

**WESTFIELD TOWNSHIP  
BOARD OF ZONING COMMISSIONERS  
SPECIAL MEETING FOR THE PURPOSE OF CONSIDERATION  
OF PROPOSED TEXT/MAP AMENDMENTS TO CREATE A GEN.  
BUSINESS DISTRICT/GENERAL BUSINESS DISTRICT PUD  
FEBRUARY 22, 2011**

Chair Sturdevant called the special meeting of the Westfield Township Board of Zoning Commissioners to order at 7:36 p.m. Board members Kemp, Anderson, Miller and Brewer and Sturdevant were in attendance. Alternate Board members Zweifel and Brezina were also in attendance. Other individuals in attendance: Ron & Marlene Oiler, Deb & Dennis Hoops, Larry Bensing, Carol Rumburg, Diane Anderson, Jeff Van Loon, Tom Micklas, Rick Robbs, Bill Thombs, Kathleen LeMar, the Kerrs, Matt Witmer, Jim Likley, Stan Scheetz, and Tim Kratzer.

Chair Sturdevant began by reading a letter from Deerpass Golf Course owner Mark Taylor. (See attached to approved meeting minutes). In sum the letter thanked the Commission for their hard work in the consideration of the text/map amendments to create a Gen. Business District Gen. Business District/PUD. The course would be a great location for an IT tech center or corporate headquarters with the possibility of combining cluster homes around the golf course. Lastly they asked for consideration of expanding the general business district to 2000' deep along the interstate. These improvements would make the golf course a more viable use.

Secretary Ferencz read an e-mail from the Gazette about the advertising of this evening's meeting and the BZA hearing for tomorrow night. (See attached to approved meeting minutes).

Chair Sturdevant stated she put together a document of the revisions the Commission made to the text amendment application. She also met with Mr. Thorne to go over the revisions the Commission made at the work session as well as the revisions Mr. Thorne suggested should be added to the code and read them into the record. (See attached to approved meeting minutes). She stated the only really pending issue to be resolved was to determine the square footage of the buildings to be located in the General Business District and the Gen. Business District PUD.

Chair Sturdevant continued that she spoke with Ms. Dentler, Medina County Economic Development Director about square footage requirements in other developments. Ms. Dentler provided information she obtained from the Food Marketing Institute. (See attached to approved meeting minutes). In sum a population of 15,000-20,000 was needed to support a full size grocery store. The minimum size of a grocery store is 35-47,000 sq. ft. A typical big box store size was from 90,000-200,000 sq. ft. However square footage of 50,000-100,000 sq. ft. will draw retailers of a big box nature. Sam's

Club or Costco are usually around 120,000 sq. ft. Book retailers are around 50,000 sq. ft. dependent on market they serve. Ms. Dentler stated it was difficult to get average sizes of stores because there is a formula a retailer goes through to determine the square footage they need. The formula takes into account the market they will draw from, the market they are in i.e. books, pet supplies etc. and the estimated revenue they propose to generate.

Chair Sturdevant stated she then researched Legacy Village. This retail development has 6 anchor stores i.e. Dicks Sporting Goods (81,635 sq. ft.), Giant Eagle (81,363 sq. ft.), Urban Active Fitness (48,000 sq. ft.), Nordstrom's (42,242 sq. ft.), Crate & Barrel (35,900 sq. ft.) Josef Beth Booksellers (26,628 sq. ft.) The Giant Eagle, Urban Active Fitness and Nordstrom's are all located in one building approximately 200,000 sq. ft. In Legacy Village the total square footage is 575,000 sq. ft. with 19,000 sq. ft. of office space.

Chair Sturdevant continued she looked at the same developer but in another area to get some average sizes of other "anchor" stores. Bed Bath and Beyond (25,000 sq. ft.), Books-A-Million (15,000 sq. ft.), Cobb Theatre (60,000 sq. ft.) Barnes & Noble (25,000 sq. ft.) Old Navy (24,000 sq. ft.) Office Depot (22,000 sq. ft.) DSW (14,000 sq. ft.) Ulta Cosmetics (10,195 sq. ft.) She added this developer has done PUD's that have a mix of retail, office and residential. The one common denominator she saw was that there was very little green space.

Chair Sturdevant then asked the Commission members given this new information, how they felt about square footage the board previously came up with that would allow 3 buildings of 100,000 sq. ft. in a PUD with a requirement of 35 acres?

