

CONCORD TOWNSHIP ZONING COMMISSION
LAKE COUNTY, OHIO
REGULAR MEETING and PUBLIC HEARING

Concord Town Hall
7229 Ravenna Road
Concord, Ohio 44077

January 2, 2017
7:00 p.m.

TRANSCRIPT OF PROCEEDINGS

Zoning Commission members present:

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

Also Present:

Heather Freeman, Planning & Zoning Director/Zoning
Inspector

Stephanie Landgraf, Esq., Legal Counsel

Melton Reporting
11668 Girdled Road
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1 7:05 p.m.

2 CHAIRMAN LINGENFELTER: Good evening, everyone. I
3 would like to call this Concord Township Zoning Commission
4 meeting for Tuesday, January 2nd to order. We have a public
5 hearing scheduled for today, as well as a zoning amendment
6 application. What we'll do is we'll get the -- we'll follow
7 the agenda this evening.

8 The first item on the agenda is the zoning amendment
9 application. We are going to look at accepting the Zoning
10 Amendment Application Number 1217-1 by Vincent Yurak,
11 requesting to rezone two acres of land at 11473 Concord-
12 Hambden Road and being current Permanent Parcel Number
13 08-A-014-0-00-011-0, from THN Town Hall Neighborhood District
14 to R-1 Residential District. And then we are to schedule a
15 public hearing.

16 Okay. Is the applicant here or no?

17 MS. FREEMAN: No.

18 CHAIRMAN LINGENFELTER: No, okay. I didn't think so
19 since there is nobody here but I thought I'd ask.

20 Is there anything we need to know about this
21 application, Heather, anything in particular you would like to
22 give us any information on or is it pretty straightforward?

23 MS. FREEMAN: No. The applicant had inquired as to
24 what the zoning was on the parcel and asked about Zoning Map
25 amendment procedure a few months back, so I sent him
26 information on that. And then on December 19th, he filed the
27 Zoning Map amendment application with our office, which is why
28 it's being presented to you this evening. In order to follow
29 the Ohio Revised Code, you must have a public hearing within
30 20 to 40 days of receipt of the application.

1 So based on that, it appears we are going to have to
2 have a special meeting outside of our normal first Tuesday of
3 the month, so we were looking at January 23rd, after looking
4 at everybody's schedules.

5 CHAIRMAN LINGENFELTER: Anybody have any comments on
6 the Commission on this?

7 MR. SCHINDLER: No, Mr. Chairman.

8 CHAIRMAN LINGENFELTER: Questions, comments? All
9 right. Well, then I will --

10 MR. MORGAN: I do have one, Mr. Chairman. Just out
11 of curiosity on this, is there any issue with what it looks
12 like, on the map, as that parcel will be a residential zoned
13 parcel kind of landlocked -- I don't want to say "landlocked"
14 because, really, "landlocked" is not the right term but within
15 the middle of the Town Hall Neighborhood and adjacent to the
16 Town Hall Commons. It is not adjacent to any of the other
17 residential -- unless I am not reading the colored map
18 correctly. It's not, it looks --

19 MR. McINTOSH: It's not adjacent to any other
20 residential.

21 MR. MORGAN: It's not adjacent to any other
22 residential. It will be right in the middle of the Town Hall.
23 Is there any issue or concern with that?

24 CHAIRMAN LINGENFELTER: Well, I think we can bring
25 -- I think those are issues we can discuss at the public
26 hearing. You know, I think that's a good, a good point and
27 something I think we should bring up in the public hearing and
28 then deliberate that. That certainly is a concern, so we need
29 to take a look at that when we have the public hearing. So --

30 MR. MORGAN: Yeah. I'm not opposed to having the

1 public hearing. It was just a question I had when I was
2 looking at it. It was like --

3 CHAIRMAN LINGENFELTER: Right, yes.

4 MR. MORGAN: I usually don't like zoning to be one
5 little, one little lot right in the middle of, you know, a
6 much larger zoned area.

7 CHAIRMAN LINGENFELTER: Well, that will be
8 Mr. Yurak's job to convince us otherwise.

9 MR. MORGAN: Yeah.

10 MR. McINTOSH: My question is, for the applicant, is
11 what's the motivation? What's his interest or concern?

12 CHAIRMAN LINGENFELTER: Right.

13 MS. FREEMAN: Yeah, the purpose -- Excuse me
14 Mr. Chairman. Obviously, as you know, the purpose tonight is
15 just to schedule the public hearing. We will get into all the
16 details, any questions and have the testimony from the
17 applicant during the hearing.

18 CHAIRMAN LINGENFELTER: I will entertain a motion
19 to, in the affirmative, to accept the zoning amendment
20 application.

21 MR. PETERSON: So moved.

22 CHAIRMAN LINGENFELTER: I have a motion made.

23 MS. LANDGRAF: I am sorry. You might want to
24 include, accept it and set it for a hearing.

25 MR. PETERSON: Oh, okay. I make a motion to accept
26 the Zoning Amendment Application Number 1217-1 for a public
27 hearing on January 23rd.

28 CHAIRMAN LINGENFELTER: May I have a second?

29 MR. McINTOSH: I second.

30 CHAIRMAN LINGENFELTER: Motion made and seconded.

1 All those in favor say "aye." Opposed?

2 (Five aye votes, no nay votes.)

3 CHAIRMAN LINGENFELTER: Let the record reflect there
4 are none opposed. Motion carries. We will have the public
5 hearing on the 23rd, right, Heather?

6 MS. FREEMAN: Yes.

7 CHAIRMAN LINGENFELTER: From the 16th that's on the
8 -- versus the 16th that's on the agenda.

9 MS. FREEMAN: I revised the agenda.

10 CHAIRMAN LINGENFELTER: The updated agenda, yes,
11 it's right here underneath all this stuff here.

12 I'll just -- You know, Stephanie gave me a bogus
13 package.

14 MS. LANDGRAF: I am sorry. You can't trust a
15 lawyer, right?

16 CHAIRMAN LINGENFELTER: Never, ever.

17 All right. That's Item Number 1 on the agenda.

18 Okay. Item Number 2 on the agenda is a public
19 hearing for the following text amendments, and they are listed
20 in the -- on the agenda. I am not going to read through all
21 these. We will kind of tackle each one as we get to it but
22 there is -- We have approximately or exactly 11 text
23 amendments that we are going to review.

24 And, Stephanie, on the -- With regards to the
25 procedure, do we vote on each amendment when we vote on --

26 MS. LANDGRAF: You will open the public hearing for
27 all 11.

28 CHAIRMAN LINGENFELTER: Right.

29 MS. LANDGRAF: And then there will have to be a
30 motion for each individual amendment because they're different

1 chapters.

2 CHAIRMAN LINGENFELTER: Right. So what we will do,
3 so the Board understands, we will have a public hearing for
4 all of these text amendments and, hopefully, we'll get through
5 them all. And then as we deliberate each amendment, we will
6 then have a roll call vote on the acceptance of that amendment
7 and we will move to next amendment. This will be a single
8 public hearing that will cover all 11 of these text
9 amendments.

10 So if we don't get through this, just for
11 everybody's information, if we don't get through this this
12 evening, we'll, you know, just do a continuation of the public
13 hearing until we can get through it. But since there is
14 nobody here and it doesn't look like there is going to be much
15 public input on this, I would think we should probably be able
16 to get through this, you know, this evening.

17 So, Heather, do you want to give us any information
18 on text Amendment Number 1?

19 MS. FREEMAN: Sure. So you all received in your
20 packet the correspondence from Lake County Planning Commission
21 in regards to their recommendation on the amendment. They
22 held a meeting on December 19, 2017, on the proposed text
23 changes and the Lake County Planning Commission recommended
24 that the text amendments be made with the following changes,
25 and then they went through each of the 11 sections. Some of
26 them they were recommending approve as submitted and others
27 they had some recommendations for your consideration this
28 evening.

29 So I am more than happy just to kind of walk you
30 through those and give you staff's input on whether we should

1 consider or not consider adopting those changes and you can
2 have discussion on them, so I will just kind of walk through
3 here.

4 If you look at Section 5, Definitions, their first
5 point was to change all references to "cul de sac" to "cul-de-
6 sac" with hyphens. Currently as we have it listed in here, it
7 does not have hyphens. If you turn to page 5.21, actually,
8 see where this is, where they're referring to. So under
9 Street Types, which is Definition 187, and Subsection a, we
10 reference "cul de sac," and also in Subsection e and f.

11 So that would be fine. We could go ahead and make
12 that change with the hyphens, if you agree they should be
13 there.

14 CHAIRMAN LINGENFELTER: Okay.

15 MS. FREEMAN: Is there a consensus from the Board,
16 if you were going to vote on that tonight, that we should make
17 that amendment or are we going to wait until the end?

18 CHAIRMAN LINGENFELTER: What's that?

19 MS. LANDGRAF: We can't vote in public hearing.
20 They can't indicate.

21 CHAIRMAN LINGENFELTER: Oh, okay. They can't
22 indicate, okay. All right.

23 The next point they indicated, "Determine how many
24 gallons of distill beverage you want created on site." And,
25 for this, I think they're referring to our microdistillery
26 definition which is found on page 5.15.

27 CHAIRMAN LINGENFELTER: Right.

28 MS. FREEMAN: And that is Definition Number 126. We
29 do already set forth in the definition a maximum brewing
30 capacity of 8,000 gallons per year.

1 CHAIRMAN LINGENFELTER: Right.

2 MS. FREEMAN: So I don't think we really need to
3 make any changes based on that.

4 CHAIRMAN LINGENFELTER: I agree.

5 MS. FREEMAN: And then moving forward in the
6 Definitions section, the next bullet point was to delete
7 "unless approved -- approval has been granted for a shared
8 driveway in which case the driveway may serve multiple uses"
9 from the definition of "driveway." This is on page 5.6. They
10 continue to state, the language is unnecessary because you --
11 because we're adopting a separate definition for "shared
12 driveway." I think it's -- Staff believes it's fine to leave
13 it how it is and that we really shouldn't make a change there.

14 Also, the next point was to revise the "parking
15 area" definition, and this is found on page 5.16, at the
16 bottom of page 5.16, the last definition, Number 145, parking
17 area. They are suggesting that we change -- that the parking
18 area should state "any improved ground surface area" rather
19 than "any paved ground surface area" because we do allow
20 gravel as a choice of surface in the residential districts.
21 So like in the R-1, if you're typically not in the
22 subdivision, you have the choice to do a gravel driveway or an
23 asphalt or a concrete driveway. So I do agree that we should
24 consider changing "paved" to the word "improved" in that
25 definition of "parking area."

26 The next one had to do with the definition of
27 "private street," which is found on page 5.20. The Planning
28 Commission stated that, in "Street, Private," that we should
29 delete "or accepted by Concord Township Board of Trustees
30 and/or is not maintained by the Township." This is because

1 the Township Trustees do not accept roads, per the ORC, and
2 other government entities, such as the county and state,
3 maintain roads. The definition describes what private is
4 without the language that is suggested to be removed.

5 So, basically, if we modify "Street, Private" to "A
6 right-of-way that has not been dedicated for public use,"
7 period, and then strike the remainder of the text, the thought
8 was that that would be an adequate definition. That would be
9 an acceptable change if you wanted to go ahead and do that.

10 CHAIRMAN LINGENFELTER: So we're going to basically
11 then, at the end of "public use," we are going to put a period
12 there?

13 MS. FREEMAN: That's what we are suggesting.

14 CHAIRMAN LINGENFELTER: And then strike "or accepted
15 by," everything after that?

16 MS. FREEMAN: Yes.

17 CHAIRMAN LINGENFELTER: Okay, okay. And you're okay
18 with that?

19 MS. FREEMAN: I would, I would recommend that.
20 That's fine.

21 CHAIRMAN LINGENFELTER: All right.

22 MS. FREEMAN: The next one was use the term "site"
23 instead of "properties" in the definition of "Street, Public,"
24 also "cul-de-sac" and "new street," because "properties"
25 implies real estate, fee simple or condominium, and driveway
26 can be used to access apartment or multiple stories. This is
27 on page 5.20. Oh, yeah, this is for public street, which is
28 also on that same page.

29 CHAIRMAN LINGENFELTER: Is that on page 5.20?

30 MS. FREEMAN: Right.

1 CHAIRMAN LINGENFELTER: 186?

2 MS. FREEMAN: Yeah, 5.20, and then it also carries
3 over to the next definition. However, I think we're fine
4 leaving "properties" and changing it to "site" really isn't
5 necessary.

6 CHAIRMAN LINGENFELTER: Okay. So we will nix that
7 one.

8 MS. FREEMAN: It would be my opinion that we don't
9 need to make that change.

10 CHAIRMAN LINGENFELTER: Okay.

11 MS. FREEMAN: The last bullet point under the
12 Definitions section, they state that wine making is considered
13 an agricultural use under certain conditions and that Madison
14 Township defines "wine making" as a permitted use, winery, and
15 as an exempt agricultural use, viticulture. They're
16 suggesting that we look at the definition of viti -- or
17 Madison Township's definition of "viticulture" for exempted
18 agricultural uses and we may want to add that to our
19 definition. They define it as the agricultural practice of
20 growing grapes, vines, grapevines and grapes. This includes
21 making and selling of wine as per the Ohio Revised Code
22 519.21(A) and the production of other grape-related products,
23 including but not limited to jam, jelly, vinegar, oil and
24 juice.

25 And this has to be in reference to our new
26 definition of "urban winery." But I know, in our definition
27 of "urban winery," we're specifically stating that the grapes
28 or the juice that's used to create the wine is solely coming
29 off site. So what we're regulating is not an agricultural
30 use. We are regulating something that's -- is something that

1 we are permitted to regulate. So I don't think, at this time,
2 we need to include it.

