

CONCORD TOWNSHIP ZONING COMMISSION
LAKE COUNTY, OHIO
REGULAR MEETING

Held via Live Streaming

Concord Town Hall
7229 Ravenna Road
Concord, Ohio 44077

September 6, 2022
7:00 p.m.

TRANSCRIPT OF PROCEEDINGS

Zoning Commission members present:

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

Also Present:

Heather Freeman, Planning & Zoning Director/Zoning
Inspector
Keith H. Petersen, Esq., Legal Counsel

Melton Reporting
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(440) 946-1350

1 7:00 p.m.

2 CHAIRMAN IAFELICE: Good evening, everyone. Tonight
3 we're calling our Township Zoning Commission meeting of
4 Tuesday, September the 6th.

5 Heather, could you call to order, call the roll
6 call, please.

7 MS. FREEMAN: Yes. Mr. Lingenfelter?

8 MR. LINGENFELTER: Here.

9 MS. FREEMAN: Mr. Reppert?

10 MR. REPERT: Here.

11 MS. FREEMAN: Mr. Schindler?

12 MR. SCHINDLER: Here.

13 MS. FREEMAN: Mr. Iafelice?

14 CHAIRMAN IAFELICE: Here.

15 On our agenda this evening is a public hearing that
16 we're going to convene here, the first item on our agenda. So
17 to begin, to begin, I am convening this public hearing for the
18 consideration of a map amendment and text amendments initiated
19 by the Zoning Commission and published in our agenda for this
20 evening. Per the Ohio Revised Code, the Township Zoning
21 Commission is required to hold a public hearing for any
22 proposed amendments to the Concord's Zoning Resolution.

23 In this instance, the Zoning Commission is proposing
24 amendments after a couple of meetings, discussions and
25 deliberation. So this evening, we have 11 amendments to offer
26 for public comment. They are all interrelated to a singular
27 initiative to rezone a parcel on Concord-Hambden Road.

28 One order of business that we have taken care of is
29 to submit the proposed amendments to the Lake County Planning
30 Commission. The Planning Commission did reply in writing and

1 that I am now required to be, read into the record for this
2 public hearing. The date of the letter from the Lake County
3 Planning and Community Development Department is August 31,
4 2022, addressed to Ms. Heather Freeman, our Zoning Inspector.
5 It's regarding the THN District Amendments and Text
6 Amendments.

7 "Dear Ms. Freeman: The Lake County Planning
8 Commission took under consideration the above-mentioned
9 district change and text amendment changes for section 6, 11,
10 13, 14, 22, 30, 34, 37 and 38 at their regularly scheduled
11 meeting on Tuesday, August 30th, 2022. The Lake County
12 Planning Commission recommended that you make the district and
13 text amendments.

14 "We are available to help with any aspect of this
15 recommendation. If you have any questions, please feel free
16 to call David Radachy, Director.

17 "Yours Truly, David Radachy, Director."

18 And he carbon copied the Concord Township Board of
19 Trustees.

20 For purposes of the amendments, I am going to
21 introduce them in the public hearing. There are, as I said,
22 11 separate amendments. One is a map amendment, followed by
23 10 separate text amendments all interrelated to rezoning of a
24 parcel in Concord-Hambden Road.

25 Procedurally, Counsel, I believe I have to read each
26 amendment into the record before proceeding.

27 MR. PETERSEN: That's correct, yes.

28 CHAIRMAN IAFELICE: So beginning with the Amendment
29 Number 1, it's a Zoning Map amendment to rezone current
30 permanent parcel number 08-A-014-0-00-012-0, which is located

1 on the north side of Concord-Hambden Road between Auburn Road
2 and Ravenna Road, from the current zoning district of THN,
3 Town Hall Neighborhood, to R-1, Residential District. And
4 accompanying that amendment is published a revised Concord
5 Township Zoning Map that identifies the parcel in question and
6 the rezoning to R-1.

7 Amendment Number 2 reads as follows: Modify
8 Section 6, General Requirements, to delete all references to
9 the THN, Town Hall Neighborhood District. And a copy of that
10 Section 6 has been provided to the Board here this evening.

11 Amendment Number 3: Modify Section 11.02, Site Plan
12 Review Required Prior to Issuance of a Zoning Permit, to
13 delete the reference to the THN, Town Hall Neighborhood
14 District.

15 Amendment Number 4: Modify Conditional Use Permit
16 Sections 13.07, 13.08, 13.18, 13.20, 13.24, and 13.33 to
17 delete all references to the THN, Town Hall Neighborhood
18 District.

19 Amendment Number 5: Modify Section 14, Use
20 Districts, to delete the THN, Town Hall Neighborhood District.
21 If I am not taking liberties, it's Roman numeral 14, XIV.
22 So --

23 Amendment Number 6: Modify Section XXII, 22,
24 Commercial and Industrial District Regulations, to delete all
25 references to the THN, Town Hall Neighborhood District.

26 Amendment Number 7: Modify Section 30.05, Permanent
27 Signs in Commercial, Manufacturing and Research Districts, to
28 delete all references to the THN, Town Hall Neighborhood
29 District.

30 Amendment Number 8: Modify Fences Section 34.01,

1 Applicability, to delete reference to the THN, Town Hall
2 Neighborhood District.

3 Amendment Number 9: Modify Section 36.02, Site Plan
4 Review Required, to delete reference to the THN, Town Hall
5 Neighborhood District.

6 Amendment Number 10: Modify Design Standards
7 Section 37.03, Requirement, to delete all references to the
8 THN, Town Hall Neighborhood District.

9 Amendment Number 11.

10 MR. LINGENFELTER: Oh, here's a good one.

11 CHAIRMAN IAFELICE: Modify Section 38, Landscape and
12 Screening Requirements, to delete all references to the THN,
13 Town Hall Neighborhood District.

14 MR. LINGENFELTER: Bravo.

15 CHAIRMAN IAFELICE: We got through it.

16 MR. REPERT: Mr. Chairman, if I can note.

17 CHAIRMAN IAFELICE: Please.

18 MR. REPERT: The letter from the Lake County
19 Planning and Community Development that you read, they missed,
20 in their listing of sections, they missed 36, which is our
21 Amendment Number 9.

22 MR. LINGENFELTER: Nice catch there.

23 CHAIRMAN IAFELICE: Nice, yes.

24 MR. LINGENFELTER: Very nice catch.

25 CHAIRMAN IAFELICE: You are correct. I find that's
26 correct.

27 MR. LINGENFELTER: And I would assume that, since
28 they recommended we adopt all of the, you know, all of the
29 other amendments or the sections, that they just, probably,
30 just it was a typographical error, just an inadvertent --

1 MR. REPPERT: I fully assumed that, also.

2 MR. LINGENFELTER: Yeah, an inadvertent omission.
3 So I don't think there was any intent behind that.

4 MR. REPPERT: No, I don't think so.

5 CHAIRMAN IAFELICE: I will have to agree with that
6 as well. Any objection to that, Frank?

7 MR. SCHINDLER: No.

8 MR. LINGENFELTER: I also would like to make note,
9 Mr. Chairman, that the Lake County Planning and Community
10 Development group is, they're strictly a recommending body.
11 We are not obligated under any, you know, rules or regulations
12 to follow their recommendations. Whether we adopt them or not
13 is really up to us. They're just a recommending body and we
14 have the liberty and the freedom to decide whether or not we
15 want to bring their recommendations into our decision-making
16 process anyway. So I think that's important to note as well.

17 CHAIRMAN IAFELICE: Great. Thank you, Andy. Thank
18 you.

19 So at this point, having read the amendments into
20 the record and the recommendation from the Lake County
21 Planning Commission, this is open for public comment from
22 anyone from the public to come forward and speak to the
23 proposed amendments.

24 MR. LINGENFELTER: Mr. Chairman, before we start
25 that component, the public, are we going to, are we going to
26 basically decide on each amendment individually and vote on
27 each amendment individually, take a, you know, have a motion
28 made to accept Amendment Number 1 and then a vote and then so
29 on and so forth and then a public hearing? Are we going to
30 have a public section for each individual amendment or are we

1 going to have a public hearing that is going to be public
2 comment on Amendments 1 through 11?

3 CHAIRMAN IAFELICE: That's a good question.

4 MR. LINGENFELTER: Just a clarification.

5 CHAIRMAN IAFELICE: So I may not have explained. So
6 the reason I read all 11 was to open up all of them for public
7 comment.

8 MR. LINGENFELTER: Okay.

9 CHAIRMAN IAFELICE: As far as approvals, we will
10 adopt them individually.

11 MR. LINGENFELTER: Okay. Just was trying to
12 understand procedurally how we were going to approach this.

13 CHAIRMAN IAFELICE: Yes.

14 MR. LINGENFELTER: Because I know sometimes it gets
15 sticky.

16 CHAIRMAN IAFELICE: Sticky.

17 MR. LINGENFELTER: So, okay.

18 CHAIRMAN IAFELICE: So having read all 11 amendments
19 into the record, all of them are subject to public comment at
20 this time. If anyone would wish to comment, please come
21 forward.

22 (No response.)

23 Nobody is on the phone.

24 MR. LINGENFELTER: Yeah, do we have, I was going to
25 say, do we have anybody remote?

26 MS. FREEMAN: No.

27 CHAIRMAN IAFELICE: Okay. So, at this time, I will
28 formally close the public hearing and then open it up for
29 discussion amongst us, the Board, for the 11 amendments.

30 MR. LINGENFELTER: Who is first?

1 CHAIRMAN IAFELICE: We could discuss them
2 individually. We are going to discuss them individually or
3 take them for consideration individually but I didn't know
4 collectively, since we spent in time on this and it's all
5 interrelated --

6 MR. REPERT: Some time?

7 CHAIRMAN IAFELICE: Do we have --

8 MR. REPERT: We spent a lot of time with this.

9 CHAIRMAN IAFELICE: Do we have any point of
10 discussion on any of them in terms of discussion since they're
11 all interrelated?

12 MR. SCHINDLER: Not from me, Mr. Chairman.

13 MR. REPERT: None here, Mr. Chairman.

14 MR. LINGENFELTER: No. My thought process is that
15 we've already spent quite a bit of time deliberating this. I
16 think Heather has done a phenomenal job in getting us the
17 information we asked for. We've gone through it. These
18 amendments are all interrelated. And it's, I think, really
19 the vast majority of them are just housekeeping, deleting the
20 reference to the Town Hall Neighborhood District. So I would
21 think that it would be prudent to just go ahead and just go
22 down the list and accept the motion and second and vote on the
23 amendments as they are listed.

24 I didn't see anything in any of the amendments as
25 they were made that would cause concern for modifications or
26 any changes, you know, for the record.

27 CHAIRMAN IAFELICE: Thank you.

28 MR. LINGENFELTER: So I would think it would be just
29 a good idea to just move through them.

30 CHAIRMAN IAFELICE: Thank you. Before I do,

1 Heather, any further comment on any of the amendments that we
2 have before us?

3 MS. FREEMAN: Nothing new.

4 CHAIRMAN IAFELICE: Nothing new, very good.

5 We're going to consider each amendment and each
6 amendment we will consider through roll call vote. So before
7 us then Amendment Number 1 for consideration, Zoning Map
8 amendment to rezone current permanent parcel number
9 08-A-014 -0-00-012-0, which is located on the north side of
10 Concord-Hambden Road between Auburn Road and Ravenna Road,
11 from the current zoning district of THN, Town Hall
12 Neighborhood to R-1, Residential District.

13 MR. LINGENFELTER: Mr. Chairman, I make a motion
14 that we adopt Amendment Number 1 as stated just now by you
15 into the zoning text.

16 MR. REPERT: I will second.

17 CHAIRMAN IAFELICE: I have a motion and a second.
18 Any further discussion?

19 Roll call, Heather.

20 MS. FREEMAN: Mr. Lingenfelter?

21 MR. LINGENFELTER: Yes.

22 MS. FREEMAN: Mr. Reppert?

23 MR. REPERT: Yes.

24 MS. FREEMAN: Mr. Schindler?

25 MR. SCHINDLER: Yes.

26 MS. FREEMAN: Mr. Iafelice?

27 CHAIRMAN IAFELICE: Yes.

28 Thank you, members.

29 Amendment Number 2: Modify Section 6, General
30 Requirements, to delete all references to the THN, Town Hall

1 Neighborhood District.

2 MR. REPERT: Mr. Chairman, I make a motion that we
3 approve Amendment Number 2, which is modify Section 6, General
4 Requirements, to delete all reference to the THN, Town Hall
5 Neighborhood District.

6 MR. LINGENFELTER: I'll second.

7 CHAIRMAN IAFELICE: I have a motion and a second.
8 Any further discussion?

9 If not, roll call, Heather.

10 MS. FREEMAN: Mr. Reppert?

11 MR. REPERT: Yes.

12 MS. FREEMAN: Mr. Schindler?

13 MR. SCHINDLER: Yes.

14 MS. FREEMAN: Mr. Lingenfelter?

15 MR. LINGENFELTER: Yes.

16 MS. FREEMAN: Mr. Iafelice?

17 CHAIRMAN IAFELICE: Yes.

18 Thank you, members.

19 Amendment Number 3: Modify Section 11.02, Site Plan
20 Required -- Site Plan Review Required Prior to Issuance of a
21 Zoning Permit, to delete the reference to the THN, Town Hall
22 Neighborhood District.

23 MR. SCHINDLER: Mr. Chairman, I so move that we
24 modify Section 11.02, Site Plan Review Required Prior to
25 Issuance of the Zoning Permit, to delete the reference to the
26 THN, Township Hall Neighborhood District.

27 MR. LINGENFELTER: I second.

28 CHAIRMAN IAFELICE: I have a motion and a second.
29 Any further discussion?

30 If not, roll call, Heather.

1 MS. FREEMAN: Mr. Lingenfelter?

2 MR. LINGENFELTER: Yes.

3 MS. FREEMAN: Mr. Reppert?

4 MR. REPPERT: Yes.

5 MS. FREEMAN: Mr. Schindler?

6 MR. SCHINDLER: Yes.

7 MS. FREEMAN: Mr. Iafelice?

8 CHAIRMAN IAFELICE: Yes.

9 Thank you.

10 Amendment Number 4: Modify Conditional use Permit
11 Sections 13.07, 13.08, 13.18, 13.20, 13.24, 13.33, to delete
12 all references to the THN, Town Hall Neighborhood District.

