

CONCORD TOWNSHIP ZONING COMMISSION
LAKE COUNTY, OHIO
REGULAR MEETING

Meeting held via YouTube Live Streaming

Concord Town Hall
7229 Ravenna Road
Concord, Ohio 44077

August 2, 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
Michael Lucas, Esq., Legal Counsel

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

7:00 p.m.

CHAIRMAN IAFELICE: Good evening. I am going to call to order the Concord Township Zoning Commission meeting of Tuesday, August the 2nd.

Heather, if you could call the roll.

MS. FREEMAN: Yes, I will. Mr. Peterson?

MR. PETERSON: Here.

MS. FREEMAN: Mr. Schindler?

MR. SCHINDLER: Here.

MS. FREEMAN: Mr. Reppert?

MR. REPPERT: Here.

MS. FREEMAN: Mr. Lingenfelter?

MR. LINGENFELTER: Here.

MS. FREEMAN: And Mr. Iafelice?

CHAIRMAN IAFELICE: Here.

Thank you, Heather.

Next order of business is the approval of the minutes from July the 5th, 2022.

MR. PETERSON: Mr. Chairman, I make a motion we approve the minutes of the July 5, 2022, meeting as written.

CHAIRMAN IAFELICE: I have a motion. Do I have a second?

MR. SCHINDLER: I second.

CHAIRMAN IAFELICE: Any discussion?

MR. REPPERT: Yeah, I have some questions. On page 12, did we make any contact with the property owner about rezoning to R-1?

MS. FREEMAN: No, we didn't.

MR. REPPERT: No, not yet.

MS. FREEMAN: No, yeah, yeah.

1 MR. REPPERT: Okay.

2 MS. FREEMAN: Although he does have some farming
3 going on over there now, if you noticed. He's planted in
4 crops.

5 MR. REPPERT: You said he planted something.

6 MR. LINGENFELTER: Looks like corn.

7 MS. FREEMAN: And he did cut some trees that were
8 around the house that sits on the two acre piece that's
9 adjacent to the ten acre piece you've been discussing. So,
10 but --

11 MR. REPPERT: Then on page 13, we said it's not
12 proceduralized that we do make contact before we rezone
13 something. And, personally, I think it should be
14 proceduralized, so I think maybe we can discuss that at a later
15 date.

16 CHAIRMAN IAFELICE: Okay. Thank you, Hiram.
17 Anything else?

18 MR. REPPERT: Oh, yeah, yeah. Page -- okay.
19 That's, again, on page 18, line 11, page 18, line 11, what is
20 CAUV?

21 MR. LINGENFELTER: That's a designation for a
22 property for agricultural use.

23 MR. REPPERT: Okay. Can we define it in here? Is
24 it defined in our zoning?

25 CHAIRMAN IAFELICE: Yeah, Heather, please.

26 MS. FREEMAN: CAUV is, it's a tax break, basically,
27 that the Lake County Auditor, they are the ones that process
28 those applications and I think it comes from the -- But
29 Current Agricultural Use Valuation, so if you do so much
30 farming and have so much income generated from farming on your

1 property on an annual basis, you can submit an application to
2 the county and it will reduce your property taxes.

3 MR. REPERT: Okay, okay.

4 MS. FREEMAN: So you're not paying a full value.
5 But I don't think that's a term that we should define in the
6 Zoning Resolution because it's not something that we regulate.

7 MR. REPERT: I just thought maybe "CAUV,"
8 parenthesis, blah, blah, blah, blah, blah.

9 MS. FREEMAN: I don't think we were proposing to add
10 that in, into the text or anything.

11 CHAIRMAN IAFELICE: If I may, I think Hiram is
12 suggesting that we spell it out in the minutes just to
13 understand what it --

14 MS. FREEMAN: Oh, okay.

15 MR. REPERT: That's all I am saying.

16 CHAIRMAN IAFELICE: I believe that's what he's
17 saying.

18 MS. FREEMAN: I am sorry.

19 MR. REPERT: I really didn't know what it was.

20 CHAIRMAN IAFELICE: Yes, yes. I would think that's
21 appropriate to add. Good.

22 MR. REPERT: Okay. Heather talked to the Trustees
23 on major revisions. You just talked to us about it, okay.
24 Did -- Well, I guess we did, okay.

25 MR. LINGENFELTER: Just for the record, Hiram, that
26 stands for Current Agricultural Use Value.

27 MR. REPERT: Okay.

28 MR. LINGENFELTER: That's what that means. That's
29 what CAUV means, just so you know.

30 MR. REPERT: And then I think we will be going over

1 some of the changes that we have to the major issues. Are we
2 going to be discussing major, major changes versus minor
3 changes tonight? I thought that was one of our assignments.

4 CHAIRMAN IAFELICE: Yes, yes.

5 MR. REPERT: We will be discussing that at length.

6 CHAIRMAN IAFELICE: On the agenda.

7 MR. REPERT: Okay. That's all.

8 CHAIRMAN IAFELICE: Okay. Thank you, Hiram.

9 MR. REPERT: They were just questions, no
10 corrections.

11 CHAIRMAN IAFELICE: Other than the --

12 MR. REPERT: CAUV.

13 CHAIRMAN IAFELICE: -- defining CAUV, I think that's
14 appropriate, so let's add that to the minutes. We had a
15 motion and a second for approval. All those in favor?

16 (Five aye votes, no nay votes.)

17 CHAIRMAN IAFELICE: The minutes stand approved.
18 Thank you.

19 Let's move on to correspondence. I will ask each
20 member for any appropriate correspondence received. I will
21 begin with Frank, please.

22 MR. SCHINDLER: None, Mr. Chairman.

23 CHAIRMAN IAFELICE: Thank you.

24 Hiram?

25 MR. REPERT: None, Mr. Chairman.

26 CHAIRMAN IAFELICE: I have nothing to report.
27 Andy?

28 MR. LINGENFELTER: Nothing.

29 CHAIRMAN IAFELICE: And Rich?

30 MR. PETERSON: Nothing, Mr. Chairman.

1 CHAIRMAN IAFELICE: It's all quiet in the middle of
2 the summer.

3 MR. REPPERT: A slow month, yes.

4 CHAIRMAN IAFELICE: A slow month. Thank you,
5 members.

6 Next order of business is public participation. As
7 a slow month, yes, we have nobody present here physically and
8 no one on the phone.

9 So under New Business, we have nothing. So we will
10 move fairly quickly to Old Business and these are work
11 sessions to, that was, we initiated last month and now we have
12 further homework to do. But we did ask Heather -- And, thank
13 you, Heather, for putting together the documents for us. We
14 asked her to draft the amendments as we were not ready to make
15 any real formal decision on THN District but wanted to have
16 something as an amendment in front of us.

17 So what Heather has done is provided us with a
18 couple things. First of all, the uses to compare Town Hall
19 Neighborhood with R-1, which is the consideration we have
20 before us, is conversion of Town Hall Neighborhood to R-1, so
21 that we can see the difference in the uses under each district
22 zoning. So that side-by-side comparison is here in front of
23 us to review. Hopefully, you had a chance to take a look at
24 it.

25 There are, from what I gather, if anybody has
26 objection, there is not a whole lot of overlap, commonality
27 between the two, from what I can tell.

28 MR. REPPERT: I don't know. I have highlighted on
29 THN four and over to R-1, one, two, three, four, five, six,
30 six. So four to six are basically the same.

1 CHAIRMAN IAFELICE: Can you indicate what those are?

2 MR. REPPERT: Okay. On THN, child or adult day
3 care, residential care facility, hospice care facility, and
4 government and public uses, those four are not identical but,
5 in most cases, very similar to adult family home on the top,
6 adult group home -- I don't know what the difference is but be
7 that as it may -- government and public uses further down the
8 line, home for the aging, I said that was similar, hospice
9 care facility and residential care facility, pretty much, met
10 the same idea that was on the left side. So now, of course,
11 R-1 is much bigger with the uses but that was my review
12 between the two.

13 CHAIRMAN IAFELICE: Thank you, Hiram. I would agree
14 with that, those that are similar in both districts.

15 I think what we discussed, to kind of trigger some
16 conversation or discussion, were there were several points
17 made last month and I just, I had jotted down some notes about
18 them, relative to the initial preference the Board had
19 regarding the elimination of the remaining THN, and that was a
20 couple points. One of them was the recommendation from the
21 Lake County Planning Commission to remove the THN and convert
22 it to R-1.

23 There were, there was a point that Heather raised
24 regarding the dimensional standards related to THN and the way
25 the configuration of the property would lend itself to
26 inability to split lots, if I recall dimensional standards.

27 And the other was that R-1 would be consistent with
28 the zoning that's in the area.

29 And then relative to the discussion with the
30 property owner, if we so choose to recommend a rezoning of the

1 property, we had discussed at least advising as a courtesy
2 but, certainly, the property owner has the right to come to
3 public meeting and voice an opinion relative to the change in
4 zoning.

5 Those are my -- Oh, I am sorry. The other one was
6 the site topography was very restrictive to THN development
7 and some of the water resources that lie on the property.

8 And with side-by-side comparison with those points,
9 I guess I would open up for discussion or further review, now
10 that you've seen the side-by-side comparison and some of the
11 points we made last month. Is there any thought process over
12 the last few weeks that would alter our opinion from what we
13 now see in front of us?

14 MR. PETERSON: My thought is that it's, changing
15 times have obsoleted the need for this. And as we mentioned,
16 there is one little island of property that consists of the
17 whole zoning of that category. So I see no real need to keep
18 that alive, personally.

19 CHAIRMAN IAFELICE: Okay. Thank you, Rich.
20 Andy?

21 MR. LINGENFELTER: No, I just, I think it's
22 important to note that the uses that Hiram brought up in the
23 Town Hall Neighborhood versus the R-1 is that, in the R-1,
24 those are allowed uses.

25 MR. REPPERT: Right.

26 MR. LINGENFELTER: And in the Town Hall Neighborhood
27 they're all conditional uses. Even though they're the same,
28 they're still conditional versus being allowed. So I think
29 that's an important point. So we don't have any, we don't
30 have, if they want, if we convert it to R-1 and they decide to

1 put in any of those uses that are in the Town Hall, they
2 just --

3 MR. REPPERT: Do it.

4 MR. LINGENFELTER: Do it. There is no
5 consideration. Where with the Town Hall there is, at least,
6 there is conditions that have to be met in order to put them
7 in. So there is, that gives us a little bit more control.
8 How important is that control? I don't know. Is it important
9 to control those things? I don't know. But I just think it's
10 important to point that out, that the conditional uses are,
11 you know, they're conditional uses.

