

RECORD OF PROCEEDINGS

Minutes of

Etna Township Zoning Commission

Meeting

September 7,

2005

DAYTON LEGAL BLANK, INC., FORM NO. 1114B

PVCR Northeast corner of US40 and Watkins Rd
Section 1103 - Paving

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The Etna Township Zoning Commission met in the Etna Township Hall on September 7, 2005 for the purpose of conducting a regular meeting and to hold a public hearing on PVCR Incorporated for the property at the Northeast corner of U.S. 40 and Watkins Road rezoning application. The hearing was audio and video taped for the township records.

The meeting was called to order at 7:00 p.m. by Chairman Bravard with the following members present: Mr. Kerner, Mr. Colburn, Mr. Van Dyne, Chairman Bravard, and Clerk Laura Brown. Mrs. Taylor was ill.

Vince Colburn moved that we adopt the agenda with flexibility. Kerner seconded the motion. Roll call: Motion passed 4-0.

Mike Kerner made a motion to waive the public reading and approve the minutes for the regular meeting on July 20, 2005. VanDyne seconded the motion. There was no discussion. Roll call: Motion passed 4-0.

Jim VanDyne made a motion to waive the public reading and approve the minutes for the special meeting on July 27, 2005. Kerner seconded the motion. There was no discussion. Roll call: Motion passed 4-0.

Mike Kerner made a motion to waive the public reading and approve the minutes for the regular meeting on August 3, 2005. VanDyne seconded the motion. There was no discussion. Roll call: Motion passed 4-0.

Jim VanDyne made a motion to waive the public reading and approve the minutes for the regular meeting on August 17, 2005. Kerner seconded the motion. There was no discussion. Roll call: Motion passed 4-0.

Mike Kerner made a motion to waive the public reading and approve the minutes for the special meeting on August 31, 2005. VanDyne seconded the motion. There was no discussion. Roll call: Motion passed 4-0.

Public Hearing

Mike Kerner moved to re-open the public hearing for PVCR Incorporated's request that the property at the Northeast corner of U.S. 40 (National Road) and Watkins Road be rezoned from Single Family Residential District (RS) to General Business District (GB). VanDyne seconded. No Discussion. Roll Call: Motion passed 4-0. The rezoning application is 050702201. Chairman Bravard read the application and went through the current use of the property.

Michael Fox represented PVCR a business owner in this community; they are proposing one side for food such as a coffee shop or Bob Evans. This corner is currently zoned residential. Mr. Fox discussed the zoning around the property and potential users of the property. He stated that there is a traffic light installed for the increase in traffic.

Mike Kerner inquired if a semi truck could go around the building. Mr. Fox stated that the building has twenty-five feet all the way around the back of the building and he feels a semi could back around the building. The users they are talking about would not have a semi truck to deliver to them. The trash pick up is all screened in one area. There is a privacy fence that goes around the back of the property. Mike Kerner would like to see Local Business District in this location but does not want to see some of the other uses in General Business at this location. The other corners are Local Business and the one corner is still residential. Vince Colburn feels it is more suitable for Local Business backing up to the residential. Jim VanDyne also would like to see Local Business and has concerns with the General Business zoning. The Zoning Commission likes the plan presented but would like to see it in the

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Local Business District. The Zoning Commission would like to amend the Local Business District by adding sit down and carry out/take out restaurants. Chairman Bravard is concerned with the maintenance of the fence along the back of the property. Mike Fox stated that the businesses going in will pay into a reserve for the property maintenance. The landscaping will consist of trees.

Property Owners Remarks:

Joc Rider at 112 Brandy Mill has concerns with the lights from the parking lot. The Zoning Commission stated that there are ways to defer the lights from the residential area.

Bernie Caplin represents the property owners Barbara and Sean Brogan for the property at 9361 Watkins Road. Mr. Caplin asked if the uses could be placed under the deed restrictions.

Thom Wells with PVCR stated that they did receive an opinion from a retired zoning attorney that basically stated if the property was deeded over to the township the township then in turn inserts the deed restrictions in the deed then deeded it back to PVCR. It would give the township the ability to enforce those deed restrictions.

Claudette VanDyne stated that the properties around the property are Local Business and Residential. The permitted uses under Local Business are all what they have been proposing. Mike Fox feels it is critical that he is able to put in a food user to draw in other users.

Chairman Bravard read from the permitted uses under local business. Under Item F it states "or performing services primarily for the residents of a local community."

H.D. Jones Jr. of 119 Spring Flower Way asked how many shops they were planning for. He also has concerns with shopping centers that end up empty. Mike Fox stated that the financing is not approved until 80% is full. It will depend on the users to determine how many users.

Kim Arnold of 112 Springbrook Ct is concerned with the shopping center sitting empty and bringing down the property value.

Anne Spencer of 120 Springbrook Ct. is concerned with the property values of their homes.

Thom Wells stated that they have been working with the township and the community on what they want and what business they would like to see. They addressed the trash pick up and the deliveries. They went to the Ohio Department of Transportation and to Licking County Planning.

The Zoning Commission would like to see the corner rezoned to Local Business. They would also consider changing the Local Business district to include restaurants.

