

Held January 5<sup>th</sup> 2011

**Article 9  
Connie Klema/JBW Properties, LLC**

The Etna Township Zoning Commission met on January 5<sup>th</sup>, 2011 in the Etna Township Administration Building for the purpose of conducting a regular meeting. The meeting was audio recorded for the township records. The meeting was called to order at 7:00 p.m. by Chairman Stepp. The Pledge of Allegiance was recited. Roll call showed the following members present: Mike Kerner, Jim VanDyne, Trent Stepp, Bill Young, Robert Essex, and clerk Laura Brown. Randy Snider was also in attendance for the purpose of serving his expired term until a qualified replacement was appointed.

Bill Young moved to adopt the agenda. The motion was seconded by Mike Kerner and passed without objection.

**Zoning Commission Announcements and Comments**

Trent Stepp explained the process to the public regarding speaking during the public hearing and requested they sign in if they wish to speak.

Trent Stepp notified the Zoning Commission that the Board of Trustees will be re-advertising for the two open positions on the Zoning Commission. The Trustees received input from residents regarding the timing of the advertisements and interviews over the holidays. The applications are due January 14<sup>th</sup>, 2011.

Mike Kerner moved to waive the public reading and approve the minutes from the December 15<sup>th</sup>, 2010 meeting. The motion was seconded by Bill Young and passed without objection.

The Announcements and Comments agenda item was completed and closed to further discussion.

**Public Hearings at 7:05 p.m.**

**Article 9**

Bill Young moved to open the public hearing at 7:05 p.m. for the text amendment submitted by the Zoning Commission for Article 9 – District Regulations Section 910 Professional-Research-Office (PRO) and Section 912 General Business District (GB) regarding NAICS code 561730. The motion was seconded by Jim VanDyne and the roll call was as follows: Mike Kerner, yes; Jim VanDyne, yes; Trent Stepp, yes; Bill Young, yes; and Robert Essex, yes. The motion passed 5-0.

Chairman Stepp reviewed the Licking County Planning Commission Staff Report and the letter received from the Planning Commission. The Staff and Planning Commission recommended approval.

Bill Young moved to close the public hearing at 7:10 p.m. The motion was seconded by Robert Essex and the roll call was as follows: Mike Kerner, yes; Jim VanDyne, yes; Trent Stepp, yes; Bill Young, yes; and Robert Essex, yes. The motion passed 5-0.

Bill Young moved to recommend to the Board of Trustees approval of the text amendment for Article 9 – District Regulations Section 910 Professional-Research-Office (PRO) and Section 912 General Business District (GB) regarding NAICS code 561730. The motion was seconded by Robert Essex and the roll call was as follows: Mike Kerner, yes; Jim VanDyne, yes; Trent Stepp, yes; Bill Young, yes; and Robert Essex, yes. The motion passed 5-0.

The Article 9 Public Hearing agenda item was completed and closed to further discussion.

**Connie Klema/JBW Properties, LLC**

Jim Van Dyne moved to open the public hearing at 7:12 p.m. for the Zoning Amendment submitted by Connie Klema for property owner JBW Properties, LLC for land located on S.R. 310 (Parcel numbers 010-016872, 010-016872, 010-016866 and 010-016854) requesting a rezoning from Agriculture District (AG) to Planned Mixed Use Development District (PMUD). The motion was seconded by Bill Young and the roll call on the motion was as follows: Mike Kerner, yes; Jim VanDyne, yes; Trent Stepp, yes; Bill Young, yes; and Robert Essex, yes. The motion passed 5-0.

Chairman Stepp reviewed the Licking County Planning Commission Staff Report and letter received from the Planning Commission. The staff report addressed several concerns. The staff recommends the Licking County Planning Commission make a non-binding recommendation to Etna Township to deny the proposed map amendment in its current state. The Licking County Planning Department made a recommendation to conditionally approve the proposed map amendment with the following condition being as follows: "The township work out an appropriate density with the developer."

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The applicant Connie Klema presented an overview of the process and application.

