

CONCORD TOWNSHIP ZONING COMMISSION
LAKE COUNTY, OHIO
REGULAR MEETING

Concord Town Hall
7229 Ravenna Road
Concord, Ohio 44077

September 5, 2017
7:00 p.m.

TRANSCRIPT OF PROCEEDINGS

Zoning Commission members present:

Andy Lingenfelter, Chairman
Morgan McIntosh, Vice Chairman
Gerard Morgan
Frank Schindler
Rich Peterson

Also Present:

Heather Freeman, Planning & Zoning Director/Zoning
Inspector
Sydney Martis, Planner/Assistant Zoning Inspector

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

1 7:03 p.m.

2 CHAIRMAN LINGENFELTER: Good evening. I would like
3 to call this Concord Township Zoning Commission meeting to
4 order. Today is Tuesday, September 25th. We have a relatively
5 short agenda. What?

6 MR. McINTOSH: The 5th, not the 25th.

7 CHAIRMAN LINGENFELTER: Did I say the 25th?

8 MR. McINTOSH: Yeah.

9 CHAIRMAN LINGENFELTER: I thought I said the 5th. I
10 stand corrected. Correct the record, September 5th.

11 The number one item on the agenda was a staff update
12 with the Trustee Resolution 2017-25. Heather, would you like
13 to give us a little review?

14 MS. FREEMAN: Good evening. I know that you are
15 aware of the resolution that was passed by the Trustees on
16 their August 7th meeting. And in your packets, you found an
17 official copy of that Trustee Resolution 2017-25, which in
18 essence repealed the previous resolution that initiated all the
19 zoning amendments related to the creation of the Innovative
20 Site/Plan Development Overlay District and all the other
21 ancillary amendments that went along with that, which basically
22 stopped the public hearing process and made that moot.

23 As you are aware, there were several other amendments
24 that this Board was working on that had nothing to do with the
25 Innovative Site/PD. So I just, you know, wanted to mention
26 that, at some point, if the Board wants to move forward and
27 relook at some of those, the other items that weren't related
28 to that, that we can do that over the next several months.

29 Staff also had some suggestions on some other areas
30 that we may want to look at in the existing Zoning Resolution,

1 one of them had to do with the Town Hall Neighborhood and Town
2 Hall Commons zoning districts. The text went into effect in
3 2009. And I just briefly, you know, I printed off just copies
4 in case you wanted to take a look at that. The text went into
5 effect in 2009 and the property was rezoned in 2010, and that's
6 virtually at this intersection where we sit, at Ravenna and
7 608.

8 There hasn't been a lot of activity in the area over
9 the last seven, eight years in relationship to those properties
10 that are currently zoned the Town Hall Commons and
11 Neighborhood. And just briefly looking at the purpose
12 statements, the Town Hall Commons was to preserve and enhance
13 the historic center of the township at the Concord-
14 Hambden/Ravenna Road crossroads area in order to provide a
15 mixture of community facilities, businesses and recreational
16 uses that serve as a gathering place for the community. I
17 think we have a good, good base there with our Town Hall Campus
18 and community facilities that we provide.

19 And then the Town Hall Neighborhood is the area
20 that's surrounding the historic center, and the purpose of that
21 was to allow for selected community-oriented businesses and
22 residential uses while promoting the emerging land use
23 patterns.

24 We've had some -- There is some land that's currently
25 on the market now in the Town Hall Neighborhood District. Some
26 of the uses that some of the people that have contacted our
27 office had discussed trying to do there, one of them was kind
28 of a unique use. I've never heard this before but he referred
29 to it as a boutique winery or also known as kind of like an
30 urban winery. It wouldn't necessarily fall under the

1 agricultural use because the person that was interested in
2 looking at the property was going to purchase the grapes and/or
3 the juice off site, have it transported there, and then was
4 hoping to be able to produce and manufacture the wine in an
5 accessory building that's currently on the lot. And then they
6 wanted to repurpose, like, the house that's there -- it's a
7 nonconforming house -- to allow for a tasting room on the first
8 floor of the house and actually live on the second story. This
9 was like this grand idea of, you know, can I do this type of
10 thing? Obviously, that's not something that's, that's
11 permitted in the Zoning Resolution.

