

1 BEFORE THE CONCORD TOWNSHIP, OHIO, ZONING COMMISSION
2 PUBLIC HEARING and MEETING
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8 April 7, 2009
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10 Concord Town Hall
11 7229 Ravenna Road
12 Concord, Ohio 44077
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14 7:00 p.m.
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20 **TRANSCRIPT OF PROCEEDINGS**
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26 Zoning Commission members present:
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28 George Norman, Chairman
29 Larry Wentz, Vice Chairman
30 Frank Schindler
31 Wilbur Shenk, III
32 Andrew Lingenfelter
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35 Also present:
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37 Kathy Mitchell, Zoning Commission Secretary,
38 Zoning Inspector
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40 Michael Lucas, Esq., Legal Counsel
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48 **King & Melton Court Reporters**

49 11668 Girdled Road
50 Concord, Ohio 44077
51 (440) 946-1350
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3 CHAIRMAN NORMAN: Good evening. I would like to call
4 the Concord Township Zoning Commission meeting of Tuesday,
5 April 7th, 2009, to order. We have several things on the
6 agenda. I will just go over them briefly. The first one is a
7 continuation of a public hearing that we started last month for
8 proposed text amendments regarding the Town Hall corridor
9 zoning updates and related amendments to the Concord Township
10 Zoning Resolution, as outlined below. And I won't read these
11 just yet. I will do that when we actually open the public
12 hearing.

13 The next item on the agenda is election of new Zoning
14 Commission chair and vice chair.

15 The third item is a correspondence report by Zoning
16 Commission members.

17 And the fourth item is approval of the minutes of the
18 March 3rd meeting.

19 With that said, I would like to ask my fellow Zoning
20 Commission members, before I do reopen the public hearing, to
21 remember that if we are, in fact, going to implement any
22 changes to the zoning text, as we go through it amendment by
23 amendment, they must be made, changes must be made in the form
24 of a motion. A motion must be seconded and voted on by all
25 members of the Commission so that we can, in fact, have it
26 formally implemented into the text.

27 With that said, are there any other comments from the
28 Zoning Commission, again, before I open the public hearing?

29 MR. WENTZ: No. I think we should open it up to the
30 public right away.

31 CHAIRMAN NORMAN: Okay. With that said, I am going

1 to hereby reopen the public hearing that was adjourned last
2 meeting and we'll start right off with this continuation of the
3 public hearing. We will start off with Amendment Number 1, and
4 let me read Amendment Number 1.

5 Amendment 1 is combine permitted use lists and
6 development standards for Sections XXIII, B-2; XXV, S; and
7 XXVI, M, into existing Section XXII to be renamed "Commercial
8 and Industrial District Regulations." Update permitted use
9 lists and lot, yard and building requirements for these
10 districts. Add purpose statements for each district.

11 Repeal existing Sections XXIII, XXV, and XXVI.

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

16 Update district references in Sections 22.06, 22.08,
17 22.11, as shown within that section.

18 Again, we are at public hearing. Since this is the
19 first one of the amendments, I will again open the floor for
20 public comment and then we'll come back to my fellow Commission
21 members. I am going to ask for public comments, those for, and
22 I think that will go much faster than those against. So I am
23 going to go those for and I am going to start on my right and
24 then we will go to my left and then we will go to those
25 against.

26 So those for, is there anybody that wishes to speak
27 in the first row? I guess not. Second? Third row? Fourth?
28 Fifth row? I guess not. Okay. Those for on my left side,
29 your right, second row? Fourth row? Fifth row? Or sixth row?

30 Okay. So now let's go to those opposed to this

1 language, and we will start again on my right, your left.

2 First row? No. Second? Third row? No comment. Fourth, is
3 there someone in the fourth?

4 MR. CRECRAFT: Yeah.

5 CHAIRMAN NORMAN: You're in the fourth row, okay. I
6 am going to bring you up. I am going to ask you to come up to
7 the microphone. I am going to swear you in so that you swear
8 to tell the truth, the whole truth and nothing but the truth,
9 and then we are going to ask you to state your name, your
10 address, and spell your last name clearly so our secretary can
11 record it correctly. Okay?

12 MR. CRECRAFT: Okay.

13 CHAIRMAN NORMAN: Okay. Do you swear to tell the
14 truth, the whole truth and nothing but the truth, so help you
15 God?

16 MR. CRECRAFT: Yeah.

17 CHAIRMAN NORMAN: Yeah. Raise your right hand,
18 please.

19 MR. CRECRAFT: Right.

20 CHAIRMAN NORMAN: Thank you very much. Your name,
21 please?

22 MR. CRECRAFT: William Crecraft, 7199 Ravenna Road.
23 I live across the street on the corner.

24 CHAIRMAN NORMAN: Okay.

25 MR. CRECRAFT: 53 years, been living there.

26 CHAIRMAN NORMAN: Spell your last name.

27 MR. CRECRAFT: C-r-e-c-r-a-f-t. I am against the
28 zoning change, especially against it on my property, which
29 would devalue my property. I've lived there for 53 years.
30 Now, I don't understand. This zoning change has came up once

1 before and I thought it was resolved, according to what I
2 understood. Nobody was really caring about zoning changes
3 around here. But regardless of what that is, I think that you
4 rezoning my property for its limited use, is basically what it
5 would be for, would be devaluing it for me and, also, it would
6 decrease the potential customers if I was to go to sell.

7 I know Concord Township wants to buy it. They have
8 approached me with letters to have me sign for a first right of
9 refusal, which I don't care to sign.

10 CHAIRMAN NORMAN: Okay.

11 MR. CRECRAFT: So if you rezone this, I think it
12 might be because I'm not signing these papers but I won't say
13 that for sure. Then I think it's a form of taking, which I
14 have contacted an attorney and he does feel the same way. So
15 all I will say is I am against it and if it does go through,
16 you will be hearing from me again.

17 CHAIRMAN NORMAN: Now, before you leave the podium, I
18 appreciate your comments and thank you very much. Okay? I
19 want to clarify something for your information. There is no
20 intent on taking. This zoning text is an attempt by this
21 Zoning Commission to rezone this part of the whole township
22 without consideration of any particular piece of property, so I
23 guess I would only advise you to remember that.

24 MR. CRECRAFT: I understand.

25 CHAIRMAN NORMAN: Thank you very much. Appreciate
26 your comments.

27 The next row? That would be one, two, three, four,
28 five back there. Okay. On my left hand, let's go to the
29 second row, please. Anybody opposed?

30 Yes, sir. Again, come up, raise your right hand and

1 I will swear you in, and then spell your name and address so
2 that we can record it. Do you swear to tell the truth, the
3 whole truth and nothing but the truth, so help you God?

4 MR. DEMETER: I do.

5 CHAIRMAN NORMAN: Would you pronounce your name,
6 spell your name and —

7 MR. DEMETER: My name is Rich Demeter, last name is
8 D-e-m-e-t-e-r. I live on Clearlake Drive in Concord Township.
9 I am also an attorney and I have my offices at 9944 Johnnycake
10 Ridge Road in Concord.

11 CHAIRMAN NORMAN: Good.

12 MR. DEMETER: I am here on behalf of myself and also
13 for my friend Craig Cormack, who owns Maple Ridge Garden Center
14 across the street. I've been reviewing the amendment change to
15 the zoning and I am opposed to it on behalf of Mr. Cormack. In
16 looking at the purpose for these zoning changes for the Town
17 Hall Commons, especially, it states that the district will
18 preserve and enhance an historic center of the township at the
19 Hambden and Ravenna Road crossroads with a mixture of community
20 facilities, business, recreational uses, and serve as a
21 gathering place for the community.

22 Mr. Cormack opposes the zoning amendments for the
23 Concord Township resolution and that we believe that this is
24 the most limited type of zoning for the Concord Hall Commons
25 and is, essentially, I believe, as the last gentleman stated,
26 is a taking of his property without just compensation because
27 it does limit the value through and restrain — a restrain of
28 future market value of his property.

29 In looking at what Mr. Cormack would be allowed to do
30 with his property that he's owned for a number of years if the

1 zoning is changed to the Town Hall Commons, the only permitted
2 uses that I have seen through the amendments would be that he
3 would be allowed to put up medical and dental offices. He
4 would be able to put up an administrative business,
5 professional offices. He would be able to put up a library or
6 a museum. He would be able to put up a community center, an
7 outdoor recreation, a post office, government facilities or
8 police and fire.

9 These uses are extremely restrictive towards what he
10 can do with his property. I believe that his property is now
11 zoned as B-1. And looking at the proposal, I believe that I
12 saw in the list that there was a B-1 restrictive. Is that part
13 of the new zoning amendments, also?

14 CHAIRMAN NORMAN: I don't know what you mean by that.

15 MR. DEMETER: There was a list of uses and one of
16 them said "B-1 restrictive." I believe that's —

17 MR. SHENK: That's the current zoning.

18 MR. DEMETER: That's the current zoning. Okay. Is
19 that what he's currently zoned for?

20 CHAIRMAN NORMAN: Yes.

21 MR. SHENK: Yes.

22 MR. DEMETER: Okay. Because the uses that are listed
23 that he can now do with his property, he can put an urgent care
24 medical clinic over there, medical or dental clinic,
25 administrative offices. He can put a restaurant over there;
26 retail establishment within an enclosed building; personal
27 services, like hair care, dry cleaning services, shoe repair,
28 photography studio; garden or nursery retail sales, which I
29 believe it is now. He can put a bank, financial institution
30 over there; veterinary clinic; funeral services; a bed and

1 breakfast; business center, including mailing and copying
2 center; membership sports fitness club; studios for
3 instruction; indoor commercial and recreation; a theater;
4 library; museum; post office.

5 MR. LINGENFELTER: Well, let me just stop you just
6 for a second.

7 MR. DEMETER: Go ahead.

8 MR. LINGENFELTER: Just so you are aware that as part
9 of the consideration in our work session that we had two weeks
10 ago, prior to this meeting and between the last public hearing,
11 we discussed — and it's not, it hasn't been approved yet but
12 it would be under consideration for the Zoning Commission to
13 add bed and breakfast back into that designation as a
14 conditional use; personal services included, including but not
15 limited to hair care, dry cleaning, shoe repair, photographer,
16 photography studios, et cetera, as a permitted use; and then
17 child or adult day care centers as a conditional use.

18 So we are taking into consideration, through that
19 last work session, adding a number of those B-1 uses back into
20 the THC and THN Districts, just so you are aware. I don't know
21 if you were aware of that.

22 MR. DEMETER: Yeah. I was at the meeting, your
23 working meeting two weeks ago —

24 MR. LINGENFELTER: Right.

25 MR. DEMETER: — and heard some of the people come up
26 and express their concerns regarding how limited this THC would
27 be.

28 MR. LINGENFELTER: Just so you know that we did, as a
29 result of that work session, we've taken under consideration to
30 add those uses back into the district that you're describing,

1 so that pretty much cuts out a lot of the concerns that you
2 have with regards to the restrictiveness of the zoning changes.

3 MR. DEMETER: Because one of the, when we were
4 looking at the, what the purpose was — and I know that, at the
5 last meeting, you were talking about having a type of European-
6 type of area where people would be attracted to the Concord
7 area through a mixture of community facilities, business,
8 recreational uses, serve as gathering place for the community,
9 these, what is in there now, the strict proposal you have
10 doesn't seem that that would enable, with that type of
11 restriction, enable and meet the requirements stated in your
12 purpose.

13 CHAIRMAN NORMAN: Well, counsel, again, I want to
14 restate what Andy said. We are opening the public hearing back
15 up without the Zoning Commission going through any potential
16 language changes because, if you recall — You were at the work
17 session.

18 MR. DEMETER: Yes.

19 CHAIRMAN NORMAN: — we neither made nor could make
20 any changes to the text at that point. Text changes do, in
21 fact, require motions and they do, in fact, need a vote of the
22 Commission before we go forward. So I personally appreciate
23 your client's and your concern. I think we stated at the work
24 session — and people here who witnessed the work session —
25 our openness to discuss some of those things. And, personally,
26 I can't speak for my five members, the other members of the
27 Commission.

28 MR. DEMETER: Okay.

29 CHAIRMAN NORMAN: I shared your client's concern
30 about the elimination of all the activities that were in B-1.

1 I thought we had stripped it. I think all my fellow Commission
2 members felt the same way, so we'll see how it falls out.

3 Okay? I just give you a heads up.

4 MR. DEMETER: Okay.

5 CHAIRMAN NORMAN: And I don't know, nor do I think
6 any of my fellow Commission members know, how this is going to
7 turn out just yet.

8 MR. DEMETER: Okay.

9 CHAIRMAN NORMAN: But we'll find out pretty quickly.

10 MR. LINGENFELTER: The other thing I would ask, too,
11 just out of curiosity, because Mr. — Is it Cormack?

12 MR. DEMETER: Cormack.

13 MR. LINGENFELTER: Cormack. His comments prior to
14 yours, as well as some of the things that you've stated with
15 regards to the loss of value to the property, do you have any
16 supporting documentation or any support, any reports or real
17 estate analysis or any sort of professional opinions that would
18 support those allegations or is this just strictly conjecture
19 on your part?

20 MR. DEMETER: I have not personally contacted
21 Mr. Cormack to have his property appraised at the current
22 time. I don't know what the value is. I have not spoken to
23 any appraiser or real estate agent regarding the value of his
24 property.

25 MR. LINGENFELTER: Or anything else, or with regards
26 to the other properties in consideration?

27 MR. DEMETER: What do you mean, "the other properties
28 in consideration"?

29 MR. LINGENFELTER: Well, you're talking about a
30 couple different locations. We're talking about two different

1 locations that, pretty much, across one another, on opposing
2 corners, and I am just, like I said, I am just curious.

3 MR. DEMETER: I am here speaking for Mr. Cormack's
4 property only, I am not speaking on behalf of the other owner's
5 property.

6 MR. LINGENFELTER: Okay. No, I know. But I'm
7 saying, you are mentioning yours specifically. He mentioned
8 his. I am just curious if you have any documentation, any
9 professional opinions, outside of just these statements that
10 his property is going to be severely limited?

11 MR. DEMETER: I am sure, if you requested it, we
12 could probably look into obtaining some type of valuations to
13 see how the property actually would be affected by these zoning
14 changes but, at this point in time, I have not contacted an
15 appraiser to specifically look at the value or have any
16 specific monetary values at this time.

17 MR. LINGENFELTER: I think one of the things that's
18 important is that when residents come here and express concern
19 with regard to their properties being devalued or them being
20 severely limited from a resale standpoint or from a marketing
21 standpoint, you know, we obviously, when anybody says something
22 like that, that concerns me deeply from a personal standpoint.
23 I would never want to hurt anybody financially with regards to
24 any decisions that we make as a Board here.

25 And it's just, a lot of times, people come to these
26 public hearings and they state emphatically that, you know,
27 their properties are going to be severely hindered or
28 diminished in value but yet they don't give us anything to be
29 able to look at or digest as part of that decision-making
30 process that would be helpful with regards to making a decision

1 as to whether or not rezoning effort should go forward. It
2 would be very helpful.

3 MR. DEMETER: No, I know. But I guess I'm looking at
4 common sense, too, that if his property is out there now and he
5 can only put in government facilities and there is no
6 government — he has his property and no government facility is
7 interested in purchasing his property, what's the value of his
8 property?

