

**WESTFIELD TOWNSHIP  
BOARD OF ZONING COMMISSIONERS  
CON'T of PUBLIC HEARING**

**JANUARY 25, 2011 @ 7:30 pm. Text/Map amendments for proposed General  
Business District/General Business District PUD**

Chair Sturdevant called to order the con't of the public hearing of the Westfield Township Board of the Zoning Commissioners at 7:32 p.m. Permanent Board members Kemp, Anderson, Brewer, Miller and Sturdevant were in attendance. Alternate Commission members Zweifel and Brezina were also in attendance. Other individuals in attendance: Diane Anderson, Karen Fisher, Buck Adams, The Drakes, Ron Oiler, Tim Kratzer, Mark Taylor, Tommy & Katelyn Atsma, Tom Micklas, Bethany Dentler, Jim Likley, Mike Schmidt, Carolyn Sims, Leslie Prochaska, Guillermo Carrasco, Larry Bensinger, The Kerrs, Matt Witmer, Carolyn Sims, Stan Scheetz, Carol Rumburg, Mark Taylor, Wirtie Kratzer, S. Forest Thompson, Kathleen LeMar, The Hoops, Joel Sech, Mike Sweeney, Jeff VanLoon, and Zoning Inspector Witmer.

**EXPERT SPEAKERS**

Buck Adams-Medina County Emergency Management. Emergency Management usually does not attend zoning board meetings because we believe we have developed regulations within the County for safe development based on the hazards there would be for land in the County i.e. flood plain development. Regarding commercial or residential development the federal floodplain standards were not adequate. With the adoption of 2-ft. contours instead of the 10-ft. contours we are much more accurate in the floodplain. In 2008, higher standards were adopted in the floodplain especially in commercial areas. If a business floods 60% of the time it does not rebuild or remain. That is always a challenge for a community who in good faith permits a business to locate in a flood plain to bring in needed revenue and it floods. More than 50% of the time the business won't come back but takes the money and runs. We have developed higher standards so that business won't flood or if it does it is with the least amount of flood damage so the business will remain. Those standards are contained in the Highway Engineer's Regulations. Mr. Dan Wilhoute is the County Floodplain Engineer. He will work with the building department to make sure any commercial business is developed under those higher standards. Emergency Management supports whatever position the Township, Village or City wants to take in terms of development and trying to avoid the effects of Mother Nature.

Chair Sturdevant asked, in regards to the floodplains do the standards also help protect the surrounding areas from runoff or flooding issues once something is built? Mr. Adams stated that was an engineering issue and would have to be addressed with the County Engineer's Office. There are development standards to make sure what is done on somebody's property does not affect another individuals property. In essence if you fill in a flood plain dirt has to be removed somewhere else. If you are pushing water onto someone else's property it must be done so with an agreement. This is how Chippewa Landings is being developed. As they fill in a portion of the floodplain they must take another area in the floodplain and further expand it so it does not effect homes in the area.

Mr. Miller asked about the text amendment before the Commission to develop a General Business District/Gen. Business District PUD. The request was to develop 407 acres; and of those acres 92 are located in the flood plain. There is also the aquifer present as well. How is that handled? Mr. Adams responded that those were engineering questions that were best left to the Highway Engineer's Office. That process begins when someone comes in with a site plan showing the layout of the buildings and how the land is proposed to be graded. There are many agencies that will be part of the review process such as the Dept. of Planning Services. All those entities will review the plans and make recommendations and then the County Engineer's Office will become actively involved in the engineering process for the project.

Chair Sturdevant asked, if a large emergency happens due to flooding would it be Emergency Management that would coordinate how it is handled? Mr. Adams stated that Emergency Management would coordinate with local emergency services and State and/or Federal aid if and when necessary.

Mr. Miller stated one of the uses requested for this project was gas stations. Mr. Adams responded there are formal development standards for service stations. If they are located in the flood plain there are underground installation standards by the Bureau of Underground Storage Tank Regulations. Underground tanks are inspected, monitored and alarmed to detect problems or leaks or potential ground water effects.

