

CONCORD TOWNSHIP ZONING COMMISSION
LAKE COUNTY, OHIO
REGULAR MEETING

Concord Town Hall
7229 Ravenna Road
Concord, Ohio 44077

March 7, 2017
7:00 p.m.

TRANSCRIPT OF PROCEEDINGS

Zoning Commission members present:

Rich Peterson, Chairman
Rick Gorjup, Vice Chairman
Andrew Lingenfelter
Morgan McIntosh
Frank Schindler

Also Present:

Heather Freeman, Zoning Director/Zoning
Inspector
Sydney Martis, Planner/Assistant Zoning Inspector

Melton Reporting
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1 7:00 p.m.

2 CHAIRMAN PETERSON: Good evening. I'd like to call
3 to order the Concord Township Zoning Commission meeting for
4 Tuesday, March 7, 2017. And tonight we have several things on
5 the agenda but the biggest thing on the agenda is an outline of
6 proposed zoning amendments. And by my count, we have about 13
7 of those to go through. So Heather is going to walk us through
8 each of these and we are going to talk about the proposed
9 language of each of these changes.

10 MS. FREEMAN: Good evening. Okay. So as you all
11 know, we've been working on some potential zoning amendments
12 since fall, actually, when we first originally thought we
13 wanted to start looking at the off-street parking section,
14 which was Section 29, and our goal was to try to incorporate
15 some green infrastructure type developments. And then as we
16 started doing that, we started looking at other sections and it
17 kind of snowballed. So that's, kind of, where we are at today.

18 And then in addition to that, we've added some
19 additional language to create the new Innovative Site Plan
20 Development Overlay District, which is currently already in our
21 text. However, what we are doing now is proposing to change
22 the way it's processed and then also tightening up the
23 standards that make it more in line with the Concord Town
24 Center Master Plan that the Trustees adopted in December of
25 last year.

26 So I did provide in your packets a potential timeline
27 of how this may go if everything is, you know, as planned.
28 That's just for your reference. However, I had a few -- We had
29 a few changes to the packet since we mailed it out to you that
30 we are going to, kind of, swap out a few things, eliminate a

1 couple things just tonight.

2 So the first thing on our outline of the proposed
3 amendments, if you are looking at that where we have all the
4 summary, the very brief summary of the different sections here,
5 Section 6 under General Requirements, staff was originally
6 proposing to require new language that would require a zoning
7 permit for demolition of a building or a structure within the
8 township. We did -- We put some preliminary language in here.
9 However, after we mailed out the packets and got additional
10 feedback from our legal counsel, we were advised that it would
11 be best to just leave that in the hands of the county Building
12 Department because they require a demolition permit.

13 One of the reasons why we were originally considering
14 it was because there have been instances where residents have
15 demoed a structure that put their property out of compliance.
16 For example, they had a freestanding garage that's required
17 when you're required to have two enclosed parking spaces, and
18 they demoed the garage, which then made their parcel not in
19 compliance with the fact that they don't have enclosed garage
20 space. But that's far and few between and so we are going to
21 go with the recommendation of our legal counsel and we are not
22 going to be proposing any changes to Section 6. So you can
23 just recycle that or I can take those back from you, whatever.

24 MR. SCHINDLER: Excuse me. Do we have anything for
25 sheds, if we have a shed and decide to tear it down and maybe
26 put a bigger one up? Do we have to get not only a building
27 permit to put the shed up but we also have to get one to tear
28 the old one down?

29 MS. FREEMAN: I am not exactly clear on what triggers
30 a demolition permit with the county. I mean, if it's like a

1 small, freestanding type shed that's not, you know, doesn't
2 have a permanent foundation, they probably don't require some
3 type of demolition permit.

4 MR. SCHINDLER: But if you happen to have it on a
5 brick slab or concrete, then that would fall into that,
6 possibly?

7 MS. FREEMAN: Maybe. I mean, I know, Sidney, you
8 looked into the demolition. Do you know offhand? Do you
9 recall reading at what point are you required to get a
10 demolition permit?

11 MS. MARTIS: No.

12 MR. SCHINDLER: No.

13 MS. FREEMAN: We can look into that but I don't know
14 the exact rules. It would have been nice if we could have
15 maybe done that as a, as a backup to, like, the county. So
16 there have been instances, too, in the township where people
17 have demoed other things that aren't necessarily structures and
18 they haven't gotten the necessary permits.

19 MR. SCHINDLER: Right.

20 MS. FREEMAN: Where it's caused issues for other
21 people down the road. So sometimes if, you know, the Township
22 says, "Hey, where is your demolition permit?" that would
23 require them to go to the county. And usually, at the county
24 level, they found out after. But it was the opinion of legal
25 that we just left it in, you know, their hands as far as the
26 county goes.

27 MR. SCHINDLER: Okay. In other words, you will be
28 getting phone calls.

29 MS. FREEMAN: What's that?

30 MR. SCHINDLER: In other words, you will be getting

1 phone calls, should we or shouldn't we?

2 MS. FREEMAN: Oh, yeah, maybe.

3 MR. SCHINDLER: Or do we have to?

4 MS. FREEMAN: Right.

5 MR. SCHINDLER: The only reason I ask is there is, on
6 our street now, practically everybody has a shed for something,
7 put your lawn stuff in and everything, and some are bigger than
8 others. And many times, you see them take them down or
9 bulldozing them down -- I shouldn't say bulldozing but taking
10 them down and putting bigger ones up, for example. And I know
11 you have to get a permit to put another one up.

12 MS. FREEMAN: Right.

13 MR. SCHINDLER: But would they have to get one to
14 tear the old one down?

15 MS. FREEMAN: Right. We can look in on that. I can
16 follow up with you in an email or something and let you know.

17 MR. SCHINDLER: Yeah, could you please?

18 MS. FREEMAN: Yeah.

19 MR. McINTOSH: The only reason I ask that is it's
20 ironic because I had a neighbor, a couple weeks ago, ask me
21 about that.

22 MS. FREEMAN: Oh, okay.

23 MR. SCHINDLER: And they know that I am somewhat the
24 president of our homeowners' association, so they always call
25 me, you know. That and, plus, they know I am on the Zoning
26 Board.

27 MS. FREEMAN: Okay.

28 MR. SCHINDLER: But thank God they call me rather
29 than doing it and then upset people like their next door
30 neighbors and stuff. So if you wouldn't mind, please.

1 MS. FREEMAN: No, not at all.

2 MR. SCHINDLER: Thank you.

3 MS. FREEMAN: Yep. Okay. And then one small
4 proposed change for the Definition Section -- Sidney has a
5 handout on that -- a slight revision to one of the existing
6 definitions. So the proposed additional text is highlighted in
7 yellow there for your consideration. This is -- Oh, I am
8 sorry. Right before that, with the demolition proposal, we had
9 inserted a couple of potential definitions in Section 5 for
10 "demolition materials" and "disposal." Those are, those are
11 coming out as well, so those aren't part of the amendment.

12 But as far as the definition of "school," we were
13 asked to consider, from the consultant for the Town Center
14 plan, to maybe expand the definition of "school" based on some
15 current trends that they're seeing as it relates to testing
16 centers and high, high tech vocational post-secondary
17 educational facilities that aren't necessarily included in our
18 definition. So, for example, like I was at -- I was over at
19 Avon Commons over the weekend and in one of their plazas they
20 had like an ACT prep test center, testing center, like, in one
21 of those little strip malls. That's kind of a -- It's an
22 educational-based type of school, you know. You can go there
23 for tutoring and things like that. We may want to consider
24 adding that to our definition. That would open up the door for
25 those type of things within Concord Township as well.

26 Any thoughts on that? Should we include that as a
27 potential change or do you have any reservations about that?

28 MR. GORJUP: While we are making changes, why not
29 include that to broaden it, you know.

30 CHAIRMAN PETERSON: That would make sense.

1 MR. GORJUP: There was talk of the ISTEM or whatnot
2 that has come up for the new Town Center or anything else,
3 testing, secondary.

4 MR. McINTOSH: How does that -- I guess I am thinking
5 of your example of Avon Commons. I agree with the definitions,
6 generally speaking. It sounds cool to me. But I am, sort of,
7 contemplating the impact. So from the standpoint -- From the
8 standpoint of zoning, how does that affect something like Avon
9 Commons? I mean, is that -- because I think, when I am
10 thinking of our tables, I mean, I don't know that we put --
11 That's like a retail center and they've got this thing in
12 there. Is that covered in the Table of Uses? I mean, how does
13 the --

14 MS. FREEMAN: Right.

15 MR. McINTOSH: How does the definition -- You know, I
16 am great with all these additions of a school but how does
17 that, how does that ripple through the zoning text in the sense
18 of how is it applicable or does it exclude things now and/or
19 does it change how we use? Because in something like that,
20 that wouldn't really fit any of our retail, you know. That
21 kind of zoning, we wouldn't have that as a use, right?

22 MS. FREEMAN: Well, schools currently are conditional
23 uses in the Town Hall -- Is it the Neighborhood or the Commons?
24 Right here at the -- The TH District, school is a conditional
25 use. And then we're also proposing to have school as a use
26 that would be allowed in the Innovative Site Plan Development.
27 And then schools are also conditional uses in the R-1 and R-4.
28 But they're all conditional uses.