3 CHAIRMAN LINGENFELTER: I don't see any reason why
4 we would include it. We don't have any real property
5 available in that general district to be able to have, you
6 know, to have grapevines or fields or grapevines in them
7 anyway. I doubt that -- You know, our interest isn't in
8 attracting somebody to build a vinyard.

9 MS. FREEMAN: Right.

10 CHAIRMAN LINGENFELTER: Our interest is trying to
11 attract somebody, you know, to bring in a business, an urban
12 winery. So I don't see, I don't even see how this is
13 pertinent to what we're doing, so I agree. I don't think -- I
14 think we've got our -- we've got the definition, I think,
15 covered with regards to what, I think, where we want to be
16 with that.

17 MS. FREEMAN: Okay. And then moving along under
18 Section 11, the Zoning Permit section, they had three
19 recommended changes. The first one, if you refer to
20 page 11.4, they're stating that we need to add references to
21 the Trustee Resolutions 1972-21 and 1976-11.

22 CHAIRMAN LINGENFELTER: Okay. Heather, excuse me.

23 MS. FREEMAN: Yes.

24 CHAIRMAN LINGENFELTER: Now, do you want to -- Now
25 we're moving on to Amendment Number 2 at this point, correct?

26 MS. FREEMAN: Right. But we're still in public
27 hearing. So before we can vote on anything, we will close the
28 public hearing and then the Commission can vote on each one.
29 Right?

30 MR. SCHINDLER: Yes.

1 MR. McINTOSH: Yeah.

2 MS. LANDGRAF: That's fine, as long as you leave the
3 public hearing open for all 11 and then your comments will be
4 addressed to each individual section, correct? Right? So
5 your first comments were addressed to the Definitions section.
6 Your next one is concerning the next text amendment.

7 MS. FREEMAN: Well, can they vote? Can they vote on
8 the Amendment 1?

9 MS. LANDGRAF: No. You will have to wait until the
10 public hearing is closed for all of them.

11 CHAIRMAN LINGENFELTER: Right. So we're just --
12 Okay. I just wanted to make sure procedurally.

13 MS. FREEMAN: Yeah.

14 CHAIRMAN LINGENFELTER: Because now that we have
15 discussed the recommendation for Amendment Number 1, so then I
16 would assume then, Stephanie, that we would like to --

17 MS. LANDGRAF: If anybody has anything to say in
18 opposition.

19 CHAIRMAN LINGENFELTER: Right. And then what we
20 would do is we would accept the amendment as amended or with
21 the changes recommended by the Lake County Planning
22 Commission?

23 MS. LANDGRAF: Not until after the public hearing is
24 closed.

25 CHAIRMAN LINGENFELTER: Right. But I am saying when
26 we are ready to do that, then we would incorporate each change.

27 MS. LANDGRAF: Right. So after the public hearing
28 is closed for everything, there would be a motion to accept --

29 CHAIRMAN LINGENFELTER: Right.

30 MS. LANDGRAF: -- with the revisions made by the

1 Planning Commission and as recommended by staff to amend that
2 chapter.

3 CHAIRMAN LINGENFELTER: Right.

4 MS. LANDGRAF: Or that text section.

5 CHAIRMAN LINGENFELTER: Okay.

6 MS. LANDGRAF: And then you would vote on 1 and then
7 you would do the same thing for next one.

8 CHAIRMAN LINGENFELTER: Right. Okay. It makes
9 sense. All right.

10 MS. FREEMAN: Excuse me, Mr. Chairman.

11 Stephanie, would they have to specify which --

12 MR. MORGAN: Which ones we're accepting?

13 MS. FREEMAN: -- which amendments you're accepting
14 from --

15 MS. LANDGRAF: Yes.

16 MR. SCHINDLER: Which changes because some of them
17 are not --

18 MS. FREEMAN: Okay. So when it comes to Number 1 or
19 4 or whatever it is --

20 MS. LANDGRAF: Yes.

21 MR. SCHINDLER: Because some of them we're not
22 accepting.

23 CHAIRMAN LINGENFELTER: Well, I have -- Okay. So on
24 Section 5, Definitions, I have bullet point 1 -- 2, 3, 4 -- 5
25 and 6 as being accepted in and the other ones we're not, based
26 on your recommendation. Is that correct?

27 MR. SCHINDLER: Right.

28 MS. FREEMAN: That's what I was recommending but you
29 guys, obviously, can have your discussion after, you know, and
30 make your decision.

1 CHAIRMAN LINGENFELTER: Right. But your
2 recommendation is 1, 5 and 6, so three out of those. Okay.

3 So let's move on to the next one.

4 MS. FREEMAN: Okay. So Section 11, this was
5 something that, on page 11.4, if you are looking in all that
6 redline text like right in the middle of the page under
7 Section 11.05, there was a reference that was previously in
8 here that referred to some previous resolutions that were
9 passed by the Board of Trustees and the need for preparation
10 of a registered engineer or surveyor in certain cases when
11 filing for a zoning permit application.

12 These were, these were taken out when we kind of
13 redid the section of the, of the Resolution and the Planning
14 Commission is recommending that we put back in these Trustee
15 resolutions because they still are in effect. They may be
16 antiquated but they haven't been rescinded by, by the
17 Trustees. So I do agree that, yes, we should include back in
18 these references to these two resolutions.

19 I did pull these for my own, you know, for our --
20 and I have copies of them if you are interested in looking at
21 them. But the one is basically talking about, when there is a
22 new subdivision and you're building on a new single-family
23 lot, that a site plan has to be submitted to the township that
24 shows a grading plan. And then upon the house being
25 constructed, an as-built grading plan has to be presented to
26 the township for their approval, who then lets the county
27 Building Department know that we received it and then they can
28 give them their certificate of occupancy. It is not exactly
29 how we do things but it's still a valid resolution.

30 The other one had to do with requiring a drainage

1 plan to be submitted for any zoning permit that we required
2 for a new, for a new house and that would show the grading of
3 the lot and within 100 feet of the lot.

4 So that's the gist of what those resolutions state.
5 I have copies of them if you want to read them. But I would
6 suggest we just put it back in there because they still are
7 active resolutions. Does anybody want a copy now or I can
8 give them to you later.

9 Okay. Moving on in that section, Number 2, this
10 is, the Planning Commission is recommending that we change
11 Section 11.04 C, Step 3, from "Decision" to "Township Action."
12 And this is found on page 11.2, it's at the bottom of the page
13 there, you will see 11.04 C, Step 3. We titled it as
14 "Decision." They're recommending that we change it to
15 "Township Action."

16 I am fine either way. It can stay or it can change.
17 They're saying that it's because Step 3 is the action that the
18 Zoning Commission takes or that the -- It should say "Zoning
19 Inspector" but they wrote "Zoning Commission." So I am fine.
20 Either we can leave it as "Decision" or take the
21 recommendation and change it to "Township Action."

22 Similar comment on the next one under Section 11.05,
23 under "Review -- "Review Criteria." They're suggesting that
24 we change that wording to state "conformity to the Zoning
25 Resolution" because the two items listed under 11.05 relate to
26 requiring someone to conform to the zoning, that they are not
27 items that can be reviewed and judged. I have the same
28 feeling on that. We could change it to that as they suggested
29 or we can leave it. There weren't really any other comments
30 on that section.

1 Text Amendment Section 13 under Conditional Uses,
2 they suggest that we add minimum parking standards for outdoor
3 dining. Patios and the outdoor decks are being used year-
4 round. They're increasing the seating capacity of the
5 facility. A standard should be created in order to make sure
6 that all restaurants are judged the same and there is enough
7 parking for the facility.

8 So if you recall, if you look at page 13.27, I know
9 we talked about this several times and we were back and forth
10 on whether or not we should include in a standard or, you
11 know, how we would do that, and what we ended up putting in
12 here was that the applicant shall demonstrate that there is
13 adequate parking available for any outside dining area.

14 I do agree that it would be easier and that every
15 applicant would be treated more fairly if there was a standard
16 in there other than leaving it kind of open to this. It might
17 make it a little bit difficult for BZA when granting
18 conditional uses if we leave it vague like this. And I know,
19 most recently, we've had a lot of outdoor dining with the new
20 Burgers 2 Beer. They have quite a large patio that we don't
21 know what's going to happen with the parking situation. They
22 don't have additional parking for that. They have the minimum
23 based on what the restaurant useable floor area is. I feel
24 like that, that type of outdoor dining area is probably going
25 to generate more parking.

26 MR. PETERSON: Is there a common standard that could
27 be adapted that everyone uses?

28 MS. FREEMAN: Not really. I mean, a lot of -- We
29 did a lot, we did a lot of research on this before and some
30 use the same calculation that they use for the inside portion

1 of the restaurant. Some use like a reduced rate from what
2 they require from the inside seat, you know, of the
3 restaurant. So for table service restaurants in Concord, we
4 require one parking space per every 75 square feet of useable
5 floor area, plus some additional parking based on the number
6 of employees.

7 If we turn to page 29.8 in the parking tally, let's
8 see what that was. So it's 75 square feet of useable floor
9 area, plus one space for every employee on that shift, plus an
10 additional ten spaces, and that's for the indoor.

11 MR. SCHINDLER: What have we got over in Concord
12 Plaza now that they've put outside seating, you know, like
13 right in the parking area?

14 MS. FREEMAN: Yeah. I mean, that was all before
15 this was a conditional use. Like Spats and --

16 MR. SCHINDLER: So that's grandfathered.

17 MS. FREEMAN: All that's grandfathered in. I know
18 parking over there gets a little hectic.

19 MR. SCHINDLER: Yeah, big time.

20 MS. FREEMAN: I don't know what the overall numbers
21 are for the facility. I am not sure how much additional
22 increase in parking.

23 MR. McINTOSH: Well, what's the thought process on
24 going with the reduced for the outdoor versus using the same
25 as the indoor?

26 MS. FREEMAN: Well, I think we had that debate. Is
27 it a trade-off? Like, during the summertime months, are you
28 really going to get more people there or are they just going
29 to sit outside versus inside?

30 MR. MORGAN: True.

1 MR. McINTOSH: Because I think if you use -- So
2 driving by and looking at the parking lot out front of Burgers
3 2 Beer now, because it's the hot spot in the Concord for the
4 time, at least, for now --

5 MS. FREEMAN: Yeah.

6 MR. McINTOSH: That parking lot is pretty full and
7 there is not a lot of other business in that plaza yet.

8 MS. FREEMAN: I know.

9 MR. McINTOSH: And I will use as another example of
10 the Redhawk during season. That parking lot can be pretty
11 full on a Friday or Saturday night during the wintertime but I
12 don't think -- Now, their patio is quite large. It's probably
13 more space outside than maybe indoor. I don't know, hard to
14 tell. But that doesn't seem to affect -- There is no dropoff
15 of like, well, inside versus outside at the Redhawk. They
16 maintain consistency during the season. I mean, go in there
17 on a busy Saturday or Sunday night. I mean, good luck finding
18 a spot. It's pretty bad.

19 So I would suggest that I don't know why we would
20 go -- I don't know. I have a hard time thinking we'd go
21 easier on a place at this point considering that we seem to
22 have parking problems more than we don't have parking
23 problems. But I agree that some standard is probably not a
24 bad idea because, as I am reading that and I am thinking
25 someone is coming in and talking to us, "shall demonstrate,"
26 to what?

27 MS. FREEMAN: Yeah.

28 MR. McINTOSH: I mean, so one person is going to
29 come in and say one thing and then, a year later, someone else
30 will come up with something different and we're satisfied one

1 time and then not another? That is confusing.

2 MS. FREEMAN: Well, and --

3 MR. MORGAN: I was going to say, if I remember
4 correctly, we did go back and forth discussing this because of
5 this issue was we didn't want to require the same amount as
6 inside because it was only used --

7 MR. McINTOSH: Right.

8 MR. MORGAN: -- you know, six months maximum out of
9 the year. But I think that's where we kind of came to that
10 conclusion of saying, well, let's say put it up to the
11 property owner to show that their provided spaces are enough.

12 MR. McINTOSH: Right.

13 MR. MORGAN: If they're going to cover it. If I
14 remember correctly, it's been probably a year since we started
15 discussing that.

16 MS. FREEMAN: Right.

17 MR. MORGAN: But my recollection was that we didn't,
18 I know, we didn't want to do the same amount as inside because
19 it was going to, you know, it was only going to be a certain
20 portion of the year. But there was the discussion of whether
21 it would be -- was the internal flow just going to be external
22 during the summer months --

23 MR. McINTOSH: Right. Well, I think the other thing
24 you get into --

25 MR. MORGAN: -- where they're going to be doubling
26 their capacity?

27 MR. McINTOSH: I think when Mr. Osborne was in here
28 and we were chatting about the Crile Crossing property, there
29 was some conversation about how many restaurants, you know.
30 There was the whole conversation about more of it turned over

1 to dining than he was planning and he didn't have enough
2 spaces to cover based on the internal conversation.

3 MS. FREEMAN: Right.

4 MR. McINTOSH: And we told him that if he was going
5 to have that many, he was going to have to come back and
6 basically create parking spaces before he could have that.

7 MS. FREEMAN: Yeah.

8 MR. McINTOSH: So that didn't even address -- That's
9 the potential of it.

10 The other side of it is a developer comes in and
11 what do they necessarily know about the seasonal activity
12 of -- I mean, they're building a property, building a
13 structure, and the tenant is coming in to use that space, you
14 know. The tenant is going to have a better feel for what that
15 fluctuation is and, again, it can vary. You could see, you
16 can see, in Burgers 2 Beer, you could see a situation where,
17 yeah, maybe people are sitting outside more than not. But,
18 like you said in the case of the Redhawk, seasonality makes
19 their parking demands go up.

