

1 CONCORD TOWNSHIP ZONING COMMISSION
 LAKE COUNTY, OHIO
2 REGULAR MEETING
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4
5 Concord Town Hall
 7229 Ravenna Road
6 Concord, Ohio 44077
7

 April 2, 2024
8 7:00 p.m.
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 TRANSCRIPT OF PROCEEDINGS

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12 Zoning Commission members present:

- 13 Rich Peterson, Chairman
14 Hiram Reppert, Member
 Frank Schindler, Member
15 Ron Terriaco, Member
 Andrew Lingenfelter, Member

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18 Also Present:

- 19 Heather Freeman, Planning & Zoning Director/Zoning
 Inspector
20 Bridey Matheney, Esq., Legal Counsel
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PROCEEDINGS

THE CHAIRMAN: Good evening. I'm calling to order the Concord Township Zoning Commission meeting for Tuesday, April 2, 2024. We will start out with a roll call. Heather, if you would, please.

MS. FREEMAN: Mr. Reppert.

MR. REPERT: Here.

MS. FREEMAN: Mr. Schindler.

MR. SCHINDLER: Here.

MS. FREEMAN: Mr. Terriaco.

MR. TERRIACO: Here.

MS. FREEMAN: Mr. Lingenfelter.

MR. LINGENFELTER: Present.

MS. FREEMAN: Mr. Petersen.

THE CHAIRMAN: Here.

Approval of minutes. We don't have minutes tonight for the March 5th meeting, so we're going to table that until next month.

We will move on to correspondence. We will start with Frank, on my left. Anything, Frank?

MR. SCHINDLER: None, Mr. Chairman.

THE CHAIRMAN: Hiram?

MR. REPERT: None, Mr. Chairman.

about BZA cases. Just a quick update.

At the March BZA meeting the Board approved a variance for a resident that has a double frontage lot. The front of the lot faces on the North Point Court and the back of his lot faces Hermitage. So it's considered a double frontage lot per your definitions.

He wanted to put a shed in the backyard, but the zoning resolution requires the same setback from both street right-of-ways, so 50 feet back from the Hermitage Road right-of-way, and 50 feet back from North Point Court. He wanted to put the shed 14 feet away from the Hermitage Road right-of-way because of a topography issue, landscaping, and things like that on his lot, which the Board did approve his variance. Quick update on that.

We did get a site plan review application submitted. It will be in front of you guys next month. It's for the Auburn Career Center. Another project as part of their big master plan.

If you remember they were originally going to construct their new Board of

THE CHAIRMAN: I had nothing. Ron?

MR. TERRIACO: Nothing, sir.

THE CHAIRMAN: Andy?

MR. LINGENFELTER: I just had a follow-up with the resident after our last meeting on the pool cover versus fence thing. I had a follow-up with him after the meeting. Nothing of any major consequence. I told him we're working on it. When we get ready to put it on the agenda, we will invite him in, have him give us some information if we're interested in, you know, taking a look at that. That was it. Nothing else.

THE CHAIRMAN: Very good. Thank you, Andy.

Zoning Inspector report is next and Hiram, for your benefit, this is something new we added to the agenda. Heather is going to give us an update each month as to what's happening in Concord that we should probably be aware of. Heather, I'll turn that over to you.

MS. FREEMAN: Just a couple brief things. I know we talked about last month whether or not it would be valuable to hear

Education offices on the property where the horticulture center is, where the Public Safety Center is. Well, now they are going to take an existing building they own on Auburn Road, it's 8167, a little white house referred to as the annex building, they are going to put an addition on that and renovate inside, use that for the Board of Education offices. Those plans will be in front of you next month.

MR. LINGENFELTER: Is that residential now?

MS. FREEMAN: It is being used now currently. They were using it for classrooms for training for part of the Public Safety Center program. Now that they are building the new building, those classes will be held over there. So it is already being used for school purposes.

MR. REPERT: Go back to the double frontage. Did they ask the neighbors all around on that BZA?

MS. FREEMAN: When we do notifications for any kind of variance or a conditional use permit, or administrative

1 appeal, we do notify all the adjacent property
2 owners of the variance request. So, anyone
3 that is adjacent to that property, or across
4 the street would have got a notice. Sometimes
5 they call and ask for details. Sometimes they
6 show up at the hearing and provide testimony
7 either in favor or against. Sometimes people
8 even get letters from some of the neighbors
9 and submit that as part of their application,
10 showing support.

11 MR. REPERT: Okay. On that one
12 though from 50 feet down to 14, they didn't
13 get any issues?

14 MS. FREEMAN: No, there was not, no
15 opposition.

16 MR. REPERT: Okay.

17 MS. FREEMAN: If you think about
18 it, Hermitage Road is a county road, right.
19 Actually on that stretch where his lot was
20 there are several double frontage lots.
21 Several rear yards that face Hermitage so it
22 really wasn't next to someone's front kind of
23 door where typically we are looking for that
24 similar setback to not create obstructions in
25 other people's front yards.

1 MR. REPERT: Okay.

2 MS. FREEMAN: Then I don't know if
3 it's of any interest, I do provide for the
4 Trustees a monthly report, like zoning permit
5 activities, that kind of thing. Last month
6 our office we did process 44 zoning permits.
7 That brings us year-to-date to 89. Last year
8 we did total for the year of just under 400.
9 So we do kind of keep track of some of those
10 things too. Most of the permits are for
11 residential type yard structures, fences, out
12 buildings, pools, those kinds of things.
13 That's it.

14 THE CHAIRMAN: Thank you, Heather.

15 MR. LINGENFELTER: I have a quick
16 question, follow-up from the last report, you
17 did mention there was some people looking into
18 that corner lot across from Pinky's Beverage
19 there. Is there any change with that? Has
20 there been any further conversations or
21 anything going on?

22 MS. FREEMAN: They reached out to
23 me saying do you have any suggestions. They
24 were kind of, like I indicated, they were
25 looking for some feedback, what might be

1 suitable there. I know I did bring that to
2 the Trustees at a staff meeting. They didn't
3 have anything off the top of their heads. I
4 thought through some future work sessions here
5 or if you guys had some ideas, we could come
6 up with something. But no, he had just
7 reached out, hey, are there any ideas.

8 MR. LINGENFELTER: Further follow-up,
9 has there been any further activity with the
10 Quail Hollow situation?

11 MS. FREEMAN: No. The study with
12 the consultant, with Silverload is still
13 underway.

14 MR. LINGENFELTER: I know the Trustees
15 did a tour of the facility. Kind of took
16 pictures, posted some stuff.

17 MS. FREEMAN: Yeah, one of the --
18 Morgan did. Morgan went on that tour of the
19 building. He's the only Trustee that went on
20 it. The other people who attended were part
21 of Silverload, and then Rita McCann, the
22 administrator and a couple other individuals.
23 They did tour the facility. They have the
24 information. They are putting their reports
25 together. I believe next Friday we have a

1 meeting with the team to get an update from
2 them. I should maybe know something at the
3 May meeting.

4 MR. LINGENFELTER: Nothing significant?

5 MS. FREEMAN: Nothing now.

6 MR. LINGENFELTER: Super. Thank you.

7 THE CHAIRMAN: Thank you.

8 Moving on, the next item on the agenda
9 is public participation. And seeing no
10 public, I can assume we can move on from that
11 to old business. There was no old business.
12 So we can move on to new business.

13 Tonight what we're going to do
14 primarily is a work session to review zoning
15 district uses for both commercial and
16 residential districts.

17 Heather gave us some nice handouts here
18 on various items that will tie in nicely with
19 this. I don't know about you but I brought my
20 zoning map, so you can kind of refer to that
21 as well. I thought maybe we would just start
22 at the beginning here with the memo to us, the
23 Zoning Commission, from Heather. Basically
24 she is saying, for the purpose of getting it
25 in the record I'll just read this paragraph,

1 "Enclosed you will find two spreadsheets. One
 2 contains all the existing principally
 3 permitted uses and the other contains a list
 4 of accessory uses for all the zoning
 5 districts, except for the PUD district. Any
 6 use not listed is considered prohibited.
 7 There are also some specific uses listed in
 8 Section 602 that are also considered
 9 prohibited. Follows is a summary of some of
 10 the staff's initial recommendations to the
 11 Board regarding possible amendments to the
 12 resolution. Zoning Commission should also
 13 think about any other uses that should be
 14 added or eliminated. Are they still relevant,
 15 are they still desirable, are there new uses
 16 that aren't on the list.

17 First item we have here for
 18 consideration is under agricultural or
 19 residential uses. It talks about the
 20 possibility of eliminating adult group homes
 21 from the B-1, B-2 District. If you look at
 22 the table, one of the tables that Heather gave
 23 us you'll find they are listed as a
 24 conditional use in B-1 and B-2. Actually if
 25 you look at our zoning map, there is very

1 little land that is B-1 or B-2. So where we
 2 would put some of these would be awful tight
 3 anyhow. The adult group home is on there as a
 4 conditional use. Looking at the first table
 5 there, it's right at the top, it's already
 6 conditional use in R-1 and R-4. Should it
 7 also be a conditional use in B-1 and B-2.
 8 Again very, very tight neighborhood. If you
 9 look at B-1 and B-2, there is not a lot space
 10 where you could put an adult group home,
 11 depending on how large it was. So, I'll
 12 entertain any thoughts or suggestions on that
 13 item.

