

Etna Township Zoning Commission

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held	March 15,	2006 20
------	-----------	------------

**Section 300, 500, 1032, 910 Text Amendments**

The Etna Township Zoning Commission met in the Etna Township Hall on March 15, 2006 for the purpose of conducting a regular meeting and to hold public hearings on Section 300 Zoning Permits Required, Section 1032 Fences and Hedges, Section 500 Office of Zoning Inspector, and Section 910 General Business. The hearings were audio and video taped for the township records.

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

Tina Taylor moved that we adopt the agenda with flexibility. Dunlap seconded. Roll call: Motion passed 5-0.

Vince Colburn made a motion to waive the public reading and to approve the minutes for the meeting on February 8, 2006. VanDyne seconded. There was no discussion. Roll call: Motion passed 5-0.

Tina Taylor made a motion to waive the public reading and to approve the minutes for the meeting on February 15, 2006. Colburn seconded. There was no discussion. Roll call: Motion passed 5-0.

Vince Colburn made a motion to waive the public reading and to approve the minutes for the meeting on March 1, 2006. VanDyne seconded. There was no discussion. Roll call: Motion passed 5-0.

**Annual Organization of Zoning Commission Officers' for 2006**

- a. Election of chairman. Dee Dunlap nominated Mike Kerner. Jim VanDyne nominated Vince Colburn. Roll call: Dunlap – Kerner; Taylor – Kerner; Colburn – Kerner; Kerner –Kerner; and VanDyne – Colburn. Kerner 4 and Colburn 1, Mike Kerner will be 2006 chairman.
- b. Election of Vice-chairman. Jim VanDyne nominated Vince Colburn. All voted for Colburn, 5-0. Vince Colburn will be vice-chairman for 2006.
- c. Technical Review Board – Tina Taylor and Vince Colburn - March/April/May  
     Vince Colburn and Mike Kerner – June/July/August  
     Mike Kerner and Dee Dunlap – Sept/Oct/Nov  
     Dee Dunlap and Jim VanDyne – Dec/Jan/Feb

Jim VanDyne moved to continue the Technical Review Board rotation. Dunlap seconded. Roll call: Motion passed 5-0.

- d. Adoption of meeting rules. Mike Kerner moved to continue to operate under Roberts Rules of Order. VanDyne seconded. Roll call: Motion passed 5-0.

Mike Kerner moved to adjourn the regular meeting temporarily and to open the public hearings at 7:10 p.m. Taylor seconded. Roll call: Motion passed 5-0.

**Public Hearings – Text Amendments to the Zoning Resolution.**

**A. Section 300 – Zoning Permits Required and Section 1032 Fences and Hedges.** Mike Kerner read the staff report and the recommendation from Licking County Planning Commission. The planning commission recommended approval to section 300 and to obtain a legal opinion on Section 1032. Jim VanDyne moved to recess the public hearing to obtain a legal opinion. Taylor seconded. Roll call: Motion passed 5-0.

**B. Section 500- Office of Zoning Inspector.**

Jim VanDyne moved to open the public hearing on Section 500 at 7:16 p.m. Colburn seconded. Roll call: Motion passed 5-0. Mike Kerner read the staff report and recommendation from the Licking County Planning Commission.

## RECORD OF PROCEEDINGS

Minutes of

Meeting

Etna Township Zoning Commission

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held March 15, 2006  
20

~~The planning commission recommended conditional approval with having the legal council review. The Zoning Commission discussed whether or not to forward to legal council. The staff report stated the amendment is not in conflict of the Ohio Revised Code. Jim VanDyne moved to close the public hearing at 7:25 p.m. Dunlap seconded. Roll call: Dunlap, yes; Taylor, abstain; Colburn, yes; Kerner, yes; and VanDyne, yes. Passed 4 yes 1 abstain.~~

**C. Section 910 - General Business, limiting the size of retail establishments.**

Jim VanDyne moved to open the public hearing at 7:25 p.m. Colburn seconded. Mike Kerner read the staff report and Licking County Planning Commission recommendation. The planning commission recommends the township conditional approval with the condition being the Township consider this proposal carefully to ensure the requirements are reasonable with the minimum lot standards the Township currently requires and the township needs to ensure it is acting uniformly. The township needs to consider similar standards for the remaining business districts.

