

**CITY OF AURORA  
PLANNING COMMISSION  
MEETING MINUTES  
AUGUST 18, 2010**

The Aurora Planning Commission met in a regularly scheduled meeting on Wednesday, August 18, 2010, in Council Chambers of Aurora City Hall. The meeting was called to order at 7:14 p.m. by Planning Commission Chairman Roy Shafer.

**ROLL CALL:**

Present: Kathi Grandillo (arrived at 7:43 p.m.)  
Ken Grohe  
Joe Kastelic  
Maria Hydell  
Roy Shafer

Also Present: Tom Reitz, Law Advisor  
George Horvat, Councilman, Ward 4  
Richard Wehrenberg, Planning, Zoning &  
Building Director  
James Kraus, Parks & Recreation Director  
Justin Czekaj, City Engineer  
Denise Januska, City Planner  
Corinne Craine, Commission Clerk

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

**AMENDMENTS TO AGENDA:**

**MOTION: To approve the meeting agenda of August 18, 2010, as written**

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

**APPROVAL OF MINUTES:**

**MOTION: To approve the meeting minutes of July 21, 2010, as submitted**

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

**MOTION: To approve the meeting minutes of August 4, 2010, as submitted**

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

**AGENDA ITEMS:**

City of Aurora, 120 W. Pioneer Trail – Conditional Zoning Certificate – Public Outdoor Recreation Facility (1007013)

Jim Kraus, Parks and Recreation Director, was present to discuss the conditional zoning request. As he explained at the public hearing, the property consists of two parcels that are used for baseball fields, soccer fields and parking. Since the property is located in a residential zone, a conditional zoning certificate for a public outdoor recreation facility is needed from the Planning Commission.

Mr. Reitz stated that because the property consists of two parcels, the code requires a separate conditional zoning certificate for each parcel. He explained that the current application could be amended for the larger parcel and the Commission could act on that parcel tonight. He said the smaller parcel would then require a separate application, site plan and public hearing before the Commission could vote on it.

Mr. Kraus stated that he intends to consolidate the parcels when the 2011 budget goes into effect. He said that the goal is to complete the consolidation and the parking expansion project before the baseball season begins next year. Mr. Kraus then asked whether or not the current application could be approved with the condition that the two parcels be consolidated before the parking expansion project commences. Mr. Reitz said that according to the code, the Commission could approve the current application with those conditions.

Mr. Shafer asked for comments and the members were all in agreement to approve the conditional zoning with those conditions.

George Mazzaro, 186 Eldridge Road, stated that the proper procedure should be followed and the parking expansion project needs an approval from the Public Services Director.

**MOTION: To approve the conditional zoning certificate for a public outdoor recreation facility and any construction is conditioned upon the consolidation of properties as defined on site plans 1007013 and 1007014**

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

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

Nays: None

City of Aurora, 120 W. Pioneer Trail – Ball Field Parking Expansions / Preliminary & Final Site Plan (1007014)

Jim Kraus was present to discuss the site plan. The Parks and Recreation Division is proposing to expand the two parking lots that are located on the north side of West Pioneer Trail. The proposal is for 24 parking spaces with an entrance off of the Service Department driveway and 44 parking spaces with an entrance off of Pioneer Trail and across from the Fire Station.

Mr. Shafer asked the members for comments and they had none.

**MOTION: To approve the preliminary site plan for the ball field parking expansions with the note that the construction is conditioned upon the consolidation of properties as defined on site plans 1007013 and 1007014.**

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

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

Nays: None

**MOTION: To approve the final site plan for the ball field parking expansions with the note that the construction is conditioned upon the consolidation of properties as defined on site plans 100713 and 1007014**

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

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

Nays: None

Thomas McGinnis, 130 Treat Road – Minor Subdivision/Lot Split (1008015)

Tom McGinnis, 706 Circlewood Drive, was present to discuss the application. He is proposing to split an existing 2.68 acre parcel into a 2.48 parcel and a .20 acre parcel. The smaller parcel currently contains a communications cell tower and the cell company has expressed an interest in purchasing this property.

