

CONCORD TOWNSHIP BOARD OF TRUSTEES
LAKE COUNTY, OHIO
PUBLIC HEARINGS

Held via YouTube Live Streaming

Concord Town Hall
7229 Ravenna Road
Concord, Ohio 44077

April 6, 2022
6:30 p.m.

TRANSCRIPT OF PROCEEDINGS

Present on behalf of the Board of Trustees:

Amy Lucci, Chairwoman
Carl Dondorfer, Vice Chair
Morgan McIntosh, Trustee
Amy Dawson, Fiscal Officer

Also Present:

Andy Rose, Administrator
Michael Lucas, Esq., Legal Counsel
Heather Freeman, Zoning Director

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

6:30 p.m.

CHAIRWOMAN LUCCI: Good evening. I am calling to order the Concord Township Board of Trustees first of two public hearings. The date is April 6, 2002. Hearing number one --

MR. McINTOSH: 2022.

CHAIRWOMAN LUCCI: 2022, thank you.

Hearing number one is for Zoning Amendment Application Number 2022-1 by Concord Preserve LLC requesting a Zoning Resolution Map amendment from the current zoning district of Town Hall Neighborhood to R-1 Residential District for the following properties owned by Concord Preserve LLC located on Concord-Hambden Road, current permanent parcel number 08-A-014-0-00-076-0, 08-A-014-0-00-077-0, 08-A-014-0-00-078-0, 08-A-014-0-00-079-0, 08-A-014-0-00-080-0, and 08-A-014-0-00-081-0.

(Phone ringing.)

MR. ROSE: (Answered phone.) You're in the hearing.

MS. PESEC: Thank you.

CHAIRWOMAN LUCCI: Good evening.

Mr. Rose, can you confirm that the legal notice was published in a timely manner?

MR. ROSE: I can, Madam Chair, and it was published in The News-Herald.

CHAIRWOMAN LUCCI: Thank you.

So I would first like to ask our Zoning Director, Ms. Freeman, to come up and give a little background information on the application, please.

MS. FREEMAN: Sure. Okay, good evening. So as you stated, this was an application submitted by a property owner

1 requesting a rezone. This property is located on the north
2 side of Concord-Hambden Road between Auburn and Ravenna Road.
3 The zoning districts and land uses around the site, I will
4 just give you a little bit of orientation. To the north of
5 the six acres that is being requested to be rezoned this
6 evening is Town Hall Neighborhood District. There is vacant
7 land and some residential uses to the north. There is
8 Manufacturing District to the west. And to the south across
9 the street on the south side of Concord-Hambden Road, we have
10 residential uses, R-3 and also R-1 Districts. To the east,
11 there is some Town Hall Neighborhood District and an R-1
12 vacant land and, also, there is a vacant house that still
13 remains there.

14 In your packets, you also received recommendations
15 from both the Lake County Planning Commission and also the
16 Concord Township Zoning Commission, both recommending approval
17 of the district change. And I guess that's really about it.
18 And if you would like the applicant to come up, he can explain
19 what he is proposing to do.

20 CHAIRWOMAN LUCCI: Thank you.

21 MR. DAVIS: Hi, good evening, everyone. What I am
22 requesting to do is rezone it to Residential.

23 MS. DAWSON: Name and address.

24 MS. FREEMAN: Name and address.

25 MR. DAVIS: Oh, my name and address. George Davis,
26 I actually am a Concord resident as well, 7962 Butler Hill
27 Drive, Concord, Ohio.

28 But I am here tonight to request the rezone from
29 Town Hall Neighborhood to Residential. First of all, I want
30 to say I don't -- I think the Trustees should not take a

1 rezone lightly, especially when you're, you know, going to
2 Residential, but I think it's more than merited in this case.
3 In the past couple of years, two other parcels were removed
4 from the Town Hall Neighborhood and rezoned to Residential as
5 well. The one is the parcel immediately to the east of my
6 parcels and the other is across the street to the south, which
7 I also own.

8 So in that spirit of maybe realizing that Town Hall
9 Neighborhood is now over in the Auburn corridor, I think this
10 would be a good use of that property. You know, the rest of
11 the land to the north is pretty wetland. There is a lot of
12 wetland. It never really was going to be able to be
13 developed. There is a lot of grade and wetland and it would
14 require a pumping station for the sewer. So I think, at the
15 street, rezoning this to Residential probably makes the most
16 sense.

17 I am here to answer any questions anyone might have,
18 and I thank you for your time.

19 MR. DONDORFER: Do you want me to start?

20 CHAIRWOMAN LUCCI: Yeah.

21 MR. DONDORFER: Thanks for coming in tonight,
22 Mr. Davis. I did watch the entire public hearing for the
23 zoning meeting on March 1st to get an idea of the scope of the
24 project and some of the issues that some of the residents may
25 have had some concern with. And since then, I have fielded
26 some phone calls and some emails, both for and against the
27 rezone. But it seems like the majority of the questions --
28 there's a few -- some of them have to deal with the issue of,
29 let's address the residences that are already developed on the
30 south side of the street. You mentioned in the hearing that

1 those are rented at this point in time and there is an
2 intention down the road to make those individually owned
3 condominiums. Is that correct?

4 MR. DAVIS: Yes, yeah, and I am happy to elaborate
5 on that.

6 MR. DONDORFER: If you would.

7 MR. DAVIS: Yeah. So I purchased the land to the
8 south after it was rezoned Residential, and in that
9 Residential District you're allowed to do duplexes. Quite
10 honestly, coming out of 2008, doing condominiums is very
11 difficult. The banks, pretty much, frown on it. They'll let
12 you do one building. You've got to have 51 percent sold to be
13 able to start your next building. If you're doing duplexes,
14 that means you've got to have both of them sold. So building
15 that out as condos initially means it's probably a five- or a
16 six-year project, unfortunately.

