

RECORD OF PROCEEDINGS

Minutes of

Meeting

Etna Township Zoning Commission

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held June 20, 2007 20

Ante Properties LTD
NW St. Rt 40 & Columbia Rd.

The Etna Township Zoning Commission met in the Etna Township Hall on June 20, 2007 for the purpose of conducting a public hearing and regular meeting. The entire meeting was audio taped and the public hearing portion was video taped for the township records. The meeting was called to order at 7:00 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. Alternate Mr. Bravard presided during the public hearing for Mrs. Munce. The pledge of allegiance was recited.

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

The minutes from June 6, 2007 will be approved at the July 11th, 2007 meeting.

Announcements and Zoning Commission Comments – The first meeting in July is on the 4th. It will be moved to July 11th and have the meetings the 2nd and the 3rd Wednesday. The joint steering committee meeting should be July 25th, 2007.

Recessed public hearing for Ante Properties on the Northwest corner of State Route 40 and Columbia Road from General Business 1 to General Business 2

Pam Munce recused herself and Dan Bravard presided in her place. Jim VanDyne moved to open the recessed public hearing for Ante Properties. Tina Taylor seconded. Motion passed 5-0.

Dee Dunlap started with public comments.

Mark Harler of 9458 Lynn's Road stated he has lived in the community 38 years. He has been opposed to water and sewer, residential for years. He realizes he can not be this way. He welcomes the stores and the property has been zoned that way for years.

Gary Godwin 63 Trail East is not apposed to development but feels it should conform to the current zoning laws. A 65,000 square foot building is huge. If that property is zoned to general business 2 that will be the only land available with the general business 2. He does not feel this is suitable for high end retail.

Jim VanDyne asked Mr. Godwin if he realized General Business 2 is for a big box. Gary Godwin stated it does not mean big box it could be anything. It does not mean it is good for that corner and ProLogis is already generating enough traffic and phase two will bring more traffic down US 40.

Pam Munce 11045 National Road stated the difference between what he can build now and what he can build with the General Business 2 zoning is seven parking spaces. She would rather have cars then semi trucks. She can not buy her grandson popsicles but can go across the road and get drunk and kill someone. We can have more bars but not grocery stores.

Jim VanDyne moved to close the public hearing. Dan Bravard seconded. Roll call: Passed 5-0.

Dee Dunlap stated Eric Fox believes it will be a rezoning and not a reclassification. Dee Dunlap stated in 2003 the previous board sent the map to Licking County Planning Commission but did not send the 2003 Comprehensive Plan. Dee Dunlap stated Ante Properties was showing blue, commercial on both maps. Eric Fox stated anyone could be sued but did not feel there would be a problem with any lawsuit. This would go to the Trustees and it is subject to referendum. Eric Fox is still working on the procedure to update the comprehensive plan and future land use map. The zoning map is the law and the land use map and comprehensive plan is a tool.

Dee Dunlap stated only 65,000 square foot per parcel for the total square feet of all the buildings. Currently neither of the drawings that were presented could be built. Jim VanDyne is concerned because the property is 23 acres and he is limited to 65,000 square feet under retail and wholesale. Dee Dunlap stated he could build more buildings but they can not add up to more than 65,000. He can build over 65,000 square foot restaurant. The restriction on the building size is only on retail and wholesale uses. He could build a hotel.

Trent Stepp stated when placing the limitation text on the size of retail, the Zoning Commission researched the economic impacts to a community. Hotels were highly favorable on the list and the retail and fast food restaurants were a drain on the economy. This was based on fire, police protection, and roads. Jim VanDyne stated he could build fast food restaurants or a bar. Dan Bravard stated the taxes from the employees would benefit the township and the community

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spending money local instead of Franklin County. Dee Dunlap stated the township could still get taxes from employees in other uses. Dan Bravard feels the job opportunities for the youth in the community is a plus. He feels it is a win win situation for the community. Jim VanDyne and Dan Bravard felt that we could negotiate with the property owner. There was a debate on whether the township can enforce the restrictions. Jim VanDyne does not feel small projects will put in the curbs and gutters like a larger user would. Dee Dunlap stated he would have the option of lot splits. Jim VanDyne stated there would be buffering to follow.

Jim VanDyne feels the property owners will annex into Reynoldsburg, Pataskala, and Kirkersville. Trent Stepp stated this property could not annex out of the township.

Trent Stepp is torn on this rezoning. He does not feel retail is a plus to the community, the township does not have income tax and the school tax is from low paying jobs. The sales tax will go to Licking County. When the roads need to be maintained it will cost the township. Trent disagrees with Licking County Planning Commission about the Ante property being a buffer between districts. The township has been patchwork zoned for too long. There is manufacturing 1 by residential. Across the street is general business along with the other corner. Trent questioned whether we would really add to it to go from general business 1 to general business 2. This location is developed all around the property as manufacturing or commercial. A service oriented development for the community would definitely be a plus. What concerns him is the zoning that would allow for a 130,000 square foot retail building which would generate more traffic than a 65,000 square foot building. Trent Stepp feels the corner of Taylor Road and US 40 is comparable to this corner. Trent Stepp is torn in a variety of ways because of the location of the land. Trent Stepp does believe that Park Shai would do an outstanding job and the development would bring a level of quality to the corner. Trent has done his homework and research into Mr. Shai's developments. What concerns Trent is Park Shai could sell the property to another developer. When you are a businessman you have to do what is right for your business.

