

WESTFIELD TOWNSHIP BOARD OF ZONING COMMISSIONERS
SEPTEMBER 9, 2008
WORK SESSION
CON'T OF PUBLIC HEARING
REGULAR MEETING

WORK SESSION

Chairperson Kemp called the work session of the Westfield Township Board of Zoning Commissioners to order at 7:30 p.m. Board members Sturdevant, Miller, Anderson, Brewer and Kemp were in attendance as well as Trustee Sims, Trustee Likley, Tim Kratzer, Stan Scheetz, Ron Hamo, and Bill Thorne and Tom Karris from the Pros. Office. (See attendance sheet for complete attendance).

Stan Scheetz: When this was first started it was to rezone the property General Business. The application was for both a text and map amendment. It was determined that zoning designation was too general and the fear was that it would extend to other areas in the Township. When I took over the case in December and we had a workshop meeting in March, I found the majority of the proposed uses were already available in the Local Commercial District other than the size of the buildings we would be proposing. That is when I, on behalf of my client Mr. Kratzer, decided to move forward with a map amendment application only to have the entire property zoned Local Commercial. If this amendment goes through with the Declarations and Covenants then it will be my responsibility to work with the Planner the Township hires to come up with the language for the site specific PUD. Most of that language will be that of the Local Business District. The difference is it would only relate to this specific acreage/area and I will come up with those parameters. I know we will have additional homework to do but we need to have the Local Commercial District designation to attract potential commercial tenants. We will then have to go to County Planning, the Zoning Commission and the Trustees for approval of a site specific PUD.

I have included the developer in the Declarations and Covenants but that adds nothing to the document as only the property owner is binding. Medina County Planning recommended a site specific PUD but there is not one in Medina County. All the surrounding commercial developments in Montville Twp., Medina Township, Sharon Twp. and Granger Twp. were all done under their General Business District but with granting multiple variances. When I asked Patrice Theken to give me examples they were from Hilliard and Columbus, Ohio. I am sure with the Planner you hire we can work in conjunction to come up with wording that is livable and functional within your Township. We are self-imposing through these Declarations and Covenants that we cannot move forward with any development or lot splits on the back 90 acres until we come to terms with whom the potential tenants will be and then a site specific PUD and text language that will be imposed on that area.

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Jill Kemp: I am questioning page 2 of the D & C's under letter C. its states, "for a period of 6 yrs." I feel it would be better to read, "For a period of 6 yrs. consisting of 5 yrs. for development and 1 yr. for potential rezoning of the property."

Stan Scheetz: I have no problems with that language.

John Miller: If there is nothing done with the property in 5 yrs. why do we need another year for the owners or the Township to rezone the property back to the original zoning. I feel it should automatically go back to the original zoning.

Bill Thorne: It cannot be done automatically. They are only putting restrictions on what they can do to the property not on the zoning. To rezone the property it has to go back through the entire rezoning process. In that one-year time frame, hopefully your Comprehensive Land Use Plan will be updated and the uses/zoning designation for this property may be entirely different than the original zoning designation of Rural Residential. If the Township wants to rezone the property back to RR and you start that proceeding it can probably take place in 3-5 months.

Stan Scheetz: We (property owner) may want to rezone the property industrial dependent on how the development proceeds on the other side of the River. We could initiate a change to any of the other zoning classifications as well as the Trustees or the Zoning Commission.

Heather Sturdevant: The D & C's reads, "The front 500 ft. Local Commercial, consisting of approximately 15 acres, may be marketed immediately for out lot splits subject to the availability of sanitary sewer and water in the future, to be negotiated between the owners, developers and one of the prospective providers, i.e. County of Medina, Village of Westfield Center and/or the Village of Seville which shall be at the sole risk of the developers. I would propose it to read "procurement" instead of "availability."

Stan Scheetz: I am agreeable to that.

Heather Sturdevant: That paragraph also reads, "The front 500 ft. Local Commercial, consisting of approximately 15 acres, may be marketed immediately for out lot splits subject to the availability of sanitary sewer and water in the future, to be negotiated between the owners, developers and one of the prospective providers, i.e. County of Medina, Village of Westfield Center and/or the Village of Seville which shall be at the sole risk of the developers. It is my understanding that if you go with the Village of Seville it would be through annexation to get the services.

Stan Scheetz: That is correct.

Heather Sturdevant: Would you be willing to modify this document to state that you would first and foremost work with County of Medina or Village of Westfield?

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Stan Scheetz: I will take that under advisement. I am working with all three communities at this time.

John Miller: I would have a problem with something like this going through. We give you the plum and then you take it over to the Village of Seville with our taxes. That does not make sense for Westfield Township.

Stan Scheetz: But you haven't given us the plum until we present the site specific PUD. You will just be giving us the zoning for us to have the uses we need.

John Miller: But your ability to go that way is not to Westfield's advantage.

Stan Scheetz: Absolutely not. That is why we have to keep this advantage open.

John Miller: That is one thing I will not agree to personally. If you are going to do this in Westfield Township we should get the taxes because we are going to supply the utilities, the police and fire. You go ahead and annex it to Seville after we give you approval makes no sense to the Township or me.

Stan Scheetz: But then you are not going to supply any of those services they are. I need to keep all of those options open. There is no way I would agree to eliminate the option of annexation. If we see we get through this step and the Trustees and get our zoning approved; we then have to present the site specific PUD which will take another year...I need to keep those options open and I intend to keep those options open. I will work with the priorities for sewer and water.