9 MR. LINGENFELTER: But he still has the option to
10 sell it to another person that can use it for the same use.

11 MR. DEMETER: But if there is no interest in putting
12 up any government facilities there or another, or somebody
13 running the business as a continuing nursery or garden center,
14 then common sense is going to dictate that the value of his
15 property is not going to be, is not going to be the same.

16 MR. LINGENFELTER: I can follow your common-sense
17 analogy if it was a single use but it's not, so there are
18 multiple uses within that.

19 MR. DEMETER: Your proposal was for very strict
20 uses. Now that we've had this discussion, I am understanding
21 that there is further discussions going on.

22 CHAIRMAN NORMAN: There is some other things, I
23 think, that allow the residents and others outside the
24 residential area to forget, and one of which is the fact that
25 his property was grandfathered. That doesn't mean it's just
26 restricted to just nursery, it says "like uses." Okay? So
27 there is, it kind of broadens it out in that sense.

28 I would have to submit to you, counselor, that at
29 some point in time, you know, the property has changed for a
30 magnitude of reasons, not all of them in everybody's best

1 interest. They do get changed.

2 We have tried very diligently to listen and try to
3 understand and try to incorporate some things. I think that's
4 the point I am trying to make to you. And I hope the rest of
5 the community out there understands where we're coming from
6 because, you know, we did hear you loud and clear at the last
7 public hearing, and that's why we recessed it and why we had a
8 work session and why I am glad you were there so you heard for
9 yourself.

10 MR. DEMETER: Okay. Appreciate your time. Thank you
11 very much for your future considerations.

12 CHAIRMAN NORMAN: Thank you for your comments. I
13 really mean it. I appreciate them.

14 Okay. Now, I've got to go back. Vanessa, would you
15 like to come up now? Please raise your right hand. Let's get
16 the mic first. Raise your right hand. Do you swear to tell
17 the truth, the whole truth and nothing but the truth, so help
18 you God?

19 MS. PESEC: Yes, I do.

20 CHAIRMAN NORMAN: Would you say and spell your last
21 name and your address, please?

22 MS. PESEC: It's Vanessa Pesec, V-a-n-e-s-s-a. The
23 last name is Pesec, P-e-s-e-c. The address is 11705 Cali Court
24 here in Concord.

25 CHAIRMAN NORMAN: Let me just hold you. Did you get
26 that? I had trouble hearing you.

27 THE REPORTER: Barely.

28 CHAIRMAN NORMAN: Did you hear that on the — Is that
29 mic working?

30 VIDEO TECHNICIAN: Yeah.

1 CHAIRMAN NORMAN: Okay. Maybe you better hold it up
2 a little closer because I could barely hear you, seriously.

3 MS. PESEC: I am just getting over a cold. I will do
4 my best.

5 CHAIRMAN NORMAN: I am not trying to penalize you. I
6 just want to make sure everything is working for you.

7 MS. PESEC: Sure. Thank you. I spoke a lot about a
8 lot of the issues at the last public hearing and I don't want
9 to go over those points in too much detail.

10 CHAIRMAN NORMAN: That's fine.

11 MS. PESEC: I would like to bring up some additional
12 points that I've come to realize recently and, I guess, a
13 couple of, a couple of little points will make it a little bit
14 clearer.

15 In April of 2008, a worker was air-lifted Thursday
16 from a local ball field after an accident at a natural gas well
17 drilling at a site of Eiger. In February of 2009, a man is
18 dead as a result of an accident at a natural gas well in
19 Stonewall. In July of 2008, there was yet another gas well
20 accident, this one involving a man who fell down a well shaft.
21 In Jefferson, a violent release of pressure in a gas well threw
22 a rig worker 30 feet in the air, killing him, and another man
23 was seriously injured. And I could read a lot more but I don't
24 think that, at this point, it's necessary.

25 Further, in looking at gas wells here in the area,
26 the Gates Mills fire department, and specifically Chief
27 Robinson, has looked into this in a lot of detail.

28 MR. LINGENFELTER: Which fire department, Vanessa? I
29 am sorry.

30 MS. PESEC: Gates Mills.

1 MR. LINGENFELTER: Gates Mills, okay,.

2 MS. PESEC: And put a history of the gas well
3 incidents just in Gates Mills. And, in 2008, for just the
4 first 10 months of 2008, as this report was written, there was
5 a tremendous number, an increase in number of incidents. The
6 first 10 months, they had 14 incidents, where, in all of 2006,
7 they only had three. In January, there was a strong odor of
8 gas. Another in January, noise but no odor of gas. In
9 February, a hissing noise and a smell of natural gas in the
10 area. April, a report of odor of gas and noise. April, a loud
11 noise and odor of gas. And it just continues on.

12 CHAIRMAN NORMAN: Okay. Now, Vanessa, can
13 I interrupt?

14 MS. PESEC: Excuse me. This is a public comment
15 section and I will just, if you don't mind, continue.

16 CHAIRMAN NORMAN: I would ask you to make your
17 comments relevant to the issues at hand.

18 MS. PESEC: Absolutely.

19 CHAIRMAN NORMAN: Thank you.

20 MS. PESEC: The point that I would like to bring is
21 that one of the areas that is to be rezoned to the Town Hall,
22 Town Hall Neighborhood is the area of Osborne's property that
23 has an existing gas well on it. And all of these points that I
24 addressed are points that, in which there is an existing gas
25 well and there was a problem and malfunctions with some of the
26 pieces. Sometimes they were fixed and they had additional
27 problems with them.

28 The point is that the gas wells are very dangerous
29 and have many accidents that happen; and so I wanted to bring
30 that point across, first, because you need to understand that

1 one of the pieces that you're rezoning does have those gas
2 wells.

3 Further, even under transmission pipelines, when
4 we're talking about not just the well itself but just the
5 pipeline, the transmission pipelines, there are certain safety
6 guidelines and rules that should be thought about carefully.

7 And the Municipal Research and Services Center of
8 Washington put together model setback regulations just for the
9 pipelines and it talked about a priority of local governments
10 should be the protection of the lives and property of those
11 living, working, or recreating in the vicinity of natural gas
12 transmission pipelines. A jurisdiction could choose to permit
13 single-family residences but not family, multi-family housing
14 within a specified distance from the pipeline easement.

15 A jurisdiction could choose to prohibit facilities
16 such as nursing homes or hospitals within a certain distance
17 from the pipeline easement. The goal should be to zone in a
18 way that minimizes the likelihood of large numbers of
19 casualties in the event of a catastrophic rupture.

20 And these guidelines are just for a pipeline, not for
21 the well, an entire well. But, unfortunately, this is exactly
22 what is being proposed right here in Concord. We're increasing
23 the density of residential and we're allowing nursing homes to
24 be included on a piece of property that has an existing gas
25 well, which would be a complete disregard for the health and
26 safety of the residents.

27 Worse yet, Concord has not established any setback
28 for how close a home or structure can be constructed next to a
29 well. You did establish how close a well can be dug next to a
30 home but not the reverse. This means that the high-density

1 homes you have proposed could be built right up next to the
2 well or nursing home could be built right next to an operating
3 volatile gas well.

4 In fact, the Lake County Planning Commission was just
5 forced to approve the Orchard Springs subdivision, which has an
6 existing well. One home as a 0-foot setback, one has a 5-foot
7 setback, and two have a 10-foot setback. I consider this to be
8 shocking.

9 And you should know that the Ohio legislature says
10 that there must be 100 feet from a structure to a gas well.
11 The Concord zoning text says it has to be 300 feet. However,
12 the state of Texas has a lot of information and they have put
13 together recommended guidelines and they say that structures,
14 to be safely away from a well, must be 3,000 feet from the
15 well. And the Ohio legislature is currently considering
16 legislation to better regulate gas wells and that legislation
17 also states a 3,000-foot setback. So the 300-foot setbacks
18 that you have proposed really are insufficient to protect the
19 residents of Concord.

20 As you probably know, townships and cities have very
21 little control over gas wells and where they're placed, as the
22 Ohio legislature has forced this terrible legislation through
23 in 2004. But in this one instance, you have some control over
24 where homes or nursing homes would be placed in regard to gas
25 wells. And instead of protecting the citizens, you want to
26 endanger even more citizens by increasing the density and
27 allowing nursing homes, rest homes and hospice centers.

28 Also, the properties in the Town Hall Neighborhood
29 are currently zoned for commercial use and should remain
30 commercial. Concord and the school system desperately need the

1 revenue generated by such commercial property, and adding homes
2 costs the township money, as stated in the comprehensive plan
3 and 100 studies done all around the country, including a new
4 one in Madison Township.

5 And residential care facilities, like nursing home
6 and hospice care, are usually nonprofit so they would drain our
7 economy and make citizens pay more, pay higher taxes and,
8 therefore, should not be allowed in the currently-zoned
9 commercial property of Town Hall Neighborhood. As stated in
10 the comprehensive plan, we don't have enough commercially zoned
11 land right now, so there is no good reason that we should take
12 away commercial land and allow it to be put as residential or
13 not-for-profit residential care facility.

14 Also, the residents of Concord don't want cluster
15 homes. This room, currently, here holds about 50 people. Now,
16 imagine 32 of these rooms full of people, full of Concord
17 residents. That's over 1,500 people, and that's the number of
18 people who have stated on the survey that they do not want
19 cluster homes.

20 Plus, as you know, Concord already has detached
21 single-family cluster homes and 16 percent of the total housing
22 units are single-family attached units and 6 percent are
23 buildings with 2 to 5 dwellings. So Concord already offers
24 residents a wide variety in the types of living they can, that
25 they can have if they want to downsize from a single-family
26 home.

27 Also, the idea of a mixed use area for the Town Hall
28 Neighborhood is misplaced, I believe. The definition of a
29 mixed use is a vertical mix of commercial and residential uses
30 within the same building; and, also, it's one that promotes a

1 pedestrian-friendly environment.

2 By talking about the Town Hall Neighborhood and the
3 Town Hall complex, this implies that people can walk to the
4 Town Hall and its recreational offerings but this is completely
5 false because no one can walk down 608 or Ravenna. The roads
6 are narrow, there is no shoulder, and the speed limit is very
7 fast. There was, of course, a very terrible incident several
8 years ago where a boy was hit by a car right on 608, became a
9 quadriplegic on a ventilator and died several years later.

10 It's up to the Town Hall to protect residents from
11 this type of tragedy. Don't encourage pedestrian traffic by
12 falsely claiming that the Town Hall Neighborhood and the Town
13 Hall Commons are somehow connected.

14 Stating that the current uses proposed in the Town
15 Hall Neighborhood zoning text would be sufficient to make it a
16 mixed use, pedestrian-friendly area is inaccurate.

17 I am sure that it's just a coincidence that
18 Mr. Osborne is trying to build something similar to what is
19 being proposed here in the Town Hall Neighborhood in Willoughby
20 Hills. He petitioned the city to rezone from residential to
21 senior citizen residential but now intends to build an active
22 adult community with a higher density of 56 homes. This is
23 against their comprehensive land use master plan.

24 Fortunately, the City of Willoughby Hills have
25 officials who recognize these problems and have passed
26 unanimous resolution opposing the development and the vote will
27 take place in May.

28 Finally, there are many holes in this zoning text.
29 It states that there are three homes per acre and it includes
30 the land that's currently under water, in a pond, as well as

1 the gas well itself, the streets and any setbacks. What it
2 allows is all of the buildings to be squished into a much
3 smaller area and built seven or eight together per acre in an
4 area. It allows then that empty space to be there. It doesn't
5 allow the empty space — it doesn't require that the empty
6 space be used in some sort of open preservation for its
7 entirety, and this could then allow for the development of that
8 space at any later time.

9 It doesn't talk about any specific percentage of
10 mixed uses so that you would have the kind of development that
11 you're thinking of, necessarily. It would be completely up to
12 the developer.

13 There is no stipulation about an access road
14 currently in the plan, that many driveways can come out onto
15 the road. And there is not even a requirement for landscaping
16 along the access road so that, especially on Mrs. Spear's
17 property, you could have 608, just some grass, an access road
18 and then a bunch of driveways with homes. It definitely
19 wouldn't be conducive to promoting and preserving the historic
20 nature of this area.

21 This lack of detail always hurts the township. We
22 have watched it again and again. The developer wins big and
23 Concord residents lose. Please listen to the residents and
24 only allow commercial activities in the Town Hall
25 Neighborhood. And I hope that you will do your duty to protect
26 the health and safety of all Concord residents, as required by
27 the Ohio Revised Code, and make sure that you don't allow
28 residents and gas wells, residential property and nursing homes
29 onto properties that have existing gas wells.

30 Thank you very much.

1 CHAIRMAN NORMAN: Very good, Vanessa. You have
2 raised all the fear tactics you could, didn't you? Thank you
3 very much. Anything else, Vanessa, that you would like to say?

4 MS. PESEC: No.

5 CHAIRMAN NORMAN: Okay. Now we're back on the row
6 behind where Vanessa was. Do you folks have anything you would
7 like to say, please?

8 MS. ARNOLD: Before I swear, I have a letter from
9 Mrs. Spear. Am I to read that, because she was unable to come
10 tonight, or do you swear me in?

11 CHAIRMAN NORMAN: I swear you in first. Are you
12 ready?

13 MS. ARNOLD: Yes, sir.

14 CHAIRMAN NORMAN: Raise your right hand. Do you
15 swear to tell the truth, the whole truth and nothing but the
16 truth, so help you God?

17 MS. ARNOLD: Yes.

18 CHAIRMAN NORMAN: Would you please state your name,
19 spell your last name, and your address for us?

20 MS. ARNOLD: My name is Stephanie Arnold,
21 A-r-n-o-l-d, 11473 Concord-Hambden Road.

22 After listening to Vanessa, I have a couple questions
23 that I honestly don't know if this is the appropriate time to
24 ask them but I am going to.

25 CHAIRMAN NORMAN: Why don't we get the letter from
26 Mrs. Spear out of the way first, please.

27 MS. ARNOLD: Okay. This letter is from Mrs. Spear.

28 CHAIRMAN NORMAN: And then would you please give it
29 to Kathy.

30 MS. ARNOLD: Her address is 11400 Concord-Hambden

1 Road. "Dear Sirs: This letter is to inform you that I am
2 opposed to the new proposed zoning text to be discussed at
3 tonight's meeting. This new text is being developed
4 specifically for the parcels on Concord-Hambden Road. I am
5 aware, if the new text is approved, you will attempt to change
6 my property on Concord-Hambden Road from manufacturing to Town
7 Hall Neighborhood. Again, I am opposed to the new zoning
8 classification. Thank you very much. Respectfully, Betty
9 Spear."

10 CHAIRMAN NORMAN: Thank you. Would you give it to
11 Kathy, please? Thank you very much.

12 MS. ARNOLD: The height. You're allowed to make
13 buildings four stories tall, according to the proposed way the
14 new text is to be written?

15 CHAIRMAN NORMAN: I can't remember what the height
16 requirements are. I think that falls into the rest of the
17 text.

