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2 BROWN TOWNSHIP, OHIO

3 ZONING COMMISSION

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5
6 PUBLIC HEARING RE: HENMICK BREWERY

7 JUNE 5, 2024

8 7:02 P.M.

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12 COMMISSION MEMBERS IN ATTENDANCE:

13 Keith Holewinski, Kyle Vanderhoff,

14 Jeremy Williams, and Ian Capwell

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16
17 Reported by: Sara S. Clark, RPR/RMR/CRR/CRC

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2 P R O C E E D I N G S

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4 KEITH HOLEWINSKI: I'll go ahead and
5 call the meeting to order.

6 First up, we'll do a pledge of
7 allegiance. If everybody could please stand.

8 (Pledge of allegiance.)

9 KEITH HOLEWINSKI: I'll take attendance.

10 Keith Holewinski for the Board.

11 KYLE VANDERHOFF: Kyle Vanderhoff for
12 the Board.

13 JEREMY WILLIAMS: Jeremy Williams for
14 the Board.

15 IAN CAPWELL: Ian Capwell for the Board.

16 KEITH HOLEWINSKI: First I'd like to
17 start off with stating kind of the rules for this
18 evening.

19 First off is to make sure if you're
20 going to speak tonight that you have signed in in
21 the back. And then when you're called on, if you
22 would stand and state your name and address
23 clearly so that can be recorded.

24 We'll give each participant three

1 minutes for public comments. If the same comment
2 is repeated over and over, we'll just ask for
3 additional comments.

4 We're looking to conclude the meeting at
5 9:00 p.m. If the meeting has not concluded by
6 that time, we'll table it until another hearing,
7 or if we think it's only just a little bit past to
8 get finished, we'll go ahead and finish that out.

9 As part of being able to speak tonight,
10 everybody needs to be sworn in that has signed in.

11 And with that, I'll turn that over to
12 Sara for you to swear in everybody.

13 (Oath administered.)

14 KEITH HOLEWINSKI: All right. Two items
15 up for discussion tonight, and the first is the
16 rezoning to PC, and then the second one is the
17 final development plan.

18 And I believe, Rebecca, you were going
19 to speak to that. Do you want to go ahead?

20 REBECCA MOTT: Okay.

21 KYLE VANDERHOFF: Hold on.

22 KEITH HOLEWINSKI: I forgot to make a
23 motion to approve the agenda items that we spoke
24 of.

1 All those in favor say aye.

2 (All say aye.)

3 KEITH HOLEWINSKI: Any opposed say nay.

4 Sorry, Rebecca.

5 REBECCA MOTT: That's quite all right.

6 I don't know if this is turned on.

7 Okay. Can everyone hear me?

8 My name is Rebecca Mott with The Plank
9 Law Firm with an office address of 411 East Town
10 Street, Columbus, Ohio 43215. I am the attorney
11 for applicant, Henmick, LLC, also the property
12 owner.

13 We did submit a rezoning application and
14 a final development plan application, both of
15 which are on your agenda this evening. We
16 submitted both of those simultaneously on
17 April 30th, 2024. We held a neighbor meeting
18 informally with stakeholders, community members,
19 neighbors, and went beyond the notice procedures
20 in terms of the requirements for who we notified
21 for that meeting, and held that meeting May 28,
22 2024.

23 It was a really great meeting. We
24 listened to comments and questions. We went

1 through both this project, the rezoning and the
2 final development plan, as well as the -- another
3 project, a future project that's coming before the
4 zoning commission and township on behalf of
5 Henmick, LLC.

6 So we made notes. We definitely
7 addressed questions and answered issues that
8 arose. And we have one neighbor we are going to
9 work with on the other project in terms of a
10 landscape buffer. But that meeting went very well
11 and we were happy with it.

12 We then had a Delaware County Regional
13 Planning Commission meeting last week on May 30th
14 where the staff review had a report where they
15 were generally supportive of both applications but
16 did ultimately recommend a denial; however, I know
17 you know that and you have that report in front of
18 you, but we can talk about that. We can talk
19 about why they would have made such a
20 recommendation, and in our opinion, why you can
21 support this application as submitted.

22 And then this meeting, of course, is
23 being held on June 5th, 2024, and after this, the
24 zoning would move forward to the township

1 trustees.

2 The property is 89.60 acres. It is
3 comprised of four different parcels or tracts of
4 land. The overall site plan and all of the civil
5 plan sheets and landscape plan that are referred
6 to and committed to in the zoning text for this
7 rezoning application are all dated April 30th,
8 2024, for your reference.

9 The request is that the applicant
10 proposes to rezone the entirety of the property
11 from the FR-1 district to the PC district, which
12 is a planned commercial and office district. The
13 planned just references that it is a unified
14 development, supposed to have flexibility for
15 preserving open space, providing connectivity,
16 showing where landscaping treatments would go,
17 where buffering, going through all of the things
18 from height, to setbacks, to architectural
19 standards.

20 So with the planned district, it's a
21 very onerous project to do one of those because
22 you have a lot of plan sheets. You have
23 architectural elevations. You have a zoning text
24 that becomes the set of zoning regulations for

1 this property in its future to be developed and in
2 terms of existing uses.

3 So applicant plans to utilize the
4 existing improvements, the Henmick Brewery that
5 you're aware of that's existing, as well as its
6 outside patios, its event spaces, its existing
7 gravel parking areas north of the brewery
8 building, as well as across the street that has
9 been installed.

10 The applicant also has proposals to
11 construct new buildings, new parking areas,
12 sidewalk connections, street crossings, a
13 crosswalk with a pedestrian crossing flashing
14 beacon, and a multipurpose path 10 feet in width
15 for the township to have an easement through that
16 path for connection from township lands, the
17 ballparks, the township hall, all the way up to
18 the township cemetery just north of the brewery
19 property.

20 Again, our client would install that
21 multipurpose path and then would turn it over to
22 the township for maintenance in the future through
23 an easement.

24 The proposed uses that you see in the

1 zoning text are -- generally I will list some of
2 those. Wedding or other event center; banquet
3 facility with kitchen and eating and drinking
4 establishments; assembly halls and facilities;
5 hotel/motel/inn tavern; conservation and
6 preservation of farmland; warehouse storage,
7 barns, sheds, and areas for equipment and tools;
8 retail and brewing; fermenting manufacturing;
9 retail stores and/or bakeries; food and beverage
10 stores; clothing and accessory stores; general
11 merchandise stores; miscellaneous store retailers;
12 beer brewing; wineries; distilleries; fermenting;
13 administrative offices; fitness, art entertainment
14 events; and then caterers; restaurants; limited
15 service restaurants; and mobile food services.

16 With that just brief overview, I'd like
17 to have Mr. Sheets come up. He would like to talk
18 through the family history of this property and
19 the story of this property.

20 NICK SHEETS: Bear with me. I used to
21 do presentations all the time. A little rusty.

22 So thanks for having me. My name's
23 Nick Sheets. I am the owner of Henmick Farm and
24 Brewery.

1 I just want to go over a little history
2 of who we are, our history in the area, who we are
3 as a business, how we impact the local
4 environment, the local community.

5 And so Sheets family. Which one, right?
6 So there's multiple. Well, we've owned our
7 property since about 1916 at 4380 North Old State
8 Road. We stopped actively farming while I was in
9 high school. At the time, it wasn't economically
10 feasible, so we stopped, and we leased out our
11 lands to another local farm family and we stopped
12 farming.

13 Our generation goal, my sister, my
14 brother, and I, is we don't want to sell. We
15 don't. And to do that, we have strong emotional
16 ties to the land, you know. When I'm not there, I
17 see my family everywhere when I'm walking around.

18 But the revenue generated from renting
19 it as a farmland isn't enough to prevent future
20 generations from selling. So we're trying to
21 prevent that by creating something that we pass on
22 to the next generation.

23 This is how we're going to do that. My
24 great-grandfather passed it on to my grandparents

1 and to my father, and we want to do the same thing
2 for our children. But at some point, that doesn't
3 become feasible unless there's something there for
4 them. And this is what we're trying to do.

5 I think there's a lot of farmers and
6 landowners in Delaware County that are facing the
7 same situation with the rapid growth. Either you
8 sell, continue to work the land as you have
9 been -- we haven't for 30-some years -- or you
10 pivot. We decided to pivot. We truly reinvented
11 our small family farm and are renewing our
12 commitment to the land and the township.

13 Brewery history. So this is just kind
14 of the history of how the brewery started. With
15 consultation with township officials resulted in
16 Henmick pursuing a conditional use variance which
17 was approved in February of 2018.

18 In November of 2019, we had a weekly
19 Sunday sales beer and liquor placed on the ballot
20 for a local vote. It passed by 75 and 71 percent
21 respectively. Not to mention the other project
22 that we're not talking about tonight passed by
23 even a higher margin. So I think this truly
24 speaks directly to community support for these

1 uses.

2 Our original business plan. We'll talk
3 about that. We were going to be heavy
4 distribution, meaning sell our product off-site to
5 other places. We were going to -- supposed to
6 have a smaller taproom business, and we thought to
7 make ends meet, we would have to shut down for
8 private events, i.e., weddings on Saturdays.

9 February, March of 2021, the pandemic
10 hit. We were in the middle of construction. At
11 the same time, the beer distribution market
12 suffered a giant decline due to the pandemic. It
13 still hasn't fully recovered since then. So our
14 original business plan was completely flipped
15 upside down, what we thought it was going to be
16 compared to what it is now.

17 In July of '21, we opened to the public,
18 just after Governor DeWine lifted the code
19 restrictions. People wanted to get out, and the
20 Henmick grounds provided much needed space for
21 outdoor food and drink. The word spread quickly.

22 And that third bullet, we never thought
23 we would have this type of on-site business.
24 Never. We thought our friends and family would

1 come and we were hoping other people would come.
2 So we never thought we would have this type of
3 on-site business.

4 Our on-site business grew faster than
5 expected. More off-the-street parking was created
6 across the street to safely accommodate these
7 additional cars and customers. They were coming
8 regardless if we had enough parking or not.

9 As a result, we have outgrown our
10 original variance and are here to rezone the
11 property.

12 We've been trying to get an official
13 crosswalk, pedestrian with blinking lights for
14 years, but we've been denied until recently when
15 the Kilbourne walk the land and equestrian safety
16 plan was developed with other businesses and
17 stakeholders in Kilbourne.

18 Through collaboration among other
19 businesses, a plan was developed to improve the
20 connectivity, walkability, and pedestrian safety.
21 The Brown Township Trustees passed a resolution in
22 support of and signed a letter of support for the
23 walkability plan in January 2024.

24 Plan highlights. The multiuse trail

1 connecting the proposed Henmick PC district down
2 to township parks, the Kilbourne district, and the
3 Kilbourne neighborhood. This is just one part of
4 it. There's other parts of this with sidewalks
5 and connectivity.

6 One thing I want to point out.
7 Pedestrian crossings were identified for three
8 critical areas, one being at Henmick. These
9 developments will allow for increased pedestrian
10 safety and healthy recreational opportunities for
11 local residents.

12 If you would drive past Henmick and
13 there wasn't a big sign that says "brewery" on the
14 side of the silo, it would look like a farm. And
15 that's what we intended. We wanted to fit into
16 the natural landscape. Every aspect of Henmick
17 has been designed to reflect not only our own
18 family history, but also the local farming
19 community. Even when you walk inside, all of our
20 artwork is surrounded by farm history.

21 Henmick is located in the heart of
22 northern Delaware County farm country, uniquely
23 surrounded by active farmland, federal parkland,
24 the Village of Kilbourne, and a rapidly growing

1 metropolitan area to the south. We are unique in
2 our position. Our spaces are designed to be
3 compatible with each other and the surrounding
4 land uses.

5 The landscape design preserves the use
6 of the surrounding fields. That's important to
7 us. The preservation of open spaces and farmland
8 is critical to Henmick's success. People come out
9 for the views. They don't come out to see
10 buildings and big developments across the street.
11 They come out for the views. By protecting those
12 views, it protects our business.

13 Local impact. Higher tax revenue.
14 Brown Township, Delaware County, Buckeye Valley
15 Local School District, with no additional costs,
16 meaning you don't have to pay for a kid to go
17 through school.

18 Development fulfills a significant
19 community need for additional commercial
20 businesses and increased tax revenue.

21 Job creation. Over 90 percent of my
22 employees are comprised of local residents. The
23 development would allow for more local jobs to be
24 created for skilled and unskilled people in the

1 area. We are a job creator.

2 Lodging and tavern revenue. If we do
3 this, we have another area where we could span on
4 commercial revenues across the community and
5 provide a source of short-term lodging to
6 visitors.

