

**WESTFIELD TOWNSHIP
BOARD OF ZONING COMMISSIONERS
PUBLIC HEARING**

**DECEMBER 14, 2010 @ 7:30 pm. Text/Map amendments for proposed General
Business District/General Business District PUD**

Chair Sturdevant called to order the public hearing of the Westfield Township Board of the Zoning Commissioners at 7:37 p.m. Permanent Board members Kemp, Anderson, Miller and Sturdevant were in attendance. Permanent Commission member Brewer was absent. Alternate Commission member Kathy Zweifel sat in for a full Board. Alternate Commission member Brezina was also in attendance. Other individuals in attendance: Jack Greenwald, Dean Riggebach Ron Oiler, Karen and Tom Micklas, Gayle Foster, Ken Letz, Irish and Rick Blankenberg, Larry Bensinger, Bill Thombs, the Kerrs, Matt Witmer, Carolyn Sims, Stan Scheetz, Carol Rumburg, Dan Clement, Mark Taylor, Dennis Hoyer, Joel Sech, Gene Sulzener, Jeff VanLoon and Sandy Miller.

Chair Sturdevant stated to begin there has been some question as to the Township's Open Records Policy and how and to whom such requests can be made. In review such requests can be requested in person Mon-Thurs. 9 am. -12p.m. If records are readily available they will be given out immediately or within a reasonable period of time. Contact Fiscal Officer Evans at 887-5562 if you want to make a request by phone. There is a charge of \$.05 per page for copies. If the request needs to be reviewed, the individual will receive a written response within a reasonable period of time. This policy was amended Feb. 19, 2009. Chair Sturdevant stated a request could also be made by e-mailing the Township as well. Therefore it was appreciated that public records be requested in that manner.

Expert Speakers:

Chief Fletcher (Chief-Westfield Fire & Rescue) stated he prepared a report on the expected impact on Westfield Fire & Rescue Dept. with development of the property in question with commercial retail stores. Some of the challenges:

- Increase in traffic
- Increase in concentration of people
- Increase of risk of emergency services-Fire, MVC and EMS.

Solutions/Precautions that could/should be undertaken with the increase in traffic are proper road development and adequate parking. The increase in population would be transient. The traffic needs to be controlled and maintained and the buildings proposed should have a state of the art alarm and fire suppression systems.

Chief Fletcher stated it was hard to predict everything that could occur with such a development. He added he contacted the Fire Chief in Wadsworth to prepare a brief comparison study with a similar development located there on Rt. 94. The Fire Chief in Wadsworth reported over the past five years the total fire and rescue runs to that particular retail development were:

132 EMS or 26.4/yr and 25 Fire or 5/yr. (See attached to meeting minutes)

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Ms. Zweifel asked if Chief Fletcher knew the percentage increase of those runs? Chief Fletcher stated no but in talking with the Wadsworth Fire Chief he said the increase was not significant. Mr. Anderson asked if Chief Fletcher had the number of runs to the nursing home in that area? Chief Fletcher stated he did not.

Mr. Miller stated if the area in question was to be developed it would be the primary responsibility of the Westfield Fire Dept. for fire and rescue services. Chief Fletcher stated that was correct. Mr. Miller then asked Chief Fletcher if he felt the Dept. could handle the extra commercial development and if not what was needed in order to do so? Chief Fletcher responded he believed the Westfield Fire Dept. could handle the increase in runs. Right now the Dept. had approximately 1 1/2 runs per day and if a development went in similar to Wadsworth that would only mean an extra 3 runs per month according to the figures provided. He continued that Westfield Fire charges for EMS runs so there would be an increase in billing. Most of the individuals would be transients to the area. Also there is mutual aid available from surrounding communities. Mr. Miller asked if extra equipment would be needed? Chief Fletcher stated no. Mr. Miller commented that should be remembered when a fire levy is requested.

Mr. Miller continued there is no full-time EMS. Chief Fletcher stated that was correct he was the only full-time employee. Mr. Miller stated it would appear with the added increase in traffic and exposure to accidents Chief Fletcher would be a busy man. Chief Fletcher responded it would be a challenge but if one added up the numbers it was not that great of an increase. Mr. Miller stated that with commercial property there was not that much of an increase in property taxes that would be collected and the Township does not get income tax so there would not be additional money coming to the Fire Dept. Chief Fletcher stated the Dept. was made up of core group of dedicated individuals. Even though the Dept. was volunteer; it has an average attendance of 3-5 individuals for EMS calls. Chief Fletcher concluded that there would be an increase on the dedication of the members but he had faith the Dept. could handle it.

