

Westfield Township Board of Zoning Commission

Public Hearing
East Greenwich Road Overlay District
September 7, 2017

Attending: Rumburg- aye, Doty- aye, Miller- aye

Absent: Haumesser, Franz and O'Neil

Also attending: Trustee Schmidt and ZI Simms

Meeting Minutes for August 15, 2017

Doty makes a motion to accept the August 15, 2017 meeting minutes as submitted; seconded by Rumburg. Roll call: Doty- aye, Rumburg- aye, Miller- abstain. The motion does not pass due to a lack of majority.

Doty makes a motion to adjourn the business meeting; seconded by Miller. All said aye.

Doty makes a motion to call to order the Public Hearing to hear the Map ad Text Amendment for East Greenwich Road Overlay District; seconded by Rumburg. Roll call: Rumburg- aye, Doty- aye, Miller- aye.

Chairman Doty discusses the 2009 and 2011 Comprehensive Development Plan (CPD) for the Township and explains to the audience that this Comprehensive Plan is the basis for the rezoning of the Greenwich Road area. He also added that Mark Majewski was involved in the CDP as well in the writing of the Text Overlay that is being discussed today. The Trustees set a timeline as a task manager and the ZC started writing this text March of 2016. There have been 3 to 4 drafts; Medina County Planning Services performed an informal review as well as Medina County Planning Commission provided the ZC with a formal recommendation.

Chairman Doty thanked Mark Majewski of North Star Planning for helping the ZC and his contributions were very beneficial to the work of the Board.

Mark Majewski of North Star Planning discussed the basis of the proposed text language and explained that the Overlay District was for planned residential, industrial and office use. This proposed text is affording the property owners with additional opportunities to develop their properties.

The Planned Residential (10 acres of land with other provision standards) and allow permitted uses such as single family, cluster living, senior living and nursing home facilities.

Light Industrial/ Office District (OIPD) (20 acres required) and Uses listed A-W and some conditional uses are included in the text.

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The text also explains the procedures for application and preliminary Develop Plan that is approved by the Trustees. The Overlay District has twenty-one pages of text.

Doty asked the ZC if they were aware of any conflict of interest. Miller stated that he had previously been on the BZA and had voted against a development in the area when the request was for a Business District.

Comments from the Floor-

Todd Hunt- Complimented Mark Majewski on his years of work in the zoning field and stated they had worked on other projects in Cleveland together. Attorney Hunt also stated that he represented Ted and Linda Kratzer.

Hunt discussed the following items:

- Economic Viability Study for this Overlay; was there a real estate appraiser contacted and were any real estate officers contacted for their expertise.

Miller stated that there was a plan presented many years ago by Bethany Dentler from the County. Hunt asked if this plan was for commercial development.

- Industrial Park District permitted uses such as a Metal Processing Plant
- Language includes: Manufacture Intermediate Processing; an example is the City of Medina and the concrete crushing facility. Medina City says this is “heavy manufacturing” and the company says it is “light industrial” because it is just crushing limestone. Hunt states there is not a clear understanding of the terms used in the proposed text (Intermediate Processing).

Doty states that Light Industrial is addressed in the zoning text on page 114; Article 1102 and is read by Chairman Doty.

Secretary Porter states that Attorney Hunt is looking at the proposed March Preliminary Planning from MC Planning Services (3 drafts ago).

The Board explains there is no “Intermediate Processing” terms used in the proposed text and the language is consistent with the present zoning resolution.

- Hunt addressed that the Natural Hazard Overlay overlaps with the proposed Overlay District. The Eastern half can only be residential but the text language included Office/ Industrial.

Doty explains that the Overlay District deals the Planned Residential Development (PRD) options.

- Hunt explains this area would be visible to the highway and limited to Rural Residential.
- Hunt asks what Township can give legal authority to Natural Hazards and uses.

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Miller explains that there are some light industrial uses in that area.

- Hunt disagrees on this point and states that this pertains to only half of the area.
- Hunt compares the Flood Plain Area to the Overlay District in Houston; 'as we see by the new'.
- Hunt addresses how this Overlay District is "Overly Restricted", is not economically viable and there is no evidence to demonstrate otherwise.

Heather Sturdevant addresses the ZC Board with the following concerns:

- The Natural Hazards Overlay has no build areas according to documents that exist in the County except for homes.
This Overlay Document is contradicting what the County has previously stated; only residential use.
- Business can build but only with caution and the County study should be reviewed by the ZC Board.
- Senior Living strain on the township's resources; such as Fire Department and the EMS calls. Sturdevant asks who will pay of this strain on resources.
- Traffic Study (more traffic to the area).

