

# RECORD OF PROCEEDINGS

Minutes of

Meeting

## Etna Township Zoning Commission

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

June 6,

2007  
20

**Ante Properties LTD  
NW St. Rt 40 & Columbia Rd.**

The Etna Township Zoning Commission met in the Etna Township Hall on June 6, 2007 for the purpose of conducting a public hearing and regular meeting. The entire meeting was audio taped and the public hearing portion was video taped for the township records. The meeting was called to order at 7:01 p.m. by Chairperson Dunlap with the following members present: Mr. Stepp, Mrs. Munce, Mrs. Taylor, Mrs. Dunlap, Mr. Van Dyne, and Clerk Laura Brown. Alternate Mr. Bravard presided during the public hearing for Mrs. Munce. The pledge of allegiance was recited.

Trent Stepp moved to adopt the agenda with flexibility. Tina Taylor seconded. Motion passed 5-0.

Trent Stepp moved to waive the public reading and to approve the minutes from the May 16, 2007 meeting. Jim VanDyne seconded. Motion passed 5-0.

**Announcements and Zoning Commission Comments** – The first meeting in July is on the 4<sup>th</sup>. It will be decided at the June 20<sup>th</sup> meeting to move the meeting to July 11<sup>th</sup> and have the meetings the 2<sup>nd</sup> and the 3<sup>rd</sup> Wednesday.

**Public hearing for Ante Properties on the Northwest corner of State Route 40 and Columbia Road from General Business 1 to General Business 2**

Pam Munce recused herself at 7:05 p.m. and Dan Bravard presided in her place. Trent Stepp moved to open the public hearing for Ante Properties at 7:05 p.m. Jim VanDyne seconded. Motion passed 5-0.

Dee Dunlap read the staff report and recommendation from Licking County Planning Commission. The staff recommended a non-binding recommendation to Etna Township to disapprove the proposed map amendment application to rezone the property at the northwest corner of U.S. Route 40 and Columbia Road from General Business -1 to General Business 2. The basis for the recommendation was the description of the land use and land use density to occur in this area (as described in the Etna Township Comprehensive Plan) does not comply with the proposed density of the land use classification. The area in questions is a transition point between more dense land uses and single-family residential land uses, which directly adjoin the property in question to the north. It is important to provide a land use density that would not provide a detrimental impact to these adjoining properties but provide a compatible land use density or a land use density that could be compatible with appropriate buffering and access management. The proposed district would allow for a district that would provide for a more intense land use. Currently there is no property in Etna Township zoned General Business -- 2. The establishment of which needs to be in an area compliant with the comprehensive plan yet supported by the public infrastructure that exist or can reasonably be obtained through proper access management. The site in question is questionable as to whether it complies with the intent of the comprehensive plan in regards to this type of density. Therefore, the Township seriously needs to consider whether it wants to set precedence in this area for this type of use. The Planning Commission board recommended Etna Township denies the map amendment request. The basis on this denial were the same as in the staff report 2007-014-Z

No comments from the Zoning Commission at this time. Park Shai of 1967 Newark Granville Road, Granville, Ohio represented the applicant Ante Properties. Park Shai stated a Wal-Mart is not what they want to do on the property. They want larger than 65,000 square feet. Park Shai stated they want to put in a grocery store 85,000 to 100,000 square foot in building size. It is zoned general business. There is a traffic light already proposed for Columbia Road and State Route 40 and Columbia Road will have a turn lane. They have two farm curb cuts and one full curb cut on State Route 40. They would like to narrow it down to one curb cut and the corner. Park Shai does not agree with the Licking County Planning Commission. He wants to make this a win win situation for everyone. The grocery store is what pulls in the other retail development nail care, hair dresser, book store, service oriented items. What Park Shai stated he is asking for is a bigger footprint. He does not want to put a Lowes or Home Depot but a grocery store and some other services.

