

WESTFIELD TOWNSHIP ZONING COMMISSION

April 11, 2006 @ 7:30 p.m.

Continuation of Public Hearings on Proposed Zoning Amendments and on G. Carrasco Proposed Zoning District Change

Chairman Russ Zupanic called the meeting to order at 7:30 p.m. Roll call indicated three members of the Zoning Commission were present: Scott Anderson, James Likley and Russ Zupanic. Jill Kemp and Wayne Brezina were absent. Others present were Trustee Jeff Plumer, Ron Oiler (6969 Buffham Road), Guillermo Carrasco (5695 Stow Road, Hudson), Orlando Carrasco (939 Pitkin Avenue, Akron), Martha Evans (7998 Ryan Road), John Miller (6089 Seville Road) and Chief Assistant Prosecutor William L. Thorne (Medina County Prosecutor's Office).

Minutes

Since tonight's meeting is a continuation of the public hearings from March 14, 2006, those minutes will be held until the next regular meeting.

The following is a summary of tonight's meeting, which was recorded on audiotape.

Continuation of Public Hearing – Proposed Zoning District Change submitted by Carrasco

Chairman Zupanic reopened the public hearing in regard to the Zoning District Change submitted by Guillermo (Willie) Carrasco, which requested a change for parcel number 041-15B-39-025 from Rural Residential to Local Commercial for property located at 8809 Lake Road, Seville, Ohio, to allow for continued campground use and a sports complex. Everyone who was sworn in last meeting will still be under oath.

Chair – We had continued last month's hearing in order to get the recommendation from the Medina County Planning Commission. The recommendation was disapproval of the application. The recommendation was based on: (1) access to the site is inadequate for more intensive use than the existing campground and large lot single-family use; (2) based on comments from the Sanitary Engineer's Office, it is questionable whether sewer service is available to the site, especially since pump stations are not permitted within the County; (3) there is considerable undeveloped land in the vicinity that is currently zoned H-C Highway Commercial or L-C Local Commercial; and (4) driveway onto Lake Road is located in an area that the Westfield Township Development Policy Plan Update indicates to have "multiple points of conflict." That was their reason for recommending disapproval. A copy of the Planning Commission's Staff Report dated April 5, 2006, App. #039-2006 MA was provided to Mr. Carrasco and the Zoning Commission members.

John Miller was sworn in by the secretary. Miller – Fill me in a little bit if you would. The request for the complex is over where the campground is?

Chair – In essence what is in front of the board now is to change the zoning from the current Rural Residential but there is a campground there that is operating under a conditional use. The owner of the property is looking at putting in a sports complex and in order to do that he is requesting to change to Local Commercial. The only thing we are here to discuss is changing from Rural Residential to Local Commercial.

Miller – That’s where the indoor soccer is?

Chair – It’s actually behind it or to the side of it.

Jeff Plumer was sworn in by the secretary. Plumer – I happened to be at the Planning Commission meeting and unfortunately there was no one to speak for Mr. Carrasco. One of the comments was the circuitous drive to get back to his property, the 4000’, and I did point out to them that in the relatively near future the driveway would change because of the State’s work on that interchange but they didn’t want to consider into the future. The bullet points were the driveway, multiple points of access and the sanitary sewer thing.

Likley – You have a pump station now on the campgrounds, right?

Carrasco – Yes.

Likley – They are concerned about the capacity of that pump station servicing another building of this size. Is that pump station still in service?

Carrasco – The thing is that the new building would only be used in the wintertime when the campground is closed.

Plumer – The quote from the sanitary engineer is “The County allows private pump stations for individual lots but will not accept a pump station to serve an area.” So unless there is a sewer there I don’t think the sanitary engineer is going to allow it to happen.

Carrasco – It’s a pump station that’s already there serving the campground.

Likley – I think the point Mr. Plumer is making is that even without any building and for the most part we don’t look at what you are going to use the zoning change for the sanitary engineer is stating that he has an issue or concern with the present pump station for any future use, whether you build one building or fifteen buildings, etc.