7 Charitable contributions. Since opening
8 in 2021, we have donated over \$40,000 in cash and
9 articles to local charities, food banks, schools,
10 and organizations.

11 Additionally, we enable local
12 organizations to use our facilities and grounds
13 for free for fundraising. People in Need in
14 Delaware County has an annual fall festival. It's
15 one of their biggest fundraisers. Last year and
16 this year again, we're going to have one that
17 supports the rare Rett syndrome. They raised over
18 \$10,000 in four hours, and we had that at our
19 facility.

20 Furthermore, other small local
21 businesses, with the revitalization of the
22 Kilbourne area, will thrive, allowing more people
23 and businesses to create jobs and local tax
24 revenue. The rising tide lifts all of us.

1 Who we are as a local community
2 business. We are not a bar. Yes, we have a bar
3 sending beers across. But I said that even in
4 2018 when we went for the variance. We're not a
5 bar. The latest we stay open is 10:00 p.m. That
6 is a personal and business choice we made. We
7 could serve much later, but that is not who we
8 are.

9 We are family-friendly. If you've ever
10 been out, there's families out. It's a place to
11 gather. It's a place where people hang out with
12 friends, neighbors, celebrate engagements,
13 celebrations of life, birthdays. This is who we
14 are.

15 And finally, Henmick has become a
16 destination in central Ohio and beyond. And
17 that's beyond our wildest imagination that that
18 would ever happen.

19 Thank you.

20 REBECCA MOTT: Thank you, Mr. Sheets,
21 for that wealth of information.

22 Next I'd like to touch on the
23 comprehensive land use plan in terms of its goals
24 and objectives and recommendations so that we're

1 aware of what the planning principles -- the set
2 of planning principles for Brown Township. And
3 Delaware County worked with Brown Township to
4 develop that and update that in 2018 from the 2001
5 version.

6 So I wanted to talk through some pages
7 within the comp plan that we believe do support
8 this project and this proposal.

9 And also, we're going to go through the
10 zoning criteria of Article 14 of your zoning
11 resolution, which is your zoning code. And, of
12 course, the code is what controls.

13 Okay. So under the comprehensive plan,
14 I would like to talk a little bit about the policy
15 statements and purpose under Page 2. So I'm going
16 to reference page numbers and then read a few
17 quotes from the comprehensive land use plan.

18 So, again, Brown Township did spend
19 money, worked with Delaware County, worked with
20 the public and other stakeholders, township
21 trustees, to develop their comprehensive plan
22 update. So that's really important to the
23 township to spend that kind of money, have that
24 investment to figure out how does this township

1 want to grow, how -- what kind of supportive uses
2 or mix of uses do we want to support going
3 forward.

4 So the Brown Township comprehensive land
5 use plan is intended to be reviewed, to have
6 changes and to have modifications over time as
7 development changes the landscape of the
8 community. And also to review existing policies
9 to see if things are archaic or old or just don't
10 work anymore, do things need updated. So there's
11 probably a time frame of five to ten years where
12 these goals are reviewed and modifications would
13 likely be made.

14 So the point of the 2018 update was to
15 also update your zoning map and your zoning
16 resolution, which occurred. In addition, the
17 comprehensive land use plan update recommends
18 amendments to local zoning and the adoption of
19 development policies. Again, this is a set of
20 policies, procedures -- not procedures, policies,
21 planning principles, and recommendations. It's
22 not the zoning code. It's not the law, but it's
23 helpful information.

24 The comprehensive plan contains

1 policies, goals, objectives, recommendations, and
2 future development opportunities for the township.
3 That's all on Page 2.

4 Under Page 4, I wanted to highlight a
5 few things there. There's some statistics that I
6 think are very interesting.

7 If you look at Page 4 of the
8 comprehensive plan, it details all of the
9 townships within Delaware County. And very
10 interesting, you would expect that Liberty
11 Township or Orange Township have a lot of
12 development. And so in some of those areas,
13 they're getting 205 or 358 building permits a
14 year. And Liberty, for example, 104, 117. But if
15 you look at Brown Township, you're getting between
16 three and five or six building permits per year.
17 From 2008 all the way through 2017 when this chart
18 was developed. So Brown Township has not seen the
19 same rates of development like many of the other
20 townships within Delaware County, and is not
21 expected to. And I'm going to further show that
22 to you in the mapping that's also within the
23 comprehensive land use plan.

24 Under Page 10 of the comprehensive land

1 use plan, there is this regional development
2 activity map. And it talks about how many times
3 there's been a zoning application filed in Brown
4 Township since 2000. And it only enters four
5 zoning applications on this chart on Page 10. I
6 think there might be more after 2006.

7 But, for example, there's only two
8 instances in this chart that show that the
9 township has had two planned commercial and office
10 districts that have been approved, both of which
11 were -- one was for -- from FR-1, one was from a
12 District C. I don't know what C was. But a PC
13 district was approved, so a planned district, on
14 5 acres for each of those sites. So a small lot
15 getting a planned commercial office district
16 zoning.

17 And if you look at that same map, that
18 same page, I think it's also very interesting to
19 note it shows the development patterns for the
20 entirety of the township. And I'm looking at it,
21 and it's almost 100 percent farmland. There is a
22 tiny sprinkling of recorded subdivisions in the
23 pink, and there is a very small percentage of
24 proposed subdivisions in yellow, and then there's

1 the rezoning subdivisions. Those were active
2 pending applications. That's a very small, minute
3 number. The vast majority of your property in
4 your entire township is farmland.

5 Okay. Under Pages 31 through 34 of the
6 comprehensive land use plan, it talks about
7 economic development in Delaware County. And
8 there are so many vehicles that Delaware County
9 could use to actually entice Henmick, LLC to
10 further develop and create these commercial
11 enterprises and amenities for the community in
12 terms of offering them a JEDD, where City of
13 Delaware and the county and the township can enter
14 into an agreement and provide economic incentives
15 for them to generate income to the area, and also
16 bring in employees.

17 So actually, in most jurisdictions, the
18 county or the municipality, not so much a
19 township, would be enticing a business like
20 Henmick, LLC to come and generate more income and
21 employees and activity, commercial space. That
22 actually increases your property value and gives
23 you diversity of uses within your township, but
24 also confine it to an area where it belongs, on a

1 major arterial called North Old State Street
2 [sic]. A major arterial is what the comprehensive
3 land use plan says this road is, meaning that is
4 where you want your commercial development, and
5 you want it connected to old downtown Kilbourne,
6 so that people can walk and bike up that road to
7 get to these additional commercial spaces, which
8 are services to your people who live here, meaning
9 people can enjoy to live here, work here, and stay
10 here. They don't have to travel far to go enjoy
11 restaurants, eating, drinking establishments,
12 taverns, event centers, assembly areas, family
13 spaces.

14 So, again, there's JEDDs. There's other
15 economic incentives. TIFs. Certainly a TIF could
16 have been used, for example -- or could still be
17 used, for example, to help defray the public
18 infrastructure cost that Mr. Sheets and his family
19 will incur in terms of road improvements that are
20 public roads, or even the easement path, the
21 multipurpose path, will be a public easement
22 path -- multipurpose path for the public. There
23 can be things like TIFs that can be provided so
24 that even though the developer installs that in

1 the first place, the monies are not routed for
2 property taxes anymore to the county but are
3 brought back to the township in a pot, and you can
4 use that money to help defray the cost to the
5 developer and also keep more for your public
6 infrastructure needs. So there's devices that
7 could benefit the township and the developer, and
8 give you more public infrastructure improvement.

9 So that is what all of these Pages 31
10 through 34 of the comprehensive land use plan go
11 into. Again, it's my experience that in many
12 other jurisdictions, there would be enticement for
13 Mr. Sheets and his family to make these
14 improvements.

15 Okay. So on Page 35, it talks about the
16 agricultural nature of Brown Township and all of
17 the farmland in Delaware County generally. So in
18 Delaware County, the county as a whole, it's still
19 nearly 50 percent farming. And in Brown Township,
20 your farmland has jumped up from 726 farms in 2007
21 to 755 farms in 2012. The average farm size is
22 not 55 acres. It's 190 acres per farm. That's
23 the average. And the total land and farms is also
24 high. It went from 138,140 acres to 140,902

1 acres. So, again, you are preserving your
2 farmland, you're increasing your farmland
3 preservation, and you have plenty of agricultural
4 land. You're not in jeopardy of losing your rural
5 character and the rural appeal that people come
6 here to live and enjoy to get away from the city.

7 Again, if you look at the roads and
8 transportations charts and maps on the
9 comprehensive land use plan at Page 37, you will
10 note North Old State Street is a major arterial.
11 It is not a local corridor street or a local
12 collector. It is not for slow traffic. It is
13 aimed purposefully and intentionally for higher
14 traffic to move cars safely in and through a
15 corridor and along that roadway.

16 In addition, Page 43 shows a map. This
17 is really critical to me. This map on Page 43
18 shows sidewalks and paths, and it's showing a
19 bright yellow line from Bowtown Road up through
20 old Kilbourne, up North Old State Road. Your
21 comprehensive land use plan says that people are
22 biking on those roads, those major arterials.
23 That could be rather unsafe or -- you know, but
24 that's where they're going. And this map is

1 indicating we need to create paths, connections,
2 walkable/bikeable paths on these corridors because
3 these are where bikers are and these are where
4 pedestrians are. So we need to get them safely
5 through the area, and that is Mr. Sheets' intent.

6 In terms of the crosswalk, that will
7 benefit the public to connect public lands through
8 the multipurpose path he's installing. That's
9 what this map says it wants. So he's doing that,
10 that connection, linking old Kilbourne to this
11 northern property area with the cemetery north of
12 the brewery.

13 If we also go to Page 57, 57 has a
14 section on open space and recreation. There's a
15 lot of great points in here. I just want to hit
16 on some.

17 So open space is very important to every
18 jurisdiction, and including Brown Township. And
19 its aims are to preserve the ecologically
20 important natural environments; to provide
21 attractive views and visual relief from developed
22 areas; provide sunlight and air; buffering other
23 land uses; separating areas and controls density;
24 functioning as a drainage detention area; serving

1 as a wildlife preserve; providing opportunity for
2 recreation and activities; increasing project
3 amenities; helping to create quality development
4 with lasting value.

5 Now, economic benefits of open space
6 can't be overstated. It's a big deal. Well, our
7 project is providing 93 percent open space,
8 farmland preservation and open space. 93 percent
9 of the total land area will be open space. And
10 that is committed to in the zoning text. And
11 there's no way that could change unless someone
12 came in and did a rezoning entirely on the
13 property because changing the open space, even a
14 little bit, means you have to come back through
15 this process and do a new zoning and do a new
16 final development plan.

17 So open space is usually classified as
18 either developed open space and green space or
19 natural farmland or open areas. Both can be
20 active or passive. Mr. Sheets is providing both,
21 active and passive; passive with the natural
22 farmland and the agricultural lands that are going
23 to be untouched, and then also the amenity spaces
24 like the outdoor dining, patio, gathering spaces.

1 Those are also open spaces.

2 Now, there's a really important
3 statistic that I think a lot of people
4 misunderstand on Page 62 that's really important
5 to hit on. Many people might think if we have,
6 like, large lot, rural 5-acre lots with a
7 single-family home, that's a good thing. They're
8 saying, oh, we're going to keep and preserve
9 five-acre lots for this single-family home. But
10 if that is your aim and that's what you do all the
11 time, you're actually losing connection and open
12 space and unified development that's cohesive and
13 responsible and well planned. It has the opposite
14 effect that you want.

15 So large acreage developments surrounded
16 by woods and farm fields has been generally
17 accepted as retaining a rural character, right?
18 But that's actually a misnomer, because once you
19 start developing, again, 2- to 5-acre house lots,
20 the rural character is destroyed. It literally
21 notes that in your comprehensive plan. I
22 100 percent agree, it gets destroyed. Because the
23 development of large lots everywhere on township
24 roads would lead to rural sprawl, loss of open

1 space, loss of preserved green space, more
2 density. All of the things you're trying to not
3 have.

4 And with a planned district like this,
5 you're actually in control of so much more than
6 you could in any other zoning classification,
7 because you get to read the zoning text that we
8 prepare and it has commitments, height, setbacks,
9 landscaping, architectural standards that are of
10 high quality.

11 That's also what your comprehensive plan
12 talks about. Page 62, planned districts. Their
13 aims are to create open space and preserve it;
14 have usable open space; control density. We don't
15 have any density here. We're not doing a
16 single-family subdivision. We don't have an
17 apartment complex.

