

CONCORD TOWNSHIP ZONING COMMISSION
LAKE COUNTY, OHIO
REGULAR MEETING

Meeting held via Webex Teleconference
and YouTube Live Streaming

Concord Town Hall
7229 Ravenna Road
Concord, Ohio 44077

March 2, 2021
7:00 p.m.

TRANSCRIPT OF PROCEEDINGS

Zoning Commission members present:

Hiram Reppert, Chair
Andy Lingenfelter, Vice Chair
Richard Peterson, Member
Frank Schindler, Member (via Webex)
Rich Iafelice, Member

Also Present:

Heather Freeman, Planning & Zoning Director/Zoning
Inspector
Marty Pitkin, Assistant Zoning Inspector

Melton Reporting
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1 7:01 p.m.

2 CHAIRMAN REPPERT: I would like to call to order the
3 Concord Township Zoning Commission meeting for Tuesday,
4 March 2, 2021. On the agenda today is Old Business, and that
5 is the public hearing for Zoning Amendment Application 0320-1,
6 submitted by Rylan. That, again, is being tabled, as it has
7 for the last few months.

8 So we will go on to New Business, and the first on
9 the agenda for New Business is a work session for possible
10 zoning text amendments related to the RCD, which is a
11 Residential Conservation Development district, and
12 microdistilleries. I think we're kind of on a holding pattern
13 with the RCD text amendments right now or do we want to
14 continue?

15 MS. FREEMAN: Well, I guess, Mr. Chairman, you know,
16 just to update the board, to follow up with the email that was
17 sent earlier this month, Hiram, Andy and myself met with
18 Stephanie and Abby to discuss the amendments that we talked
19 about at our February meeting and the direction that the board
20 was looking at going. They understood as far as what we
21 wanted to do with the design criteria, which ones we wanted to
22 incorporate as required versus desirable. We also discussed
23 changing the review process and potentially eliminating the
24 yield plan as part of that review process.

25 One thing that they suggested is we maybe discuss a
26 little bit further on that, the minimum open space
27 requirement. Do we want to go with what we talked about
28 briefly last month, the minimum 40 percent? Is that too high?
29 You know, maybe we could discuss that a little bit more
30 tonight so we're clear on what we want to do.

1 So the way that the zoning district is currently
2 written, a developer could come in with a 20 acre piece of
3 land and set aside as little as 10 percent of that as open
4 space and they would still, under the current zoning, be
5 afforded a small density increase of 2 percent. What we
6 talked about last month was eliminating that density bonus and
7 saying, "You shall at least come in with 20 acres. And of
8 that 20 acres, we want to see 40 percent of that set aside as
9 permanent open space and then you develop out the rest of the
10 land with lots that meet the design criteria and overall the
11 requirements in the RCD."

12 So one thing that we looked at early on in, like,
13 December and January when we first started reviewing the RCDs
14 that were already approved by the township was we looked at
15 how much open space they put in their projects and we know all
16 of them had at least 40 percent. So you have that spreadsheet
17 that we had put together initially. And then if you looked at
18 Concord Ridge and Orchard Springs -- and I think those two
19 were probably the most favorable of all the ones that we
20 reviewed -- those developments were reaching almost 50
21 percent.

22 You know, we talked a lot about the most recently
23 approved one where they did just meet the 40 percent open
24 space requirement overall. Some of the open space was
25 impacted in that with the retention basins and, as you know,
26 we're going to make that very clear in this amendment that
27 that is not going to be counted as open space moving forward.
28 So I think if that development, specifically Eagle Pointe,
29 were to be submitted the same way it would be today, it
30 wouldn't meet that 40 percent open space. They would probably

1 be closer to 35 percent and that would probably decrease their
2 density a little bit on that project.

3 CHAIRMAN REPPERT: So what's not included?

4 MS. FREEMAN: They will not be allowed to, any area
5 that would be cleared for any kind of infrastructure like
6 stormwater or utilities, those kind of things. The open space
7 would basically have to be undisturbed. So they couldn't use
8 that for any kind of infrastructure used for the development.
9 And the areas that, the way the zoning is written that we're
10 trying to protect include like woodlands, riparian areas,
11 wetlands. Those are the kind of features, steep slopes,
12 things of that nature, that we want to see preserved and
13 staying in those open space areas.

14 So I guess my question would be, do we want to go to
15 40? Do we want to say 30?

16 CHAIRMAN REPPERT: Twenty acres, 30 percent, that's
17 6 acres, 40 percent would be 8 acres. Take away all the
18 driveways and streets and setbacks, it's -- I'd be okay with
19 30.

20 MR. PETERSON: I sort of agree. Forty seems awful
21 high. That's almost half the land. So 30 is probably more
22 realistic.

23 MR. LINGENFELTER: Yeah, that was my, that was my
24 thought process, Rich, was, you know, you start pushing to 40,
25 you start, especially on a smaller project --

26 MR. PETERSON: Yeah.

27 MR. LINGENFELTER: -- you know, you really start to,
28 it becomes cumbersome.

29 MR. PETERSON: Right.

30 MR. LINGENFELTER: And then we start taking, in the

1 same breath, we're also taking away some of the, some of their
2 ability to use certain parts as open space, like retention
3 basins or right-of-ways and things of that nature, and that
4 even limits it more. So it can take a small project and,
5 pretty much, it can disincentivize the developer from
6 considering an RCD, which I don't think we want to do. You
7 know, I don't think we want to do that.

8 So my thought process was maybe we take it in two
9 different directions in that regard. We take it -- Because
10 there aren't that many big opportunities. There aren't that
11 many big project opportunities left in the township, you know,
12 for large blocks of land. I mean, 50, 60, 100 acre projects
13 just aren't out there anymore. It's going to be small stuff.
14 You know, it's somebody trying to combine a couple of small
15 lots together to scrape, you know, 20 acres together or 25
16 acres. So maybe we look at the smaller, at a smaller project
17 with a smaller percentage requirement and a bigger project,
18 anything over a certain number of acres maybe, then we jump it
19 to 40 percent because they've got more land that they can --
20 that's something, I think, is realistic. They've got more
21 land to deal with. They can be more -- We can be more
22 forgiving on a 50 acre project, say, than a 20 acre project.
23 Twenty acres, you hold it at 40 percent, like you said, you're
24 talking almost half the development is going to go to open
25 space. I mean, that's going to mean that you're going to
26 disincentivize.

27 Maybe if we drop, if it's under, say, 25 acres -- We
28 should have a hard line though. We should have like if it's
29 less than 25 acres, then we should say maybe it's a 30 percent
30 open space requirement. If it's 25 acres or 26 acres or more

1 or whatever, then we go to, you know, 40 percent or something
2 like that. I think that would be a fair way to address that.

3 MR. PETERSON: You could even have a sliding scale
4 that said 20, 20 acres to 50 acres is maybe a little bit more,
5 then over 50 is the highest.

6 MR. LINGENFELTER: Right.

7 MR. PETERSON: You could do that. That would be --

8 MR. LINGENFELTER: See, my thought process is there
9 aren't that many, I mean, there aren't that many big projects,
10 you know, like large acreage projects left in the township. I
11 mean, there just aren't that many left.

12 MR. PETERSON: Yeah.

13 MR. LINGENFELTER: Unless somebody gets real
14 creative and is able to combine, you know, a couple of decent
15 size parcels together. You know what's that's like. I mean,
16 if somebody knows they're in a desirable spot, they're going
17 to hold out and that's going to be real difficult from a
18 negotiation standpoint if they know they're sitting on a big
19 chunk of land that would be critical for somebody to do an
20 RCD, you know. They're going to stick it to whoever is trying
21 to buy it. But, hey, that is what it is. I mean, that's not
22 our problem.

23 But we want to try to incentivize it and not
24 disincentivize it. So say 20 acres, anything less than at 20
25 -- Well, it's got to be at least 20 acres, right?