18 MS. MITCHELL: 40 feet.

19 MS. ARNOLD: Okay, 40 feet is four stories. Do we
20 have a bucket truck? Do we have fire equipment?

21 CHAIRMAN NORMAN: That's been addressed by the fire
22 department.

23 MS. ARNOLD: Okay. My concern is if you are putting
24 a four-story building.

25 CHAIRMAN NORMAN: I understand where you're coming
26 from and I will just tell you that when I was on the Zoning
27 Board of Appeals that limit was 35 feet. And, at that time,
28 there was a building that was going to exceed that by about 3
29 feet right over by Zapp's on the corner of Johnnycake and Old
30 Johnnycake, and it's currently a real estate building. If you

1 look at it, you will see the top is flat because it couldn't
2 exceed 35.

3 In this case, the height limit was raised to 40. The
4 fire department has approved it and is in favor of it. And if
5 someone wants to go beyond that, they have to go to the Zoning
6 Board of Appeals, at which point in time then it's up to them
7 to stop it, but we have the ability to handle things at that
8 level.

9 MS. ARNOLD: How many stories is the new hospital?

10 MS. MITCHELL: Five.

11 CHAIRMAN NORMAN: Five.

12 MS. ARNOLD: Okay. Same request, different day. I
13 am opposed to the single-family cluster housing.

14 CHAIRMAN NORMAN: We knew that before.

15 MS. ARNOLD: Please, no more high-density housing.

16 When Mr. Lingenfelter asked about how can we
17 rationalize or prove that it devalues the property to change it
18 from what it is now to what you are proposing, if you have 30
19 uses — which is, mine is zoned manufacturing — if you have 30
20 uses and you cut it back to 5, I know that common sense isn't
21 supposed to be a rationale but common sense says, if you have
22 30 choices and you decrease it to 5, it would decrease the
23 potential number of buyers. Thank you for your time.

24 CHAIRMAN NORMAN: Thank you for your comments. I do
25 appreciate that.

26 Okay. Who's next, please? Are you ready?

27 MR. LARICK: Yes.

28 CHAIRMAN NORMAN: Raise your right hand. Do you
29 swear to tell the truth, the whole truth and nothing but the
30 truth, so help you God?

1 MR. LARICK: Yes.

2 CHAIRMAN NORMAN: Thank you. Would you please state
3 your name?

4 MR. LARICK: Hugh, H-u-g-h, last name is Larick,
5 L-a-r-i-c-k. I reside at 7124 Ravenna Road.

6 THE REPORTER: Can you speak up, please?

7 MR. LARICK: 7124 Ravenna Road. And you know why I'm
8 up here.

9 CHAIRMAN NORMAN: Sure.

10 MR. LARICK: Still opposed to the cluster change over
11 there.

12 CHAIRMAN NORMAN: That's fine.

13 MR. LARICK: You guys have 92 percent residential, 8
14 percent commercial.

15 THE REPORTER: I'm sorry. I can't hear you.

16 MR. LARICK: You have 92 percent residential, 8
17 percent on the commercial, so I can't see why you would change
18 any of that. That's pretty limited when you have 90 — that
19 much.

20 CHAIRMAN NORMAN: I can barely hear you, so you
21 better speak up just a little bit.

22 MR. LARICK: I say, when you have 92 percent that's
23 already approved for residential, why would you take from that
24 remaining 8 percent that is commercial? Why would you consider
25 changing it?

26 CHAIRMAN NORMAN: Okay.

27 MR. LARICK: A very limited amount. At the last
28 meeting, you guys said that the land was vacant for 40 years.
29 No one has had — Things are changing in Concord. We see the
30 hospitals down on the corner and we see what's been done on

1 Crile Road. So, for 40 years, it might change. Someone might
2 be interested.

3 CHAIRMAN NORMAN: Okay.

4 MR. LARICK: The other thing is when you have so many
5 people who are involved with the zoning change who seem to be
6 dead set against it, I don't really see anybody who is really
7 for it. You should consider that.

8 CHAIRMAN NORMAN: Okay. Thank you very much.

9 Okay. Now the last row, the sixth row, I guess it
10 is.

11 Raise your right hand. Do you swear to tell the
12 truth, the whole truth and nothing but the truth, so help you
13 God?

14 MR. CORMACK: I do.

15 CHAIRMAN NORMAN: Would you please state your name
16 loudly now?

17 MR. CORMACK: My name is Craig Cormack. Cormack is
18 C-o-r-m-a-c-k. I own the property at 7220 Ravenna Road, which
19 is Maple Ridge Garden Center. My attorney, Rich Demeter, I
20 think he expressed a lot of the concerns that we have to you
21 so, obviously, I am not going to go through that again.

22 But one thing I just want to read, which I know you
23 said you are going to take this into consideration, but in the
24 zoning changes, I guess it would be Section 22.01, "Purpose:
25 To provide a Town Hall Commons District that will preserve and
26 enhance the historic center of the township at Concord-Hambden
27 and Ravenna Roads crossroads area through a mixture of
28 community facilities, business and recreational uses that
29 serves as a gathering place for the community."

30 Again, I don't want to repeat it again but I guess I

1 will say, under the existing uses or the uses that you have
2 proposed, you know, business are pretty much exempt from that
3 and not even included, and the only thing that could be
4 considered a business would be a restaurant which, again, is
5 conditional.

6 You know, I always have a problem with conditional
7 because that's up to the opinion of other people and that, you
8 know, what is said and what happens are two different things.
9 As I said before, I've been through that. When the township
10 put a sewer in and they said to me, "Of course, you will have a
11 connection," I didn't get it in writing. No other connections
12 were put in other than three pieces of vacant property owned by
13 Mr. Osborne.

14 At the time, I was told that the reason — I know
15 this may be getting off track but it really has some pertinence
16 to what's going on. At the time, I was told that I wasn't
17 given a connection because, within a year, I would have to tie
18 in. So I said, "That's nice because that means Mr. Osborne
19 will have to develop his property within a year." Well, it's
20 been over two years.

21 I guess, what I am getting at is a lot of times, when
22 people say things to you, they'll say, "Well, you can come for
23 consideration." You know, from my experience, that means
24 nothing whatsoever. So that's why, if I sound a little cynical
25 about things, I have good reason to be cynical.

26 CHAIRMAN NORMAN: I understand.

27 MR. CORMACK: So that's the only thing.

28 And, again, I just want to go through about the value
29 of the property. Andy said that we don't have proof.
30 Obviously, we don't have. I have talked to — My wife is an

1 attorney with a firm downtown, Benesch, Freidlander. I have
2 talked to some of their people who are experienced in zoning
3 affairs and they consider this to be a taking, which seriously
4 would devalue the property of mine and Mr. Crecraft and anyone
5 else who was in the Town Hall Commons.

6 And they told me, at that time, we have to get
7 appraisers and, obviously, we understand that. You know, it's
8 like, Andy is an auctioneer. If you have an auction, Community
9 Days — I will give you a good example — used to have a big
10 crowd. And it's smaller, and part of the reason is because
11 there aren't as many things donated anymore. So Andy has to
12 work a lot harder because there are way less bidders.

13 So by changing the zoning to Town Hall Commons on my
14 property and adjacent properties, obviously, the bidders become
15 very limited. The township, for their use in terms of my
16 property, I see little use. There is even talk of maybe having
17 a recreational center over on what would become Town Hall
18 Center between Route 44 and Crile Road and Auburn Road. So, I
19 mean, obviously, common sense would dictate that there isn't
20 going to be as much there. And, obviously, if it gets to the
21 point where we have to look into this, we have to take legal
22 action, then all that would be presented and I think common
23 sense would dictate that it would affect the value of our
24 property.

25 And one other thing, what Vanessa brought up. I know
26 it sounds like she was raising a scare tactic, but you have to
27 remember, I mean, there are thousands of oil wells throughout
28 Ohio. And, obviously, we don't know of one in Concord that's
29 blown up and blown up the house next door. But by the same
30 token, who would have expected there would be two summers ago

1 that the township would have to take a large front-end loader
2 and go down Fay Road and rescue people from their homes, you
3 know, some people on the second floor of their homes?

4 So, I mean, there are a lot of concerns about gas
5 wells and I never thought about it until Vanessa brought it
6 up. I mean, things do happen. And, you know, it seems that
7 there is a lot of emphasis about, especially, about hospice.
8 And I am not saying hospice is going to be built there on —

9 CHAIRMAN NORMAN: Hang on just a second.

10 MR. CORMACK: That's fine.

11 CHAIRMAN NORMAN: Go ahead. I am sorry.

12 MR. CORMACK: — hospice facility would be built on
13 the one piece of property that's own owned by Mr. Osborne but
14 it really is something that has to be taken into consideration.

15 Oil wells, obviously, and gas wells are relatively
16 safe and don't blow up, but all that has to be taken into
17 consideration when you have a large density of people so close
18 to a facility like that, within no more than 500 feet. I mean,
19 from a safety standpoint, that is something, you know, there is
20 a moral responsibility to consider that. And that's something
21 that has been brought up and should be brought up because it's
22 all right to say, "Well, it hasn't happened," but, you know,
23 Fay Road is not going to flood. It's going to only flood once
24 in 500 years. Well, it flooded and it could flood again.

25 That's why, I think, from the moral responsibility, I
26 think oil wells have to be looked into, and gas wells, more
27 fully, especially when there is a high density of people such
28 as, such as a nursing facility or hospice care. I know there
29 is a well over by the hospital and I will bet that well isn't
30 25 feet out the back door. I'm sure there is a significant

1 buffer zone between that and the building.

2 CHAIRMAN NORMAN: I have no idea.

3 MR. CORMACK: I know. I'm just —

4 CHAIRMAN NORMAN: You know, you're raising the same
5 herring I heard, we heard from Vanessa.

6 MR. CORMACK: That's right.

7 CHAIRMAN NORMAN: And I am not sure that there is
8 much, other than putting in some additional clearance, that we
9 can do with that because, as Vanessa so clearly stated, the
10 Ohio Revised Code does the thing. But, you know, the bottom
11 line is, as we told your counsel, that this text that you're
12 all objecting to so strenuously has been reviewed by this
13 Zoning Board and I would expect, at least, there will be some
14 changes to it. Which ones they are, I don't know. But you
15 were hear at the work session, also.

16 MR. CORMACK: Right.

17 CHAIRMAN NORMAN: Okay? So we've heard you guys.

18 MR. CORMACK: Right. So I pretty much said what I
19 have to say. I am not trying to reiterate and go over again
20 and again and again but I think this — I know that the Ohio
21 law restricts what townships and that can do but I am just
22 saying it's something that really, really needs to be looked
23 into.

24 CHAIRMAN NORMAN: I don't debate with that at all.

25 MR. CORMACK: That's good. And I trust that you
26 will. I think we don't need to look at it, again, from her
27 raising the fear factor. I think we have to look at it from
28 the standpoint of common sense. I know there is, there is
29 actuaries in insurance that say, well, the chances of this
30 happening are 1 in 1,000, the chances of this happening are 1

1 in 500. Things happen and they happen often.

2 I think that really needs to be looked into for the
3 safety of the community because, you know — I trust that you
4 will because I don't think that anyone really thought of that
5 issue until this meeting right now. And I think by her
6 bringing it up —

7 CHAIRMAN NORMAN: Well, I think the one thing that is
8 being very diligently attempted by yourself and the rest of the
9 people that objected to the text is you don't want any changes
10 made.

11 MR. CORMACK: No, I —

12 CHAIRMAN NORMAN: Okay? I think that's the bottom
13 line. And if I were to assume anything else, I would be doing
14 all of you a disservice.

15 And I see you smiling back there. Am I wrong?

16 MS. ARNOLD: No.

17 CHAIRMAN NORMAN: I didn't think so. I think that's
18 wonderful if we were in a spot where things would not change.
19 I just don't know where that is.

20 MR. CORMACK: You know, change is good, change is
21 good for a community. But the whole, the issue is, what does
22 change result in? Does change result in what's better for the
23 community or does change not? That's the whole thing.

24 CHAIRMAN NORMAN: Well, if I were to sit here and
25 tell you I had a crystal ball that would allow me to see down
26 the road what change would do, I'd be misleading you, wouldn't
27 I?

28 MR. CORMACK: No, you are absolutely right. But you
29 also try to anticipate what the change is going to result in.

30 CHAIRMAN NORMAN: And if it's a 1 in 500 chance, like

1 they talked about the flooding that occurred that was 1 in 100
2 year flood, I think, that occurred in Painesville, Painesville
3 couldn't second-guess, no one else can.

4 And I am not demeaning your comments, I really am
5 not. I hope you understand. I hear you.

6 MR. CORMACK: This is an open discussion.

7 CHAIRMAN NORMAN: It's an open discussion and I hope
8 all of you realize that we hear you. But, at the same time, I
9 would like you to understand where we are. Okay? And that's
10 important also for reasonable discourse to take place.

11 MR. CORMACK: I understand that. I think I
12 understand it. I think I understand it but I'm not sure if the
13 result of, for example, changing my zoning and Mr. Crecraft and
14 the other properties in question for the Town Hall Center, I am
15 not — I am still kind of vague about what that accomplishes in
16 terms of enhancing the historic value and the gathering in
17 Concord because a doctor's office, a dentist's office, an
18 engineer's office doesn't really have a lot to do with
19 gathering, you know, conditional restaurants.

20 And I understand, I guess, what we have to do is,
21 again, we have to — Sometimes I wish that we weren't making a
22 comment now but we were making the comment after we heard what
23 you propose to change. You know what I mean? It's kind of
24 like, I don't know, we are talking to you and you have an idea
25 of what you're going to do but we don't have any idea, so I am
26 getting up here going through the same thing.

27 CHAIRMAN NORMAN: Well, you've been through this
28 before. Okay?

29 MR. CORMACK: Yeah.

30 CHAIRMAN NORMAN: And I am going to tell you right

1 now, there is five people on this Board and I don't think any
2 one of us can tell you what's going to happen after we start
3 reviewing this text and going through it item by item. And I
4 say that not defensively, I say that sincerely, because I know
5 I have not talked to these gentleman outside of this room about
6 this text because I don't think that's ethical. Okay?

7 MR. CORMACK: That's good. I take you for your
8 word. But I am just — Again, it is kind of funny.

9 CHAIRMAN NORMAN: That's kind of a left-handed
10 compliment. Thank you, by the way.

11 MR. CORMACK: There is left-handed comments all the
12 time. It wasn't meant to be anything like that. I do take you
13 for your word. And it's hard, when it comes to stuff like
14 this, for me to say, "I take you for your word" — I've taken
15 people for their word — but I do take you for your word this
16 time.

17 So I guess what I am getting at is, now I have said
18 my thing and now I'll just sit down and then we'll find out
19 what the changes are going to be. I wish that we had gone
20 to —

21 CHAIRMAN NORMAN: Well, there is another step in this
22 whole thing. We are only a recommending body, as you all know.
23 Okay?

24 MR. CORMACK: Yes.

25 CHAIRMAN NORMAN: And we will make whatever
26 recommendations come out to the trustees. The trustees will
27 hold another public hearing. They can, in fact, do several
28 things: They can change the text, they can turn it down cold,
29 or they can accept it.

30 And since the Ohio Revised Code has changed the law,

1 if they turn it down cold they only need a majority. Two out
2 of the three trustees have to turn it down. It is not like it
3 used to be.

4 So I only point out to you that your input here is
5 appreciated. We've listened and we've tried to do, you know,
6 we're trying to do the right thing.