Mr. Wehrenberg said that this is a minor subdivision which the Planning Commission has the authority to approve, but the smaller parcel does require some zoning variances. He recommended that the Commission approve it with the condition that it goes to BZA for an area variance and a frontage variance. Mr. Wehrenberg then referred to Mr. Reitz for further explanation.

Mr. Reitz explained that there are two major issues with this minor subdivision. One involves the access and the other involves zoning code compliance. Referring to the plat plan, he said that the area to be split off would become a landlocked parcel; however, Mr. McGinnis has taken steps to make sure that that won't happen by his granting an access and utility easement. Mr. Reitz said that this easement, which is included with the application, is a permanent non-exclusive easement so this parcel is not landlocked. That means it is permissible for the minor subdivision to take place. Mr. Reitz said that if the Commission determines that the variances, with respect to the frontage and setback, can be granted by BZA, then the Commission can approve the minor subdivision contingent upon that granting of the variances. He said that this is a little unusual, but that it complies with the code.

Mr. Reitz stated that the Commission should also consider the recommendation from staff that a deed restriction should be placed on the proposed split to prohibit development on the parcel except for communication tower use. He said that it is entirely permissible to include that requirement.

*(Mrs. Grandillo arrived at this time.)*

Mr. Shafer asked Mr. McGinnis if he had any problems with the addition of this deed restriction. Mr. McGinnis stated that he did not have a problem with the deed restriction. He commented that it would be a protection for him as well as for the city.

Mr. Shafer asked for further comments and there were none.

**MOTION: To approve the minor subdivision with the following conditions: 1) BZA granting variances for lot area, lot width/frontage, front setback, side setback and the rear setback and 2) a deed restriction placed on the parcel so that it can be used only for communication tower use**

Mr. Shafer moved; Mrs. Hydell seconded, and the motion carried, 5-0, on a roll call vote.

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

Nays: None

Tim Miller (Tessa Grubb), 952 S. Chillicothe Road – Conditional Zoning Certificate – In-Home Child Care (1008016)

Tessa Grubb was present to discuss the conditional zoning request. She is proposing to use her residence at 952 S. Chillicothe to operate an in-home child care business. The property is currently zoned residential so a conditional zoning certificate is needed from the Planning Commission.

Ms. Grubb explained that she has leased the property for the past two years and during that time she has babysat children in her home. She has submitted a letter from the owner, Tim Miller, which states that he has approved of her child care business and has not received any complaints from the neighbors. Ms. Grubb also stated that her business complies with state regulations. She said that her business is classified as a "Type B Home" and a state license is not required as long as she cares for no more than six children, including her own children. She is requesting a conditional zoning certificate so that she complies with city codes.

Mr. Wehrenberg stated that this is a residential zone and the conditional zoning certificate would be for a home occupation. In this case, the home occupation is an in-home child care business. He said that if the conditional zoning is approved, then one of the conditions should be that no more than six children be permitted at any time including any children living at the premises. Mr. Wehrenberg said that the public hearing is scheduled for September 1<sup>st</sup> and he recommended that the Commission accept it for study.

Mr. Grohe wanted to know how the maximum of six children requirement would be monitored. Mr. Wehrenberg said that if the city receives a complaint, then his department can do an inspection. Otherwise, there would be no regular inspections for a head count. Ms. Grubb pointed out that she would be happy to provide tax records as proof that she provides child care for no more than six children.

Mrs. Hydell wanted to know if the conditional zoning certificate would be issued to Ms. Grubb or to the property owner. Mr. Reitz stated that the conditional zoning stays with the property so it will be issued

to the property owner.

George Mazzaro, 186 Eldridge Road, said that it was a thorough application and he thought that the conditional zoning request should be approved.

**MOTION: To accept the conditional zoning application for study**

Mr. Shafer moved; Mrs. Grandillo seconded, and the motion carried, 5-0, on a roll call vote.