17 But the way the banking system works, if I say I am
18 going to lease those, right -- And I like to use the word
19 "lease," not "rent," because, you know, it is a one-year term
20 and these rent for nearly \$2,000 a month.

21 MR. DONDORFER: Right.

22 MR. DAVIS: So what that allows me to do is get one
23 loan to build all eight of those duplexes that's on the south
24 side, and on the north side I'll will be doing the same for
25 those six duplexes.

26 (Telephone background noise.)

27 CHAIRWOMAN LUCCI: Excuse me one second.

28 Can you please mute yourself on the phone. Thank
29 you.

30 Sorry. Go ahead.

1 MR. DAVIS: Yep. And then so then my attorney and
2 my surveyor are working on the condo plat for south side,
3 which we will be bringing to the township through their
4 process because you can take a Residential District and
5 condominiumize it, which we will be doing very similar to the
6 condo project that's off of Auburn. And then market keeps
7 improving like it is, you know, I would intend to start
8 selling them almost immediately off as condominiums.

9 MR. DONDORFER: Okay. So what would the timeline
10 look like on that as far as --

11 MR. DAVIS: Well, I can't promise any timeline
12 because, you know, like who would've thought there would be a
13 war that we're worried about right now?

14 MR. DONDORFER: Right.

15 MR. DAVIS: But as long as the economy keeps
16 improving then, you know, I am going to condoize them now.
17 Right now, I will just be the only owner of those
18 condominiums.

19 MR. DONDORFER: Okay.

20 MR. DAVIS: But once the time is right, that would
21 be the intent is to sell those.

22 MR. DONDORFER: But that's your intention if this
23 was to be rezoned on the north side, also.

24 MR. DAVIS: Yep.

25 MR. DONDORFER: Because that was, seemed to be one
26 of the most, one of the biggest issues as far as, and
27 concerns, was, you know, are these going to be maintained as
28 rentals down the road or are they going, you know, are they
29 going to move to be individually owned condos. So if that's
30 your intention, I appreciate that.

1 One of the other issues that was addressed as far as
2 the property to the north was the gas well.

3 MR. DAVIS: Yes.

4 MR. DONDORFER: Is it safe to build a dwelling? I
5 think your measurement is a little over 107 feet maybe from
6 the gas as well; is that correct?

7 MR. DAVIS: Correct.

8 MR. DONDORFER: I know there is -- And I did a
9 little bit of research. I'm not really well versed in it.
10 But it seems there is some federal guidelines that recommend,
11 you know, 300 feet. State of Ohio, I believe, recommends at
12 least 100, which you're within. Do you have any additional
13 guidance or information on, you know, because it talked about,
14 you know, some concern about air quality, water quality and
15 things of that nature?

16 MR. DAVIS: Yeah. So first of all, the State of
17 Ohio leaves it up to each individual community to establish
18 those. And believe it or not, there are many places where
19 those wells are as close to like 10 or 11 feet from a house,
20 right? I know of a few in Painesville City, for example.
21 But, yeah, we designed this to try to make sure we stay more
22 than that 100 feet away that the State of Ohio recommends and
23 so we're in excess of that. I feel totally comfortable, you
24 know, building the units there.

25 And it is of note that I don't own the gas well,
26 right? So the mineral rights were, you know, were sold some
27 time ago and so it's not my gas well. We will be relocating
28 the driveway, right, and the stuff remain, all the equipment
29 and everything will remain on the back parcel.

30 MR. DONDORFER: Okay. This is approximately six

1 acres, correct?

2 MR. DAVIS: Correct.

3 MR. DONDORFER: And the other remaining property?

4 MR. DAVIS: Oh, Heather, help me with that, the back
5 parcel.

6 MS. FREEMAN: It's just under 11 acres.

7 MR. DONDORFER: Okay.

8 MR. DAVIS: Eleven acres.

9 MR. DONDORFER: Give me one minute. I'm just
10 looking it over.

11 MR. McINTOSH: Mr. Davis, I recall, I think I
12 heard -- And I believe I have spoken with the gentleman that
13 you ended up settling out on that land over there. And it's
14 my understanding -- I don't know if you can confirm this or
15 not -- but on that 10.9, we will call it 11 acres, his
16 intention is to do nothing with it. Is that correct?

17 MR. DAVIS: Correct.

18 MR. McINTOSH: Or not develop it in any way. He is
19 going to use the land because it's his but he isn't building
20 anything on it.

21 MR. DAVIS: Correct. The gentleman lives on Prouty
22 and he specifically didn't want me to make it into a housing
23 development, that this piece of property was in a fairly
24 well-known bankruptcy in the area that's gone on for in excess
25 of a decade. There was an auction. Then there was a lawsuit
26 after the auction, right? And we ended up in federal appeals
27 court and, ultimately, the settlement was the land that would
28 be difficult for me to develop anyways, right, he would take
29 and I would take the front parcels. And, yeah, he is a
30 resident of the township that lives on Prouty Road and intends

1 to do nothing with it other than enjoy it for himself.

2 MR. McINTOSH: He, it would be Ravenna Road because
3 his property --

4 MR. DAVIS: Oh, yeah.

5 MR. McINTOSH: I want to make sure.

6 MR. DAVIS: I am sorry, yeah.

7 MR. McINTOSH: He is adjacent to it, so he is
8 sharing that property line, right.

9 MR. DAVIS: Yeah, he is adjacent to it, correct. I
10 misspoke. He is on Ravenna, and his son is actually a couple
11 houses up from him on Ravenna as well.

