

**CITY OF AURORA
PLANNING COMMISSION
MEETING MINUTES
OCTOBER 16, 2019**

The Aurora Planning Commission met in a regularly scheduled meeting on Wednesday, October 16, 2019, in the Council Chambers of Aurora City Hall. Planning Commission Vice Chairman Peter French called the meeting to order at 6:30 p.m.

ROLL CALL:

Present: Laura Duguay
Peter French
Sarah Gilmore
Dixie Benshoff
Absent: Kathi Grandillo
Also Present: Denise Januska, Director, Planning, Zoning & Building Division
Justin Czekaj, City Engineer
Dean DePiero, Law Director
Harold Hatridge, 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 written statement and photo from Deb Conti, 234 S Chillicothe Road for the Chapter 1317.01 – Property Maintenance Standards (1901002) for consideration

Dr. Benshoff moved; Ms. Duguay seconded, and the motion carried 4-0 on a roll call vote.

Yeas: Dr. Benshoff, Ms. Duguay, Mr. French, Ms. Gilmore
Nays: None

AMENDMENTS TO THE AGENDA

MOTION: To move items 7a Gatta Holdings LLC, 435 Gentry Drive – Addition (1907016) and 7b ILPEA Industries inc./OEM Miller, 1300 Danner Drive – Addition (1907017) to the end of the agenda items

Dr. Benshoff moved; Ms. Duguay seconded, and the motion carried 4-0 on a roll call vote.

Yeas: Dr. Benshoff, Ms. Duguay, Mr. French, Ms. Gilmore
Nays: None

APPROVAL OF MINUTES

MOTION: To adopt the minutes of the October 2, 2019 Meeting, as submitted

Ms. Gilmore moved; Ms. Duguay seconded, and the motion carried 4-0 on a roll call vote.

Yeas: Ms. Gilmore, Ms. Duguay, Mr. French, Dr. Benshoff
Nays: None

AGENDA ITEMS

✚ Chapter 1317.01 - Property Maintenance Standards (1901002)

Ms. Januska explained that she would like the code updates to be discussed and reviewed. She would not be seeking a vote on these items at this meeting, as other boards and administration are also reviewing the changes.

Mr. French asked the members for their questions and comments. He stated that he had a question about whether this document included anything about animal waste, however; Ms. Januska explained that the subject was covered under 618.07 Nuisance Conditions Prohibited.

Ms. Duguay asked about fences. Ms. Januska explained that fences are covered under Use Regulations Chapter 1153.05(e)(1)(B). A fence is considered a structure and would be covered under this code as well.

Law Director, Dean DePiero commented on the code addition. He gave some background on the enforcement aspect of such a code. He stated that he has been in local government for over 25 years. He has been a prosecutor, an elected official, an assistant law director and now a law director and prosecutor for Aurora. He stated that property maintenance enforcement is an important aspect of what cities do. It affects the quality of life and property values of the residents. With his experience with such codes, the goal is generally enforcement and compliance and not to put citizens in jail. He stated that the best tool he currently has to work with is Chapter 618, which deals with junk vehicles, debris, etc. He estimated that in 5+ years, he has had 10 cases that were extreme. These homeowners have received several notifications, as well as visits from the Planning, Zoning, & Building Division and the Police Department to no avail. These cases are going on for months or years before the Law Department is called upon for assistance. He would like to see better tools in the toolbox to deal with such cases. He explained that the goal is to work with situations where residents are sick or have financial issues or hardships. The city would work with those residents and not just prosecute them. He needs something codified that helps him prosecute those who willfully refuse to clean up their yards and maintain their residences. He stated that this is not a perfect document. It may need tweaked from time to time. It will require smart enforcement to determine which individuals to work with and which to take to court. This will be a joint effort between the departments. He stated that this is a simple, one page document. He was not certain why previous documents were not approved, but he encouraged the members to approve a document to help prosecute the worst offenders. He commended Ms. Januska for creating a document that is basic and clear and encourages compliance and keeps property values strong. Finally, he stated that it comes down to the people that you employ to enforce the code. Their focus needs to be on how best to achieve compliance based upon the specific problem.

Mr. French opened the floor for public comments.

