

**WESTFIELD TOWNSHIP  
BOARD OF ZONING COMMISSIONERS  
PUBLIC HEARING/SPECIAL MEETING  
JULY 27, 2010**

Chair Sturdevant opened the public hearing of the Westfield Township Board of Zoning Commissioners to order at 7:36 p.m. Board members Brewer, Anderson, Kemp, Miller and Sturdevant were in attendance. Alternate member Brezina was also in attendance. Other individuals in attendance: Ron Oiler, Stan Scheetz, Carol Rumburg, and Zoning Inspector Matt Whitmer.

Chair Sturdevant stated for the record that the recommendation of the Medina County Planning Commission was received regarding the proposed text amendments on Digital Message Signage. The recommendation was for approval of the proposed text amendments. The Commission did take into consideration the Staff Comments and felt comfortable that those were not a concern i.e. there was no conflicting language and the Commission was in agreement that Digital Message Signs would only be permitted in the HC District.

Mr. Miller stated that Zoning Inspector Matt Whitmer brought up at the Trustee meeting that this proposed signage language would not affect the signage the State is going to put up on the interstate. Zoning Inspector Whitmer stated that the signs the State are going to erect on the interstate fell under Federal Law. Zoning Inspector Whitmer continued that he did contact the representative from ODOT and he was still willing to meet with the Township to explain what signage was going to be erected.

Secretary Ferencz stated there were advertising issues again with the Gazette. Though she sent the correct ad for this evenings meeting it was not posted correctly. Since the error was on the side of the Gazette, the Commission could proceed with the hearing/meeting this evening. Chair Sturdevant commented that there seemed to be numerous errors made by the Gazette regarding the advertising of meetings. She added if the public is not notified of the hearings/meetings how can the Township expect attendance and/or participation? Chair Sturdevant suggested that this be discussed with the Trustees.

Chair Sturdevant then opened the hearing for public comment. There was none. Chair Sturdevant then closed the hearing to public comment at 7:45 p.m.

Mr. Anderson stated he did not want to see Digital Message Signs allowed in the LC District due to the numerous residential uses in that area. The rest of the Commission agreed.

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Mr. Anderson made a motion to recommend the approval of the proposed text amendments to permit and regulate Digital Message Signs in the Highway Commercial (HC) District only under Section 407 Signs Permitted in the HC, LC and I Districts and the corresponding matrix; as well as a definition for Digital Message Signs It was seconded by Mrs. Kemp.

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

Chair Sturdevant closed the public hearing at 7:44 p.m. and opened up the special meeting of the Westfield Township Board of Zoning Commissioners to order at 7:45 p.m. Board members Brewer, Anderson, Kemp, Miller and Sturdevant were in attendance. Alternate member Brezina was also in attendance. Other individuals in attendance: Ron Oiler, Stan Scheetz, Carol Rumburg, and Zoning Inspector Matt Whitmer.

### **GENERAL BUSINESS**

#### Approval of July 6, 2010 Minutes

Ms. Kemp made a motion to approve the July 6, 2010 meeting minutes as amended. It was seconded by Mr. Anderson.

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

The Commission acknowledged the reproduction of minutes from the joint board workshop meeting with the BZA and Board of Trustees. It was so noted that no minutes needed to be formally written or adopted for a joint workshop meeting.

Chair Sturdevant stated she spoke with Patrice Theken from the MCDPS and the proposed text amendments submitted by Mr. Scheetz. Ms. Theken stated that the MCDPS has recommended some changes to be made to the application and Mr. Scheetz is agreeable to making those changes and has no objection to Westfield Township tabling the proposed text amendment until September so that it could be heard with a map amendment Mr. Scheetz would be submitting as well. If the Commission was amicable to holding off at the August 10, 2010 public hearing and tabling the consideration of these amendments until September she would appreciate a letter be sent to them to take Mr. Scheetz items off the August agenda of the Planning Commission.

### **NEW BUSINESS**

Review of Comprehensive Plan Update. The Commission members were to review the Update and propose necessary changes to the document for consideration.

Chair Sturdevant stated on pg. 29 of the Comp Plan

***1. Objective IB: Maintain the Township's low-density residential environment in areas which are not planned for other densities or uses and are not supported by infrastructure such as centralized sewer and water.***

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Chair Sturdevant recommended the following wording:

Objective IB: Maintain the Township's low-density residential environment in areas which are not planned for other densities or uses and **cannot be** supported by infrastructure such as centralized sewer and water.

Chair Sturdevant stated she would like the wording changed from "are not supported" to "can not be supported". She continued that if somebody submits an application to develop and they can get the necessary utilities the Township should not prevent them from developing the land unless the utilities could not be secured.