12 CHAIRWOMAN LUCCI: Any other questions?

13 MR. McINTOSH: I don't, I don't, no, I don't have
14 any other questions at this time.

15 CHAIRWOMAN LUCCI: So, Mr. Davis, just to confirm,
16 you plan on building six duplexes?

17 MR. DAVIS: Yes, six residential duplexes.

18 CHAIRWOMAN LUCCI: Okay.

19 MR. DAVIS: Identical to the stuff across the street
20 but with basements.

21 CHAIRWOMAN LUCCI: And then explain the driveway
22 plan. Is there --

23 MR. DAVIS: Oh, so there is, the existing gas well
24 driveway sort of runs at an angle, right, that goes onto some
25 of my land. My agreement with the other party is I will
26 relocate that so it's straight on his, basically, the flag
27 pole of his flag lot.

28 CHAIRWOMAN LUCCI: And the area behind there, which
29 is still Town Hall or Mr. Lovick's property, that is a lot of
30 wetlands, again, a lot of sewage problems?

1 MR. DAVIS: Well, its wetlands and the sewer is
2 higher than the land itself. So like, you know, I will be
3 honest with you. When I first thought I won the auction, I
4 was going to try to put a residential subdivision in there and
5 it was going to be very expensive because, you know, you need
6 a pump station, right, and Lake County Utilities is not in
7 favor of pump stations. So it requires you to do a bunch of
8 private roads and private pump stations, so it was going to
9 get difficult. And maybe it was a blessing in disguise that,
10 you know, he felt the auction was unfair and we worked out
11 this settlement. So the land that really was very tough to
12 develop will remain undeveloped and the land that can be
13 developed will be developed.

14 CHAIRWOMAN LUCCI: Do you have any other questions,
15 Mr. Dondorfer?

16 MR. DONDORFER: No.

17 CHAIRWOMAN LUCCI: Okay. No other questions on the
18 Board?

19 MR. McINTOSH: I have, I have one.

20 If we were to not grant the rezone, what is your,
21 any thoughts about that property and what it's good for under
22 the current zoning?

23 MR. DAVIS: So the interesting thing there is I
24 really haven't thought about that, you know. I guess my
25 feeling is, you know -- and I want to say this with the utmost
26 respect for the Trustees -- but my feeling is the precedent
27 has been set with the parcels to the south and to the east.
28 So I would have to go back to the drawing board, right?
29 I mean, I am a developer, not a land holder. So I would, you
30 know, definitely come back with something different. But I

1 think this would be in more harmony with the stuff to the
2 south and, you know, the intent of the owner of the property
3 to the east is to tear that old house down, you know. They're
4 attempting to sell those lots right now. So I feel it would
5 be in more harmony to be developed that way.

6 CHAIRWOMAN LUCCI: Any other questions for
7 applicant?

8 MR. DONDORFER: No.

9 CHAIRWOMAN LUCCI: Okay. I will open it up to the
10 audience. Is there anyone in the audience that would like to
11 come up? State your name and address and give us your
12 thoughts.

13 MR. WOODIN: Yeah, I would.

14 CHAIRWOMAN LUCCI: Please.

15 MR. WOODIN: Thanks. Hi, my name is Michael Woodin.
16 I live at 11211 Prouty Road, Concord, Ohio. I was listening
17 to a little bit of what he said. The last part kind of got
18 me. He said he is a developer, not a land holder. Well, if
19 he is not a land holder, why is he trying to build those
20 Standards on Lakeshore right there at Lost Nation? I grew up
21 in North Willoughby. I don't like those there but I don't
22 live there. My brother was coucilman. But I don't like
23 rentals in Concord. The Board members can't say it but we
24 don't need rentals. I mean, we have enough problems already.

25 If he is willing to build them to sell them, hey,
26 fine with me for the rezoning. That's fine because I like
27 seeing stuff bought. Houses being sold, people moving in,
28 that's great. Concord needs that. But if it's going to just
29 be build, if he's not a holder, what does he want to do, move
30 into the management? He's got the Standards on Lakeshore

1 that's going to be started, which those are nice. I looked at
2 them the other day, just went. I got houses on Iroquois right
3 there. I can see them right from there.

4 But those going down 608, in my opinion, they're
5 cluster homes. They're ugly. I don't like them. And my
6 neighbors are all elderly. People that are in Quail Hollow,
7 Joe Armao and there's a couple others that I couldn't get to
8 to bring here tonight because -- I know stuff gets put out but
9 everybody works. I mean, I had to take off work. I work
10 second shift.

11 I don't want rentals in Concord. You guys -- not
12 meaning you guys -- the Trustees can't differentiate that.
13 Concord doesn't need rentals. We need people buying property.
14 We have enough rentals already. And to my opinion, leave it
15 commercial. But if he is going, if his intent is to sell
16 them, then I'm all for rezoning it Residential and building
17 and selling them. I mean, the guy's coming in here, building
18 nice houses.

19 I like what he said about making a subdivision and
20 put three, four hundred thousand dollar houses in there.
21 People are going to move in there. But he said there is
22 something, an issue with a pump station. I understand that.
23 But if he's going to buy them and, all of a sudden -- What is
24 it, ProBuilt? ProBuilt's building them. I mean, I've been
25 noticing them more. My aunt lives on Girdled Road. They're
26 building a new house there. I like that. That looks great.
27 Then there's another lot down by that 22 Double Deuce Acres.
28 They're clearing away that land. I don't know what's going to
29 go in there.

30 But the rentals, don't change the zoning. But if

1 he's going to say he's going to sell them, how do we know he's
2 going to sell them? I mean, a lot of developers can say,
3 okay, I am going to build it, but what if he wants to move out
4 of building and get into property management? Well, right
5 away he's got condos there, he's got the other ones across the
6 street. I mean, they're just, they're just prefab. You put
7 'em up. Eighteen hundred dollars a month, that sounds good,
8 but who's going to keep doing that?