29 MR. McINTOSH: Okay. Because I was thinking, in some
30 of the stuff we're talking about now with the -- over there in

1 the, you know, the development and all that, that could be
2 something that someone could come in. And I'm thinking, well,
3 do we need it in the definition of "school" so that it might be
4 something that -- Would these things have to fit in there or, I
5 mean, how would we approach that if something like that wanted
6 to go in an area where we, I guess, is what I am asking?

7 CHAIRMAN PETERSON: Actually, we're encouraging a
8 school in the new Town Center, so it would fit in.

9 MR. McINTOSH: Okay.

10 MR. GORJUP: Right.

11 MS. FREEMAN: Right.

12 MR. McINTOSH: So it's in the text for that?

13 MS. FREEMAN: To allow --

14 MR. McINTOSH: Schools would be in our --

15 MS. FREEMAN: In the new Innovative Site Plan
16 Development Overlay, right.

17 MR. LINGENFELTER: Would it, since these are
18 typically much more scaled down versions of a school, would it
19 be, would it be smarter to make it its own instead of lumping
20 it into schools? Would it make more sense to include it in
21 something else as either a subcategory or -- because I don't
22 look at these, you know, testing centers --

23 MS. FREEMAN: Okay.

24 MR. LINGENFELTER: You know, continuing education
25 facilities, like you said, that's a strip plaza potential
26 application, you know, versus a stand-alone facility, which is
27 what, which is what the school definition is. It kind of
28 takes -- It kind of really broadens the scope of "school."

29 MS. FREEMAN: Uh-huh, right, I do agree with that.
30 They had suggested, too, that we even further break down our

1 existing definition of "school" into more detailed categories,
2 is where you are kind of leaning towards.

3 MR. LINGENFELTER: Right, like a subcategory.

4 MS. FREEMAN: Like elementary schools and then you
5 get into high schools, or the K through 12 schools and then
6 colleges and universities being its own definition and then
7 further breaking it down. I didn't know if we wanted to get
8 into -- because our, you know, our amendments really weren't
9 focused on the schools.

10 MR. LINGENFELTER: Right.

11 MS. FREEMAN: So that's really opening up the door of
12 assessing where we --

13 MR. LINGENFELTER: But when you, when you throw this
14 into that definition, that really potentially broadens the
15 scope dramatically.

16 MR. McINTOSH: I think that kind of goes to what I
17 was saying is that, how does this ripple its way through the
18 text?

19 MR. LINGENFELTER: Right.

20 MR. McINTOSH: I am fine defining all of that stuff
21 but what's the broader implication of "school"?

22 MR. LINGENFELTER: Is there, yeah, is there a
23 better --

24 MR. McINTOSH: Does it open up Pandora's Box, I mean,
25 to more issues?

26 MR. LINGENFELTER: Is there a better application of
27 that, whether it's maybe in a retail, you know, environment or
28 a -- some other commercial, you know, type of an environment
29 versus, you know, school? I don't know. I don't know that --

30 MR. McINTOSH: My first thought, my first statement

1 and what I was asking, my thing is, do we really want to go
2 down into spending such a time to pick? From Heather's
3 phraseology, what the consultant said is that they want to
4 throw these in because it's things they're seeing. Well, you
5 know, 10, 15 years from now, do we really want to go through a
6 whole bunch of work to define something that, does it have --
7 Do we need to really get into a whole thing to break out that?
8 Is there a compelling reason for the zoning text to have that
9 level of detail or does it just suffice to put, hey, schools
10 are starting to stretch the bounds here and there are some
11 other things that sort of fit?

12 I mean, I think I am not -- I don't really want to
13 spin off into a lot of categories if there is no compelling
14 need to from a zoning standpoint just to acknowledge that this
15 kind of thing is technically a school. I mean, are there other
16 reasons? What are the reasons they're suggesting that we go
17 deeper than even that?

18 MS. FREEMAN: Maybe because you want to allow certain
19 schools in different areas and you wouldn't -- Like, you would
20 allow an elementary school in a certain district or
21 neighborhood versus a college and a university, you would
22 probably limit because of the potential impact. Maybe you
23 wouldn't allow that in your residential districts.

24 MR. McINTOSH: Right.

25 MR. SCHINDLER: Which brings --

26 MS. FREEMAN: But based on our existing definition,
27 you could have a college in the R-1.

28 MR. McINTOSH: Right.

29 MS. FREEMAN: Based on our group together school.

30 MR. McINTOSH: But if it's all conditional, you said

1 all the schools are --

2 MS. FREEMAN: Right, school is --

3 MR. McINTOSH: Then you've kind of -- We've got that
4 stopgap. Why make things more complicated than they need to
5 be?

6 MS. FREEMAN: Right. This was kind of a simple
7 solution to allow that. If we wanted to really take some time
8 and maybe look at splitting them up, then I think that's going
9 to, like you said, we look at all the other places. We would
10 have to do a pretty good analysis of, okay, where would, in
11 what areas and under what conditions would we want a college
12 versus an elementary school versus some type of testing center?

13 MR. McINTOSH: So since the whole premise of all this
14 is generally housekeeping, from your perspective, is there a
15 compelling reason to explore it any further than this, to go
16 down that and break it all out? Do you feel --

17 MS. FREEMAN: No. At this point, I don't, no.

18 MR. McINTOSH: Okay.

19 CHAIRMAN PETERSON: I kind of think simpler, simpler
20 is better.

21 MR. GORJUP: Right.

22 MS. FREEMAN: Right, yeah.

23 MR. SCHINDLER: Which brings up --

24 CHAIRMAN PETERSON: How many times is this going to
25 come up in the next 50 years, three? You know, it's a pretty
26 simple solution. I kind of like it the way it is with, with
27 the addition that you've put in here.

28 MS. FREEMAN: I feel like someone who may be doing a
29 testing center would be looking for that commercial type, you
30 know, district and they wouldn't be asking to put in a CUP,

1 like, in a residential area. And if they were, like you said,
2 we've got the conditional, conditional use where maybe what
3 they were proposing wouldn't --

4 MR. McINTOSH: I'm not in favor of complicating it
5 unless there is a broader, more compelling reason to do so.

6 MR. SCHINDLER: Which brings up another point. If we
7 put that in like that for schools, would they have to meet
8 state regulations, requirements that could be quite broad and
9 extensive for just someone that's setting up a table in, like,
10 a shopping area just to educate a small segment of a group?

11 MS. FREEMAN: I don't know what the state licensing
12 requirements would be.

13 MR. SCHINDLER: That's what I mean. Is that
14 something we would have to comply with maybe state regulations
15 regardless of what we have in our zoning, you know?

16 MS. FREEMAN: Oh, that wouldn't allow them to locate
17 in certain areas?

18 MR. SCHINDLER: Yeah, or make them required to have
19 all kinds of -- I don't want to say safety or whatever or
20 requirements for -- the state requires for schools in general.
21 Would this require them to do all that also because of --

22 MR. McINTOSH: Oh, you're saying if we label it as
23 school, that would require them to file -- follow certain state
24 regulations?

25 MR. SCHINDLER: Yes, correct.

26 MS. FREEMAN: No, I don't think our definitions
27 dictate anything to the state.

28 MR. SCHINDLER: Okay.

29 MR. McINTOSH: No. The state is going trump
30 everything we do.

1 MR. SCHINDLER: Yeah.

2 MS. FREEMAN: Just one second. I've got to check the
3 heat. It's hot. Is anyone else hot?

4 MR. SCHINDLER: It is getting warm, yes.

5 MS. FREEMAN: Okay. So do we have a general
6 consensus? Do we want to think about it or --

7 MR. McINTOSH: I am fine having it.

8 CHAIRMAN PETERSON: I am good with it.

9 MR. GORJUP: I say keep it with the change that you
10 made.

11 MS. FREEMAN: Okay. Are you okay with that?

12 MR. LINGENFELTER: No, I don't like it.

13 MS. FREEMAN: You don't like it?

14 MR. LINGENFELTER: I am out numbered, so it doesn't
15 matter. I don't like what it -- I try to look at the value of
16 the township and what it brings. I don't see what any of
17 those -- I don't see what any of that brings to the township as
18 far as value for, you know, for the community. I just don't,
19 that's all, to allow it to go in there and take up space from
20 something more valuable, you know. It's kind of a real niche
21 market.

22 CHAIRMAN PETERSON: Well, it's still conditional,
23 Andy, so this doesn't allow it, it just defines it.

24 MR. LINGENFELTER: It put it's in there, you know.
25 It's not in there right now. So you are allowing it in there,
26 that's the thing. As far as I am concerned, that's not
27 something I'd like to see in there. I don't like what the,
28 what the potential long-term ramifications are. You know, if
29 the goal is Town Center and we are trying to attract retail and
30 that type of business, I don't see what a testing center or

1 continuing education facility --

2 CHAIRMAN PETERSON: But if we have a school in the
3 Town, we have a school in the Town --

4 MR. GORJUP: You've got Auburn Career Center.

5 CHAIRMAN PETERSON: No. But if you've got a school
6 in the Town Center, what's the problem?

7 MR. LINGENFELTER: Yeah, I don't -- I just don't see
8 the value. I think we have -- I think the community always off
9 -- already offers that stuff versus what, you know -- I don't
10 see any reason to allow it in there. Like I say, that's just
11 my opinion. Everybody else is okay with it, so that's fine,
12 whatever. I just, I'm not -- I am opposed to it and I would
13 prefer the record demonstrate that.

