

0155
RECORD OF PROCEEDINGS

Minutes of

Meeting

Etna Township Zoning Commission

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held May 16, 2007
20

**Section 502, 504, & 501.1
Joint mtg Trustees**

The Etna Township Zoning Commission met in the Etna Township Hall on May 16, 2007 for the purpose of conducting a regular meeting. The meeting was audio taped for the township records. The meeting was called to order at 7:07 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. Pam Munce seconded. Motion passed 5-0.

Trent Stepp moved to waive the public reading and to approve the minutes from the May 2, 2007 meeting. Jim VanDyne seconded. Motion passed 5-0.

SECTION 502 – Zoning Commission Created

Jim VanDyne 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. Trent Stepp 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.

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.

Pam Munce moved to forward a recommendation to the Trustees regarding Section 504 Duties of the Zoning Commission and Section 504.1 Conflicts as written below. Trent Stepp 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.

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20**Announcements and Zoning Commission Comments**

Chairperson Dunlap discussed the public hearing on June 6th, 2007 for Ante Properties. Pam Munce will recuse herself and alternate Dan Bravard will be contacted to attend for the public hearing. She is a property owner across the street from Ante Properties. Pam and Dan should both be compensated for attending the meeting.

Old Business**A. Buffering** – The Zoning Commission reviewed the draft article on buffering.

The Zoning Commission discussed changing the title to Buffering, Landscaping, and Resource Preservation. The Zoning Commission discussed changing the minimum buffer length in Table 16A from 25 ft. to 100 ft. when it adjoins any industrial use. Jim VanDyne suggested contacting Licking County to find out what they require. Trent discussed the material requirement for boundary buffer so it would not be all grass. Dee Dunlap will contact Stan regarding buffering.

Trent Stepp moved to recess at 7:57 p.m. Tina Taylor seconded. Motion passed 5-0. Trustees opened their meeting. Zoning Commission returned from recess at 8:04 p.m.

Joint Meeting with Trustees

The two boards opened up discussion on MSI Design's proposal regarding Planned Unit Developments. Dee Dunlap, Dick Knapp, and Erin Prosser met on April 30th to review the proposal from MSI Design. Dick Knapp provided a recap of the timeline of the Planned Unit Development that Phil Laurien and the Zoning Commission finished in March of 2006 that was sent to the Licking County Prosecutor and Don Brosius for legal review.

Dee Dunlap explained that MSI will critic Phil Laurien's Planned Unit Development. The Licking County Prosecutor's office and Don Brosius recommended some changes. MSI quoted \$4,000 to critic the text amendment from Phil Laurien. There was discussion regarding MSI writing a legal Planned Unit Development text amendment. Erin agreed that there are three planned unit development text amendments in the one that Phil Laurien drafted. The \$4,000 is to critic that into three planned unit develop sections. The \$10,500 is for MSI write three planned unit development sections from scratch, three new ones. Gary Burkholder asked how Don Brosius felt about critiquing the text that Phil Laurien drafted. Don Brosius had stated it needed work in the joint meeting. Tina Taylor discussed contacting Phil Laurien. Trent Stepp stated the Zoning Commission does not have authority regarding spending money it is decided by the Trustees. The commercial planned unit development would start from scratch. Dee Dunlap did not ask the time frame to critic the planned unit development text amendment.

Trent Stepp stated the Zoning Commission is currently working on Buffering. He felt to dive into Planned Unit Developments would take a lot of time. The Zoning Commission also feels General Business 2 and General Business 3 are important to work on. He asked the Trustees what they felt was more important to prioritize the Zoning Commission's issues they are working on. Paul George is concerned with the money spent and the Licking County Prosecutor and Don Brosius does not agree. Dee Dunlap stated MSI could compare the opinions from the county prosecutor and Don Brosius. Gary Burkholder stated that Phil Laurien's text amendment was done from the view of a planner and Don Brosius gave a legal opinion. Gary Burkholder prefers sending it to Don Brosius.

Dick Knapp suggests having the county prosecutor and outside legal sit down together to help education the prosecutor's office. Dick agrees with Trent Stepp that the Trustees will be the Board to approve the spending of money.

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Trent Stepp suggested that MSI work with Don Brosius to verify the legal opinion he gave is still the same. Then MSI make changes to the Planned Unit Development text that Phil Laurien wrote using Don Brosius' legal opinion. He suggested MSI track their changes by striking out the changes or highlighting. At a later time the township could have the prosecutor review after the changes are made. This process would probable take four months. Dick Knapp suggested inviting the county planning commission and the prosecutor. They will be in the process at the end so involve them in the beginning.

Dee Dunlap discussed a process of charging the developer the cost of the planner. Dick Knapp discussed the commercial planned unit development. Dee Dunlap stated she received a verbal quote of \$7,000 for MSI to draft a commercial planned unit development.

Dee Dunlap will request a time frame and quote regarding the commercial planned unit development in writing from Erin Prosser with MSI.

Trent Stepp moved to recommend to the Trustees to start the process as outlined earlier with MSI to finish the current Planned Unit Development Text using the three residential planned unit development text amendments by working with Don Brosius to assure his legal opinion did not change. Jim VanDyne seconded. Discussion: Paul George asked if Don Brosius would be also charging the township. Gary Burkholder stated the commission should be aware of the expenditures so that there is an accounting of them. Trent Stepp wants to keep the text strong. Don Brosius will charge the township. Pam Munce asked for an estimate of charges for MSI to work with Don Brosius and she feels it is important to her as a tax payer of the township. Gary Burkholder would like the Zoning Commission members to attend the Trustees meeting on June 5, 2007. Trent Stepp reviewed that he feels an updated legal opinion would verify that the new Planned Unit Development text will be up to date. Dick Knapp questioned why we just did not go straight to the attorney to write the text so it will be legal. Motion passed 5-0.

Trent Stepp moved to recommend to the Trustees to have MSI start the process of a commercial planned unit development providing the \$7,000 estimate is correct as soon as possible. Tina Taylor seconded. Dee Dunlap will ask for a written estimate to get it to the Trustees by June 5. Gary Burkholder asked for a detailed quote. Trent Stepp called it a scope, cost, and schedule. Motion passed 5-0.

The Zoning Commission reviewed pending projects. Dee Dunlap discussed the proposed General Business 1, General Business 2, and General Business 3 map. The group discussed the land use plan and land use map. The group also discussed a traffic light at Columbia Road and State Route 40. A school is located on Columbia Road. Gary Burkholder discussed cross access. Pam Munce pointed out that all the corners are zoned commercial. Paul George feels the township needs retail for jobs and to be able to shop local. They discussed the Future Land Use Map needing updated.

Jim VanDyne moved to adjourn at 9:55 p.m. Tina Taylor seconded. Roll call: passed 5-0.

Approved June 6, 2007

Approved as corrected/amended _____

Laura Brown, Clerk

Dee Dunlap, Chairperson