

CONCORD TOWNSHIP BOARD OF ZONING APPEALS
LAKE COUNTY, OHIO
REGULAR MEETING

Concord Town Hall
7229 Ravenna Road
Concord, Ohio 44077

March 14, 2018
7:00 p.m.

TRANSCRIPT OF PROCEEDINGS

Board of Zoning Appeals members present:

Ivan Valentic, Chairman
Francis Sweeney, Vice Chairman
Blair Hamilton
Chris Jarrell
Brandon Dynes

Also Present:

Heather Freeman, Planning & Zoning Director/Zoning
Inspector
Stephanie Landgraf, Esq., Legal Counsel

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

1 7:03 p.m.

2 CHAIRMAN VALENTIC: Good evening. The Board of
3 Zoning Appeals for March 14, 2018, is now in session. I would
4 like to introduce my Board. To my far left is Skip Sweeney
5 and Brandon Dynes and I am Ivan Valentic. To my right is
6 Chris Jarrell and Blair Hamilton, and to our far right is
7 Heather Freeman, our Zoning Inspector.

8 Tonight, under the advice of counsel, we ask that
9 anyone speaking must be sworn in. If you plan on speaking,
10 please stand and raise your right hand.

11 (Whereupon, the speakers were sworn en masse.)

12 CHAIRMAN VALENTIC: Thank you. Please be seated.
13 When presenting your case or commenting, please come to the
14 microphone and state your name and address for the record.

15 Heather, were the legal notices published in a
16 timely manner?

17 MS. FREEMAN: Yes, it was.

18 CHAIRMAN VALENTIC: All right. Thank you.

19 Tonight we have one variance appeal. A three-vote
20 majority is required to either approve or deny your appeal.
21 If your request is denied, you have the right to file an
22 appeal.

23 First is Variance Number 2018-26, Ms. Denise Polk,
24 Red Architecture and Planning, and Mr. Lance Osborne, Osborne
25 Capital Group, on behalf of the property owner, Lakeland
26 Realty Ltd., are requesting a variance from Section 13.33(E)
27 to allow for outside dining to be seated -- outside dining
28 seating to be 59 percent of the indoor seating capacity, in
29 lieu of the maximum 25, 25 percent permitted, for the
30 restaurant Chipotle located at 7689 Crile Road.

1 Please come up and present your case.

2 MR. SCHUMACHER: Thank you. Good evening,
3 everybody. My name is Brian Schumacher and I am with Osborne
4 Capital Group.

5 CHAIRMAN VALENTIC: Brian, we received -- sorry. We
6 received a letter from Lance that you are, you are authorized
7 to come up and speak tonight.

8 MR. SCHUMACHER: Yes, that's correct.

9 CHAIRMAN VALENTIC: Okay. Thank you.

10 MR. SCHUMACHER: My company is currently develop --
11 developing a retail shopping center with the new Chipotle
12 location opening at 7689 Crile Road in Concord. Per the
13 Concord Township Zoning Resolution, Chipotle is seeking a
14 variance from Section 13.33(E), which states that the outside
15 seating capacity shall not exceed 25 percent of the
16 restaurant's seating capacity indoors.

17 Our layout currently shows 41 indoor seats and 24
18 outdoor seats. There are a few reasons that this request is
19 being made. The patio seating at this restaurant is very
20 important for the convenience of the guests.

21 Also, when weather allows, Chipotle's season
22 increase in revenue and patronage when a sufficient amount of
23 patio seating is provided.

24 Next, the patio seating also creates a much more
25 open and inviting atmosphere and image for the restaurant, as
26 well as the shopping center.

27 And, finally, in order to provide a more comfortable
28 environment inside the restaurant, Chipotle tries to provide
29 ample aisleways and space between seating, which limits the
30 number of interior seats that can fit inside of the

1 restaurant. Being able to supplement with exterior seating is
2 a good way for Chipotle to ensure they are providing ample
3 seats for their patrons while still allowing for an enjoyable
4 experience.

