

CONCORD TOWNSHIP ZONING COMMISSION  
LAKE COUNTY, OHIO  
REGULAR MEETING

Meeting held via YouTube Live Streaming

Concord Town Hall  
7229 Ravenna Road  
Concord, Ohio 44077

July 6, 2021  
7:00 p.m.

TRANSCRIPT OF PROCEEDINGS

Zoning Commission members present:

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

Also Present:

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

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

1  
2 CHAIRMAN LINGENFELTER: Good evening. I would like  
3 to call this Concord Township Zoning Commission meeting to  
4 order Tuesday, July 6. We have a relatively light agenda this  
5 evening, so we will just kind of dive right in here.

6 Item Number 1 under New Business is a site plan  
7 review, Application Number 043, by Creative Construction Group  
8 LLC, for a proposed medical office building located on Auburn  
9 Road, current permanent parcel number 08-A-020-0-00-026-0.

10 So we have a staff report on this that we were able  
11 to review, and we also have the application with some  
12 additional information, some plans, some drawings.

13 Heather, do you want to give us a, kind of, a high  
14 level view of what we're dealing with here from the staff  
15 report?

16 MS. FREEMAN: Sure, Mr. Chairman. Thank you. So  
17 the project tonight entails a new medical office building,  
18 just under 5,000 square feet, on Auburn Road across the street  
19 from the assisted living facility south of Capital Parkway,  
20 property zoned Capital District. I thought the project was  
21 well presented to the township, very complete. The landscape  
22 plan, the civils were -- met most of the requirements.

23 I do just have a couple of recommendations as far as  
24 a conditional approval. We did get a little bit of feedback  
25 from our Fire Department and also in regards to the proposed  
26 wall that's required as part of the Capital District. It does  
27 state that the wall needs to be, a maximum height should be 3  
28 feet in height. They're proposing 4. So they could take that  
29 down to 3 feet. And putting the evergreens in between  
30 columns, in my opinion, met the intent of what that screening

1 wall was designed for.

2 But I know the applicant is here and would be happy  
3 to walk you through the project, if you want to hear --

4 CHAIRMAN LINGENFELTER: Yeah, okay. Is the  
5 applicant hear this evening?

6 MR. BROOKS: Yes.

7 CHAIRMAN LINGENFELTER: Why don't you come on up and  
8 state your name and address for the record and give us a  
9 little presentation on your application.

10 MR. BROOKS: Okey-doke. Good evening. Bill Brooks,  
11 Creative Construction. We are here to discuss -- Thank you so  
12 much for seeing us today and allowing us to present. We are  
13 presenting a proposal to build a new medical office building  
14 for Dr. Mohseni on Auburn Road. With me today, I have Rob  
15 Shearer, with Myers Architects; Chuck Szucs, with Polaris  
16 Engineering; Jodi McCue, with McCue Landscaping Design; and  
17 Dr. Mohseni, with -- who owns and operates Vein Clinics of  
18 Lake County.

19 As Heather said, our building is just under 5,000  
20 square feet proposed, 3,500 of the -- 3,500 square feet will  
21 be occupied by Dr. Mohseni for her clinic and then the rest,  
22 the back part of the building, will be used for tenant space,  
23 for future tenant space down the road.

24 We are shooting -- I don't know if you guys got the  
25 schedule. I am guessing you did.

26 CHAIRMAN LINGENFELTER: Yeah.

27 MR. BROOKS: We're hoping for an August start, with  
28 completion probably spring of 2022. The only thing we're  
29 waiting on really right now is your approval and then we have  
30 submitted to the Army Corps of Engineers for a permit. There

1 is wetlands on the site, so we're waiting for them to respond  
2 back on whether they're going to come out and visit the site.  
3 If they do choose to come out and visit, that could delay  
4 things. We are avoiding half of the site for the wetlands  
5 that's been discovered on the site and we're impacting less  
6 than .1 acres of wetland. So we feel very strongly that we  
7 have a good case for them to move forward with our plan.

8 So I am here to field any questions you may have. I  
9 have the group with me. Dr. Mohseni would like to address the  
10 group, if you will allow, just to explain her practice. She  
11 currently is operating in Lake Health, on the third floor of  
12 Lake Health, and she is very much looking forward to getting  
13 moving on this project.

14 So if you will permit me, I would like to --

15 CHAIRMAN LINGENFELTER: Sure.

16 MR. BROOKS: Dr. Mohseni, let her come up and  
17 address the group.

18 CHAIRMAN LINGENFELTER: Sure, absolutely.

19 MR. BROOKS: And then I'll address your questions.

20 CHAIRMAN LINGENFELTER: Okay.

21 MR. BROOKS: Thank you very much.

22 CHAIRMAN LINGENFELTER: Thank you.

23 MR. BROOKS: Dr. Mohseni.

24 DR. MOHSENI: Hello. How are you?

25 MS. FREEMAN: Hello.

26 DR. MOHSENI: We spoke on the phone. We met.

27 MS. FREEMAN: Yes.

28 DR. MOHSENI: It is nice to meet you in person.

29 Well, thank you very much for having me tonight. I  
30 am Dr. Mohseni, as I was introduced. I have been a physician

1 in Lake County for as long as I remember, actually, about 20  
2 years maybe. Initially, I was a --

3 THE REPORTER: Could you speak up?

4 DR. MOHSENI: Sure. Initially, I worked as a primary  
5 care with Lake Hospital System, that was from 2007 to 2013.  
6 And then I became involved with the vein clinic and I decided  
7 to change specialty, basically, going through additional  
8 training and such. So in 2013, I opened my own practice and  
9 my very first office has been, and up until now, has been at  
10 TriPoint.

11 So, basically, we are approaching about eight years  
12 through the practice of the vein clinic. I am not sure if you  
13 are familiar with that. Basically, it is a vascular practice.  
14 I treat varicose veins. And we also have wound clinic, so I  
15 treat patients with chronic wounds. This has been a very  
16 successful practice and I love to practice in Lake County.  
17 It's a great place to be at.

18 Now, after eight years, I have decided it is time to  
19 move on and have my own location. TriPoint, quite honestly,  
20 is too expensive. So I figured, if I can have my own place,  
21 that would be nice, and this opportunity came about. We are  
22 planning to only make it better, both for Lake County, for the  
23 township, and for everyone around.

24 We see patients from far, far away, actually, from  
25 all surrounding counties, Geauga, Ashtabula, even further in  
26 PA, Pennsylvania, or west side.

27 So, basically, that's it. If you have any  
28 questions, I am happy to answer.

29 CHAIRMAN LINGENFELTER: Thank you very much.

30 DR. MOHSENI: Thank you.

1 MR. BROOKS: So, really, the objective here was to  
2 stay close to her current practice. Many of her patients are  
3 used to coming here, are familiar with where she's at, and the  
4 location just worked out perfect to where she acquired the  
5 land. We figured out the wetland issue and now we're ready to  
6 move forward with construction. So that was really the driver  
7 of it was to get out of the TriPoint location and have her own  
8 but have it close enough. And you guys know it's very  
9 difficult to find land around here that's zoned correctly that  
10 you can utilize the space. So we were -- She was very  
11 fortunate to find the land and negotiate that. She was able  
12 to close on the land and then move forward with this.

13 So we look forward to moving forward. I was  
14 involved in the building across the street, too, in the  
15 development and construction of the Vista Springs building.  
16 So I'm very familiar with Concord Township, the things that  
17 are needed, very familiar with Lake County, very happy to work  
18 with Heather again. So we appreciate it.

19 CHAIRMAN LINGENFELTER: We have, in our staff  
20 report, there are a number of conditions that we are -- they  
21 are making a recommendation to approve your application as  
22 long as you're willing to meet a number of conditions that are  
23 in the staff report.

24 Under Section IV, Staff Recommendations, including  
25 conditions, as appropriate, Item Number 1, "The proposed wall  
26 consisting of columns and evergreens shown to screen the  
27 parking lot as required in Section 22.10(H)(3) shall be  
28 modified to reduce the height of the columns to be 3 feet  
29 rather than 4 feet as proposed." Any issue with that?

30 MR. BROOKS: No. Jodi is here. She did the design

1 on the -- You're talking about the wall in front of the  
2 detention pond?

3 CHAIRMAN LINGENFELTER: Yes.

4 MR. BROOKS: Jodi, do you have any comments that you  
5 want to make on that?

6 If you --

7 CHAIRMAN LINGENFELTER: No, sure, absolutely.

8 If you could, ma'am, please state your name and  
9 address for the record.

10 MS. McCUE: Jodi McCue, with McCue Design Group,  
11 38614 Andrews Ridge Way, Willoughby, Ohio.

12 CHAIRMAN LINGENFELTER: Thank you.

13 MS. McCUE: So --

14 MS. FREEMAN: Do you want to use the easel?

15 MS. McCUE: Sure, thank you. Does this come off?

16 MR. BROOKS: Is that good for everybody?

17 CHAIRMAN LINGENFELTER: Yes.

18 MS. FREEMAN: It does come off, I believe.

19 MR. BROOKS: Can you see it, Rich?

20 MR. PETERSON: I am good.

21 MS. McCUE: So just for reference, the wall we're  
22 talking about runs right here, and this is an elevation. To  
23 answer your question, we don't have an objection to lowering  
24 the height. I would just ask that we could also lower the  
25 height of the evergreens that goes between it so we don't have  
26 plants that are taller than the columns, if that's a problem.  
27 So it would be more of a straight 3 foot across and would  
28 change the species of those evergreens to be consistent with  
29 that common height.

30 MR. IAFELICE: Mr. Chairman.

1                   CHAIRMAN LINGENFELTER:   Yes.

2                   MR. IAFELICE:   May I ask why that provision is in  
3 there?  What's wrong with 4 feet?  Why is it 3?  Is it the  
4 curb appeal, you want to see the building?

5                   MS. FREEMAN:   You know, I am not really sure the  
6 thought behind the 3.

7                   MR. IAFELICE:   Because I presume, by design, you had  
8 4 feet by design.

9                   MS. McCUE:   I would say that Dr. Mohseni actually  
10 would appreciate the lower height because she would like to  
11 show her building more.

12                  MR. IAFELICE:   Oh, okay.

13                  MS. McCUE:   so that would be, from her perspective,  
14 would be acceptable as well.

15                  MR. IAFELICE:   Okay.  I will withdraw that comment.

16                  CHAIRMAN LINGENFELTER:  Okay.  Since you are there,  
17 is there anything else you would to discuss with regards to  
18 the landscaping?

19                  MS. McCUE:   We just have the viewshed open to the  
20 building from the front, so the plantings are kind of  
21 splitting the difference.  So you can look through the basin  
22 and you will see that wall beyond, then shows the building  
23 between there.  We have the foundation plantings and that kind  
24 of wraps the building with providing seasonal color and  
25 interest, hearty, durable material.

26                  CHAIRMAN LINGENFELTER:  You know, as we have  
27 continued to develop and change and modify our zoning, you  
28 know, our zoning requirements and definitions and things of  
29 that nature, we've put a lot more focus over the last couple  
30 years on landscaping and design.  So we appreciate your



1 efforts and appreciate you putting together a good, solid plan  
2 for us. That definitely is something that bodes well for the  
3 community and I think it makes for a very, you know, good curb  
4 appeal from a facility and site plan standpoint.

5 MS. McCUE: Right.

6 CHAIRMAN LINGENFELTER: So we appreciate your work.

7 MS. McCUE: Thanks.

8 CHAIRMAN LINGENFELTER: Anything, any questions from  
9 the Board while she's here?

10 MR. SCHINDLER: Not with the landscaping.

11 MR. PETERSON: No.

12 CHAIRMAN LINGENFELTER: Okay. Thank you very much,  
13 appreciate it.

14 MS. McCUE: Thank you.

15 MR. BROOKS: Is that okay if we leave it?

16 CHAIRMAN LINGENFELTER: Sure, yeah.

17 MR. SCHINDLER: Yeah.

18 CHAIRMAN LINGENFELTER: Item Number 2 on the staff  
19 conditional approval list is, "The columns proposed for the  
20 parking lot screening wall shall be faced with stone to match  
21 the building." Are we okay with that?

22 MR. BROOKS: I think, yeah, we're absolutely fine  
23 with that, yes, yep, yep.

24 CHAIRMAN LINGENFELTER: "Adjust the island for the  
25 sign, or increase pavement width at the entrance of the site  
26 to address the Fire Department comments."

27 The Fire Department did make some comments. "The  
28 proposed island for the sign has a size of 10 feet. Recommend  
29 that it be reduced to 8 feet to allow easier access for fire  
30 apparatus. Alternatively, widen the pavement with 12 feet to

1 13 feet on each side of the island."

2 Also recommended "that the proposed 5 foot concrete  
3 walk be extended around the backside of the building to  
4 connect both sides."

5 MR. BROOKS: And I will let Chuck talk about the  
6 entrance.

7 Chuck, do you want to come up and --

8 Chuck, with Polaris, Chuck Szucs, with Polaris  
9 Engineering.

10 CHAIRMAN LINGENFELTER: Okay.

11 MR. BROOKS: I am guessing it's Ron was concerned  
12 about the walkway around the back of the building. Is that  
13 right, Heather?

14 MS. FREEMAN: Mr. Brooks, yes, that was Ron  
15 Terriaco, the Deputy Fire Chief, that made those comments,  
16 correct.

17 CHAIRMAN LINGENFELTER: Right.

18 MR. BROOKS: To the reason we left the walk -- For  
19 sure, we want that walkway eventually. But the reason we left  
20 the walkway out now is because that back part is tenant space,  
21 future tenant space. It won't be occupied. So that part of  
22 the building, there is nobody going to be in it. So we didn't  
23 feel the need to connect the back of the building with the  
24 sidewalk. Nobody is going to be walking around there anyways.

25 CHAIRMAN LINGENFELTER: Is that something you plan  
26 on doing once tenants become part of the --

27 MR. BROOKS: Yeah. I think I can speak for  
28 Dr. Mohseni. Yeah, absolutely, once we get some tenants, once  
29 we get a tenant or two, depending, we will finish that  
30 sidewalk for sure.

