



Planning Commission
App. No. 024-2021-TA

Zoning Text Amendment Westfield Township

Meeting: April 7, 2021
Applicant: Westfield Township Zoning Commission (ZC)
Hearing: March 17, 2021
Amendments: Add new section (§) 309 Highway Commercial Industrial Planned Unit Overlay District
Reviewer: Denise Testa & Rob Henwood
Recommendation: **APPROVAL WITH MODIFICATIONS**

Proposal: In an email dated March 1, 2021, Carolyn Sims, Westfield Zoning Department, requested a review of a new section to be added to the Westfield Township Zoning Resolution.

Staff comments are shown as *bold and italics*.

309 Highway Commercial Industrial Planned Unit Overlay District

A. **Purpose**

The term “Highway Commercial Industrial Planned Unit Overlay District” used in this text references the area east of Lake Road and bordered on the north by US 224, on the south by Greenwich Road, and to the west of the I-71/I-76 interchange. The purpose of this district is to provide for a mix of highway service commercial and industrial uses to serve the automobile and truck traffic on US 224/I-76 and I-71, as well as industrial uses for the local and surrounding market. *Expanded commercial uses will serve local area automobile and truck traffic but industrial uses will not.* This optional overlay district is designed to allow flexibility between highway commercial uses and industrial uses by allowing development alternatives not currently available in the existing zoning districts.

B. **Effect of the Highway Commercial Industrial Planned Unit Overlay District**

1. This Article III, Section 309, establishes the area of the Highway Commercial Industrial Planned Unit Overlay District and the planned unit development regulations for a Highway Commercial/Industrial Planned Development (HCI).
2. The regulations in effect in the zoning districts currently designated within the Overlay District area shall continue to be in effect on properties within the Overlay District until the owner(s) of property(ies) apply for a HCI and the Township approves as provided in this Article.

C. **Area of the Highway Commercial Industrial Planned Unit Overlay District**

The Overlay District includes the properties located within the area of Westfield Township as identified in the Westfield Township Zoning District Map.

D. **Uses**

1. **Permitted Uses**

a.	Restaurants and eating places
b.	Motels
c.	Accessory uses and structures as provided in Section 205 and including signs as regulated by Article IV, parking and loading as regulated by Article V
d.	Convenient Care Clinic <i>Clarification about the kind of clinic desired should be added.</i>
e.	Manufacturing activities including: assembling component parts in manufactured products; mechanical or chemical transformation of materials into new products; transformation of materials by heat, electricity, or other forms of energy; the blending of new materials; and the packaging of materials.
f.	Warehousing and storage
g.	Wholesale trade
h.	Terminal facilities and motor freight transportation.
i.	Research and testing.
j.	Printing and publishing.
k.	Equipment leasing/rental business
l.	Bed and breakfast establishments
m.	Establishments engaged in providing a variety of services to individuals and business establishments, such as personal services; miscellaneous business services, medical and health services, engineering and architectural services, legal services, accounting, auditing and bookkeeping services, banking, credit agencies, investment firms, real estate, insurance, data management/storage, professional, nonprofit, charitable and labor organizations
n.	Recreational activities such as: dance studio and school, bowling alley, club pool or commercial pool, tennis, basketball, badminton, volley ball courts, football and soccer fields, motion picture and theatrical playhouse.
o.	Veterinary clinic or hospital.
p.	Educational, religious, or philanthropic institutions.
q.	Establishments engaged in retail trade such as drug stores, books and stationery, apparel, florist, garden supply, antiques, sporting goods, jewelry, optical goods, furniture, home furnishings, office equipment and office supplies, not exceeding 30,000 square feet.