14 MR. REPERT: If we could, back to
 15 the paragraph. It says, "Any use not listed
 16 is considered prohibited." Do we say that
 17 anyplace, or is it just assumed?

18 MR. LINGENFELTER: That's kind of a
 19 common rule.

20 MR. REPERT: Kind of a rule. Is
 21 there a rule or isn't there? Is it written
 22 down someplace?

23 MR. LINGENFELTER: That's what we've
 24 always been told by legal, if it is not in the
 25 regulations, it's considered prohibited.

1 MS. MATHENEY: Right. There is a
 2 Latin phrase, it's escaping me right now but I
 3 will get it, send it to you. It basically
 4 means that if it is not specifically provided
 5 for, written down expressly, then it is
 6 expressly excluded. There really is a Latin
 7 phrase about it.

8 MR. REPERT: Okay.

9 MR. LINGENFELTER: That's what we've
 10 always been told by legal, as far back as I
 11 can remember. If it's not in the zoning text,
 12 then it's not -- it's basically considered
 13 prohibited.

14 MR. REPERT: Okay.

15 MR. LINGENFELTER: I think therein lies
 16 the issue though, Hiram, is that we have some
 17 things in our zoning from a conditional use
 18 standpoint, and the issue, we've already run
 19 into this problem on more than one occasion
 20 within the last year, where if the conditions
 21 are met, not a whole lot we can do to stop it.
 22 It's pretty much is taken out of our hands. I
 23 think the conditional use is something we
 24 really need to take a hard look at versus the
 25 permitted use. Permitted uses are pretty

1 straight forward. It's the conditional use
 2 stuff, if they meet the conditions, then as
 3 far as the zoning commission is concerned,
 4 even the BZA, their hands are pretty well tied
 5 as far as always stopping it. So, you know, if
 6 the applicant is willing to do whatever the
 7 conditions that are stated, if they are able
 8 to check off all the boxes, then they are
 9 going to be able to move forward with their
 10 project. I think it is the conditional use
 11 stuff we need to watch. Those seem to be the
 12 things that come back to bite us in the long
 13 haul. I think we would do ourselves a lot of
 14 favors if we could ratchet down those
 15 conditional uses.

16 MR. REPERT: Tighten them up.

17 THE CHAIRMAN: With that in mind,
 18 like I mentioned, we have very few business
 19 districts in Concord, contrary to what people
 20 believe that we're turning into a Mentor.
 21 We're mostly residential by a big stretch.
 22 The business districts we have are over here on
 23 Crile Road and over on 84, the St. Gabe area
 24 there. The little one over here on Girdled
 25 and Ravenna. Primarily that's it. Do we want

1 to use that, or would we want to use that for
2 an adult group home, when we could have a
3 legitimate business in there?

4 MR. LINGENFELTER: No. I agree with
5 the comment that it's just more residential in
6 nature, would be better suited in a
7 residential setting, I agree with that
8 observation.

9 MR. TERRIACO: Why would they put it
10 in B-1 or B-2 to begin with, do we know?

11 THE CHAIRMAN: Only Frank would
12 know.

13 MR. LINGENFELTER: Frank's got me by a
14 couple years, but not that much. Him and I
15 are pretty close. What is that? What is the
16 designation on the adult? What is that?

17 THE CHAIRMAN: B-1 and B-2. While
18 Andy is looking for that, it could be
19 mentioned here that Heather points out that
20 one exists in a B-2 District. There is one
21 that exists in a B-2 District, the Lake/Geauga
22 Recovery Center is already there. That's
23 already in place. And BZA just approved one
24 in the B-1 District, Crossroads. Where is
25 that located?

1 MS. FREEMAN: On Auburn Road,
2 across from Redhawk. In the building that
3 used to be a day care.

4 THE CHAIRMAN: The daycare center.

5 MS. FREEMAN: You have to kind of
6 think about creating nonconforming uses. I
7 would say that the Geauga Recovery Center
8 really doesn't have the ability to expand
9 based on what they already have there. They
10 are already at their maximum number of
11 residents that they can put in that facility.

12 Now, the other one, the Crossroads,
13 they haven't even occupied yet. That is
14 something to consider though if you are going
15 to take things down about creating a
16 nonconformity and what that does to businesses
17 that are already here.

18 THE CHAIRMAN: They would be kind of
19 grandfathered in, wouldn't they?

20 MS. FREEMAN: Yes. They would be
21 lawful nonconforming, continue on in
22 accordance with our nonconforming use section
23 of the zoning resolutions, yes.

24 THE CHAIRMAN: So we've already got
25 two that are in our business districts. In my

1 opinion, I don't think we want anymore.
2 Taking this conditional use out of there would
3 enable us to block that in a sense.

4 MR. REPERT: Say no more.

5 THE CHAIRMAN: You agree?

6 MR. REPERT: Yes, I do.

7 MR. LINGENFELTER: One thing, in looking
8 at the history, you mentioned some of these
9 things. If you look at some of the history on
10 the business regulations and business
11 districts, some of this stuff has been in
12 place for over 20 years.

13 THE CHAIRMAN: Sure.

14 MR. LINGENFELTER: Since it's been
15 revised and/or amended. I mean I think we're
16 probably a little out of date on some of this.
17 So if we want to go back and really, you know,
18 do some forensics as to why it was put in
19 there, would be probably pretty difficult
20 talking 10, 15 years ago some of this stuff
21 was done. I think that answers the question
22 as to the timing and when this was allowed.

23 MS. FREEMAN: Just to kind of add
24 on that. So, the purpose statement too that
25 we already have a resolution regarding all

1 these different zoning districts, this was a
2 great exercise for me to actually combine all
3 the different commercial, residential
4 districts into a spreadsheet for you, because
5 I thought it was -- I don't know if we've ever
6 really looked at the Township, all the
7 districts collectively.

8 We have 16 zoning districts. That does
9 not include the two planning and development
10 ones. Of those 16, we have 11 different
11 commercial districts and five residential.

12 Some districts have been added for
13 various reasons, like when the hospital came
14 in. There are some districts that have been
15 on the books for decades, that even though in
16 our comprehensive plan update in '15, there
17 were some recommendations like take a look at
18 the B-2 District, are those uses still
19 compatible with the residential that is
20 nearby. Even asking us to look at the B-1
21 District down at Ravenna and Girdled Road.

22 So there are things that have changed
23 in the Township over time that we haven't
24 necessarily adjusted in our zoning.

25 When we had the adult homes we didn't

1 have like the skilled nursing facilities, or
 2 the assisted living that we now have over off
 3 Auburn Road. So there have definitely been
 4 some changes in the uses in the Township.
 5 THE CHAIRMAN: On your map, you are
 6 almost running out of color code schemes to
 7 add other districts.
 8 MS. FREEMAN: Yeah, the districts
 9 are starting to blend together I feel like.
 10 Like B-1 and BX are very similar. I know I'm
 11 getting out of order. Kind of putting this
 12 together will help us moving forward.
 13 Potentially do we need all of these districts.
 14 Would somehow this lead to some kind of
 15 rezoning potentially or elimination of a
 16 district because they are so similar. I don't
 17 really know at this point. It was brought up
 18 even at the comp plan time with some of the BX
 19 land on Crile, should that remain BX, should
 20 it change. How does that impact the uses that
 21 are allowed there or existing there.
 22 THE CHAIRMAN: So, given that, how
 23 do you recommend we go through this? If we
 24 agree that just this first one, we take that
 25 conditional use out of there, we don't want to

1 MR. REPERT: We have R-1, R-3,
 2 R-4, R-6. It's okay in 1 and 4. Can it be
 3 okay in 3 and 6? We're basically saying it's
 4 going to be okay in a residential area, zoning
 5 area R-1 and R-3. How about the other two?
 6 THE CHAIRMAN: Then we have the PUD
 7 and Conservation Districts which aren't listed
 8 here as such that have to be considered. We
 9 wouldn't want it there probably.
 10 MR. REPERT: I don't think we even
 11 want to bring that up in there.
 12 THE CHAIRMAN: Okay. You would talk
 13 about adding it to the 6 or 8?
 14 MR. REPERT: I'm just asking. 3
 15 and 6 and 8, the Rs.
 16 THE CHAIRMAN: See anything that
 17 would be detrimental there, Heather?
 18 MS. FREEMAN: I would have
 19 concern with R-3, being that the way our R-3
 20 District is, is the condominium type
 21 communities. The private street condominium
 22 ownership. I really don't envision anyone
 23 doing a project in an R-3 with how they would
 24 incorporate that kind of use.
 25 Just as a reminder too, the adult group

1 vote on that tonight. We want to put a list
 2 together and put them all together.
 3 MS. FREEMAN: Yeah. I would sit
 4 here and mark some things up. Come back next
 5 month. This is not even from the zoning.
 6 This is extracted out of the resolutions, so.
 7 THE CHAIRMAN: I think we're in
 8 agreement. Andy?
 9 MR. LINGENFELTER: Yeah, this is a work
 10 session. We're not obligated to make any
 11 decisions or make any votes. What we're doing
 12 today is trying to determine what we want to
 13 put on the agenda for a public hearing.
 14 Making some serious resolution changes.
 15 THE CHAIRMAN: So let's say this one
 16 we're unanimously in agreement that we are
 17 going to remove the conditional use.
 18 MR. REPERT: Right.
 19 THE CHAIRMAN: Business district.
 20 Remove the B-1 and B-2.
 21 MR. REPERT: While we're at it.
 22 THE CHAIRMAN: You want another one?
 23 MR. REPERT: No, no, I'm just
 24 asking questions here.
 25 THE CHAIRMAN: Okay.

