

CONCORD TOWNSHIP ZONING COMMISSION  
LAKE COUNTY, OHIO  
REGULAR MEETING

Meeting held via Webex telephone conference

May 5, 2020  
7:00 p.m.

TRANSCRIPT OF PROCEEDINGS

Zoning Commission members present:

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

Also Present:

Heather Freeman, Planning & Zoning Director/Zoning  
Inspector  
Michael Lucas, Esq., Legal Counsel

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

7:03 p.m.

1  
2 CHAIRMAN REPPERT: I have 7:03. Good evening and  
3 welcome to the May 5, or Cinco de Mayo, 2020 Concord Township  
4 Zoning Commission meeting. My name is Hiram Reppert and I am  
5 the chair of the Zoning Commission. I hope everyone is well.  
6 And please, in your actions every day, please be safe.

7 Heather, would you take a roll call, please.

8 MS. FREEMAN: Yes. Mr. Lingenfelter?

9 MR. LINGENFELTER: Here.

10 MS. FREEMAN: Mr. Reppert?

11 CHAIRMAN REPPERT: Here.

12 MS. FREEMAN: Mr. Schindler?

13 MR. SCHINDLER: Here.

14 MS. FREEMAN: Ms. Germovsek? You're muted,  
15 Ms. Germovsek.

16 MS. GERMOVSEK: How about now?

17 MS. FREEMAN: Ms. Germovsek? Yes, I heard you.

18 And Mr. Peterson?

19 MR. PETERSON: Here.

20 MS. FREEMAN: Okay. We have a quorum.

21 CHAIRMAN REPPERT: Okay. Thank you very much. Just  
22 a reminder for everybody, the minutes of this meeting will be  
23 taken. You've got to realize it's going to be hard but this  
24 meeting complies with Ohio's Open Meeting Act, whatever number  
25 that is.

26 Tonight's agenda has several items. First, we will  
27 have the public hearing for Zoning Amendment Number 0320-1,  
28 submitted by Rylan, Inc. Next will be the public hearing for  
29 Zoning Amendment Number 0320-2, submitted by Sommers Real  
30 Estate Group. Next is the approval of minutes of the

1 April 7th meeting of the Zoning Commission. And, finally, the  
2 correspondence report by Zoning Commission members.

3 All right. Before we get started with the agenda,  
4 let's identify a couple of rules. Please be patient with us  
5 as these virtual meetings are new, not only to us but every  
6 other township in the state, and we're getting used to this  
7 technology.

8 All participants need to mute themselves to limit  
9 the background noise by muting their device until called on to  
10 speak or the chair asks for questions or public comment.  
11 There is an agenda that the Zoning Commission will follow and  
12 only the Zoning Commission will be speaking unless the chair  
13 has specifically opened the floor for questions or comments.

14 There will be a public comment period for each  
15 public hearing scheduled this evening. When speaking, please  
16 state your full name and address prior to speaking. All  
17 comments should be directed towards the chairman. When we get  
18 to the public comment period, I will call upon residents by  
19 last name, meaning last name starting with A through F and  
20 then we'll go G through M and down so forth through the  
21 alphabet.

22 Finally, please pause two seconds or so before  
23 speaking to ensure the previous speaker is finished. We don't  
24 want any combination of speakers because the minutes would be  
25 impossible.

26 Moving to the agenda, the first item on the agenda  
27 is the public hearing for Zoning Amendment Application Number  
28 0320-1, submitted by Rylan, Inc. We received a request from  
29 the applicant asking the Board to table the public hearing  
30 until next month. Therefore, I would like to entertain a

1 motion to table the public hearing for Zoning Text Amendment  
2 Number 0320-1 until the June 2nd meeting. Do I hear a motion?

3 MR. LINGENFELTER: Mr. Chairman, I make a motion we  
4 accept the request that was presented.

5 CHAIRMAN REPPERT: Who was that?

6 MR. LINGENFELTER: That was Andy.

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

8 MR. PETERSON: Mr. Chairman, Rich Peterson. I  
9 second.

10 CHAIRMAN REPPERT: Okay. We have a second.  
11 Heather, call the roll, please.

12 MS. FREEMAN: Mr. Peterson?

13 MR. PETERSON: Yes.

14 MS. FREEMAN: Mr. Reppert?

15 CHAIRMAN REPPERT: Yes.

16 MS. FREEMAN: Mr. Lingenfelter?

17 MR. LINGENFELTER: Yes.

18 MS. FREEMAN: Ms. Germovsek? You need to unmute  
19 yourself, Sue.

20 MS. GERMOVSEK: Yes.

21 MS. FREEMAN: Okay. And Mr. Schindler?

22 MR. SCHINDLER: Yes.

23 MS. FREEMAN: Okay. That's been tabled then.

24 CHAIRMAN REPPERT: The next item on the agenda, the  
25 public hearing for Zoning Map Amendment and the Preliminary  
26 Plan Application Number 0320-2, submitted by Sommers Real  
27 Estate Group LLC, for a proposed Residential Conservation  
28 Development, which is an R-2, RCD District, for approximately  
29 29.6 acres of land owned by Colburn Development LLC located  
30 off of Colburn Road and currently known as Permanent Parcel

1 Number 08-A-012-B-00-018-0 --

2 UNIDENTIFIED SPEAKER: They're starting. They're  
3 starting. Okay.

4 CHAIRMAN REPPERT: -- and 08-A-012-B-00-009-0.

5 Is the applicant here this evening for this -- well,  
6 I know you are -- to discuss the proposed amendment and the  
7 preliminary plan?

8 MR. RICK SOMMERS: Richard --

9 CHAIRMAN REPPERT: Please state your name, full name  
10 and address.

11 MR. RICK SOMMERS: Richard Sommers, 10585 Summerset  
12 Drive, Chardon, Ohio.

13 CHAIRMAN REPPERT: Okay. Do you have a  
14 presentation?

15 MR. RICK SOMMERS: Yes, I do. First of all, I  
16 assume that you have all received the information submitted to  
17 Heather and the staff report. The first thing we'd like to  
18 discuss is the revised yield plan. This plan has changed  
19 greatly from the last meeting. We have eliminated the creek  
20 crossing.

21 THE REPORTER: I am having a hard time hearing  
22 Mr. Sommers.

23 MR. RICK SOMMERS: I'm sorry. Better?

24 THE REPORTER: Try it again.

25 MR. RICK SOMMERS: The yield plan is greatly revised  
26 from the last meeting. The creek impact that we were  
27 proposing of approximately 300 feet has been eliminated. The  
28 only creek impact now on the yield plan is less than 100 feet  
29 and that's for the two road crossings that are also on the RCD  
30 plan. The plan as presented, the yield plan, is feasible and

1 developable. Most importantly, we meet the Lake County  
2 Planning code and the intent of the Concord code as the basis  
3 of the RCD plan now.

4 I guess, do we have any questions on the yield plan  
5 at this point to discuss or do you want me to continue about  
6 the RCD plan, Mr. Chairman?

7 CHAIRMAN REPPERT: How many parcels do you have in  
8 the yield plan?

9 MR. RICK SOMMERS: There are 43 parcels, 43 lots.

10 CHAIRMAN REPPERT: Forty-three, okay. And what was  
11 it before?

12 MR. RICK SOMMERS: It was also 43 but we've  
13 re-engineered it.

14 CHAIRMAN REPPERT: Okay.

15 MR. RICK SOMMERS: There was also an issue with the  
16 topography being off on the original yield plan and the RCD  
17 plan. This has now been resolved, at least, to the  
18 satisfaction of Soil and Water, the County Engineer and the  
19 township staff. We did have this property flown. An accurate  
20 topo has been generated and I think that we're all in  
21 agreement that this mapping is now correct.

22 CHAIRMAN REPPERT: Okay. Do you want to go on to  
23 the RCD?

24 MR. RICK SOMMERS: Yes. This is the separate one we  
25 do.

26 CHAIRMAN REPPERT: Are there any questions from the  
27 Board on the yield plan?

28 MR. PETERSON: None here.

29 MS. GERMOVSEK: No.

30 MR. SCHINDLER: No.

1           CHAIRMAN REPPERT:   Okay, no other comments.  We will  
2 go on to the RCD plan.

3           MR. RICK SOMMERS:   Again, it should be in your  
4 packet.  There's been some changes made since the informal  
5 meeting we had.  The RCD plan, I think we all agree, will be  
6 the best development plan, in that, it preserves 40 percent of  
7 the green space from the site, especially the stream corridor,  
8 the large amount of the wetlands, and the property where we  
9 see some fairly steep terrain.  We do not want to disturb  
10 that.  There's also an area with large trees that's not been  
11 previously logged as much as the property --

12           UNIDENTIFIED SPEAKER:  I can't make it out though.

13           MR. RICK SOMMERS:   I am sorry?

14           CHAIRMAN REPPERT:   Who was that?  Who just spoke?

15           MS. GERMOVSEK:   Not me.

16           CHAIRMAN REPPERT:   Yeah, okay.  Somebody said, "I  
17 can't make it out though."  Okay, let's continue.

18           MR. RICK SOMMERS:   All the lots currently meet the  
19 RCD code with two minor changes which we agreed to make.  On  
20 Sublot 1, there's a setback issue from Colburn Road that we  
21 will be amending per Heather's point that it must be 30 feet  
22 and we've shown it at 25 feet.  Lot 6, there is a riparian  
23 line that got missed.  It didn't get printed.  We will add  
24 that as per the staff recommendation.

25                           Basically, the plan is self-explanatory.  I would be  
26 glad to answer any questions before a summary that you have.

27           CHAIRMAN REPPERT:   Any comments from the Board?

28           MS. GERMOVSEK:   Did I understand you to say that you  
29 were correcting the subplot -- oh, this is Sue -- that you were  
30 going to re -- What was the plan for Sublot 1?

1 MR. RICK SOMMERS: We had --

2 MS. GERMOVSEK: Changing it to 45 feet?

3 MR. RICK SOMMERS: No. We had shown it as 25 feet  
4 and, according to Heather, the code required 30 feet, which we  
5 are willing to make that change so it is correct.

6 MS. GERMOVSEK: Okay. Thank you.

7 CHAIRMAN REPPERT: Any other comments from the  
8 Board?

9 MR. LINGENFELTER: Yeah. This is Andy Lingenfelter,  
10 Mr. Chairman. From the appearance of the new RCD layout, the  
11 preliminary plan looks to be much more, looks to be much more  
12 in line with a lot of the riparian setbacks and some of the  
13 wetlands and some of the more challenged properties on there.  
14 I think this looks like a much better plan than what we saw  
15 before, so I appreciate the efforts that were done.

