

Westfield Township Trustees

Public Hearing- Walk in Health Clinic Text Amendment

May 7, 2012

6:30pm

Trustee Harris opened the Public Hearing to consider a text amendment to the Westfield Township Zoning Resolution Article III for a Walk in Health Clinic at 6:30pm.

ROLL CALL: Likley-Here, Oiler-Here, Harris-Here

Trustee Harris asked if there was anyone in the audience that wanted to speak. He then asked all speakers to state their name and address for the record.

Dave Raco: Stated that he represented the Travel Centers of America in their desire to have a Walk in Clinic.

Trustee Likley asked Fiscal Officer Evans to swear in Mr. Raco.

Fiscal Officer Evans swore in Mr. Raco.

Trustee Likley thanked Mr. Raco and advised him that swearing in speakers is a formality that is normally done in public hearings.

Mr. Raco stated that he wasn't quite familiar with the procedure but that he had come down a number of times so that he could answer any questions. He stated that TA would like to house a Medical Clinic. He didn't know if anyone was familiar with what is called CSA2010. "This is where trucks are inspected to make sure that they are safe. The brakes work, everything on them works properly for a forty ton tractor trailer to go down the highway safely. This group is starting to look at Truck Drivers with, sleep apnea, hypertension, diabetes and any other kind of medical condition that keeps them from driving the truck safely. They are subject to random drug testing, DOT physicals depending on their health every two years but if they have hypertension those physicals could be required as often as every three months. The idea for the clinic is for drivers who are already there. Once they are there they can't go anywhere else. He mentioned that one never sees a tractor trailer at the grocery store, or at a clinic or hospital. It simply doesn't work that way. What TA is trying to do is to make it so that when they are out three, four, five weeks at a time, home for a weekend and then back out. When they are home for a weekend it would be nice if they could spend time with their families and they can have their physicals, random drug testing and other illnesses such as the flu, at TA while they are there anyway. Drivers are allowed to drive eleven hours at a time and then they must stop for at least ten hours before going back out onto the road. While they are hanging around for ten hours it would be nice if they could get this stuff out of the way. So that is the whole of our desire to open a walk in medical clinic."

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Trustee Oiler asked if the person who would be conducting the health tests and so forth was a registered nurse or a registered physician.

Mr. Raco stated that Colleen is a nurse practitioner and is the young lady who would be conducting the health tests.

Trustee Oiler asked if they receive certification at their location.

Mr. Raco stated that that was correct. He went on to explain that they have a suitability questionnaire. They have 250 locations across the country and have a lot of people who rent space from them. Barber shops, CB repair shops and that type of business. He went on to say "Certain tenants who would wish to rent space from us we would do a background check. A suitability questionnaire it's called where we look at how they are certified, if it is in good standing, if it is current, if they have the two types of malpractice insurance and liability insurance. It is a rigorous background check. I would be happy to submit the one for Lodi to you. It has been filled out and passed.

Trustee Oiler stated that he was just curious.

Mr. Raco asked if there were any other questions.

Trustee Harris stated that he had nothing.

Trustee Likley stated that he didn't believe he had anything else and thanked Mr. Raco.

Colleen Gearhart of 8520 Vandemark Road in Lodi, OH was sworn in by fiscal officer Martha Evans. She then stated the following: "I am the main practitioner at that clinic. I am there full time. I am responsible for running it so if you have any clinical questions about how things go or my qualifications or what I actually do, I would be happy to answer them".

Trustee Likley asked what the intended operating hours were. He stated it wasn't a factor in this. He was just curious.

Ms. Gearhart stated that they were to be 10:00am to 8:00pm Monday through Friday.

Trustee Harris asked if she would be there during those hours.

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Ms. Gearhart stated the following: "Yes, I work full time there and then we probably have one or two other nurse practitioners that will be out there. But we are all qualified to do this".

Trustee Harris asked if they were all certified.

Ms. Gearhart stated that they were.

Trustee Oiler asked how many ladies and gentlemen they were able to handle per day. He was wondering how rigorous the tests were?

