

WESTFIELD TOWNSHIP ZONING COMMISSION
Regular Meeting and
Continued Public Hearing for Text and Map Amendments
Parcels #041-15B-51-017 and #041-15B-51-011
Landowners – Timothy and Linda Kratzer
December 11, 2007 @ 7:30 p.m.

Chairman Russ Zupanic called the meeting to order at 7:30 p.m. Roll call indicated five members of the Zoning Commission were present: Russ Zupanic, Jill Kemp, James Likley, Scott Anderson and John Miller.

Others in attendance included: Tim and Linda Kratzer (landowners/applicants), Trustee Carolyn Sims, Wirtie MacPhail (Seville), Ken and Lisa Beckman (7583 Greenwich Road), Joel Sech (5905 Seville Road), Margaret and Frank Kerr (6396 Greenwich Road), Melissa Spitzer (5735 Greenwich Road), Michael Cook (5634 Greenwich Road), Bill Hutson (9320 S. Leroy), Carolyn Boch (9183 S. Leroy), Ron Oiler (6969 Buffham Road), Norm Kushmider (9333 S. Leroy Road), Jim and Denise Gardner (5712 Greenwich Road), Hershel and Murrelene Drake (10335 Wooster Pike), Dennis Delagrange (9730 Westfield Road), Rick Blankenburg (9303 S. Leroy), Agnes and Larry Porter (8146 Westfield Road), Terri Likley (9585 Daniels Road), Dwayne Kramer (7363 Buffham Road), David Tryon (9068 Friendsville Road), Gayle Foster (7048 Ryan Road), Donald Iacobucci (9515 Daniels Road), Thomas and Karen Micklas (7360 Buffham Road), Bryan and Lori Smith (7553 Greenwich Road, Kathryn Smith (7553 Greenwich Road), Larry Bensinger (7403 Greenwich Road), Zoning Inspector Gary Harris, Fiscal Officer Martha Evans, and Attorney Stan Scheetz (Medina).

Minutes

Upon motion by Jill Kemp, duly seconded by John Miller, the minutes of the October 23, 2007, meeting was approved as to form (as per A.P. James Bennett II.) with Jim Likley recusing himself from voting.

Upon motion by Jill Kemp, duly seconded by Scott Anderson, the minutes of the November 13, 2007, meeting was unanimously approved.

Upon motion by Scott Anderson, duly seconded by Jill Kemp, the minutes of the November 27, 2007, meeting was approved with Jim Likley recusing himself from voting.

Upon motion by Jill Kemp, duly seconded by Scott Anderson, the minutes of the December 4, 2007, workshop was approved with Jim Likley recusing himself from voting.

Old Business

The Signage Zoning Amendments had previously been tabled in order to get additional information. Jim Likley indicated that he had met with Planning Services last Friday and

went over the language that we had questions about and got some answers. He will forward that information to the Board as soon as he has his notes finalized. It is anticipated that the additional information will be available by the January 2008 regular meeting. Chairman Zupanic tabled the matter until January.

Note: At this point, Jim Likley recused himself from participating as a Board member and took a seat in the audience.

Correspondence

Upon questioning by Chairman Zupanic, the zoning secretary indicated that the copy of pocket part pages for Baldwin's Ohio Practice, Local Government Law – Township, had been placed at the Board's respective places by Fiscal Officer Martha Evans. Mrs. Evans had indicated these had just come in the mail and they contained new procedures or revised procedures by the state. Chairman Zupanic indicated that the Board should read it and keep for reference.

Zoning Commission Discussion - Public Hearing

This is a continuation of the Board's discussion of the Kratzer text/map amendment applications for the rezoning proposal for adding a new General Business District (GBD). The public participation portion of this public hearing was closed at the last meeting and this was explained to the audience. The Board is here to continue discussion amongst the Board members. Upon questioning from the audience, Chairman Zupanic indicated that at the last meeting it was determined that the resident letters would be part of the record but not actually read at the meeting – the resident letters are part of the public record and they are available here at the town hall at any time for anyone to read. The Board members acknowledged that they had read the letters but how the trustees wish to handle the matter will be up to the trustees.

