

Westfield Township
Board of Zoning Commission
Organizational & Regular Meeting
January 10, 2012

The Zoning Secretary called the meeting to order at 7:32 p.m. Members in attendance were Board members: Jill Kemp, Susan Brewer, Scott Anderson, Heather Sturdevant & Dennis Hoops. Other individuals in attendance: Matthew Witmer, Bill Thombs, Peg & Frank Kerr, Stan Scheetz, Tom Kratzer, Gary Harris, Ron Oiler, & Kathleen LeMar.

Nomination of Chairman

The Zoning Secretary asked for nominations from the board for Chairman. A motion was made by Jill Kemp to nominate Heather Sturdevant. A second to the motion was made by Scott Anderson. The nominations were closed and a vote was taken: Sue Brewer-aye, Dennis Hoops-aye, Jill Kemp-aye, Scott Anderson-aye, with Heather Sturdevant - abstaining. The motion carried. A request was asked for nominations for Vice-Chairman. A motion was made by Sue Brewer to nominate Jill Kemp. A second to the motion was made by Heather Sturdevant. Nominations were closed and a vote was taken: Sue Brewer-aye, Heather Sturdevant-aye, Scott Anderson-aye, Dennis Hoops-aye and Jill Kemp - abstaining. The motion carried. The meeting was turned over to Chairman Sturdevant.

Chairman Sturdevant made an introduction of Sherry Clarkson to the members and guests in attendance. Sherry will be the secretary for 2012 replacing Kim Ferencz.

Chairman Sturdevant advised Trustee Gary Harris will be the trustee liason to the zoning board this year which was discussed by the Trustees at their organizational meeting held the first week of January.

Approval of the December Meeting Minutes

Chairman Sturdevant advised all members received the Regular Meeting Minutes of December 13, 2011. Chairman Sturdevant asked for any changes, corrections and/comments. There being none a motion was made by Scott Anderson to approve the minutes and a second to the motion by Sue Brewer. A roll call was made as follows: Sue Brewer-aye, Dennis Hoops-aye, Heather Sturdevant - aye, Jill Kemp-aye and Scott Anderson-aye. It was noted that Mr. Hoops needed to abstain from the vote. A roll call was made again: Sue Brewer-aye, Dennis Hoops-Abstain, Heather Sturdivant-aye, Jill Kemp-aye and Scott Anderson-aye. All were in favor and the motion carried.

Old Business

Chairman Sturdevant provided those in attendance an update of the proposed language for swimming pools, as per mentioned in minutes and advised that there will be a public hearing held

in the future. On the Outdoor Woodburning Furnaces and Review/update of Small Wind Energy Language, this has gone to the Prosecutors office and they are in the process of reviewing

Chairman Sturdevant advised the item of discussion for the evening was the attached documentation on Internet Cafes. A memo was sent to the board from Kim Ferencz. Chairman Sturdevant advised she would read the correspondence which came in the form of a memo:

Procedure

The Zoning Board of Appeals shall consider the following in determining an internet café'

1. Whether the establishment of the use in the district will significantly alter the nature of the district;

The Board needs to consider whether this use creates greater impacts with regard to such things as traffic, noise, etc., than the uses permitted by right in the District.

2. Whether the use will create dangers to health and safety or create offensive noises etc., or other objectionable impacts or influences to an extent greater than normally resulting from permitted uses listed in the subject district.
3. Whether the use typically requires site conditions or features i.e. parking or other requirements dissimilar from permitted uses; and whether the typical development of the site and buildings for the use is compatible with those required for permitted uses and can be constructed in conformance with the standard regulations for height, lot dimensions, setbacks, etc. of the district.

Standards and Conditions

Should the Board determine that an internet sweepstakes café' is a similar use in the (whatever district would be stated), the following standards and required conditions should be considered for the issuance of a conditional use permit;

1. A determination of the number of terminals to be permitted.
2. Establishment of annual licensing and registration fees. It is suggested that the Board consider an annual licensing fee of \$2500 - \$3000 paid by the operator of the Sweepstakes /Internet Café' plus an additional registration fee of \$500.00 per terminal to be paid on a annual basis. These are appropriate and standard fees that are charged to the operator for licensing and computer terminal use.
3. Permitted hours of operation
4. A prohibition against viewing illegal or adult oriented internet content.
5. Age Restrictions for customers.

