1 Monday Evening Session May 1, 2023 2 3 4 MR. STONER: Good evening. I would 5 like to call the meeting to order. Would you 6 please join me in the pledge of allegiance. 7 (PLEDGE OF ALLEGIANCE.) 8 MR. STONER: All right. We'll start off with roll call. 9 10 Dr. Mockus? 11 DR. MOCKUS: Yes. 12 MR. STONER: Mr. McFarland? 1.3 MR. MCFARLAND: Yes. 14 MR. STONER: Mr. Jacobs? 15 MR. JACOBS: Yes. 16 MR. STONER: Mr. Layton? 17 MAYOR LAYTON: Yes. 18 MR. STONER: Mr. Stoner is yes. 19 board acknowledges that the minutes for the meeting 20 are recorded and transcribed. Okay. 2.1 David, where are you hiding? We don't 22 have minutes to vote on for this meeting, right? 23 There's nothing in the packet, so it doesn't need 24 to be on the agenda. 25 MR. MOSER: I don't think so. They're

1 | not transcribed yet is my understanding.

Is that right, Bonnie?

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3 MS. MILLER: Becky, our

4 transcriptionist, said it would be this week.

5 MR. MOSER: Okay. So they're not ready

6 today. So I would just move to remove that from

the agenda since you have nothing to approve.

8 MR. STONER: All right. I move that we

9 remove the roll call for the meeting minutes from

10 | the agenda. Do I have a second?

MR. MCFARLAND: So moved.

MR. STONER: And I'll call the roll.

Dr. Mockus?

DR. MOCKUS: Yes.

MR. STONER: Mr. McFarland?

MR. MCFARLAND: Yes.

MR. STONER: Mr. Jacobs?

MR. JACOBS: Yes.

MR. STONER: Mr. Layton?

MAYOR LAYTON: Yes.

MR. STONER: Mr. Stoner is a yes.

(MOTION APPROVED.)

MR. STONER: All right. We will now

24 | enter into the public hearing part of our meeting.

25 | Public hearings of the Planning and Zoning Board

will occur prior to the board conducting business at it's regularly scheduled meeting, which follows immediately after these hearings.

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These public hearings allow the opportunity for property owners to discuss their applications and present evidence and testimony regarding their request before the board.

Applications under consideration may include, but are not limited to, conditional uses, variances, site development plans, lot splits, home occupations, and/or zoning amendments.

No action on the applications will be taken during these public hearings. Board action will take place either during the regular meeting that follows, or within 30 days of the public hearing today.

So anyone that wishes to comment during this public hearing, must take a witness oath on their comments or their comments cannot be considered. It is suggested that you stand and participate in the group witness oath to ensure your comments will be considered as part of the official record. So I will read the oath. Anyone that wishes to speak during these hearings must stand now, and at the end you say, I do.

(WITNESSES SWORN IN BY MR. STONER.)

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MR. STONER: Thank you. The first item for public hearing is site development -- I'm sorry -- Spire Development, Incorporated, has applied for a variance. The applicant is requesting to decrease parking requirements from 105 spaces to 76 spaces, 1.8 parking spaces per dwelling unit, and to remove the requirement for a completely enclosed garage and/or carport, Planning Zoning Code Section 1131.04.

Anyone wishing to speak regarding this variance, please step to the podium, state your name and address.

MR. MCMICKLE: My name is Sean

McMickle. My address is 330 West Spring Street,

Columbus, Ohio 43215, and I'm here tonight on

behalf of Spire Development. We are the applicant

behind the Canal Crossing variance and preliminary

site planning approval hearing this evening.

We are back since December. We've received a site plan approval for a single-story multifamily structure, and since that approval, we received pricing for the project that did not fit within the budget.

And so, you know, to take a step back,

we are at an interesting time right now in the housing industry in which there is unmet demands and, you know, that's driving up construction costs.

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Since the pandemic began, there has been an observed 40 percent increase in construction costs. And on top of that, Licking County, in particular, is under a spotlight of sorts in that economic development related to Intel and other economic development has driven up costs even further. Subcontractors are receiving greater than Union wage to work on those projects, and it's driving up costs exponentially within the county, and that's part of the reason why we had to go back to the drawing board to come up with a site design and product that would work financially.

And so the variance this evening is kind of tied to the preliminary site plan approval that we have had an initial conversation with the village about. We've met with the public safety services. We met with utilities and the planning individuals in the village and we have incorporated feedback to show you the site plan that we are reviewing this evening.

So specifically to the parking

variance, the required ratio of parking in the Village ordinances are in excess of what is really realistic for a multifamily development, and we have actually provided a handful of data related to parking on what parking needs are actually going to be for the project. To do that we've used ITE traffic engineering data which is the gold standard for parking analysis for multiple different types of developments across the country, multifamily included.

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And we have also done a survey of parking ratios within the village, as well as parking ratios for developments owned by Spire development as well to arrive at the proposed 1.8 parking ratio that we are seeking a variance for this evening. So that's it from a high level.

questions. I do have some boards with the site plan that, I believe, is in your packet. There is one slight adjustment in that we have incorporated a fence around a detention pond and called out where mailboxes are and added a landscaping plan, tables, things of that nature. But the drives and such are unchanged from what it should be in the packet that was sent roughly a week ago.

And, yeah, with that, I'll be happy to answer any questions that you may have.

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DR. MOCKUS: I'm sorry. I'm just going to jump in if that's okay. Thanks. So a couple of thoughts when I read the materials that you supplied. First, I'm wondering do you know that Hebron has the highest percentage of rentals of any community in our county? You do know that, okay, great.

And so I feel that Hebron is doing a tremendous amount of work in making sure that there is rental housing available within our county. I'm very interested in future projects being sustainable. And part of sustainability is having good neighbors.

I've often heard the saying, fences
make good neighbors. Well, in the type of
development we're talking about here, you can't
really have a fence at each individual unit. But I
can tell you that parking very quickly becomes a
great thing for neighbors to fight about.

And I hear you say that the data supplied was gold standard mathematically. The percentages don't even add up to a hundred. So I went ahead and did my own calculation on that table

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and, I think, it's, like, 54.8 percent of the units that were, I think -- it sounds like it may have been some type of survey to ask how many cars people have. Almost 55 percent of the responders had two or more cars. And 1.8 in my mind is not going to meet the need of our typical Hebron consumer.

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It's important to me that these projects that we take on, they are truly sustainable and don't create even more issues.

Within the last four months, literally, just down the street here, we had to put up signs to make one street no parking on one side because rental units literally overflow into the main streets.

And so I think that from a stainability perspective, that this would not be a sustainable option, actually, considering that the overflow would be out onto Canal Road. So that's my position. I'd be interested if you have additional data that we should be considering.

MR. MCMICKLE: Certainly.

DR. MOCKUS: But that is how I read the material that was supplied.

MR. MCMICKLE: Yeah. Thanks for mentioning that. The Hebron Village Square, in

particular, development has a .68 parking ratio which is far below the 1.8 that we're proposing. So I can appreciate that there have been parking issues in that particular development. However, you know, we feel that given that we are far and above that amount, that you know, we won't experience those same issues.

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That said, we also have designed the site plan to where ultimately at the end of the day the owners are bearing the risk of the project. In that, if the project is not leasing, or if there isn't enough parking for residents then, ultimately, people aren't going to want to live there.

So we have design projects in mind that if we are unable to park it sufficiently, we will be able to move dumpster enclosures and things and move the site plan around to where additional parking can be added. So that is an option, but it's all just a matter of trade-offs. If we're adding more impervious surface, then that takes away from greenspace and were taking up more of the site.

The way we have it designed now compared to the initial site plan -- initially, we

were sprawling over the entire site. We were taking full advantage of all the setbacks. But with this redesign we're actually much closer to Canal Road and there is a much larger open greenspace as a result.

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And so, did I address your question?

That's, I suppose, how we see it. You know, we do have a much higher parking ratio than that particular development where parking issues have been observed. And, you know, we can redesign the site at the end of the day if we are running into a hardship as the owner of the project, in that if people don't want to live there because there is not sufficient parking, we will be able to redesign it further.

DR. MOCKUS: So I appreciate that an open market will dictate whether or not people rent it. However, I don't think that the current market and I don't think the foreseeable market is one where many renters feel like they have a lot of options. And so part of this in my mind is we're one of the few stops along the way to work with developers to say, this is what we want for our community members. And so, you know, the market argument for me waxes and wanes a little bit in

this space because the market right now is so very tight for renters.

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I know from personal experience just hearing from people who want to be in Hebron or who, you know, for whatever reason, maybe their home that they are renting is being sold and so now they are in a position trying to find something, the market right now is really very tight for people looking for homes and so they will consider thins that are truly don't meet their needs. And I think that's going to be true for a long time.

So I feel that part of our responsibility is to make sure that what we do opt for and allow for, truly, in the long run, is going to work well for the folks who stay there.

MR. MCMICKLE: Yeah, absolutely.

DR. MOCKUS: Thank you so much. Thanks for answering my questions.

MR. MCMICKLE: Yeah. And just to piggyback off of that, you know, it is a matter of all of this economic development is driving a need for housing, but it's also driving the costs to a level that the housing can't be built, and so that's the part of the reason you are seeing that market fluctuation, that people can't find anywhere

to live that meets their budget and, you know, that's -- it's trade-offs like this where we're looking at parking versus -- and covered enclosures versus providing -- you know, putting that money into the building to meet green energy standards and build a high quality building versus just parking. And those are the trade-offs that developers are constantly assessing.

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MAYOR LAYTON: The cost of the property and the cost of the building are dictating how expensive the property has to be.

MR. MCMICKLE: That's right.

MAYOR LAYTON: When you're done, you have to be able to make a profit out of it. The cost of the property in this area are crazy and the cost of the materials and the cost of labor is continuing to go up.

MR. MCMICKLE: Yeah. It's certainly an issue. I will note that, you know, we are proposing 42 units in the area. You know, it could be much -- that land in particular is zoned for much more, and so it could be a matter that, you know, another developer could come in and do a much larger development that -- and then they are facing the same things.

So we are trying to kind of preserve the density in the area and compliment it rather than put a lot of density in an area that it doesn't necessarily fit, so I just thought I would share that piece.

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MR. STONER: I have a few follow-up questions. In support of what Valerie is saying, I agree with her on the parking space issue. one of the things that gives me heartburn right off I think most people in life now have of the bat. at least two cars if they're a family. So 76 car spaces are not going to be supporting if you got 42 That's 84 at a minimum and that doesn't leave any room for anyone else to show up. You know, your friends come over to visit, you know, or your family comes over to visit, where are they going to park? So has there been any consideration given to maybe having a couple less dwelling units and adding more parking spaces or purchasing more land?

Because as I look at this site plan
when we originally talked about this, I don't think
anyone on this board had any idea that the
retention pond was going to be as large as it is.
It looks like it takes up a big portion of your

footprint, which I know is part of your concern with preserving greenspace. But with that being said, I mean, you've got a hundred acres of farmland around you that eventually could be greenspace around you.

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MR. MCMICKLE: Certainly, yeah. So to answer your -- well, to respond to your comment about households having more than two, if you look at the census data for the village, it's 1.52 cars per household.

MR. STONER: Right.

MR. MCMICKLE: And that is data of what households in the Village of Hebron have.

MR. STONER: But that's the people who live here now, not necessarily the people that you're going to be renting to. And you used that number, you referenced the Village Square Apartments, that parking that they have set up over there was well before we even had an established zoning of 2.5 parking spaces, and so that's why they are in the jam that they are in right now, and we are trying to prevent more of that from happening.

MR. MCMICKLE: Yeah.

MAYOR LAYTON: So does anybody have a

proposed number?

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DR. MOCKUS: 2.5.

MR. STONER: 2.5. And then to follow up before we get farther down the road -- so you are aware of what the zoning is because I see it's in the application that you presented. So it's not just about the car spaces. It also says carport -- it says that 2.5 car spaces provided per dwelling unit, one of which shall be a completely enclosed garage. Carports may be allowed in lieu of a completely enclosed garage with the approval of the Planning and Zoning Board. But you're basically asking us not only to waive the carport, but to not have -- or not only waive the garage but waive the carport also.

MR. MCMICKLE: Yeah, we are asking for a variance on the carport and the garage. Most of the apartments of this style within the village actually do not have a carport or a garage. So there is precedent within the village for that.

And then in regards to -- so what is unique about this particular development is that we are striving to keep rents affordable. We're not looking to build something that people can't afford to live in, and so we can't simply just raise rents and

pass that cost onto the residents. So having enclosed parking, having carports, that ultimately leads us to -- that would cause the developer to raise rents in order to support that. The money has to come from somewhere in order for that to come to be.

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And so since we are bound in what we can charge for rent, you know, that is not something that we can do. So it does put a unique situation on this particular property in that it is cost prohibitive to develop enclosed parking in this current market that we are seeing.

MR. STONER: But you did know going in what the rule was and you went ahead and purchased the property, went ahead and put a site plan together for 42 units?

MAYOR LAYTON: Mr. Stoner, I believe we are here tonight to discuss the number of parking spaces.

 $$\operatorname{MR.}$ STONER: No, we are here to discuss the whole thing, Mayor.

MAYOR LAYTON: Exactly, but whether they bought the property first or not, doesn't enter into this agreement.

MR. STONER: No, actually it does. I

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2 MAYOR LAYTON: That's your opinion, 3 okay. Correct?

MR. STONER: It may be my opinion -MAYOR LAYTON: Let's figure out how
many -- if 2.5 spaces is 2.5 spaces, then somebody
is making a motion that that is what it is, and
would require carports or we can table this tonight
and have some more discussion about it and then
visit it another time.

MR. MCMICKLE: So one note on the property is that when we originally approached the owner to buy the property, it was not in a floodplain, and that was confirmed by the village.

Since then, we have learned that the maps will be updated and the property will be in the 100-year floodplain, to which we will be raising it out of the floodplain, but that puts additional financial stress on the deal. So it's not necessarily a matter of the -- the calculations changed after we approached the landowner, after we went under option for the property. It's not a matter -- you know, we're trying to get a project to financially work.

MAYOR LAYTON: Right.

MR. MCMICKLE: And, you know, that's the reality of what we are looking at and that the costs continuing adding up since we originally proposed the site plan.

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MR. STONER: I understand that and I appreciate it. My house is in the floodplain now and I've lived in Hebron my whole life and it was never in the floodplain until recently. So I appreciate where you are coming from. I just want to make sure that we're looking at this thoughtfully and not just bowing to everyone that comes into town and wants us to change the rules. I'm not saying that we won't accommodate some things. We do, but we need to look at things through a clear lens.

MR. MCMICKLE: Absolutely.

MR. STONER: Mike or Scott, do you have any comments or questions?

MR. MCFARLAND: We're recovering from a little cold, not contagious. As I looked at your documentation and so forth for what it is, it is my habit that when these kinds of things come before us, I try to see what developments have been done before in perhaps another location -- so that seems to be a reasonable thing to me to do -- and how is

it working.

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I have begun a process -- and for this reason I will ask to table the request, if that's appropriate, at some point. But I have reached out to several of the communities that you have listed here on Table B in the exhibit that you provided.

I had a conversation with the zoning enforcement and also with the -- some other folks in a couple of the communities to see how things were going because of the information you provided here. And I would like to be able to continue that process just as a part of due diligence. So that's why I'm going to be looking for a little more time should the board be open to that.

One of the other things that I see around the area and I'm aware of is that in some areas some apartments around our community, there didn't seem to be an ability to control, in any way -- and I'm not sure that there should be -- the number of people who are living in some of the facilities. I'm aware that there are some facilities around the area that are rented by one family and then occupied by two and three and that brings a lot of parking in.

Can you account for that? No, you

can't. There is no way to control -- I don't think -- how many people can actually be in one of these facilities. But nevertheless, that does happen in our community and it tends to overwhelm the parking issue.

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You're right that covered facilities and garages don't often happen with these types of facilities, and so I have been doing some due diligence here. And my interest here is to continue to talk to some of the people in some of the other communities where Spire has built these facilities. The map is a pretty cool piece of stuff. We're right in on it and so I intend to continue doing that and see how it works out.

I see for some of them you have -- you have in Bellefontaine you have 52 units, 55 spaces. That's interesting, and I want to learn some more about that. Okay. In Parkersburg, West Virginia, you have 36 units and 40 spaces. That's 1.11. You know, I have no idea what the demographics are or -- if that's the right word -- or what's going on in those communities that you can build apartments that, I assume, are two and three-bedroom apartments and have almost one parking space per unit. So I'm interested to learn

more about that and how that works. So I'll give you an opportunity to speak.

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MR. MCMICKLE: Yeah, no worries. So a couple of thoughts. As far as the multiple families living in a unit, there is a very thorough background check process. There is a very specific lease that the families sign. If there are individuals that are living in the unit that are not a part of that lease, they are in violation of their lease and they risk being evicted.

So that is something that we take very seriously and that, you know, the people that sign up to live in that unit are the ones that are going to be living there. It's not a matter of additional people, additional families moving in and we look the other way. That's not something that we are even allowed to do.

MR. MCFARLAND: I would imagine that happens. It's happening now. So I imagine it happens no matter what you build. If you are building housing, you have the potential for that.

MR. MCMICKLE: Certainly, yeah. In regards to the parking ratios at some of our other developments, you know, we take the municipality, in particular, that the project is located in very

seriously, and we do an analysis of, you know, what parking is necessary for the population that is being served. Some of the developments may be along transportation corridors, so they will be closer to a 1 ratio. The transportation corridors being on a bus stop or something along those lines.

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Now, projects like what we are proposing this evening that are not along a bus stop will naturally need to have a higher parking ratio, which then, you know, we do parking studies and look at census data and market comparables and that's how we arrive at what a good parking ratio will be. So each project is individual, and the parking needs are tailored to them and that is how we arrive at the parking ratios for each project.

I will also add that, you know, across the country, particularly in the Midwest, that a lot of municipalities are finding that they are over parked. You can go to just about any suburb and look at -- we are getting a little bit away from family here -- but you can look at any sort of strip malls and you can see the real effects of putting in excess parking. There is a lot of costs involved. It's very high maintenance costs associated with putting up parking lots. They

degrade very quickly and they are very expensive to And then you also run into issues with maintain. adding a ton of impervious surface that isn't necessary in that it can exacerbate floodwater conditions.

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You know, we -- one difference in the site plan that we are proposing this evening is we did acquire more land. So the previous site plan was just over 5 acres. This is just over 6 acres. We acquired an additional acre, and the idea behind that was simply to get a borrow pit for dirt for suitable soils. So the idea would be to strip unsuitable soils that can't bear the load of the building and then the only suitable soils that are able to raise the site to bear the weight of the buildings and such.

So we had actually expanded the pond. Rather than have a very deep pond, we have expanded it with the flood -- the stormwater control in mind. And so it's all interconnected. You know, the excess parking has an effect on stormwater in the general area and then also on the project as well. Sorry to go off on a -- I digress on --

MR. MCFARLAND: That's all right.

MR. MCMICKLE: Those are just some of

1 the examples of, you know, when you start adding 2 impervious surface, excess parking, that isn't 3 necessarily needed, then you start taking away from 4 general space, you start taking away amenities from 5 the residents that, you know, instead of putting in 6 higher end finishes or nicer things into 7 apartments, then your forced to just put it on 8 asphalt that is then very expensive to maintain and 9 isn't necessarily a good look long term for a

MR. STONER: That's fine.

project. So, sorry to go off on a rant there.

