

Westfield Township Zoning Commission  
Minutes of Meeting  
October 8, 2013

The meeting was called to order at 7:30 pm by Chairman Heather Sturdevant. Members in attendance: Greg Brezina, Scott Anderson, Jill Kemp, Heather Sturdevant, Dennis Hoops, alternate and zoning secretary Sherry Clarkson. Member absent: Sue Brewer. Guests in attendance: Ron Oiler, Jim Likley, Gary Harris and Mike Schmidt.

**Public Hearing on HC Highway Commercial**

A roll call was taken as Chairman Sturdevant called the Public Hearing for Highway Commercial. Roll Call: Greg Brezina, Scott Anderson, Jill Kemp, Dennis Hoops and Heather Sturdevant were in attendance. Member absent: Sue Brewer.

Chairman Sturdevant proceeded to advise those in attendance for changes made in current language. It was noted we added a few different items. At the last zoning commission meeting the board reviewed information received from Planning Services, this information was reviewed and some changes were made: Under Section 306-HC Highway Service Commercial District, it was noted we added (after the 7<sup>th</sup> sentence ending in...distinguishable from uses in the LC district on this basis as well) This district shall also allow for light industrial uses as defined in Article XI Section 1102 of the zoning code due to their need for immediate access to the highway. It was noted we are going to leave out changing anything regarding warehouse and storage, because the way we defined it, it is not self storage, it is for businesses in that area which would generate and fit. We added F, G, & H for both districts (referring to page 2) of staff comments in September minutes, after adding F, G & H, (referring to page 38). We also made a correction which was an error going back for some time in deleting "Subject to these subsections of Section 606" under 2. Conditional uses – Item 22 deleted from b. gasoline filling stations, c. automotive repair and d. auto wash. This was an error which needed to be corrected and was in the zoning regulations going "way back". Under 306 HC Highway Service Commercial District, Page 35 E. Supplementary Regulations to add #5 (shifting everything else down), adding Screening-Outdoor Storage areas shall be totally screened from view from all public rights of way and from all adjacent residential districts by landscaping, walls, fences for topography. Outdoor storage shall not occur in any required front yard or in any yard adjacent to a residential district. We will also be adding #6, 30 E.6 and it will mirror light industrial performance standards (referring to 307 E. 6). As per Planning Services and discussion by the board it was noted we would be placing Storage/Warehouse together rather than separate them. We will be eliminating self-storage area as per the Planning Services Staff Review. We did add light industrial as a definition (refer to September minutes). All in all the board looked at broadening uses within this district, rather than open the area wide up to different types of traffic which this would bring, keeping in mind the traffic situation. The information received from the Planning Services recommended approval with modifications which were discussed by the board members.



Chairman Sturdevant asked for any input from the members in attendance. Ron Oiler asked the intention of regular commercial and HC Commercial. It was noted we did not change the terminology, just the uses. We are trying to be mindful of residential in that area and we want to make sure of no pollutants, noises and smells. We opened up the area a little and see if this brings in businesses. We are cautious as not to mix all types of traffic, we are more or less limiting the area to truck traffic.

**A motion was made to close the public hearing on HC-Highway Commercial by Chairman Sturdevant. A second to the motion was made by Jill Kemp. A roll call was taken: Greg Brezina-aye, Dennis Hoops-aye, Jill Kemp-aye, Scott Anderson-aye and Heather Sturdevant-aye. It was noted we have 30 days to vote and Chairman Sturdevant asked if everyone would like to vote on this. Greg Brezina advised he felt comfortable in what was submitted by Planning Services and recommendations made along with the board, presented and discussed. Chairman Sturdevant made a motion to approve recommendation to the trustees of the changes to the HC Highway Commercial District. A second to the motion was made by Jill Kemp. A roll call was taken as follows: Greg Brezina-aye, Dennis Hoops-aye, Jill Kemp-aye, Scott Anderson-aye and Heather Sturdevant-aye. It was noted that we will need to certify the information within 5 business days and submit to the trustees.**

**Public Hearing on Highway Access Management, Article V, Vehicles, Parking & Driveways**  
**Article Item 506 – Entrance & Exits: B only one (1) access way shall be permitted for each lot.**

