

**CITY OF AURORA
PLANNING COMMISSION
MEETING MINUTES
AUGUST 15, 2018**

The Aurora Planning Commission met in a regularly scheduled meeting on Wednesday, August 15, 2018, in the Council Chambers of Aurora City Hall. The meeting was called to order at 6:31 p.m. by the Planning Commission Chairman Kathi Grandillo.

ROLL CALL:

Present: Laura Duguay
 Peter French
 Sarah Gilmore
 Kathi Grandillo
 John Kokinchak

Also Present: Denise Januska, Director, Planning, Zoning & Building Division
 Justin Czekaj, City Engineer
 Dean DePiero, Law Director
 Jack Burge, Director, Economic & Entrepreneurial Development
 Marie Lawrie, Commission Clerk

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

AMENDMENTS TO THE AGENDA

MOTION: To move the Preserve at Beljon Farms to the top of the agenda items

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

Yeas: Mr. French, Ms. Duguay, Ms. Gilmore, Ms. Grandillo, Mr. Kokinchak

Nays: None

SUBMISSION OF SUPPLEMENTAL INFORMATION

MOTION: To accept an email from Council President George Horvat pertaining to the Preserve at Beljon Farms wetland setback variances

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

Yeas: Mr. Kokinchak, Ms. Duguay, Mr. French, Ms. Gilmore, Ms. Grandillo

Nays: None

APPROVAL OF MINUTES

MOTION: To adopt the minutes of the August 1, 2018 public hearing, as submitted

Ms. Duguay moved; Ms. Gilmore seconded, and the motion carried 4-0-1 on a roll call vote.

Yeas: Ms. Duguay, Ms. Gilmore, Mr. French, Ms. Grandillo

Nays: None

Abstention: Mr. Kokinchak

APPROVAL OF MINUTES

MOTION: To adopt the minutes of the August 1, 2018 regular meeting, as submitted

Ms. Gilmore moved; Mr. French seconded, and the motion carried 4-0-1 on a roll call vote.

Yeas: Ms. Gilmore, Mr. French, Ms. Grandillo, Ms. Duguay

Nays: None

Abstention: Mr. Kokinchak

AGENDA ITEMS

The Preserve at Beljon Farms, Beljon Lane & E Pioneer Trail – Wetland Setback Variances – Phase 2 & 3 Various sub lots and ponds (1807030)

The Preserve at Beljon Farms, Beljon Lane & E Pioneer Trail – Final Plat of Phase 2 & 3 (sublots 27-78)(1803013)

Ms. Grandillo announced that both of these items would be discussed at once.

Brad Piroli, of Pulte Homes, 387 Medina Road, Medina, Ohio 44236 was present to discuss the applications. In attendance with Mr. Piroli were Travis Coyne, Civil Engineer of Donald Bohning & Associates, as well as Dale Markowitz of Thrasher, Dinsmore, & Dolan. Brad Piroli gave a brief overview that explained that the preliminary site plan was approved in August 2016. A settlement agreement regarding an access road was executed between 4 parties including Pulte Homes, Mr. Myers, Mr. and Mrs. Schaefer, and Mr. Beljon in 2017. This settlement caused a change in the overall plan for phase 2 & 3. The revised preliminary plan was approved by Planning Commission November 1, 2017. On March 21, 2018, the final site plan was accepted for study. Pulte Homes has spent time working on a plan to accommodate the setbacks as much as possible. He was seeking variances on 16 sub lots and 2 retention ponds. He asked the members to consider the settlement a hardship.

He further stated that Pulte Homes has been a good corporate citizen and responded quickly to city concerns and entryway landscaping issues. Their plan was stated to exceed city requirements for storm management and they have relocated a concrete washout basin in response to the public hearing comments.

Mr. Piroli explained that he answered questions from the public hearing during the regular meeting on August 1 2018. He stressed that Pulte Homes will not be impacting anymore wetlands than what was originally permitted by the Army Corps. He was seeking approval for encroachments that represent the difference between the 2007 consent verses today's current code adopted in 2014.

