

Brown Township Zoning Commission
Brown Township Hall
5555 State Route 521
Delaware, Ohio 43015

Meeting Minutes April 4, 2024

Attendees

Keith Holewinski, Chair
Kyle Vanderhoof, Vice-chair
Ian Capwell
Jeremy Williams
Stan Bean, Alternate
Vickie Sheets, Zoning Secretary
Rebecca Mott, Plank Law Firm

Call to Order

The meeting was called to order at 7:04 p.m. by the Chair Keith Holewinski.

Pledge of Allegiance

Attendees recited the Pledge of Allegiance.

Approval of Minutes

Mr. Vanderhoff moved to approve the March 2024 minutes. Mr. Williams seconded; the motion passed.

Zoning Inspector Report

Ms. Sheets distributed the March Zoning Inspector's report.

Old Business

Mr. Holewinski distributed documents pertaining to the Henmick Farm Brewery Event Center and the proposed rezoning of the property at 5901 State Route 521 from Farm Residential District (FR-1A) to Planned Commercial and Office District (PC). He stated that the objectives at this meeting were to refer the proposal to Regional Planning for that agency's review and to schedule a public hearing by the BTZC.

Ms. Mott, the Plank Law Firm, presented an overview of the project and re-zoning proposal. She described the proposed layout of the Event Center, planned

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buildings and parking, and the owner's desire to keep the natural, preserved farmland and the planned phases for development.

The BTZC members asked questions and focused on concerns regarding traffic and the numbers of people who would be attending events. They also had questions about the preservation of trees, materials to be used, septic issues, and environmental impact.

Ms. Mott stated that a presentation at the public hearing would outline the plan in detail and she would bring different professionals who were part of their team to answer specific questions. She plans to bring boards with various drawings and diagrams to provide visual references for the hearing attendees.

Mr. Vanderhoof moved and Mr. Holewinski seconded to forward the proposal to Regional Planning. Mr. Bean recused himself from the vote. Motion passed.

Mr. Holewinski set the public hearing for the proposal to be Thursday, May 16 at 7:00 pm for public comment. The BTZC will then convene at the regularly scheduled BTZC meeting on June 6 to determine recommendations for the Trustees.

The BTZC members then considered the recommendation from the Noise Subcommittee. Mr. Vanderhoff moved and Mr. Capwell seconded that the Trustees adopt a motion stating that they have the authority (ORC § 505.172 authorizes a board of township trustees to adopt regulations and orders relating to noise control within the unincorporated territory of the township) to regulate noise and issue orders but not to include specific details at this time.

Mr. Vanderhoof attended the March Regional Planning meeting and reported on some happenings in other townships.

Due to time restraints, work was deferred on the Zoning Resolution.

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New Business

Mr. Holewinski advised that the BZA will be hearing three variance applications at their May meeting. There was no other new business.

Adjournment

Mr. Holewinski moved and Mr. Capwell seconded that the meeting be adjourned. Mr. Holewinski adjourned the meeting at 7:40 pm.

Vickie Sheets, Zoning Secretary

Keith Holewinski, BTZC Chair

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Attendees

Keith Holewinski, Chair
Kyle Vanderhoff, Vice-chair
Ian Capwell
Christopher Rinehart
Stan Bean, Alternate
Julie Lisano, Alternate
Steve Lisano, Zoning Inspector
Vickie Sheets, Zoning Secretary
Nick Sheets, Henmick
Rebecca Mott, Plank Law Firm
Garrett Gandee

Call to Order

The meeting was called to order at 7:05 p.m. by the Chair Keith Holewinski.

Pledge of Allegiance

Attendees recited the Pledge of Allegiance.

Approval of Minutes

Mr. Vanderhoff moved to approve the April 2024 minutes. Mr. Holewinski seconded; the motion passed with Mr. Rinehart abstaining.

Zoning Inspector Report

Mr. Lisano reporter that applications for zoning permits have picked up as expected in the spring. Work is to begin on the Brown Township Maintenance Building. A re-zoning application from Henmick to be reviewed at this meeting and three variance and one conditional use applications will be considered when the BZA meets next week. Members asked about the properties previously identified with problem vehicles. Mr. Lisano said one had improved, one not so

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much and third is being reviewed. He mentioned some potential issues identified on his “drive-about.”

New Business

Mr. Holewinski stated that the Henmick Event Center re-zoning application was on hold and has been tabled by Delaware County Regional Planning. He said that a re-zoning application for the parcels where the Henmick Brewery is located had been received by the Trustees and that application would be under consideration first. Nick Sheets, Henmick Brewery and his attorney Rebecca Mott were present to present information regarding the Brewery re-zoning. Ms. Mott also introduced Garrett Gandee whose civil engineering group is consulting on Henmick projects.

Ms. Mott identified the various documents that comprised the application for re-zoning and the final development plan. She said they are proposing to re-zone four parcels, a total of 89 acres, from Farm, Residence District (FR-1) to Planned Commercial and Office District (PC). She emphasized that the proposed zoning text was consistent with the proposed development plan.

She confirmed that the Event Center Plan had been tabled by Regional Planning but would be considered when requested. She asked that the BTZC consider holding hearings for both applications, the Brewery and the Event Center, on the same evening. This would facilitate having all Henmick consultants there to answer questions. The Brewery application would be first on the agenda, followed by the Event Center application.

