

## **Westfield Township**

### **Board of Zoning Commission**

#### **Meeting Minutes of February 14, 2012**

Chairman Sturdevant called the meeting to order at 7:30 p.m. Members in attendance were Board members: Greg Brezina, Jill Kemp, Scott Anderson, Heather Sturdevant, and Sherry Clarkson. Dennis Hoops and Sue Brewer were absent. Other individuals in attendance: Matthew Witmer, John Miller, Ron Oiler, Gary Harris, and Stan Scheetz. Dennis Hoops and Sue Brewer did notify Chairman Heather Sturdevant they would be absent from the meeting, therefore the board would be moving forward with a board of four.

#### **Approval of the January 10, 2012 Meeting Minutes**

Chairman Sturdevant advised all members received the regular meeting minutes of January 2012 in their packets of material. She asked if there were any corrections, additions to the minutes. There being none she asked for a motion to approve the minutes as presented. A motion was made by Jill Kemp to approve the minutes as presented. A second to the motion was made by Scott Anderson. A roll call was taken: Greg Brezina – abstain; Jill Kemp-aye; Scott Anderson-aye, and Heather Sturdevant-aye. The motion carried.

#### **Bylaws for 2012**

Chairman Sturdevant advised the Bylaws were remitted to everyone in their packet. She asked if there were any corrections, changes or additions. There being none, Chairman Sturdevant asked for a motion to approve the Bylaws for 2012 as submitted. A motion was made by Jill Kemp to approve the Bylaws as presented. A second to the motion was made by Greg Brezina. A roll call was taken: Greg Brezina-aye; Jill Kemp-aye; Scott Anderson-aye and Heather Sturdevant-aye. The motion was carried and members present signed the Bylaws.

#### **Announcement**

Chairman Sturdevant advised members present she had copies of the Westfield Township Comprehensive Development Plan Update 2011 and passed out copies to everyone. It was reported that she and Ron sat down and reviewed the materials and with a few changes (spelling, grammatical, etc.) everything looked good as presented. Members received spiral bound copies. Copies of the plan will be made available at the hall (printed copies only) for a cost and they will be on the website.

#### **Planning Services Training**

A Seminar was held on the 31<sup>st</sup> of January regarding the balanced growth initiative for the state and there was a very good turnout of members from the township in attendance. MCPC presently does not have any more meetings scheduled at this time. It is our understanding with Tom Russell

retiring, Susan and Sheryl are the only individuals in the Planning Commission. They are running behind and are asking for patience with information.

### **Old Business**

The first item of business tonight will be the new swimming pool language as rewritten. Copies were in everyone's packet and it was asked that everyone take a brief look at the information as submitted:

#### *Definitions:*

*32. Inflatable Pool – A private residential, portable, water filled enclosure, temporarily or semi-permanently constructed, partially inflated with air, which is designated, used or maintained for swimming or wading.*

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#### *C. Swimming Pools*

##### *1. Swimming Pools shall require a zoning certificate*

*a. Inflatable pools not requiring an electrical permit shall not require a zoning certificate and shall comply with all applicable Medina County Codes.*

##### *2. A private residential pool shall only be established as accessory to and on the same lot as a dwelling.*

- a. Inflatable Pools are not permitted in the LC district without an established residence.*
- b. Inflatable Pools are not permitted in the HC or I Districts.*

##### *3. Swimming Pools shall not be located closer to any street than the dwelling and shall conform to all required side and rear minimum building setback lines.*

We are in the process of setting a public hearing date. We have two items which will need to be heard at public meeting; as we need to get rolling and address highway commercial in our zoning.

In looking at the calendar for a public hearing it was noted due to allowing the proper time limit, February 28, 2012 should be set for a hearing at 7:30 pm. Chairman Sturdevant made a motion that we have a public hearing on the 28<sup>th</sup> of February at 7:30 pm to address swimming pools. A second to the motion was made by Scott Anderson. A roll call was taken: Greg Brezina-aye, Jill Kemp-aye, Scott Anderson-aye and Heather Sturdevant-aye. All were in favor. It was noted that a public notice will be placed in the paper by the zoning secretary.



### **Wind Energy**

Chairman Sturdevant advised information was mailed and is in your packet. This addresses the changes noted after getting information back from the Prosecutor's office. It was questioned by the board, as to date we did not receive any information back from the MCPC. It was noted that Sheryl at the MCPC advised that they did have our information request. Chairman Sturdevant advised in looking back at notes she could not find any information received to date. It was noted that Chairman Sturdevant would be contacting MCPC after our meeting. It was noted that this could be included at the public hearing meeting and have a continuance meeting if needed, as information should be received from MCPC before our public meeting and this item could also be addressed at the meeting.