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MAYOR LAYTON: Your company would be the manager of the development too, right?

MR. MCMICKLE: So we would use a third-party manager that manages all of our properties in Ohio.

MAYOR LAYTON: At your direction though?

MR. MCMICKLE: Yeah. Yeah, we ultimately -- Spire is the long-term owner of the project and the management company answers to Spire.

MR. STONER: The dirt that you talked about moving -- I know we talked about that at a previous meeting. So you're swapping out dirt

where the houses -- or where the dwellings are going to be and you're taking dirt from another area and moving it. My understanding was that dirt is then going to be greenspace, the dirt that you move out?

MR. MCMICKLE: Correct.

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MR. STONER: Okay. So with that extra acre, that provides you enough space for that dirt to not just build a mountain?

MR. MCMICKLE: Correct, yeah. Where the buildings are going, that has to be raised. You know, we are collectively, multiple acres, a couple of feet to get it above floodplain elevation, that's quite a bit of costs involved in that. And so, yeah, it's a matter of we're not going to be mounding dirt on that acre. We are going to be -- we'll be moving it back to grade essentially.

MR. STONER: Okay.

MR. MCFARLAND: Let me ask for a little bit of clarification on that. It's a little off the topic, but you mentioned that rather than refill the borrow pit, you have expanded the stormwater retention pond or detention pond into that area, which allows you to not fill that area

where you take the dirt out from the borrow pit.

And thereby, because the stormwater management plan requires that you be able to store X amount of water, that X amount of ware requires X amount of cubic feet of space. That cubic feet of space in a smaller pond has to be deeper. If you expand it, then it can be more shallow and you expand it over

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there.

I'm not saying whether it's right or wrong -- but if I understood you correctly, then we are saying that rather than refill that borrow pit with some less suitable dirt from somewhere else for fill, that you're going to use that borrow pit as part of the stormwater retention pond and thereby expand the retention pond and avoid having to fill it with dirt; is that correct?

MR. MCMICKLE: Not exactly. So the idea previously in our initial site plan, we had smaller ponds that the concept was to dig very deep, as you were mentioning, in order to provide some materials to build a site. Since then, we have acquired an additional acre to the east of the site.

MR. MCFARLAND: Yes.

MR. MCMICKLE: And so the concept is that we'll borrow suitable materials from that acre, move those over, and we'll bring that back to grade.

MR. MCFARLAND: Okay.

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MR. MCMICKLE: Yeah. We're not going to leave a giant hole or anything there. We'll bring that back to where it was and we will have a shallower pond along the south side. And what that effectively does is that it contains the development there. There wouldn't be any sort of second phases or anymore multifamily to the south of that. It would essentially put a barrier, a screening along the south side. That was the concept behind it, to have a shallower pond that serves as a natural barrier to the south. So we won't be leaving any giant craters to the east.

MR. MCFARLAND: No, I didn't anticipate that you would. What I was thinking is that the expanded pond, one, could be more shallow, and two, you would use the borrow pit rather than fill it, which was going to come back up to grade and then the greenspace has been turned into part of the storm drainage or retention pond.

MR. MCMICKLE: Yeah, all of that has

been calculated in the dirt balance for certain,
yeah.

MR. MCMICKLE:

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MR. MCFARLAND: Has that calculation reduced the greenspace?

No. It's actually

increased the greenspace. So in our -- with the site plan that we received approval for, that one we used the entire 5 acres, we were taking every last bite of setback that we could in order to fit. I mean, we were sprawling over the entire thing. And so what we have done now is we moved the development closer to Canal Road. There is much more greenspace the east as part of this proposed site plan. So we have increased greenspace. Yeah, that's the idea.

MR. STONER: But the retention pond is much larger than your original plan with the acre that you bought, right?

MR. MCMICKLE: Yeah. The detention pond that we are showing right now is larger.

MR. STONER: You're just building it more shallow than you were originally planning?

MR. MCMICKLE: Yeah, that's right.

MR. STONER: So has there been any thought to making the retention pond a little bit

smaller than what you projected here, making it
deeper but smaller, and that would give you extra
room for parking spaces?

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MR. MCMICKLE: It's not necessarily a matter of space. As I mentioned before, if we run into an issue, we can redesign the site to incorporate more parking down the road. It's a matter of costs involved to dig a giant deep lake compared to a shallower one. There is also safety issues and things along those lines as well. It's better to have a shallow pond than --

MR. STONER: I realize that.

MR. MCMICKLE: So that was the concept behind it. It's a matter of --

MR. STONER: Just looking at the floor plan, the pond is enormous. I mean, it's the entire size of the development, bigger than the whole development.

MAYOR LAYTON: Well, an engineer developed the size of the pond to control the water that's the runoff, right?

MR. MCMICKLE: That's right. It's calculated -- it's a calculated size in order to control stormwater.

MR. STONER: But it's calculated based

on the depth. If you make it deeper, you can make it smaller.

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MR. MCMICKLE: That's right, yeah,
but -- you are correct, yes. But the whole concept
was in order to save costs to have a feasible
development. That's why we didn't go down that
path. We are certainly open to exploring other
options but, you know, that's not --

MR. MCFARLAND: I have nothing further. Thank you.

MR. STONER: Scott, do you have anything?

MR. JACOBS: No.

MS. MORGAN: And our engineer is online, Stephen Kopechek, if you have any questions as far as from the perspective of the village on this project as well, if you have any questions for him on that.

MR. STONER: So Stephen, I'm sure you heard what I just mentioned a minute ago. If the pond is made smaller but deeper, then that obviously gives more greenspace or more space for parking. Is there some kind of ratio as to the depth of the pond with the runoff? I'm assuming you build it based on what the runoff is expected

to be, that's why the pond is so large now.

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MR. KOPECHEK: So well, to clarify, we are not the design engineers. We reviewed the site on behalf of the village, but typically with a wet pond like this, where it's going to hold water, the depth does not matter as it relates to stormwater detention, the only -- the stormwater storage that you're going to get is going to be above that water surface. So whether you dig a 20 feet deep pond or 2 foot deep pond, your stormwater storage that's happening above the surface of the water -- that's just based on the foot print and the depth of the banks above the normal water surface.

Now, for aquatic life and just the water quality, typically you want, I think, it's between 6 to 8 feet or 6 to 10 foot depth. They've got a fountain, I think, proposed, so that will help provide oxygen and you can go a bit deeper with that.

I don't believe that I've seen the details on the pond yet, but it does feel like the pond -- I've not seen the stormwater report yet, but it feels like the pond may be larger than it needs to be for stormwater detention. I don't know if that's for earth works balance or that that --

what the reasoning is on that, but I would have to
see the stormwater discharge calculations to be
able to determine that.

MR. STONER: Okay. Thank you. I appreciate that.

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MR. MCMICKLE: And so a note on that is that, you know, this is a preliminary site plan approval. It's not a final site plan approval. So the idea is to get the necessary variance to have a viable development and also to talk about the development as a concept. We wouldn't have the fully engineered stormwater calculation for a preliminary site plan approval. That would be for the next hearing.

MR. STONER: Okay. Valerie, anything else?

DR. MOCKUS: I don't know if it really matters, but I'm interested that we're interested in the size of the pond. Like, I think the bigger the better in my brain. So, I guess, I'm wondering maybe, you know, something that I don't know.

MR. STONER: I'm not opposed to a big pond.

DR. MOCKUS: Okay. Okay.

MR. STONER: That's not what I'm saying

at all. I'm just saying when I look at this blueprint, the pond is enormous. It's the entire size of the development, which is great for the people living there, but if it takes away from their ability to have additional greenspace or takes away from their ability to have the parking that we normally would request, that's my concern.

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If it were me, and it's not -- but if it were me, I would explore building a smaller pond that's deeper that can still accommodate the stormwater, then you have more space for greenspace and you have more space for parking.

MR. MCMICKLE: Yeah, so on that note, the pond isn't what's prohibiting the parking.

There's enough -- we have incorporated enough greenspace -- there is enough greenspace in this development as proposed. The idea is that we were trying to preserve as much greenspace as we could.

If we add the parking, then we're going to be forcing the development closer to the single-family homes in the residential development that is already existing and is proposed to go in. So that's again, that's one of the trade-offs that increased parking allows.

And again, the way it's designed right

now, should there be parking issues, we're the long-term owners, we want to have a successful project. We want to be a good part of the community. It's a matter that it could be expanded with the way it is. It's designed very specifically for that.

MR. STONER: Okay. All right. Any other questions from the audience? Please step forward and state your name and your address.

Thank you, Sean.

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MS. CHAPMAN: Andrea Chapman, 408 East Main Street, Hebron. It's no secret that I hate rentals. I want to go back to what Valerie said earlier, Hebron is already the capital of rentals, just like we're the capital of storage units.

He's quoting apartments that are already in town. The apartments that we already have in town, we don't like. They are awful, most of them are. The police are there. They're small. They're not managed well. We don't want more like what we have. We made the zoning to improve what we have, and the zoning is 2.5. I think we should stick with 2.5 or whatever the zoning is.

My question is, what is his price points on the rentals? Are they above what's here

or -- we don't have a price point? That's one question.

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My other question is, and you kind of hit on it, I would like to know what some of their other properties look like now, what they look like -- how long they have been there 5, 10, 15 -- what they look like 20 years from now. He said that they don't manage them. Another management company is going to manage them. That's kind of iffy to me. So they're not going to have people on-site to manage it? How often is their company, the management company going to be on-site?

Weekly? Monthly? Yearly? We don't want to make new developments like our old developments.

MR. STONER: Thank you.

You can address that.

MR. MCMICKLE: Thank you for bringing those concerns to light. So --

MR. MCFARLAND: Are you folks in the back able to hear the speaker?

MR. STONER: Thank you.

MR. MCMICKLE: So to address the price points, currently the rents for a one-bedroom are in a range of \$400 to \$800, a two-bedroom, \$475 to \$925, and a three-bedroom are ranging from \$525 to

\$1,100. And the concept is that in order to have rents that are in line with the community that are affordable rents and not \$2,000 plus a month, that is the trade-off of what developers are looking at. And so that's part of the calculus at arriving at what -- where the rents are sent.

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I do have some example photographs of our completed projects. I wish I had a way to display them visually in a larger format. But the projects that we develop are built to lead silver energy standards. We use durable materials, stone, Hardie board, things of that nature. They are high quality developments. They're not cheaply built and that's the reason why we are asking for a parking variance is so that we can build a quality building with affordable rents rather than either having very high rents or putting money into things like parking versus the building is the trade-off. I think I digressed from what they asked about.

MR. STONER: I think she asked about having leasing agents on staff.

MR. MCMICKLE: Yes, thank you. So there is an on-site property manager. You know, I'm a developer. I'm not a property manager. We have a property management company that specializes

in that, and at the end of the day, they are hired by Spire, and there is a full-time property manager on-site for the project.

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MS. MILLER: David, can I add something to that? I wanted to say that Spire, they have developed --

MR. MCFARLAND: Can you use your microphone?

MS. MILLER: Can you hear me? Probably not. So they have Hopewell Cottages and I don't know how many years ago they were built, but they are just as nice now as they were then. And as far as the management company goes, before I started working for the village, I did business with the management company. Anyway -- that was before I worked here. Anyway -- and they were always -- they're on it. They stay on top of it. So, anyway, I just wanted to add my two cents. Spire doesn't do anything -- they don't build and then have it turn into something that's not pleasant to look at.

MR. STONER: Thank you, Bonnie.

MR. MOSER: Bonnie, did you have a question for me?

MS. MILLER: I was asking if I could

1 speak.

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2 MR. MOSER: I'm sorry. Sorry.

MAYOR LAYTON: So, Mike, do you want to make a motion to give you time to table this and give you time to finish your stuff or --

MR. STONER: First of all, is there anybody else in the audience that would like to speak to this before we adjourn from this public hearing and go to the next? Last chance to speak on the variance. All right.

Do I have a motion to adjourn? We are adjourning on this public hearing -- or are we staying in it, David?

MR. MOSER: You have two public hearings. As I've heard the conversation you plan to talk here about the site development plan.

That's okay.

MR. STONER: Okay.

MR. MOSER: So we have more to discuss on the site development plan and move into that second public hearing. You are continuing the public hearing, that's a motion. You're adjourning -- you would adjourn. But, yeah, I think we should do it separately and then move into the site development.

40 1 MR. STONER: Okay. So adjourn this 2 public hearing, move on to the next? 3 MR. MOSER: Correct. 4 MR. STONER: Okay. Do I have a motion 5 to adjourn from the public hearing for the Spire 6 Development variance? 7 DR. MOCKUS: So moved. 8 I'll second. MR. JACOBS: 9 MR. STONER: All right. I'll call 10 roll. 11 Dr. Mockus? 12 DR. MOCKUS: Yes. 1.3 MR. STONER: Mr. McFarland? 14 MR. MCFARLAND: Yes. 15 MR. STONER: Mr. Jacobs? 16 MR. JACOBS: Yes. 17 MR. STONER: Mr. Layton? 18 MAYOR LAYTON: Yes. 19 MR. STONER: Mr. Stoner is a yes. 2.0 (MOTION APPROVED.) 2.1 MR. STONER: We will now move into the 22 next public hearing, which is the Spire 23 Development, Incorporated has applied for a new

site development, Planning and Zoning Section 1109.

The property is currently zoned R-5 multifamily

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residential district. This property is located directly south of 101 Canal Street.

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that didn't already take the oath that wants to speak, please, stand. If there isn't anyone that didn't take the oath, then we will just move on.

No one? Okay. Anyone that wishes to speak on the site development plan, please step forward to the podium and state your name and address.

So same as before, if there is anyone

MAYOR LAYTON: Has it been reviewed by anybody at all?

MS. MILLER: Yes. The site development, yes.

MAYOR LAYTON: Did we get any recommendations from anybody?

MS. MORGAN: It's preliminary, so currently they are on track with everything.

MR. MOSER: I'll just say per procedure wise, I think it's the same applicant. So if they have anything further to add -- I think you already talked a lot about it, but if you have any other specific questions for purposes of the site plan, now --

MR. MCMICKLE: I just wanted to add one little thing in that, you know, it is a preliminary

site plan hearing. But if we have received comments from V3 and we have been addressing them. I've given them a couple of reiterations of the site plan to incorporate comments.

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So we have -- the site plan before you has been reviewed by emergency services, fire, EMS. It's been reviewed by the water and sewer department, and we have incorporated changes in provided easements and such based off of their feedback. So it -- there has been a fair amount of input.

It's just a matter of, you know, if we were to move forward towards final segment approval, then it would be things like fine tuning the stormwater calculations and things like that.

Are there any other questions I can address on that?

 $$\operatorname{MS.}$ MILLER: They are on track for where they are supposed to be. This is --

MR. STONER: So the hearing is obviously for our benefit to ask questions and homeowners and the residents to ask questions.

But I have a question for David again. David, if we were to approve the site plan tonight, and then we still have questions about the

variance, are they still able to modify the site plan?

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MR. MOSER: So I would first start off with the applicant, if it would cause any trouble for the variance and the site plan, preliminary site plan, to not remain on the same trajectory. You could better answer that than I could.

MR. MCMICKLE: The site plan takes into account a parking variance, and so they are interconnected. So if we were to get preliminary site plan approval, the final site plan approval would not be any good if the variance was not passed. And so that was the idea of why we went with preliminary site plan approval rather than go straight to final, was to allow time to design the buildings and the stormwater and such, so they are connected to each other.

MR. MOSER: So if you're -- the Board's options are based on that, and that's kind of what I figured, knowing what I know about the application, if the thought is to request any further information on either of them, so the parking issue or the site plan or, I would suggest you -- I would suggest you continue -- you table your motions on both action items.

Let me put this -- sorry, I wrote this down because this is starting to get confusing. If the thought is to deny the variance, then the variance fails, gets deny, and with respect to any action on the development plan, based on what I've just heard, any approval would have to be subject to the condition that the plan is revised to account for the denial of the parking variance.

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Does that make sense? Sometimes I have to talk it out in order for my brain to --

MR. STONER: That's why I was asking the questions specifically. I mean, we don't want to necessarily approve this site development if we're not completely convinced on the variance as of yet because there may have to be changes to the site development. And I'm not trying to waste their time. I want them to be able to have the opportunity to get it to a way where all parties are satisfied.

MR. MOSER: Correct.

MR. STONER: So if that's the case, then you are saying table both items, after we get out of the hearing, obviously. We'll make a motion to table both items until we have more information provided from Spire and possibly a new site plan.

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MR. MOSER: Sure. And make sure they're clear on the information specifically that you are looking for to help clarify things, but yes.

MR. STONER: Okay. Anything else anyone wants to add about site development, you or any of the members of the audience?

MR. HARROLD: Scott Harrold, Spire Development.

MR. STONER: Hi, Scott.

MR. HARROLD: The same address as Sean. Thanks for having us again tonight. Nice to see everybody.

I guess, if we -- I mean, if we have anybody here that lives over at Sands Drive area, I mean, I'd like to get input on if we have to add the parking, this is all going this way.

We have the zoning. We have a right to do this. We don't want to do it. But we might be forced to do it. So if anybody lives in the neighborhood to the east, this is an opportunity, I mean, to speak, not against the rental because we have the zoning in place to do this but if we have to add the extra parking spaces, we're just going to be closer to your houses.

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And I'm telling you right now, we're not going to use the parking. It's just not going to happen. I mean, we've got almost 30 of these projects around the Midwest. I'm the owner. I'm not going to build something that's not going to lease, and if I don't have enough spots, it's not going to lease.

And I've also done it up -- usually it's the opposite that's happen happening. Folks are saying, hey, we live over here, we want you to bring the development this way. So we're trying to head that off and add greenspace and buffer if we can. But if we have to redesign this site plan, we're coming back, we're not going to be asking for any variances. We're going to follow the rules, but, it's just going this way, which I don't know if that's really what the public wants.

MR. STONER: Would you mind showing the board where it's going to --

MR. HARROLD: Yeah, it's going this way. I mean, it's the only --

MR. STONER: So it's going east. It's going closer to the farm fields.

MR. HARROLD: It's going to go this way, probably.

MR. STONER: Right. Which is farm
fields behind --

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MR. HARROLD: I mean, there is houses over there, too.

MR. STONER: Right.

MR. HARROLD: So I mean, we can do it.

We can build, you know, parking lots. It's headlights, it's all of that stuff that goes with it. I have been doing this a long time and if we meet the code, that's where it's headed.

And like I said, I feel strongly that we don't need it and I wouldn't be asking for something that I think is going to hurt this project. I'm on the hook for it, you know, financially, so if it doesn't lease up, then that's my issue. So I mean, we are trying to do things the right way for us but also for a community.

And I think Sean touched on this too, it's zoned for about 80 units. We're doing half of that. So I mean, the alternative is that you get somebody here who is not local in Ohio that doesn't have another project down the street, that haven't owned for a long time and they come in and they pick the zoning code and they maximize as many units as they can possibly do with density. And

1 | that's not how we operate.