Carrasco - If a building goes up, we have to put another pump station in anyway or something.

Chair – From what I’m seeing is that they are not going to allow you to put in another pump station.

Plumer – It would have to be a sewer system and from what I understand the sewer system isn’t going over there right now.

Carrasco – All I have to do is fix the one I have.

Chair – What they are saying is that it is not permitted in the County so they will not allow you to expand upon that pump station if you develop that area.

Carrasco – When they talk about expanding it would mean more people, but this is in the wintertime when no one is there at the campground. I would have to go to them anyway to make sure things are okay and the same with water and when the highway takes that property I'll have to put in a water pump etc. so there are a lot of things to do but this is the first step. Same with the building department I would have to go with them.

Likley – I met with the staff of the Planning Commission the day after this hearing because I had some questions about the flood plain area. Susan Hirsh there said she wished they had talked with me earlier about the flood plain. The concern is that 90% of the land that is being proposed is within the flood plain. We have language pertaining to RR permitted and conditional use within the flood plain and in LC. Any of the area within the 100 year flood plain would have to be built up to be above the flood plain and in talking with them they stated that the County is now saying that if you have to build up in one area you have to take away in another area to compensate for that square footage within the flood plain so you don't disperse more water within the confines of the flood plain area. They had some concerns about it being in a flood plain and in LC and it's just one more hurdle in this piece of property that would have to be overcome for anybody. It's a concern to this board and a concern to the Planning Commission as to the flood plain section of this property.

Carrasco – When building and that land where I would put the building is not like I would have to fill in 4, 5 or 10', it's just not that much.

Likley – The section that you are implying to us that you want to build your building is within the 500 year flood plain but there are no conditions in this application or in this process to change this area from RR to LC that says that we can make you build in that spot. We're looking at the whole property and not so much as to any building or the intended use. So you could tell us that you wanted to build there and if it is zoned LC then it opens up the entire property to the LC district.

Carrasco – That's one of the reasons that I bought the property – they told me I could build. The key number is 993' so I buy the property. Now there is another line where I can't build but they said I could build there as long as I raise it to up. Now I can't build there?

Likley – You can build there. Right now our zoning code states that you can build homes within the RR district, permitted and conditional uses within the flood plain – so those are buildable lots. If you wanted to build homes within the RR district of the flood plain area, natural hazard flood plain area, and that's what a good portion of that property is, we allow permitted and conditional use within RR. Once you change that to LC then our

zoning code and the rule for the natural hazard overlay district state that the only permitted and conditional use allowed to build within the flood plain is within the RR zone, not HC, not LC, not SR – in RR. By changing it to LC you now go to a different set of rules. Those rules say within the flood plain only the permitted uses of RR are permitted to build within the natural hazard overlay, which is the flood plain.

Martha Evans was sworn in by the secretary. Evans – Keep in mind that this property that you are considering in RR is a rear lot so we only have one single purpose – one single family dwelling so it can't be developed as a development.

Likley – Good point. I'll add to that once the State develops the road back to that property it also opens it up for a private road. If you chose to build a road or a developer bought that 80 acres to give access to give frontage then it would become frontage property, it wouldn't necessarily be a back lot because you would have access to a state or county build road.

Evans – You might not necessarily have the frontage unless he builds a road so he could put lots on it.

Likley – If you wanted to develop that property you could put in a road and supply frontage on that new road and build homes. It would be within the flood plain and if people wanted to build a home within a flood plain they do it.

Chair – If there are no more questions from the audience, the public participation portion of the hearing is closed and we'll discuss it among the board.

Carrasco – If we change it to LC and I go to a different set of rules, does that mean I cannot put a building there?

Chair – That means that you cannot build a building within a flood zone if it goes to LC. Right now you can do it as RR but in LC you cannot according to our zoning. That's not to say you can't raise the property level but that's something else that you would have to deal with the County.

Carrasco – So if I leave it the way it is can I still put the building up like the campground is – conditional use?

Chair – No, you can't. The problem is that it is zoned RR.

