

Cuyahoga Falls City Council
Minutes of the Planning & Zoning Committee Meeting
September 15, 2008

Members: Diana Colavecchio, Chair
Kathy Hummel
Ken Barnhart

Mrs. Colavecchio called the meeting to order at 6:20 p.m. All members were present.

Legislation Discussed:
Temp. Ord. A-92

Discussion

Temp. Ord. A-92

An ordinance accepting the Planning Commission approval, findings and conditions of the preliminary plat of the North Hampton Estates Subdivision, and declaring an emergency.

Mr. Guerra stated this was for preliminary subdivision approval for North Hampton Estates. The applicants are Claire and Thomas Csipke and their agent is John Peters of John Peters & Associates. The development is for 15 parcels on approximately 8.7 acres. Mr. Guerra gave a background on the development in the area. Specifically, in Adams Run, there is a dead-end street. He stated whenever there is a dead-end street, it is the intent to extend that street for development in the future. Should this project be approved, the developer has two years to get the development done and receive final subdivision approval. It could take up to three years between preliminary and final subdivision approval. This development will also include an alley, called Csipke Alley, that would only serve three lots. Concerns were expressed at the Planning Commission regarding traffic safety, storm drainage, a looping water line, lot sizes and wetlands, and the Planning Commission arrived at seven Findings. Because of concerns, the developer came up with a more rural defined road in place of an alley, referred to as Alternate 1. Police and Fire preferred this design. Consequently, the staff recommended this design be approved with six stipulations. The developer has since proposed a third design where Dominic Drive would be a dead-end street with the plan of extending it to Northampton Road in future development. Csipke Alley would then be used for emergency access only. This design is referred to as Alternate 2. The Planning Commission did not review this design. A complete copy of Mr. Guerra's PowerPoint presentation is attached as Attachment A.

John Peters, of John Peters & Associates, added that the alley would actually be more of a pedestrian path that would also be used for emergency vehicles. The Csipkes preferred the road be a non-thoroughfare. Once Dominic Drive was extended to Northampton Road, the path would be closed off to all traffic coming from Dominic Drive. They came up with the third design (aka Alternate 2) because of concerns of citizens. Mr. Peters then gave pros and cons regarding safety, traffic, property values and the storm water draining issue. He showed photos of the area that were taken right after the during the heavy rains the previous week. They did not show any problems.

Cara Galeano, an attorney representing property owners Ellen and Greg Marchione, 2693 Northampton Rd., stated her client is concerned about the affect this development will have on the water shed and storm draining system. She stated it was their opinion the development is in violation of the section in the Development Code which addresses setback requirements for a stream corridor. They do not feel the wetlands have been appropriately addressed.

Laura DeYoung of GreenPrint Solutions and Michael Liptak of EnviroScience, were experts present on behalf of the Marchiones. They gave a presentation indicating their findings, which are set forth in detail in a handout which was distributed by Ms. Galeano. The handout is attached hereto as Attachment B.

Mr. Guerra rebutted by stating this was for preliminary plat approval. If approved, the property owner has a green light to invest more money in getting more detailed engineering and surveys. Once those have all been done, it would then be determined whether the property can proceed as planned, or if changes need to be made such as lot resizing or reshifting due to riparian setbacks, etc. The preliminary stage is not the place for requiring the reports because the property owner should not have to spend that money before knowing whether Council would even approve the development in the first place.

Mrs. Colavecchio asked if Council wanted this to go back to the Planning Commission to review Alternate 2, would the legislation be tabled or held for a more current staff report. Mr. Guerra stated the Planning Commission wanted the developer to look at an alternate and when it comes to final approval, the Planning Commission would approve the alternate that works best for that property at that time. Mrs. Colavecchio stated that the original plan and Alternate were reviewed by the Planning Commission, who preferred Alternate 1. With Alternate 2 being presented this evening, she wondered what the procedure would be to address that alternate since it is not technically part of the staff report. Mr. Arrington stated that legally, Council can approve it as it was originally presented with either Alternate 1 or 2. He added that this stage is considered "preliminary" for a reason and that is to give property owners an indication that they are going down the right road before spending a lot of money. If you send them back to get some of these things, it would require property owners to spend money without knowing if the project can go forward. He did not want to see homeowners be made to address everything at such a preliminary stage. There is a process and place to allow for detailed work. It could be that all of the homeowners affected by this development would have all of their concerns addressed at the final plat stage and the issues go away. It is just not appropriate to address those concerns here. To send it back to the Planning Commission before going to a preliminary plat is an unnecessary step.

Mrs. Hummel asked if the drawing Council received with the legislation included Alternate 2. Mr. Guerra stated the drawing attached is Alternate 1. Mrs. Hummel asked why Dominic Drive was bulbed out. Mr. Guerra stated they wanted to slow traffic into the new street. They did not want traffic to use the access road unless they had to. It would appear to be a private drive to those who did not live nearby. He pointed out, however, that this was just a design.

Mrs. Klinger questioned the width of the road going to Northampton. Mr. Guerra stated the Planning Commission did not look at street size. That would be looked at in the final subdivision plat. Mrs. Klinger stated she was concerned about the placement of the road in its proximity to Theiss Road.

Mr. Mader stated because this is at the preliminary stage and if the legislation comes out for a vote, that would give the developer a green light to pursue the engineering details presented by Mr. Marchione's representatives. The City has also hired a consultant to look at the water shed in that area. He felt the City is being diligent in trying to make sure the water shed area is considered for this development and for other properties that have had issues over the years. He did not have a problem going forward for the preliminary part so the research can be done before the development gets to the final.

Mrs. Colavecchio indicated she had a full set of the plans should anyone wish to see them.

Greg Marchione, 2963 N. Hampton Road, stated he owned 2/3 of the neighboring pond, which has issues. He felt the Csipkes had a right to develop their land but he feels the City has a responsibility to consider how developments affect other citizens. He is hearing things this evening for the first time but still believes now is the time to fix what has been happening when storm water drains into the pond. He does not want

something pushed through with the intent to fix something later. Hidden Valley residents have flooding which he feels mostly began after the development started. He has lived in his house for four years and has had major silting problems in the pond. When he first moved in, the pond averaged 3-1/2 to 4 feet of water. Now he cannot find a spot over one foot deep. At some point, the outflow of the pond will be compromised. This all is deteriorating his property value. He is asking Council to table the legislation and wait for the City's wetland report. If not, he will file an appeal to make a case for his property damage.

Jerry Hershman, 764 N. Hidden Valley Rd., stated the runoff from Woodhaven, Hidden Valley and Adams Run leaves the area through the ravine on his property. He has lived there for 20 years and had no problem until Woodhaven and Adams Run. Water had washed out his drive pipe. The City helped repair that but it is still eroding. The ravine is wooded and made of clay soil and is caving in. He is losing property value. He signed an easement with the City nine years ago for them to look at it so the City could make the appropriate changes to address the issue. He has not seen anyone from the City at his property.

Norma Campbell, 721 N. Hidden Valley Road, stated she has a pond behind her property and the water comes out the culvert. On Sunday, a teenager came along and placed a rock which stopped up the culvert so water cannot go through. The runoff leaves a river and she gets water through her garage and in her basement. She would like to see the current problems corrected.

Kathy Redle, 806 Adams Run Dr., lives just north of the proposed allotments. She has six kids who play on the property and even when it's been two or three days after a rain, there is a lot of mud that gets tracked in her house. If the City adds 15 additional allotments, it will probably bring in even more kids. Mr. Marchione does not want people playing in the pond. Also, depending on how high the water level gets, you do not want children drowning. On the type of allotments currently proposed, there will be a house abutting her property. She would like to see less houses. She would also like to see a street at the end of the cul-de-sac, even though she recognizes it is not popular with a lot of the residents. She concluded by adding there is definitely a water problem.

Marty Lyman, 2957 Devan Vale Dr., felt it appeared there is a process protecting all parties. He reviewed the initial staff report which indicates in Section 5 that there is no evidence of a stream corridor. Mr. Guerra stated if there is a stream corridor, the City's position is the developer has to stay out of it. If that would mean less lots, it would mean less lots. Mr. Lyman asked if the design would be affected should Mr. Marchione's experts prove to be correct. Mr. Guerra stated it could reduce the number of lots by two or three. He added that if the developer wanted to do a cluster development, the City would certainly look at that, too. If there are wetlands and problems with water, it will all come out in the engineering. At that point, the property owners would need to decide if it was feasible to continue. The study the City is doing is for the whole water shed. Mr. Demasi added the study is being done because the City is aware of the problems in Hidden Valley, which was built in the 1950's. Back then, the County allowed homeowners to pipe-in their ditches, which causes restrictive flow. The City just thought it was best based on a combination of things mentioned at the Planning Commission meeting to look at the whole issue. Mr. Lyman stated he is against this development. There was enough information presented by the consultants regarding the water shed and he feels Council has an obligation to table this legislation, especially since it is not known which alternate is going forward.