Deb Conti, 234 S Chillicothe Road attended to comment. Ms. Conti passed out a prepared statement to the members. This was accepted into the record (See Submission of Supplemental Information.) Her letter stated that this code would equate to a loss of owner's property rights. It also stated that she was not in favor of the city dictating the period in which abatement was required. She was against the debt the property owner would incur if the city took action to abate the nuisance. She stated that with the property owner being charged with a misdemeanor, that this information would be available to the world via an internet search. She suggested that if a homeowner wants stricter standards they should consider a subdivision with an HOA. She was not in favor of arguing with her neighbors, or having city employees or their contractors on her property. She was not in favor of the extra employees and cost this code addition might incur. She distributed a photo of a Pink Emoji house in California and stated that this home was on the news and it had a negative impact on that neighborhood.

Harold Hatridge, 195 Devorah Drive, Councilman attended the meeting. He commented that past property maintenance standards presented to council have been very lengthy and intrusive to the homeowner. He said he is not against a maintenance code as long as what is approved covers all the bases. He had a few specific questions pertaining to the definitions of “adverse” effects and “weeds”. He commented on the sentence that pertains to discarded appliances and what the rubbish collection service will accept. He asked what the required period would be for nuisances. Finally, he spoke about how the city does not have many residents that would be effected by this code addition, but for those residents who live next door to a problem property; this maintenance tool will mean everything. He would like to see a document that is not intrusive and enforceable to leave behind for those in public service who follow the current leaders.

Mr. DePiero addressed public comments. He suggested “negative” could be substituted for “adverse”. In other communities weeds are measured. He stated that by simply saying “weeds” the document is leaving room for discretion between rural and urban areas. He explained that the length of time for abatement depends on the circumstances. Lesser offenses might need to be abated in 30 days, while larger issues may need 90 days, depending on the specific nuisance. Time needs to be allotted for proper notifications.

Chapter 1319.01 Rental Registration (1901003)

Mr. French asked the members for their comments or questions. Ms. Gilmore was looking for a definition of a “renter.” Mr. DePiero stated that the definition of a “non-owner occupied structure/unit” is a tenant or occupant who is not on the property title and has no fee interest in the property. Other communities have much more extensive rental codes that include registration and inspections, etc. For the clarification of this code addition, being that it is only registration, family members would be subject to the registration. He reminded the members that they are, in fact, the policy makers and could change that, if they so choose.

Ms. Duguay asked if (c)(5), which states “any new non-owner occupied structures/units shall be registered with the city before they are permitted to be occupied” would be subject to the December 31, 2020 date previously outlined in the document. The answer was yes.

Mr. French asked if there was any wording in the document stipulating a difference between a paying non-owner occupant verses a non-paying, non-owner occupant. Mr. DePiero explained that leases would not be reviewed and that parents who winter elsewhere leaving adult children at home would not be subject to this registration. Mr. French questioned the “30 day” statement in section (b)(2). Ms. Januska stated that the 30 days is keeping in line with guidelines of the fire marshal and hotel guidelines.

Mr. French opened the floor for public comment.

Deb Conti, 234 S. Chillicothe Road had comments on the subject. She asked if the rental status of a home would be added to the title of the property. She wondered how the city would be notified when a property changes hands and is no longer a rental property. She also asked what the registration fees would be used for. The answer was that it would not be on the property title. Ms. Januska explained that when the renewal period occurs and a property is not renewed, an inquiry may occur to see if the property transferred ownership. She did not foresee employees knocking on doors to investigate. She explained that the fee will cover administrative costs of tracking the properties.

Chapter 1321 Architectural Board of Review (1907018)

Mr. French asked the members for their comments and questions. Ms. Duguay asked for explanation of 1321.09(a), which states that “the Architectural Board of Review shall review alleged violations of any previously approved projects and if found justified, recommend sanctions and /or fines set forth in this regulation”.

Ms. Januska explained that this code section would pertain to new projects and could not be applied to previously approved applications. The intent of this update is to achieve more variety in the residential housing stock. It pertains to every new structure and not just new subdivisions. However; it may be harder in rural areas, where some of the roof ridge comparisons of neighboring existing structures are not easily accessible. In those instances, the board can make an exception for that hardship.

Ms. Januska further explained the reason for the penalties outlined in the update. She said that upon final inspection, there have been times when alterations occurred in the field that do not match what was approved at the ABR meeting. Examples include missing windows, trim that does not match the approved plans, etc. The goal is to have the builder return to the board with revisions prior to the final inspection for an updated approval. Repeat offenders can be penalized.

