

August 14,

2018

Held \_\_\_\_\_

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The Etna Township Zoning Commission met on August 14, 2018 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 6:00 p.m. by Chairman Painter. The Pledge of Allegiance was recited. Roll call showed the following members present: Litichia McIntyre, Dave Olson, Mark Painter, Lisa Loudenslager, Josh DiYanni, and clerk Laura Brown.

Dave Olson moved to adopt the agenda. The motion was seconded by Josh DiYanni and passed without objection.

#### **Zoning Commission Announcements and Comments – None**

#### **Minutes**

Lisa Loudenslager moved to approve the minutes for July 24, 2018. The motion was seconded by Dave Olson and passed without objection.

#### **Public Hearing - Recessed July 10 and 24, 2018**

##### **Countrytyme**

Mark Painter opened the public hearing at 6:05 p.m. for the Zoning Amendments AM-18-04 and 05 submitted by Countrytyme Land Specialist LTD for the properties at 11023 and 11146 Palmer Road to rezone from Agricultural District (AG) to Suburban Estate Residential District (SER).

Mark Graham of 3451 Cinn-Zanesville Road representing Countrytyme provided an email from the Licking County Engineer's office. The email was contradicting because it stated it meets the 495 feet but need a variance for the 550 feet for the driveway spacing. The applicant just received this today and did not have time to clarify this with the Engineer's office. The applicant will still need to clear the area.

##### **Public Comments**

John Kinnard of 10785 Palmer Road discussed the concerns with broken tiles which are causing drainage issues. There are two gravestones dated from the 1800's on the property. On one of the properties that sold the owner has brought in dirt. He feels the requirement of five acres should remain and is opposed to the rezoning.

Jeff Longhenry of 3451 Cinn-Zanesville Road representing Countrytyme discussed the barn that was restored. The property owner has fixed numerous tiles on the property. The Health Department was on the property and the tile issue has been corrected. There are two gravestones between Tracts 7 and 9. They found them when clearing the property. They immediately contacted the realtor and the previous owners who did not know they were there. They are planning on setting the gravestones back up and restoring them. The drainage issues Mr. Kinnard is referencing is on Tract 7 not on the properties being rezoned. They have installed a catch basin to help with the drainage issues on the property.

Harold Rowand of 11438 Palmer Road discussed the drainage issues in the area and feels the water issues are from the new developer. Harold Rowand discussed deed restrictions and inquired on any deed restrictions for their properties. The gravestones belonged to Harold Rowand's wife's family. They go back to 1913 or 1914. They had a house on that property. They Zoning Commission received pictures of the two gravestones. The drainage issues were discussed.

Mark Graham stated the house that was referenced that had dirt brought in does not belong to them and is next to their property. The drainage in this area would be off of Tract 1 and drains to the south. The deed restrictions on their properties are very light because the township's zoning was good enough. Their deed restrictions were addressing hog farms.

Harold Rowand explained where the water is coming from causing the drainage issues. This area does not affect the properties on Palmer Road that the applicant has requested the rezoning on.

Jeff Longhenry showed the Zoning Commission where there was a low area that ponds up and they fixed an existing pipe that goes to the catch basin that helped drain this area. This area is on Tract 1.

The Zoning Commission discussed the driveway issues and the information from the Engineer's office which is confusing. The driveway locations were discussed. The developer will provide access to the grave stones that are located north of the properties they are requesting the rezoning on.

Mark Painter moved to close the public hearing at 6:40 p.m. The motion was seconded by Lisa Loudenslager and passed by unanimous affirmative vote.

Held \_\_\_\_\_ 20 \_\_\_\_\_

Mark Painter moved to recommend to the Board of Trustees to approve Zoning Map and Text Amendment AM-18-06 submitted by Countrytyme Land Specialist LTD for the properties at 11023 Palmer Road, Parcel # 010-017832-00.002, Tract 9 to rezone from Agricultural District (AG) to Suburban Estate Residential District (SER) contingent upon LCPC's approval of a variance (For the driveway access). The motion was seconded by Lisa Loudenslager and passed by unanimous affirmative vote.

Mark Painter moved to recommend to the Board of Trustees to approve Zoning Map and Text Amendment AM-18-06 submitted by Countrytyme Land Specialist LTD for the properties at 11146 Palmer Road, Parcel # 010-017832-00.001, Tract 8 to rezone from Agricultural District (AG) to Suburban Estate Residential District (SER) contingent upon maintaining access to the gravesites and contingent upon LCPC's approval of the variance or line of site distance for driveways. The motion was seconded by Dave Olson and passed by unanimous affirmative vote.

**A.D. Farrow Final Development Plan**

Bob Althoff the owner of A.D. Farrow Dealerships explained the Final Development Plan is the same as what was presented for the Preliminary Development Plan. The water issues on the property have been finalized and the site has been cleared. They want to get some site work and grading done this fall because it is wet in the spring. They want to have the building finished in February of 2020.

