

Zoning Commission

51 on your Code you're going to be serving in a legislative capacity which simplifies things in terms of your
52 decision making and also how you run a meeting. I have materials and there's an overview but I don't
53 want to get too in depth, but townships are what I like to call creatures of statute where they only have
54 that authority based upon specific statutes. If we don't have a statute that lets us do it, we can't do it, and
55 it's the exact opposite of a city. A city has what's called home rule powers, so the analysis is just the
56 opposite. A city can do it unless there's a statute that prohibits them. 519 is the zoning statute. It basically
57 says how we can operate, under what parameters can we have zoning, and I would say there are 2 big
58 limitations on township zoning. Historically I've kind of glossed over the constitutional limitations but
59 what we're seeing in the last 3-4 years, particularly in Central Ohio, and I know developers belong to
60 several organizations and I know these conversations are happening with developers and their legal
61 counsel, so I want to spend a little time on constitutional limitations and what you may hear from
62 developers when considering rezoning applications. When you're considering a rezoning application,
63 you're engaging the legislative function and that means you are creating new law, you're creating policy.
64 You're not interpreting law; you're basically coming up with a decision on how property should be
65 looked at under our zoning code. Am I rezoning to a PD or am I rezoning to a district; that is setting
66 policy. Once that policy is set, Michele and everybody else takes the law within that and makes it an
67 administrative determination as to whether or not the developer is in compliance. So with a legislative
68 function, the courts typically are going to defer to townships, and it's very difficult for a developer to say
69 there's not a legitimate reason for our zoning regulations. On Page 2, Item c, there's a two-part test that's
70 called the Goldberg test and it's a famous test and a lot of people refer to it as the takings test. It does
71 include a takings analysis but it's got another part to it. The first one is is the zoning provision arbitrary,
72 unreasonable, without any relation to health, safety and welfare and that's what we look at as the on the
73 base analysis. If you look at the regulation on the base, is there a legitimate reason? It's what they call a
74 substantive due process analysis. Very difficult. The second part of that is truly the taking part of that.
75 Does the zoning as applied to me as a property owner, and this is the key, deprive me of all economically
76 viable use of the land. A lot of times you'll hear a developer say it's not the highest and best use or we're
77 not going to make as much money if we have to develop it as a rural residential as opposed to a multi-
78 family; that's not the standard. The standard is does it deprive me of all economically viable use of the
79 land and that's a very fact specific case. A lot of times developers have to hire experts to be able to show
80 that not being able to rezone has deprived me of all viable economical use of the property. It's very
81 difficult to do and you don't see court cases any more on that second prong but where you're seeing that
82 in the last 3, 4, 5 years is on what we call a procedural due process claim and I think a protection claim,
83 and they're making those claims under the United States Constitution. We've had 4 cases in the last 2-1/2
84 years and we're getting our fifth case, and this is just in Central Ohio. What developers are doing is if a
85 zoning is denied ultimately by the Trustees or let's say the Township approves a rezoning and it gets put
86 on referendum, developers are taking you to Federal Court and suing under a due process claim and under
87 a legal protection claim, and what they're arguing is that under the due process they're under a protected
88 property interest and they're entitled to the rezoning; that's the due process. Under the protection one,
89 which is really the one that concerns me, you, the Township, are treating me differently than similarly
90 situated property owners. Take for example a Township in Delaware County. This property owner had
91 rezoned several times. It was denied by the Township. Finally the Township approves it and the residents
92 put it on referendum. The developer sues. The courts says there could be an equal protection claim by the
93 developer because residents have not put similarly situated projects on referendum, so there's an issue as
94 to if an equal protection claim exists; we need to go to trial. What developers do then is basically go back
95 to the Township under a statute, and it's ORC 505.07, and that statute allows the Board of Trustees to
96 settle zoning cases and allows property to be rezoned as part of a court case, and it circumvents and is not
97 subject to referendum. Those are kind of the arguments we are seeing, not a taking issue, but more of
98 these procedural and equal protection claims that developers are making, and we're seeing them even
99 when the Township approves it and it gets put on referendum, and we're seeing it when developers get
100 denied at the Trustee level. Our most recent one that's coming down the pike is a developer wants to
101 rezone to a PD, meets all the general development standards, checks every box of the Comp Plan and the

Zoning Commission

102 Trustees still deny it and really didn't give a good basis for it, so they're going to get sued and they're
103 going to try and force the Township to negotiate under 505.07 and ultimately try and rezone the property
104 or if the Township can take their chances. I think for your perspective, we'll get into decision making and
105 what you need to look at, but I think there's 2 critical roles to be learned and you guys set the table for the
106 Trustees for as far as how you articulate your decisions and getting things to the Trustees, so being able to
107 provide that rational basis helps on these 2 types of challenges. Sometimes there's nothing you can do and
108 the residents will put it on referendum and so be it, that's their statutory right, and if the Township gets
109 sued based on that, it is what it is. Those are the 2 main issues that we see from a litigation perspective
110 facing Townships. The other limitation is statutory and I really don't want to go through all that but I
111 think what is most relevant for the Zoning Commission is the nonconforming use statute and it's just
112 something to keep in the back of your mind when you're doing text amendments when you're rewriting
113 Code. Typically the Zoning Commission works hand in hand with Staff to come up with those and then
114 processing them through the text amendment process. Keep in mind that am I creating a non-conforming
115 situation when I'm doing text amendments. Sometimes you don't have a choice but just be mindful that
116 we do have a statute that allows your Code, your Zoning Resolution also, pretty much mimics 519.19
117 which basically allows for the extension of non-conforming uses. Some of the others, outdoor advertising,
118 ag is always a huge headache for the Zoning Department, farm markets, cell towers, utilities,
119 manufactured homes, small wind farms, those are some of the limitations we have to work with within the
120 zoning realm. I know we're trying to keep things relatively tight tonight, so I just wanted to brief those,
121 they're in your materials.

122
123 Mr. Pierce: I know you indicated it's not used often but I still have a question with respect to the
124 challenge of the 2 ways and the 1 way the property owner saying they haven't been able to have viable
125 economic use of the land. My question is compared to what? Is it simply that you accept their studies and
126 the burden is on the owner to show I can get "x" value out of it if you allow me to do what I want to do
127 but what does the Zoning Commission compare that to or do they just accept it or how does that go?

