

BEFORE THE CONCORD TOWNSHIP, OHIO, ZONING COMMISSION

March 24, 2009

Concord Town Hall  
7229 Ravenna Road  
Concord, Ohio 44077

7:00 p.m.

**TRANSCRIPT OF PROCEEDINGS  
WORK SESSION**

Zoning Commission members present:

George Norman, Chairman  
Larry Wentz, Vice Chairman  
Frank Schindler  
Wilbur Shenk, III  
Andrew Lingenfelter

Also present:

Kathy Mitchell, Zoning Commission Secretary,  
Zoning Inspector  
  
Michael Lucas, Esq., Legal Counsel

**King & Melton Court Reporters**  
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2  
3 CHAIRMAN NORMAN: I would like to call the Concord  
4 Township Zoning Commission of Tuesday, March 24, 2009, to  
5 order. I will point out to everyone that's here, this is a  
6 work session. And, as such, we are going to be working on text  
7 — Can you hear me?

8 THE REPORTER: Yes.

9 CHAIRMAN NORMAN: We are going to be working on the  
10 text that we started discussing during the public hearing and  
11 we recessed the public hearing.

12 The public hearing is still recessed. We will not be  
13 doing anything with that but we will be working on elements  
14 within the subject that we had going at that time, which is, by  
15 the way, in case some of you that are here might have  
16 forgotten, it is the section on the LC, TC and THN, right?  
17 Have I got the acronyms right? I am trying to remember.

18 MR. SHENK: Sure, yes.

19 MS. MITCHELL: It's THC and THN.

20 CHAIRMAN NORMAN: THC, okay. Anyway, so that said,  
21 the meeting has been called to order. If there are comments, I  
22 will start off by saying, if there are comments from the  
23 public, when we get a break from the Zoning Commission members,  
24 I will attempt, as best I can, to incorporate those comments if  
25 there is something that needs to be said.

26 So that said, gentlemen, we all got our information  
27 from Kathy.

28 One more thing before we go, Kathy, you and the team  
29 that worked on this did a great job. Thank you very much. I  
30 wanted to tell you in advance. So I think it's an excellent,  
31 excellent piece of work.

1 MS. MITCHELL: Thank you.

2 CHAIRMAN NORMAN: The other thing that I need to  
3 remind the Zoning Commission is that we will not make motions.  
4 We will recommend things going forward to the public hearing to  
5 incorporate at the public hearing but we will not make any  
6 motions at this meeting. Okay? Because we are not at a public  
7 hearing. This is basically an open meeting.

8 Okay. With that, I will open it up to my zoning,  
9 fellow members. Comments about the effort, the work, Wilbur?

10 MR. SHENK: What I would recommend is that Kathy did  
11 a nice job of summarizing sort of what our last work session  
12 went through.

13 CHAIRMAN NORMAN: Okay.

14 MR. SHENK: And as an agenda, I think it's — You can  
15 use page 2 and just sort of go down the line because that hits,  
16 I think, each of the hot spots.

17 CHAIRMAN NORMAN: You are discussing the four items  
18 on the second page?

19 MR. SHENK: Yes.

20 MR. WENTZ: Yeah, items for discussion.

21 CHAIRMAN NORMAN: That's fine. That's fine. However  
22 you choose to do it, that's fine with me.

23 MR. LINGENFELTER: Well, I wouldn't want us to feel  
24 limited that we would only, could only discuss these four items  
25 here.

26 CHAIRMAN NORMAN: Well, I agree with that, also, but  
27 I am not saying there is any — This is a good starting point.

28 MR. LINGENFELTER: Right.

29 CHAIRMAN NORMAN: Okay. And that's fine.

30 MR. LINGENFELTER: But I wouldn't want anybody to

1 think that we're limiting ourselves only to discussing —

2 CHAIRMAN NORMAN: No.

3 MR. LINGENFELTER: Everything is on the table —

4 CHAIRMAN NORMAN: Absolutely.

5 MR. LINGENFELTER: — as far as the proposal is  
6 concerned.

7 CHAIRMAN NORMAN: Yes. Okay. So let's start the  
8 items for discussion. Item 1, and just for the public's  
9 information, the review committee discussed the detached  
10 single-family cluster development option in the THN, since this  
11 had used the most — since this use had the most concern raised  
12 at the meeting and was recommended by the LC, Lake County,  
13 Planning Commission to be removed.

14 The recommendation is, I guess, three part: Keep as  
15 proposed in anticipation of a mixed use concept, particularly  
16 on the Osborne property; or restrict it to the Spear property,  
17 which would be compatible with the density in Quail Hollow. A  
18 special zone would need to be created in this scenario. There  
19 might be some concern for spot zoning and would limit the  
20 options for this parcel. Or, thirdly, remove this use from the  
21 proposal and concentrate on promoting the commercial and the  
22 residential care facility options for the THN but expand  
23 commercial use options.

24 That said, that's an item for discussion. I am open  
25 for comments from the Board.

26 MR. WENTZ: Well, I think there was, of course, a lot  
27 of the feeling about this at the public hearing. And the sense  
28 I got, that people were likely willing to trade some of the  
29 residential for more commercial, in essence, in terms of the  
30 flexibility for what kinds of things could be done in the

1 area. There was more interest in the commercial than the  
2 residential.

3 CHAIRMAN NORMAN: Commercial, being —

4 MR. WENTZ: Well, I think that was left —

5 CHAIRMAN NORMAN: Kind of hanging.

6 MR. WENTZ: — hanging, what they might have meant by  
7 that, more commercial, and I guess that's up to us to decide.

8 CHAIRMAN NORMAN: Okay. That's a point well taken.

9 MR. WENTZ: I think the problems here are that if you  
10 go that direction you right away run into this issue of, if you  
11 restrict it, you might wind up with just one parcel,  
12 essentially, where you would be looking at the residential;  
13 and, therefore, that does fly right in the face of the spot  
14 zoning issue. You're really zoning one parcel.

15 MR. SHENK: Are you talking about the Spear  
16 property?

17 MR. WENTZ: Yes.

18 MR. SHENK: If you take that approach, yeah. I think  
19 our thought there was that that almost is spot zoning and you  
20 have to create a third district if you did that.

21 MR. WENTZ: Right.

22 MR. SHENK: And we already started down that road  
23 with three different districts, if you remember, and we decided  
24 that was, you know, it was complicated and it was almost making  
25 more of a mess out of this area than exists now; and so my  
26 recommendation is that we don't make a separate place or a  
27 separate zoning for the Spear property.

28 And it comes back to the THN and the THC the way we  
29 initially envisioned that. And the real question then is, do  
30 we want to allow the residential in the THN or don't we?

1 That's really what it amounts to, at least, in my mind.

2           And the commercial is another question which is  
3 handled, actually, down in one of the later — Well, in Item  
4 Number 2, we talk about adding more maybe retail or  
5 commercial. We had a recommendation on that.

6           But for me, it's a question that I keep going back to  
7 the strategic plan of, you know, the plan envisioned some of  
8 this, you know, senior housing, you know, small lot kind of  
9 development. I keep thinking this is a perfect place for  
10 that. That's how we have it envisioned in the current draft.  
11 Now, we got some push-back, no question about it, but you are  
12 not going to make everyone happy all time. Let's face it.

13           But I still support our initial proposal where we did  
14 have the residential as part of the THN and I think it follows  
15 the long-range strategic plan.

16           CHAIRMAN NORMAN: I'm not sure I disagree with you.  
17 I think, if we do leave it in there, there has to be an  
18 understanding somehow where we make sure that we don't have  
19 multiple driveways exiting out of that, so we have a private  
20 road and the rest of that.

21           MR. SHENK: Absolutely. The last item on our list  
22 clearly supports that. I don't think there is any question  
23 about that.

24           CHAIRMAN NORMAN: Okay.

25           MR. SHENK: No. We don't want cuts for every little  
26 residence. It would have to be its own development.

27           CHAIRMAN NORMAN: It would have to be its own  
28 development or something like that, that's right.

29           Now, I was also interested in where the third option  
30 was remove the use entirely and then concentrate on promoting

1 the commercial and residential care facility options but expand  
2 commercial use options. Now, the issue I look at with that is  
3 expanding — commercial use won't fit over there at some parts  
4 of it. With the way it's currently set up, it will not fit in  
5 there. I mean, there won't be any developable property in that  
6 area, as I see it, if my memory is correct. And tell me if I'm  
7 wrong.

