

1 BEFORE THE CONCORD TOWNSHIP, OHIO, ZONING COMMISSION

2
3
4 February 3, 2009

5 Concord Town Hall
6 7229 Ravenna Road
7 Concord, Ohio 44077

8 7:00 p.m.

9
10
11 **TRANSCRIPT OF PROCEEDINGS**

12
13
14 Zoning Commission members present:

15 George Norman, Chairman
16 Larry Wentz, Vice Chairman
17 Frank Schindler
18 Wilbur Shenk, III
19 Andrew Lingenfelter

20 Also present:

21 Kathy Mitchell, Zoning Commission Secretary,
22 Zoning Inspector

23
24
25
26
27
28 **King & Melton Court Reporters**

29 11668 Girdled Road
30 Concord, Ohio 44077
(440) 946-1350

1 7:00 p.m.

2 CHAIRMAN NORMAN: I would like to call to order the
3 Concord Township Zoning Commission meeting of Tuesday,
4 February 3rd, 2009. We only have one item, well, we have two
5 items, at least, on the agenda because we're going to look at
6 all the minutes from the prior meetings and a correspondence
7 report, but the item on the agenda that's of most interest is
8 Item 1, review and accept proposed text amendments regarding
9 Town Hall corridor zoning updates and related amendments to the
10 Concord Township Zoning Resolution, as outlined below. And
11 then we will, obviously, when we finish this we will schedule a
12 public hearing.

13 Kathy, would you like to start this for us so that we
14 can, we can review your efforts? And, by the way, this is a
15 very comprehensive work and I want to thank you and whoever for
16 the effort that was put into this. This is a good job.

17 MS. MITCHELL: You're welcome. It was the review
18 committee and the help of the Planning Commission staff.

19 CHAIRMAN NORMAN: Well, it was an excellent job, it
20 really was, by all parties.

21 MS. MITCHELL: Jason and Dave.

22 We tried to break this down. You see before you on
23 the agenda eight amendments, and I tried to break it down by
24 topic so that we weren't bogged down with too many different
25 amendment items. But, I guess, if it, if it works for the
26 Board, we can just read off each amendment and see if there are
27 any questions, comments, concerns. And if you want to, I don't
28 know, accept each one individually or --

29 CHAIRMAN NORMAN: I think it would be in order to
30 accept them individually, okay, in case there is something that

1 might fall out that we want to change, in which case we won't
2 hold up everything else. So would you like me to read them and
3 then we can ask you for comments on those?

4 MS. MITCHELL: Sure.

5 CHAIRMAN NORMAN: All right. Amendment Number 1:
6 Combine permitted use lists and development standards for
7 Sections XXIII (B-2), XXIII (S), and XXXVI (M) into existing
8 Section XXII to be renamed "Commercial and Industrial District
9 Regulations." Update permitted use lists and lot, yard, and
10 building requirements for these districts. Add purpose
11 statements for each district.

12 Repeal existing Sections XXIII, XXV, and XXVI.

13 Add new Town Hall Commons (TCH) and Town Hall
14 Neighborhood (THN) Districts to Section XXII, and include
15 purpose statements, a proposed list of permitted uses and lot,
16 yard and building requirements for these districts.

17 Update district references in Sections 22.06 to 22.08
18 and 22.11, as shown.

19 Kathy, would you like to comment on those things at
20 all before I ask for comments from the Board?

21 MS. MITCHELL: Well, this is really the heart of the,
22 the heart or the start of the amendments focusing on what we
23 talked about in the corridor study, consolidating everything
24 into one chapter, all of the commercial districts. So we've
25 done that. We have taken the three existing districts, the
26 B-2, the S, and the M, and we've added them into that existing
27 Table of Uses that was adopted last year, as well as the
28 development standards.

29 And then we've added the two new proposed zoning
30 districts that would be located in the Town Hall corridor

1 here: Town Hall Neighborhood and Town Hall Commons.

2 So that's really the heart of this particular
3 amendment. And then the small changes in the other sections
4 are just, you know, appropriate references. But I think the, I
5 think the Table of Uses speaks for itself. We did make some
6 edits, and if anybody has any questions on those, we've been
7 working through those for the last -- I also provided this
8 timeline that you received which, kind of, goes through where
9 we started, where we would be, and how we reviewed the history,
10 et cetera, but I think it's pretty self-explanatory.

11 MR. WENTZ: Yeah. This methodology for listing the
12 uses grew out of that Auburn-Crile work and, at that time, we
13 really reconsidered all the definitions at the same time, so I
14 think that was really important.

