

**CITY OF AURORA  
PLANNING COMMISSION  
MEETING MINUTES  
March 4, 2020**

The Aurora Planning Commission met in a regularly scheduled meeting on Wednesday, March 4, 2020, in the Council Chambers of Aurora City Hall. The Planning Commission Chairman Kathi Grandillo called the meeting to order at 6:30 pm.

**ROLL CALL:**

Present: Peter French  
Kathi Grandillo  
Jim Maulis  
Absent: Laura Duguay  
Sarah Gilmore  
Also Present: Denise Januska, Director, Planning, Zoning & Building Division  
Justin Czekaj, City Engineer  
Dean DePiero, Law Director  
Marie Lawrie, Secretary

Dean DePiero swore in those in attendance who wished to speak.

**SUBMISSION OF SUPPLEMENTAL INFORMATION**

None

**AMENDMENTS TO THE AGENDA**

None

**APPROVAL OF MINUTES**

**MOTION: To adopt the minutes of the February 19, 2020 meeting, as submitted**

Mr. French moved; Mr. Maulis seconded, and the motion carried 3-0 on a roll call vote.

Yeas: Mr. French, Mr. Maulis, Ms. Grandillo

Nays: None

**AGENDA ITEMS**

**Brandon Flesher – (03-019-00-00-033-001) S Bissell Road – Lot Split (2002005)**

Brandon Flesher, 12476 Bent Brook Road, Chesterland, Ohio attended to represent the project. He was seeking approval of a lot split on South Bissell Road, which would create two separate parcels. He stated that there is a purchase agreement in place. He plans to build a home on one of the lots and sell the other lot. He further stated that he has had the soil tested and the county has approved septic systems for both lots. He said that city water was available for each parcel. He also informed the commission that he has consulted with an engineer pertaining to the stream on the property and designed the lots to accommodate four bedroom homes at appropriate setbacks.

Ms. Grandillo asked the members for their comments and questions. Mr. French asked if the city would need to approve the driveways for these properties based on a line of sight. Mr. Flesher stated that each parcel would have a frontage of 250 feet. He plans to construct the driveways on the northern side of each new lot. Justin Czekaj, the

City Engineer stated that this would be reviewed in a future step in the process. Mr. Maulis asked which lot Mr. Flesher planned to build his home on. The answer was that the applicant is undecided at this time.

Ms. Grandillo opened the floor for public comment. There was none.

**MOTION: To approve the minor subdivision (lot split) for (03-019-00-00-033-001) S Bissell Road (2002005).**

Mr. French moved; Mr. Maulis seconded, and the motion carried 3-0 on a roll call vote.

Yeas: Mr. French, Mr. Maulis, Ms. Grandillo

Nays: None

At this time, Ms. Grandillo stated that with (3) Planning Commission members present for this meeting, a unanimous vote would be necessary for approvals. She further stated that if any applicant preferred to have their project postponed until the next meeting in two weeks, they could simply let her know that.

Elm Aurora LTD (The Greens of Aurora) – N Chillicothe Road – 30,400 sf Retail Space - Final Site Plan (1808032)

Sam Cannata, developer and Sam Suhail, engineer for Elm Aurora Ltd attended the meeting. They were seeking the approval of Planning Commission to develop a 30,400 square foot retail space on North Chillicothe Road. The site plan shows (5) buildings and parking. Mr. Cannata stated that the civil engineering and the wetland delineations were complete. He explained that his traffic impact study called for a traffic light at the entrance to his retail space that would line up with the State Route 306 entrance for Barrington Towne Square. There will also be a "right turn only" entrance/exit on the northern part of the project.

Ms. Grandillo asked how people would access building number five. The answer was that there would be one main entrance. She asked if that building would be located behind the small apartment building that exists currently on North Chillicothe Road. That was confirmed.

Ms. Grandillo asked the members for their questions and comments. Mr. Maulis asked if there would be access from State Route 82. Mr. Cannata reached out to the owner of properties along State Route 82 to inquire about an easement. The party was not interested in allowing an easement. When asked if all (5) buildings would be erected at one time, Mr. Cannata stated that the first steps are to clear the trees and prepare for the infrastructure. Mr. Cannata explained that once he has a tenant, he would start construction on that particular building. He also said that if a building develops into a multi-tenant building, he would begin construction on that building once he has the first tenant.

Mr. French stated that at the last meeting there was a question of what the signs posted in front of the job site said. He wanted to confirm that those signs say "available" and not "for sale."

Ms. Grandillo asked for public comment.

Loretta Stephan, 102 Royal Oak Drive, Aurora attended the meeting. She stated that the green space to be developed serves a purpose. She said that it is an important watershed and this upsets her. She suggested that there are other properties available that do not have green space on them. She was concerned for the 100 year old trees on the site. She finally stated that there are other vacant commercial spaces available at this time and it seems idiotic that Aurora would approve this.