26 CHAIRMAN REPPERT: It's got to be at least 20.

27 MR. LINGENFELTER: It's got to be at least 20. So
28 do you want to say 25, we go 25 percent? And then, you know,
29 maybe, and then from 25 or 26 to --

30 MR. PETERSON: Forty maybe.

1 MR. LINGENFELTER: Then you can go to 40. I mean,
2 is that realistic?

3 MR. PETERSON: Forty percent.

4 MR. LINGENFELTER: What was Lilly? What was Lilly,
5 Lilly Farms?

6 MS. FREEMAN: Lilly Farms.

7 MR. LINGENFELTER: How many acres total?

8 MS. FREEMAN: They were about 24 acres.

9 MR. PETERSON: That's only 20, yeah, 24.61.

10 MS. FREEMAN: With 42 percent open space. And that
11 was R-4, so that went down to half acre lots.

12 MR. LINGENFELTER: Right.

13 CHAIRMAN REPPERT: Before we go to any other
14 discussion, I would like to acknowledge that Frank Schindler
15 is on the phone. Frank?

16 MR. SCHINDLER: Yes, I am, I am.

17 CHAIRMAN REPPERT: Okay. Thank you.

18 MR. SCHINDLER: You're welcome.

19 MR. IAFELICE: Mr. Chairman, my comment to the topic
20 here is looking at it in combination with the density bonus.
21 I can't think of the open space without considering the
22 density bonus at the same time. So the code calls for, I
23 believe, 8, like at 30 percent, 8 percent density increase.
24 So I am having trouble thinking how a developer and/or design
25 on a sliding scale would work or how that is done. Whereas,
26 when we talk about a 30 or 40 or 20 percent, shouldn't we talk
27 about how it is tied to the density increase? Is that going
28 to vary or is that going to follow the way we have it already
29 prescribed?

30 CHAIRMAN REPPERT: Isn't the density increase based

1 upon the --

2 MR. IAFELICE: Open space.

3 CHAIRMAN REPPERT: Well, no, no.

4 MS. FREEMAN: Well, it is based on two fold, the
5 open space and the number of lots on the yield plan.

6 CHAIRMAN REPPERT: On the yield plan.

7 MS. FREEMAN: But correct me if I am wrong. It
8 seems like, if we were going to get rid of the yield plan,
9 that, in effect, was going to get rid of the density bonuses.

10 CHAIRMAN REPPERT: Yeah, we're not going to have the
11 density bonus anymore.

12 MR. IAFELICE: That's why I am asking.

13 CHAIRMAN REPPERT: We are not going to have the
14 density bonus anymore.

15 MS. FREEMAN: Right.

16 MR. IAFELICE: So what is it, when we say 30 percent
17 open space, what are we saying about the density then? It's
18 up to the design and then on the merits of the design?

19 MS. FREEMAN: Right. So the density is somewhat
20 regulated based on the ability of the designer to come up with
21 lots that conform to .25 acres or .5, depending on what area
22 of the township.

23 MR. IAFELICE: Right, right.

24 MS. FREEMAN: Right now, that is something that the
25 township could discuss in addition to this is, do we want to
26 give them a flat, you know, overall density for the project?
27 So -- And some codes do that. They say, you know, minimum 30
28 percent open space but also, by the way, your project cannot
29 exceed .5 dwelling units per acre.

30 MR. IAFELICE: That's what I --

1 MS. FREEMAN: Calculated on a gross acreage
2 requirement.

3 MR. IAFELICE: Thank you, Heather. That's what I
4 was trying to say is, shouldn't it be tied, when we talk about
5 30 percent, with X density or X lot size or what have you?

6 MS. FREEMAN: So if we went back and reviewed the
7 other projects in the table that we provided here, you will
8 see that I did --

9 MR. IAFELICE: You did.

10 MS. FREEMAN: -- calculate the RCD plan density. So
11 like Concord Ridge, when you looked at the total number of
12 units divided by the gross acreage of the project, their
13 overall density was .71 dwelling units per acre. But then --
14 And those are half acre lots. So if you look, then Lilly
15 Farms, same thing, half acre lots. They were about, their
16 density was just less than 1 dwelling unit per acre. But then
17 when you look at the developments that were done with the
18 quarter acre lots, obviously, their density is going to be
19 somewhat higher, like Orchard Springs was at 1.24 dwelling
20 units per acre and they had almost 50 percent set aside in
21 open space, while in Eagle Pointe, their density was much
22 higher. Actually, it was 1.58 dwelling units per acre. And I
23 think this really goes due to the fact that those detention
24 areas were counted as the open space during that project. And
25 so -- And they barely had over 40 percent open space.

26 So, you know, in the way that the text is written,
27 you know, we have minimum lot sizes but we also allow frontage
28 requirements and lot width to fluctuate. So you could have a
29 developer that comes in and gives you 90 foot wide lots
30 because they want to put a 70 foot wide home on there with 10

1 foot side yards, but then the next day, you could get a
2 different project where someone is going to come in with 60
3 foot wide lots, 40 foot wide homes, and you maintain that 10
4 foot side yard on each side. And that project is going to be
5 much more dense than the other one just based on the types of
6 homes and the lots and the way they layed the lots out.

7 So, I guess, if you wanted to have more control in
8 the overall density other than just by regulating the lot
9 size, then you probably want to talk about adding some kind of
10 density, maximum density for the project in addition. It was
11 a curve ball. Or, you know, or we could go with just
12 dictating a minimum but then how do you do the scale if you
13 were going to talk about -- Because I like your idea, Andy,
14 about the bigger project, set aside more open space. But then
15 does that do the opposite? Then do developers look for
16 smaller projects then so they don't have to do as much open
17 space? You know, I don't know.

18 MR. LINGENFELTER: But, you know, in that regard, if
19 we ditch the yield plan, that's not going to be any benefit to
20 go with a smaller projects. So, yeah, they go less open space
21 but that doesn't guaranteed them a bigger density bonus. You
22 know what I am saying? So there is no -- I don't think those,
23 I don't think they're tied together.

24 MS. FREEMAN: But the -- yeah.

25 MR. LINGENFELTER: Because if they go with a smaller
26 project, they're still going to have to set aside a chunk of
27 open space and the density bonus isn't, because there's not
28 going to be that many lots on a smaller project, the density
29 bonus isn't going to be that great. What, are they going to
30 pick up a couple of extra, maybe, two lots in a 20 acre, 25

1 acre project versus, you know? If they actually want to
2 experience a reasonable density bonus, they would be, they
3 would probably be looking to do a bigger project than a
4 smaller project, right?

5 CHAIRMAN REPPERT: Yeah, yeah, that's true.

6 MR. LINGENFELTER: Because they'll have more because
7 -- Right? Am I thinking right? Am I off?

8 MR. PETERSON: You're right, Andy, because Concord
9 Ridge had seven additional lots allowed because it was 100
10 acres.

11 MR. IAFELICE: It's all relative.

12 MR. LINGENFELTER: Right, yeah, versus, I mean, if
13 it's a 20 acre project, I mean, what are we going to get, a
14 lot, maybe two?

15 MR. PETERSON: Lilly Farms got two.

16 MR. LINGENFELTER: Yeah, two lots. I mean, so
17 what's the incentive there? I mean, it's not like they're
18 going to get -- If you get an extra five lots, you're going to
19 be limited anyway. So, you know, I think that, I think the
20 sliding, I think a scaled approach to the density bonus or the
21 open space requirement -- The density bonus, it's going to
22 follow, you know, the size of the project, you know. If it's
23 going to be a bigger project, there is going to be a little
24 bit more of a density bonus.

25 MS. FREEMAN: When you say "density bonus," you just
26 mean more houses, like, just baked into the plan because,
27 I mean, right?

28 MR. LINGENFELTER: Yeah, because, I mean, it's just,
29 there is going to be more room to play, you know, in that
30 regard.

