

1 BEFORE THE CONCORD TOWNSHIP, OHIO, ZONING COMMISSION  
2 PUBLIC HEARING and MEETING  
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8 May 5, 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  
33  
34

35 Also present:  
36

37 Kathy Mitchell, Zoning Commission Secretary,  
38 Zoning Inspector  
39

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  
52

7:00 p.m.

CHAIRMAN NORMAN: Good evening. I would like to call the Concord Township Zoning Commission meeting of Tuesday, May 5th, 2009, to order. This meeting consists of several parts, the first of which is a continuation of public hearing for proposed text amendments regarding the Town Hall corridor zoning updates and related amendments to the Concord Township Zoning Resolution, as outlined in this document.

The next item, after we finish the amendments, is a site plan review for Application Number 10, Pressure Technologies of Ohio, Inc., for a proposed 3,360 square foot building addition at 7996 Auburn Road, Permanent Parcel Number 8A-20-42, located within the RD-2, Research and Limited Industrial District.

The third item on the agenda is election of new Zoning Commission chair and vice chair.

The fourth is correspondence report by Zoning Commission members.

And then we have approval of minutes from March 24th and April 7th to handle.

So, hopefully, the meeting will progress smartly. We don't have much of a crowd. We have Vanessa. You, sir?

MR. GRABOR: Chad Grabor, Foresight Engineering, on the site plan.

CHAIRMAN NORMAN: Okay, Chad, we will get to you in a few minutes then.

We had someone else come in. Did you sign in, sir?

MR. ARNOLD: No, I didn't.

CHAIRMAN NORMAN: Right outside, please.

Okay. Now, back, I would like to go first to the

1 continuation of the public hearing for proposed text amendments  
2 regarding the Town Hall corridor zoning updates and related  
3 amendments to the Concord Township Zoning Resolution, as  
4 outlined.

5 Attachment — Amendment 1, there is four items within  
6 this. Combine permitted use lists and development standards  
7 for Section XXIII (B-2), XXV (S), and XXVI (M) in existing  
8 Section XXII to be renamed "Commercial and Industrial District  
9 Regulations." Update permitted use lists and lot, yard, and  
10 building requirements for these districts. Add proposed  
11 statements for each district — Add purpose statements for each  
12 district. I am sorry.

13 The second part of that is, repeal existing  
14 Sections XXIII, XXV, and XXVI.

15 The third item, add new Town Hall Commons, THC, and  
16 Town Hall Neighborhood, THN, Districts to Section XXII, and  
17 include purpose statements, a proposed list of permitted uses  
18 and lot, yard, and building requirements for these districts.

19 And Item 4 under that amendment is, update district  
20 references in Section 22.06 to 22.08 and 22.11, as shown.

21 This public hearing is already open. This is simply  
22 a continuation of the existing public hearing, gentlemen. It  
23 will be just like any other public hearing, as far as I am  
24 concerned. So, with that, I would open it up.

25 Now, we've all heard all the feedback that we've  
26 gotten from everybody here. Is there something new that the  
27 residents would like to bring forward to the Zoning Commission  
28 other than the natural gas and things we heard last week or the  
29 week before or last month, the month before last? Is there  
30 anything else new? Do you have something, Vanessa?

1 MS. PESEC: Always.

2 CHAIRMAN NORMAN: I should have known. That's why  
3 I left it the way it was. Would you please state your name,  
4 your address? Do you swear to tell the truth —

5 MS. PESEC: Vanessa Pesec, P-e-s-e-c. It's 11705  
6 Cali Court.

7 CHAIRMAN NORMAN: Do you swear to tell the truth, the  
8 whole truth, and nothing but the truth?

9 MS. PESEC: Always.

10 CHAIRMAN NORMAN: Okay.

11 VIDEO TECHNICIAN: Is that button all the way up?

12 MS. PESEC: Yes. Just one question. As we left it  
13 in the last meeting in talking about this section, the question  
14 that you all were grappling with was, as you said, the  
15 distance —

16 CHAIRMAN NORMAN: The distance from natural gas  
17 wells.

18 MS. PESEC: — from natural gas wells.

19 CHAIRMAN NORMAN: Yes.

20 MS. PESEC: I was wondering, to be able to comment on  
21 that, I would like to know what you had talked about or what  
22 you were planning on talking about.

23 CHAIRMAN NORMAN: I knew you were going to bring it  
24 up when I saw you come in as I was pulling in, so we are going  
25 to comment. I am specifically going to comment. We had the  
26 Zoning Commission staff, the zoning staff, go out and they  
27 researched several communities, all of which, the ones they  
28 talked to, at least, had some defined space requirements.

29 We also had the zoning staff identify all the places  
30 within the zoning — within the township that have natural gas

1 wells and there were, if I can find this document, lots of  
2 them, 36. Let me see if there is more than 36. I guess not.  
3 I guess it's just 36 places.

4 MS. MITCHELL: 38 wells.

5 CHAIRMAN NORMAN: 38, okay. Thank you. I could read  
6 better if I didn't have a cold. Anyway, the bottom line with  
7 that is this issue which you raised — and it's worthwhile, by  
8 the way. I want to thank you very much for that — is broader  
9 than this particular set of requirements for this particular  
10 area. It spans the whole township.

11 So I will leave this up to my fellow Zoning  
12 Commission members, obviously, but my recommendation to them is  
13 going to be that, for this particular application, we not  
14 approach it but, rather, do it on a township wide basis because  
15 then we could look at the impact on all existing structures,  
16 things that may be in nonconformance. And all the people in  
17 the township that would be affected by that would then have an  
18 input into that and it would be a specific section, as it  
19 should be, within the zoning regulations as they stand right  
20 now.

21 And I think my own personal feeling — and it is  
22 purely a personal one because I can't speak for all the members  
23 of the Board, obviously — my own personal feelings are that  
24 that is the better way to handle it rather than try and  
25 piecemeal the different sections of the zoning. That's my,  
26 that's going to be my recommendation for this Board. And since  
27 you brought it up, I am glad you did, because I wanted you to  
28 hear it as well. Okay? That's what we're going to do, at  
29 least, my recommendation to these gentlemen is going to be.

30 And we do have, the group came together and I will

1 just, since you brought it up, I will give you an indication.  
2 Communities with revised text since HR 287, which is when the  
3 zoning, that requirement, got turned back to the state,  
4 Boardman Township has new construction distances from gas  
5 wells, that's 100 feet, and drilling distance from occupied  
6 residences, 100 feet. And that's across, the 100 feet in the  
7 second section, is across the board because that's part of the  
8 whole HR.

9           And there is also a third category, distance from  
10 plugged gas well. Bath Township has 150 feet new construction  
11 distance, again, 100 feet from drilling distance, and 25 feet  
12 from a plugged gas well.

13           Olmsted Township has 200 feet new construction  
14 distance from gas wells, again, drilling distance is 100 feet  
15 and there is no distance from plugged gas wells.

16           Montville has 100, and 150 feet from plugged gas  
17 wells. Okay? So you understand that.

18           Springfield Township, there is no new construction  
19 distance. Drilling distance from occupied residences, 200 feet  
20 unless resident signs off on 100 feet, and then distance from  
21 plugged gas wells is 100 feet residential and 50 foot  
22 commercial. And that blows me away. I don't understand why  
23 they did that. That, to me, makes —

24           MS. PESEC: What was that?

25           CHAIRMAN NORMAN: They moved the commercial closer  
26 than residential. And if you think about it, it makes no sense  
27 at all. If you are going to have distances, they ought be at  
28 least consistent. That's my feeling.

29           Randolph Township has 200 feet new construction  
30 distance, 100 drilling distance, and 25 feet from plugged gas

1 well.

2           Rootstown Township has 200 feet residential and 100  
3 feet commercial for new construction, 100 building feet  
4 drilling distance from occupied, no requirement for distance  
5 from gas well — plugged gas well.

6           So that's the information we got. We also have —  
7 And I am sure that could be made available to you — a list of  
8 all the locations of the 38 gas wells that are currently in  
9 Concord Township. So if you are interested, we can get you a  
10 copy of that. Do you have a copy of that handy, Kathy, or do  
11 you need to make a copy?

12           MS. MITCHELL: No, I have it.

13           CHAIRMAN NORMAN: So we can make that available to  
14 you. Does that answer your question?

15           MS. PESEC: Yes, that was good. So, I guess, that  
16 after House Bill 287 passed, Concord put in Section XXXII of  
17 your zoning code and it's currently in existence on the website  
18 and talks about the minimum distance shall not, a gas well  
19 shall not be placed within 300 feet of a structure or 500 feet  
20 from any water source. So why wouldn't you just use what you  
21 currently have on the books?

22           CHAIRMAN NORMAN: I would have to defer that, an  
23 answer to that, to legal counsel but if my understanding is  
24 correct —

25           MS. PESEC: You do the one-half, not the other.

26           CHAIRMAN NORMAN: That's right. We don't do the half  
27 where they drill. Okay? That's the state obligation.

28           MS. PESEC: Right.

29           CHAIRMAN NORMAN: That's what they've taken over.

30           MS. PESEC: I know. So my —

1           CHAIRMAN NORMAN: The other is, the other is we're  
2 going to do something with it but we're going to do it not for  
3 this alone, we're going to do it for all the zoning. Okay?

4           MS. PESEC: Right. You currently have Section  
5 XXXII of your zoning text, as stated on the website, currently  
6 in place talking about that gas wells shouldn't be placed  
7 within 300 feet of a structure.

8           CHAIRMAN NORMAN: But, see, that —

9           MS. PESEC: If you approved that then the logic would  
10 indicate that you would then say 300 feet would also be a good  
11 distance from a structure for a gas well. And so my question  
12 is, if you approved it a little while ago, why wouldn't you  
13 just use that as the 300, put that in right now and be done?

14           CHAIRMAN NORMAN: That way that's worded, it doesn't  
15 have any validity.

16           MS. PESEC: Right. So you can just make that  
17 modification to everything.

18           CHAIRMAN NORMAN: Well, we're not prepared to do  
19 that, to bring that up across the whole thing because there is  
20 an issue of nonconformance. Okay? And that issue has to be  
21 dealt with at the same time. People need to understand that if  
22 we put a space limit, draw a circle around all these gas wells  
23 and all the property that's in those circles are nonconforming  
24 anymore, that's going to be an issue for some people in the  
25 township. And I don't know — Again, I am not the attorney.  
26 Michael, thankfully, is. I don't have his problems. But I  
27 think that would be an issue for some people in the township  
28 somewhere down the road, and I am not prepared, in this  
29 meeting, to do that. We want to proceed forward with this text  
30 as it's prepared and then we will come back and take a look at

1 the distance from gas wells across the township.

2 MS. PESEC: You do understand that from a  
3 nonconforming point of view, once the gas well is in place,  
4 there is only several houses that are being proposed to be that  
5 close.

6 CHAIRMAN NORMAN: Well, we don't know that until  
7 we've done the review.

8 MS. PESEC: Right.

9 CHAIRMAN NORMAN: Okay? So your statement may have  
10 merit and may not. I don't know. And I am not going to refute  
11 you because I don't know. Okay?

12 MS. PESEC: So, I guess, in addition to those smaller  
13 numbers a little while ago, you thought that 300 feet was a  
14 very reasonable setback, so I would encourage you to, at  
15 least —

16 CHAIRMAN NORMAN: That zoning text —

17 MS. PESEC: — put that 300 feet in with your, in  
18 with your other low, lowball numbers.

19 CHAIRMAN NORMAN: What we will do is we'll look at it  
20 in total, and I would appreciate you being here to listen and  
21 so we would appreciate your comments. Okay? But, right now,  
22 our objective and job is to get this piece of legislation  
23 through the cycle because we have a drop-dead date on some  
24 parts of it we have to vote on, and we are going to do that  
25 tonight, I hope, and then we will go forward from there. And  
26 this gas well issue will be dealt with across the whole  
27 township because, again, I don't know who, how many, whatever  
28 are going to be nonconforming. I really don't. And I don't  
29 think anybody else does unless they've taken a look and had all  
30 the maps circled somewhere. Okay?