13 MR. LINGENFELTER: Mr. Chairman, I make a motion
14 that we approve Amendment Number 4, modify Conditional Use
15 Permit Sections 13.07, .08, .18, .20, .24 and .33 to delete
16 all references to the THN, Town Hall Neighborhood District.

17 MR. REPPERT: I will second.

18 CHAIRMAN IAFELICE: I have a motion and a second.
19 Any further discussion?

20 Being none, roll call.

21 MS. FREEMAN: Mr. Lingenfelter?

22 MR. LINGENFELTER: Yes.

23 MS. FREEMAN: Mr. Schindler?

24 MR. SCHINDLER: Yes.

25 MS. FREEMAN: Mr. Reppert?

26 MR. REPPERT: Yes.

27 MS. FREEMAN: Mr. Iafelice?

28 CHAIRMAN IAFELICE: Yes.

29 Thank you.

30 Amendment Number 5: Modify Section 14, Use

1 Districts, to delete the THN, Town Hall Neighborhood District.

2 MR. REPERT: Mr. Chairman, I make a motion that we
3 approve to modify Section 14, Use Districts, to delete the
4 THN, Town Hall Neighborhood District.

5 MR. LINGENFELTER: I will second.

6 CHAIRMAN IAFELICE: I have a motion and a second.
7 Any discussion?

8 Being none, roll call, Heather.

9 MS. FREEMAN: Mr. Schindler?

10 MR. SCHINDLER: Yes.

11 MS. FREEMAN: Mr. Reppert?

12 MR. REPERT: Yes.

13 MS. FREEMAN: Mr. Lingenfelter?

14 MR. LINGENFELTER: Yes.

15 MS. FREEMAN: Mr. Iafelice?

16 CHAIRMAN IAFELICE: Yes.

17 Thank you.

18 Amendment Number 6: Modify Section 22, Commercial
19 and Industrial District Regulations, to delete all references
20 to the THN, Town Hall Neighborhood District.

21 MR. LINGENFELTER: Mr. Chairman, I will make a
22 motion that we modify Section 22, Commercial and Industrial
23 District Regulations, to delete all reference to the THN, Town
24 Hall Neighborhood District.

25 MR. REPERT: I will second.

26 CHAIRMAN IAFELICE: I have a motion and a second.
27 Any further discussion?

28 Being none, Heather, roll call.

29 MS. FREEMAN: Mr. Schindler?

30 MR. SCHINDLER: Yes.

1 MS. FREEMAN: Mr. Reppert?

2 MR. REPERT: Yes.

3 MS. FREEMAN: Mr. Lingenfelter?

4 MR. LINGENFELTER: Yes.

5 MS. FREEMAN: Mr. Iafelice?

6 CHAIRMAN IAFELICE: Yes.

7 Thank you.

8 Amendment Number 7: Modify Section 30.05, Permanent
9 Signs in Commercial, Manufacturing and Research Districts, to
10 delete all references to the THN, Town Hall Neighborhood
11 District.

12 MR. REPERT: Mr. Chairman, I make a motion that we
13 approve Amendment Number 7, which is to modify Section 30.05,
14 Permanent Signs in Commercial, Manufacturing and Research
15 Districts, to delete all references to the THN, Town Hall
16 Neighborhood District.

17 MR. LINGENFELTER: I'll second.

18 CHAIRMAN IAFELICE: I have a motion and a second.
19 Any further discussion?

20 If not, Heather, roll call, please.

21 MS. FREEMAN: Mr. Lingenfelter?

22 MR. LINGENFELTER: Yes.

23 MS. FREEMAN: Mr. Reppert?

24 MR. REPERT: Yes.

25 MS. FREEMAN: Mr. Schindler?

26 MR. SCHINDLER: Yes.

27 MS. FREEMAN: Mr. Iafelice?

28 CHAIRMAN IAFELICE: Yes.

29 Thank you.

30 Amendment Number 8: Modify Fences Section 34.01,

1 Applicability, to delete reference to the THN, Town Hall
2 Neighborhood District.

3 MR. LINGENFELTER: Mr. Chairman, I make a motion we
4 adopt Amendment Number 8 to modify Fences, Section 34.01,
5 Applicability, to delete reference to the THN, Town Hall
6 Neighborhood District.

7 MR. REPERT: I'll second.

8 CHAIRMAN IAFELICE: I have a motion and a second to
9 approve Amendment Number 8. Any further discussion?

10 Being none, Heather, roll call.

11 MS. FREEMAN: Mr. Schindler?

12 MR. SCHINDLER: Yes.

13 MS. FREEMAN: Mr. Reppert?

14 MR. REPERT: Yes.

15 MS. FREEMAN: Mr. Lingenfelter?

16 MR. LINGENFELTER: Yes.

17 MS. FREEMAN: Mr. Iafelice?

18 CHAIRMAN IAFELICE: Yes.

19 Thank you.

20 Amendment Number 9: Modify Section 36.02, Site Plan
21 Review Required, to delete reference to the THN, Town Hall
22 Neighborhood District.

23 MR. REPERT: Mr. Chairman, I make a motion that we
24 approve Amendment Number 9 which is to modify Section 36.02,
25 Site Plan Review Required, to delete reference to the THN,
26 Town Hall Neighborhood District.

27 MR. SCHINDLER: I second that, Mr. Chairman.

28 CHAIRMAN IAFELICE: I have a motion and a second.
29 Any further discussion?

30 If not, roll call, Heather.

1 MS. FREEMAN: Mr. Lingenfelter?

2 MR. LINGENFELTER: Yes.

3 MS. FREEMAN: Mr. Reppert?

4 MR. REPPERT: Yes.

5 MS. FREEMAN: Mr. Schindler?

6 MR. SCHINDLER: Yes.

7 MS. FREEMAN: Mr. Iafelice?

8 CHAIRMAN IAFELICE: Yes.

9 Thank you.

10 Amendment Number 10: Modify Design Standards
11 Section 37.03, Requirement, to delete all reference to the
12 THN, Town Hall Neighborhood District.

13 MR. LINGENFELTER: Mr. Chairman, I make a motion
14 that we adopt Amendment Number 10, modify Design Standards
15 Section 37.03, Requirement, to delete all references to the
16 THN, Town Hall Neighborhood District.

17 MR. REPPERT: I'll second.

18 CHAIRMAN IAFELICE: I have a motion and a second.
19 Any further discussion?

20 If not, Heather, roll call, please.

21 MS. FREEMAN: Mr. Schindler?

22 MR. SCHINDLER: Yes.

23 MS. FREEMAN: Mr. Reppert?

24 MR. REPPERT: Yes.

25 MS. FREEMAN: Mr. Lingenfelter?

26 MR. LINGENFELTER: Yes.

27 MS. FREEMAN: Mr. Iafelice?

28 CHAIRMAN IAFELICE: Yes.

29 Thank you.

30 Amendment Number 11: Modify Section 38,

1 Landscaping -- Landscape and Screening Requirements, to delete
2 all references to the THN, Town Hall Neighborhood District.

3 MR. REPERT: Mr. Chairman, I make a motion that we
4 approve Amendment Number 11, which is to modify Section 38,
5 Landscape and Screening Requirements, to delete all references
6 to the THN, Town Hall Neighborhood District.

7 MR. LINGENFELTER: I'll second.

8 CHAIRMAN IAFELICE: I have a motion and a second.
9 Any further discussion?

10 If not, Heather, roll call, please.

11 MS. FREEMAN: Mr. Reppert?

12 MR. REPERT: Yes.

13 MS. FREEMAN: Mr. Schindler?

14 MR. SCHINDLER: Yes.

15 MS. FREEMAN: Mr. Lingenfelter?

16 MR. LINGENFELTER: Yes.

17 MS. FREEMAN: Mr. Iafelice?

18 CHAIRMAN IAFELICE: Yes.

19 Thank you, everyone. We have forwarded, we will
20 forward now our recommendations to the Board of Trustees for
21 their consideration now that we have approved the proposed
22 amendments. Thank you for the work. Thank you for your help
23 with all of this, Heather. Thank you, colleagues, for all the
24 work towards this. We have now stricken Town Hall
25 Neighborhood from our English language in Concord Township.

26 MR. REPERT: Yes, we have.

27 MR. LINGENFELTER: So it is said, so it shall be
28 written.

29 CHAIRMAN IAFELICE: So it is said, so it shall be
30 done.

1 MR. REPERT: Rest in peace.

2 CHAIRMAN IAFELICE: Yeah, 11 places, more than 11.
3 All right. Thank you, again.

4 Moving on to our agenda, the next order of business
5 is the approval of our minutes from August 2, 2022, meeting.

6 MR. LINGENFELTER: I will leave that up to the
7 heavy.

8 MR. SCHINDLER: I was going to say, you must have
9 gone through it.

10 MR. LINGENFELTER: I am waiting.

11 MR. SCHINDLER: I am waiting, too.

12 MR. LINGENFELTER: What did you find this time?
13 Come on, Hiram. Don't let us down.

14 MR. SCHINDLER: Don't let us down.

15 MR. REPERT: A lot.

16 MR. LINGENFELTER: Did you, really?

17 MR. REPERT: Yeah.

18 MR. LINGENFELTER: Oh, boy.

19 MR. REPERT: Page 2, line 6, Ms. Freeman said,
20 "Yes, I will. Mr. Peterson," and it was response to you to
21 call the roll, Mr. Iafelice.

22 MR. LINGENFELTER: I see that.

23 CHAIRMAN IAFELICE: Yeah.

24 MR. REPERT: Missed that the first time I went
25 through it but the second time I said, ah, no, that's wrong.

26 CHAIRMAN IAFELICE: Very good.

27 MR. REPERT: Okay. Page 3, line 14, should be, "so
28 I think maybe we can discuss." There should be a space
29 between "can" and "discuss."

30 CHAIRMAN IAFELICE: Agreed.

1 MR. REPERT: Picky, picky, picky, but so be it.
2 Page 14, line 21, "Chairman Lingenfelter."

3 MR. LINGENFELTER: Oh, man, they keep putting me in
4 that role whether I want it or not.

5 MR. REPERT: Okay. That should be "Iafelice," of
6 course. We know that.

7 Page 18, line 30, now this is a question I had. It
8 says Chairman Iafelice said "Second. All in favor?" (Three
9 aye votes, no nay votes.)" When did we get three? Shouldn't
10 it be five?

11 MR. LINGENFELTER: Wait a minute. Help me out
12 again, Hiram. Where are we at, what section?

13 MR. REPERT: It's really line 29 and 30 on page 18.

14 MR. LINGENFELTER: Page 18, 29 and 30?

15 MR. REPERT: Yes. Rich said --

16 CHAIRMAN IAFELICE: Twenty-three, "I entertain a
17 motion to hold the public hearing," which we just did.

18 MR. REPERT: And we have a second. Mr. Schindler
19 seconded.

20 CHAIRMAN IAFELICE: "So moved." "Do I have a
21 second?" "I second."

22 MR. REPERT: "All in favor?"

23 CHAIRMAN IAFELICE: Three. Well, that's a mistake,
24 yeah.

25 MR. REPERT: It should be five, shouldn't it?

26 MR. LINGENFELTER: Well, I don't know. Did five
27 people say "aye"?

28 MR. REPERT: Well, we have no nay votes.

29 MR. LINGENFELTER: It doesn't matter. How many
30 people said "aye"? If only three people said "aye," that's a

1 majority. That's enough to carry it through but, I mean --

2 MR. REPERT: But what happened to the other two?

3 MR. LINGENFELTER: They may not have said anything.

4 They may have just either abstained or, well, if they would
5 have abstained they would have said "abstain."

6 MR. REPERT: They didn't abstain.

7 MR. LINGENFELTER: But if they didn't respond --

8 MR. SCHINDLER: Richard wasn't here, right? So
9 he --

10 MR. LINGENFELTER: No, everybody was here.

11 MR. REPERT: No, everybody was here.

12 MR. LINGENFELTER: We had a full board.

13 MR. REPERT: Everybody was here. So I just --

14 MR. LINGENFELTER: That's a good point. That's a
15 valid point.

16 CHAIRMAN IAFELICE: That's a valid point.

17 MR. REPERT: I just question whether we should have
18 five or three. You're right, it doesn't make a difference.

19 MR. LINGENFELTER: No. I mean, just it may have
20 been three people said "aye" and no --

21 CHAIRMAN IAFELICE: I don't know if it's a legal
22 question. Would three have invalidated the motion?

23 MR. LINGENFELTER: Sure -- No, three is a majority.

24 MR. SCHINDLER: Three is a majority, yeah.

25 MR. REPERT: Three out of five.

26 CHAIRMAN IAFELICE: So it's a technicality but --

27 MR. REPERT: Yeah, okay.

28 Page 39, line 11.

29 MR. LINGENFELTER: Wait a minute, 39.

30 MR. REPERT: Page 39, line 11, and again we need a

1 space between "nothing" and "happens."

2 MR. LINGENFELTER: Where is that, line 11?

3 MR. REPERT: It's on line 11.

4 CHAIRMAN IAFELICE: Okay.

5 MR. LINGENFELTER: Duly noted.

6 MR. REPERT: And then I have a question, not a
7 revision or a correction or whatever. We said, on page 50, I
8 think Heather said on page 50, Heather said on page 50 --

9 MR. LINGENFELTER: Which line?

10 MR. REPERT: Line, starting at line 6, "And I will
11 just make sure that we also state elsewhere that we require
12 legal counsel to review the deed restrictions."

13 Boy, I don't know. Do we have anything to say about
14 the deed restrictions?

15 MS. FREEMAN: Yes. For the -- That was in reference
16 regarding our discussion with the planned unit developments
17 and residential conservation district development.

18 MR. REPERT: Yeah, okay.

19 MS. FREEMAN: Yes, we always have our counsel review
20 those deed restrictions prior to the developer recording them.
21 There is a, they check them for whether or not, you know,
22 specifically in an RCD if we're requiring restrictions on the
23 open space, we're looking for that language in there, plus
24 there is other legal things that our attorney is checking to
25 make sure we're protected, yeah.