18 Design. You can control the design
19 standards, the architectural standards, the
20 quality of the materials being used on the
21 buildings, all of which increase property values
22 for the entire surrounding area and this property.

23 You can also dictate conditions in that
24 zoning text for how it's developed in the future.

1 So we actually are giving the township much more
2 control for enforcement and regulation with this
3 planned district.

4 Lastly -- or not lastly, but Page 73
5 hits on some really great points. I want to talk
6 a little bit about development patterns for Brown
7 Township.

8 So it does say on Page 73 -- and this is
9 really important, especially as we compare this to
10 the Delaware County Regional Planning Commission's
11 response. It does say "commercial development
12 should group buildings to share parking and access
13 to arterial streets." Remember, this is on a
14 major arterial street. And that Brown Township
15 should "consider mixed uses of commercial and
16 residential as part of a large-scale planned unit
17 development that creates a sense of community
18 rather than strip commercial along arterial roads"
19 in strip centers or little block things.

20 This is a planned district. It's 90
21 acres. It's a unified development with all of the
22 features we talked about. That's what this
23 comprehensive plan wants.

24 Okay. Under Page 76, this goes into the

1 end of the comprehensive land use plan, just on
2 some goals and objectives, recommendations, and I
3 want to hit on a few of those.

4 So it's obvious that the objectives are
5 to have greenway links and connections, pedestrian
6 and bike paths, to different commercial corridors
7 and residential corridors to get people moving and
8 connected.

9 Create landscape details. We have that.
10 We have landscape plans committed to and zoning
11 text, landscape treatments committed to.

12 Retain the wooded greenways along the
13 ravines, the waterways, the project perimeters.
14 We're doing that. The federal lands that are east
15 of us, that's all federal lands, and very heavily
16 wooded. That will be obviously preserved. All of
17 the trees on our property that border that
18 property will remain. All of the street trees and
19 frontage trees you see along North Old State on
20 this property will remain. And we want to keep
21 that farmland and that agricultural look with the
22 property to the west. That's just beyond the
23 parking lots.

24 So that good balance and mix of, you

1 know, preserving the wildlife, preserving the
2 trees, preserving wetlands, anything that's
3 sensitive environmentally, preserving that, those
4 are amenities to our -- to the project and to the
5 property values for this property.

6 And, again, it goes through setting
7 landscape standards, architectural standards,
8 design standards. We're doing that.

9 Okay. It also talks about -- here's
10 another goal that we're going to get to a little
11 bit later related to the Delaware County Regional
12 Planning Commission, but it talked a little bit
13 about that report saying they want critical
14 resources, critical resources to be honored and
15 don't get into the floodplain and things like
16 that.

17 So you can -- a developer, not
18 Nick Sheets, but a developer generally can impact
19 a floodplain through fill and permitting, but
20 we're not doing that. We don't -- there's no
21 floodplain that we have to work with here. We're
22 not doing anything in terms of a wetland. There's
23 no wetlands here. So there's no -- none of those
24 features that are environmentally sensitive that

1 we need to be mindful of in terms of permitting
2 and in terms of water quality permits or U.S. Army
3 Corps of Engineer versus EPA and things like that.
4 But if there was, we would certainly care for that
5 and preserve that and take care of it.

6 So this is the use of conservation
7 design because, again, we're giving 93 percent
8 open space when 30 percent open space is required
9 under your code. So 93 percent versus 30 that is
10 required. So we are being sensitive to conserving
11 the open space in natural sensitive areas, we're
12 preserving the trees and woodlands, we're keeping
13 the rural feel and aesthetic, we're not putting in
14 trees in places where it wouldn't belong. We're
15 being sensible and planned and thoughtful about
16 this development.

17 Next on Page 77, just to hit on three
18 more things here, so the comprehensive plan is
19 supposed to be a guide. We've just hit on all of
20 the guiding principles that we believe we capture
21 and meet. There will be one that I think that
22 Delaware County Regional Planning Commission kind
23 of hinges their decision on, but to me, it was
24 misconstrued.

1 So this property has a recommendation to
2 be in the subarea of your township called
3 conservation resource district. But the reason
4 this property is even in that area on your -- in
5 your township is because of the federal lands east
6 of us and because of the Alum Creek lake, you
7 know, east of us. And this property has had a
8 commercial building enterprise on it for a long
9 time. And even when this was instituted, the
10 comprehensive land use plan, and this property was
11 put into that subarea, the brewery was there. So
12 even though it says it doesn't really want to
13 attract commercial in a conservation resource
14 district property, the commercial's already here.
15 And we're on a major arterial, and we are
16 conserving the open space, so we are conserving
17 the resources.

18 So we are honoring the conservation
19 resource district and what its intention is. So
20 that's where I think the Delaware County Regional
21 Planning Commission had it wrong with their
22 limited review of the issues.

23 Okay. And lastly, there is -- there's
24 all kinds of recommendations also in the old

1 village of Kilbourne, Subarea 3, that we're very
2 close to. Just to kind of hit on some of those,
3 it's trying to encourage shops and boutique stores
4 and restaurants and commercial activity. Well,
5 this is very close to that subarea. And in my
6 impression, since we are conserving the
7 preservation of open space in these sensitive
8 areas and we are honoring the conservation
9 resource district subarea, we're more in line with
10 this one as well, this old village of Kilbourne
11 extension, because it wants us to create a small
12 town connection from village of Kilbourne to this
13 area with the multipurpose path and the other
14 mapping we talked about in this comprehensive land
15 use plan.

16 Again, the conservation resource
17 district is typically on property that has narrow
18 roads, meandering roads, curved roads, ravines,
19 wetlands, floodplains. This is not what we have.
20 Our property should not have been labeled under
21 this district, honestly, because it was already
22 commercial, and it doesn't have these features
23 that the general facts and findings on Page 82 say
24 are features of the conservation resource

1 district.

2 Okay. So that's pretty much it with the
3 comprehensive land use plan. I know that was
4 long.

5 But now I do need to go through just the
6 rezoning criteria. I'm not talking about the
7 final development plan criteria now because we're
8 on the agenda item for rezoning. I want to go
9 through some of those legal standards in your
10 zoning code because that's the law. So those are
11 the regulations and that is the law.

12 Okay. So under Article 14, that is the
13 article that controls how we go about a planned
14 commercial and office district. If you go to
15 Section 14.06, it goes through all of the design
16 standards of what we need to be mindful of and do.
17 And of course there's flexibility for applicants
18 who come in with a planned district when they're
19 drafting the zoning text to seek divergences where
20 appropriate to be flexible for this unified
21 development. And it states in many cases we get
22 to draft our own setbacks, our own parking
23 requirements, et cetera. That's all normal.

24 Okay. So under Number 1, A1, access, it

1 talks about requiring frontage on a public
2 right-of-way with direct access. Well, we have
3 that off North Old State Street. We have five
4 access points proposed. There's four currently.
5 There's two on the west side entering into the
6 west parking lot, and there are two on the other
7 side, on the east side, into the brewery and its
8 parking areas. The fifth one would be new. It
9 would be the one that we're proposing to the inn
10 and tavern. So we're meeting that standard.

11 Number 2, maximum commercial ground
12 coverage by buildings and parkings -- by parking
13 lots. It's not supposed to be more than
14 70 percent of the total tract. Well, we're under
15 70 percent by a lot. We have a site plan up here
16 that gives the statistics, but we're under that.
17 So, you know, we meet that standard.

18 Again, minimum open space. We've hit on
19 this quite a bit, but that's really important.
20 30 percent of the total tract area should be
21 dedicated to open space, and we're at 93 percent.

22 Floodplain, that no commercial or office
23 structure shall be constructed within the
24 hundred-year floodplain. We don't have the

1 hundred-year floodplain impacting our property, so
2 we meet that.

3 Walkways and street trees. The township
4 may require walkways or street trees to connect
5 parking areas with buildings. Well, Mr. Sheets
6 already has sidewalks constructed between the
7 buildings and his entrances to the parking areas.
8 And of course he's mindful to want and have that
9 feature for safety, pedestrian crossings,
10 et cetera.

11 Number 6 says the setbacks for
12 buildings, et cetera, would be approved per the
13 development plan. That means you write them in
14 your zoning text. Whatever they need to be in
15 terms of your planned development, we write those
16 in. So my text gives you the setbacks in a chart.
17 There's building setbacks and parking setbacks.
18 Those are setbacks from the building or parking to
19 the edge of a lot line.

20 The next one, Number 7, talks about
21 pavement widths and streets. Those are going to
22 be dictated by the county engineer. We meet
23 those. The county engineer doesn't have any issue
24 with our access ways and our widths.

1 Okay. Utilities. We definitely have
2 our utility plan sheet. We're showing where the
3 utilities are and what we're doing with
4 stormwater, what we're doing with existing, you
5 know, electricity and water, sanitary sewer if
6 available, and if not, septic. So we show all of
7 that in our utility plans.

8 In addition, there are minimum lot
9 width, minimum side yards. Those are both
10 approved by the plan. Again, approved by the
11 text. We're doing that.

12 KYLE VANDERHOFF: Not to interrupt, but
13 if possible, maybe just focus on the divergences?

14 REBECCA MOTT: Divergences, okay.

15 So let me just wrap up. We meet every
16 single one of these criteria. The one that I have
17 a problem with is Number 12. You're going to hit
18 on a Delaware County Regional Planning Commission
19 comment on Number 12, and I want to talk about
20 that one.

21 We're happy to add a divergence to
22 Number 12, but I don't think it's necessary, so
23 that's up to you.

24 The Delaware County Regional Planning

1 Commission wanted us to add one for parking areas
2 not to be constructed within 35 feet of a lot
3 line. And we have a northeast property line to
4 that parking lot that's under 35 feet in terms of
5 a setback, and then we have a rear parking area
6 behind Building A, I believe it is, that's also
7 less than 35 feet.

8 However, your code is poorly drafted
9 because it says the 35 feet applies to,
10 capitalized terms, residential zoning district.
11 But residential zoning district is not defined in
12 your code. And if we're going to use capital
13 letters, it should have been a defined term in the
14 definitions section.

15 I don't know what that means. Does it
16 mean generically any residential district? I
17 don't know. Maybe. The Delaware County Regional
18 Planning Commission thinks it means generically
19 any residential district.

20 So if you want us to adopt that as the
21 suggestion or add that divergence, I'm happy to.
22 So I actually have a text that shows a red line of
23 adding that divergence if that's how you interpret
24 the code, the way they do.

1 To me, it's so ambiguous. But it should
2 be construed in favor of the property owner
3 because that's constitutional law. When something
4 is ambiguous in a code, you construe the -- in
5 favor of the property owner and the property
6 owner's use. So to me, this divergence is not
7 necessary, but I'm happy to add it.

8 Okay. So let's go to divergences. So
9 this is going to be in the zoning text. Do you
10 have a copy in front of you of the text? I have
11 the one that I just talked about red lined in here
12 if you want it presented, the one that the
13 Delaware County Regional Planning Commission
14 wanted us to add. Would you like me to pass this
15 out or do you want to stick with the one you have?

16 KYLE VANDERHOFF: I'm okay, yeah.

17 REBECCA MOTT: You're okay with the one
18 you have?

19 KYLE VANDERHOFF: I just want to be
20 cognizant on folks' time, so focusing on the
21 divergences so we can hear to the plan.

22 REBECCA MOTT: Right. Do you want the
23 list of divergences, though, that adds in the red
24 one for this new one, Number 12?

1 KYLE VANDERHOFF: No, I'm good.

2 REBECCA MOTT: No? Okay.

3 So if we don't talk about Number 12 and
4 we just go through the heights, we are requesting
5 a divergence from 35 foot height standard. Now,
6 every -- you might know, 35 feet is a normal
7 general standard in a lot of jurisdictions for
8 like a residential house, or a townhouse, or
9 two-story house, or even a three-story could be
10 under 35 feet. But for a commercial building,
11 being above 35 feet is normal too.

12 So we're requesting 42 feet as a
13 variance from 35. And that's only for one
14 building, the inn/hotel/tavern building, which is
15 proposed in the future. It's not existing today.

16 Now, we did give ourselves room for
17 flexibility on this height variance or divergence.
18 Perhaps the exact and actual measurement is closer
19 to 40, but we're giving ourselves flexibility.
20 And the Delaware County Regional Planning
21 Commission had no issue with this request. They
22 were fine with 42 feet.

