

Held _____ 20 _____

The Etna Township Board of Trustees met on Tuesday, April 19th, 2011 in the Etna Township Administration Building. The meeting was called to order by President Carlisle. Claudette Van Dyne led the invocation and Connie Klema led The Pledge of Allegiance. The roll call showed Trustees Jeff Johnson, John Carlisle, and Fiscal Officer Walter Rogers present. Trustee Randy Foor was absent.

Trustee Carlisle moved to adopt the agenda. The motion was seconded by Trustee Johnson and passed by unanimous affirmative vote.

Trustee Carlisle moved to approve the April 5th, 2011 regular meeting minutes. The motion was seconded by Trustee Johnson and passed by unanimous affirmative vote.

Public Comments

Claudette Van Dyne of 7173 Refugee Road presented the Trustees with information regarding radon. She is a member of the Etna Township Comprehensive Planning Committee and this concern has been added to the Comprehensive Plan. She would also like to have Licking County address radon in building codes. Licking County has an average of 17.3 with levels over 3.9 being at risk. Licking County is the highest for radon in Ohio. Claudette feels this is a safety issue. Trustee Carlisle is checking into what the county requires in regards to Radon.

Resolution 11-04-19-01: Trustee Carlisle moved to approve blanket certificate 4-2011 for \$5,000.00 for road material. The motion was seconded by Trustee Johnson and passed by unanimous affirmative vote.

Trustee Johnson moved to pay the bills. The motion was seconded by Trustee Carlisle and passed by unanimous affirmative vote.

Zoning Administrator Chris Harkness discussed upcoming nuisance hearings for 1028 Pike Street and 9764 Tollgate Road. He also discussed the Taylor Road Project.

Public Hearing

Trustee Johnson moved to open the public hearing on the Zoning Amendment submitted by Connie Klema for property owner JBW Properties, LLC for land located on S.R. 310 (parcel numbers 010-016872, 010-016866, and 010-016854) requesting a rezoning from Agriculture District (AG) to Planned Mixed Use Development District (PMUD). The motion was seconded by Trustee Carlisle and passed by unanimous affirmative vote.

The applicant, Connie Klema, provided an overview of the application. The development will consist of agricultural, professional office uses, local business, nursing facilities, age restricted single family condos, and age restricted multi-family condos. The areas are joined together with walking paths.

Chris Harkness stated the text amendment being proposed is in line with the comprehensive plan. In Areas A, B and E are the single family condos with age restrictions. This density is similar to the Conservation Type. The Licking County Prosecutor's office has advised whether the township can enforce age requirements. The Prosecutor's office has suggested adding another option of single family use that is not age restricted and to have the property owner place deed restrictions on the property regarding the age restriction.

Connie Klema explained that they were only offering one type of residential use and that was fifty-five and older. The benefits with fifty-five and older are less traffic and no kids in schools. The community wanted this type of use, the County Prosecutor's office liked the idea, and the applicant wanted this type of use. Then it came down to how the township can enforce this. The fair housing laws provide guidelines for this type of use and it is referenced in the text. It also states that restricting an age to a specific use is not discriminating. The Prosecutor's office is concerned with a developer wanting to develop this with the same criteria minus the age restriction and whether the township could require them to do the age restriction. This could end up in a lawsuit. The Licking County Prosecutor's office recommended adding another residential use. A single family use conservation style development would satisfy the Prosecutor's office. The density would have a one acre requirement without the age restriction for the single family residential.

RECORD OF PROCEEDINGS

Minutes of

Etna Township Trustees Regular Meeting

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

April 19th,

2011

Held _____ 20_____

Public Comments

Jim Van Dyne of 7173 Refugee Road supports the plan with the roads being constructed to county specifications.

Connie Klema stated they could do private streets or public streets and they will be constructed to the Licking County Subdivision specifications.

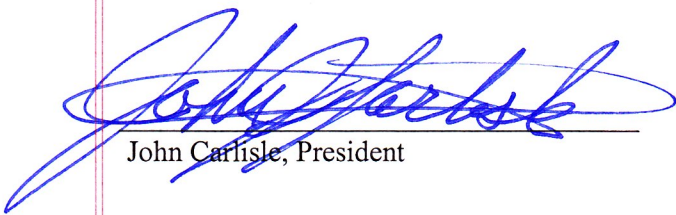
Chris Harkness stated the road requirement has been added to the text and can now be enforced by the township.

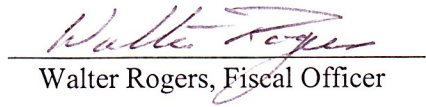
Trustee Carlisle has concerns with the age restriction requirement and lawsuits. He does not feel the township should enforce the age requirement but feels it should be in the deed restrictions. Trustee Johnson agrees that the township should not enforce the age restriction.

Connie Klema stated the deed restrictions would be filed after the zoning is approved and the referendum period has passed.

Trustee Carlisle moved to table the public hearing until the May 3rd regular meeting at 7:15 p.m. Discussion: This will allow for review of the language by Eric Fox. The motion was seconded by Trustee Johnson and passed by unanimous affirmative vote.

Trustee Johnson moved to adjourn at 7:52 p.m. The motion was seconded by Trustee Carlisle and passed by unanimous affirmative vote.


John Carlisle, President


Walter Rogers, Fiscal Officer