

CONCORD TOWNSHIP ZONING COMMISSION
LAKE COUNTY, OHIO
REGULAR MEETING

Meeting held via YouTube Live Streaming

Concord Town Hall
7229 Ravenna Road
Concord, Ohio 44077

January 4, 2022
7:00 p.m.

TRANSCRIPT OF PROCEEDINGS

Zoning Commission members present:

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

Also Present:

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

Melton Reporting
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1 7:01 p.m.

2 CHAIRMAN LINGENFELTER: Good evening. I'd like to
3 call this Concord Township Zoning Commission meeting for
4 January 4, 2022, to order. We have a number of items on the
5 agenda this evening. I don't think there are any changes to
6 the agenda as it's been printed, so we're going to get right
7 into it.

8 Starting off with New Business, Item Number 1 on
9 the agenda is a Site Plan and Design Review Application
10 Number 048 by Osborne Real Estate LLC for an addition to the
11 building located at 7649 Crile Road. At this point, I would
12 like to invite the applicant to the podium. You already got
13 me beat to the punch, that's good. And if you would like to
14 give your presentation.

15 MR. OSBORNE: Thank you.

16 CHAIRMAN LINGENFELTER: Please introduce, please
17 state your name and your address for the record and then
18 please present your case.

19 MR. OSBORNE: All right. Thank you very much. My
20 name is Rick Osborne, Jr. I reside at 7050 Jackson Street in
21 Mentor, Ohio, and I am here on behalf of Mary's Diner. I do
22 have the owners with me, Mr. and Mrs. Larusch. They're here
23 as well. And I just want to say thank you for all the
24 different approvals and variances that have been received
25 already in the past few months, and this is our last step for
26 final approval so we can be underway and have our building
27 permit.

28 As of right now, there is an outdoor cooler that we
29 would like to install in the back of the property that is in
30 the rear of the building, and the dimensions are noted on the

1 handout. They are roughly 8 by 22 foot cooler that will be
2 sitting in the back of the building out of view. There are
3 other coolers within this plaza and we're asking for approval
4 for that to allow a little bit more room, I guess, inside the
5 space and that's why we have to bring it outside. Hopefully,
6 you heard me.

7 MR. IAFELICE: Yes.

8 CHAIRMAN LINGENFELTER: It's difficult but, yes.
9 Heather, do you have any comments from the staff
10 that you would like to enter into the record on this?

11 MS. FREEMAN: Nothing, nothing.

12 CHAIRMAN LINGENFELTER: It looked like it was pretty
13 clean.

14 MS. FREEMAN: Pretty straightforward.

15 CHAIRMAN LINGENFELTER: Yeah.

16 MS. FREEMAN: If you have any questions about the
17 staff report, I can answer those.

18 CHAIRMAN LINGENFELTER: Right. According to the
19 zoning staff comments, we did have -- there are some comments
20 here. It says, Does the project meet the site plan review
21 criteria outlined in Section 35 -- or 36? I am sorry. The
22 answer is yes to that.

23 Does the project comply with the applicable
24 landscaping and screening criteria outlined in Section 38?
25 And the answer is yes. A variance was granted to remove the
26 existing 5 foot planting area to accommodate the cooler
27 addition to the building.

28 And then, Does the project comply with the
29 applicable design review standards in Section 37? And the
30 answer to that was, yes, and a variances was granted from

1 Section 37.05(D), which requires that all sides and rear walls
2 to incorporate the same building materials proportionally and
3 texture as the front facade.

4 There are no comments from other departments and/or
5 agencies. And the staff recommendation is approval of the
6 site plan review application, as well as the approval of the
7 design review application.

8 Do we have any comments from the, from the Board?
9 We will start with you, Frank. Anything you would like to --
10 any questions, any issues?

11 MR. SCHINDLER: None, Mr. Chairman.

12 CHAIRMAN LINGENFELTER: Anything you would like to
13 bring up, anything you would like to discuss?

14 MR. SCHINDLER: No. I think it's all
15 straightforward, in my opinion.

16 CHAIRMAN LINGENFELTER: Okay. Hiram?

17 MR. REPPERT: I had a question concerning the
18 location and will it interfere with the existing dumpster
19 area?

20 MR. OSBORNE: It will not. It will be just to the
21 north of the dumpster enclosure. We don't have to change that
22 at all.

23 MR. REPPERT: Boy, I drove past it tonight and it
24 sure looked like it would but --

25 MR. OSBORNE: It's right off to the side.

26 MR. REPPERT: Okay. I will drive past it again.

27 MR. OSBORNE: Fortunately, we are going to be
28 resting it right on the existing sidewalk that's there and so
29 that's going to stay in place, and it comes directly off the
30 building about 8 and a half feet.

1 MR. REPPERT: Okay.

2 CHAIRMAN LINGENFELTER: Any other questions or
3 comments, Hiram?

4 MR. REPPERT: No, sir, none.

5 CHAIRMAN LINGENFELTER: Mr. Iafelice?

6 MR. IAFELICE: I have no comments, Mr. Chairman.
7 It's pretty straightforward. I have nothing to add.

8 CHAIRMAN LINGENFELTER: Okay. I have no questions.
9 You know, I think the staff report, pretty much, stands on its
10 own. Everything, all the criteria has been met. The
11 variances have been granted. There is a recommendation for an
12 approval.

13 Do you have anything else you would like to add?

14 MR. OSBORNE: No, thank you.

15 CHAIRMAN LINGENFELTER: Okay. All right. I don't
16 see any reason to delay -- Oh, I'm sorry. I apologize. I
17 meant to bring this to your attention earlier and I will
18 mention it now and so you have, so you understand what's going
19 on. We are short a person today on the Zoning Commission.
20 If, for some reason, we were to vote in a tie and there would
21 be two people in favor and two people opposed, that would be
22 considered a no vote, okay, or a disallowance of the
23 application.

24 So I guess I will -- We've already had a discussion
25 but you have the option, I will give you the option that, if
26 you want, you can table this to a later date when we have a
27 full board and then it would eliminate that potential for a
28 tie, two-two vote. So I guess I will -- I am sorry. I should
29 have done that before we started this process.

30 MR. OSBORNE: No, we had that similar situation at

1 the BZA and definitely, in that case, they did wait but, in
2 this case, I think we'd like to proceed.

3 CHAIRMAN LINGENFELTER: I don't anticipate any
4 problems but, you know, obviously, we don't discuss these
5 things before the meetings and whatnot, so I don't know. But
6 if you're okay with us moving forward with our vote --

7 MR. OSBORNE: I would just like to ask my client if
8 he is.

9 CHAIRMAN LINGENFELTER: Sure, that's your option. I
10 mean, you certainly have the ability to table if you would
11 like to.

12 MR. LARUSCH: Thank you. Please proceed.

13 CHAIRMAN LINGENFELTER: Okay. I just wanted to make
14 sure that that was put out there for you to consider.

15 MR. OSBORNE: Okay.

16 CHAIRMAN LINGENFELTER: And so you understand the
17 ramifications. If, for whatever reason, we do end up in a
18 two-two vote, that would be a denial.

19 MR. OSBORNE: Yes.

20 CHAIRMAN LINGENFELTER: Okay, very good. Thank you
21 and I apologize again for not bringing -- I should have
22 started the whole process with that explanation beforehand.
23 So I apologize for that little misstep on my part.

24 Okay. At this point then, I will entertain a motion
25 in the affirmative for this Site Plan and Design Review
26 Application Number 048.

27 MR. IAFELICE: Mr. Chairman, I will make a motion to
28 approve the Site Plan Application 048.

29 CHAIRMAN LINGENFELTER: Okay. I have a motion made.

30 MR. SCHINDLER: I second.

1 CHAIRMAN LINGENFELTER: Okay. We have a motion made
2 and seconded. Heather, would you call the roll, please.

3 MS. FREEMAN: Sure. Mr. Iafelice?

4 MR. IAFELICE: Yes.

5 MS. FREEMAN: Mr. Reppert?

6 MR. REPERT: Yes.

7 MS. FREEMAN: Mr. Schindler?

8 MR. SCHINDLER: Yes.

9 MS. FREEMAN: And Mr. Lingenfelter?

10 (Four aye votes, no nay votes.)

11 CHAIRMAN LINGENFELTER: Yes. Okay. You're off the
12 hook.

13 MR. OSBORNE: You had me a little nervous here.

14 CHAIRMAN LINGENFELTER: Yeah, well, and I am sorry.
15 I should have said this, I should have made you aware of that
16 before we got as far along as we did.

17 MR. OSBORNE: Understood. Thank you so much. We
18 really are excited.

19 MR. REPERT: We could have hesitated, you know
20 that.

21 CHAIRMAN LINGENFELTER: Yeah, we could have had
22 somebody say no just to give you a little --

23 MR. OSBORNE: Just to have a little fun.

24 MR. IAFELICE: I wasn't going to do that.

25 CHAIRMAN LINGENFELTER: Yeah, just to have a little
26 tension in the air. But your motion has carried, the motion
27 is carried and it's approved four-nothing. Let the record
28 reflect four ayes, no nays, no abstentions, and we will
29 consider this -- We want, do we do both the site plan and --
30 Do two? Okay.

1 So that was for the site plan and now let's do the
2 design review application. I will also entertain a motion for
3 that.

4 MR. IAFELICE: Mr. Chairman, I will make a motion to
5 approve the Design Review Application Number 048.

6 CHAIRMAN LINGENFELTER: Okay. I have a motion made.

7 MR. SCHINDLER: I second.

8 CHAIRMAN LINGENFELTER: Motion has been made and
9 seconded. Heather, would you call the roll.

10 MS. FREEMAN: Mr. Schindler?

11 MR. SCHINDLER: Yes.

12 MS. FREEMAN: Mr. Lingenfelter.

13 CHAIRMAN LINGENFELTER: Yes.

14 MS. FREEMAN: Mr. Reppert?

15 MR. REPERT: Yes.

16 MS. FREEMAN: Mr. Iafelice?

17 MR. IAFELICE: Yes.

18 (Four aye votes, no nay votes.)

19 CHAIRMAN LINGENFELTER: Okay. So the Site Plan and
20 Design Review Application Number 048, the second component,
21 the design review has been approved by four ayes, no nays, no
22 abstentions. The motion carries and the, both the site plan
23 and design review application has been approved and you guys
24 are done.