Ms. Gearhart stated that it depended on the situation. If you have someone who doesn't have any problems maybe a good half of an hour to forty minutes but if it was someone who had issues over an hour could be spent. Ms. Gearhart has been reading up on a problem where drivers go to other places and they are seen by unqualified individuals who pass them even if their blood pressure is high or they have sugar in their urine and then they are out driving with the rest of us. She stated that she has really been thinking about it now and wondering what types of issues the driver next to her may have. They are hoping to make driving a little safer for everyone.

Trustees Likley and Oiler thanked Ms. Gearhart.

As no one else wanted to speak, Trustee Harris closed the Public Participation portion of the meeting. He stated that the Trustees would have a discussion amongst themselves.

Trustee Oiler stated that he didn't have a problem with the addition to Article III for Highway Commercial Service. For Conditional Use he felt it was appropriate and felt that they would be doing a good service to the drivers and the community.

Trustee Likley noticed that a recommendation from Bill Thorne's office stated that "Walk in Health Clinic" should be the title. The copy that was received by the Trustees did not reflect that and Trustee Likley felt that it should. He stated that the copy he has just states Walk in Clinic for General Care. The statement from legal counsel is that it should be Walk in Health Clinic. The certification letter from the Zoning Commission reflects that change and correction but in the document that the Trustees have doesn't state the change so he would like that to be corrected.

Fiscal Officer Evans stated that the change would be the Trustee's addition as recommended.

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Trustee Likley stated the following: "It was addressed in the motion from the Zoning Commission. If you look at Mr. Hoops motion "Walk in Health Clinic for General Care" and then later the Zoning Commission added the word health clinic as per the recommendation. My statement is that the copy we have doesn't reflect that. One of the comments I saw from Planning Services regarding this was that if you look at the staff recommendations for approval is that of a conditional use. This is the verbiage from Planning Services": "Note that conditional uses are uses that by their nature may have a significant impact on the surrounding properties and this requires an administrative hearing for approval. A walk in clinic especially if located in a truck stop facility would not. Its nature wouldn't have a significant impact on the surrounding properties and as such it might be better suited as a permitted use rather than a conditional use". Trustee Likley went on to say that this may be the case even if the clinic was freestanding. He said: "While the application from this group was for a conditional use, the application specified for a conditional use to be added to that section of our Zoning Resolution. It can very well stay as a conditional use. I just feel that additional information should be applied for the conditional use and note that the specifics that Planning Services are raising with it that a conditional use would have significant impact on the surrounding properties, that is not the case here. I don't think that even a walk in clinic freestanding in its own facility would have a significant impact on the Highway Commercial District. So the secondary side of that or the problem with it being a conditional use while we can approve this change and make it a conditional use, it then requires that applicant to come back for conditional use approval. So there is another hoop that this Walk in Clinic would have to go through. I don't believe that that's justifiable when you look at the purposes of a conditional use. So, to move forward with a conditional use, this change to go into a conditional use, the application under section 603.B.3 requests specific information required in section 605 and 606. There is no specific language added in sections 605 and 606 for the BZA to review for approval or denial of the application. Does that make sense"?

Trustee Oiler stated that Mr. Likley's comments made sense.

Trustee Likley expressed that if they move forward with a conditional use then additional information to support the application requirements in section 603.B.3 should be added to sections 605 and 606 as to what the BZA is going to look at in granting approval or denial of the application. As of this time the application only adds the term Walk in Health Clinic under a conditional use but there are no specific requirements for the BZA to look at to review the application for that purpose.

Trustee Oiler asked if it would not be smarter to make it a permitted use. He stated that he saw no problem with doing that.

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Trustee Likley stated that was why he was bringing these questions up. He felt that even if it was a permitted use, it would still need a clear definition of a walk in health clinic. A definition should be a part of the proposal. He went on to explain that Westfield Township has a definition in their Code for everything, but no definition for a walk in health clinic. That could make one ask if it is a clinic for dogs, humans etc. There should be a clear definition of what is being identified as a permitted or conditional use in any district.

Trustee Oiler asked the rest of the Board how they wanted to proceed?

