

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

The Aurora Planning Commission met in a regularly scheduled meeting on Wednesday, November 20, 2019, in the Council Chambers of Aurora City Hall. Planning Commission Chairman Kathi Grandillo called the meeting to order at 6:35 p.m. immediately following the public hearing.

ROLL CALL:

Present: Dixie Benschhoff
Laura Duguay
Peter French
Sarah Gilmore
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

None

AMENDMENTS TO THE AGENDA

None

APPROVAL OF MINUTES

MOTION: To adopt the minutes of the October 16, 2019 Meeting, as submitted

Mr. French moved; Ms. Duguay seconded, and the motion carried 4-0-1 on a roll call vote.

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

Nays: None

Abstentions: Ms. Grandillo

AGENDA ITEMS

 **Hawthorn - Phase 6 – Tree Clearing Plan (1910022)**

Mark Constantino, of Hawthorn of Aurora LTD attended the meeting. He was seeking an exception from the Planning Commission to clear trees in Phase 6. He explained that he has a limited time frame to remove the trees and this plan has taken two years to get to this point. Ms. Duguay mentioned the revised development plan from January 16, 2016. She asked if there was a date when the plan would need to be re-evaluated. Ms. Januska explained that when the developer submits the preliminary plan for this phase, if it does not match what was previously approved, it would be re-evaluated at that time. Ms. Duguay expressed her concerns that some of the dynamics of that development have changed over the years. She had concerns about the amount of trees to be removed. Mr. Constantino stated that the minimum amount of trees necessary for development would be removed. She also brought up concerns about the health of the lake, and homes that had issues with sinking foundations.

Ms. Januska stated that the revised development plan that was approved in 2016 contained less homes than the previously approved plan. The lot size increased. She further stated that when the developer submits for this phase of development, the stormwater management plans would need to meet current regulations.

Ken Hejduk, of Hejduk-Cox and Associates, Inc. attended. He spoke to the stormwater and drainage concerns. He stated that the current development plan is significantly different from the original plans from the 1970's and 1980's. Each phase has less units than planned and phase 5 is very different, as they did not connect the roads as planned, to avoid wetlands. This resulted in two cul-de-sacs. He stated that they have been working with the Army Corps of Engineers to minimize wetland disturbance. He explained that all drainage will be routed to retention and/or detention ponds before it would go to the lake. He was anticipating three basins for this phase.

Ms. Grandillo opened the floor for public comments.

Deb Conti, 234 S Chillicothe Road attended to comment. She asked if future property owners would be restricted from clearing trees that were within the clearing limits on this proposal. She also asked about the timeline of the proposed Temporary Diversion (TD) demonstrated on the clearing plan. Lastly, she asked if the plan would return before Planning Commission. The answer was that Phase 6 is expected to return to the Planning Commission for preliminary and final site plan approval at a later date.

Mr. Hejduk explained that additional tree clearing would need to be approved at a later date by the builder and the city. In response to the temporary diversion (TD) he explained that erosion control plans have been submitted for the tree clearing and further erosion control plans will be submitted at a later date. He finally stated that they received their NPDES permit. (National Pollutant Elimination System)

MOTION: To allow an exception for Tree Clearing – Hawthorn – Phase 6 (1910022)

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

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

Nays: None

Breezy Point Limited Partnership, N. Aurora Rd – CZC – Multi-Family Dwellings in the Mixed-Use District (1911023)

Ken Hejduk, of Hejduk-Cox and Associates, Inc. was on hand to discuss the application. He stated that Hejduk-Cox has been secured as the engineers and surveyors for this project. He was proposing to construct 16 units with entry off North Aurora Road. The parcel was said to back up to the Barrington subdivision, Phase 6 and border the Anna Maria Atrium on one side and the Barrington tennis/pool facility on the other side. The project will include sanitary sewers, storm sewers and water lines. Two retention ponds were outlined on the plans. Wetlands were mentioned that would need to be mitigated with this project. A conditional zoning certificate is necessary to construct residential units within the Mixed-Use district.

Ms. Grandillo asked for the questions and comments of the members. Ms. Gilmore asked for clarification on whether this development attaches to the Barrington subdivision. The answer was that it is separate and will have its own HOA. Mr. French had questions about drainage. He stated that water naturally flows through the existing wetlands and asked how this area will be impacted. Mr. Hejduk stated that Barrington Phase 5 has an existing pond that will accept some of the water, and the new pond will take the water that naturally flows to this area. Mr. French expressed concern that as tree clearing happens for Barrington Phase 6, an increased flow of water will be directed toward this area. Catch basins were pointed out on the plans. Mr. French asked for a definition of multi-family units. Ms. Januska explained that they are

single-family condominiums. Because they do not have individual parcels, they are considered multi-family units that need a conditional zoning certificate within the mixed-use zoning. Mr. French asked about the required buffering between the uses. Section 1153.04(k)(5) requires either a six (6) foot fence or as otherwise approved in the conditional zoning certificate to provide buffering. Ms. Januska explained that the south side of the property might be challenging with the wetlands and that the commission has discretion on how best to buffer the use. Ms. Duguay asked if the Chagrin River Watershed Partners would weigh-in on the project at the next submission. Ms. Januska explained that their comments would be sought when the developer submits for wetland setback variances. They would submit their wetland delineation, and Army Corps permit to determine buildable area. Ms. Duguay asked if it was possible that the developer could be granted the conditional zoning certificate for the project and then find that they can't build this plan. The answer was yes. Only after they move forward with their next steps, would they realize what is feasible to develop.