20 MR. PETERSON: And, also, what affects places like
21 the Redhawk, they have space there for reunions, wedding
22 receptions, and they have live entertainment.

23 MR. McINTOSH: Right.

24 MR. PETERSON: So that really draws the people in to
25 the outdoor seating.

26 MR. McINTOSH: Yep.

27 CHAIRMAN LINGENFELTER: The problem I, the problem I
28 see with that is that, I mean, take a look at Walmart down in
29 Chardon. Okay? There is a Walmart. In the summertime, they
30 have that gigantic parking lot, right, gigantic. In the

1 summertime, how much of that parking lot is used? A fraction,
2 right? The vast majority of it is open space.

3 MR. MORGAN: Right.

4 CHAIRMAN LINGENFELTER: Correct? Christmastime,
5 from Thanksgiving on, good luck finding a parking space in
6 that gigantic parking lot. But it's seasonal. In the
7 meantime, you've got all that impervious surface, you've got
8 all that potential for runoff, you've got all that space
9 that's being -- that's paved over that really doesn't have any
10 value other than a perceived need which could be seasonal.

11 I would, I would think it would be a shame to kind
12 of require somebody to create a bunch of parking spaces that
13 they think they need when you really don't know. And here is
14 the, here is the rub for them. I mean, if they don't have
15 enough parking then people are going to go somewhere else,
16 right?

17 MR. PETERSON: True.

18 CHAIRMAN LINGENFELTER: So they go, you know. If
19 you were the only restaurant in Concord then I could see the
20 point, but you've got the Redhawk, you've got Pub Frato,
21 you've got right down the row. I mean, if I go to Redhawk and
22 there's no parking spaces and I'm really burning to go out to
23 dinner or have a drink, I will just go down the road somewhere
24 else and find a place that does have a place to park and I'll
25 park there and I will give my business there. So do you
26 really want to get into -- To me, that is an, is an odd issue
27 to start dictating.

28 MR. MORGAN: I think that's something you have with
29 everyone to determine parking.

30 MR. McINTOSH: I don't agree. I don't agree with

1 that in the sense that -- I mean, I see what you are saying
2 and part of me, I agree with the whole free market. Like,
3 yeah, fine, so business is going to flow wherever.

4 That said, you know, the last time we were talking
5 about these amendments at a public hearing, we weren't really
6 debating these amendments as such but some of us made a point
7 that we are taking the diligence with this text to help manage
8 the development in the township to avoid a lot of objection
9 for further development. We just got through an election
10 where everybody was belly-aching about developing Concord and
11 all the collateral problems with that.

12 We are sitting here in front of an issue that you
13 know the township is going to be held accountable to it or
14 people are going to call the Zoning Office and complain about
15 why this place doesn't have parking, you know. Whether the
16 tenant or the property or the developer are in that whole,
17 "Fine. We are just maxed out, send you on down the road," we
18 know this is still something people come back to the township
19 with questions about.

20 CHAIRMAN LINGENFELTER: But if --

21 MR. McINTOSH: So I think it behooves us to have
22 some level. Now, whether we go -- I see what you are saying
23 with Walmart but, you know, in that case that's an example,
24 but we already know we have a parking problem with restaurants
25 in this township.

26 MR. PETERSON: But it still could be reviewed case
27 by case when they come in and apply. They know they're going
28 to have 20 outside tables or whatever it is. They know
29 they're going to have live entertainment or not. They know
30 we're going to have a big gathering area or not. Each case is

1 a little bit different, so we could manage that.

2 MR. McINTOSH: Correct. But when a developer comes
3 in like Mr. Osborne --

4 MR. PETERSON: Right.

5 MR. McINTOSH: -- how in touch is he with the flow
6 of the various tenants when he is putting that property up,
7 not to mention that we can design and build property or he can
8 design and build property and we can approve it, two years
9 later a new tenant moves in? What is the -- So I go back to
10 what Heather's point is to not have some measure.

11 Now, whether it needs to be as tight or specific as
12 but maybe there is some kind of a way we can figure for, at
13 least, a minimum allowance that says you've got to do this
14 beyond "shall demonstrate that it's adequate." Because we
15 don't -- What is adequate? I mean, we don't have a definition
16 for what adequate is. How do we --

17 CHAIRMAN LINGENFELTER: We but we do have, we do
18 have a means of calculating a restaurant space and the number
19 of potential tables with parking, correct?

20 MS. FREEMAN: For the inside?

21 CHAIRMAN LINGENFELTER: Yeah, for inside dining.

22 MR. PETERSON: For known commodities, but to
23 Morgan's point --

24 MS. FREEMAN: Right, and that's based on the useable
25 square footage inside.

26 CHAIRMAN LINGENFELTER: Right.

27 MS. FREEMAN: I would be leaning towards coming up
28 with some figure because if you look at how, like, Crile
29 Crossing, they built the bare minimum parking spots because
30 they wanted to maximize their building footprints. The

1 Discount Drug Mart site, they built 100 spaces over their
2 minimum requirement. So it depends on who the developer is
3 and what their use of the property is.

4 If Lance knew up front that he needed additional
5 parking for the outdoor dining, he would have made it work.
6 He wasn't, he wasn't going to build, you know, extra spots
7 because he wanted an extra building, you know. He wanted to
8 be able to fit in the Chipotle and the Starbucks and the two,
9 you know, 11 and 12 thousand square foot retail centers.

10 Plus, I think with the changes that we're making in
11 Section 29 that, if a developer comes forward with a parking
12 demand study and proves otherwise, that they could -- that the
13 project would still meet its demand, that they could do a
14 lesser number of spaces, I think, is a way.

15 MR. McINTOSH: I like that. I think they -- We need
16 to be, I think, be specific about how they demonstrate that.
17 I mean, if you wanted to sit there and say they have to do a
18 study and then that's the subject, that's what we cite case by
19 case, we put it up against what they bring us as far as data.
20 But I think putting something in place, I think putting
21 something in place more than what we have is advisable,
22 considering how contentious these little issues become down
23 the road.

24 Heather, do you have thoughts about how to derive
25 that standard? I mean, you seem to --

26 MS. FREEMAN: I mean, for the inside, it's the 75
27 per, 75 -- one space for every square fload of useable square
28 footage -- so useable versus gross, you basically exclude out
29 like hallways and bathrooms and things like that -- plus 10
30 extra spaces, which I don't know, it's just a bonus extra

1 spaces, and then plus the number of spaces per employee on max
2 shift. So, I mean, you could stick with, you know, one extra
3 space for every 75 square feet if you want to. I mean, it
4 would all be usable, technically, but I don't think it would
5 add that much because if you recall, too, the size of the
6 outdoor dining area is somewhat limited, based on the current
7 code, to only 25 percent of the inside capacity.

8 MR. McINTOSH: Right.

9 CHAIRMAN LINGENFELTER: I think the other thing,
10 we're assuming that the inside capacity will remain at
11 capacity and the outside capacity will be overflow, you know.
12 I've been, you know, I mean, just from dining experiences with
13 a number of the local places in the summertime when there is
14 -- when the patio is full, usually, the restaurant is empty
15 and the bar is empty inside. Everything, everybody is
16 outside.

17 So does, you know -- I mean, I don't know. To me,
18 less impervious space and less stormwater issues and things
19 like that are, to me, are more important than some additional
20 potential parking spaces. That's the way I look at it.

21 MR. MORGAN: Well, I think to that point, though,
22 those are determined based off of the size of the restaurant
23 and the size of the outdoor space. If you have minimum
24 outdoor space, the first group of people in are going to get
25 the outdoor space, the rest of them are going to stay inside.

26 MR. McINTOSH: Right.

27 MR. MORGAN: So you still have that internal. So if
28 you are limiting that total outdoor seating to a comparison of
29 what's percentage of the internal, I kind of feel that, you
30 know, it would be probably best to just say along the lines of

1 keeping it as the one space per 75 square feet of outdoor
2 usable space and eliminating, don't include employees, the
3 extra employees you are hiring for that outdoor space, your
4 extra bartenders, extra waitresses.

5 MR. McINTOSH: I think there needs to be some kind
6 of consideration. It is not necessarily one to one on the
7 standard for the inside but I think you need to account for
8 some, some increase. I am with Andy. I don't want an overrun
9 of impervious surface for no reason. But by the same token, I
10 don't want to sit here and have 20 parking spots, spaces too
11 few in a place and have, you know, have people have that
12 problem as well. I think we need to be realistic about it
13 because -- And I think it's tenant dependent, too. You may
14 find a place that gets popular. Like, I can sit outside if
15 they'll take you but, if not, I'll sit inside, you know, and
16 you can end up with a place that's busy.

17 MR. MORGAN: But if you wind up, if you wind up with
18 a situation or a restaurant like the Redhawk where their
19 outdoor space can seat or accommodate a lot more people than
20 their indoor space can --

21 MR. McINTOSH: Right.

22 MR. MORGAN: Now you've got that, you know, you've
23 kind of got that issue of your seasonal is much higher than
24 your regular.

25 MR. McINTOSH: Right.

26 MS. FREEMAN: And, Andy --

27 MR. MORGAN: So I think if you had, if you had that,
28 keep that same percent or that same ratio or maybe drop it
29 down, you know.

30 MR. McINTOSH: Right.

1 MR. MORGAN: Increase it to 100, to one per 100
2 square feet of useable and give it a little bit extra.

3 MR. McINTOSH: Buffer, yeah.

4 MR. MORGAN: But then have that ability for a
5 parking study to be done by a professional showing that we
6 don't need that. We are not expecting -- We're expecting
7 majority of our summer customers to be outdoor -- to be the
8 indoor customers who are now sitting outdoor.

9 MS. FREEMAN: I was just going to add onto the
10 additional impervious surface that it could create, yeah, that
11 is true. It could create additional impervious surface.
12 However, just keep in mind that the maximum lot coverage is
13 still 70 percent for any new development within most of the
14 commercial districts. So some try to maximize that 70
15 percent, some are way under, depending on how they're
16 developing the lots. So I think, in the scope of things, it
17 would be a very minor increase in their lot coverage for the
18 amount of additional parking that would be required.

19 CHAIRMAN LINGENFELTER: So you are saying add
20 another spot per 75 square feet, an additional spot for every
21 75?

22 MS. FREEMAN: I mean, that's what I was suggesting.
23 It sounded like --

24 MR. McINTOSH: Gerry was thinking for a 100, so that
25 would sort of incrementally add but not quite at the same
26 rate.

27 MR. MORGAN: Right, not at the same right per se.

28 MR. McINTOSH: Yeah. I think something along those
29 lines is not a bad way to go. That way, we're accounting for
30 a slight increase, should there be some, but maybe not going

1 overboard and making it a one for one.

2 MR. PETERSON: Either that or use a percentage. If
3 you have an outdoor seating, you have to have 10 percent more
4 parking than normal or something like that, 10 or 15 or
5 whatever the right number is.

6 MR. McINTOSH: Right. That's tricky.

7 MR. PETERSON: Because, you know, it would be
8 difficult on an outdoor patio. They can put more tables or
9 less tables and the square footage is going to be the same.

10 MR. McINTOSH: Well, I still think, I mean, we're
11 looking at this in a situation of just saying, "Hey, it's a
12 restaurant. It's got outdoor seating." I still go back to
13 the thing is the tenant that's going to have that combination
14 is really going to drive a lot of that, which makes it more
15 complicated. It is not cut and dry of, oh, it's going to be
16 people just sitting outside and they're trading indoor for
17 outdoors. I think it's so variable and I think that's where
18 we can potentially get in trouble is that you just -- it's
19 hard to come up with one thing and just say, well, that's
20 going to fix it.

21 MR. PETERSON: Yeah, right.

22 MR. SCHINDLER: Well, we could maybe get around it
23 by not requiring it to be paved. It could be gravel. Well, I
24 mean, if it's not being used, you know, Andy's made a good
25 point.

26 MS. FREEMAN: Are we talking about the parking?

27 MR. SCHINDLER: Yeah, the parking.

28 MS. FREEMAN: Oh, okay. Sorry.

29 MR. PETERSON: Overflow.

30 MR. SCHINDLER: Overflow could be gravel. This way,

1 it's not being paved over with a lot of runoff and that.

2 MR. McINTOSH: We did do other things as far as
3 stormwater management, you know, as far as encouraged shared
4 parking. I mean, I would assume a shared parking scenario
5 would roll into your computation as well, so that's a way they
6 can get it. That would be case-by-case sensitive, so it would
7 take into effect if someone comes up with a scenario like
8 that.

9 I think we're talking about, the kind of development
10 we're talking about in the corridor area, I think we would be
11 wise to address this in some way with some level of standard
12 because, if we don't, we're leaving it to the developers
13 completely.

14 MR. PETERSON: Do we know what people like -- What
15 does Mentor do? They have a lot more restaurants than we
16 have. Do they have a standard for outdoor seating parking?
17 Do we know that?

18 MS. FREEMAN: I haven't looked at Mentor's code.

19 MR. PETERSON: I mean, we might be able to benchmark
20 another community and come up with something that's fairly
21 effective.

22 MR. McINTOSH: I'd want -- I think that's maybe --
23 That's what I was going to get back to when Rich said 10, 15
24 percent. I'm going, well, should we take a look at what those
25 numbers might be? What would 10 percent be of some comparable
26 type situations of what we have to see how many spaces is that
27 adding because what I wouldn't want to do is go to, pick -- I
28 don't think there is any way to say this. It's going to make
29 Mentor sound -- I don't want Andy's situation with Walmart.
30 Talk about that, you go to Mentor's standard, I mean, they

1 have a lot of big, open parking lots. So I am a little
2 hesitant to take a look at that zoning text because it
3 probably just -- I mean, everywhere you go in Mentor, you see
4 a parking lot.

