

**WESTFIELD TOWNSHIP BOARD OF TRUSTEES**  
**MARCH 28, 2011**  
**PUBLIC HEARING FOR THE CONSIDERATION OF TEXT/MAP**  
**AMENDMENT APPLICATIONS TO CREATE A GENERAL**  
**BUSINESS DISTRICT/GEN. BUSINESS DISTRICT PUD**

Chairperson Oiler called to order the public hearing of the Westfield Township Board of Trustees at 7:01 p.m. Trustee Oiler, Harris and Likley were present as well as Fiscal Officer Evans. The following were also in attendance: Bill Thorne, Heather Sturdevant, Patty Zupanic, Rick Robbs, Tom Horwald, Russ Zupanic, Pat Edington, Tim Merrell, Matt Witmer, John Molnar, Stan Scheetz, The Kerrs, Jill Kemp, Jeeny Kalmeyer, Donald Jacobucci, Greg Brezina, Marlene Oiler, Yvonne Huffman, Karen Fisher, The Drakes, Brian West Mike Schmidt Kurt Slansky, Wirtie Kratzer, Bill Thombs, Tom Micklas, Carol Rumburg, Mark Taylor, Roger Nair, John Miller, S.F. Thompson, The Hoops, Guillermo Carrasco, Larry Bensinger, Kevin Daugherty, Ronald Huffman and Jo Ellen Huffman.

Chair Oiler confirmed the legal notification for the hearing that was published in the Gazette on March 17, 2011. The purpose of this meeting is to conduct a public hearing on the recommendations of the Westfield Township Zoning Commission to approve a General Business District/General Business District PUD as amended by the Westfield Township Zoning Commission including revisions made February 22, 2011 and the inclusion of a definition of conference center. Second to approve the map amendment to rezone PP# as listed and modified by the Westfield Township Zoning Commission on February 22, 2011 to General Business District/General Business District PUD.

Guidelines to public participation. All three Trustees (Oiler, Harris and Likley) acknowledged they have had occasions to hear, read the transcript or listen to the DVD recording of the Zoning Commission's public hearings, work sessions and other meetings on these matters. Therefore only new, factual information shall be presented this evening. Repeating of the same information is not necessary. Personal or verbal attacks on any individual are not facts and will not be allowed or tolerated. The public participation order of this evening's meeting is the applicant will speak first, adjacent property owners will speak and then township residents or other property owners may speak. Chairman Oiler opened up hearing for public participation.

Mr. Stan Scheetz-Attorney representing the 27 parcels of land and 23 applicants of the text/map amendment before the Trustees this evening which was recommended by the Zoning Commission by a vote of 4 to 1 after approximately 4 years of discussion. Mr. Scheetz respectfully requested the Trustees accept the Zoning Commission's recommendations this evening in relation to the text amendments that have been negotiated and compromised on and also respectfully requested approval of the proposed map amendment with possibly some revisions in relation to the expansion of the Local

Commercial District or General Business District boundaries after you have heard additional testimony.

Mark Taylor owner of Deerpass Golf Course. I am asking the Trustees to vote for the rezoning. Businesses are having a tough time now especially. Our size is limited if we wanted to put in a restaurant or redevelop to put up some cluster housing. You can't do that with septic and well you need sewer and water. In order to bring in sewer and water you need more development than just the golf course especially regarding the cost. Lending is tough now. The banks won't lend money unless tenants are in place. The golf course needs the flexibility. There needs to be the opportunity to create jobs. I am asking the Trustees to vote for the rezoning.

Trustee Likley asked if Mr. Taylor was aware that the recommendation from the Zoning Commission did not include the south side of Greenwich Rd. and the Deerpass area. Mr. Taylor stated he would like to request an expansion to include Deerpass Golf Course. Business is tough and we need all the help we can get. The south side of Greenwich Rd. should be considered. We are along the interstate. It makes sense. Golf Courses are going out of business left and right. We provide 25 jobs at Deerpass now and want to continue to employ people.

