

CONCORD TOWNSHIP ZONING COMMISSION
LAKE COUNTY, OHIO
REGULAR MEETING

Meeting held via Webex Teleconference
and YouTube Live Streaming

December 1, 2020
7:00 p.m.

TRANSCRIPT OF PROCEEDINGS

Zoning Commission members present:

Hiram Reppert, Chairman
Andrew Lingenfelter, Vice Chairman
Richard Peterson, Member
Richard Iafelice, 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

7:02 p.m.

CHAIRMAN REPPERT: Good evening, everybody, and I hope everybody is safe and free of any viruses. So I would like to call this Concord Township Zoning Commission meeting for Tuesday, December 1, 2020, to order. First, we have a short session tonight. Well, maybe we don't, maybe we don't. It might be long but there is not much on the agenda.

The Old Business is the public hearing for Zoning Amendment Application Number 0320-1, submitted by Rylan, Inc., is tabled again. So we can just forget that old --

THE REPORTER: Hiram, I lost you.

CHAIRMAN REPPERT: -- development RCD.

THE REPORTER: Hiram, you cut out from me after you said, "We can just forget that old."

CHAIRMAN REPPERT: Well, we have Old Business, which is a zoning amendment and that has been tabled.

So we're going to move on to New Business and the first one in New Business is a work session, you know, a continuation from last month, where I wasn't here, for zoning text amendments related to Residential Conservation Development District. And with that, I think Heather has a complete presentation she'd like to give us or show us.

I want to say I reviewed the minutes from last month and I agree with some things and I don't agree with some things. So as we go through this, there is one or two points I'd like to bring up that were my ideas, but let's have Heather take it away from here. All right?

MS. FREEMAN: Okay. Thank you, Hiram. Right. So last month, we discussed a few different ideas of different topics that we may look at as far as updating the Zoning

1 Resolution. One of them has to do with Residential
2 Conservation Development District. And you had asked that I
3 come back with some additional information about the RCDs that
4 are already approved from the township, so I put together a
5 short PowerPoint. I also provided you in your packet a
6 spreadsheet that gave you, pretty much, the rundown of what I
7 thought were the highlights of each of the RCDs that were
8 approved.

9 I am going to go ahead and share my screen with you
10 here in just one second. I also emailed that. So if you
11 don't have the ability to look at it right now through the
12 computer, I am sure you could pull it up on your phone or we
13 can look at it later.

14 CHAIRMAN REPPERT: Isn't this amazing? This is
15 absolutely amazing. So I am in awe.

16 MS. FREEMAN: All right. So this is the chart that
17 I put together that I also provided you in your packet. So
18 Concord Ridge was one of the RCDs that was approved. It's
19 about 102 acres. The zoning designation prior to it being
20 rezoned RCD, so the current zoning --

21 THE REPORTER: Heather, Heather, I am sorry. My
22 connection is terrible and I am sure everybody else is not
23 experiencing the same thing. Is anybody else calling in
24 besides me?

25 MS. GARCAR: I am calling in and they're fading in
26 and out a little.

27 THE REPORTER: Yeah, you're fading in and out. I am
28 not catching every word, which is kind of my job. So I'm not
29 sure what you want.

30 MS. FREEMAN: Well, I don't know. I mean, I'm

1 recording it, so I don't know if we can do minutes from that
2 or --

3 THE REPORTER: If you want me to just -- Because
4 doing it this way just isn't working. If you want me to go
5 from the recording, I can do that. Then I can just let you
6 guys go and log off.

7 MS. FREEMAN: Okay.

8 THE REPORTER: And then one less person may even
9 make the recording even better.

10 MS. FREEMAN: That's fine, Mindy.

11 THE REPORTER: Okay. I'd hate to keep interrupting
12 the meeting because it sounds like you guys all have it
13 together and I'm the weak link here. So I'm going to go ahead
14 and hang up and I'll just do the transcript from the
15 recording.

16 MS. FREEMAN: Okay. Well, we'll touch base.

17 Is that okay with you, Hiram? Mr. Chairman?

18 CHAIRMAN REPPERT: Yes, it is. Stay safe, Mindy.

19 THE REPORTER: You, too. Have a nice holiday,
20 everybody.

21 MS. FREEMAN: Thanks, Mindy.

22 CHAIRMAN REPPERT: Okay.

23 MS. FREEMAN: Okay. So it was R-4. And on their
24 yield plan, they showed 70 lots, and in the R-4 it's a minimum
25 1 acre lot size. So the developer -- And I have some maps
26 that go along with some of these, too. The developer,
27 obviously, was going to go with the minimum 1 acre lot size
28 for this Concord Ridge yield plan.

29 Under the RCD, they are afforded to go down to a
30 half acre. So on their RCD plan, they showed just under 50

1 acres of the total 102 to be set aside into open space, which
2 equated to about 48 percent of the project area, which allowed
3 them an 11 percent density increase, a bonus increase based on
4 exceeding the 40 percent open space. So that gained them an
5 extra seven lots. So on their RCD plan, they were allowed to,
6 based on the calculations, have up to 77 lots. But once they
7 got through the subdivision process and did all their final
8 engineering, they were actually only able to create 73 lots,
9 so they platted 73 lots for the subdivision.

10 CHAIRMAN REPPERT: Okay.

11 MS. FREEMAN: And I skipped over the densities. I'm
12 sorry. Let's flip back. On that yield plan density, it was
13 .68 dwelling units per acre. So the overall density of the
14 project did slightly increase on the RCD plan but not by much.
15 It went up to .71. This site had lots of wetlands and natural
16 water courses present.

17 And I don't know if it makes sense maybe to kind of
18 go through some of the examples and then I can circle back to
19 the spreadsheet, if you have that handy. Everyone have that
20 from your packet, if I do that?

21 MR. IAFELICE: Yes.

22 MS. FREEMAN: Okay. Rather than maybe going through
23 every single thing on this slide. All right. Why don't we --
24 So here was the Concord Ridge yield plan sample. I know this
25 is probably difficult to see. Can you see my mouse when
26 I move it here?

27 MR. IAFELICE: Yes.

28 MS. FREEMAN: Okay. So, like I said, this is the
29 yield plan and on here, obviously, they drew in the streets
30 and where the lots were going to be. They did actually

1 provide a little bit of open space on this yield plan, which I
2 was surprised to see, about 10 percent. So this blue hatched
3 area here was open space, and then also this area here they
4 were showing on their yield plan as open space. But there
5 were several wetlands present on some of the back of these
6 lots and over here.

7 And I noticed, after reviewing this plan and several
8 other ones, that the amount of information that we received on
9 both the yield plan and the RCD plans varied. So this one,
10 with their yield plan, it's not clear, you know, how much
11 stream or wetland mitigation they were going to have. Like,
12 I mean, they did indicate, We are going to mitigate certain
13 areas, but we don't have any idea of, you know, we're going to
14 impact a half acre or an acre on this plan in order to make it
15 work, or is it two acres or is it all of them?

16 So, for me, that seemed like maybe a little bit of
17 missing information if we're trying to figure out, is this
18 reasonable, you know, feasible for a developer to do that.
19 But on the, on their RCD plan, they -- these green areas are
20 what they're showing as their open space. And I think Concord
21 Ridge was a good example of really protecting those high
22 quality wetlands and streams. There was, on this plan here,
23 they were proposing to impact under a half acre of wetlands in
24 order, in order to fit in all 73 of the -- 73 lots on this --
25 oh, 74 lots they showed on this plan.

26 But as you can see, most of the open space is
27 somewhat tucked behind a lot of the lots, and I think that was
28 one of the things that came up on the RC -- you know, when the
29 Comp Plan was updated, about can you really see where the open
30 space is? It is, you know, there are certain areas where we

1 can see driving through the development. Over off of Lilly
2 Lane here, as you go into the other Lilly Farm subdivision,
3 you can see some open space, and at the end of this cul-de-sac
4 here. I've got some photos, too, that I can show you.

5 CHAIRMAN REPPERT: Now, Heather, this was R-4 and
6 that's what size, 1 acre?

7 MS. FREEMAN: Yeah, these lots on the RCD plan are
8 half acre lots.

9 CHAIRMAN REPPERT: Okay. But we went from 1 acre on
10 the yield.

11 MS. FREEMAN: Correct.

12 CHAIRMAN REPPERT: Okay.

13 MS. FREEMAN: I just took a, I did a quick GIS map
14 showing the, an overlay with the riparian areas on here so you
15 can kind of see, like, here's the streams that are running
16 through the project area that were kept in these wooded, nice
17 blocks of open space that were going to be permanently
18 protected. And as you drive down, as you come out of
19 Summerwood development and the Crossroads is Summerwood, you
20 come into Concord Ridge. As you drive down Crossroads, there
21 is a pretty nice retention basin here and you can see some of
22 the open space as you drive down this cul-de-sac and some
23 other areas, too, down off Cora Court.

24 Here's just some photos I took the other day. Of
25 course, it was raining but this, here's a view coming down
26 Cora Court. To me, this couldn't get any better. You do see
27 like the trees and such behind the homes. As you get further
28 down the street, this development does have landscaped
29 islands, which adds a softer, another component to the
30 development. These landscaped islands are not required in

1 RCDs. It's actually just an option for a developer to do.
2 When they, when they do them right, they do it kind of nice.