5 MR. PETERSON: Well, yeah, but they have --

6 MR. McINTOSH: We have different challenges in the
7 township with the way our, you know, our space and our goal to
8 preserve more of the green space.

9 MR. PETERSON: I wouldn't go with, like, the Great
10 Lakes Mall restaurants but there are a lot of independent
11 restaurants in Mentor that are scattered throughout the city
12 that we could look at what would be similar to what we might
13 have. So --

14 MR. McINTOSH: Right, right.

15 MS. FREEMAN: Well, I mean, like the Burgers 2 Beer
16 patio, if I recall correctly, it's like 15 -- the dimensions
17 are around, it's like 1,200 square feet, gross square feet,
18 their patio, 1,200 square feet. So just say you were going to
19 do the one for every 100. Like, that would have been 12
20 additional parking spaces which, in my opinion, they need
21 them.

22 MR. McINTOSH: Yeah.

23 MS. FREEMAN: Because, like, I was there over at a
24 lunchtime the other day. Like you said, the parking lot is
25 full and the patio is not even open.

26 MR. McINTOSH: And there is, what, only a couple of
27 tenant spaces.

28 MS. FREEMAN: Yeah.

29 MR. McINTOSH: The whole new building is not even
30 open yet.

1 MS. FREEMAN: Yeah.

2 MR. PETERSON: Plus Chipotle.

3 MR. McINTOSH: Right, right, exactly.

4 MS. FREEMAN: And if you remember, they got
5 variances from the Board of Zoning Appeals to increase the
6 size of their patio, so they were at like 67 percent of their
7 inside seating capacity. So they granted a variance to make
8 it almost three times the size that it should have been with
9 no additional parking required.

10 MR. McINTOSH: Just your rough comment -- I mean,
11 I'm kind of liking Gerry's idea of 100 as opposed to 75 on the
12 outdoor. That seems like an appropriate add. I mean, I
13 haven't really looked at it or remembered the size of the
14 patio, but that makes me feel a little more comfortable.
15 Another dozen spots doesn't seem out of control and seems like
16 we're doing some diligence about accounting for that.

17 MR. MORGAN: You're, basically, talking another, you
18 know, another single-loaded row of parking.

19 MR. McINTOSH: I guess, if they felt it wasn't
20 needed, they could make a case for it.

21 MS. FREEMAN: Right.

22 MR. McINTOSH: I would rather us have it that they
23 have to meet a requirement and argue against needing it versus
24 not providing it and then us kind of getting bit not having
25 it.

26 MS. FREEMAN: I agree with Morgan. And I just think
27 that, more and more, we are going to see more people looking
28 for outdoor dining because it is more of an experience. And
29 if we see people are asking for variances all the time after
30 we have it, if we have it in place, then, you know, at that

1 point it could be readdressed. But I don't think that anyone
2 is going to be too overexcited or put out by the additional
3 parking that's required for the additional dining area.

4 Do you guys want to think about that more and we can
5 keep moving on?

6 CHAIRMAN LINGENFELTER: Sure.

7 MS. FREEMAN: Okay. All right. So Section 15,
8 Residential Districts, the Planning Commission recommended
9 approval as submitted, same thing with Section 16 and Section
10 22.

11 In Section 29, our Off-Street Parking standards,
12 they had a couple comments here. The first one was to -- they
13 recommended changing the number of hours to store a vehicle to
14 72 hours from 48 hours. A day care center may store a vehicle
15 used for the facility over a weekend. This would exceed the
16 48 hours.

17 So if you turn to page 29.3, Section 29.03,
18 Letter B, here we have Storage, that all parking areas for
19 nonresidential uses shall not be used for the continuous
20 storage of a vehicle for more than 48 hours except as
21 otherwise permitted in this Resolution.

22 So that last section, if you actually go back to
23 Section 13.9 where we regulate day care centers, we do have a
24 statement in there, actually, on page 13.9, 13.9, under
25 Section 13.08 where we have the conditional use requirements
26 for child or adult day care centers, paragraph E, we do state
27 that vehicles used to transport clients on field trips or
28 similar activities shall be permitted to park overnight at the
29 center in compliance with the parking setbacks.

30 So I think the fact that we have that line item in

1 there, there is no reason to change that from the 48 hours to
2 72 because we're specifically allowing those vehicles to park
3 overnight at those situations. So I wouldn't recommend making
4 that change.

5 The next bullet point, "Reduce the parking lot
6 aisles for parallel spaces from 25 feet." So this was a
7 standard that was previously in here that we didn't really
8 look at but I do agree that we should modify this. If you go
9 to page 29.14, Section C, this is where we dictate parking lot
10 aisle widths. And depending on the degree of the parking,
11 there is a different aisle width for one-way parking aisles.
12 And they're specifically calling out, for the parallel parking
13 where there is a one-way aisle, that the 25 feet is rather
14 large for one-way, for one-way parking, which I do agree.

15 And they did provide us some examples of some other
16 communities that we could consider. Examples of one-way
17 parking aisle width for parallel parking spaces in Dublin,
18 Ohio, they have 13 feet; in Delaware, Ohio, they have 12 feet;
19 in Westerville, Ohio, 12 feet; Painesville Township has 14
20 feet; and Madison Township has 15 feet.

21 So I agree. It should be reduced from 25 feet. As
22 far as what number is the magic number, I don't -- I am not
23 really sure. If you want to go on the conservative side, you
24 could go down to 12 feet, if you want to be more generous, go
25 up to the 15 feet or somewhere in between, but we probably
26 should make a change on that and that would help reduce
27 impervious surface as well. There's probably not a lot of
28 parking lots where we'll get the parallel parking, but in the
29 case that we do, we want to have the right aisle width. We
30 don't want something so, so large.

1 CHAIRMAN LINGENFELTER: I think 14 is a good happy
2 median on that.

3 MR. McINTOSH: Yeah.

4 MR. PETERSON: Yeah. The cities tend to be narrower
5 and the townships tend to be wider.

6 CHAIRMAN LINGENFELTER: Yeah.

7 MS. FREEMAN: Yeah.

8 MR. PETERSON: Fourteen or fifteen even.

9 CHAIRMAN LINGENFELTER: I think 14 is a good number.

10 MR. McINTOSH: Yeah, I agree, 14.

11 MR. PETERSON: Okay.

12 CHAIRMAN LINGENFELTER: Change it to 14, Heather?

13 MS. FREEMAN: If that's what you guys want to decide
14 on.

15 CHAIRMAN LINGENFELTER: Yeah.

16 MS. FREEMAN: And then kind of following the same
17 section down to 29.07 on the next page, paragraph B, the
18 Shared Driveway section, they suggest that we move that to its
19 own section because it warrants their own section. I think
20 it's fine where it is because we're talking about access drive
21 regulations and, that way, we're encouraging the shared drives
22 rather than individual drives. So I don't think we need to
23 move that.

24 They have a few more comments on the next page here.
25 On our Table of Uses that shows the minimum number of parking
26 spaces, if you turn to page 29.8 where we list "Restaurant-
27 Counter Service" and "Restaurant - Table Service," our code
28 has dashes in there and in other sections of the Resolution
29 they have commas separating them. So it should really read
30 "Restaurant, Counter Service," and "Restaurant, Table

1 Service." And I agree, we should change that so it matches
2 the other sections.

3 And then on page 29.19 -- kind of all over the place
4 here -- paragraph A, let's see, paragraph A 3, they're
5 suggesting that it should read, "Parking areas are measured
6 outside of the right-of-way." They state, "The Township
7 zoning should not be trying to regulate parking inside of the
8 right-of-way. There is 11 feet from the edge of the pavement
9 in the right-of-way line in most platted subdivisions. It is
10 not possible for -- to stop people from parking their cars on
11 that pavement and the term 'prohibited' implies that you are
12 going to do that. This regulation should state how you are
13 going to measure the parking area for a use. For example, the
14 500 square feet of unenclosed parking area for single-family
15 homes should be measured outside of the right-of-way."

16 I get what they're saying here and I do agree we
17 could make a change. If we were going to make a change to A 3
18 there, I would suggest that it read, "Parking areas, as
19 required in Table 29.04-A, are measured outside of the road
20 right-of-way." So, for example, in an R-1 zoning district for
21 a single-family dwelling, we require a minimum of 500 square
22 feet of unenclosed parking area, which is basically your
23 driveway. And if we -- By adding this, it would, you know, it
24 would specify that it would not include the portion of you
25 driveway that's in the road right-of-way.

26 But I don't agree that -- The intent was not to
27 regulate on-street parking by putting that in but I guess it
28 was perceived that way. So questions on that?

29 All right. The next bullet point, delete 29.10 A
30 5 -- we're looking in the same section -- because 29.10 A 5

1 and 29.07 A 7 state the same thing. Yeah, they kind of are
2 the same thing, yes. So we could strike Number 5, that's
3 fine, because we have it and then renumber -- we could just
4 get rid of Number 7. But I agree, we do need to eliminate one
5 of those.

6 So if we, if we strike Number 5, then their next
7 comment would be, on Number 7, to change the word "grass" to
8 "nonimproved areas." And my opinion is that I think we could
9 just leave it as "grass." It is not necessary to change that
10 to a "nonimproved area." Then we'd have to come up with some
11 definition too of what a nonimproved area is.

12 CHAIRMAN LINGENFELTER: Right.

13 MS. FREEMAN: The next one, this is in reference to
14 a section on page 29.10. They're indicating we should change
15 "Ohio Basic Building Code" to "all applicable state and
16 federal laws." And this is on Section 29.04 D, so this has to
17 do with accessible parking space requirements. Yes, we should
18 make that change. I agree with that.

19 The last comment, they indicate that we should
20 insert standards for surfacing or create a subcommittee to
21 review for best practices on state and federal laws. This is
22 to make sure that pavers, bricks and other materials do not
23 create issues per other state or federal laws, for example,
24 that they meet the ADA requirements.

25 I don't think that this Board can create a
26 committee, obviously, to do this but I think we're fine with
27 what we, what we have in the zoning because all projects have
28 to be ADA compliant and meet all federal guidelines. So it is
29 not necessary for us to state that again in the Zoning
30 Resolution. As long as we are not putting something in here

1 that says you don't have to be compliant, then we're fine.
2 So --

3 That was it for that section. They had a few
4 comments in Section 36 under the Site Plan Review. "Add
5 regulations that a site plan is required for multi-family in
6 the R-2 PUD. You require site plans for apartments and
7 condominium complexes in R-3, but you do not require a site
8 plan for those uses in R-2."

9 So the R-2 PUD is basically like Quail Hollow,
10 that's the only one we have right now. Well, Summerwood is a
11 PUD, too, but with Summerwood they didn't do any multi-family
12 and they did all single-family homes on fee simple lots. So
13 there was a couple phases of Quail Hollow where they built
14 condominium-type ownership developments. It looks like
15 single-family houses but it's on a large tract of land, so
16 it's not really a subdivision. And they're suggesting that we
17 require them to go through the same site plan review process
18 that we do for like the R-3 multi -- for the R-3 developments.

19 We currently don't have that in here. We could add
20 that in. That's not a problem. I'd probably have to -- We'd
21 probably have to go back and look in Section 16 and see if
22 there is anything else that we'd have to change that we need
23 to reflect that -- as far as what the process is. I haven't
24 had a chance to do that. Or we could just leave it as it is
25 and then look at that later on. I just haven't had the
26 opportunity to see, like, if we were to add that in Section
27 36, whether changes might be necessary in Section 16.

28 MR. SCHINDLER: Has it been an issue up to this
29 point?

30 MS. FREEMAN: There is kind of one pending right now

1 that would have been nice maybe to take it through the site
2 plan review process, yes, but it's not like it is going to be
3 retroactive, you know. They're already in motion. So -- And
4 what's left with that particular development, I'm not sure
5 that there will be another opportunity -- there could be --
6 for more multi-family. So, yes, it might be helpful if we
7 have it in there. I am trying to think if we could easily add
8 it in here if we go back and look at Section 16.

9 MR. SCHINDLER: How long do you think it would take
10 you to go through it and just verify everything?

11 MS. FREEMAN: I am sorry. What's that?

12 MR. SCHINDLER: How long do you think it will take
13 you to go through it to verify everything?

14 MS. FREEMAN: How long would it take me to go
15 through it? I mean, if you want, I could probably come back
16 at the next meeting and have additional insight on that if we
17 -- if you wanted me to or, since we are meeting in a couple
18 weeks --

19 MR. SCHINDLER: Well, it depends on you and your
20 workload. I mean, what do you feel? If you don't think it's
21 going to be an issue because there is only one thing hanging
22 in there now, I mean --

23 MR. PETERSON: I know a couple of the areas she
24 talked about in Quail Hollow, I don't think they look bad the
25 way they are, you know. So --

26 MR. SCHINDLER: Okay, yeah.

27 MS. FREEMAN: Do you have any thoughts on that,
28 Stephanie, to add, or do you have strong feelings either way?

29 MS. LANDGRAF: I don't have strong feelings one way
30 or another. I mean, you could always approve it as it is

1 right now and go back and revisit it if it becomes an issue in
2 the future.

3 MR. SCHINDLER: We haven't heard anybody from Quail
4 Hollow complain about anything, have we?

5 MS. FREEMAN: Not as far as how the development is
6 happening there, no.

7 MR. SCHINDLER: Right. It seems to be fine from
8 what I can recall.

9 MS. FREEMAN: Right. I mean, there has been some
10 concerns about water issues, drainage from previous phases,
11 but zoning wouldn't address that, you know. We know that's
12 all the County Engineer and Stormwater Management Department.

