

CONCORD TOWNSHIP ZONING COMMISSION
LAKE COUNTY, OHIO
REGULAR MEETING

Meeting held via YouTube Live Streaming

Concord Town Hall
7229 Ravenna Road
Concord, Ohio 44077

November 2, 2021
7:00 p.m.

TRANSCRIPT OF PROCEEDINGS

Zoning Commission members present:

Andy Lingenfelter, Chairman
Rich Iafelice, Vice Chairman
Frank Schindler, Member
Hiram Reppert, Member
Ashley Garcar, Alternate Member

Also Present:

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

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1 7:00 p.m.

2 CHAIRMAN LINGENFELTER: Good evening. I'd like to
3 call this Concord Township Zoning Commission meeting for
4 Tuesday, November 2nd, 7:00 p.m., to order. We have a rather
5 light agenda this evening, a couple items to go over.

6 We have Ashley sitting in tonight, filling in for
7 Rich Peterson. Welcome aboard.

8 MS. GARCAR: Thanks.

9 CHAIRMAN LINGENFELTER: Nice to see you up here
10 every once in a while.

11 MS. GARCAR: It's nice to be here.

12 CHAIRMAN LINGENFELTER: On the agenda today we have
13 no Old Business. We do have New Business, and under the New
14 Business item we have, Number 1 on the agenda is an informal
15 review for a proposed site plan, as requested by Sheetz,
16 Incorporated, in accordance with Section 36.03. So do we have
17 the people here for the proposal? Okay. If you could, please
18 come up, state your name, your address for the record.

19 MR. BALKO: Yeah. My name is, my name is Ryan
20 Balko, 4907 Franklin Boulevard, Cleveland, Ohio 44102. I'm a
21 project manager with Sheetz store development team here, as
22 well as HC Pumps, who is our real estate manager, and Jeff
23 Plautz, who is our civil engineer.

24 CHAIRMAN LINGENFELTER: Okay.

25 MR. BALKO: So, you know, we requested an
26 opportunity to present sort of our concept package plans
27 before our formal submittal on the 22nd, I believe, is the
28 submittal date. I just want to point out that we've had a few
29 meetings with Heather and Andy over the last several months.
30 We came in with an initial site plan. Heather and Andy, you

1 know, gave us some additional material as far as like the Town
2 Center concept, master plan, talked a little bit about what
3 the overall goal for the Capital Parkway corridor was.

4 And we went back to the drawing board and we
5 actually took our site plan -- Before, the fuel island
6 canopies were facing Capital Parkway sort of like you would
7 assume to see at a, you know, traditional gas station layout.
8 So what we did was we kind of rotated that and pushed the
9 building up more towards the intersection to give it, kind of,
10 meet more of the intent of that Capital Parkway District.

11 So, I guess, are the plans up?

12 So a lot, you know, a lot of this, a lot of this is
13 what you have in front of you. So I just wanted to kind of go
14 through. I won't take up a lot of your time because, again, I
15 know this is informal and you probably had an opportunity to
16 look at this. But this is part of a larger piece of land, so
17 we will go through -- There's two parcels here that stretch
18 the entire frontage of Capital Parkway between Route 44 and
19 Auburn Road. So we will go through a consolidation and a
20 split for that. We will be a separate parcel. We will be,
21 it's a lease agreement with the property owner.

22 We also, in speaking with township planning, Heather
23 mentioned that the idea was to have one shared access point on
24 Capital Parkway. So what we did was we, we put that into our
25 site plan and right here you can kind of see the split line.
26 So there will be cross-access easement between Sheetz and the
27 remaining parcel to allow that property owner to further
28 develop that land and they'll be able to sort of branch off of
29 this, this road that comes in.

30 The other thing I just want to point out on here, on

1 this drawing in particular, is, when Capital Parkway was
2 constructed, sanitary sewer and water was not extended down
3 Capital Parkway. We realize that we need both of those
4 utilities. So as part of our proposal, we are extending water
5 and sewer from Auburn Road to our site. So not only does that
6 provide sewer and water for our site but, if this property
7 owner were to ever further split this and maybe have two users
8 here, there's a, you know, an economic benefit there that they
9 can tap into those, those public utilities.

10 So this is kind of just a more zoomed in site plan.
11 Traditionally, we -- This is sort of our main customer
12 entrance. But because we're restricted to, technically, no
13 parking in the front yard between the building and Capital
14 Parkway, what we've done is sort of mirrored the building.
15 But we wanted to also still provide outdoor seating for
16 pedestrian benefit, so we extended the sidewalk on this side
17 of the building so that there is outdoor seating on basically
18 both sides of the building. We will be asking for a variance
19 for this row of parking in the front.

20 Outside of that, you know, you'll see, you'll see
21 the renderings of the fuel island canopy and the car wash
22 later on but I assume that you've had an opportunity to kind
23 of review that site plan.

24 Landscape plan, again, I believe our landscape
25 architect dove into the code. I believe that this landscape
26 plan meets code. It does have the, you know, the shrub row
27 along the, along the entire parking lot, tree counts, shrub
28 counts, and I'm sure, you know, Zoning will do a review of
29 that. And then we have some details of the fencing, you know,
30 that we would be providing to meet those requirements.

1 So building elevations, things to point out here,
2 that we, you know, we do have brick and stone on all four
3 sides of the building. So as far as from a design review
4 standpoint, we feel like our buildings kind of take a step
5 above and beyond, you know, traditional construction. This
6 facade at the top here would be the one that's kind of facing
7 in towards the site, towards the fuel island canopy, and this
8 is the facade of the building that would be facing the car
9 wash.

10 This is a -- This would be the facade of the
11 building that's facing Route 44. Now, this is, just by design
12 of our prototype, our back of house is along this building.
13 So we can't, you know, we can't have any sort of customer
14 entrance or windows there because of all the equipment that we
15 have along the, along that wall. But what we've done, what we
16 did here, since it is facing a major thoroughfare, added faux
17 windows, added canopies to like, you know, make it look like
18 more a facade instead of just a blank wall.

19 And this would be the facade that's facing Capital
20 Parkway, so you can see the outdoor seating, customer entrance
21 with the Sheetz sign above the door. Just a small, you know,
22 I'm not going to get into the floor plan but --

23 These are elevations of the car wash. You know,
24 this will be, the car wash itself will be situated at the back
25 of the site, car wash, I guess, signage, clearance bar, you
26 know, where you pull up and order your car wash.

27 If anybody is familiar with Sheetz in the area, one
28 of the things that you'll recognize is the red backlit canopy,
29 fuel line canopy that you can see, you know, pretty far down
30 the road. The canopy, fuel line canopy that we're proposing

1 moving forward is this steel truss canopy, so it's got a
2 little bit more architectural elements built into it. It's a
3 lot cleaner looking. You know, we feel like it'll fit more,
4 more into the community a little bit better here.

5 There's a pylon sign. I'm not sure. I don't know
6 if I can zoom into this or not but, basically, we're permitted
7 two monument signs, you know. We'll have, you guys have the
8 elevations but, you know, there's pricers on it and with the
9 Sheetz head above it. We'll have one at the corner of the
10 site, you know, for facing traffic going up and down Route 44,
11 and then we'll have another sign at our entrance for people
12 traveling up and down Capital Parkway.

13 And then -- That's okay. That's okay.

14 MS. FREEMAN: Oh, yeah, I can do it now.

15 MR. BALKO: Yeah. Oh, yeah, if you can --

16 MS. FREEMAN: Yeah. Sorry about that, yeah. This
17 doesn't work exactly the best way.

18 MR. BALKO: And then the, you know, the trash
19 enclosure, it will have the same brick that's on the building
20 on all three sides and then there will be bronze metal doors
21 shielding the, the trash receptacles.

22 And then, then I just provided some, these are just
23 prototypical renderings. So I know, you know, there's a
24 drive-thru shown on this. We're not, we're not proposing a
25 drive-thru at this store. I just wanted to add these. I feel
26 like it adds another element of, you know, visualizing what
27 this will look like. I think the most important rendering is
28 probably this one right here where you can see the fuel line
29 canopy and the building in the background. This would be kind
30 of like the view of the, of the site from Capital Parkway as

1 you're coming in off that entrance.

2 And that, that's it. So, like I said, I'm happy to
3 answer any questions that you guys might have or, you know,
4 what you'd like to see incorporated into those plans that
5 we're going to formally submit. So --

6 CHAIRMAN LINGENFELTER: Is there anybody else?
7 Would either of you gentlemen like to add anything or are you
8 just along for the ride?

9 MR. PLAUTZ: We're here to answer any questions you
10 guys have.

11 MR. BALKO: Yeah. I brought, you know, I wanted our
12 engineer to be here just so he can go back and incorporate any
13 of the comments. HC has been with Sheetz for, you know, close
14 to 20 years. So any operations questions or anything like
15 that, you know, he'd be more apt to --

16 CHAIRMAN LINGENFELTER: I have, I have a question
17 for you, specifically, or for either of the other of your
18 attendees here. Have any of you read the Comprehensive Plan
19 of Concord Township?

20 MR. BALKO: I wouldn't say I read it. I scanned
21 through it.

22 CHAIRMAN LINGENFELTER: Okay. Have you read the,
23 have you read the Capital Parkway, specifically, what our
24 intentions are for that area?

25 MR. BALKO: Yeah, yeah.

26 CHAIRMAN LINGENFELTER: Okay.

27 MR. BALKO: And I read, you know, the whole Town
28 Center, again, didn't read it, scanned, scanned through it as
29 much as possible.

30 CHAIRMAN LINGENFELTER: Okay. When you opened up

1 your presentation, you said that you felt that this was a good
2 fit. Okay? Can you be more specific how you think that this
3 arrangement and a gas station in this location would be a good
4 fit?

5 MR. BALKO: Yeah. I just think, you know, Sheetz is
6 a, a well-respected end user and I think -- I don't know what
7 else is cooking as far as development in this area. But I
8 know what -- I've seen the plans that are in that master plan
9 and I feel like being part of like the corridor, the entry
10 corridor, you know, providing that service of fuel as people
11 coming in and out of that town center, you know, I feel like
12 would be a great asset to, you know, that overall concept.

13 CHAIRMAN LINGENFELTER: I have just, you know, when
14 I look at this, I have some pretty serious reservations about
15 this fitting into the plan of what we're trying to do. Where
16 it would be located and where it's positioned within the Town
17 Center concept, I, personally, I have a very difficult time
18 under -- I think your explanation was woefully inadequate with
19 regards to how this fits in or how this would be a benefit to
20 the Town Center. I just, I don't -- I'm not really clear on
21 that.

22 I didn't get a real -- I mean, I understand Sheetz
23 and their reputation. I mean, if you don't know Sheetz or
24 you're not, don't see it around, I mean, you're pretty limited
25 in your travels. So, I mean, I get it. I understand. It's
26 a, you know, I know who you are and what your brand is and
27 everything else. I just have a, I'm having a difficult time
28 digesting the location and how this would break up the
29 property and where it would fit into the, to the Town Center
30 concept. I don't think -- I don't see much of a -- you know,

1 you say it would be, you think it's a good fit. I'm not
2 seeing it, seeing how it would be a good fit. But, you know,
3 that's just my opinion.

4 And the other thing you mentioned, too, in your
5 comments, you've also brought up the fact that, you said that
6 you were willing to extend sewer and water and that that would
7 be an economic benefit. Who do you think that would be an
8 economic benefit to, the township? Do you think that would be
9 a benefit to the township or would that be a benefit to
10 somebody else?