25 MR. OSBORNE: Very good. Thank you so much and have
26 a great night.

27 CHAIRMAN LINGENFELTER: Thank you for coming in. We
28 appreciate you making your presentation this evening.

29 MS. FREEMAN: Looking forward to checking you guys
30 out.

1 MR. LARUSCH: Nice work.

2 MS. FREEMAN: Yeah. We will be in touch with Rick
3 and what to do to finish up all the paperwork.

4 MR. OSBORNE: Great. Thanks, Heather.

5 MS. FREEMAN: I'll talk to you tomorrow or I'll send
6 you and email.

7 CHAIRMAN LINGENFELTER: Thank you. Have a nice
8 evening.

9 Okay. Under New Business, Item Number 2 on the
10 agenda is a work session for potential zoning text amendments.
11 Heather, would you like to --

12 MS. FREEMAN: Okay. So --

13 CHAIRMAN LINGENFELTER: -- fill us in?

14 MS. FREEMAN: I am sorry. What?

15 CHAIRMAN LINGENFELTER: I said, would you like to
16 fill us in on the details?

17 MS. FREEMAN: Oh, yes, sure. So last month, I
18 presented to you a draft of the potential environmental
19 restoration plan text that we are talking about incorporating
20 into Section 16 of the RCD District. Got some feedback from
21 the group and it seemed like you had tasked us with, you know,
22 kind of maybe streamlining the process a little bit. So I did
23 meet with legal counsel and we came up with something that
24 seems to be a little bit more streamlined for your review,
25 what I drafted for you this evening.

26 This, we are proposing this to be a new section
27 under Section 16.24(F). Basically, if someone is going to
28 come in and propose an RCD development and the open space has
29 already been previously disturbed, as we discussed, we're
30 asking for them to submit an environmental restoration and

1 seasonal maintenance plan. Okay. Well, what is that, and
2 when do we want it? We want it submitted when they submit
3 with their preliminary development plan so the township can
4 have an opportunity to see it up front and approve it.

5 And then these are the things that we want to see in
6 the plan: Well, the plan has to seek to replicate, expand or
7 enhance the adjacent natural cover. We'd like native species
8 and minimal cultivars of native species. And then we listed
9 some components of the plan: Must be created by, or in
10 consultation with an accredited professional. Plan shall be
11 drawn to scale and include the following types of items: An
12 explanation of why they selected that restoration habitat or
13 natural cover, long-term seasonal maintenance plan, and then
14 we're telling them that they have to use the ODNR Division of
15 Natural Areas and Preserve's Ohio Native Plant species list
16 for the plant selection.

17 So I am happy to get your feedback on that or what
18 you guys, your thoughts on that versus what we were kind of
19 looking at last month, which was a lot more wordy, right, or
20 onerous. I don't know if this is still onerous or if we
21 streamlined it enough. I'm not sure.

22 MR. REPERT: I have a question.

23 MS. FREEMAN: I am open to some feedback, yeah.

24 MR. REPERT: And this was in there before and I
25 didn't ask it before.

26 MS. FREEMAN: Okay.

27 MR. REPERT: What is a minimal cultivar of native
28 species?

29 MS. FREEMAN: That is a good question for our
30 natural resource person, who is not here.

1 MR. REPERT: Google, here we go.

2 MS. FREEMAN: Yeah.

3 MR. REPERT: We say adjacent natural cover
4 utilizing only native species and minimal cultivars of native
5 species.

6 MS. FREEMAN: That's something I can come back with
7 information for you guys.

8 MR. REPERT: Oh, that's all right. That's all
9 right.

10 MS. FREEMAN: I mean, we really should have a good
11 understanding of what that is.

12 CHAIRMAN LINGENFELTER: Google is your friend.

13 MS. FREEMAN: I would be happy to come back with an
14 explanation from, you know, Soil and Water, that kind --

15 MR. REPERT: I think they know what they are
16 talking about.

17 MS. FREEMAN: Let me do a little more research so we
18 have an idea of what that is, yeah, because I think, even if
19 you guys were somewhat okay with this, we still need to look
20 at the other section that we already have adopted that just
21 became effective last month and, possibly, make some changes
22 that would tie into this and point back to this potential new
23 section.

24 MR. REPERT: Okay.

25 MS. FREEMAN: So we probably have another couple
26 work, you know, couple work sessions on this, so I am happy to
27 get back to you on what this --

28 CHAIRMAN LINGENFELTER: For your edification, Hiram,
29 a cultivar is a noun and it is a plant variety that has been
30 produced in cultivation by selective breeding. Cultivars are

1 usually designated in the style *Taxus baccata* or *variegata* or
2 variety. So I don't know if that helps or hurts or --
3 Cultivars, or short for cultivated varieties, are plants you
4 buy that often have been propagated not from seed but rather
5 vegetively, for example, via stem cuttings. With this method
6 of propagation you can be sure that the offspring will retain
7 the characteristic of the parents for only that one
8 generation.

9 MR. REPERT: So we want to limit that.

10 CHAIRMAN LINGENFELTER: It says that they should use
11 minimal cultivars, so they want them to try to maintain the
12 replication of the existing --

13 MR. REPERT: Natural species.

14 CHAIRMAN LINGENFELTER: -- natural species and not
15 cultivars, which would be hybrids, basically.

16 MR. REPERT: Hybrids, but only good for one
17 generation.

18 CHAIRMAN LINGENFELTER: Right, right, then it would
19 be gone.

20 MR. REPERT: Then it would die off.

21 CHAIRMAN LINGENFELTER: Right. So that would be,
22 that's what a minimal -- That's what a cultivar is. So it's a
23 native species but it's been --

24 MR. REPERT: Modified.

25 CHAIRMAN LINGENFELTER: It's been modified.

26 MR. REPERT: Genetically modified. Okay, thank
27 you, sir.

28 CHAIRMAN LINGENFELTER: Yep.

29 MR. SCHINDLER: So would that, in general, would be
30 objectionable?

1 MR. REPERT: Well, they would die off after one
2 generation.

3 MR. SCHINDLER: Right.

4 MR. REPERT: So you've got nothing there.

5 MR. SCHINDLER: Right.

6 MR. REPERT: So that's why they want the natural
7 species that are going to come back every year.

8 MR. SCHINDLER: Every year.

9 CHAIRMAN LINGENFELTER: It says that, it says here
10 in another definition, further discussion, it says most
11 cultivars arise from purposeful human manipulation but some
12 originate from wild plants that have distinctive
13 characteristics, where certain plants are bred for desired
14 traits which are reproduced in new, each new generation by a
15 method such as grafting, tissue culture or carefully
16 controlled seed production.

17 So we want to minimize that, as if that would be
18 like a really prevalent issue. Just in case somebody was
19 thinking of putting a bunch of Frankenplants in, they would
20 have to keep the Frankenplants to a minimal amount.

21 MR. IAFELICE: Mr. Chairman, if I may comment.

22 CHAIRMAN LINGENFELTER: Sure, please comment.

23 MR. IAFELICE: My compliments, Heather. This is far
24 more succinct, it's clear and far less onerous.

25 CHAIRMAN LINGENFELTER: There is that word.

26 MR. IAFELICE: No, this is, this is clear, I think,
27 to me and it would be to developers and engineers and
28 architects, yeah.

29 CHAIRMAN LINGENFELTER: Yeah, I think this is a,
30 this shortened version is, definitely, I think it will be

1 easier to follow. I think it still drives home the, I think
2 it drives home the desired message but it's, I think it's a
3 little easier to digest. So --

4 MS. FREEMAN: Well, and then even with that, as I
5 said, I think there is some other areas that we have under the
6 existing resolution under the Open Space Design Criteria. And
7 I know we just adopted some of this new language, actually,
8 where we talk about, in Section 16.24(C)(e) where we added in
9 the language about a landscape plan being submitted for the
10 disturbed areas in the open space, I think we need to kind of
11 go through that language and -- I don't know, because there is
12 really two scenarios that we might need this environmental
13 restoration plan. One, when they know up front that the open
14 space is already disturbed. And, secondly, we know the open
15 space is supposed to be preserved in its natural state but,
16 however, they might be proposing some minimal disturbances in
17 order to construct the development. And if the township is
18 going to be okay with that, we also want them to submit some
19 kind of restoration plan and it should meet the same criteria,
20 so not a landscape plan per se as we have it written now but
21 more of what's the restoration plan.

22 So we probably want to change or streamline this
23 language in this section to eliminate the references to the
24 landscape plan but rather point it to the restoration plan in
25 this potential new section that we're going to maybe adopt.

26 MR. REPPERT: Okay.

27 CHAIRMAN LINGENFELTER: And that's going to fit into
28 that 16.24(F)?

29 MS. FREEMAN: Well, I didn't provide any of that
30 draft language to you tonight. I wanted to get your feedback

1 on this first and see kind of where you were at with that a
2 little bit.

3 And then the other section, as I indicated, that I
4 think for sure we need to look at is 16.24(C)(e). So we will
5 need to -- I don't know if anyone brought their Resolutions
6 tonight. I can bring something back next month with a
7 suggestion.

8 CHAIRMAN LINGENFELTER: Frank, any comments?

9 MR. SCHINDLER: I am always a believer, the more --
10 or the less verbiage you have in a document, the better off
11 you are, because once you put in a bunch of "hereto
12 theretofores," especially if you are an attorney or it goes to
13 court, it's all left up to interpretation. And the more stuff
14 you put it, the more confusing it becomes.

15 MS. FREEMAN: Yeah.

16 MR. SCHINDLER: And it's always open to every
17 individual's opinion. So the more we can simplify it like
18 this -- I like what you did -- I think the better off we are.
19 I go along with this.

20 CHAIRMAN LINGENFELTER: Hiram, any comments?

21 MR. REPERT: No comment.

22 CHAIRMAN LINGENFELTER: Any observations?

23 Rich, any other --

24 MR. IAFELICE: Nothing else, Mr. Chairman.

25 CHAIRMAN LINGENFELTER: I know you commented already
26 and I appreciate that.

27 MR. IAFELICE: Thank you.

28 CHAIRMAN LINGENFELTER: I am good with it. I think
29 we meet the requirement. We wanted to put something in there
30 to deal with restoration plan. I think we've got the good

1 framework here.

2 MS. FREEMAN: Okay.

3 CHAIRMAN LINGENFELTER: It was a good job, Heather,
4 good work.

5 MS. FREEMAN: Well, Abby, I met with Abby and
6 Stephanie, too, from Wiles & Richardds. They helped a lot.

7 MS. BELL: And Heather.

8 MS. FREEMAN: It was a team effort, yeah.

9 MS. BELL: It was a team effort.

10 CHAIRMAN LINGENFELTER: Certainly no slight.

11 MR. SCHINDLER: Good job.

12 MS. BELL: Thank you.

13 MS. FREEMAN: Well, unless there is anything else
14 you want to look at under the Open Space, I can come back next
15 month with the other --

16 CHAIRMAN LINGENFELTER: Yeah, I think we should try
17 to move forward with this. That was kind of the missing, the
18 missing component that we needed to put the finishing touches
19 on that legislation. So I would like to try to get that in if
20 you feel that you can, by next month, if you think you can get
21 that cobbled together, put it the way, lay it out the way
22 you'd like.