23 Under the next one, paving,
24 Section 21.01B, we are requesting a divergence

1 from the paving requirement of the code for two
2 parking areas. The northeast parking area is
3 gravel, and we're going to expand the gravel there
4 in the future. And the west parking area is also
5 gravel. So the surface is gravel and so it needs
6 a variance, but that's keeping in terms of your
7 rural character aesthetic appeal for this area.

8 In addition, further support for gravel
9 would be that your county engineer design
10 standards for multipurpose paths also include
11 gravel trails. So there are precedence here in
12 your township for gravel, and we think that's very
13 reasonable.

14 The next, landscaping divergence, is
15 related to the strict perimeter requirements for
16 landscaping around property lines. And we do
17 provide trees around property lines along the
18 street frontage and into the rear of the east
19 property, but we don't meet the strict, strict
20 standards of the code where you do one tree per 40
21 lineal feet of boundary or fraction thereof with
22 continuous 6-foot high planting hedge, fence,
23 wall, or earthen mound.

24 So that's a pretty strict standard, but

1 we have street trees now. We're going to preserve
2 and keep those. We're going to keep all of the
3 trees you see on the east side of the property
4 close to the USA lands. And we certainly want
5 trees and we find those to be appealing and great
6 for shade and amenities.

7 So keeping the trees we have, we just
8 don't want to provide all of the strict frontage
9 street trees that that section requires.

10 Section 23.03 8a, the interior
11 landscaping for vehicular use areas. We're
12 requesting that that northeast parking area --
13 because it is 951 square feet, it's supposed to
14 have, under the technical requirements of the
15 code, some trees, landscaped areas within that
16 parking area. And we don't have that requisite
17 landscape area that it's talking about. But we
18 are providing landscaped areas in the parking area
19 to the west that is also gravel. We have grasses
20 and some ornamental shrubs. And we're definitely
21 going to provide the code-required parking. In
22 the parking that's associated with the inn and
23 tavern, that one's going to be an asphalt parking
24 lot. It will have shade trees, peninsulas, end

1 islands, grasses, ornamental shrubs, and
2 landscaping.

3 So we're providing it elsewhere, but
4 we're not providing it in that one northeast
5 parking area. It wouldn't make sense to put it
6 there. That parking lot is already developed.
7 It's already gravel. So, you know, it looks good
8 now.

9 Section 23.03A 8b3, interior landscaping
10 for vehicular use areas. It's, again, another one
11 of those vehicular parking-area-type landscaping
12 sections, and it's talking about minimum numbers
13 of actual shade trees. So in the northeast
14 parking area, we would have been required to put
15 six. That parking area is already existing. We
16 have zero trees, so we're asking a variance from
17 the six to zero for that parking area.

18 And for the gravel parking area that is
19 existing across the street, it talks about 26
20 trees based on that square footage. And we have,
21 again, zero, but that's -- we're -- that's also a
22 little misleading because we do have grasses and
23 other ornamental shrubs in that parking area.

24 And having trees there would be blocking

1 the views to the agricultural farmland that's
2 there and would be a little odd to look at anyway.
3 So it doesn't make a lot of practical sense to add
4 the trees there.

5 Section 23.04A, street tree planting,
6 again, another requirement related to those
7 frontage trees. We already talked about that, but
8 there's another code section that hits on it so
9 you have to ask for a divergence from any code
10 section that details that issue.

11 So that is the list of divergences.
12 And, you know, this zoning text goes through other
13 things, like the parking requirements. I want to
14 just hit on this real briefly.

15 We actually took the default standard
16 parking requirements of your code and put that on
17 ourselves as a minimum, to see if we could meet
18 those standards. We don't have to meet those
19 standards. We can depart from those standards,
20 because a zoning text under a planned district,
21 you can write your own standards for the number of
22 spaces needed for your uses. But we did go ahead
23 and delineate the square footages of all of these
24 uses for every building and every patio and

1 outdoor space, and we were trying to comply with
2 the -- just the basic default standards. And
3 we're very close.

4 492 would have been required if this was
5 a straight zoning classification. It's not
6 required on us, but we wanted that as our guide,
7 so we're trying to honor the code anyway. But we
8 are providing 413, which is going to be fine for
9 all of our uses. So we're good there.

10 And I have a little asterisk and a note
11 in the zoning text about how we arrive at the
12 legal interpretation that, again, the zoning code
13 standards for the parking don't apply to us under
14 a planned district but we're using that as a
15 guide.

16 Okay. So that's pretty much the zoning
17 text.

18 And I just want to see if there's
19 anything else before we answer questions of the
20 Board that I need to hit on right away.

21 So we have other issues to present, but
22 I think we'll wait until after we listen to your
23 questions and maybe addressing some of your
24 questions that you have now, or if you'd like to

1 turn it over to public comment, that's fine, too,
2 and we can just sit down and listen and go from
3 there.

4 KEITH HOLEWINSKI: We'll start with the
5 public comment.

6 REBECCA MOTT: Okay.

7 KYLE VANDERHOFF: This is public comment
8 on the rezoning divergences.

9 More than happy -- more than willing to
10 speak up, you can now. There are also going to be
11 some public comment right after they give the kind
12 of development plan presentation. So you'll have
13 two opportunities. This is the opportunity for
14 the rezoning part of it.

15 JOHN BARNEY: I have one question. And
16 I guess --

17 KYLE VANDERHOFF: Oh, yeah. Stand up,
18 speak -- sorry. We should be clear. Say your
19 name and your address for her.

20 JOHN BARNEY: John Barney, 2815 --

21 REBECCA MOTT: Could I make a
22 suggestion? Could they come up here and announce
23 their name and have comments up here so everyone
24 can hear? Because I'm going to go sit down in the

1 audience.

2 JOHN BARNEY: We're probably going to
3 run out of time.

4 KYLE VANDERHOFF: Yeah. If you're loud
5 enough, it will be fine.

6 REBECCA MOTT: Okay.

7 KYLE VANDERHOFF: And she'll tell you if
8 you're not, believe me.

9 JOHN BARNEY: Okay. 2815 North Old
10 State.

11 I guess as far as rezoning, right now
12 this is not a commercial area. It's not zoned
13 commercial. And this was built under a
14 conditional use approval, which I'm -- I'd still
15 like to see -- I actually requested one about a
16 week ago, but what were the original terms of
17 this?

18 And so this zoning has turned this into
19 commercial use. And, you know, the zoning
20 either -- you know, if this is built under
21 conditional use approval and the big problem is
22 the parking lot, why can't that be added into the
23 conditional use approval instead of going to a
24 rezoning for 89 acres and adding hotels and

1 whatever retail.

2 So as far as that, I guess that's my
3 question, as far as why this even needs to be
4 rezoned when it's not commercial now and it could
5 be done by this conditional use approval.

6 No other comment. Thank you.

7 REBECCA MOTT: Are you going to have
8 everyone do their comments and then we address the
9 rebuttal after?

10 KYLE VANDERHOFF: That might be easiest.

11 REBECCA MOTT: Yeah.

12 Do you want me to address it
13 individually?

14 KYLE VANDERHOFF: Yeah, that way we
15 don't repeat ourselves.

16 REBECCA MOTT: So it will take longer,
17 just --

18 So the commercial use is already
19 existing, and it has land use approvals and
20 entitlements. It can remain forever. So long as
21 those conditions stay active and there's no
22 violations, that can remain. So there should be
23 no concern about a zoning to a commercial
24 district. Why? Because 93 percent of the total

1 property will be open space and farmland. And
2 really it's about the commercial enterprises that
3 are there.

4 The thing that triggered the rezoning
5 was the parking lot. There is no mechanism for us
6 other than this district in this particular code
7 to use to comply with the code with that parking
8 lot. It has to be rezoned, because townships
9 often don't have use variances, but I don't think
10 you have a use variance for an off-site parking
11 area. This is not on the same tract of land as
12 the brewery. It's across a major arterial road.
13 So there are no area variances we can go after
14 with the BZA. And there is no straight zone
15 classification we can even zone to that can
16 provide us what we need for the existing uses and
17 the future uses.

18 This is the only zoning classification
19 that we have available to us, and it was triggered
20 by the parking lot, and the commercial use though
21 can remain. So really we want to benefit
22 Mr. Sheets and Henmick, LLC by letting him be in
23 compliance and use the vehicle that's available in
24 your code for this business that already is

1 operating to have a safe, accessible parking area
2 for the guests and his patrons.

3 So it's very reasonable to allow this
4 rezoning application. And, again, there's a lot
5 of controls. The township has controls related to
6 the commercial uses because all of the uses are
7 put in the zoning text. Any of the uses that are
8 permitted are in there and they can't do any more
9 than those. Everything else is prohibitive. And
10 that text controls. And so if he violates any one
11 of those standards of that zoning text, then the
12 township can enforce it against him and issue a
13 zoning violation.

14 So 93 percent open space is going to be
15 complied with. Only the uses we have in the text
16 can be built. And the inn and tavern is a future
17 proposed use. May not happen. May, but may not.
18 And you can see that we're being responsible with
19 the landscaping, the parking, the crosswalk, the
20 pedestrian beacon, all of the things that make
21 this safe.

22 So we should support this business to
23 stay in operation, because it's going to anyway.
24 It has land use entitlement. So why would we not

1 support a proper zoning application to get it in
2 the right category and district for all of these
3 great uses that support this current business.

4 JOHN BARNEY: Can I ask maybe -- can I
5 ask maybe our zoning, I mean, why do we need to
6 rezone 89 acres when we're talking a small parcel?
7 I guess my question is, could we not do this by
8 just modifying the conditional use agreement
9 that's already in place?

10 REBECCA MOTT: Do you want me to answer?

11 KYLE VANDERHOFF: Please.

12 REBECCA MOTT: The applicant would not
13 prefer to keep the current conditional use, and I
14 don't think the township does either, because it's
15 not a great -- it's just not a great land use
16 entitlement. It has conditions on it. It's
17 somewhat unclear. It has -- it's just not a good
18 district. It's not a good land -- it's not what
19 we want. It's not what the township would want
20 for this gravel parking lot to remain.

21 JOHN BARNEY: Well, if the township --
22 sorry. I'm done.

23 REBECCA MOTT: It's hard to explain. It
24 just isn't going to work anymore. This business

1 has changed. This business is a great business.
2 It's used its conditional use permits. It can
3 continue to use it, but we need to support this
4 business with this planned district, this
5 commercial office district, that makes sense.

6 Again, you're going to have a lot of
7 controls as a township in terms of the zoning
8 regulations that are applied. They're all in the
9 text. Setbacks, height, landscaping,
10 architectural treatments, quality of materials
11 being used, access ways, landscaping, parking, all
12 of the controls are there. There should be no
13 concern.

14 It actually cost the applicant a lot
15 more money and time and expense to go this route.
16 Doing civil plan sheets that are eight pages long
17 and landscape plans that are two pages long and
18 architectural plans and elevations are
19 sophisticated. That's detail that gives you
20 assurance this property is going to be done right
21 and increase property values for it and all of the
22 surrounding community.

23 We should support this use, and we
24 certainly should support the zoning category that

1 makes the most sense in your code for this use.
2 It's the best, most seamless district for this
3 use.

4 KYLE VANDERHOFF: Speaking generally for
5 the Board, you know, the property and the plans
6 for it are more into the commercial district, and
7 it does allow us more leeway and what the
8 stipulations might be on it. And also, we don't
9 want to go through this process every time they
10 want to make a change.

11 RYAN MRAZ: I'm Ryan Mraz. 2798 North
12 Old State Road.

13 I'd first like -- I have three minutes,
14 correct?

15 KYLE VANDERHOFF: Yeah.

16 RYAN MRAZ: I'd first like to thank
17 Mr. Sheets and congratulate him on the success
18 he's had at Henmick. I'm sure we've all been
19 there and enjoyed it. I think he's a very good
20 neighbor and is an asset to the township.

21 I came here very open-minded and
22 optimistic. And the more I listened, the more
23 concerned I got, the more upset I got, and the
24 more I wanted to speak my mind.

1 I certainly appreciate and can
2 understand the need to do something with the
3 property. I would certainly feel the same way if
4 it was my property. But this is certainly my
5 opportunity to speak.

6 And what I heard was a lot of things
7 that I don't think fit Brown Township at all. The
8 idea of rezoning 89 acres to a commercial district
9 is a little hard for me to understand given the
10 fact that we've got commercial districts 10 miles
11 away. Polaris. We have everything we need in
12 Brown Township within five minutes of us. I don't
13 understand why we would want to change 89 acres to
14 provide that same thing.