16 CHAIRMAN REPPERT: Thank you, Andy.

17 Any other comments from the Board?

18 (No response.)

19 All right. I have one or two. If you look at  
20 Sublots 23 through 17, I don't like to see a swale on the back  
21 of the property. I think, can that at all be removed from the  
22 property and just move -- what is that -- west, I think?  
23 That's one.

24 MR. RICK SOMMERS: Do you want me to address now or  
25 wait for your other one?

26 CHAIRMAN REPPERT: Well, yeah, you can address it  
27 now.

28 MR. RICK SOMMERS: We're going to meet with -- In  
29 other subdivisions we've done under the RCD plan, we have run  
30 storm sewers across the back of yards, for instance,

1 previously at Lilly Farm. There seems to be some issues with  
2 that. We will look at running those up the property lines and  
3 putting in an easement to the HOA so they can be maintained.

4 CHAIRMAN REPPERT: Okay. That's a comment. Is an  
5 open space, can an open space be utilized as a water quality  
6 feature? Which is, what, is that a sediment pond?

7 MR. RICK SOMMERS: Basically, it's a sediment pond  
8 that sometimes gets converted to a detention pond. Sometimes  
9 they get filled in after the project is stabilized. In the  
10 previous RCD subdivisions we've done, our company has done in  
11 Concord, I believe the other RCD plans that have been approved  
12 over the last five years all have the detention pond and the  
13 water quality pond in the open space. There is no, nothing in  
14 the code that prohibits that and it's been customary to do it  
15 that way.

16 CHAIRMAN REPPERT: Okay. It just seems to me as if  
17 you might be double-dipping with the open space requirements.  
18 Let me see. I think that's the extent of my comments.

19 Next let's open it up for public comments. From  
20 what I see here on the participants, we have 27. Members of  
21 the public on the phone with the last name starting with  
22 letters A through F, would you like to speak? And please  
23 remember to state your full name and address prior to speaking  
24 so that our minutes taker can take all the information  
25 available. A through F?

26 MR. ADAMS: Good evening. This is Mike Adams,  
27 11567 Colburn Road.

28 CHAIRMAN REPPERT: Your name again?

29 MR. ADAMS: Mike Adams, A-d-a-m-s, so I am at the  
30 beginning of the list.

1                   CHAIRMAN REPPERT: Yes, you are.

2                   MR. ADAMS: I've been in the front row my whole  
3 academic career. My question is, my house was built in 1988.  
4 We have a well. How am I protected when 43 lots are being put  
5 in? So there is 43 houses washing cars, 43 houses, lawns  
6 getting fertilized. What protection do I have where I drink  
7 the water that's soaked through the system? I've never had a  
8 well problem and I just want to know what kind of protection I  
9 get from the township.

10                  CHAIRMAN REPPERT: Greg, do you want to address  
11 that? Mr. Sommers, do you want to address that?

12                  MR. RICK SOMMERS: Yes, I can. First of all, all  
13 the water, the stormwater gets directed to either water  
14 quality ponds or the stormwater pond. So that would be what  
15 the ponds are for.

16                  Secondly, I don't know how deep the well is that  
17 Mr. Adams has but, typically, car wash water, rainwater does  
18 not reach the aquifer without filtration. And that's, also,  
19 wetlands and the preservation area also serve as to function  
20 as a filtering bed, so to speak.

21                  MR. ADAMS: I recognize what you are saying. This  
22 is Mike Adams again. I recognize what you are saying. Alls  
23 my point is, I've been here since -- or the house has been  
24 here since 1988 without a problem. We're introducing new  
25 things into the system. For you to say that you don't know --  
26 I don't know where the well, how deep it's drilled or where  
27 stuff goes. All I know is, I have not had a problem in this  
28 property since 1988 and we're introducing a variable and I  
29 want to know how the township -- I don't want to hear from the  
30 developer. I pay taxes in this city or the township. I want

1 to know what the township is going to do for me to protect me.  
2 I guess that's it for me, Mr. Chairman.

3 CHAIRMAN REPPERT: Okay. Any other participants  
4 from the public from A through H?

5 UNIDENTIFIED SPEAKER: He didn't answer the  
6 question.

7 MR. ADAMS: No, he did not answer the question. And  
8 I sent an email in a month ago to Heather about it with little  
9 interaction as well.

10 CHAIRMAN REPPERT: You sent a letter to who?

11 MR. ADAMS: Heather and I have had email  
12 correspondence on this exact topic because I am concerned  
13 about my water quality for my family.

14 CHAIRMAN REPPERT: To whom did you send your letter  
15 or email?

16 MR. ADAMS: Heather Freeman, and she was terrific in  
17 answering the -- some of the correspondence.

18 CHAIRMAN REPPERT: We will make sure you get an  
19 answer to that email.

20 MR. ADAMS: So we're going to proceed. Okay, that's  
21 terrific. I appreciate the support from the committee. I'll  
22 still pay my taxes on time.

23 MR. LINGENFELTER: Well, Mr. Adams, this is Andy  
24 Lingenfelter. I think you bring up a valid concern. I think  
25 your -- the point that you bring up is, certainly, it has a  
26 question in my mind as well and I don't discount what you are  
27 asking. My only question would be, what is within the purview  
28 of the township and what our ability is to affect, you know,  
29 the ground water. I don't know if that falls outside of  
30 purview of the township and would fall more within the purview

1 of like the county agencies like Soil and Water or, you know,  
2 things of that nature, Stormwater, things of that nature. I  
3 am not sure how that, you know, who would guarantee the safety  
4 of your well water. But I think it's a valid concern and I  
5 think you deserve an answer, no doubt about it.

6 MR. ADAMS: Andy, I appreciate you stepping up. I  
7 just, I mean, I just want to know. I mean, I don't know a  
8 lot about it. I just want to know if a developer comes in,  
9 things change, things happen. I just want to go -- people to  
10 be aware that my neighbors and I are concerned about it.

11 CHAIRMAN REPPERT: Thank you.

12 MR. ADAMS: Thank you. I appreciate your time.

13 CHAIRMAN REPPERT: Anybody else A through H? A  
14 through F, I guess?

15 (No response.)

16 Okay. Now G through M? Any participants in the  
17 public want to talk about any comments on G through M?

18 MS. NIETO: Jennifer Nieto, I'm at 8305 Timber Lane.  
19 My question is, how is this construction going to affect  
20 Timber Lane itself, the roadway? Are we going to have all  
21 these contractors going up and down our road? I have kids  
22 that play out in the road and that and I know how development  
23 went in off of Colburn down towards 44 and we had big trucks  
24 coming down all the time. Any plans on using Timber Lane for  
25 these big trucks again or are they going to be redirected away  
26 from Timber Lane?

27 UNIDENTIFIED SPEAKER: I don't think so.

28 MR. RICK SOMMERS: Mr. Chairman, may I address?  
29 This is Rick Sommers.

30 UNIDENTIFIED SPEAKER: What is the time frame for

1 all this?

2 CHAIRMAN REPPERT: Can I get a response?

3 MR. RICK SOMMERS: Yes. This is Rick Sommers. We  
4 would be, we would be willing to direct traffic for  
5 construction of the subdivision off of 44 to Colburn and we  
6 would divert --

7 THE REPORTER: Mr. Sommers, you're going to have to  
8 repeat that.

9 MR. RICK SOMMERS: We would be willing to put up  
10 signs directing traffic to use Colburn Road off 44, not Timber  
11 Lane Road.

12 UNIDENTIFIED SPEAKER: Redirect traffic.

13 (Miscellaneous indiscernible cross conversation.)

14 MS. NIETO: Okay. Then I have just one other  
15 comment about the pond area. Is there going to be a fence  
16 around it to prevent kids from going in there and possibly  
17 drowning?

18 MR. RICK SOMMERS: There is not a fence planned at  
19 this time.

20 UNIDENTIFIED SPEAKER: (Inaudible.)

21 THE REPORTER: Mr. Chairman, this is Mindy. Could  
22 we ask the folks who are not speaking to please mute  
23 themselves?

24 CHAIRMAN REPPERT: Okay. Did that happen?

25 UNIDENTIFIED SPEAKER: Oh, my God.

26 (Miscellaneous indiscernible cross conversation.)

27 CHAIRMAN REPPERT: Okay. If you're not talking,  
28 could you please mute your phone?

29 UNIDENTIFIED SPEAKER: There's a lot of phone  
30 interference out there.

1                   CHAIRMAN REPPERT:   Okay.   Anybody else on G through  
2 M?

3                   MR. HOFFMAN:    Yes.    Can you hear me out there?   Can  
4 you hear me?

5                   CHAIRMAN REPPERT:   Yes.

6                   MR. HOFFMAN:    Okay.    My name is Bob Hoffman.    My  
7 wife, Linda, is with me.    We're at 820 -- 8205 Timber Lane.  
8 And my question this evening would be if you can explain the  
9 rear yard buffer strips.    When I read about those, I just  
10 wondered if you know the dimensions of those.    What would you  
11 be looking at and how much land would be behind the proposed  
12 new homes meeting the back of our yard?

13                   MR. RICK SOMMERS:   The township requirement to be  
14 part of the open space is a minimum of 50 --

15                   THE REPORTER:    Mr. Sommers, you need to speak up.

16                   MR. RICK SOMMERS:   Yeah.    Somebody is just talking  
17 all over us here.    There's a minimum requirement along  
18 Timber Lane of 50 feet.

19                   CHAIRMAN REPPERT:   Excuse me.    We are getting a lot  
20 of static somewhere.

21                   UNIDENTIFIED SPEAKER:   It's going to be really hard  
22 to hear.

23                   CHAIRMAN REPPERT:   We can't hear you.    So if you are  
24 not talking, could you please mute?

25                   Okay.    Go ahead, Mr. Sommers.

26                   MR. RICK SOMMERS:   As defined, it's a minimum of 50  
27 foot open space.    Then in addition to the houses, a minimum of  
28 30 foot rear yard.    And we would also, as part of the  
29 landscape plan, be proposing a buffer of trees and a  
30 combination of mounds.

1 THE REPORTER: Mr. Chairman, I'm not hearing him.

2 MR. HOFFMAN: I am really having a hard time  
3 understanding those dimensions. So just so I am clear, what  
4 I'm talking about is I'm talking about the end of the property  
5 of the new home, okay, from that point, the very end marker to  
6 the end of mine, there is supposed to be, I understand there  
7 is supposed to be a rear yard buffer. So what are we talking  
8 about as far as dimensions go there between the end of that  
9 property to the end of my property?

