

Held

June 9th,

2009

ADJUDICATORY HEARING

The adjudicatory hearing was called to order by Chairman Goll at 6:04 p.m. on June 9th, 2009 at the Etna Township Community Center. The meeting was recorded for township records. Michele Weber, Rick Cox, David Goll, Cheri Rogers, Claudette VanDyne, and clerk Laura Brown were present.

The purpose of the hearing was to consider Conditional Use Permit Number CU-09-01 concerning a commercial entertainment field submitted by Clinton Clark and Aaron Banish for 7072 National Road, Pataskala. The nature of the conditional use permit was to allow a commercial entertainment field for turfed field recreational activities.

Chairman Goll explained the process and the principles who wanted to testify and present evidence were sworn in all other witnesses will be sworn in as they give their testimony. Clinton Clark, Aaron Banish and Chris Harkness were sworn in.

Chris Harkness provided a case overview.

- Previous Location of field/use was on northern portion of lot. Applicants have had issues with trespassing and have also acquired parcel at corner of York and National. Believe new proposed location is better suited for them and neighbors.
- Previous Conditional Use Permit: CU-08-02 approved 5/27/08 with the following conditions placed on the use: Regular maintenance of port-a-johns twice a week; lights off by 11:00 pm; any modifications or changes on the property would have to go back to the Zoning Administration.
- Existing Land Use and Zoning: Southern Portion: Commercial Sale, Storage, and Repair of Fitness Equipment; Northern Portion: Vacant empty field north of creek. Previous location of proposed field; Zoning: One parcel is zoned GB-1 (General Business) and other is zoned AG (Agricultural).
- Surrounding Land Use and Zoning: North: Single-Family Residential; AG (Agricultural); South: Commercial Retail; GB-1 (General Business); East: Single-Family Residential; AG (Agricultural); West: Church ; GB-1 (General Business)
- Proposed Use: Commercial Entertainment Field: 100'x200' Turf Field for recreational/commercial purposes to include speed training, flag football, youth and adult soccer.
- Lighting: Field, surrounding area, and parking to be lit by AEP 'Dusk to Dawn' pole lights. 4 existing lights and 1 additional light.
- Parking: 3 parking areas. 1) Existing concrete area between proposed field and warehouse. 2) Existing concrete area west of existing warehouse. 3) Proposed paved parking lot at corner of York and National.

Previously the applicants had proposed to place the field in the northern portion of the property. That part of the property was vacant, within a flood plain, and adjacent to residential uses. Since that hearing, the applicants have had some problems with trespassing in the rear portion of the property and they have also acquired an additional 1.97 acres at the corner of York and National. Both of these changes have led the applicants to believe placing the field in the front of the property would be a better idea.

The proposed use is still for a turf field that will be used for commercial recreational activities (soccer, flag football, volleyball, etc.). The proposed field is 100' wide by 200' long and is located approx. 68' from the southern property line, 10'/160' from the western property line, and 383' from the eastern property line.

Vehicular access will likely be gained from an existing entrance on National Road. Vehicles will enter the site and parking will be located in a couple different paved areas. There are two areas with existing concrete that will be sufficient for parking. A third area will be paved in the future. This area is indicated on the site plan and was previously paved in the past. The Bureau of Underground Storage Regulations with the State of Ohio has removed several underground storage tanks from the site, which was a former gas station. The prior company, BP, will be required to re-pave the portion which was previously paved, thus providing the current property owners with an additional area to be used as a parking lot. All three parking areas will be within sufficient distance to the field area.

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A 6' tall chain-link fence is being proposed by the applicant on one side of the field between the field and National Road. The purpose of the fence is to help keep children and equipment from reaching National Road because of the close proximity to the road.

There are 4 existing AEP pole lights in the area of the proposed field and the applicants have spoken with AEP about putting a fifth pole light on the property to keep wires from crossing over the field and for additional lighting. The applicants believe this type of lighting would be sufficient to light their field area as well as their parking areas.

The applicants have not indicated that there will be any other facilities provided at this location related to the entertainment field (bleachers, lights, restrooms, etc.).

The applicants have removed most of the evergreen trees seen in the aerial site plans and have begun some preliminary grading work in preparation of the field to expedite the process if granted the Conditional Use Permit.

As indicated at the previous Board of Zoning Appeals meeting, this use is seemingly appropriate at this location. The physical location of the field and use with the new proposal is probably much better considering the adjacent uses. In the previous location the field would have been located much closer to a residential area. In the proposed location there are a couple of houses that would be able to see the field and those houses are surrounded by other businesses and adjacent to or across a U.S. highway. The view of the field and noise from it should somewhat be buffered to the residential area to the north by the existing warehouse building. The proposed field should also be an visual benefit to National Road if maintained correctly. The applicants have also been in contact with the church across York Road, Vineyard Christian Church, about using the field. The church would like to potentially use the field for some of their activities.

Several of the issues brought up at the last meeting are not as pertinent with the field in this location. Additional lighting does not seem necessary, restrooms will be used within the existing warehouse, and parking should be abundant. The applicants have requested to not have time and day restraints with the new location, which seems mostly reasonable given the lack of a true residential area within close proximity. However, issues the Board may still want to consider are buffering and additional facilities (bleachers, fencing, and signage). As previously mentioned, the applicants have done some preliminary grading work for the field and in doing so have cleared several evergreen trees which buffered the warehouse from National Road. The Board may want to decide of the field or warehouse needs buffering reinstated. Additionally, the property has a residential house on it approx. 60' away from the proposed field. The unit is not currently in use and the applicants have mentioned that they do not plan to use it for residential use. Buffering of this house may be considered. A 6' tall fence is proposed on one side of the field, the Board may want to consider if this height is adequate to prevent balls (soccer, football, etc.) from getting to National Rd and if additional sides of the field should be fenced.