Dee Dunlap wanted to know what an example of what is in 30,000 square foot retail. Park Shai gave Staples, Kohls, Gap, Old Navy, discount clothing stores, hair cutting, and nails. Tina Taylor stated the Kroger's on Taylor Road is 65,000. Park Shai stated the Kroger's in Hebron is also smaller but Kroger's has an expansion to the west already in their drawings. The Hebron Kroger's is 56,000 square foot on US 40 and SR 79. Dee Dunlap verified that one site plan presented is what he can do and the other site plan is what he would like to do.

A turn lane will be needed on Columbia Road. Park Shai would not be opposed to a landscape screening and a mound would not be a problem either. Jim VanDyne asked if he would provide curbs and sidewalks the length of the property and Park Shai stated it would not be a problem along Columbia but

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~~did not feel it would be needed along US 40. If it was made a condition he would put them in. Park Shai would take care of the water with gutters.~~

Park Shai stated the site is for sale but it is the intention of the owners of the property for his company to develop the property. Park Shai stated he does most of his business local, clean nice higher end developments. In the City of Heath he was able to get the Hampton Inn to use brick instead of stucco on their building along with the building in the lot located in front of the Hampton Inn.

Dee Dunlap stated she has an issue with the staff report from Licking County and is awaiting an answer from Licking County Prosecutor by the next meeting scheduled for June 20<sup>th</sup> regarding the comprehensive plan dated 1996 and the comprehensive plan dated 2003. Park Shai stated he does not have a tenant today and is not in a hurry. He would be happy to help the Zoning Commission.

Public Comments regarding the public hearing

Neil Ingle 71 Trail East stated part of the reason that Licking County Planning Commission recommended denial was it is too intense for the area in regards to traffic. It will handle the traffic when completely built out of 300 homes in Cumberland Crossing, 300 plus homes in Cumberland Trails, 250 apartments, excess of 100 condominiums, a strip center, elementary school, and a golf course. He referred to US 40 and Taylor Road where there is a 65,000 square foot grocery store and look at that intersection as an example. The intersection was paid for by a TIF between Kroger and the City of Reynoldsburg. An entrance would be off of Columbia Road. Neil Ingle has concerns with the traffic. Jim VanDyne feels the business will be generated from the current traffic. Neil Ingle feels the Zoning Commission did a good job on the General Business 1, General Business 2, and General Business 3 text amendment. Jim VanDyne feels the Zoning Commission should have had a place for the General Business 2 and General Business 3 when the text amendment passed.

Gary Godwin 63 Trail East stated he felt the Zoning Commission did a good job when they passed the General Business 1, General Business 2, and General Business 3 text amendment. The proposed Walmart is 180 square feet. He feels the traffic will draw from other areas. He would like the General Business 2 to be east of 310 or south of 70. He feels the school and subdivisions do not need the traffic. He suggested taking a look at what MSI Design recommends.

Claudette VanDyne 7173 Refugee Road asked Park Shai if they ran a survey regarding where the shoppers would draw from. She feels that Pickerington, Reynoldsburg, and Pataskala have their shopping in place for the residents. Park Shai does not perform the surveys the retailers do their surveys themselves.

Park Shai did not feel the difference in square footage between the two drawings he provided would increase the traffic. For example the 65,000 square foot building would generate about the same amount of traffic as the 85,000 square foot building. He does agree that traffic for a grocery store is more than traffic for a big lots. The property is already zoned to place a 65,000 square foot building or an expandable site. Kroger's is not currently interested in this site.

Tina Taylor is concerned with setting a precedent for Etna Township when it has not been decided where the township wants General Business 1, 2, or 3. She cares about what Etna Township will look in the future. She is for having the grocery stores for the residents but has concerns of where to place them in the township.

Trent Stepp stated the concern is that he can build up to 130,000 if the zoning is passed. The drawing that is presented may not be the issue. If he could hold Park Shai to 85,000 he would probably support the rezoning but developers could build up to 130,000. Park Shai stated retail users want the expansion in the drawings before they build.

David Munce 11045 National Road has lived in the community for thirty years. He has seen the changes in the township and did not want the residential. He is in favor of the development and feels it provides jobs and tax revenue. David Munce questioned why the large warehouses in the Etna Corporate Park are ok for the community but the retail is not. He asked if the township want Dave's Wiener World and more car lots on State Route 40. He feels the township is pushing away the developers.