14 MS. FREEMAN: Okay.

15 MR. LINGENFELTER: We're moving on.

16 MS. FREEMAN: Okay. One other handout that Sidney
17 has is Section 29.

18 MR. LINGENFELTER: I thought we were on Section 11.

19 MS. FREEMAN: Oh, okay, yeah. No, we can, we can go
20 through, yeah.

21 MR. LINGENFELTER: How did we get all the way to 29?

22 MS. FREEMAN: No, no, no, we'll do 11, no.
23 Section 11, yeah, we can run through that.

24 MR. LINGENFELTER: I'll have to start -- I am not
25 that good with all my Roman numerals. You know, I am not sure.
26 What is 29, XXX what, XXVIII?

27 MS. FREEMAN: Section 11, Zoning Permit, there were
28 some housekeeping items in here, just some revisions to
29 increase the clarity of this section. Under Section 11.01,
30 Zoning Permit Required, under Letter B, we would like to just

1 clarify that we do want a zoning permit for when a new tenant
2 comes into an unbuilt-out retail area.

3 For example, like Crile, Crile Crossing, as the
4 tenants come in and they do their own build-out in their
5 interior alterations that might not necessarily be structural
6 alterations, we still want to require them to have that zoning
7 permit so we can review the layout plan of the floor area and
8 making sure that it's the use that we are going to actually --
9 that it, that it reflects the use or the change of use permit
10 that we would be issuing them or the conditional use permit, if
11 they are required. It also helps us when calculating their
12 floor, useable floor area for their parking that's required.

13 This is just kind of a rearranging of things.
14 Fences, we already require a fence permit. It's just bringing
15 it down to a different section here. We would like to ask to
16 have residents get a zoning permit from us when they're
17 required to get a zoning -- or when they're required to get a
18 building permit from Lake County as it relates to retaining
19 walls. So if someone is building a retaining wall that's over
20 4 feet in height, they are required to get a permit from Lake
21 County Building Department, and we also would like them to get
22 a permit from the Zoning Department as well to make sure that
23 it's not encroaching on the neighbor's yard or things like
24 that.

25 This was just rearranging. I mean, we already
26 require permits for signs, swimming pools, other yard
27 structures, gazebos, pavilions. And then we were going to take
28 out L because we are not going to require a demolition permit,
29 a zoning permit for demolition.

30 And then Section 11.02, the Site Plan Review Required

1 Prior to Issuance of a Zoning Permit, so a lot of times folks
2 go straight to Section 11, Zoning Permit. When do I need one?
3 And this is clarifying to tell people right up front that you
4 may be required to go through site plan review. So it's just
5 kind of inserting that here saying what districts that we
6 already require it in and under what items would not be
7 required to go through site plan review but could be
8 administratively reviewed by the Zoning Department.

9 And then the zoning permit review procedure, we are
10 just kind of putting in a little bit of a more step-by-step
11 format for folks to follow. It's the same, same regulations
12 here. I believe we went through this before, so there wasn't
13 -- I know, a lot of this, we've been working on. So if
14 something doesn't ring a bell, let me know. But that's really
15 it. The review criteria is the same. Expiration, you have one
16 year to start your project or your permit expires. That's all
17 the same standard. You have two and a half years to complete.

18 And then under the last section, 11.08, we just added
19 in Letter B just letting -- reminding folks that, if you are
20 doing an agricultural building that is exempt from zoning, that
21 you are not required to get a building permit -- or a zoning
22 permit.

23 Any questions on any of that? I think that was all
24 what we have seen in the past. No? Okay.

25 All right. Section 13, these were some minor changes
26 that we already reviewed as it related to conditional use
27 permits and the, some of the language in regards to the parking
28 lots. And if you recall, in Section 29, we defined, like,
29 waiting spaces and included some dimensions for waiting spaces
30 for uses that have drive-thrus, like car washes. So there were

1 some minor changes throughout here as it related to the
2 parking. And this was all everything you have seen before
3 except for the last section starting on page 26.

4 So as part of redoing the text for the Innovative
5 Site Plan Development Overlay District, what we did was removed
6 the existing text from the Conditional Use Permit Section. So
7 the entire Section 13.36 is being striked through and we're
8 relocating that to a new Section 21 that we are going to go
9 over tonight. So instead of it being a conditional use, it's
10 going to be a planned development and we will go through that.

11 Okay. And then as far as Section 15 and the
12 Residential Districts, there was one minor change that I
13 saw was a typo from a previous amendment, on page 5, in
14 Table 15.03-1. So for -- In the R-1, R-4, R-6 and 8 Districts,
15 on lots two acres or greater they are permitted to have the
16 accessory building after 1,532 square feet. Otherwise -- We
17 just didn't cover the two acres. We did under and over but
18 somehow I missed the two acres. So that was a change there.

19 And as part of us amending the parking regulations,
20 we made some minor changes in here to reference Section 29. So
21 the recreational vehicles section is actually located in the
22 off-street parking section, so we're referencing that. Just a
23 little change of the way it's stated there.

24 And then on the last page there, under 15.05, which
25 we did go over this before, was just clarifying that these are
26 the minimum garage requirements per dwelling, because we have
27 the off-street parking area requirement that's also located in
28 Section 29. So you have to have a minimum of a two-car
29 enclosed garage, plus you also have to have, depending on what
30 zoning district you are in, a minimum of 500 square feet of

1 driveway or off-street parking area in addition to that.

2 Section 16, in Section 16.07(C), so in the PUD, which
3 the only one we have is Quail right now, they are permitted to
4 have a commercial center and it's subject to them getting a
5 conditional use permit. So this is just clarifying that,
6 stating that, subject to Section 13, Conditional Use Permits,
7 they could get a, you know, get an approval for a commercial
8 center. And then it's also clarified under (C)(2) that they
9 have to go through site plan review.

10 And then this, we already talked about 16.09 as it
11 relates to parking and that we are going to hold them to the
12 same parking standards that are found in 29 unless they're
13 modified already below in the same section.

14 And Section 16.15 here, we're just clarifying this
15 section as it exists, Zoning Permits and Modifications, because
16 this section actually talks about issuing zoning permits and
17 then if you need a modification to your plan after you've
18 already been issued your zoning -- after you've been issued
19 your zoning permit. So what -- So after the final development
20 plan for each phase is approved, the Zoning Inspector issues
21 the zoning permits that comply with the approved final
22 development plan in accordance to the procedures that already
23 exist in Section 11, Zoning Permit. There is no reason to have
24 separate zoning permit requirements because a zoning permit is
25 a zoning permit. It has the same year to start the project,
26 two and a half years to complete. This is just clarifying that
27 the Zoning Inspector will only issue zoning permits that comply
28 with the final approved development plan.

29 MR. McINTOSH: Right.

30 MR. LINGENFELTER: Makes sense.

1 MS. FREEMAN: And just giving this, on the next page,
2 kind of a title here, Modification. So then after the fact,
3 the developer can come back to, to the Zoning Inspector and ask
4 for a modification of a final development plan. So that is
5 just clarifying it and all those standards stay the same.

6 And as you know, the second half of this section
7 relates to the RCD, which is also a planned development, and it
8 has similar language under Zoning Permits and Modifications
9 that we just added, "Modifications," and it refers back to that
10 other section, Part 1.

11 Those are, kind of, some more housekeeping items. I
12 am going to skip the Innovative Site right now unless you guys
13 want to dive into that.

14 MR. GORJUP: Okay.

15 MS. FREEMAN: Section 22, all right, let's see. Some
16 of this was due to rearranging because we were getting rid of
17 the existing Innovative Site Plan Development and moving it,
18 and then we had some minor changes as it related to the
19 standards that were specific to the Capital District only. So
20 on page 22.8 above the table there, you will see in blue, this
21 was already an existing maximum commercial floor area
22 restriction that we already had in the Zoning Resolution. It's
23 only specific to the Capital District but it limits the single
24 retail business or single service business square footage to no
25 more than 50,000 square feet, because we don't really want to
26 see any big box type developments in the Capital District or in
27 the Town Center or the Innovative Site Overlay District as
28 well. But that was just rearranging that existing standard.

29 And then on page 22.12, these were maintenance
30 standards and -- that relate to unimproved areas on parcels

1 that we had on record as well for the Capital District but it
2 does make sense to maybe expand this to all other commercial
3 areas and hold them to the same standards, just requiring them
4 to regularly mow and remove litter and things like that on
5 their, on their lot as long as they're operating there. And
6 then the maintenance of the watercourses and the stormwater
7 facilities, just putting in the responsibility of the, of the
8 owner to maintain all those watercourses and the stormwater
9 facilities that were approved as part of the site plan.

10 And then you will see the deletion of 22.10, Capital
11 District standards. Some of these were already redundant in
12 the Table of Dimensions, like the minimum lot size, setbacks.
13 They're already provided in this Table 22.04.

14 And then the Concord Circle figure and, like, the
15 standards that relate to the walls and the design around that,
16 that feature element, those have been relocated to another
17 section that we're -- under the design standards. And then all
18 these other things that related to the Capital District have
19 been reinserted in other areas or striked out due to the
20 changes that were pending for the Innovative Site Plan
21 Development. Like, for example the pedestrian facilities, we
22 moved that over into the design standards, kind of, opening up
23 that section to not only include standards that related to the
24 building but the built environment as well, like the pedestrian
25 facilities and then also the roundabout, what was referred to
26 as Concord Circle.