Heather Sturdevant: All I am asking is that you work with the priorities of the County of Medina and the Township. If you can't do it and have no other option then to annex...

Stan Scheetz: I am doing that as we speak. This is the area that has been studied by the Seville Board of Affairs. They have spent \$3,000.00 on the study already. It is Guilford, Westfield and Seville. They are not looking to do it alone, they are looking to do it in conjunction with the County of Medina and possible the Village of Westfield Center. This would be in the form of JEDD or CEDA agreements. This report was just done July 31st. I distributed it to the County so they could look at it and review their options. Three members of the Board of Affairs are aggressively selling electric to this project. They are not as aggressively interested in sewer and water because there are other options out there.

Heather Sturdevant: Regarding the 1st 500-ft. which is already zoned Local Commercial; I know you want to immediately market it for lot splits. My question is if that were to be done as part of the PUD, you would not have to come back for the 7,500 sq. ft. building requirement in the zoning code. So wouldn't it be easier if it were all part of the PUD?

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Stan Scheetz: It could possibly be all under the PUD, however, dependent on how long this process goes on and I am successful in negotiating sewer and water and we have users available to do the splits already reserving the access strips we need to get in; which I believe are a minimum of 2 maximum of 4, that will be in the overall plan I assure you. However I want to keep the option open to market that land earlier if we have something that fits but then we have to come back for a variance if in fact we have not finished the site specific PUD. However, if we finish the site specific PUD it will be on the entire acreage.

Heather Sturdevant: So let me understand this, if you come back and get a variance and start development on those front lots and then at a later date when you do the site specific PUD, those lots will be part of the PUD?

Stan Scheetz: Absolutely. It will be part of the master plan. There would only be lot splits allowed based on the Master Plan. All you have seen is a conceptual plan until we know who the actual players will be.

Tim Kratzer: Westfield Township also has the opportunity to pursue a CEDA or a JEDD with the Village of Seville even if the property is annexed. Westfield Township would still maintain the tax base.

Stan Scheetz: Even if we do a Type 2 annexation, the real estate tax base will stay in Westfield. However if there are two levies, the community which is providing the service (police, fire etc.) will get the levy money. If it is CEDA it is a true annexation. If it is a JEDD it is a sharing of revenues where Westfield would provide utilities and the Village would get the income tax. It is a way of revenue sharing. This has been done between Medina City and York and Medina City and Montville Township. A CEDA has been undertaken between Spencer Village and Spencer Township.

Bill Thorne: A type 2 annexation was developed so a Township would not lose their real estate tax base.

John Miller: Would you write that into the D & C that the annexation being referenced is a Type 2 annexation.

Stan Scheetz: I would have no issue with that. There was no attempt to take away the tax base from Westfield Township.

John Miller: In the document you list the Kratzer Farm backland being located in parts of Westfield Township on Lots 46, 47, 52 and 53 however Exhibit A does not reflect Lot 52.

Stan Scheetz: You are right it is not marked. Lot 52 is right below Lot 53 and is contiguous but not part of the backland. I only used Lot 52 as a reference because it went over to the border.

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All references to Lot 52 will be removed from the document.

John Miller: On page 1 #3 regarding the Traffic Impact study, I would like the wording added, "and also accepted by the party known as Westfield Township."

Bill Thorne: It's a County Rd.

Stan Scheetz: Because it is a County Rd., the Township will have the opportunity to voice their concerns, recommendations etc. but ultimately the authority lies with the County Engineer. They set the requirements and I am sure they are stringent.

John Miller: So we have no say on the Traffic Impact Study?

Bill Thorne: You will have input but the ultimate authority is the Engineer.

Stan Scheetz: The conversations I have had with the Engineer's Office and ODOT is that they will make improvements from Lake Rd. to Hulbert Rd. with turn lanes and widening but not 4 lanes.

Bill Thorne: This is no different then when we did the intersection for TA. They did the traffic study and the Township told them what they wanted. Technically they are the experts.

John Miller: Please explain the wording on page 2 which states, "The property owners reserve the right and opportunity to apply for an alternative type of zoning."

Bill Thorne: You could potentially have dual zoning going on. At the end of the 5 yrs. if the development has not commenced then the Township can rezone the property back to Rural Residential or to some other zoning district hopefully based on the Comp Plan. The property owner can also make application to rezone the property to something other than Rural Residential.

Stan Scheetz: A rezoning can be initiated by a property owner, Zoning Commission or Township Trustees.

Bill Thorne: Potentially there could be 3 rezoning applications going on at the same time.

John Miller: You talked about potential tenants that will not sign until a commercial zoning designation is in place. Why do we need 5 yrs?

Stan Scheetz: It is usually a 2 yr. time frame from the time they sign up until they want to exercise their option which is usually when utilities and infrastructure is in place.

John Miller: Then why do we need 5 yrs.?

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Stan Scheetz: Because if Ron Hamo is unsuccessful in 2 yrs., I will have somebody else standing in line to take Ron's place and try on their own to go forward. I will have 10 other developers chomping at the bit to move forward if it is already zoned to Commercial. Mr. Hamo and his group have first option because they came up with the Conceptual Plan. It will be contractual between the Kratzer's and Mr. Hamo how long that exclusivity will prevail. This document, the zoning, and the site plan review will go onto any successor developer.