Mr. Joel Sech (5905 Seville Rd.) asked about the 100 ft. easement the Watershed has on either side of the creek for maintenance and is that standard throughout all the communities? Mr. Sech commented that the Commission has shown hesitation of the creation of bike/walking paths along the Creek and the potential for lawsuits. Mr. Adams referred the question to Mr. Jeff VanLoon from the Medina County Soil and Water District. Mr. Van Loon stated the 100-ft. easement was just for maintenance by the Watershed District.

Ms. Sims stated it was learned during the Seville annexation that they were allowed to raise the flood elevations by 2 ft. in that region on the other side of Chippewa Creek. Mr. Adams stated FEMA regulations for the floodplain allow you to raise as much as 1 ft. When the interchange was built ODOT took advantage of that and raised part of the elevation of the Creek. When the higher standards for floodplains were developed for Medina County, we said if you are developing and filling in a floodplain in contiguous land you must take dirt out so that you had compensatory storage. So basically our rules say you can't raise the floodplain at all. Mr. Adams stated he could not answer questions about Seville. There is an appeal process in place for compensatory fill. Ms. Sims stated Seville was granted a variance for compensatory storage. Mr. VanLoon interjected that a variance was granted to Seville for the expansion of their treatment plant located in the floodplain.

Mr. Miller stated he read in the paper today that West Salem wants to tap into the water aquifer. Mr. Adams responded that had nothing to do with Emergency Management.

**Bethany Dentler**-Executive Director of Medina County Economic Development (MCED). A business survey went out to all Medina County companies including those located in Westfield Township. The survey results showed that 48% businesses planned to expand in the next 2 yrs; and 36 companies were planning on adding a total of 800 new jobs. This would mean an investment of approximately \$94 million in capital expenses. There were 113 new prospects that contacted MCED who were interested in purchasing new equipment, needed help with financing, or wanted to build or lease a new facility. This is good news for a County the size of Medina and it appears Medina County is weathering the economic storm. The positive stories seem to be coming from the County's manufacturing base which seem to have done better in 2010 then in 2009. We will know more when the tax abate reviews are begun in the next few weeks. Medina County's unemployment rate continues to drop and has consistently been among the five counties in Ohio that have had the lowest unemployment rate in the State.

In order for Medina County to continue to grow economically there has to be adequate infrastructure, good water quality and telecommunications. In October 2010, the Port Authority began preconstruction of a 150 fiber optic line throughout Medina County in which the heart of the loop is located right in Westfield Twp. especially up Greenwich Rd. which is under consideration for the text/map amendments before the Township currently. The fiber optic network will be an excellent way to attract business opportunities to the region and help existing businesses to grow. The network will take 18 months to complete and be owned and operated by the Medina County Port Authority. This network will open up many job opportunities such as data centers that will need individuals to run and operate these businesses. A realtor from CB Ellis said any corporate headquarters could potentially locate in Medina because the current urban area data centers were becoming obsolete. Medina County is now able to offer a combination of a network, low cost electricity and land that will make our area extremely attractive for these types of projects and businesses with well paying jobs.

Regarding the amendment applications before the Township, Ms. Dentler stated she reviewed the documents and would like to give her perspective. To begin, Ms. Dentler stated she served as Chair of the Upper Chippewa Creek Watershed Planning Partnership Balanced Growth Initiative (UCCWPBGI). In determining development priority areas, it was determined the criteria for this area should include the current industrial/commercial zoning, if it was a tax abatement area (except for residential areas) if it was a foreign trade zone, if it was within a 1000 ft. of the fiber optic network and/or a 1000 ft. from state highways as well as 1000 ft. proximity to County roads with a traffic count of 7,500 cars a day all in conjunction with sewer availability.