12 Some other ideas that people have asked to do were
13 more residential related. We've got approached by someone who
14 was looking to hope to do -- maybe rezone it to allow for some
15 kind of independent living. I am pretty sure you guys have
16 heard, over the, over the last ten years, different pitches
17 from different organizations looking to rezone and do some kind
18 of residential uses on the property that's owned by Osborne
19 across from -- on 608 across from Quail Hollow.

20 But not trying to change anything based on those
21 specific requests or anything but if you just were to look at
22 the Table of Uses within both the Town Hall districts, it does
23 seem a little restrictive as far as what folks could do there.
24 Like the Town Hall Neighborhood, your main uses that would be
25 permitted are your medical and dental offices, administrative/
26 professional offices. There are some conditional uses for
27 restaurants, personal services, bed and breakfast and then you
28 can, I mean, you can read it. I am not going to go through and
29 read it.

30 It's a little light, so it's just something that, you

1 know, if we were maybe -- if the Commission wanted to look at
2 it, we'd be, staff would be happy to work with you and we can
3 maybe evaluate what, what uses are there and maybe suggest some
4 modifications to allow for some additional uses.

5 Then just one other area that I know we've brought up
6 to you in the past about having to do with the sign
7 regulations, due to the fact the Supreme Court case *Reed versus*
8 *The Town of Gilbert*, there has been a little bit more case law
9 on that and a little bit more guidance from the attorneys that
10 kind of review these things. And I was going to have Sydney
11 speak a couple minutes on what we need to maybe look at in our
12 current sign regulations as another future amendment, so I will
13 give her a minute or two or however long it takes.

14 MS. MARTIS: Hello. So as Heather stated, one of the
15 sections that we were looking to maybe make some modifications
16 to were the sign regulations and hope to make them more content
17 neutral and in line with the current legislation that has come
18 out and different court cases. So some of the sections
19 specifically that should be addressed in our sign section is
20 the purpose clause, some of the regulations pertaining to the
21 illumination criteria of electronic message centers and
22 especially the regulation of temporary signs.

23 And so if the Zoning Commission would like, we could
24 review our current sign regulations and study them and maybe
25 come forth with some recommendation in the future and give you
26 some more detailed information about the sections that need to
27 be reviewed, if that's something that you would like to address
28 in the future.

29 MS. FREEMAN: Okay. That's just some other things
30 that we could work on, some ideas that staff had. So,

1 obviously, we just got off a very hot, contentious potential,
2 you know, amendment, so we're in no hurry to start something
3 new if you need a little --

4 CHAIRMAN LINGENFELTER: No.

5 MS. FREEMAN: We are open for any ideas, suggestions
6 that you have.

7 CHAIRMAN LINGENFELTER: You know what I think would
8 be a good idea, Heather? I think the visitation or the
9 revisiting of the Town Hall Neighborhood and Town Hall Commons
10 would be a good idea because, like you said, those were passed
11 back in 2009. I mean, it's now 2017, rapidly approaching 2018.
12 That's almost ten years, you know. I think it might be a good
13 idea to go back and revisit these and take a look at some of
14 the conditional, permitted and accessory uses and make it, you
15 know, maybe -- like you said, it's pretty narrow -- maybe take
16 a look at it, maybe expand on it a little bit, you know, based
17 on some of the requests we've had.

18 MS. FREEMAN: Okay.

19 CHAIRMAN LINGENFELTER: It might not be a bad idea to
20 take a look at that again. And the other thing I think would
21 be prudent would be to -- anything that we did work wise moving
22 up to the most recent overlay district for over on Discovery
23 Lane that would be appropriate for our zoning text outside of
24 that, I think we should definitely tighten those things up and
25 get those adopted in the zoning text. I mean, we did the work.