1 MS. FREEMAN: Yeah.

2 MR. LINGENFELTER: And keeping the spirit of the RCD
3 and open space and quality open space, not just random open
4 space but quality open space versus, you know, a smaller
5 project where you're just, you're going to really be limited,
6 I mean, maybe a smaller project may end up being density
7 neutral. I mean, to be honest with you, it just might be
8 because just, depending on the lay of the land and, you know,
9 the attributes like riparian setbacks or wetlands or whatever,
10 it could be, it may have to be a density neutral project.
11 They may not even see an extra lot out of it to preserve the
12 open space, you know, if it's a smaller project.

13 But if it's a bigger project, if they're able to
14 amass, you know, 50 acres or 75 acres, then they can still
15 give us quality, quality open space and then see a little bit
16 of a density bonus, get a couple extra lots, you know, a
17 couple, two or three extra lots, maybe four or five extra lots
18 in a bigger project. So I think you would push -- I think we
19 would be kind of pushing them towards trying to do a bigger
20 project and I think there is benefit to that for the township.
21 A bigger project is going to enable us to have more open
22 space, you know.

23 MS. FREEMAN: Yeah.

24 MR. LINGENFELTER: So I think that allows us to
25 drive some of those other features that we were talking about.
26 When you have a bigger project, there is more lots. You're
27 able to drive some of those, you know, breaking so many lots
28 with a open lot, you know, having transitions between older or
29 established developments with the new ones and having a break
30 there, you know, taking away some of those lots that would

1 normally be developed, you know. I think that gives us more,
2 that gives us more the ability to drive that process and try
3 to get more of those requirements that we're putting together
4 on the, you know, the checklist side of things, get them to
5 meet more of that with a bigger project than we do with a
6 smaller project.

7 It's just going to be too difficult. I think a
8 smaller project is going to be really difficult for anybody to
9 do that. I mean, you're going to get to a point where the
10 developer is just going to say, "I am just going to build it
11 as an R-1. Forget about it. Why should I bother? Why should
12 I try?" You know, so --

13 CHAIRMAN REPPERT: Well, I like the sliding scale.
14 So if we start out with 20 acres at 30 percent and then go to
15 30 acres, 35 percent, 40 acres and above, 40 percent.

16 MR. PETERSON: Weren't we saying 20 percent for the
17 real small one?

18 CHAIRMAN REPPERT: Thirty percent.

19 MR. PETERSON: Oh.

20 CHAIRMAN REPPERT: Thirty percent for 20 acres.

21 MS. FREEMAN: I think that's reasonable. You need a
22 certain amount for it to make sense.

23 CHAIRMAN REPPERT: You're losing 6 acres.

24 MR. LINGENFELTER: Well, you will find out real
25 fast.

26 MR. PETERSON: Yeah.

27 MR. LINGENFELTER: You will find out real quick. If
28 there is, you know, some of those, some projects come in at
29 that level and they don't bother with the RCD, then we will
30 know that that's not a reasonable --

1 MR. PETERSON: It's probably reasonable because all
2 the current ones are over 40 percent.

3 MR. LINGENFELTER: Right.

4 MS. FREEMAN: Right, right.

5 MR. LINGENFELTER: But did they have a choice
6 though?

7 MR. PETERSON: Yeah.

8 MR. LINGENFELTER: They didn't have a choice, right?

9 MS. FREEMAN: They did. They did have a choice. I
10 mean, they could go down to 10.

11 MR. LINGENFELTER: Right.

12 MS. FREEMAN: They just chose not to, you know.

13 MR. LINGENFELTER: Right.

14 MS. FREEMAN: So as far as the breaks in the
15 acreages, am I hearing, what are --

16 CHAIRMAN REPPERT: It would be 20 to 29 acres, 30
17 percent; 30 to 39 acres, 35 percent; and 40 and above, 40
18 percent.

19 MR. LINGENFELTER: Did you use a calculator for that
20 or did you come up with that on your own?

21 CHAIRMAN REPPERT: I just guessed.

22 MR. LINGENFELTER: I like that. I think that's a
23 good way to go. I think that's a --

24 CHAIRMAN REPPERT: I think that's a nice sliding
25 scale, I do. I like it.

26 MS. FREEMAN: Is that something that we want to --

27 MR. PETERSON: Is there any legal issue with that?

28 MS. FREEMAN: I don't know.

29 MR. PETERSON: Worth checking into.

30 MS. FREEMAN: Yeah, I can discuss that with legal

1 and see if they've got any --

2 MR. PETERSON: It seems reasonable though.

3 MS. FREEMAN: Yeah. The only thing I would be maybe
4 somewhat concerned is how we chose those different tiers, you
5 know. What's the reasoning between picking, you know, those
6 specific acreages?

7 MR. IAFELICE: Yeah. I apologize. I am not getting
8 my arms around it. It seems rather arbitrary.

9 CHAIRMAN REPPERT: It is. I mean, this whole thing
10 is arbitrary.

11 MR. IAFELICE: Well, no, no. I will define it a
12 little bit. So when I look at the township, I think of the
13 R-4, right, which has got some PUDs and utilities. So
14 utilities is going to drive the density. If utilities were
15 extended further east, it seems to me that's where the
16 potential of RCDs could occur, especially east, okay, just the
17 lay of the land and whatnot.

18 CHAIRMAN REPPERT: Okay, right.

19 MR. IAFELICE: So, again, I am trying to tie the
20 percentage to -- In an R-4, the minimum lot size is an acre.

21 MS. FREEMAN: One acre.

22 MR. LINGENFELTER: Yeah, one acre, right.

23 MR. IAFELICE: So the consequences of just saying 40
24 percent on a large tract could result in that one acre
25 becoming a half acre.

26 MR. PETERSON: Right.

27 MR. IAFELICE: Is that --

28 MR. PETERSON: That's what it did.

29 MR. IAFELICE: That's what it did, right, Rich?

30 That's what it did, you know. If that's that what means, it

1 doesn't mean, it doesn't mean it goes to a quarter of an acre.

2 MR. PETERSON: Right.

3 MR. IAFELICE: Or could it? That's what, I guess,
4 what I am saying is, could that drive it to be more dense than
5 we want?

6 MS. FREEMAN: Well, if an R-4 was rezoned to RCD,
7 they would have to do, at least, a half acre lot size.

8 MR. LINGENFELTER: Half acre, right. R-1 would, R-1
9 would enable quarter acre because R-1 is a half.

10 MR. IAFELICE: Oh, I am sorry. So that is defined
11 already?

12 MS. FREEMAN: Yes.

13 MR. LINGENFELTER: So if it's an R, if it's an
14 existing R-4 property --

15 MR. IAFELICE: Okay.

16 MR. LINGENFELTER: -- then they could only take it
17 down to a half acre. They couldn't take it --

18 MR. IAFELICE: I missed that. I apologize.

19 MR. LINGENFELTER: We fought that battle. We've
20 already fought that battle.

21 MR. IAFELICE: All right. That's where my concern
22 was.

23 MR. LINGENFELTER: Yes, we did, we fought that
24 battle.

25 MS. FREEMAN: You know, Rich, that is a good point
26 to bring up, you know. If we're going to see larger
27 developments, they're probably going to be on the east and,
28 definitely, it's contingent on bringing utilities out there.
29 And then the smaller projects are probably going to be more,
30 probably, the R-1s and then some random, smaller assembled

1 projects, you know, in the R-4. So --

2 MR. IAFELICE: So it seems to me, Andy, that the
3 basis would be based upon historical records, data that's
4 showing, you know, basic how many or what percentage of open
5 space was there on developments. So there is, at least, there
6 is something that we're drawing from as a rationale for the
7 proposal. So I don't know if that's a legal question. Maybe
8 it is arbitrary and it's based upon a subjective/objective
9 opinion.

10 MS. FREEMAN: But that's a good point, right,
11 because if you look at Concord Ridge, they had over 100 acres
12 and they were like at 48 percent.

13 MR. IAFELICE: Yeah.

14 MS. FREEMAN: Orchard Springs, they would have
15 fallen in your 30 to 39 acre project and, under this proposal
16 that we're talking tonight, would have only required 35
17 percent open space but they went with 49 percent. So, yeah,
18 like Eagle Pointe, they were just over the 29 acres. That
19 would have required, at least, a minimum 30 percent. So we're
20 clearly in line with what came in front of the township. So,
21 okay, I think we talked ourselves through it.