Travis Coyne, 7979 Hub Parkway, Valley View, Ohio gave additional comments based on the August 9, 2018 letter from the Chagrin River Watershed Partners. He stated that letter had 5 statements included.

Mr. Coyne addressed comment #2 which recommended that the developer consider infiltrative practices to reduce the size of the retention ponds. They considered this practice but could not implement it due to soil conditions. He stated that the soil was a silty loam, which would not work well with infiltration. He stated that bioretention and infiltration systems were not suitable for his project. His plan with detention and retention ponds would do a better job managing large storm events. He explained that bioretention and infiltration basins are usually suited for smaller sites. His design will reduce the 100 year storm event by 51%.

Mr. Coyne addressed comment #4 which was regarding the transfer of responsibility after final stabilization. CRWP's concern was specific to native plantings. He stated that there would be no temporary encroachments on

the lots themselves. He further stated that Pulte Homes would ensure that native plantings were in place before transferring responsibility to the HOA.

Mr. Coyne addressed comment #6 which recommended that the temporary encroachment areas be marked on the site plans and in the field. He revised the subdivision plat. In the field there will be signs that are staked by a surveyor. Fechko Excavating will install the signs according to the plan.

Mr. Coyne addressed comment #7 which recommended that the developer produce a planting and maintenance plan that more accurately reflects the pre-development native vegetation and also addresses invasive species management. CRWP offered to provide a list of suggested native species. Mr. Coyne stated that his seed mix came directly from the ODOT manual for low growth. He felt it was an appropriate seed mix. He was not opposed to considering a different seed mix as long as it was of a similar cost.

Mr. Coyne addressed comment #8 which stated that it reviewed and found the proposed signage acceptable. CRWP recommended clarification on who would be installing the signs. CRWP also offered to assist the city with sign placement inspections. Mr. Coyne stated that Fechko Excavating would do the installation and did not think that help from CRWP would be necessary.

Ms. Grandillo asked the commissioners for further comments or questions.

Mr. Kokinchak referenced comment #7 and asked if Pulte Homes would produce a planting and maintenance plan and who would be responsible to ensure that the plan is followed. Mr. Coyne responded that he revised his plans to include some additional maintenance instructions. He would include that information in the subdivision agreement with the post construction maintenance instructions for the ponds. He further stated that Pulte Homes would be responsible to follow those instructions until such time as the site is turned over to the HOA. Ultimately the HOA will be responsible thereafter.

Ms. Grandillo stated that everything should be clearly defined in the agreement with the HOA. She stated that the Commission would want to review that document. Mr. Piroli stated that the HOA document was submitted with phase 1 but could be tied in to the development agreement. He stated that these are non-maintained areas. They must be established and thereafter would not be an ongoing financial obligation to the HOA. He further stated that there would be participation by Pulte Homes on the board until the last home transfers. The document will give all the history and explanation of the area.

Ms. Januska suggested that another step might be to add to the Inspection and Maintenance document verbiage that allows the city to step in and oversee, if necessary. Mr. Piroli was agreeable to that suggestion.

Ms. Gilmore visited the site. She asked for clarification on the staking and the boundaries, especially for the cul-de-sacs of Scarlett and William. Mr. Piroli gave an explanation of boundaries and tree clearing areas, including the waterline section. Mr. Piroli handed out 2 documents to demonstrate his explanation. He stated that there was 545 feet of woods between subplot 64 and the Hauptner residence.

MOTION: To accept the documents for consideration

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

Yeas: Mr. Kokinchak, Ms. Gilmore, Ms. Grandillo, Ms. Duguay, Mr. French

Nays: None

Mr. French asked for clarification pertaining to the drawing showing 545 feet of buffer in relation to the Hauptner Residence and the woods. He stated that it looks as if much of the woods are on the Hauptner's property. He asked what amount of wooded buffer would be left if the resident cleared their own trees. Mr. Piroli stated that approximately 100 feet of woods would remain. Mr. French asked for how much of the 100 feet of buffer would be cleared. Mr. Piroli referred to page 3 of the 34 page improvement plans. He explained that none of the trees in relations to the Hauptner residence would be cleared.

