

RECORD OF PROCEEDINGS

0261

Minutes of

Meeting

Etna Township Zoning Commission

DAYTON LEGAL BLANK, INC. FORM NO. 10148

September 14,

2021

Held

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The Etna Township Zoning Commission met on September 14, 2021 in the Etna Township Hall for the purpose of conducting a regular meeting. The meeting was called to order at 6:00 p.m. by Chairman DiYanni. The Pledge of Allegiance was recited. Roll call showed the following members present: Litichia McIntyre, Dave Olson, Josh DiYanni, Roger Hayes, Alesia Zacher, and clerk Laura Brown.

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

**Minutes**

Dave Olson moved to waive the public reading and to approve the July 27, 2021, meeting minutes. The motion was seconded by Litichia McIntyre and passed without objection.

**Public Hearings**

Chairman DiYanni opened the public hearing at 6:02 p.m. for the application submitted by Consuella and Phillip Oliver for 9616 Mink Street to rezone from General Business District (GB-1) to Medium-low Density Residential District (R-2).

Zoning Inspector John Singleton provided a written Staff Report that the Zoning Commission reviewed.

Rebecca Mott with Plank Law Firm presented for the applicant/property owners of 9616 Mink Street. The property is 4.31 acres zoned GB-1 General Business District with a single-family residence on it. The surrounding properties are predominately single-family residences but zoned General Business. The applicant is requesting a rezoning to the R-2 Medium-low Density Residential District because this is the highest density single-family duplex residential zoning classification that exists in the township. The township removed high density zoning in 2014 from the map and the code. This application was filed in conjunction with a Use Variance which will go before the Board of Zoning Appeals on September 27<sup>th</sup>. The Use Variance is for a multi-family residential project in the R-2 zoned classification. A land planner retained by the property owner feels this is the best use for the property and a better fit then the currently permitted uses in the General Business District. Rebecca Mott stated the traffic would have been considered when the property was rezoned to a commercial district. This request is a down zoning from the commercial district. The property shape and configuration along with the flood plain make it difficult to develop. The flood plain will be preserved. This development will help house the employees of the local industrial boom in the area. On page sixty-four of the Comprehensive Plan it states the need to provide housing for younger adults, empty nesters, students, and people who want to live in apartments or condos. The proposed rent for the units would be between \$1,050.00 to \$1,300.00 per month per unit with twenty units. There is only one access to Mink Street with a fire emergency loop. The proposed development would have mix of one, two, and three bedrooms with garages. This is just a concept site plan for the rezoning.

Dave Olson discussed the flood plain area. Rebecca Mott explained the 100 year flood plain. No structures will be permitted in flood plain area.

**Public Comments**

Mark Evans of 91 Olde North Church requested the board reject the request, it is not part of the Comprehensive Plan because the multi-family higher density developments are located in the Northwestern quadrant of the township. Mink Street is already experiencing high density traffic.

Charles Hagy of 14097 Palmer Road is in favor of this development.

Rebecca Mott stated the Use Variance will be heard by the Board of Zoning Appeals and this hearing is for the rezoning to the R-2 District only. In 2014 the township removed all the multi-family zoning which Rebecca Mott feels is illegal. The Use Variance will apply to the property whether it is zoned General Business or R-2 District. This project will be a lower traffic use than the commercial uses currently approved. Rebecca Mott feels the traffic would have been handled when it was zoned to commercial and this is a down zoning. She respectfully requests the approval of the rezoning.

The Zoning Commission discussed water issues on this property and the 100 year flood plain. The developer may have some elevation issues. The flood plain designation was discussed regarding location and whether it will need to be removed from the flood plain. This is just preliminary and the engineering has not been down on this development at this time.

The Licking County Planning Commission staff and board provided a non-binding recommendation of denial. Rebecca Mott explained that the Zoning Commission and Licking County Planning Commission are both just recommending bodies.