15 And I understand the concept and vision
16 you guys have with a development district. But
17 the more I heard that, the more concerned I got
18 with the way I feel it was presented in terms of
19 as if -- and you specifically mentioned about
20 Orange and Liberty and how I kind of felt like you
21 said Brown Township is behind the times a little
22 bit in terms of development. I don't know that
23 Brown Township needs the development that you guys
24 are proposing given the fact that everything else

1 is so close.

2 You continued to refer to North Old
3 State as North Old State Street. It is not a
4 street. It is a county highway. It is a
5 55-mile-an-hour road that takes traffic from the
6 south to the north along the corridor.

7 My other concern is -- and, again, it's
8 90 acres. I don't -- I would prefer, if it's up
9 to me, that maybe we take it a little bit -- in
10 little steps here, you know. The idea of the
11 tavern thing, I think that's a very realistic
12 expectation, but changing 90 acres across the
13 street is -- that's a big deal.

14 And we all know, you don't know what's
15 going to happen in life. If that gets changed to
16 commercial and God forbid something happens with
17 the Sheets' vision of that -- and, again, I
18 commend you and your vision and your connection to
19 the community. Maybe something happens where
20 you're not the owner five or ten years from now
21 and someone does not share that same vision.

22 That's 90 acres that everything that you discussed
23 tonight may not be the same thing. Of course the
24 township has the ability to control those things,

1 but this same conversation went on 30 years ago at
2 Liberty and Orange, and it's completely different.

3 KYLE VANDERHOFF: Time. If you have a
4 question --

5 RYAN MRAZ: I'll wrap up real quick.

6 I appreciate the opportunity to speak.
7 I congratulate Henmick. They've done a great job.
8 They've been a great neighbor. But I certainly
9 have major concerns with rezoning 90 acres to
10 commercial. I would respectfully request that the
11 Board deny that and have them revisit it in
12 another opportunity.

13 Thank you.

14 KYLE VANDERHOFF: Thank you.

15 And I won't start until you start
16 speaking, and I'll try to give maybe a one-minute
17 warning. Throw up my finger. Just trying to make
18 this easier. Sorry.

19 RICH PARKS: Ready?

20 Rich Parks, 2415 North Old State Road.

21 When this project came about originally
22 back in 2018, we were concerned about the
23 commercialization of more property up in Brown
24 Township. We hem-hawed about it and we said,

1 okay, it's a local family. They want to do
2 business. Why begrudge them the opportunity. So
3 we supported them.

4 I don't know if at that time -- because
5 now this 90 acres has come up to be
6 commercialized -- if that whole 90 acres was on
7 the ballot at the time or if it was just the 5 or
8 6 acres. Because if it was the 90 acres at that
9 time, we would have said no, I can't support it.
10 I won't do it. And here's the reason why. North
11 Old State Road has become an autobahn. It is
12 traffic day after day after day. And I'm not
13 talking about cars, motorcycles. I'm talking
14 tractor-trailer trucks. And these trucks are
15 going up and down the road going 50, 60, 70 miles
16 per hour, and it just -- it angers me.

17 And what I'm afraid what's going to
18 happen with this now is we're going to have even
19 more traffic coming in and out of the area, more
20 construction. And you know what? Mr. Mraz --
21 Ryan had a good point. Sunbury has all this over
22 there. They're five, six minutes away. If I want
23 to go downtown Delaware, it's right there. I can
24 go there. Yes, we've directly supported the

1 Kilbourne Market and the ice cream place. I like
2 mom-and-pop shops.

3 And therefore, I applaud you for this.
4 I do. But at the same time, I can't support this,
5 and I ask you to decline this. I think it will
6 open up a lot of doors for a lot of things. It's
7 going to stress our infrastructure and police,
8 fire, medical. It's going to bring in a lot more
9 things that we don't want here. I like rural
10 agricultural residential area. That's why we
11 moved here. If I wanted this, I would have gone
12 to Powell.

13 Thank you.

14 KYLE VANDERHOFF: And if you think
15 you're loud enough, you can just speak from there.
16 You don't have to come all the way up. But do so
17 if you want to.

18 BRAD EBERSOLE: Brad Ebersole, 4865
19 Beard Road, Sunbury, Ohio.

20 I just wanted to speak directly to the
21 divergence items that were mentioned, one being
22 the height of the standard building only being
23 approximately 7 foot additional considering a
24 three-story building. Many barns are every bit of

1 that height as well. I don't think that's an
2 issue.

3 I heard several divergences in regards
4 to street frontage trees. Obviously we've talked
5 a lot about safety and things that are related to
6 the traffic on Old State Road. Obviously
7 additional trees are just something that would --
8 in this particular area, they haven't been here
9 since, we'll just say, 1916 when Mr. Sheets said
10 the farm was established. There's -- seems no
11 reason for that change. It's a minor change in
12 the rezoning option. So I think those are both
13 reasonable divergence requests, to not have.

14 And at this time, I would recommend the
15 agreement to approval of the rezoning.

16 Thank you.

17 KYLE VANDERHOFF: Thank you.

18 CHRIS RINEHART: You don't start until I
19 start talking, right?

20 KYLE VANDERHOFF: I'm not starting until
21 you say your name and address. I'm giving you
22 some leeway.

23 CHRIS RINEHART: I know you'll enjoy
24 cutting me off, so...

1 Chris Rinehart. 4018 North Old State
2 Road. Just for purposes of the record here, I'm
3 appearing here on my own. And for background, I
4 am a zoning and land use attorney. I've actually
5 crossed paths with Ms. Mott in the past.

6 Speaking specifically to the rezoning,
7 just from the outset, and give some history on
8 some of the questions that have come up so far,
9 the original -- this property is zoned FR-1. The
10 original approval was for an expanded home use
11 occupation. Under Brown Township zoning
12 resolution, that means that all of the activities
13 theoretically are supposed to take place indoors.
14 So everything that's going on up there right now
15 outdoors shouldn't be taking place.

16 The parking lot itself is another issue.
17 It was never approved. And that property is also
18 zoned FR-1.

19 So it's not an accurate statement to say
20 that this has always been a commercial operation
21 because it's intended to be a home use occupation.

22 With respect to rezoning, the reason why
23 we're here tonight is because the township forced
24 the applicant to come here and do this,

1 specifically because that parking lot is unlawful.
2 And so the choice was either attempt to have the
3 current operation approved through an appropriate
4 rezoning process, or conform to the existing
5 approvals, which would require that that parking
6 lot not be used at all. And so based on what I
7 understand, the applicant has chosen to file this
8 rezoning application.

9 The rezoning application upon itself
10 can't be approved because many of the uses that
11 are being requested to be approved as part of the
12 permitted uses are actually required to be located
13 in the planned industrial district, not the
14 planned commercial district. And that includes
15 the brewery. And so you cannot approve a planned
16 commercial district that allows and permits a
17 brewery. And there's actually -- I can give you a
18 number of -- there's other uses in there as well
19 that are not permitted in the planned commercial
20 district.

21 So you've gotten a recommendation, and I
22 think it's been pretty well established already
23 that this use does not comply with Brown
24 Township's comprehensive plan. And if you look at

1 Section 14.07, which are the required findings for
2 PC approval, you have to determine that the
3 proposed use complies with all of the requirements
4 listed there.

5 The first one is that the proposed
6 development is consistent in all aspects with the
7 purpose, criteria, intent, and standards of this
8 resolution. Well, if you have permitted uses that
9 aren't allowed in the PC district, it's not
10 complying with the resolution.

11 The proposed development is in
12 conformity with comprehensive plan as adopted.
13 You already have evidence before you from Regional
14 Planning, and you can read it for yourself, that
15 this is not conforming to the comprehensive plan.

16 The proposed development promotes the
17 health, safety, and general public welfare of the
18 township in the immediate vicinity. As folks have
19 raised, there are safety concerns about speed and
20 accidents. ODOT's looking at that intersection
21 right now.

22 Okay. I'll wrap it up.

23 But I've got documentation here
24 regarding accidents involving food trucks in this

1 area at that intersection. There's excessive
2 speed that's documented by the county sheriff's
3 department on North Old State Road between 521 and
4 the brewery. And those issues are still being
5 addressed to the extent that there may be a
6 four-way stop that is put in place at the
7 intersection of 521 and North Old State Road.

8 If you have any questions, I have more
9 information.

10 KYLE VANDERHOFF: Can you provide us
11 copies of those?

12 CHRIS RINEHART: I sure can.

13 Copies of?

14 KYLE VANDERHOFF: You were talking about
15 the traffic accidents and the --

16 CHRIS RINEHART: The speed study?

17 KYLE VANDERHOFF: Speed study.

18 CHRIS RINEHART: I'll give you the
19 safety study from ODOT as well.

20 KYLE VANDERHOFF: Everything you've got,
21 Chris.

22 CHRIS RINEHART: Got it.

23 KYLE VANDERHOFF: Do you want a chance
24 to respond?

1 REBECCA MOTT: Yes.

2 Mr. Sheets, can you show the overall
3 cover sheet on your screen, please. It's the
4 civil -- not the site plan. It's the green one,
5 that cover sheet.

6 KYLE VANDERHOFF: For the response,
7 we'll try to mirror the three minutes as much as
8 possible. I know we want to give you the right to
9 talk about it and address it, but --

10 REBECCA MOTT: Because I'm going to
11 address three different neighbors' comments.

12 Okay. So if everyone could just look at
13 this screen, that's the 90 acres that you see in
14 the black bold outline. You can see how much is
15 commercially used now and what will be this gravel
16 parking lot that exists across the street. That's
17 the scope of the commercial uses we're talking
18 about.

19 Remember, 93 percent of the total area
20 is open space and farmland. There should be no
21 concern that anyone's going to come in and do
22 anything differently because this zoning text
23 controls what can be done, including the plan
24 sheets that are submitted with the applications.

1 The civil plan sheets, the open space commitments,
2 the architectural elevations, the landscaping plan
3 sheets are all referenced in the zoning text by
4 date, by title. And so we have to comply with
5 them.

6 So if the open space changes, we have to
7 come back all the way through this rezoning
8 process and a new final development plan process.
9 That's not going to happen. So you shouldn't
10 worry about this land being zoned PC district
11 because we're already saying 93 percent of it is
12 set aside for the farmland and the open space.

13 And furthermore, we have submitted an
14 application that shows we meet the governmental
15 safety, health -- health and fire standards. We
16 have a stormwater memo that's approved in terms of
17 our stormwater drainage, collection, and
18 retention. We have no legal right to divert water
19 onto anyone else's property through pervious and
20 impervious surface, nor would we. We have a
21 traffic access study that was submitted to the
22 county engineer's office as a required element of
23 zoning, and that's being reviewed and approved by
24 county engineer's office.

1 We are doing all of the things that the
2 PC design standards zoning criteria say we need to
3 do. We're meeting those.

4 And maybe Mr. Rinehart mentioned the
5 comprehensive land use plan, you don't meet all of
6 those. Well, you wouldn't have to under the law
7 because a comprehensive land use plan is a set of
8 planning principles and guidelines and
9 recommendations only. So you can't construe that
10 as a higher source of law and regulation than your
11 own zoning code. The zoning code is what trumps.

12 So that standard in your code would be
13 flawed and is illegal, but we do comply with all
14 of those objectives, because I went through all of
15 the pages of your comprehensive land use plan. So
16 if he's going to say we didn't meet one -- one
17 item out of all of those pages I reiterated
18 tonight, that's not fair.

19 And furthermore, Mr. Rinehart came to
20 the variance hearing that Mr. Sheets had relative
21 to the gravel parking area across the street from
22 his business where Mr. Sheets was trying to do
23 what the township asked him to do, get into
24 compliance, file an application, and he tried the

1 variance route. The township maybe didn't know
2 what vehicle to use, but this is the right
3 vehicle. I agree with the township to do a
4 planned commercial office district, which is what
5 the township asked him to do. But furthermore,
6 Mr. Rinehart asked Mr. Sheets to do that. In
7 Mr. Rinehart's own letter, cover letter and
8 binder -- I have his full binder right here of
9 evidence that he presented at the variance
10 hearing. This is from Mr. Rinehart. You can
11 check it to make sure it's his.

12 On his letter that's 11 pages long -- 11
13 pages long -- the very last paragraph, Page 9,
14 because the rest of it is like exhibit indexes, it
15 says this, "I believe the best path forward to
16 address all of these issues would be for Henmick
17 to submit an appropriate rezoning application for
18 its existing operation pursuant to the commercial
19 plan district, Article 14, of the Brown Township
20 zoning resolution."

21 So he asked also Mr. Sheets, so did the
22 township, to file this zoning application to
23 approve of the gravel parking lot that is across
24 the street from existing commercial business. You

1 can see from the green space on the board
2 93 percent open space. We shouldn't be concerned
3 about any other commercial enterprises coming onto
4 this property. You have the controls in the
5 zoning text.

