

CONCORD TOWNSHIP ZONING COMMISSION
LAKE COUNTY, OHIO
REGULAR MEETING

Meeting held via YouTube Live Streaming

Concord Town Hall
7229 Ravenna Road
Concord, Ohio 44077

March 1, 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
Rich Peterson, Member

Also Present:

Heather Freeman, Planning & Zoning Director/Zoning
Inspector
Marty Pitkin, Assistant Zoning Inspector
Abby Bell, Esq., Legal Counsel

Melton Reporting
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Concord, Ohio 44077
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1 7:00 p.m.

2 CHAIRMAN LINGENFELTER: Good evening. I would like
3 to call this Concord Township Zoning Commission meeting for
4 Tuesday, March 1st to order. We have a rather robust agenda
5 today. Under New Business, we have a number of, we have two
6 public hearings today and then a site plan review application
7 and a design review application. So we've got quite a bit of
8 work in front of us, so I'd like to get right into it.

9 Starting off with Item Number 1 on the agenda this
10 evening is a public hearing for Zoning Amendment Application
11 Number 2022-1, by Concord Preserve LLC, requesting a Zoning
12 Resolution Map amendment from the current zoning district of
13 Town Hall Neighborhood to R-1 Residential District for the
14 following properties owned by Concord Preserve LLC and located
15 on Concord-Hambden Road. They are as follows: I am going to
16 dispatch of all the front end numbers because it looks like
17 they're all the same, and I will read the last few digits to
18 give the parcel numbers. That would be 076-0, 077-0, 078-0,
19 079-0, 080-0, and 081-0.

20 I would like to call this public hearing to order
21 and we'll open it up to. I would like to have the applicant
22 first come up and give us a presentation on the project and
23 proposal and then we will open to public comment after that.

24 MR. DAVIS: Yeah. Hi, everyone.

25 CHAIRMAN LINGENFELTER: Hi. Go ahead.

26 MR. DAVIS: George Davis, 7962 Butler Hill Drive.
27 My company is ProBuilt Homes. In this case, I own the
28 property specific LLC called Concord Preserve, and my offices
29 are in Mentor.

30 I am here today to ask to rezone six parcels that

1 are currently zoned Town Hall Neighborhood to the Residential
2 zoning. I am sure everybody is aware but I guess just for the
3 record, I am the entity that built the duplexes on the other
4 side of the street. That was a similar property that was
5 zoned Town Hall Neighborhood and the previous developer, who I
6 bought it off of, rezoned that to Residential. And so I am
7 here tonight to ask to rezone the other side of the street to
8 the same Residential District.

9 And I believe the properties immediately to the east
10 of me were also rezoned to R-1 Residential or in the process
11 of it. That's another entity, not of mine. So, you know, I'd
12 like to continue to build the same duplexes that I did on the
13 south side of the street on those six parcels on the north.

14 CHAIRMAN LINGENFELTER: Okay. Any other comments,
15 any other insight you would like to provide?

16 MR. DAVIS: No. I am here to answer any questions
17 that the Commission may have.

18 MR. PETERSON: What is the purpose of the unzoned
19 lot that goes in between and goes to the property in the back?

20 MR. DAVIS: Yeah. So that property I did sell to
21 Steven Lovick, who is a resident on -- Is that Prouty Road?

22 MR. PETERSON: Ravenna.

23 MS. FREEMAN: Ravenna.

24 MR. DAVIS: Ravenna Road, he's a gentleman on
25 Ravenna Road. So I left him -- It was a little bit complex.
26 His property was in the Osborne bankruptcy.

27 MR. PETERSON: Right.

28 MR. DAVIS: There was an auction. There was a
29 discrepancy in the auction. We ended up in federal appeals
30 court and this was sort of the settlement of that, and Steve

1 and I worked that out. So he has taken ownership of the back
2 piece. We left him access on Concord-Hambden for two reasons.
3 We are going to relocate all the gas well stuff there. That
4 way, you know, that's the access for that, and it gives him
5 frontage on Ravenna because, otherwise, it would be a
6 landlocked piece.

7 MR. PETERSON: Thank you.

8 CHAIRMAN LINGENFELTER: When you say you're going to
9 relocate the gas well --

10 MR. DAVIS: Not the gas well, the driveway.

11 CHAIRMAN LINGENFELTER: Okay.

12 MR. DAVIS: Yeah. If you look on --

13 CHAIRMAN LINGENFELTER: Right, right.

14 MR. DAVIS: It sort of goes --

15 CHAIRMAN LINGENFELTER: Yeah, so it's in that one
16 parcel, the driveway to get back there, correct?

17 MR. DAVIS: Yeah. It goes at an angle and we are
18 going to make that straight.

19 CHAIRMAN LINGENFELTER: Right. So you have no
20 intent or there is no intention or anything to either cap the
21 well or move it or put it anywhere else? It's going to stay
22 where it is, as far as you know?

23 MR. DAVIS: That would be up to Mr. Lovick.

24 CHAIRMAN LINGENFELTER: Right.

25 MR. DAVIS: He was a partner in that Osborne well
26 and, you know, that well hasn't been operating for years. It
27 was in that bankruptcy. And I don't want to speak for
28 Mr. Lovick but I believe his intent is to get that back.

29 CHAIRMAN LINGENFELTER: Right, understood. Thank
30 you.

1 All right. Any other questions from the Board at
2 this point? Frank?

3 MR. SCHINDLER: The gas well, it's an active gas
4 well right now?

5 MR. DAVIS: It's not capped but it has not been in
6 service for, I think, about three years now.

7 MR. SCHINDLER: To the best of your knowledge, if
8 this goes along in your favor, is that going to be capped and
9 plugged and so there is no chance of gas ever seeping out of
10 there again?

11 MR. DAVIS: Well, so I am probably stretching my,
12 you know, I am not an attorney and I try not to play one on
13 TV. But Mr. Osborne passed. He was in a bankruptcy. That
14 gas well is in a partnership with one of the Osborne entities
15 and Mr. Lovick. And that is for them to decide, not myself.
16 But it's, Heather had asked me to provide a supplement with
17 the distance away from the structures and I believe it's 100
18 plus feet, so it's fairly far away.

19 MR. SCHINDLER: It's far away but I know of
20 instances personally myself over the years where gas seeps.

21 MR. DAVIS: Yes.

22 MR. SCHINDLER: And it can get into, depending on
23 the depth and the soil around it, it can creep for a long
24 distance and possibly even get into people's basements.

25 MR. DAVIS: Yeah, I would agree.

26 MR. SCHINDLER: So that's my concern.

27 MR. DAVIS: Yeah. And I would just say that I
28 believe 100 feet is more than adequate for that distance.

29 MR. SCHINDLER: Okay.

30 MR. DAVIS: But it's just my opinion.

1 MR. SCHINDLER: Oh, I understand.

2 MR. DAVIS: Everyone is entitled to their opinion.
3 That's the great thing about America.

4 MR. SCHINDLER: Everyone is entitled to their
5 opinion, of course. I understand that.

6 CHAIRMAN LINGENFELTER: Any other questions, Frank?

7 MR. SCHINDLER: No, that's it right now.

8 CHAIRMAN LINGENFELTER: Hiram?

9 MR. REPPERT: No questions. It was already asked.

10 CHAIRMAN LINGENFELTER: Mr. Iafelice?

11 MR. IAFELICE: Hi, George.

12 MR. DAVIS: Hi, hi.

13 MR. IAFELICE: Conceptually, I am having difficulty
14 carving out a section of land and leaving the rest in the same
15 THN District. So I guess I would ask Heather the history of
16 why property, when, obviously, this was before the conceptual
17 Capital District and Town Center Plan that was this Town Hall
18 Neighborhood envisioned here long ago, correct, is that
19 correct, that created the zoning district, Town Hall
20 Neighborhood?

21 MR. PETERSON: In 2009.

22 MS. FREEMAN: Right. The 2004 Comprehensive Plan --

23 MR. IAFELICE: 2004.

24 MS. FREEMAN: -- suggested that there was a
25 possibility idea of a Town Hall at this crossroads.

26 MR. IAFELICE: I was in high school. Just kidding.

27 MR. REPPERT: Just for the record?

28 MR. IAFELICE: So then were properties rezoned to
29 Residential between Ravenna? The properties that, obviously,
30 they're occupied now by residential homes, have those always

1 been Residential or was Town Hall Neighborhood extended to
2 Ravenna Road? Was it extended to Ravenna Road?

3 MS. FREEMAN: I am not sure if I am understanding.
4 On which side?

5 MR. IAFELICE: So the Town Hall Neighborhood
6 extending directly to Ravenna Road, the yellow district right
7 up there, was that always Residential, the yellow?

8 MS. FREEMAN: Oh, I don't know for sure.

9 MR. IAFELICE: Okay.

10 MS. FREEMAN: I think it was.

11 MR. PETERSON: This part?

12 MR. IAFELICE: Yes.

13 MR. PETERSON: Yeah, that was always --

14 MS. FREEMAN: Like Mr. Lovick, yeah, yeah, I believe
15 that was always Residential. I don't -- yeah.

16 MR. IAFELICE: Okay.

17 CHAIRMAN LINGENFELTER: Wait a minute. Wait a
18 minute. Show me what you're talking about.

19 MS. FREEMAN: So the church is on the corner. That
20 was another Business District that went to Town Hall.

21 MR. IAFELICE: So this here and this parcel.

22 CHAIRMAN LINGENFELTER: These parcels here?

23 MR. IAFELICE: Correct.

24 CHAIRMAN LINGENFELTER: We have the church is on the
25 corner. Those are, that's Residential.

26 MR. IAFELICE: It is now.

27 MR. PETERSON: It always was.

28 CHAIRMAN LINGENFELTER: That's always been
29 Residential, as far as I can recall, going down Ravenna Road.

30 MR. IAFELICE: And then the last piece on --

1 CHAIRMAN LINGENFELTER: And this piece here, that
2 was the old Stephanie -- I can't think of her name.

3 MS. FREEMAN: Mrs. Arnold owned that.

4 CHAIRMAN LINGENFELTER: Stephanie Arnold's property.
5 And at one point in time, that was even, I think that was
6 zoned Manufacturing.

7 MR. IAFELICE: So it was rezoned.

8 CHAIRMAN LINGENFELTER: This, this parcel here.
9 This parcel was made a part of it, the Town, you know, the
10 Town Hall Center.

11 MR. IAFELICE: So taking out what some of the
12 remaining property we have for potentially business, light
13 business, small business or light manufacturing seems to be a
14 detriment to the township to go Residential. For me Concord,
15 between Concord-Hambden and I-90 and looking at the lay of
16 that land, it's not, for me, it's not ideal residential
17 property. So I am, respectfully, not in favor of rezoning for
18 that. So that was, I guess, that's not a question. It's my
19 comment.

20 MR. PETERSON: We rezoned that, this, in the last
21 couple years.

22 MR. IAFELICE: So I know the rezoning on the
23 opposite side. Between Concord-Hambden and I-90 --

24 MR. PETERSON: Right here, too.

25 MR. IAFELICE: Yeah, I am not in favor of that.

26 MR. REPPERT: Did you read what the Planning
27 Commission said?

28 MR. IAFELICE: Yes.

29 CHAIRMAN LINGENFELTER: And I will read that into
30 the record. I have the letter.

1 MR. REPPERT: Yeah, yes.

2 CHAIRMAN LINGENFELTER: And I will read that. That
3 will be, once we're done here with this, then I will read the
4 letter from the Planning Commission into the record and then
5 we'll open it up to public comment. Okay? So that's how that
6 will flow that way.

7 Mr. Peterson, any questions?

8 MR. PETERSON: No, I am good, Andy.

9 CHAIRMAN LINGENFELTER: Any comments? Okay.

10 I have just a couple real general questions. I know
11 there is a couple of things. I received a couple of
12 correspondence from residents and these, there has been some
13 things that have been said in some emails and I just want to
14 get, have an understanding.

15 Are these considered rental units that you're
16 building? Are these for sale for ownership or are these units
17 that are being built for the sole purpose of renting out?

18 MR. DAVIS: Yeah. So if you give me a moment, I can
19 explain that. So it's an interesting time in America. Coming
20 out of the Great Depression of home building, you might say,
21 the crash of '05 through 2013, coming out of that, banks are
22 very averse to multi-family for sale, right? So I've done
23 this. I am doing it in Willoughby currently. I did it on the
24 other side of the street.

25 So for me as a builder, if I wanted to do these for
26 sale, I would get one, I would only be able to get a loan for
27 one building and then I would have to sell 51 percent in every
28 building to get a loan. That's a banking requirement to
29 mitigate risk. So if there is only two, 51 percent is both
30 buildings. So, you know, it could take me 10 years to build

1 those 16 units or eight duplexes.

2 Crazy thing about banking is, if I say I am going to
3 rent them, I can then get the loan for everything at once,
4 which is what we did across the street, able to build them
5 out. It did take a little longer across the street because we
6 ran into a bunch of COVID material issues.

7 CHAIRMAN LINGENFELTER: Sure.

8 MR. DAVIS: And, right now, my engineer is in the
9 process of creating the condominium plat. And in Concord, you
10 can rezone R-1 to condominium, sort of like what was done on
11 Auburn Road. I can't remember the name of the development.
12 So we're working on, we're going to be -- I don't know if I
13 come here or Planning, somewhere, we're coming back to, in a
14 few months, to get those 16 over there condo platted. And
15 then the procedure or the goal is then I will build these six
16 over here or six, which would be 12 units, and then condo plat
17 those.

18 So as tenants come out of these, right, because we
19 are leasing them one year -- they lease for \$2,000 a month --
20 the plan is to, obviously, first of all, offer the residents
21 that are there for sale. But then, hopefully, we will start
22 to then sell those as long as the market's available. That's
23 my structure. Initially, when I started doing this, I was
24 going to keep them all but the market's improved and so it
25 makes sense to sell them.

26 CHAIRMAN LINGENFELTER: What's the status of the
27 homes, the duplexes that you have across the street that you
28 are building, be building across from? As far as those, are
29 those still, are those all rental units now?

30 MR. DAVIS: Yeah, that's what I did. Yeah, the

1 south side, I did, and now I am going to do -- I want to do
2 the same thing on the north side, same structure.

3 CHAIRMAN LINGENFELTER: Okay. So you haven't gone
4 to sell those yet or you haven't moved to do anything beyond
5 just renting those units out at this point.

6 MR. DAVIS: Correct. The first step in that is,
7 now, that we're just getting occupancy on the last duplex. So
8 then, once we close that out, then we're working on the
9 condominium plat, come back through township to plat that as
10 condominiums.

11 CHAIRMAN LINGENFELTER: Because, technically, they
12 are, you know -- I looked up the definition in the Zoning
13 Resolution and, technically, those are considered, they're
14 considered duplexes by the letter of definitions.

15 MR. DAVIS: Correct.

16 CHAIRMAN LINGENFELTER: There is no definition for
17 condo. And there is, you know, the townhouse is really not
18 appropriate even though, because of the townhouse, I think,
19 insinuates more than one floor. And since these are single
20 floor but they do share a common wall, I thought maybe
21 condominium or townhome but they don't fit. Duplex is the
22 truest sense of the definition in our, as far as our zoning
23 text is concerned. So --

24 MR. DAVIS: Yeah. And I may be using the incorrect
25 term. I can't recall the name of the condominium community on
26 Auburn Road. Do you know the one I am talking about, the one
27 that Dawson built years ago?

28 MR. PETERSON: Auburn Ridge?

29 MR. DAVIS: Yeah, Auburn Ridge. It's R-1 with
30 condoized ownership.

1 CHAIRMAN LINGENFELTER: Okay.

2 MR. DAVIS: And that would be the intent here.

3 CHAIRMAN LINGENFELTER: Okay. I don't have any
4 other questions. That was the thing I was most interested in.

5 MR. PETERSON: I have one, Andy.

6 CHAIRMAN LINGENFELTER: Sure.

7 MR. PETERSON: I just wanted clarification. I
8 looked up on the Lake County Auditor's site and it shows that
9 your property tax on those units is just over \$6,100 a year
10 per unit. Is that per building or is that per half?

11 MR. DAVIS: No. Right now, it's just, right now,
12 it's one lot with a duplex on it. So that tax value, some of
13 them haven't rolled up yet.

14 MR. PETERSON: I saw that.

15 MR. DAVIS: But a couple of them have rolled up. So
16 that's the value of that duplex on that one lot.

17 MR. PETERSON: So it's 6,100 per property?

18 MR. DAVIS: Currently. And I don't, just so you
19 know, the Auditor is extremely behind. I am a residential
20 builder as well and, you know, there is houses in Willoughby
21 that people moved, in a development I am building, people
22 moved in two and a half years ago and they're still paying
23 like \$89 in taxes. So I'm not sure if that's the full
24 valuation or a partial valuation. You know, COVID slowed a
25 bunch of that stuff down.

26 MR. PETERSON: Right.

27 MR. DAVIS: So, currently, on those parcels you're
28 talking about, yes, but I am not sure if that's full
29 valuation.

30 MR. PETERSON: Okay. Thank you.

1 CHAIRMAN LINGENFELTER: Anything else, Rich?

2 MR. PETERSON: No.

3 CHAIRMAN LINGENFELTER: Mr. Iafelice, anything?

4 MR. IAFELICE: One other point just to clarify.

5 When I say carve out that piece, if there was a proposal to
6 look at it in its entirety and look at it in a, more of a
7 planning perspective, more of a step-down zoning, you have
8 blue, the business, directly abutting a residential piece of
9 property rather than stepping down, if I am using the right
10 word. I am not a zoning expert. But it abuts the business
11 and I just have, conceptually, difficulty with residential
12 abutting business directly.

13 And then not looking at a more consolidated plan for
14 the entire piece, carving out one piece and leaving the rest
15 as Town Hall Neighborhood, it just seems piecemeal to me
16 rather than more of a plan thought out for the property that
17 best suits the needs of the property and, perhaps, the market.
18 Thanks.

19 MR. DAVIS: Can I make a couple comments on that?

20 MR. IAFELICE: Yeah.

21 CHAIRMAN LINGENFELTER: Sure.

22 MR. DAVIS: So, you know, there is a bunch of grade
23 there, right, which, you know, I forgot what's all in the Town
24 Hall Neighborhood but, you know, there is a lot of grade there
25 to contend with. There is quite a bit of wetlands there.
26 It's stuff that, you know, where we would be putting the units
27 is the non-wetland. Down through that, you know, this has all
28 been delineated. It was part of the public record. At one
29 point, there was going to be a Redwood rental community there
30 that, you know, they wanted to rezone it. It was -- I forgot

1 what it was zoned at the time. So that back part is not
2 easily developed. It would be very expensive to try to
3 develop that.

4 And I do appreciate your comments. I think that,
5 you know, as the other pieces were rezoned Residential, my
6 belief would be the intent was that they were sort of
7 abandoning the Town Hall.

8 MR. PETERSON: You're right, because the north side
9 of that property slopes down to the freeway.

10 MR. DAVIS: Correct.

11 MR. PETERSON: And there is a problem with sewage.

12 MR. DAVIS: Yeah, the sewer, that's another thing.
13 You know, the sewer is not deep enough to service that. You'd
14 have to have a pump station and Lake County Utilities won't
15 allow a pump station any longer, or Randy Rothlisberger does
16 not like them. So it would be difficult to sewer that as
17 well. So there is some complexities there. And I shouldn't
18 say, I shouldn't say Randy Rothlisberger. The opinion of Lake
19 County Utilities is pump stations are problematic, especially,
20 a lot of that is related to the baby wipes that everybody
21 thinks are flushable that clog the pump stations all the time.

22 CHAIRMAN LINGENFELTER: Any other comments,
23 questions?

24 MR. SCHINDLER: Not from me.

25 MR. REPPERT: No.

26 CHAIRMAN LINGENFELTER: Thank you.

27 MR. DAVIS: Thank you.

28 CHAIRMAN LINGENFELTER: Okay. At this point, I will
29 open the public hearing up to public comment. What we'll do
30 is we'll start off on my left, your right of the Town Hall

1 here and we will go row by row. Everybody will have an
2 opportunity to come up and speak if they wish to. When you
3 come up, I will ask that you -- I will swear you in and then I
4 will ask you state your name and address for the record and
5 then you can have your comments.

6 We will start with anyone, at this point, that would
7 be, we're going to start in favor of the rezoning. So your
8 comments would be in favor. So if you are opposed, you will
9 get that. That will be the next phase after this first one.
10 So the first comments will be in favor of and I will start off
11 with row number two? Row number three? Row number four? Row
12 number five?

13 (No response.)

14 Okay. So now we will move over to my right, your
15 left, row number two? Row number three in favor?

16 (No response.)

17 Okay. And I think, do we have a phone person?

18 MS. FREEMAN: Yes.

19 CHAIRMAN LINGENFELTER: On the phone, anybody on the
20 phone in favor?

21 (No response.)

22 Okay. All right. So now we will move to the
23 opposition comments. So if you're opposed to the rezoning on
24 this side of the, on my left, your right, row number one? Row
25 number two? Three? Four? Nobody?

26 (No response.)

27 Over here, row number two? Row number three?

28 Okay. Before you start, raise your right hand.

29 (Ms. Burkhardt was sworn in.)

30 CHAIRMAN LINGENFELTER: Thank you. State your name

1 and address for the record.

2 MS. BURKHARDT: My name is Louise Burkhardt. I live
3 at 7041 Auburn Road near Prouty. I am against it, not only
4 for the fact that all that property behind it is not
5 necessarily landlocked now that he's giving it easement, but
6 it's also really not developed, developable.

7 And if we're not going to stick to a Concord
8 Comprehensive Plan, why did we go to all the expense and
9 bother to have one? I mean, it seems like every time we turn
10 around, we're rezoning something because a developer needs to
11 have it rezoned because it suits their purpose. So I just, I
12 am sorry. I think those condos across the street are probably
13 the ugliest thing since the first phase of Lockwood, but
14 that's just my opinion, and that and 2.50 will get you a cup
15 of coffee. So I just see no point in putting more ugliness in
16 Concord when it should be a beautiful place to live, and it
17 used to be. It's not always been the case recently. Thank
18 you.