13 MR. SCHINDLER: Right.

14 MS. FREEMAN: Those are the only things I've heard.

15 MR. SCHINDLER: But there has been water drainage
16 problems for many years in various areas.

17 MS. FREEMAN: Sure, yeah.

18 MR. SCHINDLER: Okay.

19 MS. FREEMAN: All right. The next bullet point was
20 to require emails to be submitted in Section 36.04 D 2, this
21 can be found on page 36.4. And, these, this is the list of
22 items that need to be shown on the site plan. And, actually,
23 our site plan review application has a field for applicants to
24 put their email address, so I don't think it's necessary that
25 we add this into the zoning text.

26 The next point, change the name of "parking and
27 loading plans" to "traffic circulation plans," including
28 parking and loading spaces, locations, et cetera, in
29 Section 36.04 D 5. The term "traffic circulation plan" better
30 describes the plan requested than the term "parking and

1 loading plan" does.

2 This is also on the same page, Number 5, and I think
3 it's fine how it is. I don't really think it's necessary to
4 change that because we do talk about, within here, this
5 paragraph, showing the traffic circulation as well.

6 CHAIRMAN LINGENFELTER: Right.

7 MS. FREEMAN: The next bullet point, require land
8 use and zoning information of adjacent property on the site
9 plan. It is important information for the Zoning Commission
10 to know. It may remind them to require a buffer or not
11 require a buffer or enforce other parts of the Zoning
12 Resolution.

13 And I agree, we should keep this in. We originally
14 were going to strike this out. It's Number 3 on here. So I
15 would say, yes, we should put that back in.

16 The next one, require contour information on the
17 site and adjacent properties. Contour information is
18 necessary to know how water is going to move on the site, how
19 deep utilities need to be, et cetera. This item is a standard
20 on most site plans and it may have been accidentally deleted
21 because of the mass movement of items to the landscape
22 section.

23 But if you look on page 36.5, Number 19, we do
24 require existing and proposed topographic contours at 1 foot
25 intervals within 100 feet of the proposed site, so I think
26 we're covered.

27 CHAIRMAN LINGENFELTER: Yeah.

28 MS. FREEMAN: They may have overlooked that.

29 CHAIRMAN LINGENFELTER: Right.

30 MS. FREEMAN: The last bullet point under this

1 section, add "proposed and existing" to the section requiring
2 easements to be shown on the site plan. And this is on that
3 same page, 36.5, it's Number 14.

4 And, yet again, I think this is one they maybe just
5 didn't see but we do have widths, location, uses and grantees
6 of all existing and proposed easements --

7 CHAIRMAN LINGENFELTER: Right.

8 MS. FREEMAN: -- must be shown on the plan. So
9 that's already in there, so we don't need to make that change.

10 The last section that they had some comments on, the
11 Landscape Plan. Define what an "other landscape design
12 professional" is. Is it an owner of a landscaping company, a
13 nursery professional, the Ohio State Education Educator, et
14 cetera?

15 This is on page 38.2, paragraph D. And this was
16 previous verbiage that was in here already. We just kind of
17 moved it. But I do agree it is a little vague. We could just
18 strike that portion that says "or other landscape design
19 professional."

20 I did talk to a landscape architect about this who
21 is on the Planning Commission and he had suggested that we
22 could even just change this whole paragraph D to state that "a
23 landscape plan shall be prepared by an Ohio registered
24 landscape architect" and leave it at that. Or if you wanted
25 to come up with some definition of what that other landscape
26 design professional is, you could. You could try to come up
27 with some definition based on maybe how many years of
28 experience they may have had. But I think my recommendation
29 would be to strike that last section and even just to revise
30 it to state that it shall be prepared by an Ohio registered

1 landscape architect. That would tighten that up.

2 CHAIRMAN LINGENFELTER: So that's in D?

3 MS. FREEMAN: Yes.

4 CHAIRMAN LINGENFELTER: That's the 38.

5 MR. McINTOSH: So you want to rewrite D is what you
6 are saying?

7 MS. FREEMAN: Yeah. D should state that the
8 landscape plan shall be prepared by an Ohio landscape -- Ohio
9 registered landscape architect and then put a period and just
10 strike the "other design professional."

11 CHAIRMAN LINGENFELTER: So "or other," from that
12 point is going to be stricken?

13 MS. FREEMAN: Yes.

14 CHAIRMAN LINGENFELTER: Okay.

15 MS. FREEMAN: And I don't -- Everything that we've
16 ever had submitted from a site plan has always been by a
17 registered landscape design architect. I haven't seen
18 anything submitted by some other professional, so I am not
19 really sure who that would be.

20 All right. The last comment, "Review Section 38.03
21 G for vagueness. In Section 38.05 G, are you waiving the
22 height requirements or plant material all together? Define."

23 So 38.03 G, this has been in here, I guess, since
24 maybe -- it was originally adopted in 1974 and then amended in
25 2006. It is somewhat vague. It talks about, during
26 construction, that every effort shall be made to preserve
27 existing healthy trees and shrubs and that, in some cases, the
28 township could require a review by a certified arborist or
29 some other expert to determine whether or not trees should be
30 saved or not.

1 I don't know if the Commission wants to look at that
2 to make it more strong, if it's something that you want to
3 make it more of a requirement when they come in to show on
4 plans, like mark the size of trees and things like that, or if
5 you are fine with the way it is.

6 MR. McINTOSH: Has it created any -- Have you come
7 across any issues in enforcing the code where you've had to,
8 you know, they're not doing this, something we really look at?

9 MS. FREEMAN: No, it isn't really anything that
10 we've looked at that closely.

11 MR. McINTOSH: Because I have seen a lot of houses
12 go in in Summerwood and either --

13 MS. FREEMAN: Well, this wouldn't apply to
14 Summerwood.

15 MR. McINTOSH: Okay.

16 MS. FREEMAN: This is all for commercial.

17 MR. McINTOSH: But I am just saying, I mean, it
18 seems like they come in and they, you know, clearing trees,
19 building houses.

20 MS. FREEMAN: Right.

21 MR. McINTOSH: And is anyone really paying attention
22 to that? So if you are going to do that, you probably need to
23 put a lot more -- he is right -- less vague. But --

24 MR. PETERSON: For commercial, this is for
25 commercial. And since we are aware of it, we have the ability
26 to sort of firm it up as necessary.

27 MR. McINTOSH: Right. Well, I'm agreeing. I mean,
28 you probably do need to. I mean, I am agreeing it is --

29 MR. SCHINDLER: Well, if we require it for
30 conservation development, why shouldn't we do it for them,

1 too? Why should we give them the opportunity to go in and
2 clear-cut when it may not necessarily be necessary? I would
3 like to see --

4 MS. FREEMAN: What do you -- I am sorry. Them, you
5 mean commercial?

6 MR. SCHINDLER: Right. Why shouldn't we have them
7 required to do the same thing? I mean, conservation
8 development, we require them to look for, you know, areas of
9 trees and all that good stuff.

10 MS. FREEMAN: Right. But with that they get the
11 density bonus by protecting that.

12 MR. MORGAN: Conservation development is a little
13 different than --

14 MS. FREEMAN: Yeah.

15 MR. MORGAN: You're covering, you are covering most
16 of this other stuff by your other zoning areas in the size of
17 lots, parking, minimum or maximum paved areas and such.
18 That's where you are covering that open space and that.
19 Whereas, with the conservation development, they're asking for
20 -- to take the one acre lots down to an eighth of an acre or,
21 you know, something along those things. So it's a little --
22 It is a little different in those situations.

23 MR. SCHINDLER: It's a little different. But then
24 when we require them to put in landscaping and stuff or say
25 rather than doing clear-cutting, coming in and putting in
26 landscaping afterwards, if you could save what's there and
27 still -- You know what I mean?

28 MR. PETERSON: Yeah. But, realistically, you are
29 going to build a building on a commercial development, you
30 can't have trees where the building sits.

1 MR. SCHINDLER: Well, that's true.

2 MR. PETERSON: And so you make every effort -- I
3 really don't have a problem with the way it's worded as long
4 as we're aware of it and we can, during the site plan review,
5 stress the importance of protecting whatever is possible.

6 MR. SCHINDLER: Right.

7 MR. PETERSON: And then what's not possible, making
8 up for it with new landscaping. That would be my thought.

9 MR. MORGAN: I mean, the only thing I can see is if
10 you start getting into that, now you, now you are getting into
11 where you are building -- you should be putting the building
12 over here instead of here in order to save that one tree, as
13 opposed to, you know, the zoning which is more a generalized,
14 you know, here is the zoning. Now you go and lay it out based
15 off of that zoning, rather than trying to get into the zoning
16 defining where you can put your building because of a tree
17 or --

18 MR. SCHINDLER: Yeah, I wouldn't want it to be that
19 restrictive, you know.

20 MR. MORGAN: I think that's where you are trying to
21 get with this instead of having it more generalized and saying
22 every effort should be made to look into that.

23 MR. SCHINDLER: Well, that's what I meant, to look
24 into it.

25 MS. FREEMAN: The second comment on that bullet
26 point was referring to another section, 38.05 G -- or I am
27 sorry -- it's on page 38.4, same page, G. This was a new
28 comment that we added in. They asked, "Are you waiving the
29 height requirements or plant material all together?" So this
30 was in reference to the interior parking lot landscaping

1 where, if a developer was going to do the bioretention within
2 that area, that we were waiving the plant material requirement
3 because, otherwise, they have to do the one tree and all the
4 low shrubs. But usually with bioretention there is very
5 specific plant materials that have to be planted. So, yes, we
6 are waiving the normal plant material requirement. I thought
7 it was clear the way we wrote it but I don't know. We can
8 read it again to make sure. But --

9 CHAIRMAN LINGENFELTER: I think we're good the way
10 we are. I think it's pretty clear.

11 MS. FREEMAN: Okay. And then as they referred to
12 Sections 34 and 37, they recommended approval as submitted.

13 I didn't have any other suggested modifications
14 either, so that was it.

15 CHAIRMAN LINGENFELTER: Thanks, Heather.

16 MS. FREEMAN: You are welcome.

17 CHAIRMAN LINGENFELTER: Okay. At this point, I
18 would like to open up to the floor to any residents that would
19 like to have any input on any of the amendments that are
20 before us if there is anyone opposed or in favor of any of the
21 amendments that are presented in the agenda and also in the
22 written material.

23 MR. SCHINDLER: Have you scanned the -- so the
24 people out there can see there is nobody here except for us,
25 plus an alternate.

26 MR. REPERT: These crowds overwhelm me.

27 CHAIRMAN LINGENFELTER: Since we don't have anybody
28 in attendance at tonight's meeting, I am assuming that there
29 is not a lot of strong feelings one way or the other about
30 what we're doing here. I don't see any reason to keep the

1 public hearing open at this point.

2 MS. LANDGRAF: Mr. Chairman, I just -- There was a
3 lot of discussion, there is a lot of amendments before you
4 tonight. I would suggest to the Board, if there is any
5 amendment that anybody is uncomfortable with or they want to
6 have further discussion on, that you would recess the public
7 hearing as opposed to close it. Once you close it, there
8 can't be further discussion, just the vote. I'm sorry. There
9 can't be further discussion with the audience, it would only
10 being amongst yourselves prior to the vote. So that would be
11 my only suggestion to you. If you are comfortable with the
12 amendments and the recommendations from Heather, then you can
13 close the public hearing and proceed with the vote or table
14 your vote.

15 CHAIRMAN LINGENFELTER: Anybody have any issues with
16 any of the amendments in front of us that need to be changed?
17 I think the -- I think our Zoning Department pretty much
18 covered everything, highlighting what they thought was
19 pertinent to adding versus any further discussion on the
20 parking.

21 MR. McINTOSH: Well, that's the only one. I saw
22 that we were unclear about what we wanted to do there. It's
23 the only one.

24 MR. PETERSON: Yeah, as far as the outdoor parking,
25 right.

26 MR. McINTOSH: Yeah, how we want to measure that, if
27 we want to measure it.

28 CHAIRMAN LINGENFELTER: Which was, that one was
29 what?

30 MR. McINTOSH: That was 13.

1 MR. PETERSON: Section 13, Conditional Use.

2 CHAIRMAN LINGENFELTER: So that would be Amendment
3 Number 3, Zoning Amendment Number 3?

4 MR. PETERSON: Yeah, right, that would be it.

5 MR. REPPERT: Thirteen.

6 MR. SCHINDLER: Thirteen.

7 CHAIRMAN LINGENFELTER: Thirteen. I'm sorry. Yeah,
8 Amendment Number 3 but Section 13.

9 MR. PETERSON: Section 13, Amendment 3, right.

10 CHAIRMAN LINGENFELTER: You know, in consideration
11 of the things that Heather brought up, the Lake County
12 Planning Commission, their comments, they don't really give us
13 any guidance there. They just say that we need to create some
14 parody between them so that there is enough parking. They
15 don't really give us any ideas or any comments as to the
16 numbers.

17 You know, I like Gerry's idea with the, you know,
18 with the per 100 square feet, you know, an additional, an
19 additional parking space. I think that's a good -- I don't
20 think we want to overcomplicate this, you know. I don't think
21 there's --

22 MR. McINTOSH: Agreed.

23 CHAIRMAN LINGENFELTER: You get into percentage and
24 then odd numbers and, you know, 100, it's easy enough with the
25 100 square foot calculation to, you know, to come up with the
26 number of additional parking spaces they would need and I
27 think that's easy enough to add into the zoning text without,
28 you know, really getting too far off in the weeds on this. I
29 am okay with that. I think 100, I think an additional space
30 per 100, you know, square feet would be a good number to use.