6. Parking for the internet sweepstakes café shall be provided at a rate of one (1) space for each terminal. The parking for the internet café' shall be in addition to the parking requirement for the restaurant. The board may wish to determine whether the current parking on the site complies with the Zoning Resolution. The Board will need to determine the seating capacity.
7. A determination with regard to permitted signage for the internet sweepstakes café'.
8. No alcohol sales or consumption will be permitted within the internet sweepstakes café'.

Items of Discussion: Chairman Sturdevant advised #2 cannot be included as Townships cannot collect. It was noted that municipalities can do this as they can make money on this type of business.

The question to be answered is that our zoning states that anything that is not specifically permitted in a district is considered to be prohibited. It was noted, we could undertake this as a conditional use, allowable, if BZA approved, or do we want to wait for the legislation to come from the state (DeWine introducing legislation) significantly control café's and take control away from municipalities and townships. Or, does the board want to put something in zoning and designate districts and make conditional use? Discussion was entered into amongst members and feelings were: Sue Brewer-wait; Dennis Hoops – do something; let's get something on the books before the state comes in and controls; Jill Kemp-discuss with Bill Thorne's help; and Scott Anderson- do something. Chairman Sturdevant advised that the Prosecutor's office does not have alot of information on this as of yet. They do not have any current language, as everyone has been "up in the air" over this. Everyone is struggling with this.

The information before you was information that one of the other townships have placed on their books given us by Kim. One of the townships have adopted this as a conditional use. Question to note if we ignore this and food is served, could a variance be applied for possibly allowing applicants to obtain this way? (as it now stands, this would only pertain to Highway Commercial, where restaurants would be). Mr. Hoops advised that possibly we need to get something on the books to protect the residential district. He asked, what is to stop someone who has a pole barn from opening it up to something like this. What we need to address is that this is a business, and the township recognizes this is a business.

Chairman Sturdevant advised two questions stem from this 1) what districts to allow it in; 2) and conditional or permitted use. Members advised the districts should be highway commercial use and conditional use. Section 306 (look first under General Regulation-under conditional uses)

Under Section 306 Page 34 Under B. Uses #2 Conditional Uses (Subject to these subsections of Section 606; add an item i. Internet Sweepstakes Cafes'

Refer to Section 606 (Under Conditional Zoning Certificate) Specific & Supplementary Conditions (please refer to page 63, of the Zoning Resolution Article VI. We would create a subsection for Internet

Cafes' (It was noted by Stan Scheetz, both Montville and Medina Townships have addressed this in their zoning and the board may be able to obtain information through the Planning Commission)

After discussion the board came up with the following:

Section 306 Highway Service Commercial District

B. Uses

<i>Conditional Uses</i>	<i>Subject to these subsections of Section 606</i>
<i>i. Internet Sweepstakes Cafes</i>	<i>2,3,4,6,8,12,13,14,15,19</i>

Section 606

A. Specific Conditions. The Board of Zoning Appeals shall review each proposed use in terms of the specific conditions listed for conditional uses in each district.

23. The BZA shall consider the following in determining an Internet sweepstakes café.

a. Whether the establishment of the use in the district will significantly alter the nature of the district;

The board needs to consider whether this use creates greater impact with regard to such things as traffic, noise, etc than the uses permitted by right in the district.

b. Whether the use will create dangers to health and safety or create offensive noises etc. or other objectionable impacts or influences to an extent greater than normally resulting from permitted uses listed in the subject district.

c. Whether the use typically requires site conditions or features eg. Parking or other requirement dissimilar from permitted uses; and whether the typical development of the site and buildings for the use is compatible with those required for permitted uses and can be constructed in conformance with the standard regulations for height, lot dimensions, setbacks, etc. of the district.

The following regulations shall apply to Internet Sweepstakes Cafes' in Westfield Township

- a. No more than ___ terminals will be allowed per establishment.*
- b. Permitted Hours of Operation shall be:*
- c. No individual shall be permitted in such establishment unless they are over the age of___.*
- d. Parking Regulations (OBTAIN Montville/Medina Township Language from MCPC Services).*
- e. All signage shall conform to regulations set forth in the Highway Commercial District.*

f. No alcohol sales or consumption shall be permitted within the Internet Sweepstakes Café.