John Molnar (8336 Norwalk Rd.) I own 35 acres just west of Chippewa Creek and in front of the Ohio Edison substation. I would like my land to be considered as it was in the original proposal. The recommendation from the Zoning Commission stopped the rezoning right at my west property line. On the east side of the Creek, I heard in the paper might be annexed to be zoned industrial. If I don't do something with this land I'm going to end up having commercial on both sides of me. I don't know who would want to go out and open their back door and look at that big power station. I know there is a lot of low land/floodplain area back there but it could be sold to a nursery or evergreen farm and keep it cultivated and mowed and be an asset to Westfield Township as well as generate tax money. I would like my 35 acres to be zoned General Business or at least Local Commercial.

Trustee Likley asked Mr. Molnar if his property had frontage...Mr. Scheetz interjected 300 ft. of frontage. It was an L-shaped parcel and the backland was located in the Natural Hazard Overlay District but was tillable and could be used for a garden center.

#### Adjacent Property Owners

Trustee Likley asked Mr. Scheetz if the property owners whose property was located on the south of Greenwich Rd. and therefore not part of the recommendation from the Zoning Commission? Mr. Scheetz responded, Deerpass Golf Course, Bombard's, Rhodes, Gardner, and Bauman...at least 14 properties. Mr. Scheetz stated they would also like to expand the Local Commercial from 1,000 to 1500 ft. deep parallel to Greenwich Rd. and possibly 1000-1500 parallel interstate 71. That would provide more development opportunities especially with the golf course if that came to fruition. No one

is going to allow us \$3-4 million to get sewer and water to this site if we do not have a substantial amount of land that will be serviced in order to have a return on investment. Our original application was for 407 acres. The Zoning Commission recommended 160 acres. We would like to see that expanded to 200-250 acres.

Trustee Likley asked if there was any communication from landowners that were not included in the applications? Mr. Scheetz stated all the property owners that he represented on the south side were disturbed and concerned that they were not given the opportunity to have some expansion of the zoning. They felt like they were left out completely and only had 500 ft. of Local Commercial zoned property to work with. That 500 ft. of Local Commercial zoning has been on both sides of Greenwich Rd. for 30+ yrs. but there is no sewer and water. There has to be larger stores to justify the return of the cost to run those services. If the Local Commercial District was expanded, they would work next on the size of buildings that are permitted.

Trustee Likley asked if the Local Commercial District expansion and/or language and building size was addressed in the original application? Mr. Scheetz responded no, the original application was solely for a text amendment to General Business District/ Gen.Business District PUD.

Hearing no further comments, Chair Oiler closed the hearing to public participation.

Chair Oiler stated he had some changes he would like to review with the board of Trustees. Page 2, under Section 308.2.Uses-Permitted Uses-item m: change “35 acres” in two places to “40 acres” (Rest of paragraph is o.k.)

Trustee Harris stated he was alright with that proposed change.

Page, 2 under Section 308.3 Conditionally Permitted Uses: 3<sup>rd</sup> line should read, “Article VI Section 605...” (instead of Article IV) typo error.

Page 2, under Section 308.3 conditionally Permitted Uses-Item c: Replace wording to read, “c. Condominiums and/or apartments not exceeding ten (10) units per four (4) acres with a minimum of 50% open space-subject to Section 606A. subsection 35 (TBD). Another option is c. Condominiums and/or apartments not exceeding eight (8) units per acre with a maximum of 100 units with a minimum of 30% open space.

Trustee Likley stated what the applicant has offered does not set any limits. Chair Oiler stated he was proposing limits because the purpose of these condominiums and apartments is to provide support to the office, businesses and retail uses. It is not intended to be a residential community.

Mr. Scheetz stated the second option i.e. 8 units per acre with a maximum of 100 units and 30% open space is a viable option. The option of ten (10) units per four (4) acres

with a minimum of 50% open space only works on the golf course side to justify the infrastructure.

Trustee Likley asked how much land. He asked, just 100 units total in the Gen. Business District? Mr. Scheetz responded he was fine with that as they were contemplating 2 to 3 Commercial PUD's in the Gen. Business District. One may be offices and two may be retail and one component was residential-non traditional. If you change the acreage to 40 acres we cannot get 4 PUD's. You will find throughout the County from as low as 10 acres to as high as 40 acres depending where the land is. Thirty-five acres is very reasonable to allow flexibility to developers so they don't have to buy large acreage and land bank it. They want to buy the area they want to develop. They don't mind setting aside open space and they usually develop in phases.