John Miller: Then do you need to take Ron Hamo's name out of the document?

Stan Scheetz: We talked about that. It does not add a thing. I added his name because I thought you wanted a comfort level with that developer. It goes on to any successor or assigned. The only one who can bind the D & C's is the property owner.

Bill Thorne: That is correct. This developer is named so that he is aware of what is going on with this property.

John Miller: Well Stan was talking about having 10 other developers...

Bill Thorne: The document states successors or assigns so if this developer is not going to develop the property, whoever does will be bound by this document as well.

Stan Scheetz: This happens all the time. Fox Meadow Country Club is on its 7th developer. The economy goes in cycles. This is what I do. If you want it removed I have no problem with it. They are entering into a joint development agreement that will allow them to sell parcels, which will then be owned by different entities, and they will be leasing them. There will be a management company, which will manage all common areas. Usually options are given to lease or condominiumize. You are not involved as to who the owners are but the organization of the buildings/structures.

Heather Sturdevant: I have an overwhelming concern because we do not have contract zoning in Ohio. Is it the opinion of the Pros. Office that the D & C's are enforceable?

Bill Thorne: Yes. It is not really contract zoning but in a way a site specific PUD is contract zoning. You are not really giving them anything but a title. They cannot do anything without first submitting a site specific plan and get your approval on it or they are back to square one. You have not bound yourself to anything.

Tom Karris: It is not a contract because you are not giving them anything.

Stan Scheetz: We are self-imposing restrictive covenants in relation to the development.

Bill Thorne: It is unusual, but it gets us past the chicken and the egg scenario and lets you move forward.

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Sue Brewer: Regarding the first 500-ft. that is already zoned LC, do they have the right develop that immediately?

Bill Thorne: They already have the right currently to develop that land if they get sewer and water.

John Miller: What I think Sue Brewer is trying to say is that if you go ahead now and develop one of those lots everything is locked in.

Sue Brewer: Yes. If you already have something going on the front you could wait 6 years, 7 yrs. etc. because you already got started with the development in the first year with the frontage.

Bill Thorne: That is not correct. The description does not cover the first 500-ft. However, whatever they do on the front should be made part of the master plan. If they hurt themselves by developing the front then that is their problem.

Stan Scheetz: The agreement does not apply to the first 500 ft.

Bill Thorne: In the document they have agreed not to develop the front unless they have sewer and water so the probability of them developing the front into rinky dink lots with on-site sewer systems is not going to happen.

John Miller: Back on page 2 letter C, it states, "If no progress has been made in the proposed commercial/retail development...Any agreement to extend shall be completed at least 60 days prior to the expiration of this document. The way I see it if ANYTHING is started in that 5-yr. period it is a done deal.

Bill Thorne: No, because the document only pertains to those three lots i.e. 46, 47 and 53.

Stan Scheetz: That is correct. Doing something on the front would not fulfill that requirement. Once we get the infrastructure, it could take 10-15 yrs. to finish the development.

Stan Scheetz: The 60 days comes in if that nothing happens within the 5 yr. time period, we have the right to ask for an extension of 60 days prior to the expiration of the document to retain the site specific PUD because we would be near to closing a deal.

John Miller: I would like that made clearer in the document.

Bill Thorne: We can add the wording, "Any work commenced on the first 500 ft. shall not be included in meeting this requirement."

Stan Scheetz: I have no qualms with putting that in.

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Heather Sturdevant: What is the time frame for a traffic impact study to be completed because you could potentially develop the front acreage?

Stan Scheetz: It would be a requirement when we develop anything. It would be up to the developer to justify that expense. They would not just want him to do a traffic impact study on one site but the entire area.

John Miller: Kim, has this document been made available to the public for viewing?

Kim Ferencz: Yes.

Tim Kratzer: When the traffic study was done for TA the Township had a lot of input on the traffic study. I think they just had somebody out there counting the trucks as they came and had no concrete evidence as to what was going. The Township worked with the County to have the truck stop use one of their study groups and the truck stop hired them and got ^{the} study done.

Bill Thorne: Could we add to #3 “Subject to a “traffic impact study” to be approved by the Medina County Highway Engineer and ODOT after consultation with Westfield Township”

Stan Scheetz: Yes, absolutely.

Tom Karris: We can also put in that the developer is just acknowledging the agreement on the last page as they are not the one’s binding the agreement as that can only be done by the property owner.

The Board agreed.

John Miller: There is no mention of waterways, floodplains etc. in the agreement.

Stan Scheetz: That would be done by the governing agencies for that aspect of the development.

Bill Thorne: That would also be part of the site specific PUD.

John Miller: The Tuscarwarus Watershed had a lot to say at one of meetings regarding this proposed development.

Bill Thorne: That would be part of the site specific PUD you develop.

Stan Scheetz: They would be the referenced agencies.

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Jim Likley: Stan Scheetz mentioned he would be working with our Planner. It is our intention to hire a Planner to work on the Comprehensive Plan and it would probably not be extended to this project. It may be part of the work the Planner would be working on as part of the Comprehensive Plan, but he will not be concentrating on this specific project.

Stan Scheetz: I understand. I see the Planner reviewing this project as part of your Comprehensive Plan. I don't see him writing it.

