

CONCORD TOWNSHIP ZONING COMMISSION
LAKE COUNTY, OHIO
PUBLIC HEARING and REGULAR MEETING

Concord Town Hall
7229 Ravenna Road
Concord, Ohio 44077

January 7, 2020
7:00 p.m.

TRANSCRIPT OF PROCEEDINGS

Zoning Commission members present:

Richard Peterson, Chairman
Sue Germovsek, Vice Chair
Frank Schindler, Member
Andrew Lingenfelter, Member
Hiram Reppert, Alternate Member

Also Present:

Heather Freeman, Planning & Zoning Director/Zoning
Inspector
Marty Pitkin, Assistant Zoning Inspector

Melton Reporting
11668 Girdled Road
Concord, Ohio 44077
(440) 946-1350

1 7:02 p.m.

2 CHAIRMAN PETERSON: Good evening, everyone. I would
3 like to now call to order the Concord Township Zoning
4 Commission meeting for Tuesday, January 7, 2020. And the
5 first and probably the biggest item on our agenda tonight is
6 the continuation of the public hearing for Zoning Amendment
7 Application Number 0719-2, by Ralph Victor Construction,
8 Incorporated, requesting a Zoning Map amendment for current
9 Permit Parcel Number 08-A-018-0-00-025-0 and
10 08-A-018-0-00-003-0, whose address is 10811 Prouty Road and
11 being about 25.57 acres of land, from the current zoning
12 district of R-1 Residential to R-3 Residential.

13 If you will recall back several months ago when we
14 began this journey on this property, we were talking about a
15 possible rezoning from R-1 to R-4. That's been changed and
16 the new request is to change to R-3. And there is a
17 difference between R-4 and R-3, and before I open the hearing,
18 I thought I would read out of the zoning regulations for
19 Concord what R-3 means and what it is so that everybody has an
20 understanding.

21 But, basically, the purpose of the R-3 Residential
22 District is to provide for a limited amount of alternative
23 housing types to the traditional single-family dwellings in
24 the township. It's the intent of this district to allow for
25 both multi-family and single-family cluster dwellings in
26 locations that meet the following criteria in conformance with
27 the Comprehensive Plan. If you recall, we have a
28 Comprehensive Plan for the township and this was developed as
29 part of that.

30 Number 1, as transitional land use between areas

1 currently zoned R-1 Residential and nonresidential areas.
2 Item 2, in areas adjacent to major highways, such as
3 Interstate 90. Of course, in this case, it would be State
4 Route 44. And Item 3 or Number 3, in locations that are
5 currently zoned R-1 Residential and where low density
6 residential is not likely to develop because of the locational
7 or site conditions. So those are the three conditions.

8 It's further intended that such districts be located
9 so as to minimize their impact on existing low density
10 residential developments through the regulation of size,
11 location and density of units, and the application of
12 appropriate landscaping and buffer areas with adequate public
13 services available to support the density.

14 And two of the requirements that are in here --
15 There are other little things that are worded in here but one
16 of the requirements, if this would ever become an R-3
17 district, it would require a 50 foot buffer on the east next
18 to the property on Auburn Ridge. So behind the property line,
19 it would require a 50 foot buffer all the way back that has to
20 be planted in grass and trees and landscaping for privacy.
21 And that would also reduce the amount of developable land
22 because that buffer can't be developed on. You can't build
23 anything on that buffer. It also requires that there be both
24 public water and public sewers available to the property. So
25 having said that, that's the definition in our zoning
26 requirements of R-3.

27 So at this point in time, I am going to reopen the
28 public hearing because, if you will recall, we closed it so we
29 reopen at a later date. So tonight I am going to reopen it.
30 So the public hearing is now reopened on this property. And

1 before I have individual residents that might like to speak,
2 who is here to represent the developer? Could you speak, come
3 up and state your name and --

4 Yes, ma'am?

5 MS. FREEMAN: Excuse me, Mr. Chairman, before --
6 Sorry. I apologize to interrupt. I just want to correct one
7 statement you made at the beginning of the meeting. The
8 application has always been the request to rezone to R-3.
9 There was never an application to rezone to R-4.

10 CHAIRMAN PETERSON: The first one was R-4, wasn't
11 it?

12 MS. FREEMAN: No. When we had the hearing in
13 September, it was a request to rezone to R-3. At the time,
14 the applicant had requested to continue it so they could come
15 back with some additional information to address some of the
16 issues that were brought up at public hearing.

17 CHAIRMAN PETERSON: My mistake then because I
18 thought for sure the first time we discussed it, it was R-4.
19 But in any case, everyone has a clear understanding of what
20 R-3 is.

21 Could you state your name and address, please?

22 MR. VICTOR: My name is Todd Victor, from Ralph
23 Victor Construction. I'm at 7685 Snowberry Court, Mentor.

24 CHAIRMAN PETERSON: Okay. And, Todd, could you --
25 You were requesting additional time to fill us in on your
26 plans for this property should it be approved.

27 MR. VICTOR: Right.

28 CHAIRMAN PETERSON: Could you --

29 MR. VICTOR: Should I start from Bill Brooks not
30 continuing on with what he was wanting to do there due to the

1 vibe that he got from the neighbors and everybody that was
2 involved? So he didn't want to continue with what he wanted
3 to do. So we switched to R -- We wanted to do the R-3 in
4 single-family smaller lots, 60 by 150. And this would allow
5 us to keep the buffer to the -- on the freeway, on 44 and
6 against the other people's property, the 50 foot buffer and
7 build mounds and plant some trees on there.

8 CHAIRMAN PETERSON: Are these cluster homes?
9 condominiums?

10 MR. VICTOR: They'll be like single-family only on
11 smaller land.

12 CHAIRMAN PETERSON: Okay. And you're thinking how
13 many? You're allowed, I believe, eight an acre is the
14 maximum.

15 MR. VICTOR: Right. But --

16 CHAIRMAN PETERSON: Is that correct? Six?

17 MR. VICTOR: Yeah. We have the new --

18 MS. FREEMAN: The freestanding single-family cluster
19 dwelling, it's a maximum of six per acre.

20 CHAIRMAN PETERSON: Six per acre, okay. So that's
21 your intent?

22 MR. VICTOR: No, we'll be under that. We have 65
23 laid out but we'd like to do 60.

24 CHAIRMAN PETERSON: So you're talking --

25 MR. VICTOR: Anywhere between 60 to 65.

26 CHAIRMAN PETERSON: -- 50 to 65 units.

27 MR. VICTOR: Right.

28 CHAIRMAN PETERSON: Single family?

29 MR. VICTOR: Right, 60 to 65.

30 CHAIRMAN PETERSON: Okay.

1 MR. VICTOR: And I have a new map if you want to see
2 what we laid out, if you guys want to see.

3 CHAIRMAN PETERSON: Yeah, if you have it, we would
4 like to --

5 MS. FREEMAN: Thank you.

6 MR. VICTOR: I got a bigger one if you want to see
7 the bigger one as well.

8 MS. PESEC: We would like to see it if you have it.
9 If you have a big one, it would be nice to --

10 MR. VICTOR: Yeah.

11 MR. REPERT: We can share, too.

12 MR. VICTOR: I've got it.

13 (Whereupon, discussion was held off the record.)

14 MR. VICTOR: So we had the 50 foot buffer laid out
15 around the edges and we were thinking on putting a walking
16 path around the open area down, down where we can't put
17 anything.

18 MS. GERMOVSEK: That would be by the pond, the
19 stormwater? Is that what you mean?

20 MR. VICTOR: Right, the stormwater.

21 MR. REPERT: Is the grayed in area, is that water?
22 Is that runoff or is that a stream or what?

23 MR. VICTOR: That's the ravine and everything goes
24 into that and then it gets bigger as it gets farther down.

25 MR. REPERT: Okay.

26 CHAIRMAN PETERSON: Now, the question becomes -- I
27 know you have water off of Prouty Road. Do you have sewer
28 access yet?

29 MR. VICTOR: We got -- We have approval for a pump
30 station if it's all one owner.

1 CHAIRMAN PETERSON: Okay. Pump it to where, Auburn
2 Road?

3 MR. VICTOR: To Auburn Road, yes.

4 CHAIRMAN PETERSON: Do you have written approval of
5 that?

6 MR. VICTOR: No, not written approval.

7 CHAIRMAN PETERSON: Okay.

8 MR. VICTOR: But we have an email. If it's one
9 entity, we can do a pump station.

10 MS. GERMOVSEK: Where would the pump station go?

11 MR. VICTOR: We'll probably eliminate a -- it could
12 go right down -- I can't -- down right here would be a good
13 spot for it.