27 Off-street parking, which is the whole reason why we
28 started doing zoning amendments, right, we do have an update.
29 Sidney has an updated version of that. And I highlighted --
30 Yeah, you love that. And what's highlighted is what changed.

1 So I know you already read through it all. So --

2 MR. SCHINDLER: So this gets eliminated?

3 MR. LINGENFELTER: It was riveting.

4 MS. FREEMAN: Yeah. So all the other changes, you
5 saw in your packet and we went over those before. These other
6 ones that are highlighted are newly proposal -- proposed ones
7 for your consideration, which all of these are for your
8 consideration anyway. But after we had -- The consultant for
9 the JEDD that wrote the Concord Town Center Master Plan
10 reviewed a lot of these potential amendments and we got some
11 feedback from them. So they were suggesting for your
12 consideration a few additional changes.

13 So for under 29.0, the purpose statement, we could
14 add an additional statement that the purpose of the parking
15 regulations are to try to minimize the creation of the
16 excessive -- excess impervious coverage, which I know was kind
17 of a goal and that was one of the reasons why we looked at
18 maybe updating the section -- by allowing the other
19 bioretention areas and permeable pavement, pervious pavers,
20 those kinds of things. That all reduces impervious coverage.

21 And then we also -- Also, another purpose of this
22 section would be to encourage shared parking facilities where
23 they're appropriate. I know we spent a lot of time looking at
24 the shared parking facilities and changing the language there,
25 and off-street -- and off-site parking, and we looked at
26 changes to the deferred construction of the required spaces.
27 So I would think that these are two important purposes that we
28 should probably add to the purpose statement, if you agree.

29 MR. GORJUP: Agree.

30 MS. FREEMAN: I will just keep going unless someone

1 stops me. Is that how we want to do it?

2 MR. McINTOSH: That's fine.

3 MR. SCHINDLER: Sure.

4 MS. FREEMAN: Okay. I am just going to touch upon
5 the highlighted ones. As you know, we've already looked at
6 totally changing this section in the past. So 29.02, this
7 whole -- Applicability, we kind of already went through there.
8 When do these regulations apply? How does it relate to the
9 existing uses? Who is in charge of maintaining the park -- the
10 off-street parking areas? When is a plan required to be
11 submitted for review? And then some additional maintenance
12 standards of the parking lot, which we touched upon the
13 storage, the landscaping reference to the existing landscape
14 section, Fire Code, drainage.

15 Under Surfacing, there was a suggestion that we also
16 allow not only asphalt and concrete but also concrete pavers
17 and/or concrete permeable paver systems for parking lots, which
18 I -- which we do, kind of, already allow. And we did -- We
19 were suggesting to add in, if you recall, the porous pavement.
20 And all that's subject to approval by Lake County Engineer
21 because they are not going to let somebody do something that's
22 not going to meet their standards for engineering. So if you
23 are okay with it, we could also add in concrete paver and
24 concrete permeable paver systems as an acceptable solution for
25 a parking lot.

26 I think, well, what we have out here, the storm,
27 that's permeable pavers, which are slightly different. I was
28 reading up on that and it's a little confusing but it was
29 permeable pavers, porous pavers and pervious pavers, and they
30 all kind of treat stormwater differently, so it was kind of

1 interesting.

2 MR. SCHINDLER: It's all a new technology of
3 different ground cover that they have on the market today. I
4 mean, it seems like every year there is something new that
5 they've added, you know, how they have treated concrete and
6 they can mold concrete and stuff to make it look like brick
7 work and old cobblestone, for example. Each one has its own
8 function. Some are more porous that allows the water, rather
9 than to stay on top of the surface where it can be slippery --

10 MS. FREEMAN: Right.

11 MR. SCHINDLER: It will be absorbed inside so it just
12 dries much quicker. It's like the asphalt you see now being
13 used on highways. It used to be so shiny all the time because
14 it was holding water. Now it's a more porous material that
15 runs the water off to the side and less chance of hydroplaning.

16 MS. FREEMAN: Oh, okay.

17 MR. SCHINDLER: These kind of brick stuff has the
18 same effect. Actually, it's better. It's long lasting, too.
19 It doesn't break up as much, especially when you have weather
20 conditions like we have in Ohio with the cold, extreme cold and
21 that. This, this is more flexible, so it's good stuff.

22 MS. FREEMAN: Okay. Under our 29.05, Alternative
23 Parking Options where we discuss, under A, the deferred
24 construction of required parking, so the thought was to add in
25 for it to read, "If the number of required parking spaces is
26 substantially larger than the number anticipated by the
27 applicant and as proven in their development plan parking
28 demand study, that the applicant -- and that the applicant
29 provides sufficient evidence," basically, the Zoning Commission
30 could approve a site plan with a reduced number of parking

1 spaces.

2 And I think the key point here is requiring them to
3 submit to you a parking demand study. Then you have something
4 to look at to say, okay, yeah, truly, okay, their parking
5 demand is way lower, and make sure that parking demand study
6 isn't at Christmastime, you know, during the holidays. It
7 needs to be on an average type day. So by requiring them to
8 submit to you that parking demand plan or study, it would help
9 you make a better decision on whether or not you would want to
10 waive some parking requirements.

11 I mean, we've talked about traffic studies a lot but
12 we've never asked anybody to provide a parking demand study and
13 I think that makes sense, too. And I remember -- I don't
14 remember if someone on this Board was asking about too much
15 parking. So if someone is proposing way over the amount of
16 parking that the Code requires, you could maybe ask for a
17 parking demand study, you know. Prove to me that you really
18 need all this, you know, twice the amount of parking that, you
19 know, the Code says you need. If you have that parking demand
20 study, it may help, help the reviewing board and staff look at
21 these things moving forward. Especially, you know, with the
22 Innovative Site Plan Development were -- if anyone were ever to
23 get that application approved and move forward, I think it
24 would really help for that purpose, and our -- during our
25 regular site plan review process if a request to reduce the
26 amount of parking was asked for.

27 MR. SCHINDLER: Anytime you can have more green space
28 rather than asphalt, I am all for it.

29 MS. FREEMAN: Okay.

30 MR. SCHINDLER: You know? So you've got my vote on

1 that.

2 MS. FREEMAN: And I think that would help ease your
3 mind, too, that if you were going to grant a reduction, that
4 there wouldn't be the chance that the demand was way more than
5 what --

6 MR. SCHINDLER: Sure.

7 MS. FREEMAN: -- what they said it was going to be,
8 hypothetically.

9 On the next page, under B, which is the Shared
10 Off-Street Parking, Number 5 is highlighted here. In the
11 proposed Innovative Site PD Overlay District, within the mixed
12 use areas and in any commercial or office neighborhoods, it was
13 suggested that we add this language in, kind of, limiting the
14 amount or the percentage of parking that could be shared but on
15 the same site and then limiting the percentage of parking that
16 could be off site. The shared parking concept could go up to
17 85 percent of the parking could be within a shared facility --
18 and this is only in the ISP, Innovative Site Plan
19 Development -- or no more than 50 percent could be off site.

20 And then just turning the page on Number 6, I
21 inserted the word, not a "parking study" but a "parking demand
22 study" may be required just to make the language consistent.

23 And on page 15, under the Letter D, under the
24 Bioretention and Interior Landscaping Section that we already
25 worked on, there was a couple changes here for the bioretention
26 cells where they could be arranged between or adjacent to rows
27 or aisles within the parking lot. And then, also, Number 3 was
28 limiting curb cuts only in, you know, only allowing curb cuts
29 where it allows stormwater through those locations that are
30 adjacent to the bioretention or landscape areas that are

1 designed to actually receive that stormwater. So you don't
2 want people just doing those curb cuts in areas where it
3 doesn't make sense.

4 And then on page 29.17, Section 29.08, the bicycle
5 parking, I know we talked about this in-depth and there -- the
6 consensus was that we didn't want to require folks to put in
7 bicycle racks on any nonresidential site or we were going to
8 try to encourage them by putting that language in saying that
9 they are encouraged on the nonresidential sites, including the
10 commercial areas and the public use areas.

11 However, I wouldn't -- I would ask you to maybe
12 reconsider that and just put in, you know, maybe just add it --
13 And I was wasn't saying it "shall," like it must be, but -- and
14 maybe you would be open to that -- but just stating that one
15 bicycle parking space should be provided for every ten parking,
16 ten car parking spaces, and that you could spread those bicycle
17 parking spaces throughout the site however it made sense.
18 Because we really -- The ultimate goal of part of the Concord
19 Town Center Master Plan is to get folks from communities from
20 the west and east to be able to get to the Town Center. So if
21 they had a way to get there from Crile Road or if they had a
22 way to get there -- they really can't come from the west,
23 really, from Discovery. But if they, if we had some bike
24 facilities around, places to park your bikes, that we could get
25 folks over to the Town Center.

26 So I put it in as a "should," so it's not required.
27 But I think even if we just add it in as a "should" and state
28 how many, one per every ten, like, give somebody an idea of
29 what we would like to see if they were going to try to do it.
30 And maybe we could encourage them in certain situations, like,

1 as a negotiation type tool on a site plan review that we're
2 doing, if it made sense.

