

CONCORD TOWNSHIP ZONING COMMISSION  
LAKE COUNTY, OHIO  
REGULAR MEETING

Meeting held via YouTube Live Streaming

Concord Town Hall  
7229 Ravenna Road  
Concord, Ohio 44077

December 7, 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  
Rich Peterson, Member

Also Present:

Heather Freeman, Planning & Zoning Director/Zoning  
Inspector  
Abigail Bell, Esq., Legal Counsel

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

1 7:00 p.m.

2 CHAIRMAN LINGENFELTER: Good evening. I would like  
3 to call this Concord Township Zoning Commission meeting to  
4 order, Tuesday, December 7th. We have nothing on the agenda  
5 for Old Business but we do have a couple of items for New  
6 Business. I guess we will get right into it here.

7 We'll start off with Item Number 1 on the agenda,  
8 which is a work session for potential zoning text amendments.  
9 I know we had a couple of conversations last meeting about a  
10 couple of items that we discussed and, Heather, you were going  
11 to do a little bit of homework for us and pull some  
12 information. It looks like you were able to do that.

13 And then we also have a draft of some environmental  
14 restoration plan information. I think that was produced by  
15 the -- Was that done by Soil and Water?

16 MR. REPPERT: Soil and Water.

17 MS. FREEMAN: Correct.

18 CHAIRMAN LINGENFELTER: Yeah. So we've got that.  
19 And then we are looking at some issues with regards to  
20 legislation and zoning text amendments with regards to medical  
21 marijuana dispensaries and/or processors for the township as  
22 to what, which direction we would like to go on that. We, at  
23 the last meeting, we discussed that maybe it would be prudent  
24 to take a more proactive approach to this and kind of get  
25 started on it than to be caught in a reactive situation where  
26 all of the sudden we're thrust with making a decision on  
27 allowing, you know, before something gets to the point where  
28 we've got applications or potential applicants that want to  
29 move into the township and we don't really have any  
30 accommodations set up for that. So we thought that it might

1 be a good idea to tackle this now and maybe start to have some  
2 discussions.

3 Were you -- I see you put together some information  
4 here. Heather, would you like to give us a little review of  
5 what you put together for us?

6 MS. FREEMAN: Sure, Mr. Chairman. Did you want to  
7 start with the dispensaries?

8 CHAIRMAN LINGENFELTER: Sure.

9 MS. FREEMAN: Okay. Then we can look at the  
10 environmental restoration plan stuff.

11 CHAIRMAN LINGENFELTER: Yep.

12 MS. FREEMAN: Okay. So in your packets, what I  
13 provided to you was just a couple sections of the Ohio Revised  
14 Code that gives the townships the authority to even adopt  
15 regulations in regard to regulating cultivators, processors  
16 and retail dispensaries. I know we talked more specifically  
17 about the retail aspect of it last month, so that's a little  
18 bit more what I focused on.

19 But just for some background information, I provided  
20 to you, also, the state already has set up regulations that  
21 highly controls these type of uses, like the retail component,  
22 including but not limited to like locations, as far as how  
23 close they could be to some of these particular uses, such as  
24 churches, public parks, libraries, playgrounds and schools.  
25 So you can see that legislation there. They cannot be within  
26 500 feet of any of those uses, and it's my understanding they  
27 measure that from parcel boundary to parcel boundary.

28 MR. REPPERT: I like how you put the 500 feet on the  
29 map.

30 MS. FREEMAN: Yeah.

1 MR. REPPERT: I thought that was interesting.

2 MS. FREEMAN: Yeah. So what I tried to do was, on  
3 the spreadsheet that I provided you that's blue and white, the  
4 table, I went through like all of Concord's assets, quote,  
5 unquote, that meet the distance requirements, like where are  
6 the churches, the parks, the playgrounds, the schools, to kind  
7 of get an idea of where could they go if we did, you know,  
8 with the current zoning and with our current assets in place.

9 And then I took the Zoning Map here and I thought I  
10 would just, I overlaid, I did a 500 foot buffer from the  
11 boundary of each of these parcels that contain one of those  
12 uses that you would have to be 500 feet away from. So that's  
13 kind of what you are seeing mapped here. And underneath it is  
14 still the zoning district, the Zoning Map.

15 So I guess if you look at kind of where we're  
16 sitting right now at Town Hall, there really, you know, the  
17 Town Hall Commons District, which is the dark brown, you would  
18 not be able to locate any of those businesses here because  
19 they fall within 500 feet of the church either here at the  
20 corner or we've got the Greenway Corridor that does count as a  
21 park.

22 MR. REPPERT: A park.

23 MS. FREEMAN: A public park.

24 CHAIRMAN LINGENFELTER: Right.

25 MS. FREEMAN: So you can kind of look at it, you  
26 know. And then if you look over on Crile Road, you will see  
27 those parcels that are kind of encompassing the blue. Those  
28 would not be allowed based on the state's requirements. So  
29 that, pretty much, includes Grist Mill Village. And that's  
30 really because like the Goddard School is tucked away right

1 behind there, so that is kind of where you're measuring out  
2 that 500 feet from. They own two lots there.

3 So it does somewhat limit it based on the fact that  
4 we have schools and these parklands but there still are  
5 several areas, including like on Capital and Auburn and all of  
6 these other commercial districts. Basically, anywhere that we  
7 allow retail under our current definition of retail, a medical  
8 marijuana dispensary would be permitted under our current  
9 definition.

10 So I did include for your benefit a couple pages of  
11 Section 22, which is the Commercial Industrial district  
12 regulations, so you could take a look at that. If you turn to  
13 page 22.4, and if you look under the retail and personal  
14 services, you could see that retail is permitted within the BX  
15 district, the Gateway Business, and the B-1 Restricted Retail.  
16 So as it stands right now, under our current definition of  
17 retail, these uses could locate within those districts,  
18 assuming that they're --

19 CHAIRMAN LINGENFELTER: Now, did we determine, did  
20 we determine that it is considered retail? Because I know  
21 there was some, kind of, we had a discussion on that.

22 MS. FREEMAN: Thank you, yeah. I did reach out to  
23 Stephanie Landgraf, with Wiles and Richards, who indicated to  
24 me that, yes, most, you know, the municipalities or everybody  
25 are looking at these as they fall under their definition of  
26 retail. So she did confirm that, based on our current  
27 definition of retail, this use would fall under that.

28 And I have that with me. Let's see. I can pull out  
29 that definition and just read that to you real quick: "An  
30 establishment engaged in the selling of goods or merchandise

1 within the enclosed building to the general public for  
2 personal or household consumption which is open to the general  
3 public during regular business hours and which has display  
4 areas that are designed and laid out to attract the general  
5 public." So this would fall within there as goods or  
6 merchandise that is available.

7 CHAIRMAN LINGENFELTER: See, that's the -- My  
8 thought process is, on that, is that it's not retail because  
9 it's not open to the general public because it's not, right  
10 now in Ohio, it's not recreational. Now, if it was  
11 recreational, then I think that, then I think it would fit  
12 perfectly under a retail establishment because recreational  
13 would be open to the general public. As such, it's, you have  
14 to have a card issued by the state. If you don't have a card  
15 issued by the state, you can't go in there -- or you can go in  
16 but you can't do anything. You can't purchase anything. They  
17 would make you leave. I mean, unless you have a, unless you  
18 have a card issued by the state, you know, then you can't go  
19 in and just, somebody just can't walk in off the street and  
20 make a purchase. You can't. It's against the law. So I  
21 would be -- That's the kind of thing that, you know, I'm not  
22 real sure that it actually really falls under retail, you  
23 know, because of that.

24 I know some other people, some other municipalities  
25 or areas or locations may have a looser definition of retail  
26 but when you talk about access to the general public, the  
27 general public does not have access to a, to a dispensary. I  
28 did a little bit of research on this myself, you know.

29 MS. FREEMAN: Right. Well, when I asked Stephanie,  
30 too, I mean, she looked at our definition. So I don't know if

1 Abby would want to add to that but I think --

2 MS. BELL: I wouldn't give an opinion different than  
3 Stephanie's.

4 MS. FREEMAN: Right. So, and I did look at, I tried  
5 to look and see what some of the other townships in Lake  
6 County have done in regards to this. None of them had written  
7 anything into their zoning to address this use specifically.  
8 It was either Leroy or Madison Township that just recently  
9 passed a resolution from the Trustees putting a moratorium on  
10 the use because they were, more than likely, getting inquiries  
11 and didn't have anything on the books yet that they were  
12 comfortable with.

13 So I looked at City of Mentor. They're not  
14 regulating it, so it would be allowed under their definition  
15 of retail.

16 The City of Willoughby, they did something unique.  
17 They excepted it out of their definition of retail. They  
18 basically had a very similar definition like we did but they  
19 added in the caveat "except for marijuana products" or  
20 something like that. So they kind of eliminated that use from  
21 their definition of retail as a way to regulate it.

22 MR. REPERT: So does Willoughby have something on  
23 the books for restrictions or to address it because you said  
24 "except for marijuana products."

25 MS. FREEMAN: So that would not --

26 MR. REPERT: Did they pick it up someplace else?

27 MS. FREEMAN: No, I didn't see anything else where  
28 they addressed it.

29 MR. REPERT: Okay.

30 MS. FREEMAN: No, it was just within the definition

1 of retail.

2 MR. SCHINDLER: How does, if at all, conditional use  
3 permit fall into anything on this?

4 MS. FREEMAN: Well, I mean, if it was something that  
5 the Board felt that we wanted to regulate, I mean, you could  
6 entertain setting it up as a conditional use permit or a  
7 permitted use. And if you wanted to do a conditional use,  
8 obviously, you'd want to come up with some specific standards  
9 that you would want them to comply with. That way, you could  
10 review it. I guess the BZA would review it on a case-by-case  
11 kind of basis as they came in.

12 MR. SCHINDLER: Okay.

13 CHAIRMAN LINGENFELTER: So where, you know, when you  
14 look at the Table of Uses, you know, when I was looking  
15 through the Table of Uses, I was trying to figure out where it  
16 would fit. You know, would it fit under, like, would it fit  
17 under retail and personal services? I don't, personally, I  
18 don't think it fits under retail and personal services, so  
19 then you drop from there. It's not trade business. It's not,  
20 well, entertainment or recreation, but that doesn't -- I think  
21 it fails the sniff test there. I mean, the only other thing I  
22 could see would be like accessory uses.

23 MR. REPPERT: How about garden or nursery?

24 CHAIRMAN LINGENFELTER: Right.

25 MS. FREEMAN: Well, I would say, I mean, it  
26 currently, as it stands right now, the law department has said  
27 that it fits, this use falls under our retail. So it's being  
28 treated as a retail use. If you wanted to regulate it  
29 separately than any other kind of retail store, then I think  
30 you need to then define it and then put it in, you know, list



1 it as a specific use on the table and then say where it could  
2 go, in which districts and you set it up as a permitted or  
3 conditionally permitted use.