6 And if any future owner of this property
7 50 years from now wanted to do something
8 different, they would have to come back to you and
9 do a whole new rezoning and final development plan
10 application. This entirety of the process would
11 have to be redone with an entirely new zoning text
12 that you would control and say yes or no, and the
13 whole public could also be involved and have input
14 and comment at that time. But you can't hold that
15 against Mr. Sheets, that a 50-year owner from
16 now -- that's just speculative -- could do
17 something different. This is going to control the
18 property forever. It runs with the land forever
19 in perpetuity until modified by approval of the
20 township, zoning commission, and township
21 trustees, and with the public input.

22 So you have assurances that this is the
23 proper and appropriate zoning classification for
24 this use with all of the committed-to items in the

1 zoning text that the township can enforce.

2 Because what they have now is a little bit harder
3 to enforce and it's not clean and clear. It has a
4 lot of conditions. This is cleaner for your
5 enforcement. This is good for your properties --
6 your surrounding properties and your value. This
7 is good for a business that's a great amenity to
8 your community and brings people here for income
9 tax generation and employment and things to do and
10 services and food and good amenities.

11 So with that, I think that addresses
12 those three neighbors' comments.

13 CHRIS RINEHART: Mr. Chairman, since I
14 was personally challenged, can I respond briefly
15 to some of the comments?

16 KEITH HOLEWINSKI: Yeah. You can have
17 three minutes.

18 CHRIS RINEHART: Thank you.

19 So as I indicated before, the whole
20 reason we're here this evening is specifically
21 because I raised those concerns at the appeals
22 hearing at the BZA, because my exact comments were
23 if, in fact, these issues were not addressed by
24 the applicant, I was going to request that the

1 zoning inspector actually enforce the zoning code
2 and shut down the parking lot that is currently
3 there. As a result of that, Mr. Sheets was given
4 six months to put together a zoning application,
5 and then had to be threatened with enforcement in
6 order to get it filed.

7 And so I am not Mr. Sheets' attorney.
8 He has his counsel. I was not preparing that
9 correspondence to represent Mr. Sheets. He has
10 counsel who can do that. He has counsel who can
11 read the same zoning resolution that everyone else
12 can read, and she can also read that the permitted
13 uses that is being applied for, some of which are
14 required to be included in the planned industrial
15 district.

16 So, once again, you cannot approve the
17 rezoning because the brewery is required to be
18 included in a planned industrial district, which
19 they have had over six months to determine.

20 Thank you.

21 KYLE VANDERHOFF: If you would like to
22 respond, go ahead. And then I want to make sure
23 we open it up to the other good people in the
24 room.

1 REBECCA MOTT: Yes.

2 So first of all, yes. I agree with
3 Mr. Rinehart that the planned commercial and
4 office district is the appropriate legal mechanism
5 for his uses. We were not involved when it came
6 before you for a variance application. So I agree
7 with that interpretation, that this is the
8 appropriate zoning classification.

9 My point was only that Mr. Rinehart
10 himself put it in writing that that is the
11 appropriate and best path forward for these uses
12 to resolve the issues that he raised in his letter
13 that was 11 pages. And he actually specified this
14 zoning district under that Article 14, which we
15 did.

16 Now -- and I agree with him.

17 Now, he's wrong to state that the uses
18 we've delineated in the text cannot be permitted.
19 The Article 14 tells us and dictates to us what we
20 do for uses in a planned district of this type,
21 the commercial and office district. And what it
22 says is you use this code.

23 So the Article 14 of the resolution
24 talks about using these codes, the North American

1 Industry Classification System. This comes from
2 use codes that are labor standards. So use codes
3 come from labor standards.

4 Your code says -- it likes to talk about
5 it in terms of these codes and uses. So it lists
6 some examples, the NAICS codes and their permitted
7 uses. But if you note, the code also says if the
8 number is six digits long, that's the only
9 permitted use in that category. But if it is a
10 three-digit number or a two-digit number, you've
11 got pages and pages and pages and pages and pages
12 of uses that fall under that two-digit and
13 three-digit number until you get to the six. So
14 when you get to the finite six use -- six
15 classification codes, there's, like, pages and
16 pages and hundreds of uses under those two-digit
17 and three-digit uses.

18 So I don't agree that we cannot have the
19 uses permitted that we have listed and delineated
20 in the zoning text. The uses listed here are
21 commercial and office and some have more of a
22 manufacturing-related type of use type. And we
23 have listed the classification codes for you, both
24 from a six-digit standpoint and/or a three- or

1 four-digit standpoint in our text. We've been
2 very courteous and responsible to make sure
3 they're comparable and compatible with those that
4 are delineated in your text -- or in your code.

5 And we don't agree with that statement
6 that our permitted uses are not allowed. In fact,
7 every single planned district under law says that
8 when you draft a zoning text, you get to write
9 your own uses. You get to write what are
10 permitted, what are conditional, and what are
11 prohibited. We did that, and we made sure they
12 were compatible with the commercial and office
13 district.

14 And, yes, some manufacturing uses that
15 are low intense can be included, like brewing,
16 distillery, fermenting. He's not running a
17 manufacturing entity building products and goods
18 to be shipped all over the place with truck
19 traffic. We're not talking about an Amazon
20 logistics warehouse shipping goods all over the
21 region with Amazon trucks and vans. This is not a
22 typical manufacturing enterprise. It's a very low
23 intense use that you're already familiar with.
24 It's already happening.

1 So, again, we don't agree with that
2 statement.

3 ANDREW CLARK: I think I can talk from
4 back here.

5 Andrew Clark. 5629 Giehl Road, just
6 north of North Old State.

7 I just want to address -- I'm not a
8 lawyer. I know we've heard a lot of legalese
9 here. I'm going to talk in layman's terms if it's
10 okay with everybody.

11 But I want to address that I put full
12 faith in the council over here to determine
13 whether or not the application is in line. As far
14 as this plan, it sounds like it might be the right
15 mechanism to control a business that has grown
16 beyond the wildest dreams of the owners.

17 I think that it's something that
18 benefits Brown Township significantly. I enjoy
19 time there. It brings traffic up. Most
20 importantly, it brings traffic up that doesn't
21 stay here. Traffic comes up, they enjoy
22 themselves, they go back to where they live.

23 I moved up here five years ago. My
24 family hasn't been here since 1916. But we moved

1 up here to be in a rural area. I fear very much
2 that large parcels of land like this, as
3 generations go on, will get sold off and parceled
4 up into houses. I personally don't want that. My
5 wife doesn't want that. I would much rather see a
6 family that has a vested interest in this land go
7 through the proper channels, do it right, and
8 build a business that they can pass on and
9 hopefully keep this area rural.

10 So with that, I would appreciate if
11 council would approve their application.

12 Thank you.

13 BRITTANY SINGER: My name is Brittany
14 Singer. 4820 Beard Road.

15 And I'm also not a lawyer, but I do want
16 to say that my dad bought a house here 20 years
17 ago, 21 maybe, and he went through something
18 similar. And the only way that he could keep his
19 business alive is if he turned our 5-acre parcel
20 to be a business that is run at home. Because of
21 that, he was able to be an artist and survive. I
22 grew up here and I love Brown Township. So we're
23 able to see that township love and care and pass
24 it down family to family, which is what I know

1 Nick Sheets wants to do.

2 So with that in mind, in compassion of
3 my dad trying to do something similar with his
4 small business, I do want to say that safety is
5 important. We do have a small kid. I would love
6 to be able to ride my bike to Henmick or to the
7 ice cream shop. I know that we don't have the
8 sidewalks yet, but I think that Henmick starting
9 that process would be a great advancement and it
10 might jump-start more, like, development in the
11 community.

12 I also have lived in other communities
13 such as Colorado where breweries are big. And
14 they have 90-acre breweries that are in rural
15 districts with nothing else, and they are
16 wonderful destinations. People are proud to be
17 there. People are proud to call that home
18 brewery. There is plenty of open space. It is
19 wonderful to explore. I see this vision as
20 something similar.

21 And I would advise if anyone is really
22 worried about it, it's 90 acres. It is not
23 Polaris. It's not Sunbury. It's not Powell. But
24 the vision is there and it does exist in other

1 communities, and it is really successful.

2 So I am for it. Thank you.

3 KYLE VANDERHOFF: Blue shirt?

4 EVELYN WELLS: I think you were next.

5 GARRETT GANDEE: Garrett Gandee. 2560
6 Hogback Road.

7 My friends and I, business partners,
8 Aaron and Nate -- you may know some of us -- we
9 did the other rezoning that happened in Kilbourne
10 where we took the building in downtown Kilbourne
11 through this whole planned commercial district
12 process. It is so confusing. We learned so much
13 more than I ever want to know about zoning and
14 comprehensive plans and how they're different from
15 the zoning code. And it goes on and on and on,
16 and it's a six-figure project just to get through
17 it.

18 But it takes me back to like when we had
19 our first neighborhood meeting. We did the same
20 stuff. Like, we met with the neighbors. There
21 was -- it was pretty sleepy in 2018 when we were
22 up here. And the biggest comment we got from
23 everybody was how are we going to preserve the
24 rural feel of Brown Township. And they didn't

1 know what we were going to do. They didn't know
2 if we were going to knock the building down and
3 build something crazy. Whatever.

4 But we worked with them, and we showed
5 them some ideas that we had, a place in Tennessee
6 near Nashville where they had done what they call
7 village-out developments. They have a village,
8 and then through walkability, walkable trails,
9 connectors, they try to attach multiple PC
10 districts to each other in a multiuse setting.
11 That was one of the ideas that we talked to the
12 community about. We got a lot of positive
13 feedback that that's what we want.

14 In many ways, we're lucky enough. We're
15 surrounded by legacy farms on three sides here,
16 and we have a park that is kind of our natural
17 protection that way. But, you know, if we have an
18 opportunity to take these legacy farms and turn
19 them into little mixed-use, walkable districts,
20 that can keep out single-family homes, which
21 that's what we do for a living. We know so much
22 about single-family homes and how you develop
23 those in the work we do, and these -- Nick's
24 probably so set up to just be subdivided it's not

1 even funny.

2 But this planned commercial district,
3 it's going to actually lock it down the way it is
4 sitting now. So, you know, going through, like
5 Rebecca said, all of these different hearings, you
6 won't be able to change the area preserved to
7 remain farmland. You're protected.

8 The second point I was going to make was
9 this walkability plan, I'm one of the members of
10 that, putting together the different businesses,
11 Kilbourne Market, Sticky Fingers, Henmick, trying
12 to set up connectivity, trying to make that
13 village-out development a reality. We're planning
14 sidewalks, roads, equestrian/pedestrian
15 facilities. Those would cross at Old State.
16 We've got one with the county that they're looking
17 at at 521 and Sticky Fingers to get kids safely
18 across the street. The whole goal is to get
19 pedestrians and equestrians safely from south
20 Kilbourne, across 521, into the park, the township
21 hall area, and even up through Henmick through
22 what he is proposing to build is tied into this
23 system.

24 So I think any time we get a legacy farm

1 family, any one of these families that we're lucky
2 to have around and hasn't done anything yet, you
3 know, wants to do something that keeps it cool,
4 features being walkable, keeps us weird. I mean,
5 we have a local who wants to do it, and I think
6 it's that that's really important and we should
7 support the guy and figure out who we want to be
8 as we develop, because it's all coming up this
9 way, and this is a pretty cool plan.

10 That's all.

11 KEITH HOLEWINSKI: Thank you.

12 EVELYN WELLS: Evelyn Wells. 5205 US
13 Highway 42 North. And it is in Brown Township.

14 I just want to say I am in support of
15 the Sheets family. To me, the Sheets had a dream,
16 had a plan, it was approved, and oh my gosh, they
17 succeeded. It just -- to me, it doesn't feel good
18 to say you were too successful. Now we are not
19 going to help you grow and become something
20 bigger.

21 I feel like one of our own did the
22 thing, did the dream, put it all together, and we
23 were all a part of that original dream. How dare
24 us now say, but now you've become too successful,

1 now we can't move forward and allow you to
2 continue to grow and possibly become something
3 bigger.

4 Five years ago, think of all of the
5 things that weren't around us besides Henmick.
6 36/37, all of the housing and the development.
7 All of that in conjunction with Henmick, is what's
8 bringing traffic and people to our area. Yeah,
9 five minutes away is Sunbury or Delaware. I don't
10 want to go there. I want to come here. I want my
11 family to come here. I want to eat here, play
12 here, and meet and connect with my friends here.