1 MS. PESEC: And by not putting any limits on this,  
2 you do realize that you are opening yourself up. If it does go  
3 through and the project would proceed quickly, you could be in  
4 a position where it could be a zero setback if they moved  
5 quickly and you didn't get your legislation done in time.

6 CHAIRMAN NORMAN: Well, we realize that's a risk  
7 we're prepared to take, I think. But, again, that's —

8 MS. PESEC: You are because you don't have to live  
9 near the gas well.

10 CHAIRMAN NORMAN: Well, I will tell you something,  
11 Vanessa, quite candidly, your house could be nonconforming  
12 right now, yours alone.

13 MS. PESEC: There's no gas wells near my house.

14 CHAIRMAN NORMAN: Well, there is gas wells within  
15 your prior number of 3,000 feet. Okay? So, you know, I don't  
16 want to start that bailiwick with you or anyone else in the  
17 township. I am prepared to take the effort to look at it and  
18 live with the risk. I don't think, in all candidness, that  
19 since this is just text change — it is not changing the zoning  
20 right now. It's simply text change — that before we get into  
21 the catastrophe you're concerned about or expressed a concern  
22 about, we still have other things that have to take place  
23 before it could happen. Okay? That's where we are at. All  
24 right?

25 MS. PESEC: Okay. As long as you do understand —

26 CHAIRMAN NORMAN: Sure, I understand.

27 MS. PESEC: — that, you know, this is a significant  
28 issue.

29 CHAIRMAN NORMAN: I understand your concern for it  
30 and that's why I am telling you all I am. I am giving you

1 every bit of information we've got.

2 MS. PESEC: Let me also state that, at the last  
3 meeting, it was clear that there was much confusion about the  
4 gas wells. And prior to 2004, as you said, almost all  
5 communities only allowed wells in commercial lands because  
6 that's where people were only during the day and when they're  
7 awake. Putting residents near gas wells is dangerous as people  
8 are asleep many of those hours in a residence. Toxic chemicals  
9 can and have seeped into homes and sickened or even killed  
10 people in their sleep, and children and the elderly are most  
11 susceptible.

12 The reason — So you understand that that's why many  
13 communities, until the legislation went through, didn't put gas  
14 wells in residential areas, was for that reason versus for the  
15 other.

16 The other reason —

17 CHAIRMAN NORMAN: Vanessa, you and I are hassling  
18 over something, we are discussing something that we truly have  
19 no control over. Now, you, in your position now as presiding  
20 officer of Lake County Planning Commission, may get the  
21 Planning Commission to send a letter to the governor or  
22 wherever it's got to go to change it.

23 MS. PESEC: We already did.

24 CHAIRMAN NORMAN: That's fine. That's something you  
25 can do. We couldn't do anything with it. And I said when I  
26 started this meeting, if there is new information, we'd love to  
27 hear it.

28 MS. PESEC: I am trying to explain to you this is new  
29 information, and I am also trying to explain to you that the  
30 zoning text that you are about to approve has residential and

1 nursing home and hospice as uses on land that the majority of  
2 land has a gas well, so it is, A, new and it is, B, pertinent,  
3 so let me proceed.

4           So that's the one with residential. The second is  
5 that the reason almost every community in the country, with  
6 probably the exception of Concord, would not want to put  
7 nursing homes and hospice care next to wells is because you  
8 can't easily or quickly evacuate these people in case of  
9 emergency. So to allow for high density homes and nursing  
10 homes and hospice on this property, I believe, is a dereliction  
11 of your duty to protect the public health and safety.

12           I also wanted to express, again, and state what  
13 hasn't really been stated up front, that regarding the density  
14 of the homes, the proposed text says that there could be three  
15 homes per acre but it doesn't exclude land that can't be  
16 developed. In the case of the large property owner that we're  
17 talking about for the Town Hall Commons — Town Hall  
18 Neighborhood, there are many areas that are undevelopable.  
19 There is a gas well, whatever setback we decide, you decide,  
20 there is a pond, side and rear clearances, and the road  
21 itself. These undevelopable parts of the property should not  
22 be counted as part of the land when calculating the density.  
23 You don't allow it for conservation development and I don't  
24 think that this property only should be allowed to have that.

25           Also, the loosely-written text does not state maximum  
26 density per acre area, so that the high density cluster homes  
27 could be squished up all next to each other with the density  
28 looking as though it were six or seven homes per acre. This  
29 definitely doesn't promote your stated goal, to preserve and  
30 enhance the historic nature of the Town Hall and compliment the

1 historic center.

2           Why can't you write zoning text that is specific and  
3 thorough and closes these types of loopholes for the developer?  
4 It's sad that we get surprised when the developer comes through  
5 and does something that we didn't intend, and it's usually at  
6 the expense of Concord citizens and the environment.

7           But better than controlling the density of those  
8 homes, eliminate it altogether. Please listen to the  
9 recommendations from the Planning Commission. It was voted  
10 unanimously to delete high density cluster homes in this  
11 location. The Planning Commission members who voted included  
12 Russ Schaedlich, the former Concord zoning inspector in  
13 Concord; Richard Smith, the Willoughby building inspector and  
14 the current Concord Board of Zoning Appeals member; and Wally  
15 Siegel, Perry Township zoning inspector. I ask that you please  
16 listen to these professionals. Concord desperately needs the  
17 land for commercial uses and we need it to remain commercial  
18 text.

19           Also in the proposed regulations for nursing homes  
20 and hospice, you are allowing them to be bigger than ever.  
21 First, there is no deduction for undevelopable land for nursing  
22 homes and hospice, as well as what I talked about for the, for  
23 homes. Plus, the amount that the nursing home or hospice can  
24 cover is now proposed to be 40 percent, up from 30 percent in  
25 the current text. So you're proposing a huge building for an  
26 area right near Town Hall. How does this possibly enhance the  
27 historic nature of the Town Hall area?

28           I believe this text is a real travesty and I suspect  
29 that it might have been written for a very specific, very  
30 influential property owner and is definitely not for the

1 betterment of Concord.

2 MR. LINGENFELTER: What?

3 MS. PESEC: At the last meeting, I did hear one of  
4 you state that the reason for the high density cluster homes  
5 was to bring people to the area and generate more interest in  
6 the Town Hall area. I find that perplexing. If hundreds and  
7 hundreds of homes and condos brought in by Quail Hollow didn't  
8 bring enough excitement and energy to the Town Hall area, what  
9 are 70 more squished-in homes going to do for the area?

10 If you really wanted to develop the area of Town Hall  
11 appropriately, you should first have asked the people of  
12 Concord what they want. Do they want just recreational focused  
13 area or do they want the area to become more like Chagrin  
14 Falls? The decades of surveys indicate that they don't want it  
15 to be built up and they aren't interested in this kind of Town  
16 Hall area but, as you say that the surveys are not reliable,  
17 you should ask again in a methodology that you approve.

18 Remember that Town Hall is located in the eastern  
19 part of Concord where the majority of residents are not  
20 located. It's difficult to access this area, so I doubt that  
21 anyone from the western part of Concord is going to go to the  
22 Town Hall area just to go to the dry cleaners. I think this  
23 proposed plan really has less to do with the citizens and what  
24 Concord needs, and I think it's a very, very sad state if it  
25 gets approved as is. Thank you.

26 CHAIRMAN NORMAN: Thank you.

27 MR. LINGENFELTER: Thank you? Thank you, to be a  
28 accused falsely?

29 CHAIRMAN NORMAN: Well, she is entitled to speak her  
30 mind, whether it is right or wrong.

1 MR. LINGENFELTER: I can't let — I'm sorry. I have  
2 a problem with that. I am getting tired of the innuendo.

3 CHAIRMAN NORMAN: That makes two of us. This is the  
4 only time she can do it, so be it.

5 All right. Is there anyone else out there that has  
6 any new information? We just heard more of the old. I don't  
7 want old stuff.

8 MR. CORMACK: You are not going to get old stuff.

9 CHAIRMAN NORMAN: I am sorry? What do you have  
10 that's new?

11 MR. CORMACK: I have something to say. You know —

12 CHAIRMAN NORMAN: Now, wait a minute. Time out.

13 MR. CORMACK: My name is Craig Cormack.

14 CHAIRMAN NORMAN: I know who you are.

15 MR. CORMACK: Yeah, no. I'm supposed to — no, you  
16 remember. My name is Craig Cormack. I own the property at  
17 7220 Ravenna Road.

18 CHAIRMAN NORMAN: I also am aware of that. Now, I  
19 said, in the interest of moving this meeting along, I wanted  
20 new information.

21 MR. CORMACK: That's fine. I will. This is my new  
22 information.

23 CHAIRMAN NORMAN: Okay. I am listening.

24 MR. CORMACK: My new information is, you are, you are  
25 chosen to be part of that Board and you have — you are  
26 supposed to listen to what we have to say. I am not trying to  
27 drag this meeting on.

28 CHAIRMAN NORMAN: I have listened to you for two  
29 months.

30 MR. CORMACK: I know. I know. What you are doing,

1 what you are doing is you're taking my property and you're  
2 making it, you're virtually zoning it into worthlessness. I  
3 know. I know, like Andy says, he says, well, that's not true.  
4 Well, again, we go back to a darn thing, a buyer. What you are  
5 doing is taking a piece of property which is zoned business  
6 now, which we can have most any kind of a retail business, and  
7 zoning it, you are putting the most restrictive zoning in the  
8 entire township and, probably, in the entire state.

9       You know, you look at it lightly because, you know,  
10 you are not in my position. You make it to the point where my  
11 property has almost no value whatsoever. And I am still, it's  
12 still beyond me why it's happening. You say you want to make  
13 this a gathering place. You want to make my property a  
14 gathering place for a doctor's office that's open from 9:00 to  
15 5:00, an engineering office that's open from 9:00 to 5:00,  
16 maybe a restaurant which is conditional, and that's a gathering  
17 place at the corner?

18       All I am trying to say is the logic of it, I am  
19 having a very, very difficult time trying to understand the  
20 logic of what you putting the most restrictive zoning in the  
21 entire state on my property, on a business property, does to  
22 enhance the gathering aspect of the corner. That, I can't  
23 see. I don't understand the logic of it.

24       CHAIRMAN NORMAN: Okay. That's fine.

25       MR. CORMACK: That's my point.

26       CHAIRMAN NORMAN: Well, that's not new.

27       MR. CORMACK: Yeah, it is new. It is new, it really  
28 is.

29       CHAIRMAN NORMAN: It is not new. I have heard you  
30 for two months say the same thing.

1 MR. CORMACK: It is new. It is new when I told you  
2 about the fact that it is so restrictive, no one seems to even,  
3 no one even seems to even realize it.

4 CHAIRMAN NORMAN: We do realize it. In fact, last  
5 month, we came out and made some changes because we recognize  
6 the difficulties that were imposed on you.

7 MR. CORMACK: I agree.

8 CHAIRMAN NORMAN: Now, I am getting resentful, just a  
9 little bit resentful by people, such as yourself and  
10 Mrs. Pesece, sitting here and throwing stones at this Board who  
11 is working their tails off —

12 MR. CORMACK: I'm not.

13 CHAIRMAN NORMAN: — trying to make this thing  
14 meaningful and something worthwhile.

15 MR. CORMACK: The last time, I thank you for looking  
16 at the different options. But one thing I want to bring up is,  
17 for example, you have to look at it from the standpoint of,  
18 fine, let's say you change the zoning and allow a dry  
19 cleaners. You have a dry cleaner but you can't sell clothing  
20 that gets left at his place. You open up a beauty supply but  
21 the beauty parlor can't sell cosmetics — not cosmetics but,  
22 you know, hair products.

23 That's all I am trying to say. I am saying, the  
24 logic of where we're going down and changing the zoning allows  
25 certain uses but yet it's restrictive. And it is going to come  
26 to a point where, like, Michael, what's going to happen? So we  
27 put up the strip center and we have a beauty parlor but they  
28 can't sell their hair products. We have a dry cleaners but  
29 they can't sell clothing that people leave.