2. **Conditional Uses**

		Subject to subsections of Section 606
a.	Drive-in establishments, including any permitted use listed in Section 306.D.1 above, and including auto washes, bank(s), and refreshment stands but excluding drive-in theaters and commercial amusement parks. Section reference should read 309.D.1.	3, 4, 6, 8, 10, 14, 15, 16, 21(a) and 21 (c) Subsection 14 references temporary structures; DPS staff questions the value of permitting temporary structures.
b.	Gasoline filling stations	3, 4, 6, 8, 10, 14, 15, 16, 17 and 21
c.	Automotive and truck repair	3, 4, 6, 8, 10, 14, 15, 16, 17 and 21
d.	Auto wash	3, 4, 6, 8, 10, 14, 15, 16, 17 and 21
e.	Grocery and food stores not exceeding 75,000 square feet	3, 4, 6, 8, 10, 14, 15 ,16, 21(a), and 21 (c)
f.	Strip mining.	24
g.	Government Projects	33
h.	Similar use	32

Expanded commercial uses are compatible with Highway Commercial (HC) uses and consistent with the preferred land use listed in the Comprehensive Plan. Industrial uses are not consistent with the Comprehensive Plan but may be compatible with HC uses as they are generally not overly intense industrial uses with the exception of strip mining. The conditional use strip mining seems out of place with many of the other uses. If the proposed district was exclusively industrial it would be more appropriate, however there are many commercial uses that this type of mining would be incompatible with. DPS staff recommends deleting strip mining from conditionally permitted uses.

3. Any of the above permitted uses, conditional uses and identified similar uses may be located within a common structure, providing such structure and site plan complies with the requirements of this Resolution.

E. Minimum Dimensions for Lots and Yards

1. Lots and yards in the Highway Commercial Industrial Planned Unit Overlay District shall comply with the minimum requirements stated in the following table:

HIGHWAY COMMERCIAL INDUSTRIAL PLANNED UNIT OVERLAY DISTRICT
Minimum Dimensions for Lots and Yards

Lot area	1 acre
Lot frontage	
Lots fronting on Lake Road and/or Greenwich Road	300 feet
Lots fronting on all other streets	150 feet
Lots fronting on a cul-de-sac bulb	150 feet *
Lot Width at Minimum Building Setback Line	
Lots fronting on Lake Road and/or Greenwich Road	300 feet
Lots fronting on all other streets	150 feet
Lots fronting on a cul-de-sac bulb	150 feet *
Minimum Lot Depth	200 feet
Front Yard Setback	
Lots fronting on Lake Road and/or Greenwich Road	100 feet
Lots fronting on all other streets	40 feet
Side Yard Setback	25 feet
Side Yard Setback adjacent to Residential District	100 feet
Rear Yard Setback	25 feet
Rear Yard Setback adjacent to Residential District	100 feet
Maximum Impervious Surface	75%
*All measurements of frontage and setback lines to follow the same arc as the road	

The subject properties are not adjacent to a Residential District; delete above side and rear yard setbacks with the Residential reference shown in the table above.

2. In all cases, the right-of-way line shall be as shown on the records of Medina County, but for purposes of determining the front line of a lot shall not be less than 30 feet from the centerline.
- F. **Landscaping and Buffers Required.** On any lot where a use other than a dwelling is established, the following buffers shall be constructed and permanently maintained. *Residential dwellings are not permitted with the exception of bed and breakfasts in the Highway Commercial Industrial Planned Unit Overlay District; delete reference to dwelling.*
1. **Front Yard Buffer.** A landscaped strip twenty (20) feet in width adjacent to the right-of-way and running the entire frontage of the parcel shall be constructed.
 2. **Side Yard Buffer.** When adjacent to a residential district, the side yard adjacent such district or use shall consist of a landscaped and planted buffer strip twenty-five (25) feet in width and running the length of the side yard. *The subject parcels are not adjacent to a residential district. Delete this section.*
 3. **Rear Yard Buffer.** When adjacent to a residential district, the rear yard adjacent to such district or use shall consist of a landscaped and planted

buffer strip twenty-five (25) feet in width and running the length of the rear yard. *The subject parcels are not adjacent to a residential district. Delete this section.*

