

Held
Joint mtg with Trustees
Engineering Firms and Square Footage Text

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The Etna Township Zoning Commission met in the Etna Township Hall on August 16, 2006 for the purpose of conducting a regular (joint) meeting with the Board of Trustees. The meeting was audio taped for the township records.

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

Jim VanDyne moved that we adopt the agenda with flexibility. Stepp seconded. The commission will carry over the old business to the September 6 meeting. Roll call: Motion passed 5-0.

The Trustees opened their meeting. Gary Burkholder opened the meeting. Dick Knapp and Gary Burkholder were present. Paul George was absent. Barbara Digel-Barrett arrived at 7:30.

Gary Burkholder moved to adopt the agenda. Knapp seconded. Motion passed 2-0.

Engineering Firms presentations

MSI

Jason Sudy and Chris Hermann from MSI out of Columbus presented what they could do for the township. Jason Sudy stated that two of the townships they are currently doing land use planning includes Plain Township area with the Rocky Fork Accord and Big Darby Accord. Keith Myers has been doing planning for about 20 some years and is the planning principle and six full time planners. Chris Hermann was a prior member of the Licking County Planning Commission ten years ago and has been with MSI for six years, Jason has been with MSI for eight years. They staff about 25 people in Columbus and have an office in Florida that does resort planning. Chris Hermann stated MSI does private development planning and private development layouts, work for corporate headquarters for retail development for parks and open space, he feels the clients like to hire MSI because they can bring to the table a realistic approach and understand what the market is looking for and what works and what doesn't. Etna Township's concern is probable how to manage growth where some places are looking for how to attract growth either way they have a sense of what the issues are and try to meet the needs of the community. They provided examples of their comprehensive planning. They like to approach comprehensive plans as strategic nature by looking at focus areas that are critically important in the next couple years. Through the Rocky Ford Accord they have tried to maintain the rural atmosphere around the commercial. The Rocky Fork accord is a joint effort between the City of Columbus and the Village of New Albany in place since 1997. All the jurisdictions should work together and maximize the benefits for everyone. It is better to be at the table to have influence then to not be. The Big Darby Accord five townships and City of Columbus, Hilliard, and Grove City all work together with all these jurisdictions.

Jason Sudy stated if you think about Etna Township and how it fits into the bigger picture and how to protect the township's interest while also thinking about the over all picture of this portion of Licking County is an advantage to everybody and the long run of Etna Township. Chris Hermann they can look into a focus area and the surrounding land. Jason stated it is the effort of them working from the private development side and understanding how to do the conservation and different types of development approaches and then working from the public side. Chris discussed the graphics that are used to show what Etna Township wants.

Chris attended the Trustees meeting a month ago and discussed friction between the township and county planning and the developers. They do services with other jurisdictions that they call Continuing Planned Services where they do not have planning staff. They serve as planning staff on a hourly basis to review plans, projects, reviewing plans with developers on behalf of that jurisdiction and representing them at meetings. Jason Sudy explained the process. Generally they have a steering committee, a lot of interaction with the public, with the township officials and build a consensus as they go through the entire process. There are many ways to format the information, the technical issues with zoning, mapping, GIS and background information. He feels MSI can bring to the table is their ability to get behind comprehensive planning idea from a design prospective and a land use prospective and bring everyone into enough agreement to move forward. Chris suggested hiring someone to help the township review if the township does not trust the county.

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~~Jim VanDyne~~ asked how the charged. Chris stated on the Continuing Service they charge by the hour. Jason Sudy stated on a Comprehensive Plan they work on a scope based on a budget and how much work the township needs. Chris stated \$50,000 for a comprehensive plan would be a full booklet plan from start to finish with public meetings and focus areas it may be larger. Jason Sudy stated it takes 9 months to a year, anything over a year you lose focus. Five steering committee meetings, two public open houses for frame work, seven months and then a public comment period and final review period then adoption.

