

**WESTFIELD TOWNSHIP
BOARD OF ZONING COMMISSIONERS
SPECIAL MEETING/CON'T OF PUBLIC HEARING COMP PLAN
UPDATE 2009-2010
MARCH 15, 2011**

Chair Sturdevant called to order the special meeting of the Westfield Township Board of Zoning Commissioners at 7:30 p.m. Board members Brewer, Anderson, Miller, Kemp and Sturdevant were in attendance. Alternate board members Zweifel and Brezina were also in attendance. Other individuals in attendance: Ed Shearson, The Kerrs, Daryl Kubilis, Carol Rumburg, Agnes Porter, Tim Kratzer, Deb and Dennis Hoops, Tom James, Mike Schmidt, Jerry Kalmeyer, Kathleen LeMar, Nancy Schleisch, Ron & Marlene Oiler, Stan Scheetz, Carol Rumburg, Gary Harris, Carolyn Sims, Jim Likley, and Zoning Inspector Matt Witmer.

Zoning Inspector Witmer stated at the last meeting of the Zoning Commission, Mr. Tom James from the Medina County Park District came and spoke to the board. In his presentation it was stated that regarding the purchase of the Chippewa Lake property, the State of Ohio paid \$3400 to the school district. It appeared from Mr. James presentation that this would happen every time the Park purchased property and the payments would continue to be made to the school. Mr. Miller also made the statement it would be better for the Township if the Park system purchases more property. ZI Witmer stated he contacted Ms. Workman who is the Cloverleaf School District Treasurer. Ms. Workman acknowledged that reimbursement did occur with the purchase of the Chippewa Lake property but that does not occur any more. The School District is on guaranteed funding from the State of Ohio. This is a biannual budget and the School District was waiting to see what the Governor of Ohio was going to do with his budget this year to see what the District would be receiving.

SPEAKER-Mr. Tom James, Medina County Park District.

Mr. James stated he did speak to Ms. Workman and wanted to clarify the situation regarding the purchase of the Chippewa Lake property. In 2006, each year the School District submits a funding report to the State of Ohio which determines how much money the District will receive. When a piece of property is exempted it goes off that total value. He added he was not aware that Cloverleaf School District had dropped in enrollment or had gone on the guaranteed funding formula. With guaranteed funding, the amount of monies does not fluctuate unless the State chooses to reduce that guarantee. When the funding formula was applied to a reduced value of property within the School District, (after Chippewa Lake property was exempted) the State funding would be \$3400 more than it was the year before. Not a separate check.

Mr. James continued the Park District purchased 39-40 acres in Westfield Township a year ago. The land was under the CAUV program and it cost \$122.96 per acre. The Cloverleaf School District gets 68% of that cost. Mr. Miller asked who would have information

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about the new/different funding formulas? Mr. James stated Ms. Workman was very knowledgeable in that department and could be contacted.

Cloverleaf School District Superintendent, Mr. Kubilis stated the funding formula is the government's response to decreasing property values and revenues. It states that for a School district, the amount of taxes one gets from the State Foundation used to be guaranteed. That is it would not decrease from what you received the previous year i.e. guaranteed formula. Cloverleaf School District's guarantee was 100%. The guarantee went down to 99% and now it is at 98%.

Mr. Kubilis continued that the formula was based on student enrollment, and the dollar amount the State comes up with such as the cost to educate a student which right now is just a baseline figure of \$5800. That is not the true amount of what it costs to educate a student but that is the amount of money the State will put in. Then there is the charge off which is the amount the community is responsible for. The charge off used to be 23 mils then 22 mils and now Cloverleaf is at the 20 mil floor. What that generates is what the State says is the minimum contribution to the schools. Now subtract that from the former number and that is what the District will receive in State revenue. The result is as 20 mils generates less revenue, the more the State is going to give the District and vice versa unless enrollment stays the same or decreases. Mr. Kubilis commented that it is very complicated process but he hoped he explained it in simplified terms. The core result is the more property value the less State funding and visa versa.

