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2 BROWN TOWNSHIP, OHIO

3 ZONING COMMISSION

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5
6 PUBLIC HEARING RE: HENMICK BREWERY

7 JUNE 6, 2024

8 7:02 P.M.

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12 COMMISSION MEMBERS IN ATTENDANCE:

13 Keith Holewinski, Kyle Vanderhoff,

14 Jeremy Williams, Ian Capwell, and Stan Bean

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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'm going to call the
5 meeting to order.

6 First is the pledge of allegiance, if we
7 can all stand.

8 (Pledge of allegiance.)

9 KEITH HOLEWINSKI: So first order of
10 business is anybody that wants to make public
11 comment tonight needs to be sworn in. And prior
12 to that, we need to make sure that you've signed
13 in.

14 So if you want to make a public comment
15 tonight, make sure you signed in, and then Sara
16 will swear everybody in.

17 (Oath administered.)

18 KEITH HOLEWINSKI: Also of note, last
19 night we heard the rezoning to planned commercial.
20 We noted in the meeting that there would be no
21 public comment for that and that we would take a
22 vote on that first, and then after that, then we
23 would hear the final development plan. And we
24 will have them present and then have public

1 comment on that piece and then vote after that.

2 The rules are the same as last evening.
3 We'll limit each person to three minutes of public
4 comment, and then if we get repeats of the same
5 comment, we'll ask that you move on.

6 We were looking at an hour, but we may
7 go beyond that based on public comment.

8 With that, I'll call roll for who is
9 here.

10 Kyle Vanderhoff?

11 KYLE VANDERHOFF: Here.

12 KEITH HOLEWINSKI: Ian Capwell?

13 IAN CAPWELL: Yes.

14 KEITH HOLEWINSKI: Jeremy Williams?

15 JEREMY WILLIAMS: Yes.

16 KEITH HOLEWINSKI: Stan Bean?

17 STAN BEAN: Here.

18 KEITH HOLEWINSKI: And Keith Holewinski,
19 here.

20 With that, we have the opportunity to
21 ask questions, clarifications, before making a
22 vote. So I will open it up to the Board if they
23 have any questions or comments.

24 KYLE VANDERHOFF: Based on Regional

1 Planning's feedback, is there or was there
2 consideration to add more trees to parking and
3 anything like that?

4 REBECCA MOTT: The general support of
5 the Delaware County Regional Planning Commission
6 pertained to the uses and generally the planned
7 district that we were going for.

8 The denial really, in our opinion -- and
9 I think if you look at the conclusion of the
10 report, the staff report anyway, it talked about a
11 subarea plan in the comprehensive land use plan
12 for which portions of this property are in that is
13 called the conservation resource district. And we
14 opined last night, we believe this property or
15 portions thereof would be in that district to
16 begin with due to Alum Creek lake and the federal
17 lands to the east of us.

18 Our property, the brewery, the Henmick
19 property, we believe -- well, first it's
20 commercial use and it's already established, so
21 it's a commercial use in that subarea already.
22 That use can remain regardless of any
23 determination relative to this zoning application.

24 So this zoning application was triggered

1 by that parking lot. That's off site, across the
2 street. However, we have something to help you,
3 because we believe the Delaware County Regional
4 Planning Commission was wrong with their mapping
5 and their subarea determination for the property.

6 We have determined through our engineers
7 who are engineers and looked at the verbiage of
8 the subarea and its territory and its bounds in
9 comparison to the map that it reflects, and
10 they're in conflict with each other. The map is
11 in conflict with the verbiage.

12 So we brought that to your attention
13 today, at least from the staff perspective. So I
14 would like to have Aaron just come up here and
15 address -- because he's the expert on the mapping,
16 to show you an illustrative map that will help
17 guide you in your question from the Delaware
18 County Regional Planning Commission, because we do
19 believe their vote was about commercial, not about
20 landscaping, not about the divergences, not about
21 street treatment.

22 AARON HEYDINGER: Aaron Heydinger,
23 Gandee Heydinger Group. 5676 Kilbourne.

24 So the map here before you is --

1 basically it's -- there's a definition of the old
2 village of Kilbourne area and then there's another
3 way it was depicted in the comprehensive plan.

4 The comprehensive plan, it's obvious you
5 can see a little bit of one area, it's the area
6 west of the plotted lots and plotted lots north of
7 State Route 521 and then it goes north.

8 By the bounds described, the way we've
9 mapped it, 1,600 feet north of State Route 521 and
10 is bounded on the east boundary of the lot on the
11 east side of North Old State Road. If you take
12 that map, it basically goes up to the south edge
13 on the west side, that parcel, but where the
14 brewery sits today, it incorporates a few
15 hundred -- couple hundred feet of that actual
16 commercial -- where the commercial brewery is
17 today.

18 So that's what we talked to Regional
19 Planning about, and they agreed that there's some
20 discrepancy between the text and the way the maps
21 are presented. Like I said, we believe the old
22 Kilbourne area actually is into the brewery
23 property.

24 If you have any questions, I can answer

1 them.

2 IAN CAPWELL: Are you saying that the
3 text is different than the map that we have on our
4 comprehensive plan?

5 AARON HEYDINGER: Yeah, that's correct.
6 There's a conflict between our comprehensive plan
7 map and the verbiage in there. So if you look at
8 the verbiage on the right side of the page, the
9 1,600 feet, we have done an overlay of how that
10 looks, and you can see how it overlays over top of
11 the brewery property on the east side and the west
12 side. And then you can see how in the mapping,
13 they've actually expanded it way beyond the
14 850 feet. So it is overlapping on to the brewery
15 property.

16 REBECCA MOTT: Aaron, could you describe
17 to the commission the red versus the orange, the
18 actual versus inferred. Over here, these orange
19 and red dashes.

20 AARON HEYDINGER: Oh, okay.

21 So the red boundaries are -- if you
22 follow the text verbatim, that's your 850 feet
23 west of North Old State Road and 1,600 feet north
24 of Kilbourne going to the east property line of

1 the east lots.

2 So then there's an orange one, which the
3 way the map has been done, they're including all
4 of the parcels on the west side that are included
5 in this and on the east side for where the Henmick
6 Brewery is has just been left off altogether.

7 So the orange shows basically properties
8 that are included in the old Kilbourne area if you
9 bounded it the way the ones on the west side are
10 to the east, the brewery is in the old Kilbourne
11 area.

12 REBECCA MOTT: Do you mean follow the
13 property lines, the parcel lines?

14 AARON HEYDINGER: That's correct.

15 REBECCA MOTT: Okay. He followed the
16 parcel lines to come up with the orange dashed
17 mapping.

18 So I can follow up with what that means.
19 That means a portion of the property, we believe,
20 is actually in Subarea 3, old village of
21 Kilbourne. And if you looked at the comprehensive
22 land use plan for that on Page 81, the land area
23 involved in that subarea is 107 acres. And it
24 definitely desires and recommends, as an

1 objective, township parks, a small town feel with
2 commercial activity, and to maintain the
3 traditional pedestrian-oriented character of the
4 village, and to get people linked by pedestrians
5 and vehicle traffic in the commercial corridor to
6 encourage other commercial enterprise and services
7 and goods to people.

8 So shops, offices, parking lots,
9 browsing, mixed land uses, walking distance
10 centers to the edge of the village, all of these
11 things are elements on Page 81, including
12 architectural standards that we have developed and
13 provided in our zoning text and in our plan
14 sheets. And then, again, connections by multiuse
15 paths, village green areas, and pocket parks.

16 So with all of those elements, portions
17 of our property are in this commercial section for
18 Subarea 3, old village of Kilbourne.

19 KYLE VANDERHOFF: So the only parcel
20 that's not part of the inferred subarea would
21 basically be the parking lot parcels across the
22 street, those two parcels?

23 REBECCA MOTT: Yes. The existing gravel
24 driveway parking area that we would want to expand

1 and have some grassy overflow parking. That is
2 the only use that we have placed in the area that
3 could be in the conservation resource district.
4 And remember, we're doing 93 percent open space
5 farmland area, so most of that 93 percent is in
6 that property to the west.

7 KYLE VANDERHOFF: Thank you.

8 REBECCA MOTT: You're welcome.

9 KYLE VANDERHOFF: I have no other
10 questions.

11 IAN CAPWELL: I just have a few, I
12 guess.

13 I'm a layman. I'm not going to
14 sugarcoat that. I think a lot of people in this
15 room are probably laymans as well.

16 I'm looking at -- I have some opposition
17 questions and some affirming questions here.

18 I'm looking at a layman's map on our
19 comprehensive plan that shows this critical
20 resource district going all the way north in our
21 entire township along the water, even west of the
22 water. So, I mean, if there's legal words that
23 are wrong, you guys are going to deal with that in
24 courts. That's not got nothing to do with me. If

1 somebody looks at this map, it shows it's part of
2 a critical resource district.