8 MR. SHENK: Well, I think you can have what we've  
9 permitted: administrative, business, and professional office,  
10 medical and dental. For me, those are commercial uses. I'm  
11 not sure what we had in mind when we said "commercial."

12 CHAIRMAN NORMAN: Well, I would assume you're talking  
13 light manufacturing. If I am wrong in my assumption —

14 MR. WENTZ: I don't think so.

15 MR. SHENK: I don't think so.

16 MR. WENTZ: I think we were probably talking office  
17 and limited retail.

18 MR. SHENK: Yeah, that's exactly.

19 MR. WENTZ: Going back, I think that one of the  
20 starting concepts was that this area was to be a livable area,  
21 á la the European community where one lives, works and shops in  
22 a relatively —

23 CHAIRMAN NORMAN: Near.

24 MR. WENTZ: — near area.

25 MR. SHENK: Well, I think, as Kathy has reminded me  
26 or us, that our commercial was adding, potentially, bed and  
27 breakfast, personal services and day care centers. That's in  
28 the Item 2. And, obviously, we had some request at the  
29 meeting, at the public hearing, to expand the potential, you  
30 know, retail or commercial uses that we're thinking about, and

1 those were the items that we thought might be interesting to  
2 add that wouldn't turn it into a, you know, a retail area like  
3 we envisioned over on Auburn and Crile.

4 So another option is to take out the residential and  
5 then you add some more commercial activities, which we talked  
6 about at the meeting was bed and breakfast, personal services  
7 and day care centers.

8 MR. SCHINDLER: One of the things, we can get around  
9 the thing about their big hullabaloo about detached single-  
10 family, if we were to allow, I think, like, assisted living,  
11 assisted living for-profit. Now, there, you're getting the  
12 taxes and commercial aspect of it but still allowing, you know,  
13 people. It doesn't necessarily mean that they need a lot of  
14 care. Assisted living means, you know, for the elderly, they  
15 can still get around on their own in general but yet they would  
16 have the wherewithal to be able to move within this area here  
17 and still be able to partake of the commercial. Say, for  
18 example, if there was small shops, also, the possibility of,  
19 you know, a small, little restaurant.

20 MR. LINGENFELTER: The only problem with that though,  
21 Frank, is we cannot designate between for-profit assisted  
22 living or adult or senior care versus not-for-profit.

23 MR. WENTZ: Yeah. The use is the use.

24 MR. LINGENFELTER: The use is the use. You know,  
25 we're pretty much limited, we're limited as to what we can  
26 direct. We can all cross our fingers and hope for for-profit  
27 but that doesn't necessarily mean that we get it.

28 MR. SCHINDLER: I think most, from what I see today,  
29 is mostly for-profit, in general.

30 CHAIRMAN NORMAN: Well —

1 MR. SHENK: Don't forget, we already have that in.  
2 We've already included that.

3 MR. SCHINDLER: Well, I just happened to make a  
4 comment about —

5 MR. SHENK: Supporting that.

6 MR. SCHINDLER: — supporting that.

7 MR. SHENK: Because we — I don't think that was very  
8 controversial in our public hearing.

9 MR. SCHINDLER: No.

10 MR. LINGENFELTER: See, when I look at this issue  
11 with the housing portion, you know, that always, to me, is a  
12 sticking point, regardless of what we're doing, where we're  
13 doing it, when we're doing it. There is always an element of  
14 anti-residential.

15 I think a lot of emphasis is wrongly put on business  
16 income because we don't generate income tax right now. And to  
17 attract a business, what do you do? You get some property  
18 tax. Okay. The ground right now is vacant, so it's not  
19 generating any tax whatsoever. And nine times out of ten —  
20 and I could be wrong, maybe it's eight times out of ten —  
21 there is usually, when you try to attract to move a business  
22 into an area, there is an issue of tax abatement that comes  
23 along with that to attract business into the area.

24 So you are going to give them some sort of an  
25 abatement issue so that they don't have to pay property tax for  
26 a specified period of time. So when you tack on the abatement  
27 along with — which is either a reduced tax or no tax — with  
28 the fact that they're not paying income tax, what value does  
29 commercial development really bring in that area? To me, it  
30 doesn't bring any. There is no value whatsoever.

1           There is plenty enough room for it in the area.  
2 We've specified plenty enough room for it. There is lots of  
3 opportunity for those businesses to move in there and develop  
4 freely, but I think there is too much emphasis that, you know,  
5 that businesses are going to generate all sorts of revenue for  
6 the township versus residential uses. I just think that's way  
7 overblown in terms of what they each can contribute.

8           Plus, the fact, like Wilbur says, when we look at  
9 this town hall concept, it's supposed to be a town hall. It's  
10 a neighborhood town hall concept that's got both, you know,  
11 residents and businesses. It's not just strictly focused on  
12 businesses. And, again, commercial businesses, so they bring  
13 in a bunch of people. They come in at 8:00 in the morning,  
14 they leave at 5:00 at night. You're still dealing with a  
15 number of people that are going to be there during the business  
16 hours. The traffic is still going to be there from at 7:30 in  
17 the morning while people get to the office. The traffic is  
18 still going to be there while people leave the offices to go  
19 home, whether they live in Concord Township or elsewhere in  
20 Lake County, Geauga County, et cetera, et cetera.

21           So I don't think that, again, the business option is  
22 this big panacea that is going to be the answer to all of the  
23 issues. I think, when we look at what the comprehensive plan  
24 states, when we look at what was thought through when we  
25 developed this concept for the area, I think that a certain  
26 portion of residential fits into that plan. I think it fits  
27 in. If we gut that part out, then I think we ought to take the  
28 town — we ought to just rename it then. It shouldn't be  
29 called Town Center, it shouldn't be called Town Hall  
30 Neighborhood. We should take all that stuff out of there

1 because it doesn't foster any sort of gathering area for the  
2 township or doesn't foster any sort of neighborly or gathering  
3 location.

4           So I think we should keep it just the way it is. I  
5 think we've looked at this, we've analyzed it, we've taken a  
6 look at the property that's in close proximity to where the  
7 residential is going to fit, and it fits. There is a lot of  
8 residential already right in that area. Quail Hollow, the  
9 condominium complexes that are over there, they're all right  
10 there. So it is not like we're plunking down some residential  
11 housing in the middle of some commercially-developed or light  
12 resident — or light R-and-D-developed properties and we're  
13 sticking a bunch of nonconforming options as far as the  
14 building and businesses are concerned.

15           So I think that where it is, it makes the most  
16 sense. Where it fits in with the rest of the concept, I think,  
17 makes the most sense. And I think we've thought through this.  
18 You know, we hashed this over. I think that the groups that  
19 met for many years prior to this culmination of this public  
20 hearing on this issue spent a lot of time going over all that  
21 and I think that it was thoughtfully put in there. It wasn't  
22 done in a helter-skelter way, it was done in a very thoughtful  
23 method and I think that it makes sense.

24           I think that if we take it out of there, I think we  
25 really, I think we're missing the boat. I think we're really  
26 selling ourselves short on what that area is all about.

27           That's my feeling on the, you know, on that  
28 particular section of zoning with housing.

29           CHAIRMAN NORMAN: Frank? Frank? I'm sorry.

30           MR. SCHINDLER: No. In a sense, I guess, what I'm

1 torn about is I agree with what Andy says, all the work that  
2 went into it and everything that we're doing. We're trying to  
3 set a theme for this area. You're right. That was the ideal  
4 thing to do, and I still do.

5 But I'm trying to think about, you know, the areas  
6 that — The one thing that started this whole fiasco, of  
7 course, was the detached single-family. That's been their  
8 statement on this for years, all the years I've been on this  
9 Board. And anytime you bring that in there, right away, there  
10 is all kinds of objections to it. They bring up the thing  
11 about, you know, services, that we're going to need this, we're  
12 going to need that.

13 But I'm trying to figure out a way to be able to  
14 still get that stigma erased but still get this theme that  
15 we're trying to do. Every time I look at this, it seems like I  
16 still go right back to this again, that this is about the only  
17 way you're going to be able to achieve it is to have some kind  
18 of residential living there, and there is no way of getting  
19 around it.

20 I mean, if we're trying to look for this communal  
21 type of living, that has to be in there because, without it,  
22 like Andy says, you don't achieve it, you don't get it, and we  
23 just missed the boat. And if we're not going to do it then we  
24 might as well just leave everything the way it is and forget  
25 the concept about that because it's never going to work out,  
26 the way I see it.