26 CHAIRMAN IAFELICE: Good question.

27 MR. REPERT: That's all I have, Mr. Chairman.

28 CHAIRMAN IAFELICE: Thank you. Thank you, Hiram.
29 Any other corrections, additions, deletions to propose?

30 MR. LINGENFELTER: I can't top that.

1 MR. SCHINDLER: No.

2 MR. LINGENFELTER: I am sorry. He always sets the
3 bar way too high for me.

4 CHAIRMAN IAFELICE: Sets the bar. Thank you for,
5 thank you for that.

6 MR. LINGENFELTER: That's beyond my -- I know Mindy
7 just, she is chewing through nails as this goes on, you know
8 that.

9 MR. REPPERT: No, no.

10 CHAIRMAN IAFELICE: I will entertain a motion to
11 approve the minutes as amended and corrected.

12 MR. LINGENFELTER: I will make a motion,
13 Mr. Chairman, that we accept the minutes as amended by
14 Mr. Reppert, as I think all of his findings were accurate and
15 correct and I would say that we should enter that into the
16 record and accept the motion or accept the minutes as amended
17 by Mr. Reppert.

18 MR. SCHINDLER: I second, Mr. Chairman.

19 CHAIRMAN IAFELICE: We have a motion and a second.
20 Any further discussion? If not, all in favor of approving the
21 minutes by a motion of aye, please.

22 (Four aye votes, no nay votes.)

23 MR. LINGENFELTER: I think there was four ayes. I
24 think everybody said "aye." That's four, so we're good.

25 CHAIRMAN IAFELICE: The minutes stand approved.
26 Thank you.

27 MR. LINGENFELTER: Now, Hiram will be looking for
28 that line --

29 MR. REPPERT: No. Well, yeah, I will.

30 MR. LINGENFELTER: -- in the minutes to make sure

1 that there were four eyes, I promise you.

2 MR. REPERT: But there were only four members. But
3 I think we all ought to have different octaves for our eyes so
4 we know there's three, four or five, aye, aye, aye, aye.

5 MR. SCHINDLER: You definitely know my voice, for
6 sure.

7 MR. REPERT: Yeah.

8 CHAIRMAN IAFELICE: Our next order of business is
9 correspondence, any correspondence that the members have to
10 report this evening. Frank?

11 MR. SCHINDLER: I haven't had correspondence per se
12 but I have had a lot of neighbors and people in the township
13 stop me about the development, of course, on Hoose, saying,
14 "You know, that was supposed to be conservation development.
15 How come all the trees were all taken down?" And I, of
16 course, couldn't come up with a specific answer that would
17 justify it, you know, why that happened, what happened. They
18 were very displeased and really surprised that we allowed that
19 to happen.

20 I said, well, the Zoning Commission has so much we
21 can do, of course. Final say-so goes from us after that to
22 the Trustees and they normally handle things after that
23 accordingly, based on being elected officials. But I have had
24 a lot of questions about that. I don't know what else to say,
25 you know.

26 CHAIRMAN IAFELICE: If we want to comment, maybe I
27 would ask Heather to comment. My recollection was the
28 conservation areas were primarily wetlands. There were no
29 trees in the wetlands areas. There were just -- That's my
30 recollection, the open space.

1 MS. FREEMAN: What was your recollection about the
2 open space? I am sorry.

3 CHAIRMAN IAFELICE: It was wetlands. There were
4 wetlands areas, that there really weren't trees per se.

5 MS. FREEMAN: Right.

6 MR. SCHINDLER: If you were to look at the area that
7 was fenced all along going down Hoose Road, there was a lot
8 line of trees all along that whole area and quite some areas.
9 Where the home used to be, it was quite heavily treed, also.
10 And that's, I got the impression that's what they were
11 wondering. Why was it just clear-cut all the down?

12 CHAIRMAN IAFELICE: Does that fall to the county to
13 inspect?

14 MS. FREEMAN: Well, so not all, not all the trees
15 were cut.

16 CHAIRMAN IAFELICE: Right.

17 MR. LINGENFELTER: Right.

18 MS. FREEMAN: I mean, several more than, you know,
19 what I think everyone thought was going to be cut. Then there
20 was a change in where they were bringing the sewer in, because
21 they originally had stated that the large trees up by Hoose
22 Road right behind the fence, that those were not going to be
23 disturbed but somehow then they were going to bring the sewer
24 from Button and come across Hoose rather than coming, I think,
25 from Canterwood. And then the next thing you know, they cut
26 all the trees down over there.

27 But there are wetlands there that are protected that
28 don't necessarily have trees that are part of the open space
29 as well. There will be significant replantings of trees.

30 And the other thing is to remember that the Trustees

1 did decide that their stormwater basins were going to count as
2 part of their minimum 30 percent open space. And I think
3 that, too, and the fact then allowed them to clear more of
4 that open space in order to put that stormwater infrastructure
5 in there.

6 MR. REPERT: So the Trustees allowed the stormwater
7 basins to be part of their open space?

8 MS. FREEMAN: There was significant discussion
9 during the public hearings about whether or not it was going
10 to be included or not. The developer had provided some
11 statistics to the Trustees at that time indicating that
12 whether or not they counted the stormwater basins or not, they
13 were still over the 30 percent. If I recall, I think without
14 counting the stormwater basins they were like right at 30 and
15 if we did include them they were at 36 percent. So after much
16 discussion and debate, it was agreed upon that they would,
17 that either way they were going to meet the 30 percent,
18 therefore, allowing them to get that density that they were
19 originally approved for.

20 MR. REPERT: Could I get --

21 MS. FREEMAN: But I think with -- But with the new
22 text that we have in place, we have definitely closed the
23 loophole on that and the ambiguity and the vagueness of that
24 is not there anymore. So --

25 MR. REPERT: Could I get a plan of Canterwood
26 that's approved or whatever it may be?

27 MS. FREEMAN: We can, yeah, I can email you,
28 probably to Dropbox, the final approved plans from the county.

29 MR. REPERT: Okay.

30 MR. LINGENFELTER: Well, I think, just as a matter

1 of record, I think, you know, when somebody says, you know,
2 conservation development and cutting down the trees, my
3 comment would be, you know, conservation development has
4 nothing to do with saving trees. Conservation development is
5 open space, regardless of what happens with the trees. That's
6 how I would approach that to any resident that voices a
7 concern. Conservation development doesn't mean that they are
8 going to not cut the trees down. Trees have to be removed for
9 whatever reason, whether it's access, whether it's easements,
10 whether it's home sites, whatever. Trees are going to go
11 down.

12 MR. SCHINDLER: Sure.

13 MR. LINGENFELTER: As far as the number of trees
14 that go down, that's inconsequential. The fact of the matter
15 is 30 percent or more of that development is open space and
16 that's what we're striving for. Whether it's, and whether
17 they come back in and plant new trees or whether they, I mean,
18 the quality of the trees that are removed, nobody -- I don't
19 think there is, you know, people, they're not arborists.
20 They're not people that understand, you know, forestry. So
21 maybe the trees that were removed were either diseased or
22 basically no good and they're going to be replaced with
23 quality, you know, with quality hardwoods or quality trees,
24 you know, once the development is kind of platted out and
25 construction has started.

26 So, you know, when somebody says, "Ah, you're
27 cutting all the trees down," it's like conservation
28 development really doesn't have anything to do with not
29 cutting down trees, you know. I think that's a safe way to
30 present that to a resident because that's true. I mean,

1 really, you don't know, you don't know the reasons behind what
2 happens when trees are removed. There is a myriad of things
3 that go on, you know, with that process.

4 MR. SCHINDLER: I think it's basically, Andy, the
5 perception, you know.

6 MR. LINGENFELTER: Right, understood.

7 MR. SCHINDLER: Because people who drove and drive
8 by there every day all the years they've lived here and, all
9 of a sudden, just see everything gone, that's the thing.

10 MR. LINGENFELTER: Right.

11 MR. SCHINDLER: So, yeah, you're right. There is a
12 multitude of reasons why. So I just say, I've been hit with
13 these questions because they know I am part of the zoning
14 board. So I get hit with it a lot.

15 MR. LINGENFELTER: I think it's important that the
16 residents understand that conservation, a conservation
17 development is about open space. That's the key is open
18 space. It's not about trees or the woodlands or the different
19 things that are going on there. I think it's important that
20 they understand that it's really about, it's really about open
21 space. And if they've got, you know, if they fulfill those
22 requirements and, you know, if there is 30 percent of that
23 development that's dedicated to open space, that's what's
24 important is 30 percent of that is going to be no houses,
25 no -- and it doesn't necessarily mean it's not going to be
26 disturbed but it's going to be, you know, 30 percent of those,
27 you know, that kind of situation.

28 MR. SCHINDLER: Sure. Well, I had one lady ask me
29 in the store, "Oh, there is a lot of fish in that pond. Could
30 we help take the fish out of there before they move the pond?"

1 I said, "Well, I don't know about that." I said,
2 "If that's the case, you may just want to go and talk to
3 Mr. Riebe about that because I don't have any answer."

4 MR. REPERT: There could be fish in there yet.

5 MR. SCHINDLER: That's what I mean.

6 MR. REPERT: They haven't drained it yet.

7 MR. SCHINDLER: No.

8 MR. REPERT: No.

9 CHAIRMAN IAFELICE: Do you have anything else,
10 Frank? Correspondence wise, anything else?

11 MR. SCHINDLER: No.

12 CHAIRMAN IAFELICE: Hiram?

13 MR. REPERT: Nothing, sir.

14 CHAIRMAN IAFELICE: Andy?

15 MR. LINGENFELTER: Nothing for me.

16 CHAIRMAN IAFELICE: And nothing from me other than
17 yik-yak around Community Days and how well I played.

18 So Public Participation is our next order of
19 business. This is open for the public. Any, anybody coming
20 forward to speak, please come to the podium.

21 MR. BROWN: I have nothing.

22 CHAIRMAN IAFELICE: Of course, no one is on the
23 phone.

24 MS. FREEMAN: Correct.

25 CHAIRMAN IAFELICE: Thank you.

26 Any New Business to come before this Board? Andy is
27 looking at Heather.

28 MS. FREEMAN: Not on tonight's agenda.

29 CHAIRMAN IAFELICE: Not on tonight's agenda. Thank
30 you.

1 We're going to move on to the Old Business as noted
2 in our agenda this evening, the continuation of our work
3 session to review Section 16, PUD and RCD District has been
4 tabled pending further advice, counsel from counsel, counsel
5 from counsel on the proposed changes we had in there.

6 So we have a work session to review the Capital
7 District Table of Uses. So first of all, Heather, thank you
8 for pulling that together. Before we embark on that
9 particular item, I did want to kind of ask a couple clarifying
10 questions related to this. Again, thank you, Heather, for
11 bringing this forward. The Board has been having some
12 discussion related to the uses, the conditional uses,
13 permitted uses within the Capital District. What Heather has
14 provided us with is --

15 (Phone sounded.)

16 MR. REPPERT: Excuse me.

17 CHAIRMAN IAFELICE: You okay?

18 MR. REPPERT: Go ahead.

19 CHAIRMAN IAFELICE: Okay? No emergency.

20 MR. REPPERT: No.

21 CHAIRMAN IAFELICE: -- was two sections from our
22 Zoning Resolution, 13, Conditional Use Permits, and 22,
23 Commercial and Industrial District Regulations. And then in
24 addition to that, provided us with recommendations from the
25 Risinger report from 2016 as it relates to the Concord Town
26 Center.

27 My question -- and, I mean, it's for everyone but
28 particularly Heather -- in consideration of this, in going
29 through a work session in a logical, methodical manner, it
30 seems to me that the Commercial and Industrial, 22, should be

1 considered first before we talk about conditional uses, the
2 regulations that govern the Capital District before we talk
3 about the conditional uses.

4 Is that, does that make some sense? Because in the
5 Risinger report, I see, I see four different categories, if
6 the Board has seen what was attached, four different
7 categories. First related to Town Center was Innovative Site
8 Plan Development recommendations in 3.2. These are all 3.2
9 from the report. Then there is a second one citing
10 Definitions, then there is a third on Conditional Use Permits,
11 and then there is a fourth area on the Commercial and
12 Industrial District Regulations.

13 In developing a program to go through this work
14 session so it's not overwhelming for all of us, I am just
15 trying to think of a logical way to consider this in a step by
16 step so that we're not overstepping ourselves and going back
17 and going forward and coming back. I don't know if that makes
18 sense, Heather, to you or to anybody on the Board, what I am
19 kind of asking.

20 MS. FREEMAN: I think so, yeah. And I might have
21 given you too many pages, actually, from the report.

22 CHAIRMAN IAFELICE: Okay, okay.

23 MS. FREEMAN: I started printing them out and I am
24 like, well. Yeah, this kind of gets into more than what we
25 discussed that we were going to talk about.

26 CHAIRMAN IAFELICE: Yes.

27 MS. FREEMAN: It's, you know, like you said, it's
28 looking at uses first and then what are the parameters around
29 those uses. Should the Board decide that they want to make
30 that a second or third step in the process, we can. But I

1 think what we talked about the last meeting was just really
2 focusing on the uses themselves.

3 CHAIRMAN IAFELICE: The uses, yes.

4 MS. FREEMAN: So I apologize if this --

5 CHAIRMAN IAFELICE: No, no, that's okay.

6 MS. FREEMAN: Like you mentioned, this came out of a
7 much larger report and, at the time, they were -- they did a
8 comprehensive review of our regulations at the time that we
9 had in place when we were, when the Township as being more
10 aggressive as far as trying to move forward with this whole
11 concept and we had an RFP and an RFQ out there. So we were
12 working with the Trustees on trying to do a pretty
13 comprehensive update, actually, to the Innovative Site Plan
14 Development that didn't end up moving through all the required
15 public hearings, you know, with the Trustees. We ended up
16 withdrawing that and kind of tabling those amendments. The
17 timing was just not right.

18 CHAIRMAN IAFELICE: Okay.

19 MS. FREEMAN: So I think rather than trying to look
20 at everything again and how can we change it all, like you
21 said, let's go back and look at what are the uses under the
22 Capital District.