5 Thank you. I'd like to thank you for your time and
6 consideration regarding this variance request.

7 CHAIRMAN VALENTIC: All right, Brian. Really quick
8 for the record, you, you have been sworn in tonight, correct?

9 MR. SCHUMACHER: Correct.

10 CHAIRMAN VALENTIC: Okay. Does anyone on the Board
11 have any questions for Brian?

12 MR. SCHUMACHER: And this is the site plan for your
13 reference and here is the outdoor patio seats.

14 CHAIRMAN VALENTIC: What's going to happen with all
15 the chairs and furniture, you know, in the off season?

16 MR. SCHUMACHER: In the off season?

17 CHAIRMAN VALENTIC: Yeah. Does that stay out there
18 or do you guys put that somewhere?

19 MR. SCHUMACHER: Don't know the answer to that. I
20 would love to follow up. I do know that they have ample
21 seating for the amount of guests that we're requesting and
22 that is the information that I have at this point.

23 MS. JARRELL: Are the chairs and the four-tops, are
24 they in cement? Are the chairs stationary?

25 MR. SCHUMACHER: I haven't, I haven't seen the
26 actual layout of the furniture plan. From what I've, from
27 what I've seen, it's just based on this site plan right
28 here.

29 MR. DYNES: So I guess the question is, it's not
30 like an old school McDonald's where it's all build into the

1 ground and concrete with the tables? It's something that's
2 moveable and can be taken inside and outside, presumably?

3 MR. SCHUMACHER: Yeah, and I haven't seen whether
4 that's bolted in or not. But, you know, this is a newer
5 concept. This one actually has the drive-thru on it as well.
6 And so, again, here is where the outdoor patio seating is
7 located.

8 CHAIRMAN VALENTIC: Go for it.

9 MR. SWEENEY: I have a couple of questions. The
10 drive will be on the same side as the seating, as the outdoor
11 seating?

12 MR. SCHUMACHER: Right here, we've got -- We have
13 spaces right here.

14 MR. SWEENEY: Oh, so you have parking --

15 MR. SCHUMACHER: Yes, there is --

16 MR. SWEENEY: -- blocks there?

17 MR. SCHUMACHER: Right, this is all parking. We
18 have parking over here.

19 MR. SWEENEY: I don't know if it's -- this is
20 similar, a similar layout to the Chipotle on Mentor Avenue. I
21 don't know if it's the same owner.

22 MR. SCHUMACHER: That, I can't speak to.

23 MR. SWEENEY: Have you seen that one?

24 MR. SCHUMACHER: I have not. I am sorry.

25 MR. SWEENEY: I just wanted to get an idea because
26 I've seen that one and I have seen their outdoor seating and I
27 just wondered what that ratio was.

28 MR. SCHUMACHER: Sure.

29 MR. SWEENEY: I have no idea.

30 MR. HAMILTON: So we had already established the

1 area available for the seating previously and this does remain
2 within that area. So I don't know if the number of seats
3 matter as much as the area does but the area is what we
4 already approved.

5 CHAIRMAN VALENTIC: Anyone else? You good? You
6 guys are all good on this end?

7 MR. SWEENEY: Uh-huh.

8 CHAIRMAN VALENTIC: Okay. Thank you. You can be
9 seated.

10 MR. SCHUMACHER: Thank you very much. Appreciate
11 it.

12 CHAIRMAN VALENTIC: Is there anyone else speaking
13 for or against this appeal that would like to come up, anyone?
14 No?

15 MISS JARRELL: I'm not saying anything.

16 CHAIRMAN VALENTIC: All right then.

17 MR. DYNES: Come on, Gracie.

18 CHAIRMAN VALENTIC: The variance appeal for -- is
19 now closed to the public. I'll entertain a motion to approve
20 Variance Number 2018-26.