22 MR. IAFELICE: Me, too.

23 MR. PETERSON: Yeah, under that, all of these would
24 have been approved.

25 MS. FREEMAN: Yeah, okay.

26 MR. LINGENFELTER: You okay with that, Rich? Rich?

27 MR. IAFELICE: Yes, yes. I've talked myself through
28 it.

29 MR. LINGENFELTER: As long as you're okay with it.

30 MR. IAFELICE: Yeah, thank you, Andy, yes.

1 CHAIRMAN REPPERT: Frank, do you have any questions?

2 MR. SCHINDLER: No, not really, gentlemen. I know
3 it's a very difficult situation to try to come up with a
4 formula. That's the hardest thing when you're looking at a
5 development. I would always try to think that, first, what
6 you try to look for is, what's the buildable area of the
7 development? What areas, first of all, you want to keep
8 sensitive? And you're going to come up with some percentage.
9 And then maybe use that percentage of what kind of a merit you
10 want to give to the developer, the incentives to develop it as
11 a conservation development itself. That's very difficult.

12 So I muddled around in my thoughts, too, about what
13 can we use, the formula. But I always try to keep in mind,
14 come up with a formula. It just doesn't seem to jive. The
15 number just doesn't pop out at me. You gentlemen came up with
16 a sliding scale. That sounds maybe the most just way to do it
17 but I still got mixed emotions, what's the best way?

18 MR. LINGENFELTER: Take, for example, what's going
19 on over there on Girdled and 608, you know, with Colwell's
20 property.

21 MS. FREEMAN: Yeah.

22 MR. LINGENFELTER: That's going to be -- he's not
23 going to get -- That's going to be septic.

24 MS. FREEMAN: Right.

25 MR. LINGENFELTER: He'll have city water. He'll
26 have water but they won't have sewer. So --

27 MS. FREEMAN: And that makes you ineligible for a
28 Residential Conservation Development.

29 MR. LINGENFELTER: Right, that blows that out of the
30 water because he's not going to get sewer there. So that's a

1 whole different, you know, that's a whole different animal
2 where --

3 CHAIRMAN REPPERT: That's probably what's going to
4 happen out east.

5 MR. IAFELICE: Yes.

6 MS. FREEMAN: But there is other land that could
7 become available in future years.

8 MR. LINGENFELTER: Right. But that's a big chunk of
9 property. I mean, that's a lot of acreage right there. It's
10 going to be a big, that's going to be a fairly big, I think,
11 probably, I think it's probably going to be somewhere in the
12 neighborhood of 60 homes, 70 homes, something like that.

13 MS. FREEMAN: I am guessing in that area.

14 MR. LINGENFELTER: Probably pretty close, 60, 70
15 homes in there but they're going to all have septic.

16 MR. PETERSON: Septic.

17 MR. LINGENFELTER: And I have a fundamental
18 opposition to that, you know, I really do. I would much
19 rather see sewer than septic. Even with all the advances in
20 technology, to me, septic is not, it's just not
21 environmentally friendly.

22 CHAIRMAN REPPERT: I would go for sewer at my place.
23 I have sewer on both sides.

24 MR. LINGENFELTER: Right.

25 CHAIRMAN REPPERT: But they won't put it in. Oh,
26 well.

27 MR. LINGENFELTER: But I think a new, you know, from
28 a new development standpoint. I mean, existing stuff, it is
29 what it is.

30 CHAIRMAN REPPERT: Yeah.

1 MR. LINGENFELTER: But I think on new, we should try
2 to drive utilities to everything we possibly can in that
3 regard but I realize, you know, there is some things you just
4 can't, sometimes you just can't do it. So --

5 CHAIRMAN REPPERT: So are you going to talk about
6 the sliding scale with legal?

7 MS. FREEMAN: Yes, yes, I will make sure that gets
8 worked into our amendments, and the plan is to have that
9 before our April meeting so you guys have time to review it.
10 I also thought about reaching out to a couple of the
11 developers.

12 CHAIRMAN REPPERT: Developers.

13 MS. FREEMAN: A couple developers and maybe a couple
14 engineering firms that do a lot of these projects in the
15 township and kind of get some feedback, their initial reaction
16 to what we are maybe doing here and see if they've got any
17 thoughts on it.

18 MR. IAFELICE: It would be interesting hearing their
19 feedback, specifically as it relates to eliminating the yield
20 plans.

21 MS. FREEMAN: Right, yeah.

22 CHAIRMAN REPPERT: They probably would say, "It's
23 about time."

24 MS. FREEMAN: Yeah. Okay, good. I think we're good
25 on that for tonight.

26 CHAIRMAN REPPERT: Okay.

27 MS. FREEMAN: Unless you guys have any other
28 comments on that.

29 CHAIRMAN REPPERT: I think that was the only open
30 area that we had whenever we talked to legal, so we will see

1 how that comes out.

2 MS. FREEMAN: Okay.

3 CHAIRMAN REPERT: All right. Moving on,
4 microdistilleries.

5 MR. LINGENFELTER: Now we can have some fun.

6 MR. IAFELICE: Hiram's favorite.

7 MS. FREEMAN: So, Mr. Chairman, as a follow-up from
8 our previous discussion on this, you recall we were approached
9 by an organization that was possibly looking at locating a
10 microdistillery in the township. However, we limited the
11 brewing capacity to no more than the 8,000 gallons. State law
12 changed, now allowing microdistilleries to go up to 100,000
13 gallons per year and still have some kind of retail/restaurant
14 component associated with that use. And that was originally
15 the genesis of the township trying to cap that, was because we
16 wanted to make sure that we weren't just getting a straight
17 production, manufacturing facility but we wanted that
18 experience-type place where our residents can go and either,
19 whether it be a brewery or a distillery, have that experience.

20 So we went and looked at what some other townships
21 and communities and cities have done and I know, most of this,
22 you already saw. I did come back with a little bit more of a
23 specific recommendation on maybe some changes that you may
24 want to move forward with, including changes to our existing
25 definitions for "microbrewery," "distillery," and "urban
26 winery" and adding a new definition for "brewery,"
27 "distillery" and "winery." And those would be very similar
28 uses of the aforementioned where they're exceeding the maximum
29 brewing capacity. And what I was proposing is that we may
30 allow those breweries, distilleries and wineries to be

1 permitted uses in our Research and Limited Industrial
2 district. So if we got a microbrewery or distillery that
3 became successful, that they could then still stay in Concord
4 Township and maybe build a new production facility down the
5 road or back over in our industrial district.

6 And then some of the other changes that I was
7 proposing that we consider was modifying some of the specific
8 conditions that are currently in Section 13.35 because
9 microbreweries, distilleries and urban wineries are currently
10 conditionally permitted uses.

11 MR. LINGENFELTER: Yeah, I would like to scratch the
12 "urban." It kind of flies in the face of semi rural, doesn't
13 it?

14 MS. FREEMAN: Yeah. So I think, yeah. And with
15 that, I was proposing that we change the term, actually.
16 Instead of "urban winery," call it a "microwinery," right, and
17 then, you know, defining that new term, right. So then the
18 new, the new definition "winery" would be an establishment
19 that exceeds that maximum brewing capacity.

20 And I know there was a little bit of discussion
21 before the meeting started about whether or not these -- These
22 outfits would not be, like, growing the grapes on premises
23 like the wineries. That would be kind of venturing into this
24 agricultural-type use and that would probably be regulated a
25 different way. So if we got somebody that wanted to do an
26 agricultural winery, say, over in our eastern portion of the
27 township, in the R-4, I don't believe, they would not fall
28 under this if it was truly an agricultural use. So you guys
29 understand that these are more of the commercial. They're not
30 growing any of the fruit there.

