

**CITY OF AURORA
PLANNING COMMISSION
MEETING MINUTES
OCTOBER 2, 2019**

The Aurora Planning Commission met in a regularly scheduled meeting on Wednesday, October 2, 2019, in the Council Chambers of Aurora City Hall. Planning Commission Chairman Kathi Grandillo called the meeting to order at 6:30 p.m.

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
Dean DePiero, Law Director
Harold Hatridge, Councilman
John Kudley, Councilman
Marie Lawrie, Secretary

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

SUBMISSION OF SUPPLEMENTAL INFORMATION

MOTION: To accept a letter from Rocque and Kara Trem for 600 Prestige Woods Blvd – Riparian Setback Variances – for consideration

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

MOTION: To accept the Hersh Outline for Variance Hearing, for 600 Prestige Woods Blvd – Riparian Setback Variances – 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. Benshoff

Nays: None

MOTION: To accept photographs for 600 Prestige Woods Blvd – Riparian Setback Variances – for consideration

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

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

Nays: None

AMENDMENTS TO THE AGENDA

None

APPROVAL OF MINUTES

MOTION: To adopt the minutes of the August 7, 2019 Meeting, as submitted

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

AGENDA ITEMS

Old World Classics, 600 Prestige Woods Blvd – Riparian Setback Variances (1902008)

Kevin English, of Old World Classics, 7056 Mears Gate Drive, North Canton, Ohio was on hand to address the commission. He stated that they were seeking small grading variances to erect a new home. He continued by stating that they have completed their wetland study and have obtained a permit from the Army Corps of Engineers. The study found a category 1 wetland on the property, which requires no setback.

Kelly Hersh, property owner, 754 Rolling Brooke Way, Northfield, Ohio was in attendance to speak to the membership. She provided a document outlining the Duncan Factors and described why the variances should be approved. This document was accepted for consideration. (See Submission of Supplemental Information.)

Ms. Grandillo asked the members for their questions and comments.

Ms. Gilmore asked about the appropriate time of year to do a wetland study on a property.

Mr. Czekaj stated that he was unaware of any criteria that states that a study would need to be conducted at a specific time of year. He assumed that they would complete their evaluation based on the site and not what is currently occurring with regards to the weather.

Mr. French stated that the study to determine the category of the wetland was done in April. He asked if that study needed to be completed prior to the Army Corps of Engineering issuing a permit.

Judith Mitchell, of Davey Tree, 5775 Farview Drive, Clinton, Ohio was in attendance to discuss her findings. Ms. Mitchell explained to the membership that a wetland study can be done at any time of the year, as long as snow doesn't cover the ground. Indications of wetlands can be assessed whether water is present or not on any given day. Indications of water were described as moss marks, debris on trees, etc. Her study was done in April and the Army Corps of Engineers came out in August and verified the findings.

Mr. French stated that he did research on the builder. The builder had good reviews. Mr. French asked if the house met the guidelines of the homeowners association. Ms. Hersh stated that the plans have been revised to meet the guidelines.

Mr. French took a closer look at both areas where the grading would take place with the builder. There was discussion about the grading involved with the driveway and the area near the porch. He asked if the variances were considered separate variances. Ms. Januska explained that it is being considered a single stream with a 25 foot setback. She is considering the application as a request to grade within that setback. Mr. French asked if the variance could be avoided if the home was erected farther back. Ms. Hersh stated that the home will be erected on the rear yard setback limit. Mr. English explained that even if they applied for a variance to move the house back, a variance would still be needed in the riparian setback for the bridge. Ms. Hersh stated that she would rather not ask for a setback variance for the house.

Mr. French asked questions pertaining to the water from the headwall and culvert to the west of the property line. He stated that it seems the lot may have been altered after the subdivision was constructed. He observed that some dumping on the front of the property may have occurred over time. Ms. Hersh stated that a sanitary sewer line has been installed. She stated that the easement for that area was also a consideration when choosing the location for the home. Mr. French stated that in his opinion the lot has become a retention area, controlling the flow of water downstream. He was concerned about the change in drainage that may occur when this home is constructed and the lot is freshly graded, as it pertains to adjacent property owners.