So I think it's good to hear from

everybody up here, but I also think it's important

to the folks that live in the immediate area to be

able to speak up about it. And if it's going this

way, is that going to be a problem at the end of

the day?

So I'll just throw that out there for anybody that wants to get up and speak up.

MAYOR LAYTON: Did you want to look at

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12 UNIDENTIFIED MALE: I'd like to look at 13 it.

MAYOR LAYTON: His house is going to be the closest to where you are talking about.

MS. CHAPMAN: Is this going to adjoin the apartments?

(INAUDIBLE MULTIPLE PEOPLE SPEAKING.)

MR. HARROLD: This is the setback line.

So we can go back to the setback line.

(Inaudible). It might be a little bit more than that. But you're talking maybe 30 feet at the most

off the top of my head. (Inaudible). It's going

24 to change in size but (inaudible).

UNIDENTIFIED MALE: (Inaudible).

MR. HARROLD: I mean, that's how we are showing it now, really the next stop --

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UNIDENTIFIED MALE: So where do you change the elevation of this then? You have to --

MR. HARROLD: (Inaudible) we can't put it on someone else's property. This is going to help -- right now, you don't have any runoff control. It just goes when it rains.

UNIDENTIFIED MALE: No, I have --

MR. HARROLD: We have to slowly contain it, so if it's a flash flood event right now, the water comes and it just goes. We have to contain it into the pipes and we have to slowly release it. So it's a good thing. It's a positive thing.

But -- that was my only thoughts on it is we provide extra parking that I don't think we're going to need and then we got a bunch of folks that are upset because now we are closer to their house and noise, headlights, all of that type of stuff. Right now, we've got it setback nicely where we got -- I don't know -- lots of buffer.

I mean, the existing garden apartments, I've got it written down, I mean, the average ratio is a 1.6 parking space ratio. I'm guessing that they don't have a property manager on-site to lease

- 1 | that. We do. We're proposing 1.8.
- 2 You know, as far as other families
- 3 | living in the unit, again, those are probably folks
- 4 | that don't have a manager on-site. I can tell you
- 5 one time I know for sure that that happened at
- 6 Hopewell Cottages and they were out. You know,
- 7 | they were out. So, I mean, we watch it closely
- 8 because we are on the hook for that stuff. So I
- 9 just can't speak for other people in the community
- 10 | that manage it.
- MR. STONER: So the apartments that are
- 12 | there now on Canal Road, you're not building
- 13 directly adjacent to those? There's land between
- 14 | those apartments and where you are building
- 15 | currently on this blueprint, right?
- 16 MR. HARROLD: There is not.
- 17 MR. STONER: You're building right next
- 18 | to the apartments?
- MR. HARROLD: They are right up -- the
- 20 | existing apartments?
- MR. STONER: Yes.
- MR. HARROLD: Are right here.
- MR. STONER: So you are building right
- 24 next to them?
- MR. HARROLD: Uh-huh.

1 MR. STONER: Okay. So if the 2 apartments move from out set by the road to back, 3 you're moving them -- you're moving them the same 4 direction away to the east. Which, yes, you're 5 correct, it will be closer to some of those homes. 6 MR. HARROLD: Uh-huh. 7 MR. STONER: But you're not going 8 closer to them this way. You're going closer to them from a different direction. 9 10 MR. HARROLD: Single-family homes? 11 MR. STONER: Yes. 12 MR. HARROLD: Yep. We'll be coming 1.3 this way towards them. 14 MR. STONER: Right. But they are not 15 behind you. They are beside you. So they are 16 still on the other side of those apartments. 17 MR. HARROLD: I'm just saying, I've 18 been doing it a long time, and I know that people 19 want us to stay away from them. 2.0 MR. STONER: No, I understand. 2.1 MR. HARROLD: So that's what we are 22 doing. 23 MR. STONER: I understand that. 24 MR. HARROLD: I would rather, if it was

me and I lived in those houses and I was up here, I

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would want as much space as possible just because it's nice -- so, you know, the transition is there.

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MS. MILLER: I want to add something.

So the apartments that are right next door, they do not have full-time on-site management there. As a matter of fact, it's very hard for me to get ahold of them because they are in violation, several violations right now. And this would be the exact opposite. They are going to have somebody there full time and like you said you know, they are -- if not you're out, so I just wanted to add that.

MR. STONER: Okay. Great.

DR. MOCKUS: So I have two remaining thoughts. One, is we talked a lot about parking spaces but we have not talked about garages or carports. And so I'm just trying to wrap my head around just you know, (inaudible). Can you speak to that at all?

MR. HARROLD: Sure. I think -- I'm not sure when the ordinance was written but I think we're in a climate where things are, you know, starting to change and if you had Columbus in the suburban, new market rate, garden walk-up style like this that's commanding rent that's much, much higher, you don't even see any covered parking

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And to Sean's point, a lot of it is because we have a need for housing but the costs have gone up so much you have to focus on what the people need. You know, it's needs versus wants more than anything else.

And in our case we're trying to keep rents affordable. You know, we're trying to work within the market as much as we can. We don't want people to spend half of their earnings every month on their rent. So if we have to add the covered parking, that's just how the math works. I mean, somebody is going to have to pay for it. We can't afford, you know, just to subsidize it.

We had our GC look at it. I mean, the new covered parking is hundreds of thousands of dollars. And the table that we had in there was to show you that we really don't have it anywhere else where we've got similar, you know, walk-ups. And we're all most 100 percent full.

So just from an experience standpoint,

I don't think it's going to hurt the lease up at

all. It is nice to have. It's not, you know, a

must have. And we're just -- we're in this

situation where we have inflation that's gone

through the roof. We've just made it out of this pandemic. Intel is here. Intel is driving prices up. Intel is great. It's going to bring a bunch of jobs. It's going to bring a bunch of money. So you need to have housing. But you can't afford to build the housing. It's just a circular red line.

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So we as the owner and the developers, we have to meet halfway, you know, with cities and villages to hit their wants, but we also need it the other way too or else nothing is going to happen, nothing is going to happen.

I mean, the alternative is you get somebody in here and they say we are going to build housing, we're going to charge \$3,000 a month for it. And that's just not the market that we have. So we're trying to build something that's going to last a long, long time, that's going to make people happy, that's going to fit within the code as much as we possibly can, but we're in this world right now where we have to have some type of, you know, work around.

I mean, it's no different when we sit down with V3 and they shared their comments, and they say we'd like you to do this and this and this. Wherever we can, we say yes, even if we're

like, that's expensive. The residents are not even going to see that ever because it's in the dirt.

It's 6 feet in the dirt. But if we can do it, we are willing to do it if it helps out the village and everything like that.

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So, it's kind of -- you need to have that, you know, kind of on each side of the table and so we think that it's a small ask if you go around to some of the other areas in Columbus, high-end rental units, you don't really see garages. And just from an experience standpoint, we are leasing our units everywhere without them.

So, you know, the hardship of the site is that it will be in a floodplain. We have to raise our site out of the floodplain. Flood insurance is not an option. We won't be able to find a lender. So the site hardship for us is now it's in a floodplain.

You know, a few years ago when we got it under option it wasn't. And we reached out to the village and asked is it in a floodplain? We we're looking at the FEMA maps and we were told, no, it's not. Now, it will be. That's going to be \$500,000 at least just to raise it out of the floodplain.

So you start to add up all of these things before you even have a building in the ground, before you have anything that residents can enjoy, it's all in the dirt. So we're trying to invest as much money as we can in the units themselves, so we don't have folks come out here years from now and say, why did you guys approve this? It looks horrible.

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If we can invest it in the project itself, invest it in the units that the residents are going to be using and enjoying, that's what we want to do and I'll just reiterate that I don't want to set myself up for failure on the parking either. Yes, we can add extra spaces when the project is finished and I've got the construction crews off site and my construction loan is paid off. For me to go back and add extra spaces, I can do it, but it's even more expensive.

So, I mean, we don't want to set this thing up on the front end for failure. So I think the parking ratios that we're proposing are fair and they will work. If you look at the communities that we have, I can tell you that in that list maybe one of those projects we asked for a parking variance, maybe. The rest of them, that was their

zoning code. That was their zoning code that we fit in. So it's just an adjustment, I think, that needs to be made to some of the changing times, you know. I mean, the garages and the 2.5 spaces, it's just not going to happen.

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MR. STONER: All of these cities that are listed on here, I'm familiar with one. It is relatively close to here that we could even look at and it's not always an apples to apples comparison.

MR. HARROLD: Sure.

MR. STONER: You know, an apartment complex in a city is a lot different then an apartment complex in a small village.

MR. HARROLD: I'd agree.

MR. STONER: So while I appreciate everything that you are bringing with this and I think it's great, I know you guys have a fantastic reputation, I don't have any concern at all that you guys will do a great job in building something that will be great for Hebron.

You mentioned compromise before, and in my view, there is no compromise. You may have compromised on many other things that had to do with the site plan, but there hasn't been any compromise on what our zoning is. If you want us

1 to not make you have the same amount of parking

- 2 | spaces that you have, and you also don't want to
- 3 | build a carport, which is something we have the
- 4 | ability to approve if asked, and you don't want to
- 5 | build the garage -- so there is no compromise here
- 6 at all. You're basically saying we want you to
- 7 | give us a variance for everything.
- MR. HARROLD: No. No, I'm sorry.
- 9 | guess, what I'm referring to is, I mean, typically
- 10 you see a developer come to town and they don't
- 11 | want to work within the code. They want to write
- 12 | their own code.
- MR. STONER: Right.
- 14 MR. HARROLD: You know, they want to do
- 15 a PUD.
- MR. STONER: Yep.
- MR. HARROLD: And they say, we want to
- 18 do four stories and we want to do -- you know, we
- 19 | want our setback line here to be reduced and X, Y,
- 20 | Z. And I guess, my point is in the grand scheme of
- 21 | your ordinance, if we laid it out side by side,
- 22 | we're doing all of these things. We are asking for
- 23 | two things. If you laid out your ordinance and you
- 24 looked at landscape, you looked at the height, we
- 25 looked at setback, we looked at -- I don't know,

your lot coverage ratio, et cetera, et cetera, et cetera, we are doing all of those things. These are the only two things that we are asking for is, I guess, is my point.

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And we're not asking for a, you know,

1.5 space ratio or anything like that and I think

the numbers that we provided -- I mean, if we had a

traffic engineer, you know, who ran those numbers

in here, they would say, oh, they'd be fine with a

1.3 parking ratio. So we even upped it, you know,

more than I think we actually needed.

So, you know, we want to start the project. We were here before the end of the year. We were hoping that that layout was going to work. We have been completely honest. You know, I mean, a lot of developers wouldn't share, I guess, what we've shared tonight, that the numbers aren't really working and now we are going back, you know, to code and trying to find something that works within the code as much as we possibly can to get it to work.

And it's just we want to start now and not continue to wait because we want to get units online because Hopewell Cottages, we have a wait list of over 100 people that all want to live here.

So we're going to fill them up in a month when they are finished.

So it's just, you know, continuing to

redesign it. And, you know, like I said, if we redesign this, you know, our people are going to be upset because, you know, now we are getting closer to their yards and their homes because I have seen that happen a lot and I try to learn from my mistakes. So, you know, you can trust us. I think we have shown it with Hopewell Cottages that we're not going anywhere so we want to be good neighbors.

MR. STONER: All right. Anyone else want to speak on the topic before we adjourn from the public hearing? All right.

Do I have a motion to adjourn from the public hearing?

17 MAYOR LAYTON: So moved.

MR. STONER: Second?

MR. JACOBS: Second.

MR. STONER: It is 7:42. I'll call the

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Dr. Mockus?

DR. MOCKUS: Yes.

MR. STONER: Mr. McFarland?

MR. MCFARLAND: Yes.

1 MR. STONER: Mr. Jacobs?

2 MR. JACOBS: Yes.

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MR. STONER: Mr. Layton?

MAYOR LAYTON: Yes.

MR. STONER: Mr. Stoner, yes.

(MOTION APPROVED.)

MR. STONER: All right. Now, we move to the portion of the agenda, items requiring action. The first item requiring action is the Spire Development, Incorporated, has applied for a variance. The applicant is requesting to decrease parking requirements from 105 spaces to 76 spaces, which equals out roughly to 1.8 parking spaces per dwelling unit, and to remove the requirement for a completely enclosed garage and/or carport, Planning and Zoning Code Section 1131.04.

Do I have a motion?

MAYOR LAYTON: Do you want to continue to investigate? That would require us to make a motion to table it right now; is that correct?

MR. MOSER: As a sense of procedure.

MR. MCFARLAND: Mr. Moser, your advise would be appreciated.

MR. MOSER: Yes, since I sensed a procedure question coming -- so just keep in mind

that there is a time limit on your variance
approval. Since you concluded the public hearing,
you have 30 days to approve, disapprove or approve
it with recommendations. You have to take action
on it within 30 days. If you table it, that's
fine, but you still have to come back before the 30

days is up, if that makes sense.

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MR. STONER: So if we table it, we have the ability to go back into the hearing?

MR. MOSER: Nope. You've adjourned the hearing. You would just have the ability to bring that action item back on the agenda at another meeting that has to be within 30 days of May 1.

MS. MILLER: So it would need to be a special meeting?

MR. MOSER: Yeah. Because the next meeting is scheduled for June 5, the first Monday of June.

 $$\operatorname{\textsc{MAYOR}}$$ LAYTON: And that would mean the special meeting would be the 22nd or the 29th of May.

MR. MOSER: It could be a special meeting any day that works within 30 days, yes. So I just wanted to clarify that point. There is a timeline with the variance.

MR. STONER: That would be within 30

2 days, wouldn't it? The 5th of June?

MR. MOSER: No.

MR. STONER: No.

DR. MOCKUS: Today is the 1st.

MAYOR LAYTON: This is the 1st. There

is --

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MR. STONER: I'm looking at -- the calendar is marked wrong. I'm looking at the wrong date. Sorry. Okay. So we either table it or we make a motion to take action?

MR. MOSER: Correct. And if you table
it, you're just delaying a inevitable special
meeting.

MS. MILLER: And there is no more discussion?

MR. MOSER: Correct. But you're allowed to have more discussion right now.

MR. STONER: Right. So any further discussion before we table or make a motion between the members?

I personally think the development looks fantastic. I am just not sold on less parking spaces. I think it needs more parking spaces and/or a carport or a garage. If they don't

want to put a carport or a garage in, then I think we need more spaces. That's my view. I don't know what anybody else thinks.

I appreciate what you brought to the table with what you've shown us with other communities, but those other communities aren't Hebron. We have our zoning. We have it in place for a reason and we're trying to keep Hebron looking a specific way and I know times are changing and I know costs are changing, but in the end, I think we want to have Hebron abide by the zoning rules.

We have signs all over town that says zoning enforced, but we, you know, we have the ability to give variances. But in this case I'm just not for it personally. That's just my opinion. I'm only one vote.

DR. MOCKUS: We're allowed to talk. Are we allowed to still ask questions?

MR. MOSER: It's still discussion.

DR. MOCKUS: I just wanted to make

sure.

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MR. MOSER: Absolutely.

DR. MOCKUS: So with Hopewell, could you speak to what the ratio is for parking versus

- 1 | units? Thank you.
- 2 MR. HARROLD: We were able to meet the
- 3 parking on Hopewell.
- 4 DR. MOCKUS: The 2.5.
- 5 MR. HARROLD: Seven years ago, which
- 6 might as well have been you know 30 years ago with
- 7 | costs, but, yeah.
- B DR. MOCKUS: Yeah, I hear you on that.
- 9 Thank you.
- 10 MAYOR LAYTON: What was the ratio at
- 11 Hopewell?
- 12 MR. HARROLD: It's the same as the
- 13 code. I think we have 50 units at Hopewell. We
- 14 have 2.5 and we have a garage.
- MS. MILLER: Can I add that Hopewell
- 16 | Cottages, even though it is like two spots because
- 17 | they do have an attach garage, I have been through
- 18 | there many times, you know, looking at many code
- 19 | violations and a lot of those people that live
- 20 there, they had one car.
- MR. STONER: So just to make sure I
- 22 understand what you just said, so you're saying
- 23 | Hopewell has two spots and a garage for each?
- MR. HARROLD: Yep.
- 25 MR. STONER: So that exceeds the limit

1 then because the code says 2.5 parking spaces

2 provided per dwelling unit, one of which shall be

- 3 in a completely enclosed garage.
- 4 MR. HARROLD: Yeah, yeah, I'm sorry.
- 5 So we might -- so we for sure have a garage space
- 6 and then we have a driveway space and then we have
- 7 | a couple spaces right around the clubhouse and
- 8 | that's it. I don't know exactly what that ratio
- 9 | is, but we, again, we were able to meet the code at
- 10 the time.
- MR. STONER: I just wanted --
- MR. HARROLD: We didn't ask for any
- 13 | variance. We met the variance.
- 14 MR. MCFARLAND: Could you stay there
- 15 for just a minute.
- MR. HARROLD: Sure.
- 17 MR. MCFARLAND: I like Hopewell. I
- 18 | think it looks nice. You are still the owner of
- 19 | that project?
- MR. HARROLD: Yes.
- MR. MCFARLAND: Do you expect to
- 22 remain -- Spire is expected to remain the owner of
- 23 | that project?
- MR. HARROLD: Yes.
- MR. MCFARLAND: Indefinitely?

1 MR. HARROLD: Yes.

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2 MR. MCFARLAND: And that's been there 3 now, what, six, seven years?

MR. HARROLD: Yep.

MR. MCFARLAND: And your lease ratio at this point is, what did you say?

MR. HARROLD: It's 100 percent leased.

MR. MCFARLAND: Okay. And I know that we have -- I talk to the police a couple years ago just to see if, you know, we're having difficulties there, and I haven't had anything shared with me that indicates that we have. So it appears that you've got a pretty good product. And it appears that you stay with the project.

The question for me as I go forward is more of that product on the south side of town of what we want. And I struggle with that. I hear from some of the residence that, you know, they don't want anymore rentals in town, but I also understand the demographics are changing and here come people and the economy and so forth indicates that -- and I'm sure you've done your market research and you wouldn't be looking to invest in this if you didn't have confidence in your numbers that there are people waiting.

MR. HARROLD: Yep.

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MR. MCFARLAND: That 100 people are waiting over there at Hopewell is certainly an indicator. So the project you are proposing for this area is different -- is a different design from the project of Hopewell. Why is that? My question on that is not just why is that, is it because of the time that Hopewell was built and the time this one was being built? The economics of it? The ROI? The other issues involved? Why are they different?

MR. HARROLD: Yeah, sure. If we can build a Hopewell Cottage, you know, like we had on our first site plan, we would, but we just can't afford to do it. I mean, that's the bottom line. You know, costs are too expensive.

MR. MCFARLAND: Did we have something in front of us at one point where you were expanding Hopewell Cottage?

MR. HARROLD: Yeah, yeah. So there is a property that's sort of next to Hopewell and that was a rezoning.

MR. STONER: Did you meet the zoning requirement for that?

MR. HARROLD: It was just a rezoning.

1 It wasn't like a site plan approval.

MR. MCFARLAND: But I mean, would your intention be to extend the similar project on that property?

MR. MCMICKLE: If we could, we would, yeah. As of right now, that's not an option.