3 REBECCA MOTT: May I ask what page
4 you're looking at, what map?

5 IAN CAPWELL: It would be 87.

6 REBECCA MOTT: 87 of the comprehensive
7 land use plan?

8 IAN CAPWELL: Yes.

9 89, I think, is what you guys gave us,
10 which doesn't show everything up north.

11 REBECCA MOTT: Could you give us a
12 second to pull that map up so we can at least see
13 it, or do you have a second copy of it?

14 IAN CAPWELL: I only have mine.
15 Whatever you need to do. I'm not trying to argue
16 it. I'm just trying to bring this down to my
17 level, I guess.

18 REBECCA MOTT: Yeah. I just need to see
19 what you're looking at.

20 There's all kinds of mapping in the
21 comprehensive plan.

22 IAN CAPWELL: It's not actually
23 numbered, but it's right after 86.

24 REBECCA MOTT: Yes. This follows that

1 map that Aaron passed out to you. This is the
2 same zoomed-in map of the map Aaron gave, with
3 this map zoomed in on the left. Same map.

4 IAN CAPWELL: The one he gave us was
5 south of there. Where did that one go now?

6 REBECCA MOTT: Right. We zoomed it in
7 to the Henmick properties, the properties that are
8 subject to this zoning application.

9 So we're not worried about property that
10 are beyond our boundary lines that our property
11 owner does not control or own. We're only worried
12 about the property subject of this rezoning
13 application.

14 IAN CAPWELL: Sure. No, I get it.

15 REBECCA MOTT: Yes.

16 IAN CAPWELL: I'm looking at -- I don't
17 want to try to argue this because I'm not an
18 arguer. I can see Leonardsburg Road, and it keeps
19 going north from there. I'm just looking at the
20 map the way it's drawn. I'm not trying to argue
21 that.

22 And then I do try to look through the
23 NAICS codes, and I'm struggling to find where that
24 even fits. Do you have actual code numbers that

1 fit your requested uses?

2 REBECCA MOTT: Yes. They're in the
3 zoning text. Every single use that we've
4 proposed --

5 KEITH HOLEWINSKI: Page 5.

6 REBECCA MOTT: Page 5 of your zoning
7 text lists all of the permitted uses and the
8 actual classic --

9 IAN CAPWELL: You're talking about our
10 zoning text or the text that you've provided?

11 REBECCA MOTT: Well, in a planned
12 district, sir, we get to draft our own permitted
13 uses --

14 IAN CAPWELL: Got it.

15 REBECCA MOTT: -- so long as they're
16 comparable to the uses delineated in the zoning
17 code, because that's the whole point of a planned
18 district. To be flexible for a unified
19 development, you should prepare and provide your
20 own uses. So those uses are comparable to the
21 ones listed and delineated in the zoning
22 resolution, but certainly we've expanded and added
23 because we can do that in a planned district, so
24 we did.

1 So these are the uses that are potential
2 uses that the Henmick, LLC would like to have the
3 ability to put on the property. It doesn't mean
4 we're going to do all of these uses. We may just
5 do a handful of them. But certainly this list has
6 the use by name plus the code. We looked each of
7 these up, yes.

8 IAN CAPWELL: Okay. These are fairly --
9 once again, my opinion, fairly creative uses of
10 what's happening there.

11 And this stuff will all move past me,
12 the legal side of stuff, so that's why I'm not
13 sure there's even a point of arguing it.

14 REBECCA MOTT: Well, I don't want us to
15 argue either. I want us to answer your questions
16 and comments. And certainly no one wants to file
17 anything in a court of law or have argument or
18 legal adversarial process. We certainly want to
19 answer your questions.

20 IAN CAPWELL: I generally like the idea.
21 I like what you've done. Okay? I like the
22 thoughts of where the future is to go with it.

23 I can't figure out how it fits into our
24 current zoning, but that's apparently up to legal

1 people.

2 I heard from long-time residents here
3 yesterday. I read through the support they had.
4 I have some great respect from certain people that
5 spoke and wrote letters. So I generally like to
6 lean on that a little bit.

7 And I've lived in the township for about
8 19 years. I still don't think that's long enough
9 for me to have a real say, but I'm on the Board
10 here because nobody else wanted to fill the seat,
11 and I'm here to make a decision, I guess.

12 And generally from what I heard and
13 read, people are -- the people I respect tend to
14 support this, so I tend to try and lean on that
15 pretty heavily.

16 I was very -- I'll just say moved, for
17 lack of a better term, when I heard you talk
18 yesterday, Nick. I liked the way you talked about
19 your family's history and what you want to do with
20 this property. I feel a little bit belittled once
21 legal representatives start to get up here and
22 tell us how this is going to work. And I look at
23 it and I can't figure out how it's going to work.
24 But once again, I'm not part of the legal side of

1 this.

2 Some of the opposition I heard yesterday
3 had to do with the large acreage of property
4 getting turned into commercial. Now, I'd rather
5 not go over the whole "it can't change until
6 there's a new plan comes through." I get that.

7 What was the big holdup on just zoning
8 off or sectioning off the parking area and leaving
9 the large vast farmland FR-1? I think that answer
10 could help some other people in the room as well.

11 REBECCA MOTT: Sure. Yes.

12 So we simply followed the parcel lines
13 as they exist today. That's a very easy solution
14 to just zone the majority of the property that the
15 Henmick, LLC entity owns in this area. I think
16 they have one other parcel we did not include to
17 the south of us. Okay, we have all of them
18 included. It was just simply because that's the
19 way the tracts are parceled off today.

20 So if we were to, say, shrink the zoning
21 territory, there's two ways to do that. We
22 could -- instead of using the legal description of
23 the property as they exist today and pull those
24 from a deed, we would have to draft a new legal

1 description to have a smaller area be the
2 described property for the zoning, and it would be
3 different than the parcel lines, which is not as
4 easy. It's not as easy for enforcement purposes,
5 and it's not as easy to put that together. But
6 certainly we can do that. We're able to do that.
7 We're flexible. We would do that. We can do
8 that.

9 The other option would be to carve up
10 the property with lot splits, but that takes,
11 again, a legal process and an engineering process,
12 legal descriptions, surveys, carving up
13 properties, creating new lot lines, having
14 property in the rear with no access and no
15 frontage, having easements then to gain access to
16 the road from the rear. Lots of issues that
17 raises to start doing lot splits. So it's more
18 complicated to change in both of those respects
19 the configuration of the lots today.

20 We were making it simple. But we've
21 given you the preservation of the farmland and
22 open space by the words of the zoning text and
23 obviously the plan sheets that are referred in the
24 text. So it's easy for you to enforce.

1 IAN CAPWELL: Just a personal struggle I
2 have with turning it into anything else, not
3 commercial, could be industrial, could be --
4 anything else, is the general concept of once it's
5 there, it's never leaving. It's never changing.
6 You said it yourself. The brewery is operating
7 somewhat nonconforming.

8 REBECCA MOTT: No.

9 IAN CAPWELL: Well --

10 REBECCA MOTT: The brewery is allowed by
11 conditional use permit, which is a land use
12 entitlement that runs with the land forever unless
13 the owner breaks the conditions, which we have not
14 done.

15 IAN CAPWELL: I know, but --

16 REBECCA MOTT: Okay.

17 IAN CAPWELL: Even your own words, it's
18 not going anywhere. It's staying forever.

19 REBECCA MOTT: Right.

20 IAN CAPWELL: It's just like a
21 government program. Once it's in, it's not
22 leaving. So --

23 REBECCA MOTT: But the critical piece
24 for us is the gravel parking lot to the west, and

1 that can't fit in the current land use approvals
2 because the conditional use pertains to the
3 parcels east of North Old State.

4 IAN CAPWELL: Right. I get that. I
5 generally support the -- what your plan is to keep
6 the farmland farmland. I like that. My concern
7 is what happens afterwards? Now, I know it has to
8 go through another planned commercial -- come
9 through us and all that. But then there's
10 precedent that's already set for whoever wants to
11 do something different, and that's a new legal
12 argument that's, once again, above my head. But I
13 hear about that stuff happening.

14 So these are just concerns that I have
15 and I'm sure other people have.

16 When I talk about reducing -- just
17 figuring out the parking area, because that seems
18 like the only problem, that seems like what a lot
19 of oppositions' holdup is. Okay, let's get your
20 parking area figured out, let's make that work,
21 but leave the rest of the farmland alone.

22 REBECCA MOTT: Got it.

23 IAN CAPWELL: I like the tool of
24 preserving it now while you have it, but the

1 future is still unknown, even though there's legal
2 methods that it should stay the same. It's
3 just -- doesn't always.