Jim Likley: It's important to ask as this evolves and a site specific plan comes before this board, what will they use as their direction to accomplish this? Right now we have language for PUD's in Rural Residential and language in the code to review such a PUD in that District, but not a Site Specific PUD in Local Commercial.

Bill Thorne: The Medina County Department of Planning Services will be able to assist as they did for Chippewa Lake Resorts in Lafayette Twp.

Jim Likley: This will be very involved as the Commission is now going to have to look at landscaping, lighting, signage, setbacks, buffers, etc.

Bill Thorne: If you can't hire somebody to draft the language you can ask The Medina County Dept. of Planning Services as they have done so for Lafayette Twp. and they seemed pleased with the results.

Jim Likley: Does the Township have any authority over the design of the buildings?

Bill Thorne: In the 118 case, we lost the ability for a Township to have architectural control over commercial. However a site specific PUD is what it is. Once its approved that is what you get. If the Commission is not satisfied then it does not get approved.

Stan Scheetz: Your (Jim Likley) input would come in when the site specific PUD goes before the Trustees. The Zoning Commission will make a recommendation to the Trustees and the Trustees will have the final say on the plan.

Bill Thorne: This is different because a general PUD just gets adopted by the Township, but a site specific PUD will go before the Commission and then onto the Trustees for approval.

Stan Scheetz: The goal was for this plan to be specific to this area and not have the ability to be used elsewhere in the Township. I will spell out criteria as to why the site specific PUD is in that area and the boundaries. I can do that just by looking at the sewer study.

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Heather Sturdevant: Once a Planner is hired by the Township and in some shape or form works with Stan, would this be part of the contract between the Township and the Planner or will it be an additional cost?

Stan Scheetz: We would be charged for reimbursement more than likely.

Jim Likley: The three planners we interviewed were going to work on the Comp Plan only. So the cost would be over and above what their cost of services would be.

Bill Thorne: Hopefully the Comp Plan will give the Township development goals as to what you want to develop in certain areas of the township.

Carolyn Sims: The cost of services for the Planner the Township hires will not encompass this proposed development. Planning Services is serving as our consultant if this project moves forward and they are free of charge to the Township. However, if the Commission feels it needs a consultant to work on the site specific PUD the fee would be charged to Mr. Scheetz.

Bill Thorne: Please note that Planning Services will not work for Mr. Scheetz or Mr. Kratzer but only at the request of the Township.

Jim Likley: The last paragraph on page 1 states, ..."once the Commercial Development commences subject to an approved Site Specific PUD, these Covenants and Restrictions shall automatically terminate or upon the expiration of five years, whichever occurs first." Is that no matter if this developer is the one to finish the project or another developer comes in?

Bill Thorne: That is correct. It will terminate upon the expiration of five years or once it begins subject to an approved site specific PUD. If no development has occurred within the 5-yr. period, the owners or the Township may rezone the property within one year thereafter.

Jim Likley: I am just going over my notes. I think its important that the front development does not come before the back development that locks you in or limits your ability to incorporate the front property.

Stan Scheetz: It will be part of the Master Plan. We will only come to you with splits based on a Master Plan reserving ingress and egress.

John Miller: Then do you want to take the wording "marketed immediately" out of the D & C's as it refers to the front 500 ft. of Local Commercial?

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Stan Scheetz: I will not take the tax base out of the Township. Being tied up for 5 yrs. and not knowing if we will get a specific PUD approved is ridiculous.

Carolyn Sims: I don't fear the annexation to Seville now. I know some do but I don't but that could change. I don't feel for a lack of better words the Township should bend over backwards to assist you if it could be a detriment to the neighboring properties or the fear of losing revenue.

2. I believe the 5-yr. time frame is too long. I feel 2-3 yrs. is more agreeable. I feel that is enough time for you to determine what your site specific PUD will entail. I believe that dragging the process out muddles it. We have already had 2 yrs. of discussion on the rezoning and we are no further along then we were before. Those are two of my main concerns.

I also have several language concerns. Under #1 it states, "No backland may be developed." I have some logistical concerns. Even though you have the LC designation in front and have the maximum 7500 sq. ft. buildings permitted, if you were to propose a large box retail development behind it, that 500 ft. would become essential for turn lanes, utility easements, signage, zoning required landscaping and ingress/egress for the backland development. I hope the developer would be smart enough not to block yourselves out of developing the backland and jeopardize the site specific PUD.

Stan Scheetz: We would in our Master Plan address that by reserving areas for the boulevard and turn lanes so none of that would be involved in any lot splits.

Carolyn Sims: Then I would suggest the wording, "No land may be developed under the Local Commercial District Uses without submission and approval of a Site Specific PUD..." The reason I state this is because as Tim Kratzer said, the front property of TA was probably the most problematic. At no time would I want the Zoning Commission to give up their rights to review, approve or modify the site specific PUD, because you have already begun construction on the front.

Stan Scheetz: You would also have the approval of the Planning Commission for the PUD and ODOT for the ingress/egress.

Carolyn Sims: My concern is for Westfield Township.

Stan Scheetz: Yes, but you would be a beneficiary of their approvals. You will have input at each juncture I assure you. They would not allow something to be put in without reserving access to backland. ODOT will also determine when the turn lanes go in.

Bill Thorne: The State will require him to maintain access to the backland.