The meeting was called to order by Heather Sturdevant and a roll call was taken as follows: Greg Brezina-here, Dennis Hoops-abstain, Jill Kemp-here, Scott Anderson-here and Heather Sturdevant-here. Regarding access management which was received at our last meeting, a request was received from the trustees at the September meeting, which presently we only allow one access way to property. It was requested we look at allowing multiple access ways for entering/exiting property. This information was submitted to Planning Services and will be on the November agenda to review and sending back a decision from the county. Chairman Sturdevant advised she did some research with the county and ODOT. Bill Thorne advised there were some studies available on multiple access ways to properties, which Chairman Sturdevant did some work on. She advised she spoke with ODOT and received some materials which are very confusing. A link for information was received which will be made available to the public as well as a Revised District 3 Access Inventory was received. They have a 200 page plus access way document and within the document it discusses different counties and where the counties fall within the plan. The plan does not just deal with one county, but many counties. It was noted that this public hearing will be continued until receiving information from the Planning Services. Chairman Sturdevant advised she will submit information, including the link to all members for their review. It was noted the counties have the ability to either adopt or not adopt the state plan. Heather advised she called the county and they advised they did not adopt this plan as it was too restrictive. It was noted the county looks at a case by case basis to determine if this is needed and reviewed independently. It was noted we will have the ability to adopt the state's plan and/or adopt the county plan, which is to review on a case by case basis. Greg Brezina asked Mike Schmidt to see how many individuals have come to the BZA to



look at a second driveway/access way. Mike Schmidt advised one was just brought before the BZA and one other may have been brought before the board prior to that about 2 years ago. Mr. Likley advised that he thought three were brought before the township, to his knowledge. Mike Schmidt asked how the county handles this. It was noted by Chairman Sturdevant that they review and normally approve unless it is in a hazardous area, which may cause problems, but it is reviewed on a case by case basis. It was noted that we have a lot of information to review (citing the 200 page plus document received). It was noted that the State and County are presently on two different pages in their thinking.

Jim Likley, 9585 Daniels Road spoke and advised he has two driveways on his property. It was noted he does not increase the traffic due to this along with his neighbors not increasing the traffic. It was noted there can be some parameters to be set for minimum frontage required on properties. There are also costs which come with two access ways, culverts etc. He advised most people would do this to utilize something like this to their benefit (e.g. building, having three teenagers who all have cars and are driving, it would be easier and safer for the individuals to have an access way/turnaround as not to have to back onto a public highway). I don't think that variances should be restricted to residents. We as a board need to look at each case on a case by case basis and look at the safety factors dealing with this. This also deals with common sense. Chairman Sturdevant advised the state and county look at this as adding additional access points to a road which can cause additional safety factors. Mr. Likley advised we need to look at corner lots, access to driveways, frontage, other factors as well. It was noted by Chairman Sturdevant in her conversation with Bill Thorne that if we are seeing variances frequently, then normal standards state that there may be a problem with your regulations.

Mike Schmidt-7920 Ballash Road advised he personally can't see where this would cause more problems, I can see possibly a problem if within so many feet of an intersection. I am a firm believer in not re-creating the wheel. He asked if Chairman Sturdevant checked with other townships to see what they may have. It was noted that most of the townships allow multiple drive access ways. Presently there is more language to support this than not in other townships within Ohio counties other than Medina. Chairman Sturdevant advised we will look at this further once we get information back from Planning Services. It was questioned by Mike Schmidt if there is any agricultural exemption. It was noted that Agriculture is pretty much exempt, as long as it is used (I believe by stated Chairman Sturdevant) 80% they can do what they want. It was noted that an Ag form must be completed in order to accommodate this. It was asked by Greg Brezina if the BZA has turned down any driveway access ways. Mike Schmidt advised the most recent one was rescinded by the owner after discussion with the BZA.

**A motion was made by Chairman Sturdevant to continue the Public Access way Management public hearing at the November 12, 2013 at 7:30 pm . A second to the motion was made by Greg Brezina. A roll call was taken Greg Brezina-aye, Jill Kemp-aye, Scott Anderson-aye, Dennis Hoops-aye and Heather Sturdevant-aye. All were in favor. It was requested that this continuance be placed in the paper with a 14 day notice.**



### **Regular Meeting**

It was noted that regarding the PERS return of money, Greg Brezina advised that he spent 37+ minutes on the phone with people from PERS and it seems that no one knows what is going on. It was noted by Mr. Likley that the money will come back to the township and from there the money will be returned to the individuals.

### **Meeting Minutes from September 10, 2013.**

It was noted that Chairman Sturdevan requested that the audio needs to be reviewed. It was noted that it reflects a motion to schedule a public hearing on one issue, but it does not show another motion. She would like to review the audit prior to approving. It was noted that a motion was made on the bottom of page 3 for access for parking & driveways, but I can't find a motion for accepting the changes for HC, but a motion was made to set a public hearing for HC. Therefore, we will table this until our next meeting.

