

# RECORD OF PROCEEDINGS

Minutes of

Etna Township Zoning Commission

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

August 17,

2005

**PVCR-Northeast corner 40 & Watkins**  
Held **Section 1103-Paving**

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The Etna Township Zoning Commission met in the Etna Township Hall on August 17, 2005 for the purpose of conducting a regular meeting and to hold public hearings on two rezoning applications. One application requesting the property at the Northeast corner of U.S. 40 and Watkins from single family residential district (RS) to general business district (GB) and the other application request a text amendment to the zoning resolution in Section 1103- Paving. The hearing was 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.

## **Announcements**

Chairman Bravard stated that the Trustees will be holding a special meeting on August 23, 2005 at the Etna United Methodist Church.

Jim VanDyne would like to finish the project on the maps. Chairman Bravard added this on the agenda under New Business Item C.

Vince Colburn felt that during the public hearing when Chairman Bravard asked for opinions from the residents on the future of Etna Township that Chairman Bravard should have stopped the residents when they used it for a complaining session on the outcome of the vote on the rezoning application. He would like the chairman to keep it to the question that he asked.

Jim VanDyne moved that we adopt the agenda with flexibility. Colburn seconded the motion. Mike Kerner asked to add General Discussion to the agenda and future agenda's. Roll call: Motion passed 5-0.

Mike Kerner made a motion to waive the public reading and approve the minutes for the special meeting on June 29, 2005. VanDyne seconded the motion. Discussion then roll call: Motion passed 5-0.

Chairman Bravard thanked Laura Brown for the time spent on the minutes and requested that a copy of the minutes be given to the Trustees so they can read the minutes to review what was discussed during the meeting and copies available for the public to read. Chairman Bravard moved to thank Laura Publicly for going beyond the call of duty. Kerner seconded. Roll call: Motion passed 5-0.

Mike Kerner made a motion to waive the public reading and approve the minutes for the meeting on July 6, 2005. VanDyne seconded the motion. Laura Brown was able to hear the entire tape and there were errors on the transcription provided by Mr. Hayes. The transcription done by Mr. Hayes is not the approved official minutes from the meeting. Jim VanDyne asked for a letter to go to the prosecuting attorney regarding this procedure. The Zoning Commission discussed the procedure on public records. Roll call: Motion passed 5-0.

## **Public Hearing**

Mike Kerner moved to open the public hearing for the Wells rezoning at the Northeast corner of U.S. 40 and Watkins Road. Colburn seconded. Roll call: Motion passed 5-0.

- A. The application submitted by Thomas P. Wells for PVCR, Incorporated, requests that the property at the Northeast corner of U.S.40 (National Road) and Watkins Road be rezoned from Single Family Residential District (RS) to General Business District (GB). Colburn seconded.

The clerk did not send the property owners notices ten days in advance. Chairman Bravard received a legal opinion from Brent Shenk. The public hearing will be recessed. The property owners' notices have been mailed and the property owners were also notified that Licking County Planning Commission would be hearing this on August 22, 2005. The applicant was notified and will attend the September 7, 2005 regular meeting. The public will have an opportunity for comments and the hearing will be re-advertised.

Mike Kerner moved to recess the public hearing. Taylor seconded. Roll call: Motion passed 5-0.

- B. Vince Colburn moved to open the Trustees text amendment hearing. VanDyne seconded. Roll call: Motion passed 5-0.

The application submitted by the Board of Trustees requests a text amendment to the Zoning Resolution in Section 1103 - Paving from The required number of parking and loading spaces as set forth in Section 1102 and 1117, together with driveways, aisles, and other circulation areas, shall be improved with such material to provide a durable and dust-free surface.

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To read, <sup>held</sup> The required number of parking and loading spaces as set forth in Section 1102 and 1117, together with driveways, aisles, and other circulation areas, shall be improved with concrete or asphalt.

Chairman Bravard read the recommendation from the Licking County Planning Commission recommending approval.

Gary Burkholder stated that Mr. Maynard checked with Reynoldsburg and with some of the Zoning Commission members regarding specifications on the concrete or asphalt. Reynoldsburg did not specify how thick the asphalt or concrete needed to be. The township has a lot of businesses that do not have dust free parking lots. They come out here because they can't cut the codes of Reynoldsburg or Franklin County. Mr. Burkholder sees this as a two step process, the first step is parking lot and driveway either has to be asphalt or concrete. Then down the road we could put in specifications. Mr. Burkholder is not opposed to the researching of the porous paving if it creates a dust free surface.

Mike Kerner would like specifications on the paving and the maintenance. Tina Taylor would like specifications also. Vince Colburn stated that Buckeye Mulch and the place on Tollgate are enforcement issues. He would like to see the design and installation be signed off by an engineer. Jim VanDyne is concerned about residents having dust free driveways. Is this just for commercial? The Zoning Commission discussed the procedure and the timeframe of the hearing.

Phyllis Bundy of 10254 Tollgate Road has concerns with the business on Tollgate Road, Petro. She wanted to know how long the business has to comply with the regulations.

Kathy Johnston of 254 Trail East stated that along Route 40 they throw down gravel and put in a car lot. She would like to upgrade the zoning resolution.

Claudette VanDyne of 7173 Refugee Road agrees there needs to be some type of dust free surface. She would like to have specifications so there are not gray areas in the zoning resolution.

Gary Burkholder agrees with the concerns regarding specifications. He would support an amendment with specifications when it comes to the Trustees.