27 MR. LINGENFELTER: Plus, I think another thing, too,  
28 is a certain amount of residential development in that area is  
29 a foundation, a building block for attracting the types of  
30 businesses that we're looking to attract to the area. If you

1 want to bring in certain retail businesses and certain other  
2 people-oriented services, it's good to have people there to  
3 attract those businesses.

4 MR. WENTZ: I think most people would be inclined to  
5 agree that there are some kinds of businesses, certain kinds of  
6 services that we would like to attract to Concord.

7 MR. LINGENFELTER: Right.

8 MR. SCHINDLER: If you take a look at what was done  
9 50 years ago, where did neighborhoods start? They had the  
10 neighborhood mom-and-pop meat store, bakery, everything that  
11 supported the communal type of living. And then when we  
12 started building shopping centers, massive shopping centers all  
13 over the place like Great Lakes Mall, which half the time is  
14 not always occupied and everyone drives to everything, if we're  
15 trying to achieve that here in the township, we would have to  
16 go back to that concept to allow that to happen where people  
17 who want to live, especially, the generation that is getting  
18 older, myself included, where you don't want to jump in your  
19 car anymore because, economically, it is not becoming the best  
20 thing for the elderly to drive.

21 Some of them can't drive anymore but they still like  
22 to get out and walk, they like to get out and socialize. And  
23 to do that, you have to have some kind of residential along  
24 with some commercial business that supports that kind of theme.  
25 And we have to be able to put that in, like it is with this  
26 residential, to help support that theme or you've missed the  
27 whole boat, so we have to do it.

28 CHAIRMAN NORMAN: I hear you. I would think it would  
29 be interesting to note, too, that adding commercial into this  
30 flies in the face of the intention of the trustees and the

1 Zoning Board over at Auburn Road, the Auburn Road corridor,  
2 because we do have an area that's been set aside for just this  
3 type of commercial activity.

4 MR. SCHINDLER: Right.

5 CHAIRMAN NORMAN: I mean, it sits back there. And it  
6 is the hope of both the trustees and, I think, the Zoning  
7 Commission that that will ultimately develop into that kind of  
8 an arrangement. When will that happen? After looking at Grist  
9 Mill, having been on the Zoning Commission as long as I have,  
10 there is still a lot of vacant space in Grist Mill after 10  
11 years and that's not built up.

12 So, you know, we have to be thoughtful. I agree that  
13 residential probably is the best use for that now. I think  
14 it's important that we also put in some form of commercial uses  
15 somewhere in these two areas.

16 MR. LINGENFELTER: Well, I'm not so sure that the  
17 Grist Mill ultimately developed out the way we had kind of  
18 anticipated.

19 CHAIRMAN NORMAN: It hasn't.

20 MR. LINGENFELTER: As least, not as far as I am  
21 concern. I mean, it's nice. Don't get me wrong. I think the  
22 Grist Mill is a nice area but that's not — because I was on  
23 this Board when we did the Grist Mill area. And when I sat and  
24 listened to a lot of the people that were coming in here at the  
25 time, the business people that wanted to bring certain  
26 businesses into that area, and I think I kind of had a  
27 different view of what was going to be there than what's there  
28 now. To me, it just didn't turn out quite exactly the way I  
29 thought it was going to. Like you said, it still isn't done  
30 yet.

1           CHAIRMAN NORMAN: It's not done by a long shot. And  
2 as far as attracting small business in there, á la insurance  
3 agencies, real estate offices and that kind of thing, it is not  
4 going to do that because they typically like to do their own  
5 building somewhere.

6           MR. SHENK: Yeah. There are those people that are  
7 there now. I mean, real estate is there.

8           CHAIRMAN NORMAN: Some of them are there, yes.

9           MR. SHENK: I mean, there is a lot of little  
10 businesses in there.

11          CHAIRMAN NORMAN: Well, I look on that main section  
12 and I see Reider's being the anchor on one end. And as you go  
13 down through it, it's all different little restaurants, big  
14 restaurants.

15          MR. SHENK: Boutique kind of stuff.

16          CHAIRMAN NORMAN: Yeah. But, anyway, that's another  
17 issue for another day, but we want to make sure, in my mind —  
18 this is my thought — that these two that we're working on over  
19 on this side aren't replicating what we've got over in the  
20 Auburn Road corridor.

21          MR. WENTZ: I don't think the kinds of uses suggested  
22 are a replication.

23          CHAIRMAN NORMAN: Well, I would hope we don't.  
24 That's where I am trying to go with that because I want to try  
25 and set a tone that says, let's not replicate what we've got  
26 over on Auburn Road.

27          MR. SHENK: I mean, let's go to that. I mean, the  
28 commercial uses that we thought, as the small committee  
29 meeting, were just to add bed and breakfast, personal services,  
30 and that's the cleaners, that's the hair salon kind of thing,

1 and child and adult day care. There were three of our  
2 categories that we thought, if you wanted to expand commercial  
3 services, those would be three which would be, you know, I  
4 think, in our mind or my mind, acceptable from a business  
5 standpoint and wouldn't replicate, wouldn't duplicate what we  
6 have over there.

7 MR. WENTZ: Beyond the offices and retail,  
8 restaurants that we had previously included.

9 MR. SHENK: Right, right, those would be in addition.

10 MR. WENTZ: It might be worthwhile to point out that  
11 we did, at the committee meeting, talk about deleting the  
12 outside dining.

13 MR. SHENK: For restaurants.

14 MR. WENTZ: Yes.

15 CHAIRMAN NORMAN: I don't think that's a bad idea.

16 MR. SHENK: I think that's a good idea.

17 CHAIRMAN NORMAN: I do, also.

18 MR. SHENK: Just because of the noise so close to  
19 residential areas.

20 CHAIRMAN NORMAN: We don't have noise management  
21 abilities.

22 MR. LINGENFELTER: You know what? I will just throw  
23 a —

24 CHAIRMAN NORMAN: You were going to do that anyway,  
25 Andy.

26 MR. LINGENFELTER: No, no. But think about it for a  
27 second, just for a second. You take away the outdoor dining  
28 part, but what has happened in the restaurant industry in the  
29 state of Ohio in the last year? They've banned smoking inside  
30 the establishment, correct? Okay. So what is the only avenue

1 that smokers have at a restaurant, is outside, correct?

2 CHAIRMAN NORMAN: Yeah.

3 MR. LINGENFELTER: So that's why a lot of people have  
4 gone to outdoor patios and/or outdoor bars and/or ability to  
5 serve patrons in the nicer weather outside, whether you agree  
6 with — whether you're a smoker, a nonsmoker, whether you agree  
7 with smoking or not smoking. That's not the issue. That's  
8 what's driven a lot of these businesses to have a lot of these  
9 outdoor patios now is to cater to that clientele. Okay?

10 And so you take away all the outdoor, you know,  
11 eatery area or whatnot or you take away the option for them to  
12 serve outdoors, to me, you're causing a hardship on the  
13 business and it's going to — maybe they're not going to want  
14 to be there. Maybe they just don't want to come in.

15 MR. WENTZ: I am somewhat conflicted on that because,  
16 on the one hand, Ohio has a lot of bonds out there that they  
17 put out as municipal bonds that are supported by the tobacco  
18 smokers paying for it. On the other hand, if you permit the  
19 outside dining and everybody is smoking, after some period of  
20 time the problem won't exist.

21 MR. LINGENFELTER: That's right. It's just something  
22 to think about. You want to discount automatically any outdoor  
23 activities for bar or restaurant and that, you know —

24 MR. SHENK: I think the outdoor dining is great. I  
25 think it's a real plus. What's unfortunate is that you have  
26 the potential of having noise a big issue.

27 MR. LINGENFELTER: Well, maybe you can — I don't  
28 know.

29 MR. SHENK: It's too bad not to include outdoor  
30 dining just because of a noise issue.

1 MR. LINGENFELTER: Is it, Mike, would it be within  
2 our ability to limit what goes on outside? Could you  
3 eliminate, like, bands or jukeboxes, things like that that  
4 would cause really high levels of noise?

