

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 5, 2022
7:00 p.m.

TRANSCRIPT OF PROCEEDINGS

Zoning Commission members present:

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

Also Present:

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

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1 7:00 p.m.

2 CHAIRMAN IAFELICE: Good evening. Let me call to
3 order this meeting of Tuesday, July the 5th, of the Concord
4 Township Zoning Commission.

5 Heather, if you could call the roll, please.

6 MS. FREEMAN: Sure, Mr. Chairman. Mr. Lingenfelter?

7 MR. LINGENFELTER: Present.

8 MS. FREEMAN: Mr. Reppert?

9 MR. REPPERT: Present.

10 MS. FREEMAN: Mr. Schindler?

11 MR. SCHINDLER: Present.

12 MS. FREEMAN: Mr. Peterson?

13 MR. PETERSON: Present.

14 MS. FREEMAN: Mr. Iafelice?

15 CHAIRMAN IAFELICE: Present.

16 Thank you, members.

17 First thing I want to note just, first of all, thank
18 Rich Peterson for chairing the June meeting as I was absent
19 last month. I did review and observe the meeting through
20 YouTube later on. So thank you, Rich. Thank you, members,
21 for your understanding for that.

22 Next item on the agenda is the approval of the
23 minutes of June 7th. Do we have any comments or questions
24 regarding the minutes?

25 MR. PETERSON: Mr. Chairman, I have one correction.
26 Page 5, line 19, the line states, it's a comment that I made
27 but it says "Chairman Lingenfelter" and I guess it should have
28 said "Vice Chair Peterson" on line 19. Other than that, fine.

29 MR. REPPERT: Page 5.

30 MR. PETERSON: Page 5 at the bottom, line 19.

1 CHAIRMAN IAFELICE: We'll have the Zen Master Hiram
2 double check here.

3 MR. PETERSON: Yeah, we've got to do that.

4 MR. REPERT: I don't know where you are. Page 5.

5 MR. PETERSON: Line 19.

6 MR. REPERT: Page 5 or little?

7 MR. PETERSON: Page 5 of 14, page 5 at the bottom.

8 MR. REPERT: At the bottom.

9 MR. PETERSON: Go to line 19, bottom corner. Got
10 it?

11 MR. REPERT: Left corner or right corner?

12 MR. PETERSON: Right corner.

13 MR. LINGENFELTER: Page 17 in the little box.

14 MR. REPERT: Okay, page 17.

15 MR. LINGENFELTER: In the little box.

16 MR. REPERT: Line 19, Chairman Lingenfelter.

17 MR. LINGENFELTER: Right.

18 MR. PETERSON: Yeah.

19 MR. REPERT: Okay, got it.

20 MR. PETERSON: Got it, okay. That's all I --

21 CHAIRMAN IAFELICE: Any other comments or
22 corrections to the minutes?

23 MR. REPERT: Mr. Chairman, I make a motion that we
24 approve the minutes as noted.

25 MR. PETERSON: And I will second that motion.

26 CHAIRMAN IAFELICE: I have a motion and a second to
27 approve the minutes. All in favor say aye. Any opposed?

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

29 CHAIRMAN IAFELICE: Thank you.

30 Correspondence, next item on the agenda here this

1 evening. I have received no correspondence in the last month.
2 I will turn it over to Frank.

3 MR. SCHINDLER: None, Mr. Chairman.

4 CHAIRMAN IAFELICE: Hiram?

5 MR. REPPERT: None, Mr. Chairman.

6 CHAIRMAN IAFELICE: Andy?

7 MR. LINGENFELTER: I received an email from a
8 resident regarding some specific properties. I directed them
9 to Heather. Had some questions on some things, you know, just
10 general business, and I told them that it probably would be
11 best to get in contact with Heather and I gave them her
12 contact information because it was more a zoning
13 administration issue than it was a Zoning Commission issue.

14 CHAIRMAN IAFELICE: Very good.

15 MR. LINGENFELTER: So that was it.

16 CHAIRMAN IAFELICE: Rich, any correspondence?

17 MR. PETERSON: I did have a conversation. I was
18 approached by the homeowners' association president over on
19 Beres Road about the house that he had complained about being
20 abandoned, and he thanked the township because the people have
21 now done some cleanup. He said the only problem now is that
22 skunks are in the house but, other than that, the yard is a
23 lot better.

24 CHAIRMAN IAFELICE: Very good. Good to hear that,
25 at least.

26 Moving on this evening to Public Participation,
27 Heather, I assume there is nobody on the phone.

28 MS. FREEMAN: Correct.

29 CHAIRMAN IAFELICE: And there is no one present in
30 the public here this evening, so we will move on to the meat

1 of our agenda, New Business.

2 These are a few items that we are beginning to
3 discuss. I am not sure how many of them we want to take up
4 this evening but we will start to pick off what we can,
5 beginning with the Town Hall Neighborhood District. I
6 appreciate, Heather, the effort to put this together because
7 we've been talking about this. And especially in lieu of the
8 recent change there on that Town Hall, I think this is
9 appropriate. If you wouldn't mind reviewing that with the
10 members for us, kind of a refresher, if you would, please.

11 MS. FREEMAN: Sure, yeah. I put a couple of these
12 maps that I made on a slide, too. Brian might be able to pull
13 that up. You can put it on the TV over here. I should have
14 went -- Hold on.

15 MR. PETERSON: There we go.

16 MS. FREEMAN: For whatever reason, it always cuts
17 off the sides of the map, so I apologize if things are cut off
18 on some of my next slides.

19 But here I just put together, this is an aerial
20 photograph with the zoning layer overlaid over that of the
21 area where the remaining Town Hall Neighborhood District is,
22 which is the striped kind of opaque area. It's a ten acre
23 parcel on the north side of Concord-Hambden Road. It's
24 surrounded by manufacturing zoning on the west, which is the
25 blue, and then the bright yellow is the R-1 Residential and
26 the dark brown is that Town Hall Commons District. To the
27 north of the site is Interstate 90 and on the south side of
28 Concord-Hambden Road is more R-1 and then R-3 multi-family.

29 On the -- So there used, what used to make up the
30 Town Hall Neighborhood District was more, obviously, than this

1 ten acre piece. But over the last several years, the Trustees
2 have decided to rezone some of this property to residential at
3 the request of some of the property owners. These were all
4 made by application but they were ultimately approved to be
5 rezoned.

6 So just a quick history of what, how that kind of
7 transpired. The property on the south side of Concord-Hambden
8 Road that was originally Town Hall Neighborhood was rezoned to
9 R-1 in January of 2019. It was about eight and a half acres
10 of land. It's since then been subdivided into eight lots
11 where there currently is a duplex on each one of those lots.

12 And then on the north side, actually, the first
13 piece to be rezoned to R-1 was a two acre lot. That was in
14 April of 2018. At the time in 2018, there was a nonconforming
15 residence on the property, along with two barns which have
16 since then been removed. The house is still there but it's
17 vacant. The property has not been occupied since it's been
18 rezoned to R-1.

19 And then the most current piece of property that was
20 rezoned was the approximate six, six acres on the north side
21 of Concord-Hambden Road. The lots aren't split on this map
22 but, if you recall, they were split into one acre lots. The
23 Trustees did ultimately vote to approve that rezone in May of
24 2022. The owner is in the process of building duplexes on
25 those six lots.

26 MR. SCHINDLER: Heather, is that gas well going to
27 be plugged up? Is it still active?

28 MS. FREEMAN: The gas well is still there. I've
29 not -- The 10 acre piece of property that the well rests on, I
30 have not spoken to the owner of that recently. But if you

1 recall, at the hearing, that George Davis wasn't sure, you
2 know, what was going on with the well, nor did he really have
3 a say in it. It was his understanding at the time that it's
4 not been active but it's still, you know, there but not active
5 for the last three years.

6 MR. REPERT: Aren't there two wells on that
7 property? If I am not mistaken, there is one further back.

8 MS. FREEMAN: I know there, yeah, there is some
9 tanks and some wells back there all in one area, kind of. I'm
10 not -- I thought it was just one well though.

11 MR. REPERT: I thought it was two, if I remember
12 correctly.

13 MS. FREEMAN: If you go maybe to --

14 MR. REPERT: The other well --

15 MS. FREEMAN: Go to the next slide I have. I have
16 like a topography map. You can see a little bit of the
17 underlying layer on here.

18 MR. REPERT: Yeah, the first well is in between the
19 properties and the second well is, you know, north, very close
20 to the streams. You see two dots there or whatever it may be.
21 If I am not mistaken, that's where the second well is.

22 MS. FREEMAN: Okay. I see that now, what you're
23 talking about.

24 MR. SCHINDLER: Isn't the state requiring now the
25 municipalities where wells are, if they're not being active
26 anymore, they're supposed to be plugged and sealed because of
27 leakage and stuff?

28 MS. FREEMAN: I am not aware of the state laws on
29 that.

30 MR. SCHINDLER: No. I just thought I heard

1 something about that but you haven't heard anything.

2 MS. FREEMAN: I haven't heard that. It's something
3 I can look into and see.

4 MR. SCHINDLER: Yeah, would you, please.

5 CHAIRMAN IAFELICE: Heather, when George Davis came
6 for that, the most recent one, was he not -- and I don't
7 recall -- investigating the abandonment or the capping of that
8 well, especially the one that Hiram just pointed out on the
9 property line?

10 MR. REPERT: There is two of them. One is --

11 MS. FREEMAN: I am not sure what, all I -- I know
12 that George, Mr. Davis, was moving the drive off his lot so
13 that, because you have to be able to access the well and where
14 he wanted to build his home, it was going to interfere. So
15 they are moving the driveway over there. But other than that,
16 I am not aware of Mr. Davis doing any due diligence as far as
17 abandoning that well.

18 It was my understanding it was part of, it was one
19 of the Osborne wells, so it might be difficult to or time
20 consuming. I am not sure like on how to get that plugged or
21 removed or I am not sure what the intent of that is going to
22 be moving forward, if they're going to activate it again or
23 not.

24 CHAIRMAN IAFELICE: I guess Frank's question is
25 related to, does the township have any liability or recourse
26 involving the abandonment of a gas well, known gas well on
27 private property? It's on private property.

28 MR. SCHINDLER: It's on private property but, of
29 course, we're still, I think, somewhat responsible for
30 something like that. The only reason I brought that up is

1 because I was watching a program on TV a couple weeks ago
2 about an area in California where they have wells and they're
3 worried about the EPA saying now we've got so many that,
4 quote, gas that's polluting the air, you know, and atmosphere
5 and all that kind of stuff and they're looking more closely at
6 things like that that have been abandoned, wells that have
7 been abandoned, looked at more closely by municipalities and
8 seeing if stuff like that could be addressed and stopped
9 because it, you know, polluting the environment, and I was
10 just wondering if the State of Ohio had anything like that.

11 MR. PETERSON: Frank, I've got two in my
12 neighborhood right now. They're building houses right next
13 door to them on both sides, so there is two.