Trustee Likley stated the PUD is being proposed to be increased to 40 acres. Mr. Scheetz stated with 40 acres he would not then be able to get 4 PUD's unless there was an expansion of the map to include like Mr. Molnar's 35 acres. Then we would be up from approximately 159 acres to 195 acres. It limits the size of the buildings and any of the large buildings would be up way north near the interstate. The buildings would get smaller as you move to the south and the southeast. Plus some will buy just individual lots to build on i.e. ACME which would not be a PUD but would be integrated into the PUD.

Mr. Scheetz stated the option of (10) units per four (4) acres with a minimum of 50% open space was not practical to build.

Chair Oiler's last proposal was Page 6, under Section 308.7 General Business District/Planned Unit Development-Item a. 5. Minimum open space for developments: Replace 1<sup>st</sup> sentence wording to read, "Twenty-five (25) percent of the total tract acreage, which must include the Natural Hazard Overlay and flood plain area if existing." (Rest of paragraph is ok).

Chair Oiler stated he was doing this in order to protect the Natural hazard overlay district. That takes you down from 160 to 120 with the 25%. That gives you 3 PUD's. Mr. Scheetz stated he called Susan Hirsch from County Planning to explore open space before he drafted the original text. He stated he found in the 17 townships in Medina County, regarding commercial PUD's only two set aside open space i.e. Montville and Brunswick Hills at 20 and 25% open space requirements. The other 15 only had landscaping requirements to break up parking lots. If you impose this on the Natural Hazard Overlay District it becomes difficult. Also per Susan Hirsch and Buck Adams from County Emergency Management, out of 17 townships, 6 Villages and 3 Cites there are 27 different regulations for floodplain areas or natural hazard overlay districts. Some say you can only build residential no commercial or industrial. Some have just the opposite. Some have you could only build 1 ft. over the 100 yr. floodplain some have 2 ft. over the floodplain. When the County passed the super floodplain regulations, with compensatory storage (Medina is one of 2 counties out of 88 in the State of Ohio) they

stated one could build 2 ft. above the 100 year floodplain That allows for any building type to be built because all the safe guards are in place which has been reiterated by Mr. Adams. I would hope you would consider the 20% open space requirement, 35 acre PUD but even 25% or a 40 acre PUD would not increase that by all that much. However by requiring all of that to be in Natural Hazard Overlay District forces all the open space to the rear of all these developments. The frontage will have to be used for the buildings and parking. I would rather the regulations stress that all of those natural features need to be addressed and not disturb them in most cases but in some it makes more sense for some uses to go in that area. I am not talking about buildings but rather detention, retention areas, parking etc. The County officials concur that these uses can go in these areas. If you want to go with the 20% open space say 80% of that has to include the Natural hazard and flood plain. Leave some flexibility for where things might make sense to go.

Trustee Likley stated this language does not require that the open space for each PUD must be in Natural Hazard Overlay District. Mr. Scheetz responded that would depend on how the PUD's get laid out. Chair Oiler responded what he was trying to say was 25% of the total tract acreage must include the Natural Hazard Overlay. That is first in your open space. Mr. Scheetz stated that was fine but it cannot say 25% of each PUD. It doesn't work. I can see the 20% percent being recognized because we are in a special area and that is a reasonable amount.

Chair Oiler again read his proposal- Minimum open space for developments: Replace 1<sup>st</sup> sentence wording to read, "Twenty-five (25) percent of the total tract acreage, which must include the Natural Hazard Overlay and flood plain area if existing." (Rest of paragraph is ok) and made copies of his proposed wording for the other two Trustees.

Mr. Scheetz stated with that wording we would strongly request you consider Mr. Molnar's property as 80% of his property was in that area and we don't mind preserving that large block. That makes sense. We would support the high acre PUD if Mr. Molnar's property (35 acres) was included otherwise we would not support the higher acre PUD. This makes sense economically and development wise for someone who wants to develop a tract of land.

Trustee Likley stated he remembered there was discussion to lower the PUD acres to 10, 15 acres like you are proposing so that somebody who bought 34 acres would be outside of the requirements for the PUD. Mr. Scheetz stated they would still be inside the reciprocal easements and conditions that could be imposed to tie the development together i.e. front, side and rear. The 40 acres makes it difficult to develop. We were planning on getting 3 or 4 PUD's i.e. a residential-non-traditional development, a corporate park/office development and (2) potential retail and/or restaurant developments.

