

CONCORD TOWNSHIP ZONING COMMISSION
LAKE COUNTY, OHIO
REGULAR MEETING

Meeting held via Webex Teleconference
and YouTube Live Streaming

Concord Town Hall
7229 Ravenna Road
Concord, Ohio 44077

January 5, 2021
7:00 p.m.

TRANSCRIPT OF PROCEEDINGS

Zoning Commission members present:

Hiram Reppert, Chairman
Richard Peterson, Member
Frank Schindler, Member
Ashley Garcar, Alternate Member

Also Present:

Heather Freeman, Planning & Zoning Director/Zoning
Inspector

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

7:06 p.m.

1
2 CHAIRMAN REPPERT: I'd like to call to order the
3 Concord Township Zoning Commission meeting for Tuesday,
4 January 5, 2021. Let's get into the agenda right away.

5 Old Business, we have the public hearing for Zoning
6 Amendment Application 02 -- no, 0320-1, submitted by Rylan,
7 Inc. That has been tabled once again, so we will move past
8 that and go on to New Business.

9 The first item on New Business is a work session
10 with respect to zoning amendments for Residential Conservation
11 Development District, or RCDs, and I'd like to turn the
12 meeting over to Heather and our guest speaker. So if you
13 would, please.

14 MS. FREEMAN: Yeah. So good evening, everyone,
15 tonight. I have with us this evening Dave Radachy, who is the
16 Lake County Planning and Community Development director. He
17 frequently visits all the township zoning commissions with an
18 introduction of who he is, what they do, and how they can
19 assist townships with zoning, planning and those type of
20 things. So, Dave.

21 MR. RADACHY: Good evening. I am Dave Radachy. I
22 am the Planning and Community Development director. I am also
23 the secretary to the Planning Commission. Our Planning
24 Commission helps the townships when they review the zoning
25 text, they send it back, all the recommendations every year.
26 We also assist with reviewing the RCD plans for subdivision
27 review. The Planning Commission approves all subdivisions in
28 Concord Township, so we have sub regs. And the RCD and the
29 Subdivision Regulations are supposed to both work together.
30 We do have a section in the sub regs on conservation

1 development, which I am not quite sure, looking at the
2 township Zoning Code, if you fully understand what we have in
3 our RCD section.

4 One of the things we can do is reduce the width of
5 right-of-ways with a recommendation of the Utilities
6 Department and the County Engineer. So instead of having a
7 60-foot wide right-of-way, we can get some more space by
8 reducing down to a 50-foot right-of-way so long as we have
9 room to get storm sewer and sanitary lines and water lines
10 into that area. So they can help on things. We also have
11 access to other township zoning codes, so we can take from
12 them and give you guys suggestions from those. We can also do
13 other researches on other communities, other counties and
14 other cities.

15 I am also part of a group called Lake -- County
16 Planning Directors Association of Ohio, which I can bounce
17 ideas off of them from everywhere from Delaware County, Medina
18 County, Warren County, which are all counties that are
19 developing and have similar issues to what Concord has. So I
20 can get ideas from them if you wish us to do some research for
21 you.

22 We're, also, we're available to talk to the members
23 individually if they want. If you have any questions, you are
24 more than welcome to give us a call over at our office and
25 we'll be happy to answer any questions you have on the RCD or
26 any other zoning or planning questions that might arise. It
27 doesn't necessarily mean it has to be limited to RCD. We can
28 talk about different zoning sizes. We can talk about what to
29 look for in different businesses or how to write different
30 codes. Like Airbnb has been becoming more and more of a

1 hassle and we can, if you have questions about something like
2 that, we can do some research and get back answers to you.

3 I usually try to make it up to township, each
4 township zoning commission once a year just to say hi and make
5 sure you guys know we're still here and we're here to help you
6 guys. So I am also here to answer any questions on whatever
7 is on the agenda tonight. I can also get back to you if I
8 can't answer them tonight.

9 CHAIRMAN REPPERT: Okay. Thank you.

10 MS. FREEMAN: Just one moment. I am sorry. I had
11 an email from Andy saying he's trying to get into the meeting
12 but it said that the meeting hadn't started yet but everything
13 started, so I am not sure why.

14 (Feedback.)

15 CHAIRMAN REPPERT: Is that Andy?

16 MS. FREEMAN: No. Somehow I'm in the meeting twice
17 now, actually. I don't know. I am not sure. So Andy might
18 not be able to join us this evening.

19 Okay. Thank you, Dave.

20 All right. So I apologize for not sending like a
21 nice packet in advance. December was, you know, crazy with
22 the holidays and vacation schedules and everything like that.
23 I know, at our last meeting, we really started talking about,
24 we reviewed in detail the previous RCD developments.

25 CHAIRMAN REPPERT: Correct.

26 MS. FREEMAN: What their yield plans looked like,
27 what their RCD plans looked like, how many lots, those kind of
28 things. I provided just a summary of that table again to you
29 that we kind of went through, looking at the plans and
30 everything, too, with the PowerPoint we did. And we

1 discussed, you know, do we want to make the developers
2 provide, you know, additional documentation on justifying that
3 the yield plan is reasonable, like some kind of economic data,
4 and it seemed that the consensus of the Board was that was
5 just one more additional thing for them to give us when we are
6 trying to make it a little bit more streamlined for the
7 developer and the township with reviewing those. So it didn't
8 seem like we wanted to do that.

9 And one of the suggestions was made that the yield
10 plan really should be the just -- should show why the land is
11 really prime for an RCD. So even talking with Dave Radachy
12 and Dan Donaldson, from Lake County Soil and Water, they had
13 both recommended that one of the things that we should ask
14 from developers is that existing conditions plan. Show us
15 just a map of what are the existing conditions, what are the
16 current contours, where the streams, where are the wetlands,
17 and then show us the riparian setbacks on that plan as like a
18 separate, clean plan.

19 And then on the yield plan, you know, you really
20 need to design those lots on the yield plan in harmony almost
21 with those wetlands. And if you are going to show significant
22 impacts on those wetlands on your yield plan, then maybe
23 you're not eligible for an RCD.

24 And, Hiram, I think you had made a comment, too,
25 that you didn't think that they should be able to count those
26 wetlands as buildable.

27 CHAIRMAN REPERT: Yeah, I don't think we should be
28 able or they should be able to count the wetland. I mean, to
29 me, that's off limits and I don't think that, I don't think
30 they should be able to count that in their acreage or density

1 or whatever. It's unusable land.

2 MS. FREEMAN: Yeah. And I struggle with how we, a
3 little bit on how we would write this. And I haven't gone to
4 our legal counsel yet for them to review any of the text or,
5 you know, anyone really yet or even bounced it back at
6 Planning Commission staff. But I think we have a way to maybe
7 let the development community know that we don't want to see
8 yield plans where you're mitigating the majority of the
9 wetlands. I'm just not a hundred percent sure on how we can
10 write that or, you know, so still trying to work on that.

11 Then there was some other ideas where, do we just
12 eliminate the yield plan completely and come up with some
13 other way to determine overall density for an RCD, a
14 completely different review process. Now, that really wasn't
15 recommended in the Comp Plan, so I don't know that we want to
16 deviate too far from what you're doing, but there are other,
17 there are other models out there that you could do. I've
18 heard from some of the developers that, "If you could just
19 tell us a maximum density, that would be a lot easier." But
20 I've had to take, you know, reservations on that, too, because
21 they could get extra lots even though -- because there might
22 be a lot more streams and wetlands where they're going to
23 maybe not protect as much open space or get more lots in than
24 they should be able to.

25 So there is just a lot of, there is different things
26 that the township can consider as far as that review process.
27 I don't know if that's something that the board would want us
28 to look into. I know that Dave has indicated that they would
29 be willing to take a look at, you know, previous subdivisions
30 that were already approved to kind of figure out what their

1 overall densities were, how much of the project was actually
2 used towards roads versus lots to try to give us some data to
3 determine, you know, like on a conventional subdivision, if
4 you have 30 acres, how many lots are you really going to get
5 based on existing subdivisions and how many, how many lots
6 they got to maybe assist the township in trying to determine
7 what a reasonable -- what do I want to say -- to help us
8 determine how much of that land area can actually be used
9 towards lots.