4 MR. IAFELICE: Could I ask? So, Heather, you  
5 explained that Willoughby took it out of the definition.

6 MS. FREEMAN: Right.

7 MR. IAFELICE: Ergo, they banned it?

8 MS. FREEMAN: That's my interpretation of it.

9 MR. IAFELICE: Okay.

10 MS. FREEMAN: Therefore, they are not allowing it,  
11 yeah.

12 CHAIRMAN LINGENFELTER: Well, and according to the,  
13 in perusing the Ohio Revised Code, the first section under, is  
14 that, "Limitations on Number of Cultivators, Processors or  
15 Retail Dispensaries by Locality," it says that we have the  
16 authority to adopt a resolution to prohibit. So we could  
17 prohibit, you know, just nix the whole thing.

18 MS. FREEMAN: Right.

19 CHAIRMAN LINGENFELTER: If we felt that was the  
20 right way to go. So is there any thought on the Board with  
21 regards to that?

22 MR. PETERSON: Why would we want this in Concord?  
23 It's a question.

24 CHAIRMAN LINGENFELTER: That's, I don't know.

25 MR. PETERSON: Yeah. I'd be in favor of  
26 prohibiting, myself. If they need this, they can go to Mentor  
27 or Painesville or whatever. I don't think it's something we'd  
28 want in the township, personally, but that's my opinion.

29 MR. SCHINDLER: I worry about when they say, quote,  
30 it's for recreational use. Does that mean if these places

1 that we allow in the township, for them recreational could be,  
2 I would see maybe them, in summertime, sitting outside around  
3 tables and stuff smoking it while the public is all walking  
4 around and everything. I don't know if we'd want that to take  
5 place. I know I wouldn't. You'd be smelling that stuff in  
6 the air as you're walking around. At least --

7 MR. REPPERT: Well, you've got to be 500 feet away.  
8 If the wind is blowing the right way, you're all right. It  
9 it's not --

10 MR. SCHINDLER: Yeah.

11 MR. REPPERT: But, I mean, 500 feet away, you're not  
12 going to be walking right next to them.

13 MR. SCHINDLER: Well, you would hope that's the case  
14 but it would depend how many people might be out there, for  
15 example, you know?

16 MR. PETERSON: Yeah.

17 MR. SCHINDLER: You get some of these people, they  
18 have parties and there's going to be dozens of people out  
19 there all smoking, having their good ole time and that could  
20 be a lot of smoke.

21 CHAIRMAN LINGENFELTER: Well, if it becomes  
22 recreational, there is not a whole hell of a lot you are going  
23 to be able to do about that.

24 MR. SCHINDLER: That's right. That's what I mean.

25 CHAIRMAN LINGENFELTER: And from what I understand,  
26 there is legislation.

27 MR. PETERSON: It's a matter of time.

28 CHAIRMAN LINGENFELTER: If it's coming for Ohio to  
29 take it from a medicinal dispensary usage to a --

30 MR. REPPERT: Recreational.

1           CHAIRMAN LINGENFELTER:  -- to recreational.

2           MR. SCHINDLER:  Right.

3           CHAIRMAN LINGENFELTER:  And if it's recreational,  
4 then I don't know that there is really much we can do about it  
5 at that point.  So would there be?

6           MS. FREEMAN:  We don't know yet.  I think it's too  
7 early to speculate.

8           CHAIRMAN LINGENFELTER:  If it becomes recreational,  
9 then it basically is just a retail use.

10          MR. PETERSON:  Like cigarettes.

11          CHAIRMAN LINGENFELTER:  Right.

12          MR. PETERSON:  You could ban it from indoors.

13          CHAIRMAN LINGENFELTER:  I am saying as far as, you  
14 know, where they can locate or what they can do.

15          MR. PETERSON:  True.

16          CHAIRMAN LINGENFELTER:  There probably will still be  
17 some things with regard to schools and libraries and public  
18 parks and things like that but I mean, outside of that, I  
19 mean, you know.

20          MS. FREEMAN:  We would have to wait to see if they  
21 give the authority to the municipalities to regulate that,  
22 right?  I think, but today the only thing we can do is the  
23 medicinal.

24          CHAIRMAN LINGENFELTER:  Right.  What we do know is  
25 what's the law today.

26          MS. FREEMAN:  Correct.

27          CHAIRMAN LINGENFELTER:  Does anybody else have any  
28 thoughts on it?  Hiram?

29          MR. REPPERT:  The more I hear on the discussion, the  
30 more I am saying let's hold off because it's only medicinal

1 now. Well, I just changed my mind. Yeah, let's address it  
2 because I think it's around the corner. I do. Now, that  
3 doesn't mean anybody is going to be flooding into Concord  
4 Township to put up a place. But why not? Why not put  
5 something on the books?

6 CHAIRMAN LINGENFELTER: So would you be in favor of  
7 allowing but just defining where or would you be in favor of  
8 prohibiting?

9 MR. REPPERT: Allowing.

10 CHAIRMAN LINGENFELTER: Okay.

11 Frank, you are in favor of prohibiting?

12 MR. SCHINDLER: Yeah.

13 CHAIRMAN LINGENFELTER: I know, Rich, you said --

14 MR. PETERSON: Prohibit, my opinion.

15 CHAIRMAN LINGENFELTER: Rich, do you have any,  
16 Iafelice, do you have any thoughts?

17 MR. IAFELICE: Yes, yes. I will go back to  
18 Stephanie's advice. You started, Heather, by explaining she  
19 interpreted retail establishments within an enclosed building  
20 and those permitted uses are in three or four districts.

21 MS. FREEMAN: Correct.

22 MR. IAFELICE: So the map and the buffer is very  
23 helpful to me. Recognizing that those prime areas,  
24 development, commercial, primarily commercial, Business  
25 Interchange, Gateway Business and Capital districts are  
26 potential sites because they meet the criteria. And I don't  
27 think that is good planning for the township to expose those  
28 areas to medical marijuana retail.

29 MS. FREEMAN: Thank you. I forgot to say Capital  
30 district when I first was talking about those. Yeah, thank

1     you.

2                 MR. IAFELICE:   Capital, yeah, Capital, restricted  
3     retail, it just, it doesn't fit the character of the areas  
4     there that are already developed as businesses and retail.  
5     And so I would like to see us prohibit it, based on that  
6     reasoning.

7                 MR. REPPERT:    Andy, what do you think?

8                 CHAIRMAN LINGENFELTER:   I am kind of torn, you know,  
9     between prohibiting and controlling where it can go.   So I  
10    tend to be, you know, I tend to -- I probably would feel, I  
11    probably would feel okay about if we were to kind of ratchet  
12    down where it, you know, define where it could go as a  
13    permitted use versus outright prohibition but, I mean, that's  
14    my thought.   So --

15                MR. REPPERT:    Now, would everybody's opinion change  
16    if it was recreational use approved by the state first and  
17    then with us?

18                MR. PETERSON:   I don't think we'd have a choice  
19    then.   It's legal.

20                MR. REPPERT:    We could still prohibit it.

21                CHAIRMAN LINGENFELTER:   Well, what you could do is  
22    you could just, you could --

23                MR. IAFELICE:   Restrict it location.

24                CHAIRMAN LINGENFELTER:   That's why my thought was,  
25    to narrow down the location.   That way, if it does -- Even if  
26    we don't get any interest from a dispensary standpoint from a  
27    medical basis, if it becomes, if it becomes recreational, then  
28    we will have a kind of predefined area where we would, you  
29    know, want it to be.   You know what I am saying?

30                MR. PETERSON:   I don't know how you can do that

1 because it would be like alcohol, right? It would be  
2 controlled probably a similar way. You could sell it retail  
3 at a drug store, you could sell it at a gas station. You  
4 could sell it at a grocery store.

5 CHAIRMAN LINGENFELTER: I don't know.

6 MR. PETERSON: I mean, if it's like alcohol.

7 CHAIRMAN LINGENFELTER: I know I was in Michigan and  
8 I think in Michigan it's recreational and they have  
9 facilities. There is facilities.

10 MR. PETERSON: Does it have to be like a state store  
11 like liquor?

12 CHAIRMAN LINGENFELTER: Yeah, there is facilities.  
13 I don't think they're dual. I don't think they're selling it  
14 out of other retail establishments, you know, like Giant  
15 Eagle. Giant Eagle has a liquor store in it.

16 MR. PETERSON: True.

17 CHAIRMAN LINGENFELTER: I don't think, in Michigan,  
18 that, you know, that a Giant Eagle would have a marijuana  
19 dispensary. I think they're stand-alone, at least what I saw.  
20 You know, what I saw, there were stand-alone facilities that  
21 were dispensaries. I was in a couple about a month, a couple,  
22 about a month ago I was in Sterling Heights and Madison  
23 Heights and I was going to visit a client and I was on a major  
24 thoroughfare and there was a couple dispensaries, you know, a  
25 couple facilities on that thoroughfare and they were clearly  
26 marked and they were, you know, establishments but they were  
27 stand-alone facilities. They were, it was a building, you  
28 know, that was in and of itself. It's not, it wasn't a part  
29 of like a strip plaza or anything like that. It was a  
30 facility, you know.

1           MR. PETERSON: Well, if we prohibited it now, we  
2 could always -- We'd have to revisit it if it became legal,  
3 right? So we would have to change at that point in time.

4           CHAIRMAN LINGENFELTER: How would that work? Would  
5 that be, would that be acceptable, Counselor?

6           MS. BELL: Yeah. Just, you don't revisit it. That  
7 portion just wouldn't, you know, ever hold water anymore. We  
8 would want to take it off but --

9           CHAIRMAN LINGENFELTER: Do we expose ourselves from  
10 a prohibition standpoint?

11          MS. BELL: No, there is no harm in it.

12          CHAIRMAN LINGENFELTER: Okay.

13          MS. BELL: If that's the course you want to take  
14 now. It just, who knows what the future is going to hold and  
15 how the law ends up changing as far as medical marijuana and  
16 marijuana in general. So I don't know. We'll just have to  
17 see.

18          MR. SCHINDLER: Well, if we are going to pick a  
19 spot, I would just want to pick one spot, someplace neutral  
20 around, away from everything, if at all possible, distance  
21 wise if possible, and that would be the only, the only place  
22 to put it. I think we'd have better control over it, for one  
23 thing, in a sense.

24          MR. REPPERT: Well, I am sure they're going to need  
25 a license from the state, aren't they?

26          MR. PETERSON: I would think.

27          MR. REPPERT: I would assume so, just like liquor.

28          MR. SCHINDLER: Yeah, I would think so.

29          MR. PETERSON: I would assume.

30          MR. REPPERT: So there is the control, to some

1 extent, I guess.

2 MS. FREEMAN: Can I just add, I guess, if you were  
3 going to try to, if you were going down the route to try to  
4 pick a district or a place, maybe kind of look at the purpose  
5 statements for those different districts that we currently  
6 allow retail in and see if one of those kind of sounds like it  
7 fits better.