MR. MCFARLAND: So if you were to extend that project, and I know I'm getting a little far away here, but I'm trying to understand the way the whole thing works. And so you are saying that in a market, affordable market, for people to rent for a quality product -- define quality however you choose, okay -- that in today's environment with costs being what they are, that it is not possible to build a duplicate of Hopewell Cottage because of the costs associated.

Therefore, your new design, which you're offering here to the village, is a design that works within the confines of the costs associated with building affordable housing?

MR. HARROLD: Yes.

MR. MCFARLAND: Does that make sense?

MR. HARROLD: Yes. That's absolutely

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MR. MCFARLAND: But, you know, so it is

different from what we had approved there. The -I'm wondering as we go forward, would you expect to
at some point or another expand the -- this -- what
are we calling this, Canal Crossing?

MR. HARROLD: Uh-huh.

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MR. MCFARLAND: The design here, if that lease is up and you have another 100 people on a waiting list, would you anticipate doing it again or is that wholly dependent on the tax credits and the things that you get to finance the project?

MR. HARROLD: For that site in particular, not necessarily. I think you give it a couple of years and you see what happens with the jobs at Intel and then kind of take it from there. It's hard to say. I mean, we've invested so much into this project, you know, this is what we are looking at. This is what we are focused on. It's really, really hard for me to predict what's going to happen up there especially in this environment because --

MR. MCFARLAND: It isn't for everybody.

MR. HARROLD: Yeah. Because I tried to

make the single-story cottages work and it didn't.

So I can't really say on public record, I guess,

now at this point now, what's going to happen.

MR. MCFARLAND: What didn't work? The

2 | single-story cottages?

MR. HARROLD: Yeah, that year.

MAYOR LAYTON: Too much money?

5 MR. HARROLD: Yeah. And the cost

were --

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7 MR. MCFARLAND: Oh, I see what you 8 mean. I thought you meant they weren't working.

MR. HARROLD: No, no, no, no.

10 MR. MCFARLAND: They're working just

11 fine.

12 MR. HARROLD: I think they work great,

13 | yep.

MR. MCFARLAND: But you can't duplicate

15 | that at today's costs?

MR. HARROLD: No. And I think, if I

17 | may, these are examples of some similar projects,

18 | you know, that are garden walk-up projects and --

MR. MCFARLAND: That term I'm not

20 familiar with.

MR. HARROLD: You know, basically

22 stacked flats on top of each other, units on top of

23 | each other, two stories.

MR. MCFARLAND:

MR. HARROLD: And, I mean, the quality,

1 | I mean, it is Hopewell Cottages. It's a

2 | different -- you know, it's a different feel. Half

3 of the units are on the first floor, right,

4 | zero-step entry. So if you're a senior, Hopewell

5 | Cottages is great. If you're a senior, these still

work if you're on the first floor, you know, for

sure. So it still --

MR. MCFARLAND: But the ones you are

9 proposing are one floor, I would think.

MR. HARROLD: These are not. These are

11 two stories.

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MR. MCFARLAND: Okay.

MR. HARROLD: These are two stories and

14 | that's within the zoning. But, you know, interior

15 units are very, very similar to Hopewell Cottages,

16 | you know, from a square footage and a size

17 | standpoint. I'll just hand this around and you

guys can take a look at the product.

MR. MCFARLAND: Thank you very much.

MR. STONER: Yeah, thanks.

MR. HARROLD: But it truly is -- I

22 | mean, I think Intel's CEO at one point he came out

23 and he said that if there's a concrete, you know --

24 | if there's a truck, you know, with concrete in

25 Ohio, it needs to be coming to Intel. I mean, I

get it. Intel's great. There are so many other projects going on. I mean, our concrete estimate on our first design was \$900,000. It's because of Intel. So it's not going to change for 3 years. So that's where it's, like --

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MR. MCFARLAND: Well, construction materials are going to become a factor of supply and demand.

MR. HARROLD: So there will be -- if I go back to my other point, unless individuals like myself, you know, cities and villages, we work together, there will be -- there's not going to be housing to help that. I mean, that's the reality. Unless I go and I get -- I don't know -- a Section Eight, you know, subsidy handouts from the government to start building, you know, public housing, you know, there just has to be some type of compromise or else it's not going to happen.

I mean, we are sharing a lot of information with you guys tonight that I'm sure you don't hear from a lot of developers, but I mean, it's the truth because we just went through it. We took our plans, our single-story product, the plans were 100 percent done and we took them to the street and we have a GC working on it that has a

ton of experience and the numbers were
astronomical. We've never seen numbers that high
before.

4 MR. MCFARLAND: When you say GT, what 5 is a GT?

MR. HARROLD: GC.

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MR. STONER: General contractor.

MR. MCFARLAND: Oh, I thought you said a GT.

MR. HARROLD: And so we've got a project under construction -- or no we are getting ready to start construction on it that's an hour and a half away up in Massillon and the costs were astronomically lower. Like, the Licking County effect is a real thing. The Columbus effect is a real thing. It's an hour and a half away and the costs were just apples and oranges, not even close.

So it is a compromise of do you want to do your part and contribute, you know, to workforce housing. Again, I mean, it's only 40 units. It's not 350 units -- or it's just going to be a waiting game. There's not going to be anything developed from a housing standpoint unless it's on the far end of the spectrum housing where the government is paying a ton of money into it to get it done, which

you know -- so --

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MR. MCFARLAND: I appreciate your patience tonight with a couple of things. One of them is helping to educate some of us.

MR. HARROLD: Sure.

MR. MCFARLAND: Myself, I can't speak for the others but helping to educate us a little bit. The photos that you've shown me right now, if that is an exemplar of the apartments you are considering building, I've seen some of those around like that. And you know, we have a zoning ordinance and part of the struggle for me as a resident is trying to do the right thing as I sit here on this board. And you know, it's -- you want to do the right thing but you try to figure out what it is.

You know, we hear from some folks that you know, they don't want to see anymore rentals. There are other folks who want to see \$500,000 houses. The tsunami created in housing by Intel is coming at us and the wave is getting higher and higher.

We currently have -- Mayor, help me out -- we have a number of developers that are currently approaching Hebron for, you know,

development. So I appreciate the information you have given me, I am trying to digest all of this and balance it against what is best for Hebron.

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I don't question -- and I will be honest about this. I don't question the quality of your product. I don't question, you know, the way that you administer it. I like the idea of the on-site property management always, and I'm trying to figure out a way to get comfortable between what the ordinance that we have is -- which was put together by well-intentioned people and was put together and approved by the zoning board at the time it was done and was approved by the City Council.

Now, these folks that I just mentioned represent the Village of Hebron, the residents here. And so we have to have care about the rest of the residents of the Village of Hebron. I don't think we sit here and just simply represent our own thoughts. That's why we have the hearings.

At the same time, I have to recognize that when the ordinance was written, Intel didn't exist. No one had any idea that the pressures were going to be coming to Hebron that we see now. And you know, is rental housing a part of the overall

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Well, I happen to be one of those people
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     that thinks that everyone who works in a community
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     should be allowed to live in it, should be able to
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     live in it. I think that a person who has the most
 5
     menial job still should have an opportunity to live
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     in our community as well as the president of the
     local manufacturing and everybody in between. So
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     having said that, I'm out of babel. Thank you for
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     your patience. I appreciate it.
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                 MR. HARROLD: Yeah, absolutely.
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MR. MCFARLAND: I think, Dr. Mockus, were you about to say something?

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DR. MOCKUS: Yeah. And I forgot it.
I'm sorry.

MR. MCFARLAND: I droned on long enough. And I'm also wondering if our ordinance didn't require -- if the ordinance didn't require a garage and 2.5 parking spaces would we be -- would be demanded? I don't know. I don't know what other standard I go to. So at that point, thank you.

MR. STONER: Any other discussion?

MR. MCFARLAND: Did I trigger anything?

DR. MOCKUS: I'm just -- okay. So.

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25 I'm just sitting here thinking one of the things I

love so -- so I love the work that you have done in our community. And one of the things I love about Hopewell is that each of those units has a place for somebody to put their car if they have a car.

5 And I also, when I think about folks who would

6 probably be using the product that you're talking

7 about making available, I'm guessing that many of

8 them may work at the literal other end of town,

9 which is probably not walkable for most residents.

10 | They would not be interested in walking a distance.

And so that's part of what goes through my mind

12 | about the number of spots and also the garage

13 parking. And I don't really understand the

14 | methodology of making a carport available. Does

15 | that tangibly make it a better option for the

16 residents? If somebody lives there, is there a

17 real difference between carport and no carport?

MAYOR LAYTON: It offers a little

19 cover.

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DR. MOCKUS: Right.

MAYOR LAYTON: That's it.

DR. MOCKUS: I don't know. I'm trying to think of a compromise here. I'm trying to find away to help us move forward. Of course, I'm willing to have a special meeting, but what I don't

1 know is that we have said in what we had like to

2 hear in that special meeting that would help us

3 | move forward in a way that you'd be happy with and

4 | that we could be happy with. Have we heard

5 | anything additional tonight that moves our needle?

6 MAYOR LAYTON: We have got the numbers

7 | that he gave us on a number of parking facilities.

8 We have that. I also heard Rick say something

9 about maybe a compromise between the carports and

10 | the parking. Maybe keep the parking, put the

11 | carports away. We can say that's the zoning, live

12 | with it. You can say let's compromise on all of

13 | it.

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14 DR. MOCKUS: So numbers-wise because

15 | that's, you know, what we're talking about, right,

16 | is it cheaper to put in an extra spot or is it

17 | cheaper to put in a carport?

MR. HARROLD: Extra spot for sure?

DR. MOCKUS: Okay.

MR. HARROLD: Yeah. I would say that

21 | it's not even close. So an extra spot.

22 MAYOR LAYTON: And unfortunately, this

is something that we're going to be up against on

24 | every -- everybody comes into the community trying

25 to do stuff, we're up against it right now across

the street.

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The problem is, the property has gotten so expensive and the materials have gotten so expensive that they can't -- they have to be able to pencil it out so they make money. Right.

You're not here for friends. You're here to make money. So we're going to run into it more often than not. So I don't see how we're going to --

MR. HARROLD: I can say that -- I'm I'm pulling out my calculator so I can do math on the fly here, but we proposed 76 spaces and we have got 42 units. So I mean, you know, if we went to two spaces per unit, which we have one bedroom units that are only going to have one car. I mean, there is a blend here, but that would be 84 spaces and we're talking eight extra spaces to get But in your head mentally, all of a sudden your like oh, that's great. Okay. You've got two spaces per unit, but it's only eight. But we can move forward. I mean, for something like that, we can move forward with a site plan that we presented with you today and we would be able to squeeze in the eight spaces. We can get to two spaces per Which, again, if you look at the data and unit. the numbers, far exceeds what we think we need,

what the engineers think we need, what the other projects in the community that are similar to this have -- but if we did something like that it would allow us to move forward with the site plan and we would be able to squeeze those in.

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I'm just throwing out ideas to somehow get it up to two, which I think would be strong and we would be able to fit that. It wouldn't -- you know, it wouldn't set us back like when we've got to redesign the whole thing, we got to shift everything closer to the single-family homes. We would be able to live with that. We can work within the site plan that we have. Just an idea.

MR. STONER: So currently we're 29 spaces different. So the zoning says 105. You're promoting 76. You're saying you can add an additional eight more, which gets us a little bit closer, but, I mean, here's where I'm -- one of the things I'm struggling with -- I read all of your literature about all of these other communities and how you calculate ratios and all of that. Where I'm struggling with this is you keep talking about bedrooms. What do bedrooms have to do with this?

MAYOR LAYTON: The number of people in the house.

MR. STONER: Right. But two people can stay in a bedroom and each person can have a car whether it's a one-bedroom or a two-bedroom. So I just don't -- just can't get past that point. Most married couples have two cars. I have four cars.

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MR. HARROLD: Yeah, I think I -- you know, and I think you may have said this earlier on, like Hebron is not going to be what it is today after Intel comes.

MR. STONER: Right.

MR. HARROLD: You're going to have a kid that's straight out of college that's an engineer, you know, that wants to save for a single-family home. This is going to work for him. He's going to have one car. So, I think -- I mean, it's going to change, you know and it's going to look different.

If, you know -- I mean, the traffic information that we shared, the studies, this is really what people use. I mean, this is what they rely on around the country. Exactly what we showed you, is what they use. So at some point, you know, you got to -- I mean, it's hard, but, I mean, you've got to start looking at the numbers to say, like, this is real. I mean, we didn't just come up

with it. You know, with we pulled the sheets out.

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I mean, you can pay for a traffic study, \$8,000. Those are the sheets that are going to come out of it and, I mean, it's going to show the same thing. So I think at some point, you know, the fears -- like, we're trying to show the information that says that this is okay. You know, this works because those numbers are so much lower. So I think we come up to two per unit. I'm telling you that that's still a lot higher than I think I need, you know, by far.

I thought that 1.8 was good. I thought

1.8, I was like okay. I need this much. I'm going

to come in at 1.8 because that gives me plenty of

room and we're getting closer, but, you know,

that's even higher than what I think I need, but, I

mean, you know, the eight extra spaces or so would

be coming near where the dumpster enclosures are

basically. We would be able to bump out and add

some spaces here. Those would be the logical

spots. You know, we might be able to cut in here

and add some spaces like we have right here.

So I don't know. I'm trying to find a way where we can work with the site plan because I think people like the site plan and we don't want

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You know, like I said, I've got

to move this way towards the single-family homes that are there.

experience doing that. And the farther you can stay away, I think, the better for everybody. So,

6 how do we work within the site plan. And I don't

know. If we go to two spaces, I think that would

8 be very easy for me to do that and not kind of have

9 to shift and disrupt things. Maybe moving the

10 pond, you know, down. We had some here, but just

11 | collaborating and --

MR. MCFARLAND: You will -- Spire, will

13 be the owner of this --

MR. HARROLD: Yes.

MR. MCFARLAND: -- project

16 | indefinitely?

MR. HARROLD: Yeah. I mean, our rents

have to stay affordable for 30 years. They have

19 to.

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20 | MR. MCFARLAND: However you define

21 | affordable. I'm sure there is some government

22 agency that tells us what that is.

MR. HARROLD: Yep. The IRS,

24 unfortunately.

MR. MCFARLAND: Okay.

MR. HARROLD: So adding the garages,

like I said, it's just going to be something that

you know, we just have to hit the residents with it

and pass it on.

MR. STONER: That part I totally get.

MR. HARROLD: Yeah.

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MR. STONER: I get it. I do, but I'm just -- like I said, I'm struggling with the whole number because if you do -- I looked at your time 12:00 to 4:00 is when it's fully occupied, 12:00 a.m. to 4:00 a.m. because people are sleeping. Obviously, that's when you are going to have the most cars there. In the middle of the day you're not going to have as many cars. I get it. I totally understand the numbers that you are presenting.

I just -- I just feel like there needs to be more spaces. It doesn't have to be 105, but I would probably be more comfortable around the 90 number, if that's doable under your site plan.

 $$\operatorname{MR.\ HARROLD}:$\ Yeah, I mean that would be better than the 105.$

MR. STONER: Do you think 90 would be doable?

MR. HARROLD: Yeah, I think we can make

1 that work.

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2 MR. STONER: And that's just my 3 opinion. I don't know what everybody else thinks.

MR. HARROLD: I mean, I think the two spaces per unit is basically what we have at Hopewell. And it -- we've never had any issues there with parking, you know --

MR. MCFARLAND: Is it possible to -you know, Rick talked about, you know, when grandpa
and grandma come or somebody comes to visit and
there is no spaces, is it practical in an apartment
development like this to have, maybe, a parking lot
with, maybe, seven or eight or ten spaces?

MR. HARROLD: Like an overflow.

MR. MCFARLAND: Like a overflow lot or something so that it doesn't disrupt your landscaping and things like that.

MR. HARROLD: Yeah. So the ratio is basically -- I mean, when we speak about ratios, it factors in the visitors. It's not just the residents. It takes into account leasing agents, but, you know, the leasing office is up front and we've got all of this parking here. So the residential units where, you know, most folks are going to be living are back here. So I kind of

envision this to be the parking where someone would come, you know, if they are visiting.

MR. MCFARLAND: Okay.

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MR. HARROLD: Because if you live here and you live here, you're not going to park over here, and so that was our thought. This is kind of a drop off area here.

DR. MOCKUS: So I'm hearing -- I agree.

I'm good at 90. And I don't know if folks are
generally going in that direction.

The other thing I would say is, I would be interested in understanding more of how we came to 2.5 and should we be looking at that in our code?

MR. MCFARLAND: I agree.

 $$\operatorname{\textsc{DR}}$.$ MOCKUS: So I just wanted to put that out there.

MR. MCFARLAND: Well, with your permission, I would like to make a motion that we approve the variance with the condition that there be 90 parking spaces and that we waive the need for the garages and the -- what word am I looking for here?

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DR. MOCKUS: Carport.

MR. MCFARLAND: I almost said patio.

- 1 And that we waive the conditions.
- 2 Mr. Moser, can you help me there, if
- 3 I've made that motion there correctly.
- 4 MR. MOSER: That was a very good
- 5 | motion. The only thing I would add is that I did
- 6 | the math over here on my iPhone and I believe that
- 7 | 90 number equates to 2.14 parking spaces per
- 8 | dwelling -- there is 42 units -- so that
- 9 specification.
- 10 MR. MCFARLAND: The motion as stated.
- MAYOR LAYTON: Second.
- DR. MOCKUS: I'll second. Oh, you were
- 13 | the second.
- 14 | MAYOR LAYTON: I thought I had, but
- 15 | maybe I need to speak louder here.
- DR. MOCKUS: No, I heard you.
- 17 MAYOR LAYTON: I'm too far away from
- 18 | the mic.
- MR. STONER: Did you second?
- 20 | MAYOR LAYTON: Yeah, but I seconded. I
- 21 seconded. Let's get a vote going.
- MR. STONER: One thing before the vote,
- 23 David.
- MR. MOSER: Yes.
- 25 MR. STONER: Does this affect the site

plan vote? Because we have to make that conditional, too, when we get there?

MR. MOSER: Wait until we get there.

So, yes, I would suggest that.

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5 MR. STONER: But we will have to make

6 that a part of the motion because --

MR. MOSER: Yes.

MR. STONER: Because they've got a site plan that doesn't have 90 spaces. Okay. I just wanted to be clear on the record.

MR. MOSER: Yep.

MR. STONER: Okay. So I have a motion to approve with a condition of 90 parking spaces and waive the garage and carport requirement in the zoning made by Mr. McFarland, seconded by Mr. Layton. I'm going to call the roll.

Dr. Mockus?

DR. MOCKUS: Yes.

MR. STONER: Mr. McFarland?

MR. MCFARLAND: Yes.

MR. STONER: Mr. Jacobs?

MR. JACOBS: Yes.

MR. STONER: Mr. Layton?

MAYOR LAYTON: Yes.

MR. STONER: Mr. Stoner is a yes.

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1 (MOTION APPROVED.)

2 MAYOR LAYTON: I'll make a motion we 3 approve the zoning with the addition of 90 parking

4 spaces added to it. Am I close?

5 MR. MOSER: Yes, that's perfect.

MS. MILLER: With a total of 90, not an additional.

MR. MOSER: You're not adding 90.

