

CONCORD TOWNSHIP ZONING COMMISSION and BOARD OF TRUSTEES  
LAKE COUNTY, OHIO  
SPECIAL MEETING

Concord Town Hall  
7229 Ravenna Road  
Concord, Ohio 44077

March 3, 2020  
6:30 p.m.

TRANSCRIPT OF PROCEEDINGS

Zoning Commission members present:

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

Board of Trustees:

Carl Dondorfer, Chairman  
Morgan McIntosh, Vice Chairman  
Amy Lucci, Trustee

Also Present:

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

**Melton Reporting**  
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Concord, Ohio 44077  
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6:30 p.m.

1  
2 CHAIRMAN PETERSON: Good evening, everyone. I'd  
3 like to call to order the preapplication meeting. This is for  
4 a proposed Residential Conservation District. And before we  
5 get started, I'd like to introduce the various members of the  
6 Board and the township that are here. First of all, to my  
7 right on the panel here, Sue Germovsek is here, Frank  
8 Schindler, Andy Lingenfelter. I am Rich Peterson. I am the  
9 current chairman. We rotate that position annually. Our  
10 three Concord Trustees, Amy Lucci, Morgan McIntosh and Carl  
11 Dondorfer, are here, as is Andy Rose, our township  
12 Administrator, and Marty and Heather, our zoning staff.

13 So with that in mind, the purpose of this particular  
14 meeting is for the purpose of considering a sketch plan for  
15 the proposed Residential Conservation Development requested by  
16 Mr. Greg Sommers, of Sommers Real Estate Group LLC, pursuant  
17 to Section 16.28 of the Concord Township Zoning Resolution.

18 So could I have the applicant come up and give us  
19 your name and your address and kind of explain your project  
20 and what you want to do.

21 MR. SOMMERS: Good evening. Greg Sommers, Sommers  
22 Real Estate Group, 8500 Station Street, Mentor, Ohio. Thanks  
23 for the opportunity to speak tonight. Thanks for setting this  
24 meeting up.

25 As we have submitted, we have worked with  
26 Mr. Radachy and Heather to come up with an RCD plan for the  
27 subject property. As we all know, part of the process is that  
28 we have to submit a sketch plan with the ultimate goal of  
29 coming up with an RCD plan that minimizes infrastructure,  
30 lessens the need to impact wetlands, streams, et cetera. One

1 of the challenges with that is that, you know, we have to use  
2 preliminary data. You know, full engineering is not required.

3 So to get to this point, you see up on the board is  
4 the yield plan and then we have an RCD plan that accompanies  
5 that that we feel definitely meets those goals. The RCD plan  
6 is the green background there. We pretty much avoid almost  
7 all wetland impacts on that and the same with streams.

8 Like I said, one of the challenges that we'd like to  
9 discuss tonight is that, you know, there is some question  
10 about the accuracy of the GIS data with where the streams are  
11 at, the wetlands, and we know that we have to get in and  
12 locate all of those with real world data. But, you know,  
13 even -- There is a lot of subjectivity with the yield plan  
14 process which has made this a challenge. We've gone back a  
15 half dozen iterations of the plan with Heather, Mr. Radachy to  
16 get to this point but, you know, we feel that we have met the  
17 ultimate goal to come up with a plan that the RCD ordinance  
18 specifically intends on any development plan. Like I said,  
19 you can see how much green space we're preserving, very  
20 minimal wetland impacts, less stormwater runoff, less  
21 infrastructure.

22 And, again, one of the things we're going to discuss  
23 tonight is, you know, there may be some inaccuracies in some  
24 of the data that we have to use early on. But we also have  
25 the right, under the yield plan, to present a plan that would  
26 require wetland impacts. We do have the right to come in and  
27 impact wetlands, impact streams, you know, but we don't want  
28 to do that. That's not the, that's not the intent of RCD  
29 code. So, you know, again, that's been one of the subjects  
30 we've had to discuss but the ultimate goal is to come up with

1 the RCD plan that meets all the intents of that code.