12 And maybe, maybe that should prompt the conversation
13 as to, do we want to make any changes on existing uses in R-1
14 and turn them into conditional uses or just leave them as
15 allowed, you know. That's another, that's another topic for
16 another day but, you know, but still I think it warrants some
17 consideration because there are some uses that maybe, do we
18 want to just allow them or do we want to have them be
19 conditional uses so that we at least have some ability to
20 guide the process? Just a thought.

21 MS. FREEMAN: Excuse me. I am sorry, Mr. Chairman.
22 I have to interrupt.

23 CHAIRMAN IAFELICE: Please, no, go ahead.

24 MS. FREEMAN: I made an error on this table, now
25 that you brought up the fact that I listed these not as
26 conditionally permitted. I am looking at the Zoning
27 Resolution and the actual. And in my haste of going on
28 vacation and coming back, it looks like I did not proof this.
29 So I want to make a correction to this review list under the
30 R-1. Some of these uses that are listed here actually are

1 conditionally permitted.

2 MR. LINGENFELTER: Oh, okay.

3 MS. FREEMAN: And I am happy to go through them and
4 look at the Zoning Resolution.

5 MR. LINGENFELTER: Sure. Because you did have some
6 designated as conditional uses.

7 MS. FREEMAN: Yeah, I know.

8 MR. LINGENFELTER: So I just assumed that, you
9 know --

10 MS. FREEMAN: Yeah. And I made a mistake.

11 CHAIRMAN IAFELICE: Heather, I was just going to
12 compliment Andy on suggesting that we look at those uses in
13 R-1.

14 MS. FREEMAN: I looked at them and, oh, my gosh. So
15 if we look under the R-1.

16 CHAIRMAN IAFELICE: Yes.

17 MS. FREEMAN: Okay. So the campus, I think what
18 happened is right after "church," I stopped writing
19 conditional uses. So the Community Center in an R-1 is a
20 conditional use, so is the community park and playground. The
21 golf course is a permitted use.

22 MR. LINGENFELTER: Right.

23 MS. FREEMAN: So are the government and public uses.
24 The home for the aging is conditional, so is the hospice care
25 facility, as is the library and the museum and the
26 neighborhood park, the nursing home, the residential care and
27 the school and university. So I, again --

28 CHAIRMAN IAFELICE: Oh, they're all --

29 MR. LINGENFELTER: Wow.

30 CHAIRMAN IAFELICE: Well, I appreciate that,

1 Heather, because, quite frankly, when I looked at the list I
2 was taken aback by the number of permitted uses in R-1.

3 MR. LINGENFELTER: Right, that's what I was
4 thinking, oh, wow.

5 CHAIRMAN IAFELICE: Okay.

6 MS. FREEMAN: So I apologize, again, for that.

7 CHAIRMAN IAFELICE: No worries.

8 MS. FREEMAN: But I am glad we made the correction
9 right now.

10 CHAIRMAN IAFELICE: Thank you.

11 MR. LINGENFELTER: Heather, one error in a year is
12 pretty darn good. I've got to give you some --

13 MS. FREEMAN: I am glad we caught it early.

14 MR. LINGENFELTER: That's all right.

15 MS. FREEMAN: Okay.

16 MR. LINGENFELTER: That's good to know, okay. So
17 then I stand corrected.

18 CHAIRMAN IAFELICE: But --

19 MR. LINGENFELTER: But it was Heather's fault.

20 MS. FREEMAN: Yeah, that's fine. I will take the
21 blame, yes, for sure.

22 CHAIRMAN IAFELICE: But thank you, Andy. Duly noted
23 about the conditional use on Town Hall for those particular
24 cases.

25 Hiram, any other comments regarding the --

26 MR. REPPERT: Well, I was on the Planning Commission
27 meeting when we said, "Let's make it all R-1," and I voted
28 yeah. And I still have that same opinion. Everything else
29 around it is R-1. This is a sore thumb sticking out there.
30 Somebody might look at it and say you were spot zoning, but

1 this is a leftover.

2 MR. PETERSON: Yeah.

3 MR. REPPERT: So you can't say spot zoning. So, but
4 I am all for R-1.

5 CHAIRMAN IAFELICE: Thank you, Hiram.

6 Frank?

7 MR. SCHINDLER: No, I agree, yeah, because I think,
8 first of all, we're allowing the homeowners, for example, not
9 to have to go through this whole process where if we leave it
10 the RH, you know, every time they want to do something they
11 have to go for a conditional. This way we're not being
12 restrictive. And I think, in general, the home, landowner
13 will be more happy with it, too. So I think it doesn't serve
14 a purpose anymore, especially with the changes that have
15 started to take place over the years. So I am for removing
16 it, myself, altogether.

17 CHAIRMAN IAFELICE: Let me ask Heather, as she
18 checks for other errors, Heather, no, seriously, any further
19 input, feedback from your end as planning and zoning regarding
20 these districts that might provide information for us to make
21 the right decision?

22 MS. FREEMAN: Okay. Well, I guess I just, when
23 looking at the uses from one district to the other, I guess,
24 consider, you know, if we were to leave it Town Hall
25 Neighborhood, you know, how would some of these uses fit with
26 the residential now that's adjacent to it? Or how, you know,
27 what will we might be losing if we no longer have the ability
28 to have maybe some of these commercial uses in this area?

29 So as we know, this was a larger area that was Town
30 Hall Neighborhood. So if we leave it Town Hall Neighborhood

1 and then we see a medical or dental office pop up on this
2 site, what could the impacts be? Or what if we don't have the
3 ability to have medical or dental at that site? Do we have
4 other areas to accommodate those uses?

5 CHAIRMAN IAFELICE: Yes, yes.

6 MS. FREEMAN: Just consider some of the economics, I
7 guess.

8 MR. REPERT: Didn't we say that --

9 CHAIRMAN IAFELICE: Good point.

10 MR. REPERT: -- some of these uses on either side
11 would require sewer? And sewer is going to be a very hard
12 thing, a very expensive item to get for this building or this
13 lot.

14 CHAIRMAN IAFELICE: Sewer is available. So Hiram,
15 in my experience for any commercial development, for them to
16 put a pump station and a force main is, is cost of
17 development.

18 MR. REPERT: Yeah.

19 CHAIRMAN IAFELICE: Is not that egregious.

20 MR. REPERT: Well, yeah, but it's an additional
21 cost.

22 CHAIRMAN IAFELICE: As opposed to a gravity line.

23 MR. REPERT: Right, sure.

24 CHAIRMAN IAFELICE: I thought it was important
25 initially to discuss this before going through 11 amendments.
26 Just the due diligence here, if we're, our thought process is
27 to proceed in the manner in which we talked about, that
28 certainly seems compelling reasons to recommend a change to
29 R-1. Then we would at least provide some due diligence to all
30 the recommendations on these amendments, which are, which will

1 embody the change, right, Heather, these 11 amendments?

2 MS. FREEMAN: Correct.

3 CHAIRMAN IAFELICE: Yeah, yeah.

4 MR. REPERT: What would, what would the homeowner
5 do or the property owner do with this amendment? Would he
6 have to plow down his cornfield?

7 MS. FREEMAN: No, no. I mean, the agricultural use,
8 we can't regulate it whether the property is zoned Town Hall
9 Neighborhood or R-1. So, and notification to the property
10 owner would happen if we, if the Board does decide to move
11 forward with the proposed amendments. So we would notify that
12 property owner that we're looking at potentially rezoning
13 because, by state law, we're required to. So we would notify
14 them at that point and he can come to the hearing or speak
15 either for or against it or ask questions and things like
16 that.

17 But as far as what he's currently, what he appears
18 to be currently using the property for, this should not impact
19 his agricultural use.

20 MR. REPERT: Okay.

21 CHAIRMAN LINGENFELTER: Thank you, Heather.

22 If there is no objection from the Board, I think it
23 would be appropriate for us to step through the amendments
24 here, just do our due diligence to look at the recommendations
25 from Heather on what's being proposed in each amendment. I
26 think it's pretty evident.

27 Number 1 is the amendment to the Zoning Map, and
28 she's provided that to us, indicating the parcel number and
29 the change on the map. Any questions on Number 1?

30 There being none, Amendment 2 is relative to

1 Section 6, the General Requirements. And I believe it's
2 really just -- correct me if I am wrong, Heather -- just
3 striking "THN" from the last sections here of Section 6.

4 MS. FREEMAN: Correct. There were several small
5 sections that referenced it.

6 CHAIRMAN IAFELICE: Indicate THN.

7 MS. FREEMAN: Yep.

8 CHAIRMAN IAFELICE: Unless I hear any question or
9 objection, I will just move on to Amendment Number 3. The
10 site plan or zoning permit, Section 11, which is, again, just
11 striking "THN," actually, in one location, under 11.02.

12 MR. LINGENFELTER: It appears to me that's kind of
13 the majority of this.

14 CHAIRMAN IAFELICE: That's the, yes --

15 MR. REPERT: That's not the majority, that's the
16 total.

17 MR. LINGENFELTER: Right.

18 CHAIRMAN IAFELICE: Okay, yeah.

19 MR. LINGENFELTER: It just appears to me that it's
20 just striking "THN" and "Town Hall" out of the zoning text.

21 MR. REPERT: And "here," "there" and "or."

22 MR. LINGENFELTER: Right.

23 CHAIRMAN IAFELICE: So Andy is making a good point.
24 I was only going through --

25 MR. LINGENFELTER: I don't want to steal your
26 thunder.

27 CHAIRMAN IAFELICE: No, no, no.

28 MR. LINGENFELTER: I mean, far be it from me to
29 interfere with you. You are on a roll. I want you to
30 continue on that roll. I don't want to be the stumbling block

1 here.

2 CHAIRMAN IAFELICE: The roll reaches the bottom of
3 the hill sometimes. And recognizing that they are all
4 identical, if the Board, if there is no objection from the
5 Board unless --

6 MR. LUCAS: You can't stop the chairman. You can
7 only hope to contain him.

8 CHAIRMAN IAFELICE: That's not a legal comment.

9 MR. LINGENFELTER: He's right.

10 CHAIRMAN IAFELICE: That was not legal advice.

11 MR. LINGENFELTER: That was rock solid legal advice.
12 I think that was rock solid legal advice.

13 MR. REPERT: Oh, no.

14 CHAIRMAN IAFELICE: Is there any objection from the
15 Board to formally accept all the amendments, 1 through 11, as
16 modified?