5 MR. LUCAS: Well, the outdoor dining is by  
6 conditional use. You can certainly impose a condition like  
7 that.

8 MR. LINGENFELTER: Right.

9 MR. LUCAS: We've done that in Willoughby all time  
10 with outdoor dining requests for restaurants.

11 MR. LINGENFELTER: Because, to me, that would be the  
12 problem with the outdoor stuff is then you get, you know,  
13 somebody wants to have karaoke night or a live band and that  
14 would be a great place to put it is outside, obviously.

15 MR. SHENK: Sure.

16 MR. LINGENFELTER: And then that causes a major noise  
17 issue for the neighbors, so if you — but I didn't know if, in  
18 a township environment, if we're able to restrict that through  
19 the conditional use.

20 MR. LUCAS: I think it's a conditional use and I  
21 think that's a reasonable condition to impose.

22 CHAIRMAN NORMAN: Mike, the second part of that  
23 question is, as we've done in the past, do we now set up, add  
24 that to the list of conditions that they have to go through in  
25 the Zoning Board of Appeals as part of this text? That's the  
26 question.

27 MR. LUCAS: Well, you don't want — I can't believe  
28 this, one of the few times I didn't bring my Zoning Resolution  
29 with me.

30 MR. WENTZ: We will have to make a resolution.

1 MR. LUCAS: Yeah, to start all over again. I think  
2 we have some open-faced conditions, if you will, that apply to  
3 all the conditional uses in that.

4 CHAIRMAN NORMAN: Okay.

5 MR. LUCAS: We don't specifically have anything in  
6 some of the other communities where we specifically say "no  
7 outdoor music" is one of the conditions in that because it  
8 depends on the location.

9 MR. LINGENFELTER: Right.

10 MR. LUCAS: We've, in some areas, banned outside live  
11 music and, also, any kind of piped-in music. Other times,  
12 we've regulated it to soft dinner-appropriate music and that.

13 MR. LINGENFELTER: Well, I know there were some  
14 concerns voiced at the last, at the public hearing by some of  
15 the residents that they can hear, I think it was the Night  
16 Hawk.

17 CHAIRMAN NORMAN: Night Hawk. And they probably can  
18 hear Panini's.

19 MR. WENTZ: Red Hawk.

20 MR. LINGENFELTER: I mean the Red Hawk. I am sorry.  
21 Not Night Hawk, Red Hawk. You hear the Red Hawk music playing  
22 all the way over, so —

23 MR. LUCAS: We've certainly had complaints about that  
24 over the years, you know.

25 MR. LINGENFELTER: So if we can stipulate allowing  
26 outdoor eating or drinking without the loud noise then I would  
27 think that would probably eliminate some of the concerns that  
28 some of the people would have with outdoor dining because I  
29 don't think many people are opposed to that. I think they're  
30 opposed to the noise that it brings. And if we can limit it

1 conditionally through the conditional use aspect then I would  
2 hope that that would satisfy that issue. It certainly would  
3 me.

4 MR. SHENK: When Larry opens up his Cold Stone  
5 Creamery, I want to be able to come over and have ice cream  
6 outside, sit outside.

7 MR. LINGENFELTER: Yeah, but you can't sing karaoke  
8 while you're eating your ice cream.

9 MR. SHENK: I don't care about that.

10 MR. WENTZ: Certain decades of music would not be  
11 permitted if I owned it.

12 MR. LUCAS: We've done that, actually.

13 MR. WENTZ: Have you really?

14 MR. LUCAS: Yeah. But you know what? The music  
15 isn't even marginally related to the use. All right? Outdoor  
16 dining, the music is, like, an extraneous enhancement to the  
17 use. It is not an integral part of the use. It is not even  
18 what you would consider accessory to the main use. It just  
19 helps with the ambiance.

20 MR. LINGENFELTER: Right.

21 MR. LUCAS: By simply — I guess, what I am saying is  
22 you don't need to specifically say no music will be permitted.  
23 If they're going to come in, you know, basically before the  
24 Board of Zoning Appeals, it would be, "Look, you're applying  
25 for this particular use as a conditional use permit. It is  
26 outdoor dining." All right? And then the Board would have to  
27 make it clear that there is no music permitted.

28 And if the guy wants to make an ancillary plea that,  
29 "As one of the conditions, would it be okay if we had light  
30 elevator-style music or something like that?" Then they can

1 consider it if they want. Or if it's in an area that's not so  
2 resident sensitive, they can consider that, too, you know.

3 MR. SCHINDLER: At night, especially, sound travels  
4 for long distance when it's —

5 CHAIRMAN NORMAN: Particularly this time of year when  
6 there are no leaves on the trees.

7 MR. SCHINDLER: Yeah. We've had neighbors two  
8 residential areas away from us that, once a year, they have  
9 their party for their employees, which is fine. It's only once  
10 a year. But they have music playing and it echoes through our  
11 — all night until they finally quit, and they're almost a mile  
12 away from us.

13 MR. LUCAS: But the outdoor dining, I'll tell you  
14 what, in the communities is a hot item now because in the  
15 summer they don't, people that don't have that, that operate  
16 dining facilities, don't feel they can compete. And they're  
17 putting them in everywhere, even in sidewalk areas.

18 MR. LINGENFELTER: Yeah. They're cramming them in  
19 wherever they can fit them.

20 MR. LUCAS: Yeah, they are, on the roofs, in the back  
21 where the dumpsters are.

22 MR. SHENK: Spats.

23 MR. SCHINDLER: If you look at that, talk about  
24 Spats. He puts his 55-gallon drum barbecue thing out there  
25 sometimes and that smokes up the whole commercial area. Can  
26 you see that in the back yard where people with the barbecue  
27 smoke going, you know? That's bad news.

28 MR. LINGENFELTER: That all depends on whether or not  
29 you like barbecue smoke.

30 MR. SCHINDLER: Wow, not coming into my bedroom

1 window, I don't, you know.

2 MS. MITCHELL: Adding that criteria then would only  
3 affect new restaurants coming in.

4 CHAIRMAN NORMAN: Yes.

5 MR. LINGENFELTER: Right.

6 MR. LUCAS: Right.

7 MS. MITCHELL: The small group talked about that. We  
8 actually had some language that we had looked at that. It was  
9 soft language. It said excessive noise should be limited to —  
10 noise should be limited to nothing beyond the premises and BZA  
11 can impose some noise reduction measures such as mounding,  
12 landscaping and sound barriers if they so choose.

13 MR. LUCAS: That's a good — Again, it would be  
14 somewhat fact sensitive to the location but I think it's  
15 appropriate.

16 MR. WENTZ: Yeah.

17 MR. LINGENFELTER: Yeah. I wouldn't want to just  
18 summarily dismiss, I wouldn't want to just summarily dismiss or  
19 eliminate that option for a business owner if they wanted to  
20 have that. And if it's within our ability as a township to  
21 control it then I think it's up to us to be the stewards as to  
22 how it's utilized. If we do our job right or the BZA does  
23 their job correctly then we don't have to worry about creating  
24 an unfriendly environment from a neighborhood standpoint.

25 And I think on — One of the issues that I was  
26 thinking about, this bed and breakfast thing, too, adding that  
27 in.

28 Mike, are there any negative outcomes that could come  
29 from allowing bed and breakfast? Are there some offshoots of  
30 what people can define under a bed and breakfast use that could

1 be a potential negative that could spin off of that?

2 MR. LUCAS: The only negatives I've ever experienced  
3 in terms of bed and breakfasts are from the bed and breakfast  
4 people coming in and saying other uses are affecting their  
5 business in the pastoral setting of a bed and breakfast. I  
6 have never seen anybody come in and say, "This bed and  
7 breakfast is causing us problems as an adjacent property  
8 owner," ever.

9 MR. LINGENFELTER: Or it couldn't be used in another  
10 way under the guise of bed and breakfast? You know what I am  
11 saying? I mean, you know what I am saying?

12 MR. SCHINDLER: Like a house of ill repute?

13 MR. LINGENFELTER: You know what I'm saying?

14 CHAIRMAN NORMAN: Yeah, I do. That's enough.

15 MR. LINGENFELTER: No. You're completely misreading.

16 MR. WENTZ: We have those categorized anyway, SOB,  
17 the sexually-oriented business.

18 MR. LUCAS: Yeah. The sexually-oriented businesses  
19 aren't permitted under the guise of bed and breakfast in these  
20 districts, so —

21 MR. LINGENFELTER: Well, I just think, in allowing a  
22 bed and breakfast, to me, a bed and breakfast is something  
23 that's usually destination based from a — I don't know. Does  
24 it really fit in here, what's bed and breakfast?