26 MS. FREEMAN: Yeah.

27 CHAIRMAN LINGENFELTER: The text has been written. I
28 mean, there is no reason to just leave those go. I mean, if
29 they're independent of, you know, the overlay district, you
30 know, regulations, then I think we should probably, you know,

1 take a look at those and get those put into the text.

2 There was a lot of good -- I thought there was a lot
3 of good work and text that was written, a lot of deliberation
4 that was done on a lot of those issues. I think we shouldn't
5 just let that just fall on the wayside. I think we should pick
6 up on that and take whatever we can, pick up whatever pieces,
7 you know, are salvageable out of that and --

8 MS. FREEMAN: Right.

9 CHAIRMAN LINGENFELTER: -- get that put into the
10 text. And if something happens and, again, this thing revisits
11 at some point in time down the road or whatever happens, that
12 part will be done. It will be just that much less work we will
13 have to do to get everything squared away.

14 So I think that would be a good idea. I would like
15 to see a list of those regulations that you think are most
16 appropriate that we can get passed, we can get those on the
17 agenda, do a couple quick work sessions just to refresh
18 everybody's memory, maybe a work session, plow through it and
19 then maybe schedule a public hearing for it and get that stuff
20 adopted into the zoning text. Yes? No? Sound like a good
21 idea to you?

22 MS. FREEMAN: Yeah, I mean, if it's the consensus on
23 the Board.

24 MR. MORGAN: Sure.

25 MR. McINTOSH: I think we, obviously, we did a lot of
26 good work on that. And I think, if you kind of go through
27 everything that -- some of the objections and a lot of the
28 stuff we heard from residents, you know, they -- a lot of
29 concern about how we develop. Well, what was lost in the mud
30 of a lot of what we heard was -- you know, there were a lot of

1 things that were in there, you know -- while there was
2 objection to a couple lightening rod points, there was a lot of
3 stuff in there that I think, honestly, people understood it's
4 the kind of thing that's going to keep a lot of chief
5 complaints they had about development and growth in the
6 township that's going to -- it's going to deal with a lot of
7 concerns people have about how, how things come into the
8 township.

9 And agree with Andy. I don't think we want to lose
10 that work because, the overlay district aside, those are
11 important things as far as maintaining continuity and standards
12 within the township. So I think we should absolutely do that.

13 CHAIRMAN LINGENFELTER: Yeah, I think we touched on a
14 lot of really good stuff there, you know. I think we should
15 try to fit that in wherever we can, if it makes sense.

16 MR. PETERSON: I have a question on signs, Heather.
17 About four years ago maybe, Kathy Mitchell put together a
18 little committee to work on sign regulation updates. I think
19 you were with me, weren't -- Frank and I were on that.

20 MS. FREEMAN: Okay.

21 MR. PETERSON: There were a couple other people, we
22 had an outside consultant and we went through all the sign
23 standards and we benchmarked other communities and we put
24 together all new sign standards. I think they made it into our
25 regulations, didn't they?

26 MS. FREEMAN: They are.

27 MR. PETERSON: About four years ago?

28 MS. FREEMAN: Yeah, they are. So they are really,
29 you know, they are -- Like, we have a really good base for the
30 sign regs.

1 MR. PETERSON: Yeah. So we just have to take --

2 MS. FREEMAN: There are just a few areas that we need
3 to pay attention to.

4 MR. PETERSON: Okay.

5 MS. FREEMAN: Specifically like the temporary signs.

6 MR. PETERSON: Right.

7 MS. FREEMAN: If you have to read the sign to know
8 how to regulate it, then it's content based. So if you are
9 calling a sign a real estate sign and you're giving it
10 different regulations than maybe a temporary special event
11 sign, you have to read the face of the sign to know how to
12 regulate it, which will be thrown out, you know. That will be
13 subject to strict scrutiny by the court system.

14 MR. PETERSON: Okay.

15 MS. FREEMAN: Which hardly anything would ever pass
16 that. So we need to be a little bit, you know -- We need to
17 call it a yard sign. And then how many yard signs should one
18 be allowed to have on a particular type of property, and where
19 should it be located? So you can regulate time, place and,
20 like, time, place and manner. Like how many? Where at?