17 MR. PETERSON: No objection whatsoever.

18 MR. REPERT: None here.

19 MR. SCHINDLER: I looked through them.

20 MR. LINGENFELTER: I'm sorry. I am really sorry. I
21 didn't mean to do that.

22 CHAIRMAN IAFELICE: It's fine.

23 MR. LINGENFELTER: You were doing so well.

24 CHAIRMAN IAFELICE: That's fine.

25 So formally, counsel, or perhaps Heather, do we need
26 to formally approve them each?

27 MR. REPERT: Each, yes.

28 CHAIRMAN IAFELICE: Singularly?

29 MR. REPERT: Yes.

30 CHAIRMAN IAFELICE: Yes?

1 MR. REPPERT: I thought so.

2 CHAIRMAN IAFELICE: I am asking --

3 MR. LINGENFELTER: I would make a motion that we
4 just accept Amendments 1 through 11 as written and go from
5 there.

6 CHAIRMAN IAFELICE: Do we have a second?

7 MR. REPPERT: I will second.

8 CHAIRMAN IAFELICE: Any discussion? No. All in
9 favor say aye.

10 (Five aye votes, no nay votes.)

11 MR. REPPERT: Good job, Heather.

12 MR. LINGENFELTER: Very nice work, Heather.

13 CHAIRMAN IAFELICE: None opposed. Amendments 1
14 through 11 stand approved.

15 MS. FREEMAN: Okay. So, Mr. Chairman, so I think
16 procedurally we need to decide then, does the Zoning
17 Commission want to initiate the proposed map and text
18 amendment? If so, then we would, we need to set a public
19 hearing date for that.

20 CHAIRMAN IAFELICE: Set a public hearing.

21 MS. FREEMAN: So, Mr. Lucas, do we need to make, do
22 we need to amend that motion or are we okay with that?

23 MR. LUCAS: No. They've approved the amendments.
24 Now they should make a motion to have it scheduled for public
25 here with the zoning amendments as initiated by the Zoning
26 Commission.

27 MS. FREEMAN: Okay.

28 CHAIRMAN IAFELICE: Before we do that, is there any
29 time constraint? We've got to propose that within the next --

30 MS. FREEMAN: Yes, yeah.

1 CHAIRMAN IAFELICE: I thought so.

2 MR. LUCAS: Yes, there is.

3 MS. FREEMAN: Yeah, it has to be within -- Let me
4 just double check. Mike can, also.

5 MR. LINGENFELTER: The clock starts to tick.

6 MS. FREEMAN: I want to say 30 days but I should
7 have known. Public hearing shall be not less than 20 nor more
8 than 40 days from the date of --

9 CHAIRMAN IAFELICE: Oh, 40, so we're good.

10 MR. LINGENFELTER: We're within the window.

11 MS. FREEMAN: So if we look at --

12 MR. PETERSON: September 6th.

13 MR. REPPERT: September 6th.

14 MR. LINGENFELTER: September, oh, Lord.

15 MS. FREEMAN: That would be our next meeting. How
16 many days is that? yeah, that would be 35 days from tonight
17 if we did September 6th.

18 CHAIRMAN IAFELICE: So I will entertain a motion.

19 MS. FREEMAN: Mike, does that seem right to you?

20 MR. LUCAS: Yes, that's pursuant to 8.05 of the
21 Zoning Resolution. That's correct, Heather, 20 to 40.

22 MS. FREEMAN: Okay, thank you.

23 CHAIRMAN IAFELICE: Okay. I entertain a motion to
24 hold the public hearing on September the 6th, 2022, for
25 Amendments 1 through 11.

26 MR. PETERSON: So moved.

27 CHAIRMAN IAFELICE: Do I have a second?

28 MR. SCHINDLER: I second.

29 CHAIRMAN IAFELICE: Second. All in favor?

30 (Three aye votes, no nay votes.)

1 CHAIRMAN IAFELICE: None opposed. That stands
2 approved. We will hold the public hearing September 2nd --
3 6th, I should say, 2022, for Amendments 1 through 11 to remove
4 THN District. Thank you, members. We're moving.

5 Next item on our Agenda is a work session to review
6 Section 16, PUD and RCD District. Heather has provided us
7 with a, some significant revisions to Section 16 for us all
8 redlined to look over.

9 And I probably will look to you, Heather, if you
10 could, please, to kind of take us through --

11 MS. FREEMAN: Sure.

12 CHAIRMAN IAFELICE: -- the recommended changes,
13 please.

14 MS. FREEMAN: Okay. Yes, Mr. Chairman. So last
15 month, you know, we talked about, the Board talked about
16 possibly changing how the final development plan is approved
17 and how major modifications are approved for RCD and PUD
18 plans. These changes have, reflect a little bit more than
19 that because, as I started looking at it, some of the, I felt
20 like some of the order of, specifically under Section 16.14
21 where we start talking about the review process for the
22 township final development plan, the order of this kind of
23 stuff didn't make sense to me.

24 So I kind of pulled out, I red striked through what
25 we started talking about, time frames for site plans expiring,
26 because this just didn't seem like the correct spot for me.
27 So that's why that is kind of marked out.

28 But I did show as a potential change that, rather
29 than the Board of Trustees reviewing the final development
30 plan, that possibly that the Zoning Commission review that.

1 And then the next section under Section B of
2 Section 16.14, I did propose a couple other small edits here
3 under the items that must be submitted to the township for the
4 final development plan. A developer had questioned me at one
5 point during this process why the township needed the
6 estimated cost of the entire phase for their PUD, and I didn't
7 really have a good answer on that. I am not really sure if
8 that's something that the township really needs or finds
9 necessary. So I was proposing that maybe we take that out.

10 I know that, when it is a major subdivision, they
11 are required to provide figures to the County Board of
12 Commissioners on their construction costs for their
13 improvements and things like that but --

14 CHAIRMAN IAFELICE: I am sorry, Heather. Can you
15 tell me where that --

16 MS. FREEMAN: Oh, I'm on 16.14(B).

17 CHAIRMAN IAFELICE: B.

18 MS. FREEMAN: Number 6 under that.

19 CHAIRMAN IAFELICE: Six is, oh, I see.

20 MS. FREEMAN: Do you see that?

21 CHAIRMAN IAFELICE: Yes.

22 MS. FREEMAN: Just something that I didn't
23 necessarily think was necessary. Obviously, it's been in
24 there. We can just keep it. I might have gotten a little
25 ahead of myself there on proposing to change some of these
26 things, so I won't be offended if you're like, "Where is she
27 coming from?"

28 Just moving on, I thought we should add in, again,
29 just to kind of circle back on the work that we did under the
30 RCDs where we require that environmental restoration plan be

1 submitted at the preliminary plan, I thought that they should
2 give us that final kind of environmental restoration plan and
3 seasonal maintenance plan as well, if applicable to the
4 project, just so we've got that submitted with the final plan
5 and it's part of the final approval.

6 And then Number 8, I felt like as far as moving,
7 taking, deleting that out, if we're going to shift this and go
8 to the Zoning Commission on approving that, this really
9 wouldn't be germane to how we would review that.

10 CHAIRMAN IAFELICE: Agreed.

11 MS. FREEMAN: Same thing with like, kind of, C, I
12 think, because we do require the plat anyhow under B.
13 Typically, a condominium plat would not be, wouldn't be
14 recorded until after the units are constructed. So I am not
15 sure if it makes sense to keep that in there or not. I know
16 we -- So I was suggesting we take that out.

17 And as I said in my email to you guys, I haven't
18 gone over this with counsel either. So we'll definitely need
19 legal to look at any of the proposed changes --

20 CHAIRMAN IAFELICE: Sure.

21 MS. FREEMAN: -- and make sure that anything we are
22 potentially proposing is good text.

23 I also suggested adding in some further possible
24 review criteria for this Board should you be the board to
25 review the final development plan, just to give some guidance
26 on how you should approve that. This was some language that I
27 kind of morphed from some other communities that have a
28 similar plan review process for PUDs.

29 So what I am suggesting here is that, if the final
30 development plan comes in front of the Zoning Commission for

1 approval, obviously, you have three choices: You can either
2 approve it, modify it or approve it with modifications,
3 basically, or deny the plan.

4 But what is the basis of that? It should be that
5 they've met all the requirements of the preliminary plan and
6 they meet everything in the Zoning Resolution. And then also
7 there are some Items A through D here, that, A, be that it's
8 consistent, that the phase, if it's a phased project, is
9 consistent with the approved preliminary plan and that any
10 part of the PUD or RCD not being used for basically improved
11 areas is going to be landscaped or improved as required by
12 this Board or left in its natural state, if required, just as
13 in an RCD.

14 We want to make sure that the Lake County Engineer
15 is good with the street patterns and thoroughfares, so I am
16 suggesting adding that in.

17 And then just kind of a general statement that it's
18 consistent with the intent and purpose of the Resolution and
19 helps promote the public health, safe and general welfare of
20 the residents.

21 And then -- And I know we didn't talk about any of
22 that stuff last month.

23 CHAIRMAN IAFELICE: Right.

24 MS. FREEMAN: So I understand if we need to digest
25 that or look into more of those details further.

26 But, and then, as I said, I was striking out kind of
27 just the time limit extension stuff and moving it into a
28 different section that maybe will be added to Section 16.16.
29 There is a little bit of renumbering because of some changes
30 here but I had proposed that maybe we add in to the section

1 that talks about modifications the language on time limits and
2 possible extensions to those time limits.

3 Right now, if a plan expires, they're supposed to go
4 to a public hearing with the Trustees and there is kind of a
5 process flushed out on that but this, I think, might provide
6 better guidance to the township as far as if we need to ever
7 go down this route. It seems like a lot of the, the recent
8 PUDs and RCD, the RCDs that have been approved in the last
9 several years, we've not had to worry about expiring plans or
10 anything. The only one we've really had to worry about
11 expiring was like the original PUD of Quail Hollow and that is
12 the one that took so long, but it's likely it could happen in
13 another development that large that could be spread out over
14 several years. So --

15 MR. LINGENFELTER: I have a question, Heather.

16 MS. FREEMAN: Yeah.

17 MR. LINGENFELTER: Procedurally, you know, this year
18 I was, I had the opportunity to be on the Board of Revisions
19 for Lake County. And an issue that's come up a couple of
20 different times in some cases that we've heard in some of the
21 hearings that I had, not specific to Concord but other
22 communities surrounding us, where developments were done, and
23 specifically as they dealt with open space and common areas
24 within certain developments where they were initially platted
25 as a part of a phase, you know, and then they didn't go back
26 and finish the, you know, finish the platting to designate it
27 as open space or, you know, community space, whatever the
28 designation was, and it was left as a, as a part of like a
29 phase, a building phase.

30 Usually, they come in with phases, right, when they

1 do the building. This is going to be phase one, this is going
2 to be phase two, this is going to be phase three and so on and
3 so forth.

4 Well, when you get into these multiple phases, there
5 has been parts, there has been issues where there was
6 community areas, there were open, there was open space, there
7 was components that they never went back in and made the
8 adjustment to designate it as open space, you know. When the
9 plat was done and they moved on to the next phase, they didn't
10 do the, kind of, the housekeeping to finish it off.