14 MS. GERMOVSEK: Okay, down by the stormwater pond?

15 MR. VICTOR: Right. The low, that's the low point
16 anyway of the subdivision. And down on the other end, what
17 would be the best place for the storm, that's another lowest
18 area of the land.

19 MS. GERMOVSEK: So these are under a quarter acre
20 lots?

21 MR. VICTOR: Some of them. Some of them are over a
22 quarter acre.

23 MR. REPPERT: Some of them are right here.

24 CHAIRMAN PETERSON: So you would have both sanitary
25 and storm sewers in here?

26 MR. VICTOR: Yes. We were thinking on 5 and 10 foot
27 sidelines, so you would be able to build a 45 foot wide house
28 there.

29 CHAIRMAN PETERSON: What would be your estimated
30 square footage of these homes?

1 MR. VICTOR: Anywhere probably from about 16 to
2 3,000 probably.

3 CHAIRMAN PETERSON: Okay.

4 MR. VICTOR: From what we're building over there in
5 Quail Hollow, we have one of those and one of those are 3,100
6 square feet. So --

7 CHAIRMAN PETERSON: Would these be similar to
8 Hygrove Village?

9 MR. VICTOR: Yeah. We would assimilate to probably
10 try and do similar to that. We would have more room in
11 between the houses by -- we would have 5 feet more between and
12 then they will have bigger back yards, too.

13 CHAIRMAN PETERSON: Okay. Any questions from up
14 here before --

15 MS. GERMOVSEK: So there is one egress and one
16 ingress, right?

17 CHAIRMAN PETERSON: There is two, here and here.

18 MR. VICTOR: Two entranceways.

19 MS. GERMOVSEK: And two cul-de-sacs.

20 MR. SCHINDLER: The Fire Department requires to have
21 two accesses to a development.

22 CHAIRMAN PETERSON: So this would comply with the
23 fire codes?

24 MR. VICTOR: Right.

25 CHAIRMAN PETERSON: Anything else from up here?

26 MR. SCHINDLER: Not at the present time.

27 CHAIRMAN PETERSON: Okay. We will move to --

28 MR. LINGENFELTER: I have a question. Did you lay
29 this out as an R-1? Did you do a, just out of curiosity, do
30 a --

1 MR. VICTOR: Yes.

2 MR. LINGENFELTER: What did you come out with?

3 MR. VICTOR: Forty.

4 MR. LINGENFELTER: Forty, about forty units?

5 MR. VICTOR: Yeah, forty half acre.

6 CHAIRMAN PETERSON: Forty half acre lots?

7 MR. VICTOR: Right.

8 CHAIRMAN PETERSON: So the difference would be 20 to
9 25 additional dwellings --

10 MR. VICTOR: Right.

11 CHAIRMAN PETERSON: -- between R-1 and R-3 the way
12 you have this?

13 MR. VICTOR: We can limit it to what we laid out so
14 we can't build any more units than, you know, change something
15 after you guys -- after what is approved because I know we're
16 allowed up to six, I mean, more units with that zoning.

17 CHAIRMAN PETERSON: Yeah, you could, six per acre.

18 MR. VICTOR: Right.

19 MR. SCHINDLER: I do have a question. When you
20 brought this up initially, there was going to be a senior
21 citizens living; is that correct?

22 CHAIRMAN PETERSON: Not any longer, I don't think.

23 MR. VICTOR: Not any longer.

24 CHAIRMAN PETERSON: That was the original.

25 MR. SCHINDLER: Not anymore.

26 MR. VICTOR: Right. That was the plan for Bill
27 Brooks when he was in here.

28 MR. SCHINDLER: Right. So that's not the intent
29 anymore.

30 MR. VICTOR: No, no, not really.

1 CHAIRMAN PETERSON: And those would have been rental
2 units, correct?

3 MR. VICTOR: Right.

4 CHAIRMAN PETERSON: And these are owned?

5 MR. VICTOR: These are going to be owned.

6 CHAIRMAN PETERSON: So this is a total different --

7 MR. VICTOR: Right.

8 CHAIRMAN PETERSON: -- scenario than what we were
9 looking at in September.

10 MR. VICTOR: Right.

11 CHAIRMAN PETERSON: Okay. I am going to let the
12 residents speak. Is there anything else, Mr. Victor, you
13 would like to say at this point?

14 MR. VICTOR: No, I think that's it.

15 CHAIRMAN PETERSON: Okay. Thank you.

16 MR. VICTOR: All right. Thanks.

17 CHAIRMAN PETERSON: All right. I'd like to get
18 anybody that would like to speak for or against this proposal,
19 give you an opportunity to come to the microphone. And I'll
20 start over on this side over in the room over here, the first
21 row. Anybody there who would like to come up and speak?

22 (Whereupon, discussion was held off the record.)

23 CHAIRMAN PETERSON: Step up, state your name and
24 address, please. Any questions are fair game as well.

25 MR. SIKULA: My name is Hal Sikula. I live at
26 6989 Auburn Ridge Drive for 17 years now. And I, first, I
27 would like to ask Mr. Victor a question.

28 What access do you have to Auburn Road?

29 MR. SCHINDLER: No, no. Sir, sir, you have to
30 direct it to the Board.

1 CHAIRMAN PETERSON: Yeah, the question comes up here
2 and --

3 MR. SIKULA: Well, I want to know. At the last
4 meeting I was at here, I asked specifically, what access is it
5 going to have for sanitary sewer. And I didn't hear that on
6 his --

7 CHAIRMAN PETERSON: Fair enough.

8 MR. SIKULA: Okay?

9 CHAIRMAN PETERSON: And that's one thing I think we,
10 as a Board, we would like to see as well, some proof of access
11 to the sewer that's approved and signed because this can't
12 become R-3 property without sewer access, formal sewer access.

13 MR. SIKULA: And, right now, it's landlocked as far
14 as sewer is concerned.

15 CHAIRMAN PETERSON: And we understand. And he's got
16 to have that to get an R-3. So --

17 MR. SIKULA: Okay. Seventeen years ago, we built
18 our house in Concord, our dream home. And we wanted to live
19 in Concord because we believed that they want -- What they say
20 in Concord is, we want to be this country atmosphere, right,
21 country without being in the country. So we bought our two
22 acre lot. Most of the people on our street put in septic
23 tanks. I happen to be lucky enough that Auburn Road had --
24 put the sewer in at the same time I was building, so I got
25 that. But besides the fact that we were looking at a place to
26 live that's not in the city and, when you're looking at 65
27 homes all compacted right next door to you, ask yourself that
28 question. Do you want to live next to that? I don't and my
29 wife doesn't and most everybody I've talked to.

30 So my question is, are we going to do this for the

1 citizens of Concord or are we going to do this because
2 somebody is -- Profit is not a dirty word but in the right
3 terms, and this isn't the right terms. You're not, you're not
4 -- You can't have it both ways. And as far as that many homes
5 that close by, it's just going to be a sea of rooftops. I
6 don't care about the mound and that. We're not blind. It's
7 not going to be 20 foot tall. But, you know, are you guys up
8 here, and gal, going to sit here and decide on the citizens or
9 on somebody that would like to make a profit?

10 CHAIRMAN PETERSON: Well, we have to decide on the
11 zoning regulations. Would you be happier with 40 houses over
12 there?

13 MR. SIKULA: If it's R-1, I will go with that.

14 CHAIRMAN PETERSON: But there would be 40 houses
15 there.

16 MR. SIKULA: I'm not, I'm not, you know, that's what
17 -- I don't know how it was originally, you know -- it was a
18 horse farm for many decades -- how it originally got to be R-1
19 in the first place because when we built, we had to have two
20 acres because there is no access to a sewer. Why isn't this
21 two acres because they don't have access to a sewer as far as
22 I know? Now, maybe Mr. Victor can tell us.

