

RECORD OF PROCEEDINGS

Etna Township Zoning Commission

0289

Minutes of

Meeting

July 6,

2005

DAYTON LEGAL BLANK, INC., FORM NO. 10148

9038 Hazelton-Etna Road, Hagy
8941 Hazelton-Etna Road, Langel

Held

The Etna Township Zoning Commission met at the Etna United Methodist Church at 500 Pike

Street on July 6, 2005 for the purpose of conducting a regular meeting and to hold public hearings submitted by W. Scott Hayes rezoning applications for 8941 Hazelton-Etna Road from Agriculture to General Business and 9038 Hazelton-Etna Road from General Business to Professional-Research-Office. The hearings were audio and video taped for the township records.

The meeting was called to order at 7:00 p.m. by Chairman Bravard with the following members present: Mr. Kerner, Mrs. Taylor, Mr. Colburn, Mr. Van Dyne, Chairman Bravard, and Clerk Laura Brown.

Mr. Kerner moved that we adopt the agenda with flexibility. VanDyne seconded the motion. Discussion: Mr. Bravard switched order of the two hearings to hear the Professional-Research-Office rezoning first and the General Business hearing seconded. After discussing the procedures for the public hearing it was decided to leave the maximum 3 minutes per citizen. Roll call: Motion passed 5-0.

Chairman Bravard explained the procedures for the public hearings.

Mr. Colburn made a motion to waive the public reading and approve the minutes for the meeting on June 15, 2005. VanDyne seconded the motion. There was no discussion. Roll call: Kerner, abstain; Taylor, yes; Colburn, yes; VanDyne, yes; and Bravard, yes. Motion passed 4-1.

Mr. Kerner asked the public to have courtesy and keep it to three minutes.

The commission took a four minute recess.

Public Hearings

A. W. Scott Hayes, Attorney for Pataskala Banking Company, 9038 Hazelton-Etna Road
Rezoned from General Business (GB) to Professional-Research-Office (PRO). The existing use is residential.

Mr. VanDyne moved to adjourn the regular meeting and open the public hearing. Kerner seconded. Roll call: Motion passed 5-0.

Chairman Bravard reviewed the application. Mr. Hayes is representing the property owner Charles Hagy and applicant Pataskala Banking Company. Initially it would be probable ATM Use then thereafter depending on business factors some sort of a bank building similar to the one in Summit. Jim VanDyne asked about the security for the bank being located on 310 and easy access to the interstate.

At this time in the meeting Chairman Bravard read down the list of property owners who wanted to speak. Pauline Snider of 9167 Hazelton-Etna Road has been a resident of the township for sixty years. She feels that they have the right to do with their property whatever they wish to do with it. The schools need the help with the taxes and to keep the revenue from going into Franklin County that could go into our own. John L Kinlock of 38 Runkle Drive is this going to be an ATM at this point, are they going to pave it and people will be driving thru the bank right by my backyard. He is concerned with security. He does not feel this is a good place for a bank. Mr. Hayes said this is just for the zoning and it is not a site review so he does not have any maps. It is for the rezoning to Professional-Research-Office and one of the uses is a financial bank. There is a review process as far as the details and construction which is more of an administrative task than it is a legislative one. Gary Burkholder explained the technical review process. Lynda J. Davis at 42 Runkle Drive stated this property is directly behind 9167 Hazelton-Etna Road. It is a proposed bank. If the zoning goes through and the client backs out, then it could be into some other type of professional building environment. Chairman Bravard stated that is correct. She asked if they had presented an architectural client for the property. Chairman Bravard stated that will come with the development phase after the trustees, if they approve it. There are zoning standards that the bank will have to follow. She was concerned with the trees on the property. She was concerned with security and the flow of traffic 24/7 and the lighting on that property. Etna Township has a huge industrial park for the tax base to the community. She would like to see other considerations for the property, a Monday to Friday type business. There were no other comments from the general public.

The Zoning Commission had concerns with the safety, landscaping, and the hours of operation. Mike Kerner explained that when we process a request for a rezoning what goes on the property only has to comply with our zoning book. Mr. Kerner read the permitted uses in the Professional-Research-Office District. What could go in is what is pertinent. The Licking County Planning Commission will hear this on July 25, 2005 at 7:00 p.m. if the public would like to voice their opinions. There will also be a public hearing for the Trustees. Vince Colburn pointed out what the property owner could put on the property being zoned general business. Professional-Research-Office district could be better than some of the alternatives.