14 MR. SCHINDLER: Yeah.

15 MR. PETERSON: Just a bunch of pipes.

16 MR. SCHINDLER: Yeah, just a bunch of pipes but
17 still, if they're not sealed up properly, they could be
18 leaking still, you know. That's the thing and that's why --

19 MR. LINGENFELTER: I could have swore that George, I
20 thought he said that that well was being capped and it was
21 going to be just, was going to basically be --

22 MR. PETERSON: I think he did.

23 MR. LINGENFELTER: I thought he said that he was,
24 that they were -- that it was going to be that it no longer
25 was a producing well and it was going to be capped.

26 MR. SCHINDLER: Right, right.

27 MR. PETERSON: There was a crew back there working
28 this past week, a lot of trucks back there all around the
29 well, so maybe they're capping it now. I don't know.

30 MR. SCHINDLER: Okay, that's good.

1 MS. FREEMAN: Mr. Lucas, are you aware of any state
2 laws about inactive wells and communities?

3 MR. LUCAS: No. It doesn't mean it doesn't exist
4 but I am not aware of any recent revisions to that.
5 Generally, the gas wells are included within the utilities,
6 which is really not subject to township regulation. I can, I
7 will check that for you, for the Commission and get an email
8 out on it to everybody. So --

9 MS. FREEMAN: Okay, thank you.

10 MR. SCHINDLER: Thanks, Mike.

11 MR. LUCAS: In terms of the liability, I don't think
12 there would be any liability on the part of the township based
13 on state regulations largely preempting that kind of
14 regulation on the part of the township but I will check the
15 specific question.

16 MR. SCHINDLER: Thank you.

17 CHAIRMAN IAFELICE: So this issue is before us for
18 discussion, review, presumably, as to continue the existence
19 of the Town Hall Neighborhood District for the remaining ten
20 acres, ten plus acres?

21 MS. FREEMAN: Correct.

22 CHAIRMAN IAFELICE: So in the big picture, as we
23 look at it, as I look at it, the, what also abuts it there on
24 Ravenna is the Town Hall Commons. So I didn't review this in
25 detail but help me distinguish the difference between Town
26 Hall Commons and Town Hall Neighborhood.

27 MS. FREEMAN: Okay. Well --

28 MR. LUCAS: Mr. Chairman.

29 CHAIRMAN IAFELICE: Yes.

30 MR. LUCAS: Just to be proactive and get it on the

1 minutes.

2 MS. FREEMAN: Yeah, please.

3 MR. LUCAS: If you look under Chapter 22, 22.01
4 defines, on page 22.2, what the purpose is for Town Hall
5 Commons (THC) District and then Town Hall Neighborhood
6 District (THN). So that would be a good starting point to see
7 that differential, which I know Heather was going to point out
8 but I thought I would get the jump on her.

9 CHAIRMAN IAFELICE: Yes, yes, thank you, thank you.

10 Well, just for members without reference there, the
11 Town Hall Commons purpose was to provide and preserve, enhance
12 the historic center of the township at Concord-Hambden and
13 Ravenna Road crossroads area through a mixture of community
14 facilities, business and recreational uses that serve as a
15 gathering place for the community.

16 Whereas, the purpose for the Town Hall Neighborhood
17 was to complement the historic center of the township with
18 selective community-oriented business and residential uses.

19 So therein you see the distinguishing factors there.
20 So aren't, there isn't much, I guess, because I did recall
21 reading that.

22 MR. REPERT: No, there is not.

23 CHAIRMAN IAFELICE: In terms of what's the
24 difference. So as we consider this, I look at the corner of
25 Ravenna and Concord-Hambden, the northwest corner that abuts
26 this, that is some residential use or -- I can't recall what's
27 at the corner.

28 MR. PETERSON: A church.

29 CHAIRMAN IAFELICE: Oh, that's the church.

30 MS. FREEMAN: That's Concord Alliance Church.

1 CHAIRMAN IAFELICE: Yeah. Was there, is there any
2 reason to consider that while we're considering the Town Hall
3 Neighborhood?

4 MR. PETERSON: Mr. Chairman, wasn't there a
5 discussion when we rezoned these six lots on the north side of
6 Concord-Hambden --

7 CHAIRMAN IAFELICE: Yes.

8 MR. PETERSON: -- that this residence next to the
9 freeway was interested in that property for pasture land? I
10 thought I recall. I thought he said this gentleman back here
11 wanted to buy that property and raise cows or something like
12 that.

13 MS. FREEMAN: Mr. Chairman, I do have a couple
14 comments on that, yeah, and I was going to talk about that,
15 too. So that is correct. George Davis talked about the ten
16 acre piece and it did transfer to Steve Lovick, who now is the
17 current owner. Steve Lovick lives to the north. His
18 residence abuts this property. He also now owns the other two
19 acre piece that was rezoned to R-1 where the house rests. So
20 Mr. Lovick now owns, he lives on this R-1 piece here. He owns
21 this as well and this.

22 I did notice that he has planted some crops. As you
23 drive by on Concord-Hambden Road now, he planted some kind of
24 crops. I don't know if it's on this two acre piece or if it's
25 a little bit further back but I've notice that he started some
26 agricultural use on part of that property.

27 Like I said, I haven't spoken to the owner but that
28 would be something that I definitely would want to do as we
29 continue our conversations about potentially, you know,
30 changing the district.

1 MR. REPERT: Which piece does he own other than the
2 ten acre lot?

3 MR. PETERSON: Next to the house, Hiram.

4 MR. REPERT: The one on Concord-Hambden.

5 MR. PETERSON: Yeah.

6 MR. REPERT: On the right-hand side.

7 MS. FREEMAN: The two acre piece just west of the
8 church, the R-1.

9 MR. REPERT: Okay, okay, that one right there.

10 MS. FREEMAN: Yeah.

11 MR. REPERT: So he's got this, plus -- okay, all
12 right.

13 MS. FREEMAN: So, I mean, in the short term, it
14 looks like his plan is to farm or do some kind of agricultural
15 use. Not sure what the long-term plan is for that, for the
16 property owner. But that's definitely something that I would
17 want to reach out to the property owner maybe if he wanted to
18 come to a future meeting and discuss it or speak with one of
19 the board members what his intentions are. I am sure we can
20 get in touch.

21 CHAIRMAN IAFELICE: Procedurally, is it not
22 procedure, is that proper to contact the property owner when
23 we're considering, obviously, we are considering this change
24 of all to R-1?

25 MS. FREEMAN: Yeah, yeah. I mean, I'm trying to
26 think, since I've been here, if we've actually rezoned
27 people's property without them applying for it other than over
28 at the Capital District. Right, we did reach out to property
29 owners. Yes, I would say it would be standard to reach out to
30 property owners if we were, if the township was going to

1 initiate a change of the zoning district. Obviously, we would
2 have to do legal notice when it got to that point but we would
3 want to definitely communicate with the property owner in
4 advance so they're not surprised.

5 MR. SCHINDLER: We did it as a courtesy. We weren't
6 required to do it but we did it as a courtesy.

7 MS. FREEMAN: Right.

8 MR. PETERSON: Good idea.

9 MR. SCHINDLER: Yeah.

10 CHAIRMAN IAFELICE: Anything else to present or
11 bring to our attention, Heather?

12 MS. FREEMAN: Well, you know, just on the topography
13 map, there are some challenges with developing this ten acre
14 piece. Basically, there is a significant drop from the right-
15 of-way, the elevation, and you start to get into some more
16 environmentally sensitive areas at the back of the property,
17 streams and wetlands, which would impact the buildability of
18 the site, which has been a challenge for previous developers
19 looking at the site and how they want to utilize it. It's
20 much more costly to try to develop the back due to those
21 terrain issues. But I just want to point that out.

22 And I did include a survey map of the site that was
23 recorded online. This was when George Davis had split out his
24 lots for the, for the duplexes on the north side, just to give
25 you dimensions if you had questions about, you know, the
26 dimensions of the lot itself.

27 I did provide, just for easy reference to you, what
28 are some of the permitted uses and conditionally permitted
29 uses in this district. I do know that, when the township
30 initially wanted to adopt the Town Hall Neighborhood District,

1 they envisioned some type of more of a residential component
2 within there, kind of like a mixed use; however, those
3 residential uses really did not get included in here other
4 than kind of like the care facilities and the nursing homes.
5 So there is not a true, you know, single residential component
6 to those permitted uses within that district.

7 MR. REPPERT: Does THN have agriculture in it?

8 MS. FREEMAN: Well, so in the township, we are only
9 allowed to regulate agriculture on lots less than five acres
10 in size. So if the lot is over five acres, our zoning cannot
11 regulate it. So right now, the ten acre piece being farmed,
12 he's allowed to do that. There are no regulations. When you
13 get under the five acres, that's when our, we do have some
14 requirements in the Zoning Resolution for farming and
15 agricultural uses.

16 MR. REPPERT: So right now there is really no reason
17 to change, is there?

18 MS. FREEMAN: You know, one of the recommendations
19 from the Lake County Planning Commission when we asked for the
20 recommendation on the six acres, the six lots on the north,
21 they did make it a recommendation that we rezone those and
22 they also mentioned that the township should rezone this ten
23 acre piece as well, thereby eliminating --

24 MR. REPPERT: All to R-1, right?

25 MS. FREEMAN: Yeah -- eliminating the Town Hall
26 Neighborhood District. So that was one of the reasons, why I
27 thought, well, hey, if they're recommending it, maybe we
28 should have another discussion about the future of this
29 district since we've been, over the last couple years, just
30 rezoning it to a different district anyway. So there is

1 nothing in front of us at the moment that, you know, but --

2 MR. REPPERT: That dictates that we have to do it.

3 MS. FREEMAN: Right. It's just trying to be a
4 little bit proactive. Or we're okay with, you know, it being
5 the last piece of Town Hall Neighborhood. I think, if you
6 look at the dimensional standards for Town Hall Neighborhood
7 District, this lot really can't be split into any other
8 smaller lots unless there were some variances granted due to
9 the fact that the minimum lot frontage at the right-of-way is
10 100 feet and that's exactly what they have right now. So
11 without any variances to the lot dimensions, this couldn't be
12 split into smaller lots, so I thought that was important to
13 kind of point out.

14 And the other type of uses that are allowed in here,
15 there really isn't anything unique in this district that you
16 can't do in another commercial district but, so by potentially
17 eliminating the Town Hall Neighborhood District on the map and
18 then possibly from the text, if we were going to rezone the
19 map, you would also want to modify the text as well.

20 MR. PETERSON: There was also a problem with sewer
21 access in that property because it had to come uphill to
22 Concord-Hambden, so you would have to have a pumping station.
23 That was a problem way back when we talked about this. The
24 only alternative was to go through this gentleman's property
25 over to Ravenna Road and tie into sewer there. But, you know,
26 if you are going to build any of these, restaurant or anything
27 back there, you would would have sewer access.