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The UCCWPBGI also recommended if a community changes its zoning at some point in the future that would then allow that property to meet one of these criteria. The new parcels affected would then automatically become a priority development area and would be able to qualify for economic incentives from the State. Due to the intersection of two interstates in this particular area they adjusted the criteria to include drive time to/at these intersections such as getting on/off and turning onto Lake Rd. etc. This area also has unique development as well as conservation qualities. Ms. Dentler stated she felt there were good checks and balances built into the proposed map/text amendments. When the Township considers development for this area she asked that options be kept open to allow for flexibility to attract the type of development and job opportunities the Township would want to locate in the community. The data center jobs mentioned previously and the potential for corporate headquarter locations would be an ideal for this area especially those businesses that want highway exposure. Ms. Dentler stated her office was always a resource to be called upon to help determine what job potentials or opportunities would be best suited for a community.

Mr. Miller stated he was concerned with the issue of tax abatement, which seemed to put additional burden on the services of the Township as well as the school district. He asked, can a development occur without the having tax abatement as an option? Ms. Dentler responded the "type" of tax abatement that would probably pertain to the area in question would be a community reinvestment area tax abatement program which would be a real property tax abatement program which is different from a tax abatement enterprise zone which abates not only real property but personal property. A community reinvestment area can only be set up by the County Commissioners however the Commissioners look for a resolution of support from the particular community and the local school district before making such a decision not just a developers desire to create such a zone. If such a zone is created, the ORC only allows 15 yrs. abatement for new construction. Taxes are never abated for land already on the books but would only apply to a structure on the land. The maximum is a 50% tax abatement without School Board approval. If the School Board approves that percentage can be higher. All tax abatements have to be negotiated individually as to the amount and time period for abatement.

Ms. Dentler commented that when her office negotiates tax abatement they always make the school district a partner. Sometimes during these negotiations the "business" is asked to create a side agreement with the schools to donate to a foundation etc. to alleviate some of the financial issues for the school regarding abatement.

Mr. Miller asked if there were any areas that were developed with no tax abatement? Ms. Dentler responded yes companies make decisions all the time as to what is best for their company to grow and be productive in the long term, but in order to compete for projects there has to be the availability of incentives. This is critical in order for Medina County to compete for projects and businesses to locate in the area.



**Public Comment:**

Tom Micklas (7360 Buffham Rd.) asked about the survey conducted. What type of companies want to expand and what type of equipment do they want to purchase? Ms. Dentler responded she had a report available (see attached to approved meeting minutes) that broke down all the business sectors that were contacted. The companies that most likely would expand were in the industrial goods manufacturing sector. Mr. Micklas asked if any retail development was interviewed? Ms. Dentler stated she did not believe so. Specific equipment purchases were not addressed but it could be deducted since the majority of those businesses that projected to expand were manufacturing, the equipment would be related to that industry.

Chair Sturdevant asked for a copy of the report from Ms. Dentler for the record as well.

Ms. Sims (5570 Mudlake Rd.) stated the Upper Chippewa Creek Watershed Planning Partnership Balanced Growth Initiative was done to determine the prime development areas and conservation areas for tax incentives or abatements. These incentives for development could be sewer and water availability and for conservation it could be the purchase of development rights or land such as that land over the aquifer. Again Ms. Sims stated without this water south of the continental divide, there is no economic development available because we are unable to use Lake Erie Water. Therefore sustaining that water source is an important consideration.

Ms. Sims also stated her concerns of the Port Authority and their authority to take land out of the tax base i.e. Innovation Park project. If you add tax abatement on top of that the reality is the Township only receives a small portion of the property taxes but there is still a need and probably an increasing need to provide services. Approximately 8-12% of property taxes collected comes back to the Township and the Township has to provide for roads, fire/ems and sheriff dispatch, townhall maintenance and zoning boards to name a few. She then asked for everyone to think how much these applications have cost the township in all aspects to present. Ms. Sims stated it is Mr. Scheetz's intention to pursue a 50% tax abatement for any proposed development in that area which would be located in the Cloverleaf School District.

Ms. Dentler responded regarding the Port Authority and the Innovation project, the intent is to sell it to the private sector, which then in turn would be subject to the payment of property taxes.