Chris Harkness recommends that the Board of Zoning Appeals approve the requested Conditional Use with the appropriate conditions concerning the use and future use of the facility.

Exhibit #1 – Letter of support submitted from the Vineyard Christian Church

Clinton Clark 246 Laurel Lane and Aaron Banish 58 Daisy Drive representing ARC Fitness explained the use of the property. There will be men's and women's restrooms and locker rooms. The trees that were removed were dead and in bad shape. They will be installing a fence to keep the balls on the property. They will not need the portable restrooms with this location. Clinton Clark discussed a number of the activities that are in the works if the use is approved as follows: OSU camp, Vineyard Church, and SWL Youth Football.

Cheri Rogers verified that only one field is planned at this time.

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DAYTON LEGAL BLANK CO. FORM NO. 1011

Etna Township Board of Zoning Appeals

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Clinton Clark stated that they do not have plans for the area where the field was previously planned. Frontier Ranch had approached them regarding parking and they have not approved this use at this time. A few years down the road they may add another field.

Claudette VanDyne inquired if the trees on the east side of the lot will remain.

Clinton Clark stated the trees will be left. At this time the residential property will remain vacant. In the future they may rent it for an office type use.

Clinton Clark stated BP will test the wells and then will retest the wells in December. If the tests are clear the spring of 2010 they will pave. David Goll stated the parking area can be gravel for now until they release the area after testing. There is parking available around the warehouse, approximately 120 spots. There are four entrances into the property.

Clinton Clark stated they want to open immediately after being granted the conditional use. The current parking will work until BP will release this area to being paved. Chris Harkness stated they will not be in violation because they are being prevented by another governmental agency in regards to paving the parking area.

The board discussed the water run off caused by paving this area. The gravel will help with the drainage of water. BP is obligated to return the parcel back to the original state and this is why they are paving this parking area. This will only be seasonal parking. Rick Cox discussed the benefits of the gravel lots. The Zoning Resolution requires the lot to be paved. It was discussed whether the gravel lots are grandfathered and this lot was paved previously. Chris Harkness explained this lot sat vacant and previous it was paved. Now this is going to be used as an accessory parking it must be paved.

They will have bleachers that are not permanent. The fence will run along Route 40. They are also planning on using netting to help with the balls going onto the road similar to the netting by the golf course next to Etna Elementary.

Roger Digel-Barrett 533 Ballman Road was sworn in. He discussed the impermeable parking areas and water run off. He feels the paved parking areas are an eye sore.

Mary Schwabb 9085 York Road was sworn in. Verified there will be no additional parking entrances on York Road. Clinton stated they will not add anymore entrances, they currently have four. Mary Schwabb inquired on PA systems and music being played. Clinton stated they will not be playing any music during the games. There currently are no plans for a pa system at this time.

Rick Cox moved to close the hearing at 7:02 p.m. Claudette VanDyne seconded. Roll call: Michelle Weber, yes; Rick Cox, yes; David Goll, yes; Cheri Rogers, yes; and Claudette VanDyne, yes.

Cheri Rogers moved to approve the conditional use application CU09-01 allowing for a commercial entertainment field being built on this property as long as all the proposed enhancements in the application are completed and the appropriate conditions concerning the use and future use of the property and adjoining properties are met with our Zoning Administrator's approval and adherence to our Zoning Resolution. Rick Cox seconded. Roll call: Michelle Weber, yes; Rick Cox, yes; David Goll, yes; Cheri Rogers, yes; and Claudette VanDyne, yes.

Cheri Rogers moved to close the public hearing at 7:06 p.m. Michelle Weber seconded. Roll call: Michelle Weber, yes; Rick Cox, yes; David Goll, yes; Cheri Rogers, yes; and Claudette VanDyne, yes.

Approved as read July 28, 2009

Approved as corrected/amended _____

Laura Brown
Laura Brown, Clerk

David Goll
David Goll, Chairman

RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK CO. FORM NO. 1094B

Etna Township Board of Zoning Appeals

Held

June 9th,

2009

The public hearing was called to order by Chairman Goll at 6:04 p.m. on June 9th, 2009 at the Etna Township Community Center. The meeting was recorded for township records. Michele Weber, Rick Cox, David Goll, Cheri Rogers, Claudette VanDyne, and clerk Laura Brown were present.

The purpose of the hearing was to approve the minutes from the February 24th, 2009 and .

Cheri Rogers moved to waive the public reading and to approve the minutes from the February 24th, 2009. Roll Call: Claudette VanDyne, abstain, Cheri Rogers, yes; David Goll, yes; Rick Cox, yes; and Michelle Weber, yes. Motion passed 4 yes and 1 abstain.

Rick Cox moved to notify the media of all public hearings or public meetings. Cheri Rogers seconded. Roll call: Michelle Weber, yes; Rick Cox, yes; David Goll, yes; Cheri Rogers, yes; and Claudette VanDyne, yes.

Cheri Rogers moved to close the public hearing at 7:06 p.m. Michelle Weber seconded. Roll call: Michelle Weber, yes; Rick Cox, yes; David Goll, yes; Cheri Rogers, yes; and Claudette VanDyne, yes.

Approved as read

July 28th, 2009

Approved as corrected/amended _____

Laura Brown

Laura Brown, Clerk

David W. Goll

David Goll, Chairman