Mr. Kubilis concluded he would be more than happy to come back and speak to the township about school funding.

Mr. Miller asked Mr. James about the land around the Chippewa Creek that is proposed for a conservation district (hike/bike trail). If that land was to go to the Park District, does that change the tax base on that land? Mr. James stated if property is used for Park purposes it is exempt from taxes. He concluded he apologized for any confusion.

Public Comments on Comprehensive Plan

Larry Bensinger (7403 Greenwich Rd.) He stated he previously submitted a list of the properties the Park District owns in Westfield Township i.e. acreage and taxes. The list shows 87 parcels and consists of 945 acres. The auditor shows \$5,892.00 a half. He asked if Mr. James could look at the list and be able to state what properties the Park would ask to be tax exempt and the process involved in getting such an exemption.

Mr. James responded the process for exemption is set up by the State of Ohio. The reason for exemption would be public ownership. It is up to the State to determine if that is an accurate description or not. Mr. James stated he could not say what parcels would be applying for tax exemption. Mr. James added he did not have that information with him this evening but it could probably be obtained at the Park District Office. Mr. Bensinger stated a large number of those parcel numbers on the list were in CAUV and already

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heavily tax reduced. He asked Mr. James if he could review the document and let him know what parcels would become tax exempt.

Ms. Rumburg (5909 Mudlake Rd.) thanked Mr. James for the information he presented last meeting and asked Commission member Kemp if she had the opportunity to review that information given the fact she was not present at that meeting? Ms. Kemp stated she had. Ms. Rumburg asked Commission member Anderson his reasoning of still wanting to remove the conservation district corridor from the Comp Plan? Mr. Anderson responded he was divided on the issue.

Chair Sturdevant stated the Commission asked Mr. Thorne to review Mr. Majewski's comments that were dated February 8, 2011. Mr. Thorne stated that Mr. Majewski's comments were a collaboration and really did not add much information for him. The rationale Mr. Majewski provided for the decisions the Steering Committee made he felt could be used to justify other uses as well. It explained why the Steering Committee chose certain uses but did not say why they chose "A" over "B" so to speak.

Mr. Thorne continued that the Commission really needed to look at the east Greenwich Rd. area as it was written. Right now the Commission was not following the proposal for the area. The board was only going to look at rezoning land that was already commercial but that is not what has been done. The Comp Plan Update does not deal with the longstanding outdated Local Commercial District regulations as written nor does the east Greenwich Rd. proposal deal with the outdated Local Commercial district.

Mr. Miller stated back on November 11, 2008, direction was given to the Steering Committee, zoning board, trustees and Mark Majewski as to what was expected out of that list. Mr. Miller stated he felt Mr. Majewski did what was expected of him.

Mr. Thorne commented that the Comp Plan Update was supposed to be a policy guide. There was nothing wrong with that, but it did not provide him justification as to why certain uses were chosen over others. In the previous update to the Comp Plan, Mr. Majewski suggested the Local District be looked at and it wasn't. In his latest documentation, Mr. Majewski recommends at least expanding the Local District by areas it was consistent with but there is nothing that deals with the Local Commercial District on the east. If you are going to have a Comp Plan that is reflective of the future, the Local Commercial District needs to be addressed now. The Commission has already recommended to the Trustees something that is inconsistent with the plan (i.e. Gen. Bus. District/Gen Business District PUD). Mr. Thorne suggested the Zoning Commission and the Steering Committee get together and discuss the Local Commercial. He added as currently written, the East Greenwich Rd. area is not consistent with what the Zoning Commission recommended to the Trustees. Office/industrial use was only recommended for the non-commercial zone. Nothing was done with the outdated LC District referred to by Mr. Majewski except potentially expanding individual lots along that zone. The

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Commission should consider the Local Commercial District before recommending the adoption of the Comp Plan Update.

Chair Sturdevant then polled each Commission member for their opinion.

Kemp, Anderson and Brewer agreed with Mr. Thorne's suggestion. Mr. Miller stated he would be willing to look at the LC District again but as far as being consistent, it should be consistent with the recommendations of the Steering Committee and what the residents want. The Commission decided they would like to meet with the Steering Committee to discuss the Local Commercial District.