4 REBECCA MOTT: Thank you.

5 IAN CAPWELL: I mean, is there anything
6 to speak on that?

7 REBECCA MOTT: Yes.

8 IAN CAPWELL: I'm struggling with what
9 to do.

10 REBECCA MOTT: And I don't know your
11 last name.

12 IAN CAPWELL: Capwell.

13 REBECCA MOTT: Mr. Capwell?

14 IAN CAPWELL: Capwell, like a ball cap.

15 REBECCA MOTT: I don't have any name
16 plates. I apologize.

17 IAN CAPWELL: That's all right.

18 REBECCA MOTT: Well, if the rest of the
19 commission has that same question and would like
20 us to reduce the land territory to be rezoned, we
21 can certainly do that.

22 And, in fact, because nothing yet has
23 been approved, we are able -- under your zoning
24 code, you can actually support the request, the

1 rezoning effort, and add a condition to your
2 approval that would say something like "Property
3 owner shall provide the zoning inspector revised
4 materials for the rezoning application that
5 reduces the property to be zoned." And I think we
6 have a suggestion on -- we do have an alternative
7 plan I'm going to show you that reduces it
8 substantially, but we would put the acreage in
9 that condition.

10 We would bring in those materials to
11 your zoning inspector. He would just make sure
12 they conform to this Board's order, and that is
13 handled administratively in terms of you made the
14 decision but the land -- all of the sheets and
15 materials and legal descriptions and text changes
16 for acreage and open space would change then.

17 So those items would change. And as
18 long as that conforms to your approval and your
19 conditional approval, that would be approved.

20 So that's a way to handle it. And
21 actually Section T of your Article 14.10 -- I
22 think is the code section.

23 Let me hand this out. I want to hand
24 some things out.

1 These would be the alternative plan
2 sheets that just shrink the territory to be zoned.
3 You can see the bold line.

4 If you want to hand those out to each
5 person.

6 I also have it here.

7 KYLE VANDERHOFF: Generally how many
8 acres is this?

9 REBECCA MOTT: Yes, sir.

10 If we go to the overall site plan, each
11 of the sheets has already been updated to show
12 this alternative plan. That's just a small, minor
13 tweak.

14 And Mr. Sheets is going to put it on
15 this screen here in a minute.

16 You can see this boundary line would be
17 the new boundary line for the west side. We still
18 need some room around the existing gravel parking
19 area for grassy overflow parking and for this
20 potential Phase 2 pink area to expand the lot. So
21 that's why that area is still included.

22 The overall site plan is this plan
23 sheet. It's Number 4. So if we look at the
24 acreage --

1 IAN CAPWELL: Does this maintain your
2 required green space, I assume?

3 REBECCA MOTT: Yes. It exceeds
4 30 percent.

5 Okay. The site area is down here in the
6 site data table, and it says 27.21 acres total.
7 You can see that the open space required at
8 30 percent of the code would be 7.67 acres. This
9 plan would still exceed the open space requirement
10 of 30 percent, and it would be at 15.75 acres.

11 So that's 61.6 percent open space,
12 shrinking that down from the 93, but then you're
13 keeping all of this land in the FR-1 district,
14 which seems to capture your comment/concern about
15 conservation resource district subarea.

16 IAN CAPWELL: Well, not entirely, but...

17 REBECCA MOTT: Not entirely?

18 IAN CAPWELL: Well, like I said,
19 that's -- you're going to get into legal realms.
20 When I look at the picture here, it's all in the
21 conservation resource district.

22 REBECCA MOTT: But we have to look at
23 this property in terms of what features it has.
24 There's nothing in a conservation district here on

1 the land. It has no floodplain. There's no
2 wetland. There's no jurisdictional stream
3 regulated by the U.S. Army Corps of Engineers. So
4 there are no preservation features of the land
5 that need to be conserved in such a manner. So
6 it's an arbitrary term to call this land
7 conservation resource district. And you also see
8 that there's a conflict with the county's own map
9 and verbiage about those subareas. And really the
10 county could work with you to remove this subarea
11 altogether.

12 STAN BEAN: Are you certain that the
13 Corps of Engineers --

14 REBECCA MOTT: For a jurisdictional
15 stream, yes, sir. There's no jurisdictional
16 stream on this property.

17 There could be one down here, but not on
18 this property.

19 STAN BEAN: Oh, okay. I see what you're
20 saying.

21 REBECCA MOTT: There's nothing in this
22 farm field that's a jurisdictional stream.
23 There's no wetland in here, and there's no
24 floodplain. So there are no natural features for

1 which we need to conserve and protect. It's
2 farmland, so it's going to stay in the FR-1
3 district.

4 If you approve of this tweak, this
5 revised set of plans, we can certainly provide you
6 the updated materials, like I said, in a week.
7 That could be garnering maybe your conditional
8 approval that we actually honor that request of
9 yours and provide the materials in compliance with
10 that order. And hopefully that helps you have
11 support for this rezoning application.

12 JEREMY WILLIAMS: If you go for a
13 smaller tract, does that do anything different to
14 the easement in the walking path that's going to
15 go behind the building here?

16 REBECCA MOTT: No. The pink is still
17 the easement for the walking path, and Mr. Sheets'
18 entity will grant an easement to the township for
19 that no matter what.

20 JEREMY WILLIAMS: Will you still do the
21 same landscaping?

22 REBECCA MOTT: We will do any of the
23 landscaping we have already committed to, and we
24 can even talk to you about additional landscaping.

1 We have no issue with that. In fact, I think
2 Mr. Sheets has already stated we would add
3 landscaping up here in this area along the
4 property line, the northwest. Even though this is
5 agricultural and owned by someone, it is a
6 residentially zoned property, we would be happy to
7 put something here (indicating). We're happy to.
8 And that would screen this parking area, buffer
9 it, you know. We could do some evergreens, 6
10 foot, and maybe do staggered rows of evergreens,
11 or we could do deciduous trees with evergreens.
12 Whatever the will of Nick and the Board would
13 determine. Or there might be other species that
14 Mr. Sheets would have in mind.

15 NICK SHEETS: We can look at all of
16 that, whether it be natural or --

17 CHRIS RINEHART: Mr. Chairman, I'm going
18 to -- Chris Rinehart. 4018 North Old State Road.

19 NICK SHEETS: There is no public
20 comment.

21 REBECCA MOTT: Yeah. There is no public
22 comment for the rezoning application.

23 CHRIS RINEHART: Well, I'm going to take
24 a moment and interject an objection --

1 REBECCA MOTT: No.

2 CHRIS RINEHART: -- that this is a
3 biased plan that --

4 REBECCA MOTT: We are going to object.

5 UNIDENTIFIED SPEAKER: Chris!

6 CHRIS RINEHART: I don't think it's fair
7 that a plan that is supposed to be made public --

8 KYLE VANDERHOFF: What's your preference
9 on the two plans? I mean --

10 NICK SHEETS: We can do that. We can do
11 that.

12 KYLE VANDERHOFF: Does it hinder you at
13 all? I imagine --

14 NICK SHEETS: It's got parking and leach
15 fields.

16 KYLE VANDERHOFF: The plan with the
17 development doesn't change. It's just the
18 outline.

19 NICK SHEETS: Yes, we can do that.

20 KYLE VANDERHOFF: Okay. And I imagine
21 that farmland is still leased. I can't remember
22 if it's --

23 NICK SHEETS: It's whatever it is. Ask
24 Doug.

1 KYLE VANDERHOFF: And even if we rezoned
2 all of the parcel, I mean, that amount -- those
3 fields are still going to be leased out and
4 farmed, right? So that -- I was cool with it the
5 big way, but this makes me feel slightly better.

6 NICK SHEETS: I can do that.

7 REBECCA MOTT: May I hand out another
8 handout? This is from your code. I want you to
9 see a provision that would allow you to make a
10 revision in this nature as a condition with no
11 problem at all. It's in your code.

12 May I give you the code?

13 Yes?

14 This is all word for word here from your
15 code. Letter T.

16 KYLE VANDERHOFF: I say we accept it
17 with the --

18 STENOGRAPHER: I need to hear you
19 better.

20 KYLE VANDERHOFF: Oh, sorry.

21 If we were to accept it with that
22 revision, does that alter the second phase of what
23 we're going to speak to of the development plan?
24 Or we're still good because the development itself

1 would be --

2 REBECCA MOTT: That's right. So once
3 the zoning is approved, that's the zoning
4 regulations under the text that control. And
5 those plan sheets that I just committed to that
6 would be revised and submitted to the zoning
7 inspector would also be the same plan sheets and
8 materials for the final development plan, so those
9 would also be simultaneously revised under that
10 same type of condition.

11 And, again, before we get to that
12 matter, I would incorporate all of my comments,
13 all of the testimony, the facts, the exhibits from
14 last night's hearing into that hearing so that we
15 don't have to repeat all of that evidence.

16 But that should be incorporated in that
17 second agenda item. But, yes, every tweak we'll
18 make to a plan sheet can follow through to the
19 final development plan as well.