30 That's all I am trying to say is it becomes a

1 slippery slope that leaves the township open for, I am to say,  
2 possible litigation because none of it makes sense, you know,  
3 because of the restrictiveness that's been put on it. That's  
4 all I wanted to say tonight.

5 CHAIRMAN NORMAN: Thank you.

6 MR. CORMACK: That was it.

7 MS. EVANGELISTA: I am Jackie Evangelista,  
8 7105 Bridlewood Drive.

9 MR. LINGENFELTER: Don't talk into the microphone  
10 because there is no amplification in the room.

11 MS. EVANGELISTA: Oh, okay.

12 MR. LINGENFELTER: That's strictly for what goes  
13 over the —

14 MS. EVANGELISTA: Oh, okay. I'm sorry.

15 MR. LINGENFELTER: So you just blew Ed's ears off.

16 CHAIRMAN NORMAN: Just raise your right hand.

17 MS. EVANGELISTA: Oh, I just blew —

18 CHAIRMAN NORMAN: Do you swear to tell the truth, the  
19 whole truth, and nothing but the truth, so help you?

20 MS. EVANGELISTA: I do.

21 CHAIRMAN NORMAN: Okay. Thank you.

22 MS. EVANGELISTA: Not having been here for the other  
23 meetings, I am not sure what's new, but the one point I did  
24 want to make was that, having been on the comprehensive  
25 planning committee, my main concern about this zoning is it  
26 seems to be eliminating commercial property. And one of the  
27 big goals of the comprehensive plan is to maintain the very  
28 small amount of commercial land that we have. And since sewers  
29 are going to go through there, it seems to me that it would  
30 become more ideal for income generating businesses, hopefully,

1 9:00 to 5:00, that wouldn't keep people awake in the evening  
2 but, you know, I would just prefer to see us maintain some  
3 possibilities for income in the form of taxes.

4 CHAIRMAN NORMAN: Thank you.

5 Are those gentlemen with you? Are you gentlemen with  
6 the second subject on the agenda?

7 AUDIENCE MEMBER: We're towards the end, yes.

8 CHAIRMAN NORMAN: I didn't want to ignore you if you  
9 had something you want to say about this current discussion.

10 Okay. All right. Before I close the public hearing,  
11 gentlemen, are there any comments from the Board? Close it on  
12 Amendment Number 1.

13 MR. WENTZ: That's fine.

14 CHAIRMAN NORMAN: Anything new to say? Okay. I am  
15 going to close the public hearing on Amendment Number 1 in  
16 total, Kathy.

17 The next thing we're going to talk about is Amendment  
18 Number 3. We closed the public hearing. This is a vote only.  
19 I'm sorry.

20 MR. SHENK: Wait a minute. Hold on.

21 CHAIRMAN NORMAN: Wait a minute. Do we have to vote?

22 MR. SHENK: How about some discussion once the public  
23 hearing is over on Amendment 1?

24 CHAIRMAN NORMAN: We've had public discussion; have  
25 we not?

26 MR. SHENK: Public, we have. What about our  
27 discussion?

28 CHAIRMAN NORMAN: Well, that's that I just asked.

29 MR. SHENK: You closed the meeting, closed the public  
30 hearing?

1 CHAIRMAN NORMAN: No. Do I need to?

2 MR. SHENK: We need to have some discussion.

3 CHAIRMAN NORMAN: Well, that's what — I just went  
4 around the Board asking for comments and discussion.

5 MR. SHENK: I think the couple items that Vanessa  
6 brought up are very interesting. And this whole issue about —  
7 remember all the discussion we had on the conservation zoning  
8 about nonbuildable versus buildable?

9 CHAIRMAN NORMAN: Yes.

10 MR. SHENK: I think that would be appropriate to add  
11 that in this calculation, you know, based on what we know about  
12 that land where, especially, where it is and what we have  
13 foreseen for where that goes.

14 CHAIRMAN NORMAN: Okay.

15 MR. SHENK: And I think we could inject some of the  
16 wording we have in the conservation zoning. I don't have that  
17 with me, Kathy, but that could have a significant impact on  
18 density calculation. We've, obviously, spent a lot of time  
19 talking about density calculation when we put the conservation  
20 zoning text together. So my recommendation is that we consider  
21 that. I don't know if we can do that on the fly tonight or not  
22 but I like the idea.

23 CHAIRMAN NORMAN: Okay. Andy?

24 MR. LINGENFELTER: I don't have any comment at this  
25 point.

26 MR. WENTZ: I agree with Wilbur's comment.

27 CHAIRMAN NORMAN: Okay. We can take a look at that.  
28 It would have to be done, I believe, on the fly. Otherwise, we  
29 are going to vote piecemeal on this thing and that's not a  
30 smart way to do it and send it to the trustees, gentlemen. We

1 are not going to send anything to the trustees piecemeal.

2 Yes?

3 MS. MITCHELL: That would be in Amendment 3, which is  
4 closed. The hearing is closed but you have to vote on 3  
5 tonight.

6 CHAIRMAN NORMAN: We've got to vote on 3 tonight,  
7 yes.

8 MS. MITCHELL: But the language you would consider  
9 adding would be the conditional use chapter, which is in  
10 Amendment 3, so that language would not be germane to  
11 Amendment 1.

12 MR. SHENK: Okay. That falls in Amendment 3?

13 CHAIRMAN NORMAN: Yes.

14 MR. SHENK: So the other question I have then in  
15 Amendment 1, we've modified the permitted use list. Is that —

16 CHAIRMAN NORMAN: Yes.

17 MR. SHENK: That's in Amendment 1?

18 CHAIRMAN NORMAN: Yes.

19 MR. SHENK: So you've added those things?

20 MS. MITCHELL: You have to make that part of your  
21 motion in that section of the amendment. You informally did  
22 that at the last meeting but there was no formal vote taken, so  
23 that still needs to be done.

24 CHAIRMAN NORMAN: Right.

25 MR. SHENK: That's in Amendment 1?

26 MS. MITCHELL: Amendment 1, third bullet.

27 MR. SHENK: Okay. I don't have anything else on  
28 Amendment 1 then as long as those are added.

29 MR. WENTZ: I don't either.

30 CHAIRMAN NORMAN: Okay. So when we close the public

1 hearing — Michael, can I ask a matter of protocol?

2 MR. LUCAS: Sure.

3 CHAIRMAN NORMAN: Should I revise, ask for a  
4 motion to revise the proposed use lists, as required under  
5 Amendment 1, before I close the public hearing or afterwards?

6 MS. MITCHELL: You would close the public hearing.

7 MR. LUCAS: You would close the public hearing.

8 CHAIRMAN NORMAN: I'm sorry?

9 MR. LUCAS: You would close the public hearing.

10 CHAIRMAN NORMAN: Okay. And then ask for the  
11 motions?

12 MR. LUCAS: And then ask for discussion. I am  
13 assuming you are going to vote on the amendment, the components  
14 of Amendment 1 then, correct?

15 CHAIRMAN NORMAN: Yes.

16 MR. LUCAS: Yeah. I would do it that way.

17 CHAIRMAN NORMAN: Okay. Thank you.

18 All right. With that, gentleman, I am going to close  
19 the public hearing on Amendment Number 1. Now, we are going to  
20 be discussing the requirements to change the use, permitted use  
21 lists, as we had discussed at the last meeting.

22 MR. SHENK: I don't have that with me. All I know is  
23 that we added two or three things.

24 CHAIRMAN NORMAN: We added three things to the use  
25 list.

26 MS. MITCHELL: Do you want to start with the first  
27 item on the vote?

28 CHAIRMAN NORMAN: Yeah.

29 MR. SHENK: So we vote on each item?

30 CHAIRMAN NORMAN: Yes. Now, what we need to do

1 though, Kathy, I think is, don't we need to adjust first, with  
2 a motion, the proposed permitted use lists because we made it,  
3 we were discussing it and made recommendations but we did not  
4 vote on those recommendations at the last meeting.

5 MS. MITCHELL: That's under the third bullet. If you  
6 vote on that separately, you can vote on the first two items  
7 and then go to that.

8 CHAIRMAN NORMAN: Okay. And then come to the first  
9 bullet, yes. Okay. Fine, let's do that. Under Amendment 1,  
10 combine permitted use lists and development standards from  
11 Sections XXIII, XXV, and XXVI, "Commercial and Industrial  
12 District." Update permitted use lists and lot, yard, and  
13 building requirements for these districts. Add purpose  
14 statements for each district. Is there any discussion to be  
15 had on that before I call for a vote?

16 MR. SHENK: Not from me.

17 MR. WENTZ: No.

18 CHAIRMAN NORMAN: Kathy, would you call for a voice  
19 vote?

20 MS. MITCHELL: Mr. Lingenfelter?

21 MR. LINGENFELTER: Yes.

22 MS. MITCHELL: Mr. Wentz?

23 MR. WENTZ: Yes.

24 MS. MITCHELL: Mr. Shenk?

25 MR. SHENK: Yes.

26 MS. MITCHELL: Mr. Schindler?

27 MR. SCHINDLER: Yes.

28 MS. MITCHELL: Mr. Norman?

29 CHAIRMAN NORMAN: Yes.

30 Okay. Amendment 1, the second bullet, repeal

1 existing Sections XXIII, XXV, and XXVI. Any discussions about  
2 those?

3 MR. WENTZ: No.

4 CHAIRMAN NORMAN: Can we have a voice — a vote on  
5 that, Kathy, please?

6 MS. MITCHELL: Mr. Wentz?

7 MR. WENTZ: Yes.

8 MS. MITCHELL: Mr. Shenk?

9 MR. SHENK: Yes.

10 MS. MITCHELL: Mr. Schindler?

11 MR. SCHINDLER: Yes.

12 MS. MITCHELL: Mr. Lingenfelter?

13 MR. LINGENFELTER: Yes.

14 MS. MITCHELL: Mr. Norman?

15 CHAIRMAN NORMAN: Yes.

16 Okay. Amendment 1, add new Town Hall Commons (THC)  
17 and Town Hall Neighborhood (THN) District to Section XXII, and  
18 include purpose statements, a proposed list of permitted uses,  
19 and lot, yard, and building requirements for these districts.

20 MR. SHENK: Do we need a motion to add those items?

21 MR. WENTZ: I think we do.

22 CHAIRMAN NORMAN: I think we need a motion.

23 MR. LUCAS: You would make a motion to approve the  
24 amendment, that particular amendment, with the following  
25 modifications. And then there would be, theoretically, a  
26 second and then you would just vote on that.

27 MR. SHENK: Can you show me the modification to make  
28 a motion? I make a motion that we approve the third item under  
29 Amendment Number 1 with the following additions: These are  
30 additions to the permitted use list, and we will add bed and

1 breakfast as a conditional use, business services as permitted,  
2 personal services as permitted, child or adult day care center  
3 as a conditional use, period.

4 MR. WENTZ: Didn't we also add business services?

5 MR. SHENK: I said business services, permitted use,  
6 right.

7 CHAIRMAN NORMAN: Motion made. Is there a second?

8 MR. WENTZ: Second.

9 CHAIRMAN NORMAN: Motion made and seconded. That was  
10 very specific. Thank you very much, Wilbur.

11 Can we have a voice vote, Kathy, please?

12 MS. MITCHELL: Mr. Shenk?

13 MR. SHENK: Yes.

14 MS. MITCHELL: Mr. Lingenfelter?

15 MR. LINGENFELTER: Yes.

16 MS. MITCHELL: Mr. Wentz?

17 MR. WENTZ: Yes.

18 MS. MITCHELL: Mr. Schindler?

19 MR. SCHINDLER: Yes.

20 MS. MITCHELL: Mr. Norman?

21 CHAIRMAN NORMAN: Yes.

22 Amendment Number 1, again, update references in  
23 Sections 22.06 - 22.08 and 22.11, as shown. There is no need  
24 for any revision to that. I call for a voice vote, please.