15 CHAIRMAN NORMAN: Yes. Hang on.

16 VIDEO TECHNICIAN: Is the tape recorder running?

17 MR. SHENK: Yes.

18 CHAIRMAN NORMAN: Yes, it is.

19 VIDEO TECHNICIAN: Okay. The sound sounded a little
20 different. It's okay then.

21 CHAIRMAN NORMAN: Oh, okay. I'm sorry to interrupt
22 you.

23 MR. WENTZ: That's the only point I was making.

24 CHAIRMAN NORMAN: Okay. Andy?

25 MR. LINGENFELTER: What?

26 CHAIRMAN NORMAN: Do you have any comments?

27 MR. LINGENFELTER: No.

28 CHAIRMAN NORMAN: Wilbur?

29 MR. SHENK: No. We have made some changes in the
30 B-2, the M, and the S, and I guess that's mainly in adopting

1 those existing regulations to the form of the table.

2 MS. MITCHELL: The category of uses?

3 MR. SHENK: Yeah.

4 MS. MITCHELL: Utilizing that category of use and
5 applying them to this, to these districts.

6 MR. SHENK: In that case, you can see where there is
7 a bar through either the P or the A where we've made, you know,
8 we've made a change which I think, in our committee, at least,
9 that was our proposal.

10 MS. MITCHELL: You see a slot of slashes of the A's
11 on the one section. They were all just moved to the accessory
12 use category, which is on page 22.6.

13 MR. SHENK: 6, right.

14 MS. MITCHELL: We didn't necessarily eliminate all of
15 those. We tried to, again, reorganize the list as based on the
16 existing Table of Uses in Chapter 22.

17 MR. SHENK: Right. That looks, I mean, including, it
18 looks good to me.

19 CHAIRMAN NORMAN: I thought so when I reviewed it
20 this week.

21 MS. MITCHELL: And the development standards in
22 Table 22.04, we really kept everything the same, except where
23 there were no standards whatsoever. We tried to apply
24 consistent standards that we saw throughout the other
25 commercial districts. So where we didn't have a minimum lot
26 size, we do now. And a minimum lot width, we upgraded in the
27 B-2, S, and M to 100 feet, which is consistent throughout all
28 of the nonresidential districts, except for the RD-2, which is
29 even larger.

30 CHAIRMAN NORMAN: Any other comments from the Board?

1 Thank you, Kathy.

2 MS. MITCHELL: Sure.

3 CHAIRMAN NORMAN: What I'd like to do as we're going
4 through this is, as we finish discussion on each amendment, I
5 think it would be appropriate to entertain a motion to accept
6 the amendment as prepared. So we can continue, and when we get
7 to the end of the eight amendments we will have completed the
8 review because then it will be all set to go to public hearing,
9 which we will schedule for next month if we get through this
10 without a problem. If we don't, obviously, we will have
11 another meeting.

12 MR. WENTZ: That sounds fine, Mr. Chairman. I move
13 we accept Amendment 1, Amendment 1 as prepared.

14 CHAIRMAN NORMAN: Is there a second to that?

15 MR. LINGENFELTER: I'll second.

16 CHAIRMAN NORMAN: Motion made and seconded. All in
17 favor?

18 MR. SHENK: Aye.

19 MR. LINGENFELTER: Aye.

20 MR. SCHINDLER: Aye.

21 MR. WENTZ: Aye.

22 CHAIRMAN NORMAN: Aye. Opposed? Okay. So
23 Amendment 1, at this point, is accepted as prepared.

24 Kathy, thank you much.

25 Amendment 2. And, by the way, for those of you in
26 the audience, what happens when we finish this discussion at
27 this meeting about all these amendments, we then will select a
28 date, which I would envision being the next Zoning Commission
29 meeting which will be in March, the first Tuesday in March, for
30 a public hearing where we will go forward with that.

1 I would ask a question. Is there anyone out there
2 that would like a copy of the information that we're discussing
3 before I go much farther? Would you like a copy of it, young
4 lady?

5 MS. AQUILA: No.

6 CHAIRMAN NORMAN: And the lady over here would like
7 -- Do we have an extra copy?

8 MS. MITCHELL: I don't have those and it is because
9 of the magnitude of them.

10 CHAIRMAN NORMAN: How about giving a summary?

11 MS. ARNOLD: Well, the agenda is --

12 MS. MITCHELL: Yes.

13 CHAIRMAN NORMAN: Can we get a copy -- Do you have a
14 copy of the agenda?

15 MS. ARNOLD: Yes.

16 CHAIRMAN NORMAN: Okay. So, that, you are going to
17 get a copy of that? Okay. That's fine.

18 MS. MITCHELL: That will help. I can make those
19 available. I mean, we can e-mail or we can otherwise --

20 CHAIRMAN NORMAN: Why don't we try to make those
21 available to you. It's pretty comprehensive. It's a thick
22 document. Okay? And if Kathy would make one available to you,
23 would that be satisfactory to you, rather than try to print one
24 tonight, obviously?