### **Update on North Coast Soccer**

Chairman Sturdevant advised she received a phone call from Bill Thorne after our meeting and he has been in contact with North Coast Soccer. They are working on updating their map for a site plan based upon the additional items they want. They are working on putting their variance together on the front property, on items which are not on the current site plan to which they want to do. Bill advised it is okay for them to do one site plan for their property and Willy's property, regarding if they want parking on Willy's property there has to be a site plan on this and can be included in one plan which will encompass more than one property. It was noted they have LC & RR on the property in question. Bill has asked for Chairman Sturdevant, the zoning inspector and potentially the BZA chair attend and possibly a trustee so we are all on the same page as to what they will submit before the board. It was noted that Bill will get back with Heather to see if a BZA member can sit in on the meeting as BZA members cannot do research prior to hearing and he wants to see if this is considered as research. The tentative meeting is set for October 16<sup>th</sup>, at 9:00 am at the township hall. It should be okay for one trustee to attend. It was noted if Gary Harris wants to attend or assign this task to another trustee. It was noted they will be dealing with side & front yard restrictions, trees, and crossing of property lines which will be worked on before going to the BZA, so a clean slate is started from ground zero. Mr. Schmidt advised he cannot make the meeting on the 16<sup>th</sup>. Chairman Sturdevant advised she will take notes, type them up and submit. Chairman Sturdevant advised she will also ask Bill Thorne to write information up, so this is done prior to the applicant going before the BZA.

### **Other Business (OWB's)**

In looking at our minutes regarding Outdoor Wood Fired Boiler, back in December of 2012 this was certified to the trustees, we originally sent to the Trustees in August 2012, and it came back because information did not come back from Planning Services in time. We then certified to Trustees on December 11, 2012 and it fell through the cracks never arriving to the trustees, so we need to start process over per Bill Thorne. So Chairman Sturdevant advised she made a motion and now needs to make a motion to rescind the motion to approve and certify to the

trustees, Article 6 1, section 606A 23 Outdoor Wood Fired Boilers as amended 12/11/12. Do I have a second asked Chairman Sturdevant? A second to the motion was made by Scott Anderson. Roll Call: Greg Brezina-aye, Dennis Hoops-aye, Jill Kemp-aye, Scott Anderson-aye and Heather Sturdevant-aye. All in favor.

Chairman Sturdevant advised, I will make a motion to approve and certify to the Trustees within five days, Article 6 1 Section 606A 23 Outdoor Woodfired Boilers as amended 12/11/12. A second to the motion was made by Jill Kemp. A roll call was taken as follows: Greg Brezina-aye, Dennis Hoops-aye, Jill Kemp-aye, Scott Anderson-aye and Heather Sturdevant-aye.

Mr. Likley advised the only problem is that we did not have a public hearing on it. It was noted we did have a public hearing. It was questioned as to the timeframe of the public hearing with reference to the time presently. It was noted there is a timeframe to follow for public hearing and a motion etc., It was questioned if we should have a public hearing at our next meeting and then go from there. Thereby you have a Hearing, Motion to forward, Trustees receive it in a timely fashion and then they have a timeframe to have a public hearing and go from there, whereas there was a gap in time. It was noted by Greg Brezina that we should have another public hearing and then go from there.

Heather Sturdevant then advised she will make a motion was made to rescind her previous motion made. A second to the motion to rescind the motion was made by Greg Brezina. All were in favor.

A motion was made by Heather to have a public hearing on Wood Fired Boiler at the November 12, 2013 meeting. A roll call was taken: Greg Brezina-aye, Jill Kemp-aye, Dennis Hoops-aye, Scott Anderson-aye and Heather Sturdevant-aye.

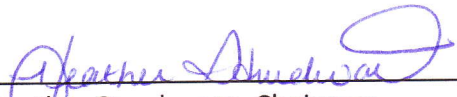
#### Resignation Letter

Chairman Sturdevant advised she is in receipt of a resignation letter from the Secretary of Zoning Commission and BZA. The Letter was read to those present. It was noted a copy of the letter was sent to the Trustees. It was noted that the effective date will be 10/31/13. It was noted that the secretary will complete all matters at hand presently in completing all business through 10/31/13.

With no other discussion a motion was made by Heather Sturdevant to adjourn the meeting. A second to the motion was made by Jill Kemp. All were in favor. The meeting was adjourned at 8:35 pm.