1 MR. LINGENFELTER: I am envisioning those uses being
2 primarily in the Crile corridor between 44 and where we were
3 talking about the, you know, off of Discovery Lane and things
4 like that. I think that's where our target audience is for
5 that application. So --

6 MS. FREEMAN: Right, within our Capital District,
7 which runs from Capital across 44, right over to Crile.

8 MR. LINGENFELTER: Right.

9 MS. FREEMAN: And our BX, which runs along,
10 basically, Crile Road. So we could tuck away an existing
11 shopping center, say, over where Drug Mart is and the space
12 became available and you might get a small microbrewery in
13 there or something or any of the shopping, you know, the
14 shopping centers on Crile Road.

15 But some of the specific changes that I was
16 proposing here with the conditional use permit requirements
17 was basically kind of near a little bit like what Willoughby
18 had in their code, basically, making sure that they're
19 operating in accordance with state and federal regulations and
20 that they have the current licenses to do their, to operate
21 their business. And then, you know, if we were to ever
22 question or request a copy of their report that they send to
23 the Bureau of Alcohol that certifies how much production they
24 actually did within a 12-month period, that we would have the
25 ability to ask for that. And I think that that would only
26 probably ever come up if there were some major issue with them
27 clearly exceeding that limit. And if they're exceeding that
28 limit, I think that we would be hearing maybe some impacts
29 from residents or adjacent businesses about increased truck
30 traffic, possibly, or something like that.

1 CHAIRMAN REPPERT: Something would have to set it
2 off.

3 MS. FREEMAN: Right, yeah. I don't think that we --
4 We would definitely not be asking for that unless it was an
5 issue. So --

6 And then, also, I was suggesting that we do not
7 limit -- or that we do not permit any kind of outdoor storage
8 of any of the brewing equipment, making sure that it's all
9 within the building, and then, obviously, not allowing any
10 kind of odorous smells that might constitute a public
11 nuisance.

12 CHAIRMAN REPPERT: Right.

13 MS. FREEMAN: Oh, and then the most important thing
14 is, under the microdistillery, changing the capacity. So we
15 had the 8,000 gallons. With my research and then discussing
16 it a little bit more with this potential user, they do report
17 back to the state in proof gallons. So I was suggesting that
18 maybe we just go with the 25,000 proof gallons, but that's,
19 obviously, open for further discussion, you know. The state
20 has allowed up to 100,000; Willoughby, 50; we were at 8; so
21 this user was asking for 25.

22 MR. LINGENFELTER: I think we should coincide with
23 whatever the state regulations are. I think that's what we
24 should try to target would be whatever state, whatever the
25 state regs are instead of running, instead of trying to
26 restrict beyond that, whatever, you know.

27 CHAIRMAN REPPERT: Does the state have a minimum or
28 a max?

29 MR. IAFELICE: Yes.

30 CHAIRMAN REPPERT: And it's 50,000?

1 MS. FREEMAN: 100,000.

2 MR. PETERSON: 100,000.

3 CHAIRMAN REPPERT: 100,000?

4 MS. FREEMAN: Yeah.

5 MR. LINGENFELTER: You have to start drinking now,
6 and a lot.

7 MS. FREEMAN: This particular user had indicated
8 that, you know, at that 25,000 gallon, they would be able to
9 compete regionally. And then if they were successful at that
10 point, they felt that they could, you know, have their own
11 stand-alone production facility, also.

12 MR. LINGENFELTER: Right. What about the inclusion
13 of brew pub? I mean, do we want -- Right now, we don't have
14 "brew pub" in our definition --

15 MS. FREEMAN: Right.

16 MR. LINGENFELTER: -- or in our designations. Do we
17 want to change that and add brew pub, still have the
18 microdistillery, the microbrewery, the microwinery, and then
19 maybe brew pub included in that, too, because if you look at
20 some of the definitions by some of the others, it's a little
21 more restrictive. It's got a little more, a little more of
22 the facility has to be dedicated to table service and counter
23 space versus production. So maybe that, maybe we want to
24 include brew pub or do you want to just keep it with the
25 microbrewery, microdistillery, and microwinery?

26 CHAIRMAN REPPERT: Well, we have the 20 percent
27 limit for restaurant usage and similar and tasting.

28 MR. LINGENFELTER: Right. Where brew pub is like 50
29 percent.

30 CHAIRMAN REPPERT: Yeah, yeah.

1 MR. LINGENFELTER: So you still give them the option
2 to be able to do on-prem brewing.

3 CHAIRMAN REPPERT: Yeah.

4 MR. LINGENFELTER: But they're going to be probably
5 small batch or small batch or, you know, smaller scale if they
6 have to devote 50 percent of their facility to --

7 CHAIRMAN REPPERT: A restaurant.

8 MR. LINGENFELTER: -- a restaurant, counter service,
9 retail space type of a thing.

10 MS. FREEMAN: I think the way I have seen some of
11 the other communities define "brew pub," that would probably
12 fall under our definition of "microbrewery."

13 MR. LINGENFELTER: That's what I am saying.

14 MS. FREEMAN: Right. So I don't know if --

15 MR. LINGENFELTER: Does it conflate the two? I
16 don't want to conflate the two.

17 MR. PETERSON: Or could you put "microbrewery/brew
18 pub"? That way, it clears it up if anybody inquired. I
19 mean --

20 MS. FREEMAN: Well, if someone were to approach the
21 township and say, "I want to do a brew pub," I'd say, "Well,
22 what do you mean, brew pub," you know, and find out, you know.
23 And does that fit within our definition of microbrewery or do
24 we need to just regulate it as --

25 MR. IAFELICE: I am sorry, Heather. Isn't that what
26 this said in 13.35(A), microbrewery shall include a
27 restaurant, bar and/or tasting room?

28 MS. FREEMAN: Right.

29 MR. LINGENFELTER: Right.

30 MR. IAFELICE: So isn't that what you're asking? I

1 was a little confused, brew pub versus -- This says a
2 microbrewery shall include a restaurant.

3 MS. FREEMAN: There are some communities that define
4 it --

5 MR. IAFELICE: Different?

6 MS. FREEMAN: -- even outside of a microbrewery.
7 They say that, for example, Willoughby, they say brew pub, you
8 have to have -- you have to sell at least 25 percent of your
9 product within that pub, so you couldn't, like, distribute for
10 sale outside of that. So the way that some of the communities
11 are saying is you have to sell on site, not devote a certain
12 amount of space towards it. But if you are going to produce
13 100,000 bottles a year, 25,000 of those have to be sold on
14 site versus shipped out to Giant Eagle or wherever someone
15 else is going to sell them.

16 MR. LINGENFELTER: Yeah, some of the lines between
17 brew pub and microbrewery are kind of blurred.

18 MS. FREEMAN: Right.

19 MR. PETERSON: Yeah. Actually, I think your edits
20 cover just about everything, Heather.

21 MR. IAFELICE: I thought so.

22 MR. PETERSON: I would have no problem with the
23 edits she has in here.

24 MR. LINGENFELTER: Right.

25 CHAIRMAN REPPERT: The one item you missed on 13.35,
26 on the title, we still have "urban winery."

27 MR. PETERSON: No, she's got it crossed out right
28 below it.

29 CHAIRMAN REPPERT: Right below it but not in the
30 title.

1 MS. FREEMAN: Yeah, you're right.

2 MR. PETERSON: Okay.

3 MR. LINGENFELTER: Yep.

4 MS. FREEMAN: Yeah, we would do that if this got to
5 amendment phase. Thank you, Hiram.

6 CHAIRMAN REPPERT: I am sure you go in and search
7 for "urban" and change it to "micro" all places.

8 MR. LINGENFELTER: How do you do that? Is that part
9 of Word?

10 CHAIRMAN REPPERT: Yeah.

11 MS. FREEMAN: You can do track -- well, nevermind.
12 I thought you were serious.

13 MR. LINGENFELTER: I never had to do that before. I
14 am technically inept.

15 I don't know. Yeah, maybe you're right. Maybe we
16 covered it. Maybe we don't need to include brew pub. I think
17 microbrewery is, I think it hits, it covers the bases. I just
18 saw, I just noticed that a lot of the other examples you gave,
19 Willoughby has a "brew pub" definition.