25 MS. ARNOLD: I think so.

26 MR. SCHINDLER: Needless to say, anything that comes
27 up between now and the public hearing, you can see it and then
28 bring up at the public hearing.

29 CHAIRMAN NORMAN: Right. Okay? All right.

30 Amendment Number 2: Repeal Section XXVII, Research

1 and Comprehensive Office (RD-1) District. This district is not
2 designated anywhere on the Township Zoning Map. Recent
3 implementation of site plan review procedures, design
4 guidelines, and landscaping and screening requirements, as well
5 as the update of permitted commercial industrial uses
6 eliminates the need for this specialized zoning classification
7 with a separate set of review procedures.

8 Any comment from anyone on the Board? Kathy, would
9 you like to comment on this?

10 MS. MITCHELL: It's never been used.

11 CHAIRMAN NORMAN: It's pretty self-explanatory.

12 MR. WENTZ: We don't have it. It's been eliminated.

13 CHAIRMAN NORMAN: Okay.

14 MR. SHENK: Not much left of it.

15 CHAIRMAN NORMAN: Not much left.

16 MR. LINGENFELTER: There is a bunch of stuff here
17 with lines in it though, deleted, deleted, deleted.

18 CHAIRMAN NORMAN: Well, it's good she lines through
19 it so, at least, we can see what she's eliminating.

20 And I like the way, Kathy -- I'll give you an atta-
21 boy. I like the way you present the revisions to the Board.

22 MS. MITCHELL: Thank you.

23 CHAIRMAN NORMAN: I mean, it makes the review process
24 much easier.

25 MS. MITCHELL: Good.

26 MR. WENTZ: Mr. Chairman, I move we accept
27 Amendment 2 as presented.

28 CHAIRMAN NORMAN: Is there a second?

29 MR. LINGENFELTER: I'll second.

30 CHAIRMAN NORMAN: Motion made and seconded. All in

1 favor?

2 MR. SHENK: Aye.

3 MR. LINGENFELTER: Aye.

4 MR. SCHINDLER: Aye.

5 MR. WENTZ: Aye.

6 CHAIRMAN NORMAN: Aye. Opposed? None.

7 Let's go to Amendment 3. Amendment 3: Add the THC
8 District to Section XIII, Conditional Use Permit, under the
9 proposed conditional uses for the district - restaurants (table
10 and counter service), schools, churches/places of worship, and
11 outside dining.

12 Add the THN District to Section XIII, Conditional Use
13 Permit, under the proposed conditional uses for the district -
14 restaurants (table and counter service), residential care
15 facility/nursing home/home for the aging, and hospice care
16 facilities, detached single-family cluster developments and
17 outside dining.

18 Add "hospice care facility" to the conditional use
19 requirements in Section 13.07.

20 Update the conditional use requirements for
21 residential care facilities/nursing home/home for the aging/
22 hospice care facilities in Section 13.07 to include a minimum
23 building setback from the public right-of-way and a reference
24 to the landscaping and screening requirements. Consolidate the
25 nonresidential district provisions under this section, as
26 shown.

27 Add provision under Sections 13.08 and 13.26 for
28 child and adult day care centers, respectively, that clarifies
29 which building setback and lot requirements will be in effect
30 when such uses are conditionally permitted as an accessory use.

1 Update and clarify building and parking distance
2 requirements for churches and schools, under Sections 13.10 and
3 13.11, respectively.

4 Add the M District reference under adult day care
5 centers, Section 13.26.

6 Add the B-2 District reference under construction
7 equipment sales and rental, Section 13.31.

8 Add conditional use criteria for detached single-
9 family cluster developments in new Section 13.36.

10 Kathy, I am going to open it up for you if you feel
11 there is any need to further discuss that.

12 MS. MITCHELL: Well, this was a tough chapter only
13 from the standpoint, you know, and this is where we saw a lot
14 of the domino effect. We made just a lot of some cleanup
15 amendments. We got it on the residential care facility items.
16 We left alone everything, except what we did was we took the
17 commercial districts and we consolidated them into a single
18 provision and then added the references to the new proposed
19 districts.