Ms. Grandillo asked Ms. Januska to confirm that there is a conservation area planned for this project. Ms. Januska did confirm that there is an existing, recorded easement of 3.78 acres located across the entire back portion of the property.

Deb Conti, 234 S. Chillicothe Road, Aurora attended the meeting. She inquired about how many feet the “right only” exit is from the driveway at 108 N. Chillicothe Road. She also expressed concern about a pipe that runs under State Route 306 to a ditch. She asked for an explanation of the process used to make sure that the water from the pipe will not create more wetland for anyone on that side of road. She lastly asked what process is used after construction to make certain that the flow of drainage does not increase.

Mr. Czekaj could not answer the question about the distance between the driveways. He stated that there is strict criteria in place for stormwater management. He further stated that a Maintenance and Inspection Agreement would be in place to require routine inspections of that stormwater management system. It would require remediation, if necessary to ensure the system is compliant with current standards.

Mr. Suhail stated that the northern driveway would be located more than 100 feet from the “right only” egress. He further stated that the pipe in question is completely bypassing his development and they would not be adding any drainage to that area. He stated that their stormwater management plan would direct all of the water from their development into their own retention basins. He lastly stated that any development done properly would actually alleviate existing water problems.

Ms. Grandillo asked if there was a conservation area along the northern portion of the site. The answer was yes with a 50 foot setback line, as well as a 25 foot wetland and riparian setback in place. (See the Utility Plan attached.)

**MOTION: To approve the final site plan for Elm Aurora Ltd. (The Greens of Aurora) – Commercial Retail Space - N. Chillicothe Road (1808032), with the conditional that an independent surveyor verify clearing limits during tree clearing and site preparation**

Mr. French moved; Mr. Maulis seconded, and the motion carried 3-0 on a roll call vote.

Yeas: Mr. French, Mr. Maulis, Ms. Grandillo

Nays: None

Breezy Point Limited Partnership (Iris Place), N. Aurora Rd (03-009-00-00-001-000) – CZC – Multi-Family in Mixed-Use (1911023)

Rob Benjamin, of Breezy Point Limited Partnership attended the meeting. He was seeking a conditional zoning certificate to allow a multi-family use within the mixed-use zoning. He plans to erect 16 units on the property. He said that he has a builder in place and would like to get approval on the use so he can move forward with the planning and engineering portions of the project.

Ms. Grandillo asked the members for their questions and comments.

Mr. French asked for confirmation that ProBuilt Homes would be working with Mr. Benjamin. The answer was yes. Mr. French stated that the use is what was on the agenda for this meeting. He asked if ProBuilt expects to build exactly 16 units. Mr. Benjamin confirmed that the plan is to build that many units, plus or minus one.

Mr. French stated that he researched ProBuilt Homes online and asked if the Creekside Farms development in Mentor was similar to what they intend to construct with this project. The answer was that he believes that is what it would be tailored to, but he would not be quoted on that. Mr. French asked what the target audience would be.

Mr. Benjamin stated that it would be empty nesters with mostly ranch designs with a few two-story units. He expected the units to sell for \$400,000.00. Mr. Benjamin stated that he has many steps to go before this is final. He will need to complete the preliminary plan, all the engineering and the final plat. He will need to go before Architectural Board of Review as well. Mr. French stated that he asked this question, because he noticed room on the Creekside Farms lots for play equipment and green space within the development and he did not see that there would be any room for green space on this project site. Mr. Benjamin stated that the development would have retention basins and nice landscaping. He further stated that it would back up to the Barrington subdivision, which is very nice. He would try to incorporate a deck or a gazebo. He clarified that Heritage Development would develop the site, and not ProBilt. Mr. French inquired about the wetlands on the property and asked if he planned to fill that in. Mr. Benjamin stated that he has a Jurisdictional Determination (JD) letter from the U.S. Army Corps of Engineers that allows him to fill in a portion of that wetland. He wants to limit the impact to the wetlands. He also stated that part of that wetland area would be used for retention for the Barrington subdivision as well.

Ms. Grandillo asked Mr. Benjamin to confirm whether he had a permit from the U.S. Army Corps of Engineers to fill part of the wetlands. Mr. Benjamin explained that he has a "JD" letter, which he said means that they agree with the plan of mitigation submitted by Mr. Benjamin's wetland consultant. He further stated that this represents the first step in the process of working through this project. The very first step is to seek approval for the conditional zoning certificate to allow this area to be developed residentially.

Mr. Maulis asked for confirmation that a public hearing was held for this project. It was confirmed that a public hearing was held November 20, 2019.