25 MS. MITCHELL: Mr. Schindler?

26 MR. SCHINDLER: Yes.

27 MS. MITCHELL: Mr. Wentz?

28 MR. WENTZ: Yes.

29 MS. MITCHELL: Mr. Lingenfelter?

30 MR. LINGENFELTER: Yes.

1 MS. MITCHELL: Mr. Shenk?

2 MR. SHENK: Yes.

3 MS. MITCHELL: Mr. Norman?

4 CHAIRMAN NORMAN: Yes. Okay.

5 Now, we approved Amendment Number 2 last month; did  
6 we not, Kathy?

7 MS. MITCHELL: Yes.

8 CHAIRMAN NORMAN: So now I want to go to Amendment  
9 Number 3. The public hearing is closed. It's a vote only.  
10 Now, this is the area, Wilbur, where you thought you might want  
11 to —

12 MR. SHENK: It's the last bullet, I think, where it  
13 belongs, the add conditional use criteria for detached single-  
14 family cluster development. And then if we wanted to use that  
15 same logic for the calculation, I guess, of the nursing home  
16 size, is that also in this? Would that be in this amendment,  
17 Kathy, or would that be under conditional.

18 CHAIRMAN NORMAN: Not under conditional use for the  
19 detached single-family cluster development.

20 MR. SHENK: No. But, I mean, is it under this  
21 Amendment Number 3?

22 MS. MITCHELL: Wilbur, what was your specific  
23 question?

24 CHAIRMAN NORMAN: It's under the fourth bullet under  
25 Amendment 3. There is discussion —

26 MR. SHENK: The concept of using the nonbuildable  
27 area concept for, I think, calculating the permitted size of  
28 the nursing home, that has to be in the conditional use for  
29 nursing homes?

30 MS. MITCHELL: Well, there is a set of criteria under

1 Section 13.07, which is under Amendment 3, which is in your  
2 binder, your text.

3 MR. SHENK: Yeah. I left my binder. I traveled  
4 light tonight, unfortunately.

5 MS. MITCHELL: Do you have this?

6 MR. SHENK: No. I only have tonight's stuff. Help  
7 me out.

8 MS. LUHTA: Do you want to borrow mine, Wilbur?

9 MR. SHENK: I'd love to. What was it again, Kathy?

10 MS. LUHTA: 13.07.

11 MR. SHENK: 13.07.

12 MR. WENTZ: Section 15?

13 MR. SHENK: 13.07.

14 CHAIRMAN NORMAN: I thought it was 15. I'm sorry.

15 MR. SCHINDLER: 13.07, residential care facility,  
16 nursing home, and home for the aged.

17 MR. SHENK: Yeah, that's what we want.

18 MR. SCHINDLER: This is a section that's being added,  
19 so what do you want to look at changing?

20 MR. SHENK: Page 13.6, B.1.

21 MR. SCHINDLER: Restricted Retail District?

22 MR. SHENK: Residential District. No. 13.6,  
23 page 13.6.

24 MR. SCHINDLER: 13.6.

25 CHAIRMAN NORMAN: Up here on top.

26 MR. SHENK: It's total gross floor area.

27 MR. SCHINDLER: Sorry. Yes.

28 MR. SHENK: They talk about, you know, total acreage  
29 of the parcel. What, I guess, I think we should consider is  
30 using that same concept about the total buildable acreage of

1 the parcel, if we want to carry that same concept through.

2 CHAIRMAN NORMAN: Why would we want to do that,  
3 Wilbur?

4 MR. SHENK: Well, because it impacts the size of the  
5 nursing home.

6 CHAIRMAN NORMAN: Doesn't the —

7 MR. SHENK: Do you want to allow the nursing home to  
8 include, you know, the pond and anything else that's  
9 unbuildable? I mean, over there, there is probably not much,  
10 not too many steep slopes that you can't consider, but do you  
11 want to give them credit for that? I am just suggesting, as we  
12 did in the conservation system, that we don't give them credit  
13 for that.

14 CHAIRMAN NORMAN: Well, I can relate to that, Wilbur,  
15 in the construction of residences, okay, and I don't have any  
16 problem with that. Now you're dealing with nursing homes.  
17 You're taking it to the next level.

18 MR. SHENK: The size of the nursing home.

19 CHAIRMAN NORMAN: The size of the nursing home.

20 MR. SHENK: Yeah, right.

21 CHAIRMAN NORMAN: Why? You already have back and  
22 side yard clearances.

23 MR. SHENK: It's the same concept.

24 CHAIRMAN NORMAN: Well, where is the unbuildable land  
25 on the property that we're looking at now?

26 MR. SHENK: The pond.

27 CHAIRMAN NORMAN: Where is the pond? That's the  
28 question.

29 MR. SHENK: Well, the big question is, where is the  
30 nursing home going to be with respect to the pond?

1 CHAIRMAN NORMAN: We don't know it's going to be  
2 there at all, do we?

3 MR. SHENK: No, exactly. So the pond is there.

4 CHAIRMAN NORMAN: It's in the back of the property.

5 MR. SHENK: Right.

6 CHAIRMAN NORMAN: Isn't there back and side yard  
7 clearances in this?

8 MR. SHENK: Yeah. But we don't know how that's going  
9 to get laid out now.

10 MR. LINGENFELTER: Is that pond essential?

11 MR. SHENK: I don't know.

12 MR. LINGENFELTER: Can it be filled in?

13 MR. SHENK: I don't know.

14 MR. LINGENFELTER: Right. Is it even going to be  
15 there?

16 MR. SHENK: I don't know.

17 MR. LINGENFELTER: There you go.

18 CHAIRMAN NORMAN: Well, you are putting regulations  
19 in place and we don't know what all the outcome is going to be,  
20 Wilbur. We're writing a text that's got to convert to zoning.

21 MR. SHENK: Right.

22 CHAIRMAN NORMAN: We're a long way away from making  
23 that.

24 MR. SHENK: Right.

25 CHAIRMAN NORMAN: Okay? Now, I have no discussion  
26 and I totally concur with the idea of taking unbuildable  
27 property out in the calculation for density for the  
28 residences. Okay? I think when you expand this to this point,  
29 you are talking about something that isn't even relevant over  
30 there yet and I —

1 MR. SHENK: Wait a minute, George. The housing isn't  
2 relevant over there either.

3 CHAIRMAN NORMAN: Well, nothing over there is  
4 relevant.

5 MR. SHENK: Bingo.

6 CHAIRMAN NORMAN: So why are we doing this?

7 MR. SHENK: Because something might get built over  
8 there, it might be housing, it might be a nursing home. We  
9 don't know.

10 CHAIRMAN NORMAN: And it might remain vacant.

11 MR. SHENK: It might remain vacant, so why put any  
12 zoning together then?

13 CHAIRMAN NORMAN: Well, that's a good question,  
14 Wilbur.

15 MR. SHENK: No. Come on. I was being facetious.  
16 Look, I am not going to argue the point. You understand where  
17 I'm going.

18 CHAIRMAN NORMAN: Yeah, I know where you are trying  
19 to go.

20 MR. SHENK: That's my recommendation regarding  
21 discussion. What's anyone else think? We'll be voting on this  
22 anyway?

23 MR. WENTZ: I said that I would be in favor of some  
24 sort of structure like that and still am.

25 MR. SHENK: For the hospice, for the nursing home,  
26 hospice care.

27 MR. SCHINDLER: Does that mean we have to change it  
28 tonight or try to change something tonight?

29 MR. SHENK: Right. Same as with the residential,  
30 we'd have to change tonight.

1 MR. SCHINDLER: So you are going to take this, if I  
2 understand you correctly, we will accept the, as is proposed  
3 here with the addition of, and then put in verbiage that you  
4 want to make sure it's covered so that you feel comfortable  
5 with it.

6 CHAIRMAN NORMAN: That's what he's got to do.

7 MR. SCHINDLER: Right, that's what you have to do.

8 CHAIRMAN NORMAN: Right.

9 MR. SHENK: Before you do anything, we have to agree  
10 with the concept.

11 MR. SCHINDLER: I understand.

12 MR. SHENK: Yeah. If you agree with the concept, we  
13 can figure out how to do it from the text standpoint. All  
14 you've got to do is interject something to the effect of  
15 "buildable acreage" as opposed to "total acreage." All right?  
16 It seems pretty simple to me, if you agree with the concept.

17 MR. SCHINDLER: The concept, yeah, I agree with. But  
18 how are we going to put the verbiage together in order to  
19 incorporate in here that's going to be — that's going to pull  
20 some validity? I mean, counsel, can we —

21 MR. SHENK: Anywhere, where it says "total acreage"  
22 in B.1, you can substitute "buildable acreage."

23 MR. SCHINDLER: And can we take that verbiage, what I  
24 am saying is, tonight and put it in what we're going to vote on  
25 tonight and it will be —

26 MR. SHENK: We just did for the conditional —  
27 I mean, the permitted use list, we just did that. We added  
28 those things.

29 MR. SCHINDLER: Well, we added those things that were  
30 already basically in the text already, right?

1 CHAIRMAN NORMAN: No. We added them because we had  
2 discussed them at length in the business.

3 MR. SCHINDLER: Yeah, that's right. All right. You  
4 have to formulate the verbiage so we can vote on it as an  
5 addition to the amendment.

6 MR. SHENK: Well, I would use "buildable acreage"  
7 in —

8 MR. LINGENFELTER: You know what? Let me ask you a  
9 question. I am just curious. What other residential zoning do  
10 we have that built into?

11 MR. SHENK: Nothing, not that I know of. We did it  
12 for the conservation because —

13 CHAIRMAN NORMAN: Right.

14 MR. LINGENFELTER: Right.

15 MR. SHENK: — because there is, potentially, a lot  
16 of that land that's, quote, unquote, unbuildable, so we're  
17 trying to save that.

18 CHAIRMAN NORMAN: Right.

19 MR. LINGENFELTER: What other zoning text,  
20 residential wise, do we have that specific type of verbiage  
21 built into?

22 MR. WENTZ: I don't think there is any.

23 MR. LINGENFELTER: Right.

24 MR. SCHINDLER: I think that's why we developed the  
25 conservation.

26 MR. LINGENFELTER: It's in the conservation, right.  
27 Is this conservation development?

28 CHAIRMAN NORMAN: No.

29 MR. LINGENFELTER: I don't understand why we need  
30 this in there, I really don't. I don't see the point.

1 MR. SCHINDLER: I can understand. It's not  
2 conservation development, you are absolutely right, but it's an  
3 area of concern in relationship to the nursing home.

4 MR. SHENK: Well, let's go back to the housing. It  
5 has a direct impact on density, and we all know density is a  
6 very sensitive issue. And that's one way of trying to treat  
7 density in a more favorable way.

8 MR. SCHINDLER: We're using the term "buildable."

9 MR. SHENK: That people are objecting to.

10 MR. LINGENFELTER: But it's three units per acre,  
11 correct?

12 MR. SHENK: Right.

13 MR. LINGENFELTER: So what changes?

14 MR. SHENK: It's three units per buildable acre,  
15 that's what changes.

16 MR. LINGENFELTER: So what's the —

17 MR. SHENK: There are fewer houses.

18 MR. LINGENFELTER: What's the pond equate to, how  
19 many acres?

20 MR. SHENK: I don't know.

21 MR. SCHINDLER: I don't know either but that would be  
22 something that would be under consideration if it, in fact, was  
23 to be developed in the future. That's what he's trying to do.

24 MR. SHENK: Is there other land over there that's  
25 unbuildable? That falls out pretty quick to the I-90, doesn't  
26 it?

27 MR. LINGENFELTER: I am just curious why we would  
28 want to undertake trying to develop some verbiage into the text  
29 that, you know, really doesn't exist anywhere else just for the  
30 sake of putting it in there. I don't see the value in it.

1 MR. SHENK: Except in the conservation zoning.

2 MR. LINGENFELTER: Right. There, it has value  
3 because you're talking large parcels and a totally different  
4 concept.

5 MR. SHENK: I think it has value because it  
6 potentially reduces the density and density is a hot item. We  
7 all know that. So it's as simple as that.

8 MR. SCHINDLER: This is why, here, it also shows a  
9 way of flexibility of concern of the residents in the area and  
10 people that own property.

11 MR. SHENK: We're listening.

12 MR. SCHINDLER: Right.

13 MR. LINGENFELTER: I don't know. Do we want to  
14 consult Mr. Osborne, find out what he wants to do, through his  
15 counsel?

