

**City of Aurora  
PLANNING COMMISSION  
MEETING MINUTES  
April 16, 2008**

The Aurora Planning Commission met in a regularly scheduled meeting on Wednesday, April 16, 2008, in Council Chambers of Aurora City Hall. The meeting was called to order at 7:00 p.m. by Planning Commission Chairman Roy Shafer.

**ROLL CALL:**

Present: Maria Hydell  
Joe Kastelic  
Roy Shafer  
Joe Vero  
Absent: Kathi Grandillo  
Also Present: Thomas Reitz, Law Advisor  
Richard Wehrenberg, Planning, Zoning &  
Building Director  
Justin Czekaj, City Engineer  
Judy Conkling, Commission Clerk

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

**AMENDMENTS TO AGENDA:**

There were no amendments to the agenda.

**APPROVAL OF MINUTES:**

**MOTION: To approve the meeting minutes of April 2, 2008, as submitted**

Mr. Kastelic moved; Mr. Vero seconded, and the motion carried, 4-0, on a voice vote.

**AGENDA ITEMS:**

**Barbara Burns, 1116 East Pioneer Trail - Lot Reconfiguration/Minor Subdivision (0804013)**

Mrs. Barbara Burns (1200 East Pioneer Trail), Mr. Ronald Burns (312 Cambridge Drive) and Mrs. Cathy Sanicky (9080 State Route 44, Shalersville) were present to address the Commission.

Mrs. Burns explained the request includes reconfiguration of a forty-nine-acre parcel so the existing house will be on a separate three-acre parcel. Mrs. Sanicky reported that the surveyor will be providing a map designating the location of the residence and septic system on the proposed three-acre parcel. In response to Mr. Shafer's question about the location of the oil/gas well on the larger parcel, Mrs. Sanicky replied that the surveyor will also be locating the well on the map.

Mr. Shafer noted the staff report refers to wetlands located on the larger parcel; Mr. Wehrenberg stated that a wetland delineation is not required for the lot reconfiguration. Mr. Shafer notified the applicant that a variance for the frontage on the larger parcel will be needed from the Board of Zoning Appeals.

**MOTION: To accept the lot reconfiguration/minor subdivision for Barbara Burns for study**

Mr. Kastelic moved; Mr. Vero seconded, and the motion carried, 4-0, on a roll call vote.

Yeas: Mr. Kastelic, Mr. Vero, Mrs. Hydell, Mr. Shafer  
Nays: None

**Rotek, Inc., 1400 South Chillicothe Road - Additions - Final Site Plan (0804014)**

Mr. Chad Graber, Foresight Engineering, requested that the final site plan be accepted for study. Mr. Wehrenberg reported that the Board of Zoning Appeals will be holding a special meeting on Wednesday, April 23, to address the three variances needed for the project.

**MOTION: To accept the final site plan for Rotek for study**

Mr. Kastelic moved; Mrs. Hydell seconded, and the motion carried, 4-0, on a roll call vote.

Yeas: Mr. Kastelic, Mrs. Hydell, Mr. Shafer, Mr. Vero  
Nays: None

**MISCELLANEOUS:**

**Proposed Amendment to Section 1159 of the Aurora Zoning Code - Tourist Attraction Directional Signs**

The Commission was provided with an amended draft dated April 16, 2008; Mrs. Hydell requested a brief summary of the changes.

Mr. Kastelic noted that the mention of "national chains" has been removed from the document. Mr. Reitz provided the Commission with the additional changes. At the beginning of the document, the word "municipal" was added and the first paragraph was expanded to clarify that the signs are owned by the City and located on municipal property.

Per Mr. Reitz, the Qualifications to Apply Section contains some rephrasing to provide clarification and remove ambiguities. Item (a)(4) was added to specify that the business must be located in Aurora. The Design Standards Section includes an additional fifth element which specifies the signs will be fabricated or purchased by the City and will remain the property of the City.

The substance of the Number and Location Section remains the same. The majority of the changes

are contained in Section (d) Permits, Fees and Duration. The fee was raised to \$250.00; the initial duration remains at three years; however, the permit is renewable at the end of three years with the submittal of a second fee of \$250.00 and an application. If the business ceases to exist for six consecutive months, the City can remove the signs without any notice to the business. Section (d)(4) was added to reflect that if the business fails to apply for a renewal permit within 30 days of expiration of its permit, the City may remove the signs without notice to the business. Section (e) Authority and Enforcement is a new section which indicates the Planning and Zoning Director has the authority to make discretionary decisions and enforce the regulations defined in the legislation.