Stan Scheetz: We want a boulevard access for the development and a rear access for the deliveries.

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Carolyn Sims: I suggest the wording under #1 to say, “No land...”

Heather Sturdevant: Currently under LC we have set buffer zone regulations which the front 500 ft. would be subject to develop under. However if we write specific language for the Site Specific PUD, those regulations would override the Local Commercial and that will probably muddy the waters.

Carolyn Sims: Exactly. Again I ask are you willing to replace the wording “No backland” with “No land...”?

Stan Scheetz: Absolutely not.

Carolyn Sims: I do like the wording “procurement” instead of availability and the sentence should read, “The front 500 ft. LC consisting of approximately 15 acres may be marketed immediately for out lot splits subject to the “procurement” of sewer and water.” The wording in the future should be deleted from the end of the sentence. The reason for that suggested change is that the Kratzer development needs to acknowledge that they would be willing to pay for the extension of those utilities to the property if the Sanitary Engineer can negotiate an agreement between the Village and the Township and if the Engineer and County Commissioners agree to apply for an amendment to the 208 Water Quality Management which restricts and prohibits the sewer you are proposing to be extended your property.

Stan Scheetz: We are aware of all those requirements.

Carolyn Sims: Furthermore, it must be understood the Kratzer property has a low elevation. There has been discussion on your part of utilizing an on-site sewage treatment system.

Stan Scheetz: A lift station not a sewage treatment plant. There is no longer discussion on an on-site sewage treatment system. It may have been discussed a year ago but is no longer a consideration for this project.

Carolyn Sims: As you and the Sanitary Engineer Jim Troike know and have acknowledged, there may be a need for a pump station which are currently prohibited unless an exception is granted by the County Commissioners. That is another reason for the word “procurement” instead of availability under #2 of the D & C’s.

Stan Scheetz: Not an issue. The word procurement is fine.

Carolyn Sims: Under #3 Traffic Impact Study I have another suggestion. Early on there was an understanding of not if it should be done, but that such a study should be done regarding the Lake Rd. /224 intersection and the Lake Rd./Greenwich Rd. intersection.

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The wording I recommend is, "Subject to a "traffic impact study" to be approved by the Medina County Highway Engineer, ODOT prior to the Township's acceptance and/or analysis of the information. Additionally all parcels to be developed including the frontage already zoned LC shall be included in that study analysis/approval."

Stan Scheetz: It already says that. We cannot go ahead without their approval.

Carolyn Sims: I am also glad you have acknowledged that the Township does not have commercial PUD language. That is another reason I don't support the D & C's. As a developer you have the responsibility to apply for what you want and want what you apply for. You should come back with a text amendment for a commercial PUD. That is how it should be reviewed.

Stan Scheetz: We have imposed that as a condition on us to proceed with this development and we will do that in a timely manner.

Bill Thorne: Let me summarize the modifications to made to the D & C's.

1. Remove all references to Lot 52.
2. Underline with word "backland" in the first paragraph
3. In #2, we will change the wording from availability to procurement and add the wording subject to a traffic impact study. Also wording will be added that they will first attempt to get sewer and water service through the County or Village of Westfield Center before requesting such services from the Village of Seville.
4. Under #3 after the wording ODOT it will be added, "After consultation with Westfield Township."
5. Any development of the front 500 ft. would be subject to a Master Plan that will incorporate the access and buffering
6. A number 4. Will be added with the wording that any annexation undertaken during this period will be Type 2 which will not remove any land from the Township
7. Under C. the wording will be added that these D & C's do not apply to the first 500 ft. Also the 6-yr. reference will be modified to state 5 yrs.
8. In the signature area, the Developer will sign as an acknowledgement only of these D & C's

The Prosecutor's Office would make the corrections to this document. The work session was officially closed.

A short recession was taken.

CONTINUATION OF THE PUBLIC HEARING (KRATZER MAP AMENDMENT)

Chairperson Kemp called the continuation of the public hearing of the Westfield Township Board of Zoning Commissioners to order at 8:53 p.m. Board members Sturdevant, Miller, Anderson, Brewer and Kemp were in attendance

Mr. Anderson read a statement which in sum stated that he and his wife were contacted by Attorney Stan Scheetz on having their property rezoned to LC as a part of this project. He continued that neither he nor his wife wish to have their property included in the LC 500-ft. expansion.

Bill Thorne: The reason for Mr. Anderson's letter is that on one of the maps that was floating around, it showed his property being included in the LC expansion. Mr. Anderson is not a part of the expansion nor does he want to be and would like his property taken off the map.

Stan Scheetz: That was a result of the first workshop that we had with County Planning where they were talking about the logical extension of the rear property. It will be removed from the map.

Jill Kemp: For the record, Scott Anderson has no conflict of interest sitting on the Commission and voting.

John Miller: Is your (Scott Anderson) property touching Local Commercial?

Scott Anderson: Not at all. My property is on Hulbert Rd.; only not Greenwich Rd.

Jill Kemp: I am going to open up the public hearing to comments on the D & C's. I will open it up first to adjacent residents. No one? Then I will open it up to Township residents.

Al Tufin: You spoke about a Comprehensive Plan. What is it and how does this development fit into it and does Westfield have one.

Jill Kemp: The Comprehensive Plan is basically a plan for the Township to follow for any development in the Township. Yes, we have a Comp Plan and we will be updating it shortly.