28 MR. REPPERT: Yeah, right.

29 CHAIRMAN IAFELICE: I don't even know if sewer
30 exists at Ravenna Road at the freeway.

1 MR. PETERSON: It does. But you may be right but I
2 think it does.

3 CHAIRMAN IAFELICE: Yeah.

4 MR. REPERT: Can we rezone it without the owner's
5 permission?

6 MS. FREEMAN: Yes, you could, yeah. I mean, he
7 could come to the public hearing and speak in opposition to it
8 but, right, you don't necessarily have to have the agreement
9 of property owners to rezone.

10 MR. REPERT: But wouldn't it be better if he would
11 come here with an application to rezone it to R-1?

12 MR. LUCAS: Well, I don't -- Mr. Chairman.

13 CHAIRMAN IAFELICE: Yes, Mike.

14 MR. LUCAS: I don't think it's better. I think it
15 might be better for the property owner but, I mean, it's one
16 of the three methods of rezoning: One, initiation by the
17 Zoning Commission; one, by the property owner; and, one, from
18 the Trustees that bring it down originally to the Zoning
19 Commission and that. So -- And then the property owner gets
20 two bites, that's subject to the rezoning, gets two bites at
21 the apple to have the public hearing in front of the Zoning
22 Commission and then the same public hearing in front of
23 Trustees themselves and that. So --

24 CHAIRMAN IAFELICE: Thank you, Mike.

25 MR. REPERT: Well, do you want a motion?

26 CHAIRMAN IAFELICE: Actually, no, I have another, my
27 comments -- Actually, I was going to ask around for comments
28 but I am having difficulty prescribing something that is, it
29 has a lot of restrictions in order to develop it as R-1 in the
30 first place, as already pointed out, the topography,

1 environmental issues, water, sewer -- not water. But if we,
2 obviously, I know, we all know anything is developable, okay,
3 for a cost. Is there any consideration to just preserving it,
4 open space? Is there, creating a -- Well, this is larger than
5 five acres -- an agricultural open space district? Maybe the
6 property owner gets some tax advantages that way? I am not
7 sure.

8 MR. SCHINDLER: Tax wise, yes.

9 MR. LINGENFELTER: He would have to apply for that
10 through the Auditor's Office. They would have to go through
11 the state. I think it's a CAUV.

12 CHAIRMAN IAFELICE: But within our zoning districts,
13 is there something to say that --

14 MS. FREEMAN: We don't have any districts in the
15 text that create that kind of district.

16 CHAIRMAN IAFELICE: Open space.

17 MR. LUCAS: Yeah, Mr. Chairman.

18 CHAIRMAN IAFELICE: Yes.

19 MR. LUCAS: We don't have anything that has a
20 specific use within any zoning district for open space, number
21 one. Number two, if you, let's say, hypothetically, that was
22 the case. You shouldn't be doing that anyway because you
23 basically result in the taking of any value from the property
24 owner.

25 CHAIRMAN IAFELICE: Yeah, yeah, and I kind of knew
26 that answer before I said it.

27 MR. LUCAS: Yeah, I know that. I know you did.

28 CHAIRMAN IAFELICE: But I just wanted to make sure
29 we cross the T and dot the I, just thinking outside the box.

30 MR. LINGENFELTER: I would be more concerned about

1 conditional uses, what conditional uses are allowed under the
2 THC versus R-1?

3 CHAIRMAN IAFELICE: Under THN?

4 MR. LINGENFELTER: Because we already know what
5 happens with conditional uses.

6 CHAIRMAN IAFELICE: We do. That's a very good
7 question.

8 MR. LINGENFELTER: That would be my bigger concern
9 is what could, what could potentially go in there if we leave
10 it as it is.

11 MR. LUCAS: It's all, Mr. Chairman, it's all set up
12 in Schedule 22.3 in terms of the uses permitted in the THN
13 District.

14 MR. REPERT: Restaurant.

15 MR. LUCAS: 22.4 is the page for it.

16 MR. PETERSON: Which is what you could have.

17 MR. REPERT: Adult or childcare, residential care
18 facility, hospice care, surface extraction of sand, gravel or
19 other earth materials, outside dining, child or adult care,
20 accessory use.

21 MS. FREEMAN: Mr. Lingenfelter, under the R-1, you
22 were asking about what some of the conditionally permitted
23 uses would be. Those you can find in Section 15. But as far
24 as if it went R-1, some of the conditional uses would be an
25 adult group home, arboretum, a camp, a church or a place of
26 worship, a community center, a community park/playground, a
27 home for the aging, hospice care facility, a library, museum,
28 a neighborhood park, residential care facility, a school,
29 college or university, and then the typical permitted uses
30 such as a single-family dwelling or a two-family dwelling,

1 golf course, government and public uses.

2 MR. LINGENFELTER: No gas station.

3 CHAIRMAN IAFELICE: No car wash or gas station.

4 MR. LINGENFELTER: No car wash.

5 CHAIRMAN IAFELICE: That's a good thing. Under THN,
6 under THN, do we allow car washes?

7 MS. FREEMAN: No, no. I did summarize those in the
8 little handout that I provided for you today as far as what
9 the permitted and conditionally permitted uses were just so it
10 was easier to look at. They are all listed there and, if it's
11 a conditional use, I indicated next to it.

12 MR. REPERT: But all those would require a sewer.

13 CHAIRMAN IAFELICE: I would say --

14 MS. FREEMAN: More than likely, yes.

15 MR. REPERT: Except for Number 11, surface
16 extractions.

17 MS. FREEMAN: Right.

18 MR. LINGENFELTER: Yeah. But wouldn't they just put
19 a package plant in?

20 MR. REPERT: Or a job johnny.

21 MR. PETERSON: Port-a-potty?

22 MR. REPERT: Yeah, same thing.

23 CHAIRMAN IAFELICE: The Table of Uses 22.03, they're
24 rather robust types of development, medial/dental,
25 administrative, restaurant, so they would presumably build a
26 pump station to get access to a sewer. Those are pretty
27 robust types of projects and improvements that could occur
28 there.

29 MS. FREEMAN: Okay.

30 CHAIRMAN IAFELICE: I guess our question is, is this

1 an ideal location for such a facility? We've already
2 compromised the full THN to the remaining ten acre, awkward
3 shaped parcel.

4 MR. REPERT: Yeah. But if you look at it, that
5 entranceway, that could be a nice entranceway to a --

6 CHAIRMAN IAFELICE: Yes.

7 MR. REPERT: -- a business service -- I don't
8 know -- stuff like that, but that could be a nice entranceway
9 to whatever you want to build back there.

10 CHAIRMAN IAFELICE: Hospice care facility, that's
11 somewhat isolated.

12 MR. REPERT: Yeah.

13 CHAIRMAN IAFELICE: Still has access near the
14 freeway. That could challenge or tackle a very difficult site
15 to develop, given the topography.

16 MR. REPERT: Oh, it would be.

17 MR. PETERSON: That's why it's empty.

18 MR. REPERT: Well, that's right, that's why nobody
19 has jumped at it.

20 CHAIRMAN IAFELICE: If you don't have anything else,
21 Heather, perhaps I will just --

22 MS. FREEMAN: I guess just one other comment.

23 CHAIRMAN IAFELICE: Yeah, please.

24 MS. FREEMAN: This, the Town Hall Neighborhood and
25 the Town Hall Commons District both are subject to the design
26 review for commercial projects. And, actually, in those two
27 districts, they are supposed to follow the basics of Western
28 Reserve style as far as like the architecture. So I guess
29 that's unique to the Town Hall Commons and the Town Hall
30 Neighborhood District. We've not had any projects come in

1 subject to that design review yet. Everything has already
2 been existing by the time we adopted these regulations. But I
3 guess that would be something to point out is that we were
4 trying to look for more of a Western Reserve type architecture
5 style within the Town Hall Commons and the Town Hall
6 Neighborhood Districts.

7 CHAIRMAN IAFELICE: Thanks, Heather.

8 Let me turn to Board members for comments or
9 questions. Frank?

10 MR. SCHINDLER: Nothing. We covered everything that
11 I would have a question about.

12 CHAIRMAN IAFELICE: Hiram, any?

13 MR. REPERT: I was on the Planning Commission
14 whenever we recommended that the whole thing went R-1, get rid
15 of THN, and I agreed. I thought that was a good idea, looking
16 at what's going on there. But now that the guy owns more than
17 that and he's doing something with the ten acres, I don't see
18 any reason to change. I don't.

19 CHAIRMAN IAFELICE: I guess my only comment is that
20 may be a piece of information that we didn't know coming to
21 this meeting. Perhaps, what happens, he could sell it
22 tomorrow again.

23 MR. REPERT: He could.

24 CHAIRMAN IAFELICE: I guess, if we look at it
25 objectively as the THN, does it make sense?

26 MR. REPERT: Well, if you look at it with the big
27 picture, I'd say make everything R-1 and get rid of THN.

28 MR. SCHINDLER: Based on what's already been done --
29 you stated your point -- what has already started to develop,
30 it probably would make more sense to do it R-1 because that

1 area, which we intended for the township complex to be all
2 here, it's not there anymore, the way I see it. You know,
3 it's been going down and down and down and those kind of
4 businesses that we thought would materialize there as a
5 complex, it's not going to materialize anymore because of
6 that, because everything now that's been focused on that kind
7 of development --

8 MR. PETERSON: I agree.

9 MR. SCHINDLER: -- we already have in the township
10 center on 44 that's now being concentrated on that type of
11 development.

12 MR. PETERSON: Well, we have kind of obsoleted the
13 Town Hall Network or Neighborhood as a zoning. There is only
14 one piece left.

15 MR. SCHINDLER: Right.

16 MR. PETERSON: Why not just make it R-1? Then we
17 don't have to manage that category or district anymore because
18 it's just one little island, you know.

19 MR. SCHINDLER: Correct, yeah.

20 CHAIRMAN IAFELICE: Thanks, Rich.

21 Andy, question, comment?

22 MR. LINGENFELTER: I don't know. I guess I am
23 ambivalent on that. I don't know that it really strikes me
24 one way or the other as far as any advantage to it. I think
25 if we were going to rezone it as an initiative from the Zoning
26 Commission, it would be the smartest thing to do would be to
27 just rezone it to R-1, you know, but then we have to look at
28 the conditional. To me, it's always about the conditional
29 uses and what would happen. What could potentially go in
30 there that would impact that area? Does it have -- Look at

1 the, you know, like Rich said, it just leaves us one little
2 island of property. There is no other like property in the
3 township, right?