Chris stated with the issue of Wal-Mart coming the township could put an overlay zone corridor. The properties in that zone have to meet additional standards above and beyond what the township has. Chris recommends working on the overlay zone to control what the township knows is coming right now and then look at the comprehensive plan later. Tina Taylor asked how the felt about a district just for big box retail. Jason Sudy stated the community can say how many big box, fast food, etc they want in the community. Tina Taylor asked how long it would take to come up with a district to limit the square foot. Chris stated we could do it independently as part of an overlay or as part of a separate zoning district inside of another mechanism like a CEDA. The township could do it quickly but you are not going to be able to take away vested zoning rights from someone, you can not say you are in this district that allows all this stuff but now you can not do it. It can be done but it is not a good thing, they would not recommend doing that. Dee Dunlap asked to slow down the development on 310 until ODOT catches up with 310 if the township can take the general business zoning and limit the general business in square footage until the other zone is in place. Chris suggested creating an overlay with it. Create a new district that allows the large retail uses and then change the general business to a smaller use. It is important to have a place for it to go. If you took all the general business down and not have a district where it could go, communities have done that but there could be room for someone to push it. He suggested a corridor overlay for 310 that does not allow over 65,000 square foot with buffer and other standards. Tina Taylor stated on the news there are communities that are standing up to the big box. Chris stated the key to doing that is before they get the zoning, after they have the zoning you are to late. Wal-mart will bring in smaller retail uses and then the other big boxes will watch and when they hit a certain threshold then they will come in terms of population and income. Jason Sudy stated there are mechanisms that can be used to solve it.

Pam Muncy asked them about the retail in Canal Winchester. Chris stated what they did in Canal Winchester is with a CEDA with Violet Township. They are working together where the new connection to 33, it is going to be widen through Pickerington. They wrote a standard of how things would look where the roads would go and landscaping. Meijers wanted a store in the CEDA, the CEDA does not allow the square footage. If Meijers was willing to meet all the other standards they have they would consider the store. That is us being nice to you in exchange for the other standards because they are not allowed to be there. Meijers has given more to be a part of this development than he has ever seen. Pam stated the residential is down past the retail and it keeps the traffic out of the neighborhoods. Jason Sudy stated there is legislation that helps control what happens with big box later. At the Grandview Columbus boarder they are writing in that they have to demolition the big box if it goes out of use for a certain amount of time. This would control the empty big boxes in the area.

Vince Colburn asked if MSI was hired could they help the township write the Comp Plan, Zoning Resolution, and Future Land Use Map the entire package. They can help us do as much or as little as we would want. Vince Colburn asked for a copy of one they have written that is close to what the township would need. Vince asked if they have reviewed what we currently have. Chris stated that he has not looked into it in depth but he did work for Licking County Planning Commission ten years ago and is familiar with it. Chris feels there is room to add site design requirements; the zoning was more about the land use. He thinks we need to address how things will look, screening, etc. Some things the township is not allowed to regulated because of home rule and statues.

Tina Taylor asked what the maximum square footage is where you would not hurt the local businesses, we thought about 65,000 square footage. Chris said to look at what you have now and Jason stated that 65,000 square foot is on track. A lot of times 60,000 is used just because of the way uses are outlined and the way that retailers do different uses. Grocery stores are tricky now that grocery stores are being more then just grocery. Chris felt that if a big box comes in then a variance could be granted.

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Vince Colburn asked if they have ever incorporated the NAICS Codes in a Zoning Resolution. Jason said they usually do not incorporate the NAICS Codes but they can do it. Vince would like to have more districts. Jason discussed town centers where you have multiple uses. Vince would like to see sample conservation districts with higher density, designed by the land.

EMH&T

Jeff Strung has been with EMH&T for 22 years and is Vice President of the company. He feels that EMH&T can bring to the table that is different than other firms is the Environmental Science group, archeological group, surveying, engineering and inspections. He feels because of the developmental pressure it may be better to look at the vision of the township. He has worked on various comprehensive plans. Jeff Strung passed out three quotes for services. He has worked with Grove Port designing their code and involved with Delaware Regional Planning regulations.

Mary Sigmon is a planner and reviewed her experiences. She feels with Etna we need to focus on key areas. Mary has reviewed our comprehensive plan.