20 And then we also, you know, added a couple of
21 provisions that were just left out. Setbacks from the right of
22 way, they weren't there previously. Everything else was
23 acknowledged in terms of parking setbacks and side setbacks and
24 rear setbacks, so we thought it was appropriate to acknowledge
25 that front setback as well.

26 In other sections, you saw there was a couple of
27 minor amendments to the church and school sections. Again,
28 when making those amendments, we saw that they left out a
29 couple of references to the public right of ways, so they're
30 very minor changes. They're really just housekeeping items,

1 nothing of real significance but worth making the amendment at
2 this time since we're already in the chapter.

3 Obviously, the biggest change was the addition of the
4 single-family -- I'm sorry -- the detached single-family
5 cluster development, which we have gone over those criteria at
6 prior meetings, so nothing has changed there but that's the
7 most substantial change to that chapter.

8 CHAIRMAN NORMAN: Any comments from anybody on the
9 Board?

10 MR. SCHINDLER: No, sir.

11 CHAIRMAN NORMAN: Larry?

12 MR. WENTZ: No.

13 CHAIRMAN NORMAN: Andy?

14 MR. LINGENFELTER: No.

15 CHAIRMAN NORMAN: Wilbur?

16 MR. SHENK: No.

17 CHAIRMAN NORMAN: I have none. Again, good job,
18 Kathy.

19 I will, again, entertain a motion.

20 MR. LINGENFELTER: Mr. Chairman, I make a motion that
21 we accept Amendment Number 3 as presented.

22 CHAIRMAN NORMAN: Is there a second?

23 MR. WENTZ: Second.

24 CHAIRMAN NORMAN: Motion made and seconded. All in
25 favor?

26 MR. WENTZ: Aye.

27 MR. SCHINDLER: Aye.

28 MR. LINGENFELTER: Aye.

29 MR. SHENK: Aye.

30 CHAIRMAN NORMAN: Aye. Okay.

1 Amendment 4: Add new definitions to Section V for
2 the following uses: cluster development, common areas,
3 detached single-family cluster development, governmental
4 facility, hospice care facility, hospice care program, and
5 outdoor recreation.

6 This is just in keeping track with our requirement to
7 keep, update the definition section.

8 MR. SHENK: Right.

9 MS. MITCHELL: Correct.

10 CHAIRMAN NORMAN: I will, again, entertain a motion
11 if anyone has no questions.

12 MR. WENTZ: Mr. Chairman, I move we accept
13 Amendment 4 as presented.

14 CHAIRMAN NORMAN: A second?

15 MR. LINGENFELTER: I second.

16 CHAIRMAN NORMAN: Motion made and seconded. All in
17 favor?

18 MR. SHENK: Aye.

19 MR. LINGENFELTER: Aye.

20 MR. SCHINDLER: Aye.

21 MR. WENTZ: Aye.

22 CHAIRMAN NORMAN: Aye. No opposed. It's set.

23 Amendment 5: Add the new THC and THN Districts to
24 Section 6.03 under General Requirements, Section VI, and the
25 Performance Standards outlined in Section 6.12. Include
26 references to the existing "S," Special Interchange, District
27 in the same section and delete references to RD-1 District
28 being repealed, as shown.

29 Again, this is in the comprehensive document I talked
30 to you about. So you will be able, when you get a copy from

1 Kathy about that, you will be able to make all these cross-
2 references and be identified in the document so it won't be a
3 problem.

4 Any comments from anyone on the Board?

5 Kathy, I don't think we need any explanation. This
6 is more housekeeping than anything else.

7 MS. MITCHELL: Correct.

8 CHAIRMAN NORMAN: I will entertain a motion,
9 gentlemen.

10 MR. LINGENFELTER: Mr. Chairman, I make a motion that
11 we accept Amendment Number 5 as presented.

12 CHAIRMAN NORMAN: Is there a second?

13 MR. WENTZ: Second.

14 CHAIRMAN NORMAN: Motion made and seconded that we
15 accept this motion. All in favor?

16 MR. SHENK: Aye.

17 MR. LINGENFELTER: Aye.

18 MR. SCHINDLER: Aye.

19 MR. WENTZ: Aye.

20 CHAIRMAN NORMAN: Aye. Opposed? Amendment 5 is
21 carried.

22 Amendment 6: Add "hospice care facility" to
23 Section XV, R-1 Residential, and Section XVIII, R-4
24 Residential, under the list of conditionally permitted uses.