1 home is basically a large home facility where
 2 you can have up to 16 individuals living
 3 there, that might be there for a short amount
 4 of time, they might leave, may be there for
 5 few months, then they are gone. It has
 6 potential to, if you tried to fit it into an
 7 existing neighborhood, to maybe stand out or
 8 be more impactful, which is probably why they
 9 have it conditional use.
 10 THE CHAIRMAN: We have six
 11 neighborhoods that are R-3, and they are all
 12 condos and they are all pretty dense. I don't
 13 think a group home of any type would probably
 14 fit in that. When you look at R-6, Hiram,
 15 that's basically Mt. Royal and Majesty Lane up
 16 across from you.
 17 MR. REPERT: Okay.
 18 THE CHAIRMAN: That's the only R-6
 19 on the map, that neighborhood.
 20 MR. REPERT: I don't think that
 21 would go there at all.
 22 THE CHAIRMAN: Right. Then as far
 23 as 8, that's basically the area around Little
 24 Mountain Golf Course. I don't think they want
 25 that there, it would fit there.

1 MR. REPERT: The lots and the golf
 2 course area.
 3 THE CHAIRMAN: This whole chunk of
 4 land that comprises the golf course and the
 5 streets around it, that is our only R-8.
 6 MS. FREEMAN: I have extra copies
 7 of the zoning map too, in case anyone needs
 8 it.
 9 MR. REPERT: That would be great.
 10 Thank you.
 11 THE CHAIRMAN: November '22 is the
 12 most current one?
 13 MS. FREEMAN: Yes.
 14 THE CHAIRMAN: That's what I have.
 15 This area here, the olive green is the only
 16 R-8 that we have. So I don't see it going in
 17 there. I think it's probably okay like it is,
 18 R-1 and R-4.
 19 MR. REPERT: Are you sure about
 20 R-8? Even though the streets are there, there
 21 is a lot of other open area.
 22 THE CHAIRMAN: Keep in mind that is
 23 a large ravine though. That is a huge ravine
 24 between there and Discovery Lane. Just off
 25 the golf course, it's straight down into a

1 deep valley there.
 2 MR. REPERT: Okay. I'm just
 3 asking the questions.
 4 THE CHAIRMAN: There is a driving
 5 range down there that doesn't show on here,
 6 and a clubhouse.
 7 MR. REPERT: Okay.
 8 THE CHAIRMAN: Maybe just 1 and 4,
 9 stays like it is.
 10 MR. REPERT: That's good.
 11 THE CHAIRMAN: Anybody have anymore
 12 discussion on that particular? Okay.
 13 Let's move on to the second paragraph
 14 then, which is commercial and office uses and
 15 number one says considered a finding and
 16 breaking out uses that could fall under
 17 personal services or retail, such as tattoo
 18 parlors, vape shops, Internet sweepstakes
 19 cafe, and so forth. Little odds and ends
 20 businesses like that that aren't even
 21 mentioned on here. Do we want to break that
 22 out, add those as categories that don't exist
 23 on our list today? There may be other things
 24 that we're not even thinking of too.
 25 MR. REPERT: I'm sure. I'm sure

1 we can't come up with all of them either. Say
 2 such as but not limited to.
 3 THE CHAIRMAN: Right.
 4 MR. SCHINDLER: Smoking marijuana in
 5 places, being able to sell that.
 6 THE CHAIRMAN: That's already
 7 outlawed. The letter that was in our packet,
 8 the Trustees have put a memo out on that,
 9 right. That won't come into play.
 10 Is it possible to come up with a
 11 category that would say miscellaneous small
 12 service businesses such as, and define that as
 13 a category, instead of trying to list every
 14 little business that might be out there? Then
 15 if something new came along, we could
 16 categorize it as a miscellaneous new small
 17 service business, instead of trying to think
 18 of every name.
 19 MS. FREEMAN: I have seen some
 20 communities have had added things into their
 21 resolution that allows somebody to give some
 22 kind of discretion on use, similar use to
 23 something but not specifically permitted. I
 24 don't know what our legal counsel would say
 25 about that. I know Painesville Township has a

1 process where like the trustees determine
 2 whether or not something is similar use. If
 3 they agree it is, then that person goes to the
 4 BZA, I think. The BZA issues like a
 5 conditional use permit. I've seen other
 6 places where like the zoning inspector has the
 7 discretion. There's different thought
 8 processes I think on that.
 9 THE CHAIRMAN: I don't know that we
 10 have a category where we could say that would
 11 be similar to now, right? Looking down the
 12 list, we've got a lot of categories, for sure.
 13 MR. REPERT: We sure do.
 14 THE CHAIRMAN: I don't know how you
 15 would put in diverse small services business
 16 like the examples you gave, what you would say
 17 they were similar to on this list.
 18 MR. REPERT: The bottom line,
 19 personal services.
 20 MS. FREEMAN: Yeah, personal
 21 services.
 22 THE CHAIRMAN: But not limited to
 23 hair care.
 24 MR. REPERT: Not limited to, et
 25 cetera.

1 MS. FREEMAN: Right now,
2 Mr. Petersen, tattoo parlors, they would fall
3 under. My interpretation of that right now is
4 that falls under personal service.
5 MR. REPERT: Yes.
6 MS. FREEMAN: That's how the tattoo
7 parlor in Concord Plaza was approved. I
8 approved that as a personal service.
9 THE CHAIRMAN: There is one.
10 MS. FREEMAN: There is another
11 tattoo place off Johnnycake too, you wouldn't
12 even really know about. Over in 9930 where
13 the little office complex is. I do know some
14 communities want to specifically, you know,
15 regulate tattoo parlors, rather than just
16 under personal service, if they want to try to
17 restrict it or limit it in any kind of manner.
18 The way we have it right now, we would not be
19 able to restrict or limit it.
20 Same thing with like the vape shops. I
21 know a lot of other communities are not
22 experiencing right now. We could have an
23 influx of vape shops wanting to go in the
24 commercial district.
25 THE CHAIRMAN: So we limit it to

1 tattoo parlors that are currently in. They
2 came to you for a zoning ruling on that. You
3 fitted it in -- is that the category that you
4 used?
5 MS. FREEMAN: Yeah, I put them
6 under personal service.
7 THE CHAIRMAN: Okay. So, would we
8 just add that, add these uses as examples in
9 this category?
10 MR. FREEMAN: If you were fine with
11 just keeping them under personal services,
12 didn't feel like you needed to regulate them
13 differently, then we could do nothing, or we
14 could add it in as an example.
15 THE CHAIRMAN: I think tattoo
16 parlors are already here. I don't know that
17 we have any vape shops, do we?
18 MS. FREEMAN: We do have a smoke
19 shop now. Falls under retail within an
20 enclosed building, over at Concord Plaza, by
21 the side where the Japanese shop is, the
22 Mexican restaurant used to be.
23 THE CHAIRMAN: By La Mesa, where
24 Biagio's and all that used to be.
25 MS. FREEMAN: Yeah.

1 THE CHAIRMAN: We've already got
2 that in there. Do we have any Internet cafes?
3 MS. FREEMAN: Not to my knowledge.
4 MR. REPERT: I'm sorry, I'm naive
5 as all get-out. What do they do in an
6 Internet sweepstakes cafe? Drink coffee and
7 get on the web, is that it?
8 MS. FREEMAN: It's kind of like a
9 bar you go to gamble on these like machines.
10 MR. REPERT: Okay. Okay.
11 MS. FREEMAN: I know we don't have
12 any of those here. We don't have some of the
13 issues some of the other communities have with
14 those kind of facilities taking over the
15 commercial kind of areas. To prevent
16 something like that 20 years from now, we can
17 consider regulating them separately if we want
18 to allow them.
19 THE CHAIRMAN: Along those lines,
20 what about what's big now starting last year
21 is sports gambling. I mean it's on television
22 constantly. Are there places actually,
23 businesses that do that, or is it all online?
24 MS. FREEMAN: I'm not aware of any
25 establishments.

1 THE CHAIRMAN: There could be a
2 sports gambling facility.
3 MR. REPERT: Isn't that this?
4 Isn't it all on the Internet?
5 MS. FREEMAN: I don't know.
6 THE CHAIRMAN: You could do it that
7 way, right. We don't have any of those? That
8 you know of?
9 MS. FREEMAN: No. I don't know if
10 the bars do that. They need a license to be
11 able to do that in their facility. I don't
12 know if restaurants and bars do that. I
13 wouldn't know, wouldn't know how to regulate
14 it.
15 MR. LINGENFELTER: The only thing they
16 have is Keno. Most of the bars I'm aware of,
17 where they allow gambling, they've got Keno.
18 That's State regulated.
19 THE CHAIRMAN: And of course
20 lottery.
21 MS. FREEMAN: We wouldn't get
22 involved in regulating that.
23 MR. SCHINDLER: Now you can take your
24 iPhone just anywhere, you can sit down
25 wherever I would assume. While your wife is

1 shopping, you can sit there, do gambling. On
 2 the news today I was hearing about a lot of
 3 things about gambling, situations like that.
 4 That they are becoming addictive, having
 5 problems that taking affect on our younger
 6 generation allowed to do that. They are
 7 becoming addicted just like drug addiction.
 8 Now they have gambling addiction that is
 9 skyrocketing, they can do it so easily.

