

RECORD OF PROCEEDINGS

Minutes of

Meeting

Etna Township Board of Zoning Appeals

DAYTON LEGAL BLANK, INC., FORM NO. 10148

December 22,

2015

Held

20

The hearing was called to order by Chairman Cox at 6:20 p.m. on December 22, 2015 at the Etna Township Administration Building. The roll call showed members Kathy Johnston, Trent Stepp, Rick Cox, Claudette VanDyne, and Mark Schaff present, along with Clerk Laura Brown.

The nature of Area Variance VA-15-05 is to increase the maximum building height from 35' to 65' from Section 909 - Light Manufacturing District (M-1), General Requirements for height limit, submitted by Jobes Henderson for ProLogis for approximately 232 acres located at the Southeast corner of Refugee Road and Mink Street parcel numbers 010-017556-00.000, 010-017298-00.000, 010-018636-00.000, and 8475 Mink Street.

Chairman Cox explained the process of the hearing. Brian Marsh, Applicant; Rob Platte, Township Administrator; Dave Willis and Jeff Kovalik were sworn in.

Township Administrator Rob Platte provided a written staff report. The applicant has requested a height variance from the current thirty-five foot maximum to sixty-five foot. The applicant states in the submitted narrative that this is due to the customer demand in the industry of a higher clear ceiling height. The applicant builds their buildings to hide the mechanical units that are placed on the roofs. The current site plan shows an arrangement of five buildings.

The history provided showed previous height variances that were granted from forty-five feet up to seventy-five feet.

The uses of neighboring properties should be taken into consideration. The three properties located to the North are residential uses with two of them appearing to be agricultural uses. Directly to the north east of those structures is Pataskala's Planned Manufacturing District which allows for a fifty foot building height. The property at the northeast corner of Refugee Road and Mink Street is zoned General Business and is used as a boat and equipment storage along with residential. Located at the southwest corner and across Mink Street is the Royal Acres subdivision.

Imperial Drive exits onto Mink Street directly across from the proposed Building #12. The Manufacturing District (M-1) requires a fifty foot building setbacks from the public right-of-way. That building is shown to be setback nearly one hundred and eighty feet from the right-of-way. The increased building setback may offset some of the increased height visual impact, but this variance is specific to the property and the site plan could be subject to modifications.

Rob Platte recommends the Board of Zoning Appeals determine whether the variance request is specific to the site plan submitted, where as if you are to take action on that and there would be a change the applicant would have to come back to the Board, or is the variance request specific to the two hundred and thirty-two acres as a whole. That would be easier to administer regardless of what is built there. He would encourage the Board to consider in any action that they take, that the applicant has submitted a site plan with the buildings sitting one hundred and eighty feet off the right-of-way. This Board could consider making that a part of the variance request with a minimum building setback of one hundred and fifty feet.

The staff recommends that the Board of Zoning Appeals approve the requested area variance because the Standards for Practical Difficulty' (Section 512.B) have been met. The basis of the recommendation came from the variance's compliance with the Comp Plan and current zoning of the property. In addition, the increased building setback helps to reduce the visual impact of the increased building height.

The set back is determined by the edge of the right-of-way. Because of the addition of turn lanes a new right-of-way will be created. There is truck access on Refugee Road but no access for truck traffic onto Mink Street. The intent is to keep the truck traffic in the Corporate Park. The loading docks are proposed along both sides of the building

Brian Marsh with ProLogis stated the variance request is not specific to this site plan. When they are ready to build they will provide a final site plan. There are several retention ponds and all the water will go into the pond and then tie into the Kissell Ditch.

Public Comments

Jeff Kovalik of 8750 Mink Street has concerns with the semi-traffic right along Mink Street. He feels the development of the Industrial Park has been done very well and likes what ProLogis has done so far. He does not support the sixty-five foot tall buildings right along the road.

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Dave Willis of 8576 Mink Street asked if there have been any impact studies on the value of the residential area. He has concerns with the maximum setback from the road, construction traffic, and the impact during the construction.

Rob Platte explained the roles of the township and the Licking County Planning Commission during the stages of development. The traffic impact studies were done by the Licking County Planning Commission.

Brian Marsh stated all construction traffic would come off of Heritage Drive or Refugee Road. ProLogis wants to be a good neighbor. The street lights are directed onto the property. Brian Marsh stated this plan is not a final plan and does not know what the buffering requirements will be. Brian Marsh will comply with the requirements of the township and Licking County.

The Board discussed buffering to help with the noise from the loading docks. ProLogis will follow the township buffering requirements for development. This plan is just preliminary and they will provide a final plan at that time. The Board discussed that ProLogis has been a good neighbor and has addressed neighbors concerns in the past. The township has received calls regarding lighting and noise from the backup beepers. ProLogis has always handled the complaints regarding lighting.

The Board discussed their options regarding buffering and also that the hearing could be adjourned for more review. The buildings and loading docks close to the neighbors were a concern.