The Zoning Commission discussed waiting for the Zoning Inspector's opinion on these issues. The thirty day requirements regarding the recommendation to the Board of Trustees after closing the public hearing were discussed. Rebecca Mott does not have an issue waiving the thirty day requirement but wanted to be able to discuss any issues that the Zoning Inspector may have regarding the rezoning. Chairman

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DiYanni explained that she would have the opportunity to discuss any concerns along with the Zoning Inspector and to answer any questions that the Zoning Commission may have. The public hearing would be closed but it would be in a public meeting similar to this evening. The timeline was discussed and when the hearing would be scheduled. The timeline with the Use Variance was discussed. The Zoning Inspector provided an outline similar to Licking County Planning Commission. The adjacent property owners were mailed letters. Josh DiYanni stated if Rebecca Mott is willing to waive the requirement, then he would rather close the public hearing and table the decision to next month. Rebecca Mott said that was fine.

Roger Hayes moved to close the public hearing at 6:31 p.m. The motion was seconded by Litichia McIntyre and passed by unanimous affirmative vote.

Josh DiYanni moved to table the decision whether to approve, deny, or approve with modifications the application submitted by Consuella and Phillip Oliver for 9616 Mink Street to rezone from General Business District (GB-1) to Medium-low Density Residential District (R-2) until a date certain. The motion was seconded by Roger Hayes and passed without objection.

Chairman DiYanni opened the public hearing at 6:33 p.m. for the application submitted by Al Neyer LLC for properties 9818 Palmer Road, 10156 Palmer Road, 10829 Hazelton-Etna Road and Parcel #010-016884-00.000 from Agriculture (AG) and General Business District (GB-1) to Planned Mixed-Use Development District (PMUD).

Zoning Inspector John Singleton provided a written Staff Report that the Zoning Commission reviewed.

John Bumgarner representing Al Neyer presented for the applicant. The applicant is requesting a rezoning of four parcels with three different owners. All three owners are present this evening. This will be approximately one hundred and fourteen acres when combined. The request is from Agriculture (AG) and General Business District (GB-1) to Planned Mixed-Use Development District (PMUD). The applicant has met with the township, Licking County and the school board. The Licking County Planning Commission provided recommendation for approval. The applicant feels it relates to the comprehensive plan and is designated as local business, commercial, and agricultural. Since 2011 the characteristics have changed in this area. The PMUD Text submitted are similar to others that have been submitted recently. They are aware of site specific concerns that will need to be addressed. They will make improvements to SR310 and Palmer Road after conducting traffic studies. The applicant will be happy to discuss in detail the concerns in John Singleton's Staff Report. John Bumgarner discussed the concern and recommendation of the sound wall or landscape berm. The development will be lined up where it dead ends into SR310 by Power House Auto, the primary entrance will be off of SR310. The bike path or walking path will be on their property along SR310 also. The location of the properties were confirmed.

Roger Hayes inquired on how this was site selected. John Bumgarner stated it is a large contiguous parcel which is essential along with only having three property owners. It was being marketed via a broker.

#### Public Comments

Mark Evans of 91 Olde North Church stated the Licking County Planning Commission conditionally approved the rezoning. They mention it does not meet the Comprehensive Plan and that the township's actions over the past five years disregarded that plan and it fits what is in the area now. The buffer should be increased with this being against residential property and there are concerns with noise and lighting. Mark Evans feels this community needs more stores and commercial uses.

Patricia Hayes of 10910 Smoke Road stated this is right behind their home and they moved into this area for the rural character and does not want warehouses. The Comprehensive Plan should be followed. She urged them to turned down the rezoning.

Greg Boles of 10107 Palmer Road discussed this section of Palmer Road being controlled by Liberty Township.

Lauryn Francisco of 10343 Smoke Road moved here for the rural area and inquired on why this type of development would be put in a residential area. She also requested the remaining portion of this property be zoned to agricultural to leave it rural.