19 CHAIRMAN LINGENFELTER: Thank you.

20 Anybody else that has changed their mind and would
21 like to speak in opposition?

22 (No response.)

23 Okay. All right. On the phone, is there anybody on
24 the phone that wants to speak in opposition?

25 MS. PESEC: Sure. This Vanessa Pesecc. Can you hear
26 me all right?

27 CHAIRMAN LINGENFELTER: Yes.

28 MS. PESEC: Great. 11705 Cali Court. I have a
29 couple comments. So as we understand, the applicant wants to
30 zone just a few parcels singled out for residential use that's

1 in an otherwise Town Hall Neighborhood, business zoned parcel.
2 Yet the Town Hall Neighborhood parcel has, as a whole, has
3 manufacturing to the west, Interstate 90 to the north, and
4 business zoned property all along Ravenna Road to the east.
5 This doesn't seem to me really an appropriate place for
6 residential.

7 Plus, as you said, it has a gas well close to the
8 proposed homes and a gas well can be reactivated at any time,
9 especially with enhanced recovery techniques. And in Ohio, a
10 condensate tank exploded and landed 300 feet away, which is a
11 significant risk for any of the residential properties that
12 are being proposed. So a number of these homes and the area
13 in there, like back yard where kids might play, those would be
14 in harm's way. So to have a gas well right next to and near
15 that area is not a good idea.

16 Instead, I think that those parcels should remain
17 uses in the Town Hall Neighborhood. As the woman before just
18 spoke, they're zoned that way and it should stay that way.

19 Further back in 2004, the expert who helped develop
20 Concord's Comprehensive Plan warned that Concord needs all of
21 its business property to stay that way. I think we're 92
22 percent residential and 8 percent business. And in order to
23 keep taxes low, we need to keep all of that property business,
24 not just some of it but all of it. That was the expert who
25 stated that.

26 Okay. Looking back a little bit more historically,
27 the last time this property that we're talking about now, it's
28 a larger whole thing, a developer tried to rezone the property
29 for residential. So Trustee Galloway explained why the Town
30 Hall Neighborhood zoning exists. So this goes to what you

1 were discussing a little bit earlier. So maybe he'll be able
2 to help out a little bit here. He stated, and it's a quote
3 but I took out some of the words just so that it's shorter and
4 more comprehensible:

5 The Town Hall Neighborhood was created as an effort
6 to be more of a softer commercial use between the Quail Hollow
7 PUD, which is a rather dense PUD, manufacturing to the west,
8 the highway to the north, the B-2 Business District, and that
9 is the property that are zoned to the east and, of course,
10 Town Hall Commons, to create a zoning classification that
11 allows some softer commercial uses that would transition and
12 blend well into the residential in the area. And I think that
13 the goals behind that were correct and I think that they were
14 primarily successful.

15 Now, nothing has changed since somebody tried to
16 rezone this property. It's just that you now have a developer
17 in front of you who wants to make some money and build to rent
18 duplex homes, but this is not in the best interest of the
19 township, the zoning or the residents.

20 Further, cramming just six one-acre parcels into an
21 otherwise zoned Town Hall Neighborhood business use is classic
22 spot zoning, which is very bad zoning practice. The
23 definition of "spot zoning," if you can just go to Wikipedia
24 and look and see, is the application of zoning to a specific
25 parcel or parcels of land within a larger zoned area when the
26 rezoning is usually at odds with the city's master plan and
27 current zoning restrictions. Spot zoning may be ruled invalid
28 as arbitrary, capricious, and unreasonable treatment of a
29 limited parcel of land by a local zoning ordinance. While
30 zoning regulations of land use in the whole district, spot

1 zoning makes unjustified expectations for a parcel of part or
2 parcels within the district.

3 So for a number of reasons, I would say that,
4 please, don't allow residential on an area that can generate
5 business income. We need as much business income as possible.
6 Don't allow homes next to a property that is zoned
7 manufacturing. Don't allow homes to be put in harm's way by
8 allowing them near an active gas well. And don't allow spot
9 zoning on the property. Don't give up on good zoning
10 practices. Please vote no on this application. Thank you.

11 CHAIRMAN LINGENFELTER: Okay. Thank you.

12 Is there anybody else on the phone at this point?

13 (No response.)

14 Okay. Anybody else in the audience? Last chance,
15 speak now or forever hold your piece.

16 MR. JOHNSON: Can we ask questions as opposed to
17 agreeing or disagreeing?

18 CHAIRMAN LINGENFELTER: It's a public hearing. If
19 you have some questions, you are more than welcome to come up
20 to the podium and state your name and address for the record
21 and ask away.

22 MR. JOHNSON: My name is Brian Johnson. I live at
23 7219 Gabriel's Landing, Concord. Just the six units that are
24 built currently right now on the south side, was that rezoned?

25 CHAIRMAN LINGENFELTER: Yes.

26 MR. PETERSON: Yes.

27 MR. JOHNSON: Okay. But it was rezoned and, again,
28 as has been pointed out, with the residential areas behind it,
29 obviously, that whole section.

30 CHAIRMAN LINGENFELTER: Correct.

1 MR. JOHNSON: Okay. And that was the thought there.

2 All right. And in the terms of the rentals, I guess
3 that's the issue. That means that you're going to, we'll have
4 people coming and going as long as it stays as a rental.

5 CHAIRMAN LINGENFELTER: Correct.

6 MR. JOHNSON: Correct, okay. And that let's me
7 know, again, I am in support of those being condominiums or in
8 some way purchased by someone, as opposed to the influx and
9 incoming and outgoing of people.

10 CHAIRMAN LINGENFELTER: Okay.

11 MR. JOHNSON: That's my reason. Thank you.

12 CHAIRMAN LINGENFELTER: Thank you.

13 Okay. If that, if that concludes our audience
14 portion, the applicant, if you would like, if you have any
15 follow-up comments based on the information you've heard this
16 evening from the Zoning Commission, as well as the residents,
17 you have an opportunity to respond.

18 MR. DAVIS: Yeah. I just, I guess, I just want to
19 speak to the spot zoning. I would contest that this would not
20 be spot zoning because there are already two pieces, one on
21 the south side and one on the north side, that were already
22 rezoned. So I feel like -- And maybe I am just, maybe this is
23 isn't my place but I feel like, at some point, it was decided
24 that that master plan has changed and the Town Center is
25 somewhere else. And I would say that previous boards must
26 have agreed with that as they started to rezone the individual
27 parcels, both the eight that I now own on the south side and
28 then I don't know if it's one or three parcels -- I think they
29 rezoned it as one and the realtor is intending to split it.
30 That's the piece on the north and it would be to the east of

1 my parcels.

2 So I respect everybody's opinion. It's America.
3 Everybody is entitled to theirs. I just wanted to state that
4 one point.

5 CHAIRMAN LINGENFELTER: Thank you.

6 Okay. If there is no further comment from the
7 audience and the public, I would like to close the public
8 portion of the hearing and move to discussion on the Zoning
9 Commission here. Do we have any, now that we've got the
10 information in front of us, do we have any other comments or
11 observations? Frank?

12 MR. SCHINDLER: Well, I heard in the past always
13 over the years that manufacturing brings in more tax that's
14 going to help offset the tax to the township. Do you remember
15 some years ago, we asked the Auditor to give us figures about
16 that and we found out that, actually, more taxes were
17 generated by residential development than manufacturing? I
18 remember that, and it's been some time ago. So that statement
19 is not correct, in my opinion, based on that information.

20 Secondly, regarding this, I am concerned about the
21 gas well. I have friends, and I can speak with some
22 knowledge, who had a history of a gas well being on a
23 neighbor's property, and there was a pretty big piece of
24 property. But there, because of the different types of soil,
25 they had started to experience, over time, fumes coming into
26 their basement where, to this day, they have to have special
27 exhaust for their home to keep that kind of stuff from
28 building up in their home. So, and I know that can happen.

29 And since there is no guarantee that this well, for
30 example, would be shut down and capped -- And when I mean

1 capped, I mean, if it's done right, they actually take
2 concrete and pour it all the way down that support mechanism
3 for as deep as it is to stop the gas from coming up in the
4 future. And since there is no guarantee for that, in my
5 opinion, I cannot be in favor of this on a safety standpoint.
6 And that's my comment.

7 CHAIRMAN LINGENFELTER: Okay. Hiram, any comments,
8 any questions, any issues?

9 MR. REPERT: The gas well concerns me. I don't
10 know if it's to -- Well, it concerns me, period.

11 CHAIRMAN LINGENFELTER: All right. Anything else?

12 MR. REPERT: No.

13 CHAIRMAN LINGENFELTER: Okay. Mr. Iafelice?

14 MR. IAFELICE: I appreciate the comments about the
15 gas well but safety of the gas well is regardless of the
16 zoning. I mean, regardless of whether there is a light
17 commercial, small commercial building there, it's still a
18 safety matter.

19 So I just scribbled on here, the piece that was left
20 to reserve for the property behind, if it was flipped and it
21 was against the business district, if you know what I am
22 saying, that would give the buffer between, that I actually
23 don't like the residential right up against the business. Am
24 I expressing it the right way?

25 CHAIRMAN LINGENFELTER: Um-hum.

26 MR. IAFELICE: If you flipped the access for the
27 property behind --

28 CHAIRMAN LINGENFELTER: Right. I see exactly what
29 you are talking about.

30 MR. IAFELICE: You do, because I scribbled it in

1 front of you.

2 CHAIRMAN LINGENFELTER: Right.

3 MR. REPERT: But then wouldn't you have, still have
4 to deal with the gas well?

5 MR. IAFELICE: That's, the gas well is the same.

6 CHAIRMAN LINGENFELTER: Right.

7 MR. REPERT: Because that area there, the slice
8 there is for the gas well.

9 MR. IAFELICE: Oh, the driveway is on that parcel?
10 I am sorry.

11 MR. REPERT: Well, no, the driveway is going to be
12 on that parcel.

13 MR. IAFELICE: Oh, well, okay. So I am just asking
14 to switch it.

15 MR. REPERT: You can't. You can't move the gas
16 well.

17 MR. IAFELICE: I thought the well was behind it.
18 I'm sorry.

19 MR. REPERT: No, it's right in the middle.

20 MR. PETERSON: I think there are two, aren't there,
21 one in the back?

22 MR. REPERT: Are there two?

23 MR. DAVIS: Yeah, there's two gas wells, one in the
24 back and the front one that goes to the street.

25 MR. IAFELICE: My bad.

26 MR. DAVIS: The gas well, if I can make some
27 comments on that. So, you know, there is gas wells all over
28 Concord. There is the development at the end of Orchard, the
29 Ryan Homes community. There is a gas well that I believe is
30 about 50 feet from the house. There is numerous gas wells in

1 Nature Preserve North and South that are all less than 100
2 feet. And there are numerous or, at least, one gas well that
3 I know of in -- I don't know. There is Summerwood and there
4 is Concord Pres -- or Concord Ridge and there is gas wells
5 there.

6 So although I appreciate everyone's concern about
7 the gas well, there is no regulation or there is nothing that
8 says that a house can't be built 111 feet from a gas well.

9 And I believe I am aware. The situation you are
10 talking about is in Chesterland, I believe. Is that the one
11 you're talking about?

12 MR. SCHINDLER: That's one of them.

13 MR. DAVIS: Yeah. And so, you know, there is always
14 a chance of everything. There is subdivisions in Painesville
15 where gas wells are 10 feet from basements. So I don't know
16 what I can do about that. You know, how gas wells work is the
17 mineral rights are not owned by -- I don't own those rights.
18 They were given to the partnership that owns the gas well and
19 I don't have the luxury of moving the well. It exists where
20 it does.

21 And I appreciate Mr. Iafelice's suggestion. The
22 practicality of that would be a problem because, even though
23 it's not functioning now, that connects into a line at the
24 street. And we would have to, there is sort of a, if you --
25 you don't have, like, if you look at the full property, there
26 is like the headlands, headwaters of a stream that sort of
27 starts to the west of that gas well. And so, you know, you
28 would have to somehow move that line and go through that
29 stream and then come up in the other area. So it just
30 practically wouldn't work.

1 CHAIRMAN LINGENFELTER: I think that stream is what
2 creates that pond over there.

3 MR. DAVIS: Yes, yes, and most of the wetlands.

4 CHAIRMAN LINGENFELTER: Right.

5 MR. DAVIS: And that stream, I believe it's ground
6 water that's coming up through there because it's not at
7 Concord-Hambden.

8 CHAIRMAN LINGENFELTER: Right.

9 MR. DAVIS: So I've tried to do everything I can.
10 We're at the minimum setback. I have provided all the
11 distance from the gas well. And I just, you know, there is
12 many other communities, many other places where the gas wells
13 are much, much closer.

14 CHAIRMAN LINGENFELTER: Okay. Thank you.
15 Appreciate that.

16 Mr. Peterson, do you have any comments?

17 MR. PETERSON: I do. First of all, the gas well,
18 just, I'll state that I live in Stone Ridge development, Bill
19 Dawson development, and they recently extended our street down
20 to Girdled Road. There were gas wells there that don't seem
21 to be any kind of a problem because they're actually right
22 where the street currently is put in. So I don't really have
23 a concern about that because I believe they can be capped off
24 properly.

25 As far as the comments on spot zoning, I agree, this
26 Board, actually, most of us, rezoned the property on the north
27 and the south side in the last couple years to Residential
28 because Town Hall Neighborhood was getting us nothing other
29 than vacant land. So we did do that. So I don't consider it
30 spot zoning because it's going to all be adjacent to what

1 we've already done.

2 As far as the manufacturing nearby, I look at the
3 condos that are in the Quail Hollow development, they're right
4 across the street from what is considered manufacturing. And
5 that's not really manufacturing. Those buildings over there
6 are very light. In fact, one is vacant. It's been vacant for
7 some time. But it's not heavy manufacturing like we would
8 know it. It's not a steel mill. So I don't see that as a
9 problem. The transition, I don't see as a problem.

10 Business space, yeah, the Town Hall Neighborhood did
11 allow certain amounts of business. I actually looked it up.
12 There is only five different kinds of businesses allowed in
13 the TCN -- or THN, and all of those are allowed in the other
14 districts which we still have, which is a Town Hall Commons
15 and also the B-2 Business District. They're all there and we
16 have a lot of vacant land there that we haven't touched. And
17 that goes all the way from I-90 down to where the trail
18 crosses Ravenna Road or Auburn -- yeah, Ravenna Road. So
19 there's plenty of space available without this.

20 We have a recommendation, which Andy is going to
21 read, I think, that tells us that we probably ought to
22 consider getting rid of the Town Hall Neighborhood zoning. At
23 one time, plans were different. But as time has gone by since
24 2004 and 2009, all of our business development has taken place
25 in the corridor over by Crile Road and Auburn Road and that's
26 probably our future. So this, this would probably sit as a
27 field for as long as we're going to live, probably.

28 So, frankly, I don't see a problem. Andy, my
29 opinion is that I don't see any real negatives.

30 CHAIRMAN LINGENFELTER: Okay, very good. Thank you,

1 Rich.

2 I think it's important that we talk a little bit
3 about the zoning history. You know, we do have a staff report
4 that covers the zoning history and we also have a kind of a
5 synopsis of the Comprehensive Plan.

6 And it speaks to, ma'am, to your comments with
7 regards to the Comprehensive Plan. I think it's important
8 that we understand or, at least, understand the direction and
9 what went on.

10 First of all, this property was zoned Manufacturing
11 in 1961. Okay? So that goes back quite a ways. And in May
12 of '73, it was rezoned from Manufacturing to General Purpose.
13 And then in 1979 it was rezoned from General Purpose back to
14 Manufacturing. And then in 2010, in May of 2010, the property
15 was rezoned from Manufacturing to the Town Hall Neighborhood.
16 So this property has been zoned as Town Hall Neighborhood for
17 well over a decade. Okay? We're, you know, this is 2022. It
18 was done in 2010. So it's been 12 years that this has been
19 zoned Town Hall Neighborhood.

20 We've had what I would consider -- and I've been on
21 the Zoning Commission, well, not back in the '60s but, you
22 know, since two thousand -- Well, I was part of the rezoning
23 process in 2010 and, you know, that property has been vacant
24 since I can remember. I've been in the township for 30 years.
25 I've been a Concord Township resident since 1988. And the,
26 this property, we've had very little interest over the years.
27 We've had a few proposals come in. Somebody wanted to build,
28 I think they wanted to build an apartment complex. Well,
29 that, that went down in flames. And, you know, we really
30 haven't had a whole lot of interest in this area.

1 And when you think about it, it's not, it's really
2 not the greatest of locations as far as business is concerned.
3 What is around that general area? You have to ask yourself,
4 what is going to be the attractive feature of that property
5 and its location? And there really just isn't a whole lot.
6 It's not close to the freeway. I mean, it's reasonably close
7 to the freeway but it's not close to the freeway. You know,
8 you've got Ravenna Road. You've got a church. You've got 90
9 behind it. You know, there is just, there is a couple of
10 office, you know, office buildings further west down
11 Concord-Hambden Road there. And you've got, across the
12 street, you've got Quail Hollow and those condos.

13 So there really hasn't been a lot of interest shown
14 in this property over the years. I haven't had to deal too
15 many times as a zoning commissioner with rezone requests or
16 any special things that go on over there. This is, you know,
17 I think that we have to look at that as an issue.

18 When we talk about tax generation and revenue
19 generation, I mean, it hasn't generated any revenue since
20 1961. So let's not fool ourselves about revenue generation in
21 that regard.

22 In 2004 when we look at the Comprehensive Plan, the
23 Comprehensive Plan recommended that the township consider
24 rezoning the area previously Manufacturing to a zoning
25 classification that would support the Town Hall or mixed-use
26 concept. So that was kind of the concept that we came up with
27 was, you know, this Town Center, Town Hall, the Town Hall
28 Neighborhood to give us a little bit of mixed-use opportunity
29 there. And the idea of Town Center at the Crossroads of
30 Concord-Hambden Road and Ravenna Road was first being

1 considered in the plan. The plan further states that there is
2 support to rezone the Manufacturing District should there be a
3 need to expand the Town Center concept. Well, again, this has
4 been in this mode for a number of years and we've had very
5 little to no interest.

6 In 2006, the Crile Road Corridor Study was, shifted
7 the location of the Town Center from the previous location to
8 the Capital Parkway and Discovery and Auburn Road, and those
9 zoning or land use recommendations were made in the plan for
10 this area at that point in time.

11 And then in 2015, the Comprehensive Plan Update did
12 not have any specific recommendations for this area or the
13 Town Hall Neighborhood District.

14 So there hasn't been a whole lot of interest or
15 recommendations over the years from the Comprehensive Plan as
16 well. It's been, I think, it's been rather vanilla in terms
17 of making, giving us any real direction on what they wanted to
18 see or what the township wanted to see in that process.

19 So I think that history is important. I think it's
20 important for people to understand that this has been a,
21 basically, a piece of land for decades. And even though we've
22 made several attempts to change the zoning to make it
23 attractive, for whatever reason, it just doesn't seem to get
24 any traction.

25 So then as a Zoning Commission, we get, we have to
26 deal with what makes the most sense in this process, and
27 that's where it becomes difficult. Obviously, when we start
28 talking about converting things into residential and bringing
29 in that type of a situation, that, obviously, creates some
30 consternation with some of the residents, and I understand

1 that.

2 But as far as revenue generation and tax generation
3 is concerned, I think we would certainly be much better off as
4 a township having homes there and having taxes being paid in
5 that regard than what we're getting right now because it's
6 basically vacant land and it has been for decades. So I think
7 that, from a revenue standpoint, I think that certainly is a
8 step in the right direction anyway. Whether that's what you
9 want to see there or not, it's kind of where we're at.

10 I think, also, it's important that, as a part of the
11 record, the Lake County Planning Commission took this topic
12 under consideration and they submitted a letter to Heather and
13 we have it here for the record and I'd like to add this into
14 the record at this point.

15 It says that, "The Lake County Planning Commission
16 took under consideration the above-mentioned zoning district
17 change at their regularly scheduled meeting on Tuesday,
18 February 22, 2022. The Lake County Planning Commission
19 recommended that you make the district amendment. They also
20 recommended that you consider changing the district for the
21 remaining 10.93 acres from THN to R-1 and eliminate the THN
22 from District -- the THN District from Concord Township Zoning
23 Resolution. We are happy to help with any aspect of this
24 recommendation. If you have any question, please feel free to
25 call David Radachy, Director." Okay. And that was dated
26 February 23rd. So --

27 And just to be, just to be, to clarify, you know,
28 the Lake County Planning Commission, they're a recommending
29 body, just like we are to the Trustees. What they say, what
30 they recommend doesn't always necessarily carry a whole lot of

1 weight in our decision-making process. We don't always follow
2 their recommendations. Sometimes they say that we should go
3 with the process and we don't, and sometimes they say we
4 shouldn't go with it and we do. So it's not a guarantee.
5 It's not a rubber stamp. It's not a process that just kind of
6 sails right through and we follow everything that they say.
7 But they are a recommending body and we do take their comments
8 and recommendations seriously, obviously, because that's their
9 job and our job is to listen. So, but that's in the, I would
10 like that entered into the record as well.

11 At this point, I don't really know that there is any
12 other discussion. Anybody else want to make any comments up
13 here?

14 MR. PETERSON: Staff recommendations.

15 CHAIRMAN LINGENFELTER: Oh, yes, thank you, Rich.
16 That's a good point.

17 There was a staff report that was put together and
18 that was where I read the history of the zoning on this parcel
19 and this area, this property. And the staff recommendation is
20 that the Zoning Commission should recommend approval of the
21 proposed Zoning Map amendment of the Board of Trustees -- to
22 the Board of Trustees, I should say. And so the
23 recommendation from the Zoning Department is to grant this
24 zoning as well.

25 So with that said, if there is no other comments, I
26 would like to close the public hearing.

27 MR. SCHINDLER: Mr. Chairman, there was two mails
28 sent to everybody in regards to this on denying the rezoning.

29 CHAIRMAN LINGENFELTER: Right.

30 MR. SCHINDLER: Just make that as part of record,

1 too, from the two individuals.