23 CHAIRMAN IAFELICE: Yes.

24 MS. FREEMAN: And I think this document kind of gave
25 us some ideas on ones that they suggested that we get rid of,
26 which kind of backed up what I was suggesting to you, plus
27 whatever thoughts this Board has. And I think we have learned
28 that, if somebody has property that's zoned Capital, you know,
29 they can really go under either option. They can develop just
30 under the Capital District or, if they have the four acres and

1 they want to do something more dense, more creative and mixed
2 use, then they have that option to go with the ISPD, which is
3 another type of planned development.

4 Rather than going in front of the Zoning Commission
5 and the Trustees for approval for a rezone and then the
6 planned development, the Resolution sets this up as a
7 conditionally permitted use. So if you own four acres of
8 property in the Capital District, you basically apply for a
9 conditional use permit to get approved to do the Innovative
10 Site Plan Development, and those are the standards in Section
11 13.

12 CHAIRMAN IAFELICE: So while not 11 amendments that
13 interrelate for the THN, we have two that are interrelated
14 here based on that four acre, the ISPD, the option to go ISPD
15 as a conditional use in the Capital District.

16 MS. FREEMAN: Right.

17 CHAIRMAN IAFELICE: Okay. Does that -- So I believe
18 it would make sense for us to just address the Table of Uses
19 as you had indicated in the agenda.

20 MS. FREEMAN: Yes.

21 CHAIRMAN IAFELICE: And I --

22 MS. FREEMAN: And then even like the next step, if
23 you needed to, instead is to scrutinize the specific
24 conditions under those specific conditional uses.

25 CHAIRMAN IAFELICE: Under those, okay.

26 MS. FREEMAN: So if we need to take a look at them
27 to see if we need to make revisions as far as what are the
28 specific conditions under those uses, too, I mean, that's
29 something that we could continue on.

30 CHAIRMAN IAFELICE: At the next.

1 MS. FREEMAN: Yeah, right.

2 CHAIRMAN IAFELICE: That's kind of what I was
3 asking, what makes a logical order? The consideration of, in
4 general, broadly the uses within this district, permitted,
5 conditional, and then move on into the weeds and details
6 there. If we look at the Table of Uses in --

7 MR. REPERT: If we can we can go back?

8 CHAIRMAN IAFELICE: Yeah.

9 MR. REPERT: The Innovative Site PD, is that
10 related to the overlay that we had approved that's still on
11 the books for the Town Center?

12 MS. FREEMAN: It wasn't, it's not necessarily an,
13 it's not really an overlay. The way the township adopted it
14 is it's set up as a conditional use.

15 MR. REPERT: Okay.

16 MS. FREEMAN: Only in the Capital District.

17 MR. REPERT: Okay. So it --

18 MS. FREEMAN: So just like any other conditional
19 use, if you own property, in this case it has to be in the
20 Capital District. So if you look at the Zoning Map and you
21 look --

22 MR. REPERT: Right, right.

23 MS. FREEMAN: -- at what property is zoned Capital,
24 it can develop under one of those permitted or conditionally
25 permitted uses, of which one of those is the Innovative Site
26 Plan Development.

27 MR. REPERT: Okay.

28 CHAIRMAN IAFELICE: So that it's an interesting,
29 novel and unique in my understanding. I have never seen
30 anything like this in the zoning.

1 MS. FREEMAN: Yeah. I think, at the time, the
2 Township was thinking that it would be more, it would be
3 quicker to move through the process because they were trying
4 to encourage it and make the approval process less cumbersome
5 and, therefore, not requiring the applicant to have to go
6 through a rezone, which takes a lot of time, several months to
7 rezone, which is why they put that in as a conditional use.

8 But we were talking about changing that even a
9 couple years ago. Back in 2017, we had some draft amendments
10 that was actually going to take that out from not being --

11 CHAIRMAN IAFELICE: Conditional.

12 MS. FREEMAN: -- a conditional use.

13 CHAIRMAN IAFELICE: And what will it be then, an
14 overlay?

15 MS. FREEMAN: I think we were going down the overlay
16 route, honestly.

17 CHAIRMAN IAFELICE: More traditional.

18 MS. FREEMAN: But then it would go, it would still
19 go -- I think the way it was set up was then the review would
20 be with the Zoning Commission and the Trustees with the final
21 say.

22 CHAIRMAN IAFELICE: Okay.

23 MS. FREEMAN: That's the next, third level, yeah,
24 whatever.

25 CHAIRMAN IAFELICE: Third level, okay. So if,
26 without objection, if it's okay with the Board, under what's
27 been provided to us under the regulation Section 22, 22.03 is
28 the Table of Uses for the Capital, speaking directly to the
29 Capital District.

30 Could I look to you, Heather, to kind of walk us

1 through that table for the, I mean, in terms of what we want
2 to consider as an initial first step to consider, discuss the
3 various uses that are permitted in the Capital and maybe those
4 that aren't that we want to consider, even those
5 recommendations from the Risinger report, we should be
6 thoughtful about anything else we may want to consider or not
7 consider.

8 MS. FREEMAN: Right.

9 CHAIRMAN IAFELICE: Okay.

10 MS. FREEMAN: Well, the only -- So the Capital
11 District is, you will note that the Table of Uses is kind of
12 split up into various categories. So the first section is
13 your office and professional services. This Capital District
14 does permit all of these uses. It allows for a lot of
15 permitted uses and then conditionally permitted uses. Most
16 recently, there was debate about car washes and gas stations
17 and, coupled with what even the Risinger report was saying, I
18 was recommending that the Zoning Commission take those uses
19 out from the Capital District because we're not really looking
20 to do auto-oriented type uses within the Capital District.
21 I think the preference would really be for someone to look at
22 that property and choose the Innovative Site Plan Development
23 as the most desirable option. And I think that's also a
24 recommendation under 13.36 to take those uses out if they're
25 not already out.

26 But other than that, I mean, there is a lot of, the
27 Capital District allows quite a bit. So I wasn't really sure
28 if there was anything new that we really needed to add at this
29 point. I know that there will be some changes at the state
30 level and I think it might be a little too early right now.

1 Maybe counsel knows. But are we, like, regarding fireworks
2 sales, retail sales, is that something that, right now, when
3 we list retail, we have a very general, broad definition of
4 what "retail" is, which would include, pretty much, the retail
5 sale of any kind of good within an enclosed building.

6 So should the community not want to permit fireworks
7 sales -- because I do know starting in January of '23, they
8 are going to allow more retail establishments to set up in
9 communities, more licenses will be available. And I don't
10 know if we're still waiting on the state to tell
11 municipalities or townships, specifically, if we have the
12 authority to regulate those are not, similar to like when we
13 were talking about the medical marijuana dispensaries. But
14 that might be something, we might be a little bit too early
15 right now.

16 MR. LINGENFELTER: Well, we have microbrewery and
17 microdistillery. What would go better with alcohol than
18 fireworks, I mean, gees.

19 MR. REPERT: Next door.

20 MR. LINGENFELTER: To me, that sounds like a perfect
21 combination.

22 MS. FREEMAN: Do you know, Keith?

23 MR. PETERSEN: I am not sure. Sorry.

24 MS. FREEMAN: Okay, that's okay.

25 CHAIRMAN IAFELICE: So can I ask then, Heather?

26 MS. FREEMAN: Yeah.

27 CHAIRMAN IAFELICE: Under 22.03, Table of Uses, the
28 Risinger report recommended removing restaurant/counter
29 service. We have that listed --

30 MR. REPERT: So did I.

1 CHAIRMAN IAFELICE: -- as a conditional use.

2 MR. REPPERT: Yep.

3 MS. FREEMAN: Okay.

4 CHAIRMAN IAFELICE: And I believe they indicated
5 that would be in alignment with the 2015 Comp Plan or the
6 intent of it. Where did they derive their "consider
7 updating"? Was it -- I know I have read through the preface
8 that they had a number of meetings with the township at that
9 time when they went through this.

10 MS. FREEMAN: Right.

11 CHAIRMAN IAFELICE: So this was a detailed analysis.
12 And, after that, they have these recommendations in red,
13 remove a lot of --

14 MS. FREEMAN: I don't recall specifically why they
15 were wanting, recommending that we get rid of the counter
16 service.

17 MR. LINGENFELTER: Yeah.

18 MS. FREEMAN: I mean, we definitely --

19 MR. LINGENFELTER: Yeah, that's my question, what's
20 the thought? What's the thought behind counter service? Fast
21 food, they didn't want -- They wanted to eliminate fast food?

22 MR. REPPERT: Now, what I thought, what happens to
23 the Waffle House? They have both tables and counter. What do
24 you do?

25 MS. FREEMAN: I would, I mean, I would consider that
26 a table service restaurant, Waffle House, yeah, but then what
27 about Starbucks? You order at the counter. We don't specify,
28 you know, coffee shops as a use. If Starbucks were to come
29 here, which they did, I looked at them as a counter service
30 restaurant, which was conditionally permitted in the BX, in

1 the BX District on Crile Road. The drive-thru was a whole
2 separate conditional use. So you could have the counter
3 service restaurant without the drive-thru but then it goes
4 down to, are we trying to eliminate fast food there? Maybe
5 that's what we're --

6 MR. REPERT: Is that really a restaurant? It's a
7 coffee shop.

8 MS. FREEMAN: You get into semantics about that,
9 right? But if you want --

10 MR. LINGENFELTER: Because you're going to, you're
11 starting to get into semantics now.

12 MS. FREEMAN: No, but that's good --

13 MR. LINGENFELTER: Because Starbucks offers more
14 than coffee.

15 MS. FREEMAN: Yeah.

16 MR. LINGENFELTER: You can go in there and get a
17 sandwich, you can get pastries, you know, bagels, sandwiches,
18 breakfast sandwiches, you know. I mean, there's a lot. It's
19 not just coffee.

20 MS. FREEMAN: Right.

21 MR. SCHINDLER: Right. Panera always does that,
22 too.

23 MR. LINGENFELTER: Yeah. That's why I said, I don't
24 know that, I don't know that I would want to eliminate that.
25 I think there is, it becomes -- I can't think of the right
26 word but it just becomes an issue with definitions and, like
27 you said semantics. What really defines restaurant/counter
28 service versus --

29 MR. REPERT: Restaurant table service.

30 MR. LINGENFELTER: -- table service? Like you said,

1 there are places that, you know -- I mean, Starbucks, you can
2 sit in Starbucks, too. There is table service in Starbucks.
3 There is table service at a Panera Bread. There is table
4 service in a Duncan Donuts.

5 MS. FREEMAN: Well --

6 MR. LINGENFELTER: You can go in there and sit down
7 and have a coffee and a doughnut or a sandwich, right, or you
8 can go up to the counter and order and leave, go to the drive-
9 thru.

10 Now, now, if you wanted to start talking about
11 drive-thru versus counter service, I would be willing to
12 entertain that conversation. Do you want, you know, do you
13 want drive-thru services in something in that area? That, I
14 would be willing to consider.

15 CHAIRMAN IAFELICE: I agree, Andy. I guess, is
16 there a definition in our Zoning Resolution of counter
17 service?

18 MS. FREEMAN: Oh, yes. That's what I was flipping
19 to right now.

20 CHAIRMAN IAFELICE: I thought there was.

21 MS. FREEMAN: Yeah.

22 MR. LINGENFELTER: Let's look that up. As a matter
23 of fact, I've got a newly updated Zoning Resolution book.
24 Where is Definitions?

25 MS. FREEMAN: Section 5.

26 CHAIRMAN IAFELICE: Five.

27 MS. FREEMAN: It's definition 170.

28 MR. LINGENFELTER: One what?

29 MS. FREEMAN: It's definition 170.

30 MR. LINGENFELTER: One seventy, one seven zero?

1 MS. FREEMAN: One seven zero, yeah.

2 MR. LINGENFELTER: A retail service establishment
3 whose principal business is the sale of foods, frozen desserts
4 or beverages in ready-to-consume servings for consumption
5 either within the restaurant building or for carryout and
6 where customers are not served their food, frozen dessert or
7 beverage by a restaurant employee at the same table or counter
8 where the items are consumed. And that definition is as of
9 1/5 of 2007.

10 CHAIRMAN IAFELICE: It seems to me there's a lot of,
11 perhaps, desirable restaurants that fall under that definition
12 that could locate in the Capital District and be a nice
13 amenity as opposed to a drive-thru. That's not specifically
14 drive-thru.

15 MR. LINGENFELTER: Well, see, that's my, that's my
16 concern. Like I said, I would be willing to entertain that
17 conversation because I think that's a valid conversation. You
18 know, we can have, I think we can have fast food but I think
19 we throttle it with the elimination of drive-thru service. So
20 you want -- Because I think drive-thru, that adds a whole
21 different dimension, you know, to the environment and to the,
22 just to the overall aesthetics and traffic flow. I mean, when
23 you've got drive-thru, you've got a lot of people would
24 certainly rather drive through a, you know, to get a cup of
25 coffee or get a sandwich or something and, you know, and then
26 that creates a traffic flow and you've got cars coming in and
27 out. And if your intent is something that's more community
28 oriented that's going to have a lot of foot traffic, that, to
29 me, is not, that's not something that goes well.

30 MR. REPERT: With that in mind, I think you're

1 going to eliminate every fast food there is.

2 MR. LINGENFELTER: Why can't we just say you can
3 have your fast food restaurant, you just can't have drive-
4 thru?

5 MR. REPERT: They're not going to, they're not
6 going to bite.

7 MR. LINGENFELTER: Well, then they don't bite.

8 MR. REPERT: Okay. So like I said, you're going to
9 eliminate every fast-food restaurant that there is.

10 MR. SCHINDLER: I know, depending on where that
11 restaurant's located, if it's close to a residential area late
12 at night and you hear those speakers screaming and yelling,
13 that's very nerve-racking.

14 CHAIRMAN IAFELICE: Well, Frank, we're talking only
15 about the Capital District. So we're only Auburn -- We're in
16 the Capital District. So, I mean, there is not a lot of
17 residential near that location.