Jim VanDyne feels the larger chain would provide the income for a better development. Trent Stepp stated he is not in that line of business and does not know.

Tina Taylor is concerned with the additional traffic that it will generate. When Wal-mart goes in she feels there will be more traffic. She feels in the past there has been poor planning. Tina Taylor feels we need to decide where to place the districts.

Dan Bravard supports the rezoning. He feels the Zoning Commission should look into the future and not be concerned with the past and the present. He feels everything will come about in due time. He stated the Zoning Commission should just do the zoning districts and if it is the wrong district then change it. He would like to provide the services to keep the community buying here in Etna Township. The services like fire and police will come.

Jim VanDyne stated he agrees with Dan Bravard. He feels if we do not have the business in the community it will go away. He feels some of the money from the store will come to the township. Both county commissioners voted for the rezoning. He feels the larger building will provide a better chance for the curbs and sidewalks.

Trent Stepp stated the question is how big and where we want it in the township. Do we want a large building on this corner? Dee Dunlap feels 130,000 square foot building is too big for this corner.

Jim VanDyne moved to recommend to the Trustees to approve the rezoning for the Northwest corner of State Route 40 and Columbia Road from General Business 1 to General Business 2. Dan Bravard seconded. Roll Call: Trent Stepp, no; Dan Bravard, yes; Tina Taylor, no; Dee Dunlap, no; and Jim VanDyne, yes. Motion failed 2-3.

Trent Stepp moved to recommend to the Trustees to deny the rezoning for the Northwest corner of State Route 40 and Columbia Road from General Business 1 to General Business 2. Roll call: Trent Stepp, yes; Dan Bravard, no; Tina Taylor, yes; Dee Dunlap, yes; and Jim VanDyne, no. Motion passed 3-2.

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Dee Dunlap recessed at 8:00 p.m. Zoning Commission returned from recess at 8:10 p.m. with Pam Munce presiding.

Announcements

Dee Dunlap discussed the text for Zoning Commission Created and the item of Architectural Review Board. Both were recessed. Dee Dunlap suggested that a member of the Zoning Commission attend the Trustees meeting. The Zoning Commission discussed the issues with the Zoning Commission being the architectural review board with Gary Burkholder. Dee Dunlap read the legal opinion from Eric Fox. Gary Burkholder feels the minutes from the meeting are helpful.

Jim VanDyne will attend the meeting on July 10th and Tina Taylor will be his backup.

Old Business

B. Stan Robinson's List - Dee Dunlap discussed Stan Robinson's List. Tina Taylor discussed Item #23 according to Section 1114 you can not back out of a residential driveway. He feels this rule should only refer to commercial use. The Zoning Commission is working on the buffering and sign text.

Pam Munce discussed the flashing light at the school being the same as the bank. The school is excluded because it is a government sign (Section 1201 Governmental Signs Excluded.) The aggrieved person definition was discussed. The definition may be in the Ohio revised code and will be looked into. The Zoning Commission will review Section 1114 at the next meeting. It was decided that Dee Dunlap will send a letter to Stan and ask him to prioritize the list and the Zoning Commission will look into the items that need immediate attention.

Public Comments

Gary Godwin thanked the board and stated there are better places in the township for larger retail.

A. Buffering - Dee Dunlap discussed buffering between State Route 310 and Smoke Road.

The Zoning Commission changed 25 ft to 30 ft for the minimum buffer length shall be between residential or agricultural zone to any industrial use. The Zoning Commission discussed office use in a manufacturing use within the corporate park. Would buffering be different between office use and manufacturing? Would two retail uses need buffering between them? It was discussed to have mounding for a buffering between manufacturing and residential. The Zoning Commission changed the minimum buffer length of 30 ft for any zone adjoining utility substation, sewage plant, or similar use and also any property used for vehicular sales or service adjoining a land use of a freeway or arterial street. A utility substation is similar to the small one on creek road and the larger one is on Broad Street toward Mt. Caramel East hospital.

Zoning Commission Comments

Trent Stepp stated for the record if Ante Properties could do something that the township could legally bond him to 85,000 square foot based on lot splits or something else he would probable be very supportive. Trent was concerned with the potential that a 130,000 square foot Odd Lots store versus a grocery store. With a Commercial Planned Unit Development the developer would have to build what the plans show.

Dee Dunlap adjourned the meeting at 9:45 p.m.

Approved July 11, 2007

Approved as corrected/amended

Laura Brown, Clerk

Dee Dunlap, Chairperson