

Zoning Meeting Minutes 11/30/2022

- Call to Order: 7:01 at the Hilltop Library
- Meeting Minutes written by Leyila Cabus
- Committee Members Present: Eli Bohnert, Rita Cabral, Leyila Cabus, Vance Cerasini, Deb Boyd, Brian Endicott, Mick Newman, and Larry Weber.
- To clarify on the set bylaws, the chair calls for recommendation in the affirmative and the board votes to approve or deny the application.
- Committee member Cabral motioned to approve the previous meeting minutes. Committee member Newman seconded the motion. The motion was approved
- Old Business CV22-100:
- The development as it is currently zoned requires that there is commercial on the bottom floors. The applicant requested that there be less or no commercial use due to the lack of business in this area.
- The applicant emphasized that the traffic that would be brought in would not be worse than the previous use of the site.
- The applicant said that the city was not aware of any preexisting traffic issues in this area. To add, the applicant reported that the city reported to them that the view would not be obstructed on the exits on Ridge Mill.
- David Hodge reported to the commission and residents that when they had further discussion about their project, the city emphasized the use of 311 if there are traffic management issues with this project.
- In regards to sanitary issues, the applicant has still not heard back from the city, however in the past there have been issues. The proposed reason is that storm water and waste were tightly packed and indeed did back up.
- The developer reported that the city engineer previously concluded that there is sanitary capacity in this area.
- Steven Hicks the owner of MGM Millrun LLC claims that there will be improvement with sanitary and storm water functions because modern standards require that piping be better.
- The developer stated that the water retention will be 20% more than the previous plan.
- Hodge told the commission that the development is required to adhere to the

stormwater manual and they can not add any more water to the area's retention.

- The applicant plans to preserve trees and create a pocket park on their site.
- There will be parking underneath the apartments.
- The developer stated that they would still have frontage commercialism.
- The applicant expressed interest in having commercial use that would be applicable to their residents.
- To emphasize, this project is not an extended stay hotel.
- There will be 235 units with 397 parking spaces per 5.2 acres. The applicant is using a height way less than what is permitted by zoning.
- The development will have a ratio of 1.6-1.7 parking spaces per unit. The city requires 1.5 parking spaces per unit.
- This project does not intend to be a pet friendly apartment complex.
- There will be sidewalks along Ridge Mill Drive.
- All three buildings will have interior stairwells and elevators.
- A resident expressed that since 2016 there have been 3 sanitary backups all of which were sewage with no rainwater issues.
- The applicant expressed that they do not control the traffic overtly because jurisdiction relies on the Ridge Mill Association.
- There were continuous resident complaints that there are traffic concerns and storm water/sanitary concerns.
- There will be gated access to the underground parking of their project.
- It was proposed that there would be a no right turn on the exit near Building B.
- There is still community concern that there is a disdain for the increase in density.
- Commissioner Cabral recommended that we make a note of traffic issues upon approval/disapproval. To add, Commissioner Endicott recommended that we only approve the project with the amendment that it will not be an extended stay hotel.
- The committee unanimously recommended for approval of CV22-100.
- Z22-022 Old Business:
- Commissioner Cabral recommended an extension by 15 minutes. The motion was seconded by Weber. The motion was approved.

- The committee watched the video of resident Brian Endicott voicing his opinions at the development commission meeting which was held on October 13th, 2022. There was a letter of rebuttal of his statements passed out at the committee by commissioner Weber.
- The main issues remained that it lacked courtesy because he did not notify the rest of the commissioners before speaking. To add, some of the committee members felt that their opinions were undermined as a result of his actions and had a direct impact on the decision making at the development commission.
 - It was after that Commissioner Cabral questioned whether Endicott was suitable to lead the WSAC zoning committee.
 - Commissioner Weber indicated that he has been furious about Endicott's comments to the development commission since he first became aware of it.
 - Committee member Newman indicated that in his prior experience they never went before council unless approved by zoning and that what Endicott said is inaccurate.
- The main rebuttal from Endicott was that no bylaws were broken by his presentation at the meeting and it is his first amendment right to express his opinion at the development commission. To add to his rebuttal, he maintained that anyone who wanted to be at the meeting could have gone to the meeting.
- Endicott countered that 3 of the 4 applications on Trabue Road have been opposed by this commission.
- Weber indicated that Endicott misrepresented the developer and how many concessions they made.
- Endicott stated that the developer compromised on height, arborist and traffic
- Cabral stated that Endicott threw us under the bus as an area commission
- Endicott stated that the vote about city code said we aren't going to play well in the sandbox.
- Commissioner Cabus and Weber both noted Endicott's failure to inform his fellow commissioners about his appearance before the development commission did lead to uninformed consent, therefore being unethical per the use of language about the use of area commissions. It was expressed that because of the expressions Endicott used about certain area commissioners and the usefulness of area commissions that if he would have informed his fellow members that he were to present that would have prompted more public feedback from his fellow commissioners.
- Commissioner Cabus recommended that in future reference that we should put in writing whether that be in email or as a letter that we will be speaking as a resident at future City

meetings.