23 MS. FREEMAN: I think so, yeah. It will be pretty,
24 fairly straightforward, I think.

25 CHAIRMAN LINGENFELTER: Okay. So let's try to do
26 that if we can.

27 MS. FREEMAN: Okay. I'll bring it back next month,
28 yeah.

29 CHAIRMAN LINGENFELTER: All right. And then we can
30 get that -- Then now this would be, so we would need to

1 schedule a public hearing for this?

2 MS. FREEMAN: Well, if you like the draft text I
3 bring you next month, we can set the hearing for the March
4 meeting.

5 CHAIRMAN LINGENFELTER: Right.

6 MS. FREEMAN: Depending on where the, yeah, and then
7 have the hearing in March.

8 CHAIRMAN LINGENFELTER: Okay. Yeah, I don't see any
9 reason to delay, you know.

10 MR. REPERT: Did we have any public comment on the
11 original submittal that we did for Residential Conservation
12 District, RCDs, that we put together?

13 MS. FREEMAN: We did have -- Of what's adopted now,
14 did we have public comment?

15 MR. REPERT: Yeah, that we approved.

16 MS. FREEMAN: Oh, yeah. If you were -- I am trying
17 to remember. Well, Vanessa Pesec spoke at our Zoning
18 Commission public hearing.

19 MR. IAFELICE: Yes.

20 MS. FREEMAN: And I know that this was one of her
21 areas of concern, specifically, about this landscape plan. I
22 know she was a supporter of this idea of an environmental
23 restoration plan.

24 MR. REPERT: Okay.

25 MS. FREEMAN: But I don't think she has seen any of
26 this text because I haven't talked to her in a few months.
27 But other than that, I mean, there was some initial developer
28 feedback on some draft versions but once we got to public
29 hearing, never heard from any of them. So --

30 MR. REPERT: No, okay. but it was just Vanessa

1 over the phone, and I remember that.

2 MS. FREEMAN: She called in for this at the Zoning
3 and the Trustee public hearing. She spoke at both, yeah.

4 MR. REPERT: Okay.

5 MS. FREEMAN: So, yeah, there was some interest,
6 yeah.

7 And then on that same sheet, we were also talking
8 about another potential amendment, talking about the medical
9 marijuana retail dispensaries. I met with Stephanie and Abby
10 again to talk about how we can incorporate that in because the
11 consensus, it sounded, was to, at this time, prohibit it. And
12 then the Board talked about just dealing with, you know, the
13 recreational at that point if it ever became something that we
14 were allowed to regulate.

15 So the thought was, rather than modifying the
16 definition like we talked about last month a little bit under
17 Retail, instead of doing that, we have an existing section in
18 the Zoning Resolution, 6.02, and it lists all these prohibited
19 uses anywhere in the township and this would just be a great
20 idea to add a new letter J and add in this one line that says,
21 you know, "Medical marijuana retail dispensaries," and then
22 that would be a prohibited use.

23 CHAIRMAN LINGENFELTER: We couldn't get that listed
24 under 420?

25 MS. FREEMAN: No.

26 CHAIRMAN LINGENFELTER: I see the irony in the J but
27 it would have been better, it would have been even better if
28 it was 420(J). It would make more sense. I am glad that
29 somebody else got a chuckle out of that.

30 MS. FREEMAN: It took me a second.

1 CHAIRMAN LINGENFELTER: That that didn't blow right
2 past a number of people at this table.

3 MR. IAFELICE: Yes, it did.

4 CHAIRMAN LINGENFELTER: I don't know if that's a
5 good thing for me or bad. Maybe I unnecessarily exposed
6 myself.

7 MR. IAFELICE: That could be.

8 CHAIRMAN LINGENFELTER: Okay. Yeah, so your thought
9 process is then under 6.02, under J, just --

10 MS. FREEMAN: Just list it as a prohibited use and
11 then that includes all the zoning districts. It covers all
12 the territory in Concord Township.

13 CHAIRMAN LINGENFELTER: And we're okay with that as
14 a Board?

15 MR. REPERT: Yeah.

16 MR. SCHINDLER: I am.

17 CHAIRMAN LINGENFELTER: I know, Hiram, you were kind
18 of --

19 MR. REPERT: I still think we ought to have it on
20 Wellness Way or whatever it was, that in the minutes that I
21 read.

22 MS. FREEMAN: Oh, yeah, over by the hospital and all
23 that.

24 MR. REPERT: Yeah, yeah. But, no, I am okay with
25 it. We'll deal with it whenever.

26 CHAIRMAN LINGENFELTER: Right, yeah. And I've
27 heard, you know, there has -- I have heard some additional
28 conversations on this that it looks like the state is
29 continuing to move forward on the recreational use component,
30 that that seems to be a serious, you know, a serious thing.

1 So it might be in front of us sooner than, sooner than we
2 would expect.

3 But putting it in as a prohibited use, I think, at
4 least tamps down that issue moving forward. And then once it
5 becomes, if it becomes a bigger issue and the recreational
6 component is considered and becomes law, then I guess we will
7 have to -- Because once it becomes, once it becomes
8 recreational, at that point, then we can't really -- Can we
9 still prohibit it?

10 MS. FREEMAN: We don't know yet. I mean, we'd have
11 to wait.

12 MS. BELL: Yeah, there is no way to know yet.

13 CHAIRMAN LINGENFELTER: So if it does become
14 recreational, we don't know for sure whether we will be still,
15 as a township, we would be able to prohibit it.

16 MS. BELL: Right, yeah.

17 CHAIRMAN LINGENFELTER: Because I would think, if it
18 becomes recreational, then it's a part of the Ohio Revised
19 Code, doesn't it?

20 MS. BELL: It would be.

21 CHAIRMAN LINGENFELTER: Which we are, pretty much,
22 bound to follow, correct?

23 MS. BELL: Right. We just don't know what it's
24 going to say yet.

25 CHAIRMAN LINGENFELTER: Right.

26 MS. FREEMAN: We have to follow the lang -- We'll
27 have to follow it kind of closely if it gets somewhere,
28 actually, see what they're, how they're going to --

29 MR. SCHINDLER: I was always under the impression
30 the township has much more leeway in what we do for a township

1 versus like a city. Is that true? If we wanted to --

2 MS. BELL: Say it again.

3 MR. SCHINDLER: I thought a township has a lot more
4 authority to be able to exclude maybe something like this
5 than, say, the city of Cleveland or somebody.

6 MS. BELL: Typically, townships have a smaller
7 government, would be able to regulate less.

8 CHAIRMAN LINGENFELTER: Right.

9 MS. BELL: And cities are bigger governments and
10 would be regulating more.

11 MR. SCHINDLER: Regulating less, okay.

12 CHAIRMAN LINGENFELTER: Yeah, I would think that --

13 MS. BELL: We don't know yet.

14 CHAIRMAN LINGENFELTER: I would think we have
15 probably less options as a township because we're driven by
16 the Ohio Revised Code in many areas where a city or a
17 municipality has, they have council and they have mayors.

18 MS. BELL: They have charters.

19 CHAIRMAN LINGENFELTER: They have charters and legal
20 or organizational structures that would be able to pass those
21 kinds of things into law versus a township. We don't really
22 have that available to us. So, kind of, we have to follow the
23 Ohio Revised Code. So I think there is some areas where the
24 Ohio Revised Code, basically, is our, kind of our Bible that
25 we have to follow, you know.

26 MR. SCHINDLER: I understand that but like, for
27 example, this one example, as a township, we are not required,
28 for example, to have garbage pickup, right? It's left up to
29 the residents. We are not required by law to do that where
30 cities are. Same thing with a fire department and a police

1 department. We rely on Lake County to supply, you know, like
2 sheriff. We don't have to have a police department. So
3 that's one of the reasons why I thought maybe something like
4 this, we might not be required to do it, right?

5 MR. REPERT: Could be. I don't know, I really
6 don't.

7 MR. SCHINDLER: Open for discussion. Okay. I
8 thought I'd put that out there.

9 CHAIRMAN LINGENFELTER: It's always been my
10 understanding that, as a township, we're pretty much governed
11 by the Ohio Revised Code.

12 MR. SCHINDLER: Yeah.

13 CHAIRMAN LINGENFELTER: For the most part.

14 MR. SCHINDLER: For the most part, yes.

15 CHAIRMAN LINGENFELTER: Now, I think there are some
16 areas where we have the ability to be a little more
17 restrictive. The Ohio Revised Code can put down some things
18 and we can go, we can go a little bit more to the more
19 restrictive side.

20 MR. SCHINDLER: Exactly.

21 CHAIRMAN LINGENFELTER: Okay? But I don't think we
22 can go counter on the less restrictive side than what the Ohio
23 -- I think the Ohio Revised Code is kind of the line in the
24 sand.

25 MR. SCHINDLER: You brought up the key word, we
26 could be a little bit more restrictive.

27 CHAIRMAN LINGENFELTER: Right.

28 MR. SCHINDLER: And that's where my thinking is
29 maybe we can take, be more restrictive on this.

30 CHAIRMAN LINGENFELTER: Right.

1 MR. SCHINDLER: That's my, that's my thinking.

2 CHAIRMAN LINGENFELTER: Okay. All right. Well, I
3 think, now, would this also require, this addition, then would
4 we need to schedule a public hearing for that?

5 MS. FREEMAN: Yeah. I would probably recommend that
6 we just do one public hearing with all the amendments.

7 CHAIRMAN LINGENFELTER: Right.

8 MS. FREEMAN: So if you want to just wait until next
9 month, we will probably have three amendments then, two in the
10 two sections, Section 16, then the third could be for this
11 section.

12 CHAIRMAN LINGENFELTER: Yeah, new Section 6.02(J) is
13 pretty, I mean, there is not a whole lot to --

14 MS. FREEMAN: Yeah. So it would probably be better
15 just to do it all in one public hearing.

16 CHAIRMAN LINGENFELTER: Not a lot to discuss there.
17 It's pretty straightforward. So, yeah, if we could put those,
18 I think if we could get those knocked out in February and then
19 get them into, get them set for a public hearing in March, I
20 would think we can, hopefully, get those both taken care of
21 together.

22 MS. FREEMAN: Okay.

23 CHAIRMAN LINGENFELTER: Knock them out in the same
24 public hearing or same date anyway, two hearings, right, or
25 one hearing?

26 MS. FREEMAN: At least one with this Board and then
27 the Trustees, yeah.

28 CHAIRMAN LINGENFELTER: Right, okay.

29 Any other comments from the Board on this before we
30 move on?

1 Okay. Item Number 3, this is always my favorite
2 because I am excited to find out if Hiram has found anything
3 to object to. Item Number 3 on the agenda is the approval of
4 the minutes of the December 7th Zoning Commission meeting.

