

Westfield Township Zoning Commission Minutes

July 10, 2012

The meeting was called to order by Chairman Sturdevant at 7:35 pm. Members in attendance: Sue Brewer, Greg Brezina, Jill Kemp, Scott Anderson, Dennis Hoops, Heather Sturdevant and Zoning Secretary Sherry Clarkson. Guests in attendance: Stan Scheetz and Trustee Gary Harris.

Minutes of May 8th, 15th and June 12th

The minutes of May 8th and the 15th were passed out to members with corrections made. Members were asked to sign minutes as approval was given prior with changes to be made. **The Minutes of June 12th were also handed out and members reviewed minutes presented to them. Chairman Sturdevant asked for any changes or comments. Chairman Sturdevant asked for a motion to approve the minutes. 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: Sue Brewer-aye; Greg Brezina-aye; Jill Kemp-aye; Scott Anderson-aye; Dennis Hoops-aye and Heather Sturdevant-aye. The motion passes.**

Update

Chairman Sturdevant advised she received a call in the office from Akron Regional Air Quality Group regarding requesting information regarding our members for sending out packets of information to all local government leaders regarding asbestos and what is needs to be done regarding the demolishing of buildings. Chairman Sturdevant advised this may be of some importance to the township regarding the proposed obtaining of a grant to demolish some homes in the Glens. Chairman Sturdevant provided her email address and will share with members any information received. Chairman Sturdevant advised she did not know what this may have to do with us as a township, unless the Akron Regional Air Quality Group wants us to address this in our zoning; but she advised this may need to be addressed at the county level.

Public Hearing for Outdoor Wood Burners (OWBs)

Chairman Sturdevant advised she met with Sherry, the zoning secretary and we were getting everything ready and realized a public hearing needed to be set prior to taking this information before the Trustees. In looking at the calendar we are good for anything after the 24th of July, and would like the board to act upon this due to many changes being made the zoning regulations will not be printed until everything is acted upon. In looking at the calendar, since we do not want to have a meeting in August prior to our monthly meeting, and would like to get this addressed in July, the date of July 31st at 7:30 was selected by the board. **A motion to hold a public hearing for the consideration of OWB's language on July 31st at 7:30 pm was made by Chairman Sturdevant. A second to the motion was made by Jill Kemp. A vote was taken as follows: Sue Brewer-aye; Greg Brezina-aye; Jill Kemp-aye; Scott Anderson-aye; and Heather Sturdevant-aye. The motion passes. A notification will be placed in the paper by the zoning secretary.**

Update on Swimming Pool Language taken before Trustees for Action

Chairman Sturdevant advised some minor changes were made by the Trustees to the proposed swimming pool language given to them from the board. Chairman Sturdevant asked Gary Harris to provide information regarding changes. Gary advised the main change made to our language submitted was the trustees took out inflatable pools and made any pool that does not require an electrical permit from the county, will not require a zoning permit from the township. All front, rear and side yard setback requirements stayed the same as submitted. It was noted that inflatable pools seem to be leaving and going away and not selling too much. The pools are now becoming plastic framed with rubber liners. Chairman Sturdevant advised that members will be receiving updated manuals, as soon as all changes submitted are approved by the Trustees. In the meantime the swimming pool language went before the trustees at the public hearing date of 6/18/12 and change will be effective on 7/18/12 (close to this date).

Information Received back from the Medina County Department of Planning Services

Chairman Sturdevant proceeded to review the memo received from Susan Hirsch, Planner with the Planning Services dated July 10, 2012.

As requested, the Department of Planning Services has the following comments regarding the proposed changes to the HC Highway Service Commercial District.

Article III: District Regulations

Section 306 – Highway Service Commercial District

B. Uses

1. Permitted Used

e. Administrative Businesses and Professional Offices including Public Administrative Offices, Data Centers and Educational Facilities (*Questions arose from board members regarding removing Educational Facilities.*) *Questions arose from board on an e Educational Facility vs. Training Facility*

f. Light Industrial

g. Banks (*Questions arose from board members regarding removal of banks*)

h. Warehouses and Storage shall only be allowed as an accessory use to another primary permitted use in the HC (Highway Commercial District.) It was noted that this is incorrect, it should read. Warehouses and Storage shall only be allowed as an accessory use to a primary use in the HG (Highway Commercial) District. Later in the conversation

Verbiage was changed to Warehouses and Storage shall only be allowed as an accessory use to a permitted use in the HC (Highway Commercial) district.