There was no one from the public that wished to speak to this request.

MOTION: To accept for study, Breezy Point Limited Partnership – CZC – Multi-Family in Mixed-Use (1911023)

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

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

Nays: None

 Chapter 1317.01 – Property Maintenance Standards (1901002)

Ms. Grandillo asked if the city inspector would be the person in charge of determining what violations exist on a property. She was concerned that neighbors who quarrel would make complaints against each other. Ms. Januska explained that the intent is to verify complaints and not to send an inspector out looking for violations. When a complaint is brought to the attention of the Building Department, a director or an inspector would be sent out to observe and photograph the problem. If the complaint were justified, phone calls and letters would be issued to rectify the situation. If attempts to bring the property into compliance fail at this level, the legal department would be called upon in an attempt to abate the situation.

Ms. Grandillo asked about the plan to finance the abatement. Ms. Januska gave a brief explanation about the Community Housing Improvement Program (CHIP) that is in place to help low to moderate income homeowners in repairing and rehabilitating their home. She further explained that some funds were set aside this year and will be set aside next year to abate nuisance issues.

Mr. DePiero explained the process that unfolds when it is necessary for the city to abate a nuisance property including filing a lien against the property with a 10 percent penalty in order to recuperate the taxpayers' money that was used during this process. He stated that this is a very typical practice. He described it as a rare measure. He gave an example of a current nuisance property where the property owner signed a mortgage note over to the city and avoided court proceedings. Mr. Depiero explained that the language of this code section update is very typical. Dr. Benshoff thanked staff for listening to the comments made at prior meetings and revising the verbiage.

Ms. Grandillo opened the floor for public comments.

Deb Conti, 234 S Chillicothe Road was in attendance. She stated that she appreciated the comments made by Mr. DePiero at the last meeting pertaining to how the current administration works through these issues and that abatement by the city is used as a last resort. She stated that although she appreciates the mindset of the current administration, once you adopt this code section, interpretation of this code

could change with future administrations. Mr. DePiero stated that part of the job, as an elected official is to use your experience to gauge situations, and determine the best way to achieve compliance.

She asked for an explanation of the process of recuperating the money from a lien when there is another mortgage on the property. Mr. DePiero stated that when the property sells, property taxes will be paid first, and then the mortgages will be paid in the order they were filed. He further stated that each nuisance property would need to be researched on a case-by-case basis to evaluate the risk of placing a lien on any given property.

Harold Hatridge, 195 Devorah Drive, Ward 6 Councilman was in attendance. He stated that this code section is very important and he hopes that it will be as unobtrusive to the homeowner as possible. He hopes that what is established now will still be a helpful ordinance years down the road. Pertaining to 1317.01(a)(1), Mr. Hatridge asked without entering the dwelling, how one would determine whether a wall or surface was airtight. Ms. Januska explained that the Residential Building Official would make the determination. He would be looking for holes and obvious signs of deterioration. Mr. Hatridge requested a meeting with administration to discuss a financial plan to assist in the nuisance situations.

There were no further comments or questions.

MOTION: To forward a positive recommendation to City Council for the approval of Chapter 1317.01 – Property Maintenance Standards (1901002)

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

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

Nays: None

 Chapter 1319.01 Rental Registration (1901003)

Ms. Grandillo asked for questions and comments of the members. There was none.

Ms. Grandillo opened the floor for public comment. There was none.

MOTION: To forward a positive recommendation to City Council for the approval of Chapter 1319.01 – Rental Registration (1901002)

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

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

Nays: None

 Chapter 1329 Permits & Fees (1907019)

Ms. Grandillo asked Ms. Januska why this code section was completely in red ink. Ms. Januska explained that this is a completely new section to the code. She further explained the intent behind this new section. She stated that there are many open permits and a final inspection is never scheduled. This will assist the department with closing those files and refunding the completion deposit to the city. She also explained that a limited number of extensions can be granted for a permit, where the work takes longer than expected. Dr. Benshoff stated that this seems necessary. Ms. Duguay asked what would happen if the inspection did not happen within the 6 months allowed, due to no fault of the homeowner. Ms. Januska explained that each case could be considered individually, by the Residential Building Official, for extenuating circumstances.

There were no questions from the public.

MOTION: To forward a positive recommendation to City Council for the approval of Chapter 1329 Permits and Fees (1907019)

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

 Chapter 1177 Mixed-Use (1907020)

Section 1177.07 Minimum Development Area and Maximum Density was discussed. The definition of buildable area was updated. Ms. Duguay was happy with the revision, however; she did recommend some additional verbiage to make clear that wetland setback areas and riparian setback areas are also excluded from the buildable area. Ms. Januska and Mr. DePiero agreed with that recommendation and the section will be amended to reflect that change.

MOTION: To forward a positive recommendation to City Council for the approval of Chapter 1177 – Mixed-Use (1907020), as amended

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

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

Nays: None

MISCELLANEOUS

None

ADJOURNMENT

MOTION: To adjourn the meeting at 7:23 p.m.

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

Kathi Grandillo - Chairman

Marie Lawrie, Secretary