2           Again, we've also met with Chad from Soil and Water.  
3 He concurred that the RCD plan is, obviously, the preferred  
4 plan. You know, I know that we are going to discuss some of  
5 the elements of the process of a yield plan which, again, are  
6 somewhat subjective and somewhat challenging to work through  
7 but we feel, with the data that we have access to at this  
8 point, we've come up with the best scenario with what the RCD  
9 code is ultimately intended for. So --

10           CHAIRMAN PETERSON: All right. Any questions on the  
11 Board?

12           MR. SCHINDLER: Not at the present.

13           CHAIRMAN PETERSON: I just have one, Greg. A couple  
14 years ago, we adapted the riparian setbacks. Did you take all  
15 of those requirements into consideration in your plan?

16           MR. SOMMERS: We did. And especially, especially on  
17 the RCD plan, which will ultimately be the plan that's built.

18           CHAIRMAN PETERSON: Right.

19           MR. SOMMERS: But, you know, we also made it a  
20 priority to take into consideration the riparian setbacks on  
21 the wetlands and streams on the yield plan but, you know, we  
22 do show that, with the yield plan, you know, that we would  
23 have to impact some wetlands and be within those areas. But,  
24 again, the yield plan is never intended to be the plan that we  
25 want to build and be within those areas. So, yes, heavy  
26 emphasis on the RCD plan, which is the one that we'd  
27 ultimately build, to avoid all of those areas.

28           CHAIRMAN PETERSON: Very good. Thank you.

29           Is there anybody from either Concord Township or  
30 Lake County that would like to address any matters related to

1 this proposal? If so, please step forward.

2 MR. EDGAR: My name is Chad Edgar, Lake County Soil  
3 and Water Conservation District, 125 East Erie Street. I've  
4 kind of been nominated by the group to speak. We've had some  
5 internal meetings. I did meet with Greg last week and we  
6 discussed the plans. I do think the RCD plan is better than  
7 the yield plan as proposed. We look at streams and wetlands  
8 as green infrastructure. They provide critical functions and  
9 services for the township when it comes to stormwater, so we  
10 want to get that right and we want to get it accurate.

11 So it's kind of our position right now, in terms of  
12 the township, Planning Commission, stormwater engineers and  
13 our office, that yield plan is not accurate at this point in  
14 time. We think there should be some revisions to it. You  
15 know, Greg spoke about the errors in the map. The county GIS  
16 contours that you see on the yield plan have less than 1 foot  
17 of vertical and less than 1 and a half foot of horizontal  
18 error in them. They're free to use. Thirty seconds with an  
19 ink pen, I think we'd have a pretty good idea where these  
20 streams are, 150 feet on one stream, 100 feet of error on the  
21 other. So there is about six lots that come into play that  
22 would be impacted by that stream or the setbacks.

23 And they could propose mitigation for that, for  
24 sure. If they were to mitigate for the impacts with the yield  
25 plan as shown, it's about a \$700,000 mitigation bill with 3 to  
26 1 ratio for the Class III stream, 1 to 1 ratio for some of the  
27 other streams, and 2 to 1 ratio on the wetland mitigation,  
28 which is about \$50,000 an acre right now. So, you know, that  
29 could be done. It could be proposed but that's going put your  
30 average lot at around 80 to 85 thousand dollar break even with

1 your engineering costs, the purchase cost of the property,  
2 mitigation, et cetera, which really isn't marketable compared  
3 to some of the other lots that are half acre in that area.

4 So we would like to see that revised to come up with  
5 something that's a little bit more marketable, a little bit  
6 more reasonable, and that will affect the yield, the density  
7 bonus on the RCD plan. But we are encouraged that they are  
8 seeking the RCD. It will, obviously, be a better project.

9 We would like to see basins added, at least the  
10 location of basins, to the yield plan. Those are a  
11 requirement of the sketch plan per the county subdivision  
12 rules. That would, obviously, have another couple of lots,  
13 potentially; or if they would like to propose mitigation, you  
14 know, again, the economics of that come into question on  
15 whether that's a marketable, reasonable plan.

16 Make sure I have covered all the bases that we  
17 discussed. Riparian setbacks, there is a couple of lots shown  
18 on both that yield plan and the RCD that have, basically, zero  
19 offset from the setback to the house. So from a practical  
20 standpoint, it's going to be very difficult to construct. It  
21 does meet the code. You don't have to have any setback from  
22 the setback but it doesn't really leave you any area to grade,  
23 to have a nice lawn. They can establish lawns in that but you  
24 can't come in and put any fill, you can't smooth that out, you  
25 can just remove the trees and plant grass seed. So it becomes  
26 kind of problematic.