3 CHAIRMAN REPPERT: Yes, they are.

4 MS. FREEMAN: And then this is just still on this
5 other side of the cul-de-sac here -- I am sorry -- you can see
6 here is part of that permanently protected open space. So you
7 do get some view of woods that will always be there but it, I
8 guess, it's more for the enjoyment of the folks that are
9 living -- I'm sorry -- on this cul-de-sac because if you don't
10 live down here, you're probably not going to drive down here.

11 MR. LINGENFELTER: So there is, there are no other
12 lots planned for that cul-de-sac on Cora Court?

13 MS. FREEMAN: No, no.

14 MR. LINGENFELTER: So that's fully, so that's,
15 basically, fully developed then.

16 MS. FREEMAN: Yep, yeah, oh, yeah. Concord Ridge
17 is, yeah, I think we've issued every single dwelling permit
18 over there. This was very desirable. This one, Cora Court
19 went really fast.

20 MR. LINGENFELTER: Right.

21 MS. FREEMAN: Yeah. Here is at the end of
22 Crossroads. This is coming down Crossroads and as you get
23 towards the cul-de-sac, here is kind of a view of that
24 retention basin that's over here.

25 CHAIRMAN REPPERT: Okay.

26 MS. FREEMAN: That's not a great picture. I am
27 sorry. But I think it shows that here are the woods that are
28 protected and here is that glimpse of the RCD and what they're
29 trying to protect.

30 CHAIRMAN REPPERT: Okay.

1 MS. FREEMAN: And you guys can stop me at any time.
2 If you want to add anything or ask me anything, please feel
3 free.

4 CHAIRMAN REPPERT: This one looks like what we
5 intended an RCD to do, right?

6 MS. FREEMAN: I think it, in my opinion, I think
7 it's one of the better ones that has been done, yes.

8 CHAIRMAN REPPERT: Okay.

9 MS. FREEMAN: I don't know. Anybody else have any
10 thoughts on that?

11 CHAIRMAN REPPERT: Mr. Peterson, what do you think?

12 MR. PETERSON: Oh, I like the looks of it, Hiram. I
13 like the open, the ability to see the forest.

14 CHAIRMAN REPPERT: Andy, what do you think?

15 MR. LINGENFELTER: Oh, I live here, so I walk over
16 there. I walk in that neighborhood all the time, so I am very
17 familiar with the area. It's really nice. It's a very nice
18 area and there is not a lot of up and down. There is, you
19 know, it's pretty flat and pretty level all back in through,
20 through Cora Court, Scarlet Way and, you know, Lilly Lane and
21 all those streets over there. It's all, really, it's a very
22 nice area. It's a very nice development. All the homes are
23 very nice. All the landscaping is in, for the most part, and
24 it's a really nice development, nice area, no doubt about it.

25 MR. PETERSON: I have a question, Heather. That
26 view that we're looking at where we see the grassy field
27 there, is that maintained or is that cut during the summer?

28 MS. FREEMAN: Yeah, the right-of-way, the right-of-
29 way here next to the road, this will be cut by the homeowners
30 association and they'll probably cut, honestly, probably up to

1 the pond.

2 MR. PETERSON: Okay.

3 MS. FREEMAN: Because they will have to do some
4 maintenance on that pond because it is a stormwater management
5 pond. It was a pond that was there before and then they
6 altered it to take up some of the stormwater from the
7 development. So I believe they're going to go up to the pond,
8 the end of the pond here annually.

9 MR. PETERSON: I wondered about that because I'm
10 over here in Stoneridge and right now they're building the
11 extension over to Girdled Road and I know there are sections
12 on the map that show fields like that. I wondered if they
13 were going to be cut or just left natural.

14 MS. FREEMAN: Right. Well, as far as Stoneridge,
15 I'm still working with the developer to get us his plan on how
16 he's going to revegetate some of those open space areas.

17 MR. PETERSON: Okay.

18 MS. FREEMAN: So I don't have, I don't have an
19 answer exactly on that one.

20 MR. PETERSON: Okay.

21 MS. FREEMAN: I can let you know once I know because
22 I know that's close to you.

23 MS. GARCAR: These pictures that you guys are
24 looking at, is this on the PowerPoint or is this just shared
25 on the screen?

26 MS. FREEMAN: Ashley, it's on the PowerPoint, yeah.

27 MS. GARCAR: It is, okay. What is the field area
28 that you're talking about? Are you able to tell me what slide
29 number that's on?

30 MS. FREEMAN: Oh, yeah, sure. What slide is this?

1 We're on slide 8 right now.

2 MS. GARCAR: Okay.

3 MS. FREEMAN: It shows Crossroads Drive and a view
4 of some of the open space and a retention basin at the end of
5 Crossroads.

6 MS. GARCAR: Okay. Thank you.

7 MS. FREEMAN: Sure.

8 CHAIRMAN REPPERT: Rich Iafelice, do you have any
9 questions, comments on this?

10 MR. IAFELICE: Just a comment, Mr. Chairman. I
11 agree with what Andy said. From a design perspective -- I am
12 familiar with this development. From a design perspective,
13 given how the lots are arranged and the infrastructure needed
14 to be built, yes, there is a lot of protected area and open
15 spaces behind the homes but there is a nice balance here.
16 It's actually rather pleasing and, quite frankly, I think
17 rather unique to the township. It's very well done.

18 CHAIRMAN REPPERT: Okay, okay.

19 MS. FREEMAN: Okay, good, all right. This next one,
20 this is Orchard Springs and Orchard Springs is located off of
21 Colburn Road. You can also access it from Girdled if you head
22 south on Orchard. Orchard Springs was originally an R-1
23 District. So on their yield plan, I am showing here their
24 minimum lot size that they -- was only a half acre to begin
25 with. And it was about, the overall project area was
26 approximately 28 acres. And on their yield plan that you're
27 showing here, we see 44 lots if they were to develop it under
28 the conventional zoning.

29 Now, this development had a -- I am sorry. This is
30 the boundary of the subdivision. I will kind of trace this

1 here. It's a little awkward. It does not include these lots
2 on Colburn. It kind of, you can see the black, thick
3 boundary, it goes around and all the way up here and down and
4 around.

5 CHAIRMAN REPPERT: Okay, all right.

6 MS. FREEMAN: So 44, 44 R-1 lots, half acre, several
7 wetlands present, you know, on the individual sublots. And
8 then on these sublots we have a rather significant stream back
9 here with some additional wetland complex.

10 I think with this one, you know, here again, we
11 don't know how much of the wetlands are going to be mitigated
12 in order to make these lots buildable. And I don't remember
13 if this was an actual lot. I can't even see it underneath
14 there, if these were lots that were going to front on Colburn
15 or how they designed those yield plans.

16 But this one, the overall yield plan density was
17 approximately 1.13 dwelling units per acre, which is obviously
18 going to be higher than Concord Ridge just because that, the
19 density is allowed to be more dense under this R-1 versus the
20 R-4. So because under the RCD, if you're R-1, then you can go
21 to a quarter acre lot on your RCD, which is what they are
22 showing. For this one, I just pulled the plat because it was
23 a little bit easier to show the overall layout.

24 But on the Orchard Springs development, you have
25 quarter acre minimum lot size and they set aside about 19
26 acres of open space, which included this area back here. As
27 you come into the development on Colburn Road, there is open
28 space here and behind these lots. As you drive down Alexa,
29 down Kylie, you see more areas of open space that, you know,
30 between the individual sublots and off the road right-of-way.

1 I will just flip to the -- I am sorry -- the next lot. There
2 is another large piece of open space that goes to the north
3 here.

4 So like Concord Ridge, this one did a fairly decent
5 job of showing the open space areas. They've got 49 percent,
6 or 19 acres, set aside in open space, which gave them the 11
7 percent density increase, which gave them an additional five
8 lots. On the Concord yield plan, they showed 44. Oh, I have
9 a mistake here on my adding. So there would have been 49 lots
10 permitted under the RCD plan. However, they only, after they
11 went through the county subdivision process and went through
12 all the final engineering, they were only able actually to do
13 48. But the overall RCD plan density was 1.24 dwelling units
14 per acre, so a slight increase from their yield plan.

15 And here is another GIS map that I just threw the
16 riparian setback layer on showing, you know, a better picture
17 of where these environmentally sensitive areas are. So here
18 is permanent open space, open space, and then keeping the
19 majority of the stream and the riparian areas within the open
20 space.

21 Oh, I have a -- I thought this was kind of cool. I
22 was on Google and you can -- some of the -- not everywhere in
23 the township but, at least, in this development you can do
24 like a walk-through. So if you've never been over here, I
25 thought this would be kind of good to show, just very briefly.
26 So here is the entrance of this development off of Colburn
27 Road. Come in, this is that corner that's open space here.
28 Here is Colburn Road as you come in, additional open space.
29 As you drive down the road, this was initially the model home.
30 The developer on this one was Ralph Victor Construction but

1 Ryan Homes built the homes. Here, as you drive in, here is
2 some open space that's between these individual sublots, which
3 is nice to see. As you keep going down the road, I am going
4 to take you down Kylie Court. Here is another block of open
5 space.