20 MR. IAFELICE: Yes.

21 MR. LINGENFELTER: Madison has a brew pub
22 definition.

23 MR. PETERSON: Hamilton.

24 MR. LINGENFELTER: Jackson Township has a brew pub.
25 Beaver Creek has a brew pub. Hamilton has a brew pub. They
26 all have a brew pub.

27 MS. FREEMAN: Yeah.

28 MR. LINGENFELTER: But when you read the
29 definitions --

30 MR. PETERSON: It's not much different.

1 MR. LINGENFELTER: -- there is not a whole hell of a
2 lot of difference between the two. I mean, it seems to be
3 similar. So --

4 CHAIRMAN REPPERT: And some of them aren't very well
5 defined either.

6 MR. LINGENFELTER: Right. See, like Miamisburg,
7 they say that alcoholic beverages, you can't include, you
8 can't include alcoholic beverages that aren't made on site,
9 which is kind of interesting.

10 MS. FREEMAN: Yeah.

11 MR. LINGENFELTER: So you can, you can have, you can
12 sell what you make but you can't bring --

13 CHAIRMAN REPPERT: Anything else in.

14 MR. LINGENFELTER: So you couldn't sell beer and
15 then have Miller Lite or Bud Light on tap. You couldn't, by
16 that definition, you can't or you couldn't serve alcohol, you
17 couldn't serve booze. You wouldn't be able to have any
18 alcohol, it would be beer only, and it's only beer that you're
19 brewing on site. That's kind of an interesting caveat, kind
20 of an interesting idea. I think, yeah, it looks like Beaver
21 Creek, same thing, only brewed on premises. So, yeah, it's
22 kind of interesting.

23 MR. IAFELICE: Getting back to your first thought,
24 Andy, about the 100,000 gallons on the microdistillery,
25 Heather, is there a reason that, any reason why Willoughby is
26 50,000? Is that maybe before the law changed? What --

27 MS. FREEMAN: You know what? I don't know. I could
28 reach out to them.

29 MR. LINGENFELTER: I think that law just recently
30 changed, right, Heather, within the last, you know, within the

1 last year or less?

2 MS. FREEMAN: I think it was maybe in -- It was
3 after 2015 but I think it was around 2017, 2018. I'd have to
4 go back and see.

5 You know, I can reach out to Willoughby's team and
6 kind of get an understanding of where they came at with the
7 50,000.

8 MR. PETERSON: They've got the Willoughby Brewing
9 Company. You would think they put out quite a volume.

10 MS. FREEMAN: Right.

11 MR. IAFELICE: When you compare the gallonage of the
12 microbrewery at 15,000 barrels, which I did the math here,
13 that's close to a half a million gallons, whereas a
14 microdistillery, it was 100,000. So it's about one-fifth or
15 20 percent of the microbrewery. But just kind of curious. I
16 would agree with Andy, you know. We'd have a basis of saying
17 100,000 because it's the state law. The others are, again, I
18 use the word "arbitrary."

19 MR. PETERSON: Yeah.

20 MS. FREEMAN: Right.

21 MR. IAFELICE: Unless Willoughby, unless there was
22 some variable here that we can't or we don't know.

23 MR. PETERSON: More than likely, that was the law
24 back then.

25 MR. IAFELICE: Maybe it's the law.

26 MS. FREEMAN: I can find out for you and let you
27 know.

28 CHAIRMAN REPERT: What I told Heather earlier was,
29 if you look at the beer, 15,000 barrels is just about a half a
30 million gallons. At 5 percent alcohol, which is a typical

1 beer, 23,625 gallons of alcohol for beer. Okay? if you look
2 at the spirit and microdistillery and you look at, oh, 45
3 percent alcohol -- that's not too bad -- 25,000 gallons, and
4 that comes out to be 11,250 gallons of alcohol, about half of
5 what the beer is.

6 MR. LINGENFELTER: I think 5 percent is being
7 conservative.

8 CHAIRMAN REPPERT: Well, okay, then go up a little
9 bit, so you're less than half.

10 MR. LINGENFELTER: Right. I'm saying I think 5
11 percent is --

12 CHAIRMAN REPPERT: Seven percent?

13 MR. LINGENFELTER: I would probably say, on a
14 minimum, I would think it would probably be close, you know,
15 typical microbreweries are in the 8 to 12 or 14 ABV.

16 CHAIRMAN REPPERT: Eight to twelve, okay. Well, but
17 I just took 5 percent.

18 MR. LINGENFELTER: Right, no, I understand. I think
19 that's a fair number.

20 CHAIRMAN REPPERT: If you go above that, you're
21 going to get more gallons of alcohol.

22 MR. LINGENFELTER: Right.

23 CHAIRMAN REPPERT: And then wine, we're looking at,
24 if you look at the 11 to 13 percent of alcohol, I took 12,
25 you're coming out with 2,851 gallons of alcohol. So wine is
26 really down. Beer is really up per year, for a 12-month
27 period -- that's what we're talking about -- and spirits,
28 yeah, we can go to 50,000. We could go to 100,000. That
29 would be four times that. Whoa. Well, hey, like Andy said,
30 let's start drinking now if we're going to go that high.

1 MS. FREEMAN: I think if you go, I think what we
2 don't have a handle on is, you know, if you're going to have
3 100,000 gallons, proof gallons per year, what does that
4 operation really look like? Like how big is that building?

5 CHAIRMAN REPPERT: It is going to be huge.

6 MS. FREEMAN: Are we talking like 30,000 square
7 foot, you know? I think we need to be sensitive to that
8 because just remember these are conditionally permitted uses
9 in an area that we have designated as potentially a Town
10 Center, in our kind of neighborhood-ish type districts. Also,
11 well, our BX is not quite a neighborhood district and it might
12 fit better at that scale over there. But I guess I would be a
13 little cautious on going up to 100,000 within -- Maybe we want
14 to look at in different districts then. So maybe not in the
15 Capital District you couldn't do up to 100,000, you would want
16 to limit it because we want to make sure that it's going to
17 fit in with the character of the development that you're
18 trying to create there.

19 MR. LINGENFELTER: It's a lot of production.

20 MS. FREEMAN: Yeah. And then you have to think
21 about, okay, then keep in mind still they have to have at
22 least 20 percent of the floor area devoted to this retail or
23 restaurant.

24 MR. LINGENFELTER: What would be the difficulty in
25 finding out the production capacity of existing
26 microbreweries, distilleries, et cetera, that are known to see
27 what they produce and then you can kind of scale that? You
28 could say, well, these guys are doing 50,000 gallons and
29 that's a pretty big operation versus, you know, these guys are
30 only doing 25,000 gallons. It's, really, it's relatively

1 small. How difficult would it be like to pick out a couple of
2 breweries within the area, microbreweries and
3 microdistilleries, and get an idea what their production is
4 and then you can kind of envision, you can kind of see, well,
5 I've been to that facility. I know how big it is. I know
6 what they're doing. Yeah, 100,000, there is no, I mean,
7 you're not, they're not going to do 100,000. They could have
8 the ability to go that, scale up to that but there is just no
9 way they're going to be able to do that. You know, they're
10 not going to be capable of doing that kind of production
11 without a much bigger, more substantial operation, which isn't
12 going to fit into where we're trying to, you know, trying to
13 encourage that kind of a business.

14 MR. IAFELICE: Well, Heather, did this particular
15 business owner indicate the size of the facility to produce
16 25,000 gallons?

17 MS. FREEMAN: We were in the -- It was under 10,000
18 square feet. I mean, it was, if I recall, somewhere around 5
19 to 7 thousand square feet.