Sue Brewer: Not comfortable with such large square footage.

John Miller: That is the size of 3 football fields. That square footage is quite large.

Jill Kemp: If the opportunity for a Cabela's or Bass Pro Shop presents itself... What if we allow one store to be that large (100,000 sq. ft.) and make the other anchors smaller?

Scott Anderson: I am comfortable with the 100,000 sq. ft.

Chair Sturdevant: I was under the impression to be an anchor store it had to be 100,000 sq. ft. but that apparently is not the case. Allowing 3 buildings of 100,000 sq. ft... Should we decide how many tenants can go in a building... I don't know if I want 3 stores that large.

Mr. Thorne stated from a practical matter, if 3 PUD's would be permitted and you only allow one building to be a 100,000 sq. ft. or larger how would that work? First business to come in gets it? What if a Cabela's or Bass Pro Shop comes in second? Then what?

Mr. Miller stated the total square footage for all the PUD's that could potentially develop is approximately 6 football fields in size. To have parking to accommodate those anchors... That does not even include the other stores that would locate in the development.

Chair Sturdevant asked the Commission members how they felt about 20,000 sq. ft. for all other retail establishments in addition to what the board came up with previously? Mr. Anderson responded given the information presented this evening, that square footage now seemed small. Ms. Kemp agreed. Chair Sturdevant stated she was not sure because some of those stores are considered big box and that is what this community appears to have a big problem with. Ms. Kemp stated Miller Bros. is 28,000 sq. ft. Mr. Miller stated he felt that 20,000 sq. ft. was a good size store. Ms. Kemp stated she felt that 20,000 sq. ft. may be too restrictive.

Mr. Thorne stated the square footage requirements do not need to be the same in the General Business District and the Gen. Bus. District PUD. Chair Sturdevant stated in the text it allows for cinemas but the size of a cinema is 60,000 sq. ft. and that would not fit in either category. Otherwise cinema needs to come out of the text. She stated she knew the Commission wanted to encourage office but if this development occurs it could become retail very quickly and that concerned her. Ms. Kemp stated she did not think office would come if there were no ancillary uses. Chair Sturdevant stated she too agreed that was needed.

Chair Sturdevant then asked the Commission if they were comfortable with 20,000 sq. ft. for the Gen. Business District?

John Miller: No I am not. The local commercial district only allows for 7500 sq. ft. and nobody was clamoring to locate there. Stores are closing down everywhere i.e. Borders, K-Mart downsizing. There is not enough population in our community to support large stores. I say 15,000 sq. ft.

Jill Kemp: I feel it should be increased to 25,000 sq. ft.

Scott Anderson: I agree

Sue Brewer: 20,000 sq. ft.

Chair Sturdevant: I think the square footage in just the General Business District should be smaller than the PUD. I am o.k. with 20,000 sq. ft. Larger stores should be in a PUD where such uses are grouped together in a cohesive manner.

The Commission decided to go with 20,000 sq. ft. in the Gen. Business District only under Section 308.5.

The Commission then reviewed the square footage in a Gen. Business District PUD. Ms. Kemp suggested allowing 1 retail establishment at or above 100,000 sq. ft.; and 1 additional retail establishment at or above 50,000 sq. ft. She suggested all other retail establishments maybe 30-35,000 sq. ft. Chair Sturdevant stated she was not comfortable with 1 additional retail establishment at or above 50,000 sq. ft. in each PUD because then you could potentially get 3 stores at 99,000 sq. ft. Mr. Anderson stated he agreed with Ms. Kemp and to make the remaining retail establishments 35,000 sq. ft.

Mr. Miller stated he did not want to change the text. He would rather see cinemas stricken from the text. Chair Sturdevant stated the text would therefore not allow any retail between 50,000-100,000 sq. ft. That would not permit a full-size grocery store. Mr. Miller stated he did not want to see everything under 100,000 sq. ft. come in and fill up the parking lot. As far as land use this does not make sense. Everything says retail is declining so he was not for it.

Mr. Thorne stated the Commission could put a maximum building size in each PUD and let the developer decide how to divide it up. If it does not work revisions can be made. The developer can come before the Trustees and show evidence that X square footage does not support the type of business they want to build.