5 MR. REPERT: Mr. Chairman --

6 MR. IAFELICE: There's a second part to Item 2.

7 CHAIRMAN LINGENFELTER: Oh, I am sorry. Hold on a
8 second. I am sorry. I apologize.

9 MR. IAFELICE: Heather provided us with a couple
10 items for the work session.

11 CHAIRMAN LINGENFELTER: Okay.

12 MS. FREEMAN: Well, yeah, Mr. Chairman, I don't
13 know. I don't really know if this falls under text amendments
14 or not but at the last meeting -- So if you don't mind, I'll
15 just kind of interrupt you here.

16 CHAIRMAN LINGENFELTER: No, no, no.

17 MS. FREEMAN: At the last meeting, there was some
18 discussion at the end of the meeting where Hiram and Rich and
19 I can't remember who else was asking if we had any kind of
20 flowcharts that showed the current processes that we use for
21 reviewing site plan review applications. And then I, you
22 know, provided one also on the current, you know, zoning
23 change or zoning amendment flowchart and how that works with
24 the township. And then I took a stab at putting one together
25 that showed the flowchart for any new PUD or RCD development.
26 So these were in your packets as information.

27 The first one on the site plan review with all the
28 colors, like, I created that one from scratch, so it looks a
29 little bit nicer than the other ones. The other ones, I kind
30 of modified and adapted from another county in Ohio and

1 tweaked a little bit for Concord. But so these, I mean, you
2 can look at these and if you have questions about how it
3 works, you know, I am not sure what you would like to do with
4 this information. I think it's kind of helpful to maybe show
5 the process. It was limited strictly to the township's
6 involvement though really. I didn't incorporate in, you know,
7 how then they get approvals from the county agencies and
8 things like that. If there's questions on how that works, you
9 know, I have to probably start digging in and really talking
10 with some other individuals at the county to make sure I was
11 accurate. I don't want to misrepresent somebody else's
12 processes.

13 So those are, two of them, I had mailed to you
14 because I had them ready. The third one, I did not have ready
15 for you and that was what was in front of you this evening.
16 So if you want to discuss any of these or if you need to take
17 some time to look them over and then, you know, have questions
18 or feedback on any of them, you can do that, either way.

19 CHAIRMAN LINGENFELTER: Hiram, you kind of asked for
20 this. Does this help?

21 MR. REPERT: Yes, it does, but I do have some
22 comments on it.

23 CHAIRMAN LINGENFELTER: Great.

24 MR. REPERT: Do we want to discuss that now or --

25 CHAIRMAN LINGENFELTER: Sure, absolutely.

26 MR. REPERT: All right. Second line down.

27 CHAIRMAN LINGENFELTER: Which one are we referring
28 to, the pretty colored one or the black and white one?

29 MR. REPERT: The colored one.

30 CHAIRMAN LINGENFELTER: Okay.

1 MR. REPPERT: My question here is "BZA if Variances
2 or Conditional Use Permit required." Now, if you go over
3 here, it says on the opposite, on the left side, says, "Zoning
4 sends letter to applicant outlining deficiencies." My
5 question is, isn't a variance or a conditional use a
6 deficiency?

7 MS. FREEMAN: A variance could be considered a
8 deficiency, yes, but a lot of times it's an incomplete
9 application, such as they didn't submit the landscape plan or
10 they didn't submit the letters on the water availability or
11 the sewer availability or there is major things missing.
12 Oftentimes, those things can just be corrected and then
13 resubmitted and then placed on the agenda but sometimes it
14 requires a variance, so they can't correct it. So say they
15 come in with a site plan for the new building and they only
16 have 50 parking spaces and they're required to have 70. I
17 give them that feedback and say, "Hey, you need 70. You're
18 only giving me 50." Well, either they can make a decision to
19 revise the site plan and provide 70 or they can say, "Hey, I'm
20 going to go to BZA and get the variance."

21 So in my 10-day, in the Zoning Department's 10-day
22 review, we're charged with looking at it. Do they need
23 variances? Is it a complete application? Can we move this
24 forward to the Zoning Commission? You know, if it's no, then
25 we send them a letter back telling them what they need to do.
26 And then once they do all that and then resubmit, it can
27 potentially move forward.

28 MR. REPPERT: Okay.

29 MS. FREEMAN: These are my first times making
30 flowcharts like this, so maybe, you know, it might not be

1 exactly the right way but trying to explain. Does that make
2 sense?

3 MR. REPERT: Well, what I thought it was, that BZA
4 block should come down and go back into "Zoning Inspector
5 distributes plans for review comments" instead of coming all
6 the way down. If that line comes all the way down and comes
7 into the green block, it bypasses all the department reviews.

8 MS. FREEMAN: No. I think my intent for that was to
9 show, so, hey, if they go to BZA and get the CUPs and the
10 variances, then that letter of approval goes to the Zoning
11 Inspector and is part of the staff report and is transmitted
12 to the Board with all the other comments, is how I was trying
13 to show that.

14 MR. REPERT: Okay. So where should the line coming
15 out of the BZA block go?

16 MS. FREEMAN: Well, right now, I mean, so if BZA
17 approves variances or a CUP, then the applicant is to send you
18 a letter from the BZA showing the proof that they got the
19 variances. So that would be submitted with their application.

20 MR. REPERT: But how do all the other departments
21 get into a review phase if it just goes BZA and bypasses them?

22 MS. FREEMAN: Well, right here, so -- Oh, okay. So
23 you are saying after they, okay, after they get the variances,
24 maybe from the blue box then I point it back to, I mean, the
25 Zoning Inspector as part of the distribution plans for the
26 other people. Is that what you are saying?

27 MR. REPERT: That's what I --

28 MS. FREEMAN: Because no one is really reviewing
29 those variances. And the only one that's really reviewing the
30 site plan for compliance with zoning is the Zoning Inspector.

1 So no other, like, the Fire Department, the Fire Department
2 wouldn't know that we need 70 spots versus 50.

3 MR. REPERT: What was that again?

4 MS. FREEMAN: The Fire Department wouldn't know that
5 zoning requires 70 parking spots versus 50. So whether or not
6 they got a variance for that probably wouldn't matter because,
7 right now, we do not submit -- The only one that reviews the
8 variances is the BZA. If they review them, then it is what it
9 is and --

10 MR. REPERT: And do they --

11 MS. FREEMAN: It should already be reflected on that
12 site plan that was then being distributed to everybody else.
13 Oftentimes, they submit BZA and Zoning, in real life, okay,
14 realistically, they will come in and file on the same day
15 sometimes, depending on how much homework they did before
16 actually submitting their application. They already know what
17 variances they need because they have worked with me and Marty
18 and we've gone through the plans and said, "These are the
19 number of parking spaces you need. You're going to need a
20 variance for this, this, this, and this," and they will file
21 their applications on the same day.

22 The BZA deadline application is only two and a half
23 weeks before the meeting. The Zoning Commission deadline to
24 file is like five weeks to six weeks before your meeting. So
25 in order to meet, in order to get in front of the BZA before
26 they come to you, they almost have to file them on the same
27 day. So if they filed like, say, at the end of December, they
28 went in front of BZA in January and then maybe in front of you
29 in February.

30 But if the BZA said no to their variances or the

1 conditional uses, then that site plan review with you guys
2 would not, you know, not move forward unless they made some
3 significant changes to make sure they were compliant.

4 MR. REPERT: I understand.

5 MS. FREEMAN: Okay.

6 MR. REPERT: But my point still stands that the BZA
7 review bypasses all the other reviews that we are required,
8 you are required to put forth. To me, I think that the BZA
9 blue block should come in to the Zoning Inspector green block
10 ahead of all the reviews unless the BZA has enough people with
11 enough experience coming in and saying, "I can review or I can
12 make a comment for the Lake County Engineer, Lake County
13 Stormwater," and everything like that. Otherwise, the BZA can
14 say, "Go for it." What am I missing?

15 CHAIRMAN LINGENFELTER: Go ahead, Rich. Were you --
16 Go ahead.

17 MR. IAFELICE: Can I maybe come back on this, Hiram?

18 MR. REPERT: Help me.

19 MR. IAFELICE: If I may, yes. First thing when I
20 look -- First of all, thank you for doing this flowchart.

21 MS. FREEMAN: Sure.

22 MR. IAFELICE: This is the way I understand the
23 process, which is why last month was questioning the process.

24 MR. REPERT: Right, right.

25 MR. IAFELICE: So my first point, the question would
26 be, is it to the Zoning Department's discretion or did we, in
27 a resolution of the township, stipulate that the BZA reviews a
28 site plan for a variance before we see it? What I reviewed
29 here, Heather, I don't see that order or sequence anywhere.

30 MS. FREEMAN: All right.

1 MR. IAFELICE: And I might have missed it.

2 MS. FREEMAN: Yeah, it's written in the Resolution
3 that the variances have to be granted and approved prior to
4 the Zoning Commission approving the site plan. So let me find
5 that specifically for you real quick.

6 MR. IAFELICE: Prior to us approving the site plan,
7 yeah, that's right. That's correct, yeah.

8 MS. FREEMAN: Yeah, hold on. Okay. I might not --
9 I am paraphrasing, so maybe I am --

10 MR. IAFELICE: Yeah. It is not Section 9? Not
11 Section 9?

12 MS. FREEMAN: No, it would be in Section 36.

13 MR. IAFELICE: In 36, I didn't see anything but BZA.

14 MS. FREEMAN: Section 36, yeah.

15 MR. IAFELICE: In 36, yeah, that's on 36.04(C),
16 right?

17 MS. FREEMAN: Yeah, yep, yep, 36.04(C), "Variances
18 must be granted prior to the application for the site plan
19 approval."

20 MR. IAFELICE: Correct.

21 MS. FREEMAN: And I think that our department has
22 always, the way we've interpreted that and utilized that is we
23 have made them go in front of the BZA first.

24 MR. IAFELICE: Correct.

25 MS. FREEMAN: And there is challenges with that and
26 when meeting dates and stuff fall, too, doesn't always work
27 out because you guys meet before the BZA meets every month. I
28 wish it as flip-flopped.

29 MR. IAFELICE: Well, regardless of schedule, this is
30 my point of debate. I would submit to the Board this must be

1 changed. I believe variances must be granted prior to site
2 plan approval, not prior to the application for site plan
3 approval. We can't approve a plan without variances being
4 granted but it shouldn't be prior to the application, in my
5 opinion. And the reason I subscribe to that is I read, in
6 Section 9, the purpose, if you will, the mission of the BZA.
7 The mission of the BZA is to authorize, upon appeal, in
8 specific cases, variances from the terms of the Zoning
9 Resolution that is not contrary to the public interest
10 wherein, owing to special conditions, enforcement of the
11 Resolution will result in an unnecessary hardship.