10 MR. REPERT: I saw that coming.

11 THE CHAIRMAN: So if we follow this
 12 line of thinking that these type of businesses
 13 would fit in that category, if we go across
 14 the chart here then, say well, are these the
 15 appropriate places to put it. The first one
 16 it is permitted in is B-1, and that would seem
 17 logical. But not B-2. Then it's B-X, C, G.
 18 So we've got -- it's allowed in Town Hall
 19 Commons right here, where we're sitting. It's
 20 allowed in Gateway business, which would be
 21 over by the hospital, and along 44. It would
 22 be in C, which is Capital Business District.
 23 I don't see it fitting in there necessarily
 24 but I guess it could.

25 MR. LINGENFELTER: What?

1 see where B-2 is? Right here, next to the
 2 Town Hall District, over here. To our left
 3 and our right as we sit right now.

4 MR. REPERT: Right along where?

5 THE CHAIRMAN: Here is Town Hall
 6 District. It's that way, that way.

7 MR. REPERT: That works.

8 THE CHAIRMAN: You'd allow that in
 9 this area? So then we would add a permit?

10 MR. REPERT: To B-2.

11 THE CHAIRMAN: To B-2. Everyone
 12 agree with that?

13 MR. REPERT: I think that would
 14 fit.

15 MR. SCHINDLER: I guess the only
 16 thing that always bothers me is when I see
 17 that word with exception. That could cover a
 18 lot of different things that might be
 19 objectionable in the future.

20 MR. TERRIACO: Does that go against
 21 it's not written?

22 THE CHAIRMAN: If it's not written,
 23 it's not permitted.

24 MR. TERRIACO: Does et cetera cover
 25 that?

1 THE CHAIRMAN: These little shops
 2 like a tattoo shop in the Capital District, an
 3 Internet cafe, or miscellaneous business. I
 4 guess what we have are five districts these
 5 things are permitted in right now. Are they
 6 the appropriate ones to consider future
 7 business of this type to be in, since we're
 8 talking about that particular category. First
 9 one is B-1.

10 MR. REPERT: B-1 is red.

11 THE CHAIRMAN: Red. Those are our
 12 business districts. That's Crile Road, 84,
 13 Girdled, Ravenna, down around Redhawk. So, I
 14 think that's a natural fit there in the
 15 business district, right, it's a business?

16 MS. FREEMAN: Yeah.

17 THE CHAIRMAN: The next category,
 18 B-2. Again our B-2 District is our general
 19 business district. That's kind of along where
 20 we are here almost. It's both sides of the
 21 Town Hall District. All the way down to along
 22 Ravenna Road, right? That's B-2, general
 23 business. It's not permitted in B-2. These
 24 things are not currently. Do we want to
 25 change that or leave it like it is? Everyone

1 MR. REPERT: Et cetera covers
 2 that.

3 MR. SCHINDLER: Et cetera covers
 4 that. Our attorney will tell us that is
 5 probably the case.

6 MS. MATHENEY: And the definition of
 7 personal services does include or similar
 8 activity after the list. So, I mean I think
 9 an argument could be made that something could
 10 fit as a personal service. I know we're
 11 talking about where these would go.

12 If you look at the purpose though
 13 really quick for B-2 versus B-1, it's to
 14 provide a general business district that
 15 provides an opportunity for non-intrusive
 16 trade business services and wholesale business
 17 that service the regional marketplace.
 18 Whereas B-1 actually lists and personal
 19 services.

20 THE CHAIRMAN: Good point.
 21 Thoughts?

22 MR. REPERT: Did you think that is
 23 the reason why we don't have it in B-2?

24 THE CHAIRMAN: Probably. Probably.
 25 I couldn't tell you why we don't.

1 MR. REPERT: It fits. To me it
 2 fits, why it's not in B-2 then.
 3 THE CHAIRMAN: So leave it like it
 4 is?
 5 MR. REPERT: Yeah.
 6 THE CHAIRMAN: We will do that. The
 7 next is BX, which is business interchange,
 8 which is --
 9 MR. REPERT: Red again. Slightly
 10 different red.
 11 THE CHAIRMAN: Slightly different
 12 red, yeah, which is basically over the Gold
 13 Court area. Gold Court and down by 84 Lumber,
 14 those are BX. I guess Drug Mart would be in
 15 BX, or not.
 16 MS. FREEMAN: Yes. Drug Mart is
 17 BX. So is Crile Crossing, Starbucks, that is
 18 all BX as well.
 19 THE CHAIRMAN: Further up, like
 20 where Lucky's is, that is not BX. That is
 21 B-1.
 22 MS. FREEMAN: B-1, yes.
 23 THE CHAIRMAN: There is a fine line
 24 there right on Crile Road between B-1 and BX.
 25 But it is currently permitted in BX, these

1 types of things that were on the list.
 2 MR. REPERT: To me, it fits.
 3 THE CHAIRMAN: Tattoo parlor next to
 4 a lumberyard seems a little funny.
 5 MR. SCHINDLER: Each one is entitled
 6 to their own opinion of course, but I can't
 7 see how that would interfere with it really.
 8 THE CHAIRMAN: But currently a
 9 photo studio could go next to 84 Lumber or a
 10 shoe repair shop.
 11 MR. SCHINDLER: Sure.
 12 MR. REPERT: Sure.
 13 THE CHAIRMAN: Those are services
 14 that could be there.
 15 MR. LINGENFELTER: I think what you have
 16 to do is you have to look at the area.
 17 THE CHAIRMAN: Yeah, I know.
 18 MR. LINGENFELTER: Think about what is
 19 there already, and how that is going to
 20 change, if it's going to change. As you move
 21 away from Gold Court, heading south on Crile
 22 Road, along 44 there, there is not a lot after
 23 you get past Drug Mart.
 24 THE CHAIRMAN: Right.
 25 MR. LINGENFELTER: You've got Concord

1 Motor Sports and you've got 84 Lumber. Then
 2 you've got BB Bradley and a couple other
 3 businesses.
 4 THE CHAIRMAN: Ice cream parlor.
 5 MR. LINGENFELTER: You've got the ice
 6 cream parlor, but that's a different district
 7 though. That's part of the --
 8 THE CHAIRMAN: That's on the other
 9 side, you're right.
 10 MR. LINGENFELTER: What is it, the
 11 Capital.
 12 MR. REPERT: That's Capital.
 13 MR. LINGENFELTER: Which I think those
 14 fit in with the general intent of what that
 15 was supposed to be. Where I think when you --
 16 if you go past those areas, there is not a
 17 whole lot there. It would have to be some
 18 sort of a plaza, or some sort of an area that
 19 would be needed to be developed. That would
 20 be like where Crile Crossing is, in order to
 21 house a photography shop or a tattoo parlor,
 22 or those types of businesses. Because, are
 23 you going to build a stand alone building for
 24 a photography shop? Probably not.
 25 THE CHAIRMAN: But the Gold Court is

1 also the same district. So I mean even though
 2 I understand what you are saying down there
 3 towards 84 Lumber. Even further up north,
 4 past BB Bradley, Gold Court, Holiday Inn, all
 5 that is also the same district. It could go
 6 in there on Gold Court or any of those places.
 7 MR. LINGENFELTER: My point is that once
 8 you go south of that area, in general there is
 9 a lot less opportunity for a small business to
 10 open shop, because there is really no -- you
 11 would have to build.
 12 THE CHAIRMAN: Buy a whole lot.
 13 MR. LINGENFELTER: Buy a lot and build
 14 a facility. So it would be more, to me, it
 15 would lend itself more to we need more retail
 16 space or more, you know, development in that
 17 vein than what is there now. Because I mean
 18 where are you going to put a tattoo parlor
 19 south of Drug Mart.
 20 MR. REPERT: Well, how about in
 21 the Drug Mart facility, an open spot, a place
 22 opens up, it's not for sale or whatever, a
 23 tattoo parlor could go in there.
 24 MR. LINGENFELTER: Right. The donut
 25 shop or the salon is there. You've got

1 Beerhead. I mean as far as anything beyond
2 that, where are you going to go for south of
3 that building. There is really nothing there.
4 The next facility after that is -- that would
5 be the Concord Motor Sports, right?
6 MR. REPERT: No, there is another
7 one right beside.
8 THE CHAIRMAN: True Value.
9 MR. LINGENFELTER: Concord Motor Sports,
10 that's True Value hardware store, that's all
11 there.
12 THE CHAIRMAN: There is a rec
13 center behind.
14 MR. LINGENFELTER: That's behind.
15 Behind Pizza Roto, all that is back there.
16 Then you've got that open lot where the hotel
17 is, right?
18 THE CHAIRMAN: Right.
19 MR. LINGENFELTER: Then supposedly we
20 approved the hotel, another hotel. Is
21 anything ever happening with that?
22 THE CHAIRMAN: That was the Hilton.
23 MR. LINGENFELTER: We approved that.
24 MR. REPERT: That was a Hilton,
25 the one that is not there?