21 MR. McINTOSH: When we finished that work, I think,
22 years ago, then shortly right after we passed it, then the
23 Gilbert decision came down.

24 MS. FREEMAN: Right.

25 MR. McINTOSH: Correct me. I don't remember. But I
26 believe that we kind of said we wanted to just -- Because it
27 became apparent that there were things in our text that were,
28 all of the sudden, we needed to change.

29 MS. FREEMAN: Yeah.

30 MR. McINTOSH: But Sidney mentioned there had been --

1 or you guys both mentioned there had been expanded case law?

2 MS. FREEMAN: There has been some, yeah.

3 MR. McINTOSH: Since then.

4 MS. FREEMAN: Yeah.

5 MR. McINTOSH: I think we were waiting for that to
6 filter down to see before we went ahead and tried to overreact
7 to it and anticipate things that hadn't been determined yet.
8 So you're saying we've had a little mileage on that and there
9 is some direction now?

10 MS. FREEMAN: I think a little bit more. We can look
11 at it to make sure of that, you know. Obviously, we'd work
12 with our legal counsel and we may want to do some kind of
13 outreach to some of -- I think what we see from an enforcement
14 standpoint, some of the businesses in Concord may need or
15 they've been asking for the ability to do a little bit more
16 when it relates to temporary signs. So, right now, we limit it
17 no more than one, no more than 45 days a year. But a lot of
18 the churches, they tend to have a lot more, like, events or
19 festivals where they're, they're asking to put up the sign for
20 longer than the maximum 45 days. They might only want to do
21 one but the time frame might not meet their standards.

22 So we may want to do a little bit of homework, like,
23 gauging what, you know, how much signage, temporary signs like
24 communities, you know, businesses need versus churches and, I
25 mean, the residential. It's not going to be easy to know the
26 number, and especially when it comes up to election time and
27 whether or not we can even touch those, you know.

28 MR. McINTOSH: Okay.

29 MS. FREEMAN: Okay. Do you think we should -- Do you
30 want to maybe work on the stuff we already worked on and look

1 at the Town Hall and maybe wait a little bit on the sign stuff
2 and do that separate? We can, kind of, do that, look into that
3 a little bit more in the background and we're not ready to --
4 We don't need to do everything at once, obviously.

5 CHAIRMAN LINGENFELTER: Yeah.

6 MS. FREEMAN: It's just kind of a hierarchy of
7 things.

8 CHAIRMAN LINGENFELTER: Yeah. Where we have lots of
9 work already done, let's focus on those first, kind of knock
10 those off. And then as we're knocking those off, you can start
11 putting more meat on the bone on some of the other things that
12 are still -- need a little bit of work to be done.

13 MS. FREEMAN: Okay.

14 CHAIRMAN LINGENFELTER: That way, we can kind of
15 knock those off as you're ready to present them to the Board.

16 MS. FREEMAN: Okay.

17 CHAIRMAN LINGENFELTER: And we'll get them, you know,
18 everything squared away.

19 MR. McINTOSH: Is there anything pressing on the Town
20 Hall stuff that you're --

21 MS. FREEMAN: No, no, no. It was just I know I look
22 at the uses and when I talk to residents and people looking at
23 the properties, it seems quite limiting. I don't see the
24 retail and the restaurant happening over here so much --

25 MR. McINTOSH: Right.

26 MS. FREEMAN: -- as a stand-alone use. I mean, it
27 just doesn't get the visibility that the corridor does, the
28 Auburn-Crile. And based on what people are asking to do over
29 there, it sounds like there might be a different use that, you
30 know --

1 MR. McINTOSH: That goes back to early in my days
2 when I started when we did the Town Hall stuff, but it seemed
3 to me that was, kind of, also we were going to put that up and
4 sort of see what happened or didn't happen. So the fact that
5 you're at a crossroads is not a surprise. I think we kind of
6 almost expected that just to --

7 MS. FREEMAN: Right. And from what I understand,
8 too, there were -- there was some additional uses in the Town
9 Hall District that didn't get approved as part of the amendment
10 process.