3 Like, I know the Starbucks, they, they supposedly
4 have a bicycle rack there. Did you see when it you were there
5 today?

6 MS. MARTIS: I didn't notice.

7 MS. FREEMAN: No? Their plans had one. So I don't
8 know. People are voluntarily doing it. Maybe it was part of
9 their overall --

10 MR. McINTOSH: I am all, even as the cyclist on the
11 Board, I am all big on encouraging it at this point. Just
12 because it's suburbia, it's -- the infrastructure there makes
13 it -- I think it still makes it hard. But I am all about
14 encouraging it. And I think I like the idea of giving people
15 an idea because it's kind of a new concept, potentially. So I
16 think what you are suggesting is we look at something like that
17 as a benchmark. It's a place for someone to start, saying,
18 "Well, how would I do that? What are you thinking?" We give
19 them -- We point them in a direction. I don't see anything
20 wrong with that.

21 CHAIRMAN PETERSON: And I agree with Morgan because
22 if we take a look at the Town Center concept down the road, if
23 we have residential communities in there, it would be very easy
24 to bicycle from the residential communities further down the
25 road into the Town Center and be very convenient to have
26 bicycle parking.

27 MS. FREEMAN: Right.

28 CHAIRMAN PETERSON: So down the road, I think that
29 would make a lot of sense.

30 MR. McINTOSH: If it gets -- I mean, you could end up

1 back at that issue later if it gets more of a -- It's so far in
2 the future, I think, right now, that, leave it that way. I
3 think suggestion is good. Getting deeper into -- Like I said,
4 if it becomes more of an issue, it's like other parking things,
5 we will probably be back at greater depth at some point talking
6 about that.

7 MR. SCHINDLER: I agree. If you look at most, like,
8 the suburbs around even Cleveland, they all now, in the
9 streets, they all have their bike lanes already to encourage
10 people. Like, coming from the west side of Cleveland downtown,
11 more of the millennials are doing that, riding their bikes
12 across the bridge and going to work that way rather than taking
13 cars.

14 So out here, it would be the same thing. We have all
15 of this, Quail Hollow here, they're building that. I think a
16 lot of people would like to go across and be able to shop with
17 their bikes. That's where the bridge comes in as opposed to
18 crossing --

19 MS. FREEMAN: Over 44, yeah.

20 MR. SCHINDLER: But, I mean, having spots for them to
21 do that would be great. I am all for it. I bike.

22 MS. FREEMAN: And that, kind of, wraps it up on that
23 section.

24 Section 34, the Fences, this was something that we
25 didn't talk about in the past but currently, under 34.02, we
26 have a statement in here that if you have a parcel of two acres
27 or greater, you are not required to obtain a zoning permit for
28 your fence. And a long time ago, the thought was, well,
29 usually if you are on a large parcel like that, you are putting
30 it up for agricultural purposes. Well, the ORC is very clear

1 on, you know, exemption from township zoning. If you truly are
2 an agricultural use, you aren't subject to township zoning,
3 which means you would not be required to get a zoning permit
4 for your fence.

5 So what I am proposing is we just strike that
6 sentence out and we require anyone that's putting up a fence to
7 get a zoning permit other than if you are an agricultural use.
8 I know, at one point, it was at one acre and then I think you
9 had bumped it up to two acres. And I think from an enforcement
10 standpoint, since they are held subject to the same height
11 restrictions and things like that, it will just make sense for
12 every property owner in a residential district that's going to
13 put up a fence that meets these parameters to come and get a
14 zoning permit from our office, if you guys would agree with
15 that.

16 MR. McINTOSH: Yes.

17 MR. SCHINDLER: That's a good idea because you have
18 to know where your boundary lines are, for one thing. So
19 permits would go in that direction, let them know that they
20 should check their boundary lines and stuff before they put a
21 fence up.

22 MS. FREEMAN: Right. Or, at least, they're on --
23 they know someone is kind of looking.

24 MR. SCHINDLER: Right, exactly.

25 MS. FREEMAN: That they're required to know where
26 they are.

27 MR. SCHINDLER: Right, exactly.

28 MS. FREEMAN: All right. Now, the site plan review,
29 if you recall, there was that recent case law that was stating
30 that the site plan process really should be in the hands of,

1 solely, of the Zoning Commission. So that was partially why we
2 started looking at Section 36. Currently, how it is, if you're
3 doing a -- if your use is for a conditional use, you were
4 supposed to go in front of the BZA for your site plan review
5 and for your conditional use and then you came back in front of
6 the Zoning Commission for your design review.

7 Well, with these changes, if you're submitting -- if
8 you need site plan review, you're going to be in front of the
9 Zoning Commission. And then if you also need a conditional use
10 permit, you would go to BZA and you'll get your conditional use
11 permit approval. So they would, most likely, approve the
12 conditional use permit with the condition that they get their
13 site plan approved by the Zoning Commission, in addition to
14 anything, other safeguards or conditions that they may have on
15 the approval. And then you would still be doing the design
16 review, doing the landscape plans, the overall layout plan and
17 still be looking at those same items.

18 Some of the other changes in here were just tidying
19 up some of the language, you know, and moving some things
20 around that we have already discussed at previous work
21 sessions.

22 There are some new changes under the design standards
23 that I did reference a little bit here. Well, under 37.03, we
24 added in a reference to the new Innovative Site Plan
25 Development Overlay, so they would be subject to these design
26 standards as well. And then under A there, we're just
27 clarifying some of the additional items that would be subject
28 to design review on a site plan. Not only the buildings but
29 also the signs need to be looked at, trash enclosures, fences,
30 if they're doing any pedestrian facilities, lighting. That all

1 needs to be reviewed as part of design review.

2 And it already was, technically, but I think this
3 really clarifies it for the applicant. It really holds them to
4 make sure they submit all those items so you have everything
5 you need in front of you. Because I know, since I've been
6 here, like, they haven't been submitting signs as part of their
7 site plan review and design review, and they are coming in
8 after and they're -- because they're saying, "Oh, we don't know
9 what we're going to do with our sign. We're just going to put
10 it here." And then they come in after they've already got
11 their zoning permit and they're building the building and they
12 have this sign that they want to put up. And that really
13 should be reviewed as part of, okay, how does it look with the
14 building and how does it relate and what does it look like?
15 That should be done by this Board, not, not after they've
16 already got all their zoning approval and they're just trying
17 to push things through.

18 It needs to be scrutinized as well, especially with
19 how Crile Road is going to be developing and Capital and the
20 Town Center. I mean, they really -- We need to hold the
21 developers to a little bit more of a higher standard and make
22 sure they're bringing all that information. Even, like, what
23 are the parking lot fixtures? What are they going to look
24 like? You know, that kind of level of detail.

25 On page 5, Section 37.07, this was the pedestrian
26 facilities that was -- is currently located under Section 22 as
27 it related to the Capital District. By moving it here, this
28 would be potentially reviewed as part of a site plan review
29 process under design review. And most of this is a, is a, if
30 you read, like, these are basically the same language. Public

1 walks, that still all may be required. It's not a "shall,"
2 it's "may be" depending on the location. I mean, if it's going
3 to be in the Town Center, you are going to be required based on
4 other standards that are going to be in Section 21. But these
5 are the existing standards that we have in there just relocated
6 to this section.

7 Same thing with 37.08, the Maximum Setbacks and Wall
8 Orientation for, quote, unquote, Concord Circle, these were
9 developed when we adopted the original text for the Capital
10 District but we want to ensure that, during innovative site
11 plan development, if an application were to be applied for,
12 that they also would be held to these standards as well. So
13 it's really just the Capital District and then if there was an
14 innovative site plan development.

15 The Landscaping, Section 38, just a small
16 clarification under 38.02 just, kind of, changing in the
17 language here as to when a plan is required to be submitted,
18 during site plan review and for any new construction,
19 reconstruction. It also included in the Innovative Site Plan
20 Development Overlay District, so they also would be held to
21 these landscaping and screening standards in addition to some
22 other ones that will be going in the potential section as well.
23 So we added a reference to them in that new district.

24 Then there is a few exceptions out of some existing
25 standards here for the Innovative Site PD Overlay District
26 because there is more stringent or -- standards that actually
27 relate to that district only. So, in general, the innovative
28 site plan development has to meet these standards but then
29 there are some areas where they don't have to because they're
30 held to a different standard.

1 So that's what most of these small potential changes
2 are. The other ones, we've talked about when we, when we
3 discussed the parking lot and the interior parking lot
4 landscaping. Do you have any questions on any of those?

5 All right. And then the last section is the
6 Innovative Site PD Overlay District and we have a slightly
7 revised version of that based on input.

8 MR. LINGENFELTER: Oh, a fresh one.

9 MS. FREEMAN: So as I mentioned, we had the
10 consultant look, for the Concord Town Center Master Plan,
11 review the potential amendments and they had some suggestions
12 on -- to tighten the language up a little bit. So that's why I
13 have the different copy for you this evening.