128
129 Mr. Griggs: They usually just make the claim and you usually don't back it up. I typically just take it with
130 a grain of salt, but one of the more recent cases which is really old in terms of zoning litigation in
131 Cincinnati and the township had the case I think was 1 unit per 2 acres and centralized utilities that
132 basically had been ran right across the property and the developer was able to make an argument that
133 they were actually losing money and the case got settled, so we really don't have a good footprint on how
134 to handle that but if you wanted to call the developer to the mat, I would need to see an economic analysis
135 provided by an expert for the developer and they're not going to do that because that takes a lot of time
136 and money, so they'd rather just have the unveiled threats and that's why they'll throw a taking claims out
137 there, the attorney's going to throw everything on the wall and see what sticks, but that's one that never
138 sticks. If I'm a Zoning Commission member and I want to call somebody to the mat, I want to see the
139 studies and analysis because otherwise I have a hard time believing that if I can develop under a rural
140 residential or a low density single family PUD as opposed to a multi-family, chances are I'm still making
141 money in Orange Township because it's a popular place, because of the schools they want to live there
142 and the developer's going to charge a higher premium on a single family dwelling as opposed to a multi-
143 family, so it's going to be tough to make that argument in Orange Township, Most of my clients will have
144 a friendly reminder for the developer that it's not highest and best, and you're required to show you're
145 deprived of ALL viable economic use of the property. Do you have anything to back that up? And
146 typically developers don't.

147
148 Ms. Boni: When you mentioned that you don't want to create non-conforming uses when doing text
149 amendments, would that also apply to Planned Districts? We have a single family, an industrial and
150 commercial planned district with zoning unique standards in it and then they would have to seek
151 divergences from it. It's kind of a backward way of doing planned districts, it was something new here
152 when I first started, because to me all most every planned district has a divergence.

Zoning Commission

153 Mr. Griggs: No, I don't have the same concern with planned districts because with planned districts that's
154 the game we're allowed to play. We're allowed to deviate, to negotiate to a certain extent as opposed to a
155 standard or straight district. So I don't have as big concern there.

156

157 Ms. Boni: So you mean when we update our Zoning Resolution to try not to create more?

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159 Mr. Griggs: Particularly like in a straight district if you're changing lot size and that type of thing; that's
160 where you really want to be careful. But in a PD context, I don't have any heartburn.

161

162 Mr. Beard: In Old Lewis Center, in the Village, pretty much all of those lots are non-conforming when
163 they put the zoning in place for Farm Residential. We have a lot of other lots like that that are non-
164 conforming, they aren't as wide or aren't as big or they don't have the almost 2 acres that's required in
165 Farm Residential, so when we update our Code, do we keep the same as it is now or do we make it less
166 strict?

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168 Mr. Griggs: I think you can do what you want to do. I would probably try and lessen the burden but
169 they're going to have a right under your Code, That non-conforming status of their lot is going to exist
170 still but it probably depends on how you want to see that area develop as to whether we increase or
171 decrease.

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173 Ms. Boni: We can have that discussion when we get to that. We are planning to eventually update our
174 Zoning Resolution, and I think that particular area will be focused on more than others.

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176 Mr. Griggs: I guess it just depends on what you want to see, and I think that's a policy discussion. I'm
177 going to jump to Page 3, Creation and Function of Zoning Commission. Again, one of the things I want
178 you to remember is that the Zoning Commission usually acts in a legislative capacity and in Orange
179 Township, 99.99% of the time you're going to act in a legislative capacity and in the terms of the
180 rezoning context, it means you're setting policy, so your Code is set up in such a way that whenever
181 we're considering a rezoning to a straight district or considering rezoning to a planned district, you are
182 going to be acting in a legislative capacity; you're setting policy. Your planned districts are set up in a
183 way that you kind of do the one step planned district where you come in and rezone, do a map change to
184 the planned district, and a development plan gets approved at the same time. And that's it. So that is
185 going to be a legislative process.

186

187 Ms. Boni: As long as I've been here and before my time, we've never done a straight zoning change. It
188 seems we've always leaned toward the planned districts which I think is an issue in our Zoning
189 Resolution.

190

191 Mr. Pierce: Can you give a definition of the straight district and the planned district?

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193 Mr. Griggs: We refer to a straight district like what your Farm Residential District is considered;
194 everything is the same, you treat all the uses the same. In a Planned District, there's a little wiggle room
195 and you're creating the plan for that particular development, so when we refer to a straight district, it's
196 just your Farm Residential District.

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198 Ms. Boni: We don't have a lot.

199

200 Mr. Griggs: No you don't. Your Agricultural Preservation District, your Industrial District, but anything
201 with planned in front of it is obviously a PD. The important thing to remember is when you're doing your
202 PD's because of the way we set it up in the Zoning Resolution, you are always going to be acting in a
203 legislative capacity because you're doing a map amendment and then approving a development plan, and

Zoning Commission

204 then that's it. The PD statute allows you to do a 2 step process and it's that second step where sometimes
205 the Zoning Commission is acting in an administrative capacity, much like a BZA would but you guys
206 don't have to worry about that. Why is that important? Because when I'm acting in a legislative capacity,
207 it means that my decisions on rezonings are not subject to appeal, so a developer cannot file a direct
208 appeal to the Court of Common Pleas in the City of Delaware. There's no right of appeal. If there is, that
209 means our decisions are going to be subject to referendum but not an appeal. The second thing it's going
210 to tell me as a Zoning Commission member is I'm acting as a legislator, I'm setting policies. It's going to
211 tell me I'm allowed as an individual to have direct communication with an applicant outside of a hearing,
212 so there's nothing legally wrong with doing that. If Joe Smith files a rezoning application and he wants to
213 meet with me as a Zoning Commission member to talk about the application, there's nothing that I can
214 point to that says you can't do that, and the analogy I use is when the General Assembly is writing new
215 laws, I'll go to OTA sometimes and sit in the Legislator's Office and say this is what I think we should
216 do, this is how we should write it, this is why we should do this. There's nothing that prohibits that. You
217 may as a Zoning Commission member decide that I just don't like that because it can cause a lot of issues.
218 A developer could throw me under the bus. We could have had a conversation and I liked the idea, but as
219 I'm hearing public comment, I don't particularly agree with that and I start questioning the applicant and
220 he says remember when we met; you didn't have an issue with it then. You may have your own
221 individual preference. Legally it's not prohibited but I wouldn't recommend it personally. I just think
222 things are hard these days and there's a lot of political pressure to make the right decision. I'd rather hear
223 the conversation as it's happening in the hearing context. So you're allowed to if you want. If you were
224 acting in an administrative capacity, the answer is different but since you're not, we don't really need to
225 get into that.

