

CONCORD TOWNSHIP ZONING COMMISSION
LAKE COUNTY, OHIO
REGULAR MEETING

Meeting held via Webex Teleconference
and YouTube Live Streaming

Concord Town Hall
7229 Ravenna Road
Concord, Ohio 44077

April 6, 2021
7:00 p.m.

TRANSCRIPT OF PROCEEDINGS

Zoning Commission members present:

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

Also Present:

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

Melton Reporting
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1 7:00 p.m.

2 CHAIRMAN REPPERT: Good evening, everyone. I'd like
3 to open the April Concord Township Zoning Commission meeting.

4 And Old Business on the agenda is the public hearing
5 for Zoning Amendment Application 0320-1, submitted by Rylan,
6 Inc. That Zoning Amendment Application has been tabled again,
7 so that's the end of the Old Business.

8 Let's go on to New Business, which is the Site Plan
9 Review Application Number 42 by HSB Architects and Engineers,
10 on behalf of Auburn Vocational School District, is requesting
11 site plan review approval for a proposed outdoor canopy
12 addition for the property located at 8140 Auburn Road, current
13 Parcel Number is 08-A-021-0-00-040-0.

14 And do we have somebody here for a presentation?

15 MR. KHAWAM: Yes.

16 CHAIRMAN REPPERT: Would you please step up and
17 state your name and where you work?

18 MR. KHAWAM: Good evening. My name is Andre Khawam,
19 with HSB Architect, here to present the site plan application
20 on behalf of Auburn Career School.

21 (Whereupon, discussion was held off the record.)

22 CHAIRMAN REPPERT: Okay.

23 MR. KHAWAM: Basically, the Career Center would wish
24 to expand on their industrial art building by increasing their
25 outdoor square footage to a covered patio, a stand-alone,
26 standing seam, prefabricated structure where they could allow,
27 you know, outdoor class, training for, my understanding, light
28 construction for their students.

29 CHAIRMAN REPPERT: Okay.

30 MR. KHAWAM: It's basically metal, you know, post

1 and roof, just to do some outdoor covered activities.

2 For that, I will take any questions.

3 CHAIRMAN REPPERT: I know there were some questions
4 from the Soil and Water people with respect to the downspouts
5 and the one sewer line.

6 MR. KHAWAM: Yes.

7 CHAIRMAN REPPERT: Or the one existing line that
8 might hit a footer or one of the posts.

9 MR. KHAWAM: Sure.

10 CHAIRMAN REPPERT: The only question I had, well,
11 no, I had two. The lighting, it's all LED. When I read
12 through all the information, I didn't see anything that it was
13 acceptable to be outside for the weather because this is not
14 enclosed. This is open to wind and rain and who knows what
15 else.

16 MR. KHAWAM: Correct.

17 CHAIRMAN REPPERT: Is it acceptable for outdoor, wet
18 areas or maybe not wet areas but --

19 MR. KHAWAM: Correct, it is acceptable. I run it by
20 my engineer just to make sure it's an outdoor, you know.
21 Being not truly under the weather per se, so it's not fully
22 protected for water but just the fact the height of it and the
23 location of it allows it to be an outdoor for use as well.

24 CHAIRMAN REPPERT: Okay, let's just make sure then.
25 And then the other thing on the plan --

26 MR. KHAWAM: Sure.

27 CHAIRMAN REPPERT: What's that, what's that area
28 southwest of the corner of the building? It's a crosshatched
29 area on the plan.

30 MR. PETERSON: The satellite view, Hiram, looked

1 like it's some kind of a storm drain. If you look at, if you
2 Google it and look at the satellite view, it looks like a
3 storm drain.

4 CHAIRMAN REPPERT: No, I didn't do that. Okay.

5 MR. IAFELICE: Sir, he's referring to this. There
6 is no call-out as to what this is.

7 CHAIRMAN REPPERT: As to what that is.

8 MR. KHAWAM: I would assume it's sort of a gravel,
9 crushed base maybe at some point.

10 CHAIRMAN REPPERT: Okay.

11 MR. KHAWAM: I am not too familiar with it but,
12 based on the previous drawings that I was really getting most
13 of the information, it appeared to be some sort of a filtering
14 stone. We call it ditch.

15 MR. IAFELICE: Actually, Hiram, I would say it's a
16 drafting error. I think it's a mistake.

17 CHAIRMAN REPPERT: Oh, you do?

18 MR. IAFELICE: I've been there, done that. So it
19 has no, it has no significance.

20 MR. KHAWAM: It does look like a couple swale on
21 both sides.

22 CHAIRMAN REPPERT: Yeah, there's a swale on both
23 sides.

24 MR. KHAWAM: I just assume that but, really, can
25 reflect that.

26 CHAIRMAN REPPERT: Okay, okay.

27 MR. IAFELICE: Perhaps.

28 MR. KHAWAM: Though I haven't seen it, I have been
29 in that corner and looked at it and you can see it.

30 MR. IAFELICE: Yeah, I went there today. There is

1 nothing there.

2 MR. KHAWAM: You're probably right.

3 CHAIRMAN REPPERT: Like you said, it's a drafting
4 error.

5 MR. IAFELICE: Yeah, it's a drafting error.

6 CHAIRMAN REPPERT: Okay, all right. That's all the
7 questions I have.

8 Anybody else for the --

9 MR. PETERSON: I have a question, Hiram. In looking
10 at, reading Jeff's letter about the light construction noises,
11 hammers, saws, pneumatic tools, everything, there are a couple
12 of residences whose back yards back up. They're maybe 300
13 feet away.

14 Is there any thought of any kind of noise abatement
15 on the back side of the pavilion maybe to protect those houses
16 from -- I mean, the noise will be during the day but still it
17 could be a source of complaint.

18 MR. KHAWAM: Sure. We haven't really looked at any,
19 like, maybe option of doing that. Any suggestion to what
20 would you --

21 MR. PETERSON: I don't know what would be, you know,
22 some kind of -- I don't know -- a higher fence or something
23 like that might absorbe some sound.

24 MR. KHAWAM: Yeah, I would say some --

25 MR. PETERSON: Nothing expensive.

26 MR. KHAWAM: -- some kind of wall thing.

27 MR. PETERSON: Yeah.

28 CHAIRMAN REPPERT: Another question just came to my
29 mind. If they're going to be using power tools out there, a
30 lot of them, I assume, where are the outlets? Do we have --

1 We don't have interior posts at all, do we?

2 MR. KHAWAM: There is an intermediate post for the
3 canopy itself. And I did indicate on the floor plan that
4 we're going to have source of power so they could, you know,
5 hook up for their power tools.

6 CHAIRMAN REPPERT: Is it going to be on the floor or
7 is it coming down on --

8 MR. KHAWAM: It is going to be coming down. I
9 assume it is going to come from across the building from the
10 panel, through the ceiling and down through the post at
11 certain, a couple feet above ground.

12 CHAIRMAN REPPERT: All right.

13 MR. LINGENFELTER: What's driving the need for this?
14 What's driving the need for this expansion?

15 MR. KHAWAM: I think I overheard comments saying
16 that, due to the COVID situation, their current operation for
17 the training is becoming too clustered and they're trying to
18 spread out more and gain more space to do it outdoor rather
19 than indoor. I think they have the current operation per se
20 or training for this light construction inside one of the
21 warehouse in the back there. Just this is kind of something
22 that I heard.

23 MS. FREEMAN: Excuse me, Mr. Chairman. If I can add
24 a couple comments, just so you're aware, they will be in front
25 of the Board of Zoning Appeals next week for expansion of a
26 conditionally-permitted use, for an expansion of the school
27 use.

28 And, secondly, I do know that, due to COVID, they
29 haven't been building the houses like they did previously. As
30 you know, the construction management school would build a

1 house every year, usually, in Concord.

2 CHAIRMAN REPPERT: Right, right.

3 MS. FREEMAN: And I know that they were not able to
4 do that. They weren't able to finish last year nor do it at
5 all this year because of busing situation and COVID and
6 everything. So that might, kind of, echo, you know, that
7 might be some of the issue of what they're doing there.

8 Some of the concerns will probably be brought up
9 next week with BZA. Those are things to think about, you
10 know, have Jeff think about before he comes in next week.

11 MR. KHAWAM: Heather put it in a better way, yes.

12 CHAIRMAN REPPERT: Rich? Rich number one? Rich
13 number two?

14 MR. IAFELICE: Yeah. For me, my comments, Hiram, if
15 I may, is really it looks like your engineer is going to have
16 to address the drainage. It's well documented here from
17 stormwater management department.

18 MR. KHAWAM: Absolutely.

19 MR. IAFELICE: My only comment was really the
20 preference of the owner to merely put a stone base out there.
21 It's for outdoor, a classroom but there is no floor. So
22 they're just putting compacted gravel.

23 CHAIRMAN REPPERT: Crushed stone, yeah..

24 MR. IAFELICE: Crushed stone. Kind of interesting
25 application but if that's the intent. I was looking at the
26 cross-section and I am looking for a section for concrete slab
27 of some sort and then I saw the note that said compacted
28 gravel base. So it's just --

29 MR. KHAWAM: I think it has something to do with,
30 you know, how they are going to be able to construct and, you

1 know, tear it down and things of that nature. It gives them a
2 little more flexibility, basically.

3 MR. IAFELICE: Yeah, I am sure it has to do with the
4 learning environment that they're trying to promote there.

5 MR. KHAWAM: Exactly.

6 MR. IAFELICE: Thank you.

7 CHAIRMAN REPPERT: That, and they won't have to
8 sweep it up.

9 MR. PETERSON: Saw dust will go down.

10 CHAIRMAN REPPERT: Saw dust.

11 MR. KHAWAM: That's true.

12 CHAIRMAN REPPERT: Rich, any questions?

13 MR. PETERSON: No, I am okay.

14 CHAIRMAN REPPERT: Frank?

15 MR. SCHINDLER: The only question I have, I assume,
16 sir, you have seen the staff report with the recommendations.
17 Are you taking any objection at all to any of these
18 recommendations?

19 MR. KHAWAM: Not at all.

20 MR. SCHINDLER: Not at all?

21 MR. KHAWAM: We will be addressing the concerns that
22 the city water department has.

23 MR. SCHINDLER: Okay.

24 MR. KHAWAM: My understanding is just so, the
25 building and the parking lot developed way back then, seven,
26 eight years ago, accounted for the additional building being
27 expanded. Therefore, my understanding, that they factored
28 that basin retention per se to absorb any additional water.

29 So we are crossing our finger that is the case but
30 we can be able to get the report and pin it down and make sure

1 that everything checks okay.

2 MR. SCHINDLER: Thank you.

3 MR. KHAWAM: Sure.

4 CHAIRMAN REPPERT: Andy, any questions?

5 MR. LINGENFELTER: No.

6 CHAIRMAN REPPERT: Earth to Andy.

7 MR. LINGENFELTER: Yeah, no, there are some things,
8 some thoughts that cross my mind but I'm, it's -- no.

9 CHAIRMAN REPPERT: Okay. Hearing none, I guess
10 that's it. Do we vote?

11 MS. FREEMAN: Yes. I can do a roll call vote if you
12 want to. You need a motion.

13 MR. IAFELICE: Do you need a motion, Mr. Chairman?

14 CHAIRMAN REPPERT: Yeah, I think I need a motion.

15 MR. IAFELICE: I would make that motion to approve
16 the plan for the Auburn Vocational School District with the
17 additional comments as so recited by the staff.