1 MR. LINGENFELTER: Yes, we went through
2 all the machinations of the shared driveway
3 and the shared parking lot and all that
4 craziness and everybody was all up in arms
5 about that. I thought we came out with a
6 pretty good --
7 MR. REPERT: The Holiday Inn, that
8 lot is still open. That was the other hotel.
9 MR. LINGENFELTER: No, that was going to
10 be --
11 MR. REPERT: A car wash.
12 MR. LINGENFELTER: What's his name's car
13 wash. Jim Brown's car wash for Classic.
14 THE CHAIRMAN: We approved that and
15 he backed out.
16 MR. LINGENFELTER: Then there is that
17 lot across the street. There are some
18 development opportunities there that I think
19 make more sense. But as we go further south,
20 and you get past Concord Motor Sports, it's
21 pretty sparse. I think the lots are bigger
22 and I think the available, the convenience of
23 opening up a shop like that really diminishes,
24 so.
25 MR. SCHINDLER: You have to have

1 plans.
2 MR. LINGENFELTER: Yeah. It's a store
3 front. Most tattoo parlors are store fronts.
4 Most of those types of facilities are store
5 fronts. They are not stand alone buildings.
6 THE CHAIRMAN: They are permitted in
7 BX today.
8 MR. LINGENFELTER: Right.
9 THE CHAIRMAN: Leave it, I would
10 think, just leave it, because they are
11 permitted.
12 MR. REPERT: Same thing in
13 Capital. I can see the same thing happening
14 in Capital.
15 THE CHAIRMAN: The next category
16 there they are permitted in is Capital. I
17 don't know about that.
18 MR. LINGENFELTER: I would be a little
19 bit more concerned about what goes into
20 Capital than what I would be with B-1 or BX.
21 B-2, BX. I think, you know, B-2, if you go
22 back into the intent of B-2, that was B-1 is
23 more restricted to retail. B-2 was more like
24 wholesale type stuff. Those are the concept
25 behind the B-2 at the time when I remember us

1 dealing with that was landscape companies,
2 wholesale, that type of thing, versus small
3 business in the B-2, versus B-1. So, do we
4 want to start mixing those uses together? I
5 would say no. I wouldn't support that. I
6 wouldn't be in favor of those types of things
7 in B-2. And I don't think it's a good idea in
8 Capital to be honest with you.
9 THE CHAIRMAN: It's in there now
10 but we can always take that out.
11 MR. LINGENFELTER: I would support
12 removing from Capital. I'm okay with BX. I'm
13 okay with B-1.
14 THE CHAIRMAN: B-2, no.
15 MR. LINGENFELTER: B-2, no. Capital,
16 no. And THC, Town Hall Center, I don't think
17 it fits Town Hall Center either. I would
18 eliminate in from Town Hall Center.
19 THE CHAIRMAN: Eliminate or make it
20 conditional? Eliminate probably.
21 MR. LINGENFELTER: No, I don't want to
22 go down the conditional road.
23 THE CHAIRMAN: We take it out. We
24 have an agreement.
25 MR. REPERT: Why take it out of

1 Capital?

2 THE CHAIRMAN: That's supposed to be
3 some day the town center.

4 MR. REPERT: So we're going to
5 wait until town center comes in and gets all
6 developed to put one in?

7 MR. LINGENFELTER: No, just remove it.

8 MR. REPERT: Just remove it.
9 Remove what?

10 THE CHAIRMAN: If we take it out of
11 the Capital District.

12 MR. LINGENFELTER: As a permitted use.

13 THE CHAIRMAN: When we did that, we
14 would also be taking out hair care, dry
15 cleaning, shoe repair, photography studio,
16 things like that, that might be okay in there.

17 MR. LINGENFELTER: That's another
18 slippery slope.

19 THE CHAIRMAN: I know.

20 MR. LINGENFELTER: Do we want to start
21 naming businesses instead of et cetera?

22 MR. REPERT: No.

23 MR. LINGENFELTER: That list can get
24 awfully long.

25 MR. REPERT: Yes it can. You are

1 order for it to be approved, so at least we
2 have, I think if it's a conditional use, we
3 have a little more control over it than we do
4 if it's permitted.

5 So to me, if you wanted to take that,
6 make that change, I would support making it a
7 conditional use. Then maybe putting some,
8 setting the bar a little higher for the
9 conditions, that would keep us out of trouble.

10 THE CHAIRMAN: Keep in mind the
11 condition would have to be applicable to all
12 these different kinds of businesses.

13 MR. LINGENFELTER: Right. But at least
14 we've got a little bit of control over what
15 happens versus just --

16 THE CHAIRMAN: Should have to make
17 it to the least common denominator, how you
18 set the conditions up.

19 MR. REPERT: The town hall, as it
20 was five years ago, or whatever it was, it was
21 supposed to be park your car, come in and
22 shop, like Legacy Village from what I heard.

23 THE CHAIRMAN: Um-hum.

24 MR. REPERT: There are a lot of
25 personal services in Legacy Village.

1 never going to capture them all.

2 THE CHAIRMAN: That's why you have
3 et cetera in there.

4 MR. SCHINDLER: That's why I said et
5 cetera, I don't like that word.

6 THE CHAIRMAN: At some point in time
7 we have to define et cetera.

8 MR. LINGENFELTER: Then the only way we
9 could fix that would be to make it a
10 conditional use. Then we would have to
11 establish some stricter conditions that they
12 would have to adhere to.

13 THE CHAIRMAN: You're right because
14 if they met the current conditions, they'd get
15 in.

16 MR. LINGENFELTER: There are no
17 conditions. It's a permitted use. They can
18 come in, set up shop, and go. Nothing to stop
19 them. It's like a residential, like R-1, if
20 it falls within the definitions of R-1, you
21 get your plat and start building houses. You
22 don't have to really worry about it. If we
23 make a permitted use, then it's permitted.
24 Period, end of story. If it's conditional,
25 then they've got to meet certain conditions in

1 THE CHAIRMAN: Right. We pictured
2 that at the time, the new community center.

3 MR. REPERT: What the concept was.

4 THE CHAIRMAN: Yeah, a community
5 center in town center.

6 MR. REPERT: Would a tattoo parlor
7 fit in Legacy Village?

8 THE CHAIRMAN: Probably they
9 wouldn't desire it. But, I don't know how do
10 you restrict it? There is your conditional
11 use though.

12 MR. REPERT: What kind of stuff do
13 we want, or do we envision in the Capital
14 District, personal services?

15 THE CHAIRMAN: Legal offices. We
16 had retail.

17 MR. REPERT: Personal service. A
18 photography studio would be great in there.

19 THE CHAIRMAN: Would be perfect.
20 There is a big difference between a
21 photography studio and a dry cleaning place,
22 let alone a tattoo parlor.

23 MR. REPERT: A, B, C, D, E, now we
24 are going to categorize all these ones.

25 THE CHAIRMAN: That's only based on

1 our opinions though, right?

2 MR. REPERT: I know. If we say no
3 to a tattoo parlor as a personal service, then
4 we can't have anything in Capital District.
5 We can't have photography, we can't have hair
6 care, or shoe repair in Capital. Isn't that
7 the intent of the Town Hall?

8 THE CHAIRMAN: To draw people, to
9 have a variety of business, yes.

10 MR. REPERT: Right. So if we
11 don't want tattoo parlor, it would not take it
12 out of Capital. We have to take all that
13 stuff out of Capital. Not just the tattoo
14 parlor. Now using that --

15 THE CHAIRMAN: Or a vape shop.

16 MR. REPERT: Or whatever. That's
17 a personal service. We already have two
18 tattoos, are we going to get another tattoo in
19 Capital? I don't know.

20 MR. LINGENFELTER: What's your thoughts,
21 Heather on that conditional versus just
22 permitted?

23 MS. FREEMAN: Personal services?

24 MR. LINGENFELTER: Yeah.

25 MS. FREEMAN: Personal services

1 you want to call it in another category.

2 THE CHAIRMAN: Want to leave it at
3 that for now, potential second tier?

4 MR. REPERT: I would.

5 THE CHAIRMAN: Second tier category
6 maybe.

7 MR. REPERT: A new category.

8 THE CHAIRMAN: What do you think,
9 Andy?

10 MR. LINGENFELTER: I don't know.

11 THE CHAIRMAN: Second tier services.

12 MR. LINGENFELTER: I don't know.

13 MR. REPERT: I don't think I'd
14 call it that.

15 THE CHAIRMAN: No, we have to come
16 up with a nice name. There are some
17 businesses that would be less desirable in a
18 Capital Center. It could be not just these,
19 there could be a lot of businesses you really
20 wouldn't want in a Capital Center. Like
21 Legacy Village, picture that. I'm sure how do
22 they restrict what goes in there?

23 MR. REPERT: I don't know.

24 MR. SCHINDLER: Have you been by
25 there lately?

1 really should probably remain permitted uses.
2 They tend to not have potential negative
3 impacts on adjoining property. We're talking
4 about a hair care is like a salon. So, we're
5 not going to have trucks and fumes and outdoor
6 storage, things of that kind of nature that
7 might need additional review by the BZA. Like
8 I said kind of at the beginning, if there are
9 uses that fall under this category that you
10 want to limit, then you probably need to
11 appeal it out, define it separately, say where
12 you want to allow or not allow them. If you
13 have concerns about tattoo parlors --

14 THE CHAIRMAN: Make it a secondary.

15 MS. FREEMAN: We could add that as
16 a separate, give it a definition and put it in
17 the table where you want or not want them.

18 THE CHAIRMAN: We could create a new
19 category.

20 MS. FREEMAN: If it's something you
21 want to regulate separately from the larger
22 category personal services, retail.