1 I think that's a good -- I think that's a good number.

2 MR. McINTOSH: Yeah, because it's something.

3 CHAIRMAN LINGENFELTER: Yeah. Like you say, if
4 they've got 1,200, 1,200 square feet of outdoor dining space,
5 it's an additional 12 spaces, it's pretty simple to calculate.
6 It doesn't -- You don't have to have a math wizard to figure
7 it out. I think that's pretty good. They don't have to hire
8 a parking lot specialist to calculate it.

9 MR. McINTOSH: Unless they want to try to get out of
10 it.

11 CHAIRMAN LINGENFELTER: Right.

12 MR. PETERSON: Putting that in perspective though,
13 what would we estimate the Redhawk's patio size is? It's got
14 to be 3,000 square feet, right, at least?

15 MS. FREEMAN: Probably.

16 MR. PETERSON: I would guess. That would mean 30
17 more parking spots over there. That's quite a bit.

18 CHAIRMAN LINGENFELTER: Yeah. But, that, I think
19 that's an exception to the rule. We look at what, we look at
20 what, you know, when we look at what's already developed, the
21 horse is out of the barn on those, I think, at this point.

22 MR. McINTOSH: Yeah.

23 CHAIRMAN LINGENFELTER: We're not -- we can't -- It
24 would be pretty difficult to go back in and mandate additional
25 parking for --

26 MR. PETERSON: I'm just thinking --

27 MR. MORGAN: That's assuming that their existing
28 parking is based off of what their --

29 MR. PETERSON: True, true. The current standard,
30 right.

1 MR. MORGAN: -- what their internal space is.

2 CHAIRMAN LINGENFELTER: And to that, to your point
3 though, Rich --

4 MR. McINTOSH: Well, I mean, probably, they're
5 upside down.

6 CHAIRMAN LINGENFELTER: Right.

7 MR. McINTOSH: They're backwards. They are probably
8 compliant to their indoor and then they've got this massive
9 patio that's exceeded that puts them overbudget.

10 CHAIRMAN LINGENFELTER: But to your point, though,
11 if somebody new came in and wanted to build a new facility and
12 was going to put in a 3,000 square foot --

13 MR. PETERSON: Then we'd ask for the 30 spaces.

14 CHAIRMAN LINGENFELTER: We would ask for those
15 additional 30 spaces.

16 MR. McINTOSH: Yeah. And it would raise the point.

17 MR. MORGAN: It would raise the question.

18 CHAIRMAN LINGENFELTER: And raises, yeah, yeah,
19 exactly.

20 MR. MORGAN: If your external, if your external
21 space is bigger than your internal space, then it raises the
22 question of which one should we be using?

23 MR. McINTOSH: Right. Well, in Redhawk's case, I
24 mean, I don't know if we are going to assume but it's at least
25 on parity, it's at least equal to inside because they've got
26 the two dining rooms or they've got the bar and the dining
27 room.

28 MR. PETERSON: And, too, Panini's, what is their
29 square foot back there? That's pretty large.

30 MR. McINTOSH: Yeah. And they had parking problems

1 when they first up opened up and there was the whole bit with
2 the grocery store saying we don't, you know, the signs they
3 had to put up because of the problems they had with parking.
4 That was, that was a real problem when it first opened.

5 MR. PETERSON: I recall.

6 MR. McINTOSH: Yeah. I like the 100. I think it,
7 you know, raises the point because if somebody comes in and
8 it's -- that's, as you said, Rich, if it's high, at least
9 that's a discussion when their plans are before us.

10 MR. PETERSON: Right.

11 MR. McINTOSH: If they need --

12 CHAIRMAN LINGENFELTER: Yeah, I think it's a good
13 number, I think, the 100 square feet, and I think it's easy to
14 calculate. And if they feel, if they feel otherwise, then I
15 think they can make their case during --

16 MR. PETERSON: True.

17 MR. MORGAN: It's an even number and we're
18 accounting for the fact that it's not year-round. It's not
19 the same amount as their internal.

20 MR. PETERSON: True.

21 MR. McINTOSH: Yeah.

22 MR. MORGAN: We're not adding for the additional
23 staff that they have for that, too.

24 MR. McINTOSH: Yeah.

25 MR. MORGAN: So it's a good number to start with.

26 MS. LANDGRAF: Mr. Chairman, just to clarify, if you
27 are going to restrict it to patios that are only open year-
28 round, you might want to also include that in the text, that
29 for every patio that's open year-round, for every 100 square
30 feet an additional parking space is required, as opposed to

1 just seasonal. If you want it to apply to all patios across
2 the board, then that's fine. But if it's only to patios used
3 year-round, then you want to clarify that.

4 MR. McINTOSH: So are we talking about the 100 per
5 for seasonal patios or -- Do we have any year-round patios in
6 Concord?

7 MR. PETERSON: They talked about not a patio but an
8 outdoor eating area between the two buildings over here on the
9 new Crile Crossing.

10 MR. McINTOSH: Right.

11 MR. PETERSON: In which case, there could be seats
12 out -- You, theoretically, could heat them with mushroom
13 heaters.

14 MR. McINTOSH: Yeah.

15 MS. LANDGRAF: Well, I believe, Heather, you could
16 probably speak more to this. The Burgers 2 Beer patio --

17 MS. FREEMAN: Yes.

18 MS. LANDGRAF: -- is fully enclosed and heated. So
19 it is considered an outdoor patio but --

20 MS. FREEMAN: A portion of it is fully enclosed and
21 heated. I would say --

22 MR. McINTOSH: Are they using it now?

23 MS. FREEMAN: They weren't.

24 CHAIRMAN LINGENFELTER: Where?

25 MR. McINTOSH: At Burgers 2 Beer.

26 MS. FREEMAN: Burgers 2 Beer. They have heat in
27 there and everything. And I know that Redhawk is installing
28 heaters on their outdoor patio and, most likely, the next
29 thing for them is they're going to try and enclose a portion
30 of that.

1 But, yeah, my opinion would be not to limit it to
2 patios operating year-round because no one is going to come
3 forward and say that they're operating their patio year-round.
4 If you're going to add the parking, just add parking for
5 outside dining.

6 My recommendation would be, in Section 13.33, would
7 be to not add in what we were going to state about the
8 applicant shall demonstrate that there is adequate parking
9 available for any outside dining area. I would say don't even
10 include that in. And then if you guys were going to dictate
11 the 100 square feet, you should state that one additional
12 parking space shall be provided for every 100 square foot of
13 outdoor dining.

14 MR. McINTOSH: Okay. But, yeah, it says "outdoor
15 dining." So how do we -- okay. So further to the point, how
16 are we defining "outdoor dining"? I mean, are we -- Because
17 if it's, if it's one of these patios that's got the garage
18 doors and they've got the heaters out there --

19 MS. LANDGRAF: If it doesn't have a dedicated
20 wall based on --

21 MR. McINTOSH: Is that --

22 MS. LANDGRAF: The roll-up doors are still
23 considered outdoor dining if it's not --

24 MR. McINTOSH: So that's outdoor dining but it could
25 -- but that could be four-season, right?

26 MS. LANDGRAF: Uh-huh.

27 MS. FREEMAN: Right.

28 MR. McINTOSH: So that -- So doesn't that, in fact,
29 become indoor because if you could go to a place right now
30 when it's 7 degrees outside and sit out there, then why would

1 we not consider that at the 75?

2 MS. LANDGRAF: Your zoning code currently defines
3 the, defines the seating area of a restaurant -- correct me if
4 I am wrong, Heather -- by walls, not roll-up doors, not patio
5 awnings. It's by dedicated walls that are attached to the
6 ground.

7 MS. FREEMAN: Yeah.

8 MR. McINTOSH: I was wondering that when we were
9 talking about this before because those, those garage doors
10 and rolled-up walls are becoming more and more. And if you
11 talk about some of the proposals we've had for what could
12 potentially be developed in the township, the likelihood is
13 you're going to see far more of that. So there is places in
14 downtown Willoughby that are in those older buildings but
15 there is places that have --

16 MS. LANDGRAF: Half walls.

17 MR. McINTOSH: That have their, yeah --

18 MS. LANDGRAF: There's either half walls or there
19 is --

20 MR. McINTOSH: So that, at one point, was physically
21 a wall that would be defined as indoor dining. Now does it
22 qualify as outdoor dining because it has a moveable wall?

23 MS. LANDGRAF: It could be. I don't have that text
24 in front of me but it could be as long as there is a dedicated
25 wall attached to the ground.

26 MR. McINTOSH: Because we're using 75 based on a
27 fluctuation, a season. That conversation was based on
28 seasonal fluctuation. But if we're looking at something
29 that's not going to fluctuate per season then maybe it's just
30 flat out dining space because, if they can use it four

1 seasons, then does it, by adapting it for seasonality, then
2 wouldn't it just count as straight dining space and subject to
3 the lower standard?

4 MS. FREEMAN: Well, I think even with the Burgers 2
5 Beer, you're not truly going to use it all year-round. Like
6 right now --

7 MR. McINTOSH: They're not.

8 MS. FREEMAN: -- they're not using it. But, you
9 know, fall when it's cold out and --

10 MR. PETERSON: Extended season.

11 MR. McINTOSH: Right.

12 MS. FREEMAN: Yeah. I mean, they'll do the extended
13 season. They'll use it three seasons.

14 MR. McINTOSH: Well, I think that's fine. My
15 question becomes, what if somebody effectively makes it a
16 four- season situation and it's really year-round dining and
17 yet we've let them get by with a lower rate of parking. Are
18 we putting ourselves in a problem or are we okay? I mean,
19 maybe it's fine, just go with this 100 feet and call it a day
20 but -- What do you guys think?

21 MR. PETERSON: It's an extreme situation. It's hard
22 to tell but I think we're okay.

23 MR. McINTOSH: Okay.

24 CHAIRMAN LINGENFELTER: Well, I think it's, I think
25 it's important to remember that we can always revisit this.

26 MR. PETERSON: True.

27 MR. MORGAN: Right.

28 CHAIRMAN LINGENFELTER: You know, we always have the
29 ability to come back and make changes. I mean, this is not
30 something we're doing that's going to be, you know, a final

1 decision that's never going to be changed, you know. So if
2 we -- I think we give it, I think we give it our best shot,
3 which I think we've come up with some pretty good ideas here,
4 and we see how it plays out. And if it's looks like it's
5 inadequate, then we revisit it and we make a change and we
6 make an amendment, you know, we change the text. But I think,
7 at this point, we're at least addressing the issue.

8 MR. McINTOSH: Yeah, right.

9 CHAIRMAN LINGENFELTER: And I think that, you know,
10 I think it's a good, I think it's a good middle ground. I
11 think it's reasonable. I don't think there is anything that's
12 too difficult about it. And if we find out at a later point
13 that it's not addressing the issue then, you know, like I
14 said, if Heather starts, if they start seeing all sorts of
15 variance requests and all sorts of other stuff, then we know
16 that we need to make some adjustments. So --

17 MR. SCHINDLER: Mr. Chairman, can we take a voice
18 vote on the 100, to agree or disagree so we can move on?

19 CHAIRMAN LINGENFELTER: Well, I think we have, we
20 have pretty good consensus on that, right?

21 MR. PETERSON: Yeah, I am good with it.

22 MR. McINTOSH: Yeah.

23 MR. SCHINDLER: Okay.

24 MR. MORGAN: I think you just call it patio
25 regardless of whether it's year-round or --

26 CHAIRMAN LINGENFELTER: And as far as --

27 MS. LANDGRAF: Just call it outdoor dining.

28 CHAIRMAN LINGENFELTER: Yeah, just call it outdoor
29 dining and forgot the seasonal component.

30 MR. PETERSON: Right.

1 CHAIRMAN LINGENFELTER: We'll just call it outdoor
2 dining.

3 MR. PETERSON: For now.

4 CHAIRMAN LINGENFELTER: Whether it's used all year-
5 round or whether it's used only certain times of the year,
6 it's, you know, we'll just include it into that definition and
7 we will use the 100 foot. We will use the 100 square foot
8 calculation. Got that, Heather?

9 MS. FREEMAN: Uh-huh.

10 CHAIRMAN LINGENFELTER: Okay. So is there any other
11 sticking points or any other issues?

12 MR. PETERSON: I have one, Andy.

13 CHAIRMAN LINGENFELTER: Yes, yes.

14 MR. PETERSON: On the top of page 2 of the Lake
15 County Planning and Community Development recommendations,
16 there is three bullets at the top. We said we're okay with
17 making a change to Number 1.

18 CHAIRMAN LINGENFELTER: Right.

19 MR. PETERSON: And I think on the second and third
20 bullet, we said we could go either way. I think that was the
21 words.

22 MR. McINTOSH: Yeah.

23 MR. PETERSON: So which way are we going?

24 CHAIRMAN LINGENFELTER: I think we ought to just
25 leave at the time way it was. I think we're --

26 MR. PETERSON: So then strike those two out?

27 CHAIRMAN LINGENFELTER: Yeah.

28 MR. PETERSON: Okay. I just wanted to clarify that.

29 CHAIRMAN LINGENFELTER: Yeah.

30 MR. PETERSON: Okay.

1 MR. MORGAN: On that, too, just to be clear, so with
2 the reference to the original Trustees' resolutions, if you go
3 back to Section 9, if I can find it, or I'm sorry --

4 CHAIRMAN LINGENFELTER: Eleven.

5 MR. MORGAN: Section 11. I am sorry. Are we just
6 leaving, planning on leaving in just that reference portion
7 under the original 11.05 where it says, the last line there in
8 paren -- in brackets is "see Concord Township Board of
9 Trustees resolutions," and references those two resolutions?
10 Are we putting that back into this?