Jim Dziatkowicz who is a Landscape Architect feels the comprehensive plan needs an update and is not a start from finish plan. They approached the Etna Township plan in a three prong approach. Identifying who the township is and what the outward appearance is to the community. Mary is experienced in transportation and infrastructure, land use and those types of issues being developed into the comprehensive plan and also the zoning components. They have a lot of experience in Central Ohio. The first step is determining individuals within the community to serve on advisory (Steering) committee. A nine to twelve month process is asking a lot out of certain individuals. He discussed using surveys. Grove City is currently working on a survey that was conducted on 16 individuals (Mayor, Police, etc.) They are also using a survey that Grove City has done every two years to goes to every fifth resident, they go done the list and send it to ever fifth name. In a two month period they have gone through a lot of information that will go to a public open house. Then they will go to goals and objections and base them on what they have heard.

Mary Sigmon said in Richmond they started with the public open house and then determined different focus groups to help the steering committee. It is an informal way to obtain information for the residents. Jim said in Grove City they were using farmers markets and community functions to get the word out.

Jeff Strung stated they are involved in the private sector. They are familiar with neighborhood developments, conservation developments, Liberty Township's overlay district that limited square footage. It is an advantage because you understand how much you can push and pull. He feels the township needs to focus on certain areas first then address the comprehensive plan. They have also re-written zoning codes as well. Dee Dunlap asked what their experience with Licking County is. He knows Jerry Brems well. They have done a lot private development work in Licking County. They have done work in Reynoldsburg. Involved in areas around Licking County but as a public sector standpoint they have not done anything in Licking County. He feels Etna Township is the fastest growing township in Licking County.

Tina Taylor asked Jeff Strung what his feedback is on limiting the square foot and then coming up with a second district. Liberty Township did the same thing with the overlay district limiting the square footage. He does agree it should be an overlay district and not a second district. In the comprehensive plan you need to recognize where you want the districts. Tina Taylor asked if there would be problems with limiting the square footage across the township while the overlay district in motion. Jeff Strung feels there are legal rights that every zoning has associated with it, we have the ability to address the issue by creating the overlay district. Mary Sigmon stated you can use design standards to address what the township wants.

Jim VanDyne asked how they charge for services. Jeff Strung said they charge by hourly rates. They have a relationship between them and the township, if they are the township planners they will give a discount on the hourly rate from what they would charge if they were not the township planners. They are making a commitment to the township as the township is making a commitment to them. Dick Knapp asked them about Township Technical Review Committee meetings with Licking County Planning Commission. Gary Burkholder asked if the issues with the Builders that they currently represent if they would recuse themselves. Jeff Strung said if they are representing a developer they will recuse themselves and have someone else review it for the township. They have a public sector and a private sector group. Those do not mess, they communicate every once in a

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while but they have different focus and direction. Gary said he would be more comfortable with a third company to represent the township during a conflict of interest situation. ^{Held} 20

Vince Colburn asked for examples of comprehensive plans, zoning codes, and conservation plans engineered by the land. Jeff Strung worked on a Board with Delaware County Engineer's office to create standards they have adopted. He worked with Phil Laurien. He is working on a Conservation development with farmland preservation called North Star with a large park. Mary just joined EMH&T in March 2006, before that she worked as a consultant.

Dick Knapp asked if they are able to help with TIF'S (Tax Increment Financing). Jeff Strung stated they are able to help with TIF'S. It is a way to handle infrastructure issues. TIF's allow certain amount of the tax generated to go toward infrastructure costs. You have to be careful with TIF's is to not take away from the schools. CDA is another way to do it.

David Goll addressed the issue of Annexation into Reynoldsburg and if they are involved with Reynoldsburg. They do not see any conflict of interest because they are not involved with Reynoldsburg in that way.