MS. MILLER: I'm just clarifying.

MR. MCFARLAND: You're okay with that,

11 too?

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MAYOR LAYTON: Is there a second?

MR. JACOBS: I'll second.

MR. STONER: Motion made by Mr. Layton

15 and seconded by Jacobs. So I have a motion to

16 | approve the site plan with a total of 90 car spaces

17 | made by Mr. Layton, seconded by Mr. Jacobs. I'm

going to call the roll.

Dr. Mockus?

DR. MOCKUS: Yes.

MR. STONER: Mr. McFarland?

MR. MCFARLAND: Yes.

MR. STONER: Mr. Jacobs?

MR. JACOBS: Yes.

MR. STONER: Mr. Layton?

1 MAYOR LAYTON: Yes.

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there.

2 MR. STONER: Mr. Stoner is yes.

(MOTION APPROVED.)

MAYOR LAYTON: And we have covered everything, right? The carports are gone, 90 parking spots, site plan is approved?

MR. STONER: Yeah.

MR. MCFARLAND: Do you anticipate any further variances as this project goes forward?

MR. HARROLD: No.

MR. MCFARLAND: Okay.

DR. MOCKUS: Thanks for hanging in

MR. STONER: Thank you for participating. Thank you for bringing more business to Hebron. We appreciate your time and again, we're just trying to be thoughtful to all parties involved.

MR. MCFARLAND: And thank you for your patience and your willingness to explore options.

It's very much appreciated. Looking forward to a quality product.

MR. STONER: All right. The next item on the agenda is Phillip and Barbara Watts have applied for a lot split for their property located

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     at Hope Road and North Sixth Street, part of parcel
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     075-344808-00.000. The applicant wants to split a
 3
     6.44-acre lot from a 105.323-acre parcel.
 4
     property is currently zoned R-5, multifamily
 5
     residential and M-1 manufacturing.
 6
                 Anyone here to speak on this topic?
                 MR. HARROLD: That's actually us again.
                 MR. STONER:
 8
                              Okay.
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                 MR. HARROLD: This was a property that
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     we rezoned at the beginning of the year and so we
11
     have to close on the property either within a
12
     month, and so in order to do that, we have to have
1.3
     the lot split because right now it's just one lot.
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     So we rezoned the 6.4. Now, we just have to split
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     that off from the rest --
16
                 MR. STONER:
                               This is up by Hopewell?
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                 MR. HARROLD: Yeah.
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                 MR. STONER: Okay. All right. Any
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     questions from anyone?
2.0
                 MAYOR LAYTON:
                                 Is that part of the 105
2.1
     acres?
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                  MR. HARROLD: Yeah.
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                 MAYOR LAYTON: You're buying all of
24
     that?
25
                 MR. HARROLD:
                                No.
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1 MAYOR LAYTON: Just the 6.44?

2 MR. HARROLD: Yes.

3 MAYOR LAYTON: Okay.

MR. MCFARLAND: Motion to approve.

MR. JACOBS: I'll second.

6 MR. STONER: All right. I have a

7 | motion to approve the lot split made by

8 Mr. McFarland and seconded by Mr. Jacobs. I'm

9 going to call roll.

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10 Dr. Mockus?

DR. MOCKUS: Yes.

MR. STONER: Mr. McFarland?

MR. MCFARLAND: Yes.

MR. STONER: Mr. Jacobs?

MR. JACOBS: Yes.

MR. STONER: Mr. Layton?

17 MAYOR LAYTON: Yes.

MR. STONER: Mr. Stoner is a yes.

(MOTION APPROVED.)

20 MR. STONER: Next on the agenda is I'm

21 | probably pronouncing this wrong, but Cocap, LLC,

22 | has applied for a lot split for their property

23 | located directly west of 934 West Main Street,

24 | parcel 075-344904-00.000. The applicant wants to

25 | split a 63.945-acre parcel into three lots, one

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being 10.961, one being 45.409, and one being
7.583 acres. The property is currently zoned R-1
low-density residential.
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Is there anyone here to speak on behalf of this topic? Thank you for your patience. It's been a long time getting here.

MR. BUSH: Not a problem, not a problem. I'm Jerry Bush with Cocap. We're requesting the lot split.

MR. STONER: Okay.

MR. BUSH: That's basically the property right next door here with the ditch.

MAYOR LAYTON: Tell us your plan. Do you got a plan?

MR. BUSH: We don't have plans right at this moment because we don't have a lot split as far as that, but once we get the lot split, then we can figure out highest and best use. And we're here to work with the Village of Hebron to figure out what that may be.

MR. STONER: So you don't know if you're going to market the properties individually or --

MR. BUSH: To be -- right now, one step at a time, split the lot, then evaluate. We'll do

studies and see. And, obviously, this property is commercial. Hebron can basically -- it's growth is that way and then we'll explore the options once we get the lot splits to evaluate what's the highest and best use.

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MR. STONER: Okay. Any questions from anyone on the board?

MR. JACOBS: I'll make a motion to approve.

MR. MCFARLAND: I'll second.

MR. BUSH: Thank you.

MR. STONER: Is there anyone else that wanted to speak on this topic? I apologize, please step forward and state your name and address. My apologies.

MR. CAITO: How's it going everybody.

My name is Jordan Caito. I live at 952 West Main

Street and I'm directly in the center. I actually

know a few of you. I've cleaned your houses

before. I am Jet Power Washing, but I'm directly

in the center of all of that property that was just

sold. I wasn't really told of anything that was

going on. I'm trying to figure out -- I guess, I

just want to get questions answered as to what

would be going on because I have 3 acres right in

the middle. So that's going to change our life dramatically.

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MR. STONER: So you're saying you have property in between those properties?

MR. CAITO: It's surrounding us.

MR. STONER: Really?

MR. CAITO: We are smack dab in the -this was all owned by Vanessa Sands and she had
told us when we moved in it was going to stay in
the family for eternity, essentially. She was
going to pass it down to the kids. It was going to
remain farmland. That's why we bought the
property.

And, obviously, that didn't happen.

You know, I didn't expect that to happen per se,
but I just -- I kind of would like to be aware of
what's going on because we bought that property
with a goal in mind for our children. We home
school our children. We care deeply for their
safety. We know this world is screwed up and you
bring hundreds of people around us, that's going to
change our life dramatically, especially on our
3 acres. It's not going to be usable at that point
how -- I'm just trying to figure out what's going
and what's going to stop people from coming on our

property if that's the case.

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You know, maybe I'm jumping ahead on things but I'm here to try to figure out exactly, maybe, what's going on.

MR. STONER: So based on the drawing I'm looking at. It appears that your property -- their property is adjacent on two sides of your property; is that correct?

MR. CAITO: Yes, correct. And behind us.

MAYOR LAYTON: Completely around you. The property you have, it is all the way around.

MR. STONER: Okay. It didn't show on here that it's all the way around. She's telling me that it's a U all the way around. Okay. Do you have any specific questions that you want to ask?

MR. CAITO: I would love to know, I mean, I heard him say he doesn't know the plans. He just wanted to start off with the split. But, obviously, there has got to be some sort of plans and thought at that point. You're not going to make a split with no plans in mind. I mean, that's just how things work.

So I would love to know kind of what's going on because, you know, we're the ones that

have to live there and if there is going to be construction and there is going to be people moving in, I mean, it's going to be a nightmare. Let's be real.

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And it's, also, probably going to deface the value of my property dramatically because anybody that would be buying that land isn't going to want to live around -- in the middle of a bunch of condos, I guess. It would just be very awkward and I just don't see how it's going to work if that ever happened being in the middle.

DR. MOCKUS: So the one thing I noticed was that the current zoning on the property is low density. And so that's kind of what went through my mind thinking about what your situation is. The zoning right now wouldn't support condos or apartments.

MR. CAITO: Okay.

DR. MOCKUS: Now, not to say that that wouldn't change but that would have to come before this court and it would also go past council.

What notifications go to residents that are adjacent? Would they be notified about modifications like that?

MS. MILLER: Yes.

1 DR. MOCKUS: So he'd be notified if 2 that was even being considered by zoning, correct? 3 MS. MILLER: Yes. 4 DR. MOCKUS: Okay. So I hear you 5 talking about what's going to be adjacent if it's 6 residential. The other thing is it could be changed to something other than residential, right? 8 MS. MILLER: Uh-huh. 9 DR. MOCKUS: So I think the part I 10 would be watching for is what modifications would 11 be requested to the zoning from your perspective to 12 try and plan for what could becoming down the pike. 1.3 Now, with the current low-density 14 residential, how dense is that? Is that like a 15 half acre kind of situation or do we know? Okay. 16 Okay. Is that something we could get an answer on 17 and perhaps share that? 18 MS. MILLER: Uh-huh. 19 DR. MOCKUS: Okay. So would that be 20 something that we can get to you as well because, 2.1 you know, if somebody is going to come in and build 22 half-acre homes, that is going to feel very 23 different than if they are considering building a

So maybe those would also be things to be watching

42-unit apartment complex, right, like adjacent.

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I mean, I will say if you read the newspaper we are seeing this everywhere right now throughout, definitely, Licking County, and so folks are losing adjacent farmland, right. Like, the exact same situation that you're talking about. Families that thought they would never leave, are leaving. So all of us are trying to figure out how to predict or at least work with those who are in that space and depending upon having a little bit lower density -- I will also share that the meetings that I have been to with community level leaders like the commissioners and folks focusing on what the impact, the footprint impact is going to be from Intel, they are telling us we may have a few blades of grass left but not many. I mean, it looks like a lot of these properties that have enjoyed having corn next to them for decades, it's not going to be around probably for most of us. I also think that that should be forefront in your mind is figuring out what does that mean for you. Like, if you have new neighbors but, you know, each of those homes are on a quarter

against, you know, a new Giant Eagle or something,

of an acre, is that tenable versus if you're up

1 I don't know.

2 MR. CAITO: Thank you.

3 DR. MOCKUS: You too. Thank you so

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MS. MILLER: So Residential 1, single-family dwellings, accessory structures, single-family dwellings, home occupations, that's what's allowed. Of course, there is conditional

As far as lot and building requirements, the lot area is 14,000 square feet, of lot coverage a maximum 35 percent, a lot with 100 feet of frontage with an approved right-of-way.

DR. MOCKUS: So if a developer were to come in and introduce some new roads back there, then we'd be talking about houses, you know, maybe, every hundred feet essentially. So that is what the zoning is around you right now. Even if they didn't do a lot split, they would have -- the current owner would have the luxury to do that.

MR. CAITO: Yeah. I guess, my question is what's to stop anybody from using our yard as their playground? Being that there would be multiple houses stacked right next to -- on my property, what's to stop them from coming on,

having their dogs come on my property, kids coming on our property? What's to stop that because --

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MR. STONER: That's something that we don't really have a lot of control over. I mean, there are houses all over Hebron the dogs wander from yard to yard, and I'm not trying to disparage your point, but the point I'm making is, we don't usually get in the way of lot splits unless there is a way and a reason, a true reason to get in the way of a lot split. He doesn't know what they are going to do. At least he said he doesn't know what they are going to do at this point.

But, R-1 is zoned that way based on what Bonnie just told you. And one thing that she didn't mention was that the houses are 1,400 square feet. So there is a specific size of the house. There is a specific distance between the houses.

13 feet between each house is the minimum. It can be more between the houses but it can't be less.

MR. CAITO: Gotcha.

MR. STONER: And then also the houses are residential structures that shall have an attached two-car garage. So --

MR. CAITO: I understand all of that.

I just don't understand how it's going to work me

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being right in the center. It's going to look ridiculous, like, ridiculous. It's going to be like a movie. You know, like, Up, when he doesn't want to sell his house and he's right in the center of all of this construction. It's just going to look really -- I'm trying to figure it out, I guess. So there is a lot of questions that I have, a lot.

DR. MOCKUS: I think, if I were in your position, I would be focused very much on communications about what any type of zoning changes and how that property is zoned. And then also I think, maybe, just exploring what you think is a good fit for you and trying to be open about that.

I mean, you can't dictate what your neighbors do with their property, right, but you can communicate about what would be helpful for you.

The other thing I will say is that
earlier tonight I said fences make better
neighbors, and I don't recall that you have fencing
around your property. I hear exactly what you're
saying about your yard becoming the neighborhood
park de facto, so that would probably be something

1 I would think about as well. Not like right now, 2 but --

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MR. CAITO: Yeah. At \$5 a linear foot on 3 acres is going to be --

DR. MOCKUS: I hear you.

MR. STONER: Just to reiterate what Valerie's original point, just us approving a lot split doesn't necessarily affect you at this point.

MR. CAITO: I gotcha.

MR. STONER: It could affect you later depending on what he chooses to do with those lots, but whatever he chooses to do with those lots it's going to come back in front of zoning and the council most likely. Which means, at that point you can weigh in.

And then the other thing that you can consider is a lot of times when people get into these situations, they talk. They talk to the builder or they talk to the people that own the other property and say, what are your intentions? And sometimes you can work it out to where you don't have a situation escalate to where you think it might end up. But we can't -- we're not necessarily involved in that, too. I'm just giving you --

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MR. CAITO: I get you. I just wanted to express my concerns because it's very, very clear that it's going to be a situation in some way. I don't know, this whole Intel thing is ridiculous.

MR. MCFARLAND: I'm sorry. Finish.

MR. CAITO: My wife's family, they are getting forced out of their 10 acres in Johnstown and three properties, they already plan on building their home. They are being forced out by Intel.

It's just -- this is not helping families as much as it's ruining families. This is kind of a joke.

This Intel situation is a joke. And the people that it's going to bring into Columbus, central Ohio is not what we want in my opinion. That's just my personal opinion. But I know what Intel brings and --

MR. MCFARLAND: I think your opinion is -- and I don't mean to interrupt you, sir.

Okay. I think your opinion is shared by quite a few people throughout Licking County.

I used the term a little while ago, a tsunami coming at us from Intel. And the good news, I believe, and correct me if I'm wrong, Bonnie, but this lot split simply allows the person

to do what they want with those various lots. If there is any change to the zoning, right now, it's zoned for single-family homes. If there is any change to that, he has to be notified.

MS. MILLER: Well, yes, and there wouldn't be change without notification.

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MR. MCFARLAND: It's a long process for them to change that zoning and not an easy one, and the process -- part of that process is to notify the adjoining property owners of what's about to happen. So it's not like you got to come to every meeting to make sure that you don't miss something.

MR. CAITO: Right.

MR. MCFARLAND: If that zoning is proposed to be changed, there is a whole process associated with that and you would be notified by certified mail, I believe.

MS. MILLER: Yes.

MR. MCFARLAND: Okay. Of the potential for that and that would give you an opportunity to have input and take any actions that you might want to take. So it's not like one day you are going to wake up and something is going on over there.

MR. CAITO: Yeah.

MR. STONER: And if you're truly

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against whatever ends up being proposed you can, obviously, rally your neighbors and other neighbors that are going to be affected by it. We've had situations where we have got a whole room full of people in here complaining and we listened to what they have to say and we take that into account before we make any type of decision.

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And what Mike said is true. Not only does zoning have to vote on any kind of change in the way it's zoned, but the council has to approve it if we change it. So we have voted on things -- approved things in the past and the council has voted it down. So it's not a slam dunk by any stretch when you are trying to change zoning.

MS. MILLER: I want to add that let's just say Mr. Bush wants it to stay R-1, if he wants to develop homes in there, that's a back and forth process. He brings us the plans, you know, we may not agree with them. We may say you're going to have to put up some type of barrier as landscaping, some fencing, it could be a lot of things. And you absolutely have the right, like I said, like everybody said, to come into a meeting that you are notified by certified mail to come in and speak. So, yeah, like he said, no slam dunks.

- 1 MR. CAITO: Gotcha.
- 2 MR. MCFARLAND: As your fellow
- 3 residents, we are very interested in, as an
- 4 | adjacent landowner, before we take any actions, we
- 5 | are very interested in what you have to say.
- 6 MR. CAITO: I appreciate it,
- 7 definitely.
- MR. STONER: You had a firsthand
- 9 account tonight of we don't just approve a site
- 10 | plan without asking a few questions.
- MR. MCFARLAND: Yeah. Thank you very
- 12 much.
- MR. CAITO: Thank you. I appreciate
- 14 it.
- DR. MOCKUS: And you have rock star
- 16 | children.
- MR. CAITO: Thank you.
- DR. MOCKUS: They have been amazing.
- MR. MCFARLAND: They have been so
- 20 polite.
- 21 MR. STONER: Anyone else in the crowd
- 22 | want to speak on this topic before we move forward
- 23 | with a motion?
- 24 MR. MCFARLAND: I believe we have a
- 25 motion.

1 MR. STONER: We have a motion, sorry.

MS. MILLER: It's a pending motion.

MR. STONER: We had a motion to approve

4 | the lot split made by Mr. Jacobs and seconded by

5 Mr. McFarland. Any further discussion? All right.

We'll call the roll.

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Dr. Mockus?

DR. MOCKUS: Yes.

MR. STONER: Mr. McFarland?

MR. MCFARLAND: Yes.

MR. STONER: Mr. Jacobs?

MR. JACOBS: Yes.

MR. STONER: Mr. Layton?

MAYOR LAYTON: Yes.

MR. STONER: Mr. Stoner is a yes.

(MOTION APPROVED.)

17 MR. STONER: All right. We are on to

18 the community development report. Does anyone have

19 | any questions for Bonnie?

DR. MOCKUS: Was it in the email?

MS. MILLER: No, it's in your --

MS. KIRKPATRICK: I have a question.

MR. STONER: Okay. About the community

development or about something else?

MS. KIRKPATRICK: Kind of community

development and kind of something else.

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MR. STONER: Okay.

MS. KIRKPATRICK: My name is Alison Kirkpatrick. My husband Jerry and I live at 406 Broad Street.

MR. STONER: Hello.

MS. KIRKPATRICK: Hi. Andrea and Ed Chapman are our neighbors as well as Dr. Mockus. We've had a situation across the street from our house since the death of Clark Petrick (phonetic) in 2019. Clark was our friend, we were more than happy to help him care for his yard when he was unable to do so. My husband mowed his yard for him the last two years he lived.

Since he has passed and his son has sold that trailer, we have constantly battled for the upkeep. Accumulating this weekend with a certified letter I received that was an accident, and I do understand that it was not intentional, final notice of violation for yard maintenance.

Last year those weeds were over my head. I'm 5'1". This situation has grown to a point not only for myself but the rest of the neighbors on Broad Street that this is not acceptable any longer to any of us. We pay our

taxes. We keep our yards neat. We keep our yards
mowed. I don't know what the problem is, why this
can't be enforced.

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I have read through some of the Hebron code. It's pretty cut and dry of what's supposed to happen. That property sat empty for darn near two years. I do believe what I read was that if it stands empty for, I believe, the period is two years, the owner is supposed to start paying the city back for the upkeep; is that correct? Did I read that correctly?

MR. STONER: I'll let Bonnie speak to it. I believe there is a whole process.

MS. KIRKPATRICK: I understand that.

But there has been more than ample opportunity to get that resolved permanently by the removal of the trailers, which is what needs to happen because they are an eyesore.

MS. MILLER: We are working on that.

MS. KIRKPATRICK: I understand, ma'am.

