

**WESTFIELD TOWNSHIP
BOARD OF ZONING COMMISSIONERS
REGULAR MEETING
MAY 10, 2010**

Chair Sturdevant called the regularly scheduled meeting of the Westfield Township Board of Zoning Commissioners to order at 7:33 p.m. Board members Brewer, Anderson, Kemp, Miller and Sturdevant were in attendance. Alternate Board member Zweifel was also in attendance. Other individuals in attendance: Tim Kratzer, Larry Bensinger, Mike Sweeney, Stan Scheetz and Guillermo Carrasco, the Drakes, and Zoning Inspector Matt Whitmer.

Announcements

Chair Sturdevant stated that the Trustees approved for the Zoning Commission to have a second alternate for the board. This is to ensure a full board is present when important issues are before the Commission.

REVIEW OF COMPREHENSIVE PLAN with MARK MAJEWSKI

Mr. Majewski presented the Comprehensive Land Use Plan Update. This Plan was recommended by the Steering Committee on December 10, 2009. Mr. Majewski stated the Plan started in February 2009 and ran through December of 2009 and thanked all those who participated throughout the process. The process involved a survey, setting goals and objectives data analysis, the plan itself and implementation of the Plan.

The goals are as follows:

1. Preserve the predominantly rural, agricultural, small-town atmosphere of Westfield Township
2. Maintain a level of community facilities and services adequate to meet the needs of the population
3. Guide the location and timing of new development on the basis of the natural capabilities and limitations of the land and of available and planned infrastructure consistent with the Development Policy Plan
4. Ensure that the development of areas zoned for business uses such as retail, offices and industry is accomplished in a manner compatible with the foregoing agricultural, residential, and facilities goals and consistent with the Development Policy Plan.
5. Continue to effectively manage the zoning activities of the Township
6. Continuing to promote community safety and security
7. Promote local and global sustainability

The Plan itself includes 6 Sections as follows:

1. Future Land Use Plan-Maintain the existing land use plan and reflect changes in property ownership such as the County Park Districts purchase of property in Westfield Township. Permit development consistent with zoning regulations or amended with this update and indicate potential of certain changes in the land use pattern
2. Additional Land Use Concepts
3. Community Facilities
4. Natural Resources
5. Safety and Security
6. Sustainability

Key features of the Land Use Plan

1. Maintain rural residential and agricultural areas
2. Greenwich Rd. corridor-Proposed Office and Light Industrial in the east Greenwich Rd. area and extending to the Village of Seville
3. Lake Rd. /St. Rt. 224 Business District

There were several concepts brought forth during the Comp Plan Update and subsequent public meetings where landowners were present. These include 3 areas:

1. West Greenwich Rd. Neighborhood Business Corridor
2. Development of alternative residential areas
3. Conservation/Recreation Corridor for Chippewa Creek

It was suggested that some of those concepts be separated from the land use plan map and that was accommodated, as well as some adjustments were made to the concepts.

1. West Greenwich Rd. Neighborhood Business Corridor

Regarding the west Greenwich Rd. area it is a long established area which Mr. Majewski recommended doing away with when the Plan was previously updated. However the input from the public for this update was for the Commission and the public to come up with a way to protect that district and make it work. Because this is a mixed use area (mainly residential but with the potential for commercial development), regulations would have to be added to protect the residents who reside in that area. Possibly the use of an overlay district could be established with a limited list of permitted business types and standards to protect residential uses from business impacts.

2. Development of alternative residential areas are indicated as follows:

- a. Area east of Westfield Center Village where there could be the potential for cluster housing to be considered
- b. Area along east Greenwich Rd. where there could be the potential for a higher housing density based on the future of non-residential uses being developed

- c. East of Chippewa Creek and north of I-71 there could be potential for conservation development to preserve the natural area. Mr. Majewski stated the Township has a PUD classification that has not been used in that area but it has been stated that it was not the right density or marketable for this area.
- d. Westfield Terrace area along Rt. 3

3. Conservation/Recreation Corridor for Chippewa Creek

Mr. Majewski stated there was much discussion about this particular area because on the initial land use map, it appeared that this entire area was going to be developed as a public park. The suggestion here is to do what has been done in other communities which is the conservation of the water shed with trails and other amenities to connect Chippewa Lake with the County Park and the other newly proposed developments that are proposed for Chippewa Lake in Lafayette Twp. The Muskingum Watershed District has a lot of interest in these areas.