27 So we would just like to make sure that the yield  
28 plan is as accurate as possible. We understand Greg's point  
29 that you don't have to go through the full engineering but  
30 still think that there's some room to improve that plan.

1 CHAIRMAN PETERSON: Very good. Thank you.

2 MR. EDGAR: You're welcome.

3 CHAIRMAN PETERSON: Anybody else? Dave, would  
4 you --

5 MR. RADACHY: Dave Radachy, Lake County Planning and  
6 Community Development Director, secretary to the Planning  
7 Commission, subdivision administrator'ish. On the yield plan  
8 and on the RCD plan, the roads meet county standards. At the  
9 end of each one of the stubs, they are proposing to put T  
10 intersection hammerheads. Those would take, require a  
11 variance from the subdivision regulations on both the RCD plan  
12 and on the yield plan. Those are -- That would be a variance  
13 to the subdivision regulations but it is a common variance on  
14 these short stubs to do the hammerheads and almost to the  
15 point where, ever since the fire code came out, we changed our  
16 variance requests to, you pick one of these alternatives other  
17 than a standard 110 foot cul-de-sac, which would not fit at  
18 the end of these stub streets.

19 Like Chad had said, there are several lots that our  
20 subdivision regulations require that the lots meet zoning and  
21 there were questions about six of the lots on meeting riparian  
22 setbacks on the yield plan. The location of the stream really  
23 needs to be nailed down to determine if those lots meet  
24 riparian setbacks or not. It is my belief that those lots,  
25 the stream was not in the right location and those -- there  
26 were at least five lots would have to be -- would not be,  
27 would not be allowed in a standard subdivision.

28 CHAIRMAN PETERSON: Okay. Thanks, Dave.

29 Anybody else have any comments out there?

30 On the Board, I have one question, Greg. On your

1 R-1 -- I happened to notice this this afternoon. On your R-1  
2 yield plan, you show two streets coming off of the side, one  
3 tentatively called Thompson Court and the other one called  
4 Sommers Court. And when I looked at the Google Earth, it  
5 looked like Thompson Court would tie into an existing street  
6 adjacent. Is that correct?

7 MR. SOMMERS: It's, the way it's planned would be  
8 for future connectivity.

9 CHAIRMAN PETERSON: There is a road coming out of  
10 that street to the east.

11 MR. SOMMERS: To Nature Preserve South?

12 CHAIRMAN PETERSON: Yeah. I thought that was going  
13 to tie in. It doesn't immediately?

14 MR. SOMMERS: Not immediately. It's for -- It's set  
15 up for future connectivity.

16 CHAIRMAN PETERSON: So there is -- Okay. That's the  
17 R-1 plan. In the RCD plan, it only shows -- It eliminates  
18 Thompson and goes strictly with Sommers. So, in other words,  
19 you only have one way into this neighborhood?

20 MR. SOMMERS: We have -- There is one primary means  
21 of ingress and egress. When we met with Mr. Radachy, that  
22 follows the code for the way it would be developed now with  
23 potential future connectivity to the development with the stub  
24 street.

25 CHAIRMAN PETERSON: So for fire and rescue, though,  
26 there would be one entrance.

27 MR. SOMMERS: Uh-huh. And we met with fire, we met  
28 with the Chief to go over the plan for the hammerhead and the  
29 turnarounds.

30 CHAIRMAN PETERSON: Okay.



1 MR. SOMMERS: To meet the code the way it would be  
2 designed.

3 CHAIRMAN PETERSON: Okay. No problem with that,  
4 Heather?

5 MS. FREEMAN: No, just a clarification. You met  
6 with Deputy Chief Ron Terriaco to discuss that.

7 MR. SOMMERS: Sorry. I apologize.

8 MS. FREEMAN: That's okay, yeah.

9 CHAIRMAN PETERSON: It was always one of my  
10 understandings was that the state law required two entrances.  
11 We had a big --

12 MS. FREEMAN: Right.

13 CHAIRMAN PETERSON: -- to-do at Aria's Way trying to  
14 get two entrances into that development. You only need one?  
15 You can get by with one?

