

CONCORD TOWNSHIP ZONING COMMISSION
LAKE COUNTY, OHIO
REGULAR MEETING

Concord Town Hall
7229 Ravenna Road
Concord, Ohio 44077

February 7, 2023
7:00 p.m.

TRANSCRIPT OF PROCEEDINGS

Zoning Commission members present:

Rich Peterson, Vice Chairman
Andy Lingenfelter, Member
Frank Schindler, Member
Hiram Reppert, Member
Ron Terriaco, Alternate Member

Also Present:

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

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

1 7:00 p.m.

2 VICE CHAIR PETERSON: Good evening. I would like to
3 call to order the Concord Township Zoning Commission meeting
4 for Tuesday, February 7, 2023. I will be filling in for our
5 chairman tonight, who is not able to make the meeting.

6 So with that, Heather, could you call the roll,
7 please.

8 MS. FREEMAN: Yes, sir.

9 Mr. Lingenfelter?

10 MR. LINGENFELTER: Here.

11 MS. FREEMAN: Mr. Reppert?

12 MR. REPERT: Here.

13 MS. FREEMAN: Mr. Schindler?

14 MR. SCHINDLER: Here.

15 MS. FREEMAN: Mr. Terriaco?

16 MR. TERRIACO: Here.

17 MS. FREEMAN: And Mr. Peterson?

18 VICE CHAIR PETERSON: Here.

19 The first item we have tonight is just the approval
20 of the minutes. And before we make a motion on it, is there
21 any discussion?

22 Hiram, I would lead off with you.

23 MR. REPERT: I was not at the meeting, so I am
24 going to abstain.

25 VICE CHAIR PETERSON: Okay. Any discussion?

26 MR. SCHINDLER: No, Mr. Chairman.

27 VICE CHAIR PETERSON: I will entertain a motion to
28 approve the minutes.

29 MR. LINGENFELTER: So moved.

30 VICE CHAIR PETERSON: Do I have a second?

1 MR. SCHINDLER: I second.

2 VICE CHAIR PETERSON: Okay. We have a motion
3 seconded. All in favor say aye. None opposed, okay.

4 MR. REPPERT: Abstain.

5 MR. LINGENFELTER: One abstention.

6 VICE CHAIR PETERSON: One abstention, yes, Hiram
7 abstains.

8 (Four aye votes, no nay votes, one abstention)

9 VICE CHAIR PETERSON: Correspondence, any
10 correspondence, Frank, this month?

11 MR. SCHINDLER: No, Mr. Chairman.

12 VICE CHAIR PETERSON: Hiram?

13 MR. REPPERT: No, Mr. Chairman.

14 VICE CHAIR PETERSON: Andy?

15 MR. LINGENFELTER: I did get an email that was sent.
16 I think there was some board members were copied on it. I
17 corrected it because they had your email address wrong, Hiram.

18 MR. REPPERT: Okay. I got it.

19 MR. LINGENFELTER: So I changed it, I put the right
20 email and forwarded it to you to make sure you got a copy
21 because you were copied on the original but it was an
22 incorrect email address.

23 MR. REPPERT: Okay.

24 MR. LINGENFELTER: So I fixed it and sent it to you.

25 We did get, I got an email from a resident. They
26 were talking about a couple different things that was, they
27 had an auction for their home up on Old Johnnycake there right
28 by where Prouty ends, where Prouty Road ends into Johnnycake,
29 84, that house that sits literally right on the, right on that
30 T there. They sold that at auction.

1 And, evidently, somebody had informed them, because
2 they had enough acreage and frontage, that they could do
3 multiple, they could put in more than one multi-family
4 dwelling. That was incorrect. It was incorrect information
5 that they had been given. And I guess they were kind of
6 curious as to why they weren't able, because they had the
7 requirements, to put in two multi-family dwellings on the
8 property, why they weren't able to do that. And it was like
9 because you're in R-1 zoning, that's why, and R-1 zoning
10 clearly addresses multi-family dwellings and you're only
11 allowed to have, you can have multi, you can have a duplex but
12 you can only have one. You can't have more than one. And
13 they were told they could have more than one and they weren't
14 sure -- I don't know who gave them that information but they
15 got, it was not the correct information.

16 I guess the auctioneer, I think KIKO did the auction
17 and I guess they came to Town Hall and asked and I guess you
18 set them straight or somebody in Zoning set them straight with
19 what the rules and regulations were for their property.

20 MS. FREEMAN: Yeah, the Assistant Zoning Inspector
21 did speak with the auctioneer regarding the zoning and then I
22 had a follow-up conversation with the property owner
23 subsequent to the email being sent to you guys.

24 MR. LINGENFELTER: Right, yeah. They were kind of,
25 they were kind of taken back by the fact that they had, they
26 felt that they had what the requirements to be able to put
27 multiple duplexes on the property when, in fact, they couldn't
28 because they're in R-1 and R-1 specifically addresses it.

29 So I, what I did was I quoted the section from the
30 zoning text and sent them a copy of it so they could see it

1 and explained to them what the, you know, what the rules and
2 regulations were for their R-1 zoning designation. So I said
3 they were not misled. Their initial information was incorrect
4 and what they were told was actually the right situation.

5 So other than that, that's all I got.

6 VICE CHAIR PETERSON: Ron, anything?

7 MR. TERRIACO: Nothing, sir.

8 VICE CHAIR PETERSON: I had the same email as Andy
9 and I did like Andy did, sort of, I pointed them towards the
10 zoning regulations on the website.

11 But I do have a question on that. If somebody had a
12 lot like that, if they were to tear down that house and split
13 that lot, because I think it was two, over two acres, split it
14 into two one-acre lots, then they could have a duplex on each
15 one.