20 CHAIRMAN REPPERT: With a restaurant type thing?

21 MS. FREEMAN: With their tasting room.

22 CHAIRMAN REPPERT: Okay. Isn't Willoughby more of a
23 suburb, city versus a township?

24 MS. FREEMAN: Yeah.

25 CHAIRMAN REPPERT: So they're more industrialized at
26 50,000 gallons. I think if we have 25 or 50 but I can see
27 where Willoughby has 50 and we have 25. I can see --

28 MS. FREEMAN: Why don't I come back with more
29 information. I will find out where Willoughby came up with
30 their 50,000 if I can reach out to their administration. I

1 will trying to figure out the best way to get information on
2 some of the existing -- I think it would be easy to find stuff
3 on breweries but we're not really talking about changing
4 brewing capacity. We're really focused on distilleries,
5 right?

6 CHAIRMAN REPPERT: I know of a distillery up in
7 Perry.

8 MR. PETERSON: That's right.

9 MR. LINGENFELTER: Yep.

10 CHAIRMAN REPPERT: And he was my old boss at the
11 plant. So I will touch base with him.

12 MS. FREEMAN: Okay. Yeah, if you can get
13 information and want to share it with me, yeah.

14 CHAIRMAN REPPERT: And see how much, how many square
15 feet he's got. He doesn't have much.

16 MR. LINGENFELTER: No.

17 CHAIRMAN REPPERT: He's a little, tiny tasting room
18 out front and it's more like a garage, a big garage.

19 MS. FREEMAN: And I wonder if, you know, if these
20 are public records with the state as far as these existing
21 distilleries in Ohio, I am wondering if I can request some
22 information from -- I don't know if it's the Ohio Division of
23 Liquor Control and the Bureau of Alcohol, Tobacco and Firearms
24 on some of these existing distilleries.

25 MR. LINGENFELTER: Yeah, I'd be interested to know,
26 like, like square footage of the facility, production.

27 MS. FREEMAN: Right. And I'd have to go, then I'd
28 have to find out what community and then contact the
29 community, more than likely, and find out what they know about
30 what areas are used for what for each of these operations. I

1 can do that, yeah, so we can make a better informed decision
2 on --

3 MR. PETERSON: I think everything else is right,
4 just plug in the number, whatever the appropriate number is.

5 CHAIRMAN REPPERT: Yeah, yeah. I think you did a
6 good job in changing the definitions and adding new on the
7 back side.

8 MR. LINGENFELTER: I agree. I agree.
9 Frank, you still there?

10 MR. SCHINDLER: Oh, yes, I am here, gentlemen.

11 MR. LINGENFELTER: What do you think? Do you have
12 any comments on the brewery capacities and things of that
13 nature?

14 MR. SCHINDLER: Well, I would like to find out what,
15 if the state has any criteria on that, on gallons, for
16 example, and what constitutes a microbrewery over a brewery,
17 for example. And then I would like to see kept as a
18 regulations that they can only serve what they make. They
19 can't be serving other types of variety of liquor, in my
20 opinion. That's the only thing I have a concern about.
21 That's it.

22 CHAIRMAN REPPERT: I like that idea but I don't know
23 what the distillery would say, a distiller would say. I know
24 the one up in Perry only sells his stuff.

25 MR. LINGENFELTER: I am trying to think.

26 MR. SCHINDLER: That's the thing I am thinking of.
27 If you are going to start a microbrewery, you can only serve
28 what you make, that's it. All right? You can have your
29 little, off to the side, part of a restaurant where people can
30 eat and enjoy your beer, you know. If you want to have a

1 little shop with trinkets and stuff to sell, that's fine. But
2 that's what I would like to see. I don't want to see them
3 selling hard liquor, you know, all kinds of hard liquor, no,
4 no. When you get into hard liquor, then you really get into
5 real high degree of state regulations which you have to really
6 be strict on and monitor very closely, very closely. So I
7 wouldn't want to see it go that way. That's my opinion,
8 gentlemen.

9 CHAIRMAN REPPERT: I like the point of selling only
10 what you make in the microbrewery, the microwinery, and also
11 the microdistillery. I like that.

12 MR. SCHINDLER: Correct. Thank you.

13 CHAIRMAN REPPERT: I like that idea. Rich,
14 comments? Rich, comments?

15 MR. PETERSON: There is a distillery on Brakeman
16 Road in Leroy, Seven Brothers, but it doesn't show the
17 capacity. Seven Brothers Distillery, they've got a website.
18 We could check that one.

19 MR. LINGENFELTER: Aren't they the ones that are
20 considering coming to Concord, Seven Brothers, or no?

21 MS. FREEMAN: I have talked to them in the past.
22 They have had some discussions.

23 MR. LINGENFELTER: I'm try to think. What's the one
24 in, what's the one out by South River Winery? Is it Red
25 Eagle?

26 MR. PITKIN: Red Eagle.

27 MR. LINGENFELTER: Yeah, Red Eagle.

28 MR. PITKIN: Yes.

29 MR. LINGENFELTER: I am not going to ask why you
30 knew that so quickly. I am going to pretend that name just

1 rolled into your head like that.

2 MR. PITKIN: I know the owner.

3 MS. FREEMAN: Oh, you know the owner, okay.

4 MR. LINGENFELTER: Red Eagle. Now, Red Eagle, if I
5 am not mistaken, they're not limited to what they -- They
6 don't just sell what they distill there, correct?

7 MR. PITKIN: I am not aware. I can't tell you. I
8 can't tell you one way or the other.

9 MS. FREEMAN: We can look into those things. By
10 limiting it to what they're only producing there would be a
11 significant change in how we have it set up right now.

12 MR. IAFELICE: Yes.

13 MS. FREEMAN: Because, right now, you know, they've
14 got the option of having a full restaurant associated with
15 either the microbrewery or the microdistillery. I think, if
16 you get into that, you're obviously going to want, that
17 restaurant is going to want to sell other things other than
18 just what's produced. So keep that in mind.

19 MR. LINGENFELTER: Now, does that require a liquor
20 license if they're a distillery, brew pub, I mean --

21 MS. FREEMAN: Oh, yeah, any of these things that
22 we're talking are going to require a liquor license from the
23 State of Ohio.

24 MR. LINGENFELTER: Liquor license regardless.

25 MS. FREEMAN: Yeah.

26 MR. LINGENFELTER: So if they have a liquor license,
27 then we would be curtailing their ability to sell other
28 spirits.

29 MS. FREEMAN: Right.

30 MR. LINGENFELTER: I would be interested to know,

1 too, what the break -- I would think that would be public
2 consumption from, if they're prohibited or if they're limited
3 as to what they can sell versus what they make, you know. I
4 am kind of ambivalent about that point. I don't know that I
5 agree with it. I don't know that I disagree with it. I guess
6 I would want to know more, you know. I would want to know
7 more as to what the limitations would be and what that would
8 mean to business because if somebody, you know, let's say, for
9 instance, you don't drink, it's a microdistillery and they
10 don't -- you're a Scotch drinker and they don't have -- you go
11 there and you want to have a drink and they don't have Scotch
12 because they don't make Scotch. So you've got to go somewhere
13 else, right?

14 CHAIRMAN REPPERT: Um-hum.

15 MR. LINGENFELTER: Or any, you know, you name it. I
16 don't know. Did you want to, do you want to limit? Do we
17 want to have regulations that would limit somebody's ability
18 to have commerce? I don't know. We could. I mean, we could
19 do whatever we want. I mean, is that smart? Is that the
20 right approach?

21 MR. PETERSON: For example, Andy, I think the one
22 Hiram was talking about, Doc Howard's in Perry.

23 CHAIRMAN REPPERT: Yeah.

24 MR. PETERSON: They are advertising 13 premium
25 spirits, 9 whiskeys, and two rums, so they do a variety. They
26 don't talk about their capacity though.

27 MS. FREEMAN: What was that name of that, again?

28 MR. PETERSON: Doc Howard.

29 MR. LINGENFELTER: Yeah, Doc Howard. They do tours.

30 CHAIRMAN REPPERT: Yeah.

1 MR. LINGENFELTER: And tastings.

2 CHAIRMAN REPPERT: Yeah.

3 MR. LINGENFELTER: I met him once at a chamber
4 event. Nice guy, very nice guy.

5 MR. SCHINDLER: I remember one time on my stops in
6 Dayton at a microbrewery and this place made 13 different
7 varieties of beer, depending on the season. They had a
8 Christmas type of beer. They had a summer kind of lager. And
9 just in that, they had customers. They were just beer
10 drinkers. They had such a variety, they didn't have to serve
11 hard liquor because everybody just liked the beer in general.
12 You can go in there and you could buy a sampler. They looked
13 like they were shot glasses.

