

CONCORD TOWNSHIP ZONING COMMISSION
LAKE COUNTY, OHIO
PUBLIC HEARING and REGULAR MEETING

Meeting held via YouTube Live Streaming

Concord Town Hall
7229 Ravenna Road
Concord, Ohio 44077

October 5, 2021
7:00 p.m.

TRANSCRIPT OF PROCEEDINGS

Zoning Commission members present:

Andy Lingenfelter, Chairman
Rich Iafelice, Vice Chairman
Frank Schindler, Member
Hiram Reppert, Member
Rich Peterson, Member

Also Present:

Heather Freeman, Planning & Zoning Director/Zoning
Inspector
Marty Pitkin, Assistant Zoning Inspector
Abigail Bell, Esq., Legal Counsel

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

1 7:00 p.m.

2 CHAIRMAN LINGENFELTER: Good evening. I would like
3 to call this Concord Township Zoning Commission, Tuesday,
4 October 5, 2021, to order. We have a number of items on the
5 agenda today but we are going to make a slight change in the
6 agenda. We are going to move Item Number 2 on the agenda,
7 which is the Site Plan Review Application Number 047. We are
8 going to move that ahead of the public hearing for the zoning
9 text amendments at the request of the applicant. I have no
10 problem doing that. We always try to accommodate these
11 requests when we can and, in this case, I think that's a
12 reasonable request. So we are going to move Item Number 2 up
13 to Number 1 and then we will slide the public hearing for the
14 zoning text amendments for the Zoning Resolution to the second
15 item on the agenda.

16 So with that said, Item Number 2 on the agenda is
17 the Site Plan Review Application Number 047, submitted by HSB
18 Architects and Engineers on behalf of the Auburn Vocational
19 School District for a first responder outdoor training
20 facility for the property located at 8159 Auburn Road. And I
21 would like to invite the representative up. I would like you
22 to state your name and address for the record, please, and
23 then please tell us about the project. Do you need an easel
24 or anything or are you good to go?

25 MR. KHAWAM: Good evening. I am good.

26 CHAIRMAN LINGENFELTER: Okay, all right, super.
27 Thank you.

28 MR. KHAWAM: Good evening, everyone. My name is
29 Andre Khawam, with HSB Architect. We're located in Cleveland
30 at 1250 Old River Road, down in the Flats.

1 CHAIRMAN LINGENFELTER: Okay, thank you.

2 MR. KHAWAM: I really appreciate you guys taking us,
3 allowing us, taking us first on the agenda.

4 CHAIRMAN LINGENFELTER: Sure.

5 MR. KHAWAM: I would like to involve, also, the
6 engineer that's been involved in this project as I go with
7 presentation. I am not sure how much you previously were
8 privileged to see some of the plan that we're proposing for
9 the Auburn Career Center on this site but what we are looking
10 at is an expansion for their first responder service that
11 currently is in place but we're expanding onto it to an
12 adjacent site for their facilities.

13 I am just, you know, I'll go a little quick brief of
14 what we're proposing on this site so we can answer any
15 questions that you may have or earlier that you have looked
16 at. Basically, it's currently a lot that has a house. We're
17 keeping the house for the purpose of training and mocking as a
18 first responder to the site. We're adding two training
19 facilities in the front yard of the house and in the back.

20 We have dealt with Lake County Engineer Department
21 on various issues. This plan has been going for, at least,
22 two months in various changes and entertaining ideas and we
23 came up to this latest plan that you see in front of you. And
24 what I mean by that is we are allowed to have the fire truck
25 that would be part of the program of the training is to be
26 able to maneuver around the site to accommodate the backing up
27 to the house and for other various reasons, too. That's
28 really the biggest challenge on this site is to be able to
29 move the driveway from where it's currently now and get a
30 variance for that in order to accommodate the fire truck

1 maneuvering.

2 I think, basically, that's, in a nutshell, really
3 what's on the site.

4 CHAIRMAN LINGENFELTER: Okay. Did you see the staff
5 report?

6 MR. KHAWAM: Yes, we received the staff report and
7 we reviewed that internally, me and the civil engineer. For
8 the most part, we are complying with all the concerns that
9 they had. Mainly, there is a few redundancy or discrepancy
10 between the civil and the architectural. I will take the
11 blame for that. But for the most part, everything is doable,
12 everything is fine. We checked all the items that the Lake
13 County had commented on and we were glad to review that with
14 them and, you know, meet what they're asking for.

15 CHAIRMAN LINGENFELTER: Now, we have, under the
16 "Staff Recommendation, Including Conditions, as Appropriate,"
17 we have 13 items that have been specifically spelled out, and
18 Number 13 of the 13 items has (a) through (g). I just want to
19 make sure, is there anything on this list that you feel that
20 you can't accommodate or that you aren't willing to do?

21 MR. COURTNEY: No.

22 MR. KHAWAM: I believe Doug Courtney, with Courtney
23 Civil Engineer, has been in contact with the Lake County
24 Engineer and I believe we're up to date to what they want and
25 I will have Doug comment on that.

26 CHAIRMAN LINGENFELTER: Okay. Introduce yourself.

27 MR. COURTNEY: Sure.

28 CHAIRMAN LINGENFELTER: Name and address for the
29 record, please.

30 MR. COURTNEY: Yes. Doug Courtney, The CW Courtney

1 Company, 700 Beta Drive, Mayfield Village.

2 THE REPORTER: Would you speak up a little?

3 MR. COURTNEY: Okay.

4 CHAIRMAN LINGENFELTER: Yeah, it's not a microphone.

5 MR. COURTNEY: Oh, sorry.

6 CHAIRMAN LINGENFELTER: It is a microphone.

7 MR. COURTNEY: It looks like one.

8 CHAIRMAN LINGENFELTER: But it's for the audience on
9 TV, not for in here.

10 MR. COURTNEY: All right. Thank you.

11 CHAIRMAN LINGENFELTER: There you go. Thank you.

12 MR. COURTNEY: Yes, since we got the staff report, I
13 have reviewed these items with Lake County Stormwater and
14 Steven Houser in their office and we'll be able to accomplish
15 everything they asked for there.

16 CHAIRMAN LINGENFELTER: All right. Well, just as a
17 matter of record, what I would like to do is I would like to
18 just review these conditions, okay, with you real quick. We
19 will try to go through -- It's a fairly lengthy list but we
20 will try to get through it quickly here.

21 Number 1, "Existing and proposed sanitary facilities
22 within and adjacent to the site, indicating pipe size, grades,
23 invert elevations and locations of manholes shall be shown on
24 the site plan." Good with that?

25 MR. COURTNEY: There won't be a service connection
26 shown to the house because there isn't one currently. We had
27 Lake County Department of Utilities go out and die test the
28 house. The die did not show in the main line. So their
29 determination was the house was not connected to the sanitary
30 sewer. It is not intended to be connected to the sanitary

1 sewer. It won't need restroom facilities or water in the
2 facility. So that won't be shown on the plan. We'll just
3 make a note on the plan that no sanitary service to the
4 facility.

5 CHAIRMAN LINGENFELTER: Is that okay, Heather?

6 MS. FREEMAN: I believe so, yes. So then is there
7 existing septic that's going to be removed then?

8 MR. COURTNEY: Yes, there is an existing septic tank
9 in the rear that will be removed.

10 CHAIRMAN LINGENFELTER: Okay. So then once, when
11 you're done with this project, there won't be any sanitary
12 facilities at all to the house?

13 MR. COURTNEY: Correct, correct.

14 MS. FREEMAN: No water either?

15 MR. COURTNEY: Well, there is currently water
16 service but it's not active, so we will show where the
17 existing water service line is and we'll address what will
18 happen to that through the course of construction.

19 CHAIRMAN LINGENFELTER: All right. Number 2,
20 "Existing and proposed water facilities within and adjacent to
21 the site, including line sizes and locations, hydrant
22 locations shall be shown on the site plan."

23 MR. COURTNEY: Yeah, we will show where the existing
24 water service is.

25 CHAIRMAN LINGENFELTER: Okay.

26 MR. COURTNEY: And we'll note.

27 CHAIRMAN LINGENFELTER: All right. Number 3,
28 "Written verification from appropriate agency that sufficient
29 water and sanitary sewer capacity exists to accommodate the
30 proposed development shall be provided."

1 MR. COURTNEY: Given that there will be no proposed
2 water or sanitary service, I don't think that one applies
3 anymore.

4 CHAIRMAN LINGENFELTER: All right, okay. So that
5 kind of ties into Number 1.

6 MR. COURTNEY: Yes.

7 CHAIRMAN LINGENFELTER: "Widths, locations, uses and
8 grantees of all existing and proposed easements and utility
9 lines shall be shown. Location of all other utilities
10 including but not limited to natural gas, cable TV, electric
11 and telephone shall be shown on the site plan."

12 MR. COURTNEY: I believe we have most of that shown
13 now. We will have to -- I think all the cable, electric,
14 telephone are all overhead. Those are shown on the plan. Gas
15 could be underground. We don't know where the gas service is.
16 We will find that and get it on the plan.

17 CHAIRMAN LINGENFELTER: Okay.

18 MR. COURTNEY: And we are unaware of any easements
19 on the site.

20 CHAIRMAN LINGENFELTER: Okay. Item Number 5,
21 "Mismatch between architectural site plan and civil plans
22 regarding the existing shed and whether it remains. Please
23 clarify."

24 MR. COURTNEY: We assumed on the civil plans that
25 the shed would be removed. Apparently, it won't be, so it's
26 back on the plan now.

27 CHAIRMAN LINGENFELTER: Okay. Consider that
28 clarified.

29 "Section 29.07(C)(2) states that the minimum width
30 for a two-way access drive is 22 feet. The proposed drive

1 shows a width of 20 feet."

2 MR. COURTNEY: We will make that revision.

3 CHAIRMAN LINGENFELTER: Okay. That revision is okay
4 with you, all right.

5 Item Number 7, "Mismatch between architectural,
6 civil and landscaping plans regarding the fence type along the
7 northern property line. Revise plans."

8 MR. COURTNEY: That's being addressed, yeah.

9 CHAIRMAN LINGENFELTER: Okay with that? Yes.

10 Number 8, "Proposed steel stair tower shows a height
11 of 44' 8" rather and 34 feet referenced. The variance is
12 approved permits a maximum height of 35 feet. Revise plans to
13 comply and submit tower details."

14 MR. KHAWAM: We will. We will show the tower at 35
15 feet as it was approved.

16 CHAIRMAN LINGENFELTER: Very good, thank you.

17 Item Number 9, "Fence that is required around the
18 training tower shall be shown on the site plan, and call out
19 the type, length, height and type of security."

20 MR. COURTNEY: The fence.

21 MR. KHAWAM: The fence along the training, yes, the
22 fence is part of the structure of the stair tower and it will
23 be enclosed within the stair tower footprint.

24 CHAIRMAN LINGENFELTER: Okay.

25 MR. KHAWAM: There is no -- The fence will not go
26 beyond the perimeter of the tower itself.

27 CHAIRMAN LINGENFELTER: Okay.

28 MR. KHAWAM: So it's built within it in order to
29 allow it not accessible for anyone.

30 CHAIRMAN LINGENFELTER: Right, okay. All right.

1 Number 10, "Show the light pole locations on the
2 civil site plans."

3 MR. COURTNEY: We will address that.

4 CHAIRMAN LINGENFELTER: Okay. Number 11, "A
5 conforming location for an identification sign on the lot
6 (whether it is a sign requested or not) shall be identified
7 within the plan for front yard parking, screening wall and
8 landscaping to ensure that a suitable site is available for
9 any potential sign without conflict with other approved site
10 improvements."

11 MR. KHAWAM: At this point, we are not proposing any
12 sign. Now, the owners may wish to file for a sign.

13 Are you intending, Jeff, to provide the signage for
14 the site?

15 MR. SLAVKOVSKY: Not at this time.

16 MR. KHAWAM: Not at this time. We will move forward
17 under a different application then.

18 CHAIRMAN LINGENFELTER: Okay, all right.

19 Number 12, "Trash enclosure detail shall be provided
20 in compliance with Section 22.07(B) with location on site
21 plan, or if none required, provide statement as to how any
22 trash would be discarded."

23 MR. KHAWAM: It's not our intent to show any trash
24 enclosure, neither there wouldn't be need for one. The site
25 is really prepped only for training and exercises. Therefore,
26 I am not sure if there is a need for any trash.

27 CHAIRMAN LINGENFELTER: Okay. Item Number 13,
28 "Stormwater management provisions in accordance with all
29 regulatory agencies shall be provided, and shall address the
30 comments from the Lake County Stormwater Management Department

1 as outlined below.

2 "(a) Provide calculated disturbance limits on plans.
3 Disturbance exceeding 1 acre will require NOI submission and
4 compliance with NPDES Construction General Permit."

5 MR. COURTNEY: We will address that.

6 CHAIRMAN LINGENFELTER: Okay.

7 "(b) Submit to the Lake County Engineer's Office for
8 Right of Way Review and Permitting."

9 MR. COURTNEY: We will address that.

10 CHAIRMAN LINGENFELTER: Okay.

11 "(c) Provide inverts and pipe sizes on all pipes
12 shown on plans."

13 MR. COURTNEY: We will address that.

14 CHAIRMAN LINGENFELTER: Okay.

15 "(d) Site to meet County Detention requirements."

16 MR. COURTNEY: We will address that.

17 CHAIRMAN LINGENFELTER: Okay.

18 "(e) Add additional swale at the north side of
19 proposed asphalt pad area to take water west toward proposed
20 swale that conveys water towards the Auburn Ditch."

21 MR. COURTNEY: We will address that.

22 CHAIRMAN LINGENFELTER: Okay.

23 "(f) Concentrated flows discharging into Right of
24 Way ditch may require velocity dissipation practice to reduce
25 risk of erosion. Will require coordination with Lake County
26 Engineer's Office and Lake County Stormwater Department."

27 MR. COURTNEY: We will address that.

28 CHAIRMAN LINGENFELTER: And "(g) How will the
29 proposed synthetic mulch area drain? Will it have a compacted
30 subbase?"