10 CHAIRMAN REPPERT: Towards lots, okay.

11 MS. FREEMAN: Versus stormwater areas, right-of-way
12 areas. So I don't know if that's something that we want to do
13 or if we want to just kind of stay in line with what the Comp
14 Plan was recommending and really focus on how do we improve
15 the review of the yield plan, and then looking at some of the
16 different RCD design features too that they were recommending
17 that maybe we add in as either required or recommended for the
18 plans.

19 CHAIRMAN REPPERT: I know, from my experience on one
20 of these, and I think we all know which one, I was not as
21 thorough as what I should have been on the review of the yield
22 plan. And I think, if I would have gone through that with
23 what I know now, I would have demanded that they take out all
24 the wetlands out of their area and then develop their yield
25 plan or whatever, preliminary plot plan on that and, you know,
26 take all the riparian setbacks, take all that out of the area
27 because that is unusable land, undevelopable land.

28 MR. RADACHY: Well, Hiram, technically, it is not.
29 You still have the option, all developers have the option to
30 mitigate wetlands. The first, the Corps always goes by,

1 first, do no harm. They want you to try to avoid the
2 wetlands, try not to utilize them as part of the thing. But
3 even on some of these subdivisions, they're going to have to
4 cross streams.

5 CHAIRMAN REPPERT: Oh, sure.

6 MR. RADACHY: They're going to have to mitigate some
7 wetlands with the roads and things. If the wetland is smack
8 dab in the middle of the lots, then they're going to go --
9 they're not going to go around the wetlands because it's going
10 to push the road too far over and they're not going to be able
11 to put a lot or you have usable open space --

12 CHAIRMAN REPPERT: Correct.

13 MR. RADACHY: -- in between the road and the edge of
14 the wetlands. And if you go around, you are putting in more,
15 you are putting in more concrete, more asphalt as you go
16 around instead of going straight through. They do have the
17 ability to mitigate and they should be -- try to do as least
18 harm as possible as you're looking at the yield plan.

19 CHAIRMAN REPPERT: Okay.

20 MR. RADACHY: So try to push the wetlands into the
21 40 foot setback of the R-1 development, into the side setbacks
22 of the lots so you're not, so you're not saying, "Hey, I got
23 this two acre wetland. I am going to put two houses right in
24 the middle of that two acre wetland and I am going to mitigate
25 the whole thing," because that's unrealistic.

26 CHAIRMAN REPPERT: That's right.

27 MR. RADACHY: So you've got to, you've got to
28 express to the developers they have to have a realistic
29 expectation that they can actually be able to develop that,
30 not be able to say, "I am going to put two houses in the

1 middle of a wetland because it's going to give me maximum
2 density," because that's not realistic. And the township has
3 to be on the same side, also, to have a realistic expectation
4 that they're not going to be able to avoid all wetlands.

5 CHAIRMAN REPPERT: Okay, okay, I agree. There is a
6 balance. There is a balance there.

7 MS. FREEMAN: Yeah.

8 CHAIRMAN REPPERT: Now, the one other thing we
9 discussed was the -- what did we call it -- the density
10 increase.

11 MS. FREEMAN: Oh, yeah.

12 CHAIRMAN REPPERT: And we discussed getting rid of
13 it altogether or keeping it or whatever.

14 MS. FREEMAN: Yeah.

15 CHAIRMAN REPPERT: I don't know what we decided on
16 that area or not.

17 MS. FREEMAN: Well, I think there was maybe some
18 concern that, what would be the incentive then for the
19 developer? So I guess, if we take away the density bonus, is
20 there still enough incentive for the developer? I remember
21 somebody had said, "Well, yeah, the incentive is the smaller
22 lot, you know, which is what people want now, which is what
23 the market is demanding."

24 CHAIRMAN REPPERT: Right, yeah.

25 MS. FREEMAN: That would be something that -- I
26 don't know. I mean, ask --

27 MR. RADACHY: The other incentive I've always heard
28 about conservation development are shorter roads, less length
29 in construction, shorter, less cost in construction and
30 reducing, trying to reduce the length of roads. Some of these

1 developments still have your standard long 1,400 foot road
2 length, 1,000 foot long cul-de-sacs and doing two or three
3 cul-de-sacs in a conservation development. When you are
4 putting in that many, you're putting in a 100-foot cul-de-sac
5 bulb, that is a lot of concrete and a lot of impervious
6 surface.

7 Maybe that's something you should also look into is
8 trying to put a percentage of, maximum percentage of
9 impervious surface for the roads and stuff like that and
10 trying to convince them. One of the things I was reading on
11 the Comp Plan is to try to do the plantings in some of the, in
12 some of the road right-of-way and then the cul-de-sac bulbs,
13 doing islands in the middle of the road and halfway down, kind
14 of traffic calming and beautifying it a little bit. If you
15 put some percentage of maximum improvements on impervious
16 surface, maybe that will increase, get you islands in the
17 cul-de-sacs, reduce the number of cul-de-sacs, reduce the
18 width of the pavement in some places, if it's possible, and do
19 things like that.

20 CHAIRMAN REPERT: Explain to me how we reduce the
21 road length with RCDs.

22 MR. RADACHY: With smaller lots. A standard lot in
23 an R-1 development is 100 foot wide. And so if you have a
24 smaller -- And it's almost half over, a little over a half
25 acre. The theory is, if you go down to a quarter acre lot and
26 reduce the width down to 75 to 80 feet --

27 CHAIRMAN REPERT: Okay.

28 MR. RADACHY: Now instead of having a -- So it's 10
29 lots on either side, 100 feet long, it's a 1,000 foot long
30 road.

1 CHAIRMAN REPPERT: Okay.

2 MR. RADACHY: Ten lots on either side, 80 foot wide,
3 now it's now down to 800 feet and you're reducing the length
4 of the road.

5 CHAIRMAN REPPERT: Okay.

6 MR. RADACHY: And that should be part of the goal of
7 the conservation development is reducing the length of the
8 roads. It's also beneficial to your Service Department. Less
9 road length, less patching, less snow removal, less cul-de-
10 sacs makes it easier for them to quickly do the roads instead
11 of having to spend an obvious amount of time trying to clear a
12 cul-de-sac.

13 MS. FREEMAN: Well, that actually leads right into
14 one of the, one of the RCD design feature recommendations from
15 the Comp Plan. On the back page, K, possibility of allowing,
16 like, basically nonfrontage lots or lots on a common driveway,
17 so like a private drive. So you would have a private drive
18 come off of a public road, and off that private drive, you
19 might have three or four homes and you could tuck away three
20 or four homes off that private drive while reduce, it would
21 reduce the cost of the infrastructure for the developer and
22 also for the township in the future as far as maintaining that
23 road.

24 CHAIRMAN REPPERT: Township doesn't take care of a
25 private drive, right?

26 MS. FREEMAN: No, they don't.

27 CHAIRMAN REPPERT: Okay, that's what I thought.

28 MS. FREEMAN: I know the subdivisions regulations do
29 have some allowances for common drives and things like that
30 that we could look at, too, if we seriously wanted to consider

1 that as something that, a tool in the RCD that might allow a
2 developer to get the density they want but tuck the homes a
3 little bit off, back behind the woods or in an area where it
4 made more sense where they could still have a few homes that
5 aren't facing the traditional subdivision street, because I
6 know some of the comments we've heard on the RCD is you drive
7 down there and it still looks like a regular development.
8 There is nothing special about it.

9 This group really liked the Concord Ridge one
10 because there seemed to be a lot more of the protected lands
11 up front adjacent to the road right-of-way, but not all of
12 them turn out like that. Some, all the woods are behind all
13 the homes that you don't get the same feel. But that could be
14 a tool that would help developers and the township maintain
15 some of the woodlands or some of those other areas, the open
16 space areas.

17 MR. RADACHY: One of the other things that the
18 subdivision regulations do allow is a reduced right-of-way
19 width with the recommendation of the County Engineer and the
20 Utilities Department. As long as we're able to get the road,
21 sanitary sewer and water lines, storm sewers into the right-
22 of-way, some of these roads can be, some of these road width,
23 the right-of-way width could be reduced and that means that
24 the lots would be moved back closer, away from other sensitive
25 areas.