11 MR. BALKO: Well, I think, yeah, I think both. I
12 mean, I think that that property owner has enough remaining
13 land to split that off into two users. So if he does do that
14 and there is not -- there is a piece of land that's in between
15 the Sheetz and the lot that's facing Auburn Road, you know,
16 that allows, allows, you know -- Sheetz, Sheetz has the
17 wherewithal to put water and sewer in but there might not be a
18 lot of other companies that, you know, if water and sewer
19 aren't available, they might, they might move on, you know,
20 look at a different location. So I think it opens up the door
21 to more opportunities.

22 CHAIRMAN LINGENFELTER: Yeah. I'm just, like I
23 said, when I look at that area -- And I've been in the
24 township for over 30 years and so I've been around for a while
25 and understand, you know, the nature of growth and everything
26 else. There's been a lot of changes in the township. A lot
27 of it, I think, has been for the better. And I think this
28 concept with the Town Center, we spent a lot of time on this
29 and we spent a lot of effort putting together the, the concept
30 and the design and having professionals come in and make

1 recommendations, and I'm hard pressed to remember anybody
2 saying we needed another gas station.

3 MR. BALKO: Yeah. I think, I mean, I know in that
4 Town Center, you know, gas stations and car washes are
5 conditionally permitted uses, so we do have to go before BZA
6 for those conditional uses. We meet, we meet the conditions
7 that, you know, are spelled out for those uses. So, you know,
8 I understand that, you know, you're saying that you don't feel
9 like a gas station might, might not be a good fit there but,
10 you know, it is part of that Town Center.

11 CHAIRMAN LINGENFELTER: It picks up a substantial
12 chunk of prime real estate there, you know. That's the kind
13 of the face of the entrance into the Town Center. I mean,
14 that's, that's what you're going to see first as you turn down
15 Capital Parkway there, you know, and coming into that area.
16 That's one of the first things you're going to see. And it's
17 not -- I mean, don't, don't misinterpret my, my comments as if
18 I'm opposed to a Sheetz business or anything like that. I
19 think Sheetz is a good, quality company.

20 MR. BALKO: Yeah.

21 CHAIRMAN LINGENFELTER: And they have a good, you
22 have a good reputation and you guys, your facilities and
23 everything else always look good and clean and nice and
24 everything else. But I just, I question the value in this
25 overall concept that we're trying to accomplish. And, I mean,
26 if, you know, when you kind of come down 44, you pass up a BP
27 station and a Shell station on your way and so, you know, so
28 it's not like we need another one. We've already got two
29 within a relatively close distance of one another.

30 Gentlemen, any other questions, comments? Anybody

1 would like to say anything. Frank?

2 MR. SCHINDLER: Do you know the term that is used
3 for Western Reserve concept?

4 MR. BALKO: No.

5 MR. SCHINDLER: The township has a lot of history
6 behind it and, well, our intent was, for that area, was to set
7 it up as a community where shops could flourish, for example,
8 people could walk around. Hopefully, there is going to be a
9 small pond there where people can congregate in the summertime
10 to relax and be able to, more or less, enjoy the surrounding
11 area in like a country kind of concept. So by throwing in a
12 service station there -- And, by the way, I don't have
13 anything against Sheetz. Okay? I stop in there myself
14 sometimes and pick up a sandwich when I am out making my
15 calls. So I have nothing against it.

16 But the location, like what Andy said, I think, is
17 not the appropriate place for it because we're trying to keep
18 that theme, Western Reserve theme for Concord in the
19 development of that area.

20 MR. BALKO: Right.

21 MR. SCHINDLER: As a matter of fact, we talked about
22 being able to allow maybe in the future, since we have Quail
23 Hollow, for example, even if we put in like an overpass where
24 people can walk from the resort, from the golf area into that
25 area just to enjoy nice, comfort surroundings and peace and,
26 probably, if we had the lake, like I anticipate, with the
27 ducks and the swans and all that kind of thing. And putting a
28 gas station at that point drives that right out of the
29 picture, in my opinion.

30 So if you could pick out another location, that

1 would be great, but the way I see this, this is not what we're
2 looking for for Concord. That's my opinion. And I know you
3 want to make changes but the changes just don't fit into my
4 concept for Western Reserve.

5 CHAIRMAN LINGENFELTER: Thanks, Frank.

6 MR. SCHINDLER: You're welcome.

7 CHAIRMAN LINGENFELTER: Hiram, any comments?

8 MR. REPPERT: Well, I would like to ditto the first
9 two. I don't think it fits. Now, but the one thing I would
10 say, technically, every Sheetz store that I've been to has two
11 entrances and two exits. This one only has one. And I think
12 that would further, if it were to happen, it would have
13 further congestion on Capital Parkway. I don't know how much
14 you're looking at. Maybe you could move the whole thing over
15 to Auburn to get the second entrance and exit or, like Frank
16 said, maybe we could find some other spot where you could
17 locate it outside the Capital District and have two entrances
18 and two exits.

19 MR. BALKO: Okay.

20 MR. REPPERT: Now, isn't it a standard to have two
21 entrances and two exits?

22 MR. BALKO: It's certainly preferred.

23 MR. REPPERT: Preferred, okay, I will go for that.

24 MR. BALKO: Yeah, we have, I mean, we do have stores
25 that have one entrance.

26 MR. REPPERT: Yeah. So I think that would cause
27 further issues with it being where it is.

28 And one more nitpick, and this is a nitpick, on your
29 A200 sheets, you have "Painesville."

30 MR. BALKO: Yeah. So when our real, yeah, when our

1 real estate team, you know, assigns a site, they always use
2 the mailing address.

3 MR. REPPERT: The mailing address, okay.

4 MR. BALKO: Yeah.

5 MR. REPPERT: All right. That's all I have.

6 CHAIRMAN LINGENFELTER: Squirrel that one away.

7 MR. BALKO: Yeah.

8 CHAIRMAN LINGENFELTER: Rich?

9 MR. IAFELICE: Thanks, Andy. I am going to concur
10 with my colleagues. Okay. This is a great, it's a good
11 facility, just locate it somewhere else.

12 MR. BALKO: Yeah.

13 MR. IAFELICE: The, not only the investment in the
14 2004/2015 Comp Plans, then 2016 was this massive design vision
15 of the Town Center. The idea of a gas station as you come to
16 the Town Center is just not in keeping with the vision. I
17 know it's a, could be a conditional use but it's not a
18 permitted use for a specific reason. It's not in the vision
19 of the township. So I really have a strong objection to the
20 location, not to the Sheetz but the location.

21 MR. BALKO: Yeah.

22 MR. IAFELICE: Let alone the potential -- I know you
23 are going to have issues in terms of traffic in and out,
24 ingress, egress, that close to a signalized intersection and
25 that, and that driveway, not knowing how many trips are going
26 to be generated there. So, so it just isn't in keeping with
27 the vision of that, of the Town Center. This is, that's
28 really the gateway to it from 44.

29 MR. BALKO: Yeah.

30 MR. IAFELICE: Because that's where we have most

1 vehicular traffic that would see it. Instead they're going to
2 see a gas station.

3 MR. BALKO: Right.

4 MR. IAFELICE: It's not really symbolic, it doesn't
5 represent.

6 Then not only the investment in the Comp Plans but
7 the investment over -- I don't know -- a decade just to get
8 the Capital Parkway extended across 44, that was an incredible
9 amount of funding, first of all, and issues in breaking the
10 alley across 44. And then the design of Crile, the way that
11 came across, that, all of that was a precedent to creating
12 that Town Center on the other side, all of that. So it really
13 is important. Beyond just the plan, it's actually an action.
14 That's how it was designed. It was designed to create that
15 visual to the Town Center. So that's why --

16 CHAIRMAN LINGENFELTER: Yeah, the redesign, the
17 redesign of Crile Road -- and I know you're not from this area
18 -- but we, they completely redesigned Crile Road specifically
19 to accommodate the Town Center concept and the extension of
20 the Capital Parkway area so that the roundabout and everything
21 else that went in there, that that was, in order to adhere to
22 the Department of Transportation regulations, they had to, a
23 road had to be a certain length in order for that to happen.
24 So that's why they completely, we had to, we put the
25 investment in to completely redesign Crile Road and move
26 everything back, kind of basically tear the road out and move
27 it, you know, back to where it is now, to that whole design.

28 So that, like Rich said, it was, it was done with a
29 purpose, not -- It wasn't just some willy-nilly, "Hey, let's
30 do this. It will look really cool when we're done." It was

1 done specifically for this, for this Town Center concept and
2 the, and the vision that we implemented.

3 Because I sat on the Comprehensive Plan in '04. I
4 sat on it in '15. I was a part of the Town Center concept,
5 you know, process. You know, I've been involved in this whole
6 process for a long time and it's, you know, 2004, first
7 Comprehensive Plan Update, you know, I mean, just do the math.

8 MR. BALKO: Yeah.

9 CHAIRMAN LINGENFELTER: It's been well over a decade
10 in the making. And then the investment on the township and
11 the things that we've done, we have done with a very specific
12 goal in mind. And I just, I have a hard time with this one.
13 You know, normally, I'm not, you know, I don't -- I am kind of
14 ambivalent. And if you fit within the guidelines of the
15 zoning text that we've created, I'm pretty much, you know,
16 that's why we put this together and we do the things we do,
17 you know.

18 But this one just, I'm having a hard time with. I
19 just don't see how that, how this would fit in. And like I
20 said, I'm normally not, you know, strong one way or the other
21 but, in this particular case, I don't think that this really
22 -- I know this is just a, you know, kind of a first drive-by
23 but I think you guys need to know what you're up against.

24 MR. BALKO: Yeah.

25 CHAIRMAN LINGENFELTER: You know, this isn't
26 something, we're just not going to roll over and say, "Sure,
27 bring it in." I think there is going to be, I think there is
28 going to be some opposition to this and I just don't think it
29 fits within the, I just don't think it fits in the vision.
30 That's probably the biggest thing, it just doesn't fit within

1 the vision of the concept for this whole thing and taking us
2 where we want to go.

3 And I, like I said, I hope you understand, you know.
4 I don't want to be adversarial in this whole process. We
5 don't mean it to be --

6 MR. BALKO: No.

7 CHAIRMAN LINGENFELTER: -- you know, difficult.
8 But, you know, when you invest the kind of time that we have
9 on this whole process in this area, specifically that area in
10 the township, because, you know, we don't have a city. We
11 don't have a business district. We don't have, you know, a
12 town square or anything like that that we can focus our
13 efforts on business and rehabilitation or renaissance or
14 whatever. You know, we have, we're kind of spread out and,
15 you know, and kind of scattered and, you know, the whole
16 concept behind this was to bring everything together, make
17 more of a community involvement in an area, and this certainly
18 wouldn't be a building block that I would want to start right
19 off the rip with.

20 Do you have any other comments or any other
21 questions or, Rich, do you have anything? I am sorry.

22 MR. IAFELICE: Oh, I'm sorry. The building block,
23 that was a real good one, the building block. Crile Road used
24 to be straight, just to tell you what the design had to
25 incorporate to get Capital Parkway across 44.

26 MR. BALKO: Okay.

27 MR. IAFELICE: And so we really have a building
28 block analogy here or a metaphor that Andy just used is
29 appropriate. So, anyway, thank you.

30 CHAIRMAN LINGENFELTER: Ashley, any questions from

1 you?

