

**WESTFIELD TOWNSHIP
BOARD OF ZONING APPEALS
PUBLIC HEARING
September 8, 2009**

PUBLIC HEARING

Chair Schmidt called the public hearing of the Westfield Township Board of Zoning Appeals to order at 7:34 p.m. Permanent Board members Micklas, Daugherty, Oiler, Simmerer and Schmidt were present. Alternate Board members Kramer and LeMar were also in attendance as well as Tim Kratzer, Ken & Gloria O'Brien, Rod, Meta and Debbie Frambaugh, Scott & Christine Miller, Debbie Mitchell, John Semmelroth, Daryl Kubilus, Heather Sturdevant, Ed Shearson and Mildred Frambaugh.

VARIANCE REQUEST

**Cloverleaf School District variance requests for new elementary school-8337
Friendsville Rd.**

The applicant, Mr. Ed Shearson from TDA Architects on behalf of Cloverleaf School District was sworn in. Mr. Shearson began by stating the District has made every effort to address and comply with the zoning code regulations but because this site is for a school, some of the regulations could not be complied with due to the constraints of the property and what was proposed to be built.

Mr. Shearson gave a brief background and description of the site plan for the school. The site consists of 48 acres. The building sits far back from Buffham and Friendsville Rd. in the northeast corner of the site. The building is 137,000-sq. ft. and 2 stories in height. The grades levels the new school would house would be K-4 consisting of approximately 1200 students. The site consists of two parking lots, the building, playground lots in the front and rear, grading for a softball field as well as a multi-use field and retention basins for storm water management. Mr. Shearson stated there was also a high-pressure gas main (Columbia Gas) with a 30-ft. easement, which cut the site in half and restricted compliance of all the zoning regulations.

Mr. Shearson continued that other constraints of the site were a ravine and a large wooded area that is a wetland concern per the Army Corp. of Engineers. The Corp. requires a 25-ft. buffer around the stream in the wetland areas. This ate up useable area of the site. The bus lot would be right in front of the building that would also be used for parking for evening events at the school. The buses would enter and exit out the north and south drives instead of the potential congestion of using only one drive for bus circulation. There would also be a staff and visitors parking area which would enter along the new proposed drive on Buffham Rd. and park or continue out the south drive. The staff consists of approximately 130 people. There are 136 parking spaces provided and room for 28 buses in the front of the building.

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Regarding event parking in the evening when buses were not there, Mr. Shearson stated that there would be a total of 241 parking spaces available between the two lots provided. There is a service area that would be walled in at the north part of the building that would consist of the chiller, dumpster, and generator/transformer. There would also be 18 parking spaces provided for the kitchen/maintenance staff. Service trucks would use the north drive for access. Lastly Mr. Shearson added that the site plan also shows a small, future expansion of 8 classrooms that is planned to move forward in the next 3-5 yrs.

The variance requests were then proceeded with individually:

1. Violation, rear fence height is 10' at basketball courts shown at the rear of the project. Height variance requested-Rear yard 6' height maximum allowed per Section 205.B. Mr. Shearson stated a higher fence was needed to control the activity during play. The fence would be just for the basketball courts and may extend a few feet beyond the court area.

Mr. Simmerer stated he felt because the school was in the RR District; the strict compliance of the requirement was not in the spirit of the Resolution for the fence variance request. Mr. Shearson stated that schools are a permitted use in the RR District.

Mr. Simmerer made a motion to grant a 4-ft. height variance of Section 205 B. for the height of the fence for the basketball courts for Cloverleaf School District for the construction of the new elementary school per the site plan application submitted. It was seconded by Mr. Oiler.

ROLL CALL-Simmerer-yes, Oiler-yes, Daugherty-yes, Micklas-yes, Schmidt-abstain. The variance request was granted.

2. Violation. Site lighting poles are required to be a maximum of 25 ft. in height per Section 205 G. Some poles are but some poles are 30' in height. Mr. Shearson stated that in the bus lot, with the 25 ft. requirement the light poles (foot-candle spread) on the property line would not reach the center of the bus lot for safety purposes and islands are not possible in the bus lot.