20 And I want to show you something in this
21 handout. Your own -- well, the text already
22 states in it in the general provisions that you
23 can make adjustments to a planned district zoning
24 by virtue of the final development plan approval,

1 and divergences and variances can be granted,
2 again, by the text and the final development plan
3 approval. Also on this Provision T, it specifies
4 you can grant conditions to change any feature,
5 use, element, characteristic, landscaping, all of
6 that is normal in a planned district without any
7 refileing. So we don't have to refile anything.

8 And also, under that page that's kind of
9 hard to see, it says Page 14.12, that's in your
10 zoning code, that's a page I pulled out, it talks
11 about the types of things that would trigger a
12 modification substantially to a final development
13 plan. But we're not in that realm because there's
14 been no final development plan yet approved.

15 So those things are triggered later, if
16 someone was going to do something later after a
17 final development plan is approved in the first
18 instance.

19 In addition, you can see some support
20 for what I just raised as a condition that your
21 zoning inspector has authority to make sure the
22 plans we would submit would match your order. If
23 you look at J, Administrative Review, "All plats,
24 construction drawings, restrictive covenants, and

1 other necessary documents shall be submitted to
2 the zoning inspector, the zoning commission, or
3 their designated technical advisors."

4 So it's saying any of those people,
5 including your zoning inspector, can review that
6 to make sure the -- to do an administrative review
7 to ensure substantial compliance with the
8 development plan as approved.

9 And remember yesterday I said the final
10 development plan standard is, as long as it
11 substantially complies with the zoning, it has to
12 be approved. That's what that's talking about.
13 So you have support that your zoning inspector can
14 conduct an administrative review and make sure
15 your order is complied with.

16 You can also see the next Section K I
17 embedded there is about the divergences. You can
18 do divergences by both zoning text and final
19 development plan.

20 You have a lot of flexibility in a
21 planned district zoning as the zoning commission.

22 KEITH HOLEWINSKI: So what I was
23 suggesting is we vote today on what was proposed
24 originally, and based on that, whatever that

1 outcome is, if you want a divergence from that,
2 that can be submitted to us after.

3 REBECCA MOTT: Well, may I rephrase?

4 KYLE VANDERHOFF: We can make a motion
5 with the revision.

6 REBECCA MOTT: Yes. That's right.

7 IAN CAPWELL: I'm going to -- sorry. I
8 seem like a stump in the road here.

9 As I stated before, I strongly hold a
10 lot in the testimonies that I heard and read from
11 longtime residents of this township. And without
12 hearing those again, based upon the new changes,
13 I'm going to struggle to even vote.

14 REBECCA MOTT: Well, let's think about
15 that.

16 STAN BEAN: I'm in exactly that same
17 situation. I think we need to come back with a
18 proposal --

19 REBECCA MOTT: Actually, I object to you
20 speaking, sir, because you didn't come to the
21 zoning meeting yesterday and hear the evidence.

22 I would like for you to speak in the
23 next hearing agenda item for the final development
24 plan, but I think it would be improper right -- I

1 do.

2 STAN BEAN: What do you think, Chris?

3 REBECCA MOTT: He can't speak in the
4 zoning meeting for public comment.

5 Can I finish, please?

6 So this Board asked us to consider
7 reducing the size of the zoned territory tonight
8 to capture your interest and support of the
9 project generally, but not to have so much of it
10 zoned because of the concern about conservation
11 resource district, which also is in conflict, and
12 we know that, with the mapping and the verbiage of
13 the Delaware County comprehensive land use plan
14 for Brown Township.

15 So to do that, we need to make tweaks.
16 There will be no change whatsoever to anything in
17 our text that the public has not already seen. So
18 the entire first page is the same. The only thing
19 changing on this page is the acreage. Acreage.
20 And the rest of this is the same.

21 The introduction stays the same. The
22 access is exactly the same, so there's no change.
23 There's no setback changes. There's no height
24 changes. There's no landscaping changes, except

1 we're going to add some more because we think that
2 neighbor to the north might want some. They
3 didn't ask us to. We're just really courteous.

4 I want to finish, please. I'm sorry.

5 The signs will not change. The
6 divergences do not change. The uses, Pages 6
7 through 7, do not change. The lot setbacks do not
8 change. The parking has not changed. The height
9 has not changed.

10 Nothing changes except open space and
11 acreage. It would be -- I think it would be
12 improper for this Board to state we would have to
13 come back and refile or get more opinion or
14 comment in a public hearing setting for a case
15 that we just did in two hours of testimony.

16 IAN CAPWELL: Open space is a lot of the
17 opposition.

18 REBECCA MOTT: Well, then let's go back
19 to the original application and 93 percent.

20 KYLE VANDERHOFF: That's not necessary.

21 I hear that sentiment. I would add, you
22 know, I was also swayed by a lot of the positive
23 comments yesterday. And, you know, if anything,
24 the positivity for the whole 89 was there, and

1 under -- and I'm not a mind reader, but this is
2 gravy to me. I don't see there being significant
3 opposition for shrinking it. If anything, that's
4 icing on the cake for the folks that were already
5 in support.

6 And I hear you say that, but that's kind
7 of where my mind goes with it.

8 KEITH HOLEWINSKI: I don't disagree with
9 nothing changing, but I hear several comments to
10 the zoning as commercial and what that would lead
11 to down the road once it's approved and the NCAIS
12 code which you put on there. That does shrink
13 that. I don't know if that changes the community
14 sentiment on that, shrinking that, so there's not
15 as much that's commercial -- zoned as commercial.
16 But there were several comments on that.

17 REBECCA MOTT: Yeah. The property, if
18 it shrinks to 26 acres of zoned territory, then
19 the uses you see in the zoning text only apply to
20 the 26 acres. Right. So the rest is going to
21 stay in FR-1.

22 KEITH HOLEWINSKI: I understand. I'm
23 trying to see if there's more support from the
24 community based on that. My concerns --

1 KYLE VANDERHOFF: I have to --

2 KEITH HOLEWINSKI: My concerns are more
3 of a safety concern. There were questions raised,
4 is this going to be a destination, do we want it
5 to be a destination, do we want that influx of
6 that number of people. We're talking 400 parking
7 spaces. That traffic, that -- the number of
8 people in the community.

9 I get -- I fully support what Nick's
10 doing, you know, bringing in revenue. I'm just
11 not sure if that's the amount of traffic that they
12 want here in the community.

13 REBECCA MOTT: Okay. So let me explain.

14 Most times in cases like this, you would
15 have a township like this, a lot more opposition
16 than support. In fact, I only have seen maybe, in
17 20 years, one person come in support, because
18 people that support don't come. They stay home.

19 So that is not typical to see support.
20 And I heard yesterday three people total in
21 opposition, and it wasn't strong opposition. I
22 heard three people total in the public. And I
23 heard six verbal supportive people and 20 letters.
24 I heard 26 total support letters and people

1 verbally. Three, not really strong, lack of
2 support, but a little bit of opposition related to
3 the commercial component that we just addressed.

4 In good faith, you're listening to the
5 public, and so are we. We're partners. We want
6 all of the same things you want.

7 And I think you're misunderstanding the
8 number of parking spaces. We were actually doing
9 this number of parking spaces to honor your zoning
10 code, because your default provisions for your
11 parking spaces give us minimums, and we use that
12 as like a benchmark, a guide. So we were actually
13 honoring your code when it came to minimum number
14 of parking spaces per uses.

15 When we did those formulas and
16 calculations, we're almost matching your code
17 requirement. We are providing more. Not because
18 we think a lot of people are coming, and not
19 because we need that number. We think it's a good
20 number, and your code says that's the suggested
21 number of minimum parking spaces for those types
22 of uses.

23 Again, that has nothing to do with an
24 indication of who is coming and a flood of people

1 are coming or 492 people and parking spaces.

2 KEITH HOLEWINSKI: Let me use the
3 brewery as an example. How did that work out as
4 far as parking?

5 REBECCA MOTT: What do you mean?

6 KEITH HOLEWINSKI: Well, my
7 understanding is there was not sufficient parking
8 once that opened up and that's why we are where we
9 are today, is because of parking. I'm glad for
10 Nick and I wish him all the success, and I hope if
11 this goes through he gets as much success.

12 But it was more success than what you
13 expected, right, Nick? And you have more people
14 than what you expected. We're including 400
15 parking spaces. What if you are just as
16 successful now as you are today, then we will need
17 those 400 spaces. That will be the increased
18 traffic.

19 REBECCA MOTT: Wait. Could I -- hold
20 on.

21 KYLE VANDERHOFF: Hold on. Let me -- I
22 would just say, you know, you can't fault a guy
23 for success. And at the same time, I mean, don't
24 let semantics get in the way. To me, I don't know

1 if it's worth going through the public hearing
2 again.