Bob Macak, 732 S. Hidden Valley Rd., stated over the years he has seen development come through and was told things would improve and there would be no impact on his property. He passed around copies of older photos of how the area used to look and asked Council to remember the newer photos. The City was supposed to come out and look at his property but that has not yet occurred. He stated that until a development is slated to go in, no one follows through. Mrs. Klinger asked what was being studied first. Mr. Demasi stated the majority of calls and complaints come from the Hidden Valley subdivision so that is where it will start and that it may expand from there. Mrs. Klinger asked about a possible redesign of the

control coming out of the pond just north of Mr. Marchione's pond where he is getting silt which causes problems downstream. Mr. Demasi stated the current control was built according to plan, however, they could look at a possible redesign. He stated owners of ponds do need to perform maintenance, such as dredging. Ponds need some cleaning out. The pond on Woodhaven could use some clean-up as well. Mrs. Klinger stated there is better technology today and if the study could assess the design as part of the project, everyone would benefit. Mr. Demasi stated the City could consider assessing the Woodhaven subdivision for that work and added that the pond was designed to hold one to two feet of water at all times. Mr. Marchione stated Mr. Demasi saw aerial photos showing that the pond did retain water. After the rain on Friday, nothing was retained. It used to hold water but now it does not. Mr. Demasi stated when he was there on July 24, there was water in that pond.

Mr. Peters stated he has been hearing about concerns on drainage facilities built in advance of this project. He stated they will be preserving a large portion of the wetlands. He believes most of the concerns will be addressed when the development is built. He stated the silting pond is upstream from this development so the development will not cause more silt. Also, the property is eight to ten feet higher than the pond level. In order for water levels to reach the property it would have to flood all of Woodhaven as well as everything below. Flooding of that property would not really happen because water goes downhill. He recognizes they have to do studies and do mitigation for storm water run off and they are prepared to do that. They will do what is required to meet the Code.

Mr. Mader wanted to touch base on the dry pond and what the developer would do to mitigate it. He wanted the residents to understand when the outflow is repaired, it goes into the piping at Mrs. Campbell's, and how that will correct excess water coming down now. Mr. Peters stated there is a levy that stands six to eight feet above the lowest level of the dry pond. At that low point, there is a discharge pipe and also an old cistern that had been knocked over, but it looked like there was a standpipe there. As soon as water runs into the pipe, it goes into the pipe on Norma's property and out. It is his intent to put in a standpipe like what was done on the Marchione property. As water fills the pond, it can discharge at a certain rate and, as the level rises, it will discharge faster. This acts as a control in case of a 200 year storm and should solve problems associated with upstream issues.

Mr. Peters added an additional comment regarding Alternate 2. He said that alternate was based on what people had commented on. He said they do not want to be penalized for coming up with additional ideas. They can just stick to one alternate if that is preferred but he was trying to listen to the residents.

Ms. DeYoung stated we are not talking about creating new data. She felt the Planning Commission did not have all of the available data in order to make an informed decision. The map she provided shows a stream there. Mr. Guerra stated the decision of the Planning Commission was for preliminary approval for about eight acres. If there is a stream corridor there, then it will reduce the amount of lots. The development will not change the stream. This is not a large development and is basically just a completion of Adams Run. The goal of preliminary approval is to get information and then get a final plat that is acceptable to the City and the Developer. Wetlands is an issue the developer will have to work through. He pointed out that the final plan is reviewed by Summit Soil, the national park, and City engineers so all of the concerns will be caught when it comes through for final approval. They are trying to do things correctly. Ms. Galeano felt if things are allowed to go through when they do not meet Code then this part of the process has no meaning. Code violations have already been recognized. She is requesting that Council deny the legislation or table it. Mr. Guerra stated the Planning Commission approved the preliminary plat with stipulations which is why the wetlands is a stipulation.

Mr. Barnhart stated that, as a member of the committee, he agreed with Mr. Mader. The City should go forward with the preliminary plat so the issues at hand can be addressed by the professionals.

Mrs. Hummel asked who owned Block A and asked if it was part of a previous development. Mr. Demasi indicated the City owned that parcel and confirmed it was a part of Adams Run. Mrs. Hummel asked what the legal procedure was for Block A to be a part of this development. Mr. Guerra stated it could be an easement in the backs of the yard. Property owners would not be able to build on it or put up a shed. Mrs. Hummel confirmed there would still be connectivity to Northampton Road whether the developer went with Alternate 1 or Alternate 2. She stated she agreed with Mr. Barnhart's comments. We need to let this process work itself out by having the developers do wetland delineation and stream corridor. There was one viewpoint given and the other side has not investigated it thoroughly. This process will allow them to do that. They will find out how many lots they can develop. If they do not get enough lots, they may not want to proceed. She is in favor of the legislation knowing there will be adjustments to what was seen tonight.

Mrs. Colavecchio stated they have heard enough this evening and the committee is in favor of bringing it out for a vote. She will modify the ordinance to include Alternate 2, and Mr. Guerra will provide Council with written recommendations. She added that this process is invaluable and is not a "rubber stamp approval" of what the Planning Commission does. Council does not make decisions based only on Planning Commission recommendations. The City wants to be good neighbors.

Committee recommended bringing out Temp. Ord. A-92.

The meeting adjourned at 8:30 p.m.

File P-19-08-S

Preliminary Subdivision – North Hampton Estates

September 15, 2008

Cuyahoga Falls Planning Committee Meeting

CITY OF CUYAHOGA FALLS
OFFICIAL MEETING NOTICE
7-15 3-501 PLANNING COMMISSION
BOARD OF ZONING APPEALS
CITY COUNCIL
IS CONSIDERING THE FOLLOWING REQUEST
ALL MEETINGS HELD AT THE NATATORIUM
FOR ADDITIONAL INFORMATION PLEASE CALL
330.971.8135 WWW.CITYOFCF.COM
MAYOR DON L. ROBERT

Project Summary

- Application to develop a 15 parcel development on 8.70 acres.
- The applicant is Clare and Thomas Csipke, the agent for the applicant is John Peters, John Peters & Associates.
- The property is zoned R-2 Low-Density Residential and the lots are categorized as Sub-urban



Approval Process

• Preliminary Subdivision

- Preliminary Plat
- Preliminary Engineering
- Preliminary Street cross sections
- Planning Commission & City Council Approval
- Valid for two years

• Final Subdivision

- Final Plat
- Final Engineering
- Deed Restrictions
- Planning Commission & City Council Approval
- Developer Contract & Construction Bond Posted
- One year to start construction