226
227 Mr. Pychewicz: And that's just with the assumption that it's 1 or 2 Board members, not 3 or more.
228

229 Mr. Griggs: Correct. You obviously can't violate the sunshine law, you can't have a quorum present, we
230 can't have 3 members, but it certainly can be 1 or 2 members at a time which kind of jumps right into my
231 next point that everything you do as a body has to be during an open meeting. You have no ability to go
232 into executive session, no ability to deliberate privately the merits of a potential application. Different
233 answer if you're acting in an administrative capacity but, again, everything we're doing in Orange
234 Township is in a legislative context so it's got to be on the record or subject to the Sunshine Law, no
235 executive sessions. We can't recess for 10 minutes and 3 of us go in the back room to talk about the
236 application in front of us.

237
238 Ms. Boni: What if one Zoning Commission member wants to talk to staff about the application?
239

240 Mr. Griggs: That's fine.

241
242 Ms. Boni: And for Commission members, this is a public meeting tonight so it's streaming on our
243 YouTube.
244

245 Mr. Griggs: Again, you're acting in a legislative capacity so staff is your friend during a rezoning process
246 whereas with the BZA, staff is actually considered an adverse party and you should not be talking to staff.
247 If you have questions, feel free to reach out or if you recess and you want to talk as an individual and then
248 come back on the record, you're free to do that. The other thing, if you screw things up at the Zoning
249 Commission level and you don't do some formality, you didn't swear people in, it's not a big deal again
250 because we're acting in a legislative capacity and we don't have all the formalities, we don't have to
251 check all the technical boxes we would be required to if we were in an administrative context. So that's
252 what it means being in a legislative capacity versus an administrative capacity. Do we have rules of
253 procedure?
254

Zoning Commission

255 Ms. Boni: Like by-laws?
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257 Mr. Griggs: Yes. If we don't, we need to and I didn't notice it in your Code. I can get you a sample but
258 rules of procedure on how you operate, how you run meetings, when special meetings can be called. The
259 statute requires you to have rules of procedure. One thing about rules of procedure and probably the most
260 important thing is how you deal with typos. What happens if there's a 2/2 recommendation: I'm hoping
261 we never have that situation because we have a full body but you can address that in your rules of
262 procedure. Rules of procedure keep things clean, they're pretty standard.
263

264 Ms. Boni: We have them for the BZA but not Zoning Commission.
265

266 Mr. Griggs: It's up to you what you want in them. I can give you samples of what we've done. Liberty
267 Township just updated their Zoning Commission rules of procedure not too long ago.
268

269 Mr. Beard: Do those have to go into the Zoning Resolution or can they be a separate document?
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271 Mr. Griggs: It's a separate document the Zoning Commission would adopt. On the Comp Plan, I know
272 there's been a lot of discussion on the Comp Plan, what it means, what it is, what it isn't. A Comp Plan
273 from a legal perspective is just a guide. It is something you will look to to help you make a decision on
274 whether or not to rezone a property a certain way. Orange Township is fortunate enough that you have a
275 standalone Comprehensive Plan, so that checks a lot of boxes, but if a rezoning application does not meet
276 the Comp Plan, it does not mean you automatically have to recommend denial; things change. Your
277 Comp Plan has been updated and it provides a plan for that area and the application does not meet it, if
278 you want to deviate from that Comp Plan you should be able to articulate a reason why you're deviating
279 from the Comp Plan.
280

281 Ms. Boni: Can you give an example?
282

283 Mr. Griggs: Sometimes it's utilities. Maybe when we wrote the Comp Plan, utilities weren't there and
284 now they are. Maybe now we can move to a little more dense area. Maybe things aren't developing the
285 way we thought they would for a number of factors It could be location, desirability.
286

287 Ms. Boni: To me the Zoning Commission members have a lot more flexibility of how they take the Comp
288 Plan but I feel like staff can make recommendations, and I typically make my recommendations from
289 what's outlined in the Comp Plan.
290

291 Mr. Griggs: And that's perfect because to me that's staff's law. That is what they should be telling you,
292 this is what our Comp Plan provides. You as policy makers have the ability to deviate from it and our
293 Comp Plan says "x" and any developer worth a grain of salt is going to know what they have in front of
294 you is not matching up with your Comp Plan. You put it on the developer of why you should as a
295 Commission deviate from that Comp Plan. As an example, I have a close to 200 acre parcel and this
296 Township just updated their Comp Plan 3 or 4 years ago, and they call it the Equestrian Corridor. On one
297 side of the street they have all these horse farms and there's trails, and on the other side it used to be that
298 way until the property owners sold and it was annexed to a city. They put in massive subdivisions on 2
299 sides of this 200 acre parcel. Centralized utilities are there. This particular development provides for 1
300 unit per 2 acres and it's called the Equestrian Corridor and developers have come in and said we
301 understand what your Comp Plan says, but we have utilities, it's been annexed on both sides, the density
302 is 1 unit per acre on each side, and we believe things have changed enough from your Comp Plan in order
303 to justify for you to deviate from that Comp Plan. That's the argument the developer is making in this
304 particular Township. Something like that would be another example of why you would want to listen to
305 that argument and typically developers are going to start pointing to what you've allowed from a density

Zoning Commission

306 perspective to contiguous and adjoining properties as a rationale for deviation from the Comp Plan, but
307 the Comp Plan is particularly nice if you lean on it and say I'm just going to be one of those people that
308 says this is the Comp Plan, it's been updated, this is not a good reason. Point to it, articulate why you are
309 recommending denial or approval. There are some cases we've worked through over the years; read
310 through those. I have a little bit in there about updating the Comp Plan. Just know that there is no
311 statutory process to update a Comp Plan, so you can basically do whatever you want to do. General
312 Welfare Zoning I'm going to kind of skip over because I don't think it's really too critical. Zoning
313 Amendments, I don't want to spend a lot of time on this other than to say, and this is probably more
314 critical for staff, there are 3 ways property can be rezoned; by motion of the Zoning Commission,
315 resolution from the Trustees can actually start the process of filing a new application and the Township
316 has the ability to rezone property without the consent of the property owner. I wouldn't recommend that
317 they do that but I have on a couple of occasions seen it done and that goes with a rezoning. And then 2
318 ways a text amendment can happen is it can be started by the Zoning Commission or started by the
319 Trustees and sent down to the Zoning Commission. In terms of your hearing, once an application is filed,
320 it says you have to hold a hearing not less than 20 and no more than 40 days. That doesn't mean that your
321 hearing has to be done within that window; it just means you have to commence the hearing. You're
322 required to consider Delaware County Regional Planning's recommendation so let's say you don't have
323 that recommendation yet. What you would do is open the hearing, continue the hearing until you're able
324 to receive that recommendation. Let's say we've got a lot of people and we just can't get to everything
325 tonight. Nothing wrong with continuing the hearing. You can continue it to a time, date, place certain,
326 hold a special meeting, or you can continue it to your next regularly scheduled Zoning Commission
327 meeting. It doesn't have to be concluded; it just has to be commenced.