16 MS. FREEMAN: I know that our Deputy Fire Chief has  
17 reviewed the RCD plan and it was acceptable to him as far  
18 as --

19 CHAIRMAN PETERSON: Okay. If it's acceptable to  
20 him, it's fine by me. Okay. Thank you.

21 Any other questions?

22 MR. RADACHY: Mr. Peterson.

23 CHAIRMAN PETERSON: Yeah.

24 MR. RADACHY: A quick point on that statement. Per  
25 the subdivision regulations, when the -- if the property that  
26 Sommers Court attaches to, if that were ever to develop, we  
27 would force that road, Sommers Court, to go back to Colburn or  
28 to another point to add that second entrance. When Concord  
29 Ridge was developed, it had two entrances in and out and then  
30 it had a stub going into Lilly Farm. And when they brought,

1 when Mr. Sommers brought in Lilly Farm, they originally  
2 proposed a cul-de-sac for that street and we required them to  
3 go out to Winchell in order to provide a third entrance into  
4 Concord Ridge. So we, as part of the subdivision regulations,  
5 we would probably, in the future, that would eventually  
6 connect into Colburn and provide a second entrance in and out  
7 of the subdivision.

8 CHAIRMAN PETERSON: Okay, very good. Thank you.  
9 Appreciate that.

10 Okay. Greg, after the things that were mentioned so  
11 far, do you have any problem with --

12 MR. SOMMERS: Well, again, I met with Chad and we  
13 had a tactful discussion on this point. Economics aren't part  
14 of the code. It's a reasonable and marketable theoretical  
15 scenario, what you can build that wouldn't be ideal,  
16 essentially, is what a yield plan is. And that stream back  
17 there, I mean, you know, mitigation isn't cheap but, like I  
18 said, economics shouldn't be factored into this. It's  
19 reasonable and marketable lots, which there's plenty in  
20 Concord that have walkouts and topography and overlook creeks.  
21 You know, even if we were to get this permitted, you are  
22 allowed, you know, you're allowed certain acreages, certain  
23 stream impacts. We could still make it a viable development  
24 but it wouldn't be ideal in, you know, in synchrony with what  
25 the code was intended to provide.

26 Where the code is written, you know, extensive  
27 engineering costs aren't required. Show us what you can  
28 theoretically do that wouldn't necessarily be ideal and then  
29 show us what the ideal scenario is.

30 CHAIRMAN PETERSON: Okay.

1 MR. SOMMERS: And we feel strongly we have done  
2 that. Again, if the stream is a little bit off, there is a  
3 chance that that yield plan could require extensive  
4 mitigation, which we wouldn't want to grade streams, fill  
5 wetlands.

6 CHAIRMAN PETERSON: Right.

7 MR. SOMMERS: I agree. We're not -- I'm not  
8 disagreeing with Chad on that, but the intent of the yield  
9 plan is a perfect example of the RCD process.

10 CHAIRMAN PETERSON: Okay.

11 MR. SOMMERS: We don't want to build that and we  
12 don't want to impact -- We don't want to spend the money. We  
13 don't want to impact streams, environmental features. So,  
14 again, we feel pretty strongly that this is accomplishing what  
15 it's meant to accomplish.

16 CHAIRMAN PETERSON: Okay.

17 MR. SOMMERS: We're not going back -- If we had to  
18 go back and redesign that, you know, we would have to do all  
19 types of engineering and, you know, you can't really do that,  
20 put the cart before the horse. You have to, you have to work  
21 with limited data to come up with the scenario that ultimately  
22 leads you to, you know, the better scenario with the new  
23 development. We're pretty, like I said, we are pretty  
24 confident we have accomplished that.

25 CHAIRMAN PETERSON: Okay. Very good.

26 MR. LINGENFELTER: Now, see, to be honest with you,  
27 I respectfully disagree that the yield plan truly reflects  
28 what can be done. I have a tendency to agree with the county  
29 officials that there is a number of lots in there that are  
30 extremely challenged. And I think the intent on a yield plan

1 is to give us an accurate view, you know, because there is a  
2 density bonus that is derived from that number. And, you  
3 know, obviously, it's to your benefit to put as many lots in  
4 there as you can because then that will qualify for, you know,  
5 for a bigger density bonus with that regard.