9 The housing crisis, I do mortgages. I mean, I got
10 people paying 40, 50 thousand dollars over for houses. It's
11 not going to last. So if you can't sell them now to make a
12 profit, when are you going to sell them? So I just, if he
13 is -- If they're going to be rentals, my opinion, doesn't want
14 them. My neighbors, Mr. Crecraft, the Schultzes, the
15 Gillespies, they couldn't make it here tonight but I could
16 probably get a petition for 200 people to say they don't want
17 it because a lot of people don't have time to come to this. I
18 mean, I looked up, like I said, oh, I have to quit work to do
19 that.

20 In my opinion, if they're going to be sold as
21 residential properties, I am for the rezoning. But if they're
22 going to be rentals, I don't want any more rentals in Concord.
23 That's my opinion, and I don't think Concord needs those.

24 CHAIRWOMAN LUCCI: Okay.

25 MR. WOODIN: Leave it just the way it is for
26 commercial.

27 CHAIRWOMAN LUCCI: All right.

28 MR. WOODIN: Thank you.

29 CHAIRWOMAN LUCCI: Thank you, Mr. Woodin.

30 Anyone else in the audience? Yes, ma'am, please

1 come on up.

2 MS. BLATNIK: Good evening.

3 CHAIRWOMAN LUCCI: Good evening.

4 MR. McINTOSH: Good evening.

5 MS. BLATNIK: My name is Lana Blatnik. I live at I
6 6435 Tulip Way in Concord. I've been a resident for 44 years
7 and I love it here. You wouldn't have to do anything but plow
8 the streets in the winter and do a little police work once in
9 a while, make me happy.

10 What you're planning, or what this gentleman, George
11 Davis, is planning, that's a beautiful piece of property. I
12 don't know if any of you have ever walked it or gone down into
13 the low end of it but it is, it's incredibly beautiful. And
14 with all the things we've discussed about what can we do with
15 the property in Concord, we would love to have a park. And if
16 you had the money stashed somewhere, why don't you consider
17 purchasing that property, not just -- You can laugh, go ahead,
18 Amy, go ahead, smile.

19 MS. DAWSON: I am not laughing.

20 MS. BLATNIK: Okay. Don't cry either, don't cry.
21 Okay, I gotcha, I gotcha. I've done that, too.

22 It will be something so beneficial to not just the
23 adults but to their families and to the children of this
24 township. And before Mr. Davis plans something in that front
25 area there, that can be a baseball field, it can be a tennis
26 court. You could do anything you wanted on that property and
27 then make the back half of it -- Which another person owns it,
28 correct? Am I correct in that? Yeah. Make him a deal and
29 you're not going to get back there and build anything serious
30 and he can still, he can still use it because he's a Concord

1 Township resident. So I would love you to consider that.

2 CHAIRWOMAN LUCCI: Okay. Thank you for your
3 comments.

4 MS. BLATNIK: You are welcome. Thank you.

5 CHAIRWOMAN LUCCI: Is there anyone on the phone that
6 would like to speak?

7 MS. PESEC: Sure. This is Vanessa Pesec,
8 11705 Cali Court, and I would like to say a couple things
9 regarding this.

10 First, when you look on the Concord website, it
11 states zoning is a regulation of the use, location, height,
12 number and size of lands, buildings or structures within a
13 specified zoning or area of the community. Its purpose is to
14 protect property value and preserve the desired character of
15 the community while providing for orderly growth and uniform
16 development.

17 So I would state that every part of this rezoning
18 that is in front of you goes against Concord's stated zoning
19 definition. If you would grant this rezoning, you would
20 further reduce the semi rural character of the township on
21 this importantly traveled road, you would be spot zoning, you
22 would be putting homes next to a manufacturing zoned area, you
23 would reduce the precious small amount of business zoned land
24 that Concord has to keep our taxes low, and it even has an
25 active gas well on the property which could explode and injure
26 residents.

27 So the question of the night is, will you, as
28 trustees, support citizens, keep Concord semi rural and keep
29 taxes low by voting no on this rezoning or will you vote yes
30 to support a developer's plan?

1 So let me go through some of these details so that
2 you understand it fully. They're not just phrases. The first
3 is that the application, the applicant wants to rezone a few
4 parcels, single them out for residential use in an otherwise
5 business zoned parcel. And this is not appropriate in the
6 Town Hall Neighborhood, which is, which is what it is a part
7 of. There is manufacturing to the west, the Interstate 90 to
8 the north, and business zoned property all along Ravenna to
9 the east. We know that spot zoning is to a specific parcel
10 when the rezoning is at odds with the current zoning
11 restrictions. And we know that it makes, it always asks for
12 an unjustified exception to a parcel or parcels within the
13 district.

14 And Chris Galloway, when he was the trustee,
15 identified the other parcel that was zoned Residential in the
16 middle of this Town Hall Neighborhood zoning as spot zoning.
17 He said, The applicant was here before us. I voted against it
18 because I didn't think it should be spot zoned out. That
19 said, we come back to the specified use of land.

20 Further, second point, it has gas wells in close
21 proximity to the proposed homes. It's very disconcerting to
22 realize it here that nobody in that room has a basic
23 understanding of gas wells, active gas wells and how you can
24 build homes near them. ODNR does not, I repeat, not provide
25 any guidance on how far a home can be built to a gas well. It
26 only says how close a gas well can be built next to a home,
27 and that is 100 feet. So you can build a home zero feet from
28 a gas well. I repeatedly stated this over the years, that
29 Concord needs to establish zoning to determine how far they
30 want to have a house built to an existing gas well but thus

1 far you haven't done that, so it remains at zero.