2 CHAIRMAN LINGENFELTER: Sure.

3 MR. PETERSON: Isn't that at the end when we do
4 our --

5 CHAIRMAN LINGENFELTER: Well, we can, well, I think
6 it would be -- it's appropriate. I think we can put that in
7 now because those were comments directed specifically to this
8 issue. So, yes, I think that's a good idea.

9 Thank you, Frank. I appreciate that.

10 MR. REPERT: Can we read those?

11 CHAIRMAN LINGENFELTER: Sure, absolutely. Here,
12 yeah, there were two. I received these emails as well, so I
13 can affirm that this did take place today.

14 Let me see here. This one was from -- Let me see.
15 I think it was from Tony and Jackie Evangelista. They said,
16 "Regarding the Concord-Hambden zoning application, rezoning
17 application, since the property borders Concord-Hambden and
18 I-90, with an active gas well, building nice homes is
19 unrealistic. We definitely don't need more cheap rental units
20 that we see on the opposite side of the street built by this
21 company. Consequently, we would much prefer to have business
22 establishments on the proposed rezoning property since it
23 would reduce our taxes. Please vote no on rezoning the
24 property. Once the eastern half of Concord is more fully
25 developed, businesses will be more attracted to these parcels.
26 Thank you, Tony and Jackie Evangelista."

27 And then the other email is also dated today. "I am
28 a 16-year resident of Concord and request that the zoning
29 board members do not rezone this Residential. We do not need
30 more rentals in Concord. Listen to the citizens, not the

1 developers. Respectfully, Tina Kaval Woodin, 11211 Prouty
2 Road, Concord Township."

3 Thanks, Frank.

4 MR. SCHINDLER: You're welcome.

5 CHAIRMAN LINGENFELTER: All right. So you can sit
6 down if you would like.

7 MR. DAVIS: Okay, thanks.

8 CHAIRMAN LINGENFELTER: I don't want you standing
9 there for the rest of the evening.

10 At this point, I would like to close the public
11 hearing. And if there is no further comment, I would like to
12 get a motion to the -- It must be in the affirmative, by the
13 way.

14 MR. PETERSON: Mr. Chairman, I'll make a motion that
15 we approve the zoning change from Town Hall Neighborhood to
16 R-1 for the property listed in this Item 1 of our agenda.

17 CHAIRMAN LINGENFELTER: Counsel, do we need to be
18 specific with that?

19 MS. BELL: Would you like to read the parcel
20 numbers?

21 MR. PETERSON: The whole thing?

22 MS. BELL: Yeah. Sorry.

23 MR. PETERSON: I thought you'd do that. All right.

24 CHAIRMAN LINGENFELTER: You tried to sneak out but
25 it didn't work.

26 MR. PETERSON: Mr. Chairman, I make a motion we
27 approve the rezoning from Town Hall Neighborhood to R-1 for
28 the property located on Concord-Hambden Road, permanent
29 parcels number 08-A-014-0-00-076-0, 08-A-014-0-00-077-0,
30 08-A-014-0-00-078-0, 08-A-014-0-00-079-0, 08-A-014-0-00-080-0,

1 and 08-A-014-0-00-081-0. Now I see why no one wanted to make
2 the motion.

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

4 MR. REPERT: Mr. Chairman, I will second the
5 motion.

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

8 MS. FREEMAN: Yes, I will. Mr. Peterson?

9 MR. PETERSON: Yes.

10 MS. FREEMAN: Mr. Reppert?

11 MR. REPERT: Yes.

12 MS. FREEMAN: Mr. Iafelice?

13 MR. IAFELICE: Yes.

14 MS. FREEMAN: Mr. Schindler?

15 MR. SCHINDLER: No.

16 MS. FREEMAN: And Mr. Lingenfelter?

17 CHAIRMAN LINGENFELTER: Yes.

18 Okay. Let the record reflect that there were four
19 ayes, one nay, and no abstentions. The proposal for
20 Application Number 2022-1 has been approved. So that --

21 MS. FREEMAN: Recommended for approval.

22 CHAIRMAN LINGENFELTER: Recommended, yes.

23 MS. FREEMAN: We'll now put this in front of the
24 Trustees and they will have a public hearing.

25 CHAIRMAN LINGENFELTER: Recommended for approval,
26 correct. Thank you, correct.

27 MS. FREEMAN: Just a clarification.

28 CHAIRMAN LINGENFELTER: Okay. Next on the agenda is
29 Item Number 2. It's a public hearing for the following zoning
30 text amendments as initiated by the Zoning Commission. There

1 are three amendments and they are known as:

2 Amendment Number 1, which would be to amend
3 Section 16.24, Permitted Density and Open Space Requirements
4 to add new Section F, Environmental Restoration Plan;

5 Amendment Number 2, to amend Section 16.24(C)(e), in
6 parenthesis, to change landscape plan requirement to
7 restoration plan;

8 And Amendment Number 3, which is to amend 16.02,
9 Section 16.02.

10 MR. REPERT: 6.02.

11 CHAIRMAN LINGENFELTER: 6.02, correct. Oh, did I
12 say 16? I did. Thank you for catching that. Let me start
13 over again.

14 Amendment Number 3 would be to amend Section 6.02,
15 Prohibited Uses to add new Section (J), in parenthesis,
16 Medical Marijuana Retail Dispensaries.

17 Okay. And we have a memorandum from the Zoning
18 Department and we also have a comment from the Lake County
19 Planning Commission and we have the draft text here as well.

20 So, Heather, why don't you give us a little
21 presentation on what we've got going on here.

22 MS. FREEMAN: Just some background for anyone here
23 who has not been following the Zoning Commission work
24 sessions, as this Board knows, you've been -- You've had a lot
25 of work sessions to update the Section 16 that relates to
26 Residential Conservation Development Districts, and one of the
27 missing pieces that we had had to do with requiring an
28 environmental restoration plan for any new proposed RCD that
29 might have previously disturbed lands. So with the first two
30 amendments that are proposed this evening, those would be the

1 text amendments that would require that environmental
2 restoration plan and maintenance plan.

3 I do want to note that I did not have the Lake
4 County Planning Commission's recommendation when I put the
5 memo together, so we may want to discuss their
6 recommendations, which I know you haven't brought into the
7 record yet but when you do get to that, I would like to
8 comment on those.

9 Also, the third amendment had to do with, unrelated
10 to the RCD, this Board took a look at medical marijuana
11 retail dispensaries and you were deciding at this point that
12 it would be in the best interest of the township to prohibit
13 those, knowing that recreational could be coming down the line
14 and we will address that as it permits and what we're allowed
15 to do.

16 If you would like, I mean, I could, you know, the
17 Lake County Planning Commission, Mr. Chairman -- if you don't
18 mind, I can just bring it up -- did review these at their
19 February 22nd meeting as well. In this correspondence here
20 dated February 23rd, they did recommend that the amendments be
21 made but they had some potential changes.

22 The first one has to do with our first amendment and
23 they're asking us to please decide, be consistent with our
24 terminology. We referred to "restoration plan" and then we
25 also said "environmental restoration plan." I would probably
26 agree with that. And this would relate to our first amendment
27 in Section 16.24(C)(e). I would probably propose that, under
28 where we state "a restoration plan," that we should probably
29 change that, modify that to say "an environmental restoration
30 plan shall be provided to the township." I think that would

1 clear that up to be consistent.

2 CHAIRMAN LINGENFELTER: Okay.

3 MS. FREEMAN: It looks like, in the other sections,
4 we're calling it an environmental restoration plan. That
5 would be the one section that I think that we should, that we
6 should accept their recommendation.

7 CHAIRMAN LINGENFELTER: Yeah. I think, for a matter
8 of consistency, I think that's a good idea.

9 MS. FREEMAN: And then they also had a couple other
10 recommendations. Define what a maintenance plan is and what
11 they expect the developer to do with the maintenance plan.
12 And then section -- or their third had to do with just kind of
13 reword something, the way we wrote Section 16.21(F)(1) to
14 read, "The plan should seek to replicate, expand or enhance
15 adjacent natural cover utilizing only native species and
16 minimal cultivars of native species," which we have that in
17 there. But they said that we should put the, rearrange the
18 sentences and put our other sentences after it, stating that
19 plan shall utilize the ODNR Division of Natural Areas and
20 Preserve's Ohio Native Plant species list for plant section.
21 So --

22 MR. REPERT: Don't we have that down in (c)?

23 MS. FREEMAN: We do.

24 MR. REPERT: 2(c)?

25 MS. FREEMAN: Yeah. This is 16.24(F). Yes, we put
26 that under (F)(2)(c). They were just suggesting that we maybe
27 move that up to be the second sentence under Number 1 there.
28 I don't think it changes anything. So I really don't have a
29 preference on that.

30 And then I think to define what the maintenance plan

1 is, I think, would be difficult because, depending on what the
2 restoration plan is presenting, it would be different. So I
3 don't know. But I would agree with their first
4 recommendation. And if this Board had any other discussion on
5 2 and 3, you know, we can have that.

6 MR. REPPERT: Well, we basically tell them what to
7 do with an environmental restoration plan.

8 MR. PETERSON: Right.

9 MR. REPPERT: We tell them what to do there. What's
10 a regular maintenance plan?

11 MR. PETERSON: We are changing the previous
12 paragraph to call it an environmental though.

13 MR. REPPERT: What was that again?

14 MR. PETERSON: Well, the first comment was to add
15 the word "environmental" restoration plan.

16 MR. REPPERT: Right, we're taking care of that.

17 MR. PETERSON: Yeah.

18 MR. REPPERT: But later on, we say a restoration and
19 seasonal maintenance plan and, where, I thought I read in here
20 a maintenance plan.

21 MS. FREEMAN: Oh, yeah, on their suggestion for
22 Number 2. The way I read that, I think they were talking
23 about the seasonal maintenance plan but now I'm not really
24 clear on their second recommendation.

25 MR. PETERSON: What is a maintenance plan?

26 MR. IAFELICE: Mr. Chairman.

27 CHAIRMAN LINGENFELTER: Yes, sir.

28 MR. IAFELICE: Heather, yes, I believe that is what
29 they're referring to.

30 MS. FREEMAN: Okay.

1 MR. IAFELICE: And I also agree with you that we
2 don't try to define it. In my opinion, that would take us
3 backwards six months in this discussion on this item. So
4 depending upon the restoration plan, you can't define what the
5 maintenance plan is going to be. So while I respect asking
6 for the definition, which is what we attempted to do, which is
7 why we don't have it because it can't really be defined until
8 we have a restoration plan. So I am comfortable with the text
9 as we've submitted it here for public hearing.

10 CHAIRMAN LINGENFELTER: I just want to make sure
11 that we're clear that, when we do the motion, because we'll
12 vote on each amendment individually, that when we look at
13 Amendment Number 2 -- because from what I am seeing, this is
14 where this is the appropriate change -- we would need to
15 change, under (e), the small letter (e), where we've got some
16 red strikeout and then we have, the sentence there starts with
17 "a restoration landscape plan" with "landscape" stricken, we
18 want to make that "an environmental restoration plan." That
19 would make the rest of that consistent with everything in F
20 because their F, it's restoration is, environmental
21 restoration plan is referenced one, two, three times.

22 So -- And I didn't see any other restoration plan
23 verbiage that left out "environmental" in F. So I think that,
24 under that lower case (e), making that "an environmental
25 restoration plan," I think, will clear that up and make us
26 consistent there. So I want to make sure, when we do the
27 motion, that we specifically call that out with that change.
28 Okay.

29 MS. BELL: You could also make the motion to say
30 that you recommend the amendment inclusive of whatever number

1 that is on the Lake County Planning memo to us.

2 CHAIRMAN LINGENFELTER: Correct.

3 MS. BELL: So whatever way.

4 CHAIRMAN LINGENFELTER: Yes. Okay. Any comments at
5 this point from the Zoning Commission up here? Any comments
6 or remarks to discuss?

7 Okay. Then what I would like to do is open this up
8 to public comment. The public portion is open and what I
9 would like to do is to my left, your right, ask if there is
10 anyone on the left part of the room here that would like to
11 speak in favor of making these changes? Anyone?

12 (No response.)

13 On my right, your left, is there anyone over here on
14 that side of the room that would like to speak in favor of
15 these amendments?

16 (No response.)

17 Okay. Anybody on the phone? We don't --

18 MS. PESEC: This is Vanessa. I am not against or in
19 favor. I just had a question. On where the little (e) that
20 starts with, "any area within the designated open space."
21 "However, land that is disturbed during construction or
22 otherwise not preserved in its natural state shall be restored
23 with vegetation that is compatible with the natural
24 characteristics of the site. A restoration plan shall be
25 provided to the township," and then it goes on.

26 And so those two sentences, is it clear or is it
27 true that all of the land that's disturbed will require a
28 preliminary restoration plan as provided in section -- what
29 was that -- big F? So regardless of how it's disturbed,
30 during construction or otherwise not preserved in its natural

1 state, everything will require such a restoration plan. Is
2 that true?

3 MR. REPPERT: Just open area.

4 MR. PETERSON: Yeah, it's the open area.

5 MR. REPPERT: Yeah.

6 CHAIRMAN LINGENFELTER: Well, now, Vanessa, are you
7 specifically speaking to the desig -- because this is just for
8 the designated open space. So is that --

9 MS. PESEC: Right, yes, exactly, yes. So in little
10 letter (e), you know, it says designated open space is to be
11 preserved. However, land that is disturbed during
12 construction or otherwise not preserved in its natural state
13 shall be restored with vegetation, and then it says a
14 restoration plan shall be provided.

15 So I just wanted to verify that all of the land
16 that's disturbed during construction or otherwise not
17 preserved in its natural state would require the restoration
18 plan as stated in large letter F, Capital F.

19 MR. PETERSON: No. It's only in the open area. The
20 rest of it is residential.

21 MR. REPPERT: Designated open space.

22 MR. PETERSON: Yeah, the rest is residential.

23 MR. REPPERT: That's right.

24 CHAIRMAN LINGENFELTER: And it specifically calls
25 that out in (e). It specifically says "designated open
26 space," and it doesn't leave a whole lot of wiggle room
27 because it says "shall be restored." So it's not "may be
28 restored" or "could be restored," it "shall be restored." And
29 that is under small letter (e).

30 And then in, under F, it gets into very specifics as

1 to what needs to be done and, again, it directly addresses
2 open space areas that include previously disturbed lands.

3 So I think we kind of went through this a number of
4 times and I think we hammered this down pretty tight. And I
5 think that we've got, other than changing the verbiage under
6 the small letter (e) to "an environmental restoration plan"
7 instead of "a restoration plan," I think, other than that, I
8 think it's pretty specific and pretty targeted.

9 MS. PESEC: Yeah, but I think it's, I think -- I am
10 really happy that, you know, there is a nice formal plan that
11 has great steps and somebody who is certified in that area
12 would help put it together. I think that's really useful.

13 And then under capital F where it says
14 "Environmental restoration plan," any proposed open space
15 areas that includes previously disturbed lands.

16 CHAIRMAN LINGENFELTER: Correct.

17 MS. PESEC: Shall provide this plan. And so, again,
18 that means such as an old farm field. So, but that would also
19 include land from, that was disturbed through construction.

20 CHAIRMAN LINGENFELTER: No, no.

21 MR. IAFELICE: No.

22 MS. PESEC: Let's say they took away, they took off
23 all the trees.

24 CHAIRMAN LINGENFELTER: No, no.

25 MS. PESEC: Timbered all the trees. Would that be
26 included in here?

27 CHAIRMAN LINGENFELTER: No. Vanessa, you're
28 conflating the two issues. You're conflating construction
29 space that's going to be residential property with designated
30 open space. This is geared specifically to the open space.

1 So trees that are cut down where houses are going to be built
2 that are going to be platted as residential --

3 MS. PESEC: Eagle Pointe or whatever it was --

4 CHAIRMAN LINGENFELTER: It's not the same.

5 MS. PESEC: Eagle Point, they timbered all the trees
6 that were in the open space, so they took them all because
7 they were valuable and then they designated it as open space.
8 So in a case like that, in the future, that timbered open
9 space would have to then have an environmental restoration
10 plan.

11 CHAIRMAN LINGENFELTER: As long as it's in the open
12 space, that's correct.

13 MS. PESEC: Okay.

14 CHAIRMAN LINGENFELTER: If it's in the open, if it's
15 in designated open space, then they have to have a
16 restoration, an environmental restoration plan and it's very
17 specific what needs to be done.

18 MS. PESEC: And that would be anytime they disturb
19 anything.

20 CHAIRMAN LINGENFELTER: In the open space.

21 MS. PESEC: How long ago?

22 CHAIRMAN LINGENFELTER: You've got to finish that
23 sentence, in the open space, not anything.

24 MR. REPPERT: It says right there.

25 MS. PESEC: Yeah. And I am just trying to be
26 specific, such as an old farm field. I mean, how long, just
27 to be clear on Section F, when is it too long ago that they
28 don't need to restore it any longer?

29 CHAIRMAN LINGENFELTER: Well, when you go back, if
30 you --

1 MS. PESEC: Two years ago? Five years ago? Ten
2 years ago?

3 CHAIRMAN LINGENFELTER: Right. Well, Vanessa --

4 MS. PESEC: If you use an example of an old farm
5 field.

6 CHAIRMAN LINGENFELTER: Right. But if you go back
7 to item small letter (e), okay, under 16.4(C).

8 MS. PESEC: Yeah.

9 CHAIRMAN LINGENFELTER: Okay? And small letter (e),
10 the first sentence, pretty straightforward, it says "any area
11 within the designated open space is to be preserved in its
12 natural state."

13 MR. PETERSON: I think, Andy, what she is saying
14 though, if it was a farm field for 50 years or 75 years, do
15 they have to plant trees? No, they don't have to plant trees.
16 If the developer buys it and it's a field, it stays a field,
17 right?

18 MR. REPPERT: Correct.

19 CHAIRMAN LINGENFELTER: It's to be preserved in its
20 natural.

21 MR. PETERSON: Well, it's natural state was once a
22 forest, is what she is saying, and it wasn't a forest when
23 the developer bought it. So if he disturbs the field, the
24 field has to be restored. He doesn't have to plant a forest.

25 CHAIRMAN LINGENFELTER: If it's in the open space.

26 MR. PETERSON: Correct.

27 CHAIRMAN LINGENFELTER: Right. If it's in the open
28 space, that's the key. This is dealing with open space, not
29 the entire parcel.

30 MR. PETERSON: Right.

1 MS. FREEMAN: Mr. Chairman, if I can maybe add
2 something.

3 CHAIRMAN LINGENFELTER: Please.

4 MS. FREEMAN: I think, Mr. Peterson, your example
5 might not be necessarily accurate.

6 MR. PETERSON: I thought that's what she was saying.

7 MS. FREEMAN: So if a developer buys a piece of land
8 that was farmed and then they want to come in for RCD, we will
9 be asking for, how are you going to restore this old farm
10 field? That is the purpose and intent of asking for --

11 MR. PETERSON: Restore farm fields to what?

12 MS. FREEMAN: Right, exactly. There's going to be
13 old drainage tiles in there, noxious weeds, potentially. We
14 want to know how the developer is going to propose to make
15 that a nice open space and bring it back to something more
16 natural to the area.

17 MR. PETERSON: But it doesn't have to be restored as
18 forest.

19 MS. FREEMAN: Not necessarily forest, right. We're
20 leaving that up to their expert to tell us what is the best
21 way to bring this back to something more natural.

22 MR. PETERSON: Right, I understand.

23 CHAIRMAN LINGENFELTER: We good?

24 Vanessa, you okay with that?

25 MS. PESEC: Yeah, I couldn't hear very well. But if
26 you guys think that the township is well protected, then
27 that's fine.

28 CHAIRMAN LINGENFELTER: Well, I think the point --
29 and it was difficult to hear Heather. So I am sure being
30 where the phone is, you're on the other side of the room. So

1 I am sure you had a difficult time hearing what she said.
2 But, basically, her comment was that, you know, if it's been a
3 farm, you know, but at one point in time it was a forest, you
4 know, that's regardless of the fact it's an open farm area and
5 so their obligation would be to keep it in its natural open
6 field status, not to replant a forest, right, or isn't that
7 kind of what you said, Heather, or no? Did I miss that?

8 MS. FREEMAN: Not really, no.

9 CHAIRMAN LINGENFELTER: All right. That's why I
10 don't like being the middleman.

11 All right. Any other comments, Vanessa?

12 MS. PESEC: Nope, that's it. Thanks.

13 CHAIRMAN LINGENFELTER: Okay. Is there anybody in
14 the room this evening that would like to speak in opposition
15 to these amendments being put into the zoning text? Anybody?
16 Anybody in the room? We will just leave it open.

17 (No response.)

18 Okay. If there is no further comments, then at this
19 point I will close the public portion and we will go back to
20 discussion with the Zoning Commission. Any other comments?
21 Frank, any comments on this?

22 MR. SCHINDLER: None, Mr. Chairman.

23 CHAIRMAN LINGENFELTER: Okay. Hiram?

24 MR. REPERT: I would like to make sure that we are
25 ignoring Number 3 comment from Lake County Planning.
26 Everybody in agreement with that?