18 CHAIRMAN REPPERT: Do I have a second?

19 MR. PETERSON: Hiram, before we do it, isn't it a
20 conditional approval?

21 CHAIRMAN REPPERT: Yeah, I think it is.

22 MS. FREEMAN: I think Mr. Iafelice stated it was a
23 conditional.

24 MR. IAFELICE: That's kind of what I said.

25 CHAIRMAN REPPERT: Conditional approval.

26 MR. IAFELICE: Yeah.

27 MR. PETERSON: We conditionally approve this?

28 MS. FREEMAN: Yes.

29 MR. PETERSON: Okay.

30 CHAIRMAN REPPERT: Second?

1 MR. SCHINDLER: I second. I second.

2 CHAIRMAN REPPERT: Okay. All in favor say aye.
3 Opposed?

4 MR. LINGENFELTER: No.

5 CHAIRMAN REPPERT: Any abstentions?

6 (Four aye votes, one nay vote, no abstentions.)

7 CHAIRMAN REPPERT: So it's approved. Okay?

8 MR. KHAWAM: Thank you. Appreciate your time.

9 CHAIRMAN REPPERT: Thank you.

10 Next on the agenda, we are going to come back to the
11 work session. I think the lawyers have put together the
12 changes for -- yeah, tell me -- RCDs.

13 MS. FREEMAN: Yes.

14 CHAIRMAN REPPERT: And we've got, from what Heather
15 sent us, was the change to the document all lined out in red
16 and the new information in red. So we can go through that.

17 And then the other thing is we're going to talk a
18 little bit more about microdistilleries.

19 So, first, let's go to the proposed zoning amendment
20 for the RCD, that's the Residential Conservation Development
21 district. If you had a chance to read over it, did you have
22 any comments or additional suggestions?

23 MR. PETERSON: Andy, you're okay with the
24 roundabouts?

25 MR. LINGENFELTER: I can't wait until the next one
26 gets constructed. I am just absolutely excited.

27 MS. FREEMAN: Mr. Chairman, I am happy to kind of
28 walk us through these a little bit and we can talk about them.

29 CHAIRMAN REPPERT: Okay, okay.

30 MS. FREEMAN: I think there was a couple things we

1 needed a little bit more input on, too. So if you don't mind,
2 I would be more than happy to do that.

3 CHAIRMAN REPPERT: We're happy to have you do it.

4 MS. FREEMAN: So the first page where we see a
5 possible change is on page 16.9 and this has to do with when
6 the township preliminary plan is submitted to the township and
7 what needs to be shown on the preliminary plan.

8 And 16.2(D), we were adding in that we also would
9 like to see any streams and wetlands on that existing
10 conditions map. That's just a minor change there that we
11 talked about previously.

12 And then --

13 MR. IAFELICE: Excuse me, Heather. May I ask,
14 because you're in that section, if I may, Mr. Chairman.

15 MS. FREEMAN: Yeah, sure.

16 MR. IAFELICE: Again, it precedes my time here.
17 When I look at 16.06, Density, if I can ask, under the PUD,
18 the R-2 PUD District, it's on page 16.3.

19 MR. LINGENFELTER: Wait a minute. Where are you at
20 there, Rich?

21 MR. PETERSON: 16.3, the page, Section 16.06
22 Density. It's literally the first page when you turn in.
23 16.06, Density, is at the bottom of page 16.3.

24 MR. LINGENFELTER: Yes, okay, I am with you.

25 MR. IAFELICE: B, under the PUD, I was just curious.
26 It indicates that detached single-family shall constitute no
27 less than 35 percent of the number of dwelling units within a
28 PUD. I pondered that as to understand, what was the reason
29 under a PUD that you would prescribe that a percentage must be
30 single family?

1 MR. LINGENFELTER: Are you thinking with regards to
2 the PUD and RCD or just the PUD by itself?

3 MR. IAFELICE: PUD. In this section, it's just the
4 P -- oh, wait, and the RCD.

5 CHAIRMAN REPPERT: Right, it is.

6 MR. IAFELICE: So this is a -- It's PUD and RCD.
7 This refers to the PUD district.

8 MR. LINGENFELTER: Right.

9 MR. IAFELICE: Again, I am just asking because I am
10 confused.

11 MR. LINGENFELTER: That's okay. I think that's a
12 valid question. I just, I just wanted to make sure.

13 MR. IAFELICE: Yeah.

14 MR. LINGENFELTER: Because in that regard -- and
15 please correct me if I'm wrong -- but this is directed at a
16 PUD, which we're not really considering anything on the PUD
17 side and making any changes with regards to a PUD. Because a
18 PUD --

19 MR. IAFELICE: Correct.

20 MR. LINGENFELTER: The history behind, the history
21 behind that is we had a PUD and so the PUD would fit for
22 Quail, okay, and that whole development with the retail and
23 the mixed use. And a true PUD is the old mixed, you know,
24 multifamily, you know, all sorts of, you know --

25 MR. IAFELICE: Yeah.

26 MR. LINGENFELTER: There is a mixture of things in
27 the PUD, where the RCD was more of a deviation and going
28 towards, you know, open space and things of that nature. We
29 kind of, when we started this process, we kind of went off the
30 PUD plans for the RCD. So they're kind of, they're a little

1 bit -- There is some crossover between the two with regards to
2 the, you know, with what's going on with an RCD versus a PUD.

3 MR. IAFELICE: Okay, okay.

4 MR. LINGENFELTER: This is not -- I mean, a PUD, I
5 don't even think there, I mean, we don't even really have, as
6 far as I know right now, do we have any opportunities for a
7 true PUD to be even proposed at this point in time to the
8 township? I don't even know that we --

9 Right, Heather?

10 MS. FREEMAN: Well, in order to have a new planned
11 unit development under this, you have to have at least 100
12 acres. So if someone could assemble 100 acres, yeah, they
13 could come in and start a whole new PUD.

14 MR. LINGENFELTER: Right.

15 MS. FREEMAN: The RCD is another type of planned
16 unit development.

17 MR. LINGENFELTER: Right.

18 MS. FREEMAN: Strictly residential.

19 MR. LINGENFELTER: Right.

20 MS. FREEMAN: You know, and Andy is correct, you
21 know. We have, the township adopted the PUD, which is
22 basically only Quail. That was actually submitted to the
23 township as a text amendment back in the late '80s.

24 MR. LINGENFELTER: Right.

25 MS. FREEMAN: With the text and the map and then
26 they adopted everything. And then when we decided to add the
27 residential conservation development, they made this kind of
28 Part 2 of that same section because we want to have the same
29 review process but it's a different district.

30 MR. LINGENFELTER: Right, yeah, it's kind of

1 piggybacked with the PUD zoning regulation because there was a
2 lot of things in the PUD that were very appropriate to
3 considering an RCD. So we thought that it would be better to
4 kind of marry the two than to just strike off on a completely
5 separate. That was the thought process for that.

6 MR. IAFELICE: Thank you for that. Thank you,
7 Heather.

8 MR. LINGENFELTER: That was the thought process
9 behind that.

10 MR. IAFELICE: Thank you, Mr. Chairman.

11 MR. LINGENFELTER: No, it's good though.

12 CHAIRMAN REPPERT: No, it's before my time.

13 MR. LINGENFELTER: No, I think that's a valid
14 question. I mean, it's good to get your bearings straight on
15 that.

16 MR. IAFELICE: Now I understand the --

17 MR. LINGENFELTER: No.

18 MR. IAFELICE: Thank you.

19 MR. LINGENFELTER: Yep.

20 MR. IAFELICE: Sorry, Heather.

21 MR. LINGENFELTER: The worst questions are the ones
22 that are never asked, right?

23 MR. IAFELICE: Never asked, that's right.

24 MR. LINGENFELTER: So it's better to ask and get an
25 answer than to not ask at all.

26 MS. FREEMAN: Okay. So then into the actual RCD
27 district, part 2 of this section, page 16.16, this was a
28 clarification that, personally, I was looking for and I was
29 recommending that we specify how you calculate that minimum
30 project area. So I think this makes it more clear moving

1 forward that the project area is calculated exclusive of any
2 existing right-of-ways.

3 Then the next, on the next page, 16.24, this is what
4 we were talking about as far as eliminating -- we're seeing a
5 lot of red here because we're striking out that yield plan
6 requirement. And in this section, counsel has proposed a
7 definition of what "open space" is, and open space is defined
8 as a portion of a development site -- I mean, you can read it.
9 It would -- It's the black text that's still part of it. I
10 know this might be a little confusing. I can send this as
11 like a clean copy, too, if you guys need to read it that way.
12 I am happy to do that. It gives that clear definition of what
13 "open space" is and how it is applicable to this section of
14 the Zoning Resolution.

15 And then continuing on the next page here, we're
16 striking out that, that old table that talked about the
17 density increase based on the yield plan --

18 MR. LINGENFELTER: Great.

19 MS. FREEMAN: -- and we're adding in a new Section B
20 that specifies the minimum open space requirements that we
21 discussed previously. So depending on the project area, this
22 is what we talked about.

23 And then just moving forward, the Open Space Design
24 Criteria, I thought, you know, we'd add in a little bit of
25 language here basically giving, you know, letting -- giving
26 the township the authority to review and approve the open
27 space that's proposed in any development, clarifying that.

28 And then in the section where it talked about the
29 next, under (C)(c), we talk about splitting certain areas from
30 the open space calculation. We're not going to include any

1 kind of utility easement areas as open space. That's clearly
2 being used for development. As we discussed, the stormwater
3 basins are clearly a utility and those will not be calculated
4 as open space.

5 We talked previously about requiring the landscape
6 plan to be submitted and being -- oh, I'm sorry -- to be
7 submitted with the preliminary plan, and then also the
8 landscaping would have to be installed within six months of
9 filing the subdivision plat.

10 And then this next one, for every 10 lots, there
11 should be at least "blank" amount of open space abutting the
12 right-of-way. This is one of the design criteria that you
13 guys wanted to require but I remember you talking about not
14 trying to specify a certain number of lots, but legal wrote it
15 this way. So I don't know how you really want to do that. Do
16 we want to -- I think, from an enforcement standpoint, it's
17 easier to say "after so many lots."

18 CHAIRMAN REPPERT: Right.

19 MS. FREEMAN: But I don't know if that works in
20 every case, depending on what the layout of the development is
21 or what the natural features are. So if we want to specify
22 the amount of open space every ten lots, that's fine. We
23 just -- Do we need to specify how much open space we want to
24 see? Is it the width of a lot or is it -- So if they're going
25 to do 70 foot wide lots, do we want to see 70 foot wide open
26 space before you have the next lot? Or --

27 CHAIRMAN REPPERT: I'd say, I'd say one lot, one
28 typical lot, if we're talking 90 feet or whatever.

29 MS. FREEMAN: The average lot width or something?

30 CHAIRMAN REPPERT: What is it? If we're in R-2, we

1 go down to quarter acre? Oh, yeah, we go down to quarter acre
2 with RCDs in R-2?

3 MS. FREEMAN: In the RCD, if it's zoned R-1, they
4 can go down to the quarter acre.

5 CHAIRMAN REPPERT: To a quarter, okay.

6 MS. FREEMAN: R-4 would be a half acre. But we
7 don't, but we don't tell them what the lot width has to be.
8 So the lot width is flexible for any developer. They could
9 come in and do 70 foot wide lots with 10 foot side yards and
10 do a 50 foot wide house that you might see on a quarter acre
11 lot, but in the half acre lot you're probably going to get
12 more like a 90 foot wide lot with 10 foot side yards and
13 bigger houses.