10 MR. RICK SOMMERS: I can't directly address your  
11 property but it's a minimum of 50 foot to be part of the open  
12 space.

13 MR. HOFFMAN: And you're referring, when you talk  
14 about the open space, are you referring to behind these  
15 properties?

16 MR. RICK SOMMERS: Yes, sir.

17 MR. HOFFMAN: Fifty feet, I guess what I am  
18 understanding is 50 feet from the end of the new home  
19 property, at the end of their lot to the end of mine would be  
20 50 feet?

21 MR. RICK SOMMERS: Minimum.

22 MR. HOFFMAN: Minimum, okay. All right. Thank you.

23 CHAIRMAN REPERT: Anybody else G through M?

24 MS. PESEC: This is Vanessa Pesec, 11705 Cali Court.  
25 And I've heard a couple of different questions about water  
26 quality and traffic, so I would like to address the yield plan  
27 for a moment, please. In the zoning text, the definition for  
28 the "yield plan" is not as Mr. Sommers said, feasible and  
29 developable. In the zoning text, it calls about it being  
30 reasonable, and "reasonable" is defined as moderate or fair,

1 not extreme or excessive.

2 And so if you look at unreasonable, you would  
3 consider that, in the last 20 years, I have not seen  
4 subdivisions built that had a substantial amount of wetland  
5 where everything was filled in. And I think that you heard  
6 numerous experts at the last meeting. Soil and Water spoke on  
7 behalf of several county agencies, including the Engineer,  
8 talking that it was unreasonable to expect that, that type of  
9 a yield plan and they recommended a number of fewer lots. I  
10 don't know the exact number. The last minutes nor the  
11 transcript nor the video is online, so -- But there was a  
12 number.

13 Now, the Lake County Planning Commission did say  
14 that it was buildable but they did not consult with any of the  
15 other agencies in making their determination. They viewed it  
16 strictly as a zoning text amendment, not as a subdivision. So  
17 this is important information for you to understand and that  
18 you should consider all of the other agencies that talked  
19 about the -- their concerns at the prior meeting. And I know  
20 that you also, Board members, had problems with it as well  
21 stating you can't just slap a grid on top of it, of your  
22 property, and expect to get a yield plan. Now, you may have  
23 slightly moved some lines around for riparian setback but not  
24 significantly.

25 Also under General Guidelines and Applicability in  
26 the RCD zoning text, 16.20, determining whether or not to  
27 permit an RCD within Concord Township, the Zoning Commission  
28 and the Trustees shall take into consideration the following:  
29 The effect the district and its development will have upon  
30 properties in the vicinity, population density and population

1 trends and surrounding open spaces.

2 So to get back to Mr. Adams' comments about water  
3 and water quality and Mr. Hoffman regarding the rear yard  
4 clearance, as well as traffic from Ms. Nieto, you can see that  
5 providing a reasonable density for the yield plan will yield a  
6 smaller number of homes, which will then yield less impact on  
7 a lot of the areas that people are talking about.

8 So, additionally, there was a question about  
9 retention ponds and whether or not that was open space. And  
10 in the RCD zoning text, Number 4, it has any area within the  
11 designated open space that is disturbed during construction or  
12 otherwise not preserved in its natural state, other than some  
13 other setback, streets and landscaping, shall be landscaped  
14 with vegetation that is comparable with the natural  
15 characteristics of the site.

16 And so a retention pond and the need to mow it down  
17 and all those other things is not a natural characteristic of  
18 the state of the site. So I think that it was an excellent  
19 question and I think that the detention pond should not be  
20 included in the open space and your zoning text allows you to  
21 not have it included in the zoning text.

22 Could I have answers to those comments, please?

23 CHAIRMAN REPPERT: If you give me a second to speak.

24 MS. PESEC: Absolutely.

25 CHAIRMAN REPPERT: Mr. Sommers, could you respond to  
26 those issues?

27 MR. RICK SOMMERS: Yeah. Number one, the yield plan  
28 was greatly changed and the biggest objection that Soil and  
29 Water and Stormwater had was the rerouting of the creek in the  
30 northeast corner of the property. The subsequent yield plan

1 took that away. We are not touching that creek and we are  
2 maintaining the distance.

3 As far as some of the other points Ms. Pesec makes,  
4 they're subjective as far as what's reasonable and not  
5 reasonable.

6 As far as water quality, there is alternative.  
7 There is, I will point out that there is city water in all of  
8 this area that is available. And we do not see any effect on  
9 wells by what we're doing in the subdivision, nor has there  
10 been a history in other subdivisions that we and other people  
11 have done of well impact in Concord Township.

12 Does that answer your question, Mr. Chairman?

13 CHAIRMAN REPPERT: I will refer that to Ms. V's.

14 MS. PESEC: The yield plan still has some questions.  
15 It is true that some of the impacts were mitigated. Of  
16 course, we, the citizens are always at a disadvantage because  
17 we never are able to see any of the plans. They're never  
18 posted anywhere online, so we don't know. Unlike the other,  
19 the Board members, we have no idea what they -- what it looks  
20 like.

21 But, nevertheless, they talked, the other folks at  
22 the other agencies talked about mitigating for wetlands and  
23 other natural features as well. So I still think the yield  
24 plan is too high.

25 And, secondly, the retention pond in the open space.

26 MR. RICK SOMMERS: First of all --

27 MS. PESEC: I don't believe that should be part of  
28 the open space.

29 MR. RICK SOMMERS: I disagree with your statement,  
30 in that, I personally observed the plans were posted on the

1 township website at some point. I don't know when they were  
2 posted but they were on recently for the public to view, and I  
3 think that is typically the practice. But I don't know when  
4 they were posted and if it gave you enough time to view.

5 As far as the pond and the open space, the pond,  
6 especially a wet pond -- We don't do any dry ponds. So these  
7 ponds will always have, at least, three feet of water in them.  
8 The pond could be an -- Some people view a pond as an asset,  
9 as well as a stormwater feature. I think that the pond at  
10 Concord Ridge are an asset. That lake is two acres and it's  
11 got a walking path around it and people walk it all the time  
12 and there is ducks and geese in there. It is stocked with  
13 fish. So I don't know that a stormwater pond is necessarily a  
14 detriment in the space area. A lot of people enjoy ponds.

15 CHAIRMAN REPPERT: All right. Let's move on.

16 MS. FREEMAN: Mr. Chairman, Mr. Chairman, this is  
17 Heather Freeman. Can I say something for just a moment?

18 CHAIRMAN REPPERT: Absolutely.

19 MS. FREEMAN: Just to address a couple things that  
20 were brought up, the plans have been on the website since, at  
21 least, prior to us sending out the notices to the residents.  
22 So, hopefully, you guys all did take a look at those prior to  
23 joining the meeting this evening.

24 Also, Ms. Pesec, the meeting minutes from the  
25 preapplication meeting that we did hold with the Zoning  
26 Commission and the Trustees are posted on the website. That  
27 was the March 3rd special meeting date. So maybe you had your  
28 meeting dates mixed up when you were looking for that online  
29 but those minutes are posted online.

30 And then the other issue, just, you know, just to

1 back up, Mr. Sommers is correct. In other developments, we  
2 have approved stormwater basins within the open space. So --  
3 But he has stated that he's agreeable to providing some  
4 additional landscaping in those areas where he had to make  
5 disturbances, so we can address that later on with the  
6 landscape plan. Thank you.

7 CHAIRMAN REPPERT: All right. Moving on, last name  
8 starting with N, as in November, through S, any participants  
9 like to identify their comments?

10 MS. PYLE: My name is --

11 MR. STEWART: (Inaudible.)

12 MS. PYLE: Oh, go ahead. I'll wait.

13 MR. STEWART: This is Lee Stewart, 8229 Timber Lane.  
14 My concern is that just even since we've had the trees cut,  
15 excessive amounts of water. Now we're going to add more hard  
16 space, more hard surface with driveways and roofs and so on  
17 and so forth. Any consideration? I feel like we're going to  
18 be flooded out here.

19 MR. RICK SOMMERS: May I address, Mr. Chairman?

20 CHAIRMAN REPPERT: Yes, you may. Go right ahead.

21 MR. RICK SOMMERS: This is Rick Sommers. First of  
22 all, the Ohio EPA and the Lake County Stormwater Management  
23 and the Soil and Water require us to present, prior to  
24 starting construction of any roads or earth disturbances, a  
25 stormwater plan. We cannot discharge more water than is  
26 currently being discharged from that site into any creek or  
27 neighbor's yard. There is no discharge of water into any  
28 neighbor's yard. This is an extreme engineering calculation.  
29 That's what the water quality basins are for and that's what  
30 the stormwater ponds are for.

1           Those ponds have a device in them that do not let  
2 the water go out any faster than it did prior to construction.  
3 So it takes in all of the hard surface, the impervious  
4 surfaces, roofs, driveways, and we have to hold that water for  
5 a certain time and release it, and that's what these ponds are  
6 for. So when this is constructed, the water will not be going  
7 out of this site any faster than it is today pre-construction,  
8 is what it's called.

9           MR. STEWART: Thank you.

10          MS. PYLE: My name is Pat Pyle.

11          UNIDENTIFIED SPEAKER: (Inaudible.)

12          MS. PYLE: My name is Pat Pyle. I live at  
13 8273 Timber Lane Drive and I am really baffled by the fact  
14 that you are going to put a retention pond in. And with all  
15 the young children in the neighborhood or people visiting,  
16 there could be a horrible accident. Who is responsible for  
17 that if someone, God forbid, should drown in there?

18          CHAIRMAN REPPERT: Mr. Sommers.

19          MR. RICK SOMMERS: I don't really have an answer for  
20 that other than, you know, off the property, there are  
21 numerous ponds throughout this community, both private and  
22 stormwater ponds, not feasible to fence. We don't have an  
23 answer other than that they're on this property and that  
24 they're required and necessary.

25          CHAIRMAN REPPERT: I have a retention in my  
26 development without -- a pond without a fence. But, Heather,  
27 do you have any --

28          MS. PYLE: You have a pond, retention --

29          CHAIRMAN REPPERT: (Inaudible.)

30          MS. PYLE: You have a retention pond in your area

1 and you have not had any problems with children jumping in it  
2 or anything or accidentally falling into it or children, like  
3 young boys, going in the woods just to check out what's back  
4 in the woods or whatever and no accidents whatsoever and  
5 you're not concerned about that? That bothers me very much.

