

RECORD OF PROCEEDINGS

Minutes of

Etna Township Zoning Commission

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

January 16,

2008

**ProLogis Tollgate Rd Rezoning**

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The Etna Township Zoning Commission met in the Etna Township Hall on January 16, 2008 for the purpose of conducting a regular meeting and public hearing. The meeting was audio taped and the public hearing was audio and video taped for the township records. The meeting was called to order at 7:00 p.m. by Clerk Laura Brown with the following members present: Dan Bravard, Pam Munce, Tina Taylor, Jim VanDyne, Trent Stepp, and Clerk Laura Brown. The pledge of allegiance was recited.

Clerk Laura Brown asked for a motion to elect a vice chairperson.

Jim VanDyne nominated Trent Stepp for vice chairperson. Tina Taylor seconded. There were no other nominations. Roll call: 5-0. Motion passed Trent Stepp was elected to vice chairperson.

A copy of the goals for 2008 was provided from the Trustees.

Jim VanDyne moved that we adopt the agenda with flexibility. Dan Bravard seconded. Roll call: Motion passed 5-0.

Dan Bravard moved to waive the public reading and to approve the minutes for the meeting on January 2, 2008. Jim VanDyne seconded. Roll call: Motion passed 5-0.

**Public Hearing**

Jim VanDyne moved to open the public hearing at 7:05 p.m. for the application submitted by ProLogis for the property at 9798 Tollgate Road to be rezoned from Local Business District (LB) to Light Manufacturing District (M-1). Tina Taylor seconded. Motion passed 5-0.

Trent Stepp reviewed the application and read from the draft Staff Report from Licking County Planning Commission. The staff's recommendation to the Planning Commission is to approve the rezoning. The planning commission will meet on January 28<sup>th</sup> and will forward their non-binding recommendation to the Zoning Commission for the next regularly scheduled meeting on February 6,, 2008.

Christina Eddy of 9790 Tollgate Road provided a drawing of her property next to the property. She is against a proposed four acre retention pond to the west of her property. She is concerned for her kids living by the pond. She also has concerns with the mosquitos. She is concerned with the water runoff and potential flooding of their properties. The commission discussed the property values of the homes. She also has concerns with the lighting.

Donald Carpenter of 9794 Tollgate Road stated Brian Marsh of ProLogis originally stated they would buy them out.

Christina Eddy stated after they closed on the property they were then told that ProLogis did not have any use for the property.

Donald Carpenter and his sister sold the ground to ProLogis. The property was his parents land. He thought ProLogis was going to buy all of the property.

Todd Wiseman of 9786 Tollgate Road has concerns with his property value.

Kenneth Stewart with Jobes Henderson and Associates 59 Grant Street, Newark, verified they are discussing the same property. The pond will extend over onto the property. The purpose of purchasing this property was to maximize the space for the warehouse and the pond. The pond will not discharge water on their property. This pond will pull the water off the property and flow it toward the West.

Lou Berchicci representing ProLogis explained the water flow and what happened with the retention pond on the North side of 40. The retention pond will help the water situation on the property.

Kenneth Stewart explained the water will be collected in the retention pond and pulled into the ditch and will go west.

Mike Kerner 8623 Watkins Road referenced the section in the zoning resolution regarding ponds.

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~~Held. Kenneth Stewart stated the pond will capture the water and drain it to the West. He can not control the water from the cemetery property but can control the water from the property with the warehouses. Kenneth Stewart will provide the commission with drawings for the next meeting.~~

Dan Bravard has concerns with the property value of the houses adjacent to the property.

Tina Taylor has concerns with the resale value of their properties.

Trent Stepp stated one of the gentlemen sold the property to ProLogis. Don Carpenter stated he sold the property that he could not do anything with. Tina Taylor stated this also affects other property owners in the area.

Jim VanDyne would like to recess and have them provide drawings of where the pond is located.

The Zoning Commission discussed going out to the property to view the land and the grade of the property.

Trent Stepp stated it would be nice to have Brian Marsh present at the next meeting. The Zoning Commission discussed ProLogis and the purchase of the property. Ken Stewart has been on the site.

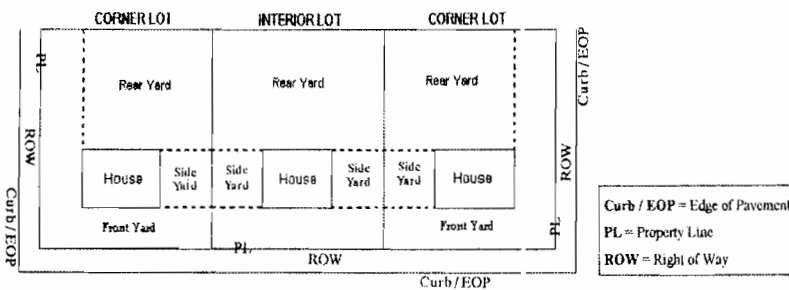
Dan Bravard moved at 7:50 p.m. to recess the hearing until the next meeting (February 6, 2007). Jim VanDyne seconded. Roll Call: Motion passed 5-0.