7 MR. CORMACK: Sure.

8 CHAIRMAN NORMAN: But there are steps to continue
9 down the road.

10 MR. CORMACK: Right.

11 CHAIRMAN NORMAN: And I will encourage all of you to
12 do the same thing you've done tonight: Go to the meeting,
13 whatever comes out of this, because the trustees will get it
14 eventually anyway. Okay?

15 MR. CORMACK: I have it.

16 CHAIRMAN NORMAN: I am being honest with you.

17 MR. CORMACK: We're really getting to know each
18 other.

19 CHAIRMAN NORMAN: Yeah, we are. I don't know if I
20 like it or not.

21 MR. CORMACK: Also, if you need some azaleas, stop
22 by. We've got a great sale.

23 CHAIRMAN NORMAN: I can't do that. I'm sorry.

24 MR. CORMACK: No. I said, We have a great sale.

25 CHAIRMAN NORMAN: I hear you. Thank you very much.

26 MR. CORMACK: Terrific. See, I am trying to drum up
27 some business.

28 CHAIRMAN NORMAN: I understand that and I appreciate
29 it. Thank you.

30 The last row, I assume Mr. Pesec has a statement.

1 MR. PESEC: I do.

2 CHAIRMAN NORMAN: Very good. Would you raise your
3 right hand? Do you solemnly swear to tell the truth —

4 MR. PESEC: I would like to ask counsel if that's
5 required by Ohio Revised Code.

6 MR. LUCAS: Well, this is a zoning text amendment, so
7 it's not really required.

8 MR. PESEC: Okay. Given that the group in front of
9 me hasn't raised their right hand and gone through the swearing
10 ceremony, I don't see it necessary for me to do so, although I
11 do intend to tell the truth.

12 CHAIRMAN NORMAN: Well, that's a big deal. Thank you
13 very much, Mr. Pesece.

14 MR. PESEC: So we've heard a lot of testimony here.
15 This is a pretty important issue for Concord right now. This
16 is the center of our township, a very important place. We've
17 got a historic building that we're in right now. It's a very
18 beautiful corner. And, right now, we're looking at how do we
19 change it and evolve it to grow it to be something else?

20 I've got some real problems with the way the change
21 is being proposed. Given that it may evolve from where we are,
22 I think it's important to hear these opinions. Some of them
23 have already been said but I want to emphasize some things.

24 First of all, certainly, if you take away uses for a
25 piece of land, you decrease potential buyers for that land and,
26 therefore, potentially reduce the value. This isn't anything
27 about common sense, this is just a reality of the way the real
28 estate markets work. Try removing some uses from some
29 commercial property that's up for sale and see how the realtor
30 will squawk.

1 The changes that are proposed, I believe, will allow
2 further unsightly development. I was shocked as I watched the
3 Lake County hospital climb up to — what is it now — six
4 stories tall. I think we all remember when that zoning change
5 went through. The Lake County hospital folks showed us nice
6 pictures of a two-story tall building with landscaping and
7 trees and setbacks, and now it's a big icon of the intersection
8 that I look at I every time I drive through.

9 Even if they can get a fire engine up from Chardon to
10 unload people off the sixth story, I still think it's a
11 dangerous place but, furthermore, it is very unsightly.
12 Increasing the height of buildings that can be right around the
13 corner here, where everything is two stories tall, I think,
14 allows for some pretty big structures to be there.

15 The revenue losses, I think, are a very important
16 consideration. Our township does not get enough revenue from
17 commercial property. And allowing multifamily dwellings in a
18 place that's zoned commercial reduces the revenue compared to
19 the costs that come along with that, and I think this is a very
20 important consideration that we have to have.

21 When you look at wealthy communities, such as
22 Beachwood, they manage their commercial property and the
23 residential property in a way that allows the township to
24 continue to make ends meet for years and years into the future
25 after the development is done.

26 The increase in the density of housing, we want this
27 community to be low density. We're talking about many, many
28 more houses being on that property than would be allowed other
29 places in the township. You know, they — we call this a
30 rezoning for different kinds of uses but, frankly, I know that

1 the Osborne property, there has been an attempt to rezone it
2 for multifamily dwellings twice now.

3 Allowing this zoning change opens that property up
4 for multifamily dwellings. Now, you can say it's based upon a
5 commercial — I'm sorry — it's based upon a conditional review
6 by this Board but I've seen time and time again when the Board
7 was faced with making a decision that would keep a property
8 owner from doing what he would like to do. You very much feel
9 that you're backed into a corner and I have even heard comments
10 about suffering a lawsuit.

11 So if this conditional use comes up, you are going to
12 need a very strong reason to resist a multifamily development
13 in that property where it's already been turned down a couple
14 times, so I see this as a backdoor way to get that property
15 rezoned for multifamily dwellings.

16 I am almost done. So those are all important
17 considerations. The considerations of safety are real. 608 is
18 a 45-mile-an-hour road. Nobody in their right mind is going
19 the walk down there on a nice stroll to get here to the Town
20 Hall. And unless there were a real plan to put in sidewalks
21 and pedestrian pathways and that sort of thing, crosswalks,
22 that the idea that it's going to be kind of like the Civic
23 Center in Mentor, I think, were misplaced. It is not the kind
24 of situation we're able to achieve here in Concord with the
25 restriction we have on what a township can do.

26 So I think that, as you work through what your
27 considerations are for rezoning, I think you have to really ask
28 yourself, when you say that change is a reality, you guys are
29 in control of what gets changed and what gets allowed to
30 happen, and that the reason we have zoning is to protect us

1 from rampant change.

2 If there is not a strong motivation to rezone a
3 property, we should leave it alone. And, in that way, we can
4 keep change that's going to be bad for Concord from happening.

5 Thanks.

6 CHAIRMAN NORMAN: Thank you for your comments.

7 MR. PESEC: Oh, by the way, I consider myself still
8 sworn.

9 CHAIRMAN NORMAN: You weren't sworn in, by the way.

10 MR. PESEC: Still acting under my obligation to give
11 you truthful statements here, I have a letter from Bob Galen.
12 Bob was unable to make it here today. Bob is at 12024 Girdled
13 Road. And I will submit it after I read it. The subject is
14 the continuation of the public hearing from April 7th — or on
15 April 7 from March 3rd.

16 "Unfortunately, because of a prior commitment I am
17 unable to attend tonight's meeting. However, I would like my
18 comments to be read and entered into the proceedings. There
19 are two issues that I feel need to be changed within the THN
20 text. Number 1: Cluster homes. I do approve of clusters in
21 the Spear property that abuts Concord-Hambden Road. I do not
22 approve of these clusters in the Osborne-Arnold property
23 because:

24 "A. A text other than clusters would yield a higher
25 tax dollar and less cost for the township. We need tax
26 generating zoning.

27 "B. A cluster development will only add to our
28 already inadequate infrastructure rolls.

29 "C. The only people that cluster will bring to the
30 THN is that neighborhood. It will not attract other

1 Concordians and people from surrounding areas. It is self-
2 defeating that — while it is self-defeating the idea of 'while
3 serving as a gather place for residents,' — which is quoted
4 from the *News Herald* March 3rd. What was quoted from the *News*
5 *Herald* is, "while serving as a gathering place for residents."

6 "D. There is a gas well on the 9.699 acre area. Who
7 would buy a home that would view a gas well? Also, I am told
8 that there are no regulations on setbacks from the existing
9 well. The well at Grist Mill coexists nicely with its
10 neighbors."

11 "And Point Number 2: Restaurants (or counter
12 service). I feel that outside dining should be eliminated from
13 possible use. At best, this service is available only four or
14 five months a year. Also, eliminating this use precludes
15 outdoor grilling. Forbid it and you don't have to enforce it.
16 Please take this suggestion for your review committee. 'But
17 the outdoor dining option as an accessory use in the THC and
18 THN District should be deleted.'" This is from the work
19 session meeting on March 24th, page 2, paragraph 3.

20 "Thank you for your conversation." Signed, Bob
21 Galen.

22 CHAIRMAN NORMAN: Thank you.

23 Anyone else back there in that last row?

24 Okay. Gentlemen, it's our turn. I will look. What
25 we'll do is we'll start down the text.

26 MS. LUHTA: George.

27 CHAIRMAN NORMAN: Yes?

28 MS. LUHTA: May I say something?

29 CHAIRMAN NORMAN: Absolutely.

30 MS. LUHTA: Connie Luhta, 12361 Route 608.

1 CHAIRMAN NORMAN: Do you swear to tell the truth, the
2 whole truth, so help you God?

3 MS. LUHTA: Yes.

4 CHAIRMAN NORMAN: Thank you.

5 MS. LUHTA: I just want to correct a mistake.
6 Several people have referred to Concord-Hambden Road from
7 Ravenna to Auburn as 608. It is not 608 in that section. That
8 is a county road and it is known as Concord-Hambden. Route 608
9 is a state route and it starts here at the corner and goes
10 east, because I live on 608.

11 CHAIRMAN NORMAN: Thank you very much.

12 All right. We've had public discussion on Amendment
13 Number 1. Gentlemen, I look to my fellow Commission members.
14 Do you have any comments, anything you'd like to add, change,
15 delete, whatever?

16 MR. LUCAS: George, did you close the public hearing?

17 CHAIRMAN NORMAN: No.

18 MR. WENTZ: We didn't.

19 CHAIRMAN NORMAN: No, I did not.

20 MR. LUCAS: Okay.

21 CHAIRMAN NORMAN: What I am doing is looking for
22 comments —

23 MR. LUCAS: That's fine.

24 CHAIRMAN NORMAN: — on the first section before we
25 go into that.

26 MR. SHENK: Mr. Chairman, in my mind —

27 CHAIRMAN NORMAN: Just a second, gentlemen.

28 Michael, excuse me, counsel, if I might. Is it
29 acceptable under the law if I go through all of these and get
30 them, if they're going to be modified or whatever, get it done

1 and then come back and vote at the end, at each individual
2 time, or should I do it at the end of each amendment
3 discussion?

4 MR. LUCAS: Well, whatever changes you're going to
5 have to make —

6 CHAIRMAN NORMAN: They need to be done by —

7 MR. LUCAS: — you're going to need to discuss them
8 and implement them in a motion.

9 CHAIRMAN NORMAN: Right. We know that.

10 MR. LUCAS: So you might as well follow the format
11 laid out here. Why would you go through the whole thing and
12 then come back and start over again?

13 CHAIRMAN NORMAN: Go through the whole thing and then
14 come back and start over discussing the changes?

15 MR. WENTZ: No. He said, why would you?

16 CHAIRMAN NORMAN: Oh, why would I? No. I am just
17 asking the question.

18 MR. LUCAS: I wouldn't, let me say that. It seems
19 redundant to me.

20 CHAIRMAN NORMAN: Yeah. No, that's true.

21 MR. LUCAS: By the way, you can't act on any of these
22 until you close the public hearing.

23 CHAIRMAN NORMAN: That's correct.

24 MR. LUCAS: All right.

25 MR. SHENK: For the first amendment, in my mind,
26 there is three issues. One is the cluster housing. The second
27 is, what commercial uses are we thinking to add?

28 CHAIRMAN NORMAN: Okay.

29 MR. SHENK: Assuming we're thinking about adding
30 some. And, third, which is new, certainly, I think, is this

1 whole issue of gas wells. And, I guess, I would like to better
2 understand what position we can take to protect, from a setback
3 standpoint, anything that goes in there, regardless if they're
4 homes or if it's commercial, as far as setbacks from this gas
5 well.

6 CHAIRMAN NORMAN: I agree.

7 MR. SHENK: So those are three issues I think that we
8 have in this first item, so we have to get them hammered out.

9 CHAIRMAN NORMAN: Yes.

10 MR. SCHINDLER: You know, we had regulations for gas
11 wells and, of course, the state has changed. It's all null and
12 void. Everything now is controlled by the state, to my
13 understanding. So what can we do to control anything involving
14 gas wells? I don't think that's in our authority anymore.

15 CHAIRMAN NORMAN: Well, I think Mrs. Pesec made a
16 point that I think is valid, and that is, we can put side yard
17 or clearances, if you will, for building near gas wells. We
18 cannot restrict the construction of gas wells but we can put
19 restrictions on what a developer, how close he gets, I believe.

20 Is that correct, counsel?

21 MR. LUCAS: Yes. You're not regulating the gas well
22 by saying that new construction of a residential facility —

23 CHAIRMAN NORMAN: Can only get so close.

24 MR. LUCAS: Right, right.

25 CHAIRMAN NORMAN: So, that, we can do.

26 MR. SCHINDLER: But right now, if you take a look at
27 the properties that might be affected by this, if you take a
28 look at some of the setbacks that some of communities are
29 looking at putting in or have put in, it would actually make
30 this land undevelopable, if you take a look at it.

1 CHAIRMAN NORMAN: There you go. Isn't that what
2 people would like to see?

3 MR. SCHINDLER: Yeah. That's what I'm saying.

4 CHAIRMAN NORMAN: That's not rocket science, is it?

5 MR. LINGENFELTER: If you were to use a 3,000-foot —

6 CHAIRMAN NORMAN: Setback.

7 MR. LINGENFELTER: — setback, okay, that's
8 six-tenths of a mile.

9 CHAIRMAN NORMAN: Yes.

10 MR. SCHINDLER: That's like trying —

11 MR. LINGENFELTER: That's over half a mile. That
12 means anybody that owned a business within a half a mile of
13 that gas well, or better than a half a mile, anybody, they
14 would lose the use of their land because they would be within
15 the setback. A half a mile would render that entire section of
16 that township completely useless.

17 MR. SCHINDLER: Exactly.

18 MR. LINGENFELTER: And put all the businesses that
19 are within that half mile — and there are a lot.

20 MR. SCHINDLER: There are a lot.

21 MR. LINGENFELTER: Okay.

22 MR. SHENK: But the current requirement now to put a
23 gas well in, it sounds like it's 100 feet.

24 MR. SCHINDLER: True.

25 MR. WENTZ: I think it's 300.

26 CHAIRMAN NORMAN: It's 300 in Concord; is it not,
27 Kathy?

28 MR. SHENK: Concord is 300 but the state is 100.

29 MR. LUCAS: The state is 100.

30 MR. SCHINDLER: The state is 100.

1 MR. SHENK: So does state override? The state
2 overrides Concord?

3 CHAIRMAN NORMAN: Yes.

4 MR. SCHINDLER: I thought they did. So no matter
5 what we put in there, the state can override that and say we'll
6 allow you only at 100.

7 CHAIRMAN NORMAN: No, no. The state tells drillers
8 they can only get within 100 feet of a residence. We're
9 telling residents and builders —

10 MR. SCHINDLER: Right.

11 CHAIRMAN NORMAN: — they can't build within X number
12 of feet of an existing gas well.

13 MR. SHENK: All right. So we can dictate.

14 CHAIRMAN NORMAN: We can dictate that. That's kind
15 of a reverse way to get at it and I think it's kind of a cute
16 way for people to say, "Well, we don't want that developed, so
17 if we put in 3,000 feet, we kill it all."