Vince Colburn moved to recess the public hearing at 7:40 p.m. Taylor seconded. Roll Call: Colburn, yes; Taylor, yes; Kerner, yes; Bravard, yes; and VanDyne yes. Passed 5-0. The Zoning Commission will be in recess awaiting the recommendation from Licking County Planning Commission.

B. W. Scott Hayes regarding 8941 Hazelton-Etna Road. Rezoned from Agriculture District (AG) to General Business District (GB).

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Mike Kerner moved to open the second public hearing at 7:41 p.m. VanDyne seconded. Roll Call Colburn, yes; Taylor, yes; Kerner, yes; Bravard, yes, and VanDyne, yes. Passed 5-0.

(YEAR)

Chairman Bravard read the application. Existing use of the property is agricultural. Present zoning district is agricultural. They are asking to rezone the property to General Business District (GB). Freda Langel stated that her representative is Mr. Hayes. There is only one big property with two zoning districts. The front half is already zoned general business the back half is agricultural. There are not two parcels. Approximately 20 acres that is already zoned general business is large enough to construct a significant commercial establishment and approval of this proposed change opens the property up for more design discussions. The rezoning is in accordance with the land use plan. Jim VanDyne asked where the access to the property was going to be. Scott Hayes referred the question to David Oakes with CESO, engineering firm out of Dayton. They have started a traffic impact study on the property. They have initiated and had discussions with ODOT who is the review and approval agency on State Route 310. ODOT indicated that they are in the design phase of a project and under construction next year that includes the intersection of State Route 310 and US Route 40. They would be adding turn lanes. They have discussed with ODOT about widening this to cover the front of this property. The access would be directly across from Trail East and then potentially and most probably be signalized. The traffic impact study is under way to determine exactly what improvements would be necessary. Jim VanDyne questioned whether there was going to be only one access to the property. At this time there has not been a site plan completed but the main entrance that has been discussed with ODOT is the entrance directly across from Trail East. Mike Kerner question if you could have two signals within 900 feet of each other. Mr. Oakes thinks it would be in excess of the 900 feet but he does not have the distance with him. The light did not seem to be a concern to ODOT about the space between the signals.

Chairman Bravard starts down the list of property owners for their concerns.

David Thrash at 9100 Hazelton-Etna Road lives across from the property and has been a citizen of the township for over sixty years. I am not happy about something going in but I feel it is the owner's right to do with the property what is zoned. He did not like to see Cumberland Trail go in his back yard but feels the property owner has rights. Glen Snider at 9172 Smoke Road did not have any questions.

Chairman Bravard started with the Public Comments sign-in sheet.

David Weber of 232 Purple Finch Loop, has concerns with the access to the property, the traffic, and the traffic light. He collected 149 signatures of people in the area who wish to know more about the development and/or to stop the rezoning of the property.

Claudette VanDyne of 7173 Refugee Road, concerned with the safety issue of 310. From Route 158 to Mink Road there is 654 acres for sale and that is on a four lane state route, State Route 40. She feels a large commercial retail store would be more feasible on Route 40 because of safety issues.

Jim Foor of 8561 Smoke Road feels that the Langel's have a right to do what they want to do with their property. We have a company willing to come in without being tax abated and will give tax money to our school system. He can see 310 becoming just like 256 is in Pickerington. We do not need more houses.

Barbara Langel of 8941 Hazelton-Etna Road, this family has been in this community, and this farm has been here since the 1800's. We would never do anything in a negative manner to affect this community. We work here, grew up here, and will continue to live in the area.

Doug Thompson of 42 Wrens Nest Court does not feel the tax base and the school levy has anything to do with this. This is a community. He is concerned with the lights, traffic, and crime.

Lynda Davis of 42 Runkle Drive is concerned with the traffic, lights, and crime.

Jason Reece of 111 Arrow Wood Ct, has concerns with crime. If this goes in he is not going to stay.

Neil Ingle of 71 Trail East, 170 yards from the intersection being studied. You can not get out on 310 now. He has concerns with the traffic flow for any large retail or distribution or whatever we are talking about and have any safe traffic flow. Make 310 a four lane divided highway from Pataskala to Route 70 then he does not have any objection to this at all. What we have is 700 homes immediately in the area that we are talking about. That is 1500 people that we will affect their safety. If you put a light in then all those people will go through Cumberland Trail and the two lane street that will not be widened in the future handling 40,000 customers a week.

Gail Gaither of 66 Trail East had concerns with the safety of the homes behind the bank.