11 And I was just curious, you know. It's never been,
12 it's never come up with a Concord issue. It's been, like I
13 said, it's been Painesville Township, there's been some
14 Mentor, you know, there's been other, Madison, there has been
15 several other communities that have had these issues with this
16 open space or community space or shared space or whatever and
17 a lot of condo developments and things like that.

18 But the question I have is, do we make sure, I mean,
19 do we have it set up so that we don't make those same
20 mistakes? Because from a taxing standpoint, all of the
21 sudden, the residents are getting tax bills on parcels that
22 were never converted over to the open space or the, you know,
23 or things that were designated otherwise. So, consequently,
24 the condo owners and some of the homeowners get stuck with
25 paying taxes on these and then they have to go and they have
26 to file and make the changes on those to have them designated
27 because, you know, open space and things like that are taxed
28 at a different rate than a regular, you know, parcel would be,
29 a permanent parcel ID would be.

30 I was just curious if we've ever run into that or if

1 we make sure, we have the steps in place to make sure that
2 those things are taken care of before it's done because these
3 are things that happen, you know. All of the sudden, years go
4 by and now there is a phase that was done and there was a big
5 section of that phase that was supposed to be, you know, open
6 space and it's still being taxed and being, and it's still
7 platted as a parcel.

8 MS. FREEMAN: Right.

9 MR. LINGENFELTER: And some of the parcels aren't
10 really buildable, some of them are. But they're saying, "Oh,
11 nobody is ever going to build there because" -- But I don't
12 know about that. I wouldn't be so sure. You know, if there
13 is frontage and there is other issues that would make it
14 accessible for development, I think you could be potentially
15 leaving, as a community, you could be leaving yourself open to
16 somebody coming in and buying that property and slapping in
17 more houses or doing something else with it.

18 So I just was curious if we make sure that those
19 things don't, if we have the right, you know, procedures in
20 place to not allow that to happen.

21 MS. FREEMAN: Well, I think we have, I think we have
22 a procedure in place to do that because, and that is something
23 that I look at very closely as these developments go through
24 the actual subdivision review process. We get a couple of
25 different bites at the apple to review the plat and make sure
26 that the land is being dedicated on the plat as open space.

27 MR. LINGENFELTER: Right.

28 MS. FREEMAN: So when the, when the plats get
29 submitted to Lake County Planning for their initial review,
30 they always send it to the community in which the subdivision

1 is in and our Zoning Office reviews it on behalf of the
2 Trustees. So if it's an RCD, I am definitely looking at very
3 closely to make sure that it matches what was approved and
4 that the language is on the cover sheet, you know, designating
5 as open space and even indeed restricting it from further
6 development.

7 Then as part of the final development plan review,
8 too, we do require that to be submitted so the Trustees also
9 can see that as well before they vote to approve and sign it.

10 We also send to our legal counsel, like, the review
11 of the deed restrictions.

12 So, I mean, does that kind of answer your question?
13 I mean, I know that we do look at that stuff very closely.
14 Can I mistake happen? Yes.

15 MR. LINGENFELTER: Well, these are obvious
16 oversights. And now, I mean, I am sitting in a hearing and
17 there is an association manager, you know, that's in
18 attendance, there is an attorney from Columbus that's in
19 attendance, you know, and there is, I mean, it's a big to-do
20 because these people, basically, the people that lived in this
21 condo development were being double taxed because they were
22 already paying a share of property taxes for the condo
23 development and then there was this other separate, fairly
24 substantial chunk of property that was supposed to be
25 community, you know, owned by the community but because it
26 was, it was designated as, you know, I think it was Phase 5
27 and it was -- I don't know -- 20 acres and it was being, it
28 was being taxed at a regular tax rate instead of it being
29 designated.

30 They never -- And we went, we actually went into the

1 records and pulled the, you know, pulled the documents and
2 sure enough, it was not, it never got changed. And it was,
3 and these people were basically getting double-dipped on their
4 taxes because of that and, you know, they had to spend money
5 to have an attorney come in and they had to spend money on a
6 property manager to come in and represent them and it was a
7 pretty big issue and I am sure they spent a lot of money.

8 And my question would be, was it really necessary?
9 It is kind of a shame they had to do that. Was it necessary
10 or was this an oversight either by the builder when they were
11 developing that they didn't finish it off? Was it something
12 in the township, you know, where they missed something in the
13 process that didn't get, you know, finalized or whatever,
14 redesignated. I am just curious. I just, when I see that
15 happen, it's like, huh, okay, that's interesting. It was a
16 big problem, not, I mean, it wouldn't be the township's
17 problem but it's just the residents. You know, obviously,
18 that's a, I mean, they probably spent a lot of money to try to
19 get this thing fixed. And probably, if they would have just
20 done it the right way in the beginning, it would've never been
21 an issue.

22 So I just was curious if our checks and balances
23 were in place to make sure that that doesn't happen, you know,
24 for us or is there something we should consider doing, maybe
25 another step in the process or another thing to make sure that
26 those particular T's are crossed and I's are dotted before --
27 because next thing you know, ten years later, oh, wow, gees,
28 you guys are spending all this money in property taxes you
29 shouldn't have been. So I don't know. Interesting.

30 MS. FREEMAN: Yeah. Mike, I don't know if you have

1 any comments on that.

2 MR. LUCAS: Well, actually, I had a question
3 initially. So, Andy, when you're talking about open space,
4 you're talking about open space that's been delineated for,
5 let's say, a condominium association.

6 MR. LINGENFELTER: Right.

7 MR. LUCAS: Without any ownership per se on it other
8 than it's just a clear open space.

9 MR. LINGENFELTER: Right.

10 MR. LUCAS: As opposed to, and I know you're
11 familiar with this, with Summerwood where we had green space
12 that was actually transcending across several private
13 properties.

14 MR. LINGENFELTER: Correct.

15 MR. LUCAS: You're talking about the former,
16 correct?

17 MR. LINGENFELTER: Right.

18 MR. LUCAS: Okay. Well, you know, I don't disagree
19 with you. I think that's true.

20 MR. LINGENFELTER: Well, it was interesting
21 because --

22 MR. LUCAS: It could be something that, you know,
23 somewhere along the process that should have been delineated
24 out.

25 MR. LINGENFELTER: Right. And they just over -- I
26 don't know whether it was overlooked, whether it was an
27 administrative error. Because they, if you looked at the
28 plat, they had common area. Behind every condo there was a
29 strip of property. It was a strip of land that was
30 specifically marked as common area and you weren't allowed,

1 you weren't allowed to put anything on it. You weren't
2 allowed to, you know, you couldn't put a shed on it. You
3 couldn't put a fire pit in there. But it was a very narrow
4 strip but that abutted up against this big section of property
5 of 20 acres.

6 MR. LUCAS: Who, who, so this strip that you're
7 talking about, who owns it?

8 MR. LINGENFELTER: Well, the condo association does.

9 MR. LUCAS: Okay. And the Auditor's Office reflects
10 that?

11 MR. LINGENFELTER: Right.

12 MR. LUCAS: Okay.

13 MR. LINGENFELTER: But then there was this big
14 parcel behind that and they thought that it was all, this big
15 parcel behind that was all included and it wasn't. It was its
16 own. It was kind of interesting.

17 MR. LUCAS: Yeah. You know, it is interesting. I
18 agree with you.

19 MR. LINGENFELTER: I found it --

20 MR. LUCAS: Somehow the Auditor should be, and the
21 Treasurer, should be notified of that.

22 MR. LINGENFELTER: Right. Well, and that's exactly
23 right.

24 MR. LUCAS: Which is why you are there doing what
25 you're doing.

26 MR. LINGENFELTER: Exactly.

27 MR. LUCAS: Yeah, they should have, they should have
28 caught that.

29 MR. LINGENFELTER: Right.

30 MR. LUCAS: Or had it brought to their attention, to

1 the better point, by the township.

2 MR. LINGENFELTER: And the people moved. You know
3 how, a lot of times, condo developments, you know, are kind of
4 transitory? You know, people move in and out. They change
5 hands. So it's not like, you know, you're two or three in and
6 somebody that's the third owner, they're not going to know
7 anything about any of that but the bottom line is they're
8 still getting hammered on the taxes portion of it.

9 MR. LUCAS: Yeah.

10 MR. LINGENFELTER: They're still paying for it.

11 MR. LUCAS: And they're already paying the common
12 area expenses.

13 MR. LINGENFELTER: Right, plus the condo, exactly.
14 And it needed to be designated as common area or as open
15 space. And I think the attorney that was there was he, was a
16 pretty good guy. And there was some specific cases in the
17 Ohio Revised Code and there had been some legal precedence
18 that had been set about open space and things like that and
19 how they need to be taxed and whatnot but, you know, it still
20 was an oversight. So I just was, it struck me as odd.

21 MR. LUCAS: No, that's a good, that's a good point.

22 MR. LINGENFELTER: Right.

23 MR. LUCAS: I'll have to talk with Heather.

24 MR. LINGENFELTER: And while we're talking about
25 RCD, you know, with the open space and green space and things
26 like that, do we have the, do we have the checks and balances
27 or the administrative processes in place to make sure that
28 that doesn't happen or that doesn't get overlooked?

29 MR. LUCAS: Well, yeah, and I think there is a
30 difference, there is a legal difference between open space

1 within a condominium development and, again, I use Summerwood.

2 MR. LINGENFELTER: Right.

3 MR. LUCAS: Where those green areas are on each
4 individual property along Summerwood and that.

5 MR. LINGENFELTER: Right.

6 MR. LUCAS: So that's part of the individual
7 property owners and that.

8 MR. LINGENFELTER: Right.

9 MR. LUCAS: But that would have, you know, because a
10 lot of that is blocked out, especially in the rear yards.

11 MR. LINGENFELTER: Right.

12 MR. LUCAS: That should have automatic reduction in
13 valuation.

14 MR. LINGENFELTER: Right.

15 MR. LUCAS: For the land. Because a portion of that
16 land, whatever the ratio is between the green space area and
17 the total space area, should reduce that.

18 MR. LINGENFELTER: Well, and it's unimproved, too.

19 MR. LUCAS: Right, and it can't be improved.

20 MR. LINGENFELTER: And it can't be improved.

21 MR. LUCAS: Right, right.

22 MR. LINGENFELTER: You can't put anything on it,
23 can't put any pavement on it, can't put a building on it,
24 can't do anything to it.