12 It's an appeal for -- I am glad legal counsel is
13 here because I am not legal. I am just reading what I see as
14 their purpose. In my opinion, the site plan should be
15 submitted to the Board complete. If we find it acceptable,
16 then we would recommend to the BZA to review the variances
17 that are going to be needed because the staff has done their
18 job. They cite the deficiencies, the variances that would be
19 needed for a proper site plan.

20 CHAIRMAN LINGENFELTER: Well, the variances
21 component is one component.

22 MR. IAFELICE: Correct.

23 CHAIRMAN LINGENFELTER: But then there is the
24 conditional use component.

25 MR. IAFELICE: Correct.

26 CHAIRMAN LINGENFELTER: Which is a separate. There
27 doesn't have to be a hardship for a conditional use.

28 MR. IAFELICE: So that's correct. So in C, it says
29 right there in the BZA, for the use of that, such conditions
30 may require certain acts of forbearance of the applicant, or

1 may otherwise be so conditioned to secure observance and
2 conformity to the letter or spirit of the Zoning Resolution.
3 So, agreed, it's separate from an appeal process to do a
4 conditional use.

5 CHAIRMAN LINGENFELTER: Yeah, because they're not
6 claiming, a particular applicant doesn't necessarily have to
7 be claiming a hardship.

8 MR. IAFELICE: Correct. So in my opinion, I believe
9 that both the township Zoning Commission, under the charge of
10 what we're charged to do under 36 -- where did I find it --
11 36.03 is to advance the long-term community vision and
12 planning goals set forth in the township Comprehensive Plan.
13 That's our purpose and intent of the Zoning Commission. If
14 we're not seeing a proposed plan before the BZA has already
15 granted a conditional use -- I believe that's, I believe it's
16 proper in following what I believe is what it was intended in
17 the purpose and intend of the Zoning Commission is to advance
18 the long-term goals, preserve them, properly advance them as
19 set forth in the township's Comprehensive Plan.

20 So while I understand what Hiram is saying. I am
21 contending that, once it gets to the Zoning Commission, then
22 we, then we entertain a variance, whether it's an appeal or a
23 conditional use, after the review of the Zoning Commission
24 just based upon how I understand the roles of each board. I
25 believe that's our role. I am not arguing that the BZA isn't
26 following the rules. They're following their rules in what
27 they do in reviewing the variance but we have got other, we're
28 here for other purposes and intent, and that's to look at the
29 Comprehensive Plan of the township and look at the vision and
30 protect the interest of what we're planning to do. Anyhow,

1 that's what I wanted to just --

2 MR. REPERT: Heather, would you and your staff
3 identify where the variances would be required to us for our
4 review?

5 MS. FREEMAN: Yeah, we would, yeah.

6 MR. IAFELICE: Sure.

7 MR. REPERT: Okay. I just wanted to make sure.

8 MR. IAFELICE: Hiram, tonight, they had two
9 variances here already. We didn't see it.

10 MR. REPERT: Yes, they did.

11 MR. IAFELICE: And they were identified, yeah, yeah,
12 and they showed the variances that were already granted. We
13 never saw it.

14 MR. REPERT: They were already granted.

15 MR. IAFELICE: They were already granted.

16 MS. FREEMAN: So next month, you guys are going to
17 have Sheetz in front of you. BZA approved the conditional use
18 permits. BZA approved the handful of variances. They
19 submitted their initial site plan review application I just
20 sent it out for review from some other agencies and started
21 looking at it but --

22 MR. REPERT: Well, what --

23 MS. FREEMAN: And I get what Rich is saying. He
24 would've liked to have been able to see it first.

25 MR. IAFELICE: I would've liked to see it first,
26 whether it's conditional use, a variance that's required on
27 the site plan, which you duly note even if it doesn't meet,
28 it's not a permitted use, a conditional use, all of that, you
29 do a report. It's submitted to all these bodies here, all
30 those various entities, Lake County and so forth. And then

1 from that, you gather that, the staff report comes to us. We
2 like this project. This meets the vision of the -- However,
3 it needs a conditional use or it needs a, or it needs a
4 variance of some sort. It seems to me that that was -- It
5 seems to me that the writers of what, in creating the Zoning
6 Commission, intended for us to do.

7 MR. REPERT: Intended to do.

8 MR. IAFELICE: But I could be wrong. And if so, I
9 will stand corrected. But that's why I brought it up in the
10 first place. I thought that was our mission.

11 MR. REPERT: Now, the one that brought all of this
12 to my attention, and yours, too, was Canterwood. Is that what
13 it is?

14 MS. FREEMAN: Yeah, right.

15 MR. REPERT: They did a whole bunch of stuff and
16 the guy stood up there and he said, "Well, I can just go to
17 BZA." I don't think that's right. If we say no, he said,
18 "Well, I can just go to BZA and get a variance," and I don't
19 think that --

20 MS. FREEMAN: I don't remember specifically what he
21 was he was referring to. Do you?

22 MR. IAFELICE: Yeah, I think it was the Sheetz. I
23 think the gentleman --

24 MS. FREEMAN: Oh, yeah.

25 MR. REPERT: Yeah, it was the Sheetz.

26 MS. FREEMAN: Yeah, okay.

27 CHAIRMAN LINGENFELTER: It wasn't Canterwood. It
28 was Sheetz.

29 MR. IAFELICE: It was Sheetz.

30 CHAIRMAN LINGENFELTER: And, basically, his -- He, I

1 think he saw the tone.

2 MR. REPPERT: Where we were leaning.

3 CHAIRMAN LINGENFELTER: He saw the tone of this, of
4 the Board, and he basically said, "It doesn't matter because I
5 don't need you to say this is okay. I can just go to the
6 BZA" --

7 MR. IAFELICE: That's what I heard.

8 CHAIRMAN LINGENFELTER: -- "and get what I want and
9 there is nothing you can do about it," is pretty much what he
10 said.

11 MR. REPPERT: That's what I thought.

12 CHAIRMAN LINGENFELTER: If you go back and look at
13 the record, that actually may be what he said. It was pretty
14 straightforward. He didn't -- He kind of was kind of like,
15 you know, it was a thumb to the eye.

16 MR. REPPERT: He didn't mince any words.

17 CHAIRMAN LINGENFELTER: No.

18 MR. REPPERT: No, he didn't.

19 CHAIRMAN LINGENFELTER: And I think the term
20 "lawyering up" also came out of his mouth as well, which
21 didn't endear me to his plight. But, you know, yeah, I mean,
22 that's kind of what we're dealing with with the Sheetz
23 process. I don't really think there is a whole heck of a lot
24 we can do. I mean, we can, I mean, we can certainly vote it
25 down but then you better gird your loins from a legal
26 standpoint because I think we'll probably end up in court. We
27 are going to get sued. And I don't think we are going to be
28 on real good, strong legal standing. So, you know --

29 MR. REPPERT: But if that's --

30 CHAIRMAN LINGENFELTER: That's a problem.

1 MR. REPPERT: But if we say no --

2 CHAIRMAN LINGENFELTER: I get it.

3 MR. REPPERT: If we as a Board say no, it still goes
4 to the Trustees.

5 CHAIRMAN LINGENFELTER: No.

6 MS. FREEMAN: No.

7 MR. REPPERT: No?

8 CHAIRMAN LINGENFELTER: No. This is a site, this is
9 a site plan review.

10 MS. FREEMAN: This is site plan review, yeah.

11 CHAIRMAN LINGENFELTER: So if we say no, that's it
12 and then they do lawyer up.

13 MS. FREEMAN: You're getting confused with the Villa
14 at Canterwood, which is the long one I give you today.

15 MR. REPPERT: Okay.

16 CHAIRMAN LINGENFELTER: Yeah.

17 MS. FREEMAN: You have the public hearing with the
18 Zoning Commission. You consider the Lake County Planning
19 Commission recommendation. We vote. The Zoning Commission
20 votes a recommendation, transfers it to the Board of Trustees.
21 The Trustees set their public hearing. They vote on your
22 recommendation either to adopt, deny or approve with some
23 modifications of the amendment, which is the district change
24 and the preliminary plan.

25 MR. REPPERT: That's Canterwood.

26 MS. FREEMAN: Yeah, yeah. Then in 30 days it
27 becomes effective unless there is some referendum paperwork
28 filed. And then after the preliminary plan and the rezone on
29 the PUD is approved, they submit their -- which is another
30 thing where, you know, that we were talking about previously.

1 It goes, the final development plan is then submitted to the
2 Trustees for approval. They get the final say on the final
3 development plan. And in the meantime, it's going through all
4 the county approvals and Zoning staff is reviewing it on
5 behalf of the township making sure it's in compliance.

6 MR. REPERT: But it doesn't come back to the Board.

7 MS. FREEMAN: It does not come back to this Board
8 currently the way it's written. And even if then there is
9 some modification requested by the developer on a development
10 plan that was already approved, he submits his request to me
11 saying, "This is what we need to change." I look at it and
12 say, "Okay. Is this minor or is this major based on what we
13 have written in the Zoning Resolution?" And if it's
14 considered minor, the Zoning Inspector can approve it.

15 MR. REPERT: Right.

16 MS. FREEMAN: If it's major, they have to go back to
17 the Board of Trustees with another public hearing.

18 MR. SCHINDLER: And that was Canterwood.

19 MS. FREEMAN: And then they consider it.

20 MR. SCHINDLER: And that was Canterwood.

21 MS. FREEMAN: Yeah. If you remember with
22 Canterwood, the Trustees, you know, you guys voted a
23 recommendation to the Trustees, then they voted to approve it
24 with some modifications. And then a couple weeks later, they
25 wanted to change it, went back to the Trustees.

26 MR. IAFELICE: Yeah, I just find the process real
27 conflicting in my mind, if, again, if I am stating correctly
28 what I believe the purpose, mission, intent of this Board is
29 versus the Board of Zoning Appeals. That notwithstanding with
30 this project coming up, I watched intently that meeting, the

1 BZA meeting, and there were a number of statements there that
2 I felt were incorrect from a planning perspective, from a
3 Comprehensive Planning perspective but we can always agree to
4 disagree, but they made their decision.

5 I am just not even speaking to that one. I am
6 speaking to this process flowchart to suggest, to suggest a
7 change, in that, projects come to the Zoning Commission,
8 then --

9 CHAIRMAN LINGENFELTER: So then do we -- I think
10 then the question would also be that, once it goes to the BZA,
11 then it becomes a conditional if it's a conditional use. Then
12 do we consider the conditions as, you know, revising or
13 revamping conditions for the conditional use? Because if they
14 meet, technically, if they meet the conditions for the
15 conditional use permit, can they, if they meet the conditions,
16 can they deny it?

17 MS. FREEMAN: They can, yes. Mr. Chairman, there is
18 other things that they look at in conditional use permits
19 other the specific conditions. There are general conditions
20 and there is a tie back to the Comprehensive Plan. They don't
21 maybe necessarily hone in on that on a lot of those and they
22 kind of look at just the specific conditions but they are
23 charged with taking a look at conditional uses and how does
24 that fit in with the township's master plans. So, but what
25 has more weight? You know, it just depends.