25 CHAIRMAN NORMAN: It used to be that, you're right,  
26 they used to be always oriented toward a destination.

27 MR. LINGENFELTER: Yeah, like a —

28 CHAIRMAN NORMAN: On the lake, along the lake  
29 somewhere.

30 MR. LINGENFELTER: Right.

1           CHAIRMAN NORMAN: Along the river someplace or  
2 whatever, but today that's not necessarily true.

3           MR. WENTZ: You might choose the bed and breakfast in  
4 preference to a hotel room if you're having a hospital stay for  
5 a member of your family.

6           CHAIRMAN NORMAN: If there was one here.

7           MR. LINGENFELTER: Don't we have a bed and  
8 breakfast? Is that allowed over in the —

9           MR. SHENK: It's allowed in several places.

10          MR. LINGENFELTER: — allowed over by the hospital?

11          MS. MITCHELL: Yes.

12          MR. LINGENFELTER: So, to me, usually, a bed and  
13 breakfast meant something that would be a destination. Where  
14 are you going — To stay at a bed and breakfast, where are you  
15 going to go, downtown Chardon?

16          CHAIRMAN NORMAN: Well, there are bed and breakfasts  
17 in downtown Chardon and there is one in Painesville.

18          MR. WENTZ: And there is one in Painesville.

19          MR. LUCAS: There is one in downtown Willoughby.

20          MR. LINGENFELTER: Yeah.

21          MR. SHENK: There is not one in Concord, is there?

22          MR. LINGENFELTER: Downtown Willoughby is different  
23 though. Downtown Willoughby is kind of, that's more folksy.  
24 It used to be, now it's changed.

25          MR. LUCAS: Well, if this area is built up the way  
26 we're, at least, ultimately planning, this will be a —

27          MR. SHENK: This will be a nice place.

28          MR. LUCAS: Yeah, I think so, too, I actually do.

29          MR. SCHINDLER: Especially, yeah, when they come in  
30 and spend the night and we have our, in the summertime, have

1 our orchestra out here where people walk over and enjoy some  
2 nice music.

3 CHAIRMAN NORMAN: We can invite them to a Zoning  
4 Commission meeting.

5 MR. LUCAS: Boy, they should be so lucky.

6 MR. LINGENFELTER: We will put the notice up in the  
7 foyer. Come one, come all.

8 MR. SHENK: Our ideas about these extra commercial  
9 services were based on the fact that this is the whole,  
10 currently, because we have a whole bunch — We're in a B-1 area  
11 and we were trying to increase somewhat the commercial uses to  
12 respond to some people who were thinking that we're restricting  
13 it too much, and so these were the three of our categories we  
14 felt were the least objectionable, if you will.

15 MR. LINGENFELTER: Okay.

16 MR. SHENK: That's how they got picked, I would say.

17 MR. WENTZ: Right.

18 MR. SHENK: Is that fair, Larry, to say that?

19 MR. WENTZ: Yes, it is.

20 MR. SHENK: That's where they came from.

21 CHAIRMAN NORMAN: Okay.

22 The second part of that is "discussed adding retail  
23 establishments within completely enclosed buildings" as well  
24 but didn't feel as strong about the need for this use, which  
25 opens the door to a variety of retail uses. The consensus was  
26 that there was more anticipation of such uses along the Auburn-  
27 Crile corridor.

28 And we did get some feedback from some of the  
29 residents that felt we had gutted the retail business out of  
30 this section in town and didn't quite feel that they were being

1 treated fairly.

2 I guess, I would ask, what was the opinion of the  
3 subcommittee about that? I guess, I personally listened to the  
4 feedback and said, well, we did do that, you know.

5 MR. SHENK: Because it's B-1 now.

6 CHAIRMAN NORMAN: Yeah. Okay.

7 MR. SHENK: Yeah, right, right.

8 CHAIRMAN NORMAN: And, I guess, my comment is, is  
9 there some way we can help that situation? And it doesn't even  
10 have to be an enclosed building, in my mind. I am not crazy  
11 about a strip mall, you know, a little mini strip mall but some  
12 way to get that so that that opens up an option.

13 MR. SHENK: Well, the option of the enclosed — what  
14 is it — retail and enclosed building, is that the —

15 MR. LINGENFELTER: Right.

16 MR. SHENK: That's a huge, broad category.

17 CHAIRMAN NORMAN: I know.

18 MR. SHENK: It's just enormous. And so we felt that  
19 that exists over, you know, in the GB area and that's sort of  
20 where we thought most of this retail belongs, between Crile  
21 Road, GB and Crile Road area and there wouldn't be that much of  
22 a demand for it over here because most of this retail, they  
23 want traffic.

24 CHAIRMAN NORMAN: Yeah.

25 MR. SHENK: That's where the traffic is going to be.

26 CHAIRMAN NORMAN: Well, the other side of that coin  
27 is, to Andy's point, he was talking about putting in  
28 residential in there so that it would generate traffic.

29 MR. SHENK: Sure.

30 CHAIRMAN NORMAN: So that we would have the

1 opportunity to put in a dry cleaner or barber shop or  
2 whatever.

3 MR. SHENK: That's where we included personal  
4 services.

5 CHAIRMAN NORMAN: Okay. But my viewpoint was you  
6 kind of restricted personal services there.

7 MR. SHENK: Well, we restricted retail by just  
8 putting in personal services. I think that's why you say that.

9 CHAIRMAN NORMAN: Okay.

10 MR. SHENK: Because personal services are —

11 CHAIRMAN NORMAN: They're wide open, also.

12 MR. SHENK: Yeah, except I think they're a lot  
13 narrower than retail.

14 CHAIRMAN NORMAN: Perhaps. I'm not going to debate  
15 that with you.

16 MR. SHENK: I mean, personal services are, you know,  
17 a convenience, I guess, to people. I think the argument has  
18 been they're a convenience for the people who may live in this  
19 area.

20 CHAIRMAN NORMAN: Yes.

21 MR. SHENK: Whether it's haircuts or —

22 CHAIRMAN NORMAN: Well, I guess, the question is, is  
23 that going to fly in the standard zoning text that people are  
24 going to look at 10 years down the road?

25 MR. SHENK: Is it going to fly?

26 CHAIRMAN NORMAN: I mean, is it going to stay in  
27 place or it is going to be diluted with other thoughts in  
28 anticipation of what we're doing?

29 MR. SHENK: I don't know. We've got a definition for  
30 "personal services."

1 MR. WENTZ: If the character of the whole area  
2 changes or it develops differently somehow, people may — I  
3 don't know. Ten years from now, who can say what the decisions  
4 will be.

5 I think we left it in enough to talk about this idea  
6 of retail within buildings, although not making a  
7 recommendation for it.

8 CHAIRMAN NORMAN: No.

9 MR. WENTZ: We thought it was worthy of discussing.

10 MR. SHENK: Well, because that was expressed strongly  
11 at the public hearing —

12 MR. WENTZ: Right.

13 MR. SHENK: — by, obviously, someone who has a  
14 retail business here now.

15 CHAIRMAN NORMAN: Sure, sure, and I understood that,  
16 but he's going to stay in place.

17 MR. SHENK: Right. He's grandfathered in.

18 CHAIRMAN NORMAN: He's grandfather in and he's going  
19 to stay in place. But his concern was, what if I want to move  
20 on?

21 MR. SHENK: And it limits.

22 CHAIRMAN NORMAN: And it limits him, his ability to  
23 move on, which I think was a fair concern. I am not sure I  
24 agree with his assessment that, you know, he'll lose dollar  
25 value of his property but that's not for me to say. I don't  
26 know.

27 MR. SHENK: Well, and so we have, you know, we added  
28 two or — we were suggesting to add three items which would  
29 help his cause a little bit. That opens up the possibility of  
30 more commercial options, I guess, for anyone who might buy that

1 property or buy any property over here or already have property  
2 over here.

3 CHAIRMAN NORMAN: I hear you.

4 Now, the last thing is the group agreed with the Lake  
5 County planning commission recommendation to restrict driveways  
6 from the detached homes to the private drives and prohibit them  
7 from accessing the main road, and there was suggested language  
8 attached.

9 MR. LINGENFELTER: I think that's an excellent idea.

10 CHAIRMAN NORMAN: I think so, also. I would really  
11 like to see that go forward and, in the next meeting, Kathy,  
12 incorporate that into the text. I mean, we obviously are,  
13 since we're in a work session, we're not going to have a  
14 motion. But I think, if the Board would not object, I would  
15 like to see that added to the text so we can do that and make a  
16 motion to add it formally at the next meeting.