Dr. Benshoff asked if verbiage needs to be included to protect against the opposite end of the spectrum, including housing so different that it looks hodgepodge. Ms. Januska explained that the ABR has guidelines to address the type of housing they will approve. She further stated that the ABR is looking over this update as well. Their input will be strongly considered to achieve the outcome intended.

There was no one present from the public to make comment on this update.

Chapter 1329 Permits & Fees (1907019)

Mr. French asked Ms. Januska to explain this update. Ms. Januska stated that the Ohio Building Code states that a building permit is good for one year. If the project is stagnant or abandoned, the file currently remains in an active status. This update will allow the Building Department to adhere to the timeline set forth in the Ohio Building Code and administratively close the file. If the job has been postponed for a reason, it allows extensions to be granted.

There were no questions from the members or the public.

Chapter 1177 Mixed-Use (1907020)

Mr. French asked Ms. Januska to explain this update. Ms. Januska explained that the Mixed-Use Zoning district is a new zoning district. Therefore, this is a newer code section. As applications have started to be submitted within the district some modifications have come to light that are needed to improve this section.

Ms. Januska explained that after considering the amount of time it takes to review each house in a development and with the 300+ houses that may be coming forward, it makes sense to have Planning Commission oversee the commercial and industrial portions of the Mixed-Use and move the residential portion back to the ABR. The Planning Commission would approve the overall density and lot sizes, however; the architectural design of the individual houses would be approved by ABR. Ms. Gilmore asked

how consistency would be achieved between the two boards. Ms. Januska explained that the Planning Commission would govern the concept or theme and interconnections and the ABR would use the Residential Guidelines as well as the Mixed-Use design standards to approve the homes within that project.

Ms. Januska explained that the intent of the update, in part, is to exclude wetlands or challenging acreage from being included in the buildable area. Mr. French stated that he likes the terminology that calls out the “buildable area.” Ms. Gilmore asked who has the final say in the buildable area. Ms. Januska will discuss this with the Law Director and give an answer at the following meeting of Planning Commission.

 Chapter 13 Building Code (1907021)

Ms. Januska explained that this update consists of changing some verbiage to allow the code to stay current with the most recent code adopted by the Ohio Board of Building Standards.

There were no comments from board members or the public.

 Gatta Holdings, LLC, 435 Gentry Drive – Addition (1907016)

Bob Ready, of Curtis Layer Design Build, 340 Harris Drive, Aurora attended to discuss the project. His company built the original structure and the present addition. The company is looking to expand again and they are looking for approval to add a 15,000 square foot addition to the production area and a 3,000 square foot addition to the office of the building. They have been granted variances from the Board of Zoning Appeals and the Architectural Board of Review has approved the aesthetics of the addition.

There were no questions or comments from the commission members or the public.

MOTION: To approve the application for Gatta Holdings, LLC, 435 Gentry Drive - preliminary and final site plan (1907016) for an addition

Ms. Gilmore moved; Ms. Duguay seconded, and the motion carried 4-0 on a roll call vote.

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

Nays: None

 ILPEA Industries, Inc./OEM Miller, 1300 Danner Drive – Addition (1907017)

Bob Ready, of Curtis Layer Design Build, 340 Harris Drive, Aurora attended to discuss the project. His company built the original structure and two additions. The company is looking to expand again and they are looking for approval to add a 32,000 square foot addition. They have been granted variances from the Board of Zoning Appeals and the Architectural Board of Review has approved the aesthetics of the addition. Mr. Ready asked for a parking exception for 69 spaces. He explained that there is ample parking for the employees of the building. The current site plan will increase parking, but does not meet the required spaces. The expanded parking spaces is more than adequate to meet the needs of the company as the addition is warehouse space and the company will not be hiring more employees.

Mr. French asked for comments or questions from the members. Ms. Gilmore stated that she was excited to see an Aurora company working on an Aurora project. There were no comments from the public.

MOTION: To approve the application for ILPEA Industries, Inc. / OEM Miller, 1300 Danner Drive - preliminary and final site plan (1907017) for an addition, with a parking exception of 69 spaces

Ms. Gilmore moved; Ms. Duguay seconded, and the motion carried 4-0 on a roll call vote.

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

Nays: None

MISCELLANEOUS

None

ADJOURNMENT

MOTION: To adjourn the meeting at 7:18 p.m.

Dr. Benshoff moved; Ms. Duguay seconded, and the motion carried 4-0 on a roll call vote.

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

Nays: None

Peter French – Vice Chairman

Marie Lawrie, Secretary