16 MS. FREEMAN: Yes.

17 VICE CHAIR PETERSON: But they would have to go
18 through the cost of resurveying the land.

19 MR. LINGENFELTER: Right, they would have to split
20 the lot.

21 VICE CHAIR PETERSON: And tear down the existing
22 house, which I believe is a century home.

23 MR. LINGENFELTER: Yeah, it's an old house.

24 VICE CHAIR PETERSON: Yeah, it's been there a while.

25 MR. LINGENFELTER: That's been there for a long
26 time.

27 VICE CHAIR PETERSON: Okay. So that's all I had as
28 well.

29 Heather, do we want to talk about the letter about
30 the chickens at this point or do you want to --

1 MS. FREEMAN: We can, yeah.

2 VICE CHAIR PETERSON: Well, it was correspondence,
3 as we all received a letter from a Concord Township resident
4 about the possibility of changing the zoning to allow the
5 raising of chickens on lots of a half acre.

6 MR. LINGENFELTER: See what \$10 a dozen does to
7 people's interest in chickens.

8 VICE CHAIR PETERSON: Right, because of egg prices.
9 And, you know, as we discuss that -- and now is as good a time
10 as any -- what I did with that is I actually took an informal
11 survey. I have ten friends that live in Concord and I sent an
12 email to all ten and I had no bias in it. I said, "How would
13 you feel about having chickens on lots less than an acre,
14 specifically half acre development lots?"

15 And everyone responded with, which wasn't a
16 surprise, and it was ten to nothing against that. And the
17 reasons that were given to me, I kind of jotted down.

18 Health concerns.

19 One of my, one of my recipients is a lawyer who
20 lives in my neighborhood and he said, you know, if you wanted
21 chickens in Concord, buy larger property. When you choose a
22 development, you choose the restrictions that go with it.

23 And somebody else noted that egg prices are pretty
24 much temporary, more likely, and will go down.

25 Somebody said, "Well, if pork goes up or beef goes
26 up, would we add cows and pigs to a half acre lot?" That was
27 one of the comments I got.

28 MR. LINGENFELTER: Right.

29 VICE CHAIR PETERSON: And another person said, well,
30 neighbors wouldn't want chickens being raised next door

1 because the smell and the noise.

2 And then I did get, "We're not," a comment, "We're
3 not farmers." Would coops and pens be properly maintained?
4 Chickens attract coyotes, which is factual. And they tend to
5 wander. They don't respect boundaries. So they get loose,
6 they go wherever they want to go.

7 So that was my finding. I just concur with the
8 findings, but did anybody else have any comments on that or
9 feeling towards that?

10 MR. TERRIACO: The little bit of homework that I
11 did, spoke to some of my friends that are farmers in rural
12 communities and they said for our type of properties, the half
13 acre lots, two things that would come up to be against would
14 be the odor and then noise, but you could control that. The
15 amount of chickens that you'd have, keep it in a coop, stuff
16 like that, no roosters. And then what do you do with the
17 compost for the odor? There is usually no stagnant odor but
18 when you disturb it as you move it, then you create the odor.
19 And like you say, too, with the coyotes, it would attract
20 them. So that was my homework that I did.

21 VICE CHAIR PETERSON: Anybody else?

22 MR. SCHINDLER: My neighbor, I brought it up, we had
23 a discussion about it and their basic concern was about the
24 rooster, that they'd have a rooster out there --

25 MR. TERRIACO: The noise, yeah.

26 MR. SCHINDLER: -- making so much noise early in the
27 morning waking everybody up. That was about the only comment
28 I had.

29 VICE CHAIR PETERSON: Hiram, any opinion on it?

30 MR. REPPERT: Like I mentioned, in our development,

1 we have two acres, plus or minus, mostly plus, I think. And
2 the one at the top of the street does have chickens and they
3 have a coop, which is, most of the time, they're in the coop.
4 But sometimes they're out running around and, like you said,
5 there is no boundaries. They are across the road and that's
6 hazardous. But I haven't seen any coyotes in the area. Maybe
7 I wish I should. But we'll see what happens with the
8 chickens.

9 But the coop does have to be maintained because they
10 can get ugly if they put them up haphazard and stuff like
11 that, have all different colors of wood and this and that. So
12 that would be my objection, if somebody had a coop that was
13 not maintained. But, luckily, the ones at the top of the
14 street are. So --

15 VICE CHAIR PETERSON: And on a half acre lot, the
16 chicken coop could be much closer to the boundary, of course,
17 and the chickens would be closer.

18 MR. REPERT: Oh, yeah, it probably would be at the
19 boundary's edge.

20 VICE CHAIR PETERSON: Andy, any thoughts?

21 MR. LINGENFELTER: I think if you're, I think if
22 you're worried about some of those issues, I think what you
23 could do is you could limit the number of chickens that a
24 person could have. Instead of saying you can't have chickens
25 at all, I mean, you could possibly set it up where in stead of
26 having, you could put a cap on the number of chickens a person
27 would be allowed to have on a half acre lot. Instead of
28 saying, you know, like on a multi-acre parcel maybe you're
29 allowed to have, you could have unlimited number of chickens,
30 right, you could have 10, 15, 20 chickens, whatever, where

1 maybe you say a half acre lot you're allowed five, that's it,
2 and cap it. If you've got a half acre lot, you're allowed
3 five chickens.

4 Now, I would have to think just in -- And I am not
5 a, I'm certainly not a farmer but I do have friends that have
6 chickens. But I would think that five would be a very
7 manageable number and it wouldn't be anywhere near as onerous
8 as far as upkeep and maintenance and odor and noise and
9 things. Five chickens isn't going to really cause a -- But
10 that would be certainly enough chickens to, if you were
11 interested in having eggs, you know, for whatever reason, five
12 chickens would certainly produce enough eggs that would keep
13 your family in eggs.

14 Now, if you wanted to open up a roadside stand and
15 sell dozens of eggs, you know, five chickens probably isn't
16 going to cut it. But if you are really interested in doing it
17 for yourself, you know, for your own family, I would think
18 four or five chickens would probably be enough to produce
19 enough eggs that you would have fresh eggs for whenever,
20 whenever you want.

