

**WESTFIELD TOWNSHIP
BOARD OF ZONING COMMISSIONERS
REGULAR MEETING
March 10, 2009**

Chair Sturdevant called the regular monthly meeting of the Westfield Township Board of Zoning Commissioners to order at 7:33 p.m. Board members Miller, Anderson, Kemp, Brewer and Sturdevant were in attendance. Other individuals in attendance were Ron Oiler, Bill Hutson, Rick Robbs, Wirtie MacPhare, Tim Kratzer, Stan Scheetz, Gary Harris, Mr. & Mrs. Kerr and Kelly Gregoire.

GENERAL BUSINESS:

Approval of February 10, 2009 meeting minutes

Mr. Anderson made a motion to approve the February 10, 2009 meeting minutes as amended. It was seconded by Mr. Miller.

ROLL CALL-Anderson-yes, Kemp-abstain, Brewer-abstain, Miller-yes, Sturdevant-yes.

NEW BUSINESS:

1. Acknowledgement of Letter submitted by Mr. Stan Scheetz

Chair Sturdevant read the letter dated March 2, 2009 to the Commission. The letter was regarding Position Statement on Westfield Township 2009 Proposed Self Initiated Text Amendment Map Amendment, Mixed Use/General Business District and/or Planned Unit Development 300 –400 acres west of Chippewa Creek and south of Interstate 71/76, including but not limited to the Deerpass Golf Course and related frontage properties on Greenwich Rd. to Hulbert Rd. (See attached to approved meeting minutes)

2. Brief Presentation by Mr. Stan Scheetz Co. L.P.A

Mr. Scheetz stated his letter was to document the history that has occurred in Westfield Township since he has been involved in the Kratzer property and before then when Attorney Stutzman was handling the case. Mr. Scheetz stated the positions outlined in the letter were not meant to be a threat but solely to layout the basis as to how they could still go about development in Westfield Township but neither himself or co-counsel would proceed with another text or map amendment without the initiation of the Township to come up with something livable for any future development of that land.

Mr. Scheetz continued that there have been two (2) attempts; both unsuccessful so now it is up to the Commission, Trustees and Northstar Planning to initiate any changes. He added he was no longer looking at one parcel as now he had 20 different parcels that would be involved. Those 20 parcels were assembled by him having the Village of Seville Board of Public Affairs complete a sanitary sewer study for the whole 550 acre basin which includes the 103 acres being annexed to Village of Seville (77 acres in Westfield and 26 acres in Guilford). The study was not completed because Seville wanted to provide sanitary sewer on the west side of the Creek. The Public Board of Affairs was

doing a due diligence analysis of what area they could service with one lift station if a lift station had to go in. After the report was completed it was shown that Seville could supply sanitary sewer with gravity flow on the eastside of Chippewa Creek where the industrial park is going to be developed. They could only supply sanitary sewer on the westside if they went to a lift station and they have a policy of no lift stations at this time as well as having other adequate land in the Village to develop so there is no reason for us to want to jump the creek.

Mr. Scheetz stated he furnished that report to the County (Jim Troike) so they could begin to analyze their perspective districts in the event they would want to proceed. The County owns the Westfield Water Treatment Plant. The wells are in place and the County wants to sell water eventually but were not interested in running lines three miles and jumping over property that is not zoned for development where they would not get a return to get to the east side of the Creek. The agreement that was reached between the entities was that Seville would stay on the east side of the Creek and the County and other multiple entities would be given the opportunity to service the west side of the Creek. Seville Board of Public Affairs only wants to provide service to the 103 acres and the Zoning and Planning Commission recommended the same and Council accepted those recommendations. There is a caveat that if Westfield took the initiative to develop a new general business district/mixed use district or a PUD for that remaining acreage which was 350-400 acres on the westside of the creek. If you came to the Village of Seville in the form of a JEDD or CEDA and asked them to provide service and if the County participated by providing sanitary sewer and water the Village could possibly be involved in the treatment of the sanitary sewer. They would have to apply for and get grants in order to expand their plans. Another option is for the treatment of the plant going the opposite way back to Westfield Center. There is no commitment from Westfield Center as other options are available.

There are also hybrid situations such as in Sharon Township. In Sharon Township there is a subdivision named Tiburon Trace north of Home Depot and south of Blooming Acres. This is serviced by lift stations all along that road. The County owns the sewer and the lift stations. Once it gets pumped, it goes to the City of Wadsworth and they treat the sanitary sewer.