328
329 Ms. Boni: We have a calendar, so when you submit there's a certain date it would be scheduled which
330 seems to work out pretty well, but what if the applicant submits and then says I don't think I can make
331 that hearing and we push it back another week. Wonder if that week goes outside the 40 days.

332
333 Mr. Griggs: Get it in writing from the applicant and if they're asking you to do it, I think it's okay.

334
335 Ms. Boni: That's what I do, but I wanted to make sure.

336
337 Mr. Griggs: I don't necessarily like it but we can live with it. In the materials on 7 and 8, and this is just
338 predominantly for staff, there is a checklist for legal notices. There is a difference between a legal notice
339 for a rezoning of less than 10 parcels, so if I have a rezoning of 10 parcels or less, Paragraph C on Page 8
340 says this is what has to be in my legal notice. Then there's a difference for a legal notice for a text
341 amendment for updating the Code or I'm doing a rezoning for 10 or more parcels. That's Item D on Page
342 8, over onto 9. So what I do if I write legal notices, I write it then go down and check those numbers off.
343 Your recommendation, there is nothing in the Ohio Revised Code that your decision has to be in writing
344 and an oral motion is sufficient. You are required to make a recommendation of approval, denial or
345 approval with some modifications, so you have 3 options; it has to be 1 of the 3 and it's a simple majority
346 vote per proposal

347
348 Ms. Boni: Calling it conditional approval; is that not the right language?

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350 Mr. Griggs: Technically no. I would call it recommended approval subject to the following modifications
351 and then you list them out.

352
353 Ms. Boni: I think I call it conditional, so I'll have to check that out.

354
355 Mr. Griggs: A lot of times Regional Planning will use that language, and this is just the nerd in me, I like
356 to use the words straight out of the statute which says approval with modifications. In essence,

Zoning Commission

357 conditional, conditions mean the same thing but I always say the Zoning Commission makes a motion of
358 approval subject to the following modifications, then just list them out. Then you make your
359 recommendation, get it to the Trustees and not that it's any of your worry at this point, what's interesting
360 about the statute is there is no timeframe as to when you as a Zoning Commission gives your recommend-
361 dation to the Trustees. Some Townships play a game with this. What I generally have clients is 1 or 2
362 things. You can get it to them as soon as possible then the Trustees at their next regularly scheduled
363 meeting will receive the recommendation or some clients will wait until the meeting minutes are
364 approved of the Zoning Commission and then send it up. You guys typically meet once a month, so that's
365 a delay. What I would tell you is have an established practice and be consistent with that practice. But
366 there is no statutory timeframe; just have an established practice and make sure you follow it.

367
368 Ms. Boni: We do your first option. We send it to the Trustees and as soon as their next regular meeting is
369 they see the recommendation then schedule the hearing.

370
371 Mr. Griggs: That's fine. I'm going to jump to Page 11, Conducting the Zoning Hearing. We've already
372 talked about the difference between administrative and legislative and you guys have it very easy; it's
373 legislative so you don't have to worry about am I acting in an administrative capacity. That's when things
374 get hyper-technical. Time limits on speakers are okay because I'm acting in a legislative capacity whereas
375 if I'm acting in an administrative capacity, people have the ability to appeal my decision directly to the
376 court and there's a statute that says I have to afford those people who can appeal my decision the ability
377 to provide ALL evidence. We don't have to worry about that so I am able as a Zoning Commission to
378 limit the time people speak. What I typically see is we have order of presentation. You call the meeting to
379 order, you establish the ground rules, so things like am I going to put time limits in is acceptable. I've
380 seen 2 minutes, 3 minutes, 5 minutes and I've seen no limits, and I think it's going to depend upon how
381 many people you feel you are going to have speaking that night, and you can certainly vary from one
382 meeting to the next. The other night at Liberty we did 3 minutes. You have the ability to limit the number
383 of people speaking for or against an application. I don't recommend that. I'm a firm believer in Township
384 government and the thing that makes Township government great is we can come and complain to our
385 officials and they're going to listen to us. But if you go to the City of Columbus, 3 people for, 3 people
386 against, 3 minutes each. If you're the fourth person, too bad. But that's the city and we don't want to be a
387 city. But that's what you can do but I don't recommend doing it but you do have the ability and I highly
388 recommend that you don't let people speak as long as they want to because it just makes it awkward. I
389 had a guy walk in one time and he had what looked like your Zoning Resolution and he said I've prepared
390 written comments and started reading it. If you ever watch CSPAN and you watch those folks filibuster,
391 that's exactly what he was doing. But I think as long as you treat everybody equally, set the rules of the
392 game up right up front, it's acceptable.

393
394 Ms. Boni: For the Board Members, we are going to attempt to do the time limits for the North Farms
395 meeting coming up soon, but Pete, can you touch on what if a resident finishes their 3 limit time, and in
396 past meetings we've had issues with back and forth dialogue. Someone responds and then there's this
397 back and forth then their time exceeds.

398
399 Mr. Griggs: My recommendation is, and you only have a few people there, you may be able to get
400 through that dialogue but it's not really a dialogue, they're showing up and they're telling you why you
401 should either approve or deny the policy decision. It's not to ask questions of you as a Zoning
402 Commission or of the applicant. If they want to ask a question, they ask it but we're not going to respond
403 to it. If the applicant as a rebuttal wants to respond to it, maybe it's appropriate but in order to get through
404 all the comments, it shouldn't be a question and answer between a resident and the Zoning Commission
405 or applicant. That's when you start, in my opinion, to unravel. Again, that needs to be stated up front. It's
406 not a dialogue, you need to state either your support or opposition for the application and the reasons why.

407

Zoning Commission

408 Ms. Boni: Who would be taking lead on that? Would you recommend the Zoning Commission Chair
409 stating that up front, 3 minutes, no more and then there will be rebuttal at the end.