6 And, secondly, you have one entrance going in off of  
7 Colburn to this development. Should there be an emergency,  
8 how is traffic going to be? Like, say there is a house fire  
9 and there is one entrance? I don't understand how that's safe  
10 and how you -- And even on Timber Lane, we have two entrances  
11 and two exits. To me, that's more safety-minded for the  
12 people that are going to be in that development. What is your  
13 thought on that?

14 MR. RICK SOMMERS: Well, again, throughout  
15 Concord -- This is Rick Sommers, Mr. Chairman. Throughout  
16 Concord Township there are numerous cul-de-sacs. We've also  
17 made provisions, if you look at the map, when the property to  
18 the east is developed, there is a plan to connect back to  
19 Colburn Road. So we have addressed that for future  
20 development. At this time, we will not be connecting but in  
21 the future there will be a connection available. So that will  
22 be addressed some day when that other property is developed.  
23 Again, there is numerous streets and cul-de-sacs throughout  
24 Concord Township and Lake County that do not have two means of  
25 ingress and egress.

26 MS. PYLE: Are the other cul-de-sacs as short as  
27 this one is?

28 MR. RICK SOMMERS: I believe they vary in length  
29 from 100 feet to thousands of feet. I don't have an absolute  
30 answer but there are -- I can think of a number of streets

1 that are, don't have -- Even right around the corner, Nature  
2 Preserve, there is many more houses in that than we're  
3 proposing. Nature Preserve North, I believe there is 76  
4 houses with one ingress and one egress.

5 MS. PYLE: I didn't see that plat of this but how  
6 long is that development's road from the, you know, from  
7 Colburn back? How long is the road?

8 MR. RICK SOMMERS: I don't recall off the top of my  
9 head. I believe it's approximately 1,900 feet.

10 MS. PYLE: Well, in my mind, I am thinking if there  
11 is 43 houses and there is two cars per house, that's 86 cars  
12 going in and out of there. I just, it just seems just  
13 unreasonable. I don't know.

14 CHAIRMAN REPPERT: Mr. Sommers, did you do a traffic  
15 study?

16 MR. RICK SOMMERS: I believe we did a traffic impact  
17 study that was submitted early on.

18 CHAIRMAN REPPERT: Do you happen to know what the  
19 results were of that traffic study?

20 MR. RICK SOMMERS: It did not call for any road  
21 modifications. We did a sight distance study, which is where  
22 you have a hill approaching an intersection. That's all  
23 (inaudible). I don't know offhand the number of cars per day  
24 but I believe a subdivision over 50 -- I am not sure about  
25 Concord Township. Those are actually requirements not of the  
26 township but of the Lake County traffic or the Lake County  
27 Engineer, correct, Heather?

28 MS. FREEMAN: Yes. So Lake County Engineer is going  
29 to be the one that's going to require the traffic impact  
30 study. There was a, the developer did provide this as part of

1 your packet, a sight trip generation report. If you don't  
2 mind, Mr. Sommers, I am looking at it right here. It just  
3 states that the a.m. Peak hour number of cars entering the  
4 property would be 11, exiting 32. So a total of 43 at  
5 the a.m. peak hour and a total of 53 at the p.m. peak hour.  
6 So -- But the traffic impact study, that is a requirement of  
7 the County Engineer, so that is outside of the zoning purview.

8 CHAIRMAN REPPERT: Okay. Anybody else M through S?

9 UNIDENTIFIED SPEAKER: Yes.

10 MS. RACHEK: Hello? I am Sally Rachek. I live at  
11 8180 Rainbow Drive and I just have a quick question. The gal  
12 that -- And I didn't catch her full name but on our screen it  
13 showed up as "V." She cited, I believe it was in the R --  
14 What is it, the RVH? RDC?

15 UNIDENTIFIED SPEAKER: RCD.

16 MS. RACHEK: Oh, RCD plan and those regulations that  
17 kind of go into that, she cited many things. She obviously  
18 did her homework. She had numbers. She had paragraphs. She  
19 has blah, blah, blah, blah. And so, you know -- And also the  
20 agencies, the other agencies that were, that discussed these  
21 different points, seems like they're county agencies or  
22 whatever, to what extent does the developer have to follow  
23 those? I mean, I think if it's something that's in the RCD,  
24 you know, in the guideline or are they just guidelines? Are  
25 they law? Are they, you know, whatever? And if we have all  
26 these other agencies at our disposal to counsel on this, is  
27 the advice being followed? And if it's not being followed,  
28 why is it not being followed? I kind of feel like we glossed  
29 right over that and so, anyway, I don't know. That's why I am  
30 asking.

1 CHAIRMAN REPPERT: Mr. Sommers.

2 MR. ADAMS: No, the chairman should answer that  
3 question.

4 MS. RACHEK: Really, you know what? I'd like the  
5 trustees or the Planning Commission to answer that question.  
6 I don't want Mr. Sommers to answer it. I want the people who  
7 kind of regulate, who are in charge of following --

8 MR. ADAMS: Protecting the citizens of Concord  
9 Township, that's who should answer.

10 MS. RACHEK: Okay, Concord -- Who is that? Okay.  
11 So we need to have somebody, not the developer, we need to  
12 have somebody that is going to be with the county -- with the  
13 township who is in charge of administering, adhering and  
14 policing these policies. That's who I want to answer.

15 MS. FREEMAN: Mr. Chairman, I think I may be of  
16 assistance a little bit with this question. I am sorry. I  
17 didn't catch your name, ma'am.

18 MS. RACHEK: Sally Rachek. Oh, Sally Rachek.

19 MS. FREEMAN: Sally?

20 MS. RACHEK: Uh-huh.

21 MS. FREEMAN: Hi, Sally. This is Heather Freeman.  
22 I am the Concord Township Zoning Inspector and also the  
23 secretary to the Zoning Commission. I am not sure  
24 specifically what the other resident had spoke about that you  
25 were concerned about but --

26 MS. RACHEK: She talked -- excuse me -- but she  
27 talked at length and I didn't catch her name but she had,  
28 like, she had, you know, she had the numbers of the document  
29 stated and she put out point after point after point after  
30 point of, like, this isn't right. It sounded to me like this

1 isn't quite right. This is what the papers say. This is what  
2 the guidelines say or whatever it is but this is what's being  
3 done. So I don't know. Maybe she's still on. Can she  
4 like --

5 MS. FREEMAN: No, we're not going to go back and  
6 forth. We are going to just let you ask your question and if  
7 the chairman wants to answer them, we will answer them. I am  
8 going to try to address your question.

9 UNIDENTIFIED SPEAKER: Wow.

10 MS. FREEMAN: This is how the meeting, because this  
11 is how the meeting is run. So my job as the Zoning Inspector  
12 is to enforce the Zoning Resolution. I am also staff to the  
13 Zoning Commission. So I did provide them with my staff report  
14 and recommendation on this particular application this  
15 evening. As part of any kind of district change, we do send  
16 the potential change to the Lake County Planning Commission,  
17 so we also did receive their recommendation. It has not been  
18 brought into the record yet at this point. The chairman will  
19 be discussing that after the public input. But we did get a  
20 recommendation, additionally, from the Lake County Planning  
21 Commission.

22 Some of the things that the previous resident was  
23 speaking about, Ms. Pesece, was in reference to the  
24 preapplication meeting but as she -- but that's her  
25 recollection of how the meeting went. I would suggest that  
26 you take a look and read the minutes if you want to know  
27 exactly what was said by all those agencies rather than  
28 relying on her to try to summarize that for everybody in this  
29 meeting.

30 MR. STEWART: So you're not prepared to answer those

1 questions?

2 MS. FREEMAN: So I'm --

3 MR. STEWART: You're going to leave a bunch of  
4 questions unanswered?

5 MS. FREEMAN: -- going to let the chairman take back  
6 over the meeting and we will just call upon the public, you  
7 know, as we had intended to do the meeting.

8 CHAIRMAN REPPERT: Who just piped in there?

9 MR. STEWART: Again, this is Lee Stewart at  
10 8229 Timber Lane. It seems like there's a lot of unanswered  
11 questions that we're just saying, well, you know, go back and  
12 read it and you'll find it. You guys are supposed to be able  
13 to answer these questions, aren't you? You're prepared to  
14 make the decision to double our density without answering all  
15 these questions?

16 CHAIRMAN REPPERT: I'm not sure who can answer that.  
17 Heather, can you respond? Was that at the March 3rd meeting  
18 or 2nd meeting?

19 MS. FREEMAN: So what we're reviewing tonight is not  
20 the same thing that we were looking at at March 3rd. I think  
21 we need to refocus on the RCD plan and the application that is  
22 being presented here this evening. So I'm not sure what the  
23 question is, you know, and --

24 MS. RACHEK: The question is --

25 UNIDENTIFIED SPEAKER: (Inaudible.)

26 MS. RACHEK: It's regarding what's going up off of  
27 Colburn. I mean, whether it's March 3rd or whether it is now,  
28 it's relevant because it appears that things are not being  
29 followed relative to the guidelines of what are out there.

30 MS. FREEMAN: So the only thing that we are allowed

1 to enforce is the Zoning Resolution. There are other comments  
2 that they may have received from agencies that are more  
3 specific to the design and criteria of, like, the  
4 infrastructure. That doesn't get really reviewed until those  
5 plans are submitted to the county. That's -- Those aren't  
6 plans that the township reviews. We're looking at an overall  
7 preliminary plan, a layout of how the lots may go, how the  
8 street is going to go, where the proposed areas of, you know,  
9 stormwater infrastructure may be. They haven't been fully  
10 designed or fully engineered yet, so there's still scrutiny.  
11 There is still going to be plans, still going to be review  
12 with the county agencies that have that authority to review  
13 those components of the plan.

14 What we're worried about tonight is, should the  
15 Zoning Commission, should the township rezone the property so  
16 the developer can do an RCD, which the RCD is a tool that the  
17 township does want to promote and use for development moving  
18 forward because we do see that it does better protect streams  
19 and wetlands and keeping those areas in open space, away  
20 sublots, away from where individual residents might  
21 unintentionally or intentionally destroy those environmentally  
22 safe features.

23 So the purpose of the meeting is to look at this  
24 plan and decide, you know, should we approve this plan as  
25 submitted or, you know, maybe there is some small changes  
26 that, you know, the township and the developer can agree to so  
27 it's a win for everybody.