Chair Sturdevant asked Chief Fletcher to explain SAFER grants in the event additional staffing would be required. Chief Fletcher stated this grant comes out in the fall. A fire department decides how many individuals need to be added to the fire department. If the grant is received, it would pay the salaries of those employees for the first year. The second year the Township would be responsible for a certain percentage of the salaries and by the third year, the Township would be expected to pay for the salaries in full. It is also stated in the grant that if the Township could not afford to pay the salaries then the employees would not be kept.

Chair Sturdevant asked about the need for a ladder truck? Chief Fletcher stated the Seville/Guilford Fire Dept. had a ladder truck and they would be called upon for mutual aid if needed. That was built into the dispatch system. Whatever is needed i.e. ladder or tankers is available County wide.

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Chair Sturdevant stated there were additional speakers planned for this evening i.e. Bethany Dentler from Medina County Economic Development but she could not make the meeting this evening. Regarding the Sheriff's Dept. they said they submitted the list of calls from the Lodi Outlet Mall since its inception and that information could be pulled from the last time it was submitted. Chair Sturdevant added that the EPA has asked for more time to complete their study as they needed additional parcel numbers. They will be in attendance at the Zoning Commission's regular meeting/public hearing on the Comp Plan Update on January 11, 2011. Mr. Miller interjected that Bill Thorne has stated that the Commission should not hold public hearings on the same night as the board's regular monthly meeting. Chair Sturdevant responded that had to do with an applicant having to pay a fee for a public hearing the same night the Commission was meeting anyway. Mr. Thorne stated that should not be done. However the public hearing on January 11, 2011 was for the Comp Plan and therefore no fee is involved. Secretary Ferencz also interjected that there is nothing in the Ohio Revised Code on how to adopt a Comp Plan or that a public hearing had to be held in order to adopt a Comp Plan.

Chair Sturdevant continued that she had a discussion with Mr. Thorne about viable use. He provided her with a court case *SHEMO vs. Mayfield Hts.* This document was passed out to all Commission members. Mr. Thorne has stated this case is very similar to the Township's current situation with the text and map amendments before the Commission this evening. Chair Sturdevant read excerpts from the case (See attached to meeting minutes. To summarize:

- Mr. Shemo owned an undeveloped 22.6 acre parcel in Mayfield Hts. The property had commercial properties bordering the south and residential properties bordering the west and the location of I-271 to the east. Six Cleveland Electric Illuminating (CEI) high-tension power lines traverse the eastern edge of the property. CEI has, pursuant to an easement, has the right to uninterrupted access to the property. The property was initially zoned U-1 for single family homes. In June 1995 the appellants filed a complaint that the U-1 zoning was unconstitutional and that Mayfield Hts. had the right to rezone the property. On the same day Mayfield Hts. City Council enacted an ordinance which rezoned the property to U-2-A (Cluster single-family) classification.
- The appellants sought to invalidate the U-2 zoning classification and to have the property rezoned to permit retail and warehouse use (U-4) classification.
- Trial Court declared the U-2-A zoning unconstitutional pursuant to the two pronged test in *Gerijo Inc. v. Fairfield* that zoning did not substantially advance a legitimate health, safety or welfare concern of the city and denied the owner of the property an economically feasible use of the land.
- The City appealed the decision. The Court of Appeals remanded the case to the trial court to determine whether the appellants proposed retail and warehouse use of the property was reasonable. The trial court found the proposed use was reasonable and the city filed another appeal.