410
411 Mr. Griggs: Yes, it typically falls on the Chair to set the ground rules and maybe having something a little
412 scripted out ahead of time would help Adam just read it and that takes the guess work out of it. So it's
413 usually staff, applicant, opponent, proponent, rebuttal back to the Commission and when it comes back to
414 the Commission, at that point and time, public comment is really over. It's an opportunity for the
415 Commission to really delve into the detail, start the question and answer if need be with the applicant. The
416 back and forth dialogue starts to unwind the meeting and just bogs things down so I'm not a proponent of
417 that but legally there's nothing wrong with it. Again, I think we should be looking at everybody's
418 comment and how to run an efficient meeting. That's just 18 years of experience and my recommend-
419 dation, but if the Zoning Commission doesn't want to do it that way, that's up to them.

420
421 Mr. Pychewicz: Just to be clear on the public comment, in the past what we've tried to do, especially in
422 these high profile cases, we allow everybody to speak, we state no repetitive comments. If someone else
423 already made the comment, don't come up and make the same comment or add to it, but basically I see
424 this as completely separate and I agree with that but the applicant themselves there is time where there's
425 back and forth dialogue and I think may be necessary but are you saying even with the applicant that
426 it's.....

427
428
429 Mr. Griggs: No, I think it's appropriate and I have Boards that do it both ways, so some will right after
430 the applicant speaks, the Zoning Commission wants to start peppering them with questions then have a
431 dialogue with the applicant; I'm okay with that. But what I don't want is for a resident to stand up during
432 their 3 minutes and start asking questions of the applicant, then the applicant comes to the podium and the
433 Zoning Commission starts asking questions; that's where I think it gets bogged down.

434
435 Mr. Pychewicz: I agree. Michele, is that what you were referencing too when you talked about the back
436 and forth dialogue is with the applicant as well or were you just meaning public comment?

437
438 Ms. Boni: I was just talking about the public, so we're on the same page. I went to a Liberty Township
439 meeting and they actually have a timer you can hear going off.

440
441 Mr. Griggs: You let them finish the thought. Years ago when I worked in the Senate, I had a farmer bring
442 in a huge egg timer and he put it to 5 minutes and then he let that thing ring so loud and he'd cut your
443 microphone off and you could be making the greatest point, it didn't matter. Once that timer went off, it
444 was done but we usually let people finish their train of thought and we are in the world of Zoom so I think
445 whoever is controlling Zoom just needs to mute them and move on and just thank you for your comments,
446 we're calling Pete Griggs, he's next on the list, so that's what I would do. Swearing in of residents; do
447 you guys do that?

448
449 Ms. Boni: We recently started to so Adam reads off a swearing in statement then they have to state their
450 name and address or we were doing chats and the chat comments too and Pete I don't know if you want to
451 touch on that a little bit, but we are doing that.

452
453 Mr. Griggs: Let's start with swearing in. When you think about holding up your right hand and swearing
454 to tell the truth, the actual truth and nothing but the truth, do you actually listen to what the people say?
455 Everything they're commenting on is strictly speculation on their part and there is not one shred of
456 concrete evidence that they're providing because remember what we're doing is making a policy
457 decision. I don't disagree that you need to swear people in because it kind of gives itself to some
458 formality, but if you don't, it's not a big deal. Different answer if you're the BZA because there's a statute

Zoning Commission

459 that says all testimony has to be provided under oath. But if you don't do it, there's nothing wrong with it.
460 You are not required to issue findings of facts or conclusions of law. The cross-examination between the
461 applicant and the adjacent property owners, you don't have to worry.

462

463 Ms. Boni: Do we need to worry about getting the resident's name and address for their comments?

464

465 Mr. Griggs: You don't have to but I would because I think it helps identifying people for meeting
466 minutes.

467

468 Ms. Boni: I think it's helpful but I didn't know if we were required.

469

470 Mr. Griggs: No. I've had some meetings where we've gone back and listened to the audio and they can't
471 make out the person's name and address, and they just put a resident testified or a resident commented.
472 It's not fatal; you don't have to do that.

473

474 Mr. Pierce: With respect to the address, is it acceptable if they just affirm they reside within the Township
475 rather than give an address?

476

477 Mr. Griggs: I've had people say that acknowledging you're a Township resident is sufficient. What makes
478 this nice is you don't have to dot all these I's and cross all these t's as you would if you were acting in an
479 administrative quasi-judicial capacity. If you don't get it down or you miss somebody or somebody
480 doesn't affirm they're under oath, it's no big deal. Les, I've had clients who have done that. Multiple
481 meetings, I think we touched on that; it's okay. There's 2 things, the difference between tabling and
482 continuing. Tabling means the applicant has basically said I don't know when I'm going to be able to
483 proceed again, we've got to go back and rework everything, so they ask that it be tabled. Continuing
484 means that we've basically run out of time and we're continuing something to a time/date/place certain
485 and we know when we're going to recommence that hearing. Under that scenario we're not required to re-
486 advertise and follow all those formalities. Appropriate Considerations, Comp Plan; we've talked about
487 that. Other Plans and Factors, I'm thinking Thoroughfare Plans and I don't know you guys well enough
488 yet to know if you have scenic byway designations, if there's utility plans, other factors that may come
489 into play to justify your decision in addition to the Comp Plan or could lead you to deviate from that
490 Comp Plan. Testimony, again, most of what everyone is saying is speculative, it's not real. Two big
491 things we always hear, schools and traffic. Schools are never an appropriate consideration for rezoning.
492 People are going to say we don't want overcrowded schools. Don't base your decisions on schools. We
493 all love it and Olentangy has a tremendous school district and that's why people want to come here but
494 it's not a reason to base your rezoning decision. Traffic is an appropriate consideration and there's a
495 memo in there that we did years ago. I wouldn't base my decision solely on traffic; I think traffic
496 definitely plays a role, but I want to include other reasons why in addition to traffic. Need for a particular
497 use or competition, not a valid reason. Our Code is set up and allows for permitted uses within a district
498 and I'm rezoning to that and I don't want another gas station or I don't want another grocery store or I
499 don't want another coffee shop. That's not an appropriate consideration. You'd probably get sued and
500 you'd probably lose it. Environmental protections, absolutely. I had a rezoning and one of the huge
501 factors was part of the development was on an old landfill and there were just a lot of environmental
502 concerns were reasons for recommendation for denial and that's okay. Again, a motion's enough,
503 articulate reasons why, so everybody's done, it's back to the Commission and you're talking about things
504 you like, things you don't like, concerns, somebody puts a motion to recommend denial then you need to
505 articulate why you're voting the way you're voting.

