

# CUYAHOGA FALLS CITY COUNCIL

## Minutes of the Planning & Zoning Committee Meeting

May 18, 2015

Call to Order The meeting was called to order by Mr. Mader, Chair, at 6:30 p.m. A quorum was present.

Approval of the Minutes Without objection, the minutes from the meetings of April 6, 2015 and April 20, 2015 were approved.

### Agenda Items

Temp. Ord. B-35 An ordinance accepting the Planning Commission approval, findings and conditions of the Adams Run 2 Preliminary Subdivision Plat, and declaring an emergency.

Proponent testimony was offered by Planning Director Fred Guerra. Mr. Guerra stated that this preliminary plat is an extension of the Adams Run subdivision. The site is almost 10 acres. This preliminary plat calls for development of the site into 11 half-acre R-2 low density residential lots onto this 9.9 acre site. A 1.7 acre site with an existing house will remain.

The Applicant/Developer is Adams Run 2 represented by Richard Migchelbrink. The owners are Thomas and Claire Csipke.

On May 5, 2015, the Planning Commission found that the preliminary subdivision plat, including the proposed covenants and restrictions for Adams Run 2 fulfilled the intent of Title 3 Land Division and Infrastructure Design Regulations and recommended approval with the following plat stipulations:

1. To complete a wetlands study and forward any wetland designation to the Army Corps of Engineers.
2. Complete storm water management plan for the City and Summit Soil & Water Conservation District to review and approve.

3. Add storm water management basin easement language to the final plat that will detail maintenance responsibilities of the storm water management system.
4. Include a temporary cul de sac in the final plat per section 1123(d).
5. Include vacation of block A in Lot 7,8,9,10 and 11 in the final plat
6. Investigate the re-configuration of lots 3, 6, 9 and 10.

Mr. Guerra stated there are some unanswered questions that need to be worked out before the final plat is issued. Other than that, it meets the City's requirements. It is anticipated that these issues will be resolved in the coming months, and there will be a final plat submitted to the Planning Commission later this summer or early Fall.

The Chair stated that there was considerable discussion at the Planning Commission meeting about the wetlands issue and the storm water issues. The details will hopefully be ironed out at the final plat stage.

The Chair recognized Mr. Weinhardt, who asked when the project would begin.

The Chair recognized the Applicant, Richard Migchelbrink, representing Adams Run 2 LLC, who stated that they will begin on the final plans next week assuming Council approves the preliminary plat. An approved plat must be in place by September in order to finish construction Thanksgiving, which is the latest that asphalt is available. If so, the finished lots will be available in the Winter.

Mr. Weinhardt asked if people would be able to move in before the end of this year.

Mr. Migchelbrink stated that he would be lucky to be selling lots by December. Construction of the homes would begin in Spring of the following year. His intention is for the roads, sewers and infrastructure to be in place by the end of the year. All construction will start next Spring.

Mr. Migchelbrink stated that he understands there is a water problem and a wetland problem and they are working on it. They have 2 consultants working on it too. There is no final resolution at this point. It is a critical point to this project. He stated he does not want to create a problem for the people in Hidden Valley and Woodhaven.

The Chair recognized Mrs. Klinger, who asked if there was discussion during the Planning Commission of upgrading the detention pond that exists today, and whether this will be part of the storm water management plan.

Mr. Guerra stated the existing pond is to the north and the intermittent stream that connects to a smaller pond is not adequate. This development will provide a larger area for storm water detention. This plan is being worked on now.

Mrs. Klinger asked if the plan will change the way the water is released. The pond currently flushes into Marcioni's property. Mr. Guerra stated that pond is in Woodhaven. This pond is being reviewed again with the City Engineer. The Engineer's office suspects that there may have been some tampering with the pipe. However, it may be that the detention pond in Woodhaven may have simply silted up so that the pond is a different size than it was before. The Planning Dept. will look at this again. There is an easement between the Woodhaven pond and Marcioni's pond and it was designed to convey water between them, but it is possible the Woodhaven pond is not working correctly. There is also a stream from Marcioni's pond to the dry basin north of Hidden valley which may not be functioning correctly. The goal is to get all of these the pieces functioning correctly together to take the existing storm water flow and the anticipated flow from this development.

Mrs. Klinger asked if this will be accomplished as part of the planning process for this development. Mr. Guerra stated that the City will need to review this. Regardless, the new development should not make things worse.