Mr. Scheetz concluded that he is pro-growth and wanted to bring jobs, development and diversity to the area. He added he was not just looking at commercial development but has had inquiries about assisted living facilities, emerga-care centers a golf course community for those 55 and older and apartments for the younger generation if coupled with restaurants and shopping. Again he stated no longer would he be focusing on one piece of acreage but that whole area.

Mr. Miller stated he thought the annexation was just being proposed on the land Stan mentioned. Mr. Scheetz stated 4 out of the 5 steps have been completed. The Village of

Seville has passed 4 pieces of enabling legislation and Medina County has approved the annexation. Trustees Sims and Likley by hiring an attorney are trying to stop that process. Annexation is a statutory process and the County Commissioners and Medina County Prosecutor's Office have stated that we have met that criteria and it has been approved. However there is lobbying going on Seville to change the vote on the final piece of legislation.

Mr. Scheetz stated there was a Resolution of Cooperation in November and in February there was a Resolution approving annexation that the Village Board of Public Affairs would provide the utilities i.e. sewer, water and electric. There was also legislation to create a buffer zone because Seville is on three sides of this parcel and all three sides are industrial and the Creek is the boundary to the west and you are residential on the other side of the Creek. Instead of a 50-ft. buffer we imposed a 100-ft. buffer from the edge of the bank of the Creek easterly as a no-build zone. Mr. Scheetz stated his clients also agreed to a conservation easement to be placed over that 100-ft. easement which is a co-easement with Muskingum Watershed. The reason for that is because the Muskingum Watershed has implements where anything that is going to be built whether retention or detention; parking lots which all have to be approved by 5 different entities to ensure there is no encroachment within their easement or stop some of their drainage which goes into the creek.

Mr. Scheetz continued that within the 100 ft. buffer zone biodegradable retention or detention basins are permitted to control the flow off of the site to insure there is no greater flow off of the site after it develops than there was before the development. These types of biodegradable basins incorporate plants that improve the water quality even better than when the land was farmland and fertilizer and pesticides infiltrated the ground water. These basins are designed by private engineers hired by the developer and then also have to be approved by GPD Associates who are the Village consulting environmental engineers. All the reports and plans also have to be sent to FEMA and US Corp. of Engineers.

3. Brief Presentation by Mrs. Carolyn Sims

Chair Sturdevant stated Mrs. Sims was to speak to the Commission this evening but was unable to do so due to work commitments. Secretary Ferencz stated she spoke with Mrs. Sims who wanted the Commission to know that a work session has been scheduled with Seville on March 28, 2009 at 10:00 a.m. at the Seville Municipal Complex. This workshop would focus on the discussion of on a joint economic regional development district. Once the workshop takes place the Westfield Township Trustees would schedule a meeting to review what was discussed at the workshop meeting and then come before the Commission with an update of the action plan of the Trustees. Trustee Kratzer stated a meeting would be scheduled with the Trustees, Mark Majewski the Comp Plan Consultant and Mr. Shrader who is the attorney hired by Trustees Sims and Likley between now March 28, 2009.

4. Update from Zoning Commission member Sue Brewer on information from Comprehensive Plan Steering Committee Meetings

Ms. Brewer stated right now the Committee and Planner were still laying the groundwork. There were maps distributed on the floodplains etc. She added the Committee had a homework assignment asking the Committee Members what they wanted to see from a development and land use aspect for Westfield Township. There are only 29 members on the Committee so it does not give a full representation of the Township and how they would have responded to the questions such as what brought you to the Township, what do you like about the Township, what would you like to see changed in the Township and what would you like to remain in the Township, etc.

Secretary Ferencz stated she contacted Mark Majewski and asked him to provide all the materials that have been used during the Comp Plan Steering Committee and any future documentation that will be used so a Master File of all those materials can be kept at the Township. This would then confirm that the Township did follow a process during the Comp Plan Update and also be available for any public record request.

The next scheduled meeting of the Comp Plan Steering Committee is scheduled for March 12, 2009 at 7:00 p.m. at the Townhall.

Chair Sturdevant asked about the timetable that Mr. Majewski presented in completing the Comp Plan. The timeframe offered by Mr. Majewski was 6-8 months and wondered if that was still on course as it seemed very ambitious. Mrs. Brewer stated she believed that was still Majewski's intention.