14 Did you, did you have this, too?

15 I'm sorry. The staple is on the wrong side.

16 MR. LINGENFELTER: I was going to say.

17 MS. FREEMAN: I don't know how that happened. This,
18 you know, this was just a quick something that I put together.
19 As you know, the Concord Town Center Master Plan was adopted by
20 the Board of Trustees on December 21, 2016. I just grabbed a
21 couple snapshots of some of the images that were in there. I
22 know we had that one work session with the consultant over at
23 the Community Center and, kind of, went -- started to get into
24 some of these things but, kind of, didn't get to discuss
25 everything, so I just pulled in a few of the elements.

26 So this was like the overall neighborhood plan,
27 master plan, just kind of showing what the -- what it
28 potentially look like with the Town Hall neighborhood, maybe
29 the multi-family neighborhood, from a civic component that
30 focuses on the natural resources here, the pond that's there,

1 and utilizing that as a public recreation open space where
2 then, at the intersection of Capital and Auburn, there could be
3 this dense, like, mixed use area where there could be
4 commercial, residential above commercial, office, and then like
5 a commercial and office space neighborhood to the east of that.

6 So this is just one overall plan that, you know, they
7 think could actually happen. And this and all the specific
8 streetscape standards and all the setbacks and everything that
9 we're proposing in Section 21 for the Innovative Site, they're
10 all based off of all, all the planning and all the work that
11 Risinger did for the JEDD and for the Trustees for this plan.

12 Within that plan, they had recommended a potential
13 area to overlay this and that's the next image on there. So
14 the under -- This is kind of going over land that's currently
15 zoned Capital District and then, also, it's maybe expanded over
16 to area that's zoned currently the RD-2. So that, the next
17 page is showing -- Well, the next, the next page, they had went
18 in very detail in that, the Town Center Master Plan, of very
19 general recommendations that we should do to change our zoning
20 text to make this plan happen and then they also went into very
21 specific detailed recommendations, and that's what staff used
22 to make the changes to Section 21 in order to create zoning
23 text that could actually be implemented.

24 So this, the draft text tonight, you know, could
25 actually work if -- to create some of these plans and images
26 and the visualizations and articulation that we have seen
27 within the overall Concord Township Town Center Master Plan.

28 So how this overlay district would work from an ORC
29 standpoint, the ORC allows townships to adopt planned unit
30 development regulations under a couple different ways. We

1 currently already have on text the PUD and the RCD. In those
2 cases, we have zoning res -- we have text in place for a
3 planned development. However, the land is not zoned for a
4 planned development.

5 What makes this different is, what we're doing is
6 we're creating the text and we're already picking out the land
7 that it would apply to. So through this text amendment, we
8 would be adopting the zoning text that could apply and we're
9 also overlaying the district over the existing, over the
10 existing zoning. So we can't force a planned development on
11 anybody. You just -- You can't do that. So if they don't
12 apply to be within the Innovative Site PD, then they just build
13 with the underlying zoning. So they can just still develop
14 under Capital District.

15 Say, you know, somebody buys the corner of Capital
16 and 44 tomorrow and they're ready to build. Well, they -- all
17 they have to do is meet the regular Capital District standards.
18 If they buy, like Normandy's Park property over, you know, the
19 property where the new Capital Parkway extension is, if they
20 buy that tomorrow and they want to do, you know, a project
21 under the Capital District, they can.

22 However, the ultimate goal would be to find a master
23 developer who would look at all this potential and have a
24 master plan for all of that area over there and, potentially,
25 build it out in phases. And if we get that right developer,
26 what they would need to do is apply for, put in an application
27 to be an innovative site plan development and, with that, they
28 submit their development plan application. And then if it went
29 through that whole process and it was approved, then that --
30 then the zoning would change.

1 It wouldn't be a Zoning Map amendment at that point
2 because we have already rezoned the land when we adopted this
3 text and the map that's actually within the text. So when you
4 looked through your packet over the weekend or earlier this
5 week, you probably saw the map in there. So these are the
6 potential parcels that should be rezoned or overlaid, I should
7 say, with the Innovative Site Plan Development.

8 In this additional handout that we just gave you
9 tonight, there is a table of what those parcels are, if you are
10 interested, who -- what the parcel numbers are, who the
11 property owners are. It's approximately 175 acres.

12 MR. SCHINDLER: As of this point, have we had anyone
13 that's interested in developing that whole area for us?

14 MS. FREEMAN: We're not quite there yet.

15 MR. SCHINDLER: Oh, but there is?

16 MS. FREEMAN: What's that?

17 MR. SCHINDLER: There is some interest then?

18 MS. FREEMAN: I don't know. I don't -- The
19 JEDD Board is undergoing -- They're still doing an RFP/RFQ to
20 put out, an RFP looking for a request, well, request for
21 qualifications and then request for proposals to find a master
22 developer. They haven't done that yet, so that's in process.

23 MR. SCHINDLER: Okay.

24 MS. FREEMAN: But I know that the consultant that's
25 been working on this has been in contact with developers that
26 they know from previous business dealings and the general
27 consensus is that, yeah, I mean, this is somewhat a feasible
28 project that could spark interest from the right person. It's
29 not just pie in the sky type thing.

30 MR. SCHINDLER: So there are people that are -- seem

1 to be interested?

2 MS. FREEMAN: There may be, yeah.

3 MR. SCHINDLER: May be. You're a good politician.
4 May be but not sure but could be but I'll tweet you.

5 MS. FREEMAN: That's being --

6 MR. SCHINDLER: But I'll tweet you, right?

7 MS. FREEMAN: I haven't talked to anyone yet.

8 MR. SCHINDLER: Right, okay.

9 MS. FREEMAN: So the other handout I gave you was
10 just a quick way to see, like, how we would potentially process
11 the plan approval. So a developer would submit -- would be
12 required to have a preapplication conference with the Zoning
13 Inspector, potentially a Trustee or a Zoning Commission member
14 or any other county department agencies. They are required to
15 have that first preliminary preapplication conference.

16 Then after they do that, they could submit their
17 formal application and development plan to the Township, which
18 then our department would have ten days to review it to make
19 sure they've submitted everything in order to, in order to put
20 it on the agenda.

21 So then, at that point, we would, similar to how we
22 do site plan review, we would send those plans to, you know,
23 county Engineer, the Water Department, Soil and Water
24 Conservation District, Planning Commission. They would be
25 reviewing those and giving, weighing and giving us their
26 comments as well.

27 And then the Zoning Commission would have a public
28 meeting on that development plan and application. And then --
29 It could be one or two meetings. And then, at the end of that,
30 you would make a recommendation to the Trustees as whether to

1 approve it or to not approve the application or maybe approve
2 it with some modifications.

3 And then, at that point, the Trustees would review
4 that at their -- at a public meeting as well, or several
5 meetings, depending on. And then at the conclusion of their
6 meetings, they would vote on it. So that's potentially how the
7 process would go.

8 As far as the specific text, the breakdown, we have
9 the purpose statements, which some of these are very -- were
10 from the Capital District and then a lot of these were from the
11 Town -- the Master Plan. So, obviously, one of our main goals
12 is to create a destination Town Center that reflects Concord
13 Township and its focus on family and community. We want to
14 provide a walkable/bikable access to and from the Town Center.
15 Part of that is increasing the residential density. That way,
16 we're able to attract and retain growing populations. And we
17 want to try to keep millennials here and not only the seniors
18 that are here. From what we are seeing, they're both looking
19 for the same type of, you know, environments. They're looking
20 for, kind of, walkable/bikable communities, low maintenance
21 properties. So I think that would help Concord keep both those
22 segments of population and everyone in between.

23 We also want to, obviously, focus on utilizing --
24 Part of the Capital Parkway Extension was opening up that, the
25 possibilities of that land down there. So this, as you know,
26 since at least 2007, since they did the Auburn-Crile Corridor
27 Plan, they've been talking about some kind of town center and,
28 over the years, it's been modified. And with the 2015
29 Comprehensive Plan Update, the Zoning Commission and the
30 committee that helped with the Comprehensive Plan Update worked

1 with the consultants on looking, again, at a town center over
2 in that area. And then obviously, more recently, we've hired
3 another consultant to really define what the Concord Master
4 Plan could be and that's kind of where we are today with these
5 proposed amendments. So we really want something, an
6 application and a development plan that's really going to be
7 compatible and support that Master, that Master Plan.

8 Section 21.02 describes how the overlay is
9 established, which I somewhat did describe to you as it relates
10 to 519.021(C) of the ORC. There are a few definitions that are
11 very specific to this section. Otherwise, all the other
12 existing ones in Section 5 apply.

13 So as you know -- Or with, with this potential
14 planned development, they would like to see some town homes and
15 what we are calling vertical multi-family buildings. Based on
16 the definitions here, a town home would have two or three
17 stories and no more than two to six dwelling units within a,
18 within a building. And then the vertical multi-family
19 buildings would contain between 10 and 40 dwelling units per
20 building.

21 So Section 21.04, Principal Permitted Uses, here is
22 the specific list of uses that would be allowed within the
23 district. These should all look familiar to you because most
24 of these are allowed in the existing GB District and the B-1,
25 the Capital District. The only additional ones, like I
26 mentioned, were the town homes and then the vertical multi-
27 family.