14 I'm thinking about like Lilly Farms. Those are like
15 90 foot wide. Those are bigger homes and tend to have, you
16 know, three-car garages or side load garages. But in like the
17 R-1, those tend to be not as wide homes.

18 Just something that we should try to figure out how
19 you guys want to do that. Or is it a certain distance, do we
20 want to see?

21 MR. PETERSON: I don't think you can ask them to
22 have an empty lot. I mean, that's a lot, physically, that's a
23 lot of area. And what they would do then is just go deeper
24 into the back buffer, you know. And in some cases, the back
25 buffer area is more important than the side buffer area
26 because it gives you privacy at the back. So --

27 And it might be even too prescriptive to say for
28 every ten lots. Maybe "approximately every ten lots" so that,
29 depending on the lay of the land and the --

30 CHAIRMAN REPPERT: That's exactly right.

1 MR. PETERSON: -- geography of it, you know, you
2 might not be able to do that, so you'd say "approximately."
3 So if it was 8 or 12, we would sort of be the judge of that, I
4 guess.

5 MR. LINGENFELTER: Do you want to leave it squishy
6 like that, Rich? I mean, do you think that's a good idea?

7 MR. PETERSON: Well, yeah, but it's really difficult
8 to make it too prescriptive because you don't know the
9 topography of the land, you know, and there might be a stand
10 of trees or there might, you know -- Who knows?

11 MR. LINGENFELTER: Well, I think when you start
12 using "approximate," you know, you start using words like
13 that, I think --

14 MR. PETERSON: It still has to be approved by us,
15 Andy, so we have the last say.

16 MR. LINGENFELTER: Right.

17 MR. PETERSON: And if the argument isn't good for
18 that, then we can turn that down. But it just seems to me if
19 you're too prescriptive, it's like one size doesn't fit all
20 here.

21 MR. LINGENFELTER: Right.

22 CHAIRMAN REPPERT: I agree with that.

23 MR. LINGENFELTER: So then why put anything in there
24 at all?

25 MR. PETERSON: Well, because you want some
26 guidelines and the guidelines say --

27 MR. LINGENFELTER: But we have guidelines. So why
28 even, so then why say -- Just say that there needs to be some
29 open space breaking up --

30 MR. PETERSON: The lots.

1 MR. LINGENFELTER: -- the lot lines.

2 MR. PETERSON: The adjacent lots.

3 MR. LINGENFELTER: The continuous layout of the
4 homes, there needs to be a break, a break point.

5 MR. PETERSON: Yeah.

6 MR. LINGENFELTER: And then they, then I think, at
7 that point, then the message is sent of what they have to try
8 to do. And then we, as the Zoning Commission, have the
9 ability to review what they come back with.

10 MR. PETERSON: True.

11 MR. LINGENFELTER: And make recommendations from
12 there. Instead of saying, instead of trying to be -- to put a
13 number on it, let's leave the number off and just say, "You've
14 got to have some, you've got to have some breaks." and then,
15 that way, then it is basically on a per case basis. But they
16 know they're going to have to come up -- They can't just put
17 30 houses in a row down the street.

18 MR. PETERSON: Right. I'm okay with that.

19 MR. LINGENFELTER: They're going to have to break it
20 up somehow. And instead of trying to put a number on it or
21 saying "approximately ten houses" or approximately every so
22 many, I mean, just say, "We expect that there needs to be some
23 open spaces in between the houses on the street."

24 MR. PETERSON: I am okay with that.

25 MR. LINGENFELTER: You know, because I think when
26 you start using, when you start using words like
27 "approximate," then it -- I don't know. That's my thought.

28 CHAIRMAN REPPERT: Frank, thoughts?

29 MR. SCHINDLER: Well, like I said some, you know,
30 last month, I always looked at flexibility. If there is any

1 way we can put verbiage in and indicate flexibility, like Andy
2 says, not a number, because every one of the districts that
3 will use this has something unique about the land and that's
4 why people are looking to develop it under this particular
5 legislation.

6 So the more we give them flexibility to do that, it
7 makes it more desirable to do that, for one thing, and
8 minimize the amount of construction that goes on in these
9 developments so we can save the land as much as possible. So
10 any way we can keep that, like I say, flexible, my opinion is
11 the best way to go with this piece of legislation.

12 MR. LINGENFELTER: My thought process, I don't want
13 to micromanage. I don't want to micromanage.

14 MR. PETERSON: I hear you.

15 MR. LINGENFELTER: Let them do their job.

16 MR. SCHINDLER: Right.

17 MR. LINGENFELTER: You know what I mean? Don't --
18 If you give them, you know, I think we -- You know, let them
19 come back to us and show us what they think would be
20 appropriate. And then we have the right, you know, to make
21 suggestions --

22 MR. PETERSON: True.

23 MR. LINGENFELTER: -- or make, you know, some
24 recommendations on what they should do to change things but
25 let them do their job. I mean, I don't want to micromanage
26 their project.

27 MR. PETERSON: I don't think we should either.

28 MR. LINGENFELTER: Then let them do, let them do
29 what -- They know what they need to come up with. Let them
30 come to us a proposal and then we can say, "Okay, you're

1 getting there," or, "That's pretty good. You guys did a nice
2 job." And then, that way, we're not -- Let them do their work
3 and get, you know -- That's my thought.

4 MR. PETERSON: Yeah. And, actually, in that case,
5 because you're asking that we have some sort of a buffer there
6 somewhere, depending on the lay of the land, there might be
7 two or three buffers.

8 MR. LINGENFELTER: Exactly. And why give them an
9 opportunity to worm out of it because we said, well,
10 approximately.

11 MR. PETERSON: Right.

12 MR. LINGENFELTER: Or every so many lots. And
13 they're saying, "Well, it's within those guidelines." This
14 way, this is what we expect. Show us what you can come up
15 with.

16 MR. PETERSON: Okay.

17 MR. LINGENFELTER: Make sense? I mean, I don't --

18 CHAIRMAN REPPERT: I like that.

19 MR. PETERSON: Makes sense.

20 MS. FREEMAN: Does something like "open space areas
21 shall be provided abutting the road right-of-way to break up
22 the continuous row of houses"?

23 MR. LINGENFELTER: There you go.

24 MS. FREEMAN: Something like that?

25 MR. LINGENFELTER: Bang. See, Heather, that's why
26 you get paid the big bucks.

27 MS. FREEMAN: All right. I am glad we talked that
28 out, yeah, because I know you didn't want to be too
29 prescriptive on that.

30 And then just moving on, you know, we wanted, if we

1 had a piece of land that came in that was previous, you know,
2 where it was previously disturbed, we are looking for some
3 kind of environmental restoration plan or maintenance plan for
4 that open space area. So that's adding that requirement in
5 there.

6 Moving to the next page, one of the other design
7 criteria under 16.25, the Development and Site Planning
8 Standards, we talked about acknowledging the fact that
9 dwelling setbacks could be varied throughout the site. You
10 guys didn't want to require it.

11 MR. LINGENFELTER: Right.

12 MS. FREEMAN: But allow that flexibility should they
13 want to do that.

14 And then we also talked about a larger setback
15 where, on a corner lot or where -- I am sorry -- where a new
16 street intersects or extends an existing street. So to create
17 kind of like that transition between more of a traditional R-1
18 or R-4 neighborhood into a little more dense neighborhood, so
19 requiring a larger setback on those lots. Legal came up with
20 40 feet, so I am not sure why they did that. So I think they
21 were looking for something more clear, you know, that we
22 could --

23 MR. LINGENFELTER: Right.

24 MS. FREEMAN: I am not sure if you have any thoughts
25 or questions on that or if you are good with that.

26 We also kind of loosely talked about, like, even a
27 larger lot size but we didn't really add that in. They were
28 just kind of going with the larger setback. So I don't know,
29 if you require that larger setback, that that automatically
30 leads to a slightly larger lot and that would -- you would get

1 the same result that I think you were talking about that we
2 were looking for, more of a transition between maybe the half
3 acre down to quarter acre. We didn't want to go from a half
4 acre lot to a quarter acre lot. We wanted something to
5 transition in between those two.

6 MR. IAFELICE: May I? My question, Heather, for me,
7 40 feet setback on this particular confluence of the R-1 or
8 R-4 to an -- is insignificant. I don't see it. If 30 foot is
9 allowed and all they're doing is adding 10 feet, that's
10 supposed to help distinguish the RCD from somebody with a half
11 acre lot?

12 MS. FREEMAN: I don't know.

13 MR. IAFELICE: I don't understand that.

14 MS. FREEMAN: Right.

15 MR. LINGENFELTER: Have you been to Lilly Farms?

16 MR. IAFELICE: What?

17 MR. LINGENFELTER: Have you been down to Lilly
18 Farms?

19 MR. IAFELICE: I can visualize -- I can't visualize
20 it.

21 MS. FREEMAN: Well, that one, yeah, there is open
22 space that -- Well, there was Concord Ridge that was already
23 RCD and then they had that open space and then continued half
24 acre lots, so there was really no difference between those two
25 developments there.

26 MR. LINGENFELTER: But they broke it up though. And
27 just by Winchell Road, when you walk down Lilly, when you walk
28 down -- What is it, Lilly Way?

29 MS. FREEMAN: Lilly Lane.

30 MR. LINGENFELTER: Lilly Lane?

1 MS. FREEMAN: Yeah.

2 MR. LINGENFELTER: If you take Lilly Lane all the
3 way to the end to Winchell Road, there is a house on the
4 corner that's a new construction house by Little Mountain.
5 It's right on the corner. And on the other corner there is an
6 existing home. It's been there for a while. But if, when you
7 go, when you go from Winchell Road heading up Lilly Lane,
8 there is a fairly big break between that new construction home
9 and the next home on that side of the street. East, west, I
10 am not sure. I'd have to orient myself. And then on the
11 other side where the existing home is, there is a pretty
12 substantial break between the back yard of that existing home
13 and the first lot.

14 I mean, put it to you this way: There is enough
15 room you could have probably put four more homes in there. I
16 mean, it's a pretty decent size space between the homes and
17 the first lot on the, you know, on -- what would that be --
18 probably on the south side. And the north side, same thing,
19 there is a pretty big break between those two areas. And I
20 like that because it just allows for the transition into the
21 development, you know.

22 MR. IAFELICE: So I guess your point is you agree
23 with what I am saying?

24 MR. LINGENFELTER: Yeah, 40 feet, like you said, 40
25 is what? I mean, that's not much, between here and the door.

26 MR. IAFELICE: Yeah, right.

27 CHAIRMAN REPPERT: That's right.

28 MR. LINGENFELTER: What's this room? I mean, what's
29 the length of this room? It can't be much.

30 MR. IAFELICE: If the notation was 40 foot side

1 yard, then I might say I understand.

2 MR. LINGENFELTER: Right.

3 MR. IAFELICE: You know, that creates that break.

4 MS. FREEMAN: Right.

5 MR. IAFELICE: Laterally.

6 MS. FREEMAN: All this does is make the house set
7 back further. It can still be 10 feet away.

8 MR. IAFELICE: Yes, it does.

9 MR. LINGENFELTER: Personally, I would rather see --

10 MR. IAFELICE: Open space.

11 MR. LINGENFELTER: -- open space between, only if
12 you're, only if you're transitioning from an existing
13 neighborhood to the new RCD.