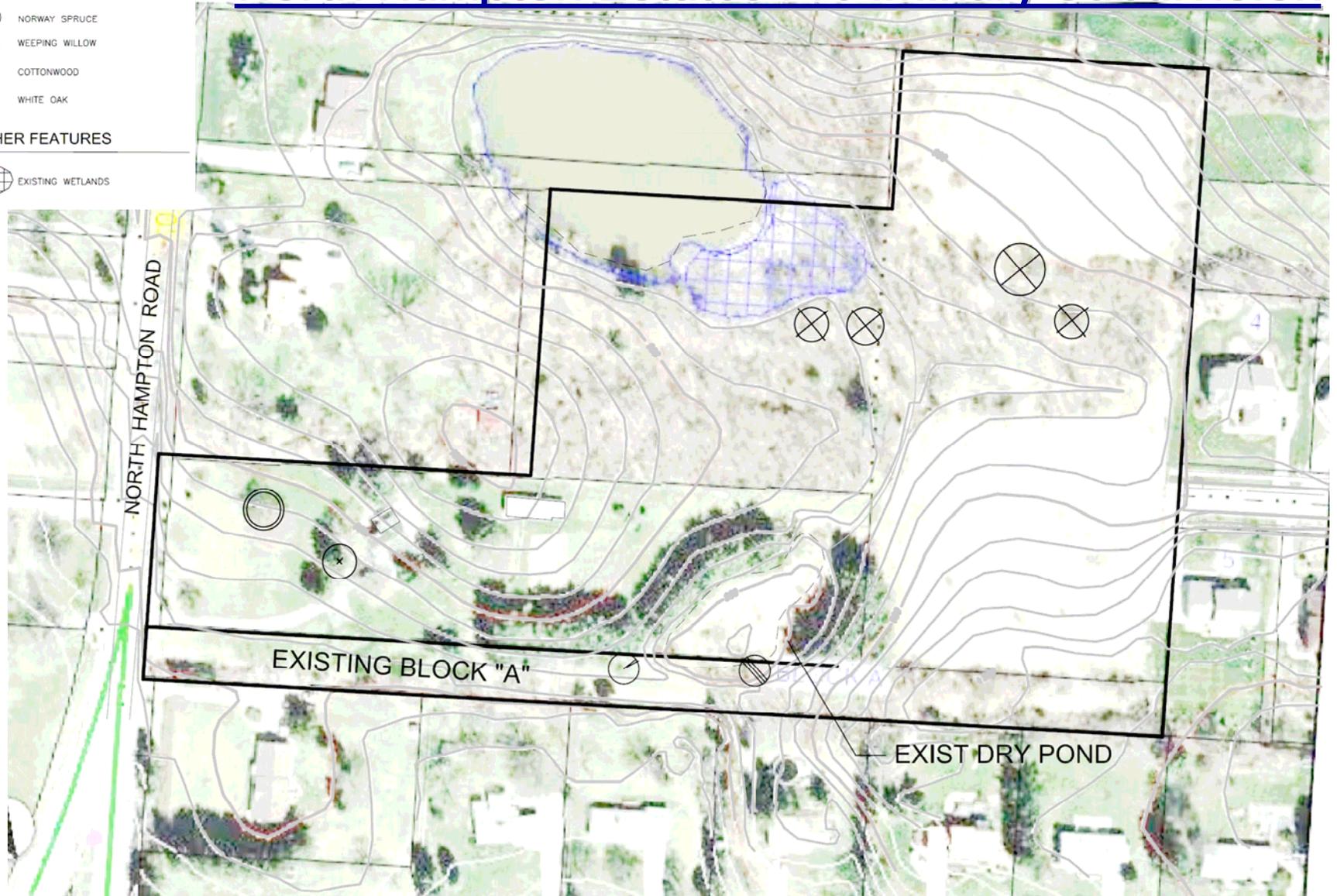
TREE SURVEY (24" DBH MIN)

