

**CONCORD TOWNSHIP ZONING COMMISSION
MEETING MINUTES
JULY 2, 2024**

Call to Order

- The Concord Township Zoning Commission met on Tuesday, July 2, 2024 at Concord Township Hall located at 7229 Ravenna Road, Concord Township, Ohio. Mr. Andy Lingenfelter called the meeting to order at 7 pm.
- Roll Call: Mr. Schindler – here, Mr. Iafelice – here, Mr. Peterson – here, and Mr. Lingenfelter – here
- Others in Attendance: Township Legal Counsel, Bridey Matheney; Zoning Inspector, Heather Freeman; Concord Resident, Chris G. Meldrum; EA Architecture and Design Inc., Russell Arbuckle

Approval of Minutes

- There were no minutes to be approved.

Correspondence

- **Mr. Schindler** stated he had none.
- **Mr. Iafelice** stated a resident contacted him however, it concerns a matter that may be in front of the Board of Zoning Appeals, so no details were provided.
- **Mr. Peterson** stated a resident reached out to him regarding an update on the Quail Hollow Hotel report.
- **Mr. Lingenfelter** stated a resident reached out to him about a property in Lilly Farms regarding off street parking and landscape trailers. He provided the resident the applicable sections of the Zoning Resolution, and further advised the property owner to reach out to the Zoning Department. He also advised them to check if their HOA has any regulations.

Zoning Inspector Report

- No report this month.

Public Participation

- **Chris Meldrum**, resident at 11159 Prouty Road stated he has been a resident for 10 years. Mr. Meldrum stated he wanted to remind the board of why he was there. Mr. Meldrum showed pictures of the house next to his property. He thanked Heather for allowing him to look at the draft proposed zoning. Mr. Meldrum stated he has attended two other ZC meetings and at those meetings there's been commercial projects presented by representative, and those applicants were supportive of providing their landscape plans. Mr. Meldrum stated that he realized that there is no landscaping regulations for residential properties. He stated that understands the Township may not want to dictate to the residents much or at all about landscaping. However, if there is some way you could mention landscaping in the resolution and if a project came in where a building was submitted and it didn't look residential you could require some sort of landscaping that would soften it.

- **Mr. Lingenfelter** stated this is an interesting point you bring up regarding landscaping. However, this is a slippery slope. This situation that we are addressing today is a unique situation. In the future, with the updates in the zoning text we've been discussing, hopefully we can prevent this from occurring. There are landscaping requirements in the commercial districts because typically the lot is cleared and then there are concerns with screening dumpster enclosures, delivery areas and those types of features. For residential, there are some landscaping requirements for the residential conservation development district when there are disturbances in the open space. He stated that if the Township started requiring landscaping on individual lots, this would start getting into architectural review.
- **Mr. Meldrum** stated that is suggestion is for that rare occasion. To have that card in your back pocket.
- **Mr. Lingenfelter** stated that as a property owner you can plant shrubs or whatever you want.
- **Mr. Meldrum** showed a picture to the board of the properties and the landscaping he planted to try to screen the large garage.
- **Mr. Lingenfelter** stated that you can put up fences and trees. You could also talk to the neighbor to see if they would assist in paying for the cost. He stated that he would not be in favor of adding landscaping requirements for residential lots. The board appreciates your input and welcomes the residents to the meetings.

New Business

- Site Plan Review Application #59: Submitted by Russell Arbuckle with EA Architecture & Design, Inc., on behalf of Pacific Bells, LLC for a counter service restaurant with single lane drive-thru to be located at 7515 Crile Road, also known as current parcel number 08-A-019-B-00-002-0.
- **Mr. Lingenfelter** confirmed with the applicant that they wish to move forward with four (4) Zoning Commission members in lieu of waiting on a full board of five (5).
- **Mr. Arbuckle** stated he is with EA Architecture and Design Inc, and that he represents Pacific Bells LLC, the franchise owner for Taco Bell. They will be the leasee of the land. He has received the staff report and recommendations and they are in agreement. He spoke with the Fire Marshall to discuss the concerns with the gas well on the adjacent lot. They are in agreement that it needs some protection. They also agree to widen the existing access drive. And for the pole sign proposed they did not intend to provide that but instead will be installing a monument sign.
- **Mr. Peterson** stated he was concerned about the traffic flow between Key Bank and the Taco Bell.
- **Mr. Arbuckle** indicated the access road was preexisting. They don't particularly care for cross access easements either.
- **Mr. Lingenfelter** stated he would be surprised if Taco Bell customers were going to cut through Key Bank parking lot and would likely exit back onto Crile rather than Fredle.
- There was a brief discussion about an alternative layout that Pacific Bells considered but this plan was the better plan for flow between the two parking areas.
- **Mr. Iafelice** discussed how drive-thrus are specifically prohibited in this District. He watched the BZA hearing and felt the board didn't take enough time when considering this issue, especially since it was a prohibited use. Drive-thrus are being prohibited in many communities for reasons such as traffic safety, air quality, and congestion. He

found it objectionable that the BZA would override the prohibition and grant the use variance for the drive-thru.