Brian Marsh stated they are asking for an overall height variance and they can build the thirty-five foot tall buildings with the loading docks now. They would support fifty foot tall buildings along Mink Street. ProLogis is not sure what is going to be built in this area but would support shorter buildings along Mink Street. The buffering will be addressed during the plan approval once the development layout is finalized. Depending on the end user the buildings could be turned around. The applicant is only asking for a height variance and the plan could be changed.

Rob Platte explained the plan could be built as it is proposed right now with thirty-five foot building height and did not focus on the site plan provided. The township does have buffering requirements.

David Trainor of 8780 Mink Street was sworn in and would like the board to vote against this variance or at least table this hearing for more discussion. He has concerns with what is going to be developed in the final development plans. He would like to see thirty-five foot on the perimeters. He would like to work with ProLogis because they have been good neighbors.

Jeff Kovalik of 8750 Mink Street would like to see a final site plan and has concerns with the tall buildings and dock doors facing Mink Street.

Trent Stepp moved to close the public testimony portion of the hearing at 7:32 p.m. The motion was seconded by Kathy Johnston and passed by unanimous affirmative vote.

Trent Stepp discussed the way a building would appear with the right-of-way distance requirement. Trent Stepp also discussed buffering requirements and provided a sample motion. A sixty-five foot building would appear thirty-five foot tall with a two hundred foot setback. The distance and buffering would help with the noise. The majority of this area is zoned for manufacturing already. The board reviewed the flood plain areas. Rob Platte explained the buffering requirements in the Zoning Resolution.

The Board discussed tabling the decision or ruling on this tonight. The sample motion was reviewed by the board and modifications were made.

Brian Marsh stated this property is already zoned for manufacturing (M-1) and heavy intense uses are permitted without a variance. They are asking for a clear height variance to build a distribution center. He does not feel it is fair to be asked to go above and beyond what is required and feels this is a less intense use. They would do the buffering that is currently required.

The prior height variances were a distance away from the residential areas. ProLogis was required to install a fence by Building Four to buffer the residents on Circle Drive. The parking area is not permitted in the buffer area.

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Trent Stepp moved to approve Area Variance, VA-15-05, from Section 909 - Light Manufacturing District (M-1), General Requirements for height limit, submitted by Jobes Henderson for ProLogis for approximately 232 acres located at the Southeast corner of Refugee Road and Mink Street parcel numbers 010-017556-00.000, 010-017298-00.000, 010-018636-00.000, and 8475 Mink Street to increase the maximum building height from 35' to 65' for buildings not within 200' of the right-of-way of Mink Road, to 50' for buildings not within 150' of the right-of-way of Mink Road, and to increase the minimum buffer requirements for streetscape to 60' along the Mink Road right-of-way including boundary buffer landscape material appropriate for a ten foot buffer yard per the Etna Township Zoning Resolution Table 16B. The motion was seconded by Kathy Johnston. The roll call on the motion was as follows: Kathy Johnston, yes; Trent Stepp, yes; Rick Cox, yes; Claudette VanDyne, yes; and Mark Schaff, yes; motion passed 5-0. The variance with conditions was approved.

Claudette VanDyne moved to adjourn at 8:14 p.m. The motion was seconded by Kathy Johnston and passed by unanimous affirmative vote.



Laura Brown, Clerk



Rick Cox, Chairman



81 Liberty Street
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Phone 740/927-7717 Fax 740/927-1699

Members: Rick Cox-Kathy Johnston-Mark Schaff-Trent Stepp - Claudette VanDyne
Alternate Member: Cheri Rogers

FINAL ORDER

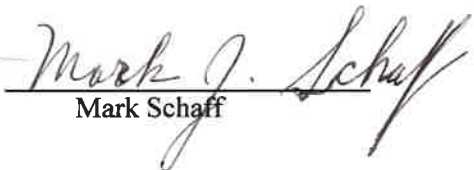
The Etna Township Board of Zoning Appeals held an adjudicatory hearing on December 22, 2015 at 6:20 p.m. at the Etna Township Administration Building.

The nature of Area Variance VA-15-05 is to increase the maximum building height from 35' to 65' from Section 909 - Light Manufacturing District (M-1), General Requirements for height limit, submitted by Jobes Henderson for ProLogis for approximately 232 acres located at the Southeast corner of Refugee Road and Mink Street parcel numbers 010-017556-00.000, 010-017298-00.000, 010-018636-00.000, and 8475 Mink Street.

The Board approved Area Variance, VA-15-05, from Section 909 - Light Manufacturing District (M-1), General Requirements for height limit, submitted by Jobes Henderson for ProLogis for approximately 232 acres located at the Southeast corner of Refugee Road and Mink Street parcel numbers 010-017556-00.000, 010-017298-00.000, 010-018636-00.000, and 8475 Mink Street to increase the maximum building height from 35' to 65' for buildings not within 200' of the right-of-way of Mink Road, to 50' for buildings not within 150' of the right-of-way of Mink Road, and to increase the minimum buffer requirements for streetscape to 60' along the Mink Road right-of-way including boundary buffer landscape material appropriate for a ten foot buffer yard per the Etna Township Zoning Resolution Table 16B.


Rick Cox


Kathy Johnston


Mark Schaff


Trent Stepp


Claudette VanDyne