Staff Comments:

1. Do you mean to distinguish between Educational Facility and Educational Institution? Education Institutions are currently permitted in the LC Local Commercial District. If so, add a definition. *(Board comment: We have asked for definitions from MCPC)*
2. Section 306B. 1. references "Permitted Uses"; there is no reference to a "primary" permitted use. Suggest deleting the term "primary". *(Board comment; refer back to h. on page 2, changes as opposed to a permitted.....)*
3. The purpose statement (Section 306A) for the HC Highway Service Commercial District States that the District is established to provide, "....locations for establishments offering accommodations and services primarily to through automobile and truck traffic on U.S. 224/I-76 and I-71. Some of your proposed uses, such as banks and educational facilities do not appear to meet the purpose of the HC District. If you wish to include these uses, I suggest that you revise the purpose statement to be more inclusive. *(Board comment: we can do that, possibly state uses that benefit local residence or general public. Questions arose regarding banks in the district. Chairman Sturdevant advised we have been requested by the general public to make uses for our existing land without opening up more land for development first. With uses like this we are doing so, as an example possibly a ATM vs. Bank, bus using services at some places you can be charged as much a \$4.00 per transaction. It was noted that you cannot just go into a bank and cash a check, as you have to belong to the bank. It was noted that possibly the board is using uses that service LC, not HC; and HC must be the primary use. It was noted that we would not be making any changes until hearing from the Prosecutor's office. The board wants to make sure that as an example Training Facility, like what TA has would not be excluded for a business that may be operating in the area presently, which is a great part of their Business. An Educational Facility like AU/Walsh University might want to come in, although they normally would not located close to an interstate system necessarily, but you might get a training facility which trains truck drivers, (e.g. Panther Trucking in Seville works with an independent training facility located in Seville Industrial Park-S.Scheetz commented). Further discussion was entered into by the board regarding Warehouse(s), citing Ohio Wholesale as an example. We could re-define Warehousing, limited only, no retail, or may wish to include retail, but no retail sales, whereby 90% of buyers come in to an buy and stay at a hotel (Cited S.Scheetz) like in Seville, there are no sales open to the public, possibly once or twice a year buyers come in and review a show, stay at his hotel and then go home....Members questioned re-defining Warehouse, do we want to leave alone or redefine? It was noted perhaps educational facilities should be put back in regarding the protection of a training facility, as it relates to HC. It was noted that Bill Thorne stated that we can say what type of an educational facility we want, but cannot pick and choose. It was noted that the board would await Bill's remarks regarding an educational facility vs. training center.*

Article XI: Rules of Construction and Definitions

Section 1102 Definitions

7. Banks: Any trust Company, Savings Bank, Savings and Loan Association, Commercial Bank Credit Union, Federal Association or Investment Company, which is chartered under federal or state law.

Discussion was entered into by the board regarding Bank in the HC district. It was noted by Stan Scheetz normally a bank would locate to a Class A Building, not a truck stop area of HC. Jill Kemp remarked that we are possibly muddying up the waters regarding HC, by placing some of these uses in the area. Stan Scheetz advised that the things we are deleting to the area make the most sense to be in the area, like warehousing. An example would be whereby a truck comes in to deliver its goods, and the driver goes to the truck stops and eats dinner, then leaves with the truck when it is unloaded. Class A building are in a campus like atmosphere, if you look at Embassy Park in Fairlawn, there is a 10% chance that what you are opening up to your area will come. Comments amongst board members, concurred that possibly remove banks from the area, it seems like we have more points not to open this are up to something like this, cited Greg Brezina, of which Scott Anderson advised we should remove along with Educational Facilities, which should be in LC not HC, but making sure that TA is protected with their training facility. It was noted that item H. is an accessory use, there should be no retail with Trucks (cited Jill Kemp) we do not want 24 hour warehousing and storage.