6 But I don't think that this yield -- When I looked  
7 at the yield plan, I saw a lot of issues, you know, with lots  
8 that are laid out in here. I don't think they would  
9 technically -- I don't think they're lots that would  
10 ultimately come, you know, come to fruition if you were to  
11 stick with a true R-1, you know, development. So I think, I  
12 think that there is more work that could be done on this yield  
13 plan to more accurately represent what can be built and what  
14 can't be because, I mean, at the end of the day, you're right.  
15 I mean, a yield plan is supposed to give us a general idea but  
16 when you're putting, when you're putting lots and homes on  
17 unbuildable property, you know, demonstrating that as a part  
18 of the density to derive your density bonus, I think that's a  
19 little disingenuous in my opinion.

20 MR. SOMMERS: We worked with a half dozen provisions  
21 on the yield plan in the back corner where these streams are.  
22 And, like I said, we met with Mr. Radachy on that. We shifted  
23 lots around. We made a conscious effort with the topo and all  
24 the data we had to try to make that the best case scenario,  
25 even on the cul-de-sac there. We didn't want to show  
26 impacting the entire wetland. We turned the lots on the  
27 second stub street facing the stub street versus the main  
28 road. So we made a conscious effort to try to work with the  
29 data we had to make it the most accurate scenario that we  
30 could with the data that we had.

1                   CHAIRMAN PETERSON:   Okay.

2                   MS. GERMOVSEK:   What was your reasoning for deleting  
3 the Thompson Court, the other ingress or egress with the RCD  
4 plan?

5                   MR. SOMMERS:   It had to do with the subdivision  
6 regulations because once you get past a certain lineal footage  
7 of road, you have to add another stub street.  So we designed  
8 it according to the subdivision regulations with the, with the  
9 amount of road footage that you'd have because, if you look at  
10 the plan, the road is a lot shorter on the RCD plan.

11                  MS. GERMOVSEK:   I see that.

12                  MR. SOMMERS:   So we eliminated that to comply with  
13 the code with the reduced length in street.

14                  And I appreciate the feedback on the yield plan.  I  
15 just wanted to make it known that we made -- we worked for  
16 months and went back a half dozen times to the drawing board  
17 with all the data that we had to try to make that work.  So we  
18 just, I just --

19                  MR. LINGENFELTER:  I don't disagree with that.  I am  
20 not challenging the amount of effort that you put in to come  
21 up with the yield plan.  I am sure you did.  I am just  
22 questioning the end result, that's all.  I am just -- it's my  
23 -- I just feel that there is a few lots in here that are very  
24 challenged.  And I think, you know, to include that into the  
25 density bonus, you know, to include that into your yield plan  
26 and then use that as a tool to calculate your density bonus, I  
27 think, is a little -- I just think it's a little overboard.

28                  I would feel a lot better if I saw a few of these  
29 houses removed, you know, a couple of these lots removed from  
30 the yield plan.  It would make more sense.  I mean, if you

1 were just to go with a true, you know, if you were just to go  
2 with a true R-1 development, I think, you know, I think you  
3 would agree, too, that there is probably some lots in here  
4 that aren't going to -- they're not going to happen.

5 MR. SOMMERS: Yeah, I mean, that's --

6 MR. LINGENFELTER: Unless you're willing -- I mean,  
7 I don't know what your financial wherewithal is and whether or  
8 not you're willing to do the mitigation that's required. You  
9 know, listening to the numbers, you know, it sounds like it's  
10 pretty, it would be pretty expensive and I am sure it would  
11 become cost prohibitive. So I would think that there is  
12 probably going to be a couple, there would be a handful of  
13 lots in there that are going to, you know, they're just  
14 probably going to go away. It just doesn't make sense, you  
15 know, financially.

16 MR. SOMMERS: Yeah, that's the tough part about the  
17 yield plan process. Even, you know, we've built other  
18 communities in the township and went through it on Concord  
19 Ridge and Lilly Farm. Even on Concord Ridge, there was tons  
20 of wetlands that were shown on the yield plan but, ultimately,  
21 they were condensed down and we got reasonable density but  
22 never had to go anywhere near all of that. So it's tough to  
23 work within those parameters.

24 And we've talked with Heather about that. It would  
25 be easier if there was just, you know, a set parameter for,  
26 here is conservation, here is the open space. You are trying  
27 to design something that's not realistic to build but prove  
28 that you could build it. That's the tough part.

