

**City of Aurora**  
**PLANNING COMMISSION**  
**MEETING MINUTES**  
**December 2, 2009**

The Aurora Planning Commission met in a regularly scheduled meeting on Wednesday, December 2, 2009, 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:       Kathi Grandillo  
                  Ken Grohe  
                  Maria Hydell  
                  Roy Shafer

Absent:         Joe Kastelic

Also Present:  Thomas Reitz, Law Advisor  
                  Richard Wehrenberg, Planning, Zoning &  
                                  Building Director  
                  Denise Januska, City Planner  
                  Justin Czekaj, City Engineer  
                  James Vaca, Councilman, Ward One  
                  Judy Conkling, Commission Clerk

Mr. Reitz swore in everyone who wished to speak this evening.

**AMENDMENTS TO AGENDA:**

Mr. Shafer noted that the final site plan approval for Ferfolia Funeral Homes expires on December 12, 2009. The commission has received a letter from Mr. Donald Ferfolia requesting a one-year extension of their site plan approval.

**MOTION:       To add the request from Ferfolia Funeral Homes to the agenda as Item 6C**

Mrs. Hydell moved; Ms. Grandillo seconded, and the motion carried, 4-0, on a voice vote.

**APPROVAL OF MINUTES:**

**MOTION:       To approve the meeting minutes of November 18, 2009, as submitted**

Mrs. Hydell moved; Mr. Grohe seconded, and the motion carried, 3-0-1, on a voice vote. (Ms. Grandillo abstained.)

**AGENDA ITEMS:**

Conclusions of Fact-Application #0907008 by Lamplight Communities (Cedar Fair L. P.) for a Conditional Zoning Certificate for an Assisted Living Facility – Comparable Use)

Mr. Reitz clarified that the intent of the conclusions of fact document is to provide a concise summary of the facts as presented to the commissioners. He explained the vote tonight will not be to approve or disapprove the application but simply to approve the conclusions of fact.

Mr. Grohe expressed concerns about approving the conclusions of fact since the document does not reflect that he voted in favor of the application. Mr. Reitz reiterated that a vote on the conclusions of fact would not be a vote for or against the project. This document has been presented to the commissioners as a good record of the facts in the event the applicant appeals Planning Commission's decision to City Council.

Mr. Shafer repeated that the document is just a statement of the facts as presented when the commissioners voted on the application. Mrs. Hydell compared the required action to approval of meeting minutes which reflect the discussion and vote on various issues. Mr. Wehrenberg reinforced that the commission would not be re-voting on the project; just voting on a chronological record of the meeting proceedings. As a result of Mr. Grohe's concerns, the commissioners agreed to table the conclusions of fact until the next meeting.

**MOTION: To table the Conclusions of Fact regarding Lamplight Communities**

Mrs. Hydell moved; Mr. Grohe seconded, and the motion carried, 4-0, on a voice vote.

Streetsboro Auto & Truck, Inc. (Capital L Corporation/Lou Telerico), 1340 Page Road, #9 – Conditional Zoning Certificate/Auto Repair & Towing (0910017)

Ms. Kathy Perkins, Streetsboro Auto & Truck, noted the application is for a towing and repair business with a storage lot. She stated fencing and trees will be installed on the side of the building and along the Page Road side of the property.

Mr. Wehrenberg mentioned that staff was requested to research issues relative to Page Road. He noted that Service Director John Trew and Police Lieutenant Allen Ballou have provided written answers to many of the commissioners' questions. Both have confirmed that Page Road is a "No Thru Trucking" road. However, since Page Road is the only access road for the property, trucks are permitted to use the road for deliveries and pick-ups. Mr. Trew further stated he does not believe heavy equipment will have an adverse effect on Page Road.

Also, Mr. Wehrenberg reported that staff has researched the previously approved site plan and applications for various proposed businesses on the site as well as sites involving parts of the parcel. He

noted there were at least three site plans reviewed during the past several years. During those reviews the issue of Page Road was addressed; none of those reviews denied access to Page Road. The 1980 site plan for the industrial park actually depicts eleven separate sites, all of which would have access to Page Road. The site plan for the existing building was approved with access to Page Road.