Square Footage Text

Vince Colburn discussed the responses from the Trustees in regards to the square footage amendment. The commission did receive a response from Paul George and one tonight from Dick Knapp. Gary Burkholder stated he apologizes for not sending the letter, he has attended several other meetings and talked about other things and has referenced the minutes from the May 2nd meeting. He feels they are helpful in addressing the concerns. A private citizen suggested getting advice from the Prosecutor before limiting the square footage those are some of the same concerns Gary had. He supports using a zoning planner to help draft the district. He should have recessed the hearing. He want something solid that is enforceable. With the comments to just get it in place and if they want to sue the township we will see what happens, that is different when you are the Trustee and it is going to be your name in the community on the line if someone challenges it. I made the motion with unanimous support from the board that any zoning legal council or professional planning that the Zoning Commission needs to assist in fine tuning the text amendment, he supports the concept. He is happy to see the process is back on the table. Tina Taylor stated the only way they found out about being able to limit the square footage was by using Phil Laurien. She stated they do not want to see the township sued, one good lawsuit would wipe us off the map. Gary stated that Phil Laurien is not an attorney. Tina Taylor stated it could have been reviewed by Mr. Brosius. Tina felt the commission felt strongly about the text amendment and we have sent other items to Mr. Brosius and she feels that the township needs to stop sitting on this and do something. The longer it takes the township is going to get swallowed up. She does not feel the township has a lot of time to get this text amendment in place. Gary Burkholder stated that is why he contacted all the Zoning Commission members but doesn't know if he had a chance to contact Trent or Jim to see if this could be jump started again. Tina Taylor asked if we have to start all over. Laura Brown has checked and was verbally told it has to start all over. It has to go through the public hearings, LCPC, the entire process because when it was denied. When the PUD kept going back to Licking County the reason they asked why it kept coming back was because they did not understand why it kept being denied. The process, if started tonight, would get to the Trustees the first meeting in November and then thirty days after the Trustees hearing would be in place. Vince Colburn felt MSI stated we need the second district for Big Box. The goal is to protect the township and we need the district for the big box to go. The process needs to be run together, the limiting square footage text and the second district.

Dee Dunlap asked if we would be using a planner. Vince does not personally like either. He suggested calling Delaware County. The planners this evening recommended an overlay. The Zoning Commission discussed the options Phil Laurien recommended. For a quick fix Phil recommended limiting the square footage and he also discussed the overlay district for 310 and 40. If you limit the square footage they could apply for a variance for larger retail. Gary Burkholder suggested to take the first step, he stated the Trustees could send it for legal review simultaneously as the text amendment going to Licking County Planning Commission so when it comes back to the Zoning Commission we will have an idea of what we can do. Gary feels it helps when he attends the Zoning Commission hearing and LCPC's hearing and to have the Zoning Commission at the Trustees meeting so you have that constant flow of input. Tina Taylor stated if we try to do everything it will take longer. Jim VanDyne disagrees he does not feel we should send one in without the other. He feels there were enough people in the audience at the Trustees

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meeting that night that would take the township to court and challenge the township. Gary Burkholder agrees with Jim VanDyne and the minutes do reflect the concerns that were expressed at that meeting. Tina Taylor feels that is why we are getting the legal opinion. We are never going to make everyone happy. Vince agrees with Jim, we need to create the big box district and then limit the square footage. The township is also fighting annexation. Vince stated we took the PUD and R3 out to fight growth and now we are fighting to put them back in to protect our boarders. Vince suggested that everyone do homework and the first meeting in September we start the process. Tina feels the Trustees need to be involved in a work session so they do not come back a say we do not like that area. Dick feels 310 is the critical area, Route 40 has some possible annexation problems there. If we only limit the box to 65,000 we will have some land jumpers. Dick feels we all have to be on the same page. Tina does not want the Zoning Commission to spend a lot of time on the district and the Trustees not agree. Trent Stepp stated we have a variety of perspectives, you have the land owner who own the general business zoned land. He feels his perspective is for the good planning of the township and not for the person who has vested interest financially as a homeowner. When you see a piece of land that is residential on one side of the street and general business one the other side of the street what was going on when that was zoned general business. Then you have the perspective of the boards trying to protect the township and of the public. Trent feels we need to limit the amount of exposure and the wise use of the land and make all of those perspectives mesh. He feels the communication and working together is going to be necessary. Jim VanDyne stated if I owned property (the corner of Watkins for example) and you took away my zoning I would challenge you in court. The limitations are costing the landowner thousands of dollars, has the potential of costing. Can the township afford the attorney to fight these cases? Pam Muncy stated you are going to tell be I can not put it on my property when I look across the street and they can, she would challenge you in court. She feels the Wal-mart crammed in between the residential is poor planning. Ten years ago when it was decided they felt it was a good idea then, in twenty years they may think what were you thinking. We do not have the ability to smart plan but have the ability to hire a planner. The longer we discuss and the longer we wait it will be too late. We need to stop the discussing and start doing. Pam feels we have let people use lawsuits over our heads to long.