27 CHAIRMAN LINGENFELTER: Yes.

28 MR. IAFELICE: Yes.

29 CHAIRMAN LINGENFELTER: Yes.

30 MR. REPERT: Okay.

1 MR. IAFELICE: That wasn't quite in harmony but --

2 CHAIRMAN LINGENFELTER: Right.

3 MR. REPERT: And then Number 2, we are ignoring
4 that one, also, the maintenance plan?

5 CHAIRMAN LINGENFELTER: Yes.

6 MR. IAFELICE: Yes.

7 CHAIRMAN LINGENFELTER: Yes.

8 MR. REPERT: Okay. And then Number 1, we are
9 putting in the "environmental."

10 CHAIRMAN LINGENFELTER: Right. We're making that
11 consistent, correct. And we'll make sure that when we make
12 the motion --

13 MR. REPERT: We add that in.

14 CHAIRMAN LINGENFELTER: We include that little
15 revision.

16 Okay. Mr. Iafelice, any comments?

17 MR. IAFELICE: No, nothing, Mr. Chairman.

18 CHAIRMAN LINGENFELTER: Mr. Peterson?

19 MR. PETERSON: No, sir.

20 CHAIRMAN LINGENFELTER: Okay. I guess that's pretty
21 much it. I don't have any comments myself. We've made,
22 again, we're going to, we're going to do this amendment by
23 amendment. So we've got three different amendments so we will
24 bring, we will make a motion for each one. Make sure that we
25 reference the one change that we made and I think that would
26 be appropriate to --

27 MR. REPERT: Amendment Number 2.

28 CHAIRMAN LINGENFELTER: Amendment Number 2, yes,
29 because that's where the small letter (e) is and that's where
30 that change is. So we want to make sure that we make that

1 amendment or that addition in Amendment Number 2. So we will
2 make a motion for each amendment and we would take a voice
3 roll on each one and do the whole thing. So --

4 MR. REPERT: Mr. Chairman.

5 CHAIRMAN LINGENFELTER: Yes.

6 MR. REPERT: I would like to make a motion for
7 Amendment Number 1 to amend Section 16.24, which is Permitted
8 Density and Open Space Requirements to add new Section F,
9 Environmental Restoration Plan.

10 MR. PETERSON: I'll second that motion.

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

13 MS. FREEMAN: Mr. Schindler?

14 MR. SCHINDLER: Yes.

15 MS. FREEMAN: Mr. Reppert?

16 MR. REPERT: Yes.

17 MS. FREEMAN: Mr. Peterson?

18 MR. PETERSON: Yes.

19 MS. FREEMAN: Mr. Iafelice?

20 MR. IAFELICE: Yes.

21 MS. FREEMAN: And Mr. Lingenfelter?

22 CHAIRMAN LINGENFELTER: Yes.

23 Okay. Let the record reflect there were five yeas,
24 no nays, no abstentions for Amendment Number 1. So that is
25 moved on for approval.

26 Let's do Amendment Number 2.

27 MR. PETERSON: Mr. Chairman, I make a motion we
28 approve Amendment Number 2, amending 16.24, Section (C), small
29 (e), to change landscape plan requirement to restoration plan
30 with the change in the sentence that reads "an environmental

1 restoration plan."

2 CHAIRMAN LINGENFELTER: Okay.

3 MR. IAFELICE: I will second that motion,
4 Mr. Chairman.

5 CHAIRMAN LINGENFELTER: We have a motion made and
6 seconded. I think that covers it. We're good there.
7 Heather, call a roll, please.

8 MS. FREEMAN: Mr. Reppert?

9 MR. REPPERT: Yes.

10 MS. FREEMAN: Mr. Peterson?

11 MR. PETERSON: Yes.

12 MS. FREEMAN: Mr. Iafelice?

13 MR. IAFELICE: Yes.

14 MS. FREEMAN: Mr. Schindler?

15 MR. SCHINDLER: Yes.

16 MS. FREEMAN: Mr. Lingenfelter?

17 CHAIRMAN LINGENFELTER: Yes.

18 Let the record reflect we had five ayes, no nays,
19 and no abstentions for Amendment Number 2.

20 I will consider a motion for Amendment Number 3.

21 MR. IAFELICE: Mr. Chairman, I would like to make a
22 motion to amend Section 6.02, Prohibited Uses to add new
23 Section (J) Medical Marijuana Retail Dispensaries.

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

25 MR. REPPERT: I will second.

26 CHAIRMAN LINGENFELTER: Motion made and seconded.
27 Heather, will you call the roll, please.

28 MS. FREEMAN: Mr. Peterson?

29 MR. PETERSON: Yes.

30 MS. FREEMAN: Mr. Iafelice?

1 MR. IAFELICE: Yes.

2 MS. FREEMAN: Mr. Reppert?

3 MR. REPPERT: Yes.

4 MS. FREEMAN: Mr. Schindler?

5 MR. SCHINDLER: Yes.

6 MS. FREEMAN: Mr. Lingenfelter?

7 CHAIRMAN LINGENFELTER: Yes.

8 Let the record reflect we had five yeas, no nays,
9 and no abstentions for Amendment Number 3. So Amendment
10 Number 3 is moved for a recommendation to the Trustees as
11 well.

12 Okay. That wraps up the public hearing for the
13 zoning text amendments. Now we are on to Item Number 3 on the
14 agenda, which is a Site Plan Review Application Number 50,
15 submitted by Sheetz, Inc., for a Sheetz convenience store,
16 fueling station and car wash for the property located on
17 Capital Parkway, currently known as permanent parcel numbers
18 08-A-020-0-00-006-0, and 08-A-020-0-00-027-0.

19 MR. SCHINDLER: Mr. Chairman, can we have a minute
20 break, please?

21 CHAIRMAN LINGENFELTER: Absolutely, we can. We will
22 recess for a moment.

23 MR. SCHINDLER: Thank you.

24 (Whereupon, there was a recess from 8:21 p.m. until
25 8:27 p.m.)

26 CHAIRMAN LINGENFELTER: Okay. We're back. We took
27 a brief recess for some obvious necessity reasons and now we
28 are back at it. Again, we are on Item Number 3 on the agenda,
29 just to refresh everybody's memory. We're dealing with Site
30 Plan Review Application Number 50, submitted by Sheetz, Inc.,

1 for a Sheetz convenience store, fueling station and car wash
2 for the property located on Capital Parkway, currently known
3 as parcel number which I already read into the record.

4 So the applicants are here, I assume, and/or the
5 representatives, and I am going to turn the floor over to you.
6 Please free free to share your thoughts with us.

7 MR. RINKER: Thank you, Mr. Chair. My name is Bruce
8 Rinker. The address is 1001 Lakeside Avenue,
9 Suite 1400, in Cleveland, with the law firm of Mansour Gavin.
10 And, locally, we serve as land use counsel for Sheetz. If I
11 may, I would like to give you a little bit of an overview,
12 kind of bring us all up to speed. And then the person behind
13 me, Ryan Balko, he is the engineer for permitting and project
14 manager. He will be able to give you a lot more of the
15 detail. I know you've reviewed the plans but I am sure you
16 will have questions about them.

17 Just to recap, we were in front of the Board of
18 Zoning Appeals back in early December, December 8th, and the
19 purpose there was to address use issues. So there were four
20 conditional use permits at issue, all of which were approved
21 with conditions. This is a property located at the southwest
22 corner of Ravenna Road, State Route 44, and Capital Parkway.
23 It's the frontage along that south side. And this parcel
24 originally was going to be 2.8 acres, now it's 3.2. That was
25 based on feedback through initial discussions with the
26 planning department, just overall site layout and the spacial
27 relationship, I think, in large measure, to accommodate the
28 car wash and queueing components for that as well.

29 There has been traffic analysis. I think you can
30 tell from the site plan that the access point on Capital is as

1 far west of the intersection of Capital and 44 as you can put
2 it. This ultimately will serve as a drive access point for
3 the remainder portion, which is going to be roughly about 5
4 and a half acres. So that will be ready for future
5 development.

6 One of the issues along Capital, the extension of
7 utilities, and we know there were some specific points raised
8 by the staff report on the extension of water and sewer to the
9 site. We would be prepared to respond to those if need be
10 but, essentially, those conditions will be met. So we see
11 that as a plus that this is something that Sheetz is taking
12 on.

13 One of the discussions we had with BZA was to
14 address some of the goals, not only of the Comprehensive Plan
15 but the JEDD. Sheetz has agreed to participate in the JEDD.
16 We think that should be significant. Sheetz is bringing about
17 36 jobs to the site, split pretty evenly between full- and
18 part-time positions. So the fact that Sheetz participates in
19 the JEDD, that's something that renowns to the benefit of
20 Concord, which is the whole idea along this whole corridor, as
21 you know.

22 The conditional uses are the fact that Sheetz
23 convenient store, it's a little over 6,000 square feet,
24 provides regular convenience components but it's also made-to-
25 order foods and, technically, is a restaurant. So there is a
26 the restaurant use.

27 They provide outdoor dining, so that was also a
28 conditional use. Some of the conditions were to make sure
29 that the site is maintained well for that purpose.

30 The car wash is also a conditional use.

1 And I think the other aspect was there is some
2 outdoor storage. Sheetz has compartments, really, that
3 contain propane. It's the type you use for a gas grill.
4 There is no other handling of propane on the site. This is
5 simply a locked cage to store those. And then also there
6 is -- I am sorry -- the ice, and it's better to have ice
7 outside rather than inside where that can create some issues.

8 So all of those were discussed in pretty good detail
9 with Board of Zoning Appeals.

10 There were also three area variances, two of which
11 deal with parking. When you look at the site, there is six
12 spaces that are located between the store and Capital. Given
13 the fact that this is a corner lot, so you have two frontages
14 with which to deal, that was an adjustment to make to the
15 code, to the Zoning Resolution. On the east side there will
16 be no access point into the store itself.

17 So I know that some of the screening elements
18 relative to the site were also important. Part of the code,
19 the Zoning Resolution -- I apologize -- deals with providing
20 close-in landscaping adjacent to the building. And in our
21 discussion with the BZA, we indicated that, typically with the
22 Sheetz store, all four sides are designed to look like
23 frontage. Since there is no drive-thru service that's
24 provided that typically would be on the 44 side, if you look
25 to the north side and the west side and even the south side
26 with the car wash south of that, those facades are really
27 intended to provide much more of a frontage look.

28 But to have the kind of landscaping in close, based
29 upon the history that Sheetz has had, it's more of an
30 impediment than an asset. And so the goal would be, and you

1 have seen the landscaping plan -- I know in design review
2 that's also going to also come up -- the goal here is to
3 provide appropriate landscaping, but the architectural
4 elements both for the convenience store, the new generation
5 canopy.

6 And then, again, one of the recommendations,
7 actually, one of the requirements of the Zoning Resolution is
8 that the car wash facility be made to appear as a two-story
9 structure, and Ryan we will go into more detail there. We
10 confess there is some issues with that that we think are
11 challenging both for Sheetz and both for the township but
12 we're trying to work through those in good faith.

13 Overall, this is about a \$6 million investment. In
14 the large scheme of things, we think it's a very good
15 addition. It may not have been what was originally
16 contemplated for the corner but it's consistent with the
17 former B-2 zoning. And, again, looking at the uses, the BZA,
18 I think, looked at that pretty critically. Overall, we
19 believe that this will be a very aesthetically pleasing site.

20 We know that, right now, it's very heavily wooded.
21 And as noted in the staff review, when you look at the site
22 plan, the development, the grading, the drive aisles that
23 Sheetz provides provide good access, a good pedestrian-
24 vehicular relationship, results in the kind of that interior
25 area, not only just for the structures themselves but for the
26 parking field and for the movement in and around the site,
27 that area is going to require trees to be removed. But the
28 landscaping goes back in and then the perimeter landscaping,
29 we believe, ultimately should work well.

30 So with that, I will stop. Ryan can go through more

1 of the details. I think we have a PowerPoint if we need to
2 look at any visuals for the Commission's discussion. Thanks.

3 CHAIRMAN LINGENFELTER: To refresh your memory,
4 I mean, we did have, we did have a kind of a pre --

5 MR. RINKER: Yes, I am aware of that.

6 CHAIRMAN LINGENFELTER: If you recall, just because
7 I know you said you went in front of the Board of Zoning.

8 MR. RINKER: I confess, I wasn't here for that one.
9 So for me, time began with the Board of Zoning Appeals.

10 CHAIRMAN LINGENFELTER: Right. That's why I wanted
11 to refresh your memory that this group did come to the Zoning
12 Commission.

13 MR. RINKER: I understand.

14 CHAIRMAN LINGENFELTER: Kind of as a pre-pre, you
15 know, type of an application review type thing where the
16 project was discussed.

17 MR. RINKER: Right. And I do believe, you know,
18 based on the dialogue and the feedback, there was adjustments
19 made. Again, we try to find a balance between what the goals
20 and requirements are for the township and similarly for the
21 Sheetz operation, but we think we found that balance.

22 CHAIRMAN LINGENFELTER: Right, right. Okay, thank
23 you.

24 Yes, sir.

25 MR. BALKO: Good afternoon. Ryan Balko, project
26 manager with Sheetz store development group, 4907 Franklin
27 Boulevard, Cleveland, Ohio 44102.

28 Do you want to put the -- I won't belabor this too
29 much. I know you've seen a lot with our submittal and, you
30 know, the first time we came through but -- So we're looking

1 at this corner of Capital Parkway. So the extent of our
2 project, it's about, it's about half of this stretch of
3 Capital Parkway. So overall site plan, it kind of plays in
4 that same limits. You can see the drive entrance located on
5 Capital Parkway about, about midway between State Route 44 and
6 the start of the taper at the circle there.

7 MS. FREEMAN: Is there a page advance? Is that what
8 you are doing?

9 MR. BALKO: Trying to.

10 MS. FREEMAN: Oh, it's behaving very odd. I'm
11 sorry.

12 MR. BALKO: So overall site plan that we submitted,
13 store, store located here, fuel island canopy, car wash to the
14 south. This is the queue lane for the car wash, plus an
15 escape lane, parking on the north, west and south side of the
16 building, and additional parking stalls to the west of the
17 canopy here. This will be a shared access drive that comes in
18 off of Capital Parkway. It is stubbed for future expansion.
19 We did stop it here because we felt that, you know, if the
20 property owner for the remainder of the property decided to
21 turn it and develop the rest of the parcel, we didn't want to
22 put something in that was going to get torn out, or it could
23 be extended further south to the adjacent parcel there.

24 MR. REPPERT: Where is the propane storage?

25 MR. BALKO: The propane storage is, so what we did
26 since the back, we wanted to shield it from State Route 44,
27 it's located right in this space here.

28 MR. REPPERT: We can't, I can't see your pointer.

29 MR. BALKO: I've got a building elevation that would
30 be easier to show that.

1 MR. REPPERT: Okay.

2 MR. BALKO: Grading plan, Bruce mentioned, you know,
3 about the inability to, I guess, save, you know, some of the
4 existing landscaping, you know. In order to properly design,
5 design the site for drainage, you know, the grade changes that
6 we have to make, there is not really any spaces on the site
7 that would allow us to keep any of that existing landscaping.
8 So we are meeting, we're meeting the code, you know, in order
9 to meet all of the perimeter and interior landscaping but --

10 MR. REPPERT: You have some wetlands?

11 MR. BALKO: We do have a little pocket of wetlands.
12 You can see that on the grading plan here. That's this little
13 shaded area. Soft, you know, soft, depressed, isolated
14 wetlands that we do have an environmental consultant that's
15 already gone through the delineation process with the Army
16 Corps and we've already secured credits for mitigation for
17 that and we've already submitted our application to the Army
18 Corps to have those eliminated.

19 MR. SCHINDLER: You said future developments. What
20 would be future development?

21 MR. BALKO: It's --

22 MR. SCHINDLER: This would be unrelated to the
23 Sheetz?

24 MR. BALKO: Unrelated to Sheetz. You know, I
25 believe the property owner for the balance of the parcel is,
26 you know, continuing to look for opportunities and I don't
27 know.

28 MR. SCHINDLER: Would it be enhancements to Sheetz
29 or it would be something totally separate?

30 MR. BALKO: I believe that there is, yeah, it would

1 be totally separate.

2 MR. SCHINDLER: So you have no idea what the other
3 element might be?

4 MR. BALKO: No.

5 MR. PETERSON: Depends on who buys it, Frank.

6 MR. BALKO: Yeah.

7 MR. PETERSON: Ryan, you had a couple dining patios.
8 Where are they in the plan?

9 MR. BALKO: Sure. There are, there are, I believe,
10 three.

11 MR. RINKER: Would it help if I point up there so
12 you can see?

13 MR. PETERSON: Yeah, it might.

14 MR. RINKER: Yeah, I'll be Vanna White.

15 MR. BALKO: It's on the north side there, three is
16 three tables, and on the south side, also, three tables.

17 MR. RINKER: So we're talking south side here.

18 MR. PETERSON: Yes. And then up there, okay.

19 MR. RINKER: And north side, yeah. This side,
20 nothing.

21 MR. PETERSON: Okay. Thank you.

22 MR. RINKER: Just don't point it in my eye.

23 MR. SCHINDLER: Yeah.

24 MR. BALKO: I will also say that, in regards to the
25 utility extensions, our civil engineer is here as well
26 tonight. I know there is some comments in the staff report
27 related to those. If anybody wants to, you know, touch on
28 those with any additional questions, he would be able to
29 update you all with, you know, those conversations.

30 MR. SCHINDLER: The only entrance and exit would be

1 from Capital, right? There is no other place to come into
2 that area.

3 MR. BALKO: Yeah.

4 MR. RINKER: So it creates that one common drive and
5 then you come in, and then these would be ingress/egress
6 points for the actual site.

7 MR. SCHINDLER: Thank you.

8 MR. BALKO: Yeah, unfortunately, State Route 44, the
9 property line there is limited access, so we wouldn't be able
10 to do anything there.

11 MR. SCHINDLER: Right.

12 MR. REPERT: How many handicapped spots do you
13 have?

14 MR. BALKO: Two, we have two spaces, which meets the
15 federal code for the required number.

16 MR. REPERT: Just two. And they're on which side?

17 MR. BALKO: There is actually one on the north side.

18 MR. REPERT: One on north and one on south?

19 MR. BALKO: One on south, you know, the closest
20 spaces to the two entrances.

21 MR. RINKER: If I could interject one thing, you see
22 it a little bit better with those elevations, the 3Ds. But
23 one of the things Sheetz does, there is no grade change
24 between the parking field and then the walking area, the
25 pedestrian area. In other words, everything is flush. So
26 there are bollards that are placed at the head of each stall.
27 That way, it keeps the vehicle from encroaching into that
28 area.

29 I think, again, from not just ADA requirement but
30 overall functionality, it's a smoother, safer pedestrian --

1 MR. REPPERT: No curbs.

2 MR. SCHINDLER: So wheelchairs, for example,
3 wouldn't have any obstructions they have to go around.

4 MR. RINKER: Correct.

5 MR. SCHINDLER: Or any elevation to get into your
6 establishment?

7 MR. RINKER: Correct.

8 MR. BALKO: Correct. I mean, even, you know, to
9 speak a little bit more to that, this is a pretty flat site as
10 far as the final grading. So we designate two ADA spaces but
11 the spaces next to those could possibly be, you know, the
12 slope requirements, you know, for that. So it's not, they're
13 not steep.

14 MR. RINKER: Again, you have a vestibule where you
15 access here on the southwest corner and also here. The ADA
16 parking are proximate to these entry points into the store,
17 and then also this pedestrian access walkway that connects to
18 Capital.

19 MR. SCHINDLER: Thank you.

20 MR. BALKO: Proposed landscape plan up on the screen
21 right now. I just want to point out that we do have a
22 monument sign with some landscaping at the corner that would
23 be facing traffic going north and south on State Route 44. We
24 also have a little bit smaller "Sheetz" sign at our main
25 entrance for people traveling east and west on Capital
26 Parkway.

27 MR. RINKER: A sign here and a sign there.

28 MR. BALKO: Just some landscape details. This just
29 shows the fence that's being proposed around the site to meet
30 the requirement.

1 MR. SCHINDLER: Would it just be a fence? Like the
2 traffic coming on 44 would just see the fence there or would
3 there be other plantings like trees and stuff along there?

4 MR. BALKO: Yeah. So what it is, it's actually
5 every, I don't know.

6 MR. RINKER: Thirty-five feet, I think it is.

7 MR. BALKO: Yeah, there is a masonry column.

8 MR. RINKER: Oh, you're talking fence.

9 MR. SCHINDLER: Right.

10 MR. BALKO: And fencing. And then there is also
11 landscape, I believe, shrubs along the fence as well and then
12 some trees planted every --

13 MR. SCHINDLER: So it softens the view as they go
14 by?

15 MR. BALKO: Yeah.

16 MR. REPPERT: How high is the fence?

17 MR. BALKO: Four, four feet. The detail set up
18 there. I don't remember.

19 MR. RINKER: Why don't we go back to, there is a --
20 If you scroll back down the other way.

21 MR. BALKO: I am afraid to touch it.

22 MR. RINKER: Yeah. Yeah, right here.

23 MR. BALKO: Three feet.

24 MR. RINKER: And then you can see the masonry posts
25 there.

26 MR. SCHINDLER: I see.

27 MR. RINKER: The other thing, Ryan, you can address
28 this more, but I believe along 44 ODOT controls the kind of
29 the setback area there because it's like a limited access
30 point. So as far as trees or anything, ODOT is going to have

1 to approve any impacts to tree clearing in that area, if I
2 understand correctly.

3 MR. BALKO: Yes, yeah.

4 MR. RINKER: So the first step with the township is
5 going to be to clear the site for the actual construction but
6 ODOT will regulate the remainder along that frontage on 44.

7 MR. BALKO: And we have started that process. We've
8 actually received a permit to be able to go out and do a tree
9 survey of the trees that are in the right-of-way. We are
10 working with an arborist to meet out at the site with ODOT
11 and, you know, go through that process and see what extent we
12 can, I guess, remove some of those trees to create some
13 additional visibility to our site.

14 CHAIRMAN LINGENFELTER: So you -- I am sorry. Go
15 ahead, Hiram.

16 MR. REPPERT: Go ahead.

17 CHAIRMAN LINGENFELTER: So then you are saying that
18 there is just going to be two small signs or --

19 MR. BALKO: Yeah, monument, they're called ground
20 monument signs.

21 CHAIRMAN LINGENFELTER: Yeah, monument signs, one on
22 44?

23 MR. BALKO: Yep.

24 CHAIRMAN LINGENFELTER: And then one at the entrance
25 to the --

26 MR. BALKO: Correct.

27 CHAIRMAN LINGENFELTER: No plans for signage on 90
28 by the exit or --

29 MR. BALKO: Just the signs that are on like the
30 blue, you know, highway signs.

1 CHAIRMAN LINGENFELTER: Yeah, okay.

2 MR. BALKO: Yeah, that would be.

3 CHAIRMAN LINGENFELTER: And then no other signs
4 anywhere else, nothing obtrusive, large, tall?

5 MR. BALKO: Yeah, no.

6 CHAIRMAN LINGENFELTER: Crazy.

7 MR. BALKO: Yeah. We originally proposed that both
8 signs be the same and, at the request of staff, they asked if
9 we could sort of shrink down one at the entrance off Capital
10 Parkway, so we went ahead and did that.