18 MR. SCHINDLER: No, not a lot.

19 CHAIRMAN IAFELICE: But my recollection from the
20 study was traffic was a concern, circulation of traffic.

21 MR. LINGENFELTER: Right.

22 MR. SCHINDLER: Right.

23 CHAIRMAN IAFELICE: Even as it was even with the
24 Sheetz, I remember, at that location.

25 MR. SCHINDLER: Yeah, true.

26 MR. LINGENFELTER: Right. You know, I think the, I
27 think, from that standpoint, we look at just basically, you
28 know, eliminating the option for drive-thru because there is,
29 you know, and to Frank's point, I mean, with the drive-thru
30 service and the speakers blaring and people talking, you know,

1 in the drive-thru, lighting and all the other additional
2 things that go with a drive-thru, you know, there is some
3 intention or there is some desire for mixed-use facilities in
4 the Town -- in that particular area that would be residential,
5 you know, I don't want to say high rise but, you know, like
6 apartments above buildings, above businesses down below,
7 things like that. So you're going to have people living in
8 that area.

9 MR. SCHINDLER: That's right.

10 MR. LINGENFELTER: And that drive-thru, again, I
11 think would be, you know, that would certainly be intrusive
12 for their enjoyment of their property.

13 MR. SCHINDLER: Yeah.

14 CHAIRMAN IAFELICE: So it would appear, I didn't
15 study all the definitions here, Heather, but it would appear
16 we have drive-thrus but it's not defined under "restaurant" in
17 our Definitions.

18 MR. LINGENFELTER: Is there anything in the
19 Definitions that specifically calls out drive-thru?

20 CHAIRMAN IAFELICE: I don't know.

21 MR. LINGENFELTER: Is there?

22 MS. FREEMAN: A definition for "drive-thru"?

23 MR. LINGENFELTER: Yes.

24 CHAIRMAN IAFELICE: Yes.

25 MS. FREEMAN: Yes, yes.

26 MR. LINGENFELTER: Oh, wow.

27 CHAIRMAN IAFELICE: Surprise me, yeah.

28 MR. REPERT: Well, of course.

29 MR. LINGENFELTER: Enlighten us.

30 MS. FREEMAN: Number 57.

1 MR. LINGENFELTER: Number 57.

2 MS. FREEMAN: Yes.

3 MR. LINGENFELTER: Number 57 in your book, number 1
4 in your heart.

5 CHAIRMAN IAFELICE: Drive-thru facility: Any
6 portion of a building or structure from which business is
7 transacted, or is capable of being transacted, directly
8 between the employee of the business and the customer while
9 the customer is located within a motor vehicle during the
10 business transaction. The term "drive-thru" shall also
11 include "drive-up," "drive-in," but shall not include "car
12 wash," "gas station" and "automotive services."

13 So since it's defined and in the Capital District,
14 restaurant/counter service is a conditional use. Drive-thru
15 is not even --

16 MR. LINGENFELTER: Is drive-thru even referenced
17 anywhere?

18 CHAIRMAN IAFELICE: -- even referenced in here. Oh,
19 yes, it is. Accessory uses on page 22.7. But it is not, it's
20 not a conditional use or permitted use within the Capital
21 District.

22 MR. LINGENFELTER: But if it's an accessory use,
23 wouldn't that then, wouldn't that lend itself to, if you're a
24 conditional, see, if you've got a conditional, if you've get
25 the conditional use permit --

26 CHAIRMAN IAFELICE: And it is in association with.

27 MR. LINGENFELTER: Right.

28 CHAIRMAN IAFELICE: That's a good question.

29 MS. FREEMAN: It's not permitted in the Capital
30 District though because the cell is blank. So if you are

1 looking at the table in Section 22.03.

2 CHAIRMAN IAFELICE: Right, it is blank.

3 MS. FREEMAN: And going across, you see the drive-
4 thru facility, since the square is blank; therefore, it's not
5 allowed.

6 MR. LINGENFELTER: I was going to say, Mike Lucas
7 takes the approach that, if it's not included, it's omitted.

8 MS. FREEMAN: And we specifically state that in our
9 Resolution, yeah.

10 MR. LINGENFELTER: Yeah, right.

11 CHAIRMAN IAFELICE: Okay.

12 MS. FREEMAN: Now, it doesn't prevent someone from
13 trying to go for a variance.

14 MR. LINGENFELTER: No, they could certainly ask.
15 They could ask for it. And this, this is where it gets, to
16 me, where it gets sticky because if we run into these
17 situations, and we've learned the hard way recently with some
18 things, where once it's out of our realm and it goes to the
19 BZA as a conditional use and they approve it --

20 MR. REPPERT: We're stuck.

21 MR. LINGENFELTER: We're stuck with it. At that
22 point now we're just doing site plan review and we're pretty
23 much --

24 CHAIRMAN IAFELICE: Yeah.

25 MR. LINGENFELTER: We're very, we're very restricted
26 as to what we can do. Once it, once it goes to the BZA for a
27 conditional use, if they approve it at that point, then we are
28 out of the picture. The approval is in, it's done. So I just
29 -- That's why I feel it's important we really take a hard look
30 at some of these conditional uses, because of that reason.

1 Because if it's in here --

2 MR. REPERT: It goes to them.

3 MR. LINGENFELTER: It goes to them.

4 MR. REPERT: And it's out of our hands.

5 MR. LINGENFELTER: It's out of our hands to stop it
6 from happening. And that's where I think the only, the only
7 real tool we have to prevent that from happening is eliminate,
8 eliminate the conditional use.

9 MR. REPERT: That's right.

10 MR. LINGENFELTER: And then, that way, they can't,
11 it can't go in front of the BZA for approval. We take that
12 out of the process. So --

13 CHAIRMAN IAFELICE: I agree. I agree.

14 MR. SCHINDLER: Because all you need is one and then
15 you have precedence.

16 MR. LINGENFELTER: Well, I mean, we've just, we've
17 gone through this and we've been, we've been kind of bitten by
18 this process.

19 MR. SCHINDLER: Yeah.

20 MR. LINGENFELTER: So my, my issue is, if it's
21 something in the, if there is something in the conditional use
22 list within that particular zoning district that we don't
23 like, then I think we should get it out of there, just remove
24 it.

25 CHAIRMAN IAFELICE: So to that point then,
26 obviously, I came across that. It's the first one that you
27 come across. Is there any further discussion we have about
28 the counter service since it's a conditional use?

29 MR. LINGENFELTER: I'd like to, I think we should
30 leave it in there. That's my opinion. But, I mean, that's my

1 thought.

2 MR. REPERT: I had it X'ed out.

3 CHAIRMAN IAFELICE: Now, after discussion, you would
4 still think it doesn't belong?

5 MR. REPERT: I'm okay. I'm okay with it, yeah.

6 MS. FREEMAN: Mr. Chairman.

7 CHAIRMAN IAFELICE: Yes.

8 MS. FREEMAN: So that specific use, you think it's
9 appropriate to leave, just for clarification, leave it in as a
10 conditional use under the Capital District but then, also,
11 would you assume to leave it in under the ISPD as well? I
12 know we're kind of going, I'm taking you to the next step.
13 But --

14 CHAIRMAN IAFELICE: That's why I was asking you
15 whether to consider both at the same time.

16 MS. FREEMAN: Oh, okay.

17 CHAIRMAN IAFELICE: Is that appropriate?

18 MS. FREEMAN: Well, maybe, yeah.

19 CHAIRMAN IAFELICE: It probably is.

20 MS. FREEMAN: Because we're going to go use by use,
21 then probably because we have to understand that they can
22 probably choose one or the other.

23 CHAIRMAN IAFELICE: Okay.

24 MS. FREEMAN: I am sorry. Maybe I didn't answer
25 that correctly.

26 CHAIRMAN IAFELICE: No, my question was convoluted.

27 MS. FREEMAN: Because I had proposed to take it out
28 under the ISPD based on what Risinger said but I didn't really
29 realize that, you know, does that need to be the same under
30 the Capital District? Is there a reason to have it the same?

1 Should it be different?

2 MR. LINGENFELTER: Right.

3 CHAIRMAN IAFELICE: So on your the ISPD table,
4 Heather, you have, you have removed office or professional
5 services.

6 MS. FREEMAN: No.

7 CHAIRMAN IAFELICE: It's X'ed out. You have a line
8 through it.

9 MS. FREEMAN: No.

10 CHAIRMAN IAFELICE: On 13.28, page 13.28?

11 MS. FREEMAN: You have -- What do you have stricken?

12 CHAIRMAN IAFELICE: (Showing.)

13 MS. FREEMAN: On the table?

14 MR. LINGENFELTER: The only thing I have a line
15 through, Rich, is the restaurant/counter service.

16 MS. FREEMAN: Okay. So let me explain this table.
17 I am sorry.

18 CHAIRMAN IAFELICE: Here, the line's through.

19 MR. LINGENFELTER: Oh, oh, oh.

20 CHAIRMAN IAFELICE: It is crossed out.

21 MS. FREEMAN: So what I was recommending under
22 13.36, okay, so under 13.36, Innovative Site PD is a
23 conditional use. The whole thing is a conditional use.

24 CHAIRMAN IAFELICE: The whole thing.

25 MS. FREEMAN: So under that conditional use, we had
26 originally specified permitted uses and conditionally
27 permitted uses under a conditionally permitted use. So --

28 MR. LINGENFELTER: Right.

29 MS. FREEMAN: Right. That's what, when I was
30 looking at it, I'm like, why are we doing that?

1 MR. LINGENFELTER: So do you want to remove that
2 entire column?

3 MS. FREEMAN: So what I was going to recommend to
4 the Board is, if the Innovative Site PD is a conditionally
5 permitted use in general, should all the uses under there be
6 permitted or should they take a second step to get then a
7 reapproval on a second conditionally permitted use? We could
8 entertain the idea if there was -- I don't know.

9 MR. LINGENFELTER: So you just remove that, just
10 remove that column.

11 MS. FREEMAN: Should they all just be permitted
12 under that conditionally permitted use?

13 MR. LINGENFELTER: Well, if it's a conditional
14 use --

15 MS. FREEMAN: That's what I was suggesting.

16 MR. LINGENFELTER: Right?

17 MS. FREEMAN: So the table here and the amendments,
18 the text right above that, I was suggesting that this would be
19 a list of all the permitted uses, "The precise use or type of
20 use of land shall be specified in the plan as submitted and
21 approved by the township." So maybe we need to add another
22 word up here but, basically, what I was recommending is that,
23 under the ISPD, any use that you want to allow there should
24 just be permitted.

25 MR. LINGENFELTER: Right.

26 MS. FREEMAN: That was something that we were going
27 to do under the changes that did not move forward back in '17,
28 although keep in mind it was a different review process. But
29 this would be basically a developer has an idea for a tract of
30 land, comes to the BZA with a concept plan. "I am going to

1 have a restaurant here and I am going to have an office here."

2 MR. LINGENFELTER: Yeah, I think that makes sense to
3 me. I mean, why --

4 MS. FREEMAN: Should we have conditional uses?

5 MR. LINGENFELTER: The whole thing is a conditional
6 use to begin with, so do you want to have conditional and
7 permitted uses within --

8 MR. REPPERT: A conditional use.

9 MR. LINGENFELTER: -- a conditional use? To me,
10 that's the department of redundancy department.

11 MS. FREEMAN: Although we might want to -- Maybe I
12 need to take a look at, what are the conditions under those
13 specific uses currently? Because if we take that out, then
14 they wouldn't necessarily be held to whatever the specific
15 conditions are under those uses.

16 MR. LINGENFELTER: Right. I think we just look at
17 the permitted in the table and determine if there is anything
18 on that table that we don't like and remove it. Otherwise,
19 anything that's on that table is, you know, is on the table as
20 far as what they might want to put in there.

21 CHAIRMAN IAFELICE: So are we saying the Table of
22 Uses in the regulations, 22, govern what's in ISPD? We don't
23 need to repeat itself.

24 MR. LINGENFELTER: Right.

25 CHAIRMAN IAFELICE: That's what you're saying, just
26 eliminate this whole table.

27 MR. LINGENFELTER: Right -- No, just eliminate the
28 column that has conditional or permitted because you've
29 already got a conditional use for the entire district. So why
30 would you have conditional uses under a conditional use?

1 Right?

2 MS. FREEMAN: It wouldn't necessarily mirror because
3 under the ISPD --

4 MR. REPPERT: There are some that I didn't like.

5 MS. FREEMAN: -- you've got the option to do the
6 residential, which we are not going to allow under the regular
7 Capital District. So a lot of it is the same if you were to
8 probably do side-by-side comparison. Whether or not it's
9 permitted or conditionally permitted, that's kind of, you
10 know, although -- Let's see. Hold on. So under the Capital
11 District, we don't allow like the dwelling. So the row house,
12 townhouse dwellings, the residential above retail, that's
13 unique to the ISPD. Also, the community parks and
14 neighborhood parks, some of those that I was recommending we
15 add in here aren't necessarily allowed under the Capital
16 District. So there is some differences. They're not exactly
17 the same.

18 CHAIRMAN IAFELICE: Do you think, I mean, for me,
19 this is confusing. But to the general public, wouldn't an
20 overlay make this cleaner?

21 MS. FREEMAN: It could, yeah, yeah.

22 MR. LINGENFELTER: So are you thinking to make
23 the --

24 CHAIRMAN IAFELICE: ISPD.

25 MR. LINGENFELTER: -- the ISPD just an overlay? Is
26 that your --

27 CHAIRMAN IAFELICE: I am asking. In the traditional
28 sense of a, here is the approved underlying zoning, Capital,
29 that's there. The overlay provides an approved zoning on top
30 of that zoning. Am I saying that right?

1 MS. FREEMAN: Yeah.

2 CHAIRMAN IAFELICE: It's an approved modification to
3 what the base zoning is.

4 MR. LINGENFELTER: Right.

5 CHAIRMAN IAFELICE: We approve this with a
6 residential component as an overlay. So help me again. Why
7 was it done this way? You said it made it, it would make
8 it --

9 MS. FREEMAN: You know, my recollection is not a
10 hundred percent because this is actually right when I joined
11 the township. This was in early 2015 and we were working with
12 Mark Majewski had written the text basically that we have in
13 place right now under the ISPD. That was his recommendation
14 to the Trustees at the time, to put it in as a conditional use
15 because it is one of the options under the Ohio Revised Code
16 for townships as far as how we can approve planned
17 developments.