Mr. Thorne asked why would the Commission recommend the adoption of the Comp Plan Update when what was forwarded to the Trustees was to do away with the Local Commercial zoning on the north side of Greenwich Rd. and create a new zoning classification. This is already inconsistent with the Update. He added the Commission took out that whole zone on the north side of Greenwich Rd. and are proposing to make substantial changes on both the north and south side. Mr. Thorne suggested the Commission and Steering Committee should come together to see what the thought pattern is now regarding what has been proposed and all the information that was presented by the expert speakers over the past several months. Chair Sturdevant stated she would need to contact Mark Majewski to get the e-mails of the Steering Committee members and addresses for those who do not have e-mail.

Chair Sturdevant made a motion to set a work session with the Steering Committee regarding the Comp Plan Update 2009-2010 for March 29, 2011 @ 7:30 p.m. It was seconded by Ms. Kemp.

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

Chair Sturdevant stated she did not think it would be all that difficult to sit down with the Steering Committee and discuss the Local Commercial District. She added the LC District is outdated and a new zoning classification that would benefit from highway exposure, etc. should be investigated. Mr. Thorne stated if the Commission was going to recommend the adoption of the Comp Plan Update the LC needed to be dealt with.

Ms. Rumburg stated she questioned the effect of the Steering Committee if the Zoning Commission was just going to add that wording and still recommend a new, undetermined zoning classification. Chair Sturdevant stated that was still up for discussion but if the Steering Committee did not want to discuss and work together the Commission could, if the majority recommended, still move forward with the "new zoning classification". Ms. Rumburg stated she would like for the whole entire east Greenwich Rd. area to be looked at again.

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Ms. Sims (5570 Mudlake Rd.) stated when the West Greenwich Rd. was proposed to be dissolved as Local Commercial the residents stormed the Townhall and that decision was reversed. When the Steering Committee talked about East Greenwich Rd. the Committee knew that there were property owners who would not want to loose their Local Commercial District zoning designation. In the Comp Plan Update drafted by the Steering Committee and professional land planner it read, "office and light industrial use will be compatible with and potentially supportive of future uses in the Local Commercial District. Some of the Local Commercial properties may be suitable to be zoned for office and industrial use." Ms. Sims added what the Committee envisioned and discussed is if there was a corporate headquarters/office use in the rear you may need that local commercial uses in front. The Local Commercial District was not "outdated" it was just not developed due to the lack of utilities which held back a lot of commercial uses. Ms. Sims continued that during this entire Comp Plan Update process it was stated the Greenwich Rd. text/map applications were to remain separate and now she heard Mr. Thorne say that it should be considered.

Lastly, Ms. Sims left for the record an article from the Gazette that retail is out and trails are in. (See attached to approved meeting minutes) and asked the Commission to remember and consider the needs and wants of the residents of the Township.

Mr. Thorne responded that the idea that the Local Commercial District was outdated was stated by the planner himself. If you are going to have a Comp Plan Update it should be reflective of what you are doing and planning for the area.

Chair Sturdevant asked how much of the Comp Plan Update should be based on the resident survey? Mr. Thorne stated the resident survey basically said they wanted to maintain the rural character. He added that he could not see anyone objecting to rezoning that particular area or how it would adversely affect the rural nature of the Township. You don't do what the residents on either side of Greenwich Rd. want but need to consider the entire Township.

Ms. Sims continued that zoning is so what you do on your property does not negatively effect your neighbor and visa versa. The Steering Committee understood that office/light industrial in the back half, which was the resident's recommendation, did not stress the infrastructure and complemented the existing Local Commercial. The only thing she remembered being outdated was the square footage of the buildings. This is not a new issue and the Zoning Commission could have addressed that issue at any time. The Steering Committee thought this was a good compromise so the existing property owners did not loose their value.