Mike Kerner would like to make it clear that it is for non-residential, it is for commercial zoning. He would like to have a table with specifications. Tina Taylor does not want this to apply to residential. Vince Colburn would like an engineer to be responsible to sign off on the paving. He suggested getting information from the County Engineer. The Zoning Commission discussed having an engineer responsible. Jim VanDyne would like to have a breakdown. For example, in developments they would have to have a core sample. He would like to take time to research the process and who is responsible for the paving after twenty years. Dan Bravard asked Mike Kerner to contact the County Engineer's office, Jim VanDyne to check on standards to see if we could divide it up depending on square footage, and Dan Bravard to talk with paving companies. The Zoning Commission can also utilize the internet and Delaware's website that Phil Laurien spoke about.

Mike Kerner moved to adjourn the public hearing. Taylor second. Roll Call: Motion passed 5-0.

The Zoning Commission will make a decision at the September 6, 2005 meeting.

There was no old business.

### New Business

A. Scott Hayes submitted a public records request. The Zoning Commission discussed what is considered a public record. Vince Colburn had an article from the Columbus Dispatch regarding the widening of Mink Road. To widen State Route 310 would be difficult. The other members did not have any information that Scott Hayes did not have. The Zoning Commission did receive a letter from a citizen regarding the public hearing. The Zoning Commission also discussed the letter regarding the statement of fact. Jim VanDyne read from the Licking County staff report for the statement of fact. Mr. Taylor, Mr. Colburn, and Mr. VanDyne's matter of fact is the staff report. Jim VanDyne stated the access to State Route 310 is a problem and a safety issue. Chairman Bravard will draft a letter regarding the matter of fact to the Trustees. Vince Colburn asked if the Zoning Commission has to provide the matter of fact letter to the Trustees just because Scott Hayes requested it. Chairman Bravard asked Gary Burkholder his opinion. Gary Burkholder suggested the Zoning Commission request an opinion from the prosecutor's office.

Chairman Bravard will draft a letter to Scott Hayes regarding the information that the zoning Commission has and Mike Kerner suggested asking him the basis of his request.



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~~B. Correspondence from Gary Burkholder. The Trustees voted to become associate member of Delaware County Regional Planning. The vote was Burkholder and George yes and Siddens no. Gary Burkholder thanked the commission for the detailed minutes. The Urban PUD was part of the resolution for approval. Gary Burkholder gave the Zoning Commission the go ahead to use the 20 hours.~~

The Zoning Commission decided after discussion that the letter to O.D.O.T. is not needed.

The deficiencies in the official zoning map are being addressed by the Trustees.

C. Zoning Map. Jim VanDyne would like to take the maps for the developments and color in which lots are built. The Zoning Commission could help the zoning office get the maps updated and then keep the records current. The Zoning Commission discussed better ways of organizing the maps and the build out of the township. The commission also discussed having the lots measured before final occupancy, either after the foundation is poured or at the occupancy.

The zoning office has logged the zoning maps on a spread sheet. The Zoning Commission had a discussion on the maps that are missing from town hall on developments. Mike Kerner suggested a form be added to the occupancy form that the zoning inspector signs off and verifies the house is in compliance. This is to form accountability. Possibly have two times they signed off, at the foundation period and then the occupancy to certify it complies.

Gary Burkholder asked the Zoning Commission what to do if the zoning inspector does not do the job. Gary Burkholder explained that the Board of Trustees can not take any disciplinary action without a public hearing and have to hire outside legal counsel because the county prosecutor can not represent the board.

Vince Colburn feels the Zoning Inspector is not responsible to baby sit the excavator pre-construction. If it is wrong at the time of occupancy that is their fault so they will have to fix it. The Zoning Commission discussed this issue in detail. Jim VanDyne would rather see them find the mistake at the beginning stages to avoid having to move a house.

Vince Colburn moved to request the Trustees provide the Zoning Commission with a final development plan for all the developments on the map log by November 2, 2005. VanDyne seconded. After discussion the roll call: Motion passed 5-0.

Chairman Bravard will draft a letter to the Trustees.

The agenda for August 31, 2005 will be on the Future Development of Etna Township.

Jim VanDyne wants to have a letter go to the Trustees regarding the map rack for a filling system for the maps.

#### Public Comments

Kathy Johnston hopes that this board will work with the Trustees on the zoning map. She is concerned with employees that do not do their job and the Trustees should be made aware of employees that do not do their job.

Claudette VanDyne stated that when she was compiling figures for the school district, and went to Harrison Township, Casey had on his computer all the subdivisions even the five acre lots. He was able to tell her exactly what their build out was and how many were to be built out. Laura Brown stated that Casey had told her and Steve Ferris that we could come over and he would show us the system he uses and the way he organizes his files.

Gary Burkholder stated he agrees that Tollgate Road is an enforcement issue.

Claudette VanDyne stated if you have a non productive employee you give them a warning and state this is your criteria, this is what we expect out of you. If they ignore that then they were gone.

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Mike Kerner stated you can not fire someone for not doing their job if they do not know what their job is. You have to say what is expected of the zoning inspector, then if they do not comply, you do what ever is necessary.

Vince Colburn agrees that we need a job description for the Township Employees and then it needs to be accepted by the Trustees. Vince moved to recommend to the Trustees that the Supervisor of the Zoning Department inspect the Petro Construction site South East of I-70 on Tollgate Road and verify if it complies with Section 1103 of the Zoning Resolution. VanDyne seconded. Discussion: Mike Kerner stated that everybody knows that they are not in compliance and he feels they should be sent a letter that you have 30 days to come into compliance. Phyllis Bundy asked about the portable potty. The Health Department had told Laura Brown before that there was nothing we could do on the portable potty. Roll Call: Motion passed 5-0.

Meeting adjourned at 9:45 p.m.

*Laura Brown*

Laura Brown  
Clerk

Approved September 7, 2005

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

*Dan Bravard*

Dan Bravard, Chairman