26 But I think we would have to probably, you know, it
27 sounds like, Rich, you're looking for maybe some preliminary
28 review of a plan, a site plan.

29 MR. IAFELICE: So I had a comment on that.

30 MS. FREEMAN: Okay.

1 MR. IAFELICE: So number one right at the top, top
2 left, "optional informal review."

3 MS. FREEMAN: Yeah.

4 MR. IAFELICE: So we have that stipulated in 36.03.
5 Again, for the Board's information, in 36.03, Site Plan,
6 proposed projects may be, may be subject to an informal review
7 at a regularly scheduled Zoning Commission meeting at the
8 discretion of the Zoning Inspector. Any project, correct? I
9 knew I would get a chuckle from Heather. Are you comfortable
10 with that language having been -- or, and the reason I am
11 bringing it up is any project of, maybe I don't want to say a
12 size or a magnitude or impact should come as an informal, we
13 should have an informal. And that's why I respected Sheetz
14 came as an informal.

15 MS. FREEMAN: Yeah.

16 MR. IAFELICE: That was proper and I thought it was
17 appropriate. I think it should be done all the time if
18 somebody is proposing a, especially a new site, a new
19 development. Here is, informally, here's my sketches, here's
20 what I'm looking at doing before I spent a lot of engineering
21 and architecture time.

22 CHAIRMAN LINGENFELTER: But didn't -- But even
23 though we did that informal review, it didn't stop them from
24 moving forward even though -- and it was, I thought it was
25 pretty clear from the Zoning Commission's standpoint that we
26 weren't happy with any of their proposals.

27 MR. IAFELICE: Yeah, and I agree.

28 CHAIRMAN LINGENFELTER: And I think we voiced our
29 displeasure.

30 MR. IAFELICE: We did.

1 CHAIRMAN LINGENFELTER: And voiced our concern as
2 far as it meeting the long-term goal of the township and
3 meeting the -- I can't think of the word -- the spirit of the
4 Capital Parkway and the Town Hall, you know, Town Center
5 concept. We felt that it was flying in the face of that whole
6 process and we all voiced that unanimously. Didn't stop them.
7 So what good, what good did that do other than us getting it
8 off our chest?

9 MR. IAFELICE: It does in combination with my
10 suggestion.

11 CHAIRMAN LINGENFELTER: Right. But I'm just saying,
12 I mean, as the process --

13 MR. IAFELICE: As it is now.

14 CHAIRMAN LINGENFELTER: -- sits today, as the
15 process sits today.

16 MR. IAFELICE: Correct.

17 CHAIRMAN LINGENFELTER: Even though we voiced our
18 opposition.

19 MR. IAFELICE: Correct.

20 CHAIRMAN LINGENFELTER: And I think we followed the
21 letter of our charge in the Zoning Resolution that we said
22 this is not in the best interest of the community to put this
23 here.

24 MR. IAFELICE: Right.

25 CHAIRMAN LINGENFELTER: I think we were very clear.
26 We don't dislike Sheetz.

27 MR. REPPERT: That's right.

28 CHAIRMAN LINGENFELTER: We're not opposed to having
29 a Sheetz.

30 MR. REPPERT: No, not at all.

1 CHAIRMAN LINGENFELTER: We are not opposed to having
2 a Sheetz in the township, just not there.

3 MR. REPPERT: Not there.

4 CHAIRMAN LINGENFELTER: Just not there.

5 MR. IAFELICE: And in my mind, a site plan for that
6 site putting that type of facility there still, in keeping
7 with what our mission is, is just not, it's just not right.

8 MR. REPPERT: It's not, yeah.

9 CHAIRMAN LINGENFELTER: I am just saying we did, I
10 think we did what we should have done. We followed our, we
11 followed our --

12 MR. REPPERT: Our charter.

13 CHAIRMAN LINGENFELTER: We followed our charter. We
14 voiced our opposition. We felt that it doesn't fit within the
15 long-term, the long-term planning of the township and the
16 direction we want to go. And we, I thought we were very clear
17 that we had nothing against Sheetz. We had nothing against
18 another gas station. We had nothing against any of the things
19 that they were going to do. We just didn't like the location.
20 We felt that that could be better served elsewhere, so please
21 consider taking your Sheetz somewhere else if you really want
22 to put a Sheetz in the township. And that kind of fell on
23 deaf ears, you know. That didn't -- We didn't really
24 accomplish much.

25 MR. SCHINDLER: We didn't accomplish much there but,
26 you know, we have a Comprehensive Plan for the township, which
27 in many cases over the years we have won cases in court based
28 on our Comprehensive Plan because it was based on a plan for
29 the township and the theme that everybody wanted the township
30 to take. So if it comes to this thing with Sheetz, for

1 example, if we have to go to court -- and correct me if I am
2 wrong, counsel -- that plan is the thing that we'd be building
3 our case on, that it's not fitting in with the theme of the
4 township. And we have won cases before based on that because
5 the state recognizes that.

6 Many times, we have the state comes back and says --
7 That document has saved us many times because whatever
8 development was going to take place and we had to go to court,
9 that helped us win the case.

10 MR. IAFELICE: Yeah. To add to that, Frank, it's
11 not just that document. The township invested in four
12 studies, the 2004 Comprehensive Plan, the 2015 update to the
13 plan.

14 MR. SCHINDLER: Correct.

15 MR. PETERSON: The 2006 or '7 Auburn Crile Road
16 study and then the Town Center Plan. There is four major
17 studies and investment and they all point to that corridor and
18 the, not just the roundabout, the corridor.

19 MR. SCHINDLER: Right.

20 MR. IAFELICE: As the location of this Town Center.

21 MR. SCHINDLER: That is correct.

22 MR. IAFELICE: So there is a lot of material there.

23 MR. SCHINDLER: We have a lot of material there we
24 could use on our behalf.

25 MR. IAFELICE: So, anyway, we got off on --

26 MR. SCHINDLER: If it comes to that. But I am
27 saying this is what we have had to deal with with the goals.

28 MR. IAFELICE: My intent, Mr. Chairman, was just to
29 comment on the process here and to suggest that we consider, I
30 don't know if it's further discussion probably with legal

1 counsel and whatnot or amongst the Board at another meeting.

2 CHAIRMAN LINGENFELTER: I think that this would fall
3 probably on the shoulders of the Trustees to make any changes,
4 right?

5 MS. FREEMAN: No. This would be, well, a text
6 amendment.

7 CHAIRMAN LINGENFELTER: I mean as far as our, the
8 mechanics of how this works.

9 MS. FREEMAN: I mean, this Board can initiate
10 changes to the site plan review process. We have to make sure
11 that it's in compliance with Ohio Revised Code and we're
12 following whatever laws we're allowed to do because, as far as
13 this site plan review, it is, we are given that authority from
14 the ORC to have the Zoning Commission act as the reviewing
15 agency of the landscape plan and the architecture. That is
16 specifically given to the township Zoning Commission through
17 the Ohio Revised Code.

18 CHAIRMAN LINGENFELTER: I am talking in reference to
19 the flowchart and where the BZA fits in and how that workflow
20 goes. If we were to alter that, which I think is what Rich is
21 really kind of --

22 MR. IAFELICE: Correct, correct.

23 CHAIRMAN LINGENFELTER: -- referring to is altering
24 the flow of the way things go now, would that, would we be
25 able -- We can't, we can't do that, can we? I mean, we can't
26 just make a change in the flow of the process and say that now
27 we're going to drop this down here and we're going to move
28 this up here.

29 MS. FREEMAN: I think we can.

30 MR. IAFELICE: It's the zoning, it's in 36. It

1 would be a zoning text amendment just as we've just done here
2 the last few times, I believe.

3 MS. BELL: Yep.

4 CHAIRMAN LINGENFELTER: Well, I am not opposed to
5 that. As a Zoning Commissioner for the township, I am not
6 opposed to tackling the process, the way we do things if we
7 feel that there is some inadequacies here. I think this,
8 certainly, this issue that's come in front of us has brought
9 this to our attention. And if we feel that maybe making some
10 changes makes sense, then I am not opposed to tackling that.
11 I think that would be a very good exercise. I think it would
12 be a good thing to do.

13 MR. SCHINDLER: It's not something that's going to
14 be any detriment to a developer or anything like that. It's
15 just going to offer a more smooth and more appropriate way of
16 processing the system through so nothing is missed, you know,
17 or --

18 CHAIRMAN LINGENFELTER: I don't think it's so much
19 that. I think that it's the fact that it's, we feel, it's
20 broken the way it is right now.

21 MR. IAFELICE: Um-hum.

22 CHAIRMAN LINGENFELTER: We feel it's broken. The
23 process is not -- At least, that's what I am hearing. I'm
24 hearing that we feel the process is not, the flowchart is not
25 correct and that we need to make some fundamental changes, you
26 know, as to how that process flows, you know.

27 MR. SCHINDLER: Yeah.

28 CHAIRMAN LINGENFELTER: And I am certainly willing.
29 I am up for the challenge to try to hash that out and come up
30 with a better, a better process if we think that will improve

1 this thing moving forward, because you're right. I think
2 this, I mean, this whole situation we're dealing with right
3 now has brought, kind of brought, driven that issue home,
4 that, you know, as it sits right now, we're kind of powerless
5 to make any serious change on that unless we change the
6 process. If we change the process, then we have more control.
7 Okay? But if we leave the process as it is, then we leave
8 ourselves somewhat --

9 MR. REPPERT: Powerless.

10 CHAIRMAN LINGENFELTER: We leave ourselves somewhat
11 unable to fix it. Once that, you know, once the horse is out
12 of barn, it's kind of hard to put it back, you know, and
13 that's where we're at.

14 MR. IAFELICE: In doing that then, Mr. Chairman, out
15 of respect for Mr. Peterson, maybe further have a discussion
16 again when Rich is here. But, also, I harken back, because I
17 asked Heather before the meeting what's happened with the
18 Auburn Career Center because I kind of objected to that site
19 plan as incomplete.

20 CHAIRMAN LINGENFELTER: Right.

21 MR. IAFELICE: And then you preceded that with the
22 with Canterwood where I felt, you know, conceptually that
23 there were major changes that -- And I understand from Auburn
24 we are just now seeing, it's been a couple months and they're
25 just now resubmitting.

26 MS. FREEMAN: They submitted the revised plan last
27 week. I haven't looked at it.

28 MR. IAFELICE: Just now submitting something. If
29 you recall, 20, 25 conditions that they were given approval
30 on. And then Canterwood, point out, and I don't know if you

1 had a chance to look at, Heather, the suggestion that those
2 were major changes that have to come back to Zoning
3 Commission.