1 MR. COURTNEY: We'll address that.

2 CHAIRMAN LINGENFELTER: Do you want to answer that
3 or --

4 MR. COURTNEY: Yeah. That area will absorb a lot of
5 water; and any water, excess water that flows, is that
6 southeast to northwest, we're going to put a drain under the
7 driveway so it can outlet into the swale we're creating on the
8 north side of the driveway.

9 CHAIRMAN LINGENFELTER: Okay. So that's how the
10 synthetic mulch is going to drain?

11 MR. COURTNEY: Yeah. And a correction there. We
12 have it mislabeled on the plan as synthetic mulch. It is
13 going to be wood mulch.

14 CHAIRMAN LINGENFELTER: Okay. So it's not going to
15 be synthetic mulch.

16 MR. KHAWAM: It's not a synthetic mulch.

17 MR. COURTNEY: Yeah, it's not a synthetic mulch.

18 CHAIRMAN LINGENFELTER: Okay. Heather, do you have
19 any other comments or anything you would like to address?

20 MS. FREEMAN: No.

21 CHAIRMAN LINGENFELTER: Good with the plan, all
22 right.

23 We have a staff recommendation to conditionally
24 approve based on the staff report, comments from other
25 departments and agencies. Is there anything else you
26 gentlemen would like to add?

27 MR. COURTNEY: I have nothing more at this time.
28 Andre?

29 MR. KHAWAM: I don't believe so. I think the
30 recommendation in place in the report itself, so I think it's

1 an extension to the comments that we have seen from the
2 various departments.

3 CHAIRMAN LINGENFELTER: All right.

4 MR. KHAWAM: So we are good with that.

5 CHAIRMAN LINGENFELTER: Okay. Based on the staff
6 report and the comments from the applicant, Frank, do you have
7 any questions?

8 MR. SCHINDLER: I just have one about the house.
9 This house, I guess, was lived in at one time and now it's
10 being used strictly for training.

11 MR. KHAWAM: You lived there?

12 MR. SCHINDLER: No. I was saying it was lived in at
13 one time.

14 MR. KHAWAM: I am sorry.

15 MR. SCHINDLER: So I assume it's probably gutted
16 inside so the men can just go from room to room and practice
17 their fire techniques?

18 MR. KHAWAM: Correct.

19 MR. SLAVKOVSKY: Not necessarily.

20 MR. KHAWAM: Jeff wants to --

21 CHAIRMAN LINGENFELTER: Please state your name and
22 address.

23 MR. SLAVKOVSKY: My name is Jeff Slavkovsky. We're
24 at Auburn Career Center, 8140 Auburn Road.

25 CHAIRMAN LINGENFELTER: Thank you.

26 MR. KHAWAM: I am the executive director of career
27 technical education at the school district. All of you
28 probably know, we have both high school and adult education
29 components, and this building is used primarily for our adult
30 sector. We have fire training programs for adults and we also

1 retrain and recertify local fire department personnel. So not
2 only will this be a benefit to Auburn Career Center but it's
3 going to be a huge benefit to the community, especially with
4 the stair tower because that is a part of what's called
5 physical agility training that all firemen have to undergo.

6 Currently, they either have to go to the far West
7 Side to receive this training, almost an hour away, or I have
8 heard reports of that being filled and they have to go to
9 Youngstown. So we will be able to meet the local needs of our
10 communities in our region right here in Concord Township, so
11 that's pretty good stuff.

12 CHAIRMAN LINGENFELTER: Yeah.

13 MR. SLAVKOVSKY: The question about the house being
14 vacant, it is vacant. It is pretty empty. However, as part
15 of live training for firefighters, we will start to get some
16 donations for old sofas, beds, things like that so that, you
17 know, we can put a manequin in a bed and they have to go into
18 house and rescue, you know, the victim. So there will be
19 light furnishings in it to accommodate those needs but, other
20 than that, yeah, it's pretty empty.

21 MR. SCHINDLER: Okay.

22 MR. SLAVKOVSKY: There will be a lot of simulators
23 inside that, you know, doing wall breaches and window drops
24 and forced-door entry type of things that all the training is
25 there for the fire classes.

26 CHAIRMAN LINGENFELTER: Breakin' stuff and fixin'
27 stuff.

28 MR. SLAVKOVSKY: Fixin' stuff and breakin' and
29 fixin' it again.

30 CHAIRMAN LINGENFELTER: Okay. Frank, any other

1 questions?

2 MR. SCHINDLER: No. So that's the reason you don't
3 really need toilet facilities or water or anything.

4 MR. SLAVKOVSKY: No, we don't.

5 MR. SCHINDLER: Because no one is going to be using
6 it, those facilities.

7 MR. SLAVKOVSKY: No. If somebody really has go, we
8 have a house right next door that is fully equipped with
9 sanitary and water service. It's 25 foot walk away.

10 MR. SCHINDLER: Gotcha. This will never be set
11 afire, by any chance, would it?

12 MR. SLAVKOVSKY: No, you can't, you can't do that.
13 There are actual burn buildings that are designed for that.
14 They are metal structures.

15 MR. SCHINDLER: Right.

16 MR. SLAVKOVSKY: And after we receive permission to
17 build this physical agility course in the back yard of that
18 house, the only thing that Auburn Career Center will have to
19 rely on other resources for, other institutions, is for that
20 burn building. And we're in the works on that, too, sir.

21 MR. SCHINDLER: Gotcha, okay, so get ready.

22 MR. SLAVKOVSKY: Yeah. We have to either go to,
23 Willoughby Fire has one and as part -- it was granted. They
24 got, they received grant dollars to purchase this burn
25 building. And as a requirement of the grant being awarded,
26 they have to allow other institutions to use their burn
27 building. So that's primarily where we go but we also go to
28 Lubrizol, at their burn building at times as well.

29 CHAIRMAN LINGENFELTER: Right.

30 MR. SLAVKOVSKY: The only thing we have to do off

1 site after we get the stair tower built.

2 CHAIRMAN LINGENFELTER: Right, great.

3 MR. SLAVKOVSKY: Thank you.

4 CHAIRMAN LINGENFELTER: Awesome. Anything else,
5 Frank?

6 MR. SCHINDLER: No, that's it.

7 CHAIRMAN LINGENFELTER: Hiram?

8 MR. REPPERT: No comments, Mr. Chairman.

9 CHAIRMAN LINGENFELTER: Thank you.

10 Mr. Iafelice?

11 MR. IAFELICE: Thanks, Mr. Chairman. If I may,
12 there are a number of comments here. I am trying to grasp, if
13 we're doing a site plan review approval, I am just, I am a
14 little bit -- I am finding it a little bit difficult not to
15 see all of these comments that could impact the site plan,
16 particularly detention. I don't know where you're going to
17 put it or design it. So that's just one of, I am looking at
18 many of these. The most concerning is the Fire Department's
19 concern about maneuvering apparatus and it says site distance
20 could become a traffic or pedestrian hazard. So there is a
21 number of glaring things in here that I'm concerned about.

22 MR. COURTNEY: We don't expect there to be a need
23 for a huge amount of detention. The site isn't changing that
24 much from an impervious standpoint.

25 MR. IAFELICE: Impervious.

26 MR. COURTNEY: The intention is to handle water
27 quality and whatever minimal water quantity along the north
28 side and the swale alongside the driveway, and I have talked
29 to Steve Houser about different ways we can manage that. So
30 we will be able to work that out.

1 With respect to --

2 MR. IAFELICE: Before we leave that, Doug, there is
3 a swale on the south side.

4 MR. COURTNEY: There is a swale on the south side as
5 well, yes.

6 MR. IAFELICE: That flow is going to be inhibited.

7 MR. COURTNEY: The site falls to the northwest, so
8 we don't want to pitch the site in the opposite direction.

9 MR. IAFELICE: Got it, understood. So there is
10 nothing from the impervious area that's going to the south.

11 MR. COURTNEY: Correct.

12 MR. IAFELICE: Okay. So there is -- But there is a
13 swale being next to the house on the south side. That's just
14 to take care of some existing drainage?

15 MR. COURTNEY: That takes care of, yes, the drainage
16 to the south will get captured in that swale.

17 MR. IAFELICE: Okay. So my concern is, until it's
18 laid out, it's not a complete site plan. That's just me.
19 That's how I look at it. Perhaps you can address the concern
20 from the Fire Department as well, the maneuverability of
21 truck.

22 First of all, this is, this is a very welcoming
23 experience for the local community here. I have had
24 experience with Tri-C's in Parma Heights where they have the
25 burn building and whole thing out there. This is fascinating.
26 Did you consider a burn building here even though it's
27 elsewhere?

28 MR. SLAVKOVSKY: So, yeah, the problem with the burn
29 building is the \$800,000 price tag attached to it.

30 MR. IAFELICE: Okay.

1 MR. SLAVKOVSKY: So we are actively pursuing grant
2 opportunities as well.

3 MR. SCHINDLER: Enough said.

4 MR. SLAVKOVSKY: And we actually have a burn
5 facility off Girdled Road, where Horticulture Center is. It's
6 set behind there.

7 MR. IAFELICE: Right.

8 MR. SLAVKOVSKY: And right now, that's the intended
9 plan for when we get awarded the grant, that's where we are
10 going to put the burn building so it stays with the other burn
11 stuff. We have a flash-over trailer back there. We have a
12 car simulator back there and things like that. So, but, yeah,
13 that's the only reason we have.

14 MR. IAFELICE: Well, getting back to the fact that
15 you're improving, we just approved another site work on your
16 site. I just, I see the potential for increased traffic in
17 that locale and now there is a concern here for maneuvering.
18 Is there any way to alleviate or to address the Fire
19 Department's concern? Is that being addressed, the questions
20 about the traffic or a pedestrian hazard?

21 MR. SLAVKOVSKY: So even with the outdoor lab, as we
22 call it, that was approved beyond the corner of Girdled and
23 Auburn.

24 MR. IAFELICE: Yes.

25 MR. SLAVKOVSKY: That is existing, only existing
26 programs are going to be using that. We are not adding any
27 more footprint, foot traffic or car traffic as a result of
28 that. And the same would hold true with the first responder
29 training facility. We already are doing everything. We are
30 already including fire departments and, you know, our own

1 students are using the facility as well. So there might be a
2 slight increase in traffic. Typically, those things are done
3 on weekends.

4 I don't know if that helps or answers your question
5 or not. As far as, I am not technically knowledgeable enough
6 to address the fire truck.

7 MR. KHAWAM: Let me just clarify a couple of things.
8 The fire truck approach to the site was brought up very early
9 on on the project during even the conditional use. We took
10 those comments and recommendations and we tried to implement
11 this along with the advice of the Lake County engineer based
12 on encroachment and, you know, the location of it and what
13 makes sense for a fire truck to be able to go in and out of
14 this site without really interrupting the traffic off Auburn
15 Road.

16 So the reason we're going to the added cost of
17 adding this 20 foot drive is to have the truck be able to come
18 in on one side of the drive, the existing drive from the IT,
19 from the Technical Center building going toward the house and
20 be able to pull in and back up into the house. That whole
21 exercise of kind of maneuvering, it's allowing that.

22 I'm not sure, what is it that is really specifically
23 zooming in more specifically on what we have shown but this is
24 our approach to it.

25 MR. IAFELICE: Is it --

26 MR. KHAWAM: I thought it does meet it. I mean,
27 currently, the size of the truck that we are currently showing
28 on the site plan is the biggest fire truck that probably would
29 be used. It's a 55 foot truck along with that, which I think
30 that's an extreme, right? We might not go to that use of that

1 55 foot truck. There is a 35 foot truck and there is a 44
2 foot truck.

3 MR. IAFELICE: Actually, 55 is what you should
4 design for, so you did the right thing.

5 MR. KHAWAM: We did design for the 55 foot truck.

6 MR. IAFELICE: Can I ask if the two-way, the
7 driveway connection to the other parking lot, what's the
8 intent? Is it to allow traffic?

9 MR. KHAWAM: We had the luxury to allow to have not
10 one way but two ways in just in case if the fire truck decided
11 to go back through the driveway.

12 MR. IAFELICE: Okay. Thank you.

13 CHAIRMAN LINGENFELTER: You sure?

14 MR. IAFELICE: Well, those were my questions. I
15 just have concerns that there is, there will be a lot of
16 changes. I am not saying it won't be done but there are a lot
17 of changes that we don't see, we're approving without seeing
18 it. That's my concern. There will be a lot of changes on the
19 site plan because all the comments that were going to be
20 addressed here.

21 CHAIRMAN LINGENFELTER: Right.

22 MR. IAFELICE: Yeah. So --

23 CHAIRMAN LINGENFELTER: And we went through the
24 conditions, right?

25 MR. IAFELICE: Yes.

26 CHAIRMAN LINGENFELTER: Okay. And they addressed
27 each condition.

28 MR. IAFELICE: Verbally.

29 CHAIRMAN LINGENFELTER: Verbally.

30 MR. IAFELICE: I am saying when you design and draw

1 it, any engineer will tell you, until you design and draw it,
2 it's -- It's not cookie cutter. Engineering is not cookie
3 cutter. Anyway, those are my comments.

4 CHAIRMAN LINGENFELTER: Thank you. Any other
5 comments? Any other questions? Rich, do you have any?

6 MR. PETERSON: Just in curiosity, what's the timing
7 of the project?

8 MR. SLAVKOVSKY: So we would like to get started as
9 soon as possible. The sooner we can meet the needs of our
10 local fire departments and have our facility be as close to
11 state of the art for any fire training program we can, yeah,
12 we would like to start.

13 MR. PETERSON: Right away.

14 MR. SLAVKOVSKY: Right away, yeah.

15 MR. PETERSON: Okay. Thanks, Jeff.

16 MR. SLAVKOVSKY: Sure.

17 CHAIRMAN LINGENFELTER: Rich, do you have any other
18 questions?

19 MR. PETERSON: No, that's it.

20 CHAIRMAN LINGENFELTER: You are good?

21 MR. PETERSON: I am good.

22 CHAIRMAN LINGENFELTER: I would, yeah, I would like
23 to, you know, from my standpoint, the only -- I agree with
24 Mr. Iafelice's observations, you know, with the driveway. And
25 you've acknowledged that and you said that you are going to
26 change it to the 22 feet, correct?