BTZC members noted this would actually be four hearings in one night, the Brewery re-zoning, the Brewery final development plan, the Event Center re-zoning and the Event Center final development plan.

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It was asked if separate parcels would be kept at the Brewery site. Ms. Mott said yes, that the parcel on the east side of N. Old State Road could not be combined with the three parcels on the west side of the road. Keeping the separate parcels would provide flexibility for the future. Mr. Lisano requested a cover letter identifying the various documents would be helpful. Someone else suggested binders would also be of assistance. Ms. Mott will comply with these suggestions and said she would include an index. Mr. Lisano said that the thumb drive provided only contained a couple documents, were the other documents available electronically? Ms. Mott said asked for return of the thumb drive so she could identify the problem because it should have included all the documents.

The BTZC members then considered the request for consolidation of the applications. They expressed concern at whether the Regional Planning Review would be completed for both applications and particularly addressing so much material in one evening.

Ms. Mott stated that Regional Planning just needed to be notified to consider both applications. It was observed that Regional Planning recommendations are to be considered in decision-making and included in what would go forward to the Trustees from BTZC but were not binding.

Ms. Mott observed that regarding time, presenters (the applicant) could take as much time as needed at the hearing. The BTZC could set a time limit for other speakers and that time should be reserved for applicant rebuttal.

Mr. Vanderhoff expressed worry about sufficient time for public expression of questions, issues and concerns. Mr. Rinehart observed these were two distinct operations.

Ms. Mott stated that they planned to hold an “informed neighbor” meeting prior to the BTZC public hearing, that this meeting could be as long as needed and

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would serve to answer some concerns prior to the public hearing. All the buffer report neighbors would be invited. The BTZC members suggested a broader outreach but did not specify how large. Mr. Rinehart suggested the Kilbourne area.

Mr. Capwell opined it was more than could be covered in one night. Mr. Vanderhoff expressed the need to respect the public by giving as much time as possible for discussion.

Mr. Holewinski suggested two separate hearings, planning the public hearing for Wednesday, June 5, 2024. BTZC discussion and decision-making could be carried over to the regular BTZC meeting on June 6, 2024 if needed. BTZC members expressed concern about the number of members needed for a quorum, as Ms. Lisano would be unavailable. Four members would be able to attend June 5th which would comprise a quorum.

Ms. Mott asked if the June 6th meeting would be public. Mr. Holewinski said it was public but they would not receive additional comment. Ms. Mott asked if the applicant and attorney could attend to answer any questions the BTZC members might have. Mr. Rinehart suggested this was a question for the county prosecutor and to ask any questions about decision making before the hearing.

Mr. Vanderhoff moved and Mr. Capwell seconded that the BTZC accept the Henmick Brewery re-zoning application and forward it to Regional Planning. Motion passed with Mr. Rinehart abstaining.

Old Business

Mr. Rinehart advised that he had been contacted by Trustee Connie Skinner because she had concerns with the memo the BTZC had forwarded regarding noise so the Trustees did not act on the recommendation. Mr. Rinehart has

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prepared a draft Resolution on Noise for consideration by the BTZC. Ms. Sheets reminded the members that the Noise subcommittee recommendation had been for the Trustees to acknowledge that only the Trustees had the authority, per ORC §505.172 to regulate noise but the subcommittee had not made specific recommendations at this time, since only one complaint had been received, that the issue could be re-considered in the future if necessary. Mr. Rinehart said the Resolution draft addressed only “D” permitted facilities (those with permitted to sell liquor and the standard was noise audible 100 feet from the property line at any time. The remedies included cease and desist orders or application for a civil injunction.

Mr. Rinehart asked about the report from the Landscaping consultant. Mr. Vanderhoff said the subcommittee members thought the proposed cost was prohibitive. Ms. Sheets reviewed the minutes from the Landscaping subcommittee, reporting that the members considered keeping Article 23 with a section added on CADs, using mounds in some situations and other buffer zones along the right of way and entry into a Planned Residential District. They also considered adding language to the Article 23 introduction regarding the effort to keep the rural look in a rural community and how best to shield development from the road. Currently, the Farm Residential District (FR-1) doesn’t address landscaping, so there may be a need to reference the landscaping article in articles regarding other districts. The Landscaping Subcommittee plans to meet again in August.

Mr. Gandee asked about issues with CADs. There have not been specific problems to date but the BTZC foresees more requests in the future and sees a need to address. There was then a discussion of costs associated with CAD design and engineering, and the difficulties involved with lot splits.

Mr. Rinehart also has plans to address language for Article 14 as well as the article on enforcement. As previously requested, Ms. Sheets had drafted and distributed

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language for the permitted uses section of Article 14, based on Orange Township's approach and asked that Mr. Rinehart review this. Due to time restraints, further work was deferred on the Zoning Resolution.

Adjournment

Mr. Vanderhoff moved and Ms. Lisano seconded that the meeting be adjourned. Mr. Holewinski adjourned the meeting at 8:20 pm.

Vickie Sheets, Zoning Secretary

Keith Holewinski, BTZC Ch