Mr. Miller stated that at the last Trustees meeting, the Trustees passed a Resolution to have Mr. Majewski look at the Greenwich Rd/Lake Rd. corridor in a more concentrated fashion. Secretary Ferencz stated in her opinion that timeframe was very ambitious for the completion of the Comp Plan. Regarding the Resolution passed by the Trustees there was an additional cost of \$2000.00 approved in order for Mr. Majewski to take a look at the Greenwich Rd. /Lake Rd. corridor.

Secretary Ferencz asked if there was discussion of a residential survey being conducted as it relates to the Comp Plan? She stated she asked because she had received calls at the Townhall about a survey being done in the Township. Mr. Miller stated Mr. Majewski spoke about getting an updated resident mailing list so that would leave him to believe that a survey would probably be completed but he did not know for sure.

Mr. Scheetz stated the additional work approved by the Township for Mr. Majewski was not only for the 300-400 acres but the Lake Rd. corridor because of the development pressure coming from the Chippewa Landing Resort. Mr. Scheetz stated both should be looked at because he was getting calls from other land owners looking at other multiple uses versus solely the permitted and conditional uses permitted in the HC District in

Westfield Township. The development pressure is from St. Rt. 224/Interstate 76/North on Lake Rd. to the S-curve. Not beyond that but that corridor because of the hotel cooking school the Akron General Hospital Wellness Center in Chippewa Landings Resort.

Mr. Evans stated it was also brought up at the Steering Committee meeting that not only was Chippewa Resort clearing land, but the County has already starting pushing their drive in for their boat ramp and facility on the westside of Chippewa Lake. It is in Lafayette Township but you could through a stone to the drive. It is important for Mr. Majewski to look at the entire area and not just what is being proposed now but the potential for what could be proposed. The Township has to be prepared. The developer of Chippewa Resort gave Lafayette Twp. land for a new fire station. When you work with people this is what can happen.

Trustee Kratzer stated that Kim stated she had received some calls about the survey as well as he. A call actually came into the Township asking about the survey and the call was referred to Mrs. Sims. Mrs. Sims stated in the newspaper that the current survey of the Township residents stated they wanted the Township to remain rural. He added the only survey he knew about was the one completed in 1996 for the Comp Plan. There is a survey in the proposal from Mr. Majewski either for a mail survey or on-line survey and the cost to complete those surveys. Trustee Kratzer stated at the last Trustee meeting he questioned Mrs. Sims comments about a survey in the paper and her response was the homework assignment of the 29 Comp Plan Steering Committee members. Trustee Kratzer stated he did not know if 29 people had the consensus of what the Township wants as a whole.

Mr. Miller stated he was highly in favor of a complete Township survey being done. That way we are governing per the Township's desire.

5. Discussion regarding correspondence from Mr. Scheetz and presentations

Chair Sturdevant stated there were options the Commission could take regarding the presentation give by Mr. Scheetz. The Commission could do nothing and let the Trustees bring forth proposed changes to the zoning text. A landowner could bring forth an application or the Zoning Commission could initiate changes to the Zoning Resolution. These are the three ways the zoning code could be changed. As Mr. Scheetz has stated in his letter, the landowners have no desire at this point to submit an application until the zoning code is changes. She added the Trustees were working with their attorney, Mark Majewski and the Village of Seville regarding CEDA and JEDD's. Chair Sturdevant stated at this time she would like to close public participation and discuss amongst the Commission members how they would like to proceed.

Mr. Anderson stated he thought something should be added to the zoning code for development in the Township. Ms. Kemp stated she was not in favor of changing the LC

District regulations as they stand, but she could see adding another district or make something available for development because it was going to happen. It would be better to prepared to have something to be able to control development.

Mr. Miller stated doing nothing was not an option. There were the three options available to propose a change to the existing current zoning text. He added at one time the Commission was presented with wording for a Planned Unit Development by Mr. Scheetz but our present zoning and Comp Plan did not allow for big box stores. Mr. Miller stated he was in favor of not starting immediately because he wanted to know where the Steering Committee was going to take the Township. A survey should be completed early in the process so we would know what the residents were thinking and what direction they would want the Township to go. Without tha, the Commission may do something only we want to do or only a few residents or property owners want to do instead of what the Township as a whole wants to do. Ms. Brewer agreed.