26 And like on Eagle Pointe, you had that back corner
27 where you had that ravine and we had a lot of trouble trying
28 to make sure that the houses stay outside and the grading
29 stays outside of the riparian setback. If we were able to, if
30 they were able to reduce the right-of-way width on that road,

1 they might have been able to push, pull the houses away from
2 that, 10 feet away from the ravine.

3 CHAIRMAN REPPERT: Do the developers know that?

4 MR. RADACHY: I don't think so.

5 MS. FREEMAN: Yeah.

6 MR. RADACHY: Because the zoning, they're trying to
7 make you happy and they automatically -- No one's ever asked
8 about it. I have mentioned to them a couple of times that you
9 can do a reduced right-of-way width but nobody ever actually
10 tried it.

11 CHAIRMAN REPPERT: Okay.

12 MR. RADACHY: And depending on, it also depends on
13 the road. Some of these roads have to be 60 feet wide but
14 some of these, like the streets, the stub streets going off to
15 the next property over or cul-de-sacs, short cul-de-sacs can
16 also be reduced down, too.

17 CHAIRMAN REPPERT: Okay.

18 MR. RADACHY: There is also other types of roads
19 that are out there besides cul-de-sacs that you can do, like a
20 one-way street around. Instead of doing a traditional cul-de-
21 sac, you can do a one-way street around a, like, make a
22 knuckle instead of a cul-de-sac. And so you would be able to
23 have houses around the thing and then, in the center, you
24 could have like a detention pond or a green space in the
25 middle of the right-of-way for them to, for everybody to look
26 at, kind of like a giant boulevard. And then the width of the
27 road wouldn't necessarily need to be 22 feet wide going one
28 way. It would just, try to get people go the right way around
29 the cul-de-sac as they pull out of their driveways. But you
30 could go down to 16 feet, so you have an 11 foot passing lane

1 and a 5 foot parking lane on the street and, as long as the
2 fire truck can get through, all that really matters.

3 CHAIRMAN REPPERT: Okay.

4 MR. SCHINDLER: You know, I think that, probably, we
5 look at how we could guide this and put the restrictions and
6 put numbers down. When you you're getting into conservation
7 development, the first criteria is how you're going to
8 minimize the development to hurt the surrounding areas that
9 you want to save, like ponds, you know, and wetlands and
10 stuff. I think, if we're trying to achieve that, what we
11 should be looking at is what I would call flexible
12 restrictions. In other words, put it back on the developer.
13 He has a piece of land. He already knows what we're trying to
14 achieve as far as preserving the environment.

15 So what he should be able to do is take a look at
16 the area that he's looking to develop, looking where the
17 sensitive areas are. We have guidance as far as lot sizes and
18 you talked about, Dave, street sizes and all that. Let him
19 come back and say, you know, "I can put a lot of this size,
20 save this part of the land that we want to save. We can work
21 with the county to do the road construction that you feel is
22 adequate for utilities and things of all that nature." Let
23 him come back with that. But then at that point, because he
24 has flexibility, we, as a board, could look at that, along
25 with the county and the other agencies, and say, yes, this
26 could be achieved.

27 The houses don't have to be lined up like they are
28 today. They can be tucked in there in such a way that it
29 looks like a nice preserve, and the homes are there but
30 they're situated in such a way that it just makes it

1 desirable. You have achieved the goal of the sensitive part
2 of the development land, it's there, be it streams or whatever
3 it is. Developers can come in and put nice areas where people
4 can walk and go through those type of developments. They have
5 achieved their goal, first. And secondly, they make the
6 development very desirable where people would come in there
7 and say, "Man, I love this area."

8 CHAIRMAN REPPERT: Right.

9 MR. SCHINDLER: You know? And this way here, we
10 have achieved what we want to do and the developer gets what
11 he wants to do because of the desirability and the flexibility
12 he will have for his development. That's my point.

13 MS. FREEMAN: Yeah. I just, I wonder if the
14 developer's goal is the same goal as ours though because I
15 haven't seen any of them design that way where they're trying
16 to accentuate the open space or the environmentally sensitive
17 features. He's reviewed a ton of subdivisions. Maybe I'm
18 wrong but I don't see any homes facing any of the streams. I
19 don't see any of that stuff. They're all facing the road.

20 CHAIRMAN REPPERT: Because they're all worried about
21 the buck.

22 MS. FREEMAN: Yeah. I just don't know how you --

23 CHAIRMAN REPPERT: That's what they're worried
24 about.

25 MS. FREEMAN: -- incentivize, incentivize -- I can't
26 talk right now. But how do you make that a priority for the
27 developer, too? What's the flexible tool that we have to give
28 them that gives --

29 MR. SCHINDLER: Well, that's the thing. That's what
30 we have to work with them so that they can achieve the goal

1 that they want because we all know that, you know, visually,
2 things sell themselves. People like an area that they love to
3 live in, not just to have a development where there's home on
4 top of home on top of home. They like -- I know I do, but I
5 like to save the woods and stuff around me and everything like
6 that. And people come and see how it's laid out. They'd have
7 their home but yet they've got the surrounding land, it's
8 beautiful. It looks so nice.

9 That, in itself, to a developer, sells this home,
10 that he is achieving what he wants. He will probably get even
11 more in that development than if he put row by row
12 restrictions of these size houses. And also the owner who
13 wants to buy and move into these places, they would be willing
14 to pay a little bit more money to do that, there again,
15 because it's desirability. Aesthetically, it looks nice.
16 They have a home that's tucked in a nice area that, with the
17 birds and everything else and the ponds and stuff. They're
18 willing to pay for that, you know. And we've achieved it as a
19 township in the way we developed the RCD and the developer has
20 achieved it because he knows he can get more money out of his
21 development. We have both won by doing that.

22 But you have to have, like I say, flexibility. You
23 can't put tight restrictions on stuff. We have guidelines on
24 the lot sizes we prefer to have but if you can put it in such
25 a way, and like Dave says, the roads that go in there in such
26 a way, he achieves and maybe gets another house in there and
27 it's still desirable. He got what he wants and we got what we
28 want and we still preserved the land. That's my thoughts.
29 But how you achieve that, that's what we have to talk about.

30 MS. FREEMAN: Yeah. And that kind of leads me into

1 --

2 CHAIRMAN REPPERT: I like that idea.

3 MS. FREEMAN: We have to reach out, you know, to the
4 development community and find out.

5 MR. SCHINDLER: Oh, sure.

6 CHAIRMAN REPPERT: Well, can we make it a
7 recommendation for an RCD to do that type of planning?
8 Otherwise, you don't get an RCD.

9 MR. RADACHY: I think that -- Forgive me if I am
10 going to go a little off the cuff because I was trying to look
11 it up real quick. I am not sure what the purpose statement of
12 the RCD is. Do you have a purpose statement for the RCD?

13 CHAIRMAN REPPERT: Yes.

14 MR. RADACHY: What it says, maybe that's the first
15 thing you say in the purpose statement is that we want to have
16 innovative development. Maybe revise the RCD statement. I am
17 not sure what it says.

18 MS. FREEMAN: Yeah.

19 MR. RADACHY: Promote the health and safety through
20 the application of flexible -- You've got to be a little more
21 touchy, maybe a little more touchy-feely on the purpose
22 statement and say, We want to have innovative site design to
23 preserve sensitive areas of the township, sensitive land
24 areas, to give a home site that will look upon the beauties of
25 Concord Township," or something to that effect. So you state
26 it in your purpose statement, this is what we want to see in
27 the RCD, and then that will drive the rest of the regulations.
28 And then put the innovative stuff in to try to, if you say it
29 -- because, right now, you've got a purpose statement that
30 just says, We want to see standard development with a little

1 bit of innovative. And so you're still getting a standard,
2 it's an RCD but you're getting a standard development with the
3 open space in the back yards of the houses that they're
4 putting on there. You're still seeing rows and rows of houses
5 lined up on the front of the street that just looks like any
6 other development.