25 Again, that's another cleanup activity based on what
26 we have in the rest of the Resolution.

27 MS. MITCHELL: Yes.

28 CHAIRMAN NORMAN: Are there any questions from the
29 Board?

30 Kathy, do you have any comments you care to make?

1 MS. MITCHELL: No.

2 CHAIRMAN NORMAN: Okay. Gentlemen, I will entertain
3 a motion.

4 MR. WENTZ: Mr. Chairman, I move that we accept
5 Amendment 6 as presented.

6 CHAIRMAN NORMAN: Is there a second?

7 MR. SCHINDLER: I second.

8 CHAIRMAN NORMAN: Motion made and seconded. All in
9 favor, say aye.

10 MR. SHENK: Aye.

11 MR. LINGENFELTER: Aye.

12 MR. SCHINDLER: Aye.

13 MR. WENTZ: Aye.

14 CHAIRMAN NORMAN: Aye. Opposed? Motion for
15 Amendment 6 is carried.

16 Amendment 7: Add/revise parking space standards in
17 Section XXIX for the following uses: residential care
18 facility/nursing home/home for the aging/hospice care facility,
19 governmental facility, police and fire services, postal
20 service, and outdoor recreation. Add THC and THN Districts to
21 parking setback, parking setback requirements in Section 29.12,
22 and delete reference to the RD-1 District being repealed.

23 Again, this is a matter of housekeeping to keep
24 everything current with the way the Zoning Resolution is being
25 structured. Is there any comment from anyone on the Board?

26 MR. SHENK: I have a question, please.

27 CHAIRMAN NORMAN: Yes.

28 MR. SHENK: This is not the only place we have
29 parking space requirements, is it, in our text?

30 MS. MITCHELL: Yes.

1 MR. SHENK: And what about other facilities that
2 aren't listed here, commercial facilities, for example, aren't
3 they covered?

4 MS. MITCHELL: I am sorry. We had made those changes
5 last year when we went through the -- or I am sorry -- in '07
6 when we went through the other changes, so there were no
7 changes to the commercial, the commercial uses.

8 MR. SHENK: But are they in the same --

9 MS. MITCHELL: Yes.

10 MR. SHENK: You just didn't list them because there
11 weren't changes; is that --

12 MS. MITCHELL: Yeah. I tried to clarify that in the
13 parenthesis. I didn't want you to think, yeah, that this was
14 it.

15 MR. SHENK: Got you. Okay. That was my question.

16 CHAIRMAN NORMAN: You all set?

17 MR. SHENK: Yes.

18 CHAIRMAN NORMAN: Any other questions, gentlemen? I
19 will entertain a motion.

20 MR. SHENK: I make a motion that we accept Amendment
21 Number 7.

22 CHAIRMAN NORMAN: Is there a second?

23 MR. WENTZ: Second.

24 CHAIRMAN NORMAN: Motion made and seconded. All in
25 favor?

26 MR. WENTZ: Aye.

27 MR. SCHINDLER: Aye.

28 MR. LINGENFELTER: Aye.

29 MR. SHENK: Aye.

30 CHAIRMAN NORMAN: Aye. Opposed?

1 Amendment 8: Add new THC and THN Districts to
2 Section XXXVI, Site Plan Review, to require such review for
3 projects proposed in these districts under Section 36.03 and in
4 Flow Chart on page 36.9.

5 Add new THC and THN Districts to Section XXXVII,
6 Design Standards, which require design review for any proposed
7 projects under Section 37.03 that are consistent with Western
8 Reserve style of architecture. Also, revise the requirements
9 for long walls under Section 37.05 by removing the 3 percent
10 depth change required with the change in wall plane.

11 Add new THC and THN Districts to Section XXXVIII,
12 Landscaping and Screening Requirements, to require a landscape
13 plan for projects proposed in these districts under
14 Section 38.09. Include THN, THC, B-2, S, and M District
15 references under Section 38.09, Landscaping/Screening Adjacent
16 to Residential Areas. Add a landscaping/screening requirement
17 for commercial projects abutting residential uses within the
18 same THN District, also under 38.09. Add THN and THC District
19 references under Section 38.10 for fence requirements.

20 Again, even though this is very verbose, it is more
21 cleanup in consistency than anything else.

22 MR. WENTZ: It is making the new districts compliant
23 with --

24 CHAIRMAN NORMAN: Compliant, right.

25 MR. WENTZ: -- what we already established.

26 MR. LINGENFELTER: I like the incorporation of the
27 Western Reserve style in there, too.

28 CHAIRMAN NORMAN: Yes, very true.

29 MS. MITCHELL: And this will be available in the
30 zoning office. We weren't going to include it as part of the

1 zoning text, seeing that it might be subject to change. It's
2 just a reference.