23 CHAIRMAN PETERSON: Okay.

24 MR. SIKULA: But -- All right.

25 CHAIRMAN PETERSON: Very good. Thank you.
26 Anybody else in that row?

27 MR. MILEY: Hi, I'm Jack Miley and I live at
28 6975 Auburn Ridge Drive, and several points I need to make
29 clear here. Supporting what Hal said about our acreage in our
30 neighborhoods, I think when we all came out there with the

1 perception that that's what we were going to have, that's
2 appropriate. The development down by Drug Mart, there is
3 nothing appropriate about that. I said that in my campaign
4 when I ran for trustee. The present elected officials in this
5 community and the past elect officials in this community all
6 said they were going to support semi rural development in
7 Concord. That's what we expect, not high density. There is
8 nothing about that that's appropriate for this location,
9 especially safety and infrastructure in that neighborhood.

10 We have blinking lights, not stop lights at Prouty
11 and Auburn. We have school transportation and traffic for
12 nine months out of the year. On the other end, you got Prouty
13 Road hill and that gets backed up, if you go there at 7:30,
14 8:00 in the morning, 6:00 in the morning, clear down into the
15 dip and halfway back up. So when you come around that curve,
16 you have to slam on your brakes because there is cars sitting
17 down there for the light. We don't need another 120 or 200
18 cars on that street.

19 So the infrastructure doesn't support it, the safety
20 in the area doesn't support it, and the present zoning right
21 now doesn't support it.

22 I have said from the start, if it ends up half acre
23 lots, it is what it is. I don't like it. It's still not fair
24 to us that pay very high taxes and have to put in septic
25 systems and go by those rules, but I understand progress. I
26 still am encouraging that you use some common sense. This
27 area is not conducive to a high density zoning area. Thank
28 you.

29 CHAIRMAN PETERSON: Thank you.

30 Sir, in the second row?

1 MR. HAMMER: Hi, my name is Mike Hammer. I live at
2 6980 Auburn Ridge. I have a couple questions if we could try
3 and clarify. One was, it was stated that approval for a pump
4 station as long as it was one owner. Owner, what, of one
5 house?

6 CHAIRMAN PETERSON: No. It would be the
7 development, the developer.

8 MR. HAMMER: So moving past that, he's going to own
9 the entire development?

10 CHAIRMAN PETERSON: He's going to develop it.

11 MR. LINGENFELTER: No, no.

12 CHAIRMAN PETERSON: He won't own it.

13 MR. HAMMER: But he can get approval, that's it,
14 just as long as it's one owner?

15 CHAIRMAN PETERSON: I believe that's correct.

16 MR. LINGENFELTER: There's two parcels. There is
17 two parcels involved.

18 CHAIRMAN PETERSON: The association --

19 MR. LINGENFELTER: So as long as he -- As long as
20 there is, with the two parcels, as long as there is one owner,
21 then he's got the ability to get the -- But once he builds the
22 houses and sells them --

23 MR. HAMMER: That's it? Okay, okay. And then
24 echoing my neighbors, I agree, not high density homes. I
25 honestly feel that originally when it was proposed with
26 seniors with, you know, not as much traffic -- now you're
27 adding homes, you're way out of line with the traffic now. I
28 think the other original proposal would have been better, I
29 mean, not better but traffic wise.

30 CHAIRMAN PETERSON: I think that was 120 units

1 though.

2 MR. HAMMER: Well, still, but I do agree with the
3 R-1. I understand there would be 40 houses. A man has --
4 allowed to do what he wants to do with his property as long as
5 it's within realm. Yes, I agree, I think it would bring in
6 major safety concerns, more traffic. Obviously, home values
7 on our end, it's going to affect that no matter what anybody
8 says. I guess that's the question I had was about the pump.

9 And in attending -- I understand you gave that, with
10 R-3, there are must be's. I attended some Planning Commission
11 meetings where they stated also, too, with R-3, that -- which
12 kind of stuck my mind -- that once it's zoned R-3, they don't
13 have to do what they propose.

14 CHAIRMAN PETERSON: But they would have to come back
15 with a site plan.

16 MR. HAMMER: I understand that.

17 CHAIRMAN PETERSON: And that can be turned down.

18 MR. HAMMER: And I'm just going off words before
19 that, you know, you guys have been burned before on R-3. So
20 keep that in mind.

21 CHAIRMAN PETERSON: But R-3 does require --

22 MR. HAMMER: I understand that.

23 CHAIRMAN PETERSON: -- the site plan, so he would
24 have to come to us with a formal site plan and we would have
25 to approve it or reject it.

26 MR. HAMMER: Okay. And, like I said, I am just
27 echoing my other neighbors. I just -- I would like to see it
28 stay R-1. I think that's the wrong place for that kind of
29 development.

30 CHAIRMAN PETERSON: Okay. Thank you.

1 MR. HAMMER: Yep.

2 CHAIRMAN PETERSON: Next to Mr. Miley, would --

3 MR. RHODES: Good evening. My name is Matt Rhodes.
4 I live at 10454 Prouty Road. That is close to the
5 Morley-Prouty light at the top of the hill as you come up
6 heading south. In the interest of reducing redundancy, I
7 would like to just say that I agree with all the folks who
8 have come up there and expressed their concerns. I would be
9 on board with an R-1 zoning status but I do have concerns,
10 especially living in that portion of Prouty Road, with the
11 traffic, the amount of traffic that would be increased with 60
12 plus units coming in. You're looking at 120 additional cars
13 traveling each day throughout that portion and I don't feel as
14 though the roads would support that amount of traffic in that
15 portion.

16 CHAIRMAN PETERSON: Okay. Thank you.

17 MR. RHODES: So thank you.

18 CHAIRMAN PETERSON: Next row, anybody there? We're
19 good back there? Okay.

20 Vanessa, did you have anything?

21 MS. PESEC: I will go last.

22 CHAIRMAN PETERSON: Okay. I will start with the
23 second row over here then, this gentleman, sir.

24 MR. WOODIN: This row here, you're talking?

25 CHAIRMAN PETERSON: Yeah, please, your row.

26 MR. WOODIN: Hi, my name is Michael Woodin. I live
27 at 11211 Prouty Road. Not to be redundant, also, they make a
28 good point. It should stay R-1. If it is zoned to R-3, it
29 sounds good, but 65 units for owner occupied. In the
30 September meeting, they said it was going to be rental units.

1 That's no good. He compared it to Aria's Way and Lockwood
2 Ridge. Those are all owner occupied. It's nothing to do the
3 same thing. So if it is changed to R-3 and he doesn't stick
4 with this, then it's going to -- What if he wants to come up
5 with something different? We don't want rental units there.
6 And the traffic is one thing.

7 I've been in Concord now 15 years. I moved here for
8 semi rural. All my neighbors, I always hear this master plan.
9 Three of my neighbors are elderly, couldn't make it here
10 tonight, Lawrence Crecraft at 11169 Prouty Road, Dick and Judy
11 Carlisle, Charles and Ruthann Schultz. I take care of my
12 neighbors. They're elderly. So the master plan sounds good
13 but we don't need anything in there for a residential for
14 elderly. We want -- If it has to stay R-1, it should stay
15 R-1. To me, the zoning committee, you should have the
16 interest of the Concord citizens. I understand developers are
17 there to make money. Lockwood Ridge has looked good.
18 Bridgecreek Estates is down from us. I see them all the time.
19 JEMM Construction is building new houses down there.

20 But it's got to stay R-1 because this 65 units,
21 they're right, it's just going to be too close and too
22 clustered. And going down that road now, it's just -- you
23 can't do it. It's just ridiculous. You go down that hill, you
24 add 65 more houses and people coming in there? Number one,
25 Concord doesn't take care of Prouty Road. It's the county.
26 So I gotta go to the end of my driveway in the winter and see
27 a Concord plow truck come by with its plow up. The -- I mean,
28 really, Concord doesn't do anything for us on Prouty. We --
29 the county clears our ditches, does the road. What do they do
30 for us?

1 So we're asking, the citizens, keep it R-1, not R-3.
2 We do not want R-3. That's why all these people are here. So
3 I don't want to get upset, and thank you for your time. I
4 appreciate it.

5 CHAIRMAN PETERSON: Thank you.

6 Okay. Next row, anybody in that row?

7 MS. BURKHARDT: Louise Burkhardt, 7041 Auburn Road.
8 I've been a resident for 40 years. I've seen Lockwood go in.
9 I've seen Cianfaglione property be done wrong the first time,
10 second time. I've seen Water Oaks and all these other places
11 come in. Frankly, I am sick of it. I moved there to be in
12 the country. I wanted to be in a place that were more horses
13 than people, which when I moved there it basically was. Now,
14 I mean, you can't, you can't have horses in Concord anymore,
15 basically, unless you have someplace like Kettle Brick where
16 you've got enough land and enough acreage. And this was a
17 farming community and it no longer is. And I am totally
18 against it being anything but R-1, and I am even against it
19 being developed as single-family homes but there is nothing I
20 can do about that.