Mr. French also asked for confirmation that the storm water management plan will reduce current run-off by 98%. He asked for an explanation of how the water collected at that lower elevation will be piped up to Pond 3. Mr. Coyne explained that 7 catch basins on the western side of the property catch the water and move it along to Beljon Lane between sublots 57 and 58. Mr. Coyne also explained a mound that will provide screening for the backyards along the inside sublots of Beljon Lane. Mr. French questioned the elevation changes between the catch basins and pond 3 and how the water would travel. Mr. Coyne explained the changes in pipe size that would be needed to move the water along the system. He also explained the rate of discharge that would occur depending on the severity of the storm. Mr. Coyne also explained the flow of the discharged water to the unnamed tributary stream and on to the Aurora branch and on to the Chagrin River. Mr. Coyne verified that the water does not flow to the neighborhoods surrounding the job site, nor is it directed toward Sunny Lake.

Mr. French asked for clarification on whether residents would be granted occupancy before the encroachment areas are seeded. Mr. French was concerned that if residents move in before the areas are reestablished they might desire to do additional grading and/or erect accessory structures, such as sheds without knowing the boundaries. Mr. Coyne confirmed that would not be the case.

Mr. Kokinchak asked for more explanation of the storm water system. He asked about the elevation change between the first two catch basins. Mr. Coyne stated that the system matches the nature grade of the land. Mr. Kokinchak asked city staff about the design criteria for this area. Mr. Coyne stated that the system is designed for a 10 year storm. Mr. Czekaj, City Engineer stated that the code requires a 5 year design on storm sewers. He also stated that ponds are designed to handle up to a 100 year event.

Ms. Grandillo asked if the developer was willing to follow the suggestion of CRWP comment #6, which included staking the encroachment boundaries. Mr. Coyne confirmed that they were willing.

Ms. Duguay asked for further clarification on the CRWP comment #2 pertaining to using a bioretention system to replace the basins. Mr. Coyne explained that the suggested system is typically for smaller sites. With the concerns of flooding neighboring properties, the proposed design will catch the largest storm events. Retention ponds were a better design for this objective, in his opinion.

Mr. Czekaj explained that CRWP recommendation comment #2 asked the developer to consider bioretention. He stated that the developer seemed to have considered it. He further stated that the design does meet the city code. Ms. Grandillo asked Mr. Czekaj if he was satisfied with the submitted plan. He confirmed that he was.

Mr. Czekaj has consulted with CRWP about the ODOT seed mix suggested by the developer. The statement made by the developer pertaining to cost was not going to be a consideration. The Engineering Department will work with CRWP to determine the best seed mix to be planted. He asked for that stipulation to be added to the conditions of an approval.

Ms. Grandillo asked for public comment.

Deb Conti, 234 S. Chillicothe Road, was present to make comment. She had 2 different sets of plans. One set had more defined topographic information. She asked if sublots 66-67-68 were located on the wetlands that were filled in with approval. She stated that topography lines do not match and she suggested that pages from the original improvement plans be provided to the commissioners for further clarification of elevation changes. She mentioned that a 35 foot setback with a 20 foot buffer were marked.

Brian Pozniak, of 430 Regal Oakes, was in attendance to comment. He explained that his property is near a retention pond collecting water from Prestige Woods and Yorkshire Estates. This flows into a stream which leads to the Chagrin River. He expressed concern about flooding. He asked for assurance that he would not incur additional water from this development.

Mr. Coyne addressed this concern. He explained that his design with the 3-sided culvert does not impact the stream. His site discharges to that stream but is meeting all the city storm water requirements, all the EPA requirements, and would have no negative impact on the pond Mr. Pozniak mentioned.

Ms. Grandillo asked for clarification of where Mr. Pozniak lives. He was located behind sublots 54-55.

Mr. Piroli explained the differences between the 2 submissions that Ms. Conti mentioned in her comments.

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

Ms. Grandillo asked if anyone on the Planning Commission objected to voting on all the variances as one. There were no objections.

Ms. Januska gave her recommendation. She stated that staff and administration have recommended approval for the variances subject to all of the conditions of CRWP with the exception of comment #2. She further recommended following CRWP's recommended plant mix and not seeding with the ODOT mix. Her final recommendation was to include the planting and maintenance instructions in the Inspection and Maintenance Stormwater Document.