28 MS. RACHEK: Heather, first case in point is the  
29 whole retention basin. Whatever was quoted from that person  
30 that spoke before was, it has to be kept natural. It has to

1 be -- It has to be all natural, natural, natural, natural.  
2 And by creating a manmade retention basin, that does not sound  
3 natural. So that's one of the things that caught my ear.  
4 It's like, okay, so this is what the guidelines or whatever  
5 the township, what's on paper says. But all of the sudden  
6 now, oh, but it's okay. We'll just make it a retention basin.

7 So who -- Why isn't that, like, followed to the  
8 letter of the law as written into the document that she quoted  
9 from? Why is it like, oh, but it's okay. We'll just make it  
10 a retention basin. That's what I don't understand.

11 CHAIRMAN REPPERT: Because you said, this is  
12 natural, natural, natural, that open area, whether it's an  
13 open area completely or a possible water quality feature, it  
14 can still be all grass. It is not like it's going to be dirt,  
15 open, you know, open dirt or mud. If you drive around --

16 MS. RACHEK: I know, but it's going to be, it's  
17 going to be a retention basin that, obviously, people are  
18 concerned about that's going to have water that people are  
19 concerned about people drowning in or kids getting into or  
20 whatever. And so a retention basin is not, I mean, you cement  
21 that in to retain the water or what?

22 CHAIRMAN REPPERT: The same thing can happen in your  
23 back yard. It will have a little swale or something like  
24 that. It can have water from a downpour and it's still all  
25 natural.

26 MS. RACHEK: My back yard is natural, right. So I  
27 guess, if you keep it all natural and it's just grass and just  
28 a swale or whatever to collect water, I guess, because I had a  
29 better -- a different idea of what a retention basin was. I  
30 was thinking it was going to be like cement and there to

1 collect water. I don't know but maybe I am wrong. Okay.

2 MR. PETERSON: Mr. Chairman, could I speak?

3 CHAIRMAN REPPERT: Absolutely.

4 MR. PETERSON: Rich Peterson here. I would just  
5 like to comment on that. We have many, many developments in  
6 Concord that have retention basins to protect the area from  
7 flooding and protect from wet basements and things like that.  
8 But as a zoning committee, don't think that we're going to go  
9 into this blind. We've had input that we haven't had a chance  
10 to speak to yet tonight from the Lake County Stormwater group,  
11 the Lake County Soil and Water Conservation group, the Lake  
12 County Department of Utilities. We've had input from the  
13 Concord Fire Department. We've had a traffic study presented  
14 to us. So all of this has been addressed either in the  
15 previous meeting or will be addressed tonight after the public  
16 comments are heard but don't think we're just ignoring all  
17 this.

18 We do have the guidelines for the conservation  
19 district. Those guidelines provide a much, in my opinion, a  
20 much nicer neighborhood because it lowers the density and  
21 keeps a lot of trees standing that would have been cut down  
22 previously.

23 UNIDENTIFIED SPEAKER: They're all cut down.

24 MR. PETERSON: And it's a benefit to the community.

25 MR. ADAMS: You need to drive by the parcel of land  
26 and talk about trees cut down. I think you're misinformed.

27 MS. RACHEK: They're all cut down. Are you kidding?  
28 They're all cut down. They're, they're all cut down. It's  
29 terrible and --

30 MR. PETERSON: We can, we have --

1 MS. RACHEK: Will we be able to read all your --  
2 What you report that the public can't hear, will we be able to  
3 read that?

4 MR. PETERSON: There is no report that the public  
5 can't hear.

6 MS. RACHEK: No, no, once we take public comment.  
7 Oh, you're gonna -- Oh, we can hear it then.

8 MR. PETERSON: Yeah. The meeting tonight, that's  
9 why we are here.

10 MS. RACHEK: Great, excellent. But you know what?  
11 Truly, you should drive by. Those trees, it looks like a  
12 hurricane went through there.

13 MR. PETERSON: Well, you can look at the  
14 conservation neighborhoods all over Concord, including Quail  
15 Hollow, and see there are a lot of trees that are still  
16 standing that wouldn't have been there.

17 CHAIRMAN REPPERT: Okay. Let's move on. Otherwise,  
18 we're going to be here all night. Anybody else N through S?

19 MR. STEFFENS: Yes, Fred Steffens, 8263 Timber Lane  
20 Drive.

21 CHAIRMAN REPPERT: Go ahead.

22 MR. STEFFENS: Okay. I do also have a concern about  
23 the runoff water that will come off of that property. My  
24 property, on three different occasions, enough water has come  
25 down --

26 THE REPORTER: Mr. Chairman, I cannot hear him. I'm  
27 sorry. This is Mindy. I cannot hear him.

28 CHAIRMAN REPPERT: Our recorder cannot hear you.  
29 Can you make some adjustment, please?

30 MR. STEFFENS: Is it better like this?

1 THE REPORTER: A little bit.

2 MR. STEFFENS: Can you hear me now?

3 THE REPORTER: Yes.

4 MR. STEFFENS: Okay. I am concerned about the  
5 runoff water that will come off that property. Three times  
6 water has come down through my back yard because everything  
7 slopes down towards Timber Lane Drive, three different times  
8 has washed, gone down my drive and washed out the berm on the  
9 road. The township has had to come in here and redo and  
10 actually put an additional tile underneath beside my drive to  
11 help try and divert the water further. Now with all this  
12 being developed, I am not sure retention ponds, how big the  
13 retention pond is going to have to be to contain all this  
14 water that comes down from that property and there is nothing,  
15 going to be nothing there to absorb it anymore now.

16 MR. RICK SOMMERS: Mr. Chairman.

17 CHAIRMAN REPERT: Yes.

18 MR. RICK SOMMERS: Rick Sommers. May I address?

19 CHAIRMAN REPERT: Yes, sir, go ahead.

20 MR. RICK SOMMERS: First of all, 40 percent of that  
21 site, although when you drive by, you can see the trees that  
22 are down, and they had to be cut down by April 1st due to  
23 regulations. But, secondly, 40 percent of that site did not  
24 have anything touched on it, no trees cut, no disturbance.  
25 Everything is still kept inside. So there's 40 percent of  
26 that site, which is based on the RCD plan, that has not been  
27 touched and won't be touched if this plan is approved.

28 The second thing is when we do the -- I didn't catch  
29 the fellow's name who just spoke. But we, if this were to be  
30 approved and we submit plans to the township and to the Soil

1 and Water and the Lake County Engineer, we will address the  
2 grading. There will be a grading plan and what's called a  
3 SWPP plan, a Soil and Water Prevention Plan, that will address  
4 runoff. Runoff now is, obviously, before we have done any  
5 work. So anything we do in there, per the Lake County  
6 standards, will be improved, not increased. That's why we  
7 have catch basins in back yards and yard drains to direct that  
8 water to a stormwater system to alleviate any neighbor impact.

9 CHAIRMAN REPPERT: So thank you.

10 MR. STEFFENS: I just see it as, you know, whatever  
11 you say, 40 percent is going to be undeveloped but still 60  
12 percent will be developed where that water cannot -- I just  
13 see it as a considerable problem. I am not an engineer. I  
14 don't know. And certainly probably can be addressed and taken  
15 care of but I am concerned about -- I have not ever been  
16 flooded out with the amount of water that does come down here  
17 but the sense of more water comes --

18 MR. RICK SOMMERS: Based on what the requirements  
19 are, that water will be less because it will be managed.

20 CHAIRMAN REPPERT: Okay. All right. Any other  
21 questions N through S? Any other comments?

22 MR. RACHEK: Hi. This is Tim Rachek, 8180 Rainbow  
23 Drive. I just had a question. So in the packet of  
24 information, there was the R-1 yield plan which shows 43 lots.  
25 The RCD plan still shows 47 lots. So I am going to assume,  
26 based on the opening comments where they said there were 43  
27 lots that the RCD plan has not been updated from the  
28 preliminary.

29 So I guess my question is for Lots 7, 40, 41 and 43,  
30 you know, they have either wetlands on those lots or, in 40

1 and 41's case, they have a stream flowing through it. And  
2 can't really figure out 43 because most of the color is brown,  
3 which says "wetlands impact." So am I reading the  
4 (inaudible)? And if you look at Sublot 5, those five lots are  
5 going to have either streams running through them or have  
6 wetland impact or be wetland? And then Sublot 40, Lot 40, is  
7 going to be one house that sits way back from the street and  
8 all the other ones are, are basically at the same location of  
9 the street.

10 MR. RICK SOMMERS: Are you looking at the yield plan  
11 or the RCD plan?

12 MR. RACHEK: Well, the -- I am looking at the yield  
13 plan because that's the only document that has 43 lots.

14 MR. RICK SOMMERS: Okay.

15 MR. RACHEK: And the RCD plan is numbered different.

16 MR. RICK SOMMERS: There is a different amount of  
17 lots.

18 MR. RACHEK: Right. But it's also numbered  
19 backwards. I was looking at the R-1 yield plan.

20 MR. RICK SOMMERS: The R-1 yield plan is basically a  
21 concept plan for what could be built without any (inaudible)  
22 open space. That becomes the basis for the RCD plan. And in  
23 the code, the RCD plan, for preserving 40 percent or more of  
24 the project, gives us a density bonus of up to 11 percent. So  
25 the RCD plan that you're looking at is correct, in that, there  
26 is 47 lots allowed with 40 percent minimum open space.

27 MR. RACHEK: Okay. I am sorry. I am going to have  
28 to ask a clarifying question. So what's the most accurate  
29 plan to look at as far as the number of lots that are going,  
30 houses that are going to be built? The RCD plan that's

1 included in the packet has 47 lots and the opening comments  
2 said that there were going to be 43 lots built. So I am  
3 assuming the R-1 yield plan is the most current.

4 UNIDENTIFIED SPEAKER: No.

5 MR. RICK SOMMERS: The RCD plan is what we are  
6 asking the Zoning Commission to recommend approval of that has  
7 47 lots. It's a two-step process that's spelled out in the  
8 township Zoning Code and that we have met all those conditions  
9 to allow a 47 lot subdivision.

10 MR. RACHEK: Okay. But the opening comments said  
11 you were going to build 43 lots. So is it 47 or 43?

12 MR. RICK SOMMERS: We're asking for the zoning  
13 change to 47 lots.

14 MR. RACHEK: Okay.

15 CHAIRMAN REPERT: Okay. T look Z, any comments on  
16 participants with the last name beginning at T through Z?

17 MR. WITT: Yes, this is William Witt,  
18 8347 Timber Lane. Can you hear me?

19 CHAIRMAN REPERT: Yes, I can.

20 MR. WITT: Great, thank you. Just a couple quick  
21 remarks. You can answer questions when I am done here. But,  
22 first, I just want to thank Heather Freeman and Andy Rose for  
23 answering some of my questions last month. They've been very  
24 helpful.