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- The city argued the area needed to be kept residential in nature. The city presented testimony of some of the current residents who were opposed to the commercial development of the property because there will be an increase of traffic in their neighborhood. The court stated though they sympathized with their flight they could not ignore the fact that their homes are adjacent to high-density commercial property which carries with it a heavy volume of traffic. Traffic on the interstate alone exceeds 92,000 vehicles passing by appellant's property daily. Therefore although their streets are obviously residential in nature, the existing development pattern around the appellant's property indicates a nonresidential character.
- Nor did the trial court err in rejecting the city's argument that decreasing traffic is a legitimate governmental concern.
- During the pending appeal *Gerijo Inc. v. Fairfield* which the trial court relied on was modified. Because the change in the law the appellate court vacated the trial court's judgment and remanded the case for further determination.
- The case went to the Supreme Court which found remand to the trial court was unnecessary. The court reversed the judgment of the court of appeals and reinstated the trial court judgment declaring the zoning ordinance unconstitutional.
- Final outcome was the judgment of the trial court was reinstated because the zoning ordinance was clearly arbitrary and unreasonable having no substantial relation to public health, safety and welfare.
- The court awarded the appellants \$14 million dollars in damages.

Chair Sturdevant stated the money that was awarded came from the residents/tax payers of Mayfield Hts. She added that Mr. Thorne has agreed to come in and hold a work session on December 21, 2010 at 7:30 p.m. with the Commission to give more in-depth information about this case and how it is potentially related to the text/map amendment applications before the Commission this evening.

Ms. Kemp stated she felt it was important to work with the applicant because if this does go to court the Township may end up with no say as to how the land is developed. It was determined that questions from residents about the SHEMA case should be channeled through the Township e-mail and would be forwarded to Secretary Ferencz.

Chair Sturdevant opened up the hearing to public comment.

Mr. Joel Sech (5905 Seville Rd.) He stated he felt the case Chair Sturdevant just mentioned was not relevant because it only contained 22.6 acres and what was being proposed to be rezoned by the text/map amendments and subsequently developed was 400 acres. They are trying to put another city in Westfield Township. With 22 acres, that would be enough for one box store. The list of proposed permitted uses for the 400 acres never ends. This will be a major problem for the Township and there would be no control. Ms. Kemp interjected she meant the Township would have no control if taken to court. Mr. Sech stated this appears to be a scare tactic. Chair Sturdevant stated there were

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many e-mails and statements of concern about viable use. That was why she contacted Mr. Thorne as he was the Township's legal counsel. Mr. Sech stated once the 400 acres starts to be developed there will be no control. Chair Sturdevant stated the Commission has the authority not to approve the text/map amendment for the entire 400 acres. Ms. Kemp stated the Commission needs to do what is best for the Township and avoiding a lawsuit is a potential concern. Mr. Sech stated he attended some of the previous meetings and there were many that spoke against such development. Ms. Kemp responded that tends to be the case that the individuals who are against something are present and vocal. You rarely hear from those who are for something or have no opinion. Mr. Sech stated he represented 5 individuals who were against the proposed text/map amendments and hoped that would be taken into consideration. He added he felt it was ridiculous for the Dollar General to locate in Seville when what was really needed was a grocery store. Ms. Kemp stated that decision was driven by market forces not the governmental entity. A grocery store has got to want to locate in a certain community. Mr. Sech stated he attended a lot of the meetings in Seville and did contact the County Commissioners as well about Dollar General.

Secretary Ferencz reiterated the process for a text/map amendment. The Commission recommends and the Trustees have the final decision.

Mr. Micklas (7360 Buffham Rd.) asked if any research has been done about a court case that ended up being determined opposite of the SHEMA case? Chair Sturdevant stated Mr. Thorne has said the SHEMA case is the precedent. Mr. Micklas stated he felt 26 acres as opposed to 400 acres was substantially different. He asked that Chair Sturdevant ask Mr. Thorne for a case that has ended up being ruled upon differently. Chair Sturdevant stated she could ask Mr. Thorne but did not know if there was such information available.

Mr. Micklas stated he was disappointed the other speakers were not able to be present this evening. He asked if the site visit has been made by the EPA or was the report not complete yet? Chair Sturdevant stated the site visit has not been made by the EPA because they needed additional information on the parcel numbers.

Mr. Micklas commented that he would have liked more definitive information from the Fire Chief about the proposed development of the property in question. Chair Sturdevant stated Fire Chief Fletcher was new to the community and his position with the fire dept. Mr. Micklas stated he would like to see more information on the comparisons Fire Chief Fletcher mentioned. What was the severity of the runs in Wadsworth? It is important because it will affect the manpower, equipment needed and what was available for the fire department to do their job. Chair Sturdevant responded that there are HIPPA laws where certain information can not be disclosed. The type of calls could be categorized i.e. BLS or ALS. Fire Chief Fletcher is a paramedic and can handle the level of calls. A BLS

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is a basic life support call such as rash, or the flu. An ALS is an advanced life support call i.e. a heart attack, someone having to be cut out of a car, etc. Mr. Micklas stated more information was needed when there is an increase in traffic and therefore the potential for more issues to occur. Fire Chief Fletcher stated he could contact the Wadsworth Fire Chief and get more details on the runs. He concluded that the majority of calls the Fire Dept. receives are BLS calls.