Ms. Grandillo asked for public comment. There was none.

**MOTION:** To forward to City Council with a positive recommendation, the Conditional Zoning Certificate only for Breezy Point Limited Partnership (Iris Place) to allow multi-family in mixed use (1911023) with the following conditions: an exception to the 10-acre development requirement, that the Architectural Board of Review evaluate each unit under the similarity guidelines, a wetland delineation is required, and a wetland setback variance is needed and will be reviewed separately

Mr. French moved; Mr. Maulis seconded, and the motion carried 3-0 on a roll call vote.

Yeas: Mr. French, Mr. Maulis, Ms. Grandillo

Nays: None

Hawthorn of Aurora – Revised Development Plan , (2002007)

Hawthorn of Aurora – Phase 6 – Riparian and Wetland Setback Variances (2002006)

Hawthorn of Aurora – Phase 6 – 52 lots, Nancy-Joseph-Reid's Way- Bluebird – Final Plat (2002004)

Ms. Grandillo stated that these (3) items would be discussed at the same time, and voted on separately.

Mark Constantino, of Hawthorn of Aurora attended the meeting. He was seeking approval on the revised development plan for the subdivision. He was seeking approval on the riparian and wetland setback variances needed to develop this phase, and approval of the final plat for phase 6. Ken Hejduk, of Hejduk-Cox & Associates was also in attendance.

Mr. Constantino stated that he has the approval of the U.S. Army Corps of Engineers. He explained that this phase will connect Joseph Drive to Nancy Drive, and Nancy Drive will extend onto Aurora Lake Road. He stated that there will be (3) retention ponds on the project.

Ms. Grandillo asked the members for their questions and comments. Mr. French explained that an updated approval is required for the subdivision whenever there is a change requested for any phase of the development. Mr. French stated that the development plan has been changed several times since 1979, with this revision showing a decrease in the number of lots since the last approval in 2016. He asked what has led to this decrease. Mr. Constantino stated that many things contributed to this decrease including the lot sizes and retention for wetlands. Mr. French inquired about the estimated time for the build-out of the subdivision. Mr. Constantino said that it is impossible to predict. He stated that to get to this point in development for phase 6 has taken 2.5 years. He explained that the standards are continually being raised and the protection of the wetlands is increasingly more aggressive. He also stated the economy would play a factor in the answer. Mr. French asked if phase 7 would begin after phase 6 is complete, or possibly overlapping the development of phase 6. The answer was that it would depend on the demand.

Ms. Grandillo asked for public comment.

Deb Conti, 234 S Chillicothe Road was on hand to give public comment. Ms. Conti asked for clarification from Ms. Januska about the recording of variances permitted by the Planning Commission on a particular sub lot. She wanted to know if that variance is listed on the deed to the property. The answer was no. The variances are shown on the plat that is recorded with Portage County. The variances must be marked in the field during construction. Also, the homeowner's association documentation would show the variances when the lot is sold.

Michelle Tyszka, 10133 N. Surfside Circle, Aurora Shores was in attendance. She had concerns for the health of the lake and the depth of the lake and channels.

Ms. Januska stated that a public hearing will be held on March 18, 2020.

Mr. Constantino addressed the public comment by stating that the water entering the channel has nothing to do with the development of Hawthorn. He stated that the water comes from Robinhood and Sherwood Roads, which have no retention basin. He further stated that no one is more concerned for the health of the lake than Hawthorn, as they are the largest stakeholder on the property. He explained that with the (3) basins for phase 6 included, there will be a total of (8) basins within Hawthorn, and that has been proven to be the most effective strategy in controlling stormwater. He suggested that Aurora Shores consider developing a basin on their side of the lake.

Emmanuel Viant, 955 Sweet Grass Circle attended the meeting. He asked if lot number 323 was located in a wetland and if the developer would be permitted to construct homes in that area. He stated that there are major settling issues within the Hawthorn subdivision and the house that he owned previously in the subdivision has such an issue. He also inquired how the silt would be managed during construction.

Kevin McNamara, 1175 Surfside Circle was in attendance. He asked that in terms of granting a variance, what constitutes an undue hardship.

Mr. Constantino addressed the public comment. He explained that when you develop in such a way as to avoid the wetlands, it creates a need for variances in the setback areas. He further stated that the standards of the City of Aurora are stricter than the U.S. Army Corps of Engineers.

Tara Santilli, 1192 Surfside Circle, was in attendance. She had concerns for the health of the lake and also for the birds, ducks, and the Bald Eagles that she sees in the area. She mentioned that driving down Aurora Lake Road she noticed construction trash and silt on the side of the road where the trees have been cleared.