4 MR. PETERSON: No, correct.

5 MR. REPERT: That's right.

6 MR. LINGENFELTER: So what would be the real
7 advantage of keeping it there when it's, you know -- I don't
8 know.

9 CHAIRMAN IAFELICE: Okay.

10 MR. LINGENFELTER: There is a lot, there is a lot of
11 similar conditional uses in R-1 than there are in the Town
12 Hall Neighborhood, too, which there are a lot of things that
13 Heather mentioned that were in there, aside from like a
14 restaurant or, you know, which is conditional, you know.
15 Restaurants are conditional. Hospice, I think, was
16 conditional. There is a few allowable uses but a lot of the
17 uses were conditional uses, so, you know, similar to. I just
18 think holding off and hoping it turns into office space or a
19 nice little plaza or something that's going to include those
20 things, I think that's a pipe dream.

21 I guess I would probably rather see it get zoned to
22 R-1 and get rid of the Town Hall Neighborhood altogether. I
23 think it would be very, it would certainly, you know, if you
24 look at that area and what's zoned along Ravenna Road there,
25 what's zoned along Concord-Hambden Road there with the R-1 on
26 both sides of the road, I mean, to turn the rest of that into
27 R-1 would certainly be very consistent with the rest of the
28 zoning in that particular area. You wouldn't be spot zoning
29 or doing something that would be untoward with regards to
30 what's there now.

1 And I don't think you would be, I don't think you
2 would be putting yourself in a bad situation with the property
3 owner. You know, I think moving it to R-1 would probably give
4 them, I would think, even more flexibility to use than leaving
5 it Town Hall because there is no residential in Town Hall,
6 right?

7 CHAIRMAN IAFELICE: No.

8 MS. FREEMAN: No.

9 MR. LINGENFELTER: Yeah. So, I mean, it's
10 surrounded by residential with a little tiny corner touched on
11 the, you know, on the Town Hall Commons, so just a tiny little
12 piece that touches, you know, on that one little section over
13 there. It's pretty much landlocked, the access from that
14 whole strip is an access.

15 So I would probably vote, thinking about it, I would
16 probably be more inclined to change it to R-1 and then just
17 completely, you know, just abandon the Town Hall Neighborhood.

18 CHAIRMAN IAFELICE: Thanks, Andy.

19 Frank?

20 MR. SCHINDLER: Plus the church being there already,
21 that falls into an R-1 anyway.

22 MR. LINGENFELTER: Right.

23 CHAIRMAN IAFELICE: It seems to me that this ball
24 started rolling down the hill when the rezoning on Concord-
25 Hamden started.

26 MR. LINGENFELTER: Right.

27 MR. SCHINDLER: Yes.

28 CHAIRMAN IAFELICE: And it seems inevitable to me,
29 even preceding me at that point. When we rezoned here earlier
30 this year the lots on the north side, I remember the

1 discussion about how many years, when would anything else
2 develop, the property is difficult to develop, expensive to
3 develop. If I had to go back and say Town Hall Neighborhood
4 District and the idea of creating that for the township, it
5 wouldn't be on this parcel with all the topography and the
6 limitations that it has, let alone while there is some
7 contiguous property owner now. It has limited right-of-way
8 access but the right-of-way access being a strip between two
9 homes, potentially, two duplexes, which is not ideal.

10 MR. SCHINDLER: They were hoping way back then that,
11 because the Township Hall being where it is, that it would be
12 a focal point to bring people in that would be like a thriving
13 community where people would come and walk around, you know,
14 and stuff like that and shop maybe and the Township Hall all
15 would be part of that whole area.

16 CHAIRMAN IAFELICE: Yeah.

17 MR. SCHINDLER: Well, that hasn't happened, as you
18 can see over the years.

19 CHAIRMAN IAFELICE: Yeah.

20 MR. SCHINDLER: That part of the thought, I think,
21 is gone. So --

22 CHAIRMAN IAFELICE: And over the years, it's been
23 redirected to the west side of 44 now anyway.

24 MR. SCHINDLER: Right, exactly.

25 CHAIRMAN IAFELICE: So this is a real good
26 discussion. Thank you, members.

27 Is there anything else to add, Heather?

28 MS. FREEMAN: I don't have anything at this time.

29 CHAIRMAN IAFELICE: If there is nothing else, being
30 a work session, I think I would like the idea of maybe just

1 reviewing this, taking this under consideration, in
2 particular, conditional uses. Once you brought it up, Andy, I
3 didn't want to just scan over them real quick here at the
4 meeting but maybe give it some due diligence and look at it.
5 Maybe we keep this on the agenda for next month and maybe it
6 becomes a, unless the Board has any objection, if we had a
7 draft -- is that appropriate -- a draft amendment to change to
8 R-1 or is that, would that be the next step or do we need to
9 make a motion to do that?

10 MS. FREEMAN: I don't think we need the motion.

11 MR. LINGENFELTER: Just make a motion, right,
12 Michael? Just make a motion to change the zoning to R-1 and
13 then that would set the wheels in motion for a public hearing,
14 right?

15 MR. LUCAS: Well, I think, Mr. Chairman, I am sort
16 of trying to read your mind here.

17 CHAIRMAN IAFELICE: Yes.

18 MR. LUCAS: But I think you would like some written
19 document in front of you for further workshop discussion
20 before formalizing that.

21 CHAIRMAN IAFELICE: That's kind of what I was trying
22 to do without making it a formal --

23 MR. LUCAS: Yeah, I think you can do that as part of
24 the work session.

25 CHAIRMAN IAFELICE: As part of the work session.

26 MR. LUCAS: Yeah. It doesn't trigger anything in
27 terms of what you have mentioned, Andy.

28 MR. LINGENFELTER: Right.

29 MR. LUCAS: I, at least for me, I always think it's
30 helpful to have some written document in front as opposed to

1 an abstract discussion.

2 CHAIRMAN IAFELICE: Yes.

3 MR. LINGENFELTER: Right. Because once we would
4 have a motion to rezone it, then that would set that whole
5 process wheels in motion.

6 MR. LUCAS: That's right.

7 MR. LINGENFELTER: Yeah. So that would certainly
8 shorten the time cycle review. So if we keep it in work
9 session, we have lots of time to kind of noodle it.

10 MR. LUCAS: Right. Well, I guess the other thing
11 is, just so we're clear to help Heather with the drafting, at
12 this point the draft would entail a rezoning of the THN. What
13 it would do would be the elimination of the THN District in
14 its entirety and the rezoning of the subject property within
15 that current district to Residential R-1.

16 MR. LINGENFELTER: Right.

17 MR. LUCAS: For purposes of having something in
18 front of us for the next meeting.

19 MR. LINGENFELTER: Right.

20 MR. LUCAS: Rich, is that what you wanted,
21 basically?

22 CHAIRMAN IAFELICE: Yes, without a formal motion.

23 MR. LUCAS: Yeah, yeah.

24 CHAIRMAN IAFELICE: If that's acceptable to the
25 Board just so we have a continuing work session.

26 MR. LINGENFELTER: Let me ask. And, Mike, this is
27 also for you if you want to chime in on this. Would it be
28 easier, instead of rezoning to R-1, would it, would it make
29 more sense or would it be easier to review the conditional
30 uses and eliminate conditional uses that we don't like from

1 the T -- because the THN is its own zoning entity right now.

2 MR. LUCAS: Right.

3 MR. LINGENFELTER: And it has a set of conditional
4 uses and allowed uses. Would it be easier to remove and/or
5 massage the conditional uses and narrow it down maybe to where
6 you would be more comfortable leaving it as THN and kind of
7 paring down the conditional uses versus just rezoning it?
8 Because I think retooling the R-1 conditional uses would be a
9 much more arduous task than just the THN, right? Yes? No?
10 Maybe?

11 MR. LUCAS: Well, if you rezone it to R-1, you don't
12 have to worry about conditional uses per se. They're already
13 established in the R-1 District.

14 MR. LINGENFELTER: Right, right.

15 MR. SCHINDLER: Andy is worried about the
16 conditional uses in the R-1 maybe not being --

17 MR. LINGENFELTER: I am not worried about them. I
18 am just thinking that, would it be easier to control when it
19 goes in there leaving it THN. Would that -- I am just looking
20 at the path of least resistance in the process, that's all. A
21 wholesale change to R-1 or retool the conditional uses in the
22 THN and then kind of ratchet it down and really limit it? But
23 then what does that do, what does that do to the potential of
24 the property if you really kind of ratchet down a lot of
25 conditional uses? And that certainly is going to narrow the
26 field of people that would be interested in doing anything
27 with it.

28 CHAIRMAN IAFELICE: Right, yes.

29 MR. LINGENFELTER: What does that, in essence, do?
30 That may, in essence, create another, a parcel that's just

1 going to sit there doing nothing for God only knows how many
2 more years. Would it be better, would it suit the township
3 better to rezone it to R-1 because there is probably more
4 potential for it to be developed moving -- Is our goal to, is
5 our goal to help get it developed or is our goal to help it
6 stay the way it is? If the goal is to help it stay the way it
7 is, then we should probably consider leaving it THN and narrow
8 down the conditional uses. If our goal is to help it get
9 developed, then it probably would be better to rezone it to
10 R-1. Then you, pretty much, know the path it's going to take
11 at that point. Know what I am saying? I don't know. I am
12 just throwing it out there, that's all.

13 MR. LUCAS: Well, I'm not sure what the goal
14 ultimately is other than what we know.

15 MR. LINGENFELTER: Right.

16 MR. LUCAS: And I say that because, if Heather is
17 going to do something, we need to --

18 MR. LINGENFELTER: Yeah, it would be good to give
19 her some direction on it.

20 MR. LUCAS: Yeah. The other thing is what triggered
21 this, as I understand it from what Heather indicated, was that
22 the Planning Commission itself, as part of a review process,
23 made a recommendation basically to eliminate the district
24 itself. Is that correct, Heather?

25 MS. FREEMAN: Yes.

26 MR. LINGENFELTER: Yeah.

27 MR. LUCAS: That's what triggered it. Now, we don't
28 have to listen per se to the Planning Commission and that.
29 But the purpose of the goal --

30 MR. LINGENFELTER: They do give sage advice every

1 once in a while.

2 MR. LUCAS: Yeah. The purpose of the goals, Andy,
3 is really the bailiwick of the members themselves. So, you
4 know, either way, it's not like someone is making a wrong
5 decision. It's what your personal -- It's where the
6 subjective comes in, Rich. It's up to you and the members.

7 CHAIRMAN IAFELICE: I appreciate the comments, Andy.
8 I am looking at it in terms of uniformity and consistency.

9 MR. LINGENFELTER: Right.

10 CHAIRMAN IAFELICE: To pick a few of the conditional
11 uses off of the THN and keep THN, I couldn't even, I couldn't
12 even discern any of them. Like you just said, it makes it
13 even more restrictive than it already is. In terms of the
14 purpose or objective to rezone it to R-1 to make it
15 developable, that's not, that's not my thinking either. It
16 was more of the consistency approach to --

17 MR. SCHINDLER: Or uniformity.

18 CHAIRMAN IAFELICE: Uniformity.

19 MR. LINGENFELTER: I go back to Rich's comment. It
20 just, I mean, you've got a whole section in the Zoning
21 Resolution that's dedicated to Town Hall Neighborhood that has
22 a ten acre parcel that's --

23 MR. PETERSON: One piece of property in the whole
24 township.

25 MR. LINGENFELTER: Yeah, one piece of property in
26 the township. I mean, it just kind of, to me --

27 MR. PETERSON: It makes no sense.

28 MR. LINGENFELTER: That's where I think probably the
29 Planning Commission's recommendation to get rid of it because
30 it's just one piece of property in the entire township. How

1 many acres? You know, it's ten acres. To me, it would
2 probably make more sense to rezone it to R-1 to be consistent,
3 you know, I mean, to just get that off the books.