Mrs. Jane Kras, 1389 Page Road, expressed difficulty understanding how tow trucks would be permitted on Page Road which is only 18 feet wide. She feels the proposed business is incompatible with the residential neighborhood across the street. She does not believe the initial intent of the industrial park was to allow a towing business on this site.

Mrs. Hydell noted the staff report reflects the road is twenty to twenty-four feet wide. Mrs. Januska explained this is the width reflected in City documents; she noted the road has been improved since 1984. Mr. Czekaj confirmed the road was recently resurfaced.

Mr. George Mazzaro, 186 Eldridge Road, stated the road was not widened when it was resurfaced. He stated it is the responsibility of City staff to ensure the commissioners are provided all available information. He objected to the staff report including a recommendation; he does not believe this is the purview of staff. In conclusion, he stated his opposition to approving the conditional zoning certificate for Streetsboro Auto & Towing.

Mr. Shafer stated the comments regarding traffic on Page Road are enforcement issues, not planning issues. He stressed that Planning Commission is entrusted to address the use of the building; traffic concerns need to be addressed by the police department. Mrs. Hydell agreed; she stated City staff are the experts whom she trusts to provide the necessary information to the commission.

Mr. Chris Molek, 1409 Page Road, stated he does not feel the fencing and landscaping will address the noise issue. He related he has no problem with the business; however, he believes it would be a much better fit for Lena Drive since no residential areas would be affected.

Ms. Perkins reported the large tow trucks will not be used frequently; most towing will be done by the one-ton trucks. A tractor trailer would only be towed to the site if it is to be impounded; work on most semis and trailers would be service calls conducted on the road.

Mr. James Vaca, Councilman, Ward One, reported he contracted with a towing company in Solon several years ago; he stated the company had a large truck for turnpike towing which was seldom used. Their most commonly used towing vehicle was a one-ton truck.

Mr. Wehrenberg pointed out the staff report recommends approval of the conditional zoning certificate. He sympathized with the residents; however, Planning Commission must decide whether the proposed industrial use is appropriate for the site. He stated that some of the potential conditions outlined in the

staff report should lessen the impact on the residents. He concluded that a reasonable industrial use of the property is a right of the property owner.

Under direction of Mr. Shafer, the commissioners conducted an analysis of the application per the code as outlined in the staff report. Per Section 1153.03(v) the proposed use is compared to a contractor's yard and storage facility as a conditionally permitted use in the I-1 Industrial District. The four bullets outlined in the staff report were reviewed; all commissioners were in agreement with these four points.

Section 1153.02 was reviewed by the commissioners. At the request of Mr. Grohe, Mr. Shafer read into the record the section pertaining to loudspeakers and lighting. Ms. Perkins stated there will be no loudspeakers and no additional lighting. Mr. Wehrenberg confirmed there are currently wall packs on the exterior of the building. The commissioners were in agreement with this section as outlined in the staff report.

Mr. Shafer referred to Section 1153.03(t) as defined in the staff report. With respect to bullet number 4, Mr. Wehrenberg stated the City Arborist will review the fencing and landscaping plan to ensure it is in conformance with City codes. All commissioners were in agreement with this section as presented in the staff report.

Sections 1153.03(q) pertains to auto repair/gas stations located in a C-1 Commercial District. Discussion ensued concerning the section which states vehicles cannot be stored on site more than twenty-one days. Mr. Wehrenberg explained this section was only included in the staff report to provide the commission with requirements for a use similar to a repair and towing business.

Ms. Grandillo asked how many vehicles would typically be on site at one time; Ms. Perkins responded there would be no more than eighteen vehicles. She noted that vehicles being repaired are usually promptly retrieved by their owners.

Since Section 1153.03(q) does not apply to the I-1 Industrial District, Mr. Shafer recommended eliminating this section from consideration; the other commissioners concurred.

The last item addressed by the commissioners was staff recommendations for potential conditions to be placed on the conditional zoning certificate.