11 MS. LANDGRAF: That would be my recommendation, that
12 it not be amended.

13 MS. FREEMAN: Right, so to put that --

14 MR. MORGAN: So leaving the whole section?

15 MS. FREEMAN: No. The reference to that should --
16 And I didn't state this previously. But on our new Section
17 11.04 A, Number 2.

18 CHAIRMAN LINGENFELTER: Right.

19 MS. FREEMAN: I think it would be appropriate to add
20 it at the end of that paragraph.

21 CHAIRMAN LINGENFELTER: Right.

22 MS. FREEMAN: Because that's where it was stated
23 previously.

24 CHAIRMAN LINGENFELTER: Yeah, we will just add the
25 reference.

26 MS. FREEMAN: We will put the whole thing back in
27 there.

28 CHAIRMAN LINGENFELTER: Right.

29 MS. FREEMAN: Just from the parenthesis "See Concord
30 Township."

1 CHAIRMAN LINGENFELTER: Right, yep. Okay. Any
2 other sticking points or issues that would cause us to delay
3 closing the public hearing this evening?

4 MR. McINTOSH: No.

5 MR. MORGAN: Nothing here.

6 CHAIRMAN LINGENFELTER: You've got it all figured
7 out?

8 MR. PETERSON: It looks like it.

9 CHAIRMAN LINGENFELTER: Like I said, I think it's
10 important to, you know, hey, we're -- we've always got the
11 opportunity to go back and make some changes. If we find
12 we've missed something or we have a real issue that becomes a
13 major sticking point, we can always go back and make the
14 change accordingly. So it's a lot of work. It's been a lot
15 of time and a lot of effort put into this and, you know, I
16 think we're, pretty much, good to go here. Any other
17 comments?

18 All right. With that, I will close the public
19 hearing.

20 Now, we will go each amendment and then per any --
21 and then we also need to include any recommendations that
22 we're going to incorporate. So I'll accept a -- We will go
23 amendment by amendment. We will do a roll call vote per
24 amendment, Heather. And then what we'll do is I'll take a
25 motion in the affirmative to accept the amendment and then
26 with any revision that have been made. And then once we're
27 good with that, then I'll take a second and then we'll go
28 ahead and do a roll call vote and we'll go right down the
29 list. Okay?

30 So with that said, on Amendment Number 1, I would, I

1 would like a motion in the affirmative.

2 MR. McINTOSH: Mr. Chairman, I move that we accept
3 Amendment 1, Section 5, the Definitions, with -- make sure I
4 get all these -- with the, accept the recommendations of the
5 Lake County Planning Commission and staff. Do we want to go
6 through each one of these, specifically which ones?

7 MR. PETERSON: It is kind of hard to trace them back
8 and forth.

9 MR. McINTOSH: The first one I think were we
10 accepting is the change all references in the cul-de-sac to
11 include the hyphens. And then --

12 CHAIRMAN LINGENFELTER: The revised parking area.

13 MR. McINTOSH: Revise parking area to state "any
14 improved ground surface area." Revisions to parking
15 regulations to allow for -- okay, so make those surface
16 changes.

17 The next one is in "Street, Private," delete "or
18 accepted by Concord Township Board of Trustees and/or is not
19 maintained by the township." Township Trustees do not accept
20 roads per the ORC and other government entities. There' no
21 closing --

22 CHAIRMAN LINGENFELTER: Right, that's it.

23 MR. McINTOSH: So that's the one.

24 CHAIRMAN LINGENFELTER: Yep.

25 MR. McINTOSH: And that's it for that amendment.

26 CHAIRMAN LINGENFELTER: Can I get a second?

27 MR. PETERSON: I will second that motion.

28 CHAIRMAN LINGENFELTER: We have a second. Heather,
29 can you call the roll?

30 MS. FREEMAN: Sure. Mr. Morgan?

1 MR. MORGAN: Yes.

2 MS. FREEMAN: Mr. Schindler?

3 MR. SCHINDLER: Yes.

4 MS. FREEMAN: Mr. Peterson?

5 MR. PETERSON: Yes.

6 MS. FREEMAN: Mr. McIntosh?

7 MR. McINTOSH: Yes.

8 MS. FREEMAN: Mr. Lingenfelter?

9 CHAIRMAN LINGENFELTER: Yes. Okay. We have all
10 yeses. That motion carries unanimously.

11 On to Amendment Number 2.

12 MR. McINTOSH: Mr. Chairman, I move that we accept
13 the Amendment Number 2 to Section 11, with staff and
14 recommendations from the Lake County Planning Commission, the
15 recommendation from the Planning Commission to add reference
16 to Trustees Resolution 1972-21 and 1976-11, or require -- to
17 state or introduce that back into the text.

18 CHAIRMAN LINGENFELTER: Right. Okay. I have a
19 motion made. Do I have a second?

20 MR. MORGAN: I will second that motion.

21 CHAIRMAN LINGENFELTER: Motion has been seconded.

22 Heather, can I have the call of the roll?

23 MS. FREEMAN: Mr. Peterson?

24 MR. PETERSON: Yes.

25 MS. FREEMAN: Mr. Schindler?

26 MR. SCHINDLER: Yes.

27 MS. FREEMAN: Mr. Morgan?

28 MR. MORGAN: Yes.

29 MS. FREEMAN: Mr. McIntosh?

30 MR. McINTOSH: Yes.

1 MS. FREEMAN: And Mr. Lingenfelter?

2 CHAIRMAN LINGENFELTER: Yes.

3 MS. FREEMAN: It passed.

4 CHAIRMAN LINGENFELTER: Okay. Amendment Number 3,
5 there were no -- That's the one with the, yeah, with the 100
6 square feet. So I will take a -- I will entertain a motion in
7 the affirmative with that addition that we made on the
8 additional parking spaces.

9 MR. McINTOSH: Mr. Chairman, I move that we accept
10 Amendment 3, Section 13, with the discussed revision to add a
11 requirement of oen space per 100 square feet of outdoor dining
12 to that section.

13 CHAIRMAN LINGENFELTER: Okay. Can I have a second?

14 MR. MORGAN: I will second that motion.

15 CHAIRMAN LINGENFELTER: Motion has been made and
16 seconded. Heather, can you give me the roll, please?

17 MS. FREEMAN: Mr. Morgan?

18 MR. MORGAN: Yes.

19 MS. FREEMAN: Mr. Schindler?

20 MR. SCHINDLER: Yes.

21 MS. FREEMAN: Mr. Peterson?

22 MR. PETERSON: Yes.

23 MS. FREEMAN: Mr. McIntosh?

24 MR. McINTOSH: Yes.

25 MS. FREEMAN: And Mr. Lingenfelter?

26 CHAIRMAN LINGENFELTER: Yes. Okay.

27 MS. FREEMAN: Passed.

28 CHAIRMAN LINGENFELTER: Amendment Number 4, which is
29 Section 15, there was no comments or any additions by the Lake
30 County Planning Commission on that one. Can I get a motion in

1 the affirmative for Amendment Number 4, please?

2 MR. PETERSON: Mr. Chairman, I make a motion that
3 we, we approve Amendment Number 4 as written.

4 CHAIRMAN LINGENFELTER: Okay. I have a motion. Can
5 I have a second?

6 MR. McINTOSH: Second.

7 CHAIRMAN LINGENFELTER: Seconded. Heather, the
8 roll.

9 MS. FREEMAN: Mr. Peterson?

10 MR. PETERSON: Yes.

11 MS. FREEMAN: Mr. Schindler?

12 MR. SCHINDLER: Yes.

13 MS. FREEMAN: Mr. Morgan?

14 MR. MORGAN: Yes.

15 MS. FREEMAN: Mr. McIntosh?

16 MR. McINTOSH: Yes.

17 MS. FREEMAN: Mr. Lingenfelter?

18 CHAIRMAN LINGENFELTER: Yes. Okay. Amendment
19 Number 5, also no additional comments or additions from the
20 Lake County Planning Commission for Section Number 16.

21 MR. McINTOSH: Mr. Chairman, I move that we accept
22 Amendment 5 as written.

23 CHAIRMAN LINGENFELTER: I have a motion made. Can I
24 have a second?

25 MR. PETERSON: I will second that.

26 CHAIRMAN LINGENFELTER: Seconded. Heather, the
27 roll, please.

28 MS. FREEMAN: Mr. Schindler?

29 MR. SCHINDLER: Yes.

30 MS. FREEMAN: Mr. Peterson?

1 MR. PETERSON: Yes.

2 MS. FREEMAN: Mr. McIntosh?

3 MR. McINTOSH: Yes.

4 MS. FREEMAN: Mr. Morgan?

5 MR. MORGAN: Yes.

6 MS. FREEMAN: Mr. Lingenfelter?

7 CHAIRMAN LINGENFELTER: Yes.

8 Amendment Number 6, which would be Section 22, and
9 were there any comments to be added there? Twenty-two, no,
10 there are not.

11 MR. McINTOSH: Number 22?

12 CHAIRMAN LINGENFELTER: Yes. That was to be
13 accepted as submitted, so we have no additional comments. I
14 would like a motion in the affirmative for Amendment Number 6.

15 MR. McINTOSH: Mr. Chairman, I move that we accept
16 Amendment 6 as written.

17 CHAIRMAN LINGENFELTER: Motion made. Seconded?

18 MR. SCHINDLER: I second.

19 CHAIRMAN LINGENFELTER: Motion has been seconded.
20 Heather, the roll, please.

21 MS. FREEMAN: Mr. McIntosh?

22 MR. McINTOSH: Yes.

23 MS. FREEMAN: Mr. Peterson?

24 MR. PETERSON: Yes.

25 MS. FREEMAN: Mr. Schindler?

26 MR. SCHINDLER: Yes.

27 MS. FREEMAN: Mr. Morgan?

28 MR. MORGAN: Yes.

29 MS. FREEMAN: Mr. Lingenfelter?

30 CHAIRMAN LINGENFELTER: Yes.

1 Okay. Amendment Number 7, which would be
2 Section 29.

3 MR. PETERSON: Mr. Chairman, I make a motion we
4 approve Amendment Number 7 as written with one exception as
5 recommended by the Lake County Planning and Development
6 adjusting the parking lot aisle for parallel spaces from 25
7 feet to 14 feet as discussed.

8 CHAIRMAN LINGENFELTER: Very good.

9 MR. McINTOSH: I think, Rich, I think there is more.
10 Go to the next page.

11 MR. PETERSON: Oh, on the next page, correct, there
12 are.

13 MR. McINTOSH: There were four of them.

14 MR. PETERSON: Also, okay, also changing the
15 "Restaurant" to "Restaurant, Counter Service" in Table 29.09-A
16 as recommended by Lake County Planning and Community
17 Development.

18 Also change 29.10 A 3 to read "parking areas are
19 measured outside the right-of-way" as recommended by the
20 county.

21 Also delete 29.10 A 5; 29.10 A 5 and 29.10 A 7,
22 retain only one because they say the same thing as
23 recommended.

24 And change "Ohio Basic Building Code" to "all
25 applicable state and federal laws" in Section 29.04 as
26 recommended by the county.

27 CHAIRMAN LINGENFELTER: Very good, Rich. Thank you.
28 May I have a second?

29 MR. MORGAN: I will second that.

30 CHAIRMAN LINGENFELTER: Motion has been made and

1 seconded. Heather, the roll, please.

2 MS. FREEMAN: Mr. Morgan?

3 MR. MORGAN: Yes.

4 MS. FREEMAN: Mr. Schindler?

5 MR. SCHINDLER: Yes.

6 MS. FREEMAN: Mr. McIntosh?

7 MR. McINTOSH: Yes.

8 MS. FREEMAN: Mr. Peterson?

9 MR. PETERSON: Yes.

10 MS. FREEMAN: Mr. Lingenfelter?

11 CHAIRMAN LINGENFELTER: Yes.

12 Okay. Amendment Number 8, which would be covering
13 Section 34. There was --

14 MR. MORGAN: There's no comments. That's the last
15 page.

16 CHAIRMAN LINGENFELTER: Right, there were no, there
17 were no recommendations by the Lake County Planning and
18 Community Development. Can I get a motion?

19 MR. PETERSON: Mr. Chairman, I make a motion we
20 approve Amendment Number 8 as written.

21 CHAIRMAN LINGENFELTER: I have a motion made.
22 Second?

23 MR. McINTOSH: Second.

24 CHAIRMAN LINGENFELTER: Motion has been seconded.
25 Heather, the roll.

26 MS. FREEMAN: Mr. Peterson?

27 MR. PETERSON: Yes.

28 MS. FREEMAN: Mr. Schindler?

29 MR. SCHINDLER: Yes.

30 MS. FREEMAN: Mr. Morgan?

1 MR. MORGAN: Yes.

2 MS. FREEMAN: Mr. McIntosh?

3 MR. McINTOSH: Yes.

4 MS. FREEMAN: Mr. Lingenfelter?

5 CHAIRMAN LINGENFELTER: Yes.

6 Okay. Amendment Number 9, which is Section 36, Site
7 Plan Review, we do have some recommendations by the Lake
8 County Planning Commission.

9 MR. McINTOSH: Mr. Chairman, I move that we accept
10 Amendment Number 9 as written with the recommendation from the
11 Lake County Planning Commission and from staff that we define
12 the "landscaping professional" that was discussed that it was
13 Ohio certified or registered -- Heather, is that the correct?