2 MS. GARCAR: I don't think so.

3 CHAIRMAN LINGENFELTER: Okay, all right. Anybody,
4 any other further follow-up, gentlemen?

5 MR. REPPERT: No, none here.

6 CHAIRMAN LINGENFELTER: Okay. Any other, anything
7 else you would like to add at this point?

8 MR. BALKO: No.

9 CHAIRMAN LINGENFELTER: Okay. Well, we appreciate
10 you taking the time to come in.

11 MR. BALKO: Yeah, absolutely. Thank you.

12 CHAIRMAN LINGENFELTER: We appreciate you presenting
13 all your plans and everything.

14 Heather, is there anything you want to add or
15 anything you'd like to talk about?

16 MS. FREEMAN: Unless, if you have questions on the
17 process, I am happy to discuss those now.

18 MR. BALKO: Yeah. I think my biggest question is,
19 BZA reviews the use, the conditional use and the variances.

20 MS. FREEMAN: Correct.

21 MR. BALKO: So how do, how does site plan approval
22 and design review approval sort of overlap with that as far as
23 if BZA approves the conditional uses? What, what --

24 MS. FREEMAN: You would still have to come back to
25 the Zoning Commission and get the site plan and design review
26 approved by this board before you can --

27 MR. BALKO: Right. But that's just, I mean, that's
28 just meeting the zoning text at that point, right?

29 MS. FREEMAN: And meeting all the criteria in
30 Section 36.

1 MR. BALKO: Okay.

2 MS. FREEMAN: Yeah. So --

3 MR. BALKO: Okay.

4 MR. SCHINDLER: And then, plus, we have a public
5 hearing.

6 MR. BALKO: Yeah.

7 MR. SCHINDLER: That's required. And when the
8 residents are out here, knowing what might be going on --

9 MR. BALKO: Sure.

10 MR. SCHINDLER: -- a lot of times, this place could
11 be packed with people and that might have the same concerns
12 that we have.

13 MR. BALKO: Yeah.

14 MR. SCHINDLER: So it will be putting it through a,
15 trust me, a lot, I think.

16 MR. BALKO: Understood. The only reason, the only
17 reason I ask is, typically, we do come with a land use
18 attorney and I asked him not, we didn't need the lawyer out
19 for an informal presentation.

20 CHAIRMAN LINGENFELTER: Right.

21 MR. BALKO: But I will have those conversations, you
22 know, and share the feedback with him and, you know, see how,
23 you know, we want to move forward with that. So I just wanted
24 that bit of clarity.

25 CHAIRMAN LINGENFELTER: Yeah. Then, then again, you
26 have to remember that we're all, we are not the final arbiter
27 on this, you know, as far as the Zoning Commission is
28 concerned. Once we, once we, you know, do our thing, then,
29 you know, it will go to the Trustees. So --

30 MS. FREEMAN: Excuse me, Mr. Chairman. This

1 actually -- Let me back that up. This is not a public
2 hearing, it's just a public meeting.

3 CHAIRMAN LINGENFELTER: Yeah.

4 MS. FREEMAN: You guys are the final authority on
5 this.

6 CHAIRMAN LINGENFELTER: Oh, we would be the final.

7 MS. FREEMAN: Yeah.

8 CHAIRMAN LINGENFELTER: Okay.

9 MS. FREEMAN: This is not a rezone.

10 CHAIRMAN LINGENFELTER: Because of the BZA?

11 MS. FREEMAN: Right. The BZA is for the use.

12 CHAIRMAN LINGENFELTER: Right.

13 MS. FREEMAN: And then you guys would be reviewing
14 the site plan and the design of the building.

15 CHAIRMAN LINGENFELTER: I stand corrected.

16 MS. FREEMAN: Yeah, and if it met all of the Zoning
17 Commission review criteria in 36. Of course, staff will
18 review it for technical, you know, making sure the review
19 complies with all the zoning minimum standards.

20 VICE CHAIR LINGENFELTER: Right.

21 MS. FREEMAN: And then we'll send off the project to
22 the other county agencies to get their feedback, too,
23 including the County Engineer, Stormwater Management, City of
24 Painesville Water, Department of Utilities for your sewer.

25 MR. BALKO: Yeah.

26 MS. FREEMAN: So we'll get preliminary feedback on
27 those but --

28 MR. BALKO: Okay, great.

29 CHAIRMAN LINGENFELTER: Okay. All right. Thank you
30 very much. Appreciate your time.

1 MR. BALKO: Thank you.

2 CHAIRMAN LINGENFELTER: All right, guys.

3 Okay. Item Number 2 on the agenda is a work session
4 for potential zoning amendments. What potential zoning
5 amendments do we have?

6 MR. REPPERT: Whatever you want.

7 CHAIRMAN LINGENFELTER: I can think of one. Do we
8 have any potentials? I think, Heather, you have a list of
9 potentials, right, for Item Number 2?

10 MS. FREEMAN: Okay, sorry.

11 CHAIRMAN LINGENFELTER: It's okay.

12 MS. FREEMAN: Okay. So a quick update: You know
13 the Trustees tomorrow have their public hearing on the RCD
14 text amendments. So that's still moving forward, just so you
15 guys know about that.

16 I did get some comments back from Dan at Lake, at
17 Soil and Water on restoration plan components. So that --

18 CHAIRMAN LINGENFELTER: Oh, goodie.

19 MS. FREEMAN: So that's something that, hopefully, I
20 can bring to you next month that we can look at a little bit
21 more closely on how we can incorporate that into the RCD text
22 and, you know, if we're dealing with a project that's --

23 CHAIRMAN LINGENFELTER: Have they given us, have
24 they given us some good ideas?

25 MS. FREEMAN: It was a little -- I have a draft kind
26 of copy of it here but it, it needs some work. So I didn't
27 think it was quite ready to bring to you guys. I have to look
28 at how we can actually fit it into the text, too. But, yeah,
29 it was very basic components basically asking, you know, to
30 replace what was already there in kind with the same kind of

1 materials or plants. It has to be prepared by an accredited
2 professional. And then there were some components of the plan
3 that they would want to see, explanation of how the consultant
4 is qualified to do the plan, why they chose that kind of
5 restoration habitat, asking you to look at ODNR's resources
6 for plant selections. So it's a pretty detailed layout, I
7 think, but just not quite ready to bring to you guys yet.

8 The other thing is the one, one use that we haven't
9 really discussed as a board, and I have asked a couple of the
10 Trustees about it and they thought, well, that would be a
11 great topic for the Zoning Commission to hash out, and I've
12 had several calls about it lately but it's in regards to
13 medical marijuana. And the way I understand it is that the
14 state is really pushing to issue more licenses for
15 dispensaries and I have actually received a few phone calls
16 from people looking to potentially locate in Concord.

17 Right now, we don't discuss any, any kind of
18 dispensaries or growing facilities or cultivation, any of that
19 in our zoning. Those uses really haven't been contemplated by
20 the township to this point.

21 CHAIRMAN LINGENFELTER: Times, they are a-changing.

22 MS. FREEMAN: Yeah. So as far as dispensaries, I
23 know at the state level there's some very specific locational
24 requirements that they have to comply with, distances from
25 like schools and churches and playgrounds and things like
26 that, and townships do have the authority to pass a resolution
27 through zoning to, in addition, regulate those. Either you
28 cannot allow, you can prohibit them if those -- define it and
29 prohibit it and not allow it in your community or you can
30 allow them within certain business districts and then set up

1 additional criteria, maybe similar to how like the township
2 dealt with SOBs. Obviously, the sexually-oriented businesses,
3 we weren't allowed to exclude them but we were allowed to, you
4 know, really regulate specifically where they were going to
5 go, which in essence would limit them. So you could also
6 require, you can set a distance between facilities, you know,
7 no more than, you know, two or one, two within so many feet of
8 one another or things like that.

9 So I don't think these uses are going to go away.
10 And if we don't put something in the zoning, they could come
11 in under probably just our definition of "retail use" because
12 they are a retail use. You go in, you buy -- You know, if you
13 look at our definition of "retail," one could definitely argue
14 that a dispensary would fit that definition because we do not
15 address that anywhere else in our zoning. I can read the
16 definition if you want.

17 MR. IAFELICE: In 13, Heather, Section 13?

18 MS. FREEMAN: Oh, in Section 5 under the
19 Definitions. I am just looking up "retail."

20 CHAIRMAN LINGENFELTER: That would, that would
21 really fall under a definition of retail?

22 MS. GARCAR: I think, especially now with the
23 legislation being brought up of making it recreational and not
24 just --

25 CHAIRMAN LINGENFELTER: Well, the recreational, then
26 it would be, we'd be like Michigan and then I can see retail,
27 then I can see retail.

28 MS. FREEMAN: Yeah.

29 CHAIRMAN LINGENFELTER: Where anybody can walk in
30 off the street and buy it.

1 MS. FREEMAN: Yeah.

2 CHAIRMAN LINGENFELTER: But the way the dispensaries
3 are now, you have to, you have to have a card that's issued by
4 the state and it's controlled by the state. So I don't really
5 consider what it is now, you know, what it is now is not
6 really retail.

7 MS. FREEMAN: Well, listen --

8 CHAIRMAN LINGENFELTER: But if that legislation
9 changes, obviously, then that would change.

10 MS. FREEMAN: So our zoning definition of retail is,
11 "An establishment engaged in the selling of goods or
12 merchandise within an enclosed building to the general public
13 for personal or household consumption, which is open to the
14 general public during regular business hours and which has
15 display areas that are designed and laid out to attract the
16 general public."

17 CHAIRMAN LINGENFELTER: But it's not open to the
18 general public right now. So how --

19 MS. FREEMAN: I don't know. That could be sticky.
20 I mean, we haven't discussed this in detail with our attorneys
21 yet but Ashley looks like she wants to say -- Go ahead, chime
22 in.

23 MS. GARCAR: I think it definitely is to our benefit
24 to talk about it and maybe ask some questions of legal to help
25 us, to guide us in the correct way of the discussions.

26 CHAIRMAN LINGENFELTER: Right.

27 MS. GARCAR: But especially if it's up to us to make
28 those decisions with the way things are going.

29 CHAIRMAN LINGENFELTER: Well, there is no -- I agree
30 wholeheartedly with you on that, Ashley. I think that, I

1 think we would be making a big mistake if we don't address it.
2 I think we should address it and we should figure out how we
3 want to handle it but, right now, I think it's a special use
4 versus a -- I just don't, I would argue that it does not fall
5 under a retail use because it's not open to the general
6 public.

7 MS. GARCAR: I guess my question with that is, What
8 is Walgreens? Is that retail or is that pharmaceutical, a
9 Walgreens?

10 CHAIRMAN LINGENFELTER: That's a blended use though.
11 So you've got, you know, when you go into Drug Mart, for
12 instance, they're selling the personal care items, they're
13 selling household goods, they're selling lawn --

14 MR. REPPERT: Milk.

15 CHAIRMAN LINGENFELTER: Yeah, they're selling
16 groceries. I mean, you go into a medical marijuana facility,
17 that's pretty much all they have. They're not -- You're not
18 going in there to get a gallon of milk or, you know.

19 MS. GARCAR: Can you sell --

20 CHAIRMAN LINGENFELTER: Or a bag of ice, you know.

21 MS. GARCAR: As other people picked up, can you sell
22 -- I know not right now in Ohio do they do it, but can you
23 sell, if it's a medical drug, can you sell it? I know in
24 other states, medical drugs can be sold at Walgreens and Giant
25 Eagle. I know we're talking about just dispensaries but I
26 think that's a very fine line of, I could very easily see
27 somebody saying a dispensary is a retail, very fine line.
28 That's just my opinion. I am not a lawyer.