Mr. Majewski continued that the resident survey indicated there is not a great demand for community facilities more than likely based on the slow growth of the community. However some individuals did comment about a desire for recreational facilities and possibly those could be provided by the school district.

Regarding natural resources, ground water and well protection are important in more rural communities especially in Westfield Township which has several flood plain areas.

Regarding Safety and Security issues, the consensus was to continue to provide fire and safety services and contracting with the Sheriff's Dept. for police protection and to continue to be part of the County emergency management forces. Regarding the topic of sustainability, Mr. Majewski suggested more information be promoted for residents to live a more green and sustainable way of life i.e. energy efficiency and the protection of ground and well water.

Implementation Tasks are divided into 3 categories:

- Planning Tasks
- Zoning Tasks
- Miscellaneous

Planning Tasks

The implementation plan recommends adopting the Comp Plan Update and utilizing it as a tool for development. Periodically reviewing and updating the plan is highly encouraged by the Township. There are also joint planning efforts suggested especially in the east Greenwich Rd. corridor area, the Chippewa Creek conservation area and the County well field protection area as well as meeting with abutting communities to review common interests through intergovernmental collaborations.

Zoning Tasks

Initiating Zoning Resolution Amendments such as the Neighborhood Business District which could be an overlay district with cooperation of the neighbors. It has also been mentioned there are some issues with the existing Natural Hazard Overlay District as it pertains to commercial properties which should be looked at.

Mr. Majewski stated the Steering Committee tried very hard to stay out of the “zoning” aspect of the Plan. The Zoning Commission has the authority to propose and recommend zoning changes and the Committee was respectful of letting the Commission do its job.

Creating Enhanced Buffer Standards

Mr. Majewski stated as the Township continues to grow and develop especially in the unbuilt commercial districts, there will be more and more new commercial uses in conjunction with existing residential uses. Mr. Majewski suggested now is the time to establish buffer standards between office/industrial and commercial uses and residential uses/areas. A key issue will be how properties are lit especially in communities like this where the night sky is an important aspect.

Another issue to be addressed in the Resolution is conservation development, but also the clustering of units to protect open space. Mr. Majewski stated that the survey only showed 45% support for the promotion of senior housing. There was concern that with senior housing would create a greater demand and expense for Fire and EMS services.

Mr. Majewski stated in the east Greenwich area, it is suggested for the creation of a new office/industrial area. If that is to come about there would need to be standards written into the Zoning Resolution. For the north east residential development area and senior housing, it would need to be based on private property owners coming forward to enter into discussions with the Township.

Lastly it is recommended that periodic review and updating of the Zoning Resolution be completed by the Township to consider any potential zoning amendments which may come to the attention during the preceding year through requests for text or map amendments, variance requests, etc.

Mr. Majewski continued that there was also a list of “Other Tasks” included in the Plan which may or may not end up being the responsibility of the Township however the Township should have input if implemented. One example is that there are trails close enough to Westfield Township with the park system and adjacent communities that could be continued in the Township as well as other green initiatives.

Another task is the promotion of agriculture in the Township and the effects of developments upon the farming community. Educating and informing individuals of the importance of farming in the community is highly suggested.

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Lastly is the HC Business District Focus Group. It is recommended the Township initiate discussion meetings with owners of property in the HC District to identify improvements and/or changes in the Zoning Resolution to create a more business friendly environment and to provide a tax base for the Township. Mr. Majewski continued that he put together an action chart that has a time-frame of 2010-2014 to accomplish the above stated tasks. Mr. Majewski stated this was just a proposal and could be reworked as the Township saw fit or had the necessary resources to complete.