Respectfully Submitted,

Sherry Clarkson

  
\_\_\_\_\_  
Heather Sturdevant, Chairman

11-12-13.  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Greg Brezina, Co-Chairman

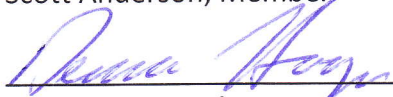
11/12/13  
\_\_\_\_\_  
Date

\_\_\_\_\_  
Jill Kemp, Member

\_\_\_\_\_  
Date

\_\_\_\_\_  
Scott Anderson, Member

\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Dennis Hoops, Alternate

11/12/13  
\_\_\_\_\_  
Date



# PLEASE SIGN IN

NAME:

ADDRESS:

PHONE #

Ron Olin 8969 Ballhorn Road

MIKE SCHMIDT 7920 Bowers Rd

Jim Kiley 9585 Daniels Rd

### 306 HC HIGHWAY SERVICE COMMERCIAL DISTRICT

A. Purpose. The purpose of the Highway Service Commercial District is 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. The uses permitted in this district by nature tend to result in high volumes of non-local traffic, including commercial vehicles, traffic congestion, parking problems and storage problems and are therefore distinguishable from uses. This district shall also allow for light industrial uses as defined in Article XI, Section 1102 of the zoning code due to their need for immediate access to the highway. Central water and sewer service is required.

#### B. Uses.

1. Permitted Uses	
a.	Restaurants and eating places.
b.	Motels.
c.	Sexually Oriented Businesses, subject to 306 E. 5.
d.	Accessory uses and structures as provided in Section 205 and including signs as regulated by Article IV and parking and loading as regulated by Article V.
e.	Convenient Care Clinic
f.	<b>Storage &amp; Warehouse</b>
h.	<b>Light Industrial</b>

2. Conditional Uses		Subject to these subsections of Section 606:
a.	Drive-in establishments including any permitted use listed in Section 306 B.1. above, and including auto washes, restaurants and refreshment stands but excluding drive-in theaters and commercial amusement parks.	6, 8 and 15
b.	Gasoline filling stations.	6, 8, 17 and 21
c.	Automotive repair.	6, 8, 17 and 21
d.	Auto wash.	6, 8, 15, 17 and 21
e.	Club pool, commercial pool.	
f.	Truck sales and repair.	
g.	Similar use	32
h.	Government Projects <i>(Added 12/15/06)</i>	33

#### C. Minimum Dimensions for Lots and Yards.

1. Lots and yards in the HC district shall comply with the minimum requirements stated in the following table:

HC HIGHWAY SERVICE COMMERCIAL DISTRICT Minimum Dimensions for Lots and Yards	
Lot Area	2 acres
Lot Frontage #	300 feet
Lot Width at Minimum Building Setback Line #	300 feet
Minimum Lot Depth #	300 feet
Front Yard Depth	100 feet
Side Yard Width	25 feet
Side Yard Width adjacent to residential district	100 feet



Rear Yard Depth	50 feet
Rear Yard Depth adjacent to residential district	100 feet
*All measurements of frontage and setback lines to follow the same arc as the road.	
*Amended 1/6/06	#Amended 10/6/89

2. In all cases, the right-of-way line shall be as shown on the records of Medina County, but for purposes of determining the front line of a lot shall not be less than 30 feet from the centerline.

D. Landscaping and Buffers Required. On any lot, the following buffers shall be constructed and permanently maintained.

1. Front Yard Buffer. A landscaped strip twenty (20) feet in width adjacent to the right-of-way and running the entire frontage of the parcel shall be constructed.
2. Side Yard Buffer. When adjacent to a residential district, the side yard adjacent to such district or use shall consist of a landscaped and planted buffer strip twenty-five (25) feet in width and running the length of the side yard.
3. Rear Yard Buffer. When adjacent to a residential district, the rear yard adjacent to such district or use shall consist of a landscaped and planted buffer strip twenty-five (25) feet in width and running the length of the rear yard.

E. Supplementary Regulations.

1. Site Plan Review. *See Section 807 B.*
2. Natural Hazard Areas. Areas within the Natural Hazards District are subject to all requirements of Section 302 of this Resolution.
3. Refuse Storage. All outdoor refuse storage areas shall be screened from view from adjacent properties. All refuse shall be stored in rodent proof containers or enclosures. Refuse storage areas shall be maintained in a neat and orderly fashion so as not to attract insects, rodents or other pests.
4. Water and Sewer. Central water and sanitary sewer services are required for all uses in the HC district. No use of land shall be established until connections to central water and sanitary sewer services are installed and approved by the County Engineer.
5. Outdoor Storage. Screening. Outdoor storage areas shall be totally screened from view from all public rights-of-way and from all adjacent residential districts by landscaping, walls, fences or topography. Outdoor storage shall not occur in any required front yard or in any yard adjacent to a residential district.
6. HC/Light Industrial Performance Standards. Every establishment desiring to be located in the HC/Light Industrial District shall submit evidence to the satisfaction of the Zoning Inspector that its activities will not violate the following performance standards:
  - a. Air Pollution. Establishments emitting air pollutants affecting ambient air quality shall show evidence of conformance with all Ohio Environmental Protection Agency (OEPA) requirements.
  - b. Vibration. No vibration shall be permitted which is discernible without instruments at the property line of the establishments creating such vibration and beyond any boundary of the district.