28 MR. LINGENFELTER: That's a big one.

29 MS. FREEMAN: Right.

30 MR. LINGENFELTER: It's big.

1 MS. FREEMAN: Yeah.

2 MR. LINGENFELTER: Who wrote this?

3 MS. FREEMAN: Who wrote this?

4 MR. LINGENFELTER: Uh-huh.

5 MS. FREEMAN: I ended up writing this.

6 MR. LINGENFELTER: Okay.

7 MS. FREEMAN: Yeah. And this was, like I said, based
8 on the Master Plan and also specific recommendations through
9 the Master Plan from the consultant. This was input from the
10 consultant. Obviously, we had the legal counsel review it.
11 The Trustees have had a chance to review it. I didn't really
12 get any feedback at this point yet. But yeah.

13 MR. LINGENFELTER: Yeah, because we had that one
14 meeting at the Community Center and there was a lot of
15 questions, a lot of question that went unanswered. And I was
16 expecting some follow-up meetings from that and there hasn't
17 been. And now we get dropped -- This is a pretty big bomb, in
18 my opinion, this whole, you know, this Innovative Site Overlay
19 District. I mean, this is the first I am seeing it, you know,
20 first I have really, you know. And I think there were a lot of
21 questions about the density and the overall construction and
22 everything else and, you know, it's interesting. Here, all of
23 a sudden, we've got this whole written out, you know -- I would
24 have expected a lot more input into this before this would have
25 been presented.

26 MS. FREEMAN: Okay. Well, I, too, also thought that
27 there was going to be a follow-up meeting with the consultant.

28 MR. LINGENFELTER: Right.

29 MS. FREEMAN: Because that's what I heard when I was
30 there. But --

1 MR. LINGENFELTER: Right, that's what I thought. It
2 was pretty clear, after that meeting, that there were a lot of
3 unanswered questions, a lot of unanswered issues.

4 MS. FREEMAN: Right, because --

5 MR. LINGENFELTER: And there was going to be another
6 meeting to, kind of, clear all that up and that, kind of, never
7 happened. And now, all of a sudden, we've got this, this whole
8 new district planned and a potential, you know -- I don't know.
9 I just -- I don't know.

10 MS. FREEMAN: I know there were -- You didn't get an
11 opportunity to get on board with the Master Plan.

12 MR. LINGENFELTER: That's right, exactly.

13 MS. FREEMAN: I get that.

14 MR. LINGENFELTER: Yeah, there wasn't, there wasn't
15 an opportunity for some buy-in on this, in my opinion.

16 MR. SCHINDLER: Maybe a way we can address it, Andy,
17 since we got this -- Like you say, I was at the meeting, too.
18 There was a lot of questions. Maybe this, we should have a
19 meeting maybe on this, at least among us, to iron things out
20 and discuss things about this, on this section, you know.

21 MS. FREEMAN: Well --

22 MR. SCHINDLER: Since they didn't want to have
23 another meeting and Andy and I knew about all the questions
24 that were coming up -- And, please, not taking anything away
25 from the work you did.

26 MS. FREEMAN: Right.

27 MR. SCHINDLER: It is not meant to be that. Okay?
28 But we know there was a lot of questions that came up that we
29 should probably maybe, at least this section here, maybe have a
30 meeting of our own to go over this a little more in-depth, pick

1 your brain a little bit more.

2 MS. FREEMAN: Okay.

3 MR. SCHINDLER: Find out why they came up with the
4 stuff that's in here.

5 MS. FREEMAN: Okay.

6 MR. SCHINDLER: Just to make us feel more
7 comfortable.

8 MS. FREEMAN: Okay.

9 MR. SCHINDLER: Before we go farther.

10 MS. FREEMAN: Yeah. I mean, I find that maybe a
11 little challenging because, I mean, what's proposed in here was
12 coming out of the Master Plan. So that's where, you know, I
13 was using that as the guide. I mean, so some of the -- I'm
14 just -- You may have questions like, well, why do we need all
15 this density? And it's like, I don't have the exact answer
16 that the consultant would give you because those, I mean, they
17 wrote the Master Plan. So the thought was the Trustees are on
18 board with it. This, this meets it. This is where they would
19 like to go. I mean, obviously, you have to somewhat be
20 agreeable to it and understand it but --

21 MR. SCHINDLER: Right.

22 MR. McINTOSH: So we have -- There is, sort of, two
23 parts to this. So this is -- So there is the Plan.

24 MS. FREEMAN: Right.

25 MR. McINTOSH: The Master Plan is the concept behind
26 it.

27 MS. FREEMAN: Right.

28 MR. McINTOSH: And this is the tool that executes it.

29 MS. FREEMAN: That implements it, right. So it
30 sounds like, to me, you are struggling with the Master Plan.

1 Is that right? I mean this, too, because this is what would
2 implement it.

3 MR. LINGENFELTER: Yeah. I have some serious
4 reservations about the whole thing, you know. So I'm not, I'm
5 not even close to being convinced.

6 MS. FREEMAN: Do you want to try to ask some of your
7 questions now or do you want to, like --

8 MR. LINGENFELTER: No. I'd like, I'd like to have
9 some more time to, you know, to review everything and go
10 through it.

11 MS. FREEMAN: Okay.

12 MR. LINGENFELTER: But I have some, I have some
13 serious reservations about where this is going to go and the
14 overall impact on the community and everything else. I just --
15 I'm not, based on that meeting, I wasn't real impressed with
16 that initial meeting, you know, and the, and the, kind of, the
17 way the whole thing was packaged and presented. It left, it
18 left a lot of open-ended issues, in my opinion. And, I mean,
19 it's great for, you know, a consulting firm from Chicago to
20 come in and make a bunch of recommendations and then they step
21 out and then we're left to live with it. And I just don't know
22 that, you know, what fits in certain demographics and areas
23 don't necessarily fit here.

24 And I just -- I have some serious reservations about
25 the overall concept and whether or not that really fits into
26 the community. I just -- That's the way I feel, you know, and
27 I am definitely not on board with it. If I had -- If you were
28 going to ask me for a decision right now, I would say I
29 wouldn't support this. I couldn't support this without -- with
30 not having all the information, you know, that I feel is

1 necessary. This is pretty -- It's a very impactful situation
2 for the community, very impactful. And it's going to have a
3 major, you know, it's going to have major ramifications,
4 long-term ramifications, you know, to the community.

5 I just -- I wouldn't want to see this, you know, kind
6 of ramrodded through and then have a lot of regret after the
7 fact. Something of this, something of this nature, to me,
8 requires a lot more consideration. So --

9 MS. FREEMAN: Okay.

10 CHAIRMAN PETERSON: And just to give a counterpoint
11 to that, I too was at the meeting and I had benefit to being at
12 a secondary meeting, and I was very impressed with it and I
13 love everything about it. And I think to be able to get where
14 we want to go with this, you have to have some sort of a basic
15 outlined plan, which I kind of think this is it. And as it
16 unfolds -- It is not going to happen today or this year or
17 probably next year. But as it unfolds, it is probably going to
18 come in pieces and every one of those pieces would come before
19 us and give us the opportunity to review for the fit.

20 But if you don't have an overall plan for the
21 development, then you have nothing to compare to and guide to.
22 And if we were to sit down with anybody and have a meeting, I
23 don't think that meeting would ever end because you're not
24 going to be convinced and maybe others aren't going to be
25 convinced. There is varying opinions, you know. But overall,
26 if the Trustees feel that this is the direction we need to go,
27 then we need to plan to get there. And this sort of gives me
28 an outline or a plan that says, this is how it would unfold.

29 MR. McINTOSH: Would it be fair to say, back to the
30 point I was saying, is that we have a Comprehensive Plan and we

1 have a tool, some text. This is the whole, if you build it,
2 they will come. This is the whole, yes, we allow you to build
3 this if you showed up to do it. If we put this on the table
4 and nobody shows up to build it, it never happens. The
5 developer actually has to say this demographically makes sense
6 and they are going to put the money into it.

7 So I guess my comment before -- and I don't know
8 where this really leaves it -- is to sit there and say, you
9 know, I think, Heather, you are right. I mean, we have --
10 We're having two conversations here. We have a Comprehensive
11 Plan that we've been, kind of, going down this road for. This
12 is the tool to implement it. What are we talking about? Are
13 we talking about the Comprehensive Plan or are we talking about
14 the tool?

15 I think it's important to keep that conversation
16 separate because this is not -- I mean, I suppose it's sort of
17 a back way -- I'm not endorsing the plan. But the plan is the
18 plan. This is a tool. In my mind, they're separate things. I
19 think we ought to -- If we've got conversations about plan,
20 then that's a plan conversation. This is text to, to open the
21 door for that opportunity, that potential.

22 And I think I kind of go back on the whole, you know,
23 free market, capitalism. No developer is going to do it if
24 they can't pull it off.

25 CHAIRMAN PETERSON: True.

26 MR. McINTOSH: They are not going to spend the money
27 to put up multi-tenants and that sort of thing. And, you know,
28 the density, I know that's been a concern of some people in the
29 township. We've talked about the Comprehensive Plan for a
30 while. If I recall that meeting from a month or two ago, that

1 was the -- The purpose of the conversation was around density
2 and, kind of, housing. I think that, sort of, seems to be the
3 one issue.

4 So I don't know where that leaves us as far as having
5 that debate or that conversation but I think it's important to
6 keep the Comprehensive Plan and this tool as two separate
7 conversations. How do we feel about the tool, the way it's
8 worded, the way it's written, the way it's structured, how we
9 use it, and the Comprehensive Plan are two separate
10 discussions.