Chair Sturdevant stated she felt that the Commission needed to move forward with something but at this point she did not know what that something is. At this point we don't know what the Township residents want so it would be imperative to get a survey done early in the process. Chair Sturdevant stated the Commission could leave the code as it is and have all potential tax dollars go to another entity, and have the property in the Township development under another entities code, or make a change such as another district or PUD language. Chair Sturdevant added between now and the next Zoning Commission meeting the members should do some research on what our options are. There are other communities we can draw some of this information from and she could contact Planning Services to get that information. It would be advantageous to look at another district, PUD language, JEDD and CEDA's in order to be able to come together as a Township and work together as a Township.

Ms. Kemp stated she would like to clarify her comment about adding another district. She stated she suggested this because there is Local Commercial on the west end of the Township as well and she did not want to see the Local Commercial District change at that end. Just modifying the language in the Local Commercial District would change the entire district therefore she felt it would be better to add another district. The east end of the Township by both highways was the proper area for commercial development and that was why there needed to be something different added to the code.

Chair Sturdevant stated she would like the Commission to consider growth boundaries. She added she had a really good article on them and could get that information out to the members. Chair Sturdevant stated a real concern about letting commercial growth happen in a particular area was, how do we control it from spreading? Are we going to end up like a Medina or Brunswick where there is no land left and everyone then is moving south to have a more rural atmosphere? Growth boundaries may make the residents of the Township more comfortable in embracing some type of commercial growth.

Secretary Ferencz stated with all the issues going on in the Township regarding the Comp Plan, potential annexation, looking at CEDA's and JEDD's with Seville and other political entities, it was important for the Trustees to come to the next Zoning Commission meeting so the members have complete information on exactly what is occurring regarding potential and/or future development or economic cooperation in Westfield Township. This would help the Commission press forward in whatever manner they members choose to do so.

Mr. Miller stated the workshop planned with Seville was a public meeting for anyone to attend and listen to the information discussed.

Mr. Scheetz stated if the zoning code allowed a PUD in the General Business District; and it could be defined only to the east General Business District that could give the Township a new area. That was proposed as a Mixed Use PUD and it came from County Planning.

Chair Sturdevant stated because there is a workshop meeting between the Trustees and Seville on March 28th and because there is a Comp Plan Steering Committee Meeting on March 12th in order for the Commission to move expediently; she would look at scheduling another meeting of the Commission after March 28th. This was discussed and due to time constraints of the Zoning Commission members they decided to just meet again at their next regularly scheduled meeting on April 14, 2009 and hopefully the Trustees could make that meeting and give the Commission an update.

Secretary Ferencz also suggested that Mr. Majewski give the Zoning Commission an update as to where the Steering Committee was in terms of updating the Comp Plan. She stated she suggested this because the Comp Plan usually has a big effect on the existing zoning regulations. Maybe this was too soon in the process she did not know but felt it was something the Commission should consider. Mr. Miller felt it was too soon for such an update as the Committee was still fact-finding and gathering information. Secretary Ferencz stated that maybe the update could be given before summer hits so the Commission would at least know the general direction of the Steering Committee and the Comp Plan.

Mr. Evans stated if there were specific questions the Commission would like to see addressed on the resident survey then those should be forwarded to Mr. Majewski as soon as possible.

Chair Sturdevant asked the members to think of questions they would like to see on the survey and e-mail them to her or call her and she would put them together for the Commission's next meeting. Mr. Scheetz stated he left copies with Secretary Ferencz of other pertinent information i.e. Seville's code and Westfield's code for consideration by the Commission.

OLD BUSINESS:

1. Update from Chairperson regarding error in Section 407 of zoning text and error in Section 807 D. m. of the Zoning Resolution. Section 407 A. currently reads, “The total area of all permanent signs (but not including the area of a high rise sign permitted in section 407.B.5... The reference was actually 407 B.3 not 407 B.5. Regarding Section 807.D.m. which currently reads, “If applicable, an erosion control plan as required by Section 205 H.” However Section 205 H. is Loudspeakers. Therefore the Commission proposed Section 807.D.m. to read, “If applicable, an erosion control plan as required by the Medina County Soil and Water District and or Medina County Storm Water Management.”

Chair Sturdevant stated at the last Commission meeting the Commission failed to set a public hearing date on the proposed errors so they were forwarded to the Dept. of Planning Services for an informal review. There has been nothing received from the Dept. of Planning Services so this would be tabled until the Commission receives a response from the Dept. of Planning Services.

2. Review Edited By-Laws

Chair Sturdevant stated she has not heard back from Bill Thorne on the proposed revisions to the By-Laws. Chair Sturdevant stated she would follow up with Bill Thorne so the Commission would table the review of their by-laws.