Al Tufin: When will we be able to see it?

Jill Kemp: It takes some time. You (Trustees) have not hired a consultant yet have you?

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Carolyn Sims: The Trustees will be hiring a Consultant to update the Comp Plan. There is an existing Comp Plan and an update to it that was completed in 2003. Copies are available at the Townhall or on the Township website.

Al Tufin: I have been here for 30 yrs. This property to me is ripe for development. As a resident I have to go into Medina, Wadsworth or Wooster to shop. I think we should think of this type of development for Westfield Township. We should get part of that pie. This will bring jobs, economic development and taxes and as a Township we should be part of it.

Ken Beckman (7583 Greenwich Rd.) Could you repeat what you said about turn lanes?

Stan Scheetz: We have talked to ODOT and the County Highway Engineer. The improvements they are looking at are from Greenwich Rd. to Hulbert Rd. and it would be at least to a third lane. They would widen lanes and then put in a turn lane into the access area.

Ken Beckman: From where to where?

Stan Scheetz: Lake Rd. to Hulbert Rd. They will widen the two lanes and there will be a provision for turn lanes for access into the development. The new bridges are being built to accommodate up to 4 lanes.

Ken Beckman: I don't know how many Westfield Center residents are here this evening, but the traffic that is going to be generated...I live 4 miles down Greenwich Rd. from Mr. Kratzer and think the traffic just even 4 miles down is going to be increased dramatically. If you think everyone is going to funnel off of Rt. 71 they won't. I think Daniels Rd. is going to be much busier as well as Seville Rd. and Greenwich Rd and not just Lake to Hulbert. All the roads are going to be busier. We are going to have rush hour and peak shopping traffic. You are going to have Christmas shopping traffic along with those leaving Westfield Insurance at the same time. The quaint center of Westfield is not going to remain quaint.

I have no problem with some kind of development but it has to be controlled. I also don't think the roads and infrastructure are made for a project like this at least not at this time. I don't think we need the traffic or have the roads for the traffic.

Jack Greenwald: I live at Mudlake and Hulbert Rd. I am on a fixed income. This development will need more police and fireman and new equipment. The money to pay for it is not going to come from the shopping center it is going to come from taxes from us residents. I don't have money for more taxes. So what does that mean? Am I going to go to jail? No more taxes period.

Bill Hudson: I live in Westfield Center. Two years ago this group came before you and the plan was shot down. Now they have regrouped and brought forth another plan. When

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they presented this second plan they have said they are willing to work with the Township and this too seems like it is being shot down. Two years is long enough to make a decision. This process has been Draconian and its time to end it and make a decision. I am in support of these covenants. I think the Board and legal counsel have done a good job in drafting these restrictions. Allow this gentleman to move forward and attract some tenants. These wont be unsophisticated businesses. They have done their studies and know what businesses will work and be viable. I think this is a wonderful beginning and the Township will have control.

Dwayne Kramer: I think the reason this process has drug out so long is that people are uneasy about the project and frankly don't want it. I like the direction of incorporating covenants and restrictions but I have some worries. One is the 6 yr. time-frame. It is too long. Two-three years is more realistic. Such a long time-frame will only muddy the waters and possibly lead to a chaotic development. I am also worried about the 5 anchor stores which will be big box stores. I mean 100,000 sq. ft. is a big box store.

Stan Scheetz: Anywhere from 100,000 to 150,000 sq. ft. This would consist of 1 building with 2 or so 80-90,000 sq. ft. retail spaces which could consist of an office supply store or the like.

Dwayne Kramer: The other issue that bothers me is the mention of annexation. I believe language should be added in the D & C's where they forfeit that option. I have seen annexation happen in the past and it may or may not be an issue at first, but 10 yrs. down the road can end up a real mess. I believe if this option remains Westfield Township will end up losing that land. Were you going to vote on this tonight or is there going to be another meeting?

Jill Kemp: The Board will decide if we will move forward with a vote this evening.

Dwayne Kramer: It was stated in the past we were going to have a workshop and then at a later date there was going be a public hearing. Without having a final draft of the D & C's I feel it would be irresponsible to take a vote. I think that is imperative. I think the people should have a chance to see the final draft before the Board takes a vote. I think you would do a disservice to the community without it.

Bill Thorne: Regarding the issue of annexation, they have agreed that if they annex it will be a Type 2 annexation. This type of annexation would not allow the property to be taken from the Township. This is one of the conditions that they have agreed to be part of the D & C's.

Dwayne Kramer: I think that should be in writing before the Board takes a vote.

Carolyn Sims: Bill could you explain type 2 annexation in terms of the tax base.

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Bill Thorne: In a type 2 annexation the Township would not lose the tax base. Actually the tax base increases due to sewer and water as they can now have a higher use on the property. The Township would get that money. The Township does not lose under a type 2 annexation. The Village would gain the income tax. That is where they get their money.

Stan Scheetz: The Village also gets the money from the services they would offer such as sewer, water and electric or combination thereof. They would also control the zoning but the tax base stays with the Township.

Pat Endington: I am from the Village of Westfield Center. I have heard that Mr. Scheetz has been talking to the Village of Westfield Center about sewer. Mr. Kratzer came to one meeting and was there for about 15 minutes. As a council member, I don't want you to think that there is a deal in progress because as far as I know there is nothing.

