

ZONING COMMISSION, 2016

August 11, 2016

Public Hearing – 7:00 P.M

Approved:09/08/16

- I. Chairman called the meeting to order and roll call was taken.
Members present: Chairman Richard Bradner, Scott Meyer, Joy Kosiewicz, Emily Hete, Jim Hower, and Tom Flynn. Maryellen Burnham was excused.
- II. Motion to remove the case from the table by Mr. Meyer; seconded by Mrs. Kosiewicz. All in favor. Chairman swore in members of the public who wished to speak at the hearing. Certification of the August 2, 2016 public notice was made and read into the record.
- III. Zoning Inspector presented an overview of Mr. Zumpano's application for the rezoning, 16-01 focusing on 839, 823 and 789 North Revere Road. He noted that 807 North Revere Road is situated in the city of Akron. Mr. Funk stated that Mr. Zumpano is proposing go from the current zoning of R-2 with a minimum lot area of 2.5 acres to R-4 which would allow 4 units per acre. Zoning Inspector read the Summit County Planning Commission approval comments into the record. (See attached SCPC Comments.) Correspondence from Bill Zawiski of the Ohio E.P.A. was also read into the record.
- IV. Mr. Brian Knapp, Summit County Engineer, spoke regarding storm water regulations. Mr. Knapp presented that Summit County manages any detention basins that are going in new subdivisions along with storm sewers that are outside of the right of way. He informed the Commission that they review the new subdivisions plans to make sure they meet their design manual. (A copy was presented for review.) The manual was updated in 2013 and is much stricter on allowable run-off rates based on new science. The new manual increased the rate flow intensities for the designed storms by 10 to 20 percent to meet new standards basing rate flow amounts on the National Oceanic Atmospheric Agency. His department also now uses the critical storm method for calculating allowable run-off from detention basins; this method is a way of calculating how much water you should detain based on the intensity of the development. For example, quarter acre lots in a subdivision would have a 25 year post critical storm where we detain the 25 year post development rate back to the one year pre development rate. Mr. Knapp stated they do that to reduce the big flow and to help with the stream stability. Guidance is also given to them from the Ohio Department of Natural Resources and the E.P.A.

Mr. Knapp presented his office looked over the concept plan, but his will not comment on it until they get an actual design and drainage calculations from the engineer for the developer, after approval from Bath Township. It was asked of Mr. Knapp if it's Summit County's goal for the post development environment design to be neutral or to be better; Mr. Knapp stated with the current regulations it is designed to be better for most of the storms. It was confirmed that this project could not be done unless all Summit County specifications are met; a developer cannot allow anymore water run off the site in any direction than what currently does now.

The Commission inquired as to the effectiveness of retention ponds in the developments and Mr. Knapp stated he believes they work based on the science and calculations; based on 50 to 75 years of regional data. Mr. Knapp informed that the County has a long term responsibility to

maintain the basins and do survey before and after construction to enforce that it is actually built to the size and volume, and correct outlet size pipes per the plans. Mr. Chairman asked for clarification on the 25 year post development rate as equivalent to the one year pre development rate. Mr. Knapp explained when they calculate the pre development rate that sets your allowable outflow and we make that the one year rate based on the rainfall intensity for a one year design storm. And then they make them run calculations based on 50 and 100 year storm. Mr. Chairman then summarized that what Mr. Knapp's said is that it is a much tighter restriction; post-development you're taking the consideration hard surfaces, impervious surfaces and you're taking into consideration the rapidity of that- where it's going to move to. When Summit County approves the plan showing where the retention basins are going to be that's taking into consideration; you're making a commitment from the County that you are going to have long term maintenance of it once you released the performance bond. Mr. Knapp confirmed the summarization and added that every basin has an emergency spill way.

Mr. Zumpano presented to the Commission, for clarification, that he has two support letters to have entered into the record as new evidence. He referred to the area for the proposed Preserve North Revere location noting that most of the Commission attended the walk through. He stated it is 17 parcels, 16 new homes and one existing on 12 1/2 acres. The density will be 1.35 homes per acre so he is asking for 1/3 of the amount what the R-4 zoning would permit. It was stated that Bath Sewer and Water did give him approval to extend water and sewer into this property, pending the Zoning Commission Trustee reviews. Mr. Zumpano also stated there are 19 properties that are adjacent to his, which he reached out to all 19, holding 13 private meetings, 3 were in attendance at the BZA meeting leaving 3 property owners who did not respond to his correspondences.