G. **Supplementary Regulations**

1. **Merchandise Display.** Storage of materials, equipment, supplies and displays shall take place within a completely enclosed building.
2. **Refuse Storage.** All outdoor refuse storage areas shall be screened from view from adjacent properties. All refuse shall be stored in rodent proof containers or enclosures. Refuse storage areas shall be maintained in a neat and orderly fashion so as not to attract insects, rodents or other pests.
3. **Natural Hazard Areas.** Areas with the Natural Hazards District are subject to all requirements of Section 302 of this Resolution. *Change the term “with” to “within.”*
4. **Outdoor Storage Businesses.** Businesses with outdoor storage of tractor trailers can utilize a stone base yard versus pavement. Driveways will need to be placed in accordance with Article 510.
5. **Water and Sewer.** Central water and sanitary sewer services are required in the Highway Commercial Industrial Planned Unit Overlay District. No use of land shall be established until connections to central water and sanitary sewer services are installed and approved by the County Engineer, however, an existing home/structure/building may be converted to a permitted/conditional commercial use with the Ohio EPA and approval of the existing septic system and/or well water system. An additional exemption would be a self-contained water and sewer system for restroom facilities that service employees only. Such self-contained systems require both sanitary and water services to be provided together. *According to Jeremy Sinko, Medina County Sanitary Engineer, not all parcels included in the proposed amendment are eligible to be served by central sewer. Medina County’s current Facilities Planning Area (FPA) map, which establishes area prescriptions for wastewater treatment and approved through Northeast Ohio Area Coordinating Agency (NOACA), currently shows one of the four parcels included in the map amendment site as properties to be served by sanitary sewers. A pending update to the FPA map will increase the number of parcels eligible to be served by sewer in the amendment site to two of four (see FPA map excerpts included at the end of the report).*
6. **Industrial Performance Standards.** Every establishment desiring to locate in the I Industrial District shall submit evidence to the satisfaction of the Zoning Inspector that its activities will not violate the following performance standards:
 - a. **Air Pollution.** Establishments emitting air pollution affecting ambient air quality shall show evidence of conformance with all Ohio Environmental Protection Agency (OEPA) requirements.
 - b. **Vibration.** No vibration shall be permitted which is discernible without instruments at the property line of the establishments creating such vibration and beyond any boundary of the district.

- c. **Smoke, Fly Ash, Dust, Dirt.** No establishment shall exhaust or discharge into the air any quantity of fly ash, smoke, dust, dirt, or similar form of particulate matter except as permitted by the standards of OEPA.
- d. **Odors.** No emission shall be permitted of odorous gases or other odorous matter in such quantities as to be readily detectable beyond the property line.
- e. **Solid and Liquid Wastes.** No discharge of liquid or solid wastes into any public or private sewage system, lake, stream, ditch, or other body of water, floodway, swale, retention pond, or other intermittent facility for water storage or management or onto or into the ground except as approved by the OEPA.
- f. **Radioactivity.** No establishment shall produce, store, transfer, or use radioactive materials in any manner hazardous to human health.
- g. **Electric or Electronic Disturbance.** No establishment shall produce electronic or electrical disturbances perceptible beyond the property line.
- h. **Fire and Explosion Hazards.** Materials and processes having potential for fire or explosion hazards shall not be permitted in close proximity to residential areas where they constitute undue safety hazards. When permitted, such uses shall be controlled by the requirements of the Westfield Fire Department.
- i. **Noise.** Noise which is determined objectionable to an ordinary person at the property line due to volume, frequency or beat shall be prohibited.

H. **Procedures for Application, Review, and Approval of Planned Development**

- 1. **Pre-Application Conference.** The applicant for a planned development is encouraged to request a meeting with the Zoning Inspector prior to submitting an application for the purposes of reviewing the applicable regulations and to obtain other information relevant to the proposal. Applicants are encouraged to confer with public officials and agencies who may be involved in review and approval of proposed development, including but not limited to the Medina County Health Department, County Highway Engineer, Director of Planning Services, and County Sanitary Engineer.
- 2. **Preliminary Development Plan**
 - a. **Application.** An application for a planned development shall be submitted to the Zoning Commission by the owner, owner's authorized representative or option holder of the property that is the subject of the application. The application shall be submitted in the form of a letter of request along with a fee and deposits established by the Township Trustees, and a Preliminary Development Plan containing the information specified below.