Jessica Dewitt of 9771 Palmer Road is on the Liberty Township side of Palmer Road and moved out to this area for the rural atmosphere and does not want a warehouse here. She does not feel this is the area for a warehouse where people want their animals and quiet and urges them to deny it.

Jim Cotugno of 10156 Palmer Road supports the program and stated Fairfield County has discussed commercial south of this area with SR310 becoming a commercial corridor and stated it would be good with the buffers done correctly.

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Charles Hagy of 14097 Palmer Road is an adjoining property owner is in favor of this project and hopes they pass it unanimously.

Leah Harvey of 12149 Palmer Road has lived on Palmer Road her entire life and understands people's concerns and wanting the community to remain rural. Until she married a farmer she did not understand the work it takes to be a farmer. If the residents want to keep the area rural then they need to research what it takes to farm. She totally supports this development.

Kevin Harvey of 12149 Palmer Road supports this development and feels it is close to I70 on SR310.

Fred Harvey of 12642 Palmer Road stated his son is a fourth-generation farmer in this area and Fred has been farming all of his life. He remembers when everything was agricultural. Everything is subject to change and the Comprehensive Plan is just a plan. He feels this is a logical location on a State Route near the interstate. Mr. Harvey presented fifty-seven signatures (letters) in support of the rezoning. The farmers are being crowded out because of development. There are many housing developments that they used to farm. He feels this is a nice plan.

John Kennard of 10785 Palmer Road supports the rezoning and feels progress is here. They need to purchase the acres to keep it green. The farmers sell property for retirement. People come out to Etna from Columbus for the rural atmosphere.

Kevin Crawford of 10123 Loop Road supports the rezoning. The people moving here from the city are pushing out the farmers.

Crystal Kirk of 10776 Smoke Road has lived in this area for twenty-five years and purchased here because it is rural. She realizes there will be development and discussed her property values. She is opposed to the use on this development. She would rather see residential.

Connie Heim of 10293 Smoke Road stated she already has a large warehouse coming in front of her property. She wanted to know when all the warehousing was going to stop and would rather see five acre residential lots.

Peggy Schoffner of 9741 Palmer Road lives two hundred feet from this development and verified it is warehouses. She is concerned with her property value, traffic, noise, and light pollution. She is very much against this development.

John Bumgarner with Al Neyer thanked both sides for their comments. He discussed the required buffers and stated it will be part of the PMUD Text Approval. They are willing to work with the township regarding the types of buffers, setback, and they want to be good neighbors. Their understanding is that Etna Township owned Palmer Road and they will do what needs to be done on Palmer Road.

Chairman DiYanni discussed the process regarding the thirty day requirements regarding the recommendation to the Board of Trustees after closing the public hearing was discussed. The Zoning Commission would like to be able to review this with the Zoning Inspector. John Bumgarner agreed to waive the thirty day requirement.

Litichia McIntyre move to close the public hearing at 7:10 p.m. The motion was seconded Alesia Zacher and passed by unanimous affirmative vote.

Josh DiYanni moved to table the decision to approve, deny, approve with modifications the application submitted by Al Neyer LLC for properties 9818 Palmer Road, 10156 Palmer Road, 10829 Hazelton-Etna Road and Parcel #010-016884-00.000 from Agriculture (AG) and General Business District (GB-1) to Planned Mixed-Use Development District (PMUD) to a date certain to be determined. The motion was seconded by Roger Hayes and passed without objection.

**New Business** - The Zoning Commission will have two public hearings on October 12, 2021.

**Public Comments –**

Steve Holloway 11047 York Road verified the process with the PMUD rezoning.

Mark Evans of 91 Olde North Church asked if a warehouse has ever been denied before and they did not know.

Dave Olson moved to adjourn at 7:17 p.m. The motion was seconded by Alesia Zacher and passed without objection.

  
Laura Brown, Clerk

  
Josh DiYanni, Chairman