29 MR. LINGENFELTER: Well, I think it's important to  
30 note that, when we came up with the concept of the RCD, what

1 we didn't want to do -- what we want to do is encourage  
2 builders to consider that as an option and what we didn't want  
3 to do was we didn't want builders to use that as an option or  
4 an excuse to dump the unbuildable property into the open  
5 space. You know, there's got to be, there's got to be a  
6 quality -- I think there's got to be trade-off, you know, of  
7 quality open space and resource protection, you know, with  
8 regards to the RCD plan and the intent behind it.

9 Like I said, the intention is not -- The intention  
10 was to encourage you to do this and I, really, I am thankful  
11 that you're considering that. Okay? But then in the same  
12 token, it's not, the open space is not to be used as an excuse  
13 to cover areas that wouldn't have been buildable anyway and  
14 then use that to utilize that for a density bonus. You know  
15 what I am saying?

16 MR. SOMMERS: Uh-huh.

17 MR. LINGENFELTER: So that's -- So I understand what  
18 you are saying but I think, you know, if you understand the  
19 intent of the zoning designation, there's got to be a balance  
20 between what's being chosen as open space and not just  
21 choosing property that otherwise wouldn't be developable  
22 anyway. Oh, look, we're going to make that open space, where,  
23 more than likely, it would had to have been open space anyway  
24 and, more than likely, not going to build on it. So --

25 But I think you did -- I think the RCD plan looks  
26 good. I don't have a whole lot of issues with that. There's  
27 a few lots in there that I am a little -- I question a little  
28 bit but I think overall the RCD plan looks a lot better. I  
29 think you guys did a nice job.

30 MR. SOMMERS: I appreciate it. And we are willing

1 to work with everybody, like we have Dave, and trying to,  
2 trying to get to, you know, where it's the best it can be from  
3 both perspectives, on the RCD and the yield plan. So we are  
4 willing to look at every possibility.

5 MR. LINGENFELTER: Right.

6 CHAIRMAN PETERSON: Greg, Chad brought up water  
7 retention areas. Are those the areas you define as possible  
8 water quality feature? Is that --

9 MR. SOMMERS: On the RCD plan, yes. We didn't --  
10 So, you know, again, we did Lilly Farm and Concord Ridge and  
11 never had to show water basins on the yield plan.

12 CHAIRMAN PETERSON: Okay.

13 MR. SOMMERS: And we were just made aware of that.  
14 That's why we didn't show them on the yield plan. We  
15 didn't -- We were just made aware that we had to show them.  
16 We've never had to show them before on the yield plan. So  
17 they can be on the lots and we can show them. They'll  
18 probably be longer linear features. But we weren't aware  
19 until very recently that that was even --

20 CHAIRMAN PETERSON: Fair enough. And no problem  
21 putting them on there though?

22 MR. SOMMERS: No.

23 CHAIRMAN PETERSON: Okay.

24 MR. SOMMERS: I mean, they can -- We verified with  
25 Mr. Radachy they can even be shown on the lots. Like I said,  
26 we never had to show them before. We didn't know that we had  
27 to on the yield plan. So --

28 CHAIRMAN PETERSON: Okay. Any other comments,  
29 questions, discussion on any of the topics related to this?  
30 Anybody? Okay. Well, given that --



1 MS. FREEMAN: Wait, Rich. Hold on a second.

2 CHAIRMAN PETERSON: Sure.

3 MS. FREEMAN: Were there any other county agencies  
4 that wanted to speak on any of the --

5 MR. SOMMERS: Thanks for the feedback. Appreciate  
6 your time.

7 CHAIRMAN PETERSON: All right. Thank you.

8 MS. FREEMAN: I had a couple comments from Zoning  
9 Department staff.

10 CHAIRMAN PETERSON: Please.

11 MS. FREEMAN: And it does sound like you're going to  
12 make some modifications to the yield plan before you formally  
13 submit for rezone. But I did want to point out, on the yield  
14 plan itself, there are two sublots that do not meet the  
15 dimensional requirements for the required amount of frontage  
16 on the roadway. I know I let Greg know about that in advance.  
17 So Sublots 22 and 23 don't have the 50 foot of frontage, so I  
18 don't know if they can revise that and show that those lots  
19 won't meet that 50 foot of road frontage.