The Commission members were in agreement except for commission member Miller. Mr. Miller stated the necessary utilities should first be secured and then the density could be changed. Chair Sturdevant stated it was not practical to require utilities to be secured first because a developer was not going to incur that expense and lengthy procedure first before knowing he/she could have the requested zoning they were asking for. Mrs. Kemp agreed. Chair Sturdevant added the Township could approve a plan with the caveat that utilities need to be obtained otherwise the project cannot and will not move forward. Mr. Miller responded he read the objective differently in that he felt the land should remain low density until a plan is submitted to change the density. He added the Township surveys that have been completed over the last several years all said that the residents want to maintain the low-density residential environment.

Chair Sturdevant stated she did not interpret the objective in that manner. Mr. Miller stated he did not agree with changing the zoning until the infrastructure to support a higher density was obtained. Mrs. Kemp stated a developer/property owner was not going to make the investment of securing sewer and water if that individual did not have the zoning in place in order to develop the property at a higher density. That would not make sense from a business standpoint. Mr. Miller stated it would be the County that would put in the utilities. Mr. Scheetz interjected that often times the County does not put in sewer and water the developer does. Then the County allows a deferred/delayed assessment to collect the money at a later date. He added it would be absurd for a developer to spend millions of dollars to put in sewer and water and not have the zoning secured first for a project. The rest of the Commission agreed except for Mr. Miller that the wording should be changed from "is not supported" to "can not be supported."

***2. Objective IB4: Promote and preserve the low density character of the community by encouraging acquisition of park land, preserving open space, and encouraging continued agricultural use.***

Chair Sturdevant stated she would like the wording "encouraging acquisition of park land" stricken. She added from the last meeting it was stated just how much land the County Park District has acquired and how much tax revenue has been lost due to that

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fact. Therefore she would like to see that wording stricken due to the loss of tax base for the Township and the school district.

Mr. Miller stated he did not agree. The Township spent \$30,000 and completed a survey and had a committee of 28 people. The residents surveyed stated they would like to see more parkland and recreation. Chair Sturdevant stated the wording of encouraging the acquisition of parkland is what bothered her. If the park wants to buy land that was another story. Mrs. Brewer stated she answered she wanted to see more parks/recreation but not at the loss of tax revenue to the Township and/or school district. Chair Sturdevant stated if individuals want to donate their land to the park district or the park district wants to buy land she was fine with but not for the park to take land. Mr. Miller stated he felt the word "acquisition" also referred to the buying of land. Chair Sturdevant stated yes, but that word could also mean the taking of land as well. The rest of the Commission agreed with Chair Sturdevant to remove the wording "encouraging acquisition of park land from Objective IB4.

**Page 31 *Policy 3A3: Promote floodplains and wetlands as well as river corridors in general as open space/conservation easement areas.***

Chair Sturdevant stated she would like the wording "conservation easement areas" to be removed, as she did not want it reflected in the Update that the Township was supporting individuals to provide easements on their property. She added there was recently a situation where a property owner gave an easement to the fire dept. for the dept. to be able to get to his pond to fight a fire because there were no fire hydrants. Now fire hydrants are in and the property owner wants the easement back. Mr. Miller stated the word "promote" in Policy 3A3 does not mean force or require. Chair Sturdevant stated promoting means telling someone you want someone to do a certain thing and she was not going to do that. It is a choice and the property owner can decide what they want to do with their land. The Commission agreed deleting the wording "conservation easement areas."

Regarding Page 36 Future Land Use Plan; the future land use plan is illustrated on the Future Land Use Plan Map. It is also described by the area in the following text. The described areas are: East Greenwich Rd. Office/Industrial Area.

Chair Sturdevant stated the wording "office/industrial" should be deleted. She added that based on the previous discussion during the last meeting; the Commission decided that the East Greenwich Rd. area should not be "designated" for a specific use without the proper studies done to see if office/industrial was a feasible option. Therefore, any reference to office/industrial on East Greenwich Rd. should be deleted. Mr. Miller suggested leaving the wording and adding "with proper studies". Chair Sturdevant stated it was discussed to leave the East Greenwich Rd. area open for determination as to what zoning district classification it should have. She continued that the map should also

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reflect the area denoted on the map as office/light industrial with the wording, "East Greenwich Rd. Area. Further studies required to determine viable use(s)" and possibly changed to a different color on the map.

Chair Sturdevant then suggested to strike bullet point #3. which reads, "Create a new office/industrial area in the East Greenwich Rd. area" and change it to read, "Establishing a new or updated zoning classification based upon further studies for the East Greenwich Rd. area." The majority of the Commission agreed.