3 CHAIRMAN NORMAN: I think that's wise because you
4 don't want to have to go in and change the text every time.

5 MS. MITCHELL: I think the committee felt that most
6 architects will know what Western Reserve style is but we
7 wanted to give them a frame of what we are referring to so that
8 there is no question.

9 CHAIRMAN NORMAN: That's a good idea, Kathy.

10 MR. SHENK: And this will be our first opportunity to
11 bring residential housing under design, under the design
12 standards?

13 MS. MITCHELL: No.

14 MR. SHENK: No? For the cluster housing?

15 MR. SCHINDLER: I don't think so because that's --
16 Now, we tried to do that.

17 MR. SHENK: That's my question.

18 MS. MITCHELL: Yeah.

19 MR. SCHINDLER: Because that requires an
20 architectural review board that we talked about many years.

21 CHAIRMAN NORMAN: And we don't want to do that.

22 MR. SCHINDLER: And we don't want to do that.

23 MR. SHENK: I understand, but that's a project --

24 MR. SCHINDLER: Yeah, you're right.

25 MR. SHENK: -- proposed in the THN District, we
26 think.

27 MR. SCHINDLER: Yeah.

28 MS. MITCHELL: Well, we'd have to make some sort of a
29 reference to that to clarify because the ORC doesn't allow us
30 to do that.

1 CHAIRMAN NORMAN: Yeah. The ORC does not allow us to
2 put design standards on residential use.

3 MS. MITCHELL: Residential. So we will have to make
4 a comment with regard to that.

5 MR. SHENK: In that paragraph B maybe.

6 MS. MITCHELL: In that paragraph B.

7 MR. SCHINDLER: With the exception of --

8 MS. MITCHELL: I will look at that. I want to look
9 at that ORC reference again just to make sure that --

10 MR. SCHINDLER: Right.

11 MS. MITCHELL: -- specifically what it prohibits the
12 review of.

13 CHAIRMAN NORMAN: Yeah. You know, it might be wise,
14 Kathy, when you do that, why don't you also include the
15 prohibitions because, if you recall, anything that's not
16 included in the zoning text is out. Okay? So if we want
17 anything, we want to have everything documented in this zoning
18 text right up front, right before anybody takes a shot at us.

19 MR. SHENK: Well, if we mention to exclude that then
20 I think that's clear.

21 CHAIRMAN NORMAN: That should do it but I want to, I
22 want to have it in enough detail so we don't get caught.

23 MR. LINGENFELTER: Or at least have Mike review it.

24 CHAIRMAN NORMAN: Yeah, that would be appropriate,
25 also.

26 MS. MITCHELL: Yeah.

27 MR. SHENK: The other question I have is, what was
28 the thinking behind -- I must have missed a meeting.

29 CHAIRMAN NORMAN: Probably.

30 MR. WENTZ: Could be.

1 CHAIRMAN NORMAN: We accept that.

2 MR. SHENK: -- of eliminating the 3 percent?

3 MS. MITCHELL: We talked about that at the last
4 review committee and, again, this was more about because we
5 were in this section, and this has come up now --

6 MR. SHENK: As being too large of a number?

7 MS. MITCHELL: Yes. And while we still want to have
8 some sort of change in those long walls, maybe not, you know,
9 specifying a 3 percent depth change. As long as they make the
10 change, they can still do it and can still be nice, a nice
11 presentation architecturally but maybe not so much of a
12 financial burden on them.

13 MR. SHENK: I guess the question I have is, should
14 there be a minimum or is someone going to -- is the thickness
15 of a coat of paint enough, you know, for a change in depth?

16 MS. MITCHELL: Well, we say projection, combination
17 of elements, projections or recessions, so I think it's going
18 to be more than paint.

19 MR. SHENK: Okay. We're comfortable with that? The
20 3 percent can be large. I mean, that can be four feet, six
21 feet.

22 CHAIRMAN NORMAN: Oh, yeah, it can be a lot.

23 MR. SHENK: Right.

24 CHAIRMAN NORMAN: It could be a lot.

25 MR. SHENK: Okay. We're comfortable with that. I am
26 fine with it.

27 CHAIRMAN NORMAN: Kathy, before I ask for a motion to
28 approve as such, we're going to have to, we're going to have
29 approve it with amendments.

30 MS. MITCHELL: Yes.

1 CHAIRMAN NORMAN: Okay. And yet-to-be-defined
2 amendments unless you want to take a shot at something and then
3 give us feedback.