18 CHAIRMAN IAFELICE: And in addition, if I recall the
19 map, the ISPD does not occupy the entire Capital District.
20 The conditional use permitted for ISPD could be anywhere in
21 the Capital District or was -- I thought it was mapped.
22 Risinger had a --

23 MS. FREEMAN: The way it's set up now, it can be
24 anywhere on any property that's zoned Capital District.

25 CHAIRMAN IAFELICE: It's anywhere, okay.

26 MS. FREEMAN: Just on the Capital District.

27 MR. LINGENFELTER: And you have to have so many
28 acres, right?

29 CHAIRMAN IAFELICE: Four.

30 MS. FREEMAN: Minimum four acres.

1 MR. LINGENFELTER: Yeah, you have to have four
2 acres. So --

3 MS. FREEMAN: I have to get my Zoning Map. So if
4 you look at what parcels that really it would include, so if
5 you're looking at Auburn Road where the roundabout is, Auburn
6 and Capital, the southwest corner there, that parcel is a
7 seven acre parcel that the Township actually owns that the
8 JEDD and the Trustees have been working to try to find a
9 developer.

10 And then the parcel to the south of that, I believe,
11 is about a five acre parcel. And then staying on that same
12 side of the street -- sorry. That five acre parcel is owned
13 by Concord Real Estate Investment that owns the majority of
14 the industrial land back on Discovery as well.

15 The parcel on the northwest corner of the
16 roundabout, that is another about seven acres. It's owned by
17 Lake Health.

18 And then across the street is the former site of the
19 granite site. They've cleared it out a bunch. They've been
20 marketing it, trying to sell it to somebody. It's about two
21 and a half acres. So it's not big enough, you know, to do its
22 own separate Innovative Site PD but, you know, if you're able
23 to parcel together a bunch of these, you might be able to do
24 something.

25 And then behind that is the existing, kind of, it's
26 Normandy Property or, sorry, it's owned by Randy --

27 CHAIRMAN IAFELICE: When you say behind it --

28 MS. FREEMAN: Oh, behind where the granite site is.
29 I'm sorry.

30 CHAIRMAN IAFELICE: To the east.

1 MS. FREEMAN: To the east, yeah, sorry.

2 CHAIRMAN IAFELICE: To the east.

3 MS. FREEMAN: To the east of that is an already
4 developed kind of, it's got four buildings, a commercial site.

5 CHAIRMAN IAFELICE: There is buildings on it.

6 MS. FREEMAN: You've got a lot of -- It's a
7 commercial site with four separate buildings, 24 units. So
8 different types of tenants come in and out of there, various
9 commercial things going on.

10 And then to the southeast of the roundabout, those
11 two long rectangular parcels that front on Capital, we know
12 that that was the site where Sheetz --

13 MR. REPERT: That was Sheetz.

14 MS. FREEMAN: Sheetz was on that corner that abuts
15 44. And then the property owner is still trying to reach out
16 to try to figure out what he is going to do on the remaining
17 parcel. I think that would be about five, five acres left
18 over.

19 And then to the south of that, I mean, is the Capra
20 Business Center, which is already partially built out. I
21 don't know what his plans are in the east portion of that. He
22 had big plans to do multiple medical office buildings there
23 but hasn't moved forward with that yet.

24 And then as you go south of that, there is a couple
25 of nonconforming residential lots.

26 And then the larger, most southern Capital District
27 parcel, that is, actually, half of that is wetlands and that's
28 where Dr. Mohseni is currently building her medical office
29 building on the other part of it. So very expensive to
30 develop the rest of that piece.

1 CHAIRMAN IAFELICE: So let's take as an example the
2 initial southwest corner controlled by the township, seven
3 acres, okay, and let's say there was a developer. Let's
4 assume applied for conditional use for ISPD.

5 MS. FREEMAN: Right.

6 CHAIRMAN IAFELICE: And then the property to the
7 south goes medical or anything, any one of the other permitted
8 uses in Capital.

9 MS. FREEMAN: Right.

10 CHAIRMAN IAFELICE: So it seems to me when that
11 happens we're getting -- I don't want to call it spot zoning.
12 It seems like now we could marriage residential next to
13 something we don't want. There is no transition, as opposed
14 to an overlay where you have a, obviously, it's consolidating,
15 bringing it together, all of it, into some master development.
16 So maybe the intent was to create opportunities for smaller
17 owners or smaller parcels to develop innovatively this
18 Innovative Site PD but then we're going to end up with,
19 potentially, a business next to a townhome or right, like,
20 next door.

21 MS. FREEMAN: Right.

22 CHAIRMAN IAFELICE: Am I correct, under what we have
23 now?

24 MS. FREEMAN: I guess that's possible.

25 CHAIRMAN IAFELICE: It's possible.

26 MS. FREEMAN: Yeah. I mean, if the seven acre site
27 developed as its own stand-alone and then the property to the
28 south sold, I mean, right, they could move forward with just
29 what they're allowed to do under the Capital District. And I
30 think part of that might be looking at what are the district

1 standards like the setbacks and some of the things that we
2 have in there. And I know we kind of discussed whether or
3 not, even under the Capital District or the ISPD, that should
4 our setbacks really be minimums or should they be standards,
5 like the setback shall be 10 feet or 20 feet. And I wonder if
6 we took a look at some of --

7 CHAIRMAN IAFELICE: Took a look at that?

8 MS. FREEMAN: -- those dimensional bulk standards
9 that the use itself within the building wouldn't matter as
10 much but the form of how it's actually developed on the
11 property would.

12 CHAIRMAN IAFELICE: Yeah, I am just asking the
13 question. I didn't mean to upset the apple cart here. I'm
14 just trying to understand.

15 MR. LINGENFELTER: But you are, you are.

16 MS. FREEMAN: Yeah, it's the reality of it though.

17 CHAIRMAN IAFELICE: It's just what's adopted here,
18 we have to think forward and ahead to what that could -- And
19 we're going to sit here going, "Oh, my God, now we're
20 approving this. Now we're approving this next door."

21 MS. FREEMAN: Yeah.

22 CHAIRMAN IAFELICE: We're going to sit here saying,
23 did we have any way to mitigate that from happening?

24 MS. FREEMAN: I don't know.

25 MR. SCHINDLER: I think we need more discussions
26 about this, Mr. Chairman.

27 MS. FREEMAN: Yeah. And I would be happy to --

28 CHAIRMAN IAFELICE: There is a third option, of
29 course, and that's to eliminate ISPD altogether.

30 MR. SCHINDLER: Well, that's one way to do it.

1 CHAIRMAN IAFELICE: It's what we're discussing,
2 right? It's a work session.

3 MR. SCHINDLER: Yeah, it's a work session, correct.

4 CHAIRMAN IAFELICE: That just came to my head,
5 Heather. I didn't prepare for that. Once I started thinking,
6 you know, the way -- And thank you for explaining that. If
7 it's conditional use now, four acre minimum, and the Table of
8 Uses under the Capital really just apply because it's
9 conditional. Once it's granted a conditional use under here,
10 no need to -- Right?

11 MR. LINGENFELTER: No.

12 MS. FREEMAN: Well, if they're granted --

13 CHAIRMAN IAFELICE: That's why we crossed them all
14 off.

15 MS. FREEMAN: Well, the thought was you come one
16 time to the BZA and ask your for conditional use.

17 MR. LINGENFELTER: Right.

18 MS. FREEMAN: Or should -- You come to the BZA and
19 ask for your ISPD. That is your conditional use. And under
20 that --

21 CHAIRMAN IAFELICE: Yeah.

22 MR. LINGENFELTER: And everything that falls
23 underneath that is fair game.

24 CHAIRMAN IAFELICE: I understand.

25 MR. LINGENFELTER: Unless --

26 MS. FREEMAN: Unless you find a need, right.

27 MR. LINGENFELTER: Unless we remove it, unless we
28 decide to remove it.

29 CHAIRMAN IAFELICE: From the ISPD.

30 MR. LINGENFELTER: From the ISPD. Then it's not

1 fair game, then it's out. So if you don't like child or adult
2 day care center, we remove it. Then you don't have to worry
3 about the child or adult day care center going in there under
4 the ISPD.

5 CHAIRMAN IAFELICE: But it's a conditional use in
6 the Capital.

7 MR. LINGENFELTER: Yes. But it's allowed. If we
8 take it, if we take it to this, where we're going with this,
9 it's a permitted use under ISPD because it's, basically, it's
10 in there. It's on the list of things that you can do in the
11 ISPD.

12 MS. FREEMAN: He's correct, right. So if you
13 decide, if you do the ISPD route, you can only do what's
14 listed in Table -- in this table under Section 13.

15 MR. LINGENFELTER: Right.

16 CHAIRMAN IAFELICE: Okay.

17 MS. FREEMAN: You don't follow what's under the
18 other Table 22.03.

19 MR. LINGENFELTER: Right, yeah. That's why she has
20 all, that's why she lined them all off as conditional.

21 CHAIRMAN IAFELICE: Again, I just bring up that as
22 an example. Child or adult day care is conditional under
23 Capital. You are saying, if we remove it here, then it's
24 listed as a permitted --

25 MS. FREEMAN: It's permitted, right. And maybe I am
26 wrong on that but -- So would we want -- Okay, so the BZA says
27 yes to the ISPD. This is a great idea. You've told us where
28 everything is going to be and all your uses. Okay. We've
29 identified three conditionally permitted uses. Now you have
30 to come back and ask for conditional use permits for those?

1 That's what I was, you know, is that what we would want
2 applicants to do or would those conditionally --

3 CHAIRMAN IAFELICE: It's just creating more red
4 tape. That's all I'm saying.

5 MS. FREEMAN: Yeah, right. So I don't know. It's
6 just an idea.

7 MR. REPERT: Whenever somebody comes to the BZA and
8 says, "I want to put in a child or adult day care center."

9 MS. FREEMAN: Okay.

10 MR. REPERT: In the Capital District, it's a
11 conditional use. They approve it. Why would they have to
12 approve it again?

13 CHAIRMAN IAFELICE: They're approving it not as an
14 ISPD, they're approving it just to develop.

15 MR. REPERT: They come in as an ISPD.

16 CHAIRMAN IAFELICE: Oh, you're saying that they come
17 in.

18 MR. REPERT: And they've got to tell you what
19 they're doing. I am doing a childcare facility in the Capital
20 District as an ISP. Hey, it's approved. ISP is approved in
21 the Capital District.

22 CHAIRMAN IAFELICE: It's a conditional use.

23 MR. REPERT: So do they also have to --

24 MR. LINGENFELTER: No, you're --

25 CHAIRMAN IAFELICE: It's a conditional use.

26 MR. LINGENFELTER: You might be unintentionally
27 misstating your point because an ISPD, an ISPD is not
28 permitted. That's a conditional use in itself.

29 CHAIRMAN IAFELICE: Yeah, it's not permitted.

30 MR. LINGENFELTER: Even regardless of where you're

1 putting it, it's got to be as a conditional use.

2 MR. REPERT: An ISPD is permitted in the Capital
3 District as a conditional use.

4 MR. LINGENFELTER: Conditional use, correct.

5 MR. REPERT: Okay.

6 MR. LINGENFELTER: So it has to go to the BZA to be
7 approved.

8 MR. REPERT: Right. And the BZA says, "Well, what
9 are you doing?" And they said, "Childcare."

10 MR. LINGENFELTER: Do they have to, really, do they
11 have to state their intent at that point?

12 MR. REPERT: No.

13 MR. LINGENFELTER: They're just asking for the ISPD
14 because anything that's in the, under the permitted use in an
15 ISPD is on the table. So what differ -- I mean, they can say,
16 they can pick any of these things and say, "We're going to put
17 in a microbrewery.

18 And then you can say, "Okay. Well, we're going to
19 approve that."

20 And then they can come back and say, "We changed our
21 mind. We're going to put a day care center in," because
22 that's, technically, I don't think it matters what their
23 intent is for the ISPD. It's, that's the conditional use and
24 the conditional use has a list of permitted uses within that
25 ISPD.

26 MR. REPERT: So you're saying conditional within
27 13. Thirteen? Yeah, 13.36. So we got to have this table.

28 MR. LINGENFELTER: Right.

29 MR. REPERT: We've got to have this table --

30 MR. LINGENFELTER: But the point --

1 MR. REPPERT: -- to say, Here is the use you can do
2 in ISPD.

3 MR. LINGENFELTER: But having the table and then
4 identifying these uses as permitted or conditional is, that's
5 what we're -- that's the problem, see? Because if they, if
6 they apply for the ISPD, that's a conditional use and it's
7 granted.

8 MR. REPPERT: But for what? Don't they have to tell
9 BZA what the hell they're doing?

10 MR. LINGENFELTER: No. Anything that's on this
11 list, anything that's on the list because, if it's given as an
12 ISPD, all these things are on the table.

13 MR. REPPERT: Okay.

14 MR. LINGENFELTER: So if there is something on this
15 list that you don't like for an ISPD --

16 MR. REPPERT: We've got to get it out of there.

17 MR. LINGENFELTER: We have got to get it out of
18 there.

19 MR. REPPERT: Okay.

20 MR. LINGENFELTER: Because anything that's on there
21 is something they can do.

22 MR. REPPERT: Now I understand.

23 MR. LINGENFELTER: Right.

24 MS. FREEMAN: Just can I clarify though? But when
25 they do go to the, if they do come to the BZA with an
26 ISPD application --

27 MR. LINGENFELTER: Yeah, they're going to have a
28 plan.

29 MS. FREEMAN: -- they are going to specify what uses
30 they plan on having.

1 MR. LINGENFELTER: Right, right.

2 MR. REPPERT: Yeah, okay.

3 MR. LINGENFELTER: But they can change that.

4 MS. FREEMAN: They could but --

5 MR. LINGENFELTER: Would they have to come back and
6 get another conditional use?

7 MR. REPPERT: I would hope so.

8 MS. FREEMAN: They would have to get their plan
9 probably amended if it changed something.

10 MR. LINGENFELTER: Right. But my point is that --

11 MR. REPPERT: It's a major modification.

12 MS. FREEMAN: Yeah, yes. We're going down that
13 route, yes, yeah.

14 MR. LINGENFELTER: Touché, that's a good one. You
15 pulled it out, didn't you? You finally got to use it, didn't
16 you? See, my point is --

17 MR. REPPERT: Okay.

18 MR. LINGENFELTER: Yeah, that would be a major
19 modification which could potentially, you know, if, because if
20 they come in and say they are going to use it, they're going
21 to build a microdistillery or a microbrewery, you know, and
22 they come to the BZA and the BZA approves the innovative site
23 -- Well, let's say they come up with several things here.
24 We're going to put a bank and, you know, we are going to put a
25 bank and a microdistillery and, you know, a school.