25 Also, I wanted to talk about the characteristic of  
26 the neighborhood. That's the purpose of zoning, to preserve  
27 the character of the community. And what concerns me the most  
28 about this is the density and the closeness of the houses back  
29 there. If you look at Google Map's image of the area, you can  
30 see, obviously, the older neighborhoods are more wooded, a

1 little more spread out. I understand housing requirements  
2 tend to change over time, what people are looking for, and  
3 that's why we have these, these recent developments over the  
4 past 10, 20 years.

5 So I did look at some of the other similar  
6 developments that looked like RCDs to me -- I don't know if  
7 they were or not -- to kind of look at the density of those.  
8 So a couple examples, you have like Summerwood where the  
9 average lot sizes are like .39 to 1 acre and it ranges in  
10 there. The most recent one, which is close to Timber Lane,  
11 Alexa, that's the Orchard Springs Development. The average is  
12 .3. That's kind of the tightest I have seen, at least, on  
13 this side of Concord. Down from here, you have Cambden  
14 Crossing, which most of these lots are over half an acre. I  
15 think that just follows R-1. Here on Timber Lane, most of the  
16 lots are 1 acre exactly, a couple, few down on the south end.  
17 Colburn, you have 6 acres for a lot of them up against this  
18 development, then 1 acre down from there. Further east there  
19 in Concord, you have 2 acre lots.

20 So this is, this looks like an RCD plan, quarter  
21 acre, which is the smallest lot size that I can see, I guess,  
22 outside of the golf course, and it's really not characteristic  
23 of the neighborhood. It's too close, I think. You have  
24 houses, what, 30 feet from the street and 10 foot side yards.  
25 So can these houses be that close?

26 So the other comment was about the green space.  
27 Yeah, you guys should just take a drive down Timber Lane and  
28 look. You can see the back yards are pretty much -- I am  
29 sorry -- they have cleared right up to the property lines, it  
30 looks like, of all these Timber Lane houses. I know when I

1 walked back to the back of my property, there are stakes back  
2 there and they cleared right up to the stakes, even past them  
3 for a couple of feet, which I don't mind but it's besides the  
4 point.

5           So I don't know, why did they have to remove every  
6 last tree? It seems like it's kind of unneeded to clear out  
7 all the, all the buffer space that you could have left and now  
8 we have open green space. So you've got, at least, 25 houses  
9 now on Timber Lane that are going to be looking at this  
10 development in their back yard. A lot of people grew up on  
11 this street looking at woods. Of course, people can buy  
12 property and develop it as much as they want within zoning.

13           But I just think this RCD, yeah, you're preserving  
14 water features and streams, that's good, but it's just too  
15 close. And these are mansions, too, 3,500 square foot houses.  
16 I think Timber Lane might average maybe, what, maybe 1,200  
17 square feet. Nothing against big houses but you ought to have  
18 a little more property to put them on then, not right on top  
19 of each other.

20           Another point, I don't really like the detention  
21 ponds as they're shown. We're going to have sitting water in  
22 there. You're going to have more mosquitos. To address that,  
23 maybe you need pesticides. You've got a lot of people on well  
24 water. You can't say that's not going to go down into the  
25 aquifers. I mean, yeah, there is filtering but we all know  
26 that stuff on the surface gets into the water. That's a fact.

27           You know, it's already bad enough, the water  
28 situation back there. You have, what, three different  
29 streams. I know the one that goes through my property, when  
30 we get an inch of rain, that's some white water rafting back

1 there. So I wouldn't, I wouldn't underestimate the water  
2 stuff going on back there. It's -- I am kind of floored that  
3 it's considered buildable, honestly, but looks like it can  
4 happen.

5 The yield plan, to me, I mean, that's what's  
6 following existing R-1 zoning. Yeah, I mean, they can go off  
7 and do that but even some of those lots are right up in some  
8 of the water features, like one house looks like it's 10 feet  
9 from a stream. Well, I hope that they don't put a basement  
10 in.

11 And, yeah, I just have an overall concern about the  
12 character of the neighborhood. I mean, just every tree, it  
13 looks like, was cut down. Apparently, that's maybe not the  
14 case but it sure looks like it was cleared right up to the  
15 lots. So I think that some of the other people on the street  
16 brought legitimate concerns with the water, especially.

17 And then, of course, we're not going to like the  
18 traffic but there is not much we can do about that.

19 And, yeah, that's really all I have to say. Thank  
20 you. If you can address any of those points, appreciate it.  
21 That's it.

22 MR. RICK SOMMERS: Mr. Chairman, Rick Sommers.

23 CHAIRMAN REPPERT: Go ahead.

24 MR. RICK SOMMERS: First of all, I don't know where  
25 the 3,500 square foot house figure came from but we're looking  
26 at an average here of between 20 -- 2,000 and 2,600 square  
27 foot houses. I don't -- That does not anticipate the majority  
28 of or anywhere near the majority of the houses being as big as  
29 you reflected.

30 Basically, you can't really compare this to

1 Summerwood because Summerwood is in a different zoning  
2 classification. That's R-4. This is R-1. I would argue that  
3 Orchard Springs, I believe those lots are similar size because  
4 of similar zoning and that was also an RCD subdivision.

5 What else were your questions? The water thing, you  
6 know, another thing I just thought of is Timber Lane is all on  
7 septic still and I think that that is probably a bigger threat  
8 to anybody that's still on water well than this subdivision  
9 that's going to be on sewer and have the well done, well  
10 designed stormwater system. So I just, again, do not see the  
11 reality of an impact on the, maybe, the people that are still  
12 on wells. Again, there is city water on Timber Lane, as well  
13 as Colburn. Some people may not have converted their wells.  
14 I've already been contacted by a number of people on Timber  
15 Lane asking if they could tie into the sewer because their  
16 septic systems are failing. So, again, I do not believe water well  
17 quality is the issue, is going to be an issue due to this  
18 subdivision.

19 MR. WITT: The 3,500 is in your proposal.

20 UNIDENTIFIED SPEAKER: Right.

21 UNIDENTIFIED SPEAKER: Yeah.

22 MR. RICK SOMMERS: Then that's a mistake.

23 MR. HOFFMAN: Because I got it right here. It  
24 says -- This is Bob Hoffman calling back or talking again. It  
25 says right here the price, the home prices in this development  
26 are expected to be from \$350,000 to \$500,000 and an average  
27 will be 2,300 to 3,500 square foot per dwelling. It's right  
28 in your amendment that you wrote up.

29 MR. RICK SOMMERS: That is 2,300 to 3,500, not all  
30 of them will be 3,500. I doubt, the way the market is today,

1 that's trending the other way. So I think it will be more  
2 towards the lower end.

3 MR. HOFFMAN: I mean, with all, with all due  
4 respect, sir, I mean, if it's written right in here, I mean,  
5 what is it going to be? I mean, it doesn't make sense. I  
6 mean, if you have, if you have a proposal here then that  
7 should be corrected. I mean, we're looking at that and what  
8 you're saying, okay, well, it might not be like that. But all  
9 -- I'm a man where I look at the writing and that's what I  
10 believe.

11 MR. RICK SOMMERS: Yeah, but it doesn't say 3,500.  
12 It says 2,300 to 3,500.

13 MR. HOFFMAN: You're right, exactly.

14 MR. RICK SOMMERS: And the price --

15 MR. HOFFMAN: That's right, it does. I mean, I will  
16 give it to you there. I mean, you said 2,300 but it says,  
17 does say 2,300 to 3,500 square feet.

18 MR. RICK SOMMERS: Okay. Well, I agree, but I don't  
19 think that the statement that they're all going to be 3,500 is  
20 accurate.

21 (Miscellaneous indiscernible cross conversation.)

22 MR. LINGENFELTER: Mr. Chairman, this is Andy  
23 Lingenfelter. Mr. Chairman, excuse me. This is Andy  
24 Lingenfelter. You know, we have to keep in mind the decorum  
25 of a public hearing here. This is not a matter of debate back  
26 and forth between two parties. If you have questions  
27 regarding the zoning situation, you need to direct those  
28 questions to the Zoning Commission and not to the builder.  
29 This is not, the whole design of this process is not to be  
30 done and banter back and forth between two parties like this

1 talking over each other.

2 So, Mr. Hoffman, I would ask that you respect that,  
3 please. You know, it's difficult enough, with the environment  
4 that we're in, to get this the way it is but we can't have  
5 this kind of banter going back and forth like this. It  
6 doesn't serve --

7 MR. HOFFMAN: Well, sir --

8 MR. LINGENFELTER: It doesn't serve anybody any  
9 good. Okay?

10 MR. HOFFMAN: Well, excuse me. I just want to  
11 respond to your comment though. If I am going to do my  
12 homework and I am going to read something and then I hear  
13 somebody go and say, well, that's not really going to be the  
14 case, I am just going to call, call their attention to it. I  
15 just need clarification on what we -- what we're looking at  
16 here. Okay? I do not mean to be disrespectful to anybody but  
17 when I leave this meeting tonight, I want to have a good  
18 understanding of what I learned. That's all I want to say  
19 about that.

20 CHAIRMAN REPPERT: Okay. Thank you.

21 MR. HOFFMAN: All right. Thank you.

22 UNIDENTIFIED SPEAKER: Thank you.

23 CHAIRMAN REPPERT: Any other comments from T through  
24 Z?

25 MS. TOMBA: Yes. This is Kim Tomba. I'm at  
26 8315 Timber Lane. I am fortunate to have one of the  
27 waterways, so I do have some saved trees. But I also own the  
28 empty lot that's next to me and that lot has been cleared to  
29 the line, if not over my line. So I don't understand when  
30 they say there is a 50 foot buffer zone from Timber Lane to

1 this new road. On my side lot, there is zero feet of buffer  
2 between my property and the trees that have been cut down. So  
3 I don't understand what a buffer zone is. Then those trees  
4 should have been left standing for that 50 feet. They  
5 shouldn't have been cleared if it's a buffer zone.

6 CHAIRMAN REPPERT: Mr. Sommers.

7 MR. RICK SOMMERS: I am looking to see where the  
8 Tomba property is. I see --

9 MS. TOMBA: There is two parcels.

10 MR. RICK SOMMERS: Yeah, I see them. So, again, we  
11 were avoiding any impacting waterways and there is, there is  
12 (inaudible). We did not cut any more trees than we had to and  
13 any trees in green space were left. There is a 50 foot buffer  
14 behind. There is quite a substantial buffer behind, actually,  
15 both your properties. Between lots 6 and 7 on the RCD plan,  
16 there is a substantial buffer zone where we did not clear  
17 anything in the creek bed or riparian setback area.