7 CHAIRMAN REPPERT: With a bunch of grass in the
8 back.

9 MR. RADACHY: You have no idea that some of these
10 developments are RCDs.

11 CHAIRMAN REPPERT: That's right, that's right.

12 MS. FREEMAN: Yeah, I agree with some of that, maybe
13 adding some of that to the purpose statement. And even that
14 kind of goes along with these design features. We could add
15 these into the Zoning Code and say, These are the things we
16 want to see, or you could make some of them "shalls." I don't
17 know. But if you want to be flexible, then maybe you don't
18 want to say "shall" because every site is different.

19 CHAIRMAN REPPERT: That's correct.

20 MS. FREEMAN: You don't want to say, every fifth
21 house, you have to have a break in open space because that
22 might not make sense, you know.

23 But what you were saying, Frank, too, are you
24 suggesting that we maybe don't say this is the minimum lot
25 size to give that even more flexibility, or not necessarily?

26 MR. SCHINDLER: Say we have guidance, like the lot
27 sizes, for example, and like Dave says what the street widths
28 have to be from the county. Those will be in there just as a
29 guide. Okay? My thing is flexibility. I want them to be
30 able to use, the developer to use his creativity to come up

1 with it. I mean, they're the, supposedly, the architects.
2 They're the ones that know the size of the homes and what the
3 homes look like. They have to sit there and work with the
4 land that they want to put that on and use their brains to
5 come up with something that's very unique that preserves the
6 land that we want to see done but yet allows them the
7 flexibility of putting a size home, even if they ask to have
8 flexibility on the size of the lot or the size of the home.

9 Because most people nowadays, I know a lot of senior
10 citizens, for example, which we have a lot of in Concord, they
11 don't want big homes anymore. They're too expensive to
12 maintain, for one thing. They don't want big lots and stuff
13 out there that they have to maintain a lot.

14 If we allow the developer to use his creativity to
15 achieve that and we benefit from it by having the land
16 developed and we preserve all this sensitive area, we both
17 achieve that goal. So that's why I use the word
18 "flexibility." Give them the flexibility to use his
19 creativity. It's going to come to the board here. It's going
20 to go to the county, also, for their approval, and the utility
21 companies, to see if this can be achieved. And within that,
22 if they say, "Hey, come up with some things, say, you might
23 have to do this," allow them the flexibility to be able to do
24 that, to say, "Oh, I can do that. I can make this home a
25 little bit smaller to achieve my goal of maybe" --

26 MS. FREEMAN: Yeah.

27 MR. SCHINDLER: That's the thing I am saying is the
28 whole concept of my idea is flexibility, flexibility.

29 MS. FREEMAN: Well, maybe --

30 MR. PETERSON: The trouble is, Frank, you still have

1 to have guidelines though.

2 MR. SCHINDLER: The guidelines are here.

3 MR. PETERSON: I mean, yeah.

4 MR. SCHINDLER: But then again, on its merit, let's
5 see how much he can come up with his thoughts and how he can
6 flex it a little bit.

7 MR. PETERSON: As long as you have some parameters
8 because, otherwise, if you turned it down --

9 MR. SCHINDLER: Oh, sure.

10 MR. PETERSON: But you approve this one, you turned
11 down this one, you have to have some reason why you turned
12 this person down.

13 MR. SCHINDLER: Well, that's the thing. I want to
14 be able to have developers that flexibility.

15 MR. PETERSON: Yeah.

16 MR. SCHINDLER: That he knows, I can work with the
17 township. I can do things with them.

18 MR. PETERSON: True.

19 MR. SCHINDLER: And each developer, you put the
20 responsibility on them. Hey, they did it, this developer did.
21 I am going to try to achieve it here so I can get that same
22 kind of okay for mine, too, because I am doing the same thing,
23 to a degree, in my way and he has that flexibility. We both
24 achieved it. Developer got what he wants and we got what we
25 want, too.

26 Our rules are here. What I am saying is they're a
27 guide, just a guide. I just want to have, quote, flexibility
28 in the areas that we're both going to be able to achieve the
29 same goal. Okay? We will have some guidelines, of course.

30 MR. PETERSON: You have to have some consistency.

1 CHAIRMAN REPPERT: Right.

2 MR. SCHINDLER: Right, right, have some flexibility
3 there that he is able to do it, not have the temperament of
4 losing the conservation part, which we're trying to achieve.
5 That's my point.

6 MR. PETERSON: Okay.

7 Heather, a question on the gas well/oil well. Is
8 that active or capped off? Because we have both. In other
9 words, talking about maybe have, Item 3 there, construction of
10 new homes within a specific distance.

11 MS. FREEMAN: I don't --

12 MR. PETERSON: If you cap off a well --

13 MS. FREEMAN: It's probably active, I am assuming,
14 yeah. That isn't anything that we've really looked into yet.

15 MR. PETERSON: As I recall, there was a well in the
16 Stone Ridge Phase 2 area.

17 MS. FREEMAN: Yeah.

18 MR. RADACHY: Up near Girdled Road.

19 MS. FREEMAN: Yep.

20 MR. PETERSON: There is a well there. I don't know.
21 I think it's gone now.

22 MR. RADACHY: It is gone.

23 MR. PETERSON: So it's capped off?

24 MR. RADACHY: The well was capped off. They were
25 supposed -- There were actually two wells on Stone Ridge and
26 one in Orchard Springs.

27 MR. PETERSON: Okay.

28 MR. RADACHY: All the gas wells are -- I know the
29 one at the back end of Stone Ridge has been removed, and I was
30 told that the one in the front has been capped off and

1 supposed to be removed, also.

2 MR. PETERSON: When you cap it off, Dave, is it as
3 safe as if it was never there?

4 MR. RADACHY: No, it's not as safe as if it was
5 never there but it's no longer as dangerous as having an open
6 gas well there.

7 MR. PETERSON: Okay.

8 MR. RADACHY: There is still going to be -- I mean,
9 there is a house from next door to a friend of mine's house
10 where they bought it and then one day they discovered -- the
11 house has been there for 50 or 60 years and one day they
12 started smelling gas and found a capped gas well in their
13 front yard and they never knew it was there. It was so old
14 that nobody knew it was there. And it was a huge undertaking.

15 CHAIRMAN REPPERT: Is it capped below ground?

16 MR. RADACHY: Yeah.

17 CHAIRMAN REPPERT: Okay. Do you know how far below
18 ground?

19 MR. RADACHY: They dug pretty deep to get to it but
20 they had to do some investigation to find it. I know it was
21 like -- The family had to move out of the house for a couple
22 months while they --

23 CHAIRMAN REPPERT: While they did it.

24 MR. RADACHY: -- while they took care of it.

25 MR. PETERSON: That might be more of a reason to
26 have some specified distance from where there was a well,
27 whether active or capped off. I mean, if you bought a lot, I
28 don't know if you would want the lot if you knew there was a
29 capped off gas well at the back of the property. So --

30 MR. RADACHY: The one lot in Orchard Springs has a

1 tank and the tank battery is behind the house and the well in
2 the front of the house. For some odd reason, nobody wanted to
3 buy it.

4 MR. PETERSON: I wonder why.

5 MS. FREEMAN: Well, Frank, too, I don't know, like,
6 I know a lot of cities put in their zoning codes that the
7 development plan dictates the minimum lot size and the
8 setbacks and the distance between the structures and things
9 like that, which obviously gives a lot of flexibility to the
10 developers. And then the reviewing agency actually approves
11 the plan, in addition of all those standards, rather than
12 telling them in the code.

13 I don't know if that's something that the township
14 is permitted to do, if that's something that you were kind of
15 suggesting, right, about giving them flexibility, not telling
16 them this shall be this, this shall be that, but allowing them
17 the flexibility to come up with a plan and say, "This is what
18 we think it should be."

19 MR. SCHINDLER: Yeah, right, that's the thing.

20 MS. FREEMAN: Okay. So that's something that I can
21 ask legal counsel if that's even something that we can
22 consider doing. In the past, they've been cautious about
23 giving discretion in the Zoning Resolution; but, perhaps,
24 being that this is a rezone in an RCD, that would be
25 acceptable from a legal standpoint.