20 I also kind of echo the same concerns that we heard  
21 from the county about the mismatch and the data and the  
22 mapping of the streams, particularly between proposed Sublot  
23 19 and 23 on the yield plan. So I would like to see the  
24 stream in a more accurate location so we can have a better  
25 idea as to whether or not those would actually comply.

26 CHAIRMAN PETERSON: Okay.

27 MS. FREEMAN: Also, I did notice and I don't -- When  
28 I was doing my due diligence on looking at both the plans,  
29 like for what you submitted, you indicated that there were  
30 29.63 acres of land within your proposed development. I

1 looked on the Auditor's site and it was lightly slower. It  
2 was 28.56. So I don't know if there is, you know, something  
3 different or something wrong with the legal description online  
4 or with the plan itself but one of the requirements we need  
5 you to perform would be to provide the legal description so I  
6 can figure that out when you submit that.

7 But as far as the RCD plan, it really is the better  
8 way to develop the property. I just -- There are a few lots  
9 on the yield plan though that I question, which is the basis  
10 of the density for the overall RCD.

11 MR. LINGENFELTER: Right.

12 MS. FREEMAN: But in regards to the RCD plan as  
13 well, there were a couple storm, proposed stormwater basins  
14 that look like there was potential grading within the required  
15 riparian setbacks, so that wouldn't be permitted. Maybe you  
16 have to adjust those basins to make sure they weren't within  
17 the required riparian setbacks for the stream and wetlands  
18 that were going to remain on the property. But that's pretty  
19 much it. I think everything else has been covered.

20 CHAIRMAN PETERSON: Very good. Okay. If there is  
21 no other discussion, I guess the next step, Greg, would be you  
22 would make a formal application with the revised plan to the  
23 township and that would be scheduled for a Zoning Commission  
24 meeting in the future and a public hearing and we will  
25 continue on from there and consider the change.

26 MR. SOMMERS: Thank you.

27 MR. LINGENFELTER: I do, you know, I do have a  
28 question, Dave, if you wouldn't mind. Based on the yield plan  
29 that we're seeing this evening, how many lots would you  
30 recommend for approval?

1 MR. RADACHY: Minus five.

2 MR. LINGENFELTER: Minus five.

3 MR. RADACHY: At least minus five, and then there is  
4 a sixth one that Chad had concerns with that I really didn't  
5 explore any further. The five, 19 through 23, I have concerns  
6 about because of the location of the stream and the riparian  
7 setback.

8 MR. LINGENFELTER: Right.

9 MR. RADACHY: And then Mr. Edgar stated, told me  
10 that he had concerns about location of another stream further  
11 to the south that may affect another lot.

12 MR. LINGENFELTER: So you are saying on the far end  
13 of the Chandler Court there by the stub street, those lots  
14 basically from that stub street over would be, would probably  
15 be --

16 MR. RADACHY: Yeah, on the north, the northeast side  
17 of the cul-de-sac and from the stub.

18 MR. LINGENFELTER: 19 through 23?

19 MR. RADACHY: Yeah.

20 MR. LINGENFELTER: Okay.

21 CHAIRMAN PETERSON: And you are aware of that, Greg?

22 MR. SOMMERS: I am.

23 CHAIRMAN PETERSON: Okay, very good.

24 MR. LINGENFELTER: Thanks, Dave.

25 CHAIRMAN PETERSON: Thanks, Dave.

26 Any other question or comments? Frank?

27 MR. SCHINDLER: Mine only was with Chad. I think  
28 once, Chad, you said there were inaccuracies in the yield  
29 plan, right?

30 MR. EDGAR: I believe so.

1 MR. LINGENFELTER: So if these get fixed, I am sure  
2 it is going to affect the layout of development, correct?

3 MR. EDGAR: Well, yeah, they'd have several options.  
4 They could just strike the lots and submit the roadway as it  
5 is if they don't want to go through those hurdles or they  
6 could completely redesign the layout of the subdivision to try  
7 and, you know, maybe they could fit one or two more of those  
8 stricken lots in if they do some minor tweaks to their  
9 radiuses and stub streets and so on.