25 MR. LUCAS: Right. It's like the neutral zone in
26 *Star Trek*.

27 MR. LINGENFELTER: Correct.

28 MR. REPERT: That raises a question with me. We're
29 dealing with an RCD that's got 40 acres, 40, 25 houses,
30 whatever it is, and it's got a certain percentage of open

1 space. Now, these are single-family homes with a lot size.
2 That's what they're buying, isn't it, just that lot? What's
3 the taxes on the green space or the open space? Who pays
4 taxes?

5 MR. PETERSON: Homeowners association, I would
6 think, right?

7 MR. SCHINDLER: Yeah.

8 MR. LUCAS: It depends if it's an independent legal
9 entity.

10 MR. LINGENFELTER: It depends where it's at in the
11 development phase because, if it's not fully developed, then
12 the developer is paying the taxes on that.

13 MR. PETERSON: Correct.

14 MR. LINGENFELTER: Because I've had a couple
15 developers that have come in and filed complaints, you know,
16 to the Auditor's Office for valuations on open space because
17 those lots were being taxed at a much higher rate and they got
18 caught up in this most recent triennial and the taxes went up
19 significantly on those lots of open space and they were either
20 undevelopable or they were landlocked, they had no access.
21 There was no way they were going to be developed and they were
22 being taxed at a fairly significant level.

23 MR. REPERT: Okay.

24 MR. LINGENFELTER: So, yeah.

25 MR. REPERT: So once the entire area is developed,
26 each lot is being taxed by itself. And then the HOA takes
27 care of whatever they have to, maintaining the open space, and
28 they also, the HOA has to pay taxes on that open space.

29 MR. LINGENFELTER: Unimproved land, right.

30 MR. REPERT: The unimproved land.

1 MR. LINGENFELTER: Or they have to find an entity to
2 come in like the Western Reserve --

3 MR. REPERT: Oh, yeah, or somebody else.

4 MR. LINGENFELTER: -- Land Conservancy or something
5 like that to come in, or Land Bank or whatever, to come in and
6 acquire that property, so then they would be responsible for
7 it. But, otherwise, somebody has to pay taxes on that
8 property.

9 MR. REPERT: That open space.

10 MR. LINGENFELTER: There is a tax liability. Even
11 though it's open space, it's undevelopable, it's not improved,
12 there still is value to that property as far as the Auditor is
13 concerned and it's got to be taxed.

14 MR. PETERSON: It's relatively low. It's relatively
15 low.

16 MR. LINGENFELTER: It is if you, if you make sure
17 that it's designated properly.

18 MR. PETERSON: Yes, right, exactly.

19 MR. REPERT: I understand. I understand. Okay.
20 Continue.

21 MR. LINGENFELTER: All right.

22 MR. REPERT: Nice discussion.

23 MR. LINGENFELTER: No, I just, I just thought it was
24 worth bringing up when we were talking about the green space
25 and open space. It was just something that was interesting.
26 So anyway --

27 MR. LUCAS: That is interesting.

28 MR. SCHINDLER: Well, with that being said, Andy, is
29 this something we should be looking at in regards to what
30 we're working on right now? Is there some verbiage we would

1 have to put in or create?

2 MR. LUCAS: Well, I think what I -- Mr. Chairman, I
3 am sorry.

4 CHAIRMAN IAFELICE: Yes.

5 MR. LUCAS: I think what I would like to do is talk
6 to Heather about this and find out the mechanics through the
7 Treasurer and the Auditor's Office, how they view that in
8 terms of the mechanism for excluding that from valuations and
9 that to individual property owners and that.

10 MR. LINGENFELTER: I do know the Auditor's Office
11 and the Treasurer, they don't look at any property as being
12 worthless or having zero value.

13 MR. LUCAS: Yeah, unless it's owned by a
14 governmental entity.

15 MR. LINGENFELTER: Every property has value. Okay?

16 MR. LUCAS: Yeah.

17 MR. LINGENFELTER: But it is important as to what
18 value it is and they have different grades and different, you
19 know, designations for properties and it has a direct impact
20 on how it's taxed and how its valued, so it's kind of
21 important.

22 MR. LUCAS: Yeah, yeah.

23 MR. LINGENFELTER: So anyway --

24 CHAIRMAN IAFELICE: Thank you, Andy. Thank you for
25 that discussion.

26 Mike, my only comment is, it seems to me there is
27 something procedurally regulatory wise. I mean, it depends on
28 the filing of the plat, right, bonding the improvements, not
29 bonding the improvements that the developer --

30 MR. LUCAS: Right. Well, I think, when you file

1 plat, you're designating on the plat the open area.

2 CHAIRMAN IAFELICE: The open areas, right.

3 MR. LUCAS: And when the plat is filed, that should
4 be the triggering device, in my opinion --

5 CHAIRMAN IAFELICE: Yes.

6 MR. LUCAS: -- for the Treasurer and/or Auditor to
7 note that within their tax assessments on the properties and
8 that.

9 CHAIRMAN IAFELICE: Yes.

10 MR. LUCAS: And it sounds like it seems to be
11 skimming by, from what Andy said.

12 CHAIRMAN IAFELICE: Correct.

13 MR. LUCAS: But it's always, as you know, it's
14 always on the plat.

15 CHAIRMAN IAFELICE: It's always on the plat and
16 that's where I, I guess, I was concluding.

17 MR. LUCAS: Absolutely right.

18 CHAIRMAN IAFELICE: Going back to Andy's question,
19 it's always on the plat is not, I am not thinking there is
20 anything we can, protective clauses or whatnot, that can be
21 incorporated in the Zoning Code.

22 MR. LUCAS: No, no, not at all. The plat itself, as
23 you noted, Mr. Chairman, is the protective device.

24 CHAIRMAN IAFELICE: Is the protective device, right,
25 right.

26 MR. LUCAS: Yeah.

27 CHAIRMAN IAFELICE: Thank you. Good discussion.

28 MR. LINGENFELTER: Yep. Thanks for letting me bring
29 it up.

30 CHAIRMAN IAFELICE: Heather, as you're going

1 through, when the extension of the three years, about the
2 three years for the final and the preliminary plan extension
3 beyond the three years.

4 MS. FREEMAN: Yeah.

5 CHAIRMAN IAFELICE: Without referring to it, I am
6 thinking of R-1, multiple phases of a single family. Is this
7 any way consistent with that, that time frame? And I am
8 thinking of my own development, which is in Phase 5 or 6,
9 started like 20 years ago. I am not asking the question
10 right.

11 MS. FREEMAN: No. I am not sure, yeah. Can you
12 re --

13 CHAIRMAN IAFELICE: So, okay.

14 MS. FREEMAN: When are these time frames consistent?

15 CHAIRMAN IAFELICE: So you're adding an extension.
16 It's three years -- I am sorry. That's on the extension
17 beyond three years. Where in here do we say three years?

18 MR. LUCAS: It's on 16.16.

19 MS. FREEMAN: Yeah, 16.16(A). I was suggesting that
20 we include in the preliminary --

21 CHAIRMAN IAFELICE: Oh, there. Sorry. That's what
22 I was looking for.

23 MS. FREEMAN: Sorry. The preliminary plan -- Do you
24 see it?

25 CHAIRMAN IAFELICE: That's what I was looking for.
26 So that shall become null and void unless construction of the
27 final development plan, blah, blah, blah. If the final
28 development plan consists of multiple phases of work, multiple
29 phases of construction.

30 MS. FREEMAN: Okay.

1 CHAIRMAN IAFELICE: How can we -- Are we saying
2 three years? Again, I will cite my own neighborhood. I mean,
3 there are many phases that take years and years to develop.
4 Is three years reasonable?

5 MS. FREEMAN: And maybe --

6 CHAIRMAN IAFELICE: Or, or --

7 MS. FREEMAN: Do I mean the first phase of the --

8 MR. LUCAS: Or each, or each phase of the final.

9 CHAIRMAN IAFELICE: Each phase.

10 MS. FREEMAN: Yes.

11 CHAIRMAN IAFELICE: Yeah.

12 MS. FREEMAN: So if like the first phase of the
13 preliminary, of the final development plan is not completed.

14 CHAIRMAN IAFELICE: Yeah, that.

15 MS. FREEMAN: And, actually, it says that right
16 here. I'm sorry. The preliminary plan shall become null and
17 void within three years unless the final PUD or RCD plan for
18 the first phase of the project has been approved by the Zoning
19 Commission and unless the final subdivision plat, when
20 applicable, has been recorded.

21 So that basically gives them from the day like the
22 Trustees would approve the rezone, and then 30 days after it
23 becomes effective, then the clock would start ticking on three
24 years for that developer to, at least, get their first phase
25 of the plan approved by the county and by the township.

26 CHAIRMAN IAFELICE: Okay. I read the second
27 sentence, ignoring the first one.

28 MS. FREEMAN: Does that make --

29 CHAIRMAN IAFELICE: Yeah, it does.

30 MS. FREEMAN: That gives them three years to

1 basically do the first phase of the development.

2 MR. LUCAS: And after that, there is no -- I am
3 sorry, Mr. Chairman.

4 CHAIRMAN IAFELICE: Please.

5 MR. LUCAS: After that, each subsequent phase isn't
6 subject to the three years, correct?

7 MS. FREEMAN: I don't know, yeah. I would think
8 not.

9 CHAIRMAN IAFELICE: That's what you're saying on C
10 and D.

11 MS. FREEMAN: Hold on, yeah.

12 MR. LUCAS: That's how I read that.

13 CHAIRMAN IAFELICE: That's how I read it.

14 MR. LUCAS: Because, otherwise, the final
15 development plan would be the entire, inclusive of all
16 phasing. And as you pointed out, Mr. Chairman, the phasings
17 go on. I mean, Quail is a good example, 1986 on.

18 CHAIRMAN IAFELICE: Right.

19 MR. LUCAS: That's still phasing.

20 Heather, you know what I am saying though on that?

21 MS. FREEMAN: Yeah, so it's only applicable to the
22 first phase.

23 MR. LUCAS: That's how I understand your intent.

24 MS. FREEMAN: Correct, yeah, yeah. So the other
25 subsequent phases would not expire because we're talking about
26 the preliminary plan.

27 MR. LUCAS: Yeah, we don't, we don't --

28 MS. FREEMAN: Go ahead.

29 MR. LUCAS: The final development plan, it's
30 salamied up into phases and that but we want to make sure it

1 doesn't lie fallow without any work done for three years.