Chair Sturdevant then asked for clarification that if a preliminary plan was submitted then that development would be grandfathered. Mr. Thorne responded that was correct. However if you are going to permit movie theatres then you have to provide a square footage that they can use to build it. If there are practical difficulties the developer could request a variance but that would be hard to show. The building sizes should be staggered. I know this particular development proposal showed 6 anchor stores like Legacy Village. Chair Sturdevant interjected all of those were under 100,000 sq. ft. Mr. Thorne responded different population, different area. You have all kinds of strip shopping in that area. Mr. Thorne continued that in the General Business District stand alone buildings should be encouraged. This is an issue in the Gen. Business District right now with a square footage requirement of only 7500 sq. ft. You have to give a size to encourage businesses to locate.

Mr. Scheetz asked that his e-mail be read into the record to maybe shed some light on square footage requirements. (See attached to approved meeting minutes). He added that if ACME wanted to just buy 10 acres they would locate in the GB District as a stand alone building. The smallest store is 38,000 sq. ft.

In sum Mr. Scheetz e-mail stated that going from one building in excess of 100,000 sq. ft. to all others at 20,000 sq. ft. is too dramatic of a reduction in sq. ft. when the next size is below is customarily 75000 to 99000 sq. ft. like a Staples, Office Max, Shoe Carnival or Bed, Bath and Beyond or Pier One. Next level of stores is at 50000 to 74000 sq. ft. grocery store to fit area or other type variety store with groceries like an ACME, Giant

Eagle, Buehler's that could range from 38000 on the small size to 90000 sq. ft. on the large side. The next level down is down is 20000-49000 sq. ft. for newer pharmacy retail stores like Walgreens, CVS, Rite Aid or Discount Drug Mart. The only stores being built below 20000 sq. ft. are ALDI's; Dollar General Family Dollar etc... The Gen. Business District/PUD has the same square footage issues.

Chair Sturdevant stated it appeared the vision seems to be an issue. The Commission's vision is for office and supporting retail. Mr. Scheetz vision is retail on the north side with office and corporate park and on the south side as well as a golf course/golf course community. These visions are completely different. Mr. Miller stated the Commission should consider the visions of the residents of the Township.

Ms. Kemp commented that Embassy Park in Copley has been given as an example of a corporate park. It must be remembered that the retail was established in that area long before the corporate park. We don't stand a chance of having anything like that if we don't have the retail there first.

Mr. Thorne interjected that it has been stated that the reason the local district has not developed has been because of the restrictiveness of the square footage. The Commission has to decide what size is necessary. Ms. Kemp responded that with Miller Bros. only being 28,468 sq. ft. we need to look at larger square footage to attract business to locate. Mr. Scheetz stated that retail like CVS and ACME's are free standing facilities and would not locate in the PUD. They won't build under 38,000 sq. ft. If you restrict the square footage they could ask for a variance but you can't make a practical difficulty argument based on economics. Mr. Thorne interjected that is correct. They would have to show that there would be no grocery that would build at 20,000 or 30,000 sq. ft. whatever the case may be. Chair Sturdevant stated she was still concerned about allowing such large square footage for in the General Business District.

The Commission debated many different square footage requirements for both the Gen. Business District Gen. Business District/PUD.

After much discussion the Commission made the follow modifications to the text amendment application as follows:

#### Section 308.5 Square Footage Requirements

- 1 Office structures have no square footage requirements
2. Hospital structures have no square footage requirements
3. All Retail Establishments may be no larger than 40,000 sq. ft.

#### Section 308.7 General Business District/Planned Unit Development

- a. Required Design Standards for General Business District/Planned Unit Development (GBD/PUD):

23. Square Footage Requirements: Structures in a General Business District/PUD shall comply with the following requirements:

- a. Office structures have no square footage requirements.
- b. Hospital structures have no square footage requirements
- c. Any retail establishments at or above 40,000 sq. ft. must be part of a PUD
- d. There shall be no more than one (1) retail establishment at or above 100,000 sq. ft. in any PUD.
- e. There shall be no more than one (1) retail establishment at or above 50,000 sq. ft. in any PUD.
- f. All other retail establishments may be no larger than 50,000 sq. ft. in a PUD.

Chair Sturdevant stated the Commission also discussed adding conference centers as a permitted use in the General Business. The Commission members stated they were still in agreement to do so. Chair Sturdevant added that a definition of Conference Center needed to be added to the definition section of the zoning resolution and offered the following definition:

“Conference Center-A facility used to service organizations, business and professional conferences and seminars limited to accommodations for conference attendees. The accommodations can include sleep, eating and recreation. A conference center is not designed to only be utilized by the general public for overnight purposes. The Commission agreed to add that definition.