8 MR. PETERSON: Currently, it's medical, so why  
9 wouldn't it go in the medical district if that's what it is?

10 MR. SCHINDLER: Like where the hospital is?

11 MR. PETERSON: Well, yeah, I mean --

12 MR. SCHINDLER: Yeah.

13 MR. PETERSON: In the Gateway Health district.

14 MR. SCHINDLER: Yeah.

15 MR. PETERSON: Right? Because it's considered  
16 medical only.

17 CHAIRMAN LINGENFELTER: Right. Well, I think it's  
18 kind of benign over there and it would be benign in that area,  
19 too.

20 MR. PETERSON: Yeah, there's nothing over there.

21 CHAIRMAN LINGENFELTER: From the standpoint of, you  
22 know, if we were to put it in there, it's kind of a dedicated,  
23 you know, there is not a whole lot, there's not a whole lot of  
24 other areas in the township that would fit that. I was --  
25 That's funny you mention that because I was thinking that.  
26 Why not the health district?

27 MR. PETERSON: Well, considering that it's labeled  
28 "medical marijuana."

29 CHAIRMAN LINGENFELTER: Right. Since it's a  
30 dispensary and medical usage, I thought that that might not be



1 a bad location. And there is -- Would there be room there for  
2 that, Heather? If somebody wanted to put a dispensary in  
3 there, would there be, is there enough space in that area or  
4 is it all pretty much --

5 MS. FREEMAN: Are you talking about the, like, the  
6 Gateway business like where the hospital is?

7 MR. IAFELICE: Gateway Health.

8 MS. FREEMAN: Oh, Gateway Health?

9 CHAIRMAN LINGENFELTER: Yeah, Gateway Health.

10 MS. FREEMAN: Oh, Gateway Health, we don't even  
11 permit any residential --

12 MR. PETERSON: Gateway Health is even smaller  
13 because it's just those.

14 MS. FREEMAN: -- or don't permit retail.

15 MR. PETERSON: That really restricts it.

16 MS. FREEMAN: Hold on.

17 MR. PETERSON: Gateway Health is very restrictive.  
18 There is only two little areas.

19 MS. FREEMAN: Yeah. Basically, in order to do  
20 anything under Gateway Health, you have to request a rezone.  
21 There is no vacant land currently zoned Gateway Health. So I  
22 don't know that anyone would -- They'd have to go through a,  
23 you know, a minimum 90-day rezone process to even get to  
24 Gateway Health and then that might be enough disincentive  
25 right there for someone to not even move forward with it  
26 because of just the lengthy process that they would have to  
27 get through. And then is it permitted or is it conditionally  
28 permitted, and then going through that process?

29 So it would be extremely difficult because the only  
30 two pieces of property that are Gateway Health right now is

1 the site where Concord Village Skilled Nursing facility is on  
2 Capital Parkway and then the assisted living facility on  
3 Auburn.

4 MR. PETERSON: Okay.

5 MS. FREEMAN: When you look at Gateway Business and  
6 the purpose of that --

7 MR. PETERSON: Yeah, it's all down Auburn.

8 MS. FREEMAN: Personal, it's a district that offers  
9 a balance of personal services, office and retail uses along  
10 major thoroughfare while supporting surrounding businesses and  
11 local residents, and then it talks about the design and  
12 grouping. So I don't know if it fits that district either.  
13 To be honest, these sites probably want to fit into places  
14 like Crile Crossing.

15 MR. IAFELICE: Yes, yeah.

16 MS. FREEMAN: Grist Mill Village. They just want to  
17 sneak in a 2 to 3 thousand square foot facility and, you know,  
18 move in and be done.

19 There are a lot of extensive regulations that they  
20 have to comply with as far as security with the state and  
21 having a security system and there is times that they are  
22 allowed to be open and when they have to be closed. I don't  
23 think -- I didn't print any of that stuff out for you but they  
24 have a lot of extensive additional regulations that they have  
25 to comply with for the state as well. It tries to, I think,  
26 offset any potential negative impacts that these kinds of uses  
27 may bring to the area.

28 But, obviously, well, I know there is one in  
29 Painesville Township and, obviously, it is approved for  
30 medicinal use, which means there are medical benefits to

1 having these and with the hospital close by and, you know, our  
2 aging population, I would think that there would be some  
3 demand from Concord Township residents to potentially frequent  
4 these kind of places.

5 So I don't know that you would put it in a district  
6 Gateway Health. That would really be extremely difficult to  
7 even get anything approved under that district.

8 CHAIRMAN LINGENFELTER: So you're thinking Gateway  
9 Business?

10 MS. FREEMAN: Well, I don't know. I mean, I think  
11 that's a better option than the Gateway Health but it does  
12 open it up to a lot more potential of them being there if you  
13 don't set additional restrictions on there. If you look at  
14 Gateway Health right now, there is really nothing that --  
15 there's no park, schools or playgrounds that are going to come  
16 into play. So --

17 CHAIRMAN LINGENFELTER: Well, that's what I like  
18 about the Gateway Health.

19 MS. FREEMAN: Yeah.

20 CHAIRMAN LINGENFELTER: Either the Gateway Health or  
21 the Gateway Business because it's kind of an isolated area.

22 MS. FREEMAN: Yeah.

23 MR. PETERSON: It would be next to the Community  
24 Center though or could be, anyhow.

25 MS. FREEMAN: And then if you look --

26 MR. PETERSON: It's a pretty fitting image.

27 MS. FREEMAN: Kind of jumping around a little, like  
28 under B-1 Restricted Retail, I mean, pretty much, Grist Mill  
29 Village is out currently while the Goddard School is still  
30 there. If something were to ever happen to the Goddard School

1 then that could change, you know.

2 CHAIRMAN LINGENFELTER: Right. Yeah, that Goddard  
3 School takes up a pretty big chunk there with the 500 foot  
4 buffer.

5 MS. FREEMAN: Yeah. So there is a little bit, it's  
6 all offices right now with the other, on Auburn Road to the  
7 north of that, and where Redhawk is, that's the other lot  
8 that's B-1 right there.

9 CHAIRMAN LINGENFELTER: Right.

10 MS. FREEMAN: And then other than that, I mean, even  
11 if you go over to Concord Plaza by 84 and Johnnycake there,  
12 those are out, too, just because of the proximity of the  
13 schools --

14 MR. PETERSON: The church, the school and the  
15 church.

16 MS. FREEMAN: -- and the churches that are over  
17 there. So that's not really viable over on that side of the  
18 township. And then you're basically looking at the corners of  
19 the intersection of Girdled and Ravenna Road. We know that  
20 that intersection currently has, is somewhat limited, has some  
21 challenges as far as being developed due to current lack of  
22 access to sanitary sewer. But it's possible, I guess, but I  
23 don't know that they would want to locate there off the main,  
24 you know, corridor.

25 CHAIRMAN LINGENFELTER: Yeah. I think, if we were  
26 going to look at, I think that the one that probably, when  
27 looking at the Zoning Map, without the big buffers anywhere, I  
28 think probably the best area would be like the Gateway  
29 Business, you know, because it's far enough away from Auburn  
30 Career Center. It's far enough away, you know --

1 MS. FREEMAN: Well, there is some a little bit south  
2 there close.

3 CHAIRMAN LINGENFELTER: Right, on the other side,  
4 yeah, on the other side of the Capital Parkway, a little  
5 piece.

6 MR. SCHINDLER: Well, should we pick a spot or table  
7 it for a while, give it more thought?

8 CHAIRMAN LINGENFELTER: What's the --

9 MR. IAFELICE: Any action we take would be a  
10 recommendation to the Board of Trustees. We can't --

11 CHAIRMAN LINGENFELTER: Right.

12 MR. SCHINDLER: Right, yeah.

13 MS. FREEMAN: We would have to come up with the  
14 right language and come back next month and flush it out more.

15 MR. IAFELICE: Yep.

16 MR. SCHINDLER: Right.

17 CHAIRMAN LINGENFELTER: Well, any additional  
18 opinions on this as to location if we were going to -- I know  
19 we've got three members have voiced a position of just flat  
20 out prohibiting.

21 MR. PETERSON: Well, it's clear to me that there is  
22 just nowhere that it fits. It just doesn't fit in Concord.

23 MR. IAFELICE: That's kind of what I am saying.

24 MR. PETERSON: So if it doesn't fit, why not  
25 prohibit it for now and then see what happens if the state law  
26 is changed? We don't lose anything by doing that and we sort  
27 of protect ourselves from where it might end up.

28 MR. SCHINDLER: And the state allows us to do it.

29 MR. PETERSON: Yeah, as long as it's legal to  
30 prohibit under the state.

1 MR. SCHINDLER: So we wont' get any static, right?

2 MR. PETERSON: Right.

3 MR. SCHINDLER: The state will be supportive.

4 CHAIRMAN LINGENFELTER: So then how would that work?

5 If we were to put that language in, where would that go?

6 MS. FREEMAN: Well, I probably would want to confer

7 with legal on that. There is probably a couple ways we could

8 do it.

9 MS. BELL: Yeah, we can work together and see what

10 is --

11 MS. FREEMAN: If there is a change in the definition

12 similar to what Willoughby did --

13 MS. BELL: Right, what Willoughby did.

14 MS. FREEMAN: -- or some other language.

15 MS. BELL: If it's a whole new resolution, we can

16 see.

17 MS. FREEMAN: Okay.

18 CHAIRMAN LINGENFELTER: Now, so then if we did that,

19 would there be, would there be a public hearing in that

20 process or would --

21 MS. FREEMAN: Yeah, it would still be a text

22 amendment. Yeah, we'd still have to go through the amendment

23 process, yeah.

24 MR. REPPERT: Gateway, Gateway Business on Wellness

25 Way, what more do you want, right?

26 MR. SCHINDLER: On Wellness Way.

27 MR. IAFELICE: Keep trying.

28 MR. REPPERT: Go get some marijuana and be well on

29 your way.

30 MR. SCHINDLER: Wellness Way.

1 MR. REPPERT: It fits.

2 CHAIRMAN LINGENFELTER: Ironically.

3 MR. SCHINDLER: That's cool.

4 CHAIRMAN LINGENFELTER: So what is the Board's  
5 pleasure at this point on this? Do you want to go with  
6 prohibition and then let Heather work on some language with  
7 legal as to where, how we would do that?

8 MR. PETERSON: I think that's my preference.

9 MR. SCHINDLER: I agree.

10 MR. REPPERT: I am open.

11 CHAIRMAN LINGENFELTER: Yeah, I am, too. I'm not, I  
12 don't feel strongly one way or another.

13 MR. REPPERT: I am not dead set against it.

14 CHAIRMAN LINGENFELTER: Yeah, I'm not dead set  
15 against it but I am not, I am not, you know, a hundred percent  
16 in favor either. So I, you know, that's kind of part of what  
17 my thought process is. I just don't know that it necessarily  
18 fits in Concord but if it's coming and there is inquiries or  
19 there is opportunities and things like that happen, I think we  
20 would be better off addressing it than just kind of kicking a  
21 can down the road.