Chair Oiler stated with the numbers suggested it would give Mr. Scheetz 3.65 PUD's. Mr. Scheetz stated that really is only 3 PUD's. If you incorporate Mr. Molnar's property

it is workable and there is no fear there will be Kohl's, Target or Mennard's on Mr. Molnar's property or anywhere down there.

Mr. Scheetz stated the other suggestions of 8 units per acre, 100 units and 30% open space for condos and apartments was agreeable as well as increasing the 25% open space requirement on the total tract of land not individual PUD's.

Chair Oiler stated to Ms. Kemp that he closed the hearing to public comment.

Trustee Likley stated the wording recommended by the Zoning Commission was for the Minimum open space for developments to be 20% of the total tract acreage and Chair Oiler was proposing to increase that to 25% which must include the Natural Hazard Overlay. Mr. Scheetz stated whatever was included in the map amendment for the General Business District would have no basis in the expansion of the Local Commercial it would only relate to the General Business.

Chair Oiler asked if Mr. Scheetz was o.k. with the proposed wording "Twenty-five (25) percent of the total tract acreage, which must include the Natural Hazard Overlay and flood plain area if existing." Mr. Scheetz stated yes but he would like a definition of tract once we determine what the acreage is so nobody tries to interpret that for each individual parcel that would be developed. Maybe the wording "total tract designated for the General Business District would nail it down because whatever the map shows that 25% would need to be set aside.

The Trustees asked Mr. Thorne for recommended wording to address this issue. Mr. Thorne suggested the wording, "Minimum open space for developments-25% of the total land available for the General Business District or General Business District PUD must include the natural hazard overlay district and floodplain area if existing.

**Chair Oiler made a motion to approve the following amendment to Section 308.7a.5. to read, "Minimum Open Space for Developments-25% of the total land available for the General Business District or General Business District PUD, must include the natural hazard overlay district and floodplain area if existing." It was seconded by Trustee Harris.**

**ROLL CALL-Oiler-yes, Likley-yes, Harris-yes. Motion carried**

Regarding the proposal to change the minimum acreage for a PUD from 35 to 40 acres Mr. Scheetz stated that would only be acceptable if the Molnar property was included and asked for this to be tabled until after a decision is made on the map amendment. The Trustees agreed.

**Chair Oiler made a motion to amend Section 308.3 Conditionally Permitted Uses c. to read, "Condominiums and/or apartments not exceeding 8 units per acre with a minimum of 30% open space not exceeding 100 units. It was seconded by Trustee Harris.**

Trustee Likley asked if the maximum number of 100 units was per PUD or the General Business District. Mr. Scheetz stated it would be on the entire land to accommodate different market niches.

Chair Oiler stated that under m. any permitted or conditionally permitted use in the GBD shall be treated as a permitted use for PUD purposes except for condominiums or apartments if the development is approved by the Zoning Commission. We keep trying to stick apartments in a PUD and this is saying no unless it is approved.

Mr. Scheetz stated I think we could strike that language

Chair Oiler noted but this is what is before us.

Mr. Scheetz unless they want to treat that as a conditional use, I have no problem with that, it's an additional board to go before.

Chair Oiler, any further discussion Jim?

Mr. Scheetz stated it just means I would have to go back to the Board of Zoning Appeals for approval of a condominium; it wouldn't just go through zoning and planning.

Trustee Likley asked and you're saying that requires you to go before the BZA for condominiums or apartments?

Mr. Scheetz answered yes for additional stipulations to be attached for landscaping or buffering between the different types of PUDs. Otherwise I would only be going before the Zoning Commission. It's a more stringent requirement.

Trustee Likley asked what was the 100 units maximum you were looking for? Was it 100 over the entire area or 100 per PUD?

Mr. Scheetz responded 100 over the entire area.

Trustee Likley noted its going to be coming back for an individual conditional. Any individual conditional under this language would have a maximum of 100 the way you are proposing it.

Mr. Scheetz stated that was why I was trying to get some specifics regarding that.

If its 100 for the PUD then each conditional coming before the Commission is only getting a piece of the pie. Is that clearly laid out from this language?

So that its not 100 per PUD if there needs to be clarification on that.

Mr. Thorne stated I guess the first question I have is do you want to have condominiums and apartments as a conditional use in a PUD, or does it make any difference.