16 CHAIRMAN NORMAN: I don't think we can —

17 MR. SHENK: I don't think that is very constructive.

18 MR. LINGENFELTER: Well, we get accused of it.

19 MR. SHENK: If you want to, go ahead.

20 CHAIRMAN NORMAN: Well, I guess, the way to solve  
21 this issue, Wilbur, is to make a motion.

22 MR. SCHINDLER: Yeah, put it to a vote.

23 CHAIRMAN NORMAN: Are you ready, Kathy?

24 MR. SCHINDLER: Make your motion to amend.

25 MR. SHENK: So we're on the second —

26 CHAIRMAN NORMAN: Well, let's start over.

27 MR. SHENK: The one for the house is the last item.

28 CHAIRMAN NORMAN: That's right. Now, the ones —  
29 We're going to go through this in order. Okay?

30 MR. SHENK: Right.

1 CHAIRMAN NORMAN: So let's start with the first  
2 bullet. Add THC Districts to Section XIII, Conditional Use  
3 Permit, under the proposed conditional uses for the district:  
4 Restaurants (table and counter service), schools, churches/  
5 places of worship, and outside dining.

6 MS. MITCHELL: This was the item —

7 MR. LUCAS: Wait, wait, wait.

8 CHAIRMAN NORMAN: Yes, Mike?

9 MR. LUCAS: Are you taking the first bullet point on  
10 Amendment Number 3?

11 CHAIRMAN NORMAN: Yes.

12 MR. SHENK: We've already voted on that.

13 CHAIRMAN NORMAN: No.

14 MR. LUCAS: No, you didn't.

15 MR. SHENK: The first one?

16 CHAIRMAN NORMAN: No, we —

17 MR. LUCAS: No, you didn't. You just closed the  
18 public hearing.

19 CHAIRMAN NORMAN: We closed the public hearing last  
20 week.

21 MR. LINGENFELTER: No, we haven't started that.

22 MR. SCHINDLER: Last week.

23 CHAIRMAN NORMAN: Or last month.

24 MR. LUCAS: You've got to add bed and breakfast,  
25 child day care center and adult care center to that bullet  
26 point.

27 MR. LINGENFELTER: Right.

28 MR. LUCAS: You have to make a motion if you want to  
29 add that, which you generally discussed at the last meeting.

30 CHAIRMAN NORMAN: Right.

1 MR. LUCAS: You've got to make a motion with the  
2 modification as follows and add those three additional ones.

3 CHAIRMAN NORMAN: Those three like we did the last  
4 bullet.

5 MR. LUCAS: Is that what your notes reflect, Kathy?

6 MS. MITCHELL: Yes.

7 MR. LUCAS: Okay.

8 CHAIRMAN NORMAN: Okay.

9 MR. LUCAS: By the way, just as a heads up, you are  
10 going to be doing that on the second bullet point, too.

11 CHAIRMAN NORMAN: Yes.

12 MR. SHENK: Since we added that in the first  
13 amendment, doesn't that carry through, Mike?

14 CHAIRMAN NORMAN: No, no.

15 MR. LUCAS: No.

16 CHAIRMAN NORMAN: We do them individually.

17 MR. LUCAS: No, because you are talking about an  
18 amendment to Section 13 now.

19 MR. SCHINDLER: Because, in our notes, we said add it  
20 to both districts, the THC and the THN. And in each one of  
21 those, 1 is the, is THC, and under Bullet Point Number 2 is  
22 THN, so we have to add that to both those, both of those.

23 MR. SHENK: As far as I am concerned, we already did  
24 it.

25 MR. LUCAS: I want it done that way.

26 MR. SHENK: What?

27 MR. LUCAS: Let me make it very clear. I want it  
28 done the way I just said.

29 MR. SHENK: Good. That's the way we're going to do  
30 it.

1 MR. LUCAS: Thank you, Wilbur. I bring that up as a  
2 point of discussion.

3 CHAIRMAN NORMAN: The discussion is over.

4 MR. LUCAS: Food for thought.

5 MR. SHENK: All right. So I need that list again.

6 MR. LUCAS: Wilbur, I am counting on you over there.

7 MR. SHENK: As long as I have the list, you can count  
8 on me. All right. The first bullet point, I make a motion  
9 that, in addition to the text that is under Amendment 3, we add  
10 to the permitted use bed and breakfast as conditional, business  
11 services as permitted —

12 CHAIRMAN NORMAN: No, not under —

13 MR. LUCAS: No, no. Just the three conditional,  
14 Wilbur.

15 MS. MITCHELL: I gave you the right page. It is  
16 right there.

17 MR. SHENK: All right. I make a motion that we add  
18 the bed and breakfast, which is conditional, the child and  
19 adult day care, which is conditional, period.

20 CHAIRMAN NORMAN: Is there a second?

21 MR. SCHINDLER: And business services, too.

22 MR. SHENK: No.

23 CHAIRMAN NORMAN: No, not under conditional. That's  
24 regular use.

25 MR. SCHINDLER: All right.

26 MR. WENTZ: Second.

27 CHAIRMAN NORMAN: Motion made and seconded. You are  
28 going to make a lot of motions, Wilbur, so hang onto that  
29 paper.

30 MR. SHENK: I got it.

1 CHAIRMAN NORMAN: Hang on. All right.  
2 Kathy, would you call for a vote, please?  
3 MS. MITCHELL: Mr. Lingenfelter?  
4 MR. LINGENFELTER: Yes.  
5 MS. MITCHELL: Mr. Wentz?  
6 MR. WENTZ: Yes.  
7 MS. MITCHELL: Mr. Shenk?  
8 MR. SHENK: Yes.  
9 MS. MITCHELL: Mr. Schindler?  
10 MR. SCHINDLER: Yes.  
11 MS. MITCHELL: Mr. Norman?  
12 CHAIRMAN NORMAN: Yes.  
13 MR. SHENK: All right. The second bullet point, I  
14 make a motion to add to the current text, that we add bed and  
15 breakfast as a conditional use and child and adult day care as  
16 a conditional use for the THN District.  
17 CHAIRMAN NORMAN: Okay.  
18 MR. SCHINDLER: Second.  
19 CHAIRMAN NORMAN: Motion made and seconded. Kathy,  
20 please.  
21 MS. MITCHELL: Mr. Schindler?  
22 MR. SCHINDLER: Yes.  
23 MS. MITCHELL: Mr. Wentz?  
24 MR. WENTZ: Yes.  
25 MS. MITCHELL: Mr. Lingenfelter?  
26 MR. LINGENFELTER: Yes.  
27 MS. MITCHELL: Mr. Shenk?  
28 MR. SHENK: Yes.  
29 MS. MITCHELL: Mr. Norman?  
30 CHAIRMAN NORMAN: Yes.

1 MR. SHENK: Thanks.

2 CHAIRMAN NORMAN: You didn't throw that away, did  
3 you?

4 MR. SHENK: No. The boss has it.

5 CHAIRMAN NORMAN: Okay.

6 MR. SHENK: All right. If we want to make a change  
7 to 13.07, this is where we would do it, I believe, but using  
8 "buildable acreage."

9 MS. MITCHELL: Not yet.

10 MR. LUCAS: Not yet.

11 MR. WENTZ: No, not yet.

12 MR. LUCAS: You are just adding, with this one, you  
13 are just adding the use hospice care facility.

14 MR. SHENK: Okay. The next one.

15 MR. SCHINDLER: Let's vote on the —

16 MR. WENTZ: Let's vote on this one, add hospice.

17 MR. SHENK: All right. You need a motion?

18 MR. SCHINDLER: Yes.

19 CHAIRMAN NORMAN: The last one, Wilbur.

20 MR. SHENK: I make a motion that we accept the third  
21 bullet point, add hospice care facility to the conditional use  
22 requirements in Section 13.07.

23 MR. LINGENFELTER: Seconded.

24 CHAIRMAN NORMAN: Motion made and seconded. Kathy,  
25 call for a vote, please.

26 MS. MITCHELL: Mr. Shenk?

27 MR. SHENK: Yes.

28 MS. MITCHELL: Mr. Lingenfelter?

29 MR. LINGENFELTER: Yes.

30 MS. MITCHELL: Mr. Wentz?

1 MR. WENTZ: Yes.

2 MS. MITCHELL: Mr. Schindler?

3 MR. SCHINDLER: Yes.

4 MS. MITCHELL: Mr. Norman?

5 CHAIRMAN NORMAN: Yes. All right. Now.

6 MR. SHENK: Now?

7 CHAIRMAN NORMAN: Now.

8 MR. WENTZ: Now.

9 MR. SCHINDLER: Now.

10 MR. LINGENFELTER: Now.

11 MS. MITCHELL: All right. I make a motion that —

12 MR. LUCAS: Wait a minute. Hold on one minute,

13 Wilbur. Okay?

14 MR. SHENK: All right.

15 MR. LUCAS: Wilbur, I know you had discussion on

16 what you wanted to try to implement in there. What

17 specifically within that section are you looking at, just to

18 make sure I am —

19 MR. SHENK: On page 13.6, B.1.

20 MR. LUCAS: Yes.

21 MR. SHENK: Which says R-1 Residential District,

22 "begin with the total acreage."

23 MR. LUCAS: All right.

24 MR. SHENK: What I would recommend we say is "begin

25 with the total buildable acreage" and, that way, that

26 calculation will be buildable acreage. And then we probably

27 have to do the same thing with paragraph 2 because — Wherever

28 it talks about that calculation, that's where I would recommend

29 we make that change. I think it's only in those two items.

30 CHAIRMAN NORMAN: I want —

1 MR. LUCAS: Because the reason I wanted to — The  
2 Conservation District has it defined as "buildable  
3 topography." All right?

4 CHAIRMAN NORMAN: Yes.

5 MR. LUCAS: And they have a specific definition  
6 within that Section 16. We don't have it in our General  
7 Definitions.

8 MR. SHENK: It is not in the General Definitions?

9 MR. LUCAS: Right. Okay?

10 MR. SHENK: What's the general topography or what —

11 MR. LUCAS: In the Conservation District, the  
12 definition they have for "buildable topography" is "that  
13 portion of the building site which, either naturally or through  
14 approved regrading, is physically suited for building  
15 construction. Specifically, the buildable topography is that  
16 portion of the building site which is accessible, lies outside  
17 of flood planes, and consists of stable soil structure."

18 CHAIRMAN NORMAN: Boy, that's powerful.

19 MR. WENTZ: You would have to include all that.

20 MR. SHENK: We would have to include all that.

21 MR. SCHINDLER: Is that what you want to do?

22 MR. SHENK: Yeah, right.

23 MR. SCHINDLER: You have to include that verbiage.

24 MR. LUCAS: Now, just as a point of, again, further  
25 discussion, you're already subtracting out sensitive lands,  
26 okay, which includes flood planes. You know what I am saying?  
27 So you are almost doing a — You are having a buildable  
28 topography and then you're excluding areas that have already  
29 been excluded under the definition of "buildable topography."

30 CHAIRMAN NORMAN: In addition to, right?

1 MR. LUCAS: Yeah.

2 MR. SHENK: Well, no, you're excluding flood planes.

3 MR. LUCAS: Right, but that's already excluded in the  
4 definition of "buildable topography." I am probably not making  
5 myself clear on that. You want to start off with, rather than  
6 "total acreage," you want to come into the initial threshold is  
7 the "buildable topography."

8 CHAIRMAN NORMAN: Yes.

9 MR. LUCAS: Or as you called it initially, Wilbur,  
10 "buildable acreage." All right?

11 MR. SHENK: Right.

12 MR. LUCAS: So if you look at that definition for  
13 buildable topography, which we are going to have to address in  
14 this section if we want to move forward with that, you are  
15 already excluding areas that are also included within the  
16 sensitive lands to be subtracted from that.

17 MR. SHENK: That's what I don't understand. Why are  
18 we already excluding those? We're excluding them by that  
19 definition, aren't we?