22 MR. REPPERT: Well, if you look at it that way, if  
23 it becomes law in Ohio --

24 CHAIRMAN LINGENFELTER: For recreational.

25 MR. REPPERT: For recreational. That's not really a  
26 big step but it's something that we don't know much about.  
27 And then if we have an applicant in Concord Township, that's a  
28 big leap, really, right there. So I don't think we would be  
29 hurting ourselves by -- If it becomes recreational, then maybe  
30 we could come back to the table and think about it some more.

1 MR. PETERSON: I think we'd have to, yeah.

2 MS. FREEMAN: We will just have to follow that  
3 closely and see how it moves.

4 CHAIRMAN LINGENFELTER: Right.

5 MS. FREEMAN: And stay on top of that to see how the  
6 state's going to regulate it and what kind of authority  
7 they're going to give us to --

8 CHAIRMAN LINGENFELTER: Right.

9 MR. REPPERT: Why don't we try that.

10 CHAIRMAN LINGENFELTER: All right.

11 MR. REPPERT: It's a good idea.

12 CHAIRMAN LINGENFELTER: So why don't you work with  
13 legal then on some language and where we would put that into  
14 the Resolution from a prohibition standpoint and then kind of  
15 go, we'll go from there.

16 MR. REPPERT: We'll see what kind of response we get  
17 from the public hearing.

18 CHAIRMAN LINGENFELTER: Well, you know, again, I was  
19 thinking about that when I was pulling into the parking lot.  
20 I was thinking, now, here, this is a prime example where I am  
21 sure there is some pretty strong opinions out there in the  
22 community. I am sure there are.

23 MR. REPPERT: Yeah.

24 CHAIRMAN LINGENFELTER: I can't imagine that there  
25 aren't strong opinions on this. And it's just, it's  
26 befuddling that there is no, there is like no interest, you  
27 know. But I can guarantee you, if there is an application and  
28 there is -- and then all of the sudden it becomes a reality,  
29 there is going to be a lot of interest. But right now, I  
30 mean, this is what I am talking about when I look to the



1 community for some guidance or some input, you know, this  
2 would be the time to do it. If you've got some thoughts from  
3 a community standpoint, I think now would be a good time to  
4 voice your opinions instead of waiting until we get all way to  
5 the point of a public hearing and then it becomes very  
6 difficult to kind of turn the ship. You know, once we set  
7 this course, it becomes difficult to start making major, you  
8 know, accommodations or major changes, you know.

9 So it would be nice if there is an interest in the  
10 community on this, I would like to get some feedback. I would  
11 like to hear some people's thoughts and opinions on this  
12 before we get too far down the road.

13 MR. SCHINDLER: Well, Andy, you know, when we worked  
14 together on the Comprehensive Plan, we did a survey.

15 CHAIRMAN LINGENFELTER: Right.

16 MR. SCHINDLER: To get input from the community. So  
17 that, I think something like this we should do the same thing  
18 and see what kind of response we get. I know medical has been  
19 proven to be very helpful, especially to people that have  
20 serious illnesses. It's been found to help them ease their  
21 pain and I can understand that. But recreational, I still got  
22 mixed emotions about that.

23 CHAIRMAN LINGENFELTER: Right.

24 MR. SCHINDLER: But I would like to find out what  
25 the public has to say.

26 CHAIRMAN LINGENFELTER: Yeah, I would be interested,  
27 you know, and I encourage anyone out there that is watching or  
28 paying attention to what's going on, I mean, if you've got  
29 some opinions, I mean, you can submit them electronically, you  
30 can send email, you can stop by the Town Hall and drop

1 something off or whatever. But I would appreciate, you know,  
2 some input. It would be nice to have that. It would help us  
3 in our process. So --

4 MR. SCHINDLER: And a lot of people think among  
5 themselves and start a petition drive.

6 CHAIRMAN LINGENFELTER: Right.

7 MR. SCHINDLER: Going around getting signatures, so  
8 it might go that far. If it does, that's fine.

9 CHAIRMAN LINGENFELTER: Okay. So you will work on  
10 prohibition language with legal and then you will have some  
11 stuff for us to review at the next meeting.

12 MS. FREEMAN: Yes.

13 CHAIRMAN LINGENFELTER: Which, strangely enough, is  
14 going to be 2022. Hard to believe.

15 Okay. So now let's move on to the environmental  
16 restoration information that we've been provided. Heather, do  
17 you want to give us a little bit of background on this and  
18 what we have here.

19 MS. FREEMAN: Okay, sure. First of all, this  
20 evening in front of your seats just for your reference is the  
21 version of the updated RCD text the Trustees passed. They  
22 did approve all of your recommendations on all the amendments,  
23 just so you know. These will become effective on December 17.  
24 But I just brought this tonight so we can kind of maybe refer  
25 back to it. We will still mail you out the replacement pages  
26 for your binders, so don't worry about that.

27 CHAIRMAN LINGENFELTER: Yeah, I got that. You sent  
28 that, right? Didn't we get some replacements?

29 MS. FREEMAN: That was, if you received anything,  
30 that was with the outside dining.

1 CHAIRMAN LINGENFELTER: Ah, correct.

2 MS. FREEMAN: Yeah. You will be getting something  
3 soon about this.

4 CHAIRMAN LINGENFELTER: With this, okay.

5 MS. FREEMAN: Yeah. And there will be holes punched  
6 in there so you can just put them right in your books.

7 CHAIRMAN LINGENFELTER: Right, okay.

8 MS. FREEMAN: But, you know, while you were going  
9 through all these original amendments that will now be  
10 effective later this month, we were also talking about like  
11 one of the recommendations in the Comp Plan was the  
12 environmental restoration plan and what if a new RCD project  
13 comes in where the property has already been disturbed, maybe  
14 it was old farm fields or something else like that?

15 The Soil and Water folks had recommended that we  
16 request people submit this restoration plan. So we finally  
17 got some feedback due to summers are crazy and vacations and  
18 all that stuff. But I did get some text here from Dan, at  
19 Soil and Water, and his thoughts on what those restoration  
20 plan components should be. And even when we were looking at  
21 this back in August, earlier this year, we kind of had some  
22 placeholder things of where we might even put this in.

23 So if you, on the new section that I gave you that's  
24 going to be effective, if you turn to page 16.18.

25 CHAIRMAN LINGENFELTER: 16 what?

26 MR. PETERSON: 18.

27 MS. FREEMAN: 16.18.

28 CHAIRMAN LINGENFELTER: 16.18?

29 MS. FREEMAN: Yeah.

30 CHAIRMAN LINGENFELTER: Okay.

1 MS. FREEMAN: On the bottom, that Subsection (e),  
2 it's actually 16.24(C)(e) where we talk about any land or any  
3 area within the designated open space that is to be preserved  
4 in its natural state. And then we talk about how the, if it,  
5 however, if it is disturbed during construction, which it  
6 could happen, you know -- open space can't always be  
7 completely protected during construction -- that we would want  
8 them to submit this landscape plan.

9 Well, so maybe with this language that we're looking  
10 at tonight, we would remove some of this text and replace it  
11 with, rather than a landscape plan, a restoration plan. And  
12 then there is also -- And that's just, you know, restoring  
13 areas that were disturbed during construction. But then there  
14 is another component of, you're submitting a project where the  
15 open space is already disturbed. What is your intentions on  
16 how you're going to repair that and what's the open space  
17 going to be? And that's what I feel like this language does a  
18 really good job of asking the developer to do and what to  
19 submit.

20 So I was thinking that, if we were going to adopt  
21 something like this, this would be a new section under 16.14  
22 -- 16.24 and then we would modify this existing language here,  
23 too, to reference it.

24 But, basically, you can read it right here where  
25 we're asking them to submit this restoration plan along with  
26 their preliminary plan. So when they come in and they're  
27 requesting their rezone and they're requesting your approval  
28 on the preliminary plan, you can also see this restoration  
29 plan. What is their intentions? What are they going to do  
30 with the open space?

1           And the criteria that is listed here basically  
2 asking them to replicate, expand and enhance the natural areas  
3 using native species, and then it goes into that it should be  
4 prepared by a professional who is qualified to do that  
5 plan, and provide an actual plan drawn to scale that we can  
6 evaluate to determine whether or not we want to approve it,  
7 not only this plan but also a narrative of how the preparer is  
8 qualified to be provided to the township, why they selected  
9 the restoration habitat or natural cover type for this  
10 project, why is it appropriate. And then they also pointed to  
11 some resources that they could use for plant selection, really  
12 focusing on Ohio's native plants, so there is a source there  
13 but they could also use other sources.

14           We want the plan to have an explanation, a narrative  
15 about what type of plant and tree species selections and what  
16 is the long-term maintenance plan for that proposed open  
17 space? So how are they going to maintain it over the long  
18 run? And then just kind of -- It's a little bit redundant  
19 here. You submit it with the development plan. I think we  
20 clean that up a little bit and say with the preliminary and  
21 probably the final plan. We would want to see some final  
22 tweaks on that, too, with the final development plan approval.

23           MR. REPPERT: What is an SWP3 calc?

24           CHAIRMAN LINGENFELTER: Stormwater.

25           MS. FREEMAN: Stormwater pollution plan.

26           MR. REPPERT: Pollution plan, okay. I figured out  
27 what the SW was but I didn't know what the P stood for.

28           CHAIRMAN LINGENFELTER: You're two-thirds of the way  
29 there.

30           MR. REPPERT: We ought to define that.

1 MS. FREEMAN: That's like a Soil and Water thing  
2 because that -- I'm sorry?

3 MR. REPPERT: We ought to define that in here.

4 MS. FREEMAN: We could spell it out rather than  
5 using the acronym, yeah.

6 MR. REPPERT: Okay, that works.

7 MS. FREEMAN: Yeah, so there is no question. It  
8 also gives the township the right to ask the state and the  
9 county to help review it on behalf of us to make sure, to  
10 assist in the review and the evaluation of it.

11 CHAIRMAN LINGENFELTER: Right.

12 MS. FREEMAN: And in Number 6 here, we do already  
13 kind of have some language but it wouldn't hurt to rehash it  
14 here. I think that just make, ensuring that they know that  
15 this open space will be deed restricted from any future  
16 development, any further development than what was allowed  
17 within the restoration plan. And then, again, really honing  
18 in on -- And I know, in our latest update, we said we strongly  
19 encourage the open space to be protected by a conservation  
20 easement. And what Soil and Water is, again, kind of echoing  
21 that, whenever possible, they would really like to see that  
22 open space protected with a conservation easement with a  
23 public agency.

24 MR. SCHINDLER: I read through this a couple times.  
25 I thought it was very comprehensive, maybe a couple tweaks  
26 someplace.