But I've been told, we have been working on that, for four years.

MS. MILLER: I'm new.

MS. KIRKPATRICK: I know you are. I understand that and I really --

MS. MILLER: We have a prosecutor now as well.

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here.

MS. KIRKPATRICK: I am trying to give you the benefit of the doubt. Valerie and I have spoken about this many times. She walks by my house with her beautiful dog every day. She knows exactly where I live, where my husband lives, and he works from home.

But there are feral animals that live under that trailer. It is occupied now, and, now, obviously, we are already sending notices three to four weeks into her occupancy for this property to be up kept because it's not. The grass is probably about this high now. It's going to have to be baled. The other trailer has been standing empty for, I would say, what, six or seven months now.

MS. KIRKPATRICK: Yes. With no work being done on it. There is a stack of railroad ties in the yard. There is an empty trailer -- or a shed that looks like it's ready to fall over.

MS. MILLER: A stack of pallets.

MS. MILLER: It's been since I've been

MS. KIRKPATRICK: Yeah. My house looks directly at this property. Every day it's the

first thing I see when I walk downstairs in the
morning and I look out the window, and it is the
first thing I see when I get home at night.

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MAYOR LAYTON: Bonnie, where are you at in the process?

MS. MILLER: It's going to David.

Let's just give a back story. Brigette is new.

I'm still new. I made this mistake before. When you get on -- I work -- when our software systems do a code enforcement letter, the address was coming up wrong, so it went to their house. It should not have.

So the auditor's site, we're going to have to -- David we're going to have to speak about this. It's showing one huge lot with different numbers, but when you go to send them something it goes to them.

MS. KIRKPATRICK: So it's my understanding the Ours owned from 40 back as one large lot, and they have the duplex. They have the garage with the apartment over the top and then the two trailers.

MS. MILLER: They have sold that since.

MS. KIRKPATRICK: Which would have been

able to force the trailers off of it because they

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1 | sold it.
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2 MS. MILLER: So, yes, it's been -- the notice has to go back now.

MAYOR LAYTON: You have -- we have sent letters to the owner, the correct owner?

MS. MILLER: The last owner.

MS. KIRKPATRICK: To Kevin Ours.

UNIDENTIFIED MALE: It's all rental

property.

MS. MILLER: Jessie Ours before,

it's -- yeah, it's 151 --

UNIDENTIFIED MALE: And he sold it to his son so everything from that trailer out to 40 is all rental property.

MS. MILLER: It's one big lot, yeah.

UNIDENTIFIED MALE: Every bit of it.

MS. MILLER: We sent it to -- it was

MS. MILLER: Yes.

MAYOR LAYTON: So, I guess, what I'm asking is, you sent the letter to Mr. Ours, right?

supposed to go to 150 Williams LLC. Last year it did go to Jessie Ours, yes. That was last year.

So any time somebody sells something, we have to close that case. If it is still in violation, we have to send a new letter and start a

- 1 | new case.
- 2 MAYOR LAYTON: So we are at a point now
- 3 | we have to send a new letter?
- 4 MS. MILLER: Did you send out a new
- 5 letter after we found out --
- 6 MS. ROSE: I sent the last letter -- is
- 7 | the letter that went out to them.
- 8 MS. MILLER: Okay.
- 9 MAYOR LAYTON: And who did you send it
- 10 to, do you know?
- MS. ROSE: It was the Williams, 150
- 12 | Williams, I believe.
- MAYOR LAYTON: So once we -- tell me
- 14 | what the process is so she knows what the process
- 15 | is going to be because we started it again. When
- 16 does it get to you?
- 17 MR. MOSER: It's going to get to me
- 18 | after two notices from the village to the
- 19 homeowners.
- 20 MS. MILLER: I was told when Linda was
- 21 here that if it was something that is unoccupied
- 22 | that really shouldn't be there in the first
- 23 | place -- it's being used for storage. There's
- 24 actually one down on Fifth Street as well. The
- 25 | auditor's site -- or office was like, let's work

together to get that out of there. I will find out the contact. I'll talk to Linda. We've got email.

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then a final.

But I think we have more than enough leverage to get those out of there, but, yeah, I do believe it's going to take three notices, two and

UNIDENTIFIED MALE: Well, the trailer that's currently being rented, was used for a garage for a year and a half. I literally watched this guy carry in body parts from a truck and a car and stored them in this trailer for a year and a half.

MS. MILLER: Body parts?

14 UNIDENTIFIED MALE: Body parts, hoods
15 doors.

MS. KIRKPATRICK: Not human bodies.

UNIDENTIFIED MALE: A garage.

MAYOR LAYTON: Okay. So what we need to do it appears to me is to make sure we have our processes in place, continue down the road to get to the point -- he's our prosecutor now at the county -- and so we had a prosecutor before that really didn't -- I'm kind of going to cheat. I'm not going to say anything. It wasn't working very well.

1 MS. KIRKPATRICK: Obviously.

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MAYOR LAYTON: Now, we got him in there and it's working very well.

DR. MOCKUS: So do we have the documentation we need to verify that the trailer has been sold and so now it's qualified to be removed from the village?

MS. MILLER: It shows clearly on the auditor's site. It was actually -- there is documentation where they sold. Jessie Ours sold to Williams, LLC. That whole lot has four numbers around it.

MAYOR LAYTON: We need to find a name on 150 Williams because I think that's his son.

UNIDENTIFIED MALE: It is. He sold the property to his son and now his son rents the property.

MS. MILLER: And if you look on the auditor's site, that's all it says is 150 Williams, LLC.

UNIDENTIFIED MALE: So I'm a hunter.

If you download onX Hunt, it will give you the lot, the property owners, the bordering lines, everything.

MS. MILLER: What are you looking at?

1 UNIDENTIFIED MALE: OnX Hunt.

2 MAYOR LAYTON: We'll get the

3 information.

that it is number --

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MS. MORGAN: His case is number one on her list and so we're working to get it over with David. She's just trying to get her paperwork, what she needs so that we don't have any issues, even more with it. So I was just telling Andrea

MS. CHAPMAN: But the lot belongs to one person and then the trailers belong to --

12 UNIDENTIFIED MALE: Another person.

DR. MOCKUS: It's their trailer, but it's like lot rent or something.

MS. CHAPMAN: Exactly.

MAYOR LAYTON: So we need to find out who owns the trailer and get with them, too.

MS. MORGAN: And that's what she's in the process of doing.

20 MAYOR LAYTON: Okay. Well, we'll move ahead on it.

MS. KIRKPATRICK: Thank you for your time.

MR. MCFARLAND: Let me ask a quick

question, I want to make sure I understand here.

Once the trailer is sold, and we don't permit trailers in Hebron anymore --

MS. MILLER: Correct.

be, yes, but it was never.

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MR. MCFARLAND: Once the trailer is sold and changes hands, does that mean it has to be removed?

MS. KIRKPATRICK: That's what I read.

UNIDENTIFIED MALE: It was supposed to

MS. CHAPMAN: But you had to catch it right when it happened.

MR. MCFARLAND: Wait a minute. I'm getting answers from four different directions.

MS. MILLER: Andrea is correct.

MR. MCFARLAND: Okay. That's correct.

And so we can require that it be removed?

MS. MILLER: Yes. But we have to know when that's happening. I mean, I don't know every home that is sold when it's sold.

MAYOR LAYTON: We have to follow the procedure.

MR. MCFARLAND: What I'm seeing -- and I'm talking about not all of those, I'm talking about this specific two trailers.

MAYOR LAYTON: You have to follow

procedures to get that done and that's what we're talking about that we're doing right now.

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MR. MCFARLAND: I understand that.

What I was asking is, do we have the authority,
since the trailer has been sold, to have it removed
from the village?

MS. CHAPMAN: When I found out that they were sold, the property was sold and the trailers were sold, I talked with Linda and she said if we would have caught it while it was happening. So, apparently, you have to be right there when it happens, but I would think even after the fact, we should be able to. But, originally, that's what she told me that it had to be when it happened.

MS. MILLER: And David and I can discuss that further and we'll take whatever action that we need to, that we're allowed to.

MR. STONER: So going back to the grass, we have talked about mowing grass a lot in the village.

MR. MCFARLAND: Yeah.

MR. STONER: Do we have to wait until they have three notices and it goes to court before we can take any action or can we just mow it and

- 1 bill them?
- 2 MR. MOSER: You can mow it and bill
- 3 | them in that particular instance.
- 4 MS. MILLER: Everybody got a first
- 5 | notice. Okay. So you and me would --
- 6 MR. MCFARLAND: And have they had a
- 7 | final?
- 8 MS. KIRKPATRICK: The one we got said
- 9 final notice.
- 10 MS. MILLER: That was a mistake.
- 11 | That's what it's doing in our software system.
- 12 It's coming up --
- 13 | MAYOR LAYTON: We'll fix that later,
- 14 | but what we need to do is make sure that they got
- 15 | the notice. We've got to find out who owns
- 16 | Williams, whatever the address is and then follow
- 17 | the procedure and get it to you and get it in the
- 18 | prosecutor's office and out of there.
- MS. MILLER: And not just high grass.
- 20 We need to get the trailers out of there.
- MS. CHAPMAN: The whole property needs
- 22 addressed not just the trailer and most of all --
- 23 | the whole property.
- 24 | MAYOR LAYTON: We are back in the
- 25 | process of going through since we've hired some

additional help, we're in the process of going
through and working on property maintenance and
we're working on that more aggressively than we

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have in the past.

MR. STONER: So do you make the decision, Mayor, to actually tell the street department to mow the grass?

MS. MILLER: They don't mow the grass.

I have to hire a contractor.

MR. STONER: You hire them?

MS. MILLER: Uh-huh.

MAYOR LAYTON: The street department doesn't do it. We hire a contractor who does it, then we put it on their taxes and if they pay their taxes we get our money back.

MS. MILLER: Or if they don't, we are stuck.

MR. STONER: But regardless, you are still going to pursue action in court even if we mow the grass because there is a lot of issues with this property at some point?

MAYOR LAYTON: If we send a notice and somebody else over here has grass that's too high, we send a notice. We send the second notice, and they mow the grass and put it on their taxes, and

1 | they'll take them to court.

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MR. STONER: Okay. Well, that's what I'm asking. I'm just trying to understand this. There is a lot going on here so.

MS. MORGAN: This particular problem has gone past notices. It's not working. It has to go to our prosecutor. But in order to do that, we have to check a few boxes, and that's what we're in the process of doing. The grass is a separate issue that can be handled.

UNIDENTIFIED MALE: So with all of the old skids and boards and stuff they've got laying around, there's a whole new zoo that's moved in over there. I'm constantly chasing raccoons and possums out of my place, out of my yard. I mean, they are all up under the trailer living in that wood.

MAYOR LAYTON: I have absolutely neat neighbors that are just as neat as can be. There is no trash in the yard but I have raccoons and groundhogs and had all of that stuff, too.

UNIDENTIFIED MALE: Yeah, that's where they come from.

MAYOR LAYTON: Well, they are living under my barn and my neighbor's house.

1 MR. MCFARLAND: If you had to

2 | speculate, sir, Mr. Moser --

MR. MOSER: Yes.

4 MR. MCFARLAND: I am pronouncing that

5 correctly?

MR. MOSER: Yep.

7 MR. MCFARLAND: If you had to

8 speculate, what kind of time frame could we be

9 | looking at to one, mow the grass, go ahead and mow

10 | the grass, get the property cleaned up, okay, to

11 | the extent that we can mow it -- and the time frame

12 | for that, and a realistic time frame that we can

move forward and get those units out of there?

MR. MOSER: The mowing the grass is

15 easy.

MS. MILLER: Super easy.

MR. MOSER: In about 30 days. We do

18 | that all of the time.

MR. MCFARLAND: We can do that -- I'm

20 sorry, I can't hear you.

MR. MOSER: Within 30 days, we do that

22 all of the time.

MR. MCFARLAND: Within 30 days from

24 when?

MS. MILLER: It's ten days.

MR. MOSER: I know. I was asked for a deadline. So within 30 days it can be done.

MR. MCFARLAND: Okay.

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MR. MOSER: So by our next meeting.

The trailers, Bonnie, you may have mentioned it to me in the past, but this is the first time fresh

I'm hearing about the trailers, so I want to look into that issue with the selling. And I can't give a timeline on the trailers.

MR. MCFARLAND: All right. I'm one of those goofy people, when we decide we're going to do something, I want to know when. And I've often found that if you don't set deadlines for things, they often slide, and that's just the nature of things. So that's why I often say, when? So it sounds like in this -- and I have driven by that more than a few times in my travels around Hebron, and I keep looking at it and thinking what in the world is going on there. So action, please.

MS. MILLER: You got it.

MR. STONER: I have a question about the community development report. Something that I don't see on here that we talked about at a previous meeting, the fence on Hamilton. I know they followed up and you got --

1 MS. MILLER: Is it still on there?

2 He's not, is he? Stephen Kopechek, he does our

- 3 | floodplain allocations and he approved that.
- 4 MR. STONER: So he approved a fence to
- 5 | be built?
- 6 MR. MCFARLAND: Can they hear you out
- 7 | there?
- 8 MS. MILLER: No, probably not. I'm
- 9 | sorry. Steve Kopechek, V3, our engineer, he does
- 10 | the floodplain applications. He approved that
- 11 application.
- MR. STONER: Okay.
- 13 MAYOR LAYTON: I think there is a
- 14 | procedure in the floodplain that you have to
- 15 follow.
- MS. MILLER: Yeah.
- 17 MR. STONER: So he's basically saying
- 18 | the fence is approved even though they didn't ask
- 19 | for it?
- 20 MS. MILLER: Correct. He's very
- 21 experienced in floodplains, so, yeah.
- MR. STONER: And the patio that they're
- 23 | pouring, they asked for a permit?
- MS. MILLER: Yep.
- MR. STONER: All right. As long as

- 1 | they followed the rules.
- DR. MOCKUS: And the garage on South
- 3 | High?
- 4 MR. STONER: Oh, yeah, yeah.
- 5 MS. MILLER: Are you talking about
- 6 Fink, Robin Fink?
- 7 MR. STONER: The garage.
- B DR. MOCKUS: The garage is way bigger
- 9 | than the house.
- MS. MILLER: Okay. That's owned by
- 11 Delmar Dennis.
- DR. MOCKUS: Yeah. And he's not doing
- 13 it per plan.
- MR. STONER: It's almost done.
- MAYOR LAYTON: It's done.
- MS. MILLER: We will have to discuss it
- 17 | with David. I don't know what to do about somebody
- 18 | that totally broke --
- 19 MAYOR LAYTON: Did he have a permit?
- 20 MS. MILLER: I gave him a permit and I
- 21 | put on there, per plan. What he submitted is not
- 22 what he is doing.
- MR. STONER: The plan was to replace
- 24 | the garage, is what you told me, correct?
- MS. MILLER: Same dimensions, yes.

1 MR. STONER: His garage is about three

- 2 | times the size of his old garage.
- 3 MAYOR LAYTON: The house on South High
- 4 Street is gone, though.
- 5 MR. STONER: Baby steps.
- DR. MOCKUS: That's not on this list.
- 7 MR. STONER: Right.
- MS. MILLER: What isn't?
- 9 DR. MOCKUS: The garage.
- MS. MILLER: No, no.
- 11 DR. MOCKUS: So that will be on this
- 12 | list soon?
- 13 MS. MILLER: I don't know if it will
- 14 | need to be listed on there. I don't know how that
- 15 | will work. I've never had somebody --
- 16 | MAYOR LAYTON: We think it should be
- 17 | listed so we can be kept abreast of what's going
- 18 on.
- MS. MILLER: Sure.
- 20 | MAYOR LAYTON: We want to know what's
- 21 going on.
- MS. MILLER: I need to discuss that
- 23 | with David.
- MR. STONER: David, you and Bonnie can
- 25 | talk about that and if you want additional

1 | concerns, I'll be happy to bring them to the table.

2 | Yeah, I mean, I just -- everybody that wants to

3 add-on to their property has to fill out a permit

4 to do it and you draw on the permit what your

5 | intentions are. If you go way outside of your

6 | intentions, what are our next steps?

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MR. MOSER: Yeah, I file a notice with them like we did with Robin Fink this week.

It's the same thing, Bonnie. And we can talk about that during our meeting tomorrow or about this garage. But from what I'm hearing, I would send them a notice of violation. I did that this week, like I said on this other property, whose permit just expired and she just went ahead and constructed anyway.

But with this they constructed something that's not compliant with the plan. So that's what my nasty-gram letter will say to them and it will threaten the penalties and ask for correction by a date.

MR. STONER: That was going to be my next question, what the remedy would be because I don't even know what the remedy would be. If you ask to build a 1,000 square foot house and you built a 3,000 square foot house, you're not going

1 to tell them to tear down the 3,000 square foot

- 2 house, are you?
- 3 MS. MILLER: Actually.
- 4 MR. MOSER: (Inaudible) -- the way that
- 5 | they were permitted to built it.
- 6 MR. STONER: Okay.
- 7 MAYOR LAYTON: Or they can apply for a
- 8 variance, right?
- 9 MR. MOSER: You're funny, Mayor.
- 10 MR. STONER: Not after the fact.
- 11 MAYOR LAYTON: Hey, the little postage
- 12 | stamp house behind me, did they get their permits
- 13 | taken care of?
- MS. MILLER: I'm not sure what you're
- 15 | talking about.
- 16 MAYOR LAYTON: That little small house
- 17 | where the (inaudible) used to be. I mean, this
- 18 | thing can't be 800 square feet.
- 19 MS. MILLER: Are you talking about
- 20 Robin Fink's?
- 21 MAYOR LAYTON: Is that who it is?
- MR. STONER: Yeah.
- MS. MILLER: Yes, we are. That's being
- 24 addressed.
- 25 MAYOR LAYTON: Okay. Because I noticed

- 1 | they started building and I just assumed.
- 2 MS. MILLER: And their permit had
- 3 expired, so yes.
- 4 MS. MORGAN: David just said he
- 5 addressed that.
- 6 MR. MOSER: In a letter, a certified
- 7 | mail letter.
- DR. MOCKUS: So the others who -- on
- 9 Main Street, that's next to me has gone from the
- 10 | naughty list to the, oh, they are new. And I'm
- 11 | trying to figure out how 504 isn't any longer on
- 12 | cases sent for prosecution.
- MS. MILLER: That was taken off by
- 14 mistake.
- DR. MOCKUS: Okay.
- MS. MILLER: They did just get -- are
- 17 | you talking about O'Neill, your neighbor?
- DR. MOCKUS: Uh-huh.
- MS. MILLER: Yeah. They just got a
- 20 | high grass notice. They are still in our system.
- 21 MAYOR LAYTON: Is that the one that put
- 22 | all the trash in front of the garage?
- DR. MOCKUS: With the --
- MS. MILLER: He's got a deteriorating
- 25 garage.

MR. STONER: What's that address?

2 DR. MOCKUS: 504.

3 MR. STONER: So it's on here under

4 vacant home registry.

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DR. MOCKUS: And it's also got high grass but it should be on our cases sent to prosecution list.

MS. MILLER: It is still in the system.

DR. MOCKUS: I mean, each one of these houses signals to the rest of our community that it's okay to live like that.