Chairman Zupanic – Mr. Kratzer's attorney sent me the revision of the wording as discussed at our workshop on 12/4/07 and I emailed it to the Board members for review. In essence the changes were moving some of the types of business from a permitted use to a conditional use. What that means is instead of allowing it, we are saying that it could go in there but you are going to have to present a business plan to the township and then we could give you conditional approval at that point. Basically "Sale of new and used cars" was moved from a permitted to a conditional use; "Indoor amusement and recreation" was moved from a permitted to a conditional use; and we removed entirely "Multi-family" dwellings as a conditional use.

Chairman Zupanic ascertained of the Board that they had time to review the revised text and then how to proceed with the text and map applications. It was determined that the zoning text would go first and then the map.

Chairman Zupanic – As to zoning, the question is do we need that business – do we need the General Business District. Is it something the township needs?

Scott Anderson – Because of the uniqueness of it, the property and everything, I think it would benefit the township because a lot of people do travel through here and we need to have something to build up our economy. The future is always uncertain. We can't predict what could happen but if it could just go in that particular piece of property, I think it would work.

John Miller – My comments would be that part of the reason we have the zoning code is to protect the township from this type of infiltration and the reason that people set up a comprehensive plan is to tell us as a Board what direction they would like this township to go. We have heard a lot of comments from the residents, both positive and some negative, as to what they would like to see. The zoning code that we have should not be modified so easily for the benefit of a small area especially when the township does not want it.

Chairman Zupanic – I guess the problem I have with this, I agree that the area down there is the perfect place for development and if we could isolate it and not allow for anything to move out of it because I heard the citizens don't want the traffic, they don't want the congestion and they want to keep it rural and I tend to agree with that. However, what we have down there, if you look, it's currently a truck stop. We have businesses there. There is an infrastructure ready to go in and if there is any place for any development that is the place for it as long as it is done correctly. The problem I have (I've been weighing this for the last couple of weeks), I agree that it is the place for development but I don't think we are ready. We have vintage 1950 zoning on Greenwich Road and we haven't addressed it – 500' on each side of Greenwich Road is zoned Local Commercial. It's stuff that we need a comprehensive plan to really finalize everything. We still have Greenwich Road wide open. We still have other issues wide open and that's the problem that I have. I agree with what we need to do. I agree with development down there. I just don't agree how to control the spread.

Scott Anderson – When I look at it spreading, then I would suggest that you look at going east on Greenwich Road towards Seville. If you allow it to go anywhere else it would be spot zoning and I don't think it would be what I would want or the township.

John Miller – This language will allow it to go anywhere else – anywhere else that has water and highway access. This could be promoted anywhere. This text opens the door wide to any kind of development that we want to put into General Business and that isn't what the township wants.

Chairman Zupanic – Again that's an issue that we have for all our zoning code. For example, Local Commercial can go anywhere else also.

Jill Kemp – Right, you have to have an application brought before the Board before you can change the zoning any place. If someone decides they want Local Commercial, they can make an application for Daniels Road or Seville Road or any place else - that is what follows the logic as far as what you are saying by adding a GBD.

John Miller – My logic is the township comprehensive plan wants a rural township. The people tell us they want a rural township. I work for these people. That’s how I look at it.

Chairman Zupanic – Again, I personally agree that down there is the perfect place to put development but I don’t want to see it go anywhere else and we haven’t addressed the Greenwich Road area or the Lake Road area.

Jill Kemp – We can’t make the Greenwich Road area part of Tim Kratzer’s application – it’s a separate issue.

John Miller – If you are using the truck stop suggestion by adding more business in a GBD, you are forwarding traffic down two county roads, not just off of the main road. Any of the items recommended to do by Planning Services, the public or by the comprehensive plan, says no, they don’t want a development there or down the road farther or over on Buffham or anywhere. They don’t want any development.

Jill Kemp – I don’t think we know that for sure. I prepared something today after giving it much thought and I’m going to read it into the record.