27 MS. FREEMAN: Yeah.

28 MR. SCHINDLER: But this is really laid out nice, I  
29 think.

30 MS. FREEMAN: I think it is, too, and it gives them

1 a lot of flexibility. They didn't come in and say it has to  
2 be this way or that way. We're not asking someone to come in  
3 and reforest everything. We are leaving that kind of open to  
4 them. What do you think, and why are you choosing that, and,  
5 you know, giving them some flexibility.

6 CHAIRMAN LINGENFELTER: This was what I was hoping  
7 to get like about six months ago.

8 MS. FREEMAN: Yeah, yeah, that's what we were all,  
9 yeah, yeah.

10 CHAIRMAN LINGENFELTER: It was this. But this, I  
11 think that this would have been very helpful when we were  
12 doing this, and we had asked for it several times and we got,  
13 you know, crickets. But this turned out to be, this is a nice  
14 document that would have been nice to have before we did all  
15 this work and then it would have been, I think we could have  
16 done a lot with this and incorporated it in easily.

17 MS. FREEMAN: Well, I think it will be easy to still  
18 add in.

19 CHAIRMAN LINGENFELTER: I do, too, but it's just,  
20 you know, kind of, cart meet horse.

21 MS. FREEMAN: Yeah.

22 CHAIRMAN LINGENFELTER: But, yeah, I thought it was  
23 very, there is a little bit of redundancy in there but I  
24 think, for the most part, I think it's pretty well, it's a  
25 nice little outline, a good framework for this. So --

26 MS. FREEMAN: I think we would probably want to have  
27 a little bit, a better understanding, you know, what is  
28 previously disturbed lands? I know that might come up as a  
29 question and I don't know that I have that answer tonight but,  
30 I mean, it's easy to set an example of old farm fields, I

1 mean, obviously, that was disturbed. There is probably old  
2 tiles down in the ground for drainage and things like that and  
3 you would want that restored back to some more of a natural  
4 state. But I am trying to think, what else would constitute  
5 disturbed land?

6 MR. PETERSON: It could be a gas well, an old gas  
7 well in a field, removing that, right?

8 MS. FREEMAN: Oh, okay, yeah.

9 MR. PETERSON: We have that in our neighborhood.

10 CHAIRMAN LINGENFELTER: Is this a, is this a typo on  
11 Number 6 at the last sentence, "permeant"? Should that be --

12 MS. FREEMAN: "Permanent," yeah, sorry.

13 CHAIRMAN LINGENFELTER: No. I am thinking, you  
14 know, it looked like it should be "permanent."

15 MS. FREEMAN: Yeah.

16 CHAIRMAN LINGENFELTER: Okay. I just want to make  
17 sure.

18 MS. FREEMAN: Thank you.

19 MR. REPPERT: I glanced right over that, didn't even  
20 see it.

21 CHAIRMAN LINGENFELTER: Gotcha.

22 MR. REPPERT: Didn't even see it.

23 CHAIRMAN LINGENFELTER: Gotcha. See, you're not the  
24 only wordsmith in the crew up here.

25 MR. REPPERT: That's right.

26 CHAIRMAN LINGENFELTER: Just so you know.

27 MS. FREEMAN: And, you know, I haven't really, we  
28 haven't reviewed this with legal counsel yet.

29 CHAIRMAN LINGENFELTER: Right.

30 MS. FREEMAN: So I --



1           CHAIRMAN LINGENFELTER: Yeah, I think this is a nice  
2 framework. This is something we can definitely work with to  
3 get this incorporated in.

4           MR. SCHINDLER: I agree.

5           CHAIRMAN LINGENFELTER: So I think we just kind of  
6 clean it up a little bit and then we figure out where we are  
7 going to insert it and then we're good to go. I think this is  
8 good stuff. Do you have anything --

9           MR. REPPERT: If you could do us a favor?

10          MS. FREEMAN: Yeah.

11          MR. REPPERT: Talk to Soil and Water and tell them  
12 thank you very much.

13          MS. FREEMAN: Oh, yeah.

14          MR. REPPERT: It's a good job. We liked it.

15          CHAIRMAN LINGENFELTER: Yeah. And then figure out  
16 where we would insert, you know, where we would actually  
17 insert that in there. I think that's a good, good idea.

18          MS. FREEMAN: Yeah, I would probably want to meet  
19 with Abby.

20          MS. BELL: Yeah.

21          MS. FREEMAN: And go over, you know, the specific  
22 language and make sure they're good with it.

23          CHAIRMAN LINGENFELTER: Right. How soon do you  
24 think we can get a final?

25          MS. FREEMAN: Can we bring something back for  
26 January?

27          MS. BELL: For sure.

28          CHAIRMAN LINGENFELTER: Is that too aggressive?

29          MS. FREEMAN: I can put something together for  
30 January, at least another draft.

1 MS. BELL: Yeah, January will be fine.

2 CHAIRMAN LINGENFELTER: Okay.

3 MS. FREEMAN: We can try, yeah.

4 CHAIRMAN LINGENFELTER: And then we would have to  
5 have a public hearing, right, for this, too?

6 MS. FREEMAN: Well, yeah, yeah.

7 CHAIRMAN LINGENFELTER: Right.

8 MS. FREEMAN: Depending on, you know, if we have  
9 both these kind of in pretty good draft form and you guys were  
10 comfortable with it, you could initiate something in January  
11 for the February meeting and start moving on it.

12 CHAIRMAN LINGENFELTER: Right, all right.

13 MS. FREEMAN: Kind of just couple it together.

14 CHAIRMAN LINGENFELTER: Any comments from the Board?  
15 Frank, any input, additional thoughts or anything on this?

16 MR. SCHINDLER: No, just what I said, Mr. Chairman.

17 CHAIRMAN LINGENFELTER: Okay. Hiram, anything?

18 MR. REPPERT: I like it. I like it.

19 CHAIRMAN LINGENFELTER: Rich Iafelice?

20 MR. IAFELICE: Not to be contradictory but my first,  
21 my first read is I find it onerous. I find the requirements  
22 in here, explanation, explanation, explanation and all of the  
23 issues, what is it we're -- What is our outcome, our desired  
24 outcome from all of these requirements?

25 MR. PETERSON: Put the land back the way it was.

26 MR. IAFELICE: Back the way it was.

27 MR. PETERSON: Right.

28 MR. IAFELICE: So back the way it was. And that's  
29 what Soil and Water was asked to provide, a plan to how to  
30 restore it back to the way it was? I don't know. I just find

1 the requirements, while they are very specific and I think  
2 onerous, but I go to Number 6 and if we go to that length and  
3 we make a developer go to that length, we shouldn't say  
4 "whenever possible." That if they go to that length to  
5 restore and preserve and do the plan in a very, I read,  
6 scientific way, it must be protected with a public agency or  
7 we shouldn't allow it to be anywhere else in terms of  
8 preserving what, all those hoops and hurdles they're going  
9 through to develop what I see here is a very -- I won't use  
10 the word "onerous" again -- very detailed plan to restore  
11 property.

12 CHAIRMAN LINGENFELTER: Onerous is appropriate. I  
13 get it.

14 MR. IAFELICE: That's my read. But I don't object.  
15 It just, it feels like a little bit, a little over the top  
16 unless we, if our outcome is just restore it, then we better  
17 make sure it's preserved, it's preserved by a responsible  
18 agency and nobody else, the conservation easement.

19 MR. SCHINDLER: Well, that's why I think we leave  
20 out "wherever possible." You set, you set the rules and this  
21 is the way it has to be done because a lot of developers, for  
22 example, they, either they don't care or they're looking for  
23 guidance. So if you have it spelled out, this is the way it  
24 has to be, period, because when you say "whenever possible,"  
25 that's open for interpretation.

26 MR. IAFELICE: But particularly since the  
27 requirements in here are really --

28 MR. SCHINDLER: Right, they're really finite.

29 MR. IAFELICE: Yes, yes.

30 MR. SCHINDLER: And as an engineer, I like it that

1 way.

2 MR. IAFELICE: This better be a beautiful open  
3 space, I mean, we will all want to enjoy.

4 MR. SCHINDLER: Well, that's what we're hoping for,  
5 give Mother Nature a good start again.

6 MR. IAFELICE: Yeah.

7 CHAIRMAN LINGENFELTER: So aside from its  
8 onerousness --

9 MR. IAFELICE: I don't object.

10 CHAIRMAN LINGENFELTER: You don't object, okay.

11 MS. FREEMAN: Well, you know, when we kind of had  
12 some of this language in there or some of our work session  
13 stuff earlier this year, I do remember a developer was very  
14 concerned about the definition of what this is and what this  
15 was going to entail. So this is kind of a big deal.

16 MR. IAFELICE: Yeah.

17 MS. FREEMAN: So I do somewhat agree with Rich that,  
18 if we were going to make someone go through this, that it  
19 "shall be."

20 MR. IAFELICE: I am speaking from experience on this  
21 one.

22 MS. FREEMAN: Yeah. And then when you think about  
23 like, okay, so if we have an RCD where you have open space  
24 that's not been previously disturbed, the way our zoning  
25 currently says, we prefer it to have a conservation easement  
26 but we're not requiring it. So I don't know if that's a  
27 problem or not. So if it's not disturbed and it's open space,  
28 we don't require it to be protected with a conservation  
29 easement, but if it is disturbed and then you fix it, it has  
30 to be a conservation easement.

1           And there are costs associated with having  
2   conservation easements. People don't do it for free.

3           MR. IAFELICE: Right.

4           MS. FREEMAN: There is monitoring and everything, so  
5   these developers are going to have to give money to someone,  
6   like Soil and Water or Western Reserve Land Conservancy, to  
7   take that easement and there is a cost associated with that so  
8   they can come out and do the annual inspections and things  
9   like that.

10          MR. SCHINDLER: And they should do it because  
11   they're getting a benefit for conservation development in  
12   itself, the concept.

13          MS. FREEMAN: The developer?

14          MR. SCHINDLER: Yeah.

15          MR. REPPERT: But look at that big picture. The  
16   homeowners' association is going to pick up the cost and it's  
17   going to go back to the homeowner. The developer isn't going  
18   to foot the bill for this. He's going to put that in the HOA,  
19   saying, "You're going to pay for this on a monthly or on a  
20   yearly basis." So it's not on the developer, it's on the  
21   individual homeowner. That's where it's going to go.

22          MR. SCHINDLER: Yeah, when you buy into that, that  
23   should be an understanding that you do.

24          MR. REPPERT: Yeah.

25          MR. SCHINDLER: Because we have that in our  
26   homeowners' association, that people pay dues and it's to keep  
27   up the development, you know.