- c. Smoke, Fly Ash, Dust Dirt. No establishment shall exhause or discharge into the air any quantity of fly ash, smoke, dust, dirt, or similar form of particulate matter except as permitted by the standards of OEPA.
- d. Odors. No emission shall be permitted of odorous gasses or other odorous matter in such quantities as to be readily detectable beyond the property line.
- e. Solid and Liquid Wastes. No discharge of liquid or sold wastes into any public or private sewage system, lake, stream, ditch, or other body of water, floodway, swale, retention pond, or other intermittent facility for water storage or management or onto or into the ground except as approved by the OEPA.
- f. Radioactivity. No establishment shall produce, store, transfer, or use radioactive materials in any manner hazardous to human health.
- g. Electric or Electronic Disturbance. No establishment shall produce electronic or electrical disturbances perceptible beyond the property line.
- h. Fire and Explosion Hazards. Material and processes having potential for fire or explosion hazards shall not be permitted in close proximity to residential areas where they constitute undue safety hazards. When permitted, such uses shall be controlled by the requirements of the Westfield Fire Department.
- i. Noise. Noise which is determined objectionable to an ordinary person at the property line due to volume, frequency, or beat shall be prohibited.

7. Sexually Oriented Business.

- a. It is the purpose and intent of the provisions of this Zoning Resolution which specifically apply to sexually oriented businesses to regulate such business with the intent of promoting the health, safety, and morals of the citizens of the Township, establishing reasonable and uniform regulations to prevent any deleterious location and concentration of such businesses within the Township, thereby reducing or eliminating the adverse secondary effects from such businesses. The provisions of this Zoning Resolution have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative material, including sexually oriented materials. Similarly, it is not the intent nor effect of this Zoning Resolution to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor the effect of this Zoning Resolution to condone or legitimize the distribution of obscene material. The provisions of this Zoning Resolution have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative material including sexually oriented materials.
- b. A sexually oriented business shall comply with the following supplementary regulations, in addition to compliance with all other requirements of this Zoning Resolution:



1. No sexually oriented business shall be located on a lot which is located within five hundred feet (500') of a lot on which another sexually oriented business is located.
  2. No sexually oriented business shall be located on a lot which is located within six hundred feet (600') of a residential district or LC district.
  3. No sexually oriented business shall be located on a lot which is located within one thousand feet (1000') of a lot containing a church, library, public park, playground, daycare center, school, campground, sports field, or any institution where children are kept day or night.
  4. Measurement of required distances in paragraphs 1, 2 and 3 shall be made in a straight line, without regard to intervening structures or objects, between the points of each of the subject properties which are nearest one another.
  5. No more than one sexually oriented business shall be operated, established, or maintained within a building or structure.
  6. Structures will be designed to prevent internal activities or displays from being visible from the outside.
- c. A sexually oriented business that is legally located per these regulations does not become non-conforming if one of the protected uses as in 306 E. 5. b. III locates within a designated buffer area.

*The following definitions will be added Under Article XI, Section 1102 Definitions:*

60. *“Storage & Warehouse”:* A use engaged in storage wholesale and distribution of manufactured products, supplies and equipment, excluding bulk storage of materials that are flammable or explosive or that present hazards or conditions commonly recognized as offensive or a nuisance.
69. *“Warehouse and Storage”:* A use engaged in storage wholesale and distribution of manufactured products, supplies and equipment, excluding bulk storage of materials that are flammable or explosive or that present hazards or conditions commonly recognized as offensive or a nuisance (same meaning as storage), see also warehouse, see also storage.
36. *“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 the external effects of the manufacturing process as smoke, noise, soot, dirt, pollution, vibration, odor etc., Warehousing, wholesaling and distribution of the finished products produced at the site are allowed as part of this use.
42. *“Nuisance”:* The unreasonable, unwarranted or unlawful use of one’s property in a manner that substantially interferes with the enjoyment or use of another individual’s property, without an actual trespass or physical invasion to the land.

*\*\*All subsequent numbering changes upon Completion*