Staff Comment: Suggest the following definition: A financial institution that is open to the public and engaged in deposit banking, and that performs closely related functions such as making loans, investments, and fiduciary activities.

34. Light Industrial: Any operation which assembles, improves, manufactures, produces, fabricates or packages goods or materials in a manner which does not create a noticeable amount of external effects of the manufacturing process such as smoke, noise, soot, dirt, pollution, vibration, odor etc.

Warehousing, wholesaling and distribution of the finished products produced at the site are allowed as a part of this use.

Staff Comment: the term “noticeable amount” is difficult to quantify. Suggest the following: Any operation which assembles, improves, manufactures, produces, fabricates or packages goods or materials, provided such manufacturing activities are contained entirely within a building and noise, odor, smoke, heat, glare and vibration resulting from such manufacturing activity are confined entirely within the building. Warehousing, wholesaling and distribution of the finished products produced at the site are allowed as a part of this use.

Discussion was entered into by the board regarding the staff comment, asking if anyone could come to the area with the above definition. It was noted that some industries could come to the area, but they need an even amount of heat to run the building, but oftentimes, they open the building and use fans to

cool which means you can have a smell associated with it. It was questioned if our term of Light Industrial would not be a better fit. It was noted that Chairman Sturdevant would be contacting Akron Air Quality and see if they would have a better description. Once again, it was noted that we would wait on Bill Thorne's description and assessment on the situation.

55. Storage (see also warehouse) Use engaged in the storage, wholesale and distribution of manufactures products, supplies and equipment excluding bulk storage of material that are flammable or explosive or that present hazards or conditions commonly recognized as offensive or as a nuisance. (This was the term which the Zoning Board came up with).

The following definitions are from A Planners Dictionary, published by the American Planning Association which was provided to the zoning board: Office, Professional, and Data Center & Educational Facility. It was noted from information provided; the board came up with their own definitions.

After discussion, Chairman Sturdevant advised that it looks like the following:

1. We will be getting rid of Banks
2. Ask Bill about Educational Facilities vs. Training Centers relating to HC use
3. Adding warehouses and storage as permitted, not only as an accessory use
4. Follow up on the definition of Educational Facility depending what we hear from Bill's office
5. Light Industrial- Figure out "Noticeable Amount" from staff comment, regarding opinions from Air Quality Board in Akron and Bill Thorne's office.

Moving along, the Trustees are still working on the Small Wind Energy Language which the board has submitted. Some changes are being made: Instead of height regulation, they are taking this out and replacing with a Wind Study which needs to be done to determine the best height, at the time a permit would be taken out, which will be determined by that as long as setbacks are met. They will take away height regulation.

Scott Anderson asked about what happens if the unit falls down. It was noted that we have 110% from all property lines, so this restricts heights and also has to be so far from dwelling/outbuildings. Chairman Sturdevant advised her concern would be the trees around a house, there would be quite a way one would have to go to get up to the air flow, and you would see it from other properties.

It was noted that a Wind Study does efficiency study to see if it would be feasible, it was asked who does this type of work and what is the cost of this study? It was noted that it is not up to us as a board or township to make this more difficult, as studies cost money and they are not free. It is not our responsibility to make people more efficient. The Trustees did not restrict height. A good example (cited by Chairman Sturdevant) you have someone with 10 acres with minimal open space and a lot of trees (trees have been removed from language also) so in order to put up a system, they will need to spend money to do a study (this is not our responsibility as a board) in order to be efficient and the system must be above the tree canopy where everyone would

see. This creates a nuisance for everyone including neighbors. It only takes 5 megawatts to power a home my question is: 1. More difficult to put up and why not 2. Put in a height restriction? I can't understand the Trustees' thinking.

Trustee Gary Harris advised by doing a study, it will tell one if it would be feasible to have a Wind Energy System; but if the study reflect a turbine would need to be erected and be (e.g.) 500 ft. tall, they would need to go to the BZA, and also it would cost quite a few dollars.