29 CHAIRMAN LINGENFELTER: Right.

30 MR. SCHINDLER: If we start contemplating this, for

1 example, what about now, how does the state regulate it in
2 regards to growing it yourself in your back yard? I know a
3 lot of places are opening up and you can grow a couple plants
4 of your own. How, when we start regulating that, for example,
5 if your neighbor decides to grow a couple plants in your back
6 yard --

7 MS. GARCAR: I think that's discussed under the
8 recreational legislation. So right now, that is illegal.

9 MS. FREEMAN: Yeah, it's not legal right now.

10 MS. GARCAR: That's a discussion under the
11 recreational usage.

12 CHAIRMAN LINGENFELTER: Right.

13 MS. GARCAR: That's in that legislation. But as of
14 right now, growing it in your yard is illegal because I can't
15 create pills in my house. I cannot grow marijuana in the
16 house because it's a medical situation as of today.

17 MR. SCHINDLER: And that's the, that's illegal?

18 MS. GARCAR: To grow it right now today, yes.

19 MR. SCHINDLER: By the state itself, Ohio?

20 MS. GARCAR: Today you cannot grow marijuana unless
21 you are a licensed grower, just like you cannot create pills
22 unless you are a licensed pill factory, I guess you would call
23 it.

24 MR. IAFELICE: But right now the question from the
25 Trustees is medical marijuana and do we want to discuss, you
26 know, locations that are --

27 MS. GARCAR: Dispensaries, yeah.

28 MR. IAFELICE: -- acceptable, whether it's in where
29 retail is or some special district.

30 MS. FREEMAN: I don't -- Not necessarily creating a

1 district for them.

2 MR. IAFELICE: Okay.

3 MS. FREEMAN: But, you know, if we want to regulate
4 them, which right now we do not.

5 MR. IAFELICE: Okay.

6 MS. FREEMAN: You know, do we want to set up
7 standards? Would it be continually permitted or just
8 permitted or are there certain districts where it would be
9 appropriate versus others?

10 MR. IAFELICE: What's your response to the inquiries
11 you've had then?

12 MS. FREEMAN: I have basically said that we don't
13 allow them based on the fact that they're not defined in our
14 resolution.

15 MR. IAFELICE: There's no, yeah, yeah, okay.

16 MS. FREEMAN: You know, so far no one's argued on
17 that note but --

18 MR. IAFELICE: Okay.

19 CHAIRMAN LINGENFELTER: Yeah, technically, if it's
20 not included, it's excluded.

21 MR. IAFELICE: It's excluded.

22 MS. FREEMAN: Yes, correct.

23 CHAIRMAN LINGENFELTER: Technically.

24 MS. FREEMAN: Which is the take I was taking on it.

25 MR. IAFELICE: Okay.

26 MS. FREEMAN: That's the way, you know -- But could
27 it fall under that definition of retail if somebody wanted to,
28 you know, push it further, you know? Would we have to let it,
29 you know? And especially if this does become approved
30 recreationally, we're going to be -- there is going to be more

1 demand for these facilities.

2 You can go on the Ohio website, and I looked, you
3 can see how many people are registered that actually have the
4 card to get, to use medical marijuana and there was like 6 or
5 7 hundred right in Painesville. So, and that probably
6 includes Concord because I am sure they go by ZIP Code or
7 something. It's not by city. So, which was pretty high when
8 you looked at some of the other areas in Ohio. So -- And I
9 know there is one dispensary in Painesville Township and
10 they're looking to locate another one somewhere around here.

11 I mean, obviously, we would never have anything on
12 the books that quick because I think these licenses that the
13 state wants to give out is sometime this year, you know, and
14 we know how long zoning amendments take. It takes several
15 months.

16 But, you know, so that's just, you know, one thing
17 that we haven't addressed and, you know, I know the former
18 Board of Trustees was kind of waiting back to see what was
19 going to happen with the way the state was going to deal with
20 it and then we just, you know, things have, things move
21 quickly and we haven't.

22 MR. IAFELICE: So I presume that, Heather, the State
23 of Ohio doesn't regulate dispensaries of medical marijuana.

24 MS. FREEMAN: They regulate them, yeah.

25 MR. IAFELICE: Okay. So that regulation speaks to
26 where it can be distributed or sold?

27 CHAIRMAN LINGENFELTER: Some guidelines, Rich.

28 MS. FREEMAN: Yeah. I mean, they have to prove,
29 someone -- And this is just very limited research I've done
30 online. If a dispensary is going to come to Concord or any

1 community, they have to get a, basically, an affidavit or a
2 letter from the Zoning Department saying that, yes, this is a
3 permitted use in this district at this location. You know,
4 and then that holder of the license also then has to prove
5 that it meets all the distance requirements from all those
6 other uses that they're not allowed to be close to.

7 And that would be something that we could look at in
8 regards to, we could do like some GIS mapping of, okay, where
9 are the churches, libraries, public parks, playgrounds and
10 schools in Concord and do a buffer based on what the state is
11 limiting them under.

12 MR. IAFELICE: Okay.

13 MS. FREEMAN: And kind of look at, okay, well, if we
14 do nothing, where could they go, you know, and kind of look
15 at, okay, but then you, you could have a concentration of them
16 if you don't set then your own zoning parameters. If you
17 don't want two or three on Crile Road, then you might need to
18 regulate it and put some distance requirements in there so you
19 don't get a concentration of them. I don't even know if
20 that's likely or not but --

21 CHAIRMAN LINGENFELTER: See, when is the -- Is there
22 any idea the timeline when the state will look at the
23 recreational use?

24 MS. GARCAR: Legislation has been written.

25 CHAIRMAN LINGENFELTER: Right. But that doesn't
26 mean anything.

27 MS. GARCAR: They're trying to get in front of a
28 committee currently, which is there -- I think there is
29 definitely time to discuss it within the zoning the way zoning
30 happens. I definitely think there is plenty of time to get

1 ahead of the situation. From my understanding, the goal with
2 this legislation that was introduced was to get ahead of it
3 before it became a ballot initiative so, that way, the state
4 could have control because there is a lot of fear of a ballot
5 initiative.

6 CHAIRMAN LINGENFELTER: Right.

7 MS. GARCAR: I think, if there is more talk of a
8 ballot initiative, it will get pushed faster; less talk, it
9 might drag a little more.

10 CHAIRMAN LINGENFELTER: Right.

11 MS. GARCAR: So I think, either way, something is
12 going to happen recreationally, whether it's the state doing
13 it or a ballot.

14 CHAIRMAN LINGENFELTER: Yeah. My question is, we do
15 a lot of work on this and then, you know, from a dispensary
16 standpoint and then it turns out and then it becomes
17 recreational.

18 MR. IAFELICE: Right.

19 CHAIRMAN LINGENFELTER: And that, that pretty much
20 would, I think, that would pretty much can all the work we
21 would do because, at that point, then it would turn into a
22 retail situation, you know.

23 MR. IAFELICE: Right.

24 CHAIRMAN LINGENFELTER: So I, you know, that's where
25 I, that's where I think it would cross over. If it became
26 recreational, that would be open to the general public and
27 then it would be, truly fit into the definition of retail, you
28 know. So how much control could you have at that point
29 versus --

30 MS. FREEMAN: So you're thinking like you're going

1 to go to Walmart and buy it? Is that -- or Lucky's? I mean,
2 I don't --

3 MS. GARCAR: I mean, I don't --

4 MR. SCHINDLER: What's the -- I have heard the term
5 PCP.

6 MS. GARCAR: PCP?

7 MR. SCHINDLER: Now, it's supposed to be, it's like
8 an ointment that you can rub on that's supposed to be similar
9 to marijuana.

10 MS. GARCAR: THC?

11 MR. IAFELICE: No.

12 MS. GARCAR: THC and CBD?

13 MR. SCHINDLER: I might be wrong with my, you know,
14 the letters.

15 MR. IAFELICE: Yeah, you're wrong.

16 CHAIRMAN LINGENFELTER: Stay in your lane, Frank.

17 MR. SCHINDLER: Well, that's -- Pardon me?

18 MS. GARCAR: Thank you.

19 MR. PITKIN: PCP is not, no --

20 MR. IAFELICE: That's not --

21 MS. GARCAR: It's wrong.

22 MS. FREEMAN: Horse tranquilizer?

23 MR. SCHINDLER: Well, I might be using the wrong,
24 like I say, letters.

25 MR. IAFELICE: Acronym, right.

26 MR. SCHINDLER: Thank you, acronym. So -- But I
27 thought there was some stuff, you know, that you can rub on
28 that's an oil that has similar --

29 MR. IAFELICE: CBD.

30 MR. SCHINDLER: -- qualities that --

1 MR. IAFELICE: Cannabis.

2 MR. SCHINDLER: Cannabis, that's what it was.

3 MS. GARCAR: CBD and THC come from the same plant
4 and you can pull it apart. So CBD currently is legal and THC
5 is illegal unless it's a medical use right now.

6 MR. SCHINDLER: But cannabis is --

7 MR. IAFELICE: Cannabis, that's what you're --

8 MS. GARCAR: So it comes from the same, like, plant.

9 MR. SCHINDLER: The same plant.

10 MS. GARCAR: It is the same oil you can pull out or
11 drug aspect. You can pull out CBD or THC from the same exact
12 plant.

13 MR. SCHINDLER: Right.

14 MS. GARCAR: CBD aspect of being pulled out is legal
15 recreationally, medically, whatever, buy it online right now.
16 THC is the part that everyone is kind of more wishy-washy.

17 MR. REPPERT: You can get CBD at retail stores.

18 MS. GARCAR: Correct, right now you can. You can
19 ship CBD via the mail. Like, I can buy it at Amazon. I don't
20 know if you can do Amazon but you can buy it online right now.

21 MR. IAFELICE: Sofia's Boutique right here, CBD.

22 MS. GARCAR: A lot of places.

23 CHAIRMAN LINGENFELTER: So what do we want to do?
24 Do we want -- I think we should, I think this warrants, you
25 know, just like we did with the SOBs, right, you know?

26 MS. FREEMAN: Try to define the district and
27 somewhat limit it?

28 CHAIRMAN LINGENFELTER: Yeah, I think we ought to, I
29 think we ought to, you know, I think it would be a good idea.
30 If we're getting inquiries, I mean, that's serious business.

1 That's not a, you know --

2 MR. IAFELICE: Yeah.

3 CHAIRMAN LINGENFELTER: And I think we should
4 probably come up with a, an idea for now, at least an idea. I
5 think we can cobble together at least some general, you know,
6 because it would probably have to be a conditional use, I
7 would assume.

8 MS. FREEMAN: It's up to you. I mean, it's up to
9 this board. I mean, if you think that this use would have
10 some, a greater impact on potentially the community that you
11 think it warrants a special approval or if you don't think
12 it's going to have, present any issues that would require any
13 kind of specific conditions for them to meet, you know, if you
14 feel like it would fit pretty easily like within like the
15 existing strip center, you know.

16 CHAIRMAN LINGENFELTER: Right. Well, it would
17 probably be easier to deal with if we deal with it now as a,
18 as a dispensary issue. And then if it ended up becoming, you
19 know, becoming recreational, then if we just ignore -- because
20 right now you could, we could take a stance it's not, we don't
21 address it, it's not allowed, right? But at some point in
22 time, that may get pushed.