23 THE CHAIRMAN: What's on that, guys?

24 MR. REPERT: I would not be
25 opposed to having some of this second tier if

1 THE CHAIRMAN: No.

2 MR. SCHINDLER: A lot of places
3 closed.

4 THE CHAIRMAN: For sale.

5 MR. SCHINDLER: I was in there a
6 couple weeks ago. Just I was in the
7 neighborhood so I drove through there. I was
8 surprised how many places were gone.

9 MR. LINGENFELTER: Look at the Capital,
10 for instance. If you drop down the list to
11 Capital, your permitted uses are agricultural
12 use which makes me kind of scratch my head.

13 THE CHAIRMAN: Why is that?
14 Agriculture is everywhere. It's in every
15 district.

16 MR. LINGENFELTER: Agricultural is a
17 little bit odd. Then you've got
18 administrative businesses and professional
19 offices is fine. Then you've got drop down
20 bank, financial institutions, which is
21 permitted, which is fine. Then you've got now
22 conditional would be bed and breakfast. That
23 would be conditional use, which I think is
24 okay.

25 THE CHAIRMAN: Yeah.

1 MR. LINGENFELTER: Business services,
2 including mailing and copy centers is
3 permitted, that's okay. Then the next
4 condition is child or adult daycare center.
5 That one bothers me a little bit.
6 THE CHAIRMAN: But it's conditional.
7 MR. LINGENFELTER: But it bothers me a
8 little bit.
9 MR. REPERT: Because it's
10 conditional.
11 MR. LINGENFELTER: Then you drop down to
12 hotels, motels, which I think makes sense.
13 Indoor commercial recreation makes sense,
14 publishing, printing and bindery makes sense.
15 Medical, dental office space makes sense.
16 Membership sports and fitness club fits.
17 You've got meeting and banquet facilities are
18 conditional. No.
19 MR. REPERT: Permitted.
20 MR. LINGENFELTER: Micro brewery, micro
21 distillery, micro winery is conditional. Then
22 the personal services is permitted.
23 THE CHAIRMAN: Right.
24 MR. LINGENFELTER: If you go down that
25 list, there is only three conditional uses.

1 THE CHAIRMAN: There is more on the
2 second page too, Andy. Restaurants.
3 MR. LINGENFELTER: Restaurants, that's
4 all well and good. Conditional, retail
5 establishments within an enclosed building.
6 There is an interesting one. Think
7 about retail establishments within an enclosed
8 building. What would define that?
9 MS. FREEMAN: I have a definition.
10 "An establishment engaged in the selling of
11 goods or merchandise within an enclosed
12 building to the general public for personal or
13 household consumption, which is open to the
14 general public during regular business hours,
15 and which has display areas that are designed
16 and laid out to attract the general public."
17 MR. LINGENFELTER: Vape shop. That's a
18 vape shop, right?
19 THE CHAIRMAN: Could be.
20 MR. REPERT: It's a dress shop.
21 MR. LINGENFELTER: I'm saying you are
22 talking about vape shop. That doesn't
23 necessarily need to fall in under personal
24 services. I think retail establishment within
25 an enclosed building, that would be a vape

1 shop fits that more than personal services.
2 Retail establishment. What is personal
3 service about a vape shop? That's retail.
4 You go in the vape shop to buy cartridges for
5 your vape pen. Tobacco I would imagine, other
6 tobacco-related, smoke-related products.
7 That's really a retail establishment versus
8 personal services.
9 MR. REPERT: Yeah, it's a retail.
10 THE CHAIRMAN: Like a store inside
11 the Great Lakes Mall, something like that.
12 MR. LINGENFELTER: We drop down and we
13 go to studios for instruction. Theaters,
14 good. Urgent care medical clinic, okay. Then
15 we drop down to church or place of worship as
16 conditional use.
17 THE CHAIRMAN: Community center.
18 MR. LINGENFELTER: Community center.
19 THE CHAIRMAN: Because we talked
20 about building a new community center in Town
21 Center.
22 MR. LINGENFELTER: Community park and
23 play, what is that, golf course?
24 THE CHAIRMAN: Government and
25 public use. Library.

1 MR. LINGENFELTER: Library, museum,
2 recreation is conditional. Then surface
3 extraction of sand, gravel, and other earth
4 materials.
5 THE CHAIRMAN: That's on Heather's
6 list to talk about.
7 MR. LINGENFELTER: That's got to go.
8 THE CHAIRMAN: Union Sand.
9 MR. LINGENFELTER: I'm a big no on that
10 one. I'm a big okay with the deletion of that
11 one.
12 THE CHAIRMAN: Me too.
13 MR. LINGENFELTER: Innovative site, BD
14 would be -- that's kind of an unusual
15 conditional as well.
16 MR. REPERT: Capital.
17 MS. FREEMAN: That is the kind of
18 department that would potentially provide the
19 tool for the Town Center, which I know we
20 looked at those specifically.
21 MR. REPERT: So we're okay with
22 personal services in Capital? We're saying --
23 THE CHAIRMAN: Depending on what
24 they are.
25 MR. REPERT: Well, that's the et

1 cetera.

2 MS. MATHENEY: Keep in mind, where
3 it said personal services is defined, et
4 cetera is not in the definition. So, that I
5 think was just something you had --

6 MR. LINGENFELTER: What's the definition
7 of personal services?

8 MS. MATHENEY: "Any enterprise
9 conducted for gain, that primarily offers
10 services to the general public such as shoe
11 repair, watch repair, barbershops, salons, dry
12 cleaners, photography studios, or similar
13 activities." So it doesn't say et cetera. It
14 does say "or similar activities," which is
15 kind of what Heather was talking about a
16 little bit, other jurisdictions they have
17 these things called similar uses, because it
18 is really hard to go through an entire list of
19 what personal services might be, or retail
20 might be, to call it similar activity.

21 Again, there is nothing necessarily in
22 our resolution that says, hey, what is a
23 similar activity and who decides that. Sounds
24 like it really could be the zoning inspector.

25 MR. REPERT: Right, I agree. I

1 those, when I think of store fronts and retail
2 services within an enclosed building, and/or
3 personal services, I think those would fit.
4 That's what I would envision being a part of
5 that process.

6 MR. TERRIACO: You are saying having
7 the vape shop in the retail, is that what you
8 are saying?

9 THE CHAIRMAN: We didn't identify
10 anything in that because there is no --

11 MR. LINGENFELTER: I think a vape shop
12 would fit more into the enclosed retail, not
13 personal services, but in a retail
14 establishment.

15 MR. TERRIACO: That's what I was
16 saying.

17 MR. REPERT: You go back to what
18 Heather put down here, it said could fall
19 under personal services, or retail.

20 MR. LINGENFELTER: Right.

21 MR. REPERT: I think we're siding
22 on retail.

23 MR. LINGENFELTER: Can we prohibit
24 Internet cafe? What's the rule there? We
25 can't prohibit, can we?

1 agree. The zoning inspector says that is a
2 similar use, that is not a similar use. I
3 think you are right.

4 MR. LINGENFELTER: I think the vape
5 store would fall under the retail
6 establishments within an enclosed building.

7 MR. REPERT: Right.

8 MR. LINGENFELTER: I think that's
9 appropriate. Again, I think if you look at
10 intent of the zoning district, and you look at
11 the location, and what's there now, what is
12 not there now. I think that has a lot -- I
13 think that determines a lot where these
14 businesses are going to go if they come. I
15 could see a tattoo parlor in the Capital
16 District. I could see that as a store front,
17 in a string of buildings, you know.

18 Look at, think of downtown Willoughby.
19 Go down the road in downtown Willoughby. I
20 think there is a couple of tattoo parlors on
21 the stretch there in downtown Willoughby. One
22 or two I think. A couple coffee shops. At
23 the end Wild Goose at the end on the corner,
24 Arabica. Across the street you've got a
25 baker. That to me is more when I think of

1 MS. MATHENEY: You know, it's funny,
2 I feel like ten years ago that's what
3 townships were doing, actively prohibiting
4 Internet sweepstakes cafes. I don't know
5 though. I'm not sure if something has
6 changed. I would have to look up. I know
7 definitely literally a decade ago it was being
8 prohibited.

9 MR. LINGENFELTER: I would be curious as
10 to what the proliferation of Internet cafes
11 are anymore. That was a big thing a while
12 ago. With the advance of the Internet, all
13 the other things that are going in that
14 direction, I mean what do you need a place to
15 go sit for. You can do it on your phone. Do
16 it on your iPad. You can do it in your
17 kitchen. You don't have to do it -- get in
18 the car and car drive somewhere to sit.