14 MS. FREEMAN: Yeah.

15 MR. LINGENFELTER: I would prefer to see some open
16 space between the existing development and the new RCD.
17 That's how I would like to see that transition. I think I am
18 in agreement with Rich on that that, you know, 40 feet is so
19 inconsequential, it's like why even bother. I would prefer
20 they try to figure out a way to put some open space.

21 MR. PETERSON: There is a big difference between a
22 20 acre development and 100 acre development. They have more
23 land to play with. Lilly Farms was a big development. It's
24 really spread out back there. Whereas, the one we're looking
25 at on Hoose is going to be a small development, relatively
26 small development.

27 MS. FREEMAN: Well, actually, Lilly Farm was only
28 like 24 acres.

29 MR. LINGENFELTER: No. I was going to say, Rich,
30 have you been back there?

1 MR. PETERSON: Well, yeah.

2 MS. FREEMAN: The underlining zoning is different.

3 MR. PETERSON: Okay.

4 MS. FREEMAN: The underlining zoning on Lilly was
5 R-4, so they went from one acre to half acre.

6 MR. LINGENFELTER: Right.

7 MS. FREEMAN: The other one, yeah.

8 MR. PETERSON: What's the adjacent neighborhood,
9 Concord Ridge?

10 MS. FREEMAN: Concord Ridge.

11 MR. LINGENFELTER: Concord Ridge.

12 MS. FREEMAN: Yeah, that had over 100 acres.

13 MR. PETERSON: So it is, all in all, it's a big
14 area.

15 MS. FREEMAN: Yeah.

16 MR. LINGENFELTER: Yeah. If you take, if you look
17 at Lilly Farms and then you look at Concord Ridge --

18 MR. PETERSON: Yeah.

19 MR. LINGENFELTER: Because Concord Ridge encompasses
20 the front half of Lilly Lane from Crossroads to the new
21 development and then to Scarlett Way on one side, Cora Court's
22 on the other side. And then if you continue down, if you go
23 towards the right, then you're onto -- What's the name of that
24 street? It goes into Stanford Springs there. I can't think
25 of the name.

26 MR. PETERSON: I get lost back there.

27 MR. LINGENFELTER: I walk back there all the time.
28 I can't -- What's name of the street that goes off, that winds
29 around and goes and hits Winchell Road down past Lilly?

30 MS. FREEMAN: Meredith.

1 MR. LINGENFELTER: Meredith, Meredith Lane. There
2 you go, Meredith. Thank you. Yeah, Meredith kind of goes
3 off, kind of breaks off to the right and then winds around and
4 goes down and ends in Winchell Road. So, but that, Stanford
5 Springs, is completely separate from Concord Ridge and Lilly
6 Farms there.

7 MS. FREEMAN: Yeah.

8 MR. LINGENFELTER: But Lilly Farms itself is not
9 that big, you know. It's really not that big of a, I mean,
10 it's not that much of a --

11 MR. PETERSON: It's just Lilly's property, wasn't
12 it?

13 MR. LINGENFELTER: Yeah.

14 MR. IAFELICE: Well, I guess, Andy, my comment
15 relates not just to this one but then the following statement
16 about the perimeter building says not within 100 feet when
17 adjacent to an existing development of a different character.
18 So doesn't that alone --

19 CHAIRMAN REPERT: Give us the open space?

20 MR. IAFELICE: -- give us the open space and then
21 Number 5 doesn't mean anything, at least, as I read it.

22 MS. FREEMAN: Well, I just have to say that the
23 perimeter building regulations, we had not really discussed
24 specifically. That was actually a suggestion that I had
25 talked to, you know, with Dan Donaldson, who is the
26 administrator for Lake Soil and Water Conservation District,
27 and they helped with us the Comprehensive Plan Update and with
28 the initial adoption of the RCD and that was something that he
29 had recommended that we maybe consider. He even threw out 200
30 feet.

1 So I don't know, you know. So I threw this in as
2 something else that, something to consider but it is another
3 way to create that buffer or transition from an existing
4 neighborhood to this new one that potentially may be more
5 dense.

6 But I can see what you are saying, Rich. Would we
7 need both then if this is something that --

8 MR. IAFELICE: It seems to me we don't need both and
9 that E, Perimeter Building, actually does, has more impact on
10 the RCD.

11 CHAIRMAN REPPERT: Than 5?

12 MR. IAFELICE: Than 5. And is it, is it too much, I
13 guess, is the question, 100 feet?

14 MS. FREEMAN: I don't know. Yeah, so think about
15 it. Like, if the lots were going to butt up to an existing
16 neighborhood, right now it would only be 30 feet away from
17 that rear lot line but this would force them to have,
18 probably, some open space behind the new lots, plus that
19 keeping the house a certain distance away from the rear lot
20 line.

21 MR. IAFELICE: Yeah, I agree, Heather. But thinking
22 of Canterwood, it's also side yard. It's side yard. If there
23 wasn't any of this, it's only 10 feet.

24 MS. FREEMAN: Yeah.

25 MR. IAFELICE: The property line, you could have a
26 building, in the RCD, 10 feet away from the property line.

27 MS. FREEMAN: From an existing neighborhood.

28 MR. IAFELICE: Correct, correct. And so --

29 MS. FREEMAN: Right. So then is it too much?

30 MR. IAFELICE: Yeah. So the 100 feet --

1 CHAIRMAN REPPERT: Is more, yeah, 60 feet more.

2 MR. IAFELICE: Yeah.

3 CHAIRMAN REPPERT: Yeah, if we do E, I don't see any
4 reason why we need 5.

5 MR. IAFELICE: Was there -- So Dan Donaldson
6 recommended E and legal represent -- recommended 5. Never the
7 twain shall meet until it came to the table there.

8 MS. FREEMAN: Yeah, right, they weren't considered
9 together, yeah, they weren't.

10 MR. IAFELICE: So it's not together. So, in effect,
11 I think, for me, I would strike 5 and then debate E. E has
12 more significance to respecting the differences between the
13 neighborhoods.

14 CHAIRMAN REPPERT: And we still have the varying
15 setbacks which should take care of 5.

16 MS. FREEMAN: Allowing for varying setbacks.

17 MR. IAFELICE: Allowing.

18 MS. FREEMAN: It is not going to require it.

19 CHAIRMAN REPPERT: That's right, that's right, but
20 it sure would be nice if it could be right next to the
21 existing development.

22 MS. FREEMAN: Or if they had to create that setback
23 of maybe 100 or 50 or 40 or whatever you want to call it, then
24 that would create that transition.

25 CHAIRMAN REPPERT: I agree with Rich. I think we
26 ought to delete 5 and keep E. I think that supports our
27 requirements or what we would like to see.

28 Mr. Peterson, comments?

29 MR. PETERSON: I don't have a problem with the way
30 it's written.

1 CHAIRMAN REPPERT: With the way it's written right
2 now, okay.

3 Frank?

4 MR. SCHINDLER: Mixed emotions.

5 CHAIRMAN REPPERT: We're in no hurry for this, are
6 we?

7 MS. FREEMAN: No.

8 CHAIRMAN REPPERT: Okay. So we can wait another
9 month so we can gel on it, sleep on it for a little bit?

10 MS. FREEMAN: Yeah, oh, yeah. And I can --

11 MR. LINGENFELTER: The only thing I can think, the
12 only thing I -- Because I am looking, I keep reading it,
13 trying to understand. The only thing I think they were trying
14 to accomplish is, in E, they talk about boundary, okay, where
15 an existing boundary, a project boundary that's adjacent to an
16 existing development of a different character. So it's
17 talking about a boundary.

18 MS. FREEMAN: Yeah.

19 MR. LINGENFELTER: In 5 they're talking specifically
20 about a street intersection or a continuation of a street. So
21 it's a little bit of a different animal in terms of the
22 definition of the two. You know, one is just a boundary or
23 they're just basically saying there may be no street around
24 that area and they're saying 100 feet but with Number 5
25 they're talking about a specific, either an intersection or an
26 extension of an existing street. That's where I think, that's
27 why I think that the variance in the distance is.

28 MS. FREEMAN: That's a good point, right, because E,
29 Perimeter Building, would be the whole entire site.

30 MR. LINGENFELTER: Right.

1 MS. FREEMAN: Whereas this --

2 MR. LINGENFELTER: It's a boundary. It's not, it
3 doesn't have to do with the transition from a street
4 standpoint versus the overall boundary of the development.

5 MR. PETERSON: Yeah. And it could be where a new
6 development's connecting in with an existing community.

7 MR. LINGENFELTER: Right. Because like if you
8 looked at --

9 CHAIRMAN REPPERT: Canterbury.

10 MR. LINGENFELTER: Canterwood.

11 CHAIRMAN REPPERT: Canterwood, whatever it is.

12 MR. LINGENFELTER: Whatever, I mean, there are some
13 areas where it's running, some of the back end of the, some of
14 the back end of that layout is going to be abutting --

15 MR. PETERSON: Hobby Horse.

16 CHAIRMAN REPPERT: Hobby Horse, in that area, right.

17 MR. LINGENFELTER: -- Hobby Horse, homes on Hobby
18 Horse but there is no street there.

19 MR. PETERSON: Right.

20 MR. LINGENFELTER: There is no intersection.

21 CHAIRMAN REPPERT: Yes, there -- Well, there's a
22 street there.

23 MR. LINGENFELTER: Right. But I am saying in some
24 areas though where that development goes on the boundary of
25 the development, it doesn't, but it is definitely up against
26 an existing development but there is no street intersection.
27 Now, there is a street intersection when you come down to
28 where Canter -- whatever that road is that's going to be going
29 through from Hobby Horse or whatever it is, you know, to
30 Hoose. Now, that's a whole different story.

1 But we need to address the abutting properties that
2 have no street involved and also address the areas where there
3 is an intersection or a street that's going to be continued
4 in.

5 Just like if you go down to Keystone Ridge, okay?
6 Back in the day when you went down Keystone Ridge, that was a
7 -- they treated it like a cul-de-sac but it wasn't. It was a
8 stub street. And we got into lots of arguments about that.
9 Well, it's a cul-de-sac. No, it's not. Just because you say
10 it's a cul-de-sac and because you landscaped it to look like a
11 cul-de-sac, it's a stub street. And eventually it got
12 connected to, what, to Nancy Ann or whatever it is back there.

13 MR. PETERSON: My street is a cul-de-sac for about
14 two more weeks.

15 MR. LINGENFELTER: Right, right.

16 MR. PETERSON: And then it will be connected to the
17 new road that goes up to Girdled.

18 MR. LINGENFELTER: Right. So that's kind of an
19 interesting play there because you've got, now you've got a
20 street that ended and now, all of the sudden, now it's being
21 cut through and now you've got a transition.

22 MR. PETERSON: Right.

23 MR. LINGENFELTER: So we've got to be careful how we
24 have that set up. And my thought process, I would rather see
25 them devote some open space to that transition versus
26 setbacks.

27 MR. PETERSON: And they did that on Keystone.

28 MR. LINGENFELTER: Right.

29 MR. PETERSON: There is a buffer on both sides.

30 MR. LINGENFELTER: Yes, I know there is, right. I

1 just came through there today so, yeah.

2 MS. FREEMAN: Do you think that this would kind of
3 force that open space because you're setting a distance,
4 whether it be 50 or --

5 MR. LINGENFELTER: Yeah, that's my thought. You
6 know, my thought is --

7 MS. FREEMAN: By requiring that.

8 MR. LINGENFELTER: Because we're dealing with, I
9 mean, we are dealing with two separate issues here in the
10 boundary and the intersect, the street intersections. So do
11 we really want to scrap 5? That's my question.