2 Furthermore, even in Ohio, these condensate tanks
3 explode. And in Ohio, one exploded and landed 300 feet away,
4 which is significant for all of the proposed homes that you
5 have there. So you're putting residents in harm's way if you
6 would rezone to Residential in this property.

7 Another point, back in 2004, Concord's Comprehensive
8 Plan identified that we only have a small amount of business
9 land and we need to keep all of it in order to keep our taxes
10 low. And so what is the best use of the property? It's
11 critical that we keep all of it business, including the Town
12 Hall Neighborhood, which are supposed to be a soft commercial
13 use between manufacturing in that area and some of the
14 residential uses to the south.

15 And when the last time they tried to rezone this,
16 Trustee Galloway explained that the Town Hall Neighborhood was
17 a good goal, that this goal of a soft commercial use was good,
18 that I think the goals behind that were correct and I think
19 that they're primarily successful. Nothing has changed. It's
20 just the developer wants now to make money and build rental
21 duplexes. And you can't zone for rental or homeowner occupied
22 and owned homes. There is no zoning for that. If you zone
23 for Residential, it can be rented and it can always be rented.
24 So you can't say that it's going to turn over to an occupied,
25 owner occupied homes within a certain amount of time when the
26 bank says it's right and the conditions are right and all
27 that. That's just not true. You just have no idea.

28 So I think that it's really critical that, in the
29 best interest of the township residents, that you don't allow
30 residential on an area that can generate business income

1 because we need that business income to keep property taxes
2 low; that you don't allow homes next to property that is zoned
3 Manufacturing; that you don't allow homes to be put in harm's
4 way by allowing them near an active gas well; that you don't
5 allow spot zoning on the property; that you don't give up on
6 good zoning practices; and, most importantly, that you don't
7 destroy even more semi rural feeling in Concord.

8 The residents that I have spoken to -- and I have
9 spoken to a lot of them -- ask that you vote no on this
10 application on their side and not on the developer's side.
11 Thank you.

12 CHAIRWOMAN LUCCI: Okay. Thank you.

13 MS. PESEC: I have one other -- Somebody asked me to
14 read something and it sounds like he wasn't able to make the
15 meeting. So this is a short comment from Bob Zanes. Let me
16 see. He says that, as an experienced real estate broker,
17 appraiser, and also a 40-year concerned resident of Concord
18 Township, feels that any common sense or rational thinking
19 would come to the conclusion that spot zoning, which this
20 would be if approved, would set a terrible precedent going
21 forward and be a detriment to the growth of the township.

22 So I guess he is asking you to vote no as well. So
23 that's it. Thank you very much.

24 CHAIRWOMAN LUCCI: All right. Thank you for your
25 comments.

26 Mr. Davis, would you care to answer any questions
27 from, or any, answer any comments?

28 MR. DAVIS: There is always so many comments but,
29 you know, I have stated what my intention is. That's the same
30 intention at the project that was mentioned in Willoughby.

1 So, you know, I, obviously, I disagree with their comments. I
2 feel like the spot zoning precedence has already been set and
3 that, you know, plans change over time, right? And that piece
4 of property has been marketed since, I believe, the '60s.

5 MR. DONDORFER: 1961.

6 MR. DAVIS: Correct. And it has never been
7 developed, and there is usually a reason for that because
8 developers like to develop, right? And in this case, there is
9 a lot of slope to that property. There is over 30 feet of
10 slope, which is very expensive to level. There is the sewer
11 issue that I mentioned, right, and then there is a wetland
12 issue. So wetlands are about \$100,000 an acre a credit to
13 buy, so it's pretty expensive to try to mitigate all those
14 wetlands that are there.

15 CHAIRWOMAN LUCCI: Okay. So, Mr. Dondorfer, any
16 discussion?

17 MR. DONDORFER: Yes. So I will start out by
18 responding. You know, Mr. Woodin, I appreciate your comments
19 here at the podium and I realize your concern about rentals in
20 the township. I believe, and I know Mr. Davis, and I believe
21 his intentions are clear that he plans to proceed as he's
22 indicated here on the record as far as making those
23 individualized owner condominiums.

24 In regards to our caller, I have several notes here,
25 so I am going to go through them. You know, I believe this
26 Board, you know, takes each situation and evaluates it
27 independently because we will all agree that we do what's
28 best, when we come to that decision-making process and that
29 time to make a decision, to do what's in the best interest of
30 the citizens of Concord Township. So I clearly understand

1 there is going to be differences of opinion and I don't think
2 it's indicative of one opinion or the other whether or not
3 that is a show of whether or not the township supports its
4 citizens or supports the developer. We do our due diligence
5 and we evaluate each of these requests individually.

6 As far as the indication that previously, previous
7 board member Chris Galloway made that this was spot zoning, I
8 believe, back in 2017, and I reviewed the transcripts from
9 that meeting. I did look up the classic definition of "spot
10 zoning," which is the process of singling out a small parcel
11 of land for use classification totally different from that of
12 the surrounding area for the benefit of the owner of each --
13 of such property and to the detriment of the owners.

14 So I reached out to Mr. Galloway and he indicated to
15 me that this is quite a different situation than when he
16 indicated previously in 2017 that it was spot zoning. That
17 specific piece, that small parcel of property was going to be
18 carved out into a smaller piece and that, in his opinion, was
19 true spot zoning. Here, we have a parcel of -- I don't know.

20 MR. McINTOSH: Mr. Dondorfer, I think just to add a
21 little bit of clarity to that point, I also, because I was on
22 the Zoning Commission at that time, okay.