3. Informal Review by the Dept. of Planning Services on Proposed Signage Text Changes & Matrix

Secretary Ferencz stated the informal review was received after she left for the day (See attached to approved meeting minutes).

- The Commission decided to leave Section 406.A.1 as written by the Commission.
- The Commission decided to check with Bill Thorne about signs being permitted in the road right of way per the Dept. of Services comments as it related to Section 406.B1. Temporary Signs

Chair Sturdevant stated she would contact Patrice Theken to clarify her comment on Section 406.B.2. Temporary Signs The Commission has drafted the following wording “Conditional Uses in the Rural Residential and Suburban Residential Districts may be allowed additional temporary signage during the construction phase of a project not to exceed thirty-two (32) square feet in area, eight (8) feet in height and not less than fifteen feet from the road right of way or side lot lines. The quantity and duration of such signs to be determined by the Board of Zoning Appeals during the approval process.” Ms. Theken suggested that this paragraph should be included within the special or general conditions for conditional uses. Unless this paragraph means that a temporary sign for a construction project needs a conditional use permit then the temporary signage should be listed as a conditionally permitted uses in the RR and SR Districts to which it refers. And the requirement should be listed as a condition in the special or general conditions for a temporary sign.”

Ms. Kemp stated she thought Ms. Theken meant to place temporary signs under conditional uses in those specific districts i.e. RR and SR Districts. Chair Sturdevant stated she felt that signage should not be listed with the uses but should be separate. Again Chair Sturdevant stated she would contact Ms. Theken for clarification and also review the code as written and drafted and bring it back to the Commission for review.

- Regarding Section 406.B.5 Temporary Signs Corner lots, the Commission proposed the wording to read “Corner lots may have two (2) temporary signs not to exceed the square footage regulations allowed in Section 406. Once sign on each street with frontage.” Ms. Theken suggested the wording, “Only one temporary sign is permitted for each street frontage on a corner lot.” Mr. Miller stated because this addressed corner lots and wording should be at the forefront of the code to the matrix. The Commission revised the wording of Section 406.B. 5 to read, “On a corner lot one temporary sign is permitted for each street frontage not to exceed the square footage regulations allowed in Section 406.”
- Section 407C3 would remain as drafted by the Commission with clarification by Ms. Theken regarding her comment that “only one temporary sign is permitted in the HC, LC & I Districts. Why not permit one temporary sign for each street frontage as in residential?
The Commission stated that this is what the currently proposed code and matrix allows.
- Please note there would be **No** permit would be required for a temporary sign.
- Ms. Theken did address the error to Section 807 as previously mentioned with the comment that, The Medina County Soil and Water District does not require an erosion control plan; the Medina County Highway Engineer reviews storm water management issues. Check with them prior to including them in the Resolution under this Section.

Chair Sturdevant stated she would call the Medina County Highway Engineer before the Commission would make this permanent change to the zoning text.

Secretary Ferencz stated at the last BZA meeting it was discovered that Section 907 has two letter D's. Some Commission members stated they had two D's and others stated they had a letter D and a letter E under Section 907. Both zoning resolutions had the effective date of 10/26/04. Secretary Ferencz stated that would need to be researched to make sure all zoning books are consistent.

Announcements

Medina County Planning Services Training- March 18, 2009

Workshop meeting with Seville at Seville-March 28, 2009 at 10:00 a.m.

Next Regularly Scheduled Zoning Commission Meeting: April 14, 2009 at 7:30 p.m.

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March 19, 2009 Regular Trustees Meeting Canceled. Rescheduled for March 16, 2009 at Noon.

Chair Sturdevant thanked the Commission members for their input and discussion this evening.

Having no further business before the Commission, Mr. Anderson made a motion to adjourn. It was seconded by Ms. Kemp. A roll call was taken. All members were in favor. The meeting was officially adjourned at 8:59 p.m.

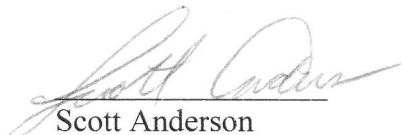
Respectfully Submitted,

Kim Ferencz, Zoning Secretary

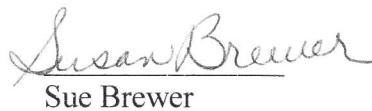


Heather Sturdevant, Zoning Commission Chairperson

John Miller



Scott Anderson



Sue Brewer

Jill Kemp