Mr. Scheetz said that could just get stricken.

Mr. Thorne stated you could put it in there as a permissible use or you could leave it as a conditional use so that additional consideration can be given to that application by the Board of Zoning Appeals.

Chair Oiler stated I don't know what is best.

Trustee Likley said it would be important then to look at the conditions the BZA will be reviewing to approve.

Mr. Thorne stated those are already in the code. If you change m. slightly it would simply become a permitted use and the only requirements would be that the condominiums could have no more than 8 units per acre with 30% open space with no more than 100 units in the total set aside for General Business District PUD's. By leaving it the way it is now they get extra consideration by the BZA.

Mr. Thorne asked do you want apartments/condominiums as stand alone outside of a PUD? If you do then you would leave it as a conditional. If you want to allow them in the GBD PUD then m. would have to be amended.

Mr. Thorne stated how about if it read no more than 100 apartments/condominiums in the GBD/PUD zone at 8 units per acre with a minimum of 30% open space.

Trustee Likley asked if it was defensible language to limit the number of units to 100?

Mr. Thorne stated yes it is. It is just a limit for the number of units permitted in the zone.

Chair Oiler asked Mr. Thorne what is the language?

Mr. Thorne responded c. would read, "Condominiums and/or apartments not exceeding 100 living units in the entire GBD/PUD zone at 8 living units per acre with a minimum of 30% open space subject to Section 606A.

**Chair Oiler made a motion to amend Section 308.3. c to read, "Condominiums and/or apartments not exceeding 100 living units in the entire GBD/PUD zone at 8 living units per acre with a minimum of 30% open space subject to Section 606A." It was seconded by Trustee Harris.**

**ROLL CALL-Likley-yes, Oiler-yes, Harris-yes.**

Chair Oiler noted for the record about the typo error under Section 308.3 Conditionally Permitted Uses should read, 'Article VI Section 605 instead of Article IV.



Moving to discussion on the map amendment, Mr. Scheetz stated he wanted the inclusion of the Molnar property which consists of 35 acres which the majority of the property is located in the Natural Hazard Overlay District. We are requesting this as a continuation of the General Business District with the same requirements. If that would be added then we would be alright with the adjustment of the PUD size from 35 to 40 acres as proposed.

Trustee Oiler stated he thought it was asked for the Molnar property to be zoned Local Commercial? Mr. Scheetz responded it was General Business first Local Commercial as an alternative. The other 4 property owners do not want to be surrounded by other zones. They want to have options. This is only for the north side of the road. It would be a total of 45 acres, 35 acres of General Business and (2) 5 acre parcels of Local Commercial.

Trustee Harris stated he would be o.k. to add the Molnar property and it would be a good fit for a landscaper or agricultural use and protected the Natural Hazard Overlay District.

Trustee Likley stated it was currently zoned rural residential and agricultural uses are now permitted. I would not be willing to support that inclusion at this time.

Chair Oiler stated he would rather treat the current area the Zoning Commission has recommended and would be willing to stick with the 35 acres as originally stated. Later on the Zoning Commission could address this property.

Mr. Scheetz stated on behalf of the applicants, he was o.k. with that if we can deal with 35 acres and revisit that area for at least Local Commercial otherwise you are going to create an island.

Trustee Likley stated he was not willing to consider the additional areas, the expansion of the Local Commercial from 1,000 to 1,500 ft. deep to Greenwich Rd. and possibly 1000-1,500 to interstate 76 as that was not part of the original application or the recommendation of the Zoning Commission.

Mr. Scheetz stated that was not what he was asking for. He is only asking for the map to be amended. He is looking at a year to year and a half to get water and sewer to the site and the smaller the acreage the harder it will be to get that done. Keeping the acreage smaller is making it more difficult to get water and sewer to the site.

Mr. Thorne asked what is the feasibility of just the back land rather than the two front lots?

Mr. Scheetz answered that would be possible too because it would give us all that open space to work with but it would not give Mr. Molnar an opportunity to develop unless we get Local Commercial out front.

Mr. Thorne asked what I'm saying is what if that back land was part of the GBD?

Mr. Scheetz stated that would be perfect.

Mr. Thorne stated that it was never intended to be part of the Local Commercial District.