23 MR. DONDORFER: Okay.

24 MR. McINTOSH: And so I made the recommendation to
25 the Board of Trustees at that point. That was not for the
26 property in question that we're talking about tonight. That
27 was for a different parcel. That was for a two acre parcel
28 which I think was the Spears property. So we're not talking
29 about the same chunk of land, just to be clear.

30 MR. DONDORFER: Okay. When we're talking --

1 MS. DAWSON: No, no, no, I am sorry. I think it was
2 Stephanie Arnold's property, that was the two acres.

3 MR. McINTOSH: Next to the church.

4 MS. DAWSON: Right next to, in between the church
5 and the property that Mr. Davis now owns.

6 CHAIRWOMAN LUCCI: Which is now R-1.

7 MR. McINTOSH: Yes. Chris was the, Mr. Galloway was
8 the dissenting vote.

9 CHAIRWOMAN LUCCI: But it is R-1.

10 MR. DONDORFER: He was the dissenting vote.

11 MR. McINTOSH: Correct.

12 CHAIRWOMAN LUCCI: So it is R-1 there in that
13 section next to --

14 MS. DAWSON: Yes.

15 MR. DONDORFER: Right. So my point is that appears
16 to me to be more in line with spot zoning versus the statement
17 this is spot zoning. I mean, we're talking about orderly
18 growth and uniform development. I looked, I pulled in that
19 vacant building today and sort of walked the property before a
20 meeting that I had earlier. And when we talk about orderly
21 growth and uniform development, I see it much more
22 complementary and harmonious to have some similar duplexes or
23 housing there than I do seeing a strip building with maybe
24 loading docks or some type of light industry or light
25 commercial property. To me, it seems like it doesn't, it
26 doesn't complement the area that well.

27 Now, when we talk about the Town Hall Neighborhood
28 District, there has been several zoning changes since 1961 on
29 this piece of property. It was rezoned in '73, '79, 2010.
30 The Comprehensive Plan in 2004 brought in the Town Hall

1 Neighborhood District, and that has since changed. The focus
2 for the township, the Town Hall Center is now over at Capital.
3 So, you know, as time goes on, you know, things change, plans
4 change, what's best for the community changes, what may or may
5 not be best for the community changes. So, you know, I am not
6 sure that focusing just on the 2004 Comprehensive Plan and
7 the, you know, the Town Hall Neighborhood District is -- it
8 seems to be just not the focus of the grand scheme of what's
9 best for Concord Township.

10 You know, the gas well, if there is going to be
11 housing there, you know, the State of Ohio has indicated that
12 it has to be within 100 feet. That's what they have deemed
13 safe. I know the Ohio Department of Natural Resources does
14 not regulate that. But if there was manufacturing there, I
15 mean, there is going to be a building there. There is going
16 to be people there. It's going to probably be within 100 feet
17 or less of the gas well if somebody builds on it with what
18 it's zoned now.

19 Let me see if I got everything here. I just think,
20 you know, we talked about good zoning practices. I mean,
21 Morgan, you've been with zoning for a long time. Amy and I
22 are still learning and doing our due diligence over the last
23 few years. But, again, I think I will go back and state that,
24 you know, this Board evaluates each circumstance that's
25 brought before us individually. We do quite a bit of
26 diligence and research before we decide how we are going to
27 vote or decide on this.

28 And in my opinion, I think Mr. Davis hit it on the
29 head. I think what's harmonious in this area right now, I see
30 as potentially something similar to what's there already

1 versus some type of strip building or something with a loading
2 dock or some type of light industrial, light commercial
3 business.

4 So those are my comments.

5 CHAIRWOMAN LUCCI: Would you care to add any
6 comments for this public hearing?

7 MR. McINTOSH: I guess a point of order. Are we
8 going to be done with public comment? Then we can --

9 CHAIRWOMAN LUCCI: Yeah. So I believe we are
10 finished with public comment, so I would like to close the
11 public portion.

12 MR. McINTOSH: I move that we close the public
13 hearing.

14 MR. DONDORFER: I will second.

15 CHAIRWOMAN LUCCI: All in favor?

16 (Three aye votes, no nay votes.)

17 CHAIRWOMAN LUCCI: So that closes the first public
18 hearing. Are we ready -- Go ahead.

19 MR. McINTOSH: I will throw in a couple comments
20 and, when we get to the vote, I can kind of expand on my
21 thoughts. But just to hit on a couple things, I want to --
22 Boy, this goes back a while. So early in my stead on the
23 Zoning Commission, we took this up, so I was part of
24 developing this zoning district. That was, according to my
25 book, it looks like it took effect in 2009.

26 So we took that up in 2018, about the time that that
27 property came up for rezone, the two acre parcel that we were
28 talking about. There was conversation. The Zoning Commission
29 held some work sessions to discuss the fact that the Town Hall
30 Neighborhood and the Town Hall Commons zoning uses really

1 hadn't been used in that eight-year period of time. And so I
2 think the former board chartered us with taking up a
3 conversation and coming to it. And that is a point where,
4 actually, the Zoning Commission had added a public comment
5 section. So we had several work sessions, to which we didn't
6 get any public comment, about how to evolve this or take a
7 look at it because, at one point, it was thought that this
8 would be more of a Town Center thing but then, obviously, the
9 evolution came. So it's like, do we need to change this or
10 whatever and there was really no conclusion reached.