Russ Zupanic (8532 Westfield Rd.) He stated he has been on the Fire Dept. for 7 yrs. The worst vehicle accidents he has seen have been on Buffham Rd. The worst accidents occur on country roads. About 95% of calls are ambulance calls and are BLS. ALS calls are rather rare. If you look at the figures provided by Chief Fletcher regarding the calls for the Wadsworth retail area the 132 EMS calls are billable calls and therefore generate revenue for the Dept. ALS calls are charged \$650.00. Per the comparison of the retail development in Wadsworth that would mean a 5% increase in calls for Westfield and that was manageable call volume. There is also mutual aid available from the surrounding communities if needed.

Carol Rumburg (5909 Mudlake Rd.) asked if Buck Adams from Medina County Emergency Management would also be a speaker? Chair Sturdevant stated yes, there just happened to be a mix up in scheduling. Ms. Rumburg asked about Kristin Hildreth from the Medina County Health Dept. Chair Sturdevant stated she received an e-mail from Kristin. She stated it would be almost impossible to complete a health impact study due to the amount of unknowns at this time. In order for the Health Dept. to complete such a study the area would have to be narrowed down as well as what uses would be permitted.

Carolyn Sims (5570 Mudlake Rd.) She asked about the meeting cancellation policy and added that typically the policy is that a Township meeting is cancelled if school is cancelled. Chair Sturdevant stated this issue was brought up at the Trustees meeting especially when a meeting cancellation is due to inclement weather. Sometimes weather is bad during the day but clears up in the afternoon/evening. Chair Sturdevant continued that typically if a meeting is cancelled a note is put up at the townhall and individuals notified if possible. The boards tend not to cancel meetings in part due to the fact it is hard to be able to contact everyone who may attend a meeting. Ms. Sims stated she and her neighbors thought tonight's meeting was cancelled due to weather. She suggested that meeting cancellations be posted on the website and/or the policy made that if school is closed then Township meetings are cancelled for the evening.

Ms. Sims also expressed her concern about the delay in approving/signing meeting minutes as those who want to keep informed by the official township website have been unable to do so. She asked the Commission to be more expedient in approving, signing and posting meeting minutes. Mr. Miller asked why draft meeting minutes could not be posted on the website. Secretary Ferencz stated draft meeting minutes could be requested

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as a public record but are not posted as they are not the approved minutes of the Commission. To do so would also cause much confusion as to what is posted, if minutes were amended what were the amendments, etc. She added Mr. Miller does bring up clarification and/or amendments to the meetings and not that she had any issue with that but it would just complicate the process more to post draft meeting minutes as again those are not the official minutes of the board. Mr. Miller stated sometimes the intent of what he meant was not conveyed in what he said and he wanted to clarify the meaning. Secretary Ferencz stated she was not trying to cause an issue but again reiterated that the approved, signed minutes were the official record of the board. Secretary Ferencz added that once meeting minutes are approved and signed she gives them to Martha Evans to post to the website and was no longer responsible in her current capacity to post minutes to the website. Ms. Sims stated the Commission should sign their minutes at their regularly scheduled meetings in order to keep the public informed.

Ms. Sims moved on to the issue of viable use. She asked that the Prosecutor's office provide the Commission with a definition of viable use. She added she did not think the SHEMA case was comparative to the 400+ acres before the Commission and also that the property in the SHEMA case was surrounded by commercial uses which is not the case in Westfield Township. The property in question has been zoned Rural Residential since the inception of the Township. The Comp Plan states that area is predominantly Rural Residential. There are only two commercial uses in that area standing now today. Those parcels have more options because the front of their property is zoned Local Commercial. Regarding viable use, in the zoning resolution there is currently text for a Planned Unit Development. A denser development could be done for this area taking into consideration the flood plains. Therefore there are 3 viable uses for this area i.e. Rural Residential, Local Commercial and a Planned Unit Development. She continued that the Steering Committee and professional planner came up with a 4th option for the area that being office/light industrial.