3 I hear you. Getting as much input as
4 possible makes sense.

5 But I just don't see sentiment changing
6 with this revision. If anything, I think it makes
7 it better, and I would implore you to come with me
8 on that.

9 I'm ready to make a motion, but if there
10 are more questions, I welcome them. I know I may
11 be alone, but...

12 JEREMY WILLIAMS: I agree. Because I
13 think based on what we heard last night, everybody
14 was looking at the full tract. Now you've come
15 and said, hey, here's a concession for we can
16 shorten the distance, which is exactly what the
17 Delaware County also said, hey, could you do this.
18 You're saying yes, we could. If anything, I think
19 people are going to be happier with that.

20 At this point, you've got to draw a line
21 in the sand. Like, we can sit here and debate
22 this all night long and still not come to a
23 resolution. I think it's time to move.

24 KYLE VANDERHOFF: And to parking, I

1 mean, it's not asphalt, it's not an eyesore. It's
2 gravel, but it's -- you know, it's -- doesn't take
3 away from the scenery as much for me if it's not
4 blacktop.

5 But I hear your concerns there, traffic
6 and parking, those are significant concerns and
7 will continue to be. Maybe I'm naive, but I think
8 there's a little trust granted that that's going
9 to be something they've got to adhere to to make
10 sure they're not making those negative effects.

11 REBECCA MOTT: I just have two points on
12 both parking and traffic.

13 So if you look at the overall site plan,
14 Page 4, if you look at the inn and tavern, total
15 uses in the inn and tavern, you've got a
16 restaurant, you've got assembly spaces, hallways,
17 patios, pavilions, and then you have the floors
18 that have the units, the hotel units, the inn
19 units.

20 That number says 130 parking spaces in
21 that proposed asphalt parking lot. Remember,
22 that's a Phase 3 future proposal. May or may
23 never happen. So you -- if that never happened,
24 that's never going to have 130 spaces over there,

1 right?

2 And really you can count on just -- if
3 you kind of look at the Building A, the
4 Building B, the C, the D, the E, that's the today.
5 That's what we know today that we need.

6 It's not very much land that's being
7 used for any kind of improvement, whether
8 landscaping, parking, building. It is definitely
9 heeding the zoning criteria that we went through
10 yesterday. We meet every single one of your
11 zoning code standards.

12 But also on the traffic issue, if you'll
13 take a look at the handout I gave each of you, it
14 says Henmick. The very back. The back three
15 pages or so.

16 So we did submit a traffic study, as we
17 are required to under the rezoning and the final
18 development plan. And the memorandum of
19 understanding went to the county first. Those set
20 the data, the parameters for how the study will be
21 conducted. That was approved and signed off on by
22 the county.

23 If you look at the table that I provided
24 in there, it says you'd have to have a hundred --

1 traffic count or generation in a peak hour for
2 there to be triggering a bigger study, a bigger
3 study called a traffic impact study. And our
4 traffic generation does not even meet that in a
5 p.m. peak hour.

6 So we are not required to do any more
7 than the traffic access study, which we provided.
8 And with the traffic access study that we provided
9 to the county, there's no warranted public
10 improvements we need to make to the county -- to
11 the road.

12 So with that, we are managing our
13 traffic because there's the proof. The county
14 engineer is saying you don't have to do even a
15 bigger study to look at anything else because you
16 don't have enough traffic generation that you're
17 causing to the public right-of-way to warrant
18 that.

19 That means the traffic problem you see
20 is not our fault. It is not warrant- -- it is not
21 justified then to expect or make decisions based
22 on traffic that we're not causing. If it's a
23 traffic problem you have today, then it's already
24 existing. Well, whose problem is it for existing?

1 The county. Because the county controls and
2 manages that road.

3 So if you have an issue with the
4 traffic, that really is something the county has
5 to take care of because it's an existing
6 condition. But our client can't be held to an
7 unfair standard to deal with it.

8 KYLE VANDERHOFF: I hear what you're
9 saying. Let's not pretend that traffic is not
10 impacted by the attendance. I mean, it doesn't --
11 it's just something to -- that is a concern.
12 There is a lot of other outstanding updates going
13 on, talking about the point and now 71, that are
14 driving folks to these arterials. But it is
15 having an impact. Let's just call a spade a spade
16 and make sure that -- I understand.

17 REBECCA MOTT: This is a copy of the
18 traffic access study that we submitted. It's
19 dated May 2024. And it is, let's see, maybe 60
20 pages of data. And it definitely looked at
21 traffic generation, traffic counts, p.m. peak
22 hour, different times of the day, but definitely
23 has to look at the peak times that this is the
24 busiest.

1 Again, it did not meet the threshold of
2 over 100 vehicles in that p.m. peak. I think it
3 was 63. So we are not -- we're a little bit more
4 than half of the 100 p.m. peak hour traffic, but
5 not even close to the threshold.

6 So, again, it's a big report. The
7 engineers that do this are called traffic
8 engineers. That's their whole entire expertise.

9 I do have an email at the back of your
10 package from the traffic engineer with what the
11 study says in conclusion. And he's an expert. So
12 that's -- I want to make sure that's part of the
13 evidence.

14 We can call that Henmick, LLC Packet
15 Exhibit A. I would like to submit that into
16 evidence. That is from an expert, and it talks
17 about the conclusions for this property and the
18 traffic that it generates, which does not warrant
19 any public improvement on the county road and no
20 further studies.

21 KYLE VANDERHOFF: Any other questions?

22 IAN CAPWELL: Is there a third option
23 available, just to ask? The second one came out
24 pretty fast, so I want to make sure there's not a

1 third.

2 REBECCA MOTT: There's no way to permit
3 the gravel lot the way that it exists without a
4 zoning.

5 IAN CAPWELL: Okay.

6 REBECCA MOTT: And there is no other
7 zoning classification in your zoning code, like
8 there's no parking lot district, there's no
9 off-site parking lot district. There's no
10 district that we can use.

11 This planned commercial office district
12 is onerous for this property owner to pay for and
13 do. There really should be a straight zoning
14 classification for this use. There isn't. It's
15 not available. This is literally the only thing
16 available.

17 So if you want this to be in compliance,
18 and if you want a good enforcement mechanism to
19 control this property and how it's developed, this
20 should be approved. And actually, there is no
21 legitimate reason this should not be approved. We
22 meet every zoning code standard. I went through
23 the pages and pages of comprehensive land use plan
24 goals that we meet. We showed you that the map

1 that the Delaware County Regional Planning
2 Commission staff and body relied upon is flawed,
3 and they admitted it.

4 Mr. Garrett Gandee can talk to you about
5 the call that he had with staff today; that they
6 admit it is definitely in conflict.

7 And then you heard a lot more support
8 from the public, which is really not the case in
9 most cases like this. So that means the people
10 support this use, and they support this rezoning,
11 and they support the final development plan, and
12 they think this use is a great use for the
13 community and is compatible with Kilbourne old
14 village plus gives you restaurants and services
15 and events, places to gather with family. Of
16 course he can do farmers market, horticulture,
17 farming, other things that support these great
18 retail uses, and drinking establishment uses.
19 These are great uses for your community.

20 We would respectfully request your
21 recommendation of approval of either one of the
22 plans, the original or the secondary. I can give
23 you the verbiage for the condition if you'd like
24 me to take five minutes to draft it up and come

1 back and suggest something, and you can weigh it
2 out and see if that's good with you.

3 You can also take time to call your
4 legal counsel. He did offer me yesterday his cell
5 phone number that in case you needed to call him,
6 he would be available if you have any legal
7 questions.

8 IAN CAPWELL: The only things I really
9 want to add to this is we're not really voting
10 this in or out. We're recommending to our
11 township trustees what we think and they make the
12 decision.

13 REBECCA MOTT: Yes. For the rezoning,
14 that's true.

15 IAN CAPWELL: So we can kind of give our
16 personal opinion on it with whatever weight to
17 that decision.

18 You can also -- I think it is important
19 for the township to recognize that there is this
20 map that may have wrong verbiage, okay, and it may
21 be that the verbiage is wrong and the map's right.
22 I don't know. I was around when this -- I was
23 part of putting this map together, but I wasn't
24 part of making the district. So I can't tell you

1 what the true intention of the district was. I
2 can tell you that the map is drawn where it was
3 supposed to be.

4 But as long as the decision-makers
5 understand that type of thing, if there's a way we
6 can make a recommendation on probably the reduced
7 size, I think we could move forward with a vote on
8 that.

9 KEITH HOLEWINSKI: I have just sort of a
10 clarifying question on the documentation that you
11 submitted to us, on Section C, and the second
12 document with the PIDs.