Chair Sturdevant stated she did not know if public comment would be taken this evening as it would be dependent on the discussion by the Commission and the planner. She thanked the Steering Committee for all their time and effort on this project. Chair Sturdevant stated there were spelling and grammatical errors that would need to be addressed. Mr. Majewski stated he would handle that task accordingly.

Chair Sturdevant stated there were 12% reported renters in the Township and asked if they were included in the survey? Mr. Majewski stated the surveys were sent to addresses so it was unknown if those individuals were renters or property owners.

Chair Sturdevant stated her comments/questions would be referenced by page numbers in the Comp Plan.

Page 9-The number of housing units Westfield Terrace has been approved for needs to be filled in as it was left blank.

Page 10-Topography. Will this section be expanded to include much more information on floodplains, ground water, watersheds, soil types and drainage basins? Chair Sturdevant added they were included in the 1996 update of the Comp Plan. The relevance of having them included in this update is that the different soil conditions help officials and residents to know what to expect in terms of ground water, which is an important topic in Westfield Township. Chair Sturdevant added she contacted the Medina County Planning Services and they said the topography information was completed in the 70's and was not updated by the County. However, County Planning stated they would not be comfortable recommending approval of a Plan without that information in it. Mr. Majewski stated he was taking notes as to what still needed to be or should be addressed in Plan and would like the consensus of the Commission on these items.

Page 19 references Zoning in Villages and Abutting Townships. Chair Sturdevant stated there was a sentence that read, "If and when developed for uses permitted in these districts, there is potential for incompatible impacts on the residential areas. Chair Sturdevant asked if there should be a contingency plan so that the Township could be proactive instead of reactive. Mr. Miller interjected that he believed an example would be where there was already a zoning district established like the west end of Greenwich Rd. If a garage opened up that would impact those residents in that area with noise and light

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pollution. He continued those were the types of things that needed to be addressed to limit what businesses could go in as well as to protect the residents. Chair Sturdevant stated in that section it also read, "Industrial zoning districts on the west edge of Seville and Guilford Township abutting residential zoning in Westfield Township." She added that with communities growing and the zoning that is in place there may be compatibility issues and felt possibly that should be addressed now rather than later. Mr. Majewski stated that was hard to do as there was always the potential for an abutting community to change their zoning.

Page 23 Fire and EMS Service. Chair Sturdevant stated the study that was undertaken regarding Fire and EMS Service was referenced in the Plan, and she questioned if that study should be attached to the Plan or just a reference statement that the study was available at the Township? Mr. Majewski stated he could list it in the appendix

Page 24 Community Survey. Grammatical correction. Sentence should read, "In all four areas of the Township, a strong majority responded "yes" with 85% of the total responding "yes".

Page 25-Survey Question-"Should the Township provide for increased development of the following uses..." Chair Sturdevant stated that 70% of the survey results indicate no more industry and 63% indicate no more office. Between 50-60% do not want any more small local shopping areas or restaurants. She added she knew there was existing land zoned commercial but later in the Plan it states the Township should look at reducing what land is currently zoned local commercial. With that Chair Sturdevant questioned why industrial/office space is proposed to be added? Does the survey or the Comp Plan Steering Committee hold the weight in this decision? She added this concerns her and she would like Mr. Majewski to explain the reasoning for proposing industrial/office. Mrs. Kemp stated she agreed with Chair Sturdevant's comments about the office/light industrial area because there was less resistance to retail than office/light industrial.

Mr. Majewski responded that the survey was just to get a general feel of the residents not to ask specific questions about specific properties. He added that there has been a lot of pressure on how to develop the area north of Greenwich Rd. and bound by the freeway as commercial. He added that those uses make more sense despite the response of the residents on the survey. The alternative is to leave that area as large lot zoning or some other type of residential zoning, but the owner of the property has stated he does not believe there is any potential for residential zoning. The result is something needs to be done there. Chair Sturdevant stated a lot of what she heard regarding that general area is the concern of ground water pollution, flood plains, and the protection of the natural resources and did not know if office/industrial was going to be better than anything else. Mr. Majewski stated it would be a matter of how something would be developed regardless of what that would be. He added that the traffic issues in that area were also a major concern.