12 I get E. I am good with E, okay, but do we want to
13 scrap 5? Because that, specifically, I don't know that E
14 addresses 5.

15 MR. PETERSON: I agree.

16 MR. LINGENFELTER: And I don't know that 5 addresses
17 E.

18 MR. PETERSON: Two separate.

19 MR. LINGENFELTER: Yeah, I think they're two
20 separate issues. So do we really want to scrap 5 or do we
21 want to modify 5 a little bit and leave it?

22 CHAIRMAN REPPERT: I think that the way I read it on
23 the piece of paper now, as you're going from an existing
24 street in another development that's being extended -- what do
25 they say -- or extends an existing street.

26 MR. LINGENFELTER: Right.

27 CHAIRMAN REPPERT: And what they're doing there at
28 Canterbury or whatever it is, they're extending the existing
29 street into their RCD. So that's where the 100 feet comes in.
30 It's one way, it's a horizontal way. Whereas, the setback, if

1 you want to look at it the other way, the setback is the
2 vertical. One is horizontal and one's vertical. One is going
3 to the street and one is going along the street.

4 So right now -- Now, the second half of that, I
5 don't -- I can't figure that one out but the first part of 5,
6 I think, makes sense to me.

7 MR. IAFELICE: For me, Mr. Chairman, what Andy just
8 explained is how I read it. So the perimeter building
9 respects the fact the existing development, the RCD could have
10 a 10 foot rear yard against somebody like the back of Hobby
11 Horse. That's why I think the 100 feet makes a lot of sense
12 and addresses 5. I don't see any, for me, I still don't see
13 how 5 has any relevance if you have E but that's how I read
14 it.

15 CHAIRMAN REPERT: Well, it gives you another 10
16 feet buffer on that first house or first two houses, setback.

17 MR. IAFELICE: It's just a setback. It not a
18 buffer. It's not a buffer.

19 CHAIRMAN REPERT: It's a setback, because the
20 buffer is going the other way.

21 MR. IAFELICE: Yeah.

22 CHAIRMAN REPERT: Not the front of the street, not
23 towards the street but to the right side of the street.
24 Parallel to the street it's 100 feet. Yeah, parallel to the
25 -- Perpendicular to the street it's 40 feet.

26 MR. LINGENFELTER: Oh, here we go. Now you've got
27 to make up your mind. We're either talking vertical or
28 horizontal. Now you're throwing in "perpendicular." Okay?

29 CHAIRMAN REPERT: Depends on whether you're looking
30 north or --

1 MR. LINGENFELTER: My capacity for these geometric
2 terms is like at its maximum right now. You know I am just
3 kidding though.

4 CHAIRMAN REPPERT: I know.

5 MS. FREEMAN: So say you're cutting a new road in
6 off of, like, a county road.

7 MR. LINGENFELTER: Right.

8 MS. FREEMAN: You know, would that corner lot be
9 subjected to the perimeter building regulation? Probably not,
10 would it?

11 MR. LINGENFELTER: No.

12 MS. FREEMAN: Yeah. But the 40 foot setback would
13 come in play. It would require that because it's a new street
14 intersecting with an existing street. So that would force
15 that corner lot to be set back 40 feet from the right-of-way,
16 the existing and the proposed.

17 MR. IAFELICE: Yeah. Again, I see no significance.

18 MS. FREEMAN: By saving that, you might get that.

19 MR. IAFELICE: Again, I see no significance. It's
20 30 feet already, 40 feet.

21 MS. FREEMAN: Right. I am just bringing that up,
22 you know. That would be the only thing that it might not
23 cover, right.

24 I'd be happy to take a look at some of the
25 developments and see --

26 MR. LINGENFELTER: Yeah, we should noodle, I think
27 we should noodle this a little bit more.

28 MS. FREEMAN: -- how far away are some of these
29 houses from the perimeter? I'd be happy to do that and go
30 back and look at the ones that have already been approved.

1 MR. IAFELICE: Yeah. That way, I'll have time to
2 drive by Lilly Farms so I don't get these questions from Andy.
3 So I am going to drive around.

4 MS. FREEMAN: Well, that transition between Concord
5 Ridge and Lilly Farms, it really was because there are streams
6 and wetlands in that area. So it just worked out that way,
7 honestly. And I knew that Rick Sommers was the developer for
8 both those. He knew he was going to get that property from
9 Dan Lilly eventually to develop that, so it was kind of, he
10 knew, yeah.

11 MR. IAFELICE: Okay.

12 CHAIRMAN REPERT: Okay. We'll think about those.

13 MR. LINGENFELTER: I'll tell you, Rich, if you
14 haven't been back there, you should take a minute because I
15 think, in my opinion, it really exemplifies what an RCD, the
16 intent and what an RCD should look like. There's a lot of
17 features that they did with that that I think makes a lot of
18 sense, and so you should go back there and check it out.

19 CHAIRMAN REPERT: Okay.

20 MR. LINGENFELTER: And see it. And I think a lot of
21 it, when you see that, then the 40 feet setback makes more
22 sense.

23 MR. IAFELICE: Okay.

24 MR. LINGENFELTER: Where it's, like you said, it's
25 insignificant and the 100 feet makes the perimeter, those
26 things start to come into focus when you look at that over
27 there.

28 MR. IAFELICE: Okay.

29 MR. LINGENFELTER: Because the back end, because the
30 one side, on the one side, the back end of Lilly Farms on

1 Lilly Lane there, the back side is Meredith Lane. So the
2 houses, those houses are on larger lots. But you're looking
3 at the backs of those homes that are up against Lilly Lane and
4 that there is a significant difference, I mean, like a pretty
5 good wedge shot from the back of those houses on Lilly to the
6 houses on Meredith. It's a pretty good distance.

7 MR. IAFELICE: Okay, okay.

8 MR. LINGENFELTER: So I think, you know, take a look
9 at that and that's where that 100 yard or that 100 foot
10 perimeter thing, I think, comes into play.

11 MR. IAFELICE: Comes into play.

12 MR. LINGENFELTER: Yeah.

13 MR. IAFELICE: Very good.

14 CHAIRMAN REPPERT: Okay. Heather, do you want to
15 continue?

16 MS. FREEMAN: Sure.

17 CHAIRMAN REPPERT: See if we have any other big
18 issues.

19 MS. FREEMAN: And the next page, Section 16.26,
20 these were some of the other design features, not requirements
21 but the things that you would like to see. Oh, wait.
22 Actually, the first one was, yeah, all cul-de-sacs shall
23 include decorative plantings in the center.

24 MR. PETERSON: Should we say on roundabouts -- And I
25 like roundabouts -- but with interior decorative "are
26 encouraged" as opposed to "should"? I mean, we want to
27 encourage them. Both are sort of weasel words because
28 "should" is the same as "encourage" but there is probably a
29 cost factor with a roundabout. I don't know. You've got to
30 do more concrete work and it takes a little more space. So

1 should we say it's encouraged as opposed to it should be used?

2 MS. FREEMAN: I can ask the law department. These
3 were her words.

4 MR. PETERSON: Okay.

5 MR. LINGENFELTER: I think we should strike C
6 altogether.

7 CHAIRMAN REPPERT: Oh, no, no, no.

8 MR. PETERSON: Oh, no, no, no.

9 MR. LINGENFELTER: Get that term out of there.

10 CHAIRMAN REPPERT: No, no. I like roundabouts.

11 MR. PETERSON: You're outvoted.

12 MR. LINGENFELTER: I know. I'm in the minority on
13 this one.

14 CHAIRMAN REPPERT: Yes, you are.

15 MR. LINGENFELTER: That's okay. It doesn't mean I'm
16 going to stop fighting about it.

17 MR. PETERSON: It doesn't mean you're a bad guy.

18 MR. IAFELICE: Is it sufficient, Heather, merely to
19 say "decorative plantings"?

20 MS. FREEMAN: I don't know, yeah. That was
21 Stephanie's term, yeah.

22 MR. IAFELICE: And this is in the public right-of-
23 way, the cul-de-sacs and the roundabouts.

24 MS. FREEMAN: Right.

25 MR. IAFELICE: Who is maintaining that?

26 MS. FREEMAN: Right. And I had told legal that we
27 wanted to add in that that should be the responsibility of the
28 homeowner association.

29 MR. IAFELICE: Yeah. So that's why, yeah.

30 MS. FREEMAN: For some reason, she said that we

1 couldn't put that in there. So I am going to have a follow-up
2 conversation with that because I know that, when Eagle Pointe
3 was approved, we specified that on the condition of the
4 approval, that the township would not be responsible for that.
5 And every developer knows and is fine with it, putting it on
6 the HOA. So --

7 MR. LINGENFELTER: I can tell you that the downside
8 to the decoration of the interior part of the cul-de-sac or a
9 roundabout is, like -- They do that in, they have it in
10 Concord Ridge and they also have it in back in Crossroads.
11 And they've put stone, heavy river stone in the middle of the
12 cul-de-sac. Well, guess what happens in the wintertime.
13 Snowplows go through and they hit that, they hit that stone
14 and then, when all the snow thaws and everything is gone,
15 there are river stone everywhere, all over the road, in
16 people's front yards, you know. It's all piled, you know. I
17 don't think it's anything intentional but -- So it's kind of
18 like sometimes you've got to watch what you wish for because
19 somebody has got to go in there and that's a lot of work to
20 get in there and sweep up all the stones or shovel them up and
21 put them back in the cul-de-sac where they belong, and whose
22 responsibility is that?

23 MS. FREEMAN: Well, maybe we can make that landscape
24 planting plan required to be submitted as part of their, you
25 know, final approval. Therefore, then if they're proposing
26 stones and stuff like that, the township might have a say.

27 MR. LINGENFELTER: Same thing with mulch. I mean,
28 there's a lot, there's some areas where they mulch right up to
29 the edge of the road and then after wintertime, after the
30 plows have been through there a couple of times, there is big

1 gougues of mulch missing from the middle of the cul-de-sac that
2 is strewn all over the street and into the yards and whatnot,
3 you know. I don't know that that's, you know -- Somebody's
4 got to fix it.

5 MR. PETERSON: Who cuts the grass in the interior
6 islands, the one-way interior islands? Like Mountainside
7 Farm, you know, where --

8 CHAIRMAN REPPERT: Should be the HOA.

9 MR. IAFELICE: HOA.

10 MS. FREEMAN: HOA, yeah.

11 MR. LINGENFELTER: And in some cases, what I would
12 like to see -- and I'll have to look the next time I am back
13 there -- but I'd like to see some sort of curb work or
14 concrete curb maybe that would keep, you know, keep the
15 materials of the cul-de-sac, if you are going to do that, keep
16 the materials in the cul-de-sac area and not allow for that to
17 happen. Because if I am not mistaken -- I could be. I might
18 go be wrong -- but I think just like the pavement goes to the
19 edge of where the landscape middle of the cul-de-sac is and it
20 just, it's just like the pavement ends and the landscaping
21 starts.

22 MR. PETERSON: You could use those curved curbs.

23 MR. LINGENFELTER: It would be nice if they have
24 like a little bit of a concrete curb around the edges.

25 MR. IAFELICE: Like they do on the sides of the
26 street.

27 MR. LINGENFELTER: That way, when they do come
28 around with the plow, it gives them a little bit of a buffer
29 between that and hitting the actual --

30 MR. PETERSON: That would be easy.

1 MR. LINGENFELTER: -- the landscaping, whatever is
2 in there, the stone or the mulch or whatever, the grass.

3 MR. IAFELICE: Those are good comments.

4 Heather, you mentioned the landscape plan. So --
5 And Rich mentioned Mountainside Farms. So when that was first
6 built, as you know, we had two horses mounted at the entrance,
7 if you've ever seen Mountainside Farms.