- SUGAR MAPLE
- NORWAY SPRUCE
- ◌ WEeping WILLOW
- ◌ COTTONWOOD
- ⊗ WHITE OAK

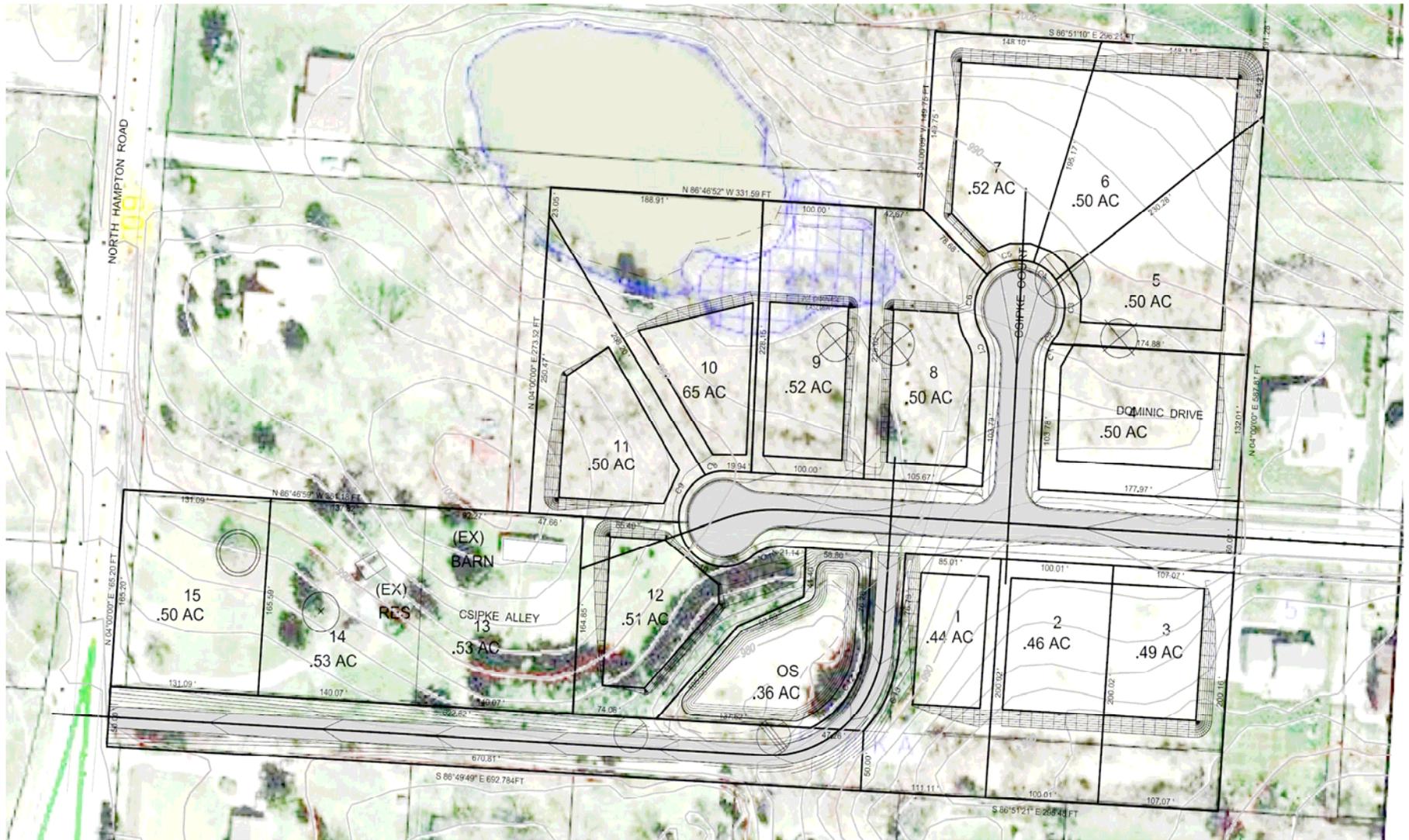
OTHER FEATURES

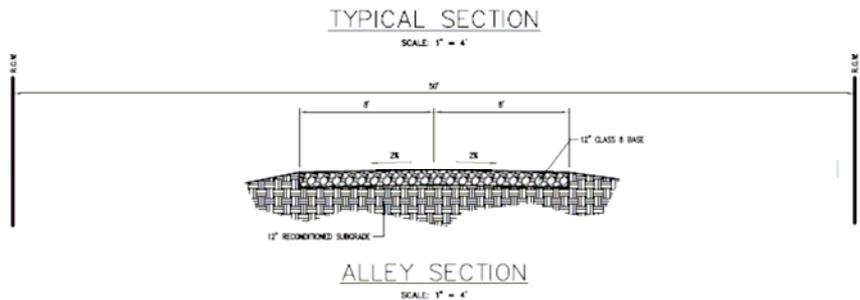
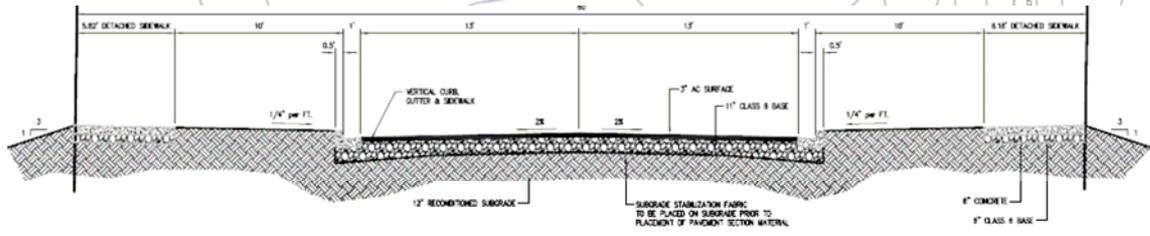
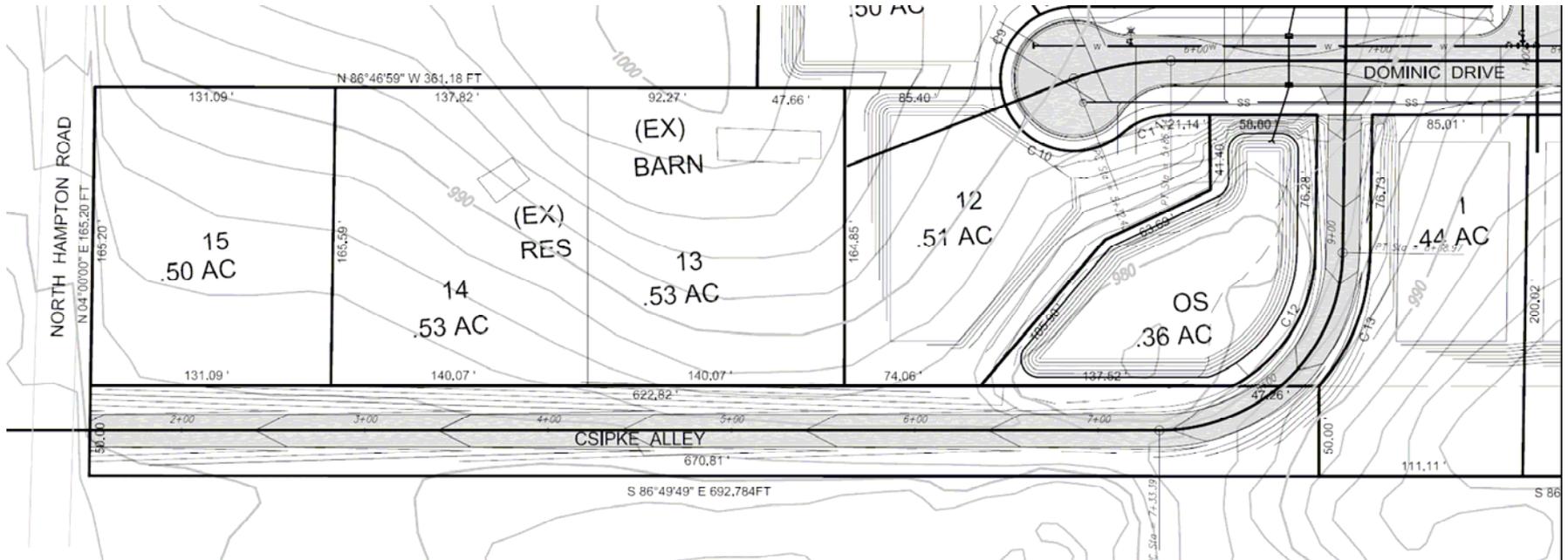
- ◌ EXISTING WETLANDS

North Hampton Estates Preliminary Subdivision

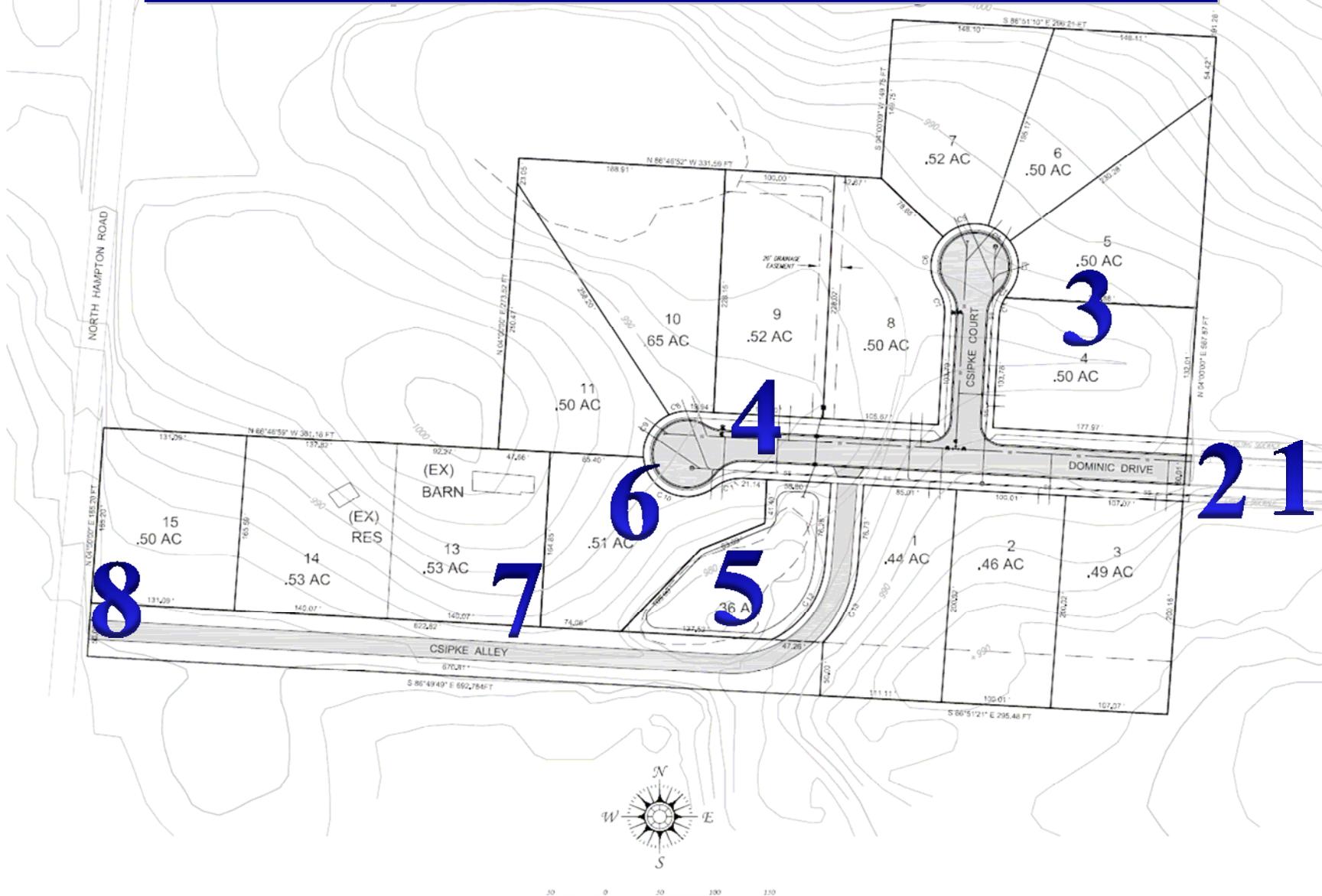


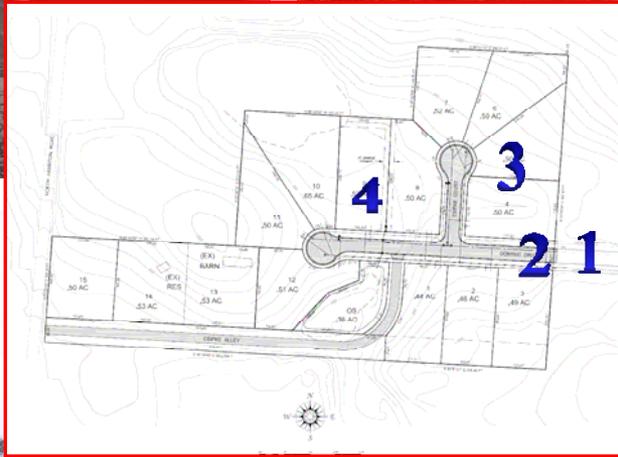
North Hampton Estates Preliminary Subdivision