The question was asked how many light poles were proposed to be 30' in height. The answer received was 21. The total number of light poles to be 68. The Board also discussed the foot-candle power of the light poles regarding spillage of lighting onto neighboring property. Mr. Shearson stated the proposed school had to receive a LEEDS certification by the State. The State of Ohio mandates that the certification level of the school needed to be silver and one of the items that are required is site lighting.

Mr. Daugherty stated that he was concerned with the neighbor to the north regarding the proposed pole on the property line in terms of potential light spillage. Mr. Shearson stated that pole would be 1.2 foot-candles. The lights in the parking lot were 1.7 and higher foot-candles. Therefore that specific light pole would be drastically lower.

Mr. Semmelroth (8255 Friendsville Rd.) was sworn in. He asked that he did not know what the lighting was based on-was it reflective light? Mr. Semmelroth stated he was concerned about windows on the school building that would then reflect the light. Mr. Shearson stated he did not feel that would be a concern at night because parking lot lights are low intensity lights. He added the lights in the building would be on a timer so that when the building would not be in use the lights would turn off. The lights on the site can also be programmed to shut off after a certain hour. That could be something the District could consider. The lights on the property line were down acting light not reflective light.

Mr. Simmerer asked if there was an alternative regarding this lighting issue to stay within the 25-ft. height requirement? Mr. Shearson stated no especially not for the bus lot, as the school was required to meet certain standards by the State for lighting for safety purposes. Higher wattage lighting would probably not produce enough throw of the lighting.

Mr. Daugherty commented that it appeared Mr. Semmelroth's residence is 500 ft. from where this light pole would be located. He added he did not believe 1.2 foot-candles would affect Mr. Semmelroth's property. Mr. Shearson stated there was a considerable drop as one went to the rear of the site so from Friendsville Rd. it would be high and then drops off accordingly. He added he would ask the engineer to look at this specific lighting and possibly two light poles instead of one could be installed.

Mr. Micklas asked if some of the light poles at the school would be turned off or would they be on continuously like at the high school? Mr. Kibilus, Superintendent of Cloverleaf School District was sworn in. He responded that he has not had the opportunity at this time to discuss this with the Board of Education. To turn all the lights off at night was a safety concern but no decision has been made at this time.

Mr. Simmerer stated he was looking at features of the school site that made the lighting issue a hardship. Those would be the lay of the land, the creek running through the property and the gas line. The school also had lighting requirements they had to meet and felt the school was doing everything they could to meet the zoning requirement. The variance of 1/3 of the light poles was not a substantial variance.

Mr. Daugherty made a motion to grant a 5-ft. height variance of Section 205 G.4.b. for 21 light poles to be 30 ft. in height per the application submitted for Cloverleaf School District for the construction of the new elementary school. It was seconded by Mr. Oiler. ROLL CALL-Daugherty-yes, Oiler-yes, Simmerer-yes, Micklas-no, Schmidt-abstain. The variance request was granted.

3. Violation, monument signs (2) signs shown at 3'-0" high and 24 sq. ft. each. Note signs are not illuminated. Sign area and quantity variance requested. One (1) sign allowed, maximum height allowed 3', and 12-sq. ft. in area per Section 406.A.

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Mr. Shearson stated the hardship was that Cloverleaf School District desires drives from Friendsville Rd. AND Buffham Rds. For safety and separation of general public from the buses. One sign on Friendsville and one on Buffham Rd. allows for a way-finding sign at each school entry point. Mr. Shearson stated that the school has three entrances on two different streets and the zoning code only permits one sign. He added the size of the signs was consistent with the existing sign for the school on Buffham Rd.

Mr. Micklas questioned if the size of the proposed signs would be large enough to be read. Mr. Shearson stated the school district would like larger signs for such an important building in the community.

Mr. Simmerer asked if there was anything unique about the property to grant two monument signs double the size that was permitted? Mr. Shearson stated the importance of this building to the community warrants a sign the size being requested. He added on Friendsville Rd. there was a rise as you head north on Friendsville Rd. A bigger size sign would help with identifying the school. On Buffham Rd. there were the tennis courts and a parking lot on the south side. This would help visitors to get into that drive. As well as the overall fact that a larger sign would help with the safety factor for the traveling public to the school. Mr. Shearson stated there would also be on-site smaller directional signs to identify different areas of the school in terms of the building and parking.