Mr. Zumpano mentioned his comment of last month that there are no environmental issues on the site. Regarding the tree canopy being second growth, he met with an arborist on July 26th on site and an inspection was done and confirmed that the trees are second growth. (See attached "Arborist Letter".) Mr. Zumpano shared that they did research into the Yellow Creek Water Shed and consulted with Bath Township and Dennis Stauffer, his engineer on the project. Per the Friends of Yellow Creek 2004 Action Plan map the Yellow Creek Watershed entails 19,840 acres. This map shows 70 acres of concern and Mr. Zumpano's 7.5 acres in this watershed is on the southern tip and is not within the priority areas. That means that 99.6% of the water that flows into Yellow Creek is coming from somewhere else. Mr. Zumpano stated that his water flows is to the north and there are no water problems directly on the site. The research identified where the water will flow and that is where they will put the retention ponds.

Mr. Zumpano presented that right now the water from his 7.5 acres flows towards Sourek (he demonstrated an environmental data map from the Summit County Geographic Informational Service on screen), goes underneath the road, continues behind some homes on N. Revere and exits in a large ravine and from there discharges into Yellow Creek. He demonstrated, on screen, retention ponds and showed what happens with or without storm water controls, in a modern and older subdivision.

Mrs. Kosiewicz asked about Mr. Kimberly's of 970 Pelee Drive letter and wanted to see where that property was on the screen. Mr. Zumpano obliged. He was asked about planting new trees and stated that he would like to have a restriction that every home have trees up front and two trees in the back yard.

Citizens Comments:

Proponents: Dennis Stoffer, Mr. Zumpano's engineer, stated both Mr. Zumpano and Mr. Knapp provided a good overview of drainage and what our intentions are for the site. He has worked at his company for 30 years so he has been designing retention ponds under all iterations of the County Engineer's storm water manual. The current manual they adopted in 2013 is the strictest of those manuals and they will certainly live up to the standards and has never had one that did not meet their requirements. Mr. Stoffer offered that they would definitely follow their criteria.

Renee Zumpano, 2772 Jumper Drive, stated she was asked to read the approval letter submitted by Dave and Dolores Kimberly. (See attached Neighbor letter.) In summary, the Kimberly's are in support of the proposed zoning change to facilitate the Reserve at North Revere subdivision.

Mrs. Kosiewicz asked about trying to get the park and the proposed development connected and wanted to know if it would also connect to the Bath Crest development. Mr. and Mrs. Kimberly's letter stated this would create easier access to the park but she is not seeing it. Mr. Zumpano wasn't sure but said maybe because it would be one less walkway or property to cut through.

Mr. Carmine Torio, 799 White Pond Drive, the Executive Vice President for the Home Builders Association of Portage and Summit Counties, presented that the density of the development area is in the southeast corner of the Township, high density around it, Akron around it, Montrose is close; that is what we call today "sustainable development". Rather than pushing people out into the green fields it's in a developed area and is a left over parcel that he's developing very sensitively to the rest of it. Mr. Carmine stated it is obvious that because of all of the different agency's mandates we are very cognizant of storm water today. He noted the \$105,000.00 going to the school district, over a 10 year period that's in excess of a million dollars. Plus the residents will contribute to the community. Mr. Carmine spoke highly of Mr. Zumpano as a person and of the quality of the homes he has built and his track record. He told the Commission that Mr. Zumpano won "Builder of the Year" many times which demonstrates that he is a fair and quality builder. Mr. Carmine summed his comments up by saying "He's a neighbor, he is not an outsider, he has demonstrated his professional integrity by being a member of his trade association and if I was going to have somebody develop in my community, I couldn't think of anybody better than Fred Zumpano to do it."

Mr. Mike Joy, 851 N. Revere Road, stated he is in support of the proposal. He has lived in Bath for 9 years. Mr. Joy shared the benefits he sees from this development going in by showing his property on screen. The screen displayed photos of storm water runoff on his back yard. He said almost 90% of the adjacent property to his home, from the peak of Bath Hill, runs through his property just behind his house. He showed on screen that the areas of water spread from 6 to 18 feet across with high velocity water that's two to three inches deep at its deepest. Mr. Joy is of the opinion that the any change in the topography and the use of the retention ponds will improve the runoff that is currently going across his property. In the past two years he has refrained from installing a patio or drain in my backyard to utilize the property because he would have to consult an engineer and right now the back yard is unusable or three or four days after a storm. Mr. Joy has known Fred as long as he's lived here; said he is a good neighbor and fully supports the proposal and believes it will be a great benefit to his property.

