

RECORD OF PROCEEDINGS

Minutes of

Etna Township Zoning Commission

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

November 5th,

2008

Held

20

PUD Public Hearing

The Etna Township Zoning Commission met in the Etna Township Hall on November 5th, 2008 for the purpose of conducting a regular meeting along with a public hearing. The entire meeting was audio taped and the public hearing was also video taped for the township records. The meeting was called to order at 7:01 p.m. by Chairman Stepp with the following members present: Dan Bravard, Randy Snider, Bill Young, Trent Stepp, Jim VanDyne, and Clerk Laura Brown. For the record alternate Mike Kerner was in attendance. The pledge of allegiance was recited.

Jim VanDyne moved that we adopt the agenda. Bill Young seconded and the motion passed without objection.

Dan Bravard moved to waive the public reading and to approve the minutes from the October 15th, 2008 meeting. Jim VanDyne seconded and the motion passed without objection.

Dan Bravard moved to waive the public reading and to approve the minutes from the October 22nd, 2008 special meeting. Bill Young seconded and the motion passed without objection.

Jim VanDyne moved to open the public hearing on Text amendments to the zoning resolution to amend Article 2 Definitions and to add Article 17 Planned Residential Districts, Article 18 Planned Conservation District with Map Amendment, and Article 19 Planned Commercial Development District Type B. Bill Young seconded and the vote in favor was unanimous.

Trent Stepp reviewed the timeline for the rezoning. Trent Stepp stated the Licking County Planning Commission met on October 27, 2008 and the Staff Report was received along with the letter of recommendation. The Licking County Planning Commission recommends Etna Township deny the proposed amendments until such time as the issues with the process and defining which board has approving authority are addressed and/or clarified.

The Staff Report addressed several recommended changes. The reference in Article 17 to Section 1702 should be 1704 and 1703 should be 1710. The Zoning Commission discussed the concerns with which board has the approving authority. Licking County Planning Commission stated it is unclear whether it is the Zoning Commission or the Board of Trustees. Ohio Revised Code 519.21 is clear that one or the other shall have the approving authority but it can not be both. Under Sections 1703, 1802, and 1903 the Licking County Planning Commission has concerns with the Process. They understand the law to have the zoning map amendment ^{first} and then the plan review would occur in accordance with the adopted district regulation.

Jim VanDyne moved to recess the public hearing until November 12th, 2008 at 7:00 p.m. Dan Bravard seconded and the motion passed unanimously.

The Zoning Commission started to review the recommended changes from Licking County Planning Commission. Licking County Planning Commission and the Prosecutor's Office feel the process should be approve the rezone and then the plan. MSI and Phil Laurien feel the plan and the rezone can happen together. The rezoning had to be done prior to the plan approval.

Bill Young recommended the following for Section 1703 Process Item B. to the following: B. Rezoning Request and Preliminary Plan Submission. Upon application for a rezoning to a PRD the owner or owners of lots or land within the township must submit a Preliminary Development Plan with that request. This stage of the process shall conform to Article 6 – Amendment of the Etna Township Zoning Resolution and is a legislative function of the township and therefore subject to referendum. The procedure to rezone real property to a PRD-1 or PRD-2 must meet the requirements of §519.12 of the Ohio Revised Code. Upon approval of the rezoning request by the township Trustees the Preliminary Development Plan submitted with the rezoning request shall become effective. This corresponding approval of the Preliminary Development Plan is an administrative act and is subject to appeal per Chapter 2506 of the Ohio Revised Code.

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The Zoning Commission agreed to change the 5' contour intervals to 2' contour intervals as recommended by LCPC. In Article 19 Preliminary Development Plan Application make this consistent with Section 1703. Mike Kerner suggested in Section 1704 reword to read "located between the east side of Mink Street and the West side of Smoke Road." Under Section 1703 (B)(1)(c) reference Section 1705 Density and Open Space. This change will also apply to Section 1802(B)(1)(c) as well. Under Section 1703 Process (B)(1)(K) will read "Preliminary Traffic Impact Analysis based upon new trip generation rates as specified in either the Licking County Subdivision Regulations Article 8 and/or the International Transportation Engineering Standards the more restrictive standard shall govern." This will also be changed in Section 1802 (B)(1)(k) and Section 1903 (B)(1)(j) as well. In Section 1703 Process (B)(1)(m) change to read "Emergency service provisions (letter from fire and police/sheriff departments stating whether or not services are available, capacity, and any regulatory requirements that need to be met.) This will need updated in Sections 1802 and 1903 as well. Section 1703 Process (B)(2) the word should needs changed to shall. Section 1703 Process (B)(3) The Board of Trustees will approve the extension not the Zoning Commission.

Throughout all three articles when referencing the Zoning Commission and Trustees recommending approval reword to read "Zoning Commission may recommended and the Board of Trustees may impose"

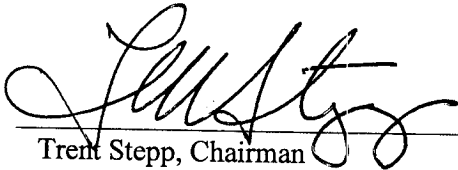
Public Comments

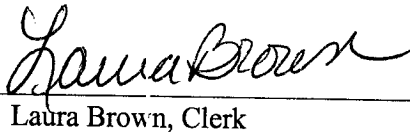
Mike Kerner reviewed a seminar he attended regarding Planned Unit Developments. It is required to promote general welfare.

Trent Stepp adjourned the meeting at 9:34 p.m.

Approved Nov 19, 2008

Approved as corrected/amended _____


Trent Stepp, Chairman


Laura Brown, Clerk