17 MR. LINGENFELTER: Right.

18 MR. SHENK: Sure.

19 CHAIRMAN NORMAN: Now, there were other items to be  
20 considered that were brought up in the text. You mentioned  
21 some, Andy, that you thought were there and we were not going  
22 to restrict our discussion.

23 MR. LINGENFELTER: No, not me. I just was saying  
24 that if somebody had other notes or comments, I wouldn't want  
25 them to feel like they couldn't talk about it.

26 CHAIRMAN NORMAN: Oh, okay. You didn't want them to  
27 feel like they were shut out.

28 MR. LINGENFELTER: No, no.

29 CHAIRMAN NORMAN: Okay. Wilbur, how about you? You  
30 were part of the small committee.

1 Larry?

2 MR. WENTZ: No. I think this covers the, all the  
3 topics we discussed at that committee. Short of expressing our  
4 opinions fully enough that one can predict votes — I don't  
5 think that's appropriate now — I think we covered it.

6 CHAIRMAN NORMAN: Okay. Frank?

7 MR. SCHINDLER: No, I agree. I think what was stated  
8 on here and what we discussed now, I think we've hit the topics  
9 that were major concerns so we can address them when we go  
10 ahead with the continuation of our meeting, public hearing.

11 CHAIRMAN NORMAN: We're going to be making the next  
12 meeting — which is about two weeks away — we're going to be  
13 making some recommendations that things be changed and  
14 incorporated and so on.

15 MR. LINGENFELTER: Um-hum.

16 CHAIRMAN NORMAN: And we're kind of in limbo right  
17 now. I think we have a clear definition on the fourth item in  
18 our attachment, what we want to happen in the next meeting.

19 The in limbo part is as it deals with the residential  
20 side because I think, I think we have not reached a consensus  
21 in this work session as to, do we want to leave cluster in or  
22 don't we?

23 MR. SHENK: Can't we have a nod to indicate? Because  
24 I am not sure I know where everyone stands.

25 CHAIRMAN NORMAN: Well —

26 MR. LINGENFELTER: I don't think it matters.

27 MR. SHENK: It's not a motion.

28 MR. LINGENFELTER: I don't think it matters.

29 CHAIRMAN NORMAN: Mike wanted to say something.

30 MR. LUCAS: Yeah.

1 MR. SHENK: Well, yeah, it sort of matters if we're  
2 going to make a recommendation.

3 MR. LUCAS: No one is going to make any  
4 recommendation here. This is a workshop session to discuss  
5 issues that were raised at the last public hearing.

6 MR. LINGENFELTER: Right.

7 MR. LUCAS: And that any action to be taken based on  
8 the discussions here is going to have to be made at the next  
9 meeting.

10 MR. LINGENFELTER: Correct.

11 CHAIRMAN NORMAN: At the next meeting.

12 MR. LUCAS: All right? So it's kind of  
13 inappropriate. The comments have been made regarding the  
14 residential. You can certainly, based on those comments, make  
15 your own decision how you want to proceed and then deal with  
16 that at the next meeting. You don't want to do a straw poll,  
17 if you will, or anything.

18 MR. LINGENFELTER: Right.

19 CHAIRMAN NORMAN: No, I didn't want to do that at  
20 all.

21 MR. LUCAS: The additions that you mentioned for  
22 Kathy are going to be simply put in there for discussion  
23 purposes at the meeting as well. All right? I want to be very  
24 careful that nobody can look at this workshop session and  
25 determine that decisions were made there regarding the zoning,  
26 proposed zoning amendments because that's not appropriate in a  
27 workshop session. It's just to do what you are doing right  
28 now, which you are doing splendidly. Okay?

29 CHAIRMAN NORMAN: Okay.

30 MR. LINGENFELTER: We want to make sure that the

1 wording for the driveway is included in there in case it's a  
2 consensus that —

3 CHAIRMAN NORMAN: It should be included.

4 MR. LINGENFELTER: — you know, the cluster housing  
5 stays in, we want to make sure that the wording is there for  
6 the driveway issue.

7 CHAIRMAN NORMAN: Right.

8 MR. LINGENFELTER: If it's decided that the cluster  
9 housing is removed then the driveway issue becomes moot at that  
10 point.

11 CHAIRMAN NORMAN: Right.

12 MR. LINGENFELTER: So I think we ought to make sure  
13 it's all in there and then, I think, when we make the motion,  
14 if we make a decision at this next meeting to put it to a vote,  
15 then we make the motion with the amendments —

16 CHAIRMAN NORMAN: Yes.

17 MR. LINGENFELTER: — you know, and the changes that  
18 were there and then make a vote based on that.

19 MR. LUCAS: Or whatever you want to add or delete —

20 MR. LINGENFELTER: Right. Add, delete.

21 MR. LUCAS: — by motion at the next meeting.

22 MR. LINGENFELTER: Right, right. So I think we're  
23 covered.

24 CHAIRMAN NORMAN: Okay.

25 MR. LINGENFELTER: I think we accomplished what we  
26 wanted to do tonight.

27 CHAIRMAN NORMAN: Is everyone satisfied with the  
28 progress on this, the issues?

29 MR. SCHINDLER: Yeah.

30 CHAIRMAN NORMAN: Have we stated our cases?

1 MR. SCHINDLER: You know, I feel I stated my case in  
2 regards to this.

3 CHAIRMAN NORMAN: Well, that's all you can do.

4 MR. SCHINDLER: That's all I can do.

5 CHAIRMAN NORMAN: And we're not going to twist arms.

6 MR. LINGENFELTER: Oh, we're not?

7 CHAIRMAN NORMAN: No.

8 MR. LINGENFELTER: Darn.

9 MR. SHENK: We've got two weeks.

10 CHAIRMAN NORMAN: Well, you do it —

11 MR. SCHINDLER: Well, the object of a work session is  
12 to sit here and discuss topics.

13 CHAIRMAN NORMAN: And we've done that.

14 MR. SCHINDLER: To discuss the topics and, also, try  
15 to — We all have our opinion and we want to bring our opinions  
16 up so that the other members can think about what the other  
17 members have on their mind because it might sway them one way  
18 or the other. That's the object of this, having a work  
19 session. We took the input, of course, from the public, their  
20 concerns, which we're supposed to do. Now we're hashing them  
21 around. What are we trying to do, you know, with this piece of  
22 legislation?

23 There are still going to be things that they're not  
24 going to like and some that they are going to like. But our  
25 job is to sit here, try to feel what we're trying to achieve  
26 with this legislation, which I believe we've done tonight.  
27 Whether I have changed any of my fellow members' opinions, I  
28 don't know. We won't know, of course, until we take the vote.

29 And I am sure there is going to be things that I know  
30 I still think strongly about. If I want to maintain the theme

1 which we're trying to have, I am going to stick those still in  
2 my mind tonight.

3 CHAIRMAN NORMAN: That's fine.

4 MR. SCHINDLER: That was the name of the game, why  
5 the work session was called tonight.

6 CHAIRMAN NORMAN: Yes.

7 MR. SCHINDLER: If we swayed anybody, more power to  
8 us. If we didn't, then we'll have to go on until the time  
9 comes for a vote.

10 CHAIRMAN NORMAN: Okay. That's fine. Any comments?  
11 I don't have anything else.

12 MR. LINGENFELTER: No.

13 CHAIRMAN NORMAN: Well, are you going to ask for  
14 comments from the floor?

15 MR. SHENK: This could go on for another 10 minutes.

16 CHAIRMAN NORMAN: I am not interested in that. I  
17 would say that I will do that but I do feel that we ought to  
18 limit some time since it is not a public hearing, as I stated  
19 when we initially opened the meeting, if there is someone that  
20 wants to make a suggestion. You've heard our comments here.  
21 Not until we get back into the public hearing again will things  
22 get cast down. We've heard your comments and suggestions from  
23 the last public hearing. And if you really want to say  
24 something, I'll give you a couple minutes to do that.  
25 Otherwise —

26 Yes? Come up. Come up just like you always do.  
27 Give your name, spell your last name, and give your address and  
28 make it short.