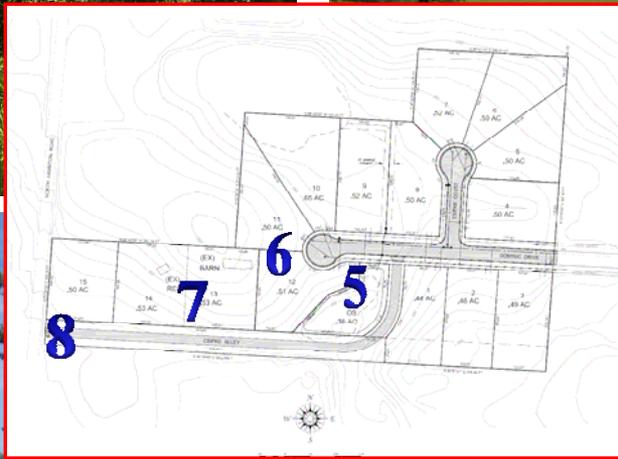




North Hampton Estates Preliminary Subdivision







North Hampton Estates Preliminary Subdivision Code Issues & Concerns

Code Issues

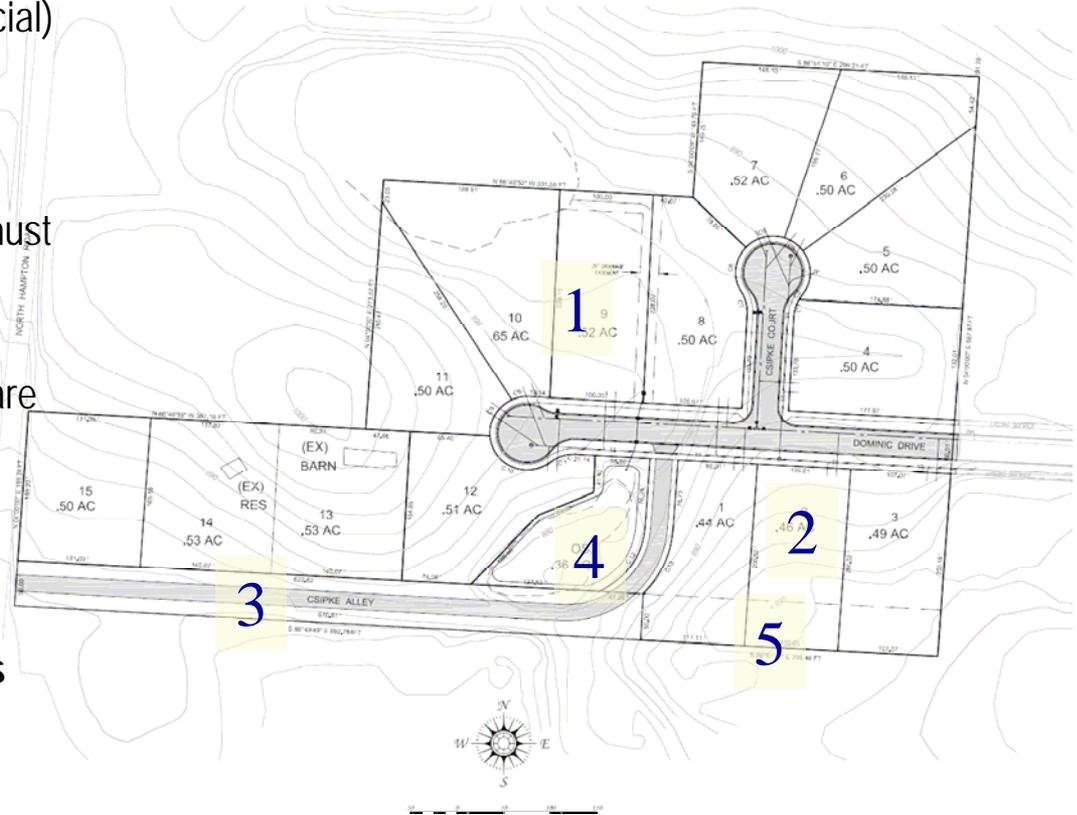
- Does submission meet Section 1113.03 Preliminary Plat Requirements?
- Does Plat meet Title 2 Land Division & Infrastructure?
 - Street Standards
 - Traffic Calming
 - Block Size
 - Lots
 - Infrastructure
 - Utilities
 - Future public facility in-lieu fee

Concerns

- Street Connectivity/Disconnected Streets
 - Northampton Road intersection
 - Traffic
 - Street Types (Csipke Alley)
- Storm Drainage
 - Stormwater management
- Looping of Water Line
- Lot Sizes
- Wetlands

Findings

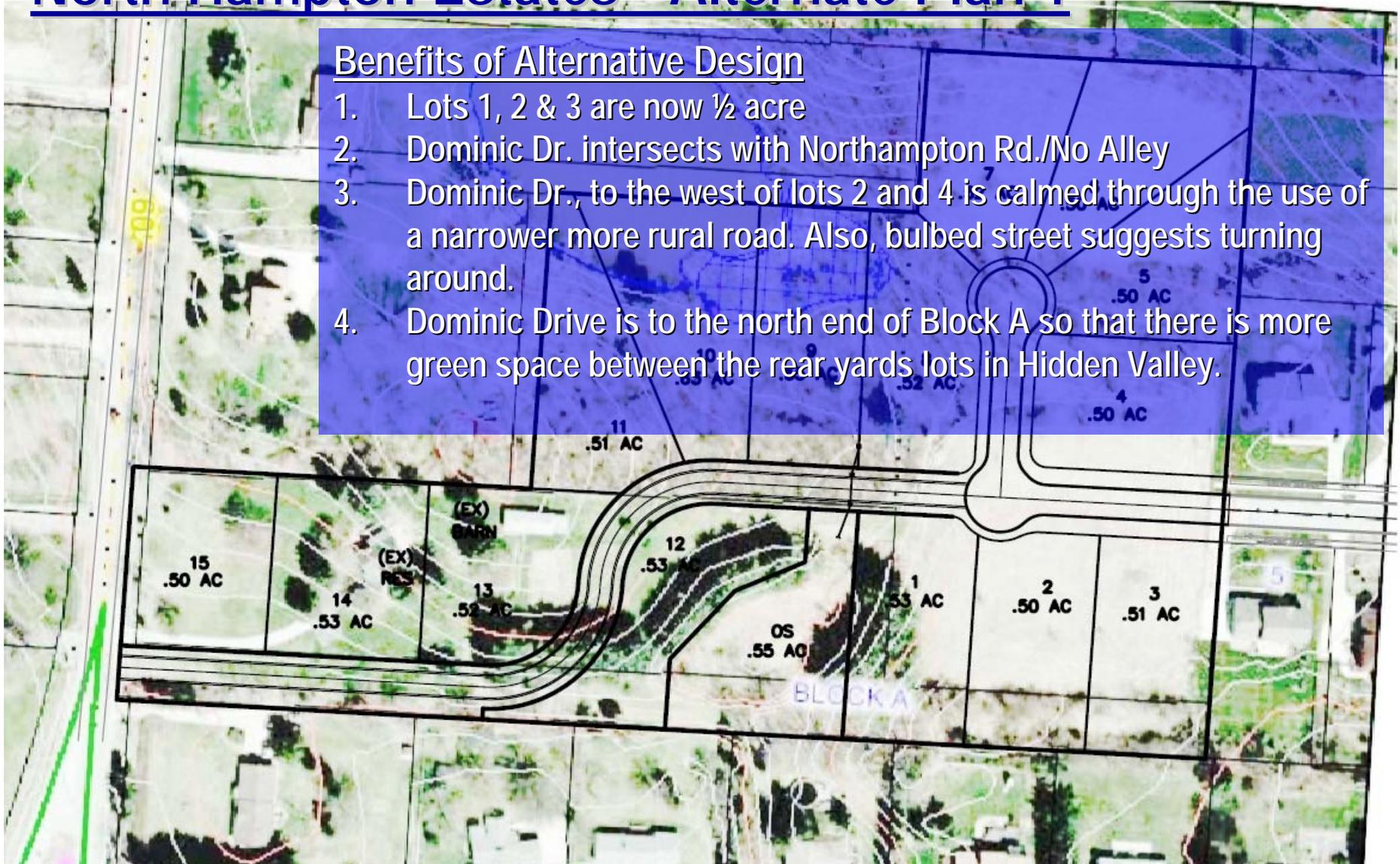
1. Proper **wetland** designation or mitigation must occur on lots 9 and 10.
2. **Csipke Alley** causes lots 1, 2 and 3 to be less than ½ acre.
3. **Csipke Alley** provides limited connectivity for pedestrians and (special) vehicles.
4. **Stormwater** calculations must be provided in Final Plat and Best Stormwater Management Practices must be followed.
5. The unused section of Block A will be added to Lots 1, 2 and 3. These lots are **not ½ acre**.
6. The proposed development complies with **Tree Preservation** requirements (1146.03).
7. The proposed development **complies** With Title 2 and Title 3 (Development Code) and long range plans for the Northampton Planning Area.



North Hampton Estates --Alternate Plan 1

Benefits of Alternative Design

1. Lots 1, 2 & 3 are now ½ acre
2. Dominic Dr. intersects with Northampton Rd./No Alley
3. Dominic Dr., to the west of lots 2 and 4 is calmed through the use of a narrower more rural road. Also, bulbed street suggests turning around.
4. Dominic Drive is to the north end of Block A so that there is more green space between the rear yards lots in Hidden Valley.