11 MR. McINTOSH: Right, yeah.

12 MS. FREEMAN: And I haven't gone back to look to see
13 exactly what that was but I will probably do a little bit of
14 research and see originally what we, kind of, what we --

15 MR. McINTOSH: There was a lot of vagueness to it. I
16 know it wasn't real specific. I think we were trying to just
17 be general open door and wait and see what walked up. It
18 sounds like you've had some poking around, so maybe that will
19 help guide some focus.

20 MS. FREEMAN: Yeah, okay.

21 CHAIRMAN LINGENFELTER: Thanks, Heather.

22 MS. FREEMAN: Sure. Thank you.

23 CHAIRMAN LINGENFELTER: So then we will enter into
24 the record the Trustees' Resolution Number 2017-25 that was
25 highlighted by Heather as Number 1 on the agenda as far as the
26 resolution is concerned. So that's, that's a part of the -- We
27 will make that a part of the record.

28 Item Number 2 on the agenda this evening is a
29 correspondence report by Zoning Commission members. Rich,
30 anything to report?

1 MR. PETERSON: Nothing official.

2 CHAIRMAN LINGENFELTER: Gerry?

3 MR. MORGAN: No correspondence.

4 CHAIRMAN LINGENFELTER: Frank?

5 MR. SCHINDLER: Nothing.

6 CHAIRMAN LINGENFELTER: Nothing.

7 MR. McINTOSH: Nothing official.

8 CHAIRMAN LINGENFELTER: Nothing, okay. I got some
9 phone calls, you know. After the, after the zoning meeting we
10 had, I had a couple residents who called and wanted to know why
11 things, kind of, went the way they did and were a little
12 disappointed that we weren't able to get that to go through.
13 They were really hopeful that we could get the, you know, get
14 the resolution that we had in front of us implemented but, you
15 know, it wasn't meant to be. So that was, pretty much, I had
16 just a couple phone calls from a couple residents that were
17 asking what was going on. I had a couple casual, you know,
18 run-intos with a couple of residents and they asked me about
19 what was going on. So that was it for me.

20 Item Number 3 on the agenda is the approval of the
21 minutes of the August 1, 2017, meeting. Take a look at them, a
22 lot of them.

23 MR. McINTOSH: Mr. Chairman, I move that we accept
24 the minutes from August 1st meeting.

25 MR. PETERSON: I'll second.

26 CHAIRMAN LINGENFELTER: The motion is made and
27 seconded. All those in favor say "aye." Opposed say "nay."

28 (Five aye votes, no nay votes.)

29 CHAIRMAN LINGENFELTER: No nays, all ayes, motion
30 carries.

1 Okay. Item Number 4 on the agenda is the next
2 meeting of the Zoning Commission, which would be October 3rd.

3 Heather, do you have anything pressing coming up?

4 MS. FREEMAN: No, there is nothing on the agenda as
5 of yet.

6 CHAIRMAN LINGENFELTER: As of yet, okay.

7 MS. FREEMAN: There shouldn't be any site plan
8 reviews, no.

9 CHAIRMAN LINGENFELTER: It's going to be pretty
10 clear.

11 MS. FREEMAN: What's that?

12 CHAIRMAN LINGENFELTER: It's going to be pretty,
13 pretty clear.

14 MS. FREEMAN: We could have a work session, you know,
15 if you like.

16 CHAIRMAN LINGENFELTER: Yeah. I'd like to take
17 advantage of any free time that we have to get those work
18 sessions under way and get that, those text additions or
19 amendments or whatever, you know, hammered out so we can get
20 that put into the Zoning Resolution. That would be a good
21 idea.

22 MR. SCHINDLER: Mr. Chairman, I have a question.

23 Heather, what you are going to start working on, how
24 much of the public hearing we had that night is going to affect
25 your input? Is there going to be a lot of things, based on the
26 screaming and yelling that was here that night, that you're
27 going to revisit because of, because of what was brought up?