8 MR. PETERSON: Yeah, that's right. I remember that.

9 MR. IAFELICE: They were vandalized, which is why
10 they had to be removed.

11 MS. FREEMAN: Ah, I didn't know about that.

12 MR. PETERSON: They looked good, too.

13 MR. IAFELICE: The smaller horse was stolen, we
14 believe, by somebody who wanted it in their college dorm and
15 we removed the other one. I was the president of the HOA at
16 the time and I was so sick about it, losing the horses.

17 But, anyhow, it was the theme, the theme of the
18 development. So decorative plantings, it could be something,
19 like Andy was saying, the theme of whatever the developer,
20 what they're trying to establish could be represented in the
21 roundabout, in the cul-de-sacs.

22 MR. PETERSON: Yeah.

23 MR. IAFELICE: So it might not be plantings of
24 sorts. It could be more hard escape, less maintenance.

25 MR. LINGENFELTER: All right.

26 MS. FREEMAN: We have to be careful, too, about how
27 much you talk about the design of the road and the island. I
28 know the township does have a resolution that they adopted
29 several years ago that specifies, like, three different design
30 options for permanent cul-de-sacs and that is what the Service

1 Department should be enforcing as far as, you know, when these
2 new subdivisions come up in front of them, in conjunction
3 with, you know, Lake County Engineer and their standards as
4 well.

5 And I know we've had a changeover in Service
6 Department directors, too. The former one really loved these
7 cul-de-sacs with the islands in the middle and everything, and
8 I am not really sure on the position of the current Service
9 Department director. But as a matter of policy, I mean, I
10 know that the township doesn't want to have to be responsible
11 for the maintenance of these. But I can get a little feedback
12 from Tim Brown, the Service Department director, to see if
13 he's got any thoughts on it and get back with you, let you
14 know.

15 But are we still good with putting them in as the
16 "shoulds" for right now?

17 MR. PETERSON: I'm good.

18 MS. FREEMAN: All right. I just want to make it
19 clear that, who is going to be responsible for that.

20 CHAIRMAN REPPERT: Okay.

21 MS. FREEMAN: And then the other item under 16.27,
22 with the addition of B, this talks about the orientation of
23 the dwelling to try to appreciate the topography and the
24 natural features.

25 The next section, 16.28, for the preapplication
26 conference, we talked about previously, rather than just
27 pointing to the Lake County Subdivision Regulations as far as
28 what needs to be shown on that con -- that sketch plan at the
29 preapp, just including those in here so they don't have to
30 cross-reference someone else's requirements. So we listed

1 those here.

2 That's really it unless we missed anything or if
3 there's any other thoughts that you guys had.

4 MR. LINGENFELTER: No. It looks good.

5 MR. IAFELICE: Looks good.

6 CHAIRMAN REPPERT: The only thing after that is 5.

7 MR. PETERSON: Okay.

8 CHAIRMAN REPPERT: Okay. Well, at least we're
9 narrowing things down.

10 MS. FREEMAN: Yes.

11 CHAIRMAN REPPERT: The scope is not getting bigger,
12 it's getting smaller.

13 Okay. Microdistilleries.

14 MR. LINGENFELTER: Oh, boy.

15 CHAIRMAN REPPERT: Microdistilleries, you sent
16 something out with all your research that said a whole bunch
17 of people had this and then a lot of townships and towns and
18 cities don't have anything.

19 MS. FREEMAN: Right.

20 CHAIRMAN REPPERT: So we're well ahead of the game,
21 I think.

22 MS. FREEMAN: Yeah, I was, you know, in the memo I
23 sent, we did, Marty and I reached out to all the active
24 distillery permit holders in Ohio and barely got any
25 responses, you know. So I shared those responses with you.
26 Unfortunately, I don't think it's going to help make your
27 decision any easier as far as how you want to change either
28 the definition or capacity or what of microdistilleries.

29 But I think the theme was that I was hearing from,
30 specifically, Willoughby, they were concerned about the

1 manufacturing plant would be too large for some of the
2 businesses districts and that's why they capped it at 50,000.
3 Other communities took the approach of capping the square
4 footage used towards it. Right now, we don't have any maximum
5 square footage but rather it's limited on the capacity.

6 CHAIRMAN REPPERT: But we do have a percentage,
7 right?

8 MS. FREEMAN: We have a percentage comparison
9 between the two, you know. It has to have that retail,
10 tasting room, restaurant component in conjunction with it.

11 CHAIRMAN REPPERT: Right.

12 MS. FREEMAN: It has to be at least 20 percent of
13 the floor area used for that but, overall, there is no cap.
14 So they could have a 20,000 square foot operation and 2,000
15 square feet -- or 4,000 square feet for the restaurant and 16
16 towards --

17 MR. PETERSON: I looked up some numbers on the
18 internet and it said, in 2018, there were 1,835
19 microdistilleries in the United States, and the average one
20 put out 4,508 cases of distilled beverage. And it's a, they
21 call it a 9 liter case, which translates to 2.378 gallons per
22 case. So, anyhow, the average gallons is 10,720 out of all
23 the microdistilleries in the United States, 10,720 gallons a
24 year. That's average, just worth noting, you know.

25 MS. FREEMAN: Yeah, that's interesting.

26 CHAIRMAN REPPERT: Now, that doesn't mean that, if
27 we go to 25,000, that he has to go to that.

28 MR. PETERSON: Right. He probably wouldn't.

29 CHAIRMAN REPPERT: Well, probably not.

30 MR. PETERSON: Yeah.

1 CHAIRMAN REPPERT: Because that's a lot of liquor.

2 MR. PETERSON: Yeah. You know what? We're probably
3 only going to get one of these things, you know.

4 CHAIRMAN REPPERT: Yeah.

5 MR. PETERSON: So it's not like it's going to be a
6 big issue in that respect.

7 CHAIRMAN REPPERT: So what all do we have to discuss
8 with respect to the microdistillery, the gallons?

9 MS. FREEMAN: I think that was kind of the last open
10 item, you know. Based on the previous information we had in
11 our last meeting was, do we take it up to 25? Do we take it
12 to 50? And how do we -- Do we go up to 100 because that's
13 what the state would allow you to do?

14 CHAIRMAN REPPERT: That's what the state has, yeah.

15 MS. FREEMAN: We still have the combinations for
16 that use should they exceed that, whatever that number is,
17 whatever we determine, because then, at that point, they could
18 be considered a distillery and then located in the industrial
19 district.

20 CHAIRMAN REPPERT: A distillery. Well, with all the
21 information you've received, I am willing to, I am willing to
22 go to the 25 for Concord Township, take it from the existing 8
23 and go up to the 25. I don't think we have to go to 500 --
24 or, I am sorry, 50 thousand or 100. I just don't think it's
25 appropriate for a township, as we see it. What did we say,
26 semi rural or semi -- What do the words say? I don't know.

27 Any other thoughts, folks?

28 MR. PETERSON: I agree with you. Twenty-five is,
29 you know, maximum. That gives you plenty of room. If you're
30 the average one, you're only going to make 10,000. So 25

1 gives a, I think, opens up a pretty good ceiling.

2 MR. SCHINDLER: Do we have anybody coming in yet or
3 showing interest in doing this in the township?

4 MS. FREEMAN: There was one user that was
5 potentially looking who was, basically, that kind of
6 kick-started this whole review of this.

7 CHAIRMAN REPPERT: Right.

8 MS. FREEMAN: They were concerned with our cap at
9 the 8,000, that that would not allow them to compete
10 regionally and was looking for an upwards of 25,000. You
11 know, they wouldn't start out with that but the ability to
12 grow to that should they locate in the township.

13 MR. SCHINDLER: Okay. So 8,000, they felt, was too
14 restrictive.

15 MS. FREEMAN: Yeah.

16 MR. PETERSON: You know, if we agreed to 25,000 and
17 it's always stayed below that, fine. But if they did grow and
18 it was a lucrative business and it was benefiting the
19 community and they came in and asked for an expansion, we
20 could always change it, you know, if it were to the benefit of
21 Concord.

22 CHAIRMAN REPPERT: Yeah, we could, agreed.

23 MR. IAFELICE: I have a question, Mr. Chairman.

24 Heather, in the zoning regs, I could not find the
25 location of where the 8,000 gallons is.

26 MS. FREEMAN: It's in the definition.

27 MR. IAFELICE: Oh, definition.

28 MS. FREEMAN: Of microdistillery, yeah. It's in
29 Section 5.

30 MR. IAFELICE: Oh, okay.

1 MS. FREEMAN: Go to Number 126.

2 MR. IAFELICE: Interesting, that's interesting.
3 It's in the definition, it's not in 13.35, which is
4 Microdistillery, which only, as you pointed out, Hiram, it
5 talks about the bar/tasting room shall be restricted to 20
6 percent or not less than 20 percent of the total floor area.
7 You would think that a definition of "microdistillery" has
8 nothing to do with the amount of gallons and that the gallons
9 should be in the 13.35. Again, that's probably why I wasn't
10 looking in the right place.

11 MS. FREEMAN: Yeah, that's okay. There were a lot
12 of communities that put it as part of their definition.

13 MR. IAFELICE: Their definition, okay.

14 MS. FREEMAN: And then I think some, most of these
15 that limited it based on use capacity, it was part of their
16 definitions or as their specific condition, one or the other.
17 A quick glance at the ones that we did before, I've seen them
18 in the definition.

19 CHAIRMAN REPERT: Frank, any comments on 25,000?

20 MR. SCHINDLER: Twenty-five is fine with me.

21 CHAIRMAN REPERT: Okay, Andy, what are your
22 thoughts?

23 MR. LINGENFELTER: I would, I would like to stay
24 with whatever the Ohio guidelines are, whatever they are.
25 What is it, 50,000? Is that what --

26 MR. IAFELICE: Fifty.

27 MS. FREEMAN: They could go, with the state of Ohio
28 regulations, they could have, they could brew up to 100,000
29 gallons per year and still have that restaurant or retail
30 component associated with it in the same building, separate,

1 you know, kind of unit.

2 I did learn that, in speaking to a couple distillery
3 owners, there has to be a separation, obviously, of the
4 restaurant and the production facility. You can't have staff
5 going from one area to the other. So each unit within that
6 building has to be secure within itself because of the
7 products that they're making and the production. I found that
8 interesting. I didn't realize that. I didn't know that. But
9 it's 100,000.

10 MR. SCHINDLER: To give us some kind of flexibility,
11 could we put this like under a conditional use?

12 MS. FREEMAN: What?

13 MR. SCHINDLER: Could we put this maybe under a
14 conditional use as far as the gallons, for example?

15 MS. FREEMAN: Well, it is a conditionally permitted
16 use. But if they exceed that brewing capacity based on the
17 way that it is defined, then it doesn't qualify as that.

18 MR. SCHINDLER: Right.

19 MS. FREEMAN: So, I guess, we could propose to
20 change the way you regulate it and take the capacities out of
21 the definition and put them as conditions, you know, that they
22 have to comply with. And then if they could comply with that
23 maximum brewing capacity, then they could go for a variance.
24 We just have to switch how, you know, we are regulating it
25 currently.