**Public Comments –**

David Weber of 232 Purple Finch Loop would like to have input regarding the density. David Weber provided a copy of his comments. He strongly implored the Zoning Commission to recommend a diverse technical review committee for this and the next couple of Planned Mixed Use Developments (PMUD). The professional and retail uses are suitable to the growth and development of the community but the residential uses are offensive. The densities do not meet the Etna Township Land use plan map. He has concerns with the development impacting the public services and discussed the school district. He would support age restricted residential. Westerville and Marysville set the taxable millage of all new residential development at 6 mils above the established mils. The applicant shall submit a Preliminary Development Plan with the application for the zoning map and text amendment under this article and he feels the applicant has not met this requirement along with a few other requirements. He would like to work with Connie Klema to work out the details of this development and allow the public to provide input. David Weber feels the Zoning Commission should reject any further hearings and recommend denial until which all application procedures are met and the public has been allowed due process per the Zoning Resolution. The copy of his comments that he provided have been entered into the application file for the record.

Gary Burkholder of 254 Trail East discussed the application and referenced the plan that was submitted when developing Cumberland Trail. He discussed the access on Runkle Drive and does not want the access to be permitted from Runkle Drive to the proposed development. Gary Burkholder discussed the access road along State Route 310 from Buckeye Mulch to Trail East. He requested the public have the opportunity to review the staff report from Chris Harkness, Zoning Administrator.

Gilbert Guttentag of 70 Runkle Drive asked if they come to the conclusion with the preliminary plan then the Zoning Commission makes a recommendation to the Board of Trustees. He asked about the referendum period. Trent Stepp explained the rezoning is the legislative piece and will be open to referendum after the Trustees act on the rezoning application. The preliminary plan is an administrative piece and will not be approved until after the rezoning is approved. The developer can follow the process in Article 19 to make modifications to the plan. The public can appeal through the Board of Zoning Appeals. Connie Klema explained that the zoning text gets locked in and cannot be changed without going through the entire process. The plan has to adhere to the text. The Zoning Commission, Board of Trustees, and applicant work through the process and work out the details of the text.

Chris Harkness explained the process of submitting changes to the text and the preliminary plan. This would be determined through the Zoning Office whether it is a legislative or administrative change.

Connie Klema stated after a number of meetings with individuals it was time to submit a plan and application. Connie Klema reviewed the items that are provided in the application. She wants the public hearing to be continued to work through the required details on this application.

Tom Dixon of 8467 Hazelton-Etna Road discussed the green spaces planned in the development and the density of the houses. He discussed the Cameron Chase development and deed restrictions for green space. The township already has issues with schools and the sheriff's department.

Zoning Administrator Chris Harkness presented an overview of the application. Overall the text and regulations are a good start but appear to lack the specificity that he believes are envisioned with this type of PUD. Once the zoning text and map are approved the Preliminary and Final Development plans are to comply with those regulations. Therefore, the most thought and work must be done with regard to the text regulations. Items such as building setbacks, maximum building sizes for the retail portion, and minimum residential unit sizes are missing altogether and the provided regulations are not very specific either.

If the Zoning Commission chooses to go forward with the proposed amendment or some modified version of the amendment then it may be wise to include regulations in the text that say "\_\_\_\_\_ will be approved at the discretion of Etna Township during the Preliminary and Final Development stages." This would allow the township to retain authority over these development items even after the zoning amendment stage.

Many items required for the Preliminary Development Plan are not provided. However, it doesn't appear that the applicant or landowners are planning to develop this property themselves and therefore would be very difficult to provide much of the required information. The Zoning Commission will need to decide how much of that information is necessary in order to move forward with the zoning amendment portion. The Preliminary Development Plan could always be denied while still approving the Zoning Amendment and allow the applicants or future developers of the individual sites to come back with development plans that meet the zoning text.

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The Zoning Regulations not addressed in the development text are as follows: Maximum building Sizes (Elderly Care Facility, Retail uses), Minimum residential unit sizes, Maximum Building Height, Model Home regulations, Stormwater Drainage, and Landscaping. The Zoning Regulations addressed but only referred to be "...as approved in the Final Development Plan" are as follows: Building Setbacks, Buffering, Parking, Signage, Internal Road System, Pedestrian Circulation, Improvements to existing streets, and Traffic Control, Architectural Design, Phasing, and Location of Service Areas.

The entire staff report that was presented was entered into the application file for the record.

