

RECORD OF PROCEEDINGS

Minutes of

Meeting

Etna Township Zoning Commission

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held May 2, 2007
20

Public Hearing
Section 502, 504, & 501.1

The Etna Township Zoning Commission met in the Etna Township Hall on May 2, 2007 for the purpose of conducting two public hearings and a regular meeting. The meeting was audio taped for the township records.

The meeting was called to order at 7:02 p.m. by Chairperson Dunlap with the following members present: Mr. Stepp, Mrs. Munce, Mrs. Taylor, Mrs. Dunlap, Mr. Van Dyne, and Clerk Laura Brown. The pledge of allegiance was recited.

Jim VanDyne moved to adopt the agenda with flexibility. Tina Taylor seconded. Motion passed 5-0.

Pam Munce moved to waive the public reading and to approve the minutes from the April 18, 2007 meeting. Trent Stepp seconded. Motion passed 5-0.

Public Hearings
SECTION 502 – Zoning Commission Created

Trent Stepp moved to open the public hearing on Section 502 Zoning Commission Created at 7:05 p.m. Pam Munce seconded. Roll call: Motion passed 5-0.

Chairperson Dunlap read the Licking County Planning Commission Staff Report and Planning Commission non-binding recommendation. The recommendation from Eric Fox with Licking County Prosecutor's office was read. The Zoning Commission discussed the alternate member attending four meetings and changed the wording in the Planning Commission's recommendation to read the alternate has to miss four meetings in succession when called upon for duty without just cause. This was changed because the alternates are not paid to attend all the meetings but only expected to attend when a member is absent.

There were no public comments.

Jim VanDyne moved to close the public hearing. Trent Stepp seconded. Roll Call: motion passed 5-0. Public hearing closed at 7:25 p.m.

Trent Stepp moved to forward a recommendation to the Trustees as recommended by the Licking County Planning Commission with the changes as noted below for Section 502 - Zoning Commission created. Tina Taylor seconded. Roll Call: passed 5-0.

SECTION 502 – Zoning Commission Created

A Township Zoning Commission is hereby created which shall consist of five (5) members to be appointed by the Board of Township Trustees each for a term of five (5) years, except that the initial appointments shall be one (1) member each for one (1), two (2), three (3), four (4), and (5) years terms. The Board of Township Trustees may appoint up to two (2) alternate members each for a term of five (5) years. The Alternate Members shall meet the same appointment criteria as regular Members and shall take the place of an absent Regular Member at the meeting of the Board of Zoning Commission. Alternate Members may vote on any matter on which the absent Member is authorized to vote. Each member including alternate members shall be an elector and resident of unincorporated Etna Township. Any member or alternate member whom shall cease to reside in the unincorporated portion of the Township and thus loses the qualifications required herein to hold said office, the position held by that person shall be deemed vacant and formal removal pursuant to this section shall not be required. Members or alternate members of the Zoning Commission may be removed for nonperformance of duty, misconduct in office, or other cause by the Board of Township Trustees, upon written charges being filed with the board, after a public hearing has been held regarding such charges, and after a copy of the charges has been served upon the member so charged at least ten days prior to the public hearing, either personally, by registered mail, or by leaving such copy at the member's usual place of residence. The member or alternate member shall be given an opportunity to be heard and answer such charges. The Board of Township Trustees shall fill vacancies through appointment for the un-expired term of the member or alternate member vacating the position. A vacancy shall automatically be declared when a member misses four (4) meetings in succession without just cause or when an alternate member misses four (4) meetings in succession when called upon for duty without just cause.

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The Board of Township Trustees shall establish rates of compensation and procedures for reimbursement of expenses incurred in the performance of duties.

Section 504 Duties of the Zoning Commission and Section 504.1 Conflicts.

Trent Stepp moved to open the public hearing on Section 504 Duties of the Zoning Commission and Section 504.1 Conflicts at 7:25 p.m. Dee Dunlap seconded. Roll call: Motion passed 5-0.

Chairperson Dunlap reviewed the timeline in regards to the text amendment. The staff report and Licking County Planning Commissions non-binding recommendations was reviewed. The Zoning Commission reviewed the legal opinion received from Eric Fox with the Licking County Prosecutor's Office. It is the opinion of the prosecutor's office that where the enforcement authority given by R.C. 519.171 is delegated to the Zoning Commission there is no requirement that a member of the Zoning Commission be a licensed architect or engineer.

Public Comments

Claudette VanDyne stated she supports the text amendment.

Trent Stepp moved to close the public hearing at 7:42 p.m. Jim VanDyne seconded. Roll Call: Motion passed 5-0.

Jim VanDyne moved to forward a recommendation to the Trustees regarding Section 504 Duties of the Zoning Commission and Section 504.1 Conflicts as written below. Tina Taylor seconded. Roll Call: Motion passed 5-0.