Mr. Thorne responded that may be what is decided that you only want to expand the square footage on the south side of Greenwich Rd. What is being recommended to the Trustees so far is to do away that Local Commercial on the south side at least to a certain

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point and going back and looking at the rest of it for a new commercial zone or an industrial area or both. Ms. Sims stated the Greenwich Rd. issue is separate from the Comp Plan. Chair Sturdevant stated that issue is done regardless of what The Commission recommends regarding the Comp Plan Update. Mr. Thorne stated if what is being proposed is already inconsistent with the Update and it needs to be addressed now. Mrs. Sims stated she felt that would have changed a lot of the public testimony if the Greenwich Rd. issue was part of the Comp Plan Update discussion as the public was told it was two separate issues.

Chair Sturdevant stated that it was separate because the Commission had to move forward with the text/map amendment applications regardless of when the Comp Plan Update was finalized. The Zoning Commission sent their recommendation on the Update to the Trustees a long time ago and they in turn sent it back to the Commission so the Comp Plan Update could have been finished before the text/map applications. She added what Mr. Thorne is saying is we need to address areas that are Local Commercial that have not been changed or proposed to be changed. It says in the Update that some areas in the Local Commercial District may be suited for office/light industrial use or another zoning classification but it doesn't say anything about properties that were not changed.

Ms. Sims asked that it be confirmed with Mr. Majewski that the Local Commercial District was discussed and the Commission could have changed the square footage requirements at any time. Chair Sturdevant stated the area the Steering Committee looked at was a larger or different area than what was applied for in the text and map amendment application. The Steering Committee was looking at the north side of Greenwich Rd. and both sides of the Creek. The applications only went to the creek. Mrs. Sims interjected that was the area of the pending annexation for office/industrial use which was consistent with the neighboring community.

Mrs. Sims stated Mr. Thorne now says because the Commission has proposed this rezoning (Gen. Business District/Gen. Business District PUD) it should now be considered in the Comp Plan Update. Mr. Thorne says the vision should be reflected in the Comp Plan. It should not be inconsistent with the Update.

Chair Sturdevant stated Mr. Thorne has already addressed that the Update does not have to reflect just those who responded to the resident survey, but should reflect what is best for the entire Township. Ms. Sims interjected, what about the 30 or so individuals who spent a year vetting the issue or the \$30,000 the Township spent on a professional planner on the Update? She stated the residents respected the parameters the Commission set in keeping the two issues separate and hoped that would continue.

Mr. Thombs stated he was concerned that now it appears we are trying to match the Comp Plan Update to the text/map applications. Mr. Thombs asked for a map of the areas the Commission has passed onto the Trustees for their public hearing on the text/map

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amendments and a separate map of the area that is being discussed this evening to be discussed with the Steering Committee. Chair Sturdevant stated she could provide that information.

Nancy Schleigh (6810 Grant Dr.) stated she has not been totally involved in this process but to her it appears there was group of individuals that have spent a significant amount of time looking at all of this and the Township has spent considerable amount of money on a professional planner to assist them in this endeavor. Why is there any question of the Comp Plan Update they have presented?

Chair Sturdevant stated when the Steering Committee presented their Update to the Commission the majority of the Commission had some concerns about what was proposed not having supporting information/documentation to back those recommendations or to see how those decisions were made. The letter from the Planner giving a written explanation for those choices was not received until after the Commission made their recommendations to the Update. The Commission asked the Trustees if they wanted an Update with supporting information or a general overview and the Trustees stated they wanted the Commission to recommend the adoption of the Comp Plan Update with supporting information.

The major concerns of the Commission were as follows:

1. No supporting documentation for office/light industrial use
2. Conservation corridor along the Creek (issues of participation, loss of tax revenue to the Township, liability issues)

Chair Sturdevant stated some of the opinions of the Commission may be changed or affirmed since expert speakers have presented on these various issues and documentation and information also has been presented that was not there previously. Ms. Schleigh stated it appears this information should have been requested a long time ago. Chair Sturdevant stated it was requested but not brought forth until recently. Ms. Schleigh commented it seemed the best interest of the residents and surrounding residents needed to be taken into consideration.

