:

MOTION: To approve the public hearing minutes of May 18, 2016, as submitted

Mrs. Gilmore; Mr. French seconded, and the motion carried, 4-0, on a roll call vote.
Yeas: Mrs. Gilmore, Mr. French, Mr. Kennedy, Mrs. Grandillo
Nays: None

MOTION: To approve the meeting minutes of May 18, 2016, as submitted

Mr. Kennedy moved; Mr. French seconded, and the motion carried, 4-0, on a roll call vote.
Yeas: Mr. Kennedy, Mr. French, Mrs. Gilmore, Mrs. Grandillo
Nays: None

AGENDA ITEMS:

C. Jarvis Insurance Agency, 49 E. Garfield Road – CZC / Transfer of Existing CZC (1606013)

The president of C. Jarvis Insurance Agency, Kimberly Jarvis, 1268 Surfside Court, Aurora, Ohio, was present to answer questions. The applicant is requesting the transfer of the existing conditional zoning certificate (CZC) to the new owner of the property at 49 E. Garfield Road, which is in a T-1 Transitional Commercial Service District.

Ms. Jarvis explained that the previous owners, Mr. and Mrs. Mario Liuzzo, had originally been granted a CZC in 1997 for office use at 49 E. Garfield Road. Her company has recently purchased the property and she is requesting a transfer of the CZC to C. Jarvis Insurance Agency Inc. which is an international equine related insurance agency. This location will be used as their primary office and the agency will have fifteen employees.

Mr. French wanted to know where their office is currently located. Ms. Jarvis stated that they have been in Solon for the past twenty-five years.

Mr. Kennedy asked whether or not the conditions listed on the original CZC would need to be updated. Mrs. Januska stated that the use and the conditions are the same and will just transfer to the new owner. She then recommended approval of the transfer.

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

MOTION: **To approve the transfer of the conditional zoning certificate to C. Jarvis Insurance Agency Inc.**

Mrs. Gilmore moved; Mr. Kennedy seconded, and the motion carried, 4-0, on a roll call vote.
Yeas: Mrs. Gilmore, Mr. Kennedy, Mr. French, Mrs. Grandillo
Nays: None

Findings of Fact – Capital L Corp., East Mennonite & Page Road, Zoning Amendment (1509022)

Mr. DePiero explained that whenever an application is denied, it is important to adopt a Findings of Fact in the event that the Commission's decision is challenged. In this particular case, the Commissioners voted to deny Capital L Corporation's application to rezone property from I-1 manufacturing to M-1 mixed use on May 18, 2016, and the Findings of Fact document was submitted to the members for their approval.

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

MOTION: **To approve the Findings of Fact for application #1509022 by Capital L Corporation**

Mr. Kennedy moved; Mr. French seconded, and the motion carried, 4-0, on a roll call vote.
Yeas: Mr. Kennedy, Mr. French, Mrs. Gilmore, Mrs. Grandillo
Nays: None

ELM Investment Trust, North Chillicothe Road – 50' Wetland Setback Variances (A) (1606011) & (B) (1606012)
ELM Investment Trust, North Chillicothe Road – Revised Preliminary Site Plan (commercial center) (1605009)

The developer, Sam Cannata, ELM Investment Trust Ltd., 30799 Pinetree Road, Pepper Pike, Ohio, was present for the discussion. The applicant is seeking two wetland setback variances and a preliminary site plan approval for a retail shopping center on property located between 50 and 108 North Chillicothe Road across from Barrington Town Square. This property is in a C-2 Commercial Shopping District.

Mrs. Grandillo commented that the Commission just held a public hearing and heard the applicant's presentation. She asked the applicant for any additional comments.

Mr. Cannata spoke about the comments at the public hearing and he hoped to work together with the residents to mitigate their concerns. He wanted to emphasize that he intends to preserve the wetlands and the stream and maintain a buffer between this commercial development and the Oaks of Aurora subdivision.

Mrs. Grandillo wanted to know how much green space would be between this project and the Oaks of Aurora. Mr. Cannata stated that there will be about 4.5 acres of green space between them. Also, Mrs. Januska pointed out that that a majority of this green space is in a conservation easement which backs up to Royal Oak Drive.

Mr. French wanted to know how long the property has been zoned commercial. Mrs. Januska stated that it has been zoned commercial since 1977.

Mr. French asked whether or not these variance requests would be reviewed by the Chagrin River Watershed Partners (CRWP). Mrs. Januska stated that as soon as the applicant submits the ORAM scores and the full wetland delineation, these variance requests will be reviewed by CRWP.