2 MS. FREEMAN: Right.

3 MR. LUCAS: Once the first phase begins, then the
4 three year has been satisfied.

5 MS. FREEMAN: Correct, yes, yes.

6 MR. LUCAS: Okay.

7 CHAIRMAN IAFELICE: Do you want to, anything to add,
8 Heather, in terms of overview here?

9 MS. FREEMAN: I guess I would just state that, you
10 know, just to explain, you know, that in the event that
11 nothing happens in the three years and that it's going to
12 expire -- and this might just be stating the obvious -- but
13 the applicant can come back to the township and ask for a
14 reapproval of the preliminary plan should they want to. Or if
15 they changed their mind, that the applicant and the property
16 owner no longer want to move forward with that, they could
17 initiate a zoning amendment to rezone the property to
18 something else, which they can do at any time, really. And
19 then, or lastly, if the, you know, if the township felt like,
20 well, now we don't want to keep this PUD or RCD because the
21 developer is not doing anything, you know, maybe the township
22 would want to initiate some kind of amendment to rezone the
23 property to something else, which we always reserve the right
24 to do anyway. But this does allow for, you know, extensions
25 to be granted by the Trustees as well.

26 CHAIRMAN IAFELICE: And of course this is the item
27 where we're suggesting we have approval, meaning the Zoning
28 Commission, as opposed to the Trustees under 16.14, correct?

29 MS. FREEMAN: Well, I think when we're talking about
30 extensions in time limits, I mean, the way this is written,

1 this goes to the Trustees.

2 CHAIRMAN IAFELICE: Oh, for extensions in time
3 limits. I am sorry.

4 MS. FREEMAN: Yes.

5 CHAIRMAN IAFELICE: I am talking 16.14 where we
6 strike the Trustees.

7 MS. FREEMAN: Right, yes, yeah, going back to that.

8 CHAIRMAN IAFELICE: Kind of bringing that out as one
9 of points of recommendation to the Trustees that they may or
10 may not be inclined to accept.

11 MS. FREEMAN: Correct, yeah.

12 CHAIRMAN IAFELICE: Okay.

13 MS. FREEMAN: But the other item that we did talk
14 about was -- And if you can keep going down under Section
15 16.16(E), Modifications, and then actually (F), you know, if
16 the modifications are classified as major, I've changed the
17 sections to reference that the procedures will be followed in
18 Section 16.13 and 16.14, which basically would require the
19 developer to go back then to this Board to rereview the
20 preliminary plan or rereview the development plan?

21 And this would, Mike, can we clarify on this, these
22 proposed modifications because I didn't indicate, you know,
23 the modifications are to the final plan.

24 MR. LUCAS: Yes.

25 MS. FREEMAN: So, okay, all right.

26 MR. LUCAS: Yes.

27 MS. FREEMAN: So if there are major modifications to
28 the final plan, then they would go back to the Zoning
29 Commission to make a recommendation to the Trustees.

30 MR. LUCAS: Which is, I think, is one of the points

1 that you mentioned you wanted to have done.

2 CHAIRMAN IAFELICE: Yes, yes, yes.

3 MR. LUCAS: Because, right now, it's my position
4 that the preliminary plan is submitted. It's approved by the
5 Commission. And the final development plan, if there is major
6 modifications, it has to be approved by the Trustees but it
7 does not, under our current text, mandate a return to the
8 Zoning Commission.

9 CHAIRMAN IAFELICE: Correct.

10 MR. LUCAS: And I know, I know the members felt
11 strongly that they wanted that done. I got it.

12 CHAIRMAN IAFELICE: Yeah, thank you.

13 Thank you, Heather. So under RCD, under 16.29 --

14 MR. REPERT: If we can, Mr. Chairman, go back to --

15 CHAIRMAN IAFELICE: I'm sorry.

16 MR. REPERT: -- Item G, proposed modifications
17 shall be classified as minor or major. Do we consider the
18 buffer that we've talked about, a change in use of character
19 of the development, does that include a buffer? Because we
20 said last year -- last year -- last month that we wanted the
21 buffer in there and I don't see it in here but it might be
22 included as a change in the use or character of the
23 development. Does that include the buffer or not?

24 MR. LUCAS: Well, I don't, Mr. Chairman, I don't
25 think that buffer falls within a change in use.

26 CHAIRMAN IAFELICE: Change of use.

27 MR. LUCAS: It's not, it's just a feature of the use
28 itself.

29 CHAIRMAN IAFELICE: Yes. So I think, I think Hiram
30 is speaking to a modification from the preliminary to the

1 final where the buffer was to be a single, one --

2 MR. REPERT: One lot.

3 CHAIRMAN IAFELICE: One lot.

4 MR. REPERT: Or two lots.

5 CHAIRMAN IAFELICE: And then it was gone in the
6 final.

7 MR. LUCAS: Oh, yeah, that's a change.

8 CHAIRMAN IAFELICE: That's a major change. I agree
9 with Hiram on that.

10 MR. LUCAS: Me, too.

11 CHAIRMAN IAFELICE: What he is asking is whether
12 that falls under the general terminology of what (a) says, use
13 or character. I don't think so.

14 MS. FREEMAN: Yeah. I would like, if we want that,
15 I would rather, I would prefer to see that flushed out a
16 little more in there.

17 CHAIRMAN IAFELICE: I think that's a good point,
18 Hiram. We were, we were, I mean --

19 MR. REPERT: We were pretty adamant here.

20 CHAIRMAN IAFELICE: We were for it and that was very
21 disappointing on us that that was eliminated. So --

22 MR. REPERT: Can we put something in here?

23 CHAIRMAN IAFELICE: Heather, I would, Heather can
24 propose some language.

25 MR. REPERT: A new (g) or --

26 CHAIRMAN IAFELICE: Obviously, this is, you were
27 saying, going to need some legal review, so we are going to
28 continue this work session, undoubtedly.

29 MS. FREEMAN: Yeah.

30 MR. REPERT: And then if I could.

1 CHAIRMAN IAFELICE: Please.

2 MR. REPPERT: And maybe this is based on what I
3 have done before, major modifications shall include, this is
4 Number 1 under G, include changes to the approved plan that
5 involve, as a minimum but not limited to, and then list (a)
6 through (g). Is that -- I am just used to seeing that in all
7 my engineering stuff.

8 CHAIRMAN IAFELICE: Yeah, yeah.

9 MR. REPPERT: So I don't know if that's legitimate
10 or not.

11 MS. FREEMAN: That might conflict with what we have
12 in Number 2 then because then we say, "Minor modifications
13 shall be anything not classified as major."

14 MR. REPPERT: Well, but maybe something comes up
15 that, you know, in your review you think it's manner but it's
16 not listed here.

17 MS. FREEMAN: Is there a way to allow the Zoning
18 Inspector some discretion on if they're not sure if it's major
19 or minor or give the opportunity of the Zoning Inspector to
20 have them bring it back to you for your blessing?

21 MR. REPPERT: Absolutely, at any time, or at least
22 bring it to your attention.

23 MS. FREEMAN: Well, any changes, they have to bring
24 to the Zoning Inspector's attention, correct.

25 MR. LINGENFELTER: Well, you know, I mean, in
26 reference to the major modifications, Hiram, and the mention
27 specifically the buffer, I mean, I think that if they were to
28 eliminate the buffer and put it in another lot, that affects
29 the density. That's a major modification. If they eliminate
30 the buffer and they put in a lot, that's a reduction of the

1 approved open space. That's a major, that's a major issue.
2 So I think the buffer is kind of covered on a couple of sides
3 on that, right?

4 MR. LUCAS: Well, that's right. Those are good
5 points. And there is another point, too, that a development
6 plan that has a buffer may be palatable to the immediately
7 adjacent property owners.

8 MR. LINGENFELTER: Right.

9 MR. LUCAS: Then -- And they indicate that,
10 hypothetically, in a public hearing. And then, all of the
11 sudden, that buffer that was the sole reason that they're
12 ceding to the development as presented is no longer there. I
13 mean, suddenly the crowd turned ugly.

14 MR. LINGENFELTER: And they will.

15 MR. LUCAS: They will. They have the ability.

16 MR. LINGENFELTER: Right. No, I am just saying to
17 call -- Because your idea, and correct me if I am wrong, was
18 to specifically discuss a buffer, correct, or bring up or put
19 buffer in this verbiage?

20 MR. REPPERT: Yeah.

21 CHAIRMAN IAFELICE: Between different zoning
22 districts.

23 MR. LINGENFELTER: Right.

24 CHAIRMAN IAFELICE: If they're the same district,
25 right?

26 MR. REPPERT: Well, it goes --

27 MR. LINGENFELTER: But in my opinion, the buffer,
28 the buffer is covered here because it specifically talks about
29 the reduction of designated open space and it also talks about
30 increase in density. So if you take a buffer and you turn it

1 into a lot, now you are building a house. That affects the
2 density, so that's a major change. Or if they take that and
3 just let's say they move everything down to make room for lots
4 somewhere else or do something else and they encroach on that
5 buffer, that's going to be a change in the open, the approved
6 open space, which, also, that sets the trigger as a major
7 change. So do we need to specifically call out a buffer or is
8 it already adequately covered, I guess, is my question?

9 MR. REPERT: That was my, that was my question. Is
10 the buffer, the concept of a buffer included in, well, I said
11 (a) but it could be included in a number of them.

12 MR. LINGENFELTER: Right.

13 MR. REPERT: So we don't have to specifically call
14 out a buffer as a major, change in the buffer as a major
15 modification? It's already covered.

16 MR. LINGENFELTER: But, I mean, you could -- I don't
17 think, would it be redundant to throw it in there, Mike, or
18 would it hurt?

19 MR. LUCAS: Well, it wouldn't hurt, obviously.

20 MR. LINGENFELTER: Yeah, it wouldn't hurt.

21 MR. LUCAS: I agree with what you said earlier.

22 You've got triggering events on two levels in terms of open
23 space and density that has, as a subset, the buffer. But if
24 it makes it unequivocally clear by putting that in in some
25 language, then why have -- The fact that we're having
26 intelligent people have a discussion about it means it's not
27 fully clarified.

28 MR. LINGENFELTER: Right.

29 CHAIRMAN IAFELICE: Correct. But as opposed to a
30 modification, what if we just set it as a standard of design

1 that that buffer shall match the R-1? I mean, what if it was
2 just a standard of design for the RCD? You know what I am
3 saying?

4 MR. LINGENFELTER: Well, I think it's --

5 CHAIRMAN IAFELICE: Any abutting, abutting any --

6 MR. REPERT: If it goes against the different --

7 CHAIRMAN IAFELICE: There shall be X buffer between
8 R-4 and R-1 --

9 MR. REPERT: Yeah, I think that's --

10 CHAIRMAN IAFELICE: -- as a standard of design.

11 MR. LINGENFELTER: Well, to me, the spirit of the
12 buffer is when there is adjacent properties, you know, to
13 soften that transition from, you know --

14 MR. REPERT: Correct, absolutely correct.

15 MR. LINGENFELTER: -- existing development to the
16 new development. Now, if it's a stand-alone development and
17 there is really nothing else that it's transitioning into,
18 then I think it's a pretty much a nonissue.