A motion was made by Chairman Sturdevant to include Small Wind Energy Systems (Under Sec.205 Accessory Structures and Uses) in the public hearing to be heard on February 28<sup>th</sup> at 8:00 pm. A second to the motion was made by Greg Brezina. A roll call was made: Greg Brezina-aye; Jill Kemp-aye, Scott Anderson-aye and Heather Sturdevant-aye. The motion was carried. It was noted that this will be included in the public notice to be placed in the paper by the zoning secretary.

### **Internet Café's**

Chairman Sturdevant noted in conversation with Bill Thorne, essentially we can't regulate much on this. It is fine to have as a conditional use which would not be a problem. We, as a township are being so limited that presently there are questions as to the point of doing anything. In Chairman Sturdevant's conversation with Bill Thorne, with reference to the establishing /changing a district, it was noted who is to determine that, we as a township cannot do this. We cannot regulate terminals, hours of operation or age, or the sales of alcohol, as this is regulated by the state. We can regulate parking and signage. With this in mind do we want to do anything questioned Chairman Sturdevant?

It was noted by Mr. Anderson "Can we distinguish the area to put this in?" "Can we treat this as a permitted use in the HC District?" Chairman Sturdevant advised we could possibly roll this into HC when we address this section of our zoning. As per the handout we received from Kim, we were under the impression that other townships have addressed this in their zoning and according to Bill Thorne, this has not been addressed by the Prosecutor's office. It might be a possibility that townships may have run past the Planning Commission and not have brought it before the Prosecutors office. It was noted that if this is in other cities/ townships they are having Police/Sheriff regulate and possibly they are treating as a conditional permitted use; but the townships authority is limited.

Stan Scheetz advised in Brunswick, he knows of three in the Commercial District and 70% of the clients are older citizens, (aka bingo parlors). It was questioned if you want this in the HC area, is this the proper area, which is the most highly intense travelled area for traffic? It was questioned what type of setting do you want this type of clientele in?

It was noted that Chairman Sturdevant will discuss this further with Bill Thorne regarding Conditional vs. Permitted use.

### **New Business**

Chairman Sturdevant asked members to look at the materials given to you with the map; information is being brought to our board for review. In talking to Ron & Gary, this has not been brought before the Trustees for action. This was brought before the MCPC by Mr. Likely. If we are to act on this, it will still need to go back through MCPC since the proper channels were not followed. We as a board can decide what to do. This document will be available for public review and will become a public document. Copies of this can be requested from the Clerk from 9:00 am – 12:00 Mon – Thursday.

A five minute break was allowed to allow members to review the map and attached documentation. It was noted that the areas in “red” were the comments from the MCPC on the written documentation. Questions were raised by the members as to the FEMA 100 Year Flood Plain pertaining to A & AE on the Natural Hazard Overlay District. They seem to be coded the same.

It was noted by Chairman Sturdevant that we as a board need to provide input to the Trustees, so that they know the board has reviewed the information.

It was noted by Stan Scheetz, that this might be a back door approach to stop the amount of land for development of the township. Questions arose from the board as to where the map came from and who created the map. (Army Corp. of Engineers, Soil & Water)?

At 8:00 pm the board re-convened by Chairman Sturdevant. All four members of the board were present. It was noted that everyone would submit their input of what we may wish to do.

Scott Anderson: “I would like to send this back to the Trustees. I don’t feel that this is an accurate map.” Chairman Sturdevant advised that this was done by one trustee, no resolution was done by the Trustees. Mr. Anderson then stated “Do nothing with it.”

Jill Kemp: “It is putting more restrictions on property owners, I do not like the expansion of control or limitations of control” “I also say do nothing.”

Greg Brezina: “Trustees need to look at this and decide what action/direction they would like to take, if they want to change it.” “Some of the wording I disagree with.”

Heather Sturdevant: “Medina County has some of the most stringent regulations for soil plains within the state.” “They have specific rules for the Flood Plains.” “The Township protects this as well and has strict regulations for Rural Residential which is only allowed in this area.” “I am fine with that.” “My concern with this document is the organic soil areas, as it is worded currently in the document the problem is if you refer to the map, it is a large portion of our township, a lot of homeowners.” “While homes are grandfathered, if they want to build an addition, a deck, accessory structure, they would not be able to do it based on this.” “The soils according to the map would be



for farming or open space.” “In order to consider this, you need to get to the public hearing process and there will be an outrage on the part of the public.” *It states, Under 1. Uses. Except where the applicant can demonstrate that the lot will be modified to make one or more of the permitted uses of the underlying district feasible in a manner conforming with applicable regulations, the only permitted use in the organic soil area shall be open space uses such as agriculture and recreation which involve no substantial buildings for human occupancy or use. (Refer to Page 4 of the document with the map as the front page-top paragraph.)* “If you look at the map all the way up to the north side leading to the Glens there are homes in that area, this will cause problems when individuals find out that they cannot build additions, decks, swimming pool, barn, sheds, etc. All of the organic soils are within the flood plain, therefore I could not support this.” “I think this is too strict.” “In our township every area of organic soil is within the flood plain according to the map.” “To limit this further would cause problems.” “We would be saying yes you can, but no you can’t.”