4 So the reason I bring that up is the word
5 "conditionally approve" and then you're left, you're left to
6 approve the plan to make sure it means all those conditions is
7 the flowchart.

8 MS. FREEMAN: Right, yeah, I am charged with making
9 sure that --

10 MR. IAFELICE: You are charged with making that.
11 But I can understand that when it's just a few conditions, not
12 two dozens, as I thought the Auburn had. And then we
13 understand that Canterwood's deviated so much from the plan,
14 just hearing that it felt like it's major changes that should
15 come back.

16 MS. FREEMAN: And they went to the Trustees, they
17 did.

18 MR. SCHINDLER: Yeah.

19 MS. FREEMAN: The Villas at Canterwood did go back
20 to the Trustees to request some major changes.

21 MR. IAFELICE: Okay. But you have it down here, it
22 says zoning.

23 MS. FREEMAN: That's on the -- That's not site plan
24 review.

25 MR. IAFELICE: Oh, right.

26 MS. FREEMAN: That would be the one I handed you
27 tonight, yeah.

28 MR. IAFELICE: Okay. We've got a lot of things.

29 MS. FREEMAN: So there's like two major processes,
30 the site plan review, which is not a district change.

1 MR. IAFELICE: I stand corrected.

2 MS. FREEMAN: That's okay, yeah. So if you go on
3 the third one, this is one we didn't even look at. Thi is
4 like a three-pager. But the first two pages are almost
5 identical to just the zoning amendment district change. It's
6 the last page where it gets dicey and I, honestly, when I was
7 putting this together, I'm like I don't even know how to put
8 this thing in about the developer requesting changes, so it is
9 kind of just hanging there. I wasn't sure how to really
10 incorporate it.

11 If you look at the handout that was in front of you
12 this evening, on the last page, well, even just starting at
13 the last page because this is kind of where it picks up after
14 it leaves you guys, okay, so the Trustees approve it and then
15 the final development plan is submitted to the Board of
16 Trustees within 12 months. It has to be submitted within 12
17 months. Otherwise, if it's not submitted to the Trustees in
18 12 months, then the Trustees can hold a public hearing to
19 reconsider whether or not they want to reapprove the
20 preliminary plan.

21 If they do submit their final development plan
22 within the first 12 months, then the Trustees, at a public
23 meeting, make a decision on whether or not they want to
24 approve the plan. They either deny it, and then that they
25 probably make revisions and then resubmit, or they would
26 approve it. I don't think the Trustees have ever denied it.
27 Usually, they make changes to make sure it's compliant.

28 But then say they do approve the final development
29 plan or even the preliminary plan and then they decide they
30 want to make changes, like what happened with Villas at

1 Canterwood, if you look at this last section of this page,
2 they submit those requests to me. Similarly as in with the
3 plan review, I look at them. Are they major, are they minor,
4 you know, looking at the criteria in the Zoning Resolution,
5 and I have to make that decision, right.

6 But if I decide that it's major, then I give it over
7 to the Trustees and they look. Do they want to make these
8 major changes? They schedule a public hearing. There is a
9 legal notice in the paper but it doesn't -- We don't renotify
10 all the neighbors. It's, literally, it's a legal notice in
11 the paper, that's it. So on the initial rezone and
12 application, we notify all the property owners. So with the
13 modification, the way it's written currently, we don't notify
14 all the property owners again.

15 So there is maybe some changes that we could do
16 there if the Board felt like, hey, the Zoning Commission
17 should have a stab at it, then maybe we look at, if they want
18 to make major changes, they come back to you and they go back
19 to the Trustees and start over, kind of. So with the PUD --

20 MR. IAFELICE: I agree, I totally agree. That's the
21 other, I would say, objection to -- This is codified somewhere
22 in the R-2 or RCD?

23 MS. FREEMAN: Yeah, this is, yeah.

24 MR. IAFELICE: This is the procedure to go back to
25 the Board of Trustees, not here.

26 MS. FREEMAN: Right, yes, but that could be changed
27 with an amendment.

28 MR. IAFELICE: And that would be another, another
29 area I think, if the Board agrees. It seems to me we're in a
30 better position, and into protecting the public's interest and

1 notifying the public because, if it comes before us, right,
2 the public will be notified -- I mean, not public, neighbors
3 and whatnot.

4 MS. FREEMAN: Yeah, we can.

5 MR. IAFELICE: That it's coming bank.

6 MS. FREEMAN: We can just --

7 MR. IAFELICE: It seems a proper way to do it.

8 MR. REPERT: You have brought up Auburn Career
9 Center.

10 MR. IAFELICE: Yeah.

11 MR. REPERT: With some issues.

12 MR. IAFELICE: Yes.

13 MR. REPERT: What?

14 MR. IAFELICE: The site plan that was submitted was
15 like, I want to say 40 or 50 percent complete. It was far --
16 It was so incomplete that, in my professional opinion,
17 couldn't approve it.

18 MR. REPERT: For what?

19 MR. IAFELICE: There was no stormwater management
20 plan. There was no -- So we're going to put a basin up here.
21 You can't simply put a basin up here without affecting your
22 design. You have to grade it out. You have to figure out how
23 the flow is going to get in and out. I know that. The
24 engineer knows that.

25 MR. REPERT: Okay.

26 MR. IAFELICE: I felt it wasn't -- it was a
27 significant condition, I felt I couldn't approve it because
28 it's left to -- that's what my point was -- it's left to
29 planning, zoning to approve to make sure they meet all these
30 engineering issues. Well, that's got to come back to Lake

1 County.

2 MS. FREEMAN: Well, I am going to contact Lake
3 County Stormwater and say, "Did you approve this? Is this
4 approved?"

5 MR. IAFELICE: But now that plan is going to not be
6 the plan we saw, in my opinion, not even close because they're
7 going to have to move things around and make it fit, and that
8 was just one item. There were issues on traffic ingress/
9 egress. The Fire Department had issues with safety, alignment
10 along Auburn, how they are getting in and out.

11 MR. REPERT: Is this on the --

12 MR. IAFELICE: The fire safety training.

13 CHAIRMAN LINGENFELTER: The fire safety training.

14 MR. REPERT: Oh, yeah, okay.

15 CHAIRMAN LINGENFELTER: Yeah, it was pretty weak.

16 MR. IAFELICE: Yes, it was.

17 CHAIRMAN LINGENFELTER: It was pretty weak.

18 MR. REPERT: Okay.

19 CHAIRMAN LINGENFELTER: Even though they agreed to
20 address all the issues, it was a pretty big list.

21 MR. IAFELICE: They always agree.

22 CHAIRMAN LINGENFELTER: It was pretty substantial.

23 MR. IAFELICE: Yeah.

24 CHAIRMAN LINGENFELTER: Yeah, that, I thought was a
25 very poorly conceived process.

26 MS. FREEMAN: I mean, if you would like to take a
27 look at these a little bit more detail and feel me to contact
28 me and give me your thoughts on maybe what you are thinking,
29 Rich, feel free to call me or send me an email.

30 MR. IAFELICE: I will.

1 MS. FREEMAN: To further flush out what you are
2 thinking maybe and we discuss it with legal counsel and then
3 come back and have a more meaningful discussion.

4 CHAIRMAN LINGENFELTER: I would like to see Hiram
5 and Richard put together some, you know -- You guys both have
6 some very good input. Rich, with your background, and, Hiram,
7 with your skills and expertise, I think you have some good
8 input. I think if you could give Heather some points to
9 consider, you know, maybe this is something we should
10 undertake.

11 MR. REPERT: So you can take them into
12 consideration.

13 MR. IAFELICE: Right.

14 CHAIRMAN LINGENFELTER: Yeah, no.

15 MR. IAFELICE: I would be glad to.

16 CHAIRMAN LINGENFELTER: I am up for, I am up for, if
17 you think there are some viable things that we could do to
18 change, to tweak the system, I am good with putting that on
19 the agenda and then trying to improve. There is always,
20 always room for improvement. If we find, especially if we
21 find things that are -- that just don't seem to work right,
22 you know, I think we would be derelict if we don't try to do
23 something to make it better.

24 MR. SCHINDLER: I think just the last two big
25 projects towards the end of the last year we ran into, Sheetz,
26 for example, and Canterwood, really brought a lot of things to
27 our attention of what happened in that, everything that was
28 going on afterwards. Same with what's happening in front of
29 the Trustees and I said, "Wow." I was there that night when
30 they had their meeting. I thought something has to be done

1 with our process to minimize something like this happening
2 again.

3 CHAIRMAN LINGENFELTER: Right.

4 MS. FREEMAN: I think it might be a deterrent for
5 them to make major changes to their RCD and PUD plans, to not
6 have to want to go back to you and then, again, and kind of
7 start over.

8 MR. SCHINDLER: I would think what the Trustees had
9 to go with for Canterwood, for example, they would probably
10 appreciate this being looked at again, you know.

11 MS. FREEMAN: Yeah, yeah. We can send it back to
12 Lake County Planning and ask them, you know, too, if you
13 really wanted, or back to all the county agencies and get, you
14 know, so there's a lot we can do.

15 MR. IAFELICE: Out of respect for the Trustees, I
16 believe they're put in kind of an awkward position here to
17 review major change to a development plan.

18 MR. SCHINDLER: Big time, big time.

19 MR. IAFELICE: That's really not what they're here
20 for.

21 MR. SCHINDLER: That's not their job, you know.
22 That's supposed to be our job.

23 MR. REPERT: And there is only three of them, too,
24 right?

25 MR. IAFELICE: Yeah, they've got all sorts of issues
26 to deal with.

27 MR. SCHINDLER: Because it's up to us and all these
28 agencies we have to work with before we give it to them.

29 MS. FREEMAN: Right.

30 MR. SCHINDLER: So we're like throwing them in on

1 the firing line. I could tell the night they had the public
2 hearing when I was here, I think, I could see the frustration
3 in all of them, you know. I thought to myself, boy, if we did
4 a better job with this, like you are bringing up and that, we
5 would have alleviated a lot of this situation.

6 MR. IAFELICE: Can I close with another -- It's the
7 same subject.

8 CHAIRMAN LINGENFELTER: Sure.

9 MR. IAFELICE: So in --

10 CHAIRMAN LINGENFELTER: Go right ahead.

11 MR. IAFELICE: This is just, I will bring up through
12 Heather and with Hiram, in Section 8, the Township Zoning
13 Commission, there are four pages describing the Zoning
14 Commission. Three and a half pages of the four pages are
15 devoted to amendments, zoning amendments and the process and
16 procedure of what it takes to do a zoning amendment. Not one
17 word is in here about who we are, what our mission and charge
18 is. That, however, is in site plan review. It's in site plan
19 review. It says, "The purpose of the site plan review is to
20 ensure," blah, blah, which I read earlier -- sorry -- and
21 review and approval of the site plan by the Zoning Commission
22 with regard to the following. It seems to me the purpose and
23 intent of the Zoning Commission should be in Section 8, either
24 duplicate what's in Section 36 under Site Plan.