27 MR. COURTNEY: Yes.

28 CHAIRMAN LINGENFELTER: All right. So that's noted.
29 And that was one of the questions, one of the issues that they
30 had was the 20 foot driveway, you know, was a concern and you

1 are going to make it to the 22.

2 So I guess that understanding that these conditions
3 are absolute and must be met, you understand that and I know
4 you are aware of that. So if we can, if we can provide the
5 conditional approval, then our expectations are that these
6 items will be met, you know, without any fanfare. Okay?

7 Any other questions from the Board at this point,
8 any other comments? Frank, you okay?

9 MR. SCHINDLER: I'm fine.

10 CHAIRMAN LINGENFELTER: Hiram, you okay?

11 MR. REPPERT: Yes, sir.

12 CHAIRMAN LINGENFELTER: Rich, do you have any other
13 comments?

14 MR. IAFELICE: I don't. Thank you.

15 CHAIRMAN LINGENFELTER: You sure? You sure?

16 MR. IAFELICE: Yeah, that's it.

17 CHAIRMAN LINGENFELTER: Rich Peterson, good?

18 MR. PETERSON: I am good.

19 CHAIRMAN LINGENFELTER: Okay. Thank you, gentlemen.
20 We appreciate your presentation. We appreciate all the
21 information you provided and we will put this to a vote.
22 Thank you very much.

23 Any further discussion from the Board at this point?
24 Answered our questions? We've addressed our issues?

25 MR. IAFELICE: Addressed only, Mr. Chairman, that I
26 can't, in good conscious, approve something that is so
27 lacking.

28 CHAIRMAN LINGENFELTER: That's okay. And that is
29 your right as a member of the Zoning Commission. You can
30 voice your opinion in your vote, and you are certainly

1 entitled to that. And I appreciate that, Rich, I really do.
2 I appreciate your input and your knowledge.

3 Okay. So at this point in time, I will entertain a
4 motion to the affirmative. It must be a conditional approval
5 based on the comments in the staff report.

6 MR. REPERT: Mr. Chairman.

7 CHAIRMAN LINGENFELTER: Yes.

8 MR. REPERT: I would like to make a motion that we
9 conditionally approve Site Plan Review Number -- Where is the
10 number?

11 MR. PETERSON: 47.

12 MR. REPERT: Zero, okay, Number 47 concerning
13 Auburn Career Center and with all the site plan review
14 criteria and other comments and in the staff report.

15 CHAIRMAN LINGENFELTER: We have a motion made.

16 MR. PETERSON: I will second that motion.

17 CHAIRMAN LINGENFELTER: We have a motion made and
18 seconded. Heather, would you call the roll, please.

19 MS. FREEMAN: Mr. Peterson?

20 MR. PETERSON: Yes.

21 MS. FREEMAN: Mr. Reppert?

22 MR. REPERT: Yes.

23 MS. FREEMAN: Mr. Schindler?

24 MR. SCHINDLER: Yes.

25 MS. FREEMAN: Mr. Iafelice?

26 MR. IAFELICE: No.

27 MS. FREEMAN: Mr. Lingenfelter?

28 CHAIRMAN LINGENFELTER: Yes.

29 Okay. So let the record reflect we have four ayes
30 and one nay for the application review and acceptance.

1 (Four aye votes, one nay vote.)

2 CHAIRMAN LINGENFELTER: And so the motion carries.
3 Your application has been approved. Let's not make
4 Mr. Iafelice's concern a reality. Okay? Let's make sure we
5 get that stuff cleaned up.

6 MR. SLAVKOVSKY: Very good.

7 CHAIRMAN LINGENFELTER: Very good. Thank you.
8 Thanks again, gentlemen. If you are good, you can leave. If
9 you want to hang out, you can hang out and keep us company.
10 It's okay.

11 MR. KHAWAM: I would love to. I have
12 other business.

13 CHAIRMAN LINGENFELTER: Come on. What could be more
14 important than this?

15 MR. SLAVKOVSKY: Thanks a lot.

16 CHAIRMAN LINGENFELTER: Thanks, gentlemen.

17 MR. REPERT: Thank you.

18 CHAIRMAN LINGENFELTER: All right. So Application
19 Number 47, Site Plan Review Application, is in the books.

20 Let's make sure we get everything done and squared
21 away here. All right. The staff report.

22 Okay. Now we will move on, under New Business, to
23 Item Number 1 that was on the agenda, now Number 2, the public
24 hearing for the following zoning text amendments to the
25 Section 16 of the Concord Township Zoning Resolution. What I
26 would like to do is we have 11 amendments to the Zoning
27 Resolution to go over this evening. We will handle this
28 accordingly.

29 We will cover the amendments. We will invite public
30 comment for all 11 amendments. There is not going to be any

1 order. We can make, you can make comments and/or
2 recommendations based on any of the amendments. I am assuming
3 that anybody making comments has a copy of the agenda and
4 understands what the amendments are, the numbers. So if you
5 are going to address comments or concerns about the various
6 amendments, we would like you to reference the amendment that
7 you are speaking to.

8 Once we have the public portion completed, we will
9 then move to a discussion and a vote from the Zoning
10 Commission on the amendments and we will do them one at a
11 time. Okay?

12 So at this point in time, I would like to open the
13 public hearing and make it available for public comment. I
14 would like to request anyone that is either in favor of, I
15 would -- Well, let's start with in favor of the 11 text
16 amendments, identify yourself and make your comments. Anybody
17 that's in favor on the phone or in the room.

18 (No response.)

19 Okay. We have no comments in favor of any of the 11
20 amendments in front of us. Now I would like to invite whoever
21 has an interest in making comments that would be opposed to
22 any of the 11 amendments. Is there anybody in the room that
23 would like to make a comment that's opposed?

24 (No response.)

25 No, okay. On the --

26 MS. PESEC: Andy.

27 CHAIRMAN LINGENFELTER: On the phone, on the phone.
28 Okay.

29 MS. PESEC: I am having a lot of difficulty hearing.
30 Is it -- May I make comment?

1 CHAIRMAN LINGENFELTER: Yes, you can make comments
2 if you are opposed. We can have comments to your opposition
3 and you can please cite which amendment you are in opposition
4 to and your reasoning behind that.

5 MS. PESEC: Sure. And I am not necessarily opposed.
6 I have questions or I would make a modification but a simple
7 yes or no probably isn't, you know, really encompassing. And
8 so the majority of my comments are still based on my letter
9 that was sent to you all in July. And we know that, at this
10 point in public comment, you like it to be done and done with
11 and voted on right away. But I think that the comments from
12 July, some of them weren't completely resolved. So I hope
13 that you listen and really consider the comments.

14 And so I am commenting on Amendment 5 and it is
15 Section 16.24. If you have the red line version of the
16 document, it's 16.24 capital letter C -- no, capital letter B.
17 We will start out with the big one first. And that is the
18 open space minimum requirement of 30 percent of the project
19 area.

20 I have watched a lot of discussion and I know that
21 there are differing opinions on what that percentage should be
22 and it's difficult to come up with a formula and so forth.
23 But I would like to go back and just remind everybody that one
24 of the reasons that we're redoing the RCD was because the
25 yield plan was such an unwieldy sort of feat to get around.
26 In most cases, it was obvious that the yield plan was not
27 actually a plan that they could, that they could reasonably
28 develop, but it was very hard to figure out what they could
29 really develop, right? They would -- They showed that they
30 were going to fill in all the wetlands and all that other kind

1 of stuff and then just, you know, put blocks, squares of
2 houses on there.

3 And so in most cases, the yield plan was higher than it should
4 have been.

5 Then they were able in every case to get the maximum
6 40 percent open space. So that then allowed them to, with a
7 40 percent, allowed them to then get the maximum of density
8 bonus.

9 So when you look at now stating that detention ponds
10 can't be in the open space, we're still looking at a huge
11 density bonus. And Mr. Iafelice stated that detention ponds
12 can range from 5 to 10 percent. And so I feel that, knowing
13 that the majority of the yield plans were, and the subsequent
14 numbers of homes that were allowed to be built, was extra
15 high, that Mr. Schindler and maybe a couple others stated that
16 the 5 percent down from 40 would be a much more realistic
17 number, and so that would be a minimum of 35 percent of the
18 project area.

19 You know, you just really need to look at what has
20 gone on for the last however many years that this has been and
21 realize that, you know, this shouldn't be a big give-away to
22 developers but rather, you know, a reasonable balance between
23 citizens and the developers and everyone.

24 I don't think that if we use, kept it at 35 percent,
25 anyone would be scared off. People are doing this because the
26 land that's left in Lake County, I mean, in Concord is, in
27 fact, challenged. We have a lot of wetlands or a lot of other
28 problems, and so no one is going to do RCD unless they need to
29 do it, they can get a bonus or the land is very challenged.

30 So I really think that taking a second look at

1 utilizing 35 percent. And if you want to go back and look at
2 some of the other developments and see what, realistically,
3 they could have gotten in the yield plan versus what they
4 presented to you, I think, would show and see that 35 percent
5 is the right number.

6 Okay. That's the hard one. That's probably the
7 biggest one that everybody knows. And so now I would like to,
8 I'd really like to just interact but there is no way that will
9 happen. So we will move on to Letter C of that same section
10 called "Open Space Design Criteria." And, again, there are
11 some concerns with even that first sentence. It is better
12 than it was because it cleans it up and explains it in a
13 little more detail.

14 But this open space shall be designed and located to
15 conserve significant natural resources. Why must they be
16 significant? And what does "significant" mean? Is it size or
17 quality or whatever? Why is that word in there, and then how
18 should it be defined? Is there a way to make that word more
19 detailed and flush it out a little bit so that we all
20 understand what that means? So that would be the one comment,
21 to do that.

22 And it says that the significant natural resources.
23 So do they need to be in their natural state to be called
24 natural resources? So, for instance, if a developer has a
25 piece of property and they fill in a one acre of wetland, they
26 get the appropriate approval, they fill in an acre of wetland.
27 Then they want to consider it -- then they come and apply and
28 they would to consider it open space. May they consider it
29 open space? It's no longer a significant natural resource per
30 this definition on, in this sentence.

1 So I was a little thinking about this sentence and I
2 am not quite sure, you know. Sometimes I just come up with
3 the suggestion and the resolution and then that doesn't work
4 so well. So maybe you guys can wrestle with that a little bit
5 because it didn't make sense to me.

6 The other is the, you know, that we have already
7 looked at in at least in one case, if not more, where there is
8 a forest tract, stating to conserve the natural resources such
9 as a forest tract. And we know that in Eagle Pointe they
10 mowed it all down and then they still considered it open
11 space. But this sentence kind of makes it sound like maybe
12 they shouldn't have called it open space.

13 So my, I guess, what I am thinking of in that
14 sentence and what you all, I know, want to do is to say, "Hey,
15 look, you know, we want you to conserve this. We don't want
16 you to touch this, because that's the whole reason for an RCD.
17 Otherwise, just build it like an R-1 or an R-4 and be done
18 with it. But we want you to conserve this." So you make them
19 try and you're kind of doing that with this sentence but there
20 is still some things that I don't quite understand with that.

21 So that's the second thing that I hope that you will
22 spend some time discussing because, you know, I have brought
23 these things up before and they weren't fully discussed. So,
24 you know, I hope that you can provide some guidance on that.

25 The next is still under section C, small letter (e),
26 and I have some questions. But, first, can Heather explain
27 the second sentence? It says, "However, land that is
28 disturbed during construction," can she provide me with a
29 definition of what "land" is? Small letter (e), second
30 sentence, "However, land that is disturbed during

1 construction," what is the definition of the word "land," and
2 does it include open space?

3 CHAIRMAN LINGENFELTER: Heather, she is asking --

4 MS. FREEMAN: Oh, do you want me to --

5 MR. PETERSON: Yeah, she was asking you, I think.

6 MS. FREEMAN: Do you want me to try to answer that
7 or --

8 MS. PESEC: Andy, I had a question if you could
9 define that for me, that word "land."

10 CHAIRMAN LINGENFELTER: Can you define the word
11 "land"?

12 MS. PESEC: Does that include open space?

13 MS. FREEMAN: Mr. Chairman, I think my
14 interpretation of that would be that this is, adding in the
15 words "However, land that is disturbed during construction"
16 does apply to land that was set aside as open space that might
17 have been disturbed during construction, yes. So it would
18 include, potentially, land, property within the RCD, land,
19 property, whatever your ordinary definition of "land" is, to
20 be considered, that could be set aside as potentially open
21 space, very similar to how we already have it written.

22 CHAIRMAN LINGENFELTER: Right.

23 MS. PESEC: Okay. I couldn't hear Heather. So does
24 "land" include open space?

25 MR. REPPERT: Yes.

26 MR. PETERSON: Yes.

27 CHAIRMAN LINGENFELTER: Yes, it does.

28 MS. PESEC: Great. Thank you. If it didn't, then
29 we would have been able to move on; but since it does then, I
30 will need to go through this again. So in small letter (a)

1 and small letter (e), it states that the land or open space,
2 it shall be preserved and is to be preserved in its natural
3 state. So if those are true, then in the next sentence,
4 However, it can be disturbed during construction or otherwise
5 not preserved. So you have set up a conflict of language in
6 this zoning text. It is an absolute conflict. You shall
7 preserve open space in its natural resources, natural state,
8 and disturb it at the same time. You can't do both.

9 So you will need to come down one side or the other
10 on that or maybe you would say, understand that during
11 construction there are some, you know, disturbances and so it
12 could be a percent, 5 percent of the land could be disturbed
13 or something. But you need to, you need to do something.

14 CHAIRMAN LINGENFELTER: I think, Vanessa, I think
15 you are kind of jumping to some conclusions on some this. You
16 are supposing things that aren't -- I think that, you know, as
17 we do these reviews and as the applicant comes to us, I think
18 that you're making suppositions that, you know, and we're
19 getting into the minutia of definitions of words. I think
20 that, you know, at some point in time, you have to assume
21 that, as a Zoning Commission, we have the ability to dissect
22 these kinds of issues without getting into, you know, the
23 specific definitions on word use in the text.

24 MS. PESEC: Well, I --

25 CHAIRMAN LINGENFELTER: Because there are public
26 hearings, there are design reviews, there are a number of
27 other mechanisms in place to address these issues and I am
28 sure, at some point in time, those can be addressed.