1           CHAIRMAN LINGENFELTER: Okay. So it's your, it's  
2 your intention to do that.

3           MR. BROOKS: It is our intention.

4           CHAIRMAN LINGENFELTER: Just not at this point.

5           MR. BROOKS: Yeah. You know, there is a budget  
6 concern on this project, with all the materials and everything  
7 being so high right now.

8           MR. REPPERT: Sky high.

9           MR. BROOKS: So we're trying to be as conservative  
10 as we can but fall within your code. So I am hoping there can  
11 be some consideration to let us do that when the tenant goes  
12 in.

13           CHAIRMAN LINGENFELTER: Okay.

14           MR. BROOKS: And then Chuck can address the  
15 driveway.

16           CHAIRMAN LINGENFELTER: Please state your name  
17 address for the record, please.

18           MR. SZUCS: Sure. Chuck Szucs, 34600 Chardon Road,  
19 Willoughby Hills, Ohio.

20           Yeah, we have no issue with the 13 feet and the 8.  
21 There is so many design standards out there and they're not  
22 all aligned, so if 13 is requested, we have no issue.

23           CHAIRMAN LINGENFELTER: Okay, super.

24           MR. BROOKS: I think the big reason we went to 12 --  
25 It is 12, right, Chuck?

26           MR. SZUCS: Originally, yes.

27           MR. BROOKS: We have, we're up against a wetland to  
28 the, if you're facing the site, to the right. There is a  
29 pretty significant wetland there that we can't touch. We're  
30 going to avoid it. It's not part of our building footprint.

1 It's not part of our parking footprint. The application that  
2 we submitted to the Army Corps of Engineers has us taking a  
3 little piece of that, which got us to the 12. So we'll have  
4 to, we will have to adjust that. If you need us to go to 13,  
5 we'll have to adjust that somehow.

6 CHAIRMAN LINGENFELTER: Well, the request from the  
7 Fire Department is to go to 13, and it seems to me that  
8 they're doing that from an access standpoint. So I think, you  
9 know, I always take, you know, any recommendations from the  
10 Fire Department as, you know, pretty serious. They typically  
11 don't hang requests out there very often and, you know,  
12 usually, it's always, it's always based on the safety and the  
13 well-being of the residents and the people that are in the  
14 building or whatever.

15 MR. BROOKS: I put an antenna on the Vista Springs  
16 building because Ron wanted it, so trust me.

17 CHAIRMAN LINGENFELTER: Right.

18 MR. BROOKS: Right, Heather? That was a big ticket  
19 item. But we 100 percent support fire and the safety of this  
20 building.

21 CHAIRMAN LINGENFELTER: Sure, okay.

22 MR. BROOKS: So if he feels it's 13, we're going to  
23 have to figure it out.

24 CHAIRMAN LINGENFELTER: Yeah. I doubt that he spun  
25 the wheel and came up with 13 as a random number. He probably  
26 that had some thought to it.

27 MR. BROOKS: Well, that's a significant ditch in the  
28 front, too, so I am sure he is concerned about the turn radius  
29 there.

30 CHAIRMAN LINGENFELTER: Right, yeah. I think it's

1 all from a safety and access standpoint.

2 MR. BROOKS: We'll probably, what we'll probably do,  
3 -- Chuck just had a good idea -- we'll probably shrink the  
4 island a little bit.

5 CHAIRMAN LINGENFELTER: Sure.

6 MR. BROOKS: Dr. Mohseni wants her sign kind of like  
7 we did for Vista Springs.

8 CHAIRMAN LINGENFELTER: Right.

9 MR. BROOKS: We want the sign in the middle of the  
10 island.

11 CHAIRMAN LINGENFELTER: Right.

12 MR. BROOKS: So maybe we will just shrink the island  
13 a little bit. We're going to 8 feet anyways, right, on the  
14 height?

15 CHAIRMAN LINGENFELTER: Yes.

16 MR. BROOKS: So we will probably just shrink the  
17 island a little. It will take away a little bit of our  
18 landscaping around that sign, which you guys like to see, but  
19 we will have to skinny up the island just a little bit.

20 CHAIRMAN LINGENFELTER: Yeah, I guess you had it  
21 sized at 10 feet and we asked for it to be reduced to 8 feet,  
22 you know, on the sign.

23 MR. BROOKS: It is not going to affect the width but  
24 we'll try to, we'll try to shrink it down.

25 CHAIRMAN LINGENFELTER: Right, on the island size.

26 MR. BROOKS: Yeah.

27 CHAIRMAN LINGENFELTER: So I think that, yeah, so  
28 that -- And, you know, like you said, the island is more  
29 expendable than going into, encroaching further into the  
30 wetland.

1 MR. BROOKS: Yeah.

2 CHAIRMAN LINGENFELTER: So the island could be  
3 reduced by a couple feet if that's going to help you get to  
4 where you need to be. I think that's a good idea to try to  
5 accomplish that.

6 MR. BROOKS: Yep. Thank you very much.

7 CHAIRMAN LINGENFELTER: Yeah. Then the next item is  
8 to, what we talked about, the sidewalk around the back side of  
9 the building. You said that your plans are to complete that  
10 sidewalk once you have tenants for that space, so that's not  
11 -- I don't have any issues with that. I don't know if there  
12 is anybody else on the Zoning Commission that has an issue.

13 MR. REPPERT: No.

14 MR. SCHINDLER: No. I would imagine, since it's in  
15 the minutes, that's a legal document. If not, I would like to  
16 see it in writing.

17 CHAIRMAN LINGENFELTER: Right.

18 MR. SCHINDLER: That you agree to do that.

19 MR. BROOKS: That we put the sidewalk in when the  
20 tenant goes in, absolutely, no problem.

21 CHAIRMAN LINGENFELTER: Rich?

22 MR. IAFELICE: Yes.

23 MR. BROOKS: Do you need that from Dr. Mohseni or  
24 me?

25 MR. SCHINDLER: Whoever is responsible for the  
26 building. I would imagine it would be you guys.

27 MR. BROOKS: But that will happen after we're long  
28 gone.

29 MR. SCHINDLER: Right. Well, somebody has to sign  
30 it that's going to have to be responsible for it.

1 MR. BROOKS: Okay.

2 MR. SCHINDLER: In my opinion.

3 CHAIRMAN LINGENFELTER: Rich, do you have a comment?

4 MR. IAFELICE: Yeah, thanks, Mr. Chairman. In my  
5 experience, irrespective of occupancy of the rear of the  
6 building, the circulation the Fire Department is asking for  
7 for fire apparatus is a public safety issue. So just connect  
8 around the building, you never know. So that's, typically,  
9 they want to be able to envelop the entire building structure  
10 upon completion. So I kind of put that in the fire chief, I  
11 think that has more merit than they may think just because  
12 it's not occupied.

13 CHAIRMAN LINGENFELTER: Right.

14 MR. BROOKS: Well, we can also look at some kind of  
15 a temporary, instead of concrete. You know, the sidewalk is  
16 going to be concrete. So maybe we could look at some kind of  
17 temporary just so it's safe to walk around there. If that's  
18 acceptable, we can do that for sure.

19 CHAIRMAN LINGENFELTER: Heather, would that,  
20 something, would that be an appropriate conversation to have  
21 with the chief?

22 MS. FREEMAN: I would probably recommend tonight, if  
23 you are going to vote to conditionally approve it with, you  
24 know, maybe that comment be modified that they confirm with  
25 the deputy fire chief if there's an alternative. I don't know  
26 what you mean by a temporary walk.

27 MR. BROOKS: It's a stone, gravel, something that  
28 you could walk around but cheaper than concrete.

29 CHAIRMAN LINGENFELTER: Right.

30 MR. BROOKS: I mean, I am under a serious -- We're

1 under a budget.

2 CHAIRMAN LINGENFELTER: Right.

3 MR. BROOKS: Significant budget concern on this  
4 building, significant.

5 CHAIRMAN LINGENFELTER: Understood.

6 MR. BROOKS: So wherever I can save money, I am  
7 trying to do that.

8 CHAIRMAN LINGENFELTER: Yep.

9 MR. SCHINDLER: We talked about the walkway but even  
10 though it's not going to be occupied, it still will allow for  
11 fire to go around it, right, around the building if they had  
12 to.

13 MR. BROOKS: Well, we're talking about a sidewalk,  
14 right?

15 MR. SCHINDLER: Right, yeah. And I am bringing up  
16 another point that I am concerned about. If the fire  
17 apparatus has to get behind the building even though it's not  
18 occupied, they will be able to do that with fire equipment,  
19 right?

20 MR. BROOKS: Oh, yeah, with fire equipment?

21 MR. SCHINDLER: Right.

22 MR. BROOKS: Absolutely, yeah. I think the  
23 distance, I am sure Ron looked at the distance on the building  
24 from the two drives.

25 MR. SCHINDLER: Right.

26 MR. BROOKS: I am sure it's plenty. This is only a  
27 less than 5,000 square feet building, so I am sure they can  
28 get to the building without any issues.

29 CHAIRMAN LINGENFELTER: Right.

30 MR. SCHINDLER: Okay.



1 MS. FREEMAN: And just, I guess, keep in mind, too,  
2 that it was a request from the deputy fire chief. So, right,  
3 by not having that paved or improved walkway there, you know,  
4 in the event, they just couldn't walk, maybe in a snow event,  
5 they wouldn't be able to walk behind the building but they'd  
6 still have full access to the sides.

7 CHAIRMAN LINGENFELTER: Right, okay. So we'll make,  
8 we'll make an appropriate amendment on that.

9 "Plans must conform to the Lake County Stormwater  
10 Management Department's stipulations as outlined above." The  
11 Lake County Stormwater Management Department did make some  
12 recommendations. They said to provide a minimum 18 inch  
13 vertical clearance on all storm sewer and utility crossover  
14 locations; to coordinate all proposed right-of-way work with  
15 the Lake County Engineer's Office; to implement gravel verges  
16 from the curb cuts in the parking lot to the stormwater basin  
17 to minimize erosion along the pond embankments; add proposed  
18 finished grades at the corners of the proposed building; spec  
19 rock outlet protection at the storm sewer inlets discharging  
20 into the basin; to recommend an aquatic safety bench in the  
21 stormwater basin; to define a swale at the base of the  
22 landscaping mound on the northern property line to take water  
23 west towards the ditch to minimize any water being pushed onto  
24 the 7913 Auburn property; to remove line 22 of the  
25 construction sequence. Did you see these?

26 MR. BROOKS: I did.

27 CHAIRMAN LINGENFELTER: You are aware of all these?

28 The elevations shown on the temporary sediment basin  
29 calculation detail do not match the field grades. Please also  
30 include the correct drainage area for the dewatering storage

1 volume calcs as well as verify the skimmer size calculated  
2 matches the size shown in the temp sediment basin outlet  
3 detail; for stormwater management report, they would like an  
4 updated 24 hour rainfall intensity values in the report to the  
5 following: 1 year - 2.05 inches, 2 years - 2.46 inches, 5  
6 years - 3.06 inches, 10 years - 3.54 inches, 25 years at 4.24  
7 inches, 50 years at 4.81, and 100 years at 5.42 inches; please  
8 provide a post-construction Time of Concentration/Time of flow  
9 path calculations sheet; and confirm with the LCE if the  
10 driveway culvert calcs will need to be provided.

11 So those were their stipulations. Anything that you  
12 have any issue with or have any problems conforming to?

13 MR. SZUCS: No.

14 MR. BROOKS: I will defer that to Polaris.

15 CHAIRMAN LINGENFELTER: Okay.

16 MR. SZUCS: Yeah, most of the stuff, our  
17 engineering, we'll work through. After we leave tonight, our  
18 goal is to submit later this week to all agencies.

19 CHAIRMAN LINGENFELTER: Okay. So there's nothing in  
20 that list that you have any issues with or have any problems  
21 with?

22 MR. SZUCS: No.

23 CHAIRMAN LINGENFELTER: Okay, fine, very good.

24 Thank you.

25 Okay. And so that covers the staff recommendations  
26 from the following conditions there. And then we also have a  
27 staff recommendation on conditional approval for the following  
28 conditions:

29 Number 1. Color renderings of proposed building  
30 shall be submitted. Building colors must be low-reflecting,

1 muted and earth-toned. Roof colors must be muted and  
2 compatible with dominant building color.

3 And Number 2. The trash enclosure detail shall be  
4 updated to show compliance with the following: Three solid  
5 walls and one gated wall of such nature and height (2 feet  
6 height exceeding enclosed containers) as to conceal completely  
7 all operations thereof from the grade level.

8 So is there any issues with that, those two  
9 conditions?

10 MR. BROOKS: No. I think we have the color  
11 renderings submitted.

12 CHAIRMAN LINGENFELTER: Right, right.

13 MR. BROOKS: Rob Shearer, with Myers Architect, is  
14 here. Are we going to move to the design piece of this?

15 MR. PETERSON: It's up to you.

16 CHAIRMAN LINGENFELTER: Yeah, sure, absolutely.

17 MR. BROOKS: Okay, all right, great.

18 Rob, thank you.

19 MR. SHEARER: Good evening. Robert Shearer,  
20 5365 West Loveland Road, Madison, Ohio.

21 CHAIRMAN LINGENFELTER: Thank you.

22 MR. SHEARER: I am with Joe Myers Architects and I  
23 am just going to run you real quick through the building and  
24 then I'm here to answer any other questions you have.

25 The one thing that I will say about the comments  
26 that were provided, "low-reflecting" is a kind of maybe  
27 semi-clear term. But one thing I will say about that is, in  
28 order to sort of call attention to the entrance areas, we have  
29 a copper roof on here. I've got a sample of that if you would  
30 like to see it. You know, it's not like a mirror kind of

1 thing but it's not -- Some people might not consider it  
2 low-reflecting. We kind of do.