25 Again, I was trying to understand, what was the
26 township's charge to the Zoning Commission? What are we
27 charged to do and what's the BZA charged to do?

28 MR. REPPERT: So what's the other half page?

29 MR. IAFELICE: The first half page is our term
30 limits and how often we need to meet. By the way, we shall

1 meet quarterly, at least, quarterly.

2 MR. REPPERT: Right, okay.

3 MR. SCHINDLER: Four times a year.

4 MR. IAFELICE: We are an advisory capacity to the
5 Board of Trustees in all matters brought before it, that's it.
6 That's all it says about what we do. So I was just, just
7 another side comment after going through that.

8 MR. REPPERT: Okay.

9 MR. SCHINDLER: Well, again, that makes perfect
10 sense, too. That's cleaning up, you know, makes more sense.

11 CHAIRMAN LINGENFELTER: Rich Iafelice doing the
12 heavy lifting.

13 MR. IAFELICE: I was just reading, just reading.

14 MS. FREEMAN: Well, and, Rich, that's a good
15 observation. I'm looking at some of the approval dates on
16 when some of that stuff was adopted.

17 MR. IAFELICE: The approval dates, did you see it?

18 MS. FREEMAN: And you can, I mean, in Section 8, you
19 know, this all, a lot of this probably goes back to 1982,
20 1976.

21 MR. IAFELICE: 1976.

22 MS. FREEMAN: It's like, but what it is, a lot of
23 it's verbatim, more than likely, copied from the ORC as far as
24 what the statutory requirements are of the Zoning Commission.
25 The authority to review like site plan review happened
26 probably around 2013.

27 CHAIRMAN LINGENFELTER: Seventy what?

28 MR. IAFELICE: Seventy-six.

29 MS. FREEMAN: Some of this is '76 and '82.

30 CHAIRMAN LINGENFELTER: Gee, Frank, that predates

1 you, doesn't it?

2 MR. SCHINDLER: Yes.

3 MS. FREEMAN: And there were a lot of little
4 amendments back in 2013.

5 CHAIRMAN LINGENFELTER: I mean, that just gives you
6 an idea. I mean, Frank wasn't even a twinkle in our eye at
7 that point in time.

8 MS. FREEMAN: So there are probably some things we
9 can add in there that ties in the site plan review, yeah.

10 MR. IAFELICE: You think so?

11 MS. FREEMAN: Yeah.

12 CHAIRMAN LINGENFELTER: When did you start, Frank?

13 MR. SCHINDLER: Nineteen, hum --

14 CHAIRMAN LINGENFELTER: Eighty something?

15 MR. SCHINDLER: Eighty, 1980.

16 CHAIRMAN LINGENFELTER: See.

17 MR. IAFELICE: Predates him.

18 MR. SCHINDLER: The only one that's senior over me
19 is Jim Rowe, with Zoning Appeals, but now he's an alternate
20 now. He's not on the commission itself. So he's earlier than
21 me by a year. So in a sense I'm --

22 CHAIRMAN LINGENFELTER: Frank was long of tooth when
23 I joined and I've been around for a while and Frank was on old
24 hand at that point. He was the gray beard.

25 MR. SCHINDLER: Yeah, still am.

26 CHAIRMAN LINGENFELTER: Right. You are doing pretty
27 good. You are holding up pretty good, Frank.

28 MR. SCHINDLER: Thank you.

29 CHAIRMAN LINGENFELTER: You're holding up pretty
30 good.

1 MR. SCHINDLER: Thank you.

2 CHAIRMAN LINGENFELTER: Okay. So have we gotten
3 past this part?

4 MR. IAFELICE: Oh, yeah.

5 CHAIRMAN LINGENFELTER: Okay.

6 MR. IAFELICE: Thank you, Mr. Chairman.

7 CHAIRMAN LINGENFELTER: Okay, good stuff.

8 MR. REPERT: For now, for now.

9 CHAIRMAN LINGENFELTER: Yes.
10 Okay. The next item on the agenda is the approval
11 of the minutes for the December 7, 2021, Zoning Commission
12 meeting. Hiram, did you --

13 MR. REPERT: Mr. Chairman.

14 CHAIRMAN LINGENFELTER: Uh-oh.

15 MR. REPERT: I would like to make a motion to
16 approve the December 7, 2021, meeting minutes as written.

17 CHAIRMAN LINGENFELTER: Wow, they have been
18 thoroughly read through. Good job.

19 MR. SCHINDLER: I second it.

20 CHAIRMAN LINGENFELTER: Okay. We have a motion made
21 and seconded. All those in favor say aye. Opposed? Any
22 abstentions?

23 (Four aye votes, no nay votes.)

24 CHAIRMAN LINGENFELTER: Okay. The minutes have been
25 approved with four ayes, no nays, no abstentions. So the
26 minutes of the December 7th Zoning meeting have been approved.
27 Correspondence report by -- excuse me.
28 Correspondence report by Zoning Commission members. Frank?

29 MR. SCHINDLER: There were two emails which I passed
30 along to Heather that we got from two members of the township.

1 I think you -- I had my beloved send it over to you.

2 MS. FREEMAN: I didn't bring them with me tonight.
3 Do you want to paraphrase them or did you share them with the
4 Board? I'm sorry.

5 MR. SCHINDLER: There were two letters in regards to
6 the Sheetz that were sent on --

7 MR. REPPERT: Oh, concerning Sheetz?

8 MR. SCHINDLER: Concerning Sheetz, two members of,
9 residents of the township.

10 CHAIRMAN LINGENFELTER: Right.

11 MR. SCHINDLER: About their displeasure about the
12 Sheetz going in. And, if anything, I'd just like to have that
13 put into the minutes so she has it.

14 MS. FREEMAN: Do you want me to read any of it or --

15 MR. SCHINDLER: Well, I think it would be best if we
16 did.

17 MS. FREEMAN: Okay, I will just read. Okay. So
18 there was an email that Frank received on November 10, 2021,
19 from a resident that lived over on Prouty Road who was opposed
20 to the Sheetz gas station. And then, also, another email on
21 Friday, December 31, 2021, from a resident -- let me see where
22 he lives -- on Girdled Road wishing you all a happy new year
23 and saying he knows that they're considering the Sheetz, not
24 really a fan of it. He's got some reasoning in here. And he
25 also referenced that this area was going to be for the Town
26 Center. And he also was asking for the Zoning Commission to
27 consider future lighting within the community and he talks a
28 little bit about Geauga County Observatory in Montville and
29 night sky, light pollution and things like that. So wanting
30 to keep Concord Township semi rural.

1 So do you want me to, I can forward these to the
2 rest of the Board members if they want to read them.

3 MR. SCHINDLER: Please.

4 MR. IAFELICE: You don't have to.

5 CHAIRMAN LINGENFELTER: I think we were copied on
6 those.

7 MS. FREEMAN: You got all of these, oh, all of you,
8 okay.

9 CHAIRMAN LINGENFELTER: Yeah, I was.

10 MS. FREEMAN: You all were on there. I am sorry.

11 CHAIRMAN LINGENFELTER: Yeah, we all were copied on
12 those, on those emails.

13 MR. SCHINDLER: I wanted to make sure it was part of
14 the minutes.

15 MS. FREEMAN: Do you want me to keep these or do you
16 want these?

17 MR. SCHINDLER: If you got your copies, can I --

18 MS. FREEMAN: Yep, I have my copies, yep.

19 MR. SCHINDLER: Please. Thank you.

20 CHAIRMAN LINGENFELTER: Anything else, Frank?

21 MR. SCHINDLER: No, that's it, Mr. chairman.

22 CHAIRMAN LINGENFELTER: Okay. Hiram?

23 MR. REPERT: I have got, Mr. Chairman, I've got no
24 correspondence report.

25 CHAIRMAN LINGENFELTER: Okay. Rich?

26 MR. IAFELICE: Just sharing the same email from
27 Mr. Burdette but, in addition, an email from a colleague on
28 the Board responding to Mr. Burdette was also copied to us.

29 CHAIRMAN LINGENFELTER: Right.

30 MR. IAFELICE: I also received an informal email

1 from Tony Milam, the owner of Sunny Street Cafe, regarding an
2 awning, replacement of an awning. It's informal. I just
3 chatted with Heather about it. He's got an insurance claim.
4 They're having to do, get a permit to replace the awning. So
5 informal, just ask, "Hey, what is this?" So that's it.

6 CHAIRMAN LINGENFELTER: Okay. I was, like everybody
7 else, I was copied on that email from Mr. Burdette and the
8 other one from Kaval or Koval or whatever that other party
9 was, I was also copied on that with reference to the Sheetz.
10 I had a few people ask me, you know, about the Sheetz. Some
11 people aren't opposed, some people are. So I got a little bit
12 of both input on that as far as that was concerned. Some
13 people think Sheetz is a good thing. So other than that,
14 nothing else to report.

15 Audience Participation is Item Number 5 on the
16 agenda. There is no one here in attendance this evening, so
17 there will be no open public comment at this point.

18 MR. REPERT: Anybody on the phone?

19 CHAIRMAN LINGENFELTER: I don't think so.

20 MR. REPERT: I didn't think so.

21 MS. FREEMAN: No.

22 CHAIRMAN LINGENFELTER: Nope. Anything we want
23 to see on the agenda for the next scheduled meeting on
24 February 1st? Chugging right into 2022. Man, we're moving
25 right along here.

26 MR. REPERT: Yeah.

27 MR. IAFELICE: Mr. Chairman, other than maintaining
28 a work session on zoning text amendments might be appropriate
29 as we further this discussion we had this evening.

30 CHAIRMAN LINGENFELTER: Right, okay.

1 MR. REPPERT: The two that we have or the three that
2 we have, getting ready for a public hearing in March.

3 MS. FREEMAN: Yeah.

4 CHAIRMAN LINGENFELTER: Yep.

5 MR. REPPERT: That's it for me.

6 CHAIRMAN LINGENFELTER: Okay, all right. If there
7 is nothing else at this point, I would adjourn this meeting.
8 Have a nice evening, everyone.

9 (Whereupon, the meeting was adjourned at 8:31 p.m.)

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1 STATE OF OHIO)
2 COUNTY OF CUYAHOGA)

CERTIFICATE

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

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

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

17 IN WITNESS WHEREOF, I have hereunto set my hand
18 and affixed my seal of office this 24th day of January
19 2022.

20 *Melinda A. Melton*
21 Melinda A. Melton
22 Registered Professional Reporter

23 Notary Public within and for the
24 State of Ohio

25 My Commission Expires:
26 February 4, 2023