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Page 28. Chair Sturdevant stated that the Plan is referenced as an update and wondered if this was true or if this Plan would then supersede the 1996 Plan. Mr. Majewski stated it was a matter of semantics. He continued that 70-75% of the Goals, Objectives and Policies on page 28 were the same as those in the 1996 Plan. Mr. Majewski stated he personally felt this was an update as much of the information was a direct pull from the 1996 Plan. Chair Sturdevant stated the reason she asked is that if there was ever a lawsuit and the Pros. Office had to defend the Township what Plan/Update would be the one that would be defended?

Page 29-Chair Sturdevant thanked Mr. Majewski for adding ways to promote agricultural activities in the Township.

Page 30-Policy IB5-“Encourage residents to preserve forested areas and to permit and promote the re-growth of natural vegetation.” Chair Sturdevant stated she went to a training seminar last year and it was stated that a lot of Townships were enacting setbacks and buffer zones where they were requiring natural vegetation or leaving the area in a natural state. She continued that it was causing uproar in communities as sometimes that meant property owners could not even mow or groom their property. She added she wanted to make sure this policy was just an encouragement and not a demand.

Page 30 Policy 2A6-“Plan and coordinate the construction of pedestrian and bike facilities to provide useful, healthful and safe opportunities for these basic transportation modes. To the extent feasible, interconnect with pedestrian and bike facilities in adjoining communities.”

Chair Sturdevant stated she felt this was a wonderful idea as there were not areas in the Township to safely ride a bike or walk. However she added she spoke with Bill Thorne and the only way this policy could happen is if the Township bought the land. Asking private property owners to take the liability of allowing the public to enjoy recreational uses on private land would be nearly impossible with the legal ramifications that would come with it.

Mr. Majewski responded that policy does not say to take somebody’s private property. Chair Sturdevant agreed the policy did not say that, but regarding the entire concept of a conservation district, Mr. Thorne stated that if the Township was going to have such a district it had to be laid out as to exactly how it is going to be and part of what is proposed is hiking and biking trails along the Creek. That being said Mr. Thorne stated it would be difficult to accomplish that. The Township could work with private property owners but short of the Township buying the property it would be difficult to get that done.

Mr. Majewski stated he did not just mean for trails along the Creek but potentially trails along roads so individuals could have the opportunity to ride and hike and still be safe. If

a conservation district was to be created it would take the cooperation of the Township and private property owners for such trials but it would be known upfront what would occur and what responsibilities would be expected. Mrs. Kemp stated if there was a conservation district wouldn't there have to be parking provided? Mr. Majewski stated yes that was a strong possibility.

Page 31-Policy 3A2-"Regulate any land use in the Township from physically obstructing, interfering or altering any portion of a floodplain or natural drainage system consistent with the Medina County Floodplain Regulations."

Chair Sturdevant stated that because an area is designated a floodplain does not mean it could not be built on. There are regulations for mitigation that may have to be followed and adhered to.

Page 34-"Promote the conservation and protection of land and water sources." Chair Sturdevant stated it said in this section of the Plan that the Township website should continue to provide information on these topics however the website currently does not so she questioned whether reference to the website should be included.

Chair Sturdevant stated she had a long conversation with Mr. Thorne about the proposed office/industrial district. The area delineated for this district is the area north of Greenwich and east of Lake Rd. over to the Guilford Township line. She questioned why this was not considered spot zoning. She added she was told because it was not one property and went across the Creek into Guilford Township. Therefore it was an "area" and not considered spot zoning. Mr. Majewski stated the map provided in the Plan is not a zoning map it is a future land use map. Chair Sturdevant stated knowing the area east of the Creek was turned down for annexation; it was now up to the Township to determine the best use of that property. She commented that the lot east of the creek is zoned Rural Residential and does not have access so how does the office/industrial district become viable use? If not a viable use the portion that is left under industrial/office would be considered spot zoned because it is one parcel and the Township would putting that individual property owners needs above the others in that area.