4 MR. SHENK: Can't we just say --

5 CHAIRMAN NORMAN: We can say anything.

6 MR. SHENK: -- the amendment will mention or will
7 state that any residential housing is excluded.

8 CHAIRMAN NORMAN: That's fine, or something of that
9 nature.

10 MR. WENTZ: We will comply with ORC in regard to
11 residential.

12 CHAIRMAN NORMAN: Or comply with the Ohio Revised
13 Code, which would be adequate, I think. So with that said, are
14 we ready for a motion?

15 MR. SHENK: Sure. Larry, you had the most formal
16 sounding --

17 MR. WENTZ: Mr. Chairman, I move we accept Amendment
18 Number 8 as presented with the addition of language to bring
19 into compliance with ORC any requirements relating to
20 residential construction.

21 CHAIRMAN NORMAN: Is there a second to that?

22 MR. SHENK: Second.

23 CHAIRMAN NORMAN: Motion made and seconded. All in
24 favor?

25 MR. SHENK: Aye.

26 MR. LINGENFELTER: Aye.

27 MR. SCHINDLER: Aye.

28 MR. WENTZ: Aye.

29 CHAIRMAN NORMAN: Aye. Opposed? None. All right.
30 At this point, gentlemen, I would like to propose

1 that we have a schedule for the public hearing, which is the
2 second part of this section. March --

3 MS. MITCHELL: 3rd.

4 CHAIRMAN NORMAN: The next meeting is on the 3rd; is
5 it not?

6 MS. MITCHELL: Yes.

7 MR. LINGENFELTER: Yes, March 3rd.

8 CHAIRMAN NORMAN: So I'd like to ask that we make a
9 motion to schedule a public hearing for the 3rd of March.

10 MR. SHENK: I make a motion that we schedule a public
11 hearing for these changes for March 3rd.

12 CHAIRMAN NORMAN: Second?

13 MR. WENTZ: Second.

14 CHAIRMAN NORMAN: Motion made and seconded. All in
15 favor?

16 MR. WENTZ: Aye.

17 MR. SCHINDLER: Aye.

18 MR. LINGENFELTER: Aye.

19 MR. SHENK: Aye.

20 CHAIRMAN NORMAN: Aye. Opposed? None.

21 Good job. Again, Kathy, thank you very much.

22 MS. MITCHELL: You are welcome.

23 CHAIRMAN NORMAN: I think you will probably be
24 getting some significant number of requests for information.

25 MS. MITCHELL: Well, and I will just say publicly now
26 that we will just have to, according to public records request,
27 copy charges or I can do it via e-mail and leave it up to
28 anybody requesting a copy, they can print it off themselves.

29 CHAIRMAN NORMAN: We have to remember not everybody
30 has a computer.

1 MS. MITCHELL: Correct.

2 CHAIRMAN NORMAN: So if they don't have a computer,
3 e-mail isn't going to work. If they have a computer and are
4 willing to take e-mail, that's fine.

5 MS. MITCHELL: Or anybody can, is willing to come and
6 review it in our office.

7 MR. LINGENFELTER: Can we post it as a PDF on the
8 website and people can just download it, copy, you know,
9 download it, print it off the website? That would be easier.

10 CHAIRMAN NORMAN: Yeah. Then you won't have to mess
11 with it.

12 MR. LINGENFELTER: Yeah. E-mail, that's a pretty big
13 document to e-mail.

14 MS. MITCHELL: Well, I've done it once already. It's
15 in two parts. I did create, and I'll have to create it again
16 because I want to update dates and now the changes, so we will
17 make a new document and we'll, that will include the changes
18 tonight.

19 MR. LINGENFELTER: My recommend -- You know what?
20 Thinking about that, my recommendation on this document for
21 public consumption via electronic purposes, I would put it on
22 the website and I would post it as individual PDFs in each
23 amendment so, that way, if somebody is only interested in
24 looking at one section they can just download that section and
25 not have to download the whole 5 meg file. They can just
26 download, you know, Section 8. So I would post it as eight
27 different PDFs, each dedicated to its own text. That way, if
28 they want to download it all they can download each one or they
29 can download the ones that they have the primary interest in
30 getting more information on. That would make it easier.

1 MS. MITCHELL: I will have that ready probably by
2 next week, so I will need a little time to get it on the
3 website.

4 CHAIRMAN NORMAN: That's fine. I just want to make
5 sure you are not in an overload condition.

6 MS. MITCHELL: Right. That's certainly doable.

7 CHAIRMAN NORMAN: Do you folks have a computer or
8 access to one?

9 MS. ARNOLD: No. I will take paper.

10 MR. LARICK: I prefer paper, too. I don't do much
11 with a computer.

12 MR. LINGENFELTER: A dollar a page, no problem.

13 CHAIRMAN NORMAN: All 300. Anyway, all kidding
14 aside, okay, the next item, gentlemen, on the agenda is the
15 correspondence report by Zoning Commission members. Frank?