11 CHAIRMAN LINGENFELTER: Okay.

12 MR. REPERT: Because you relocated the car wash,
13 does the traffic study have to be revised.

14 MR. BALKO: No. I think it just takes into account
15 number of ins and outs of the total site. So it's not
16 necessarily a study of the placement of those things. It's --

17 MR. REPERT: Where do you show the gas tanks being
18 located?

19 MR. BALKO: I will go back. If you don't mind, it
20 would be probably easier if I just come point it out.

21 MR. REPERT: Okay.

22 MR. BALKO: There is this dash line right here, so
23 that would be the underground location.

24 MR. REPERT: Okay. What are they made of?

25 MR. BALKO: So there is a few options. I shouldn't
26 say a few. I believe there is two. There is, one's like a
27 resin composite and then we have another option for steel.

28 MR. REPERT: Double tanks?

29 MR. BALKO: Yeah, double, yeah, steel, yeah, double
30 steel wall tanks.

1 MR. REPPERT: And the resin is just single wall?

2 MR. BALKO: I don't, I don't know that. But, you
3 know, we, the freezes down in Texas actually kind of pushed us
4 into using steel a little bit more often just because the
5 resin was hard to come by, but it just kind of depends on
6 where, you know, projects fall in the construction schedule.
7 But they, you know, our petroleum engineers have to get their
8 plans permitted by the states and building departments, so
9 they're, you know, they meet whatever requirements that they
10 need to meet to be up to code.

11 MR. REPPERT: So along 44, we only have the three
12 foot fence and some shrubs, no evergreen trees, no -- We have
13 some deciduous trees but they're bare in the wintertime. So
14 why not put in evergreen trees?

15 MR. BALKO: Yeah. I mean, so we, our landscape
16 architect took an attempt to meet, put in what was required,
17 you know, per the code. We're happy, you know, if that's a
18 concern, we can certainly, you know, take another look at it
19 and add it. You know, it's important for us to have that
20 visibility to our site. So, you know, we can probably find a
21 happy median on, you know, placement of every so often adding
22 something.

23 MR. RINKER: Is that the kind of question that you
24 would coordinate through Heather, in other words, so you
25 maintain viewsheds but also provide some of that softening?

26 MR. REPPERT: Okay. We can do that.

27 MR. SCHINDLER: You, of course, are a 24-hour-a-day
28 operation.

29 MR. BALKO: Yeah, 24/7.

30 MR. SCHINDLER: Is your car wash going to be running

1 24 hours a day, too?

2 MR. BALKO: Yes.

3 MR. SCHINDLER: The type of car wash that you have,
4 is it the kind that just has the brushes that go around? And
5 at the end of the wash, do you have big industrial blowers
6 that blow the cars dry?

7 MR. BALKO: It's the type of car wash that you pull
8 into and park and it does everything while you are parked.

9 MR. SCHINDLER: Well, does the ends, like, on the
10 doors close?

11 MR. BALKO: The doors close.

12 MR. SCHINDLER: So it's all encased during the wash?

13 MR. BALKO: Correct.

14 MR. SCHINDLER: And the doors open up when it's
15 finished and they just pull out. So, basically, if there is
16 noise, it's minimized with the doors being close?

17 MR. BALKO: Yes, yeah.

18 MR. RINKER: And it's one vehicle at a time.

19 MR. SCHINDLER: One vehicle at a time.

20 MR. PETERSON: Like the Shell station, Frank, that
21 we have, same thing.

22 MR. SCHINDLER: Well, then I would tell you why I
23 brought that up is I go to the one that's on Mentor Avenue and
24 it's got the big blowers. The only time the doors come down
25 is in the wintertime. In the summertime, they say open all
26 the time. And, boy, it is loud when those blowers are going
27 off constantly every time a car goes through. So that's why I
28 was asking, do the doors always come down, winter and summer,
29 when the cars are in there being washed?

30 MR. BALKO: Yeah.

1 MR. SCHINDLER: Okay, thank you.

2 MR. BALKO: So building elevations that we
3 submitted, the top elevation would be the facade of the
4 building that's facing west towards the fuel island canopies.
5 You can see the ice chest on the far left there under the sign
6 that says "MTO." We have, you know, two wall signs kind of
7 facing the interior of the site, one would be the "MTO" sign,
8 one, the other being the "Sheetz" sign above the door.
9 You can see in this elevation, off to the far right, the
10 propane tanks.

11 MR. RINKER: And there is some kind of a screen
12 wall.

13 MR. BALKO: The top, top right.

14 MR. RINKER: Up here. Sorry.

15 MR. BALKO: Yeah. So --

16 MR. RINKER: This is looking at it toward 44.

17 MR. BALKO: Correct. So on the site plan, these
18 would be located at the southeast corner of the building.

19 MR. RINKER: Which would be here as well, correct?

20 MR. BALKO: Yes.

21 MR. RINKER: So we're looking north.

22 MR. BALKO: What we did here, which is a little
23 non-standard, was instead of having them against the building
24 so that you could see them from the road, we rotated them 90
25 degrees and we added a, sort of, a privacy wall to block
26 those.

27 (Discussion among board members.)

28 MR. BALKO: Yeah, those are just, I mean, the same
29 at like a Home Depot that you would bring an empty one in,
30 yeah, they would unlock it, take a full one and leave the

1 empty one.

2 MR. RINKER: Yeah, there is no filling, no activity
3 on the site.

4 MR. BALKO: And that facade on the building or on
5 the bottom of the page there, that would be the facade of the,
6 that's facing south towards the car wash. So you can see the
7 vestibule with the two entrance doors there, additional
8 "Sheetz" sign above the entrance.

9 And then this top elevation is the elevation that
10 would be facing State Route 44. Typically, this is a blank,
11 blank wall with the brick and the stone; but because it's sort
12 of the back of house but it's also facing a major roadway, we
13 had our architects, you know, add some enhancements where
14 there is three sections of faux windows with reflective film,
15 so it would just, you know, it would look like a window but
16 not operate necessarily like a window.

17 The awnings. And then they, also, you can kind of
18 see the lines on either side of the window but they kind of
19 bump the building out to create that horizontal change.

20 MR. RINKER: And, Ryan, correct me if I am wrong,
21 but if you were to look at the floor plan, the plan view, this
22 back area is all utilitarian.

23 MR. BALKO: Correct, yeah.

24 MR. RINKER: Between storage, utilities, I mean, in
25 other words, it's not accessible by the paying public. So
26 it's putting really the hard-working part of the building in
27 that section, so you wouldn't want to be looking at it anyway.

28 MR. BALKO: Yeah. And then on the far left of this
29 elevation is that privacy wall that blocks the propane cages.

30 Then the last elevation here facing Capital Parkway,

1 you can see the outdoor dining, you know, secondary entrance
2 into the Sheetz store with the "Sheetz" sign above the door.

3 MR. SCHINDLER: The lighting that you will have on
4 the building for nighttime, is it diffused lighting that's
5 basically down low.

6 MR. BALKO: Yeah.

7 MR. SCHINDLER: Where it's not showing all over
8 everyplace?

9 MR. BALKO: Yeah, yeah. All of our lighting on the
10 building and around the parking lot, it's all LED, downward,
11 downward lighting with cutoffs. You know, you see it if you
12 walk under it but it doesn't shine horizontally.

13 MR. SCHINDLER: I know a lot of times, specifically
14 with shopping centers, for example, you've got the light up so
15 high it lights up all the parking area but, I mean, it has a
16 light that goes into the neighborhoods.

17 MR. BALKO: Right.

18 MR. SCHINDLER: That's why I was asking if the light
19 is somewhat subdued to keep it down in the area that's needed.

20 MR. BALKO: Yes.

21 MR. SCHINDLER: Okay.

22 MR. RINKER: If I may, I was referring earlier to
23 the floor plan, so this shows it. It's color coded. And I
24 can't even read it here, so I am not going to try. But
25 basically the top, this is what's facing 44, Ravenna Road. So
26 you can see this kind of work area back inside. So here is
27 the access facing Capital, the main vestibule area in the
28 southwest corner against that new drive that's going to go in
29 and then to the south face. You can see the outdoor dining
30 area, the patio area.

1 MR. BALKO: It's indoor, Bruce.

2 MR. RINKER: Oh, that's indoor. I'm sorry. I take
3 that back. So this indoor seating, and then the outdoor would
4 be, I think, in this area and also in this area outside. But
5 just to orient you just to functionality inside the facility
6 itself.

7 MR. BALKO: Elevation of our fuel canopy, this is a
8 newer style canopy. If anybody is familiar with other Sheetz
9 stores in the area, it's, I guess, a cleaner look as opposed
10 to red backlit canopy. There will be a "Sheetz" sign on the
11 long side here and then, you know, on the side facing Capital
12 Parkway, and we took the sign off facing the south because it
13 wouldn't do us much.

14 MR. SCHINDLER: Do you have -- I haven't seen them
15 at some Sheetz. Since we're next to 90, are you going to have
16 capabilities for semi trucks to come in and fuel, diesel fuel?

17 MR. BALKO: No.

18 MR. SCHINDLER: They don't service diesel fuel?

19 MR. BALKO: No.

20 MR. SCHINDLER: For big semis?

21 MR. BALKO: No. We have a semi delivery truck that
22 comes, you know --

23 MR. SCHINDLER: Oh, I understand.

24 MR. BALKO: -- yeah, two, two, three times a week
25 but it's not geared towards --

26 MR. SCHINDLER: It's not geared for big semis to
27 come in for fueling?

28 MR. BALKO: No, yeah, the diesel trucks, the fuel
29 islands and pumps for those, they're at a higher, you know,
30 they pump fuel faster.

1 MR. SCHINDLER: Right.

2 MR. BALKO: So a diesel truck, semi truck would
3 never come to fuel at a site like this because it would take
4 too long.

5 MR. SCHINDLER: Okay.

6 MR. BALKO: And we don't, we don't market --

7 MR. SCHINDLER: Just the nature of that, what you
8 have said, truck drivers wouldn't be coming to go in there to
9 get service because of that.

10 MR. BALKO: Correct.

11 MR. SCHINDLER: Right?

12 MR. BALKO: Correct.

13 MR. RINKER: That being said, there is diesel that's
14 provided but it's basically for pickups, other vehicles that
15 have that.

16 MR. BALKO: Yeah, landscape vehicles.

17 MR. RINKER: And those are at the polar ends of the
18 canopy area.

19 MR. SCHINDLER: Sure, sure.

20 MR. RINKER: And they're marked.

21 MR. PETERSON: Ryan, do you know if Sheetz has any
22 future plans to put in recharging stations for electric
23 vehicles, because it would be perfect. You could eat while
24 you're charging.

25 MR. RINKER: We get this question every time.

26 MR. BALKO: Yeah. So, currently, the program that
27 we have, we work with Tesla, EVgo and Electrify America. Once
28 we get sort of past, once we get into like technical
29 engineering permitting, we have a group that actually sends
30 out site plans to those three vendors and say, "Hey, we have a

1 site coming up. Does it" -- They have geographic locations
2 that they look for and, if they cross, you know, we move
3 forward with that.

4 And then I will say that there is a lot of state and
5 federal funding that's coming out to promote EV, so we're
6 actually looking into sort of piloting our own charging
7 stations as a result of that. But as far as I am aware, we
8 haven't sort of taken that leap yet.

9 MR. PETERSON: Okay, thank you.

10 MR. BALKO: These are the, these are the original
11 car wash elevations that we submitted for this meeting prior
12 to the original staff comments. And one of the things that
13 came back was that, according to the design review
14 requirements, that all buildings needed to give the appearance
15 of being two stories. I believe this elevation on the
16 original one was about 15 feet tall. And so I think what we
17 did was we bumped it up to --

18 MR. RINKER: Eighteen.

19 MR. BALKO: Yeah, 18 or 19 feet. Oh, so, yeah, this
20 is the new one. So this was the original one which was 15
21 feet. What we did was we bumped it up to 18 or 19 feet. And
22 then we also took the brick and the stone that's on the
23 building and added it to the car wash to make it look more
24 integral to the site.

25 CHAIRMAN LINGENFELTER: So is it 18 or 19?

26 MS. FREEMAN: It says 18, 8.

27 MR. BALKO: Yeah, 18 foot, 8 inches.

28 CHAIRMAN LINGENFELTER: Okay.

29 MR. RINKER: Yes.

30 MR. BALKO: Yes. I guess, you know, the code

1 requirement of giving the appearance of being two stories is,
2 I don't want to say it's vague but there wasn't much direction
3 on how to apply it to a structure like this. So, you know, we
4 took our, took a stab at it. Welcome any feedback on that.
5 But, I guess, what we will say is -- and, Bruce, I don't know
6 if you want to piggyback off of this. But with it being an
7 accessory structure to the primary use of the store, I would
8 just, you know, recommend that we don't make it too large or
9 intrusive that it sort of, you know, makes the site look a
10 little more intense, as opposed to like the smaller,
11 traditional height of the car wash that we have.

12 MR. RINKER: Yeah. I mean, to be candid, the car
13 wash, it's a prefab unit, so you basically get the box.
14 That's how it's constructed off site and it's imported. So
15 it's a pretty spartan looking facility to begin with. Because
16 your Zoning Resolution requires that embellishment, the
17 question is how best to do it. And so it's a challenge
18 because now you're adding structure for something that,
19 typically, you would want to be unobtrusive.

20 But rather than looking for a variance, because I
21 think that's probably what would be the alternative, the Board
22 of Zoning Appeals would, if you are going to put an exception
23 and come in with what the original proposal was at the 15
24 feet, we certainly can understand that the objective
25 calculations, while it doesn't look like a two-story
26 structure. But do you put gabling on it? What are the things
27 that you add? There is no roof mechanical, so there is no
28 need to screen where, typically, you might have some kind of a
29 parapet type of treatment or whatever.

30 As I say, it's very spartan. The materials are

1 fully consistent with the construction of the store and the
2 canopy. The trash enclosure, all of those things have those
3 same masonry color scheme, materials, all of those. But this
4 is a very, kind of, low profile, low impact.

5 I guess the question is, do you want to make it
6 larger? We have to meet code. That's what this is intended
7 to do, but it's certainly adding a lot of stuff. The question
8 is, how much can you really gild that lily?

9 MR. SCHINDLER: Well, Concord doesn't have an
10 architecture review board.

11 MR. RINKER: Yeah.

12 MR. SCHINDLER: But we always encourage the
13 developers to use discretion, you know. And whatever you can
14 do that would keep things minimized and not be stark as far as
15 the structure is concerned, by blending things together, you
16 know, the stone work, like you talk about your car wash being
17 smaller, but if it can look like it's all part of the nice
18 structure and uniform, that's basically what we look for, you
19 know. So --

20 MR. RINKER: Well, that's what we tried to do. It's
21 the proverbial brick.

22 MR. SCHINDLER: I understand.

23 MR. BALKO: Yeah. And to that point, I think the
24 preference would be to keep the design of the car wash,
25 overall height, size the same and then do the treatment to
26 match the building.

27 MR. SCHINDLER: Correct.

28 MR. BALKO: I mean, it's still 15 feet tall. It's
29 in the back of the site. You know, it's not going to be
30 easily seen from Capital Parkway. You might be able to see it

1 as you're traveling south on State Route 44.

2 MR. SCHINDLER: Right.

3 MR. BALKO: But I guess we would be open to
4 conversation with how to make that.

5 MR. SCHINDLER: That's fine, as long as it blends
6 in, like I say, and it looks like nice, appealing -- you know
7 what I mean -- and stuff. Even if it is higher, that's
8 additional storage maybe for the building, you know. You can
9 store stuff up there. So it could be a benefit.

10 MR. BALKO: Yep, yeah. And just by comparison, I
11 added this. This is the elevation of like the bare, you know,
12 the traditional car wash. This is actually getting built on
13 State Route 306 in Willoughby right now.

14 MR. RINKER: Go back up.

15 MR. BALKO: That Sheetz store. So this one is even
16 smaller, with even smaller overall height. So, you know, we
17 started out with a larger version for this proposal.

18 MR. SCHINDLER: Right.

19 MR. BALKO: And then you can also see this is kind
20 of just a traditional just brick on all four sides and the
21 bronze cladding at the top.

22 MR. SCHINDLER: That's fine, that's good.

23 MR. BALKO: Car wash signage that -- This is the
24 monument sign that we would be proposing at the corner of the
25 Capital Parkway and State Route 44.

26 CHAIRMAN LINGENFELTER: You need to update your
27 pricing.

28 MR. PETERSON: I like that pricing.

29 MR. REPERT: Yeah, I like that price, too.

30 MR. RINKER: We never get that comment either.

1 CHAIRMAN LINGENFELTER: Is it your contention that
2 that's the gas prices you're going to offer Concord Township?

3 MR. REPPERT: Zoning Commission members.

4 MR. SCHINDLER: Residents.

5 MR. BALKO: Right. And this is the less, I guess,
6 the smaller, the smaller pricer sign at the drive entrance at
7 Capital Parkway.

8 MR. RINKER: You have the 3Ds, don't you?

9 MR. BALKO: And then trash enclosure, elevations,
10 same brick as the store, same bronze, bronze finish on the
11 other elements of the store, so it blends in. It's another
12 footprint.

13 So I just keep in mind that these are just -- We
14 don't have, we don't do renderings specific to each site, so
15 these are just kind of like prototypical. But you can see
16 here that at the vestibule -- and Bruce mentioned the flush
17 sidewalk with the bronze bumper post for parking -- so two
18 sets of double doors at this vestibule. You can see some of
19 the outdoor dining off to the left there.

20 This would be the entrance, I guess, more towards
21 facing Capital Parkway. What we did here is you can see the
22 sidewalk is usually only, I believe, it's only like 8 feet
23 wide and we actually doubled that to put some additional
24 outdoor seating facing Capital Parkway, so it's more of a, you
25 know, pedestrian-friendly experience there. And then we also,
26 traditionally, we also have our propane tanks on that facade
27 of the building and we flipped it to the back so that it
28 wasn't facing Capital Parkway.

29 These next two elevations are just kind of zoomed
30 out just to show you the placement of the fuel island canopy

1 and how that looks. So this would be sort of like the view
2 from the drive entrance coming in off Capital Parkway except
3 for the building is flipped.

4 MR. RINKER: And the canopy is not backlit.

5 MR. BALKO: Correct. This is, that's the truss
6 canopy. That's the newer canopy. And then this would be
7 towards the back of the site, you know, aside from the fact
8 that we're not proposing a drive-thru here.

9 MR. REPERT: On the north side, yeah, north side
10 going to Capital Parkway, you've got a concrete block
11 structure or concrete wall?

12 CHAIRMAN LINGENFELTER: It looks like a sidewalk.

13 MR. RINKER: I think it's the sidewalk.

14 MR. REPERT: Is that a sidewalk?

15 CHAIRMAN LINGENFELTER: Yeah, it looks like a
16 sidewalk to me.

17 MR. RINKER: It's the access.

18 MR. REPERT: Right here.

19 MR. BALKO: Oh, yeah, so I guess what happened there
20 is, because of the grade difference between the site and
21 Capital Parkway, in wanting to -- So, first of all, we're
22 installing public walk along Capital Parkway to extend from
23 the handicapped ramp at the corner of State Route 44 and to
24 basically start that public side way going down Capital
25 Parkway.

26 MR. REPERT: Okay.

27 MR. BALKO: We wanted to connect that to the store
28 so that people can walk along Capital Parkway and into the
29 store. So --

30 CHAIRMAN LINGENFELTER: But only in front of Sheetz.

1 MR. BALKO: What's that?

2 CHAIRMAN LINGENFELTER: But only in front of your
3 property?

4 MR. BALKO: Yeah, to the edge.

5 CHAIRMAN LINGENFELTER: You are not going to carry
6 that all the way down to the roundabout?

7 MR. BALKO: Yeah.

8 CHAIRMAN LINGENFELTER: Or to 44? Or you are going
9 to carry to it 44, I see there.

10 MR. BALKO: Yeah, yeah, correct. So the, I guess,
11 the straight shot from the public sidewalk to the building
12 would require --

13 MR. REPPERT: Steps.

14 MR. BALKO: -- steps. And then the other concrete
15 section there would be if somebody was in a wheelchair and
16 needed --

17 MR. REPPERT: It's a ramp type?

18 MR. BALKO: Yeah.

19 CHAIRMAN LINGENFELTER: Until it stubs into the
20 grass beyond your property, right, or no?

21 MR. PETERSON: The next developer will continue it.

22 MR. BALKO: Yeah, yeah. You know, we did, we are
23 putting in both ramps on either side of our entrance to make
24 it easier for them to basically tie into the back of that ramp
25 to continue on towards the circle.

26 I think that's it. So, you know, I am happy to
27 answer any specific questions. Again, if there is anything
28 related to the utility extension, you know, stormwater
29 management, we do have our civil engineer here that can answer
30 those a little bit better.

1 CHAIRMAN LINGENFELTER: Who was responsible for
2 picking this location?

3 MR. FOWNES: I was.

4 MR. BALKO: We have, yeah, a real estate, we have a
5 real estate team. The site selector is H.C. Fownes. He is a
6 senior site selector for Sheetz.