26 MR. SCHINDLER: Well, yeah, we can look into it.

27 MS. FREEMAN: Yeah.

28 MR. SCHINDLER: I mean, the object of this whole
29 thing is conservation, you know.

30 MS. FREEMAN: Yeah.

1 MR. SCHINDLER: That's the thing we're trying to
2 achieve. We want to achieve giving them this kind of
3 development. So there has to be, like I say, my opinion,
4 flexibility. You give them guidelines, but if we can work
5 with them on this to achieve what we want to and preserving
6 the land and sensitive areas of the land and yet give them
7 flexibility that they can work with us and make alterations
8 with, like I say, lot sizes or size of a home or whatever,
9 roads and stuff like that, then it gives them more flexibility
10 and desirability to wanting to do this.

11 We'd all like to see this kind of development
12 throughout the township, I am sure, especially the way our
13 township is with the rolling hills and everything.

14 MR. RADACHY: It also comes down to that everything
15 easy in Concord has been developed and now everything left is
16 going to have sensitive areas.

17 CHAIRMAN REPPERT: Difficult, yes.

18 MR. SCHINDLER: That's right. Now it's becoming
19 more sensitive to develop. So things like this definitely
20 have to be the way to go in the township if we're going to
21 continue to grow and allow things to be built. So, but then
22 again, we want to be able to be, like I say, flexible to work
23 with developers to still achieve this.

24 MS. FREEMAN: Well, I would like to find out from
25 the development community, are there things in there that
26 aren't flexible enough for you, and what would be those
27 things?

28 MR. SCHINDLER: Exactly.

29 MS. FREEMAN: Because maybe -- I have never heard
30 them say, "Well, it's not flexible, you know. You don't give

1 me enough tools to be able to design more creative, you know."

2 MR. SCHINDLER: They don't. They just look at it
3 and see numbers. They see numbers.

4 MS. FREEMAN: Yeah.

5 MR. SCHINDLER: This is what I have to do here. And
6 this is what I don't want. I want to be able to work with
7 them, say, okay, you have seen the numbers. But because we
8 want to achieve the goal of conservation development, how can
9 we work on this to achieve what you want and what we want to
10 see in our township to go.

11 And since we are, like you say, Dave, less and less
12 land can be developed in Concord now, so I even emphasize it
13 more, that we have to give them more flexibility.

14 CHAIRMAN REPERT: Dave, I've got a question for
15 you. If we're looking at an RCD, the one that I have seen is
16 the lots are all up front, the houses are all spaced right
17 next to the road, and then the back half is all RCD land,
18 right?

19 How do we accomplish the percentage of RCD land, not
20 developed land but RCD land, if we're going to stagger houses,
21 have different setbacks or whatever? Somebody is going to end
22 up with a front yard full of grassland. They're not going to
23 want that.

24 MR. RADACHY: Just have to design it so you are
25 trying to get, maybe sure that you can see, have a nice view,
26 make sure each house has a nice view and doesn't look like
27 every other development.

28 CHAIRMAN REPERT: And I agree with that but I just
29 don't know how they're going to do that.

30 MR. SCHINDLER: Well, there again, a lot of people,

1 like I say, don't like to cut grass, for example. If the
2 house is going to be situated in this area where there is
3 wetland and stream or something right in front or a marshy
4 area in front, a lot of people don't mind that. They have
5 their home in the back, for example. They don't have to take
6 care of that but they allow nature to take its course right
7 there and they prefer to have that rather than having to cut a
8 big long lawn in the front of your house. That's why, that's
9 why I go back to the flexibility again.

10 CHAIRMAN REPPERT: Yeah, okay.

11 MR. SCHINDLER: Okay?

12 CHAIRMAN REPPERT: I guess it could work.

13 MR. SCHINDLER: Yeah.

14 CHAIRMAN REPPERT: I guess it could work. Have we
15 exhausted so much on that tonight?

16 MS. FREEMAN: No. I'm just -- Now we have totally
17 another total different idea, you know.

18 MR. SCHINDLER: I threw it out there because, for
19 many years, my wife and I, though we don't do it now, we
20 vacationed down at Kiawah Island, South Carolina, and the
21 whole island is a preserve, nature preserve. And the homes
22 are all staggered throughout the island, you know, and they
23 have little driveways. They have a main street that goes onto
24 the island but all these homes and stuff are all tucked in the
25 woods. I mean, you have the acreage, you have the birds, and
26 you also have the alligators that come through and stuff like
27 that.

28 But it's such a desirable and peaceful place to be
29 and it's because they have developed this island in such a
30 way, the key issue is to keep nature, and that's what they've

1 achieved down there over the years with development. And it's
2 just so peaceful, so quiet. And then they have bike trails
3 that go all through there and you can ride a bike and go
4 through the whole island all day and not see the same place
5 because that's how big it is and that's how nice the trail is.
6 You do have to be careful because there's been times I stumble
7 on a gator sitting right in the path and we turned around and
8 went back. I mean, that's an extreme.

9 But the regulations down there is the houses can't
10 be above the treeline, for one thing. They all have to be in
11 such, they have to have a certain paint job so it blends in
12 with nature. It is not like a stark blue house or a stark
13 white house or a stark red house or whatever. They do have
14 regulations on the island. But the thing of it is it looks so
15 peaceful and so beautiful and they allow the developers to
16 build in such a way that they have that flexibility. And they
17 have different size houses and stuff, different little roads
18 that go back in there that allows them to get into one or two
19 homes back in the marsh area, and even have little areas where
20 you can walk across little bridges from one, across a stream
21 to another marsh, for example.

22 I know we don't go to that extent. But it's because
23 they've allowed this type of development to take place over
24 the years that island has been developed and they still have
25 maintained the nature preserve with all the wildlife and
26 everything. It's beautiful. It's desirable. We've leased a
27 home on there that's just tucked in there. It's so beautiful.
28 It's so nice and quiet, you know.

29 But each house is somewhat unique and the property
30 is so unique to that house that's been in there, as long it

1 complies with the, like, the aesthetics of the island they're
2 trying to achieve, which I would like to see us to try to
3 achieve that with what I call flexibility. I think it's a
4 win-win for everybody.

5 MR. PETERSON: At \$3 million a house.

6 MR. SCHINDLER: Well, that, you are, right. It's
7 expensive to live there.

8 MR. PETERSON: Yeah.

9 MR. SCHINDLER: But it would be no different than it
10 would be a little more expensive here, too, I am sure, but the
11 desirability would be achieved on both ends, for the developer
12 and for the township and to achieve the conservation,
13 maintaining the land.

14 MS. FREEMAN: That kind of goes with that idea, I
15 guess, you know, the cluster development, which I know someone
16 brought up at our last meeting and, well --

17 MR. SCHINDLER: And you do have --

18 MS. FREEMAN: It's kind of what you have to allow.
19 You have to let the homes cluster over here so you can keep
20 large tracts of open space, but that seemed like it was a
21 dirty word in Concord. So I am not sure, you know, when the
22 RCD was originally adopted, you know, what the township talked
23 about, if they talked about clustering houses and allowing
24 them to be closer or not, or maybe our thought was that the
25 quarter acre was a cluster already.

26 But back to maybe allowing a private street and
27 allowing a few homes to be closer to one another --

28 MR. SCHINDLER: Yes, yes.

29 MS. FREEMAN: -- would be, would be the flex,
30 something flexible that maybe we could --

1 MR. SCHINDLER: Flexible.

2 MS. FREEMAN: -- allow them to utilize if they met
3 some certain threshold or something, or even just allowed them
4 as a tool.

5 MR. SCHINDLER: Take that word "cluster" out of
6 there and put in "flexibility" because that's the scary, you
7 know, there is keywords that you can put into certain things
8 that scare people and we don't want to do that, but we want to
9 achieve this goal. Because even there on the island, for
10 example, the island has 18, seven 18-hole golf courses as part
11 of the island. But they do have homes in certain areas that
12 are put together, one or two or three around one of the
13 greens, up by the green, for one of the greens for the holes.
14 But then along the rest of the development going in there,
15 there's a couple that are close here but then the next one is
16 way over there because there is a stream, there is a big marsh
17 you know. So they don't touch that because, there again, it's
18 a nature preserve. So that's the kind of thing I would like
19 to see us be able to put together like that for the township,
20 too.