MS. KIRKPATRICK: And quite honestly, not to speak out of turn, but it's why you have apartment complexes coming in and asking to do us such a favor because they drive around and they see things that are not being paid attention to and they say, okay, we can get away with that. And you see what happened tonight, you had to compromise.

MR. STONER: Well, I know you heard for a long time that it's going to get fixed and I'm telling you, this isn't lip service. They are making a difference. If you saw what this report used to look like -- I have been on this council for a while now. It used to be a couple of pages. It's down to a page and a half of things that we

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1 | deal with throughout the community. So, I mean,
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- 2 | we're making a difference. It just takes time and
- 3 | you only got two people doing it and they are
- 4 | working their butts off. But we appreciate that
- 5 you brought this to our attention and we will
- 6 address it.
- 7 MS. MILLER: That's a promise. Any
- 8 other questions on that report?
- 9 MR. STONER: Scott?
- MR. JACOBS: No.
- MR. STONER: Valerie, any questions?
- 12 All right.
- MS. MORGAN: Chairman, before you move
- 14 on to David. I just wanted to --
- MR. STONER: Please step forward and
- 16 | state your name, ma'am.
- 17 MS. MORGAN: At the last meeting you --
- 18 | we talked about, you know, just some helpful
- 19 | information to the residents and I told you we were
- 20 working on that.
- 21 Brigitte did a great job and these are
- 22 a couple of forms that we come up with to post them
- 23 on the website. She just stapled them together for
- 24 | convenience purposes.
- MR. STONER: This looks great.

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MS. MORGAN: So this is what we are handing out to any resident who comes in to apply for new utilities or just in general. So it's two sheets. We thought that you were mainly concerned with planning and zoning, so we put that on front, but we just thought we would show you the other one that we've also come up with for the residents. It has lots of good information on it.

MR. STONER: This is great. I mean, that's one of the concerns I think all of us have had. You know, people don't know what the price of these things are and they don't think to ask and if we put it out there where people can see that a permit is only \$35 for a pool, then I think that goes a long way in educating people.

MS. MORGAN: Obviously, we couldn't put the whole manual -- that's what the whole manual is up for you to look at, but just some common things on here just letting people know. It's something that I wanted to get done. So thanks to having Brigitte here and help, we have been able to work together and get these done. And not only did one but we did both of them.

MR. MCFARLAND: That's great. Thank you.

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MS. MORGAN: So I just wanted to get that out to you because I told you that I would have some information for that. We were lucky enough to get it all done.

MR. STONER: We appreciate you putting this together. Thank you.

All right. Anything else for Bonnie or Brigitte? All right. We're going to move on to the next item, which is the zoning attorney report, a new agenda item.

You surprised us with something. I don't like surprises, David.

MR. MOSER: Well, to give you a little background as to kind of why I asked to add this agenda item, you all have had a lot of good feedback and a lot of requests recently and a lot of things to add onto our to-do list. So I thought it would be a good idea to really update you since a lot is going on in your zoning department. And I'm more than happy to.

Ms. Bailey is here, she has been very, very patience.

Ms. Annett -- am I saying that correctly, Sarah?

MS. ANNETT: Yes.

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MR. MOSER: Is here as well. A long with other members of the public so I'm going to concede part of my time in my report at the end to address the issue with 705 Deacon Street, but I also wanted to give some updates in advance on on-goings, okay.

So the property violations is a good dovetail into Bonnie's report, and with what Deborah was saying. We did -- we have sent out notices. Bonnie sent out a final notice to Robin Fink, but I assisted you with it.

MS. MILLER: Correct.

MR. MOSER: Right. This week, and depending on where that goes, if no response is had, then I step in. So we're making progress with that.

We're finalizing our library of nasty notices that go up that say, knock, knock, David's here, we're going to go into Municipal Court soon if you haven't complied with the following violations. Those will be sent -- I think, I have three or five things.

MS. MILLER: Five, it should be five.

MR. MOSER: Okay. Yeah.

MS. MILLER: And about five more.

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MR. MOSER: Okay. That's okay. No, that's okay. At least that first round of letters from me is going out this week. So progress is being made. I know sometimes it's not as fast as everybody wants to, but progress is being made. So all good news.

My second item on my report I wanted to talk to you about after property violations was code updates for the planning and zoning code that I'm working on. I had hoped to come tonight with a package of two to three amendments, but that two to three has become five, six, seven, eight. So I'll run through the list. Because it turns into a zoning amendment process -- I have explained this before -- I want you to use your village resources and time wisely. So I'd like to have one package at once before we present it through the legislative process if that works.

So on my list, farm animals. The current bed and breakfast inn regulations. I have some minor updates that we can talk about maybe when we talk about the Deacon Street issue, but they are very minor. We've talked about updating the permits schedule, which, actually, that's approved to be an ordinance by council, but it's

part of your code as an appendix, so we're going to update those fines. Make flat fees for all applications because they are not really that way right now.

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I noticed, personally, just in addressing a question to, I think it was Brigitte, in the last couple weeks about recreational vehicles -- I didn't mention this to you, so don't worry -- I noticed a minor change that I want to make moving forward. It's not a typo, but it's close to that level of a minor change in your recreational vehicle parking code.

Right-of-way permits are also on my agenda this week that I'm talking about with V3, your village engineer, so we have a meeting about that. That's been dormant for a while. We had really good conversations awhile ago and then kind of the change of the mantle a little bit with both Linda leaving and I know Brian is not as hands on on that issue anymore. We're kind of resurrecting it. And they have made a lot of really good progress in what they want that will make my job, and just drafting your code, very easy. So -- and then I added to the list tonight parking. So something to look at at least. I don't know if

we'll change it, but we'll at least talk about it and look at it.

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On that note, you know, just moving forward, I think we have talked with staff at least -- we haven't talked about it with this board -- the idea of maybe having some work sessions in the future as, you know, at your regular meetings, after you're done with your business, we pick a topic of the month maybe a couple of topics and it will be me presenting kind of a rehash.

Some things I'm thinking of that would just be helpful for this board, and I think this board does a very good job and a very thorough job but there's always room for kind of relearning the tools of the trade and kind of making sure were operating as best as we can. So some of those things on my list to kind of present and talk about, a reintroduction to the zoning code. I've asked this before, does everybody have -- all of our board members -- a usable zoning code copy?

Okay. That's what I thought. So we'll kind of go into it and kind of offer a highlighted or reorientation of the big areas. And I know we look at a lot but it's always worth repeating a little

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bit so that, you know, these questions that come up sometimes during meetings, like, we kind of are a little bit more fresh on.

With respect to kind of topics that have been on the back burner, some other ideas, again, I'm spit balling here, but we talked about districting and zoning districts a long time ago and we redid your zoning code. Perhaps the time has come in the next couple of months, several months, even year or two, to look into -- let's look at the zoning map again. We're growing.

We've got Intel. Things that are on our radar that not once were. We want to look at overlay districts. We talked a lot about that when we were drafting the code. Looking at your downtown corridor, I know it was very important back then.

Again, just an idea, kind of a back burner idea.

And then the one I'd really like maybe a introductory one coming up soon, Robert's Rules meeting, procedure, motions, seconds, timelines.

You have a lot of timelines to deal with. So variances, conditional uses, public hearings, rezones, plans, developments are becoming a bigger thing, and those all have very minute, very finite timelines. So I think it would just benefit

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everybody, staff included, and members of the public, if you want to stick around and watch it, to just kind of go over those things. So with your blessing, I will do that moving forward. I'll kind of pick one, and if there is something, a special request, like, please, next meeting, David, talk about this, just tell Bonnie, and I'll work it up.

Okay. The last thing on my agenda is 705 Deacon Street. Here is kind of what I envisioned presenting. This was a topic of discussion. There is no action item on your agenda because there's no action existing. I'll kind of explain that.

Karen Bailey is here. I have been in talks with her extensively for the past couple of days. Following our last meeting, April 3, I just wanted to kind of explain the trajectory of this. Since what's happen, there has been movement and I wanted to be assured there has been a lot of movement.

Initially, when I was going to send out the letter that I sent out last week to Ms. Bailey, immediately after our April 3, meeting we had some follow-up conversation between staff and Ms. Bailey that caused me to really want to talk to the

administration just about big picture items with
short-term rentals and Airbnb and if there is a
need for a legislative change or not based on some
of the things, the questions that were asked last

5 meeting.

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And we had a really good productive discussion. And we moved forward with that in addressing Ms. Bailey's property. You should have the communications in your board packets that I sent recently as well as a response from Ms. Bailey, maybe not. Okay. I'm sorry. I didn't mean to --

MS. MILLER: That will be sent out tomorrow.

MR. MOSER: Okay. Mixed signals. I thought you had it. I'll explain, okay. Okay. All right.

So I sent a letter to Ms. Bailey last week. A notice of violation essentially being very clear advising her that we found her property in violation of the bed and breakfast inn regulations and to cease operations immediately. I think my assistant hit send and probably 20 minutes later I was on the phone with Ms. Bailey already, which I appreciate that kind of responsiveness. So that

1 was good.

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We talked about it. She addressed a letter to me that I forwarded on to your administration acknowledging receipt of it. She was thankful for the information. She was unclear on some of the information previously as to how these regulations did apply to her. Was there a need for new legislation? Was there actual applicability of her use of the property in renting it out on Airbnb currently?

So we had some productive conversations about that. I maintained that the village was asking her to the cease and desist operations. Her return correspondence, which I can circulate my copy here. I only made one. But, essentially -- and she's here so I want her to be heard tonight.

And I'm sorry, I'm talking too much, Karen. But I know she wanted the opportunity to address you and explain everything and hear your concerns.

But, essentially, I'm just going to kind of lay out the terms of her compromise offer that she has proposed. I have not given her any sort of guarantee or assurance that this board would be okay with that. I just simply told her that I would convey it to you. That being -- she

1 will be taking off the property from Airbnb 2 effective June 1. It will be completely removed. 3 It will no longer be used as a short-term rental. 4 She does have a number, 13, of reservations booked for May. She has asked respectfully that those --5 6 she be able to keep those reservations while she 7 winds down the Airbnb operation of her business. 8 She made certain reliances and plans for the month 9 of May based on those reservations. She's not 10 making any further reservation per her offer. 11 has already stopped notifying guests with 12 reservations that may have already made one from 1.3 June until October that she can't honor them, that 14 they won't be moving forward and starting June 1 --15 I think she's already investigated on Craigslist 16 and already posted the apartment for a long term 17 rental to an actual tenant with an executed lease 18 hopefully effective June 1. I know she wants to 19 get income for her investment in the property as a 2.0 long-term tenant situation, which explicitly 2.1 removes it from any regulations from the bed and 22 breakfast inns without doubt. 23

So that's the compromise. I wanted to let you know that there has been some progress again. I wanted there to be an opportunity for

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Ms. Bailey to be heard and an opportunity for the public to be heard. Her neighbors, I know, had addressed some concerns with the petition last time, and unless you have any questions for me right now, I'll concede to Ms. Bailey if you want

right now, I'll concede to Ms. Bailey if you want

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MR. STONER: I do have one question.

MR. MOSER: Yeah.

MR. STONER: When did you say you sent the cease and desist letter?

MR. MOSER: April 26, last week.

MR. STONER: So at the time of receipt, that's when she was supposed to cease and desist?

MR. MOSER: Correct. Per the terms of the letter, correct. Yes.

MR. STONER: All right.

MR. MOSER: Yep. Ms. Bailey.

Anything else of me?

MS. BAILEY: Thank you for giving me a few minutes to speak. On March 7 in reply to an email telling me I must cease offering a room for rent, I asked what is the process for making my case? I never received an answer and now I understand it's too late.

The planning commission has reached a

decision to shut down my short-term rental, Cedar
Hill Historic House, where I live, create art, and
take care of my grandchildren. I accept that.
This is my only chance to be heard and I would like
to give a brief outline from my perspective of how
we came to this point.

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Last fall I spoke to Linda in the village offices about an Airbnb and she said to apply under the bed and breakfast ordinance. The day I applied I went to my neighbors, Chris and Dale and told them what I wanted to do and asked them to talk to me about any questions or concerns they had. I never heard back from them.

At the September planning commission meeting, Sarah, their daughter, first made her strong objection and fears be known. I actually agreed with one of her concerns that four bedrooms and eight guests would bring too many cars and too much activity to a quiet neighborhood and that is what an bed and breakfast -- I'm sorry, the current ordinance allows. If you had approved that request, I could have eight guests every night, short-term rental.

I went through months of decision making, put my house on the market for a few months

1 | but I ultimately decided to try to make things work

- 2 here in Hebron. I love my old house and I spent
- 3 about 30 hours a week for over a year fixing it up.
- 4 | It still has a lot to do to get where I want it.
- 5 It needs exterior painting, new siding, brick work
- 6 | repointed, garage updates and driveway
- 7 | improvements. All of this is going to cost a lot
- 8 of money.
- 9 I decided to scale back my original
- 10 plan for six guests and only host one or two
- 11 people. That's what it says on the Airbnb website,
- 12 one or two people.
- I thought there was a recent
- 14 recognition that an Airbnb was not the same as a
- 15 | bed and breakfast. With all of the attention
- 16 | Airbnbs are getting locally with lawsuits and
- 17 | proposals at the state level, I believed Hebron
- 18 | would write a new ordinance and that I would apply
- 19 | immediately and be a model for how a regulated
- 20 | Airbnb contributed to the economic and social
- 21 | welfare of the village.
- 22 I now understand that is not the case.
- 23 And only the bed and breakfast option is open to
- 24 me. And the bed and breakfast definition is for
- 25 | the purposes of this planning and zoning code, a

bed and breakfast in shall be defined as a private residence where lodging and breakfast is provided. I cannot provide breakfast. I don't have that kind of commercial grade kitchen. I can't go through the health regulations to offer food. I cannot apply as a bed and breakfast.

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So in my letter to the village and legal counsel dated April 26, I agreed to shut town my Airbnb. I just ask that guests booked for May be allowed to stay as making new arrangements at such a late date would be difficult. Also, as a retired widow, I will be in financial distress if not allowed to host in May.

I believe I can rent out the apartment long-term starting June 1, and have already started advertising its availability. There have been no issues with the folks who have stayed and I have a five out of five rating from my guests, a couple in town volunteering, a couple visiting family, someone moving to the area, and two couples on vacation. I have turned down a few reservations that I wasn't so sure about and I have that right. It is my property. I live there. Everyone that stays knows I live upstairs. I work upstairs. My grandchildren are there and I will put no issues in

my house.

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In closing I would like to share a letter to you from one of my most recent guests.

"Hello, Karen, and those gathered. I was a quest with Karen. My husband's birthday was the next day. He turned 73. Let me share some thoughts as I travel from Virginia to St. Louis in long days of driving. My husband has early stages of Parkinson's so I drive. We need to avoid stairs, congested breakfast spots and air conditioning, heating turning on and off all night. We also have only a few more years of travel left and need to make the most of it. We have become admirers of Airbnb. It allows us to really study a home. It's location, and those that host, and if we would like to support them. The homes allow you to experience the community, eat and shop locally, and share experiences during and after your stay with hosts and others who share your interests. Many factors go into being allowed to host and they are strictly adhered to, and to those of us that visit, we have strict rules to adhere to. It's a very symbiotic community with all sides supporting each other and often staying in touch.

"Last night after eight hours of

driving we arrived at Karen's home with the porch light on and her warm welcome. We were able to bring things in quietly, park in the rear of her property and remain quiet throughout the night and morning, just what we were in need of. It is rare to find an experience as exquisite as this in a home where its history is so beautifully on display from the historic home plaque to the furnishings and beautiful art work celebrating nature. I chose her home as I love the area from my years at Denison 40 years ago. I wanted my husband to have the full effect of the history of the region as he was a history professor and we wanted to be near Granville for my return visit as our time was Even the Buxton Inn in Granville did not fit the bill as noted above and there were no other choices available. I think that parents of students would be equally glad to come to Hebron and enjoy Buckeye Lake and your local businesses and have the same need for a quiet place when the emotions might be high with college milestones and after a long drive.

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"We will be driving to Peoria where I grew up and then to Ames, Iowa. After this we drive to St. Louis to bury my mother in her

Each stop on our trip is one of significance to her and to me. This includes Karen's home and community, which she would have treasured. It will likely be the last time my husband and I see my past life so it doubly important that our experience was so meaningful and to wake up to the birds and the lovely garden outside of the window on his birthday.

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"I write this note to you upon learning that we may be Karen's last guests. May my example soak in and your appreciation of the benefits to you and to visitors be considered. The people who stay in a historic home in a quiet community are likely to be those that are eager to support your goals and speak highly of your community. She is a shining example of a widow who has found happiness in sharing herself and her home with others. Our footprint is quiet and unassuming and we are all so in need of such connections. With appreciation for your time and consideration of all of the aspects of her request, with sincere fondness for your town over decades, Genie Kramaw (phonetic)."

MR. MOSER: So unless you have any questions for me or questions for Ms. Bailey -- I understand. That's why I kind of jumped in if you

want to hear from other members of the public on this issue.

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MR. STONER: I have a quick comment and then we can hear from other members of the public.

David, you said we are currently exploring possible changes to the zoning regarding bed and breakfasts, correct?

MR. MOSER: Yeah.

MR. STONER: We haven't started doing it but you're exploring presenting some kind of recommendations?

MR. MOSER: So part of the discussions we have with your administration because between your regularly scheduled board meetings is the utility of doing that, the utility of creating an Airbnb short-term rental regulation. I'm not going to speak for all of your administration. I mean, the sense that I got is we're going to address this issue now. It is the only one that has come up so far and we're going to keep the temperature of the pulse to overhaul regulations if we feel the desire to.

There is no immediate suggestion to do that. What I mentioned in my report recently is making minor changes that again -- and I told Karen

this as well. I don't really have anything to do with her application, her situation, her property, just some polishing stuff that we did talk about as administration to your existing ordinance. But in terms of a new one, no immediate plans for that.

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Bonnie, Dr. Mockus, correct me if I'm wrong.

DR. MOCKUS: No. And I mean, I can speak to my position. So when we discussed -- because I was very much in favor of actually just writing an entire new ordinance to address this specifically. Part of the concern was that there is literally one example in our village and going through the exercise of developing all of that infrastructure for one, there was a lot questioning on whether that was reasonable.

The other thing is I asked the question however unpopular, if the public is so against this, why do we just not write an ordinance saying you can't do it? And the response I got was, we know from Federal court case cases that that would not be allowable by the US Constitution. So us creating an ordinance to say no Airbnb, is just not going to fly either.

So we need to realize that we can

either be proactive and write something, realizing we are creating infrastructure and it sounds like we would be creating infrastructure for no one if Ms. Bailey, you know, is terminating it. But, I do think it's going to become more common and maybe I'm wrong. Maybe Hebron is not going to get there for 15 years. I don't know. But it just sounded like maybe it wasn't a great use of time to go through the exercise of developing it.

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And I mean, even -- because I started trying to figure out what other folks were doing and I actually asked Ms. Bailey to provide me with information that she had found because she had already done a tremendous amount of research.

Granville is already on its second writing of their ordinance. It's a moving target, I think, at this point.

I will say that the conversation I thought was productive because it help me better understand, we can't just say no, and we, you know, probably need to balance with all of the other questions that we have in front of us, where to invest our time, but, I think, eventually we will have to develop something.