3 But other than that, you know, definitely earth  
4 tones, definitely muted colors, asphalt shingles, you know.  
5 The overall character of the building fits with the  
6 surroundings. It is not going to be confused with somebody's  
7 home but it does give nods to residential forms and shapes and  
8 scales and that kind of thing.

9 CHAIRMAN LINGENFELTER: Right.

10 MR. SHEARER: So we think it fits in well.

11 So this is the roofing that we're proposing. It's a  
12 copper color. It's not actually copper, so it doesn't green  
13 out over time. It is going to retain the copper color and  
14 that finish.

15 CHAIRMAN LINGENFELTER: Right. Yeah, metal roofs  
16 are becoming more and more predominant and accent sections, I  
17 mean, I have seen that a lot.

18 MR. SHEARER: Yeah.

19 CHAIRMAN LINGENFELTER: I think Auburn Road --  
20 Auburn Career Center, they, a lot of the new additions they  
21 put on, they included a metal roof on a lot of those, on that  
22 structure. Yeah, I think when they're talking about the, you  
23 know, low reflecting, I think they're talking more about the  
24 walls, you know, more so than the roof itself. I don't think  
25 the roof is a big concern. I don't think that's something  
26 that's going to cause an issue.

27 MR. SHEARER: Great.

28 CHAIRMAN LINGENFELTER: So I think we're okay there.

29 MR. SHEARER: Perfect.

30 CHAIRMAN LINGENFELTER: And then the only other

1 thing is the trash enclosure. That's the only other issue  
2 that they brought up.

3 MR. SHEARER: Right.

4 CHAIRMAN LINGENFELTER: So you are good with that?

5 MR. SHEARER: Yep. You guys have a copy of those  
6 drawings?

7 CHAIRMAN LINGENFELTER: Yes.

8 MR. SHEARER: Okay, great. So, yeah, we don't have  
9 any issue with the comments that were made there.

10 CHAIRMAN LINGENFELTER: Yeah, as long as we are,  
11 yeah, as long as we are in compliance with our, you know --  
12 The trash receptacles and that stuff is always a big issue.

13 MR. SHEARER: Right.

14 CHAIRMAN LINGENFELTER: We just want to make sure  
15 it's properly, you know, hidden and not creating an eyesore or  
16 whatever. So that's pretty much what the gist behind that is.  
17 Okay. Anything else you would like to talk about?

18 MR. SHEARER: I'll keep it short and sweet.

19 CHAIRMAN LINGENFELTER: Just like your grandma,  
20 right?

21 MR. SHEARER: Exactly.

22 CHAIRMAN LINGENFELTER: Anybody else, any questions  
23 from the Board on this?

24 MR. REPERT: Mr. Chairman, I have a question.

25 CHAIRMAN LINGENFELTER: Yes.

26 MR. REPERT: The back half of the building is  
27 vacant for right now.

28 MR. SHEARER: Correct.

29 MR. REPERT: I see, on the front half of the  
30 building, which is the doctor's office, I see four handicapped

1 spots. I don't see any handicapped spots for the back half,  
2 for the back quarter, really. And if that's going to be a  
3 vacant area to be occupied sometime in the future, I think we  
4 ought to put, I think we ought to put some handicap spots for  
5 that vacant area, for that proposed, because they're going to  
6 have their own -- They have their own entrance. They should  
7 have their own handicap spots.

8 CHAIRMAN LINGENFELTER: So are you thinking, Hiram,  
9 are you thinking like on the side of the building?

10 MR. REPERT: Yeah.

11 CHAIRMAN LINGENFELTER: The two sides here?

12 MR. REPERT: Yeah, the two sides.

13 CHAIRMAN LINGENFELTER: Yep, by the entrance.

14 MR. REPERT: Towards the back.

15 CHAIRMAN LINGENFELTER: Towards the back by the  
16 entrance?

17 MR. BROOKS: We have 38 shown, 24 required.

18 MR. SHEARER: So as the site plan sits right now, we  
19 are two handicap spaces over the requirement. If it's a  
20 question of location, of course, for the doctor's office, we  
21 would like to have as many handicap spaces in that area as  
22 possible.

23 MR. REPERT: I fully understand that, but you don't  
24 know what's going to go in the back quarter.

25 MR. SHEARER: That's true. So we are over on  
26 overall spaces as well.

27 MR. REPERT: Right.

28 MR. SHEARER: And once that tenant space gets  
29 figured out, we can probably reconfigure that.

30 MR. BROOKS: No problem.

1 MR. SHEARER: Because we could lose one or two back  
2 there and still be well within --

3 MR. REPERT: I would think you could, yeah, okay.

4 MR. BROOKS: I think we have 38 shown and we're  
5 required to have 25.

6 MR. SHEARER: Yeah, right.

7 MR. BROOKS: So we've got plenty, we've got plenty  
8 of room.

9 MR. SHEARER: Yeah, we can knock one of those out  
10 and make it striped.

11 MR. REPERT: I figured you could.

12 That's my only comment, Mr. Chairman.

13 CHAIRMAN LINGENFELTER: That's a good comment  
14 though. I think it's a good catch.

15 Any other questions from the Board?

16 MR. PETERSON: Just one. It looks like the building  
17 is designed for two doctors at some point, correct? That's  
18 the plan?

19 MR. BROOKS: Yeah.

20 MR. PETERSON: Two would be the most?

21 MR. BROOKS: Yeah.

22 DR. MOHSENI: Maybe three. Actually, if we add the  
23 back end, could be three.

24 MR. PETERSON: Oh, yeah, okay.

25 MR. SHEARER: So for the record, possibly three.

26 MR. PETERSON: Okay, thank you.

27 CHAIRMAN LINGENFELTER: Rich?

28 MR. IAFELICE: No comment, Mr. Chairman. Good  
29 looking building.

30 CHAIRMAN LINGENFELTER: Frank, any other questions?

1 MR. SCHINDLER: None for me, Mr. Chairman.

2 CHAIRMAN LINGENFELTER: Thank you.

3 MR. SHEARER: Thank you.

4 CHAIRMAN LINGENFELTER: Appreciate it.

5 Okay. So I have given you kind of an outline of the  
6 staff report and the conditions that they have set forth for  
7 an approval. And, for the record, you're basically saying  
8 that these are all very clear, nothing left for you to not  
9 understand as far as what you're required and you are okay  
10 with that?

11 MR. BROOKS: We fully understand, yes. Thank you.

12 CHAIRMAN LINGENFELTER: All right.

13 Any other comments or questions from the Board at  
14 this point?

15 MR. PETERSON: The only thing I can say, Andy, is  
16 years ago when we rezoned the area around TriPoint and that  
17 medical corridor, this is exactly what we had in mind for the  
18 future. So I see this as an excellent addition to the  
19 community, a good looking building, complies with everything.  
20 I think it's exactly what we were hoping to draw in there. So  
21 I am pleased with this.

22 MR. BROOKS: Yeah. I saw the value keeping a  
23 fantastic practice like Dr. Mohseni has in Concord with her  
24 patients, the people working there and the doctors that  
25 affiliate with her and work with her. So I think it's a win-  
26 win for the community and for Dr. Mohseni and everybody. So  
27 we're very pleased to bring it to you.

28 MR. IAFELICE: A couple comments, Mr. Chairman.

29 CHAIRMAN LINGENFELTER: Please.

30 MR. IAFELICE: Just a couple. From the photometric



1 plan, I've seen the position here. It looks, you're honoring  
2 the home to the north, I assume, the way the luminaires are  
3 downcast. So I appreciate that plan that's in there in the  
4 document.

5 MR. BROOKS: I have had many meetings with the  
6 residents in the area, so we're doing everything we possibly  
7 can to accommodate them. I think, actually, this last rain  
8 event that we had really exposed some issues along Auburn Road  
9 with the ditches. So I think our detention pond will  
10 definitely help that situation significantly. And the  
11 addition of the swale along the property line will keep the  
12 water off from going onto her property, which was another  
13 objective that we had in the design and layout of the  
14 building. So I think it should be received very positive,  
15 very positively by everybody.

16 MR. IAFELICE: Agreed. It is well engineered.

17 MR. BROOKS: And we just -- I was kind of shocked.  
18 I don't know if you saw how big that pond was. That's a  
19 significant detention pond for a 5,000 square foot building.

20 MR. IAFELICE: Actually, it's, based on my  
21 experience, it is what is expected. However, my question is,  
22 I assume you have a clearing permit already. I have visited  
23 the site.

24 MR. BROOKS: We did.

25 MR. IAFELICE: And it appears that some of the  
26 debris is in the wetland, Wetland B.

27 MR. BROOKS: Yeah. We, so I got approval from Lake  
28 County Soil and Water. As a matter of fact, their  
29 requirements have changed a bit. If you are going to do a  
30 mechanized clearing, which was what we did, you need a

1 temporary detention pond.

2 MR. IAFELICE: Yes.

3 CHAIRMAN LINGENFELTER: You need a silt fence  
4 installed.

5 MR. IAFELICE: Yes.

6 MR. BROOKS: Just for clearing, just for cutting  
7 down trees.

8 MR. IAFELICE: I am aware.

9 MR. BROOKS: So we had to do the silt fence, we had  
10 to fence off the wetlands, per their request, and we had to  
11 dig a temporary detention pond for the water and a swale to  
12 the detention pond. So that was all accomplished.

13 MR. IAFELICE: Yes.

14 MR. BROOKS: And we got full approval from Lake  
15 County to do that.

16 MR. IAFELICE: Understood. I was just noting that  
17 some of the debris is in the wetlands.

18 MR. BROOKS: The trees are in the wetland?

19 MR. IAFELICE: Yes, yes.

20 MR. BROOKS: So these clearing guys can get a little  
21 bit aggressive.

22 MR. IAFELICE: Oh, I know. It's just a comment,  
23 sir, that's all. It's an observation.

24 MR. BROOKS: I did not, I did not want them going  
25 into Wetland B. I had a hard enough time keeping them out of  
26 Wetland A. So, you know, they got to pick the trees out of  
27 there if they go in there. They can't take anything in there.  
28 They can't take any mechanized equipment into the wetland. It  
29 cannot be disturbed until the Army Corps comes out and  
30 certifies. So I just said just cut them. I just told them to

1 please just cut them down and let the Army Corps come out and  
2 then we'll, I think we'll have to go in there and hand cut all  
3 these trees and take them out because we are not permitted to  
4 go in there. So I was overly cautious on that one because  
5 I've had experience in the past. So --

6 MR. IAFELICE: Very good.

7 Thanks, Mr. Chairman. That's all I had.

8 MR. BROOKS: You've got to be really careful with  
9 what you're doing, especially with the soil and water. And  
10 Lake County is, they're on it. I mean, they're very good at  
11 what they do. So we were very careful to do it right.

12 CHAIRMAN LINGENFELTER: Okay. Any other questions?

13 MR. REPPERT: None here.

14 MR. SCHINDLER: Only one thing I'd bring up is I've  
15 lived out here since 1972. And ever since then, we've had two  
16 100-year rains that flooded our development down at the end  
17 where the creek is several times where the people's basements  
18 were flooded and they had to replace everything in their  
19 basement. Just to let you know, global warming is starting to  
20 hit. If you are planning on thinking for the 100-year rain  
21 more frequently, you will be much better off for everybody.  
22 That's just my comment.

23 MR. BROOKS: No, I don't disagree. I mean, the size  
24 of that pond that we're putting in, I couldn't believe it.  
25 But Chuck knows what he is doing, that's for sure. So we've  
26 got, we've got that site detained for all the water, for sure.

27 MR. SCHINDLER: That's good. Thank you.

28 MR. BROOKS: It will definitely help the neighbors.

29 CHAIRMAN LINGENFELTER: Good, okay. Well, if there  
30 are no further questions from the Commission at this point, I

1 think we're good to go. Thank you very much.

2 MR. BROOKS: Okay. Thank you. Thank you for your  
3 time. We appreciate it.

4 CHAIRMAN LINGENFELTER: Appreciate it. We kind of  
5 tackled both Item Number 1 and Number 2. We did the site plan  
6 review and then we also kind of segued right into the design  
7 review application for the two items. I guess what we will do  
8 is we will tackle them as individual items on the agenda.

9 So with regards to Item Number 1, which is the site  
10 plan review application, I would entertain a motion unless  
11 there is any further discussion by any Zoning Commission  
12 members at this point.

13 MR. PETERSON: Mr. Chairman, I make a motion we  
14 conditionally approve the Site Plan Review Application  
15 Number 043 for the medical office building based on the  
16 discussion of tonight's meeting.

17 MR. IAFELICE: Mr. Chairman, I will second that  
18 motion.

19 CHAIRMAN LINGENFELTER: Okay. We have a motion made  
20 and seconded. I just want to make sure. So on the site plan  
21 review, there were one, two -- there are five items and they  
22 basically agreed to all five items and they said they would  
23 have those taken care of. So we're going to, the motion is to  
24 approve the site plan review application with the  
25 recommendations, with the conditions that were on the staff  
26 report?

27 MR. PETERSON: Correct.

28 CHAIRMAN LINGENFELTER: Okay, thank you.

29 Okay. All those in favor say aye. Opposed? None  
30 opposed. Let the record reflect we had five ayes, no nays, no

1 abstention. So that motion carries.

2 (Five aye votes, no nay votes.)

3 CHAIRMAN LINGENFELTER: Moving on to Item Number 2  
4 on the agenda, which would be the Design Review Application, I  
5 would also entertain a motion.

6 MR. IAFELICE: Mr. Chairman, I will make a motion to  
7 approve the Design Review Application Number 043 by Creative  
8 Construction Group as detailed and discussed this evening.

9 CHAIRMAN LINGENFELTER: And do we want to make a  
10 stipulation for the -- or conditional for the conditions, the  
11 two conditions.