Mr. Simmerer stated that the signage regulations were for the Rural Residential District which the school happens to be located in. For the school district to request two monument signs double the size of the zoning requirement far exceed the spirit of the zoning regulation. Mr. Micklas agreed.

Mr. Micklas made a motion to deny the monument sign variance request of Section 406 A. in terms of number and size of signs requested per the application submitted for Cloverleaf School District for the construction of the new elementary school. It was seconded by Mr. Simmerer.

ROLL CALL-Micklas-yes, Simmerer-yes, Oiler-no, Daugherty-no, Schmidt-abstain. The variance request was denied.

4. Violation-trees not shown in bus parking lot. Some trees are shown around lot. Tree variance requested twenty (20) or more vehicles in lot, (1) tree per (10) spaces required per Section 505D. Hardship-No islands for trees possible with bus space/turning requirements.

Mr. Shearson stated that the turning radi needed to be wide for the buses. There are trees in the staff/visitors parking lot where there is room to accommodate islands. There were also trees around the site to provide screening as well as landscaping especially along the property lines to the north and the east as well as at the ravine.

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Mr. Micklas stated there were 58 shade trees shown on the site plan as well as 14 flowering trees for a total of 72 new tree plantings. He continued with 241 parking spaces that seemed more than adequate. Mr. Daugherty and Chair Schmidt stated that the code does not address where the trees had to be planted just that there has to be 1 tree per 10 parking spaces. Mr. Shearson stated that they were also restricted from planting because of the gas line easement.

Mr. Oiler made a motion to grant the variance of Section 505D. regarding the number of tree plantings. Trees do not have to be planted in the bus parking lot due to the turn radius required for the buses as well as the factor of visibility. Trees shown on the plan shall be planted per the drawing submitted. It was seconded by Mr. Simmerer.

ROLL CALL-Oiler-yes, Simmerer-yes, Daugherty-yes, Micklas-yes, Schmidt-abstain. The variance request was granted.

5. Violation-Drives shown (3). Access drive variance requested (1) is the maximum number of drives allowed per lot per Section 506.B. Hardship (3) drives provide for better access for life safety vehicles and general public. This also allows for separation of bus and general public traffic for safety and efficiency.

Mr. Shearson stated the School District felt a strong need for 3 drives to access the site. This has to do with public safety and access. Another contributing factor is that two of the drives cross the gas line. The drive on Buffham Rd. is the only drive that does not cross the gas line so if something happened with the gas line or there was work to be done on the gas line this was a safe access to the school. Mr. Shearson continued that the other two drives on Friendsville Rd. provide good access to the bus lot. This would also reduce the bus congestion by providing two more drives on the north and the south.

Mr. Oiler asked if school lights would be installed so that individuals would be aware of buses entering and exiting the school? Mr. Shearson stated there would be standard school zone lights. No traffic study was required by ODOT or the Medina County Engineer or that the school had to install a turn signal or yellow flashing lights.

Mr. Micklas asked if all delivery and truck traffic was going to be restricted to Friendsville Rd. entrances? Mr. Shearson responded the north drive made the most sense but did not want to rule the other drive out Mr. Shearson stated there would be gates at the north end of the bus lot which would further restrict circulation around the site where they are not supposed to be. When the gates are closed at the bus lot, that area would be used for outdoor play activities.

Chair Schmidt stated that schools are a permitted use in the RR District. From a safety standpoint it made sense to have multiple access drives. Mr. Oiler agreed.

Mr. Micklas asked why accommodate bus and truck traffic on the entrance shown on Buffham Rd. where there should be no bus and truck traffic? The entrance was being

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made wider to accommodate something that it would not be used for. Mr. Kibilus stated that deliveries should come in the Friendsville Rd. drive. It would be noted for discussion. Mr. Shearson stated the drive on Buffham Rd. would also be used for emergency vehicle access. Mr. Oiler made a motion to grant the variance of Section 506B. for two additional access drives for a total of three (3) access drives for the Cloverleaf School District for the construction of a new elementary school per the site plan submitted. It was seconded by Mr. Daugherty

ROLL CALL-Oiler-yes, Daugherty-yes, Simmerer-yes, Micklas-yes, Schmidt-abstain. The variance request was granted.