The Zoning Commission discussed how many tax dollars are brought into the community with retail. Neil Ingle stated the economic development regarding six categories and retail is the last category. David Munce believes the jobs are providing tax revenues. He questioned property taxes and employee taxes.

Gary Godwin has concerns like Trent Stepp in regards to the building that could be built in General Business 2 and the building being 85,000 square feet. The building could be 130,000 square feet. Gary suggested a variance from General Business 1 of 65,000 to 85,000.

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Claudette VanDyne clarified that MSI recommends retail (General Business-2) west of 310.

Jim VanDyne moved to recess the public hearing until the June 20, 2007 Zoning Commission meeting. Tina Taylor seconded. Roll call: Trent Stepp, no; Dan Bravard, no; Tina Taylor, yes; Dee Dunlap, yes; Jim VanDyne, yes. Motion passed 3-2.

Pam Munce moved to recess at 7:05 p.m. Zoning Commission returned from recess at 8:45 p.m.

New Business

A. Mobile Home Park Rezoning Corrections - The mobile home park on 7913 National Road is zoned low density residential district (R-1) instead of mobile home park (MHP). The mobile home park was there prior to the 1960 zoning resolution. Licking County Planning Commission stated to change 7913 National Road from R-1 to MHP it would have to be rezoned. The property has two parcels. The front parcel is the R-1 and the back property is agriculture. There is a house on the agriculture zoned parcel. Only the front parcel contains the mobile homes. Stan Robinson, Zoning Inspector, stated currently if someone wanted to buy the property where the mobile homes are now it is a pre-existing non-conforming use which they can continue as long as they want to.

Stan Robison stated the property next door that has the mobile home park (MHP) zoning now is an existing field. Sean and Barbara Brogan own 9361 Watkins Road which is currently zoned R-1, MHP, and agriculture. Bernie Caplin with CapOhio represents the Brogan's. Mr. Caplin stated the other three corners are local business (LB). He stated it is not likely it would ever be used for MHP and stated he is not sure that they would be willing to give up the MHP zoning. The Zoning Commission can rezone the property. Trent Stepp could not see taking the time and effort to rezone the property unless there is a fear of it being developed as a mobile home park and most likely it would not. Since the other lot is a pre-existing non-conforming use, the land can be sold and still be used as a mobile home park. At this time the Zoning Commission unanimously decided to leave it the way it is.

B. Stan Robinson's List - The Zoning Commission will review and discuss at the next meeting under old business.

Old Business

A. Buffering - Trent Stepp provided the Zoning Commission a document from MORPC's website regarding development and impact on the community. Trent Stepp sketched a diagram showing the buffering to better explain the set backs between retail and residential.

Dee Dunlap stated the industrial park does not have any buffering requirements currently (The zoning resolution does have requirements in M-2 abutting to residential.) She also reviewed what is required by the Licking County Subdivision regulations. The Zoning Commission discussed limitation text. Gary Burkholder stated he does not believe the Trustees can place limitation text on a property. Trent Stepp stated in a court of law the Etna Township zoning resolution would be the law. Pam Munce discussed deed restrictions. Jim VanDyne suggested obtaining a legal opinion.

The Zoning Commission discussed Table 16A and to switch column one with column two under the titles. Dee Dunlap stated in placing restrictions we need to remember the small retail users along with the large retail users. The restrictions could be based on the zoning. The Zoning Commission will continue next meeting.

Public Comments

Gary Burkholder updated the Zoning Commission on the Trustees meeting. He likes reviewing the minutes from the Zoning Commission. He discussed a legal review of the zoning resolution.

Trent Stepp discussed the Zoning Commission having a work session possibly adding another Wednesday meeting. The Zoning Commission will send a letter to request the work session.

Jim VanDyne moved to adjourn at 10:02 p.m. Dee Dunlap seconded. Roll call: passed 5-0.

Approved July 11, 2007

Approved as corrected/amended

Laura Brown, Clerk

Dee Dunlap, Chairperson