6 MR. IAFELICE: Heather, that's not coming, your
7 Google, it's not coming through.

8 MS. FREEMAN: Oh, oh, thank you for telling me.

9 MR. IAFELICE: Yeah, it's not coming through.

10 MS. FREEMAN: Okay. Let me see.

11 CHAIRMAN REPPERT: Question, Heather.

12 MS. FREEMAN: Yeah.

13 CHAIRMAN REPPERT: Question: On this one down Alexa
14 Drive, and I am not sure where north is right now, but if
15 you're going down Alexa Drive -- Now you came through with the
16 Google.

17 MS. FREEMAN: Yeah.

18 CHAIRMAN REPPERT: If you go down Alexa Drive, the
19 houses on -- I don't know -- one side back up against a large
20 acre area with a house on it and across the board. Did we
21 have any, did Concord Township have any pushback on this
22 development?

23 MS. FREEMAN: You know what? I was not with the
24 township when this was approved, so I don't know if any of the
25 other Zoning Commission members may recall that or not.
26 Probably not as much as I think that we experienced with Eagle
27 Ridge because the open space is completely untouched that
28 adjoins those property owners on the street.

29 CHAIRMAN REPPERT: Right, that's where I am going,
30 yeah.

1 MS. FREEMAN: Yeah, okay. Now you can see what I am
2 talking about. As you come into the development, you have
3 this nice open space lot over here and, additionally, flanked
4 on the other, the other side of it as you enter the
5 development. As you drive in a little bit, after you pass the
6 first couple of houses, there is that open space area that I
7 pointed out initially. That went really fast. I am sorry.
8 So I came down the road and I made a turn down Kylie Court and
9 this is another open space area. Kylie Court is that short
10 cul-de-sac street that has significant open space on the end.
11 So if you are one of the houses over here on Kylie Court, your
12 view from the cul-de-sac is, it's pretty nice. And then,
13 pretty much, straight up this way is that large block of open
14 space that runs through. I wish we could do this with all the
15 subdivisions.

16 CHAIRMAN REPPERT: Yeah.

17 MS. FREEMAN: The day I went to take the Concord
18 Ridge pictures, it was raining. So -- But here we go again.

19 CHAIRMAN REPPERT: All the, all the houses were
20 built by Ryan?

21 MS. FREEMAN: These are Ryan Homes, yeah.

22 CHAIRMAN REPPERT: Okay, okay.

23 MS. FREEMAN: The first phase of the development was
24 done prior to the 2008-'9 economic decline, you know, the
25 housing market and everything. And then after that kind of
26 came back and everything, then the developer finished out the
27 second phase.

28 CHAIRMAN REPPERT: Okay.

29 MS. FREEMAN: But, you know, I just wanted to show
30 you that. As you leave, you know, as you're leaving the RCD

1 -- Actually, I probably can go up here. This is a, this is
2 Orchard Road. So this is as you are leaving this RCD and
3 going back to a typical R-1 development, actually, with just
4 some large lots that were split onto Orchard Road. Those are,
5 I think, the lots, most of those lots on Orchard Road are
6 probably at least two acres.

7 But I think this is a good transition to go back to
8 the PowerPoint.

9 MR. IAFELICE: Heather, I -- Mr. Chairman, I have a
10 quick question for Heather.

11 MS. FREEMAN: Uh-huh.

12 MR. IAFELICE: So for these open spaces, are they,
13 is the outcome, are they deeded in perpetuity to a land
14 conservancy? How are they preserved?

15 MS. FREEMAN: So most of the open spaces are owned
16 by the homeowners association but we do require a deed
17 restriction in their --

18 MR. IAFELICE: Deed restriction.

19 MS. FREEMAN: -- declarations of covenants and
20 restrictions for the subdivision that are reviewed by our
21 legal counsel.

22 MR. IAFELICE: Okay.

23 MS. FREEMAN: So it's a deed restriction.

24 MR. IAFELICE: Deed restriction, thank you, okay.

25 MS. FREEMAN: And I know that one of the developers
26 was trying to work with Lake County Soil and Water to possibly
27 grant them easements on the open space, which would be great
28 for us because then they would be doing annual inspections and
29 we would know about any kind of encroachments and those kind
30 of things. But, for whatever reason, they have not been able

1 to do that but I am not sure if that's something, you know, we
2 would think about, too, moving forward.

3 Where is -- I am trying to go back to my other
4 screen. Okay. Are we back to the PowerPoint? Can you see
5 that?

6 CHAIRMAN REPPERT: Yeah. A question on the deed
7 restriction.

8 MS. FREEMAN: Yeah.

9 CHAIRMAN REPPERT: Does anybody know if one house
10 gets sold to another one, how is that deed restriction passed
11 on? I know it has nothing to do with us in zoning because
12 it's been zoned, approved once. But how is that deed
13 restriction passed on? Does anybody know?

14 MR. PETERSON: Yeah, I can speak to that. I live in
15 -- just coming in new to Stoneridge. Part of my title search,
16 I got a document that gave me the deed restrictions and the
17 requirements. For us it's \$25 a month but we're told what
18 that included and how it all worked and what you could and
19 couldn't do. So that was clearly, clearly given to me before
20 as a final transfer.

21 CHAIRMAN REPPERT: Okay. All right. Thank you,
22 thank you, thank you.

23 MR. PETERSON: No problem.

24 MS. FREEMAN: All right. Okay. So here is another
25 example. This is one of our most recent ones and very
26 controversial, in my opinion. This is --

27 CHAIRMAN REPPERT: Yeah, me, too.

28 MS. FREEMAN: Yeah. Here is Eagle Pointe, also off
29 of Colburn Road. The zoning prior to being rezoned RCD was
30 R-1, which on this yield plan they showed 43 lots that are a

1 half -- I am sorry -- minimum lot size of half acre, with a
2 yield plan density of 1.45 dwelling units per acre. So on
3 this plan they were showing one street coming into the
4 development. They did have a little bit of open space here to
5 preserve a wetland but these other red, orange areas, these
6 are other wetlands and they're colored that way because, on
7 this yield plan, they were proposing to impact those, to
8 mitigate those, fill them in in order to create buildable
9 sites. For this one, in order to create a buildable site,
10 they were going to mitigate that entire wetland, same thing
11 back here. In order to create these building sites and create
12 a small area for a detention basin, they were showing that
13 they were going to impact those entire -- all those wetlands.

14 And I think this is where it kind of came up, like,
15 is it reasonable or does it make economic sense to, you know,
16 the cost of mitigation, to do that. I think that was raised
17 during some of our public hearings and that's where some of
18 that reasonability, you know, is really big in our zoning.

19 Because this site is very shallow. It does have, in
20 addition to the stream -- or the wetlands that are here, in
21 the blue, these are the streams that are present on the
22 property. And you can see next to the, next to the blue
23 streams is a green dashed area and that's supposed to signify
24 the riparian setback area. So that's on this stream here and
25 then over here there is setbacks from the stream and wetland
26 complex. Those are areas where you can't build.

27 But on their RCD plan, this is the plan they want to
28 build, we have half acre -- or quarter acre lots, excuse me.
29 And on here we have about 12 acres set aside of open space,
30 which is just over the 40 percent, 40.87 percent. But that

1 also gave them that density increase of 11 percent, which gave
2 them four extra sublots, allowing them up to 47 RCD lots.

3 Now, this hasn't been platted yet. They're still
4 working through the final approvals with the county. That's
5 why there is an asterisk on that table. Now, with this plan,
6 they're obviously impacting way less wetlands. They're
7 mitigating in this area here for a road crossing and then a
8 small mitigation over here for the road and a couple, a little
9 bit of isolated wetland here on the back of these lots. I
10 think they gave us a number for that but the mitigation of the
11 wetlands is way less, so they're keeping the majority of them
12 as is, specifically here, here, and the large one wetland
13 that's present here. The green areas are the open space areas
14 that meet the requirements of the open space regulations.
15 Some of these do not because they don't meet the dimension
16 requirements and that's why those are the brown.

17 But this was a very challenging plan. I think what
18 made this difficult, too, is that he, he already, the
19 developer, had cut the roadway and cut the areas where he
20 thought the detention basins were going to go before he went
21 through the rezoning process, which really got the residents
22 upset over on Timber Lane and I think it made it difficult for
23 the township, like, reviewing this because that had already
24 taken place prior to them even getting anything approved.

25 Although we didn't have anything, you know, we don't
26 have any regulations that say they can't cut down trees but it
27 is, I think, to consider moving forward if that were to happen
28 again for another RCD. In my opinion, I think they really
29 should wait. So --

30 CHAIRMAN REPPERT: Well, in my review of the minutes

1 from last month, what I thought, knowing what happened on
2 Eagle Pointe, I would like to see a restriction in our zoning
3 on tree removal. I don't know if we can do that but I'd like
4 to see something like that because I think what this guy did
5 is he came all the way down and cleared everything on the
6 entire plot and that's what got all these people upset. So
7 what's the open area supposed to be? What's the, what's the
8 RCD supposed to do, preserve the environment, and here he is
9 plowing down all the trees. I just don't see how those two
10 match.