Mrs. Klinger asked when Council will know when the City has taken action on this issue. Mr. Guerra stated the City will review the developer's plan when it is complete and perform additional research.

Mrs. Klinger stated that Mr. Marcioni has reported that his pond has silted up and has created problems. Mr. Guerra stated that it appears the Woodhaven pond is also silted up.

The Chair recognized the City Engineer Tony Demasi, who stated that the ponds are designed to trap sediment. If the ponds are not maintained by the property owners, then it will create a problem for that pond and downstream ponds. The City will look at who is responsible for maintaining the ponds and whether there has been tampering. This development is downstream from the two ponds mentioned. Therefore, this development should not cause any problems for the two ponds that are upstream. It may cause issues downstream. This will be reviewed with the developer.

Mrs. Klinger asked if there is a timeline for addressing the upstream ponds. Mr. Demasi stated there is no plan to do anything with these ponds, which are private ponds owned by the homeowners' associations.

Mrs. Klinger asked if the City cannot maintain these ponds and the homeowners' associations are not maintaining these ponds, how this issue can be resolved. Mr. Demasi stated it is a private property matter. This is an issue in most of subdivisions across the City. Homeowners' associations do not do an adequate job of maintaining their ponds

Mrs. Klinger asked if the City has any authority to require the homeowners' associations to maintain their ponds. Mr. Demasi stated this is the case only in the newer subdivisions where enforcement clauses are written into the plat itself. There are over 500 subdivisions in the City, and enforcement clauses have been written into the plats only beginning in the last 10-15 years.

The Chair recognized Mrs. Pyke, who asked what incentive there is to keep the pond functioning. Mr. Demasi stated the homeowners would be concerned about property values and preventing damage to their homes.

Mrs. Pyke asked if a flooding pond would not be a nuisance under the City's housing code. Mr. Guerra stated that the City will be looking into this. Mrs. Pyke stated that this problem is not new. It is a continual problem that should have been addressed years ago. Mr. Guerra stated said that the issue with these specific ponds arose only in the context of the May 5 Planning Commission meeting.

Mrs. Pyke asked if the ponds under discussion here are the ponds causing problems in Hidden Valley. Mr. Guerra stated that the pond causing problems in Hidden Valley is located on this site being developed for Adams Run 2. This pond will be reviewed as part of this development, and the City will review the Woodhaven pond at the same time.

The Chair recognized Mr. Migchelbrink, who stated that the Woodhaven pond retains storm water from the western half of Woodhaven. Adams Run 2 is downstream of that pond. Therefore, it has nothing to do with this project other than the developer must deal with whatever is coming out of that pond. That is why the pond will be studied as part of this development, but if the pond is non-functional, he will ask that it be repaired.

The second problem area is the Marcione pond. The Woodhaven pond, as well as 5% of the Adams Run 2 property, drains into that pond. 30% of that pond is on the property that Mr. and Mrs. Csipke are selling for this development. The developer must deal with it because it is located on the development site. However, the pond cannot be further augmented for storm water detention because Mr. Marcione's house is only 1½ to 2 feet above that pond. The developer must devise a way to get the water out of that pond without increasing the water level in that pond.

The third issue is that there is an old pond on the south end of the development site. That pond will need to be used to deal with the runoff from the development, the Woodhaven pond and the Marcione pond. These issues will be solved and approved by the City Engineer before a final plat is submitted for approval.

The Chair noted that the matter before Council is a preliminary plat authorizing the developer to proceed with the engineering needed to complete the final plat.

The Chair recognized Mr. Weinhardt, who asked whether the final plat will account for the removal of trees. Mr. Migchelbrink stated that the property was historically a horse pasture. Existing large trees will not be removed for any roads.

The Chair recognized Mrs. Klinger, who stated that although this is a preliminary plat, the storm water issues being discussed now have been known of since 2008 when a previous proposal to develop the property was made. Her questions regarding how these issues will be addressed is based on this being a well-known issue.

There was no opponent testimony. There was no public comment.

Motion by Mr. Weinhardt to release Temp. Ord. B-35 with a favorable recommendation. Seconded by Mr. Rubino. Motion adopted by acclamation.

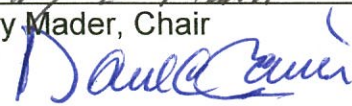
Non-Agenda Items

None.

Adjournment

Without objection, Mr. Mader adjourned the meeting at 7:02 p.m.

  
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Terry Mader, Chair

  
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Paul A. Janis, Clerk of Council