21 MS. FREEMAN: So along with that, talking about
22 design of it, has anyone gotten a chance to look at some of
23 these brainstorming ideas from the Comp Plan? Or we can just
24 kind of quickly go through them, I guess.

25 CHAIRMAN REPPERT: I think we already talked about a
26 few of them.

27 MS. FREEMAN: Yeah, we did, yeah.

28 CHAIRMAN REPPERT: Ultimately, require that some
29 front setbacks be deeper than others so you stagger the
30 houses.

1 MS. FREEMAN: Is that something we want to require
2 because then now you're not building in that flexible, you are
3 saying.

4 CHAIRMAN REPPERT: No.

5 MR. SCHINDLER: Don't make anything a requirement --
6 sorry, excuse me -- but the flexibility to do that. That's
7 what I am saying.

8 MS. FREEMAN: Right, yeah.

9 CHAIRMAN REPPERT: Follow the front, just before
10 Item A, the following is a brainstorming list of types of
11 additional standards that could be considered. We can give
12 that to the developer and say, "Here is your laundry list.
13 Pick and choose."

14 MS. FREEMAN: Or tell them, "Look at our Comp Plan.
15 This is what we want."

16 MS. GARCAR: Could it be something with all the
17 brainstorm ideas, look at this and if you hit a brainstorming
18 idea, it adds extra percentage or whatever in the form of
19 extra lots and in the incentive of flexibility but still using
20 some of these, if you use some of this, you get a little bit
21 of a different formula to give you extra lots.

22 MR. RADACHY: If you want to see like different
23 images of how this would look in the real world where seeing
24 like four houses and an open space overlooking a wooded
25 area --

26 CHAIRMAN REPPERT: Yeah.

27 MR. RADACHY: We can find some examples in the real
28 world of how, how this could look, get some ideas of what you
29 want to see and then develop regulations on that.

30 CHAIRMAN REPPERT: We ought to have pictures of that

1 to give to the developers.

2 MS. FREEMAN: Yeah. Well, kind of like what you are
3 saying, Ashley, yeah, showing this to the developers and
4 making them aware of this. I don't know how we could, you
5 know, we could look at maybe how we might be able to
6 incentivize some of that maybe with some kind of bonus or
7 something, or maybe it's just a, these are the things that the
8 township wants to see in a plan. This is what makes it a good
9 project.

10 MR. PETERSON: Could you give them a list of 20 or
11 30 suggestions and say, "We want you -- Your plan has to
12 include at least five of these"?

13 MS. FREEMAN: Or something, yeah.

14 MR. PETERSON: You pick the five.

15 MS. FREEMAN: We'll have to go through these a
16 little bit more, do our due diligence on these, because some
17 of these we just don't allow. But if we wanted to encourage
18 them, we could say, "You might be able to, you might be able
19 to do a private drive with three houses on it and do smaller
20 lots."

21 MR. SCHINDLER: Sure.

22 MS. FREEMAN: The township might be open to that,
23 depending on what you're protecting and, you know, build that
24 flexibility into the Zoning Resolution that they don't have
25 currently because, right now, the only thing they can do in
26 the RCD are fee simple lots, quarter acre, on public street.
27 There is no flexibility.

28 MR. SCHINDLER: Right.

29 MS. FREEMAN: There really isn't, other than the
30 smaller lot size.

1 MR. SCHINDLER: Sure.

2 MS. FREEMAN: So, okay, I think, well, then maybe
3 what I need to do and talk to Dave about, too, maybe we could
4 find some examples of some other communities that might have
5 used some of these tools and I can, I will check in with legal
6 counsel, see what they feel about --

7 MR. SCHINDLER: Sure.

8 MS. FREEMAN: -- giving more discretion to the
9 Zoning Commission and the Trustees when reviewing these plans,
10 and then how we might be able to incorporate some of this
11 design stuff into the zoning and say, This is what we want to
12 see and this is how you might be able to do it.

13 MR. SCHINDLER: Good.

14 MS. FREEMAN: Does that sound good?

15 MR. SCHINDLER: Sounds good.

16 CHAIRMAN REPPERT: That sounds good to me.

17 MS. FREEMAN: I don't think we're going to overhaul
18 the whole review process in how we calculate the density and
19 things like that but I will have to see what we get with this
20 stab. Sound good?

21 CHAIRMAN REPPERT: Yes.

22 MS. FREEMAN: Okay.

23 CHAIRMAN REPPERT: Yes, it does.

24 MS. FREEMAN: Okay. Do you have any else to add?

25 MR. RADACHY: No, I don't, on that subject.

26 MS. FREEMAN: Huh?

27 MR. RADACHY: Not on that subject.

28 MS. FREEMAN: Okay, all right, okay. Did we stay a
29 half hour? Okay, sorry, way longer.

30 So the next one, so I have one other thing that I

1 have not brought up to the board that I wanted to bring up
2 this evening, and I know you haven't gotten an opportunity to
3 really review it or even digest any of it yet, but I wanted to
4 suggest that the Zoning Commission take a look at our zoning
5 as it relates to microdistilleries and microbreweries and the
6 urban wineries. We've kind of grouped those uses together as
7 similar uses.

8 We were actually approached by a business that was
9 looking at bringing a microdistillery to Concord. They were
10 concerned looking at our definition that maxed their
11 production capacity at 8,000 gallons per year. I think we
12 initially adopted that in 2015 as one of the uses that we
13 wanted to see in the Town Center. We thought that would be a
14 great, you know, location for that. So we set these up as
15 conditional uses in the Capital District and also a couple
16 other zoning districts, like the B-1, GB, and the BX.

17 So I gave you a little bit of background information
18 on here, on what the, what the intent of all those districts
19 are. And, also, I did, and I provided to you our current
20 regulations as far as how we define these uses and what the
21 specific conditions are for them.

22 I did a little bit of research as well, a couple
23 local communities, what the City of Willoughby has on their
24 zoning as far as that and also Madison Township has some
25 regulations as well. And then there is a lot of, there was a
26 lot of research I came across, like, down in the
27 Columbus/Dayton area. They have really had a lot of growth as
28 far as microdistilleries. From what I understand, what I've
29 been told, there has been a lot of changes in the state law
30 for distilleries that's made it a lot easier for them to grow.

1 And, actually, the state definition of "microdistillery" would
2 allow them to brew up to 100,000 gallons per year and they're
3 still considered micro.

4 CHAIRMAN REPPERT: Wow.

5 MS. FREEMAN: So I thought that, due to the state
6 changes in the law and the request by this business, that this
7 would be a reason that maybe we take a look at the maximum
8 brewing capacity under the microdistillery and determine
9 whether or not we should consider increasing that. I would
10 say that we would want to make sure, if we were going to
11 increase, we would still, we probably want to relook at our
12 conditions on the use itself and make sure that those make
13 sense, you know. Like, right now for a microdistillery you
14 have to have at least 20 percent of the floor area dedicated
15 towards some kind of restaurant, bar or tasting room. That
16 could also include some kind of retail component, maybe we add
17 in a retail component there as well.

18 We also could, I have seen, like, in some of these
19 districts, you might want to put a maximum square footage on
20 the production area within a certain district if you're
21 concerned about the building being too big or some of the
22 negative impacts that you might have from a true manufacturing
23 company because, obviously, in our Capital District and our
24 Town Center, we don't want it to look for feel like light
25 manufacturing, you know.

26 CHAIRMAN REPPERT: Right.

27 MS. FREEMAN: We still want it to fit in with our
28 Town Center concept, which would be a walkable,
29 pedestrian-type area with dense mixed uses, restaurants, you
30 know, retail, all that kind of stuff. So we would want to

1 make sure this use in that Capital District would still fit in
2 with that.

3 We have some standards in place in the Capital
4 District already that say you have to have a two-story
5 building if you are going to go under that ISPD, Innovative
6 Site Plan Unit Development, which is the tool to get that Town
7 Center built, if we ever accomplish that or when we do, I
8 should say.