4 MR. SCHINDLER: Yeah.

5 MR. LINGENFELTER: I mean, it was a good idea when
6 it was done. The intent was there but then, when the R-1
7 rezoning started in that, on that, down that corridor there,
8 that really kind of threw a monkey wrench. To me, there is
9 very little, there is very little justification leaving it as
10 THN, to me, anyway.

11 CHAIRMAN IAFELICE: Okay.

12 MR. SCHINDLER: Once 44 started developing over the
13 years as it has, this became less and less desirable to go in
14 that direction.

15 MR. PETERSON: Right.

16 MR. SCHINDLER: You know?

17 CHAIRMAN IAFELICE: So thank you. I mean, if
18 without objection from the Board, I would ask Heather to draft
19 an amendment for this conversion to R-1 but to continue the
20 work session so that we can at least consider it again next
21 month.

22 MS. FREEMAN: Mr. Chairman, I'd be happy to put
23 together like a side-by-side table of the uses so you can
24 compare R-1 and Town Hall Neighborhood to eliminate any
25 concern about what the uses, potentially, permitted or
26 conditionally permitted uses are.

27 CHAIRMAN IAFELICE: That would be very helpful.

28 MS. FREEMAN: So you can take a look at, you know,
29 what the change would really mean as far as --

30 CHAIRMAN IAFELICE: Very good, for our next --

1 Thank you, Heather. That would be great.

2 All right. Like I said, I want to get, we will
3 move on to the second item on our New Business is a work
4 session to review Section 16, PUD and RCD Development District
5 process. And Heather has provided us with a flowchart for
6 consideration and discussion here, along with excerpts from,
7 yeah, Section 16 accompanying that.

8 This is, furthers our discussion we've had before on
9 the process. And really appreciate this moving forward to a
10 discussion with the Board because I think it's an important
11 consideration in this process. So, Heather, if you want to
12 begin, maybe start, please.

13 MS. FREEMAN: Right. So what, this was the
14 flowchart that I had provided to, to the Commission a few
15 months ago. It just kind of goes through our, how we process
16 planned unit developments under our Section 16. So we have
17 two different planned unit development districts, the PUD and
18 the RCD. The Ohio Revised Code actually tells townships how
19 you can do planned unit developments. We chose the one option
20 where the applicant would need to come in and request to
21 rezone the property and then, at the same time, get their
22 preliminary development plan approved by the township.

23 So that is the first step, basically. And I am not
24 going to talk about this verbatim or anything but they go
25 through, they submit the application, they have the public
26 hearing with the Zoning Commission, who then makes the
27 recommendation to the Trustees, who then has a separate public
28 hearing and then votes on that to make a decision. If they
29 vote to approve the PUD or the RCD then it becomes effective
30 within 30 days from the date of that decision being made.

1 Then there starts the, then starts the process,
2 which we do have a little bit of control over how we want to
3 put in this the Zoning Resolution, is how do you approve the
4 final development plan? What is the process for that? So the
5 township currently requires that the township trustees approve
6 the final development plan before any construction of the
7 development can commence. So right now, they submit a final
8 development plan to staff, who then reviews it for compliance
9 with the, with any conditions that were put on the initial
10 preliminary plan approval and then to make sure it is
11 compliant with any of the specific regulations for the PUD or
12 the RCD, and then the Trustees would vote to approve that.

13 And I did a little research what some other
14 communities do. Some other townships, they have a different
15 review process for their final development plan. It's all
16 over the place how folks want to do this. Like Liberty
17 Township, which is in Butler County, they have the Zoning
18 Commission review the final development plan during a public
19 hearing and then they are the ultimate decision-making body on
20 the final development plan. And they also approve, the Zoning
21 Commission would also approve any modifications to a
22 previously approved final development plan; whereas, in
23 Concord Township right now any modifications to an approved
24 development plan are reviewed by the Trustees. There is a
25 couple different levels, major or minor. Minor are approved
26 by staff, major are approved by the Trustees.

27 There is another township in Licking County where
28 they have a two-step review of their final development plan,
29 kind of. It's almost the same step that they went through to
30 get the rezone done. So the Zoning Commission reviews the

1 final development plan and makes their recommendation to the
2 Trustees and then the Trustees have a separate meeting and
3 then they approve the final development plan. So just keep in
4 mind the more reviewing, the more time these developers have
5 to, the more expensive it is for them to go through this
6 process.

7 Painesville Township in Lake County does the exact
8 same thing we do. The final development plan is approved by
9 the township trustees.

10 Then, you know, there was another township down in
11 Delaware County, zoning commission has a public hearing and
12 then they recommend to the trustees again, who have their own
13 separate public hearing on the final development plan.

14 So I know there was some conversation with the last
15 RCD that was approved by the Township Trustees and there was
16 some discussion about, from this Board, that you didn't get a
17 chance to see a final plan. And as you know, the process
18 right now doesn't require the Zoning Commission to review the
19 final development plan.

20 So part of the reason to put this on the agenda is
21 just to have a conversation about that review process, to take
22 a look at our Section 16.14 to see if we need to make any
23 changes or clarifications even to the process on how we're
24 currently reviewing the final development plan. And then the
25 second part of that would be, you know, how we're reviewing
26 modifications from an approved development plan to see if
27 there were any reasons to change what some of the -- what
28 might be considered major or, and/or process of reviewing
29 those changes to a final development plan.

30 So that's kind of what I provided to you today. I

1 didn't have -- as kind of a starting point.

2 Some of the other communities that I looked at,
3 under their final development plan process, they have, they
4 elaborate a little bit more on time limits on getting plans
5 approved, allowed more extensions of approval of plans. And
6 we kind of just have really one sentence on how the process,
7 how it goes as far as getting the Trustees to approve the
8 final development plan, and then it goes into this whole
9 discussion about if the first phase hasn't been submitted in
10 12 months then you have this public hearing.

11 I think we might be able to improve the language
12 here a little bit to make it cleaner. I know that I was
13 struggling a little bit with this on how to advise developers
14 as far as this process. So if it's confusing a little bit for
15 me, myself, I think we might need to make some changes to make
16 it, make the process more streamlined and/or clear within the
17 text itself.

18 CHAIRMAN IAFELICE: The first time I read this for
19 the Canterwood project, I was confused beyond belief and it
20 prompted this asking for this flowchart, which was helpful.
21 Now I can see why it seems so convoluted and involved. But
22 even in text, it was hard to under -- comprehend very easily.

23 So maybe just to begin discussion, Heather, speaking
24 like sometimes a lesson is learned and you look at past
25 projects, you know, like Canterwood. It seemed to me that the
26 Trustees -- it seems to me, I can't speak for them -- they
27 were put in an awkward position to approve a plan that had a
28 lot of changes after we saw it and then we never saw it again.
29 So it got final approval.

30 As you mentioned, there is towns, Liberty, I think

1 you said, where the zoning commission has the final
2 development approval. So this probably falls to, final, to
3 the Trustees to get. I didn't ask the Trustees if they're
4 comfortable with reviewing the final development plan, perhaps
5 they are. I figured, as a public body as the Trustees, they
6 have far more things to govern for the township and rely on
7 the Zoning Commission for planning and zoning, you know, those
8 types of issues. But if they prefer to keep that it way,
9 that's where my position was coming from. It seemed to me
10 that the Zoning Commission could serve the township and the
11 Trustees in a better capacity, given our, we're walking
12 through the project, preliminary, the preapplication, all the
13 way through. It seems to me we're in a better position to
14 review and approve pre and final plans, but that's just my
15 thought, that's just a thought.

16 MS. FREEMAN: Mr. Chairman, I haven't talked to the
17 Trustees regarding their comfort level as far as that or
18 anything. So --

19 CHAIRMAN IAFELICE: Okay.

20 MS. FREEMAN: But being that you also do site plan
21 review, that might be another reason to consider this Board
22 being able to look at the final development plan as well.

23 MR. SCHINDLER: You know, we were established
24 supposedly as a recommending body for the Trustees. I think
25 the way, especially what's happened at Canterwood Farms, is
26 outrageous, you know. It should have never gone -- Look at
27 going by there as I do practically every day and seeing what
28 developed or I should say just raked that whole land down
29 really is an eyesore. And if we could have stopped that, we
30 should have had the ability to be able to stop something like

1 that happening as being a board that the Trustees look to for
2 guidance, you know.

3 So we should have the last say so we go through all
4 that process rather than what happened up there. I think it's
5 a disgrace to the township.

6 CHAIRMAN IAFELICE: Well, I kind of agree, Frank.
7 But I think the clearing and grubbing, that's a process that's
8 going to happen anyway. My understanding is that the plans,
9 the plan improvements changed significantly from what we saw.

10 MR. SCHINDLER: Oh, yeah.

11 CHAIRMAN IAFELICE: And I think it was conditional
12 approval from us? I forget but, you know.

13 MS. FREEMAN: The Board had recommended approval.

14 CHAIRMAN IAFELICE: We did, yeah.

15 MR. PETERSON: We recommended.

16 CHAIRMAN IAFELICE: Yeah, recommended. And then
17 there were significant changes.

18 MR. SCHINDLER: Big time. How many times did he go
19 back to you, to the township and put all kinds of changes? I
20 mean, it had to be numerous numbers of times, right? It
21 sounded like the Trustees were always looking at something
22 else that he wanted to change.

23 MS. FREEMAN: Right, yeah. I am sorry. I should
24 know this. It was either, it was definitely once, if not
25 twice they went back to the Trustees.

26 MR. SCHINDLER: At least, if not more.

27 MS. FREEMAN: There has been a lot of different
28 renderings in between that have not been in front of them but
29 just being reviewed by staff.

30 MR. SCHINDLER: Yes.

1 MS. FREEMAN: Correct. But there was one formal
2 request for a major modification that the Trustees did have a
3 public hearing for to reconsider that.

4 MR. SCHINDLER: Right.

5 MR. REPERT: If I can interject.

6 CHAIRMAN IAFELICE: Yeah, please.

7 MR. REPERT: In looking at the two-page document
8 that Heather gave us, I am looking at 16.16, and the way that
9 I -- 16.16 at the top, the second page. The way that I look
10 at this, paragraph B, if the modification is classified as
11 minor, said modification is subject to the procedure set forth
12 in 16.30, which is the first page. Okay? That's confusing
13 enough. We already went over that.