11 MS. FREEMAN: Right. That's one thing I would like
12 to clarify in our zoning. We will get to that later. But
13 specifically when you are utilizing the open space to put your
14 stormwater infrastructure and you're clearing the trees in
15 order to do that, I feel like that really needs to be
16 subtracted out, you know, therefore decreasing your open
17 space, which may impact your overall density bonus.

18 CHAIRMAN REPPERT: Okay. That's --

19 MS. FREEMAN: I don't think they should be able to
20 count this as open space and I'd like to make that more clear
21 in the zoning. That's one thing I would like to discuss later
22 on when we get to that.

23 But the overall density of this in the RCD did
24 slightly increase from the yield plan. It went from 1.45
25 dwelling units per acre to 1.58 dwelling units per acre. And
26 compared to Orchard Springs, this is, it is dense, it's denser
27 than Orchard Springs and almost the same number of lots. So
28 Orchard Springs had about 38 acres with 48 lots and with this
29 development we're at just under 30 acres with 47 lots.

30 But I don't, honestly, I don't know that this one is

1 going to be as nice as the other one. I think the biggest
2 area that they're protecting is over here. I am not sure how
3 much you will get the view of that as you would driving
4 through like Concord Ridge or even like Orchard Springs.

5 CHAIRMAN REPPERT: Right, right.

6 MS. FREEMAN: But it did keep the majority of the
7 streams and riparian areas within the open space, which having
8 those off of sub, individual sublots is a bonus because there
9 is less potential, I think, for people to go in there and
10 impact the stream or impact the vegetation, you know, adjacent
11 to the stream, which is really important for the quality of
12 that stream to keep the vegetation that's there, which is one
13 of the reasons that, you know, we adopted riparian setbacks
14 and the township decided that they wanted RCDs years ago.

15 Okay. So my other slides really, I mean, I don't
16 have to go through the slides. They're kind of just from the
17 handout on the -- If you have the two-page sheet from the
18 Comprehensive Plan Update -- I am going to stop sharing -- I
19 just gave that to you again in your packet so you have it for
20 reference. But, you know, one of the things we talked about
21 was the yield plan standards and do we want to add in some
22 additional language, what "reasonable" and "marketable" might
23 mean? I know we discussed a little bit of that last month.

24 And I also gave you, if you want to refer to the RCD
25 district development text that I kind of highlighted, kind of
26 went through a little bit, I had some other small little, you
27 know, things here, too. If you want to go to 16.24 where we
28 talk about the permitted density and open space requirements,
29 this would be maybe the area that we would want to consider
30 adding some language to put a little bit more burden of proof

1 on the developer if we wanted them to prove to us that it's
2 reasonable and marketable. I think it was thrown out at some
3 point, maybe require some kind of rough financial feasibility
4 study for construction. I don't know if there is any other
5 ideas or what you guys think maybe, if we want, how to clarify
6 what we're looking for from the developer to prove that that
7 yield plan could really be developed.

8 MR. LINGENFELTER: Well, here's a question. Can we
9 just deny the application? I mean, if they come in and they,
10 you know -- Because I think the Eagle Pointe, in my opinion --
11 and that's all it is -- I think the Eagle Pointe flies in the
12 face of an RCD. I think it's a really bad plan. I think it
13 was -- I don't think it was really an appropriate parcel of
14 property to put that kind of a plan together and really it
15 would have been just better off to force them to just develop
16 it as it was instead of trying to jam in, you know, an RCD in
17 there because, like you said, the open space, I think, is
18 completely misappropriated. I think there is a lot, you know,
19 like you said, they're using the open space for their
20 stormwater management. I mean, they've got, you know,
21 retention basins built into their own space and everything
22 else. It just really was, I think, it was too narrow of a
23 piece of property and I think, because of that, it just didn't
24 work.

25 And do we have the ability, I mean, if they come to
26 us and ask for an RCD, can we just say no? Do we have the
27 ability to just turn it down, you know?

28 MS. FREEMAN: I think with any, you know, just like
29 with any rezoning or text amendment application, you have that
30 option to recommend denial to the Trustees, yeah. And I think

1 that if you were going to do that, obviously, you would want
2 to make those decisions based on, you know, the purpose and
3 the intent and whether or not they meet the minimum standards
4 for the development.

5 But it is, you know, with anything that, you know,
6 if the township were to deny a rezone, oftentimes we get sued
7 and then, you know, then we're in court and then we may need
8 to negotiate with the developer and maybe get a better product
9 at the end or maybe you don't.

10 MR. LINGENFELTER: Well, I like the idea, I like the
11 idea of forcing them to put together a justification. I think
12 that's a good idea. Let them, make them sell us on the
13 opportunity. You know, make them, make them, you know, make a
14 case that they should be allowed to be, you know, to consider
15 an RCD and let them give us the merits, you know, let them
16 produce the merits of their argument, you know, as to why we
17 should consider it. I think that's a good idea. I think that
18 forces them to do their homework and I think we, I think, you
19 know, the cases you've presented tonight with the various
20 developments that went in, I mean, we're seeing the, you know,
21 we're seeing the good, the bad, and the ugly, you know.

22 CHAIRMAN REPPERT: Right.

23 MR. LINGENFELTER: I mean, we are. We're seeing the
24 good, the bad, and the ugly here, and the ugly ain't so good.
25 You know, I mean, it's pretty ugly. So maybe doing that,
26 maybe doing a justification would be, you know, would be a
27 good way to kind of force them to do their homework and force
28 them into having a presentation ready and come in and
29 basically sell us on the opportunity because I think, if I had
30 it to do over again, I don't think I would approve the Eagle

1 Pointe.

2 CHAIRMAN REPPERT: I don't think I would either.

3 MS. FREEMAN: Well, you know, and they are required,
4 you know, they do submit, you know, a letter of justification
5 and, you know, with these applications specific to the yield
6 plan though. So if we want something more specific to the
7 yield plan as far as them proving that, you know, since that
8 is the genesis of their entire density of the project, like,
9 what would we be asking them to provide in order to make it
10 more clear that that yield plan is an accurate representation
11 of how they might actually be able to do it under the current
12 zoning.

13 MR. LINGENFELTER: Right.

14 MS. FREEMAN: Because if you remember with Eagle
15 Ridge or Eagle Pointe -- I am sorry -- he was, they were
16 showing different building footprints of proposed homes, like
17 30 by 40 foot houses rather than on their RCD plan, like 50 by
18 50. And when you ask, like, Why are you showing these smaller
19 footprints on this plan versus this plan? the answer that you
20 get from them all the time is, "Oh, well, it meets your
21 minimum zoning. It's a two-story, 2,400 square foot house."
22 But it's like, well, you're not building that kind of home in
23 Concord. No one is building a 30 by 40 home in Concord.
24 Like, and then why are you showing different building
25 footprints on your RCD plan? I know that -- I mean, they were
26 even showing at one point 30 by 30 building footprints and I'm
27 like, no. Like, that doesn't even meet minimum house size.
28 So --

29 CHAIRMAN REPPERT: Well, that's a point for
30 rejection, right?

1 MS. FREEMAN: It could have been, yeah.

2 CHAIRMAN REPPERT: Yeah, yeah. What I would like to
3 see is something in the yield plan that says, you can't count
4 riparian setbacks, you can't count water retention as part of
5 your yield plan -- as part of your open space. You have to
6 delete that right off the bat. Then go from there.

7 MR. LINGENFELTER: Didn't we have, I thought we had
8 something in there already, Heather, didn't we, on the open
9 space? I didn't think you were allowed to count riparian
10 setbacks or wetlands as a part of your -- as your open space,
11 wasn't it, or no? Am I wrong?

12 MS. FREEMAN: On your RCD plan?

13 MR. LINGENFELTER: Yeah. On when you do the yield
14 plan, when you're putting together your open space for your
15 bonus, you know, for your density.

16 CHAIRMAN REPPERT: Yeah, for your yield, for your
17 yield.

18 MR. LINGENFELTER: That you weren't allowed to use
19 certain components with, you know, they were not allowed to be
20 included in that. Is -- Am I wrong? I thought we had that in
21 there.

22 MS. FREEMAN: Not in regards to riparian areas. We
23 definitely want those riparian areas in the open space. That
24 would be our preference is to have those in the open space.
25 But I didn't think that it was very clear about stormwater
26 basins. I mean, when we talk about the design of the open
27 space criteria, it says that the open space shall be designed
28 and located to conserve significant natural features.

29 MR. LINGENFELTER: Right.

30 MS. FREEMAN: Preserve its natural state. I thought

1 we should add in a line that clearly stated that stormwater
2 management basins are allowed to be located in the open space
3 but shall be not included in the calculation of the open
4 space.

5 And then there is a list of small little items that
6 deduct from the open space. So if you have an open space area
7 less than one acre, they don't count that as open space.

8 CHAIRMAN REPPERT: Okay.

9 MS. FREEMAN: If you have -- There is a couple other
10 things, like if there is a dimensional requirement less than
11 25 feet if you're in the R-1 versus 50 feet if you're in the
12 R-4. And then the other ones are, you know, we don't count
13 the roads, obviously, parking areas, basically, into the
14 sublots, private yards.