21 So, yeah, I wouldn't be opposed to it. I mean,
22 if -- But I think it is, I think it's transitory maybe would
23 be a good term on the chicken prices.

24 VICE CHAIR PETERSON: Yeah, I'd say.

25 MR. LINGENFELTER: It's been used before. But I
26 think the prices, you know, I think it's just like everything
27 else. Right now, this is primarily due to, I guess, they had
28 some sort of bird flu and a lot of the flocks of chickens had
29 to be, had to be destroyed.

30 VICE CHAIR PETERSON: Forty-seven million, I read.

1 MR. LINGENFELTER: Yeah, some, just some crazy, some
2 crazy number because of that bird flu. So they had to destroy
3 a lot of the chickens and, consequently, that's what caused
4 the shortage in eggs. So when the chicken population -- And
5 chickens breed pretty fast and they grow pretty fast and they
6 start to produce eggs pretty fast. So I would think that
7 probably within six months or so, I think we will see some
8 correction in the market and the prices of eggs will probably
9 start coming back to some normal level.

10 I think this is kind of, I think what's going on now
11 is just kind of a knee-jerk reaction. People are seeing all
12 the prices of eggs and right away the first thing they want to
13 do is they want to start raising chickens and have their own
14 eggs. But if the eggs are back down to \$2 a dozen again in
15 another six months, what's going to happen to all these
16 chicken coops and people with chickens? You know, it's going
17 to be a novelty that's going to wear off pretty fast.

18 MR. REPERT: Well, he did mention in this memo that
19 they brought it up a year ago to the Trustees. So a year ago
20 didn't have egg prices so high.

21 MR. LINGENFELTER: Right. Like I said, I think it
22 would be, I think instead of just saying no or being
23 completely opposed to it, I would think that maybe if we
24 wanted to do some, a little bit of research into it, but I
25 would think capping the number of chickens, if you had a half
26 acre lot, capping the number of chickens you could maintain on
27 a half acre lot, to cap it to a small number. And, again, it
28 would be more in consideration for your neighbors, not so much
29 for yourself but everybody that's in your neighborhood. If
30 you only could have four or five chickens, then I don't think

1 it would be that big of an intrusion on everything. I mean,
2 people have dogs, people have cats, people have other pets,
3 you know.

4 MR. REPERT: I wouldn't consider a chicken a pet.

5 MR. LINGENFELTER: No, no, I wouldn't either. But,
6 I mean, when you talk about running around and doing things
7 and being, you know, free range or whatever --

8 MR. REPERT: Well, no, I would be opposed if I
9 lived on a half acre lot to having free range.

10 MR. LINGENFELTER: Right, no, yeah, I am with you.

11 MR. REPERT: So they would have to be in a coop.

12 MR. LINGENFELTER: Right, contained, I am with you.
13 Yeah, I would agree to that, yeah, because I am in the same
14 thing. I am in Summerwood. We're all on half acre lots. So
15 I think about that all the time. I think, gees, four or five
16 houses on the street have chicken coops, that would be a
17 little bit crazy. But --

18 MR. REPERT: Well, they would probably supply you
19 with eggs then.

20 MR. LINGENFELTER: Right. Then I wouldn't have to
21 worry, right. I just, you know -- Yeah, I think if you put a
22 limit to the number of chickens on a half acre lot, then I
23 think that would make, that would, I think, that would be a
24 good kind of a meeting place to accommodate people that are
25 interested in having chickens and people that see the
26 downside, you know.

27 MR. REPERT: Would you have to have a permit?

28 MR. LINGENFELTER: Now you're getting out of, that's
29 out of my lane. I don't know if there is health issues,
30 health restrictions, Health, you know, Department orders and

1 things like that that go along with raising, because that
2 would be like chickens, if I am not mistaken, are considered
3 livestock, right? Yes, no, maybe so?

4 MS. FREEMAN: So --

5 MR. LINGENFELTER: They're farm animals.

6 MS. FREEMAN: Yes, raising chickens is considered
7 agricultural use in the state of Ohio.

8 MR. LINGENFELTER: Right.

9 MS. FREEMAN: Townships are somewhat limited as to
10 how they can regulate agricultural uses. But if the property
11 is located in a platted subdivision or in an area where there
12 are a certain number of lots created under the ORC -- Dave
13 Radachy is my expert here on looking this up for me
14 oftentimes -- but we can regulate it.

15 MR. LINGENFELTER: Right.

16 MS. FREEMAN: So, yeah, right now we do allow
17 agricultural uses, such as the raising of chickens and other
18 farm animals, on lots that are, that we're allowed to regulate
19 agriculture, whether one acre to five acres in size. We have
20 some setback requirements. We have, you have to have an
21 enclosure. You have to get a permit for the building or
22 structure that you are going to put up for the animal.

23 So if we were to entertain something, you know,
24 different, I would recommend, if you were going to set up
25 standards that you want them to comply with, that there would
26 be some kind of permit requirement.

27 MR. LINGENFELTER: Right.

28 MS. FREEMAN: So you could see their plan, make sure
29 they're complying with everything.

30 MR. LINGENFELTER: Yeah, because it could get out

1 of, I would think that's something that could get out of
2 control really fast.

3 VICE CHAIR PETERSON: HOAs would have a say, too,
4 wouldn't they?

5 MS. FREEMAN: Well, and that, I wanted to bring that
6 up, too, yeah. A lot of these new subdivisions, the
7 developers are putting in deed restrictions that do not even
8 allow chickens and farm animals. And if I recall, Stone
9 Ridge, it's not even permitted.

10 VICE CHAIR PETERSON: Right.

11 MS. FREEMAN: So even if the township allowed it,
12 you still have to comply with the private deed restrictions.
13 So the HOAs still have their ability to enforce that.