“Now, do we want to support this district for review or are we happy with how it presently reads,” advised Chairman Sturdevant. Scott Anderson advised he is happy as our zoning presently reads. Chairman Sturdevant also concurred. Chairman Sturdevant advised she will relay information to Trustees and they can choose what they would like to do.

### **Highway Commercial District**

Chairman Sturdevant advised in the back of the packet (Email section) dated 12/27/10, noted as C1 Commercial 1 District, in lieu of . HC District, Mr. Likely thought we could use this with reference to giving us a place to start. Chairman Sturdevant requested HC documentation from the MCPC with reference to other Townships. Information was requested from Tom Russell, since he has retired, we will again put in a request to MCPC. This gives us a good place to start in providing us with uses in the HC area. It was noted Truckstops of America has opened a medical clinic and since this was not allowed in the district, we had to shut them down, so they will be coming back to us regarding this. With this being said TA is also looking at purchasing the building across the street to be used as a office complex and we don’t want to turn business away. This give us some ideas to work with. I believe Pilot is working with and Idle Air station. Idle Air previously was with TA, but is no longer with them.

It was asked if we want to advertise General Business as part of our Public Hearing. We could include this if we get information back from MCPC. This could also include the approval of the minutes. This way we could start writing HC at our March meeting.

It was noted that in the information provided by MCPC to Jim, Jill Kemp advised that she was not in agreement as to some of the permitted uses. Chairman Sturdevant once again advised this provides us with a good place to start, we need not necessarily allow all the uses provided. We can also look at what we presently have within our own district.

It was noted that General Business will also be discussed at the Public Hearing to be held on 2/28/12. (In hopes of obtaining needed information from MCPC)

**Public Participation**

Stan Scheetz advised that MCPC had 14 applicants apply and they were down to 4 strong applicants and the commissioners decided to do nothing at the present time. Sheryl at MCPC advised they are devastated with what they need to do with their limitations. It was noted that possibly our Trustees need to write a letter to the Commissioners advising that the townships are in need of help.

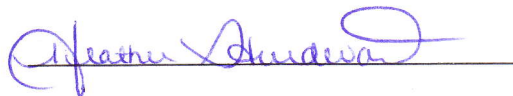
Stan Scheetz provided members with a map and asked that the board look at local commercial on the north side of Greenwich Road, which had been discussed at one time ( Molnar, Campbell, Bombard, K Property are as well as 3 additional properties in between -500 ft. strip). These properties could benefit since the fiber optic project will affect this area. This could allow development of the area and make good use of the property. It was asked that we keep this in mind. It was noted that the Molnar property has been brought forward to the Park District (37 acres) with a caveat. (property along the creek leading up to the Muskingham Watershed could be a walking path for the Park District, as the property can never be developed).

With no further discussion a motion was made by Jill Kemp to adjourn the meeting. A second to the motion was made by Greg Brezina. All were in favor. The meeting was adjourned at 8:23 pm.

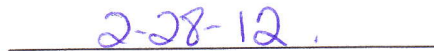
**Next Meeting: Tuesday, February 28, 2012 at 7:30 pm – Westfield Township Hall**

Respectfully Submitted,

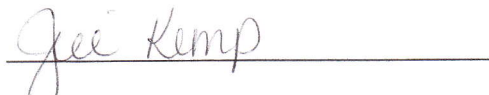
Sherry Clarkson, Zoning Secretary



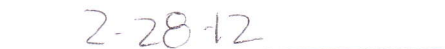
Heather Sturdevant



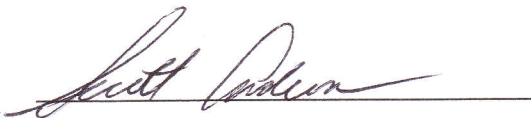
Date



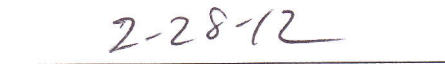
Jill Kemp, Co-Chairman



Date



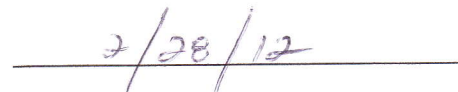
Scott Anderson, Member



Date



Greg Brezina, Member



Date