23 MS. FREEMAN: Yeah, right.

24 CHAIRMAN LINGENFELTER: If it gets pushed, then we
25 haven't done anything.

26 MS. FREEMAN: Yeah.

27 MR. REPPERT: Then we panic.

28 CHAIRMAN LINGENFELTER: Yeah. Then we're kind of in
29 a, then we're kind of in a reactionary mode. I would rather
30 be in a proactive mode then instead of a reactive mode on

1 that. So it probably would make sense to start looking at
2 options of where, if we want, if we're going to have it, where
3 we would want it, where it would be, make sense. And then,
4 that way, at least we have some, some basic guidelines and
5 we've given it some thought and had some opportunity to figure
6 it out.

7 MR. REPPERT: And that, that can go a long way. If
8 it does go into the retail, we can use that as a base to go
9 from there.

10 CHAIRMAN LINGENFELTER: Right, exactly, that's what
11 I was saying.

12 MR. REPPERT: So I think it's a good way to start.

13 CHAIRMAN LINGENFELTER: Right.

14 MS. FREEMAN: Yeah, if something happens at the
15 state level as far as recreational, I mean, there'll probably
16 be a whole set of new guidelines for communities.

17 CHAIRMAN LINGENFELTER: Right.

18 MS. FREEMAN: What they can and can't do or who
19 knows, you know? We'll just address that.

20 MR. REPPERT: And even with the recreational, you
21 don't want two in the same strip mall, right?

22 MS. FREEMAN: I don't know. I mean, I don't know
23 what we're going to do, you know, yeah. I don't know. I
24 don't know how they'll be allowed to sell that or where at.
25 Will it be like liquor permits?

26 MR. IAFELICE: I think Andy just struck on the
27 building block to the Capital Town Center. I am just joking.

28 MR. SCHINDLER: I know.

29 MS. GARCAR: Can we ask legal exactly?

30 MS. FREEMAN: Yeah.

1 MS. GARCAR: Just because the current code uses the
2 term "retail" and "selling," not just dispensing, so just to
3 make sure how we would clarify it.

4 MS. FREEMAN: Under our existing definition?

5 MS. GARCAR: No. Under Ohio code, it uses the term
6 of "retail," the current code for dispensaries.

7 MS. FREEMAN: Under the Ohio law?

8 MS. GARCAR: Yes.

9 MS. FREEMAN: It refers to it as just "retail"?

10 MS. GARCAR: Yes. So if we could discuss it with
11 legal exactly how we would be allowed to, if anything, limit
12 how many are there?

13 MS. FREEMAN: Oh, yeah, yeah. And I'll even ask,
14 you know, under our current definition, technically, you know,
15 would they fit under our existing definition of "retail"? I
16 mean --

17 MS. GARCAR: It's pretty open right now.

18 MS. FREEMAN: Yeah. Because I do have, I did --

19 CHAIRMAN LINGENFELTER: How's Painesville Township
20 doing? How did they deal with it?

21 MS. FREEMAN: Hold on one second and I will try to
22 answer that. But under Section 3796.29 of the Ohio Revised
23 Code, it does say that retail dispensaries can be limited by
24 municipalities. So it does give townships and cities the
25 ability to pass a resolution or an ordinance to prohibit or
26 limit the number of cultivators, processors or retail
27 dispensaries licensed under this. So we do have the authority
28 to do that. It's just do we want to and -- or not.

29 Painesville Township, they have the one over there
30 on Blackbrook. I think that got approved as a conditional use

1 but they have, I believe, some regulations that almost allow
2 for similar uses and I think they approved it under a similar
3 use of a, per -- as a conditional use. I haven't talked to
4 their township administrator, you know, to see if they've had
5 any real issues. I mean, I haven't heard anything really
6 negative about it, so, but I don't know how the community
7 reacts to it or, but I do know they are pretty secure. I
8 mean, they've got, you know -- It's a secure business because
9 aren't they still cash businesses? Do you know, Ashley? I
10 mean, are these businesses cash businesses still?

11 MS. GARCAR: Do they take credit cards?

12 MS. FREEMAN: No. I mean, like, are they still cash
13 businesses like where they can't -- because of the federal law
14 being in conflict with the state law?

15 MS. GARCAR: They can --

16 MS. FREEMAN: You seem to know a lot about this, so
17 -- Do they have a lot of cash? Like, are they --

18 MS. GARCAR: They're allowed to take credit cards
19 and stuff and all that kind of stuff, from my understanding
20 right now.

21 MS. FREEMAN: Okay.

22 MS. GARCAR: I don't know much about the medical
23 law. I just --

24 MS. FREEMAN: Okay.

25 MS. GARCAR: -- know the text of the recreational.

26 MS. FREEMAN: Okay.

27 CHAIRMAN LINGENFELTER: I think we should, I think
28 we should address it, you know. It wouldn't be a bad idea to
29 put some, put some general guidelines together, be ahead of
30 the curve.

1 MS. FREEMAN: Okay.

2 MR. SCHINDLER: Put it on the agenda and see what we
3 can come up with.

4 MS. FREEMAN: I will put something together for you
5 guys.

6 MR. SCHINDLER: Hash it around, hash it around.
7 Okay? Sorry about that. I get a couple every once in a
8 while.

9 MS. FREEMAN: The other one that's not probably as
10 urgent but our sign resolution still needs a little bit of
11 work in regards to some of our language as far as temporary
12 signs, specifically. A few years ago -- And I know I've
13 mentioned this to you guys in previous discussions about
14 potential updates to the resolution. There was some case law
15 set that really had to do with signs and the First Amendment
16 and being content neutral. And if you have to read the sign
17 to know how to regulate the sign, then you could be subject to
18 a stricter level of scrutiny, potentially, if you went to
19 court.

20 Like, for example, we, our permanent sign resolution
21 is pretty good but when you start, when we start enforcing and
22 regulating signs, we define them based on what the message of
23 the sign is. So we -- Real estate signs versus temporary
24 special event signs all have like different time frames that
25 they can be up and sizes, and I can tell you that it does make
26 it somewhat difficult to enforce and it's not quite right.

27 So I think that's something that we also have to
28 look at but that's going to take a little bit more work, so
29 that could be a little bit later on. I definitely want to sit
30 down with legal, legal counsel on that as well because signs

1 are very sticky, especially when it comes to political signs
2 and those kind of things. And so we're very sensitive to that
3 to make sure that we're not going to get in trouble with
4 anything as far as that goes.

5 But I'm open to some suggestions from you guys if
6 there's anything that you see. Maybe it sounds like tonight
7 process wise on some of these things that we do.

8 MR. IAFELICE: Yes.

9 MS. FREEMAN: And even we were talking about like
10 Villas at Canterwood and remember how they were going to go
11 back to the Trustees for major modifications. So I don't know
12 if there is things of that kind of nature that we want to
13 discuss about for maybe how we can change some of that.

14 MR. IAFELICE: Well, I was going to bring it up,
15 Mr. Chairman, actually, Heather. Thank you. I was going to
16 ask about using Canterwood as an example of process. So what
17 is the status of that project?

18 MS. FREEMAN: Villas at Canterwood right now, so
19 they had an amended preliminary plan approved by the Trustees
20 after you guys recommended approval on the plan and after the
21 Trustees approved the plan. Literally, like a couple weeks
22 after, they came back to the Trustees and were like, "Oh, we
23 need to make some changes," and they were shifting around some
24 open space and some lots and the Trustees ended up approving
25 that amended preliminary plan.

26 And now they're working through the county
27 subdivision review process, so they submitted and got approved
28 last week from the Lake County Planning Commission final, a
29 final plat and improvement plan -- final plat, actually,
30 because the Planning Commission doesn't approve the

1 improvement plan, but the final plat for Phase 1 and Phase 2
2 of Villas at Canterwood.

3 And now what they have to do is make all the
4 corrections on the plat and get all the improvement plans
5 corrected from the county and then package that together and
6 present that to the Board of Trustees and ask them to approve
7 their final development plan for those phases, which at that
8 point it should meet all zoning and have all the approvals
9 from the county as far as stormwater, the road design and
10 sanitary, storm, all that kind of stuff. And then they
11 basically just, they start, start the development. And they
12 go back to the Trustees for Phase 3. But that's kind of where
13 it's at.

14 MR. IAFELICE: So what I find troubling is that once
15 they got approval here, they changed it and it doesn't come
16 back. Once they change the plan or amend the plan, repeated
17 amendments, changes, it never comes back.

18 MS. FREEMAN: Never comes back to this board, right.

19 MR. IAFELICE: So what we approved is not what
20 they're building.

21 MR. REPPERT: Nope, nope.

22 MS. FREEMAN: What you recommended to the Trustees
23 to approve.

24 MR. REPPERT: Nope, not at all.

25 MR. IAFELICE: So the Trustees are comfortable
26 approving the, without our, without -- I guess I am asking a
27 question rather than --

28 MS. FREEMAN: No.

29 MR. IAFELICE: That's, apparently, they're
30 comfortable doing that.

1 MS. FREEMAN: I don't know if they are or not,
2 honestly.

3 MS. GARCAR: Just what our code says.

4 MS. FREEMAN: Yeah, that's just the way it is
5 written right now. I'm not, you know, honestly, I don't, I
6 don't -- I think anytime there's another set of eyes on it
7 giving them a recommendation, they would prefer that, I think.

8 MR. IAFELICE: Could they, could the Trustees have
9 said, "Geez, this amended plan really differs from what the
10 Zoning Commission saw. We'll send, we'll request and send it
11 back."

12 MR. REPPERT: Sure they could, yeah.

13 MR. IAFELICE: They could have done that, right?

14 MR. SCHINDLER: I don't think so.

15 MS. FREEMAN: There is no mechanism in the Zoning
16 Resolution that would allow them to do that.

17 MR. SCHINDLER: No, there is not.

18 MS. FREEMAN: I don't know.

19 MR. IAFELICE: I guess what I am trying to, there
20 were stipulations in the approval. I wasn't here but Andy
21 made it specific, especially the buffering lot to the R --

22 MR. REPPERT: Right, to the R-1.

23 MR. IAFELICE: R-1. And it was totally ignored. Am
24 I correct, that was ignored?

25 MR. REPPERT: No, no.

26 MR. IAFELICE: No?

27 MR. REPPERT: They had two, two on one side and one
28 on the other side of large, you know, single, looking like
29 single-family homes coming in from Canter -- Is that
30 Canterwood?

1 MS. FREEMAN: Yeah.

2 MR. REPPERT: Yeah, I guess coming from Canterwood
3 on the south side. The buffer was there, two houses on one
4 side and one house on the other side.

5 MR. IAFELICE: I don't think the stipulation in the
6 conditional approval was a buffer, if I recall. It was
7 eliminate that lot, get --

8 MS. FREEMAN: That's what, yeah, I remember Andy was
9 asking and pushing for that but they never agreed to that.

10 MR. IAFELICE: Andy was pushing.

11 MS. FREEMAN: They didn't stand up here agreeing
12 that they would do that, so that was not stipulated.

13 MR. IAFELICE: But in the motion for the approval,
14 that's what Andy stated. I am just using that as one example.
15 I don't have, I didn't have that.

16 MS. GARCAR: Aren't you asking, the motion for
17 approval, isn't that a motion for a recommendation for the
18 Trustees to make the final say?