- b. Preliminary Development Plan. A Preliminary Development Plan shall be submitted at the time of application and include the following:
1. Name, address, phone number and email address of the applicant.
 2. Name, address, phone number and email address of the professional or firm that prepared the plan.
 3. Legal description of the property.
 4. North arrow, scale and title block.
 5. General location map.
 6. Property boundary survey.
 7. Adjacent buildings and structures within two hundred (200) feet of the property boundaries.
 8. All perimeter streets abutting the property, including right-of-way width.
 9. Existing topographic conditions (minimum two-foot intervals).
 10. Existing natural features (woods, ponds, streams, wetlands)
 11. Approximate location of existing and proposed utilities, including a preliminary utility and drainage concept plan.
 12. Uses proposed within the planned development and general locations.
 13. Numbers and types of dwelling units proposed and locations. ***Dwelling units are not permitted uses with the exception of bed and breakfast establishments. If the Township plans to include dwelling units, these need to be added to the permitted uses table.***
 14. Conceptual layout of the development illustrating the general location of interior streets, access points to abutting streets, common open spaces, areas to be developed by type of use, parking areas and easements. ***A development that includes interior streets will require review and approval from the County Planning Commission as a major subdivision.***
 15. The Zoning Commission reserves the right to request a traffic impact study to assess the impacts of proposed development on existing traffic facilities, to determine the feasibility of accommodating the traffic, and to identify necessary improvements and sources of funding for the improvement. Required improvements should be not only those directly on the frontages of the subject site, but also those which can be determined necessary to mitigate the impacts on roads and facilities utilized to access the site or area.
 16. Any other information deemed necessary by the Zoning Commission to determine the character of the proposed development and compliance with these regulations.

3. Staff Review. The Zoning Inspector will review the application and Preliminary Development Plan to determine if it contains all items and information required by this Resolution. When it is determined that an application is complete, the Zoning Inspector shall set the date for a public hearing. The application must be received at least 14 calendar days prior to the public hearing. The Zoning Commission does have the ability to call for a special meeting at their discretion and ability to review the submitted application.
4. Requests for Reviews. Upon setting the date for a hearing, the Commission may submit the application to such agencies and professionals as it deems necessary, which may include but not be limited to the Township Fire Chief, the Medina County Highway Engineer, the Medina County Sanitary Engineer, and the Director of County Planning Services.
5. Public Hearing. The Zoning Commission shall conduct a public hearing in accordance with its rules of procedure.
6. Recommendation. Upon voting on the application, the Zoning Commission shall forward its recommendation to the Board of Township Trustees that the Preliminary Development Plan be approved as presented, approved with supplementary conditions, or not approved.
7. Board of Township Trustees Action. Within thirty (30) days of receiving the recommendation from the Zoning Commission, the Board of Township Trustees shall conduct a public hearing prior to taking final action on the Preliminary Development Plan. ***DPS staff questions if it is necessary for the Trustees to weigh in on the Preliminary Development Plan; it may be more efficient for the Trustees to participate in the Final Development Plan process only.***
 - a. Notice of hearing. Notice shall be provided in the manner set forth for the Zoning Commission review above.
 - b. Public Hearing. The Board shall conduct a public hearing in accordance with its rules of procedure.
 - c. Action. After the public hearing, the Board of Township Trustees shall vote to approve, approve with supplementary conditions or disapprove the Preliminary Development Plan.
 - d. Failure of the applicant to comply with any conditions of approval shall be considered a violation of the Zoning Resolution and is subject to all applicable enforcement, remedies and penalties available to the Township in law or equity and as provided for in this Resolution.
 - e. Effect of Trustees Action. Board of Trustees action approving a Preliminary Development Plan authorizes the applicant to prepare and submit a Final Development Plan, but not to initiate construction or take any other action. Approval of a Preliminary Development Plan shall not constitute approval of the Final Plan. Rather, it shall be deemed an expression of approval to the layout submitted on the Preliminary Plan and as a guide to the preparation

of the Final Plan, which will be submitted for approval of the Zoning Commission upon the fulfillment of the requirements of these regulations and conditions of the preliminary approval, if any. Board of Trustees action disapproving a Preliminary Development Plan shall halt any other action on the part of the Township with regard to the Plan or the Board may authorize the applicant to resubmit and amended Preliminary Development Plan.