I like the rural atmosphere and the lighter traffic as much as anyone and I have never really been pro-development, but we cannot stop it from happening. Access to two major highways plays a large part in the development and going along with that, the growth of this area. Everyone that has moved here is part of that growth, and most of us live on land that used to be farmland. Those of you that have come to these meetings say it is obvious what the community wants, but I don’t believe that is so. There are always 30 or so of you here that are against this and generally those that are upset about something are the ones that come to our meetings, but 30 is not a majority. I think there is probably a large part that just don’t care and some that want to see this happen. The only way to know what our community does want is to do a new comprehensive plan. What was done in 2002-3 really was only an update in some wording and there was no community involvement. The last true update was 1995 in the form of a mail-in survey and there has been a tremendous amount of growth and turnover since then. When we worked on our zoning text with Northstar Planning, it was prompted because we found ourselves backpedaling a lot of issues that were not addressed properly in our old text. I think the same thing will eventually force a new comprehensive plan, but Tim needs an answer before that can happen. I feel that the township is better off working with Tim and his developers to tailor something nice that we want and can live with. Tim has other options such as court and if the issue is forced we could end up with something we really do not like. The majority of the concerns raised will be addressed at a site plan review and traffic studies will have to be done before anything can progress. Marketplace studies will also determine what is viable for this area. Businesses will benefit from the tax base as well unlike homes that are nothing but a drain on schools and other services.

Scott Anderson – That pretty much adds to what I said.

Chairman Zupanic – I truly believe that if we had a comprehensive plan that was in the works – around June we approached a wonderful planner in Medina and we asked and got a quote on what it would be to get started with a comprehensive plan – that was brought to the trustees and nothing happened with it. Everything I've heard and everything I have a problem with boils down to a comprehensive plan because that is the only way we are going to get a true feeling for what the township wants. It will address the development down there, everything on Greenwich Road and anything and everything else. We have vintage 1950s zoning and we need to do away with that. We always thought it was good and it was good for the time but again we had it when Greenwich Road was the main thoroughfare through here. We have SR 224 now and we have the major interchanges now. Again, I reiterate I think that is the perfect place for development. I'm just still unsure on how it's presented and what's going to affect the rest of the township and I really have a tough time without having an updated comprehensive plan.

Scott Anderson – Unfortunately we have to do something because we can't wait for a comprehensive plan update and there are time limits.

John Miller – If this is a good idea today, it will be a good idea next week or next year, why can't we wait?

Chairman Zupanic – The problem is we have to act on the proposal Mr. Kratzer gave us.

John Miller – He gave us an ultimatum that we need to vote.

Chairman Zupanic – It's not an ultimatum – it's by law we have to make a decision. I weighed this in my mind the last couple of weeks as to what's going to be the next step.

Scott Anderson - It has to go to the trustees and they have to vote on it.

Chairman Zupanic – That's right, we are just a recommendation. So no matter what we do it's going to go to the trustees. What's going to happen at that point? We haven't heard the end of this. We would be better off with an updated comprehensive plan.

John Miller – If we had started last year, then we would have been closer.

Chairman Zupanic – Yes, we would have, and I have a serious problem with our trustees for putting us in this predicament. Again, the trustees that are here, please address this at your meeting. We need an updated comprehensive plan. To the residents here, I urge you, press it because we have as your zoning boards.

There was discussion among the Board members on the motions to be made – one for the GBD text and the other for the GBD map amendment. It was determined that the text amendment needed to go first.

Scott Anderson – I make a motion that we accept the General Business District text as revised 12/5/07.

Jill Kemp – I second the motion.

Roll Call Vote:	John Miller	- I vote no
	Jill Kemp	- I vote yes
	Scott Anderson	- I vote yes
	Russ Zupanic	- I vote no

Motion failed.

The Board determined that no motion was needed on the map amendment because the text amendment had failed - you can't have a map amendment without any text.

Announcement

The next regular meeting of the Zoning Commission will be Tuesday, January 8, 2008, at 7:30 p.m. It will be the organizational meeting.

Adjournment

Upon motion by Jill Kemp, duly seconded by Scott Anderson, it was unanimous that the meeting be adjourned. Adjourned at 8:05 p.m.

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

(Minutes approved 1/8/08.)