21 I also want to know if whatever goes in there, are
22 we going to have to have a traffic light now? Because I can't
23 even get out of my driveway. I've had to put a turnaround in
24 because, about 20 years ago, I couldn't get out of my driveway
25 backing out. So I have to turn around in my yard so that I
26 can pull out of my driveway. If you put another 40 houses in
27 there, that intersection, which is high accident to begin
28 with, is going to be a dead zone with accidents because nobody
29 knows how to use a four-way stop when they come in from the
30 city. They think, you know, "Okay, it's my turn. I can go."

1 Nobody stops and waits. You can sit there at a four-way stop
2 and you've got two cars moving at the same time. That's not a
3 four-way stop. It's one person goes at a time. So I am
4 looking at, okay, now we're going to have to have traffic
5 lights there. Who is going to maintain those and so forth?
6 Then they're going to want more city lights. Where does it
7 stop?

8 I know a lot of people would have liked to have come
9 here tonight but couldn't because of their age or what have
10 you. I am lucky. I still have my health, but I maintain my
11 property on my own. I am 72 years old. And I am tired of
12 fighting over having to deal with all the traffic that I've
13 got now, all the litter I have to clean up out of my ditch
14 every single day from people just throwing stuff everywhere.
15 I just can't see how our community can support even another 40
16 homes, much less 65. Thank you.

17 CHAIRMAN PETERSON: Thank you. Anybody else from
18 that row? Sir? Anybody? Okay. The last row? Oh, I'm
19 sorry. I missed you.

20 MR. PETERS: Don Peters, 11725 Prouty Road. I
21 concur with what everyone else here is saying. I have lived
22 there since they built -- The house was built in 2015. I just
23 bought the lot next door. If the farm next to me would sell
24 the three and a half acres that's next to that, I would buy
25 that, too, because I don't want people right up against me. I
26 lived in Cleveland where I couldn't put my pickup truck in the
27 driveway because the houses were so close together. I moved
28 here with my wife because we wanted to live in a low density
29 area where we had land, where we could talk to our neighbors
30 and everything. And like they said too -- I was going to

1 bring that up too -- my ditches are filled with trash all the
2 time. People just drive down the road and throw stuff in the
3 ditches. The stupid phone book people throw the phone books
4 in the ditches. What does that do? That just clogs up the
5 drains.

6 During rush hour, the traffic can back up from the
7 Morley light past my house now as it is. At least, when they
8 proposed the 55 and older, most of these people probably
9 wouldn't be working. Now, if you're opening it up to
10 everybody, I probably -- I have a turnaround driveway. My
11 driveway is U-shaped. I probably still wouldn't be able to
12 get out of my driveway because the one side, I can't even see
13 traffic coming from over the bridge.

14 So even this half acre lots or whatever it is, I
15 think that's, you know -- It is what it's going to be but
16 there is no way there should be that many properties on that,
17 on that farm. Just have to put in my two cents worth, let you
18 guys know how you feel about it.

19 CHAIRMAN PETERSON: Thank you.

20 Now, anybody else? Okay, Vanessa.

21 MS. PESEC: Vanessa Pesec, 11705 Cali Court. I
22 would like to go back to the R-3 and the purposes that you
23 stated at the beginning, and one as a transitional land use
24 between areas currently zoned R-1 and nonresidential areas.
25 This lot does not present that kind of a problem or concern.

26 CHAIRMAN PETERSON: Well, it does abut an R-1 and it
27 does transition to the freeway.

28 MS. PESEC: Once you go over the freeway -- There is
29 no access to the freeway. When you go over the freeway, it's
30 all R-1 as well. So it's R-1 all the way around it other than

1 the street that runs next to it, that is correct.

2 The second point is in the areas adjacent to a major
3 highway, which it is next to 44, not to 90, but there is no
4 access to 90 such as, you know, in Vista Parks or whatever,
5 Capital Parkway, where you could easily get onto 44 and then
6 90. Okay.

7 And then the third, locations that are currently
8 zoned R-1 and where low density residential is not likely to
9 develop because of location or site conditions. Again, this
10 would not be appropriate for -- This application is not
11 appropriate because it can be developed. Auburn Ridge is a
12 perfect example, the homes on either side of Prouty. It can
13 easily be developed in regular R-1. So two of the three
14 purposes of R-3 do not apply to this property.

15 The second thing is the traffic and realizing that
16 this, if it's rezoned, can become eight units per acre, even
17 though the last one showed six, this pretty picture here shows
18 six units per acre or whatever. But, again, they're pretty
19 pictures. You're not dealing in the site plan review, you're
20 not deal with the PUD. You're looking at rezoning a piece of
21 property to R-3, which allows up to eight homes per acre, and
22 that's what you need to look at is up to eight homes per acre.

23 And eight homes per acre, the Federal Highway
24 Administration studies tell you that each unit has eight car
25 trips per home. And so you take eight times maybe 90 percent
26 or 80 percent of the 25 acres and you can have 1,200 car trips
27 per day for that, for that 25 and a half acres going up to
28 Morley Road and that intersection with Pinehill and Morley,
29 which is a terribly dangerous intersection, terribly
30 dangerous, as well as Auburn with just the stop signs, as well

1 as people trying to get from Concord-Hambden trying to get up
2 to the freeway and having to have all the traffic flow up off
3 from Auburn.

4 So for a lot of reasons it doesn't seem that this is
5 an appropriate place to have R-3. It should be zoned and stay
6 as is, which is R-1.

7 I think this whole show that we've had from
8 September, where we are going to put in senior homes because
9 it's so critical that we have this for senior homes to now,
10 all of the sudden, we get to the meeting only to find out that
11 we're completely changed to single-family homes that are going
12 to be close together, shows the real perils of this kind of
13 rezoning to R-3 because, regardless of what pretty pictures
14 you have, you may end up with eight homes per acre.

15 You do get a chance to review the site plan but the
16 site plan, if it conforms to zoning at eight homes per acre,
17 you can't go back and say, "No, we only want six." If the
18 site plan is accurate and it has correct, it has a correct
19 sewer and it has a correct water and it has a detention pond
20 and all of the rest, you will need to say yes or it will be
21 taken -- then you'll be taken to court.

22 So it really isn't appropriate to have this property
23 rezoned. And just as in September when you asked for the
24 other pretty pictures for when it was supposed to be senior
25 homes and now it's something different, your attorney -- I am
26 not quite sure why they're not here today -- but, you know,
27 your attorney was really clear and she said, "I do want to
28 clarify a couple points. The only thing before the Zoning
29 Commission tonight is an application to rezone from R-1 to
30 R-3, not to approve any senior housing development," or any

1 development, for that matter, such as another pretty picture
2 in front of you, which is completely different from what it
3 was before.

4 And you all said, "Right, right, right."

5 She said, "So regardless of what you're submitting,
6 the gentleman is correct. If it's rezoned to R-3, they're not
7 locked into that. So tonight's public hearing is only from
8 R-1 to R-3. So I want you to be armed with that before you
9 make this decision to reopen it, regardless of what is
10 submitted." So I would ask that you heed your legal counsel's
11 advice and not approve this rezoning. Thank you.

12 CHAIRMAN PETERSON: Thank you.

13 Anybody else?

14 MR. SIKULA: Can I come back up?

15 CHAIRMAN PETERSON: Yes, you can.

16 MR. SIKULA: Restate?

17 CHAIRMAN PETERSON: Yeah, could you, please.

18 MR. SIKULA: Hal Sikula, 6989 Auburn Ridge Drive.
19 And she reminded me of something and now it's not even here
20 but the question about access to septic -- or not septic but
21 sewer line, I still want that clarified before we can go away
22 tonight.

23 CHAIRMAN PETERSON: I understand.

24 MR. SIKULA: And the whole thing is, if it's
25 somewhere else where it was like next to a whole bunch of
26 other R-3 zoned areas that had multi-family homes or, in this
27 case, single-family but up to eight but six per acre,
28 whatever, then, yeah, well, go ahead. But this is, this whole
29 area is R-1 from Auburn Road all the way down to the State
30 Route 84. So where are we, where are we -- How can we approve

1 something that is not --

2 CHAIRMAN PETERSON: Well, the only comment I have on
3 that is, if you look at Aria's Way, that's R-3. Everything
4 around it is R-1 everywhere. Just saying.