14 MR. LINGENFELTER: Right.

15 MS. FREEMAN: So if you're in neighborhoods that
16 have restrictions and have active HOAs, that wouldn't
17 necessarily be allowed.

18 VICE CHAIR PETERSON: It seems to me it would be
19 just one more thing that we would have to worry about
20 regulating in a development. You know, I think the right
21 number is zero, personally.

22 MR. SCHINDLER: Oh, about the issue with bird flu
23 that killed all these chickens in the first place, how does
24 that affect, possibly, your own animals that you have
25 yourself? How contagious is that? Is it contagious to human
26 beings, for example?

27 VICE CHAIR PETERSON: I don't think it is. I don't
28 think it is but --

29 MR. SCHINDLER: That's why I said I want to check
30 with the Health Department, you know, between that --

1 MR. LINGENFELTER: Yeah, that's, when you get into
2 the health regulations on having things like that, that's out
3 of -- I wouldn't even be able to venture a guess how that
4 would work.

5 MR. SCHINDLER: Right.

6 MR. LINGENFELTER: And what kind of -- You might be
7 opening up a can of worms that you really don't want to open.

8 MR. SCHINDLER: Correct.

9 MR. LINGENFELTER: You know, I don't know, maybe.

10 MR. SCHINDLER: Yeah.

11 VICE CHAIR PETERSON: So where do we want to take
12 this? I mean --

13 MS. FREEMAN: I mean, I would be happy to do some
14 research to see what some of the surrounding communities are
15 doing regarding chickens on smaller lots, lots than one
16 acre -- or less than one acre in size, kind of take a look at
17 that and maybe contact some of the planning and zoning
18 officials and see how, how these codes actually work in their
19 communities and if they're having issues in neighborhoods.

20 VICE CHAIR PETERSON: Enforcement.

21 MS. FREEMAN: You know, like what is it really like?

22 MR. LINGENFELTER: Like I said, you open up a whole
23 other avenue with that. I just, you know, the onus, of
24 course, is going on us to enforce it -- not us, on you.

25 VICE CHAIR PETERSON: Right.

26 MS. FREEMAN: Yeah, we did a little bit of, Celina
27 and I looked at a, I had Celina look at a couple of adjoining
28 communities already to kind of take a look at it and some of
29 them allow it as a conditional use if you're on a small lot.
30 Another neighboring community basically just had setbacks and

1 their police department enforces it kind of under their
2 nuisance type code, you know, if there's smells and things
3 like that. Some have larger lot requirements, you know, two
4 acres, you know. So it's kind of all over the place.

5 VICE CHAIR PETERSON: If it's a conditional use,
6 does that mean the people that want to have the chickens have
7 to go to appeals?

8 MS. FREEMAN: To BZA, yeah.

9 VICE CHAIR PETERSON: And you've got to plead a good
10 reason why you're wanting to do that?

11 MS. FREEMAN: Well, you have to prove that you meet
12 all the conditions that they would have in place to have
13 chickens, pretty much.

14 VICE CHAIR PETERSON: That you need four chickens?
15 That would be a tough case.

16 MS. FREEMAN: We didn't look at the specific
17 requirements yet but --

18 MR. SCHINDLER: I would like to know more about the
19 Health Department.

20 MS. FREEMAN: If the Health Department has any say
21 in that?

22 MR. SCHINDLER: Yeah.

23 MS. FREEMAN: Okay, I can look and we can see.

24 MR. LINGENFELTER: Yeah.

25 MS. FREEMAN: I don't know that they do, yeah.

26 MR. LINGENFELTER: I would be interested to know
27 that, if there are any additional regulations on top of that
28 that we would have to --

29 MR. SCHINDLER: Right.

30 MR. LINGENFELTER: You just don't want to

1 overburden.

2 MR. REPERT: But what happens now if somebody with
3 a one acre lot or two acre lot?

4 MS. FREEMAN: Right, right now we would --

5 MR. REPERT: What happens to them?

6 MS. FREEMAN: If they contact us and ask us about
7 it, they come in and get a permit for the coop and we just
8 tell them about the setbacks. It's got to be 70, you know, 70
9 feet back from the front, front lot line, 25 feet from side
10 lot, rear lot lines. And then we have like a maximum size
11 that we kind of tie to the accessory building size, which I
12 could see us maybe needing to change our language a little bit
13 on this. So even if we maybe don't open it up to smaller
14 lots, I think we could clean up the language to reference --
15 we don't even reference this -- specifically a chicken coop or
16 a fenced-in run area. Maybe we could fix what we kind of
17 already have in place, too.

18 VICE CHAIR PETERSON: Right.

19 MS. FREEMAN: And possibly allow it on small lots.
20 We've had more than just this one inquiry. I did talk to this
21 resident over in Morley Hills last year about it and I think
22 we're seeing, I think, in other communities, a trend and a lot
23 of more residential homes wanting to have chickens, back yard
24 chickens. I don't know if that was coming off COVID and
25 everyone was being home and they have more time to attend to
26 that, and now the latest bird flu stuff.

27 But there has been, even this weekend, ironically,
28 this past weekend I had two emails asking about chickens,
29 someone over in Hawthorn Woods was asking and then another
30 resident over on Girdled. So the one lot on Girdled was over

1 an acre but it's not in an area where we can regulate
2 agricultural, so I hold her, kind of, proceed, you know, as
3 you want. We really can't regulate that. And then the one
4 over in Hawthorn Woods, that lot is in a development and in an
5 area where we could regulate agriculture, and it's less than
6 five acres. So they would have to comply with all the setback
7 requirements for the enclosure.

8 VICE CHAIR PETERSON: It would seem like the cost of
9 the feed and the chickens and the coop and the permits, it
10 would be cheaper to pay the price for eggs.