6. Violation-Drives shown are 63' to 69' wide at the Right of way to accommodate bus traffic exiting and entering at the same time. Aprons at the edge of the road are 130' to 137' wide. Access drives variance requested. Drive width maximum allowed is 30' and 80' for truck access drives per Section 506 C. Hardship 30' and 80' drive widths do not accommodate expected bus and semi traffic at entries.

Mr. Shearson added that the reason for the width of the Buffham Rd. drive is to also accommodate three lanes i.e. two out and one in to help with vehicular circulation. The drives, once you get on the property, are a lesser width i.e. 36 ft. wide. The driveway width is 62 ft. on Buffham Rd. so the width falls within the zoning regulations. The Board was of the decision that no variance was required for the access drive widths.

Mr. Shearson stated he would therefore withdraw his request for the access driveway widths.

7. Violation parking space size shown on site plan is 9' x 19.' Parking space size variance requested: 10x20 spaces required per Section 504A. Hardship. Columbia Gas Transmission line bisects the site and reduces the available land for development. The smaller parking spaces allow for a smaller parking lot footprint of the site. This allows more room for other required building elements and reduces storm water runoff.

Mr. Shearson stated that the reason for the parking space size variance request was because of the gas line, wetland areas and the storm water retention requirements that have taken away useable land. He added they went under the public event parking space requirements which was 1 space for every 4 seats. The expected occupancy in the gym was 400 and 356 for student dining so the total was 756. Take that number and divide by 4=189 spaces required and we are showing 224 on the site. If we use the 9x19 parking size spaces the total is 241.

Mr. Kibilus stated as superintendent of the District, he wanted to make sure there would be adequate parking for staff and events. The area for the buses could be used for parking for evening events at the school and would be. Also per the LEED requirements the

school has to meet, there can only be a certain percentage of asphalt that is allowed on the site especially in terms of storm water runoff.

Mr. Simmerer stated he did not feel the variance was substantial and that it would be in the best interest of the school to provide enough parking for staff and visitors alike.

Mr. Oiler made a motion to grant a parking space size variance of Section 504A. for the parking spaces to be 9x19 for the Cloverleaf School District for the construction of a new elementary school per the drawings submitted. It was seconded by Mr. Daugherty. ROLL CALL-Oiler-yes, Daugherty-yes, Simmerer-yes, Micklas-yes, Schmidt-yes. The variance request was granted.

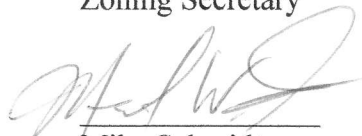
8. Violation. Front yard fence at softball field backstop is 16'-0". Height variance requested. Front yard fence-4' maximum allowed per Section 205B. Hardship-Softball field needs taller fence at backstop for ball control.

The Board commented that this was not a traditional "fence" that it was just a backstop for softball but it would be addressed as a variance request accordingly.

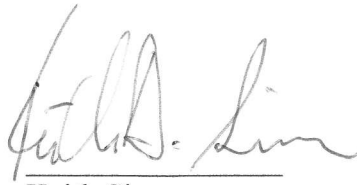
Mr. Daugherty made a motion to grant a 12-ft. height variance of Section 205B. for the height of the backstop for the softball field to be 16 ft. in height for Cloverleaf School District for the construction of a new elementary school per the drawings submitted (C1-03). It was seconded by Mr. Micklas. ROLL CALL-Daugherty-yes, Micklas-yes, Simmerer-yes, Oiler-yes, Schmidt-abstain. The variance request was granted.

Having no further business before the Board, Mr. Oiler made a motion to adjourn the meeting. It was second by Mr. Micklas. All Board members were in favor. The meeting was officially adjourned at 10:00 p.m.

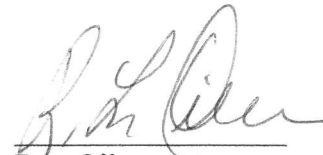
Respectfully Submitted,
Kim Ferencz
Zoning Secretary



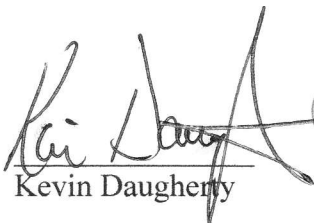
Mike Schmidt



Keith Simmerer



Ron Oiler



Kevin Daugherty



Tom Micklas