Mr. Kastelic questioned whether the permit would be transferable to a new business owner. Mr. Reitz explained the legislation does not make a distinction on who owns the business. If the name of the business or the operation of the business changes, a determination would need to be made as to whether the existing signs would remain appropriate.

Mr. Reitz provided the underlying theory behind the document. The sign is not owned by the commercial operation; it is owned by the City. The commercial operation is permitted to use the sign and the location for its benefit; the legal name for this is a license. A license is not an interest in property; it does not give the commercial operation any ownership interest in City property. By legal definition revocable means, in the event the sign is no longer for an existing business or the City determines through studies and experience that the sight line to an intersection is disturbed, the City has the right to remove the sign. If a new owner takes over the business and alters or relocates the sign, this would be grounds for the City to repossess the sign. A violation of the regulations regardless of ownership is grounds for removing the sign.

Mrs. Hydell asked for an estimate of the number of businesses who might request signs; Mr. Wehrenberg stated the number of qualified businesses is unknown at this time. The intent of the legislation is only for those businesses which are tourist destinations and have regional drawing powers. Mrs. Hydell recommended clustering the signs. Mr. Wehrenberg further noted one of the objectives of the City's sign code is to avoid sign clutter.

Mr. Vero asked about the criteria for locating the signs. Mr. Wehrenberg commented that the applicant would most likely request the location for the two signs. City staff would evaluate each application and location with safety being a main consideration.

Mrs. Hydell mentioned that an establishment which is not located on a main road would warrant signage more so than a business located on a main road. Mr. Wehrenberg pointed out that all signs would be located in the right-of-way which is City property. The basic concept of the proposed legislation is to provide directional guidance to people who are not familiar with the area; it is intended to assist local businesses in attracting these customers.

In reply to Mr. Shafer's question about the number of signs, the proposed legislation provides for two signs per establishment. Any business requesting more than two signs would need to apply for a variance.

Mr. George Mazzaro, 186 Eldridge Road, expressed his concerns that the legislation does not

contain a specific appeal process. Also, it is his understanding and recollection that the owner of the winery requested signage because his business is off the main road. He does not feel there was any original intent to allow a business on the main roadway to apply since it would be easily found. He does not believe there was any intent to allow anyone who has a business to put signs up all over town; the real issue is with businesses not located on a major roadway. There were directional signs for the winery which were removed at one time. He further commented he does not feel the Director of Planning should have the authority to determine who gets the signs. He feels there are numerous errors in this legislation; he stated he will be pursuing these issues further with City Council.

\*Following his comments, Mr. Mazzaro took his seat in the audience seating area.

Mr. Wehrenberg responded to two points which were mentioned by Mr. Mazzaro. Basically, the distinction of a business located on a State route was eliminated because it was determined to be a potentially unfair method of deciding who can or cannot have signage. This proposed legislation follows the appeals process as outlined in the City codes; there is an appeal process in place.

Mr. Shafer referred to Section 1137.04(a) which provides the appeal process outlined in the code. Mr. Kastelic expressed a desire to make sure all Commission members are comfortable with this proposed legislation before it is approved and forwarded to City Council.

**The following is a verbatim portion of the meeting. (Note: Mr. Mazzaro was finished speaking and was sitting in the audience during this exchange.)**

Mr. Vero                      Mr. Wehrenberg, you indicated that the State of Ohio has something similar to this, correct?

Mr. Wehrenberg:            Yes.

Mr. Mazzaro:                No, no, no, no!

Mr. Wehrenberg:            Mr. Chairman, I'll be glad to answer the question without comments from the audience.

Mr. Mazzaro:                If you can't handle it, you can leave, Mr. Wehrenberg.

Mr. Shafer:                  Mr. Mazzaro, I think that's enough. If we have to, we'll ask you to leave, but

Mr. Mazzaro:                You want me to leave! I'll leave!

Mr. Shafer:                  If it becomes necessary. I didn't say you had to leave.

Mr. Mazzaro:                With what this Commission is doing, it doesn't pay for me to be here anyway.

Mr. Shafer:                  Please leave then.

Mr. Mazzaro:                As long as you have people like that destroying the City with stupid regulations, it shows just how stupid people can be.

Mr. Shafer:                  You won't get a response.

