

Held _____ 20 _____

The Etna Township Zoning Commission met on January 8, 2019 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 6:07 p.m. by Chairman Painter. The Pledge of Allegiance was recited. Roll call showed the following members present: Litichia McIntyre, Dave Olson, Mark Painter, and Josh DiYanni and clerk Laura Brown. Lisa Loudenslager was excused.

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

Zoning Commission Announcements and Comments – None

Minutes

Dave Olson moved to approve the December 11, 2018 minutes. The motion was seconded by Litichia McIntyre and passed without objection.

New Business

CRG Etna Park 70 - East Preliminary Development Plan

Amanda Spencer with Hull and Associates provided the Zoning Commission with an update. The truck stop that is being built next to this project has provided CRG with a letter of intent to permit CRG to revise the entrance to line this entrance up with the entrance on the west side of S.R.310. This entrance will be revised on the Final Development Plan. The Board of Trustees approved the rezoning. The public road on the west side of the property will not connect to Smoke Road. Residential development was added to the text for the east side of the property that fronts Smoke Road.

Mark Painter moved to recommend to the Board of Trustees to approve of the proposed Preliminary Development Plan submitted by CRG Acquisitions, LLC for property owner Warner Farms Development Limited for land located on S.R. 310 (Hazelton-Etna Road) South of I-70 (parcel number 010-018132-00.000) approximately 133.99 +/- acres. The motion was seconded by Dave Olson and passed by unanimous affirmative vote.

Public Hearing

Mark Painter opened the public hearing at 6:17 p.m. for the application submitted by Linden Avenue, LLC for approximately 3.01 acres located at 9265 Watkins Road, Parcel Number 010-016728-00.003, to rezone from Local Business (LB) to General Business (GB1).

The applicant, Bruce Schultz, is the sole owner of Linden Avenue LLC and is a preferred developer for the Dollar General stores. The request to rezone to General Business is to permit a Dollar General Store. He feels in the Etna Township Comprehensive Plan the Local Business District is designed for convenience shopping and service and he discussed the permitted uses in Local Business District. He discussed placing restrictions on all the other uses in a General Business. The NAICS Code for Dollar General Stores is not permitted in the Local Business District. The NAICS Code is only permitted in a General Business District.

Chairman Painter explained this would be spot zoning and the Comprehensive Plan shows the east side of the township as agricultural. There are other properties zoned General Business in the township that would permit a Dollar General Store.

Bruce Schultz stated the proposed building is 9100 square feet. The only issue for them to develop on this property is the Local Business District does not permit this NAICS Code. The entrance would be on Watkins Road. Bruce Schultz provided the board with a proposed site plan.

Bernie Caplin represents the property owner to the south of this property across National Road and he feels the Etna Township Comprehensive Plan is a guideline. He feels this would be a good use for this property and supports this use.

Park Shai represents the property owner for this parcel. The previous request was done as a text amendment for the gasoline station. Park Shai stated the zoning code as written allowing a convenient store without a gas station made them scratch their head. Park Shai feels that Bruce Schultz is an excellent developer. Park Shai discussed the Etna Township Comprehensive Plan and feels this corner is designed for commercial. At the previous meeting one of the surrounding property owners stated they would like a Dollar General Store or a Family Dollar Store. If the township feels the Dollar General Store fits here what can be done to permit it.

Mark Painter has an issue with spot zoning and rezoning the property to General Business District. Mark Painter is not clear to why a Dollar General is not permitted under local business.

DAYTON LEGAL BLANK, INC. FORM NO. 10148

January 8,

2019

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Zoning Inspector, John Singleton, explained why the Dollar General NAICS Code prohibits them from being in the Local Business District. This NAICS Code 452319 is listed in the General Business District. The Zoning Commission discussed the Licking County Planning Commission Staff Report stating the local commercial land use will be designed to provide convenience shopping and service delivery for the day-to-day needs of consumers in this planning area. This was from the Etna Township Comprehensive Plan. They feel this type of business fits this. The Zoning Commission discussed whether this business is good for the township and whether this is spot zoning.

John Singleton explained that there are forty-four permitted uses within Local Business and only five of them are retail. There are four hundred and fifty permitted uses within General Business. The deed restrictions are only as good as the current property owner and the township cannot enforce the deed restrictions. Mark Painter suggested we talk with the county attorney and see if it is possible to include that code in Local Business. To include this use in the Local Business District it would take a text amendment. The Zoning Commission discussed the process to add the NAICS Code 452319 into the Local Business District. Mark Painter stated he would ask the township attorney if the township could change this with a text amendment and feels this is simpler than rezoning to General Business District. This NAICS Code 452319 is listed in the General Business District under 452990. This code was updated by the NAICS since the Zoning Resolution was approved. The Zoning Commission confirmed with the Zoning Inspector that this does not fall under the NAICS Codes in Local Business. The NAICS Code 452319 is specific to the Dollar General Stores and to be permitted in the Local Business District a text amendment would have to be approved. The Zoning Inspector explained that tonight we are here to determine the rezoning request and not whether it fits in the Local Business District.

Mark Painter moved to recommend to the Board of Trustees to deny the Zoning Map amendment that was submitted by Linden Avenue, LLC for approximately 3.01 acres located at 9265 Watkins Road, Parcel Number 010-016728-00.003, to rezone from Local Business (LB) to General Business (GB1). The motion was seconded by Dave Olson. The roll call was Litichia McIntyre, abstain; Dave Olson, yes; Mark Painter, yes; and Josh DiYanni, yes; motion passed.

Old Business

The Zoning Commission held a work session regarding concerns with the Accessory Structure section of the Zoning Resolution. Chairman Painter provided feedback from the Prosecutor's office regarding how the township is permitted to regulate accessory structures. It was discussed using a flat number by Zoning District not by acreage. Mark Painter and Josh DiYanni are going to set up a meeting with the Prosecutor's office for clarification.

Public Comments - None

Dave Olson moved to adjourn at 7:29 p.m. The motion was seconded by Litichia McIntyre and passed without objection.


Laura Brown, Clerk


Mark Painter, Chairman