7 CHAIRMAN LINGENFELTER: What was the motivation for
8 this location?

9 THE REPORTER: Can you come up?

10 CHAIRMAN LINGENFELTER: Yeah, can you come up to the
11 podium, please.

12 MR. FOWNES: I think our, generally, our primary
13 driver is traffic on the street.

14 CHAIRMAN LINGENFELTER: Can you please state your
15 name and --

16 MR. FOWNES: My name is Henry Fownes. I am a real
17 estate site selector for Sheetz.

18 CHAIRMAN LINGENFELTER: Address, for the record,
19 please.

20 MR. FOWNES: 211 Carriage Court, Pittsburgh, PA.

21 CHAIRMAN LINGENFELTER: Okay, thank you. Go ahead.
22 I am sorry. Go ahead.

23 MR. FOWNES: No, I was just saying traffic is our
24 primary driver.

25 MR. RINKER: Traffic count.

26 MR. FOWNES: Traffic, traffic volume.

27 CHAIRMAN LINGENFELTER: So you didn't feel there was
28 any other location in the township, in this area that was
29 worth considering?

30 MR. FOWNES: Sure, we do, but we also look at the

1 newer stores that we're building in the area and where we have
2 current locations as well.

3 CHAIRMAN LINGENFELTER: My thought process is, you
4 know, when we did the pre-application or when you guys came in
5 earlier before the BZA, before the BZA hearing, I thought, I
6 thought we were, as a Zoning Commission, we were pretty clear.
7 And I don't know if you were here or not. I don't know. I
8 can't recall if you were here or not. Maybe you were, maybe
9 you weren't. But I thought we were pretty clear at that point
10 that, you know, nobody was, I don't think anybody was opposed
11 to Sheetz in general. It wasn't an anti-Sheetz thing or anti-
12 gas station thing or anything of that nature but we just
13 didn't like the location. We didn't feel that it fit with the
14 concept that we had built for this area. It didn't fit with
15 the generalized idea and the time and effort that we put into
16 developing this.

17 And there were some very specific things that were
18 done to make this area happen, you know, the extension of
19 Capital Parkway, the changing of Crile Road. There was a lot
20 of things that went into this process. It wasn't just a
21 willy-nilly, you know, type of a situation. Many years, a lot
22 of money was spent on studies and things of that nature to get
23 this done. And I thought -- and maybe I am wrong -- but I
24 thought that we were pretty clear that we didn't like the
25 location and we didn't, we didn't, we thought that, you know,
26 you want to put a Sheetz in, sure, no problem, but just not
27 there.

28 And I guess you kind of took the "damn the
29 torpedoes, full speed ahead" kind of approach with it. And,
30 you know, I was just curious why you're insisting on putting

1 it there because this is the keystone, this is the entrance to
2 the, to that particular area for the township and I just can't
3 get behind a gas station there. I just can't get behind it.
4 I am completely and totally opposed to this, completely.

5 I don't have any problems with the design. I don't
6 have any problems with the buildings. I don't have any
7 problems with the things that you've done to try to
8 accommodate but, at the end of the day, I hate the location,
9 hate it. I just don't like it there. And I would really
10 prefer that you find someplace else to build. And you can
11 build it, like I said, no problem, in the township anywhere
12 else but I just don't like it there. And I just was curious.

13 I mean, you've got, you're building one at 306 now.
14 Okay, 615, 44, it's a very short distance and we're going to
15 put another Sheetz in right there on 44. You've already got
16 one you're building, you're well underway at 306. I don't
17 know. It's just kind of strikes me as Dollar General
18 Store'ish. But does every exit, every egress from the freeway
19 need a Sheetz gas station?

20 Like I said, I am not opposed to Sheetz. I think
21 you guys got great service and great stuff and I've been in,
22 bought things from Sheetz a lot of times on the road and
23 everything else, but I just don't like this location. I wish
24 you guys would find another place to put it.

25 MR. FOWNES: I understand that.

26 MR. PETERSON: I take exception, Andy. I don't
27 personally have any problem with the location. I think our
28 job is to not to zone by opinion, it's to zone by the
29 regulations, and I don't see anything personally wrong with
30 the facility. I think it's a nice looking facility. We have

1 a BP station that's not -- I wouldn't want that on that
2 corner. But what you're proposing, I personally have no
3 problem with. So I respect your opinion but you're not
4 speaking for all of us.

5 CHAIRMAN LINGENFELTER: Oh, I am not speaking for --
6 I'm speaking for myself. I am one person. I am one vote, no
7 doubt about it, and that's all I am.

8 MR. PETERSON: But we can't vote on opinion.

9 CHAIRMAN LINGENFELTER: Oh, I can vote however the
10 heck I want.

11 MR. PETERSON: Well, okay.

12 CHAIRMAN LINGENFELTER: Let's be clear on that.

13 MR. RINKER: I guess the only thing I would like to
14 add is, number one, it's why we really spent a lot of time in
15 working the presentation with the Board of Zoning Appeals as
16 to the use. I would suggest that, understanding the opinion,
17 that you have a very strong opinion about it, this type of
18 facility is more than just a gas station. It provides a lot
19 of conveniences.

20 And for the overall development that you're looking
21 in this area, it's very compatible with, it complements those
22 other uses. People are going to use this. And people who
23 want to have offices there, other businesses there, they're
24 going to use it, as well as residents. I mean, I think you
25 will find that it serves, in the larger planning picture, it's
26 a good accessory use for the larger picture. I am not trying
27 to convince you otherwise. I am just saying, from an
28 objective standpoint, I think that that's a fair
29 characterization.

30 The other thing was, you know, when Sheetz looked at

1 this, there was really no full understanding about the JEDD
2 relationship, and that's something we discussed internally and
3 made a point of advising the township and I think we got
4 feedback also from the JEDD representative for Concord
5 Township. This really is consistent with what has been done
6 with this corridor.

7 The extension of Capital, the realignment of Crile,
8 you've got to pay for that. And what Sheetz is doing, it's
9 going to be paying for a certain portion of that, not just
10 with the real property improvement but the jobs that it's
11 bringing that get tied to the JEDD.

12 The extension of utilities along that portion of
13 Capital, that typically would be something that, between
14 Painesville and the township, those would be JEDD dollars that
15 would go into that. Sheetz is putting that in there. So
16 we're not a Masonry institution, you know. We're not doing
17 this out of charity. We are doing it because this makes good
18 business sense for Sheetz. But we think that the trade-off is
19 something that has a lot of merit to it. Again, we respect
20 it's a stronger opinion. We can't address that otherwise than
21 the way we've gone about it, and we hope you understand.

22 CHAIRMAN LINGENFELTER: No. And in deference to
23 your comment there, I think that the joining of the JEDD is a
24 nice gesture. I think it's smart. I think it's a smart move
25 on your part.

26 MR. RINKER: It's tangible.

27 CHAIRMAN LINGENFELTER: Yes, it is. And I would
28 expect that to come from anyone coming into that area. I
29 would expect that. I would really, because the usage, the,
30 you know, the stress and strain on infrastructure and things

1 of that nature, I think being a participant in the JEDD is a
2 good move and I, quite frankly, I appreciate that. Okay? I
3 appreciate that.

4 MR. RINKER: The other thing with Sheetz -- and you
5 can look across the market -- I don't know of any other
6 petroleum industry player that develops a site like Sheetz
7 does. Nobody has that kind of four-sided structure, the
8 elements. You know, one of the things, early push-back was
9 this backlit canopy. For Sheetz that was kind of like the red
10 golden arches that McDonald's had. They've modified that.
11 I mean, we've had discussions where we go through the process
12 of the zoning and these guys are pulling their hair out
13 because the folks back at corporate are modifying design
14 elements, architectural elements.

15 There is a lot of quality that's built in the site.
16 I mean, a \$6 million investment is going to be translated in
17 the end product. So, again, we can't change the fact they
18 dispense fuel and they provide a convenience store amenity.
19 You were looking at something in the larger picture. But I
20 think, at the end of the day, I think it's something that will
21 fit in well. So I just wanted to respond.

22 CHAIRMAN LINGENFELTER: But that doesn't change. I
23 mean, so I will give you many of the points you made.
24 However, what does Sheetz offer to this community, to that
25 location that we don't already have on Crile Road from 44 and
26 Auburn Road to Capital Parkway?

27 MR. RINKER: Well, I don't think anyone else is
28 going to be at the same caliber as Sheetz. You've got a lot
29 of different restaurants. I don't know if you go through this
30 discussion if you have a Starbucks and Chipotle and another

1 restaurant, you know, a Grist Mill restaurant in the same
2 strip plaza area. I mean, that's a discussion. I don't know.
3 It's a circular discussion.

4 The fact is, you do adopt a Zoning Resolution in a
5 scheme that tries to admit certain types of uses. And as with
6 any code, it's kind of a one size fits all. You have
7 preestablished, kind of, classifications. A lot of times,
8 people envision specific end uses. I think that's why you
9 have conditional uses. You're looking at what the impacts are
10 going to be.

11 CHAIRMAN LINGENFELTER: But in --

12 MR. RINKER: But I can't change your view of what
13 would be the more appropriate end user for this site even
14 though the Zoning Resolution recognizes that this fits in.

15 CHAIRMAN LINGENFELTER: We put together -- I think
16 Rich brought at that meeting a fairly large document that was
17 our, the concept behind what our thought process was for that
18 area for Town Center. It's a pretty thick book that we've
19 put, sunk a lot of money into, put a lot of time in. I served
20 on that committee.

21 MR. RINKER: Understood.

22 CHAIRMAN LINGENFELTER: And spent time, spent a lot
23 of personal time going to these meetings. And it's a pretty
24 simple question. He asked if anybody had taken the time to
25 read it, and the answer was no. So nobody -- You chose this
26 location. Okay?

27 MR. IAFELICE: Correct.

28 CHAIRMAN LINGENFELTER: And you didn't put any, you
29 didn't look at what that, the impact of your decision to build
30 it there was going to have on the document that was put

1 together for our concept for that area. And that would have
2 been helpful, I think, because had you read that and maybe
3 tried to understand that, maybe you would have thought that
4 this is going --

5 MR. RINKER: Are we talk 2015, the study that was
6 done?

7 MR. IAFELICE: And '16.

8 MR. RINKER: Pardon?

9 MR. IAFELICE: 2015 and then the 2016.

10 MR. RINKER: Yeah.

11 MR. IAFELICE: 2016.

12 MR. RINKER: I read it. No, I looked at it a lot,
13 and also looked at the JEDD and it's one of the reasons the
14 discussion about the JEDD. I am not trying to suggest that we
15 fit the ideal, but as I said at the outset, I do believe that
16 this type of use complements what overall would be the mix of
17 uses that are contemplated for this relocated center.

18 CHAIRMAN LINGENFELTER: And I know you feel it's a
19 cyclical argument but I am going to ask you again, because you
20 didn't answer my question, what does Sheetz offer to this
21 area, to that specific area that is more than what is being
22 offered already on Crile Road and 44 between Chardon, between
23 Auburn Road and Capital Parkway?

24 MR. RINKER: I thought I did. I thought that Sheetz
25 has, delivers its product in a unique way.

26 MR. PETERSON: Can I take a stab at that? Because I
27 thought this out, too. And I, too, served on that same
28 committee you were on and I don't see it as a misfit. But
29 having that location there open 24 hours a day provides
30 travelers that utilize our hotels late-night meal access,

1 late-night convenience store access, and also people that have
2 family in the hospital that are there visiting family, staying
3 with them and they want to get something to eat late at night.
4 Everything else is closed. This is right there. It's
5 centrally located to our hotels and our medical facilities.
6 So I see that as a big plus and nobody else offers that. It's
7 just not there.

8 MR. IAFELICE: Mr. Chairman.

9 CHAIRMAN LINGENFELTER: Yes.

10 MR. IAFELICE: All due respect, I had the 2016 Town
11 Center here and, as the chairman noted, there was no, nobody
12 had read the 2016 vision. It's multiple, it's a large packet,
13 ledger size. Not the 2015.

14 MR. RINKER: No, I haven't seen that. What I saw, I
15 got off line.

16 MR. IAFELICE: That's my understanding. But the
17 original question the chairman posed, I had the same question
18 already written as Number 1. The answer to the site selection
19 was traffic. That's not an answer to the site. What is
20 there -- There are sites in Concord that have traffic. So why
21 not the other side of 44? And I am not saying that
22 facetiously.

23 MR. RINKER: No, I understand that.

24 MR. IAFELICE: The purpose that this Town Center is
25 our only opportunity to capitalize on a vision, and I am not
26 trying to say it's going to be Legacy Village or Crocker Park
27 or what have you, but you don't see gas stations at the
28 entrance of those types of mixed-use developments. The vision
29 here was to provide an opportunity for this community because
30 of the major expansion this community has already -- The

1 population is probably growing at a faster rate than any
2 community in Lake County. Don't quote me on that. And who
3 knows, 20 years from now, we may be talking about whether we
4 still can govern as a township. We have to look to the future
5 and that is the future, that area for the 15 years that this
6 township has invested in plans and that vision.

7 So I was pretty strongly opposed originally and you
8 came back with the same site and I am disappointed. I am very
9 disappointed, not at Sheetz, the site, the site. There has
10 got to be other sites to possibly pursue.

11 MR. RINKER: To be sure, you know, I am land use
12 counsel and I am not part of Sheetz corporate that makes the
13 decision. I can speculate, one, in the marketplace, you look
14 at property that's available, you look at the value, you look
15 at, you go through a business decision as to how you're going
16 to invest, put your assets into an area, and this is the site,
17 given it's location. I mean, the nature of the petroleum
18 industry and the nature of restaurants is you capture what's
19 there. And to your point, there is going to be more and these
20 are services that people will use. This will be --

21 MR. IAFELICE: I understand, Mr. Rinker, but --

22 MR. RINKER: Sheetz provides a lot of perks for,
23 it's one of the good places for people to be employed.

24 MR. IAFELICE: No dispute, no objection.

25 MR. RINKER: All I am trying to say is there are so
26 many of these objective measures that you know you are going
27 to have a quality product. Is it at an echelon you're looking
28 for? I can't change that.

29 MR. IAFELICE: Just move it.

30 MR. RINKER: But certainly -- Well, but people say

1 that and yet, in the marketplace, you look for what can work
2 for you and can you build, can you do it there? And then you
3 look to, do we meet the zoning criteria, you know, where you
4 have discretion to say, "We want certain improvements to it."
5 We're trying to meet those as well.

6 MR. IAFELICE: Let's talk about the zoning criteria.

7 MR. RINKER: The use, fundamentally, I can't change
8 that.

9 MR. IAFELICE: Let's talk about the zoning criteria.
10 Correct me here if I'm wrong, Heather, but for my colleagues
11 here on the Board doing a little research on this, so under
12 Section 13 of our Resolution, 13.36 is the planned development
13 district that we created, the C District. It does not permit
14 this use.

15 MR. RINKER: It conditionally permits it.

16 MR. IAFELICE: It does, it does not. 13.25, as a
17 gas station, is a conditional use listed in the Capital
18 District. But if it was propped as a planned development,
19 there is no permitted use for a gas station, am I not correct,
20 if it was a PD?

21 MS. FREEMAN: That is correct. Under the Capital
22 District as a conditional use, a property owner may submit an
23 application for an Innovative Site Plan Development. In that
24 development, gas stations are not permitted.

25 MR. IAFELICE: Not permitted. So they took the
26 approach of 13.25 and that's how, why they're here. They got
27 a variance as a conditional use.

28 MR. RINKER: No. We got a conditional use permit.
29 We got a variance for physical components.

30 MR. IAFELICE: I'm sorry, yeah.

1 MR. RINKER: And I'm not trying to quibble.

2 MR. IAFELICE: No, no, you're right.

3 MR. RINKER: But the whole ideal of a permitted use
4 is --

5 MR. IAFELICE: You're correct.

6 MR. RINKER: -- you allow it as long as you hit
7 those conditions because you are looking at adverse impacts.

8 MR. IAFELICE: You are absolutely correct. I am
9 just saying, under what I think the township's plan was as an
10 Innovative PD under 13.36, it's not permitted. So that's the
11 vision. That's what we're speaking from, that, if you will,
12 that plan, that vision of that Town Center, and this is the,
13 this is the gateway. This is the entrance to that. And the
14 renderings and the vision that was prepared in 2016 by
15 Risinger -- Risinger?

16 MS. FREEMAN: Yes.

17 MR. IAFELICE: It's remarkable and it was
18 unanimously adopted by the township. And the township is, you
19 know, it's a semi rural community. We're never really
20 interested in real high density development except here if
21 it's done the right way, if it's done the right way under
22 this, under a nice, a professionally developed plan. Instead
23 we're going spot, you know, picking a spot, getting a
24 conditional use, doing that, and then next door we might end
25 up with the same thing. I am here to object to that. I am
26 just here to object to that process, so all due respect.

27 MR. SMYKE: Can I address that?

28 CHAIRMAN LINGENFELTER: Hold on a minute, whoa,
29 whoa, whoa. Who are you?

30 MR. SMYKE: My name is Jon Smyke, 7865 Auburn Road.

1 I'm the landowner over here. I've also been a resident in
2 Concord for the past 30 years and had my business
3 headquartered here. I've been here and I've been going down
4 Auburn Road for the past 30 years, driving the same route to
5 and from work.

6 CHAIRMAN LINGENFELTER: I am sorry. I appreciate
7 your comments and I appreciate your interest, but this is not
8 a public hearing and you really have no place to talk on this.
9 So, I mean, if you want to submit some comments, I mean, you
10 are more than welcome to but this is really not --

11 MS. BELL: There is an audience participation at the
12 end.

13 CHAIRMAN LINGENFELTER: There is an audience, yeah,
14 there is an audience --

15 MR. SMYKE: I will hold my comments.

16 MR. RINKER: But he is the property owner. We're
17 talking about his site.

18 CHAIRMAN LINGENFELTER: There is a, there is a
19 section here, I think, in the agenda for public comment at the
20 end, public participation, and we can certainly take your
21 comments then.

22 MR. RINKER: No, we appreciate procedurally but I
23 would say --

24 CHAIRMAN LINGENFELTER: And you know --

25 MR. RINKER: We would have to have his approval
26 to --

27 CHAIRMAN LINGENFELTER: Excuse me, counsel, just for
28 a moment. Let me make sure you understand that I am not
29 opposed to people having their say and giving you an
30 opportunity to speak, okay, believe me, and you will be given

1 that opportunity but just not right here, right now.

2 MR. RINKER: Got it.

3 MR. SMYKE: I was just trying to address
4 Mr. Iafelice's comment about the PRD (sic) as somebody who has
5 been intimately involved with what's going on right over
6 there.

7 CHAIRMAN LINGENFELTER: Okay, yes, thank you. I
8 appreciate it, I really do.

9 MS. FREEMAN: Mr. Chairman, and for legal counsel,
10 can I clarify that Mr. Smyke is the, is the current property
11 owner of the property that Sheetz is in front of you tonight
12 for. And just to clarify for the record, Sheetz is not going
13 to purchase the property but lease it from the landowner.

14 MS. BELL: Okay, I see, all right. Well, then --

15 MS. FREEMAN: I don't know if that changes whether
16 or not he can speak for them or not. So I just wanted to --

17 MS. BELL: I am not offended anymore, if you want to
18 allow it.

19 CHAIRMAN LINGENFELTER: Oh, boy.

20 MR. RINKER: You can do it in the tempo you want.
21 We just want you to be aware that we've got to listen to him,
22 too.

23 CHAIRMAN LINGENFELTER: You know, come on up. Go
24 ahead.

25 MR. SMYKE: I thought maybe you'd want hear from --

26 CHAIRMAN LINGENFELTER: It throws, yeah, it throws a
27 little bit of a different, you know, light on things. So go
28 ahead.

29 MR. SMYKE: A spin, a spin, sure. Well, I had
30 said, my name is Jonathan Smyke. I've got my business located

1 at 7685 Auburn Road, been a Concord resident for most of my
2 life and headquartered my business here. I've been here since
3 the beginning, since before Capital Parkway. I've been to
4 most of these meetings. I've met with Risinger in the past,
5 talking about this piece of land being the benchmark and the
6 entrance to this Town Center, which I am all for, absolutely,
7 as a local resident. I think it's a wonderful idea.

8 To which, I was going to say, since this all
9 started, going back to Capital Parkway coming in and going
10 through and looking at developing the Swagelok piece, I have
11 seen so many multiple ideas and concepts thrown out there.
12 I've seen zoning changes every couple of years to match what
13 the current idea was. At one point, Concord wanted to move
14 downtown Concord, actual administration buildings. I saw
15 plans for a civic center with pools and ice skating rinks and
16 all that, and then that was scrubbed and that got set aside.

17 I watched Concord approached me in the past. You
18 had mentioned about, well, you don't want a Dollar General on
19 the corner. It was actually a Concord administrator that came
20 to me --

21 CHAIRMAN LINGENFELTER: I didn't say that.

22 MR. SMYKE: Well, your opinion was you didn't like
23 it but, in fact, you guys did approach me, your administrator,
24 several years ago and tried to put Drug Mart there, which is
25 kind of like a Dollar General. I guess what I am saying is I
26 really want to work with Concord as far as seeing this vision
27 and whatnot. Like I said, I work there. I drive there every
28 single day. I went through the mess at Crile Road for decades
29 and trying to get across here and watch my community that I
30 love grow and develop.

1 We put in this corridor cut-through road to help
2 alleviate traffic issues and problems and dangers up on I-90.
3 We did that. This road went in primarily to do that prior to
4 the hospital coming in, prior to all the businesses being
5 developed on Girdled Road.

6 As this has gone in, I've been talking with
7 different people at Concord as far as this vision and what you
8 want to put in here. And the service station is, in my
9 opinion, exactly what we need. You asked, what does it
10 provide? It's providing jobs. It's bringing people to work
11 in here. It's providing revenue. It's providing JEDD money.
12 They didn't have to do that. How many of these other
13 businesses actually got involved and said, "Well, hey, we want
14 to participate in this and pay more taxes."

15 In addition to this, you've asked questions about
16 the additional piece of land. And I am working right now with
17 other developers and other builders, recommended by the
18 township, to put together something that brings everybody into
19 this new downtown district and opens it up. The way I am
20 looking at it, the way I see it, I mean, as a citizen, A, and
21 secondly, as what makes sense, well, we're not moving downtown
22 Concord there. We're not going to build a gigantic civic
23 center anytime in the near future. This road went through a
24 decade ago and nothing's happened, absolutely nothing's
25 happened, nothing's happened on this piece of land.