Mr. Mazzaro:                (unintelligible comment)

Mr. Shafer:                  There's no comment required, so I'm not going to respond.

Mr. Mazzaro                 He made comments that are not proper, but he didn't get called out of order.

Mr. Shafer:                  Thank you; have a good evening; we'll see you next time.

Mr. Mazzaro:                I'll just take care of it in Council, that's all.

Mr. Shafer:                  Fine.

Mr. Mazzaro: (additional unintelligible comments)

\*Mr. Mazzaro exited the meeting at this time.

Mr. Reitz confirmed that Mr. Wehrenberg was correct when he stated that portions of the proposed legislation are modeled after the Ohio Revised Code, particularly Chapter 4511 beginning with 4511.102 and continuing sequentially thru 4511.106 which contains the State's model for all State highways.

In conclusion, all Commission members were in agreement that they were comfortable approving the proposed legislation and forwarding it to City Council.

**MOTION: To accept the proposed Municipal Tourist Attraction Directional Signs legislation as revised April 16, 2008, and forward it to City Council**

Mr. Kastelic moved; Mr. Vero seconded, and the motion carried, 4-0, on a roll call vote.

Yeas: Mr. Kastelic, Mr. Vero, Mrs. Hydell, Mr. Shafer

Nays: None

**Ferfolia Ltd., 450 West Garfield Road, Funeral Home - Discussion Relative to Sidewalks (0802007)**

Mr. Wehrenberg noted that staff is close to approving the final site plan for the funeral home. It would behoove the Commission to make a clear decision on sidewalks for the site before the final site plan is forwarded to City Council. Also, the applicant needs clear direction from the City as to whether sidewalks should be included on the site plan.

Mr. Vero noted that there are sidewalks on Countrywood Trail, on the east side of North Bissell Road, and along State Route 82 in front of Serpentine Chevrolet. After reviewing the site for the funeral home, Mr. Vero stated he does not feel sidewalks are needed on the site. A sidewalk on the south side of State Route 82 would not connect to anywhere. Anyone walking from the Lakes of Aurora could use the existing sidewalk on the east side of North Bissell Road. There are sidewalks in Woodview Estates but they do not continue to Bissell Road. Mr. Vero further mentioned that the grade is steep on the west side of North Bissell Road.

Mr. Kastelic concurred with Mr. Vero that sidewalks are not necessary on the funeral home site. He further noted that a bike lane might be feasible for State Route 82 west from Bissell Road. Crosswalks could be implemented at the ingress/egress on State Route 82/North Bissell Road and at Countrywood Trail so pedestrians can access the sidewalk on the east side of North Bissell Road. Mrs. Hydell agreed and further commented that sidewalks on the major roads are not conducive for pedestrians. She further expressed concerns with respect to the emphasis on sidewalks throughout the community as proposed in the Master Plan.

Mr. Shafer reported that Ms. Grandillo was unable to attend the meeting this evening but she provided comments to him which basically agree with the opinions expressed by the members. Also, Mr. Shafer concurred that he believes the funeral home site does not warrant sidewalks.

**MOTION: To make a determination that, although physically possible, it is inappropriate to the nature of the abutting uses and the businesses to the Ferfolia Funeral to require sidewalks**

Mr. Kastelic moved; Mrs. Hydell seconded, and the motion carried, 4-0, on a roll call vote.

Yeas: Mr. Kastelic, Mrs. Hydell, Mr. Shafer, Mr. Vero  
Nays: None

Mr. Kastelic reported that Councilman Fisher and Councilman Rausch sponsored a resolution at the last Council meeting which would suspend enforcement of the sidewalk code for a six-month period. During this six-month time frame, Mr. Wehrenberg, the Planning Commission, the Parks & Recreation Committee, and the Safety, Service & Utilities Committee will develop a sidewalk master plan for the City. Once the plan has been developed and forwarded to City Council for approval, the City will then have strong guidelines for walkways and bikeways. Mr. Kastelic asked the Commission to start thinking about where sidewalks would be feasible in the City.

In conclusion, Mr. Kastelic mentioned that the issues of maintenance, snow removal, and replacement of sidewalks would also need to be considered.

**ADJOURNMENT:**

Mr. Kastelic moved; Mrs. Hydell seconded, and the meeting was adjourned at 8:10 p.m..

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Roy Shafer, Chairman

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Judy Conkling, Clerk