18 MS. TOMBA: Right, behind my home, yes, I agree.  
19 But on my, on the second lot that we own, the empty lot, there  
20 is zero buffer zone. Trees are cut on my property line. So I  
21 don't understand what -- So then there will be like shrubs  
22 planted there or something as opposed to the trees that were  
23 there?

24 MR. RICK SOMMERS: They are the riparian setback  
25 areas and the green space areas. Behind your one lot, it  
26 looks like Sublot 6 is a minimum 50 feet. So, again, I can't  
27 address that particular area other than we did not clear in  
28 the riparian setback area.

29 MS. TOMBA: Okay. I just want it noted though that,  
30 I mean, there is zero buffer zone and I know, you know,

1 there's a lot of other neighbors that are in the same boat  
2 where there is just zero buffer zone. Like I said, I am  
3 fortunate that I do have a stream, so it did save some trees.  
4 But there is no, like, saving -- There is no 50 foot buffer  
5 zone for the majority of the street. So --

6 CHAIRMAN REPPERT: Well, if I am not mistaken,  
7 Mr. Sommers, the buffer zone is not necessarily trees.

8 MR. RICK SOMMERS: That's correct, especially where  
9 there's the proposed retention area, were we have to insert a  
10 second one. Number one, we would have to insert that and that  
11 needs to be calculated.

12 Again, we'll have a landscape plan. (Inaudible.)  
13 There may not be -- There may be a few trees that were taken  
14 down to accommodate the storm sewer but we did not, I'm sure  
15 we did not cross any property lines with the (inaudible) lots.

16 CHAIRMAN REPPERT: All right. Any other questions  
17 on T through Z?

18 (No response.)

19 All right. Zoning Commission have any questions or  
20 comments for the applicant? You've heard it all.

21 MR. SCHINDLER: This is Frank. The only question I  
22 have, and I wouldn't say a question but a comment, that,  
23 Mr. Sommers, based on the staff reports that we have and the  
24 comments made by all the departments that are listed on here,  
25 you have agreed to address the issues to their satisfaction, I  
26 would assume?

27 MR. RICK SOMMERS: That is correct. The staff  
28 report generated by Planning Commission, Planning Department  
29 of Concord Township.

30 MR. SCHINDLER: All right, sir. Thank you.

1 CHAIRMAN REPPERT: Rich? Sue?

2 MS. GERMOVSEK: I had a question. This is Sue  
3 Germovsek. I thought all the callers, you know, really  
4 brought up good points, but are retention ponds typically  
5 fenced?

6 UNIDENTIFIED SPEAKER: Never.

7 CHAIRMAN REPPERT: No.

8 MS. GERMOVSEK: No? I didn't know. And, I mean,  
9 the engineers have all, you know, submitted their plans and, I  
10 mean, that's what it calls for, right, the retention ponds and  
11 the waterways and it's all being protected?

12 MR. SCHINDLER: Well, I guess -- This is Frank. I  
13 live in a development that had a development built behind it  
14 many years ago and we have a, what they call a dry retention  
15 basin. In other words, (inaudible). And it's been effective  
16 over the years, from what I can see living here as long as I  
17 have, that when we get, quote, what they call the 100-year  
18 rain, which over the years has happened three times already,  
19 for me anyway, but this pond fills up and the pipes that  
20 release the water level such that it takes it into a creek  
21 that runs alongside of it in a timely manner so it doesn't  
22 flood the neighborhood. But once the rains stop and the water  
23 has went down, it becomes, like I say, dry. There is grass in  
24 there. There happens to be some natural foliage that has  
25 grown over the years. So it basically butts up to five  
26 different houses that it looks very nice and it does its job.

27 So this particular pond, if I understand it  
28 correctly, will probably be a pond. Is that correct,  
29 Mr. Sommers?

30 MR. RICK SOMMERS: Yes. In the new regulations,

1 what's called a forebay would stop the silt basin if they  
2 cleaned it out. Most ponds recently built in subdivisions in  
3 the last ten years are all wet ponds. They're less likely to  
4 have mosquitos because you have fish eating the larvae.  
5 They're easier to control. Again, the engineers have  
6 reflected those be wet ponds with outlet structures that meet  
7 the wet system.

8 MR. SCHINDLER: In this case, I understand the topic  
9 was brought up about a family's concern about their children  
10 possibly falling into this pond. Now, conservation  
11 development has always meant to develop property to try to  
12 keep it in its most natural state as possible. And as you  
13 drive around the country, there are ponds that just naturally  
14 develop over the years of our planet. So -- And children just  
15 naturally like to play in ponds. And I would think most kids  
16 have enough intelligence to know that, you know, if they can  
17 swim in a pond, they'll probably try to, or wade in it. But  
18 to try to put a fence around it, Mother Nature never put a  
19 fence around ponds that's developed over the years of our  
20 planet.

21 So I would think that children, give them the credit  
22 for having enough knowledge that they will watch what they're  
23 doing because you can't watch them all the time. Kids, being  
24 kids, will play in ponds and creeks and everything like that  
25 as part of growing up. And if you put a fence around it,  
26 there again, you're defeating the purpose of what conservation  
27 zoning is considered to be, leaving something in its natural  
28 state as much as possible, planting plantings that will  
29 enhance the area to make it beautiful and desirable.

30 So I would hope the neighbors would understand that

1 and that's the thing we try to strive for under conservation  
2 development, and I would like to see most developments in the  
3 township go that way to try to keep as much of what Mother  
4 Nature has put into our country. So those are my, those are  
5 my comments. Thank you.

6 MR. PETERSON: Mr. Chairman, could I make a comment,  
7 please?

8 CHAIRMAN REPPERT: Yes.

9 MR. PETERSON: Rich Peterson here. What we're  
10 looking at tonight are two choices. We have R-1. It's  
11 currently an R-1 development. The land is already zoned R-1.  
12 Mr. Sommers could build 41 houses back there tomorrow if he  
13 could do it because it's already approved for that. That  
14 property would still have some retention ponds, according to  
15 the plan.

16 What we're being asked tonight is to consider  
17 changing to an RCD development, which means there will be a  
18 few more houses, 6 more houses, it sounds like, but it will  
19 preserve 40 percent of the land as open area, hopefully, with  
20 trees in it or other landscaping but 40 percent common  
21 property that won't be developed.

22 Under R-1, those people can build right up to that  
23 property line with whatever they want to do in their yard. I  
24 mean, they can build, put trees back there. They can cut  
25 trees. But under the conservation zoning, they can't cut  
26 trees that are in the private or preserved area if they're  
27 still there.

28 So what we're being asked tonight is just simply to  
29 approve that change because it's already R-1. That's all.

30 CHAIRMAN REPPERT: That is correct. Anybody else on

1 the Zoning Commission?

2 MR. LINGENFELTER: Yeah. Mr. Chairman, it's Andy,  
3 Andy Lingenfelter. I have a question. This question is  
4 directed to Mr. Sommers. In the staff report, at the end of  
5 the staff report, the last page, page 4, there are staff  
6 recommendations for the approval of the district change and  
7 preliminary plan with the following modifications and then  
8 there is a list of eight different modifications that they are  
9 recommending. Do you have any problems with meeting these  
10 recommendations or do you have any objection to meeting any of  
11 these modifications, Mr. Sommers?

12 MR. RICK SOMMERS: Number one, no. The only one we  
13 have an issue with, and I think we've talked through it, is  
14 the last -- second-to-last bullet point, limit the disturbance  
15 of open space for stormwater infrastructure. Consider moving  
16 to individual sublots or reduce the number of sublots to  
17 create more open space to accommodate the infrastructure.

18 That is not feasible. We did speak to Heather about  
19 it today. We, basically, as far as retention ponds,  
20 (inaudible) RCD plan and ask that that be approved as the  
21 retention pond. To move a pond to a lot, you lose control of  
22 them.

23 THE REPORTER: Mr. Sommers, I am losing you again.

24 MR. RICK SOMMERS: I am sorry. So we agree to all  
25 the points except the last -- second-to-last bullet point of  
26 disturbance of the lot.

27 MR. LINGENFELTER: Okay.

28 (Miscellaneous indiscernible cross conversation.)

29 MR. RICK SOMMERS: And then the last,  
30 Mr. Lingenfelter, the last request, I do not believe we can

1 legally give the easement to maintain that cul-de-sac center  
2 in the right-of-way. We would propose that that be an  
3 obligation of the homeowners' association because I don't  
4 believe, as the developer, we can give an easement away that  
5 the township is going to own. I think those are questions for  
6 Mr. Lucas.

7 MR. LINGENFELTER: Okay.

8 MR. RICK SOMMERS: We agree to maintain it but I  
9 don't think we can do it by an easement because we don't own  
10 that road.

11 MR. LINGENFELTER: Okay. Heather, just out of  
12 curiosity, with the discussions you've had with Mr. Sommers  
13 regarding that, the seventh point on the staff  
14 recommendations, what's your take at this point on that?

15 MS. FREEMAN: You know, I think the applicant is  
16 trying to do that anyway. I know that it hasn't been fully  
17 engineered yet, so they don't quite know the size of the  
18 stormwater features that they're going to actually need to put  
19 in there exactly. And I know that the code doesn't  
20 specifically state that they are not allowed to be in the open  
21 space. So in that respect, they are permitted to be there.  
22 You know, if there is no wiggle room, then I guess there is no  
23 wiggle room. It was just something, it was an ask. So --

24 MR. LINGENFELTER: So it wasn't a contingency or  
25 anything like that. It was just, basically, it was a request  
26 on your part for this, for this development?

27 MS. FREEMAN: Correct.

28 MR. LINGENFELTER: Okay, okay. That was my only  
29 real question. I am satisfied with what I have heard to this  
30 point. Thank you, Mr. Chairman.

1 CHAIRMAN REPPERT: Okay. Any other comments from  
2 the Zoning Commission?

3 (No response.)

4 All right. As mentioned before, the Lake County  
5 Planning Commission has reviewed the proposed district change  
6 at their April 28, 2020, meeting. They recommended that the  
7 district amendment be made and that the property be rezoned to  
8 the R-2, RCD zoning district.

9 The Board also received a zoning staff  
10 recommendation for this application that Andy just alluded to.  
11 Staff recommends approval of the district change and  
12 preliminary plan with some modifications.