16 MR. SCHINDLER: None to report, Mr. Chairman.

17 MR. WENTZ: I have nothing.

18 CHAIRMAN NORMAN: Andy?

19 MR. LINGENFELTER: No.

20 CHAIRMAN NORMAN: Wilbur?

21 MR. SHENK: Nothing here, thanks.

22 CHAIRMAN NORMAN: Nothing myself, other than Andy's
23 jokes. I still love them. I send them to my son. He loves
24 them. Now we get --

25 MR. WENTZ: Since they're sent to all the members on
26 the Zoning Commission, is it necessary for them to become
27 public record?

28 Mr. LINGENFELTER: I hope not.

29 CHAIRMAN NORMAN: Yeah, so do I. We are not going to
30 go there. Thank you very much.

1 Approval of minutes. Now we're, Kathy reminded me
2 before the meeting that we're a little bit behind, so we have
3 three minutes we have to approve: the minutes of November 4th,
4 2008; December 2, 2008; and January 6th, 2009, meetings. So I
5 think we ought to take them one month at a time.

6 November 4th, is there any comments to make about the
7 minutes?

8 MR. SCHINDLER: Other than I think I might have
9 missed November 4th but I don't remember if I was here.

10 MR. SHENK: The November 4th minutes were excellent.

11 CHAIRMAN NORMAN: That was the one I missed.

12 MR. SCHINDLER: Is that the one you missed?

13 CHAIRMAN NORMAN: That's the one I missed, so I can't
14 vote.

15 MR. WENTZ: Perhaps, that has something to do with
16 the quality.

17 CHAIRMAN NORMAN: Well, you guys, you just don't
18 appreciate the finer things.

19 MR. SHENK: I move that we accept the minutes of
20 November 4th.

21 CHAIRMAN NORMAN: Is there a second?

22 MR. SCHINDLER: I second.

23 CHAIRMAN NORMAN: All in favor?

24 MR. SHENK: Aye.

25 MR. LINGENFELTER: Aye.

26 MR. SCHINDLER: Aye.

27 MR. WENTZ: Aye.

28 CHAIRMAN NORMAN: Those minutes are approved as
29 written.

30 December 2nd, please.

1 MS. MITCHELL: Andy and Larry were not present.

2 MR. SHENK: I move that we approve the minutes from
3 December 2nd.

4 MR. SCHINDLER: I second.

5 CHAIRMAN NORMAN: All in favor?

6 MR. SCHINDLER: Aye.

7 MR. SHENK: Aye.

8 CHAIRMAN NORMAN: Aye. There is nobody opposed, so
9 they're approved.

10 January 6th, we were all here, I think.

11 MR. SHENK: We were all here.

12 CHAIRMAN NORMAN: That's a first.

13 MR. WENTZ: I moved we accept the minutes of
14 January 6th.

15 CHAIRMAN NORMAN: Is there a second?

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

17 CHAIRMAN NORMAN: Motion made and seconded that the
18 minutes of January 6th be approved. All in favor?

19 MR. SHENK: Aye.

20 MR. LINGENFELTER: Aye.

21 MR. SCHINDLER: Aye.

22 MR. WENTZ: Aye.

23 CHAIRMAN NORMAN: Aye.

24 Okay. That wraps up our agenda for the evening. I
25 would like, one more time, to remind everyone our public
26 hearing on the subject covered tonight is the first Tuesday in
27 March, which is the 3rd.

28 And unless there is other comments, I would like to
29 take a minute and recognize our student from Notre Dame-
30 Cathedral Latin. Thank you very much for coming. It's always

1 a pleasure to have you here.

2 MS. AQUILA: Thank you.

3 CHAIRMAN NORMAN: Tell your classmates and teacher we
4 appreciate it, we really do.

5 MR. SCHINDLER: And you're on record because you're
6 on TV, so you can tell your friends you're on television.

7 MS. AQUILA: Okay.

8 CHAIRMAN NORMAN: So thank you ever so much, all, and
9 this meeting is adjourned.

10 (The meeting was adjourned at 7:45 p.m.)

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

STATE OF OHIO)
) CERTIFICATE
COUNTY OF CUYAHOGA)

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

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

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

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal of office this 11th day of February 2009.

Melinda A. Melton
Registered Professional Reporter

Notary Public within and for the
State of Ohio

My Commission Expires:
February 4, 2013