21 MS. JARRELL: So moved.

22 MR. DYNES: Second.

23 CHAIRMAN VALENTIC: Second. Discussion open to the
24 Board. I don't have anything. Pretty cut and dry, in my
25 eyes.

26 MS. JARRELL: Seems pretty cut and dry, yes.

27 CHAIRMAN VALENTIC: Okay.

28 MR. SWEENEY: What's the reason for the 25 percent
29 limit?

30 MR. DYNES: I don't know. The Zoning Commission --

1 MR. SWEENEY: Does anybody know?

2 MS. JARRELL: Heather?

3 MR. SWEENEY: Huh?

4 MR. DYNES: That's a question for the Zoning
5 Commission.

6 CHAIRMAN VALENTIC: Save that --

7 MR. SWEENEY: I just want to know how they arrived
8 at that.

9 CHAIRMAN VALENTIC: We can, we can take that offline
10 and talk that through after the meeting.

11 MR. SWEENEY: Just curious.

12 CHAIRMAN VALENTIC: Okay. All right. The question
13 is on the approval of Variance Number 2018-26. A yes vote
14 approves the variance, a no vote denies the variance.
15 Heather, please call the vote.

16 MS. LANDGRAF: I am sorry. Mr. Chairman, can we
17 just read in what the variance is instead of just the
18 application number?

19 CHAIRMAN VALENTIC: Sure.

20 MS. LANDGRAF: For the record. I am sorry.

21 CHAIRMAN VALENTIC: Not a problem. The Variance
22 Appeal Number 2018-26, Ms. Denise Polk, Red Architecture and
23 Planning, and Mr. Lance Osborne, Osborne Capital Group, on
24 behalf of the property owner, Lakeland Realty Ltd., are
25 requesting a variance from Section 13.33(E) to allow for
26 outside dining, outside dining seating to be 59 percent of the
27 indoor seating capacity, in lieu of the maximum 25 percent
28 permitted, in the restaurant Chipotle located at 7689 Crile.

29 A vote, a yes vote approves the variance, a no vote
30 denies it. Heather, please call the vote.

1 MS. FREEMAN: Ms. Jarrell?

2 MS. JARRELL: Yes.

3 MS. FREEMAN: Mr. Dynes?

4 MR. DYNES: Yes.

5 MS. FREEMAN: Mr. Sweeney?

6 MR. SWEENEY: Yes.

7 MS. FREEMAN: Mr. Hamilton?

8 MR. HAMILTON: Yes.

9 MS. FREEMAN: Mr. Valentic?

10 CHAIRMAN VALENTIC: Yes. Congratulations. Your
11 variance has been approved.

12 MR. SCHUMACHER: Thank you.

13 CHAIRMAN VALENTIC: Next on the agenda is approval
14 of minutes. I call for a motion to approve the minutes from
15 February 14, 2018.

16 MR. DYNES: So moved.

17 MS. JARRELL: Second.

18 CHAIRMAN VALENTIC: Is there any discussion
19 regarding the minutes, additions, deletions, anything? Down
20 here, no one else has anything?

21 MR. HAMILTON: No.

22 CHAIRMAN VALENTIC: All right. The question is on
23 the approval of minutes from February 14, 2018. A yes vote
24 approves the minutes, a no vote does not. All in favor of
25 approving the minutes as written say yes.

26 (Five aye votes, no nay votes.)

27 CHAIRMAN VALENTIC: Okay. The minutes have been
28 approved for February 14, 2018.

29 Our next meeting for the Board of Zoning Appeals is
30 April 11, 2018. The Concord Township BZA meeting for

1 March 14, 2018, is now closed.

2 (Whereupon, the meeting was adjourned at 7:12 p.m.)

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STATE OF OHIO)
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COUNTY OF CUYAHOGA)

CERTIFICATE

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

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

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

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal of office this 24th day of March 2018.

Melinda A. Melton
Registered Professional Reporter

Notary Public within and for the
State of Ohio

My Commission Expires:
February 4, 2023