15 MR. IAFELICE: But, Heather, if I may.

16 MS. FREEMAN: Yes.

17 MR. IAFELICE: Hiram, your recommendation is exactly
18 what was just asked. It's, it's your insert on Number 3 on
19 page 16.24, 16.19. You have that, exactly what Hiram brought
20 up and what Andy just said.

21 MS. FREEMAN: Underlined in red there?

22 MR. IAFELICE: You say located -- You have, "but
23 shall not be included in the open space." You have it added
24 right there.

25 MS. FREEMAN: Yeah, that was something that I was
26 recommending that we add.

27 MR. IAFELICE: Yeah. Well, I think, I think it
28 makes a lot of sense.

29 MS. FREEMAN: Okay.

30 MR. IAFELICE: It certainly does. Can I ask a

1 question about the (inaudible)? So when I saw those three --
2 And thank you for showing those. And when I was looking at
3 it, what was interesting to me is that all the -- let's see --
4 you showed Eagle -- Concord Ridge, Eagle Pointe and Orchard
5 Springs. All three yield plans are lacking. You know, I
6 think you would agree with that, Heather. It lacks
7 definition. It lacks, being in your shoes as a reviewer, it
8 doesn't give you the sense of, okay, they've really engineered
9 this out and this is, this is their yield plan based upon the
10 property.

11 But in the end, two of those developments resulted
12 in a pretty good design. The Eagle Pointe, I think I
13 mentioned at the last month's meeting, the Eagle Pointe shows,
14 I thought you said the yield plan shows they will mitigate
15 wetlands at that cul-de-sac in the yield plan, and yet they
16 didn't. So if you're mit -- If you're getting rid of
17 wetlands, you're going to mitigate and take, you're going to
18 get rid of wetlands and develop it in a yield plan, to me,
19 that's, like Andy said, it's a rejection, it's not RCD.

20 But, anyhow, that's water over the dam, as they say,
21 as they say. But, but in the end, that Eagle Pointe is
22 really, really a poor design. I agree with everything that
23 has been said here. Obviously, after the fact, it's easy to
24 say it.

25 MS. FREEMAN: Yeah. So I, speaking specifically
26 about Eagle Pointe, you know, what -- how could we have
27 challenged him to prove the yield plan was buildable?

28 MR. IAFELICE: To me, by the definition of RCD, when
29 you're going to mitigate wetlands, it's not RCD.

30 MS. FREEMAN: Okay. So don't even show us the yield

1 plan.

2 MR. IAFELICE: Go back, go back to the drawing board
3 with a new yield plan.

4 MS. FREEMAN: Yeah.

5 MR. IAFELICE: Which is, obviously, going to yield
6 less number of lots.

7 MS. FREEMAN: Yeah, okay. So maybe there is a way
8 to add some kind of statement in there about, regarding that,
9 that, you know -- I don't know how we word that. Let me think
10 about that.

11 MR. IAFELICE: Again, to my colleagues here, again,
12 I thought the intent was preserving natural resources.

13 MR. LINGENFELTER: Yeah.

14 MR. IAFELICE: And RCD, you're preserving. So here
15 they're doing a yield plan. Well, they're not doing it. It
16 like defeats the depth of --

17 CHAIRMAN REPPERT: The purpose of an RCD.

18 MR. IAFELICE: The whole purpose of an RCD.

19 CHAIRMAN REPPERT: Right.

20 MR. IAFELICE: If you need, that needs to be
21 clarified in the language of the code, I get that, Heather.

22 MS. FREEMAN: I think it does, yeah.

23 MR. IAFELICE: The other question I had was, I am
24 not sure I understand if you don't put further definition to
25 what "further justification" or "rough financial feasibility
26 study" is. What are we, what are we telling -- Because if I
27 recall, what we're doing right now, developers kind of yik-yak
28 and complain about having to do a yield plan and then doing
29 another plan, engineering it twice, so to speak.

30 And then now adding on top of that another layer,

1 feasibility, a financial feasibility study and/or some
2 justification analysis, unless we put some definition to that,
3 I don't know what that is. Isn't that the yield plan, in
4 essence? The yield plan should identify, define, justify this
5 property, because of the natural resources, is a candidate
6 for, you know, to reduce lot sizes and develop it in a way, in
7 a manner like we saw in Concord Ridge and Orchard Springs.
8 Those are my comments.

9 MS. FREEMAN: I think that's a good point, Rich,
10 that you plan out. I never thought about it that way about
11 how the yield plan should really show that this is prime for
12 RCD. And I think maybe with the modification of not allowing
13 them to come in and nuke all the wetlands on that yield
14 plan --

15 MR. LINGENFELTER: Right, right.

16 MS. FREEMAN: -- take them out, you know, maybe
17 that's, maybe that's a way to kind of deal with that vagueness
18 of this, you know, reasonable and marketable. Like, maybe we
19 take a look at it from a different way and say it's not even
20 acceptable to come in with a yield plan that shows that.

21 MR. IAFELICE: Yeah, yeah. And I think commented
22 last month was the remaining undevelopable land in this
23 township is going to be inundated with a lot of natural
24 resources. Otherwise, it would have been developed already.
25 So I think, I think the definition and what we do with the
26 yield plan and what is being required -- But then, again, last
27 month Andy suggested removing the density bonus altogether.
28 So that's still, that's still kind of going around in my mind
29 as well.

30 MS. FREEMAN: Right.

1 CHAIRMAN REPPERT: I like that.

2 MR. IAFELICE: Yeah.

3 MS. FREEMAN: Yeah. I mean, so far in all of these
4 examples, they've all tried to go with that maximum.

5 Andy, you're muted, Andy. I'll see if I can unmute
6 him. You're muted, Andy.

7 MR. LINGENFELTER: Sorry. As a counter to that
8 argument, I think, would be if you look at the, if you look at
9 the examples you provided, the density bonus was not that
10 significant. I mean, it really wasn't. They all, I think, if
11 I am not mistaken -- I am going to just flip back to that. I
12 mean, the increase was 11 percent across the board.

13 CHAIRMAN REPPERT: Right.

14 MR. LINGENFELTER: I mean, literally, it was 11
15 percent on every, on every, on every development and the
16 additional lots were not that significant. I mean, you know,
17 on a 102 acres in Concord Ridge, they only added an additional
18 seven lots. You know, in Lilly Farms, it was only two, and in
19 Orchard Springs, it was only five on 38 acres. When you think
20 about that, that's really not that, you know, that's not that
21 impactful.

22 That's why I thought it would be helpful to kind of
23 see what, you know, when you look at the yield plan, when you
24 look at what was initially proposed, and you look at what the
25 density bonuses are, you know, and, you know, an additional
26 four or five lots isn't really that bad, I mean, for the
27 trade-off of the open space and some of the additional design
28 features. And you get -- And let's not talk about Eagle
29 Pointe, you know. The other ones, I mean, there was a lot. I
30 think, in my opinion, on the, you know, on Orchard Springs and

1 the other ones, I think they did a pretty good job in terms
2 of, you know, coming up with some creative, you know, uses of
3 the open space and creating a nice look to the development and
4 the way things were situated, you know. So I don't think it
5 turned out that bad.

6 So I'm not saying -- I still don't support -- I am
7 not saying I still don't think that we should consider
8 eliminating the density bonus all together but, when you look
9 at it in black and white and when you see it on paper, I don't
10 think it was as impactful as, as maybe we thought it would be
11 or what it actually was.

12 MR. IAFELICE: Good point, good point.

13 CHAIRMAN REPPERT: Remember, you're going from
14 probably a half acre down to a quarter acre, trying to cram a
15 whole bunch of houses a quarter acre apart.

16 MR. LINGENFELTER: Well, that was an R-1 to begin
17 with, though, you know. Had it not been an R-1, they wouldn't
18 have been able to do that, right? They wouldn't have been
19 able to go down to a quarter acre, correct?

20 MS. FREEMAN: Right.

21 MR. LINGENFELTER: So that's kind of the, that's
22 where it's kind of the devil's in the details on the, you
23 know, on the density bonus based on the initial, you know,
24 lot. The majority of RCDs we've done have been R-4, you know.
25 They've been R-4, you know, they've been original zoned R-4.
26 We haven't had that many that were zoned R-1 to begin with,
27 and that allows them to drop down to that quarter acre, and so
28 we've within able to avoid that, you know, scenario, except,
29 again, for Eagle Ridge. I think that was kind of the
30 exception to the rule there.

1 CHAIRMAN REPPERT: Well, as long as we go into R-4,
2 I guess I am okay, but Orchard Springs was R-1.

3 MS. FREEMAN: Yeah.

4 CHAIRMAN REPPERT: And that turned out. So what's
5 the difference between Orchard Springs and Eagle Pointe?
6 They're both R-1 and both went down to a quarter acre. They
7 both got the 11 percent. One's at 29, one's at 47. What went
8 wrong?

9 MR. IAFELICE: The density.

10 MR. PETERSON: Part of it is the land. When you
11 look at it, Hiram, Orchard Springs was less narrow, it was
12 broader.

13 CHAIRMAN REPPERT: Okay. So the layout meant a lot.

14 MR. LINGENFELTER: Right.

15 CHAIRMAN REPPERT: And where they put the open area
16 in Eagle Pointe is ridiculous, really. So can we put
17 something in there saying the open spaces shall be adequately
18 spaced and not grouped in one area, like Concord Ridge?