13 REBECCA MOTT: Is this in the civil
14 plans, or -- could I see what you're referring to?

15 KEITH HOLEWINSKI: This PID for this
16 section is not --

17 REBECCA MOTT: I'm going to look at my
18 binder --

19 KEITH HOLEWINSKI: I notice it is
20 different than what you have on this one. So
21 let's correct it.

22 REBECCA MOTT: We'll look at this
23 compared to the application itself. Let me see
24 what the -- it's probably just a typo. Let's take

1 a look.

2 CHRIS SHAMRO: Can you repeat what
3 you're asking?

4 REBECCA MOTT: He's asking if a parcel
5 number is -- there's a typo on one of the
6 materials behind Tab C of the binder application
7 submitted to the township.

8 KEITH HOLEWINSKI: So the southern
9 property PID is listed, and in the documentation
10 that was submitted to us is not what was stated in
11 the --

12 REBECCA MOTT: Which actually is not
13 material because, again, there's a zoning text
14 that lists the parcel numbers, there's the legal
15 description, there is the application form, there
16 is a site plan and all of the other plan sheets.
17 Of course you could have a typo on a number
18 somewhere, but if the property is specifically
19 identifiable and it has a metes and bounds legal
20 description, which it does, the metes and bounds
21 legal description controls over parcel numbers.
22 So that is not a controlling issue or any
23 determinative issue at all.

24 Okay. So if we look, though, just out

1 of courtesy, to see if there is a typo, on the
2 survey that was done for the 89.605 acres, the
3 southern parcel to the west says -- ends in 28000.

4 What's off there so I can compare it?

5 KEITH HOLEWINSKI: Well, the 28000 there
6 versus the property that's listed under Section A,
7 the first document, the parcel listed, that one is
8 not listed.

9 REBECCA MOTT: Okay. So we have 84; we
10 have 83; we have 81. One, two, three, four.

11 KEITH HOLEWINSKI: There's a parcel
12 518 --

13 STENOGRAPHER: Keith, I can't hear you.

14 KEITH HOLEWINSKI: I'm sorry.

15 Parcel 518-130-01-001-000 is not listed
16 on the plans.

17 REBECCA MOTT: So there's four parcels
18 total.

19 KEITH HOLEWINSKI: I just wondered which
20 one is correct, I guess.

21 REBECCA MOTT: Okay. So it looks like
22 the zoning text is correct; the application form
23 is correct; the legal description references the
24 parcels, that's correct; the site plans are

1 correct. Just a survey has one number off. But
2 this property is specifically identifiable and has
3 a legal description which controls.

4 KEITH HOLEWINSKI: The property to the
5 south, is that the 518-130-01-001-000?

6 REBECCA MOTT: I can't tell you that
7 right now without looking at the Delaware County
8 Auditor's site.

9 KEITH HOLEWINSKI: Okay.

10 REBECCA MOTT: Again, that's not a
11 determinative issue. We will fix it.

12 KEITH HOLEWINSKI: Okay.

13 Anybody else on the Board have any
14 clarifying questions?

15 JEREMY WILLIAMS: I'm good.

16 KYLE VANDERHOFF: I'm going to write it
17 down so I don't mess up the condition.

18 I make a motion for the approval with
19 the condition that the original requested area be
20 altered to reflect the proposed 27.21 acre
21 adjustment.

22 KEITH HOLEWINSKI: Anyone second that?

23 JEREMY WILLIAMS: I'll second.

24 KEITH HOLEWINSKI: All right. Let me

1 find my list here.

2 We'll do a roll call vote.

3 I'll go first. I vote nay.

4 KEITH HOLEWINSKI: Kyle?

5 KYLE VANDERHOFF: Yes.

6 KEITH HOLEWINSKI: Stan?

7 STAN BEAN: Abstain.

8 KEITH HOLEWINSKI: Jeremy?

9 JEREMY WILLIAMS: Yea.

10 KEITH HOLEWINSKI: And Ian?

11 IAN CAPWELL: Yea.

12 KEITH HOLEWINSKI: Motion is passed.

13 REBECCA MOTT: Thank you.

14 What was your vote? I didn't hear you.

15 KEITH HOLEWINSKI: Nay.

16 REBECCA MOTT: It was nay, okay.

17 Thank you very much.

18 KYLE VANDERHOFF: I believe yesterday we

19 spoke that you had a presentation for the site

20 development plan that would last 10, 15 minutes,

21 and then we would open it up for public comment.

22 Is that correct?

23 REBECCA MOTT: Yes.

24 Do we have another one of these?

1 KEITH HOLEWINSKI: I believe we have an
2 extra.

3 REBECCA MOTT: Thank you.

4 (Pause in proceedings.)

5 KYLE VANDERHOFF: And I just humbly
6 request that we try to keep it brief so that we
7 can give anybody that wants to speak their ample
8 time. I don't want to cut you short by any means.

9 REBECCA MOTT: Actually, all I want to
10 do is incorporate all of the testimony you've
11 heard from last evening and tonight, to just
12 incorporate all of that testimony, the exhibits,
13 the materials as revised by the new acreage of 27
14 acres, and the new open space that we have
15 determined would be recalculated. So all of the
16 zoning text items would remain the same, again,
17 except the legal described area and the open
18 space, and all of the plan sheets in terms of
19 proposed uses, utilities, grading, landscaping,
20 parking, would all remain the same.

21 So with just the incorporation of all of
22 the testimony, I'm just here to answer your
23 questions or listen to the public.

24 KEITH HOLEWINSKI: I'll open it up to

1 the public for comment.

2 Again, state your name, your address,
3 and you have three minutes.

4 Would anybody like to go?

5 CHRIS SHAMRO: What are we commenting
6 on?

7 KEITH HOLEWINSKI: The plan itself.

8 Rebecca, do you want to explain what
9 exactly the final development plan is? I guess
10 that compared to what we just voted on.

11 REBECCA MOTT: Nick, could you start the
12 slides with the green overall cover sheet for the
13 civil plans and then we'll go through the plan
14 briefly and then architecture.

15 So what you see on the screen and what
16 you have before you on the 11 by 17s are the new
17 plan that we will be going with, the 27 acres.
18 And what it is is, again, just the brewery
19 building as existing with that called Building A.
20 You see other buildings on this plan, B, C, D.
21 Those are just buildings to help with dining,
22 eating establishments, patios, pavilions,
23 entertainment spaces, assembly halls, event center
24 space. You can see the parking area to the

1 northeast. There's an existing gravel lot there,
2 and we do have room for expansion of that gravel
3 lot.

4 You can see on this plan the proposed
5 inn and tavern, which would be a renovation of the
6 current farmhouse that exists on the property to
7 the east and south.

8 You can also see that we have the gravel
9 parking lot that's existing to the west. So all
10 of these uses were exhibited in the zoning
11 application materials as well.

12 The phasing sheet, Page 3, goes through
13 the colorful phases of proposed construction and
14 development. In the green area, those are current
15 uses or part of the Phase 1. You can see the
16 grassy overflow parking around the gravel parking
17 to the west and the Phase 2 purple area,
18 Building D, and the Phase 2 expansion of the
19 gravel lot to the west.

20 Phase 3 is the blue area. That is the
21 inn and tavern with an associated asphalt parking
22 and landscaping. That is a Phase 3 future
23 proposed use. No immediate plans to construct
24 that.

1 On Page 4, the overall site plan, there
2 is the parking data table, which has not changed.
3 That would be 413 spaces provided for the totality
4 of uses.

5 You can see building height standards
6 for each building, and we had requested in the
7 zoning text a divergence, which was just approved
8 for a height of 42 feet, on just the inn and
9 tavern building.

10 Under the setbacks, per Section 14.06 A
11 of your code and in this data table, you can see
12 from the divergences requested and the setbacks in
13 the text that these match the text. The parcel
14 numbers are listed at the top but the PC district
15 is the zoning classification that was just
16 approved -- well, recommended for approval.

17 And that's it for the overall site plan.

18 The zoomed-in overall site plan just
19 kind of shows you a closer look at the different
20 parking areas and the current establishment of
21 plantings, ornamental shrubs within the parking
22 areas, the buildings. You can see the roadways
23 and areas for on-site treatment for septic.

24 There's also a cross section for the

1 road, the pedestrian crossing across the road,
2 access drives, and the handicap parking spaces.
3 You can also see the pink crosshatched area for
4 the 10-foot multipurpose path leading up to the
5 pedestrian crossing, crossing over to the east
6 side in front of the brewery frontage, reducing it
7 down to 5 feet all the way to the township
8 cemetery property, which would be controlled by
9 the township.

10 There's other sheets in here related to
11 engineering, like utility sheets, grading sheets.
12 We have a stormwater memo, the traffic study that
13 was done. There was a fire department letter, if
14 you recall, regarding all is good in terms of
15 circulation for a fire truck to get in and have
16 access to the property.