Likley – If the property that you were going to build the building on was all that you were applying for a LC zoning change, then that would be different. The section that you are looking to build your building on, according to your testimony and statement, is within the 500 year flood plain but you have 70 + acres outside of that isn't in the 500 year flood plain.

Carrasco – So I’ve been trying to get this done for 1 ½ years. Last year we were talking about dividing the property up and leaving one part RR and one part LC and I thought this way was easier – maybe I should go back to that. I’m not sure what to do – guess I need help.

Likley – Well, Mr. Carrasco, we had suggested that you get some personal engineering help or planning service that could assist you in this process. When you were here last year for the similar application we had suggested at that time to possibly splitting the lot and using LC for the area you wanted to build the building on and leaving the other but you would also have access to the road somehow. The State road coming in plays a big factor in what that area does.

Chair – Right now we have to look at what we have as it stands now – there is no road. We are looking at changing the whole area to LC. We cannot take a look at what you intend to build because that’s not what we can do here. We can only look at changing it from RR to LC. With that in mind and looking at what the Medina County Planning Commission has recommended, the problem is not just the flood zone. The problem also is sewers - the pump station - and it also has to do with multiple points of conflict to the road and right now we have to realize there is no road there.

Likley – The present driveway to that property comes out onto Lake Road.

Chair – That’s not to say that next year or the year after once that new road is in then that would alleviate that issue but right now I have to look at here and now and there is limited access to that property

Carrasco – One of the problems last year that I didn’t know these people were coming in and taking part of my property so now we know where the new road is going to be and now all of a sudden I’m in the middle – I don’t get it. It’s not my fault that the State is taking the property. We all know there is going to be another road but it’s not there yet. I understand that.

Likley – I think that whether it would have been a professional service or architectural firm or engineering firm that could have looked at the property, the potential for the new State road that is going to be cut back in there, your access, your sewer, those type of utilities, zoning – they could have assisted you in this process. We’re not trying to put you in the middle but right now you might feel that’s where you are.

Carrasco – These were not there before the highway came along.

Likley – These issues that are being brought up again tonight are similar issues to what we had the last time.

Carrasco – Last year when I was here, can I see a copy of the recommendation that they sent?

Likley – At that time, they recommended approval.

Carrasco – I came to a meeting and because somebody forgot to put it in the paper you couldn't have the meeting so the meeting was changed and somehow they didn't tell me or I got mixed up, something happened, and I didn't show up and I got turned down.

Likley – The thing that you have to remember is their recommendation is just a recommendation to this board. They could have recommended approval again but if this board votes to deny it, it would then be denied.

Carrasco – But last year I would have had a better chance.

Likley – I don't know that.

Orlando Carrasco was sworn in by the secretary. Orlando Carrasco – I think what we are looking at – this meeting that we may have missed – where they had a recommendation and we didn't know anything about it – obviously that was such an important thing as they sat around and discussed this without getting our view on it and now we're out. Is there any way to still talk to them?

Chair – You can talk to the Planning Commission at any time. You knew it was going before them.

Orlando Carrasco – But should we have been notified?

Carrasco – That's the problem here – too many things.

Likley – Mr. Thorne, can you add anything to this?

Assistant Prosecutor Thorne – Normally the property owner doesn't get notified separately of the Planning Commission meeting. They are reviewing your proposal and they look to your board to show up, if someone is showing up to support it, or why they would be recommending or whatever the proposal is. The property owner can show up but they do not send out individual notices to the property owner.

Carrasco – This thing is very important to me. I've been working on it for two years and I didn't know anything about it. If they are concerned about the sewer, I'm certain it could be improved or whatever I would have to do.

Likley – I'm sure that Mr. Troike of the Medina County Sanitary Engineer's Department is very familiar with the pump station and the situation of the septic or sewer system in that area. From his comments "The County allows private pump stations for individual lots but will not accept a pump station to serve an area. This may make sewerability for this area complex." The pump station that you have serving the campgrounds and your intended facility and whatever future use might be going into a LC district of approximately 103 acres, it opens up can of worms there.