Pam does not want to hire a company that will work for Etna Township and also work for one of the developments in Etna Township. Both of the engineering firms work for public and private sector that presented tonight. Vince Colburn asked the Trustees if the Zoning Commission presented back the 65,000 square footage text , the same thing that was denied, with big box districts at the same time for the people to get big box zoning would you support. Dick Knapp stated the key thing with him is we are saying what he wants to hear but wants to make sure it will meet the legal challenge. Dick would be supportive of a big box little box districts. Gary Burkholder stated that with the County Prosecutors office and Mr. Bosius some things they agreed on and some they didn't with the opinion on the PUD Overlay District. Gary is supportive of the outside legal opinion. Gary stated what do we want this community to look like, do we want any big box stores if legally we do not have to have them. If we have to legally offer them he supports a district on 40, if does not feel 310 corridor can handle a big box particularly North of 40 going towards Pataskala. Tina stated to offer it by 310 and 158 along the freeway the traffic would go back on the freeway it keeps the traffic off the township roads. Vince Colburn stated any three of the Trustees one vote would have put the district in place. If one Trustee would have stood up to the threat of a lawsuit from the landowners, Gary said we can not turn back time. Vince stated by putting in the big box option it will take some of the threat of a lawsuit they can come back and ask for a rezoning. The General Business that is currently offered is not big enough for a big box. Vince said there are only three areas of general business that could handle a big box. Gary Burkholder stated if the legal opinion comes back that we do not have to offer a big box store his vote may be not to offer the second district. Others may disagree and say they want a big box store. Tina said to do the survey and get the feedback from the township on whether they want big box in the township. Gary Burkholder discussed the survey already done. Gary would like to have the survey the Zoning Commission drafted to be professionally looked at.

Vince Colburn does not like the public and private sector representation. The Zoning Commission preferred MSI over EMH&T. Trent Stepp suggested using an engineering firm for a project to try them out. The Zoning Commission discussed Delaware County Regional Planning and their opinion on hiring an engineering firm. Vince Colburn suggested the Trustees meet and allocate the money and let the Zoning Commission know if Delaware can write the big box district. The Trustees would go with Delaware the Trustees will need to approve more time for the Zoning Commission to

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use Delaware Regional Planning. Gary Burkholder said he would call Scott with Delaware County Regional planning tomorrow. ^{held} The Zoning Commission discussed having Scott at the ²⁰ next meeting. We have three public hearings at the first meeting. We may have to hold a special meeting. Dick Knapp feels we need to stop talking about this and move forward. He feels the communication between the boards is important.

Announcements and Zoning Commission Comments

A discussion regarding the Technical Review Committee for Etna Township will be added to the agenda in September. The TRC board members will be Vince Colburn and Jim VanDyne through the end of the year. The old business will remain on the agenda for next meeting.

Dee Dunlap made a motion to waive the public reading and approve the minutes from the meeting on July 2, 2006. Stepp seconded. Roll call: Motion passed 5-0.

Public Comments

Claudette VanDyne suggested the overlay district be from Columbia to Watkins from 40 to Refugee Rd. The commission discussed that the limit would be throughout the district and anyone in the township could apply for the big box district.

David Goll does not want the big box or the residential, he like the rural atmosphere. He is concerned with annexation if we create the limitation text.

Jim VanDyne moved to adjourn. Taylor seconded. Motion passed. Meeting adjourned at 9:51.

Approved 9/6/06 as corrected

Laura Brown
Laura Brown, Clerk

Approved as corrected/amended _____

Vince W Colburn
Vince Colburn, Chairman Pro-Temp