Doty stated that this was in the Comprehensive Plan and the ZC Board added, 'may require a traffic study'.

- Sturdevant addressed viable uses such as Dry Cleaners produce pollution.
- Sturdevant stated that the ZC Board was pushing it through and that the Comprehensive Plan was a plan by the residents.

Doty stated that nothing has been pushed through and that Planning Commission reviewed the document.

Rumburg stated that a Professional Planner guided the residents.

- Sturdevant addressed the Natural Hazard Overlay should not be restrictive.

Rumburg read Section 302 OIPD of the present Zoning Resolution and Doty read the Conditional Uses of the Zoning Resolution. Both Board members stated that all uses do not apply to the Natural Hazard Overlay.

- Sturdevant asked the ZC Board to leave it out.
- One land owner need to be addressed or a group of people to agree limits the use of the property.

Mark Majewski added that the ZC could take another look.

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- Sturdevant asked the Board to relook at Office and Light Industrial.

Rumburg stated that it is not fair to be restrictive to our community and years down the road the Township must grow with the community as the community grows.

- Hunt stated that the clients property is the largest and Impotence for doing this.
- Hunt at this time screamed at ZC Board regarding the property owners not being notified.

Doty stated that the doors are always unlocked and it was published in the Legal Section of the Medina County Gazette.

- Tim Kratzer stated that the Chairman cut off his Attorney and asked if the Board has received any legal representation from the Prosecutor's Office. He also stated that Mike Lyons did not represent the township.
- Trustee Schmidt stated that yes he does represent the Township.
- Kratzer stated that the only reason for this language was to appease "my lawsuit".
- Kratzer sited that only 3 members attended the August 15, 2017 meeting that went 1 hour and 38 minutes long.
- Kratzer also stated that the Natural Hazard Overlay has its own regulations.
- Sturdevant wants the ZC Board to relook at the pollution created by the following uses: dry cleaning, pest control, crematories and animal hospitals.
- Martha Evans stated that the Board had a lot of work to do and they should start over. There wasn't a need for a continuation but a new beginning.

Doty stated that he would like to delay recommending this Text to the Trustees until there is a full Board present and that there are legitimate issues raised and should be reviewed. September 20, 2017 at 6:30 PM is the regular meeting and the Board will address these issues on that date.

ZI Sims stated that this meeting was properly advertised and there were no calls to discuss this text. There was 1 request for an audio and that person is attending today, Tim Kratzer.

ZI Sims stated that the Board should discuss with legal counsel and that many people wish to downsize their homes and have a diversity of living in the township.

ZI Sims also stated that if Mr. Kratzer wishes to provide the township with self-addressed envelopes to be notified of meeting then he may make the necessary arrangements with Secretary Porter.

ZI Sims stated that the Prosecutors office and Prosecutor Forest Thompson has a Conflict of Interest with zoning due to being the lead counsel for Tim Kratzer.

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Mike Lyons is representing the Township in zoning and other legal matters and has been assigned to Westfield Township. MC Planning Services usually has prosecutor's office review this type of document. MCPS usually asks for legal representation for any gray areas.

The Board discussed the Natural Hazards Overlay District and the updated Zoning Maps of March 2015, Sims stated that the NHOD is throughout the Township and is a broad document.

Doty stated that the NHOD is not separated throughout the district and it overlays in all of the districts in the township.

Miller stated that the NHOD trumps the Overlay District and the ZC Board discussed the Chippewa Lake Balance Growth Plan.

Doty requested that Porter send a copy of the audio to each member who is not present today.

Doty makes a motion to close the Public Hearing with no action taken and no continuation of the Public Hearing at this time; seconded by Miller. Roll call: Doty- aye, Miller- aye, Rumburg- aye. The ZC Board adjourns.

Respectfully submitted by:

Cheryl Porter, Zoning Secretary

Date approved: 20 September 2017

Chairman Joseph Doty

Vice-Chairman John Miller

Carol Rumburg, ZC Board Member

Rory O' Neil, ZC Board Member

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Debbie Haumessr, ZC Board Member

Jack Franz, ZC Board Member Alternate

Attached amendments to the minutes:

- 21 pages of proposed Text Amendment including Map
- Meeting Notice
- Medina County Planning Commission's recommendations
- Sign-in sheet

CAP- 9-20-17