Allen Wylee, of GBC Design, 565 White Pond Road, Akron, Ohio was also present. He stated that stormwater management was approved for this subdivision as a whole when it was being developed.

Mr. Czekaj, City Engineer, further stated that when subdivisions are designed, they are looked at holistically in terms of stormwater management. He further stated that the subdivision was designed to manage the stormwater of the entire subdivision.

Ms. Duguay asked if the Yorkshire lot that borders this parcel is a buildable lot. It was determined that the lot in question is where their stormwater management is located and therefore a house cannot be constructed on that parcel. Ms. Duguay then asked what the elevation of the home to be erected was in comparison to the home on the rear lot of the Yorkshire Estates. Ms. Hersh stated that she did not see the relevance of the question, as that is a separate subdivision. Mr. English did not have information about the difference in the elevations. He could not provide the exact height of the proposed home.

Ms. Gilmore asked an additional question about the elevation of the proposed home in comparison to the neighbors on either side of the parcel. The existing lot is considerably lower than the neighboring lots. The answer given was that the house to the right is approximately 4 foot higher in elevation and the home to the left will be approximately 8 foot higher in elevation. Ms. Gilmore asked if the HOA approved this difference in elevations. The answer was that a site line study was not completed or submitted.

Dr. Benshoff asked if this topic of elevation was covered at the March meeting. Ms. Grandillo stated that it was discussed then, but she was unsure if this inquiry would be relevant to the decision of the board. Mr. DePiero confirmed that the elevations of the home do not come into the equation of whether to approve the variance or not. Ms. Januska stated that the elevation of the home will be considered when the topographic site plan is reviewed in Engineering. She further stated that at this time, the site plan has not been approved by Engineering.

Ms. Grandillo stated that although there is more review required for this project before a permit is issued, the Planning Commission is able to consider and vote on the riparian setback variance.

Mr. French inquired about the permit from the Army Corps of Engineers. He asked if the city would visit the property jointly with the Army Corps of Engineers to inspect compliance to the conditions of the Army Corps permit. Mr. French asked if the representative from the Army Corps would look at the area to be filled in as well as the stream on the property. Ms. Mitchell explained that the representative would only look at the wetland portion of the project that they have jurisdiction over. She further explained that once the permit is issued, what has been approved is all that can be developed. If the house were to be moved, or other changes would be needed or wanted, their permit would need to be reconsidered for modification. She clarified that upon inspection, the representative would look for compliance within all water sources.

Ms. Grandillo opened the floor for public comments.

John Kudley, 520 W. Pioneer Trail, Councilman at Large, was in attendance to comment on the application. He stated that for years the property was considered unbuildable. He stated that the lot collects water and his concern is that the development of the property will change the intensity of the water when it has to reroute itself. He had concerns about the water flow changes both upstream and downstream. He was concerned for the property owners themselves and future water issues they may encounter with their own home. Mr. Kudley explained that after all his years on city council, he has seen situations that turned out to be problems and citizens want to know why city council approved the project. He gave examples. He was concerned that this problem will increase with the city coming closer to build-out. The remaining properties will be very challenging to develop. He requested that Planning Commission deny the request. He asked the members and the city engineer to consider if they would want to build a home on this lot.

Ms. Hersh spoke to the statement that the property was considered unbuildable. She said that anyone could call a property unbuildable. She explained that at some point, if the costs were too high, the lot would be unbuildable. To date, she has not considered her property unbuildable.

Brian Pozniak, 430 Regal Oaks, was in attendance to comment on the variance request. He stated that he is the HOA President. The HOA has faced challenges in the last year, with the development that has taken place off East Pioneer and now this new home in the development. Some residents have concerns due to the water they see on the lot and a fear of where that water will go when the lot is developed. He reported that he has not seen any dumping on the property. He was inclined to think the lot was left in that condition after the initial development of the subdivision. He stated that the initial developers did a good job planning for stormwater management of the subdivision; however it has been 20 years with that lot undeveloped.