18 MR. SCHINDLER: Exactly.

19 CHAIRMAN NORMAN: Why not?

20 MR. SHENK: 3,000 feet, I don't think, is reasonable.

21 CHAIRMAN NORMAN: I don't disagree with that.

22 MR. SHENK: Okay. Now, the current is 100 feet?

23 CHAIRMAN NORMAN: The state requirement is they can't
24 drill a gas well within 100 feet of a residence.

25 MR. SHENK: And our current?

26 CHAIRMAN NORMAN: Our current zoning says 3 but the
27 state overrides it, right, Kathy?

28 MS. MITCHELL: We don't have any regulations.

29 CHAIRMAN NORMAN: That's right. We took them off.

30 MS. MITCHELL: Well, they're —

1 CHAIRMAN NORMAN: They're overridden by the state,
2 yeah.

3 MR. SHENK: They were, at one point, 300 feet?

4 MS. MITCHELL: I don't know that for sure.

5 CHAIRMAN NORMAN: They were somewhere around there.

6 MR. SCHINDLER: They were around there, yeah.

7 MR. WENTZ: I think it was 300 feet.

8 MR. SHENK: And what we're talking about doing is
9 using a conditional use, making this a conditional use.

10 CHAIRMAN NORMAN: Yes.

11 MR. SHENK: So we could put that into the conditions.

12 CHAIRMAN NORMAN: Sure.

13 MR. SHENK: The setback.

14 CHAIRMAN NORMAN: Sure.

15 MR. SHENK: So we just need to pick a setback.

16 CHAIRMAN NORMAN: If we elect to do that.

17 MR. SHENK: If we elect to do that.

18 MR. WENTZ: Well, if we do so, I think we are bound
19 to have some sort of logic about the distance that we pick.

20 MR. SHENK: We should have, right.

21 MR. WENTZ: And that would tend to force us in the
22 direction of, what have other people picked?

23 MR. SHENK: Pardon?

24 MR. WENTZ: That would tend to force us in the
25 direction of, what have other communities picked? since there
26 is no real evidence to suggest there is an answer.

27 MR. SHENK: Right.

28 MR. SCHINDLER: That's the thing. When we tried to
29 put legislation in before for gas wells, there was a lot of
30 research done on this and we got a lot of experts that came in

1 and testified. Depending on what type of soil determines the
2 realistic number that you should be looking at.

3 CHAIRMAN NORMAN: Sure.

4 MR. SCHINDLER: And since we have so much different
5 types of soil within our Concord Township, how are we, as a
6 body, going to be able to come up with a figure that we're
7 going to feel is going to be satisfying not only to us but
8 residents, for example, that are trying to use their property
9 developed in a certain way?

10 CHAIRMAN NORMAN: Well, I think —

11 MR. SCHINDLER: That number is almost going to be
12 impossible. We're going to ask practically everyone that comes
13 in who wants to develop, "Now, you do this study. You have to
14 do a study. Go to the experts. Come back and tell us the type
15 of soil you have and what, realistically, is going to be
16 acceptable on under that conditional use."

17 CHAIRMAN NORMAN: How do you do that in zoning text?

18 MR. SCHINDLER: That's why I am bringing the point
19 up.

20 CHAIRMAN NORMAN: You can't do it.

21 MR. SCHINDLER: You can't do it. You can't
22 realistically do it.

23 MR. SHENK: We need to propose a number.

24 MR. LINGENFELTER: Well, I think that being and
25 putting us to the situation where we're going to, if we're
26 going to consideration for residential, then the same has to be
27 considered for commercial.

28 CHAIRMAN NORMAN: Sure.

29 MR. SCHINDLER: Correct.

30 MR. LINGENFELTER: It would be disingenuous, at best,

1 to suggest that, you know, it's okay, we can blow up a bunch of
2 commercial buildings with the dangerous gas wells but we can't
3 consider or it's unacceptable to blow up residents. You know,
4 they both blow up.

5 MR. SCHINDLER: Exactly.

6 MR. LINGENFELTER: So to sit there and say
7 unequivocally it's an issue to put cluster homes in there but
8 it's not an issue to put commercial buildings in there is a
9 little bit of conflict there.

10 MR. SCHINDLER: Big conflict.

11 MR. LINGENFELTER: Yeah. You can't have it both
12 ways. If it's going to blow up somebody, it's going to blow up
13 everybody.

14 MR. SCHINDLER: Yeah, because it can blow up anytime
15 during the day when they're doing business or at night when
16 nobody is awake.

17 MR. WENTZ: The density of an office building is
18 likely greater than residential.

19 MR. LINGENFELTER: Oh, tremendously. Like I said, it
20 would be okay to blow up 300 people in an office building but
21 not 20 people in a house, a couple of houses.

22 MR. WENTZ: Right.

23 CHAIRMAN NORMAN: We're letting something drive us
24 that really is not solvable sitting around this table
25 because —

26 MR. SHENK: And that was the purpose of it. Can we
27 ask Kathy to go back and look at what other communities have
28 done on this particular issue as opposed to arbitrarily picking
29 a number?

30 CHAIRMAN NORMAN: Well, I think if we were to decide

1 to do that, that's what we've got to do.

2 MR. WENTZ: It seems the least offensive of a
3 position —

4 CHAIRMAN NORMAN: Sure.

5 MR. WENTZ: — rather than saying 100, 200, 300,
6 3,000.

7 MR. SHENK: Right. Which means we don't vote on this
8 tonight, by the way.

9 CHAIRMAN NORMAN: Which means we might just as well
10 recess the public hearing because we can't modify any of this
11 text without having additional information.

12 MR. SHENK: No. But we can settle everything else.

13 MR. WENTZ: We can try to settle everything else.

14 CHAIRMAN NORMAN: Well, we can certainly do that.
15 Don't misunderstand me. But I'm saying we still are going to
16 have to recess the public hearing.

17 MR. SHENK: Yeah. Do you want me to make a motion
18 that that's what we do on the gas well?

19 CHAIRMAN NORMAN: Well, that's what it's going to
20 take to do it.

21 MR. SHENK: I make a motion that we —

22 MR. LINGENFELTER: Whoa, whoa, wait a minute. Before
23 we do that — I am sorry. I didn't mean to interrupt but I
24 did.

25 MR. SHENK: That's all right.

26 MR. LINGENFELTER: What about the rest of the
27 issues?

28 CHAIRMAN NORMAN: Well, I think that was going to be
29 the next question.

30 MR. WENTZ: I think we go through those that we can

1 address.

2 CHAIRMAN NORMAN: Yes.

3 MR. SHENK: No, but you mean what about cluster
4 housing and what about —

5 MR. LINGENFELTER: I am saying before we, you know,
6 do anything further, let's —

7 MR. SHENK: You mean before we —

8 MR. LINGENFELTER: — let's hash out —

9 MR. SHENK: Everything else.

10 MR. LINGENFELTER: — all of the issues. That's my
11 thought.

12 CHAIRMAN NORMAN: I think it's a good idea. All
13 right. Let's take a look at it.

14 MR. SHENK: Let's take an easy one, adding commercial
15 uses.

16 CHAIRMAN NORMAN: Okay.

17 MR. SHENK: I suggest we add the bed and breakfast,
18 the personal services, the child and adult day care center.
19 And I suggest we add another one, which is business services.
20 You know, we're rezoning, we're proposing to rezone this for
21 business, medical, administrative, et cetera. If we're
22 suggesting personal services, I would think it's quite logical
23 to add businesses services.

24 CHAIRMAN NORMAN: What would that be?

25 MR. SHENK: Well, it's — We have a list, we have a
26 category for it. It's mailing and — Examples we gave were
27 mailing and copying centers.

28 MR. WENTZ: Yeah.

29 MR. SHENK: That's one that I would suggest we add
30 that we didn't talk about before.

1 MR. WENTZ: I would not be offended by that. It
2 would seem reasonable.

3 CHAIRMAN NORMAN: Would that be a permitted use in
4 your recommendation?

5 MR. SHENK: It would be a permitted use, yes, like
6 personal services. That's my thought.

7 CHAIRMAN NORMAN: Anybody else?

8 I'm not going to object to your talking if you keep
9 it down to a mild roar, please.

10 MR. SCHINDLER: Is that on all this or is that just
11 the first item?

12 MR. SHENK: Pardon?

13 CHAIRMAN NORMAN: Well, I think we need to go through
14 this whole list that we got attached from Kathy as related to
15 that that item, Amendment 1. The other items we discussed were
16 outside dining areas.

17 MR. SHENK: Yeah. But before we go there, can't we
18 finish?

19 CHAIRMAN NORMAN: Sure. I haven't heard a motion.

20 MR. SHENK: Is there any other input?

21 MR. SCHINDLER: For that particular first section?

22 MR. SHENK: Yeah.

23 MR. SCHINDLER: Not from me.

24 CHAIRMAN NORMAN: Larry?

25 MR. WENTZ: In regard to uses?

26 CHAIRMAN NORMAN: Yeah, uses with that first section,
27 right.

28 MR. WENTZ: No. I'd be satisfied with that.

29 CHAIRMAN NORMAN: Okay. Andy?

30 MR. LINGENFELTER: I'm okay with it.

1 CHAIRMAN NORMAN: Okay. I need a motion, gentlemen,
2 if we are going to add those uses to this particular section.

3 MR. LUCAS: Just so I am clear, Wilbur, you're on
4 Amendment 1, correct?

5 CHAIRMAN NORMAN: Yes.

6 MR. SHENK: Correct.

7 MR. LUCAS: We are actually doing this in chronology?

8 CHAIRMAN NORMAN: Yes.

9 MR. LUCAS: And you're on the third bullet point? I
10 want to make sure we're clear on where we're at.

11 CHAIRMAN NORMAN: Yes.

12 MR. LINGENFELTER: Yeah, the proposed list of
13 permitted uses in lot, yard and building requirements, Mike,
14 that would be the third bullet point.

15 MR. LUCAS: Okay, so the third bullet. Because we're
16 going to be making motions on these and you want to get them
17 lined up in chronology we have them here that Kathy prepared
18 for purposes of making it easy to provide the motions.

19 CHAIRMAN NORMAN: Yes.

20 MR. SHENK: Correct.

21 MR. LUCAS: All right? So on the third bullet point,
22 Wilbur, just so I am clear, you want to add to the permitted
23 uses on that what additional modified proposals?

24 MR. SHENK: Bed and breakfast as conditional,
25 personal services as permitted, child or adult day care center
26 as conditional, and business services as permitted. And those,
27 of course, are categories that we already have in the use list.

28 MR. LUCAS: Right. Okay. So, theoretically, when we
29 decide to make a motion to approve that, consideration is going
30 to be on the third bullet point of Amendment 1, four additional

1 uses, two conditional and two permitted.

2 CHAIRMAN NORMAN: That's correct.

3 MR. LINGENFELTER: Right.

4 MR. LUCAS: All right.

5 MS. LUHTA: Is that in THC or THN or both?

6 CHAIRMAN NORMAN: Both.

7 MR. WENTZ: Both.

8 MS. LUHTA: Thanks.

9 MR. LUCAS: That's in both. That bullet point is in
10 both.

11 MS. KAREL: I know the bullet point is. I wasn't
12 sure if what they were saying was.

13 MR. LUCAS: Well, they said it was in reference to
14 the third bullet point and that's both.

15 MR. LINGENFELTER: Right. Any other changes that we
16 want to consider in Amendment Number 1?

17 MR. SHENK: Well, the outside dining area.

18 CHAIRMAN NORMAN: Dining areas, yes.

19 MR. LINGENFELTER: Does that fall under Number 1?

20 CHAIRMAN NORMAN: Yes, but I am looking to find out
21 where.

22 MS. MITCHELL: If you are going to make the changes
23 to the conditional use criteria, that's Amendment 3.

24 CHAIRMAN NORMAN: Is that Amendment 3?

25 MR. LINGENFELTER: Yeah. I was just going to say
26 that doesn't look like it belongs, looking at the section
27 numbers.

28 CHAIRMAN NORMAN: That's fine.

29 MR. SHENK: We can talk about that when we get there.

30 CHAIRMAN NORMAN: Right. Now, Kathy, help me because

1 I want to get this in the right spot. Where we restricted
2 driveways at the work session —

3 MS. MITCHELL: That would also be the conditional use
4 criteria —

5 CHAIRMAN NORMAN: Right.

6 MS. MITCHELL: — under Amendment 3 to add, and
7 that's the last bullet point under Amendment 3.

8 CHAIRMAN NORMAN: Right. Okay.

9 MR. LINGENFELTER: Yeah, that would go under the last
10 bullet point —

11 CHAIRMAN NORMAN: The last.

12 MR. LINGENFELTER: — under Amendment 3.

13 MR. SHENK: I think gas well setback would be in
14 Amendment 1 though.

15 CHAIRMAN NORMAN: Yes.

16 MR. SHENK: Is that right?

17 CHAIRMAN NORMAN: Is that fair?

18 MR. SHENK: Or would that be part of the conditional
19 use? Where would we add that?

20 MS. MITCHELL: Well, if you are going to make it for
21 the whole district, it should probably be in the district
22 regulations.

23 CHAIRMAN NORMAN: Yeah.

24 MR. SHENK: That's where it would be if all, if it's
25 going to apply to all buildings, it's probably where it should
26 be.

27 MR. WENTZ: Is it something that's for that district
28 or would it have more general application throughout Concord?

29 CHAIRMAN NORMAN: Well, that's an issue.

30 MR. WENTZ: It seems to me, if we're concerned about

1 the safety then we should — I would like to feel safe, too.

2 CHAIRMAN NORMAN: Right.

3 MR. SHENK: You might have to move your stable, your
4 brand new stable.

5 MR. WENTZ: It's not within 300 feet of the gas well
6 nearest to me but it's close, and I was there first.

7 CHAIRMAN NORMAN: All right. Now, let's go back.

8 MR. SHENK: That goes across the board. It doesn't
9 go — It still would probably go in Amendment 1.

10 CHAIRMAN NORMAN: That's what we're saying, sure.

11 MR. SHENK: Okay.

12 CHAIRMAN NORMAN: Let's go back to Amendment 1 for a
13 minute and where we talked about combined permitted uses, use
14 lists and development standards for Section XXIII, XXV, XXVI,
15 and XXII to be renamed "Commercial Industrial District
16 Regulations." Update permitted use lists and add purpose
17 statements for each district. Did we — and this is a
18 question — did we intend to make any modifications to those
19 other than what we're suggesting we're going to do? Because,
20 to Mike's point, let's go through it one time and get it done.

21 MR. SHENK: I don't think we're making any changes
22 there —

23 CHAIRMAN NORMAN: I don't believe so either but I
24 want to make sure.

25 MR. SHENK: — because the cluster housing is part of
26 the third bullet.

27 CHAIRMAN NORMAN: Okay. That's fine.

28 MR. SHENK: Because that's in THN.

29 CHAIRMAN NORMAN: Yes. We also said, as a
30 housekeeping chore, we are going to repeal existing

1 Sections XXIII, XXV, and XXVI. And that was pure housekeeping,
2 correct?

3 MR. SHENK: Yes.

4 MR. LINGENFELTER: I don't think it was so much
5 housekeeping as it was consistency.

6 CHAIRMAN NORMAN: Okay. Well, I chose the word
7 "housekeeping."

8 MR. LINGENFELTER: Because we've changed —

9 CHAIRMAN NORMAN: We've changed.

10 MR. LINGENFELTER: — and combined permitted use
11 lists —

12 CHAIRMAN NORMAN: Right.

13 MR. LINGENFELTER: — from XXIII, XXV, and XXVI, and
14 by doing that then we will get rid of the existing XXIII, XXV,
15 and XXVI.

