

Held

May 24,

20

2021

VA21-04 Hazelton-Etna and VA21-05 Mink Street

Prior to calling the meeting to order Chairman Reis explained the Public Hearing Requirements.

The meeting of the Board of Zoning Appeals was called to order by Chairman Reis at 5:03 p.m. on May 24, 2021 at the Etna Township Garage. The roll call showed members Trent Stepp, Shannon Mills, Greg Reis, Tommy Hunt, and Eric Nickolas present, along with Clerk Laura Brown.

Chairman Reis explained the process for the hearings and Zoning Inspector John Singleton along with Connie Klema, Doris Caceres Schumick, and Todd Foley were all sworn in.

VA21-04 Hazelton-Etna/Klema Redwood

The adjudicatory hearing was called to order by Chairman Reis at 5:07 p.m. on May 24, 2021 at the Etna Township Garage.

The nature of the hearing was to consider **Use Variance** request VA21-04 from Section 912 (A) Agriculture District Permitted Uses submitted by Connie Klema for property located on Hazelton-Etna Road, parcel # 010-018624-00.00 located south of South Street, east of Lynns Road, west of Hazelton-Etna Road, and north of I70.

Zoning Inspector John Singleton provided a written Staff Report. The applicant is seeking a variance from Section 912 to allow multi-family dwellings to be constructed in an AG District. The applicant applied for a rezoning to PMUD for this property and was denied by the Board of Trustees. Some of the reasons the Trustees denied the rezoning were the developer did not want to connect to the existing stub streets in Pepper Tree or Orchard Glen leaving only one entrance into the proposed development, the streets were proposed to be private and the Trustees prefer public streets, and the only "mixed use" came from swapping land at the south end of the property with an existing PMUD to the east. The Comprehensive Plan shows this area as Gateway/Mixed Use which should include a mix of uses from retail and restaurants to residential and even multi-family dwellings, not a single use of multi-family. The applicant is requesting to allow multi-family dwellings to be constructed in an AG District which does not permit multi-family dwellings. There are uses available to the property owner under the AG District. Approving this variance may set a precedent for other AG Zoning Districts throughout Etna Township.

Applicant Connie Klema represents the owner of the property. The original zoning application was the first step for this property to be zoned in accordance with Etna Township's Comprehensive Plan. The Comprehensive Plan is designated as the gateway to Etna. This area is a mixed-use area. Licking County requires the access to this property using Etna Crest Boulevard which is a public street and will remain a public street going into this development. The stub streets that have been planned are existing single-family developments and after having numerous meetings with the residents in those communities they requested the applicant not tie into their communities because this is a commercial mixed-use development. The applicant has additional options to provide access to their development using South Street and a potential access onto SR310. Connie Klema stated for the record when the township Trustees reviewed this rezoning they gave no reasons for their denial, they asked questions and tabled it then at the next meeting without any additional comments they unanimously denied the rezoning request. The Licking County Planning Commission stated this was in compliance with the current land-use plan and recommended unanimously for approval. The Etna Township Zoning Commission recommended unanimously to approve the rezoning. The Board of Trustees asked about the multi family, emergency access, and then gave no reason before tabling it and then denying the rezoning.

Connie Klema stated a Use Variance is only something that can be approved if you have an unnecessary hardship and rarely does a person have an unnecessary hardship that satisfies this requirement. Most often there is an alternative means to getting where you were supposed to be with the Comprehensive Plan, most often with a rezoning. But in this particular case the applicant was not permitted to be rezoned and denied for a rezoning without any particular reason given on the record.

Connie Klema explained the submitted "Application for Use Variance Narrative Statement" provided in the application for a use variance; not contrary to public interest, owing to special conditions; and a literal enforcement of the provisions of this resolution would result in unnecessary hardship. The property owner is limited to the existing permitted uses under the Agriculture District on the fifty-five acres. The "Standards for Variances" was provided in the application and Connie Klema reviewed the answers during the hearing.

Connie Klema presented a document titled "Commercial Use Areas" which was designated as Exhibit 1 for the record. This a portion of the PMUD that was submitted with the rezoning application. This property remained zoned agricultural because the rezoning was denied.

RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Etna Township Board of Zoning Appeals

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20

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Chairman Reis reviewed the eight standards for use variance from the Etna Township Zoning Resolution. Connie Klema provided answers to the eight standards in their application. The applicant is requesting approval for the uses submitted as Exhibit 1 titled "Commercial Use Areas" and Connie Klema stated agricultural uses are not usually located in the center of a commercial, retail, residential interstate highway location and the applicant would not be conferred special privileges by using his property like surrounding property owners are using their property.

Todd Foley with POD Designs is a land planner for the property owner. The entire area is the mixed-use area which include this property. The applicant worked with regional planning and the neighboring residents regarding their concerns.

The residents in Orchard Glen do not want this developer to connect to the stub streets in their development and requested they look into alternatives. Connie Klema explained that because of the streams and environmental concerns it was recommended that they do not connect to the west or north. The issues of connectivity is regulated by Licking County and the developer agreed to look at other alternatives but did not get that far with Licking County because the zoning was denied. If a variance is needed regarding the connecting requirements it would be addressed with Licking County.

Connie Klema explained the private streets would be located inside the multi-family development and the other streets would be a public street. The site plan that was submitted shows two out parcels along I70 and one parcel on the east that are proposed to have commercial uses.

The neighboring property has access issues with Licking County and has partnered with them to provide cross access to the commercial areas. The A.D. Farrow property is already an approved PMUD in the Zoning Resolution found in Appendix C. The access to the farm field today is from South Street. From an agricultural use standpoint the access and farming will be a concern when the surrounding area is developed.

Connie Klema verified that the proposed property will have residential, multifamily, with three commercial parcels. John Singleton discussed the various ways that a mix use development can be done whether there is one property owner or multiple property owners. Connie Klema explained what they are requesting and reviewed the site plan provided. The Exhibit A is a Site Plan provided in the application and the Exhibit 1 is Commercial Use Areas.

John Singleton explained that the Trustees oppose the private streets because of maintenance and snow plowing. The Trustees had concerns with the access and the stub streets in the adjacent properties are there for connectivity purposes. Connie Klema discussed the responsibility of the township versus Licking County regarding streets. Etna Township does not have any condominium complex with public streets. Connie Klema reviewed the potential access points being South Street, Etna Crest Boulevard, and to SR310. The access to SR310 would be next to the McDonalds.

The access and impact of the traffic was discussed. Connie Klema discussed the history of the traffic and access points. Licking County is responsible for traffic and will require a Traffic Study. This is not part of zoning. The traffic was addressed during reviews with Licking County. The streets within the complex will be private and the streets outside of the complex will be public. They are proposing a maximum of one hundred and thirty ranch style units. They will have two car garages and will be a minimum of twelve hundred and ninety-five square feet of heated living area on slabs.

Trent Stepp moved to close the public testimony portion of the hearing at 6:14 p.m. The motion was seconded by Tommy Hunt and passed by unanimous affirmative vote.

The board discussed the rezoning being denied by the Board of Trustees. The correct process for this development is through the rezoning process and the board discussed rezoning versus use variance. The Comprehensive Plan designates this area as a Gateway District and this plan would work there. The board discussed whether they have rezoning authority to grant a use variance. The board discussed reviewing this with the Licking County Prosecutor's Office regarding board authority and whether the Trustees action needs to be considered.

Trent Stepp moved to table at 6:24 p.m. and asked that the Chairman Reis reach out to the Licking County Prosecutor's Office for guidance and additional input to make the appropriate decision. The motion was seconded by Shannon Mills. Discussion: The hearing will be rescheduled with Connie Klema after receiving the information from the Prosecutor's office. The motion passed by unanimous affirmative vote.

Held _____ May 24, _____ 20 _____ 2021

VA21-05 Mink Street

Chairman Reis swore in Ben Miller.

The adjudicatory hearing was called to order by Chairman Reis at 6:26 p.m. on May 24, 2021 at the Etna Township Garage. The roll call showed members Trent Stepp, Shannon Mills, Greg Reis, Tommy Hunt, and Eric Nickolas present, along with Clerk Laura Brown.

The nature of the hearing was to consider **Area Variance** request VA21-05 from Article 9, Section 909.A.1 regarding building height submitted by C5 Etna 2, LLC for parcel # 010-017886-00.00 on Mink Street.