Larry Bensinger stated he would like to resubmit letters he wrote and read before the Commission dated October 18, 2010 and December 8, 2009. (See attached to approved minutes). He added Mr. Thombs has stated previously that it appeared a lot of politics has been played in this process. Every decision involves politics. The problem he had was the Steering Committee process was flawed from the start. People were recruited to that committee in raucous meetings. He added he heard Township officials state to people that if they didn't like it here they should leave for expressing their opinion. That is not a sign of a successful Township.

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Mr. Bensinger continued he put together a list of the 31 Steering Committee members. This process took place over 7 months and there were 11 meetings. There were no tape recordings of the meetings. A large percentage of the attendants were those who voiced strong opinions against any type of development so how did we have the Township's interest in mind. Those attendants cut people off who had different opinions and were ruthless about it. Five of those 31 members did not attend a single meeting. What was the criteria for serving on the board? He added it seemed to him to be made up of a majority of those who did not want any kind of development though not all. The final meeting of 9 members included 5 Township officials. The maximum attendance out of the 31 individuals was 19. The median was 13 people. The minimum meeting had 8 participants. Does that represent a majority? He added the Steering Committee likes to hold up the questionnaire/survey to support everything they do. Mr. Bensinger also submitted for the record an e-mail dated 7/27/2009 that was not complementary of the survey sent out. (See attached to approved meeting minutes) He continued that questionnaire offered no real information. The Zoning Commission has the opportunity to make decisions to benefit the entire Township.

Mr. Bensinger also submitted an analysis-alternate land use and fiscal impact document (See attached to approved minutes) of various comparisons i.e. Embassy Corporate Park, Medina Grande Shoppes, and Wadsworth Crossings. He commented that one could not expect to have a successful corporate park without a heavy dose of luck. That is why you need to think of this as a General Business District because you need the supporting infrastructure. If you define everything so narrowly it acts as a barrier. Investors don't want uncertainty.

Mr. Bensinger stated he did some research and verified every parcel involved in the rezoning application. It consists of 33 parcels, 408 acres and produces revenue of \$56,630. That is \$139.00 per acre. The petition total produced six-tenths of what the applicants produced from a tax revenue perspective. When you break down the petition area, there are 65 parcels in CAUV; 2,494 acres that produced \$71,027 in revenue for the year. The non CAUV property consists of 95 parcels, 550 acres and produced \$183,638 in revenue which was \$334 per acre. Therefore the zoning application pays more per acre than the CAUV property and the petition total.

He continued that the adjacent HC, LC and I Districts that already comes onto Greenwich Rd. produce \$877 per acre. That is 6.4x more than what the zoning application produces. Wadsworth Crossing comprises of 16 parcels, 187 acres and produces \$6,291 per acre. That is 4.5x what the zoning application produces.

Mr. Bensinger concluded that retail has been here forever. Some are successful some are not. If we could get something going similar to Embassy Park that would have a mix of office and retail it would be of benefit to the school district and the Township. It matters how you define a successful Township.

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Matt Witmer (5606 Buffham Rd.) stated the Zoning Commission was under a time line and had to, by law get the text/map applications processed. There is no timeline for approval of a Comp Plan.

Jim Likley (9585 Daniels Rd.) The appointments to the Steering Committee was strictly by application. There was no recruitment that he was aware of and the Board of Trustees asked Mr. Majewski to expand the Steering Committee. Mr. Majewski usually worked with a Committee of 8-10 members. Every application that was received was given the opportunity to sit on that Committee. How they participated or not participated was each individual's decision.

Ms. Sims confirmed Trustee Likley's comments as she was one of the Trustees at the time along with Mr. Kratzer. Everyone who applied was permitted to participate on the Steering Committee. She added that if Mr. Bensinger wanted to participate he could have as well. Regarding the number of Township officials that sat on the Steering Committee, that was typical for public officials to get involved in such a process. However in the process several individuals that applied to sit on the Steering Committee were appointed to various Township boards. The Trustees contacted Mr. Thorne from the Pros. Office and asked him if that was an issue. Also, there were a total of 19 Steering Committee meetings which was also stated in the Comp Plan Update. Ms. Sims continued that Mr. Bensinger's comments about retail were also inaccurate. The studies (Northeast Ohio Retail Coordinating Agency) she provided previously show the accurate, financial reality of retail.