Ms. Sims continued while ODOT was doing the reconfiguration of the highway they did an environmental impact study. One of the property owners in that area asked ODOT to purchase his property in its entirety because he did not have a viable use. She added she spoke the Mr. O'Leary the District 3 Manager for ODOT and it was determined by their legal counsel that property owner continued to have a viable use and ODOT could not purchase his property in its entirety.

Regarding the threat of lawsuits, Ms. Sims stated she felt they were very real. Lawsuit threats have accompanied this application since it was first presented to the Township. Ms. Sims gave several examples accordingly over the process of voting on amendment applications, fees charged to the applicant, annexation, and threats over the resolution of adopting the Comp Plan in a certain time-frame and lastly a threat over comments a Commission member made. She asked the Commission if they were going to sub come to

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the pressure of these non-stop threats or look at making a decision that is best for the Township and will remain living here well after these applications are gone?

Ms. Sims read the list of proposed permitted uses in the text amendment application i.e. department stores, auditoriums, hotels, indoor/outdoor amusement. She added she did not know a community in the County that is facing such a large scale development that would be held legally liable for taking the time to consider all aspects of such applications and the effect it will have on the community. She added it was important to have Bethany Dentler from Medina County Economic Development present as well as tax information on the current property tax value and what the taxes collected would be if the land were developed commercially. The primary source of income for the Township would only be the difference between the current tax and commercial tax. There would be an increase cost to the Township for road repair, snow removal etc. Ms. Sims suggested the Commission also contact Harrisville Twp. to find out what their Fire/EMS runs consist of with the outlet mall as well as their figures on crime, road wear and tear, etc. Chair Sturdevant interjected that a work session with Bill Thorne has been scheduled to go over the Comp Plan Update and discuss the legal issues the Township may potentially face. The public hearing process would not be closed until the Commission hears from everyone it needs to hear from to make an educated, informed discussion. Ms. Sims stated the rumor is the Commission is going to cut off the southern portion of Greenwich Rd. from the text/map amendment applications making the northern portion of Greenwich Rd. the General Business District.

Chair Sturdevant stated there has been no decision made by the Commission. There has only been discussion as to what properties have a viable use and that was probably where the rumor of the northern portion of Greenwich Rd. be zoned to a General Business District came from. Mr. Thorne has stated that traffic had to be taken into consideration. He said if you have property owners in the middle of this area that do not have a viable use and property owners at either end that do and the property is developed all at once and something like a Cabela's or Bass Pro Shop goes in and maxes out the traffic, no other businesses will want to locate there. Now those residents who did not have a viable use really don't have a viable use. Chair Sturdevant concluded that a workshop with Mr. Thorne is warranted give all the issues at hand.

Ms. Sims stated the Pros. Office will do what the majority of the board members indicate they are interested in. She commented she was concerned the majority of the Commission wanted to look at approving this rezoning on a large scale. Therefore she added she was concerned that the questions the Commission will ask at the workshop be representative of the residents the Commission represented.

Ms. Sims questioned when she made a public records request for the text/map amendment applications she was given three documents i.e. Gen. Business District PUD which said it was revised at a meeting with the Medina County Planning Commission, the original map amendment and a mixed use overlay District which is an entirely

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different section than the original application. Ms. Sims asked the status of the real application? Chair Sturdevant stated if one requested a copy of the text/map amendment applications one would receive the map amendment application, which has not changed since it was submitted in September 2010. Regarding the text amendment the latest copy she had was dated October 4, 2010 which include a packet on a General Business District, Mixed use District and General Business District PUD. She added the Commission agreed not to allow any further revisions because it was causing confusion as the when things were discussed revisions were being made though there was no formal decision by the Commission. Ms. Sims then asked if the applications would be sent back to the Medina County Planning Commission for their review? Chair Sturdevant stated yes and if the text and map were modified they would be sent back to Medina County Planning Commission.