8. Final Development Plan

a. Timing

1. An application for Final Development Plan can be submitted to the Zoning Commission after the Zoning Commissions review and recommendations are forwarded to the Board of Trustees. The Final Development Plan can not be heard at Zoning Commission until the Board of Trustees has voted to approve or approve with supplementary conditions. ***Clarify that Trustees would be voting on the Preliminary Development Plan.*** If the Board of Trustees does not vote on the Preliminary Development Plan to approve or approve with supplementary conditions, the application for Final Development Plan will be rejected by the Zoning Commission and will not be heard. If the Preliminary Development Plan is approved or approved with supplementary conditions, the application for Final Development Plan shall be acted upon by the Zoning Commission within (thirty) 30 days of the Board of Trustees vote on the Preliminary Development Plan.
2. An application for Final Development Plan approval shall be filed not later than twenty-four (24) months after the effective date of Board of Trustees approval of the Preliminary Development Plan, otherwise the Preliminary Development Plan approval shall expire. Three (3) one year extensions may be authorized by the Zoning Commission for good reason and justifiable cause. The applicant must demonstrate they have made a good faith attempt to work towards a Final Development Plan submittal. The applicant shall submit the request for extension in writing to the Zoning Commission who shall make a written determination regarding its decision to extend or deny the extension. Both the request and the determination shall be made part of the record. If the applicant fails to submit a Final Development Plan within this timeframe, the approved Preliminary Development

- Plan shall be deemed to have expired and the applicant must submit a new Planned Development application.
- b. Application. An application for approval of the Final Development Plan shall be submitted by the property owner or owner's authorized representative to the Zoning Inspector. The application shall be filed in the form of a letter, along with a fee established by the Township Trustees, including a Final Development Plan and narrative containing the information specified in the following subsections. Incomplete payment of established fees or an incomplete application will not be accepted and will not be processed or forwarded to the Zoning Commission.
 - c. Final Plan. A Final Development Plan, substantially consistent with the approved Preliminary Development Plan shall be submitted with the required application. The Final Plan shall contain all information deemed necessary by the Zoning Commission to confirm compliance with the provisions of this Article and with all other applicable regulations. At minimum, the application for Final Development Plan shall include:
 - 1. The proposed locations of all uses including but not limited to dwellings, open spaces, commercial uses, and infrastructure. Dwellings are not permitted uses in the overlay district; delete dwellings.
 - 2. A subdivision plan or other survey indicating the locations of all lots, rights-of -way, easements, and other divisions of land.
 - 3. A grading plan indicating existing and planned topography.
 - 4. A storm water facilities plan.
 - d. Project Narrative. A project narrative shall also accompany the application and Final Development Plan and provide the following:
 - 1. Proposed covenants and/or deed restrictions governing the use, design, maintenance, ownership and control of development and common areas;
 - 2. Identification of the entity responsible for maintenance of common areas to the satisfaction of the Zoning Commission;
 - 3. Description of all deviations from the otherwise applicable zoning requirements;
 - 4. Improvements that would be the responsibility of the developer such as off-site improvements as identified in 309H2b.
 - e. The Zoning Commission may require additional information beyond what is specifically required if, in its judgement, more detailed information is necessary due to the size of the development, number of phases proposed; or the interrelationship of roads, utilities or drainage systems with the total site.
 - f. Phasing. If a Planned Development is to be constructed in two or more phases, Final Development Plan approval may be granted for

individual phases; provided, a complete plan for the entire Planned Development was first given Preliminary Development Plan approval and that each subsequent phase shall be submitted for Final Development Plan approval and is consistent with the approved Preliminary Development Plan. Each phase shall have adequate provision for access, parking, storm water management, and other public improvements to serve the development. Each phase shall be provided with temporary or permanent transitional features, buffers, or protective areas in order to prevent any adverse impact on completed phases, future phases, and adjoining property.