Stan Scheetz: That is correct. My conversations have been with the Mayor, the Law Director, and Jim Troike. I did not know you wanted to prioritize it, but I am willing to accept that priority as it goes.

Brian Smith: Why was the Sheriff's Dept. here this evening?

Kim Ferencz: The Sheriff who was here had to leave this evening but left me a document of the incident reports from Lodi Outlet Mall for the last two years.

Heather Sturdevant: I asked the Sheriff's Dept. to come to the meeting this evening concerning a couple things. One being how a project of this scope would change things in the area and two, to answer some questions. The Sheriff's Dept. has been responsible for enforcement at the stoplight at Rt. 224 and Lake Rd. when the soccer games are going on and there is much traffic congestion. They have also been patrolling that area since the new turn lanes have been put in. I had specific questions as far as what have they seen since that new intersection went in. Is it a problem? I also wanted to ask them what would change with the Sheriff's Dept. if this development went in. I will ask them to come back at a later date. If this goes through there will be ample opportunities for them to come back when the Commission would review the site specific PUD for this project.

Someone from the audience asked how many incidents were on the sheets?

Kim Ferencz: 464 records. Ranging from securing a building, alarms going off, a missing child, false alarms, etc.

Brian Smith: (7553 Greenwich Rd.) I agree that the traffic will be an issue. People will use the back roads to get to the development. I think those residents who live on Hulbert, Daniels, Buffham and Lake Rds. are going to see an increase in traffic. I think we need to look at if we have police and fire service to adequately respond to this project. We have a ½ a cop in the Village and I am personally tired of seeing him parked at the bank all the time. I was at the last Trustee meeting and see we have a fire levy coming on board and it

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sounds like a big hurdle already without this project. Lastly, I would like to see the truck stop cleaned up. As ten year resident I am tired of it.

Stan Scheetz: The truck stop is owned by Pride One Omni and it has already been approved by the Zoning Commission. I believe there are 8 lots laid out on the cul de sac. They have agreed with ODOT and Ruhlin they cannot proceed until the improvements are done on 71 and 76.

Carolyn Sims: I would like to respond to the comments made by Bill Hudson. Mr. Kratzer had a different attorney when he first presented his project. That attorney had put together a zoning text proposal. It was recognized that it was too broadly written and poorly done. The Township did not stall on that application as it was withdrawn by the applicant and the attorney was replaced with Mr. Scheetz. A joint work session was then held with Mr. Scheetz, the Dept. of Planning Services, the Zoning Commission and the Trustees. In that work session we were to try to come up with something that would work. I think the work session was mismanaged because what we spent the session on was what they wanted to propose which was a pedestrian style mall. With the original text amendment was a map amendment and because of some procedural errors we waived the fees for Mr. Kratzer and Mr. Scheetz to proceed with this map amendment for Local Commercial. It was clearly stated to the applicant that he should apply for the district that he intends to use as it is written. However, we had threatened litigation from them regarding that and the Township went out of its way to clarify that they should apply for Local Commercial if that was their intention to develop under that District. I have issues that even though they have applied for Local Commercial they are proposing a pedestrian style mall which is not permitted in the Local Commercial District.

Tom Micklas: I am certainly not an attorney but I have read the D & C's and have some concerns. One of major concerns is the time-frame is too long. The General Business District which was first applied for was too broad and too vague. Even with this proposal, I don't believe you are telling us what you want to do. To me this is a smoke and mirrors situation. I think you should come up with something that states what you want to do. Bring it before the Board and let them decide. What scares me more is if this developer does not come in with who and what he wants for this development, another developer can come in and start all over again. There is not a consistency there to make things happen. I have been here for 10 yrs. and am thrilled to death that I can go shopping in Wadsworth or Medina and not have that type of development in my backyard. A lot of us came here for that reason.

Stan Scheetz: Can you clarify how far away you live from this proposed development?

Tom Micklas: Three miles.

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Stan Scheetz: We are also agreeing to come back before this Board and the Trustees with site specific text. Five years is the time-frame for us to be able to proceed with this development and come back with potential tenants and a site specific plan for this project.

Tom Micklas: That is too long to leave something hanging.

Al Tufin: I am an architectural photographer for the last 25 yrs. I have seen these projects develop. It takes 5-10 yrs. to get such a project going. I don't know how long it took Wadsworth Crossing.

Stan Scheetz: Five years after breaking ground.

Al Tufin: I read the Plain Dealer everyday and see what is going on in Westlake and Pepper Pike. Those to me are wonderful things. As a Township we should not continue to live under a rock. We need to bring this to the Kratzer property. It is a prime location and is not in the countryside of the Township. I don't have children who go to school here, but I know there are those here that do and this will help the tax base and the schools. Why can't Giant Eagle or Cabela's help pay for our kids? I would love to see Cabela's come here as I am a fly fisherman and would love to work there.

Dwayne Kramer: I would like to know if any of the board members have had conversations with the City of Seville regarding annexation, water, etc.?

Jill Kemp: No.

Dwayne Kramer: Why not?

Jill Kemp: We live in Westfield.

Dwayne Kramer: But they have talked about the potential of annexation so why aren't we involved?

Jill Kemp: We would have no say in that whatsoever.

Dwayne Kramer: Wow. Ok. At one of the other meetings it was discussed about having a third party review of the D & C's. Is that going to happen?

