

**CITY OF AURORA
PLANNING COMMISSION
MEETING MINUTES
MARCH 20, 2019**

The Aurora Planning Commission met in a regularly scheduled meeting on Wednesday, March 20, 2019, in the Council Chambers of Aurora City Hall. The Planning Commission Chairman Kathi Grandillo called the meeting to order at 6:48 p.m. following the public hearing.

ROLL CALL:

Present: Laura Duguay
Peter French
Sarah Gilmore
Kathi Grandillo
Dixie Benshoff

Also Present: Denise Januska, Director, Planning, Zoning & Building Division
Justin Czekaj, City Engineer
Sara Cooper, Engineer
John Kudley, Councilman
Dean DePiero, Law Director
Marie Lawrie, Secretary
Ken Lahmers, Aurora Advocate

Dean DePiero, Law Director, swore in those in attendance who wished to speak.

AMENDMENTS TO THE AGENDA

MOTION: To move Sturbridge Place to the top of the agenda items

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

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

Nays: None

MOTION: To remove the Executive Session from the agenda

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

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

Nays: None

SUBMISSION OF SUPPLEMENTAL INFORMATION

See page 6

APPROVAL OF MINUTES

MOTION: To adopt the minutes of the March 6, 2019 Public Hearing meeting, as submitted

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, Dr. Benshoff

Nays: None

AGENDA ITEMS**Pulte Homes (Sturbridge Place – formerly Glenridge Chase), 1060 - 1120 S Chillicothe Road, Major Subdivision – Final Plat (1902009)**

Travis Coyne, Civil Engineer for Donald Bohning & Associates, 7979 Hub Parkway, Valley View, Ohio along with Jacob Graves, Land Manager for Palmeri Enterprise, 5201 Richmond Road, Bedford Heights, Ohio were in attendance to answer questions on behalf of Palmeri Builders. Dale Markowitz of Thrasher Dinsmore & Dolan was present at the meeting as well. Mr. Coyne stated that they have received some feedback and have revised some information and resubmitted. They have some additional items to work on including updating the traffic study. The site lighting plan has not yet been completed. The EPA permits have not yet been issued. He was aware that the city was not prepared to give approval at this time, however; they were asking for approval to clear the trees. With April 1st as a deadline to clear trees before the bats arrive, Mr. Coyne was asking for permission to clear the trees. If approval is not granted, the developer must wait until October 1, 2019 to remove the trees. This would cause them to lose an entire building season.

Ms. Grandillo asked for comments and questions. Ms. Januska gave a brief history of this project for the record. A conditional zoning certificate was granted by city council in April 2008. Planning Commission had previously approved the preliminary plan showing 57 single family lots, with 10 acres of open space on January 20, 2016. There were 5 wetland setback variances granted at that same time. At this time, approval is not recommended as the developer has not submitted everything required for an approval. Administratively, permission to clear trees may be granted after some editing is completed on the tree felling plan. After all the requirements have been completed successfully, the project will come back in front of the Planning Commission.

Ms. Grandillo asked the members for comments and questions. Ms. Duguay had no questions. Mr. French asked for clarification that the only clearing that can happen within the 75 foot buffer is that which pertains to stormwater management. This was confirmed, as well as, removing dead or diseased trees. Any potential mounding that might be required for the neighboring properties will need to be reviewed. Ms. Grandillo asked if someone from the city would be on site to monitor the tree clearing once it begins. Ms. Januska confirmed that clearing limits will need to be staked and the city arborist would need to verify that in the field.

Ms. Gilmore had no questions. Dr. Benshoff asked for clarification on whether the city arborist would determine whether trees have disease. Ms. Januska confirmed that the arborist would be the expert in that field.

Ms. Grandillo asked for public comment. Deb Conti, 234 S. Chillicothe Road was in attendance to make public comment. She asked if a temporary basin would be put in on the west side of the site to take all the extra run-off due to removing the trees. She stated that once you remove the trees, you destroy the ground cover. She was concerned about the drop in elevation from State Route 43 to the rear perimeter of the job site.

Jeff Iammarino, 157 W. Mennonite Road was in attendance to give public comment. He asked how the general public is made aware of this project. He stated that the proposed development abuts his southern property line. He further stated that he and his neighbor share a pond. There are multiple creeks that run along the back of the property which travel into the proposed development site. He asked what affect will it have upstream if the creeks are disturbed. He also asked how tree clearing can be approved if an absolute approval is not yet given to the developer of the project.