29 MS. PESEC: Right. So let's take Eagle Pointe as an
30 instance where it was otherwise not preserved. The trees were

1 not preserved while the application was going through, during
2 the application process, and you chose to allow it as open
3 space. So it's not a supposition. And that's more than one,
4 there are other examples in your recent past.

5 But, furthermore, a conflict of language is a
6 definition in legal matters and in legal, you know, in legal
7 circles, and so this is not some random, esoteric thing. This
8 is something that has been happened in Concord and recently,
9 in the last two years. And so it really is important for you
10 to write the text clearly so that you choose one side or the
11 other or you come up with some good compromise but you don't
12 just do it on the fly in an arbitrary and capricious manner on
13 a case-by-case basis. That is a problem.

14 MR. PETERSON: I would argue that we've spent the
15 better part of a year working on this document. You could
16 wordsmith it for five more years but we put a lot of thought
17 and effort into this as it is.

18 MS. PESEC: Right. I explained this to you in a
19 letter in July but somehow you didn't address it. So --

20 CHAIRMAN LINGENFELTER: Well, you're not writing --
21 You know what, Vanessa? You are not writing the text. Okay?
22 Your input is welcome and that's what it is. You don't
23 engineer the text and write the text to your specific
24 requirements. You're a citizen and you are certainly welcome
25 to put provide your input. But if you really want to get into
26 the minutia like that, then I suggest you apply for the Zoning
27 Commission and get yourself appointed, and then you can sit up
28 here and you can make those kind of decisions. That's the way
29 I feel about it.

30 I mean, trying to reverse engineer everything after

1 the fact, it's real easy to sit back and armchair quarterback
2 everything after the work has been done. But like Rich
3 Peterson said, we've been working on this for over a year.
4 Okay? And, quite frankly, I don't appreciate being lectured
5 about words and the way and law and things like that from a
6 nonlegal person.

7 So, you know, if you have any other comments you
8 would like to make with reference to this at this point?
9 Because I am done with the lecture part, okay, to be honest
10 with you. That's where I'm at.

11 MS. PESEC: Andy, this is public comment. I have
12 not provided any concrete solutions. I have merely pointed
13 out a conflict of interest in your document. I am sorry you
14 feel personally --

15 CHAIRMAN LINGENFELTER: No, I'm not. It's not
16 personal, Vanessa. If you want, we can take it to a personal
17 level but it's not personal. Okay?

18 MS. PESEC: It's public comment. I'm saying --

19 MR. COURTNEY: It's a matter of professionalism.
20 All right? That's what it is.

21 MS. PESEC: Nothing --

22 CHAIRMAN LINGENFELTER: You're given the opportunity
23 to make your comments. Now, are you in favor of this or are
24 you opposed to it? I think that's where we're at at this
25 point.

26 MS. PESEC: I am trying to provide constructive
27 criticism and work with the Board, as I have done since before
28 when I was listening and making comments. But even in July --

29 CHAIRMAN LINGENFELTER: And we received your email,
30 okay, and we read it into the record. We put your comments in

1 here. We considered everything that you said and we made some
2 changes according to your comments. Okay? But you're not
3 writing the text.

4 MS. PESEC: No, I am not.

5 CHAIRMAN LINGENFELTER: That's not your job. It's
6 not a part of what you do. Okay? That's a part of our job.
7 And you're not going -- You will not usurp those
8 responsibilities from us, plain and simple.

9 MS. PESEC: No, yeah, that is a fact.

10 So let's move on to, in that same sentence, it says,
11 "A landscape plan prepared by an Ohio registered landscape
12 architect." Additionally, in your zoning text in Section 38,
13 11 and 12, you recommend material standards, as well as a
14 vegetation list. I would ask that you consider including
15 those as well in this section because this is, you know, this
16 is an important part. If you want to be conserving the land
17 and then you -- and then it is disturbed or otherwise not
18 preserved, then you need to put something back in it.

19 And so adding the text of, you know, licensed
20 architect, landscape architect is great, but you have in your
21 text and you believe in specifying landscape material
22 standards and a recommended vegetation list. And I would
23 encourage you to include those two references and sections in
24 there as well to make the text a bit stronger.

25 CHAIRMAN LINGENFELTER: Okay. Anything else?

26 MS. PESEC: Yes.

27 CHAIRMAN LINGENFELTER: Is there anything that you
28 agree with in this? Is there anything that we've done after a
29 year that you are absolutely behind? Is there anything?

30 MS. PESEC: Yes.

1 CHAIRMAN LINGENFELTER: I would be interested to
2 know what it is.

3 MS. PESEC: Yes, if you look at, my comments are
4 Amendment 5, Sections B and C, Amendment 6, and I had a
5 question on 10. So if you look at the totality of my
6 comments, you will see that all of the other amendments I have
7 no comments and I think you've done a fine job of adding text
8 and clarifying things. So that's why I am providing comments,
9 making a couple of additional sections as clear and concise
10 and enforceable as possible. So, yes, there are many
11 sections, as you can see in your text, that I haven't even
12 commented on.

13 So now let's move to Amendment 6 and this is the --
14 I do definitely like the sentence by strongly desiring open
15 space protected with a different conservation organization
16 other than the HOA because that's a problem. At the very end,
17 it says, "To ensure that the designed open space is maintained
18 and preserved in its natural state." And I wanted to know how
19 it would be maintained and preserved. How is it going to be
20 enforced, going to be inspections or so forth?

21 In the totality of the R-2 text, I could find no
22 specific required language for maintenance and preservation of
23 the deed restrictions. So I looked through the text and there
24 are some in the early preliminaries or, yes, preliminaries and
25 site plan, there is language that says, "Show us how you're
26 going to, you know, maintain it and preserve it." But then in
27 the actual deed restrictions there is no language requiring
28 that. And then, further, there is, it's just that the
29 attorney will look at it and approve it.

30 So I see that as a wide gap in your intentions for

1 the RCD of making sure that it stays preserved. So I would
2 encourage you to put in some language either in that section
3 or in one of the other sections that makes sure that you have
4 a maintenance and preservation schedule or something like
5 that.

6 And then all the way down at Amendment 10 -- wait a
7 minute -- it says, you know, still different kinds of
8 dwellings that are allowed in an R-2, in an R-2 PUD, and that
9 includes dwellings - single family cluster and dwellings -
10 attached single family. In a regular Quail Hollow type PUD
11 with commercial and residential, it seems that those may be
12 applicable.

13 My question to you is, in an RCD, do you think it's
14 appropriate to have a dwelling unit that includes three to
15 eight dwelling units in an attached single-family unit? And
16 would you -- or a dwelling single-family cluster? I couldn't
17 quite find whether -- what the limit was for that number but
18 it seems to be, again, a really large number. So is there a
19 reason or your thoughts to take away the high density look for
20 a couple of these kinds of dwelling units in an RCD, keeping
21 them in a regular PUD? And so those are my comments.

22 CHAIRMAN LINGENFELTER: Do you have any other
23 comments you would like to make at this point?

24 MS. PESEC: No, that will do it. Thank you.

25 CHAIRMAN LINGENFELTER: Thank you.

26 Okay. At this point, after that, we have no other
27 people in the audience and, at this point in time, I would
28 like to close the public comment section of this public
29 hearing.

30 Okay. Let's take it to the Board. Heather, I know

1 you had some things you would like to discuss with regards to
2 the letter you received from the Lake County Planning
3 Development.

4 MS. FREEMAN: Yeah. Mr. Chairman, I am not sure if
5 you would like to read into the record the correspondence from
6 the Planning Commission and then I would be happy to walk us,
7 point out what sections, because I know this doesn't jibe
8 exactly when what our amendments numbers are.

9 CHAIRMAN LINGENFELTER: Right.

10 MS. FREEMAN: I made some notes far as what page to
11 turn to so we can look at and see what's applicable where.

12 CHAIRMAN LINGENFELTER: We do have, we do have a
13 letter from the Lake County Planning and Community Development
14 organization dated September 29th of 2021, attention of
15 Ms. Heather Freeman.

16 "Dear Ms. Freeman: The Lake County Planning
17 Commission took under consideration the above-mentioned zoning
18 text changes at their regularly scheduled meeting on Tuesday,
19 September 28, 2021. The Lake County Planning Commission
20 recommended that the amendments be made with the following
21 changes:

22 Bullet Point Number 1: "Remove the phrase 'in
23 regards to the health, safety and welfare of the community,
24 and the citizen of the Township and the surrounding
25 communities' from the end of 16.20(E) and instead add it to
26 the end of Section 16.20 General Guidelines/Applicability."

27 Do you want to comment on that, Heather?

28 MS. FREEMAN: Oh, okay, sure, we can. If you would
29 like to turn to page -- I don't know if it's easier to find
30 the page number. Look at the bottom of page 16.16.

1 MR. REPPERT: 16.6?

2 MS. FREEMAN: 16.16.

3 CHAIRMAN LINGENFELTER: Yeah, 16.20.

4 MR. REPPERT: Okay, that's where I am.

5 MS. FREEMAN: This was Section 16.20, General
6 Guidelines/Applicability. At this time, we were not proposing
7 any changes specific to this section or any of the letters
8 underneath there. I think that we're fine with leaving the
9 verbiage where it's at, at the end of E. But should you feel
10 that you want it in the top paragraph, rather, like they were
11 suggesting, we could look at that. But at this point, I don't
12 really feel like it's necessary to move that phrase.

13 CHAIRMAN LINGENFELTER: Any comments from the Board
14 on that?

15 MR. SCHINDLER: All they're really asking is just
16 take the phrase and just reposition it somewhere in the text.

17 MR. REPPERT: That's all, yeah.

18 MS. FREEMAN: Right.

19 MR. SCHINDLER: So I don't --

20 MS. FREEMAN: I don't know that it changes the
21 meaning.

22 CHAIRMAN LINGENFELTER: Right.

23 MS. FREEMAN: I didn't get any comment from the law
24 department.

25 MR. SCHINDLER: No, it's not that. To me, I don't
26 think it's supposed to change the meaning, if I understand it
27 correctly.

28 MS. FREEMAN: Yeah, right.

29 MR. SCHINDLER: They just want us to move the
30 verbiage from one section of the text and put it to another,

1 right?

2 MS. FREEMAN: Yeah, yeah.

3 MR. SCHINDLER: So that should not be an issue,
4 should it? I mean, we're not changing the meaning or anything
5 like that.

6 MS. FREEMAN: Correct.

7 MR. IAFELICE: If I may, Mr. Chairman? I think
8 their intent is that's a general statement that, as a general
9 guideline, would impact A, B, C, D and E. In other words, we
10 should say, "to the betterment of our community, the health,
11 safety and welfare," as a general guideline that applies to A,
12 B, C, D and E rather than it sits at E only. They are just
13 asking to move it up. It seems appropriate to move. I agree
14 with the suggestion.

15 MR. SCHINDLER: Yeah, I understand. That's fine
16 with me.

17 CHAIRMAN LINGENFELTER: Heather, do you want to make
18 that? Can we make that adjustment?

19 MS. FREEMAN: Well, yeah. I think we could easily,
20 if you, the Board, was inclined to do that. Let's see.
21 Perhaps the last sentence of 16.20 could read what's existing
22 right there. It says, "In determining whether or not to
23 permit an RCD district within an area of Concord Township, and
24 in reviewing any plans for the development of such a district,
25 the Zoning Commission and the Trustees of Concord Township
26 shall take into consideration the health, safety and welfare
27 of the community, and the citizens of the township and the
28 surrounding communities, and the following." And then we
29 could continue the list A through E.

30 MR. IAFELICE: That sounds good, yes.

1 MR. SCHINDLER: That's good.

2 CHAIRMAN LINGENFELTER: Yep. Good with that,
3 gentlemen?

4 MR. REPPERT: Yes.

5 MR. SCHINDLER: Yes.

6 MR. IAFELICE: Yes.

7 CHAIRMAN LINGENFELTER: So we will make that change,
8 Heather, let's make a note of that as a part of the process.
9 Now, that is attached to a specific amendment?

10 MR. REPPERT: No.

11 CHAIRMAN LINGENFELTER: Can we assign that to an
12 amendment or no?

13 MS. FREEMAN: No.

14 MR. PETERSON: General Guideline.

15 CHAIRMAN LINGENFELTER: Okay.

16 MR. REPPERT: A new amendment.

17 CHAIRMAN LINGENFELTER: All right. So we will make
18 sure that we note, in the motion that we make, that we adopt
19 that change recommended by the Lake County Planning
20 Commission. Squirrel that away, gentlemen.

21 MR. REPPERT: Okay.

22 CHAIRMAN LINGENFELTER: Okay? The second bullet
23 point was to, "Remove the phrase 'Existing rights-of-ways,
24 unless distinguished at the time of development, shall be
25 excluded from the calculation of acreage proposed RCD' from
26 Section 16.22(A) and instead phrase it as -- I am going to say
27 that's got to be "exclusive," not "excusive," "of any rights
28 of way."

29 MS. FREEMAN: Okay. This is on that same page.

30 MR. PETERSON: 16.22.

1 MS. FREEMAN: We were proposing to add in, unless
2 they were extinguished at the time of development. They're
3 suggesting that they don't necessarily have to be extinguished
4 at the time of development and that putting this language in
5 would cover it. I think the plat, by recording the plat of
6 the subdivision somehow affects the future opening of any
7 potential old road right-of-way, is my understanding. So I
8 would agree that we could make that change based on the
9 Planning Commission's recommendation.

10 CHAIRMAN LINGENFELTER: Any comments from the Board?

11 MR. REPERT: It sure sounds like it's the same to
12 me.

13 MR. PETERSON: Yeah.

14 MS. FREEMAN: Do we want to -- Is it "excusive" or
15 "exclusive"?

16 MR. REPERT: I don't have a dictionary.

17 MR. PETERSON: I think it's, the L is missing.

18 CHAIRMAN LINGENFELTER: Yeah, I am going to assume
19 that is the meaning, exclusive.

20 MS. FREEMAN: Okay.

21 MR. REPERT: So what's the difference between what
22 we have and what's exclusive?

23 MR. PETERSON: Yeah, really.

24 MR. REPERT: Exclusive of any right-of-ways or any
25 rights-of-way, unless extinguished at the time" -- Well, I
26 guess that falls -- "shall be excluded from the calculation of
27 acreage of proposed RCD."