14 CHAIRMAN REPPERT: They're about this high.

15 MR. SCHINDLER: I will tell you, by the time you
16 finished 13 different types of beer, you're feeling pretty
17 good. You don't need liquor, that's for sure.

18 CHAIRMAN REPPERT: And those are the ones that are
19 sitting there --

20 MR. SCHINDLER: Food for thought.

21 CHAIRMAN REPPERT: -- 10 and 12 percent ABVs.

22 MR. IAFELICE: I guess I would echo reservations
23 about, Mr. Chairman, I am not sure I understand the
24 restriction. Why, what would be the basis of restricting the
25 ability -- Is there, is it competition? Is it -- I am not
26 sure, like Andy said, it's smart. If I knew, if I understood
27 what would the rationale, what is the basis of restricting
28 them from not selling anything else? I don't --

29 MR. LINGENFELTER: If you have a liquor license, I
30 mean, I would think you should be able to sell liquor.

1 CHAIRMAN REPPERT: But I think if you go to a
2 microbrewery or a microdistillery, you're going to go there to
3 sample what they make.

4 MR. PETERSON: Right.

5 CHAIRMAN REPPERT: I am not going to go there to buy
6 a Miller Lite.

7 MR. PETERSON: Right.

8 CHAIRMAN REPPERT: I am going to go there to sample
9 one of their specials up on the board.

10 MR. IAFELICE: But that's your decision.

11 CHAIRMAN REPPERT: That's, yeah. And if they had
12 Miller Lite up there, well, okay, I don't like Miller anyway.

13 MR. LINGENFELTER: But think about, just let me take
14 that a step further just as a matter of conversation. If you
15 go to a microbrewery and you want to sample a couple of their
16 beers, if they're heavier beers -- heavier, meaning heavier in
17 alcohol, heavier in just overall, you know, production and
18 consumption -- maybe you would want to drink one or two of
19 their beers and then maybe you would want to switch to
20 something lighter then and just, you know, enjoy the rest of
21 the evening and have a couple of their beers first and get a
22 taste and then maybe switch to a Mic Ultra or a Miller Lite or
23 a Bud Light after that because, you know, otherwise, it's
24 going to be time to go home.

25 CHAIRMAN REPPERT: Yeah.

26 MR. LINGENFELTER: You know, you might want to sit
27 there and have -- and maybe they don't have anything, maybe
28 they don't have a light.

29 CHAIRMAN REPPERT: A lighter beer, yeah.

30 MR. LINGENFELTER: If they just, if it's all real

1 heavy beers, I mean, you can only drink so many of these
2 before you're, like, either you just don't have the capacity
3 to drink any more of them or, you know, you pretty much need a
4 designated driver. So -- But that's just a thought, I mean,
5 you know.

6 CHAIRMAN REPPERT: Let's do some more research, some
7 more numbers and see what --

8 MS. FREEMAN: Okay.

9 MR. LINGENFELTER: Yeah, I would be interested to
10 see what the restrictions of what other communities, if there
11 are restrictions like that, if it's, you know, and maybe check
12 with some of the other -- There is a lot of, there is a lot of
13 microbreweries in the area and distilleries in the area. I
14 mean, we can do a little bit of research and find out if
15 they're limited only to selling their -- or maybe you give
16 them, maybe you give them the option. You say you can either
17 just sell what you make or you can, you know, you can do
18 either/or. I don't know. Give them an option. I don't know.
19 I would want to know more before I would want to take a hard
20 position on that one way or the other.

21 MS. FREEMAN: Well, I mean, I know I've been to
22 downtown Willoughby, the Willoughby Brewing Company. I know
23 they sell their product and just typical domestic stuff and
24 whatever.

25 CHAIRMAN REPPERT: Do they sell all the other
26 typical beers?

27 MS. FREEMAN: Yeah, they do, Miller Lite and Bud
28 Light, they do, yeah. So you can go there and get a regular
29 beer if you want. I've done that, you know.

30 CHAIRMAN REPPERT: I don't think I ever drank a

1 regular beer at Willoughby Brewing Company but, okay,
2 whatever. And I will go up to Doc Howard's.

3 MR. SCHINDLER: Heather, when you're doing your
4 research, see if you can get any samples.

5 MR. LINGENFELTER: Yeah.

6 MS. FREEMAN: Yeah, we might have to go visit a few.

7 MR. LINGENFELTER: I think that calls for -- I think
8 we need to have a field trip.

9 CHAIRMAN REPPERT: I do, yeah, Friday afternoon.

10 MR. LINGENFELTER: Yep, I think we should have a
11 field trip.

12 MR. SCHINDLER: Yeah, right.

13 MS. FREEMAN: Okay.

14 CHAIRMAN REPPERT: All right. Are we good on the
15 two text amendments to work sessions we had?

16 Okay. Number 2 on the agenda for New Business is
17 approve the minutes of February 2, 2021. We got those by way
18 of email. Did anybody have any comments, corrections?

19 MR. PETERSON: Mr. Chairman, I make a motion we
20 approve the minutes of the February 2, 2021, meeting as
21 written.

22 MR. IAFELICE: I will second that motion, Mr. Chair.

23 CHAIRMAN REPPERT: Thank you. All those in favor?
24 Frank?

25 (Five aye votes, no nay votes.)

26 CHAIRMAN REPPERT: Minutes were approved.

27 Correspondence report. Frank, do you have anything?

28 MR. SCHINDLER: No, Mr. Chairman, nothing for me.

29 CHAIRMAN REPPERT: Okay. Frank? Yeah, Frank.

30 Rich?

1 MR. PETERSON: Nothing, Mr. Chairman.

2 CHAIRMAN REPPERT: Rich?

3 MR. IAFELICE: Nothing for me as well, Mr. Chairman.

4 CHAIRMAN REPPERT: Andy?

5 MR. LINGENFELTER: Nothing.

6 CHAIRMAN REPPERT: I had one.

7 MR. LINGENFELTER: Ooh, please tell us.

8 CHAIRMAN REPPERT: No, it's nothing big. One of my
9 friends from where I worked previously contacted me with
10 respect to, what was it, Canterwood. Is that what it was off
11 of Hoose?

12 MS. FREEMAN: The proposed Canterwood Villas.

13 CHAIRMAN REPPERT: The proposed one. They liked it
14 and they were looking forward to seeing more of it.

15 MR. LINGENFELTER: Wow.

16 CHAIRMAN REPPERT: So I said I will let you know.

17 MR. LINGENFELTER: Interesting feedback.

18 CHAIRMAN REPPERT: Time will tell. Don't hold your
19 breath, right? So that was all I had.

20 Okay. Audience participation. Do we have anybody
21 else on the phone?

22 MS. FREEMAN: There is another caller. I don't know
23 if they want to participate.

24 CHAIRMAN REPPERT: No other caller?

25 MS. FREEMAN: There is another caller, if they're on
26 the phone and want to participate and say something now.

27 CHAIRMAN REPPERT: Whoever is on the phone, if you
28 want to participate, you may speak up now.

29 (No response.)

30 Hearing nothing, the next meeting of the Zoning

1 Commission, April 6, 2021.

2 MR. PETERSON: Sounds good, warm.

3 CHAIRMAN REPPERT: Do I have a motion to adjourn?

4 MR. IAFELICE: I will make that motion.

5 MR. LINGENFELTER: I will second.

6 CHAIRMAN REPPERT: All those in favor? Frank?

7 (Five aye votes, no nay votes.)

8 CHAIRMAN REPPERT: Okay. The meeting is adjourned.

9 Thank you very much.

10 (Whereupon, the meeting was adjourned at 8:10 p.m.)

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