28          MR. REPPERT: Right.

29          MR. SCHINDLER: And they like that. So that's why  
30   they move into areas like that, to keep it that way.

1           CHAIRMAN LINGENFELTER: Well, we will have  
2 opportunities to tweak and adjust.

3           MR. IAFELICE: I am sure.

4           CHAIRMAN LINGENFELTER: Maybe pare back the  
5 onerousness.

6           MS. FREEMAN: How would you, if it wasn't so  
7 onerous, like, what would make it a little bit more  
8 streamlined but still, you know, give us the end result of,  
9 you know, restoring back to something a little bit, you  
10 know --

11           MR. IAFELICE: Eliminate A, B, D, just utilize this  
12 resource of species list, provide us a plan from a certified  
13 forester or responsible organization, and review it. That's  
14 all.

15           MS. FREEMAN: What, requiring someone to submit that  
16 before they even get the property rezoned, I mean, is that a  
17 significant additional investment?

18           MR. IAFELICE: No.

19           MS. FREEMAN: Okay.

20           MR. IAFELICE: No, no, oh, no.

21           MS. FREEMAN: So asking for it at preliminary, you  
22 think, would be fine?

23           MR. IAFELICE: I think so.

24           CHAIRMAN LINGENFELTER: Okay.

25           MR. PETERSON: My turn.

26           CHAIRMAN LINGENFELTER: Mr. Peterson.

27           MR. PETERSON: I agree with Rich. The word I was  
28 going to use was "overkill" instead of onerous. But when I  
29 look at this, we talked about this. First of all, this only  
30 applies to accidental damage that happens during the

1 construction process. Maybe a tree gets knocked over, maybe a  
2 little land gets disturbed. It's not talking about -- You  
3 know, that's really the purpose of this.

4 We went through this in great detail back in August  
5 and we came up with what we already have in there, and then I  
6 happened to watch the trustee meeting and they struggled with  
7 the same paragraph and they came to the same conclusion that  
8 we did, that this was fine, when I watched the Trustees  
9 discuss this, because they had the same dilemma we had on that  
10 topic.

11 And then putting this in here, I am not against it.  
12 It's just, I thought we said enough in the original that this  
13 wouldn't be required because if we go too onerous, I don't  
14 want to present this to a developer and have it appear to be  
15 too onerous because it's only applicable if there is  
16 accidental damage, but it kind of comes across awful big for  
17 that. Whereas, we said the same thing in fewer words in the  
18 original document.

19 My thought. If you want to put this in there, I am  
20 not opposed to it, but I think we already said that in fewer  
21 words in the original document because we struggled with that  
22 one.

23 CHAIRMAN LINGENFELTER: But we didn't have any  
24 guidelines, that's why. It was kind of a, it was kind of a,  
25 we were kind of, you know, winging it.

26 MR. PETERSON: But the Trustees came to the same  
27 conclusion that we did, that this was fine.

28 MS. FREEMAN: Well, Rich, if you don't mind, I  
29 really thought, I kind of thought it was two things. I  
30 thought it was, restore if you accidentally disturb; but then

1 also, if you come in with a piece of land that the whole thing  
2 has been farmed for the last 100 years and it's already  
3 disturbed, then we would want this plan. So I think we can do  
4 it two ways. One is if you're coming in with previously  
5 disturbed land, we need some environmental restoration plan  
6 even if this is a little more streamlined than this, not as  
7 onerous. But then, maybe then we still need to tweak this  
8 language on the incidental disturbances and still require  
9 that, you know. Maybe what we have already in here might work  
10 for that.

11 MR. PETERSON: Yeah.

12 MS. FREEMAN: We might need to look at that language  
13 again because we want to still -- maybe, maybe it's not a  
14 landscape plan.

15 MR. PETERSON: Right.

16 MS. FREEMAN: Maybe it does kind of mirror a little  
17 bit of this restoration plan. But does that make sense or am  
18 I the only one that thought that?

19 MR. SCHINDLER: No.

20 MR. PETERSON: I hear you.

21 MR. SCHINDLER: No, it's point well taken, right.

22 MS. FREEMAN: It's kind of two things.

23 MR. SCHINDLER: Especially, like you say, if you get  
24 into a big piece of farmland, for example, you want them to do  
25 something with it that's going to bring it back in.

26 MS. FREEMAN: Yeah, because I know like when Lilly  
27 Farms was approved, that RCD, we didn't really have anything  
28 to require the developer to come in. What are you going to do  
29 with the old farm fields? You know, it was -- Although we, I  
30 did get, I did work with the developer to submit some kind of



1 landscape plan on how he was going to restore that but it  
2 would have been nice to have a little bit of guidelines in  
3 there and requirements to tell them, okay, this is what we  
4 want to see. This is what you need to submit to us, you know.

5 And that original plan that he provided to me, I  
6 immediately went to Soil and Water said, "Look, he wants to  
7 turn this into a meadow." And they came back and said, "Well,  
8 how is he going to maintain it?" Then you go back to the  
9 developer and you're like, "How are you going to maintain it?"  
10 You know, because there's different things you need to do with  
11 meadow, you know, cut them certain times of year or burn them  
12 and things like that, which I don't even know about. And then  
13 we started asking more questions. The developer is like, "Oh,  
14 instead of meadows, I am just going to plant trees," you know.  
15 So it was kind of a back and forth and we did come up with  
16 some kind of landscape plan but there is no real laid out,  
17 like, how they're going to maintain that over the years.

18 So I can see that being, potentially, an issue down  
19 the line with the homeowners in that development on when it  
20 goes, you know, how does the HOA really maintain that? There  
21 is going to be trees planted and things like that but it's  
22 supposed to also be left natural. So you're not really  
23 supposed to go in there and manicure lawns. So there could be  
24 some issues on that open space and how they maintain it, some  
25 questions, I guess.

26 MR. SCHINDLER: Point well taken.

27 MS. FREEMAN: But if we were to adopt something like  
28 this, everyone would know what the plan is and and how they  
29 would maintain it.

30 MR. SCHINDLER: Right, point well taken.

1 CHAIRMAN LINGENFELTER: Any other comments?

2 All right. Moving on to Item Number 2 on the agenda

3 under New Business, we would like to do an approval of the

4 minutes for the October 5 Zoning Commission meeting. I would

5 entertain a motion.

6 MR. REPPERT: Mr. Chairman.

7 CHAIRMAN LINGENFELTER: Yes.

8 MR. REPPERT: I would like to move that we approve

9 the October 5, 2021, Zoning Commission meeting minutes as

10 written.

11 CHAIRMAN LINGENFELTER: Any changes?

12 MR. PETERSON: I will second that.

13 CHAIRMAN LINGENFELTER: We've got a second. Okay.

14 All those in favor say aye. Opposed?

15 (Five aye votes, no nay votes.)

16 CHAIRMAN LINGENFELTER: None opposed. Let the

17 record reflect we had five ayes, no nays, no abstentions.

18 Item Number 3 on the agenda is the approval of the

19 minutes of the November 2nd Zoning Commission meeting. I will

20 entertain a motion.

21 MR. IAFELICE: Mr. Chairman --

22 MR. REPPERT: I have a question.

23 CHAIRMAN LINGENFELTER: Ah, did you find something?

24 MR. REPPERT: On page, well, on page 6, page 19, it

25 appears Mr. Lingenfelter has been demoted to vice chair on

26 line item 20.

27 CHAIRMAN LINGENFELTER: It happens, it happens.

28 MR. IAFELICE: He always catches that.

29 MR. REPPERT: Or, or you said those words but I

30 don't think so.

1 MR. IAFELICE: Oh, let's see.

2 CHAIRMAN LINGENFELTER: Where was that?

3 MR. REPPERT: It's line 20.

4 MR. IAFELICE: It's only one word.

5 MR. REPPERT: Big page 6, big page 6.

6 CHAIRMAN LINGENFELTER: Big page 6.

7 MR. REPPERT: Small page 19.

8 CHAIRMAN LINGENFELTER: Small page 19.

9 MR. REPPERT: Line item 20.

10 MR. IAFELICE: It's an exchange between Heather

11 and --

12 MR. PETERSON: Yeah, probably. You said, "Right."

13 MR. REPPERT: So I think Andy said it.

14 CHAIRMAN LINGENFELTER: Well, since I was in the

15 thread, I would have to --

16 MR. REPPERT: Yeah, that's what I said.

17 CHAIRMAN LINGENFELTER: I would have to assume that

18 you're right.

19 MR. REPPERT: That is my only comment.

20 CHAIRMAN LINGENFELTER: So on big page 6, small page

21 19, we want to strike the word "vice" out of it for the sanity

22 of Mr. Hiram Reppert.

23 MR. SCHINDLER: Boy, you really go through this

24 stuff, don't you?

25 MR. REPPERT: I read them, yes, I do.

26 MR. SCHINDLER: I mean, that's good.

27 CHAIRMAN LINGENFELTER: He's good at it.

28 MR. SCHINDLER: That's good. I'm glad.

29 CHAIRMAN LINGENFELTER: He's very good at it. Okay.

30 I will entertain a motion with the, with the correction noted.

1 MR. IAFELICE: Mr. Chairman, I will make a motion to  
2 approve the minutes of November the 2nd as corrected this  
3 evening.

4 CHAIRMAN LINGENFELTER: I have a motion made.

5 MR. REPPERT: I will second.

6 CHAIRMAN LINGENFELTER: Good for you. You should.

7 MR. SCHINDLER: You should.

8 CHAIRMAN LINGENFELTER: All those in favor say aye.  
9 Opposed?

10 MR. PETERSON: Abstain.

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

12 CHAIRMAN LINGENFELTER: One abstention. So let the  
13 record reflect we have four eyes, no nays and one abstention.  
14 So the minutes for the November 2nd as corrected are accepted.

15 Item Number 4 on the agenda is the correspondence  
16 report by the Zoning Commission members. Frank?

17 MR. SCHINDLER: None, Mr. Chairman.

18 CHAIRMAN LINGENFELTER: Hiram?

19 MR. REPPERT: None, Mr. Chairman.

20 CHAIRMAN LINGENFELTER: Rich?

21 MR. IAFELICE: Yes. I received an email. I  
22 apologize. I didn't have the name of the individual but it  
23 was a concerned resident objecting to the Sheetz gas station  
24 project. It was a polite email but --

25 MR. SCHINDLER: But he didn't sign it or he just --

26 MR. IAFELICE: I don't recall. I am sorry. I  
27 apologize. I didn't bring it with me.

28 MR. SCHINDLER: Okay. But he did sign it though?

29 MR. IAFELICE: Yes, we have the name. It was not  
30 anonymous.

1 MR. SCHINDLER: Okay.

2 CHAIRMAN LINGENFELTER: Mr. Peterson.

3 MR. PETERSON: I had some continued discussion with  
4 the abandoned house on Beres Drive with the homeowner  
5 association president and also with Morgan McIntosh. They're  
6 working on that problem.