Mr. Kennedy wanted to know whether all of the existing wetlands would be preserved. Mr. Cannata stated that the site consists of two acres of wetlands of which .48 acres would be impacted and would require a permit from the Army Corps of Engineers. The remaining 1.52 acres would be undisturbed.

Mr. Kennedy said that he lives in the Oaks of Aurora and wanted more information about the buffer between this proposed development and his subdivision. Mr. Cannata said that the buffer would consist of the preserved wetland area to the east and the portion of the property that is in the conservation easement. He did not think that the easement was currently being maintained and he intends to re-establish the conservation easement and make sure that it was properly maintained.

Mrs. Gilmore wanted to know exactly where the conservation easement was located. Mr. Cannata said that the easement consists of 3.76 acres on the eastern portion of the property and backs up to Royal Oak Drive.

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

Robert Talenda, 99 Royal Oak Drive, was opposed to this project. He thought that the project could be reconfigured in such a way that variances would not be required.

Robert Hicks, 58 Glenview Drive, was concerned that de-icing chemicals would be used in the parking lots during winter months and would have a harmful effect on the wetlands. He also had a problem with the potential increase in storm water runoff from this property.

Ken Maas, 106 Royal Oak Drive, spoke of his concerns about the lighting and how it would negatively impact the Oaks subdivision. He wanted the developer to add a buffer, such as a landscaping mound or fencing, along Royal Oak Drive which would block some of the light pollution.

Linda Sieber, 104 Royal Oak Drive, wanted to know what environmental permits have been granted for this project.

Loretta Stephan, 102 Royal Oak Drive, wanted to know whether the category of the wetland area has been determined. She believed that the property had Category 3 wetlands which require a larger setback.

Deb Conti, 234 S. Chillicothe Road, expressed concerns about all of the impervious surface and the potential increase in storm water runoff onto adjacent properties.

Sandy Borcoman, 91 Royal Oak Drive, has experienced excessive flooding of her property and she was concerned about increased storm water runoff.

George Mazzaro, 186 Eldridge Road, was opposed to any wetland setback variances. He believed that the developer should consider other options which would not impact the wetlands or the wetland setbacks.

Frank Schenck, 101 Royal Oak Drive, commented about the conservation easement and how it was established to protect the wetlands. He said that the wetlands were an important part of the ecological system and he urged the members to walk the site and see the wetlands for themselves.

Mr. Cannata provided some additional information in response to the public comments. He pointed out that other options for this project have already been addressed by shrinking the development down from where it could be. He noted that this proposal only builds on 4.5 acres of the 9 acres available, preserves the majority of the wetlands, and would re-establish the conservation easement. If the variances are granted, then more wetlands would actually be preserved otherwise some of the wetlands may have to be filled-in.

Regarding storm water runoff, Mr. Cannata stated that the development is not allowed to increase the amount of runoff that currently exists. His civil engineer has designed the project with three basins so water is retained on this property. The basins will also filter the water

before it goes into the wetlands. He commented that if there is excessive runoff and flooding currently in the Oaks subdivision, then the residents should have a civil engineer address those problems that already exist.

Pertaining to the wetlands and permits, Mr. Cannata stated that the Army Corps of Engineers has issued a preliminary jurisdictional letter on the site. They are investigating the site and no permits have been issued yet. Also, he has hired a wetlands consultant to do a delineation and analysis of the site and it has been determined that the wetlands are Category 2. Additionally, a wetland scientist will be hired to confirm these findings and to do the ORAM study which is in accordance with the city requirements.

Mrs. Grandillo thanked Mr. Cannata for responding to some of the public comments. She thought it was good to have this type of dialogue. She noted that the applicant still needs to submit information about the wetlands and so the applications will just be accepted for study tonight.

MOTION: To accept the wetland setback variance requests for study

Mr. Kennedy moved; Mr. French seconded, and the motion carried, 4-0, on a roll call vote.
Yeas: Mr. Kennedy, Mr. French, Mrs. Gilmore, Mrs. Grandillo
Nays: None

MOTION: To accept the revised preliminary site plan for study

Mrs. Gilmore moved; Mr. Kennedy seconded, and the motion carried, 4-0, on a roll call vote.
Yeas: Mrs. Gilmore, Mr. Kennedy, Mr. French, Mrs. Grandillo
Nays: None

<u>Concord Ridge/East Pioneer Development LLC, East Pioneer Trail – Conditional Zoning Certificate Residential Conservation Development (1605007)</u>

<u>Concord Ridge/East Pioneer Development LLC, East Pioneer Trail – Preliminary Plan (The Preserve at Beljon Farms) (1605008)</u>

The developers, Rick and Greg Sommers of The Sommers Real Estate Group based in Chardon, were present to answer questions. They are proposing a residential development which would be located on the south side of Pioneer Trail and east of Eldridge Road in an R-2 residential zoning district. The developer is seeking both a conditional zoning certificate (CZC) for a residential conservation development (RCD) and a preliminary plan approval.