20 MR. LUCAS: Well, we are, to some extent, but then  
21 the language talks about subtracting then, in the B.1 and the  
22 B.2 of that particular text, they talk about then subtracting  
23 out acres determined to be sensitive lands, which have already  
24 been removed out —

25 CHAIRMAN NORMAN: Under the building —

26 MR. LUCAS: — somewhat by the definition of  
27 "buildable topography."

28 MR. SHENK: That's in the conservation text.

29 MR. LUCAS: Yes.

30 MR. SHENK: Couldn't we just use the "topography"

1 definition and then stop there and then go to this calculation  
2 about subtracting one-half of the portion of the acreage, et  
3 cetera? Oh, I see, is determined to be sensitive lands.

4 CHAIRMAN NORMAN: You are double hitting it, Wilbur.

5 MR. SHENK: I got you. I got you.

6 MR. WENTZ: Why wouldn't the most restrictive  
7 prevail?

8 CHAIRMAN NORMAN: No.

9 MR. WENTZ: You can't take out the same acres twice.

10 MR. LUCAS: Well, you can't have it read that you're  
11 taking out the same acres. That's not good craftsmanship.

12 MR. SHENK: I see what you are saying.

13 CHAIRMAN NORMAN: That leaves a lot of things open to  
14 question.

15 MR. LUCAS: Well, I just want to point that out. I  
16 mean, you want to try to harmonize that a little bit if you are  
17 going to do that.

18 Wilbur, do you see what I am saying about that?

19 MR. SHENK: Yeah, I see what you are saying.

20 MR. LUCAS: Okay.

21 MR. SHENK: So what's the definition? Is the  
22 definition in this text of "sensitive lands"?

23 MR. LUCAS: Yeah. It's under 1.a — B.1.a. It says,  
24 "For purposes of this section, sensitive lands" —

25 MR. SHENK: I see.

26 MR. LUCAS: Okay?

27 MR. SHENK: Well, then that sort of takes care of our  
28 issue, doesn't it?

29 CHAIRMAN NORMAN: Yes, it does.

30 MR. SCHINDLER: Kathy is shaking her head.

1 MS. MITCHELL: I just want to make sure we're all on  
2 the same page because I don't think we are at this point. B.1  
3 and B.2 are for R-1 and R-4 only. B.3 is the separate section  
4 that addresses the Commercial Districts and the new Town Hall  
5 Commons and Town Hall Neighborhood, so the sensitive land  
6 calculation would not apply.

7 CHAIRMAN NORMAN: Oh.

8 MR. SHENK: Right. So there is no calculation.

9 CHAIRMAN NORMAN: Other than just buildable lands,  
10 right?

11 MS. MITCHELL: Correct. And that was discussed in  
12 the small groups in order to simplify the Commercial Districts,  
13 the percentage approach.

14 MR. SHENK: Okay. So I suppose the question is, I  
15 suppose, the percentage has taken into consideration the  
16 potential of sensitive lands?

17 MS. MITCHELL: Well, we put a cap on the percentage  
18 of the total lot area that the gross floor area could occupy.

19 MR. SHENK: Right.

20 MS. MITCHELL: With an increase, correct.

21 MR. SHENK: Okay.

22 MS. MITCHELL: So if you want to make a change, it  
23 would have to be in that Section 3, not part of B.1 or 2.

24 MR. SHENK: I couldn't agree more. It would have to  
25 be in Section 3. So then the question is, do you use the  
26 terminology that we used in the conservation for this total lot  
27 area or are we happy enough with the percentage?

28 MS. MITCHELL: Or you can keep the percentage as in  
29 the existing text and go back down to 30 percent and not up it  
30 to 40 percent.

1 MR. SHENK: The current text is 30.

2 MS. MITCHELL: The current text is 30 and that's how  
3 it's currently written for the Commercial Districts. We had  
4 increased it but you can also decrease it back down or keep it  
5 as is, I should say, and not make that change.

6 MR. SHENK: I think that would be my recommendation.  
7 It makes it easier.

8 CHAIRMAN NORMAN: Which one?

9 MR. SHENK: To keep it as is, keep as is at 30  
10 percent.

11 CHAIRMAN NORMAN: Okay. Any discussion, gentlemen?

12 MR. SCHINDLER: As long as that addressed what we  
13 want.

14 MR. SHENK: Well, it limits more than what's in this  
15 proposal. This proposal suggests that the limit could be 40  
16 percent.

17 MR. SCHINDLER: Right. So if we go back to 30  
18 percent, it is going to address the issue about the buildable  
19 area?

20 MR. SHENK: It goes in that direction.

21 MR. SCHINDLER: It goes in that direction.

22 CHAIRMAN NORMAN: But it doesn't do it, it just heads  
23 in the right direction.

24 MR. SHENK: It makes it smaller.

25 CHAIRMAN NORMAN: So the overall, to Mrs. Pesec's  
26 point, the overall size would not grow.

27 MR. SCHINDLER: Okay.

28 CHAIRMAN NORMAN: Okay. So, again, we are at a point  
29 where we need a motion, gentlemen.

30 MR. LUCAS: Do you want to know how to make that

1 motion?

2 MR. SHENK: Sure. I make a motion that we —

3 CHAIRMAN NORMAN: Let Mike do it.

4 MR. WENTZ: I think he was going to suggest  
5 something.

6 MR. SHENK: I know.

7 MR. LUCAS: You are on your own, amigo. It's Cinco  
8 de Mayo Day.

9 CHAIRMAN NORMAN: That's right.

10 MR. SHENK: Go ahead.

11 MR. LUCAS: Well, I was just going to suggest that,  
12 when you make the motion, you want to make the motion subject  
13 to the single modification that the B-1, Restricted Retail;  
14 B-2, General Business District; and THN, Town Hall Neighborhood  
15 District, be modified from 40 percent to 30 percent of the  
16 total lot area.

17 MR. SHENK: Right.

18 MR. LUCAS: That would be the single modification.  
19 And then, of course, you would have a second and roll call  
20 vote.

21 CHAIRMAN NORMAN: Right.

22 MR. WENTZ: That part, we can do.

23 CHAIRMAN NORMAN: That, we know how to do, I think,  
24 although I wouldn't guarantee anything at this point.

25 MR. SHENK: I am confused as to which one. Which one  
26 are we on now?

27 MR. LUCAS: We are on the fourth bullet point.

28 MR. SHENK: Update the conditional use requirements?

29 MR. LUCAS: Yes.

30 CHAIRMAN NORMAN: Yes.

1 MR. SHENK: All right. I make a motion that we  
2 accept the text in the fourth item with the exception of (B-1)  
3 Restricted District, (B-2) Business District, and (THN) Town  
4 Hall Neighborhood District shall not accept 30 percent, so we  
5 will —

6 MS. MITCHELL: Exceed.

7 MR. LUCAS: Not exceed 30 percent.

8 MR. WENTZ: Not exceed.

9 MR. SHENK: — not exceed 30 percent. We will not  
10 make the change to 40 percent.

11 CHAIRMAN NORMAN: Right. Is there a second?

12 MR. WENTZ: Second.

13 CHAIRMAN NORMAN: There is a motion made and  
14 seconded. The Bobbsey Twins are at it again.

15 Kathy, would you call for a vote, please?

16 MS. MITCHELL: Mr. Wentz?

17 MR. WENTZ: Yes.

18 MS. MITCHELL: Mr. Schindler?

19 MR. SCHINDLER: Yes.

20 MS. MITCHELL: Mr. Lingenfelter?

21 MR. LINGENFELTER: No.

22 MS. MITCHELL: Mr. Shenk?

23 MR. SHENK: Yes.

24 MS. MITCHELL: Mr. Norman?

25 CHAIRMAN NORMAN: No.

26 Okay. Next one, Wilbur.

27 MR. SHENK: I make a motion that we accept the  
28 provision as proposed without any changes.

29 MR. LUCAS: For the fifth bullet point.

30 MR. SHENK: Fifth bullet point.

1 CHAIRMAN NORMAN: Any questions?

2 MR. WENTZ: Second.

3 CHAIRMAN NORMAN: Second. Kathy, please.

4 MS. MITCHELL: Mr. Wentz?

5 MR. WENTZ: Yes.

6 MS. MITCHELL: Mr. Lingenfelter?

7 MR. LINGENFELTER: Yes.

8 MS. MITCHELL: Mr. Shenk?

9 MR. SHENK: Yes.

10 MS. MITCHELL: Mr. Schindler?

11 MR. SCHINDLER: Yes.

12 MS. MITCHELL: Mr. Norman?

13 CHAIRMAN NORMAN: Yes.

14 All right. The next one, which is the sixth bullet  
15 down, update and clarify building and parking distance  
16 requirements for churches and schools, under Section 13.10 and  
17 13.11, respectively. I cannot make a motion.

18 MR. WENTZ: I move we accept Bullet Point 6 as  
19 stated.

20 CHAIRMAN NORMAN: Second?

21 MR. LINGENFELTER: Seconded.

22 CHAIRMAN NORMAN: Motion made and seconded. Kathy,  
23 please.

24 MS. MITCHELL: Mr. Lingenfelter?

25 MR. LINGENFELTER: Yes.

26 MS. MITCHELL: Mr. Schindler?

27 MR. SCHINDLER: Yes.

28 MS. MITCHELL: Mr. Shenk?

29 MR. SHENK: Yes.

30 MS. MITCHELL: Mr. Wentz?

1 MR. WENTZ: Yes.

2 MS. MITCHELL: Mr. Norman?

3 CHAIRMAN NORMAN: Yes.

4 Okay. Item 8, add the M District reference under  
5 adult day care centers, Section 13.26. Again, I can't make a  
6 motion. I will entertain a motion.

7 MR. WENTZ: I move we accept Bullet Point 7 as  
8 stated.

9 CHAIRMAN NORMAN: Second?

10 MR. LINGENFELTER: Seconded.

11 CHAIRMAN NORMAN: Motion made and seconded. Kathy.

12 MS. MITCHELL: Mr. Wentz?

13 MR. WENTZ: Yes.

14 MS. MITCHELL: Mr. Lingenfelter?

15 MR. LINGENFELTER: Yes.

16 MS. MITCHELL: Mr. Schindler?

17 MR. SCHINDLER: Yes.

18 MS. MITCHELL: Mr. Shenk?

19 MR. SHENK: Yes.

20 MS. MITCHELL: Mr. Norman?

21 CHAIRMAN NORMAN: Yes.

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

24 MR. LINGENFELTER: I make a motion that we accept the  
25 verbiage as presented in Bullet Point 8.

26 CHAIRMAN NORMAN: Second?

27 MR. WENTZ: Second.

28 CHAIRMAN NORMAN: Motion made and seconded. Kathy.

29 MS. MITCHELL: Mr. Shenk?

30 MR. SHENK: Yes.

1 MS. MITCHELL: Mr. Wentz?

2 MR. WENTZ: Yes.

3 MS. MITCHELL: Mr. Schindler?

4 MR. SCHINDLER: Yes.

5 MS. MITCHELL: Mr. Lingenfelter?

6 MR. LINGENFELTER: Yes.

7 MS. MITCHELL: Mr. Norman?

8 CHAIRMAN NORMAN: Yes. All right.

9 MR. WENTZ: One more to this group.

10 CHAIRMAN NORMAN: Yes. The last one on the next page  
11 is, add conditional use criteria for detached single-family  
12 cluster developments in new Section 13.26.

13 MR. SHENK: This is where I would like to add the  
14 definition of "buildable space." What was the term you used,  
15 Mike?

16 CHAIRMAN NORMAN: Buildable topography.

17 MR. SHENK: Buildable topography.

18 MR. LUCAS: Yeah, right. In the Conservation  
19 District, that's what it is.

20 CHAIRMAN NORMAN: This is not a public hearing,  
21 Vanessa. We understand you. Thank you.

22 MR. SHENK: So in Letter C, that should say "three  
23 dwelling acres per buildable topography."

24 CHAIRMAN NORMAN: "Three dwellings per" —

25 MR. SHENK: — "buildable topography acreage."

26 MR. LUCAS: You know what? You don't have to say  
27 "buildable topography acre." I mean, you can say — I am  
28 talking about 13.36.C.