16 CHAIRMAN NORMAN: Right. Now, we've talked about
17 change to the third bullet.

18 MR. SHENK: Well, the other change to the third
19 bullet would be cluster housing. That falls in the third
20 bullet.

21 CHAIRMAN NORMAN: Yes.

22 MR. SHENK: After lots of consideration, I will give
23 you my position. I gave you my position at the last meeting.
24 It hasn't changed. I am in favor of the cluster housing. I
25 think the comprehensive plan supports that and, you know, we do
26 not have very much of that in this township. I think there is
27 a need for it for senior citizens, if you will, senior
28 community, and I support that.

29 MR. WENTZ: I agonized over this quite a bit and
30 because it isn't multifamily, I think people need to understand

1 that — it's been called multifamily and it isn't — I would
2 support it because I don't think it's going to bring dozens and
3 dozens of children into the school system. It's not that kind
4 of housing. So I would support it in terms of what we've been
5 trying to do.

6 CHAIRMAN NORMAN: Andy, any comments?

7 MR. LINGENFELTER: No. I agree. I agree one hundred
8 percent.

9 MR. WENTZ: I would also like to say that this does,
10 by what we're saying, put us all in favor of taking out
11 manufacturing. That's the assumption behind all this. And I
12 think that's a sustainable position, particularly, in light of
13 Mr. Pesec's comments about the concern for the beauty of the
14 area.

15 MR. SHENK: Heavy manufacturing.

16 MR. WENTZ: Correct.

17 CHAIRMAN NORMAN: Frank?

18 MR. SCHINDLER: I have to concur. I always thought
19 that word "cluster" is a term that's used to make it sound like
20 a city. I always look at it, if we're looking to make a focal
21 point of the township and we're trying to bring a sense of
22 community, the cluster-type living is what, for example, senior
23 citizens look for, close neighbors. They work together. They,
24 you know, they have recreation together. They have smaller
25 homes because they can't keep up with bigger homes. They want
26 to downsize. And that's what the character, from what I felt,
27 we were trying to develop in this area.

28 CHAIRMAN NORMAN: Okay.

29 MR. SCHINDLER: And I've always been for that and I
30 haven't changed either. That's what I perceive is what we're

1 trying to do here and that's going to accomplish that.

2 MR. LINGENFELTER: Well, I've maintained from the
3 beginning that if we're going to consider that sort of activity
4 in this area that it makes the most sense in that area. I
5 mean, I've driven up and down that road and looked at the area
6 and tried to envision how that would all, you know, fall into
7 place. And I am going to guesstimate 500 feet from the
8 entrance to the back end, the last road into Quail Hollow
9 there, 500 feet, maybe a little bit less from there to where
10 Stephanie Arnold's property starts, it's not like we're
11 plunking down cluster homes in the middle of, you know, just in
12 the middle of undeveloped property, large tracks of undeveloped
13 property.

14 I think, you know, from the standpoint of aesthetics
15 standpoint, as well as a fit with the other housing that's
16 already there, clearly there and has been there for a long
17 time, I would certainly think and I would follow the line that
18 manufacturing certainly doesn't fit, by any stretch of the
19 imagination, there.

20 I think that if we allow that to occur, that would
21 be — I think we need — that just would be a real issue for
22 the existing homeowners that are already there, and I think
23 that that's where it fits the best. And I think that by taking
24 that out, we would be really, I think, doing a disservice to
25 the whole concept.

26 MR. SCHINDLER: Also, we talk about safety. As this
27 project would be developed as we go along, we can always
28 petition the state to bring the speed limits down because of
29 high amount of —

30 CHAIRMAN NORMAN: It's a very difficult task, at

1 best.

2 MR. SCHINDLER: Well, it is difficult but it's
3 achievable. If we can get as much support from the people who
4 are here to object to this to help support something of that
5 nature, I think we could be very successful in doing it.

6 CHAIRMAN NORMAN: Could be, could be.

7 All right. The last bullet is update district
8 references in Section 22.06 - 22.08 and 22.11, as shown. Here
9 again, for lack of a better term, I am going to call that more
10 housekeeping. Has anyone got any comment about those, those
11 particular things?

12 MR. WENTZ: No.

13 CHAIRMAN NORMAN: Andy?

14 MR. LINGENFELTER: No.

15 CHAIRMAN NORMAN: Okay.

16 MR. SHENK: That's housekeeping.

17 CHAIRMAN NORMAN: Yeah, that's my assessment.

18 MR. SHENK: That's just wording.

19 CHAIRMAN NORMAN: Yes, it's just wording.

20 Okay. There is two things. There is something we
21 can do and there is something we can't do. The thing we can
22 do, I think, is we can have a motion to add the consideration
23 for the added items that we talked about, the permitted use
24 list, if you choose, and I would — and I will entertain that
25 motion.

26 The thing we can't do is close the public hearing
27 because I believe we have an open item that talks about the
28 safety issue.

29 MR. WENTZ: Right.

30 CHAIRMAN NORMAN: Is that correct in your

1 interpretation, counselor, so I don't violate —

2 MR. LUCAS: I am sorry?

3 CHAIRMAN NORMAN: I was talking about, if I can
4 restate it, I was talking about we have a motion because we
5 want to amend Amendment 1 in the third bullet area.

6 MR. LUCAS: Yeah.

7 CHAIRMAN NORMAN: Okay. So I was suggesting that we
8 make a motion to amend it as people would prefer it be amended,
9 to add the additional uses.

10 MR. LUCAS: For consideration by the Zoning
11 Commission.

12 CHAIRMAN NORMAN: For consideration by the Zoning
13 Commission. Okay?

14 MR. LUCAS: Yes.

15 MR. LINGENFELTER: Do you know the motion you're
16 going to make there, Wilbur?

17 MR. SHENK: How do we handle the gas well?

18 MR. WENTZ: You're not going to handle that right
19 now.

20 CHAIRMAN NORMAN: Well, we're not going handle that
21 right now. When we get through —

22 MR. SHENK: I make a motion that we add to the third
23 point additional uses, bed and breakfast as conditional,
24 personal service as permitted, child and adult day care as
25 conditional, and business services as permitted. And also
26 included in this motion would be to add cluster housing to the
27 use list as conditional, period.

28 MR. WENTZ: Second that.

29 CHAIRMAN NORMAN: Okay. There is a motion made and
30 seconded. And I assume, gentlemen, that motion is per the —

1 What's the right words I want to use — to be presented to the
2 Zoning Board for consideration; is that correct?

3 MR. SHENK: Right.

4 MR. WENTZ: Yes.

5 CHAIRMAN NORMAN: Okay. There is a motion made and
6 seconded. Kathy, would you call a voice vote on that?

7 MS. MITCHELL: Can I just get clarification from
8 legal counsel because I thought he said you had to close the
9 hearing before you made a motion?

10 MR. LUCAS: They are not making any vote on the
11 recommendation. They're just, for purposes of ultimately
12 voting and making a motion, they want to determine whether
13 these five modifications should be included or not in the
14 motion ultimately approved, disapproved or modified, so that's
15 how they want to do it.

16 MS. MITCHELL: Okay.

17 MR. SHENK: So we're updating —

18 CHAIRMAN NORMAN: We're updating the text.

19 MR. LUCAS: You're not updating the text. You're
20 modifying —

21 MR. WENTZ: Changing, modifying.

22 MR. LUCAS: You're modifying what ultimately will be
23 considered by motion.

24 MR. SCHINDLER: The final document.

25 CHAIRMAN NORMAN: Yes.

26 MR. LUCAS: Right.

27 MR. SHENK: We don't need a roll call then, do we?

28 CHAIRMAN NORMAN: No. A voice vote will do it.

29 Gentlemen, all those in favor, say "aye."

30 MR. SCHINDLER: Aye.

1 MR. LINGENFELTER: Aye.

2 MR. SHENK: Aye.

3 MR. WENTZ: Aye.

4 CHAIRMAN NORMAN: Aye. Opposed?

5 Now, Amendment 2, repeal Section —

6 MR. WENTZ: We don't have to do anything about that
7 at this point unless we want to modify it.

8 MR. SHENK: Number 2?

9 MR. WENTZ: Right.

10 MR. SHENK: Correct.

11 MR. WENTZ: Correct.

12 MR. SCHINDLER: If we're not going to make any
13 changes right now as we go down then leave it as it is until we
14 get to the item.

15 MR. WENTZ: Mr. Chairman, I think we should leave
16 Amendment 2 as is.

17 CHAIRMAN NORMAN: Okay. Let me read it. Repeal
18 Section XXVII, Research and Comprehensive Office, RD-1,
19 District. This district is not designated anywhere in the
20 Township Zoning Map. Recent implementation of site plan review
21 procedures, design guidelines and landscaping and screening
22 requirements, as well as the updated permitted commercial and
23 industrial uses, eliminates the need for this specialized
24 zoning classification with a separate set of review procedures.

25 Okay. You want to leave it as is?

26 MR. WENTZ: Yes.

27 CHAIRMAN NORMAN: Gentlemen?

28 MR. SHENK: Yes.

29 MR. LUCAS: Does everyone agree that that amendment
30 remains intact without any changes?

1 CHAIRMAN NORMAN: Yes.

2 MR. LUCAS: Why don't you close the public hearing as
3 to Amendment Number 2 and vote on it so you don't have to come
4 back and vote on it again.

5 CHAIRMAN NORMAN: Good idea. Thank you.

6 MR. SCHINDLER: Once we do that, we can't —

7 MR. LUCAS: I said limit the closing of the public
8 hearing for Amendment Number 2 —

9 CHAIRMAN NORMAN: Number 2, okay.

10 MR. LUCAS: — is my recommendation. You can do
11 whatever you want but it seems like it would be more
12 streamlined to do it that way.

13 CHAIRMAN NORMAN: More streamlined, yeah. We'll
14 clear the deck.

15 MR. LINGENFELTER: That's why you get paid the big
16 bucks, Mike.

17 CHAIRMAN NORMAN: That's correct. He is going to get
18 mad at me.

19 MR. LINGENFELTER: I think he's past that.

20 CHAIRMAN NORMAN: Yeah. He's turning red right now.

21 MR. LUCAS: I've crossed Rubicon already.

22 MR. LINGENFELTER: Oh, man.

23 CHAIRMAN NORMAN: Boy, am I in trouble.

24 All right. We will close the public hearing for
25 Amendment Number 2, and if there is any additional discussion,
26 we'll have it. If not, I will entertain a motion to accept it
27 as is.

28 MR. LINGENFELTER: Mr. Chairman, I make a motion that
29 Amendment Number 2, repealing of Section XXVII, Research and
30 Comprehensive Office, RD-1, District — This district is not

1 designated anywhere on the Township Zoning Map. Recent
2 implementation of site plan review procedures, design
3 guidelines, and landscaping and screening requirements, as well
4 as the update of permitted commercial and industrial uses,
5 eliminates the need for this specialized zoning classification
6 with a separate set of review procedures — be accepted as
7 presented.

8 MR. WENTZ: Second.

9 CHAIRMAN NORMAN: Motion made and seconded. Now,
10 this is one, Kathy, that I think we need to have a voice vote.

11 MS. MITCHELL: Mr. Shenk?

12 MR. SHENK: Yes.

13 MS. MITCHELL: Mr. Lingenfelter?

14 MR. LINGENFELTER: Yes.

15 MS. MITCHELL: Mr. Wentz?

16 MR. WENTZ: Yes.

17 MS. MITCHELL: Mr. Schindler?

18 MR. SCHINDLER: Yes.

19 MS. MITCHELL: Mr. Norman?

20 CHAIRMAN NORMAN: Yes.

21 Okay. Amendment Number 3, I am going to reopen the
22 public hearing for Amendment 3 — or Amendment 3, the public
23 hearing is still in place.

24 MR. LUCAS: Yeah, you don't need to reopen it.

25 CHAIRMAN NORMAN: Yeah, it's already still there.

26 Thank you.

27 Add the THC District to Section XIII, Conditional Use
28 Permit, under the proposed conditional uses for the district:
29 restaurants (table and counter service), schools, churches/
30 places of worship, and outside dining.

1 Add the THN District to Section XIII, Conditional Use
2 Permit, under the proposed conditional uses for the district:
3 restaurant (table and counter service), residential care
4 facility/nursing home/home for the aging, and hospice care
5 facilities, detached single-family cluster developments, and
6 outside dining.

7 Three: Add "hospice care facility" to the
8 conditional use requirements in Section 13.07.

9 Four: Update the conditional use requirements for
10 residential care facilities/nursing home/home for the aging/
11 hospice care facilities in Section 13.07 to include a minimum
12 building setback from the public right-of-way and a reference
13 to the landscaping and screening requirements. Consolidate the
14 nonresidential district provisions under the section, as shown.

15 Five: Add provisions under Section 13.08 and 13.26
16 for child and adult day care centers, respectively, that
17 clarifies which building setback and lot requirements will be
18 in effect when such uses are conditionally permitted as an
19 accessory use.

20 Six: Update and clarify building and parking
21 distance requirements for churches and schools under
22 Section 13.10 and 13.11, respectively.

23 Seven: Add the M District reference under adult day
24 care centers, Section 13.26.

25 Eight: Add the B-2 District reference under
26 construction equipment sales and rental, Section 13.31.

27 And Nine: Add conditional use criteria for detached
28 single-family cluster developments in new Section 13.36.

29 MR. SHENK: I don't think there are any changes
30 that — the use we added, business services, is permitted so I

1 don't think that enters into this section.

2 CHAIRMAN NORMAN: That's true.

3 MR. SHENK: The detached single-family cluster
4 development is already included in that.

5 CHAIRMAN NORMAN: That's true, also.

6 MR. SHENK: So I think —

7 MR. WENTZ: However, wouldn't we be dealing with —

8 MR. LINGENFELTER: The gas issue.

9 MR. WENTZ: — the possible conditional use
10 criteria?

11 CHAIRMAN NORMAN: Right.

12 MR. LINGENFELTER: Right, for the outside dining.

13 CHAIRMAN NORMAN: Outside dining area.

14 MR. SHENK: That's right.

15 MR. LINGENFELTER: And also for restricted driveway
16 requirements.

17 MR. WENTZ: Driveways.

18 CHAIRMAN NORMAN: Driveway requirements.

19 MR. LINGENFELTER: I am going to start this and say
20 that I think that the outside dining area, I think we covered
21 that area very thoroughly in the work session that we had. I
22 think we had good discussions with regards to that. I felt
23 very comfortable, walking away from that, that outside dining
24 is okay in that regard; and that as long as we use conditional
25 use to restrict noise levels within that area, which we were
26 advised that we were able to do without creating any issues, so
27 I am okay with the outside dining areas and controlling the
28 noise levels as long as we control the noise levels with the
29 outside dining.

30 And then I also am in agreement with the new Item H

1 conditions that may be established by the Board of Zoning
2 Appeals restricting the hours of operation in order to reduce
3 adverse impacts on abutting uses and, also, on the restricting
4 of the driveways. I think that's a good idea and I think that
5 the new Item J under proposed Section 13.36, Driveway
6 Requirements, should be added as presented in the, what we came
7 up with out of the work session.