Chairman Sturdevant advised she understands the "green initiative" but we live in an area where a study could financially restrict individuals. It was noted it is more fair to base on height, everyone is on an even field then, by basing on the most efficient, and questioning what is the most efficient and for who, this isn't township business.

Comments and discussion arose amongst members and it was generally felt that the board feels that if a wind system would be above tree levels this would be offensive; you have to think of your neighbors. The Trustees are trying to regulate something that isn't a zoning issue. The company an individual buys from may do a study, although the board felt that this information would not be given free of charge. The problem is that one would have to do a study, not see studies which are already out and available to the public. Jill Kemp advised that she was not agreeable to a study, government is being too intrusive, there needs to be a height restriction for people. Individuals will get information and look for studies before entering into any project like this.

Chairman Sturdevant asked the board for their input, so she could take back to the trustees. Greg Brezina advised the Trustees need to show justification of why this needs to be changed. The zoning board has already clearly defined this; why are they looking into a wind study, this is not a zoning issue.

All members felt the following:

- Leave height restriction in
- Leave setback requirements control.

It was noted the BZA would not give variances due to the fact, if a unit were to fall, it would not be on its' own property. If someone is going to do this, they will study the manufacturer's specifications on wind energy. Although the Trustees will do away with these specifications as they will be allowing Homemade Wind Energy Systems also. Scott Anderson advised "Why do we spend time as a board to do this at all?" Because we have "No small wind energy system can be erected to allow to be a nuisance, which is what we wrote into our regulations," replied Chairman Sturdevant.

It was noted if a board member cannot attend a public hearing, they must and can write a letter providing their input for a meeting. Comments in letter from can be emailed or given to Chairman Sturdevant for reading at the meeting. The public meeting is scheduled for August 6,

2012 at 6:30 pm. It was asked for members who are opposed to the changes to write something prior to the meeting being held and this is acceptable to the Trustees. Scott Anderson asked Chairman Sturdevant for a copy of the proposed changes, as he advised he cannot make the public hearing due to his work schedule.


Chairman Sturdevant advised the reason the Trustees have put this into the proposed regulations is that as long as the individual meets regulations, why exclude? (in Jim Likley's conversation with the Prosecutor's office)

It was also questioned what is the rationale for denying? The Zoning Board's response is that it would be an eye sore. You may have people meeting the color guidelines, but there have been pictures of people using old car bumpers, etc in making the units. It was also noted that the Trustees have taken out the verbiage that Small Wind Energy Systems must be operated by the terms of the Manufacturer because of homemade systems being allowed. The reply of the zoning board would be this creates a nuisance. The Trustees will allow as long as not to create a nuisance. It is up to our board to tell the Trustees not to allow putting up, because we all know once something goes up, how hard of a time you will have in zoning to have an individual take down.

With no further discussion and/or comments, a motion was made by Jill Kemp to adjourn the meeting and a second to the motion was made by Scott Anderson. The meeting was adjourned at 8:42 pm. Next Meeting: July 31, 2012 Public Hearing at 7:30 regarding OWB's (Outdoor Wood Fired Boilers & definitions). August meeting: August 14th at 7:30 pm

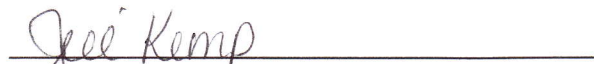
Respectfully submitted,

Sherry Clarkson, Zoning Secretary



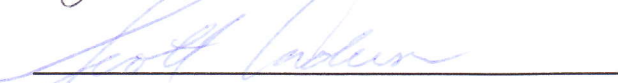
Heather Sturdevant, Chairman

8-14-2012
Date



Jill Kemp, Co-Chairman

8-14-2012
Date

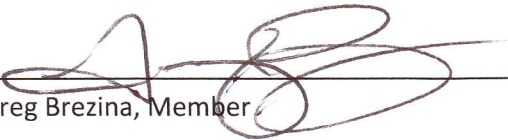


Scott Anderson, Member

8-14-2012
Date

Sue Brewer, Member

Date



Greg Brezina, Member

8/14/12

Date



Dennis Hoops, Alternate Member

8/14/12

Date