Mr. Grohe requested the condition regarding regular business hours (bullet #4 on the staff report) reflect the hours from 7:00 a.m. until 6:30 p.m. The other commissioners concurred with this suggestion.

In response to Mr. Shafer's request that use of beepers be restricted to certain hours, Ms. Perkins stated beepers will not be used during towing of vehicles or when turning into the driveway. She also remarked there will no speakers in the vehicles.

Discussion ensued relative to the length of time vehicles can be kept on the property. Ms. Perkins requested a forty-day time limit for storage of vehicles because of the procedure required for disposal of impounded vehicles. Mr. Vaca concurred with Mr. Wehrenberg's earlier statement that the timeframe issue does not apply to this application since the property is in an I-1 Industrial District, not a C-1 Commercial District. In addition, he pointed out that the vehicles will be behind a fence and not seen from the roadway. He also cautioned the commission that some issues being discussed may be safety factors regulated by the State of Ohio.

Mr. Bill Kras, 1389 Page Road, reported that many vehicles exiting the driveway and turning left on Page Road damage the culvert and front yard of his property.

As a result of the discussion on conditions, Mr. Reitz outlined the following recommendations:

- Vehicles can be claimed between the hours of 7:00 a.m. and 6:30 p.m.
- To the extent permitted by State law, the backup warning signals, beacons, and external speakers are not permitted;
- No exterior lighting will be added beyond what is currently existing;
- A landscaping plan will be submitted and reviewed by City staff and the City Arborist to ensure fencing and buffering is appropriate;
- Stored vehicles are subject to a forty (40) day maximum timeframe which can only be extended in the event demonstrable proof is provided that an application has been made for a title which would allow disposal of the vehicle without the owner's consent.

Mr. Reitz noted that Ms. Perkins has indicated certain conditions do not apply to her business; however, if she were to sell the property to a subsequent owner, listing of these conditions as part of the conditional zoning certificate would hold a new owner to the same standards.

**MOTION: To approve the conditional zoning certificate for a comparable use as a towing and minor auto repair service**

Ms. Grandillo moved; Mr. Grohe seconded, and the motion carried, 4-0, on a roll call vote.

Yeas: Ms. Grandillo, Mr. Grohe, Mrs. Hydell, Mr. Shafer

**MOTION: To approve the conditions for the conditional zoning certificate as listed above by Mr. Reitz**

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

Yeas: Mrs. Hydell Ms. Grandillo, Mr. Grohe, Mr. Shafer

**MOTION: To forward the conditional zoning certificate for Streetsboro Auto & Truck with the above-listed conditions and a favorable recommendation to City Council**

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

Yeas: Mrs. Hydell, Ms. Grandillo, Mr. Grohe, Mr. Shafer

Ferfolia Funeral Homes, 450 West Garfield Road – Request for One-Year Extension of Final Site Plan Approval (0802007)

Ms. Mary Ferfolia, Ferfolia Funeral Homes, was present to request a one-year extension of final site plan approval for the proposed funeral home on West Garfield Road. A letter from Mr. Donald Ferfolia requesting an extension to December 12, 2010, has been provided to the commissioners. Mr. Mazzaro spoke in favoring of the commission granting this request.

**MOTION: To grant a one-year extension of the final site plan approval for Ferfolia Funeral Homes to December 12, 2010**

Mr. Shafer moved; Ms. Grandillo seconded, and the motion carried, 3-0-1, on a roll call vote.

Yeas: Mr. Shafer, Ms. Grandillo, Mr. Grohe

Nays: None

Abstain: Mrs. Hydell (Mrs. Hydell abstained because of a possible conflict with her position in bank financing.)

**MISCELLANEOUS:**

Connectivity Study Update

Mr. Wehrenberg reported that staff has been involved in discussions relative to applying for grant monies to accomplish Phase I and parts of Phases 2 and 3 of the connectivity study; the Connectivity Committee is in support of the plan.

**ADJOURNMENT:**

Mrs. Hydell moved; Ms. Grandillo seconded, and the meeting was adjourned at 8:35 p.m.

---

Roy Shafer, Chairman

---

Judy Conkling, Clerk