9. Zoning Commission Review. The application materials shall be forwarded to the Zoning Commission for review. The Zoning Commission shall consider the application based on the timing of the submittal and 309H8a and take action to approve, approve with supplementary conditions or not approve the Final Development Plan, based on the review standards of 309H10. The Final Development Plan shall be approved if it conforms to the Preliminary Plan. Approval by the Zoning Commission shall authorize the applicant to proceed with the Planned Development subject to all applicable regulations, conditions, and agreements. Disapproval by the Zoning Commission shall halt any other action on the part of the Township with regard to the Plan unless the Commission authorizes the applicant to resubmit an amended Final Development Plan.
10. Review Standards. In considering a Planned Development application, the Zoning Commission shall find that the development meets all applicable requirements and qualifying conditions, as well as the following general standards:
 - a. Purpose of the PD. The Planned Development shall be consistent with the stated Purposes of the District.
 - b. Surrounding Uses. The Planned Development shall be compatible with the existing and intended uses surrounding the subject property.
 - c. Public Facilities and Services. The Planned Development shall not place undue burden on the capacity of public facilities and services such as, but not limited to roads, fire and police protection, water, sanitary sewer service and drainage.
 - d. Protects Health, Safety and Welfare. The Planned Development shall not contain uses or conditions of use that may be injurious to the public health, safety or welfare.
 - e. Consistent with All Applicable Standards and Requirements. The Planned Development shall conform to all applicable requirements of the Resolution.
 - f. Final Development Plan. The Final Development Plan is substantially consistent with the representations made and plans shown during the Preliminary Development stage of approval.

11. Commencement of Construction; Revocation of Approval. Construction shall commence and proceed meaningfully toward completion subsequent to Final Development Plan approval, or approved phases thereof, in accordance with the following:
 - a. For purposes of this section, meaningful progress toward completion shall mean, at a minimum, all of the following: site clearing, rough grading, and installation of infrastructure improvement: sanitary sewer, storm water facilities including storm water management facilities, and water mains.
 - b. If construction has not commenced within twenty-four (24) months, the applicant may request one extension of up to twenty-four (24) additional months. The request shall be submitted, in writing, to the Zoning Commission prior to the expiration of the original twenty-four (24) month time limit and shall provide reasonable evidence to the effect that unforeseen difficulties or special circumstances have been encountered, causing delay in commencement of the Planned Development. If an extension is not requested or is not submitted prior to the expiration of the original time limit, the Final Development Plan shall become null and void.
 - c. Following expiration of the foregoing time limits, the Board of Trustees may initiate proceedings to revoke approval of the Planned Development.
12. Amendments, Approval of Minor Changes. Changes to an approved Final Development Plan shall be permitted only under the following circumstances:
 - a. The holder of an approved Final Development Plan shall notify the Zoning Commission of any proposed change to the approved plan in writing, identifying proposed changes “from and to” as identified in the site plan and or plan narrative.
 - b. Minor changes may be approved by the Zoning Commission during a regular or special meeting called for the purpose, with a majority of members present. Changes may be approved upon determining that the proposed revisions(s) will not alter the basic design nor any specified conditions or commitments imposed as part of the original approval.
 - c. Minor changes are one or more of the following:
 1. Reduction or increase in building size up to five percent of the total approved floor area;
 2. Movement of building or other structures to a location that meets all established setbacks;
 3. Changes in parking layout that do not alter the number of spaces by more than five percent of the total spaces within the parking area and do not change the location of driveways or roads providing access to the parking area. The Zoning Commission shall not reduce the number of