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~~Randy Snider of 7347 National Road has been in this community all of his life. He feels they should be able to sell the property to anyone they want. Anyone who lives along 310 or any major thoroughfare has to realize that we are not going to put department stores on Palmer Road or Smoke Road, they are going to be along the main intersections of Etna Township, U.S. 40 or 310. He thinks we need to pressure ODOT to look at 310 and to take care of some of these problems.~~

Sally Mellon of 10432 Palmer Road feels that the back of the property needs to be rezoned to match the front. If a business is going in then the building could be built back further on the property. Three years ago the adjacent property was trying to become a housing development and was voted down by the community because they wanted business. There are rumors of Target, Meijer, Giant Eagle, Wal-Mart, Krogers, they are all looking in this area, whether we want it or not it is coming.

Connie Heim of 10293 Smoke Road is concerned with all the crime and whether we would get a police force in Etna.

Christine Tucker of 203 Purple Finch Loop is concerned with the trucks coming into the property.

James Sapp of 214 Purple Finch Loop is concerned with property values and the traffic. The trucks, crime, lighting is a big issue. He does agree we have some school issues to deal with but feels we could deal with it through smaller business.

Bob Stewart of 321 Trail East is for the property owner being able to do what he wants with his land. He is concerned with the traffic from a mega store.

Josh Weber of 161 Cameron Drive is concerned with a big retail coming. He feels the front part is already zoned general business and this should be enough. He is concerned with what will happen to the schools if this retail comes in the community. He is concerned with the trash from the retail store.

Kimberly Dufault of 19 Milkweed Place stated that the land owned by Arnell Schrock and David Betts is already zoned general business and what is to stop the mega-retail from making a proposal to those people to take the entire area. Her main concern is with the light on 310 and Trail East. There will be cut-through traffic and she is concerned with the kids in the community being safe.

Donna Amstutz of 11 Milkweed Place, is concerned with the safety of the children. She agrees with the right to sell, with businesses coming in for tax benefits. She likes Walmart and shops there all the time. She does not want it in her backyard. She understands that we need growth and we may turn out to be another Pickerington some day. She feels it should be on Route 40 to accommodate the roads, police force, fire department, the trash, there is just way too many issues to consider.

Kathy Johnson of 254 Trail East is very concerned with the traffic. Does not feel the light will work. We have two premier communities and you do not have a Wal-Mart or a Meijer in your front yard of a premier community. Do we want to be a New Albany or do we want to be 256.

Bart Weiler of 126 Runkle Drive, he is the President of the Pataskala Area Chamber of Commerce. He feels this is a growing community. He feels that the officials have done a great job of promoting economic development. The tax dollars go to the cities where we shop. The traffic issues are up to the Trustees but we need to embrace controlled development in this area. He continued to discuss growth in this area and being able to service this area and to do business in this area.

Frederick Cox of 141 Trail East moved out here to get the peace and quiet. He feels we are in a developing area right now. With half of the property General Business it is a hardship on the property owner to have one parcel split from original development to be General Business and Agriculture. He is not happy with something going in across from his neighborhood but he knows it is going to come and he is a firm believer in property rights. The homeowner will have to get the traffic flow and things passed through Licking County Planning Commission. It is not up to neighboring communities to tell them what they can or can't do with their property when they were here first.

Kenneth Sapp of 183 Purple Finch Loop feels we have a zoning board for a reason, for a controlled expansion of business in that area. He feels there is a reason of why it was zoned half for agriculture and half for business. If a super store comes into this area what community would be left? He wants this to be put on the table until the people who are requesting the rezoning have done a proper study of what the traffic impact will be on that area.

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Kim Laret of 162 Cameron Drive does not want a superstore behind her house with the bright lights and the crime. She has not even signed the paperwork yet and her property value has already dropped if that goes there. What are her rights as a property owner? (YEAR)

Sam Hall of 107 Trail East stated his wife is German and came to this country for the right to vote. She got her citizenship for the right to vote. We are relying on you folks to make the right decision here.

Susan Conkle of 10574 Palmer Road I am for the store or whatever goes in there. Everyone talks above the crime. The people shopping there will be you and your neighbors. It will help the tax base as a land holder you should be able to sell you property as you please and if you want to control what goes in there then buy the property yourself and then you can. I like the country atmosphere too. Who is to stop them from putting in a hog farm there?

Kristen Reese of 111 Arrow Wood Court does not want to live in a community that is developed like Brice Road, does not want her schools funded by things like that. She thinks that putting Pataskala on the map should not be by a Wal-Mart and Mcdonald's but with a strong community and small businesses. She is concerned with the traffic and for her son's safety. We will likely be leaving if this is the way Pataskala wants to grow.