29 MR. SHENK: Right.

30 MR. LUCAS: You can say "three dwelling units per

1 buildable acre, with 'buildable acre' defined as," and then  
2 that portion of the buildable site and then paraphrase the  
3 definition under buildable topography.

4 MR. SHENK: Buildable topography.

5 MR. LUCAS: Yeah, only changing the wording to  
6 "buildable acre."

7 MR. SHENK: Got it. All right. I make a motion that  
8 we will accept Bullet Number 9 with the change in 13.36.C,  
9 maximum density, to read, "Detached single-family cluster  
10 development shall not exceed three dwelling units per buildable  
11 acre. Buildable acre will be defined as," — Kathy, you can  
12 take that.

13 MR. LUCAS: Yeah. Let me just read it so the record  
14 is clear. It would read, "per buildable acre, with 'buildable  
15 acre' defined as that portion of the building site which,  
16 either naturally or through approved regrading, is physically  
17 suited for building construction. Specifically, the buildable  
18 acre is that portion of the building site which is accessible,  
19 lies outside of flood planes, and consists of stable soil  
20 structure."

21 CHAIRMAN NORMAN: Got that, Kathy?

22 MS. MITCHELL: Yes.

23 MR. SHENK: That's the motion.

24 CHAIRMAN NORMAN: That's the motion, okay. Is there  
25 a second?

26 MR. WENTZ: Second.

27 CHAIRMAN NORMAN: Motion made and seconded. Kathy,  
28 do you want to have a vote, please?

29 MS. MITCHELL: Mr. Wentz?

30 MR. WENTZ: Yes.

1 MS. MITCHELL: Mr. Schindler?

2 MR. SCHINDLER: Yes.

3 MS. MITCHELL: Mr. Lingenfelter?

4 MR. LINGENFELTER: No.

5 MS. MITCHELL: Mr. Shenk?

6 MR. SHENK: Yes.

7 MS. MITCHELL: Mr. Norman?

8 CHAIRMAN NORMAN: No.

9 All right. Number 4 got accepted last month.

10 Amendment 5, add new THC and THN Districts to  
11 Section 6.03 under General Requirements, Section VI and the  
12 performance standards outlined in 6.12. Include references to  
13 the existing S, Special Interchange District, in the same  
14 section and delete references to the RD-1 District being  
15 repealed as shown.

16 MR. WENTZ: I moved we accept Amendment Number 5.

17 CHAIRMAN NORMAN: As written.

18 MR. LUCAS: You know what?

19 CHAIRMAN NORMAN: We need to close the public  
20 hearing.

21 MR. LUCAS: I don't think that — Yeah, that wasn't  
22 closed as Amendment Number 5.

23 MR. WENTZ: It's not closed.

24 CHAIRMAN NORMAN: It's not closed. All right.  
25 Gentlemen, I hereby close the public hearing for Amendment 5.  
26 Public discussion? Any discussion? All right. Now I will  
27 entertain a motion.

28 MR. WENTZ: I move we accept Amendment Number 5 as  
29 written.

30 MR. SHENK: I second.

1 CHAIRMAN NORMAN: Motion made and seconded. Kathy,  
2 please.

3 MS. MITCHELL: Mr. Lingenfelter?

4 MR. LINGENFELTER: Yes.

5 MS. MITCHELL: Mr. Shenk?

6 MR. SHENK: Yes.

7 MS. MITCHELL: Mr. Wentz?

8 MR. WENTZ: Yes.

9 MS. MITCHELL: Mr. Schindler?

10 MR. SCHINDLER: Yes.

11 MS. MITCHELL: Mr. Norman?

12 CHAIRMAN NORMAN: Yes.

13 Number 6 got approved last month, Amendment Number 6.

14 Amendment Number 7, I have to close, so I will hereby

15 close the amendment. Discussion?

16 MR. WENTZ: Mr. Chairman, I move we accept Amendment

17 Number 7 as written.

18 MR. SHENK: I second.

19 CHAIRMAN NORMAN: Motion made and seconded. Kathy,

20 please.

21 MS. MITCHELL: Mr. Schindler?

22 MR. SCHINDLER: Yes.

23 MS. MITCHELL: Mr. Wentz?

24 MR. WENTZ: Yes.

25 MS. MITCHELL: Mr. Lingenfelter?

26 MR. LINGENFELTER: Yes.

27 MS. MITCHELL: Mr. Shenk?

28 MR. SHENK: Yes.

29 MS. MITCHELL: Mr. Norman?

30 CHAIRMAN NORMAN: Yes.

1 Amendment 8, add new THC and THN. I am going to go  
2 through these bullet by bullet again. Add new THC — First of  
3 all, I've got to close the public hearing. And before I do  
4 that, I remember there was some discussion about that last  
5 month. Is there any further discussion about that from the  
6 public before I close the hearing? No? Okay. I'm going to  
7 hereby close the public hearing for Amendment 8.

8 The first item to be considered, gentlemen, is add  
9 new THC and THN Districts to Section XXXVI, Site Plan Review,  
10 to require such review for projects proposed in these districts  
11 under Section 36.03 and in Flow Chart on page 36.9. Any  
12 comment? discussion? I will entertain a motion.

13 MR. WENTZ: Mr. Chairman, I move we accept the first  
14 bullet point.

15 MR. SHENK: I second.

16 CHAIRMAN NORMAN: Motion made and seconded. Kathy,  
17 please.

18 MS. MITCHELL: Mr. Wentz?

19 MR. WENTZ: Yes.

20 MS. MITCHELL: Mr. Schindler?

21 MR. SCHINDLER: Yes.

22 MS. MITCHELL: Mr. Shenk?

23 MR. SHENK: Yes.

24 MS. MITCHELL: Mr. Lingenfelter?

25 MR. LINGENFELTER: Yes.

26 MS. MITCHELL: Mr. Norman?

27 CHAIRMAN NORMAN: Yes.

28 Bullet 2, add new THC and THN District to  
29 Section XXXVII, Design Standards, which require design review  
30 for any proposed projects under Section 37.03, that are

1 consistent with the Western Reserve style architecture. Also,  
2 revise the requirements for long walls under Section 37.05 by  
3 removing the 3 percent depth change requirement with the change  
4 in wall plane.

5 Any discussion, gentlemen? That goes along with what  
6 we did with University Hospitals.

7 MR. WENTZ: Yes. Mr. Chairman, I move we accept the  
8 second bullet point under Amendment 8.

9 MR. SHENK: Second.

10 CHAIRMAN NORMAN: Motion made and seconded. Kathy,  
11 please.

12 MS. MITCHELL: Mr. Lingenfelter?

13 MR. LINGENFELTER: Yes.

14 MS. MITCHELL: Mr. Shenk?

15 MR. SHENK: Yes.

16 MS. MITCHELL: Mr. Wentz?

17 MR. WENTZ: Yes.

18 MS. MITCHELL: Mr. Schindler?

19 MR. SCHINDLER: Yes.

20 MS. MITCHELL: Mr. Norman?

21 CHAIRMAN NORMAN: Yes.

22 The last item on this particular bullet is, add new  
23 THC and THN Districts to Section XXXVIII, Landscaping and  
24 Screening Requirements, to require a landscape plan for  
25 projects proposed in these districts under Section 38.02.  
26 Include THN, THC, B-2, S, and M District references under  
27 Section 38.09, Landscape/Screening Adjacent to Residential  
28 Areas. Add a landscaping and screening requirement for  
29 commercial projects abutting residential uses within the same  
30 THN District, also under 38.09. Add THN and THC District

1 references under Section 38.0 for fence requirements — I guess  
2 38.10. I am sorry. That was a mistake on my part. Any  
3 comment? I will entertain a motion.

4 MR. SCHINDLER: Mr. Chairman, I move, under  
5 Amendment 8, Bullet Point 3, we accept as written.

6 CHAIRMAN NORMAN: Second?

7 MR. WENTZ: Second.

8 CHAIRMAN NORMAN: Kathy.

9 MS. MITCHELL: Mr. Schindler?

10 MR. SCHINDLER: Yes.

11 MS. MITCHELL: Mr. Shenk?

12 MR. SHENK: Yes.

13 MS. MITCHELL: Mr. Wentz?

14 MR. WENTZ: Yes.

15 MS. MITCHELL: Mr. Lingenfelter?

16 MR. LINGENFELTER: Yes.

17 MS. MITCHELL: Mr. Norman?

18 CHAIRMAN NORMAN: Yes.

19 You'll have paperwork for me to sign tonight or do  
20 you want to do it tomorrow?

21 MS. MITCHELL: No application.

22 CHAIRMAN NORMAN: That's right. Thank you.

23 All right. The next item under discussion this  
24 evening, site plan review for Application Number 10, Pressure  
25 Technologies of Ohio, Inc., for a proposed 3,360 square foot  
26 building addition at 7996 Auburn Road, Permanent Parcel 8A-20-  
27 42, and located within the RD-2, Research and Limited  
28 Industrial District.

29 Is there someone here to speak to this, please? Come  
30 to the podium. State your name, your address, and raise your

1 hand, please.

2 MR. GRABOR: Good evening. My name is Chad Grabor.  
3 I am with Foresight Engineering. We're the site engineers for  
4 Pressure Technologies.

5 CHAIRMAN NORMAN: Raise your right hand. Do you  
6 swear to tell the whole truth, the whole truth, and nothing but  
7 the truth?

8 MR. GRABOR: Yes, sir.

9 CHAIRMAN NORMAN: Okay. Thank you. Go ahead.

10 MR. GRABOR: Just briefly, I am sure you guys have  
11 all reviewed the site plan and seen the staff comments. It's a  
12 small building addition on the back of their existing  
13 building. And we did have a side setback issue, which we went  
14 to the Board of Zoning Appeals and received approval, so we are  
15 squared away there. And we see no problems with the six  
16 conditions that the staff laid out and are hoping to move  
17 forward with your approval.

18 CHAIRMAN NORMAN: So you are, basically, saying that  
19 you're prepare to meet all the questions that the staffing  
20 report raised about your —

21 MR. GRABOR: Yes, sir. If you have any specific  
22 questions about those, I will be glad to answer them.

23 CHAIRMAN NORMAN: I was interested. You're adding  
24 3,600 square feet, roughly?

25 MR. GRABOR: Yes.

26 CHAIRMAN NORMAN: And, apparently, you are not going  
27 to put any more people in there, so you're going to be rattling  
28 around in a large building.

29 MR. GRABOR: It's additional storage and maintenance  
30 area, basically, and there will be no new area — people added,

1 yes.

2 CHAIRMAN NORMAN: Okay.

3 MS. MITCHELL: Mr. Chairman, we received, for the  
4 record, today the letter from Pressure Technologies addressing  
5 their current staffing issues, which kind of addresses the  
6 first item.

7 CHAIRMAN NORMAN: Thank you.

8 MR. SHENK: Could you or could someone briefly  
9 describe the business?

10 MR. GRABOR: I would have to defer that.

11 MR. SHENK: I imagine you might. This is largely a  
12 personal question. I don't know what you do and I am  
13 interested to know.

14 MR. BOWLES: Do I have to be sworn in or —

15 CHAIRMAN NORMAN: Please, would you, first, for the  
16 secretary, please state your name and address.

17 MR. BOWLES: I am Dave Bowles and the company is  
18 located at 7996 Auburn Road, Concord. The business provides  
19 what's called hot isostatic pressing service. It's a real,  
20 kind of, niche business. It's mainly used for densification of  
21 critical components, in this case, most times, investment  
22 castings. It's parts that may be used in aircraft situations  
23 or in land-based turbines, the main applications that we  
24 process here. It's to take any final processes out of the  
25 castings to prevent premature failure. We do business with  
26 some local businesses, provide service. We're a service  
27 company for them.

28 MR. SHENK: So you don't make and sell the  
29 equipment. You actually provide the service?

30 MR. BOWLES: That's right.

1 MR. SHENK: The service of this pressure —

2 MR. BOWLES: Yes, that's right. Yes.

3 MR. SHENK: — densification?

4 MR. BOWLES: That's right. So we get parts from  
5 other customers. We bring them in, process them probably in a  
6 few days, typically, and we send them back to the customers.