Carrasco – No, the campground is there. I'll close the campground and I could have told them that at the meeting.

Likley – I don't know if that would have made a difference.

Chair – I'm going to call one last time, does anyone else have anything to add.

Orlando Carrasco – I just think this is very frustrating because that gentleman who was sitting up here said no one was at that meeting to speak on our behalf as if we just didn't care to show. It's frustrating because we've been doing this the last 1 ½ years coming to these meetings and trying to do everything the right way and then...

Chair – The mere fact that you did not show up at that meeting I don't think had any bearing on the outcome.

Orlando Carrasco – But we could have explained it and talked about it.

Chair – Again, I'll speak for myself – my concerns with this are not only the flood zone, it's also the road going in and a whole myriad of things and I just question the timing on this at this point. That's not to say two years from now you might want to address it again, but right now there is just more than one thing that is questionable.

Carrasco – And the road is one of them?

Chair – The road is one of them. Again that's just my opinion.

Carrasco – I'm glad to hear that – because of the road I have problems.

Chair – Not just because of the road, it's only one of the things.

Likley – The road opens that area up to your advantage.

Carrasco – But not now – that's what I'm trying to tell you.

Likley – Well in about two years. Right now you have access by a 60' wide right-of-way out to Lake Road, which is one driveway, to a rear lot.

Carrasco – This is just very frustrating.

Chair – Again, I'm going to close the discussion from the floor. It's time for the board to make some final comments and then make a motion on what is in front of us. At this point the public discussion is closed.

Anderson – Based on what has been presented to us it's unfortunate that we can't proceed with this and my recommendation is to deny it.

Likley – I believe I have made my statements clear. I have nothing further.

Chair – I believe I've made my statements clear also.

Likley - I make a motion to approve the application for zoning amendment as written.

Zupanic – I second the motion

Roll Call Vote:	Scott Anderson -	yes
	Jim Likley -	no
	Russ Zupanic -	no

MOTION DENIED.

Likley – Now, Mr. Carrasco, your application, the recommendations from the Planning Commission and the recommendations of this board will be sent to the trustees. If they vote unanimously to approve your application, your zoning change would be in effect. You will be receive written notice of when the trustees will have their public hearing, the surrounding property owners will be noticed just like they were for this public hearing, it will be in the paper and if the trustees vote unanimously to approve it, you would have your zoning change.

The public hearing in regard to G. Carrasco's application was closed.

Continuation of Public Hearing – Proposed Zoning Amendments

Chairman Zupanic opened up the continuation of the public hearing in regard to the proposed zoning amendments, which related to Sections 306, 606, 205 (all relating to accessory uses in HC district) and Section 303 (oil and gas wells). Copies of the proposed amendments were distributed to the Zoning Commission members and were available for anyone to review.

Chair – The report of the Medina County Department of Planning Services was distributed to the Zoning Commission members. To summarize what the staff report is saying is that how we had recommended that we change our zoning would place too much of a hardship on restaurants or motels or any retail establishments. It sounds like they are recommending that we not do this because of further hardship that could take place on existing businesses or other businesses in the area.

Assistant Prosecutor Thorne – I did talk with Trina Devanney about this and looked at the discussion. I think what the discussion was to try to attempt to tighten up accessory uses in a conditional use. What you did was basically take them out of the permitted uses so if I have a hotel and I want to have a snack bar, I have to get a conditional. If I have a McDonald's and I want to put in a play area, I have to get a conditional. If I want to put in a gift shop, I have to get a conditional. Everything then is made a conditional – I never heard of that before because the definition of an accessory is normally associated with the

use. I think where Trina was talking to you, you were talking about doing that in the conditional area and I can understand the discussion there because there are two conflicting approaches that come up at some of the meetings. Normally when the board of appeals grants a conditional use, what they are permitting is exactly what is in the use. You do have things slip in – they authorize a gas station – and all of a sudden there is a coke machine there – they are selling candy bars, milk, etc.