Staff Recommendations

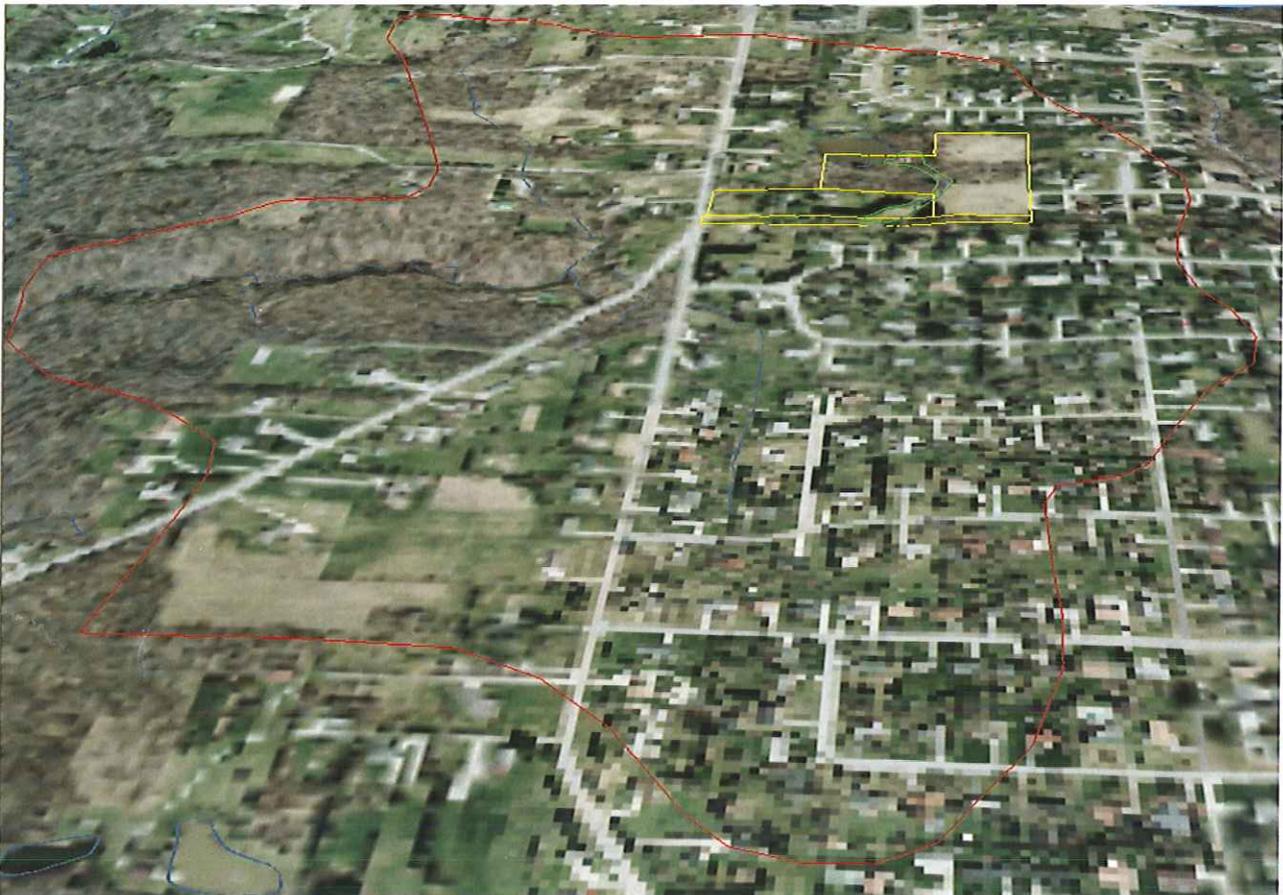
- Staff is recommending approval of File P-19-08-S, with the following stipulations:
 - Alternative Design (Attachment B) is preferred
 - The unused portion of Block A shall be added to Lots 1,2 3, 12 and open space block.
 - Additional landscaping (screening) should take place on south side of Dominic Drive, behind lots 3 and 4 of Hidden Valley Estates.
 - Street types should include street calming techniques. (Western section of Dominic Drive, past lots 2 and 4 can be a more rural design and be narrower than the rest of Dominic Drive.)
 - Proceed with Final Subdivision Plat with the following issues receiving special attention:
 - Stormwater Best Management Practices
 - Wetland designations must take place prior to final plan submission
 - No grading or tree clearing allowed prior to Final Subdivision approval



- Woodhewn
- Arminia Drive
- Blossom Glen

Northampton Development Site Design Review

Kevin Sherrill



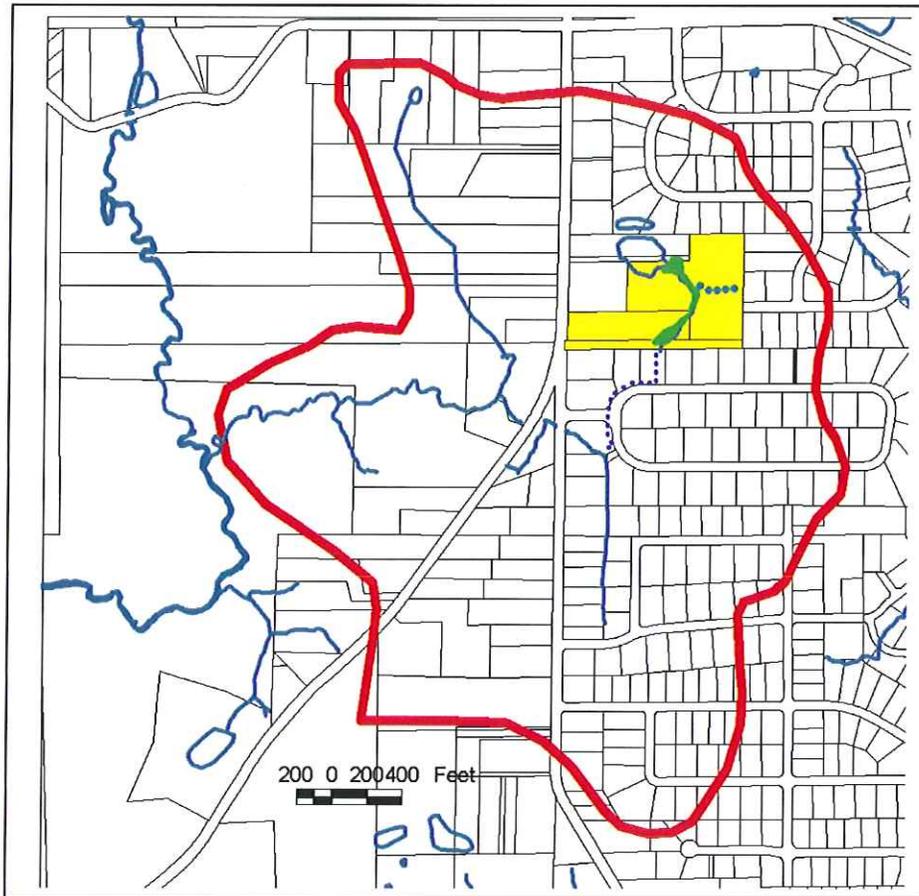
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Exiting Conditions

- **Wetland:** Summit County Natural Resource Study (2003) shows an emergent wetland on the site. In addition, Dr. Michael Liptak, Senior Wetlands Ecologist of EnviroScience, assessed the site from the adjacent properties and aerial photographic analysis. He observed that the emergent wetland continuing into a wetland basin that drains to the south. The wetland is approximately 0.724 acres.
- **Stream:** Aerial photographic analysis from Summit County orthophotography (2005) shows a stream running south through the proposed site. The Summit County Geographic Information System (GIS) includes a stream running through the site in the streams file. The USGS Quadrangle Map shows a stream running through the site. The stream is approximately 649.226 feet. On September 12, 2008, an ephemeral stream was observed on the site from the adjacent property.
- **Watershed:** The site is in an unnamed watershed above the Yellow Creek watershed of the Cuyahoga River drainage basin that is 0.355 square mile in size or 214.3747 acres.

The wetland and stream are regulated by the U.S. Army Corps of Engineers (USACE) and/or Ohio EPA. However, the City of Cuyahoga Falls has a Stream Corridor Setback that requires a 30-foot setback from the stream and that setback is increased to include wetlands.