Chair Oiler asked how the Board felt about that?

Trustee Harris stated he thought it would be a good idea to do it that way.

Trustee Likley said make a motion.

Chair Oiler asked Trustee Harris to make a motion.

**Trustee Harris made a motion to add the backland of the Molnar property PP# 041-15B-51-006 to the Gen.Business District /Gen. Business District PUD. The backland being anything beyond 500 ft. of Greenwich Rd. It was seconded by Chair Oiler. ROLL CALL-Likley-no, Harris-yes, Oiler-yes. Motion carried.**

Chair Oiler stated he wanted to discuss the 40 acres for PUD.

**Chair Oiler made a motion to amend on Page 2, under Section 308.2.Uses-Permitted Uses-item m: change “35 acres” in two places to “40 acres” (Rest of paragraph is o.k.) It was seconded by Trustee Harris. ROLL CALL-Likley-yes, Oiler-yes, Harris-yes. Motion carried.**

**Chair Oiler made a motion to deny the original map amendment to create a General Business District/Gen. Business District PUD and to deny the original text amendment application titled Westfield Township General Business District/Gen. Business District PUD as submitted by attorney Stan Scheetz on behalf of the applicants and move to approve the map amendment to rezone the PP# as listed and modified by the Westfield Township Zoning Commission on February 22, 2011 and as modified by the board of Trustees on March 28, 2011 to General Business District/Gen. Business District PUD and to approve the General Business District/General Business District PUD as amended by the Westfield Township Zoning Commission including revisions made on February 22, 2011 and the inclusion the definition of a conference center as read and the amendments and revisions made by the Westfield Township Board of Trustees on March 28, 2011. It was seconded by Trustee Harris.**

Trustee Likley stated if he was to understand the motion it is to deny the original map application and to approve what was submitted by the Westfield Township Zoning Commission and to include the revisions made by the Trustees this evening.

He continued he would like for simplicity sake a motion to deny the original map and text amendment applications, a motion to approve the Zoning Commission's recommendations with the amendments and revisions made by the board of Trustees this

evening and the motions be made in the affirmative. Mr. Thorne interjected that way it gives the Trustees the opportunity to vote yes or no on the motions made.

Chair Oiler agreed to withdraw his motion.

**Chair Oiler moved to deny the original map amendment to create a General Business District/Gen. Business District PUD and to deny the original text amendment application titled Westfield Township General Business District/Gen. Business District PUD as submitted by attorney Stan Scheetz on behalf of the applicants. It was seconded by Trustee Harris.  
ROLL CALL-Harris-yes, Likley-yes, Oiler-yes. Motion carried.**

**Chair Oiler made a motion to approve the map amendment to rezone the PP# as listed and modified by the Westfield Township Zoning Commission on February 22, 2011 and as modified by the board of Trustees on March 28, 2011 to General Business District/Gen. Business District PUD. It was seconded by Trustee Harris.  
ROLL CALL-Likley-no, Harris-yes, Oiler-yes. Motion carried.**

**Chair Oiler made a motion to approve the General Business District/General Business District PUD as amended by the Westfield Township Zoning Commission including revisions made on February 22, 2011 and the inclusion the definition of a conference center as read and the amendments and revisions made by the Westfield Township Board of Trustees on March 28, 2011.  
ROLL CALL-Oiler-yes, Likley-no, Harris-yes, Motion carried.**

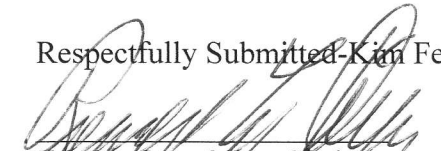
Chair Oiler closed the public hearing at 8:38 p.m.

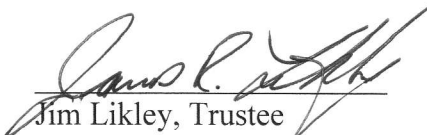
Trustee Harris made a motion to adjourn the public meeting. It was seconded by Chair Oiler.

ROLL CALL-Likley-yes, Harris-yes, Oiler-yes.

The public meeting was adjourned at 8:40 p.m.

Respectfully Submitted-Kim Ferencz, Westfield Township Zoning Secretary

  
Trustee Ron Oiler, Chairperson

  
Jim Likley, Trustee

  
Gary Harris Trustee