MR. MCFARLAND: As times change and,

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you know, the bed and breakfast industry is throughout the nation. There are so many places that you can go and it is the nature of those that they are often houses in residential areas where the neighbors are permanent and people come and go.

That's an interesting scenario in a village like Hebron where we are accustomed to our neighbors being our neighbors and they are there every day and we get to know them, and there is a certain disruption in our lives when we find out that there is a bed and breakfast next door and that people over there are constantly changing.

It is unfortunate I think in our society these days that there are people out there who are less than desirable who may stay in those. But I think that's probably for bed and breakfasts might -- it's just my view -- is they are probably by far in the minority.

So I think it's -- I support the idea of us developing and being proactive to recognize that this kind of a demand or this kind of changes are coming and I think we have to include the thoughts and the comments of the people who will be living next to these as we try to craft that to deal with the reality and times we live in while

still trying to protect the integrity of the neighborhoods in which they will be put.

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So as this board moves forward this year, I think it's appropriate for us to dedicate some resources to coming up with some sort of a frame work and I would think that we don't have to start from scratch. We can certainly, you know, look at how the wheel has been invented in many other communities.

And it's important as we go forward with that to hear from the community. As to their thoughts as we begin to build that infrastructure. So I would support that and probably sooner rather than later. Thank you.

MR. STONER: Ms. Bailey, I have a quick comment and a question. The comment just so -your explanation was very good, very well thought out. I appreciate that. It was a pretty good representation of the events that have happened.

The one thing that you didn't mention was that you withdrew your application to have a bed and breakfast from this zoning board. So we never voted on it either way, yay or nay.

MS. BAILEY: I didn't think it would pass.

1 MR. STONER: And it may not have.

2 MS. BAILEY: And I actually know it

wouldn't pass now given what's happened.

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MR. STONER: But I just wanted to mention that for the other people that are here.

MS. BAILEY: That's right. I did withdraw it. I felt like because it wasn't even discussed and because the neighbor was so adamantly against it, I just felt like it wouldn't pass.

And then I just had to rethink everything. I rethought my staying here in Hebron, what my life was going to be about in the next 30 years. I mean, I've just really had to step back, and that's what I think I told Mike. I said, I just need to step back and regroup.

So I withdrew it because I really needed to think through, you know, what I was doing. And honestly then when I -- it was my JP Morgan guy said, you're going to run out of money. I've been living off of retirement through the pandemic. He said you're going to run out of money. You need to either sell your house or rent part of it and that sent me off on the, okay, I'll put it on the market. I showed it around. People loved it. Wasn't getting the offer I thought I

1 needed and then I fell back in love with the house

2 because I fixed it up so nice for other people.

3 It's like, wait a minute. I fixed up this house

4 for me. So I took it off of the market and then I

5 | thought, well I need to rent out part of it.

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And honestly I probably just put some blinders on. It's probably wishful thinking. This is different. I'm going to rent out one little room for one or two people and I'll put up the privacy fence so the neighbors don't ever have to look at us and I'll make sure that every guest comes in is really quiet and respectful and, you know, parks at the back and not on the street and, you know, I kind of thought I had it all figured out. But it just didn't work out that way

MR. STONER: So you kind of led into what my question was going to be. My question was going to be, what got you to the point where after you removed your application for having a bed and breakfast, did you make the decision to have a bed and breakfast? You even argued in your mind you didn't consider it a bed and breakfast.

MS. BAILEY: I didn't consider it a bed and breakfast. I mean, once I was looking, I was like, I am not going to serve breakfast. So bed

and breakfast had its day, its heyday. Now, you

2 can go online and you can buy a turnkey operation

for a bed and breakfast anywhere in this country

4 | because nobody wants to do it anymore because it's

5 so expensive to setup a kitchen with the health

6 department that you can actually serve breakfast.

7 They are also very expensive. They are usually in

8 | these really big houses. I mean, to make this

9 | whole financial picture work, you have to have four

10 | bedrooms with eight people and then you have to be

11 | there every single day to cook breakfast when they

12 | are there. Bed and breakfast, it's passe. It's

13 | old fashion. It's going by the wayside. I mean,

14 Airbnb sort of took over.

So when I presented to you guys in

September and Mike was trying to help figure it out

but I said it's an app on the phone. But it's like

I wanted to say, it's more than that. It's a

community. I mean, I review my guests. They

review me. I see how long they have been on

Airbnb. They can ask me questions. But I can turn

22 them down.

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I had one request, she said my friend and I are coming into town for a music concert but we promise we will not drink or do drugs or smoke

1 on your property or in the neighborhood and I'm

2 | like that's not good enough. I said, you can't do

3 | anything illegal and you have to be really, really

4 | quiet all of the time in my house. And they

5 | withdrew their application. I didn't even have to

6 decline that one.

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Some of them I get it's like 7:00 at night, hey, I'm driving through town, I can't find a hotel, can I stay there? No, I'm sorry, you can't. I don't take last minute reservations. You know, I get to know my guests even if they don't want to meet me face-to-face, which is fine.

MR. STONER: And I don't think anybody on the board is questioning whether you would do a good job at this or whether you would try to maintain this.

MS. BAILEY: Right. But you feel like I -- like I was trying to sneak it by you.

MR. STONER: I'm not saying that, but I'm saying --

MS. BAILEY: But wait --

MR. STONER: That's what other residents that are coming forward since then, think. They think you pulled one over on Hebron and I'm just trying to get your --

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MS. BAILEY: Okay. No. I have not done that. No, no, no. I, you know, Valerie and I were working together. We were going to work it through legislatively, but I didn't realize that should have happened before I started.

Like -- so talking to the planner in Granville, you know, they didn't have any ordinance until last year. And so they have 30 Airbnbs very successful, very well respected. But they didn't have any ordinance so they started an ordinance and when the new planner came on he said, this isn't working. So now they are having to go through the process to redo their ordinance.

He said if you don't have an ordinance for Airbnb -- and he did say, this is not a legal opinion -- but if they don't have an ordinance for Airbnb, which is what they are doing, then I don't see how they can stop you.

MR. STONER: That's my other question that I almost forgot is, you mentioned in your explanation earlier that there is a difference between bed and breakfast and Airbnb. Who makes that -- what's the difference?

MS. BAILEY: Well, your ordinance for bed and breakfast says you have to serve breakfast.

1 MR. STONER: Right. But why is an

2 | Airbnb different? You're saying that no Airbnb

3 | serve breakfast?

4 MS. BAILEY: I don't know of any that

5 do.

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6 MR. STONER: Okay.

7 MS. BAILEY: That's not how it set --

and it is confusing with that word BNB.

MR. STONER: Right.

10 MS. BAILEY: But it's not said bed and

11 | breakfast. It's just B-N-B, Airbnb. I don't know

12 | who came up with the name. It has nothing to do

13 | with breakfast.

MR. STONER: Okay.

MS. BAILEY: And it is its own

16 | category. It really needs to be addressed as a

17 | short-term rental.

MR. STONER: When you say it is its own

19 | category, is that you saying it is its own category

or the industry saying it's its own category?

21 MAYOR LAYTON: She said it should be.

MS. BAILEY: Well, I don't know.

23 | Valerie and I --

24 MR. STONER: Valerie knows a lot about

25 | B and B, so maybe I should be asking her.

DR. MOCKUS: Well, I mean, the problem
is that the way -- what we have in writing right
now was design for something very specific.

MR. STONER: Right.

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DR. MOCKUS: This is different.

MS. BAILEY: Yeah.

DR. MOCKUS: Now, we can choose to apply it and run tests against it, but when we run tests against an apple that were written for an orange, we're going to have challenges.

MR. STONER: Right.

DR. MOCKUS: And so we just need to either be prepared to deal with those challenges or consider perhaps writing one for both groups.

 $$\operatorname{MR.}$ STONER: I think we should write something.

MS. BAILEY: I think that would be helpful. And I'm sorry that I forced the issue. And you all weren't ready and so I -- but I tend to do that. I kind of get in and start doing things and then realize I made a mistake and I just want to say I'm sorry. I did not try to put one over on the Village of Hebron. I love it here. Once I made the decision to stay, I have been very happy, and I would like to continue to stay here. But

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MR. MCFARLAND: This is going to sound odd, but I don't accept your apology.

MS. BAILEY: Okay.

MR. MCFARLAND: And the reason I don't, is I would rather thank you for bringing this issue up.

MS. BAILEY: Okay.

MR. MCFARLAND: As our societies change and as things happen, someone brings up an issue of some sort, okay, that no one had ever thought of before, and that we had never dealt with before, and we are not an island here in Hebron.

MS. BAILEY: Right.

MR. MCFARLAND: And as we talked about with the rental housing before, we talked about all of these things, Hebron is not isolated here. We are facing the changes in society as they come at us, and we have to cope with those. You can't just say -- as Valerie said very brightly here a minute ago -- you can't just say no because then somebody is going to get an army of lawyers and you're going to lose.

MS. BAILEY: Well, yeah.

MR. MCFARLAND: And I learned that a

long time ago with zoning. And one of these folks used a term here also called highest and best use. That is clearly defined, as -- David, I see you shaking your head at me, that's a -- you know, in a positive way -- but so rather than is accept your apology, I would say thank you for being the point of the spear if you will, okay.

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MS. BAILEY: Yeah, yeah.

MR. MCFARLAND: That brings this issue to the surface and it helps us as a board serving this community and the residents here. It helps us as a board to address these issues.

Somebody is going to walk into town one of these days and say I want to build a tiny house.

Okay. We don't have anything for that either.

Okay. Somebody is going to walk in and say they want to do something else that none of us have thought of, that society hasn't even thought of.

That's the world we live in.

And so, you know, you just happened to be the messenger, the point of the spear so to speak, but you have done us a great service in helping us to address an issue that was going to get it sooner or later. If it wasn't you, it was going to be somebody else.

1 MS. BAILEY: Yes, I appreciate that,

2 Mike.

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MR. MCFARLAND: No apology is needed.

4 MS. BAILEY: And write that regulation.

5 I'm going to try the long-term rental. I'll miss

6 out on having guests who really appreciate my home

7 | because I get this feedback -- I also have a book

8 | in the house and they write nice things and I run

9 | in to read them after they leave.

MR. MCFARLAND: I understand that.

MS. BAILEY: But I can't -- I just want

12 | to be clear. I cannot apply as a bed and breakfast

13 or I won't. I just feel it was wrong. It feels

14 | untrue. It feels like I have agreed to serve

15 | breakfast and I'm not.

MR. MCFARLAND: I agree. The whole

17 term Airbnb is a misnomer.

18 MS. BAILEY: I think short-term rental,

19 drop that, that's a business, and they are out to

20 | make money. And I know there is a shadow side to

21 | Airbnb. I've read the complaints. I know about

22 | the party houses. I know that you got to regulate

23 | it. I want to be regulated.

MR. MCFARLAND: I occasionally go to

25 Pennsylvania, to West Chester, Pennsylvania. My

wife and I go to visit our grandchildren over
there. And we usually stay at my daughter's house,
which is, if we stay very long, you know, it's an
imposition. But she loves it. Nevertheless, I
have looked for Airbnbs over there, okay. Not a
single one of them offers breakfast. So the whole
term of Airbnb is a misnomer right now.

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And so as we move forward, I'm glad you have come to a compromise with David and hopefully with this board.

MS. BAILEY: I hope.

MR. MCFARLAND: You will be able to use your home in a way to generate some income by simply having one tenant there.

MS. BAILEY: Yeah.

MR. MCFARLAND: And I suspect there are a whole lot of those all over town that we don't even know about. And so, you know, I think it's appropriate that we write something and we put something together so we can deal with the next one and the next one.

MS. BAILEY: That's great. Can I ask for clarification, does that mean I'm okay through May and I'll start immediately taking down everything after? I mean, it's a decision you all

1 | have to make. And I worked really well with David.

2 He was so clear with me, but he said they have to

3 agree to this compromise to let you host your

4 guests through May.

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DR. MOCKUS: I have a question.

MS. BAILEY: Yes.

7 DR. MOCKUS: Do you already have

rentals after May?

9 MS. BAILEY: Oh, yeah, all the way

10 through September.

DR. MOCKUS: And what happens when you

12 | take those down?

13 | MS. BAILEY: I will email them and

14 | cancel them and then I will be off Airbnb. They

15 | will kick me off.

16 DR. MOCKUS: And what does that mean?

17 | How long are you kicked off?

18 MS. BAILEY: I do not know. What I

19 know immediately because I tried to switch to

20 | long-term rental like right away and they said if

21 | you cancel reservations those dates are blocked off

22 | nobody else can get them. So I couldn't switch to

23 | a long-term rental in March when this all happened.

Yeah, they could even fine me, I think,

25 | for cancelling. I mean, it's just the biggest

1 | no-no to cancel reservations. And it's about

- 2 | \$5,000 through September that I will be losing
- MR. STONER: So before we accept your
- 4 | compromise, I need to know if there is anyone else
- 5 | in the room that wants to speak?
- 6 MS. BAILEY: Yes, thank you. And did I
- 7 | answer your question?
- 8 MR. STONER: Yes, thank you.
- 9 MS. ANNETT: I'm sorry. It's 9:30.
- 10 I'm ready to go home. I'm sorry. We get up at
- 11 5:00 in the morning.
- MS. MILLER: Are you sure you don't
- 13 | want to say anything?
- 14 MS. ANNETT: Rules are rules. This is
- 15 | Hebron. Thank you.
- MR. STONER: Anyone else?
- 17 MS. ANNETT: She's a school teacher.
- 18 | She knows the rules. She's followed rules. I
- 19 | followed rules. I taught my grandkids to follow
- 20 | rules. I expect everybody to follow rules. Thank
- 21 you.
- MR. STONER: Can you just say your name
- 23 for the record.
- 24 MS. ANNETT: Sarah Annett and Christine
- 25 Annett.

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1 MR. STONER: Okay. Thank you.
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2 MR. MCFARLAND: Thank you for being

3 here.

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4 MR. STONER: And sorry for the long

5 meeting.

6 MS. ANNETT: That's okay. But we just

7 get up at 5:00 in the morning. So it's --

MR. STONER: I understand.

MAYOR LAYTON: Is there anything you

10 want to bring to the table?

MR. MOSER: I'll wrap up real quickly

12 | just because I know -- a couple of things from a

13 | legal perspective I wanted to address for you.

14 | Dr. Mockus said it perfectly well, if you do

15 research you will find communities that banned or

16 | imposed moratoriums on Airbnb, so I don't want you

17 | to get the wrong impression that nobody else does

18 | it because everybody knows it's so bad. This is

19 | such an evolving issue, but I can affirmatively

20 | tell you myself, Wes, your prosecutor Jared, your

21 | village solicitors will all pound the table

22 | screaming to tell you not to advise you to impose

23 any sort of ban. There is a lot of legal

vulnerability there, very much so. So I just

25 | wanted to reiterate that. For my part I told

Ms. Bailey this. I mean, I think her compromise offer is very reasonable.

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MR. STONER: I don't see it being an issue with the board agreeing to her compromise putting us in a compromising position.

MR. MOSER: In terms of a sticky wicket, you know, I know a lot of problems -- a lot of times I get questions from you, board members, about precedence setting and my response to that is this is a textbook example of something for which there is no precedent. This is so brand new, and the compromise that Ms. Bailey has laid out is abundantly reasonable. I know we'll be allowing her 13 days to kind of wind things down, but my approach would be if I'm hearing from you that's what you want to do, would be to follow up with her in writing tomorrow just affirming agreement to that.

She's heard a lot of good conversations that nearer rather than -- sooner rather than later we'll be looking at potentially reuping Airbnb regulations. It's going to be a process. It going to be council involved. It's going to be legislative. So it may take some time but to the extent that that kind of remakes her reeligible to

1 go back on. We'll certainly have those discussions

- 2 and she can figure out what's going on with her
- 3 | long-term tenant. Hopefully she gets one. I'm
- 4 assuming she will. And then we'll go from there
- 5 with the next steps with potentially coming back to
- 6 | short-term rentals for her.
- 7 MR. MCFARLAND: David, can I ask a
- 8 question?
- 9 MR. MOSER: I think that's a good
- 10 solution.
- MR. MCFARLAND: Just a quick question.
- MR. MOSER: Yeah, Mike.
- MR. MCFARLAND: Is it appropriate for
- 14 us to simply not comment any further on the
- 15 agreement between the village and Karen or should
- 16 | we make -- someone make a motion here to accept
- 17 | that and then vote on it?
- 18 MR. MOSER: No. All I need from you is
- 19 | some formal quidance for right now. If there is
- 20 | anybody who -- if I'm hearing the temperature of
- 21 | the board correctly, because what I said during my
- 22 opening remarks on this issue is there is no
- 23 | application, you know, legislatively, there is
- 24 | nothing in front of you to take action on. So if
- 25 | you're okay with it, if there is anybody who is

adamantly opposed to the compromised plan that

Ms. Bailey has laid out that I have laid out, next

steps?

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MAYOR LAYTON: To the end of the month.

MR. MOSER: To the end of this month, yes. And she knows, we'll be watching just to make sure that she sticks up to her end of the deal and I have no reason to believe that she will not do that.

MR. MCFARLAND: Let me attempt to close this issue if I may, with a thank you for your work and, you know, mediating this issue and being very creative with that. Thank you to Karen for her willingness to, you know, work with the village on this issue, and, again, I thank you both of you and particularly Karen for bringing the issue to the forefront that we need to address and with that as a board member I certainly have no objection to the solution that you have determined.

MR. MOSER: Thank you, Mike.

MR. MCFARLAND: And thank you for it.

MR. MOSER: I appreciate it. That's what I'm here for.

MR. MCFARLAND: It's a good solution.

MR. MOSER: Any other disagreement?

- 1 Okay. I didn't think so. Thank you, folks.
- 2 MR. STONER: All right. The next
- 3 regularly scheduled board meeting -- zoning board
- 4 | meeting is June 5, 2023 at 6:30 p.m. Do I have a
- 5 | motion to adjourn?
- 6 MR. JACOBS: So moved.
- 7 DR. MOCKUS: I'll second.
- 8 MR. MCFARLAND: I think it was moved
- 9 and seconded by every member.
- 10 MR. STONER: All right. I'll call the
- 11 roll.
- 12 Dr. Mockus?
- DR. MOCKUS: Yes.
- MR. STONER: Mr. McFarland?
- MR. MCFARLAND: Yes.
- MR. STONER: Mr. Jacobs?
- MR. JACOBS: Yes.
- MR. STONER: Mr. Layton?
- MAYOR LAYTON: Yes.
- 20 MR. STONER: Mr. Stoner is a yes. The
- 21 time is 9:43.
- 22 | (THEREUPON, THE MOTION WAS APPROVED AND THE MEETING
- WAS ADJOURNED AT 9:43 P.M.)
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CERTIFICATE

I, Rebecca A. Gause, Court Reporter, do hereby Certify that the foregoing is, to the best of my knowledge and ability, a true and accurate transcription of the audio recording.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal of office at Newark, Ohio on this 17th day of June 2023.

Rebecca A. Gause Notary Public in and for the State of Ohio.

My commission expires May 21, 2024.

Rebecca Gause, Court Reporter, (740) 403-3959

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