Ms. Sims reiterated all her previous statements of using the website to inform the public about meeting cancelations as well as posting text/map amendments. She added the fire chief should be given an opportunity to look at the developments in Wadsworth and prepare another report. Ms. Sims stated her concerns for the fire department were there was no ladder truck as it related to the height of the proposed buildings, that there are two schools closing and those children from other fire districts would now be commuting to the Cloverleaf school district campus located in Westfield Township which would generate more trip traffic; as well as the fact there is talk in the district about cutting senior busing which would account for more traffic by the young public on country roads. Roads such as Hulbert, Buffham and Friendsville Rd. which are country roads would also become the cut through to get to the proposed development, which the fire department has already commented that the worst accidents are on the rural roads.

Chair Sturdevant stated that is was important while gathering information to also look at the legal aspects that the Township might face. For the Commission to ignore the potential would be doing a disservice to the Township.

Jack Greenwald (5550 Mudlake Rd.) stated that the Commission should cancel meetings if school is closed.

Chair Sturdevant stated she could also contact the community channel to see if they would advertise that a meeting was cancelled. Mr. Miller suggested just cancelling a meeting if school is closed. That way the policy is consistent.

Larry Bensinger (7403 Greenwich Rd.) asked why the threat of a referendum was any different than a threat of a lawsuit? He responded there is no difference. Mr. Bensinger read a letter he prepared dated December 14, 2010. In sum it stated, "These map and text amendments will celebrate its fourth birthday early next year and the ODOT reconstruction project of I-71 with major modifications to the interstate 76 interchange (2006-2010) has come and gone and the Greenwich Rd. corridor controversy

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continues...Especially frustrating is how easily opponents are permitted to forward statements and or opinions unchallenged. That is why the opposition is attempting to reconnect the current map and text amendment to the comprehensive plan process... Has Anyone taken the time to think about the existing truck stops at Lake Rd. and Interstate 76? It might come as a shock, but the TA and Pilot facilities combined currently pay real estate property taxes of \$58,524 per half or \$117,049 on an annual basis. Including gasoline taxes (\$80,662 thru 12/6/2010 projected at \$88,500 for year) and these two properties will contribute somewhere between \$198,00-\$205,000 for 2010 representing tangible economic benefits which directly benefit the township and its residents...Since 1999, every year but 2009, the Cloverleaf School District has had an issue(s) before the voters. Twice in the years 2004 and 2010, and three times in 2003, 2005 and 2006. Recently headlines and articles indicate the situation is not improving. Is this a symptom of a successful Township? Since approximately 70% of real estate taxes provide funding for the Cloverleaf School District with another 9% to Westfield Township, shouldn't a comprehensive plan at least examine the fiscal implications of zoning decisions?...It is my belief that the I-71 and I-76 interchange presents an opportunity for the Township. Done properly, the Greenwich Rd. corridor could be an asset to the township and its residents for many years to come....I support the applicant's request. (See approved meeting minutes for entire letter)

Lastly, Mr. Bensinger stated he would hope the Commission would put a time limit on those who address the board accordingly and asked the Commission to stop the public participation process and get down to work.

Stan Scheetz (225 E.Liberty St.) He stated he was the representative for 23 applicants and 27 property owners. Regarding the comment made about a grocery store locating in Seville, Mr. Scheetz stated they have been trying to get a grocery store to locate in Seville for the last 25 yrs. It is a high priority for the new administration in Seville. The old administration changed the zoning and zoned out a grocery store from locating in the Highway Commercial District in order to protect the Old Buy-Rite market, which is out of business. The new administration has changed the code and is anxious about a grocery store wanting to locate in their community.

Mr. Scheetz stated regarding the Outlet mall in Lodi; he was involved in the process since its inception. The Sheriff's report that has been previously presented shows the incidents that have occurred at the mall and they have been minor in nature. There have been no murders or major car accidents. Third, regarding the text amendment application that is before the Commission, Mr. Scheetz stated the only text amendment application to be considered is for a General Business District/General Business District PUD revised October 4, 2010. The other two documents he furnished to the Commission were just examples of alternative ways this zoning could be handled i.e. mixed use overlay district or stand alone General Business District. Those were not submitted as formal applications just solely as other types of zoning that could be used. Mr. Scheetz continued

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that the list of permitted use and conditionally permitted uses was not his litany list of uses but came directly from the Medina Township zoning code that has been used for over 17 yrs. in Medina County and approved by the Medina County Planning Commission and the Medina County Prosecutor's Office. He added if there were areas the Commission wanted to excerpt from or delete he was open to that for discussion. Chair Sturdevant thanked Mr. Scheetz for the clarification on the applications.