Jenny Kerchenski, 909 E. Mennonite Road was present to make public comment. She also questioned how the public is notified. She also wanted to know how tree removal can be allowed when approval has not been granted for the project.

Ms. Januska stated that notifications are required when the conditional zoning certificate is granted. That happened in 2008. She further explained that when a project comes before Planning Commission for preliminary and final approval, there is no requirement to send written notifications to neighboring properties. The agenda is available for the public on the city website. Ms. Grandillo further explained all the information available on the city website and asked residents to take a look at the site.

Mr. Czekaj responded to the question about the pond on the neighboring property and the creeks that run between that pond and the project site. It was determined that the pond in question drains to the west and would not be directly impacted by the improvements.

Mr. DePiero stated that it is not unusual for a tree clearing to be approved by staff when they are confident that a project will move forward. In this case, the preliminary approval was granted 10+ years ago. With a resolution of a few matters, there is no reason to believe this will not move forward.

Mr. Coyne responded to the question about using the detention pond as a temporary basin during construction. He explained how the proposed detention pond would be utilized as a temporary sediment basin during construction. He further explained that the trees would be dropped at this time and would not be moving earth until they have final approval. Mr. Czekaj noted that concern with erosion begins when the stumps are removed. That would be considered an earth disturbing activity by the EPA. That is when the pollution prevention plan would be put in place.

Mr. Iammarino asked an additional question. He wanted to know how many trees will come down. Ms. Januska explained that the tree clearing plan shows the limits of the clearing and not the number of trees to be removed. That is what the code requires on their submittal. However; she explained that the applicant has been asked to revise to comply with a 75 foot setback perimeter. She stated that the revised plan would be available to the public. She also explained that the applicant will be required to stake that boundary in the field and the city arborist would be sent into the field to verify compliance.

Mr. Coyne stated that the trees on the outer limits would be removed to catch stormwater. He further stated that tree clearing stops where there is a buffer around the wetlands and that not every tree will be removed. He stated that there is a space on the Walden side where trees will remain. He stated that the original landscaping plan has not yet been updated. It will be updated and resubmitted. Ms. Januska clarified that the landscaping plan would be required. She further stated that the city does not plant trees on the tree lawns of private roads. She stated that there is a 75 foot perimeter buffer that needs to be in the conservation easement and will remain in its natural setting.

Matt Schneider, 265 Yorkshire Drive was sympathetic to the homeowners who were unaware of the previous approval. He stated that the notification he received about the riparian setback variances for 600 Prestige Woods Blvd was helpful to let him know about the project near him.

MOTION: To accept Sturbridge Place (formerly Pulte Homes Glenridge Chase), 1060 – 1120 S Chillicothe Road, Major Subdivision – Final Plat (1902009) for study

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, Dr. Benschhoff

Nays: None

Ms. Grandillo stated that this project may appear on the next agenda. She stated that the April 3, 2019 would be cancelled due to lack of a quorum and let the residents know that they should watch for the April 17, 2019 agenda.

Old World Classics, 600 Prestige Woods Blvd, Riparian Setback Variances in conjunction with the proposed construction of a new residence - (1902008)

Andrew Eggeman, 7056 Mears Gate Drive, North Canton, Ohio was present to discuss the project. Kelly Hersh, homeowner was also on hand. Mr. Eggeman clarified that they are not seeking to construct the home within the riparian setback, but would need to do some grading within that setback. He also stated that they would not be changing the water flow on the property or do anything that would affect flooding.

Ms. Grandillo opened the floor to questions of the members. Ms. Grandillo asked for verification of the placement of the home. Mr. Eggeman explained that the home would be built right up to the rear setback. It fit in that area with the least amount of grading needed in the setback area. He also mentioned that with the necessary crossing, some grading would be needed in that area as well. Ms. Grandillo stated that when she visited the site, there was standing water on the left side. She wanted to know what would be done to prevent flooding. Mr. Eggeman stated that when they construct the culvert, it will help the water flow better and relieve some of the backed up water. He also verified that they would not be crossing the sewer easement with this construction, just grading the land in that area.

Dr. Benshoff asked for more information on the proposed bridge. He explained that the bridge would be corrugated steel material. It will be 20 feet across. He explained how the water would flow through it.