Ms. Kemp made a motion to deny the original text amendment application entitled Westfield Township General Business District/General Business District PUD as submitted by Mr. Stan Scheetz attorney for the applicants. It was seconded by Mr. Anderson.

**ROLL CALL**

Kemp-yes  
Anderson-yes  
Brewer-yes  
Miller-yes  
Sturdevant-yes

Mr. Anderson made a motion to approve the Westfield Township General Business District General Business District PUD as amended by the Westfield Township Zoning Commission including revisions made February 22, 2011 including the definition of Conference Center as read. It was seconded by Ms. Kemp.

**ROLL CALL**

Anderson-yes  
Kemp-yes  
Brewer-yes

Miller-I would like some discussion before I vote. Concerning the revised text amendments pertaining to the General Business District; it is not compliance with the following:

- Natural Hazardous Overlay District of the current zoning does not allow commercial uses in hydric or flood prone soils
- 208 water quality plan. According to Andy Vidra of NOACA Greenwich Rd. area is not mapped to receive sewer in the next 20 yrs. at this time

Comp Plan

- Not in compliance with existing adopted Comp Plan (1996) and/or Comp Plan Update prepared by Professional Land Planner with a resident Steering Committee which recommended office/light industrial as the future land use. Ms. Dentler's report supported that land use
- Less environmental impact
- Fiber Optic Network
- Better Paying Jobs
- 2009 Resident survey results: Residents did not support apartments and large retail land uses
- Resident Petition: 3000 acres of surrounding land owners not in support of rezoning
- Sixteen petition signers properties are right next to the rezoning-not in support
- Two large farmers properties are contiguous and are not in support of the rezoning and wrote letters (Huttinger & Perry)
- Majority of residents comments were not in support of the rezoning
- Adopting this would be a disservice to the Township residents

Retail land Uses NOT supported by:

- Bethany Dentler's comments
- NOACA retail study 2000 & 2007 update retail studies show retail saturated in the region
- Recent news constantly reporting the shrinking of retail: Kmart downsizing, Borders Books closing
- Poaching retail from Medina or Wadsworth is not in Westfield's long term best interest
- Increase to Township expenses for Safety Services
- Road wear and tear, maintenance increased in traffic
- Retail square footage is extremely large-should be reduced
- Adopting this would be a disservice to the Township residents

Health & Safety Concerns:

- Floodplains and hydric soils in proposed district
- Pollution potential in an environmentally sensitive area according to the ODNR map referenced in updated Comp Plan & Balanced Growth Initiative

- Traffic will jam up the main thoroughfare and safety of our roads- Lake/Greenwich Rd. is a bottle neck for traffic as noted in the Comp Plan update of 2003
- Rely on Sheriff Office that may be insufficient for retail crime and crime prevention

Mr. Miller then read the following Goals, Objectives and Polices from the Comprehensive Land Use Plan:

- In Westfield Township, policy planning helps to maintain the natural environment as a setting for an orderly, tranquil, rural, small town community
- Policy planning promotes the public interest of the entire Township rather the interest of individuals
- GOAL I: Preserve the rural small-town atmosphere of Westfield Township
- Objective IA. Promote public support for continuing agricultural activities in Westfield Township
- Policy IA.1 Further identify and designate prime agricultural lands in the Township
- Policy IA.2 Agriculture shall be encouraged to remain and prosper in the Township through the establishment of large lot zoning in areas where there is a low probability of centralized water and sewer services
- Policy IB.1 To the best of the Township's abilities, new development shall be compatible with the predominant rural, small-town residential nature of the community
- Policy IB.4 Permit no further expansion of commercial and industrial zones in the Township...
- Objective 2A Maintain the Township's thoroughfare network to ensure the safe, orderly and convenient movement of vehicles
- Policy 2A.5 Require traffic impact studies for any non-residential development or expansion of existing commercial and/or industrial zoning districts.
- Objective 2B. Provide recreational opportunities adequate to meet the needs of the Township
- Policy 2B.1 Support the efforts of the State of Ohio, Medina County, and local school districts to develop additional recreational facilities and/or lands in and near Westfield Township.
- Policy 2C.2 Base Township zoning on a current comprehensive development policy plan for Westfield Township.
- Objective 3A Encourage the protection of floodplains and natural drainage systems from improper development practices
- Policy 3A.1 Support continued application of Natural Hazard Overlay District zoning in Westfield Township



- Policy 3A.2 Regulate any land use in the Township from physically obstructing, interfering or altering any portion of a floodplain or natural drainage system.
- Policy 3A.3 Promote floodplains and wetlands as open space/conservation easement areas, as well as river corridors in general.