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The site is at the headwater of a subwatershed of the Cuyahoga River. The wetland on the site is the only remaining wetland in the watershed according to the Summit County Natural Resource Study (2003). The cumulative impacts to these headwater streams and wetlands have contributed to serious resource degradation problems. As a result, the remaining riparian streams and wetlands become more important to protect to maintain water quality and quantity public health and safety functions.

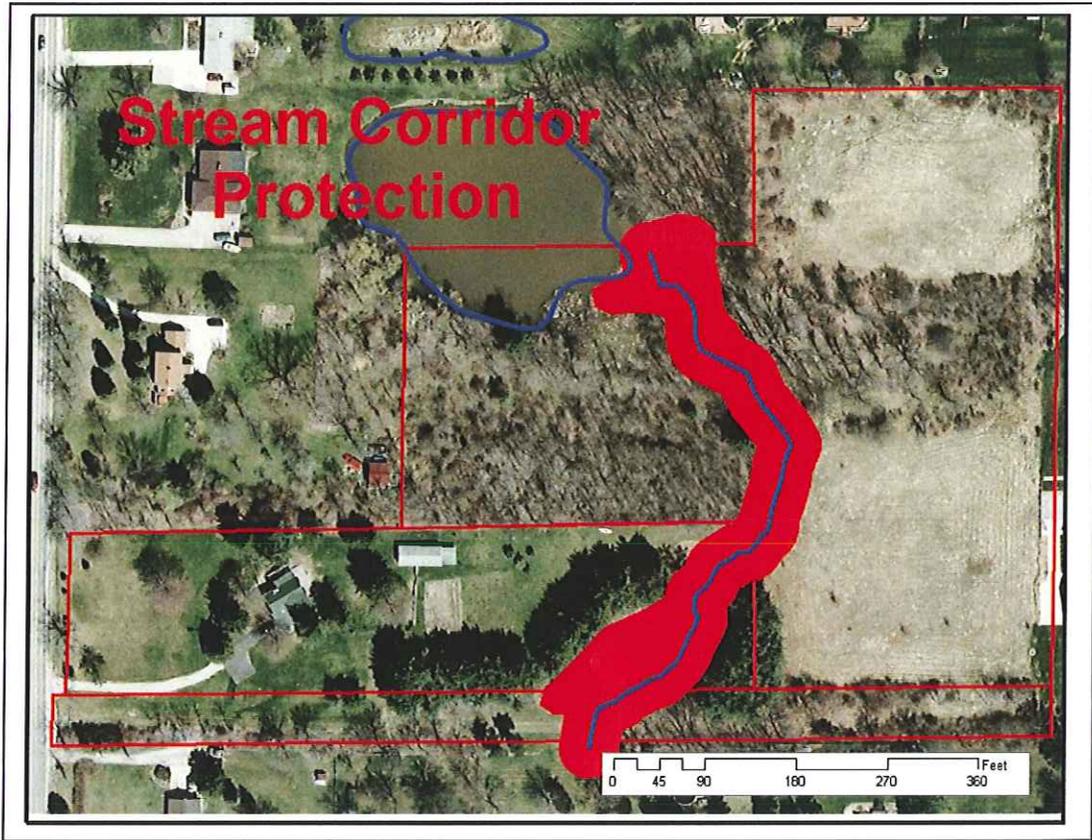
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Current Zoning

- **1132.04 R-2, Low-Density Residential District:** The current zoning for the site is R-2, Low-Density Residential District. It is described as **“a Cluster Residential Overlay to maximize infrastructure efficiency and preserve larger contiguous open and natural areas.”** The minimum lot size area is 0.5 acre with a width of 100 feet, frontage of 100 feet (60 feet on curved frontage), and a depth of 150 feet. The minimum lot coverage is 4,000 square feet with building setbacks of 45 feet from the front, 10 feet minimum per side, 20 feet on corners, and 40 feet on the rear. The open space requirement is 800 square feet per dwelling unit.
- **1134.02 Stream Corridor Protection:** The City of Cuyahoga Falls has a Stream Corridor Protection setback **“intended to preserve natural water corridors in order to perform various hydrological, biological, and aesthetic functions that protect the health, safety, and welfare of adjacent property, downstream property, and the community”**. The setback on this site would be 30 feet on both sides and the buffer area is increased to include wetlands. Under this code, crossings of streams protected by these standards, by roads, driveways, storm sewers, sewer lines, water lines and utility lines shall be limited by the following: One crossing area limited to no wider than 25 feet for each tax parcel existing at the time of adoption of these regulations and which borders both sides of the stream. In addition, all crossings shall be perpendicular to the stream and shall be designed to minimize and mitigate any disturbance in any Buffer area.

OK

We are not sure this is correct



- wetland mitigation

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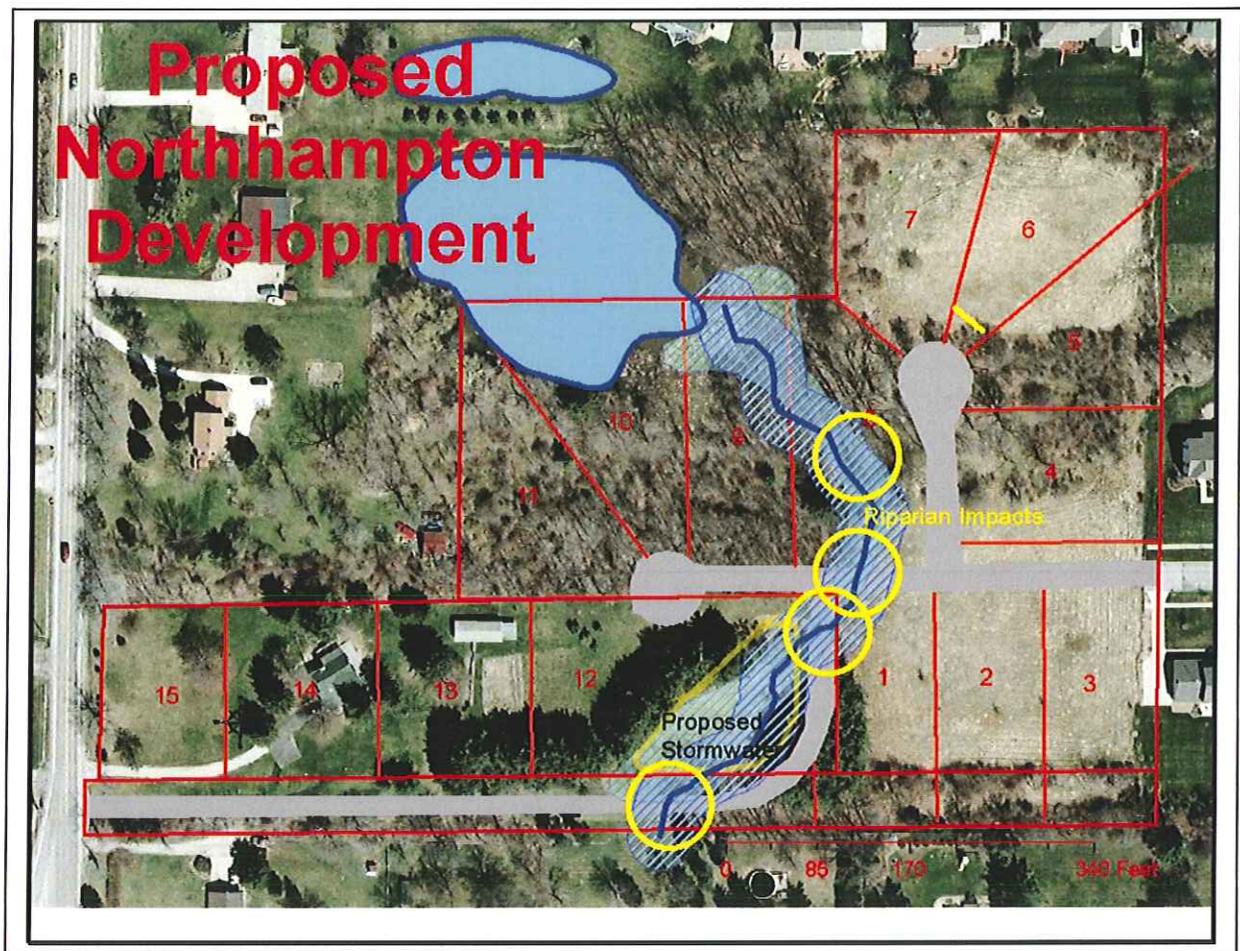
Proposed Development

The proposed development could not comply with the Low-Density Residential District without the 1.14 acre donated parcel. Lots 1-3 and 12-15 would not have the needed depth. The City is in effect giving a density bonus. And more units means more impervious surfaces and lawns, which means more impact to water quantity and quality.