12 MR. IAFELICE: I will amend that motion to include  
13 the two conditions as stated by the staff written comments.

14 CHAIRMAN LINGENFELTER: Thank you. Okay. Any  
15 discussion?

16 MR. PETERSON: I will second that motion.

17 CHAIRMAN LINGENFELTER: Okay. Motion has been made  
18 and seconded. All those in favor say aye. Opposed? None  
19 opposed. Any abstentions? No. Okay. Let the record reflect  
20 we have five ayes, no nays, no abstentions. Motion carries.

21 (Five aye votes, no nay votes.)

22 CHAIRMAN LINGENFELTER: So your design is approved  
23 and your project is approved to move forward based on the  
24 conditions that were laid out in the staff report. Thank you  
25 very much for your presentation. We appreciate you taking the  
26 time to come in and talk to us. Looking forward to see the  
27 work getting done. We always like to seeing nice additions to  
28 the community. So thank you very much.

29 MR. IAFELICE: See ya, Chuck.

30 CHAIRMAN LINGENFELTER: Yeah. Good luck with your

1 project.

2 MR. BROOKS: Thank you very much.

3 CHAIRMAN LINGENFELTER: Okay. Item Number 3 on the  
4 agenda is a work session for possible zoning text amendments  
5 related to the Residential Conservation zoning district and  
6 outside dining.

7 Thank you. Good luck.

8 DR. MOHSENI: Have a good day.

9 MR. BROOKS: Thank you very much.

10 CHAIRMAN LINGENFELTER: Thank you.

11 MR. PETERSON: Good job.

12 MR. BROOKS: Heather, thank you so much. You are  
13 terrific.

14 MR. SHEARER: Thank you.

15 CHAIRMAN LINGENFELTER: Okay. We have the -- We  
16 have some work done here on the work session. Heather gave us  
17 a handout here with some information on it.

18 Heather, do you want to kind of review everything,  
19 where we're at so far?

20 MS. FREEMAN: Yeah, let me update you because --  
21 Let's see -- in June we were going to do a work session and  
22 then we had that pretty lengthy public hearing, so we didn't.  
23 We opted not to continue that discussion at 11:00 at night,  
24 which was a good idea. But that also gave me a little bit of  
25 time. Since then, I had a conversation with Dan Donaldson, at  
26 Lake County Soil and Water. If you remember, we were trying  
27 to reach out to him initially to get some feedback on this  
28 potential restoration plan, environmental restoration plan for  
29 any projects that might include land that was previously  
30 disturbed. And I also spoke with Dave Radachy, at the Lake

1 County Planning Commission. He's the planning director.

2 And in your packet or what I emailed to you a few  
3 days ago and what I printed out in front of you is another  
4 updated version of the text. I put today's date at the top  
5 right-hand corner for reference because I know we're getting a  
6 lot of different versions of this. So maybe it would behoove  
7 to just to go through a couple things that were tweaked based  
8 on some recommendations from them, from both Dan and Dave. I  
9 guess you would start on page 16.15.

10 CHAIRMAN LINGENFELTER: I am sorry. Which page,  
11 Heather?

12 MS. FREEMAN: 16.15.

13 CHAIRMAN LINGENFELTER: 16.15, okay.

14 MS. FREEMAN: As previously in all the other  
15 versions, everything is kind of redlined.

16 CHAIRMAN LINGENFELTER: Right.

17 MS. FREEMAN: So under the Purpose statement here,  
18 we are proposing to change part of the purpose of the RCD to  
19 include -- this is the second sentence -- "Such flexibility  
20 intended to maximize the protection and conservation of the  
21 natural resource areas and their functions," rather than where  
22 it said before it was just to maximize conservation in the  
23 open space.

24 This was a recommendation from Soil and Water to  
25 focus more on why we're protecting these areas, not just open  
26 space, but what's in that open space and, you know, why does  
27 the township care and what is really the purpose and intent?  
28 What do we, you know -- This is the natural resource areas  
29 that are within that open space and their function, so the  
30 wetlands and the wetland setbacks because that does provide a

1 function to those wetlands. So those just were a very minor  
2 change there.

3 Kind of just moving through on page 16.17.

4 MR. REPERT: How about 16.16? You had --

5 MS. FREEMAN: Well, that was a change -- Okay.

6 Actually, yes, thank you, Hiram. This was slightly modified.  
7 We had originally put in -- I am sorry. Minimum Project Area  
8 in Section 16.22(A), we had initially made a clarification  
9 saying any existing right-of-ways could not be counted towards  
10 the, towards the minimum acreage requirement of the 20 acres.  
11 Dan, at Soil and Water, suggested that we add in "unless  
12 extinguished at the time of the development." So there could  
13 be parcels of land that have old right-of-ways that are part  
14 of the property but they get rid of them when they plat the  
15 new subdivision. So I think that would cover that is what the  
16 purpose of that was.

17 For example, like the Eagle Pointe, actually, that  
18 had an old right-of-way on there that was an old 40 foot  
19 right-of-way. When that developer is going to plat that new  
20 development, that will be extinguished, so it would no longer  
21 exist.

22 CHAIRMAN LINGENFELTER: And so their recommendation  
23 is we exclude that?

24 MS. FREEMAN: We would allow that to count as long  
25 as they extinguish it at the time of development, so when they  
26 plat it. Does that make sense?

27 CHAIRMAN LINGENFELTER: Yes. Well, does it to me.  
28 I don't know.

29 MR. IAFELICE: Yeah.

30 CHAIRMAN LINGENFELTER: Everybody okay with that?



1 MS. FREEMAN: It's very legal, yeah. I mean, I  
2 think we kind of just overlooked it even at Eagle Pointe  
3 because we didn't, you know, it was shown on the plans it  
4 existed but they weren't going to open up that old right-of-  
5 way and use that as a public street or frontage to create the  
6 lots.

7 CHAIRMAN LINGENFELTER: Right.

8 MS. FREEMAN: So that --

9 CHAIRMAN LINGENFELTER: Okay. All right. Go ahead.

10 MS. FREEMAN: Sure, yeah, on the next page under  
11 Decks, we referenced that all the decks have to meet all the  
12 minimum setbacks from the property lines. They were  
13 suggesting that we add in that it also still has to comply  
14 with the riparian setbacks as well. We don't necessarily have  
15 to add that in there because we do cover riparian backs in  
16 Section 17. So --

17 MR. SCHINDLER: So we're just being redundant?

18 MS. FREEMAN: A little bit there.

19 MR. SCHINDLER: That's all right. Okay with that.

20 MS. FREEMAN: You okay with that?

21 MR. SCHINDLER: Sure.

22 MS. FREEMAN: On the next page --

23 MR. PETERSON: Heather, before we go, could I ask a  
24 question?

25 MS. FREEMAN: Sure.

26 MR. PETERSON: On open space.

27 MS. FREEMAN: Right.

28 MR. PETERSON: I had a discussion with my next-door  
29 neighbor yesterday and he happened to mention that some of the  
30 neighbors felt that, once all the homes in our development are

1 completed and the homeowners association is turned over to the  
2 homeowners, there was thought of building a community swimming  
3 pool in the open space, and I told him I didn't that was  
4 allowed. If it's -- You can't develop it but could you build  
5 a pool in an open space if the homeowners association wanted  
6 it?

7 MS. FREEMAN: No.

8 MR. PETERSON: Yeah, I didn't think so.

9 MS. FREEMAN: No, yeah, the open space is --

10 MR. PETERSON: Remains open.

11 MS. FREEMAN: Right. It is supposed to be left in  
12 its natural state, so it wouldn't allow any construction.

13 MR. PETERSON: Okay. I guess they were talking and  
14 sort of threw that out and he just happened to mention it.

15 MS. FREEMAN: Yeah, yeah.

16 MR. PETERSON: I said, "I don't think you can do  
17 that."

18 MS. FREEMAN: Right. So with the Villas at  
19 Canterwood, the latest one that came in front of this Board,  
20 they were proposing a clubhouse but they were basically using  
21 a subplot to do it.

22 MR. PETERSON: Right, right.

23 MS. FREEMAN: Yeah. It was not going to be in the  
24 open space.

25 CHAIRMAN LINGENFELTER: Yeah, none of that  
26 encroached in the open space.

27 MS. FREEMAN: Right. It was on its own lot.

28 MR. PETERSON: So in our case, Dawson would have to  
29 donate a lot.

30 MS. FREEMAN: He'd have to give up a lot, yeah, or

1 he would've had to have been way over the minimum requirement  
2 and then parceled out, you know, a lot for it at the time of  
3 development.

4 MR. PETERSON: Right, okay.

5 MS. FREEMAN: So on the next page, on 16.18, under  
6 the Open Space Design Criteria, Section C(a), here, we were  
7 proposing just to add in what some of those significant  
8 natural resources actually are that we want to conserve in the  
9 open space, such as streams, wetlands, forest tracks, wildlife  
10 corridors, and areas that may be adjacent to other open space  
11 areas when possible, or other protected areas, in addition to  
12 the historical and cultural element. I think that just makes  
13 it more clear for anybody that might be utilizing this option  
14 to understand what we want to see in the open space rather  
15 than just say "natural features."

16 CHAIRMAN LINGENFELTER: What's the, what's the  
17 wildlife corridor? What exactly does that mean?

18 MR. PETERSON: Deer crossing.

19 MR. REPERT: A deer trail, yeah, or a moose trail  
20 or a bear trail.

21 MR. PETERSON: Yeah.

22 MS. FREEMAN: I don't know that we would be able to  
23 identify that unless you -- I can get a clearer answer on  
24 that. I didn't question that.

25 MR. REPERT: How about a horse trail?

26 MR. PETERSON: Yeah, could be.

27 MR. REPERT: That's not a wildlife but on the back  
28 of my property, I have -- I don't know what it is. It's not  
29 an easement but I have an area that's supposedly a horse trail  
30 that has, you know, it's on my plans but it's never been used

1 as a horse trail but it's there. But a deer trail is  
2 something that I would only think that that would include but  
3 who is going to pick that out?

4 CHAIRMAN LINGENFELTER: Well, that's why I was  
5 asking because I know, you know, I am an outdoorsman and I  
6 understand what a wildlife corridor is but how are you going  
7 to determine that? I mean, deer use a lot of --

8 MR. REPERT: I don't know.

9 CHAIRMAN LINGENFELTER: I mean, seriously, they use  
10 a lot of -- there is a lot of places where they cut through  
11 fields and woods and everything else. I mean --

12 MR. SCHINDLER: Well, there is a place the Canadian  
13 geese, when they make their -- Well, they used to. Now they  
14 just stay. They don't go down south anymore because our  
15 winters are much warmer than they used to be. Right on Hoose  
16 Road, there is a pond that, at certain times, you can see  
17 hundreds of them in there just, you know, that's where they  
18 end up showing up. I guess, I would consider that a corridor,  
19 right? They all stop there while they're migrating and stuff,  
20 so another example. Of course, we have our black bear that  
21 showed up in Lake County last week.

22 CHAIRMAN LINGENFELTER: Well, the reason I question  
23 that, because that gets, can get a little sticky. Okay? You  
24 know, that can get a little sticky when you start, you know,  
25 wildlife corridors -- I mean, when you're talking about, I  
26 think, when we talk about streams, wetlands, forest tracks and  
27 areas adjacent to other open space, I mean, that's pretty  
28 clearly defined.

29 MS. FREEMAN: Right.

30 MR. PETERSON: There is actually an online

1 definition for "wildlife corridor" though.

2 CHAIRMAN LINGENFELTER: Right.

3 MR. PETERSON: Connecting corridor to two groups of  
4 populations of animals when they migrate.

5 MR. REPERT: What's a forest track?

6 CHAIRMAN LINGENFELTER: What's a forest track?

7 MR. REPERT: Yeah.

8 CHAIRMAN LINGENFELTER: I mean, that's, I think  
9 that's pretty self-explanatory. No? A track of woods, I  
10 mean, you know.

11 MR. REPERT: Oh, we're talking a whole woodland,  
12 okay, all right. A track of trees?

13 CHAIRMAN LINGENFELTER: Right.

14 MR. REPERT: Okay, I gotcha. Now I understand.

15 MS. FREEMAN: Did I spell that wrong then,  
16 t-r-a-c-t-s then?

17 MR. PETERSON: It's a tract, that would be a T  
18 instead of a K.

19 MR. REPERT: I think you're right, t-r-a-c-t.

20 MR. PETERSON: Yeah, a tract.

21 MR. REPERT: That would make it more --

22 MR. PETERSON: Yes, it does.

23 MR. REPERT: I think I would understand it better.

24 MS. FREEMAN: My apologies.

25 CHAIRMAN LINGENFELTER: So we're going to change  
26 that to t-r-a-c-t-s and not c-k-s.

27 MS. FREEMAN: Those are just recommendations from  
28 them. If there is anything you guys are just like, no way, we  
29 can take out anything or we can go back and get more  
30 information from them.

1 MR. SCHINDLER: Well, they're in the profession to  
2 do it. They know what the stuff is. I mean, this is their  
3 careers.

4 MS. FREEMAN: Yeah, yeah.

5 MR. SCHINDLER: You know, these are terms that are  
6 used within the industry, if you want to call it that, you  
7 know. So as far as their verbiage is concerned, I have no  
8 problem with it.

9 CHAIRMAN LINGENFELTER: The only thing I want to be  
10 careful of is making sure that we don't create a situation  
11 where somebody can use a terminology or a term or a definition  
12 as a cudgel to beat up a developer, saying, "Oh, there is a  
13 wildlife corridor." It's like, really? I mean, how do you  
14 prove that. That could cause delays, it could cause all kind  
15 of issues. You know, that's my, that's my concern. I don't  
16 want to get, I don't want to go too astray in the word games,  
17 you know, that could leave something open that somebody could  
18 use as a potential wedge issue to stop a development from  
19 going in or creating a problem.

20 I mean, streams, wetlands, forest tracts, that all  
21 makes perfectly good sense to me. But when you start  
22 venturing too far off that stuff, then I start getting  
23 concerned.