14 But if you go down to C, it says "Major
15 modifications shall include changes to the approved plan that
16 involve," and it lists (a) through (h). When I looked at (a)
17 through (h), each one of those items is what we look at as a
18 Zoning Commission. So why shouldn't a major modification come
19 back to the Zoning Commission, because that's what we're
20 saying here. Review this. An increase in traffic circulation
21 and public utilities, we review that or we have it reviewed so
22 we can look at the report. Increase in the density, we review
23 that initially as part of our initial review of the package.

24 So, in my opinion, if you go over to the flowchart,
25 I think some of this stuff on page 3, it says major
26 modification, Board of Trustees set public hearing. I think
27 right at the major modifications it's got to come back to the
28 Zoning Commission. It shouldn't go back to the Trustees, it
29 should come back here and we take a look at it, we review it,
30 then we provide a recommendation up to the Trustees.

1 And on page 2 of the three pages of the flowchart
2 where it has "Trustees deny final plan" in two places, where
3 does it go from there? No place, it just dead-ends. So
4 that's my two cents.

5 CHAIRMAN IAFELICE: Thank you, Hiram.

6 Comment, Rich?

7 MR. PETERSON: What I don't know is, if we took the
8 original plan that we approved and what it is today and set
9 them side by side, how many would be minor, how many would be
10 major? I don't know what the changes are. I personally don't
11 know.

12 I don't really want to judge the development at this
13 point until it's done because the final property probably will
14 be pretty nice with landscaping and, you know. But I don't
15 know what the differences are between the two, so I can't
16 really comment.

17 CHAIRMAN IAFELICE: Okay, on that particular case.
18 But in general, I think Hiram is speaking that there are major
19 modifications, which is kind of what I was relating here
20 earlier. It seems like it's putting the Trustees in a
21 position where we're probably better informed.

22 MR. PETERSON: True.

23 CHAIRMAN IAFELICE: And history to assist them in
24 doing it right.

25 MR. PETERSON: So how would you trigger a second
26 review, on major changes, any major change or any grouping of
27 minor? I don't know. Five minors makes a major? I don't
28 know.

29 MR. REPPERT: Well, if you look at (C)(1)(a) through
30 (h), there is a listing of major modifications.

1 MR. PETERSON: Okay. These are major, and minors
2 shall be anything not classified there but --

3 MR. REPPERT: That's up to the discretion of the
4 Zoning Department.

5 MR. PETERSON: If Heather felt that there were major
6 changes, I don't see anything wrong with us doing a secondary
7 review.

8 MR. SCHINDLER: I would suggest we take "minor" out
9 completely and if we just say changes, no matter what, it
10 should come to us, you know.

11 MR. LINGENFELTER: I don't know that I want to go
12 down that road.

13 MR. REPPERT: Well, if you have a typo or something
14 like that on a plan.

15 MR. SCHINDLER: Yeah, I mean, this is questionable.

16 MR. REPPERT: It's kind of vague, too.

17 CHAIRMAN IAFELICE: Frank, you know, the
18 professionals the township hires, and as a professional
19 myself, minor changes can be really subject to review by a
20 professional but -- and I think that's why we have a
21 professional sort of inspector person to do that type of work.

22 MR. SCHINDLER: That's fine. I am not taking
23 anything away from them, you know, as a qualification but
24 sometimes I think they have questions, too.

25 MR. PETERSON: But what if it's strictly at
26 Heather's discretion whether we had a secondary review.

27 MR. SCHINDLER: Exactly, at that point, you know.
28 We know what the major ones would be. If a minor one comes up
29 and she says, "I don't feel comfortable with that. Maybe I
30 will bring it up," that kind of thing.

1 CHAIRMAN IAFELICE: I think right now it is that
2 way. You decide it's got to go back to the Trustees.

3 MS. FREEMAN: Well, if a modification comes in, I
4 mean, I try, I look at this list and determine, is it
5 classified as major? And if it's not, then, you know, at that
6 point I have to make a decision on that. I have seen some
7 zoning resolutions that say that they do give the zoning
8 inspector discretion to possibly put it in front of zoning
9 commission. I am not sure how our legal department would feel
10 about discretion in the Zoning Resolution or not, but --

11 CHAIRMAN IAFELICE: I think it's important to
12 categorize what is, at least in general, what major
13 modifications are, as it does here.

14 MS. FREEMAN: Yeah, right. I kind of like the idea
15 though of major modifications doing the two steps though, you
16 know, just to -- because that would give you guys a second
17 look at that if it's something that changed.

18 MR. LINGENFELTER: Let me ask you a question,
19 Heather. How many times do you get modifications after we've
20 approved? Is there a lot? Is that a pretty frequent process
21 or is it pretty rare?

22 MS. FREEMAN: Well, I've only dealt with a few of
23 the RCDs and PUDs since I've been with the township. With
24 Villas, they requested changes. Lilly Farm did not, that was
25 a pretty simple RCD. Eagle Pointe, they did make a change
26 that had to go back in front of the Trustees for some
27 different --

28 MR. LINGENFELTER: Was that a major modification?

29 MS. FREEMAN: Yes, it was major because they were
30 taking away some open space that was originally counted as

1 open space and making the right-of-way wider.

2 MR. LINGENFELTER: What about just minor?

3 MS. FREEMAN: I mean, there is all kinds of things,
4 little minor stuff.

5 MR. LINGENFELTER: Right. I would be more concerned
6 about the major stuff, and I think anytime there is a major
7 modification I think it should come back to us. I think it
8 should come back. I think anytime there is a major
9 modification it should come back to us and then we can figure
10 it out.

11 CHAIRMAN IAFELICE: I agree.

12 MR. LINGENFELTER: Because, I mean, if it's a major
13 modification, that's not, that, those modifications would have
14 had a direct impact, I think, on our decision whether to
15 approve --

16 MR. REPPERT: Whether to approve, that's right.

17 MR. LINGENFELTER: -- the project to begin with.

18 CHAIRMAN IAFELICE: Yeah.

19 MR. LINGENFELTER: You know, like exactly what
20 happened with Canterwood. Had those changes been put in front
21 of us at the time we were deliberating that whole approval
22 process, I can tell you right now I wouldn't have approved it.
23 I would have voted no.

24 CHAIRMAN IAFELICE: Yeah.

25 MR. LINGENFELTER: You know, based on what they --
26 But then they kind of got, they kind of slipped it past the
27 goalie and, you know, got it in and then they went in front of
28 the Trustees and than started making changes. And I don't
29 think -- And there is no fear of, you know, there is no fear
30 of consequences with that. I mean, it's pretty minor, you

1 know, where if they knew they were going to have to come back
2 in front of Zoning Commission and re, and re-present their
3 case with these major modifications, I think that would
4 probably, that could potentially deter that or would certainly
5 give them pause to come in with major modifications.

6 MR. REPPERT: Right.

7 MR. LINGENFELTER: They might think, "Maybe we don't
8 want to go back in front of the Zoning Commission on this.
9 Maybe we should tool that down to a point where it's not a
10 major modification or maybe we should just abandon that
11 thought altogether."

12 I wouldn't be opposed. I think you're right. I
13 think there should be some, an opportunity for the Zoning
14 Commission to see a major modification and have a
15 reconsideration on our vote because I think some of those
16 major modifications would certainly, it would impact my vote.

17 CHAIRMAN IAFELICE: Part of me is thinking that the
18 Trustees would appreciate that, that we would get involved and
19 help.

20 MR. REPPERT: Take some of their burden away.

21 CHAIRMAN IAFELICE: Let me ask this question,
22 Heather. Unrelated to PUD or RCD, a typical site plan, if you
23 get a revision on a site plan that we've approved, major, do
24 you consider bringing it back to us or is that, you just deal
25 with major site plan changes? I don't know if I can cite an
26 example but I never saw the site plan for the -- Sorry. It
27 escapes me now. I was concerned with the lack of, there was
28 no detail on the stormwater. I forgot the plan. Was it for
29 the --

30 MR. LINGENFELTER: Oh, that was for the Auburn Road.

1 CHAIRMAN IAFELICE: Auburn, yeah, it was incomplete,
2 the plans were, and now they're abandoning it altogether.
3 Okay. So --

4 MS. FREEMAN: So on that particular site plan that
5 the Board conditionally approved, they submitted what they
6 considered their final site plan in an attempt to meet all
7 your conditions.

8 CHAIRMAN IAFELICE: Yes.

9 MS. FREEMAN: Marty and I reviewed the revised,
10 quote, unquote, final site plan and they made all kinds of
11 other modifications that were not asked by this Board. So at
12 that point, we notified, you know, formally notified them
13 that, look, you've got all these or changes which, based under
14 the site plan review section -- I am just looking at it right
15 here -- there is a process for deviations to a site plan which
16 would trigger it to come back to you.

17 CHAIRMAN IAFELICE: It does, okay.

18 MS. FREEMAN: Yes.

19 CHAIRMAN IAFELICE: The reason I ask that --

20 MS. FREEMAN: There is major and minor modifications
21 to the site plan as well.

22 CHAIRMAN IAFELICE: So the reason I ask is because
23 sometimes you ask and you know the answer, and you know the
24 answer because this would be consistent with that.

25 MS. FREEMAN: Yeah.

26 CHAIRMAN IAFELICE: Even though I know the site plan
27 versus PUD, I'm trying to make some consistency in the
28 legislation and the code.

29 MS. FREEMAN: Right.

30 CHAIRMAN IAFELICE: Okay.

1 MS. FREEMAN: Now, the criteria for what we consider
2 major versus minor is different.

3 CHAIRMAN IAFELICE: Yep.

4 MS. FREEMAN: So that's something else that you can
5 take a look at, too. These major modifications that are
6 listed here, do these make sense to you as far as what you
7 would want to see? While I was looking at some other
8 communities' resolutions, you know, they, obviously, lots of
9 folks have different things listed. One that I thought this
10 Board might want to consider adding would be kind of related
11 to the, to the street patterns. One community had that a
12 major modification would be if there was a change in the
13 internal street pattern within the development or where the
14 new roads were going to intersect with existing streets. Now,
15 I know we have something that talks about an increase in
16 traffic circulation and public utility usage, which is a
17 little bit more obscure, I think.

18 CHAIRMAN IAFELICE: Yeah.

19 MS. FREEMAN: Because I feel like (a) and (d) would
20 somewhat be tied together because, if you are going to change
21 the use or character of the development, that could
22 automatically increase the traffic or I guess it could
23 decrease the traffic.

24 MR. LINGENFELTER: Yeah, that's like a, (a) is a
25 domino falling over.

26 MS. FREEMAN: Yeah.

27 CHAIRMAN IAFELICE: Yes.

28 MR. LINGENFELTER: I mean, (a) starts to go over a
29 bunch of other of those modifications, obviously.

30 MS. FREEMAN: Yeah.

1 MR. LINGENFELTER: I mean, that's, what, one, two,
2 three, four, five, six, seven, that's eight major
3 modifications. The only one I am kind of just a little not
4 too sure about, a reduction in required pavement width. That
5 seems, that seems a little bit, that one seems a little iffy
6 to me. But, I mean, on the other ones, I think they all
7 could, there is plenty of meat on the bone on those for a
8 major, what I would consider a major modification. Maybe come
9 up with a replacement for (g).