Section 504 Duties of the Zoning Commission

For the purpose of this resolution the Commission shall have the following duties.

1. Initiate proposed amendments of this resolution.
2. Review all proposed amendments to this resolution and make recommendations to the Board of Township Trustees as specified in Article 6.
3. Review all planned unit developments and make recommendations to the Board of Township Trustees as provided in this resolution.
4. Review all proposed changes to the official Zoning Map and make recommendations to the Board of Township Trustees as specified in Article 6.
5. Review all proposed changes to the Comprehensive Land Use Plan and Future Land Use Map and make recommendations to the Board of Township Trustees.
6. Serve as an Architectural Review Board to enforce compliance with any zoning standards adopted and pertaining to landscaping or architectural elements as delegated by the Board of Trustees per O.R.C. 519.171.

Section 504.1 Conflicts

No member of the Zoning Commission may participate in the hearing or disposition of any matter in which that member has any conflict of interest prohibited by state law, including but not limited to a pecuniary or familial interest relating to any matter before the Commission.

Presentation from Bernie Caplin

Bernie Caplin with CapOhio spoke to the Zoning Commission regarding a property on Smoke Road and Route 40. This property consists of 179 acres and is currently zoned M1. Mr. Caplin passed out some documents. Mr. Caplin reviewed what the property owner can currently do on the property with M1 zoning. M1 zoning also includes AB and R2. Mr. Caplin discussed a rezoning on this property that would be more than just General Business 3 with big box retail across the front of the property. It would be similar to what is developed at Waggoner and Broad Street with Meijer's, Target, Lowes, Home Depot across the front with a mixture of office, warehouse and may be multi family. He wanted to know if that was the type of zoning or use they would like to see for the property. Mr. Caplin discussed the wetlands and wooded area is about thirty acres on this property. This development would give employment for the residents

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of the township. The county will make them put in turn lanes for the development and traffic signals. Senior citizen housing or single family will be developed in the back portion of the property. There will not be demand for 70 or 80 acres for Senior Citizen housing. Jim VanDyne asked if sidewalks and curb and gutter would be a part of the development. Bernie Caplin stated the curb and gutter for sure but had not thought about the sidewalks. Trent Stepp would like to see the woodland and wetlands preserved. There were discussions regarding the home town businesses being able to stay in business if a chain store goes in. If Lowe's or Home Depot goes in the home town lumber and hardware stores may go out of business. The Zoning Commission would consider the rezoning if it is well done. Dee Dunlap would rather see this type of development over more manufacturing. Bernie Caplin felt they could meet most of the Zoning Commission's concerns but could probable not meet all of the concerns. The Zoning Commission has concerns that once the land is rezoned they can not control what goes in. Bernie Caplin stated they would wait for an anchor store before they rezone.

Tina Taylor moved to recess at 8:50 p.m. Jim VanDyne seconded. The Zoning Commission reconvened at 9:00 p.m.

Announcements and Zoning Commission Comments

Chairperson Dunlap discussed the Steering Committee and reviewed the proposal from MSI for the Planned Unit Development text. MSI will rewrite the Planned Unit Development Text for \$4,000 to create a residential Planned Unit Development district. The original quote of \$10,000 was for the first phase. They quote higher than they anticipate.

The Zoning Commission discussed the options for the township in regards to planned unit development or future land use maps and comprehensive plans. Tina Taylor feels the township needs to look at their borders and where we want the big box retail. The Zoning Commission will ask MSI to review what they currently have a send a quote to develop the Planned Unit Development text for all the districts.

New Business

A. Presentation of the General Business District Map

Chairperson Dunlap reviewed the map that MSI developed for the General Business 1, General Business 2, and General Business 3. Once the township decides where to allow the GB1, 2, or 3 the Zoning Commission will need to be strong and not allow other areas of the township to be rezoned to GB1, 2, or 3. Trent Stepp feels the map that the Zoning Commission should be using is the Future Land Use map on the wall until a new map is approved. He does not feel land use is the Zoning Commission's call.

The Zoning Commission will have a joint meeting with the Trustees on May 16, 2007. Chairperson Dunlap will contact Erin with MSI regarding the Planned Unit Development text.

Trent moved to hold the text amendments until May 16th before forwarding to the Board of Trustees. Dee seconded. Roll call: Motion passed 5-0.

Old Business

A. Buffering -Buffering will be discussed next meeting.

B. Comprehensive Sign Text - Remove from the agenda until buffering is completed.

Jim VanDyne moved to adjourn at 10:00 p.m. Pam Munce seconded. Roll call: passed 5-0.

Approved May 16, 2007

Approved as corrected/amended

Laura Brown, Clerk

Dee Dunlap, Chairperson