Mr. French asked for clarification that what they would be approving are the recommendations of CRWP and not the answers of Pulte Homes. Ms. Januska verified that they would be approving the recommendations of CRWP with the exception of comment #2. Mr. Kokinchak asked for clarification of who would be responsible to verify that the native vegetation has been planted. Mr. Czekaj stated that CRWP is willing to provide that service. Mr. Kokinchak requested that stipulation to be added to the conditions of approval. That was agreeable.

MOTION: To approve the Preserve at Beljon Farms, Beljon Lane & E Pioneer Trail – Wetland Setback Variances – Phase 2 & 3 Various sublots and ponds (1807030), subject to meeting the recommendations of the Chagrin River Watershed Partners with the except of comment #2, and to include the CRWP inspection for compliance

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

Yeas: Mr. French, Ms. Duguay, Ms. Gilmore, Ms. Grandillo, Mr. Kokinchak

Nays: None

Ms. Januska gave her recommendation on the Final Plat of Phase 2 & 3 of The Preserve at Beljon Farms, sublots 27-78. She stated that staff recommends approval now that the wetland variances have been approved with their conditions. She stated that all city departments were finished reviewing the submission.

MOTION: To forward a positive recommendation to City Council for the approval of The Preserve at Beljon Farms, Final Plat of Phase 2 & 3, sublots 27-78 (1803013)

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

Yeas: Ms. Gilmore, Mr. Kokinchak, Ms. Duguay, Mr. French, Ms. Grandillo

Nays: None

Thorncreek Winery, 155 Treat Road – Preliminary & Final Site Plan (1808031)

Matthew Wolf, Architect of Wolf & Maison, 1814 E. 40th Street, Cleveland, Ohio was in attendance to discuss the project. David Thorn, 155 Treat Road, property owner was also present. Mr. Wolf gave an overview of the addition. He described the present structure as a “Z” shape with a tent structure at the rear. A renovation of the existing building is planned, as well as an addition. The tent portion will be replaced with a structure. An addition with a basement and first and second floor is planned. Parking will be rearranged to accommodate circulation. Additional parking will be added to accommodate the larger facility. A new entry will be constructed over the existing steps.

Ms. Grandillo asked the membership if they had questions for the applicant. Ms. Duguay, Mr. Kokinchak, and Mr. French had none.

Ms. Gilmore asked for more information on the additional parking. Mr. Wolf stated that a small portion of the parking near the handicap area will be asphalt to assist entry to the facility. The circular section will be constructed of pavers. Mr. Thorn explained the goal is to keep the integrity of what makes Thorncreek special. He is seeking a casual and rustic atmosphere. A unique valet shed, the covering over the entrance and the asphalt area will address safety to patrons as they enter the establishment.

Ms. Gilmore asked if the current tent attached to the building is a part of the 11,000 square foot addition. Mr. Thorn stated that it is.

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

MOTION: To accept for study the Preliminary and Final Site Plan for Thorncreek Winery, 155 Treat Road – Addition (1808031)

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

Yeas: Ms. Gilmore, Mr. Kokinchak, Ms. Duguay, Mr. French, Ms. Grandillo

Nays: None

ELM Investment Trust Ltd (The Greens of Aurora), North Chillicothe Road – Final Site Plan (1808032)

In attendance to answer questions were Sam Cannata, Elm Aurora Ltd, 30799 Pine Tree Road, Cleveland, Ohio, as well as Sam Suhail, project engineer of 18405 May Court, Chagrin Falls, Ohio. Mr. Cannata gave an overview of the timeline of the project to date. He stated that he has secured permits from the EPA and Army Corps. He further stated that his plans have not changed since he received preliminary approval. He was seeking final approval so he can begin the project.

Ms. Grandillo asked the membership if they had questions for the applicant.