19 MR. IAFELICE: I think Heather has that in one of
20 her possible redesign features.

21 MR. PETERSON: Yes.

22 MR. IAFELICE: Where every eight or ten sublots
23 you'd have to have a break. That's kind of a good idea.

24 CHAIRMAN REPPERT: Okay. Now, is that eight or ten
25 on both sides of the street?

26 MR. PETERSON: It doesn't say but looking at her
27 page 17 --

28 MS. FREEMAN: Yeah, we're on the handout that I gave
29 you from the Comp Plan, on the back page of that, letter G,
30 and there is a couple here. Hold on. There is (inaudible).

1 At the bottom of page 1, limited number of lots in a row,
2 required open space break between every eight to ten sublots.

3 MR. IAFELICE: Anybody still there?

4 MS. FREEMAN: I think that somewhat makes sense if
5 there is woods there or wetlands or riparian areas to actually
6 protect. We have to probably be careful about that. How
7 would you pick, how would you choose that number of lots? You
8 know, that's going to be difficult. I don't know if you want
9 to pick a certain number of lots in a row or not.

10 Do we want to, before we get to the different ideas
11 on the RCD design features, we could just go back to this -- I
12 am sorry -- the yield plan and I can think about more like how
13 we could propose to, you know, put a line here about the yield
14 plan, if you're going to mitigate all the wetlands on your
15 yield plan, that that might disqualify you, or something like
16 that, from an RCD, in that, the yield plan -- maybe one of the
17 purposes of a yield plan is, like as Rich showed or indicated,
18 is prove why you're -- why this property is a good candidate
19 for an RCD. What's there that you would want to protect, that
20 if you didn't protect on that yield plan, would be potentially
21 impacted by individual sublots owners. Even just putting
22 riparian areas on sublots, to me, is like, ooh, somehow tuck
23 those away to protect open space, but don't show me you're
24 going to get rid of it all either on the yield plan.

25 The other thing that I was suggesting is that
26 instead of referencing the Lake County subdivision regulations
27 as far as what standards need to be shown on the yield plan
28 and the RCD plan is to actually just list it here in the
29 Zoning Resolution because I know like when I am reviewing the
30 yield plan, I will have to tell the developer, Well, you're

1 missing this and this and that. Like, okay. Well, where was
2 that? Well, it's in the Lake County subdivision standards
3 that we referenced under Article III, whatever, blah, blah,
4 blah.

5 So we could just list those all here, and that's
6 what I have shown in here marked in red. Those came from the
7 Planning Commission as far as what they require on that yield
8 plan. So we can consider doing that. We can change some of
9 these things if we want or add, delete, but this was taken
10 basically just from the subdivision regulations. I thought it
11 would be better just to incorporate those standards right into
12 our zoning.

13 CHAIRMAN REPPERT: Now, are those the ones that have
14 got the red block in the top right-hand corner?

15 MS. FREEMAN: What do you mean?

16 CHAIRMAN REPPERT: Well, the one "Possible RCD
17 Design Features," is that what's coming in from the county?

18 MS. FREEMAN: No. I was talking about in the
19 zoning, zoning text here in our Zoning Resolution, putting in
20 the yield plan standards like, what are they supposed to show
21 on the yield plan?

22 CHAIRMAN REPPERT: Okay.

23 MS. FREEMAN: That came from the county subdivision
24 regulations because we, the way it's currently written in our
25 text is that the yield plan shall be reasonable and marketable
26 and contain the information required for a sketch plan as
27 described in 16.28. So if you flip to 16.28 of our zoning, on
28 page -- or 16.28(A), I don't know, it's on the top of page
29 16.22. I've striked it out but it says, "The Sketch Plan
30 shall conform, at a minimum, to Article III, Section 2.C,

1 Sketch Contents, of the Lake County Subdivision Regulations."
2 So I thought, rather than referencing the Lake County
3 Subdivision Regulations, we would just list those standards in
4 there as far as what we want to see on the yield plan.

5 CHAIRMAN REPPERT: Okay, yeah.

6 MR. LINGENFELTER: Good idea.

7 MR. IAFELICE: Makes sense, that makes sense,
8 Heather, other than Number 9. I will bring up that again,
9 Number 9.

10 MS. FREEMAN: I forget that.

11 MR. IAFELICE: So, again, Number 9 is saying
12 proposed impacts.

13 MS. FREEMAN: Yeah.

14 MR. IAFELICE: So, again, if the Board members are
15 inclined to agree that maybe there is language that precedes
16 this. And it's strictly, you know, providing guidance, if you
17 will, the township is looking at preserving natural resources.
18 That's the intent of RCD. So if you're going to impact
19 wetlands to a great degree, then it's --

20 CHAIRMAN REPPERT: It's not going to be an RCD.

21 MR. IAFELICE: It's not going to be an RCD.

22 CHAIRMAN REPPERT: I agree.

23 MS. FREEMAN: So what do we say to the developer
24 when they say, "Oh, well, that's not the plan I am going to
25 build. That's just to figure out my base density"?

26 MR. IAFELICE: So, again --

27 MS. FREEMAN: How do we --

28 MR. IAFELICE: No, I agree, Heather.

29 MS. FREEMAN: Yeah, yeah.

30 MR. IAFELICE: So in order for them -- So then

1 they're presuming they're going to be able to impact those
2 wetlands. They don't know that. They need Corps approval to
3 do that.

4 MS. FREEMAN: I agree.

5 MR. IAFELICE: I mean, they're not going to go
6 through that process, right?

7 MS. FREEMAN: Right.

8 MR. IAFELICE: To prove that they can mitigate,
9 destroy or in-lieu fee. I believe the in-lieu fee is now the
10 provision in Ohio law to pay, pay for damaging wetlands. So
11 they have to go through all that process in the yield plan. I
12 don't know. It just, it just, to me, defeats the whole intent
13 of RCD.

14 MS. FREEMAN: Yeah. So what would you think is
15 significant? Like a certain percentage or how, you know, if
16 we were to try to quantify what we would consider, you know,
17 way too much impact on a yield plan, how would we, you know --
18 Any ideas?

19 MR. IAFELICE: Don't ask me the tough questions. I
20 just want to throw out the easy ones. You're right, you're
21 right, you're right. It needs some -- We've been talking
22 about justification, financial feasibility. How much is too
23 much? It's all like, well, how do you make some definition to
24 this?

25 MS. FREEMAN: Yes.

26 MR. IAFELICE: But in retrospect, as Andy points
27 out, all of it, I don't want to say it's somewhat moot. The
28 lot, number of lot increases were not that ginormous. Of
29 course, that means you're accepting the yield plan numbers as
30 presented.

1 MS. FREEMAN: Yeah.

2 MR. IAFELICE: But, yeah.

3 CHAIRMAN REPPERT: I think, Rich, I think that
4 that's where I failed on the Eagle Pointe because the review
5 plan was not acceptable and I accepted it. So, you know, the
6 next one that comes up will get a much more thorough review
7 than I did on Eagle Pointe.

8 MR. IAFELICE: No doubt, Mr. Chairman. But, at the
9 same time, I know we're all familiar with the legal aspect of
10 this, too, so we've got to add some teeth in the code, so to
11 speak.

12 CHAIRMAN REPPERT: Yeah, we do.

13 MR. IAFELICE: Yeah.

14 MS. FREEMAN: Okay. Well, I think we need to -- I
15 can think about that more and maybe reach out to Soil and
16 Water and talk to them about, you know, some of these impacts
17 on the streams and wetlands, see if they've got some ideas on
18 what might be considered excessive on that yield plan. Okay?
19 All right. But I think we kind of have a direction there.

20 Moving through the existing zoning text under the
21 Open Space Design Criteria and suggest that we add in the
22 clarification statement on the stormwater basins. And then
23 further down we talk about any open space area that's
24 disturbed during construction, you know, shall be landscaped
25 with compatible natural features that were there or compatible
26 landscaping with the natural characteristics of the site.

27 And I just threw in here, I feel like we need to
28 provide the developer with some kind of time frame for
29 vegetating those areas that might have been impacted. And, I
30 don't know, maybe 12 months is too much. Maybe it needs to be

1 done before they file a plat. I'm not sure. I just, I think
2 we need to, you know, give the developer some kind of time
3 frame on when we would expect those open space areas to be
4 revegetated.

5 I know, with Lilly Farms, that was an interesting
6 one. And I didn't provide you guys some examples of that but
7 that was a farm field before it was approved as an RCD. So on
8 that one, the protection of the open space was literally just
9 open space and there was very minimal wetlands, streams. And
10 with that, the developer was proposing to try to revegetate
11 forest in the open space by planting trees and -- First, he
12 was going to do a meadow and then he thought the maintenance
13 responsibilities of that meadow -- because I kept asking,
14 well, what is -- how are you going to maintain that and how is
15 the HOA going to know what to do with that meadow? But there
16 was just, it wasn't specific enough for when the landscaping
17 was going to be required to be installed.