Ben Miller with American Structurepoint presented for the applicant who is proposing the same height variance that was previously approved for the Southgate Property for the same client. This building will be larger at approximately seven hundred thousand square feet. They will have an access off of Mink Street with a shared access off of Heritage Drive utilizing the traffic signal.

Zoning Inspector John Singleton provided a written staff report. To accommodate the latest requirements in bulk distribution to accommodate the racking systems they need to increase the building height in Item C.1 Height Limit from thirty five (35) feet to fifty (50) feet to allow for the operational requirements of today's inside storage and distribution facilities. The building will have a west setback of approximately two hundred and fifty five feet, from the north property line approximately one hundred and ninety feet, from the east approximately two hundred and sixty feet, and from the south approximately two hundred and twenty feet. They are working with Licking County to gain access from Heritage Drive for the truck traffic. This height request is within other height variances granted in the area. The request to increase to fifty feet will cover all the areas of the building.

Public Comments

Doris Caceres Schumick 9136 Mink Street lives adjacent to the property and the main concern she has is increase in traffic, safety, and noise. The semi truck traffic is already an issue at the traffic light.

John Singleton explained that Mink Street is designated a County Road and is governed by the Licking County Engineer's office. Ben Miller reviewed the Traffic Study and provided an update on plans for Mink Street and US40 with additional turn lanes and traffic signal timing. The majority of the traffic will come from the north side. They are working with ODOT and Licking County. This hearing is addressing a height variance and does not have anything to do with traffic.

The proposed buffering was discussed and it is showing a thirty foot buffer. The screening will be trees and shrubs. They also discussed a six foot high mound. The mound is governed by the amount of area they have to work with. The landscape plan will be approved by the township. The buffer height was increased to help with the impact to neighboring properties.

Trent Stepp moved to close the public testimony portion of the hearing at 6:51 p.m. The motion was seconded by Eric Nickolas and passed by unanimous affirmative vote.

This request is similar to the other height variance for Core5 for Southgate. The buffering that was proposed for that variance was discussed for this one. The board was provided a document regarding the history of other height variance that were granted and that they are substantial. The board discussed having the minimum height increased in the Zoning Resolution in the Manufacturing Districts and some properties zoned manufacturing in the township a taller building would not fit.

Shannon Mills moved to approve area variance VA-21-05 submitted by C5 Etna 2, LLC for parcel # 010-017886-00.00 on Mink Street from Article 9, Section 909.A.1 to increase the height limit from thirty five (35) feet to fifty (50) feet with the condition that the buffer zone at the west property line (along Mink Street) be a minimum of six feet earth mound and contain twenty five percent more evergreen coverage than Table 16 A and B because the Standards for 'Practical Difficulty' (Section 512.B.) have been met. The motion was seconded by Trent Stepp and passed by unanimous affirmative vote.

Trent Stepp moved to adjourn the meeting at 7:02 p.m. The motion was seconded by Shannon Mills and passed without objections.



Laura Brown, Clerk



Greg Reis, Chairman



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Phone 740/927-7717 Fax 740/927-1699

Members: Sarah Benoit-Eric Nickolas-Greig Reis-Mark Schaff-Trent Stepp
Alternates: Tommy Hunt - Shannon Mills


FINAL ORDER

The Etna Township Board of Zoning Appeals held an adjudicatory hearing on May 24, 2021 at the Etna Township Garage to consider Area Variance request VA21-05 from Article 9, Section 909.A.1 regarding building height submitted by C5 Etna 2, LLC for parcel # 010-017886-00.00 on Mink Street.


The Board moved to approve Area Variance VA-21-05 submitted by C5 Etna 2, LLC for parcel # 010-017886-00.00 on Mink Street from Article 9, Section 909.A.1 to increase the height limit from thirty five (35) feet to fifty (50) feet with the condition that the buffer zone at the west property line (along Mink Street) be a minimum of six feet earth mound and contain twenty five percent more evergreen coverage than Table 16 A and B because the Standards for 'Practical Difficulty' (Section 512.B.) have been met. The motion passed by unanimous affirmative vote.


Tommy Hunt


Shannon Mills


Eric Nickolas


Greg Reis


Trent Stepp

The Final Order was approved and signed: 6/28/21 June 28, 2021 # 8/5/21

The Final Order was mailed/mailed to applicant on: _____