26 MR. REPPERT: So, basically, what we're saying is,
27 put the uses here but delete the whole table, the whole --

28 MR. LINGENFELTER: No, no, just delete the
29 permitted/conditional component.

30 MR. REPPERT: The P and Cs, yes.

1 MR. LINGENFELTER: Yeah, right, get rid of that.
2 There's no reason for that.

3 MR. REPERT: Delete that completely.

4 MR. LINGENFELTER: Right.

5 MR. REPERT: Okay.

6 MR. LINGENFELTER: Because you don't want to have,
7 because if you give it to them as a conditional use --

8 MR. REPERT: That's it.

9 MR. LINGENFELTER: -- then they're going to come
10 back and, say, we want to put in a school and that's a
11 conditional use. So after they get the conditional use for
12 the property, then they've got to come back and get another
13 conditional use to put the school in. That, to me, that seems
14 redundant.

15 MR. REPERT: Okay.

16 MR. LINGENFELTER: To put a conditional use within a
17 conditional use.

18 MR. REPERT: So what are we doing? Are we going
19 through 13.36 first?

20 CHAIRMAN IAFELICE: Well, okay.

21 MR. REPERT: Or 22?

22 CHAIRMAN IAFELICE: So concurrent with -- That's why
23 Heather brought up 13. So when we talk about restaurant and
24 counter service now, we should -- that brought up the
25 question. But now I've got a thing. The reason that 13, the
26 table, has permitted and conditional uses crossed out, because
27 we're just going to list the table there.

28 MR. REPERT: Yeah.

29 MR. LINGENFELTER: Right, just the Table of Uses.

30 CHAIRMAN IAFELICE: So the question is, that we had

1 was counter service. We thought we could maintain that as a
2 conditional use in Capital. The question is, do we want to
3 maintain it in the ISPD? That's the question.

4 MR. REPERT: No. I've got it taken out. I X'ed
5 that one out. I X'ed it out before, so I X'ed it out again.

6 MR. LINGENFELTER: Oh, so now you've gone back to
7 you don't like it.

8 MR. REPERT: No. Well, I didn't but --

9 MR. LINGENFELTER: No, you didn't and then you said
10 you were okay with it. Now you are saying you don't like it
11 again.

12 MR. REPERT: No, I don't like it.

13 CHAIRMAN IAFELICE: Okay. So it's because of the
14 premise or the design principles of an ISPD. If am I correct
15 here, counter service may not be appropriate in what an ISPD
16 mix of retail, service, office, entertainment, it's a mix,
17 mixed use, could have townhomes with, above a retailer store
18 in a lot of places, things like that, live above and work
19 below. So --

20 MR. LINGENFELTER: Excuse me.

21 CHAIRMAN IAFELICE: Yeah.

22 MR. LINGENFELTER: Do you know, by any chance, just
23 out of curiosity -- because I know you did a lot of research
24 on it -- how many acres is Pinecrest on, over there in
25 Beachwood? How big is that; do you know?

26 MS. FREEMAN: I don't know off the top of my head.
27 I have no idea.

28 CHAIRMAN IAFELICE: All of Pinecrest?

29 MR. LINGENFELTER: Pinecrest.

30 CHAIRMAN IAFELICE: All of Pinecrest?

1 MR. LINGENFELTER: Yeah. What would that --

2 CHAIRMAN IAFELICE: I want to say somebody had
3 mentioned at the office 20 acres.

4 MR. LINGENFELTER: Yeah? Is it?

5 CHAIRMAN IAFELICE: Maybe not even 20, maybe not
6 even 20. I meant everything all the way up to the --

7 MR. LINGENFELTER: Right. You know where Pinecrest
8 is?

9 MR. REPPERT: Yeah. It goes from Morley to
10 Hermitage.

11 MR. LINGENFELTER: No, no, no. Pinecrest, the --

12 CHAIRMAN IAFELICE: Orange Village mixed-use
13 development.

14 MR. LINGENFELTER: Yeah, in Orange Village there off
15 of, what is it considered, Beachwood.

16 CHAIRMAN IAFELICE: Chagrin Road.

17 MR. LINGENFELTER: Is that Beachwood or Orange
18 Village?

19 CHAIRMAN IAFELICE: Yeah, yeah. Maybe it's, maybe
20 it's more like 10 to 12 acres, it's not 20.

21 MR. LINGENFELTER: I was just curious because that,
22 to me, would be a model or would be something that you would
23 say that that would, that's kind of what we would want to
24 attract to that --

25 CHAIRMAN IAFELICE: Location.

26 MR. LINGENFELTER: To that location in the township,
27 is something similar with that kind of mixed use and, you
28 know, the various things that are there. I think there is a
29 lot of amenities within that area that would be conducive
30 to -- And that's why I was curious how many because my point

1 is just envision --

2 MS. FREEMAN: It's 58 acres.

3 MR. LINGENFELTER: What?

4 MS. FREEMAN: Fifty-eight acres, according to their
5 website.

6 MR. LINGENFELTER: You're kidding. That's 50 acres?

7 MS. FREEMAN: Fifty-eight. Fifty-eight acre mixed-
8 use district, 145-room boutique hotel, 87 luxury apartments,
9 400,000 square feet of retail and restaurants, and 162,000
10 square feet of Class A office space, 2,100 parking spaces.

11 MR. LINGENFELTER: So that -- okay. But I guess my
12 point is that, just envision four acres of Pinecrest, for
13 conversation sake. But, I mean, my point is, envision that
14 and that's what I would think we would want to attract here,
15 something similar, not, you know, I didn't -- I am shocked
16 it's 50 acres.

17 MR. SCHINDLER: You like the concept but ours would
18 be, of course, smaller.

19 CHAIRMAN IAFELICE: I am not a developer but, in
20 principle, when you try to mix a mixed use on four acres, it
21 just --

22 MR. LINGENFELTER: It's not a lot.

23 CHAIRMAN IAFELICE: So I am just wondering about the
24 rationale of --

25 MR. LINGENFELTER: It would be single use.

26 CHAIRMAN IAFELICE: -- of ISPD for four acres.

27 MR. LINGENFELTER: Right. Maybe we, maybe you
28 expand the size because, like you said, four acres doesn't
29 give you a whole lot.

30 CHAIRMAN IAFELICE: No.

1 MR. LINGENFELTER: And that you're probably, you're
2 probably narrowing it down to a single use, maybe two uses.

3 CHAIRMAN IAFELICE: Not to create a mini, a mini
4 Pinecrest or a mini Legacy or mini Crocker Park.

5 MR. LINGENFELTER: Right.

6 CHAIRMAN IAFELICE: Not to create but to amass some
7 property for a mixed use, especially for parking.

8 MR. LINGENFELTER: Yeah, four acres, you don't
9 really have a whole lot. You're probably looking at a single
10 use.

11 MR. SCHINDLER: Just about when considering, like
12 you say, parking and everything else that has to be there to
13 encompass that.

14 MR. LINGENFELTER: Right. Like I said, four acres,
15 you are probably looking at a single use, maybe multi use, but
16 it's --

17 MR. SCHINDLER: Yeah, it's not much.

18 MR. LINGENFELTER: It's not going to be a lot of, it
19 is not going to be half this list, that's for sure. It's
20 going to be one or two things off this list and that's going
21 to be it.

22 MR. SCHINDLER: That's going to be it, yeah.

23 MR. LINGENFELTER: Yeah, so then you get to the
24 argument though -- Excuse me, Mr. Chairman.

25 CHAIRMAN IAFELICE: Yeah.

26 MR. LINGENFELTER: Then you get to the argument at
27 four acres, then, then to Hiram's comment, that does limit
28 then, you know, how many. They would have to state their uses
29 and it wouldn't, they wouldn't be able to come in with 50
30 different uses on a four acre parcel.

1 CHAIRMAN IAFELICE: Right.

2 MR. LINGENFELTER: It would probably be one or two
3 things.

4 CHAIRMAN IAFELICE: Right.

5 MR. LINGENFELTER: So you'd know right up front,
6 right off the rip what they were planning on putting in there,
7 you know. So --

8 MR. SCHINDLER: Yeah.

9 CHAIRMAN IAFELICE: And I don't know. It just seems
10 to me you could have a --

11 MR. LINGENFELTER: As easier way.

12 CHAIRMAN IAFELICE: -- an easier way and trying to,
13 trying to make something that's more uniform that blends with,
14 into the community's infrastructure.

15 MR. LINGENFELTER: Right.

16 CHAIRMAN IAFELICE: The way it would pan out. You
17 would want to, rather than the way it's created, four acres,
18 somebody's here and then somebody develops a business over
19 here and then somebody does a residential over here. It
20 just --

21 MS. FREEMAN: Yeah. I mean, I know we had a lot of
22 conversations about how, you know, even when working with
23 Risinger, like, is there a way to require them to do the ISPD?
24 No. We can't force someone to take, to do a planned
25 development even if we did like an overlay on that. It's my
26 understanding that --

27 MR. LINGENFELTER: Almost like conservation
28 development.

29 MS. FREEMAN: It's still an option, you know.

30 MR. LINGENFELTER: You can't force them.

1 MS. FREEMAN: So you still could get this piecemeal
2 development kind of like we're already experiencing.

3 CHAIRMAN IAFELICE: On Crile.

4 MS. FREEMAN: You know, on Crile Road. Even the, we
5 will have plans probably in the next few months for the car
6 wash the and the ice cream store on a piece of property that's
7 east of --

8 MR. REPPERT: Isn't that in Capital?

9 MS. FREEMAN: Yeah, it's zoned Capital, right. It's
10 at the intersection of Old Crile and Crile, that kind of
11 triangular shaped lot. So that --

12 CHAIRMAN IAFELICE: Yes. On the east side, yes.

13 MS. FREEMAN: Correct. And then, as we all know,
14 Sheetz came in and got most of their approvals for that even
15 though the property was zoned Capital and the property owner
16 knew that he could, if he found additional tenants or
17 developers, he could come in and do something much more Town
18 Center oriented but chose to go the single user route,
19 although that's still in litigation.

20 MR. LINGENFELTER: Well, he also stated -- I don't
21 know if you remember but he also stated, the property owner
22 was here and he also clearly stated his next project was a
23 hotel.

24 MS. FREEMAN: Possibly, yeah, right, yeah.

25 MR. LINGENFELTER: Well, that's kind of what he
26 said.

27 CHAIRMAN IAFELICE: So I am sorry. I did not know
28 Sheetz was --

29 MS. FREEMAN: That's, well, it's still in
30 litigation.

1 CHAIRMAN IAFELICE: It's still pending.

2 MS. FREEMAN: It's still pending in litigation.

3 CHAIRMAN IAFELICE: Okay.

4 MS. FREEMAN: Just an example of, you know, what had
5 transpired.

6 MR. REPERT: You never know.

7 MR. LINGENFELTER: And to that point, his comment
8 was or his next plan was to come bring a hotel over there.
9 Hotels is on the list.

10 CHAIRMAN IAFELICE: Oh, yeah, yeah.

11 MS. FREEMAN: So there was a lot of debate on, even
12 at the time and even maybe now, is it, is the Town Center
13 concept, you know, viable or is it still --

14 MR. LINGENFELTER: Right.

15 MS. FREEMAN: I think we hundred percent agreed that
16 in 2017. I still agree that I think there is an opportunity
17 for it, maybe not exactly how Risinger had envisioned it. I
18 mean, I know that they wanted us to rezone a lot more of that
19 property to allow for it.

20 MR. LINGENFELTER: Right, right.

21 MS. FREEMAN: Further west into more --

22 MR. LINGENFELTER: Yeah, we got a lot, we got a lot
23 of pushback.

24 MS. FREEMAN: Yeah, yeah. They thought we needed
25 more land.

26 MR. LINGENFELTER: Because that was going to chew up
27 a lot of that, that light industrial or whatever that's back
28 there on Capital.

29 MS. FREEMAN: Yeah, but I think --

30 MR. LINGENFELTER: It goes back, yeah.

1 MS. FREEMAN: I think what we can possibly achieve
2 in the near future though is going back to some of the uses
3 like, under either option, if there is ones we know for sure
4 we don't want in there, we need to remove those.

5 MR. LINGENFELTER: Discovery.

6 MS. FREEMAN: Even if we don't decide under the
7 ISPD to make some of those permitted versus conditional, we
8 just keep the way it is, clean up, you know, what uses are
9 under there. If we're hesitant on changing those or how those
10 processes happen, those can be future amendments and we can
11 just --

12 CHAIRMAN IAFELICE: Concentrate on --

13 MS. FREEMAN: -- prefer just looking at the uses.

14 MR. LINGENFELTER: Right.

15 MS. FREEMAN: Unless then we feel like we're making
16 good headway on that and you guys want to look at some of the
17 other standards within the district.

18 CHAIRMAN IAFELICE: Thank you, thank you, Heather.
19 I guess it seems to me we've kind of had a lot of discussion
20 without really advancing a lot on the table. Would it be
21 appropriate for the members here to review this and we'll come
22 maybe more prepared? I know I could be because I, quite
23 frankly, I found the two sections so confusing. And I think I
24 have a better understanding to then maybe make some judgment
25 about, about the permitted and conditional uses in the
26 district.

27 MR. SCHINDLER: Yeah.

28 CHAIRMAN IAFELICE: Unless we want to continue. We
29 are going to have to take it one by one.

30 MR. SCHINDLER: If I continue, I need five minutes.

1 CHAIRMAN IAFELICE: I don't want to keep going if
2 we're too late in the night.

3 MR. LINGENFELTER: This is early.

4 CHAIRMAN IAFELICE: This is early?

5 MR. LINGENFELTER: Oh.

6 MR. SCHINDLER: We've all gone, yeah, till --

7 MR. LINGENFELTER: We've got hours.

8 MR. SCHINDLER: -- almost 10:30 or so.

9 MR. LINGENFELTER: Counsel, you're sitting over
10 there. He is enjoying himself. I mean, he is okay with it.

11 CHAIRMAN IAFELICE: I am okay to continue.

12 MR. SCHINDLER: Can we take a five-minute break?

13 CHAIRMAN IAFELICE: Yes, of course. We'll take a
14 break for five minutes. Thank you.

15 (Whereupon, there was a recess from 8:36 p.m.
16 until 8:42 a.m.)