13 I guess I've got to go through the modification,  
14 right, Heather?

15 MS. FREEMAN: This is Heather. If the Board is  
16 going to take my recommendation once we close the hearing,  
17 then I would recommend, yeah, you should go through the --  
18 verbalize what the modifications are and adjust them based on,  
19 you know, what we just talked about with Mr. Sommers as far as  
20 Number 7 and Number 8. So, yeah, you can read through those.

21 CHAIRMAN REPPERT: Okay. Number 1 modification is,  
22 provide an updated legal description of the property to be  
23 rezoned that has been approved by Lake County Tax Map to  
24 verify the total acres of the project.

25 Number 2: Show the riparian setback on both sides  
26 of the stream located between Sublots 6 and 7, and this is for  
27 the RCD plan.

28 Number 3: Sublot 42, show a 50 by 50 building  
29 footprint to show compliance with the setback requirements.

30 Number 4: Revise Sublot 1 showing the dwelling to

1 be 30 feet from Colburn Road right-of-way.

2 Number 4 (sic): Proposed storm sewers should be  
3 located in the road right-of-way and not at the rear of  
4 sublots. The Township will not accept any drainage easements  
5 in back yards. However, if the storm sewers are approved by  
6 Lake County to be located in the rear of sublots, there shall  
7 not be any additional disturbances to the open space to  
8 accommodate said sewers.

9 Number -- What was that, one, two, three -- Number  
10 6: A landscape plan shall be provided indicating species,  
11 size and condition of all new trees, plants and ground cover  
12 that will be used to revegetate any disturbed area within the  
13 open space. Trees should be provided along the western  
14 property line between the project area and the proposed  
15 detention basin in addition to any other areas that may be  
16 disturbed.

17 Number 7: Limit the disturbance of open space for  
18 stormwater infrastructure. Consider moving to individual  
19 sublots or reduce the number of sublots to create more open  
20 space to accommodate the infrastructure.

21 And Number 8: An easement shall be granted to the  
22 HOA, and that's homeowners' association, for the maintenance of  
23 the landscaped island.

24 Okay. Those are the comments or the modifications  
25 that the staff recommended. If the Zoning Commission agrees  
26 with any of these modifications proposed by the staff, they  
27 should be made part of the motion. Any further discussion  
28 from the Board before we close the hearing?

29 MS. GERMOVSEK: I have a question on Number 8. An  
30 easement shall be granted to -- Can you explain that again to

1 me? You said that you agree to maintain it but you don't own  
2 it? Number -- The last one, Mr. Sommers.

3 MR. RICK SOMMERS: The road will be dedicated to the  
4 township when we complete the subdivision. We would not be  
5 able to grant an easement on something that we don't own. So  
6 what we're proposing is that we will put in the deed  
7 restrictions, that are always approved by your law director,  
8 that the homeowners' association will be responsible for the  
9 maintenance. We're going to do an island of landscaping in  
10 the middle. So the HOA will be responsible for that, not the  
11 township. That will be in the HOA rules, not in the --

12 MS. GERMOVSEK: Okay. I understand.

13 MR. RICK SOMMERS: I don't think we can legally do  
14 an easement and discussed it with Heather.

15 MR. LUCAS: Mr. Chairman.

16 MS. GERMOVSEK: Thank you.

17 CHAIRMAN REPPERT: Yes.

18 MR. LUCAS: This is Mike Lucas. Mr. Sommers is  
19 correct. You can't have an easement in the right-of-way.  
20 However, I think that eighth condition (inaudible) in terms of  
21 making the modification that provision will be made, by deed  
22 restriction or otherwise, to specifically identify who is  
23 going to maintain the landscaped island because, otherwise, in  
24 the absence of that, they just lie fallow and then it becomes  
25 a battle who is responsible for that. So we want that to be  
26 specifically delineated but we are not in a position of  
27 enforcing an easement requirement in a right-of-way.

28 So the eighth condition, in my recommendation,  
29 should be modified to simply reflect that maintenance of the  
30 landscaped island will be provided as part of the development

1 and specifically identified by deed restriction or otherwise  
2 and subject to approval by the Law Department.

3 CHAIRMAN REPPERT: Okay. Thank you. Any other  
4 discussion from the Board? Heather?

5 MS. FREEMAN: Yeah, Mr. Chairman, thank you. I  
6 think then based on everything we just we were discussing, you  
7 know, that the Zoning Commission was going to then possibly  
8 consider my recommendation with just seven modifications,  
9 eliminating the original, you know, the one bullet point that  
10 was originally on the staff report. It sounded like the  
11 developer was willing to comply with 7, not the 8, eliminating  
12 the second from the bottom. So if, when we get to the portion  
13 of the meeting where we vote on this, probably want to restate  
14 those as part of the motion.

15 CHAIRMAN REPPERT: Okay. So, Heather, I am confused  
16 on that one. Did you say we're going to keep 8?

17 MS. FREEMAN: Mr. Chairman, when I was speaking with  
18 Mr. Lingenfelter about Number 7, limiting the disturbance on  
19 the open space, that was more of an ask, it's not a violation  
20 of the Zoning Resolution. It sounded like the developer was  
21 not able to reduce the number of lots to do that but is trying  
22 to limit all, you know, the amount of infrastructure that's  
23 going to be in the open space but those items have not been  
24 fully engineered yet.

25 CHAIRMAN REPPERT: Okay. That one, I understand.  
26 But you said something about Number 8, the last one. Are we  
27 keeping that in your recommendation?

28 MS. FREEMAN: Well, per the advice of legal counsel,  
29 we should rephrase that to indicate that the maintenance of  
30 any landscape island will be on the developer and that --

1 CHAIRMAN REPPERT: Okay.

2 MS. FREEMAN: -- and that's subject to review by the  
3 Law Department.

4 CHAIRMAN REPPERT: And then you agree with that?

5 MR. RICK SOMMERS: Yes, sir.

6 CHAIRMAN REPPERT: Okay. All right. All right. I  
7 am going to close the public hearing for Zoning Amendment  
8 Application Number 0320-2. I will entertain a motion to  
9 recommend approval or approval with modifications of the  
10 Zoning Map Amendment and the Preliminary Plan Application  
11 Number 02 -- 0320-2, submitted by Sommers Real Estate Group  
12 LLC, for a proposed Residential Conservation Development R-2,  
13 RCD District, for approximately 29.6 acres of land owned by  
14 Colburn Development LLC, located off of Colburn Road and  
15 currently known as Permanent Parcel Numbers  
16 08-A-012-B-00-018-0 and 08-A-012-B-00-009-0. Can anybody give  
17 me a motion?

18 MR. PETERSON: Mr. Chairman.

19 CHAIRMAN REPPERT: Yes, Rich.

20 MR. PETERSON: Rich Peterson. I make a motion to  
21 approve the zoning change as you just described with the  
22 exception of changing the comments from staff recommendation,  
23 eliminating the "limit the disturbance of open space" comment  
24 in the staff meeting notes, and also changing the wording on  
25 the final bullet to put maintenance of the landscape island as  
26 part of the development's responsibility through the  
27 homeowners' association.

28 CHAIRMAN REPPERT: Thank you, Rich. Do I hear a  
29 second?

30 MR. LINGENFELTER: Mr. Chairman, it's Andy

1 Lingenfelter. I second.

2 CHAIRMAN REPPERT: Thank you. Any other discussion  
3 on the Board before we take a vote? Hearing none, Heather,  
4 can you take a roll call, please?

5 MS. FREEMAN: Okay. So Mr. Peterson?

6 MR. PETERSON: Yes.

7 MS. FREEMAN: Ms. Germovsek?

8 MS. GERMOVSEK: Yes.

9 MS. FREEMAN: Mr. Reppert?

10 CHAIRMAN REPPERT: Yes.

11 MS. FREEMAN: Mr. Lingenfelter?

12 MR. LINGENFELTER: Yes.

13 MS. FREEMAN: And Mr. Schindler?

14 MR. SCHINDLER: Yes.

15 CHAIRMAN REPPERT: Thank you, everybody. Now we  
16 will forward our recommendation to the Trustees and they will  
17 schedule their public hearing on the application.

18 Next on the agenda is the approval of minutes of  
19 April 7, 2020. Is there a motion to approve?

20 MR. SCHINDLER: Mr. Chairman, this is Frank. I make  
21 a motion to accept the minutes of April the 7th as written.

22 CHAIRMAN REPPERT: Do I hear a second?

23 MR. PETERSON: Mr. Chairman, this is Rich. I second  
24 the motion.

25 CHAIRMAN REPPERT: Heather, take the roll, please.

26 MS. FREEMAN: Ms. Germovsek?

27 MS. GERMOVSEK: I will abstain as I was not in  
28 attendance.

29 MS. FREEMAN: Mr. Peterson?

30 MR. PETERSON: Yes.

1 MS. FREEMAN: Mr. Reppert?  
2 UNIDENTIFIED SPEAKER: Who?  
3 MS. FREEMAN: Mr. Reppert?  
4 CHAIRMAN REPPERT: Yes.  
5 MS. FREEMAN: Mr. Lingenfelter?  
6 MR. LINGENFELTER: Yes.  
7 MS. FREEMAN: Mr. Schindler?  
8 MR. SCHINDLER: Yes.  
9 CHAIRMAN REPPERT: The minutes are approved.  
10 Correspondence report, Susan?  
11 MS. GERMOVSEK: Nothing from me.  
12 CHAIRMAN REPPERT: Andy?  
13 MR. LINGENFELTER: No correspondence, Mr. Chairman.  
14 CHAIRMAN REPPERT: Frank?  
15 MR. SCHINDLER: No correspondence, Mr. Chairman.  
16 CHAIRMAN REPPERT: Rich?  
17 MR. PETERSON: Nothing, Mr. Chairman.  
18 CHAIRMAN REPPERT: Nobody knows that I am chairman  
19 yet, so I didn't have any either.  
20 Next scheduled zoning meeting will be June 10, 2020.  
21 The meeting is now adjourned. Everyone have a good night.  
22 Please be safe. And I'd like to hit a gavel but I don't have  
23 one.  
24 MR. SCHINDLER: You can stomp your foot.  
25 MR. LINGENFELTER: Thank you, Mr. Chairman. You did  
26 a fine job tonight.  
27 (Whereupon, the meeting was adjourned at 8:53 p.m.)  
28  
29  
30

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

STATE OF OHIO )  
COUNTY OF CUYAHOGA )

CERTIFICATE

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

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

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

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal of office this 20th day of May 2020.

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

My Commission Expires:  
February 4, 2023