Ms. Grandillo asked if the HOA approved the plans. Mr. Pozniak stated that the HOA for this subdivision was supposed to end after the lots were developed. The HOA takes care of some minor landscaping and is not intended to be a large HOA. The organization does not have insurance and was not prepared for this last lot to be developed. They used the documentation that they have to work out issues with the roof pitch and the side-load garage. That was the extent of their review and approval of the project. This project is unique for them. The group just wants to see the subdivision finished in the best way possible.

Mr. French inquired about a stormwater management requirement for this lot. Mr. Czekaj stated that there is a requirement for the subdivision as a whole when developed and not a requirement for a stormwater management plan for an individual parcel.

Mr. Wylee confirmed that a culvert with a certain amount of water flow was planned for this lot at the time of development. He stated that this is called out on the grading plans.

Ms. Grandillo asked Ms. Mitchell to clarify her earlier statement. Ms. Mitchell stated development of this lot, according to the submitted plans, will not interfere with the flow of water on the back corner. She further stated that the water that is currently collecting in the depression will be redirected, as that depression is to be filled. The drainage that will be interfered with is where the house is to be erected.

Mr. Kudley explained that if the retention pond for Yorkshire Estates experiences a large rainstorm, it will overflow onto the subject property. Mr. Wylee explained the flow of water in that area. It flows toward the neighboring property, 580 Prestige Woods Blvd.

Lori Manav, 610 Prestige Woods Blvd, attended. She confirmed that the lot has not been dumped upon, but was left in that state by Hershberger Builders. She presented photographs of the subject lot from a 2018 rainstorm. These photos were accepted for consideration. (See Submission of Supplemental Information.) She questioned how many trees would be removed and how the lot would be impacted with wind and water after removal. Mr. Wylee stated that as few trees as possible would be removed to

accommodate grading and culvert installation. He further stated that he would not remove trees from any neighboring properties.

MOTION: To approve Old World Classics, 600 Prestige Woods Blvd – Riparian Grading Variance (1902018) conditioned upon a topography and crossing plan and a stormwater management plan approved through Engineering and the bridge adhering to Fire Department Standards.

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

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

Nays: None

Ms. Duguay stated that at times, questions are asked to gather additional information for all of the people impacted by the project. She further stated that questions asked might be to gather information to be certain that the applicants' interests are also protected.

✚ Chapter 1317.01 Property Maintenance (1901002)

✚ Chapter 1319.01 Rental Registration (1901003)

✚ Chapter 1321 Architectural Board of Review (1907018)

✚ Chapter 1329 Permits & Fees (1907019)

✚ Chapter 1177 Mixed-Use (1907020)

✚ Chapter 13 Building Code (1907021)

Ms. Grandillo suggested that the membership review the documents and discuss them at the next meeting. Ms. Gilmore asked for clarification on the term "non-owner occupied" as it pertains to family members. Ms. Januska will clarify that. Mr. DePiero asked that additional questions be sent by email to himself and Ms. Januska in preparation to discuss these chapter changes in detail at the next meeting.

Harold Hatridge, 195 Devorah Drive, Councilman, was in attendance to comment on these changes. He stated that the last time an exterior maintenance code was proposed, it was extremely intrusive to the homeowner and 17-18 pages long. The current proposal is just one page in length. He was concerned that if such a property maintenance code was adopted that the city should implement a plan to allow the residents to borrow money with a low interest rate to make the repairs or to access the property for the cost of the corrections. He asked Ms. Januska if homes with high acreage would be excluded from this maintenance code. The answer was no. He stated that there is a lot of discretion involved with determining adequate abatement. He suggested narrowing that duty down to one department. Finally, he said that this maintenance code may not be important to the majority of residents in Aurora, however; if you live next door to a home in disrepair, this is very important to you.

MISCELLANEOUS

None

ADJOURNMENT

MOTION: To adjourn the meeting at 7:42 p.m.

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

Kathi Grandillo-Chairman

Marie Lawrie, Secretary