11 MS. FREEMAN: A lot of different reasons for doing
12 it, yeah. I know my brother lives in Brook Park and he has
13 chickens on his -- I don't know -- quarter acre lot, maybe
14 smaller. I have no idea. And they did it because they just
15 wanted to raise chickens and the kids and having the
16 experience and being close to their food source, and so there
17 is an educational component to it, too.

18 VICE CHAIR PETERSON: And I could see that some
19 people would keep their coop very clean and neat and orderly
20 and others would not and then there would be complaints from
21 the neighbors about how well the coop was maintained and so
22 forth.

23 MS. FREEMAN: Yeah, and others like that.

24 VICE CHAIR PETERSON: So do we want to just continue
25 this discussion next month or --

26 MS. FREEMAN: I would be happy to add it on as
27 another work session and do some homework on it.

28 VICE CHAIR PETERSON: Do you want to do that?

29 MR. LINGENFELTER: Sure. I think it would be a good
30 idea.

1 VICE CHAIR PETERSON: Okay, very good.

2 Anything else for correspondence? I think that's
3 it.

4 Public Participation, Dave, you're not public, are
5 you?

6 MR. RADACHY: I am public tonight.

7 VICE CHAIR PETERSON: Okay.

8 MR. SCHINDLER: Yes, he is.

9 VICE CHAIR PETERSON: He is here tonight.

10 MR. LINGENFELTER: He wants to participate though.

11 VICE CHAIR PETERSON: Give us your name and we know
12 who you are but --

13 MR. RADACHY: David Radachy, Lake County Planning
14 and Community Development Director, 105 Main Street,
15 Painesville. I just came out to -- I used to do this all the
16 time pre-pandemic. We would go out and visit the zoning
17 commissions and just see if you guys need anything from us,
18 answer any questions, just put a face to the name, a face to
19 our name so you would know who we are and allow you guys, let
20 you guys know you are more than welcome to call us. If you
21 have any questions on any zoning issues, we are more than
22 happy to answer them. You don't have to go through Heather.
23 You can call us directly if you wanted to.

24 VICE CHAIR PETERSON: Very good. Do you have any
25 opinions on chickens?

26 MR. RADACHY: That I wouldn't have them in my own
27 yard and hope my neighbors never have them.

28 VICE CHAIR PETERSON: Thank you. It's always good
29 to see you.

30 MR. LINGENFELTER: How long have you been with the

1 Lake County, with Lake County now in your position? You've
2 been around for a while.

3 MR. RADACHY: In my position, I've been since 2012,
4 so it's been 11 years, 10 years, almost 11 years. With the
5 county it's 25 years.

6 MR. LINGENFELTER: Yeah, good for you,
7 congratulations. We appreciate you coming to see us.

8 VICE CHAIR PETERSON: Yeah, thanks, Dave.

9 MR. LINGENFELTER: It's always good to see you.

10 VICE CHAIR PETERSON: Thank you.

11 Okay. Moving on to New Business, discussion on the
12 Zoning Commission reserved jurisdiction for the IN9 Group LLC
13 project. Is that our sidewalk?

14 MS. FREEMAN: That is the project at Old Crile and
15 Crile from last month that was --

16 VICE CHAIR PETERSON: The discussion of the
17 sidewalk?

18 MS. FREEMAN: Yes.

19 VICE CHAIR PETERSON: And how we were going to do
20 the language?

21 MS. FREEMAN: Yes. And I think Mr. Petersen was
22 going to give you some information on that.

23 MR. PETERSEN: Yes. We are still working with IN9
24 Group and Marous Brothers to try to work out language that
25 everyone agrees to to retain jurisdiction over the sidewalk
26 issue so that it can be brought up in due time.

27 VICE CHAIR PETERSON: Okay.

28 MR. PETERSEN: It's still in the works for now.

29 VICE CHAIR PETERSON: Are you thinking along the
30 lines of when the Zoning Commission would, we would be the

1 ones that would call for that when the time came?

2 MR. PETERSEN: That's what we're hoping for so that
3 it would be at the board's discretion. It is sort of a
4 contract negotiation, so we'll need to get Marous Brothers and
5 IN9 on that page but that's what we're hoping for.

6 VICE CHAIR PETERSON: Okay, very good. Thank you,
7 counselor.

8 Moving on to Old Business, first of all, we have a
9 work session to review Section 22.03, Table of Uses,
10 Automotive & Transportation, so forth, and Heather gave us a
11 handout for that. And if we go to our handout, on page 1, the
12 only changes on page 1 were the elimination of a conditional
13 use for gas stations and car washes in the Capital District.

14 And on the flip side of that there is an addition
15 of, under general building contractors, making Manufacturing a
16 permitted use in that category under, yeah, permitted use of
17 general building contractors in Manufacturing, which would
18 probably solve our little dilemma about the Manufacturing
19 District that we talked about last month.

20 So as we go through our handout, there is some
21 changes to the language here that Heather put in here. Go to
22 page 4, for example, 13.23, she added the word "Gateway
23 Business and B-1, Restricted Retail" and scratched out "and C,
24 Capital District." And then Item C, changed "National Fire
25 Protection Association" to "the Ohio Fire Code."

26 Any discussion on those two changes?

27 MR. REPPERT: No.

28 MR. LINGENFELTER: No.

29 MR. REPPERT: None here.

30 VICE CHAIR PETERSON: Those are, obviously, good.

1 Page 5 then under Car Wash, she's added, "Car washes
2 may include accessory uses such as detailing, drying and
3 vacuuming areas." And then under 13.24, "Car washes shall be
4 conditionally permitted in the BX, Business Interchange, GB,
5 Gateway Business and B-1, Restrict Retail," and then took out
6 "and C, Capital."