Chair – We have to realize that what’s happening to T/A is really stretching.

Thorne – That’s what I’m saying. I think you don’t need to go as far as you did to control that. I think changing the conditional sections to specify, for example that under the conditional that any activity not permitted in the conditional permit itself needs a conditional. With that language if T/A was just a gas station and they wanted to put in a restaurant they would have to come back to put in a new conditional for the restaurant. Even though it would normally be an accessory use you would have a regulation that if it’s not permitted when you first come in you don’t get to add it afterwards – and that’s normally what your zoning inspector is going to do. When the board gives a conditional it says what they are authorizing.

Chair – But when T/A went in I do not believe they had a mention of a massage therapy so with that ...

Thorne – Normally on a conditional the theory, if you will, if it’s a conditional if it is an normal ancillary use to what you put in as a conditional, it’s alright under the conditional permit. You have the other board that says, no – what our conditional says is that XYZ, that’s all you get. What Trina was saying you could clarify that in here by adding language to the conditionals sections to clarify what appears to be this board’s desire that if it isn’t in your original conditional permit you don’t get it unless you come back again.

Likley – What if it is an accessory?

Thorne – You draft it so that it doesn’t make any difference. In other words what’s on the conditional permit is very specific. If I get a permit for a gas station, I sell gas. The permit has to specify all the activities. If it doesn’t they have to come back for a new conditional.

Chair – Would there be a great loophole that to say this is normally permitted massage therapist because this is happening in 48 different states and you’re the only state that does not allow it therefore ...

Thorne – Not if you go back and amend it the way you were talking about amending the conditional use.

Chair – To try to summarize this – instead of doing the way we are looking at your suggestion would be to actually reword the section on conditional use to say - any additional uses not specified in the original conditional use will need ...

Thorne – Any activity not permitted in the original conditional has to be itself a new conditional - as well as buildings. You took uses but you can't build a new building under a conditional without coming back and getting a new permit.

Likley – Just like when T/A applied for their IdleAire – that was a conditional structure.

Thorne – The way the code was drafted I guess the debate was do we treat the massage therapist – they are not going to build a new spot for it as it's going to be in the same building – do they need to come back for a permit or be treated as a normal accessory use. I'm sure they don't get a permit for every coke machine or they change a product, but you can draft these conditional sections so that if it is not permitted - the activity is not permitted in the conditional, whether it is accessory or not – they have to come back for a conditional.

Chair – Is there any other area in Medina County that actually has that in their zoning?

Thorne – No, not written that way. I think most of the codes are drafted so that when they grant a permit it is granted for a specific use and no one has tried to expand in that manner.

Chair – So even if we go this way we're still leading edge.

Thorne – Yes. Most of these expansions you get the gas station that is selling pop or candy bars, it's not a big deal. But when they try to make a major change or try to remodel the building to put in a delicatessen or something, they are automatically coming back most times for a conditional because they also need to expand/change the building, etc. This was unique because they didn't have to change the building – they didn't have anything, it's just another operation they are putting in there.

Chair – I understand the reason for doing this, it made sense to me to get a little bit more control.

Thorne – Yes, it does makes sense and that's what Trina said – tighten it up, clarify from your standpoint that when someone comes in for a conditional they better tell you everything they want to do. If it's a McDonald's and they want a play area, they better put it in there or they will have to come back again. Nothing wrong with that. And if it's a hotel that wants to have a gift shop, etc. they better tell you up front because not every hotel has a restaurant. If it's a normal accessory use, you can say it's a normal accessory but not everybody has one so if it's not permitted in the original permit and they want to add one later they can come back and get a new conditional. They may want to change the parking or may want to change to protection from the neighbors – all those things change when you change the use of the facility. Now it may not apply to this massage chair thing but that's just a little thing.

Likley – I was at that BZA meeting the night that they heard this along with Trina and I spoke with Trina that night and I met with her the next day and it might have been

misunderstood but I have her actual notes that says accessory use must also comply with any and all conditions established for the primary use of the property.