**Public Comments –**

Gilbert Guttentag stated age limited communities are authorized by the Ohio Revised Code by covenants which is decided by the developer but permitted by the State. Trent Stepp stated this may not be something the township can regulate.

Tom Dixon discussed Sections 1307 and 1308 that apply to green space from the Zoning Resolution. Trent Stepp stated that is the old PUD Text. It has been replaced in its entirety. Tom Dixon stated the old regulations did not allow for the green space to be utility easements and asked is it useable green space?

Chris Harkness explained the difference between natural open space and common open space. The common open space is the usable open space.

Connie Klema stated in the text there is an outline regarding the open space. Even though they are not required to put in open space in the professional office area on the east side they are putting in 30%.

David Weber discussed the density calculations that Chris Harkness was using regarding the green space. Chris Harkness stated he did the density this way to compare Cumberland Trail and Cameron Chase developments to show apples to apples. In the conservation residential district they do not exempt out the woodlands. David Weber feels future developments should be better than current developments.

In Section 1805 Density and Open Space B Determining the number of dwelling units permitted, and the percent of open space 1 density calculations explains how to calculate the open space.

Neil Ingle stated there is not any open space in Cumberland Trail; it is a commercial golf course.

Connie Klema suggested the group starts with an area and works through the proposed development.

Gilbert Guttentag stated if you can't build it, it does not help. He suggested they divide into separate committees and look at potential issues then work out the details.

Gary Burkholder discussed the Licking County Prosecutor's opinion and he discussed the deed restrictions that are in Cumberland Trail. The deed restrictions guide the quality of the community. He stated it is the preliminary development plan that he referenced from the Cumberland Trail Development. He would like the green space calculation as part of the text.

Mike Kerner discussed the density issues and the comprehensive plan and would like to follow the Conservation Residential District being one unit per developable acre.

Jim VanDyne stated that he was involved in the Cumberland Trail and Cameron Chase Developments. He would like to see Licking County Planning Commission's requirement what accesses they would require. He would also like to see where the traffic lights would be proposed. The applicant recommended taking one section at a time and reviewing them and he agrees with that. Mike Kerner said the Zoning Commission is not in the business of designing subdivisions.

Trent Stepp thanked Connie Klema for coming out tonight. He feels the Zoning Commission should have input and let them design it. Trent stated that townships cannot regulate the same as a municipality. He discussed annexation issues. The referendum process will play into our discussions. He discussed deed restrictions and ways the developer can enforce the development with age restrictions, woodlands, and building materials. He discussed usable open space. The overall impact is a concern of his in comparison to all General Business or R1. The overall impact seems to be more positive then straight zoning options.

Bill Young feels it is too far out of compliance with the comprehensive plan. He feels it is lacking a significant preliminary plan. It is not our job to design the development but we are here to approve it.

Robert Essex thanked Connie Klema and the public for coming out. He does not see why we would want to deviate greatly from the plan. He would like history of how they came up with the comprehensive plan. He would like to know more about the impact to the schools. He feels it is a good start but there is more to do.

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Connie Klema stated she would meet with individuals on her own and refine the text to present to the Zoning Commission.

Jim VanDyne moved to recess the public hearing at 9:55 p.m. and to continue the hearing and reopen the hearing at the February 2<sup>nd</sup>, 2011 Zoning Commission meeting. The motion was seconded by Mike Kerner and the roll call on the motion was as follows: Mike Kerner, yes; Jim VanDyne, yes; Trent Stepp, yes; Bill Young, yes; and Robert Essex, yes. The motion passed 5-0.

The JBW Properties Public Hearing agenda item was completed and, after a procedural discussion about moving from a recessed public hearing back into the regular meeting, closed to further discussion.

**Public Comments –**

Claudette VanDyne of 7173 Refugee Road is a member of the Comprehensive Planning Committee and discussed the density permitted in the Comprehensive Plan for State Route 310. She has concerns with the density of the proposed plan and that it follows the Comprehensive Plan. The Comprehensive Planning Committee has been meeting for over two years and the 310 Corridor portion was focused on individually and approved as a separate portion. She is very proud of the work this committee has accomplished and approved.

Chairman Stepp adjourned the meeting at 10:001 p.m.

Approved Jan 19 2011

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

Laura Brown  
Laura Brown, Clerk

Trent Stepp  
Trent Stepp, Chairman