24 MR. PETERSON: It appears though that a wildlife  
25 corridor is man-made. It's actually created to allow animals  
26 to migrate, according to Wikipedia. So in that case, if we  
27 did have one of those, you'd would want to protect that, but  
28 it's not just a track through the woods that a few deer made.  
29 There is a difference. It's actually a man-made item, a  
30 wildlife corridor. So --

1           CHAIRMAN LINGENFELTER: I don't think we have, right  
2 now, at least not to my knowledge -- and I could be wrong --  
3 but I don't think we have like antelope or caribou or elk --

4           MR. PETERSON: Bison.

5           CHAIRMAN LINGENFELTER: -- that are migrating across  
6 Ohio and using specific parts of Concord Township --

7           MR. PETERSON: Here we don't, correct.

8           CHAIRMAN LINGENFELTER: -- to go from Point A to  
9 Point B. So I would like to see that, I would personally,  
10 from my standpoint, I would like to see that removed. I don't  
11 like that included in there but, I mean, it's certainly open  
12 for discussion. I mean, it's a work session.

13          MR. REPERT: I've seen geese cross the road  
14 wherever they want to.

15          CHAIRMAN LINGENFELTER: Right.

16          MR. REPERT: Right? Yeah, that's fine with me,  
17 removing the wildlife corridor.

18          CHAIRMAN LINGENFELTER: Right.

19          MR. REPERT: That's fine with me.

20          MS. FREEMAN: Keep in mind, too, the way it's  
21 phrased is that when possible, all of these. But I think it  
22 would be difficult to prove if there was a wildlife corridor.  
23 But if you had a developer coming to you saying, "I have a  
24 this great project and, by the way, we're going to protect  
25 this wildlife corridor," you know, maybe that might win you  
26 guys over on a project or, you know, finding out more about  
27 what that is.

28          MR. PETERSON: There could be an overpass, I don't  
29 think we have any but an overpass to allow deer to get across  
30 the highway sometimes. I mean, that wouldn't be unusual. I

1 don't have a problem leaving it in there as long as it's  
2 recognized as a wildlife corridor. It's an actually  
3 designated one, not one that somebody says there is tracks in  
4 the woods but a man-made corridor to allow deer to get across  
5 the highway somewhere.

6 MS. FREEMAN: Rich, I'm not sure if the intent is a  
7 man-made, yeah.

8 MR. PETERSON: No, it's not?

9 MS. FREEMAN: I think these are more natural, yeah.

10 MR. PETERSON: Okay. Because the definition is  
11 really it's a conservation thing. If it's a natural corridor,  
12 no, I agree with Andy.

13 CHAIRMAN LINGENFELTER: Yeah, just because we can  
14 doesn't mean we should.

15 MR. SCHINDLER: Well, the key word you mentioned,  
16 "if possible." That's open for interpretation. I am sure if  
17 it ever comes to us, neighbors and people in our public  
18 hearings might bring something up and they will start  
19 showing -- everyone nowadays has their iPhone where they're  
20 taking pictures of things happening. You know, there might be  
21 something that would be open for discussion. So me,  
22 personally, I have no qualms with it and we'll address it when  
23 the time comes.

24 CHAIRMAN LINGENFELTER: Well, I think, to your  
25 point, Frank, it doesn't say "if possible," it says "when  
26 possible."

27 MR. SCHINDLER: Okay.

28 CHAIRMAN LINGENFELTER: And there is a difference  
29 between "if" and "when." I mean, there is a definite  
30 phraseology there that, you know? So to me "if possible" is



1 pretty open, "when possible" is pretty specific. If it's  
2 there, then you have to go with it. So at least that's how I  
3 interpret that. So I would think, you know -- Again, it's a  
4 work session. My preference would be to have it eliminated  
5 but I am one, one voice of five.

6 MR. IAFELICE: Mr. Chairman, I have to agree with  
7 your points. I think, as I am reading it and listening to the  
8 discussion here, it just goes outside the envelope of what  
9 we're talking about here. I would agree with you to strike  
10 that.

11 CHAIRMAN LINGENFELTER: Hiram, any comments?

12 MR. REPERT: I am okay with removing it.

13 CHAIRMAN LINGENFELTER: All right.

14 MR. REPERT: Who put that comment in there?

15 MS. FREEMAN: This language was recommended by the  
16 district administrator for Lake County Soil and Water.

17 CHAIRMAN LINGENFELTER: Right, right. And, I mean,  
18 I appreciate their efforts, I mean, I really do. I think they  
19 do, you know, I think it's very worthwhile, you know, overall  
20 work that they put into this. You know, it's not to devalue  
21 anything they're recommending. We just don't want to get  
22 carried away.

23 So, anyway, all right. I am sorry, Heather.

24 MS. FREEMAN: That's okay. Well, let me know. At  
25 this time, do you want to leave it in for now, see how it  
26 shakes out? I mean, we're probably going to be here again  
27 next month. So --

28 CHAIRMAN LINGENFELTER: Right.

29 MS. FREEMAN: Or we can take it out.

30 CHAIRMAN LINGENFELTER: The work session will

1 continue. We will read this at that point.

2 MS. FREEMAN: Okay.

3 CHAIRMAN LINGENFELTER: Circle back, so to speak.

4 MS. FREEMAN: All right, okay. So the next, under  
5 the next subsection (b), we talked about, the existing  
6 language talks about how designated open space, if there is  
7 any existing trails, you can maintain those. But this new  
8 language would allow additional passive recreational  
9 opportunities if they were previously approved by the township  
10 within those, within those protected areas that would  
11 encourage the connection of existing trails or that would --  
12 and this came from Soil and Water again -- that might provide  
13 some kind of scientific research benefit or would allow for  
14 access to go in and do some restoration activities on a stream  
15 or on a wetland. So this would allow those other items to  
16 happen within the open space.

17 And I know that, with the existing language we have  
18 now, there is a definition of open space that does allow for  
19 some creation of trails in the open space. So -- And I think,  
20 through this amendment, we want to clean that up a little bit  
21 and make that more clear in this section as well. We might  
22 have to go back and revisit that existing definition in  
23 Section 5. I apologize. I don't have that before you tonight  
24 but it might conflict with the new one that our legal counsel  
25 had proposed to us. So I am going to make a note on that.

26 CHAIRMAN LINGENFELTER: You know what, Heather?  
27 Just, I want to go back --

28 MS. FREEMAN: Sure.

29 CHAIRMAN LINGENFELTER: -- just momentarily to  
30 page 16.17, under 16.24, Permitted Density and Open Space

1 Requirements.

2 MS. FREEMAN: Yeah.

3 CHAIRMAN LINGENFELTER: Section A, "Open space is  
4 defined as a portion of a development site that is permanently  
5 set aside for public or private use and will not be  
6 developed." When it says "public or private use" and in the  
7 same sentence says "will not be developed," I guess I am a  
8 little bit concerned about the public and private use, private  
9 use, because then that kind of goes to what Rich just brought  
10 up about --

11 MR. PETERSON: Putting a pool in.

12 CHAIRMAN LINGENFELTER: -- you know, wanting to put  
13 a pool in. I mean, technically, that's public use or private  
14 use, you know. It says it won't be developed but,  
15 technically, I mean, putting a pool in, is that developing it  
16 per se? Because when I think of being developed, I am  
17 thinking of putting homes or structures. A pool, you know, or  
18 a pavilion or --

19 MR. PETERSON: It could be a pavilion, you're right.

20 CHAIRMAN LINGENFELTER: Yeah, you know.

21 MS. FREEMAN: Well, if we're concerned that it's a  
22 loophole, we could maybe consider adding some statement in  
23 here that clearly states there shall be no buildings or  
24 structures built within the designated open space unless --

25 MR. IAFELICE: Heather, I think Andy's point is open  
26 space as defined is not to be developed.

27 CHAIRMAN LINGENFELTER: Right.

28 MR. IAFELICE: I think it's a valid observation.

29 CHAIRMAN LINGENFELTER: Yeah. When I see that  
30 "public or private," you know, "public or private use," then

1 that kind of throws the whole process of open space askew, you  
2 know. Then I wonder, well, wait a minute. Are we talking  
3 about the set-aside and it's to be, it's to be maintained as  
4 open space or green space or is it a set aside that can be  
5 used at some point in time for some private or public -- When  
6 you start saying private, then I get concerned about people  
7 that have space or a lot that's abutting open space.

8 MR. PETERSON: Right.

9 CHAIRMAN LINGENFELTER: They have, technically, it's  
10 private, they have private property. And, what, do they get  
11 to encroach on that open space because it's private? You know  
12 what I am saying? I get a little bit nervous about that.

13 MR. PETERSON: So what if you took out the "public  
14 and private," like Rich said.

15 CHAIRMAN LINGENFELTER: Right.

16 MR. PETERSON: And just say it's set aside and will  
17 not be developed.

18 VICE CHAIR LINGENFELTER: Right.

19 MR. PETERSON: I think that would be better,  
20 actually.

21 CHAIRMAN LINGENFELTER: Yeah, I get a little nervous  
22 about the public or private use part of that.

23 MR. IAFELICE: Good point.

24 CHAIRMAN LINGENFELTER: Any comments?

25 MS. FREEMAN: Now I get what you are saying, yeah.  
26 Well, you know, our law department put that definition  
27 together for us and they're not available this evening.

28 CHAIRMAN LINGENFELTER: Right.

29 MS. FREEMAN: But I think the intent was, you know,  
30 if the open space was owned by a public entity, such as the

1 township or Metroparks, that they could open that up for  
2 public use but that use of that would have to still be passive  
3 recreation, maybe the walking trails that you might be able to  
4 put in there. And then the private side of it would be, you  
5 know, if it's HOA owned, you know, the residents that live in  
6 that and are part of that HOA can also use that open space in  
7 a manner that conforms, you know, with the RCD, so basically  
8 passive recreation, you know, walking.

9 MR. REPERT: Yeah, but it's not going to be  
10 developed.

11 MS. FREEMAN: Right. And it "will not be  
12 developed," right.

13 MR. REPERT: So if the HOA decides to put a walking  
14 trail, that's not developing the open space?

15 MS. FREEMAN: I would say no based on this because  
16 we might permit that with prior approval. So they -- And  
17 maybe we need to clarify that, maybe, that prior approval. Is  
18 that at the time of rezone or how do you get that approved  
19 after the project's already done? I'm not sure.

20 MR. PETERSON: How do you separate that from  
21 something like a dirt bike trail? You know, there is always  
22 concern about dirt bikes in the common areas.

23 CHAIRMAN LINGENFELTER: Or ATVs.

24 MR. PETERSON: Yeah, ATV, snowmobile maybe if there  
25 is enough land.

26 CHAIRMAN LINGENFELTER: Well, I guess, to me, what  
27 it all boils down to is what's the intent for the open space?  
28 Is the open space, is the intent for the open space to remain  
29 in its natural state to preserve whatever cultural or natural  
30 features that exist there prior to the development or is it

1 open to -- because, to me, when you start to put in walking  
2 trails, you're disturbing the open space because you've got to  
3 clear out, you have remove trees, you have to cut down trees,  
4 right? You're going to have to put in gravel for the walkway.  
5 I mean, there is a certain level of development that goes on  
6 to put in a walking trail, you know.

7 MR. PETERSON: I kind of agree. I thought it was,  
8 the intent was to leave it in its natural state.

9 CHAIRMAN LINGENFELTER: Yeah. So, to me, when you  
10 start -- I think if there is provisions for those things, it  
11 should be brought up at the beginning of the proposal for the  
12 RCD to say, we're going to put walking trails in around here.

13 MS. FREEMAN: Right.

14 CHAIRMAN LINGENFELTER: If they were in the fringes  
15 of the open space, I am probably more inclined to be okay with  
16 that, but if they're talking about at a later point in time  
17 going in and cutting out a trail through open space for people  
18 to walk on, you know, then that becomes, to me, then you start  
19 to cross the line from open space into developing it as  
20 something other than.

21 MR. PETERSON: Would that then go to zoning appeals  
22 by the homeowners association? If they decided they wanted to  
23 do something like that, would that go to appeals?

24 MS. FREEMAN: Well, I think, you know, during this  
25 process that we've been going through for the last several  
26 months, you guys can make that decision. Do you want do allow  
27 these RCDs to have the low impact, you know, like the crushed  
28 limestone walking trails, potentially, through open space, you  
29 know, as approved at the time of rezone? And I don't, you  
30 know, perimeter versus in the middle of the open space, I

1 think that's very, you know, it should be more site specific  
2 as far as what trees are in there or what other resources are  
3 in there. Are you staying away from the streams, the  
4 wetlands? I mean, you don't want to necessarily go around the  
5 perimeter if those are where the resources are but I think,  
6 through this, we need to make that clear. It's up to you  
7 guys, really.

8 I mean, the way it's written now, it's not clear  
9 because one section says, you know, you can keep what's there.  
10 And then if you read our existing definition of open space in  
11 Section 5, it talks about you can create walkways. So I think  
12 what we are proposing here is that the township could, should  
13 consider allowing, you know, some low impact walkways through  
14 the open space if it served a function, maybe connecting other  
15 open space areas or, as indicated previously, providing access  
16 to do some kind of scientific research or restoration  
17 activities in regards to a stream or a wetland.

18 But I agree. We definitely would want to know all  
19 of that up front at the time of rezoning. Someone has to  
20 approve it and it shouldn't be the Zoning Inspector.

21 CHAIRMAN LINGENFELTER: Right. Well, that, and I  
22 think, yeah, that's not fair to put the onus on you for that,  
23 that's for sure.

24 MR. PETERSON: Right.

25 CHAIRMAN LINGENFELTER: But I think, also, I think  
26 it goes back to the intent of the open space. What's the  
27 intention of the open space? Is it for recreational or is it  
28 for preservation?