Lastly Mr. Scheetz handed out copies of the real estate tax projections on the original 100 acres and stated now that there was 400 acres (only 312 acres would be developed) one could multiply that number by 3. He stated these figures were provided by the Medina County Auditor's Office based upon a \$100,000,000.00 investment. The tax figures would be cut in half if tax abatement was involved. (See attached to approved minutes). Ms. Sims interjected what money would come to the Township? Are tax abatements being looked at? These would be good questions to have answered.

Mr. Miller asked that an expert from ODOT District 3 be invited to speak or to get a copy of their report on viable use. Mr. Miller continued that it has been stated by the Muskingum Watershed District that they have 100 ft. easement on either side of the creek. Therefore the fact that the clients Mr. Scheetz represents saying they would grant a 100 ft. easement for a conservation corridor did not really make much sense. Chair Sturdevant interjected that the 100-ft. easement the Muskingum Watershed District had was for maintenance only and not recreation so there was a difference in the two easements.

Mr. Miller made a motion to have Township meeting schedules be consistent with school closings in terms of cancellation. There was no second. Chair Sturdevant responded that she did try to contact the Mr. Kubilis the Cloverleaf School Superintendent to find out if after school activities were automatically cancelled if school was closed but did not get through to him. Alternate ZC member Brezina stated that was not a consistent policy with the school. Chair Sturdevant stated she would look further into the matter about meeting cancellation but felt it should be consistent for all board of the Township. Secretary Ferencz recommended a meeting cancelation be placed on the website by X time and a recorded message be left on the Township phone that a meeting was cancelled.

The Commission reiterated that there would be a work session between the Steering Committee, Zoning Commission, Mark Majewski and Bill Thorne scheduled for January 4, 2011 at 7:30 p.m. to discuss the Comp Plan Update 2009-2001. Chair Sturdevant stated she would ask the Trustees if letters could be sent out to the Committee members inviting them to attend the meeting instead of just sending out e-mails as not all members had e-mail addresses.

Chair Sturdevant again reiterated the process the EPA would look at and the various entities they would contact to complete the study they have been requested to prepare

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which is just the area the Comp Plan Steering Committee recommended as office/light industrial. One of the scenarios they would research was for retail development, which fell under the scenario of General Business/Local Commercial. If there will be more than 26 employees the EPA could complete the study. If it was under 26 employees that would fall under the jurisdiction of the Health Dept.

Chair Sturdevant made a motion to continue the public hearing on the proposed text amendment/map amendment to create a General Business District/General Business District PUD until January 25, 2011 at 7:30 p.m. It was seconded by Ms. Kemp. ROLL CALL-Sturdevant-yes, Kemp-yes, Miller-yes, Zweifel-yes, Anderson-yes.

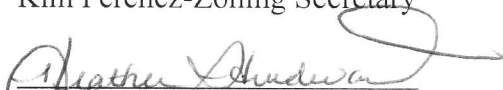
Chair Sturdevant made a motion to schedule a work session with Bill Thorne for December 21, 2010 at 7:30 p.m. It was seconded by Ms. Kemp. ROLL CALL-Sturdevant-yes, Kemp-yes, Miller-yes, Zweifel-yes, Anderson-yes.

Chair Sturdevant made a motion to continue the public hearing on the proposed text amendment/map amendment to create a General Business District/General Business District PUD until January 25, 2011 at 7:30 p.m. It was seconded by Ms. Kemp. ROLL CALL-Sturdevant-yes, Kemp-yes, Miller-yes, Zweifel-yes, Anderson-yes.


Ms. Kemp made a motion to adjourn the meeting. It was seconded by Mr. Anderson. ROLL CALL-Kemp-yes, Anderson-yes, Miller-yes, Zweifel-yes, Sturdevant-yes.

The meeting was adjourned 9:53 p.m.

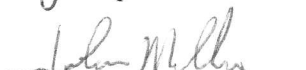
Respectfully Submitted,
Kim Ferencz-Zoning Secretary



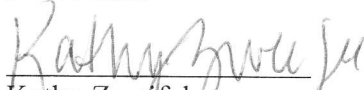
Chairperson, Heather Sturdevant




Jill Kemp



John Miller



Kathy Zweifel



Scott Anderson