Page 39 was entitled East Greenwich Rd. Office/Industrial Area. This was changed to read East Greenwich Rd. area. The majority of the Commission agreed.

Page 40 4<sup>th</sup> paragraph all references to office/industrial zoning classification to be removed; and replaced with the wording, "a new zoning classification". Chair Sturdevant stated that way no uses were included or excluded until further studies are undertaken to determine the best use of the East Greenwich Rd. area. The majority of the Commission agreed.

Page 40 Bullet Points. Heading to read, "This new land use classification." Regarding the bullet points, any/all references to office/industrial development to be deleted and replaced to read, A new zoning classification. The majority of the Commission agreed.

Page 41 Bullet point #5 would read, "A traffic impact study would need to be completed before a new zoning classification could be determined." The majority of the Commission agreed.

Page 41 Bullet #6 to read, "A new zoning classification would be consistent and compatible with the abutting zoned and developed areas of Seville Village." The majority of the Commission agreed.

Bullet #7 to be deleted in its entirety because it states specifically that office/industrial development is typically a stable element of local tax base. Chair Sturdevant commented that statement may be true, but that sentence should be deleted because it was previously discussed that further studies are to be undertaken to determine what uses will be viable for that area and provide a local tax base. The majority of the Commission agreed.

Mr. Miller stated that effectively the Zoning Commission was trying to disregard the entire Comp Land Use Plan Update. Chair Sturdevant stated that was not true. At the last meeting all Commission members including Mr. Miller stated the biggest discomfort with the East Greenwich Rd. area being proposed to be developed office/industrial is that there were no studies to back up that was a viable use for this area. Mr. Miller stated he did not say that. Chair Sturdevant responded that Mr. Miller did agree that "something" needed to be done with that area. She added Mr. Miller was in favor of the East Greenwich Rd. area



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being developed as office/industrial but the rest of the members would rather have further studies done to prove what viable use should go in that area. Chair Sturdevant stated the whole point of this exercise was for each Commission member to go through the document and see if we could make it read to make the majority comfortable with the Update.

Mr. Scheetz stated regarding the area east of the Chippewa Creek where he represents his clients they would like that area to be zoned industrial. Chair Sturdevant stated that area may be suitable for industrial but the Commission would like the Township to undertake more studies to determine the viability of that use. Mr. Scheetz stated he did not know what study could be done as the property is surrounded with industrial zoning on three sides. Chair Sturdevant responded studies such as noise, air pollution, highway issues, etc. Mr. Scheetz stated because of the requirement of on site septic systems that area could not support smokestack businesses. He added that regarding traffic studies, those are usually done in relation to site plan submittal. Mr. Scheetz stated that he has never been involved in any rezoning in Medina County that would require a traffic study be completed before a property would be rezoned. Chair Sturdevant stated she addressed when a traffic study would be required in the process later in the document. Mr. Scheetz stated the last bullet point on page 40 was just modified to read, "traffic impact study would need to be completed before a new zoning classification could be determined." Regarding the property he would be submitting a map amendment for, which consisted of approximately 350 acres, Mr. Scheetz stated only about 25-30 acres would be developed at a time but a plan could be integrated to show an overall development plan. He has offered this area to be developed as a General Business District, which has multiple uses that would be permitted. For each use that would be developed, a traffic study would need to be completed to see what upgrades to the infrastructure would be required in order for the project to move forward. Mr. Miller suggested the wording be modified to read all studies need to be completed i.e. groundwater, flood plain before a site plan is approved. Mrs. Kemp suggested the last bullet point on page 40 be removed in its entirety because traffic studies would be part of the site plan review and not an implementation strategy. Again the issue was raised about changing the zoning classification of a property before studies were completed or infrastructure secured. The rest of the Commission members agreed to strike the last bullet on page 41 except for Mr. Miller. Mr. Miller stated he would like to hear from legal counsel if and when such studies could be required.

Regarding the Implementation Strategies on page 41, The Commission agreed to have the first bullet point read, "Indicate in this Land Use Plan the potential for rezoning the area north of Greenwich Rd. and bound by I-71 and Seville Village." The rest of the sentence to be stricken.

Mr. Scheetz interjected it appears everything the Commission has been focusing on has been the area north of Greenwich Rd. He added there is currently LC on the south side of Greenwich Rd. Mr. Scheetz continued that about a year ago, County Planning stated the

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area of Greenwich Rd. should be looked at as a whole with growth boundaries. The growth boundaries were to be applicable to the south side of Greenwich Rd. as well. Mr. Scheetz stated he suggested growth boundaries on the north and south side of Greenwich Rd. in his text amendment. Chair Sturdevant stated this Update was not based on applications that may be pending. Mr. Scheetz stated this caused a conflict but not a conflict that could not be overcome.