28 MS. FREEMAN: I'm sorry. Well, I think most of the
29 opposition had to do with the Innovative Site/Plan Development
30 Overlay and nothing else.

1 MR. SCHINDLER: Right.

2 MS. FREEMAN: It was almost as if we weren't doing
3 all the other eleven amendments. I don't recall one comment
4 specific other than from the Planning Commission. So, I mean,
5 based on what Andy said, if we could just go back and look at
6 what we worked on that did not include any changes to the
7 Innovative Site/Plan Development or the Capital District -- And
8 that's what you would like us to potentially move forward with,
9 right?

10 MR. SCHINDLER: So if we get this reworked and
11 actually get it into some workable form or is already in a
12 workable form, just get it incorporated, this should address a
13 lot of things that were brought up at that night, that
14 screaming and yelling?

15 MS. FREEMAN: Well, what do you mean?

16 CHAIRMAN LINGENFELTER: I don't think so.

17 MR. MORGAN: I don't think it will address anything.
18 That was addressed by the Trustees --

19 MS. FREEMAN: Sorry.

20 MR. McINTOSH: Yanking.

21 MR. MORGAN: -- yanking, yeah, pulling the amendment,
22 the overlay district. The other, the other issues were, you
23 know, some -- I think you had some parking changes and some
24 setback changes or something, you know. All the other stuff
25 that was dealt with leading up to that, you know, with the
26 overlay, it got kind of melded in with that because we were
27 going through it, just have one public hearing for everything.
28 But there was a lot of other changes, you know, everything
29 other than the overlay.

30 MR. SCHINDLER: Right.

1 MR. MORGAN: I agree. I don't remember hearing
2 anybody speaking in opposition or in favor of any of the other
3 items that were discussed. It was, pretty much, everything
4 with the overlay district and mostly with regards to the, to
5 the residential component of it more than anything.

6 MR. McINTOSH: Right.

7 MR. SCHINDLER: Yeah, big time.

8 MS. FREEMAN: Right. So just to maybe refresh your
9 memory, we had a lot of, you know, in the Definition Section,
10 we had a lot of new definitions that related to the parking.
11 We had some changes to Section 11 that had to do with the
12 zoning permit.

13 MR. SCHINDLER: Right.

14 MS. FREEMAN: The zoning permit section. And then we
15 had the changes under the Conditional Use Section 13 as it
16 related to the waiting space requirements for, like, drive-thru
17 facilities, gas stations, some housekeeping things in the
18 Residential District Section.

19 There was a couple modifications in the existing
20 Section 16 under the PUD. We can go over those a little more
21 detailed if you want. If I recall, you voted no against them.
22 I wasn't sure if there was something in there that you weren't
23 agreeable to. We can talk about that more, you know, next
24 month.

25 And then we will just have to take out some of the
26 things that had to do with the IS/PD and just go with
27 everything else that didn't relate to that.

28 MR. SCHINDLER: Okay.

29 MS. FREEMAN: We will just not do anything with the
30 Capital District or, you know, change the existing IS/PD.

1 We'll go back to all the other amendments that really had
2 nothing to do with that.

3 MR. SCHINDLER: Okay.

4 MS. FREEMAN: Does that help answer your question?

5 MR. SCHINDLER: Yeah, thank you. Thank you for
6 clarifying. Thank you.

7 MS. FREEMAN: Okay.

8 CHAIRMAN LINGENFELTER: Is there anything that
9 anybody on the Commission would like to discuss or any other
10 issues you would like to see on upcoming agendas, anyone? No.
11 Okay. With that, we'll adjourn the meeting.

12 (Whereupon, the meeting was adjourned at 7:26 p.m.)
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STATE OF OHIO)
COUNTY OF CUYAHOGA) CERTIFICATE

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

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

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

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal of office this 26th day of September 2017.

Melinda A. Melton
Registered Professional Reporter

Notary Public within and for the
State of Ohio

My Commission Expires:
February 4, 2018