14 MS. FREEMAN: I am sorry. We're actually --

15 CHAIRMAN LINGENFELTER: The right one --

16 MS. FREEMAN: But we are on Section 36 right now.
17 You jumped ahead.

18 MR. McINTOSH: Oh, I'm sorry.

19 CHAIRMAN LINGENFELTER: You are good.

20 MR. McINTOSH: Okay.

21 CHAIRMAN LINGENFELTER: It's hard.

22 MR. McINTOSH: Okay. We had one there, correct?

23 CHAIRMAN LINGENFELTER: We had three.

24 MR. McINTOSH: Three, oh.

25 CHAIRMAN LINGENFELTER: The first, the fourth and
26 the fifth.

27 MR. McINTOSH: Okay.

28 MS. LANDGRAF: Wait. What?

29 CHAIRMAN LINGENFELTER: Right?

30 MR. McINTOSH: The first.

1 MS. LANDGRAF: I think you decided not to do
2 Number 1.

3 MS. FREEMAN: Yes.

4 CHAIRMAN LINGENFELTER: Oh, we decided not to do
5 Number 1? That's right, we did. Sorry.

6 MS. FREEMAN: Just the fourth.

7 MR. McINTOSH: Yeah, right.

8 CHAIRMAN LINGENFELTER: Just the fourth and the
9 fifth.

10 MS. FREEMAN: The fifth was already on there.

11 MR. MORGAN: The fifth was already included.

12 MR. PETERSON: So just the fourth.

13 CHAIRMAN LINGENFELTER: Right, so actually just the
14 fourth.

15 MR. McINTOSH: Okay. So, Mr. Chairman, I moved that
16 we accept Amendment Number 9 as written with the
17 recommendation from staff and the Planning Commission to
18 require land use and zoning information on adjacent properties
19 to the site plan. We did --

20 CHAIRMAN LINGENFELTER: Yes, that's good, very good.
21 Thank you. We have a motion made. Can I get a second,
22 please?

23 MR. MORGAN: I will second.

24 CHAIRMAN LINGENFELTER: Motion has been made and
25 seconded. Heather, the roll.

26 MS. FREEMAN: Mr. Morgan?

27 MR. MORGAN: Yes.

28 MS. FREEMAN: Mr. Schindler?

29 MR. SCHINDLER: Yes.

30 MS. FREEMAN: Mr. Peterson?

1 MR. PETERSON: Yes.

2 MS. FREEMAN: Mr. McIntosh?

3 MR. McINTOSH: Yes.

4 MS. FREEMAN: And Mr. Lingenfelter?

5 CHAIRMAN LINGENFELTER: Yes.

6 Okay. Amendment Number 10, which covers Section 37.

7 And I think that is one of the other ones that was --

8 MR. MORGAN: That was the other one.

9 CHAIRMAN LINGENFELTER: -- left without comment.

10 Right, that's also without comment. So it will be -- I will

11 accept a motion in the affirmative as submitted.

12 MR. McINTOSH: Mr. Chairman I move that we accept

13 Amendment 10 as written.

14 CHAIRMAN LINGENFELTER: Motion made. And seconded,

15 please?

16 MR. PETERSON: I will second that.

17 CHAIRMAN LINGENFELTER: Seconded. Heather, the

18 roll.

19 MS. FREEMAN: Mr. McIntosh?

20 MR. McINTOSH: Yes.

21 MS. FREEMAN: Mr. Peterson?

22 MR. PETERSON: Yes.

23 MS. FREEMAN: Mr. Schindler?

24 MR. SCHINDLER: Yes.

25 MS. FREEMAN: Mr. Morgan?

26 MR. MORGAN: Yes.

27 MS. FREEMAN: Mr. Lingenfelter?

28 CHAIRMAN LINGENFELTER: Yes.

29 Okay. Amendment Number 11, which is Section 38, now

30 you are good to go, Morgan.

1 MR. McINTOSH: Okay. Mr. Chairman, I move that we
2 accept Amendment Number 11, Section 38, as written with the
3 recommendation from the Planning Commission and staff that we
4 define "other landscape professional" as registered within the
5 state of Ohio.

6 CHAIRMAN LINGENFELTER: Very good. Motion made.
7 Can I get a second, please?

8 MR. SCHINDLER: I second.

9 CHAIRMAN LINGENFELTER: Seconded. Heather, the
10 roll.

11 MS. FREEMAN: Mr. Schindler?

12 MR. SCHINDLER: Yes.

13 MS. FREEMAN: Mr. Peterson?

14 MR. PETERSON: Yes.

15 MS. FREEMAN: Mr. McIntosh?

16 MR. McINTOSH: Yes.

17 MS. FREEMAN: Mr. Morgan?

18 MR. MORGAN: Yes.

19 MS. FREEMAN: And Mr. Lingenfelter?

20 CHAIRMAN LINGENFELTER: Yes.

21 Okay. That concludes Item Number 2 on the agenda.
22 Very good work, everyone involved. Heather, you did a nice
23 job. You did a lot of work on this. It is nice to finally
24 put this behind us. I appreciate everybody's efforts.

25 Okay. Item Number 3 on the agenda is to review the
26 2018 meeting schedule and deadline dates, which was this fancy
27 schmancy piece of paper here with all the --

28 MS. FREEMAN: So, Mr. Chairman, I just had a few
29 comments on that.

30 CHAIRMAN LINGENFELTER: Sure.

1 MS. FREEMAN: Okay.

2 CHAIRMAN LINGENFELTER: Please comment.

3 MS. FREEMAN: I don't know if you've done this in
4 the past before but it's come to my attention that now we need
5 zoning amendment submittal dates in order to be -- to coincide
6 better with our regular meeting schedule. So we proposed in
7 here deadline dates, filing deadline dates for text and map --
8 text and/or map amendment applications that are submitted by
9 application. So this doesn't affect anything that the Zoning
10 Commission initiates or that the Trustees may certify to you,
11 but if somebody wants to submit their own application, this is
12 the date that they file or that we'll accept it, which will
13 then trigger the 20 -- you know, the time frame for getting on
14 your agenda and things like that.

15 MS. LANDGRAF: Hold on a second. I am sorry. I
16 didn't see this. Is this like you're telling the citizens
17 that they have to file by this date?

18 MS. FREEMAN: Yeah. Can we do that?

19 MS. LANDGRAF: No.

20 MS. FREEMAN: No, we can't? Oh.

21 MS. LANDGRAF: They have to be able to file whenever
22 they want.

23 MS. FREEMAN: At any time?

24 MS. LANDGRAF: Yeah.

25 MS. FREEMAN: Oh, okay. Well --

26 CHAIRMAN LINGENFELTER: If you had your meeting
27 packet, you'd know that.

28 MS. LANDGRAF: If I had it, I would have.

29 MS. FREEMAN: Okay. All right. So maybe we can't
30 do that, okay. Good to know.

1 MS. LANDGRAF: I am sorry. We are sticklers but the
2 Revised Code does require, once an application has been
3 submitted, it has to be set for hearing in 20, no later than
4 40 days.

5 MS. FREEMAN: Okay.

6 MS. LANDGRAF: So it may require a special meeting
7 to be called. I'm sorry.

8 MS. FREEMAN: Okay.

9 MS. LANDGRAF: Revised Code requires that.

10 MS. FREEMAN: So we'll revise that and eliminate
11 that column on the left.

12 CHAIRMAN LINGENFELTER: Well, it was a good idea.

13 MS. FREEMAN: Yeah, because I have people asking me,
14 what is the deadline to submit? So there really isn't.

15 MS. LANDGRAF: There really isn't. It is just a
16 matter of how quickly it has to move after it's submitted, but
17 people have to have the ability to petition to rezone at any
18 time.

19 MS. FREEMAN: Okay, okay.

20 MS. LANDGRAF: You certainly could tell them, you
21 could suggest, if we get it by this day, then you could hear
22 it at this next meeting.

23 MS. FREEMAN: Okay.

24 MR. McINTOSH: I was going to say, can you just work
25 backwards and say this is the date that coincides with our
26 normal meeting cadence. So if they wanted to know that, they
27 could --

28 MS. LANDGRAF: And then you can say, "If I receive
29 it by this day, then it can be" --

30 MS. FREEMAN: Yeah, okay. It just can't be a

1 deadline. Okay.

2 MS. LANDGRAF: So this would be great for you.

3 MS. FREEMAN: Okay. All right. But as far as just
4 regular meetings for 2018, Claudia, our office assistant,
5 usually does this calendar for us and she noticed that the
6 July meeting on July 3rd, so which is a Tuesday, obviously,
7 right by a holiday. So I was just wondering if the Commission
8 wanted to still have it on July 3rd or if you wanted to move
9 that meeting in July due to any kind of vacations or anything
10 like that. I am fine either way. I just wanted to point out
11 that that one was right near a holiday when people might be
12 out of town.

13 So if you guys wanted to make that decision, we
14 could change it for that month or we could just keep it as is.

15 CHAIRMAN LINGENFELTER: We could keep it as is and,
16 you know, if we run into any issues -- I mean, there's a lot
17 of times there isn't really a whole lot on the agenda and we
18 don't meet much in the summer anyway.

19 MS. FREEMAN: Okay.

20 CHAIRMAN LINGENFELTER: So if we are not, you know,
21 if there's no, if there's no need for a meeting, then we want
22 to target the 3rd.

23 MS. FREEMAN: Okay.

24 CHAIRMAN LINGENFELTER: To not have one --

25 MS. FREEMAN: That's fine.

26 CHAIRMAN LINGENFELTER: -- July 3rd. No, I think we
27 just leave them as is and we, we just deal with them as they
28 come up.

29 MS. FREEMAN: Okay.

30 CHAIRMAN LINGENFELTER: Like you said, we always

1 have, we always have the option to change a date and convene
2 at another time so we can, you know, to accommodate for the
3 holidays and things like that, so I think that will be all
4 right.

5 MS. FREEMAN: Okay. Sounds good.

6 CHAIRMAN LINGENFELTER: So that's Item Number 3 on
7 the agenda.

8 Item Number 4 is the approval of minutes of the
9 December 5, 2017, meeting.

10 MR. PETERSON: Mr. Chairman, I make a motion we
11 approve the minutes of the December 5, 2017, meeting as
12 written.

13 CHAIRMAN LINGENFELTER: I have a motion made. Can I
14 get a second?

15 MR. McINTOSH: Second.

16 CHAIRMAN LINGENFELTER: Seconded. All those in
17 favor say "aye." Opposed? Any opposed?

18 MR. MORGAN: And I will abstain.

19 CHAIRMAN LINGENFELTER: One abstention.

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

21 CHAIRMAN LINGENFELTER: Item Number 5 on the agenda
22 is the correspondence report by Zoning Commission members.
23 Frank?

24 MR. SCHINDLER: I haven't per se had anyone call me
25 but I have heard a lot of reference about the traffic
26 situation up on 44, people complaining still that it was our
27 fault, you know, and the State made the changes on 44 there
28 and you have to go straight down and then make the light and
29 come all the way back to go the hospital. People complain
30 about that, that it was our fault. So other than that general

1 discussion I hear at church and shopping, nothing major.

2 CHAIRMAN LINGENFELTER: Morgan?

3 MR. McINTOSH: No.

4 CHAIRMAN LINGENFELTER: Rich?

5 MR. PETERSON: Nothing formal but I've had several
6 favorable comments about the way Crile Crossing is developing.
7 People are pretty happy with that, the way it's gone so far.

8 CHAIRMAN LINGENFELTER: Gerry?

9 MR. MORGAN: No correspondence, Mr. Chairman.

10 CHAIRMAN LINGENFELTER: None. Nothing for me.

11 Heather, have you heard anything about Reider's at
12 all? That's been kind of a bone of -- or kind of a common
13 question lately about it. Is anything coming towards Reider's
14 at this point?

15 MS. FREEMAN: I don't know anything.

16 CHAIRMAN LINGENFELTER: Anybody, no overtures, no --

17 MS. FREEMAN: I know that the Trustees were trying
18 to actively --

19 CHAIRMAN LINGENFELTER: Right.

20 MS. FREEMAN: -- pursue some potential occupants.
21 And I think the owner of the property gave some indication
22 that there was some conversations with a potential grocer but
23 they couldn't divulge anything because there wasn't any kind
24 of signed contract or anything yet. So --

25 CHAIRMAN LINGENFELTER: Right, okay. All right.
26 The next meeting for the Zoning Commission will be February.

27 MS. FREEMAN: Excuse me.

28 CHAIRMAN LINGENFELTER: The 6th, I see.

29 MS. FREEMAN: We are actually going to have our
30 special --

1 CHAIRMAN LINGENFELTER: Oh, that's right. I take
2 that back. Our next meeting will be, yeah, our next meeting
3 not scheduled -- or is scheduled will be on, will be --

4 MR. PETERSON: January 23rd.

5 MR. SCHINDLER: January 23rd.

6 CHAIRMAN LINGENFELTER: Yeah, will be Tuesday,
7 January 23rd, which would be three weeks from today,
8 January 23rd, at 7:00, here, and then we will go back to our
9 regularly scheduled process.

10 Any other questions or issues we'd like to cover
11 today, guys? Anything?

12 Stephanie, thank you for being here tonight.

13 MS. LANDGRAF: My pleasure.

14 CHAIRMAN LINGENFELTER: Appreciate your counsel.

15 Anything else? Meeting is adjourned.

16 (Whereupon, the meeting was adjourned at 8:58 p.m.)
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1 STATE OF OHIO)
2 COUNTY OF CUYAHOGA)

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 extension
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 extension 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 30th day of January
19 2018.

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Melinda A. Melton
Registered Professional Reporter

Notary Public within and for the
State of Ohio

My Commission Expires:
February 4, 2018