29 MR. GALEN: My name is Bob Galen. I live at  
30 12024 Girdled Road. The last name is G-a-l-e-n.

1 I want to state that I was at the review committee  
2 meeting on the 9th.

3 CHAIRMAN NORMAN: That's fine.

4 MR. GALEN: Mr. Shenk, Mr. Wentz, Mr. Boyd,  
5 Mr. Radachy were there, as well as our nice friend here, Zoning  
6 Inspector Kathy. I want to say to the people who are behind me  
7 that oftentimes you feel that the people in front of you are  
8 adversaries. I was impressed in that meeting that I don't  
9 think there was an adversary in the group.

10 All they were attempting to do — and I heard it many  
11 times: How is this going to impact the people who are there?  
12 Many times, they talked about what is the best way to do this  
13 to lessen whatever impact is involved? And, believe me, I  
14 commend these people for that.

15 I think my major concern is — and I know you all  
16 know what it is — it's the housing issue. Kathy and I had  
17 discussed, prior to that meeting, an idea that I felt that the  
18 residential area should be the Spear property buffering the  
19 Quail Hollow people. I would like to ask, does anybody have  
20 any idea, if you put cluster homes, exclusive cluster homes on  
21 the Osborne property, how many homes could go in there?

22 MR. LINGENFELTER: What was the proposal that he came  
23 with —

24 MR. SCHINDLER: A couple years ago.

25 MS. MITCHELL: Well, if you just took the raw  
26 numbers, the 18 acres and the maximum gross of three dwelling  
27 units per acre, the gross would be 54 units, but that's not  
28 going to be the net because you have to take out the factors of  
29 the development standards and the impervious surface, et  
30 cetera.

1 MR. GALEN: Would it be safe to say there would be  
2 100 people, there could be 100 people in that residential area?

3 MR. SHENK: 100 people?

4 MR. GALEN: Yeah, not homes, people. I am just  
5 talking people. How many, 100 people?

6 CHAIRMAN NORMAN: You're talking —

7 MR. GALEN: Let me just draw to the point.

8 CHAIRMAN NORMAN: Yes, please do.

9 MR. GALEN: The point being is that if there were 100  
10 people in there, those people are in their community. Unless  
11 the township offers them something to do in the complex,  
12 they're going to be coming and going. They're going to be in  
13 their little community.

14 The only way to draw the township — and believe me,  
15 as you said, Andy, or someone said, there are housing units all  
16 over the place. The only way you're going to draw them here is  
17 if you give them something to get here. You're not going to do  
18 it by another residential development. If there is a small  
19 movie theater, if they have to go to the doctor, they're going  
20 to pick up their cleaning, you're going to get them here. If  
21 there is a restaurant in the area — and I know there will  
22 be — let's go eat and go to the concert

23 Adding more residential, in what I have been told, is  
24 adding a burden to the taxpayers of this community because we  
25 could get more revenues to support our community from  
26 commercial and retail and so forth that it is a mistake to add  
27 more residential to that area. That's my biggest gripe and I  
28 know it's the biggest gripe of a lot of people.

29 MR. LINGENFELTER: You know what, Bob? People say  
30 that all the time.

1 MR. GALEN: I said, as I have been told.

2 MR. LINGENFELTER: Right. And that's one thing I  
3 would really like to see is, I would love to see somebody —  
4 and I would put this challenge out to anybody in the audience  
5 or watching on television — for the next, for this  
6 continuation of the public hearing to bring some cold, hard,  
7 real facts, okay, that prove that assertion out because, boy,  
8 that gets thrown out an awful lot. It gets thrown out all the  
9 time that commercial and business far outweighs and far less  
10 burdens the community than residential because we're at, what,  
11 90-some percent residential now.

12 CHAIRMAN NORMAN: Close to it.

13 MR. LINGENFELTER: And I don't know that we're very  
14 burdened financially or economically as a township is  
15 concerned.

16 MR. GALEN: My other principle or the other basic  
17 premise was if you give them something to come here for.

18 MR. LINGENFELTER: Right.

19 CHAIRMAN NORMAN: I think —

20 MR. GALEN: We already live here.

21 CHAIRMAN NORMAN: One of the things, Bob, that we're  
22 trying to do with this — And you know it. You've been  
23 involved.

24 MR. GALEN: Sure.

25 CHAIRMAN NORMAN: Is we're trying to open those  
26 options up so that, in this little section of the township, you  
27 may have the little dry cleaner, you may have the restaurant,  
28 you may have the other things. You know, when we say that  
29 that's an allowable use, that's all it means. It doesn't  
30 necessarily —

1 MR. GALEN: But I know who owns the property,  
2 George. You do, too.

3 CHAIRMAN NORMAN: Well, so do I.

4 MR. GALEN: All you've got to do is say "okay" and  
5 it's done.

6 CHAIRMAN NORMAN: Well, he's been trying to get it to  
7 manufacturing for as long as I've been — as long as he's owned  
8 it and he hasn't gotten there yet.

9 MR. GALEN: I understand that and I agree with that.

10 CHAIRMAN NORMAN: Okay. So, you know, he tried to  
11 put in condominiums and didn't get there. So, you know, he is  
12 not always going to do that. Well, he tried, he bought the  
13 property across 90 and he rebuilt that area that burned out, if  
14 you remember, over across 90 on Auburn Road. He does some  
15 good, too. Okay?

16 MR. GALEN: There is no question about it.

17 CHAIRMAN NORMAN: But my point is, we're not here to  
18 try, at least, I'm not here to try to sit here and convince  
19 you. That's not what I am trying to do. I understand your  
20 concern and I do appreciate it. If we didn't listen to you and  
21 the rest of the residents when they were here the last time,  
22 this meeting wouldn't have taken place.

23 MR. GALEN: I understand, and I appreciate you  
24 letting me speak. I am only here to offer some influence.

25 CHAIRMAN NORMAN: Well, I appreciate that. And  
26 believe me —

27 MR. LINGENFELTER: Not "outfluence"?

28 MR. GALEN: Huh?

29 MR. LINGENFELTER: Just influence, not "outfluence"?

30 MR. GALEN: Well, no. I'll go to the outside

1 barbecue when you allow that and get my "alcafluence."

2 CHAIRMAN NORMAN: Okay, Bob.

3 MR. LINGENFELTER: Yes. Thanks, Bob.

4 MR. WENTZ: Thanks, Bob.

5 MR. LINGENFELTER: I would just like to see somebody  
6 bring, other than what I consider to be flawed study from  
7 Madison Township, as a basis for that argument. I would love  
8 for somebody to bring some real scientific research.

9 CHAIRMAN NORMAN: I think the best place that data  
10 could come from probably is the county, and if you get somebody  
11 down at county planning commission or in Afuldish's or at the  
12 treasurer's office, John Crocker's office, or across the hall  
13 from John and see if they got that information, I don't know  
14 how else you're going to get it. I really don't.

15 Anyway, since that's the end, I will entertain a  
16 motion to —

17 MR. WENTZ: Is there anybody else?

18 CHAIRMAN NORMAN: What? You want to say something?

19 MS. ARNOLD: May I, please?

20 CHAIRMAN NORMAN: Yeah, a couple minutes.

21 MR. SCHINDLER: Is it going to be different than what  
22 you said before?

23 CHAIRMAN NORMAN: Anything different from what he had  
24 to say?

25 MS. ARNOLD: Yes.

26 CHAIRMAN NORMAN: Okay. Yes. Name, address, and  
27 spell your last name.

28 MS. ARNOLD: Stephanie Arnold, 11473 Concord-Hambden  
29 Road, A-r-n-o-l-d.

30 CHAIRMAN NORMAN: Okay.

1 MS. ARNOLD: My comment is, one of the things that  
2 Mr. Lingenfelter keeps speaking about is a sense of gathering  
3 and a sense of community and a sense of cohesiveness. A bed  
4 and breakfast definitely is a sense of gathering because  
5 someone is, obviously, specifically coming to that area to  
6 spend the night for a reason. You are talking about hospice,  
7 you are talking about assisted living facilities, you are  
8 talking about nursing homes. People come to visit. They need  
9 a place to stay.

10 MR. LINGENFELTER: I backed off on my concern on  
11 that. I understood. I wasn't looking at it in that regard but  
12 that was just a question that I had. I am not in any way,  
13 shape or form opposed to it. I just question whether it made  
14 sense, and I was throwing that out there for just general  
15 consumption but, you know, you're one hundred percent correct.