11 Speaking to the property being commercial, so I went
12 back and dusted off my zoning hat and looked at the
13 classifications. So the Town Hall Neighborhood and Town Hall
14 Commons are listed in the commercial section of zoning but if
15 you thin through the use table, you realize that light
16 manufacturing is not something that, presently, that land,
17 that property could be used for. The kinds of things that are
18 there are and my experience on the JEDD Board would lead me to
19 believe that they're not generating a lot of tax dollars in
20 JEDD. So, in fact, business right now wouldn't generate any
21 more taxes because we're only talking property taxes. So we
22 would have to go through the process of expanding the JEDD
23 down to that, which would be multi board approvals. Both
24 Concord and Painesville would have to agree. Then we would
25 have to, then we would have to add property. And, of course,
26 I think we all are aware that the township is currently in
27 litigation with adding property to the JEDD. So that's not a
28 simple function.

29 So property taxes alone, commercial to residential,
30 aren't going to be a lot different. In fact, right now, the

1 commercial properties that are over there are not pulling in
2 tax dollars that I estimate based on what Mr. Davis's property
3 is now pulling in would generate. So we might actually be
4 financially better off with those as the duplexes than we
5 would manufacturing unless we could stretch the JEDD all the
6 way down there.

7 And if we did get the JEDD down there, then we would
8 need to look at the kinds of things that would either have
9 high net profits and/or a significant payroll. And if you
10 look at the use table there, I am not really seeing the things
11 that would currently permit that. So I think to call it
12 commercial zoning is a stretch. I would say commercial light
13 with even an asterisk after that because it's not something
14 that's really poised to generate, it's not poised to generate
15 a lot of income if it were even included in the JEDD. And
16 it's been rezoned, as I said, since 2009. So the
17 determination was made a while back that that was not going to
18 be a heavy commercial property. I just kind of wanted to take
19 that one on.

20 Again, I would also disagree with the spot zoning
21 thing in this case because we're looking at something that is,
22 you know, there is uses that are consistent in the area. And,
23 you know, I would also say that, yeah, the case to which
24 Mr. Galloway referred, yeah, that was one piece of property
25 that had that and it was for one application. And that was at
26 the time we were taking up this, what is this area going to
27 do, and there was a lot of ambiguity. And I believe the
28 Zoning Commission unanimously said no to that zoning and then
29 it ascended to the trustees, to which Mr. Galloway was the
30 dissenting vote, and it was rezoned as Residential.

1 So I think that history is important to understand
2 when you take up this decision. So I guess those are all my
3 comments for now and I can elaborate further when we get to
4 voting in the regular meeting.

5 CHAIRWOMAN LUCCI: Okay. And I would just add thank
6 you to the residents that came and spoke, the resident on the
7 phone. We appreciate your concerns. And as Mr. Dondorfer
8 said, we do take those concerns into our decision-making. So
9 we appreciate that.

10 But I sort of agree that, you know, we really
11 haven't had revenue in that area since 1961, right? I feel
12 that, you know, we don't know. There has been little interest
13 in any commercial property or commercial building over there.
14 I think we know what we're getting with Mr. Davis's duplexes
15 on the other side.

16 In regards to uniform development, I think that does
17 add to uniform development within the township and still
18 maintains orderly growth and a semi rural appeal.

19 You know, as Mr. McIntosh said, looking at the money
20 we would make from manufacturing or commercial versus
21 residential, you know, we can't really make that guarantee.
22 We don't know what -- We haven't had any interest there since
23 it was rezoned. So --

24 MR. McINTOSH: I think another important point, and
25 Mrs. Pesec made this comment with respect to the rentals, if
26 Mr. Davis went in there and made them owner bought, you know,
27 acquired. When I first moved back to Concord as an adult, I
28 bought a condominium, bought the current house I am in and I
29 got stuck. I wasn't able to sell the condo, so I rented it.
30 So it was an owned condo that I turned into a rental. So

1 there is no regulation of rented. I mean, if I am unable to
2 sell my house when I move again later this year, renting that
3 house is an option. So -- And there is a lot of condos in
4 Concord. We know that. We have quite a few developments. We
5 have very few apartments but there is quite a few rental
6 properties in the community. Like I said, any property owner
7 can turn around and rent their property.

8 So, to me, I think the rental thing is a bit of a,
9 it's there, it's present. We're looking at a relatively small
10 number of units here. I think that's an important factor.
11 I've dealt with a couple of the developers on this. I know
12 we've had questions before about condo financing. That's not
13 the first time I have run across this, and it is a post-2008,
14 2009 housing crisis thing. It's, who can make sense of
15 lending? I certainly understand.

16 So, again, our role in zoning isn't really to take
17 into consideration developers' economics, it's really to take
18 a look at the zoning and fit in the community. They're in the
19 business of being developers, we're not. So I just add that
20 comment.

21 CHAIRWOMAN LUCCI: Any last comments, Mr. Dondorfer?

22 MR. DONDORFER: No, ma'am, no.

23 CHAIRWOMAN LUCCI: Okay. so we already closed the
24 hearing, I believe. So we can move on to the second public
25 hearing.

26 All right. So hearing number two is zoning text
27 amendments to the Concord Township Zoning Resolution as
28 initiated by the Zoning Commission.

29 Amendment Number 1, amend Section 16.24, which is
30 Permitted Density and Open Space Requirements to add new

1 Section F, Environmental Restoration Plan;

2 Amendment Number 2, amend Section 16.24(C)(e) to
3 change landscape plan requirement to environmental restoration
4 plan;

5 And then Amendment Number 3, amend Section 6.02
6 Prohibited Uses, to add new Section J, Medical Marijuana
7 Retail Dispensaries.

8 Heather, would you like to add any comment before
9 we --

10 MS. FREEMAN: Sure, I can give some background. So
11 we have kind of two different subjects here combined under one
12 public hearing. The Zoning Commission, if you recall, in 2021
13 did a pretty extensive review of the RCD section of the Zoning
14 Resolution, which this Board ultimately adopted. And one of
15 the last pieces that they wanted to work on and didn't have
16 the information for at that time was this idea of this
17 including an environmental restoration plan.