Mr. Adams stated he lived in Wadsworth and spoke with his Fire Chief about a similar development in Wadsworth that was built. This proposed development would potentially add an additional 2.5 runs per month to fire/emergency services. There are more runs to large subdivisions than that. He added, don't let that piece of information dissuade you

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that there would be a large run increase and cost to the fire Dept. because that was not true.

Chair Sturdevant read an email sent 1/25/2011 from Amy Huttinger (5757 Seville Rd.) that in sum opposed the proposed text/map amendments to develop on Greenwich Rd. (See attached to approved meeting minutes)

The hearing was opened up for public comment. Limit 5 minutes each individual.

Mr. Sech (5905 Seville Rd.) stated that Zoning Commission member Scott Anderson's wife is a direct relative of Mr. Kratzer' and their property is one away from the proposed development. He stated he felt that Mr. Anderson should recuse himself from voting on the proposed text/map amendments before the Commission. Mr. Sech asked how could Mr. Anderson be made to recuse himself? Was it a vote of the Commission, the people or the Trustees? Mr. Thorne stated it was not done by the vote of the people. There needed to be a wide general perception for the recusal not the few people who continually complain about Mr. Anderson. However the Pros. Office found no reason for Mr. Anderson to recuse himself. Mr. Sech stated he felt that Mr. Anderson is too close to the situation and should abstain vote on the proposed text/map amendments especially with such incidents that have recently been in the paper regarding Cuyahoga County and Jimmy DeMora.

Mr. Sech asked how did this original project went from 100 acres to 400 acres? Did property owners contact the attorney or did he contact them? Chair Sturdevant stated she did not know but Mr. Scheetz could answer that when he addresses the Commission. Mr. Sech added that one of the speakers the Commission had before them chastised the Commission for dragging their feet for 4 years and making this process go on so long and he was not even a property owner in Westfield.

Mr. Sech reiterated he came from Cleveland and wanted things to remain the same and for everyone to realize what a resource Westfield Township is. If the amendments are approved it was stated we would get a Wal-Mart and Target. Those are not high paying jobs. He concluded he hoped the Commission would not loose focus.

Kathy Jodoin (6294 Seville Rd.) resident since 2002. It was her understanding the Zoning Commission governs the impacts health, safety welfare and morals on behalf of the Township. She stated she was concerned both as a resident and a professional. Her first concern as a resident was about traffic as she felt that was a direct health and safety issue. The Staff Report stated that ODOT was also concerned about the potential traffic in this area. There is already a high volume of traffic due to existing truck traffic and the soccer fields. A portion of this area is in a flood plain and the proposal makes use of vast changes to the property in question which does not alleviate the health and safety issues. With more traffic there would be the potential for an increase in crime. Regarding morals,

a survey was conducted and the question was asked if the residents wanted more development and 85% responded no to that question. Let's retain the small town atmosphere of the Township.

Ms. Jodoin stated as a professional she has 25 yrs. working with property developers, national developers and regional retailers in Ohio and Medina County. In her experience those who benefit are the developers and the attorney's that represent them. Often the residents of the area are left holding the bag. Promises of a huge tax base often go unfulfilled. Westfield Township would receive only a small portion of those taxes but would still have to provide for Township road maintenance and fire/EMS services as well.

Ms. Jodoin stated that most national and regional retailers are high credit risk businesses especially during down economic times. Look at the closed store fronts and empty shopping centers. Their loyalties do not lie in the communities they locate in. They serve share holders driven by corporate profitability. This market does not hesitate to close one store and open another right down the road. Look at the Outlet Mall, Wadsworth, Wooster or Medina to see evidence of this. Ms. Jodoin stated she could drive 12 min. in any direction and get to a shopping area. If she wanted one in her own community she would have moved to Wadsworth or Medina. Ms. Jodoin concluded that she hoped the Zoning Commission would listen to the majority of the Township residents and thanked the Commission for the time.