5 MR. SIKULA: But two wrongs don't make a right or
6 one wrong doesn't make a right. But all right. Thanks.

7 CHAIRMAN PETERSON: I don't know that it's wrong but
8 thank you.

9 MR. SIKULA: Okay.

10 CHAIRMAN PETERSON: Anybody else have any other
11 comments? If not, I'd like to read into the record, I did get
12 an email at 5:12 p.m. this evening from Cheryl and Dan
13 Gillespie, at 11239 Prouty Road. And her comment just said,
14 "My husband and I are unable to attend the Zoning Commission
15 tonight but would like to go on record as being opposed to the
16 rezoning of this parcel from R-1 to R-3, the old horse farm on
17 Prouty Road." So I do have that in hand.

18 Yes, sir.

19 MR. WOODIN: I was going to say, that's my neighbor
20 to the left of me.

21 CHAIRMAN PETERSON: Okay. Understand, so everyone
22 is clear here, too, the Zoning Commission, we're a
23 recommending body. So whatever we decide tonight, if we
24 decide not to change or in favor of a change, it still has to
25 go to the Trustees and they can overrule us either way, just
26 so everyone is clear on that. We're not zoning appeals, we're
27 a recommending body, recommending body here, so we can be
28 overruled. So just so you're aware of that.

29 But comments on the Board?

30 MR. REPERT: None here.

1 MS. GERMOVSEK: No.

2 CHAIRMAN PETERSON: I guess the comments that I
3 would make, one of the things that was important -- And I was
4 part of the comprehensive planning that we've done here in the
5 township -- and one of the things that we felt was important
6 in the Comprehensive Plan was looking at Concord. Everyone
7 likes to look at Concord at what it used to be. I have lived
8 in Concord since 1974 and I went to Riverside High School in
9 the '60s. I know what Concord used to be and I know what
10 Prouty Road used to be and all that. I know what Morley Road
11 used to be and I understand that. But times change, we all
12 know that, and communities change. And Concord has tried to
13 do it, and I think has successfully done it, in a very
14 effective way.

15 You can argue, "I don't want that behind my house,"
16 or, "I don't want that on the next street over," but
17 everything is carefully done to a zoning plan that we have in
18 place, most of which is residential. No, it's not 20 acre
19 residential, it's not farms anymore, but it's residential and
20 it's larger residential than most communities in Lake County.

21 So we've had that and we, as a zoning board, we try
22 to make sure that we comply with those requirements. We're
23 very little commercial. We get complaints about the
24 commercial section. Well, they want to talk about Drug Mart.
25 But we -- Those areas are set aside for commercial development
26 and always have been, and we make sure that whoever goes in
27 there commercially complies with the regulations. Same with
28 housing, we make sure that whatever residential units go in
29 there, they all comply with the zoning requirements.

30 Having said that, in the Comprehensive Plan, one of

1 the things we looked at is the aging population of the
2 residents of Concord. Do we want people, as they get to be
3 older and retired, do we want them to leave our community and
4 go live somewhere else or do we want them to have an ability
5 to stay in our community and take -- and utilize our
6 businesses here in Concord? So we need to have more than one
7 type of housing in Concord.

8 So the idea of cluster homes is kind of a
9 compromise, or condominiums. Certainly, apartments are an
10 option but we don't, we don't like those generally and we
11 don't have many of those. But there needs to be, according to
12 the Comprehensive Plan, different alternative housing so that
13 when someone is tired of taking care of their two acre lot,
14 let's say I'm tired of maintaining that but I don't want to
15 leave Concord, what are my choices? Where do I go? Where do
16 I go to stay in this community? And the Comprehensive Plan
17 said, well, if we have alternate housing choices, then we can
18 retain those people who actually want to stay in this township.
19 They want to stay here because they like Concord Township.

20 I have seen Concord Township change just like you
21 all have. I have seen it all and I still love it here. I
22 think this is a great community and I think you all think
23 that, too, or you wouldn't live here. It's going to change.
24 We're told that somewhere down the road build-out in Concord
25 Township, we could have 40,000 people. I have heard that
26 number quoted. That's way out in the future but it's going to
27 come some day, we know that. It's a desirable area.

28 And with that comes traffic. We talk about another
29 20 cars, another 40 cars. I don't know what the traffic count
30 is on Prouty Road, but I drive Prouty Road five times a week

1 and I can honestly say I've had zero problems. And I run into
2 a couple cars at the intersection of Prouty and Auburn but
3 I've never seen an accident there. I have never, I,
4 personally, have never seen an accident. It doesn't mean
5 there haven't been any. Okay? But I drive, I drive Auburn
6 Road. I drive all these streets. And from my perspective,
7 just understand that adding, whether we add 40 new houses, 80
8 new cars or whether we 60 new houses and 120, you know, 40
9 more cars in the course of a day on Prouty Road is probably
10 not going to make a lot of difference.

11 I am sure there are hundreds, if not thousands, of
12 cars that go down that road every day. I don't know what the
13 traffic count would be. Do we even have an idea on Prouty?

14 MS. FREEMAN: I don't know that number off the top
15 of my head.

16 CHAIRMAN PETERSON: Prouty, Morley --

17 MS. FREEMAN: I am sure the Lake County Engineer
18 does have that.

19 CHAIRMAN PETERSON: I mean, I live close to Morley
20 Road. Traffic is going by there all of the time and sometimes
21 I have to wait to get out of my street. That wasn't the case
22 when I moved in 25 years ago but it is the case now and I deal
23 with it. But that's what we, as a zoning board, have to
24 consider is that, you know, all of these factors have to come
25 together and still keep this community desirable where we all
26 want to live here. So that's what we face up here.

27 Andy, comments?

28 MR. LINGENFELTER: I just wish you would have came
29 in with an R-1 plan. It would have been easy. We wouldn't be
30 sitting here. It would be done.

1 MR. HAMMER: Wasn't the first meeting supposed to
2 be, the very first one, I thought it was --

3 CHAIRMAN PETERSON: Well, we extended it. It was a
4 public hearing and we extended the public hearing at the
5 request --

6 MR. HAMMER: So are you voting tonight?

7 CHAIRMAN PETERSON: -- at the request -- Huh?

8 MR. HAMMER: Are you voting tonight?

9 CHAIRMAN PETERSON: That's the intent.

10 MR. LINGENFELTER: Yeah. I just wish you would have
11 come in with an R-1 plan and we wouldn't even be here right
12 now having this discussion, if you would have just came in
13 with an R-1 proposal. He would have put in what he wanted and
14 would have done with it and, you know, it would be over.

15 I don't see anything in this proposal that's
16 attractive to me. I mean, I just I think the density is a
17 major issue and the location is a problem and I just don't see
18 anything -- I don't see too many redeeming qualities in this
19 proposal for the township and the residents that would be
20 affected. I think that, I mean, anybody that lives in the
21 township knows, you know, what the intersection at Prouty and
22 Morley is like and what the four-way stop is at Auburn Road
23 and Prouty and what kind of traffic issues we deal with. I
24 mean, I have lived in that part of the township 30-plus years
25 and I know, you know, I know what we deal with on a regular
26 basis and it's not good.

27 MR. HAMMER: Are we still on the public?

28 MR. LINGENFELTER: Pardon me?

29 MR. HAMMER: Are we still open to public? Can I
30 state something?

1 CHAIRMAN PETERSON: Yes.

2 MR. HAMMER: Mike Hammer, 6980 Auburn Ridge. And,
3 Rich, according to you, we're not anti-development.

4 CHAIRMAN PETERSON: No, I don't say that you are. I
5 just --

6 MR. HAMMER: No. I think I'm speaking for
7 everybody. What we're stating is, you can develop your land
8 but please do it as R-1, what it is. That density, that's
9 just crazy.

10 CHAIRMAN PETERSON: No, I understand. What I'm
11 saying is, as a board, we hear, not just tonight, but we hear
12 all the time --

13 MR. HAMMER: No, I get it.

14 CHAIRMAN PETERSON: -- "Now that I'm in Concord,
15 close the door." That's what we hear and we can't do that,
16 just so you understand.

17 MR. HAMMER: No, I am not saying that. I'm
18 saying --

19 CHAIRMAN PETERSON: Just so you know.

20 (Whereupon, there were indiscernible comments from
21 the audience.)

22 AUDIENCE MEMBER: We want development. We
23 understand there is -- We don't want to be a Mentor. We're a
24 township.

25 AUDIENCE MEMBER: Right.

26 AUDIENCE MEMBER: We moved here because we like the
27 rural area.

28 CHAIRMAN PETERSON: We understand that.

29 AUDIENCE MEMBER: I lived in Mentor.

30 CHAIRMAN PETERSON: I understand. Okay. I would

1 like to say one thing though. I can't see how we can approve
2 an R-3 without the sewer access because you bring up a good
3 point. Without that sewer -- I know you're working on that
4 but it's not there. And the requirement is you have to have
5 public water and public sewer; and until there is a signed
6 document, we couldn't even -- I don't see how we can even
7 consider that.

8 MR. LINGENFELTER: Can I finish now?

9 CHAIRMAN PETERSON: Yeah. Oh, I thought you were.
10 I am sorry.

11 MR. LINGENFELTER: No, no, I didn't.

12 CHAIRMAN PETERSON: I am sorry.

13 MR. LINGENFELTER: But that's okay.

14 So like I said, I think that, as residents in this
15 area, long-term residents, you know, people that have been
16 here for years, you know, there isn't any comments that were
17 made that were reasonable that I could disagree with. I mean,
18 I think that, you know, there was a lot of genuinely good
19 points made. And, yeah, this is -- I think that this proposal
20 as it sits right now is not what I would like to see come in
21 front of the Board. And I wish that, I wish that there would
22 have been just an R-1 proposal and it could have been
23 developed and we could have moved on.

24 But, unfortunately, that's -- we were -- That's the
25 property owner's right to bring proposals or to bring requests
26 for zoning changes in front of us and it's our responsibility
27 to hear what they have to say. And if they make a compelling
28 argument and the people that live in the community are not
29 opposed to it, then it's, you know, then it's something we
30 have to take into consideration. If they don't make a

1 compelling argument and there is a lot of opposition to it, I
2 think it makes a pretty simple, you know, decision process for
3 us.

4 You know, despite what some people may think, I
5 think we're pretty well versed in the zoning code and the
6 zoning text and what can and can't happen and what happens if
7 certain things are zoned. So I think that, you know, you can
8 rest easy that we understand the ramifications of what our
9 decisions are and we understand what the ramifications of, you
10 know, any zoning changes that we recommend up to the Trustees.
11 And, you know, we don't take any of these decisions lightly.
12 We give them some pretty serious consideration.

13 This has been in front of us for a few months now
14 and I think that I would like to put this to bed just as well
15 as everybody else. So that's my thoughts.

16 CHAIRMAN PETERSON: Okay. Anybody else up here?

17 MR. SCHINDLER: I would just say ditto to everything
18 that's been brought up here with the Board, so I don't want to
19 reiterate everything again. So I understand where you are
20 coming from. I have lived here since the early '70s myself.
21 As a matter of fact, I am the oldest Board member on this
22 Board, been here the longest, so I have heard everything and
23 understand where you are coming from.

24 People that come from the city out here, they love
25 it, like I did. And the thing of it is, you can't -- like
26 Andy says -- you can't close the door. You know, we want to
27 give everybody the opportunity. Also, the developers have the
28 opportunity to do what they want to do, too, because that's
29 what they do.

30 But I understand where you are coming from. Every

1 day, I understand where you're coming from. And as much as I
2 know I've been on the Comprehensive Plan with Vanessa years --
3 when we adopted this many years ago, so I know we had the
4 township at heart when we did that and the stuff we have. Is
5 it up for change? Everything can change as time changes. But
6 rest assured, as long as I am on this Board, I am looking out
7 for everybody's interest, the developer and the township
8 residents. So --

9 CHAIRMAN PETERSON: Okay. Thank you.

10 Before I close the public hearing, Mr. Victor, any
11 comments to any of this?

12 MR. VICTOR: I don't know if everyone realizes, in
13 the R-1 zoning, that you can -- anybody can build an
14 outbuilding within 10 feet of your property line. So you can
15 have more, you can have the house and another outbuilding
16 within 10 feet of the back property lines. So you are going
17 to see more roofs than -- if someone wanted to do that.

18 CHAIRMAN PETERSON: That's true.

19 MR. VICTOR: So -- And with the R-3, we have a 50
20 foot buffer to the property lines.

21 MR. LINGENFELTER: But there wouldn't be anything
22 that would stop you from putting a buffer in as R-1 either.
23 As a developer, if you wanted to consider your neighbors and
24 everything else, I mean, I would think that you would have the
25 option, I mean, to forfeit some of your additional density to
26 a buffer. I mean, there is nothing that says you can't do
27 that. It's not against the R-1 zoning to do that, right?

28 MR. VICTOR: Yeah, no.

29 MR. LINGENFELTER: So just a thought.

30 MR. VICTOR: Right.

1 AUDIENCE MEMBER: If somebody built an outbuilding
2 off my property, I've got to worry about one roof, not 60 or
3 40.

4 AUDIENCE MEMBER: Right.

5 AUDIENCE MEMBER: And I would rather --

6 AUDIENCE MEMBER: Excuse me.

7 MR. LINGENFELTER: You have to stop the comments
8 from the audience.

9 MS. FREEMAN: You have to stop --

10 CHAIRMAN PETERSON: Okay. Anything else?

11 MR. VICTOR: Nope. That's it.

12 CHAIRMAN PETERSON: Okay. Thank you.

13 Do I have a motion to close the public hearing?

14 MR. SCHINDLER: Mr. Chairman, I so move that we
15 close the public hearing.

16 CHAIRMAN PETERSON: Do I have second?

17 MR. LINGENFELTER: I will second.

18 CHAIRMAN PETERSON: Okay. All in favor of closing
19 the public hearing?

20 (Five aye votes, no nay votes.)

21 CHAIRMAN PETERSON: The public hearing is now
22 closed. I guess, at this point, we can call for a vote.

23 MS. FREEMAN: Are you guys ready for a vote or do
24 you have any other discussion from the Board?

25 CHAIRMAN PETERSON: Anybody have any further
26 comment, any --

27 MS. FREEMAN: It would not be from the public.

28 CHAIRMAN PETERSON: No. But I don't think anybody
29 here has -- Does anybody have anything else?

30 MR. SCHINDLER: No, other than we should have 30

1 days actually to make our decision, so we don't have to make
2 it tonight if we don't want to. That's all I'm saying. So
3 I'll do whatever the members would like to do. I will do what
4 the members would like to do. Make a decision tonight?

5 CHAIRMAN PETERSON: Tonight?

6 MR. REPPERT: Let's vote.

7 MR. SCHINDLER: Okay.

8 MS. GERMOVSEK: Might as well.

9 CHAIRMAN PETERSON: Might as well.

10 MR. SCHINDLER: We need a motion.

11 CHAIRMAN PETERSON: Okay. We'll vote.

12 MS. FREEMAN: Okay. Do we want to -- someone want
13 to entertain a motion?

14 MR. SCHINDLER: Yes, we have to entertain a motion.

15 MR. LINGENFELTER: Do you want to do it or do you
16 want me to do it?

17 MR. SCHINDLER: You do it.

18 MR. LINGENFELTER: All right. Mr. Chairman, I make
19 a motion that we -- we have to --

20 MR. REPPERT: You have to do it in the positive.

21 MR. SCHINDLER: It has to be in the positive.

22 MS. FREEMAN: In the positive.

23 MR. LINGENFELTER: The affirmative, correct?

24 MR. SCHINDLER: Yes.

25 MR. LINGENFELTER: I make a motion that we, make a
26 motion in the affirmative for the Zoning Amendment Application
27 0719-2 by Ralph Victor Construction, Incorporated, requesting
28 a Zoning Map amendment from the current zoning district of R-1
29 Residential to R-3 Residential.

30 CHAIRMAN PETERSON: Do I have a second?

1 MR. SCHINDLER: I second.

2 CHAIRMAN PETERSON: Okay.

3 MS. FREEMAN: All right. Mr. Reppert?

4 MR. REPPERT: No.

5 MS. FREEMAN: Ms. Germovsek?

6 MS. GERMOVSEK: No.

7 MS. FREEMAN: Mr. Peterson?

8 CHAIRMAN PETERSON: Given that there is no sewer
9 access, no.

10 MS. FREEMAN: Mr. Lingenfelter?

11 MR. LINGENFELTER: No.

12 MS. FREEMAN: And Mr. Schindler?

13 MR. SCHINDLER: No.

14 CHAIRMAN PETERSON: So --

15 (Applause.)

16 MS. FREEMAN: So what will happen then is we will
17 certify the recommendation to the Trustees, who will then
18 schedule their subsequent public hearing.

19 MR. SCHINDLER: Right.

20 MS. FREEMAN: And there will be public notice for
21 that hearing as well.

22 MR. LINGENFELTER: Yeah. Just so everybody knows,
23 there will be another public hearing, you know, in front of
24 the Trustees. So, you know, if you want to make sure that you
25 want to attend or whatever to make sure you become aware of
26 when that proposal will be in front of them. So -- But there
27 will be another public hearing.

28 MR. SCHINDLER: And don't forgot, they can overrule
29 us and they can vote in favor, so you better be there.

30 CHAIRMAN PETERSON: The Trustees can overrule us.

1 You are welcome to stay for the rest of the agenda but you are
2 welcome to leave if you wish.

3 MR. LINGENFELTER: Oh, it's really exciting. Don't
4 leave.

5 (Whereupon, there was a brief recess while audience
6 members left.)

7 CHAIRMAN PETERSON: Okay. Item 2 on the agenda is
8 potential zoning text amendments for 2020. Heather, do you
9 want to fill us in on that?

10 MS. FREEMAN: Oh, sure. Hi. So how is everybody
11 doing?

12 CHAIRMAN PETERSON: State your name.

13 MS. FREEMAN: So as you know, part of the Zoning
14 Inspector job is coming back to you guys with some maybe
15 potential updates or tweaks to the Zoning Code as we're
16 enforcing it and as things are -- as we're enforcing it and as
17 we're seeing topics come up in front of the Board of Zoning
18 Appeals over and over again. Some things, there might be some
19 reasons why things aren't working in the code. So I kind of
20 had a couple topics that maybe we could start looking at in
21 2020. You don't have to make a decision tonight on any of
22 those. I didn't do a lot of work on them other than just
23 coming up with this rough list.

24 But I know in the past, specifically, we talked
25 about sign regulations. We did a comprehensive update in '14,
26 so we're pretty good. But there was recent case law that
27 talked about content neutrality and whether or not, if you're
28 regulating a sign based on its message, you could be subject
29 to strict scrutiny with the courts. So I definitely know
30 there are some areas in the sign resolution, specifically in

1 regards to temporary signs that we regulate a little
2 differently depending on what the message is. So I think that
3 we should spend some work sessions, possibly, on that this
4 year, and with that, making sure that we're only regulating
5 the size of the sign and the location and not what the message
6 of the sign says.

7 In doing that, we'd probably reach out to some sign
8 companies and some local businesses to find out how much
9 signage they need or want and time frames and is the 45 days
10 that we currently have in there working for the businesses.
11 So that's one of the items.

12 Another item would be in our parking section of the
13 code. I think we need to clarify some of the screening
14 requirements that we have in place for the utility trailers.
15 It's clearly written that we require campers and RVs to be
16 screened from adjacent property owners but I believe the
17 intent of the regulation initially was to also require the
18 trailers should to be screened but the wording is a little
19 vague, so I am thinking that we could tweak that.

20 And, also, we currently have a driveway setback in
21 place on residential lots from side lot lines and I think it
22 might behoove us to have a setback from the rear lot line as
23 well as far as driveways, maybe even from front yard setbacks
24 when we have turnarounds, people have turnarounds in their
25 drives. That's just something else that we could look at. I
26 don't know if we need that one in particular but --

27 Under the Commercial and Industrial District,
28 Section 22, we have a requirement that talks about dumpster
29 enclosures and you have to have the three solid walls and the
30 gate closing and it has to match, you know, the building but

1 we don't have a requirement that it actually has to be
2 constructed upon like a concrete pad. So there is an
3 opportunity maybe there to make that clear in the zoning that
4 you can't just put it on the grass. You know, most people
5 wouldn't do that but there are areas where there have been
6 times where that's come up where someone suggested they're
7 just going to, you know, roll the dumpster onto the grass and
8 leave it there.

9 So the other thing, and this is one that I have seen
10 several variance requests just in the five years that I've
11 been with the township and it has to do with the number of
12 accessory buildings on a residential lot when you're less than
13 two acres in size. So as you know, if you're less than two
14 acres in an R-1 district, you're allowed to have one, just
15 one. So if you already have a freestanding detached garage
16 because you have no attached garage, you can't even have a
17 shed. So we've seen a lot of -- We have seen several of those
18 requests in front of the board. I haven't run any reports to
19 give you, like, statistics on how many and what size and
20 everything but I definitely think it might be an area we can
21 look at where maybe, when you're under two acres, you could
22 have two, you know, maybe a combined total of 1,024 square
23 feet or, you know, one could be up to a certain size and one
24 could be smaller, one with the intent of a garage or barn and
25 the other more like a little storage shed. But as of right
26 now, it's a flat one.

27 So that's kind of like my short list.

28 CHAIRMAN PETERSON: That's actually good, those are
29 good fill-ins each month. We work on them as we have the time
30 available and they might get done over the course of the year.

1 Good idea.

2 MS. FREEMAN: Okay.

3 CHAIRMAN PETERSON: I am all for that.

4 MS. GERMOVSEK: Do we define "storage" and "barns"?

5 MS. FREEMAN: No. We just, basically, we define
6 "accessory building." We don't make a different --

7 MS. GERMOVSEK: But I mean we don't --

8 MS. FREEMAN: No. I am just using different terms,
9 like people -- So we could allow two accessory buildings, one
10 being a certain size and one being another certain size, or it
11 may be the combined total not to exceed the maximum square
12 footage that we already have in place. And maybe the distance
13 between accessory buildings, we don't have any distance
14 requirement between buildings. I believe Lake County Building
15 Department does. Maybe that's something that we would just
16 mirror and put into the code so you're not getting property
17 owners that are going to build buildings, you know, a foot
18 apart that could potentially be hazardous.

19 CHAIRMAN PETERSON: Okay. Very good.

20 MS. FREEMAN: There's a couple other things, you
21 know, with those different ones.

22 CHAIRMAN PETERSON: Yeah, let's work those into our
23 agendas.

24 MS. FREEMAN: Thoughts on any of those or questions
25 about why I am suggesting it or anything?

26 MR. LINGENFELTER: I think they're good ideas.

27 MS. GERMOVSEK: They're good points.

28 CHAIRMAN PETERSON: They are.

29 MS. FREEMAN: Okay.

30 MR. LINGENFELTER: I like the accessory building.

1 MS. GERMOVSEK: I do, too.

2 MR. LINGENFELTER: I like the accessory building
3 issue because I know, where I am at, you know, we have a --
4 you have a storage barn and then that's pretty much it. And
5 if you wanted to do anything else, even if it was very small
6 scale, you can't.

7 MS. FREEMAN: Right.

8 MR. LINGENFELTER: So it would be nice to be able to
9 have some options. I think I like the idea of square footage.

10 CHAIRMAN PETERSON: Yeah.

11 MR. LINGENFELTER: Maybe have a, a square footage
12 maximum that would allow for a reasonable sized storage shed
13 and maybe some other small building or whatever, you know, it
14 would be used for but, I mean, something that I think giving a
15 total square footage would be a good way to approach that. I
16 think it gives them an option to, as to what they could put in
17 there, how they would, you know, how they would use it versus
18 saying we're going to allow you two buildings, you know, not
19 to exceed so many square feet or whatever. Basically just
20 say, "Here, you have so many square feet of accessory
21 buildings," and make sure that it stays -- You've got to keep
22 it in perspective to a half acre lot or whatever it's got to
23 be.

24 CHAIRMAN PETERSON: So far from the property line.

25 MS. FREEMAN: And maybe there some other tweaks that
26 need to go along with it. Maybe instead of looking at the two
27 acre threshold, maybe there should be different allowances for
28 smaller lots versus one acre versus two acres.

29 CHAIRMAN PETERSON: Right.

30 MS. FREEMAN: So it could turn into a little bit

1 more, yeah, because if you are on a half acre lot and somebody
2 puts 1,000 square foot accessory building, plus, you know,
3 your 3,000 square foot ranch, you've almost got the whole
4 entire lot covered in impervious surface area where you've got
5 no stormwater anymore. So, yeah, that, maybe we need to look
6 at that, too. Okay.

7 CHAIRMAN PETERSON: Great.

8 MR. LINGENFELTER: Good stuff.

9 CHAIRMAN PETERSON: Good idea.

10 MS. FREEMAN: All right.

11 CHAIRMAN PETERSON: Item 3 on our agenda is the
12 approval of the --

13 MR. SCHINDLER: Can I make a comment?

14 CHAIRMAN PETERSON: Oh, I'm sorry.

15 MR. SCHINDLER: We still didn't address like the
16 letter we got from the Planning Commission about the senior
17 citizens, remember, where it indicated that we should look at
18 senior housing standards and determine --

19 MS. FREEMAN: Yeah.

20 MR. SCHINDLER: I think that should be looked at
21 because --

22 MS. FREEMAN: Oh, yeah, right, right, right.

23 CHAIRMAN PETERSON: Yeah, that's a good point.

24 MS. FREEMAN: So just on the, yeah, coming off of
25 that public hearing that was going with the independent
26 living, you are right. You are correct, yeah. We could add,
27 you know, looking at independent living type facilities. Is
28 that appropriate in Concord? And if so, where and --

29 MR. SCHINDLER: Especially now we're talking about
30 the generation becoming older in Concord and people don't want

1 to live -- leave, like we talked about.

2 MS. FREEMAN: We talked about that, if you remember,
3 a couple years ago.

4 MR. SCHINDLER: Yeah, we did.

5 MS. FREEMAN: We did some work. We did a bunch of
6 research on it and then --

7 MR. SCHINDLER: It just --

8 MS. FREEMAN: We got feedback from legal that we
9 shouldn't create a zoning district that was specifically for a
10 certain demographic. But I will add that to the list and we
11 can see what we can do with that, yes.

12 MR. SCHINDLER: Please, yeah.

13 MS. FREEMAN: That's going to be very challenging to
14 try to --

15 MR. SCHINDLER: I'm sure it will be.

16 MS. FREEMAN: That's going to require a lot more
17 public input and some other meetings maybe outside of just a
18 regular Zoning Commission work session.

19 MR. SCHINDLER: Yeah, because especially nowadays,
20 everything that you try to do is you're prejudice. You know
21 what I mean?

22 MS. FREEMAN: Yeah.

23 MR. SCHINDLER: And if the senior citizens are out
24 there and we're not looking at their well-being, too, we're
25 going to be, quote, prejudiced against senior citizens. It's
26 a shame we're getting into an area to have such a fine line
27 but it is something that they brought up as a good point.

28 MS. FREEMAN: Yeah.

29 MR. SCHINDLER: We should look at it and see what we
30 can do.

1 MS. FREEMAN: Okay. Thank you.

2 CHAIRMAN PETERSON: Okay. Item 3, you all have the
3 December 3, 2019, minutes. Do I have a motion to approve the
4 minutes as written?

5 MR. SCHINDLER: Mr. Chairman, I so move that we
6 accept the minutes as written.

7 CHAIRMAN PETERSON: Okay. Do I have a second?

8 MS. GERMOVSEK: I will second that.

9 CHAIRMAN PETERSON: Okay, Sue seconds. All in
10 favor?

11 MR. REPPERT: Abstain, wasn't here.

12 CHAIRMAN PETERSON: Abstain, okay, one abstention.
13 (Four aye votes, no nay votes, one abstention.)

14 CHAIRMAN PETERSON: So the minutes are approved.

15 Item 4 would be correspondence reports from any of
16 the Zoning Commission members. Hiram, anything?

17 MR. REPPERT: Nothing.

18 CHAIRMAN PETERSON: Sue?

19 MS. GERMOVSEK: No.

20 CHAIRMAN PETERSON: I had one email that I sent over
21 to Heather. A lady thinking of moving into Concord did animal
22 rehabilitation and she asked me about could she have pens
23 where these animals have to go before they can be released
24 into the wild. I had no idea, so I had deferred that one to
25 Heather. Would that be something that would be in the --

26 MS. FREEMAN: I am still working on that one.

27 CHAIRMAN PETERSON: It's a little different, you
28 know.

29 MS. FREEMAN: Yeah. I did respond to her and told
30 her that I am checking with township legal counsel on the

1 matter. I'm trying to wrap my mind and my interpretation on
2 whether or not that's a business use versus, you know, some
3 other type of use or whether or not those are buildings or
4 cages or what they are, yeah. So I haven't given her --

5 MS. GERMOVSEK: Like a rescue?

6 CHAIRMAN PETERSON: When you rehab an animal, I
7 guess she was talking rabbits and like that, before you can
8 release them into the wild, you have to put them in a pen,
9 apparently, in your yard and kind of acclimate them to the
10 outdoors and then you -- for 15 days or something and then you
11 can release them. And she asked me if we allow those pens and
12 how many could she have. Heck, I don't know. So --

13 MR. SCHINDLER: If you guys watch public TV, it's on
14 every Saturday. There is a group. There is a woman that has
15 exactly -- does that. You should watch it. I have watched
16 it over the months. It's interesting.

17 MS. GERMOVSEK: How many pens does she have?

18 MR. SCHINDLER: Well, for her, the thing of it is,
19 it depends on the animal. So they have cages where they can
20 bring in the birds, you know, that have been hurt, wings
21 damaged or something, for example, deer, you know, does that
22 have been left and the mothers haven't come back.

23 CHAIRMAN PETERSON: Interesting.

24 MR. SCHINDLER: So she has an area on her
25 property -- she has a big property -- but it's a barn that's
26 set up in cages that are set up differently, depending on what
27 the animal is, and they bring them back. They take it to a
28 veterinarian, make sure it's being treated properly. She
29 raises it for how long it takes, a month, before they feel
30 it's well to send them back into the wild.

1 And I have watched this several times. And when you
2 watch them go releasing them, it brings a tear to your eye
3 when she does it. She does this with a group of volunteers
4 and it's something that was very interesting to see. When you
5 brought that up, I thought it's exactly from these people.
6 And it's on every Saturday that we watch it occasionally. So,
7 yeah.

8 CHAIRMAN PETERSON: Okay. Andy, any correspondence?

9 MR. LINGENFELTER: No.

10 CHAIRMAN PETERSON: Frank, did you have any?

11 MR. SCHINDLER: None.

12 CHAIRMAN PETERSON: Okay. We do have a time here
13 for audience participation, those that -- Come on forward,
14 Vanessa.

15 MS. PESEC: I just would like to echo that I think
16 it would be a great idea to look at some of the senior housing
17 options in Concord and some of the zoning. And make sure that
18 when you do that, in the Comprehensive Plan, there is a lot of
19 consideration about, you know, whether or not it should be
20 included in R-3 or in another section. But we really need to
21 look and decide if it's appropriate and what some of the
22 impacts are other than just zoning. But, also, it includes --
23 I think it's on page 43 -- the facilities may impact or
24 displace other uses, potential tax base implications, you
25 know, impact on lots of different areas and future zoning
26 amendments, lots of different things.

27 So when you look at aging in place versus some of
28 the other kinds of things, even single-family homes for people
29 who want to downsize, whether or not that's actually true,
30 what is the current housing stock that you have? How much do

1 you have of it here in Concord? Is there already a
2 significant amount? You know, we say we need more but are
3 there data and statistics to show that we really need more?
4 People are aging but they may not want to be going into that
5 kind of thing. So how much do we have and how much do we
6 really need, as well as some of the other things, I really
7 appreciate you looking into all of that. And I am happy to do
8 be there and assist if you need it.

9 CHAIRMAN PETERSON: Okay. Thank you.

10 MS. PESEC: Thank you.

11 MR. SCHINDLER: You are right, because we have it.
12 It's in the R-5 Senior Citizen Community District. It was put
13 together back in -- adopted on 6 May 2015.

14 CHAIRMAN PETERSON: All right. Any other audience
15 participation? Apparently not.

16 So our next meeting then will be February 4, 2020.
17 And with that, we will close the meeting. Adjourned.

18 (Whereupon, the meeting was adjourned at 8:17 p.m.)
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STATE OF OHIO)
COUNTY OF CUYAHOGA)

CERTIFICATE

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 22nd day of January 2020.

Melinda A. Melton

Melinda A. Melton
Registered Professional Reporter

Notary Public within and for the
State of Ohio

My Commission Expires:
February 4, 2023