7 CHAIRMAN LINGENFELTER: The one we talked about  
8 before?

9 MR. PETERSON: Um-hum.

10 CHAIRMAN LINGENFELTER: Okay, good. Anything else?

11 MR. PETERSON: No.

12 CHAIRMAN LINGENFELTER: I too received an email from  
13 a resident, concerned resident voicing their opposition to the  
14 Sheetz gas station. I received an email from the wife and I  
15 replied very nicely and politely to her concerns. And then  
16 the husband then sent me an email as well appreciating my  
17 comments and, you know, and letting me know that he was happy  
18 to know that there are other people who are concerned about it  
19 as well. So, but that was the only, the only information I  
20 had with regards to the Sheetz gas station.

21 MR. REPPERT: My wife mentioned last night that, on  
22 the Holden Ridge site, you know, Next Door type thing, that  
23 tonight's meeting was going to be jam-packed because of the  
24 Sheetz issue. And I said, "It's not on the agenda." So when  
25 I came in here, I thought we were going to have a new agenda  
26 but we're not. So, obviously --

27 MR. PETERSON: That's appeals.

28 MR. REPPERT: The person, you know, who wrote the  
29 Holden Ridge item -- and I don't know who it was -- was  
30 opposed to that or had some strong issues or concerns with it.

1 So --

2 CHAIRMAN LINGENFELTER: Did that -- That was not,  
3 that was not addressed --

4 MR. IAFELICE: Correct.

5 CHAIRMAN LINGENFELTER: -- at the BZA meeting,  
6 right, at the last one?

7 MR. IAFELICE: Tabled.

8 MS. FREEMAN: Correct. They tabled --

9 CHAIRMAN LINGENFELTER: Because they had a couple, a  
10 couple of abstentions, I think.

11 MS. FREEMAN: We did not have a full board of five  
12 in order to vote on that, so the applicant chose to wait. So  
13 it will be in front of the board tomorrow night.

14 CHAIRMAN LINGENFELTER: Oh, it's going to happen  
15 tomorrow night then.

16 MS. FREEMAN: Tomorrow night.

17 CHAIRMAN LINGENFELTER: It's back on the agenda for  
18 tomorrow night, okay, good, good to know.

19 Okay. Item Number 5 on the agenda is Audience  
20 Participation. And since we don't have an audience this  
21 evening, I guess we won't have any participation. So is there  
22 anybody on the phone tonight?

23 MS. FREEMAN: No.

24 CHAIRMAN LINGENFELTER: No, okay. So then that item  
25 is closed for now. And I will continue to encourage residents  
26 to contemplate that. We have a number of issues that we're  
27 considering right now. I would certainly like to see some  
28 people, you know, give some, give some input.

29 Next meeting of the Zoning Commission will be  
30 January 4, 2022, and I think we will have, I am sure we'll

1 have some things to talk about.

2 MR. REPPERT: Mr. Chairman, can I bring up an issue?

3 CHAIRMAN LINGENFELTER: Certainly.

4 MR. REPPERT: In going over the November 2nd meeting  
5 minutes, I got a little bit more concerned with how we handle  
6 things, what the process is between us, as the Zoning  
7 Commission, and the BZA, between us and the Trustees. It  
8 appears that both of them are disjointed. And we discussed in  
9 here that Canterwood came through here, went to the Trustees  
10 and got flip-flopped all around, never came back here. I  
11 don't think that's right.

12 On the second issue -- Well, on the first issue is,  
13 it goes through here or it goes through BZA or it goes through  
14 here. What I would like to see is a flowchart that both the  
15 BZA, the Zoning Commission and the Trustees all approve to  
16 say, if it goes through the Zoning Commission and then it goes  
17 to the Trustees, they don't like it and so on and so forth,  
18 then it should loop back to us before it goes back to the  
19 Trustees, and the same thing with BZA.

20 It appears from looking in here, from -- What was  
21 the guy's name, Borland? No, Balko.

22 MS. FREEMAN: Mr. Balko.

23 MR. REPPERT: Said, "Gee, all I have to do is get it  
24 approved through BZA and it's through here with nothing." I  
25 don't think that's right. So I think that those two issues  
26 are more important than medical marijuana, in my opinion.

27 MR. IAFELICE: May I?

28 CHAIRMAN LINGENFELTER: Please.

29 MR. IAFELICE: We didn't talk before this meeting,  
30 so here are --

1 MR. REPPERT: No, we didn't.

2 MR. IAFELICE: -- my notes exactly echoing what you  
3 just said, Hiram. I was looking -- I didn't know if it was an  
4 opportunity, because we're just closing the meeting here, to  
5 see what we want to talk about January 4th. I completely  
6 agree to the point where, if I ask a few questions. I went  
7 through the resolutions, at least glanced at some of them  
8 here, and not understanding the history. When I look at the  
9 responsibilities in Section 11 of -- I am sorry -- Section 8  
10 of the Zoning Commission, Section 8, it's strictly looking at  
11 zoning, zoning text amendments. Later on, it would appear  
12 somewhere between, in the early 2000s we were given the  
13 authority for site plan review under Section 36. Correct me  
14 if I am wrong.

15 MS. FREEMAN: It was about 2007, 2008, yeah.

16 MR. IAFELICE: 2007. So prior to that, the planning  
17 department approved the site plan.

18 MS. FREEMAN: Zoning Department, correct.

19 MR. IAFELICE: And then issued the site plan.

20 MS. FREEMAN: Yes.

21 MR. IAFELICE: The Zoning Commission never received  
22 a site plan.

23 MS. FREEMAN: Right.

24 MR. IAFELICE: So I was trying to understand the  
25 process, which is exactly to your point, Hiram. The process  
26 now, the site plans come to the Zoning Commission even though  
27 we're called the Zoning Commission. So just a play on words.  
28 I look at the definition under Section 9 of BZA and they're  
29 strictly to look at hardship cases and variances. That's all  
30 they're charged to do.



1           It seems to me, as I, in fact, in the minutes of  
2 November 2nd, I said this seems to be going around backwards.  
3 The BZA approves something without Zoning Commission approving  
4 the site plan in the first place. It would seem to me we need  
5 to address that because I can't agree with you more, Hiram, as  
6 I read, as I read those sections. And then when I go to the  
7 zoning permit section and then Section 36 and then  
8 specifically 36.9, which talks about major or minor changes,  
9 they never come back here even though it says that at 36.9.  
10 Again, it's just a read, a quick read. It's the very last  
11 paragraph in Section 36 which gave the authority for site plan  
12 review and approval to the Zoning Commission. But we're still  
13 called the Zoning Commission.

14           So again, in my experience, that's why I completely  
15 agree with your points, Hiram, is that, procedurally, the  
16 authority vested in the Trustees, the Trustees designate a  
17 board to review a plan that is consistent with the master  
18 plan, with the development plan, with the interest of the  
19 community, and, okay, we're approving it except you're going  
20 to need -- there are some exceptions to this. That's usually  
21 when they appeal to the board, the BZA, after there is, at  
22 least, a conditional approval from the body that has the  
23 authority to approve the plan, not -- All due respect, the BZA  
24 is very well qualified, very well qualified, but it's not,  
25 it's not the way I understand the definition of what they're  
26 charged to do. They're only charged to look at hardship and  
27 variances when there isn't a full approval.

28           Again, that's my, I just wanted to echo exactly what  
29 you said, Hiram, because I was prepared with a couple notes  
30 after reading. I've got these things paper clipped in here

1 just to start, start the conversation.

2 MS. FREEMAN: If I can add to that.

3 MR. IAFELICE: Please.

4 MS. FREEMAN: One of the other duties of the BZA --  
5 and I haven't read that section in a little while -- they are  
6 the body that issues conditional uses. So under the Ohio  
7 Revised Code, if we set that up as a conditional use, they can  
8 only approve that conditional use. The Zoning Commission does  
9 not have that authority to approve that conditional use.

10 MR. IAFELICE: Correct, correct.

11 MS. FREEMAN: In addition to the variances and the  
12 appeals.

13 MR. IAFELICE: Correct. But before they apply for a  
14 conditional use --

15 MS. FREEMAN: You would like some preliminary review  
16 or, yeah --

17 MR. IAFELICE: It would seem to me that, if the  
18 Trustees designated the authority for the site plan to the  
19 Zoning Commission, it would seem to me that that would come  
20 first.

21 MS. FREEMAN: Right.

22 MR. IAFELICE: Before a conditional use is granted.

23 MR. SCHINDLER: Yeah. We should know exactly all of  
24 the sudden what they want to change and they're designating a  
25 hardship. Well, we have to know what the hardship is before  
26 we can make our decisions. We might not feel that it's  
27 appropriate, you know, for what they're asking for, right?

28 MR. IAFELICE: Well, obviously we didn't in the case  
29 of the Sheetz gas station.

30 MR. SCHINDLER: Right. Well, Sheetz, for one thing.

1 MR. IAFELICE: But we didn't, our points we made  
2 were not to address, it's not granting a conditional use.  
3 That wasn't our authority.

4 MR. SCHINDLER: Right.

5 MR. IAFELICE: But we said it wasn't consistent with  
6 the --

7 MR. REPPERT: The master plan.

8 MR. SCHINDLER: The master plan, right.

9 MR. IAFELICE: -- master plan and keeping with the  
10 vision of the township, the location.

11 MR. SCHINDLER: Right, exactly.

12 MR. IAFELICE: The gateway to the Capital district,  
13 et cetera.

14 MR. SCHINDLER: Right.

15 MR. IAFELICE: Anyway, I just think maybe that could  
16 be something for our -- because you had suggested text. What  
17 else do we want to talk about?

18 MS. FREEMAN: Right, right, yean, we brought that up  
19 last month, right.

20 MR. IAFELICE: Yeah.

21 MS. FREEMAN: Well, and, I mean, we could put  
22 together flow charts of how things currently get approved and,  
23 you know, the roles of both boards.

24 MR. IAFELICE: A place to start.

25 MS. FREEMAN: Yeah, as a place, okay, this is how  
26 we're, the process currently is. I know there is some, I know  
27 that legal counsel is reviewing some of the stuff under site  
28 plan review that, on another issue, on another development, an  
29 old development that's being re-resurrected that's -- But it's  
30 something else we can look into, you know, to try to improve,

1     you know, if improvement needs to be made there.

2             The other thing is some communities -- and I don't  
3     know, I am not suggesting that this is the way you would want  
4     to go but they're kind of getting away from conditional uses.

5             MR. IAFELICE:   Right.

6             MS. FREEMAN:   And just putting them in as permitted  
7     uses with certain factors that they have to comply with.   So  
8     rather than making the car washes or the gas stations a  
9     conditional use, you can you could make it permitted and still  
10    make them meet all the specific criteria, you know, which then  
11    they wouldn't be in front of BZA unless they needed a  
12    variance.   But then that still goes back to your point.

13            MR. IAFELICE:   Yes.

14            MS. FREEMAN:   You would prefer to have your eyes on  
15    the site plan first rather than having them get the variances  
16    approved first.