The meeting was recessed from 7:50 to 8:00 p.m.

**Old Business**

The Zoning Commission discussed fences. The Zoning Commission discussed the 50 ft restrictions in the site triangle. The commission discussed split rail fences and chain link.

The zoning commission agreed on adding the words "Excluding Fences" to the structure definition. The Zoning Commission discussed the text in the Buffering Section needed to be changed to read lines of right-of-way instead of curb lines or edge of pavement in Section 1607.3 Design item b. The Zoning Commission agreed in Section 1008 to add the word "and" between building and its accessory structures and removing the words "and fences" and adding "comply with the restrictions of the clear sight triangle in Section 1607" after the word shall and striking out the remaining lines. Sections 1009, 1010, and 1034 were to be removed and the words "Refer to Section 1607.4 restrictions within clear sight triangles" added. It was decided to remove section 1012 and refer to the Article 16 Buffering. Add the diagram to 16B - Corner Lot Diagram. Change the sight triangle from 50 feet to 20 feet.



Add 16C Lot Types diagram. Trent Stepp will provide a copy of the diagrams. It was suggested to add "or building" after the word landscape in section 1607.1 and 1607.3 and 1607.4. In Section 1607.3 delete "curb lines or edge of pavement" and add "lines of right-of-way. In Section 1607.4 after landscape add "or building materials".

Jim VanDyne moved to adjourn at 9:17 p.m. Dan Bravard seconded. Roll call: Passed 5-0.

Approved 2/16/08

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

Laura Brown  
Laura Brown, Clerk

Trent Stepp  
Trent Stepp, Vice Chairperson

## RECORD OF PROCEEDINGS

Minutes of

Meeting

Etna Township Zoning Commission

DAYTON LEGAL BLANK, INC., FORM NO. 10148

February 6,

2008

ProLogis Tollgate Rd Rezoning

20

The Etna Township Zoning Commission met in the Etna Township Hall on February 6, 2008 for the purpose of conducting a regular meeting and public hearing. The meeting was audio taped and the public hearing was audio and video taped for the township records. The meeting was called to order at 7:05 p.m. by Chairperson Dunlap with the following members present: Dan Bravard, Pam Munce, Trent Stepp, Jim VanDyne, Dee Dunlap, and Clerk Laura Brown. The pledge of allegiance was recited.

Dan Bravard moved that we adopt the agenda with flexibility. Jim VanDyne seconded. Motion passed 5-0.

Trent Stepp reported on the search committee that has been formed to find a Zoning Officer/Administrator.

Jim VanDyne moved to waive the public reading and to approve the minutes for the meeting on January 16, 2008. Pam Munce seconded. Roll call: Motion passed 5-0.

### Public Hearing recessed on January 16, 2008

Jim VanDyne moved to open the public hearing at 7:11 p.m. for the application submitted by ProLogis for the property at 9798 Tollgate Road to be rezoned from Local Business District (LB) to Light Manufacturing District (M-1). Pam Munce seconded. Motion passed 5-0.

Dee Dunlap reviewed the application and read the Licking County Planning Commission letter of recommendation. The Licking County Planning Commission's non-binding recommendation was to approve the rezoning.

Brian Marsh, 3765 Interchange Rd, Columbus representing ProLogis was present to answer any questions. He stated that ProLogis would provide a fence if this was a requirement of Licking County or Etna Township. Trent Stepp stated the requirements in the Zoning Resolution in Section 1032 the pond must lie within the boundaries of a single lot of record. The access to the property will be from State Route 40. The pond will be aerated or have a water feature to make the pond attractive.

Jim VanDyne moved to come out of the public hearing at 7:22 p.m. Dan Bravard seconded. Roll Call: Motion passed 5-0.

Jim VanDyne moved to recommend to the Board of Trustees to approve the rezoning from Local Business District (LB) to Light Manufacturing District (M-1) submitted by ProLogis for the property at 9798 Tollgate Road. Trent Stepp seconded. Roll call: Dan Bravard, no; Trent Stepp, yes; Pam Munce, yes; Dee Dunlap, yes; and Jim VanDyne, yes. Motion passed 4-1.