19 CHAIRMAN IAFELICE: Agreed.

20 MR. LINGENFELTER: But when there is an existing
21 development that's already there and now we're putting in an
22 RCD, I think it should be, pretty much, mandatory that there
23 should be some sort of a transition, you know, and it's got to
24 be either included in the open space designated, in the
25 designated open space or we can specifically call it out as a
26 buffer, whatever. Six of one and half a dozen of the other.

27 MR. REPERT: In looking at this, it says an
28 increase in the density, okay, and a reduction in approved
29 open space.

30 MR. LINGENFELTER: Right.

1 MR. REPERT: Okay. I can take this lot over here
2 that was designated as a buffer lot and eliminate it and put
3 it some other place in my development.

4 MR. LINGENFELTER: Right.

5 MR. REPERT: And not affect either one of those. I
6 can keep my density the same, I can keep my open space the
7 same but I have moved a lot. So instead of two lots as a
8 buffer, I now have one lot as a buffer. So --

9 MR. LINGENFELTER: Right, yeah. I am not opposed.
10 I am not opposed.

11 MR. REPERT: I think we put buffer in there.

12 CHAIRMAN IAFELICE: I would ask that we come up with
13 some language to suggest --

14 MS. FREEMAN: Okay, yeah. Because I was thinking,
15 okay, so when they get the preliminary plan approved, they are
16 to follow that when they submit the final. And so when the
17 final comes to the review board, if it doesn't match pretty
18 much what was approved on the preliminary, that's a reason to
19 discuss potentially not approving that final development plan.
20 Say it matches it to a T, the township approves the final
21 development plan, they start construction and then, all of the
22 sudden, they're like, "Oh, wait, we want to go back and change
23 some things," and then they do a switcheroo on a lot in an
24 open space, you know. Then does that trigger this? Would
25 that require them to come back to you, and that's the concern?

26 CHAIRMAN IAFELICE: I would think so.

27 MS. FREEMAN: Yeah.

28 CHAIRMAN IAFELICE: In Canterwood, that's what
29 occurred.

30 MS. FREEMAN: Well, in Canterwood, they didn't even

1 get the final development plan approved first and they were
2 already asking for changes. So I think with these proposed
3 changes, they wouldn't be allowed to ask for those changes
4 immediately after getting it approved. They could only ask
5 for modifications on the final development plan, not the
6 preliminary plan. Is that --

7 CHAIRMAN IAFELICE: That's not what I am asking. I
8 am asking, under Canterwood, which is under our current, did
9 they remove the buffer?

10 MS. FREEMAN: Did they remove the buffer?

11 CHAIRMAN IAFELICE: That was in their preliminary
12 plan.

13 MR. REPERT: We saw one and I don't know how --

14 MS. FREEMAN: I mean, you've got to be a little more
15 specific. I am sorry. Where at?

16 CHAIRMAN IAFELICE: R-1 to R-4, there was a buffer
17 which we saw in the preliminary.

18 MS. FREEMAN: Oh, between the existing Canter -- Oh,
19 well, they didn't provide one. I remember this. I thought
20 this Board asked them to and they really weren't open to it.
21 They never showed one.

22 MR. REPERT: Well, they had one on one side of the
23 street but nothing on the other side of the street.

24 MS. FREEMAN: Oh, okay.

25 CHAIRMAN IAFELICE: Yes.

26 MR. REPERT: And I think we had two lots on the
27 left side as I am coming from --

28 MS. FREEMAN: Okay. That's what, your recollection?

29 CHAIRMAN IAFELICE: Yes.

30 MS. FREEMAN: I apologize. I don't remember

1 exactly.

2 CHAIRMAN IAFELICE: That's okay. Yes. And I was
3 just --

4 MS. FREEMAN: There are no buffers, correct, between
5 the existing R-1 and then the PUD. What the Trustees did
6 negotiate with them was a larger setback on those lots but not
7 a strip of land that's part of a buffer per se.

8 CHAIRMAN IAFELICE: That's where I think we had the,
9 I don't want to call it a conflict but the Trustees made a
10 decision to do that. We thought the other, on the other one.

11 MS. FREEMAN: Right.

12 CHAIRMAN IAFELICE: So this is where, obviously, our
13 thinking is common to want to have the final approval,
14 recommend final approval.

15 MR. LUCAS: Freudian slip there.

16 CHAIRMAN IAFELICE: Freudian slip. Sorry. But I
17 agree with Hiram, if you could suggest some language.

18 MS. FREEMAN: Okay.

19 CHAIRMAN IAFELICE: Thank you, Hiram.

20 As I said, we're going to take this under
21 consideration in the next month. We will have more time to
22 digest. I wanted to ask, under the, then under the RCD, under
23 16.29 then, Heather, you've stricken --

24 MS. FREEMAN: Yes.

25 CHAIRMAN IAFELICE: Could you explain that by
26 striking?

27 MS. FREEMAN: I felt like this was redundant, B and
28 C, because we talk about, on Part I under Section 16.12 and
29 14, you know, how you get the final development plan approved.
30 We already know, and it is stated already in the first

1 section, that once the preliminary plan is approved, then you
2 start moving forward with the county subdivision review
3 process. But I can look over this with Mike, too, just to
4 make sure, by potentially deleting this, we're not changing
5 the intent or anything. But, and I will double check but we,
6 And I will just make sure that we also state elsewhere that we
7 require legal counsel to review the deed restrictions.

8 But I have to tell you, there is no fee established
9 on the fee. We've never charged a developer for legal counsel
10 to review the deed restrictions. So that's something that
11 we've not ever done.

12 CHAIRMAN IAFELICE: The reason I ask is because 16
13 has two parts, obviously.

14 MS. FREEMAN: Yes.

15 CHAIRMAN IAFELICE: And when you strike 16.29,
16 doesn't it need to be in Part II, not Part I. You were
17 referring to what we struck back because it's in Part I, which
18 is under PUD.

19 MS. FREEMAN: Right. And it says, any proposed RCD
20 shall be reviewed and --

21 CHAIRMAN IAFELICE: I am sorry. Where are you
22 reading again?

23 MS. FREEMAN: Oh, it's 16.29(A), it referenced back
24 the procedures in 16.12 through 14 of that section of Part I.

25 CHAIRMAN IAFELICE: Okay, I got it. That's why
26 you're striking it, because it refers back to there where we
27 have it. Thank you. I got it. I got it. I was just
28 concerned it had to be repeated in Part II. You just, this
29 part refers back to Part I.

30 MS. FREEMAN: And I can go over that with counsel,

1 too, if there is any concerns with counsel.

2 CHAIRMAN IAFELICE: Okay, I got it. Okay. Thank
3 you, Heather.

4 MS. FREEMAN: Okay. You're welcome.

5 CHAIRMAN IAFELICE: Excuse me. As I said, we're
6 going to further this work, without objection, further this
7 work session to next month and then have opportunity for us to
8 digest everything that Heather's reviewed with us here, as
9 well as legal counsel review.

10 Any comments or questions relative to Section 16
11 that we heard tonight? Good discussion.

12 MR. REPERT: No, I like the discussion.

13 CHAIRMAN IAFELICE: Okay, very good. Thank you.
14 Thank you, Heather.

15 MS. FREEMAN: You're welcome.

16 CHAIRMAN IAFELICE: Probably at this time, well, we
17 have another work session item on Section 22, Commercial and
18 Industrial District uses in Section 13.36, Innovative Site PD.

19 Again, this, I would ask you, Heather, to overview
20 22, Table of Uses that we started. I don't think, actually, I
21 don't think we started discussion on that last month because
22 of time constraints.

23 MS. FREEMAN: Correct, right, we didn't really get
24 into any of this last month. What I provided to you that was
25 part of your August packet was really just I printed out some
26 pages directly from the Zoning Resolution just for quick
27 reference so the Commission could take a look at what all the
28 conditionally permitted uses are in the Commercial and
29 Industrial Districts as set forth in Table 22.03.

30 I know that we've had some concerns and discussions

1 in the last several months regarding potentially some of the
2 uses that are allowed in our Capital District and how that
3 fits in with our planning, our Comprehensive Plans and our
4 Town Center Master Plan and some of the recommendations that
5 were proposed in the Master Plan, specifically in reference to
6 gas stations and car washes as part of the Capital District.

7 And, actually, just recently, in talking to some
8 real estate agents about the manufacturing piece of property
9 over here on Concord-Hambden just west of the property we were
10 talking about earlier this evening that's Town Hall
11 Neighborhood, I am sure the Commission is aware that that
12 building is vacant. I think we talked, we might have talked
13 about that at a previous meeting. It was, it's zoned
14 Manufacturing. It was used previously, basically, for
15 offices. And I started talking to some real estate agents
16 about potential buyers and users and things like that, and it
17 really got me looking at our M District as well and what is
18 allowed to go in there.

19 So we might want to take a look at that, too,
20 because knowing that property is up for sale, someone is going
21 to want to buy that, and do we have the right uses for that
22 Manufacturing District as well? I might ask the Commission to
23 kind of take a look at that and see if there are any other
24 uses that we allow in some of the even lesser intensive type
25 districts that might work well in that district as well. With
26 changing of the land uses to the east of that with residential
27 going up, that's something, a new change too that we would
28 want to consider, as well as if we were to take maybe a closer
29 look at the M District.

30 But I didn't have any real strong recommendations

1 for the Board at this point other than possibly eliminating
2 some of the audio -- auto-oriented uses under the Capital
3 District or uses that we felt like maybe didn't fit in or per
4 the recommendations of the Master Plan.

5 But the other part of that is, under the Capital
6 District, they have that PUD option as a conditional use to
7 move forward with more of a planned development and that is
8 for the Innovative Site Plan Development where those
9 conditions and permitted uses and conditional uses are listed
10 under Section 13.36.

11 CHAIRMAN IAFELICE: I am going to ask Heather and
12 the Board for some comment. There may be a district and/or
13 particular use that is forefront in our mind.

14 MS. FREEMAN: Right.

15 CHAIRMAN IAFELICE: This exercise, should we
16 consider all of this in 22 --

17 MS. FREEMAN: Right.

18 CHAIRMAN IAFELICE: -- and all of varied uses
19 comprehensively or is there a certain one district, let's say
20 Capital District, for instance, that raised our most recent
21 concern to focus on and then vet that and then move on to
22 other districts should they be, as Manufacturing, as Heather
23 brought up Manufacturing and Capital.