10 CHAIRMAN IAFELICE: Replacement for (g) and/or in
11 consideration of what we recently changed in RCD, amended,
12 regarding the code, some of the rules for calculating density,
13 perhaps that -- I know there is increase in densities here.

14 MR. LINGENFELTER: Right.

15 CHAIRMAN IAFELICE: Maybe that doesn't weigh in here
16 but perhaps we could review the major model to see if there is
17 anything else to add, delete, modify as we consider a change,
18 if we want to propose such a change in the process.

19 I've got a question, kind of off the wall, because
20 it came up when I was looking at this the other day. The R-8,
21 R-8, I think it's R-8 Residential District versus RCD, can you
22 explain what the difference is between R-8 and RCD?

23 MS. FREEMAN: Well, the RCD was set up as a planned
24 unit development.

25 CHAIRMAN IAFELICE: Yes.

26 MS. FREEMAN: And the R-8, I don't know. You know
27 what? I would have to look at the history of how that got
28 into the resolution. There is no vacant land that is zoned
29 R-8. There is really only one development that exists that
30 falls under that and that is the Little Mountain Country Club,

1 yeah, where Little Mountain Golf Course is.

2 CHAIRMAN IAFELICE: Yes.

3 MS. FREEMAN: Yeah. I mean, that, I think, so right
4 now that is just a straight, you know, traditional district
5 but I don't know the history. I don't know if the zoning was
6 in place and then they came in and did the development or if
7 they did the development first and then rezoned it to that. I
8 don't really know the history. But it does require a certain
9 minimum lot size and requires an open space.

10 CHAIRMAN IAFELICE: So that's the minimum lot size,
11 is that, obviously --

12 MS. FREEMAN: So, I mean, the main difference is
13 probably, you know, how much open space you have to have and
14 what you're allowed to do with the open space, obviously,
15 because you're going to have active recreation here versus in
16 the RCD it's more, it's passive and for preservation in the
17 open space.

18 MR. LINGENFELTER: If memory serves me, when we were
19 doing that R-8, there was, at that point in time, there was a
20 lot of discussion about wanting to kind of move to the
21 Kirtland minimum like 5 acre lot.

22 CHAIRMAN IAFELICE: Five acre lot.

23 MR. LINGENFELTER: There was a lot of discussion
24 about it especially regarding the eastern section of Concord
25 Township because of the challenged topology and everything
26 that was going on.

27 CHAIRMAN IAFELICE: Sure.

28 MR. LINGENFELTER: There was some conversations and
29 some leanings towards going to a larger minimum lot size
30 standard like a five, like Kirtland, like five acres or

1 something in that neighborhood instead of, what is it, two
2 that exists now. So I think that's what, that's what prompted
3 that process, if I remember, because there was a lot of
4 discussion about large, large lot development and kind of
5 changing the whole township in eastern part of the township to
6 the large lot development so that it would be more, more the
7 bigger the lots, more a feel of an open space type of a thing.

8 And then that kind of morphed, that kind of went
9 from a large lot development kind of push towards, into the,
10 towards conservation development where it was like, well, what
11 if we make the developer designate, you know, a certain
12 percentage of the property to open space? That would serve
13 the same purpose without -- because we felt, at that time, the
14 discussion was, you start putting everybody on five acre lots,
15 you lose the whole concept of any, of neighbors. You know,
16 you're so far, five acre lots, you're so far removed from each
17 other that you're really kind of in your own little island,
18 you know, your own, you know, you're not -- So we thought if
19 we keep the half acre lot size where you've got next door
20 neighbors and it's more of a neighborly type of a thing but
21 carve out a big chunk of that towards open space, you could
22 achieve the look of large lot without actually having large.
23 You know what I am saying?

24 And I think there was, also, there was a lot of,
25 because there's been a lot of opinions written and some
26 studies done on the effects of large lot developments in
27 communities, and they're not all positive. There was a lot of
28 negative.

29 MR. PETERSON: As I recall, they wanted to put a big
30 development in there, and that used to be a hunting club where

1 the golf course is.

2 MR. LINGENFELTER: That was TRW's.

3 MR. PETERSON: Yeah, hunting club.

4 MR. LINGENFELTER: Yeah.

5 MR. PETERSON: So the neighbors didn't want this big
6 development all crammed in, so they fought against it. And
7 the compromise, I think, as Andy said, was to come up with the
8 golf course as kind of a buffer and then reasonable sized
9 lots.

10 MR. LINGENFELTER: There was, there was just that
11 phase that we went through in considering large lot
12 development and, you know, what was a fair compromise with the
13 large lot development versus the, you know, because sewer and
14 water wasn't really available at that time on the eastern part
15 of the township. It was all pretty much well and septic. And
16 it was, there was kind of a process where they were trying to,
17 they were trying to discourage developments that were going to
18 be strictly well and septic because of the environmental
19 concerns, you know, with that regard. And so it was like,
20 well, wait until we get sewer. Then sewer and water started
21 to become more available and that kind of knocked that
22 discussion down a little bit.

23 So I think that's when all that happened. That
24 would probably give you a pretty good feel of the history
25 behind it. So --

26 CHAIRMAN IAFELICE: Is there a reason we skipped R-5
27 and R-7?

28 MS. FREEMAN: We had an R-5 district.

29 CHAIRMAN IAFELICE: We had an R-5?

30 MR. LINGENFELTER: Yeah, I think we did.

1 MS. FREEMAN: Yeah, the senior.

2 MR. LINGENFELTER: Yeah, that was the senior living,
3 yeah, we carved that one out.

4 MS. FREEMAN: I am not sure about the R 7.

5 MR. LINGENFELTER: That kind of went the way of what
6 we're planning with the Town Hall Neighborhood thing. That
7 kind of went the way of THN.

8 CHAIRMAN IAFELICE: A question I had, Heather, on
9 the flow chart. So we talked about preapplication conference
10 down. Then this applies to both PUD or RCD. And in the
11 middle on page 1, it says "public display of proposed
12 amendment."

13 MS. FREEMAN: That's basically the legal notice. Is
14 that what you were -- Yeah, we would put the legal.

15 CHAIRMAN IAFELICE: It is not like we were doing it.

16 MS. FREEMAN: We don't. I notify the public on your
17 behalf that the hearing, yes.

18 CHAIRMAN IAFELICE: Okay, okay.

19 MR. REPERT: Heather, I have a question. Just
20 above that, it says, "120 days maximum for the application to
21 state highway director for review." That doesn't fit the 20
22 to 40 days. Do you see that, what I am pointing to?

23 MS. FREEMAN: Yeah.

24 MR. REPERT: What happens if they take over 40
25 days?

26 MS. FREEMAN: I'm not sure. We haven't had to do
27 one of these yet.

28 MR. REPERT: That's a good enough answer for me.

29 MR. PETERSON: Change it to 40.

30 MR. REPERT: Yeah, or see --

1 CHAIRMAN IAFELICE: Are these time constraints, are
2 we free to adjust these?

3 MS. FREEMAN: Not in this first --

4 CHAIRMAN IAFELICE: Or is it by ORC?

5 MS. FREEMAN: This follows the Ohio Revised Code as
6 far as, yeah, yeah.

7 CHAIRMAN IAFELICE: Okay.

8 MR. LINGENFELTER: I want to, going back to that
9 major modification, you know, just for a moment, okay, you
10 look at that list. There is a couple, you know, the required
11 pavement width was one. I think that's kind of a, that's kind
12 of toothless major modification, you know. I don't know that
13 that's a huge, somebody would have to explain to me why that
14 would be --

15 MR. PETERSON: Well, somebody might want street-side
16 parking. Some of the streets allow parking on the sides. My
17 streets are actually pretty narrow. Yours is wider, I think.
18 But they do vary and some of them allow parking at the curb.

19 MR. LINGENFELTER: But, see, there is, there is (f)
20 right above it, a reduction of off-street parking and loading
21 space.

22 MR. PETERSON: True.

23 MR. LINGENFELTER: So that kind of --

24 MR. PETERSON: We could put that together, yeah.

25 MR. LINGENFELTER: Is that redundant? Because when
26 you look at that one in conjunction with the reduction in
27 pavement widths, if (f) and (g), you know --

28 MR. PETERSON: That's true.

29 MR. LINGENFELTER: Is that really --

30 MR. PETERSON: It could be combined.

1 MR. LINGENFELTER: Is that redundant? Could those
2 two be combined and then we could put another, come up with a
3 better major modification than those? Because, I mean, I
4 think changing the use and character of the development,
5 that's really good. Increase in overall coverage of
6 structures is, I think, good. Density, obviously, is good.
7 Open space, you know, messing with the open space, that's a
8 real, that's a good one. That's something that we should, you
9 know.

10 CHAIRMAN IAFELICE: Yeah.

11 MR. LINGENFELTER: And then reduction in the
12 required minimum acreage, obviously, that would knock it out
13 of being a PUD. That certainly is a major modification, too.
14 So, but that reduction of off-street parking and loading space
15 and the reduction of required pavement width, to me, those, I
16 mean, you could lump those together and come up with another
17 major modification that we would want to add to that list.

18 Was there anything else that really jumps out at
19 you, Heather, that you would like to see on the list that's
20 not on there as far as a major modification? Because right
21 now it's black and white. I mean, it's pretty
22 straightforward.

23 MS. FREEMAN: Yeah, right. Just to give a little
24 insight on your questioning on the pavement widths, I mean,
25 I don't think I've had anyone come in and ask to reduce the
26 pavement widths but I know that, just from my experience doing
27 plan review in conjunction with the Fire Department, access
28 and pavement width is a big deal from a safety perspective.
29 So I know that they follow the Ohio Fire Code on that and we
30 try, they work with our zoning regulations as well to find

1 something that works for everyone.

2 MR. LINGENFELTER: Right.

3 MS. FREEMAN: And sometimes there is give and take
4 on those things. I prefer maybe to leave it in just in the
5 event where the township does approve a plan with, for
6 example, an 18 foot wide common access drive to a couple units
7 or something like that and then they come back later at final
8 and they go down to, you know, 15. Is the Fire Department
9 going to be comfortable with four units coming off that or
10 not, you know, where they thought we approved something at 18
11 feet. So I kind of prefer that we maybe leave that in. We
12 haven't had one yet but just in case.

13 MR. LINGENFELTER: Well, I'm not saying to remove it
14 but maybe combined those two, you know, and come up with a
15 better one.

16 MS. FREEMAN: Maybe we could try to reword
17 something.

18 MR. LINGENFELTER: Yeah. Rework it to where (f) and
19 (g) are one major modification, you know.

20 MS. FREEMAN: Yeah.

21 MR. LINGENFELTER: And then we can put another, if
22 there's another major modification you think might make sense
23 to add to it, you know.