Mr. Forest Thompson (attorney for Kratzer family). He stated he wanted to set the story straight. That this will be a retail development seems to be the war cry of all the neigh Sayers. Before the next person comes up to speak they need to read the purpose of the General Business District and what its allowances are. Second, he had been to several meetings and has witnessed attacks against Mr. Anderson due to blood lineage. He commented that somehow this blood lineage is supposed to wed itself to bias. Mr. Thompson stated if bias is the issue he would like to see those who are openly bias removed over those that are speculative. Third, there has not been one speaker in his professional opinion that has spoken negatively about the proposed amendments. At the suggestions of the Commission, Mr. Thorne and the speakers Mr. Thompson stated that what they have amended what they proposed as amendments. We have our options and they area clear.

Tom Micklas (7360 Buffham Rd.) stated the list of permitted uses he had for the General Business District include super markets, bakeries, food and food services, restaurants, etc. which are all retail. Appears like a lot of retail uses.

Leslie Prochaska (5405 Seville Rd.) I have heard on numerous occasions that this development would be retail and full of revolving uses. I did read the General Business District proposal and felt it would be better called the "Open zoning District. My first question is why the rezoning? I am not against growth but some people want smart

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growth. The applicants or their representatives have not presented a compelling reason as to why they are requesting a General Business District for rezoning. Have they supplied any reports, documents, plans or studies to support this change? She then asked if the Commission has seen any confidential information on plans or heard from any developers or retailers that would make this rezoning realistic? The Commission members stated no. Ms. Prochaska concluded that the current use of Rural Residential is viable.

Diane Anderson (9262 Hulbert Rd.) I am Scott Anderson's wife and Tim Kratzer's cousin. Once and for all I want to put this issue to rest about my husband who has been on the Westfield Twp. Zoning Commission for 21 yrs. He, along with the Zoning Commission members past and present have keep the community free of adult businesses and things of that nature. My husband is his own man. He makes his own decisions. I don't appreciate this and the attacks on my husband need to stop. To all the neighsayers an answer would be for all of them to buy Mr. Kratzer's property at a fair market value and then they could sit on the property and do whatever they want to do with it.

Matt Witmer (5606 Buffham Rd.)stated he wanted to thank the Commission members for doing the job they are doing and not bowing to pressures put upon you. He added he has attended every one of these meetings and the same thing is said over and over again and he was tired of hearing the Commission being attacked but he appreciated the job the Commission was doing.

Carol Rumburg (5909 Mudlake Rd.)asked for a clarification as to what the Commission was reviewing regarding the proposed text/amendments. Chair Sturdevant stated the document dated 10/4/2010 for a text/map amendment to create a General Business District/General Business District PUD. She continued that other documents have been received after that date by the applicant; but it has been determined by Mr. Thorne that no further revisions or modifications to the applications would be accepted until the end. Ms. Rumburg stated she knew other documentation was received and how was the Commission considering that information? Chair Sturdevant stated yes information was received but was not being considered at this time by the Commission.

Ms. Sims asked how could the public comment on any changes or modifications to the amendments if they would be considered after the closing of the public hearing process? She added she wanted to base her comments on what the Commission was reviewing. Mr. Thorne stated their have been numerous items in the amendments that the applicant has stated he is willing to make some concessions. It would be dependent on what the board wants to consider. The Commission can amend the applications any way they wish. What they determine will be certified over to the Trustees and the public hearing process would start all over.

Ms. Sims asked if the Commission was still considering removing the whole southern half of Greenwich Rd. from the amendments. Chair Sturdevant stated she personally was



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still considering that option but did not know about the rest of the Commission until they began discussion. Lastly Ms. Sims stated she too felt Mr. Anderson had a conflict of interest and should recuse himself. She added as Trustee she supported Mr. Anderson's reappointment but that was before these applications were submitted. She concluded she appreciated Mr. Anderson's years of services but felt in this case he should not sit on the Commission and vote on these proposed amendments.

Karen Fisher (7887 Westfield Rd.) thanked the Commission for the job they are doing and what members have done on their own time regarding doing research on the issues as well as the speakers invited to offer their expert opinions for the benefit of all.