Rick Sommers wanted to address the two applications separately. Regarding the CZC request, he said that all the city requirements have been met and he was seeking approval tonight. He then spoke about the preliminary plan and said that they were still working on some issues such as the water line and the conservation easement. He asked the members to defer any action on the preliminary plan until those issues were resolved.

Mrs. Grandillo pointed out that the preliminary plan could be discussed this evening, but there

would be no action tonight since it is still being studied by staff and the Commissioners.

Mr. Kennedy commented about the list of outstanding items that have to be addressed on the preliminary plan. Mrs. Januska stated that although some of the items on that list will actually be required for the final plan, she wanted the developer to be aware of the requirements.

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

Kim and Patrice Schaefer, 640 E. Pioneer Trail, read their attorney's letter which was submitted this evening to the members. The attorney wanted the members to be aware of the unreasonable burden placed upon his clients because the proposed location of the ingress/egress would interfere with their driveway. They also had concerns about the increase in the amount of traffic on Pioneer Trail.

Jim Myers, 634 E. Pioneer Trail, stated that he shares a driveway with the Schaefers and he was also concerned about the proposed location of the ingress/egress. He also spoke about the potential increase in storm water runoff onto his property.

George Mazzaro, 186 Eldridge Road, was opposed to this project because of the problems it will create for adjacent property owners. He said that there were too many homes being proposed and the development will increase storm water runoff, flooding and traffic congestion.

Sean O'Driscoll, 644 E. Pioneer Trail, stated that the civil engineer marked the property with survey pins and he wanted to know what they were for. Mr. Sommers said that he would have to visit the site in order to make a determination.

Deb Conti, 234 S. Chillicothe Road, had some questions about the Schaefers' driveway issue and wondered whether the homeowners would be reimbursed for the unreasonable burden of the proposed ingress/egress.

Mr. DePiero wanted to clarify a couple of issues. Regarding the Schaefers' driveway, he said that there is approximately 300 feet of a dedicated paper street off of Pioneer Trail and the driveway easement is within that legally dedicated right-of-way. He also said that the city is under a consent judgment entry to allow 78 homes and so the judgment entry is written very clearly as to what the city has to approve. Although there is a judgment entry, the development must still comply with the city codes, particularly with storm water management.

Rick Sommers wanted to address some of the resident comments. He said that the 300 feet of driveway, which was constructed within a public right-of-way, will become a road that includes curbs, gutters, and drains and will meet all the city's requirements. Basically, what will happen is that the Schaefers' driveway will move back 300 feet to what is their actual property line. Regarding storm water runoff, he said that the final engineered plans will be designed to comply with all the city regulations for storm water management.

Mrs. Gilmore had some questions about storm water management in general. Mr. Czekaj explained that every development is required to give the city a storm water maintenance and

inspection agreement which identifies the party responsible for the maintenance. Basically, the city would receive a maintenance report on a regular basis and if there are any problems, then it is usually the responsibility of the homeowners association to fix the problems.

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

MOTION: **To forward the conditional zoning certificate for a residential conservation development to City Council with a positive recommendation**

Mr. Kennedy moved; Mr. French seconded, and the motion carried, 4-0, on a roll call vote.
Yeas: Mr. Kennedy, Mr. French, Mrs. Gilmore, Mrs. Grandillo
Nays: None

MISCELLANEOUS:

Town Center Overlay District

Mrs. Januska stated that the Landmark Commission was still reviewing the information and so there really was nothing new to report.

Mrs. Grandillo thought it was a good idea for Landmark to take their time before making any final recommendations.

ADJOURNMENT:

Mr. French moved to adjourn at 8:04 p.m.; Mrs. Gilmore seconded, and the motion carried, 4-0, on a roll call vote.
Yeas: Mr. French, Mrs. Gilmore, Mr. Kennedy, Mrs. Grandillo
Nays: None

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Kathi Grandillo, Chairman Corinne Craine, Clerk