Thorne – Right, and that would be if it is a conditional and you authorize it, it's got to meet all the other conditions.

Chair – But what I think what the point is – to expand upon the condition if it's not in the original decision then they have to come back.

Thorne – Right, that was under your 205 section – that just says a conditional use once it is put in has to comply.

Likley – So when they originally applied for a conditional use when they came before the BZA that was through a conditional use. They applied for a conditional use application.

Thorne – I think they ended up treating it though as an accessory use was my understanding. But the board could have stood pat and said we are going to treat this as a separate conditional – that was the debate. They (BZA) choose to treat it as an accessory use. If you don't like that as a board, you redraft it.

Chair – But they came to the board as a conditional use so in essence what they did is did what we want them to do if we had it written in our zoning text that's exactly what they would have to have done.

Thorne – T/A started doing exactly the way you wanted to do and the board switched gears on them.

Likley – So under the definitions for conditional uses we have to add more definitions.

Thorne – That's why Trina was saying add a section in there to clarify, for example, that an activity not specifically authorized as a conditional itself will need a conditional use. How you write that I would have to stop and think about it. That's where she was thinking about putting it. Let's use T/A as an example – they are authorized to have the big restaurant and the game room in the back and they say now we want to put in two other restaurants – you were only authorized one. Just because these others are normal accessory uses doesn't mean that you can put them in without coming back again. We want to look at the expansion of the building; we want to look at the ingress/egress and all this other stuff. Normally they are not that big and that's why I don't think it's been a problem. In that one is probably why it slid by again because it's not going to create any more traffic, it's not going to create any more space problems, etc. But if you want them to do that you put it in and they would be required to do it. It only goes under the conditional section. You don't take the accessory uses away from the permitted uses.

Ron Oiler was sworn in by the secretary. I believe when the BZA met on this particular issue that you are talking about you look at our zoning, conditional use, that is not covered and is not permitted and that is where we ended up having to work with Trina

where she discovered the avenue under accessory use. Otherwise the board may have denied it even though it was a very good presentation it was not a permitted use.

Thorne – If they would define that condition, it could have been a use – it’s a normal accessory use, if you would have found it to be an accessory use – that’s another matter but again the code is kind of open on that and how to you want something treated that comes into an existing facility. They want to put in a new operation and if it’s not going to change the physical layout of the building, do you want them to come back and go through a conditional. If you do you have to put in some language referencing accessory uses etc. or uses that are normally accessory to a conditional use but if not specifically authorized themselves would require a conditional permit – something along that line would be in there. Otherwise you are absolutely right, when you look down through it, you got a gas station there, which I assume is what they come under, but they also have a Burger King in there, they have Starbucks in there, they have a restaurant. Where does it say that?

Likley – But under permitted uses it says restaurants ...

Thorne – But it’s not a permitted use – it’s a conditionally permitted use. It came in as a conditionally permitted use. I assume that’s how it came in as a conditionally permitted use. I think the whole thing came in as a conditionally permitted use.

Likley – It did come in as a conditionally permitted use. I’m surprised in looking at it that it doesn’t fall into a permitted use in the HC, a gas station.

Martha Evans – It was considered a permitted use.

Likley – It couldn’t have been.

Thorne – If it was approved as a restaurant, fine, but how did they get the gas station in, you would still need a conditional for the gas station.

Martha Evans – But they did it because they were replacing what was there.

Thorne – But we’re talking about under this code, how they could do it and they would have a problem. Part of their operation would be permitted and part would be conditional. That’s the problem that comes in. I’m looking at it if you started it now restaurants are normal for truck stops but you don’t have any reference to normal accessory uses as conditionals so that the board would be able to interpret it just the way they did. What truck stop now doesn’t have a restaurant in it, or a store in it, or a game room, or showers, all kinds of stuff. If you don’t want the board to consider it that way then you tie it up. You don’t say that they can’t consider accessory uses but when they first come in they have to list specifically what they want – if not listed and what would normally be classified as accessory use – they have to come back again. And you can do that.