26 MR. LINGENFELTER: So what are we doing on -- So
27 what's your, Hiram, what's your thought on beer for a brewery?

28 CHAIRMAN REPERT: What do we have there now,
29 10,000?

30 MR. LINGENFELTER: Ten thousand barrels.

1 CHAIRMAN REPPERT: Ten thousand barrels.

2 MR. LINGENFELTER: So that's something, I think, if
3 you look at, because if you were going to say, if you're going
4 to put 25,000 proof gallons on liquor, that would be the
5 equivalent of 5,000 barrels of beer because there is about 5
6 gallons of beer in a, 5 point something -- don't ask me how I
7 know that -- just 5.15 or 5, close to 5 and a half gallons, I
8 think, per barrel. So if you say, so if you were to say
9 10,000 barrels of beer, that's 50,000 gallons of beer versus
10 if you -- So to curtail, if you want the two to be, if you
11 want the two to be similar in terms of quantities, then it
12 would be 5,000 barrels, 5,000 barrels of beer and 25,000 proof
13 gallons. If you're going to do 10,000 barrels of beer, then
14 you would have to go to 50,000 proof gallons for them to be on
15 the same plane, you know, or the same equivalency.

16 CHAIRMAN REPPERT: Unless you are looking at alcohol
17 equivalency, not just talking beer at 7 and liquor at 40,
18 minimum. So that's a big difference in alcohol content.

19 MR. LINGENFELTER: Right.

20 CHAIRMAN REPPERT: I don't know what their intent
21 is. I don't know. If that's what they're looking at, we're
22 way off. There is a big spread. But if you're just looking
23 at beer and liquor as equivalent for alcohol content, then
24 you're right.

25 MR. LINGENFELTER: I am thinking in terms of
26 production.

27 CHAIRMAN REPPERT: Yeah, in barrels or gallons.

28 MR. LINGENFELTER: Right. I am just thinking in
29 terms of production. I am not thinking about --

30 CHAIRMAN REPPERT: Alcohol content at all.

1 MR. LINGENFELTER: -- alcohol content. I am not
2 even considering that as a part of the equation. I am
3 thinking limiting, if you are limiting beer production -- or
4 if you're going to limit alcohol production, then whatever you
5 limit the alcohol production should be applied, at least, in
6 my thinking, to the beer production.

7 So like I said, if you are going to limit to 25,000
8 proof gallons of liquor, then you would have to drop it to
9 5,000 barrels of beer to have them be on -- because it's
10 production. Your distillery or your microbrewery, they're not
11 going to look at this from a basis of alcohol content.
12 They're going to look at this in production capability, right?
13 Because that's, at the end of the day, that's what drives
14 their business, you know, from a business standpoint. It's
15 not --

16 CHAIRMAN REPPERT: Not the percent alcohol.

17 MR. LINGENFELTER: Yeah, not the percentage of
18 alcohol content. It's based on how much can they produce
19 because, at the end of the day, that's what's going to affect
20 their ability to make money. How much can they produce,
21 right?

22 CHAIRMAN REPPERT: Okay. Then look at it that way.

23 MR. LINGENFELTER: Okay.

24 CHAIRMAN REPPERT: One gallon or liter or quart or
25 750 or whatever of liquor is 30 bucks. Put that to a case of
26 beer. So --

27 MR. LINGENFELTER: In microbrewery terms, you're not
28 buying a 24 pack. You're not buying a 30 pack. You're buying
29 a four pack or you're buying singles and you're paying -- I
30 mean, my son just came over for Easter. He had some beer that

1 he got from a brewery down in southern Ohio. It was some
2 berry -- They were 8 ounce cans, 8 ounce cans, not 12 ounce
3 cans. They were 8 ounce. I looked at the can, it was like,
4 what the heck?

5 CHAIRMAN REPPERT: That's a 7 ounce pony bottle.

6 MR. LINGENFELTER: Yeah, it didn't even look like --
7 It was an 8 ounce can, which was a smaller can. And I think,
8 I want say that he paid \$30 for one beer. I mean, they're
9 expensive. These, the stuff that they're producing in these
10 microdistilleries or these microbreweries are not Bud Light
11 and Miller Lite, Mic Ultra.

12 CHAIRMAN REPPERT: Oh, heavens, no.

13 MR. LINGENFELTER: You're not going in there and
14 you're not buying a 24. You're not buying a case of beer.
15 You're buying a four pack, you're buying singles, and you're
16 paying 8, 10, 12, 15, 20 dollars a can, 20 dollars a bottle,
17 30, 40 dollars a bottle, 30 dollars a can, you know. So it's
18 a different, it's a different game. It's a much different
19 game than what -- You've got to take your mind out of the, you
20 know, the beer distributor, you know, beer store, you know,
21 the convenient store to, this is a whole different ball game.

22 MR. PETERSON: To get back to the volume, though, if
23 the average microdistillery is 10,700 gallons and we're at 25,
24 we're giving them plenty of room to grow. Anything beyond
25 that might be scary because we don't know what we're getting
26 into, you know. This is all new to us. And 100,000, who
27 knows what we would get.

28 MR. LINGENFELTER: I am not in favor of 100,000, I
29 am not.

30 MR. PETERSON: Or even 50.

1 MR. LINGENFELTER: Because I think, at 100,000, I
2 think you cross the line.

3 MR. PETERSON: Yeah.

4 MR. LINGENFELTER: I think you're crossing the line
5 from a micro --

6 CHAIRMAN REPPERT: To a distillery.

7 MR. LINGENFELTER: -- to a true distillery.

8 MR. PETERSON: Even at 25,000, you're crossing the
9 line because the average is 10, you know. So 25 gives plenty
10 of room for somebody to come in and experiment.

11 MR. LINGENFELTER: All right. So, okay, so we do
12 the 25,000 on the liquor. What do we do on the beer?

13 MR. PETERSON: That wasn't even an issue, was it? I
14 think we're just talking distillery, right?

15 MS. FREEMAN: With the microbrewery, we were at
16 15,000 gallons.

17 MR. PETERSON: Okay.

18 MR. LINGENFELTER: Fifteen?

19 MS. FREEMAN: I think you might have said 10. But,
20 yeah, as far as I know, we weren't proposing to change that.
21 I don't remember exactly why we based it on that. I would
22 have to look into that. I did see a lot of other communities
23 have that microbrewery right around 15,000. So --

24 MR. PETERSON: But that wasn't on the table, I don't
25 think. It was strictly liquor.

26 MR. LINGENFELTER: Right.

27 CHAIRMAN REPPERT: No, it wasn't, it wasn't.

28 MR. LINGENFELTER: I just don't want to think in
29 terms of proof and alcohol content. I want to think in terms
30 of production.

1 MR. PETERSON: No, volume, production volume.

2 MR. LINGENFELTER: People have a business. They're
3 trying to have a business and they're trying to do something
4 that they're going to be able to make a profit on.

5 MR. PETERSON: Right.

6 CHAIRMAN REPPERT: Right.

7 MR. LINGENFELTER: And to produce something. And if
8 we curtail that to a point where they can't make a profitable
9 venture out of it, what's going to be their motivation to come
10 here? There isn't going to be one. That's my only thought.

11 CHAIRMAN REPPERT: I think that's why we are talking
12 8 thousand versus 25.

13 MR. PETERSON: Right. Giving them two and a half
14 the national average. Can we vote on the 25 and see where it
15 goes?

16 CHAIRMAN REPPERT: We can. Like you said, if
17 something comes up, we can always change it.

18 MR. PETERSON: Okay. I will make a motion that we
19 limit it at 25,000 gallons.

20 MR. IAFELICE: Discussion, Mr. Chairman?

21 CHAIRMAN REPPERT: Sure.

22 MR. IAFELICE: My thoughts are the data, the
23 research is inconclusive.

24 CHAIRMAN REPPERT: Very much so.

25 MR. IAFELICE: The standards of the state seem far
26 more liberal than a Concord Township could tolerate. The
27 presence in Lake County of, what, we have one, two, three
28 microdistilleries now. Willoughby, Leroy, and Perry, I think,
29 are the three in Lake County.

30 CHAIRMAN REPPERT: Yeah, I don't think Doc Howard is

1 on that one but that's all right.

2 MR. IAFELICE: Yeah, no, it is. I believe that's
3 the one listed here in Perry.

4 CHAIRMAN REPPERT: I think that was Perry Township
5 or Perry.

6 MR. IAFELICE: It's Perry Township, Lane Road, it is
7 Doc Howard's. It comes under a different name.

8 CHAIRMAN REPPERT: Yeah, yeah, Lane Road.

9 MR. IAFELICE: It was under a different name, doing
10 business as a different name, Traditional and Innovative
11 Spirits.

12 Anyhow, having said all that, I hate to say I am
13 throwing at darts but the data that Rich just shared about the
14 national average seems to be compelling to suggest that, you
15 know, a value of 25,000 is as good as anything to establish
16 and then evaluate it in the future. So --

17 CHAIRMAN REPPERT: If it ever comes up again, if we
18 have a competing distillery.

19 Frank, what do you think?

20 MR. SCHINDLER: I agree with Rich, probably 25 would
21 be the best.

22 CHAIRMAN REPPERT: Twenty-five is okay?

23 MR. SCHINDLER: Yeah. I've been to these kind of
24 distilleries in the past. And you know what the focus has
25 always been on? Each one of these have unique types of beers
26 that they make. And the several that I've been to is the
27 majority of the people when they come in there, especially if
28 I come in to eat, they get what they call a sampler and they
29 drink a sampler rather than a can. And the samplers seem to
30 be the biggest draw for people that come in.

1 And some of the breweries make 12, 15 types of beer.
2 Then the people come in that have that, basically, it's the
3 biggest draw. And that's where they make the money, really,
4 on the samplers because you pay so much for each one of those
5 little babies. And all they are, it's a sampler. It's a
6 small, get a couple gulps out of it and then you go on to the
7 next one, and that's the biggest thing.

8 So I think the number 25, I think, is a good number.

9 CHAIRMAN REPPERT: Okay. We've got a motion from
10 Rich Peterson for 25,000.

11 MR. IAFELICE: I will second.

12 CHAIRMAN REPPERT: Second. Any further discussion?
13 All those in favor? Opposed?

14 (Four aye votes, one nay vote.)

15 CHAIRMAN REPPERT: Nay. Four to one.

16 MR. LINGENFELTER: I will be a contrarian today.

17 CHAIRMAN REPPERT: It passed. Yeah, you are being a
18 real SOB. No.

19 Okay. Anything else on microdistilleries?

20 MS. FREEMAN: I think we're in good shape then.
21 What I will do for the next meeting, if you'd like, is I will
22 just get these in a format that will be one step closer to
23 getting ready to actually initiating some kind of amendment.

24 CHAIRMAN REPPERT: Okay.

25 MS. FREEMAN: We can do, if you want, we can do it
26 as a stand-alone zoning text amendment, you know, just doing
27 the updates to the distilleries and breweries that we've been
28 talking about or we can wait and do that, couple it with
29 whatever changes we're going to do with RCD. It is up to this
30 board. But we can have multiple amendments under the same

1 public hearing because what would have to happen -- you know,
2 Rich, you've never been through this before -- the Zoning
3 Commission would initiate any text amendments through the
4 passing of a motion, a first and second, and then we schedule
5 a public hearing. And we can have it on multiple different
6 parts of the text. And then you would make a recommendation
7 to the Board of Trustees, pass it on to the Trustees and they
8 would schedule a public hearing. Then they would have their
9 public hearing, hearings, close the hearing and then and vote.
10 And then if it passed, whatever sections -- They would vote on
11 each individual section of the amendment. And then whatever
12 passed would become effective in 30 days.