19 MR. IAFELICE: No. We were making the approval of
20 that plan; am I correct?

21 MS. FREEMAN: It's still, it's a recommendation.

22 MS. GARCAR: Recommendation.

23 MS. FREEMAN: It's still a recommendation.

24 MR. SCHINDLER: We are a recommending body as far as
25 zoning is concerned. We put together --

26 MR. IAFELICE: With those conditions.

27 MR. SCHINDLER: Yeah.

28 MR. IAFELICE: I guess what I am saying is the
29 conditions were ignored.

30 MR. SCHINDLER: But the Trustees have the authority

1 to --

2 MS. GARCAR: So whether we recommend or not, whether
3 we have conditions or not, whether we say yes or no, we still
4 would bring -- Even if we all said, "No, we don't recommend
5 this," they would still go to the Trustees. Please correct me
6 if I am wrong. It would still go to the Trustees and the
7 Trustees can still say, "You know what? I really like it.
8 We're doing it still." We just are a body that's focusing
9 just on zoning of what the stipulations are to put certain
10 things in, a gas station, houses.

11 MR. IAFELICE: Right.

12 MS. GARCAR: But we recommend --

13 MR. IAFELICE: I don't disagree with that.

14 MS. GARCAR: Whether we say yes or no, the Trustees
15 still do what they do.

16 MR. IAFELICE: I don't disagree with that. However,
17 I don't think the Trustees knew the conditions he -- was put
18 in our motion. I don't think that was --

19 MS. FREEMAN: I don't recall that. I am going to
20 have to pull the file on that.

21 MR. IAFELICE: It was, it was troubling because I
22 was listening to all of it and then I read the minutes and
23 then, when I spoke with you, Heather, about all the changes
24 they were making --

25 MS. FREEMAN: Yeah.

26 MR. IAFELICE: None of it, none of it was related to
27 the conditions that were stipulated by this board.

28 MS. FREEMAN: Right.

29 MR. IAFELICE: None of it. Anyhow, it's just
30 troubling that --

1 MS. FREEMAN: The Trustees had a couple conditions
2 on the approval and one was to increase the distance between
3 the existing home, Mr. Silversten, and the first lot that they
4 were going to put in.

5 MR. IAFELICE: To buffer.

6 MS. FREEMAN: And then the second condition -- yeah,
7 to create more distance between the two. They didn't, they
8 didn't call it buffer because they kept insisting that they
9 had to clear that but they would create a greater setback.
10 So, in essence, it's not a buffer.

11 And then the other lots, if you recall, that fronted
12 on Morley --

13 MR. IAFELICE: Hoose.

14 MS. FREEMAN: Or Hoose, sorry, Hoose. They agreed
15 to push those further off of Hoose. Rather than the 30 foot
16 setback, they were going to go 40 feet back. Those were the
17 two conditions that the Trustees put on the plan approval.

18 And then they said, "Okay, great, this is fine."
19 And then two weeks later they were like, "Nope, now we need to
20 make changes. Heather, what do I need to do?"

21 Well, Mr. Developer, you need to go back in front of
22 the Trustees. Yeah, and they were unrelated to those changes.

23 MR. IAFELICE: Okay. And did not the grading and
24 the stormwater management impact the whole design?

25 MS. FREEMAN: That's still kind of an issue now. I
26 am going to tell you. We did -- Marty spent three days
27 reviewing the plans, probably, their improvement plans for
28 phase 1 and 2 and we probably, I mean, we straight -- There
29 were several items that just did not meet zoning. They were
30 grading into riparian setbacks. They were building retaining

1 walls in open space.

2 MR. IAFELICE: Yeah, right, and we hadn't seen it.

3 MS. FREEMAN: They are -- That was a lot of that,
4 yeah. I mean, their grading plan is, was atrocious. I
5 couldn't believe it. So I don't know how --

6 MR. IAFELICE: So originally --

7 MS. FREEMAN: I don't know how they're going to
8 overcome that stuff. I mean, I don't know.

9 MR. IAFELICE: Originally, if you recall, we both,
10 we both agreed that the yield plan was not advanced enough to
11 understand the number of lots. They --

12 MS. FREEMAN: Yeah.

13 MR. IAFELICE: In my opinion, that was very much
14 inflated maybe by seven to eight lots in terms of what a real
15 yield plan, if they had further developed it. They didn't
16 develop it to that extent. Then what we got was not even
17 fully engineered plan. And now it's graded out and now it's,
18 it's, basically, it felt like we didn't do the service or what
19 we should be doing in seeing the plans because we got
20 something on a piece of paper that's not going to be built.
21 And so I don't know what purpose we served. It just, it's
22 just disturbing how that worked and I am using that as a case
23 study, if you will, as to how --

24 MS. FREEMAN: Well, then maybe there's, maybe the
25 final, maybe the final development plan comes back to you
26 guys.

27 MR. IAFELICE: That's what I was asking, if there
28 was something in --

29 MS. FREEMAN: Maybe you review it, you know. The
30 Trustees approve the rezone and the preliminary plan and then,

1 as they move forward, this board then -- And I don't even know
2 if we're allowed to even do that or not. I mean, I am just
3 thinking out loud right now. I'd have to check.

4 MR. IAFELICE: Well, no, if there is, you know, if
5 there was -- You're asking zoning, is there some context,
6 content that we can suggest? Isn't that what we're talking
7 about?

8 MS. FREEMAN: Yeah, that's what we're talking about,
9 how we can change the process to improve it, yeah.

10 MR. IAFELICE: So that was really the first
11 question.

12 And then the second case in point is Auburn. So I
13 felt like we had a site plan that was grossly incomplete and I
14 don't know that you got a revised completed site plan with --
15 that had to address those two dozen or so changes and comments
16 yet, and then whether it's significantly, was it significantly
17 different than what we saw.

18 MS. FREEMAN: They have not submitted anything yet.

19 MR. IAFELICE: You haven't seen anything yet.

20 MS. FREEMAN: Yeah, nothing.

21 MR. IAFELICE: So if we had gone another month, we
22 stood another month out, they still haven't submitted a
23 revised plan, right?

24 MS. FREEMAN: Right.

25 MR. IAFELICE: Okay. So, so now I will go to this
26 evening. This evening, this applicant can go get conditional
27 use even though we unanimously said it's not in keeping with
28 the Town Center. And then all we're subject to do is review a
29 site plan when it comes back because a conditional, if the BZA
30 were to, I don't know how but if they felt that it was in

1 keeping with the Capital District, if they approved the
2 conditional uses, we're --

3 MR. SCHINDLER: But it still has to come to us
4 though for our final say-so.

5 MR. IAFELICE: It's just a site plan.

6 MS. GARCAR: But it's a recommendation.

7 MR. IAFELICE: It's a site plan.

8 MR. SCHINDLER: Yeah, but we --

9 MS. FREEMAN: No, it's the approval.

10 MS. GARCAR: This time it would be the approval?

11 MS. FREEMAN: Yeah.

12 MR. IAFELICE: It's an approval of a conditional
13 use.

14 MS. FREEMAN: Yeah.

15 MS. GARCAR: So we would have the final say with the
16 Sheetz?

17 MS. FREEMAN: Correct.

18 MS. GARCAR: And if we said no with the Sheetz, the
19 Trustees don't have the opportunity to say, "Well, it's a
20 recommendation. We can do it"?

21 MS. FREEMAN: Right, correct, yeah. The only, you
22 guys are a recommending body when it comes to zoning text
23 changes and Zoning Map amendments with the preliminary plan,
24 such as the RCD and the PUDs.

25 MR. IAFELICE: And Section 36, site plan review.

26 MS. FREEMAN: Site plan review, you're the final
27 say.

28 MR. IAFELICE: Yeah, so --

29 MS. FREEMAN: I was explaining to Ashley.

30 MR. IAFELICE: Yeah, okay. So if we reject the site

1 plan after they get a conditional use --

2 MS. FREEMAN: You can, yeah.

3 MR. SCHINDLER: Well, they can get a conditional
4 use. That's their prerogative because they're taking the step
5 that they're entitled to do but still it has to come to us for
6 final approval.

7 MR. IAFELICE: So is that a benefit --

8 MR. SCHINDLER: And we could deny it all.

9 MR. IAFELICE: I guess I am asking a process. Is
10 that a benefit to the public, to the applicant that maybe that
11 should be reversed.

12 MR. REPPERT: He's putting a lot of money into this.

13 MR. IAFELICE: No. I mean, you go to the BZA once
14 the zoning approves the site and then say we approve with
15 these --

16 MR. REPPERT: Conditions.

17 MR. IAFELICE: And recommend the variances. We do
18 think this is in keeping, as the Zoning Commission, and the
19 BZA makes a final determination of the variance.

20 MR. REPPERT: As opposed to the other way.

21 MR. IAFELICE: Yeah. The other way, it's like our
22 hands are tied, it seems, but maybe I am all wrong.

23 MR. REPPERT: Well, but now look at it from the
24 contractor or the applicant.

25 MR. IAFELICE: Yeah.

26 MR. REPPERT: He gets approval, he thinks he's
27 golden.

28 MR. IAFELICE: From us.

29 MR. REPPERT: He comes in here and gets five noes.

30 MR. IAFELICE: You mean on Sheetz?

1 MR. REPPERT: Yeah.

2 MR. IAFELICE: Yeah, that's what I mean. Is that a
3 good service to them?

4 MR. REPPERT: No, it's not.

5 MR. IAFELICE: Right, right.

6 MR. REPPERT: No.

7 MS. FREEMAN: Well, I know a lot of cities do like a
8 preliminary development plan approval and then --

9 MR. IAFELICE: Correct, that's what I am used to.

10 MS. FREEMAN: Yeah. And then, then you would know
11 what the board was feeling. Like tonight could have been a
12 preliminary plan approval, you know, and they would have been
13 like, oh, God, we're not coming back, you know.

14 MR. IAFELICE: Yeah, yeah.

15 MS. FREEMAN: But maybe they are coming back. I
16 don't know. And then --

17 MR. SCHINDLER: I think they might be --

18 MS. FREEMAN: And then after they would come for a
19 preliminary plan approval, then they would have a good sense
20 of, you know, is the board amenable to the project and the
21 use? Okay? Then, yes. Okay, let's get together our final
22 development plan and get our conditional uses then approved.

23 MR. IAFELICE: The applicant bypasses the Zoning
24 Commission to go get a conditional use from the BZA and then
25 comes back with a site plan.

26 MS. FREEMAN: Yeah.

27 MR. IAFELICE: It just is --

28 MR. REPPERT: Doesn't make sense.

29 MR. IAFELICE: It's not the way I work in all cities
30 I've ever served. It's the other way around. It's the other

1 way. BZA is really looking at these variances, these changes
2 because this is, this is Bible.

3 MR. REPPERT: Well, I came for a job interview many,
4 many years ago when we had a BZA opening and a Zoning
5 Commission opening. And I sat in front of -- and I don't even
6 know who I sat -- maybe even you, I don't know -- and they
7 said, "Do you know what the Zoning Commission does and what
8 the BZA does?"

9 And I said, "Yeah, I think so."

10 He said, "Well, what are you saying?"

11 And I said, "Well, the Zoning Commission makes the
12 rules and the BZA breaks the rules." I didn't get the job. I
13 don't think they liked that too much but -- And I think that
14 we ought to approve it first and then look at the variances to
15 that approval.