24 MS. FREEMAN: Right.

25 CHAIRMAN IAFELICE: Should we pick the low hanging
26 fruit where we feel is the most of concern to the Board, to
27 the future of the township, not future, immediate future, I
28 should say, that we want to help to address more immediately
29 than others? If we undertook all of it, this is going to be
30 quite an undertaking. And so while I appreciate looking at 22

1 and I started looking at 22 and all the various uses and it
2 was, it's just overwhelming. My preference would be to pick
3 the Capital and now Manufacturing to target for discussion
4 amongst the Board and movement, unless we think this is an
5 exercise that the Board should do or should do in steps over
6 time. I'm kind of throwing that on the table for discussion.

7 MR. REPERT: Well, there is now ten because we just
8 got rid of Town Hall Neighborhood, so that's gone. So now
9 there are ten, right? Why don't we take two at a time?

10 MR. PETERSON: Some are more involved than others.

11 MR. REPERT: Well, then we might go down to one.

12 MR. PETERSON: That might be good.

13 MR. REPERT: Yeah.

14 MR. SCHINDLER: The biggest thing seems to be, over
15 the last months, is the Capital. That's where all the
16 development is taking place now. That's where the emphasis
17 happens to be by developers and that would be the one, my
18 opinion, should be the one that was concentrated on the most.

19 MR. REPERT: We might get good bang for the buck on
20 that one, I think.

21 MR. SCHINDLER: Yeah, that one. I know the other
22 ones are important, too, but the degree, I think right now we
23 have to, especially when we're moving away from the big thing
24 we talked about with the township area. We're getting rid of
25 that right now. So now we don't have to worry about that being
26 developed the way we thought it was going to be designated
27 over the years. Now the focus is back on Capital, which would
28 take care of what we thought would be here. So my opinion is
29 that I think we should concentrate on that.

30 MR. REPERT: Could handle Special with that. There

1 is not too many items under Special.

2 CHAIRMAN IAFELICE: I agree, Hiram.

3 MR. REPERT: So that might be an easy one.

4 CHAIRMAN IAFELICE: I agree. And also, quite
5 frankly, Manufacturing, she brought up.

6 MR. REPERT: Manufacturing.

7 CHAIRMAN IAFELICE: Because there aren't, it's
8 Manufacturing, there can't be too many other conditional uses
9 under Manufacturing. In fact, I see two that are.

10 MR. REPERT: Could take the single, the single
11 letter ones.

12 CHAIRMAN IAFELICE: Three, yeah.

13 MR. REPERT: Manufacturing, Special and Capital.

14 CHAIRMAN IAFELICE: Comments?

15 Yeah. Thank you, Hiram.

16 Comments, Andy? Rich?

17 MR. LINGENFELTER: Nothing in particular.

18 CHAIRMAN IAFELICE: Anything, Rich?

19 MR. PETERSON: No, I agree. Capital is probably the
20 one we talk most about.

21 CHAIRMAN IAFELICE: The one we talk most about?

22 MR. PETERSON: Yeah.

23 CHAIRMAN IAFELICE: And I think it's going to take a
24 significant amount, significant amount of time because that
25 district was given quite a few conditional uses. There's a
26 number, quite a few that were there. And I think it does
27 require a significant time and energy just to understand the
28 Comprehensive Plan and the vision and what was intended for
29 Capital District. Is it still a viable plan going forward for
30 the township? So I might suggest that we concentrate on

1 Capital and then decide where to go after that and then
2 continue our work session and focus just on the uses in
3 Capital zoning district.

4 MR. REPERT: That sounds good to me.

5 CHAIRMAN IAFELICE: Good with that?

6 MR. PETERSON: Okay.

7 CHAIRMAN IAFELICE: Okay. So we will move forward,
8 Heather, with that, another work session but concentrate just
9 on the Capital District.

10 MS. FREEMAN: Okay.

11 CHAIRMAN IAFELICE: And the uses therein, okay.

12 MR. LINGENFELTER: What's the general, Mike -- I am
13 sorry.

14 CHAIRMAN IAFELICE: Yeah, go ahead, please.

15 MR. LINGENFELTER: Mike, what's the general rule of
16 thumb on whether, if it's not included, it's automatically
17 excluded? Is that the way to look at it?

18 MR. LUCAS: That's always been my position.

19 MR. LINGENFELTER: Is that the best interpretation
20 of that?

21 MR. LUCAS: That's always been my position.

22 MR. LINGENFELTER: Yeah, that's what I thought. I
23 wanted to make sure.

24 MR. LUCAS: The argument comes up, well, it's not
25 prohibited, therefore, it's permitted.

26 MR. LINGENFELTER: Right.

27 MR. LUCAS: But that's not my position. My position
28 is they've included what they want, in particular regarding
29 uses, and if it's not in there, then it's not permitted.

30 MR. LINGENFELTER: Right.

1 MR. LUCAS: Either permitted or by conditional use.

2 MR. LINGENFELTER: I just wanted to know how we err
3 on that, if we err on the side if it's not included then
4 it's --

5 MR. LUCAS: I wouldn't use the word "err." I would
6 say that's how I construe it.

7 MR. LINGENFELTER: Right, okay, good.

8 MS. FREEMAN: Actually, Mr. Chairman, to follow up
9 on that, in Section 22.02(D) we actually state that in our
10 Resolution, that any use that is not specifically listed as
11 either a permitted use or a conditional use or that does not
12 meet the requirements for an accessory use shall be a
13 prohibited use in these zoning districts and shall only be
14 permitted upon an amendment of this Resolution and/or the
15 Zoning Map.

16 MR. LINGENFELTER: Good.

17 MS. FREEMAN: I guess --

18 CHAIRMAN IAFELICE: It's in writing.

19 MS. FREEMAN: And I just wonder if there are any
20 uses, like new uses that have come up in other areas that
21 would be desirable in Concord that we're not allowing? And
22 some of that, I think, is based on our definitions. I was
23 looking at something the other day. In one of the districts,
24 we allow outdoor recreation but it's limited to only like a
25 nonprofit. So I kind of found that odd, based on our
26 definition of what outdoor recreation was, it wouldn't allow
27 for a use that would be profitable.

28 MR. LINGENFELTER: Really?

29 MS. FREEMAN: So there is things like that that, you
30 know --

1 CHAIRMAN IAFELICE: We'll defer to you, Heather, for
2 recommendations as we go through this.

3 MS. FREEMAN: Okay.

4 CHAIRMAN IAFELICE: But that's interesting.

5 MS. FREEMAN: Yeah. I need to keep a tally as these
6 things come up and bring them to you comprehensively. And
7 then the definition --

8 CHAIRMAN IAFELICE: You mean like a bowling alley?
9 No, you said outdoor.

10 MS. FREEMAN: Outdoor recreation.

11 MR. PETERSON: Like Top Golf?

12 CHAIRMAN IAFELICE: Disc golf? Top --

13 MR. PETERSON: Top Golf. That's something new, Top
14 Golf.

15 CHAIRMAN IAFELICE: Outdoor.

16 MR. PETERSON: Like they have in Independence, you
17 know.

18 CHAIRMAN IAFELICE: So that's, that's not allowed?

19 MS. FREEMAN: Someone was asking me about a driving
20 range, whether or not you could do a driving range somewhere.
21 And I, looking at our Zoning Resolution, obviously, we don't
22 specify driving range in any district. We allow golf courses
23 in some. We don't define "golf course." So there is, you
24 know, maybe some easy things too that we need to work on.

25 MR. LINGENFELTER: So since it's not specifically
26 called out as a driving range, as either a permitted use or a
27 conditional use, can't have one. That's the rule.

28 MS. FREEMAN: Unless it was part of maybe a golf
29 course and then you look at --

30 MR. LINGENFELTER: Right.

1 MS. FREEMAN: But a stand-alone driving range --

2 MR. LUCAS: That would be an accessory use to the
3 permitted use of a golf course.

4 CHAIRMAN IAFELICE: Accessory.

5 MR. LUCAS: That would be all right.

6 MS. FREEMAN: But if it was just somebody who bought
7 some property and wanted a driving range.

8 MR. LINGENFELTER: I remember we actually, we
9 actually did that with Little Mountain. I remember when we
10 did that with Little Mountain because they wanted to put a
11 driving range in.

12 MR. LUCAS: Right.

13 MS. FREEMAN: Yeah.

14 MR. LINGENFELTER: And they didn't have one. And we
15 had that conversation about it being, whether it was allowed
16 or not allowed and I think we put it in as an accessory use.

17 MR. LUCAS: Yeah.

18 MR. LINGENFELTER: To Little Mountain golf course.
19 So they were able to put that driving range in.

20 MR. LUCAS: Right.

21 MR. LINGENFELTER: You can see that from the
22 Shoreway.

23 CHAIRMAN IAFELICE: Sure.

24 MS. FREEMAN: Yeah.

25 MR. LINGENFELTER: So that, yeah, I remember that.
26 Yeah, that's interesting. Yeah, I think it's a good idea to
27 review conditional and permitted uses on a regular basis
28 because things change. Trends, there is trends that are going
29 on. There is something that's popular today may not be
30 popular tomorrow, you know, and I think it's a good idea to

1 address those, you know. You never know.

2 MR. SCHINDLER: On a golf course in the wintertime,
3 do they allow cross country skiing? I mean, that's an ideal
4 place to have it.

5 MR. PETERSON: Some of them do. I don't know about
6 ours but some of them do.

7 MR. SCHINDLER: I was going to say, I don't know.
8 Has that ever happened over here, by chance? And wouldn't
9 that be something we could pop in that's recreational?

10 MS. FREEMAN: I don't know.

11 MR. PETERSON: Frisbee, Frisbee golf, that's big
12 now.

13 CHAIRMAN IAFELICE: Yeah, just played it last month.
14 It's a lot of fun.

15 Thank you, members. So if we're in agreement here,
16 we'll, we made a decision on Town Hall Neighborhood. We're
17 going to continue the two work sessions on 16 and 22 and
18 concentrate, on 22, concentrate on Capital District to begin
19 with the uses.

20 MR. LINGENFELTER: That's a lot of work.

21 CHAIRMAN IAFELICE: That's a lot of work.

22 MR. LUCAS: That's right.

23 CHAIRMAN IAFELICE: So we have on our agenda for Old
24 Business, our next meeting is September the 6th, 2022. We
25 will have the public hearing prior to the, to our meeting on
26 September the 6th. There being any other business, members?

27 MR. PETERSON: No, sir.

28 CHAIRMAN IAFELICE: This meeting stands adjourned.

29 (Whereupon, the meeting was adjourned at 8:30 p.m.)

30

1 STATE OF OHIO)
2 COUNTY OF LAKE)

CERTIFICATE

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

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

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

17 IN WITNESS WHEREOF, I have hereunto set my hand
18 and affixed my seal of office this 29th day of August 2022.

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

22 Notary Public within and for the
23 State of Ohio

24 My Commission Expires:
25 February 4, 2023

