

**WESTFIELD TOWNSHIP BOARD OF ZONING COMMISSIONERS
SEPTEMBER 25, 2008
CON'T OF PUBLIC HEARING**

CONTINUATION OF 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 7:40 p.m. Board members Sturdevant, Miller, Anderson, Brewer and Kemp were in attendance. Alternate Commission member Kevin Primer was absent.

Chair Kemp stated that the public participation portion of the public hearing was closed. The Board would review the changes made to the Declarations, Covenants and Restrictions at the last meeting. Then there would then be deliberation by the Commission members and a subsequent vote on the Kratzer map amendment application. Chair Kemp asked Pros. Bill Thorne if he would like to comment on the changes made to the D & C's.

Mr. Thorne stated the changes that were made were based on the discussion that took place at the last meeting as well to clarify that the entire acreage was being burdened by these restrictions and not just the backland. The draft presented this evening minus the typos is the final document.

The Commission then took a few minutes to review the document.

Mr. Miller stated there were references in the document to a 6-yr. time frame and he thought it was 5 yrs. Mr. Thorne stated that the 5 yr. reference is for them to be able to get the site specific PUD approved and an additional year (6 total) for the property owner and or the Township to rezone the property if no development occurs within the 5 yr. time period. This was clarified on the second page second paragraph of the final draft per the discussions made at the last meeting.

Mr. Miller stated that the new flood plain maps were out and the flood plain has been expanded. With that said not all of the 105 acres of the Kratzer property can be developed. Mr. Thorne stated that was correct, and that would have to be part of the site specific PUD on how they would make it economical with those restrictions. They would have to come up with options to address that and mitigation of this land to somewhere else may be a possibility if the Army Corp. of Engineers approves it.

Ms. Brewer stated she too was wondering how the flood plan issues would be addressed. Mr. Scheetz stated they meet with Pros. Thorne, Devanney and Karris from the Medina County Pros. Office and agreed to all the changes to the D & C's presented this evening. Mr. Scheetz added that when they do present their site specific PUD (which he has begun to work on

already) the flood plain will be addressed as follows: "No commercial or office structure shall be constructed within the 100 yr. flood plain or any stream or river."

Ms. Sturdevant stated she reviewed the ORC and the 3 ways one can develop a Planned Unit Development. They are as follows:

1. Adopt regulations first;
2. Adopt regulations at the same time you have an application;
3. The Trustees or Zoning Commission would designate a property as a PUD site.

Mr. Thorne stated that a site specific PUD would be the middle one in which an applicant comes in with the site and a plan for that site and it only pertains to that site. Ms. Sturdevant then asked why was the Commission hearing an application for Local Commercial when it could just be done as a PUD? Mr. Thorne answered, because this has been an ongoing dispute between Mr. Scheetz and the Planning Commission. **Mr. Scheetz contends that they need the LC designation so they can get the information and commitments to come up with a sitespecific plan.** If not they have to come up with a very general plan which the Planning Commission and Township did not want. Ms. Sturdevant stated as she understood, even without having a plan the land could be designated as a specific site for a PUD to be developed and applied for. Mr. Thorne responded, you don't designate land to a zoning category without the regulations in place also. They go together. You have to have language and then a site.

Mr. Scheetz stated the zoning designation is their requirement so they can enlist the tenants and then we can proceed with the site. He added he already has 17 pages drafted for a site specific PUD but cannot hone in on it until they have a commercial designation.

Ms. Sturdevant continued that under the zoning code Prohibited Uses it states "Any use which is not specifically listed as a permitted use or as a conditional use for one or more of the zoning districts or which is not otherwise interpreted and approved as provided by this Resolution shall be prohibited. A prohibited use shall not be established in any district except pursuant to a use variance approved by the Board of Zoning Appeals." Ms. Sturdevant then stated that the applicant is asking for LC, and based on the proposed D & C's they are asking for a site specific PUD which is not in the zoning code so doesn't it make that a prohibited use until we change it? Mr. Thorne stated until you change it is, but you are not committing to it. The Commission is not committing to anything at this point except LC, which they are agreeing not to develop. In the 5 yrs. they can present the Commission with multiple plans and you can reject them all. Mr. Scheetz interjected that was one reason they would leave the Township as well as the issue of sewer and water availability.