11 MR. LINGENFELTER: I think, I think when you start
12 floating terms like "RFQ/RFP," you know, that means that that's
13 serious. That's not -- You know, you don't throw those things
14 out there.

15 MR. McINTOSH: I didn't say they weren't serious.

16 MR. LINGENFELTER: No, I am saying but when you start
17 throwing those things out there, that sounds to me like this is
18 a lot further down the road than what I think some people
19 realize.

20 MR. McINTOSH: I, I guess I don't agree with that. I
21 don't know how we could have had the conversation so far. If
22 someone is coming in for a proposal -- I will reiterate my
23 point -- why are they making a proposal if they don't feel that
24 it's viable? If it's -- If they're making the proposal, they
25 feel it's viable. And we've had this Comprehensive Plan. We
26 are going in the direction of, you know, a conversation going
27 on near a decade. Why are we questioning that? If they're
28 prepared to make the investment and feel like it's viable, what
29 is it that we're not --

30 Now, that's kind of a macro. I mean, there is

1 definitely -- What is it that they're seeing that makes it
2 viable, I think, is a very valid question and we have every
3 right to see that and ask those questions. But, again, as
4 we're talking about the viability of this text and this tool, I
5 think that's a separate discussion. I don't know where that
6 fits in the flow of this but I think it's talking about zoning
7 text and we're talking about direction of the plan. I think
8 those are two separate things.

9 CHAIRMAN PETERSON: I agree. I think we need this
10 document --

11 MR. McINTOSH: To go forward.

12 CHAIRMAN PETERSON: -- to go forward, right.

13 MR. McINTOSH: To maybe even have some of those
14 conversations because you can't discuss a proposal, nobody is
15 going to make a proposal if this isn't available to them.
16 They're not going to go through the time and effort to look at
17 that. If this road is not sketched out or paved for them to go
18 down, why would they spend the time figuring it out?

19 MS. FREEMAN: Okay.

20 MR. SCHINDLER: So where does that leave us?

21 MR. McINTOSH: Yeah, I guess --

22 MR. SCHINDLER: Where does it leave us now right?

23 MR. McINTOSH: Yeah. What -- I mean, Andy is the one
24 that's raised the question. So I will ask what makes, I mean,
25 what makes you comfortable to go forward? What's next in your
26 mind? You raised the concern.

27 MR. LINGENFELTER: I would like some time to go over
28 this whole, this whole district and really take a look at a lot
29 of the, a lot of the -- There are some very specific things
30 that are spelled out in this, in this district, you know,

1 proposal that I think we ought to take a closer look at.

2 MR. McINTOSH: How does tabling that topic fit with
3 your timeline?

4 MS. FREEMAN: Well, I mean, no, that's fine. If you
5 need to take more time and review this section and touch, you
6 know, if you want to -- And please feel free in between
7 meetings, like, email me, call me. Maybe we could have, you
8 know, Andy, another discussion about the overall Master Plan,
9 too, if you want to try to get some of those questions answered
10 from the bigger picture.

11 MR. LINGENFELTER: Right.

12 MS. FREEMAN: I can try to help facilitate that.

13 CHAIRMAN PETERSON: Heather, just to clarify, this
14 document, Section 21 that you've written up, would tie nicely
15 with the package that was given to us by the consultants,
16 correct? It all blends together as it's currently written?

17 MS. FREEMAN: Oh, this, I put together.

18 MR. McINTOSH: Yeah.

19 CHAIRMAN PETERSON: Okay. But I mean the package
20 that they presented to us.

21 MS. FREEMAN: Oh, yeah.

22 CHAIRMAN PETERSON: That would tie nicely with this,
23 I believe, correct?

24 MS. FREEMAN: Yeah, right. This text was the
25 implementation.

26 CHAIRMAN PETERSON: This was based on what they
27 presented to us, right?

28 MS. FREEMAN: Yeah.

29 CHAIRMAN PETERSON: So --

30 MR. McINTOSH: That was a pretty massive

1 presentation.

2 MS. FREEMAN: That was like a 300-page --

3 CHAIRMAN PETERSON: Yeah, it was.

4 MR. McINTOSH: Yeah.

5 MS. FREEMAN: With the case studies and, yeah, the
6 case studies, the visualization and the articulation. And then
7 they did their due diligence and went through our zoning very
8 specifically. And I know no one has a hard copy of that but we
9 still have that, the flip book link. So if you want to go
10 back, I can email that to you again.

11 MR. McINTOSH: Yeah, why don't you refresh that to
12 everybody.

13 MS. FREEMAN: I can send that link back out to
14 everyone if you want to look again directly at the Master Plan.

15 CHAIRMAN PETERSON: The way it's written, you can't
16 print it on your home printer because it's so big.

17 MS. FREEMAN: Right.

18 CHAIRMAN PETERSON: But they can give you a copy,
19 because I happen to have one. They'll give you a copy that
20 they have already preprinted that, you know, anybody can sit
21 and review. So you can get it from the consultant.

22 MS. FREEMAN: Yeah. Or, Andy, I have a hard copy in
23 the office if you want to borrow it, you know, if you would
24 rather look at a hard copy.

25 MR. LINGENFELTER: Uh-huh.

26 CHAIRMAN PETERSON: I think it's important, too, to
27 remember this is just a proposal at this stage. I mean, the
28 RFQ can go out but anybody that comes in is certainly going to
29 have their own interpretation of what they think could be
30 successful here. And they're not going to do it, to Morgan's

1 point, they're not going to do it unless it economically
2 viable. And so they may take a look at this or the big plan
3 and say, "I can do a portion of that or I can do it a little
4 bit differently." So I think there's still a lot of
5 flexibility out there. But, again, all of it has to come
6 before us at some point to be zoned.

7 MR. McINTOSH: And I think we, in that meeting, I
8 sort of feel like some of the demographic, the questions about
9 housing specifically, was very -- I don't know. It's been a
10 couple months, so don't hold me to anything. But I feel like
11 there was a little bit of -- They did dance a little bit and
12 didn't have -- there was some -- I don't know, great answers.
13 And it was kind of -- So I am wondering if going forward with
14 this doesn't help us see more clearly some of that information.
15 And I think, you know, raising the question, I will definitely
16 go back and look for a couple things specifically now in my
17 mind.

18 MS. FREEMAN: Yeah.

19 MR. McINTOSH: But I would be curious to see some of
20 that stuff, you know, supporting for that. The demographic
21 stuff, I mean, it got long and I think some of it, for us that
22 haven't been in as much maybe as the Trustees and the staff,
23 maybe it was a little bit much to take in that much information
24 that was compiling so much work and, kind of, really just get
25 into some specific points. So there may be some advantage in
26 us taking a look at a couple specific things again that Andy
27 raised.

28 I am in favor of taking a look at this and then using
29 the tool to move forward to continue that process because I
30 think it's an exciting opportunity. I certainly don't want to

1 see the Township do something that's not viable but I think
2 continuing to move this process along is an important part of
3 getting to that destination.

4 MS. FREEMAN: Okay. All right. So read it more,
5 digest it, ask me questions in between now and the next time we
6 meet and we will just see where we're at as far as where -- the
7 direction we're going to go.

8 CHAIRMAN PETERSON: Okay. That's all of the
9 addendums, correct?

10 MS. FREEMAN: Yes, yes, that's everything.

11 CHAIRMAN PETERSON: Very good. Okay. Moving on to
12 Item 2 then on the agenda would be our normal correspondence
13 report from the Zoning Commission members. Andy, anything?

14 MR. LINGENFELTER: No.

15 CHAIRMAN PETERSON: Rick?

16 MR. GORJUP: Nothing.

17 CHAIRMAN PETERSON: Morgan?

18 MR. McINTOSH: No.

19 CHAIRMAN PETERSON: Frank?

20 MR. SCHINDLER: Nothing.

21 CHAIRMAN PETERSON: Nothing. And I had nothing
22 either. That leads to us Item 3, the approval of the February
23 meeting minutes. Do I have a motion?

24 MR. GORJUP: I make a motion we approve the minutes
25 of the meeting of February 7th.

26 CHAIRMAN PETERSON: Okay, Rick. Second?

27 MR. McINTOSH: Second.

28 CHAIRMAN PETERSON: Okay. All in favor? And I am
29 going to abstain because I wasn't here.

30 (Four aye votes, no nay votes, one abstention.)

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CHAIRMAN PETERSON: Our next meeting then of the Zoning Commission is April 4, 2017. And with that, we will adjourn.

(Whereupon, the meeting was adjourned at 8:28 p.m.)

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STATE OF OHIO)
) CERTIFICATE
COUNTY OF CUYAHOGA)

I, Melinda A. Melton, Registered Professional Reporter, a notary public within and for the State of Ohio, duly commissioned and qualified, do hereby certify that, to the best of my ability, the foregoing proceeding extension reduced by me to stenotype shorthand, subsequently transcribed into typewritten manuscript; and that the foregoing is a true and accurate transcript of said proceedings so taken as aforesaid.

I do further certify that this proceeding took place at the time and place as specified in the foregoing caption and extension completed without adjournment.

I do further certify that I am not a friend, relative, or counsel for any party or otherwise interested in the outcome of these proceedings.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal of office this 24th day of March 2017.

Melinda A. Melton
Registered Professional Reporter
Notary Public within and for the
State of Ohio

My Commission Expires:
February 4, 2018