Likley – Let me sit down and formulate some language and look at it. You know the situation.

Thorne - And I did talk to Trina and she said she talked with you and obviously there was miscommunication on that.

Likley – I thought I left there pretty clear.

Thorne – Yes, she said you talked about putting it in as a conditional, but not taking it out of the permitted – that’s where the problem is. You took it out of the permitted and tried to put part of it in the conditional. And you only did part it by saying conditional uses but not conditional structures. If you’re going to do it, the whole thing should be done. Why would you let them put up a building as a permitted building for a conditional use? It just doesn’t apply.

Chair – It sounds to me that we have two things in front of us. One is to vote on the zoning amendments and then depending on how that turns out, number two would be what we wanted to do to rewrite what we want to do. Let’s do the first thing. Can someone make a motion on the amendments?

Likley – I make a motion to approve the accessory use amendments as prepared and written.

Anderson – I second that motion.

Roll Call Vote:	Scott Anderson	- yes
	James Likley	- no
	Russ Zupanic	- no

MOTION DENIED.

Thorne – I will be more than happy to sit down with you and Trina. She didn’t think she messed up but after it came out and she read it to me, obviously there was a misunderstanding.

Likley – With that being said seeing that the proposed amendments were initiated by the board, can we withdraw them?

Thorne – No, it still goes on.

Likley – It still has to go on to the trustees. Thank you, Mr. Thorne.

Thorne – Give me a call and we’ll set something up. You just went a little too far when you took it out of the permitted section – you would have 99% of your businesses coming before the board when they wanted to make a change.

Likley – We have one more amendment to handle.

Chair – That was for Section 303 B. 2 h. (oil and gas).

Likley – MCDPS staff recommendation on that wasn't quoted and I don't they even addressed it, really. I think it was kind of a moot point.

Chair – Article III, Section 303 B. 2. h. to remove the words “oil and gas wells” and replace with the word “reserved”.

Likley - I make a motion to approve as written.

Anderson – I second that motion.

Roll Call Vote:	Scott Anderson	- yes
	Jim Likley	- yes
	Russ Zupanic	- yes

MOTION CARRIED.

The public hearing relative to the zoning amendments was closed.

New Business

Chairman Zupanic stated we have a memo from Martha Evans to the zoning commission with a recommendation to our zoning code Section 205 E, Home Occupation, and in essence what it is saying is to basically make it easier for a home occupations. Mrs. Evans stated it is to basically clarify it in RR. She further indicated that before our present code we had Type I and Type II but not the same description and now it's all just general. She further stated that we do have quite a few activities in our township that the work is not done on-site, which require large pieces of equipment and she would rather see equipment and material inside a building rather than stored outside. She also proposed an amendment to Section 305 B 1 d that would require a site plan review for home occupations.

These recommendations were briefly discussed but it might be opening up more problems and we also don't want to turn it into more of a commercial area. It was suggested that a home occupation certificate, similar to the agriculture certificate, might be appropriate. It was also suggested that we might need to talk to MCDPS about their recommendation for the amount of storage square footage relative to the size of the lot. There may be difficulties in enforcement as well and how far do you want to stretch the limits. It was also indicated that the zoning inspector periodically receives calls from people asking if they need a permit for a home occupation so there is awareness out there about zoning regulations of this nature. Some of the other townships do have home occupation in their zoning. A lot of research will need to be done to see if it is something the township wants to look into further. It was decided to continue this discussion at future meetings as it will take time to review more extensively.

Other Business

There was brief discussion about the State's ongoing project at I-71/I-76 and that Kokosing was an agent of the State and was exempt from local zoning regulations but they would try to cooperate with the township in coordinating with the local events in our area such as soccer and the recycling center, etc.

Upon motion by Scott Anderson, duly seconded by Jim Likley, and unanimously passed, the meeting adjourned at 8:55 p.m.

Marlene L. Oiler, Certified PP, PLS
Westfield Township Zoning Commission Secretary

(Minutes approved 5/9/06)