506

507 Mr. Pychewicz: Going back to the environmental protections as an example, say a developer comes in
508 and is developing, and this comes up but not in this particular situation but it has come up before and we
509 knew that a long time ago there was a gas station at that location and was demolished 3 or 4 years ago and

Zoning Commission

510 there's some concern that soils were contaminated. If we were to say we had concerns of the condition of
511 the site, could we require or request can you do a Phase 1 or Phase 2 soils test that would maybe indicate
512 that that is the case? Same with geotechnical. We know there was a lot of stuff there or a tunnel or a mine.
513 Rather than requiring it, is that something we can suggest or require?

514
515 Mr. Griggs: Yes. If you have a good developer in front of you, they should already have that information.
516

517 Mr. Pychewicz: Because our Code does not say that you need to do those things but if there are concerns
518 about it, I don't know what we can and can't say.

519
520 Mr. Griggs: If there's some information that you think will help you make your policy decision, for the
521 most part, you ask for it.

522
523 Ms. Boni: What about a Traffic Impact Study because that's become an argument in the past with
524 applicants.

525
526 Mr. Griggs: I have mixed feelings on that and I've seen it both ways, but I would say for the most part,
527 does our Code require a Traffic Study?

528
529 Ms. Boni: Only for the Overlay District.

530
531 Mr. Griggs: Ask if one has been done or if they have any information but I would not hold up the
532 approval. If it's something we want to see, I think we would want to amend our Code requirement. I've
533 had it the other way where I've had other Townships and it gets to the point where nothing can get
534 through or nothing can get done. That's my concern on that. My preference is that if it's not in our Code
535 and they haven't done one yet....a lot of this is a PD and it's a game of poker in reality, and I don't know
536 how hard you want to push for that. I can certainly justify it but from a policy position and procedure
537 position, if that's something you've pushed for before in the past and it's something you want to see. But
538 if it's something you want to see, I would amend your Code and developers aren't going to like that
539 because it's expensive and they're going to undertake that and they don't know whether or not you're
540 going to approve it.

541
542 Ms. Trebellas: This is not about the Traffic Study but more of what Adam was talking about, we've had
543 developers who want to bury creeks and turn them into culverts or we've had developers who either
544 wanted to do away with detention ponds or re-engineer existing retention ponds on properties and what
545 can we ask for in terms of that kind of site modification where they say we don't need all that detention
546 and ponds; we're going to put units on that land. It feels like in the past all we can do is give them a
547 warning and depend on the County Engineer and those guys to take care of that for us for proper drainage
548 and things like that. What can we do and we're just hoping the County Engineer is going to protect us.

549
550 Mr. Griggs: Right, and that's part of the problem; what comes first, the egg or the chicken? If you have
551 serious concerns, I would push hard. I would want something in writing from the engineer saying that
552 they don't have an issue with it.

553
554 Ms. Trebellas: We've tried in the past but we're never sure. Like you said, it's a poker game; how far can
555 you push?

556
557 Mr. Griggs: You guys are one of those destination places where people want to develop in and it's going
558 to have to take something pretty egregious for them to sour the relationship in my opinion. I wouldn't do
559 it just to be a pain in the rear end but if we have legitimate reason to want to know if that's appropriate or

Zoning Commission

560 not, then ask for the information. Or for the Fire Department, can you access this development? Same
561 thing.

562

563 Mr. Pierce: On the Traffic Study, is that something we can use for the conditional approval, although I
564 know that's not the term we're using.

565

566 Mr. Griggs: That's dangerous because I don't know really what that means. It's approved but subject to a
567 Traffic Study and that's the hard part. I don't know if you guys have made that a condition or
568 modification in the past.

569

570 Ms. Boni: I'm thinking maybe the approach is we would want the Trustees to see it before they make
571 their decision but I don't think we've done that.

572

573 Mr. Griggs: I've run into that situation a couple of times and it's really kind of held everything up. I'm
574 not saying this is the Delaware County Engineer's Office but there are County Engineers where
575 sometimes Traffic Impact Studies sit for years because they don't have the staff to get to them, so what do
576 you do? So that's why I think conditioning the rezoning on that is a little sketchy and that's why if you
577 want to require that as part of your rezoning up front, then that's a policy decision, a big picture decision
578 that you would need to consider as a text amendment. That's where I have kind of beware of conditions
579 there. It's never appropriate in straight districts but in a PD you could but I think what happens is it
580 ultimately bogs everything down and it could be years before anything gets done. That's just kind of
581 conducting the hearing and I'm going way over and I apologize. I'm going to end it real quick with ethics.
582 Just know that you're subject to the Ohio Ethics Laws so if you screw up you can go to jail, you can be
583 fined. Here's it in a nutshell, I can't use my position that would secure a thing of benefit or detriment to
584 myself, my family or my business associates. Family means parents, kids, grandparents, siblings, or
585 anybody who resides in my household. Business associate would be if I had an LLC with somebody and
586 they're in front of me and they're rezoning property and they're a business associate, you have to recuse
587 yourself which means you don't sit in meetings, talk to other members about it and you certainly can't
588 vote. Where we see the issue typically come up is the benefit or detriment to myself and when I own
589 property in the Township how close does an application have to be to me in order to have the potential to
590 render a direct benefit or detriment to me and what the Ethics Commission has basically said is that if I'm
591 contiguous, adjacent or nearby, I have a conflict and I have to recuse myself. What does nearby mean?
592 The only written opinion we have from the Ethics Commission is 150' or less. So contiguous or adjacent
593 or if I'm within 150' I know I have to recuse myself. What if I'm 155'? I don't know, because the only
594 defense to an ethics complaint is a written formal opinion. So if you think you have an ethics issue or you
595 have a resident who says you have an ethics issue, you can't hear this, you should recuse yourself; it
596 happens all the time. I would get in touch with staff, talk to them about it, they can get ahold of me, we
597 can talk about it or you can always call the hotline number I have provided with the Ethics Commission
598 and that phone number is staffed by their attorneys. You don't have to give your name, don't tell them
599 that it's already happened. They're not going to advise you something that's already happened in potential
600 violation of the ethics law; it's all perspective. I can say I'm Pete Griggs, I'm a Zoning Commission
601 member in a township and these are my facts. They'll give you an informal opinion on whether you can
602 participate. Did that with the outlet mall in Berkshire Township and one of the Trustees at the time had a
603 very large farm about 1/2 mile down the road from where the outlet mall was going. They gave an opinion
604 that it could go either way and they recommended that he recuse himself. You have that ability but know
605 if you're contiguous, adjacent or within 150', you have to recuse yourself. If it's outside of that, you kind
606 of use the smell test and if something doesn't smell right, get ahold of Michele and we can help you out.