10 MR. SCHINDLER: Okay.

11 MR. EDGAR: So different ways they could accomplish  
12 that.

13 MR. SCHINDLER: Well, first, I think they should  
14 take care of your concerns about the yield plan being correct.

15 MR. EDGAR: Yeah.

16 MR. SCHINDLER: That's the basis --

17 MR. EDGAR: They need to --

18 MR. SCHINDLER: That's the basis. That sets up the  
19 whole development.

20 MR. EDGAR: Correct.

21 MR. SCHINDLER: So once that's correct, then they  
22 can address the other issues that should be, of course, taken  
23 care of, too.

24 MR. EDGAR: Yes.

25 MR. SCHINDLER: All right. That's my question.  
26 They should target that first, fix the errors in there, and I  
27 am sure they will address the lot sizes that Dave is concerned  
28 about, for one thing, too, how they are going to be laid out.

29 MR. EDGAR: Yeah.

30 MR. SCHINDLER: So that's my --

1 MR. EDGAR: Because both the two lots with the  
2 dimensional issues happen to be two of the five in that  
3 northeast corner that have a stream issue as well.

4 MR. SCHINDLER: Gotcha.

5 MR. EDGAR: So both of those issues, I would assume,  
6 would be resolved at the same time.

7 CHAIRMAN PETERSON: 22 and 23.

8 MR. EDGAR: Yes. And the other lot, I believe, is  
9 40, 40, yes, 40. So that stream, based on the county map,  
10 would flow directly through the building on 40 rather than  
11 between 40 and 39. Which I think, you know, with some  
12 frontage changes, right, Greg, you can probably adjust that,  
13 fit that in there.

14 MR. SOMMERS: Yes, absolutely. Can I -- Are you  
15 good?

16 MR. EDGAR: Yes, unless they have --

17 CHAIRMAN PETERSON: Thank you.

18 MR. SOMMERS: We plan on doing aerial topography and  
19 all the engineering.

20 CHAIRMAN PETERSON: Okay.

21 MR. SOMMERS: It's just it's early on. And to  
22 Heather's question, there was an inaccurate calculation. We  
23 have a new legal and boundary that we will submit with the  
24 proper acreage calculation.

25 I guess, back -- Again, we are going to go back and  
26 look at what we can do on the yield plan but even on the  
27 stream issue, if we get more accurate data, I mean, we're  
28 allowed to impact it and not even mitigate for stream  
29 mitigation to a certain degree. I just -- I guess we're just  
30 going to have to work together to see what level of impacts we

1 want to show.

2 CHAIRMAN PETERSON: Understood.

3 MR. SOMMERS: That's what I was getting at because  
4 even if we have accurate data, there might be a few lots that  
5 could be, I guess you'd say, challenging but they would be  
6 buildable, scenic, nice lots but there may be some different,  
7 you know, additional costs associated with it. So we just  
8 have to balance that with you guys, with the county officials  
9 and that's what I meant about the challenge on the yield plan.  
10 It's -- we wouldn't -- If we come back and it does show some  
11 impacts, we ultimately don't want to impact that but we might  
12 have to show it within to a certain extent. So we'll go back  
13 and work on it and see how we can improve it.

14 CHAIRMAN PETERSON: The main thing is you clearly  
15 understand all the concerns that were brought to attention.

16 MR. SOMMERS: Uh-huh.

17 CHAIRMAN PETERSON: Okay, good.

18 MR. SOMMERS: Thank you.

19 CHAIRMAN PETERSON: You would just have to resubmit  
20 your application or submit your application for the next  
21 consideration and then public hearing.

22 MR. SOMMERS: Appreciate it. Thanks again for the  
23 time and feedback. Thanks.

24 MR. SCHINDLER: Thank you.

25 CHAIRMAN PETERSON: Anything else on the topic  
26 before we close the meeting? We have a regularly scheduled  
27 zoning meet roughly at 7:00. We're going to take a  
28 five-minute break after this meeting, allow people to leave  
29 that would like to leave and so forth. So anything else? If  
30 not, I am going to close this meeting. Thank you.

(Whereupon, the meeting was adjourned at 7:01 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 25th day of March 2020.

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*Melinda A. Melton* -----  
Melinda A. Melton  
Registered Professional Reporter

Notary Public within and for the  
State of Ohio

My Commission Expires:  
February 4, 2023