18 So I don't know what your thoughts were on that, if
19 we want to try to establish some kind of time frame that we
20 expect all that landscaping to be done. Like with Eagle
21 Pointe, you know, he's proposing a pretty significant
22 landscape plan to try to revegetate some of those areas in the
23 open space that he did impact and there is no firm time frame
24 on when he has to actually do that. So -- And I guess maybe
25 that's a condition or something that the Trustees could put on
26 the approval of an RCD but I think it would probably be
27 cleaner if it was, you know, in the zoning.

28 CHAIRMAN REPPERT: I'd say three to six months.

29 MS. FREEMAN: For a point of reference, too, like in
30 our commercial districts when we just have like a new

1 commercial building go up, we require that landscaping to be
2 done within six months or, or as weather permits, depending on
3 what time of the year. But, typically, within six months you
4 should be able to have landscaping done.

5 MR. IAFELICE: I think that's reasonable, Heather.

6 CHAIRMAN REPPERT: I do, yep.

7 MS. FREEMAN: Anybody else, thoughts?

8 MR. PETERSON: Well, it's consistent.

9 MS. FREEMAN: True, yeah, that's a good idea.

10 CHAIRMAN REPPERT: Andy, what do you think?

11 MR. IAFELICE: You're muted, Andy.

12 CHAIRMAN REPPERT: Well, my screen is frozen right
13 now.

14 MR. LINGENFELTER: I'm sorry. I keep muting myself.

15 CHAIRMAN REPPERT: Oh, there we go. There we go.

16 MR. LINGENFELTER: No, I think, I think the
17 discussions this evening have been very valuable. I think
18 we've made, I think we've made some very good suggestions.
19 Heather's done a nice job in pulling the information together
20 to view and compare and contrast. It's always good to see
21 what, actually, what reality is versus what we, you know, what
22 we think, you know, we did, you remember. So I think when you
23 see it on paper in front of you and you can see in black and
24 white what's going on, I think that's very helpful. And I
25 think we've made some very significant suggestions tonight on
26 what we should do. I think we're all -- At least, I know we
27 didn't put it to a vote but it seems like we're all in
28 agreement that we're heading in the right direction on this.

29 CHAIRMAN REPPERT: I think so, from what I hear.

30 MS. FREEMAN: Okay, okay. So I don't know if you

1 guys want to go through some of these design standards, if
2 there are any that stand out to you that you think we should
3 consider adding under -- I think, you know, we have a Section
4 16.25, Development and Site Planning Standards. And I don't
5 know. Maybe this is where that would go. I'm not sure
6 because really this area really only talks about, you have to
7 have sewer and water and here are your minimum lot sizes,
8 these are your setback requirements.

9 But we could add in, like, open space actual design
10 criteria over -- I am sorry. I guess there is that other
11 section that talks about, you know, right before here, we
12 could add it there, somewhere in this general area. But based
13 on what was thrown out between the Comp Plan Update, I am
14 wondering if anyone has any strong feelings about any of these
15 that they want to consider more seriously. Based on even some
16 of the examples that we showed tonight of the RCD plans, maybe
17 like looking at Concord Ridge and how that turned out since
18 that seems to be one of the favorites. So does it have some
19 of these design features that we would want to maybe put into
20 the Resolution?

21 MS. GARCAR: You cut out at the very beginning.
22 What standards are you, are you asking about?

23 MS. FREEMAN: These are the RCD design features.

24 MS. GARCAR: (Inaudible.)

25 MS. FREEMAN: So on --

26 MS. GARCAR: (Inaudible.)

27 MS. FREEMAN: I am sorry. What, Ashley?

28 MS. GARCAR: I said, you cut out at the very
29 beginning, so I missed the word "design."

30 MS. FREEMAN: Oh, okay. Sorry about that. Yeah,

1 just looking at the list of what was recommended in the Comp
2 Plan Update, you know, I guess I am asking if there is
3 anything on there that you guys think that maybe we should add
4 into the zoning as far as how we review these or maybe what we
5 require.

6 MR. IAFELICE: Heather, for me, under 16.24(A), I am
7 having trouble, again, with the rough financial feasibility
8 study unless we define it further because, you know, requiring
9 a rough financial feasibility, if we did define that and
10 require that, what is it we're trying to derive? What is
11 it --

12 MS. FREEMAN: I know.

13 MR. IAFELICE: I'm not clear about that one. I
14 think, I know it was in there, in the recommendations but I
15 don't quite understand it.

16 MS. FREEMAN: Yeah.

17 MR. IAFELICE: What that's got to do with the yield
18 plan, I don't know. We're trying to understand what they're
19 -- how much profit he is going to make or not make? I don't
20 get it.

21 MS. FREEMAN: Yeah. I am kind of with you, Rich. I
22 mean, my understanding of why they suggested that was, you
23 know, to prove, you know, is it even economically feasible for
24 a developer to build this subdivision and make money off of
25 it. You know, but we can't tell the developer how to make
26 money or not make money.

27 MR. IAFELICE: Yeah.

28 MS. FREEMAN: So maybe with some of the other
29 modifications we're talking about as far as, you know, don't
30 show me a yield plan getting rid of all the wetlands, rather

1 maybe we're switching with what we want them to prove to us in
2 the yield plan. We don't -- Maybe it's not that, don't prove
3 the economic viability of it but rather use the yield plan to
4 prove that this is a prime site for this type of development.

5 MR. IAFELICE: And that's the important document to
6 provide the justification to go forward with the density
7 bonus.

8 MS. FREEMAN: Yeah.

9 MR. IAFELICE: And that answers Andy's question,
10 provide justification. So if we, if we get to the yield plan
11 and get more, be more careful about what is required and what
12 is needed in there, maybe there is a -- some language that
13 someone would want to recommend about a minimum impact,
14 particularly for, I think there was -- Albeit Eagle Pointe,
15 where they did mitigate is the roadway, right?

16 MS. FREEMAN: Yeah.

17 MR. IAFELICE: Right. So it was the main entrance.
18 And they were limited really on where that could come in on
19 that narrow piece of land anyway. So maybe that's the
20 consideration for that to kind of indicate, you know, the
21 intent is minimize impacts to the natural resources. How far,
22 maybe Soil and Water can kind of define that better.

23 MS. FREEMAN: Okay.

24 MR. IAFELICE: That's my, under 16.24(A).

25 And then we're also suggested language to reduce
26 unit credits for lots, for lots that damage environmental
27 features. So conceptually, yeah, I would agree with that.
28 But then that defeats the purpose, that defeats the intent of
29 what I've been saying all along. Don't destroy, damage
30 environmental features. Keep them intact.

1 MS. FREEMAN: Um-hum.

2 MR. IAFELICE: So, one, I am having trouble
3 conflicting, you know, reducing unit credits for damaging
4 environmental features but, on the other hand, I am saying,
5 don't, don't impact environmental natural resources.

6 MS. FREEMAN: Yeah, yeah. Well, are we going to
7 figure that out right now?

8 MR. IAFELICE: And the only other one, Heather, was
9 a question for you on 16.25, 16.25(G). For these, especially
10 quarter acre lots, even my half acre lot here, what's the
11 driver to the 3 feet for a driveway to a property line? Is
12 there a reason for that?

13 MS. FREEMAN: Oh, so, yeah, you know what? Several
14 years ago, I believe the county had asked us to add something
15 to our zoning text to keep driveways off of lot lines because
16 of stormwater and grading purposes between individual lots.
17 So we had adopted that under Section 39, Parking Requirements,
18 prior to me joining the township. And so in all other
19 districts, like R-1, R-4, R-6 and 8, they have to keep their
20 driveway 3 feet off the lot line. And, you know, and in this
21 district, there is no setback requirement for that driveway.
22 So I thought maybe keep it consistent with those other
23 districts, we would want to do that. I actually had a couple
24 houses come in over on Lilly Farms and they had the driveway
25 right on the lot line.

26 MR. IAFELICE: Oh.

27 MS. FREEMAN: Yeah. So I was like, oh, I can't --

28 MR. IAFELICE: Okay.

29 MS. FREEMAN: So that was kind of a carry-through
30 from other districts. So, I mean, we don't have to do that

1 but right now, without that, the driveway could go right up to
2 the lot line. So I don't know. Maybe the board doesn't care
3 one way or the other but --

4 MR. IAFELICE: So, currently, they can build up to
5 the lot line?

6 MS. FREEMAN: Yeah, on the side lot lines.

7 MR. IAFELICE: Really? Okay.

8 MS. FREEMAN: Yeah, yeah.

9 CHAIRMAN REPPERT: There is no setback on the side
10 line?

11 MS. FREEMAN: For the driveway, right.

12 MR. IAFELICE: For the driveway.

13 CHAIRMAN REPPERT: How about for the house?

14 MS. FREEMAN: For the houses, yes, 10 feet, minimum
15 10 feet for the house, yeah.

16 CHAIRMAN REPPERT: Okay. And if I go back into my
17 experience, you can't, you can't put any stormwater onto your
18 neighbor's property. You have to take care of it on your own.
19 So, to me, that 3 foot setback provides for a swale between
20 the two, the two houses to carry that stormwater away. I like
21 the 3 foot setback.

22 MR. IAFELICE: So to your point, Mr. Chairman, so if
23 you have 3 feet on the driveway, you've got 10 foot on the
24 house, you've got 10 foot on both sides of the house. On a
25 quarter acre lot, what are the frontages, 50 feet? 60 feet?