Mr. Kokinchak stated that this project has been delayed and wondered if the developer has any pre-leases in place. Mr. Cannata stated that he does not have any pre-leases in place. He further stated that up until now he did not want to begin to take down trees and start site work without sufficient interest. The project is now being marketed and there is enough interest that he is willing to move forward. He explained that without some improvements on the site, he cannot meet the timelines of the interested parties. He is seeking final approval to move forward and start site work. He plans to build the project in phases. Mr. Kokinchak asked about the uses outlined on the plan. Mr. Cannata stated that the uses are a projection and he will return to Planning Commission as he secures tenants. He stated that the size of this project is such that he can begin without an anchor tenant in place.

Ms. Gilmore asked if the project would be built all at once. Mr. Cannata stated that he intended to build in phases. When asked which phases would be constructed first, Mr. Cannata gave an outline of his plan. He intends to clear the site first, and install the infrastructure improvements, and install the main driveway. He would then start one of the front buildings. Ms. Gilmore asked for explanation of what has transpired since preliminary approval was given. Mr. Cannata stated that in that time frame he has purchased the property. He secured the permits from the EPA and Army Corps. He has spent time marketing the site. The bats are preventing any site work at this time and while he waits he would like to have his plans approved so that he can start development in October. Once this happens, he can commit to the timeline users are looking for. Ms. Gilmore stated that she wants to be sure there is a vested interest. She was aware of empty available spaces in other locations within the city. She wanted confirmation that he was committed to selling the project and additional empty available spaces would not be the outcome. She stated that knowing he now owns the land was helpful. Mr. Cannata stated that his caution with the project thus far shows that he will be a responsible developer. Mr. Cannata stated that he was surprised that when he attended the International Shopping Center convention, Aurora has not quite arrived yet. He stated that this industry is a science and that users are aware of the number of coffees sold here, and the number of new homes under construction, etc. He is not giving up and has purchased the property. He stated that he wants to develop the site in a reasonable manner. When asked about his timeline, he stated that he is seeking approval for the project and he is setting up his site contractors. He could not give a completion date. He will commit to site improvement and constructing the first building.

Mr. French had one comment. He asked for confirmation that Mr. Cannata is working with the city so that he markets the spaces to appropriate uses. He mentioned that the space labeled children's school would be a conditional use. He wanted the developer to be aware of the zoning codes. Mr. Cannata stated he is willing to work with the city to accomplish this.

Ms. Grandillo stated that she could see on his drawing that he intended to keep the conservation area in place. Mr. Cannata confirmed that statement and said that he hired a conservation trustee and surveyed the land.

Mr. Kokinchak asked if Mr. Cannata would divide the buildings into multi-tenants space or if he would keep them as drawn with one tenant per building. Mr. Cannata stated he would divide them, if necessary. He stated that he would work with the city to develop a nice product, but it also needs to be economically viable. Ms. Grandillo asked if he was working with Jack Burge, the Director of Economic & Entrepreneurial Development. He stated that he is.

Mr. Burge spoke about his experience with the retail business. He stated that he is bewildered at the retailers who have not been interested in Aurora. The reasons they have given range from the number of households, to the spunk of the city. Mr. Burge believes they are wrong. He further stated that retail vacancies can be difficult to fill, but he believes that Mr. Cannata has been conservative in his approach and it was prudent to have done so. He stated that when the site improvement begins, he expects retail to follow.

Ms. Grandillo opened the floor for public comment.

Deb Conti, 234 S. Chillicothe Road was in attendance to make comment. She stated that she has a vested interest in this project. Her mother owns the vacant property that borders the project. She further stated that changes that have happened over the years including the development of Barrington and the neighboring church property have increased the amount of water on her family's land. She is not interested in having any further water directed toward her property. It was her understanding that EPA standards do not allow the developer to put more water downhill. She read off the elevation changes of the land from a map and referenced the progressive decline that exists on the property. She questioned the commission and the city about what measures they would use to ensure that she does not get more water directed at her property from this development. She was concerned about tree removal and additional pavement.