9 And, of course, I know Andy is our expert on this
10 and he is not here this evening. No, he is not our expert but
11 he had a lot, he had a lot of input on this when we first
12 adopted this because I know he's visited a lot of distilleries
13 and such. So I know he'd probably have some feedback as well
14 to the Commission and some thoughts and ideas.

15 MR. PETERSON: I can't recall, Heather, why we chose
16 8,000 gallons as our restriction. Do you remember, Frank?

17 MS. FREEMAN: I don't remember either.

18 MR. SCHINDLER: No, I don't.

19 MR. PETERSON: How we picked up that number. But
20 what would be the difference looks wise in a facility that
21 brewed 8,000 versus 25,000? Would it be four times bigger
22 or --

23 MS. FREEMAN: You know what? I don't know.

24 MR. SCHINDLER: Well, I know there is one that we
25 used to go to when our corporate office was in Dayton. They
26 have a nice one down there. It all depends on the size of the
27 big manufacturing tanks they have --

28 MR. PETERSON: Yeah.

29 MR. SCHINDLER: -- to be able to give the capacity.

30 MR. PETERSON: Right.

1 MR. SCHINDLER: So if you look at, you know, like
2 they say, a 120,000 gallon baby, that's huge. That tank
3 itself and the brewing itself part of it is huge, a couple
4 stories. The restaurant we would always go to that had this
5 kind of a concept, they were smaller tanks. They weren't that
6 big or they wouldn't even go anywhere near the roof here, the
7 ceiling here, and there was about four of them that were set
8 back and then the restaurant was in front of that. You could
9 see the things being done, the manufacturing being done. You
10 could smell the brewing, smell the brewing and stuff, and the
11 restaurant was there and then they did have a gift area where
12 you could buy gifts but, also, buy the booze to take the beer
13 with you home. And it was within a shopping complex like we
14 would have here with the township center. So it wasn't that
15 big.

16 MS. FREEMAN: Yeah.

17 MR. SCHINDLER: But yet the capacity, I don't think
18 would be, you know, 120,000. When you get up there, the tanks
19 have to be much bigger to do that capacity, which could make
20 it quite large, two stories probably.

21 MR. PETERSON: The Market Garden Brewery in
22 Cleveland has those big copper tanks there but I don't know
23 what their capacity is. They have a nice restaurant.

24 MR. SCHINDLER: Yeah.

25 MR. PETERSON: Very nice facility.

26 MR. SCHINDLER: Very nice. But it would be
27 something we'd have to look into, the gallon wise. Like you
28 say, Andy probably knows more about that. But then we have to
29 look at the nature of where it would go in the township, which
30 would be Township Center. How big do you want this thing?

1 MS. FREEMAN: Yeah. That's another thing I didn't
2 have time to do because this was just, I just through this
3 together, but I could look at some of the other
4 microdistilleries and things around Ohio and see, kind of,
5 what are their square footage requirements? What have they
6 used towards -- I mean, I saw a few that recently opened up
7 but a lot of them were, like, converting from like old
8 buildings, like in developed, predeveloped areas already. So
9 they converted some like really cool, unique building into
10 this thing and we're not going to get that here. We just
11 don't have that.

12 MR. SCHINDLER: Right.

13 MR. PETERSON: When you are doing research, Jackson
14 Township near Canton, that little area, I used to live there a
15 couple years ago. Blew up with microbreweries. There is
16 probably dozens in that little -- Jackson is a township, so
17 that might be a little better.

18 MS. FREEMAN: Stark County?

19 MR. PETERSON: Yeah, Stark County. It actually has
20 one of the largest microbreweries, Royal Docks, so that might
21 be also a decent thing with research of looking at a large
22 microbrewery.

23 MS. FREEMAN: Okay.

24 MS. GARCAR: They have little, smaller ones but
25 there are some that are good size that sticks out.

26 MS. FREEMAN: Okay. Thank you.

27 MS. GARCAR: So I was trying to see how much they
28 do. I was looking at their website. It's a little harder to
29 figure out.

30 MS. FREEMAN: I can contact the township, too, and

1 find out, you know.

2 MS. GARCAR: Yeah, I know in Jackson they've done a
3 lot and I'd take a wild stab they've had to rezone that
4 recently.

5 MS. FREEMAN: One other thing I saw while putting
6 this together, too, is in the city of Willoughby they had
7 said, you know, once you exceed this maximum, I think they set
8 theirs at 50,000.

9 CHAIRMAN REPPERT: 50,000.

10 MS. FREEMAN: To be considered micro. Once you
11 exceed that, you're just a distillery and, therefore, now you
12 are allowed to be in whatever this industrial district is. So
13 that might be something, too, that we might want to look at.
14 You know, if we want to allow it as a stand-alone light
15 manufacturing use in our RD-2 District, you know, that might
16 be something we might want to add.

17 MR. PETERSON: Good point.

18 MS. FREEMAN: Because I don't think we specify that.

19 CHAIRMAN REPPERT: Micro up to this point and a
20 distillery up to that point.

21 MS. FREEMAN: Yeah, I thought that was kind of,
22 yeah, I thought that was kind of unique. Same thing with the
23 breweries and stuff.

24 So if you don't mind, I mean, I can come back. I
25 can take a look at Jackson and many try to find some sizes of
26 some of this stuff and come back with a little bit more
27 information. Then, in the meantime, if you guys want to
28 review this and if you see anything in here or that you want
29 to discuss further, email me, call me or bring it up next
30 month.

1 CHAIRMAN REPPERT: Okay.

2 MS. FREEMAN: And then I don't know if, Dave, if you
3 have anything else to add? Obviously, we would be sending any
4 of our amendments to the county Planning Commission for their
5 recommendation on some of this. I don't know if you had some
6 additional thoughts on us increasing the capacity.

7 MR. RADACHY: Just looking at some of the other
8 ones, they go by barrel, and I think a brewer's barrel is,
9 just looking up on the internet, is 31 gallons in a barrel.
10 So 5,000 barrels is like 155,000 gallons of spirits or beer.
11 So some of these that are being provided to you, keep that in
12 mind that there are some 4,000, one of them was 4,000 barrels
13 and 124,000 gallons is listed in Beaver Creek.

14 MS. FREEMAN: Yeah. It's like the breweries are
15 doing the barrels but the distilleries --

16 CHAIRMAN REPPERT: The distillery does gallons.

17 MS. FREEMAN: Gallons.

18 MR. RADACHY: Yeah. So 8,000 gallons to 25,000
19 gallons isn't that big of a deal.

20 MS. FREEMAN: Oh, okay.

21 MR. RADACHY: And some of those other ones are in
22 into the hundreds of thousands of gallons of beer or spirits.

23 MS. FREEMAN: Yeah, 8,000 gallons, so 8,000 milk
24 jugs versus 25,000.

25 CHAIRMAN REPPERT: But if you look --

26 MS. FREEMAN: How many gallons are in a barrel?

27 MR. RADACHY: Thirty-one gallons, thirty-one
28 gallons. So if they say a barrel, it is 31 gallons.

29 CHAIRMAN REPPERT: But now if you look at the
30 alcohol content, there is a big difference.

1 MR. RADACHY: Oh, yeah.

2 MR. SCHINDLER: One barrel, Dave, you said is 32
3 gallons?

4 MR. RADACHY: Thirty-one gallons.

5 MR. SCHINDLER: Thirty-one gallons.

6 MS. FREEMAN: That's good to know, yeah.

7 MR. RADACHY: So as you're looking at other
8 regulations, some of them will use barrels as opposed to
9 gallons. That puts it into context of what some of these
10 communities are allowing.

11 MS. FREEMAN: I think, in some of the, looking at
12 the purpose statements for the zoning districts that these are
13 conditional uses in, like in the BX, our Business Interchange
14 District, I really don't have any issue with like increasing
15 the capacity here because this district is really for, you
16 know, uses that go outside of the neighborhood. You know, I
17 think it fits in either way under the Gateway business as long
18 as you're, you know, because we have other design criteria as
19 far as how you lay out the site that kind of dictate how the
20 property is used more so than the uses within the building.

21 Same thing with like if they were to do a Town
22 Center or the Capital District, we have a lot of the site plan
23 design standards that, you know, work really with any use
24 that's in that building as long as the building and the
25 parking and all that stuff meets the zoning and how we want
26 the sites laid out. It's almost as long as the use inside the
27 building is inside the building, you know, I don't really see
28 an issue on increasing that capacity.