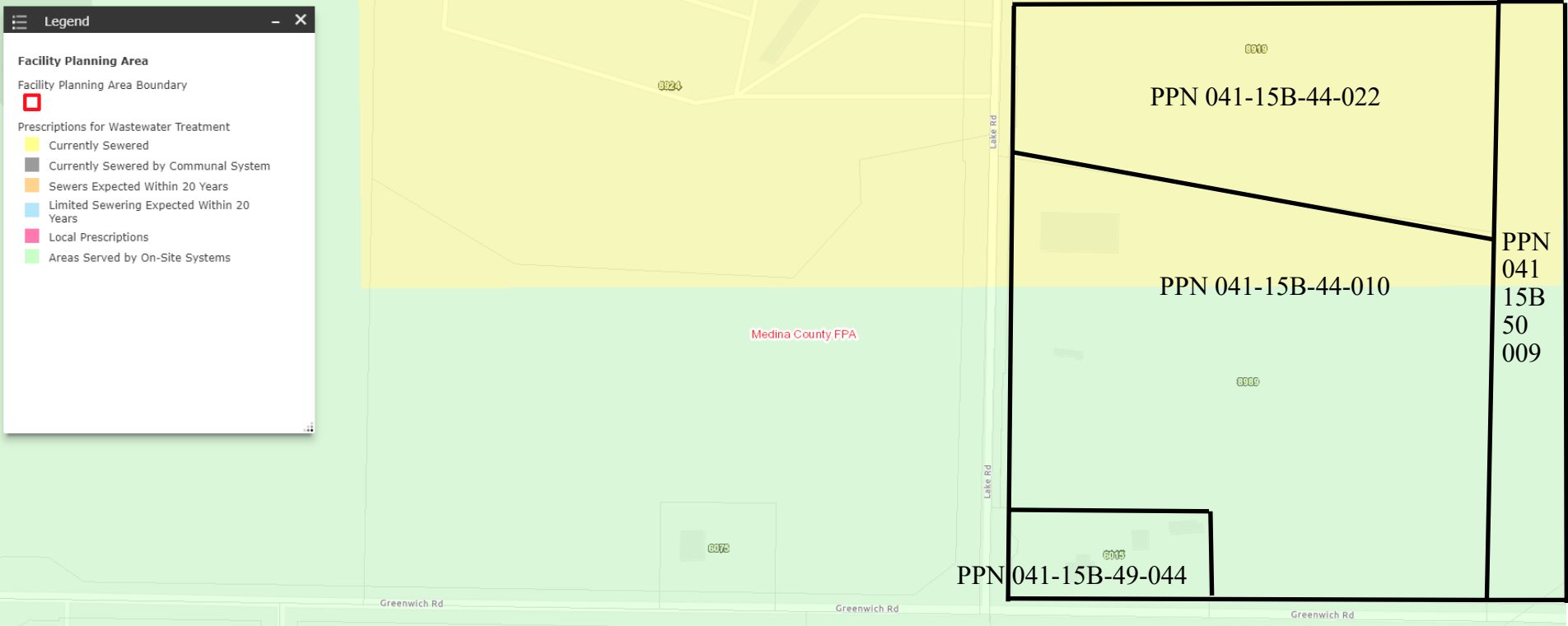
- parking spaces below the minimum requirement of Article V, Section 502.
4. Changes required or requested by a county, state or federal regulatory agency in order to conform to other laws or regulations.
 5. Any changes approved shall be noted on the previously approved site plan of the planned development.
- d. A proposed change to an approved Final Development Plan that does not meet one of the criteria above shall be considered an amendment to the approved Final Development Plan and a request for modification shall be submitted to the Zoning Commission and reviewed in accordance with the procedures established for the Final Development Plan review and approval process.
 - e. When, in the judgment of the Zoning Commission, the proposed requested modification(s) substantially deviates from the approved Preliminary Development Plan, the requested modification(s) shall be reviewed by the Zoning Commission as an Amended Preliminary Development Plan, and shall be reviewed in accordance with the provisions of this Article for the approval of a Preliminary Development Plan.

Recommendation: Planning Services staff recommends the Planning Commission **APPROVAL WITH MODIFICATION** the proposed amendment to the Westfield Township Zoning Resolution.

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NOACA FPA MAP

Current



NOACA FPA MAP

Pending Approval