28 MS. FREEMAN: So, I guess, an example of a project,
29 like Eagle Pointe had an old 40 foot right-of-way that ran
30 through the middle of the lot. It was never opened up, never

1 officially dedicated for any purpose and it's still
2 technically there. So even when they file the subdivision
3 plat, which is going to be happening later this month, more
4 than likely, it will still be on there but it's not ever going
5 to be open for any kind of use. They're not going -- because
6 the new development kind of supersedes that.

7 MR. REPPERT: I don't know.

8 MS. FREEMAN: But the way we had it written is that
9 we would have wanted to see that somehow officially
10 extinguished like by some kind of separate instrument or on
11 the plat, but what Planning is telling us is basically that's
12 not necessary. I don't know. I am not sure what the harm
13 would be by leaving it in the way we have it.

14 MR. PETERSON: Yeah. I don't see it as a critical
15 change.

16 MR. IAFELICE: Yeah, me neither.

17 CHAIRMAN LINGENFELTER: Yeah. Any comments from the
18 Board on that?

19 MR. REPPERT: Keep it, keep it as it is.

20 MR. PETERSON: Yeah, I agree.

21 CHAIRMAN LINGENFELTER: Okay. The next bullet point
22 is, "Density was removed in Section 16.24, and is no longer
23 regulated. Create a density standard for the district." I am
24 not really quite sure on that one. I thought we addressed
25 that.

26 MS. FREEMAN: Right. So as you know, one of the
27 bigger changes, the biggest changes we've made was eliminating
28 the yield plan and just asking the developer to come in with a
29 super awesome RCD plan that sets aside 30 percent of open
30 space, you know, pristine, undisturbed open space. And our

1 thought process all along was that, okay, based on our minimum
2 lot sizes, that kind of regulates what that density could be
3 with what's left over for the development.

4 I did have a conversation with Mr. Radachy about
5 that recommendation and there was potentially some concern
6 that somebody might come in with a project with like a bunch
7 of irregular shaped lots, flag lots, things like that in order
8 to just try to create maximum density without really taking a
9 lot of thought into how it's laid out and just looking at
10 straight number of units.

11 So what Planning was suggesting is that we include
12 in some density, maximum density, whether it be like on a
13 gross acreage basis or maybe some net calculation. So for
14 example, like in our PUD, the first half of the section, we
15 have no more than three units per acre gross calculation.

16 I have looked at a couple other communities, like
17 Painesville Township has like what they -- has a PUD that's
18 not a conservation type PUD. It's some kind of -- I don't
19 know -- other kind of PUD. And they have minimum lot sizes
20 but then they also have a maximum overall density allowed for
21 the developments as well. Some other communities also had
22 that. I know that City of Mentor, I don't believe they still
23 have it on their books but they used to have what was popular
24 over in Mentor was the RVG. It's like a village green type of
25 development where they had to set aside a minimum 15 percent
26 open space and then they also had a max density based on gross
27 acreage of like two, two and a half units per acre. But the
28 difference there was they didn't have minimum lot sizes. Now,
29 with us, we do have a minimum lot size that does help regulate
30 that density.

1 So it's up to you guys if you feel like we also then
2 need to add on this maximum density or if you feel good about
3 what we have in there now.

4 MR. REPPERT: Won't we get a density calculation
5 from the developer? We should get that as part of his plan.

6 MS. FREEMAN: No.

7 MR. REPPERT: Figure it out.

8 MS. FREEMAN: Well, they would have to provide a
9 breakdown, right, of how much land is set aside for open
10 space, how much is in the sublots and how many lots, right,
11 and then we could just run that based on the number of units
12 they're proposing divided by the total project area and we
13 would calculate it, I guess, in our mind. Well, what is it?
14 But what's the point of running that density calculation if
15 there is no standard to make sure it complies with? I am not
16 sure.

17 MR. REPPERT: Well, I would just assume that, as
18 part of the presentation, we would say, we would be given,
19 here are the number of lots and here is the traffic, here is
20 the people and here is the density per acre or per lot or
21 whatever. I would assume that that would be part of the
22 presentation developed by the developer.

23 MS. FREEMAN: Yeah. And I think -- Let me flip back
24 to that first section that indicates what they have to present
25 to us at the preliminary, the township preliminary plan. The
26 density proposed for the entire development, yeah, that is one
27 figure that they have to provide, so that's correct. If you
28 look in 16.12(E), under the Township Preliminary Plan, one of
29 the requirements is to provide the density of the proposed for
30 the entire development.

1 MR. REPPERT: Yeah, okay. So should we have a
2 density standard in Concord Township? Is there one now?
3 Obviously not.

4 MS. FREEMAN: Well, the density now is based on that
5 yield plan that we can never prove whether or not it's valid
6 or not, which was why we were trying to eliminate that
7 grayness.

8 MR. REPPERT: That's right.

9 MS. FREEMAN: Yeah. So like in a regular R-1, we
10 don't say, you know, the maximum density in an R-1 development
11 is X number of units. We regulate it based on minimum lot
12 size really. So I know like when the original RCD text was
13 formulated, they looked at traditional R-1 and R-4
14 developments to figure out, you know, what density did they
15 actually develop at? Did they get the full potential or the
16 full, you know? Because minimum lot sizes in R-1 is just over
17 a half acre, so 22,000 square feet, or just under two units
18 per acre. So were there ever any subdivisions that are 40
19 acres and they got 80 lots? No, because you have to subtract
20 out for roads and detention and right-of-way and all that.

21 So other districts do not have a specified maximum
22 density. It's regulated based on other factors, such as lot
23 sizes and setbacks of the things of that nature that help
24 regulate density.

25 MR. REPPERT: So I take it we don't need a max
26 density. We've got other factors going into the design of an
27 RCD. Now, part of that is going to give us a density but
28 whether it's 1.25 or 1.62, it's a moot point. We don't have a
29 max density requirement, and I don't know if we need one.

30 MR. SCHINDLER: That would mean that each

1 development that we sit in on, they would have to basically
2 show us what they're saving and that could vary from project
3 to project.

4 MR. REPPERT: What do you mean, what they're saving?

5 MR. SCHINDLER: Well, you know, they come in. They
6 want conservation development. We always consider it because
7 the primary function is, does it save as much of the land in
8 its natural state? So every developer is going to come in,
9 depending on the land that he is purchasing to develop, it's
10 going to have its own unique, uniqueness about it.

11 MR. REPPERT: Right.

12 MR. SCHINDLER: So every developer, we would have to
13 let him submit his criteria for conservation development and
14 we would have to be, more or less, like a judge to think
15 whether he is really saving it, as much land as possible, or
16 he's not. That would have to be a judgment call on us, right?

17 MR. REPPERT: Yeah. That's why I don't think we
18 need a max density requirement.

19 CHAIRMAN LINGENFELTER: We never had one.

20 MR. PETERSON: We could address that at the
21 application time.

22 MR. REPPERT: Yeah.

23 MR. SCHINDLER: Yeah, exactly. Let them do their
24 thing and we see it and see what it is on its merits.

25 MR. PETERSON: Yeah.

26 MR. SCHINDLER: Because then we can, like the last
27 one we just voted on, this big project on Hoose, he came in,
28 he gave us his proposal for RCD. But he also made us a
29 proposal on what it could be developed in its natural R-1.
30 Right then you could see what it was and we can get a number

1 from that. Let's see if it's really a beneficial project to
2 grant him that or not grant him that, right? I think that's
3 the only way we can realistically do it, to be honest with
4 you.

5 MR. REPPERT: I think that's what we're doing in
6 getting rid of the --

7 MR. IAFELICE: Yield plan.

8 MR. PETERSON: Absolutely.

9 MR. REPPERT: Yield plan, that's what it's called,
10 yield plan.

11 MR. SCHINDLER: Right.

12 MR. REPPERT: I think that's what we're doing.
13 We're saying, "Give us a preliminary plan. Give us all the
14 numbers you've got from the lot size and people and the
15 traffic and easements and everything like that," and here is
16 what I've got. We're forgetting about the yield plan
17 completely. I think that's -- So I don't think we need a max
18 density.

19 MR. PETERSON: I agree.

20 MR. REPPERT: So ignore that comment.

21 MR. IAFELICE: Agree.

22 CHAIRMAN LINGENFELTER: All right. Next item is
23 "Define what a wildlife corridor is." I knew that was going
24 to open up a can of worms. I knew it, I knew it, I knew it.

25 MS. FREEMAN: Okay. That was --

26 MR. PETERSON: Animal crossing.

27 MS. FREEMAN: That was part of Amendment Number 5.

28 MR. PETERSON: Yep. It's on page 16.18, big letter
29 C, small letter (a).

30 MS. FREEMAN: Oh, okay, yes. If you remember, this

1 language we were adding in here was suggested by Soil and
2 Water. I don't know if we can just defer to the ordinary
3 meaning of what a wildlife corridor is or it's necessary to
4 come up with our own definition. I forgot. I've brought a
5 definition but --

6 MR. REPERT: I remember talking about this.

7 MR. IAFELICE: We vetted this, Mr. Chairman. It's a
8 wildlife corridor, it's fine.

9 CHAIRMAN LINGENFELTER: Yeah.

10 MS. FREEMAN: I don't know that we, we're not --

11 CHAIRMAN LINGENFELTER: I think we deferred to
12 Webster on that.

13 MR. IAFELICE: Webster, Webster is the source.

14 CHAIRMAN LINGENFELTER: Or Wiki.

15 MR. REPERT: Or Wiki.

16 MS. FREEMAN: We do have, we do have a definition --

17 CHAIRMAN LINGENFELTER: It was one or the other, it
18 was one or the other.

19 MS. FREEMAN: In our Section 5, under Definitions,
20 we do indicate that, if a term is undefined, it diverts to the
21 ordinary English meaning and I think that's acceptable in
22 this. And then, again, it would be up to the applicant, if
23 they were going to save something like that, to explain to you
24 what it is and why it's worthy of saving, you know. That
25 would --

26 MR. IAFELICE: Yeah.

27 MR. REPERT: Again, it's on a case-by-case basis.

28 MS. FREEMAN: Okay.

29 MR. REPERT: Okay. I think Dave is working too
30 hard.

1 CHAIRMAN LINGENFELTER: Yes. Last bullet point is
2 to "Allow stormwater infrastructure in the open space areas,
3 but do not permit it count" -- boy, these guys need to go back
4 to English 101. "Allow stormwater infrastructure in the open
5 space areas, but do not permit it" --

6 MR. REPERT: To be counted toward.

7 CHAIRMAN LINGENFELTER: -- "to be counted towards
8 open space area calculations."

9 MS. FREEMAN: Right. That's on the next page that
10 we were just looking from. The way we worded it currently,
11 it's under that section where we're subtracting out things
12 that aren't considered open space but might be allowed within
13 the open space.

14 MR. PETERSON: It might contribute.

15 MS. FREEMAN: So which might, we may need to make a
16 small correction this. But the way we have it currently
17 written is, "Stormwater infrastructure shall not be located in
18 the open space and does not contribute to the minimum open
19 space requirements." I know there was some concern from the
20 County about putting stormwater basins on individual sublots
21 with the potential of future owners somehow negatively
22 impacting those features, I guess, or making it difficult to
23 access them when maintenance is done due to people putting up
24 fences and things like that that really shouldn't be in
25 certain locations.

26 So I believe that that was their thought process on
27 that. From an enforcement standpoint from the township, I can
28 tell you it might be a little bit more challenging, you know,
29 because if they're like, "Okay, we have 30 percent open space
30 and 2 percent is our detention basins," you know, would the

1 basins would get bigger then and the calculation changes or --
2 I am a little concerned about that, having to know exactly how
3 much area is in the detention basin and making sure that then
4 we're subtracting it out from the open space. It's just my
5 thoughts on that. So I am open to what you guys feel like.

6 MR. REPPERT: So the stormwater infrastructure is an
7 entity all by itself really.

8 MR. PETERSON: Um-hum.

9 MR. REPPERT: So what we're saying here is we don't
10 want it as part of the open space calculation but we also
11 don't want it to be in any subplot, right?

12 MS. FREEMAN: We didn't say that.

13 MR. IAFELICE: We didn't say that.

14 MS. FREEMAN: No, we didn't say that.

15 MR. REPPERT: So it can be part of a subplot?

16 MR. IAFELICE: If I may, here is another one, with
17 respect to the County Planning Commission, this comment, so if
18 stormwater infrastructure is not located in open space, okay,
19 but then, well, let's count, let's allow it to be in open
20 space but don't count it as open space, well, then it's not in
21 open space in the first place. Did I make sense?

22 MS. FREEMAN: Yeah. I know what you are saying,
23 yeah.

24 MR. IAFELICE: Then it's not open space.

25 MS. FREEMAN: Couldn't they just call it --

26 MR. IAFELICE: Stormwater, regardless of where it is
27 located, is not open space.

28 MR. REPPERT: It's an entity all by itself.

29 MR. IAFELICE: All by itself. So if the developer
30 puts in a stormwater basin, okay, or basins, that's not open

1 space. It's not counted towards open space. So, ergo, it's
2 the same. What we're saying, it's the same thing. So that's
3 how I read it.

4 MR. PETERSON: I agree, I agree.

5 MR. REPERT: Can be located --

6 MR. IAFELICE: No?

7 MS. FREEMAN: No, I agree. But do you know, do you
8 have any experience with then, you know, if they were going to
9 not put the basin on the subplot, could they plat that as like
10 a block and just not call it open space or maybe that's a
11 question I should follow up with the county on. Like from the
12 subdivision, if it's not on a lot and they're not calling it
13 open space, then what is it, a block that's not open space,
14 you know?