Loretta Stephan, 102 Royal Oaks Drive was present to comment. She lives behind the project. She stated that the area to be developed is a watershed category 2, which requires a 50 foot setback. She wanted to know who from the city would be overseeing the restrictions for such a setback. She further stated that the original developer said that there was a 20 foot setback per the Army Corps. She called the Army Corps in Pennsylvania and stated that the information is incorrect. The Army Corps only deals with watersheds that are filled in and not setbacks. She stated that the setback should be 50 feet. Ms. Grandillo stated that the Planning Department and also the Engineering Department oversee such setbacks. She let her know that the plans would be reviewed and if the developer could not adhere to whatever setbacks apply; they would need to go through a variance request procedure. Ms. Stephan stated that she and her neighbor, Linda Sieber are widows and have lived in the area for 17 years. Fighting this development is a big chore for them and they wish to protect their investment. They were led by the developer of their subdivision to believe that the watershed was very important and unlikely to be developed. Ms. Grandillo stated that the trees that border her subdivision would not be removed. Ms. Stephan stated that she was also concerned about the trucks and lights and noise. She had concern for the wildlife that currently exists as well. She further stated that available vacancies exist across the street. Dennis Kennedy, of 145 Royal Oaks Drive stood up and spoke to Ms. Stephan, stating that no modifications would be allowable without approval of the commission. Any approvals given by the commission would be in line with requirements.

Linda Sieber, 104 Royal Oaks Drive was present to comment. She stated that the sign for the project was in need of maintenance. She was glad to hear that the trees and conservation area will remain. She asked when the developer expected the traffic study, the landscape plan, and the stormwater management plan to be completed. She also asked for clarification on how deep the buffer is, from the Oaks property line to the edge of construction. She also asked if an arrangement could be made to create a better buffer, possibly with vegetation to block light and sound. Ms. Grandillo stated that a landscape and lighting plan would be forth coming and would need approval.

Ms. Grandillo asked if there was anyone else who wished to comment on this project. Seeing none, she closed public comment and asked the developer to return to the microphone for final comments.

Mr. Cannata addressed the concerns. He stated that the stormwater management plan has been submitted. The landscape plan and traffic impact study have not begun. He was willing to provide the exact distance of the buffer, but he stated that the entire site is 9 acres and the conservation area and buffer together make up roughly half of that acreage. He further stated that he was aware of the impact the project would have on the residents of the Oaks and will work with them. He also stated that he was happy to work with Ms. Conti to ensure that no additional water drains on her family property.

Mr. Suhail asked for clarification on the approval process. Ms. Grandillo gave a clarification. She explained that the final site plan would be accepted for study. Ms. Januska explained the submission process as outlined in the Aurora Codified Ordinances.

MOTION: To accept for study the Final Site Plan for ELM Investment Trust Ltd (The Greens of Aurora), North Chillicothe Road – Final Site Plan (1808032)

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

Yeas: Mr. French, Ms. Duguay, Ms. Gilmore, Ms. Grandillo, Mr. Kokinchak

Nays: None

MISCELLANEOUS

Ms. Januska gave an update on the sidewalk plans for the Forest Ridge subdivision. The previous proposition was that the developer would give a monetary donation toward the installation of sidewalks elsewhere in the city. An agreement could not be settled. The latest proposal is to construct sidewalks traveling west of the subdivision. This would connect the subdivision to the city wetland. On the eastern side of the frontage a conservation area and a stream exist. A bridge would need to be installed to construct sidewalks in that direction. Mr. French asked whose responsibility it would be to construct the sidewalks and bridge should that connection happen in the future. It was determined it would be at the city's expense in the future. Ms. Duguay asked if the proposed connection would allow the residents on Chesterton Lane and Chesterton Court to walk to the wetlands. It would require them to cross State Route 82. This proposal will go before city council Monday, August 20, 2018.

Ms. Grandillo announced that this was the last meeting of John Kokinchak, as he will be moving out of state. Everyone thanked him for his service as a commissioner and wished him well. He stated that it was a pleasure to serve and to give back to the community.

ADJOURNMENT

MOTION: To adjourn the meeting at 8:27 p.m.

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

Yeas: Mr. Kokinchak, Ms. Gilmore, Ms. Duguay, Mr. French, Ms. Grandillo

Nays: None

Kathi Grandillo-Chairman

Marie Lawrie, Clerk