- Weber made a motion to remove Endicott as chair
- Cabral stated that we have had this discussion before in regards to speaking before the city as individual residents. The agreed rule is that one can not speak on the behalf of commissioners if they speak before council or its committees. In this case he spoke poorly on the behalf of the tendencies of his peers when it comes to their voting patterns.
- Endicott said that the motion of removal is an infringement on his constitutional free speech because there is nothing in the bylaws nor is there any rule saying that he can not present his opinions before a public body and his right to free speech protects his right to speak before the development commission in any way he chooses.
- No vote was taken by the chair Endicott in regards to the pending motion and he continued to defend his comments at the development commission meeting.
- Endicott asked if they wanted to know the truth about why and pointed to the communication email that was sent out. The email in question was a development commission notification that had wording asking if our residents wanted 5 story buildings on Trabue. Endicott found this wordage misleading, for there is only one building that is 5 stories and the rest are 4 stories.
- Cabral asked that everyone stay focused on the issue here and that working with the area commission is of great value.
- Endicott stated that he construed the comment of Fitzpatrick that area commissions are not valued/respected in regards to decision making in the city.
- Weber indicated that Endicott confronted him personally about signage for every single development as an appearance of impropriety. As the chair, this looks bad. Weber then stated that he wondered about the fact that the developer did not make any real concessions and he wondered why. He can't help but wonder if Endicott's private discussions assured them that he was going to get this done.
- Cabral stated that a good chair would suggest application be tabled when changes are made due to round about and that Endicott did a very bad job in downing the area commission.
- Another point of Endicott's rebuttal was that his action was fair play. The thought process explained that there was a lack of neutrality as is, especially in reference to an email sent on the West Scioto Area Commission email list with a statement about the height density on the upcoming Trabue project which prompted him to speak in the first place. He also expressed that previous commissioners voted against a bylaw (that has now been passed due to a necessity by the city) that states an anti-discrimination policy and therefore he felt justified in speaking out because he felt a lack of solidarity and respect for his peers who initially voted against that bylaw.
- Endicott expressed that he felt discriminated against. He referred back to when some of the commissioners in the group voted against a bylaw of inclusivity. He then stated his membership in LGBTQ+ groups such as Equality Ohio and Human Rights groups. Endicott expressed that he was embarrassed on behalf of the group when the vote was

nearly tied in disapproval of the inclusivity clause.

- Newman questioned that if Endicott was embarrassed by the actions of the commission, why didn't he just resign?
- Endicott also brought the question, why did the committee wait this long to comment on his conduct and there was suspicion raised.
- Other committee members felt that this question was irrelevant.
- Bohnert made a motion to recess for 5 minutes and extend the meeting. Cabus seconded the motions. No vote was taken and the recess was taken.
- Commissioner Cabus motioned to extend the meeting by 15 minutes. Cabral seconded the motion. The motion was approved.
- Upon reconvening, Endicott stated that he believed that there was a timing issue. The development commission meeting was on October 13th. The email went out on Oct 6 or 7th, a week before the development commission. The full commission met on Oct 20. Agenda again in November and Endicott demanded to know why there was a delay. Endicott then clarified that the email he was referring to was the one that the communications committee sent out that said "Do you want a 5 story building on Trabue Road" He demanded to know why this was not brought up at the other 2 meetings.
- Cabral then stated that the topic is his behavior at the development meeting.
- Endicott stated that votes have consequences
- Cabral stated that there is no confidence in Endicott as a leader.
- Cabral made a motion for a vote of no confidence in Endicott as the chair of WSAC zoning committee. Weber seconded it.
- Weber stated that they can vote to recommend removal of the chair.
- Endicott then stated what the bylaws stated for committee assignments and zoning chair. He further stated that his term ends in May of 2025 and that he does not plan to go anywhere. He will be present at WSAC meetings and will attend city meetings.
- Commissioner Endicott expressed that he does not plan to leave the commission, however it is noted that there was a pre-existing plan to resign as zoning chair in May of 2023.
- Bohnert asked if there was a motion to remove.
- Cabral stated that there is a motion for a vote of no confidence.
- Endicott stated that he knows when someone wants to beat you down to beat you down. He has no intention on changing and will continue to oppose the commission when he believes they are not acting in good faith.
- There was a call for a vote
- Newman asked for the motion again
- Cabral restated the motion
- Commissioner Cabral motioned to approve a lack of confidence in Brian. Larry seconded the motion. Committee members Newman and Boyd voted in the affirmative. Committee

members Cerasini, Cabus, and Bohnert abstained. Committee member Endicott voted in the negative for the lack of confidence.

- It was expressed that there is a necessity for a January 4th meeting.
- New Business: Commissioner Bohnert proposed First Community Church (1320 Cambridge Blvd.) as a future meeting spot.
- The meeting adjourned at 9:00 pm. There was no call to vote to end the meeting.