15 MR. REPERT: It's a stormwater feature.

16 MS. FREEMAN: Or do we care about that?

17 MR. IAFELICE: It's infrastructure.

18 MR. REPERT: It's stormwater basin.

19 MR. IAFELICE: It's not open space.

20 MR. REPERT: Don't touch. Do not pass go. Do not
21 collect \$200.

22 MR. IAFELICE: It's not in open space. It doesn't
23 count towards open space.

24 CHAIRMAN LINGENFELTER: Right.

25 MR. SCHINDLER: It's a nondevelopment area of the
26 subdivision.

27 MS. FREEMAN: Yeah.

28 MR. SCHINDLER: Because you can't develop it.

29 MS. FREEMAN: Yeah.

30 MR. SCHINDLER: It's a nondevelopable area in the

1 subdivision, clear.

2 MS. FREEMAN: Right.

3 MR. SCHINDLER: You're not going to build something
4 on the pond. A house, you can't put it on a -- It stands to
5 reason.

6 MR. REPERT: So I'd ignore that comment, also.

7 CHAIRMAN LINGENFELTER: Yes. But it was discussed.

8 MR. PETERSON: Yep.

9 MR. IAFELICE: Thoroughly.

10 CHAIRMAN LINGENFELTER: "We're available to help
11 with any aspect of this recommendation. If you have any
12 questions, please feel free to call Dave Radachy, Director, or
13 Joseph Rose, Planner 1."

14 MR. REPERT: One out of five isn't bad.

15 MR. IAFELICE: One of five.

16 CHAIRMAN LINGENFELTER: One out of five, we're going
17 to consider.

18 MR. REPERT: Yes.

19 CHAIRMAN LINGENFELTER: Okay. So that is the Lake
20 County Planning and Community Development's input. And their
21 letter is, obviously, be entered into the record as such.

22 Any further discussions on any of the amendments
23 that are in front of us this evening, gentlemen? Frank?

24 MR. SCHINDLER: Well, based on what we've discussed
25 on this, and there still seems -- correct me if I am wrong --
26 some misunderstanding of interpretation of what we got from
27 the Planning Commission, for example, and then, of course,
28 what we got from Vanessa, should we maybe spend some time and
29 maybe still look at this a little bit longer and just maybe
30 recess this or do we feel we've done as much as we can right

1 now and move along with it?

2 MR. PETERSON: I would think that would be endless,
3 you know, I really do. I think you could work on this
4 document for years and wordsmith it and not come up with much
5 different than what we have. We've put a lot of effort into
6 this.

7 MR. SCHINDLER: I understand.

8 MR. PETERSON: And I think we need to move forward.
9 My opinion.

10 MR. SCHINDLER: Okay. I just wanted to throw it out
11 there for discussion. I know we've put a lot of work into
12 this and we've made a heck of a lot of changes.

13 MR. PETERSON: Yeah.

14 MR. SCHINDLER: And I am sure if we had a thousand
15 people out there, we'd get a thousand different things that
16 they would want to see incorporated or change this verbiage to
17 this verbiage because I can't understand what you are trying
18 to say, you know. You're right. We could probably do this
19 forever.

20 CHAIRMAN LINGENFELTER: Well, I think the attendance
21 is indicative of the interest.

22 MR. SCHINDLER: Well, that's true, too, because I
23 want it pointed out --

24 CHAIRMAN LINGENFELTER: Pretty straight forward,
25 there is nobody here.

26 MR. SCHINDLER: Right.

27 CHAIRMAN LINGENFELTER: And if there was anybody --
28 If there were any hot button issues that we were dealing with
29 here, there would be people in the seats and there aren't.

30 MR. SCHINDLER: That's true, too, yes.

1 CHAIRMAN LINGENFELTER: So I take that as, as a
2 tacit endorsement of the public as to the work we've done
3 because, if there were egregious errors that were made, there
4 would be a lot of people sitting out there right now wanting
5 to tell us what we were doing wrong, and there isn't. So --

6 MR. PETERSON: In reality, we've got a much better
7 document now than what we had before.

8 CHAIRMAN LINGENFELTER: I think we have made some
9 very meaningful progress on this.

10 MR. REPERT: Heather, have you gotten any positive
11 feedback from any contractors or developers?

12 MS. FREEMAN: Well, if you recall, Mr. George Davis,
13 with ProBuilt, had sent some initial feedback. And then since
14 then, he did receive, I think, one of the latest versions of
15 the text and commented that he was pleased that a lot of the
16 things that he was initially concerned about, the Board
17 decided not to move forward with. If you recall, some of that
18 was specific to potential, like, road design, roundabouts. I
19 don't remember exactly everything off the top of my head.

20 The last thing I heard from Mr. Davis is that he was
21 cautious about this version of the text. He thought that it
22 still might have been, potentially, not incentive enough for a
23 developer to choose the RCD to move forward but he was going
24 to have his engineer run some numbers or some plans and make
25 that decision. I kind of thought he might be here tonight,
26 honestly, in opposition. But the developers knew that you
27 guys were meeting tonight, so none of them chose to comment at
28 this point. So he's the only one I've really spoken to about
29 it specifically.

30 CHAIRMAN LINGENFELTER: Hiram, any comments?

1 MR. REPPERT: No, no. I am good to go.

2 CHAIRMAN LINGENFELTER: Mr. Iafelice?

3 MR. IAFELICE: Mr. Chairman, reflecting back over
4 when we initiated the whole discussion, obviously, we've all
5 shared concerns about the completeness of yield plans. And my
6 first experience with the Board, my colleagues here, with the
7 first one was not good. I think this is leaps and bounds --
8 And I have digested, I have heard, I have read the letter from
9 the public, I listened to the public, listened to comments.
10 And what we have here in principle, I believe, is sound and
11 reasonable for us to move forward, yeah. Thank you.

12 CHAIRMAN LINGENFELTER: Mr. Peterson?

13 MR. PETERSON: No further comments, Mr. Chairman.

14 CHAIRMAN LINGENFELTER: I think that, you know, we
15 always try to improve as we move forward with these things. I
16 think we deliberated and debated and had some very spirited
17 discussions on the percentages of open space. We went back
18 and forth and back and forth. Does anybody want to address
19 that further? I mean, do you think we should reconsider what
20 we've come up with or are you comfortable where we are with
21 those numbers?

22 MR. REPPERT: Are you looking at me?

23 CHAIRMAN LINGENFELTER: No, no. I just --

24 MR. PETERSON: I'm comfortable.

25 MR. IAFELICE: I'm comfortable.

26 MR. PETERSON: Two comfortables over here.

27 CHAIRMAN LINGENFELTER: I can look, are we
28 comfortable with these numbers?

29 MR. IAFELICE: Comfortable. Rich is --

30 CHAIRMAN LINGENFELTER: All right. Not singling you

1 out, Hiram, in any stretch.

2 MR. REPPERT: We have, in my opinion, we have
3 minimum 30 percent.

4 CHAIRMAN LINGENFELTER: Right. And I think that, I
5 think that, you know, it's always a fine line that you walk as
6 a body when we're coming up with these regulations and
7 resolutions as to incent or disincent the builders to do what
8 we want. And I think, if we become so onerous on these
9 requirements and so demanding on these requirements that
10 nobody wants to use it, it is meaningless.

11 MR. PETERSON: Right.

12 CHAIRMAN LINGENFELTER: Okay? It's meaningless. So
13 I think, in order to get the desired result, we've given
14 ourselves a tool that I think is very important in helping the
15 process and giving us input because everybody knows, if it's
16 R-1, they don't have to come to us and ask for conservation
17 zoning. They can just go ahead and plat it out as an R-1 and
18 starting digging tomorrow. They don't have to put, they don't
19 have to put themselves through this process.

20 MR. PETERSON: Right.

21 CHAIRMAN LINGENFELTER: Okay? They don't. And the
22 same thing with an R-4. They don't have to do it. So I think
23 that the project that we've put together and the resolution
24 and the additions that we've made, we've made significant
25 strides in making it a good, meaningful piece of legislation
26 for this community. And I think everything we do always has
27 the best interest of both the community and the developers
28 because, if we exclude them, they're not going to use it.
29 That's the bottom line. They're not going, they're going to
30 -- They're going to look at this and go, "This is silly. I am

1 not going to put myself into that process. I am not going to
2 spend that kind of extra money. I am not going to invest that
3 additional, those additional dollars to comply with something
4 that just isn't even reasonable."

5 So I think that, you know, it's difficult, it is.
6 And I've been on this Zoning Commission long enough to
7 remember when we implemented the first conservation zoning
8 text and it was, you know, we put it together and it was a
9 long process. And here we are how many years later and we're
10 still tweaking and making adjustment, which I think speaks
11 well to what we're doing here, I mean, because of the fact we
12 can recognize where there is deficiencies and we try to make
13 adjustments and we make recommendations to fix those.

14 And sometimes you cannot plan for everything
15 possible contingency out there, you just can't. So we're
16 going to get applications, it's going come in front of us and
17 things are going to happen and, afterwards, we're going to
18 look at it and go, "Oh, boy, we kind of missed that one,
19 didn't we?" Because there is always, you know, there is
20 always going to be someone that's going to try to game the
21 system. That's just the way it is. That's reality. So --

22 But then the good news is, because of the work that
23 we do, we have the ability to make an adjustment and see what
24 we -- and learn from our mistakes and address them and make
25 sure that we don't make them again. I think that's what's
26 important is that, when we make mistakes, we recognize it and
27 we put ourselves in the position where we don't make the same
28 mistake over again. And I don't think we have done that at
29 all. I think we've always managed to come up with ideas and
30 creative ways to address the developers' concerns and address

1 citizens' concerns and strike a balance, and that's what we've
2 done and I think that's where we're at with this.

3 I think we have done a good job. I think that we've
4 had some good deliberations. We put a year into this. And
5 not to say that that means anything as far as the quality of
6 the work but, I mean, it means that we have taken this
7 seriously. We didn't slap this together in a month and throw
8 it out there for public hearing.

9 So I, I think we should move forward with what we've
10 got. That's my opinion. So at this point in time, what we
11 will do is I would be, I would be comfortable closing the
12 public hearing at this point. The public comments have been
13 made. The Board has deliberated. We've taken into
14 consideration the Lake County Planning and Community
15 Development comments. And I would like to close this public
16 hearing at this point and I would like to proceed with the
17 considering each amendment.

18 And the way that this will work moving forward is we
19 will look at it, we will just go right down the list,
20 Amendment 1 through 11. I will entertain a motion in the
21 affirmative. And then we will consider the Lake County
22 Planning Commission's one comment that we decided we wanted to
23 incorporate even though it's not, it's not associated with any
24 amendment in front of us. We will, then we will make a motion
25 in the affirmative, I will take a second, and then we will do
26 a roll call vote from Heather for each amendment. We will
27 just work right down the list.

28 Counselor, does that sound like the right process
29 here?

30 MS. BELL: Absolutely, Mr. Chairman.

1 CHAIRMAN LINGENFELTER: Okay, thank you. All right.
2 So --

3 MS. FREEMAN: Excuse me, Mr. Chairman. I'm sorry.
4 Before we start, I don't know if Abby would be able to address
5 how we would accommodate for the change that we would like to
6 make for 16.20.

7 MS. BELL: And that was from the first comment from
8 the Planning Commission.

9 CHAIRMAN LINGENFELTER: Yeah, the very first bullet
10 point on the Lake County Planning and Community Development's
11 recommendation.

12 MS. BELL: We would just treat that as Amendment
13 Number 12 and we would vote to adopt the recommendation by the
14 Planning Commission, moving that language up further in the
15 section.

16 CHAIRMAN LINGENFELTER: Okay. So we will make that
17 as Amendment Number 12 then, okay. Understand, gentlemen?

18 MR. IAFELICE: Yes.

19 MR. SCHINDLER: Yes.

20 CHAIRMAN LINGENFELTER: All right. We have work to
21 do.

22 MR. PETERSON: Mr. Chairman, I make a motion we
23 approve Amendment Number 1, Section 16.12(D), adding streams
24 and wetlands to be shown on the existing conditions map.

25 CHAIRMAN LINGENFELTER: I have a motion made.

26 MR. REPERT: Mr. Chairman, I will second.

27 CHAIRMAN LINGENFELTER: Motion has been made and
28 seconded. Heather, would you please call the roll.

29 MS. FREEMAN: Mr. Reppert?

30 MR. REPERT: Yes.

1 MS. FREEMAN: Mr. Schindler?

2 MR. SCHINDLER: Yes.

3 MS. FREEMAN: Mr. Peterson?

4 MR. PETERSON: Yes.

5 MS. FREEMAN: Mr. Iafelice?

6 MR. IAFELICE: Yes.

7 MS. FREEMAN: Mr. Lingenfelter?

8 CHAIRMAN LINGENFELTER: Yes.

9 Okay. Let the record reflect we have five yeas and
10 zero nays, no abstentions for Amendment Number 1.

11 (Five aye votes, no nay votes.)

12 MR. REPPERT: Mr. Chairman, if I so may move for
13 Amendment Number 2, Section 16.19, revises purpose statement
14 for Residential Conservation Development District.

15 CHAIRMAN LINGENFELTER: Motion made.

16 MR. PETERSON: I'll second that motion.

17 CHAIRMAN LINGENFELTER: Motion has been made and
18 seconded. Heather, please call the roll.

19 MS. FREEMAN: Mr. Iafelice?

20 MR. IAFELICE: Yes.

21 MS. FREEMAN: Mr. Peterson?

22 MR. PETERSON: Yes.

23 MS. FREEMAN: Mr. Schindler?

24 MR. SCHINDLER: Yes.

25 MS. FREEMAN: Mr. Reppert?

26 MR. REPPERT: Yes.

27 MS. FREEMAN: Mr. Lingenfelter?

28 CHAIRMAN LINGENFELTER: Yes.

29 Let the record reflect that is five yeas, no nays,
30 no abstentions, Amendment, for Amendment Number 2.

1 (Five aye votes, no nay votes.)

2 CHAIRMAN LINGENFELTER: Amendment Number 3.

3 MR. PETERSON: Mr. Chairman, I make a motion that we
4 approve Amendment Number 3, Section 16.22, revise minimum
5 project area to exclude existing right-of-ways unless
6 extinguished at the time of the development.