7 Okay with those two?

8 MR. REPPERT: Yes.

9 VICE CHAIR PETERSON: So far?

10 MR. REPPERT: Yes.

11 MR. SCHINDLER: Just a question. What about
12 charging stations maybe for electric cars?

13 VICE CHAIR PETERSON: Electric vehicles, yeah.

14 MR. SCHINDLER: Because they're going to become more
15 and more prevalent as time goes by. I mean, you are starting
16 to see all kinds of commercials on television now. UPS
17 trucks, they showed the first one for a UPS truck I noticed in
18 the -- yesterday going electric, big, monstrous cab, electric,
19 you know, things like that.

20 VICE CHAIR PETERSON: We don't even mention charging
21 station anywhere, do we?

22 MS. FREEMAN: No. That is a topic that is on our
23 radar from the township's perspective from zoning and I've
24 also talked with our Fire Department and their concerns about
25 EV charging stations. That is something that we are going to
26 have to add some requirements, I think, in our zoning to make
27 sure.

28 VICE CHAIR PETERSON: That could be a broad topic.

29 MS. FREEMAN: Yeah.

30 VICE CHAIR PETERSON: Because even in the Capital

1 District you might have charging stations at certain parking
2 spots.

3 MS. FREEMAN: Yeah.

4 VICE CHAIR PETERSON: Any of the retail areas it
5 would apply to.

6 MS. FREEMAN: Yes.

7 VICE CHAIR PETERSON: Gas stations might have
8 charging stations. So good point. At some point, we will
9 have to address that.

10 MR. SCHINDLER: Okay.

11 VICE CHAIR PETERSON: Item C then, was that an added
12 or what did you do on that one, Heather?

13 MS. FREEMAN: Oh, when I put the, when I added the D
14 underneath it, it somehow changed C, for some reason. That
15 just really shouldn't be red.

16 VICE CHAIR PETERSON: We've added, "D. Any vacuum
17 areas shall be shown on the site plan and shall be located as
18 far away from any residential use as practical."

19 Everybody okay with that one?

20 MR. REPPERT: Yes, yes.

21 VICE CHAIR PETERSON: Page 6.

22 MR. LINGENFELTER: On the vacuum area, it just seems
23 a little open-ended to me, you know. What is "as far away
24 from any residential use as practical."

25 MS. FREEMAN: Right. I knew someone --

26 MR. LINGENFELTER: That seems a little squishy, in
27 my opinion. You know, do we want to be a little more specific
28 then in terms of our --

29 VICE CHAIR PETERSON: I suppose it would depend on
30 the lot and the layout of the lot, for example, to have vacuum

1 areas at the new car wash.

2 MR. LINGENFELTER: Right.

3 VICE CHAIR PETERSON: There are no residential areas
4 around there, so it's not an issue. But if there were, you
5 know, as far as possible, it would be the opposite end of the
6 lot, if possible, something like that.

7 MR. LINGENFELTER: But why -- It doesn't say that
8 though.

9 VICE CHAIR PETERSON: I know.

10 MR. LINGENFELTER: It just says "as far away" --

11 VICE CHAIR PETERSON: As practical.

12 MR. LINGENFELTER: -- "from any residential use as
13 practical."

14 VICE CHAIR PETERSON: Yeah.

15 MR. LINGENFELTER: I would wonder, counselor, do you
16 have any input on that? Do you think that, do you find that
17 to be a little kind of open-ended?

18 MR. PETERSEN: Yes, I do. You know, if you did
19 adopt that, you know, an applicant might have a differing
20 opinion on what's practical compared to --

21 MR. LINGENFELTER: Right, that's right.

22 MR. PETERSEN: -- what, you know, the board feels is
23 best. So although I hate to bring up a problem if I don't
24 have, at least, some solution to offer.

25 MR. LINGENFELTER: No, understood.

26 MR. PETERSEN: I don't know what the, a better
27 wording would be to try to keep vacuums away from residential
28 properties.

29 MR. LINGENFELTER: Right. That just, that wording
30 just kind of --

1 MR. TERRIACO: The concern is noise?

2 MR. LINGENFELTER: Well, yeah, that would be, yeah,
3 noise from the vacuums, yeah, that would probably be first and
4 foremost. But just, to me, it just seems a little bit open-
5 ended. And I don't know. I don't know what, I am not -- I
6 certainly don't have a proposal for what it should be or
7 anything like that but I just wonder if we should try to maybe
8 button that down a little tighter.

9 MR. REPPERT: Well, we can put a number in there and
10 let it go to BZA if they can't meet it.

11 MS. FREEMAN: This would be a BZA anyway as far as
12 the conditional use.

13 MR. LINGENFELTER: Right.

14 MS. FREEMAN: So they could negotiate what is
15 practical with the BZA and try to get the use approved.

16 MR. LINGENFELTER: Right.

17 MS. FREEMAN: But right now I am, actually -- I'm
18 sorry -- I'm trying to look at the Zoning Map to see what
19 districts actually back up to an R district that this might
20 actually be applicable. Maybe it's something that we don't
21 need.

22 MR. LINGENFELTER: Right.

23 MS. FREEMAN: But I definitely would like to see
24 them shown on the plans.

25 MR. LINGENFELTER: Right. Well, yeah, I think the
26 counselor makes a good point. What the developer considers to
27 be practical and what a resident might consider to be
28 practical could be, you know, polar opposites. So, you know,
29 what do we do there? Then it becomes a -- To me, it's just
30 too subjective. You know, I would rather see something a

1 little more, a little more tighter.

2 MR. SCHINDLER: Maybe anything butting up to
3 residential has to have a barrier like we do on freeways.

4 MS. FREEMAN: Like a fence?

5 MR. SCHINDLER: Noise travels straight. It doesn't
6 go over anything. So a barrier would definitely squelch a lot
7 of noise. So if it did be up against a residential area, we
8 should spell out that a barrier, a noise barrier should be up
9 to isolate.

10 MS. FREEMAN: I could come back with some language
11 about something.

12 MR. LINGENFELTER: Yeah, I just would like to, yeah
13 -- It's certainly not an indictment on what you've done,
14 Heather, on that.