Regarding bullet #2 on page 41 it read, "On a case by case basis, consider adjusting the commercial zoning boundaries to better fit the shapes of the properties which are already largely contained within the commercial district. Deeper properties may remain in split zoning (i.e. commercial frontages or residential zoning on backlands. The wording office/industrial to be deleted from the parenthesis. The purpose was not to reference office/industrial for this area.

Regarding bullet #7, Chair Sturdevant suggested this point to read, "Update the Zoning Resolution to provide for a new zoning classification which permits uses and standards suitable for the area as determined by any applicable studies undertaken by the Township or an applicant." The majority of the Commission members agreed.

Bullet #8 would have the reference to office/industrial deleted and replaced with "a new zoning classification" with the rest of the wording to remain as is. The majority of the Commission members agreed.

The Commission moved on to Future Land Use Plan Lake Rd. /US 224 Business District. On page 42 under Implementation Strategies, Chair Sturdevant suggested the wording "Review and possibly amend the uses permitted in the HC District." The rest of the wording to be stricken from the bullet point as the Township was not going to consider providing services to serve truck drivers as proposed. This would deal with the potential issue of SOB's in the Township in this area. The majority of the Commission members agreed. Mr. Miller commented that the current code addresses SOB's.

On page 44 under Additional Land Use Concepts bullet #3, the wording, "Chippewa Creek Conservation/Recreation Corridor" to be deleted. Mr. Miller asked what was wrong with recommending the concept of a Chippewa Creek Conservation/Recreation Corridor be looked at? Chair Sturdevant responded because of the issues that would be included in order to possibly make this type of development happen such as the taking of land without buying it and the issue of obtaining easements from property owners. Mrs. Kemp stated it was about property owners rights. If property owners want to donate land that was fine but she was not going to force a property owner to go along with an easement or have his land taken. She added when this Update is adopted the Zoning Resolution would then need to reflect the Update. Mrs. Kemp stated she could not go along with infringing on property owners rights. Mr. Miller stated he did not see it that way. Chair Sturdevant stated at the last meeting of the Commission there was 100%

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consensus that certain items needed to be changed to be able to move forward. Chair Sturdevant added she was of the understanding Mr. Miller was on board with those changes. That was the whole point of the exercise; to make the Commission members comfortable with the Update so it could be forwarded to the Trustees for adoption. Mr. Miller stated at the last meeting the Commission was going to change the reference to East Greenwich Rd. being zoned industrial/office and the reference to the Chippewa Creek Conservation/Recreation Corridor. Now there were pages and pages of changes. Chair Sturdevant stated that changes needed to be made in different areas where references to those concepts were addressed. She added she too did not want to have spent \$36,000 on an Update and have nothing to show for it and/or have to return the grant money if the Update was not adopted.

Mrs. Rumburg asked if the Commission realized these were recommendations and if the Commission understood or listened back to what Mr. Thorne stated at the workshop with the planner Mr. Majewski present about a conservation/recreation corridor for Chippewa Creek? Chair Sturdevant stated even when Mr. Thorne discussed the concept there were Commission members that were still uncomfortable with the idea of the potential cost and consequences for a property owner i.e. if they would be liable or at least the issue of having to protect themselves. She added the Commission was trying to stay away from infringing on individual property owner rights. This conservation recreation corridor could leave open the potential for those in charge to eminent domain property in order for this to be achieved and she nor the majority of the Commission members wanted to support or recommend that concept.

Chair Sturdevant continued that the Commission could come up with a modified Update which is the direction the Commission was moving this evening and provide the Trustees with a the modified version and the original version as drafted and let them make the ultimate decision. She added she felt the Commission was doing due diligence in the instance the Trustees don't like the original plan. If that is the case, the Commission could now offer a modified version of the Update for consideration. Regardless, the Trustees make the ultimate decision. Mrs. Rumburg stated it was hard for her as there were many who worked on the Update and besides Mr. Miller no one else was involved in the process so it is frustrating. Mrs. Kemp stated that she could not approve the Update as proposed but was willing to provide a modified version of the Update as she did not want to waste \$36,000 or have to pay the County back grant money.