Trustee Harris asked if something could be added now or if the topic needed to be tabled.

Trustee Likley stated that he didn't get that far.

Trustee Harris asked if all they needed to move forward under a conditional use was a definition.

Trustee Likley felt that there needed to be specific requirements added to section 605 and 606 for this use to be considered by the BZA. Under section 603.B.3, Data required in application for a conditional use, it states "Every application shall be accompanied by the following information and data". There is a section of four required items. Number three requires a statement with supporting evidence regarding the required findings specified in section 605 and 606. We have no specific information in those articles for the BZA to even consider the application other than the site plan review as required in section 807.E. He felt that by leaving out these sections for a walk in health clinic there would be too many grey areas for the board to move forward with. The BZA could ask the applicant where their supporting evidence is and there would be none for them to consider an approval or denial. Trustee Likley felt that this application should be proposed as a permitted use. He stated that the Planning Services recommendations were for approval as submitted but that they also make note that this purpose doesn't necessarily warrant falling under a conditional use because it wouldn't have any significant impact. Trustee Likley then explained that as a permitted use it then falls to the responsibility of the applicant to provide the parking for the number of patients they may have, ingress and egress, lighting and signage. All those factors would come into play. By leaving this as a conditional use it would require the applicant to jump through another hoop and he didn't feel that was necessary.

Trustee Oiler stated that he would personally like to see the application follow the recommendation as a permitted use in the Highway Commercial District. He felt that was the right thing to do.

Trustee Likley stated that either way the application would have to go through the steps to get a definition. He didn't know if they could write it and have it be a part of the current application. He didn't think they could do that. He said that they could amend the application.

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Trustee Oiler felt he would have a hard time coming up with a definition at the current time.

Trustee Likley proposed that the Board table the discussion and obtain a definition and get an answer from legal counsel or Planning Services and get their approval of the definition.

Fiscal Officer Evans stated that the Trustees would have to continue the public hearing to a pre-specified date, not table the discussion.

Trustee Likley didn't feel that the current application had sufficient data for him to approve this evening. He informed the applicant that whichever route they chose that there would be a slight delay in the process.

Trustee Harris asked if he had a motion to continue the public hearing.

Trustee Likley made a motion to continue the public hearing to May 14, 2012 at 7:00pm. That way the Board would not have to re-advertise.

Fiscal Officer Evans asked if the information would have to go through Planning Services as that would delay things a whole month.

Trustee Likley felt that those were all questions that they would have to try and understand between now and when the meeting is continued. He recommended continuing the meeting to May 14, 2012 and between now and that time, that they communicate with Mr. Thorne and Planning Services to get the answers to the addition of a definition and to see if it warrants having the application go through Planning Services again. He stated: "So, my motion is to continue the public hearing to May 14, 2012 at 7:00pm to gather additional information for the proposed amendments to the application submitted.

Trustee Oiler seconded the motion.

Trustee Likley asked if there was any further discussion.

ROLL CALL:

Harris-yes, Likley-yes, Oiler-yes

Trustee Likley then expressed to the applicants that he hoped he explained where everything is at so that they understood as it is moved forward the next step would be an application for a conditional use and that they would have to come before the Board of Zoning Appeals and meet those requirements. Those requirements are not currently established in the proposal but hopefully the Board would make

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That process easier by proposing to make the application a permitted use. He explained that it would just delay the process a bit.

Trustee Likley stated that the next meeting was on May 14, 2012 at 7:00pm. He stated the he would contact Bill Thorne and Planning Services to get the answers for the questions they had.

Trustee Oiler stated that he did not believe that Planning Services would have to do anything as it was the Trustees making the amendment and not the applicant.

Trustee Likley stated that he didn't want to make those changes without getting input from the Prosecutor's Office and Planning Services. He stated that he would come up with a definition that is suitable for Mr. Thorne and have a response before the 14th.

Trustee Harris thanked the applicants and the public for coming. He expressed that he was sorry that the Board couldn't get the application passed, but felt that it would be better for everyone if they waited.

Approved May 21, 2012