- **Mr. Iafelice** stated his opinion it feels like this site is shoehorning hundreds of cars of day into a very small lot. The traffic study and the County Engineer have not reviewed how this project will impact traffic. He is concerned about driver confusion within the site and also how to exit the site and get back onto the freeway. The traffic study submitted only looks at the number of trips to the site and doesn't address his concerns.
- **Mr. Peterson** agreed with Mr. Iafelice. He indicated the traffic pattern may be confusing for customers that are coming off and on the interstate to visit the site.
- **Mr. Arbuckle** stated the County asked for the trip generation report and not a traffic impact analysis. They would not have been opposed but it was not requested.
- There was further discussion between the board members regarding as to how and why the BZA reviews use variances and their authority to do so.
- The board discussed extensively their concerns with highway traffic going north on Crile Road, and making the illegal left hand turn onto Auburn to get to SR-44 North. The traffic pattern is a concern. According to the trip generation report, fifty percent of customers will be coming to the site from the freeway.
- **Mr. Lingenfelter** said he's seen some pretty elaborate drive-thrus with multiple lanes.
- **Mr. Arbuckle** stated if the demand was there and drive-thru traffic became an issue they would look to convert the drive-thru to have dual order points, two lanes.
- **Mr. Arbuckle** is not in disagreement with BZA's decision, but reminded the board it is now a permitted use.
- **Mr. Iafelice** further expressed concerns with local traffic accessing the site from Fredle Drive and cutting through the bank parking area.
- **Ms. Freeman** explained that the County Engineer requested the Trip Generation Report. She also reminded the board that they have the ability to request a traffic impact study from the applicant if they wanted it to make a more informed decision.
- There was some discussion between the board members about whether Key Bank and Taco Bell should have separate drives onto Crile.
- **Mr. Peterson** is concerned about this particular lot and traffic near the intersection.
- There was some discussion about signage on Crile directing traffic south on Crile when exiting the site, however the sign is already there. There is also a sign at Fredle as well.
- **Mr. Iafelice** clarified that he is not trying to undo the BZA's decision but rather would like a traffic impact study so they can see the impact the level of service. How will public safety be impacted by the increased traffic?
- **Mr. Lingenfelter** inquired if they should table the application until the Traffic Impact Study is completed.
- **Ms. Matheny** explained the board can table the application and ask if the applicant would agree to provide a traffic impact study. Then the application would be reconvened at a future meeting.
- **Mr. Arbuckle** asked what the end goal would be of having the traffic impact study. They would be willing to do it but don't understand how it would impact the site since it won't reduce the number of cars. They'd be willing to make changes to the site plan now, but don't know to what end the traffic impact study changes the flow of traffic or the use of the site.
- **Mr. Iafelice** clarified the traffic impact study would be done to study the impact, possible driver confusion, and public safety.