Kevin Kershner with Stantec Consulting Services presented the Final Development Plan for the township. The plan addresses the site work but do not have the information for the buildings or signage at this time. The developer will have additional TRC meetings with Licking County Planning Commission to finish the development.

The Zoning Commission discussed the original request for a projection sign. The water tower concept with projected signage is not going to be constructed on this site. The district is relocating the water tank to another site. Modifications that change the physical characteristics of the development must be approved by the Zoning Commission.

The process was discussed on whether this is a Final Development Plan with just site work. The Final Development Plan is approved. Some of the modifications can be approved by the Zoning Inspector and if they need variances those are approved by the Board of Zoning Appeals board. This approval is for the Final Development Plan.

Mark Painter moved to recommend to the Board of Trustees to approve the proposed Final Development Plan, site improvements, from Stantec Project Number 173409137 dated 05-08-18 submitted by Stantec for property owner A.D.Farrow for land located on S.R. 310 (Hazelton-Etna Road) North of I-70 (parcel number 010-017460-01.000) approximately 13.373 acres. The motion was seconded by Josh DiYanni and passed by unanimous affirmative vote.

**Broyles Family Farm**

John Singleton, Zoning Inspector, provided the history on the Broyles Family Farm rezoning. The zoning was approved March 29, 2001. This was approved under the existing Planned Unit Development under Article 13. The plan expired after five years. The Zoning Resolution at the time reverted the zoning back to the original zoning after five years if the development did not start so the Trustees at the time passed a resolution to revert the zoning back. This year we found that in accordance with the Ohio Revised Code the process at the time did not legally revert the zoning back so the PUD zoning still exist. This was reviewed by the Licking County Prosecutor's Office. The administrative process is done by the new text in the Zoning Resolution. The Preliminary Plan has to meet the Development Text that was approved.

Glen Dugger is an attorney representing Broyles Farms provided some history. If the property owner has a zoning you have to go through the exact same process that rezoned the property to revert it back. This means the PUD Zoning is still in place. The Preliminary Plan expired and needs to be approved to start the process. The plan from 2002 and the plan that is before the Zoning Commission this evening are almost identical. The changes are because of new regulations regarding storm water and water quality. The plan complies with the 2002 zoning. Both plans have the same street layout, 193 lots, on 83 acres, and there is 23 acres of open space. They are all single family houses. This property is west of the new high school location.

The Zoning Commission discussed Article 13 and the previous process. The legal process was not followed to revert the zoning back to agricultural.

Mike Reeves is the site engineer with Kimley Horn explained the new regulations that started in 2006 regarding water quality. This would apply to fertilizer in yards or drippings from vehicles. The required street width has been changed to 36 foot wide to meet the Licking County Engineer's requirements.

# RECORD OF PROCEEDINGS

0189

Minutes of

Meeting

Etna Township Zoning Commission

DAYTON LEGAL BLANK, INC., FORM NO. 10148

August 14,

2018

Held \_\_\_\_\_

20 \_\_\_\_\_

The development does require sidewalks. There are two entrances into the development, one on Smoke Road and one on Refugee Road. The development will be done in phases. The developer has worked with Southwest Licking Community Water and Sewer District regarding services and there will need to be improvements for sewer to do this development. The project is being presented in phases.

The homes are planned to be 193,000 square foot. The Homeowners Association will be responsible for all of the open spaces. The floodplain areas were discussed. None of the lots are in the floodplain areas. The detention areas should help with the wet areas. They do not have a defined building and the houses submitted were just examples. The houses have to have a minimum of 1,000 sq. feet of living space. They are required to have two car attached garages. They have 193 lots but one lot is the existing house so they will be building 192 new homes. They do not have a floor plan for the houses at this time.

John Singleton verified that per the Prosecutor's office the zoning is in place and the process to follow is in the current Zoning Resolution. This was a verbal opinion but he could ask for a written opinion. The development text governs the Preliminary Plan.

Glen Duggar explained there were additional buffering requirements in 2002 that will still be required along the entrance by Refugee Road for evergreen trees. The applicant previously received variances from Licking County and the township. The township variances were not provided in the application packet.

This is not a public hearing so neighboring property owners do not get notified. The rezoning was in 2002 and that is when the property owners are required to be notified.

The original 78.95 acres was without the homestead and with a new survey the total acres is 82.9 acres.

Dave Olson moved to recommend to the Board of Trustees to approve the proposed Preliminary Development Plan from Kimley Horn Project No. 190010001 dated 07-02-18 submitted by Wilcox Communities for property owner Broyles Farm LTD parcel numbers 010-016842-00.000, 010-017934-04.001, 010-017134.04.000, 010-017939-06.00 approximately 82.9 acres. The motion was seconded by Josh DiYanni and passed by unanimous affirmative vote.

The board will not meet again until September.

Lisa Loudenslager moved to adjourn at 8:02 p.m. The motion was seconded by Litichia McIntyre and passed without objection.

  
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Laura Brown, Clerk

  
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Mark Painter, Chairman