8 MR. SCHINDLER: I just have a question. When you
9 said "control noise levels," should we put a number in there?

10 MR. LINGENFELTER: I am sorry, Frank?

11 MR. SCHINDLER: Controlling noise level, can we put a
12 dB number in there?

13 CHAIRMAN NORMAN: We discussed that, Frank, and I
14 don't know how you do it.

15 MR. SCHINDLER: Well, with anything having to do
16 with, you know, they do have levels that are considered
17 standard under OSHA when they —

18 MR. SHENK: That's in factory working conditions.

19 MR. SCHINDLER: That's true.

20 MR. LINGENFELTER: I think the recommendation that
21 Mike made that, basically, that it's restricted to ambient
22 noise that would be considered dinner music or something at a
23 low level that conversations could be held, I think, is just a
24 good rule of thumb. I mean, if they've got live bands playing
25 out there, I think they would be violating the conditional use.

26 MR. LUCAS: Well, I mean, you can eliminate any live
27 music.

28 MR. LINGENFELTER: Right.

29 MR. LUCAS: And then, of course, if you want to
30 permit outdoor speaker music, it would be maintained at a

1 level that would be appropriate for dinner conversation.

2 MR. LINGENFELTER: Right. See, I like that. I like
3 Mike's —

4 MR. SHENK: That's sort of Item G, isn't it?

5 CHAIRMAN NORMAN: I thought — That's what I am
6 trying to read to understand.

7 MR. SHENK: I was thinking that we came away saying
8 that we wanted to be more specific on the conditions and, I
9 guess, Item G was that recommendation.

10 CHAIRMAN NORMAN: Yes.

11 MS. MITCHELL: That was suggested language.

12 CHAIRMAN NORMAN: Yeah.

13 MR. SHENK: Right.

14 MS. MITCHELL: You can add more.

15 MR. SHENK: You could add "no live music to that,"
16 which I would support.

17 MR. LINGENFELTER: Um-hum.

18 MR. SCHINDLER: As we know, live music can't be
19 relatively controlled, depending on the type of music it is.

20 MR. SHENK: So I would suggest we also include Item G
21 and include "no live music" in Item G.

22 CHAIRMAN NORMAN: Under the conditional use criteria.

23 MR. SHENK: Yeah. And then I think neighbors are
24 protected.

25 MR. SCHINDLER: Is there anything we can do or a way
26 we can put in or, when we talk about music as being noise, for
27 one thing, what about excessive barbecue smoking? That could
28 be excessive, too.

29 MR. LINGENFELTER: Pardon me?

30 MR. SCHINDLER: Barbecue.

1 MR. SHENK: We have no outside barbecue anyway.

2 MR. SCHINDLER: Well, remember, we brought up for
3 discussion and talked about — Of course, we have Concord Plaza
4 where we have Spats, for example, that's up there and sometimes
5 he has a 55-gallon drum going out there with barbecue smoke
6 that reeks throughout the whole shopping center. I am sure
7 somebody wouldn't want that next to them in their back yard,
8 just for discussion.

9 CHAIRMAN NORMAN: No. I understand your, I
10 understand your comments, Frank. My concern is, when do we
11 reach the point of over-regulation?

12 MR. SCHINDLER: I understand. That's why I am saying
13 I am bringing that up to talk about because I know that can be
14 quite annoying, you know, when you have something like that.
15 Outside dining, you know, it is nice when you have people
16 congregating, eating quietly at night, listening to some nice,
17 soft music. But if you have a big group, like I say, heavy
18 barbecuing going on where you have all this smoke, I mean, if
19 you've ever seen some big —

20 CHAIRMAN NORMAN: Oh, I've seen some big ones.

21 MR. SCHINDLER: — some big grills that really pump
22 out that greasy smoke and fumes going all over the place, and
23 if you get that blowing in someone's bedroom window or back
24 yard, that can be quite annoying. Is there any way we can
25 control that somehow?

26 MR. SHENK: Why don't we just say there is no outside
27 cooking associated with outside dining?

28 MR. SCHINDLER: That's fine with me.

29 MR. SHENK: Then you don't have any smoke —

30 MR. SCHINDLER: That's fine with me.

1 MR. SHENK: — that's coming from outside cooking
2 even.

3 MR. SCHINDLER: That's fine with me.

4 MR. SHENK: Do you want a motion?

5 MR. SCHINDLER: Well, I just wanted to say that's my
6 concern because I have, more or less, have experienced that as
7 an annoying thing, especially, like I say, up in the area where
8 I am familiar with seeing it happen.

9 MR. WENTZ: I think those kinds of restrictions would
10 be in line with the public comments we've had.

11 CHAIRMAN NORMAN: Yeah, particularly the noise
12 concerns.

13 MR. LINGENFELTER: I think the noise and the outdoor
14 cooking are two issues that should be taken into consideration.

15 MR. SCHINDLER: Thank you.

16 MR. SHENK: All right. For Amendment Number 3, I —

17 MR. LINGENFELTER: Wait a minute, whoa, whoa.

18 MR. LUCAS: One more point on that.

19 MR. LINGENFELTER: Right.

20 MR. LUCAS: I think we need to include what was
21 already added for purposes of ultimate decision making
22 regarding the conditional uses under Amendment 1, Bullet
23 Point 3, all right, to reference that under the two bullet
24 points under, the first two bullet points under Amendment 3.
25 All right? So, in other words, under Section XIII, Conditional
26 Use Permit, on the THC District, the first bullet point.

27 CHAIRMAN NORMAN: Yes.

28 MR. LUCAS: You need to add to that the conditional
29 uses that were addressed by Wilbur and voted upon as an
30 addition under Amendment 1, which would be the bed and

1 breakfast, the child day care center, the adult day care
2 center.

3 MR. WENTZ: That's it.

4 MR. LUCAS: Well, and also the, because you put it in
5 bold, you want the single-family cluster development.

6 CHAIRMAN NORMAN: Yes.

7 MR. LUCAS: All right? Now, that's included on the
8 second bullet point then. So what you need to add to be
9 consistent with what you voted on in Amendment 1 would be to
10 add, additionally, bed and breakfast, child day care, and adult
11 day care.

12 CHAIRMAN NORMAN: All right.

13 MR. LUCAS: Okay?

14 CHAIRMAN NORMAN: Yes.

15 MR. LINGENFELTER: As the —

16 CHAIRMAN NORMAN: As conditional uses.

17 MR. LINGENFELTER: No.

18 MR. LUCAS: They're already conditional uses.

19 CHAIRMAN NORMAN: As criteria.

20 MR. LUCAS: You just want to add that they're
21 permitted in the THN District and the THC District, subject to
22 your vote, because each conditional use has a reference to a
23 particular conditional use within the appropriate zoning
24 districts.

25 MR. LINGENFELTER: Right.

26 MR. LUCAS: Okay?

27 MS. PESEC: Since public comment is still available,
28 can the public comment?

29 CHAIRMAN NORMAN: I am sorry. I didn't hear you.

30 MS. PESEC: I said, can I speak about Amendment

1 Number 3? You had just opened the public comment and we were
2 addressing Amendment Number 1.

3 CHAIRMAN NORMAN: Yes, we will open.

4 MS. PESEC: Is there a question?

5 CHAIRMAN NORMAN: Go ahead.

6 MS. PESEC: I just had a clarifying question
7 regarding what Mike had talked about in adding bed and
8 breakfast and child and adult day care. What specific
9 conditions do you plan to put in there so that they would be
10 able to determine what the conditional uses that they would
11 need to meet.

12 MR. LUCAS: They're already in Section XIII.

13 MS. PESEC: There are some overall —

14 MR. LUCAS: No. There are specific conditions for
15 those uses in Section XIII.

16 MS. PESEC: Okay. Can you just review them quickly
17 since we don't have them?

18 MR. LUCAS: Yeah. I would be glad to. Vanessa, what
19 were they, bed and breakfast?

20 MS. PESEC: Yes.

21 MR. LUCAS: That's under 13.25.

22 MS. PESEC: Yes, okay. I didn't bring my zoning book
23 with me. I'm sorry.

24 MR. LUCAS: That's all right. Bed and breakfast,
25 13.25, Bed and Breakfast: Bed and breakfast shall be
26 conditionally permitted — and then they give the districts —
27 in compliance with the following:

28 A. A maximum of 8 guest rooms shall be permitted and
29 shall be located within the facility.

30 B. Meals shall be provided only to guests taking

1 lodging in the facility.

2 C. Each guest room should have direct access from
3 within the room to a full bathroom containing a sink, toilet,
4 and shower or bathtub.

5 And D. A floor plan designating present location,
6 exits and evacuation route should be posted in conspicuous
7 locations within the bed and breakfast.

8 Those are the four conditions for that. Now, what
9 was the other one? I am sorry.

10 MS. PESEC: You said child and adult day care.

11 MR. LUCAS: Okay. Those are two separate ones. The
12 child day care center is under 13.08 and it's extensive but I
13 will read it if you want. 13.08, child day —

14 MS. PESEC: Just give me the general.

15 MR. LUCAS: Okay. Independent of the licensing and
16 that.

17 MS. PESEC: Right.

18 MR. LUCAS: Basically, everything is linchpinned to
19 that, Vanessa. The day care has to be licensed and operated in
20 accordance with Chapter 51.04 of the Ohio Revised Code. Lot
21 size shall be a minimum of one acre. Safety inspections are to
22 be done in accordance with the requirements of the Council of
23 American Building Officials, the National Fire Prevention
24 Association code, and all other applicable safety codes.

25 For purposes of safety, the Concord Township Fire
26 Department shall conduct an inspection prior to the initial
27 operation of the child day care center and semiannually
28 thereafter or as deemed necessary by the Concord Township fire
29 chief. All child day care centers may also be subject to
30 inspection by the state fire marshal's office.

1 Where applicable, a food service license shall be
2 obtained. Owner shall display proof of such license,
3 inspection and compliance in a conspicuous place.

4 A floor plan designing present location, exits and
5 evacuation routes shall be posted in conspicuous places within
6 the child day care centers.

7 There is reference to conformity with signs under
8 Sections XXX — I should say just Chapter 30 of the Zoning
9 Resolution. Parking has to be in compliance with Chapter XXIX
10 of the Zoning Resolution.

11 The location and design of the facility shall provide
12 for the protection of the children from traffic, noise and
13 other hazards of the area and/or the arterial street location.
14 The required outdoor activities shall not be located closer
15 than 20 feet to any residential property. All outdoor activity
16 shall be adequately enclosed by a fence at a height approved by
17 the Board of Zoning Appeals and entry gates shall be securely
18 fastened. The fences have to be in compliance with Chapter
19 XXXVIII regarding landscape and screening features.

20 MS. PESEC: There is no — Is there any maximum size?

21 MR. LUCAS: Maximum size?

22 MS. PESEC: Maximum number of kids, maximum —
23 anything like that?

24 MR. LUCAS: Okay. No. Unless it's in conformity,
25 unless there is some licensing stricture on that because of the
26 references to the myriad of different codes and provisions.

27 MS. PESEC: Because we do require, we do have a
28 maximum size for rest homes and it is done, you know, with the
29 calculation.

30 MR. LUCAS: Right.

1 MS. PESEC: And so would it be reasonable to consider
2 some maximum for this?

3 MR. LUCAS: I don't know because — Well, as an
4 abstract matter, it's reasonable, but I am not sure if the
5 references to the various —

6 MS. PESEC: Licensing.

7 MR. LUCAS: Right. — and the building officials,
8 the Council of American Building Officials, there might be
9 regulation in there.

10 MS. PESEC: Yeah. As far as I know, there doesn't
11 seem to be that sort of thing.

12 MR. LUCAS: Yeah, I don't know that.

13 MS. PESEC: So it would be reasonable to put some
14 sort of maximum in there just so that we're not overtaxing or
15 something like that. It would also then cut down if somebody
16 then tried to come back to the BZA and say, "Now I want four
17 stories or five stories or something like that." That would
18 be — That's great. Those are my two questions. I just wanted
19 to make sure there were specific —

20 MR. LUCAS: Yeah, there are.

21 MS. PESEC: — conditions put in there.

22 MR. LUCAS: And, of course, that's independent of the
23 overall general conditions.

24 MS. PESEC: Yeah, well —

25 MR. LUCAS: Such as they are.

26 MS. PESEC: Precisely.

27 MR. LUCAS: To license and regulate.

28 MS. PESEC: Well, exactly.

29 And just another clarifying point. You said that
30 under the first bullet point, THC, would be single-family

1 cluster development but I thought that single-family cluster
2 development was not part of the THC, only THN.

3 MR. LUCAS: That's correct. But in the original
4 third bullet point discussion and then motion that was made
5 regarding Amendment 1, that third bullet point deals both with
6 THC and THN, that was put in.

7 MS. PESEC: So the Board then chose to put single-
8 family cluster home in THC and THN?

9 MR. LINGENFELTER: No.

10 MR. SHENK: THN only. The four additional uses we
11 added are for both THC and THN.

12 CHAIRMAN NORMAN: The cluster —

13 MR. SHENK: Cluster is only for THN.

14 MS. MITCHELL: Mike, I know what she is — because I
15 stopped exactly when he said that, too. I don't have in my
16 notes that they added cluster into THC, they only added those
17 four uses.

18 MR. LUCAS: Okay. You know what? That could very
19 well be true because that came up as sort of an ancillary point
20 then. Okay.

21 MS. PESEC: Fine. Thank you very much.

22 MR. LUCAS: That was my mistake. Just so we're clear
23 on my mistake, there is no cluster in the THC District, only in
24 the THN District.

25 CHAIRMAN NORMAN: That's correct.

26 MR. SHENK: Correct.

27 MR. WENTZ: Correct.

28 MR. SHENK: All right. Do we need a motion to add —

29 MR. LINGENFELTER: Well, we would close —

30 MR. SHENK: We are not ready. Oh, all right.

1 MR. LINGENFELTER: For the purpose of, just like
2 Mike, just like we did with Amendment 2, for the purpose of
3 Amendment 3, we could close the public hearing and then make
4 the motions on those changes and then vote on it and get this
5 one out of the way because there is no other, from what I
6 understand at this point, there is nothing from an
7 informational standpoint that we need to make a decision on
8 Amendment Number 3 like we do with Amendment Number 1.

9 MR. SHENK: Right.

10 MR. LINGENFELTER: So I say we get, we kill as many
11 of these bird as we can.

12 CHAIRMAN NORMAN: I agree with that. I agree with
13 that.

14 MR. LINGENFELTER: Mr. Chairman.

15 CHAIRMAN NORMAN: Yes, sir. You want to close the
16 public hearing on Amendment 3?

17 MR. SHENK: Yes.

18 CHAIRMAN NORMAN: Okay. The public hearing is hereby
19 closed on Amendment 3 only. Now, we need now, gentlemen, I
20 think we need, we need a motion.

21 MR. LINGENFELTER: We need a monumental motion.

22 CHAIRMAN NORMAN: A monumental motion.

23 MS. MITCHELL: I am sorry. Can I get clarification
24 from legal on one item? Since we haven't voted on
25 Amendment 1 —

26 MR. LINGENFELTER: Right.

27 CHAIRMAN NORMAN: No.

28 MS. MITCHELL: Then can we make the changes to
29 Amendment 3, which are all based on Amendment 1, because of the
30 addition of THC and THN?