Chair Sturdevant continued that she was very uncomfortable with that entire section of the Plan. She added that Mr. Thorne stated he would like to review the entire Plan as what he said was just based on a faxed copy of the items Chair Sturdevant sent him. Chair Sturdevant continued that \$30,000 was spent on this Plan and it would not be prudent to reject the Plan the Township has spent this amount of money on. However, in order to approve the Plan she wanted to make sure it was sound, feasible and legally defensible. She added that Mr. Thorne suggested a work session between the Commission and himself before a vote was taken to recommend the adoption of the Plan by the Trustees.

Mr. Majewski stated this particular "area" of the Township was very complicated. Chair Sturdevant responded yes, but regardless of what develops in that particular area she wanted to make sure it was defensible and at this point she questioned if the proposed district was so. She continued that if the front portion of the property that was zoned Rural Residential became industrial then that issue would go away as the property could then be accessed and property next door would not then be considered spot zoning.

Mr. Miller asked why it was the Commission's responsibility to create access to someone's property; so somebody could sell off 5 acres of backland and still not have access? Chair Sturdevant stated if the Commission moves to change the zoning of that property it was not providing a viable use because of the lack of access. Mr. Miller interjected that the map Mr. Majewski has provided is not a zoning map it is a future land use map. Chair Sturdevant stated the Commission is aware, based on the property owners in that area that they are going to ask for certain uses in that general area and the Township needs to be able to defend its actions. The way the Plan is written she did not feel the Township would be in a position to do so.

Mr. Majewski stated lines were not exact and the Township may include some of the properties in the area that are already zoned commercial. He added the Plan does not make the stand that the Township should rezone the property in that area. Mr. Majewski stated it would be helpful if Mr. Thorne had the entire Plan. Chair Sturdevant stated that was why Mr. Thorne suggested a work session with the Commission.

Page 40-Bullet #4 "Office/industrial use will be compatible with and potentially supportive of future uses in the LC Local Commercial District. Some of the existing LC properties may also be suitable to be rezoned for office/industrial use." Again Chair Sturdevant questioned the proposed use of office/industrial which was in direct conflict with the results of the survey. Mr. Majewski responded the reason for that was there were already properties zoned LC that are split zoned and therefore maybe they could become the "gateway" to an industrial area.

Page 41-Bullet #1 "Office/industrial development is consistent and compatible with the abutting zoned and developed industrial areas of Seville Village which appear to have experienced significant success and development and marketing of office/industrial land."

Chair Sturdevant stated the existing trucking company just left the Village. Seville is looking to expand their industrial area and currently there is office space on Park Ave. that remains empty. She commented that maybe Westfield Township would be more successful with better access and two highways nearby, but she was not confident of the statement if you build it (office space) they will come seeing what has happened in Seville.

Mrs. Kemp stated on page 42 under Implementation Strategies it states, "Review and amend the uses permitted in the HC District. Consider adding some retail/service uses which serve the needs of visitors as well as benefit the local market." She commented that she was concerned this might encourage SOB's (Sexually Oriented Businesses).

Mrs. Brewer reiterated her previous statement that she did not feel the results of the survey, due to the poor return rate, reflected what the majority of the residents truly wanted. Having Northstar Planning as the return address was confusing to say the least as well the fact there was no return stamped envelope. Residents did not know it was the Township survey and she felt that more promotion should have been given to the survey being mailed out to the community. Mrs. Brewer continued that the Township spend a lot of money on this survey and the Plan and something else should be done to get the pulse of the community. Kemp and Mr. Anderson agreed. Mr. Majewski stated the response rate percentage was the same as the community survey that was done previously. It is the nature of mail out surveys.

Chair Sturdevant asked the Commission if they wanted to move forward with a vote or table the vote until a work session could be had with Mr. Thorne? She stated she would like to schedule a special meeting for a work session with Mr. Thorne and have Mr. Majewski in attendance. She commented she did not want to stall the process, but the Township spent a lot of money on this plan and would like to see it become a reality. However for her if that was to happen it needs to be something the Township can legally implement and that will be defensible.