7 CHAIRMAN LINGENFELTER: Motion made.

8 MR. IAFELICE: I will second that motion,
9 Mr. Chairman.

10 CHAIRMAN LINGENFELTER: Motion has been made and
11 seconded. Heather, call the roll.

12 MS. FREEMAN: Mr. Peterson?

13 MR. PETERSON: Yes.

14 MS. FREEMAN: Mr. Schindler?

15 MR. SCHINDLER: Yes.

16 MS. FREEMAN: Mr. Reppert?

17 MR. REPPERT: Yes.

18 MS. FREEMAN: Mr. Iafelice?

19 MR. IAFELICE: Yes.

20 MS. FREEMAN: Mr. Lingenfelter?

21 CHAIRMAN LINGENFELTER: Yes.

22 Let the record reflect that was five yeas, no nays,
23 no abstentions for Amendment Number 3.

24 (Five aye votes, no nay votes.)

25 CHAIRMAN LINGENFELTER: Amendment Number 4.

26 MR. REPPERT: Mr. Chairman, I make a motion that we
27 approve Amendment Number 4, Section 16.23, Subitem B, as in
28 bravo, 7, entitled Decks, revised to include riparian
29 setbacks.

30 CHAIRMAN LINGENFELTER: Motion made.

1 MR. PETERSON: Mr. Chairman, I will second that
2 motion.

3 CHAIRMAN LINGENFELTER: Motion made and seconded.
4 Heather, call the roll.

5 MS. FREEMAN: Mr. Schindler?

6 MR. SCHINDLER: Yes.

7 MS. FREEMAN: Mr. Reppert?

8 MR. REPPERT: Yes.

9 MS. FREEMAN: Mr. Iafelice?

10 MR. IAFELICE: Yes.

11 MS. FREEMAN: Mr. Peterson?

12 MR. PETERSON: Yes.

13 MS. FREEMAN: Mr. Lingenfelter?

14 CHAIRMAN LINGENFELTER: Yes.

15 Let the record reflect that was five yeas, no nays,
16 no abstentions for Amendment Number 4.

17 (Five aye votes, no nay votes.)

18 CHAIRMAN LINGENFELTER: Amendment Number 5.

19 MR. IAFELICE: Mr. Chairman, I will make a motion to
20 approve Amendment Number 5, Section 16.24, subheadings A, B, C
21 and D, Permitted Density and Open Space Requirements, revised
22 to eliminate the base density and yield plan requirements for
23 an RCD district. Includes new definition of open space.
24 Establishes new minimum open space requirements for an RCD.
25 Revises open space design criteria. Revises the areas not
26 counted as open space to also include utility easements and
27 stormwater infrastructure. Revises the process for restoring
28 any disturbances within the open space. Adds language to
29 allow open space to abut the road right-of-way.

30 CHAIRMAN LINGENFELTER: Motion made.

1 MR. REPPERT: I will second.

2 CHAIRMAN LINGENFELTER: Motion has been made and
3 seconded. Heather, please call the roll.

4 MS. FREEMAN: Mr. Reppert?

5 MR. REPPERT: Yes.

6 MS. FREEMAN: Mr. Iafelice?

7 MR. IAFELICE: Yes.

8 MS. FREEMAN: Mr. Peterson?

9 MR. PETERSON: Yes.

10 MS. FREEMAN: Mr. Schindler?

11 MR. SCHINDLER: Yes.

12 MS. FREEMAN: Mr. Lingenfelter?

13 CHAIRMAN LINGENFELTER: Yes.

14 Let the record reflect that it's five yeas, no nays,
15 no abstentions for Amendment Number 5.

16 (Five aye votes, no nay votes.)

17 CHAIRMAN LINGENFELTER: Amendment Number 6.

18 MR. REPPERT: Mr. Chairman, I would like to make a
19 motion that we amend, that we approve Amendment Number 6,
20 Section 16.24(E), Ownership and Maintenance of Open Space,
21 revised to add strong desire for the open space to be
22 protected with a conservation easement.

23 CHAIRMAN LINGENFELTER: We have a motion made.

24 MR. PETERSON: Mr. Chairman, I will second that
25 motion.

26 CHAIRMAN LINGENFELTER: Motion has been made and
27 seconded. Heather, call the roll, please.

28 MS. FREEMAN: Mr. Iafelice?

29 MR. IAFELICE: Yes.

30 MS. FREEMAN: Mr. Peterson?

1 MR. PETERSON: Yes.

2 MS. FREEMAN: Mr. Schindler?

3 MR. SCHINDLER: Yes.

4 MS. FREEMAN: Mr. Reppert?

5 MR. REPPERT: Yes.

6 MS. FREEMAN: Mr. Lingenfelter?

7 CHAIRMAN LINGENFELTER: Yes.

8 Okay. Let the record reflect that was five yeas, no
9 nays, no abstentions for Amendment Number 6.

10 (Five aye votes, no nay votes.)

11 CHAIRMAN LINGENFELTER: Amendment Number 7.

12 MR. PETERSON: Mr. Chairman, I make a motion that we
13 approve Amendment Number 7, Section 16.25, Letter D,
14 Development and Site Planning Standards, revised to allow
15 front building setbacks to vary and adds provision for a
16 minimum 40 foot front yard setback under certain
17 circumstances.

18 CHAIRMAN LINGENFELTER: I have a motion made.

19 MR. IAFELICE: Mr. Chairman, I will second that
20 motion.

21 CHAIRMAN LINGENFELTER: Thank you. Motion made and
22 seconded. Heather, call the roll, please.

23 MS. FREEMAN: Mr. Peterson?

24 MR. PETERSON: Yes.

25 MS. FREEMAN: Mr. Schindler?

26 MR. SCHINDLER: Yes.

27 MS. FREEMAN: Mr. Reppert?

28 MR. REPPERT: Yes.

29 MS. FREEMAN: Mr. Iafelice?

30 MR. IAFELICE: Yes.

1 MS. FREEMAN: Mr. Lingenfelter?

2 CHAIRMAN LINGENFELTER: Yes.

3 Let the record reflect that was five yeas, no nays,
4 no abstentions for Amendment Number 7.

5 (Five aye votes, no nay votes.)

6 CHAIRMAN LINGENFELTER: Amendment Number 8.

7 MR. IAFELICE: Mr. Chairman, I make a motion to
8 approve Amendment Number 8, Section 16.25, Subheading E, adds
9 new perimeter building setback regulations.

10 CHAIRMAN LINGENFELTER: Motion made.

11 MR. REPERT: Mr. Chairman, I'll second.

12 CHAIRMAN LINGENFELTER: Motion has been made and
13 seconded. Heather, call the roll, please.

14 MS. FREEMAN: Mr. Schindler?

15 MR. SCHINDLER: Yes.

16 MS. FREEMAN: Mr. Reppert?

17 MR. REPERT: Yes.

18 MS. FREEMAN: Mr. Iafelice?

19 MR. IAFELICE: Yes.

20 MS. FREEMAN: Mr. Peterson?

21 MR. PETERSON: Yes.

22 MS. FREEMAN: Mr. Lingenfelter?

23 CHAIRMAN LINGENFELTER: Yes.

24 Let the record reflect that was five yeas, no nays,
25 no abstentions for Amendment Number 8.

26 (Five aye votes, no nay votes.)

27 CHAIRMAN LINGENFELTER: Amendment Number 9.

28 MR. REPERT: Mr. Chairman, I'd like to make a
29 motion that we approve Amendment Number 9, Section 16.26,
30 Street, Drive and Walkway Requirements, adds provisions for

1 landscaped cul-de-sacs and desire for right-of-ways to be
2 curved when possible.

3 CHAIRMAN LINGENFELTER: Motion made.

4 MR. PETERSON: Mr. Chairman, I will second that
5 motion.

6 CHAIRMAN LINGENFELTER: Motion has been made and
7 seconded. Heather, call the roll, please.

8 MS. FREEMAN: Mr. Reppert?

9 MR. REPPERT: Yes.

10 MS. FREEMAN: Mr. Schindler?

11 MR. SCHINDLER: Yes.

12 MS. FREEMAN: Mr. Peterson?

13 MR. PETERSON: Yes.

14 MS. FREEMAN: Mr. Iafelice?

15 MR. IAFELICE: Yes.

16 MS. FREEMAN: Mr. Lingenfelter?

17 CHAIRMAN LINGENFELTER: Yes.

18 Let the record reflect that was five yeas, no nays,
19 no abstentions on Amendment Number 9.

20 (Five aye votes, no nay votes.)

21 CHAIRMAN LINGENFELTER: Amendment Number 10.

22 MR. PETERSON: Mr. Chairman, I make a motion we
23 approve Amendment Number 10, Section 16.27, Dwelling Unit
24 Requirements, adds requirements that dwellings should be
25 oriented to appreciate the topography and natural features of
26 the land.

27 CHAIRMAN LINGENFELTER: I have a motion made.

28 MR. IAFELICE: Mr. Chairman, I will second that
29 motion.

30 CHAIRMAN LINGENFELTER: Motion has been made and

1 seconded. Heather, please call the roll.

2 MS. FREEMAN: Mr. Schindler?

3 MR. SCHINDLER: Yes.

4 MS. FREEMAN: Mr. Peterson?

5 MR. PETERSON: Yes.

6 MS. FREEMAN: Mr. Iafelice?

7 MR. IAFELICE: Yes.

8 MS. FREEMAN: Mr. Reppert?

9 MR. REPPERT: Yes.

10 MS. FREEMAN: Mr. Lingenfelter?

11 CHAIRMAN LINGENFELTER: Yes.

12 Let the record reflect that was five yeas, no nays,
13 no abstentions for Amendment Number 10.

14 (Five aye votes, no nay votes.)

15 CHAIRMAN LINGENFELTER: Amendment Number 11.

16 MR. REPPERT: Don't all jump in there at once.

17 MR. PETERSON: Mr. Chairman, I make a motion we
18 approve Amendment Number 11, Section 16.28, Pre-Application
19 Conference and Township Sketch Plan Required, revise to add
20 Stormwater Management Department and Soil and Water
21 Conservation District to attend preapplication meetings.
22 Deletes yield plan requirements and adds specific items that
23 shall be shown on the sketch plan.

24 CHAIRMAN LINGENFELTER: I have a motion made.

25 MR. REPPERT: Mr. Chairman, I will second that
26 motion.

27 CHAIRMAN LINGENFELTER: We have a motion made and
28 seconded. Heather, please call the roll.

29 MS. FREEMAN: Mr. Iafelice?

30 MR. IAFELICE: Yes.

1 MS. FREEMAN: Mr. Peterson?

2 MR. PETERSON: Yes.

3 MS. FREEMAN: Mr. Schindler?

4 MR. SCHINDLER: Yes.

5 MS. FREEMAN: Mr. Reppert?

6 MR. REPERT: Yes.

7 MS. FREEMAN: Mr. Lingenfelter?

8 CHAIRMAN LINGENFELTER: Yes.

9 (Five aye votes, no nay votes.)

10 CHAIRMAN LINGENFELTER: Okay. And now we will
11 address Amendment Number 12, and this will be to incorporate
12 the first bullet point, and I would like a reference made to
13 that bullet point in the letter from in the Lake County
14 Planning Commission.

15 MR. IAFELICE: Mr. Chairman, I will take a stab at
16 this.

17 CHAIRMAN LINGENFELTER: Please do. You'll do fine.

18 MR. IAFELICE: I make a motion approving Amendment
19 Number 12, accepting the recommendations from the Lake County
20 Planning Commission in their letter dated September 29, 2021,
21 addressed to Heather Freeman, the first bullet point,
22 specifically, specifically, in 16.20(E), a deletion of the
23 words "the health, safety and welfare of the community, and
24 the citizens of the Township and the surrounding communities"
25 from 16.20(E) and inserting the language under General
26 Guidelines and Applicability of 16.20.

27 MR. REPERT: Mr. Chairman, I will second that
28 motion.

29 CHAIRMAN LINGENFELTER: Bravo, bravo, well done.

30 MR. PETERSON: Good job.

1 CHAIRMAN LINGENFELTER: Does that cover it,
2 counselor?

3 MS. BELL: Beautiful.

4 CHAIRMAN LINGENFELTER: Okay, good.

5 MS. BELL: Couldn't have done it better myself.

6 CHAIRMAN LINGENFELTER: We've a motion made and
7 seconded. Heather, please call the roll.

8 MS. FREEMAN: Mr. Peterson?

9 MR. PETERSON: Yes.

10 MS. FREEMAN: Mr. Schindler?

11 MR. SCHINDLER: Yes.

12 MS. FREEMAN: Mr. Reppert?

13 MR. REPERT: Yes.

14 MS. FREEMAN: Mr. Iafelice?

15 MR. IAFELICE: Yes.

16 MS. FREEMAN: And Mr. Lingenfelter?

17 CHAIRMAN LINGENFELTER: Yes.

18 Let the record reflect that was five yeas, no nays,
19 no abstentions for the added Amendment Number 12 in reference
20 to the Lake County Planning and Community Development.

21 (Five aye votes, no nay votes.)

22 CHAIRMAN LINGENFELTER: That concludes the votes for
23 the amendments for our public hearing for the text amendments
24 to Section 16 of the Concord Township Zoning Resolution.
25 Thank you, gentlemen. Appreciate your hard work.

26 Okay. Now we will move on to Item Number 3 on the
27 agenda, which is the approval of minutes for the September 7,
28 2021, Zoning Commission meeting.

29 MR. PETERSON: Mr. Chairman, I make a motion we
30 approve the minutes of the September 7, 2021, Zoning

1 Commission meeting as written.

2 MR. REPPERT: I have a comment.

3 CHAIRMAN LINGENFELTER: I see a yellow highlighter.

4 MR. REPPERT: Yes.

5 CHAIRMAN LINGENFELTER: So I see something that is
6 in conflict.

7 MR. REPPERT: On page 4 -- or page 11, we have here,
8 Chairman Lingenfelter, Ms. Miller, Vice Chair Lingenfelter. I
9 don't know if that should be Vice Chair Iafelice --

10 MR. PETERSON: That's true.

11 MR. REPPERT: -- or if it should be Chairman
12 Lingenfelter.

13 CHAIRMAN LINGENFELTER: I can't be both? Is that
14 what you are telling me, Hiram?

15 MR. REPPERT: We'll clone you and you can be anybody
16 you want.

17 CHAIRMAN LINGENFELTER: Yes, that is an error.

18 MR. REPPERT: Should it be you or Rich? Can you
19 remember?

20 MR. IAFELICE: I am sorry, Hiram. I can't locate
21 that.

22 CHAIRMAN LINGENFELTER: It's on -- It's right here,
23 page 11. Yeah, they're referencing, they're referencing right
24 here, line 20, yeah. No, it's page, it's page 11 on the, on
25 the transcript.