16 MS. ARNOLD: The other comment that you made at the  
17 previous meeting was that, you know, you're trying to foster a  
18 sense of gathering and community yet the major purposes in the  
19 Town Hall Neighborhood area are office buildings, you know, for  
20 dentists and there wasn't any — what do you call it — retail  
21 use. I don't see where a doctor's office — other than you  
22 have to sit around and wait and you talk to the people beside  
23 you — fosters a sense of gathering yet that is the only  
24 commercial-type use that's included in the actual Town Hall  
25 Commons area.

26 And my final comment is Bob Patterson, in 2004, wrote  
27 in the Grapevine about, he wrote a letter about zoning and  
28 having to be careful to be protective of the way a person has  
29 the right to market their property. And if you bought it  
30 because it was research and development and there was an

1 orchard on it now, that if you turn it into orchard only, it  
2 wasn't fair because if the person actually purchased it to  
3 develop as research and development that you would be taking.  
4 I believe in the Ohio Revised Code it's called a "taking."

5 From the perspective of this being the town hall and  
6 the crossroads of the universe for Concord or from the game of  
7 Monopoly, Mr. Crecraft and Mr. Cormack are Boardwalk and Park  
8 Place. Right now, the way they are zoned, they can have a  
9 multitude of uses. You are severely restricting their uses. I  
10 don't think that it's fair. They bought it as B-1 property or  
11 inherited it or whatever, and to restrict the way they have to  
12 market it is unfair according to what one of the township  
13 trustees wrote in the Grapevine. And I am just going to end  
14 there. Thank you.

15 CHAIRMAN NORMAN: You're welcome. Thank you for your  
16 comment.

17 MR. WENTZ: Thanks, Stephanie.

18 CHAIRMAN NORMAN: Appreciate it.

19 Yes? Are you going to be fast, please?

20 MR. CORMACK: Oh, don't worry.

21 CHAIRMAN NORMAN: Okay. Name, last name spelled.

22 MR. CORMACK: My name is Craig Cormack,  
23 C-o-r-m-a-c-k. I own the property at 7220 Painesville-  
24 Ravenna. We operate a garden center, Maple Ridge. I was at  
25 the last meeting and, obviously, Town Hall Center restricts my  
26 use of my property down to dental offices, medical offices, and  
27 possible restaurant, which is conditional.

28 So I just want to comment that, you know, we've been  
29 in the area for 19 years and there was a time that, at  
30 midnight, I could sit out in the middle of intersection for 5

1 or 10 minutes and have a little picnic. Now, obviously, there  
2 is talk of a traffic light. Now it's up to five or six  
3 thousand cars per day at the intersection. So what was a  
4 small, sleepy area is no longer a small and sleepy area.

5         And I just think when we were at a meeting last  
6 January — well, not the past January, the January before —  
7 about the whole concept of the town hall concept, there was a  
8 mixed residential/retail use and, you know, I was in favor of  
9 that because I think this area does lack facilities for people  
10 which, you know, when it comes to a gathering area, retail is a  
11 gathering area. And those services, like dry cleaners — I am  
12 not going to say a drug store but small convenience stores,  
13 boutiques are what people in Concord are looking for, the whole  
14 boutique thing.

15         And I know to say, "We need to restrict you up in  
16 Auburn corridor," one problem, that this may not be a primary  
17 retail area but it is a secondary retail area. And what comes  
18 in secondary retail area is also rents and a place where people  
19 with small retail establishments can afford. For someone to  
20 move into Grist Mill at four to five thousand dollars a month  
21 is enough that most people can't, with a small boutique or a  
22 small-type retail establishment, can't break, you know, and it  
23 does severely restrict.

24         And any kind of development that will happen in what  
25 may become called the Town Center and Auburn Road will really  
26 restrict that small business person. So when it comes to  
27 someone like myself who owns that corner, you know, maybe  
28 somewhere down the road, if we do establish some kind of small  
29 commercial district, that will allow small boutiques or small  
30 people to operate some kind of retail establishment.

1           But the way, the direction we're going now, it just  
2 totally restricts any use other than dentist, dental,  
3 professional, engineer office building.

4           CHAIRMAN NORMAN: Well, you didn't hear the parts of  
5 the discussion with that.

6           MR. CORMACK: Well, right. That's what I was  
7 going — I don't mean to interrupt you, George, but I was going  
8 to say, with tonight's meeting, I see that everyone is starting  
9 to accept that maybe we need to broaden the scope of it, and I  
10 am just bringing that up. I mean, I think that's the direction  
11 we all need to go in. I think that by going in the direction  
12 we were going, it, even for the development of Concord, I think  
13 it restricts that whole idea of the whole gathering place.

14           I mean, no one is going to build a museum on my  
15 place. I don't think anyone is going to build a library, maybe  
16 a post office. I don't know if the Township is going to build  
17 a community center. I mean, there is even talk that here might  
18 be a community center up at the Town Center development. So I  
19 am not being adversarial. I am just saying, I am glad to hear  
20 that, you know, this is being reconsidered.

21           CHAIRMAN NORMAN: Well, I think it's important for  
22 yourself and the rest of the people here to remember that we  
23 have heard you and we have reacted to it.

24           MR. CORMACK: Right.

25           CHAIRMAN NORMAN: And I think we have attempted, as  
26 best we can, to take all that into consideration. Now, how  
27 this is going to turn out, I am not at liberty to say right  
28 now. You know as much as I do right now.

29           MR. CORMACK: Yeah. I don't think anyone knows at  
30 the moment.

1 CHAIRMAN NORMAN: That's exactly right.

2 MR. CORMACK: But I think even to — what I was going  
3 to get at — even to kind of restrict it to, like, personal  
4 service, barber shop, beauty salon, that's fine, but there  
5 might be some other uses, too. Maybe someone wants to  
6 establish a small flower shop, maybe someone wants to have a  
7 little card shop. I am just saying that there are some other  
8 boutique uses. I mean, I don't think Walgreens is going to  
9 come and take my corner. I mean, it is not a — but I think I  
10 am just agreeing that we need to look at some more retail uses,  
11 a little broader sense of it.

12 That's all I wanted to say. I just wanted to get up  
13 and say that —

14 CHAIRMAN NORMAN: That's fine.

15 MR. CORMACK: — I agree, the direction, and I hope  
16 you consider broadening it. Thanks.

17 CHAIRMAN NORMAN: Thanks. You bet. Thank you very  
18 much for your comments. Thank everyone for your comments.

19 I will entertain a motion to adjourn.

20 MR. SCHINDLER: Mr. Chairman, I so —

21 MR. WENTZ: Mr. Chairman — Go ahead.

22 MR. SCHINDLER: Mr. Chairman, I so move that we  
23 adjourn this work section.

24 MR. WENTZ: Second.

25 CHAIRMAN NORMAN: Motion made and seconded to adjourn  
26 the work session. All of those in favor?

27 MR. LINGENFELTER: Aye.

28 MR. SHENK: Aye.

29 MR. WENTZ: Aye.

30 MR. SCHINDLER: Aye.

1           CHAIRMAN NORMAN: Aye. Opposed? The session is now  
2 hereby adjourned. And before we leave, remember, our next  
3 meeting is in April and it is on the 7th. Meeting is  
4 adjourned.

5           (The meeting was adjourned at 8:08 p.m.)  
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1 STATE OF OHIO )  
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3 COUNTY OF CUYAHOGA )  
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CERTIFICATE

5 I, Melinda A. Melton, Registered Professional  
6 Reporter, a notary public within and for the State of Ohio,  
7 duly commissioned and qualified, do hereby certify that, to  
8 the best of my ability, the foregoing proceeding was reduced  
9 by me to stenotype shorthand, subsequently transcribed into  
10 typewritten manuscript; and that the foregoing is a true and  
11 accurate transcript of said proceedings so taken as  
12 aforesaid.  
13

14 I do further certify that this proceeding took  
15 place at the time and place as specified in the foregoing  
16 caption and was completed without adjournment.  
17

18 I do further certify that I am not a friend,  
19 relative, or counsel for any party or otherwise interested  
20 in the outcome of these proceedings.  
21

22 IN WITNESS WHEREOF, I have hereunto set my hand and  
23 affixed my seal of office this 3rd day of April 2009.  
24  
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28 \_\_\_\_\_  
29 Melinda A. Melton  
30 Registered Professional Reporter

31 Notary Public within and for the  
32 State of Ohio

33 My Commission Expires:  
34 February 4, 2013  
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