Lot 8 is in the wetland and Stream Corridor Protection setback. The proposed stormwater pond is in a wetland and the Stream Corridor setback. There are three proposed stream crossings. These five impacts to the wetland and the stream corridor will be a loss of the ability of the provide public health and safety functions.

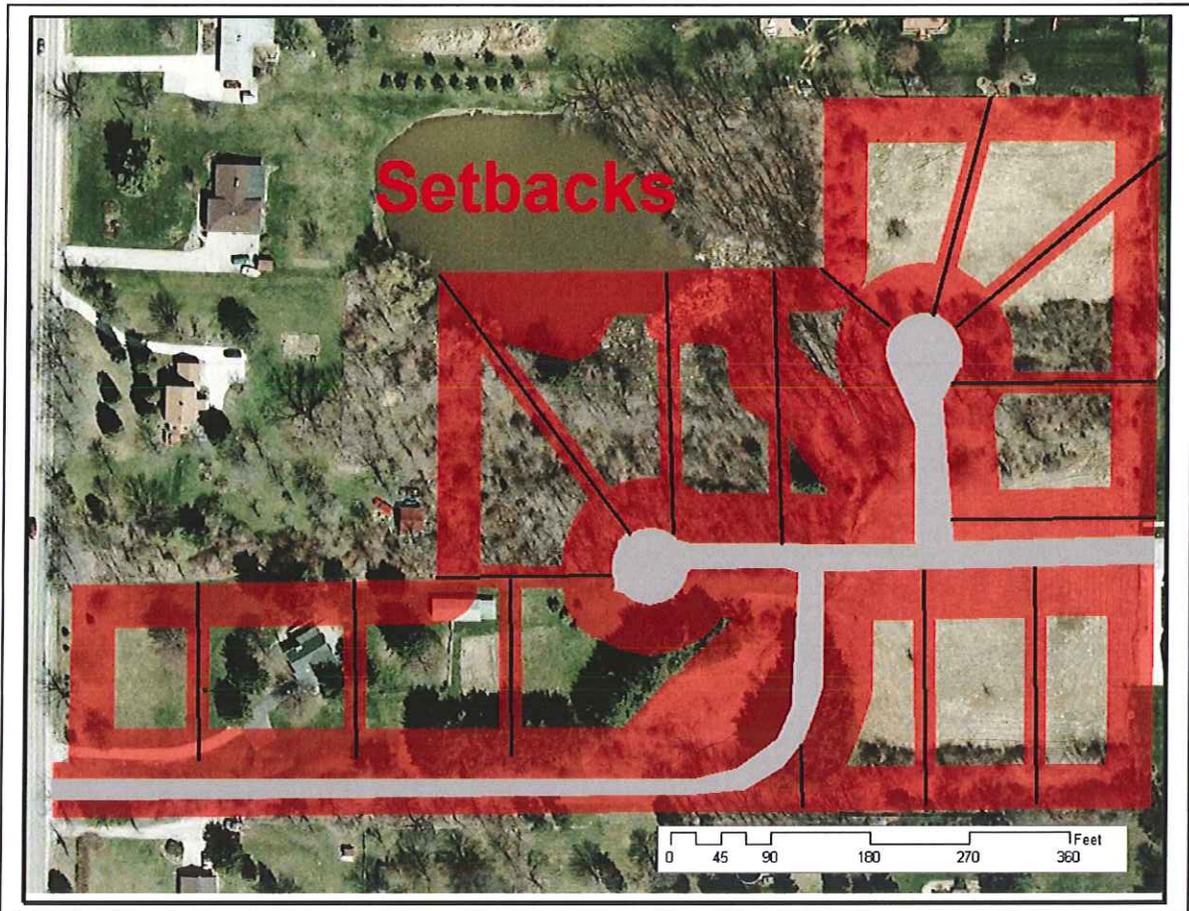
Without the 1.14 acre donated parcel, only 2 riparian crossing would be permitted and not three. All three proposed crossings are 60 to 75 feet in width.

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In addition, given the setbacks of the Low-Density Residential District: and the Stream Corridor Protection, the remaining building envelopes are not viable for some lots to meet the 4,000 square feet requirement.

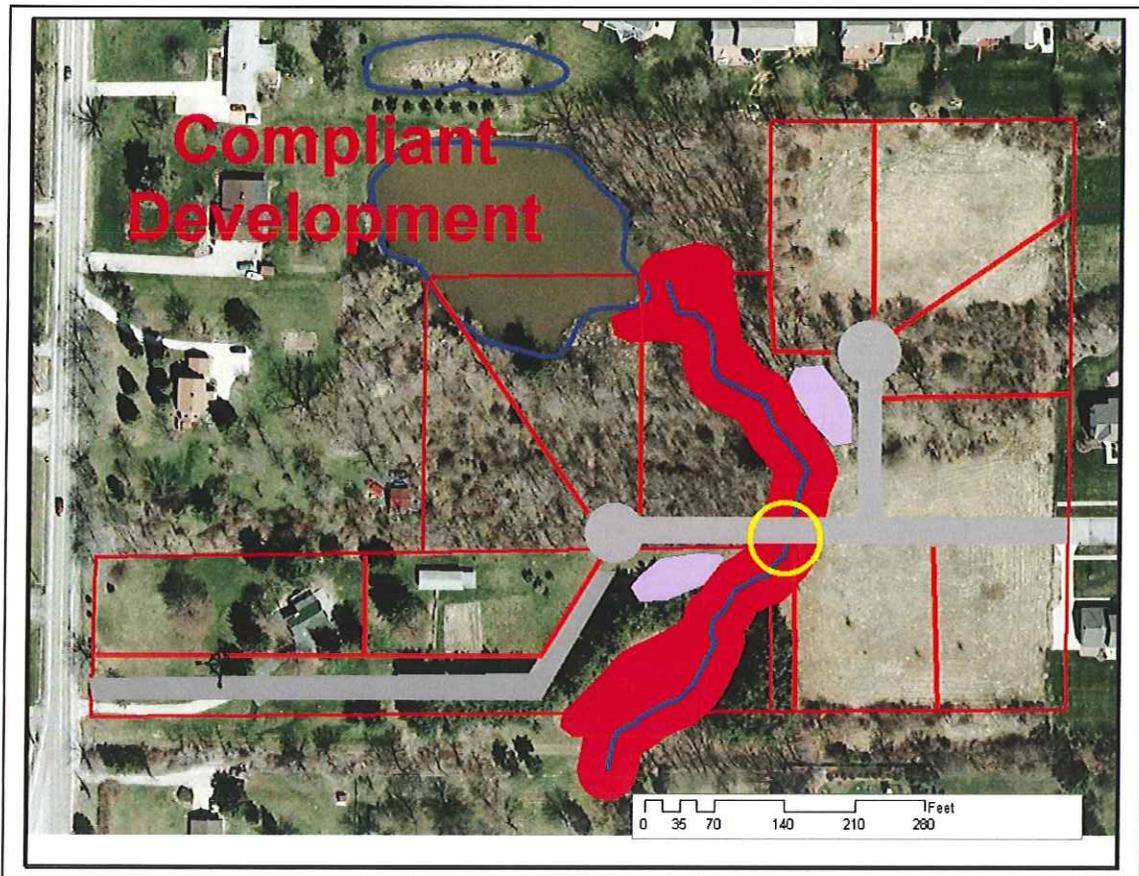


setbacks or alley
are different than
streets

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Compliant Development

The following is conceptual rendering of the proposed plan without the donation of the 1.14 parcel owned by the City of Cuyahoga Falls and minimizing the impact to the Stream Corridor Protection. The In this scenario, only 11 lots were viable. The crossing of the Stream Corridor Protection setback, however, is an impact.



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Environmental Impacts

Environmental impacts were assessed in terms of loss of wetlands and linear feet of stream impacted. In addition, impervious surface and number of lots was used as an indicator of stress on the watershed.

The proposed development would impact more wetland and stream than the compliant alternatives. The proposed development would generate more impervious surfaces and the additional lots would also generate impervious surface.

	Wetlands Impacted (Acre)	Stream Impact (Feet)	Impervious Surface (Acres Road)	Lots
Proposed	@1/2-3/4	@345-470	0.876	15
Compliant	@1/5	@42	0.477	11

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