29 I am not sure why you would want them in the B-1,
30 Restricted Retail district. Well, I guess if they went into a

1 shopping center, they could do a small like -- Yeah, okay,
2 like your example.

3 MR. SCHINDLER: Uh-hum.

4 MS. FREEMAN: But definitely not up, you probably
5 wouldn't want something that was producing up to 25,000
6 gallons.

7 MR. SCHINDLER: No.

8 MR. RADACHY: The point of these uses is trying to,
9 and the point of the, in my opinion, the point of the
10 downtown, the Capital District --

11 MS. FREEMAN: Yeah.

12 MR. RADACHY: -- is to attract people to Concord so
13 they would come down and visit and spend money at your
14 facilities. What you want to avoid is also this trying to
15 create a situation where you have a brewery or a distillery
16 that is making their spirits, bottling it, and selling it at
17 Giant Eagle and have 75 percent of their sales happening
18 outside of their facility because that kind of defeats the
19 purpose of what you're trying to achieve by having
20 microdistilleries and microbreweries.

21 You're trying to get people to come to visit you and
22 spend money and then maybe come down to the brewery and stop
23 at one of the shops next door or spend some time in your
24 community, like people do in downtown Willoughby.

25 MR. PETERSON: They also do tours of those
26 facilities. I just looked up, Market Garden in Cleveland has
27 35,000 square feet and they produce 6,000 barrels of beer. So
28 6,000 barrels would be about 20,000 gallons, roughly, using
29 your math.

30 MR. RADACHY: It's more than that.

1 MR. PETERSON: Thirty-one times --

2 CHAIRMAN REPPERT: Six thousand.

3 MR. RADACHY: 31 times 6,000 is 186,000 gallons.

4 MR. PETERSON: A hundred eighty-six thousand, okay,
5 so they get 186,000 out of there, wow, in 35,000 square feet.

6 MR. RADACHY: Same thing with Christmas Ale, I want
7 to say --

8 MS. FREEMAN: Great Lakes?

9 MR. RADACHY: Great Lakes, they also do tours and
10 they do bring -- and they are very environmentally conscious,
11 so they do different things to promote environmentalism.

12 MR. PETERSON: Right.

13 MS. FREEMAN: There are several in Willoughby, too.
14 Do they have a distillery? I will have to check in with some
15 folks at the City of Willoughby and get some insight on the
16 zoning that they have in place and how that came about and if
17 they have anyone that utilize --

18 MR. PETERSON: Willoughby Brewing Company did beer.

19 MS. FREEMAN: Yeah. But I think that was new though
20 for Willoughby.

21 MR. PETERSON: Yeah, that could have been.

22 MS. FREEMAN: Newer than Willoughby Brewing Company.
23 So -- all right.

24 MR. RADACHY: Also, keep in mind that the State of
25 Ohio and their liquor licenses will dictate a lot of what
26 these businesses can do. I have worked for, or my department
27 has a contract with Fairport Harbor and we provide zoning
28 services. So I got to learn all about liquor licenses and how
29 much area people need to have to be able to get a liquor
30 license, how much dining area, how much that you need to have

1 a kitchen and so many feet of dining space. So there are
2 other things that will be taken into consideration as they
3 apply for liquor license that they're going to be forced to
4 do.

5 Again, they also can get creative because there was
6 one guy that wanted to do a brewery on the beach and he was
7 looking at having a food truck to be able to prepare the food
8 and then have a patio and have the brewery in a garage. It
9 was an interesting scenario.

10 MS. GARCAR: I have seen some that just don't serve
11 food.

12 MS. FREEMAN: Right, yeah. That's a little bit of a
13 concern. I mean, I know that's the one thing that we wanted
14 to make sure they had, at least, some kind of interaction.
15 But that might be something we would need to button up, too,
16 because, say, maybe they have a tasting room but the tasting
17 room is open one day for two hours a week, you know. Is that,
18 is that something else we need look at or -- I don't know. Is
19 it only open for special events or do we need to be worried
20 about that? Do we need to increase the amount of area that's
21 dedicated toward some kind of retail or restaurant use or, or
22 put a limit on the max, you know, the maximum size?

23 CHAIRMAN REPERT: Max size and the percentage that
24 has to be a restaurant or a testing -- testing -- tasting
25 retail space.

26 MS. GARCAR: Do you know what, off the top of your
27 head, do you know where it's located in?

28 MS. FREEMAN: I'm sorry?

29 MS. GARCAR: Do you know, off the top of your head,
30 the pages in the big binder that this is located in?

1 MS. FREEMAN: Oh, yeah.

2 MS. GARCAR: I think you took a small --

3 MS. FREEMAN: I took the definitions in there for
4 you but, yeah, right. So the definitions are in Section 5.

5 MS. GARCAR: Okay.

6 MS. FREEMAN: And they are in alphabetical order.

7 MS. GARCAR: Okay.

8 MS. FREEMAN: And then the conditions that I listed
9 there is at Section 13. You have to look at the table of
10 contents in that section and see specifically. I think 13.35
11 maybe. I don't have that in front of me. Sorry.

12 MS. GARCAR: No, that's fine. Thank you.

13 MS. FREEMAN: And if you are ever looking at that
14 and you have questions, you can call me and I can walk you
15 through the Zoning Resolution or explain it to you. It's
16 foreign language to anyone new that's never done zoning
17 enforcement or any of that kind of stuff. So don't -- Let me
18 know.

19 All right. Thank you.

20 CHAIRMAN REPPERT: Are we done with our work
21 session, you think?

22 MS. FREEMAN: That's all I had, unless you guys had
23 anything else.

24 CHAIRMAN REPPERT: Okay. So moving on with the
25 agenda, we have approval of minutes of December 1, 2020.
26 Anybody have any comments, corrections?

27 MR. PETERSON: Mr. Chairman, I make a motion we
28 approve the minutes of the December zoning meeting as written.

29 CHAIRMAN REPPERT: Okay. Do I have a second?

30 MS. GARCAR: Mr. Chairman, I second.

1 CHAIRMAN REPPERT: You second, okay. All those in
2 favor say aye.

3 MR. SCHINDLER: Abstain.

4 CHAIRMAN REPPERT: Opposed?

5 MR. SCHINDLER: Abstain, because I wasn't here.

6 CHAIRMAN REPPERT: One abstain. And that's three
7 out of four, that's still good?

8 MS. FREEMAN: Yes.

9 CHAIRMAN REPPERT: Okay. I thought, just checking.
10 (Three aye votes, no nay votes, one abstention.)

11 CHAIRMAN REPPERT: Okay. The meeting minutes of
12 December 1, 2020, Zoning Commission meeting are approved.

13 Next on the agenda is correspondence report by
14 Zoning Commission members. Frank, do you have any?

15 MR. SCHINDLER: No, Mr. Chairman, I have none.

16 CHAIRMAN REPPERT: Rich?

17 MR. PETERSON: Nothing, Mr. Chairman.

18 CHAIRMAN REPPERT: Ashley?

19 MS. GARCAR: No, Mr. Chairman.

20 CHAIRMAN REPPERT: Okay. And Mr. Chairman has none,
21 also.

22 Audience participation, Andy, where are you? Do you
23 want to wait a minute or isn't anybody online at all?

24 MS. FREEMAN: No.

25 CHAIRMAN REPPERT: Okay, nobody is online.

26 Next meeting for the Zoning Commission is
27 February 2nd, Groundhog's Day, 2021. With that, can I get a
28 motion to adjourn?

29 MR. PETERSON: So moved.

30 CHAIRMAN REPPERT: So moved. Do I hear a second?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

MR. SCHINDLER: I second.

CHAIRMAN REPPERT: Frank seconds. All those in favor? Opposed, same sign? No abstentions either.

(Four aye votes, no nay votes.)

CHAIRMAN REPPERT: Okay. We're done. Thank you, everybody. Thank you, Dave, very much.

MR. RADACHY: You're welcome.

(Whereupon, the meeting was adjourned at 8:20 p.m.)