Lonnie Bowman of 9732 Smoke Road feels this would be bad zoning. He wanted to know how the Zoning Commission came up with the 65,000 square feet requirement. He asked if the purpose of this was to keep Wal-mart out. He asked how much do we get from the box retail. He discussed infrastructure. He also presented a chart from MORPC. He would like the Zoning Commission to vote no on this amendment. Mike Kerner stated this does not have anything to do with Wal-mart, they already have a permit. The Kroger at Main Street and Taylor Road is the maximum size store that will be allowed in Etna Township if this goes through.

Cecil Thrash of 132 Freeway Drive asked how many millions of Industrial will be allowed. Mike Kerner discussed the studies that show the negative effect larger retail establishments have on the community. Cecil Thrash feels the sales tax the county will take in and increased value of property. He also stated retail does not get tax abatements. He asked for a logical explanation of how they came up with 65,000 square feet. Tina Taylor stated that they want to keep the rural atmosphere of the area. Cecil feels annexation will happen if we limit the square footage of retail.

David Thrash of 9100 Hazelton-Etna Road feels we are shorting the area for development and allowing Wal-mart to have a monopoly. He lives on 310 and lives with the traffic. He feels the property owner should have the right to put in a Wal-mart if the property is zoned for it. Mike Kerner stated in a study that was done by the leading consulting firm in the country found that big box stores cost the communities 45 dollars per 1000 square feet a year. This is with everything into consideration taxes, infrastructure, police protection etc. Cecil Thrash stated that we are shipping dollars out of the community. The industrial park will have semi-truck traffic. Vince Colburn stated Route 40 is a four lane highway. Cecil Thrash feels property values will go down if the township restriction big box. He feels this is a poor planning decision.

Mike Kerner moved to close the public hearing at 7:50 p.m. Colburn seconded. Roll call: Dunlap, yes; Taylor, yes; Colburn, yes; Kerner, yes; and Jim VanDyne, no. Motion passed 4-1.

RECORD OF PROCEEDINGS

Minutes of

Meeting

Etna Township Zoning Commission

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held March 15, 2006  
20

~~Section 500 Office of Zoning Inspector.~~

Dee Dunlap moved to recommend approval of the below text amendment and to inform the Trustees of Licking County Planning Commission's recommendation of obtaining a legal opinion prior to approval. Van Dyne seconded.

**Section 500 Office of Zoning Inspector Created**

A zoning inspector(s) designated by the Board of Township Trustees shall administer and enforce this resolution. He/she may be provided with the assistance of other such persons as the Board of Township Trustees may direct. The Township Zoning Inspector, before entering upon his duties, shall give bond as specified in Section 519.161, Ohio Revised Code.

Roll call: Dunlap, yes; Taylor, abstain; Colburn, yes; Kerner, yes; and VanDyne, yes. Motion passed 4 yes 1 abstain.

**Section 910 General Business limiting the size of retail establishments.**

Mike Kerner moved to recommend to the Trustees approval of the below text amendment. Taylor seconded.

Under Section 910 General Business general requirements to add:

Building bulk requirements: Retail or mixed use buildings containing retail uses, shall contain no more than 65,000 Gross square feet of floor area under one roof.

Discussion: Dee Dunlap discussed the meeting with Phil Laurien and whether he felt the 65,000 square footage requirement would still be good for the township. We can not take away zoning on the properties that are already General Business but we can apply restrictions.

Roll call: Jim VanDyne, no; Mike Kerner, yes; Vince Colburn, yes; Tina Taylor, yes; and Dee Dunlap, no. Motion passed 3-2.

**Old Business**

A. Liberty Township at the NAICS Codes; Mike Kerner would like the board to go through the NAICS codes and pick out the codes that you feel would work in Etna Township.

The meeting on April 12, 2006 is to meeting with the Trustees and the Zoning Commission to decide what direction is good for the township. Mike will meet with Gary Burkholder to come up with a format for the meeting. Vince Colburn feels the elective officials should meet with Don Brosius and the county prosecutor. The Zoning Commission agreed that the meeting on April 12 is to discussion the vision and future land use. Mike and Gary will write an agenda after Mike returns from vacation.

Mike Kerner adjourned the meeting at 8:34 p.m.

Approved APRIL 05, 2006

*Laura Brown*  
Laura Brown, Clerk

Approved as corrected/amended \_\_\_\_\_

*Michael A Kerner*  
Michael Kerner, Chairman