Mr. Majewski suggested that the list of concerns/issues/questions the Commission had be compiled and given to Mr. Thorne and a work session scheduled and he would make every attempt to be available.

Public Comment

Carol Rumberg addressed the Commission. She began by saying she felt between the survey, the Steering Committee and Mr. Majewski professional expertise, the Township drafted the Plan. Mrs. Rumberg stated she personally felt the survey was just one tool to gauge the Township's desires. Individuals don't want to take the time to fill out a survey or return them. The Steering Committee made tough decisions and felt the Plan was just recommendations the Township could implement and did not understand how the Plan was becoming such a legal issue.

Mrs. Rumberg added that regarding the Chippewa Creek Conservation/Recreation Corridor it says in the Plan to collaborate studies with other Townships and other public officials, pursue granting etc. It is not just Westfield Township having to purchase land to pursue this development option. These are recommendations and the Plan does not say that the Township has to pursue these development concepts.

Chair Sturdevant responded that what bothered her was the fact the Plan needs to be defensible in the event of litigation. That is why the State recommends a Comprehensive Plan as the basis for the zoning regulations of the community. The Comp Plan is the supporting documentation for the decisions made by the Township. If the Township adopts the Plan with the acceptance that East Greenwich Rd. area should be zoned office/industrial, it really does not leave that area open for options as the Comp Plan states the future way the land should be developed. The Plan would then need to be changed/updated and that would be financially costly to the Township. The Plan needs to support the decisions made by the Township.

Mr. Miller asked why the Commission members voted for things contrary to other survey results? Chair Sturdevant stated she had the answers to the questions she had from Mr. Thorne and the way it was being done to resolve those issues and she presented a finding of facts to show why she voted the way she did and it was part of the public record.

Mrs. Rumberg stated she thought the Comp Plan was recommendation and not something that specifically had to be followed. Chair Sturdevant stated it is, but the Plan has to be defensible and in accordance with the zoning code. Mrs. Rumberg thanked Mr. Majewski for all his expertise and work put into the Plan.

Secretary Ferencz commented that the Comp Land Use Committee recommends the Plan to the Zoning Commission and the Zoning Commission recommends the adoption of the Plan to the Trustees. The Trustees have the ultimate decision to adopt, reject or modify the Plan. However there is nothing in the Ohio Revised Code that explains how a Comprehensive Plan has to be adopted. After the Plan is adopted, the next step would be to review and revise the Zoning Resolution so that both documents i.e. the Comp Plan and Zoning Resolution are compatible with each other.

Mr. Anderson made a motion to table the recommendation of the Comp Land Use Plan until after a work session with Mr. Thorne from the Pros. Office is held with the Commission to review such document. It was seconded by Mrs. Kemp.

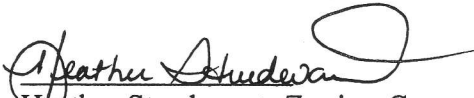
ROLL CALL-Anderson-yes, Kemp-yes Brewer-yes, Miller-yes, Sturdevant-yes.

Secretary Ferencz stated she would forward the meeting minutes, questions from this evening and a draft of the Comp Plan Update to Mr. Thorne. She added she would also forward a copy of the meeting minutes and well as the questions from this evening to Mr. Majewski. A work session with Mr. Thorne would then need to be scheduled. Chair Sturdevant stated she would like to ask the Trustees to attend the work session as well. She also asked if any Commission members had any further comments/questions to forward them to Secretary Ferencz so she could forward them to Mr. Thorne accordingly.

Having no further business before the Commission, Mrs. Brewer made a motion to adjourn. It was seconded by Mr. Anderson A roll call was taken. All members were in favor. The meeting was officially adjourned at 9:10 p.m.

Respectfully Submitted,

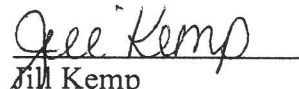
Kim Ferencz, Zoning Secretary




Heather Sturdevant, Zoning Commission Chairperson



John Miller



Jill Kemp



Susan Brewer



Scott Anderson