17 CHAIRMAN IAFELICE: Okay. We're back on the record.
18 Let's see. We left it at the Table of Uses, 22, and looking
19 at 13 current under the ISPD.

20 MR. LINGENFELTER: I think it should be a homework
21 assignment, Mr. Chairman.

22 CHAIRMAN IAFELICE: That's what I, quite frankly --

23 MR. LINGENFELTER: I do. It's a lot to digest.

24 CHAIRMAN IAFELICE: It's a lot to digest right now
25 for me.

26 MR. LINGENFELTER: You're absolutely right. Like I
27 said, a homework assignment.

28 CHAIRMAN IAFELICE: Hiram did his homework but --

29 MR. LINGENFELTER: Hiram is good at homework.

30 CHAIRMAN IAFELICE: The discussion tonight was

1 helpful to me to better understand this, put it into a better
2 frame of mind when you consider uses. So, anyway, I would
3 like to see us move forward with another work session,
4 continuation of this work session for the Table of Uses.

5 MR. LINGENFELTER: Right.

6 MR. SCHINDLER: Mr. Chairman.

7 CHAIRMAN IAFELICE: Yes.

8 MR. SCHINDLER: In general, what's your objective?
9 What do you find we should be trying to achieve going through,
10 you know, in regards to these two, both of them?

11 CHAIRMAN IAFELICE: Yes. So, obviously, in my
12 tenure here, initiated the discussion with the gas station and
13 car wash in the Capital District.

14 MR. SCHINDLER: Right.

15 CHAIRMAN IAFELICE: And come to find that, as a
16 Zoning Commission, our hands were tied unless we took into
17 consideration the Table of Uses.

18 MR. SCHINDLER: Right.

19 CHAIRMAN IAFELICE: And so that prompted, we had a
20 discussion about that and we thought, well, let's review those
21 Table of Uses to maybe preclude some conditional uses that we
22 are not in favor of because the only thing we can control is
23 that.

24 MR. REPPERT: That's right.

25 CHAIRMAN IAFELICE: Otherwise, it's the site plan
26 review and approval.

27 MR. SCHINDLER: Right.

28 MR. REPPERT: And once it goes to BZA and it's gone.

29 CHAIRMAN IAFELICE: Right. But I am more informed
30 understanding the ISPD is a conditional use and how that is,

1 factors into the overall zoning in the Capital District and
2 how that could be uniformly or not uniformly developed. Andy
3 just asked, six, seven, eight years ago, did you envision
4 Crile Road the way it developed? No, because I didn't
5 understand the zoning that was on Crile Road, but I guess it
6 didn't matter because it was to the desirability of a
7 developer what they did, pushing a parking lot in the front
8 and the buildings in the back and things like that, which
9 created that design.

10 There is an opportunity here in the Capital District
11 to maybe look at the Risinger, look at these comp plans and
12 the vision that was in those and could we influence that with
13 changes in the Table of Uses? Could we influence that by
14 considering the ISPD?

15 MR. LINGENFELTER: Yes.

16 MR. SCHINDLER: Sure.

17 MR. REPPERT: To a certain extent.

18 CHAIRMAN IAFELICE: To a certain extent.

19 MR. LINGENFELTER: I think, if you look at, if we
20 look at Crile Road, are you unhappy? Are you unhappy with
21 what's on Crile Road right now? Are you unhappy with it? Do
22 you not like, is there an element of, from Drug Mart heading
23 north on Crile Road, are you unhappy with what's in there?
24 Are you unhappy with the businesses that we've attracted? Are
25 you unhappy with the way that has developed over the last
26 several years?

27 MR. REPPERT: Just the Verizon sign.

28 MR. LINGENFELTER: If you're -- Right. But, I mean,
29 look at that and just ask yourself that question because I
30 think that's what's going to happen eventually across the

1 road, you know, with the rest of this as it is, because it's
2 going to continue because, as things develop and as parcels
3 and out-lots and properties disappear with the businesses,
4 then people that want to come in, it's going to start getting
5 pushed in that direction.

6 So the question is, are you happy with what's going
7 on on Crile? Are we happy with what's developed on Crile Road
8 and how that looks and how that, the services that are there,
9 the businesses that are there? Do we feel that that's a
10 benefit to that area? And do we want to see that continue
11 across the road or do we want to make changes about what's
12 permitted and what's conditional now to prevent the things
13 that we don't, maybe we don't like with what's going on on
14 Crile Road across the road because that's the direction it's
15 going to go. Okay? It's just the natural process.

16 MR. SCHINDLER: You're right. And the best way to,
17 realistically, to achieve that is get rid of all the
18 conditional uses stuff that we have in there.

19 MR. LINGENFELTER: That's what I am saying. That's
20 why it's important to really seriously look at the conditional
21 uses.

22 MR. SCHINDLER: Correct, correct.

23 MR. LINGENFELTER: And decide, are these really
24 things that we want as this continues to grow? If we don't,
25 then we should, we need to take the action now to remove them
26 because, if you don't, then you may end up getting them.

27 MR. SCHINDLER: Right. We can achieve that by
28 taking the items out and don't put conditional uses in.

29 CHAIRMAN IAFELICE: That's our objective, Frank.

30 MR. SCHINDLER: And that's our objective. Thank

1 you. That's what you do.

2 CHAIRMAN IAFELICE: To Andy's point, yeah, but the
3 businesses that are on Crile, for me, don't fit over here.
4 When I say "fit," it's geometrics.

5 MR. SCHINDLER: It's a hodgepodge.

6 CHAIRMAN IAFELICE: It's an area that has, it's
7 created to maybe facilitate a different environment than
8 commercial that's over on the other side.

9 MR. SCHINDLER: Correct.

10 CHAIRMAN IAFELICE: It's commercial.

11 MR. SCHINDLER: Right.

12 CHAIRMAN IAFELICE: I view it more as a high-end
13 location, well, similar to the examples Andy earlier spoke of.

14 MR. REPERT: Crocker Park and Legacy.

15 CHAIRMAN IAFELICE: Yeah, yes.

16 MR. SCHINDLER: Right, right.

17 MR. LINGENFELTER: But the point is --

18 CHAIRMAN IAFELICE: Yes. But what can we do to
19 influence that in the zoning?

20 MR. LINGENFELTER: The point I am making is that --
21 and, Heather, you can correct me if I am wrong -- is there
22 anything over on Crile Road that we have that couldn't be over
23 across the street, technically? Are there things that are on
24 Crile Road now that we could not put --

25 MS. FREEMAN: Like 84 Lumber?

26 MR. LINGENFELTER: No, aside, I don't consider that
27 even a part of the conversation.

28 MS. FREEMAN: Oh, okay.

29 MR. LINGENFELTER: But, I mean, anything -- Let's
30 Concord, let's just go, cut it at Concord Motor Sports and

1 Crile Road Hardware, okay, and go north. Is there anything
2 that's in there from, all the way from there all the way to
3 Auburn Road, you know, that couldn't go across the street
4 based on the table of contents that we have, the permitted.

5 CHAIRMAN IAFELICE: They're permitted uses, yes.

6 MR. LINGENFELTER: The permitted or conditional uses
7 that are on the list. My guess would be no.

8 CHAIRMAN IAFELICE: No.

9 MS. FREEMAN: Yeah, I mean, not for sure but I think
10 everything that's on Crile could, technically, go in there
11 except --

12 MR. LINGENFELTER: There you go.

13 MS. FREEMAN: That's why it's, like Rich said, it's
14 more the geometry of how it's laid out. Like Crile Road, it's
15 definitely auto-oriented. You have to drive your car there.

16 CHAIRMAN IAFELICE: Right.

17 MS. FREEMAN: Although we do see runners and bikers
18 and walkers more frequently now, I do, people walking, because
19 we've got more convenience-type services over there.

20 MR. LINGENFELTER: Right.

21 MS. FREEMAN: But the idea for the Town Center,
22 obviously, we know people are going to drive there but we hope
23 that they would park and then walk throughout the community
24 and experience, you know, what there is to offer there.

25 MR. SCHINDLER: And that was always supposed to be
26 the objective, township center, where that could be done.

27 MS. FREEMAN: Yeah.

28 MR. SCHINDLER: Where people could not only be able
29 to live in that area themselves but utilize the services that
30 they would need but still be able to walk the area. We were

1 talking about a big lake, possibly, there where people can go
2 and walk around there, have a, you know, a walking path to go
3 around and maybe even have a picnic there or put, you know,
4 that kind of stuff.

5 MS. FREEMAN: Yeah.

6 MR. LINGENFELTER: Well, if you go back historically
7 to the reason behind this whole thing was that we don't have a
8 town square. We don't have a Chardon. We don't have a
9 downtown Chardon.

10 MR. SCHINDLER: Right.

11 MR. LINGENFELTER: Okay? We don't have that. There
12 is no, there is no downtown Concord, so to speak, okay, right?
13 I mean, there isn't anything.

14 CHAIRMAN IAFELICE: Right.

15 MR. LINGENFELTER: It's really kind of just helter-
16 skelter. So the thought process behind doing this whole thing
17 was that we would create a town, Concord downtown, okay, that
18 we don't have now.

19 MR. SCHINDLER: Right.

20 MR. LINGENFELTER: And so that was the idea and
21 that's how we got where we are today. So, but as this process
22 has evolved, you know, we have seen some uses and some
23 businesses come in that maybe we weren't real happy with.

24 So --

25 MR. REPERT: What we need is one developer to come
26 in and buy up all those properties or, too, the Township buy
27 up all the property.

28 MR. LINGENFELTER: Bingo.

29 MR. REPERT: And then we can make it happen.

30 MR. LINGENFELTER: That's right. Well, and that

1 was, that was the purpose behind that RFI, RFP process was we
2 were hoping that we were going to get some big developer that
3 does like Legacy Village or, you know, Crocker Parks or, you
4 know, Pinecrest areas and come in and say, "Oh, shit, we'll"
5 -- I am sorry --

6 MR. REPERT: "We'll take over the" --

7 MR. LINGENFELTER: "We'll take over all the, we will
8 take over the -- I'll finagle and get all these properties
9 together. I'll buy them all and we'll make a big place."

10 MR. REPERT: That was the intent.

11 MR. LINGENFELTER: That was a pipe dream. It hasn't
12 happened.

13 MS. FREEMAN: It's still being discussed and being
14 marketed.

15 MR. LINGENFELTER: Oh, yeah, absolutely. No, it's
16 not dead, no.

17 MS. FREEMAN: The JEDD is very active in trying
18 to --

19 MR. LINGENFELTER: No, we're still striving in that
20 direction, no doubt, but, I mean, how many years now?

21 MS. FREEMAN: I know.

22 MR. LINGENFELTER: How many years? What do we have?

23 MS. FREEMAN: Five years since we were going through
24 that.

25 MR. LINGENFELTER: Right, five years.

26 CHAIRMAN IAFELICE: So if we have some homework to
27 do, can I ask you, Heather, for homework as well?

28 MS. FREEMAN: Yes.

29 CHAIRMAN IAFELICE: Could you give us a better
30 understanding of how an overlay could function in the Capital

1 District as opposed to what we have now?

2 MS. FREEMAN: Okay.

3 CHAIRMAN IAFELICE: I mean, that's a tall question
4 but I am curious. I am trying to understand that better.

5 MR. SCHINDLER: Sure, yeah.

6 MS. FREEMAN: Okay.

7 CHAIRMAN IAFELICE: Even as it is now with separate
8 ownership parcels. But if there was -- The reason I say this
9 is, again, in my experience -- Heather, I will defer to you.
10 I am not a planner -- an overlay is where, perhaps, we could
11 influence a developer to say, okay, the township has this
12 approved zoning overlay and may influence a developer when, if
13 the township were to ever do an RFQ, to try to consolidate and
14 put those parcels together as opposed to this.

15 MS. FREEMAN: Conditional use.

16 CHAIRMAN IAFELICE: The conditional use/ISPD route,
17 which just seems to be like it's there but it's not going to
18 happen. It's just not going to happen. Why did we do it?

19 MR. SCHINDLER: It's piecemealing it together.
20 Again, we are not achieving our goal.

21 CHAIRMAN IAFELICE: I shouldn't say it's not going
22 to happen.

23 MR. LINGENFELTER: Oh, I think it's going to happen.

24 CHAIRMAN IAFELICE: I meant as an IS, I meant as an
25 ISPD.

26 MR. LINGENFELTER: Oh, right.

27 CHAIRMAN IAFELICE: As is currently constructed.

28 MR. LINGENFELTER: Right.

29 CHAIRMAN IAFELICE: An ISPD.

30 MR. LINGENFELTER: I think it's coming.

1 CHAIRMAN IAFELICE: If the township had their
2 druthers and just wanted to do something with the seven acres,
3 would they do it as an ISPD? Would that influence, you know?
4 It's like --

5 MS. FREEMAN: Yeah, we've been discussing that, for
6 sure, like if our seven acre parcel was the first one to go,
7 would that --

8 CHAIRMAN IAFELICE: If you build it, they will come.

9 MS. FREEMAN: Well, I don't think we would be the
10 developer but, yeah.

11 CHAIRMAN IAFELICE: No, no.

12 MR. LINGENFELTER: They'll come walking single file
13 out of the Sheetz car wash.

14 CHAIRMAN IAFELICE: Oh, yes, right.

15 Well, thank you, members, a really, really good
16 discussion this evening.

17 Our next meeting is October the 4th, 2022. Unless
18 there is no objection --

19 MR. REPPERT: No objection.

20 CHAIRMAN IAFELICE: This meeting stands adjourned.

21 (Whereupon, the meeting was adjourned at
22 8:55 p.m.)

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STATE OF OHIO)
)
COUNTY OF LAKE)

CERTIFICATE

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

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

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

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal of office this 27th day of September 2022.

Melinda A. Melton

Melinda A. Melton
Registered Professional Reporter

Notary Public within and for the
State of Ohio

My Commission Expires:
February 4, 2023