This will give us a start and Chairman Sturdevant advised she will contact Bill Thorne and ask for some input, we can then table until our next meeting.

(Note: Chairman Sturdevant did discuss with Mr. Thorne and the following input was provided.....)(Items bolded are his responses)

Under 606, Section A. Specific Conditions Item #23, a,b,c **Mr. Thorne advised How Can the BZA determine this? He feels this isn't reasonable.....**

Item #a. No more than ___ terminals will be allowed per establishment....**this is not regulated at all, we can't touch.**

Item #b. Permitted Hours of Operation.....**Can not regulate**

Item #c. No individual shall be permitted in such establishment unless they are over the age of ___ **Can Not Regulate**

Item #d..Parking Regulations....**Yes, we can regulate/control**

Item E. All Signage shall conform to regulations set forth in the HC District....**Yes, we can regulate/control**

Item #f. No alcohol sales or consumption shall be permitted within the Internet Sweepstakes Café'

We can only reference state law, this is regulated by the state

Announcement/Communication

Members received a copy of a letter from the Medina County Soil & Water Conservation District, which was read aloud by Chairman Sturdevant. The meeting will be held on Tuesday, January 31, at 6:30 pm at the Medina University Center in Lafayette Township. It was noted that this is the first of the training series for 2012 normally conducted by the Planning Service Department

The next scheduled meeting will be February 14, 2012

Review of Westfield Township Zoning Commission Bylaws

Current copies were handed out to all present. A review of the Bylaws followed. One question was asked, under Article VIII: Order of a Public Hearing, if a copy of a CD should be included. Discussion was entered into by members and it was decided in the event the recorder was not working (as it has done in the past), this should not be included.

Under the signature section, it was noted John Miller, be removed and replaced by Greg Brezina.

With no further discussion, Chairman Sturdevant asked for a motion to adopt the Bylaws as presented. A motion was made by Scott Anderson to approve the Bylaws as presented with the change in the signature section. A second to the motion was made by Jill Kemp. A roll call was made as follows: Susan Brewer-aye, Dennis Hoops-aye, Jill Kemp-aye, Scott Anderson-aye, Heather Sturdevant-aye. All were in favor and the motion carried.

Meeting Schedule

Chairman Sturdevant asked members present for input on meeting dates and times. Our schedule calls for the second Tuesday of each month at 7:30 p.m. a meeting be held. She asked if the date and time meets everyone's schedules and if not, was there any input regarding a new schedule. There being none, she asked for a motion to approve the board meeting on the second Tuesday of each month at 7:30 p.m. A motion was made by Scott Anderson to hold meetings on the second Tuesday of each month at 7:30 p.m. A second to the motion was made by Jill Kemp. A roll call was made: Sue Brewer-aye, Dennis Hoops-aye, Jill Kemp-aye, Scott Anderson-aye and Heather Sturdevant-aye. The motion was carried.

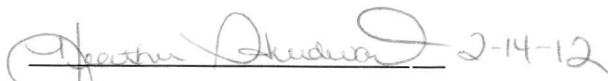
There was no further discussion, therefore Chairman Sturdevant asked for a motion to adjourn the meeting. A motion was made by Jill Kemp to adjourn the meeting. A second to the motion was made by Scott Anderson. A roll call was made: Sue Brewer-aye, Dennis Hoops-aye, Jill Kemp-aye, Scott Anderson-aye, and Heather Sturdevant-aye. The motion was carried and the meeting was adjourned at 8:30 p.m.

Next Meeting: Tuesday, February 14, 2012 at 7:30 p.m. – Westfield Township Hall

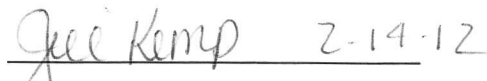
****Please be sure to bring your packet of materials with you****

Respectfully Submitted,

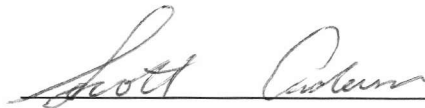
Sherry Clarkson, Zoning Secretary

 2-14-12

Heather Sturdevant, Chairman

 2-14-12

Jill Kemp, Co-Chairman



Scott Anderson, Member

Susan Brewer, Member

Greg Brezina, Member

Dennis Hoops, Alternate