16 MR. IAFELICE: Yeah, those conditions that we feel
17 are not egregious, that are still in keeping with --

18 MR. REPPERT: Right.

19 MR. IAFELICE: -- with the plan, concept.

20 MR. REPPERT: With the plan, with the Zoning
21 Commission rules.

22 MR. IAFELICE: Okay, X foot of setback or side or
23 whatever, you know.

24 MR. REPPERT: And the other thing that I have, that
25 I have in my years of experience, I have a lot of issues with,
26 and it's with the Planning Commission, Lake County Planning
27 Commission and here, too. We have 56 conditions, 56 comments
28 or exceptions or whatever the case may be and we say, "Yeah,
29 go ahead if you live up with all these." We never see them
30 again.

1 MR. IAFELICE: That's why I objected to the Auburn,
2 that's why.

3 MR. REPPERT: Yeah.

4 MR. IAFELICE: Personally, that's why I objected.

5 MR. REPPERT: We never see them again. And I just
6 sat in the Planning Commission with, with --

7 MS. FREEMAN: Villas at Canterwood.

8 MR. REPPERT: Canterwood.

9 MR. IAFELICE: Yeah, please, how many were there?

10 MR. REPPERT: Well, there were --

11 MS. FREEMAN: I still haven't seen the list.

12 MR. REPPERT: There was a lot of them. In fact, I
13 should have brought the meeting minutes. There were a lot of
14 conditions and a lot of stipulations or whatever they call
15 them from every organization you got. The grading was one of
16 them and who knows what else. And I talked to Radachy about
17 it and he says, "Oh, we'll get it resolved," and that's how I
18 get blown off. And the lady next to me was sitting there as
19 an alternate for somebody and she said, "How did that happen?"

20 And I said, "I don't know."

21 But the same thing happens up there. Now, I fully
22 assume all the comments from all the, all the Fire Department
23 and, you know, all the utilities and everything like that, I
24 am sure they all get resolved but shouldn't they be resolved
25 before they go to the approval committee?

26 MR. IAFELICE: Yes.

27 MR. REPPERT: Obviously, not.

28 MR. IAFELICE: Especially since many comments impact
29 the design.

30 MR. REPPERT: Yeah, yeah.

1 MR. IAFELICE: They just don't check mark it.

2 MR. REPPERT: Canterwood, all the drainage goes
3 west. The whole drainage goes west. Okay. I mean --

4 MR. IAFELICE: Yeah. Anyway --

5 MR. SCHINDLER: Let's move along.

6 MR. REPPERT: Yeah.

7 MR. SCHINDLER: Okay?

8 MR. IAFELICE: Yeah.

9 MR. REPPERT: I just have an issue with that
10 process.

11 MR. IAFELICE: I bring it up to the board to have it
12 to talk about process and if that's in the content of the way,
13 procedurally, how an applicant comes to the township to
14 develop something and where the guidance comes and how it
15 comes so that it's, it's sequential without -- And then it
16 keeps everyone at least abreast or informed. I feel like,
17 again, I feel like Canterwood, never see that again, probably.
18 I don't know if it's going to get built. Don't see the plans
19 again.

20 The Auburn Career Center, I know it's going to
21 change when you get that. That's why it's taking so long.
22 Those comments, all the drain, all those comments, they have
23 to redesign it. Probably why.

24 MR. SCHINDLER: I think what we should do is check
25 with legal counsel and look at the procedure, reestablish what
26 the procedure should be. It makes more sense that the boards
27 work together to be able to get things resolved before it gets
28 to a situation like we have right now with Canterwood.

29 MR. IAFELICE: Well, I mean, I agree with you. I
30 was just suggesting that if we had a --

1 MR. SCHINDLER: No, I understand.

2 MR. IAFELICE: -- a flowchart or something

3 schematically just to present to the Trustees.

4 MR. SCHINDLER: Exactly, right.

5 MR. IAFELICE: To say, here's some thoughts, if we

6 are in agreement.

7 MR. SCHINDLER: No, I think it's a point well taken

8 and we should put something like that together so that we have

9 some kind of checks and balance and a way things proceed that

10 makes more sense so something like this, like a Canterwood,

11 doesn't happen again.

12 MR. REPPERT: Okay. I agree, Mr. Chairman.

13 MR. IAFELICE: No, he's listening.

14 MS. FREEMAN: I mean --

15 MR. IAFELICE: He's been listening.

16 MS. FREEMAN: Go ahead, Andy, anything?

17 MR. SCHINDLER: Okay. I think we should move along,

18 gentlemen.

19 CHAIRMAN LINGENFELTER: Are we done?

20 MR. IAFELICE: I'm done. I've spoken my piece.

21 CHAIRMAN LINGENFELTER: You good?

22 MR. REPPERT: I am good.

23 MR. SCHINDLER: It's a shame we don't have no --

24 What we just discussed now would be in the minutes and

25 everything.

26 CHAIRMAN LINGENFELTER: Are there --

27 MS. FREEMAN: I'll write it up.

28 MR. SCHINDLER: I know you'll write it up.

29 MS. FREEMAN: I'll have her transcribe it all, yeah.

30 MR. SCHINDLER: We brought a lot up right now that I

1 think we went off the track a little bit for this evening but
2 points well taken though. I mean, you made a lot of sense
3 from what we discussed but something like this, I think,
4 should be looked at a little bit more in-depth.

5 MS. FREEMAN: Procedures?

6 MR. SCHINDLER: Procedures, yeah.

7 MS. FREEMAN: Yeah.

8 CHAIRMAN LINGENFELTER: Do we have, do we have any
9 other zoning amendment issues we'd like to, you think we
10 should address?

11 MS. FREEMAN: Not that I, no, no, not this evening.

12 CHAIRMAN LINGENFELTER: How soon can you have some
13 stuff put together for the, for the medical marijuana stuff?

14 MS. FREEMAN: I can, I will have some stuff next
15 month.

16 CHAIRMAN LINGENFELTER: Okay. Yeah, I'd like to
17 have at least some maybe if you can --

18 MS. FREEMAN: Some background stuff.

19 CHAIRMAN LINGENFELTER: Yeah, some background, maybe
20 get some --

21 MS. FREEMAN: What are you guys feeling? I mean, as
22 far as we should allow them but do we want to regulate, you
23 know, where and how many and is that the kind of a route that
24 you're going or -- That's what it sounds like.

25 MR. REPPERT: I think we ought to address their
26 presence in Concord Township.

27 MR. IAFELICE: Limited.

28 MR. REPPERT: Well, of course.

29 MR. IAFELICE: Yes, limited presence.

30 MR. REPPERT: I don't want one on every corner but,

1 no, where and how close together.

2 MS. FREEMAN: Yeah.

3 MR. REPPERT: And how close to schools.

4 CHAIRMAN LINGENFELTER: I think it would help to
5 just at least put a foundation together, just a framework.

6 MR. SCHINDLER: Yeah, just a draft, something that
7 we can --

8 CHAIRMAN LINGENFELTER: A framework and get an idea,
9 you know, and then that way at least, like I said, I don't
10 want to be caught on our heels, you know, because it was just
11 like the, those, the bingo, the gambling houses that cropped
12 up like crazy. Remember?

13 MS. FREEMAN: Yeah, the Keno places and --

14 CHAIRMAN LINGENFELTER: Yeah, the -- What was it?

15 MS. FREEMAN: I don't remember what those were
16 called.

17 CHAIRMAN LINGENFELTER: What were they doing? They
18 were popping up everywhere.

19 MR. IAFELICE: Do we regulate it?

20 MS. FREEMAN: No.

21 CHAIRMAN LINGENFELTER: Gambling. No. What were
22 they? What was the basis of the -- It was just overnight they
23 cropped up and we had, it was like they're coming and we've
24 got to figure out what we're going to do with it, how we're
25 going to deal with it. It was for gambling, remember? What
26 was that?

27 MS. FREEMAN: That was before. I wasn't here when
28 that was going on.

29 CHAIRMAN LINGENFELTER: No?

30 MS. FREEMAN: Yeah.

1 CHAIRMAN LINGENFELTER: Do you remember that, Frank?

2 MR. SCHINDLER: I remember, now that you brought it
3 up, but I don't remember what transpired, what we were doing
4 and how we were going to attack that.

5 CHAIRMAN LINGENFELTER: They were like the big, they
6 were like the slot machines where they were playing the bingo,
7 the games with the, you know, and they were gambling halls,
8 basically, and they were popping up in all the strips, plazas
9 and all over the place. They were just -- and they were, I
10 mean, they were -- And then the Ohio Legislature, they just
11 slammed the door on them.

12 MR. SCHINDLER: I believe so.

13 CHAIRMAN LINGENFELTER: And they -- But for a while
14 there were, they were going like wildfire. I mean, they were
15 just popping. And all the communities around the area were
16 like all up in arms about it because they didn't -- nobody had
17 any real regulations to regulate them and they just, they just
18 came steamrolling in and it got, it was really a mess.

19 MR. SCHINDLER: Yeah.

20 CHAIRMAN LINGENFELTER: So, you know, it was really
21 a mess. And so -- And I could see something like this kind of
22 falling in the same vein, you know. If, for whatever reason,
23 if it would get fast-tracked through in legislation for
24 recreational, man, we could be caught flat-footed and then all
25 of the sudden, if they fit in the parameters of retail, you
26 know, I mean, anything we have designated with the retail
27 space, an area, we would, I mean, we would probably be pretty
28 powerless to stop them, right? I mean, we wouldn't have a
29 whole lot and then we could find ourselves really kind of
30 being in a, you know, behind, behind it and I'd rather be in

1 front of it and get some, at least, get some guidelines, some
2 general, you know, some general ideas, maybe some definitions,
3 maybe some, you know, kind of figure out what districts, where
4 we might want to put them, you know, where we would allow it.

5 And like I said, we could really kind of restrict
6 that down and that would help us being able to really regulate
7 where we would, if we're going to allow, where we would allow
8 it.

9 MS. FREEMAN: Yeah.

10 CHAIRMAN LINGENFELTER: So, you know, we are not,
11 like you said, they're not just cropping up everywhere, you
12 know. So I think it would be a good, good thing to do.

13 So if we're done with this work session then for the
14 potential zoning amendments, I think we have got that kind of
15 resolved, the next item on the agenda is the approval of
16 minutes for the October 5, 2021, Zoning Commission meeting.
17 We do not have those today. They're being sent out. So we
18 will -- What would be the proper, would be to table this?

19 MR. SCHINDLER: Table it.

20 CHAIRMAN LINGENFELTER: Table it till the next
21 meeting?

22 MR. SCHINDLER: Yeah.

23 MS. FREEMAN: Yeah.

24 CHAIRMAN LINGENFELTER: So we will table Number 4
25 for the -- or table Item Number 3 on the zoning agenda and we
26 will vote on that next month once we have the minutes to
27 review.

28 Item Number 4 is the correspondence report by Zoning
29 Commission members. Frank?

30 MR. SCHINDLER: Nothing, Mr. Chairman.

1 CHAIRMAN LINGENFELTER: Nothing. Hiram?

2 MR. REPPERT: Nothing, Mr. Chairman.

3 CHAIRMAN LINGENFELTER: Okay. Rich?

4 MR. IAFELICE: Nothing, Mr. Chairman.

5 CHAIRMAN LINGENFELTER: Nothing. Ashley, anything?

6 MS. GARCAR: Nothing.

7 CHAIRMAN LINGENFELTER: No?

8 MS. GARCAR: No.

9 CHAIRMAN LINGENFELTER: Okay. All right, nothing --

10 Wait a minute. I did get a correspondence from a potential

11 business person who owns a business outside of the township

12 and they were looking at maybe potentially locating to Concord

13 and they were asking me about specific zoning regulations.