She stated she was appalled at the personal attacks on Mr. Anderson and felt that there was no reason for Mr. Anderson to recuse himself and that he had every right to sit on the Commission and make this decision.

Ms. Fisher continued she is tired of hearing those who say they speak for the majority and the majority does not want this development. The survey that went out to the residents was a joke. There are 4,000 people in the Township and vast numbers were omitted and she did not believe that the number was over 50% that do not want development. There is a large majority who do want this development to take place. The Township needs the tax revenue and residents want a closer place to shop especially with gas prices continuing to rise. Ms. Fisher commented that all those neigsayers will end up shopping at this development and their kids will end up working there. She added she did not know the Township had the authority to tell a developer what store he can have. She stated she thought it was the Commission job to consider if it was feasible to change the zoning. The zoning was changed for the soccer fields. In sum there are a lot of individuals who support the Commission and the decisions the board has to make.

Carol Rumburg (5909 Mudlake Rd.). The number of surveys that went out were 932. The decision was made to send out only one survey per address because it was too hard to know the number of adults in a household. There is no way to survey 4000 households. There were 351 surveys completed; with a 39% return rate. There were 30 undeliverable surveys.

Stan Scheetz (225 E. Liberty St.) asked if his letter dated Jan. 10, 2011 could be read into the record.

Chair Sturdevant stated the Commission had to make a vote within 30 days after closing the public hearing. The vote is to recommend, deny or modify the text/map amendments. The Commission stated they were prepared to close the public hearing.

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Ms. Kemp made a motion to close the public hearing on the proposed text/map amendments to create a General Business District/General Business District PUD. It was seconded by Ms. Brewer.

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

Secretary Ferencz read the letter submitted by Mr. Stan Scheetz dated 1/10/2011. In sum it suggested compromises to the proposed amendments. (See attached to approved meeting minutes)

Chair Sturdevant stated regarding the issue of the 10/26/2010 meeting minutes, Mr. Scheetz made comments after the public comment portion of the meeting was closed. Because Mr. Scheetz was not recognized Mr. Thorne stated Mr. Scheetz comments did not have to be made part of the record.

Chair Sturdevant stated a work session needed to be set with Mr. Thorne to go over the text/map amendments and potential compromises and revisions and a date to make a final decision within 30 days of closing the public hearing.

Ms. Kemp made a motion to set a work session for February 1, 2011 @ 7:30 p.m. between the Zoning Commission and Pros. Office for the purpose of discussion on the proposed text/map amendments to create a General Business District/General Business District PUD. It was seconded by Mr. Anderson.

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

The Commission stated they would set a tentative date of February 10, 2011 to make their decision on these amendments. If the date and time were not adequate in making a decision the date could be rescheduled.

Mr. Anderson made a motion to set a meeting for February 10, 2011 @ 7:30 p.m. for the Zoning Commission to make their decision on the proposed text/map amendments to create a General Business District/General Business District PUD. It was seconded by Ms. Kemp.

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

Chair Sturdevant made a motion to enter into Executive Session for the purpose of potential litigation with the County Prosecutor Mr. Bill Thorne and all Zoning Commission members (permanent/alternate) in attendance. It was seconded by Ms. Kemp.

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

The Commission entered into Executive Session at 9:23 p.m.

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Chair Sturdevant made a motion to come out of Executive Session at 10:19 p.m. It was seconded by Ms. Kemp.

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

Chair Sturdevant stated there were no decisions made at this time.

Having no further business before the Commission, Ms. Kemp made a motion to adjourn the meeting. It was seconded by Ms. Brewer.

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

The meeting was adjourned 9:53 p.m.

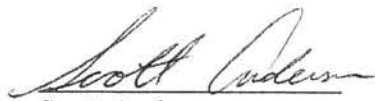
Respectfully Submitted,  
Kim Ferencz-Zoning Secretary

  
Chairperson, Heather Sturdevant

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Jill Kemp

  
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John Miller

  
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Sue Brewer

  
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Scott Anderson