13 In 30 to 50 years, a couple of us might
14 still be here. Most of us will not be here. No
15 one will remember this meeting tonight. But we
16 can say this is our opportunity to preserve and do
17 something right for our kids and their kids for
18 the future rather than, you know, yes, traffic is
19 a mess; yes, traffic stinks, but let's just do
20 it -- let's work it out and do it together, not
21 only for Henmick but really for everyone in this
22 community.

23 Thank you.

24 KYLE VANDERHOFF: She beat you.

1 NICOLE MARRONI: My name is Nicole
2 Marroni. I live at 4179 North Old State Road, so
3 really, really close.

4 I'm going to go ahead and just read
5 because I want to make sure I hit everything. I
6 don't want to repeat what other people have
7 already said.

8 Before I start, I want to acknowledge
9 that we are here on the ancestral homelands of
10 the Wyandot, the Shawnee, the Seneca people. And
11 so I understand that many here in this community
12 are very concerned with maintaining the rural
13 features of the area and we fear encroachment.

14 I would like to remind everybody here
15 that we are all in the same community. And this
16 land has already been encroached on, right, by
17 turning the lush forests and the waterways into
18 agricultural ecosystems that have drastically
19 changed the land that we're talking about here.

20 The development and the land change is
21 already here. The Sheets family plan is a
22 wonderful solution to keep this land as natural as
23 possible and prevent future unwanted encroachment.

24 As a close neighbor of Henmick Farm and

1 Brewery, I want to add my voice to the many who
2 support the Sheets family venture. I am grateful
3 to have such a thoughtful and congenial community
4 member as my neighbor.

5 I appreciate Mr. Sheets' approach to
6 entrepreneurship and genuinely welcome his ideas.
7 Mr. Sheets went out of his way on several
8 occasions to offer me information about his
9 development plans in advance and welcoming any
10 feedback, any disagreement, any openness and
11 collaboration. He didn't have to do that. I felt
12 valued as a neighbor and confident that his
13 contributions to the community would work
14 together.

15 It is important to know that while I've
16 heard the other neighbors who struggle with
17 aspects of his business -- I hear everybody's, you
18 know, concerns -- I personally can look out my
19 kitchen window and see the parking lot. I can
20 look out my kitchen window and see everything
21 that's happening. I can sometimes even stand in
22 my backyard and hear some of the music. And
23 sometimes it's good. Sometimes it's not. But
24 it's not so loud that it's actually bothersome.

1 I actually was concerned about drunk
2 drivers or people leaving and having anything
3 happen in my yard. I've got young kids. I've
4 seen none of that. It's all been very subdued.
5 I've been actually very excited to invite people
6 to my home, to my property to then go to Henmick
7 have fun there and come back to my property and
8 camp for a sleepover. It's a wonderful time.

9 Light pollution is a big deal to me. I
10 haven't noticed anything that wouldn't have
11 already been here anyway in terms of light
12 pollution.

13 So as a whole, I just want to let you
14 all know that I value Henmick Farm and Brewery's
15 impact, and I'm very excited, very excited about
16 the walkable nature and everything that is coming
17 here for Kilbourne. I would love to be able to
18 ride my bike. I want my kids to be able to run
19 around the village.

20 So I just want to offer my support here
21 and just say that I hope that there is a lot of
22 positive intent behind it for the Sheets family
23 and what they are doing here.

24 JARED WELLS: Jared Wells. 5205 US 42

1 North. My wife pretty much already spoke for both
2 of us.

3 But the main thing I think about when I
4 think about Henmick, the keyword for me is
5 quality. I think about a lot of times you see
6 apartment complexes, fast food joints going up all
7 over the place. And knowing what they're wanting
8 to do and the quality they present to our
9 community with what they're wanting to do overall,
10 I think we would be foolish to pass it up. I
11 understand the concerns of some people live nearby
12 and everything, but I think if you were given a
13 choice between, hey, somewhere down the road
14 you're going to have an apartment complex, fast
15 food joint, or you can have this and the way that
16 they've gone through with the quality, I think
17 it's well worth it. And we are 110 percent
18 behind. Thank you.

19 MARY FLEMING: Thank you so much for the
20 opportunity. Mary Fleming. 4716 North Old State.
21 I am Nick's next-door neighbor.

22 And I am also the ancestor of the first
23 permanent settler here in Brown Township. I would
24 like to think the pioneering spirit that Daniel G.

1 Thurston brought might be used as we try to
2 address some of the questions and concerns that
3 are being raised here by our fellow citizens.

4 I am not opposed to Henmick. I've had
5 fun there. Thank you, Nick. And I hope we can
6 continue to look at some of the questions and
7 concerns that are being raised by people.

8 First off, the conservation easement
9 actually was discussed well before Henmick
10 happened. I was in some of those conversations,
11 frankly. And it also will raise our taxes when
12 the property values go up for those of us who do
13 have legacy farms here in the area, and that is
14 one of the reasons why some of the farms get sold
15 out, is because property value is raised too
16 quickly and too high.

17 Having said that, I enjoy Henmick, and I
18 hope that we can address some of the issues that
19 are real issues.

20 The traffic issue is a big concern. I
21 have had people step out in front of me and stop
22 in the middle of the street. And that happens
23 even when there was somebody there in the
24 reflective vest. And I find that very scary when

1 I drive down North Old State Road.

2 And it is a road, not a street.

3 I also think that it's kind of sad to
4 see that the historic building will be gone. I
5 wish you could find a way to incorporate the
6 existing house.

7 NICK SHEETS: It is.

8 MARY FLEMING: Good. I appreciate that,
9 and I'll look forward to hearing more details
10 about how you do that.

11 The house there, as I understand it, was
12 the first schoolhouse here, and it was the site of
13 the first church as well. My ancestor was the
14 first cabin south of that site. The site where I
15 live was one of Daniel G. Thurston's coinvestors
16 in the salt lands mining that happened east of
17 town here.

18 I think the concerns are real, and I'm
19 sorry you made it sound like people shouldn't have
20 their concerns, because each person experiences
21 their community in their own way. And the traffic
22 is a big concern to me. The people who were on
23 our farm in our barn the eclipse day were a
24 concern to me because they didn't have a need to

1 be on our farmstead. They didn't have a need to
2 be in our barn.

3 So I think there are real issues as we
4 bring more people to the area. I think there's
5 real issues as we develop, and I look forward to
6 continuing that conversation. I did not get the
7 invite to the May meeting, and I'm sorry I didn't
8 because I would have been here.

9 I'm happy to talk with anybody with
10 further ideas about how we could make things
11 better and still preserve the rural farmland that
12 we have here in Brown Township. The soil type is
13 ideal for farm production. And I appreciate the
14 ability and the desire to preserve our farmland
15 into the future.

16 Thank you very much.

17 DOUG DAWSON: I'm Doug Dawson. I live
18 at 2831 Bowtown Road, Delaware.

19 I was born and raised in this community.
20 I've lived here 65 years. I went to school at the
21 Brown School that used to sit right here.

22 I've known three generations of the
23 Sheets family. Our family -- my father and his
24 grandfather were trustees. Did not serve in this

1 building, of course, but they were trustees
2 together for over 30 years.

3 The Sheets family has a history of
4 giving back to Kilbourne and their community.
5 They've been strong stakeholders. Nick's dad was
6 also a trustee. I served on the Del-Co Water
7 board with his dad, and previous to that, his
8 grandmother.

9 Farmland preservation is in the
10 forefront of my mind. If you look out my window,
11 a quarter mile south is 36/37. I keep telling my
12 kids they will not retire there. The land will
13 get too valuable.

14 We raise hogs. You've smelled me before
15 all over the township.

16 UNIDENTIFIED SPEAKER: Smells like
17 money.

18 DOUG DAWSON: Not today.

19 But, you know, controlled use of land,
20 I -- I'm not going to talk for 20 minutes, but
21 when I get surrounded with houses, I will be out
22 of the hog business. Not by choice. By force.
23 There's some laws that will protect me for a
24 certain time limit, but attorneys keep dragging

1 you into court, and some day you'll run out of
2 money and you'll get tired and you'll give up.

3 So planned uses like this, homegrown
4 businesses. There's too many absentee landowners
5 in Brown Township. This township will get
6 developed. There will be houses. I wish it could
7 all be controlled small businesses and family-run
8 businesses. It won't be.

9 But if we can keep Kilbourne strong --
10 and I think everybody in this room is going to
11 have to work on the traffic issue. I know there
12 was some things at the informational meeting about
13 flashing signs. And Kilbourne just might have to
14 get big enough to have a cop. Because the only
15 time I ever see anybody drive 35 on this road is
16 when there's a sheriff or state trooper sitting
17 there.

18 I am in support of Henmick.

19 MARK DENNIS: Hi. I'm Mark Dennis.
20 4787 Bowtown.

21 I'm like Doug. I've lived there 63
22 years. He's just a couple years older than I.

23 MARY FLEMING: And I'm older than both
24 of you.

1 MARK DENNIS: My comment is it's not
2 Nick's fault that he has a really successful
3 business that's took off well beyond everybody's
4 expectations. The parking lot up there was put in
5 to get people off of parking on each side of the
6 road from clear down Kilbourne, clear up and
7 beyond Mary's house. It's -- that was the reason,
8 to get the vehicles off the road.

9 As for traffic, traffic is going to keep
10 getting worse. It's going to -- people -- as more
11 people move into the area, it's just going to get
12 worse. It's going to get worse whether Nick's
13 there or not.

14 And as for the speed, you know, like
15 Doug, this might be the time for Brown Township to
16 have a police officer to control the speed. I
17 keep hearing we want to change the speed limit to
18 25 on Old State through Kilbourne. And what makes
19 you think that anybody's going to drive any slower
20 than they do now? Because there's no enforcement
21 here except once in a blue moon. There's no
22 enforcement.

23 So, you know, I think the old traffic
24 study is done, and I keep hearing well, you need

1 to do more traffic studies, but -- because of the
2 speed. So -- and the auto -- the accidents we
3 have, we've had accidents at that intersection all
4 my life. We've had bad accidents. We've had
5 fatals at that intersection well before Nick even
6 thought about doing this.

7 And, you know, we talked -- at the
8 meeting the other night, we was talking about --
9 he was talking about accidents involving a cement
10 truck clear out at, like, North Galena Road.
11 What's that mean to anything? What's that got to
12 do with Nick and any of this?

13 And -- let's see. That would be like me
14 talking about the 17-year-old kid I took care of a
15 couple days ago that was shot three times, you
16 know. That doesn't mean anything to this.

17 KEITH HOLEWINSKI: Time.

18 MARK DENNIS: And let's see what else.
19 There was something else I wanted to talk about.

20 Okay. I can't remember what else I
21 wanted to say.

22 KYLE VANDERHOFF: We put a cap at 9:00,
23 so I just want to make sure everybody is aware
24 we're 10 minutes from there.

1 Definitely want to take yours. If
2 there's any -- we've heard a lot of positive
3 comments. If there are folks that want to speak
4 up in dissent, now is your time.

5 DANIELLE WOLF: Danielle Wolf. 3452
6 North Old State Road. I'm speaking in support of
7 Nick and his family.

8 I think that he cares about our
9 community and what is happening at his property,
10 and I believe that he wants to maintain the
11 integrity of his family farm and the rural aspects
12 of our village. I believe he has good intentions
13 for Kilbourne, and I'm very happy for his success.

14 I hope to see him be able to further his
15 success there, and if this is how it has to be, I
16 don't think that it has -- I don't think he has
17 ill wishes for development of that property.

18 So that's all I was going to say.

19 KEITH HOLEWINSKI: Thank you.

20 Anybody else?

21 MARK DENNIS: I remember what it was.

22 You know, if you don't want something
23 like Nick's thing -- Nick's facility up there, I
24 had the ability to bring Dollar General to town,

1 so, you know, with crap through doors and box
2 stuff piled everywhere. So that's always another
3 option.

4 KYLE VANDERHOFF: Duly noted.

5 One more?

6 ROD HARP: My name is Rod Harp. I live
7 at 6237 Kilbourne Road.

8 And I've lived in this community for
9 67 years. Seen a lot of changes in this
10 community. A lot of things are changing.

11 But I know when we talked at the
12 informal meeting, I don't think they were
13 committing to keeping the same hours and stuff.

14 Am I right, Nick? You said you -- you
15 said you're not a bar but you have a liquor
16 license, and you close down at 10:00, right?

17 Are you -- is this going to continue
18 once you're commercial?

19 NICK SHEETS: I can't -- I mean, my
20 business needs haven't changed. So if -- I do
21 those hours because I don't want people late in
22 our rural community. That's how -- that's why I
23 have 10:00.