24 MS. FREEMAN: What I mentioned previously, if you
25 were concerned about where proposed streets are going to
26 intersect, I don't know if that's something that you feel
27 would be significant of a change that you would want to look
28 at.

29 MR. LINGENFELTER: I will tell you what. I would
30 like something that would reflect the buffers, especially when

1 we're transitioning to another, into another neighborhood or
2 another development.

3 CHAIRMAN IAFELICE: Thank you. That's what I was
4 trying to think of, yes.

5 MR. LINGENFELTER: When we're looking at those
6 because those tend to get, those tend to get stepped on pretty
7 regularly, too.

8 CHAIRMAN IAFELICE: Yes.

9 MR. LINGENFELTER: They'll agree, okay, yeah, we
10 will lop off a lot or two on the entrance into the development
11 to help the transition --

12 CHAIRMAN IAFELICE: Yes.

13 MR. LINGENFELTER: -- into the new development and
14 then that kind of goes bye-bye when the final thing is done.
15 They kind of, well, we -- they didn't want, they didn't want
16 to give that up as freely as they thought we would. And that,
17 to me, is important because that impact people's, you know, if
18 somebody, if you're living next to where a new developments is
19 going in and there is, you know, and there is like a hard,
20 there is going to be a hard stop right from your property
21 right into the new development, if there is a little bit of a
22 buffer, it helps with the transition. I think that's pretty
23 important to people that are already there, not impacting
24 their quality of life and their, the value of their property,
25 you know, and use.

26 So I would rather, you know, seeing that buffer in
27 that transition process, to me, is pretty important. So if
28 they want to change, if they come in and say, oh, yeah, we
29 will lop off two lots on each side of that street where it
30 intersect or butts up to the new development or where they're

1 extending that street into the new development and then, all
2 of a sudden when they come back with the final, "Well, we
3 decided to take those out," that, to me, would be a major
4 modification because that's going to have a direct impact on
5 people that are living there. Yes? No?

6 CHAIRMAN IAFELICE: Absolutely.

7 MR. REPPERT: Yeah, yeah.

8 CHAIRMAN IAFELICE: Absolutely.

9 MR. SCHINDLER: So pavement width would go up with
10 (f) added to the --

11 MR. REPPERT: Yeah, combined.

12 MR. SCHINDLER: And then (g) would be buffer zones.

13 MR. LINGENFELTER: I mean, I don't know. I'm just
14 throwing suggestions out there, that's all.

15 CHAIRMAN IAFELICE: I might suggest there is more.
16 I might suggest that we allow Heather, continue this work
17 session -- obviously, you've encountered these -- with more
18 study from us in the next month. I think I might have one or
19 two.

20 MS. FREEMAN: Okay.

21 CHAIRMAN IAFELICE: And then, perhaps, to further,
22 similar to the first one, if we could further this work
23 session with a draft of how we would adjust 16 for Zoning
24 Commission doing final development plan approval to consider
25 at our next meeting.

26 MS. FREEMAN: Okay.

27 CHAIRMAN IAFELICE: Without objection from the
28 Board, if you're on board with that.

29 MR. SCHINDLER: No.

30 MR. PETERSON: No objection.

1 CHAIRMAN IAFELICE: No pun intended.

2 MR. LINGENFELTER: The Board's on board.

3 CHAIRMAN IAFELICE: The Board's on board.

4 MR. REPPERT: The Board's on board.

5 MR. LINGENFELTER: Now, I don't know that I have the
6 answer to how that -- I would defer more to Heather because
7 she's the one that sees those modifications more than we do.

8 MR. SCHINDLER: Right.

9 MR. LINGENFELTER: And once we approve, just like
10 with this whole Canterwood thing, had we not been in the loop
11 in that process, I wouldn't have known that they came in with
12 all those major changes after we approved it. So, I mean, she
13 sees it more than we do. I would defer to her to see if there
14 was any other things that she's seen that she feels would make
15 sense to put on that list. If it means adding another one, I
16 am okay with that. Because I really think that, when there is
17 major modifications, it should come back to the Zoning
18 Commission. I don't think it should fall on the Trustees at
19 that point. It should get kicked back to us because I don't
20 necessarily know that they would get the same outcome with
21 major modifications than they did with the first one. And
22 then they make their major modifications and we never get to
23 see it again, you know, we don't. It's all on the shoulders
24 of the Trustees to come up with the decision.

25 MR. SCHINDLER: And that's rough because I went to a
26 couple of Trustees meetings.

27 MR. LINGENFELTER: Yeah. I'm not, I don't want to
28 go -- I'm not one to be traipsing into a trustee meeting as a
29 Zoning Commission member.

30 MR. SCHINDLER: No, I went to see what was going on.

1 MR. LINGENFELTER: Voice my option to something
2 that's going on.

3 MR. SCHINDLER: And they looked like they were
4 stifled because of Riebe coming in there with a bunch of
5 stuff.

6 MR. LINGENFELTER: Right.

7 MR. SCHINDLER: You know, it didn't look like they
8 were comfortable making the decision.

9 MR. LINGENFELTER: Right.

10 MR. SCHINDLER: That's my opinion.

11 MR. LINGENFELTER: I would rather it get kicked back
12 to us for consideration, and I don't know how big of a to-do
13 that is but it may change their attitude.

14 CHAIRMAN IAFELICE: It is good to hear all that. So
15 not to belabor the subject but Canterwood is an example. If I
16 recall the initial preliminary, they had three lots facing
17 Hoose, fronting Hoose.

18 MS. FREEMAN: Yes.

19 CHAIRMAN IAFELICE: And then it changed.

20 MR. REPPERT: Three, yeah, added the fourth. It
21 went to four, didn't it?

22 MS. FREEMAN: Right.

23 CHAIRMAN IAFELICE: Because they were trying to keep
24 the number, they lost one here and they put one there.

25 MS. FREEMAN: Right.

26 CHAIRMAN IAFELICE: But changing the character of
27 the development, I don't know where that falls but that, for
28 me, that's major.

29 MS. FREEMAN: Yeah.

30 CHAIRMAN IAFELICE: When you're changing lots

1 around.

2 MR. LINGENFELTER: Well, I think changing the
3 character of the development, that's a good general, it's
4 pretty loose. There is a lot of things that could fall within
5 that that could a cause that to be a major modification. So I
6 like the character, changing the character of the development.
7 There is a lot of changes that could happen that could do that
8 that could force that to come back to us. I like that.

9 CHAIRMAN IAFELICE: Obviously, that falls, that's
10 kind of broad brush, Heather.

11 MR. LINGENFELTER: Yes.

12 CHAIRMAN IAFELICE: That even if it changes the
13 number of lots or things like that, that's the character of
14 the development.

15 MR. LINGENFELTER: Right.

16 CHAIRMAN IAFELICE: If you have 59 lots and now
17 they're pushing through 61 in terms of the --

18 MR. LINGENFELTER: Right, that's a major.

19 CHAIRMAN IAFELICE: That's a major.

20 MR. LINGENFELTER: That's a major change.

21 MR. SCHINDLER: Yeah.

22 MR. LINGENFELTER: Because that's density.

23 CHAIRMAN IAFELICE: Without saying, without
24 saying -- Oh, yeah, it increases the density, yeah.

25 MR. LINGENFELTER: Density, that trips a lot of
26 triggers on that process.

27 MR. SCHINDLER: They were moving lots around and
28 stuff, that does change the character.

29 MR. LINGENFELTER: Right. So anyway --

30 CHAIRMAN IAFELICE: Well, thank you for that

1 discussion.

2 Without objection from the Board, I am going to
3 defer the third one, move on, on behalf of this meeting, on
4 Section 22, without objection?

5 MR. SCHINDLER: No objection here.

6 MR. REPPERT: None here.

7 MR. LINGENFELTER: I think Mike objects. Mike is
8 objecting.

9 MR. LUCAS: I think this is the wisest decision the
10 chairman could possibly have made tonight. That's just my
11 opinion.

12 MR. LINGENFELTER: Just saying.

13 CHAIRMAN IAFELICE: Next time, we will make sure we
14 solicit though your opinion, Counselor.

15 Under Old Business, do we have anything, members,
16 under Old Business?

17 MR. REPPERT: None here.

18 MR. SCHINDLER: None here.

19 CHAIRMAN IAFELICE: I am going to throw out another
20 one for the work session, a work session that we have already
21 discussed, is the Capital District, conditional uses under
22 Capital District. You just reminded me because Andy brought
23 up the conditional uses under the THN and R-1 and I think
24 we're wanting to, at least, consider review of the conditional
25 uses in the Capital District.

26 MS. FREEMAN: Yeah.

27 CHAIRMAN IAFELICE: Again, that kind of occurred
28 there with the Sheetz.

29 MR. LINGENFELTER: Unfortunately, the horse is out
30 of the barn.

1 CHAIRMAN IAFELICE: The horse is out of the barn but
2 to prevent the next horse out of the barn maybe we just throw
3 that --

4 MR. REPERT: Mr. Chairman.

5 CHAIRMAN IAFELICE: That's okay.

6 MR. REPERT: To increase the scope, shouldn't we
7 review conditional uses if they're on all the districts?

8 MR. PETERSON: That's a two-year project.

9 MR. REPERT: Take them one by one? Okay. We'll do
10 Capital first.

11 CHAIRMAN IAFELICE: Capital first.

12 MS. FREEMAN: Mr. Chairman, I think, you know, the
13 handout that I gave that was focusing on Section 22, Uses, and
14 I also provided that we're deferring to next month.

15 CHAIRMAN IAFELICE: Yes.

16 MS. FREEMAN: Was, my intent, I think, was to focus
17 more specifically on, I think, the uses under the Capital
18 District, and then even looking under the Capital District,
19 the conditional use for the Innovative Site Plan Development
20 and taking a look at those specific uses that are under that
21 planned development.

22 CHAIRMAN IAFELICE: Oh, good.

23 MS. FREEMAN: Because I know that the Town Center
24 Master Plan had recommendations in there that we never were
25 able to accomplish as far as adding or subtracting uses with,
26 specifically, within the Capital District and the Innovative
27 Site Plan Development District. So maybe next month we focus
28 on that a little bit more as part of our third work session.

29 CHAIRMAN IAFELICE: Thank you for that, Heather.
30 Thank you, very good.

1 There being no other Old Business, our next meeting
2 is scheduled for August the 2nd, August the 2nd. If there is
3 nothing else to come before this Board, I think we will stand
4 adjourned.

5 (Whereupon, the meeting was adjourned at
6 8:37 p.m.)

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STATE OF OHIO)
)
COUNTY OF LAKE)

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 was 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 was 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 22nd day of July 2022.

Melinda A. Melton
Melinda A. Melton
Registered Professional Reporter

Notary Public within and for the State of Ohio

My Commission Expires:
February 4, 2023