Ms. Gilmore stated that she was very familiar with this parcel. She expressed concerns stating that she saw the flooding that occurred during the 100 year storm. She further stated that there was water on the property today when she went by even though it has not rained lately. She is concerned that the homeowner will have water in the basement and that neighbors will get water in their homes. Mr. Eggeman agreed that he was not interested creating water problems and was confident in their plans.

Mr. French had water concerns as well. He asked the current homeowner when they purchased the land. The answer was 2017. Mr. French asked how long Old World Classics has been involved. The answer was that the homeowners have been working with that builder for longer than they have owned this parcel.

Kelly Hersh, 754 Rolling Brooke Way, Macedonia, Ohio was on hand to discuss the project. She stated that the previous owner of the lot was a developer/builder. That owner had the property for sale with the disclosure that it would need a bridge when developed. She met with that builder who stated that he would construct a home with a walk-out basement and no grading would be required. She got a second opinion from Old World Classics and have worked with them ever since.

Mr. French stated that it looks like there is water coming from two different sources on this lot. He asked if there was a minimum size house requirement within the HOA. The answer was yes and this plan conforms to that. He asked if there would be a basement with this project. The answer was yes. Mr. French mentioned that this would be quite a lot of dirt removed and wondered how the builder planned to keep the homeowner protected from flooding. Mr. French also wanted to confirm that the Chagrin River Watershed Partners would be reviewing the project. Mr. Eggeman stated that dirt would be brought in, the ground will be graded around the home.

Ms. Januska clarified that the plans were sent to CRWP for evaluation and that a wetland delineation will be required. The concern is that there may be a category 2 wetland present. The variance request can be accepted for study but will not move forward until such a delineation is completed and reviewed.

Ms. Duguay asked what the elevation of the home in Yorkshire is compared to the proposed home. Matt Schneider, of 265 Yorkshire Drive stated that although he did not know the exact measurement, there exists a huge depression looking at the site from his property and wondered how it would be possible to keep that home dry. She also asked

if the Trem's home to the right of the proposed home, would be of a similar height. Mr. Eggeman stated that the difference would be 1 ½ feet, so it would be a similar height. Ms. Duguay asked if when the original plat for Prestige Woods was submitted in 1998, this project site was shown as a sub lot within the development. The answer was yes. Ms. Duguay asked if the plat from 1998 was submitted now in 2019, would the city recommend that that sub lot not be developed? Ms. Januska stated that stormwater requirements at this time are much stricter and more involved.

Dr. Benshoff asked the builder if they have had experience with a lot similar to this site. The answer was yes. Dr. Benshoff then asked how the builder plans to address the water concerns expressed tonight. The builder stated that as long as his elevations are correct, he was not worried. The only way that it could flood is if the water comes from on top of the foundation. He stated that he would not know the exact soil conditions until they start to dig, but that there are ways to address that soil. He stated that even though there is water present on the parcel, that would not necessarily indicate bad or unbuildable soil. He stated that he had soil data from the bridge, but did not have it with him at the meeting. He said he had a lot of experience dealing with difficult similar properties, such as the last ones in any given subdivision.

Ms. Gilmore asked the builder how many homeowners of those difficult parcels have come back to state they have water problems. Mr. Eggeman stated there have been no water issues, unless it is due to a sump pump that is not working.

Ms. Grandillo opened the floor for public comment.

B. K. Hall, 460 Regal Oaks Circle was in attendance to make public comment. She had with her the 1998 plat of the subdivision. She stated that placement shown on the original plan had a proposed home situated over what is now a sewer easement. It was her understanding that nothing can be built over that easement or within 50 of the sewer so that it would not be compromised. This concerned her because it ties into the Prestige Woods sewer system. She stated that there has been 3 flooding incidents at her neighbors home with a sump pump installed. She further stated that Hershberger ended up installing a dry well because the second sump pump could not accommodate the ground water. She was concerned because the elevation of that property is higher. She stated that the next property also flooded with a rainstorm in 2003 after they installed the bridge. She stated the residents have seen other instances where properties are a higher elevation and have flooded. She was concerned for this new property owner. Her last point was that the previous land owner stated that he bought the property to build his father a house, but the property turned out to be unbuildable. She was concerned that development would compromise adjacent properties and/or the waste water coming in from Yorkshire.