13 MR. IAFELICE: Okay.

14 CHAIRMAN REPERT: What's been done in the past?

15 MS. FREEMAN: It just depends. We've done a lot.
16 We've done individual and we've done ones that affected lots
17 of sections of the Zoning Resolution. We've been kind of
18 working on these two simultaneously.

19 CHAIRMAN REPERT: Right.

20 MS. FREEMAN: So it is really up to you guys. If
21 you want to -- I can just get it ready and we'll see where
22 we're at next month and kind of go from there.

23 CHAIRMAN REPERT: Do we have to do it here, notify
24 the public, and then do it at the next meeting, the meeting
25 after that?

26 MS. FREEMAN: Yeah. So assuming that next month you
27 would be ready to maybe initiate it, you would then pick the
28 date for that, for that hearing as well.

29 CHAIRMAN REPERT: Okay.

30 MS. FREEMAN: Yeah, yes. And then we would do the

1 proper legal notice and then hold a hearing on that. Usually,
2 our normal Zoning Commission meeting, we can meet those
3 deadlines for the Ohio Revised Code. I just have to take a
4 look at the calendar and make sure.

5 CHAIRMAN REPPERT: Okay.

6 MS. FREEMAN: Because I know we have, you know, for
7 the RCD, I will go back and take a look at the, give you more
8 feedback on the perimeters or where the houses are.

9 CHAIRMAN REPPERT: I think we're closer on the
10 microdistilleries than we are the RCD.

11 MS. FREEMAN: And with the RCD amendments, too, I
12 didn't share that with any of the development community yet
13 because you guys hadn't seen it yet. So if you want me to, I
14 can reach out to a couple developers based on what we have now
15 and get some feedback. That way, next month, we can discuss
16 more of the perimeter setback.

17 CHAIRMAN REPPERT: Right, yeah.

18 MS. FREEMAN: Or if you don't think it's ready yet,
19 we can hold off. So --

20 CHAIRMAN REPPERT: No, I think we're getting ready
21 for the building season. Maybe they're looking at -- Any
22 input we get from them within the next month or two, it's
23 better.

24 MS. FREEMAN: Okay.

25 CHAIRMAN REPPERT: Okay?

26 All right. Moving along, approval of the minutes of
27 the March 2nd meeting.

28 MR. PETERSON: Mr. Chairman, I make a motion we
29 approve the March 2, 2021, meeting minutes as written.

30 CHAIRMAN REPPERT: Do I have a second?

1 MR. SCHINDLER: I second.

2 CHAIRMAN REPPERT: All those in favor say aye.
3 Opposed?

4 (Five aye votes, no nay votes.)

5 CHAIRMAN REPPERT: Hearing none, we're approved.

6 MR. LINGENFELTER: See, I am not a complete
7 contrarian today.

8 CHAIRMAN REPPERT: Okay. Correspondence report.
9 Frank, do you have anything?

10 MR. SCHINDLER: Nothing, Mr. Chairman.

11 CHAIRMAN REPPERT: Andy?

12 MR. LINGENFELTER: Yes. I received a couple of
13 phone calls and an email from some residents with regards to
14 the development that's being considered over off of Hoose
15 Road. So people are, obviously, engaged. They're aware of
16 what's going on. There is interest. Nothing, you know,
17 nothing bad. It was all just people, I think, more
18 informational, just looking for information, trying to find
19 out what was going on.

20 CHAIRMAN REPPERT: How did they hear about the
21 development?

22 MR. LINGENFELTER: From the special meeting we had.

23 CHAIRMAN REPPERT: Okay, okay.

24 MR. LINGENFELTER: A lot of people were looking at
25 that.

26 CHAIRMAN REPPERT: All right.

27 MR. LINGENFELTER: They were looking at the meeting
28 transcripts from that meeting that we had, you know, with the
29 trustees. That was part of it with the presentation from
30 Smul. You know, that was all part of it. But other than

1 that, I think it was three phone calls and one email, and one
2 of the phone calls was the person that sent the email. So it
3 was, basically, it was the same person. So, yeah, three.
4 That's it for me.

5 CHAIRMAN REPPERT: Rich?

6 MR. IAFELICE: Yes, Mr. Chairman. I did receive a
7 correspondence to bring to the attention of the Zoning
8 Commission this evening, both a phone call as well as an
9 email, which I have in front of me from Tony Milam, a long-
10 acquainted friend but also owner of Sunny Street Cafe here in
11 Concord.

12 He's brought up an issue regarding a section of the
13 zoning regulations for outside dining, specifically, 13.33.
14 In his email, he explains that 13.33, specifically E, limits
15 the outdoor seating capacity for dining within the various
16 districts prescribed here to not exceed 25 percent of the
17 seating capacity indoors.

18 And restaurant patrons, including himself,
19 obviously, are finding it a great necessity to have outdoor
20 dining spaces, as he indicated in his email to me, and
21 especially in today's COVID-infected world.

22 So his question brought to raise before the members
23 here today is that the section has forced many to seek a
24 variance and an amendment to a conditional use permit, and
25 those variances are costly and approaching \$1,200, as he's
26 indicated here. I presume that's correct. He's suggesting
27 it's a \$1,200 process. He's not sure this is the intention of
28 any part of the code. Is there any zoning benefit to limit
29 outdoor seating when other parts of the fire code and the
30 building code already protect egress and occupancy levels?

1 He would like us to consider that that Section
2 13.33(E) to be brought up for discussion and discuss its merit
3 and benefit for consideration of how it would be, potentially,
4 discussed and/or modified in the future.

5 I did indicate back to him, after consulting with
6 Heather, that we could bring it to the attention of the
7 members here this evening.

8 MR. LINGENFELTER: What was that section again,
9 Rich? What was that? What was the section?

10 MR. IAFELICE: Oh, 13.33(E), Outside Dining,
11 specifically says, "The outside seating capacity shall not
12 exceed 25 percent of the restaurant's seating capacity
13 indoors." As he explained to me via telephone but also in his
14 email, there are many code provisions, both fire and building
15 and safety, that relate to seating capacity indoors and
16 outdoors for restaurants. He's asking us to review this
17 restriction that's in 13.33(E). And as I read, it looks like
18 it was generated some 12, 13 years ago, it appears, 2007, when
19 this part of the regulation was adopted.

20 MR. SCHINDLER: Would you mind sharing that email
21 with us?

22 MR. IAFELICE: Absolutely, I will do that.

23 CHAIRMAN REPPERT: Okay. Anything else?

24 MR. IAFELICE: That's all I received, Mr. Chairman.

25 CHAIRMAN REPPERT: Okay, that's good.

26 Rich?

27 MR. PETERSON: I had one email from a resident on
28 Hobby Horse asking questions about the Canterbury
29 development. I responded. The person wrote back and thanked
30 me for responding, and just curious, didn't seem upset.

1 CHAIRMAN REPPERT: Okay. And like I mentioned last
2 month, I had one person emailed me, who was a cohort of where
3 I worked before and he said, "I am interested. Keep me
4 informed as to what's going on with Canterbury," or whatever,
5 Canterwood, whatever, but he was interested, also. So it
6 looks like a lot of people are interested in that development.
7 That's it.

8 Audience participation. Anybody online, Heather?

9 MS. FREEMAN: No, there is no one else on the phone.

10 CHAIRMAN REPPERT: Nobody's on the phone, so we can
11 skip by audience participation.

12 Number 6, election of chairman and vice chairman. I
13 open, I hereby open the nominations for chairman.

14 MR. PETERSON: Mr. Chairman, I nominate Andy
15 Lingenfelter for chairman for next year.

16 CHAIRMAN REPPERT: Do I hear a second?

17 MR. SCHINDLER: I second.

18 MR. LINGENFELTER: You would, Frank.

19 CHAIRMAN REPPERT: Do we vote now or do we have any
20 other nominations? (No response.) Okay. Let's vote.

21 All those in favor of Andy being chairman for next
22 year say aye. Opposed?

23 MR. LINGENFELTER: I'll abstain.

24 CHAIRMAN REPPERT: I'll abstain, okay, one
25 abstention.

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

27 CHAIRMAN REPPERT: Congratulations. Here (Handing
28 gavel).

29 MR. LINGENFELTER: Oh, boy.

30 CHAIRMAN REPPERT: Pass the gavel. Oh, no, you've

1 done that before.

2 Okay. Vice chairman or, yeah, vice chairman, open
3 nominations for vice chairman.

4 MR. PETERSON: Mr. Chairman, I nominate Rich
5 Iafelice for vice chairman for next year.

6 MR. LINGENFELTER: I'll second.

7 CHAIRMAN REPPERT: Any other nominations? (No
8 response.) Okay. Nominations are closed.

9 All those in favor of Rich Iafelice as vice chairman
10 for next year say aye. Opposed?

11 MR. IAFELICE: Abstain.

12 CHAIRMAN REPPERT: Abstain.

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

14 CHAIRMAN REPPERT: Okay, passed. So we have Andy
15 Lingenfelter as our chairman and Rich Iafelice as our vice
16 chairman.

17 Next meeting, May 4th. I don't believe it's May
18 already -- not yet but it will be soon. So everybody stay
19 well. And who hasn't had all their shots?

20 MR. IAFELICE: Second one coming.

21 CHAIRMAN REPPERT: Second one coming soon. I've had
22 two plus two weeks. So with that --

23 MR. IAFELICE: Before you close, Mr. Chairman, is it
24 appropriate to suggest this item be placed on the agenda?

25 CHAIRMAN REPPERT: For next week or next month?

26 MR. IAFELICE: Is that something I --

27 CHAIRMAN REPPERT: Sure, yeah, we can all take a
28 look at it.

29 MR. IAFELICE: Okay. I don't know if you establish
30 the agenda is all I am asking.

1 CHAIRMAN REPPERT: Heather is the one that writes it
2 up. So --

3 MS. FREEMAN: At your pleasure.

4 MR. PETERSON: You're the vice chairman anyways.

5 CHAIRMAN REPPERT: Yeah, as of next meeting, yes. I
6 guess as of right now you are. Sure, I am going to take a
7 look at 13.3.

8 MR. LINGENFELTER: Yeah, I am going to take a look
9 at it, too. I think we should. It's a legitimate question.

10 CHAIRMAN REPPERT: It sure is.

11 MR. LINGENFELTER: I think we should review it. I
12 don't think there is anything wrong with that.

13 MR. PETERSON: Especially --

14 MS. FREEMAN: I would be happy to look at any
15 variances that the BZA has approved or granted or what came
16 before them so you have a little bit of information.

17 MR. PETERSON: Very good.

18 CHAIRMAN REPPERT: See how many there are.

19 MS. FREEMAN: Yeah.

20 CHAIRMAN REPPERT: That's a good way to do it, have
21 the number of BZA issues and then we've got to think about
22 changing it.

23 Okay. With that, the meeting of April 6 for the
24 Zoning Commission of Concord Township is hereby adjourned.

25 (Whereupon, the meeting was adjourned at 8:39 p.m.)

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1 STATE OF OHIO)
2 COUNTY OF CUYAHOGA)

CERTIFICATE

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

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

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

17 IN WITNESS WHEREOF, I have hereunto set my hand
18 and affixed my seal of office this 29th day of April 2021.

19 Melinda A. Melton
20 Melinda A. Melton
21 Registered Professional Reporter

22 Notary Public within and for the
23 State of Ohio

24 My Commission Expires:
25 February 4, 2023