The meeting was recessed from 7:25 to 7:30 p.m. for the Board of Trustees to join the meeting. The Board of Trustees called their meeting to order at 7:32 p.m.

Dick Knapp reviewed the list of goals that the Trustees have for the year. The goals that were discussed included new comprehensive/land use plan, 310 corridor plan, rewrite the zoning resolution, completion of the PRD/PCD zoning text, and TIF Plan for 310. Paul George requested items from the Zoning Commission for the list of goals. Dee Dunlap stated the Commercial and the Residential PRD are completed. The Zoning Commission will be finishing the Conservation PRD at the next meeting. The next step regarding the text amendments would be the Trustees will review them and then a meeting with MSI will be set up. The text amendments will also be sent to the Prosecutor's office. The group discussed sending the text to the Prosecutor's office as soon as possible. It was also discussed having the Prosecutor attend the meeting with MSI. Dee Dunlap stated a joint meeting in March would be possible.

The group discussed the TIF. Paul George stated the Economic Development Committee submitted a TIF for 310 last year.

Dick Knapp discussed the vacant position in the zoning office. The Trustees have approved a job description and will start advertising and accepting resumes.

Dee Dunlap discussed the Zoning Commission have extra meetings approved if the Zoning Commission would need to meet. Dee suggested having six months approved. Dick Knapp discussed a township in Central Ohio is currently doing a re-write of the zoning resolution. This township assigned two members from the Zoning Commission and Board of Zoning Appeals and the zoning office to work on the zoning resolution.

Dick Knapp discussed having the new zoning officer/administrator work on the 310 Plan and Comprehensive Plan. Depending on whether a new interchange happens will also affect 310. Trent Stepp stated the township has already paid for the plan from MSI and feels the plan needs to be finished.

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~~Dan Bravard discussed the cemetery restorations. Jeff Johnson is the Trustee over cemeteries and will be working on them this year.~~

Dee Dunlap reviewed the sections of the Zoning Resolution that the Zoning Commission is working on.

Jeff Johnson discussed the annual newsletter he would like the township to mail. He suggested having the Zoning Commission add items to the newsletter.

The fee schedule will be reviewed this year.

The Trustees adjourned at 8:30 p.m. The meeting was recessed from 8:30 to 8:37 p.m.

Dee Dunlap discussed the changes regarding fences. Trent Stepp will work on the diagrams. The Zoning Commission discussed the clear sight triangle and the different options. Trent provided examples from between 20' o 50' using a 60' right-of-way.

Trent Stepp reviewed some changes starting with Section 1008 change "triangle in" to "distances of". The lot diagram is labeled 16B Corner Lot Diagram and house will be changed to principal building. 16C will be labeled Standard Lot Diagram. In Section 1607.1, 1607.3, and 1607.4 after landscape or building ad the words "whether temporary or permanent." In Section 1607.4 building material needs to read materials. In Section 1605.7 remove the wording "meeting the Standards of Article 10." Under 1606 Notes (Table 16A & Table 16B) item 7 PUD to Planned Developments. In Table 16A remove the row "Any vehicular use or parking area". Change zone and use to District to be consistent with the Zoning Resolution with the exception of Utility substation, sewage plant, or similar use. In section 1606 remove refer to table 16A.. Under Item F in 1606 change to 1606.1 e. The Zoning Commission discussed removing the definition of setback line and replacing as noted. ~~Setback Line: A line established by the zoning resolution generally parallel with and measured from the lot line, defining the limits of a yard in which no building, other than accessory building, or structure may be located above ground, except as may be provided in said code.~~ **Setback Line, front yard: A line** established by the zoning resolution generally parallel with and measured from the property line or lines of right-of-way of the street or road it parallels, alleys excluded, defining the limits of a front yard in which no building or structure, either principal or accessory, may be located above ground. **Setback Line, rear yard:** A line established by the zoning resolution generally parallel with and measured from the rear property line, defining the limits of a rear yard in which no principal building or principal structure may be located above ground. **Setback Line, side yard:** A line established by the zoning resolution generally parallel with and measured from the side property line, defining the limits of a side lot line in which no principal building or principal structure may be located above ground. In Section 1007 the Zoning Commission is not sure what this schedule means. Laura Brown will try to get this section clarified. The Zoning Commission discussed redoing the entire section.

The Zoning Commission will review the set back chart.

Jim VanDyne moved to adjourn. Dee Dunlap seconded. Roll call: Dan Bravard, no; Trent Stepp, no; Pam Munce, yes; Dee Dunlap, yes; and Jim VanDyne, yes. Motion passed 3-2.

Approved 2/20/08

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

Laura Brown  
Laura Brown, Clerk

Dee Dunlap  
Dee Dunlap, Chairperson