17            MR. IAFELICE:   Right.

18            MS. FREEMAN:   So you could be on board maybe with  
19    the variances or, you know, and I don't even know that you  
20    could submit any kind of recommendation to the BZA.   I do not  
21    know.   I don't even know if that's allowed.   I don't know.

22            MR. IAFELICE:   I think we're restricted from that,  
23    Andy, emails to the BZA.

24            MS. FREEMAN:   Yeah.

25            MR. IAFELICE:   Having to do with public law.

26            MS. BELL:   Sunshine.

27            MR. IAFELICE:   Sunshine Law.

28            CHAIRMAN LINGENFELTER:   Well, yeah, that was one of  
29    the issues.   I did, I called Brandon, you know, and talked to  
30    him because of that email and that.   And, interestingly, I

1 didn't know, I didn't realize that that was a violation. It's  
2 when you copy all is when you get yourself in hot water.

3 MR. IAFELICE: Yeah.

4 CHAIRMAN LINGENFELTER: When you copy all, you know,  
5 when you do a copy all to everybody, then at that point then  
6 it becomes an issue with violating the Sunshine Laws. If we  
7 were to have a conversation with one or two people --

8 MR. IAFELICE: Right.

9 MS. FREEMAN: That's not --

10 CHAIRMAN LINGENFELTER: -- or exchange emails  
11 between a handful of people, as long as it doesn't constitute  
12 a quorum, then we're okay. But once you do, when you do a  
13 copy all, then there is everybody from the Zoning Commission,  
14 everybody from the BZA and, at that point, you're in violation  
15 of the Sunshine Laws, which I didn't realize, didn't think of  
16 that as a, just even an email correspondence, I was -- didn't  
17 think of that as a violation. But that was very interesting  
18 that Brandon brought that up. That was good stuff.

19 MR. IAFELICE: Yeah.

20 CHAIRMAN LINGENFELTER: Actually, it was a good  
21 learning experience. You know, it is something you have to be  
22 aware of. You don't think about that. But, yeah, I don't  
23 know. Does that, is there -- You know, since we're a  
24 recommending board to the Trustees, nothing that we do is  
25 permanent, you know. We just make recommendations.

26 MS. FREEMAN: On amendments. But on the sire plan  
27 review --

28 MR. IAFELICE: A site plan is --

29 CHAIRMAN LINGENFELTER: Yeah, but I am just  
30 saying --

1 MS. FREEMAN: You're the final authority on the site  
2 plan.

3 CHAIRMAN LINGENFELTER: Yeah. But, I mean, on the  
4 majority of the stuff we do, we're a recommending board and  
5 Trustees have the ability to either accept, you know, modify  
6 or reject our recommendations, you know. So, but, yeah, I  
7 agree. I think sometimes there are some things that go on  
8 that strike me as kind of strange or odd and there should be  
9 an opportunity for a -- I think, and I think the Canter, I  
10 think Canterwood is a great example of that.

11 MR. IAFELICE: That's another one, yes.

12 CHAIRMAN LINGENFELTER: It would have been nice to  
13 see. I felt like with the changes that were made and the  
14 things and how that thing went kind of sideways --

15 MR. IAFELICE: Yes.

16 CHAIRMAN LINGENFELTER: -- after the fact, it would  
17 have been nice for that to get kicked back to us to have  
18 further conversations about it because I don't think that they  
19 would have gotten the same favorable response on some things  
20 after the fact.

21 MR. IAFELICE: Procedurally, the way Hiram was  
22 describing it, if the gentleman was here proposing the Sheetz  
23 and we objected to that location for that facility and,  
24 procedurally, you would think that a memorandum from the  
25 Board, the chair, to the BZA is appropriate, it seems to me.  
26 And then the BZA is the hard, they determine whether it is a  
27 conditional use or not. I mean, they're the appeals court, if  
28 you will. That's appropriate. I get that. At least we have  
29 our position. Well, we are a public body but I don't know how  
30 that's communicated to BZA because in text, in the Resolution,

1 we're not -- that authority isn't given to us. It's not  
2 there. But somehow in 2007 we were given site plan. Do we  
3 know why?

4 MS. FREEMAN: I believe there was a change in the  
5 ORC that allowed townships to institute architectural review  
6 and give the authority to the Zoning Commission to review  
7 landscape plans and that's what spurred this whole site plan  
8 review.

9 MR. IAFELICE: Okay.

10 CHAIRMAN LINGENFELTER: Yeah. I was going to say,  
11 if I remember, if I recall, it was a change in the ORC.

12 MS. FREEMAN: Well, and --

13 CHAIRMAN LINGENFELTER: That gave us that  
14 opportunity and that's when we assumed that, you know, that  
15 role.

16 MS. FREEMAN: Right.

17 CHAIRMAN LINGENFELTER: Because you're right. We  
18 hadn't -- I've been on the Zoning Commission before that and I  
19 remember that, yeah, we didn't have -- That was all done  
20 through the, you know, through the Zoning Department with the  
21 Zoning Inspector and, you know, in conjunction with the  
22 Planning Commission and things like that. We were not, we  
23 were not included in that process.

24 So I think it's a great point. I think you both  
25 bring up very interesting points and I think that, you know,  
26 it's always good to review that. I don't know how much we're  
27 bound by the process with the ORC and I am sure there are some  
28 things that we are bound, you know. We can't just arbitrarily  
29 make a change in the process of how it works. I would have to  
30 think that there are some things that we are bound by that we

1 have to follow.

2 MR. IAFELICE: This is Concord Township. I am  
3 teasing.

4 CHAIRMAN LINGENFELTER: I keep forgetting. But,  
5 yeah, I mean, so, yeah, but if there are some places where we  
6 can make some adjustments and that, I think we should consider  
7 that. I think it would be a good thing.

8 MR. REPPERT: At least, I think what we ought to  
9 know is what happens when, what happens if this happens and  
10 then who goes where, who gets approved, whatever, because  
11 right now I am in the dark. I don't know who approves what,  
12 you know, what the BZA does. I mean, I know what they do but  
13 when do they do it and do we have any recourse or whatever?  
14 So I think, if anything, we ought to have it written down.

15 MR. IAFELICE: Yeah. Let's say, for example, the  
16 Sheetz was given a conditional use. They develop the site  
17 plan. It comes back here, correct?

18 MS. FREEMAN: Yes.

19 MR. IAFELICE: And we reject it, just for example.

20 MS. FREEMAN: Okay.

21 MR. IAFELICE: Does it go back to the BZA?

22 MS. FREEMAN: I don't think so. I think, at that  
23 point, they would probably sue us, honestly, right? I mean --

24 MS. BELL: Yep.

25 MR. IAFELICE: Because the BZA --

26 MS. FREEMAN: Depending on how hard they really want  
27 to come to Concord. If you deny the site plan, they will move  
28 on to another community or they will litigate.

29 MR. IAFELICE: As an example, I presume that the  
30 Trustees are the final. It goes --



1 MS. FREEMAN: No.

2 MR. IAFELICE: Oh, no?

3 MS. FREEMAN: No. Trustees aren't involved in any  
4 site plan review. The only thing the Trustees are involved  
5 on, the final say on the zoning text and the map amendments.  
6 And, and this area we could change with the PUDs and the RCDs,  
7 if there are modifications, it doesn't have to go back to the  
8 Trustees. That's not set in stone with the state, with the  
9 ORC, that's the way we have it written. So if we want to  
10 change, you know, what happens after the Trustees approve it,  
11 you know, we could look at maybe it comes back to the Zoning  
12 Commission, you know.

13 MR. SCHINDLER: I know that would have been nice,  
14 especially with this Canterwood. Man, I was so frustrated  
15 about this whole thing that's been happening and it's still  
16 happening.

17 MS. FREEMAN: Right, yeah. You were asking for an  
18 update.

19 MR. SCHINDLER: It's still going on, right, what  
20 they're trying to do.

21 MS. FREEMAN: Yeah, they keep changing their mind on  
22 things.

23 MR. SCHINDLER: Yeah, they're still at it here.

24 CHAIRMAN LINGENFELTER: I can't imagine.

25 MS. FREEMAN: Not with the township per se but, you  
26 know, they're moving, slowly moving through the county  
27 approval process.

28 MR. SCHINDLER: Yeah.

29 MR. IAFELICE: Well, take a look at 36.9.

30 MS. FREEMAN: Yeah, I wrote that down.

1 MR. IAFELICE: Because major mod -- that's what's  
2 happening in Canterwood.

3 CHAIRMAN LINGENFELTER: I am going to write that  
4 down.

5 MR. SCHINDLER: Yeah, me, too.

6 MR. REPPERT: I am doing that now.

7 CHAIRMAN LINGENFELTER: 36.9?

8 MR. IAFELICE: It's the last --

9 MR. REPPERT: The last paragraph.

10 MR. IAFELICE: I clipped it. 36.10.

11 MS. FREEMAN: I can come back --

12 MR. IAFELICE: Sorry.

13 MR. SCHINDLER: 36.10.

14 MR. IAFELICE: It's on page 36.9.

15 CHAIRMAN LINGENFELTER: Hiram would've caught that.

16 MR. IAFELICE: Deviations from Approved Plan. It's  
17 even called "Deviations."

18 CHAIRMAN LINGENFELTER: Hiram, would have caught it.

19 MR. SCHINDLER: Yeah, Hiram would have caught it.

20 MR. IAFELICE: It's even called "Deviations," yeah,  
21 "Deviations from an Approved Plan."

22 CHAIRMAN LINGENFELTER: All right. Anything else,  
23 gentlemen? A great discussion, by the way. I think that was  
24 very, very productive.

25 MR. IAFELICE: Let's heat it up.

26 CHAIRMAN LINGENFELTER: Good stuff.

27 MR. REPPERT: I am glad I brought it up.

28 CHAIRMAN LINGENFELTER: Yeah, I am, too.

29 MR. IAFELICE: That's why I brought the book.

30 CHAIRMAN LINGENFELTER: Right? I knew you brought

1 that for some reason. Nobody carries that around for no  
2 reason.

3 MR. IAFELICE: Yeah, it wasn't for show.

4 MR. REPPERT: I have mine out in the car.

5 MR. SCHINDLER: Wait a minute. I have mine here.

6 MR. IAFELICE: Oh, you do.

7 CHAIRMAN LINGENFELTER: Yeah, great discussion, I  
8 think, good exchange of information there and I really  
9 appreciate that.

10 MR. SCHINDLER: I bring it with me all the time,  
11 gentlemen.

12 MR. PETERSON: I sleep with it.

13 MR. IAFELICE: I sleep with it.

14 CHAIRMAN LINGENFELTER: All right. With that, if  
15 there is nothing else, this meeting is adjourned.

16 (Whereupon, the meeting was adjourned at 8:28 p.m.)  
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STATE OF OHIO )  
COUNTY OF CUYAHOGA )

CERTIFICATE

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

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

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

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal of office this 28th day of December 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