19 MR. TERRIACO: Maybe if you want to
20 get with friends, have some drinks.

21 MR. SCHINDLER: Socialization.

22 MR. TERRIACO: Just socialization.

23 MR. LINGENFELTER: I'm just curious, are
24 there still a lot of Internet cafes around?
25 Are they still a thing? I know they were like

1 real smoking hot. They were popping up
2 everywhere. Then it seems like that's --
3 MS. FREEMAN: There are quite a few
4 in the community where I live, to the point
5 they passed a moratorium on them. I don't
6 know. Depends on, you know, obviously the
7 economics and demographics of the community.
8 So but I mean I would be willing to maybe take
9 a look, are those still standing, and maybe we
10 can take a look at whether or not it is
11 something we can even prohibit if we need to.
12 MR. LINGENFELTER: I fall on the side of
13 prohibition on that versus regulation. I just
14 don't see any volume in it from a community
15 standpoint.
16 MR. REPERT: Would we even have to
17 identify it?
18 MS. FREEMAN: I think you would. I
19 think you would want to define it, just not
20 list it.
21 THE CHAIRMAN: We fought this battle
22 with the sexually-oriented business a few
23 years back we talked about. I looked on here,
24 we put them in the Airport District. That's
25 where we put it. We can't ban it, we can make

1 it in an area that --
2 MR. REPERT: You have to drive to
3 get to.
4 MR. LINGENFELTER: It's not going to be
5 conducive.
6 MR. REPERT: We can do the same
7 thing.
8 THE CHAIRMAN: Put tattoo parlors in
9 the airport?
10 MR. REPERT: No. If we put it in
11 the retail, we're basically prohibiting it in
12 the Capital. That's what we're doing.
13 THE CHAIRMAN: No, because it's
14 permitted in Captial. Retail establishments
15 within an enclosed building which Andy pointed
16 out, it is permitted.
17 MR. LINGENFELTER: An Internet cafe,
18 technically would that be considered a
19 personal service, or would that be considered
20 a retail establishment within an enclosed
21 building? What is retail about an Internet
22 cafe?
23 MR. REPERT: Nothing.
24 THE CHAIRMAN: They are not selling.
25 MR. LINGENFELTER: If you look up the

1 definition of retail, an Internet cafe doesn't
2 really check any boxes, or if it does it
3 checks very few boxes. Personal services, see
4 what's in it for personal services? What
5 personal service do you gain from an Internet
6 cafe?
7 THE CHAIRMAN: Gambling.
8 MR. LINGENFELTER: That's not personal
9 service. Is it really, is gambling considered
10 a personal service? I consider a shoe repair
11 shop or salon, that is personal service, dry
12 cleaner. But Internet cafe? Can we prohibit
13 them, Counselor?
14 MS. MATHENEY: I don't know. That's
15 what I need to find out. It sounds like --
16 MR. LINGENFELTER: I would be interested
17 to know.
18 MS. MATHENEY: Sounds like the Ohio
19 General Assembly, again from a decade ago,
20 passed many rules regulating the Internet
21 sweepstakes cafes because of the fact they are
22 giving out cash. Giving money, there is some
23 exchange there. Honestly, it was literally a
24 decade ago. I need to make sure what the
25 current rules are.

1 MR. LINGENFELTER: I would be interested
2 to see what you can find out on that.
3 MS. MATHENEY: Sure.
4 MR. LINGENFELTER: I would fall on the
5 side of prohibiting it, if we can. If we
6 can't then I would ratchet it down to a point
7 where it would just be miserable to consider
8 opening up a business like that. Make it
9 economically unfeasible. That would be our
10 out. That would be our only out. Make it so
11 difficult that a person is not going to
12 bother. You go somewhere else, right?
13 MR. REPERT: Just like we did
14 Sheetz.
15 MR. LINGENFELTER: You saw how far that
16 got us.
17 MR. REPERT: No place.
18 MR. LINGENFELTER: If we can deal with
19 it now, we won't deal with it later, right?
20 Better deal with it in advance than have to
21 deal with it after the fact.
22 Just like car washes. I'm just curious
23 about how much more do we want car washes. Do
24 we have enough car washes. Do we want to
25 remove that as a conditional use in certain

1 districts as well. We've got car washes
2 coming around. How many more do we need? You
3 need more? I know, Rich, you think we can't
4 have enough car washes.

5 THE CHAIRMAN: Three or four more
6 would be good. I would like to have one good
7 one right now. We don't have one.

8 MR. LINGENFELTER: I'm okay with that.

9 THE CHAIRMAN: Don't you ever wash
10 your car?

11 MR. LINGENFELTER: Yeah, I go to Zappy's
12 on Mentor Avenue.

13 THE CHAIRMAN: As we're talking
14 about this, because you can see where one
15 little business, whether it's an Internet cafe
16 or whatever, really takes you down a long
17 path. We'll never get through this. What
18 might be a better way to approach this,
19 because Heather did this nice chart, is take a
20 district at a time, or two districts in a
21 meeting, and in between, as homework
22 assignment before, you can down there, what
23 Andy does through the Capital District, it
24 would be interesting. Go down it all right in
25 a row, you can put a question mark there for

1 out two or three districts easy in an evening
2 both with businesses and over in here, the
3 permitted uses.

4 MR. REPERT: I'm good with that.

5 THE CHAIRMAN: Otherwise we will
6 take one of these things and follow it around
7 like we did for half an hour and get nowhere.
8 Whereas if we did that at home, went down
9 these lists, put whether we agree or disagree,
10 whether maybe something should be added
11 somewhere that's not in, or a conditional use,
12 Andy says it should be taken out, I think it's
13 a more organized way to approach it.
14 Obviously you are still going to have
15 discussion, but at least we all are kind of on
16 the same sheet of paper so to speak. What do
17 you think of that idea?

18 MR. LINGENFELTER: I think it's a great
19 idea.

20 THE CHAIRMAN: These are absolutely
21 perfect for that purpose, you know. So, we
22 just went through Capital.

23 MR. REPERT: Let's pick some juicy
24 ones.

25 THE CHAIRMAN: Which ones do you

1 what your thoughts are.

2 MR. REPERT: Didn't we do that
3 last year sometime?

4 MS. HEATHER: We did kind of look
5 at that district by district.

6 THE CHAIRMAN: But not totally like
7 this though.

8 MS. FREEMAN: This gives you the
9 opportunity to as you are focusing on one
10 district, kind of still being aware of what is
11 going on in the other districts. This also
12 wraps in looking at the residential districts,
13 which we've never really gone through. I
14 definitely have some concerns with some
15 conditional use in residential districts.

16 THE CHAIRMAN: But not just the
17 businesses. This other chart does the same
18 thing, only it talks about uses. That's
19 really interesting too. So if we take R-1 or
20 R-2, let's say R-3 rather, just go down both
21 of them, did that, came back and had a
22 discussion because each of us could have put
23 down we think it ought to be eliminated, we
24 think it ought to be changed, or it's okay.
25 We can have that discussion. We could knock

1 want to tackle first, for upcoming? Capital,
2 we just went through Capital, but we talked
3 about it, but we didn't mark it yes, no, or
4 maybe. So Capital would certainly be a good
5 one, right? What is another good one?

6 MR. REPERT: B's and C. B-1, B-2,
7 BX and C.

8 THE CHAIRMAN: B-1, B-2, BX and C
9 for the next meeting. Can we do four?

10 MR. LINGENFELTER: I don't know. Really
11 pushing the limit there.

12 THE CHAIRMAN: We could get it done
13 as a homework assignment, but could we get it
14 done in a meeting, I don't know. At least
15 we'd be ready for it.

16 MR. REPERT: That's up to the next
17 chairman.

18 THE CHAIRMAN: Yes. He's sitting
19 right over there. We are going to talk about
20 that in a minute.

21 Do you want to tackle those four first?

22 MR. REPERT: I don't care.

23 THE CHAIRMAN: B-1, B-2, BX and
24 Capital. And then between now and the next
25 time, go down that list and put your personal

1 preferences, something.

2 MR. LINGENFELTER: I think you're right
3 on the money, Rich. I think you are right on
4 the money. I think that I would even
5 prefer -- I'm more concerned about ratcheting
6 down the C's than the B's. B's are easy. C
7 would be the one that I would, those are the
8 ones that have the potential of --

9 MR. REPERT: Bite you in the butt,
10 yes.

11 THE CHAIRMAN: There are B's that
12 maybe shouldn't be B's too.

13 MR. LINGENFELTER: That's fine. But
14 those are easy. It's the conditional ones
15 that are more of a concern to me.

16 THE CHAIRMAN: If you allow
17 conditional, you better define what the
18 conditions are.

19 MR. LINGENFELTER: Then you better be
20 ready to live with it. If you are going to
21 put it in there, you better be ready to live
22 with it. Because if they meet the conditions,
23 there isn't a whole heck of a lot we can do.

24 THE CHAIRMAN: You want to do four,
25 or you want to do more?

1 MS. FREEMAN: We can look at 3.

2 MR. LINGENFELTER: R-3 doesn't have
3 much. There is not a whole heck of a lot in
4 R-3, is there?

5 MS. FREEMAN: No.

6 MR. LINGENFELTER: R-3 is pretty bland.

7 THE CHAIRMAN: Those are the condo
8 complexes.

9 MS. FREEMAN: The multi-family
10 district with the condos.

11 THE CHAIRMAN: Orange.

12 MR. LINGENFELTER: With agricultural
13 use.

14 MS. FREEMAN: That is something,
15 you know, maybe Bridey and I can have a
16 follow-up conversation. I know that we're
17 allowed to regulate agricultural uses. I
18 don't know that we're allowed to prohibit it
19 from any zoning district. If we're allowed
20 to, maybe we can take it out of some of the
21 districts where it doesn't make sense. I
22 don't know if we're allowed to completely say
23 no to it in certain areas or not.

24 Same thing like with, you were saying
25 surface extraction of land, do we have to

1 MR. LINGENFELTER: Now you're sounding
2 worse than Hiram.

3 THE CHAIRMAN: Let's do four. Let's
4 do --

5 MS. FREEMAN: Would it be difficult
6 to ask to maybe look at some of the
7 residential stuff too? We can get through the
8 residential fairly quick.