14 And I said, "Call Heather. She's a great help."

15 MS. GARCAR: Good answer.

16 CHAIRMAN LINGENFELTER: She'll set you straight.

17 No, it was -- They were just a general inquiry. They were

18 looking at some property in the township and potential

19 business, moving a business here and buying, you know,

20 building a building and having their own business here instead

21 of rent. They were, they were in a strip plaza now and they

22 were looking at buying a stand-alone facility and building

23 their own building and owning, which I thought was a great

24 idea. And I said, as long as it fits within the existing

25 zoning text and within the regulations, if it's a permitted

26 use, then it's really, really not much you have to worry

27 about. If it falls into the conditional use, then you've got

28 some issues. Obviously, you'll have to meet the conditions.

29 But I said, other than that, it's, you know, it's pretty

30 straightforward. I didn't think it would be too difficult.

1 So that was it for me.

2 Audience participation, here we are.

3 MR. SCHINDLER: Right, nobody.

4 MR. REPPERT: Come and get us.

5 CHAIRMAN LINGENFELTER: You know, and I'd like to
6 just make a comment with regards to audience participation and
7 things when we're dealing with work sessions. I think it's
8 important to, for the general public to know in Concord, the
9 township residents, that they are welcome at all times when
10 we're having, you know, work sessions, you know. They aren't
11 closed. They're open to the public. If -- And, typically, a
12 work session is not open for public, you know, comment but
13 there is an audience participation component which you could
14 certainly build your comments on a, on a work session that
15 we're having in the audience participation time and have a
16 discussion.

17 I think it would be very helpful for the residents
18 to know that it's a lot easier to incorporate ideas and
19 concepts and things during work sessions than it is during a
20 public hearing. Okay? A public hearing is really where, kind
21 of, for lack of a better term, the ship has sailed, you know.
22 The work has already been done. The work sessions have been
23 gone through. The discussions and verbiage and things like
24 that have been done and really the public hearing is for
25 public, final public input and then a vote and it becomes
26 difficult if you're coming in with these real convoluted
27 concepts or vast concepts of changes in text and ideas and
28 things like that in a public hearing. It makes it -- It gives
29 us a very short runway to incorporate that kind of information
30 into something we've already done. I would really like to see

1 that done in the work session component of the work that we're
2 doing.

3 So if there's something that's going on in the
4 township that's of interest, you know, we encourage people to
5 come or submit information, whether it's via email or, you
6 know, information that way or coming to the meetings in
7 person, dropping off information for Heather at Town Hall here
8 before the meetings or whatever. We welcome the input. We
9 certainly don't, you know, we don't want to discourage people
10 from participating in the process. It's your township. You
11 know, we're here to make decisions and we certainly want to
12 try to do what's in the best interest for the township but we
13 welcome everybody's opinions and input on this process outside
14 of the public hearing.

15 The public hearing is obviously there but these, the
16 work sessions is when the real work is being done. And if you
17 want some, if you've got some ideas or you've got some input
18 for the Zoning Commission, we would welcome that during these
19 work sessions that we're dealing with. It would be helpful.
20 So not that we're not interested or we don't seem
21 disinterested in your ideas during a public hearing. It just
22 becomes difficult at that point to, you know, delay things and
23 revisit and try to incorporate some of those ideas and things
24 into our, into our final product.

25 MR. REPPERT: With that in mind, Mr. Chairman.

26 CHAIRMAN LINGENFELTER: Yes, sir.

27 MR. REPPERT: Medical marijuana, let's start going
28 from there. Can we put something -- Now, I know this is on
29 our website, right? Do we have any other communication that
30 we can put on the website that says the Zoning Commission is

1 looking into regulations for the placement and use of medical
2 marijuana distribution? Is that what we're going to say?

3 CHAIRMAN LINGENFELTER: Dispensaries.

4 MR. REPPERT: Dispensaries. If you have any
5 comments, please provide them in writing or whatever it may
6 be, or suggestions, to Heather. Can we put that on the
7 website? Because some people don't look at this on live TV,
8 right, but they do check the website and, if they see this up
9 there, maybe they have something to say about it. Can we do
10 that? Is that, is that legal?

11 MS. FREEMAN: I don't see why we couldn't.

12 MR. REPPERT: I don't either but I am asking a
13 question. Is it possible? Is it going to --

14 MS. FREEMAN: I mean --

15 MR. REPPERT: Inundate you with --

16 MS. FREEMAN: I don't think so. I mean, I'd be
17 happy. Let me check with our Administrator on that.

18 MR. IAFELICE: Who manages the website?

19 MS. FREEMAN: Well, as a department head, we all
20 contribute to our pages.

21 MR. IAFELICE: Oh, okay.

22 MS. FREEMAN: So I have the ability to go on there
23 and add anything.

24 MR. IAFELICE: Okay.

25 MS. FREEMAN: So I could do a, like a little quick
26 news update that would show up on the zoning page indicating
27 something like that.

28 CHAIRMAN LINGENFELTER: Well, I think, yeah, I
29 think, to Hiram's point, I think this is a good example --

30 MR. IAFELICE: Yeah.

1 CHAIRMAN LINGENFELTER: -- of what I am talking
2 about. You know, we're going to be going into some work
3 sessions and trying to, trying to cobble some things together
4 and I would certainly --

5 MR. IAFELICE: It's good input.

6 CHAIRMAN LINGENFELTER: -- like to get some input,
7 not a "I don't want it" type of thing, you know. I mean, we
8 all get that. You can have that say at the public hearing.
9 But I mean if you've got some ideas or you've got some --

10 MR. REPPERT: Some hard facts.

11 CHAIRMAN LINGENFELTER: -- hard facts or information
12 or concepts or whatever, you know, anything like that, I would
13 welcome that kind of input. It's not easy to do. You know,
14 it's -- These, tackling these kinds of issues are, you know,
15 sometimes can be very involved and many heads, obviously, make
16 it better, you know, if we had more people involved and more
17 input.

18 MR. REPPERT: If we had more audience participation.

19 CHAIRMAN LINGENFELTER: Right.

20 MR. REPPERT: But just because they can't come here,
21 we shouldn't limit them not to comment.

22 CHAIRMAN LINGENFELTER: Right, that's what I said.
23 Electronic, I mean, you can send emails. I mean, all our
24 information is out there. I mean, we're all, you know, we
25 have our names, our email addresses and our phone numbers are
26 published, you know, on the, right on the website and on
27 documentation. So it's not like you can't get a hold of us.

28 MR. REPPERT: That's right.

29 CHAIRMAN LINGENFELTER: If you've got information
30 you want to share or if you want to send an email or whatever

1 documentation, you know, or any kind of information, links,
2 you know, to -- that would help us along this process, I
3 welcome it. I never would discount under any circumstances.

4 So that said, that pretty much ends the Zoning
5 Commission meeting for this evening. The next Zoning
6 Commission meeting will be December 7th.

7 MR. SCHINDLER: Oh, an infamous day.

8 CHAIRMAN LINGENFELTER: Yeah, an infamous day. And
9 with that, this meeting is adjourned.

10 MR. IAFELICE: Before we adjourn, may I ask one
11 question? It just came to mind. I am sorry.

12 CHAIRMAN LINGENFELTER: Oh, man, it was close.

13 MR. IAFELICE: I saw the gavel.

14 CHAIRMAN LINGENFELTER: I will put it back down.

15 MR. IAFELICE: Is it appropriate for the board,
16 since we're unanimous, to send notice to the BZA identifying
17 our position on this plan to the BZA? Is that appropriate?

18 MR. SCHINDLER: Well, don't they get our minutes?

19 MR. IAFELICE: They're not going to read it.

20 CHAIRMAN LINGENFELTER: I will tell you, I don't
21 think it's --

22 MR. IAFELICE: It's inappropriate?

23 CHAIRMAN LINGENFELTER: Well, you're a citizen of
24 this township, just we are. You know, we're all citizens of
25 the township, just like everybody else.

26 MR. IAFELICE: Right.

27 CHAIRMAN LINGENFELTER: Okay? If you, I mean, I
28 don't think there would be any reason why you shouldn't be
29 able to voice your opinion and send your comments to the
30 Zoning, the Board of Zoning Appeals and tell them your

1 thoughts on this issue. I don't think that's inappropriate.
2 I don't think so.

3 MR. IAFELICE: My question is the board, the zoning
4 board.

5 CHAIRMAN LINGENFELTER: Oh, as a board to --

6 MR. IAFELICE: Yes.

7 CHAIRMAN LINGENFELTER: I don't know if that would
8 be, that might -- I don't know how that would -- I would want
9 legal input on that.

10 MR. SCHINDLER: It might be a conflict of interest.

11 CHAIRMAN LINGENFELTER: Well, not a conflict of
12 interest but I think it could potentially be a, you know, it
13 could put maybe some undue bias in their process to have the
14 entire Zoning Commission come to them and say, "As a Zoning
15 Commission, as an entity, we are opposed to this and we would
16 hope that you would" --

17 MR. IAFELICE: No, I wouldn't say anything beyond
18 that.

19 CHAIRMAN LINGENFELTER: Right, I am just saying.

20 MR. IAFELICE: Yeah.

21 CHAIRMAN LINGENFELTER: I think, at that point, we
22 might be trying, it may be potentially influencing the
23 process, which I would just --

24 MR. SCHINDLER: Yeah, we're supposed to --

25 CHAIRMAN LINGENFELTER: Not being a legal counsel
26 and not, you know, but I would think that might be
27 inappropriate but I don't know. But I think as an individual,
28 as individuals, I think we have the right and the ability to
29 put our thoughts down and voice them to the BZA. And if they
30 just happened to get five emails from five separate members of

1 the Zoning Commission on the issue, I don't know how you could
2 tie that all together.

3 MR. REPPERT: Right.

4 CHAIRMAN LINGENFELTER: Versus being, coming as a
5 board, you know. So --

6 MR. SCHINDLER: Well, a perfect example, this
7 Canterwood stuff.

8 MR. IAFELICE: Yeah.

9 MR. SCHINDLER: I went to the Trustees.

10 MR. IAFELICE: I know you did.

11 MR. SCHINDLER: And I voiced my opinion.

12 MR. IAFELICE: You did.

13 MR. SCHINDLER: Based on my opinion, not a member of
14 the board but based on my opinion. So --

15 CHAIRMAN LINGENFELTER: And you're well within your
16 right to do that.

17 MR. SCHINDLER: As a citizen, right, exactly.

18 CHAIRMAN LINGENFELTER: You're a resident of the
19 township. You have, you have, I think you have the right to
20 voice your opinion on that.

21 MR. SCHINDLER: Sure.

22 MR. IAFELICE: Thank you, Andy.

23 CHAIRMAN LINGENFELTER: Yeah. With that then,
24 anything else, Rich?

25 MR. IAFELICE: No.

26 CHAIRMAN LINGENFELTER: All right. This meeting is
27 adjourned. All right. Thank you.

28 (Whereupon, the meeting was adjourned at 8:32 p.m.)
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STATE OF OHIO)
) CERTIFICATE
COUNTY OF LAKE)

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

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

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

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal of office this 30th day of November 2021.

Melinda A. Melton
Melinda A. Melton
Registered Professional Reporter

Notary Public within and for the
State of Ohio

My Commission Expires:
February 4, 2023