18 So any developer that might be looking at submitting
19 a new Residential Conservation Development District who is
20 going to be proposing open space where the open space has
21 already been previously disturbed or they know, in order to
22 construct the development, they might need to disturb some of
23 that would be required to submit an environmental restoration
24 plan. So this first amendment addresses what that plan
25 components would be and what would need to be submitted to the
26 township as part of their preliminary plan approval with the
27 request to rezone the property.

28 The second amendment goes along with this as well.
29 We used to have language in here that talked about developers
30 submitting a landscape plan for impacting the open space.

1 This is changing the language to reflect this new
2 environmental restoration plan component.

3 And then the last, the third amendment, the Zoning
4 Commission started to talk about the medical marijuana retail
5 dispensaries. As you know, the Ohio Revised Code does permit
6 townships and other municipalities to regulate those and, at
7 this time, the Zoning Commission was recommending that we
8 prohibit medical marijuana retail dispensaries.

9 So those are the amendments that are in front of you
10 this evening. I have also included the recommendations of
11 both the Lake County Planning Commission and also the Zoning
12 Commission for you to review as well.

13 If there's any questions on that, I am happy to
14 answer.

15 CHAIRWOMAN LUCCI: Any questions from the Board on
16 the amendments?

17 MR. DONDORFER: No.

18 MR. McINTOSH: I just have one. I noticed that, in
19 the Planning Commission's recommendations, bullet point 1 was
20 to be consistent in terminology. Have you --

21 MS. FREEMAN: Yes, that Number 1 we did adopt. The
22 Zoning Commission did take up that adoption or that
23 recommendation. There was a small --

24 MR. McINTOSH: Okay. So that's from February.

25 MS. FREEMAN: So that's already been incorporated
26 into this language for you. That was actually part of
27 Amendment Number 2.

28 MR. McINTOSH: Okay.

29 MS. FREEMAN: So we did make that change to be
30 consistent.

1 MR. McINTOSH: And just out of curiosity, did you,
2 when the Zoning Commission worked through the medical
3 marijuana Amendment Number 3, did you -- I know you, a lot of
4 times, compare other zoning communities or did you guys, was
5 there any research or sort of background conducted that drove
6 them in electing to exclude that? Were there --

7 MS. FREEMAN: There was, we did look at what some
8 other communities were doing. There was some discussion
9 amongst the board about, well, maybe not prohibiting it and
10 trying to identify certain districts.

11 MR. McINTOSH: Right.

12 MS. FREEMAN: They couldn't come to consensus on
13 maybe where those districts might be. And then at the same
14 time we were going over this, there was some additional
15 discussion at the state level that was going to talk about
16 recreational. And the board was kind of like, well, maybe we
17 just kind of prohibit it for now, wait and see what happens if
18 recreational ever becomes something that we can regulate and
19 then we have a starting point. So, I mean, we did look at
20 what some other communities were doing and it's different, you
21 know, everyone is doing, either they're allowing them or
22 they're not. So it's what they decided to recommend to you
23 guys.

24 CHAIRWOMAN LUCCI: Can you comment on the Lake
25 County Planning Commission's Number 2 and Number 3.

26 MS. FREEMAN: Sure. So Lake County was asking,
27 Number 2 says define what the maintenance plan is and what
28 they expect the developer to do with the maintenance plan.
29 The board wanted to -- That would be very difficult to define
30 specifically because each piece of property would have a

1 different proposed environmental restoration plan. So
2 depending on how they were going to propose to restore it, the
3 maintenance plan would vary. So they thought that it would be
4 too restrictive and wanted to leave it up to the consultant
5 that would prepare that plan for the developer to give
6 flexibility on the specifics of that maintenance plan. So
7 they opted not to give a strict definition of that.

8 And the last one, the last one, it was more, it
9 wasn't changing the intent of the language. It looked like
10 they were recommending just to rearrange the way we wrote the
11 list of what would be required as far as the plan components.
12 So the board didn't feel like it was really necessary to do.
13 They wanted to keep it the way they wrote it.

14 CHAIRWOMAN LUCCI: Okay. Any other questions?

15 MR. DONDORFER: No.

16 MR. ROSE: Madam Chair.

17 CHAIRWOMAN LUCCI: Yes.

18 MR. ROSE: Just for the record, because this is a
19 second public hearing, I just want to get on the record that
20 proper legal notice was established and it was published in
21 The News-Herald in a timely manner at the same time as the
22 first public hearing.

23 CHAIRWOMAN LUCCI: Thank you --

24 MR. ROSE: Sure.

25 CHAIRWOMAN LUCCI: -- for confirming that.

26 Okay. I would like to open it up to public comment.
27 Anybody in the audience have any comment regarding these
28 changes, these proposed changes?

29 (No response.)

30 Nobody in the audience. Anybody on the phone that

1 would like to make a comment regarding this?

2 (No response.)

3 Hearing none, I would like to close the public
4 hearing.

5 MR. McINTOSH: Madam Chairman, I would move to close
6 the public hearing number two for text amendments.

7 MR. DONDORFER: And I will second.

8 CHAIRWOMAN LUCCI: All in favor?

9 (Three aye votes, no nay votes.)

10 CHAIRWOMAN LUCCI: Public hearing number two closed.
11 So are we --

12 MR. ROSE: We have about ten minutes, Madam Chair,
13 so we will shut down the cameras and then pause for ten
14 minutes and then get back at it.

15 MR. DONDORFER: Take a quick break.

16 CHAIRWOMAN LUCCI: Thank you.

17 MR. ROSE: Thank you.

18 (Whereupon, the public hearings were closed at
19 7:21 p.m.)

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