17 So those are the civil plan sheets.

18 Now we can turn to the landscape plans.
19 We have two sheets. That's on the board up there,
20 the far board.

21 The second page really shows the
22 planting detail, which is part of the requirements
23 of a final development plan. It goes through the
24 table of the types of shrubs and trees and where

1 they're located by note. So of course you can see
2 there's existing trees that will remain. This is
3 the proposed inn and tavern blowup. And that's
4 where we're putting a lot more of the newer
5 installation of trees and plantings. This is
6 going to be an asphalt parking area with shade
7 trees, and this is going to have a lot of new
8 trees.

9 We have a fence detail that's enlarged.
10 Here's the tree detail. It tells you upon
11 planting how high they are, how tall, what
12 opacity, what species, how you would even install
13 and plant them, all of the dimensions to make that
14 work so they don't die.

15 We have the landscape buffer to the far
16 right of the second page. That is going to be all
17 the way on the southwest border of our property
18 for buffering our property owner -- adjacent
19 property owner to the southwest related to that
20 easement path, the multipurpose trail that all of
21 the public will enjoy, so there's going to be a
22 nice buffer there for not only the neighbor, but
23 the people that are going to be walking through
24 that area, or biking.

1 And, again, our property owner is doing
2 that installation of the multipurpose path. It's
3 very expensive to do that, and it is quite a good
4 amenity for the township occupants, residents,
5 guests, community, stakeholders, and it provides
6 that pedestrian linkage.

7 This is the first page of the landscape
8 plan. It provides the detail. This will match up
9 with the divergences that you saw in the zoning
10 text for gravel areas that didn't have shade trees
11 or not meeting the strict requirement of the code
12 related to the frontage trees along North Old
13 State Road.

14 And along here we do have trees that are
15 here already. Those would remain. Those are in
16 the light shaded areas. So this board talks about
17 those will remain.

18 But we do meet several of the standards
19 of the landscape plan -- landscape code, rather.
20 These are the code sections delineated, 2303,
21 2303, and it goes through all of the different
22 standards that we had to look at carefully, and
23 many of those we meet. And you can see over here
24 if we meet them or not.

1 So on this side it says here's what's
2 required, here's what we provided, and then you
3 can see these match up with any divergences. I
4 think we had two or three minor landscaping
5 divergences in the zoning text which were
6 approved, so this does comply 100 percent with the
7 zoning text.

8 The architectural renderings and
9 drawings --

10 KYLE VANDERHOFF: Did that answer your
11 question?

12 CHRIS SHAMRO: Yes, it did.

13 REBECCA MOTT: Do you want to go through
14 the architecture?

15 CHRIS SHAMRO: No.

16 KYLE VANDERHOFF: Public comment, again,
17 three minutes. Anybody wish to speak or ask
18 questions?

19 Were you sworn in here? Were you here
20 before?

21 ANDREW CLARK: I was, yes.

22 KYLE VANDERHOFF: Okay. Name, address.

23 ANDREW CLARK: Andrew Clark. 5629 Giehl
24 Road.

1 I want to thank you all for being here,
2 and there are a lot of faces and I know I saw you
3 here last night. I want to voice, I know there
4 were several people in the room that supported
5 last night. I was one of those people. A lot of
6 them aren't here tonight.

7 I want to express my support for not
8 only the zoning recommendation, which you've
9 already done, but as well as the plan, the
10 rendering. I think even the people who were
11 opposed last night thought it looked quite
12 beautiful. So I think that support resonates with
13 all of us from last night, not only for the
14 rezoning but also for the approval of the plan. I
15 appreciate that.

16 KYLE VANDERHOFF: Thank you.

17 Anybody else?

18 Go ahead.

19 CHRIS SHAMRO: I'm Chris Shamro. I live
20 on Hogback Road, 3988. I'm also on the zoning
21 appeals board.

22 So some of the questions that you had
23 asked earlier about why the problem is the way it
24 is over there with the parking lot was things

1 didn't go as promised. Not that they didn't go as
2 planned. They didn't go as promised. And what
3 you're looking at here is promise on a lot of
4 things. And I want you to consider that as you
5 move along with the rest of the requests that are
6 coming, because they're coming piecemeal, and
7 you're being told that it's not anybody's
8 responsibility but the county or whoever.

9 Traffic's not going to get better,
10 right? We have problems with it already, right?
11 My son will be driving next year. Okay? His
12 brother, a year later. My neighbor, who is also
13 on the zoning board, who is against these
14 proposals, lives down the road. He's got a
15 daughter that's going to be driving soon.

16 You're going to have a lot of people
17 coming through here. There are other plans
18 bringing more people. You look at how much this
19 is going to cost. You don't get that from selling
20 beer. You don't get that from just these little
21 things that are being promised. You're going to
22 have other things that are going to be there.
23 There are going to be basic changes. Big changes.
24 Things that we do not have infrastructure to

1 handle, things that we as a community, as a zoning
2 board, as a township trustee, as an appeals board
3 person, do not have plans for. She said it. You
4 don't have a plan for this so we're going to write
5 our own plan. Okay?

6 There's a lot of things that come our
7 way on the zoning appeals board that we don't have
8 any kind of guidance on to fix. Okay? And it's
9 not your fault or the trustees' fault. It's just
10 that things are happening too fast.

11 And the traffic study, I know for the
12 one that's going to impact my house directly, was
13 done in the wintertime -- or in the fall. Not
14 during peak time. That report was in May, but
15 when was that study done, right?

16 Ask the questions and look at the
17 overall picture of where things are going before
18 you decide to make things. There are a lot of
19 people that have not been here that are opposing
20 this. All right? Why? Because they're going to
21 baseball games. They're coaching over here in
22 Kilbourne, or they're going out to Ostrander for a
23 game and can't make it back. Or they have other
24 family commitments that they're not here.

1 My experience has been in Ohio -- I'm a
2 kid from Jersey, all right, so I don't have any
3 problem getting on my hind legs and fighting, but
4 most people in this area do not fight the system.
5 They go along.

6 You're -- what was the third option?
7 The third option was to vote no. That was the
8 third option. Because if it's not in compliance,
9 our job is to find -- if it can be done in
10 compliance, to make it go in compliance.

11 KYLE VANDERHOFF: You're out of time.

12 CHRIS SHAMRO: If anybody wants to yield
13 any time?

14 UNIDENTIFIED SPEAKER: Sure.

15 KEITH HOLEWINSKI: Is there anybody else
16 that would like to speak?

17 UNIDENTIFIED SPEAKER: I can go when
18 he's finished. That's fine.

19 KEITH HOLEWINSKI: Three more minutes.

20 CHRIS SHAMRO: So that is a thing that I
21 want you guys to take into heart as you go along.
22 All right? These are recommendations to the
23 zoning board -- or to the township trustees. All
24 right? Consider your own -- you know, like you

1 said, you're considering your own personal beliefs
2 in this, and you also have the community to do.
3 We have always listened to what the community has
4 said as far as the opposition goes in certain
5 situations.

6 Now, there was a whole mess of people
7 that were up here when we had the introduction.
8 There were a lot of people that were upset about
9 it. They didn't come to the next meeting because
10 they were frustrated with getting shouted down by
11 a lawyer.

12 Stan, you were here for that. You heard
13 half of what was being told here. You have every
14 reason to speak on the board that you are
15 committed to. There is no reason why you couldn't
16 vote tonight. There was no reason why you
17 couldn't speak. To me, that's insulting to our
18 community in a bigger way than any of the other
19 stuff.

20 There's a lot of things to consider with
21 how it's going to impact our community. The kids
22 that are here, all of the other places that are
23 getting built on 521. There's all that stuff that
24 comes into what that -- what that other plan is.

1 There's a lot of things that are in motion that
2 are going to be part of the progress of the
3 community. And that's fair game. But it's also
4 people that live here that care about it, not
5 interlopers, not people that are just showing up
6 for a good time on the weekends. Okay?

7 And those are the things that we have to
8 consider when it comes down to this. Because this
9 is a community of farmers, people that are going
10 to be riding horses -- that still want to ride
11 horses around here. Who is going to ride a horse
12 down here when you have 800 cars coming up and
13 down the road in a very small area? Okay?

14 There's going to be a lot of impact.
15 And all I can say is that there's a lot of people.
16 There's always that silent minority -- silent
17 majority, as they say, that doesn't come and
18 argue, that doesn't come and stand up. And we
19 have -- our job as being selected into these roles
20 is to maintain that voice as well, because they're
21 not the ones that are going to come out here and
22 shout it down because they're too scared to do it.

23 So this vote has already been made, but
24 you've got more coming. You've got more coming.

1 And God, I pray that we do the right thing and
2 that it's not, you know, crosses being put out on
3 that corner or on my corner or on any other
4 corners around here because of what we're not
5 saying that we're responsible for because the
6 county's responsible to make sure that the roads
7 are wide enough or that there's a stoplight there
8 or whatever. Okay?