I vote no.

Sturdevant-Prior to this evening the Commission held a work session to make modifications to the text/map amendment applications as submitted because some board members felt certain parcels did not have a viable use. So yes the amendments are not in compliance with the Com Plan however you can adjust zoning when it does not agree with the Comp Plan provided you have a reason that is backed up by documentation and law. My personal belief is that there are some properties that do not have a viable use. I have viewed the properties in question and have seen the highway lights in reference to the location of the residential uses. That was one of the reasons the Commission considered reducing the size of the map amendment application as well as making a cut off point for such a large area of land to be potentially rezoned.

Regarding the 208 Plan, Mr. Vidra stated that could be easily changed if an application or a letter was sent to do so by an applicant. But no applicant is going to do that without first receiving a rezoning of the property. The text amendment application as revised does not go against the Natural Hazard Overlay District as it requires that all areas in the floodplain are to remain as green space. In the Natural Hazard Overlay District the only structure that can be built is for a residential use. Therefore that remains.

Chair Sturdevant continued that Medina County has one of the most stringent flood plain regulations in the State. A developer has to follow those restrictions. Documentation has been presented and drafted by the Upper Chippewa Creek Balance Growth Initiative Committee, which included both developers and conservationists that determined this particular area to be a primary development area. Ms. Dentler did not say in her presentation that commercial was not a good use for this area, rather she stated that she did not study or contact commercial businesses. She polled office, industrial and technical and reported information on those uses. It is for those reasons I vote yes.

Ms. Kemp made a motion to deny the original map amendment to create a Gen. Business District Gen. Business District/PUD as presented by Attorney Stan Scheetz on behalf of the property owners he represented as submitted. It was seconded by Mr. Anderson.

**ROLL CALL**

Kemp-yes

Anderson-yes

Brewer-yes

Miller-yes

Sturdevant-yes

Mr. Anderson made a motion to approve the map amendment to rezone the permanent parcels as listed and modified by the Westfield Township Zoning Commission on February 22, 2011 to General Business District General Business District/PUD

PP# 04115B50010

PP# 04115B50007

PP# 04115B50006

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PP# 04115B51017

PP# 04115B51002

PP# 04115B51011

PP# 04115B51012

PP# 04115B51013

PP# 04115B51004

PP# 04115B51016

PP# 04115B51010

PP# 04115B51008

PP# 04115B51015

It was seconded by Ms. Kemp

**ROLL CALL**

Anderson-yes

Kemp-yes

Brewer-yes

Miller-I vote no for the reasons I stated previously.

Sturdevant-yes

Chair Sturdevant stated she contacted Planning Services and they would create the map reflecting the parcels rezoned this evening.

**MISC.**

Trustee Oiler thanked the Commission on behalf of the Board of Trustees for all their hard work on this effort.

Having no more business before the Commission, Ms. Kemp made a motion to adjourn the work session. It was seconded by Mr. Anderson.

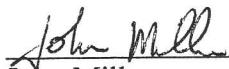
ROLL CALL- Kemp-yes, Anderson-yes, Miller-yes, Brewer-yes, Sturdevant-yes.

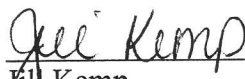
The meeting was adjourned at 9:23 p.m.

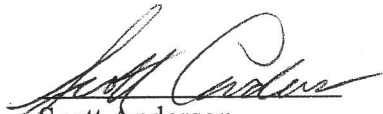
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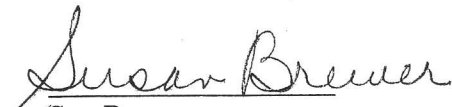
Respectfully Submitted,  
Kim Ferencz-Zoning Secretary

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Chairperson, Heather Sturdevant

  
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John Miller

  
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Jill Kemp

  
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Scott Anderson

  
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Sue Brewer