7 CHAIRMAN NORMAN: You do this on a premachined  
8 condition?

9 MR. BOWLES: Yeah, usually it's premachined. Yes.

10 MR. SHENK: Mostly, it's castings.

11 MR. BOWLES: Yes. Mainly, it's castings, yes. We  
12 moved out here around six years ago. We have a facility in  
13 Pennsylvania. We moved out here to provide service to our  
14 customers in this area.

15 MR. SHENK: Okay.

16 CHAIRMAN NORMAN: Can you press forgings, also?

17 MR. BOWLES: No, you don't use the service for  
18 forgings, no. It's not applicable in that situation.

19 MR. SHENK: And is it just a mechanical pressing or  
20 is this vacuum in addition?

21 MR. BOWLES: Well, it's not a vacuum process. You  
22 apply pressure by gas to the parts, so it's actually in a  
23 chamber. You pull the gas pressure and you apply pressure  
24 through gas so, usually, it's argon.

25 MR. SHENK: Lots of heat, or no?

26 MR. BOWLES: Yeah, we apply heat through heating  
27 elements, like a typical heat-treat operation.

28 MR. SHENK: Thank you.

29 MR. BOWLES: Fortunately, it's been a good area and  
30 business is good. We need some additional space for, you know,

1 for storing product and to relocate in our maintenance area.

2 MR. SHENK: Great. Thank you.

3 MR. LINGENFELTER: You okay now?

4 MR. SHENK: I'm okay now.

5 MR. LINGENFELTER: Good.

6 MR. SHENK: It's the last three minutes that count.

7 CHAIRMAN NORMAN: Well, we want to get to see some of  
8 the game.

9 MR. GRABOR: I was going to say, I think he wants to  
10 get to the game.

11 MR. LINGENFELTER: No, it has nothing to do with it.

12 CHAIRMAN NORMAN: Any other questions?

13 MR. SHENK: So, Mr. Chairman, I guess I would  
14 recommend that — I guess, we can make a motion but I would  
15 recommend that, if they're in agreement to meet all of the  
16 recommended items for conditional approval, that —

17 MR. LINGENFELTER: There wasn't a whole lot.

18 MR. SHENK: — that we could accept that.

19 CHAIRMAN NORMAN: Well, I think the motion needs to  
20 be made so that we, in fact, say in the motion that the  
21 applicant has agreed to meet all those requirements spelled out  
22 by the staffing report. And let's make it formalized so that  
23 whoever makes the motion, gentlemen, formalizes it that way.  
24 Since they have already said they will do that, that shouldn't  
25 impose any additional hardship.

26 MR. LINGENFELTER: It's a short punch list. It's  
27 only six items.

28 CHAIRMAN NORMAN: Six items. Yeah, I don't see —

29 MR. WENTZ: Is that your motion?

30 MR. SHENK: Are you making a motion, Larry? Go

1 ahead.

2 MR. WENTZ: Mr. Chairman, I move we approve this,  
3 since they've agreed to the conditions and comments of the  
4 staff, the six points as stated in the staff report.

5 MR. SHENK: I second that.

6 CHAIRMAN NORMAN: Motion made and seconded that, in  
7 fact, the applicant will meet all the requirements as  
8 identified in the staff report, right?

9 MR. WENTZ: Correct.

10 MR. SHENK: Right, for the approval.

11 CHAIRMAN NORMAN: Okay. There is a motion made and  
12 seconded. This has to do with site plan review for the  
13 application. Kathy?

14 MR. SHENK: Application Number 10.

15 CHAIRMAN NORMAN: Application Number 10, motion made  
16 and seconded. Kathy, could we have a vote, please?

17 MS. MITCHELL: Absolutely. Mr. Wentz?

18 MR. WENTZ: Yes.

19 MS. MITCHELL: Mr. Schindler?

20 MR. SCHINDLER: Yes.

21 MS. MITCHELL: Mr. Lingenfelter?

22 MR. LINGENFELTER: Yes.

23 MS. MITCHELL: Mr. Shenk?

24 MR. SHENK: Yes.

25 MS. MITCHELL: Mr. Norman?

26 CHAIRMAN NORMAN: Yes. Don't we have to do the  
27 landscape, Kathy?

28 MS. MITCHELL: I'm sorry?

29 CHAIRMAN NORMAN: Don't we have to do the landscape  
30 as well?

1 MS. MITCHELL: That was part of one of the  
2 conditions.

3 CHAIRMAN NORMAN: Yeah. That's fine.

4 All right. The next item on the agenda is election  
5 of new Zoning Commission chairman and vice chair. And as  
6 historically been the case, the vice chair takes the seat of  
7 the chairman, but I will entertain a motion for who the new  
8 chairman shall be. Who is going to make it?

9 MR. LINGENFELTER: Who is the vice chair?

10 MR. SHENK: I make a motion that the next chairman  
11 should be Larry Wentz.

12 CHAIRMAN NORMAN: Motion made.

13 MR. LINGENFELTER: Seconded.

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

16 (Four Commission members voted aye.)

17 CHAIRMAN NORMAN: Any opposed? No. All right. Who  
18 is the vice chair now?

19 MR. SCHINDLER: Mr. Chairman, I so move that the vice  
20 chair be Mr. Larry — Andy Lingenfelter.

21 CHAIRMAN NORMAN: I thought it was Wilbur's turn.

22 MR. SHENK: No. For personal reasons, I have asked  
23 for a bye.

24 MR. SCHINDLER: He has declined.

25 CHAIRMAN NORMAN: Oh, you planning on moving?

26 MR. LINGENFELTER: Sometime in the next decade.

27 MR. SHENK: So I second that motion.

28 MR. LINGENFELTER: Hey, the housing market has  
29 bottomed out, just so you know. You're at the bottom. It is  
30 nothing but up from here.

1 MR. SHENK: It is bad.

2 CHAIRMAN NORMAN: God help you.

3 MR. LINGENFELTER: I accept the nomination.

4 CHAIRMAN NORMAN: You accept the nomination, that's  
5 good. All in favor?

6 MR. SHENK: Do we have to vote?

7 (Four Commission members voted aye.)

8 CHAIRMAN NORMAN: Okay. So, gentlemen, the last  
9 item, last two items, ought to go quick. Correspondence  
10 report?

11 Gentlemen, have a good evening. Thank you for  
12 coming. Appreciate it.

13 MR. WENTZ: I have no correspondence.

14 CHAIRMAN NORMAN: Larry, do you have any  
15 correspondence? Wilbur?

16 MR. SHENK: No correspondence.

17 CHAIRMAN NORMAN: Andy?

18 MR. LINGENFELTER: No.

19 MR. SCHINDLER: No.

20 CHAIRMAN NORMAN: Nothing on my end, no.

21 Approval of the minutes of March 24, 2009. I can  
22 make a motion on this, Mr. Chairman.

23 MR. SCHINDLER: Yes.

24 CHAIRMAN NORMAN: I make a —

25 MR. LUCAS: No.

26 MR. WENTZ: No.

27 MS. MITCHELL: No, not until the next meeting.

28 MR. LINGENFELTER: No, no, nice try. Nice try.

29 CHAIRMAN NORMAN: You guys are sandbagging me.

30 MR. LINGENFELTER: Nice try.

1 MR. SCHINDLER: Mr. Chairman, I so move that we  
2 accept the minutes from March 24th as written.

3 CHAIRMAN NORMAN: Second.

4 MR. LINGENFELTER: I'll second.

5 CHAIRMAN NORMAN: Motion made and seconded. All in  
6 favor.

7 (Five Commission members voted aye.)

8 CHAIRMAN NORMAN: Opposed? Who is going to make a  
9 motion for the minutes of April 7th?

10 MR. WENTZ: I move we accept the minutes of April 7.

11 CHAIRMAN NORMAN: Second?

12 MR. SCHINDLER: I will.

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

15 (Five Commission members voted aye.)

16 CHAIRMAN NORMAN: Opposed? Motion made and seconded.

17 Gentlemen, the next meeting, if I can read that  
18 calendar, is June 2nd. June 2nd, so don't forget. We'll have  
19 fun.

20 MR. WENTZ: Mark your calendars.

21 CHAIRMAN NORMAN: Mark your calendars. Let's go have  
22 more fun.

23 MR. LINGENFELTER: Before you hit the — before we  
24 gavel this meeting and close, Mr. Chairman, I would like to  
25 make a comment.

26 CHAIRMAN NORMAN: Yes.

27 MR. LINGENFELTER: It seems like every time we have  
28 these public hearings, you know, we have some individuals that  
29 come into our meetings and they like to lob grenades at the  
30 Zoning Commission regarding improper contact or behavior with

1 developers in the community or within the area, and I just  
2 would like to voice my displeasure with having those kind of  
3 comments made to this Commission.

4 I know all of you personally, and I think that our  
5 moral compass and ethical compass, from a business standpoint,  
6 is beyond reproach. And to insinuate otherwise without any  
7 proof or fact of those issues, I think, is completely  
8 disgraceful. I don't appreciate that. It really bothers me  
9 when people come in and say that we've tailored specific zoning  
10 resolutions or specific issues to developers' whims or  
11 according to their input.

12 And I can clearly state that I, for one, have never  
13 had any contact, directly or indirectly, with developers  
14 regarding any of the issues that's ever been in front of this  
15 Board in the nine-plus years that I've been on this Commission,  
16 and I can probably say without hesitation that that goes for  
17 all of us.

18 So I just, I just wanted to make that a part of  
19 public comment tonight. That really disturbs me when people  
20 make those kinds of accusations. I try not to take that stuff  
21 personally but it's hard, when I know how hard we work and the  
22 work and the efforts that we put in, to let those kind of  
23 comments just slip idly by.

24 And I think, also, when we're accused of dereliction  
25 of duties, I think that's another issue that I think just, kind  
26 of, crosses the line with the decorum and public comment.  
27 I mean, if you look at the definition of dereliction of duties,  
28 dereliction is a deliberate or conscious neglect of our  
29 responsibility. I don't think we've ever, in all the years  
30 that I've served with this Commission, done anything

1 deliberately or without conscious or neglectful of what we're  
2 doing for the community and the township, and I think it's  
3 important to address those issues.

4           And I welcome anybody that has any documentation or  
5 proof or evidence of impropriety on this Zoning Commission's  
6 behalf, I would like to take a look at it personally. I  
7 welcome them to bring it to us and prove those sort of  
8 allegations. Otherwise, I would really appreciate it if that  
9 stuff would be left out of the Town Hall and the streets,  
10 wherever it belongs. I don't think there is any place for it  
11 in a public hearing. Thank you.

12           CHAIRMAN NORMAN: So noted. Anybody else got any  
13 comments before I close?

14           MR. SHENK: Yes.

15           CHAIRMAN NORMAN: Yes?

16           MR. SHENK: I think we should be reminded of what  
17 Frank reminded us of at the end of the last meeting. We had a  
18 recommendation I think from Mr. —

19           MR. SCHINDLER: Scully.

20           MR. SHENK: — Scully.

21           MR. SCHINDLER: Yes, a statesman, an elder statesman  
22 of our community.

23           MR. SHENK: I am just suggesting that if we use the  
24 public hearing to listen and not develop a lot of dialogue, I  
25 think things would go more quickly and maybe we would minimize  
26 some of these concerns that Andy just talked about.

27           CHAIRMAN NORMAN: I would voice this comment, and it  
28 goes as follows: There are some people in this community who  
29 will never let this Board rest unless they get their own way  
30 100 percent of the time, and we all know that. Now, if this

1 Board wants to roll over and play dead, that's the Board's  
2 choice. I don't think we should.

3 Now, are we going to fight about it? No. I am more  
4 than happy to listen. But there have been occasional times  
5 when the message was very worthwhile. Okay? But I am not  
6 going to roll over and play dead for somebody throwing stones  
7 at us. We work too hard in these positions to do that. Now,  
8 am I interrupting the presentation to do it? No, it's not  
9 worth it. I think we all ought to take that position. That's  
10 enough.

11 Anything else, gentlemen? The meeting is closed.

12 (The proceeding was adjourned at 8:45 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 22nd 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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