607

608 Mr. Pychewicz: In the architectural world, it is a small community in one sense and there's a lot of people
609 you run into again, so say it was a former co-worker, they're coming in and representing an applicant.

Zoning Commission

610 Just because you know someone who is representing the applicant, you're not necessarily working with
611 them but maybe in a previous job.

612
613 Ms. Trebellas: A lot of times like landscape architects or civil engineers that I worked with 2 years ago
614 and is now representing a client on a project in our township even though when I worked with them it was
615 5 years ago on a project in the City of Columbus.

616
617 Mr. Griggs: You're absolutely fine. That's not a legal conflict of interest and in fact let's say I'm an
618 architect and I had done work previously for a particular developer, and that developer is now in front of
619 you on something you have never worked on before, I want you to call Michele and we can talk about it
620 but generally speaking, that's not a conflict of interest. Now if you're on retainer and you're the go to
621 architect for this developer and you pretty much do every project, different answer. But if you have
622 worked on a project in the past that's not this project and it's kind of a one off, it's not a reoccurring
623 engagement, you're okay. And then you can't take bribes. I know we've gone 1 hour and 40 minutes and
624 I've thrown a ton of information at you tonight but when time allows we'll do a follow up and get more
625 specific or if you have anything you want training on, it's a service we provide to our clients and we'd be
626 happy to do that.

627
628 Ms. Trebellas: On the conflict of interest and ethical considerations on Page 13, you brought bout Trustee
629 attendance at Zoning Commission hearings and vice versa. Sometimes the Trustees come to what could a
630 contentious zoning hearing knowing that someday it's going to appear before their desk and then
631 sometimes Commission members when that is being heard by the Trustees will show up at the Trustee
632 meeting.

633
634 Mr. Griggs: This is probably one of my least favorite topics.

635
636 Ms. Boni: It happens.

637
638 Mr. Griggs: It happens all the time and there is nothing in the Ohio Revised Code, and particularly 519,
639 because remember we're engaged in a legislative process that prohibits either one of those things from
640 happening. However, my recommendation is that you leave each other alone and you potentially open it
641 up for a type of argument that you need to recuse yourself because you are now biased, particularly the
642 Trustees coming down, because you are receiving information outside of your statutory hearing and the
643 statutory process, and I've had that argument made by developers who have a lot money and hire very
644 expensive attorneys, so my point is that I don't recommend that you do that. You each get a bite of the
645 apple, you each need to wait your turn, when you're done with your turn, leave the other one alone
646 because how do I know if I send it to the Trustees, and I'm Pete Griggs Zoning Commission member and
647 I thought this and that and this happened and put it in your recommendation and then you vote on it and
648 then you send it up and that recommendation speaks for the entire Board. Don't be up there saying
649 something that may or may not have been said and you certainly don't speak for the entire Zoning
650 Commission; your recommendation speaks for that.

651
652 Ms. Boni: Can we not say anything because sometimes when we get to the Trustee hearing, the Trustees
653 will ask did the Zoning Commission discuss this, did the Zoning Commission bring this up; it's not
654 necessarily outlined in the recommendation but there was a conversation.

655
656 Mr. Griggs: I'm okay with that but I think the Zoning Commission is the entity that has to do the dirty
657 work and has really got to vet the application and be thorough and make a thorough recommendation then
658 send it up; you've done your job. And this is just a personal opinion, it muddies the water and you are at
659 the end of the day just a recommending body and it's going to be viewed as putting political pressure if
660 you show up on the Trustees and that's when the tension starts to exist and I don't like seeing the process

Zoning Commission

661 break down. Do your dirty work, make a good solid, thorough recommendation and then send it up and
662 you're done, and I'll certainly tell the Trustees the same thing. You should not be down at the Zoning
663 Commission level trying to influence the Zoning Commission recommendation. You'll have your time,
664 you stay away, they're going to do their job, they're going to send it up then in that hearing context, that's
665 when you get the opportunity to make your decision because otherwise all you're doing is allowing a
666 developer and the developer's attorney to muddy the waters and complicate things, and let's make the
667 focus on the merits of the application, not whether or not somebody's biased or not or whether or not we
668 followed some procedure.

669
670 Ms. Trebellas: it might be important then when we approve the meeting minutes, especially for
671 controversial decisions, and that the Trustees have time to review them so they know what our thought
672 process was because I know in the past we haven't always been able to promptly approve those minutes.
673 It puts more hardship on everyone.

674
675 Ms. Boni: I have talked to Cindy about meetings we think are more of a priority so we let her know and
676 they do come out sooner, especially with the overlay applications since it's a quick turnaround. We've
677 had her take priority in doing those. I'll try to keep note of that too on more controversial meetings. Pete,
678 wonder if one of the Zoning Commission members recuses themselves because they felt they had a
679 conflict of interest and they wanted to act as a very upset resident.

680
681 Mr. Griggs: No. First of all, either you have a conflict or you don't, and I am not a fan of someone
682 deciding whether they have a legal conflict or not. They may have a moral issue but you're there to do a
683 job, you were appointed to do a job; you either have a legal conflict or you don't.

684
685 Ms. Boni: Wonder if they have a conflict and they want to go watch the meeting.

686
687 Mr. Griggs: Once you have a conflict of interest, you are unable to participate and participate is pretty
688 broad, so don't show up, don't talk to your other Commission members or other Trustees; just leave it
689 alone. Imagine I'm a Zoning Commission Chair and I have a conflict of interest and the Zoning
690 Commission is hearing an application and I'm standing in the back with my arms crossed and the
691 developer's talking and I'm shaking my head to all my Zoning Commission members, so if you have
692 multiple applications on, when you're done with the applications you can participate in, recuse yourself,
693 get up and leave the meeting; that's it, don't show up anywhere else.

694
695 Mr. Pychewicz: Would that also apply to speaking on the applicant's behalf? For instance, I work with a
696 developer and now I represent them on other locations and go to these meetings for them and in this
697 particular case it is in Lewis Center in Orange Township. I'm obviously going to recuse myself from the
698 Zoning Board when this application goes through but I don't even want to be there as representative of
699 the applicant for this particular case because this last section says representative of a present or former
700 public official or employee, there's some language in there that sounds like it's speaking to this; it sounds
701 like if it can be avoided, just avoid it.

702
703 Mr. Griggs: Correct, and that doesn't apply to the situation that you're talking about but on this one, don't
704 participate at all on it.

705
706 Mr. Pychewicz: And not that I would, but legally I could technically sit in with the applicant?