29 MR. REPERT: Conservation.

30 MS. FREEMAN: Well, in reading the purpose --

1 MR. REPERT: I think it's for conservation.

2 CHAIRMAN LINGENFELTER: Right.

3 MR. PETERSON: And preservation.

4 MR. REPERT: And preservation.

5 CHAIRMAN LINGENFELTER: Because, you know, I mean, I  
6 become -- And the only reason I am more aware, I spend a lot  
7 of time walking in the metroparks and I walk on trails and I  
8 see what goes on on the trails, you know, and I see what  
9 happens, and it's not -- A lot of trash, you know, people  
10 throw water bottles, garbage. You have a big rain storm, you  
11 get wash-outs if you put gravel in and, all of the sudden,  
12 you've got wash-outs and ruts that get washed and gravel goes  
13 off into other areas and it has to be replaced. You know,  
14 there is places where they put down, like, they put down some  
15 sort of screening material. I don't know exactly what it is  
16 but it's almost like, kind of like what you would put down in  
17 a landscape bed to stop the weeds from growing.

18 MR. PETERSON: Fabric, yeah.

19 CHAIRMAN LINGENFELTER: They put that down first and  
20 then they put gravel over top of it. Well, when the gravel  
21 washes out, guess what's exposed, the black mat that's  
22 underneath the gravel. So who's going to maintain that? Who  
23 goes back in to fix that when that happens?

24 And then those kind of things, to me, now, the  
25 Metroparks, that's their job. That's what they do. They got  
26 guys out there with backhoes and front-end loaders and dump  
27 trucks and, you know, six-wheel ATVs with shovels and stuff  
28 and they fill all that stuff back in and they scrape it all  
29 back where it belongs. But when you're talking about in a  
30 community-based situation like that, who's going to maintain



1 it? And then what happens when it falls into disrepair? Who  
2 takes care of it? Who is responsible for the upkeep of that?

3 When it's just kept as open space, it eliminates a  
4 lot of those issues, just eliminates a lot of the potential  
5 problems that go along with that, you know. Just bringing it  
6 up.

7 MS. FREEMAN: Yeah.

8 CHAIRMAN LINGENFELTER: Food for thought.

9 MR. PETERSON: If it's our call, I like Hiram's  
10 proposal, preservation and conservation.

11 MS. FREEMAN: And just reading the purpose  
12 statement, it really does focus on, you know, avoiding  
13 development of natural resource areas.

14 CHAIRMAN LINGENFELTER: Right.

15 MS. FREEMAN: It really, all of 16.19 really does  
16 focus on basically just preserving that open space.

17 CHAIRMAN LINGENFELTER: Yeah.

18 MS. FREEMAN: As it is.

19 CHAIRMAN LINGENFELTER: Like it says, you know --

20 MS. FREEMAN: But, I mean, you could change that,  
21 too.

22 CHAIRMAN LINGENFELTER: Such flexibility is intended  
23 to maximize the protection and conservation of natural  
24 resource areas and their functions. So I guess I would rather  
25 be a tad more restrictive on what goes on on open space, green  
26 space, than -- I mean, if a developer like, for instance, with  
27 Riebe, with the Canterwood, you know, Canterwood Farms or  
28 whatever the --

29 MS. FREEMAN: Right.

30 CHAIRMAN LINGENFELTER: You know, it was very clear,

1 they are putting in a clubhouse. But they made, they made  
2 sacrifices on lots, number of lots they could put in to be  
3 able to put that clubhouse in with the parking and the pool  
4 and things like that. It's not like they're going to encroach  
5 on open space.

6 The walking trail, they're going to put a trail, a  
7 walking path or whatever from that one section of those  
8 disjointed lots that are on Hoose Road over to be able to get  
9 to the Community Center, things like that, but they made  
10 accommodations for that, you know. They don't encroach, as  
11 far as I am aware or as far as I recall, they were not  
12 encroaching on the open space to accomplish those things.

13 MR. PETERSON: True.

14 CHAIRMAN LINGENFELTER: You know, so the open space  
15 is the open space. You know, and I think if we want to follow  
16 the purpose statement, you know, that we're focusing on the  
17 protection and conservation of the natural resources and their  
18 function, I think we should kind of scratch out the public or  
19 private use kind of comments and any options or any  
20 opportunity for people to do things that may encroach on that  
21 open space.

22 MR. SCHINDLER: Plus, a lot of times, people don't  
23 want a walking trail going through their back yard where  
24 someone could be seen looking in their house and stuff, too.  
25 I wouldn't personally want that, somebody having -- walking by  
26 there because you never know who they might be, whether  
27 they're in the development as your neighbor or if they're  
28 outsiders just coming through casing the place out. So, me, I  
29 don't particularly care to have a walking trail somewhere  
30 close to my back yard or front yard, whatever it is, that gets

1 close to my property.

2 MR. IAFELICE: But, well, if I may, Mr. Chairman,  
3 Heather's pointed out, in 16.05, under Open Space, that whole  
4 section relates to the use of the common space and that the  
5 HOA set aside a fee and maintain it, maintain, maintain it.  
6 So if they're maintaining something, it seems to me that  
7 preserving and conserving but, perhaps, the developer's plan  
8 and benefit of that open space to use, whether it's a walking  
9 trail or some nature hike or something, might be an attraction  
10 to a development.

11 But 05 seems to set that up for just that purpose  
12 while still preserving. I understand the concerns about who  
13 is going to maintain it but I think that's what 05 addresses,  
14 cost, fee, and so forth. And it gives the Trustees a four-day  
15 written notice if things aren't being done. So I'm kind of  
16 torn a little bit by this. It's a good discussion.

17 CHAIRMAN LINGENFELTER: Yeah, I just don't want to  
18 send mixed messages as to what we're trying to accomplish  
19 because I think we are a little bit conflicted.

20 MR. IAFELICE: Yes.

21 CHAIRMAN LINGENFELTER: A little bit, not terribly.

22 MR. IAFELICE: I agree, not terribly.

23 CHAIRMAN LINGENFELTER: But a little bit conflicted.

24 MR. IAFELICE: I agree.

25 CHAIRMAN LINGENFELTER: And since we're tweaking  
26 things, you know, do we take advantage and make it a little  
27 more definitive?

28 MR. REPERT: Can somebody clarify for me what the  
29 HOA would do to maintain an open space? I envision is, here  
30 is my house, here is my little plot of green lawn, and beyond

1 that is open space as designated and it's high grass. Let it  
2 grow wild. It's open space. We're preserving and conserving  
3 the natural environment, which is high grass.

4 MR. PETERSON: Or forest.

5 MR. REPERT: Or trees, yeah. But what are you  
6 going to do to maintain a tree?

7 MR. PETERSON: For me, I fully appreciate that but  
8 16.05 does address this. So, I mean, the intent is  
9 establishing, the HOA establishing a fee mechanism to maintain  
10 it. So it appears the intent is to maintain some type of --

11 MR. SCHINDLER: Whatever it is.

12 MR. IAFELICE: -- amenity in the conservation area,  
13 conserved area that is attractive to the people who live  
14 there, I would presume, the way it's written.

15 CHAIRMAN LINGENFELTER: What, Heather?

16 MS. FREEMAN: Mr. Chairman, if I might.  
17 Mr. Iafelice.

18 MR. IAFELICE: Yes.

19 MS. FREEMAN: You know, this Section 16 is a little  
20 confusing. 16.05 is in Part I, which doesn't have to do with  
21 RCD specifically.

22 MR. IAFELICE: Correct.

23 MS. FREEMAN: So 16.05 is just if you do a Planned  
24 Unit Development district.

25 MR. IAFELICE: No, I understood.

26 MS. FREEMAN: So these open space requirements don't  
27 apply to RCD.

28 MR. IAFELICE: You are telling me there is a  
29 different definition for open space?

30 MS. FREEMAN: Right.

1 MR. IAFELICE: And we're doing two different  
2 definitions?

3 MS. FREEMAN: Yeah, so Section -- I know this is  
4 really confusing. If you look on the first page, yeah, Part I  
5 of Section 16 has to do with like a PUD, which is minimum 100  
6 acres. You are looking at Summerwood and Quail Hollow. But  
7 we're doing, most of our amendments are in Part II, which is  
8 just the RCD section. And sometimes you flip up to Part I as  
9 far as the review process but all the standards and  
10 requirements are really in the second half of this section, so  
11 16.19 through 16.32. So as far as an RCD open space  
12 requirement --

13 MR. IAFELICE: Definition.

14 MS. FREEMAN: The definition -- I can go grab the  
15 Zoning Resolution. I am sorry. I didn't grab it.

16 MR. IAFELICE: That's okay.

17 MS. FREEMAN: It's in Section 5 and it talks about  
18 conservation but then it also talks about allowing potential,  
19 you know, walking paths, which directly conflicts with how  
20 we're envisioning RCD and how we even enforce it, you know --

21 MR. IAFELICE: Okay.

22 MS. FREEMAN: -- and what's in there currently. And  
23 I think with legal proposing a new definition specifically in  
24 this section would supersede the old. But I will definitely  
25 go back and get a clarification from legal on this, especially  
26 since there is some concern about what this might open us up  
27 to as far as public and private.

28 And then even the sentence after that, I am a little  
29 concerned because it states that it can be used as community  
30 open space or preserved as green space. I don't know what

1 "community open space" means. So I think I also would like to  
2 go back to legal and maybe button this up a little bit and get  
3 a clearer definition, but I guess I would like to hear from  
4 you first. What it sounds like is the purpose and intent is  
5 to really just conserve it and preserve it and maybe not  
6 allow --

7 MR. REPPERT: No trails.

8 MS. FREEMAN: -- the addition of trails.

9 MR. IAFELICE: I am not saying that.

10 MS. FREEMAN: Okay.

11 MR. IAFELICE: I think there is an attraction to it,  
12 but I am also concerned that we have multiple definitions of  
13 open space.

14 MS. FREEMAN: Yeah, okay.

15 MR. IAFELICE: It confuses the public. It confuses  
16 developers.

17 MS. FREEMAN: Yeah, yeah.

18 CHAIRMAN LINGENFELTER: Well, I think what it can  
19 also do, I think there is some potential to, potentially,  
20 mislead the public as to what's actually going to go in. And  
21 that's what, like I said, I think it would be better to,  
22 better to kind of tighten this down now, you know, before we  
23 get into a situation, you know, where we left it, we didn't  
24 address it and then it becomes an issue, you know.

25 I think that, I think on the purpose statement, I  
26 think the purpose is pretty clear. And the additional  
27 verbiage and the protection and, you know, conservation of  
28 natural resource areas, I think that pretty much, I think that  
29 pretty much puts it out there as to what the intent is. And  
30 then I think we just need to make sure that we take away those

1 comments or things that might leave it open to interpretation.  
2 So like that "public or private use" comment, I think we  
3 should strike that, you know, wouldn't be, probably, wouldn't  
4 be a bad idea.

5 MR. REPERT: And like you said, Heather, I don't  
6 like that next sentence either with the community open space.

7 CHAIRMAN LINGENFELTER: Right.

8 MR. REPERT: Or preserved as green space. Well,  
9 that's what it does. I mean, I think the second part,  
10 "preserved as green space," is a little bit redundant and I  
11 just don't like the open, the community open space. If we  
12 have a community open space, we're going to have swing sets  
13 and eventually swimming pools in that community open space.

14 CHAIRMAN LINGENFELTER: Well, at least, if not, you  
15 leave yourself open to that.

16 MR. REPERT: Well, yeah.

17 CHAIRMAN LINGENFELTER: Right.

18 MR. REPERT: Anything in between.

19 CHAIRMAN LINGENFELTER: So do we want to strike that  
20 community open space verbiage? Is that your thought process,  
21 Hiram?

22 MR. REPERT: Yes. In fact, I'd like to scratch  
23 that whole sentence.

24 CHAIRMAN LINGENFELTER: "Open space may be used as  
25 community open space or preserved as green space"?

26 MR. REPERT: Yes.

27 CHAIRMAN LINGENFELTER: Strike that sentence?

28 MR. REPERT: Yeah, I'd like to strike that.

29 CHAIRMAN LINGENFELTER: So then if I am following  
30 your -- So I am reading, "Open space is defined as a portion

1 of a development site that is permanently set aside for public  
2 or private use," we're going to get rid of that. We're just  
3 basically going to say, "Open space is defined as a portion of  
4 a development site that is permanently set aside."

5 MR. REPERT: Set aside.

6 CHAIRMAN LINGENFELTER: "Will not be developed."

7 MR. REPERT: That's right.

8 CHAIRMAN LINGENFELTER: How is that?

9 MR. SCHINDLER: Period, right.

10 MR. REPERT: I like that.

11 CHAIRMAN LINGENFELTER: So we get rid of the "for  
12 public or private use," we strike that. So it's going to  
13 read, "a portion of a development site that is permanently set  
14 aside and will not be developed." So get rid of the "public  
15 or private use" words. Okay? And then strike, "Open space  
16 may be used as community open space or preserved as green  
17 space," just strike that sentence.

18 Is that right, Hiram?

19 MR. REPERT: Correct.

20 CHAIRMAN LINGENFELTER: You with me?

21 MR. REPERT: Correct.

22 CHAIRMAN LINGENFELTER: Okay. Heather, you got  
23 that?

24 MS. FREEMAN: Yes.

25 MR. REPERT: And while we're talking here, this  
26 isn't red but it's black. It's kind of obvious that the next  
27 sentence, "Open space areas shall be provided within the  
28 proposed RCD district development," isn't that what we're  
29 talking about here?

30 MS. FREEMAN: I think you have to state it



1 somewhere. You still have to state it, that it's required.  
2 This is the first time, reading the zoning, that it states  
3 that it's actually required to be as part of the development.

4 MR. REPERT: Okay.

5 MS. FREEMAN: I think just because we talked about  
6 this so much, you know, it seems like we have overstated it  
7 but this is the first section where you actually bring it up,  
8 what is the open space and is it required? Which leads you  
9 into the next section that talks about, okay, well, how much  
10 open space?