15 MS. FREEMAN: Yeah.

16 MR. LINGENFELTER: It's just, to me, seems a little
17 too, a little too broad. I could see this causing a problem.

18 VICE CHAIR PETERSON: So look for a way to possibly
19 tighten it down a little.

20 MR. LINGENFELTER: Yeah.

21 VICE CHAIR PETERSON: Okay.

22 MR. LINGENFELTER: If we can. If we can't, we
23 can't. But, like I say, take it to the BZA and let them
24 haggle over it, but I would rather kind of address it before
25 it becomes an issue.

26 VICE CHAIR PETERSON: Moving ahead, page 8, I think,
27 is the next addition and this is under Indoor Commercial
28 Recreation where we say, "Indoor commercial recreation
29 facilities may include a restaurant as an accessory use,"
30 which would be an addition.

1 Any issues with that?

2 MR. REPPERT: Not from me.

3 MR. SCHINDLER: Not from me.

4 MR. TERRIACO: No.

5 VICE CHAIR PETERSON: It would be more like a snack
6 bar, usually, but restaurant is fine.

7 MS. FREEMAN: Yeah. You know, what we were kind of
8 thinking like, you know, when you go to like even RollHouse in
9 Mentor.

10 MR. LINGENFELTER: Right.

11 MS. FREEMAN: They have a bar and a restaurant that
12 you can eat while you were there doing all the activities.

13 VICE CHAIR PETERSON: Right.

14 MS. FREEMAN: There is these new concepts where you
15 do like -- I don't know if they're new or not but there's some
16 new users that are doing indoor golf simulations that that
17 have a restaurant in there. And so when you think about like
18 how indoor commercial recreation is now, it seems to have
19 that, so I thought it might be appropriate to acknowledge that
20 in the definition.

21 VICE CHAIR PETERSON: I think things like Top Golf
22 are almost more restaurant than recreation.

23 MS. FREEMAN: Yeah.

24 VICE CHAIR PETERSON: But that's good to add.

25 Any objection to adding that in there, anybody?

26 MR. REPPERT: No.

27 MR. SCHINDLER: None.

28 VICE CHAIR PETERSON: Nothing on page 9, nor page 10
29 or 11. Page 12, at the bottom, just a comment there under
30 Safety Inspection, "Adult group homes shall comply with the

1 requirements of the Ohio Fire Code," as opposed to "National
2 Fire Protection," which is the same as we said previously on
3 the other statement. So no problem there.

4 And that's, pretty much, everything that we had in
5 those districts. Any discussion further on that? I think all
6 these changes are good and --

7 MR. REPERT: Yeah. I thought we were going to go
8 through the table and not just the changes that were proposed.

9 VICE CHAIR PETERSON: That was, that was the table.

10 MR. REPERT: Well, I know, but I went through the
11 table to add some stuff.

12 VICE CHAIR PETERSON: Oh, well, we did that.

13 MR. REPERT: Is that out of bounds?

14 VICE CHAIR PETERSON: That's already been done, I
15 think.

16 MS. FREEMAN: No. If you have suggestions on other
17 modifications, I think this would be appropriate for the board
18 to consider your thoughts.

19 VICE CHAIR PETERSON: Okay.

20 MS. FREEMAN: Because we went through as staff and
21 kind of like, okay, we don't -- We went through the Table of
22 Uses as well and looked at what uses were in the districts
23 already, looking at the purpose statements and tried to
24 determine whether or not we thought any changes were
25 necessary.

26 So what you have tonight is just what we were recommending.

27 VICE CHAIR PETERSON: Okay.

28 MS. FREEMAN: But you might have other things you
29 might want to discuss.

30 VICE CHAIR PETERSON: Do you have others you would

1 like to discuss, Hiram?

2 MR. REPPERT: Sure. Brewery, distillery and winery,
3 I thought it would be good in Gateway Business and General
4 Business.

5 MS. FREEMAN: These, I understand what you are
6 saying. We do allow the microbrewery, microwinery that we
7 looked at last month and you weren't here -- that's why maybe
8 it's not fresh in your head -- because we allow microbrewery,
9 microdistillery and microwinery in the Gateway Business, the
10 BX and the B-1.

11 So these, the ones you just mentioned are more of
12 the larger scale, more manufacturing, less of a, go in here
13 and have an experience.

14 MR. REPPERT: Less of a micro.

15 MS. FREEMAN: Correct, yes.

16 MR. LINGENFELTER: There is definitely, there is
17 definitely, in the definitions and the language of
18 microbrewery, microwinery versus winery, brewery that -- We
19 had these conversations when we talked about putting them into
20 the text.

21 MR. REPPERT: Yeah, yeah.

22 MR. LINGENFELTER: Remember we talked about the, you
23 know, thousands of barrels --

24 MR. REPPERT: Right.

25 MR. LINGENFELTER: -- of beer, thousands of barrels
26 of wine versus a microbrewery, you know, being down a much
27 smaller scale and that's where, I think that's why that was
28 kind of done that way.

29 MR. REPPERT: Okay. So this is not the micro type
30 stuff, this is the big ones?

1 MR. LINGENFELTER: Yeah, these are like full scale.
2 VICE CHAIR PETERSON: Schotz Brewery.
3 MR. LINGENFELTER: Yeah, it would be something that
4 would be more for like a bigger, bigger operation.
5 MR. REPERT: Okay. On page 2, membership sports
6 and fitness club in Gateway Business, and then studios for
7 instruction in Special and also theater in Special.
8 MR. LINGENFELTER: That was, with the sports and
9 fitness club was in GB? You wanted to add that into GB, too?
10 MR. REPERT: GB.
11 MR. LINGENFELTER: Okay, all right.
12 MR. REPERT: And then studios for instruction in
13 Special.
14 VICE CHAIR PETERSON: Not in GB?
15 MR. LINGENFELTER: What about GB for that one, yes?
16 no?
17 MR. REPERT: Well, I didn't have it in GB. We
18 could. I mean --
19 MR. LINGENFELTER: Then you would want that as a
20 permitted or as a conditional?
21 MR. REPERT: Which one, studios?
22 MR. LINGENFELTER: Membership for sports -- both of
23 them, yeah.
24 MR. REPERT: All Ps, all permitted.
25 MR. LINGENFELTER: All Ps, so they would be
26 permitted?
27 MR. REPERT: Yeah.
28 MR. LINGENFELTER: I don't have any problem with
29 that.
30 VICE CHAIR PETERSON: I am okay with that.