Brian Carr, 935 Sweet Grass Circle attended the meeting. He stated that his property is subject to uncontrolled run-off water from elevations higher than his within the Hawthorn subdivision. He stated that the ALA committee has completed a study to address issues with silt. This plan includes silt traps. He stated that with (5) basins in place and (3) basins to be installed, there is still a problem with silt. He asked the Planning Commission to invite the ALA to give a presentation of the plan and to work with them to contain the additional silt from construction to minimize the damage to the lake before it happens.

Mr. Constantino addressed the public comments. He stated that the watershed of Aurora Lake is approximately 3,000 acres and Hawthorn is less than 1/3 of that acreage. He said that new construction is not the issue with sediment within Aurora Lake. He further stated that new construction is following all the prescribed rules and procedures. He said that he works very closely with the ALA organization and if you asked the principals of that organization, they would give you a different statement. He stated that other groups within the watershed are not following the rules.

Michelle Tyszka, 10133 N. Surfside Circle asked to speak a second time. She stated that she is a realtor in the area. She stated that (2) new developments have been constructed in the area within the last 10 years, which has significantly contributed to flood levels, including flooding roads and water flooding into the homes. She stated that (2) of the developed areas were approved in the 1960's and the 1970's. She stated that the homes on Robinhood and Sherwood Drive sell for \$150,000.00 at the most and without a homeowner's association, who would be responsible to install stormwater basins. She further stated that there is no available space to create those basins. She asked that new development take that into account, so their project does not affect established areas. She stated that the more trees that come down, the more water that comes into her neighborhood.

Ms. Januska addressed some of the public comments. Speaking to the comment about the unnecessary hardships, the Aurora Codified Ordinances address those hardships in detail and how they need to be met. The developer will be required to comply with the code and provide the necessary answers.

Ms. Januska addressed the southern area near Sweet Grass Circle that was of concern to the public. She stated that at this time, that area is not being proposed to be developed. It is shown on the overall development plan, which needs to be revised and brought back to the Planning Commission for an updated approval whenever a change is made to any phased development.

Ms. Grandillo suggested the public look at Aurora Codified Ordinance, Section 1157.07 for more detailed answers, which can be accessed through the city website. She further explained that this project would be subject to several stages of review, including the public hearing on March 18, 2020. She invited everyone to come back.

Hearing no further comments, Ms. Grandillo closed public comment.

**MOTION: To accept for study the Hawthorn Revised Development Plan (2002007)**

Mr. French moved; Mr. Maulis seconded, and the motion carried 3-0 on a roll call vote.

Yeas: Mr. French, Mr. Maulis, Ms. Grandillo

Nays: None

**MOTION: To accept for study Hawthorn of Aurora, Phase 6 – Riparian and Wetland Setback Variances (2002006)**

Mr. French moved; Mr. Maulis seconded, and the motion carried 3-0 on a roll call vote.

Yeas: Mr. French, Mr. Maulis, Ms. Grandillo

Nays: None

**MOTION:** To accept for study Hawthorn of Aurora, Phase 6 – 52 lots, Nancy-Joseph-Reid’s Way-Bluebird – Final Plat (2002004)

Mr. French moved; Mr. Maulis seconded, and the motion carried 3-0 on a roll call vote.

Yeas: Mr. French, Mr. Maulis, Ms. Grandillo

Nays: None

**MISCELLANEOUS**

None

**ADJOURNMENT**

**MOTION:** To adjourn the meeting at 7:38 p.m.

Mr. French moved; Mr. Maulis seconded, and the motion carried 3-0 on a roll call vote.

Yeas: Mr. French, Mr. Maulis, Ms. Grandillo

Nays: None

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Kathi Grandillo-Chairman

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Marie Lawrie– Secretary



PREPARED FOR  
**ELM AURORA LTD.**  
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 S.M.P. CANADA

THE GREENS OF AURORA  
**FINAL PLAN #**  
 UTILITY PLAN

NO.	DATE	BY	REVISIONS
1.	10-01-2018	SH	REVISED AS PER CITY COMMENTS DATED 8-23-2018.
2.	07-15-2019	FA	REVISED AS PER CITY COMMENTS DATED 5-6-2019.
3.	09-12-2019	FA	REVISED AS PER CITY COMMENTS DATED 7-30-2019.
4.	02-03-2020	FA	REVISED AS PER CITY COMMENTS DATED 01-09-2020.

**SUHAIL A/E**  
 6325 Cochran Road, Suite 6A, Solon OH 44139  
 Ph.: (800) 660-4291 Fax: (800) 660-7831

20160123  
 C-004

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BENCH MARK  
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 N 604759.23; E 2265962.30  
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MARKS SHOWN HEREIN TO BE IN ACCORDANCE WITH THE CITY OF AURORA

NOTE: ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED