

CONCORD TOWNSHIP ZONING COMMISSION
LAKE COUNTY, OHIO
REGULAR MEETING

Concord Town Hall
7229 Ravenna Road
Concord, Ohio 44077

February 5, 2019
7:00 p.m.

TRANSCRIPT OF PROCEEDINGS

Zoning Commission members present:

Morgan McIntosh, Chairman
Frank Schindler, Member
Susan Germovsek, Member
Andrew Lingenfelter, Member
Hiram Reppert, Alternate Member

Also Present:

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

Melton Reporting
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1 7:02 p.m.

2 CHAIRMAN McINTOSH: Good evening. I would like to
3 call to order the Concord Township Zoning Commission meeting
4 for Tuesday, February 5th. It's a relatively simple agenda
5 this evening. Basically, our first order of business is our
6 most significant part of the agenda this evening, and that's a
7 work session to discuss potential zoning amendments, look at a
8 couple things regarding dwellings.

9 And I think, with that, I will just let Heather
10 start taking us through some of the materials she's prepared.

11 MS. FREEMAN: Okay. Good evening.

12 MR. REPPERT: Good evening.

13 MS. FREEMAN: So several months ago, I came to the
14 Board asking to take a look at several different items in our
15 Zoning Resolution. Part of that was taking a look at some of
16 our existing definitions that are related to dwellings,
17 different types of dwellings, like single-family dwellings or
18 duplex dwellings, or the multi-family buildings that we
19 have -- these are uses that are already permitted within
20 Concord Township -- and taking a look at pulling those
21 definitions out, looking at them to see if we need to make any
22 modifications to those so we can put them in a -- try to
23 reorganize them within the Definition Section so they're
24 easily accessible for a user, whether you see dwelling,
25 dwelling unit, single-family dwelling, multi-family dwelling,
26 and taking out some of those density requirements from
27 Definitions and instead putting those density requirements
28 within the section of the Zoning Resolution or the district
29 that it actually pertains to.

30 So what I provided to you via email and what's

1 laying in front of you -- Well, actually, I kind of put
2 together, if you want, this kind of mirrors it a little bit,
3 too, this packet I laid in front of you this evening. Okay.
4 I kind of already said this, reorganizing, taking out the
5 square footages and putting those within the district. And
6 then there may be some other ancillary amendments that we have
7 to do throughout the Zoning Resolution that may reflect some
8 of those changes.

9 But what I did was I pulled out all the existing
10 definitions that we already have in Section 5 so you could see
11 where they were at. And the numbers that are in front of them
12 are actually the numbers that, if you go to Section 5.02 in
13 the Zoning Resolution, that's the actual number of the
14 definition. So Number 16 is "apartment," then you jump all
15 the way to 61, you see "duplex," and so forth.

16 So you can see just by, like, the numbering on here
17 that you have to go in a lot of the different sections of the
18 Zoning Resolution to find all of the definitions that relate
19 to the different dwelling types. If you're on page 3 of that
20 handout, you will see then you get into what we call
21 efficiency apartment, live/work unit, multi-family buildings,
22 and townhouse.

23 So some of these, for example, the "apartment"
24 definition, we have it defined but it's not a permitted
25 dwelling type in any district. I need to look at that a
26 little bit more and see, you know, maybe why we put that in
27 there. We have the duplex dwellings, which are -- those uses
28 are currently permitted in the R-1 and the R-4 Districts.

29 Then we have, you know, the traditional detached
30 single-family dwelling, which is the majority of our housing

1 stock in Concord Township. We allow those in the R-1, R-4,
2 R-6, and R-8 Districts, in addition to the PUDs and the RCD
3 Districts.

4 And then the detached single-family cluster
5 dwelling, those are the dwellings that we allow in the R-3
6 District.

7 And then we have a definition for the "multi-family
8 dwelling," which is, in essence, almost the exact same thing
9 as "multi-family building," if you look at those definitions.
10 And both those are just permitted in the R-3 District.
11 Actually, if you look at the R-3 District, it lists that
12 multi-family building is a permitted use but not multi-family
13 dwelling. So there is nowhere that specifically states that
14 the multi-family dwelling is permitted but the multi-family
15 building is. So there is definitely some housekeeping that
16 needs to take place just due to that.

17 And then we have defined what a "dwelling unit"
18 really is because, within these different dwelling types, you
19 know, there is the dwelling unit, which consists of one or
20 more rooms, including a bathroom and kitchen facilities, which
21 are arranged, designed, or used as living quarters for one
22 family or household.

23 Then we have a definition for "attached single-
24 family" dwelling units, and those are currently only permitted
25 in the R2 PUD section.

26 Then we have "efficiency apartment," which I don't
27 see anywhere that that's permitted.

28 And then we have the "live/work units," which are
29 relatively new that we had proposed to put that are currently
30 a conditional use in the Capital District if they develop

1 under that Innovative Site Plan Development. But I know last
2 year when we were looking at possible amendments, we were
3 talking about eliminating those live/work units from the
4 Innovative Site PD due to the uncertainty of what would happen
5 if the storefront closed and the person upstairs would
6 technically not be able to live there, so I don't know if that
7 rings a bell or not.

8 And then the definition of "townhouse," which is
9 only a conditionally permitted use within the Capital District
10 if they develop under the ISPD.

11 So in the other handout, I had provided you like the
12 strike-through changes, like the track changes, what I was
13 proposing on how to change these definitions. So the red
14 would be deleted and then the blue underline would be new.
15 And I know this gets a little messy to look at. So then it is
16 nice to see what is actually being changed.

17 So I am proposing that we consider eliminating the
18 definition of "apartment," cleaning up the definition of
19 "duplex" and naming it "two-family dwelling" because it is
20 really a building that consists of two individual dwelling
21 units, and then making a small change to the definition of
22 "dwelling" just to eliminate listing one-family, two-family
23 and multi-family dwellings but still excluding hotels and
24 motels from that definition of "dwelling."

25 And then for what we currently term "detached
26 single-family dwelling," I am proposing that we just call it
27 "single-family dwelling" because it is clearly just one, one
28 freestanding building with one dwelling unit only and the
29 definition clearly defines that it is detached from any other
30 dwelling unit by open space.

1 And then for "detached single-family cluster," a
2 small housekeeping there.

3 And then I am proposing instead of having "multi-
4 family building" and "multi-family dwelling," we go away with
5 the "multi-family building" and just define "multi-family
6 dwelling," which would be the building or portion thereof
7 consisting of three or more dwelling units where the units are
8 separated by party walls. And then I was going to eliminate
9 "with varying arrangement of entrances." I put that in but we
10 do need to take that out so we are not changing what the
11 definition really is.

12 So the multi-family dwellings, those are clearly
13 only in the R-3. So like Lockwood Ridge, that's an R-3, those
14 are multi-family dwellings. They do have private entrances
15 for each unit. But then we also have like Concord Manor where
16 there are private entrances for each unit and those were
17 developed under this definition of "multi-family dwellings."
18 And those, you go into the building and then you might go down
19 a hallway and then find your front door.

20 And then I am proposing some other changes to the
21 "attached single-family dwelling." And, as I mentioned, these
22 are only permitted in the R-2 Planned Unit Development, which
23 is basically the only one we have is Quail Hollow and
24 Summerwood. There is none in Summerwood. There is only one
25 small little development in Quail Hollow where there are any
26 of these but, pretty much, everything in Quail Hollow is
27 freestanding detached, either single-family or the cluster.

28 And then I am proposing that we eliminate the
29 definition of "efficiency apartment."

30 We should take out the "live/work units" because

1 those aren't really desirable uses that we want to see in the
2 Capital District.

3 And then tweaking the existing definition for the
4 "townhouse."

5 So if those changes were accepted, you know, then we
6 could potentially reorganize them in Section 5, renumbering
7 everything where then you would have a section of all the
8 different dwelling type definitions easily accessible in one
9 area of the Zoning Resolution, and that's what you would see
10 on that, the third page of the other handout, and it's also
11 under, like, the PowerPoint presentation that I had presented
12 for you.

13 Now, these, I discussed these with legal. They
14 haven't been blessed yet. And then if -- We still have to go
15 through the Resolution and make sure that any other change
16 that we were proposing on the terms, you know, follow through
17 in all the different sections, if we wanted to do that.

18 MR. SCHINDLER: You made the suggestions because you
19 found developers were having a rough time with the
20 regulations? They found them confusing?

21 MS. FREEMAN: Not confusing but, like, it was a good
22 opportunity to review what different dwelling types we allowed
23 in Concord. And in a lot of the other communities' codes,
24 they are a little bit more user-friendly for even just the
25 zoning officials or, you know, engineers, surveyors that are
26 looking at your Resolution to easily find all those dwelling
27 type definitions in one area.

28 Plus, we already knew that we wanted to take out the
29 live/work units, and it is better to put those density
30 requirements within the section of the Zoning Resolution it

1 pertains to rather than the definition. Sometimes you could
2 find discrepancies between the definition versus what's in the
3 district requirement for that.

4 And then in some cases -- Let me see for us. So,
5 for example, if in the future or even now, if we wanted to
6 define "multi-family dwelling" as basically as we state now,
7 it's a building consisting of three or more dwelling units, so
8 say in the R-3 District we wanted to allow them to have up to
9 20 units in a building but maybe in a different district we
10 only wanted them to have up to eight units in the building,
11 then you'd have that flexibility because it's not tied to the
12 definition. You could put that in the district regulations
13 rather than --

14 MR. SCHINDLER: Okay. Thank you.

15 MS. FREEMAN: Does that make sense?

16 MR. SCHINDLER: Oh, yes.

17 MS. GERMOVSEK: What defines the party walls? Is
18 that defined in our code, too?

19 MS. FREEMAN: Good question. I think we defined
20 that but it's, in essence, the wall --

21 MS. GERMOVSEK: Yeah, between.

22 MR. FREEMAN: The shared wall between two individual
23 dwelling units. But I believe we do have that. I brought my
24 book because I knew you guys would ask. Yeah, we do define
25 it, "a common wall separating two dwelling units for at least
26 20 percent of its length." So --

27 MS. GERMOVSEK: And are the only apartments in
28 Concord is the Concord Manor?

29 MS. FREEMAN: No. There is -- I am not familiar
30 with all the multi-family over there.

1 MS. GERMOVSEK: Okay. I just wondered.

2 MR. FREEMAN: Yeah, there is other R-3 developments.

3 MS. GERMOVSEK: That are defined as apartments or --

4 MS. FREEMAN: Well, no.

5 MS. GERMOVSEK: -- they're just rentals?

6 MS. FREEMAN: I mean, they would have been developed
7 under the multi, "multi-family building" definition which
8 would allow you to either -- they could have -- And I don't
9 know what your definition of "apartment" is. Some people
10 define it differently but, like, private entrances or, like,
11 go in the building with a hallway and have your entrances that
12 way?

13 MS. GERMOVSEK: But we're deleting the definition of
14 "apartment"? I just --

15 MS. FREEMAN: Uh-huh. Well, because if you look at
16 the definition, it's basically a dwelling unit because it says
17 "a room or a suite of rooms in a multiple family structure,
18 which is arranged, designed, used or intended to be used as a
19 housekeeping unit for a single family." So that really, in
20 essence, is the definition of a "dwelling unit."

21 CHAIRMAN McINTOSH: So you are saying in that case
22 it would be, the new application would be "dwelling, multi-
23 family" because that's, essentially, saying the same thing.

24 MS. FREEMAN: Right, it's the same thing.

25 MS. GERMOVSEK: So the old Number 16 is the same as
26 the 65?

27 MS. FREEMAN: Well, 65 was saying that, here is the
28 building.

29 MS. GERMOVSEK: Okay.

30 MR. FREEMAN: And within this building there are

1 between three and eight individual apartments or dwelling
2 units, yeah. So that's the way that they were tying it back
3 when they wrote this in the '70s, that we have this multi-
4 family building and within the building are these apartments,
5 which are, in essence, the dwelling units.

6 CHAIRMAN McINTOSH: But they capped, did they cap --
7 That was then capped it off at no more than eight units?

8 MS. FREEMAN: Right.

9 CHAIRMAN McINTOSH: So that presumably would have
10 been where "apartment" came in, right, because it would have
11 carried on after that?

12 MS. FREEMAN: What do you mean?

13 CHAIRMAN McINTOSH: The definition. Say, if you had
14 something that had 12 units, what would you have called it per
15 the old definition, "apartment," right?

16 MS. FREEMAN: Not -- No, it would not have been
17 permitted.

18 CHAIRMAN McINTOSH: Just flat out no permission just
19 based on definition alone?

20 MS. FREEMAN: Right, because the definition said
21 between three and eight units.

22 CHAIRMAN McINTOSH: For multi-family. But what I am
23 saying, if anything was higher than eight, it wouldn't have
24 fit within our zoning then?

25 MS. FREEMAN: Correct.

26 CHAIRMAN McINTOSH: Okay.

27 MR. FREEMAN: Right, unless we made amendments, you
28 know, since then or before that. This wouldn't change any of
29 the density requirements. We would keep all that the same.
30 But what I would do if we took out the "multi-family

1 dwelling," you know -- If we got rid of "apartment," it
2 wouldn't make anything nonconforming because we still have all
3 the buildings were still developed under the "multi-family
4 dwelling" definition that allowed up to three to eight units
5 per building, whether you had private entrances or whether you
6 went in the building and went down a hallway and then opened
7 your front door.

8 But we would -- I would propose to just then put
9 within the existing R-3 section, the Section 15, what those
10 density requirements would be if they were, if they were to do
11 a multi-family dwelling, stating that they could only have
12 between three and eight units per building.

13 MR. SCHINDLER: A lot of people consider apartments
14 as rental units.

15 MS. FREEMAN: Right.

16 MR. SCHINDLER: I know when Quail Hollow was being
17 developed, there was supposed to be a section for, quote,
18 apartments, and nobody wanted apartments in Quail Hollow. And
19 to this day, there's no apartments, to my knowledge, in Quail
20 Hollow.

21 MS. FREEMAN: Right. And it's interesting because,
22 in the Resolution, the only two residential permitted uses in
23 the Quail Hollow is the single-family and then attached multi-
24 family units.

25 MR. SCHINDLER: Right.

26 MS. FREEMAN: But then if you go to the parking
27 table or the, at the end of the section, when you look at the
28 parking requirements, in the middle of the square footage
29 requirements, they do list "apartment" but apartment is not
30 necessarily a permitted use.

1 MR. SCHINDLER: No.

2 MS. FREEMAN: So this is another housekeeping thing
3 where we can eliminate that and we will just keep the attached
4 single-family units and then the detached single, you know,
5 single-family.

6 MR. SCHINDLER: Yes.

7 MS. FREEMAN: And then if you guys thought that we
8 should look at other uses that maybe would be compatible
9 within there that we could discuss those. But I don't know.
10 Do you want duplexes in a PUD? I am not sure.

11 MR. SCHINDLER: All I know is "apartments" have a
12 negative connotation.

13 MS. FREEMAN: Right, yeah.

14 MR. SCHINDLER: It was like that big time when they
15 were developing Quail Hollow.

16 MS. FREEMAN: Uh-huh.

17 MR. SCHINDLER: They said, "No, this is upscale. We
18 don't want apartments."

19 MS. FREEMAN: And that kind of conversation came up
20 when we were talking about the Town Center.

21 MR. SCHINDLER: Yeah.

22 MR. FREEMAN: People were worried, are people going
23 to own them or are they going to be rentals?

24 MR. SCHINDLER: Right, right. I think --

25 MS. FREEMAN: You can't really zone for that.

26 MR. SCHINDLER: No, you can't, you can't. But I
27 think people, when you talk about township center, if you're
28 going to have like businesses downstairs, upstairs, if you
29 want apartments, they're more acceptable. People seem to
30 think, okay, rent them over. It doesn't seem to be so

1 objectionable.

2 MS. FREEMAN: But you could also own that. It could
3 be condominiums.

4 MR. SCHINDLER: Well, that's true, too. But when
5 you try to put it into, quote, an exclusive development like
6 over here, right away it seems to have a negative connotation.
7 That used to come up big time when we had public hearings.

8 MS. FREEMAN: Oh, yeah.

9 MR. SCHINDLER: Way back when I was first on the
10 Board. So, yeah.

11 MS. FREEMAN: Most communities' residents are
12 sensitive to that.

13 MR. SCHINDLER: Very, yeah. They think that it's
14 going to bring in some kind of different type of people, you
15 know, that don't seem to care, whatever, that that's what I
16 mean, a negative about that, you know. Well, people that
17 rent, like, apartments, they don't really care, you know, to
18 keep them up or whatever. There seems to be that negativity.
19 I've always sensed that from the public hearings we would have
20 all the time, you know. So it's a ticklish topic.

21 MS. GERMOVSEK: So if you're deleting the live/work
22 unit, I mean, just say there is a business and you were
23 renting upstairs, that wouldn't be permitted?

24 MS. FREEMAN: Right, because the way that our
25 Resolution currently lists it, it has to be, like it's like
26 owner occupied. It's like the business --

27 MR. REPPERT: They have to go together?

28 MS. FREEMAN: The work unit is accessible to the
29 living unit, so it has to be owned and operated by the same
30 person.

1 MS. GERMOVSEK: Okay.

2 MS. FREEMAN: So we had talked about eliminating
3 live/work units within Capital District in the ISPD but
4 instead changing that to just dwelling units that would be
5 conditionally permitted above first floor --

6 MS. GERMOVSEK: So business.

7 MS. FREEMAN: -- of a business, right.

8 MS. GERMOVSEK: And home.

9 MS. FREEMAN: What's that?

10 MS. GERMOVSEK: A business and then a home.

11 MS. FREEMAN: Right, and it could be owned and
12 operated by different people.

13 I've also been looking at some of the other
14 definitions that I don't have for you this evening because I
15 am still reviewing them and trying to meet with legal counsel
16 about them. But looking at our definitions of "private
17 streets" and "lot," how we define those, it did come up, you
18 know, when we were looking at the Town, you know, the Town
19 Center/Capital District where we might allow townhomes should
20 that ever, you know, transpire into anything in order to
21 promote ownership, whether or not we would want townhomes to
22 be on lots that don't necessarily front on public streets but
23 maybe private streets.

24 Sometimes in more of a master-planned community,
25 there is the opportunity for dwellings to front on, you know,
26 private streets versus public streets but our definition of
27 "lot" requires frontage on a public street. So that was
28 something that we wanted to maybe take a look at. And that
29 topic actually has come up a couple times over the last couple
30 years from a couple different developers who -- that zoning

1 staff have met with to talk about what they would like to do
2 in different areas and what they're doing in other
3 communities.

4 And that was one of the things I wanted to bring up
5 with you to see if this was something you wanted to maybe take
6 a look at further. Because I did recently meet with an
7 engineer who has a client that was developing in our R-3
8 District many years ago and, due to the housing, drop in the
9 housing market and everything, it hasn't gone anywhere for
10 over ten years, and now they would like to continue the
11 development. And with this development was attached, the
12 attached -- the multi-family buildings, between three and
13 eight units per building with private entrances.

14 But they're having, from what I understand, is banks
15 and financing for, like, condominium projects, they are not
16 giving money out to developers to do condominium-type
17 projects. And based on the way our R-3 District development
18 standards are written, it requires a developer to basic -- to
19 do condominium. It forces you to do a private street because
20 the setback requirements we have from lot lines.

21 And so then they have to get funding for a
22 condominium project versus, if they own it fee simple, I guess
23 banks are more willing to give funds to developers. So they,
24 kind of, asked us, "Would you consider changing your R-3
25 District requirements to allow us to continue finishing the
26 development, but rather than setting up a condominium
27 association, we want the individual dwelling unit owners to be
28 able to own the land around them and carve out a little lot?"

29 So it would look the same but the legal aspects of
30 it would be different. They would have a homeowners'

1 association versus a condominium association. They would
2 still be responsible for maintaining the private streets like
3 they are now within the condominium development.

4 So this kind of got me thinking about private
5 streets in general. We have them all over in Concord. And in
6 the handout I provided you, there are a couple examples, like
7 Auburn Ridge, Auburn Ridge Road Development. I don't know if
8 you are familiar with it off Prouty Road just west of Auburn.
9 It's really nice. They're like two acre lots. Basically, all
10 the lots have frontage on a public street but, instead of
11 using that frontage, they put an easement in and they have a
12 private shared drive that maybe about a dozen homes all pay,
13 you know, to maintain the drive and all that.

14 And then we have other examples of, like, Rockwood
15 Lane where this road is a private street. It's like 2,400
16 feet long. They have less property owners there that are
17 responsible to maintain it.

18 But private streets really have allowed Concord to
19 grow in ways that probably wouldn't have happened if every
20 street had to be a public street. But our zoning is very
21 loose -- we don't really touch upon it -- so developers have
22 kind of been able to do almost like what they please,
23 basically, over the years.

24 I did a little bit of research on what other
25 communities allow as far as private streets. Most, most
26 communities do really favor the public streets because they
27 want to have -- they want to make sure that every lot owner
28 has access to a public street so they can control that rather
29 than private parties having control. Some communities just
30 straight out prohibit private streets or they severely limit

1 them, maybe only within planned units developments or like a
2 multi-family development, like our R-3, or they list them as
3 like a rarely used option within their communities.

4 There are some communities that are being asked to
5 take over private streets due to several issues like the
6 property owners not being able to afford to maintain them or
7 they become a hazard where safety forces can't reach the
8 communities.

9 But I know we have them everywhere and they're -- I
10 did provide you with a, kind of, like a pros and cons of
11 private streets versus -- For, like, what the pros might be, a
12 developer can possibly initially save some development costs
13 up front doing a private street versus a public street. They
14 might be able to have more flexibility in the street design or
15 their site design being able to do a private street versus a
16 public street. For Concord, like, for the community, there is
17 no maintenance costs involved for us, you know, if they're
18 private streets and we're still collecting property taxes from
19 them that won't even be used to maintain those streets. And
20 then even for a developer, they might be able to get a couple
21 extra lots or houses built if they do a private street versus
22 a public street.

23 Some of the cons by allowing more private streets
24 might be those lot owners are, in essence, paying double for
25 their street. They're paying the community taxes for the
26 services and then they're also paying to maintain their own
27 private street. I do hear that sometimes from people that
28 live, like, over in Gabriel's Edge and Aria's Way that don't
29 necessarily realize what they bought into until after they
30 bought it. I have had some of those conversations on the

1 phone with them.

2 Also, those lot owners then have to take on the
3 management burdens of the snow plowing and sewer maintenance,
4 repairs.

5 And it could put, in the long run, like, long term,
6 it could put the community in a negative position when they
7 have to maybe force maintenance on those roads so they can
8 have access to the people that live off those roads.

9 And then there is the likelihood where subsequent
10 house owners or lot owners might not be aware of all the
11 liabilities that they have taken on by purchasing that house
12 and all the maintenance responsibilities that they're going to
13 have.

14 And then there is the possibility that, if we don't
15 have some control over where those private streets are going
16 to be located, that one might go in an area that would
17 potentially prohibit us from putting a public street through
18 where we want to see a connection because you can't use
19 private streets to connect public streets and have public
20 traffic going along those private roadways.

21 MR. SCHINDLER: Can we take it through eminent
22 domain?

23 MS. FREEMAN: Probably. I don't know. Yeah, but
24 that's litigation and that takes, you know --

25 MR. SCHINDLER: Oh, yeah, I understand that. But I
26 think they have a good case if they're saying, you know, we
27 need it because of maybe safety reasons or whatever. A lot of
28 municipalities go through eminent domain to be able to do
29 that.

30 MS. FREEMAN: Then, I mean, I think that's, like,

1 it's a possibility but there is additional costs involved with
2 all of that and bringing the road back up to --

3 MR. SCHINDLER: Oh, true, true.

4 MS. FREEMAN: Those are some of the things. Because
5 when the engineer asked us, like, "Will you allow us to do
6 this?" I thought, well, now I'm looking at how we regulate
7 private streets. Maybe, if we want to continue to allow
8 private streets, maybe we should have some regulations on them
9 that would, you know, give the township some protection.

10 I don't think that it's a good idea to allow private
11 streets everywhere, like in all the new developments, all new
12 subdivisions that come in. Like Concord Ridge and Stone Ridge
13 Estates, those are all subdivisions that are required to have
14 frontage on a public street. I think that's still the way to
15 go but maybe, in cases like the Planned Unit Development or
16 the Town Center development and even possibly the R-3 multi-
17 family-type developments, it's something that we could explore
18 to see if we would want to allow that.

19 CHAIRMAN McINTOSH: Are you familiar with what
20 other, I mean, just along the lines of adding regulation or
21 putting a level of accountability in there, what other
22 communities -- I mean, have you researched or seen what other
23 people have put in as far as standards and what's involved in
24 adding that to the code?

25 MS. FREEMAN: I have looked a little bit. Well, as
26 far as Lake County, I've talked to the Lake County planning
27 director because -- just to get his input on it because he's
28 very familiar with the other townships in Lake County.
29 Painesville Township, they do allow, they do allow lots to
30 front on private streets. Their trustees have approved, like,

1 their planned unit developments that allow that to happen.
2 But when I look at their code, it's kind of silent on it. So
3 I think it's just the way they are enforcing the resolution.
4 They have the same definition of "lot" which we have, which
5 clearly states you have to have frontage on a public street.
6 So it's not really addressed in their resolution.

7 I think the County Planning Commission subdivision
8 regulation, they do allow for private streets and public
9 streets if it conforms with the township zoning.

10 But some of the, some of the other communities that
11 I've looked at that do allow them within planned developments,
12 they've either been like a conditional use, so there is that
13 added level of review. The BZA could grant the conditional
14 use permit and they could stipulate X, Y, and Z. Maybe it
15 would be -- I did include a couple on the last sheet of the
16 handout, you know. You could dictate a minimum width of the
17 private street, which we currently don't have.

18 You could require them to have a maintenance
19 agreement to be recorded and that be part of the chain of
20 title on all the lots that are served by the private
21 development. That way, each lot owner and subsequent lot
22 owner knows exactly what the maintenance schedules are and
23 what the responsibilities are and what they're getting into.

24 You could require that it be conveyed to the
25 homeowners' association and make sure that they have the right
26 to levy assessments upon those lots. That way, they always
27 have the funds in order to maintain it.

28 And making sure that there is clearly access granted
29 to emergency vehicles to get back there.

30 We could require that the roads be constructed

1 actually to the Lake County subdivision regulations.

2 We could require them to provide a construction bond
3 posted to the township to ensure that the private street is
4 constructed in accordance with the county standards because,
5 right now, they require them to build them to county
6 standards. They make up the improvement plans, submit them to
7 the county engineer. The county engineer says yes. Then they
8 start building but there is no inspections because it's all
9 private and the county doesn't -- not not care but it's going
10 to be a private street, so they're not required to go inspect
11 it.

12 But we could require that they, that the developer,
13 have their own engineer provide us with documentation after to
14 ensure that the road and all the infrastructure was built to
15 the, you know, to the standards. And that would be a good
16 safeguard in case, in the future, we were, you know, the
17 residents that live on the private street did approach the
18 township and say, "Hey, look, we just can't take care of this
19 road anymore. Can we talk to you about maybe taking it over
20 as a public street?" Then you, at least, have some basis or
21 foundation of, okay, well, we know how it was originally
22 built, so it's a possibility. You know, it's just figuring
23 out if it makes sense.

24 Making sure that even just the street sign indicates
25 that it's a private street, you know, helps people know that
26 their street is private and they are not going to call Frank,
27 at the Service Department, and say, "No one is coming to plow
28 my street."

29 CHAIRMAN McINTOSH: With respect to the homeowners'
30 association where you're -- I'm kind of picking on the bullet

1 here, the private street shall be conveyed to an HOA that has
2 the right to levy assessments, yadda, yadda. So prior to
3 where I live now, I was in an association of townhomes,
4 condominiums, whatever you want to call them, multi-family
5 dwellings, four units per. Anyway, it was private road. We
6 had an assessment. And that group was part of one of the -- I
7 can't think of who was that management company in Lake County
8 that swindled, like, a whole bunch of homeowners' associations
9 across, like, Lake and Geauga County, made off with, like,
10 millions of dollars. They played, like, a shell game with the
11 funds and all these HOAs were, like, they lost all their
12 money.

13 I don't know if this is ORC or if it's just beyond
14 your scope but I seem to recall something in the conversation
15 of how that went that there was like -- and I don't know if it
16 was my HOA specifically or if it was state law that required a
17 reserve, because that was the thing is, like, they had an
18 assessment once in a while, like, hey, we have a threshold.
19 We have to maintain a certain amount of reserve. Because I
20 know, at that time I lived there, we ended up with a
21 significant amount of money, significant amount of work
22 redoing roads because they had got to the point in a couple
23 spots and after a few winters, they were pretty beat up from
24 the plows and, like, multiple sections and seams were cut up
25 and redone and it was a substantial project.

26 So what I am asking is, I don't know if it's ORC
27 that requires that or if that was just that particular HOA
28 decided, hey, we're going to put in a reserve requirement that
29 sort of helps fund those infrastructures. Because you talked
30 about sewers, they had this as well. That occurred, we had

1 some breaks and those had to be repaired and it was very
2 expensive.

3 MS. FREEMAN: Yeah.

4 CHAIRMAN McINTOSH: So I am not sure if we can get
5 into stipulating, I mean, we can guide that or require it or
6 if that's something that's outside of our purview.

7 MS. FREEMAN: Good question. I don't know that
8 that's something that we could mandate. I do know that, like,
9 that the Lake County Sanitary Engineer Department, they do
10 require a reserve because the sanitary lines are private.

11 CHAIRMAN McINTOSH: Right, right.

12 MR. FREEMAN: So they require the developer to post
13 like \$15,000 into an account so that the money is there. And
14 if they have to make some repairs to the sanitary line, they
15 have the funds. And then they require it to be replenished so
16 they're always keeping that. And I don't know how that was --
17 if that's their policy or ORC.

18 CHAIRMAN McINTOSH: Yeah, okay.

19 MR. FREEMAN: I know that they had to protect the
20 sanitary stuff. So --

21 CHAIRMAN McINTOSH: Okay. Because it was nice and I
22 think, at some point, everyone kind of complained and they
23 went in and it was agreed upon that it was time to fix the
24 road. But you could -- I could see now how, if you couldn't
25 get consensus or whatever, you know, if it took a long time
26 for a board to make a decision to repair the roads -- they
27 were in bad shape when they went, you know, and they were
28 going quickly, you know. Another winter and they would have
29 been, again, not impassible or anything like that but it would
30 have been pretty bad.

1 So I am just kind of curious about if we could put
2 standards in to meet code requirements, what about
3 maintenance? Can we go that far and stipulate, you know?
4 I mean, I don't know how you define, when does it become so
5 bad that it has to be maintained, if that's our position to do
6 it on a private road.

7 MS. FREEMAN: Well, I think, yeah, I think part of
8 that is asking them to provide an outline of what their
9 maintenance schedules is going to be. The developer needs to
10 provide that to the subsequent lot owners, "This is what your
11 road maintenance should be," whether it's like cracking
12 sealing.

13 CHAIRMAN McINTOSH: Right.

14 MR. FREEMAN: You know, all that maintenance
15 that happens, the small maintenance things over the years that
16 you do that is going to prolong --

17 CHAIRMAN McINTOSH: Because I'm thinking, I'm
18 thinking in most of these situations -- this is, too, when I
19 am thinking about the data. I mean, these roads were coming
20 up, this is 15-plus year roads at the point where they would
21 require maintenance. So you are going to have a developer
22 come in, they're going to come before us, they're going to
23 have all this stuff and it's going to be a bunch of language
24 that's set aside and approvals that aren't going to come,
25 really come to bear unless there is, like, you know, some bad
26 settling problem and they've got to fix a spot, this is
27 something that isn't going to come up for 15 years.

28 MR. FREEMAN: Right.

29 CHAIRMAN McINTOSH: You know, after several
30 Northeast Ohio winters and heating and cooling and plowing and

1 beating and driving, they're going to fall apart. So the
2 deterioration of the road is going to come down. When it's
3 brand new, it's going to be fine. The problem is going to
4 rear its head much later.

5 And who knows? All that stuff, too, you talk the
6 condominiums or whatever. You've got roofs, siding,
7 landscaping, you know, trees that are 15 years old and need
8 trimmed. All of those things all start to happen at the same
9 time. Well, most of the homeowners are paying their fees,
10 right, and all of a sudden the board goes, "Oh, gees, we have
11 to fix the roads, we've got to trim the trees, we've got to,
12 you know, repair roofs," and all of that capital stuff comes
13 at the same time and that ends up being the stuff that you
14 hear about that homeowners -- It's on realtors and we can't
15 regulate them -- realize this is all part of it.

16 You know, I bought my house. They handed me a bunch
17 of regulations and I went, "Okay," and put it in a file
18 drawer, didn't start looking at it until it really became
19 relevant. We're still going to have that problem. So I don't
20 know how we can -- I am just curious what level of regulation
21 we can go to.

22 MR. LINGENFELTER: If it's a private road, it's a
23 private road.

24 CHAIRMAN McINTOSH: Right.

25 MR. LINGENFELTER: What do we care?

26 CHAIRMAN McINTOSH: Well, there's got to be --

27 MR. LINGENFELTER: If it's chip and tar, what
28 difference does it make?

29 CHAIRMAN McINTOSH: Well, there's got to be some
30 minimum, right, from the standpoint of passability and public

1 safety? I would think there is something, right, that would
2 stipulate --

3 MR. LINGENFELTER: It's a private road.

4 MS. FREEMAN: Well, I know that --

5 MR. LINGENFELTER: It's not governed by ourm you
6 know -- It's a private road. So, I mean, I --

7 MS. GERMOVSEK: Well, like you were saying for fire
8 trucks.

9 MS. FREEMAN: For fire, I mean --

10 CHAIRMAN McINTOSH: You've got to maintain some kind
11 of standard, I would think, based on the law.

12 MR. LINGENFELTER: Width.

13 MR. FREEMAN: Width and, you know --

14 CHAIRMAN McINTOSH: What about condition?

15 MS. FREEMAN: -- the hydrant spacing.

16 MR. LINGENFELTER: Have you driven down any of the,
17 any of the -- Deer Run Trail?

18 CHAIRMAN McINTOSH: No, because they're private and
19 they have those signs that say you can't drive down their
20 road, so, no, I don't.

21 MR. LINGENFELTER: Have you ever driven back there?

22 CHAIRMAN McINTOSH: No. You mean the ones next to
23 us?

24 MR. LINGENFELTER: Yeah.

25 CHAIRMAN McINTOSH: Yeah, no.

26 MR. LINGENFELTER: Take a ride down there.

27 MS. FREEMAN: Which one?

28 MR. LINGENFELTER: Dear Run Trail or, you know, the
29 other one up above. I mean, there is crappy roads.

30 CHAIRMAN McINTOSH: Yeah.

1 MR. LINGENFELTER: It's a private road, so what do
2 we care? I mean, we're not responsible for shoveling it,
3 plowing it, maintaining it, doing anything to it. That's
4 their -- That's on them. I don't know that it's our job to
5 educate consumers. Caveat emptor, you know, buyer beware.
6 Make sure you know what you're getting into.

7 MS. GERMOVSEK: That's what he said before.

8 MR. LINGENFELTER: It's not our responsibility to
9 educate you.

10 MS. GERMOVSEK: You didn't read all that fine print.

11 CHAIRMAN McINTOSH: I agree it isn't necessary but
12 it doesn't stop people from being unaware of what they got
13 into. Like I said, I go back to my original question. I was
14 just curious of HOAs, if there is any requirement that they
15 maintain reserves because I recall my board having one and
16 they came to us and said, "Oh, we hit the reserve. You've got
17 an assessment and you've got to start paying more until the
18 reserve is pumped up."

19 MS. FREEMAN: I don't think that's ORC, that's just
20 that individual community.

21 CHAIRMAN McINTOSH: Okay.

22 MR. FREEMAN: They take a look at what they think
23 their future needs, you know, depending on --

24 CHAIRMAN McINTOSH: So it was a little bit more of a
25 responsible board than some, probably, because they said,
26 "We're are going to maintain a capital reserve and keep ahead
27 of theh game."

28 MS. FREEMAN: Yeah. But the only reason why I bring
29 this up tonight really was because the developer and the
30 engineer asked if we would consider taking a look at changing

1 the R-3 so they could continue to do the multi-family
2 dwellings, which would be the buildings that have between
3 three and eight units, but instead of doing it as a
4 condominium development, they want to be able to carve out the
5 individual lots.

6 So now these are attached units, so they wouldn't
7 have any side yard setbacks. They would have a very small
8 front and back setback, which right now we don't even have a
9 front setback. I think they've been putting them, like, 20
10 feet from the edge of the private streets, so basically enough
11 for two cars to park in the drive next to each other. And
12 then we have, you know, no rear, like, setback from these
13 hypothetical lot lines.

14 And if we wanted to allow them to do that, we would
15 have to change the zoning to reflect that because right now
16 the way our definition of "lot" is, it says it has to have
17 frontage on the public street. I have seen some communities
18 that have said it has to have frontage on a public street or
19 an approved private street. And so then we're looking a
20 little bit more closely, okay, what is "approved private
21 street"? And we can dive into their zoning codes a little bit
22 more. The only areas where they're even potentially approving
23 these would be within a Planned Unit Development or within a
24 multi-family district, so not in your typical R-1s and R-4s,
25 6s and 8s. It's not everywhere but very limited
26 circumstances.

27 CHAIRMAN McINTOSH: Which is what they are coming to
28 you asking for.

29 MS. FREEMAN: And that's what they are asking us to
30 do.

1 I met with Stephanie on the topic, Landgraf, from
2 Wiles and Richards. She sat in on the meeting. We didn't
3 have very much conversation after that meeting. Talked to the
4 engineer for the developer who was kind of like, "Hey, what do
5 you think? What's the next steps?"

6 I know that one of our Trustees said, "Let's look at
7 it a little bit. You know, does it make sense to do that?
8 Maybe ask the Commission."

9 I know that the engineer will be willing to come and
10 talk to you guys if you want to hear from him as far as what
11 they're thinking or show you or if you thought you wanted to
12 hear from them.

13 Staff could look at it a little bit more closely and
14 come back with more information on it. It is kind of up to
15 you guys.

16 MR. SCHINDLER: Is there is a lot of these coming up
17 within the township or just one area?

18 MS. FREEMAN: Well, if you recall, like R-3, you
19 basically have to rezone in order to do a plan.

20 MR. SCHINDLER: Right.

21 MS. FREEMAN: There is two developments right now
22 that are out there that aren't finished. This one in
23 particular is on -- Hillshire Woods off of Spear Road where,
24 basically, it dead-ends at the end of Spear into 44 there,
25 south of Lockwood.

26 CHAIRMAN McINTOSH: Oh.

27 MS. FREEMAN: On Spear Road. You know where I am
28 talking about?

29 CHAIRMAN McINTOSH: Spear west of Auburn.

30 MS. FREEMAN: Yes, yeah. So that's the specific

1 development where they would like to be able to do the fee
2 simple lots on the private streets.

3 MR. SCHINDLER: Could we maybe handle it just
4 through the Zoning Board of Appeals since it's like a separate
5 and isolated case?

6 MS. FREEMAN: That is a possibility. The only -- I
7 don't know that they would be able to prove any kind of
8 practical difficulty with complying. I don't know that it
9 would necessarily be appropriate for the BZA to grant that
10 type of variance because it would have to grant it for each
11 individual dwelling unit.

12 MR. SCHINDLER: And we have to set the guidelines.

13 MS. FREEMAN: So it would almost be like them
14 rewriting the Zoning Resolution.

15 MR. SCHINDLER: We have --

16 MR. FREEMAN: It would be better for this Board to
17 take a look at it and determine if it was something that we
18 wanted to do.

19 MR. SCHINDLER: Yeah, because we're the ones that
20 set the guidelines.

21 MS. FREEMAN: What's that?

22 MR. SCHINDLER: We're the ones that set the
23 guidelines.

24 MS. FREEMAN: Yeah, yeah. I feel like if the BZA
25 were to approve, you know, 20 variances for that, it's, in
26 essence, changing the zoning.

27 MR. SCHINDLER: Yeah.

28 MS. FREEMAN: And since we have talked to other
29 individuals, other developers that are kind of looking for the
30 same thing, what I was hearing even like in some other Lake

1 County cities and townships, they're also being asked to do
2 that. Painesville Township, there was Riverview subdivision
3 that's, I think, it's currently under construction. It's
4 townhouses. They're attached, basically, attached single-
5 family dwelling units but they're calling them townhouses
6 because they carved out individual lots, they front on private
7 streets. That's currently under construction.

8 Then I know in the city of Willoughby they recently
9 amended their zoning to allow a developer, basically, to
10 convert what is already a condominium development into a
11 fee-simple type development. So they changed their zoning
12 because they want, they wanted the community to continue to
13 grow. So in order, they felt that in order for that
14 development to finish, because it's been sitting there
15 unfinished for several years, that due to the developer not
16 being able to get the financing and the need that the city
17 wanting to continue to grow and have new, you know, new homes,
18 they felt it was appropriate in that case to change their
19 zoning to allow them to do the townhouses on the fee simple
20 lots on the private street.

21 They set it up as a conditional use. So I have a
22 copy of that, so I have looked at that. I mean, if it were
23 going to be something we wanted to permit, I would want to
24 have this Board take a look at it rather than going to the
25 BZA.

26 MR. SCHINDLER: So the biggest reason was because
27 the banking wasn't allowing them to be able to finish
28 developments. They couldn't get loans to do it.

29 MS. FREEMAN: Right, yeah.

30 MR. SCHINDLER: I see.

1 MR. FREEMAN: And I don't know. I mean, do we care
2 if they can let a loan? I'm not sure. Like, is that a
3 problem? I am not really sure.

4 MR. SCHINDLER: True.

5 MS. FREEMAN: Yeah. It's always something.

6 MR. SCHINDLER: Yes. Well, what did our Trustees
7 say? You say they were, they were there at this meeting?

8 MS. FREEMAN: Paul was there.

9 MR. SCHINDLER: Just Paul?

10 MS. FREEMAN: Paul Malchesky was there. He thought
11 it was something that maybe we should take a look at, because
12 I do feel like this current administration does like to see
13 the new growth and development that we have been experiencing.
14 And I know that there is a demand for lower maintenance
15 properties and this would permit additional lower maintenance
16 properties because these individual dwelling unit owners would
17 only be responsible for a small amount of land around them.

18 MR. SCHINDLER: Right.

19 MR. FREEMAN: Or they would even have, like, a
20 common landscaper come and do all the, you know, all the
21 individual lots, you know, depending on how they set it up.

22 MR. SCHINDLER: Right.

23 MS. FREEMAN: So that would allow for lower
24 maintenance type housing to continue to develop.

25 MR. SCHINDLER: I know we have friends that live in
26 Waterford that's off of, you know, Mentor Avenue where Target
27 is, behind there, and it's set up like that. It's nice, yeah.

28 MR. FREEMAN: Yeah?

29 MR. SCHINDLER: They have some two-story homes in
30 there but most of them are all condos.

1 MS. GERMOVSEK: Is that considered private streets?
2 MR. SCHINDLER: It's like, well, yes, it is
3 considered private street but it's nicely kept up and it's --
4 MS. GERMOVSEK: Yeah, it is nice.
5 MR. SCHINDLER: As soon as one of them goes up for
6 sale, it is sold like that.
7 MS. FREEMAN: Yeah. From what I hear, like,
8 adjacent to the Hunt Club, the multi-family there, the condos
9 there, those quickly sell, too.
10 MR. SCHINDLER: Yeah, right.
11 MR. FREEMAN: As soon as they're up, you know,
12 someone snatches them up.
13 MR. SCHINDLER: They're desirable, yeah. And they
14 don't have all that big maintenance to take care of. They
15 just put in their flowers around their place and that's it.
16 Everything else is taken care of --
17 MS. FREEMAN: Right.
18 MR. SCHINDLER: -- by the association. Landscapers
19 take care of everything, snow plowing, cutting grass,
20 everything. If a tree goes bad, they replace it. The only
21 thing they have to worry about is their own plants around the
22 house.
23 MS. FREEMAN: So I guess I would ask, like, if you
24 thought that was something that was worthy of exploring,
25 whether or not you would maybe want to hear from any other
26 folks that, you know --
27 CHAIRMAN McINTOSH: I mean, I guess I am interested
28 in hearing a little bit more because I am kind of trying to --
29 It sounds simple, it sounds reasonable, but I am trying to
30 anticipate if there is a down side.

1 MS. FREEMAN: I know.

2 CHAIRMAN McINTOSH: If there is something I am
3 missing and why, why wouldn't we want to do that? So I would
4 be open to some more research and information to help get to
5 that point.

6 MS. FREEMAN: Okay.

7 MS. GERMOVSEK: I agree.

8 MR. SCHINDLER: Me, too.

9 MR. REPPERT: Sure.

10 CHAIRMAN McINTOSH: And that's, you know, I know
11 that that's kind of what they were asking, too, like, "What
12 are your concerns? That way, we can figure out how we can
13 address them." So it's like, I don't really know exactly what
14 all the concerns are because it's the unintended consequences
15 that happen after you do it. Then you realize --

16 MR. SCHINDLER: Yeah.

17 MS. FREEMAN: You know what I mean?

18 MR. SCHINDLER: Yeah, I want to learn now, not by
19 making a mistake first.

20 MR. FREEMAN: Yeah.

21 CHAIRMAN McINTOSH: The thing that's pushing me is
22 that you say we've got some developments that aren't finished
23 because of this. So I am intrigued, sort of, want to see if
24 we can help it along. But it seems sort of like, well, why is
25 the lending issue, like you said, is that our purview? And
26 what's the down side of doing this? Is there something that
27 we're missing? Because I don't know. Yeah, I would like to
28 know some more before we really take that up seriously.

29 MR. SCHINDLER: Agreed.

30 MS. FREEMAN: All right. Well, that's kind of all I

1 had this evening unless there was anything else.

2 I don't know if anyone has driven down Crile Road
3 today.

4 MS. GERMOVSEK: I have not.

5 CHAIRMAN McINTOSH: Oh.

6 MS. FREEMAN: I guess Verizon put up their new pole
7 sign in front of their building, which leads me to think that
8 we might want to take a look at our sign code. And I know
9 that --

10 MS. GERMOVSEK: Did they do a digital?

11 MS. FREEMAN: No. They have a 30 foot pole sign
12 that is 120 square feet of sign face area that was permitted
13 per our Zoning Resolution. I haven't seen it in person but I
14 got a text message from one of our Trustees as soon as they
15 saw it. So it sounds like it may be out of place and out of
16 scale, potentially, for our corridor.

17 MR. SCHINDLER: Because, basically, it's high up in
18 the air?

19 MS. FREEMAN: I think the size.

20 MR. SCHINDLER: Yeah. If it was maybe down ground
21 level --

22 MS. GERMOVSEK: I thought we looked at signs.

23 MS. FREEMAN: A little bit of both. I'm not quite
24 sure.

25 CHAIRMAN McINTOSH: I felt like I noticed when that
26 building went up and I recall in the presentation talking
27 about the building height. But something that's not helping
28 that bit of land is that the Verizon store sits higher --

29 MR. FREEMAN: It sits high, yeah.

30 CHAIRMAN McINTOSH: -- than the Chipotle and Crile

1 Crossing.

2 MS. FREEMAN: Yeah.

3 CHAIRMAN McINTOSH: It's up on a -- a bit. So if
4 it's at the threshold of the height limit, it's got a 10 foot
5 head start based on the property to the north of it.

6 MR. SCHINDLER: Okay.

7 CHAIRMAN McINTOSH: So even if it's at or under,
8 it's going to look like, wow, that's really -- because I think
9 the top of the unit, as soon as they built the building, I
10 thought it looked high, and then I realized that that property
11 is sitting quite a bit above. Now that Chipotle's there,
12 Verizon, there probably isn't that much height disparagement
13 between the buildings but its sitting up on that land gives it
14 quite a towering presence.

15 And their sign, their one sign is very bright, the
16 one that's been up. I think it's like --

17 MS. FREEMAN: The wall sign.

18 CHAIRMAN McINTOSH: Yeah. It's like --

19 MS. FREEMAN: Yeah. So now there's a pole sign, a
20 free-standing sign, basically, almost at the corner of Gold
21 and Crile that, under our code, you know, there is all these
22 bonuses for a corner lot and, you know, all this kind of
23 stuff. So, again, there is a thing where you do the due
24 diligence, hired a consultant, got it in place, and then you
25 start administrating it and I'm like, oh, this might not be
26 exactly what we want.

27 MR. SCHINDLER: Isn't there somewhere in the zoning
28 where it has to do, a lot of it has to do with the line of
29 sight from the, like, from the road, from the --

30 MS. FREEMAN: It's out of visibility area. It's 20

1 -- yeah, it conforms with the location.

2 MR. SCHINDLER: It does conform?

3 MR. LINGENFELTER: Now I've got to go look at it.

4 CHAIRMAN McINTOSH: Guess how I am driving home
5 tonight.

6 MR. REPPERT: Yeah, that's how I'm going home
7 tonight.

8 CHAIRMAN McINTOSH: There's going to be a parade of
9 cars all going there.

10 MR. SCHINDLER: The Zoning Commission is all going
11 that way.

12 MS. FREEMAN: I am going that way, too.

13 MR. LINGENFELTER: We've got to look.

14 MR. SCHINDLER: We've got to check it out, yes.

15 MS. GERMOVSEK: But it does conform?

16 MR. FREEMAN: Yeah.

17 MS. GERMOVSEK: I thought they presented all that.
18 I remember when they --

19 MR. LINGENFELTER: I drive down --

20 CHAIRMAN McINTOSH: I came up 44 on the way home
21 today and I didn't notice.

22 MR. LINGENFELTER: Yeah, I went down 44 and back up
23 44 when I had an appointment today.

24 CHAIRMAN McINTOSH: Didn't notice that?

25 MR. LINGENFELTER: I didn't see. I didn't really
26 notice it.

27 MS. FREEMAN: It went up today.

28 CHAIRMAN McINTOSH: I came home today about 5:30.

29 MR. LINGENFELTER: This was about lunchtime, I was
30 out.

1 MS. FREEMAN: I think that's when they were putting
2 it up.

3 MR. LINGENFELTER: So I was probably back around
4 noon'ish.

5 MR. FREEMAN: I think that was when --

6 MR. LINGENFELTER: 1:30, you know, I think I was
7 back, you know, through the area. I didn't see anything that,
8 like, jumped out at me it.

9 MR. SCHINDLER: Probably now, being dark, it will
10 probably really stick out then. I assume it's eliminated. So
11 going while it's dark, it'll probably really stand out.

12 MR. LINGENFELTER: How many square feet?

13 MS. FREEMAN: A hundred and twenty. So it's -- I
14 don't remember the width and height of the sign face area but
15 they went with max.

16 Yeah. When they came for site plan review, they
17 indicated to staff that they were going to do a pole sign.
18 And in the staff report and to the project developer, I highly
19 encouraged and told them that administration would not really
20 favor that but, in lieu, would rather like to see more of a
21 monument sign in that location. They clearly already had it
22 in their mind that's what they were going to do because they
23 did that. So --

24 MR. SCHINDLER: And since they know it's allowable,
25 they figured, hey, we are going to do what we want since we're
26 complying.

27 MS. FREEMAN: Yeah.

28 MR. SCHINDLER: So we have to go back and say maybe,
29 please, please, could you try to work --

30 MS. FREEMAN: There's a couple other things already

1 in the sign that I know I brought up to you before that we
2 need to address anyway, more in relationship to the temporary
3 signs and making sure that we're being content neutral and not
4 talking about what the sign says, what the message of the sign
5 is and regulating it differently versus rather just sticking
6 with time, place, and size.

7 MR. SCHINDLER: Yeah.

8 MS. FREEMAN: Which --

9 MR. SCHINDLER: That's one of the things not as --
10 because you have to really keep your heads up on because with
11 technology changing day to day about what -- how things can be
12 manufactured, built, and show, you know, to try to keep it in
13 line with, if you are trying to create -- Like, we want to say
14 Concord is like a bedroom community. Stuff like that can
15 really, with the new technology, what they can do today --
16 especially when everything is pizzazz, everything has to be in
17 your face -- and if they can do it within the confines of
18 really, you know, hit you, it can be kind of disrupting.

19 MS. GERMOVSEK: I am surprised Auburn Career
20 Center -- Remember when we had that big discussion on their
21 signs and they don't have all their signs.

22 MS. FREEMAN: They started to put up a couple of
23 their small --

24 CHAIRMAN McINTOSH: Yeah, they did some temporary
25 things, too.

26 MR. REPPERT: Yeah, the temporary ones.

27 MS. FREEMAN: And they put up like three of the
28 four, you know, as you're coming into the different access
29 points. They put up some of the small signs. They look pink.
30 They look faded.

1 MS. GERMOVSEK: They're not the red and --

2 MS. FREEMAN: Yeah, I was not very wowed by how they
3 really turned out.

4 We've been in conversations with their design team
5 on their electronic message center and that three-sided one
6 that they were going to do.

7 MS. GERMOVSEK: At the corner.

8 MR. FREEMAN: Yeah.

9 MS. GERMOVSEK: I've been waiting for that one just
10 to see how that turned out.

11 MS. FREEMAN: They had it staked out and they still
12 owed us some shop drawings of those signs and so we're waiting
13 for those. So those shouldn't go up yet. Plus, they haven't
14 received their building permits yet. Make sure they get those
15 as well so their foundations are being checked and they're not
16 going to fall over. They had to get all the money for that,
17 too, I think.

18 Well, I am not really aware of any other big site
19 plan review projects coming forward within the next month or
20 two, so it's kind of quieting down a little bit right now.

21 MR. SCHINDLER: So just continue playing around with
22 stuff like this.

23 MS. FREEMAN: Yeah, I will chunk away at this.

24 MR. SCHINDLER: Okay.

25 MS. FREEMAN: And try to come back with some more
26 definitive answers.

27 MR. SCHINDLER: Good.

28 MR. LINGENFELTER: Is there anything, anything
29 progressing with the grocery store?

30 MS. FREEMAN: No. They're, the owners of the

1 property, are still trying to work through their issues with
2 their lender. So until that is taken care of, I don't think
3 anything is going to move forward with the grocery store.
4 Kind of in a waiting period still. We thought it was
5 resolved, that's what we had all thought, but it's clearly
6 not.

7 The Holiday Inn Express is supposed to open mid to
8 late April. They're moving along.

9 MR. REPPERT: How about the other one?

10 MS. FREEMAN: The Home2 Suites, I have been in
11 contact with their engineer. They did submit their traffic
12 impact study to Lake County but I haven't seen any revised
13 site plan to try to show compliance with all the conditions
14 that we originally had given them, so very slow. I didn't
15 realize how far behind they were going to be from the other
16 one. At first, I was worried they were going to both be under
17 construction at the same time but that's not going to be the
18 case. So --

19 MS. GERMOVSEK: I am surprised at how slow Holiday
20 Inn --

21 MS. FREEMAN: What's that?

22 MS. GERMOVSEK: I am surprised at how slow Holiday
23 Inn moved. They didn't move very quickly either.

24 MS. FREEMAN: It's about a year.

25 CHAIRMAN McINTOSH: Okay. Thank you, Heather.

26 MS. FREEMAN: That's all I have.

27 CHAIRMAN McINTOSH: Good work here. Thank you.

28 MS. FREEMAN: Thanks.

29 MR. SCHINDLER: Thank you.

30 CHAIRMAN McINTOSH: Okay. Our next agenda item

1 would be the approval of the minutes from our January 8, 2019,
2 meeting. I will accept a motion to approve.

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

5 CHAIRMAN McINTOSH: Do I have a second?

6 MS. GERMOVSEK: I second that.

7 CHAIRMAN McINTOSH: All in favor of approving the
8 minutes from January 8, 2019?

9 (Five aye votes, no nay votes.)

10 CHAIRMAN McINTOSH: Okay, the motion carries.

11 Audience participation. Oh, I am sorry, next is
12 correspondence of the Zoning Commission. Frank?

13 MR. SCHINDLER: Mr. Chairman, I have nothing.

14 CHAIRMAN McINTOSH: Andy?

15 MR. LINGENFELTER: No.

16 CHAIRMAN McINTOSH: Hiram?

17 MR. REPERT: Nothing.

18 CHAIRMAN McINTOSH: Sue?

19 MS. GERMOVSEK: No.

20 CHAIRMAN McINTOSH: I had two. I was asked about
21 the grocery store and I received an email from somebody asking
22 me if Concord was pursuing a post office. I said no, that we
23 were making efforts to get a ZIP Code, and directed them to a
24 Trustee.

25 Now the audience participation. There is no
26 audience.

27 MR. LINGENFELTER: No way. Come on.

28 MR. SCHINDLER: That's amazing how, when we put this
29 on there some time ago so we could have -- There hasn't been
30 anyone that's been here since we made it part of our agenda

1 that's been here.

2 MR. LINGENFELTER: The level of criticism that we
3 got prior to that because we didn't have that --

4 MR. SCHINDLER: Yes.

5 MR. LINGENFELTER: -- on the agenda was absurd.

6 MR. SCHINDLER: Yes.

7 MR. LINGENFELTER: And we put it on and there hasn't
8 been anyone that showed up since then.

9 MR. SCHINDLER: Since then.

10 MR. LINGENFELTER: So it just goes to show you,
11 sometimes the outrage is somewhat feigned.

12 MR. SCHINDLER: Yes.

13 MR. REPERT: Fake news.

14 MR. LINGENFELTER: Yeah.

15 CHAIRMAN McINTOSH: All right. The next meeting
16 then would be March, Tuesday, March 5, 2019.

17 With that, we will adjourn this meeting tonight.

18 (Whereupon, the meeting was adjourned at 8:05 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 26th day of February 2019.

Melinda A. Melton
Registered Professional Reporter

Notary Public within and for the
State of Ohio

My Commission Expires:
February 4, 2023