Ms. Schleigh (6810 Grant Dr.) stated she wanted to reiterate what Mike Schmidt previously stated that we need to be cautious about bringing in business and industry into our Township and that it will solve our tax problems. Just look at Medina.

Larry Bensinger stated his information came from the sign in sheets from the Steering Committee meetings. He stated he witnessed at one of the meetings where people were upset and were told "see me" to fill out an application to sit on the Steering Committee. He added if that is not recruitment I don't know what is. It would help if the transparency that is required of everybody else happened at the Steering Committee level. There were no audio recordings of those meetings.

Mr. Thorne stated that what the Steering Committee was doing during the process was making recommendations. What the Zoning Commission was doing was making a recommendation. The Trustees could end up rejecting both of them. The Trustees will make the final decision regarding the Comp Plan Update.

Ms. Rumburg stated she took offense that she was recruited to sit on the Steering Committee because this was the first time she was ever involved in the Township. She added did not know anything about the history or the Township and new that was true of

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a few others on the Committee. Ms. Rumburg stated she did not even know about zoning and learned as she went along. When it came to the East Greenwich Rd. corridor, the Steering Committee made the best decision as to what should go in that area. The meetings were cordial and again reiterated the Committee did the best they could through discussion and the leadership of Mark Majewski.

Chair Sturdevant stated for the record that there was no formal process for the adoption of a Comp Plan so even if public comment is closed the Commission does not have to make a decision within 30 days. Chair Sturdevant asked the Commission if they wanted to close the public hearing this evening and then have only discussion among the commission members after the work session with the Steering committee on March 29, 2011? The majority of the commission members stated they would like to close the public hearing this evening.

Announcements:

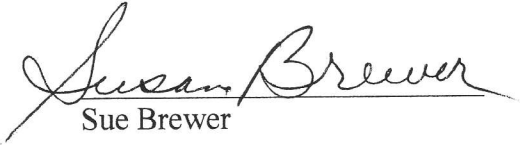
March 28, 2011 @ 7:00 p.m. Trustee Public Hearing on text/map amendments for the creation of a Gen. Bus. District/Gen. Bus. District PUD.

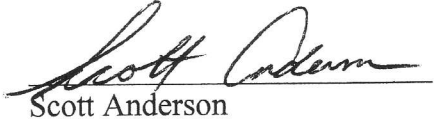
March 29, 2011 @ 7:30 p.m. Zoning Commission/Steering Committee work session (Comp Plan Update)

April 12, 2011 @ 7:30 –Regular Meeting of the Zoning Commission. Potential Agenda items: Pools, wind turbines and wood burners

Chair Sturdevant handed out the Upper Chippewa Creek Watershed Planning Partnership packet. She stated there were some concerns about the maps on page 8 & 9. An email was received from Gary Norcia from the Medina County SWCD dated March 11, 2011 (See attached to approved meeting minutes). In sum it stated the packet was not intended to be the final UCCW Balanced Growth Plan. Its sole function was to serve to illustrate agenda talking points...The map on page 8 shows priority maps on page 9 simply illustrate concerns Mr. Likley expressed when he met with Mr. Norcia at the SWCD office...The floodplain was shown to illustrate how some of the area identified by our PDA criteria may lie in the Township's Natural Hazard Overlay District. The area with the diagonal stripping on top of red or pink would actually be an overlap (yellow) area on the Priority Use draft map. This map was only shown to give the Partnership an idea of where the Township's Natural Hazard Overlay District is should some compromise be necessary based on the desires of Township officials. Again keep in mind that the Balanced Growth Plan is not mandate. Nor does any designation supersede any zoning or prohibits any development or conservation projects. It simply opens the door to make State incentives available to communities supporting the Plan.

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Sue Brewer


Scott Anderson

John Miller