707
708
709 Mr. Griggs: I'm going to punt on that one and I'm going to ask Jen Huber of our office who is an attorney
710 who does a lot of this with me. She just looked at a very similar circumstance for a client and I don't

Zoning Commission

711 know what her answer was and she's on vacation this week, but I will speak with her and see what the
712 answer was and get that to Michele and she can get that back to you.

713

714 Ms. Boni: What if it's a BZA member?

715

716 Mr. Griggs That's okay but they need to identify themselves as Pete Griggs, Township resident, I live at
717 111 E. Orange Road. It's not appropriate for them to identify themselves as Pete Griggs, Orange
718 Township BZA member.

719

720 Mr. Beard: What if they do? And vice versa, if a Zoning Commission member goes to a BZA hearing and
721 says that too?

722

723 Mr. Griggs: Whether it rises to a level of cause for removal, I've not seen that, but I think that's where
724 you're treading through that water.

725

726 Mr. Beard: I think the training will help that because I don't know that most of them would do it
727 intentionally but most of them wouldn't do it. What about a Zoning Commission member who recuses
728 themselves and then puts their concerns in writing, like they email Michele or I and say I have these
729 concerns about this application but they're not sitting in on that application and they're not coming to the
730 public hearing, are they allowed to give written comments if they're concerned with it?

731

732 M. Griggs: If you're recusing yourself it means I have a legal conflict of interest and I'm sending in
733 written comments in, that's participating, and that's a violation of Ohio Ethics Laws.

734

735 Mr. Beard: Wonder if you're an alternate member so you're not actually sitting in on that case.

736

737 Mr. Griggs: I've never had that situation but the more I 'm thinking about it, I think that could be an
738 issue.

739

740 Ms. Trebellas: Basically what you're saying is by being on the Zoning Commission and BZA, we cannot
741 participate in the public process because we've had these questions.

742

743 Mr. Griggs: I am going to forward you a fact sheet the Ohio Ethics Committee puts out that describes
744 when you can and can't participate as a resident of the Township and just because I'm a Zoning
745 Commission member doesn't mean I can't rezone my property, so if I want to rezone my property, I have
746 that right as a resident, so I'm going to get that to you.

747

748 Ms. Boni: Christine I'm going to put you on the spot a little bit if that's okay, Christine can't make it to a
749 hearing and we ask Rick to be an alternate but since Christine is one of the more experienced Zoning
750 Commission members and she had comments, could we take those into consideration? I don't know that
751 would necessarily change the recommendation but it would just address some of the technical issues we
752 notice.

753

754 Ms. Trebellas: I couldn't attend the meeting because I had a conflict of interest with another meeting and
755 we have it so if you attend the first meeting, you are for the whole course reviewing the project, so I
756 didn't recuse myself for legal reasons.

757

758 Mr. Griggs: There is' nothing in the ORC that says that if an alternate sits that they have to follow
759 through with the entire application. That's a policy decision you've made. What the case law says is an
760 alternate can sit for 1 meeting only and then be done then the regular member can come back as long as
761 they familiarize themselves with the record. I've not seen the situation you describe where you have a

Zoning Commission

762 Zoning Commission member who is not participating but is providing written comments as a member, I
763 would frown upon that and the only reason being is you're not acting as a Zoning Commission member.

764

765 Ms. Trebellas: The only reason I submitted comments was because I was asked to.

766

767 Mr. Griggs: I think there's ways around that is what I'm telling you. Maybe we designate 45 minutes
768 sometime in the future and just do ethics issues and we can delve in a little bit quicker but just because
769 you're on the BZA doesn't mean you can't come testify at a Zoning Commission; I think you can. I just
770 want to make sure you're not identifying and trying to use the authority or influence of your office. At
771 that point it's Christine, average resident. But since you're not hearing the application, I don't want the
772 Zoning Commission to rely upon outside information from a Zoning Commission member at that point
773 and time to be based upon by those that are sitting. But there's no requirement that that alternate sit for
774 more than one so you could come back and hand in your comments.

775

776 Ms. Boni: Does anyone else have any questions. If you don't but you think of some later, just forward
777 them on and I can discuss them with Pete. I think it was a really great discussion and if the Board has a
778 couple of minutes, I'd like to share a couple of updates. For the Zoning Commission members, for March
779 we do have two meetings. March 9th is going to be the North Farms apartments; I know that was brought
780 up a lot as an example case during this meeting, so if you have any questions on it beforehand, feel free to
781 call me. Ciara, this will be your first one but this is the one I think I told you about where we had 200
782 residents show up and it's coming back to us.

783

784 Ms. Trebellas: I totally missed it the first time around but I assume this is a clean slate.

785

786 Ms. Boni: Yes, so that will be interesting. And I had to schedule a special meeting date for March 16 for a
787 new application for independent living on S. Old State. Just the timing of it, I had to schedule that date
788 then. I think everyone has said they can go to that. We are expecting two 23 overlay applications in
789 March, so that would be for an April meeting and Adam is probably going to have to recuse himself for
790 one of those applications but we should be good to go there. We are going to be initiating a Zoning
791 Resolution rewrite probably at the March 16th hearing, so I will be sharing with you a request for proposal
792 document that I will be publishing out for consultants to do it for us, so I plan on having that ready for the
793 March 16th meeting as well. That will be just a quick motion to move forward with the Zoning Resolution
794 rewrite but it's been a long time coming. And the last question I had since there are so many new Board
795 members, typically when we have a new Board member we give everyone a new Zoning Resolution book
796 and a Comprehensive Plan book, so if I did not do that, please let me know. The Zoning Resolution book
797 should be the 2020 version because we did update last year so I can provide a copy to each member,
798 whoever needs it. I don't think I've given anything to you, Ciara, but I can do that. Does anyone have any
799 questions for me? Hopefully you thought that was helpful. How do we feel about doing in person
800 meetings starting in April? For North Farms I don't think we would do that because of the amount of
801 involvement but if there was an application where we expected a very low attendance, we'd like to start
802 doing that in April.

803

804 Mr. Pierce: I got 2 shots.

805

806 Mr. Pychewicz: I personally have no problem with that.

807

808 Ms. Harris: Neither do I.

809

810 Ms. Boni: If you do have a problem with that and want to discuss it off line, I don't have a problem with
811 that. We're probably going to do some sort of Zoom component always and YouTubes, so we can always

Zoning Commission

812 figure that out from there. We don't need to make a motion to adjourn but if everyone's okay, we'll end
813 the meeting.

814

815 Meeting adjourned at 9:05 p.m.

816 Minutes prepared by Cindy Davis, Zoning Secretary

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