26 It's kind of like that philosophy of -- I don't
27 know -- if you build it, they will come. This thing tied
28 into -- And, again, this is a lot better than a Drug Mart
29 sitting there. This thing tied into -- I don't know -- a
30 hotel or some other business to open everything up into this

1 gateway, I am on board with, I am a hundred percent on board
2 with.

3 And I believe, I believe that this service station
4 and all the work and diligence that Sheetz has put into this,
5 they're not just putting this in there because they're red
6 buildings and cheap gas. I think that this really is going to
7 service the community. It is going to bring in more highway
8 traffic. It is going to bring in traffic from coming down
9 south. And I think it's a perfect linchpin. You want to do
10 this big PRD. You don't want this in the middle of the PRD.
11 You want this on the fringes, and this is about fringiest
12 place on 44 and Capital.

13 You want to service a Sheetz. Where else can we put
14 a Sheetz? Where else is an easy, accessible location right
15 off the highway without having to make turns onto the service
16 road or Crile Road. So I guess I just wanted to say that I
17 don't agree. I think that this is a great idea. I think that
18 this is, if you build it, it will come. I think this brings
19 in money for Concord. I think this brings in jobs for
20 Concord. I think this keeps us on the map with Mentor and
21 Willoughby and other towns that are growing and being
22 progressive. We're keeping up with that. And, again,
23 nothing's happened.

24 Our objective years back, putting the Drug Mart
25 there because, just like Mr. Lingenfelter said, in my opinion,
26 I didn't think that that was the right store for that
27 location. And that's why I could have sold it and walked away
28 but I didn't because I am living here and plan to live here
29 the rest of my life.

30 So I mean, like I said, you need something like

1 this. It's on the fringe of this PRD. It's not in the middle
2 of downtown. And I think it's great for the community. I
3 guess that's it. If you have any retort or something you want
4 to ask me, feel free.

5 CHAIRMAN LINGENFELTER: Thank you. Really
6 appreciate your input.

7 MR. SMYKE: Thank you.

8 MS. FREEMAN: Mr. Chairman, can I ask him?

9 CHAIRMAN LINGENFELTER: Sure.

10 MS. FREEMAN: So Sheetz has indicated they are
11 willing to join the JEDD. Is the property owner willing to
12 join the JEDD, too?

13 MR. SMYKE: I haven't been addressed with that
14 directly or formally. As far as me and Sheetz joining the
15 JEDD for this piece of land?

16 MS. FREEMAN: Right.

17 MR. SMYKE: Yeah, we're on board with that.

18 MS. FREEMAN: Okay.

19 MR. SMYKE: Absolutely, absolutely.

20 MS. FREEMAN: Thank you.

21 MR. SMYKE: I don't know why they would want to pay
22 an extra 2 percent but that's on them.

23 MS. FREEMAN: Thank you.

24 CHAIRMAN LINGENFELTER: All right. Well, any
25 comments, Frank?

26 MR. SCHINDLER: Not at the present, no. I had my
27 say.

28 MS. BELL: So I would add that before us tonight is
29 a site plan review, so it's important that we go over the
30 criteria in 36.06.

1 CHAIRMAN LINGENFELTER: Yeah, that's, I was --

2 MS. BELL: I read your mind.

3 CHAIRMAN LINGENFELTER: I was heading that
4 direction.

5 Hiram, any comments at this point?

6 MR. REPERT: No, no, sir.

7 CHAIRMAN LINGENFELTER: Mr. Iafelice?

8 MR. IAFELICE: I think I, my position has been
9 stated. On the site plans themselves, should this Board want
10 to see this further, I believe the plans are incomplete.
11 They're far from complete. There is far more to do. I think
12 you will acknowledge that. There are no utility plans. There
13 are no -- I don't want to belabor it but the staff report
14 indicated quite a litany of issues, errors and omissions. The
15 plans don't reflect that. There are no sanitary plans. There
16 are no water line plans. I don't believe there is a
17 stormwater management plan approved, approved.

18 MR. BALKO: I mean, there is one. I mean, all of
19 that stuff has been designed.

20 MR. IAFELICE: I understand.

21 MR. BALKO: And that's technical --

22 MR. IAFELICE: I understand.

23 MR. BALKO: -- engineering approvals. I don't see
24 how that would be related to --

25 MR. RINKER: Well, let me ask the question.

26 MR. IAFELICE: Yes.

27 MR. RINKER: Again, we're at zoning and you're
28 talking a lot of the engineering details. We're not going to
29 give those short shrift. So my question is, can those not be
30 handled administratively either by Heather or the different --

1 MR. IAFELICE: No, not in my opinion, no.

2 MR. RINKER: I didn't know this was --

3 MR. IAFELICE: The site plan is our purview.

4 MR. RINKER: Right.

5 MR. PETERSON: And the plans are incomplete.

6 MR. RINKER: But if the commitment is made to the
7 conditions that have been listed, is that not sufficient?

8 MR. IAFELICE: Correct. Not for me, as a
9 professional engineer. I need to see complete plans.

10 MR. RINKER: That's because you're an engineer
11 though.

12 MR. IAFELICE: They're not complete. I am sorry.
13 They're just not complete and I don't want to --

14 MR. RINKER: Can you make a conditional approval?

15 MR. IAFELICE: No.

16 MR. RINKER: You are saying you need to see them
17 before you --

18 MR. IAFELICE: Revise and resubmit would be my
19 recommendation, but that's secondary to my primary objection
20 to the project site.

21 MR. RINKER: We understand, yeah.

22 CHAIRMAN LINGENFELTER: Right, because, you know --

23 MR. IAFELICE: I object to the site.

24 CHAIRMAN LINGENFELTER: Rich, any comment?

25 MR. PETERSON: From what, I don't think we have ever
26 reviewed utility plans as part of the design review or site
27 review, as far as detailed sewer lines and things like.

28 MR. IAFELICE: The project cannot proceed without
29 sanitary, gas and water.

30 MR. PETERSON: But we've never, as a zoning board,

1 reviewed those. Those were always handled elsewhere, as I
2 recall. I don't every once recall seeing those.

3 MR. IAFELICE: For me --

4 MR. PETERSON: Correct me if I'm wrong. I know
5 where you are coming from because of your background.

6 MR. IAFELICE: No, even without --

7 MR. PETERSON: But on this board, we have not done
8 that.

9 MR. IAFELICE: Even without, all due respect, a
10 development can't occur without utilities.

11 MR. PETERSON: I understand, but that's not
12 something we've reviewed on this board in the past.

13 MR. IAFELICE: On a site plan, you have, every site
14 plan we have, you have water, gas, sanitary on our site plan.

15 MR. PETERSON: Yeah, but we don't go into the detail
16 of that.

17 MR. IAFELICE: No, it's represented so we know where
18 it's being located.

19 MR. PETERSON: I'm not sure what you are looking
20 for. But I would just like to say, in accordance with
21 Mr. Smyke, I too, like I mentioned, was on the planning for
22 the Town Center and all of the Town Center activity was going
23 to be on the southwest corner of the roundabout. That was
24 where all the detailed drawings were, the retail, the
25 commercial, the potential new Community Center, possible
26 swimming pool, a walking trail, and even apartments, which we
27 got a lot of objection to, but that was the big plan. Coming
28 up on the connector road was peripheral.

29 So I see, and I certainly agree with Jonathan, that
30 that facility is actually a great entrance into a peripheral

1 area that leads to the Town Center but the Town Center was
2 really going to be, if it ever occurs, was going to be around
3 the roundabout. So I have no objection to the location,
4 clearly.

5 CHAIRMAN LINGENFELTER: Okay. Well, you know where
6 I stand. I've made my comments.

7 What we need to do now is we need to go through the,
8 we have quite a few pages, not a page or two but several pages
9 of zoning staff comments.

10 The first one is, "Does the project meet the Site
11 Plan Review Criteria outlined in Section XXXVI?" and there are
12 18 items that are highlighted here. "A lot consolidation/lot
13 split plan must be submitted and approved by the County, and
14 recorded prior to the zoning permit being issued."

15 MR. RINKER: Right, that's the zoning permit, but is
16 that the decision of the Zoning Commission? Those are two
17 different things, correct?

18 CHAIRMAN LINGENFELTER: Yes.

19 MR. RINKER: Okay.

20 CHAIRMAN LINGENFELTER: Okay. So you don't have a
21 problem with getting that squared away?

22 MR. RINKER: No. I guess, let me preface this, and
23 I can be corrected, but my understanding is all of the
24 conditions that have been enumerated by staff, Sheetz is
25 committed to meeting those. So we're saying we'll meet those
26 criteria.

27 CHAIRMAN LINGENFELTER: So 1 through 18, including
28 18a through e, under Section 36, you're okay with? There
29 isn't anything there that you object to or don't feel that you
30 can fulfill?

1 MR. BALKO: Correct.

2 MS. FREEMAN: Are you looking at the, are you, on
3 the staff report, are you on page 5 under the recommended
4 staff conditions?

5 MR. RINKER: That's where I am, yeah. They seem
6 repetitious but I think there is a --

7 MS. FREEMAN: There are a couple tweaks but --

8 CHAIRMAN LINGENFELTER: I know. I was looking for
9 the delineation.

10 MR. RINKER: That's because you're on two things.

11 CHAIRMAN LINGENFELTER: We are taking under two
12 different separate issues under consideration, okay, and one
13 is the site plan review and then the other is the design
14 review.

15 MR. RINKER: Right.

16 CHAIRMAN LINGENFELTER: And I was trying --

17 MR. RINKER: I believe page -- I am sorry. Go
18 ahead.

19 CHAIRMAN LINGENFELTER: Because there are so many
20 pages of comments and things of that nature, I was looking at
21 the wrong -- I was trying to find the delineation.

22 MR. RINKER: Yeah, I did the same thing. But
23 I think if we look at 5 through 7, and it's numbers 1 through
24 25, those, I believe, are the section for staff on the site
25 plan review.

26 CHAIRMAN LINGENFELTER: So we're on, so we're
27 actually looking, Heather, at Section IV then?

28 MR. REPERT: Right.

29 CHAIRMAN LINGENFELTER: Section IV, right?

30 MS. FREEMAN: If that is your intent to go through

1 the proposed conditions that staff was recommending, yes.

2 CHAIRMAN LINGENFELTER: Right. So this is subject
3 to the following conditions, so then we have 1 through 25.

4 MR. RINKER: Yes, with subparts.

5 CHAIRMAN LINGENFELTER: Is that correct? Yes, 1
6 through 25.

7 MR. RINKER: Yes, sir.

8 CHAIRMAN LINGENFELTER: And there isn't anything in
9 any of these -- And you're aware of all of these conditions?

10 MR. BALKO: Correct, right.

11 CHAIRMAN LINGENFELTER: Is there anything on this
12 list of conditions 1 through 25 that you feel that are a
13 problem or you're not going to be able to meet?

14 MR. BALKO: No.

15 CHAIRMAN LINGENFELTER: Or you take issue with?

16 MR. BALKO: No, I do not. I do not believe there is
17 anything that we would not be able to meet.

18 CHAIRMAN LINGENFELTER: Okay, all right. So does
19 that then, Heather, does that cover the, does that cover the
20 site plan application then with that, with those comments?

21 MS. FREEMAN: I would recommend that you go through
22 them, read them.

23 CHAIRMAN LINGENFELTER: Do you want me to read, do
24 you want me to read all 20? You think I should go through all
25 25? Do you think that makes sense?

26 MR. RINKER: Can you incorporate it into the record?

27 CHAIRMAN LINGENFELTER: I am certainly happy to do
28 that.

29 MS. FREEMAN: Well, I mean, I guess that may be up
30 to legal counsel. I would be questioning how you would do

1 Number 8 about providing a cross section to the Zoning
2 Commission for your consideration. Would that be at a
3 subsequent meeting or how would you propose to do that if
4 that's something you guys wanted to see?

5 MR. IAFELICE: Mr. Chairman, that's why I was, if
6 they're going to go forward, revise and resubmit. This
7 comment by the staff on Number 8 is, as Ryan pointed out,
8 there is steps. The transition between Capital Parkway and
9 the site, I can't see it. I don't understand it. And there
10 is steps and there's a walkway. There is quite an elevation
11 difference. They're bridging the ditch, if you will, and
12 it --

13 MR. RINKER: Let me interject, and I will try to do
14 this. I'm trying and make it work because I've had this
15 discussion while --

16 MR. IAFELICE: (Microphone noise.) Sorry.

17 MR. RINKER: It gets attention.

18 What we would ask is to table subject to, out of
19 these 25 items, the specifics -- and it looks like we're
20 starting with Number 8 -- where the Commission would want to
21 see them before a vote. It seems to me, by far and away, the
22 bulk of these are conditions, basically, conditions subsequent
23 that you can approve subject to administrative follow-up. In
24 other words, you're approving, making sure that everything is
25 done according to Heather. But there are some of these, and
26 we're looking at Number 8 as an example of one, where you
27 wouldn't be able to do that. Am I characterizing that
28 correctly where you need to have that detail now?

29 MR. IAFELICE: Yes.

30 MR. RINKER: Prior to a decision on your zoning?

1 MR. IAFELICE: For me, because I agree with the
2 staff comment.

3 MR. RINKER: So Number 8. What I'm trying to do is,
4 out of the 25, well, I am trying to isolate those so, for the
5 record, if we can, that way, that gives us direction if we're
6 going to take a time-out to make sure that we have these
7 things back for in time for staff and for you to review for
8 the next meeting.

9 CHAIRMAN LINGENFELTER: All right. So let me review
10 Number 8 then on this, on the staff recommendations, including
11 conditions, as appropriate. Number 8, "Staff is concerned
12 with creating a desirable transition from the existing public
13 street and proposed sidewalk, onto the site and parking lot.
14 A cross section showing the proposed streetscape and
15 transition should be provided to the Zoning Commission for
16 their consideration."

17 MR. RINKER: And you are basically talking about a
18 profile view that shows the grade change?

19 MS. FREEMAN: Yeah.

20 MR. RINKER: Yeah.

21 CHAIRMAN LINGENFELTER: Okay. So you are okay with
22 that, I mean?

23 MR. RINKER: Yes.

24 MS. FREEMAN: Well, and like what are the actual
25 steps from --

26 MR. RINKER: Detail.

27 MS. FREEMAN: Yeah, with the detail, yeah, okay.

28 MR. RINKER: Understood. So that's, yeah.

29 MR. REPERT: And also the ramp.

30 MS. FREEMAN: Yeah, all of that.

1 MR. REPPERT: And the steps.

2 MR. RINKER: Understood, yeah, so there is no
3 speculation.

4 CHAIRMAN LINGENFELTER: And then I think Number 9
5 speaks to one of Rich's, Rich Iafelice's comments with regards
6 to written verification from the appropriate agencies that
7 water and sanitary capacity exist to accommodate the proposed
8 development.

9 MR. RINKER: Both agencies state capacity is
10 available but no water or sanitary available until utilities
11 are extended east.

12 CHAIRMAN LINGENFELTER: Right.

13 MR. RINKER: Well, who is going to approve those
14 plans, the county, right, the County Engineer?

15 MR. IAFELICE: Correct, yeah, correct.

16 MR. RINKER: So we can't get the utilities until the
17 county says we've got them run. Why would this Commission
18 need to see those plans?

19 MR. IAFELICE: You need utilities to build the site.

20 MR. RINKER: That's a given. So why does this
21 Commission need to see that issue? I understand you're an
22 engineer and you look at those details but isn't the County
23 Engineer handling that job?

24 MR. IAFELICE: I'm not talking about the details of
25 the plan. I need to see how it is facilitated, how it enters
26 the site and --

27 MR. RINKER: Isn't that County Engineer's
28 responsibility?

29 MR. IAFELICE: That's assuming you are getting the
30 plans approved. All they said is capacity is available.

1 MR. RINKER: But the zoning approval depends upon
2 those subsequent plan's approval from the County Engineer.

3 MR. IAFELICE: Correct, approval from, I believe,
4 from our Board.

5 MR. RINKER: From the County Engineer.

6 MR. IAFELICE: I believe from our Board, we should
7 withhold that.

8 MR. RINKER: I think that's, with all due respect, I
9 think that's more detail than the Commission requires because
10 I think the time that's involved, the detail that's involved,
11 zoning typically does not require the expenditure that you go
12 into engineering detail. The presumption is that you will do
13 it once you get the zoning approval.

14 MR. IAFELICE: We are approving a site plan. In
15 good conscience, I can't approval a site plan without the
16 utilities. That's all I am saying.

17 MR. RINKER: I would disagree.

18 MR. IAFELICE: That's all I am saying.

19 MR. RINKER: I would disagree. Every
20 municipality -- And that's why you have a County Engineer.
21 That's why the county handles these issues. Eight, I can
22 understand. Nine, I can't, and I don't think that that's
23 something that should be required of an applicant. And I
24 think your legal counsel, I mean, we will defer to counsel but
25 I don't think that's something that, from a zoning standpoint,
26 is essential. We'll provide as much detail as we can but
27 those are basically as-built approval ready. That doesn't
28 seem to be appropriate.

29 CHAIRMAN LINGENFELTER: That would speak to
30 Number 10, also, and it looks like I would have to probably

1 throw in Number 11 there as well.

2 MS. FREEMAN: Mr. Chairman.

3 CHAIRMAN LINGENFELTER: Yes.

4 MS. FREEMAN: If you don't mind, maybe just to speak
5 on the extension of the utilities down Capital Parkway, I do
6 not believe that that would be something that this Board can
7 require to have completely approved by the county prior to
8 granting the conditional or even the approval on that. The
9 zoning review, we don't have any authority to review those
10 extension plans. But be rest assured, we will not issue the
11 zoning permit until we've gotten approval from the county that
12 they've been approved. And if, for some reason, it changes
13 something on the site itself, I would think that that would,
14 more than likely, trigger that to come back to you if it was a
15 significant modification.

16 MR. IAFELICE: Thank you.

17 MR. REPERT: Is it possible for these comments to
18 be addressed and come back next month?

19 MR. RINKER: We're trying to do that as much as --

20 MS. FREEMAN: Yeah, yeah, that's what we're trying
21 to do.

22 MR. REPERT: Well, I mean, give them time to look
23 at all these comments, resolve them, and then the ones that
24 aren't resolved or, you know, require somebody else, we come
25 back because --

26 MR. RINKER: I get it.

27 MR. REPERT: We're not going to go, I don't want to
28 go through 25 line by line. I would rather have you folks
29 take care of these comments, resolve them to your
30 satisfaction, and then we come back and take 25 and come down

1 and discuss two next month.

2 MS. FREEMAN: I don't know if --

3 MR. RINKER: Can't argue.

4 MR. REPERT: Is that impossible? Is that --

5 CHAIRMAN LINGENFELTER: No, I don't think so.

6 MR. RINKER: It's called rationale. It's pragmatic.

7 That's why I suggested that we try to do exactly that to the
8 extent we could.

9 MR. REPERT: Yeah, but I don't want to do it here.

10 MR. RINKER: No, no, got it.

11 CHAIRMAN LINGENFELTER: Right.

12 MR. REPERT: I want to do it off site.

13 CHAIRMAN LINGENFELTER: Right.

14 MR. REPERT: And, Rich, you are more than welcome
15 to join the conversation. And I am a PE, also, so that's all
16 right.

17 MR. IAFELICE: Okay.

18 MR. REPERT: Is that all right? I mean, is that
19 out of context or what? Is that okay, Heather?

20 MS. FREEMAN: I think that it still would benefit us
21 to kind of go through these and say what are the big ones that
22 you really want to see corrected or brought back to this Board
23 next month. Some of these are very minor and some of these
24 are, yes, we will get that, we agree to that, which they're
25 not going to be able to have the lot split, they're not going
26 to be able to have the utilities already approved by the
27 county. So I was kind of agreeing with going through, okay,
28 what do we need to bring back to this Board to make this, give
29 you all the information you need?

30 MR. PETERSON: Why not just bring them all back?

1 Address all the easy ones and hard ones. I mean --

2 MS. FREEMAN: Well, that will be --

3 MR. IAFELICE: A response, at least.

4 CHAIRMAN LINGENFELTER: Right.

5 MR. PETERSON: A response to each one.

6 CHAIRMAN LINGENFELTER: Yeah. What I would task you
7 with at this point is that I want you to address the 25 items
8 that are listed on this recommendation, including conditions,
9 and have answers, long or short, to these issues for us for
10 next month. I think that would be the best way to approach
11 this.

12 MR. RINKER: We will certainly do the best we can
13 there. I suspect some of these are going to be where we'll be
14 saying this is either submitted or will be submitted. Here is
15 the --

16 CHAIRMAN LINGENFELTER: Correct.

17 MR. RINKER: No, that's fair.

18 CHAIRMAN LINGENFELTER: I mean, quite frankly, you
19 know, when we deal with these site plan reviews and staff
20 recommendations and comments, you know, it's usually a page,
21 maybe five or six.

22 MR. RINKER: That's what I'm used to as well.

23 CHAIRMAN LINGENFELTER: Five or six bullet points
24 and not five pages, you know, on both sides with, you know,
25 numerous issues, including all of the various entities that
26 are involved with the Department of Transportation, Township
27 Fire Department, Stormwater Management, you know, Lake County
28 Engineer's Office. I mean, everybody's got some stipulations
29 in here and I would like to see those specifically addressed.
30 So I think that would be, I think that would probably be the

1 most prudent way to move forward on this.

2 MR. RINKER: We will do the best we can. I concede,
3 this is very exhausting. This is unique. And I don't think
4 it's because of Sheetz but -- That's for the site plan. I
5 guess design review, are we looking at the same?

6 CHAIRMAN LINGENFELTER: Yeah. I mean, we're, you
7 know, the design review, yeah, site plan review.

8 MR. RINKER: Well, I will note there are two items
9 in Number 1 under the, for design review, and I'll just read,
10 "Building walls, parapets, and/or roof systems" -- excuse me
11 -- "roof systems shall be designed to conceal all roof-mounted
12 mechanical equipment from view to adjacent properties, public
13 rights-of-way. Mechanical equipment, screening techniques
14 shall incorporate the same design standards, proportionality
15 and texture as the front facade."