Ralph Fraley of 38 Wrens Nest Court was a police officer in the City of Hilliard from 1989 to 1995. He is concerned with the crime. In Hilliard when the growth started the crime rates went up. He feels we need controlled growth. He is concerned with the traffic and accidents. He asked if the Licking County Sheriff Department had input and is concerned with the availability of extra patrols from the Sheriff's Department.

Chairman Bravard read the staff report and recommendation from the Licking County Planning Commission. The staff recommended approving the proposed zoning map amendment. The Licking County Planning Commission recommended approving the proposed amendment.

David Oakes stated that traffic congestion on 310 is a concern. ODOT requires that the current level of service not be impacted on 310. We need to make improvement for our future year condition to actually improve the current situation and all the way out into the future. That is the requirements of ODOT. He asked this board to consider that residential development has already impacted state route 310 and will continue to impact 310. If this property was developed residentially versus commercially during the peak period there is not a significant difference in the impact on State Route 310. To improve the depth on the zoning would improve the safety situation on 310 because then there would be green space and adequate dept along 310 to provide storage for vehicles so the traffic light does not have to cycle as often and then the traffic can be held safely on the site itself with the additional depth.

Scott Hayes stated that the future land use plan says commercial and professional and he read from the definition section of the zoning resolution for general business. He also asked about the accessory uses under the agriculture section. This property does not back up to Cameron Chase.

Vince Colburn asked David Oakes about the traffic study having no impact and actually improve the Road way and traffic flow. David Oakes stated that is the requirements of ODOT. Whenever a commercial development occurs, they analyze it to see that the level of service on the adjacent roadway system is not impacted adversely and require it to be improved out to a future year based upon projected traffic. The developer completes it for ODOT to review and approve. Vince Colburn asked if this is the same ODOT that approved 256 and so do you believe that is a success? David Oakes stated that on 256 it is in the City of Reynoldsburg in a different highway district. Vince Colburn stated that there are six lanes on 256 and 5 lanes on Taylor Road and it does not get it. He feels there was a failure in the road study there. David Oakes is not familiar with how involved ODOT was in the review of that system.

Tina Taylor would like to see more traffic studies done and is concerned with the police. She wanted to know if the Licking County Sheriffs Department is prepared to handle it if there is more crime.

Mike Kerner stated that there are pros and cons that we need to study. He stated that the increase in crime comes from residential development rather than business development. Etna Township has the highest crime rate of any township in the county.

Jim VanDyne asked Mr. Hayes why only one half of the property was zoned general business. Mr. Hayes does not know the answer but will try to find out. Jim VanDyne feels that if all the property was zoned general business 310 could not handle the traffic flow from the property. Jim does not feel that the access coming off of 310 is adequate enough for the safety of the people traveling 310 to get off and on that property ever with a traffic light. If you had access coming off of Route 40 along with that access this would probably work. David Oakes said that

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the discussion with ODOT says that the 310 access can work with improvements. There was a discussion on the traffic studies.

(YEAR)

Jim VanDyne is concerned with small businesses going out of business.

Scott Hayes stated the township's plan says this is general business. The statute says Zoning shall be created in accordance with a plan. The identity of the business or whether we like or don't like the particular business will border on the unconstitutional when making those comments in regard to the decision of this board. The board has a duty to enforce what the law is and deal with it.

Jim VanDyne stated that he has the right as every citizen in here; I live in Etna Township too. I have not at this moment decided whether or not I am going to vote for or against this. I have a decision to make and that decision is made on everybody's rights not just mine and I am not going to make that decision on how I personally feel.

Chairman Bravard lives on Taylor Road and has to deal with increased traffic from the Wal-Mart at 256 and has concerns with the increase of crime. He will look at the common good, the welfare and all these other things connected with that. He stated for the public that he is going to look at the overall picture.


Jim VanDyne asked if the half of the property already zoned general business is adequate enough to build what you want and if you did build on the general business portion would you land lock the agriculture portion?

Scott Hayes stated it is not his or his client's decision on whether it is big enough he could try to find out. His job is on the rezoning application. As for land locking the parcel it is all the same parcel.

Mike Kerner moved to close the hearing. VanDyne seconded. Roll Call: Colburn, yes; Taylor, yes; Kerner, yes; Bravard, yes; and VanDyne yes. Motion passed 5-0.

Mike Kerner moved to table it for 30 days so we can analyze the situation in depth. Taylor seconded. Roll call: Colburn, yes; Taylor, yes; Kerner, yes; Bravard, yes; and VanDyne, yes. Motion passed 5-0.

Meeting adjourned at 9:10 p.m.



Laura Brown
Clerk

Approved 09/17/05 _____

Approved as corrected/amended _____



Dan Bravard, Chairman