Chair Sturdevant stated the Commission was to look at this Update from an unbiased perspective. She added if she sat on the Steering Committee she personally would be too attached to the document as written and would want it passed as drafted. Mr. Miller stated he was not attached to the Update but knew the process of how the decisions were made for the Update. Mr. Miller stated there were many opportunities for Commission members to attend meetings to see how the Steering Committee arrived at what was presented. Mr. Miller asked if the Commission would present the Trustees with two



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plans? Chair Sturdevant stated it would be up to the vote of the Commission to recommend the original Update or to recommend the revised Update to the Trustees who have the ultimate decision on adoption.

Mr. Scheetz stated for the record all of the clients he represented for the map amendment located on the east side and west side of the Chippewa Creek would be willing to provide a deed to part of their property or to give an easement. Mrs. Kemp asked about the other side of Rt. 224? What would happen if those property owners don't want to give an easement then the Township was opening up the idea of eminent domain?

Continuing on with the proposed changes to the Update, on map remove the reference to the Chippewa Creek Conservation/Recreation Corridor and where the key is for office/light industrial deletes that wording and state, "further studies required to determine viable use." The majority of the Commission members agreed.

On page 47, the paragraph starting Several properties... should have the wording "connecting to the proposed Chippewa Creek Preservation/Recreation Corridor" deleted. The majority of the Commission members agreed.

Page 49 and 50 to be removed in their entirety. The majority of the Commission members agreed.

On page 51 Community Facilities the wording "and possibly as part of the Chippewa Creek Corridor concept proposed for further study elsewhere in this Plan Update" to be deleted.

On page 53, bullet #3 the reference to the Chippewa Creek Conservation/Recreation Corridor be deleted. The majority of the Commission members agreed.

On page 53 bullet #4 the wording "acquire and/or otherwise" to be deleted. The majority of the Commission members agreed.

On page 54 the bullet point should be deleted completely as it again referenced the Chippewa Creek Preservation/Recreation Corridor. The majority of the Commission members agreed.

On page 60 under Planning Tasks #4 Mrs. Kemp suggested taking out the specific reference to the Muskingum Watershed Conservancy District and just leave the general wording of regional agencies. The majority of the Commission members agreed.

On page 60 bullet #1 should read "East Greenwich Rd. Area" with office/industrial area to be deleted. The majority of the Commission members agreed.

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On page 60 bullet #2 referencing the Chippewa Creek Conservation/Recreation Corridor should be removed in its entirety. The majority of the Commission members agreed.

On page 62 the last bullet point should be adjusted to read, "Amend the I Industrial District Standards and Uses and create a new zoning classification." The wording "create and OI Office Industrial District" to be deleted. That bullet point would go on to read, "A wider variety of uses may be of value on the site recommended for "a new zoning classification" (office/industrial use to be stricken) on the north side of Greenwich Rd. and may facilitate re-use of the recycling plant..." The majority of the Commission members agreed.

The next paragraph, "As an alternative, consider creating a new Office/Industrial District" to be deleted in its entirety. A new bullet to be added that would read, "Consider creating a new zoning district. The plan update identifies one area that may be suitable for a zoning change not currently provided for in the Zoning Resolution." The majority of the Commission members agreed.

On page 64 the first bullet point to be revised to read "New zoning classification area" (Office/Industrial to be stricken) as illustrated on the Land Use Plan for properties to the north of East Greenwich Rd." The majority of the Commission members agreed.

On the action chart strike Chippewa Creek Recreation/Conservation Corridor and Replace Office/Industrial District text and replace with New Zoning Classification text. The majority of the Commission members agreed.

Commission members Brewer, Anderson, Kemp and Sturdevant were in favor of the proposed changes. The Commission stated they would have Mr. Majewski make the proposed changes and review them at the Commission's August 10, 2010 meeting. Chair Sturdevant stated she would also forward Mr. Majewski the spelling and grammatical changes to the Update. Chair Sturdevant stated added she would also ask Mr. Thorne about Mr. Miller's concern about studies and when they should be required/completed.

**Next Meeting**

Public Hearing/Next Regular Scheduled Meeting-August 10, 2010 at 7:30 p.m.

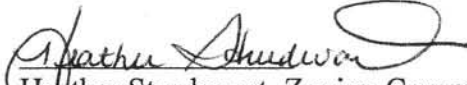
**Adjournment:**

Having no further business before the Commission, Mrs. Kemp made a motion to adjourn. It was seconded by Mrs. Brewer. A roll call was taken. All members were in favor. The meeting was officially adjourned at 9:15 p.m.

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Respectfully Submitted,

Kim Ferencz, Zoning Secretary



Heather Sturdevant, Zoning Commission Chairperson

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John Miller



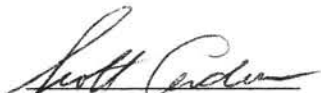
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Jill Kemp



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Susan Brewer



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Scott Anderson