Stan Scheetz: We had three attorneys from the Pros. Office work on the D & C's. I drafted several different versions of these D & C's for their review before presenting the draft before the Board this evening.

Jill Kemp: The Pros. Office is the Township's legal counsel. They do their best by us.

Dwayne Kramer: For the gentleman who mentioned the shopping developments in Westlake and Pepper Pike, there is housing available out there. If you look at Medina which has had all this type of development... When K-Mart came in they too promised all

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us this evening. I think the time-frame requested is longer than necessary. I dislike the annexation clause and feel it should be removed. Services have been promised from the County/Westfield plant. The LC does not support pedestrian style malls. I think the wording "backland" should be changed to "No land" in the D & C's. I think a traffic study should be done prior to let us know it is feasible. I have not seen anything in written that supports that the infrastructure will be improved or is adequate to handle this development. The Zoning Resolution currently has no commercial PUD language. I also feel it is prudent to wait for the final draft on the D & C's before a vote of the Board is taken.

Susan Brewer: I too would like to see the changes to the D & C's before the vote and be able to review and digest Heather's document.

Jill Kemp: I want the Board to know we have closed the public hearing and are therefore required to vote within 30 days.

Bill Thorne: I can have the proposed changes to the D & C's within the next couple of days.

Heather Sturdevant: I am prepared to vote as I have had time to come up with my fact finding but I would like to afford the other board members the opportunity to review before we vote.

Jill Kemp: I am satisfied with the changes made to the D & C's.

Scott Anderson: I am ready to vote this evening.

The Board decided to hold another meeting on September 25 2008 at 7:30 p.m. to vote, as to wait for their next regularly scheduled meeting on October 14, 2008 would be outside the time-constraints per the Ohio Revised Code.

REGULAR MEETING

Chairperson Kemp called the regular meeting of the Westfield Township Board of Zoning Commissioners to order at 9:45 p.m. Board members Sturdevant, Miller, Anderson, Brewer and Kemp were in attendance. (See sign in sheet for complete attendance).

Approval of Minutes

Mr. Anderson made a motion to approve the minutes from the Commission's August 12, 2008 meeting as written. It was second by Ms. Brewer.

ROLL CALL-Anderson-yes Brewer-yes, Sturdevant-yes, Miller-yes, Kemp-yes


NEW BUSINESS

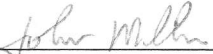
Ms. Sturdevant stated that at the Commission's June 10 2008 meeting, the Commission found an error in the Zoning Resolution and made a motion to forward the correction and proposed sign text amendments to the Planning Commission but that had not been done. Secretary Ferencz stated that was when her daughter was taken to the hospital unexpectedly and apologized to the Commission that it was not done. She asked that a new motion be made at the Commission's next meeting to forward the correction and proposed sign text amendment and she would follow through with the legal procedure accordingly.

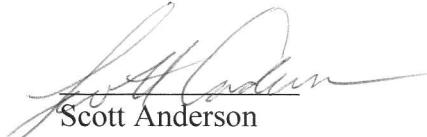
Having no further business before the Commission, Ms. Sturdevant made a motion to adjourn. It was second by Ms. Brewer. All members were in favor. The meeting was officially adjourned at 9:50 p.m.

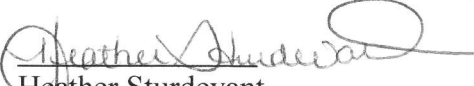
Respectfully Submitted,


Kim Ferencz, Zoning Secretary


Jill Kemp, Chairperson


John Miller


Scott Anderson


Heather Sturdevant


Susan Brewer

ZC Sept. 9, 2008

PLEASE SIGN IN

NAME:

ADDRESS:

PHONE #

STAN Scheetz 225 E. Liberty St. Modesto 222-2636

M. Bayard & Frank Karris 4396 Greenwich Rd

The Arakys 10335 Western Pike

Tom Kroger Sville 330 769 3569

Gary & Wirtie MacPhail Greenwich Rd Sville

Gene & Sharon Cobb 51 Oakwood Dr. Westfield Co.

AL TEUFEN 7100 GREENWICH RD WESTFIELD CO. OH

KEN & LISA BECKMAN 7503 GREENWICH RD

Jim Hinkle 9585 Daniels Rd

Tad Geringer 926 S. Leroy Rd WFC

Tom Myerlas 7360 Buffham Rd

Ron Gou 6969 Buffham Rd.

Ron Harb Area

Dianne Kramer 7363 Buffham Rd

BRYAN SMITH 7553 Greenwich Rd.

Bill Huber 9323 S. Leroy

Gregory Sims

Larry Sand 8170 Ballash Rd Medina 330-769-3545

Antole Weaver 7130 Greenwich Rd.

Tom Ballator 5835 Mud Lake Rd

Dan Clum + Greenwich Rd Sville

Dennis Chlayney 9730 Westfield Rd. Sville, Oh

Colene Conley YORK TRUSTEE

PLEASE SIGN IN

NAME:

ADDRESS:

PHONE #

Jim Mungler 5757 Seville Rd

Jim Jones 5570 MUD LAKE RD.

Chris Harris 7947 Lake Rd.

Larry Bennett 7403 Greenwich Rd.

Sen. D. Bly 9585 Daniels Rd