9 So that's about all I can say except
10 amen after that. Okay? So please, as you go
11 forward -- that vote's done. I wish I was here
12 last night but I couldn't. And I was against it.
13 Okay? So -- and I know there's people in here
14 that are against it that won't speak.

15 KYLE VANDERHOFF: Thank you.

16 STAN BEAN: For the record, I was at my
17 grandson's baseball game last night.

18 CHRIS SHAMRO: Amen. Exactly.

19 KYLE VANDERHOFF: All right. Next?

20 MARY FLEMING: Mary Fleming. 4716 North
21 Old State Road, Delaware, Ohio. I'm the first
22 property north of Henmick.

23 I want to be careful. I'm not for or
24 against it.

1 I love going there, Nick. It's great.
2 You've done a lot of good work so far.

3 I do think there are some questions that
4 still need to be addressed, and we talked a little
5 bit about things last night. I'm not sure you'd
6 have the same support for the smaller scale
7 because a lot of the support was conserving the
8 farmland. And while it's F-1 now, it's still less
9 of a commitment to conserve that with the vote
10 tonight. My opinion.

11 The conservation easement district, for
12 your benefit, I was here when some of those
13 discussions were held. It was a purposeful
14 decision by people here in the township that we
15 wanted to specify a region to be protected. So it
16 wasn't designed to meet county code or county
17 regional planning or those kinds of things. It
18 was designed to protect an area where people in
19 the township wanted to protect. So it wasn't
20 designed to meet any other legal standards or
21 anything, but it was what the township wanted at
22 the time.

23 In terms of the traffic, I get all of
24 the traffic surveys and all of that for now, but

1 it's actually part of the concern with not just
2 the road traffic but pedestrian traffic. I can't
3 tell you how many times I've been driving down the
4 road on towards my home and people have stepped
5 out in front of me. Some of them stand there,
6 some of them will flip the bird at me, and all I'm
7 doing is trying to get home after a long day of
8 working as a nurse. And I hate that people will
9 do that in my community.

10 Now, some of the ideas that maybe
11 haven't been thought about. Maybe a drop-off zone
12 so not as many people have to cross the road.
13 Maybe a drop-off zone so people with young kids
14 wouldn't have the young kids standing right next
15 to the road when they're not paying attention,
16 because that's one of my fears, is that a little
17 kid is going to step in front of me at the last
18 minute.

19 Maybe a tunnel under the road would
20 actually be better than having people cross the
21 road. I work at Nationwide Children's Hospital,
22 and I can't tell you how many people ignore the
23 crosswalk, or how many people get hit or get
24 injured or have to hurry across. There will be 50

1 people walking across a green light when there's
2 traffic coming. So I don't know the crosswalk by
3 itself is the best answer.

4 The picture here does have some trees
5 removed. Just pointing that out. Lighter moment
6 here.

7 NICK SHEETS: It's just the rendering.

8 MARY FLEMING: We didn't hear any
9 conditions attached tonight. It sounded like
10 maybe there was discussion there should be. I
11 don't know. I'm not on the board to know exactly
12 what maybe should have been put in as a condition.

13 And I really hope the spirit is to make
14 things better and to work with us on some of the
15 concerns raised by anybody, because one person who
16 raises a concern has a reason for raising that,
17 and it should be looked at and considered. And I
18 don't think anybody should feel like they're not
19 allowed to participate or not allowed to be a part
20 of a public hearing when the plan was changed in a
21 pretty dramatic way tonight.

22 Thank you very much for your time.

23 Again, please don't record me as for or
24 against it. Just an interested community member

1 who wants to see things developed in a good manner
2 over time.

3 JIM ANDRES: Hi. I'm Jim Andres. 4738
4 Cackler Road.

5 I've been supporting the township for a
6 while. I've been at your table before. I've been
7 a trustee.

8 And I would just like to caution that
9 you can't legally go back against somebody because
10 they had good intentions and said they may not do
11 something or they're going to certainly do
12 something. That's not a legal standing. That's
13 one person's thoughts and feelings and opinions at
14 that given point in time. They could change their
15 mind the next day.

16 So be careful in what doors you guys
17 open up, because once that door is open, you may
18 not ever be able to close it back down again. So
19 you really have to take caution in what it is you
20 permit. I know a lot of time was put into the
21 comprehensive land use plan and there may have
22 been -- the intent there was not fully covered by
23 text versus map, but I think, again, the map is
24 what everybody could visualize and see. Could

1 have been oversight, and then that's really sad
2 that they exploited that. It is what it is.
3 Right?

4 So be very cautious in what you do.
5 There's no reason that you can't delay certain
6 things to think about it a little bit more and get
7 additional input.

8 KEITH HOLEWINSKI: Thank you.

9 Any additional public comment?

10 At this time, we will take a vote on
11 approving the final development plan.

12 Does anybody on the board have any
13 questions to ask before we vote?

14 IAN CAPWELL: No.

15 JEREMY WILLIAMS: No.

16 KYLE VANDERHOFF: Not me.

17 REBECCA MOTT: May I make two quick
18 comments?

19 KEITH HOLEWINSKI: Sure.

20 REBECCA MOTT: Because I haven't yet had
21 a chance to put this into the record.

22 On Page 14.8 of your Article 14 planned
23 commercial and office district code, those are the
24 materials to be submitted for a final development

1 plan. They're letter D. And we have submitted
2 every one of these materials all the way from D1,
3 D2, A, B, C, D, E, F, G, H, I, J, K, L, M, N, O,
4 P, Q, R, S. And then Numbers 1 through 7 are
5 nuisance-type issues. And then T is the
6 conditions that the zoning commission can put upon
7 a development. So we did meet all of those
8 materials and standards for submission of a final
9 development plan.

10 The role of this body -- certainly the
11 gentleman that wasn't here yesterday for the
12 zoning aspect can certainly vote tonight for the
13 final development plan. He's here for the
14 entirety of that hearing. Of course he missed
15 some of the facts and testimony and evidence that
16 we incorporated in, but definitely procedurally
17 and legally, he should be able to vote.

18 And also, we held a neighbor meeting
19 just informally to invite all of the community
20 members that went well beyond the legal standard
21 of those neighbors that legally need to be
22 notified for a hearing, which goes way beyond
23 being cooperative, sharing information,
24 communicating, giving information, and just

1 listening, answering questions, and addressing
2 concerns.

3 We have worked with every comment we
4 have ever received, from the staff of Delaware
5 County Regional Planning Commission, to the
6 Delaware County Regional Planning Commission vote,
7 to working on tonight the rezoning effort to
8 reduce and shrink the zoning territory of land to
9 honor your request related to conserving the
10 conservation resource district map, even though
11 there's a conflict.

12 And so we think we've shown tremendous
13 respect, collaboration, and communication, and
14 have been transparent and honest about all things
15 related to this development and prior uses and
16 future uses. We have met every standard of your
17 zoning code for the zoning and every standard of
18 your zoning code for the final development plan.
19 And actually, the standard for the final
20 development plan that you're deliberating on now
21 is that as long as it substantially meets the
22 zoning that was approved, it must be approved.
23 It's an obligatory standard.

24 It is actually an administrative

1 procedure, not a legislative procedure. So
2 speculation, beliefs, and opinions aren't
3 controlling. It is a legal standard. And, again,
4 the standard is so long as it meets substantially
5 the zoning that was approved, it must be approved.

6 So the remedies are different for this
7 procedure.

8 And, again, we're respectfully
9 requesting your vote for approval of the final
10 development plan.

11 And that's all I have.

12 KEITH HOLEWINSKI: Thank you.

13 One last time, any comments before we
14 take a vote?

15 I'll make a motion to take a vote to
16 approve the final development plan.

17 STAN BEAN: I'll second it.

18 KEITH HOLEWINSKI: Role vote.

19 I'll start.

20 Keith, I vote nay.

21 Kyle?

22 KYLE VANDERHOFF: Yes.

23 KEITH HOLEWINSKI: Stan?

24 STAN BEAN: Nay.

1 KEITH HOLEWINSKI: Williams?

2 JEREMY WILLIAMS: Yay.

3 KEITH HOLEWINSKI: Capwell?

4 IAN CAPWELL: Yay.

5 KEITH HOLEWINSKI: Motion passes.

6 REBECCA MOTT: I'm sorry. I didn't hear
7 all of your responses. I stopped with yours.

8 KEITH HOLEWINSKI: Two nos, against it,
9 and three for it.

10 So motion passes.

11 REBECCA MOTT: Thank you very much.

12 Appreciate it.

13 KYLE VANDERHOFF: Motion to adjourn.

14 KEITH HOLEWINSKI: I'll second that.

15 All those in favor?

16 (All say aye.)

17 KEITH HOLEWINSKI: Opposed?

18 Thank you.

19 - - -

20 Thereupon, the proceedings of June 6,
21 2024, were concluded at 8:35 p.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 26th day of June, 2024.



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

My commission expires: March 10, 2028