Chairman called for a 5 minute recess at 8:05 P.M.

Mr. Russell Wilfong, 807 N. Revere Road, stated everything that was said today he agrees with. He believes there are three benefits; one being Fred is a class act guy, he has kept them in the loop and is very trustworthy. Second is the location, it is a great area and he thinks it is going to increase their home value. Lastly, is regarding the well on the property; they come two to three time per year this well has work done. Four photos were submitted and on screen by Mr. Russell to show the well area, the equipment, the mess and oil puddles that the workers leave behind after each visit and getting rid of the well it will be great. The well is on Fred's property and the access road is on Mr. Wilfong's property. Mr. Zumpano stated that he is working with EnerVest regarding capping the well.

Mrs. Kimberly Kapsar, 4077 Humphrey Road in Richfield, spoke on behalf of her daughter-in-law Erin Kapsar at 789 Revere Road. Mrs. Kapsar noted that part of Erin's property will be purchased in order for this development to be done. She stated that it used to be cut down but now it is all grown over and her daughter in-law thinks this would be a lot better usage – to actually be used for houses. Mrs. Kapsar presented that Erin has three boys in the Revere School system and Kimberly's son passed a year ago and Erin is raising them on her own. The basement floods and Fred's is going to re-do her storm system so that the water would go into one of the retention ponds and be a huge help to her. Erin also thinks that having the schools receiving more money in taxes would be a big benefit. Kimberly stated Erin is in favor of the development. Mr. Chairman asked Mrs. Kapsar to identify Erin's property on the site map on screen and she obliged.

Opponents: Brenda McShaffrey, 3350 Yellow Creek Road, spoke and asked for clarification on where this water is going into Yellow Creek. Brenda drove around and spent a lot of time talking to different government organizations related to the watershed. She was not questioning Mr. Zumpano's integrity or character but regarding the 2004 Action Plan, it is out of date and is currently being updated by NEFCO and she strongly urges them to be consulted by all before a decision. Ms. McShaffrey also stated that Brian Knapp mentioned he hasn't actually seen the design for the drainage calculations and to her that is key and should be considered before anything is done; the experts should be giving their opinions as many people just experienced flooding in the last 38 hours. Ms. McShaffrey didn't think this is a good thing for the beauty of Bath and what Bath is really about. Regarding revenue to the community, she wanted to know about the cost of erosion and road wash out and property decrease values; and the fact there was a death right after the May 12, 2014 flood. She mentioned that a lot can happen in 50 years before the trees that will be planted do what they are supposed to do. She closed by saying she is not questioning Mr. Zumpano's character but she is questioning the future character of the Yellow Creek Watershed and strongly urged the Commission to consult some of the experts to get actual opinions directly related to this request.

Mr. Chairman clarified, with Brian Knapp, that he cannot approve the development at this point because he does not have actual plan and it will not go through unless his department approves. Mr. Knapp confirmed and stated that no construction can be started prior to his office approving Mr. Zumpano's plans. Mrs. Hete asked questions regarding the retention ponds and Brian stated re-explained the water flow and retention situation pre and post construction; and repeated that the storm water regulations will have to be followed. Mr. Funk also reminded the Commission that all that is being decided this evening was the rezoning request from R-2 to R-4. If this application would be approved Mr. Zumpano would have to go through the whole process as a Subdivision application and he would have to appear before all the other agencies for review.

Mr. Chairman asked Mr. Stouffer to restate the water runoff as it is today and what the will be when the retention ponds are in play. Mr. Stouffer stated six to seven acres flow into Yellow Creek Watershed but Summit County will make them meet criteria based on the calculations for the increase in runoff. Based on a 25 year storm, they would have to hold a 25 year post development volume of water runoff and release it out of the pond at a one year predevelopment volume runoff.

- V. Mr. Chairman closed the hearing. Motion to approve the application to rezone from R-2 to R-4 by Mrs. Hete; seconded by Mr. Flynn. Roll Call: Mrs. Kosiewicz, Mr. Meyer, Mr. Hower and Mr. Flynn. Vote 3 to 1 to approve.
- VI. Chairman adjourned.

Next meeting to be: Work Session, Thursday, September 8, 2016 at 7:00 p.m. in the Trustee Conference Room. (Minutes to be approved: June, July and August.)