16 For the convenience store, clearly, all of this is
17 being met. For the car wash, there is no roof mechanical,
18 just so you're aware. So those kinds of embellishments you
19 typically get to conceal, we wouldn't need them for the car
20 wash.

21 CHAIRMAN LINGENFELTER: For the car wash, correct.

22 MR. RINKER: And then foundation plans, dimensions
23 for convenience store and car wash, certainly, we can provide
24 that.

25 CHAIRMAN LINGENFELTER: Right.

26 MR. RINKER: I can't imagine that's --

27 CHAIRMAN LINGENFELTER: Right.

28 MR. SCHINDLER: I would assume, gentlemen, that, you
29 know, like you guys are bringing up about height, for example,
30 and the amount and capacities for, depending on sewer and

1 water. In my opinion, I would think, as long as they say,
2 yes, we will provide the water lines will go from A to B, then
3 that should be sufficient, I would think, to us. Am I
4 correct?

5 MR. PETERSON: From the zoning standpoint, I agree.

6 MR. SCHINDLER: Yeah, from the zoning standpoint.
7 Rather than going into wanting every detail of, like I say,
8 size of the line that's going to handle this much per minute
9 or all that. I don't want that stuff.

10 MR. RINKER: I have no objection to your
11 observation.

12 MR. SCHINDLER: That's what I'm saying.

13 MR. RINKER: I think I'm in the minority.

14 MR. SCHINDLER: Right. I mean, engineer, I have a
15 background in engineering, too. So, please, what we're
16 looking at here, like we talk about zoning, just as long as I
17 know that they're going to meet, yes, we're going to -- their
18 water line is going to go in this road to this road, okay,
19 fine. Is it going to have the capacity to handle Sheetz?

20 MR. PETERSON: And they're going to be approved by
21 the appropriate organization.

22 MR. SCHINDLER: Approved by -- That would be
23 sufficient to me. Do agree, gentleman?

24 MR. PETERSON: I do.

25 MR. SCHINDLER: Rather than, because I don't want
26 these gentlemen -- I mean, trust me. I've been in the
27 engineering part of it. It could take days to go through
28 stuff and calculations many times, especially when you have to
29 go through agencies, you know, you have to find capacities and
30 all that kind of stuff. That's time consuming and a lot of

1 money engineering wise.

2 So I would think that, if we could just say, yes,
3 it's going to do this. Yes, we will comply. Yes, it's going
4 to do this. Yes, we will comply. Would that be sufficient?

5 CHAIRMAN LINGENFELTER: That's typically what we do.

6 MR. SCHINDLER: Okay, yeah, right.

7 MR. PETERSON: That's our past, yeah.

8 MR. SCHINDLER: Okay, okay. That's I just wanted to
9 clarify that.

10 Okay, gentleman?

11 MR. RINKER: Appreciate it, yeah. Thank you.

12 MR. SCHINDLER: Yeah.

13 CHAIRMAN LINGENFELTER: All right. So then at this
14 point --

15 MR. BALKO: Can I ask just one? On the car wash, do
16 you all, from a, I guess, the design review standpoint, have
17 an opinion of, is the additional height to the car wash
18 something you favor or not? I mean, we just want to give the
19 proper direction on how our --

20 MR. IAFELICE: I will offer an opinion on it. I
21 don't think it's warranted unless, providing a shield of
22 evergreens on 44.

23 MR. BALKO: Oh, right, oh, yeah.

24 MR. IAFELICE: Deciduous trees right now, I believe,
25 on the landscape plan.

26 MR. RINKER: The conundrum is the Zoning Resolution
27 says --

28 CHAIRMAN LINGENFELTER: Oh, I know.

29 MR. RINKER: -- you shall make it look like it's two
30 stories, yet everyone is going, we don't want to see a

1 two-story car wash.

2 MR. IAFELICE: Yeah, yeah.

3 MR. RINKER: But as a design standpoint, I mean,
4 because there is some bucks into that extra masonry.

5 MR. IAFELICE: I don't know if there is a lot of
6 merit, especially when you look at the building.

7 MR. PETERSON: I agree. I agree.

8 MR. IAFELICE: You know, okay, it's more brick and a
9 flat roof. It doesn't --

10 MR. PETERSON: As long as it's aesthetically
11 appealing and it blends with the main building.

12 MR. IAFELICE: Yeah. So if it requires, I presume,
13 it requires a variance then if we, if the Board --

14 MR. RINKER: You can always give an exception.

15 MR. IAFELICE: Right.

16 MR. RINKER: It's your discretion. It's design
17 review.

18 MS. FREEMAN: Yeah, I think it's open to your
19 interpretation of whether or not it meets that.

20 MR. IAFELICE: Oh, okay.

21 MR. RINKER: We would absolutely solicit that
22 approach, if possible.

23 MR. IAFELICE: Okay. Yeah, the three feet.

24 MR. PETERSON: You stated it earlier, Frank.

25 MR. RINKER: But the message we're hearing is you're
26 looking for kinds of screening the things that are going to be
27 effected.

28 MR. IAFELICE: I would think so. I would think that
29 would be.

30 MR. SCHINDLER: Yeah, as long as the car wash, like

1 I said, doesn't look like it's glued on the side of the
2 building. You know what I mean?

3 MR. IAFELICE: Unless you find a different site.

4 MR. SCHINDLER: You fit it in aesthetically with the
5 rest, that would be fine with me.

6 MR. RINKER: This is why my wife's family would have
7 gone --

8 CHAIRMAN LINGENFELTER: All right. So we understand
9 where we're at.

10 MR. RINKER: I think so. I think so.

11 CHAIRMAN LINGENFELTER: We're clear. No questions?
12 No issues?

13 MR. RINKER: Oh, it sounds like there are plenty of
14 issues.

15 CHAIRMAN LINGENFELTER: Well, that's --

16 MR. RINKER: No, no, in all candor, I think --

17 CHAIRMAN LINGENFELTER: I'm talking talking in
18 reference to what --

19 MR. RINKER: That's why I suggested if we try to get
20 through the detail.

21 CHAIRMAN LINGENFELTER: We're not looking to, you
22 know, we're not looking to unnecessarily delay or, you know,
23 cause you --

24 MR. RINKER: I didn't you were. That's why I
25 suggested it, to see where you --

26 CHAIRMAN LINGENFELTER: We're trying to see our way
27 through this process, and we'll expect to see you guys next
28 month then.

29 MR. IAFELICE: Two technical questions,
30 Mr. Chairman, that I am not talking about utilities.

1 CHAIRMAN LINGENFELTER: Yes.

2 MR. IAFELICE: Other than the on-site drainage plan,
3 so just to clarify, it appears the storm sewer is designed
4 running both north and south. So we have storm sewer, on-site
5 storm sewer running south to the detention and then the outlet
6 from the detention is running back north, reverse grade. Am I
7 correct?

8 MR. REPPERT: It all flows downhill.

9 MR. IAFELICE: Not this one.

10 MR. PLAUTZ: It all ends up the corner here at 44
11 and Capital.

12 MR. IAFELICE: Yeah. My question is, there's storm
13 sewers parallel 44 along the easterly property line.

14 MR. PLAUTZ: Right. So it's --

15 MR. IAFELICE: Two sets of storm sewers.

16 MR. PLAUTZ: It is going to pipe into the back and
17 has the outlet up to the front. The problem is, here, we have
18 a detention system that's too large to fit in one spot, so we
19 have two detention systems.

20 MR. IAFELICE: Yes.

21 MR. PLAUTZ: And they combine to one spot.

22 MR. IAFELICE: Yes.

23 MR. PLAUTZ: And then have to outlet.

24 MR. IAFELICE: Yes.

25 MR. PLAUTZ: To get the water back to the detention
26 system --

27 MR. IAFELICE: Ergo you --

28 MR. RINKER: It's going to be going like this.

29 MR. PLAUTZ: Right. You basically have to go one
30 way and almost bring it back the other.

1 MR. IAFELICE: So you are saying yes?

2 MR. PLAUTZ: Yes. I mean, that's --

3 MR. IAFELICE: The sewers are running south and then
4 back north.

5 MR. PLAUTZ: Correct, correct.

6 MR. RINKER: But they're all going down.

7 MR. PLAUTZ: Correct. It's not efficient, if that's
8 what you are getting at. But, unfortunately, the size of the
9 system, that's how it is.

10 MR. IAFELICE: But I just had a, I just did a
11 double-take because there is two parallel sewers along 44
12 there and there it's like, oh, it's coming south and then
13 outletting back and going north again, parallel to each other.
14 One sewer is deeper than the other.

15 MR. PETERSON: I have never seen that.

16 MR. IAFELICE: Yeah, well, that's okay.

17 MR. RINKER: If we get your certification, I think
18 we are home free.

19 MR. IAFELICE: No, no, I am just trying to clarify
20 because the storm sewer begins, it appears, at the sidewalk,
21 if I am following that plan.

22 MR. PLAUTZ: What sidewalk?

23 MR. IAFELICE: I am trying to follow the sewer, the
24 sewer that drains south along --

25 MR. PLAUTZ: There is some curb inlets along the
26 east side.

27 MR. IAFELICE: Yeah, the curb inlets, right, right.

28 MR. PLAUTZ: Which drain over to the detention
29 system.

30 MR. IAFELICE: Okay, that's it.

1 MR. PLAUTZ: And the detention system drains out and
2 heads back north.

3 MR. IAFELICE: Heads back north.

4 MR. PLAUTZ: Correct.

5 MR. IAFELICE: Parallel to each other, reversing.

6 MR. PLAUTZ: Correct.

7 MR. PETERSON: Towards the lake?

8 MR. RINKER: Like Donkey Kong.

9 MR. IAFELICE: So that's going to need a, obviously,
10 a right-of-way permit from ODOT.

11 MR. PLAUTZ: Correct.

12 MR. IAFELICE: Okay.

13 MR. PLAUTZ: We're working on it.

14 MR. IAFELICE: You don't have that.

15 MR. PLAUTZ: What's that?

16 MR. IAFELICE: No right-of-way permit.

17 MR. PLAUTZ: It will need a right-of-way permit.

18 MR. IAFELICE: No. You don't have that.

19 MR. PLAUTZ: I don't have the right-of-way permit.
20 We've submitted but we do not have it.

21 MR. IAFELICE: Okay. And we don't have a Corps
22 permit either.

23 MR. BALKO: It's submitted.

24 MR. IAFELICE: Okay, yeah, okay.

25 And then the other area was on traffic. So is this
26 right in/right out plan?

27 MR. BALKO: No, full access.

28 MR. IAFELICE: Was that not a Lake County Engineer
29 recommendation, Heather, right in/right out?

30 MS. FREEMAN: It was a concern.

1 MR. IAFELICE: Was it a concern of yours in design
2 because of the proximity to 44?

3 MS. FREEMAN: If you look at the Lake County
4 Engineer's Office comments from Traci Salkiewicz, Number 9.

5 MR. IAFELICE: They made reference --

6 MS. FREEMAN: She stated, "Based on earlier
7 discussions, any driveways constructed on this section were to
8 be right in/right out. Since a full access drive is being
9 proposed, is this acceptable to Concord Township and ODOT as
10 traffic has the potential to back up onto State Route 44."

11 MR. BALKO: I believe we submitted our traffic memo
12 to Lake County.

13 MR. IAFELICE: Yes. So I read the report. So what
14 you're doing is you're robbing the left turn westbound lane
15 and creating eastbound left turn into the site. They're
16 taking away the queue length on the westbound -- eastbound.

17 MR. BALKO: Eastbound, yeah.

18 MR. IAFELICE: And putting it -- So, and I read
19 that. While I, respectfully, think it's going to be a problem
20 but I don't have the authority that the county is okay with
21 that. I would respectfully say, if this were to proceed, go
22 forward, this is going to be a traffic backup there. I
23 predict it as sure as I'm sitting here. There is not enough
24 turn length. There is not enough lane.

25 When you turn, immediately traffic is going to want
26 to, if they get into Sheetz, there's a left turn almost
27 within, what, 100 feet. It's just, I can just see, I can just
28 see it backing up. And then the left, if there is a left turn
29 out of it onto Capital, you know, and we've got traffic that's
30 trying to make left turns in --

1 MR. BALKO: Yeah.

2 MR. IAFELICE: That's where I would see the
3 conflict.

4 MR. BALKO: Yeah. I mean --

5 MR. IAFELICE: That's an accident waiting to happen.

6 MR. BALKO: You know, this was all the traffic
7 analysis and memos put together, you know, based on all the
8 numbers and the queue lanes.

9 MR. IAFELICE: No, I understand. I am just raising
10 the idea of maybe a right in/right out for safety purposes but
11 there is nothing that I have seen that says you shall put it
12 in that way. It seems to me that it's a concern you should
13 be -- I would share.

14 MR. BALKO: Heather, that would be good to know,
15 like, what the stance is from the township as far as what our
16 access will be because that will change things.

17 MS. FREEMAN: Right. And I think part of that is,
18 you know, up to this Board, too, to decide. I mean, Capital
19 Parkway is a township road. I am more than happy to go back
20 to Traci at Lake County and our, the other engineer that we
21 use as a consultant and ask them to look at that again. But
22 our initial conversations with you guys was to try to make
23 that access drive as far west as possible.

24 MR. BALKO: Yeah. It's centered on the --

25 MS. FREEMAN: It's not quite centered. I mean, it's
26 330 feet west and I think the frontage is close to, almost
27 close to 900. So you're barely, not even, you know, you're
28 about a third or fourth of the way over. I also share that
29 concern but I don't know that --

30 MR. IAFELICE: Maybe it's just a question, as you

1 suggested, Heather, check with the County Engineer.

2 MS. FREEMAN: Well, that's where Traci had come back
3 and said, you know, if it's acceptable to the township, you
4 know, then she would want to see, yeah.

5 MR. BALKO: I thought this memo was reviewed already
6 by your traffic engineer and the county.

7 MS. FREEMAN: Right.

8 MR. IAFELICE: Yeah, no, the report didn't cite or
9 recommend a right in/right out. I am just saying.

10 MS. FREEMAN: Right. It recommended the turn lane
11 improvements that they're proposing for the left turn lane.

12 MR. IAFELICE: Right.

13 CHAIRMAN LINGENFELTER: Okay. Do we know what we're
14 doing?

15 MR. IAFELICE: That was it.

16 CHAIRMAN LINGENFELTER: That's it?

17 MR. RINKER: I think we do. It's been a short night
18 for you all.

19 CHAIRMAN LINGENFELTER: Yes. We're used to it.

20 So then we'll move the Site Plan Review Application
21 Number 50 and the Design Review Application Number 50 to next
22 month's agenda, and we will make sure you guys are in there
23 and ready to go and we hope that you will show up with
24 answers.

25 MR. RINKER: With?

26 MR. BALKO: Answers.

27 MR. RINKER: Answers.

28 CHAIRMAN LINGENFELTER: Yes, with answers.

29 MR. RINKER: I want to make sure I heard that.

30 CHAIRMAN LINGENFELTER: Yes, with answers.

1 MR. RINKER: Thank you.

2 CHAIRMAN LINGENFELTER: Thank you. Appreciate your
3 time.

4 Okay. So that takes care of Items Number 3 and 4 on
5 the agenda. We're going to recess that to next month, waiting
6 for further information.

7 Item Number 5 on the agenda is the approval of
8 minutes of the February 1st Zoning Commission meeting. Hiram,
9 what did you find this time? You had to find something.

10 MR. SCHINDLER: I asked him.

11 MR. REPERT: Nothing.

12 MR. PETERSON: Page 38, small i.

13 CHAIRMAN LINGENFELTER: What?

14 MR. SCHINDLER: What? I can't believe it.

15 CHAIRMAN LINGENFELTER: You did look at them, did
16 you? You didn't read them.

17 MR. REPERT: No, I did, I did.

18 MR. SCHINDLER: Okay.

19 MR. PETERSON: Based on Hiram's input, Mr. Chairman,
20 I make a motion we approve the minutes of the February 2022
21 Zoning Commission meeting as written.

22 CHAIRMAN LINGENFELTER: I have a motion.

23 MR. REPERT: I will second.

24 CHAIRMAN LINGENFELTER: We have a second. All those
25 in favor say aye. Opposed? Abstain?

26 (Five aye votes, no nay votes.)

27 CHAIRMAN LINGENFELTER: Okay. We have five ayes, no
28 nays, and no abstentions to approve the minutes as submitted
29 this time, no corrections. We're doing well there.

30 Correspondence report by Zoning Commission members.

1 Frank, I know you've already provided a couple things.

2 MR. SCHINDLER: Right. That's the only two I had,
3 Mr. Chairman.

4 CHAIRMAN LINGENFELTER: Okay, good.
5 Hiram?

6 MR. REPERT: I was informed last week that Andy
7 would email us about the light information, the light zoning
8 thing that you got on the email you didn't provide to us. Did
9 you ever send that out?

10 MR. IAFELICE: Yes.

11 CHAIRMAN LINGENFELTER: Yes, I did.

12 MR. REPERT: You did?

13 CHAIRMAN LINGENFELTER: As a matter of fact, I
14 thought I went back and --

15 MR. REPERT: I didn't get it.

16 CHAIRMAN LINGENFELTER: I thought I went back and
17 that was like high on my priority list.

18 MR. REPERT: Well, yeah, and I never got it.

19 CHAIRMAN LINGENFELTER: Well, I will fix that. I
20 will make sure that I send you that email again. All right?
21 I will get it to you.

22 MR. PETERSON: Does that count as correspondence for
23 him next month?

24 MR. REPERT: Sure.

25 CHAIRMAN LINGENFELTER: Bring it up.

26 MR. REPERT: Okay. I had no other correspondence.

27 CHAIRMAN LINGENFELTER: No.

28 Mr. Iafelice?

29 MR. IAFELICE: None, Mr. Chairman.

30 CHAIRMAN LINGENFELTER: Mr. Peterson?

1 MR. PETERSON: I had the same emails as Frank and
2 that's all.

3 CHAIRMAN LINGENFELTER: I had, yeah, I had those
4 emails from the Evangelistas and that other woman. I am
5 sorry. I don't recall her name. But we had those, I got
6 those in as well. No other correspondence for me at this
7 point.

8 Audience Participation. We have a moment here for
9 if there is anybody in the audience that would like to address
10 the Zoning Commission. You're more than welcome. Come on up,
11 state your name and address for the record and tell us what's
12 on your mind.

13 MR. SMYKE: I know it's late but I just wanted
14 to throw in another comment. This is Jon Smyke, Jonathan
15 Smyke, 7865 Auburn Road. I just want to make a suggestion for
16 all of us, the residents, community, and the people in charge,
17 which is you guys, is it might be a good idea to get myself,
18 the owners south of me, the owner across the street from me, a
19 representative from the Swagelok plant to sit down and maybe
20 have like a big -- I know when we used to do developments, you
21 would have like a roundtable, like a pre-con and sit down and
22 kind of meet and talk about the future, this PRD vision and
23 what is good and what you guys like and what's going to work.

24 One of the things I had mentioned earlier is I was
25 approached by some Concord folks that were interested in a
26 hotel and I am in active talks with a hotel. And it makes me
27 think of that my kid's in the Ohio State Marching Band. When
28 I go down there, I stayed at a Aloft. Right next to the Aloft
29 is a gas station. And, again, up on Polaris, up north end of
30 Columbus, you see that same combo.

1 And so I just want to let you all know that I am
2 kind of trying to follow the guidance and suggestions from
3 Concord in helping to lay this thing out and get the, kick the
4 ball or get the, you know, get the ball rolling in there.
5 We're not just jumping from left field as to, you know, we've
6 had people approach us that wanted to put in maple sugar
7 factories and all kinds of weird stuff but we tried to be
8 selective with this planned vision and this growth going into
9 that area.

10 So I would just say that it might be a good idea for
11 us all to sit down and talk about, you know, currently, the
12 administration -- there have been some changes in the past
13 couple years with the guys in charge and whatnot -- and try to
14 get everybody on the same page. So, you know, if this isn't
15 what you guys like or this isn't what you see, what is? What
16 can we do?

17 You know, like I said, I lived here for 30 years.
18 I've driven up Auburn Road and across that thing for the past
19 three decades twice a day, coming and going to work. And I
20 definitely want to work with the people in charge to help come
21 up with a plan and development that's good for the community
22 and makes everybody happy, keeps everybody satisfied.

23 So I am excited. I think it's a good thing starting
24 to get the ball rolling and launched over there and,
25 hopefully, it just spins into big, big things and good things
26 for Concord. So I just wanted to take a minute and point out
27 that combo of the hotel/gas station that I have seen in
28 Columbus all over the place. It's -- And maybe if something
29 can come together with that second piece, it will be like that
30 same type of setup. That's pretty common throughout the state

1 and the developing areas. So appreciate your time.

2 CHAIRMAN LINGENFELTER: Yeah, appreciate your
3 comments.

4 MR. REPERT: Thank you. Thank you very much.

5 CHAIRMAN LINGENFELTER: Thank you.

6 Anybody else with any interest in having
7 correspondence or audience participation?

8 (No response.)

9 Okay. With that, the next Zoning Commission meeting
10 is scheduled for April 5th of 2022. If there is anything
11 anybody would like to see on the agenda or have any other --
12 Do we have any other projects coming up, Heather, or issues?

13 MS. FREEMAN: There should be a --

14 MR. REPERT: Oh, no.

15 MR. IAFELICE: You can just tell. She's got that
16 look.

17 MS. FREEMAN: No, no, no. Well, there is an
18 addition over at Cometic Gasket, who is one of our
19 manufacturing companies over on Auburn Road. They're
20 proposing a warehouse addition to an existing building.

21 CHAIRMAN LINGENFELTER: Okay, all right. With that,
22 this meeting is adjourned. Thank you, everybody. Appreciate
23 your time.

24 (Whereupon, the meeting was adjourned at 10:16 p.m.)
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30

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 30th day of March 2022.

19 Melinda A. Melton
20 Melinda A. Melton
21 Registered Professional Reporter

22 Notary Public within and for the
23 State of Ohio

24 My Commission Expires:
25 February 4, 2023