24 In terms of adjusting hours, I don't

1 go -- you know, I'm open Thursday through Sunday
2 because there's a business reason. If I was open
3 Wednesday, nobody would be there.

4 So I can't commit to hours right now,
5 but if there is a need in the future where -- and
6 the reason why we open Thursday is because we shut
7 down at 10:00. We don't stay open until 12:00 or
8 1:00 or 2:00, extending those hours, so we have to
9 make up that revenue somewhere.

10 ROD HARP: But you could if --

11 NICK SHEETS: I could. I could stay
12 open until 1:00 or 2:00 in the morning if I chose
13 to. I choose not to.

14 ROD HARP: But you may in the future?

15 NICK SHEETS: No. I don't know that,
16 but there's no reason to change my business
17 because that's who we are. I don't want to. I
18 have three years of closing down at 10:00.
19 Three years. And we've been successful enough
20 within those hours, so why would I change that?

21 ROD HARP: Okay.

22 Well, I'd just like to say I think
23 what's before us is this community needs to decide
24 if they're going to be a quiet community or a

1 party town. We really don't -- I don't know how
2 to put it otherwise, but the way the brewery is
3 operating now is fine, but I know it's not legal.
4 So we have to decide what we're going to do about
5 that.

6 The other thing is the noise. This has
7 always been kind of a quiet community, and I can
8 hear the music from the brewery presently at my
9 house at 6237 Kilbourne Road. So, you know,
10 that's not all the time because he's not open all
11 the time, but that is the concern for me, is the
12 noise as well as the congestion.

13 I know the traffic accidents and stuff
14 aren't Nick's fault. We've got traffic in this
15 community growing by leaps and bounds. But we
16 don't need a lot to add to it either.

17 KYLE VANDERHOFF: I think we've got time
18 for one more.

19 KEITH HOLEWINSKI: How many people still
20 want to speak? Two?

21 KYLE VANDERHOFF: All right. We can get
22 those.

23 You're first.

24 VONDA PARKS: I'm Vonda Parks. 2415

1 North Old State.

2 I guess my question is, do you want to
3 be residents or do we want this to be a
4 destination area? When we first got the -- I
5 think it was the petition to sell beer up there,
6 okay, that's nice. That's nice for the residents.
7 We can have pizza, we can have beer, it's local,
8 and it's nice. But now it sounds like our goal is
9 to bring everybody else here and to be driving up
10 and down our streets. Then what happens? Then we
11 have to expand the roads to accommodate all of the
12 new traffic. 400 spaces sounds like a lot. It
13 sounds like every weekend all year long forever is
14 going to be 4th of July weekend at the lake.

15 I don't want to live like that. I
16 didn't move to Sawmill and 161. I moved up here
17 very much on purpose.

18 And this all sounds very nice. I'm not
19 at all criticizing the plans. It's beautiful.
20 You seem nice.

21 KYLE VANDERHOFF: Ma'am, sorry to cut
22 you off. We just got a tornado warning for
23 Delaware County. I just want to make everybody
24 aware of that. It looks like it's north of us,

1 but I encourage you to take a look. I want to err
2 on the side of caution.

3 To the extent that we want to shelter, I
4 would say the kitchen and the bathrooms are the
5 best places.

6 Sorry to cut you off. My wife was
7 calling me, so I listened to her.

8 KEITH HOLEWINSKI: I guess we'll leave
9 it up to the individual if they want to shelter.
10 Otherwise, if you want to finish.

11 VONDA PARKS: Okay. My last thing was
12 this sounds like it's going to be so successful
13 you need 400 spaces. Our church doesn't have 400
14 spaces. Let me start with that.

15 But if it's that busy and will continue
16 to grow where everyone else coming out because it
17 is a destination place, we're going to need to
18 widen roads. We will lose our front yard. I
19 don't know who else will. We're right up on the
20 road. I don't know, they may say, well, your
21 house can't possibly be there, and take our house.
22 We moved into the 150-year-old farmhouse down
23 there.

24 I don't want to lose my home for beer.

1 I just don't. I love this place, and I know you
2 all want to try to preserve the ruralness, and so
3 does Henmick. And it just seems like you have a
4 lot to lose also. Now, I don't want an apartment
5 complex there, but I want to be sure we're not
6 just bringing everyone else into our home. I'm
7 not here to entertain all of central Ohio.

8 Thank you.

9 KEITH HOLEWINSKI: Thank you.

10 And then we had one more in the back?

11 KYLE VANDERHOFF: Tornado warning scare
12 you away?

13 KEITH HOLEWINSKI: Is anybody else?
14 Last chance.

15 Closing remarks from you and then we'll
16 give our notice and adjourn.

17 REBECCA MOTT: Great. Thanks.

18 I do have 20 letters of support that are
19 additional supportive letters. I was going to
20 read through some of the quotes of some of the
21 letters but we don't have time.

22 But I'll give you this for the record.

23 KYLE VANDERHOFF: That's fine.

24 REBECCA MOTT: And just a brief comment

1 on the traffic.

2 So any applicant of any development has
3 to submit a traffic study to the reviewer, the
4 jurisdiction that has review power. In this case
5 for this road, it would be the county engineer.

6 So that memo was submitted to the county
7 engineer related to the data and the perimeters --
8 parameters of the traffic study that would be
9 conducted, and that was approved, and then we
10 submitted the traffic study to the county
11 engineer.

12 So the county engineer will look at the
13 traffic, you know, access study, will look at all
14 of the conditions, the generation of traffic, will
15 understand what is existing conditions that are
16 not Mr. Sheets' problem, but he is required under
17 law to make any public infrastructure improvements
18 that his development creates and generates. And
19 your county engineer is going to make sure that
20 all of the standards are met, and they provide
21 that review and that approval.

22 So you can be assured the traffic study
23 and all of those results and conclusions will be
24 in compliance with the law.

1 And that's all I wanted to say.

2 But we do request your recommendation of
3 approval of the rezoning to the PC district. And
4 I know that we're -- we've submitted a final
5 development plan application. Honestly, I think
6 we could run through that in 15 minutes, because
7 it's -- these plan sheets make up the final
8 development plan, and so long as they
9 substantially comply with the zoning text in the
10 zoning application, then this is an administrative
11 act that, if they substantially comply or
12 100 percent comply, it must be approved.

13 So we would suggest we just take an
14 extra 15 minutes to run through the plan sheets
15 with you.

16 If you have questions of those plan
17 sheets, because we did file that, and it would be
18 very brief.

19 CHRIS RINEHART: Mr. Chairman?

20 At the very beginning, it was
21 represented there would be an opportunity for
22 public comment on the separate aspect of the final
23 development plan. I certainly have comments about
24 that because I don't think all of the information

1 that was required to be submitted has actually
2 been submitted for your consideration.

3 So I -- I don't think it's going to take
4 just 15 minutes. So if the intent is to have that
5 discussion, then I would recommend, if your intent
6 is to end at 9:00, then to table it and continue
7 to a later date for that consideration.

8 REBECCA MOTT: I could make another
9 suggestion. Maybe Mr. Rinehart could suggest
10 which item he thinks is not -- has not been met
11 and we can debate that for 15 minutes. Because
12 literally these plan sheets are already in your
13 packages. You've had substantial time to review.
14 Plus it, again, complies with all of the zoning
15 text related to landscaping plans, civil sheet,
16 overall site plan, the tables of the divergences.
17 The requirements match the setbacks. The
18 requirements match the parking standards of the
19 text.

20 I don't have to run through all of that.
21 I could be satisfied that, with the sheets you've
22 seen and the text, that they comport with each
23 other. But I would like to have 15 minutes if he
24 wants to discuss what item it is that he thinks we

1 don't come apply.

2 CHRIS RINEHART: I think the opportunity
3 was to be given to the entire room if they wanted
4 to comment on the second round.

5 KEITH HOLEWINSKI: Right. I'm seeing a
6 couple heads shake yes, that there might be other
7 additional public comment.

8 KYLE VANDERHOFF: Our regularly planned
9 meeting tomorrow is always open to the public.
10 I'd say that if we can -- we can account at least
11 half of that time -- it's always an hour -- we can
12 account at least half, if not more of that time
13 tomorrow night, for the sake of everybody's
14 safety. And that is when we would make our vote
15 as well.

16 So for those of you who would like to
17 join, we can do that tomorrow night.

18 If everybody else is good with that on
19 the Board.

20 REBECCA MOTT: I have a question.

21 So are we concluding the rezoning agenda
22 item this evening, and therefore tomorrow is not a
23 continuation of the rezoning but just the start of
24 the final development plan agenda item?

1 KEITH HOLEWINSKI: Correct.

2 KYLE VANDERHOFF: Yes.

3 REBECCA MOTT: Okay.

4 KEITH HOLEWINSKI: We will conclude the
5 first part, which is rezoning to PC. Tomorrow
6 will be additional final development plan.

7 REBECCA MOTT: Okay.

8 KEITH HOLEWINSKI: Would that work for
9 you?

10 REBECCA MOTT: That's fine.

11 Yes. So let's just -- so tomorrow when
12 the matter opens up, would you be deliberating on
13 the zoning first and making a conclusion and a
14 decision first and then open up the meeting for
15 the second agenda item, the final development plan
16 application, since we have not started that one?

17 KEITH HOLEWINSKI: No. Probably make
18 both at the same time.

19 REBECCA MOTT: No?

20 I would like to request that we -- since
21 we've heard all of the evidence and the public
22 comment period is apparently closed this evening
23 for the rezoning application, that the Board
24 deliberate and make their conclusion and decision

1 on that application item first before opening up
2 the agenda item for final development plan
3 tomorrow.

4 KYLE VANDERHOFF: That's fine with me.
5 I think that makes the most sense.

6 KEITH HOLEWINSKI: Okay.

7 REBECCA MOTT: Thank you so much.

8 CORY GOE: Can you guys clarify that?

9 Cory, C-O-R-Y, and the last name is Goe,
10 G-O-E, from the county prosecutor's office.

11 Can someone just succinctly state that
12 to the crowd so that they know if anyone wants to
13 come tomorrow what they will or will not be
14 permitted to speak about or what will be discussed
15 tomorrow?

16 And then there probably needs to be at
17 least some motion or some discussion of that so
18 that everyone is on the same page.

19 KEITH HOLEWINSKI: Okay. So tomorrow's
20 meeting, the first part of that meeting will be
21 for us, the Board, to make the decision --
22 discussing the decision of rezoning to PC with no
23 public comment associated with that, because that
24 will have concluded as of this evening.

1 And then the second part will be the
2 final development plan, which will be a
3 presentation and public comment followed by a
4 Board decision on that particular item.

5 KYLE VANDERHOFF: Does that work?

6 CORY GOE: That works for me.

7 KYLE VANDERHOFF: Any questions on that?

8 UNIDENTIFIED SPEAKER: What time is the
9 meeting?

10 KEITH HOLEWINSKI: 7:00. It is our
11 standard Thursday meeting for zoning. We will be
12 here at 7:00.

13 UNIDENTIFIED SPEAKER: Is there a reason
14 the zoning commission is not making the rezoning
15 decision tonight as we've went through this whole
16 discussion?

17 KEITH HOLEWINSKI: Yes. Because I want
18 to -- I want to -- personally, I want to take in
19 the public's consideration to review some of the
20 stuff that we've gone over and then again for us
21 to discuss that as a group tomorrow.

22 KYLE VANDERHOFF: Barring no other
23 questions, I make a motion to adjourn.

24 KEITH HOLEWINSKI: We will table this

1 until tomorrow.

2 IAN CAPWELL: I second.

3 KEITH HOLEWINSKI: All those in favor
4 say aye.

5 (All say aye.)

6 KEITH HOLEWINSKI: Any nays?

7 All right.

8 - - -

9 Thereupon, the proceedings of June 5,
10 2024, were concluded at 9:05 a.m.

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CERTIFICATE

I, Sara S. Clark, RPR, CRR, CCP, CBC, a Notary Public in and for the State of Ohio, do hereby certify that I reported the foregoing proceedings and that the foregoing transcript of such proceedings is a full, true and correct transcript of my stenotypy notes as so taken.

I do further certify that I was called there in the capacity of a court reporter, and am not otherwise interested in this proceeding.

In witness whereof, I have hereunto set my hand and affixed my seal of office in Sunbury, Ohio, on this 25th day of June, 2024.



Sara S. Clark, RPR, CRR, CCP, CBC
Notary Public, State of Ohio

My commission expires: March 10, 2028