Eser Manav, 610 Prestige Woods Blvd was present to make comment. He stated that the facts were that basements have flooded on properties higher than the proposed site and those properties were not in a wetland. He stated that he tried to buy the property in 2003. The realtor told him it was unbuildable. He bid on it 6-7 times because it was adjacent to his property. He intended to partner with the HOA to purchase it for a community land. He gave several recommendations to the property owner including seeking an insurance quote for flooding.

Kara Trem, 580 Prestige Woods Blvd was on hand to make public comment. She stated for the record that her property is to the right of the site and she does not have a sump pump. Her backyard slopes toward her home. She constructed a patio and installed drain tile to prevent flooding. She further stated that she lived there during the 2015 rainstorm and her home was dry. With the development of this proposed home, she wanted to know who would be responsible if that changes. She thanked the commission for their time.

Matthew Schneider, 265 Yorkshire Drive was on hand to make public comment. He voiced his concern about how developing this lot could affect the environment around the property where it pertains to stormwater retention. He was also concerned that 610 Prestige Woods Blvd would be devalued by this project. He understood that a property owner would want to develop their lot, but he did not understand why it would be allowed. He invited the members to come view the lot from his property.

Dwight Hall, 460 Regal Oaks Circle was on hand to comment. He asked how a home can be elevated to eye level with the neighbors without disturbing the creeks. He described a neighbor who tried to redirect the waterway. That neighbor cut down trees and brought in tons of dirt to fill in his yard. Mr. Hall stated that this neighbor failed to accomplish his goal.

Lori Manav, 610 Prestige Woods Blvd was on hand to make comment. She stated that she is the second owner with no water problems. She does not have a sump pump. She stated that she has a beautiful stream on the property and there is never a time when it does not have water in it. She further stated that she has a beautiful great room that looks out to the beautiful trees. She was told the lot next to her was unbuildable by her realtor. She stated finally that her home would be devalued and her view would be ruined.

John Kudley, Councilman, 520 W. Pioneer Trail was on hand to comment. He stated that the proposed house will be compliant with the minimum size requirement of the homeowners association. He was concerned this project could create a dam. He expected they would need multiple sump pumps. He was concerned that water will not run off the property, but collect on the front lawn. The driveway pad will sit right up to the sewer easement. The placement of the home will be low. He stated that if you are sitting on the deck of 610 Prestige Woods Blvd, you may be looking into the second story of the proposed home. He had concerns about previous jobs the builder has constructed that may have water issues. Finally, he stated that the original builder sold the property after deeming it unbuildable and now another builder is trying to work with that property. He reminded the members that the builder will not be living in the house and will leave the area after the home is completed. Aurora will have to live with any issues created by this development.

Ms. Grandillo closed public comment.

MOTION: To accept a letter from John Kudley and a second letter from Rocque and Kara Trem for consideration

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

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

Nays: None

Ms. Grandillo confirmed with Ms. Januska and Mr. Czekaj that Chagrin River Watershed Partners will evaluate this lot.

MOTION: To accept Old World Classics, 600 Prestige Woods Blvd, Riparian Setback Variances (1902008) for study

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, Dr. Benschoff

Nays: None

Breezy Point Limited Partnership - Barrington Subdivision – Phase 6 (36 lots) – Final Plat (1903010)

Rob Benjamin, of Heritage Development was on hand to answer questions. He was seeking approval to finish the final phase of the subdivision. He reported that the trees have been cleared, the final engineering is being submitted, wetland permits are in hand, and he hopes to begin the improvements this summer.

There were no questions from members.

Ms. Grandillo asked for comments from the public. Deb Conti, 234 S. Chillicothe Road was on hand to make public comment. She asked about a lot that sits on State Route 43, next to Anna Maria, and the Barrington Swim Club. She stated that the property was designed to be part of the stormwater management on the original approved plans. She noted that a “for sale” sign was present on that lot. She asked how that plan was being held accountable. She did not want to see that sold at a later date, as she believed it was part of the stormwater plan for that development.

Mr. Benjamin stated the property is still for sale and is zoned for mixed-use. It could be developed for office use, retail or residential. Development would be feasible on the north side of the parcel only.

MOTION: To accept Breezy Point Limited Partnership, Barrington Subdivision – Phase 6 (36 lots) – Final Plat (1903010) for study

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

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

Nays: None

MISCELLANEOUS

None

ADJOURNMENT

MOTION: To adjourn the meeting at 7:48 p.m.

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

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

Nays: None

Kathi Grandillo-Chairman

Marie Lawrie, Secretary