1 MR. LUCAS: I wouldn't.

2 CHAIRMAN NORMAN: I am sorry, Mike?

3 MR. LUCAS: I would not do that. I mean, the whole
4 underpinning behind Amendment 3 is Amendment 1.

5 MR. SHENK: Okay. Let's move to Amendment 4.

6 MR. LUCAS: However —

7 CHAIRMAN NORMAN: Wait a minute. We've got to do
8 something because once we do this, we've tripped a clock.

9 MR. LUCAS: Well, you've got 30 days.

10 MR. WENTZ: 30 days.

11 CHAIRMAN NORMAN: 30 days to do something with it.

12 MR. SHENK: Can we reopen the public hearing?

13 CHAIRMAN NORMAN: No, we can't do that.

14 MR. SHENK: Let's move to Amendment Number 4.

15 CHAIRMAN NORMAN: All right. Add new definitions to
16 Section V for the following uses: cluster development, common
17 areas, detached single-family cluster development, governmental
18 facility, hospice care facility, hospice care program, and
19 outdoor recreation.

20 MR. WENTZ: I don't see we've done anything to change
21 this.

22 MR. SHENK: We haven't added any other definitions.

23 CHAIRMAN NORMAN: No.

24 MR. WENTZ: No.

25 CHAIRMAN NORMAN: All right. Any input from you
26 guys? Any input from you folks out there?

27 MR. LUCAS: Kathy, there were no definitional changes
28 discussed at the workshop session, were there? I don't
29 remember any.

30 MS. MITCHELL: No.

1 CHAIRMAN NORMAN: No, none at all. All right. Do
2 you want to clear the deck on this one?

3 Michael, this one is not wrapped up in the first
4 amendment, is it?

5 MR. LUCAS: No, not at all.

6 CHAIRMAN NORMAN: Okay. I would like to close the
7 public hearing on Amendment 4, gentlemen. I call a motion. I
8 need a motion.

9 MR. WENTZ: Mr. Chairman, I moved we accept the
10 language under Amendment 4 as stated.

11 MR. LINGENFELTER: I'll second.

12 CHAIRMAN NORMAN: Motion made and seconded. Kathy.

13 MS. MITCHELL: Mr. Lingenfelter?

14 MR. LINGENFELTER: Yes.

15 MS. MITCHELL: Mr. Schindler?

16 MR. SCHINDLER: Yes.

17 MS. MITCHELL: Mr. Wentz?

18 MR. WENTZ: Yes.

19 MS. MITCHELL: Mr. Shenk?

20 MR. SHENK: Yes.

21 MS. MITCHELL: Mr. Norman?

22 CHAIRMAN NORMAN: Yes.

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

30 Gentlemen, I think this is another cleanup action.

1 MR. WENTZ: So you need to close the public hearing.

2 MR. LINGENFELTER: As long as it's not tied to
3 Amendment 1.

4 CHAIRMAN NORMAN: As long as it's not tied to
5 Amendment 1, and I don't believe it is, is it, Kathy?
6 Michael?

7 MR. LUCAS: Well, I mean, you're referencing a, I
8 mean, you're referencing THC and THN which hasn't been
9 effectively passed yet.

10 CHAIRMAN NORMAN: Yes. All right.

11 MR. WENTZ: On the other hand —

12 MR. SHENK: It's not resting on any definitions.

13 MR. WENTZ: The definitions are whatever we decide.

14 MR. LUCAS: Well, we're on Amendment 5, correct?

15 CHAIRMAN NORMAN: Yes.

16 MR. LUCAS: You're talking about including districts
17 within Section VI that aren't in existence yet.

18 CHAIRMAN NORMAN: That don't exist, right.

19 MR. LUCAS: My recommendation to the Board is, it's
20 not so much a definition as the districts themselves have not
21 been voted upon.

22 MR. SCHINDLER: Established.

23 MR. WENTZ: Hold that one.

24 CHAIRMAN NORMAN: That one is in a hold.
25 Amendment 6. Add "hospice care facility" to
26 Section XV, R-1 Residential, and Section XVIII, R-4
27 Residential, under the list of conditionally permitted uses.

28 MR. LINGENFELTER: Can we?

29 MR. SHENK: This is a housekeeping, I believe, isn't
30 it, Kathy?

1 MS. MITCHELL: If you add it to the use list.

2 CHAIRMAN NORMAN: I'm sorry?

3 MS. MITCHELL: If you add it to the use list under
4 the new district.

5 CHAIRMAN NORMAN: Under the new district, right. So
6 we're tied up in that back to 1.

7 MR. SHENK: Well —

8 MR. WENTZ: No, this doesn't reference it.

9 MR. SHENK: We've added it.

10 MS. MITCHELL: Oh, no.

11 MR. SCHINDLER: It doesn't reference anything on
12 Item 1.

13 CHAIRMAN NORMAN: Yeah.

14 MR. LUCAS: This doesn't, at least, to my reading,
15 has absolutely no nexus to the THN or the THC. It's adding it
16 to a residential and the R-4 — excuse me — the Residential
17 R-1 and the Residential R-4.

18 CHAIRMAN NORMAN: Yeah.

19 MR. LINGENFELTER: Mr. Chairman, I recommend we close
20 the public hearing in reference to Amendment Number 6.

21 CHAIRMAN NORMAN: Public hearing is hereby closed. I
22 will entertain a motion then.

23 MR. WENTZ: Mr. Chairman, I move we accept
24 Amendment 6 as stated.

25 MR. LINGENFELTER: Second.

26 CHAIRMAN NORMAN: Motion made and seconded. Kathy,
27 please.

28 MS. MITCHELL: Mr. Schindler?

29 MR. SCHINDLER: Yes.

30 MS. MITCHELL: Mr. Wentz?

1 MR. WENTZ: Yes.

2 MS. MITCHELL: Mr. Shenk?

3 MR. SHENK: Yes.

4 MS. MITCHELL: Mr. Lingenfelter?

5 MR. LINGENFELTER: Yes.

6 MS. MITCHELL: Mr. Norman?

7 CHAIRMAN NORMAN: Yes.

8 MR. WENTZ: Looks like we can't do 7 though.

9 MR. LINGENFELTER: No.

10 CHAIRMAN NORMAN: No, can't do 7, got to hold that.

11 MR. LINGENFELTER: And Number 8, can't do that
12 either.

13 CHAIRMAN NORMAN: Can't do that either.

14 MR. LINGENFELTER: So we've got, right now, we
15 have — And just for the record, Mr. Chairman, I did look at
16 the calendar and there is 28 days between now and the next
17 regularly scheduled zoning meeting, so we are not under any
18 obligation to make any drastic measure changes with regards to
19 our next meeting date.

20 MR. LUCAS: I will certainly miss the opportunity to
21 come to another special meeting.

22 CHAIRMAN NORMAN: Oh, we can fix that, Mike.

23 MR. LINGENFELTER: So we just have to remember that
24 we are under the —

25 CHAIRMAN NORMAN: We are under the 30-day clock.

26 MR. LINGENFELTER: — under the 30-day clock with
27 Amendment 3, only with regards to Amendment 3.

28 MR. SHENK: That's right.

29 MR. LINGENFELTER: But since Amendment 3 does kind of
30 tie in with everything else, we better get everything done at

1 the next meeting.

2 CHAIRMAN NORMAN: Yes.

3 MR. LUCAS: It would my suggestion that because
4 Amendment 3 is the linchpin — or the underpinning, rather, for
5 all the other ones, and to have some consistency from the Board
6 of Trustees when they receive what has been recommended for
7 approval, you might want to try, if at all possible, to have
8 everything passed at the next meeting.

9 CHAIRMAN NORMAN: Right.

10 MR. LINGENFELTER: Well, I don't see us — As long as
11 the issue with regards to the setback on the gas well is
12 acceptable to everybody, I mean, that's really the only thing
13 that's kind of hanging everything up, right? That's the only
14 thing we don't really know about. I mean, everything else,
15 we've —

16 MR. SHENK: We've agreed on the noise —

17 MR. LINGENFELTER: Yeah, we've agreed on everything
18 else.

19 MR. SHENK: — the hours of operation, the driveway
20 thing.

21 MR. LINGENFELTER: Right. So I think we are really
22 good to go. I mean, at the next meeting, we should be able to
23 clean these all up so that the Board of Trustees get a clean
24 slate to work with.

25 MR. SCHINDLER: Are we going to have another work
26 session to discuss it further?

27 MR. LINGENFELTER: No.

28 CHAIRMAN NORMAN: No, no.

29 MR. SCHINDLER: Just —

30 CHAIRMAN NORMAN: No.

1 MR. WENTZ: I think Kathy is going to bring us —

2 MR. SCHINDLER: Exactly what we need.

3 MR. WENTZ: — what communities have done.

4 CHAIRMAN NORMAN: We haven't asked Kathy to do that
5 yet.

6 MR. WENTZ: I thought we did.

7 CHAIRMAN NORMAN: Kathy, can you do that?

8 MS. MITCHELL: I've already made phone calls during
9 the meeting. We're fine.

10 MR. LINGENFELTER: All right. So, Mr. Chairman, I
11 think we need to continue the public hearing on Amendments —
12 or have a continuation of the public hearing —

13 MR. LUCAS: You want to recess.

14 MR. SHENK: Recess.

15 MR. LINGENFELTER: — or recess the public hearing on
16 Amendment 1, Amendment 3 —

17 MR. LUCAS: No, 3 is closed.

18 MR. LINGENFELTER: That's right, Amendment 3 is
19 closed, so Amendment 1, Amendment 5, Amendment 7, and Amendment
20 Number 8.

21 CHAIRMAN NORMAN: All those in favor?

22 MR. SCHINDLER: Aye.

23 MR. LINGENFELTER: Aye.

24 MR. SHENK: Aye.

25 MR. WENTZ: Aye.

26 CHAIRMAN NORMAN: Aye. Opposed? None.

27 Okay. Next item on the agenda is the election of new
28 Zoning Commission chairman and vice chair.

29 MR. LINGENFELTER: Oh, boy, who is up?

30 MR. LUCAS: Well, here, you know what? I would make

1 the suggestion that you pass this to the next meeting.

2 CHAIRMAN NORMAN: Okay.

3 MR. LUCAS: And the reason I do that is because the
4 chairman can't make a motion and you want to have some
5 consistency in dealing with the current amendments and that.

6 CHAIRMAN NORMAN: Yes, that's fine.

7 MR. LUCAS: For that reason, that would be my
8 recommendation.

9 MR. LINGENFELTER: I recommend we table —

10 MR. WENTZ: Election of officers.

11 MR. LINGENFELTER: — Number 2, Item Number 2 on the
12 agenda until the next meeting.

13 CHAIRMAN NORMAN: Okay.

14 MR. LINGENFELTER: Table it.

15 CHAIRMAN NORMAN: Everybody, all in favor?

16 MR. SCHINDLER: Aye.

17 MR. LINGENFELTER: Aye.

18 MR. SHENK: Aye.

19 MR. WENTZ: Aye.

20 CHAIRMAN NORMAN: Aye. Opposed? None.

21 Correspondence report by Zoning Commission members.

22 MR. SHENK: Nothing here.

23 CHAIRMAN NORMAN: Frank? Wilbur?

24 MR. SHENK: Nothing here.

25 MR. SCHINDLER: I was approached last week by a
26 member of the township residents, Mr. Leo Scully, with the
27 comment that he wanted me to bring up to us Board members, that
28 he deeply appreciates the hard effort and work that we do as a
29 board. He thinks we work very well together.

30 But he had one comment to make as far as a negative,

1 and that is that when we hold our public hearings and listen to
2 the comments from the public that we become an adversarial
3 board where we go after comments that are made by the public.

4 And, in most cases, he says we should probably just
5 sit and listen, take the comments from the public under
6 consideration but not make it an adversarial kind of thing that
7 makes the meetings go on forever, of course. And he says it's
8 usually fruitless because nothing is ever accomplished by that
9 kind of a situation.

10 MR. WENTZ: Those are useful comments.

11 MR. SCHINDLER: So I told him —

12 MR. WENTZ: I agree.

13 MR. SCHINDLER: Right. So I told him that I would
14 bring it up and bring it into the minutes for correspondence.

15 CHAIRMAN NORMAN: That's fine. Good. Thank you.
16 Thank Leo for me. Ask him to call me.

17 MR. SCHINDLER: I will do that.

18 CHAIRMAN NORMAN: I know why he wouldn't, too.

19 MR. SCHINDLER: Nothing else.

20 CHAIRMAN NORMAN: Larry?

21 MR. WENTZ: I have nothing.

22 CHAIRMAN NORMAN: Andy? I have nothing.

23 MR. LINGENFELTER: Nothing close to that.

24 CHAIRMAN NORMAN: I have nothing to say. The next
25 meeting, gentlemen, is in May, it looks like the 5th.

26 MR. LINGENFELTER: May 5.

27 CHAIRMAN NORMAN: That's my 72nd birthday.

28 MR. LINGENFELTER: Oh, boy.

29 CHAIRMAN NORMAN: Good God, I've made it this long.
30 I've got another month to go.

1 MR. LINGENFELTER: That's pretty amazing.

2 MR. WENTZ: So you're a Taurus, also.

3 CHAIRMAN NORMAN: Yes, sir, I am.

4 Any other comments, gentlemen?

5 MR. LINGENFELTER: We have approval of the minutes.

6 CHAIRMAN NORMAN: Yes.

7 MR. SHENK: Age restrictions on serving on this

8 Board?

9 CHAIRMAN NORMAN: Yes. You also exceed it, by the
10 way.

11 Yeah, we have approval of the minutes from the 3rd of
12 March. Anybody have any comments? Otherwise, I will entertain
13 a motion.

14 MR. WENTZ: So moved.

15 CHAIRMAN NORMAN: So moved that we approved them?

16 MR. WENTZ: Yes.

17 MR. LINGENFELTER: Second.

18 CHAIRMAN NORMAN: Seconded. All in favor?

19 MR. SCHINDLER: Aye.

20 MR. LINGENFELTER: Aye.

21 MR. SHENK: Aye.

22 MR. WENTZ: Aye.

23 CHAIRMAN NORMAN: Aye. All right, gentlemen.

24 MR. SCHINDLER: I just want to make a comment before
25 we close. I want to express my deep thanks to the trustees for
26 reappointing me for another term. And I try to take it either
27 two ways: Either they think I haven't learned anything yet and
28 are giving me another chance —

29 CHAIRMAN NORMAN: That's probably it, Frank.

30 MR. SCHINDLER: — or they accept my efforts in doing

1 so for all these years, and I deeply appreciate the
2 reappointment. Thank you.

3 CHAIRMAN NORMAN: They probably figure it would take
4 you another term to start to learn where the building is.

5 MR. SCHINDLER: Exactly.

6 MR. SHENK: I think it's your wisdom, Frank, no
7 doubt.

8 CHAIRMAN NORMAN: Yes.

9 MR. WENTZ: I presume, they thought if you haven't
10 learned yet, you aren't going to.

11 CHAIRMAN NORMAN: This meeting is hereby adjourned.

12 (The meeting was adjourned at 9:15 p.m.)

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1 STATE OF OHIO)
2)
3 COUNTY OF CUYAHOGA)
4

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 24th day of April 2009.
24
25
26
27

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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