11 MR. PETERSON: Yeah, I'd leave it then.

12 CHAIRMAN LINGENFELTER: So if we fast forward to  
13 16.18, which is now -- was formerly B but is now C for Open  
14 Space Design Criteria, "Additional passive recreational  
15 opportunities are possible with prior approval that encourage  
16 the connection of natural and open space areas, provide for  
17 scientific research, or for restoration activities," are we  
18 okay with the "passive recreational opportunities"?

19 MR. PETERSON: Well, isn't this one you brought  
20 forth, Andy, as long as they do it up front?

21 CHAIRMAN LINGENFELTER: Right.

22 MR. PETERSON: You know, if they're going to come in  
23 as part of the initial site approval and that's part of it, we  
24 can consider it, right?

25 CHAIRMAN LINGENFELTER: I am okay with the existing  
26 trails or paths to be preserved.

27 MR. PETERSON: Yeah.

28 CHAIRMAN LINGENFELTER: I'm okay with that, but then  
29 "additional passive recreational opportunities are possible  
30 with prior approval."

1 MR. PETERSON: We'd have to give the prior approval.

2 CHAIRMAN LINGENFELTER: Right. You good with that?

3 MR. REPPERT: What's a passive recreational  
4 opportunity?

5 CHAIRMAN LINGENFELTER: Yes, that's me. I am asking  
6 that question, too. What is passive recreation?

7 MR. PETERSON: Good question.

8 MS. FREEMAN: I mean, I would think walking trails,  
9 hiking trails, that kind of stuff. There is not really a  
10 whole lot.

11 MR. PETERSON: Is it an active recreation though?  
12 Active recreation involves movement.

13 MS. FREEMAN: Bird watching.

14 MR. PETERSON: Passive recreation.

15 CHAIRMAN LINGENFELTER: What do you think?

16 MS. FREEMAN: Recreational activities that do not  
17 require prepared facilities like sports fields or pavilions.  
18 Right, passive recreational activities place minimal stress on  
19 a site's resources. As a result, they can provide ecosystem  
20 service benefits and are highly compatible with natural  
21 resource protection. That came from EPA.gov website.

22 MR. PETERSON: Maybe like bird watching.

23 MS. FREEMAN: Remember, this was a suggestion by  
24 Soil and Water, so they kind of are the experts in this kind  
25 of field.

26 CHAIRMAN LINGENFELTER: Right.

27 MR. REPPERT: But then we have to put, we have to  
28 define "passive recreational activities" in the definition  
29 area.

30 MS. FREEMAN: Well, we could consider creating a

1 definition.

2 MR. PETERSON: It says here bird watching, walking,  
3 or photography.

4 MS. FREEMAN: Yeah. I see horseback riding.

5 I don't think, honestly, a developer is not going to  
6 do this unless it really did help benefit the development and  
7 the community and there was a real, a need, if they saw a real  
8 true value to it because all this is going to do is add cost  
9 to their project that they're not going to want to do unless  
10 it -- kind of what, Rich, you were saying -- if it was a  
11 feature or a selling point for the development that truly had  
12 a value that met the intent of this language that we're  
13 proposing here, if we want to be able to consider that.

14 MR. REPERT: To go to the sentence before that,  
15 "Any existing trails or paths can be preserved," shouldn't we  
16 say "should" or "shall" or -- instead of "can."

17 MR. PETERSON: "May."

18 CHAIRMAN LINGENFELTER: Well, because it's an  
19 option, I think, if there is an existing trail or a path  
20 that's already there, it can be preserved but it doesn't have  
21 to be.

22 MS. FREEMAN: Right. You could let it go back to  
23 natural.

24 CHAIRMAN LINGENFELTER: Let it go back, just let  
25 it --

26 MR. REPERT: It's not what I would say but that's  
27 okay.

28 CHAIRMAN LINGENFELTER: Come on, Hiram. Work with  
29 us.

30 MR. REPERT: Well, I am.

1 MS. FREEMAN: So what if there is like an old, an  
2 old ATV trail running through the open space? I mean, would  
3 you want the HOA to have to keep that up? Probably not. If  
4 you change it to a "shall." I am just thinking.

5 MR. SCHINDLER: Since we got this tonight for the  
6 first time, it might be something maybe we should individually  
7 spend some time looking it over, putting our little questions  
8 and stuff in there for the next meeting. You can, Heather --

9 MS. FREEMAN: Yeah, we can do that.

10 MR. SCHINDLER: -- look up the stuff that, you know,  
11 that was brought up tonight that you want to get clarified  
12 yourself and then we can continue this at our next meeting.

13 CHAIRMAN LINGENFELTER: Okay. Heather, do you want  
14 to continue?

15 MS. FREEMAN: Yeah, yeah.

16 CHAIRMAN LINGENFELTER: Please.

17 MS. FREEMAN: So we'll just leave it in for now,  
18 yeah. We can always rehash this out.

19 So on the next page, on 16.19, one new thing that we  
20 added in, and I thought this, we really need to clarify to the  
21 developers whether or not they're allowed to put any kind of  
22 stormwater infrastructure in the open space or not because  
23 even what I think is clear is not clear, you know, even the  
24 way it's written today. Developers in the past have put the  
25 basins in the open space and it counted, it didn't count. I  
26 really thing this is the opportunity where we clarify that,  
27 you know.

28 I was suggesting -- And I know legal initially had  
29 said that we didn't need to do this but I still hear it, you  
30 know, and everyone interprets it differently. But I was

1 suggesting that we actually just flat out state in here that  
2 the stormwater infrastructure may be located within these  
3 protected open space areas but do not contribute to the  
4 minimum open space calculation or to the minimum open space --  
5 I might need to change the word -- to the minimum open space  
6 calculation that's required in Section 16.24(B), which  
7 references you back to the minimum open space that we're  
8 stating is required.

9 CHAIRMAN LINGENFELTER: Right.

10 MR. REPERT: Okay.

11 MS. FREEMAN: Any thoughts on that or -- I don't  
12 know.

13 MR. IAFELICE: One, I guess, could be erroneous  
14 question here. If the infrastructure is located in open  
15 space, then it's not open space. It's stormwater  
16 infrastructure.

17 MS. FREEMAN: Okay. So what do they do, set aside a  
18 lot for it then or what do we call that?

19 MR. IAFELICE: I don't have a problem with the  
20 statement because I know -- yeah.

21 MS. FREEMAN: So how like from a subdivision, you  
22 know, a practical standpoint, what is the surveyor or engineer  
23 going to do to just put those features on a lot or a block of  
24 land, you know, because they just design it and they put it in  
25 the open space.

26 MR. IAFELICE: Yeah, yeah. My point, Heather --

27 MS. FREEMAN: How do you subtract that out, you  
28 know? Like, I don't know. I don't want to get into, you  
29 know, the basin is this big and then at final engineering it's  
30 this big and they lose density or then they're below the 30 or

1 the 40 percent, you know.

2 MR. IAFELICE: Sure. I was only going to suggest,  
3 "Stormwater infrastructure does not contribute to the minimum  
4 open space," it just doesn't.

5 MS. FREEMAN: Oh, okay.

6 MR. IAFELICE: I think that's what, that's what  
7 we're trying to say, not where it's located.

8 CHAIRMAN LINGENFELTER: I agree.

9 MS. FREEMAN: Okay. Maybe that's a clearer way to  
10 say it. Okay.

11 CHAIRMAN LINGENFELTER: Yep.

12 MS. FREEMAN: So, "Stormwater infrastructure does  
13 not contribute to the open space"?

14 MR. IAFELICE: Yeah.

15 MS. FREEMAN: And then they can figure out where  
16 they are going to stick it or subtract it out.

17 MR. PETERSON: Good one.

18 MR. REPPERT: They can put it wherever they want.

19 MS. FREEMAN: Thank you.

20 The other section, and this kind of came up. We  
21 talk about right now in the zoning it says any disturbed --  
22 any area in the open space that's disturbed during  
23 construction has to be revegetated, you know, and then it  
24 states a landscape plan has got to be submitted. And I know  
25 we were initially going down the route of, you are going to  
26 submit that plan to us at the time of preliminary or final or  
27 whatever that was going to be. But I was concerned that the  
28 developers might take advantage of that, thinking, "Oh,  
29 they're going to allow us to go in and disturb this, you know,  
30 so we can grade out these lots and then we'll just clear this

1 section of the open space and then we'll come back later on  
2 and we'll just, we'll revegetate."

3 You know, so I thought changes here were going to  
4 make it more clear that it's to be preserved in its open  
5 space; but if there is going to be some small disturbance in  
6 that, it has to be previously approved and then restored  
7 immediately upon.

8 MR. REPPERT: Okay.

9 MS. FREEMAN: You know, and submit like a  
10 restoration plan. I think that would all be kind of submitted  
11 during the final subdivision review process when the final  
12 improvement plans are being submitted to the county and the  
13 township.

14 I did hear some cements at the last public hearing  
15 in front of the Trustees with the Villas at Canterwood project  
16 where a statement was made by their engineering firm that they  
17 thought they were going to just be able to go -- that the open  
18 space wasn't necessarily going to stay, you know, the way it  
19 was with the woods there and that they were going to clear  
20 that in order to grade out the lots, which to me it was like,  
21 reading this, it should be clear that you can't do that. But  
22 if someone else is taking that interpretation, I started to  
23 worry, okay, maybe it's not clear.

24 So this is kind of what I talked about with Dan at  
25 Soil and Water and we're suggesting that maybe you guys can  
26 -- so think about it.

27 We had, also, and then the section after that, F, we  
28 talked about, you know, you could provide open space areas  
29 abutting the right-of-way. Soil and Water suggested that we  
30 also add in one of the benefits, not only breaking up the

1 continuous row of homes, would also be in order to provide  
2 access to the open space by the residents.

3 MR. PETERSON: Why would they need access if it's --

4 MS. FREEMAN: They can walk it.

5 MR. PETERSON: But we're not putting trails back  
6 there.

7 MS. FREEMAN: You can still walk it without trails.  
8 I mean, you walk the woods.

9 MR. PETERSON: That's why we have metroparks.

10 MS. FREEMAN: So no one in Summerwood walks the  
11 woods? I mean, I know that's not an RCD but does anyone over  
12 there walk in those woods?

13 CHAIRMAN LINGENFELTER: Not that I am aware of but  
14 that doesn't mean that they don't.

15 MR. PETERSON: Yeah. I don't -- It is pretty thick.  
16 If you leave it in a natural state, it's pretty thick, I know  
17 ours is. It's not really walkable. So if you give them easy  
18 access, you don't know what they're going to do back there.  
19 Camping.

20 MS. FREEMAN: Okay.

21 CHAIRMAN LINGENFELTER: Anything else, Heather?

22 MS. FREEMAN: Just the next page, at the top, sorry,  
23 under E there, we talked about, this is the ownership and  
24 maintenance of the protected open space.

25 CHAIRMAN LINGENFELTER: Right.

26 MS. FREEMAN: I added in a statement that states,  
27 "It is strongly desired that the open space is protected with  
28 a conservation easement held by a conservation organization."

29 CHAIRMAN LINGENFELTER: Right.

30 MS. FREEMAN: Right now, we don't make that a



1 requirement but maybe if we added that it's strongly desired,  
2 we will get some developers doing that.

3 CHAIRMAN LINGENFELTER: Okay.

4 MS. FREEMAN: Just the next page, or page 16.21,  
5 these Perimeter Building Regulations, I know I had originally  
6 brought these up to you guys about maybe limiting how close a  
7 home could be built to the perimeter of an RCD. Just, you  
8 know, Dan, at Soil and Water, was kind of questioning this.  
9 And I tried to explain to him what the thought kind of was and  
10 just, you know, he was thinking -- I want to bring it up to  
11 you. I left it in the way we discussed it. But, you know,  
12 when we talked about it, a lot of times the neighbors that  
13 live in the neighborhood around, they're looking for that  
14 perimeter, kind of, open space to protect them from this new  
15 development.

16 CHAIRMAN LINGENFELTER: Right.

17 MS. FREEMAN: Typically, a little bit more dense  
18 than their neighborhood. So the thought was, if you make the  
19 setbacks a little bit larger, you might get open space there  
20 versus a home right next to an existing neighborhood.

21 Soil and Water had suggested that you maybe focus  
22 not so much on pushing the open space on the perimeter but  
23 rather, you know, really driving the open space to more of  
24 where the natural resources are, the streams, the wetlands.  
25 So by putting this in, you might, it might force them to  
26 protect less worthy, I guess, land if those natural features  
27 aren't on the perimeter of the development. Does that make  
28 sense?

29 MR. IAFELICE: Yes.

30 CHAIRMAN LINGENFELTER: Um-hum.

1 MR. IAFELICE: I don't agree but it makes sense.

2 MS. FREEMAN: Okay. That's just something to think  
3 about. It was brought up to me and I was like, I don't know.  
4 I wasn't struggling as much as they were but that was a little  
5 bit of feedback that I received from them on that.

6 Okay. I think that was really it. You know, one  
7 thing that we didn't really talk about and Dave Radachy and  
8 Dan Donaldson brought up to me is when they originally, when  
9 the township originally adopted the RCD language -- some of  
10 you were probably part of that board -- they did, they went  
11 back, the county went back on behalf of the township and  
12 reviewed previously approved subdivisions, traditional  
13 subdivisions in Lake County specifically to try to figure out  
14 the density bonus, that existing scale that we have in there  
15 to determine what these lot yields, like, what the lot yields  
16 were on subdivisions.

17 I think they looked at overall size of the project,  
18 how much area was in road right-of-way versus lots, and then  
19 figure out what the average lot yield was for the development  
20 and that's how they came up with these density bonuses.

21 And they were, they told me that they would be  
22 willing to take another look at that if we thought that might  
23 be helpful to see what kind of yield would be a typical yield  
24 return on a traditional subdivision and create maybe some  
25 guidance document, you know, that you could use in the future.  
26 And I don't even know how we would do this. I am not even  
27 sure, from the legal standpoint, that we could do this or not.  
28 I'd have to check with legal. But they were talking about a  
29 guidance document that could show you, you know, in a  
30 traditional R-1 the lot yield was -- I don't even have, I am

1 not even sure --

2 CHAIRMAN LINGENFELTER: Right.

3 MS. FREEMAN: -- one unit per acre, you know, give  
4 you a range of like a low and a high on a traditional  
5 subdivision. So then if a project came in, you could look and  
6 see, you know, does this subdivision kind of fall within that?  
7 I am not sure if that's going to be helpful or not to you  
8 guys.