Chairman Bravard read the recommendation of the Licking County Planning Commission. Licking County Planning Commission recommends to Etna Township to deny the requested map amendment. Licking County Planning Commission discussed the possibility of amending the Local Business District by adding sit down and carry out/take out restaurants to the Etna Township Zoning Resolution.

Kim Arnold is concerned with the residents coming out of Brandy Mill and Longwood Crossing. Is there going to be another traffic signal installed?

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Mike Fox stated that they have been in contact with Ohio Department of Transportation regarding the traffic flow and traffic studies of that intersection.

Mike Kerner moved to close the public hearing. VanDyne seconded. Roll call: motion passed 4-0.

Mike Kerner moved to recommend to the trustees denial under the general business district and to re-apply under local business. Colburn seconded. After some discussion Mike Kerner withdrew his motion.

Mike Kerner moved to postpone voting until the next meeting on September 21, 2005. Colburn seconded. After discussion the roll call: Motion passed 4-0.

Vince Colburn moved to ask the Licking County Prosecutor if the applicant can change from General Business to Local Business or if it can be modified or amended. The prosecutor needs to be notified that we advertised as General Business. VanDyne seconded. Discussion: Copies of the LCPC letter need to be included with the letter to the prosecutor and copy the applicant PVCRC the letter to the prosecutor. Roll Call: Motion passed 4-0.

Old Business

Section 1103 – Paving. Mike Kerner moved to start the discussion regarding paving. VanDyne seconded. Roll call: passed 4-0.

Mike Kerner moved to amend the request from the Trustees for Section 1103 Paving to read: The required number of parking and loading spaces as set forth in Section 1102 and 1117, together with driveways, aisles and other circulation areas, shall be paved using materials and construction methods as described in the Construction and Materials Specification Handbook published by the Ohio Department of Transportation. Bravard seconded. The Zoning Commission had discussion. A copy of the handbook should be forwarded with the recommendation to the Trustees. Roll Call: passed 4-0.

New Business

Gary Burkholder asked the Zoning Commission if they received the letter from Steve Ferris regarding Petro Construction. The Zoning Commission had a discussion on the findings on the Zoning Inspector. Chairman Bravard read the letter from Steve Ferris for the record.

Gary Burkholder stated he does not believe the lot at Petro Construction is a dust free surface. This is a continuing problem. Mr. Burkholder would like to see a comprehensive rewrite of all business districts in Etna Township. He does not feel that every cross road in Etna Township should be business.

At 8:40 the Zoning Commission took a five minute recess.

A. Amend the zoning text under the Local Business permitted use section.

Dan Bravard moved to start the amendment process under section 909 Local Business District (LB) to add Item K Restaurant – Sit Down and Item L Restaurant – Carry out/take out to the permitted use section and Item E banquet facility under conditionally permitted use section. Kerner seconded. Roll call: Motion passed 4-0.

Jim VanDyne moved to add Banquet Facility to the definition section of the zoning resolution and to ask Licking County Planning Commission to provide a definition. Colburn seconded. Roll call: Motion passed 4-0.

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Mike Kerner moved to add Restaurants - Sit down, and Restaurants - Carry Out/Take out to the definition sections as follows below. VanDyne seconded. The Zoning Commission had a discussion and the roll call follows the definitions.

Restaurant - Sit Down An establishment maintained, operated, and/or advertised or held to the public as a place where food and beverage are served to the public on demand from a menu during stated business hours, served in and on reusable containers and dinnerware, to be consumed on the premises primarily inside the building at tables, booths, or counters, with chairs, benches or stools.

Restaurant - Carry Out/Take out A restaurant where food, frozen dessert, or beverages are primarily sold in a packaged, ready-to-consume state, intended for ready consumption by the customer on or off the premises.

Roll call: Mr. Kerner, yes; Mr. Colburn, yes; Mr. Van Dyne, yes; and Chairman Bravard, yes. Motion passed 4-0.

Public Comments

Chuck Bundy of 10254 Tollgate Road has issues with Petro Construction on Tollgate Road. Mr. Bundy also feels that Dave Smith's business is an eye sore. He would also like to see a total re-write of the zoning resolution.

Claudette VanDyne of 7173 Refugee Road has also seen the dust on Tollgate Road from Petro Construction. She can not believe that they do not need restroom facilities on the premises.

Thom Wells of 7889-B East Broad Street had questions regarding the modifications to the Local Business District.

Gary Burkholder discussed the Dave Smith violations and the action that was taken regarding the cars. Mr. Smith is permitted 75 running vehicles. The township has a continuing order that the township can go out at anytime and inspect the property.

Mike Kerner moved to start the procedure to create a conservation subdivision using Section 919 of the Etna Township zoning resolution. Bravard seconded. The section will consist of the sample planned rural residential conservation district. Mike Kerner will review the section after the clerk numbers it to place it in the zoning resolution. Roll call: Kerner, yes; Colburn, no; VanDyne, yes; and Bravard, yes. Motion passed 3-1.

Mr. Bravard will draft a letter to accompany the text for Section 919 to forward to Licking County Planning Commission.

Meeting was adjourned at 9:35 p.m.

Approved Dan S. Bravard

Laura Brown
Laura Brown, Clerk
9/21/05

Approved as corrected/amended _____

Dan Bravard, Chairman