26 MR. IAFELICE: Oh, on the page.

27 CHAIRMAN LINGENFELTER: Yeah. So page 11 right
28 there, they refer to me as vice chair.

29 MR. REPPERT: Line item Number 22.

30 CHAIRMAN LINGENFELTER: Line item 22. Yeah, that's

1 me. I'm questioning. So we will make that, we will make that
2 change to recognize that.

3 MR. REPPERT: Okay.

4 MR. PETERSON: Can I re --

5 CHAIRMAN LINGENFELTER: So please restate your
6 motion.

7 MR. PETERSON: Mr. Chairman, I make a motion we
8 approve the meeting minutes from September 7, 2021, with one
9 correction as noted.

10 CHAIRMAN LINGENFELTER: I have a motion made.

11 MR. IAFELICE: I will second that motion,
12 Mr. Chairman.

13 CHAIRMAN LINGENFELTER: Any other yellow highlighter
14 there, Hiram?

15 MR. REPPERT: No, sir.

16 CHAIRMAN LINGENFELTER: Good to go, okay. I'm just
17 making sure because that's good. I am glad that somebody
18 actually reads this stuff. So I have a motion made and
19 seconded. All those in favor say aye. Opposed?

20 (Five aye votes, no nay votes.)

21 CHAIRMAN LINGENFELTER: Let the record reflect that
22 there were all ayes, no nays, no abstentions. Motion carries.
23 Minutes are approved as submitted with the one caveat that was
24 mentioned.

25 Okay. Correspondence report by Zoning Commission
26 members, Item Number 4 on the agenda. Frank?

27 MR. SCHINDLER: None, Mr. Chairman.

28 CHAIRMAN LINGENFELTER: Okay. Hiram?

29 MR. REPPERT: None, Mr. Chairman.

30 CHAIRMAN LINGENFELTER: Richard Iafelice?

1 MR. IAFELICE: No communications.

2 CHAIRMAN LINGENFELTER: Richard Peterson?

3 MR. PETERSON: I happened to have a correspondence.
4 Recently, I was -- I ran into a friend of mine who happens to
5 live in Concord and he knew that I was on the Zoning
6 Commission and he was complaining about something. And he
7 said, "What I will do is I will document it and email it to
8 you." So he sent me an email of concern here.

9 I think, Heather, you probably know about this.
10 Do you want me to read the email?

11 CHAIRMAN LINGENFELTER: Please.

12 MR. PETERSON: Okay. This is subject of this email
13 is "Vacant Home in Development," from Mr. Tom Schick, who
14 happens to be the homeowners' association president in Kellogg
15 Park Estates, and it's dated September 20th of 2021.

16 It said, "I am following up on our recent
17 conversation regarding the home of Mr. Cloyd Peters located at
18 6280 Beres Drive in Concord Township. This home has been
19 unoccupied for approximately the last 10 years. I have
20 visited the Township Zoning Office on two occasions regarding
21 this property. The exterior of the home is not maintained and
22 is in disrepair. The split rail fence and lamppost have fallen
23 over and laying on the ground. There are dead trees both
24 standing and fallen over in the back yard. The Northside of
25 the house is covered with mold. Trees and landscaping around
26 the house are overgrown and falling over. I have attached
27 pictures," and he attached a whole series of photographs here.
28 "I have attached pictures taken on September 18th of both the
29 outside and the inside of this unoccupied home. The
30 homeowners on Beres Drive in the Kellogg Park Estate

1 development have expressed to me their concern regarding our
2 property values and the health and safety of our neighborhood.
3 As the President of the homeowner's association, I would like
4 to be able to inform the homeowners of our development that
5 this unoccupied property will be addressed."

6 And he goes on to say, "Mr. Peters and his wife
7 Susan own another home located at 8137 Lakeshore Boulevard in
8 Mentor. Thanks for any assistance you may be able to
9 provide."

10 I happened to drive over there to see it in person
11 because I wanted to see if it was bad. It's bad. The split
12 rail fence lays there. The grass is uncut. Trees are,
13 vegetation is all overgrown. And it sits right in a nice, in
14 a nice neighborhood. So that was --

15 CHAIRMAN LINGENFELTER: Was that a foreclosure or --

16 MR. PETERSON: No. They still own the home. It's
17 got furniture in it but they haven't been there in ten years
18 and they live somewhere else and they just let it go. I
19 guess, occasionally, somebody cuts the grass but, other than
20 that, they just let it go. So --

21 MR. SCHINDLER: Isn't this something that the Health
22 Department can get involved with?

23 MR. PETERSON: I don't know. All I know is I got
24 the email. But it is bad. If you go over there on that
25 street -- You know where Kellogg Park is? Go back in on
26 Beres, it's on the left. And, surprising, a house across the
27 street just sold and I can't imagine what the new neighbor's
28 going to think looking across at that.

29 CHAIRMAN LINGENFELTER: What is our, what's our
30 ability to do anything about that? If it's owned, if it's

1 occupied, if it's owned, somebody owns it, it's not like it's
2 foreclosed or abandoned piece of property. I mean, what is
3 our recourse on something like that? Is there anything we can
4 really do?

5 MS. FREEMAN: Well, from a zoning perspective, the
6 issues that were brought up in the email -- Well, first of
7 all, I am familiar with the property. I do know --

8 MR. PETERSON: Do you want this?

9 MS. FREEMAN: Sure. Well, if you want to forward
10 that to me, you can.

11 MR. PETERSON: I will hand it.

12 MS. FREEMAN: We have received complaints about this
13 property in the past and way prior to me being with Concord
14 Township. But as far as the specific concerns brought up in
15 this email, the only thing that we can currently regulate
16 under the Zoning Resolution would be the fence maintenance.
17 We've had, sent letters to both addresses, the one on
18 Lakeshore and the one on Beres Drive. We've never gotten a
19 response. Marty and I have never gotten any kind of reply
20 from the owners.

21 And as far as trying to address more property
22 maintenance type standards, the condition of the home, the
23 dead trees and things like that, that would take additional
24 legislation by the Board of Trustees if they wanted to pursue
25 that under our Limited Home Rule authority. As of right now,
26 we don't have any, anything in motion to do that. There has
27 been some discussion with the Administrator about potentially,
28 in the future, looking at some, looking at that for Concord
29 Township but, right now, we don't have anything on the books
30 that would address those issues. So --

1 MR. PETERSON: That could happen to any of us.

2 MR. SCHINDLER: Yeah, I know. Excuse me. Don't we
3 have in the regulations right now what we call them noxious
4 weeds and stuff where the township goes in and we clean it up
5 and cut the grass, whatever, and then charge them for it or
6 put a lien on the house or something?

7 MS. FREEMAN: The Ohio Revised Code does give the
8 Trustees the authority to do some kind of nuisance abatement.

9 MR. SCHINDLER: Right.

10 MS. FREEMAN: They have not exercised that authority
11 in the years that I have been with the township or immediately
12 prior to me joining that. But there is a process that they
13 can go through to do that.

14 MR. SCHINDLER: Right.

15 MS. FREEMAN: But, you know, the dead trees, that
16 kind of stuff, I don't know that would fall under that. Plus,
17 you have -- There is risk in expending township funds on
18 projects like that where you might not get paid back. So
19 there is trade-offs on doing things like that. But I don't
20 think we have any tools in our toolbox currently to address
21 the immediate concerns about just the condition of the house.

22 MR. PETERSON: Even the mailbox is laying in the
23 yard.

24 MS. FREEMAN: I know.

25 MR. PETERSON: The whole post is rotted off and just
26 laying there.

27 MS. FREEMAN: I definitely can revisit this. I
28 don't know that we've sent any letters this year or the year
29 before, so I think it's still kind of one of open cases where
30 we're monitoring. But at this point, since we've gotten no

1 response, I believe, you know, we have to talk with the
2 Trustees and whether or not they would want to pursue
3 something, you know, from a zoning violation standpoint
4 further in a court.

5 CHAIRMAN LINGENFELTER: Is there anything that, as
6 the Zoning Commission, is there anything that we can do in
7 reference to that?

8 MS. FREEMAN: That's what I was thinking, you know,
9 as far as what you could -- what we have in our -- write into
10 the Resolution.

11 CHAIRMAN LINGENFELTER: Could we craft some sort of
12 an amendment or some sort of -- I mean, where would that fit?
13 Would that, would you have to, would that be something that
14 would be addressed in each zoning area, like an under R-1,
15 under R-4, or could it be something that would just be a
16 catch-all?

17 MS. FREEMAN: Well, I have seen, I think, I have
18 seen some townships that have some very limited property
19 maintenance type regulations in their Zoning Resolution. That
20 would be something we would have to talk to legal counsel
21 about whether or not we had the authority to put that in our
22 standard Zoning Resolution or if that would have to be a
23 separate Limited Home Rule resolution passed by the Trustees.

24 CHAIRMAN LINGENFELTER: Right.

25 MS. FREEMAN: So I don't know.

26 CHAIRMAN LINGENFELTER: Yeah, I know we're limited
27 because of being a township and all. I know we have
28 limitations to what we can and can't do.

29 MS. FREEMAN: But you could specify --

30 CHAIRMAN LINGENFELTER: We have to defer to the, you

1 know, to the ORC.

2 MS. FREEMAN: Yeah.

3 CHAIRMAN LINGENFELTER: But in this case, you know,
4 like Rich said, you've got, these people are being directly
5 affected by this. It doesn't seem fair. And it's because
6 it's an owner, it's an owned, legitimately owned piece of
7 property. You know, I mean, there's got to be some redress
8 for these people that are having to deal with this. You know,
9 There's got to be some method, you know, that they can deal
10 with this.

11 MR. PETERSON: Some of the photos were shot like
12 through the windows and you can see there is a vacuum cleaner
13 in there and there were boxes, looked like people were
14 starting to pack things up, but I don't know who could afford
15 to have that property like that and not do something with it.

16 CHAIRMAN LINGENFELTER: Right.

17 MR. IAFELICE: Other than what Frank said, the
18 Health Department, in my experience, has the authority to
19 condemn a home.

20 MR. SCHINDLER: Yeah.

21 MR. IAFELICE: You know, based on the condition but
22 I don't know the rules as it applies.

23 CHAIRMAN LINGENFELTER: Yeah. I mean, if they even
24 condemn it, I mean, so what does that mean?

25 MR. IAFELICE: It makes available funds to the
26 public authority, I believe, to --

27 MR. REPPERT: Demolish it.

28 MR. IAFELICE: -- demolish it, you know, with money,
29 I believe.

30 MR. REPPERT: Could we make a resolution here to go

1 to the Trustees to have them consider further action?

2 MS. FREEMAN: Abby? I don't know.

3 MS. BELL: As far as what?

4 MR. REPERT: To consider further action with the
5 resolution of this property.

6 MS. BELL: No. What, it needs to be more -- We
7 can't target that one property specifically. We would have to
8 address, you know, the issues with that property, the mold or
9 whatever else. We couldn't just --

10 CHAIRMAN LINGENFELTER: So it would have to be a
11 generic --

12 MS. BELL: Yeah, those concerns.

13 CHAIRMAN LINGENFELTER: You couldn't specifically
14 target a specific piece of property then.

15 MS. BELL: Sure.

16 CHAIRMAN LINGENFELTER: You have to say just in
17 general, if a property falls into this kind of disrepair --

18 MS. BELL: Right.

19 CHAIRMAN LINGENFELTER: Regardless of location.

20 MS. BELL: But then we run into our Home Rule
21 authority issue, so that's worth looking into it further. So
22 I can have an answer for you next meeting.

23 CHAIRMAN LINGENFELTER: Yeah. I'd be interested to
24 know if there is anything we can do about that.

25 MS. BELL: Sure.

26 CHAIRMAN LINGENFELTER: I know it puts the
27 homeowners and the neighbors in an awkward situation.

28 MR. REPERT: Yes, it does.

29 CHAIRMAN LINGENFELTER: And it puts us in an awkward
30 situation and it really isn't much we can do about it. You

1 know, we are limited, as a body and as a township, as to what
2 we can do. So, I mean, it kind of makes it a very convoluted
3 process. It's a shame that kind of stuff goes on but it does.
4 I know, after 2008, there was a lot of repossessions and, you
5 know, foreclosures. There was a lot of properties that
6 went -- I don't remember if you remember back at that time but
7 there was a lot of properties that went into pretty bad
8 disrepair and there wasn't a whole lot we could do.
9 Bank-owned properties, I mean, what could they -- You can go
10 after the back and tell them they have to get out there and
11 maintain the property, but that makes it very difficult.

12 So, but that's a shame and we appreciate that input,
13 Rich. And, you know, hopefully, we can come up with some idea
14 we can do something with this and maybe do something
15 meaningful.

16 All right. So that covers the correspondence report
17 by the Zoning Commission members. The last item is audience
18 participation. I don't see a green light on the phone any
19 longer, so I'm assuming there is nobody on the phone at this
20 point, and there is nobody else in the audience. So I will
21 basically consider the audience participation discussed.

22 And the next zoning meeting will be November -- wow,
23 November, guys, we are getting down to the short strokes
24 here -- November 2nd of 2021. Anything anybody would like to
25 see added to the agenda for the next go-round?

26 MR. SCHINDLER: Mr. Chairman, I don't want to see
27 anything added but I just want to make a comment.

28 CHAIRMAN LINGENFELTER: Yes.

29 MR. SCHINDLER: You know, like we all know, we have
30 worked on this RCD for a long, long time. And one thing I

1 would like to say as far as encouraging, over the years, we
2 have had more developers come in asking for this a lot, which
3 means we are doing something right.

4 MR. PETERSON: Good.

5 MR. SCHINDLER: The way I look at it. Compliment
6 you all. Thank you for your hard work.

7 CHAIRMAN LINGENFELTER: Thanks, Frank. Appreciate
8 the comments.

9 Okay. With that, the meeting is adjourned.

10 (Whereupon, the meeting was adjourned at 9:01 p.m.)

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