9 The other thing they, Soil and Water, had suggested  
10 is that really we should be asking the developers for a  
11 minimum of 40 percent open space on any of these projects. I  
12 know we came up with the scale that goes from 30 to 40. One  
13 thing I didn't think about is you might get a developer that  
14 comes in, rather than doing a 40 acre project, they might come  
15 in with two 20 acre projects and they protect 10 percent less  
16 open space by doing that. So doing a sliding scale based on  
17 the project area could, potentially, get less open space  
18 preserved if they were going to try to manipulate their  
19 projects to stay under a certain acreage, they have to protect  
20 less area.

21 So I know, I know we went back and we looked at all  
22 the other ones that were previously done in the township and I  
23 think they were all right at the 40 percent.

24 MR. PETERSON: Yeah, they were all.

25 MS. FREEMAN: The Villas at Canterwood, they were  
26 more like 35-ish percent. And I know -- and I didn't get to  
27 it yet -- but we did get some comments from a resident that I  
28 brought up to Andy and that we will mention here in just a  
29 minute, and I think one of those things had to do with the  
30 minimum open space requirement as well. So we might want to

1 think about that a little bit more as far as --

2 MR. REPERT: She didn't like the sliding scale?

3 MS. FREEMAN: Huh?

4 MR. REPERT: She didn't like the sliding scale?

5 MS. FREEMAN: Oh, the resident?

6 MR. REPERT: Yeah.

7 MS. FREEMAN: Correct, yeah. So I hadn't really  
8 thought about the potential misuse maybe on that from a  
9 development standpoint, whether or not someone would actually  
10 do that, but I guess it would be possible.

11 MR. REPERT: Now, that's saying 20 here and 20 here  
12 right beside it?

13 MS. FREEMAN: They could be, you know, or just they  
14 could be completely separate from one another -- I don't  
15 know -- or, I mean, I guess it would be right beside it.

16 MR. REPERT: It would have to be.

17 MS. FREEMAN: I don't know, yeah, yeah.

18 CHAIRMAN LINGENFELTER: Yeah, I would like to make a  
19 note that we did receive a letter from or an email from a  
20 resident, Vanessa Pesec. She highlighted a number of issues  
21 that she wants us to consider. You know, we just got this  
22 tonight. So I would like to have some time to go and review  
23 some of this and see if there is some, you know -- I think  
24 that I haven't really had a chance to look at it yet but I  
25 think we should take a look at it and see if there are any  
26 components of this that are worthy of including into our next,  
27 I think, at our next work session. We can maybe take a little  
28 deeper dive into some of the comments that are noteworthy.

29 So, but everybody has it. I want to make sure it's  
30 reflected on the record. Everybody has been given a copy on

1 the Zoning Commission. All zoning members have a copy of  
2 this, the comments and the suggestions, so we can all have a  
3 chance to read through it and maybe we can have a discussion  
4 on some of these things at the next work session next month  
5 when we continue this, as we continue to, kind of, go down  
6 this path in restructuring this.

7 MS. FREEMAN: Yeah, that will give staff time to go  
8 through these as well.

9 CHAIRMAN LINGENFELTER: Right.

10 MS. FREEMAN: And see how that may fit in. I think  
11 this might have been updated since these comments were  
12 generated.

13 CHAIRMAN LINGENFELTER: Right.

14 MS. FREEMAN: Because this latest version that we  
15 discussed tonight was finished up late last week.

16 CHAIRMAN LINGENFELTER: Right.

17 MS. FREEMAN: So I don't believe Vanessa has that  
18 copy.

19 CHAIRMAN LINGENFELTER: We can certainly take that  
20 under consideration. And we appreciate all the feedback from  
21 residents, regardless of what the issue is. We like to see  
22 people take an active, interactive approach to what we're  
23 doing. We welcome it. So -- And we appreciate the efforts.

24 Anything, anything else on this, Heather, on this  
25 Item Number 3? Oh, outside dining, do we want to talk about  
26 outside dining? Did we cover outside dining?

27 MS. FREEMAN: I didn't even bring that copy again  
28 for you. I know, at the May meeting, we agreed -- Well, I  
29 know at the May meeting the Board agreed to striking out that  
30 section under 13 that talked about the maximum 25 percent

1 capacity of the indoor versus outdoor.

2 CHAIRMAN LINGENFELTER: Right.

3 MR. PETERSON: Right.

4 MS. FREEMAN: I don't, since there isn't quite an  
5 urgency to pass that, maybe we can just hold off on initiating  
6 that to when we're ready for this and do it as another  
7 amendment.

8 CHAIRMAN LINGENFELTER: Right. Just covering it  
9 because it's on our agenda.

10 MS. FREEMAN: Yeah, yes, I know. Unless you guys  
11 feel otherwise, we can, you know.

12 CHAIRMAN LINGENFELTER: Yep. I think we made some  
13 good, I think we made some good progress on that the last  
14 time.

15 MS. FREEMAN: Yeah. We were, pretty much, done. I  
16 didn't think that we had any other changes that we were  
17 looking at.

18 CHAIRMAN LINGENFELTER: Right, yep, okay.

19 So is there any other discussion on the work session  
20 for the RCD?

21 MR. REPPERT: None here.

22 CHAIRMAN LINGENFELTER: Frank, anything, any  
23 comments?

24 MR. SCHINDLER: Not presently, no.

25 CHAIRMAN LINGENFELTER: No. Hiram, you okay?

26 MR. REPPERT: Yes.

27 CHAIRMAN LINGENFELTER: Rich?

28 MR. PETERSON: I am good.

29 CHAIRMAN LINGENFELTER: Rich?

30 MR. IAFELICE: Other than to Heather's point

1 referencing Lake County wanting to provide additional data, I  
2 think you've provided us -- more metrics is always, perhaps,  
3 helpful in reviewing future developments but you've given us  
4 some data, historical references for the area and I think it's  
5 useful for me. I don't know that any additional --

6 MS. FREEMAN: You don't want to take a look at  
7 yields from traditional developments versus RCDs?

8 MR. IAFELICE: I don't know. What we have here in  
9 front of us, what you've provided already kind of gives me a  
10 good reference point.

11 MS. FREEMAN: Okay. Anybody else on that? Is that  
12 something --

13 MR. SCHINDLER: Yeah, the biggest thing that helped  
14 me was when we had the public hearing on this Village at  
15 Canterwood development last time.

16 MS. FREEMAN: Villas at Canterwood?

17 MR. SCHINDLER: Yeah, thank you. I had a brainstorm  
18 there for a minute. Because he's laid it out, the two maps,  
19 how it could be developed versus what he was requesting in  
20 conservation, and that really made a difference to me just  
21 visually seeing it without thinking of numbers and percentages  
22 and all that. It gave me an instinct right away, you know,  
23 what the advantages and disadvantages were between the two.

24 If we could have the developers do some -- I know  
25 it's time consuming to them but it sure helps us tremendously,  
26 as a board, to make a decision very quickly when you visually  
27 see something the way it was laid out. Because I even made a  
28 comment to you. I said, "Man, the way it's laid out, it would  
29 tell me it would probably just be better off to leave it R-1,"  
30 just the way how the layout showed the properties and how

1 close they were to one another and how much land was actually  
2 being open behind everything. I thought, hum. I really  
3 scratched my head about that because that was a visual thing  
4 that I could actually see rather than just thinking about  
5 numbers and percentages in my head. That's my thoughts.

6 MS. FREEMAN: So does anyone else think that getting  
7 that information from the county at this point, you know,  
8 would be helpful?

9 CHAIRMAN LINGENFELTER: Rich?

10 MR. IAFELICE: No, I already commented. I am sorry.

11 MS. FREEMAN: I know.

12 MR. IAFELICE: I already said I don't think --

13 MS. FREEMAN: Does anyone else have any thoughts on  
14 it?

15 MR. IAFELICE: Yeah, no.

16 CHAIRMAN LINGENFELTER: All right, okay. So we have  
17 still work to do. We've got some more tweaking and adjusting  
18 and we'll digest some additional information that's been given  
19 and comments that were made tonight. So we will continue this  
20 work session for the next, the next regularly scheduled Zoning  
21 Commission meeting.

22 At this point, we'll move on to Item Number 4 on the  
23 agenda, which is the approval of the minutes of the June 1st  
24 meeting. We had a light crew from that last meeting. We do  
25 have a enough people in attendance tonight that we can go  
26 ahead and accept the minutes, so I will entertain a motion.

27 MR. REPPERT: Mr. Chairman, I make a motion that we  
28 approve the June 1, 2021, Zoning Commission meeting minutes as  
29 written.

30 CHAIRMAN LINGENFELTER: I will take a second.



1 MR. SCHINDLER: I second.

2 CHAIRMAN LINGENFELTER: A motion has been made and  
3 seconded. All those in favor say aye. Opposed? None.  
4 Abstentions?

5 MR. PETERSON: Abstain.

6 MR. IAFELICE: Abstain.

7 CHAIRMAN LINGENFELTER: So let the record reflect we  
8 have three ayes and two abstentions for the minutes from the  
9 previous, from the June 1st meeting. So the minutes will be  
10 accepted as presented.

11 (Three aye votes, no nay votes, two abstentions.)

12 MR. REPERT: That sure was a long meeting.

13 CHAIRMAN LINGENFELTER: What, 11:00? Come on. It  
14 was a good meeting, got a lot accomplished.

15 MR. REPERT: Yes, it was. It was a good meeting.

16 CHAIRMAN LINGENFELTER: Good input from the  
17 residents, good input, good conversation. I thought it was  
18 very, very well focused on the issues at hand and I thought  
19 it -- I was pleased because we had a packed house.

20 MR. REPERT: We had a packed house and I think it  
21 was a well-run meeting.

22 CHAIRMAN LINGENFELTER: Yeah. I thought the  
23 residents were very respectful of one another --

24 MR. REPERT: Yes.

25 CHAIRMAN LINGENFELTER: -- and conducted themselves  
26 in a very professional manner. It was a very good meeting and  
27 I thought the end results were -- reflected that, the overall  
28 momentum of the meeting. So I think it worked out pretty  
29 good.

30 Correspondence report by the Zoning Commission

1 members. Hiram?

2 MR. REPPERT: None.

3 CHAIRMAN LINGENFELTER: Frank?

4 MR. SCHINDLER: None, Mr. Chairman.

5 CHAIRMAN LINGENFELTER: Rich Iafelice?

6 MR. IAFELICE: Nothing, Mr. Chairman.

7 CHAIRMAN LINGENFELTER: Rich Peterson?

8 MR. PETERSON: Nothing, Mr. Chairman.

9 CHAIRMAN LINGENFELTER: I had nothing as well. It  
10 was kind of quiet after that last zoning meeting.

11 Audience participation. We don't have an audience,  
12 so I guess there won't be any participation.

13 And I will go on the record, as stating in the last  
14 Zoning Commission public hearing that we had, it would be nice  
15 to get some public input outside of public hearings on what  
16 we're doing. And, once again, I think this evening is a good  
17 representation of what we deal with as a Zoning Commission for  
18 this township and working on things like defining text and  
19 coming up with purpose statements and definitions and other  
20 comments.

21 We did receive, you know, a lengthy input from  
22 Vanessa and that's always well received and something we  
23 should, you know, incorporate into our next meeting. But it  
24 would be nice to get some people to show up and take an active  
25 role in what we're doing here, not only when we're confronted  
26 with a public hearing when there is a change that's pending  
27 and then, all of the sudden, we have a lot of residents become  
28 activists. But it would be nice to have more audience  
29 participation. I would like to see that. We've specifically  
30 carved out a part of our agenda to accommodate audience

1 participation and, you know, typically, we do these meetings  
2 in an empty room.

3 So, anyway, the next Zoning Commission meeting will  
4 be August 3rd. Wow, we're already to August. Man, this year  
5 has flown, flown.

6 MR. SCHINDLER: Big time.

7 CHAIRMAN LINGENFELTER: August 3rd will be the next  
8 meeting. Anythign exciting coming in front of us, Heather,  
9 that you're aware of or are we --

10 MS. FREEMAN: Might be a couple new site plan  
11 reviews.

12 CHAIRMAN LINGENFELTER: Oh, good.

13 MS. FREEMAN: They still have to get some final  
14 things submitted. So I believe we will have a couple site  
15 plan reviews.

16 CHAIRMAN LINGENFELTER: Any additional comments from  
17 the Commission at this point?

18 MR. SCHINDLER: None, Mr. Chairman.

19 MR. REPERT: Do we want to put all five at the  
20 table next meeting?

21 CHAIRMAN LINGENFELTER: I kind of like the space.

22 MR. PETERSON: It's kind of lonely on the fringes.

23 CHAIRMAN LINGENFELTER: I think it would be good. I  
24 think it would be good for us. I mean, we are kind of beyond  
25 all the stuff. So if everybody's okay with that --

26 MR. PETERSON: Definitely.

27 MR. IAFELICE: Yes.

28 CHAIRMAN LINGENFELTER: We don't want to make  
29 anybody uncomfortable. You know, if everybody likes keeping  
30 the space, that's good, we can continue on. But if we can all

1 be at the table, that would be good, too.

2 MR. IAFELICE: Good.

3 CHAIRMAN LINGENFELTER: All right, yep. Anything  
4 else? With that, I will adjourn the meeting.

5 (Whereupon, the meeting was concluded at 9:00 p.m.)

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STATE OF OHIO )  
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COUNTY OF CUYAHOGA )

CERTIFICATE

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

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

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

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal of office this 26th day of July 2021.

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

Notary Public within and for the  
State of Ohio

My Commission Expires:  
February 4, 2023