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

Nays: None

Proposed Amendment for Chapter 1103 Definitions – Section 1103.02, Terms Defined

Proposed Amendment for Chapter 1173 Erosion & Sediment Control –Section 1173.08, Performance Standards

Proposed Amendments for Chapter 1175 Comprehensive Storm Water Management

The City Engineer, Justin Czekaj, was present to discuss the proposed code changes. He explained that the Ohio EPA has revised their Construction General Permit requirements and Aurora is required to bring their city codes up-to-date so it is consistent with these revised state codes. He said that the proposed amendments are the minimum revisions that are required. He said that all NPDES (National Pollutant Discharge Elimination System) communities must adopt these revisions by June 2011.

Mr. Shafer asked if this applies to all three agenda items dealing with code amendments. Mr. Czekaj said that these updates affect all three code chapters and they are all revisions that are required by the state.

Mr. Reitz asked the Commission to postpone action on these three items. He stated that he might suggest some changes after he reviews the amendments more thoroughly. The members agreed to postpone action until a later date.

**MISCELLANEOUS:**

Discussion of Potential Mixed Use District

The concept of a mixed use district was introduced and discussed at the last meeting. The proposed site for this mixed use district is the land that was occupied by the old Geauga Lake Park. The majority of this land is owned by Cedar Fair and half of the land is located in Bainbridge and the other half is in Aurora.

Mr. Wehrenberg received some positive feedback at the last meeting and he wanted to give an update to the members. He said that the city will first proceed by approaching Bainbridge. He said that if Bainbridge likes the idea, then there will be joint planning and development with their planning department.

Mr. Shafer said that it was a good concept but he did not see it being on the Commission's agenda for a while. Mr. Wehrenberg agreed and said it was a long term project that will take one to two years to plan.

Mr. Wehrenberg went on to explain the procedure for rezoning this property. He stated that this would be a two-step voting process. The first step would be to develop the concept and have the residents vote for rezoning the property to mixed use. The second step would be a specific detailed development plan that would be brought forth to the voters.

Mr. Grohe wanted to know approximately when it would appear on the ballot. Mr. Wehrenberg said it was too early to say.

George Mazzaro, 186 Eldridge Road, said that this project will require many meetings with lots of input from the residents and require a developer with a lot of money.

#### Discussion of Developer Agreements and Bondings

Mr. Wehrenberg said that the Safety, Utilities and Service Committee has requested that the Planning Commission discuss developer bonding and, in particular, how it relates to the Meadows Development. He said that Councilman Horvat and Mr. Stojak would like to address the Commission about this issue.

George Horvat, Councilman, Ward 4, explained that the original developer started the Meadows in 1995. Since that time, there have been three or four different developers and there is still vacant property that can be developed. Councilman Horvat stated that the current 38 homeowners are concerned because their streets have never been completed. After investigating this issue, it was determined that the bonding was already released. He wanted to know the procedure for releasing a bond.

Mr. Reitz said that the original 1995 agreement specified that the developer was obligated to improve the utilities, sewer and water only, so it could be dedicated to the city. The developer was not obligated to have roads dedicated to the city. He said that a performance guarantee, either a bond or an escrow agreement with a bank, was released with respect to the sewer and water only. Mr. Reitz said that the City Engineer or the Public Services Director would have signed off on the release.

John Stojak, 613 Eaton Drive, said that he has lived in the development since 2001 and he is the President of the Meadows Homeowners Association. He explained that the streets, Avon, Surrey, Dover and part of Winslow, only have a construction grade blacktop. He said that the roads were never completed and the homeowners want to know how to get the roads finished. Mr. Stojak said that he would like to have the city's help in requiring any new developer to finish the roads.

Mr. Reitz said that although the Planning Commission has no authority in this matter, he thought that the administration is aware of the problem and is anxious to assist in getting the roads completed.

George Mazzaro, 186 Eldridge Road, said that the city procedure for releasing bonds needs to change. He said that no one should be able to release bonds without the authority of the Planning Commission

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or City Council.

**ADJOURNMENT:**

Mr. Kastelic moved to adjourn at 8:50 p.m.; Mrs. Hydell seconded, and the motion carried, 5-0, on a voice vote.

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Roy Shafer, Chairman

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Corinne Craine, Clerk