1 MR. SCHINDLER: Yeah, I don't see a problem.

2 VICE CHAIR PETERSON: Then theater you put in
3 Special?

4 MR. REPERT: Theater I put in Special and also
5 studios for instruction.

6 VICE CHAIR PETERSON: Okay.

7 MR. LINGENFELTER: Those are also permitted?

8 MR. REPERT: Yeah, as Ps.

9 VICE CHAIR PETERSON: I don't see a problem there
10 either.

11 MR. REPERT: I just went through the table and --

12 MS. FREEMAN: Yeah.

13 MR. REPERT: -- looked at the purpose statement and
14 said, I don't see why we couldn't.

15 MS. FREEMAN: Is the consensus to add those three in
16 then for permitted, the memberships, sports clubs in Gateway
17 Business and then add two more uses to the Special District,
18 the studios for instruction and the theater?

19 MR. REPERT: Yeah.

20 VICE CHAIR PETERSON: Any objections?

21 MR. SCHINDLER: I don't see anything in particular
22 that would throw at me right now that I object to.

23 VICE CHAIR PETERSON: Let's put them in.

24 MS. FREEMAN: Okay.

25 MR. SCHINDLER: Because we're going to have a public
26 hearing on this anyway, right?

27 MS. FREEMAN: Oh, yeah, yeah. We're still in our
28 work session. At one point, I am going to bring everything
29 together that we've already been talking about over all the,
30 and, yes, and we will go through it. And we're almost done

1 going through this list of uses in Section 22. We have,
2 basically, next month we can wrap it up. We really just have
3 the other uses and then our accessory uses, which we've kind
4 of already gone through. So I am thinking maybe, for the
5 March meeting, come back with all the track changes,
6 everything that we've been talking about in Section 22 and
7 Section 13, and then we can get through this and then see
8 where we're at as far as ready, another month before we
9 recommend or initiate any kind of amendment on that, depending
10 on where we're at with everything.

11 VICE CHAIR PETERSON: Very good. And then I noted
12 in your memo, it reads, for the second work session, "Staff is
13 not recommending that the Zoning Commission rezone, is not
14 recommending the Zoning Commission rezone the existing
15 Manufacturing properties to another district." So your
16 recommendation is not to do that.

17 MS. FREEMAN: Yeah. And I know last month you guys
18 had asked me to take a look at, if it wasn't BX or B-2, then
19 what other district might it be then? And it was, you know,
20 after initially looking at BX and B-2 and the concern with
21 potentially increasing the amount of commercial activity
22 adjacent to the residential there, that wasn't something that
23 we were on board with. And I was recommending maybe we just
24 add a couple uses, if we were going to do anything.

25 Then I went back and I looked at that RD-2 District
26 that we talked briefly about last month. And looking at the
27 uses that are there, I think there is a lot more potential for
28 negative impacts to, you know, residential that exists in that
29 area. And, additionally, the minimum lot sizes in the RD-2
30 are quite large. They're 3 acres. And two of the four lots

1 that are currently zoned as Manufacturing are less than that,
2 and two specifically are the two lots that are currently for
3 sale.

4 So there would be some concerns as well that I
5 already expressed about, you know, possibly rezoning the
6 property while it's in the middle of being sold. Somebody
7 buys it thinking they could continue to do a light
8 manufacturing use there, which would be permitted under the M
9 District, or any other use under M, that could present a
10 problem for the township from a legal perspective.

11 VICE CHAIR PETERSON: And by adding building general
12 contractor, that gives us a little broader --

13 MS. FREEMAN: Right. And if that's something you
14 guys don't want to add, we don't need to do it. We can really
15 do nothing. We can just keep it as it is.

16 VICE CHAIR PETERSON: I think it's fine.

17 MS. FREEMAN: But it was very challenging to find
18 something that there is no other commercial adjacent to it.
19 So it's hard to, like, just pick a zoning district, some other
20 district, you know. We really went through everything and
21 just, at this point, I couldn't recommend another district.
22 So --

23 VICE CHAIR PETERSON: I think it's a good
24 recommendation. Does anybody have an objection to that
25 recommendation?

26 MR. SCHINDLER: No. She brings up a lot of good
27 points.

28 MR. TERRIACO: I agree. Leave it.

29 VICE CHAIR PETERSON: Very good, yeah, let's leave
30 it like it is then.

1 Okay. The other item we had on the agenda is
2 tabled, and that would be the work session to review Planned
3 Unit Development and Residential Conservation Development
4 Districts and that's tabled for later.

5 So with that, we have completed everything on the
6 agenda. Is there anything anybody else wanted to bring up?
7 Anything we need to add for tonight?

8 MR. SCHINDLER: Not me, Mr. Chairman.

9 VICE CHAIR PETERSON: Okay. Seeing nothing else, I
10 am going to adjourn the meeting. The next meeting will be
11 March 7, 2023.

12 (Whereupon, the meeting was adjourned at 7:45 p.m.)

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1 STATE OF OHIO)
2 COUNTY OF CUYAHOGA)

CERTIFICATE

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

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

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

17 IN WITNESS WHEREOF, I have hereunto set my hand
18 and affixed my seal of office this 28th day of February
19 2023.

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

23 Notary Public within and for the
24 State of Ohio

25 My Commission Expires:
26 February 4, 2028