- **Mr. Schindler** asked if it would give the board the authority to ask the applicant to change the layout.
- There was additional discussion between the board and the applicant regarding what the outcome of the traffic impact study would do. It would likely not provide recommendations for specific changes to improve the site layout.
- **Mr. Lingenfelter** asked if the applicant would be willing to do a traffic impact study. He also stated he was not on board with recessing the application and delaying the approval to wait for it because he is concerned it may not change anything with the plan.
- **Mr. Iafelice** stated this is not a delay but rather a request for more information.
- **Mr. Schindler** added that depending on the study there may be some changes that would minimize the impacts.
- **Mr. Lingenfelter** confirmed with legal counsel that the board could add a condition onto the approval to provide the traffic impact study.
- There was further discussion about if the traffic impact study is provided and there is bad news, there is no way for the Zoning Commission to relook at the site plan. If they conditionally approve it tonight, then the application does not go back to the board.
- **Mr. Arbuckle** indicated that the owner stated if the project is delayed it will kill the project, and was looking for some way to get conditional approval so they may get started. Taco Bell must be open before the end of this year. They will commit to the traffic impact study as a condition. If there is a way to word it to work with staff for changes they would agree to it. If the study comes back negative, they would redesign to mitigate those impacts.
- There was some discussion about who should have the burden of analyzing the results of the traffic impact study. Legal reminded the board they have the ability to hire a professional to review the study or use the County Engineer.
- **Ms. Freeman** clarified to the applicant that until all the conditions have been met on the approval, no zoning permit would be issued to start construction.
- **Mr. Schindler** asked how long a study would take.
- **Mr. Arbuckle** indicated a few weeks.
- **Mr. Schindler** suggested they could possibly schedule a special meeting.
- **Mr. Lingenfelter** asked how the board felt about adding a ninth condition to get the traffic impact study versus tabling. He would prefer not to table it.
- **Mr. Iafelice** indicated he does not have enough information without the traffic impact study. If there's a commitment by the applicant to correct things if the study shows there needs to be corrections, he wants to make sure the plan comes back to the board to review.
- **Mr. Schindler** confirmed with the applicant that Pacific Bells would be willing to come back and address the issue and minimize the concerns of the board.
- **Mr. Arbuckle** indicated if the study comes back and access needs changed Pacific Bells would be willing to work with the County, the landlord and Key Bank and the Township to address it.
- **Ms. Freeman** pointed out the board that Section 36.10 of the ZR which covers major and minor modifications to site plans. One major modification pertains to changes that impact the internal street and thoroughfare locations or alignments which significantly impact traffic patterns or safety considerations.
- **Ms. Matheny** confirmed that if the board adds a condition onto the approval of the site plan pending the results of the traffic impact study, should the study suggest changes that

are considered major modifications, the plan would have to come back to the board for review.

- **Mr. Lingenfelter** confirmed with the applicant that they agreed to meet the following conditions of approval on the site plan application:
 1. Revise civil plans to increase the width of the asphalt access drive to maintain a minimum width of 22' in lieu of the 20.5' provided.
 2. Update civil plans to show the parking lot light pole locations.
 3. Update civil plans to show location of all proposed freestanding signs.
 4. Update civil plans to show mobile pickup parking spaces.
 5. Eliminate the proposed non-compliant 12' tall freestanding sign from the project.
 6. Work with the Concord Fire Department to provide a barrier between the drive-thru and the existing gas well to the east that satisfies the Fire Department's safety concern, such as a landscape mound or guard rail with landscaping for screening and update the plans.
 7. Sheet C201: Provide an updated zoning data block with the following items:
 - a. Land area within property lines: (acres, square feet)
 - b. Gross floor area: (square feet)
 - c. Number of buildings:
 - d. Number of stories:
 - e. Maximum height of buildings
 - f. Impervious surface area: (% square feet)
 - g. Building setbacks (front, side and rear)
 - h. Building spacing
 - i. Parking area (square feet)
 - j. Parking spaces required:
 - k. Parking spaces provided:
 - l. Handicap parking required:
 - m. Handicap parking provided:
 8. Update plans to address Lake County Stormwater comments below:
 - a. Show proposed finished grades at the corners of the building
 - b. The curb inlet and small section of RCP storm sewer that discharges toward Waffle house should be removed and revised. Please revise this to either show a structure that routes the water east/northeast to the proposed outfall or revise the grading of this driveway to sheet flow east/northeast toward the proposed curb inlet. The building downspouts should also be considered in this revision.
 - c. Please show a swale in the open space area between the drive and waffle houses parking lot to route water east/northeast
 - d. Please add additional pavement and top of curb elevations along both sides of the eastern part of the driveway and along the southeast edge of the parking lot.
 - e. Specify length and width for the rock outlet protection.
 - f. Provide a storm sewer tabulation showing the storm system meets County Conveyance standards.

- g. Include proposed disturbance on Sheet C301 along with pre and post impervious area amounts
 - h. Show concrete washout location on Sheet C301
 - i. Plans are subject to detailed review and revision
- 9. Applicant to provide a traffic impact study to the Township, and should the findings of the traffic impact study suggest any changes that are considered major modifications, as set forth in Section 36.10, the site plan will be revised and resubmitted to the Zoning Commission for review.
- **Mr. Peterson** made a motion to conditionally approve the site plan review application #59 with the nine conditions noted. Mr. Schindler seconded the motion. Roll call Vote: Mr. Peterson – yes, Mr. Schindler – yes, Mr. Iafelice – yes; and Mr. Lingenfelter – yes.

Old Business

- **Mr. Lingenfelter** stated he would like to table the old business items until the next meeting.

Next Meeting

- **Mr. Lingenfelter** stated that the next meeting of the Zoning Commission will be August 6, 2024.

Adjournment

- **Mr. Lingenfelter** adjourned the meeting at 9:05 pm.

Andrew Lingenfelter, Chair

Heather Freeman, Secretary