26 CHAIRMAN REPPERT: Yeah, yeah.

27 MR. IAFELICE: I mean, what's left for the house is,
28 what, 35, 37 foot?

29 MS. FREEMAN: Well, I think, some of these are like
30 70 foot wide lots. In other developments, they're like 90

1 foot. But we don't, this district doesn't set up a minimum
2 lot width or a minimum frontage requirement. It's all up to
3 what the developer wants to do.

4 MR. IAFELICE: Yeah.

5 MR. LINGENFELTER: Oh, I think when you allow the
6 driveway to go to the lot, to the property line instead of the
7 3 foot setback or side yard clearance, I think you, I think
8 you kind of eliminate the opportunity for people to put a side
9 load garage in. I think then you end up having, you know --
10 Because the side load garage is where you're going to run into
11 people, more than likely, putting the driveway right on the
12 property line versus, you know, putting a buffer in there.
13 You're going to, pretty much, force them into a front load
14 garage instead of the potential of a side load garage from a
15 design standpoint.

16 CHAIRMAN REPPERT: Yeah, that's true.

17 MR. LINGENFELTER: So --

18 MS. FREEMAN: And, Andy, you're right because in
19 those houses where the driveway was right on the lot line, it
20 was for a couple of those side load garages, yeah.

21 MR. LINGENFELTER: Right. So you kind of take that,
22 you take that option away from the, you know, from the
23 potential homeowner and also from the developer in being able
24 to offer that side load garage.

25 CHAIRMAN REPPERT: Yep.

26 MR. LINGENFELTER: I mean, 3 feet is going to, 3
27 feet, yeah, 3 foot side yard clearance is going to, pretty
28 much, eliminate a side yard -- or a side load garage.

29 CHAIRMAN REPPERT: Yes, you're right.

30 MS. FREEMAN: I mean, you probably need --

1 MR. LINGENFELTER: (Inaudible.)

2 MS. FREEMAN: You probably need about 30 feet of
3 width of driveway. I think I've seen a lot of those about 30
4 feed wide when you get the side loads in order to back up
5 properly, and that's pretty small.

6 MR. LINGENFELTER: Right.

7 MS. FREEMAN: So that would push your house 33 feet
8 to the -- I don't know -- the right or the left, depending on
9 which way, you know, right, which would actually probably then
10 force them to have wider lots maybe or I don't know what
11 developers would do but, right, it would have some impact on
12 how the house is sited.

13 Well, we can, you know, we don't have to put that
14 in. That was just something to throw out there. This was
15 just ideas.

16 MR. IAFELICE: Well, I think it's appropriate for
17 larger lot zoning, not in RCD.

18 MS. FREEMAN: Okay, okay, yeah. I will that take
19 out and let that out.

20 CHAIRMAN REPPERT: Well, I just wonder, on an RCD,
21 are you going to get, except for maybe a corner lot, are you
22 going to get any side entrance garages on a quarter acre lot?

23 MS. FREEMAN: On a quarter acre lot?

24 CHAIRMAN REPPERT: Well, that's what these RCDs are
25 coming through as.

26 MS. FREEMAN: I am just trying to see if I know of
27 any that we already did.

28 MS. GARCAR: It's not in Concord but the new
29 development on King Memorial in Mentor, they have a couple --
30 I know they're smaller lots -- they have a couple corner

1 properties that had a side garage that are on quarter acres.

2 MS. FREEMAN: Yeah. So corner lots, you might be
3 able to do that.

4 CHAIRMAN REPPERT: Yeah, a corner lot, but I just
5 don't see putting in a side garage, side entrance garage on a
6 quarter acre lot.

7 MS. FREEMAN: You're right, yeah, because I'm
8 thinking about --

9 CHAIRMAN REPPERT: On a corner lot.

10 MS. FREEMAN: Orchard Springs, they're quarter acre
11 lots. Those are all Ryan Homes but there's no side load
12 garages there. I don't know that Ryan does that, if there is
13 any there. Yeah, that's a good observation.

14 CHAIRMAN REPPERT: Yes.

15 MS. GARCAR: I think people (inaudible) on King
16 Memorial is a great place to look for a corner lot. I think
17 it is Ryan Homes that are going in but they're going up. You
18 can kind of visually see a little bit better what a corner lot
19 looks like with a garage and the driveway and everything. I
20 understand Mentor is difference with zoning but you can take a
21 look if you want to drive by there.

22 MS. FREEMAN: Okay.

23 CHAIRMAN REPPERT: That's always helpful, yeah.

24 MR. IAFELICE: You make a good point, Hiram, the
25 front loading, because on half acre lots can accommodate the
26 3 feet and side entry easily.

27 MS. FREEMAN: Yeah.

28 MR. IAFELICE: Yeah, okay.

29 MS. FREEMAN: Well, do you guys want to go through
30 any of these design features? Do we kind of want to come back

1 to it or what do you guys want to do?

2 CHAIRMAN REPPERT: Let's save it for another month.
3 We've been here for an hour and a half.

4 MS. FREEMAN: Okay, we can do that. All right.

5 CHAIRMAN REPPERT: Do I have a motion to adjourn?

6 MS. FREEMAN: Well, Mr. Chairman, before you do
7 that, you might need to finish the rest of new business.

8 CHAIRMAN REPPERT: Yeah, it would be nice. I am
9 sorry. Oh, wait. I've got to get back to where I was. Where
10 is my -- Come on, where did my old business get to? Here it
11 is. Approval of minutes of the November 3rd meeting.

12 MR. PETERSON: Mr. Chairman, I make a motion we
13 approve the minutes for the November 3, 2020, Zoning
14 Commission meeting as written.

15 CHAIRMAN REPPERT: Do I have a second?

16 MR. IAFELICE: I'll second that motion,
17 Mr. Chairman.

18 CHAIRMAN REPPERT: Okay. All those in favor say
19 aye. Opposed? Abstain? I'll abstain. I was not there.

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

21 CHAIRMAN REPPERT: And thank you, Andy, for taking
22 over.

23 MR. LINGENFELTER: My pleasure.

24 CHAIRMAN REPPERT: Correspondence report, Zoning
25 Commission. Let's go around the corner, at least, on my
26 screen. Andy, did you have any correspondence?

27 MR. LINGENFELTER: Nothing this time around,
28 Mr. Chairman.

29 CHAIRMAN REPPERT: Nothing. Ashley, did you have
30 any correspondence?

1 MS. GARCAR: I did not, Mr. Chairman.
2 CHAIRMAN REPPERT: Okay. Mr. Peterson?
3 MR. PETERSON: Nothing, Mr. Chairman.
4 CHAIRMAN REPPERT: Mr. Iafelice?
5 MR. IAFELICE: Likewise, Mr. Chairman, nothing.
6 CHAIRMAN REPPERT: Okay. And Mr. Chairman had
7 nothing.
8 Heather, did you have any correspondence? I'm sure
9 you did.
10 MS. FREEMAN: I had plenty but not in relationship
11 to the Zoning Commission. But you know what? Actually, I
12 talked to a couple people about political signs and our
13 political signs regulations and they weren't happy that there
14 was no time frame on how long they could be staying up still.
15 So I will share that with you.
16 CHAIRMAN REPPERT: Well, I will join in on that
17 conversation, right?
18 MR. IAFELICE: Yeah.
19 CHAIRMAN REPPERT: Okay. Audience participation, do
20 we have anybody on the phone?
21 (No response.)
22 Hearing none, okay, no participation.
23 The next meeting of the Zoning Commission is
24 January 5 of 2021.
25 MR. LINGENFELTER: Another year.
26 CHAIRMAN REPPERT: Another year gone by. All right.
27 Everybody be safe, please, and do I hear a motion for
28 adjournment?
29 MS. GARCAR: Mr. Chairman --
30 MR. LINGENFELTER: I'll move that we adjourn,

1 Mr. Chairman. I wish everybody a merry Christmas.

2 CHAIRMAN REPPERT: Thank you very much, Andy. Same.
3 Do I have a second?

4 MR. PETERSON: I'll second.

5 CHAIRMAN REPPERT: Mr. Peterson, thank you. With
6 that, like Andy said, everybody have happy holidays and please
7 be safe. Thank you very much, everybody.

8 MR. IAFELICE: Happy holidays.

9 CHAIRMAN REPPERT: Happy holidays.

10 MR. IAFELICE: Thank you.

11 CHAIRMAN REPPERT: Bye-bye.

12 MS. FREEMAN: Bye. Thank you, everybody.

13 CHAIRMAN REPPERT: Thank you, Heather, for
14 everything.

15 MS. FREEMAN: Have a good night.

16 (Whereupon, the meeting was adjourned at 8:33 p.m.)
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1 STATE OF OHIO)
2 COUNTY OF CUYAHOGA)

CERTIFICATE

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

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

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

17 IN WITNESS WHEREOF, I have hereunto set my hand
18 and affixed my seal of office this 18th day of December
19 2020.

20 Melinda A. Melton

21 Melinda A. Melton
22 Registered Professional Reporter

23 Notary Public within and for the
24 State of Ohio

25 My Commission Expires:
26 February 4, 2023