Ms. Sturdevant stated she spoke to the Sheriff's department about the traffic issue. They have confirmed that they have not had to direct traffic or change the lights on the weekends for

soccer right now. They said there might be a concern at Greenwich and Lake Rd. but they will not know that until something actually develops on the property. She continued that the Sheriff's Dept. also said that if the property was developed under Local Commercial the way the regulations are right now, they would need additional police officers. They had 3 positions that were let go due to funding and if any extra funding was to come to them it would be greatly appreciated. Currently the Sheriff's Department was stacking calls.

Ms. Sturdevant continued that the zoning code addresses lights, noise etc. as it pertains to a rural setting, but where this property is located a lot of that has been shot down due to the lights on the highway and once those lights are turned it will be even less rural in nature. Mr. Scheetz interjected that their light poles will probably be 40-50 ft. but the highway lights are 80-120 ft. in height with six lights; 400 watts each. Lastly, Ms. Sturdevant stated the Local Commercial does not permit mixed development. Mr. Thorne stated that is why the applicant is going to propose a site specific PUD with these D & C's.

Hearing no further comments by the Commission members, Chair Kemp entertained a motion.

Mr. Scott Anderson made a motion to recommend the approval of the Kratzer map amendment application (PP #041-15B-41-017 and also known as Lots 46, 37 and 53 located in parts of Westfield Township) to rezone the affected property to Local Commercial, subject to the proposed Declarations, Covenants and Restrictions being filed and recorded involving a total of 105.4044 acres which consists of 90 acres of backland and 15 acres currently located and designated Local Commercial. It was second by Ms. Sturdevant.

ROLL CALL-Anderson-yes, Sturdevant-yes, Brewer-yes, Miller-no, Kemp-yes.

Secretary Ferencz stated she would certify the recommendation of the Zoning Commission over to the Township Trustees for their October 6, 2008 meeting at which time the Trustees will set their public hearing accordingly.

MISC.

Mr. Thorne stated that he was of the understanding that the Zoning Commission and Board of Zoning Appeals would like a training session on public records. He added that usually he does such training sessions at the Pros. Office, but due to the fact that the Township was on his way home, he could meet the boards at the Townhall. Mr. Thorne asked if two dates could be offered and he would make himself available to meet with the

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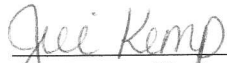
Boards and the Trustees if they wish to attend at well. He added this would not be a public meeting it would be a training session.

The next regularly scheduled meeting of the Zoning Commission is scheduled for October 14 2008 at 7:30 p.m.

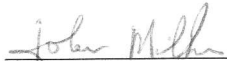
Having no further business before the Commission, Mr. Anderson made a motion to adjourn. It was second by Ms. Sturdevant. All members were in favor. The meeting was officially adjourned at 8:07 p.m.

Respectfully Submitted,

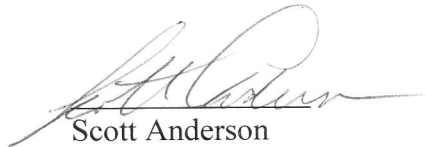
Kim Ferencz, Zoning Secretary



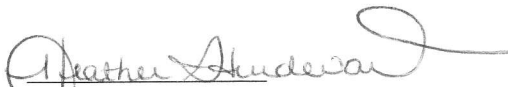
Jill Kemp, Chairperson



John Miller



Scott Anderson



Heather Sturdevant



Susan Brewer

Zoning Commission Sept 25, 2008

PLEASE SIGN IN

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Herschel & Mussoline Drake 10335 Westside Pike

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Tom Micklas 7360 BUFFHAM

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