9 MR. LINGENFELTER: The residential stuff
10 is easy.

11 MS. FREEMAN: Yeah. If we can
12 maybe try to --

13 THE CHAIRMAN: R-1 and R-3? R-1,
14 R-3 and R-4?

15 MS. FREEMAN: Sure.

16 THE CHAIRMAN: I mean 6 and 8 really
17 don't apply much. Couple neighborhoods.

18 MR. REPERT: We can go through
19 those real easy.

20 MS. FREEMAN: I had some under the
21 R-1 and R-4 Districts, I did want you guys to
22 take a look at the public and institutional
23 uses that we have which are conditional uses.

24 THE CHAIRMAN: R-3, Heather? Or
25 just 1 and 4? Those are the most active.

1 allow that, is that an ORC thing, we can find
2 out.

3 MR. LINGENFELTER: I would be interested
4 in getting some legal counsel guidance on some
5 of those. What we can and can't do within our
6 purview.

7 THE CHAIRMAN: Do we want to tackle
8 both lists, of just the permitted uses first
9 of the businesses P's and C's? This one too,
10 the accessory building?

11 MR. LINGENFELTER: Sure, why not. Throw
12 it on the pile.

13 THE CHAIRMAN: Let's do R-1, R-4,
14 B-1, B-2, BX and C.

15 MR. LINGENFELTER: See what you started,
16 Hiram. You opened the door.

17 MR. REPERT: At least I'm going to
18 get an answer on sand extractions.

19 MR. LINGENFELTER: Inquiring minds want
20 to know. Are we going through this
21 memorandum?

22 THE CHAIRMAN: Tonight? Is it
23 necessary if we're going to go through it at
24 home?

25 MR. REPERT: I think we ought to

1 use it as a guide.
 2 MR. LINGENFELTER: I was going to say
 3 we could use it as a guide.
 4 THE CHAIRMAN: That could be our
 5 guide when we do our listing.
 6 MR. REPERT: I think that would be
 7 a great idea.
 8 THE CHAIRMAN: R-1, R-3 -- or R-4
 9 rather, B-1, B-2, BX, and C. So there are six
 10 categories. All you have to do is go down the
 11 list, see what is listed today. Some are
 12 no-brainers.
 13 MR. REPERT: Some are no-brainers.
 14 THE CHAIRMAN: Some are more
 15 difficult.
 16 MR. LINGENFELTER: We should be good at
 17 that, no-brainers.
 18 MR. REPERT: I can do that well.
 19 THE CHAIRMAN: Use this list that
 20 Heather gave us as a guideline in doing your
 21 list. Everybody's got the latest map.
 22 MS. FREEMAN: Touch base with me if
 23 you want to.
 24 MR. LINGENFELTER: I'm coming in and
 25 hang out in your office for a while.

1 uses and referencing the Trustee resolution
 2 that contains all the criteria they adopted
 3 regarding Level 2 and 3 charging stations.
 4 Just kind of a cross-reference between the
 5 Trustee resolution, and someone just looking
 6 at the zoning resolution is not going to know
 7 that these other separate.
 8 MR. TERRIACO: Gives them a heads
 9 up.
 10 MS. FREEMAN: Yeah. Same thing
 11 about I think I commented about adding in that
 12 other reference to the resolutions where the
 13 Trustee prohibited the --
 14 MR. TERRIACO: Marijuana.
 15 MS. FREEMAN: The marijuana. We
 16 should probably just find the appropriate
 17 location to reference that in the zoning
 18 resolution.
 19 THE CHAIRMAN: We don't have any
 20 restrictions on charging stations in your
 21 personal garage?
 22 MS. FREEMAN: Correct.
 23 THE CHAIRMAN: Is that an issue from
 24 a fire standpoint because you hear so many,
 25 until things get sorted out. I mean vehicle

1 MS. FREEMAN: That's fine. You
 2 know where to find me.
 3 THE CHAIRMAN: Also the solar
 4 devices, we have a handout on. Also these
 5 accessory dwelling units which I don't know
 6 that we have a category in there for that, do
 7 we, ADU?
 8 MS. FREEMAN: No, we don't.
 9 THE CHAIRMAN: Solar, we touch on
 10 that in some of the zoning, didn't we touch on
 11 that about having outside antennas, I think I
 12 recall this.
 13 MS. FREEMAN: We had the
 14 satellite, not the solar.
 15 THE CHAIRMAN: So we're going to
 16 have to add that. These are categories that
 17 are going to have to be added. Obviously this
 18 makes sense. Both of them make sense. So,
 19 put that on your list too, use as a review
 20 criteria.
 21 MR. TERRIACO: Heather, what were
 22 you thinking for number 9, electrical vehicle
 23 charging stations?
 24 MS. FREEMAN: Just listing that in
 25 there under the table of permitted accessory

1 catches on fire.
 2 MR. TERRIACO: That is why this is
 3 important.
 4 THE CHAIRMAN: If you have it in
 5 your garage, it's your house, your insurance,
 6 right?
 7 MR. LINGENFELTER: I saw somebody on the
 8 news today, I was reading an article where
 9 there was a major fire with a charging station
 10 in a building. So it definitely poses a fire
 11 hazard.
 12 THE CHAIRMAN: What about charging
 13 in your garage? How well would you sleep at
 14 night knowing that that car is out there
 15 charging, you know. I have a neighbor that
 16 has three Teslas. All three of them.
 17 MR. SCHINDLER: Aren't those things
 18 usually put in by professional electricians?
 19 I mean it has to be. Your house has to be
 20 wired up for the high voltage.
 21 THE CHAIRMAN: You can do it 110
 22 volt, but it takes forever. You want to get
 23 that level whatever they call it charger,
 24 which is professionally installed. Some of
 25 the auto companies were paying for that.

1 MR. SCHINDLER: I was going to say.
 2 THE CHAIRMAN: General Motors when
 3 you bought a car.
 4 MR. SCHINDLER: My neighbor got that
 5 in his garage but it was all done by Tesla.
 6 THE CHAIRMAN: So, next week we will
 7 tackle those six categories. Everybody mark
 8 their list. We will discuss it and see where
 9 we stand amongst each other. I think that
 10 kind of a covers that topic for tonight.
 11 The other topic we need to discuss is
 12 the election of next year's officers. So, if
 13 we follow the normal rotation, it would be
 14 Andy and Hiram, I think.
 15 MR. SCHINDLER: Yes.
 16 THE CHAIRMAN: Do I have a motion
 17 for, a nomination for a nomination for
 18 Chairman?
 19 MR. SCHINDLER: Mr. Chairman, I
 20 nominate Andy as Chairman.
 21 THE CHAIRMAN: Second?
 22 MR. TERRIACO: Second.
 23 THE CHAIRMAN: I have a motion and a
 24 second. All in favor of Andy as Chairman next
 25 year.

1 MR. TERRIACO: Aye.
 2 MR. REPPERT: Aye.
 3 MR. SCHINDLER: Aye.
 4 THE CHAIRMAN: Aye.
 5 How about for Vice Chairman?
 6 MR. SCHINDLER: Mr. Chairman, as Vice
 7 Chair I nominate Hiram.
 8 THE CHAIRMAN: Do I have a second on
 9 that?
 10 MR. TERRIACO: I second that.
 11 THE CHAIRMAN: I have a nomination
 12 with a second for Hiram. All in favor of
 13 Hiram as Vice Chairman.
 14 MR. SCHINDLER: Aye.
 15 MR. TERRIACO: Aye.
 16 MR. LINGENFELTER: Aye.
 17 THE CHAIRMAN: Aye. You get to lead
 18 the discussion on these six categories.
 19 MR. LINGENFELTER: I welcome the
 20 opportunity.
 21 THE CHAIRMAN: The next meeting is
 22 May 7th. I won't be here so Ron is going to
 23 be, I believe, my substitute. I'll be in
 24 Ireland. So, without anything else for
 25 discussion tonight, anybody?

1 MR. REPPERT: I would like to thank
 2 Mr. Petersen for his efforts, it was a
 3 wonderful year.
 4 THE CHAIRMAN: Thank you. I would
 5 like to thank Heather for this nice chart. An
 6 awesome tool. A lot of work. She's okay.
 7 MR. LINGENFELTER: She's okay. We will
 8 keep her around.
 9 THE CHAIRMAN: Nothing further, we
 10 will adjourn for the evening.
 11 (Meeting adjourned at 8:25 p.m.)
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1 State of Ohio,)
) SS: CERTIFICATE
 2 County of Cuyahoga.)
 3 I, Constance Versagi, Court Reporter and
 4 Notary Public in and for the State of Ohio, duly
 5 commissioned and qualified, do hereby certify that
 6 the foregoing record was by me reduced to
 7 stenotypy/computer, afterward transcribed, and that
 8 the foregoing is a true and correct transcript of
 9 the record so given as aforesaid.
 10 I do further certify that this proceeding was
 11 taken at the time and place in the foregoing caption
 12 specified.
 13 I do further certify that I am not otherwise
 14 interested in the event of this action.
 15 IN WITNESS WHEREOF, I have hereunto set my
 16 hand and affixed my seal of office on this 15th day
 17 of April, 2024.

Constance Versagi



18
 19
 20 Constance Versagi, Court Reporter and
 Notary Public in and for the State of Ohio.
 My Commission expires January 14, 2028

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